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CONGRESSIONAL RECORD:

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THE PROCEEDINGS AND DEBATES

OF THE

FIFTY-FOURTH CONGRESS, SECOND SESSION.

VOLUME XXIX.

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VOLUME XXIX, PART II.

CONGRESSIONAL RECORD,

FIFTY-FOURTH CONGRESS, SECOND SESSION.

besides the United States Electric Lighting Company, and my friend the Senator from West Virginia said he was grateful to the Senator from Texas for asking the question, and he said, "Later on I will answer it." But he was so very grateful that he forgot to answer it before he got through, and my friend the Senator from Texas was waiting here patiently to hear some good answer why it would not do to have one other little company competing for electric lighting. My friend the Senator from West Virginia rattled off his remarks, going from one thing to another with great rapidity and great ability, but he did not answer the question.

Mr. President, what is the law applicable to this case? The Senator from West Virginia is an able lawyer. He understands these questions. The Senator from Delaware [Mr. GRAY] asked him a question or two about the last litigation, which he was going to elucidate, but he still forgot to do it. Now, in the first place, I am going to speak of this matter in sections. Not only is it claimed that the electric lighting, so far as certain streets are concerned, is to be stopped, but the joint resolution will stop some electric lighting by the War Department. What is the theory? The theory is, just as the Senator claims, that this favorite company has a monopoly under existing law, and therefore competition can not be permitted for electric lighting of any kind.

I hold in my hand the sundry civil act of last year. I do not know what was intended by Senators who put in those provisions. If their theory was, as it is openly avowed here to-day, that they wanted a monopoly, of course they tried to frame the law to bring about that result. If they wanted the monopoly, as they say they did, for the benefit of the city, why did they not insert such a provision in the act in plain and unmistakable language? If you think that no other company than the United States Company ought to have the right, come forward and say so in every statute relating to electric lighting and stand up for the proposition. If I thought the best interests of the District would be conserved, and that no injustice would be done to other people by doing that, I would not beg the question. I would not try to put in statutes provisions capable of two constructions. I would say right out, "This work shall be done by the United States Electric Lighting Company, which has the exclusive right to do this until the magnificent subway shall have been constructed."

Before I pass to that point I wish to call attention to another matter about this subway. How long has the committee been sitting on this egg? Five years ago the subject was broached. It has not been hatched yet. Patiently has the committee been trying to bring something to a focus, so it is alleged. Five years ago this subject was first considered. Year after year the committee has been considering it. My friend the Senator from Florida nearly two years ago introduced a bill for a subway in the District. It has not been reported upon. It does not seem to have been acted upon at all. How long is it to take to frame a subway bill?

Yesterday the distinguished chairman of the Committee on the District of Columbia, for whom I have great respect—and for that matter I have great respect for all the members of the committee, for "they are all honorable men"—said he thought it might require from three to five million dollars for the subway, and therefore they ought to be very careful about it. That was the intimation, that it was going to cost the District from three to five million dollars for a subway, and therefore it was requiring year after year of consultation, of comparison of views, of consideration of the testimony of experts. But all the while during this period the United States Electric Lighting Company has been extending its plant in this city with the permission and consent of the committee.

Mr. President, it will be years, in my humble judgment, unless this discussion shall compel action, before you will see any subway in the streets of the city of Washington. It is trifling with a great subject to say that since 1890 the committee has been considering it. If there had been given to this subject the ability and the care which there should have been given to it, a bill could have been produced that would have been satisfactory. I am not so sure that a subway is necessary in this city, notwithstanding the recommendations of the Commissioners, who would like to have it. There are few Commissioners who would not like to have control of an expenditure of from three to five million dollars. There are large numbers of cities in this country twice the size of this which have no regular subways such as are contemplated here, and they get along fairly well. No, no, Mr. President; it would not do to champion this monopoly without holding out the idea, the hope, the promise that in the future some great, magnificent thing is to be done. The community would not stand it. So much for the subway.

No reports have been made on the subject. Three to five million dollars is quite a margin for somebody. The chairman of the committee said it would take from three to five million dollars, he did not know which. Millions are nothing in discussing a great subject like this. As our old friend Colonel Sellers used to say, "There are millions in it!"

Mr. BACON. Mr. President——

The PRESIDING OFFICER (Mr. WHITE in the chair). Does the Senator from New York yield to the Senator from Georgia?

Mr. HILL. Not at present. I am making a connected argument, as my friend will see, and therefore I do not wish to be disturbed by any question that might not be exactly pertinent to this point.

Mr. BACON. I wish simply to make a suggestion which I regard as pertinent.

The PRESIDING OFFICER. The Senator from New York declines to yield.

Mr. HILL. I have no doubt that my friend would make a pertinent observation. I was gratified when my friend said the other day that he thought the new company had the right and ought to be permitted to lay down its wires. That is enough for me. I have confidence in his judgment. He reached that conclusion. I am sorry he says "I shall content myself with my vote." I should like to hear him, with his well-known ability, discuss this question. I should like to have him give the reasons for the faith that is in him; why he sees fit to differ with his associates, and he will, of course, when the time comes, explain, although he said he should content himself with his vote upon my side of the proposition.

Sir, I have no doubt that the Senator from Georgia dislikes to disagree with his associates, but it is his conscientious conviction that we were right, and therefore he dissented, the same as does the Senator from Virginia, the same as does the Senator from Vermont, and both sides are claiming the Senator from Tennessee.

Mr. BACON. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Georgia?

Mr. BACON. As the Senator from New York will not permit me to interrupt him, of course I can not transgress upon his time. I simply desire to call his attention to the fact that there are some eight or ten bills upon this subject which the subcommittee has now under consideration. Possibly I would have occupied but a minute of his time in calling his attention to the particular character of those bills and in stating that among them there are no bills which look to the expenditure of several million dollars by the District. Most of the bills contemplate action by individual companies and not as the result of appropriations on the part of the Government in behalf of the District.

Mr. HILL. I hold in my hand the remarks made by the chairman of the committee yesterday, in which he said it was going to cost from three to five million dollars.

Mr. BACON. That is true. If the Government should undertake the work it would cost a vast sum of money; and for that reason there is no bill pending to appropriate any such amount. I desired to relieve the Senator of the very great apprehension which was on his mind as to what was going to be done with the three or five million dollars. There is no such bill pending, and none is being considered either by the general committee or the subcommittee.

Mr. HILL. My apprehension as to what is to be done with the three or five million dollars is not so great as is the anxiety of the committee to determine the question as to what company shall make the expenditure. This is the first time I have heard that a company was to make this vast expenditure.

Mr. BACON. Not this company; not either of these companies.

Mr. HILL. At whose expense is it to be done?

Mr. BACON. If the Senator will permit me, I will call his attention to the various bills that are pending.

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Georgia?

Mr. HILL. Not at present. Later on I will yield.

Mr. BACON. The telephone companies and all such companies which are interested in the laying of wires are seeking to inaugurate some such system.

Mr. HILL. If the object is to give free competition, there is not much difficulty about framing a bill. If the theory is that opposition and competition are unnecessary and useless, that is a different thing. Some company, a corporation of some kind, if the city or the District does not do it, of course must construct the subway. Whoever constructs it must get his money back in some form or shape. There is no question about that. If the companies are to do it, how easy it is to frame a bill requiring the companies which desire to compete for electric lighting, for supplying gas, for telephone service, and all such things, to pay their just proportion of the cost, and to give bond that they shall do it!

Mr. President, it is a strange spectacle. All the while the subject has been under consideration for the last five years it is said there has been a monopoly in gas, a monopoly in electric lighting, a monopoly in almost everything pertaining to electricity; but all of these interests are waiting until the subway bill shall be framed.

Branching out from this precise point, diverted by the remark of the Senator from Georgia, let us see what has been the effect

of this recent agitation. A year ago the price of electric lights per light per year was $138. The United States Electric Lighting Company issued a paper, which I will not now take the time to read, in which they said that $138 was the lowest sum for which it could be done. To-day, by reason of competition, the new company stands ready to give the service to the city for $100 per lamp. My friend the Senator from West Virginia yesterday said this is a twopenny matter anyway—I am not quoting his precise words—that the saving did not amount to anything, a hundred dollars or so, about that, that is all, and they are going to tear up the streets "7 miles"—7 miles to save $100—and it is very difficult to put those streets down again in the condition they were before, and you save only $100. I asked him how many lamps were to be put in. He spoke of some around the park. I had not limited my question to the park, but asked him for the whole. The contract with the new company provides for 124 arc lights, and the previous price fixed by statute would make it $109, a difference of $9 for each light, and that is a saving on 124 lights of $1,116 each and every year.

Mr. FAULKNER. If the Senator will permit me, I should like to correct him in his statement.

Mr. HILL. Very well.

Mr. FAULKNER. The question I was arguing when he asked the question was whether or not the Commissioners had exercised a wise discretion in granting this permit. I said that from Mount Vernon Square to Lincoln Park, referring then to the park lighting alone, for seven lights, there being no street lights between those two points, the difference in cost is only $3, and that 3 miles of asphalt pavement had to be torn up in order to light those seven lights.

Mr. HILL. That is it precisely. But I did not ask about any particular park. I did not limit my question to any particular lights. I asked the general question, What was to be saved? Does the Senator begrudge a saving upon the part of the city? I trust not. Of course he does not.

Mr. FAULKNER. If the Senator will permit me, I will say that I was not considering whether it was one dollar or a thousand dollars. A saving of a thousand dollars would be very good, if it is not at the expense of many thousands of dollars on the other side, which I was arguing that it would be.

Mr. HILL. Aside from the question what it is going to cost the city subsequently, as you say, because of the tearing up of the streets, which we will discuss afterwards, what is the precise saving in dollars and cents? I am entitled to a fair, candid answer to that question by the Senator.

Mr. FAULKNER. On the arc lighting it is $3.05. It is not quite as much, perhaps, as the other. I have never made any calculation. I think it is $102 for the other light, perhaps from $109, $7 difference.

Mr. HILL. Nine dollars difference, I say. Now, can the Senator dispute it? It is easy enough to figure it.

Mr. FAULKNER. It is easy enough to ascertain by a calculation. One hundred and twenty-four lights at 29 cents a night for three hundred and sixty-five days. Anyone can make the calculation.

Mr. HILL. One hundred and twenty-four arc lights are to be put in by the new company (I could not yesterday get the figures from my friend), and there is a saving of $9 a light per year. That is the difference between what they have to pay to the United States Electric Lighting Company and what they pay to the new company. That of itself makes a saving of $1,116 upon those lights every year.

In addition to that, when this subject was first broached, the other company was charging the city, under legislation enacted by Congress, $138 a light per year, and the reduction even on those lights means a saving of $4,712, "a mere trifle, not worth bothering about." Talk about disturbing the streets of the city of Washington in the dead of winter! There are 2,000 poor people in Washington to-day, some skilled laborers, a majority not, working upon these trenches and performing an honest day's work. From two to three thousand dollars a day is being expended by this company to poor men, many of whom would otherwise have to ask for charity from your people, from your officials, and the city would have to relieve them. They are getting an honest day's work. Yet Senators stand here and say what an outrage upon the city it is to disturb the streets!

I say, Mr. President, that the new company at this particular hour is substantially a public benefactor. I am not one of those who advocate the theory that the Government must provide work for the people; I antagonize it. But I do say that when the question simply is involved as to whether there shall be a little competition in electric lighting in a great city, the mere fact that the streets have to be dug up and wires in a few places duplicated on different sides of the streets, if in the interest of the public it is desirable that the work should be done—it is a welcome fact that the work is being done here now in the dead of winter, when these poor men have an opportunity for work.

Mr. President, let me read right in this connection a paper presented to me yesterday; or will the Secretary oblige me, so as to save my strength?

The PRESIDING OFFICER (Mr. THURSTON in the chair). Without objection, the Secretary will read as requested.

The Secretary read as follows:

RESOLUTIONS IN RE POTOMAC ELECTRIC POWER COMPANY'S RIGHT TO LAY SUBWAYS IN DISTRICT OF COLUMBIA, ADOPTED BY CENTRAL LABOR UNION, DISTRICT OF COLUMBIA, JANUARY 18, 1897.

Whereas the laying of conduits in the streets of this city by the Potomac Electric Power Company, under legal permit from the District Commissioners, is now being considered by Congress; and

Whereas the work now being done by the Potomac Electric Power Company requires the employment of several hundred mechanics and laborers, who under the present depressed trade conditions, and in the midst of winter, would be forced into idleness, and many to absolute want, if this work is suspended and the permit of the District Commissioners is revoked by Congress; and

Whereas, knowing that at least a thousand residents are now dependent upon this work for the means to supply the common necessities of life, and that the laying of these subways and the use thereof in competition with a company which claims exclusive privileges and the monopoly of the streets of Washington is a public benefit and an enterprise which should be promoted by every citizen who favors equal trade privileges and opportunities: Therefore,

Be it resolved, That we regard as invidious any legislation which will prohibit the extension of the subways now being constructed, and which will thus maintain the exclusive privileges of a corporation, thus fostering monopoly to the injury of the best interests of the citizen; and

Resolved, That the Central Labor Union, representing the organized labor of the District of Columbia, for the reason stated, and in the name of the labor of this District, earnestly protests against the passage of the Senate joint resolution, which will prohibit the further construction of the subways of the Potomac Electric Power Company, and most respectfully petitions Congress to confirm the action of the District Commissioners and the judicial decision in the matter involving the question of law and the right of the Potomac Electric Power Company to continue to completion the plan of subways now being constructed; and

Be it further resolved, That a copy of these resolutions, duly attested, be forwarded by the secretary of the Central Labor Union to the chairman of the Senate and House Committees on the District of Columbia.

WASHINGTON, D. C., *January 18, 1897.*

[Excerpt from proceedings of the Central Labor Union, District of Columbia.]

Upon motion, the resolutions in reference to the right of the Potomac Electric Power Company to lay subways was unanimously concurred in, and the matter referred to the legislative committee for prompt action thereon.

Attest:

J. J. CROWLEY, *Secretary C. L. U.*

Mr. HILL. Mr. President, those resolutions, passed by a very reputable body of laboring men of this city, constituting one of our best organizations, show something of public sentiment upon this subject. I wish I could turn over my mail to my friend from West Virginia [Mr. FAULKNER]—undoubtedly he has enough to read of his own—that he might see the expressions of citizens upon this subject, not only upon this one monopoly, but upon the others that are claimed to be fostered here in this city. He would see what the public sentiment is upon this subject.

Oh, no, it will not do, Mr. President, to endeavor to excuse these monopolies. This sort of thing has gone long enough. There must be competition in this city in all things that pertain to its welfare. It will not do to keep this matter along session after session, under the claim that it is being investigated. That claim will last for a year or two, but it loses its force and savor after a while. I have some knowledge on this subject.

The subway in the city of New York—a great, magnificent subway—was constructed under my administration as chief executive of the State. I signed the bill of the legislature for it. I understand the question pretty well. I heard the experts in the case. I know there were some men who risked their reputations about it and said the erection of a subway could not be done and would not be successful, but Mayor Hugh J. Grant determined that it should be done, and he ordered his men to cut down the poles of the Western Union Telegraph Company and made them put their wires underground. That is the way to deal with these corporations who will not respect the rights of the people, and having a monopoly insist upon retaining it.

Mr. President, the effect of this agitation during the last two or three years has brought down the contracts of electric lights per lamp from $138 to $100 per year. Put that down. I could not get the facts yesterday. Those are the facts. Investigate them, and you will find that they are entirely and perfectly acurate.

Why should we hesitate? I know how reluctant Senators are to override committees. Senators listen to only a portion of the debate. They can not hear it all. They naturally feel like sustaining a committee if they can. If the committee is unanimous it has great weight, but when the committee itself is divided it destroys the weight to be given to the report, at least a considerable portion of it.

When I was diverted by the questions of the Senator from West Virginia and the Senator from Georgia I was proceeding to argue the legal question involved, because, stripped of all superfluity of language, if I may use the expression, coming right down to the real question involved, what is this proceeding? It is a proceeding to reverse the legal decision of the courts of the District of Columbia. That is what it is. I assert as a lawyer that the court

could not have decided any other way. If in the sundry civil appropriation act it was intended to give a monopoly to any electric-light company of this city the committee most lamentably failed to express their idea, and I am glad that they did fail. What is their proposition?

For electric lights for three hundred and sixty-five nights for not exceeding thirty-two posts in Lafayette, Franklin, Judiciary, and Lincoln parks, at 28 cents per light per night, $3,270.40: *Provided*, That all wires shall be placed underground, and that the conduits, wires, lamp-posts complete, shall be furnished by the electric-light company without expense to the United States, and that 28 cents per lamp per night shall cover the entire cost to the United States of lighting and maintaining in good order each electric light in the parks mentioned.

And yet the argument was before this court—no, Mr. President, there was no argument. It was a pretense, that is all; they got an injunction for the purpose of delaying action after Congress adjourned until Congress convened again, and they kept it in the courts all that period. It was not an argument. It was the baldest attempt to impose upon a court that ever counsel indulged in. It was gravely contended that under that general clause there was a monopoly existing here, and that it could only be given to this one favored electric-light company.

The letting was to be done by the War Department. The War Department made a contract. The pending joint resolution proposes to stop it, claiming that under this and other provisions this one United States Company was entitled to it; and the court say, "Why, there is a general appropriation. It mentions no company. It prescribes nothing except amounts and a certain manner of putting in the conduits. That is all. And therefore the War Department has a right under existing law, because there is no limitation, to give the contract to any company it sees fit if that company can get a permit from the Commissioners."

I wish Senators would take the trouble to read the opinion of the justice who decided this cause. He brushes the contention of the United States Company aside with the characteristic ability that he possesses. He says that the Government may go on, and the Government is going on now and lighting these very parks with the electric light of the new company.

In order to get to these parks, of course the company must pass through some streets which are already occupied by the present company; not streets upon which there are any lights, but upon which they have laid conduits, on the other side, of course. Does it do any harm? Have Senators seen how these conduits are laid close up to the curbs upon each side of the street? It does not interfere with the traveling public in the least. They are doing the work well. There are great wide streets here in the city of Washington, and on one side in some of these streets, a few of them, the United States Company have their wires buried, not using a single light on that particular street. Does it do any harm in order to reach these parks that the other company should be permitted upon the other side of the curbstone to put their subways in order to reach the parks? We ought to encourage competition. We ought to hold out inducements to these people to compete with each other. It is a benefit now to the citizens in more ways than the one I have explained to have this work progress; and, therefore, upon the first proposition involving the question of law, I say the War Department, under the sundry civil act—I am not speaking now about the appropriation bill; we will come to that later; but upon the sundry civil appropriation act—had a perfect right to give the lighting to the Potomac Company. The court so says. But all of a sudden in comes this joint resolution to stop it. Why stop it? Because some time or other they are going to build a great subway.

Mr. President, the case is too clear for argument. I have read the briefs of both sides upon this question. The judge unquestionably decided rightly. You are proposing to establish the precedent that when a law does not suit you, you will go into court, and when you fail, you will attempt to override the court by a special enactment of Congress.

The Presiding Officer is looking at me pretty sharply; am I trespassing upon time?

The PRESIDING OFFICER. The Senator from New York will please suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 3247.

MARITIME CANAL COMPANY OF NICARAGUA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

The PRESIDING OFFICER. The Senator from Indiana [Mr. TURPIE] is entitled to the floor.

Mr. TURPIE. Mr. President, I closed my remarks yesterday by a reference to the conclusions of the engineers in their report to the Government, December, 1895, and I wish now to read the close of their report:

20. The official estimate by the company of $66,466,880 is insufficient for the work. In several important cases the quantities must be greatly increased, and in numerous cases the unit prices do not make proper allowance for the difference in cost of work between the United States and Nicaragua.

21. The provisional estimate by the board is $133,472,893. It should be understood that the existing data are inadequate as a basis for estimating the cost of many of the structures; some portions of the work may cost more, others less, but in the judgment of the board the entire project can be executed for about the total amount of its estimate.

22. For obtaining the necessary data for the formation of a final project, eighteen months' time, covering two dry seasons, and an expenditure of $350,000 will be required.

It will be noticed, sir, by this report that the estimate of the Government engineers is more than twice the amount of the estimate by the engineers of the company. But the pending bill proposes to grant a subsidy of $100,000,000. It is evident that the company has abandoned its own estimate, and yet it has not adopted the estimate of the Government engineers. The company seems to be of the opinion that it can execute this work for $100,000,000. The engineers of the Government say that it can not be executed for less than $133,000,000, double the estimate of the company, which it has abandoned, and yet lacking $33,000,000 of the amount stated by the engineers employed by the Government. Thirty million dollars, more than we paid for Louisiana and Alaska put together, an immense expenditure, is added to the subsidy since it was last before Congress, and yet according to the papers before us it is not sufficient; there is yet a deficit of $33,000,000 for the construction and completion of the work.

The company, however, have added, as I said, $30,000,000 to the former subsidy which they asked out of deference, I suppose, to the conceded error in their own report and the halfway concession of the established truth and accuracy of the report of the Government board. But it is a deference extorted, wrung from the withers of this gigantic spoliator, a modest deferential demand of this incorporative myth by way of courtesy for $100,000,000, with no reference to completion, to earnings, or to profits, with indefinite powers of expenditure, and as a further lien for unlimited subsidy and donative in the near future when they shall come to Congress hereafter.

Here, then, Mr. President, at this place one may well pause to take a calm, impartial, dispassionate, and unprejudiced view of the situation and of this great enterprise to which it is related, penetrated with a profound sense of our responsibility.

In the present action now proposed we may ask with the utmost gravity, What is the scheme of the bill? What practical proposition have this company made for the completion and construction of the canal? None whatever. The $100,000,000 is asked as a donation upon a mere conjecture, supported by no report, supported by no other estimate and by an abandonment of their own.

The only thing that the Senate may assume (and we make that assumption with entire safety) is that they will make away with $100,000,000 and render no return for the same whatever. Anyone who reads even casually the history of the Maritime Canal Company of Nicaragua, and it is not a very long biography, must come necessarily to the conclusion that in its very inception it included the following programme:

First they would obtain a treaty of concession; that they would pay the usual price demanded and heretofore paid for it by others; that they would make an apparent beginning, an ostensible commencement of the work. They would then come to a dead stop; they would then go to Congress for what they call relief; and thus they would draw upon their one-hundred-thousand-dollar investment—that is what they paid for the concession—$100,000,000 from the Treasury of the United States.

That, sir, is the scheme of this bill. It is the largest per cent of profit ever realized upon a fancy investment. It is the behemoth of peculation, and will draw after it in its wake all the birds and beasts of prey that feed and fatten upon the plunder of the public.

It will now be a proper time, sir, to examine what reasons, what excuses, what justification has been offered for this their third demand upon Congress to grant this enormous subsidy. The honorable chairman of the select committee [Mr. MORGAN] the other day commenced his remarks by instituting a parallel between the Nicaragua Canal Company and its work and the Suez Canal, and the Sault Ste. Marie, and the drainage canal of Chicago. He thought there was some financial parallel even between this work and that of the Suez Canal, and pronounced a very high eulogy upon the British prime minister, Mr. Disraeli, who had purchased in behalf of his Government the controlling stock in the management of the Suez Canal. I do not wish to detract a word from that eulogy. It is well deserved; but, sir, it cost no money expenditure. The Government of England had the bonds of Egypt at the time. There was a mere transfer of the Egyptian bonds in the books to the credit of the account of the Egyptian treasury, and an issue of stock in the canal to the amount of the bonds, which gave Great Britain the control of that work and the management of it.

What financial parallel is there between that and the present instance? In that case Mr. Disraeli followed a maxim very celebrated in the literature of his own race, for, Mr. President, you may recall, perhaps, in Hebrew literature the passage where the

inconceivable trouble is spoken of which accrues to a man who pursueth a bird which hoppeth from limb to limb and resteth nowhere. We have a Saxon proverb of the same character, and it was the one controlling idea of Mr. Disraeli in that negotiation, a very commonplace one, a part of the folk lore of the two continents: "A bird in the hand is worth two in the bush." As far as the Suez Canal negotiation was concerned, the canal was a bird in the hand. It was finished at the time the prime minister bought it; it was finished and in actual operation; rents and profits were accruing; an arithmetical calculation was possible upon what the investment would be worth in cash, in annual returns each year. It was a bird in the hand. It was an actual, existing thing; and the transfer was undoubtedly not only very important politically and in a military sense to the Government of Great Britain, but it was, as a pecuniary investment, a source of profit, and it is becoming more and more so every day. If a similar state of things existed with respect to the Nicaragua Canal, our distinguished Secretary of State, Mr. Olney, might repeat the rôle of Disraeli and purchase a canal completed and already bearing fruits—rents and profits. But, instead of there being any financial similarity between these projects, there is the utmost dissimilarity. The Nicaragua Canal is not a bird in the hand. It is a bird in the bush, a far-off, remote, intangible, invisible bird. Mr. Disraeli would never have undertaken to purchase that sort of poultry. [Laughter.] It is the honorable chairman of the select committee who instituted this parallel, and I think he was very unfortunate, to say the least of it, in calling the attention of the Senate to the same.

With respect to the Sault Ste. Marie Canal, there is not the least physical or financial parallel in the two cases. The Sault Ste. Marie Canal is one of comparatively easy accomplishment with respect to the scheme. All that it does is to make a ship canal for a few miles around the rapids in the Sault Ste. Marie River, connecting the two lakes. It is plain excavation, mostly rock, though extremely difficult, with no locks except at the terminals, and with no possible way of injury to it, except by commencing in the same way with dynamite and gunpowder, and digging a regular canal in some other channel. How is that a physical parallel with the canal of Nicaragua? You propose to lift water from the sea level to the level of the lake, 110 feet, by a system of dams and locks heretofore unparalleled in their size, in their dimensions, and in the object for which they are to be constructed.

As to the financial parallel between the Nicaraguan Canal and the Sault Ste. Marie Canal, the Sault Ste. Marie Canal was conducted upon one side by the Canadian Government and upon the other by the Government of the United States—wholly a governmental project, the management being directly in the hands of the Governments; that is, originating with the respective Governments, though private citizens cooperated.

Then the honorable Senator speaks of the drainage canal at Chicago. The very term "drainage" shows the want of parallelism in this case. That canal is not built for navigation. No one dreams it will ever be navigated. It is built as an open sewer, to speak plainly. I have been on the line of it. It would be very offensive to take a trip on that canal after it is completed, and the inhabitants in the immediate vicinity think that they will be seriously damaged by the scent and odor which will be perceptible from the amount of water and sewage which are delivered through it. That part of the problem may be successfully solved, and possibly those difficulties will be removed. But it runs through the level prairie; there is not even enough fall, not so much as they would wish, from Chicago to the Des Plaines River. It is a very gradual descent. The only trouble is that most of the excavation is rock, pure rock, solid rock, blue limestone and grits—rock of the hardest character.

The Senator says this has been accomplished, and has been accomplished at one-half the former expense and one-half the former prices. I have been interested in that work, and I would not have believed that it could be done under the terms and conditions and prices under which it is now being carried on. They have taken, under the skill and art of recent science, the spade, which, without its losing character, has become a gigantic shovel, capable of removing enormous amounts in cubic yards of the matter which is to be excavated. They have taken the pick and crowbar, used in old times in excavations, and they have subjected them to that same subtle and irresistible force of steam, so that they excavate the solid rock, the blue limestone, and the flint with the same facility as a man would take a spade and remove ordinary earth or clay. There are very great improvements in rock excavation, and visible proofs of them, great saving of cost and expense, a great deal more facility and rapidity in doing the work; but the question I should like to ask the honorable chairman is, If the cost of excavation has been so much reduced by these later scientific appliances, why has the company seen fit to come here asking an additional $30,000,000 for work, largely excavation, which before they said could be done for $70,000,000? That is the only lesson which I would draw from the parallel between the drainage canal of Chicago and the Maritime Canal Company of Nicaragua.

It is very singular in looking up parallels that the honorable chairman of the select committee goes to Africa—that is, the site of the Suez Canal—and goes into the northwestern part of the United States, to the Sault Ste. Marie Falls, and goes to Chicago, many of which sites are many miles more distant from the location of the Nicaragua Canal than another enterprise to which attention has been called. It is a very short trip, sir, from Nicaragua to Panama. Panama makes a perfect and most complete physical and financial parallel. The physical parallel is exactly the same. The objects to be accomplished are the same. The great problem in the Panama Canal is to control the waters of the Chagres River, so as to make it a feeder for the canal, running both ways, one way to the Pacific and one way to the Atlantic. Upon that problem, as I before remarked, $240,000,000 have already been unsuccessfully expended. In this case the problem is to make Lake Nicaragua a feeder for the canal, running both ways from it, and it is the practicability and feasibility and cost of that construction for which the bill and its promotors must render reasonable account before we have rational causes for the support of it.

The financial parallel, too, is exactly the same. The Panama company did not spend its own money. It collected from the people of France those millions of which I have spoken. It has wasted and squandered them to the last penny, without the return of a farthing. The Nicaragua Canal Company has collected four millions and a half, as they say, of the money of other people. They have squandered and expended it, and have not built one mile of the canal. They have been ten years in building that. Here is a perfect parallel. Panama and Nicaragua run in pairs; but the chairman of the select committee did not refer to the Panama project.

The honorable chairman of the select committee proceeded then to examine the Frelinghuysen treaty, the treaty between Great Britain and Nicaragua, the canal treaty between the United States and Nicaragua, the Clayton-Bulwer treaty, with reference to what the honorable Senator said was their relation to this present project. Sir, they bear no relation to it whatever. There is no diplomatic obstacle in the way; there never has been. The Clayton-Bulwer treaty is entirely obsolete, but if it was in full force its provisions do not affect this concession or this contract.

The honorable Senator gave us the notion that there had been and might still continue to be a race between Great Britain and the United States as to which was to build the Nicaragua Canal. Sir, it has been a very languid race; it has been a very indolent and idle emulation. This is a race in which the books have been open for one hundred and fifty years, and there are no entries to-day. [Laughter.] What this company proceeds upon is the plain, clear contract, the cession of the right to build the Nicaraguan Canal, which the two Republics in interest had a right to make, and one which this corporation had also the right to execute. There is no diplomatic, there is no international element in it, and can be none. There is no diplomatic problem or even question in it, and has not been from the beginning, but it is a part of the scheme of the promoters of this enterprise—pretended enterprise—to associate their proposed construction and completion of the canal with great names and great events, in order to give it a mask, some mask of respectability and consideration. I do not believe that Great Britain or any other government in the world would interfere with the attempt by our Government or any American power to build, construct, and complete this canal. I believe such a consummation would be welcomed just as joyfully in London and in Paris as it would be in New York or in Washington. The world has shown a friendship to the project; the world has been always kindly to this enterprise. Therefore we, as Americans, ought to be careful not by vicious legislation, as this is, to destroy those friendly feelings with which the construction of the canal has always been regarded by other countries and nationalities.

Then the honorable Senator asked the question, On what terms could the Government of the United States assume control of the contract? Mr. President, there are no terms on which the United States can assume control of this concession without a violation of the treaty of cession itself. The terms of that treaty exclude expressly the control by any government, and the United States is certainly a government.

The honorable Senator, the chairman of the select committee, treats the other treaties which he named very delicately. He was afraid there would be some infringement of the Clayton-Bulwer treaty or the other treaties. Why ought not this treaty cession to be treated in the same manner? We ought to consider ourselves bound to treat with equal dignity and consideration the action of the two Republics in Central America with respect to the contract named here, their compact with the Nicaragua Canal Company, as we should treat any other treaty which had been entered into by nationalities upon any account whatever. We

ought not, either directly or indirectly, to assume the control of this canal, or any of its rights and interests, or any of the property adhering to or belonging to it. We are forbidden to do so. The company have no property; but if they had any they could not cede it to us or any other government.

Then the honorable chairman of the select committee says if this bill is defeated the promoters will sell their concession to another country; they will go right away to the British Parliament; they will take a copy of this bill with them; they will present it to the Parliament; they will ask them to pass the bill, and ask them to take the control of the canal. I do not think so. I think any member of the British Parliament would answer at once two or three things. Instead of considering for a moment whether a hundred millions ought to be paid in the construction, such a member would answer, "You have no right to make that concession; that right is forbidden by the terms of your own contract;" and he would say again, "You took this concession for ten years from April 21, 1887, and your life will expire April 21, 1897—only a few days. Do you think we are going to give a hundred millions for a corpse to have it buried at our expense and charge?" [Laughter.]

What a delightful contemplation it is, Mr. President, that this Nicaraguan Canal Company will die within ninety days! That is one of the consolations we have in retraversing this discussion. It will expire by limitations of its own terms, and that is the reason of its being reduced to desperate straits, why these financial operators have again presented, I hope for the last time, this scheme of confiscation.

Then the honorable Senator expresses the apprehension that the recent treaty reported on the subject of arbitration between Great Britain and the United States may affect this contract between the two Central American Governments and the Nicaraguan Canal Company. That is another ghost, a mere ghost summoned up here to scare Senators, if there is no other way, into the support of this bill, under the supposition that we are to lose valuable rights by the provisions of the arbitration treaty which we now have.

Sir, there is nothing in the treaty of arbitration—I speak of it now because it has been published; everyone has seen it, and especially as the honorable Senator has commented upon it, I will take the same liberty—there is not a word in the arbitration treaty which can in any way, at any time, affect the construction of the Nicaragua Canal under this concession. That treaty only relates to two Governments—the United States and Great Britain—and it only relates to claims and to causes of action or rights which they may hold against each other. This concession does not belong to either of those Governments, never can belong to either of those Governments; neither of those Governments can ever have any claim or any cause of action under this concession against each other.

The arbitration treaty is 1,000 miles, physically speaking, away from the closest point or nearest point of contact which could be conceived or imagined with respect to the Nicaraguan Canal Company. There is no arbitral board or commission created under that treaty which would consider for a moment any claim of a private corporation, and they would not consider for a moment any claim, especially of the Nicaraguan Company. The arbitral commission in such an instance would, at the very sight of this incorporated leper, cry out, "Unclean, unclean, unclean!"

Then the honorable chairman of the select committee says he wishes to keep this contract in the hands of Americans; that Americans will not defraud the Government; Americans will do justice to their own Government; Americans will not consider the subject of illicit and illegitimate profits. Mr. President, the best answer to that is to say that the original promoters of the Pacific railroad were all Americans; no foreigner had anything to do with it, neither as a holder of stock, bonds, or anything else; had not the slightest connection with it; and yet the Americans, as most of our people think, did them a very gross act of injustice when they controlled, so far as they have controlled, the business and the affairs of the Central Pacific Railroad Company. They had every motive to have favored the United States; they had every motive to have done justice to their country; they had every motive to have dealt righteously with the people of this country as well as with the Government; but motives of that kind do not control operators in such schemes.

The honorable Senator says that under the provisions of this bill the bonds are payable as the work progresses. That is so, and that is one of the principal objections to the bill, in my judgment. There is to be a constant progression and prosecution without any completion. Contrast the case of the Pacific railroad. They went on and built a section, over which an entire train passed, before the bonds were delivered. This canal may be built in sections, and I shall offer an amendment at the proper time compelling it to be so built. That amendment will be defeated, as it has been before, simply for the reason that the promoters of this scheme, the moment that one section is built, will be discovered to have expended upon it vastly beyond their own estimate. That is the reason why they want to take from the Treasury of the country $100,000,000 and spend it pellmell, broadcast, on the whole line of the work they are to build as the work progresses.

Here is a cut and fill 4,000 feet long—one, I think, is of that length—and with reference to the completion of the canal it is an absolute necessity. You may spend millions and millions in making that cut and in building the dam adjacent, and all that will be spent in the progress of the work under the terms of this bill. The engineers will go and measure it, so many cubic feet, so many cubic yards, and it would not be paid for until they had measured and reported; but it would be no section finished, it would be nothing toward the completion; we would be no nearer the end of the work than before, yet the expenditure under the terms of the bill would be perfectly lawful; and it is the expenditure of $100,000,000, it is the legislative subsidy of $100,000,000 to this corporation, the handling of which will draw after it such a patronage, such a flow of patronage and power, such numbers of places, such an innumerable cloud of salaries, as to make it possible to procure subsidies and aids ad libitum in the future, to be expended broadcast as before.

Seven per cent of the net earnings of the road, the chairman of the select committee says, is reserved as a sinking fund for the payment of the principal and interest of the bonds which are guaranteed by the United States. Sir, these words and this phrase "net earnings" contain so much of sorrow, of doleful memory, of humiliation, of profound melancholy, that with me the very sound of them is distasteful. I abhor the phrase "net earnings" used in a law where a subsidy is sought for a corporation. That is the same expression which is used in the Pacific railroad grant, and the same amount, 7 per cent of the net profits or earnings. When will this 7 per cent accumulate? They had in the other instance twenty-two years. This statement will be borne out by the future history of the canal if the subsidy be granted. They can only hold the canal under the concession one hundred and ninety-eight years, two terms of ninety-nine years each. Now, sir, that whole term of nearly two centuries will expire and not one cent of net earnings will ever be reported. That is my prophecy. That is the date I would give for the payment of the net earnings; it is the date I would give to the credit which is to be entered to the account of the Nicaraguan Canal Company on their payment to the United States of the subsidy bonds.

Then the chairman of the select committee says that as a further means of security three engineers are to be appointed. The President may appoint three engineers from civil life who shall make plans and specifications, and continue to make them and to superintend the work as it progresses. The term used here is "may appoint." It is a subjunctive term, not mandatory. The President of the United States perhaps could not be mandated, anyway. The Secretary of War might. But they have not put that in. This supposed security is entirely discretionary, then. There is no taxpayer of the United States who can come and say to any officer: "Suspend the payment on these bonds and suspend the issue of them. We know that the money is being wasted. We know that the canal is incapable of construction," or "that it can never be constructed upon the line of the company. We know the funds are being sunk in a bottomless pit." The complaint may be as strong as one could be drafted against the company and against the directors. Yet there is no relief under the provisions of the bill. There is no security; there is no indemnity; there is no right by anyone to demand an account with respect to the proper construction of the canal in reference to its completion or the expenditure of the money granted to the company. And the security is evidently put in as evasive. The honorable chairman of the select committee says the bill was very carefully prepared, and that counsel were consulted in relation to it. I have no doubt—very learned counsel—and for that reason this power of inspection and of superintendence and suspending the issue of bonds is made discretionary, and that discretion is in such terms that no court can pass upon it either one way or the other. It is discretionary, thoroughly so; it is a wide discretion, an unlimited, unbounded discretion, which not even the law can question.

The honorable Senator the chairman of the select committee says we can not afford to wait any longer; we must engage as a Government in this contract. Sir, we have waited one hundred and fifty years. It is over one hundred years since the first concession was granted. It is eighty years since the first concession was granted to a citizen of the United States, Governor Clinton, of New York. We have waited, and we have done well. We have flourished both in war and in peace. We have got along as well as others have without the canal across the Isthmus, not but that it would be a very desirable improvement; but waiting is not an argument which ought to be urged in support of the bill.

It is said that these gentlemen of the company can not wait; they must do something. Mr. President, they have done nothing

for ten years. They propose to do the same thing for the next ten years, and to get the enormous subsidy mentioned in the bill besides. That is their proposition.

The Senator relates, again, that the company has made it apparent that this work is entirely feasible. Of course the company has. It would not even have a prima facie case if it had not done so. But as I called to the attention of the Senate yesterday, the same fact was reported during General Grant's Administration and at his instance. The commission appointed by him found that the Nicaragua route was practicable. They estimated the expense at $140,000,000, The President said nothing further.

I have no doubt that with unlimited time, unlimited money, this canal might be built even upon the line which the company prefers and has put into its map and profile, but it may be built for less upon a line indicated by the engineers of the Government; and as to its practicability, that was decided long before this company had anything to do with it. Proceeding upon the Government line, we have a reasonably certified estimate of cost at $136,000,000.

Then the honorable Senator remarks that the enterprise is founded upon the solid rock of mathematics. Sir, that rock is part of a glacier which is resting upon the unfathomable sands of La Flor and Ochoa, and is subject to the most violent fluctuations. There is no possible foundation for either of those constructions, and consequently none for the Senator's rock founded upon mathematical certainty.

Again, the Senator says the American people are a people of great power, of unlimited resources in wealth and material. That is true. I do not believe the ability of the United States can be measured by anything except by what they are willing to undertake. Whatever they undertake will be accomplished. But that is no argument for this subsidy, or any other subsidy, to a private corporation engaged in work of this character. The Senator says, being so powerful and so rich, we ought to assist the company. Being so powerful and so rich, being one of the great nations of the earth, being a nationality of the age of more than a century, how does it become us to act as assistants? I think it is below the dignity of the United States to act as an assistant in any such enterprise. The field is free. We can negotiate upon our own account, construct and build upon our own account. Why should we assist—and assist such a feeble brother as the Nicaragua Canal Company—in a work of great national and international importance? I do not think it is becoming, seemly, to the dignity of the United States, if it really wishes to accomplish this enterprise, to creep and crawl into it under the wing and cover of this worthless corporation.

There was a great political party, Mr. President, which met in Chicago in July last, and whatever may have been the fortune of its other acts and deliberations, it enunciated one principle which I think has met a responsive approval in every part of the Republic:

> We condemn the increase of the national debt by the issuing and sale of the bonds of the United States in time of peace.

This bill proposes to increase the national debt to the amount of $100,000,000—the subsidy to be granted—by the issue of the bonds of the United States to a pauper corporation, for those bonds are the bonds of the United States.

Mr. HILL. What does the Senator read from now?

Mr. TURPIE. I am reading from my own notes, if the Senator please.

Mr. HILL. The Senator from Indiana was quoting something.

Mr. TURPIE. Yes, sir; I quoted the Chicago platform.

Mr. HILL. Oh, the Chicago platform.

Mr. TURPIE. Yes, sir. These are virtually bonds of the United States. Of course the persons signing them are officers of this company, but the thing which makes the bonds worth anything is the guaranty of the United States. They are in all respects and purposes United States bonds, issued to increase the national debt and purposed to make such increase in time of profound peace, without any other exigency than to give credit to an incorporate body which has none and never will have any except what it procures from this guaranty.

The purpose of this bill is to tax the people of the United States, the people of the whole country, for this vast sum in behalf of an invisible, an intangible bankrupt who will not repay, at a time when our people are already loaded with burdens which they are hardly able to bear. The policy of the measure is to oppress the many, to tax the multitude for the benefit of the few highly favored in the provisions of the bill. The success of this measure will cast a cloud of reproach and dishonor upon the great enterprise with which it pretends to be connected. Its passage will be the triumph of incorporated greed and rapacity, the acme of rapine and spoliation. It will cost the people of our country much, but it may cost the victors more. Vengeance will not always sleep over the wasteful and corrupt conversion of the moneys of the public Treasury. It may linger by the way, it may be slow, exceeding slow, in its coming, but it will arrive at last.

The VICE-PRESIDENT. The question is on agreeing to the first amendment reported by the select committee.

Mr. COCKRELL. I suggest that there is not a quorum present.

The VICE-PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Chandler,	Hoar,	Platt,
Allen,	Chilton,	Jones, Nev.	Pugh,
Allison,	Cockrell,	Lodge,	Sewell,
Bacon,	Cullom,	McBride,	Sherman,
Baker,	Daniel,	McMillan,	Shoup,
Berry,	Faulkner,	Martin,	Stewart,
Brice,	Frye,	Mitchell, Wis.	Tillman,
Caffery,	Gallinger,	Morgan,	Turpie,
Call,	Gibson,	Morrill,	Vilas,
Cameron,	Gorman,	Peffer,	Wilson.
Cannon,	Hale,	Perkins,	
Carter,	Hawley,	Pettigrew,	

The VICE-PRESIDENT. Forty-six Senators have answered to their names. A quorum is present.

Mr. HAWLEY. I am authorized, if not instructed, by the Committee on Military Affairs to suggest to the Senate that it proceed under Rule VIII to the consideration of unobjected House bills on the Calendar, including pension bills.

Mr. CHANDLER. To-day?

Mr. HAWLEY. Yes.

Mr. CHANDLER. I was about to ask unanimous consent that the session of to-morrow, after the morning hour, might be devoted to the consideration of unobjected bills on the Calendar.

Mr. HAWLEY. That will satisfy me.

Mr. MORGAN. I should like to have the Nicaragua bill progress. There is no reason why it should not.

The VICE-PRESIDENT. The Chair will state that the business before the Senate is the Nicaragua bill.

Mr. MORGAN. Let us have the regular order.

Mr. HAWLEY. If there is likely to be progress toward a vote on the Nicaragua bill, I will say nothing further to-day about the request I have made, but will ask that the order indicated be made for to-morrow. Suppose I ask it for to-morrow?

Mr. ALDRICH. I suggest to the Senator that he wait until we have disposed of the pending bill.

The VICE-PRESIDENT. The Chair desires to state that in accordance with the rule the Chair will submit to the Senate the request of the Senator from Connecticut. That is the rule usually observed.

Mr. ALDRICH. I suggest that the request be withdrawn until the pending bill is disposed of, and then there will be no objection to it, probably.

The VICE-PRESIDENT. The Nicaragua Canal bill is before the Senate as in Committee of the Whole, and the question is on agreeing to the first amendment reported by the select committee.

Mr. HAWLEY. I shall be very glad if we can come to a vote on the Nicaragua bill.

Mr. VILAS. I have listened to the discussion on the Nicaragua bill and desire to submit some remarks upon the measure, but I am not prepared to do so at present. I did not expect that the Senator from Indiana [Mr. TURPIE] would complete his remarks at quite so early an hour to-day.

Mr. MORGAN. If the Senator from Wisconsin will allow me, I will suggest that no amendment has been offered to the bill yet, and so far as I know none is suggested.

Mr. FRYE. The Senator from Indiana [Mr. TURPIE] suggested that he has an amendment which he wishes to offer. I think it is his old amendment.

Mr. MORGAN. Did the Senator from Indiana offer an amendment?

Mr. TURPIE. I have several amendments to offer, one as a substitute, and the others as amendments to various sections of the bill; but I have not yet had time to make a draft.

Mr. MORGAN. We can go on and dispose of the amendments and get the bill to a final stage, when Senators can discuss it upon the question whether the bill shall pass.

Mr. TURPIE. The honorable Senator perhaps did not hear me. I have not the amendment drafted yet, and I can not do it——

Mr. MORGAN. I know; but the Senator has had the floor for three days, and certainly has been speaking to the bill, and the Senate is entitled to have those amendments for consideration. While I do not wish to act abruptly about the matter at all, I feel that this bill, whether it is to be lost or whether it is to be passed, is one upon which the Senate owes it to the country to take action. I do not think it is necessary for me to go on and state to the Senator from Indiana my reasons. He knows them, as I have stated them at another place. I think it is very important that we should have action upon the bill in one way or another, whether we pass it or whether we do not pass it.

Mr. ALLISON. It is certainly important to the orderly conduct of the business of the Senate that this bill, now being the regular

order, shall be disposed of and got out of the way. Other matters will be pressing very soon, and I trust we can come to some adjustment as to the time when the pending bill will be disposed of.

Mr. MORGAN. If Senators have prepared any amendments, and are ready to offer them, of course we are prepared to take a vote.

Mr. FRYE. Can not the Senator get an agreement as to when we shall take a vote on the bill?

Mr. MORGAN. What time would the Senator suggest?

Mr. FRYE. Say Thursday.

Mr. HAWLEY. In the meantime, seeing what the desire of Senators is, I withdraw my request, and will renew it some day in the early future.

Mr. MORGAN. In order to give the Senator from Indiana ample time to prepare his amendments, I suggest that by unanimous consent to-morrow at 4 o'clock we shall proceed to vote upon the bill and all pending amendments and motions without further debate.

Mr. TURPIE. I shall object to that. I can not give my consent to that request.

Mr. ALLISON (to Mr. MORGAN). Make it Monday.

Mr. HOAR. I suggest to the Senator from Alabama that instead of making that request now he ask consent to have a time fixed a short distance ahead, when we can proceed under the five-minute rule or the ten-minute rule, so that the speeches shall be brief.

Mr. MORGAN. After 4 o'clock?

Mr. HOAR. Any time.

Mr. MORGAN. I am willing to make any modification that will suit the convenience of any Senator. I do not care about pressing the measure unnecessarily, but at the same time it is a bill which deserves the attention of the Senate and the country. It has the attention of the country, and it deserves action by the Senate. Would it suit the Senator from Indiana to take a vote at 2 o'clock on Monday?

Mr. TURPIE. No, sir; it would not; because, as I was about to observe, two or three, I think three, Senators have spoken to me in relation to making remarks upon the bill. One of them is present, but is not prepared to proceed this afternoon. The other two are not even now present. No one anticipated that the debate would close this week or next week.

Mr. MORGAN. Would the Senator be willing to fix the hour of 3 o'clock, say, on Tuesday for a vote?

Mr. TURPIE. I do not think I could fix a day at this time.

Mr. MORGAN. Very good. Then I have no alternative but to ask the Senate to sit out the bill.

Mr. LODGE. That is right.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee, which will be stated.

The SECRETARY. On page 6, line 5, after the word "by," it is proposed to insert the word "its;" so as to read "by its agents;" and on page 7, line 3, after the word "bonds," to insert "so;" so as to read "said bonds so to be issued."

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee, which has been stated.

Mr. PEFFER. Mr. President, before the pending bill is acted upon finally I wish to express my opposition to it, not because I do not want to see the construction of the Nicaraguan Canal, for I am very earnestly in favor of it, but our experience in the way of doing great public works through a private corporation has been very unsatisfactory. Our experience with the Union Pacific Railway Company and others has taught the American people the danger of the Government undertaking to perform any great public work through a private corporation.

I have examined the bill with some care. It has been drawn with remarkable precision, and doubtless a great deal of thought was expended upon its preparation. I think it is well guarded in all of its provisions for the purposes for which the bill has been framed. I do not see, indeed, how it could have been better framed for the purposes intended. But I am wholly and utterly opposed to the Government undertaking any work through private corporations.

In addition to that, I am opposed either to the issuing of bonds by the company and their being guaranteed by the Government, or the Government itself issuing bonds at this time for any purpose whatever. More than two years ago—three years ago last summer—we stopped the coining of silver; we stopped the preparation of paper money; we stopped the preparation and issue of all kinds of money. From that time until the present the business of the country has been growing worse and worse. The number of unemployed people has been constantly enlarged. The Government has four times sold the public credit for the purpose of supplying the Treasury with gold. And now we are proposing to guarantee another $100,000,000 of bonds. Those bonds will have to be paid in gold, if the present régime is to be continued, and doubtless it will be. The Administration coming into power on the 4th day of next March is pledged in that respect to the gold standard. Where are we to procure the gold to pay these bonds with?

Taking these two views of the subject, Mr. President, I am opposed to the passage of the bill. I do not care to argue it elaborately. I shall not propose any amendments, for the reason that I am satisfied such amendments as I should propose would not be acceptable to the Senate. But I do not feel like letting the bill go to a vote without expressing my reasons for voting against it.

Mr. VILAS. Mr. President, I hope the Senator from Alabama [Mr. MORGAN] and other Senators will not insist upon taking an unusual course in respect to a bill of as much consequence as the one pending. There have been as yet but two speeches made upon the bill, one by the distinguished chairman of the select committee and the other by the Senator from Indiana [Mr. TURPIE]. No one who listened to the speech of the Senator from Indiana can for a moment suggest that there was not constant attention in every particular of it, in the most earnest and in the fairest manner of debate, to the merits of the proposition. It ought to have been heard by every Senator in the Chamber. It is to be regretted that it was not heard by every Senator in the Chamber.

This is a project of immense consequence. It involves beyond all question $200,000,000 of the public moneys of the United States. Is it to be disposed of by the Senate in a manner so unusual as that when it is said Senators desire to be heard upon the subject that courtesy shall not be accorded to them in the ordinary way?

The bill was taken up in a manner which surprised the opponents of the measure. It was not supposed by any of them that it was a measure upon which it would be necessary that they should be prepared for debate at this time. It was a sudden movement, at least so far as anything I have heard, or others who agree with me in opinion upon the merits of this measure. It was a sudden thing to take the bill up.

A measure of this kind ought not to be passed in the Senate of the United States by any form of crowding. There ought not to be anything like a snap judgment sought because those who desire to oppose the bill are not for the moment ready to debate it. As I have already stated, I was not prepared this afternoon for the termination of the distinguished Senator's remarks at quite so early an hour. I thought he would consume so much of the time of the Senate as the Senate would desire to allot to the discussion of the measure to-day.

Nothing, I am sure, can be expected to be gained by undertaking to force the discussion of the measure at this time. It was taken up only on Monday of this week. No measure comparable to it in importance has been suggested in the Senate at the present session of Congress. I certainly hope that the chairman of the committee in charge of the bill will recognize that fair debate is a thing which ought not for a moment to be refused upon a measure of this kind, or upon the pending bill.

Mr. President, I sympathize with and I admire the earnestness, the devotion, the fidelity, the enthusiasm, of the distinguished chairman of the select committee; but this question is of too much consequence, it is of too great import to the people of the United States, it involves considerations that reach too far, to be dealt with as a personal matter. It would be a most unwise and unbecoming thing for this body to demand that argument should be submitted by anyone upon such a question as this without that reasonable preparation which every Senator feels necessary to warrant his attempting to engage the attention of the body. I appeal again to the distinguished Senator from Alabama, the chairman of the committee, to withdraw the attempt (which can result in no good to-day, which can not advance the consideration of the bill) to press for a discussion of the measure at a time when Senators are not yet ready to present their arguments upon it. Let us have the usual course of procedure.

Mr. MORGAN. In answer to the appeal, if the Senator from Wisconsin desires me to make any response to it, I will say to the Senator that he can name his day and hour of next week when he will agree to vote on the pending bill and amendments. He can take all of next week. Just name your day and hour now, and we will take the vote at that time.

Mr. VILAS. I do not think we have reached a point in the discussion of the measure when the opponents of it ought to be called upon to name the day and hour when a vote shall be taken, upon penalty of being denied the usual consideration and treatment which is shown to Senators on the floor.

Mr. HAWLEY. May I make a respectful inquiry? How many years may a bill be before the Senate before it loses that character of suddenness to which the Senator refers when he says the bill has been suddenly brought before us? Since I was a young man, I am bound to say, I have heard this measure discussed week after week and carried through the Senate several times. I think we can afford to go on again to a vote upon it.

Mr. VILAS. The Senator from Connecticut is aware of the fact that this is a different bill from any one which he has ever heard discussed.

Mr. HAWLEY. It is not much different.

Mr. VILAS. It is very much different. The progress of the discussion to which he has alluded has caused a constant transformation in the schemes which have been proposed to the Senate of the United States. The pending bill is substantially and radically different from any other that has been proposed for discussion. It requires different treatment.

Mr. HAWLEY. Will the Senator from Wisconsin pardon me again? If we are agreed on the determination that the canal shall be built by private parties assisted by the Government, or by the Government alone, if we are to declare that we will have the canal, as it is in the order, I think, of common sense to do, we ought to be able to agree with comparative unanimity as to the details.

Mr. VILAS. I should like to ask the Senator from Connecticut to tell us when it was first decided by the Senate of the United States that this project should be built by private parties, the United States furnishing the money to do it? When was that project first reached?

Mr. MORGAN. It never has been suggested yet.

Mr. VILAS. Precisely. That is just the answer I was trying to give the Senator from Connecticut. No such project as that, no such project as the bill to-day proposes to the Senate of the United States, was ever before this body.

Mr. HAWLEY. The Senator did not quite understand me, I presume.

Mr. MORGAN. Allow me to say——

Mr. HAWLEY. In a moment. I said if the Senate wishes to have the canal built it can find the details of the construction a matter of no great difficulty.

Mr. MORGAN. The Senator from Wisconsin assumes that this is a project to build the canal by private enterprise. There is nothing of the kind in it. It is a public measure to build it by the three Republics, and they use a corporation, as they have always done, merely as an instrumentality for getting together their money and their work.

Mr. VILAS. The proposition which the pending bill contains was never before the Senate in any former bill.

Mr. MORGAN. Oh, yes, it was. I will say to the Senator that the only difference between the pending bill and any former bill is that the House committee in framing it (for this is a copy of the House bill) conceded many of the amendments that have heretofore been offered to the bill, and some of which have been rejected, so that the bill is more in the direction of the suggestions of its opponents than it has ever been before. We have conceded a number of amendments to the bill, some of which the Senate heretofore voted down, in order to make the bill more acceptable to all of its critics.

Mr. VILAS. Let me ask the distinguished chairman of the select committee if the bill which was presented in the Fifty-third Congress was not radically different from the pending bill?

Mr. MORGAN. Yes; because that bill did not propose that the Government of the United States should take any stock in the canal. The next bill that was reported proposed that the Government should take stock.

Mr. VILAS. When was that next bill reported?

Mr. MORGAN. Did the Senator say in the Fifty-third Congress? It was in the Fifty-fourth Congress.

Mr. VILAS. Yes; the next bill was reported in the Fifty-fourth Congress.

Mr. MORGAN. No; in the Fifty-second and in the Fifty-third, and then in the Fifty-fourth was the bill we reported here, and which we passed.

Mr. VILAS. In the Fifty-third Congress the discussion concluded with the passage of a bill providing for a commission to be appointed by the President to examine the line of the route proposed for the Nicaragua Canal.

Mr. MORGAN. I must say I am satisfied the Senator from Wisconsin has never read either of the bills. I am satisfied of it because he is entirely off upon the whole question. If he will take this bill and read it, he will see that it does not depart in any respect from former bills of the character passed here except that it makes a larger concession in the way of amendments that were then insisted upon, some of which were voted down. But the committee of the House and the committee of the Senate have tried to approach as far as it was possible to go to get a safe bill in the direction of meeting the objections that have been made to it heretofore.

Mr. VILAS. It may be that the Senator is satisfied that I have not read either of the bills. The Senator perhaps is apt to be satisfied upon very slight evidence.

Mr. MORGAN. Well, I base it upon what has occurred here to-day.

Mr. VILAS. I was asking him to point out when the Senate had passed a bill or when a bill was before the Senate prior to the Fifty-fourth Congress which embodied the scheme proposed in the pending bill.

Mr. MORGAN. The bill that we passed through the Senate embodied the scheme proposed in the pending bill, with modifications that were suggested at that time and are now allowed.

Mr. VILAS. The changes which have been made in the scheme are very material and important. The circumstances under which the bill was passed in the Fifty-third Congress were such as rendered the consideration of it entirely different in every aspect from that which is presented now. In the Fifty-third Congress we concluded with the passage of a measure for an examination of the route by a board of engineers to be appointed by the President; and the result of their examination was such as to give a stunning blow to the project which was then presented.

Mr. MORGAN. If the Senator will allow me, that was the very ground upon which I assumed to say that certainly I did not think the Senator could have read the bill. We passed no bill in the Fifty-third Congress which provided for a commission at all. The bill did not provide for a commission, and it passed through this body by a strong vote, I think a majority of 11. What the Senator refers to was an amendment providing for a commission put upon an appropriation bill when the bill which passed the Senate did not get through the House.

Mr. VILAS. I knew it took the form of an amendment.

Mr. MORGAN. The bill did not take that form at all. It was not in the bill. There was no commission provided for in the bill.

Mr. VILAS. Not in the bill which was introduced and discussed.

Mr. MORGAN. Nor in the bill which passed.

Mr. VILAS. Nor in the bill which passed. But the result of all the discussion in the Fifty-third Congress the first time this scheme was proposed was the passage of a bill to provide for a commission to examine the cost, feasibility, and circumstances attending the adoption of the line which was proposed for the Nicaragua Canal or the Maritime Canal.

Mr. STEWART. Will the Senator from Wisconsin allow me to ask him a question?

Mr. VILAS. Certainly.

Mr. STEWART. Is the Senator in favor of any bill for the construction of the Nicaragua Canal?

Mr. VILAS. When we get to the point of discussing the merits of this measure, I shall endeavor to satisfy the Senator, and I hope he will do me the honor to hear what I am in favor of in reference to this matter.

Mr. STEWART. The Senator, then, is not prepared to say whether he is in favor of any bill looking to the construction of the Nicaragua Canal? Very well; that is all I have to say.

Mr. VILAS. I congratulate the Senator upon his brevity of speech. He has astonished the Senate in that upon any subject.

Mr. President, I again ask that the demand for an unusual pressure upon the course of debate in reference to the pending bill be withdrawn. For one, when I shall have made such remarks as I desire to make, when other Senators who wish to debate the bill honestly and seriously shall have made such remarks as they desire to present, I shall interpose no objection to taking a vote. But there is no occasion at this early stage of the discussion of this important measure to turn aside from that course of procedure which the Senate ordinarily observes; and I do not believe that anything can be gained in the way of time by taking such an unusual course.

Mr. HOAR. What does the Senator consider to be the ordinary course? What is the course he suggests?

Mr. VILAS. I think it has always been the course of procedure in the Senate, when Senators have said that they desire to discuss a measure, that they were afforded the reasonable opportunity necessary to discuss it, and that requests to fix the time for taking a vote upon a bill have not usually been made, and have not been acceded to, before the ordinary discussion of the bill by those Senators who wished in good faith to present their opinions and views upon it. I think that has been the almost invariable custom of the Senate.

Mr. HOAR. Does the Senator consider, when we are within six weeks of the end of the Congress and the present Administration, with thirteen or fourteen appropriation bills undisposed of, I do not know how many——

Mr. ALLISON. Ten.

Mr. HOAR. With ten appropriation bills undisposed of, does the Senator think that it is the custom of the Senate to have a day for every speech, so that if a single measure like the one pending is before the Senate it kills pretty much every other measure that is proposed?

I do not want, of course, to urge this in the least against the Senator's desire to speak, but it does seem to me that with so many important measures upon our Calendar, if we say that whenever it gets to be 3 o'clock in the afternoon any Senator who wants to speak shall have a pending bill go over until another day, so that if there are only a dozen Senators out of the ninety who compose the body who want to speak it will take twelve days for one measure to be discussed, we shall not accomplish much of any great consequence.

When I first came into this body, and when I came into the other House, we did not do business in that way at all. We took up a measure, as they do in the English Parliament, and sat all night; and scarcely any important measure which was discussed and resisted went through this body except by the Senate taking it up and setting its teeth and sitting straight through until 2, 3, 4, or 5 o'clock in the morning. So the custom to which the Senator alludes as being the custom of the Senate did not prevail, indeed, until very recently.

Mr. VILAS. Mr. President, I should not for a moment undertake to compare or contrast my opinions in respect to the customs of the Senate with those of the distinguished Senator from Massachusetts, who has served his country long and well in this Chamber, but I think he will agree that the usage which I mention has at least prevailed during the last six years.

Mr. HOAR. We had unanimous consent, then.

Mr. ALDRICH. To fix a day.

Mr. VILAS. Yes, but that unanimous consent has never been given upon bills when Senators wished to be heard against them, and especially important measures, until a fair opportunity for debate had been afforded.

Mr. HOAR. I submit to the Senator, with all deference, not now with any special reference to the pending bill alone, but as a general course, we shall have to do one of four things. The Senate will have to cease to be a legislative body except in regard to such measures as are agreed to unanimously; we shall have to have a previous question (and those of us who think that necessary look on it with great apprehension); we shall have to go back to the old fashion of sitting up all night when any important measure such as this is before the Senate, sitting it straight through and making it a question of physical endurance; or we shall have to secure unanimous consent like that which is now asked. It has got to be a general rule as to legislation for the United States of America that any ten Senators out of the ninety can defeat it.

Mr. VILAS. That has been the case for a great while, and we have all experienced the difficulty which results from that condition of things in the Senate. I remember a session of the Senate which lasted, practically in the consideration of one bill only, from February till the end of August.

Mr. HOAR. What bill was that?

Mr. VILAS. The tariff bill of 1894.

Mr. HOAR. That was a thousand bills in one.

Mr. VILAS. Yes; but it did not involve more of consequence to the people of the United States than this bill does.

Mr. HOAR. I will suggest that it was not only a thousand bills in one, but a thousand ills in one.

Mr. HILL. Will the Senator allow me a moment?

Mr. VILAS. Certainly.

Mr. HILL. The consideration of the bill for the repeal of the silver-purchasing clause of the Sherman law ran from the 7th day of August until the 1st day of November—one single bill—and the Senate considered nothing else at that session.

Mr. CHANDLER. If the Senator will allow me, never mind the past, how are we now? The morning hour is taken up by the Senator from New York [Mr. HILL], and now the Senator from Wisconsin [Mr. VILAS] proposes to take up the remainder of the day each day, and the 4th of March will come before we get an end to that part of the debate.

Mr. HILL. Where does the Senator from New Hampshire come in?

Mr. VILAS. Mr. President, this bill, it seems to me, ought to have been presented for consideration at the long session of Congress rather than at the short session, but inasmuch as it was not so presented, and inasmuch as it has now been launched upon this troubled body, it must be debated fairly, according to such rules as the Senate has for the purpose, and, I hope, in accordance with the usages which have always prevailed. There is no occasion for any difficulty about the taking up of other bills; and I want to make that answer to the Senator from Massachusetts. If there is any occasion for a moment to take up any other bill, this bill can be laid aside temporarily, and other business can be done, without trenching upon the right or the privilege, which has always been courteously extended to every Senator who desired fairly to debate a bill, to make his remarks substantially at his own convenience and with reasonable preparation. There is no difficulty about that to-day. No opponent of this bill is seeking for a moment to interfere with the disposition of any other business, while the ordinary usages of the Senate are extended to those who wish to debate it. Nobody would have objected, as nobody has objected when an appropriation bill was proposed, to this bill being temporarily laid aside and the appropriation bill or any other bill being considered.

The Senator from Connecticut [Mr. HAWLEY] desired to have taken up certain bills reported by the Military Committee. There was no reason why they might not have been taken up, and instead of the time of the Senate being consumed in a discussion of questions of this kind, we could have been disposing of those bills, and the ordinary usage and courtesies of the Senate would have been considered and observed. I am sure we are going to make no gain by undertaking to violate that rule. For that reason I have appealed to the Senate for the privilege which some of us who wish to oppose this bill feel that we are entitled to have, and I hope it will be accorded.

Mr. MORGAN. Mr. President, I have no disposition at all to discuss the questions that are suggested by the remarks of the Senator from Wisconsin [Mr. VILAS]. I merely want to state that on last Thursday I moved the Senate to take up this bill for consideration. No quorum was developed on the vote, although a large majority of those present voted to take the bill up. That carried the matter over until Monday, when I renewed the motion. The Senate, upon a call of the yeas and nays, by a vote amounting approximately to two-thirds, have taken up this bill. That could not possibly have occurred unless the bill was considered to be one of very great importance.

There are matters connected with this bill, outside of what is in the four corners of it, of very grave importance to the people of the United States, which have made me urgent now that the bill should be passed upon. It is not an enthusiastic zeal for the bill itself, but my attitude on this question has reference to other very important matters which are now pending in the Senate of the United States, which can not be overlooked or safely deferred; and it becomes the Senate to take action upon this bill. If I knew that I was in a very large minority upon this bill, I should insist strenuously for action, and insist that this bill should be passed or that it should be defeated, in order that the subject might be cleared out of the way of other matters which are now pressing upon the attention of the whole body of the American people.

We have had a week's notice about this bill coming up. The Senator from Indiana [Mr. TURPIE], who has argued this case very thoroughly now for three days, did not find himself unprepared to go on with it. He went on with it readily and thoroughly. The Senator from Wisconsin seems to be unprepared. I have offered that Senator, and other Senators who oppose the bill, the opportunity to discuss it down to any hour of next week that they see proper, fixing the day or the hour for a vote. They decline to fix any hour or any day, and suggest that the bill is of such vast importance that it ought not to be disposed of in the ordinary course of legislation. In the meantime they suggest that it might be temporarily laid aside and postponed for other business. That is a convenient way of destroying a bill, Mr. President, without a trial. The committee over which I have the honor to preside are entitled to a vote in the Senate on this bill after fair debate. It can hardly be considered fair treatment, either to the committee or to this measure, that it should be thrown aside and moved out of its place in the Senate from time to time to make way for everything else that comes to the front. That is a method of filibustering that I do not think is proper and just; neither do I think it is wise in reference to the great leading public policies which are now pressing upon the attention of the American people.

When I make these offers to Senators, I have no course left me but to insist that the Senate shall proceed with the consideration of the bill. Amendments have not been formulated, but have been alluded to in debate here, of which I have no knowledge. I do not know what they amount to. One, I believe, was stated by the Senator from Indiana to be a substitute for the entire bill. We have not had that substitute presented, and yet the discussion has gone on all this week. I think, in perfect fairness to all concerned, that Senators, who know thoroughly well what they desire to do in the way of amendments, should present their amendments, and let the Senate come down to the question of disposing of those amendments and then of voting upon the bill upon its merits.

If I can get this bill to the stage that the question is, Shall the bill pass? I shall be almost indifferent as to the time of its passage, except with reference to one other question, and that is the treaty which is now pending before the Committee on Foreign Relations. The Government of the United States can not afford, Mr. President, to go into the consideration of that treaty without having taken action upon this bill, because the action which is taken by Congress upon this bill will determine whether the canal and all of the treaties which relate to it are matters of difference between the Government of the United States and the Government of Great Britain.

Now, in all fairness and candor, is the objection to the consideration of this bill sufficient, in view of the importance surrounding it, in view of the exigency which now exists in the public mind and in public affairs—is it fair to the country or to the Senate that filibustering should be interposed here to defer action upon a measure upon the fate of which hangs other very important matters?

I think the Senator, when he comes to think it over, and all Senators, will come to the conclusion perhaps that they can name an hour next week or a day next week when they will be ready to

have a final vote taken on this question. The treaty to which I refer is postponed until next Wednesday in the Committee on Foreign Relations. This subject is not novel to the members of that committee; the influence of this bill upon the action of that committee is not a new question; and it is a matter of so much gravity that I should feel that I was failing in the discharge of my duty if I did not avail myself of the ordinary privileges of a Senator and chairman of a committee to insist that a bill shall be voted upon which the Senate by a yea-and-nay vote have taken up and deliberately resolved shall be considered.

Mr. STEWART. Mr. President, I have always been in favor of the construction of the Nicaraguan Canal, believing that a canal could be constructed there, and not elsewhere, without such enormous cost as would render it practically impossible. I was not pleased in some respects with the former bills for that purpose. I much preferred that the Government of the United States should buy out the company interested, and should also procure from Nicaragua the full right of way, with such jurisdiction as would enable the United States to govern and control the canal. I prepared a substitute and offered it when the bill was last under consideration, which passed the Senate. Since that time there has been a great change in conditions. There can be no doubt that a great majority of the people of the United States look upon this canal as a commercial and military necessity. There can be no question that that is the view taken by the people of the United States. Many things have occurred in the last two or three years which warn us if we do not proceed we shall have foreign complications. Delay, it seems to me, would be dangerous. I regard the project as paramount, and I believe in that my opinion is in accordance with the opinion of the great majority of the American people.

I think this is no time to hesitate on details. Let us have the canal. I hope the chairman of the committee will insist that the subject be kept before the Senate until we reach a vote. I should be glad if the day could be named. Other business could be transacted in the meantime, and those who oppose the bill would have ample opportunity to express themselves. But the necessity for action is such at this session of Congress that I hope the chairman will not yield, but will press the bill to a vote. The subject is well understood; it has been discussed here from year to year; it has been discussed in the public press for the last thirty years. We all know very well what it is. We shall not, by any discussion which may occur here, get any new information on the subject to enable us to act. Inasmuch as it seems to me that action is imperative, I hope the Senator from Alabama will press on the bill and let us have action.

Mr. VILAS. Mr. President, the distinguished Senator from Nevada [Mr. STEWART] adopts a somewhat different tone at this time from that which a few years ago he maintained here in respect of the eagerness of the Senate to pass a bill which it had under consideration, and the distinguished Senator from Alabama [Mr. MORGAN] speaks of filibustering in respect to the request of a Senator to make the second speech upon one side of a bill as important as this.

Mr. STEWART. Will the Senator allow me?

Mr. VILAS. In a short time. I want to call attention to the fact that it is not very long since when those Senators—both of the distinguished gentlemen then occupying the same position on the same side of the question—were very indignant when somebody, after two or three months, began to suggest that the object of the discussion was to protract the determination of the question then pending.

Mr. STEWART. Will the Senator allow me now?

Mr. VILAS. Certainly.

Mr. STEWART. I think that different bills require different tones. The bill to which the Senator alludes, I presume, is the bill which was discussed in the extra session, to repeal the purchasing clause of the Sherman Act. When the friends of that bill promised us prosperity, we told them it would not come, and we told the truth about it. We knew as certainly as a mathematical proposition that the diminishing and cutting off the supply of new money would create stagnation and bankruptcy. We told you that, and it has occurred. We were right in our prediction, whether you deny it or not, and the country knows it.

This is a very different proposition. That bill was a fresh bill, which was forced upon the Senate in the extra session called for that purpose. It was a change of policy, the adoption of the policy of contraction to produce hard times. The measure now before us is of a different character; it is a bill which for thirty years has been discussed by the whole country, and everybody believes it would tend to produce better times; everybody believes it would tend to make the United States greater and stronger, and enable her to better meet all military and commercial necessities. If the bill to which you allude had been discussed for thirty years you could not have passed it. The fact is that it was done under pressure; it was done suddenly; it was done by bringing to bear the whole money power of the country on Congress; a great lobby was about here, and the newspapers were caricaturing those who opposed that bill. The circumstances were very different, and I should like to stand up against proceedings of that kind. Here is a bill which has been for thirty years the subject of discussion, which is well understood, and we believe that the time for action has come.

Besides, here is a bill which is favored probably by two to one, or about two to one, in the Senate. It has been here for years. The other was a bill upon which you needed time to convert Senators. You were not prepared to vote on it when we met in the extra session, and it took all the time we used for your side to convert Senators enough to change the policy of the country and turn it to contraction.

Mr. VILAS. Is the Senator speaking now, if I may interrupt for a moment, of the debt of gratitude under which we ought to be for that filibustering through those long, hot summer months?

Mr. STEWART. You ought to be convinced that there is something in our predictions and that we are worthy of trust, because we told you if that bill should be passed what would be the result to this country, and it has come. You ought to have that much gratitude toward us. That ought to show you that we know more than you do. [Laughter.] You ought to be grateful for that.

Mr. VILAS. Mr. President, it did not need three months of an extra session of Congress to prove that.

Mr. STEWART. That is so.

Mr. VILAS. We all knew that we did not know as much as the distinguished Senator from Nevada.

Mr. STEWART. Certainly. If you had availed yourselves of the information, you would not have given the fool votes you did on that repeal bill. [Laughter.]

Mr. VILAS. I do not wish for an instant to have the Senator from Nevada suppose that I distrust in the least degree the idea that the mantle of prophecy has descended upon his shoulders from the saints and prophets of olden times. I do not mean for a moment to question the clearness, the sagacity, and the assured certainty with which his mind's eye wanders over the far distant future that is veiled to the rest of us.

Mr. STEWART. I am gratified that you are not a skeptic. [Laughter.] That is very gratifying.

Mr. VILAS. So, too, I am pleased to learn—for that proceeds also from an ignorance, in which I am wonderfully inferior to the distinguished Senator from Nevada——

Mr. STEWART. Very likely. [Laughter.]

Mr. VILAS. I am glad to learn that the Nicaraguan Canal Company bill has been known all about by the people of this country for thirty years, and that silver has hardly been heard of at all. [Laughter.]

Mr. STEWART. Oh, silver has been heard of; but you all said that you would not kill silver. The killing of silver was a new thing to us; but the killing of silver has been the killing of prosperity. You killed silver; you made that sacrifice, and said it would bring prosperity. We did not believe it.

Mr. VILAS. I always understood—that is, I mean, from the Senator from Nevada—that silver was killed nearly four and twenty years ago. [Laughter.]

Mr. STEWART. It was nearly killed.

Mr. VILAS. I understood that it was nearly four and twenty years since silver was killed.

Mr. STEWART. No.

Mr. VILAS. And it was that peculiar metallic homicide for which the United States has been paying this dire penalty all this time.

Mr. STEWART. The United States had done a little toward reviving it. It was struggling and doing a great deal to keep people from going into bankruptcy; but you struck the last blow that killed silver and killed prosperity in this country when you said you were going to give us prosperity; and the New York Tribune recently came out with the information that this is a boom we are having now.

Mr. VILAS. This is a boom?

Mr. STEWART. A boom of prosperity in the country.

Mr. VILAS. I should probably be inclined to agree with the Senator from Nevada that, if it is a boom, it is an incipient boom.

Mr. STEWART. Yes.

Mr. VILAS. But hardly in the full developed stage of a splendid vigor and prosperity.

Mr. STEWART. We were promised here in the Senate by your side that we would have prosperity in ten days. It has been several years since that promise was made. Then we were again promised that we should have a boom in the event of McKinley's election, and all these promises came from your side.

Mr. VILAS. Perhaps the Senator would point out when and by whom those promises were made. It seems to me that I can not remember that there were such promises made in the Senate by anybody who was in favor of the passage of that bill. My recollection is that we all said, "The house is on fire, and let us

begin by putting the fire out, and trusting to the American people afterwards to rebuild it in such time as they can," and that we heard a great deal said at that time about the iniquitous consummation of a great felony or crime at some previous period [laughter], which was the cause of all the difficulties under which we labor.

Mr. STEWART. We will not refer back to that. [Laughter.] Everybody understands it now.

Mr. VILAS. The distinguished Senator from Nevada agrees, then, that there are occasions in which it is right to insist upon debate, and that when great questions involving the welfare of the people of the United States are before the Senate, it is fair that at least those who have been honored with seats in this body, who entertain contrary views to those of the promoters of a bill, should be permitted to express their views.

Mr. STEWART. Oh, most certainly; and that is why I asked the chairman of the committee a while ago to go ahead with the bill, so as to give you the opportunity, and to keep the bill before us, so that you may have time.

Mr. VILAS. Did the Senator at the time to which I have referred regard the opportunity as fairly offered during the nights when we sat here all night long at different times?

Mr. STEWART. Did I complain?

Mr. VILAS. I may be mistaken in respect to it, but it seems to me I used to hear some remarks made by the Senator from Nevada that were not strictly cheerful in respect to it. [Laughter.]

Mr. STEWART. Very likely. It depends upon the condition of my mind.

Mr. VILAS. I again say that I hope the Senate will accord the usual privilege of discussion in respect to this question. No objection will be made on the part of any of the opponents of the bill to taking up any other business that the Senate desires to take up if for the moment it is inconvenient for Senators who wish to speak in opposition to the pending bill to speak. There shall be no unreasonable delay. There is plenty of time for the consideration of this bill. We have not yet finished the month of January. There will be abundant opportunity for the fair discussion of this important bill, and it is pretty certain that that discussion will be secured if the Senate will observe only the ordinary method, the ordinary courtesy of debate of the last few years, and the vote may be taken at a reasonable time. But there is nothing to be gained, and I hope Senators, by accusing others of the purpose of filibustering when they are seeking only for the privilege of a fair discussion, will not compel the adoption of the course which certainly never could have been imputed to me in spirit or in any other wise since I have been in the Senate.

Mr. MORGAN. I call for the regular order.

Mr. VILAS. Mr. President——

Mr. MORGAN. I thought the Senator from Wisconsin had taken his seat.

Mr. VILAS. If we are to have no opportunity for discussion of the bill with preparation, I shall be obliged to move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. MORGAN. On that I call for the yeas and nays.

The PRESIDING OFFICER (Mr. HILL in the chair). The Senator from Wisconsin moves that when the Senate adjourn to-day it be to meet on Monday next. On that motion the Senator from Alabama asks for the yeas and nays.

Mr. HOAR. I hope the Senator will not do that. There are other matters which can be taken up.

Mr. MORGAN. I withdraw the call for the yeas and nays.

Mr. VILAS. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. THURSTON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. TILLMAN]. In his absence, I refrain from voting.

Mr. VILAS (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL].

Mr. WILSON (when his name was called). I have a general pair with the Senator from Florida [Mr. PASCO].

The roll call was concluded.

Mr. CALL. I am paired with the Senator from Vermont [Mr. PROCTOR] who is absent from the Chamber.

Mr. GORMAN (after having voted in the negative). I was requested by the Senator from Kentucky [Mr. BLACKBURN] to pair with him on this question, and I therefore withdraw my vote.

Mr. MCMILLAN (after having voted in the negative). I desire to inquire if the Senator from Kentucky [Mr. BLACKBURN] has voted. I am paired with that Senator, and if he has not voted I wish to withdraw my vote.

Mr. ALDRICH. The Senator from Maryland [Mr. GORMAN] just announced a pair with the Senator from Kentucky [Mr. BLACKBURN].

Mr. MCMILLAN. Then I will allow my vote to stand.

Mr. BACON. I am paired with the junior Senator from Rhode Island [Mr. WETMORE], and therefore do not vote.

The result was announced—yeas 13, nays 26; as follows:

YEAS—13.

Allen,	Caffery,	Faulkner,	Walthall.
Baker,	Cannon,	Gibson,	
Bate,	Carter,	Gray,	
Berry,	Daniel,	Pettigrew,	

NAYS—26.

Aldrich,	Frye,	Mills,	Sewell,
Allison,	Gallinger,	Morgan,	Sherman,
Cameron,	Hawley,	Peffer,	Shoup,
Chandler,	Hoar,	Perkins,	Stewart,
Chilton,	Lodge,	Platt,	White.
Clark,	McBride,	Proctor,	
Cullom,	McMillan,	Pugh,	

NOT VOTING—50.

Bacon,	George,	Martin,	Teller,
Blackburn,	Gordon,	Mitchell, Oreg.	Thurston,
Blanchard,	Gorman,	Mitchell, Wis.	Tillman,
Brice,	Hale,	Morrill,	Turpie,
Brown,	Hansbrough,	Murphy,	Vest,
Burrows,	Harris,	Nelson,	Vilas,
Butler,	Hill,	Palmer,	Voorhees,
Call,	Irby,	Pasco,	Warren,
Cockrell,	Jones, Ark.	Pritchard,	Wetmore,
Davis,	Jones, Nev.	Quay,	Wilson,
Dubois,	Kyle,	Roach,	Wolcott.
Elkins,	Lindsay,	Smith,	
Gear,	Mantle,	Squire,	

The PRESIDING OFFICER. No quorum has voted.

Mr. MORGAN. As no quorum has voted, I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 22, 1897, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 21, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 596) for the relief of Ellis H. Roberts;

A bill (H. R. 6883) to incorporate the Convention of American Instructors of the Deaf;

A bill (H. R. 4199) to correct the military record of Edward H. Munson, late a private in Company H, Thirty-second New York Regiment Infantry;

A bill (H. R. 8413) to confirm certain cash entries of public lands;

A bill (S. 319) for the relief of telegraph operators who served in the war of the rebellion;

A bill (S. 1690) granting a pension to Richard Brookins; and

A bill (S. 3071) to authorize the construction of a bridge over the Monongahela River from the borough of Braddock to the township of Mifflin, Pa.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, the following Senate bill was taken from the Speaker's table and referred as follows:

A bill (S. 3355) to provide for organizing a naval battalion in the District of Columbia—to the Committee on Naval Affairs.

YOST VS. TUCKER.

Mr. MCCALL of Massachusetts. Mr. Speaker, I call up the unfinished business, the contested-election case of Yost against Tucker. As the time for taking the vote is fixed at half past 4 o'clock to-day, I should like to know how much time remains on each side.

The SPEAKER. The side represented by the gentleman from Massachusetts [Mr. MCCALL] has consumed two hours, and the other side has consumed two hours and twenty-six minutes.

Mr. MCCALL of Massachusetts. Mr. Speaker, I understood the gentleman from Virginia [Mr. WALKER] to say that when the discussion should be resumed this morning some gentleman on his side would take the floor.

Mr. WALKER of Virginia. Not now.

Mr. MCCALL of Massachusetts. I so understood the gentleman.

Mr. WALKER of Virginia. We have already consumed more time than has been occupied on the other side.

Mr. MCCALL of Massachusetts. Yes; but we have the concluding hour.

Mr. WALKER of Virginia. Certainly.

Mr. MCCALL of Massachusetts. Mr. Speaker, I yield to my colleague on the committee, the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, in speaking upon this question to-day, I shall endeavor to address myself to it as a member of the committee, a lawyer, and a Representative upon this floor. I shall proceed upon the assumption that this House, in the plenitude of its power, will endeavor to arrive at a correct conclusion as to how this case should be decided and then will decide it in accordance with such conclusion. As one of the committee reporting in favor of the contestee, I have had no reason, since arriving at the conclusion which the committee reached, to doubt the correctness of that conclusion. I believe much that was urged against it yesterday is founded in a lack of knowledge of the facts, in a misunderstanding of the law, or in a failure properly to apply the law if correctly understood.

I am not here to contend that this House is short of power in determining who shall be the members upon this floor—in determining the elections, qualifications, and returns of the members. I am not here to question that power. Therefore there is no conflict, because I merely speak the sentiment of the committee, and, it seems to me, of all persons who assume to have any knowledge of the law, when I say that there is no controversy as to the power of this House to dispose of this case and of all cases as under the law and the facts they ought to be disposed of.

The gentleman from New York [Mr. DANIELS], a learned and distinguished member of this body and of the bar, in his discussion of this case yesterday, referred to two provisions of the Constitution in a way to indicate, it seemed to me, that they are all that have any bearing on this controversy—the provision declaring the power of the legislature of the State to determine the qualifications of electors—that is, that the persons voting for Representatives in Congress should possess the qualifications required of those who elect members of the most numerous branch of the State legislature; and the provision that each House of Congress itself possesses power to pass upon the elections, returns, and qualifications of its members. There is, however, in the Constitution another provision, which seemed for the moment to have been overlooked by the gentleman from New York in his latest incursion within the pages of that great instrument. I refer to section 4 of Article I of the Constitution, which provides, among other things, that the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof. So it would seem that there are three provisions in the Constitution relating to this matter, each having full weight and importance as a part of the same great fundamental law. "The times, places, and manner" of choosing Representatives in Congress shall be as determined by the several State legislatures. But there is something additional, not for a determination by one House in the settlement of an election contest as to the times, places, or manner of choosing Representatives, but a provision for a determination by the Congress of the United States, in its august lawmaking capacity, of these matters, when the Congress chooses to determine them. The provision is:

SEC. 4. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or order such regulations except as to the places of choosing Senators.

Then, instead of Congress being, as one might infer from the premises of the gentleman from New York, a sort of lawless body, a law only unto itself, in these matters of determining election contests, the laws of the several States with relation to the election of members of this body are the laws of the Union, the laws of the Congress, the laws of the House, the laws of the Senate, so long as the Congress in its lawmaking power does not by proper enactment alter or change them.

Mr. DANIELS. Will the gentleman allow me one question?

Mr. DE ARMOND. Certainly.

Mr. DANIELS. I wish to ask the gentleman whether the clause of the Constitution to which he has just referred excludes the power of the House to determine what was the intention of the voter when he placed the expression of his intention upon the ballot?

Mr. DE ARMOND. The point I was making, Mr. Speaker—and I will answer the gentleman's question—is this: As to the power of this House, I concede, and everybody knows, that whenever a majority of those voting, constituting a quorum, choose to determine any contested-election case in any way, there is no power on earth to set aside the decision. I am endeavoring, however, to present this case to the House, in my feeble way, upon the theory that this House, in determining the question now before it and in determining all questions that arise in contests for seats within this body, ought to determine them, and I hope will determine them, in accordance with the law and the facts. In this effort I insist that the law of the State of Virginia (there being no law of Congress to contravene) is the law of the Union in this case; is now the imperative rule of this House, from which there is no escape, of which there should be no evasion, and can be no evasion except by bodily, boldly, recklessly disregarding the Constitution.

The election law of Virginia is the law of Congress for the time being with reference to this case. The law of Virginia as to how these elections should be conducted, how the returns should be ascertained, how the result should be declared, is the law of Congress upon the subject.

The gentleman from New York asks me whether I am trying to maintain that Congress has no power to get at the intention of the voter—contrary, I suppose, to the express provision of the Virginia law, which, for the purposes of this case, is also our law. When he asks me whether this House has no power to get at the intention of the voter outside of the Virginia law, I say clearly the House has the power, but it is not the power of Constitution or law, it is the power of numbers. If the House acts within the law, it must ascertain results according to the law. If the House sees proper to disregard the law, then the question is one of power, is a matter determined by votes, and by nothing else.

Then I say to the gentleman from New York that within the law, to the practice of which he and I were bred—within the law as it applies to this case, the Constitution of our common country and the statute law of the State of Virginia, untouched and unaffected by any legislation of the Federal Congress—within this supreme law of the land and this lesser but otherwise supreme law of the State of Virginia with respect to this case, there is no rightful authority in this body to determine the case except by following the high law of the Constitution and the only less high law of the State of Virginia.

But what, Mr. Speaker, would be the result if the contention of the gentleman from New York be the correct one? I am speaking now of power. I concede, if you please, that the matter of power may be determined in this body upon a roll call. But I am addressing the House in the belief that it will endeavor to determine this question according to the Constitution and according to law. If the contention of the gentleman from New York is sound, then it could be true that election officers and voters in Virginia, or New York, or Missouri, or any other State of the Union, might absolutely fulfill the whole election law of the State (there being no law of Congress upon the subject), and yet, as an actual result, such action could be lawfully made unlawful by the House of Representatives in determining a contested-election case like the one now under consideration. In other words, acting under the same law, tested by the same law, the House could constitutionally say to election officer and voter, "You tracted the election law to the letter, and we reverse the lawful result of your lawful election, by virtue of our constitutional power." Down in Virginia they might believe in the enforcement of the law on the statute books of the State and would be law abiding in doing so. Here the law could be set aside, could be disregarded, could be defied; and the logic of the argument of the gentleman from New York would make us law abiding and law enforcing in doing that.

But, Mr. Speaker, no such inconsistency need be forced upon the House of Representatives in dealing with this case or in dealing with any other election contest. State officers of minor degree are not supposed to be versed in constitutional law, or to be able, as great constitutional lawyers, to pass upon the constitutionality of the statutes which they are called upon from time to time to observe and enforce. When the officers of a State, in reference to a subject reaching through the State and the nation, and to be passed upon both in the State and in the National House of Representatives, discharge their duties lawfully, those in higher sphere, acting in the manner prescribed by the Constitution, can perform no higher duty than to perform their part also according to law. It can not be true that it is right and lawful in this case to do certain things in the State of Virginia, and at the same time that there is some vague constitutional power here by which it is also right and lawful for this House to undo what has been done in that State, and do a contrary thing here.

Now, then, there has been much said during this discussion about the intention of the voter. There has been some talk on this subject which has tended to confuse it rather than really to elucidate the true idea and principle involved. There is no question about looking at the intention of the voter. There is no question about trying to ascertain that intention. There is no question that when that proposition is up the duty is devolved upon the House to ascertain the intention of the voter if it can. But it is not presented here.

There is another proposition obscured or set aside by some which is equally important and equally clear, that when a lawmaking body, in the exercise of its constitutional powers, prescribes that unless a certain thing be done in a specified way the act of which such thing should be a part falls nugatory to the ground, then there is no vitality whatever in an act lacking the prescribed thing done in the prescribed way. This legislative edict rises above all questions as to the intention of anybody concerned.

In other words, if the inquiry is what was the intention of this man by this act, we do not stick in the bark of a technicality. We use common sense and common reason to determine that intention, and, guided by the best judgment that we can center upon

the disclosed facts, we reach a conclusion. The legal principle which guides in this inquiry is not at all in conflict with the other legal principle, equally well established and equally valuable in legislation and in jurisprudence, that when the law constitutionally declares something to be essential, that something is essential. When there is such declaration, for instance, that unless the name on a ballot be scratched through three-fourths of its length it shall be regarded as not scratched at all, the question of intent as to that scratching does not arise. The question that arises, or the proposition thus presented, is a simple one of fact: Was the name so scratched? That is all there is of it.

Gentlemen seem to confuse and mix the two propositions, each one sound and accurate in itself, and each applicable or not applicable, according to the issue presented. But the one must not be substituted for the other, if we propose to follow correct methods in the investigation of the matter now pending. If the proposition were, Did the voter by certain marks that appear on the ballot intend to strike the name of that man out? each man upon his own judgment and according to the evidence submitted to him will determine to his own satisfaction what the intention of the voter was. Another question is presented, however, when a constitutional statute, passed in the exercise of a constitutional power, declares that unless the voter has stricken out three-fourths of the name it must be regarded as unscratched. When that statute intervenes, the question is, not what did the voter intend, but what did he do; not did he intend to vote for A or B, but did he or did he not strike out three-fourths of this name or that name or the other name.

How easily the confusion raised by a throwing together and a jumbling up of two well-established legal principles, settled in the decisions of courts almost without number—how easily this confusion may be put aside if we will just pause to note the distinction, so plain that he who runs may read.

Now let us come to these "imperfectly marked ballots" in this case, keeping in mind the well-established legal distinctions which I have mentioned. There is not a law book which can be found, and the gentleman from New York [Mr. DANIELS], in all his long judicial career, never wrote a line of law, aye, he never read a line of law, which would throw in question their correctness.

What, then, is the question submitted to this House with reference to these imperfect ballots? It is not a question of what anybody intended, but it is a question of what the voter did, with respect to each particular one of them. Correctly stated, the question decides itself. It is conclusively shown by the record that these ballots excluded by the committee, not counted for either party—454, I believe, supposed or assumed to be intended for Mr. Yost; 271 supposed or assumed to be intended for Mr. Tucker—were not excluded as a matter of choice, not as a matter of whim, but in the discharge of a duty under the law. For the question presented by the record is not as to the intention of voters, but as to whether under the law of Virginia, which is also the law of this House and this country for the time being, in this case, they can be lawfully counted.

If that Virginia law is to be trifled with, is to be disregarded, where will you put the limit? You embark upon an unbounded sea. You are afloat upon a shoreless ocean of conjecture and speculation and possibility. The Virginia law says a name on a ballot not marked through three-fourths of its length shall stand as not marked at all. Then shall marking through half its length be enough? Will that sufficiently indicate intention—not law, not a valid vote, but intention? Will one-fourth through answer the purpose, or one-tenth, or one-thousandth part? Or will evidence aliunde that the voter would have marked the ballot but did not know that he should, or inadvertently omitted to do it, his intention being to vote for some particular man, be all-sufficient? Will it do if, upon a census taken after the election, it is abundantly proven (to the satisfaction of those who choose to be thus satisfied) that the contestant ought to be seated, according to the sentiment of the community?

If the Federal Constitution and the law of the State, constitutional under the constitution of the State and the Constitution of the Union, shall be the sheet anchor and guide of the House in determining these contests, shall be the protection and the defense of every man, contestant and contestee, every voter in every district, in all the years of this Republic, no difficulty arises. Instead of advancing to questions not presented, the House simply confines itself to questions that are presented.

Now, I say that as to these imperfect ballots excluded they ought to have been excluded, not upon the ground of intention, but upon the ground of absolute law. Let me suppose another situation for squaring with the law and the philosophy of law advanced by the gentleman from New York [Mr. DANIELS]. Suppose Congress had passed a law with reference to the election of Representatives, superseding and taking the place of all State laws upon the subject. Suppose Congress had provided that, in striking out names, no name should be considered erased unless a line passed through three-fourths of its length. What would gentlemen do about it if ballots were presented marked otherwise than that, and if somebody claimed a seat on this floor by virtue of those ballots, coupled with some sort of a supposed intention of voters not expressed according to law? What would you do about it? Would you be bound by it or would you not? If you observe the law, you would. If you disregard the law, why, then, of course, you would not be bound by anything except your own disposition to do what you choose.

Then, I say this law of Virginia as to the ballot, Congress not having made any law to displace it, is the law of Congress, and stands precisely as if Congress had made it. The question before us, then, is what it would be if Congress had made this law, for it is not unconstitutional, it is not unreasonable. No gentleman dare attack it upon that ground. No one says it is so unreasonable or that it works so much hardship and is so unconstitutional that it can not be upheld. How would the case appear if contestant claimed that the people intended to elect him, but under the law did not do it? Who, then, would contend for something in constitutional power, for any power sheltered under constitutional law, to justify or uphold his claim?

It is said in argument, or said in assertion which is not argument, that these imperfectly marked ballots, on the summary of the committee itself, would give the contestant the seat by a plurality of 22. That is an inaccurate statement. The committee, after allowing all deductions from contestee and all the additions to the contestant that even generosity to contestant could make, find that the contestee has 221 plurality. One hundred and eighty-three from the 221 would leave a margin still upon the side of the contestee.

This case has proceeded upon the theory of counting more than a thousand ballots with the caption—that is, the title of the office—stricken out. I am not going to argue that those ballots ought not to be counted; but I am going to submit that it never would do as a precedent to say that ballots can be counted with the caption or official designation of the office to be filled entirely wanting. The committee concluded in this particular case, there being but one office to be filled, carefully guarding the statement of their conclusion lest it be used for a precedent, that in this case they would recommend the counting of those votes. That is a stretch of legitimate power, that is a stretch of law, to the last verge.

What kind of a ticket have you when there is nothing to be found unerased and unscratched except the name of some one person? No man is bold enough or reckless enough to lay it down as a proposition of law that striking out the caption, the title of the office, would not affect the ballot. The committee has said in generosity—and the time may come when this generosity will be abused and effort made to build upon it as a precedent for something that ought not to be done—they have said, in generosity, not impelled by duty under the law, that these votes may be counted and that they will count them as if they were ballots for the office which the law authorized to be filled. If these caption-marked ballots were dropped out, the whole case would be ended. If everything else in it, every other question raised, were decided in favor of the contestant, and these ballots, which really were not ballots, not votes at all, were dropped out, the contestee must retain the seat.

I approach another question. That is as to the ballots printed in Amherst County in what those who are pretty well informed in this matter called old English text, and some gentlemen choose to call German text. The gentleman from Ohio [Mr. GROSVENOR] found a magnificent field in the contemplation of a photograph of a sample of this ballot for the display of his peculiar genius. It was something refreshing, if awful, to observe how his tender spirit was lashed and torn when he saw what they told him was a picture of one of those ballots. Straightway he would throw out the entire vote of the county! The gentleman from Ohio forgot, Mr. Speaker, that an argument to be sound must be consistent in its several parts. A little while before the only question with him was the intention of the voter; the dearly-beloved voter was the man particularly to be protected! And most protected, of course, by the gentleman from Ohio.

However laws may be, whatever precedents may be, whatever may have been done time and time again in Congress and in the courts, let all go to the winds, so that the voter may have what somebody supposes to have been his intention made as good as a legal vote, according to the supposition of that somebody. But that is all dropped and forgotten when the sensitive Ohioan comes to these Amherst ballots. It is forgotten that in that county of Amherst hundreds of voters, in no degree responsible for the peculiar type used upon the ballots, in no degree responsible for the alternation of names, in the exercise of their rights as American citizens and as electors of the Tenth Congressional district of Virginia, went to the polls on election day in November, 1894, and used these ballots—the only ballots they could use, because they were the official ballots there—and cast their votes according

to their judgment and preferences, and their judgment and preferences, their intention and deed, are all fully evidenced by the returns in this record and now before the House.

All this is to go to the winds. These hundreds of electors are to be disfranchised. The individual voter who lawfully cast a lawful ballot becomes nobody; the lawfully executed intention of the voter sinks into insignificance, in the view of the learned and artful gentleman from Ohio [Mr. GROSVENOR], while he is explaining at great length what horror seizes upon him, what convulsions rack his frame, when he contemplates such a picture and such a spectacle as the supposed intention of a voter being disregarded, although that intention was not expressed according to law and can not be made effective under the law.

Now, what is there of logic, what is there of fairness, in that position? What is there of justice, what of fairness or of law, in disfranchising qualified voters of Amherst County, or of any county, who could not select type or make ballots, but who had official ballots supplied to them and who expressed their choice by such ballots, and expressed it legally? Yet these considerations are readily swept aside and hundreds of these ballots are thrown out of the sublimated count of the purist from Ohio.

But the gentleman from Ohio says they burned the imperfect ballots, and there was a great conspiracy, a deeply planned and desperately executed plot, to rob the people of that district of their choice, evidenced by the burning of those imperfect ballots. "Why," says the gentleman from Ohio, "in my State, after the count is over, after the result has been ascertained by the counting officers, those officers burn the perfect ballots, but they carefully preserve all the imperfect ballots." And because that rule was not followed in this case, he infers a deeply laid conspiracy to rob the contestant and the people who voted for him in the Tenth district of Virginia. Because (there being no law upon the subject) a number of the election boards—about one in twelve—destroyed the imperfect ballots by burning, the gentleman infers the existence of a conspiracy.

I have no criticism to make on the Ohio law. I care nothing about it. If a comparison of State laws were in order here, I should say that in the great State which I have the honor in part to represent we have a much better law upon this subject. In Missouri it is made the duty of the election officers to preserve and to return to a county officer, who preserves them for a year, all the ballots, perfect and imperfect, so that the ballots themselves, in their own mute but powerful and unmistakable voices, may speak the truth if anybody interested chooses to learn it from them. I can imagine how, even under so excellent a system as that which prevails in Ohio, if perchance the officers at a particular polling place, or at several polling places, were corrupt or corrupted, there could be counted as perfect and burned ballots in fact imperfect and void; how there could be counted as perfect ballots for A and then burned ballots in fact cast for B, and which, if preserved, would have to be counted for B. There is no system, I apprehend, yet devised, even in Ohio, by which absolute certainty against miscarriage or wrong can be effectually secured.

A man can read this record in vain to find a general conspiracy evidenced, or proved even in part, by the destruction of these imperfect ballots. What was the situation in that respect? The law which went into operation for the first time at that Virginia election of 1894 was silent on the subject. As would naturally happen, as has happened in every State upon the first trial of the Australian ballot system, ballots were found to be defective and imperfect, and such as, under the law, could not be counted. Somehow—and this is not remarkable, for in many of the States the same sort of omission has occurred—somehow there was no direction given in the law as to what should be done with these imperfect ballots. In some places they were preserved; in other places they were destroyed. Gentlemen, however, in their sweeping denunciations upon this point are not very careful or discriminating in going into specifications. In a number of instances, indeed generally, these ballots were destroyed by the concurrent judgment of all the members of the election boards, made up of representatives of the different political parties, after they had all agreed that under the law these ballots could not be counted for anybody. If there was a conspiracy all the election officers were in it. How will you reach any other conclusion? But was there a conspiracy? An imagination lively and keen as that of our distinguished friend from Ohio [Mr. GROSVENOR] alone is equal to the task of conjuring up a conspiracy from such a state of facts.

It is unfortunate that the ballots were destroyed, but according to the philosophy of gentlemen who argue for the contestant here—if that philosophy is to be adopted by the House—it was a blessing to contestant, a blessing not even in disguise, that those ballots were destroyed, because it is proposed to give them to him, or enough of them to put him in this House, and to take the seat from the man who was really elected. The destruction of the ballots, therefore, was a kindly act of munificence instead of a dastardly act of outrage, if the gentleman from Ohio may be relied upon. All there is of it is that these election officers, being brought face to face with a condition of things which had never before arisen in the State, finding large numbers of imperfect ballots, and not knowing what to do with them, one board in a dozen concluded that it was as well to destroy them, because they were of no account and could not be counted; and the weight of the testimony, the probablities of the case, on a fair reading of the whole record, must lead one to the conclusion that in most instances they were correct in concluding that those ballots could not be counted unless the law is to be set aside and some higher law—not merely upon the level of the Constitution of the United States, but so far above it as to be clear out of sight—is to justify the act.

Of course, the alternation of names upon the ballots, the printing of the ballots in unusual type—these are things that are not to be commended. But the question presented to the committee was not whether they should be commended or should be condemned, or what the criticism upon them should be, but what—under the law and the evidence, in justice to these contestants, and to the constituency back in Virginia—what ought to be the decision.

Take the worst case of this kind that has been cited, Amherst County, where strange type was used, where the names were alternated. I ask you upon what principle of justice or of law you can disregard all of the honest votes cast there because the ballot furnished to electors, and the one which they were bound to use, was not prepared as it ought to have been prepared? That is the proposition. It does not seem to present much ground for argument when it is stated; and yet there it is, and there is no easy escape from it. The only way to escape from it is to make another proposition, as the gentleman from Ohio [Mr. GROSVENOR] did, outside the record and outside the case.

The gentleman from Ohio dwelt with some unction upon the fact that this Committee on Elections No. 3, of which by appointment of the Speaker I have the honor to be a member, performed the extraordinary feat of deciding thirteen cases in favor of contestees and two cases in favor of contestants. The gentleman became righteously indignant, as only he can—his moral indignation is of a character that can not be even simulated by anybody else—the gentleman became righteously indignant, as only he can, at the bare suggestion which arose in his mind (but in the mind of nobody else) that the decision of these cases by the committee in that way was a proclamation that thirteen contestants were actuated by fraud and wrong and that only two were honest and clean. The gentleman's discovery or invention—and it partakes somewhat of the character of both discovery and invention—should it be deemed valuable for future use, could easily be patented. He draws all his indignation from within himself, because the facts not tenanting his personality do not warrant it.

Now, what are the facts? The assault which the gentleman made, and about which I am totally indifferent, was upon the majority of the committee, upon four of his own political fellows on this floor—four gentleman who, I take it, in Republicanism as well as in knowledge of the law and in personal characteristics will compare quite favorably even with himself. His assault was made upon these four gentlemen peculiarly and especially by the recital that the committee had disposed of the fifteen contested-election cases in the manner which he detailed. Let us see, now, how plain a tale, founded on facts, absolute facts of record—I was going to say will put him down, but I will say would put anybody else down. Of these fifteen cases the committee divided upon but four. The others had the unanimous support of all the members of the committee. The gentleman's position is that his own party men—he appeals to partisanship—ought in this case to disregard the judgment, the honest, conscientious judgment, of four of their political fellows, because these gentlemen decided too many other cases in a certain way, and are to follow the judgment of two others of their fellows. Why? The "why" does not follow. These two joined with the others in all those unanimous decisions, and as to every one of those cases, I was about to say, even the gentleman from Ohio could not find a pretext for deciding them any other way; certainly he could not in the record and in the law. Now, then, that is all there is of that.

These cases are presented to the House of Representatives, of course, upon the theory that they are going to be determined according to their merits. I know, Mr. Speaker, how we all have our own personal and our political bias. I do not profess to be superior to that myself. I know I am not. It has always been my belief—and I have sometimes exemplified it in my vote—that the wisest thing to do in these cases, even upon the low ground of expediency (saying nothing about the higher, the firm ground of law and right), is to decide them as they ought to be decided—to decide each case so that with parties coming and parties going, and majorities shifting and changing, a man can always stand in the face of his own decision and say, "By this law laid down by my vote, by this decision which I helped to make, I am willing

that my case as contestee or contestant may be judged and determined;" or, "I am willing that my friend may go out or stay in with this as a precedent and this as law."

To summarize: The point made by the gentleman from New York, I submit in all candor and with due respect, can not be sustained by him or any mortal man—that this House has the constitutional right to disregard the law of the State of Virginia with respect to this ballot. That it has the power, the physical power, to do it I do not question, but it can not be that, old and tried lawyer as he is, he is appealing, under the guise of discussing the law, for an exercise of such power. I do not impute that to him. He merely overlooked, in his cursory glance through the Constitution, the provision to which I called attention.

So, Mr. Speaker, as to the marked ballots, if the House proposes to decide concerning them according to what the best writers say, according to every decision, I believe, that can be cited from anywhere—if the House proposes to do that, they can not be counted, and the Committee on Elections was justified in excluding them, and would have been recreant to its duty had it not done so.

An Illinois case has been adverted to, and I will refer to it briefly on this point. I refer to the Illinois case of Steward against Childs, decided in the last House against Mr. Steward, the Democratic contestant, and in favor of the contestee, Mr. Childs, a Republican. There the intention of enough voters whose votes were not counted to change the result was evidently to vote for Steward; but nevertheless the decision on the part of the House was in favor of Childs. It has been said also, and correctly, that the supreme court of the State of Illinois, having occasion to pass on the same question of law, reached a conclusion the opposite of that unanimously reported to the House in Steward *vs.* Childs.

Mark, however, the difference in the cases. The direction of the statute of Illinois to the voter is to make a cross in front of the name of the person for whom he desires to vote, or if he desires to vote a full straight ticket, to make a cross at the head of such ticket. This is the statutory provision. Certain ballots were marked, but not accurately, with the cross, and the commit, tee concluded that they ought not to be counted. In that conclusion, which was ratified by the House, the report being that of a unanimous committee, Childs retained the seat. But the court held that ballots so marked ought to be counted.

Now, what is involved in that? The legislature says to the voter- "Indicate your choice by making a cross mark opposite the name of the person for whom you wish to vote, if you select names on the ticket; or, if you desire to vote the full ticket—the straight party ticket—put the cross at the head of the ticket." The court held, contrary to the committee and contrary to the House, and rightfully held, that if the ballots were marked, though not with a perfect cross, marked imperfectly, the intention of the voter was thereby indicated, and that force and effect should be given to that intent by counting the ballots. Now, mark the distinction between that case and this, which distinction is utterly lost sight of in the high and moral observations of the gentleman from Ohio [Mr. GROSVENOR] and the learned commentary upon the Constitution by the distinguished gentleman from New York [Mr. DANIELS]. There was no provision in that law of Illinois that unless a ballot be marked in a particular place or in a particular manner it should not be counted or regarded as "marked." I venture to say that if the law of Illinois had gone a little further, and provided that a ballot not marked in a particular, specified way should be regarded as not marked at all, no respectable court in the State of Illinois would declare that a ballot not so marked should be counted.

So much for these imperfectly marked ballots. As to the ballots that were alternated, and ballots printed in strange type, I submit the proposition, plain and distinct, where will you come to, how far will the principle hold, how dangerous will the doctrine be, if you assert by your decision that the election board, by failure to properly discharge its duty in furnishing the official ballot, shall have the power to disfranchise the voter? Where will you stop, and how dangerous will the precedent be? Take this case: A partisan board, in a county where the opposition have the majority, make one of these strange tickets, in strange type, tickets with alternating names, the only tickets that can be voted. These tickets are submitted to the voters, and they vote them. Now, if the principle be correct that such ballots should be thrown out and not counted, gentlemen certainly will perceive how this exalted statesmanship, this superexcellent morality with reference to ballots, could be made the effective engine of the most outrageous wrongs. There would be no better way to throw out the vote of an adverse county, provided you happened to have the election board, than to make tickets in strange type, with the names alternating, and out the whole business goes, and the adversary has lost 100, or 500, or 1,000 majority.

Now, see how narrow that ground will be. Will it do to say that you will not apply this philosophy unless you apply it against the man who belongs to the party which happens to contain within its membership the persons who alternated the names upon the ticket and who caused strange type to be used in the preparation of the ticket? What does that mean? It means that if this election board desire to destroy a man of their own party in a county that he ought to carry by a large majority, a majority sufficient to elect him, if through corruption or treachery or any other means they desire to destroy him or enrich themselves, it is only necessary for them to get up a ballot in unusual type, with the names of candidates alternated, and out go all the votes from that county, and away is dissipated into thin air the plurality or majority of the man who has not a single thing on earth to do with it. His crime inexcusable, his crime ineffaceable, his crime to punish to the direst extent, is no more and no less than that the same great national party numbers him and the members of the election board among those who constitute its membership of millions.

Mr. FOOTE. Is there no remedy, then?

Mr. DE ARMOND. I do not understand exactly the purport of the question.

Mr. FOOTE. If the gentleman will allow me, if you admit these frauds, is there no remedy for them?

Mr. DE ARMOND. Why, yes; I think there is always a remedy for fraud, but we can not always find and apply it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCCALL of Massachusetts. Does the gentleman desire more time?

Mr. DE ARMOND. Just a few minutes.

Mr. MCCALL of Massachusetts. I yield to the gentleman ten minutes more.

Mr. DE ARMOND. Mr. Speaker, of course I have nothing to say in justification of the alternating of names or of the using of strange type. I join in the committee's condemnation of it. The question submitted to this House, however, is—unusual type having been used, and names having been alternated—what is to be done in this particular case? The committee examined into it, and comparing the result in the counties where this was done with the result in other counties, the committee concluded that far greater wrong would be done, far wider doors opened for the perpetration of fraud, by laying down the doctrine that these practices should be sufficient to exclude the whole vote of a county than by laying down the contrary doctrine and going into a special inquiry in the special case. Now read the record, examine the evidence, and it will be found that in these particular cases there is no evidence, there is no ground for the inference that substantial harm was done by this course.

It was suggested in the testimony of officers examined on this point why they acted as they did. They say that by having the ballots arranged so that the names appeared in regular order an early voter could ascertain and instruct other voters of a particular race as to that order, and that thus those other voters of that particular race could be practically coerced, no matter how they might individually want to vote, to go into the booths and vote, although illiterate, without calling in the aid of the special constable, and that therefore votes that would go for one candidate by the will of the voter, would, by the coercion of race prejudice, go, in fact, to his opponent. If these men believed that—I do not know whether they did or did not—it is an argument and a reason for the course they took. Such a condition could exist. There could be such a race terrorism as that the individual of a particular race would not, with easy means of prevention at hand, be permitted to vote in any other way than as the mass of the race voted. It is said such condition does exist. I do not suppose gentlemen will argue for enforcing that kind of freedom of the ballot.

In one county Mr. Yost's name was printed "Jacob Yost," instead of "J. Yost." It does not appear that any harm resulted from that. The reason given by the officer was that it was done at the suggestion of the printer, who stated that the full names ought to be put there. It is the usual course to put the full name on the ticket rather than the initials only. He says that Mr. Tucker's name was put on in full; that it did not occur to him. The suggestion was not made by him, but was made by the printer. In another county the name "J. Yost" was printed with a considerable space between the "J." and the other letters. The reason given for this was that "J. Yost" being such a short name, of but five letters, would be easier scratched than the others, and that in fairness, and without having a view of doing him wrong, Yost's name was printed so it would require a longer line to erase it. Whether that is a good reason or not I am not here to argue.

Mr. STRODE of Nebraska. Do you think it a good reason?

Mr. DE ARMOND. It would not have occurred to me as a good reason; but I can state, in view of what has been said in the discussion of this case, that it might seem to be a perfectly good reason to somebody else. It would seem to me that it could not prejudice or give rise to any injustice. There was something said of the letters of the name of Yost being counted to identify it. Doubtless many who did not know one letter from another could

count five; and "J. Yost" could not be printed so as to change it to the counter. Thus we may confidently conclude, from both reason and the record, that separating the "J." from the "Yost" was not harmful in effect.

Mr. GROW. Mr. Speaker, I desire to ask that my time should be taken from either side, as I am not proposing to enter into any discussion of the details of the facts in this case. If I can have the consent, therefore, of the House, I will trespass but a short time upon its attention

Mr. McCALL of Massachusetts. How much time do you want?

Mr. GROW. Not more than ten or fifteen minutes.

Mr. McCALL. I am willing to yield the gentleman half the time he desires.

Mr. WALKER of Virginia. How much time does the gentleman want?

Mr. GROW. I do not think I want to take more than ten or twelve minutes.

Mr. WALKER of Virginia. I will yield the gentleman five minutes.

Mr. McCALL of Massachusetts. I also yield the gentleman five minutes.

Mr. GROW. Mr. Speaker, there has been brought into this discussion a vital and fundamental question affecting the Government itself. Upon that I propose to speak, and not upon any question of facts involved in this case. A hundred and twenty years ago a Virginian announced, in language that will live as long as the spirit and genius of free institutions exist among men, that governments derive their just powers from the consent of the governed. Legislation only fixes the mode and manner of ascertaining that consent. Three hundred and fifty-seven Representatives sit upon this floor representing what and whom? Representing the people of the United States, and the consent of the people of the United States is embodied in the ballots of those voting and having the qualifications of voters as fixed by each State for the most numerous branch of their legislature. When they have thus fixed the qualifications of the voters, that class of voters are our direct constituents; and they represent the people of the United States. This House are their Representatives in lawmaking. The Senate of the United States represents them in the same capacity. Different modes and forms for the election exist in the two cases; that is all the difference. The legislatures of the States, when they fix the qualifications of the voters, have no more to do, and the voters so qualified become our constituents, and it becomes our duty to see that their will is respected in the forms provided for its expression. The legislature of the State fixes the mode and manner by which the will of the voters is to be gathered, and we sit here as judges, in contested-election cases, to determine what part of the rules and regulations made by the States we will consider mandatory and what part directory.

How can we discharge that duty wisely and well? For myself, as a judge in an election case, I should hold all regulations of a State legislature made for the purpose of gathering the will of the qualified voters as merely directory so far as those regulations interfered in any way with the free and fair expression of the voter's will. The qualified voter has a right to express his will and to have that expression embodied as he makes it, and any regulation of a State legislature that is calculated to distract the voter or to enable anybody with fraudulent intent to defeat his will we are bound to hold as merely directory. A court that will construe the laws of a country so as to destroy the spirit and genius of the institutions of that country deserves impeachment, either for want of capacity or for want of a true appreciation of the spirit of those institutions. [Applause.]

We sit as a court of judicature in dealing with these election cases. The judges of the State courts pass upon the laws of the legislatures of the States for all State purposes. They determine what is mandatory and what is directory in the laws that govern the ordinary relations of life within the State, but we are the tribunal to determine whether the free electors of this country have had a fair opportunity to express their will at the ballot box, and where their ballots show clearly and unmistakably upon a common-sense view what their will was and when we can ascertain it, it is our duty to give force to that will by seating the Representative they have selected The State rules and regulations should be made in aid of ascertaining the consent and will of, not to defeat the will of, the constituency of the lawmakers. I trust the day will some time come when every Senator will regard himself as a representative of the United States of America, and not as an ambassador at the court of Congress from some petty community, living within some geographical limits with a local name, and will hold that his highest duty and obligation is to the Government from which he draws his salary and whose honors he enjoys and which Government protects the people in the State where he lives against domestic violence and foreign invasion.

We sit as a court to determine what the will of the legal voter is, if he expresses it plainly and unmistakably upon his ballot before he deposits that ballot in the box, and the forms and rules that the State has established to govern him in so expressing his will by his ballot can not defeat that will by requiring him to be responsible for the proper discharge of the duties required by law of the boards of election. I know that in the Fifty-third Congress a Democratic majority in this House decided, in the case of O'Neill against Joy, that the voter was responsible for the proper discharge of the duties required of the election boards, a doctrine destructive of the whole spirit and genius of free elective government.

The voter is supposed to know the law that applies to himself and the law that directs him how to prepare his ballot. He must conform, to the best of his ability, to such requirements of law or attempt to do so, but there his responsibility ends. To illustrate my idea: The law of Missouri provided that the ballot should contain the names of all the candidates, and that no other ballot than the official one should be used at the election. That was just and proper. Assuming that there would be more than one political party represented on the boards of election, the law provided also that every ballot, when given to the voter, should have on the back of it the initials of two of the judges of election. The testimony in the case disclosed the fact that in most of the boards every member was a Democrat, and they thought it was of no consequence that two of them should put their initials on each ballot; so a large number of ballots had but one initial or name upon it. The Democratic majority in this House threw out the ballots of those voters and thus neutralized the will of the voter in that case, because the boards of election had not done what was required of them by the law, and thus they made the voter responsible for the failure of the members of the election boards to perform their duty. On a technical construction of the law, if it should be held in such case to be mandatory, the legal voters are deprived of their rights. If we are to permit the legislatures of the States to fix the rules and regulations, and are to regard them as mandatory when they defeat the will of the voter if so construed, the result would be, in many instances, to enable the boards of election to defeat the will of the constituents who elect the members of this House. As a court construing laws, we can not construe them so as to defeat the will of its constituents.

Mr. Speaker, there was no charge of fraud in the Missouri case to which I have alluded. It was conceded on all hands that that election was honestly and fairly conducted and that the votes were counted as they had been deposited in the boxes; but when the case came before Congress the Democratic majority then in this House decided that because two of the judges of election in each case had not put their marks upon the ballots as required by law, though one of them had, therefore the ballots were invalid, and they threw out all such votes that had been counted by the boards of election and gave the seat to the Democrat and turned out the Republican who held the certificate of election based upon the returns of those Democratic boards. Mr. Speaker, such a decision as that I do not think should be respected as a precedent by the American Congress. Supposing the board——

[Here the hammer fell.]

By unanimous consent, Mr. GROW's time was extended for three minutes.

Mr. GROW. The decision of the House in that Missouri case was made on the claim of the statute being mandatory. It was a strict construction of legality which defeated equity, which I regard in all cases as wrong. Suppose an election board corruptly designing to cheat the voter and neutralize the effect of his vote, if such a regulation of law as that which existed in the Missouri case is to be held as mandatory, what would they have to do? No matter which party has control, if they desire to cheat the voters, all they will need do is to agree among themselves and say, "The law requires two of us to mark each ballot; now, when a man belonging to the opposite party comes to vote, one of us will mark his ballot, and that will throw it out; then when a voter of our own party comes up, two of us will mark his ballot, and that will be counted." Is it not clear that such a construction of State laws and regulations would enable a corrupt election board to defeat the will of the voters in every case? In this case which is under consideration the law requires that where a voter undertakes to erase the name of a candidate for whom he does not desire to vote the scratch which he makes in erasing the name must cover at least three-fourths of the name. Suppose a candidate's name to occupy 2 inches; if the pen or pencil with which the erasure is made does not run through an inch and a half of that name, then the ballot is worthless. If the erasing line is an inch and three-eighths long the ballot is bad, but if it is an inch and four-eighths long the ballot is good! The election boards would have to have a rule with an infinitesimal scale with which to measure the scratches upon the ballots in order to find out which were legal votes and which were not.

Mr. Speaker, without trespassing further on the attention of the House or upon the kindness of the gentlemen who have yielded me time, I say in conclusion simply this: The will of the voter is

the supreme law of the land in this country. It is the great fundamental principle of free government that its powers are derived from the consent of the governed, and to ascertain that consent is the highest duty and obligation of everybody who sits as a court, whether in a legislative hall or in the civil tribunals of the country. [Loud applause.]

Mr. WALKER of Virginia. I yield fifteen minutes to the gentleman from Michigan [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, it is not my intention to occupy any great length of time, because there are so many gentlemen desiring to speak upon this question, and because I have already been heard by my assent to the report of the minority in this case. I will, however, say that I am well satisfied with the condition of the case up to the present moment. It was opened by the gentleman from Pennsylvania [Mr. CODDING], who laid great stress upon one particular branch of the question. He, in turn, was followed on that side by the gentleman from Wisconsin [Mr. JENKINS]. The distinguished gentleman from New York [Mr. DANIELS] has spoken of the bearing of the constitutional provision upon the question of what votes should be considered and counted by this House as expressing the intention of the voter.

The gentleman from Ohio, General GROSVENOR, has given a general review of this case; and in view of what has been said to the House, I ask myself, How are we to justify a vote in favor of the contestee in this case? Shall we base it upon the principal argument of the gentleman from Pennsylvania, that the ballot as published in the report of the minority is not a facsimile of the ballot as presented in the briefs before the committee? That is too technical; such a principle can not be followed. Then should we base our vote upon the argument made by the gentleman from Wisconsin [Mr. JENKINS]? He says that he can justify his vote for the contestee because in the whole record of this case not a single constable was shown to have committed fraud.

Now, the gentleman's assertion is true, and I desire to tell the House why it is true. The election law of Virginia is such that it places the constable in a booth 40 feet away from any person, and makes it a penal offense for any man to come within 40 feet of him when he is preparing the ballot for an illiterate voter. It was the intention of the lawmakers of Virginia to so fix this matter that it would be impossible to secure any evidence against this special constable. Who is this special constable? He is the center of the entire election. He is responsible for carrying this election for his party. He, in every instance in this record, is a partisan, a Democratic partisan. I believe that the caption-marked ballots were all marked by the constable. There was no motive for any voter to make any marks upon his ticket in erasing the names of candidates for whom he did not desire to vote. No one but a man interested in the result of the election would make extra marks on the ticket for the purpose of having it thrown out by the judges of the election. So, then, the gentleman from Wisconsin was right when he said that in all this record there was not a single iota of proof of fraud upon the part of the special constables in the election in Virginia.

Now, gentlemen propose to justify their vote in this case because they say, repeating the words of the gentleman from Missouri [Mr. DE ARMOND], that the law of Virginia is the law of this House. I find by referring to the record that the gentleman from Missouri is not in harmony with his client in this case. In the CONGRESSIONAL RECORD of 1893, page 1808, I find the gentleman from Virginia [Mr. TUCKER] says:

> As a citizen I bow to the laws of Congress; as a citizen I bow to the decision of the Supreme Court. But as a Representative of the State of Virginia I bow only to my construction of the Constitution in determining my duty.

Mr. STRODE of Nebraska. Was there a contested-election case before the House when those remarks were made?

Mr. THOMAS. No, sir; they were made upon the repeal of the election laws.

Possibly gentlemen will attempt to justify their votes upon the statement made by the gentleman from Virginia who said that Republicans were appointed upon the electoral boards in various districts in Virginia, but that it was not possible to find men of intelligence enough in the Republican party to act on those boards; and that it was right that unfit men should have been excluded. Now let me take a short review of the facts in this case. Under the election law in Virginia the county boards are appointed by the legislature, and the record fails to show that any member of the county electoral board was a Republican. The county electoral boards appoint the constables of the election precincts. It is this same county board that provided for the different juggling tickets in seventy-five different varieties and for printing them in unusual type. So that it was entirely within their control to determine whom they should put upon these various electoral boards. I am amused and interested when I refer to the speech made by the gentleman from Virginia [Mr. Tucker] upon the repeal of the Federal election law, in which he promised this House and the country that we should have fair elections in the South if that law should be repealed. Immediately upon the repeal of that law he goes back to his constituents and asks for a reelection to this House upon this most infamous election law—a law intended for the purpose exclusively of disfranchising a class. I refer to the illiterate voters of Virginia. And the power to do this was placed in the hands of this special constable.

I consider the question now pending of great importance, not only because it decides the right to membership of this body, but because it involves the right of American citizens to cast a free ballot and have that vote honestly counted. I congratulate the House because of the opportunity that has presented itself for it to speak in no uncertain words against the repeated frauds and trickery that have prevailed against honest elections in the State of Virginia. From what I have been able to learn as a member of the Elections Committee of the methods that have prevailed in that State, I venture the assertion that it is the exception if any Democrat holding a seat in this House from that State for years past has been honestly elected. A general perspective view is enough to convince an unprejudiced mind. To illustrate: It is not to be presumed that the people of Virginia are less intelligent or less susceptible to the great advantages to them of the principles of the Republican party than the citizens of other States; yet we observe that the States which surround Virginia and which have wholesome and fair election laws, and where elections are honestly conducted, have left the Democratic free-trade party in the rear, to soliloquize over the ruin it has wrought during its control of the Government. I refer, Mr. Speaker, to the States of Maryland, West Virginia, Kentucky, Tennessee, and North Carolina.

Again, in this Tenth district the record reveals the fact that Mr. Yost, the contestant, carried every county in the district that has the largest percentage of white votes, and that Mr. Tucker claimed his election because of the majorities returned for him in the colored and more illiterate counties.

The stories of the frauds and irregularities that were perpetrated in this district have been very ably presented to you, and I will not repeat them.

For my own part, I believe that the law providing for a system of election that makes it possible for a single individual to change the vote of a whole precinct, and to know how a class of voters, the illiterate, cast their ballots, and permits juggling with a so-called official ballot, by having them printed in various kinds of type and the names in different order on different ballots at the same precinct, is unconstitutional in that it hinders and repels the voter and obstructs the right of citizens in the exercise of the elective franchise.

If my contention that this law is a trick, perpetrated by the legislature to disfranchise a class, can not prevail, then I insist that the frauds perpetrated by election officers under the law should vitiate the election over which they had control.

Then my further contention is that the vote of Amherst and other counties should be thrown out because of the fraud committed by the county electoral board. And if this prevails, the contestant is entitled to the seat.

But the majority of the committee contend that frauds should only be recognized where they exist in precincts; and the votes of precincts are the only ones that can be thrown out, because if a county is thrown out, it would be a "wholesale exclusion of votes;" and that taking all together the official act of the county board in furnishing such tickets was not of itself sufficient fraud to warrant throwing out the vote of the county.

The able gentleman from Massachusetts [Mr. MCCALL] who prepared the majority report in this case says:

> The statute does not provide the precise order in which the names upon the ballot should be printed, nor the kind of type that should be used, but apparently assumed that the officers charged with this duty would be governed by the principles of common honesty and fairness, and would not provide a type which was unusual nor juggle with the names for the purpose of confusing the illiterate voter.

Here is a plain admission that the alteration of the names on the ballots and the substitution of a peculiar style of type were dishonest and unfair. Possibly the gentleman will explain the difference between dishonesty and fraud from his standpoint.

Webster says that to be dishonest is to cheat or defraud, and he defines fraud to be "injurious stratagem," "deceit," "trick." The members of the county board perpetrated all the fraud possible for them, by juggling with the names on the ticket and by the use of unusual type, and their act affected the entire county by hindering, embarrassing, retarding, and interfering with the rights of the voter to cast a secret and free ballot. And yet the able gentleman objects to throwing out the vote of Amherst County because the members of this board did not have personal charge of the election at the several precincts of the county.

My conclusion would be that if fraudulent acts upon the part of the officers of a precinct would throw out the vote of such precinct, then the fraudulent acts of a county electoral board might be cause enough to throw out the vote of a county.

The people of this county, in all walks of life, demand justice. There is no other tribunal in this country that is so free from the

shackles of technicalities as this, and none better able to deal justly by all.

To know the intent of the voter is all the law necessary for this House to count the vote of the citizen. To know that a seat is held in this House by fraud is reason enough to declare it vacant.

Mr. JENKINS, of Wisconsin, says the State law should control. If one locality can enact laws that disfranchise a class of citizens and urge the law in palliation, other localities can do the same, and other and all classes may be disfranchised, and our system of government overthrown.

The right of this House to act independent of all influences, yet always justly, should not be surrendered. And if they do that I expect the contestant will be seated.

I ask to have read by the Clerk the following, which is a part of the record of this case.

The Clerk read as follows:

Heber Ker, a prominent citizen of Staunton, stated, in answer to question 5, page 75, that at the discussion between Yost and Tucker held at the Augusta County court-house—

"Mr. Tucker denounced the pensions in round terms and stated that Yost had voted for every pension that was up while he was in Congress. He said that he had voted for a pension to the widow of General Sheridan, who had devastated our section and robbed our people. And, to the best of my recollection, he used this expression: 'If you want to vote for a man who will rob and impoverish our own people to pay pensions, vote for Yost; I am not that kind of a man.'"

John A. Noor, of Staunton, said (page 82) he was present at the joint discussion between Yost and Tucker at Augusta Court-House:

"Tucker charged Yost with having voted for every pension bill that passed the House while he (Yost) was a member, and referred to Mrs. Gen. John Logan as being a rich widow and not needing a pension. To Mrs. Gen. Philip Sheridan he charged that he had voted for her pension, Sheridan being the general who had devastated the valley with sword and torch and made war upon the women and children."

[During the delivery of the foregoing remarks, the time having expired, an extension of five minutes was granted to Mr. WALKER of Virginia.]

Mr. McCALL of Massachusetts. I should like to inquire of the gentleman from Michigan [Mr. THOMAS], in my own time, who put forth this statement? Is not that put forth by Mr. Yost himself? Does the gentleman pretend that the opponents of Mr. Yost, those who have reported against him, have put forth that statement?

Mr. THOMAS. The gentleman fails to understand me. I said that certain charges had been made against Mr. Yost, and that possibly members might desire to justify their votes upon those charges. So I had this read from the Clerk's desk.

Mr. McCALL of Massachusetts. Mr. Speaker, does the gentleman from Virginia [Mr. WALKER] desire to occupy any time now?

Mr. WALKER of Virginia. We want to occupy some more time; yes. There are one or two gentlemen to speak on this side, and then I will close.

Mr. McCALL of Massachusetts. I would ask how much time remains to each side?

The SPEAKER pro tempore. One hour and eight minutes on the side of the committee and one hour and twenty-nine minutes on the side of the minority.

Mr. McCALL of Massachusetts. I yield five minutes to my colleague [Mr. WALKER of Massachusetts].

Mr. WALKER of Massachusetts. Mr. Speaker, I submit to you and to this House that an appeal for justice at the end of the nineteenth century and in these United States, outside of the letter of the law, however much we may object to the law, is somewhat startling. If there is any one thing necessary to preserve our liberties in this country, and to promote orderly government, it is to obey the law, and obey it to the letter; and if the law does not justify itself to the confidence and the judgment of the community, to seek its change or repeal in its obedience and not in its violation. When I was a boy the words that affected my mind most, in reading the constitution of Massachusetts, were these:

To the end that this may be a government of laws, and not a government of men.

I submit that the appeal of the gentleman who has just spoken [Mr. THOMAS] is to abrogate law and put in its place a government of men, which is foreign to wise practice and contrary to the genius of our institutions.

I understand that it was said by a member, an eminent judge, on this floor yesterday that were he sitting in court, and were this case submitted to him, the letter of the law would be considered by him as mandatory in deciding that the sitting member should retain his seat; and if that is so, what do we here in further discussing this question? A departure from the letter of the law is toward mob law and lynch law. I remember that when Judge Field, of Massachusetts, was the contestee and the Hon. Benjamin Dean was the contestant before this House, the contestant having printed ballots with his name upon them in type so small that hundreds of voters who cast ballots in opposition to him did not discover his name upon them, and therefore the ballots were cast for two candidates and thrown out, the contest was whether the intent of the voter should govern or the letter of the law should be obeyed; and I want to say to this House that, hard as might have been the conditions then, Hon. Benjamin Dean was seated and Judge Field thrown out, to the outrage of the feelings of Massachusetts that a fraud should have been successful. Yet we do not want to hastily flee from the ills we have and fly to others we know not of. Yea, we do know the evil of departing from the letter of the law; and here in this day, when contests are being made hot and bitter on the part of those who met us in arms but shortly ago, and who sometimes have justified and defended frauds while the national election law existed, but who are now fighting to the death, in this very State of Virginia, for the abrogation of unjust laws made to defraud the voter, I beg of this House not to weaken the hands of honest men who are fighting for the correction of unjust laws by deciding this contest upon the ground that the Congress of the United States, in election cases, shall supervise and change and defeat the purposes, even though they may be bad, of the lawmakers of a State.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WALKER of Massachusetts. I should like about three minutes more.

Mr. McCALL of Massachusetts. I yield two minutes more to the gentleman.

Mr. WALKER of Massachusetts. I want to say that as a matter of theory no greater benefit could come to the South than a just and equitable national election law, for that is desirable upon every ground of equity. And yet it is the price we pay for our institutions that the State shall have the power to do a wrong under the forms of law until their judgment is corrected by moral suasion, not by Federal interference. We have had just Federal interference, to the sad defeat of actual justice, to the defeat of reforms, at the South. If we admit the justice of Federal enactment, its effect was bad. Do not let us in this House follow beyond the letter of the law in an attempt to do justice outside of the forms of law, and thereby perpetrate at the South a greater injustice at the very time when the honest and honorable men of the South are striving to correct the evils which are complained of by those who sign the minority report of this committee. We have had experience, sad enough, in this direction. Let us stand by the letter of the law of a sovereign State, whether we approve or not, depending upon the State to correct it. Centralization in this Government is destruction. It has been the salvation of this Government thus far that we have forty-five States, each doing more or less of right or wrong, in the judgment of the other forty-four. Let us stand by the principles of our Government in their entirety.

Mr. WALKER of Virginia. I yield ten minutes to the gentleman from Ohio [Mr. TAYLER].

Mr. TAYLER. Mr. Speaker, the position just announced by the gentleman from Massachusetts [Mr. WALKER] fairly characterizes the foundation upon which rests the claim of the contestee, which is "to stand by the letter of the law." It is only by standing by the letter of the law that the contestee can hope to hold his seat in this House. But I deny that this House or any court, even though that court be bound by statutes or form of procedure, is bound by the letter of the law.

Mr. JOHNSON of Indiana. Shylock pleaded for the letter of the law!

Mr. TAYLER. Quite true. I thank you "for teaching me that word." It is the spirit of the law that everywhere prevails; but nowhere is it of such commanding influence as in this House. I listened with great interest to the argument made by the gentleman from Missouri [Mr. DE ARMOND] upon the only proposition upon which I propose to speak, and that for a moment only; and I discovered that he fairly illuminated the proposition which he presented. He illuminated the philosophy of technicalities. He disclosed here the theory of a technicality. He furnished us with a very glorification of form and technicality; but I undertake to say that this House, no matter how controlled it may be as a House in which there are many trained lawyers, will never stand upon a position that is technical unless that technical position is intended to uphold some partisan contention or some private judgment that is not founded upon reason. I know that this House is not and can not be unmoved by the genial and cultured gentleman, the sitting member, whose seat is now in question. We all know that he has added to the reputation of his distinguished ancestry, and that these circumstances will have their weight, and perhaps ought to have their weight here.

But, after all, we are confronted with the great question as to the power of this House to do right; for in no other form does the question come. Having seen the right, has the House the power to do the right? Now, I shall not discuss the great question as to the power of this House, sitting as a judicial body under the Constitution, which makes it the sole judge of the election of its members. That, I think, has been thoroughly exhausted by the gentleman from New York [Mr. DANIELS].

The House of Representatives, when sitting in its highest capacity as a judge of the election of its own members, is, I apprehend, bound only to do right. It is not hedged in by any merely technical limitations. It is not the creature of statute law. It must do right as it sees the right. To do less, when it knows how to do all, is to belittle its own dignity and shear itself of its inherent power. Courts of justice, whose power and procedure are defined by statute, are often compelled, in the administration of the law, to do injustice in specific instances. Congress, in the exercise of this, its highest prerogative, is never compelled to do injustice. In order to determine who is entitled to a seat in this House all that we want to know is this: Who is it that the qualified electors of a given district wish to represent them? In answering this question we may sometimes do an injustice because we do not know whom they want. But we can never do them or the country injustice by awarding a seat to one who we know has been chosen by the qualified electors. The trouble is not that technical rules bind us, but that technical rules have so smothered the evidence that we can not find the truth, and then we must leave matters as we find them.

But I do desire to say a word upon the statute itself, and the construction and the effect to be given to that statute. But it is to the other question that I desire especially to address myself. Is the statutory provision referred to mandatory or directory? Whether a statute is mandatory or directory depends not on the language alone but upon all those conditions which we are in the habit of considering in the construction of statutes. The spirit of the law, the reason for its existence, is as vital as the language. It was not a vain or a purposeless thing that the legislature intended to do. I think I will not be contradicted when I assert that a statute abridging the right of a qualified elector to freely and intelligently express his will is to be liberally construed as regards the elector and most strictly construed against those who would limit the right. This is a representative form of government, which is an expression by the wish and the will of the people. Every official act, no matter how important or unimportant, however trivial or great, is but an expression of the people's will; and all these forms and ceremonies through which we pass are but to extract from the people an expression of their desire. The chief aim of a republic is always, therefore, to find out what the people want. All else yields to that. The sovereign comes first, and the sovereign resides in the ballot box. It may elsewhere exist, but it is nowhere else to be found.

Now, these are well understood but apt to be forgotten generalities. We have escaped them, perhaps, in this discussion. We have been getting down to an examination of technicalities, forgetting the purpose for which the people assemble, and that all the machinery of elections is to bring about an expression of the people's desire.

We create complicated election machinery for what? In order that we may really know what the sovereign says. We pass corrupt-practices acts. Why? In order that we may be sure that it is the sovereign, and not something else, that speaks. We have our proclamations of election, our judges, our ballots and ballot boxes, our booths and returns. Why? In order that we may hear and obey the voice of the people.

It seems to me that this machinery of elections, in so far as it relates to the construction of a statute governing elections, divides itself into two parts. First, that which pertains and relates only to the body of the electors, and all of them alike, the mere implement provided by means of which the elector himself may exercise his right, which is all that the machinery is provided for. Second, that part which gives to the voter himself the means by which he by himself and for himself may give expression to his wish; that is to say, the very act of voting itself. Now, I undertake to say that one kind of construction can be put on the act creating the machinery and another kind upon the voter's act by means of which he expresses his will. As to the first of these, it is apparent that, if we would not have chaos and confusion, certain restrictive provisions must exist. It is essential that there should be a common place for holding the election for a given community; there must be judges or supervisors to see that the ballots are collected and that they are counted and returned; there must be ballot boxes and booths and tickets. These things are all essential, if we are to have any respect for elections; that is, they are essential if we are to believe that the sovereign has really spoken and if we are to know what he has said. But these are all merely preliminary; they are merely introductory—we would do away with them if we could; they are done only that the elector may have an opportunity to say what is in his mind, to express his will. And this brings me to the second part of this election machinery—the supreme act of the voter, the exercise of the sovereign power—the greatest on earth.

The qualified elector, on the day fixed by law, in his proper precinct, at the place appointed, before the judges chosen, receives the lawful ballot, upon which are inscribed the names of all the candidates for the office to be filled. He takes this official ballot and retires to the booth where, in secret, with no human eye to overawe, he is to execute a freeman's will. Now is the supreme moment; this is the instant of fate. He expresses on that bit of paper his wish and will. It is in order that he may so express his will that all this cumbrous machinery is provided. What does he say? Does the ballot clearly tell? Let it speak for itself. If it does, it is well. No statute intends to suppress the voice thus expressed. It intends to give expression to it. If the desire of the voter can be learned the law is satisfied.

What he does is the result of all the machinery that is only intended to make that easy; and I venture to assert that all the statutory provisions in the State of Virginia pertaining to the conduct of that voter, as respects the ballot which is to get into his hands, is directory merely. Why, any law that undertook to limit the power of the voter to express his will after he had gone through all the channels that the law provided up to this secret box in which he is placed to record his intentions would do violence to the spirit that lies back of it. I say that all the statutes that undertake to deny him the right to there intelligently express himself run counter to the whole principle of our Government and the purposes of our law. So that when he at the appointed time, at the appointed place, from the appointed judges, receives the lawful ballot, and retires to the booth to make his ticket, the law puts upon him no unreasonable restriction, but asks him only, "Record your will, and we will do it," and when he retires and makes a mark which we look upon as an unmistakable evidence of his will, no court, I venture to say, will declare that that is not lawfully marked.

The statute says that he must mark for three-fourths of the length of the name. Suppose he marks four-fourths of the length of the name; suppose he marks one ten-thousandth less than three-fourths of the length of the name; suppose he makes 50 perpendicular marks, each letter being crossed by 5 perpendicular marks, almost obliterating it, yet those marks not covering three-fourths of the length of the name; do you suppose that any court would say that that was not marking sufficiently to indicate the will and desire of the voter?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. TAYLER. Just one moment more.

So I say that as to that part of the election machinery which pertains solely to that act of the voter whereby, with all the lawful and official implements, he undertakes to express his choice, all that is left to do is to determine whether the paper that he presents expresses fully and intelligently his choice; and if it does, this House can never justify itself to itself or to the people that it represents if it fails to do that which it knows to be right and which it knows the people wanted done. [Applause.]

Mr. WALKER of Virginia. I now yield ten minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, I desire only to present for the consideration of the House one single proposition, which, it seems to me, is conclusive of the present case. It will be conceded, I think, by all political parties that if the legislature of a State should enact a law that no judge of an election and no constable having authority to mark ballots for a voter should be selected unless he belonged to a certain specified political party, I think there is no question that, without regard to party, it would be agreed that such a law was unconstitutional.

The law under which this election was held did not in terms provide for any such condition of things as that; but in effect it had that result. The county chairman of the executive committee of one political party was made chairman of the electoral board of the county of Amherst. He and his two associates all belonged to the same political party; and they selected the other election officers. And the constables authorized to mark the tickets all belonged to one political party. In six of the precincts in that county there was no election officer that did not belong to one specified political party. Would any member of this House feel that his chances were not seriously impaired if the chairman of his opponent had the control and management of the election?

Now, it will be conceded that if a law directly authorized or required such a state of things, the law would be invalid as interfering with a free and fair election. But the law does not so require, and this use of the law was an abuse of it. That abuse of the law placed upon the voters of that county the duty of trying to protect themselves against the abuse, and they educated themselves so as to learn the name of the man of their choice without having to subject themselves to the direction of a political adversary in the voting booth. Having prepared themselves, with the name of the candidate of their choice in their vest pockets, having familiarized themselves with that name so that they could read it wherever they saw it, what next was done? Those partisan electoral boards made an arrangement by which, when the elector came into the voting booth, he was confronted with a new language; he was presented with a ticket printed in the German

language. He was thus prevented from making use of the knowledge and the education that he had acquired in the progress of the campaign.

Now, under the circumstances of this case, what is the fair thing to do with that county? If you throw out the six precincts where no election officer represented the people excepting members of one particular political party, that carries out 351 of the votes for the sitting member; and according to the report of the committee he has but 161 majority. Thus the contestant would be entitled to the seat.

Now, I do not care to follow this report through all of its diverse statements. The Elections Committee have a duty to discharge within their jurisdiction, and I feel reasonably bound by their findings upon questions of fact. They have better opportunities than we have to go into the facts. But when the facts are stated, it appears to this body something like the finding of a referee in a court of justice, where the facts are established, and it becomes a question of law upon a given state of facts established before the referee. The committee have found the facts. This House may put its own construction upon the law.

If I were to take the brief of the contestee—and I read it with interest and care; my respect for the high character and standing and ability of the contestee would lead me to do that; my personal regard for him would lead me to do that—taking the brief of the contestee, I think it was demurrable. You could admit every fact stated in that brief, and the result would be to give the contestant the right to the seat.

When you find such a state of facts as I have described—that after the preparations had been made by the illiterate voters to enable themselves to read the name themselves, and not to be placed at the mercy of a political adversary in the marking of their tickets, the partisan boards, necessarily with the knowledge and consent of the gentleman running upon the ticket on that side, took the course I have stated—it would require us to exclude that county from the count, or at least to exclude from the count the six precincts in that county where the boards were composed entirely of men of one political faith. Thus the result would be that the contestee would be entitled to the seat.

Now, it is not necessary to discuss these other points. We are in the situation that the Emperor Claudius once was. The statement was made to him that there were sixteen reasons why a particular witness was not present. The first reason was that he was dead! Claudius told the advocate that it was not necessary to give the other fifteen. [Laughter.] So when we have found that this one proposition settles the question, it is needless to go into the question of the marking of the ballots; it is needless to discuss these other questions, although they are exceedingly interesting; because upon the very face of the record as laid before this House by the committee itself, it seems to me that Amherst County ought to be excluded either in whole or in part from the count. The committee condemns the act in strong language.

> The statute does not provide the precise order in which the names upon the ballot should be printed nor the kind of type that should be used, but apparently assumed that the officers charged with this duty would be governed by the principles of common honesty and fairness, and would not provide a type which was unusual nor juggle with the names for the purpose of confusing the illiterate voter.

And contestee does himself honor in not defending this action of his partisans.

And the legislature of Virginia has since then condemned this act by making such a proceeding a crime punishable by fine and imprisonment.

This, Mr. Speaker, is the only point to which I desired to call the attention of the House. It is simple, and in my judgment conclusive. It changes the result. We can not give to the contestant the full measure of justice to which he is entitled. The term of this Congress is about to expire; he can only come in during the closing hours of the session and exercise his right as a sitting member. Practically his district has been deprived of representation upon that side of political questions on which the majority has evidently appeared. But it is the duty of the House to settle the question fearlessly, without favor and partiality, and hence, Mr. Speaker, I shall vote against the report of the majority of the committee upon the question of law, in the belief that the contestant is entitled to his seat.

I yield back the remainder of the time.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills and joint resolution of the following titles:

A bill (H. R. 3075) for the relief of John A. Lynch;

A bill (H. R. 8038) for the protection of yacht owners and shipbuilders of the United States;

A bill (H. R. 9901) to detach the county of Audrain from the western district of Missouri and to attach the same to the eastern district of said State of Missouri; and

Joint resolution (H. Res. 152) to authorize the Secretary of the Interior to use Fort Bidwell for an Indian training school.

The message also announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 3491) granting an increase of pension to Capt. John W. Dodd;

A bill (S. 3520) to provide for the erection of a custom-house in the city of New York; and

Joint resolution (S. R. 184) authorizing the Smithsonian Institution to participate in the Exposition of Gas Apparatus and Appliances, to be held at Madison Square Garden, New York City, January 27 to February 6, 1897.

The message also announced that the Senate had passed with amendments the bill (H. R. 9643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes, in which the concurrence of the House was requested.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 757) granting an increase of pension to Adelaide Morris, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. ROACH, and Mr. BAKER as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 905) granting a pension to Mary W. Keefe, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. PEFFER, and Mr. PRITCHARD as the conferees on the part of the Senate.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the bill (S. 3555) to amend an act entitled "An act extending to the Eastern Nebraska and Gulf Railway Company right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska," by extending the time for the construction of said railway; in which the concurrence of the House was requested.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and resolution were taken from the Speaker's table and referred as follows:

A bill (S. 3491) granting an increase of pension to Capt. John W. Dodd—to the Committee on Invalid Pensions.

A bill (S. 3520) to provide for the erection of a custom-house in the city of New York—to the Committee on Public Buildings and Grounds.

Joint resolution (S. R. 184) authorizing the Smithsonian Institution to participate in the Exposition of Gas Apparatus and Appliances, to be held in Madison Square Garden, New York City, January 27 to February 6, 1897—to the Committee on the Library.

A bill (S. 3555) to amend an act entitled "An act extending to the Eastern Nebraska and Gulf Railway Company right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska," by extending the time for the construction of said railway—to the Committee on Indian Affairs.

LEGISLATIVE APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I ask unanimous consent that the legislative appropriation bill, just returned from the Senate with amendments, be taken up, for the purpose of asking that the Senate amendments be printed and numbered, and the bill referred to the Committee on Appropriations.

The SPEAKER pro tempore (Mr. DALZELL). Is there objection to the request of the gentleman from Indiana?

There was no objection, and it was so ordered.

CONTESTED-ELECTION CASE—YOST VS. TUCKER.

Mr. WALKER of Virginia. I now yield five minutes to the gentleman from Pennsylvania [Mr. BRUMM].

Mr. BRUMM. Mr. Speaker, of course five minutes is entirely too short a time to go into anything like a general discussion of the pending case, and therefore I shall simply undertake to touch upon one point in the time allotted to me.

While I agree with the learned gentleman from New York [Mr. DANIELS] and my colleague from Pennsylvania [Mr. GROW] as to the general propositions submitted by them, yet every Representative on this floor, in the exercise of his rights and duties, sits here not only as a legislator, but, in the case now before us, as a judicial officer, to try and consider the law of the case as presented to us.

I, for the sake of argument, will acknowledge, at least, that this law of the State of Virginia is mandatory with reference to striking the ballots, or the names on the ballots. For the sake of argument, I will assume that that is the law, and that we have no right to question it; and yet, notwithstanding that fact, Mr. Speaker, I claim that the first thing we should inquire into in such a case as this is, What are the rights of the voters themselves? The voter is presumed to have voted legally; and that presumption must remain until controverted by direct testimony. Every voter who cast what is known as a "scratched ballot" is presumed

to have cast a proper ballot until you prove the contrary. In other words, the burden is shifted to the contestee when the ballots are shown to have been cast for contestant. What proof have we that these ballots were not properly marked? I now refer to the burned ballots. We have not a scintilla of evidence to show that they were not properly marked, except the testimony of the memory of certain men, and upon that character of testimony we have the right to exercise our own judgment as to whether they were properly or improperly marked.

Upon what judgment, Mr. Speaker, were these votes thrown out? Why, upon the judgment of a partisan election board, and that alone; and they having destroyed the evidence that will enable us to use our own judgment, as compared with theirs, I claim upon the general proposition and the presumption of law that every voter has voted legally until proof is submitted to the contrary, and that every one of these ballots should be counted for contestant.

Why, Mr. Speaker, if you please, the contention made here reminds me of the old story brought up time and again of a man who was tried and found guilty for murdering his father and mother, and upon conviction, being asked by the judge if he had anything to say why the sentence of the court should not be pronounced against him, replied, "No, your honor, I have nothing to say except to ask the court to be merciful to a poor orphan." [Laughter.]

These men have destroyed the only or the best evidence in the matter. It was done by the officers of the law, and the contestee claims, notwithstanding that it has been destroyed, that he shall receive the full benefit of the act. We claim that because the election officers have exceeded their duty that the burden of proof shifts to the other side, and that the party claiming the advantage of the condition that they have brought about must exhibit his right to that condition by suitable evidence to convince this House. Why, take, for instance, the name of James Selden Cowden, printed on one of these tickets on page 13. On that name some mark has been made beginning near the letter "J," and running down through the name to just below the letter "d," in the word "Cowden," part of the mark being through the name, but not all of it. Now, the election officers threw that ballot out; and yet I contend, sir, that under the strictest construction of the law that ballot was properly marked. And who will contend that we have not a right to use our own judgment as to whether it is or is not properly marked? Upon that proposition alone I claim that the contestant should be seated.

But again, as to the Committee on Elections. The committee have conceded that you have a right to violate the law; that when you state that a voter comes into the booths, marks his ticket, folds it up, and by doubling it happens to blot out all of the names because of the spreading of the ink before it is dry you can take cognizance of the accident in that case, although it is against the letter of the law; but you can not take cognizance of what may be an accident as to the length or exact course of the mark required by the strict letter of the law. In other words, they claim that we have no right to inquire whether the mark was not made by accident whereby the intent of the voter was defeated.

[Here the hammer fell.]

Mr. WALKER of Virginia. I yield five minutes to my colleague [Mr. THORP].

Mr. THORP. Mr. Speaker, entertaining, as I do, a very high regard for the gentleman from Massachusetts [Mr. MCCALL] who prepared this report, and a high regard for all the members who signed it, it is with great reluctance that I feel constrained to take issue with the conclusions which they have reached, a reluctance, sir, that is only overcome by the firm conviction on my part that this conclusion does rank injustice, not only to the Republicans of the Tenth Congressional district of Virginia, not only to the Republicans of the State of Virginia, but injustice to that large class of voters in that State who are struggling to free themselves from the thraldom of an election law the most infamous that exists anywhere in the Union.

I am thankful to my friends for one thing, if I have cause to be thankful to them for nothing else, and that is that they have at least stated the case so clearly to this House that it is unnecessary for the members to go into the record, but they may simply take the report of a majority of the committee and pass upon it, and do justice to this contestant; and if they do it, then the contestant will be seated.

I had supposed that the object of contested-election cases was to arrive at the will of the voter. I had supposed that it was one of the cardinal principles governing these cases that where that will could be ascertained, regardless of mere forms of law, that will would be enforced.

Now, I wish to call attention to the fact that from the report of the committee, and going no further, if you count the votes of the qualified voters who went to the polls and endeavored to vote for this contestant, the contestant is seated. More than that. Take the other horn of the dilemma, if you choose, and reject the ballots from the county of Amherst, which bear the badge of fraud upon their faces, and he will be elected regardless of everything else in this case. I think, sir, that it would not be very difficult for men who are inclined to do justice to at least say that the fraudulent ballot on the one side should be rejected, or all the ballots fairly cast by honest voters, upon the other, should be counted. Why, some gentlemen seem to claim that there is one law in Virginia and another law here. As far as I am concerned, I am frank to say that I believe, in the highest court in the State of Virginia as well as here, the intention of the voter, when it can be ascertained from the face of the ballot itself, would prevail there, as it ought to prevail here.

Why, it seems that my friend from Massachusetts [Mr. MCCALL] is to apply a measuring tape to a line drawn across the ballot. I can see him now, sitting with that measuring tape and ascertaining whether a voter had marked exactly up to the very identical spot, three-fourths of the length of the same.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. THORP. Mr. Speaker, I regret very much that my time has expired, as I feel that I have hardly reached the threshold of the case; but recognizing the fact that I am to be followed by my distinguished friend from Virginia [Mr. WALKER], I yield the floor with less regret than I otherwise would.

Mr. MCCALL of Massachusetts. Mr. Speaker, I yield fifteen minutes to the contestee, the gentleman from Virginia [Mr. TUCKER].

[Mr. TUCKER addressed the House. See Appendix.]

Mr. WALKER of Virginia. Mr. Speaker, it has been agreed between the gentleman from Massachusetts [Mr. MCCALL] and myself, inasmuch as so many gentlemen have desired to speak in this case and have occupied so much of the time, that the time for debate shall be extended on either side, say fifteen or twenty minutes, and I trust that will be agreeable to the House.

Mr. TUCKER. I should have been glad to have known of that arrangement before I yielded the floor.

Mr. MCCALL of Massachusetts. Mr. Speaker, will you inform us how much time remains to each side?

The SPEAKER pro tempore (Mr. HEPBURN). The friends of the majority report have forty-one minutes remaining, and on the other side there are fifty-nine minutes left.

Mr. NORTHWAY. Let me suggest to the gentlemen in charge of the case that they get unanimous consent to continue the debate until 5 o'clock, and that the vote be taken immediately after the morning hour to-morrow.

Several MEMBERS. No! No!

Mr. MCCALL of Massachusetts. I suggest that the time for debate be extended until 5 o'clock, each side to have half of the extension, and that the vote be taken at that time.

Mr. WALKER of Virginia. How much will that give our side?

Mr. MCCALL of Massachusetts. You will have fifteen minutes and we will have the same.

Mr. WALKER of Virginia. All right.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent that the time for debate be extended until 5 o'clock, at which time the vote shall be taken, and that the extended time be divided equally between the two sides. Is there objection?

Mr. NORTHWAY. Mr. Speaker, unless the vote is to be postponed until to-morrow, I must object.

The SPEAKER pro tempore. Objection is made.

Mr. WALKER of Virginia. I hope the gentleman from Ohio will withdraw his objection. The gentleman from Massachusetts and myself, who control the time, had agreed to this beforehand, and I trust the gentleman will not insist on his objection.

Mr. NORTHWAY. Well, I withdraw the objection.

Mr. COFFIN. I object.

The SPEAKER pro tempore. Objection is made.

Mr. WALKER of Virginia. Mr. Speaker, it is with regret that I dissent from the views of the majority of the committee in this case.

Nothing but an imperative sense of duty could induce me to ask this House to adopt the minority report; but feeling satisfied in my own mind "beyond a rational doubt" that under the law and the evidence the contestant is clearly entitled to a seat in the Fifty-fourth Congress, and that the contestee is not entitled to a seat in this House, I ask a patient hearing at the hands of the members of this body while I present, as briefly as possible, the views of the minority of the committee, and give the "reasons for the faith that is in me."

At the outset of this discussion I disclaim all personal feeling for or against either party to this contest.

For the contestee I entertain the kindest sentiments, personally and politically. I make no war upon him; but I shall here as everywhere make bitter, unrelenting, and unceasing war upon the fraudulent, corrupt, and partisan methods by which the contestee

was returned as elected to a seat in this House, and by which the contestant was deprived of that seat.

I am glad of this opportunity of entering upon the records of the nation my earnest and indignant protest, as well as the protest of every honest citizen of Virginia, irrespective of party affiliations, against the most unjust and partisan system of election laws and methods that ever disgraced the fair name of any State or country.

These laws, conceived in sin and brought forth in iniquity, were deliberately planned, devised, and enacted with the central idea and design of making fraud and corruption easy and safe, and of hoodwinking and deceiving illiterate voters.

This design of its framers was an open secret. When the Anderson-McCormick bill was pending before the general assembly of Virginia, a prominent Republican asked a leading Democratic State senator, the patron of the bill whose name in part it bears, "Why do you Democrats want to pass such an unjust law?" and received this sneering and truthful answer: "In order to beat you Republicans; and what are you going to do about it?"

As bad as the law itself is, the manner of its execution is worse. It is intrusted for the most part to violent partisans, who hesitate at no wrong and turn aside at no frauds necessary to accomplish their purposes.

The constitutional rights of honest electors are willfully disregarded and ruthlessly trampled upon, and for these wrongs no adequate remedy is given by the statute and no redress can be had from the courts.

These statements are fully justified by the record in this contested-election case, as we will see later on.

But I will first sustain these sweeping denunciations of the law and the manner of its enforcement by editorials from leading Democratic newspapers published in Virginia.

The Richmond Times, the ablest and one of the best patronized Democratic papers in Virginia, whose editor is a gallant ex-Confederate soldier, has for several years been making war upon the election law of Virginia and upon the criminal frauds practiced under cover of its provisions by the election officers.

That paper, in 1894, just before the Congressional election, in commenting upon the corrupt methods which had been determined upon by Democratic election officers all over the State, used this vigorous language:

We frankly admit that we believe that we are beaten; and in what contest, pray? In a contest for honest and fair election. If we should tell this to a stranger we expect he would say that the contest itself was stranger than he. But there is that contest, nevertheless; but the Times is on the side of perfectly fair elections. The Times believes, though, it is "knocked out," and that cheating, and cheating of the petty-larceny order, is to be the rule in the coming election. It is impossible to account otherwise for the pertinacity with which it is insisted that Judge Simmons's construction of the Walton law is the construction which the election officers must accept. * * *

Nevertheless, as we have before said, we admit that we are beaten. We see perfectly well that constables are to be given to understand that they are only required to tell voters what names to erase, and the coming contest is to be fought by the Democratic party in the negro counties upon the lines of hoodwinking and deceiving all the ignorant negroes possible.

The record in this contested-election case of Yost *vs.* Tucker proves that the battle was fought out on these lines; and that on these lines of cheating, hoodwinking, and deceiving the illiterate voters the battle was won by the contestee and lost by the contestant.

The same paper, in an editorial published only a short time before the election, says:

We most earnestly hope that the State of Virginia may send a solid delegation of Democrats to the next Congress, but we want them to be Democrats who are elected to Congress by a majority of the voters in their districts casting their willing suffrages for them, and not Democrats put into place by trickery of any kind. Bad as it would be for Virginia, bad as it would be for the whole country, for Virginia to send Republican Congressmen to Washington, we had rather see the Republican Congressmen fairly elected than to see the Democrats stuffed into the place of Congressmen by frauds in the election. It is gradually coming out that there is an understanding prevailing in some quarters that the Walton law itself is to be made an instrument for working a fraud in the coming election.

The same paper three months after the election, on the 5th of February, 1895, says:

In an editorial article in Sunday's issue, discussing elections in Virginia, the Dispatch says that the answers of Messrs. McKenney, Tyler, and Tucker in the contests for their seats in Congress demonstrate "that there never were any fairer elections held in any State than those held in Virginia last fall."

Gracious heavens! to what are we coming? We pass entirely by the cases in which it is charged the ballot boxes were actually stuffed with fraudulent ballots, because we have no time to make a further investigation to demonstrate actual fraud, as we were forced to do in the Smithers precinct case, in order to stop the Dispatch from saying that our elections were then honest. But we want to ask the Dispatch a question. It knows that in very many counties the ballots were printed last fall in half a dozen different forms at each precinct, so that an illiterate voter might be misled and confused. It also knows that many illiterate voters, not being willing to trust a constable of an opposing political party to prepare their ballots, prepared them as they best could, and thus either voted for candidates they were opposed to or botched their ballots so that they had to be discarded. Now the Dispatch ought to know that all this was prearranged for by some central authority, the identity of which we have never yet been able to discover, for the purpose of misleading the illiterate voters and producing that very confusion, and that the design actually worked out in execution just as it had been arranged for, and that in this way thousands of illiterate voters were either deprived of their votes or they had them counted for candidates that they were opposed to. Does the Dispatch think that an election in which this thing was practiced in many parts of the State was one of the fairest elections that ever was held in any State?

We urge the Dispatch, for heaven's sake, if it insists upon defending the election of last fall, to defend it upon its true ground; urge that the Walton law worked as its framers expected and intended it would work, so as to fool many voters and disqualify many others. But do not desecrate the name of fairness by saying that the election was fair. It was an election in which voters who are by law entitled to vote as they please were tricked and thus deprived of their votes, or made to vote for their adversaries. It was a masterpiece of trickery that reflects undying infamy upon its manipulators. It can be defended as being one of the most successful pieces of work that ever was engineered. * * *

Again, on April 3, 1896, in writing of the contested-election case of Thorp *vs.* McKenney, recently decided by this House, it uses this language:

We can not say that we are surprised at the report of the subcommittee which has investigated the case of Thorp *vs.* McKenney, recommending that Mr. McKenney be unseated, and that Mr. Thorp be seated in the House of Representatives. We have not critically examined the record of this contest, though we know something of it, but we have frequently made a critical examination of the previous contest in that district between Goode and Epes, and we can candidly say that a more atrocious record than that was hardly ever brought under our eye for review. The methods adopted to deny his seat to Goode and to give it to Epes have been frequently commented upon in these columns, and finally received the most positive and emphatic condemnation of Virginia's court of appeals.

These were not the measures used to carry the district for McKenney. The methods used in the last case were the slight-of-hand ones to which the Walton law was dedicated. They consisted in the smart work of alternating names on the ballots, and such fine slight-of hand tricks as the special constable and unscrupulous election officers were prepared to do.

It is a painful and mortifying thing for a Virginian to contemplate the setting aside of a Virginia Congressional election for fraud, but when an election is carried by the detestable methods which the Walton law was plainly intended to recommend to the people of Virginia, it is impossible for us to feel any regret if it is annulled as fraudulent, and, therefore, to be condemned by honest men. Negro rule would be a fearful calamity with which to confront us, though, indeed, it is nothing but a bugaboo, but we shall never permit the inconvenience of a negro majority to drag us into approving of dishonesty and fraudulent tricks. Anything is better than that.

Similar articles from the Petersburg Index Appeal and other leading Democratic journals might be produced, but want of time will not permit me to introduce them here. With these Democratic opinions of the Virginia election laws and election methods, we leave its defense to its friends, if it has any.

A brief synopsis of the Virginia election law is necessary to a correct understanding of the questions at issue in this controversy, and will be briefly referred to.

The statute provides that the legislature shall choose every fourth year three voters of each county and city in the State, who constitute an electoral board for that county or city.

These electoral boards have entire and exclusive control of the election machinery of their respective counties and cities.

They appoint a registrar for each voting place, who is removable at their pleasure.

The electoral boards appoint three judges of election for each precinct, who, in the language of the statute—

Shall be chosen from persons known to belong to different political parties where it is possible to do so, each of whom shall be able to read and write.

The said boards are also required to appoint a special constable for each voting precinct "who shall be an honest and discreet person and able to read and write."

The duty of this special constable is defined by the statute to be:

At the request of any elector in the voting booth who may be physically or educationally unable to read and write, render him assistance by reading the names, and offices on the ballot, and pointing out to him the name or names he may wish to strike out, or otherwise aid him in preparing his ballot.

To the electoral board is intrusted the duty of furnishing an official ballot. The statute requires that this ballot shall be prepared by the electoral board; printed in secret by a printer sworn not to divulge the size, style, and contents of the ballot to anyone. These ballots must be printed under the immediate supervision of a member of the electoral board, who shall be present all the time. They are to be stamped with an official stamp, made up in sealed packages, and delivered sealed to one of the judges of election to be opened and counted at the polls on the morning of the election.

The voter applies to the judges for an official ballot, carries it into a booth provided for the purpose, marks out the name of all the candidates except those he wishes to vote for, and returns it to the judge to be deposited in the ballot box in his presence.

If educationally or physically unable to mark his ballot, he can call upon the special constable for assistance.

The electoral boards are nominated by a party caucus of the Democratic members of the Virginia legislature, and are in every instance Democrats, and, from the manner of their selection by a party caucus, are necessarily partisans. These partisan boards put "none but Democrats on guard."

In many instances the board violates the plain provision of the law requiring that the three judges of election at each precinct shall belong to different political parties, and appoints three Democratic judges; and in many cases they appoint pretended Republican judges who are not recognized as Republicans by their party,

and who are known to be corrupt, or are ignorant and unable to read and write, easy victims to fraud and manipulation.

The registrars at each precinct are almost invariably Democrats.

It will thus be seen that the Republican party has no representation in the election machinery, and is denied all voice in the execution of these laws, so skilfully framed as to permit of the grossest frauds.

Coming now to the law and the facts disclosed by the record in this case, we find that the contestee is returned by a plurality of 892 votes.

The majority of the committee, by reason of irregularities and frauds which are plain and undisputed, reduce this plurality to 161 votes.

The sole question in this discussion is thus reduced to one of degree and not of principle. The majority admit fraud and gross irregularities in the election, but say only enough is proved to reject 731 votes.

The minority contend that there is fraud enough proved to overcome the 161 majority allowed by the committee and to seat the contestant.

The first point of divergence between the majority and minority reports is as to counting certain rejected ballots. There were rejected in the entire district 3,797 votes, of which 1,021 were illegally and unnecessarily destroyed by the election officers at the various precincts.

The majority of the committee count about 850 of these rejected ballots, leaving 2,947 uncounted. Of this last number it is conceded that 2,100 can not now be counted, because the intention of the voters can not be ascertained; 1,021 of them had been burned, and on the others the voter had in some cases erased all the names; in some none were erased, and in many more than one remained unscratched. But there are still remaining 741 in which the intention of the voter is clearly expressed, and no doubt can be entertained as to the candidate for whom the ballot was cast.

The minority of your committee insist that these ballots should be counted. There were 464 of them for the contestant and 277 for the contestee; a clear gain for the contestant of 187 votes, which elects him by a plurality of 26, admitting everything else to be just as it is claimed to be by the majority.

The majority, while admitting the general rule of law to be to count all ballots which clearly express the intention of the voter, base their refusal to count these ballots on the letter of the Virginia statute which says that the elector shall prepare his ballot by drawing—

A line with a pen or pencil through the names of the candidates he does not wish to vote for, leaving the name or names of the candidates he does wish to vote for unscratched.

No name shall be considered scratched unless the pen or pencil mark extend through three-fourths of the length of said name.

When as to any office more than one name remains unscratched the ballot for that particular office shall be void.

It is contended that these provisions are mandatory, and that the intention of the voter, however clearly expressed on the face of the ballot, is of no avail unless it is expressed strictly and literally as the law requires.

We deny that these provisions are mandatory; they give directions as to how the elector shall prepare his ballot so as to express his intention; but if that intention is clearly expressed in another manner which substantially complies with the law it is sufficient.

The contention of the majority will be made plain by an examination of the ballots rejected, found on pages 12, 13, 14, and 15 of the minority report, to which the attention of members is particularly called. It is held by the majority that if the pen or pencil mark passes lengthways through a name 1 millimeter less than three-fourths of the way that name is not scratched, and the ballot must be rejected because more than one name remains unscratched.

It is contended that if the pen or pencil mark extends along the whole length of the name, but curves up or down so as to pass just above or below more than one-fourth of the letters in the name, it is not scratched and must be rejected.

It is contended that if the marks through the name are perpendicular or slanting marks, they are not through the length of the name, and therefore it is not scratched, and the ballot must be rejected.

The minority hold that the authorities which are cited by them in their report clearly require these ballots to be counted. I shall not dwell upon these authorities, but will leave them to be commented upon by others who are to follow.

The construction of the statute contended for by the majority might perhaps be successfully maintained before the courts of the State whose legislature enacted the law; but this National Legislature will never permit such a narrow and illiberal construction of a State law to deprive citizens of the United States of their constitutional rights, or oust members of Congress from the seats to which they have been honestly elected by the clearly expressed intention of duly qualified electors.

The second point in dispute between the majority and minority is as to the vote of Amherst County. The returns from Amherst County give the contestee a plurality of 499 votes, which the majority of the committee reduce to 411, which they count for the contestee in making up his plurality of 161.

If the vote of Amherst is rejected, as the minority contend it should be, the contestant is elected by a plurality of 250, leaving out the rejected ballots and conceding every other disputed question to the majority.

Let us look, then, to Amherst County.

The record shows a most remarkable state of facts in that county, and convicts the Democratic election officers of the grossest frauds, willfully and deliberately committed upon Republican voters.

These frauds are shown to have been committed as the direct result of a conspiracy on the part of the electoral board and the special constables to deprive Republican voters of their ballots.

The electoral board of Amherst County, in flagrant violation of the mandatory provision of the statute requiring them to appoint judges of different political parties at each precinct, willfully and deliberately failed and refused to appoint any but Democratic judges at 8 out of 16 precincts in the county, although there were Republican voters qualified to act as judges at each precinct. These precincts give the contestee 369 majority.

It is true the statute says, "No election shall be deemed invalid when the judges do not belong to different political parties," but the provision was never intended as a cover for fraud or for willful violation of the law committed by election officers. It was only intended to cover isolated cases, where by accident or mistake all the judges happened to belong to one political party, and where the will of the voters was honestly returned and fairly expressed. The failure to have any but Democratic election officers at half the voting precincts in the county could not have happened by accident. It must have been willfully done, and is evidence tending to establish a conspiracy on the part of the members of the electoral board to ignore and disregard the just rights of the Republican voters at those precincts.

In McDuffie *vs.* Turpin, Fifty-first Congress, the committee says:

Where the law provides that each of the two political parties shall have representation on the election board of inspectors it is a provision to prevent dishonest partisans from making false returns; and in such case the appointment of men incompetent to determine whether the return is honest or not to represent the party opposed to the appointing power tends to prove an intent to prevent that watchfulness intended to be secured by the statute, and raises a strong suspicion of (if it does not fully prove) a conspiracy to falsify the returns.

In Threet *vs.* Clark, also decided by the Fifty-first Congress, it is held:

The committee is of the opinion that when the course is systematically pursued of appointing on the election boards to represent the minority or opposite party persons not indorsed by that party, and as to whose loyalty to the party whose interest they are expected to guard there is a question, or of appointing persons who are unable to read and write, when there would be no difficulty in finding men well qualified in these respects, this ought of itself to be considered evidence of a conspiracy to defraud on the part of the election officers. This was clearly a violation of the law on the part of the board.

The majority report in Murray *vs.* Elliot, decided by this House, says:

The authorities are clear and complete that where fraud taints a return it can not be purged, but must be rejected; but a return can be purged only by rejecting ballots illegally cast or wrongfully counted. While in this case legal ballots were unquestionably kept from the box by the illegal and wrongful acts of persons connected with the machinery of the election, it is impossible to determine the number of these ballots, and the only logical and equitable result is to reject such returns.

In English *vs.* Peel, Forty-eighth Congress, the report of the committee uses this language:

The evidence tends to show a studied and preconcerted plan on the part of the managers in that city (Indianapolis) to defeat the will of the electors in this case. The credit which is due the returns of the several precinct officers is greatly impaired when it is shown that 54 of the 56 voting places in the city were controlled by partisan officers who were more or less parties to the general fraudulent intent which pervaded the managers.

When once the taint of fraud or unreliability is attached to the official count its value is gone.

McCrary on Elections, section 441, thus states the law:

If an officer of the election is detected in a willful and deliberate fraud upon the ballot box, a better opinion is that this will destroy the integrity of his official acts, even though the fraud discovered is not of itself sufficient to affect the result.

It is not contended by the minority that the neglect and failure of the electoral board to appoint Republican judges at half the precincts in Amherst County is sufficient to reject the votes at those precincts, but they contend it is sufficient to create a suspicion of the fairness of the officers and of the value of the returns from those precincts, which becomes "confirmation strong as proof of holy writ" when coupled with other acts of willful fraud shown by the record to have been committed by these officials, and which will now be pointed out.

The official ballot, prepared by and printed under the immediate direction and supervision of the electoral board of Amherst County, bears evidence of fraud on its face, and is conclusive proof of a conspiracy on the part of these election officers to obstruct and impede electors in casting their ballots. The statute

prescribes that the ballots shall be printed on white paper, in black ink, and of uniform size and style.

The names of the candidates on the official ballot prepared by the electoral board were, in Amherst County, printed in German text, as will be seen from a photograph thereof, printed with the minority report on page 27, while the caption is printed in roman type.

I ask members to examine this political banner, unfurled by the Democratic party of Amherst County in November, 1894, and under which they marched to an inglorious and disgraceful victory.

FOR MEMBER OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES from the Tenth Congressional District of Virginia.

Edmund R. Cocke,

H. St. Geo. Tucker,

James Seldon Cowden,

J. Yost,

C. H. Grove,

To quote again the language of the Richmond Times, this was "cheating of the petty larceny order."

Not only were the ballots for Amherst County printed in German text, but the names of the candidates were alternated and transposed in seventy-five different ways.

It is not denied that all this was done by the consent and with the connivance of every member of the electoral board, which is conclusive evidence of a conspiracy to deceive and mislead voters.

Prior to the election the Republicans, realizing that the illiterate voter would be wholly at the mercy of partisan Democratic officials, sought to instruct those who could not read and write how to prepare their own ballots. Schools were opened and voters were taught to read the names of the different candidates when printed in plain roman type, such as is taught in the common schools of the State.

It was further arranged that an intelligent Republican would vote first and then explain to those who had not voted the location of contestant's name on the ballot.

There was nothing secret about this.

Printed slips containing the names of the candidates were scattered broadcast.

These efforts on the part of Republicans to educate the electors and keep them out of the clutches of partisan Democratic constables were spitefully resented by this partisan electoral board, and in order to circumvent this legal educational work of the Republican party and to defraud the voters these tricks upon the ballots were resorted to by sworn officers.

The German text was used to prevent Republican voters who could read the names of the candidates in plain roman text and could not read them when printed in German from casting their ballots without the aid of a partisan Democratic constable.

The avowed object in transposing the names was to prevent illiterate voters from recognizing the names of the candidates by their relative positions on the ballot and casting their ballots without the interference of a political adversary and entrap them into voting for the candidate they did not intend to vote for.

These fraudulent purposes are distinctly and unblushingly admitted by the Hon. B. R. Harrison, a member and secretary of the electoral board. Here is his statement, taken from the record:

The secretary of the Commonwealth sent to me, as secretary of the electoral board, a list of all the candidates for Congress in the Tenth Congressional district. They were in one order; that is, for example, James Seldon Cowden, J. Yost, H. St. George Tucker, C. H. Grove, and Edmund R. Cocke. As I construed the Walton election law and upon the advice of able lawyers, we, the electoral board, transposed these names in order, as we considered it, to require the strict enforcement of this new election law.

We had been informed that circulars had been sent around and that schools of instruction had been organized to instruct the illiterate voters to vote one name only on the ticket. We were also informed that the illiterate voters had been taught to consult some smart, shrewd politician of his party, who had first voted, as to the position of the name J. Yost on the ticket, thus doing away with the educational qualification of the act. As the act prescribed and appointed a sworn officer whose duty it should be to show or point out on the ticket the name or names of candidates whom he wished to vote for, thus doing away with any influence which might be brought to bear, and enable the elector, if he be illiterate, to cast his vote only as his conscience dictated with the aid of a sworn officer.

Q. You have stated above that the names of the candidates were alternated on the ticket; state how many alternations there were, as nearly as you can remember.

A. I suppose there were about—it is all guesswork—but I should say about seventy-five.

Q. State whether the tickets printed with the names alternated in about seventy-five different ways were shuffled or well mixed together at each precinct.

A. When I made the guess above, I allowed for the shuffling. They were mixed and sent to the different precincts.

Q. Why did you alternate the names on the tickets? And state whether this was done by the authority of the electoral board.

A. I was informed that schools of instruction were being established all over the district, where electors were instructed to secure some shrewd, smart Republican to vote early, examine the ticket carefully, and come out and report to the other voters the position on the ticket of the name J. Yost, thus instructing the illiterate voters only as to one candidate and violating the law. My object was to enforce the law strictly, thus requiring the elector to consult the constable, who was a sworn officer, and who would assist him in casting his ballot for whom he might desire, without outside influences being brought to bear; because I have heard and believe that a good many of the colored voters in this county would vote other than the Republican ticket if allowed so to do, but bad treatment, I have been informed, is generally meted out to those colored voters who do not vote the Republican ticket, by members of their own race.

Q. I observe that the ticket, the ballot, cast at the recent Congressional election, so far as the names of the candidates are concerned, is printed in a peculiar type, called, I believe, by printers, German type. I also observe that the caption of the ticket is printed in plain roman letters. Please state why it was that you printed the caption and the names of the candidates in different types, and also state why it was that you printed the names of the candidates in the type indicated by the photograph above exhibited.

A. I was informed that in these schools of instruction ballots were printed with one name on them in plain type, thus educating the voter only as to one name on the ticket; and also in the same school of instruction they urged and instructed the negro not to consult the constable, thus keeping their eyes on them, and if they had consulted the constable would have considered them traitors. That was the reason that I had the ticket printed in other type, namely, that they should, if unable to read and write, call upon a sworn officer to do his duty and thus carry out the law. The caption and the names of the candidates were printed in different types for no particular reason except, perhaps, that if the caption had been printed in German type it would have made a large and bunglesome ticket.

Q. Am I correct in understanding you that your object in printing the names of candidates in German type was to have them printed in such text that the illiterate voters who had been instructed how to read the name "J. Yost" printed in plain roman type could not be able to make out the name "J. Yost" printed in German type, and thus be required to consult the constable, who, as you say, was sworn to perform his duty?

A. My object was to enforce the law strictly, and to a man unable to read, the German type was as intelligible as any other.

In view of these admissions of a fraudulent intent on the part of election officers, it is difficult to see how the vote of Amherst County can be made the pretext for awarding the contestee a seat in this House.

But this is not the whole of this chapter of fraud.

The secretary of the electoral board, and one of its members, the Hon. B. R. Harrison, acted in the most partisan manner in the discharge of his official duties in many ways.

He was the active and zealous chairman of the executive committee of the Democratic party for Amherst County, and the impropriety of his filling both positions at the same time is manifest to all right-thinking men. "No man can serve two masters;" and yet the Hon. Mr. Harrison essays this double rôle, for on the 1st day of November, 1894, only five days before the election, he published an official list of all the constables appointed by the electoral board for the county and signed it officially as "B. R. Harrison, secretary of the electoral board of Amherst County," and immediately under it he inserted this notice:

The constables above named are requested to meet me at Amherst Court-House on the 3d day of November next, if possible, in order that I may give them any information they may desire as to their duties under the new election law.

BEVERLY R. HARRISON,
Chairman Democratic Executive Committee for Amherst County.

It is about as difficult to tell from this when the Hon. Mr. Harrison ceased to be a sworn election officer and became the partisan chairman of the Democratic committee as it is to tell when a tadpole turns to a frog. Why was this chairman of the Democratic party, as such, teaching election officers? His teachings are about what we would expect.

It is proved by his own testimony, as well as by that of other witnesses, to have been contrary to law, misleading, and partisan.

Here is his own account of the lessons taught by this false teacher:

Q. Were any instructions given the constables of election as to whether they should mark the tickets for illiterate voters?

A. I read to some of the constables the section of the law referring to their duties, and also showed them and read to them parts of Judge Simmons's opinion in the Botetourt election case. I also, as well as I can remember, showed them an editorial from the Richmond Dispatch as to their duties. I always, so far as I can remember, told them to exercise their own judgment in the matter, but that my construction of the law was that unless a man was physically and educationally unable to cast his vote, that he, the constable, should not mark tickets for him, but read over to the illiterate voter

the name or names on the ticket and let the voter do his own scratching, unless he was blind, in which case he should read and scratch the ballot as directed by the elector; but if a man could read, he was not to assist him. I did not instruct all the constables, but those whom I did see I told that if a man was blind or otherwise physically disabled from casting his vote, they were to scratch the ticket after reading over the names thereon as he directed; but if a man could not read and write, and was physically able to mark his ballot, that the constable should read over the names for which he wished to vote, but not to scratch his ticket for him. Some of the constables, I think, scratched the ballots.

He instructed them to follow an opinion of Judge Simmons as to duties of special constables which the court of appeals of Virginia has repudiated. He read to them, as a guide in performing their duties, an editorial from the Richmond Despatch, an extreme partisan Democratic paper published in Richmond, the organ of the Democratic State chairman, the champion of the Virginia election law and apologist for the frauds practiced under color of its provisions, and which as a lawyer Mr. Harrison ought to have known was false and misleading.

He further misled them by instructing them that they were not permitted under the law to mark the ballots for voters who requested their assistance unless they were blind or physically unable to mark their own ballots.

He taught them that all the constable was permitted by the law to do was to read over the names of the candidates "and let the voter do his own marking."

Look at the duplicity and unfairness of these election officers of Amherst County.

First, they printed an official ballot that the uneducated voter who had sought to prepare himself to mark his ballot without assistance could not prepare unless he could read German text, and thus forced him to seek aid at the hands of the constable.

In the second place, the constable was instructed how not to give the voter thus driven to resort to him efficient and proper aid in marking his ballot. If he depended on himself, he was confronted with a ballot wholly unintelligible to him. If he appealed to the special constable whose sworn duty it was to aid him, that constable, acting under the instructions referred to, refused him the desired and necessary aid. He was "between the devil and the deep sea."

The instructions given the constable were directly in the teeth of the law as it has since been expounded by the supreme court of appeals of Virginia; but they were accepted as the law and blindly followed by the honorable Mr. Harrison's apt scholars (all of whom were Democrats), as will be seen from the evidence as printed in the record.

On cross-examination, S. C. Allen (Q. 32, page 128) testified that—

Richard Adams, special constable at McGruders precinct, told me that he did not consider it his duty to do anything further than to show the voter the name on the ticket.

The constable at Wright's shop, one Pettyjohn, was called by the contestee, and in answer to question 3, page 424, admits he did not scratch tickets, except for two disabled men, who voted for Tucker; that he pointed out the names asked for, and told the voter to scratch out all names "except the one they wanted to vote for," and left them to fix it themselves.

McIvers precinct: The returns (page 188) show a total of 60 votes for both Yost and Tucker; plurality for Tucker, 18; and that 52 votes were rejected. Comment is unnecessary. If the constable had assisted the illiterate voter, this could not have happened. James M. Watts, Republican judge of election, testifies (page 140):

That he is a Republican.
Q. 3. Who was the constable?
A. William Ogden.
Q. 4. Do you know whether he assisted illiterate Republican voters to prepare their ballots?
A. Yes, sir; he assisted them.
Q. 5. What was the assistance he rendered?
A. He put his finger on the name they wished to vote for.
Q. 6. Did he mark the ticket for them?
A. No, sir.
Q. 7. You say that he would put his finger on the candidate the voter wished to vote for. Would he hold his finger there until the voter could mark his ticket?
A. No, sir; he left before there were any tickets marked at all.

Witness gave constable a copy of Judge Aiken's opinion (see page 103), in which the judge declared that the duty of the special constable was mandatory. Constable did not go by it.

Q. 9. Do you remember how many votes were cast, and how many were thrown out?
A. There were some fifty-odd thrown out, lacking about six of being half that were cast.
Q. 10. State whether there were any Yost tickets that were improperly thrown out?
A. About two-thirds of them were Yost tickets that were thrown out, I think. They were illegally scratched tickets.

At Milners, Eli Sneed testified, page 130:

Q. 3. Did the constable assist you in marking your ballot?
A. No, sir; he never marked my ticket. He said that it was against the law for him to mark them.
Q. 6. Did he say this to you inside or outside of the booth?
A. He said it to me inside of the booth.
Q. 7. How did you mark your ticket if you can't read, or did you mark it at all?
A. I asked Mr. Coleman how much I must mark it. He is the constable. He told me to mark it any way. I said, "Mr. Coleman, must I mark it right straight down?" and he said, "Yes; mark it any way."

Witness testified that he marked the ticket "straight down" (vertically), and that he intended to vote for Yost.

James Franklin, a farmer, 40 years old, testified (page 150):

Voted at election for Yost.
Q. 3. Can you read?
A. A little bit.
Q. 4. Could you read sufficiently well to know how to mark your ticket when you voted at the recent election?
A. No, sir.
Q. 5. Did the constable give you any help in marking your ticket?
A. He gave it, just going over it so that I did not understand, and went on off.
Q. 6. State whether or not you asked him to help you to fix up your ticket.
A. Yes, sir, I did; but he said that the law did not allow him to scratch.
Q. 7. You say that he just pointed out and then went away?
A. Yes, sir.
Q. 8. Did the pointing out that he did enable you to make out your ticket properly, or did you understand him?
A. No, sir; I did not understand him.

Martin Rucker, aged about 60 years, testified (page 151):

Voted at last election for Yost.
Q. 2. Can you read?
A. No, sir; I can not read.
Q. 3. State whether the constable helped you to mark your ballot.
A. Well, I asked him which was Yost's name, and he said that it was at the bottom; and I asked him whether he was going to rub them out, and he said that he had nothing to do with that; that it was against the law, and told me to mark it out.
Q. 4. State whether or not he showed you how to mark the ticket.
A. He said yes, to mark it right across; right crossways; I mean vertically.

Anderson Carter, aged 50 years, farmer, testified (page 151):

Voted at last election for Yost.
Q. 2. Can you read?
A. No, sir.
Q. 3. Did the constable help you to mark your ticket?
A. No, sir.
Q. 4. Did you ask him to help you?
A. Yes, sir.
Q. 5. What did he say when you asked him to help you to mark your ticket?
A. He said that the law did not allow him to mark the ticket.
Q. 6. State whether or not he showed you how to mark the ticket.
A. No, sir; he would not show me. He said that the law said that he could not mark, and as I could not read or write I had to mark myself, and do the best that I could.
Q. 7. State whether or not you asked him to show you?
A. Yes, sir; I asked him.
Q. 8. Did he refuse to show you?
A. He said that the law did not allow him, and I had to do the best I could.

There is abundance of other testimony to the same effect.

Here is ample proof that Republican voters who intended to vote for contestant were deprived of their votes because the constables accepted and adopted the erroneous and illegal construction of the law given to them by the secretary of the electoral board.

Why were all these artifices used by Democratic officials to compel the voter to seek the aid of the Democratic constables if it was believed they would act honestly? Why were all the constables Democrats? The answer is plain. Because they were expected to work for the interest of the Democratic party and elect the Democratic candidates by fair means or by foul, while proving a snare and a delusion to the confiding Republican elector.

The majority of the committee admit that these were "tricks which can not be defended."

In discussing the Amherst ballot the majority of the committee say:

The statute does not provide the precise order in which the names on the ballot should be printed nor the kind of type that should be used, but apparently assumed that the officers charged with this duty should be governed by the principles of common honesty and fairness, and would not provide a type which was unusual nor juggle with the names for the purpose of confusing the illiterate voter. Whether this alternation of names indicatad a fraudulent design on the part of the electoral board or an excess of partisan zeal which would hesitate at nothing not positively forbidden by law, it was a trick which can not be defended, and it is incredible that the public officers of one of the great and historic Commonwealths of this Union should be guilty of such an unequal and partial administration of the law.

Election officers guilty of "tricks" with the ballot which "can not be defended" are guilty of fraud. A trick upon the ballot or with the ballot by an election officer whose sworn duty it was to prepare the official ballot is a fraud upon the electors, and calling it a trick can not alter its true character. "A rose by any other name would smell as sweet," and frauds upon the ballot will smell as loud though christened by the majority with the name of "a trick."

"Juggling with the names for the purpose of confusing the illiterate voter" is a crime against liberty which smells to high heaven. For ways that are dark and tricks that are vain the honorable gentlemen who compose the electoral board of Amherst County are peculiar.

These things are enough to bring the blush of shame to the cheek of every honest citizen of Virginia.

'Tis true 'tis pity; and pity 'tis 'tis true.

But, Mr. Speaker, let no gentleman within the sound of my voice charge these "tricks which can not be defended" to the honest, law-abiding citizens who constitute the vast majority of the people of the State. The citizens of that "historic old Commonwealth" are the peers of any people for the manly virtues of courage, honesty, and justice. They abhor fraud, corruption, and dishonesty, whatever form or shape it may assume.

This is true of the vast majority of the members of all political parties in the State; but, honest themselves, they are slow to think evil of others, and it requires the most convincing and overwhelming proof to make them believe that their neighbors, sworn election officers, who in their everyday transactions are honest, can be so degraded as to commit willful frauds in elections.

They have trusted false leaders and have been deceived and misled. They have been lulled into security by false denials and by protestations of honesty and innocence. They have been kept in complete ignorance of the wrongs and outrages perpetrated upon the ballot box and upon the illiterate voters. But a vigorous campaign of education and exposure is doing its legitimate work and the eyes of the good men of all parties are being opened and their consciences aroused.

Honest men of all political creeds are demanding fair elections in tones which can not be much longer disregarded.

The days of "cheating of the petty larceny order" are numbered.

The political graves of the false leaders who concocted, connived at, or approved of the frauds which disgrace the name of Virginia ar yawning to receive them.

The majority of the committee, while admitting the frauds committed by the election officers in Amherst, give as a reason for counting the vote of that county that it is not proved that these frauds were consummated by depriving the contestant of enough votes to change the result.

We submit that it is not necessary to prove this; but if it is, we will show hereafter that it was consummated, and that great injury was done to contestant by these methods.

To rest the vote of Amherst County on proof of the number of votes actually lost to contestant by the frauds of these election officers is begging the whole question. The proof shows, and the majority admit, that the election officers in this county were guilty of "tricks which can not be defended," frauds which were disgraceful.

The record plainly discloses a conspiracy on the part of the electoral board and constable, all of whom were Democrats and political friends of contestee, to appoint none but Democratic election officers at one-half the precincts in the county; to prepare and print the official ballots in German text; to alternate the names of the candidates in seventy-five different ways; to refuse assistance, as required by law, to illiterate voters.

Besides this, it is shown that one of these officers was a bitter partisan and chairman of the Democratic executive committee of the county.

Is not all this more than enough to attach the taint of fraud to all the acts of these officials and render the returns from Amherst County wholly unreliable?

The law quoted before clearly establishes that when the officers of election are proved guilty of fraud and conspiracy it discredits all their acts and renders their official returns wholly worthless. The legal presumption of their correctness is gone, and the party seeking the benefit of such returns has the burden of proving the true state of the ballot by extrinsic evidence. But the record bears indisputable evidence that the contestant lost many votes in Amherst County by reason of the fraudulent acts of these election officers. We have already shown from the record that many voters who wished to vote for contestant were denied their right to do so because the constables, acting under illegal and partisan instructions from the secretary of the electoral board, refused to properly assist them in marking their ballots.

The record also discloses that many votes were also lost to contestant because the ballots were printed in German and the names of the candidates alternated.

So unintelligible was the German-text ballot to the voter of limited education that when placed on the witness stand men who had acted as constables were unable to read it.

W. S. Carter, Democrat, testifies, page 132, he was constable at the court-house. His own testimony shows that he was unable to read the ballot:

Q. 20. I hereby exhibit to you what has been alleged to be a photograph of the ballot cast. I wish you would look at this photograph, alleged to be a photograph of the ballot that was cast in Amherst and at your precinct at the recent Congressional election, which photograph has been exhibited with the deposition of Mr. Sandidge as Exhibit Photo., and I will cover up with a piece of paper all of the letters of the names of candidates except the initials of the first name of each candidate that appears on the ticket, and I ask you to tell me what the initials are. I now so present to you the ticket.

A. The first one is F, the second is H, the third one is G, the fourth, I do not know what it is. I don't know what the last one is.

Q. 21. I now exhibit to you the photograph with all the names on the photographed ticket covered up except the first letter in one of the surnames of the candidates. Please look at this letter and tell me what it is.

A. It is an H. [The whole name was then uncovered, and the witness states that he was mistaken about the letter when he saw the whole name written out "Yost."] I took the Y for an H without seeing the full name.

It will be observed that this witness, an intelligent Democrat, who could readily read plain roman, was utterly unable to decipher the type in which the ballot was printed. The names on this photographed ballot were in the following order: Edmund R. Cocke, H. St. Geo. Tucker, C. H. Grove, J. Yost, James Selden Cowdon. The first letter (Q. 20) in Cocke's Christian name he declares to be F. He manages to strike the first letter of Tucker's Christian name. The initial C of Grove's Christian name he pronounces G, and then he gives up in despair. He is unable to conjecture what the initial of the other two names is. Special Constable James M. Marks, of Madison precinct, a witness for the contestee, testifies on cross-examination (page 416):

Q. 5. I now present to you a ballot that was cast at the recent election, all covered up except the initial of the first Christian name of each candidate. You will please examine this ballot, which I now hand you, and tell me the initials, beginning at the top of the ticket.

A. First letter in first name is T. First letter in second name is E. First letter in third name is T. First letter in fourth name is H. First letter in fifth name is C.

Q. 6. I now present you the same ticket with all the face of the ticket covered up except the initial of one of the surnames of the candidates. Please state what this initial is.

A. I think that is the same, T; it looks so to me.

(Notary states here that ticket was uncovered in presence of witness and examined, and that the letter is Y, and the letters given above by the witness as T, E, T, H, C are shown to be on the face of the ticket J, E, J, H, C.)

Samuel C. Allen testifies as follows;

Q. 20. Mr. Tucker in his answer states that the ballots cast at the recent election "were printed in a perfectly legible style." Is he correct in this?

A. According to my judgment, the ticket would be wholly unintelligible to any person who could (only) read plain roman type.

Q. 30. You have stated above that Yost lost many votes by reason of the ballots being printed in German type. What proportion of the vote did he lose by reason of the tickets being printed in said type?

A. It is my opinion that Yost lost from 10 per cent to 15 per cent of the votes polled on that account.

J. F. Williams, judge of election (page 134, Q. 46), says:

I think he (Yost) lost a good many votes on that account.

See also testimony of same witness, page 135, Q. 49, and answers on cross-examination, page 135, Q. 3, 4, and 5.

A. Stewart, a minister of the gospel (page 137, Q. 12), says:

It made me nervous when I saw them. I started to go out and say to all of them, "Let us go home." I thought we wouldn't do anything there so far as voting for Yost.

See also answer to Q. 13, same page.

J. M. Watts, judge of election (page 140, Q. 14), says;

I think I acknowledged in the presence of the constable and judges that morning, as soon as I saw the tickets, that the Republican party would be left out.

And much more to the same effect. Not only is the fraudulent intent shown, but the consummation of the fraud is proved.

The majority contend that the vote of Amherst County should not be rejected on account of the manner of preparing the ballots, because neither the constitution of Virginia nor the election laws of the State prescribe in what text or in what order the ballots shall be printed, and therefore it is not contrary to the constitution or laws of Virginia to print them in German or any other foreign text, in Greek or Hebrew or Chinese hieroglyphics, or in as many different forms as may seem good to the election officers. We take issue with this statement of the law and maintain that the tickets as printed in Amherst County violated the constitutions both of the United States and of the State of Virginia. Section 2, Article I, of the Constitution of the United States says "the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

Article XIV of the Federal Constitution says:

No State shall make or enforce any law which shall abridge the privileges or immunities of a citizen of the United States.

The constitution of Virginia provides that—

Every male citizen 21 years old who shall have been a resident of the State twelve months, and of the county, city, or town in which he shall offer to vote three months next preceding any election, shall be entitled to vote.

This constitutional right can not be taken away or abridged by legislative enactment.

It is well settled that the legislature may enact all needful rules for the exercise of the constitutional right to vote, but can not destroy it, or unnecessarily hinder the voter in the exercise of the privilege.

In the case of the Attorney-General *vs.* The City of Detroit, decided by the supreme court of Michigan, reported in 44 N. W. Reporter, it is said, on page 392:

The object of the registry law, or of any law to preserve the purity of the ballot box and guard against abuses of the elective franchise, is not to prevent any qualified voter from voting or to unnecessarily hinder or impair his privilege. It is for the purpose of preventing fraudulent voting. In order to prevent fraud at the ballot box it is proper and legal that all needful rules and regulations be made to that end, but it is not necessary that such rules should be so unreasonable and restrictive as to exclude a large number of legal voters from exercising their franchises; nor can the legislature, in attempting ostensibly to prevent fraud, disfranchise legal voters without their own fault or negligence. The power of the legislature in such

cases is limited to laws regulating the enjoyment of the right, by facilitating its lawful exercise and by preventing its abuse. The right to vote must not be impaired by the regulation. It must be regulation, not destruction. These authorities all tend in one direction. They hold that the legislature has the right to reasonably regulate the right of suffrage, as to the manner and time and place of voting, and to provide all necessary and reasonable rules to establish and ascertain by proper proof the right to vote of any person offering his ballot, but has not power to restrain or abridge the right or unnecessarily to impede its free exercise.

In Capen *vs.* Foster, 12 Pickering, it was said:

But while it is held to be within the proper limits of legislative power to provide suitable regulations for exercising the right of suffrage in a prompt, orderly, and convenient manner, the court, speaking through Chief Justice Shaw, was careful to add:

"Such a construction would afford no warrant for such an exercise of the legislative power as under the pretense and color of regulating should subvert or injuriously restrain the right itself. The constitution fixes the qualification of voters with precision and left all the rest to be regulated by law. The constitution by carefully prescribing the qualifications of voters necessarily requires that an examination of the claims of persons to vote on the ground of possessing these qualifications must at some time be had by those who are to decide on them. If, then, the constitution has made no provision in regard to the time, place, and manner in which such examination shall be had, and yet such an examination is necessarily incident to the actual enjoyment and exercise of the right of voting, it constitutes one of those subjects respecting the mode of exercising the right in relation to which it is competent to the legislature to make suitable and reasonable regulations, not calculated to defeat or impair the right of voting, but rather to facilitate and secure the exercise of that right."

Cooley on Constitutional Limitations thus lays down the rule:

THE TEST.

All regulations of the elective franchise must be reasonable, uniform, and impartial. They must not have for their purpose, directly or indirectly, to deny or abridge the constitutional right of citizens to vote or unnecessarily to impede its exercise. If they do, they must be declared void.—*Cooley's Constitutional Limitations*, page 758.

In People *vs.* Von Bokeman (73 N. C.), the court says:

But the act under consideration is framed upon the idea of making the ballot as difficult as posible.

Without questioning the intent of the legislature, we see that the effect of the act is to violate the fundamental principles of the constitution and their own cherished and declared purpose to maintain free manhood suffrage and to eschew educational or property qualifications. And, as is said in Jacobs *vs.* Smallwood (63 N. C. Report), it is the effect of the act, and not the intention of the legislature, which renders it void.

The supreme court of Virginia concedes that the whole question of the legality of the election law turns upon its reasonableness. It says:

The sole function of the legislature with respect to the rights of suffrage is to provide the mode in which those entitled to vote may do so and have their vote counted, and to guard against improper, illegal, or fraudulent voting; that to this end the legislature may adopt and enforce reasonable rules and regulations to secure the one and prevent the other. But if, under cover of law to regulate voting, a provision is introduced into the law which virtually establishes a test of the qualification of the voter additional to those prescribed in the constitution, such provision of the law transcends the power of the legislature and is null and void.

Printing the ballots in German text and the alternation of the names upon the tickets were not done to "preserve the purity of the ballot box or to guard against abuses of the elective franchise." It is not a "needful regulation of the constitutional right to vote." It does not "regulate the right by facilitating its lawful exercise, by preventing abuse." It is a regulation which "unnecessarily impedes the free exercise of the right," and is therefore contrary to the constitution of the State of Virginia. It is a State regulation, or rather an interpretation put on a State law by partisan election officials, which abridges the privileges of citizens of the United States, and is a violation of the Federal Constitution. All must admit that a Virginia statute requiring that the official ballot should be printed in foreign text, with the names of the candidates transposed, would "unnecessarily obstruct and burden the electors in the exercise of the elective franchise," and would for that reason be unconstitutional. But if the legislature is forbidden by the constitution to enact such a law, a fortiori, the electoral board of Amherst County can not prescribe as a regulation what the lawmaking power can not enact.

The regulation is also unconstitutional and void because it prescribes an educational qualification which the Constitution does not allow.

It requires that the elector shall have education sufficient to read a ballot printed in a foreign and unusual text.

The word "ballot" used in the Virginia constitution necessarily means a secret printed or written ballot; but it means a ballot printed or written in the usual text in use in the community, taught in the common schools, and used in the legislative, executive, and judicial departments of the State government in the transaction of public business. To that extent the implied requirement that the elector who desires to vote a secret ballot without assistance from friend or foe shall be able to read plain roman text is reasonable, and in fact necessary.

But the requirement that the voter who can read a ballot in plain roman text, but who can not read one printed in German, or Greek, or Hebrew, shall lose his right to cast a secret ballot and shall be compelled to seek the assistance of a special constable requires an educational qualification which is forbidden by the Constitution.

The argument that "to a man who can not read and write a ballot printed in German text is as intelligible as any other" is spurious and unsound, since many persons who can read plain roman text can not read German.

If the vote of Amherst County is rejected, and all else is conceded to be as the majority claim, it elects the contestant by 250 majority.

The minority make the same objection to the vote of Appomattox County as is made to Amherst County, and insist that the majority of 55 votes returned for the contestee in that county should be excluded.

In Appomattox County the electoral board caused the official ballot to be printed in script type, and the names of the candidates to be alternated. To the uninitiated it may be necessary to explain that script type is a type in imitation of ordinary handwriting with pen and ink. It is common experience that many persons who can read ordinary print can not read written manuscript, and the evidence proves that many votes were lost to the contestant by this "trick which can not be defended."

The constables in Appomattox refused assistance to illiterate voters, and there were other frauds committed which we have not time to notice.

Rejecting the majorities for contestee in Amherst and Appomattox, and allowing all else as claimed by the majority report, elects the contestant by 355 votes.

Counting the ballots claimed to be imperfectly marked, as before shown, which gave a net gain of 187 to contestant, makes his majority 542.

There are other frauds at various precincts which can not now be referred to. Among the most flagrant of these is Arrington precinct, in Nelson County, which the minority claim should be excluded, which gives contestee a plurality of 119, and increases his majority in the district to 661.

Upon these plain statements of fact and law, the minority ask that the resolutions declaring that the contestant is elected and that the contestee is not elected to a seat in the Fifty-fourth Congress be adopted.

Mr. Speaker, I would despise myself if I were capable of asking any member to vote in this contest on political grounds. If any member, Republican or Democrat, is convinced that the contestee was fairly and honestly elected, then it is his duty and should be his pleasure to vote for the resolution presented by the majority. But if any member is satisfied that the contestant was duly and honestly elected, then if he is a Democrat I claim his vote; if he is a Republican I demand it for the resolutions presented by the minority.

Let justice be done, though the heavens should fall.

We hear of courtesy to the majority, and I yield to no man in courtesy to the able and honorable gentlemen who compose that majority, and especially to the accomplished and learned chairman, who so ably and courteously presided over the deliberations of the committee. It is through no want of respect for the gentlemen of the majority that I dissent from their views as to the law and the facts of this case. Majorities are often wrong. Courtesy should never be extended so far toward one man as to work injustice to another. Courtesy to the majority and deference to their opinions should not lead us to do wrong to the contestant or to the loyal constituency which elected him to represent them on the floor of this House. We hear of the personal regard which members entertain for the contestee; their kindly relations with him, and their reluctance to vote against him. I fully appreciate all this, and I join with them in respect and in kindly sentiments for him. He is worthy of the high regard in which he is held by members and by the people of his district.

But the question for the House to decide is not one of personal friendship or personal regard. Sentiment has no place in a contested-election case. It resolves itself into the simple legal inquiry, Is he entitled to hold the seat he now occupies in this House?

If he is not, then it is rank injustice to the people of the district he now represents to retain him in the place another is justly entitled to. If the contestant was fairly and honestly elected, then the gallant Republicans of the Tenth Virginia district, who contended and won against such fearful odds, against unfair and iniquitous election laws, against partisan and unscrupulous election methods, against corrupt election officers, look to the Republicans of this House for that justice which is denied them elsewhere.

The Republican party in the South points proudly to its thirty-six representatives on the floor of this House, hailing from ten Southern States, who have "come up through great tribulation." As a body, they are the peers of their colleagues from the North. They are living pledges that the solid South is no more, that the fires of sectionalism have died out, and that the fires of patriotism have been rekindled on the mountain tops and in the valleys that lie beneath the Southern Cross, and that our Government is an indissoluble Union of indestructible States.

Republicans of the North, to you the Republicans of the South look for justice. They ask no more; they demand no less.

Each mail from Virginia brings messages from all parts of the State urging and begging me to appeal to this House for justice. The Republicans of Virginia feel that the cause of the contestant is their cause, and that their most sacred rights and their dearest privileges are imperiled by the majority report. They say, and they feel, that if this battle is lost it will be the death knell of all their hopes for honest elections, the triumph of fraud and corruption over manhood suffrage.

If the laws and methods which have so long prevailed in Virginia are approved by this body, they will justly complain that they have been abandoned by their party and slain in the house of their friends.

When did the great Republican party of the North ever turn a deaf ear to the cry of the injured, the downtrodden and oppressed? Will it reverse its history now, when the old Mother of States asks that the iron shackles of tyrannical election laws and election methods be stricken from her limbs?

The Republican party is to-day great and strong and powerful, and on the 4th of March next will again have control of every branch of this Government—"a consummation most devoutly to be wished." In its power and its prosperity it should not give countenance to or encourage wrong. In its strength it should not forget the weak and helpless. No man knows what the future has in store. The lion taken in the toils of the hunter was delivered by his weakest and humblest friend.

Virginia is a Republican State, and all we ask is an open field and a fair fight; an honest ballot and a fair count.

The national Republican party has no more devoted followers than the Republicans of the South, who have burned their bridges and will never turn back.

They ask justice for one man, but they ask it in the name of 200,000 Virginia Republican voters who have been disfranchised and deprived of their constitutional rights by the party to which the contestee belongs.

Talk of the hardship of unseating the amiable and worthy gentleman who is the contestee in this case!

Who is it that talks of hardship?

Is it the honorable gentlemen who enact partisan and iniquitous laws "to beat the Republicans," and then sneeringly ask, "What are you going to do about it?"

Is it the honorable gentlemen who print official ballots in unknown tongues for the purpose of "confusing illiterate Republican voters?"

Is it the contestee, who has never raised his voice against the frauds perpetrated by his political friends and allies, the fruits of which he is enjoying to-day?

The hardships are all on the other side.

It is a hardship and an outrage upon the Republican voters of the Tenth district to deprive them of the services of the able representative they honestly elected and compel them to submit to be represented by a Democrat who was not elected by the people. It is not only a hardship, but a crime against liberty to condone frauds upon the ballot box such as the record in this case shows to have been intentionally committed in the past, and which will be repeated in the future unless rebuked and frowned upon by this House.

Mr. Speaker, I submit this question to the House confident that I am right, hopeful that the majority of its members will see it in the true light, and by their votes award the contested seat to the contestant.

Give the Republicans of Virginia assurance of your sympathy and of your support in their unequal struggle against fraud and corruption, and as certain as night follows the day the old State will cast her lot with the Republican party, as her sister Southern States of Maryland, West Virginia, and Kentucky have done.

During the delivery of the foregoing remarks the hammer fell.

The SPEAKER pro tempore (Mr. HEPBURN). The time of the gentleman from Virginia has expired.

Mr. WALKER of Virginia. I would very much like, if possible, to have my time extended for fifteen minutes longer, and also a similar extension for the gentleman from Massachusetts who will follow me. I will state that I was misled by the understanding that I thought would be ratified by the House.

Mr. McCALL of Massachusetts. I would gladly yield to my friend from Virginia, but I have less time remaining than he has already occupied, and objection has been made to any extension of the time.

Mr. WALKER of Virginia. I have no doubt that the time on both sides will be extended if a request is made.

Mr. McCALL of Massachusetts. I have no objection, of course, to the extension of the time; but I am unable to yield to the gentleman any of my time.

Mr. WALKER of Virginia. I will ask unanimous consent that the House extend the time fifteen minutes on both sides.

Mr. McCLELLAN. I object.

Mr. McCALL of Massachusetts. Mr. Speaker, if during the short time that I have to devote to the closing argument on this case the members of the House will give me their kind attention, I will endeavor to set forth what I deem the vital points, after having given to it careful consideration. I do not want the case to be decided from any mere clamor or by any hue and cry. There have been a great many things interjected into this discussion that should never be brought before a board of judges, as we are now, acting in the decision of a contested election.

The distinguished gentleman from Ohio [Mr. GROSVENOR], who I regret to see is absent to-day, saw fit, in arguring the question, to take a mathematical view of it, and he stated to the House how many reports this committee had made in favor of contestants and how many in favor of contestees in these election cases. I hardly think we shall be able to mete out strict justice in that way, but at the same time I am entirely willing to follow the gentleman on that line and defend the conclusions we have reached. In the fifteen cases before this committee the House has unseated three Democrats. I want to say, however, and the House should remember, that this committee has had some assistance in the matter of unseating our opponents. There are also two other Election Committees of the House, and if you will look at the record made by them and the full action of this body you will find that, coming together one year ago last December, with the largest majority any party ever had on this floor, and with loud protestations of how fairly and judicially we were going to decide election cases, we have already taken from that small and straggling minority twelve members, and I think we have broken the record and unseated more men than any other House since the adoption of the Constitution. I do not know what the gentleman from Ohio might desire. Perhaps he would prefer to have a general order introduced at the beginning of the session of Congress unseating all of the opposing party. It would be a more speedy way of reaching results—the results that the gentleman seems to wish. And I remember last summer during the last week of the session, when our machinery of justice was fairly working and we were unseating member after member in this Hall, it reminded me of nothing so much as of the banquet hall of the wily Ulysses when after that much-suffering hero returned home and bespattered its walls with the brains and blood of the suitors of his wife.

Mr. Speaker, I feared that we should not have enough spared monuments to serve as specimens of an extinct, even if undesirable, species. [Laughter.] And it was with some gratification that I saw we had finally adjourned and left some Democrats here.

Now, Mr. Speaker, they tell us that these cases are from the South, that the Democrats come from the South, and that the South is very wicked and very bad. Very well. There were 13 Democrats returned to this House from the North, and how have they fared? Of those 13 men, 3 have been unseated. It is only fair to say that one of these gentlemen, in imitation of the animal that was covered by Davy Crockett's gun, saw fit gracefully to come down before the shot, and for that performance my distinguished friend from New York [Mr. DANIELS] embalmed the gentleman's fairness for future generations by bringing in a resolution thanking him for his fairness, and perhaps also for his discretion.

Now, Mr. Speaker, we have unseated 3 of the 13 Democrats who came to this House on the first Monday in December, 1895, from the North. We have taken from those 13 as many seats as the last Democratic House took from the entire Republican membership of this body, numbering nearly 130; and I say that I can not understand the argument which my arithmetical friend from Ohio [Mr. GROSVENOR] is attempting to draw in going into the statistics of this question. I say, sir, that each case should be decided upon its merits. The Constitution makes us the judges of the election of members. It does not make us voters, it does not say we may hold elections here, but we are to sit as judges. And that assumes that we will look upon the questions judicially, that we will look upon the law and the facts of the case as judges, and entirely divest ourselves of partisanship. If Mr. Yost has a case here to-day, I desire him to have full justice, and have his case decided upon its merits. If he has a case here to-day, then I say we should seat him, even if it takes the last Democrat from this Hall. On the other hand, you are not to unseat Mr. Tucker because in the multitude of cases that have been brought here—some of them without even the pleadings completed, some of them without any evidence taken—because in that multitude of cases we have reported against contestants. You must not for that reason unseat Mr. Tucker to-day.

Now, there have been many considerations brought into this case. I regret that they have been. The gentleman from Ohio [Mr. GROSVENOR] yesterday injected an innuendo about relationship, saying that somebody was related to somebody. Well, I was at a loss to understand the reference. I do not know of any member of the committee—I think it would not be any disgrace if it were imputed to him, but I do not know of any member of the

committee who bears the remotest relationship, except through our common ancestor, to Mr. Tucker; but I have discovered, since this charge was made, that Mr. Tucker's wife's grandfather was an uncle of the wife of some member of the Massachusetts delegation. [Laughter.] If anyone here is able to figure out how distant a forty-second cousin that is, I wish he would do it. But it seems to me that to bring considerations of this kind into this House by a gentleman of the ability of the gentleman from Ohio [Mr. GROSVENOR] shows that he has a poor case and does not care to rely upon the facts.

Now, Mr. Speaker, I desire to call the attention of the House to the facts in this case. A great deal has been said here about the intention of the voter, as if this committee were trying to enforce a hard and harsh rule of law and disfranchise the Republicans of the Tenth Virginia district. I believe if you will examine our report, you will find we have solved more doubtful points in favor of the contestant than we have in favor of the contestee. Let us look first at the vote. There were returned for Mr. Yost 11,530 votes, for Mr. Tucker 12,422, giving Mr. Tucker a plurality over Mr. Yost of about 900 votes. At the instance of the contestant, a recount was had of all the ballots in the district. This recount practically amounted to an agreed statement of facts between the counsel on the different sides. That recount actually shows the condition of the ballots that were cast, and it shows that Mr. Yost had, of ballots in perfect form, that could not be questioned, and that were marked strictly in accordance with the law, 10,512 votes, and that the contestee had 12,126 votes, leaving a plurality for the sitting member of 1,614 votes.

I may say that our committee, by pruning the returns most generously, from the standpoint of the contestant, have reduced that plurality to about 200 votes.

The first question that arises in the case is whether certain so-called caption-marked ballots should be counted for either party. By caption-marked ballots I mean ballots which have erased from the top of them the official designation or name of the office that the voter is voting to have filled. Of those ballots there were 1,169 cast for Mr. Yost, and 114 for Mr. Tucker. Now, let me read to you the law of Virginia.

Section 1 of the Walton act provides that the voting shall be by ballot.

Section 2 provides that each person offering to vote shall deliver a single ballot to one of the judges, in the presence of at least one of the other judges of election.

Section 3 provides that the ballot shall be a white paper ticket, containing the names of the persons who have complied with the provisions of this act, and the title of the office printed or written as hereinafter provided, and that none other shall be a legal ballot.

Now, that is mandatory in form if any statute ever was. Here are 1,169 ballots, cast for Mr. Yost, that did not have remaining upon them the title of the office, because when a man votes by ballot he votes in writing.

The point here is certainly close in view of decisions; but the committee, in view of the phraseology of a subsequent statute, came to the conclusion that the three sections, which are general in their character, refer to the Australian ballot provided by the laws of Virginia, and that it was not mandatory upon us to reject these votes; therefore we gave to contestant 1,169 votes, and we gave to the contestee 114 votes, making a gain to the contestant on this decision of 1,055 votes.

The next question arises as to the blotted or blurred ballots. It appears that in folding the ballot, as required by law, the ink not being dry, in some cases an impression was made by the undried ink upon names which the voter did not intend to mark. I heard it said by some one upon this floor to-day that the committee in this instance has set aside a mandatory provision of the statute.

Evidently the gentleman who indulged in that observation was as innocent of having read the law as a good many members who have addressed this House are innocent of all knowledge of the record. [Laughter.] The statute provides that the ballot shall be marked through with a pen or pencil; and it can not be contended, when the blot comes upon a name by folding, that the voter makes that mark through the names; and on that point we decided in favor of Mr. Yost, and he thereby gained 54 votes and Mr. Tucker 14 votes, making a net gain of 40 votes.

The next question that arose was as to certain so-called "imperfectly marked ballots;" and I only regret that some gentlemen who have substituted for the record and the evidence a picture of what the record and evidence were alleged to show had not gone to the testimony. I do not wish to say that the exhibits presented here in the proof of the distinguished gentleman [Mr. Yost] and my friends the minority of the committee were made for the purpose of misleading the House; but I say that if you compare these exhibits with the testimony you will see that my friends have liberally subsidized their imaginations, and they have produced things that bear hardly any relation to the evidence. Now, let me call your attention to the manner of voting as prescribed by the statute. In section 11 of the so-called Walton act it is provided:

> The said elector shall then take the said official ballot and retire to said voting booth. He shall then draw a line with a pen or pencil through the names of the candidates he does not wish to vote for, leaving the name or names of the candidate or candidates he does wish to vote for unscratched. No name shall be considered scratched unless the pen or pencil mark extend through three-fourths of the length of said name, and no ballot save an official ballot above provided for shall be counted for any person. When as to any office more than one name remains unscratched, the ballot for that particular office shall be void, but the ballot, as to any other office for which only one name remains unscratched, shall be valid.

If there ever was a statute enacted by any legislature in this Union that is mandatory, that statute is mandatory. The distinguished gentleman from New York [Mr. DANIELS] admitted yesterday that if he were a judge sitting in Virginia he would probably hold that the statute was mandatory. This theory set up by him is one entirely unknown to the cases, one almost entirely unknown in the precedents.

Mr. DANIELS. If the gentleman will permit me, by way of correction, I said if sitting under the laws of Virginia, where the laws of Virginia were in force, but not here.

Mr. MCCALL of Massachusetts. Very well; I do not think I misrepresented my friend a particle. If he were sitting as a judge in Virginia, I suppose under the laws of Virginia, he would probably hold that this statute was mandatory. Now, I say that he has given away the whole case. For that would reverse every precedent that has ever been set upon this subject. Let us look at the authorities upon this point. The great authorities, the great text writers, are McCrary on Elections and Paine on Elections. I read from the latest edition of those two writers.

McCrary on Elections, section 190, says:

> The language of the statute to be construed must be consulted and followed. If the statute expressly declares any particular act to be essential to the validity of the election, or that its omission shall render the election void, all courts whose duty it is to enforce such statute must so hold, whether the particular act in question goes to the merits or affects the result of the election or not. Such a statute is imperative, and all considerations touching its policy or impolicy must be addressed to the legislature.

Now I am going to read to you from the last edition of Paine on Elections, section 497:

> Statutes prescribing, in affirmative language, specific duties for electors, or officers of registration or election, are directory unless the acts prescribed are in their nature—

I trust you will note this—

> unless the acts prescribed are, in their nature, essential to the validity of the election. Statutes expressly declaring specified acts or omissions fatal to the validity of an election, or expressly prohibiting the performance or omission of specified acts, are mandatory. While statutory provisions prescribing acts which are in their nature absolutely essential to the validity of the election may be mandatory, in whatever phraseology expressed, the most unimportant requirements may be made mandatory by a clear expression of the legislative will.

There can be no question that the legislature of Virginia has clearly and positively expressed its will upon this point, and has declared that unless the ballot is marked as provided by a certain section that ballot shall not be counted.

Now, then, I will refer again to my friend from Ohio [Mr. GROSVENOR]. He referred yesterday in a triumphant manner to the Illinois case of Parker against Orr, as positively upsetting the position for which I am now contending. I propose to quote that case as a strong authority on the very point I am now making. The court in that case held, on the particular provision of the statute it was considering, that it was not intended by the legislature to be mandatory, and it says:

> Wherever our statutes do not expressly declare that particular informalities do not avoid the ballot, it would seem best to consider their requirements as directory only.

Clearly implying that when the law declares that a particular thing is necessary, and that the failure to comply with it would be fatal to it, the ballots can not be counted.

In the last Congress we decided the case of O'Neill against Joy, from the State of Missouri. In that case certain electors took the official ballot given them by the judges of election, and, properly and in full accordance with the statute, marked their intention upon those ballots and presented them to the receiving judges, who took them and deposited them in the ballot box. It was discovered afterwards that one of the judges of election had not put his initials upon the back of the ballot, as the law of Missouri required, and the question that the committee considered was whether the failure of the election judge to put his initials upon the ballot, whether the failure of a sworn officer to perform his duty, should deprive of their votes those electors who had complied with all the requirements of the law. I had the honor to serve upon that committee with the distinguished gentleman from New York, Judge DANIELS. We had not then discovered any

short cut out of the difficulty, such as the one he proposed here yesterday. He drew the report of the minority, and we were at our wits' end, and the report shows it, to make it appear that the legislature did not intend that statute to be mandatory, and never once, from the beginning to the end of the report, did we advance the consideration which the gentleman now says should be decisive in this case. Therefore, I say that the proposition the gentleman from New York advocates in this case is startling and revolutionary; that if adopted by the House it would reverse all of the precedents and all of the authorities upon this subject, including even himself. In the absence of a Federal statute, this election is held under the laws of Virginia, and we must judge of it by those laws.

Now, Mr. Speaker, I think I have shown that we are bound in this particular case by the laws of Virginia, and that when the parties come before our committee, not with the ballots, but admitting that those ballots were not marked as required by a certain section of the law, which is mandatory in its character, we, as judges, have no right to count them. The voters casting those ballots did not express their will in the manner in which they were required to express it by the laws of Virginia, and in view of all the precedents, we are compelled to exclude those ballots from our consideration.

Mr. JOHNSON of Indiana. Will the gentleman permit a question?

Mr. McCALL of Massachusetts. I have only fifteen minutes.

Mr. JOHNSON of Indiana. The gentleman refuses to yield?

Mr. McCALL of Massachusetts. No; I will hear the gentleman.

Mr. JOHNSON of Indiana. I want to hear the gentleman from Massachusetts upon this proposition: Suppose that a State legislature——

Mr. McCALL of Massachusetts (interposing). Please make it brief.

Mr. JOHNSON of Indiana. I am endeavoring to do so; the gentleman himself is consuming the time.

Mr. McCALL of Massachusetts. But the time is mine. [Laughter.]

Mr. JOHNSON of Indiana. Then the gentleman can keep his time.

Mr. McCALL of Massachusetts. Very well; I will endeavor to keep my time, or perhaps to consume it, as I think, for the benefit of the House.

Mr. Speaker, I have argued the law applicable to this question, and now I desire for a moment to call the attention of members of the House to facts which exist in the case. Those facts have been totally misrepresented here; I do not mean to say intentionally, but there is scarcely a member of the House who has not received a wrong impression of the facts as to these so-called defective ballots. We proceeded in this case upon the agreement of the counsel as to the fact that the ballots did not comply with the law. Whether they were marked or scratched one-fourth of the way through or one-eighth of the way through, we did not know, for we did not see them, but it was baldly agreed that they did not conform to the requirements of the law. I will refer to the evidence on this point, because there are some witnesses who testified as to the condition of those ballots, and I will refer to that testimony in order to throw some light upon the subject.

Let me first call attention to one circumstance. This was the first introduction in Virginia of the so-called Australian ballot system; the first time it was put in operation there. Now, most of the members who hear me have that, or a similar statute, in force in their own States, and I ask them, did you find—I put the question to each of you—did you find that the first time that statute was put in operation every voter, even every intelligent voter, succeeded in expressing his will according to the law? Why, a distinguished gentleman from Maine, where the people are as intelligent as in any State of this Union, after the first trial of the Australian system there, wrote a letter to the papers asserting that 10 per cent of the voters of Maine had been disfranchised by that system of voting. In Massachusetts we have an educational qualification; our voters must be able to read and write, and yet the first time the Australian system was applied in our State there were tens of thousands of voters who did not express their will at the ballot box according to the requirements of the law.

Recently I saw it stated that 10 per cent of the vote of New York cast at the late election had to be thrown out, and it is a matter within the common knowledge of everybody, even in intelligent communities where there may be, or where there is, an educational qualification for the suffrage, that there are large numbers of men who the first time they try to vote the Australian ballot are unable to do so successfully. Now, what condition of things was there existing in the district under consideration at this time? There the Australian ballot system was introduced for the first time in a district where it is contended by the contestant himself that a very large portion of the voters are unable to read or write. There were cast in that district, all told, about 27,000 or 28,000 votes. After we have allowed to the contestant the votes that we have allowed upon the various issues in this case, there remain uncounted in that district only about 2,700 votes. I say that is an extraordinary result, considering the large number of illiterate voters in the district, especially when you remember how those voters were cautioned against accepting the assistance of the sworn officers of the law. I repeat that it is extraordinary to see so few ballots thrown out as defective.

I was going to call the attention of the House to the exact description of some of those ballots which you are asked to count as clearly expressing the intention of the voter. It is said that there were certain ballots which were burned. I turn now to the very first case of that kind, which I take as a very fair sample. It may, perhaps, go a little further than some other instances; but I do not think it goes so far as some. The contestant, in his brief, claims that in Mount Sidney precinct—and I trust members will give attention and judge of the character of contestant's evidence by this instance—in Mount Sidney precinct he claims that there should be counted in his favor 12 burned ballots; and he calls as a witness one Landes, who swears that he witnessed the count, etc. Let me turn to the record and read from the testimony of this witness. I will remark before so doing that at this precinct there were at least two Republican election officers—one a judge and one a clerk. This witness was presented by the contestant himself. His counsel asks the witness this question:

Of the 17 ballots destroyed, how many should have been counted for Yost?

Now mark the answer:

I took a memorandum at the time of the 21 ballots thrown out; I did not know that 4 of the ballots had been returned except from information received afterwards. My statement now will be as to the 21 ballots rejected. In my judgment there were 3 of those ballots intended for Tucker. My reasons for that was Yost's name was scratched.

Understand there would still be three other names unscratched upon that ticket.

Fifteen of them were intended for Yost. I thought that these should be counted for Yost because Tucker's name was scratched and Yost's name left clear and some of them had some of the other names scratched.

It will be seen that his testimony does not show that there was a single one of these ballots which did not have at least two names that there had been no attempt whatever to erase.

On cross-examination he is asked:

Q. Of the 17 destroyed ballots, will you please state were there any which had left on them only the single name of any one of the five candidates for Congress?

A. There were not.

In other words, it appears by the testimony of this witness of the contestant that there was not a single one of all those ballots here in controversy which had left on it unscratched the name of only one man.

Now, I do not think there is a lawyer in this House, or any man not a lawyer, who has considered the case for an instant who can say that the voters who cast those ballots intended to vote for Mr. Yost when at least two names were left unscratched.

I am sorry I can not call the attention of members fully to the evidence on this part of the case; but my conclusion upon that evidence, after a careful investigation, is that it is not clear, measuring the question either by the Virginia rule or by any rule that could be laid down in the House of Representatives, that these voters intended to vote for Mr. Yost.

I will refer now to those ballots concerning which agreements have been made in the record. I admit that there were 34 of those ballots in the county of Alleghany that by the admission of counsel must be counted. But as to the other counties of the district there was no such admission made, and there is no evidence to warrant us in finding that the voters there intended to vote for Mr. Yost.

Another feature of the case upon which a good deal of stress has been laid has relation to the so-called burned ballots. There were in this district at, I think, 15 polling places about 1,000 ballots that were burned. There were some 75 polling precincts in the whole district.

Mr. TUCKER. One hundred and seventy-five.

Mr. McCALL of Massachusetts. One hundred and seventy-five polling precincts in the whole district, as the gentleman from Virginia informs me. Now, it seems to me rather absurd to contend, as the gentleman from Ohio did yesterday, that there was a conspiracy here to destroy evidence and remove these ballots from further scrutiny; because if there had been such a conspiracy it is most remarkable that it should have manifested itself in only 14 or 15 polling places out of the 175 in the district.

Mr. COX. One question, if the gentleman pleases. Were those

ballots burned before there was any knowledge as to the result of the election?

Mr. McCALL of Massachusetts. They were burned on the evening of the election.

Mr. COX. Before there was any knowledge of the result?

Mr. McCALL of Massachusetts. They were burned before there was any knowledge of the result of the election. They were no doubt regarded by the election officers as mere débris. The officers were required by law to return the ballots. They assumed that that meant the ballots that they could legally count; and not being constitutional lawyers, they agreed to destroy these others. There was not a very large proportion of defective ballots at these different precincts that were uncounted. At three precincts there were large numbers of ballots destroyed. In those precincts we looked carefully into the case, and although the secondary evidence as to what those ballots contained was very weak, we thought the destruction of so many ballots raised some presumption of fraud, and consequently we gave Mr. Yost in those precincts precisely the number of votes that he claimed.

One further point, Mr. Speaker. There are returned here some seven hundred and over of ballots called "imperfect ballots" which were preserved and not burned, out of a total of 2,700. Mr. Yost claims of these ballots a gain over Tucker out of the 2,700 of upward of 200 votes. Now, of these defective ballots which were burned at the several precincts, hardly one-third of the total number of ballots that were rejected at other precincts, we allow Mr. Yost a gain over Tucker of 190 votes. That is to say, we allow him nearly as many improperly marked or defective ballots at the 14 precincts in question as we had allowed at all of the others, at the 165 precincts; and I venture to say, what I do not believe can be controverted, that in the opinion of the committee, acting on strict and harsh rules of law as to the destruction of evidence—and I think the gentleman from Ohio [Mr. GROSVENOR] must have been reading from the majority report on yesterday when he made reference to this matter—we have given Mr. Yost more of the burned ballots than he was really entitled to.

We throw out Curdsville precinct, and give at that one precinct to Yost, the contestant, 90 votes.

Now, there are a number of other similar cases, many others, that I can not stop to consider in the brief time remaining to me. They relate to the isolated polling precincts; and in all of them we are asked by the contestant to throw out certain votes. There is, for instance, the First Ward of the city of Staunton, where it is alleged that the special constable appointed under the law was a very wicked individual. He is not a "milk-and-water" villain as he is presented in the brief of the contestant; but we are asked to disfranchise all of the voters in that ward because of the misconduct of this officer. A paper edited by Mr. Yost, a very able Republican paper, took occasion when this Mr. West was appointed to speak of the high character of the man; and Mr. Yost seems only to have discovered that he was a very bad fellow indeed when he found he did not view the election law of Virginia as Mr. Yost himself did. We have allowed Mr. Yost there—or practically I should say it was allowed by agreement between the parties—a certain number of votes; and the number rejected is not materially greater, with reference to the defective ballots, than was cast in other precincts in the same district. But we did not feel justified in disfranchising 600 voters and ignoring the entire poll. The evidence did not in our judgment warrant that action.

There is a grave question as to the manner in which the ballots were printed. The gentleman from Virginia [Mr. WALKER] has read from the report of the majority that I prepared on that subject last summer. There has been no attempt nor have I undertaken to condone that action on the part of the judges of election; but the question faces us, and we must decide it: What shall we do in that particular case? We found by careful scrutiny of the whole record that the probability is, or at least it so appeared to me when I wrote the report, that in the two counties where that ballot was used that the contestee probably lost just as many votes as the contestant by reason of that mode of preparing the ballots. If you will notice the name of the contestant printed on the ballot "J. Yost," and compare it with other names on the same ticket, you will see that it is a very short name, and could be easily identified in that manner. A voter would have to be able to count if he was told by someone who had voted before him in what order the name appeared on the ballot. But he could easily see that it was the shortest name on the ticket, and in that manner could readily find the name of his candidate on the ballot. As a matter of fact, the voters were so instructed. The record contains evidence to show the fact that they took this way of designating that name on the ticket to the ignorant voters, so as to enable them to vote for the candidate whose name was shortest, and thus enable them to cast their ballots for the contestant. The contestant himself in his speeches throughout the district held up his right hand and told his audience that there were as many letters in his name as there were fingers and thumb on that hand, thus giving a clear method by which the voter could pick out his name from all of the others.

Now, if this ballot was misleading to anyone, it would be misleading to the men who could read and write. In other words, it would be misleading to most of the Democrats there. The name of Mr. Tucker did not have any such distinction in its length from the other names upon the ticket.

The committee could not throw out 5,000 or 3,000 votes recklessly. These voters had clearly expressed their will according to the law. The precinct officers had correctly returned the count. There was no principle of law upon which we could disfranchise those voters; but we found, as a matter of fact, that it was one of those oversharp devices which had reacted upon its inventors, and that the supporters of the contestee probably lost more than the supporters of the contestant. That conclusion is verified by this consideration: At the recent election, although Mr. Yost gained in the rest of the district, as compared with two years ago, nearly 1,500 majority, in these two counties, where he had the ballot printed this time in plain roman type, he lost at least 300 majority. This is strongly and powerfully corroborative of the finding of the committee on that point. I do not defend those election officers, but I think that they would far better be sent to the penitentiary than that 3,000 voters of Virginia should be disfranchised.

Now, Mr. Speaker, I think we ought at this late day to do justice by the people of Virginia. We have for years here attempted to build up the Republican party in the South by seating this man and that man and by patronage; and the result is that they display their chief vitality and strength in our national Republican conventions, where they generally appear with as many different delegations as there are candidates for the Presidency. I say, what the Republicans of the South now need is to be treated upon robust principles. They have been coddled to the point of destruction. But, first and foremost, we should do justice to the people of Virginia. That record clearly shows to my mind that the people of the Tenth district are an honest people. And when to-day it appears that they have chosen a Representative in conformity with their laws, we should not be guilty of the partisan action of turning him from our doors.

[Here the hammer fell.]

The SPEAKER. Debate is closed, and the question is first upon the resolutions offered by the gentleman from Virginia [Mr. WALKER] as a substitute for the original resolutions offered by the chairman of the committee. The Clerk will first read the substitute.

The Clerk read as follows:

Resolved, That H. St. George Tucker was not elected a Representative to the Fifty-fourth Congress from the Tenth district of Virginia, and is not entitled to the seat.

Resolved, That J. Yost was duly elected as a Representative from the Tenth Congressional district of Virginia to the Fifty-fourth Congress, and is entitled to the seat.

The SPEAKER. The resolutions just read have been offered as a substitute for the resolutions which the Clerk will now read.

The Clerk read as follows:

Resolved, That Jacob Yost was not elected a Representative in the Fifty-fourth Congress from the Tenth Congressional district of the State of Virginia, and is not entitled to a seat therein.

Resolved, That H. St. George Tucker was duly elected a Representative in the Fifty-fourth Congress from the Tenth Congressional district of the State of Virginia, and is entitled to a seat therein.

The SPEAKER. The question is first upon the substitute.

The question being taken, Mr. THOMAS demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 119, nays 127, not voting 109; as follows:

YEAS—119.

Aitken,	Clark, Mo.	Hager,	Lacey,
Anderson,	Connolly.	Hainer, Nebr.	Lefever,
Andrews,	Cook, Wis.	Halterman,	Leighty,
Apsley,	Crowther,	Hardy,	Lewis,
Atwood,	Curtis, Iowa	Harris,	Linney,
Avery,	Curtis, Kans.	Henry, Ind.	Linton,
Babcock,	Danford,	Hepburn,	Long,
Baker, N. H.	Daniels,	Hermann,	Marsh,
Barney,	De Witt,	Howard,	Martin,
Bartholdt,	Dovener,	Howe,	McCleary, Minn.
Belknap,	Ellis,	Hubbard,	McClure,
Bishop,	Fairchild,	Huling,	McLachlan,
Boutelle,	Faris,	Hull,	Miller, Kans.
Bowers,	Fenton,	Hunter,	Miller, W. Va.
Brumm,	Fischer,	Hurley,	Milnes,
Bull,	Foote,	Hyde,	Minor, Wis.
Burrell,	Foss,	Johnson, Cal.	Mitchell,
Burton, Mo.	Gamble,	Johnson, Ind.	Morse.
Burton, Ohio	Gibson,	Johnson, N. Dak.	Mozley,
Calderhead,	Graff,	Kiefer,	Murray,
Cannon,	Grout,	Kirkpatrick,	Northway,
Chickering,	Grow,	Knox,	Otjen,

Perkins,	Spalding,	Tayler,	Warner,
Prince,	Sperry,	Thorp,	Wilber,
Reeves,	Stahle,	Tracey,	Wilson, N. Y.
Rinaker,	Stephenson,	Treloar,	Wood,
Royse,	Stewart, Wis.	Updegraff,	Woodman,
Russell, Conn.	Stone, C. W.	Van Horn,	Woomer,
Sauerhering,	Strode, Nebr.	Van Voorhis,	Wright.
Snover,	Strong,	Walker, Va.	

NAYS—127.

Abbott,	Draper,	Maddox,	Sayers,
Acheson,	Ellett,	McCall, Mass.	Scranton,
Adams,	Erdman,	McClellan,	Shafroth,
Allen, Miss.	Fitzgerald,	McCreary, Ky.	Shannon,
Arnold, Pa.	Fletcher,	McCulloch,	Sherman,
Bailey,	Gillet, N. Y.	McDearmon,	Simpkins,
Bartlett, Ga.	Gillett, Mass.	McEwan,	Smith, Ill.
Bell, Tex.	Griswold,	McLaurin,	Southard,
Bennett,	Harrison,	Meiklejohn,	Southwick,
Berry,	Hart,	Mercer,	Sparkman,
Black,	Hartman,	Meyer,	Stokes,
Blue,	Hendrick,	Miles,	Strait,
Boatner,	Henry, Conn.	Moody,	Sulzer,
Broderick,	Hill,	Neill,	Swanson,
Buck,	Hooker,	Newlands,	Taft,
Clardy,	Hulick,	Odell,	Talbert,
Clarke, Ala.	Jenkins,	Ogden,	Tate,
Cobb,	Jones,	Otey,	Terry,
Cockrell,	Kendall,	Overstreet,	Thomas,
Codding,	Kerr,	Parker,	Towne,
Coffin,	Kleberg,	Patterson,	Turner, Ga.
Cooke, Ill.	Kyle,	Pendleton,	Turner, Va.
Cooper, Fla.	Latimer,	Phillips,	Tyler,
Cooper, Tex.	Lawson,	Pitney,	Wadsworth,
Corliss,	Layton,	Poole,	Wanger,
Cowen,	Leisenring,	Powers,	Washington,
Cox,	Leonard,	Price,	Wheeler,
Crisp,	Lester,	Quigg,	Williams,
Cummings,	Little,	Reyburn,	Wilson, Idaho
De Armond,	Livingston,	Richardson,	Wilson, S. C.
Denny,	Loud,	Robertson, La.	Yoakum.
Dockery,	Loudenslager,	Rusk,	

NOT VOTING—109.

Aldrich, T. H.	Dayton,	Joy,	Russell, Ga.
Aldrich, W. F.	Dingley,	Kem,	Settle,
Aldrich, Ill.	Dinsmore,	Kulp,	Shaw,
Allen, Utah	Dolliver,	Lorimer,	Shuford,
Arnold, R. I.	Doolittle,	Low,	Skinner,
Baker, Kans.	Eddy,	Maguire,	Smith, Mich.
Baker, Md.	Evans,	Mahany,	Sorg,
Bankhead,	Fowler,	Mahon,	Spencer,
Barham,	Gardner,	McCall, Tenn.	Stallings,
Barrett,	Goodwyn,	McCormick,	Steele,
Bartlett, N. Y.	Griffin,	McMillin,	Stewart, N. J.
Beach,	Grosvenor,	McRae,	Stone, W. A.
Bell, Colo.	Hadley,	Meredith,	Strowd, N. C.
Bingham,	Hall,	Milliken,	Sulloway,
Brewster,	Hanly,	Miner, N. Y.	Tawney,
Bromwell,	Harmer,	Mondell,	Tracewell,
Brosius,	Hatch,	Money,	Tucker,
Brown,	Heatwole,	Moses,	Walker, Mass.
Catchings,	Heiner, Pa.	Murphy,	Watson, Ind.
Clark, Iowa	Hemenway,	Noonan,	Watson, Ohio
Colson,	Henderson,	Owens,	Wellington,
Cooper, Wis.	Hicks,	Payne,	White,
Cousins,	Hilborn,	Pearson,	Willis,
Crowley,	Hitt,	Pickler,	Wilson, Ohio
Crump,	Hopkins,	Pugh,	Woodard.
Culberson,	Howell,	Raney,	
Curtis, N. Y.	Huff,	Ray,	
Dalzell,	Hutcheson,	Robinson, Pa.	

So the substitute was not agreed to.

The following pairs were announced:

Until further notice:

Mr. DINGLEY with Mr. MCMILLIN.

Mr. HITT with Mr. MCRAE.

Mr. TRACEWELL with Mr. RUSSELL of Georgia.

Mr. HEMENWAY with Mr. MINER of New York.

Mr. HANLY with Mr. MOSES.

Mr. PUGH with Mr. MONEY.

For this day:

Mr. HENDERSON with Mr. CULBERSON.

Mr. WILSON of Ohio with Mr. DINSMORE.

On this question:

Mr. PAYNE with Mr. CATCHINGS.

Mr. DAYTON with Mr. BREWSTER.

Mr. GROSVENOR with Mr. MEREDITH.

Mr. MILLIKEN with Mr. BANKHEAD.

Mr. MAHON with Mr. HICKS.

Mr. LOW with Mr. OWENS.

Mr. TAWNEY with Mr. WALKER of Massachusetts.

Mr. MONDELL with Mr. DOOLITTLE.

Mr. HUFF with Mr. SPENCER.

Mr. RANEY with Mr. JOY.

Mr. DALZELL with Mr. WILLIAM A. STONE.

Mr. SULLOWAY with Mr. HUTCHESON.

Mr. HILBORN with Mr. MAGUIRE.

Mr. COOPER of Wisconsin with Mr. KULP.

Mr. CRUMP with Mr. SHAW.

Mr. TRUMAN H. ALDRICH with Mr. HALL.

Mr. BINGHAM with Mr. SMITH of Michigan.

Mr. EDDY with Mr. WOODARD.

Mr. SETTLE with Mr. BARTLETT of New York.

Mr. HOPKINS with Mr. SORG.

Mr. WILLIAM F. ALDRICH with Mr. CROWLEY.

Mr. BROMWELL with Mr. STALLINGS.

Mr. RANEY. Mr. Speaker, I am paired with my colleague, Mr. JOY. If he were present, he would vote "yea," and I would vote "nay."

Mr. THOMAS. Mr. Speaker, I ask for a recapitulation of the vote.

The SPEAKER. The Clerk will recapitulate the vote.

The vote was recapitulated.

Mr. ATWOOD. Mr. Speaker, I wish to have my vote recorded.

The SPEAKER. Was the gentleman in the Hall of the House at the time when his name should have been called, listening, and failed to hear it? The Chair so understands.

Mr. ATWOOD. Yes, sir.

The name of Mr. ATWOOD was called, and he voted "yea."

Mr. THOMAS. Mr. Speaker, I desire to change my vote from "yea" to "nay."

The SPEAKER. The gentleman's name will be called.

The name of Mr. THOMAS was called, and he voted "nay."

Mr. THOMAS. Mr. Speaker, I move to reconsider the vote just taken.

Mr. RICHARDSON. It has not been announced yet.

The result of the vote was then announced as above recorded.

Mr. THOMAS. Mr. Speaker, I move to reconsider the vote just taken.

Mr. HEPBURN. I move that the House adjourn.

Mr. THOMAS. And I also move that the House do now adjourn.

The SPEAKER. The Chair will put the question as presented by the gentleman from Michigan, who moves that the vote be reconsidered.

Mr. MCCALL of Massachusetts. I move to lay that motion on the table.

Mr. THOMAS. I move that the House adjourn.

The SPEAKER. The gentleman from Iowa [Mr. HEPBURN] moves that the House adjourn.

The question was taken.

The SPEAKER. The Chair is in doubt.

The House divided; and there were—ayes 109, noes 119.

Mr. GIBSON. The yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 112, nays 121, not voting 122; as follows:

YEAS—112.

Aitken,	De Witt,	Hyde,	Pitney,
Anderson,	Dovener,	Johnson, Cal.	Prince,
Andrews,	Ellis,	Johnson, Ind.	Reeves,
Apsley,	Fairchild,	Johnson, N. Dak.	Rinaker,
Avery,	Faris,	Kirkpatrick,	Royse,
Babcock,	Fenton,	Lacey,	Russell, Conn.
Baker, N. H.	Fischer,	Lefever,	Sauerhering,
Barney,	Foote,	Leighty,	Smith, Ill.
Belknap,	Foss,	Lewis,	Snover,
Bishop,	Gamble,	Linney,	Sperry,
Boutelle,	Gibson,	Linton,	Stephenson,
Brumm,	Graff,	Long,	Stewart, Wis.
Bull,	Griswold,	Marsh,	Stone, C. W.
Burrell,	Grout,	Martin,	Strode, Nebr.
Burton, Mo.	Grow,	McCleary, Minn.	Strong,
Burton, Ohio	Hager,	McClure,	Tayler,
Calderhead,	Hainer, Nebr.	McLachlan,	Thomas,
Cannon,	Halterman,	Miller, Kans.	Thorp,
Chickering,	Hardy,	Miller, W. Va.	Tracey,
Clark, Mo.	Henry, Ind.	Milnes,	Treloar,
Connolly,	Hepburn,	Minor, Wis.	Updegraff,
Cook, Wis.	Howard,	Mitchell,	Van Horn,
Crowther,	Howe,	Morse,	Walker, Va.
Curtis, Iowa	Hubbard,	Mozley,	Warner,
Curtis, Kans.	Huling,	Murray,	Wilber,
Dalzell,	Hull,	Northway,	Wilson, N. Y.
Danford,	Hunter,	Otjen,	Wood,
Daniels,	Hurley,	Perkins,	Woomer.

NAYS—121.

Abbott,	Coffin,	Hendrick,	Loud,
Acheson,	Cooke, Ill.	Henry, Conn.	Loudenslager,
Adams,	Cooper, Fla.	Hermann,	Maddox,
Allen, Miss.	Cooper, Tex.	Hill,	McCall, Mass.
Arnold, Pa.	Corliss,	Hooker,	McClellan,
Atwood,	Cowen,	Hulick,	McCreary, Ky.
Bailey,	Cox,	Jenkins,	McCulloch,
Bartlett, Ga.	Crisp,	Jones,	McDearmon,
Bell, Tex.	Cummings,	Kendall,	McEwan,
Bennett,	De Armond,	Kerr,	McLaurin,
Black,	Denny,	Kleberg,	Meiklejohn,
Blue,	Dockery,	Kyle,	Mercer,
Boatner,	Draper,	Latimer,	Meyer,
Broderick,	Ellett,	Lawson,	Miles,
Buck,	Erdman,	Layton,	Neill,
Clardy,	Fitzgerald,	Leisenring,	Newlands,
Clarke, Ala.	Fletcher,	Leonard,	Odell,
Cobb,	Gillet, N. Y.	Lester,	Ogden,
Cockrell,	Harrison,	Little,	Otey,
Codding,	Hart,	Livingston,	Overstreet,

Parker,	Rusk,	Sulzer,	Wanger,
Patterson,	Sayers,	Swanson,	Washington,
Pendleton,	Scranton,	Taft,	Wheeler,
Phillips,	Shafroth,	Talbert,	Williams,
Poole,	Shannon,	Tate,	Wilson, Idaho
Powers,	Sherman,	Terry,	Wilson, S. C.
Price,	Southwick,	Towne,	Wright,
Quigg,	Spalding,	Turner, Ga.	Yoakum.
Reyburn,	Sparkman,	Turner, Va.	
Richardson,	Stokes,	Tyler,	
Robertson, La.	Strait,	Wadsworth,	

NOT VOTING—122.

Aldrich, T. H.	Dingley,	Kem,	Settle,
Aldrich, W. F.	Dinsmore,	Kiefer,	Shaw,
Aldrich, Ill.	Dolliver,	Knox,	Shuford,
Allen, Utah	Doolittle,	Kulp,	Simpkins,
Arnold, R. I.	Eddy,	Lorimer,	Skinner,
Baker, Kans.	Evans,	Low,	Smith, Mich.
Baker, Md.	Fowler,	Maguire,	Sorg,
Bankhead,	Gardner,	Mahany,	Southard,
Barham,	Gillett, Mass.	Mahon,	Spencer,
Barrett,	Goodwyn,	McCall, Tenn.	Stahle,
Bartholdt,	Griffin,	McCormick,	Stallings,
Bartlett, N. Y.	Grosvenor,	McMillin,	Steele,
Beach,	Hadley,	McRae,	Stewart, N. J.
Bell, Colo.	Hall,	Meredith,	Stone, W. A.
Berry,	Hanly,	Milliken,	Strowd, N. C.
Bingham,	Harmer,	Miner, N. Y.	Sulloway,
Bowers,	Harris,	Mondell,	Tawney,
Brewster,	Hartman,	Money,	Tracewell,
Bromwell,	Hatch,	Moody,	Tucker,
Brosius,	Heatwole,	Moses,	Van Voorhis,
Brown,	Heiner, Pa.	Murphy,	Walker, Mass.
Catchings,	Hemenway,	Noonan,	Watson, Ind.
Clark, Iowa	Henderson,	Owens,	Watson, Ohio
Colson,	Hicks,	Payne,	Wellington,
Cooper, Wis.	Hilborn,	Pearson,	White,
Cousins,	Hitt,	Pickler,	Willis,
Crowley,	Hopkins,	Pugh,	Wilson, Ohio
Crump,	Howell,	Raney,	Woodard,
Culberson,	Huff,	Ray,	Woodman.
Curtis, N. Y.	Hutcheson,	Robinson, Pa.	
Dayton,	Joy,	Russell, Ga.	

So the motion to adjourn was rejected.

The following additional pair was announced:

Mr. VAN VOORHIS with Mr. SIMPKINS, on this question.

The result of the vote was then announced as above recorded.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts [Mr. MCCALL] to lay the motion to reconsider on the table.

The question being taken, the Speaker declared that the ayes seemed to have it.

Mr. WALKER of Virginia. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 118, noes 98.

Mr. THOMAS. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 120, nays 104, not voting 131; as follows:

YEAS—120.

Abbott,	Denny,	Little,	Reyburn,
Acheson,	Dockery,	Livingston,	Richardson,
Adams,	Draper,	Loud,	Robertson, La.
Allen, Miss.	Ellett,	Loudenslager,	Rusk,
Arnold, Pa.	Erdman,	Maddox,	Sayers,
Bailey,	Fischer,	McCall, Mass.	Scranton,
Bartlett, Ga.	Fitzgerald,	McClellan,	Shafroth,
Bell, Tex.	Fletcher,	McCreary, Ky.	Shannon,
Bennett,	Gillet, N. Y.	McCulloch,	Sherman,
Berry,	Griswold,	McDearmon,	Smith, Ill.
Black,	Harrison,	McEwan,	Southwick,
Blue,	Hart,	McLaurin,	Sparkman,
Boatner,	Hartman,	Meiklejohn,	Stokes,
Broderick,	Hendrick,	Mercer,	Strait,
Buck,	Henry, Conn.	Meyer,	Sulzer,
Clardy,	Hill,	Miles,	Swanson,
Clarke, Ala.	Hooker,	Neill,	Taft,
Cobb,	Hulick,	Newlands,	Talbert,
Cockrell,	Jenkins,	Odell,	Tate,
Codding,	Jones,	Ogden,	Terry,
Coffin,	Kendall,	Otey,	Towne,
Cooke, Ill.	Kerr,	Parker,	Turner, Ga.
Cooper, Fla.	Kleberg,	Patterson,	Turner, Va.
Cooper, Tex.	Kyle,	Pendleton,	Tyler,
Corliss,	Latimer,	Phillips,	Wadsworth,
Cowen,	Lawson,	Pitney,	Wanger,
Cox,	Layton,	Poole,	Washington,
Crisp,	Leisenring,	Powers,	Williams,
Cummings,	Leonard,	Price,	Wilson, Idaho
De Armond,	Lester,	Quigg,	Wilson, S. C.

NAYS—104.

Aitken,	Bull,	Danford,	Grout,
Anderson,	Burrell,	Daniels,	Grow.
Andrews,	Burton, Mo.	De Witt,	Hager,
Apsley,	Burton, Ohio	Dovener,	Hainer, Nebr.
Atwood,	Calderhead,	Ellis,	Halterman,
Avery,	Cannon,	Fairchild,	Hardy,
Babcock,	Clark, Mo.	Faris,	Hepburn,
Baker, N. H.	Connolly,	Fenton,	Hermann,
Barney,	Cook, Wis.	Foote,	Howard,
Belknap,	Crowther,	Foss,	Howe,
Bishop,	Curtis, Iowa	Gamble,	Hubbard,
Boutelle,	Curtis, Kans.	Gibson,	Huling,
Brumm,	Dalzell,	Graff,	Hull,
Hunter,	McClure,	Reeves,	Thomas,
Hurley,	McLachlan,	Rinaker,	Thorp,
Johnson, Cal.	Miller, Kans.	Royse,	Tracey,
Johnson, N. Dak.	Miller, W. Va.	Russell, Conn.	Treloar,
Kirkpatrick,	Milnes,	Sauerhering,	Updegraff,
Lacey,	Minor, Wis.	Snover,	Van Horn,
Lefever,	Mitchell,	Spalding,	Walker, Va.
Leighty,	Mozley,	Stephenson,	Warner,
Lewis,	Murray,	Stewart, Wis.	Wilber,
Linney,	Northway,	Stone, C. W.	Wilson, N. Y.
Long,	Otjen,	Strode, Nebr.	Wood,
Martin,	Perkins,	Strong,	Woomer,
McCleary, Minn.	Prince,	Tayler,	Wright.

NOT VOTING—131.

Aldrich, T. H.	Dolliver,	Knox,	Settle,
Aldrich, W. F.	Doolittle,	Kulp,	Shaw,
Aldrich, Ill.	Eddy,	Linton,	Shuford,
Allen, Utah	Evans,	Lorimer,	Simpkins,
Arnold, R. I.	Fowler,	Low,	Skinner,
Baker, Kans.	Gardner,	Maguire,	Smith, Mich.
Baker, Md.	Gillett, Mass.	Mahany,	Sorg,
Bankhead,	Goodwyn,	Mahon,	Southard,
Barham,	Griffin,	Marsh,	Spencer,
Barrett,	Grosvenor,	McCall, Tenn.	Sperry,
Bartholdt,	Hadley,	McCormick,	Stahle,
Bartlett, N. Y.	Hall,	McMillin,	Stallings,
Beach,	Hanly,	McRae,	Steele,
Bell, Colo.	Harmer,	Meredith,	Stewart, N. J.
Bingham,	Harris,	Milliken,	Stone, W. A.
Bowers,	Hatch,	Miner, N. Y.	Strowd, N. C.
Brewster,	Heatwole,	Mondell,	Sulloway,
Bromwell,	Heiner, Pa.	Money,	Tawney,
Brosius,	Hemenway,	Moody,	Tracewell,
Brown,	Henderson,	Morse,	Tucker,
Catchings,	Henry, Ind.	Moses,	Van Voorhis,
Chickering,	Hicks,	Murphy,	Walker, Mass.
Clark, Iowa	Hilborn,	Noonan,	Watson, Ind.
Colson,	Hitt,	Overstreet,	Watson, Ohio
Cooper, Wis.	Hopkins,	Owens,	Wellington,
Cousins,	Howell,	Payne,	Wheeler,
Crowley,	Huff,	Pearson,	White,
Crump,	Hutcheson,	Pickler,	Willis,
Culberson,	Hyde,	Pugh,	Wilson, Ohio
Curtis, N. Y.	Johnson, Ind.	Raney,	Woodard,
Dayton,	Joy,	Ray,	Woodman,
Dingley,	Kem,	Robinson, Pa.	Yoakum.
Dinsmore,	Kiefer,	Russell, Ga.	

So the motion to reconsider was laid on the table.

The following additional pairs were announced:

On this question:

Mr. HYDE with Mr. WHEELER.

Mr. KNOX with Mr. YOAKUM.

Mr. OVERSTREET with Mr. HENRY of Indiana.

Mr. MORSE with Mr. GILLETT of Massachusetts.

The SPEAKER. On this question the yeas are 120 and the nays are 104. The ayes have it, and the motion to reconsider is laid upon the table.

Mr. HEPBURN. Mr. Speaker, is it now, in this stage of the proceedings, competent to move that the whole subject of the contested-election case now pending be recommitted to the Committee on Elections No. 3?

The SPEAKER. The Chair thinks the proper form would be that the pending resolutions be recommitted to the committee with instructions, if the gentleman desires.

Mr. HEPBURN. I now move that the resolutions be recommitted to the committee of which the gentleman from Massachusetts [Mr. MCCALL] is chairman.

Mr. BAILEY. Mr. Speaker, I submit that the motion to reconsider having been laid upon the table, it is not now competent by any motion to bring the question of Mr. Yost's right to the seat again before the House.

The SPEAKER. The motion to reconsider having been laid upon the table, the question before the House is on the resolutions originally presented by the committee. Those resolutions the gentleman from Iowa [Mr. HEPBURN] moves to recommit.

Mr. BAILEY. Those resolutions can be recommitted, but the gentleman said he moved to recommit the whole case.

The SPEAKER. And the Chair suggested to the gentleman from Iowa that that was not the proper form, but that he could move to recommit the resolutions either with or without instructions; not the resolutions which have been rejected as a substitute, but the resolutions reported by the committee, and which are now before the House. The question before the House is whether the resolutions reported by the committee shall be adopted or rejected; and now the gentleman from Iowa [Mr. HEPBURN] moves that they be recommitted to the committee.

The question being taken on the motion to recommit, the Speaker declared that the noes seemed to have it.

Mr. HEPBURN. I ask for a division.

The House divided; and there were—ayes 13, noes 115.

Mr. HEPBURN. I make the point that no quorum has voted.

The SPEAKER. That point is overruled. The motion to recommit is rejected. The question is on the resolutions.

The question being taken on the adoption of the committee resolutions, the Speaker declared the ayes seemed to have it.

Mr. HEPBURN. I ask for a division.

The House divided; and there were—ayes 115, noes 7.

Mr. HEPBURN. I make the point that no quorum has voted.

The SPEAKER. The Chair overrules the point that no quorum has voted. If the gentleman makes the point that no quorum is present, the fact will have to be ascertained.

Mr. HEPBURN. I make the point that no quorum is present.

After a count, the Speaker announced 150 members present—not a quorum.

Mr. McCALL of Massachusetts. Mr. Speaker, I ask for the yeas and nays.

Mr. HEPBURN. I move that the House adjourn.

The SPEAKER. The Chair understands the gentleman from Iowa to move to adjourn, which is in order.

The question being taken on the motion to adjourn, it was rejected.

The SPEAKER. A call of the House will be considered as ordered; the Sergeant-at-Arms will close the doors and the Clerk will call the roll, and members will answer in two ways, yea or nay upon the question and "present" on the roll call, and the Sergeant-at-Arms will bring in absentees.

Mr. POWERS. Mr. Speaker, a parliamentary inquiry. Is the question now upon the resolution of the committee that Mr. Tucker is entitled to his seat? Is that to be voted upon?

The SPEAKER. The question to be voted on is the adoption of the resolutions reported by the committee—the resolutions which, if adopted, seat Mr. Tucker.

Mr. HEPBURN. Mr. Speaker, a parliamentary inquiry. There are two resolutions?

The SPEAKER. There are two resolutions.

Mr. HEPBURN. Is the question divisible?

The SPEAKER. It would be divisible——

Mr. HEPBURN. I demand a division of the question.

The SPEAKER (continuing). But the Chair thinks it is too late now, after the yeas and nays have been ordered.

Mr. RICHARDSON. I make the point of order that it is too late.

The SPEAKER. It is too late after the yeas and nays have been ordered, as they have been, under the rule. The question was put on the two resolutions together, and no division of them was asked for. The Clerk will call the roll.

The question was taken; and there were—yeas 118, nays 47, not voting 190; as follows:

YEAS—118.

Abbott,	Crisp,	Little,	Robertson, La.
Acheson,	Cummings,	Livingston,	Rusk,
Adams,	De Armond,	Loud,	Sayers,
Allen, Miss.	Denny,	Loudenslager,	Scranton,
Arnold, Pa.	Dockery,	Maddox,	Shafroth,
Bailey,	Draper,	McCall, Mass.	Shannon,
Barney,	Ellett,	McClellan,	Sherman,
Bartlett, Ga.	Erdman,	McCreary, Ky.	Smith, Ill.
Bell, Tex.	Fitzgerald,	McCulloch,	Southwick,
Bennett,	Fletcher,	McDearmon,	Sparkman,
Berry,	Harrison,	McEwan,	Stokes,
Bishop,	Hart,	Meiklejohn,	Strait,
Black.	Hartman,	Mercer,	Sulzer,
Blue,	Hendrick,	Meyer,	Swanson,
Boatner,	Henry, Conn.	Miles,	Taft,
Broderick,	Hill,	Neil,	Talbert,
Buck,	Hooker,	Newlands,	Tate,
Bull,	Hulick,	Ogden,	Terry,
Clardy,	Jenkins,	Otey,	Towne,
Clarke, Ala.	Jones,	Parker,	Turner, Ga.
Cobb,	Kendall,	Patterson,	Turner, Va.
Cockrell,	Kerr,	Pendleton,	Tyler,
Codding,	Kleberg,	Phillips,	Wadsworth,
Coffin,	Kyle,	Pitney,	Wanger,
Cooke, Ill.	Latimer,	Poole,	Washington,
Cooper, Fla.	Lawson,	Powers,	Williams,
Cooper, Tex.	Layton,	Price,	Wilson, Idaho
Corliss,	Leisenring,	Quigg,	Wilson, S. C.
Cowen,	Leonard,	Reyburn,	
Cox,	Lester,	Richardson,	

NAYS—47.

Andrews,	Graff,	Leighty,	Spalding,
Belknap,	Hager,	Lewis,	Stephenson,
Burrell,	Hainer, Nebr.	Linney,	Stewart, Wis.
Burton, Ohio	Hepburn,	Linton,	Stone, C. W.
Calderhead,	Hermann,	Marsh,	Strode, Nebr.
Cannon,	Howard,	Martin,	Thomas,
Danford,	Howe,	McCleary, Minn.	Thorp,
Dovener,	Hubbard,	Mitchell,	Walker, Va.
Ellis,	Hull,	Otjen,	Wood,
Fischer,	Hunter,	Prince,	Woomer,
Gamble,	Hurley,	Reeves,	Wright.
Gibson,	Lacey,	Russell, Conn.	

NOT VOTING—190.

Aitken,	Baker, Kans.	Boutelle,	Clark, Mo.
Aldrich, T. H.	Baker, Md.	Bowers,	Colson,
Aldrich, W. F.	Baker, N. H.	Brewster,	Connolly,
Aldrich, Ill.	Bankhead,	Bromwell,	Cook, Wis.
Allen, Utah	Barham,	Brosius,	Cooper, Wis.
Anderson,	Barrett,	Brown,	Cousins,
Apsley,	Bartholdt,	Brumm,	Crowley,
Arnold, R. I.	Bartlett, N. Y.	Burton, Mo.	Crowther,
Atwood,	Beach,	Catchings,	Crump,
Avery,	Bell, Colo.	Chickering,	Culberson,
Babcock,	Bingham,	Clark, Iowa	Curtis, Iowa
Curtis, Kans.	Hemenway,	Miller, W. Va.	Sorg,
Curtis, N. Y.	Henderson,	Milliken,	Southard,
Dalzell,	Henry, Ind.	Milnes,	Spencer,
Daniels,	Hicks,	Miner, N. Y.	Sperry,
Dayton,	Hilborn,	Minor, Wis.	Stahle,
De Witt,	Hitt,	Mondell,	Stallings,
Dingley,	Hopkins,	Money,	Steele,
Dinsmore,	Howell,	Moody,	Stewart, N. J.
Dolliver,	Huff,	Morse,	Stone, W. A.
Doolittle,	Huling,	Moses,	Strong,
Eddy,	Hutcheson,	Mozley,	Strowd, N. C.
Evans,	Hyde,	Murphy,	Sulloway,
Fairchild,	Johnson, Cal.	Murray,	Tawney,
Faris,	Johnson, Ind.	Noonan,	Tayler,
Fenton,	Johnson, N. D.	Northway,	Tracewell,
Foote,	Joy,	Odell,	Tracey,
Foss,	Kem,	Overstreet,	Treloar,
Fowler,	Kiefer,	Owens,	Tucker,
Gardner,	Kirkpatrick,	Payne,	Updegraff,
Gillet, N. Y.	Knox,	Pearson,	Van Horn,
Gillett, Mass.	Kulp,	Perkins,	Van Voorhis,
Goodwyn,	Lefever,	Pickler,	Walker, Mass.
Griffin,	Long,	Pugh,	Warner,
Griswold,	Lorimer,	Raney,	Watson, Ind.
Grosvenor,	Low,	Ray,	Watson, Ohio
Grout,	Maguire,	Rinaker,	Wellington,
Grow,	Mahany,	Robinson, Pa.	Wheeler,
Hadley,	Mahon,	Royse,	White,
Hall,	McCall, Tenn.	Russell, Ga.	Wilber,
Halterman,	McClure,	Sauerhering,	Willis,
Hanly,	McCormick,	Settle,	Wilson, N. Y.
Hardy,	McLachlan,	Shaw,	Wilson, Ohio
Harmer,	McLaurin,	Shuford,	Woodard,
Harris	McMillin,	Simpkins,	Woodman,
Hatch,	McRae,	Skinner,	Yoakum.
Heatwole,	Meredith,	Smith, Mich.	
Heiner, Pa.	Miller, Kans.	Snover,	

So the resolutions reported by the Committee on Elections No. 3 were adopted.

The following additional pair was announced:

Mr. RINAKER with Mr. McLAURIN, on this vote.

The SPEAKER. On this question the yeas are 119; the nays 47; 14 gentlemen are present and not voting. A quorum being present, the resolutions are adopted. In order to avoid the possibility of mistake, the Clerk will announce the names of gentlemen present, so that if there be any error it may be corrected.

The names of members present and not voting were read, as follows:

Messrs. DALZELL, DANIELS, GROW, MAHON, MEREDITH, RANEY, STEELE, TUCKER, WILSON of Ohio, BOWERS, FOOTE, FOSS, ATWOOD, and MILLER of West Virginia.

Mr. BANKHEAD. I was present and desire to be so recorded.

The SPEAKER. The gentleman is not recorded. He will be marked as present. The report of members present and not voting has been read as made up by the Clerk; and whether the name of the gentleman from Virginia [Mr. TUCKER] should be counted or not is not material, as it is not necessary to make up a quorum.

Mr. McCALL of Massachusetts. I move to reconsider the vote just taken, and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. McCALL of Massachusetts (at 6.30 p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General in reference to compensation due W. A. Poucher, United States attorney for the northern district of New York—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Horn Island Pass, Mississippi—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of the harbor at Oyster Bay, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. FISCHER, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 866) to provide for a final settlement with the Naalem band of the Tillamook tribe of Indians, of Oregon, in accordance with a certain agreement between the United States and the said Indians, dated the 6th day of August, 1851, reported the same with amendment, accompanied by a report (No. 2588); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BLACK, from the Committee on Pensions:

The bill (H. R. 9881) to increase the pension to Harriet J. Hutter. (Report No. 2589.)

The bill (H. R. 1378) to pension Lucinda Stone, daughter of Revolutionary soldier. (Report No. 2590.)

The bill (S. 790) entitled "An act granting a pension to Mrs. Hypolite Huard, of New Orleans, La., widow of Hypolite Huard, deceased. (Report No. 2592.)

By Mr. COFFIN, from the Committee on Pensions: The bill (S. 1091) entitled "An act granting an increase of pension to Christiana C. Queen, widow of Walter W. Queen, rear-admiral, United States Navy. (Report No. 2591.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. KLEBERG: A bill (H. R. 10092) to authorize the Corpus Christi and Padre Island Harbor Company to import free of duty certain materials for the construction of an outer harbor on the coast of Texas—to the Committee on Ways and Means.

By Mr. WOODMAN: A bill (H. R. 10093) regulating the service of summons in the justice courts of the District of Columbia—to the Committee on the District of Columbia.

By Mr. HURLEY: A bill (H. R. 10094) for the purpose of pensioning persons in the civil service—to the Committee on Reform in the Civil Service.

By Mr. HERMANN: A bill (H. R. 10105) to create a public land commission—to the Committee on the Public Lands.

By Mr. HOWE: A joint resolution (H. Res. 236) directing the Secretary of War to submit estimates for work upon Wallabout Channel, New York—to the Committee on Rivers and Harbors.

By Mr. RICHARDSON: A joint resolution (H. Res. 237) to furnish the daily CONGRESSIONAL RECORD to members of the press, etc.—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. APSLEY: A bill (H. R. 10095) to pension Nancy E. Hardy—to the Committee on Invalid Pensions.

By Mr. CLARDY: A bill (H. R. 10096) for the relief of W. M. Rhea—to the Committee on War Claims.

By Mr. DENNY: A bill (H. R. 10097) for the relief of M. Lowenburg, of Natchez, Miss.—to the Committee on War Claims.

By Mr. HUBBARD: A bill (H. R. 10098) to pension John Berger—to the Committee on Invalid Pensions.

By Mr. LOW: A bill (H. R. 10099) for the relief of Abraham Egbert, jr.—to the Committee on Military Affairs.

Also, a bill (H. R. 10100) for the relief of George Frey—to the Committee on Military Affairs.

By Mr. NOONAN: A bill (H. R. 10101) for the relief of H. D. Bonnet—to the Committee on Military Affairs.

By Mr. OWENS: A bill (H. R. 10102) to remove the political disabilities of Col. William E. Simms—to the Committee on the Judiciary.

By Mr. QUIGG: A bill (H. R. 10103) for the relief of William Plimley, late general superintendent of the money-order division of the post-office at New York—to the Committee on Claims.

By Mr. STRAIT: A bill (H. R. 10104) for the relief of Marcus Bain—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of Quaker City Lodge, No. 348, International Association of Machinists, favoring Government ownership of telegraph lines—to the Committee on the Judiciary.

Also, petitions of the Friends' Institute and William H. Jenks and others, all of Philadelphia, Pa., praying for favorable action on House bill No. 4566, also Senate bill No. 1675, to prohibit the transportation of obscene matter—to the Committee on Interstate and Foreign Commerce.

By Mr. ARNOLD of Rhode Island: Petition of James C. Nichols Post, No. 19, Department of Rhode Island, Grand Army of the Republic, in behalf of Cuban liberty and independence—to the Committee on Foreign Affairs.

By Mr. BENNETT: Memorial praying for the relief of John L. Smithmeyer—to the Committee on the Library.

By Mr. GIBSON: Petition of James M. Wilson, of Somerset, Ky., praying for payment for services during the rebellion—to the Committee on War Claims.

By Mr. HARMER: Petition of Richard Wells and 29 others, of Philadelphia, Pa., asking for favorable action on House bill No. 4566 and Senate bill No. 1675, to prohibit the interstate transportation of obscene matter—to the Committee on Interstate and Foreign Commerce.

By Mr. HILBORN: Memorial from 68 patentees and owners of land within the limits of the Yosemite Park Reservation, Cal., praying for relief from the onerous conditions imposed upon them—to the Committee on the Public Lands.

By Mr. HUBBARD: Petition of John Berger, of Boonville, Mo., to accompany House bill, for a pension—to the Committee on Invalid Pensions.

By Mr. LINNEY (by request): Petition of the estate of Adam Staley, deceased, late of Wilkes County, N. C., praying that his war claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

Also, petition of the heirs of Thomas Triplett, of Caldwell County, N. C., praying that his war claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. LOUDENSLAGER: Resolutions of Washington Camp, No. 29, Patriotic Sons of America, of New Jersey, protesting against Spanish rule in Cuba and urging speedy action on the part of the United States in behalf of Cuban independence—to the Committee on Foreign Affairs.

Also, petition of the Central Woman's Christian Temperance Union, of Camden, N. J., in favor of the passage of House bill No. 6119, known as the Phillips bill—to the Committee on Labor.

By Mr. LOW: Paper of Abraham Egbert, of Company K, Seventy-fourth New York Infantry, to accompany House bill for his relief—to the Committee on Military Affairs.

Also, papers to accompany House bill to remove the charge of desertion against George Frey, of Company D, Fifty-fifth Regiment New York Volunteers—to the Committee on Military Affairs.

By Mr. MOZLEY: Petition of citizens of Stoddard County, Mo., late members of Missouri volunteers in the war of the rebellion, asking for certain pension legislation—to the Committee on Invalid Pensions.

By Mr. QUIGG: Paper to accompany House bill for the relief of William Plimley—to the Committee on Claims.

By Mr. STRAIT: Paper to accompany House bill for the relief of Marcus Bain—to the Committee on Military Affairs.

By Mr. UPDEGRAFF: Petition of L. M. Koehler, of Utah, favoring a tariff on gilsonite or asphaltum—to the Committee on Ways and Means.

Also, petition of J. R. Coffyn, of Fayette, Iowa, protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

SENATE.

FRIDAY, *January 22, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a draft of a proposed joint resolution to enable the Secretary of the Treasury to transfer from the permanent appropriation for expenses of Treasury notes, act of July 12, 1890, to the appropriation for labor and expenses of engraving and printing in the Bureau of Engraving and Printing the sum of $46,046, for the purpose of meeting the demand upon the Treasury of the United States for silver certificates and of maintaining the necessary stock of such certificates in the reserved vault of his office during the remainder of the current fiscal year; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

ARMY APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives upon the bill (H. R. 9638) making appropriations for the support of the Army for the fiscal year ending June 30, 1898, agreeing to the report of the committee of conference, insisting upon the amendments still in disagreement, and requesting a further conference thereon.

Mr. HALE. The Senate has already insisted upon its amendments. I move that it agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. QUAY, Mr. HALE, and Mr. BLACKBURN were appointed.

HOUSE BILLS REFERRED.

The bill (H. R. 9734) to provide an American register for the bark *E. C. Mowatt*, of Philadelphia, Pa., was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 9948) to amend subdivision 10 of section 2238 and to repeal subdivision 12 of section 2238 of the Revised Statutes of the United States was read twice by its title, and referred to the Committee on Public Lands.

CREDENTIALS.

Mr. CAMERON presented the credentials of Boies Penrose, chosen by the legislature of Pennsylvania a Senator from that State for the term commencing March 4, 1897; which were read, and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented letters in the nature of memorials from R. E. Orr, of Evanston; H. P. Beach, of Piper City; J. P. McGrath, of Chicago, and the Noncommissioned Officers' Association, Seventh Infantry Illinois National Guard, all in the State of Illinois, remonstrating against the ratification of the arbitration treaty; which were referred to the Committee on Foreign Relations.

He also presented letters, in the nature of petitions, from John V. Farwell, of Chicago; James L. Houghtleling, of Chicago; E. G. Keith, of Chicago; John H. Wigmore, of Chicago; H. N. Higinbotham, of Chicago; Byron L. Smith, of Chicago, and Franklin McVeagh, of Chicago, all in the State of Illinois; and the petition of Josiah Strong, secretary of the National Arbitration Conference, of New York City, praying for the ratification of the arbitration treaty; which were referred to the Committee on Foreign Relations.

He also presented the petitions of H. N. Higinbotham, of Chicago; of Frederick L. Chapman, of Chicago; of H. D. Penfield, of Chicago, and of the United States Heater Company, of Chicago, all in the State of Illinois, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of S. V. Park, publisher of the Times, of Joliet, Ill., and the memorial of John & Walter H. Cunningham, publishers of the Grump Press, of Grump, Ill., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of William Clancy, president and treasurer of the Lumbermen's Credit Association, of Chicago, Ill., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. GEAR presented a memorial of the Bureau of Credits, composed of bankers, manufacturers, and jobbers, of Sioux City, Iowa, remonstrating against the passage of the so-called Bailey-George bill, to establish a uniform system of bankruptcy; which was ordered to lie on the table.

Mr. LODGE presented a petition of the Norwood Business Association, of Norwood, Mass., praying for the enactment of legislation placing the consular service under the civil-service rules; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Chamber of Commerce of Boston, Mass., praying for the ratification of the arbitration treaty; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Norwood Business Association, of Norwood, Mass., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Norwood Business Association, of Norwood, Mass., praying for the appointment of a nonpartisan tariff commission; which was referred to the Committee on Finance.

He also presented the petitions of Frank H. Stevens & Co., of Marblehead; of H. Grifford, of Abington; of F. A. Smith & Co., and of Albert M. Nash, of Abington, all in the State of Massachusetts, praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

Mr. PEFFER presented the memorial of Arthur Capper, publisher of the Topeka Mail, of Topeka, Kans., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HALE. I present the petitions of Isaac A. Loose, professor of political science, State University of Iowa; of Benjamin F. Shambaugh, assistant professor, State University of Iowa, and sundry other petitions from colleges and representatives of various newspapers in the United States, praying for the publication of a new edition of the charters, constitutions, and organic laws of the United States.

I ask that the petitions and the accompanying letters be printed as a document and referred to the Committee on Printing.

Mr. HOAR. I may be permitted to express to that committee, through its chairman, who has just presented the petitions, my hope that the committee will make arrangements at an early day for republishing that valuable work, including all the more recent constitutions, correcting any omissions which may be in it, and possibly adding to it the decisions, certainly of the Supreme Court of the United States, in regard to the constitutionality of any existing State statutes or constitutions. It is a book which all of us have occasion to refer to very frequently. It is regarded, I know, by historical scholars as among the most important and valuable of our Government publications; but it is nearly twenty years old now.

The VICE-PRESIDENT. The petitions and letters will be referred to the Committee on Printing, and printed as a document, in the absence of objection.

Mr. COCKRELL. I present a petition of the St. Louis Credit Men's Association, praying for the passage of the so-called bankruptcy bill. I move that the petition lie on the table, and that it be printed as a miscellaneous document.

The motion was agreed to.

Mr. BATE presented the memorial of F. A. Dunning, publisher of the Dispatch, of Sunshine, Tenn., and a memorial of publishers of sundry newspapers, magazines, and periodicals in the United States, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER. I present a letter, in the nature of a memorial, from Warren F. Daniell, of Franklin, N. H., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter. I move that the memorial be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. GALLINGER. I present the letter of George F. Seymour, bishop of the diocese of Springfield, Ill.; of Martin L. De Voge, of the University of Michigan; of George W. Gates, president of Iowa College, of Grinnell, Iowa; of W. P. Johnston, president of Geneva College, of Beaver Falls, Pa.; of S. Burnham, dean of the Hamilton Theological Seminary, of Hamilton, N. Y., and of Louise Imogen Guiney, of Auburndale, Mass., praying for the passage of the bill now on the Calendar relating to vivisection in the District of Columbia.

I ask that these letters lie on the table and be ordered printed in connection with the petition and certain other letters that have heretofore been ordered printed as a document.

The VICE-PRESIDENT. It will be so ordered, in the absence of objection.

Mr. FRYE presented a petition of the Methodist Episcopal church of Searsmont, Me., praying for the passage of Senate bill No. 2485, to further protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the labor unions of Lewiston and Auburn, in the State of Maine, praying for the enactment of legislation providing better treatment of seamen, and regulating their wages; which was ordered to lie on the table.

Mr. MORGAN presented a petition of the Woman's Christian Temperance Union of Florence, Ala., praying for the passage of Senate bill No. 1498, to raise the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

Mr. BRICE presented a petition of the Ohio State board of commerce, praying for the establishment of a department of commerce and manufactures, and that liberal appropriations be made for the improvement of the Ohio River; which was referred to the Committee on Commerce.

He also presented the memorial of Charles M. Pfeifer & Co., of Cincinnati, Ohio, remonstrating against the passage of House bill No. 8582, providing for the bottling of whiskies at the distillery, etc.; which was referred to the Committee on Finance.

He also presented the memorials of the publishers of the Guernsey Times and the Cambridge Jeffersonian, of Cambridge, Ohio, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Rev. Edward B. Wilson, pastor of the Methodist Episcopal church of Marlboro, Ohio, and the petition of J. W. Culver, president of the Young People's Society of Christian Endeavor, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of the Chamber of Commerce of Cleveland; of Rev. Washington Gladden, pastor of the First Congregational Church, of Columbus; of Sylvester F. Scovel, of the University of Wooster, Wooster, Ohio; and of W. A. Mahony, of Columbus, all in the State of Ohio, praying for the ratification of the arbitration treaty with England; which were referred to the Committee on Foreign Relations.

He also presented the petitions of the First National Bank of Toledo, of the Pliny Watson Company, the Walding, Kinnan & Marvin Company, Childs, Lee & Co., the Simmons Boot and Shoe Company, and B. A. Stevens, of Toledo; of Ford, Eaton & Co., of Cincinnati; the Hasseret Company, of Cleveland; of McGowan Bros., of Steubenville; the McKeehan-Hiestand Grocery Company, of Hillsboro; of Herbert K. Caskey, of Youngstown, and of George B. Kerper, of Dayton, all in the State of Ohio, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLEN presented three memorials from Warner Starr, publisher of the Allen News, of Allen, Nebr., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. TURPIE. I present the petition of Le Grand Byington, of Iowa City, Iowa, praying that all the gold and silver bullion now in the Treasury be coined into standard money, to make the silver dollar coined by the United States the exact equal of the gold dollar, to open the mints for the unlimited coinage of both metals, and to take from the national banks the right and privilege of issuing circulating notes.

The petition contains a very elaborate scheme for the renovation of the financial system of the United States. I ask its reference to the Committee on Finance, and earnestly hope that it will receive careful consideration at their hands.

The VICE-PRESIDENT. The petition will be referred to the Committee on Finance.

INDEPENDENCE OF CUBA.

Mr. TURPIE. Mr. President, I wish to give notice that on Monday next, immediately after the completion of the ordinary routine business of the morning hour, I shall move to take up the joint resolution reported by the senior Senator from Pennsylvania [Mr. CAMERON] from the Committee on Foreign Relations, providing for the recognition of the Republic of Cuba by the Congress of the United States, and I shall at that time, by the courtesy of the Senate, submit some remarks upon that subject.

I trust that at this time I may be allowed to state that three weeks ago in the newspapers appeared a very formal utterance of the honorable Secretary of State in regard to the right and authority of Congress to deal with the question of recognition. There was not at that time, and is not now, any communication from Congress pending before the President, and there could have been none in the Department of State, upon that question. This utterance, therefore, we treated as obiter dictum of the Secretary. There was nothing before him; there could have been nothing before him, calling for a deliverance upon that subject. It is obiter dictum of the most crude, the most swift, and the most voluntary character. It is an instance, too, of moliter manus imposuit in the manner of that celebrated schoolmaster of antiquity, Orbilius, who caused a whole audience of pupils to tremble by a word in terrorem, with a threatened menace of future discipline.

This, however, we were disposed to pass over as a mere inadvertence, inconsequential. This morning, however, I see in the newspapers, who have in some way become messengers between the executive department and Congress, and I do not disparage the messengers—I see in the newspapers this morning that there has been a compact entered into between the present incumbent in the office of Secretary of State and the future premier of the new Administration in relation to this same subject, and the bargain includes the provision that there shall be no action of Congress on the question during the present session.

Allow me to state that this manner of managing foreign relations is in my judgment unconstitutional, and a violation of the comity existing—always heretofore existing—between the legislative and executive departments of the Government. Not but what such compacts have been made heretofore. One was made by Mr. Canning and his predecessor to the same effect. But, Mr. President, it was not published in the newspapers until after Mr. Canning had carried out the recognition in question, which was two years after the compact had been agreed upon.

Mr. SHERMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Ohio?

Mr. TURPIE. Certainly.

Mr. SHERMAN. I have not been able to hear what was said by the Senator from Indiana, but I am told that he refers to a slip printed in the papers in which it is alleged that there has been a conference between Secretary Olney and myself in respect to Cuba, and an expression of opinion. I wish to say to him that there is not the slightest foundation for that statement. I have had no conversation with Mr. Olney upon the subject, and I certainly would not have conversation with him in respect to a subject pending here unless it was done to obtain information from that Department. There has been no conversation between us at all about the subject-matter.

Mr. TURPIE. Yes, sir.

Mr. SHERMAN. There has been no expression of opinion.

Mr. TURPIE. I do not say that I am bound to take the statement of the Senator from Ohio. I say more, I am very glad to take the statement of the Senator from Ohio. I am very glad to hear that there has been no such compact. But, sir, the Senator from Ohio will not state but that some action here is necessary to dissipate unfounded rumors of the character I have named. I do not think the honorable Senator will say that next Monday is an inopportune time to discuss these questions. Whatever may be the difference of opinion among Senators as to the recognition of the independence of Cuba, I hope there is no Senator here who is not in favor of our own independence as a coordinate branch of the Government.

THE ARBITRATION TREATY.

Mr. HOAR. I present a petition of the Boston Chamber of Commerce, praying for the ratification of the arbitration treaty with England. I do not know whether the petition should be presented in executive session or in open session.

Mr. CULLOM. I do not see any reason why such petition should not be presented in open session. I presented letters on the subject a few minutes ago.

Mr. HOAR. I present the petition. I move that it be referred to the Committee on Foreign Relations. I should like to be allowed to observe, if I may have consent, on the question of reference, that a great many of the very wisest and best men of all parties in the Commonwealth of Massachusetts, clergymen, members of business organizations, and highly esteemed private citizens, are writing letters to their Senators and also making public utterances, urging the very prompt and speedy ratification of the proposed treaty with Great Britain. I suppose there is no member of this body—if there be any member, certainly there is no Senator from Massachusetts—who does not hail with great satisfaction, as one of the great public events of the century, the negotiation of such a treaty and the prospect of its ratification, as tending to peace, as tending to do away with the necessity for large standing armies, and as tending to strengthen the bonds of friendship and good will not only between this country and England, but among all civilized nations.

But with all respect, it seems to me that these gentlemen forget that this is a treaty still in progress of negotiation; that the Senate of the United States is a part of the treaty-making power of this country; that its action is a part of the diplomatic action of the United States, and that it is very poor diplomacy when we are still engaged in such a negotiation with England, and the action of this country is still inchoate, to have earnest, eloquent, heated, impatient utterances coming from the pulpit, the press, and the colleges, and all urging immediate action upon the diplomatic representatives of the United States.

If it should turn out that there is some undisclosed, some unintended advantage to Great Britain or disadvantage to us in a proposed treaty, which both sides would be disposed to correct before the matter becomes final and out of our power, how is it possible to obtain due consideration of our rights or desire from Great Britain if there is a great storm and tempest of public sentiment excited in favor of the instant ratifying of the treaty as it is? If Mr. Olney should himself, after getting that constitutional advice, or if the President of the United States, to whom it is the sworn duty of the Senate to give it, should say, "I would like to have the treaty modified in this particular," is the Marquis of Salisbury to be armed with the reply, "Why, all over the United States your people are clamoring for it as it is; you do not represent your country or your country's interest."

I hold that this meddling with important diplomacy by angry and impassioned utterances of this kind is infinitely mischievous and foolish. While, so far as I am at present advised, there will not be likely to be found a man on the continent more in sympathy with the great public object of promoting peace upon earth and good will to men, I wish to enter my protest against this method of constantly meddling with our diplomatic procedure by sermon or professor's lecture.

Mr. SHERMAN. Mr. President, I wish to say a word about this matter. No one will more heartily support the general ideas contained in the treaty referred to and in congratulations not only to the people of the two great nations immediately concerned, but to all the world. The time has come when nations may quietly, seriously, and earnestly provide against the contingency of war so far as it can be provided against.

In respect to this treaty the committee to whom it was referred, the Committee on Foreign Relations, took it up. It was read; but it was thought on the whole that it was a treaty of great importance, and that it might possibly, if carefully studied, be found to affect objects that are not desirable by either country and create controversies which do not now exist. It was, therefore, put over for a time and read again; it was considered; and on Monday

next, by an arrangement in the committee, it is to be acted upon definitely. As to what the result will be I have no doubt. It is not proper for me to communicate what the committee will do, but it will give to the treaty immediate consideration, as immediate as the time within which it should be considered, but full consideration and deliberation, with a careful review of existing treaties which it might affect. We will no doubt act upon it and report it, as I said, on Monday next.

I have received by the score from all parts of the country telegrams and letters, seeming to imply that we are holding back the treaty, and defeating a great object of public desire. There is no such purpose on the part of any member of the committee, and no inclination to postpone it, further than to give it full and careful consideration to see that it accomplishes the object sought.

Mr. ALLISON. I should like to ask the Senator from Ohio about how long this treaty was under consideration between the Secretary of State and Lord Salisbury?

Mr. SHERMAN. I am not able to state positively, but it has been for a long time considered, and it is certainly very foolish to complain of the Senate for not acting immediately upon a treaty which has been under discussion at least a year or two, and perhaps longer. Indeed, the subject-matter of the treaty has been in discussion in previous Cabinets, and Mr. Gresham at least took a very active part in the origination of the treaty, or the principle involved.

Mr. HOAR. If the Senate will kindly pardon me, I wish to say one additional word. This matter has been under consideration between the Governments for more than twenty years, directly or indirectly. There was a very interesting speech of Mr. Gladstone on the subject, where he expressed himself in opposition to the principle of international arbitration altogether, nearly twenty-five years ago in the House of Commons. There was a deputation of English members of the House of Commons over here, who received a public banquet in Boston, some ten or twelve years ago, bringing with them a request of the majority of the English House of Commons for the negotiation of such a treaty or such a principle, which was responded to very generally in this country. I think that the diplomatic discussion between Great Britain and the present Administration has been going on more than a year. The Senator from Ohio will correct me if I am wrong.

Mr. SHERMAN. It goes back to Mr. Gresham's time.

Mr. HOAR. The idea of saying to the Senate of the United States, If you do not dispose of such a thing in twenty-four hours you are to have the spurs jammed into your side, I think, is one to be repelled.

Mr. GRAY. Mr. President, what are we going to do about it? I do not know whether we have as much right to complain of the interest manifested by the public in the pulpit or the press, as the Senator from Massachusetts says, as of their indifference, if such indifference existed, to a matter of great public importance, involving, as many think, the welfare of humanity and the progress of civilization.

I agree with the Senator from Massachusetts that intemperate zeal and intemperate criticism of the Senate is out of place, and lacks the propriety, perhaps, which would belong to the public discussion of great questions. But we can not remedy that. I do not think that anyone here will be forced out of his own sense of propriety in dealing with a great question by such intemperate zeal or even intemperate criticism. But as I do not see how we are to remedy this matter, I do not see why we should complain.

Mr. HOAR. If the Senator will pardon me one moment, though perhaps I have already spoken more than I ought on the matter, when the Senator asks what we are going to do about it, I think we are going to point out to the very excellent, worthy, and well-meaning men who are doing this that the matter is still in the course of diplomatic discussion between the two countries, and that it is unwise for them to affect the diplomacy by such earnest expressions. And when we have pointed it out to them they will see it themselves, and will desist.

Mr. GRAY. I think the Senate of the United States will perform its duty and act with due deliberation, as it ought, upon a question so momentous as this, whether the intemperate criticism or unwise criticism of its action ceases or not. I do not differ from a great deal that the Senator from Massachusetts has said, but I do not know how we are to correct what he considers worthy of correction in either the pulpit or the press. I rather rejoice in the interest which is being taken by the people of the United States as manifested both through the pulpit and the press upon this important matter.

Mr. CULLOM. Mr. President, I only want to say one word, and that is in accord with the statement by the chairman of the Committee on Foreign Relations. I think there have been three meetings of the committee since the treaty came in. It was read at the first meeting of the committee and laid over until the second meeting. Some members of the committee were not present at the second meeting, and it went over to another meeting. There has certainly been no disposition whatever on the part of the Committee on Foreign Relations to delay the treaty for a moment after the members of the committee should be satisfied that it is the proper thing to do to report it favorably.

But I wanted to say especially that in this country there does not appear to be a unanimous expression that the treaty should be ratified as it is. In the letters from prominent gentlemen of my own State presented this morning, a part of them are in favor of immediate favorable action upon the treaty; others are opposed to the treaty. So it does not seem to me that it is an unreasonable thing for the Committee on Foreign Relations to take such time as they deem necessary for the consideration in the committee of the treaty before it comes into the Senate.

So far as I am concerned, I believe in the general proposition, but I am unwilling to vote for a treaty that is so extensive in its scope as that is until I feel certain myself that I am doing a thing that is in the interest of the American people as well as of the world. The United States is somewhat a new country compared with Great Britain. We occupy a relation to the world a little different from that of Great Britain. All that I desire is to be certain, before we act favorably upon it, that it is not tying us up in such a way that we may find it hereafter to be something that we did not expect we were doing when we did it. When I am satisfied on that point I am ready to vote for it, but not before.

Mr. LODGE. Mr. President, I am aware that this debate is proceeding by unanimous consent, and I merely wish to say a single word in reference to what has been said about the treaty. I am extremely glad that my colleague [Mr. HOAR] has said what he has about it, because, in my judgment, there is a great deal of misunderstanding in reference to it. A great many persons are writing and telegraphing to me and other Senators, under the impression apparently that the treaty of arbitration is being improperly delayed in the Senate.

Let me say first that I agree most entirely with everything that my colleague has said so well, both as to the treaty and as to the position of the Senate in regard to it. This matter of international arbitration between England and the United States has been under general discussion for many years. This particular treaty has been in progress between Mr. Olney and the Marquis of Salisbury for nearly a year. For nearly a year they have been at work as experts framing the clauses of that treaty. It has not been ten days in the Senate. We only got the papers last Tuesday. The Secretary of State only appeared before the Foreign Relations Committee on Wednesday. The committee has but just succeeded in getting the necessary information.

This is a treaty of the most far-reaching import. Whilst we all agree, I think, as to the general principles involved, as to the value of the purposes sought, there is undoubted disagreement as to the meaning and intent of some of the provisions of the treaty. It is no service to the cause of arbitration or to the cause of peace between nations to make an arbitration treaty which shall develop, perhaps in a year or in a few months, causes of disagreement which would lead to its immediate denunciation and abrogation. Such an event would set back the whole plan of arbitration for years to come.

The Senate under the Constitution is charged with the duty of ratifying treaties. If that means anything, it means that it should give them due and proper consideration. It does not mean that it should ratify anything which comes from the State Department without considering the details. If we were to do so, we should, in my opinion, be false to our duty. There are grave differences of opinion as to whether, under this treaty, a great question of national policy, which has been our policy for years, like the Monroe doctrine, is involved or not. There are also questions relating to the Nicaraguan Canal, which we now have in a bill under debate in the Senate. These are not questions which the Committee on Foreign Relations or the Senate can dispose of in two or three days, when it has taken the experts who have made the treaty many months to arrive at the conclusions which they have reached.

I am very glad, Mr. President, that my colleague has stated, not only what I know to be his attitude and mine in regard to the general principle of the treaty, but what I believe to be the general attitude of the Senate, and has seen fit to explain to the country the circumstances under which that treaty is now before us. I have sought merely to show that, far from there having been any delay, the committee has proceeded, in getting the necessary information and in the consideration of that treaty, with unusual rapidity.

Mr. HAWLEY. Mr. President, I have been a little surprised to hear of the prevalence of an opinion that the United States, or the Senate at least, is not friendly to arbitration and to peace. Lord Russell, in a very notable oration delivered before the American Bar Association on the 30th of August last, called attention to the fact that since 1815—I think that was the date—there have been sixty international arbitrations, in thirty-two of which the

United States has been a party, while Great Britain, with ten times as much of entanglements with foreign countries, has engaged in but twenty.

Another significant fact is that during a year and more we have been, with so much zeal as to frighten some of those very gentlemen, endeavoring to induce the magnificent monarchy of Great Britain to arbitrate an old quarrel with the weak Republic of Venezuela.

Mr. SEWELL. I am glad the Senator from Massachusetts [Mr. HOAR] has brought the matter before the Senate and stated his view. My mail has been loaded down for some time with letters favoring the passage of this measure and speedy action being taken upon it. I trust that the Committee on Foreign Relations will take long enough time to find out the scope of this treaty. I do not feel like voting for arbitration of national honor, or the extension of territory, or the question that may be concealed in this treaty of arbitration of our rights in the Nicaraguan Canal under the Clayton-Bulwer treaty, which we all supposed was violated by the settlement at Balize. All these questions may be contained in the treaty, and it may be more likely to give us trouble than if we did not have an arbitration treaty. Therefore I trust the Committee on Foreign Relations will take all the time which is necessary to examine this question, so that the members of the Senate may know fully what is contained in the treaty.

Mr. STEWART. Mr. President, I see very little necessity for a republic adopting any policy of arbitration which would prevent it from obeying the first and most imperious demands of its people on any great question. I think the Senate has on too many occasions yielded to public clamor and passed measures which have not been beneficial to the country, and which many Senators undoubtedly regret to-day. A matter of such vast importance as this must necessarily require time and consideration.

I do not see how any treaty can be framed which will be equally beneficial to us and to Great Britain. I do not think we are on equal terms with her in making an international agreement of any kind. The first difficulty which meets us is the umpire or the officer who is to appoint the umpire. They have all the advantage of us in that regard. It must be remembered that Europe is a family of states, of monarchies. Their sovereigns are all related by blood, as well as by interest, and they necessarily have biases against a republic. In all questions arising under this treaty a European must necessarily be the arbiter. There is no other way of fixing it; and, however conscientious he may be, he will necessarily be governed by his surroundings. I do not believe that America, isolated as she is, with all her vast interests, is in a condition to enter into a general treaty of arbitration with Great Britain, covering a vast number of questions, on any terms. I do not believe such a treaty can be framed; at all events it should receive the gravest consideration, because their interests are so distinct from ours. Their prejudices are against our institutions, and they would start out with a bias against us. I do not see any way of forming a tribunal which could do us justice in questions of a political nature—and territorial questions are always of a political nature—submitted to such a tribunal. It seems to me chimerical to talk about having arbitration with Great Britain covering all our differences, when we have differences on the north and on the south, when Great Britain is continuing to prepare to enforce her demands with a line of fortifications, or other naval stations largely and strongly fortified, from Newfoundland to the Isthmus, and large fortifications and naval stations on the Pacific, with a navy which she has, since the treaty was sent in, made large preparations to increase in a most extravagant manner. While she is doing that, while she is making those preparations, we ought not to get into any entangling alliances where she would have an excuse to coerce us, if she has the power.

It will be observed that in case no arbitration can settle a question it is provided in the treaty that neither party shall take any hostile action until the question has been submitted to one or more foreign powers to obtain their friendly intercession, to secure their friendly offices. If it is a territorial question, it will take a year or two to get it before the arbitrators, and then six months or a year or more will be required before the friendly power can be consulted. In the meantime Great Britain takes possession, as she always does, and her possession is ripening into title. See how it was in regard to Alaska. There we bought the land according to ancient and well-known boundaries. Gold mines were discovered. Citizens of Great Britain went upon them; she established post-offices and carries the mails there, and exercises jurisdiction. Pending a long negotiation, which may last several years, great changes might take place in the status of the parties. Again, on the Isthmus we see the gradual reaching out of Great Britain to acquire rights which will embarrass us and in which delay may be very dangerous. That machinery of delay, in case of a territorial dispute, I think is sufficient ground for the treaty having serious consideration, and I hope it will have it.

Mr. MORGAN. I should like to suggest that if any Senator here desires to oppose his views of this treaty to those expressed by the Senator from Nevada, he will be cut off from the opportunity of doing so if he has any respect for the rules of the Senate.

Mr. STEWART. I thought there had been great freedom exercised by other Senators in the debate.

Mr. MORGAN. There may have been, and I have been very loath to make any objection to it, because I am not the chairman of the committee, and the chairman of the committee was himself content to let the debate go on.

Mr. STEWART. I should not have said a word if members of the committee had not opened the subject. I regret that it can not be discussed in all its bearings in open session, where the views of Senators may be heard. I did not intend to trespass as to the rules of secrecy; but this treaty has been published. It has been discussed in the newspapers, and it seems to me the same freedom might be indulged in here as elsewhere. The very remonstrances, the very demands, that come to us are full of discussion. The treaty has been made public; it is no secret matter, and therefore it does not come under the ordinary rule.

I was calling the attention of the committee to the very grave considerations which are opposed to the ratification of the treaty I hope the committee will take plenty of time, and that the subject will be disposed of only when two-thirds of the Senate are thoroughly satisfied that the United States will have equal protection with Great Britain and will gain something by the treaty and not lose everything.

Mr. HILL. Mr. President——

Mr. HALE. I call for the regular order of business, Mr. President.

Mr. HILL. I trust the Senator will not cut off all Senators on this side of the Chamber from the opportunity of saying a single word.

Mr. HALE. At the present time I shall not ask for the regular order of business, but when the Senator from New York shall have spoken, after that I certainly shall call for the regular order, so that we may go on, and that this most important matter may take its proper place for full discussion under the rules of the Senate. We can not get that discussion now.

Mr. CHANDLER. Before the Senator from New York goes on, I desire to say to him that while I can not see that any of the remarks which have been made were out of order, referring to the fact that the treaty is before the Senate——

Mr. HILL. How did the Senator obtain the floor?

The VICE-PRESIDENT. The Chair recognized the Senator from New York [Mr. HILL].

Mr. CHANDLER. I will not go on if the Senator objects, but I will proceed with the consent of the Senator.

Mr. HILL. I will indulge the Senator.

Mr. CHANDLER. I was only going to make a suggestion to the Senator, which would perhaps lead me not to make the point of order on his remarks. I was only going to say that I do not think what was said up to the time the Senator from Nevada [Mr. STEWART] took the floor was out of order, but I do think that the discussion of the merits of particular portions of the treaty is out of order. I think a discussion of the merits of the treaty is out of order in open session, unless by the permission of the Senate, and I shall, if no other Senator does, make that point of order if any additional remarks are made on the merits of the details of the treaty.

Mr. HILL. "And they all with one consent began to make excuse." That may not be a literal quotation from the Scriptures, but it will answer.

Mr. MORGAN. Will the Senator from New York allow me to inquire of the Chair what is before the Senate?

The VICE-PRESIDENT. The Chair will state that the debate is proceeding by unanimous consent.

Mr. MORGAN. I object to its continuance, Mr. President.

Mr. HILL. I understand; the objection shows who is hit.

The VICE-PRESIDENT. The petition presented by the Senator from Massachusetts will be referred to the Committee on Foreign Relations. Reports of committees are in order.

REPORTS OF COMMITTEES.

Mr. PLATT, from the Committee on Indian Affairs, to whom was referred the amendment submitted by himself on the 12th instant intended to be proposed to the Indian appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. SHOUP, from the Committee on Indian Affairs, to whom was referred the amendment submitted by himself on the 19th instant intended to be proposed to the Indian appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. BURROWS, from the Committee on Pensions, to whom was referred the bill (S. 700) for the relief of John E. Welch, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Claims, to whom was referred the bill (H. R. 2741) for the relief of Peter Cook, of Arkansas, reported it without amendment, and submitted a report thereon.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 8298) relating to mortgages in the Indian Territory, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 3500) to authorize the adjustment and settlement of accounts of John Y. Williams, reported it without amendment.

He also, from the same committee, to whom was referred the joint resolution (S. R. 121) to amend an act granting to the Duluth and Winnipeg Railroad Company a right of way through the Chippewa and White Earth Indian reservations in the State of Minnesota, reported it with amendments.

Mr. GEAR, from the Committee on Pacific Railroads, to whom was referred the bill (S. 3522) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads and to secure the payment of all indebtedness to the United States of certain companies therein mentioned, reported it with amendments.

Mr. MARTIN. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 8499) in relation to taxes and tax sales in the District of Columbia, to report it without amendment, and to ask that this bill may take the place on the Calendar of Senate bill 3162, on the same subject, which I ask to have indefinitely postponed.

The VICE-PRESIDENT. That order will be made in the absence of objection.

Mr. ROACH, from the Committee on Pensions, to whom was referred the bill (H. R. 6483) granting increase of pension to Thomas D. Walker, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6546) granting a pension to Samuel Holliday, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6556) granting a pension to Jacob Brown, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 3114) to provide for the adjustment and payment of certain claims against the District of Columbia by drawback certificates, to report it back adversely and to move that the bill be postponed indefinitely, the House bill having passed the Senate.

The report was agreed to.

Mr. GALLINGER. I am directed by the same committee, to whom was referred the bill (S. 1782) providing for the appointment, by the Commissioners of the District of Columbia, of the trustees of the Industrial Home School, and for other purposes, to submit an adverse report thereon, and to move that the bill be postponed indefinitely, the subject-matter having been embraced in the appropriation act of last year.

The report was agreed to.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 5580) granting a pension to Archibald Hunley, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4410) to increase the pension of Elise Blenker from $30 to $50, reported it without amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Fisheries, to whom was referred the amendment submitted by himself on the 18th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. BRICE, from the Committee on Pensions, to whom was referred the bill (H. R. 4941) to pension Hester A. Bostwick, reported it without amendment, and submitted a report thereon.

Mr. MCBRIDE, from the Committee on Public Lands, to whom was referred the bill (S. 3371) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes," approved September 29, 1890, and the several acts amendatory thereof, reported it without amendment, and submitted a report thereon.

CANALS BETWEEN GREAT LAKES AND ATLANTIC OCEAN.

Mr. HALE, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed, without illustrations, 500 additional copies of the report of James B. Angell, John E. Russell, and Lyman E. Cooley, commissioners appointed to make inquiry and report concerning the feasibility of the construction of such canals as will enable vessels engaged in ocean commerce to pass between the Great Lakes and the Atlantic Ocean, and the most convenient location and probable cost of such canals, together with certain other facts and information, for the use of the Senate, and sent to the Senate document room.

BILLS INTRODUCED.

Mr. BERRY introduced a bill (S. 3579) to provide for a building for the use of the post-office, office of the superintendent of the Hot Springs Reservation, and other civil offices in the city of Hot Springs, Ark.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Buildings and Grounds.

Mr. GEAR (by request) introduced a bill (S. 3580) setting apart a plot of public ground in the city of Washington, in the District of Columbia, for memorial purposes, under the auspices of the National Society of the Daughters of the American Revolution; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HILL introduced a bill (S. 3581) to prevent the importation of impure and unwholesome tea; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BURROWS (for Mr. DAVIS) introduced a bill (S. 3582) to incorporate the National Grand Lodge of the Order of the Sons of Hermann; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BRICE introduced a bill (S. 3583) for the relief of the Globe Iron Works Company, of Cleveland, Ohio; which was read twice by its title, and referred to the Committee on Claims.

Mr. ALLISON introduced a bill (S. 3584) granting a pension to Louise A. Rice, widow of Bvt. Maj. Gen. Samuel A. Rice; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MCMILLAN introduced a joint resolution (S. R. 194) to establish a commission to investigate the sources of contamination of the Potomac River and report what legislation is necessary to remove and prevent such pollution; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. MORGAN submitted an amendment intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. BRICE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CHANDLER submitted an amendment intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Coast Defenses, and ordered to be printed.

Mr. ALLEN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

MISS FRANKIE FAULKNER.

Mr. GORMAN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Miss Frankie Faulkner, daughter of Chester R. Faulkner, deceased, late a messenger of the Senate of the United States, an amount equal to one year's salary at the rate per annum allowed by law to the messenger aforesaid, said sum to be considered as including the funeral expenses and all other allowances.

BULLETIN ON COTTON PLANT.

Mr. MORGAN submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 6,000 additional copies of the Bulletin on the Cotton Plant, issued from the Department of Agriculture, be printed, of which 2,000 copies shall be for the use of the Senate, 1,000 for the use of the Department of Agriculture, and 3,000 for the use of the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BINGHAM, Mr. MCCALL of Tennessee, and Mr. DOCKERY managers at the conference on the part of the House.

The message also announced that the House had agreed to the

report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1291) granting an increase of pension to Celeste A. Boughton, widow of Brig. Gen. Horace Boughton.

The message further announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1511) granting a pension to Mrs. Jane Stewart Whiting.

The message also announced that the President of the United States having returned to the House of Representatives, in which it originated, the bill (H. R. 9469) to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court, with his objections thereto, the House proceeded, in pursuance of the Constitution, to reconsider the same; and

Resolved, That the bill do pass, two-thirds of the House of Representatives agreeing to pass the same.

CELESTE A. BOUGHTON.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1291) granting an increase of pension to Celeste A. Boughton, widow of Brig. Gen. Horace Boughton, having met, after a further full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House of Representatives, and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted insert "$50;" and the House agree to the same.

J. H. GALLINGER,
LUCIEN BAKER,
Managers on the part of the Senate.
GEO. C. CROWTHER,
S. S. KIRKPATRICK,
WM. BAKER,
Managers on the part of the House.

The report was concurred in.

MRS. JANE STEWART WHITING.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1511) granting a pension to Mrs. Jane Stewart Whiting, having met, after a further full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House of Representatives, and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted insert "$50;" and the House agree to the same.

J. H. GALLINGER,
JOHN L. MITCHELL,
FRANK J. CANNON,
Managers on the part of the Senate.
GEO. C. CROWTHER,
S. S. KIRKPATRICK,
WM. BAKER,
Managers on the part of the House.

The report was concurred in.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 21st instant approved and signed the following acts and joint resolution:

An act (S. 2176) granting a pension to Thomas Pollock;

An act (S. 2334) construing the acts of Congress in relation to the award of life-saving medals;

An act (S. 3210) granting a pension to Anna P. Johnson; and

The joint resolution (S. R. 189) providing for the erection of a Government building at the Tennessee Centennial Exposition.

MARION M'KIBBEN.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 684) granting an increase of pension to Marion McKibben, which was, in line 8, to strike out "fifty" and insert "forty."

Mr. GALLINGER. I move that the Senate nonconcur in the amendment made by the House of Representatives, and request a conference upon the bill and amendment.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. VILAS, and Mr. SHOUP were appointed.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CULLOM. I move that the Senate insist upon its amendments and accede to the request for a conference.

The motion was agreed to.

COURTS IN TEXAS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives on the bill (H. R. 9469) to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court, which had been sent by the House of Representatives to the Senate with the objections of the President thereto.

Mr. CHILTON. I ask that the bill may lie on the table, to be called up hereafter.

Mr. HOAR. I think the bill and message should be referred to the Committee on the Judiciary.

Mr. CHILTON. I am willing to accept that disposition of the matter.

The VICE-PRESIDENT. The bill and message will be referred to the Committee on the Judiciary.

AFFAIRS IN CUBA.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read and referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate of the United States:

In response to the resolution of the Senate of December 15, 1896, relating to Cuban affairs, I transmit a report from the Secretary of State, submitting a list of the claims filed in the Department of State by citizens of the United States against Spain arising out of the insurrection existing in the Island of Cuba, and the accompanying correspondence relating to the vessel called the *Competitor* and the persons claiming American citizenship captured thereon, which I deem it not incompatible with the public interests to communicate.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, January 22, 1897.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. PETTIGREW. I move that the Senate proceed to the consideration of House bill 9707, being the Military Academy appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898.

Mr. PETTIGREW. I ask unanimous consent that the first formal reading of the bill be dispensed with, and that the amendments reported by the Committee on Appropriations be acted upon as they are reached in the reading.

The VICE-PRESIDENT. Without objection, it will be so ordered.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was, on page 3, line 24, before the word "enlisted," to strike out "six" and insert "one sergeant and five," and on page 4, line 1, before the word "enlisted," to strike out "six" and insert "two corporals and four;" so as to make the clause read:

For pay of the Military Academy Band: One sergeant and 5 enlisted musicians, at $34 per month, $2,448; 2 corporals and 4 enlisted musicians, at $20 per month, $1,440; 12 enlisted musicians, at $17 per month, $2,448; additional pay for length of service $1,164; clothing on discharge, $240; retained pay on discharge, $60.

The amendment was agreed to.

The next amendment was, on page 4, line 10, before the word "privates," to strike out "fourteen" and insert "one corporal and thirteen;" so as to make the clause read:

For pay of field musicians: One sergeant, $216; 1 corporal and 13 privates, $2,184; additional pay for length of service, $84; clothing on discharge, $120; retained pay on discharge, $30.

The amendment was agreed to.

The next amendment was, on page 16, after line 11, to insert:

For the purchase of one Maxim semiautomatic three-pounder quick-firing gun, mounted on field carriage complete, and ammunition therefor, $5,000.

The amendment was agreed to.

The next amendment was, on page 16, line 16, to increase the total appropriation for current and ordinary expenses from $68,502.50 to $73,502.50.

The amendment was agreed to.

The reading of the bill was continued to the end of line 18, on page 19.

Mr. PETTIGREW. I move to strike out lines 16, 17, and 18, on page 19. It is erroneous, and is not necessary in the bill, anyway.

The PRESIDING OFFICER (Mr. BACON in the chair). The amendment will be stated.

The SECRETARY. It is proposed to strike out lines 16, 17, and 18, on page 19, as follows:

Total for Military Academy, $392,328.83.

The amendment was agreed to.

Mr. HILL. Let me ask why those lines should be stricken out?

Mr. BATE. What is the reason for it?

Mr. HILL. Is it not always deemed desirable to put in the totals, so that we can see each year whether or not the appropriations for the Academy are increasing, and, if they are increasing, how much they are increasing, without having to figure it up every time?

The PRESIDING OFFICER. The amendment has been agreed to. Does the Senator from New York wish to make any motion in respect to it?

Mr. HILL. The amendment was carried so quickly that I move a reconsideration for the purpose of making a statement. I call the attention of the Senator in charge of the bill to the point. What is the necessity for the amendment?

Mr. PETTIGREW. It is a provision which has not been put in the bill heretofore, and is entirely unnecessary. The amount here stated is incorrect. These amounts are all figured up, anyway, at the end of the session, and the result is generally published in a statement of the appropriations made. So I think there will be no difficulty about it.

Mr. HILL. That does not explain, Mr. President, with all due respect to the Senator. Why did the committee put it in? It must have been done deliberately.

Mr. BATE. And for a purpose.

Mr. HILL. And for a purpose, as is suggested by the Senator from Tennessee [Mr. BATE]. Is the Senator from South Dakota entirely correct in the statement—I merely ask for information—that it has not been usual at the close of appropriations of this character to insert the total? I think it has been usual.

Mr. PETTIGREW. I say it has not been usual.

Mr. HILL. Why was it put in?

Mr. PETTIGREW. In previous bills it has been left out. The House committee seem to have put it in the bill this year. They have stated the amount erroneously, so that I think it is unnecessary to retain the clause.

Mr. HILL. I think the total ought to be in the bill. What harm can it do to have it in? Why not have it in, so that you can take the appropriation bill each year and by looking at it, without figuring it up, can ascertain precisely what is the total of the appropriations for the Military Academy?

Mr. PETTIGREW. I will state, for the benefit of the Senator from New York, that it is not the total of the bill at all.

Mr. HILL. What is it put in for?

Mr. PETTIGREW. There are many more items. The other House put it in, and I refer the Senator to the House committee.

Mr. HILL. The Senate committee have not suggested any such amendment. No amendment was reported by the committee to strike out the clause.

Mr. BATE. The bill has gone through the other House in this form. It has likewise gone through the committee of the Senate in this form, and it comes here to us recommended in this form, and I should like to hear some just reason for striking it out. I have heard no satisfactory reason yet.

Mr. PETTIGREW. I will state, in regard to this item, that the amount is incorrect.

Mr. HILL. Why not make it correct?

Mr. PETTIGREW. We have made appropriations for a great many purposes. The total is added up incorrectly and is stated incorrectly. Therefore I have moved to strike it out. It is entirely unnecessary and unusual. The committee did not notice that the amount was imperfectly stated in the clause.

Mr. HILL. I can not see any reason why the amount should not be correctly figured and accurately stated. No other member of the committee than the Senator from South Dakota seems to be paying any attention to this subject.

Mr. COCKRELL. It is utterly immaterial whether the lines remain in or go out. It does not change the substance in any respect.

Mr. HILL. I understand that.

Mr. BATE. It will cause a complication between the House and the Senate, and what is the use of doing it?

Mr. COCKRELL. I do not suppose there will be any complication in the world.

Mr. BATE. We are going back on one of their recommendations.

Mr. HILL. I do not care anything about going back on the recommendation of the other House, especially.

Mr. BATE. But it becomes necessarily a matter for conference when we disagree with the bill as it comes to us from the other House. That, merely, is what I mean by "complication."

Mr. HILL. I am inclined to think it is good legislation in appropriation bills at the conclusion of the appropriation for the Military Academy proper to speak of the total. I think that is a good form of legislation, speaking of it simply as a matter of form; and it ought to be so in every bill. The other House has followed that custom in this instance, and of course, as there have been various amendments made prior to this point, the total amount ought to be correct. But that it is desirable to keep in the total at the end of each subdivision it seems to me is too plain for argument. It is not a vital question, of course. But what is the reason why the total should be stricken out? That is the point.

Mr. HALE. Let me suggest to the Senator from New York——

Mr. HILL. Perhaps the Senator from Maine can explain it.

Mr. HALE. Let me suggest to the Senator from New York, as bearing upon this controversy which he has raised, and on which he is consuming time, that I understand it is not the intention to move to take up the Cockrell joint resolution at 2 o'clock, and that possibly may obviate the objection which the Senator has to this provision.

Mr. HILL. What is the suggestion of the Senator from Maine? I did not hear him. I beg the Senator's pardon. I ask him to repeat it.

Mr. HALE. As bearing upon the question which the Senator from New York is now debating, I suggest to him that it is not the intention to move at 2 o'clock to take up the Cockrell joint resolution. That may, perhaps, answer the Senator in his objection to this course by the committee.

Mr. HILL. I did not understand that the Senator from Maine has charge of the Cockrell joint resolution.

Mr. HALE. I may have certain information as to what is proposed to be done with it.

Mr. HILL. If I wished any information on that matter, I should apply to my distinguished friend the Senator from Missouri [Mr. COCKRELL].

Mr. HALE. I have been endeavoring to convey some information to the Senator from New York.

Mr. HILL. Yes; and I am much obliged to the Senator for it. But it is not pertinent to this question.

Mr. HALE. It seems to me entirely pertinent, and it is pertinent, to the attitude of the Senator. When he understands that the Cockrell joint resolution is not to be taken up at 2 o'clock, perhaps he may not think it worth while to take any more time on the appropriation bill.

Mr. HILL. For that relief and information, much thanks.

Mr. HALE. The Senator from New York is entirely welcome.

Mr. HILL. I know that. There is an interest manifested on the other side about the Cockrell joint resolution which is rather peculiar. But that does not answer the point I have raised. I care nothing about it especially, but it strikes me that at the end of appropriations for various subjects it is usual to put in the totals and to have them accurate. As a proper form of legislation I think it ought to be done, and the mere fact that the totals are not correct is not conclusive, when there sits by the side of the Senator in charge of the bill the most competent and capable clerk of the Committee on Appropriations, who can figure it up in a few moments and put in the correct amount. I think it would be a good thing to have the appropriation bills in such form that by a mere glance you can ascertain the total appropriations and compare those of one year with those of another.

What is the foundation for this change? Is it so that in another year, when under a new Administration the expenses have largely increased, there can be no easy method of comparison left? Is that the point? I do not know, but I should prefer to have the totals stated. I think it is better in that way. I have sent for the Military Academy appropriation act of a year ago, and I find that at the end of each subdivision there is a statement of the aggregate amount appropriated. It is unnecessary, but it is a very proper portion of the bill.

Pay of civilians at the Military Academy.

Then follow other lines, and at the end there is this clause:

In all, for civilians employed at the Military Academy, $25,800.

Then follows a subhead, "for current and ordinary expenses," and at the end of that provision it says, "In all, for current and ordinary expenses, $68,379." "Miscellaneous and incidental expenses," and at the end, "In all, for miscellaneous and incidental expenses, $15,894." "Buildings and grounds." Then it says, "In all, for public buildings and grounds, $61,770."

When the other House had completed everything pertaining to the Military Academy proper, other than the grounds, having the total at hand, it inserted the total for the Military Academy, $392,328.83. That is a proper form of legislation. Of course the amount should be accurate; that is all.

I do not see any reason why the total should not be stated. I do not know that I care to call for the yeas and nays upon the matter. I do not see why the Senator from South Dakota does not consent to let the total remain in the bill. I ask him to do so. Do not let us, on Friday afternoon, get into a row over the little appropriation bill for the West Point Academy.

Mr. ALLISON. That is right.

Mr. HILL. I will hear from the Senator from Iowa if he has anything to suggest.

Mr. ALLISON. I am in thorough accord with the suggestion made by the Senator from New York, that we do not get into a coutroversy here about a wholly immaterial matter which can not make the slightest difference as to the appropriation, whether it is put in or left out. But inasmuch as the Senator from South Dakota has suggested that the clause shall go out, and inasmuch as such a clause has never been in the bill before, so far as I know, I suggest to the Senator from New York, if he wishes to avoid a controversy, that he withdraw his motion, and then we can go on very rapidly with the bill.

Mr. HILL. Was the attention of the committee called to the matter while the bill was under consideration in the committee?

Mr. ALLISON. I think very likely it was, although I have no recollection of it now.

Mr. HILL. The attendance in the Senate is so light that I will withdraw the motion to reconsider.

The PRESIDING OFFICER. The motion to reconsider is withdrawn. The reading of the bill will be proceeded with.

The reading of the bill was resumed and continued to line 21 on page 23.

Mr. PETTIGREW. In line 21, page 23, before the word "thousand," I move to strike out "twenty-five" and insert "forty;" so as to read:

For constructing a set of filter beds, and connecting the same with the new reservoir and otherwise purifying the water, including all necessary appurtenances, to be immediately available, $40,000.

I will state in this connection that the estimate was $40,000, and the bill was so reported to the House, but it was reduced in the House from $40,000 to $25,000. Since the bill has come to the Senate we have received information that this work can not be done for $25,000, and as it is for constructing a set of filter beds, of course, unless completed it would be of no use whatever. Therefore the committee have instructed me to offer the amendment.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. PETTIGREW. I move to amend the bill at the end by striking out "eighty-two" before "thousand," in line 12, on page 24, and inserting "ninety-seven;" so as to make the amount $97,244, corresponding with the amendment just agreed to.

The amendment was agreed to.

Mr. PROCTOR. If the committee amendments are through, I propose an amendment which I send to the desk, to come in on page 2, after line 4.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Insert on page 2, after line 4, the following proviso:

Provided, That hereafter, whenever the corps of cadets of the United States Military Academy is ordered upon military duty away from West Point, N. Y., the necessary expenses for transportation, quarters, and subsistence of the said corps shall be paid from the appropriations for the support of the Army.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont.

Mr. HALE. It ought to be settled in this bill one way or the other whether authority shall be given for the payment of a certain part of the expenses of the cadet corps at West Point if they come to Washington to attend the inauguration ceremonies. There is no authority now to pay any money for certain purposes incident to such a journey by the cadets. The Comptroller will not pass the accounts; and for the guidance of the Secretary of War in making the order the Senate should settle on this amendment whether it will or will not provide for the money necessary to carry out an order for the cadets to come here on the 4th of March.

Mr. COCKRELL. If such a thing is to be done, ought it not to apply to the naval cadets, too?

Mr. HALE. I do not know that there is the same condition as to the accounts. The appropriations for the Naval Academy are made differently from those here for the Military Academy, and whether the Secretary of the Navy needs such a provision as is incorporated in the amendment of the Senator from Vermont I do not know.

Mr. COCKRELL. Let me ask the Senator from Maine one question.

Mr. HALE. It would not do on this bill.

Mr. COCKRELL. I understand that. Has it been customary for the cadets at West Point and at Annapolis to be brought here at public expense to attend inaugurals?

Mr. HALE. No, I do not think it has; and on the——

Mr. COCKRELL. Has it ever been done?

Mr. HALE. I do not remember in my service here that the cadets have come to Washington on such an occasion, except in 1873, at the second inauguration of President Grant. It was at a very inclement season; they suffered severely, many of them were taken sick, and some of them were broken down. I think there were no deaths, but it was an unfortunate experiment. I have very grave doubts myself whether it is a wise thing at that time of the year to take the corps of cadets bodily from their school of instruction, transport them to Washington, take the risks incident to the day, with the breaking up of their studies, and their return, which must take some days out of their course. I have very grave doubts whether, all things considered, it is in the interests of the cadets advisable to do it. But, as I began by saying, we ought to settle it here and now. If we vote this amendment in, the Secretary will feel authorized to order them. If we vote it out and do not adopt it, he says, I think, in the letter the Senator from Vermont has, that there will be no method of paying for the trip, and that they can not come. So the Senate has the question before it.

Mr. COCKRELL. I hope the Senator from Vermont will not press his amendment. I think it is vicious, absolutely vicious. I agree fully with what the Senator from Maine says, that to take those students out of their warm rooms and bring them down here and keep them exposed to the inclemency of the weather would be an injustice to them; it would be an impropriety; it would break into their studies. If you bring them, you have got to bring the naval cadets, and then you had just as well bring the Marine Corps, and you had just as well bring others. In other words, we are to assemble here at every inauguration of a President all the Federal officials at public expense. It is a dangerous precedent, and I hope the Senator from Vermont will not insist upon the amendment.

Mr. PROCTOR. In 1873, as the Senator from Maine has stated, the West Point cadets were brought here. They have not come since then, in twenty-four years. At that time, by an unfortunate mistake, they came without their overcoats, a mistake that is not likely to be repeated, and they were exposed to inclement weather. But they are enlisted as soldiers; they are a part of the Army. I see no greater objection to their coming here than to ordering any other part of the Army here; and if it is done only once in a quarter of a century, I do not believe the precedent will do any great harm.

That school is a great one. It is admitted, I believe, by the best military critics of all nations to be the best one in the world. Foreign countries have sent their military officers here, and it has been patterned after to quite an extent. I think there is something in the idea that the people (it is the school of the people) should have occasionally an opportunity to see these cadets. It is an object lesson worth something to the people, worth something to the country. We are not a warlike people, but we must be more or less of a military people. I surely think this is not an expense or a precedent that ought to be objected to. I believe that it will not be harmful to the cadets. It is well that they should see the people gathered together, as well as that the people should see them. I certainly hope the amendment may be adopted.

Mr. HAWLEY. Mr. President, I second what has been said by the ex-Secretary of War [Mr. PROCTOR] upon this question. The first point that occurs to me is the one on the question of health. We have been in the habit of having the National Guard here by ten and twenty thousand.

Mr. COCKRELL. They were not brought here at the public expense.

Mr. HAWLEY. That is another question. I am talking about the health matter now.

Mr. COCKRELL. They came here voluntarily.

Mr. HAWLEY. The Senator will please wait a moment. It did not seem to hurt the National Guard much. These West Point boys are brought up under the strictest system perhaps in the world; to me it would be a penitentiary almost; and it does most certainly preserve their health. They are a body of young fellows as fine looking physically as are to be found in the world; and if they will be wise enough, and will not be so very foolish as to come without their overcoats, but will come with proper blankets and overcoats, I have no apprehension as to their health, no matter what the weather is. They are living out of doors a large part of the time at West Point anyhow. I sincerely think that the sight of that splendid little battalion will be a good thing for the country and a good thing for the Academy. As they have the idea now, and as those who are managing for the new President have the idea that they are already coming, I hope we shall not disappoint them. We shall all be glad to see them. I know that the 100,000 or 200,000 people who will be about here on that day will be glad to see them and will be proud of them. It will be a good thing for all of them.

Mr. PETTIGREW. The pending amendment was thoroughly discussed in the Committee on Appropriations, and the committee were unanimous in deciding that it should not go in the bill and that the precedent should not be established. I therefore feel that it is my duty to resist the adoption of the amendment. I agree with what has been said in opposition to it. I do not think it is good policy or a good precedent to establish; and that was the opinion of the Committee on Appropriations.

Mr. BATE. Do I understand the Senator from South Dakota to say that the amendment was before the committee and discussed? We could not hear him over here.

Mr. PETTIGREW. The amendment was before the committee and discussed, and it was rejected unanimously.

Mr. BATE. Was there any action by the committee in the other House?

Mr. PETTIGREW. That I do not know.

Mr. BATE. Mr. President, it certainly is a very bad precedent which we are setting here. I think it was well said by the Senator from Missouri [Mr. COCKRELL] that if you let those cadets come from West Point the claim will be equal as to those at Annapolis and other places, and once having done so it will have to be continued year after year. We do not want to disappoint these young gentlemen—I do not for one—but I think it is carrying it too far. The expense is something, it is true, but laying that aside, here is a breaking up of the regular course of study which they are now undergoing. There will be quite a break in it. With several days here and going back it will be equal to at least two weeks off.

The question of health certainly has something to do with it. They are not out of doors at this season of the year. They are in the fall and spring and summer, but I do not understand that they are out in camp at all during the winter. Taking them out of the warm houses they are in and bringing them down here at this season of the year, with the inclement weather and exposure that they are unused to, I believe is a very dangerous experiment in regard to health. I think it ought not to be allowed. We ought not to set the precedent. We ought not to go to the expense of it, and we ought not to make an invidious distinction between those at West Point and those at Annapolis and elsewhere. I am opposed to the amendment.

Mr. CHANDLER. Mr. President, I have just come into the Chamber and I do not know what has been said upon the subject. I have very special reasons for desiring to see the inauguration parade a fitting one, a good and grand one, if it can be made such, and I certainly do not like to interfere with the arrangements which Gen. Horace Porter, the distinguished marshal of that parade, has made for that great and, without offense I may say, wholly beneficent occasion, when there is to be a change of Presidents. But I am compelled by a sense of public duty to object to the transfer of the cadets at West Point and the cadets at Annapolis to this city to participate in that parade. I believe that the effect will be wholly injurious to the cadets, and that there will be no compensating advantage worthy for a moment to be stated.

These two schools are peculiar. They are schools, to be sure. The young men who attend them do not become officers until they receive their commissions as such; but they are schools established by the United States for military instruction and military discipline. The young men who go to these schools do not pay tuition, like the young men who go to all the other schools in the country. They are paid $500 a year by the United States to go there; and, although they are charged for their subsistence, it is a very high privilege that is conferred upon them. They are especially selected young men, separated from the rest of the community, and employed by the United States to go there to get their education and to become the officers of the Army and Navy of the United States.

The whole value of those schools results from the assiduity and continuity connected with the studies at the schools. Everything that breaks up the studies of a cadet is an injury to the cadet, an injury to the school, and an injury to the country, and is so regarded by the instructors at the schools. If there is any one thing they insist upon, it is that cadets shall not go away from the Academy; that the course of study of a single cadet or of any of the classes shall not be broken up. Sometimes the rule is very harsh. A boy is not allowed to go home when there is a sick father, or a sick mother, or any other sickness in the family. He is allowed, I think, to go home when there is a funeral of a member of the family; but they are treated as under strict discipline for their good and for our good, and the injury is almost incalculable that is done to the cadets when they are allowed to go away.

There was an injury in 1873 when the cadets came here at the second inauguration of General Grant that everyone remembers. Not only were a week's studies broken up, but the cadets coming here, as the Senator from Tennessee [Mr. BATE] well suggests, at a time when they had not been engaged in outdoor exercises, were subjected to inclement weather, and much sickness and some deaths resulted. That might not happen at this time, but it is important that the Congress of the United States, so far as it has a right to express an opinion (and it certainly has a right to express an opinion when it is called upon to appropriate money for this purpose), should say that the cadets at those two Academies shall not be taken away from the Academies merely to parade in a procession in the streets of Washington for the gratification of the organizers of the parade, meritorious as the parade may be, and entitled to credit as the originators of it may be.

The PRESIDING OFFICER. The Senator from New Hampshire will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 3247.

Mr. HALE. Let the unfinished business be informally laid aside.

MARITIME CANAL COMPANY OF NICARAGUA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. SHERMAN. I take it that the pending order will be laid aside for a while in order to give way to the appropriation bill which has been pending. In the meantime, I ask for the reading of what I regard as a very important communication in respect to the Nicaragua Canal bill pending. I ask that it be read and printed as a document.

The PRESIDING OFFICER. Without objection, it will be printed as a document, and it will be read by the Secretary. The Chair hears no objection.

The Secretary read as follows:

DEPARTMENT OF STATE, *Washington, January 22, 1897.*

SIR: In the matter of the various bills now pending in Congress looking to the construction of an interoceanic canal through Nicaragua, I have the honor to inclose herewith for the information of your committee a communication just received by me from the minister of the Greater Republic of Central America at this capital.

Respectfully, yours,

RICHARD OLNEY.

Hon. JOHN SHERMAN,
Chairman Committee on Foreign Relations, United States Senate.

LEGATION OF THE GREATER REPUBLIC OF CENTRAL AMERICA,
Washington, January 15, 1897.

The undersigned, envoy extraordinary and minister plenipotentiary of the Greater Republic of Central America, has the honor to address his excellency the Secretary of State, informing him that, as several bills relative to the construction of an interoceanic canal through Nicaragua have been for some time pending before both Houses of the American Congress, his Government recently instructed him to examine them, and to make, under certain conditions, suitable representations to his excellency the Secretary of State.

The undersigned has consequently examined said bills, which are five in number, to wit:

Three introduced in the House of Representatives—one by Mr. MAHON, December 3, 1895, another by Mr. DOOLITTLE, and the third by Mr. BARHAM, both the latter having been introduced December 6, 1895.

Two introduced in the Senate, one by Mr. PERKINS, December 30, 1895, and the other by Mr. MORGAN, June 1, 1896.

All these bills take it for granted, with minor differences of detail, that the American Government is to take an important part in the enterprise, and that it is to furnish the money necessary for the construction of the canal by the Maritime Canal Company of Nicaragua, whose constitution and organization they essentially modify.

Unfortunately, the undersigned observes that the provisions of these bills are at variance, both generally and in matters of detail, with the stipulations of the contract of April 24, 1887, between Nicaragua and the company aforesaid, from which contract the company derives its existence and which is the basis of its enterprise.

That contract stipulates, in its eighth article, that the concession therein provided for shall in no case be transferable to governments or to foreign public powers, and Article LIII provides that any contravention of this stipulation shall entail a forfeiture of the contract. As it can not be denied that the bills to which the undersigned has reference—although they do not expressly say so—effect that transfer most fully, making the Government of the United States of America the absolute owner of the enterprise and of the canal and its rights, the result to which they inevitably conduce is the forfeiture of the contract.

Article XLVII of that instrument provides that the company shall undertake, at its own expense, the final surveys of the ground and the location of the line of the canal by a commission of competent engineers, two of whom are to be appointed by the Government of Nicaragua, and the aforesaid Article LIII provides that a failure to comply with this stipulation shall entail the forfeiture of the concession. The bills, however, provide that the canal shall be constructed under the surveillance of the Department of Engineers of the Army of the United States of America, and according to its plans; and that three engineers shall be designated by the President for that purpose, who shall make the explorations and estimates. This provision likewise conduces to the forfeiture of the contract.

"The people of all nations shall be invited to contribute the necessary capital to the enterprise. * * *

"Of the capital with which the company shall organize, and which it proposes to distribute among the different countries interested in the enterprise, there shall be reserved at least five (5) per cent for the Central American Government and citizens that may desire to subscribe." These provisions of Article VII of the contract are antagonized by the bills, which distribute the capital of the enterprise among the United States of America, Nicaragua, Costa Rica, and the company.

"The capital stock of the final company shall be composed of shares, bonds, or obligations of any other kind, in such proportion as it may deem convenient." This is another provision of the ninth article. The bills, however, fix the amount of the capital stock in shares, of which they dispose in such a way that they are of no use for the work of the enterprise, as they ought to be according to the intent of the contract. For the work of the enterprise the bills create bonds, which must thus be converted into capital stock or be left out of the contract. The undersigned need not here point out the infractions which the bills involve.

According to Article X of the contratt, the board of directors is to be composed of persons at least one-half of whom shall be chosen—by the company of course—from the promoters who may yet preserve their quality as such. The bills organize the board of directors with 11 members, 8 of whom are to be appointed by the President of the United States, in different capacities, 1 by Nicaragua, 1 by Costa Rica, and 1 by the canal company. The difference between this provision and the stipulation referred to could not be more marked than it is.

Among the benefits which Nicaragua reserves to herself, in consideration of the valuable privileges and rights which she surrenders, is 6 per cent of the shares, bonds, certificates, or such other obligations as the company may issue with a view to raising the capital. Now, notwithstanding the fact that the company has made several issues, it has not fulfilled this obligation; and as the bills say nothing on this particular point of shares, bonds, certificates, or other obligations which were to be issued and have not been issued in favor of Nicaragua, these securities would probably either be lost in the new form of the enterprise, or would be liable to troublesome and tedious litigation.

Two of the bills in question have already been reported by a committee, so that they may finally exclude the others; nothing, however, is established in them with regard to the shares that would belong to Nicaragua; and it might happen, owing to this, that Nicaragua would get none at all.

If the company were to issue a hundred or a hundred and fifty million dollars' worth of bonds in order to meet the cost of the work, which bonds, as I have already remarked, would have to be considered as capital or be left out of the contract, Nicaragua would be entitled to her 6 per cent in virtue of the stipulation above referred to; but the bills leave no door open to such a possibility, nor do they allow her any participation in the issue which is to be made in order to pay for the work already done.

The company, by article 14 of the aforesaid contract, has contracted the solemn obligation to construct, at its own expense, within the term of three years, reckoned from the commencement of the work upon the interoceanic canal, a navigable canal between Lake Managua and the navigable part of the Tipitapa River, near Pasquier, of sufficient dimensions to admit of the free passage of vessels drawing six feet and of 150 feet in length. That term expired a long time ago, but the company, notwithstanding the most earnest solicitation, has made no pretense of meeting that obligation, or of definitively adjusting the compensation which it ought to pay in order to be discharged therefrom. The bills establish nothing on this other point, and Nicaragua's rights in this matter might thus be annulled in consequence of their silence.

By the plan involved in the new form which the bills devise for the enterprise, the present company is extinguished, and nothing remains of it, in its relations with the enterprise, save the shadow of a personality represented by a vote in a board of directors of eleven members; while in its relations with Nicaragua it may always claim full personality as the holder of the concession, although having none of the means necessary to enable it to meet its obligations.

Finally, it is to be observed that, while the bills contravene and set at naught stipulations of the contract, they do not state whether the remaining ones still remain in force or not, although among these latter there are very many which are of no great importance to Nicaragua in particular, and to Central America in general.

The undersigned is convinced of the good faith of the gentlemen who have introduced these bills in both Houses, and of those who advocate their passage; he takes, moreover, pleasure in stating that he recognizes these efforts as the result of the legitimate interest which they feel in behalf of the construction of an interoceanic canal, in which the confederation that he represents is quite as deeply interested. And, in calling attention to the serious objections enumerated, which would render these efforts nugatory, the only object that he has in view is to protect just rights which he thinks are menaced by the bills aforesaid.

It seems evident that the company is unable to raise money to fulfill its contract unless the United States of America furnish it therewith, and since that contract excludes the possibility of attaining that result, the undersigned, having been duly authorized to do so, proposes to his excellency the Secretary of State that the two Governments—relying upon the favorable disposition of the Government of the United States of America—shall come to a direct understanding on the subject, on the basis of the Zavala-Frelinghuysen treaty, with such modifications as may be agreed upon, and endeavoring to reach a just arrangement with the Maritime Canal Company of Nicaragua, so that it may renounce a concession whose conditions it is unable to fulfill.

The undersigned, in thus obeying the instructions of his Government, avails himself of this occasion to reiterate to his excellency Secretary Olney the assurances of his most distinguished consideration.

J. D. RODRIGUEZ.

His Excellency RICHARD OLNEY,
Secretary of State of the United States, etc.,
Washington, D. C.

Mr. MORGAN. Mr. President, that communication is received by the Senate of the United States properly, because it comes from a Secretary of State. The party who proposes to introduce that communication for the information of the Government of the United States is a stranger to this Government, to our land, to our laws, and to our institutions. We know nothing officially from any source about the Government which that gentleman styles "the Government of the Greater Republic of Central America."

Mr. SHERMAN. My impression is, if the Senator will allow me, that this gentleman is now accredited to the United States, that he says so in his communication, and says so to the Secretary of State.

Mr. MORGAN. The honorable Senator who has just addressed the Chair uses the expression that this gentleman is "accredited to the United States." In one sense that is true. He is accredited, has his credentials, has presented them at the door of the Government, has been bowed in, and allowed to take a seat amongst the diplomats.

Mr. CHANDLER. May I ask the Senator if the President of the United States has not consolidated these two or three Republics of Central America into one, and has he not done that in the exercise of that executive power which belongs to him?

Mr. MORGAN. If the Senator will indulge me with a little of his patience, I think I shall get that matter before him without any elaborate or extended remarks.

This minister has been bowed into the door of the Government, has taken his seat amongst the diplomats, and is recognized by the President of the United States as the authorized minister from the Government called the Greater Republic of Central America. Neither House of Congress has had communicated to it any information on the subject of the existence of any such government. This is the first knowledge, the first intimation, which has ever been received that such a government exists.

I am informed, Mr. President, through public statements made in the newspapers that this Government consists of a combination, or coalition called a diet, of three of the Central American States—Honduras, Salvador, and Nicaragua. I am further informed that this diet has no control over the internal affairs of any of the respective States, and that its organization is based entirely upon the powers that it may exercise in diplomatic affairs, communications with foreign governments.

I am informed by the newspapers that the President, on receiving this minister, informed him that none of the rights of the Government or the people of the United States, as they exist under treaties or otherwise with those several Republics, were in any wise affected by the reception of that minister. I am glad that qualification was stated in the reception of this gentleman, for it leaves the Executive unembarrassed in respect to his admission of this gentleman to the diplomatic corps in this country. At the same time it has no effect in the legislative sense, or in any other sense, upon the actual attitude of the Government of the United States toward these three Republics.

I am further informed, as I stated to the Senate the other day, that each one of these Governments has abolished its foreign office, and that neither of those separate States now holds communication with any foreign government through its own organism; but holds communication with foreign governments alone through this diet. We have accredited ministers to Nicaragua an d Salvador. I believe one gentleman, Mr. Baker, represents our Government at both of those courts, if my memory is right about it. We have not withdrawn those ministers; they are there exercising the empty function of representing the United States in the town where they hold their residences, without any opportunity at all of communicating with the Governments to which they were accredited, because those Governments have abolished their foreign offices.

So we are left pretty much high and dry in this business; and the matter stands now entirely, it appears, between the President of the United States and the newly contrived diet down there, consisting of three Republics, without our ever having given any sanction whatever or refused any sanction to the supposed government. That is a very abnormal and very peculiar situation, for which I think there is no precedent in history, where one government shall be sending a minister to a government which has no foreign office, which has no foreign relations, and the other government is sending ministers here through a different institution called a diet, in combination with two other republics, asking us to permit him, I suppose, to represent those three republics in all diplomatic affairs.

The reservation which the President of the United States is said to have made at the time that this gentleman was accredited or received here, and his credentials allowed, of the noninterference by that act with any right of the Government of the United States, becomes a very important matter, because whatever rights we have in respect of a Nicaraguan canal are rights acquired from the two republics, the Republic of Nicaragua and the Republic of Costa Rica. Costa Rica is not in this diet; she is not represented; her name is not called in that paper; but two other republics which have no connection with the canal at all have come in and interposed their objections to certain legislation which is going on here now—not going on now merely, Mr. President, but which has gone on in authentic form for nearly ten years. I will come to that phase of the question in a moment; but before doing so I wish to express a conviction—perhaps I am not able to sustain it in every word—but a conviction which has such moral force with me that I would be doing myself and the Senate injustice not to express it here in the liberty of that sort of discussion in which we must indulge with each other, in order to thoroughly understand what is in the wind as well as what is expressed in any form.

It has been but a short time since I had the honor of notifying the Secretary of State that I was informed by gentlemen from the Pacific Coast, whose knowledge of current public affairs was equal perhaps to that of any gentlemen in the Union, that Great Britain was engaged in the effort to supplant the United States in her authority in Nicaragua, particularly in connection with this enterprise. I have had the honor heretofore, in a report which I submitted as chairman of this committee, to go over all of the ground of the treaties between Nicaragua and the United States and between Nicaragua and Great Britain in respect of the lines of intercommunication of any and every sort between the Pacific and the Atlantic shores. These respective Governments, in the very same terms, by treaties which they have negotiated with Nicaragua—Great Britain's treaty being ten years older than ours—have had conceded to them from Nicaragua the right to aid in the promotion of railroad and canal enterprises and of other enterprises of intercommunication between these shores. We have

no railway project there, no concessions for a railway project to any of our citizens, except a railway which is intended for the purposes of construction along the banks of this canal. The British subjects, however, came over, and have been very busy in getting concessions from the Nicaraguan Government for a railway from the coast at Corinto to the great Lake of Nicaragua, and from the great Lake of Nicaragua out to Bluefields, or in that vicinity.

In calling the attention of the Secretary of State to this subject I expressed the belief in the truth of the information that was given to me by this gentleman with whom I was in correspondence, that it was the effort of the British Government to introduce the right of exclusive transportation by railway through the Nicaraguan State. Great Britain can not exercise a right of that exclusive sort in favor of her own subjects, or permit them to receive a right of that kind in contravention of or in hostility to or in disparagement of the rights which we are attempting to base our legislation upon, which have already been secured by our own citizens.

In my judgment, Mr. President, the apprehensions that were then existing have become real, and Great Britain is using this diet as a cat's-paw for the purpose of driving us out of the Isthmus. I make that statement on the floor of the Senate deliberately, and it demands an answer. Before any treaty looking to arbitration or any other concert of action is made, Great Britain, in my judgment, in order to satisfy this body, the Senate of the United States, will have to answer that question.

The subject as it is now presented comes at a very late date. These concessions were notoriously obtained through the influence of the executive Government of the United States after the withdrawal of the Zavala treaty. Mr. Whitney, when he was Secretary of the Navy, very properly detailed Mr. Menocal to go to Nicaragua for the purpose of making the negotiation which the Senator from Indiana [Mr. TURPIE] calls a treaty.

Mr. TURPIE. I called it a treaty of cession.

Mr. MORGAN. That makes it only stronger. The Senator characterizes it as a treaty of cession. That makes it, of course, a very important document, entitled to bear that character. A treaty of cession is certainly the highest form of treaty we know anything about, next to a treaty of peace.

The Government of the United States before that time had sent its engineer corps through Nicaragua, and Captain (or Commodore) Lull made an elaborate survey from coast to coast of this canal, making an axial location, and carrying it upon grounds which were different in some considerable degree from those occupied by the present surveys. The concession was made, doubtless, upon the basis of that survey, as it was at that time the only authentic Government survey which had been made. Nicaragua knew all about it and was preparing herself in every way that she could to receive the benefits of that survey, and she enjoys them now. The Government of the United States paid for that survey through and through, and it was a costly survey; and it took quite a long time to make it. Nicaragua has the advantages of that. She had obtained from the Government of the United States the authority to employ Mr. Menocal as her engineer, who was then in the service of the United States, to go to Nicaragua and survey the harbor of Grey Town and the lower reaches of the River San Juan. He did that, and the Nicaraguan Government paid him for it, notwithstanding he retained his position here and doubtless got his pay while he was gone; but it was done as an act of courtesy and friendship to the Government of Nicaragua. Mr. Menocal was well known to that Government.

After these surveys had been made and Mr. Menocal returned under the auspices of the Navy Department to make this treaty or negotiation, if I may call it such, the Government of Nicaragua entered into very full and complete stipulations with the gentlemen who were represented on that occasion by Mr. Menocal, which stipulations appeared in the concession referred to and in the paper which has just been read at the Secretary's desk. The negotiation was somewhat protracted; it was elaborate and difficult, and was handled in a most masterly way by Mr. Menocal. I venture to say that amongst the lawyers of this body, none of them has seen a paper prepared with greater care or comprehensiveness than that paper was prepared—a remarkable specimen of the ability of the draftsman. Nicaragua fully approved of that concession; her President signed it; it was carried before the Government of Nicaragua, and her Legislature ratified it. It was paid for by $100,000 in gold, to which was added $50,000 for the purpose of enabling Nicaragua to buy up the right of way from her own citizens between the western coast of Lake Nicaragua and the Pacific Ocean, which she has proceeded to do, or says that she has proceeded to do. She has bought the right of way for this canal from the western coast out to the Pacific Ocean, and paid for it with the money of American citizens advanced to her. On the eastern coast of Lake Nicaragua, and from that out to the Atlantic coast, Nicaragua made a grant that you may say is unlimited in respect of all the wood, material, stone, and clay of any kind that may be used in the construction of the canal, the right of way, and the right of overflow to any extent that might be needed for the purposes of the canal.

In addition to that, she granted in fee simple absolute, without condition, beyond recall, a million acres of land on the line of that canal. The Senator from Indiana says it is under water. It is utterly impossible that all of it could be under water when it extends all the way from Lake Nicaragua to the Atlantic Ocean, and there is only about 5 or 6 miles on the line of the canal which is under water. I undertake to say from the testimony——

Mr. TURPIE. If the Senator will allow me, it is stated in one of the reports which I read here that in the neighborhood of eleven and a half miles of railroad constructed by the employees, they had to work up to their waists in water during the whole time.

Mr. MORGAN. That is all so; but the Senator is sticking in the bark about the grant, for nobody ever supposed that that part of the grant was worth anything agriculturally, or even for timber. The part of it that is to be developed is the high land above that. Candor would compel the Senator to say so, and the proof shows it. It was land, not water, that was granted.

Mr. President, that grant of 1,000,000 acres of land was made in fee simple by Nicaragua, and is a part of the concession. In addition to that, $6,500,000 of stock in that canal was granted in that concession to Mr. Menocal and his associates. To describe it particularly, the Menocal party was granted in that canal exactly the same rights Nicaragua got, namely, $6,500,000 of stock or bonds or debentures, or whatever else might come out of it. The only limit was upon the amount—$6,500,000. Menocal and his associates—these American citizens, for whom I feel sorry, because for a moment I am compelled to contemplate them in that humiliating character—under that stipulation got exactly the same thing.

Now, I am looking at this question in reference to this paper, not in reference to the debate between Senators as to this bill; but there is a concession paid for by $150,000 in gold, which covers 1,000,000 acres of land to these gentlemen in fee simple, and $6,500,000 of this stock or bonds, which is based on that canal line under that concession. Here is a canal 12, 14, or 20 miles long—it makes no difference what it is, not very long—that this company was to construct between Lake Nicaragua and Lake Managua, through a channel that is called Tipitapa River, an outlet channel between the smaller lake on the north and the larger one on the south. Notwithstanding assertions to the contrary, this company have gone on and made a most accurate and thorough instrumental survey and estimate on that Tipitapa Canal, and have submitted it to the Nicaraguan Government. I do not know whether in doing so they have demonstrated that it will cost more money to build the canal than it is worth to the Nicaraguan people or not.

But this paper read to us says this thing was to have been done and the canal was to have been built within three years after the date of that concession, and it has not been built. Who has ever objected to it? When has the Government of Nicaragua made an objection to the failure in building that canal as a ground of forfeiture of this concession? Never, sir. Who has the right to determine whether or not that charter has been forfeited by the nonbuilding of the Tipitapa branch? The Government of Nicaragua, unless in doing so she interferes with some right of an American citizen guaranteed in those concessions. Why does this gentleman who now represents the three Republics come here and complain to the Congress of the United States, as the mouthpiece of Great Britain, that we have not built that canal? Does he mean to say that they have got a right to a forfeiture or release of the concession on that account? If they have, let them do it; let them exercise that right. Then when the Congress of the United States finds that in the exercise of that right they have violated some contract that they have thus publicly made with citizens of the United States, perhaps a halt will be called.

They make other complaints of a bill that is pending before the Senate of the United States, and undertake to criticise its provisions. They have been invited to do that, it seems; all governments and all people have really been invited to come in and to criticise our action and determine whether it is legitimate or whether it is illegitimate. Upon that general branch of the proposition I have just one announcement to make. Whatever the rights of our people are, and whatever the rights of the United States Government are, growing out of this transaction, is a matter to be settled by the Congress of the United States; and if they can not accept our conclusions about it after we have come to them, then, of course, something else must take place, a further agreement or a further disagreement must take place.

Mr. HALE. Will the Senator allow me to ask him a question? I am very much interested in what he says.

Mr. MORGAN. I yield to the Senator for a question.

Mr. HALE. And he has come now to what I suppose rests in the mind of every one of us here who is for the canal. It seems to me that this objection, sent here properly, is a serious obstacle—whether it will be found so in the end or not I do not know—but

what is now the undoubted Government which has taken the place of the three Governments of the Republics referred to by the Senator, represented here by a diplomatic agent, a minister, objects to further action in this direction. That seems to me a serious matter. Now, does the Senator, charged with the responsibility of managing the bill, think that, notwithstanding the protest of the representative of that joint Government, we should go on and consider and pass the bill the same as if that protest had not come in, or is the Senator's mind inclining in the direction of some delay, or a recommittal of the bill, in order that Senators, the Senator himself and others, may have an opportunity to examine into it? I should be glad to know what is the Senator's idea upon that.

Mr. MORGAN. The mind of the Senator from Maine naturally is outstripping mine in my poor and hesitating way of delivering my views upon this question, but I intended to come to that.

Mr. HALE. I thought the Senator had just come to it.

Mr. MORGAN. I could not go by that question.

Mr. HALE. I was in doubt myself as to what course the Senator wanted pursued.

Mr. WHITE. I should like to ask the Senator from Alabama a question for information. Is there any diplomatic representative of the Government of Nicaragua in Washington, save the gentleman who signs this communication?

Mr. MORGAN. No; there was one here, but he has gone home.

Mr. WHITE. Then the only accredited diplomatic representative here from Nicaragua is this person?

Mr. MORGAN. Yes.

Mr. DAVIS. The Senator means the minister plenipotentiary and envoy extraordinary of the Greater Republic of Central America—the new Government.

Mr. HALE. That includes Nicaragua.

Mr. DAVIS. Yes.

Mr. MORGAN. That includes Nicaragua.

If I may be allowed to make my statement about this thing, I can get my views before the Senate, and then I am going to leave it. I was discussing the proposition that whatever rights the American people have—I speak of citizens of the United States involved in this enterprise and of the American people in a very much broader sense—whatever rights those people have, the Government of the United States, under these stipulations, under this treaty, as the Senator calls it, are matters that we have to determine for ourselves.

I do not deny, and have not denied at any time, the jurisdiction of the courts of Nicaragua or of Costa Rica to hold that this concession was abandoned, or lapsed, or forfeited. I never have denied it. Those Governments have got the right now—Costa Rica and Nicaragua—to declare a forfeiture if cause exists; but when they come to prosecute that right—they will not do it, and have not done it, and do not expect to do it—then it will be shown that no cause exists for the forfeiture, most clearly shown by the action of the Nicaraguan Government, taken in the most solemn possible form on previous occasions, and these gentlemen to-day have the same rights under that concession that they had within two years or one year after it was made, and they had spent four and a half million dollars in the promotion of that work.

In the spending of that money within the time prescribed by the concession not only have they earned the concession as a settled and immovable fact, but the Government of Nicaragua has said so. They have not proceeded blindly. They have not proceeded without due consideration of their rights. They have not proceeded without knowing exactly how far Nicaragua had gone and had the right to go. On the contrary, Nicaragua has not only reaffirmed their right to the concession now as having been earned by them and paid for, but Nicaragua has been earnest in its avowals, until a very recent date, of her purpose to carry the concessions into effect. Until the new Government of the Greater Republic of Central America was contrived not one breath of opposition to those concessions or the rights of our people under them was ever uttered—not a breath. They came up contemporaneously, and doubtless they are affected by precisely the same circumstances.

Mr. President, there is one party to this concession who has not had a word to say about it, against it, or for it, through any foreign minister. That is the State of Costa Rica. The canal company were unwilling to go ahead and could not go ahead with the construction of the canal—that has been one of the great difficulties in their way—until a boundary dispute between Nicaragua and Costa Rica was settled. The boundary dispute was referred to the President of the United States as arbiter, and he decided it and fixed the boundary line. After that, Costa Rica, waiving her pride in the matter, came in and united in a concession identical in terms with the one that these gentlemen had obtained from Nicaragua, naming a million dollars of stock, and raising the stock payment for the concession to $7,500,000 instead of $6,500,000. She got it. She has never said a word about it. This gentleman representing the diet does not represent her. There she is, with all her rights. When they came down to measure the boundary line and establish it at Grey Town—for it took up the coast from the mouth of the San Juan River—it was found that there was included within the boundaries of Costa Rica that part of the coast opposite to Grey Town which the commissioners who went out there discovered was the only place on the coast where a really convenient harbor could be made. One had never been there, and yet there had been a harbor above that at the place where the engineers of the Government of the United States located the canal which had had 20 feet of water, but had been filled up by the drifting of the sand. But the new commission went down, and they found, if Senators will allow me, that the only practicable harbor or the most practicable harbor to be dug out is one that lies on the Costa Rican side of the line, and for which no grant in the concession had been made.

Mr. DAVIS. I see that Mr. Rodriguez makes the point in the communication which has been read that Nicaragua, to use a common expression, is to be frozen out by the bills which he mentions in the millions of stocks as security.

Mr. MORGAN. Yes.

Mr. DAVIS. What provision does the bill we are now considering make to meet that contention?

Mr. MORGAN. I will come to that point after a while.

Mr. DAVIS. I wish merely to suggest it to the Senator.

Mr. MORGAN. But I desire to know, before I get down to that point, exactly what the rights of Costa Rica are, and whether or not she is complaining, and I want to know whether the Government of the United States is going to take a protest from Salvador and Honduras——

Mr. DAVIS. Guatemala.

Mr. MORGAN. Not Guatemala. Guatemala has nothing to do with this. She never had anything to do with it. She is an independent Government to-day and has her minister here, Señor Arriaga, a splendid gentleman. I desire to know whether Costa Rica has given up her rights through a diet that represents Nicaragua, Salvador, and Honduras, and does not represent her, and which she has never joined?

What is becoming to the honor of a great Republic like this in dealing with a question thus thrust into our faces upon an occasion when we are trying to settle for ourselves and our people what are the rights of this Republic and also the rights of our people? It is an impertinent intrusion by two of the States of Central America represented in this diet, as we are told, which never had any connection with this matter. It is an intrusion that drops Costa Rica out of consideration. It may be strong enough to prevent the passage of this bill. It may be strong enough to carry the point to which I will refer now for a moment, inasmuch as I do not care to amplify the discussion as to the rights of Costa Rica or what she may be intending to do, for I do not know what she intends to do. I only know what her rights are. I only know that it would be wanting in respectability in our Congress if we should pass this subject by in such a way as to permit Honduras and San Salvador to come in here and strike down the rights of Costa Rica under these concessions and under our legislation.

What does this minister contend for? He has gone on to state, as the Senator from Minnesota suggested, that the dealing with this scheme on the part of the United States excludes Nicaragua from some of her rights, and that it is a monopoly of the stock by the Government of the United States, and that in this respect it does what the Senator from Indiana [Mr. TURPIE] denied that it did—it puts the Government of the United States in control of that canal. I have always understood that we wished to get as close to it as we could without treading on anybody's toes or violating anybody's rights, and in what we are doing here or proposing to do, if we do anything, and in what we have done in the bill which, in the last Congress, we passed through the Senate by 10 majority after a long debate, and after these very questions were raised, we, they assert, have monopolized the stock in the Nicaraguan Canal (in the bill before the Senate to-day), and that we violate the spirit of the concession, because the concession provides that it shall not be sold to any foreign government. This minister says it is a virtual sale of the concession; that it takes the whole thing.

Mr. DAVIS. I understand the question is a little more limited in extent than that. Nicaragua, under the concession, is entitled to 6 per cent of the stock. I understand Mr. Rodriguez to say that that right is wiped out by the bill under consideration at present.

Mr. MORGAN. No. He could not say that, if he has any common sense, because the bill preserves it.

Mr. DAVIS. I merely wished to know what the bill does in that respect.

Mr. MORGAN. The bill preserves that precisely. But that is all it does preserve. The balance, $70,000,000 out of $100,000,000 of stock, it takes to the United States.

How does Nicaragua happen to have any stock in the Maritime Canal Company? What right has she had to have her representative, her delegate, in that company all this time, managing its affairs? How did she get it? She got it by the concession which

made her a party to our legislation, thoroughly accepted and confirmed, as much so as if it had been put within the four corners of a treaty. Not that only, but there are many acts done by the Government of Nicaragua which bind her just as firmly to what we have done heretofore legislatively as if she had put our laws into a treaty and signed it and ratified it. Here she has been acting under acts of Congress of the United States, giving to her all her rights under that concession, whatever they may be, incorporating that company and claiming the absolute power of repeal or modification of the act. Here she has been represented in her governmental capacity through that board of directors, not only without objection, but with the most cordial assent. All these long years, through all these debates, after the bill we passed through the Senate giving her $6,500,000 of stock, never did she raise her voice in protest or even in querulous statement to show that she had the slightest opposition.

Now, the Government of the United States may be wrapped around the finger of Great Britain like a piece of floss as often as anybody wants to do it, but if the wrapping process is to go on I object to its being wrapped around the finger of Nicaragua. I am for making Nicaragua stand to her contracts, and not her contracts only, but her other treaty obligations, for this contract and what has been done under it have been in virtue of the express provisions of a treaty. Now, let any American Senator deny that. What we are doing in legislation here in Congress and what we have done from the time we first incorporated the company until this moment has been done in virtue of solemn treaty stipulations between the United States and Nicaragua, entered into in 1868. There is no doubt about that. So we are executing our part of a treaty, whatever she is doing. She comes here in company with two strangers, not parties to this contract, two other Republics, and proposes objections which, if she is permitted to insist upon them, are fatal to the canal in Nicaragua, not now only, but always. The demand for an American canal under American control, if that be the demand of the United States, passes out of view in the presence of this protest and no longer will be heard, even as an echo in the future. You are gone, gentlemen.

It becomes us now to say whether we are to be drifted out and thrown aside in that way or not. I do not know what we are going to do, but I know one thing, that if we do not take action upon this matter in an authentic way within our rights, clearly ascertained and firmly expressed, the American people are going to find occasion for having some serious complaint against somebody in connection with this great enterprise, for the people do not intend to give up, let me observe, their right to go through Nicaragua and their right to control the canal to the extent that we are undertaking to control it in this bill or otherwise, if you please. That right will not be surrendered by the American people whatever clamors may be made for peace with Great Britain, or on account of any other thing that may come up.

Mr. Rodriguez utterly denies that we have the right to put in this bill what we have here. If his construction of the rights of Nicaragua under this concession are correct, we have no right to make this legislation, and we ought to abandon it and say so as honorable people. But here comes now, at the end of this communication, what he conceives to be a great temptation to us—the rehabilitation of the Frelinghuysen-Zavala treaty. Now, sir, if I could get the Frelinghuysen-Zavala treaty, I should prefer it to the pending bill or anything else. I preferred it when it was here. It was taken out of the Senate by President Cleveland within ten days after he was inaugurated President of the United States the first time. It was taken out of this body because the gentleman who became his Secretary of State insisted—he did not have a majority of the Senate, but he had more than a third of the Senate with him—that the treaty created entangling alliances between the United States and Nicaragua, as the first point, and as the next point that it was in contravention of the Clayton-Bulwer treaty. Most of the debate which occurred upon that occasion—it has been made public—was in respect to the question whether or not that Frelinghuysen-Zavala treaty did interere with the Clayton-Bulwer treaty. That was the great burden of the debate, as Senators around me who were then in this body will remember. Now he proposes it again.

The Secretary of State in sending his communication to us has not informed us whether or not he approves of these views of Mr. Rodriguez. He has not informed us whether he has replied to Mr. Rodriguez's invitation for a correspondence upon the reestablishment of the Zavala treaty. We are left entirely in the dark in regard to this transaction, except so far as it may be used as pressure against the passage of this bill, and in that view of it I must regard it as a distinct threat upon the part of the President of the United States that the pending bill is not going to be allowed to become a law. In later years we have become accustomed to such threats, and I cease to get scared at them. They no longer alarm me, for the reason that I suppose there is still among the American people, if there is not in the executive department, a recognition of the fact that the Congress of the United States and each of the Houses are independent departments of the Government, and therefore are responsible and must take their own course in matters of this kind. But now let me ask the question whether or not we are to understand the present Executive Administration as recommending the reinstatement of the Frelinghuysen-Zavala treaty, which the President in his first Administration took away from this body after we had voted for it upon a majority vote several times, and would have ratified it by a two-thirds vote any time it was called up.

The Presidency of the United States is one continuous office, unaffected in its powers or in its policies really—I mean its policies which affect foreign people—by a change of the incumbent. Here, then, would be the case of the President of the United States taking this treaty away from the Senate because he disapproved it after his predecessor had sent it here approving it, which is just the same case precisely, considered in a legal or diplomatic sense, as if the same man on a certain day in the month of January had sent in a treaty recommending its ratification by the Senate, and in the month of March had recalled it, on the ground that he had made a mistake in it; that it was an entangling alliance and put in jeopardy the United States in respect to the Clayton-Bulwer treaty.

Mr. GRAY. May I ask the Senator from Alabama whether the Senate had not previously declined to advise and consent to the ratification of the treaty by a constitutional vote?

Mr. MORGAN. And a motion to reconsider was entered by Mr. Edmunds, and a majority, a large majority, was developed in favor of the treaty, but not two-thirds. The motion for reconsideration was pending when the President withdrew the treaty.

I am not finding fault with the President of the United States for withdrawing the treaty, but I am looking at the attitude in which we must appear before the nations of the earth when in January the same king—for the President is always the same king over us, giving him that title—negotiates a treaty, sends it to the Senate, earnestly recommends that it shall be adopted, and in March withdraws it upon the ground that it is an entangling alliance, and is calculated to embroil us in trouble.

Mr. President, that act will never cease to have its damaging effect upon the people of the United States. It will never cease to cast a stigma upon the character of the Government of the United States as being oscillating, imbecile, and uncertain in its policies, backing and filling, to suit the circumstances of the politics in the country.

Mr. WHITE. Will the Senator from Alabama permit me to make a suggestion? I understand that the communication from the Secretary of State was transmitted to the committee for its information—to use the language of the communicating document—and the committee or its chairman is responsible for the presence of the communication in the Senate.

Mr. MORGAN. That is true. I am not complaining about the communication coming here. On the contrary, I am gratified that it has come, because if there is anything which in my course as a Senator I desire to know, it is the facts of a situation. I do not want to be misled or to mislead anybody else about a matter which concerns the public welfare of this country. I would be a dishonest man if I did, simply a dishonest man.

What I mean to say is that, notwithstanding the fact that the same President withdrew the Zavala treaty from the Senate of the United States for the reasons I have stated, Mr. Rodriguez has what I may call the assurance to present it to him again at this late hour of the Administration and to invite him to reconsider it. What is the plum in the treaty that they want to get hold of? In the Zavala treaty we agreed to pay Nicaragua $4,000,000 for this privilege. Doubtless Mr. Rodriguez would like to handle the $4,000,000 for the benefit of the treasury of the Greater Republic of Central America. That is an intimation to us, "We will not give this thing to Great Britain and revoke these charters if you will pay us $4,000,000."

Let him take that observation and send it to his Government. I make it here. It is an effort to get us to stop in the crucial or critical stage of legislation in which we are indulging with mature deliberation and pay to him as the representative of these two Republics not concerned, or to Nicaragua, if you please, I do not care which, the $4,000,000 we promised to pay in the Frelinghuysen-Zavala treaty.

I was willing to pay the $4,000,000, because the 12 miles breadth of land from the Atlantic to the Pacific that we would have got under that treaty, together with the other immense privileges that we obtained there under that treaty, amounting almost to absolute sovereignty, were worth the $4,000,000. That was less than the syndicate's fees in the negotiation of $262,000,000 of bonds—not more than half. We had better have spent the money that way and have had something secured for the benefit of the people. We had better have bought it and confronted Great Britain with the proposition that the Clayton-Bulwer treaty was not worth the

paper on which it was written. I believe that, and you all believe it—every one of you believe it. The Clayton-Bulwer treaty is not, in the estimation of the United States, to-day worth the paper upon which it is written. It is true it has not been formally revoked. Neither has either Government signified to the other that it has formally abandoned it, and it stands there now like a skeleton in the closet of the United States merely to alarm the children when they happen thoughtlessly to open the door.

The Clayton-Bulwer treaty has been violated by the Government of Great Britain openly, notoriously, over and over again. I call the attention of the Senator from Ohio to what I am about to say. The gentleman who is known or is understood to be about to become Secretary of State made the first report upon this subject. That part of the report was drawn by Mr. Edmunds and approved by himself, the honorable Senator from Ohio [Mr. SHERMAN], and in that report we denounced the Clayton-Bulwer treaty as no longer obligatory upon us unless we chose to waive the infractions of Great Britain in their dealings in Central America.

Now, there we stand. Now we are coming to a conclusion; now we intend to know whether it is so or not, and I for one, as an American Senator, do not intend to pass one single hair's breadth beyond this question until it is settled.

Mr. WHITE. Can the Senator from recollection state how long ago it was that the distinguished Senator from Ohio [Mr. SHERMAN] reached that conclusion? What is the date of the report? Does the Senator remember?

Mr. MORGAN. I do not recollect. It was the first report on this subject.

Mr. WHITE. I suppose it can be found. I thought probably the Senator might remember the date.

Mr. VILAS. It was made in 1891.

Mr. MORGAN. It was made further back than that; in 1887 or 1888, I think.

Mr. SHERMAN. I hesitate to reply to my honorable friend or even to answer his question, because it seems to me he is rather going beyond the subject-matter, and is trenching upon matters that had better be argued when the Senate is in executive session. As a matter of course, I am in favor of the Nicaraguan Canal. I joined in the report in its favor, and hope to see it accomplished.

Mr. MORGAN. What I am trying to do is to call attention to the history of the attitude of the Senate of the United States, through its committees, upon this question. This gentleman comes back here now and presents a proposition for the rehabilitation, the renewal, of the Frelinghuysen-Zavala treaty, which was withdrawn by the President of the United States because it was in conflict with the Clayton-Bulwer treaty——

Mr. COCKRELL. Alleged to be.

Mr. MORGAN. Yes; alleged to be; it was withdrawn on that ground. Afterwards it was affirmed by that committee unanimously, the Senator from Ohio [Mr. SHERMAN] writing part of the report, that that treaty was not obligatory upon us.

Mr. GRAY. Did the President of the United States give any reasons in his message of withdrawal?

Mr. MORGAN. I believe he did.

Mr. SHERMAN. I can not hear what the Senators are saying.

Mr. MORGAN. The Senator from Delaware asked me whether the President in the withdrawal of the Frelinghuysen-Zavala treaty gave reasons.

Mr. GRAY. I do not think he did.

Mr. MORGAN. I think he did.

Mr. SHERMAN. I think the President withdrew the treaty immediately after coming into office.

Mr. GRAY. I was in the Senate at the time and my recollection is there was no——

Mr. HOAR. We treated the whole communication in executive session, and the Senate has never authorized the removal of the injunction of secrecy.

Mr. MORGAN. Mr. President——

The PRESIDING OFFICER (Mr. ALDRICH in the chair). Does the Senator from Massachusetts rise to a point of order?

Mr. HOAR. I do.

The PRESIDING OFFICER. The Senator from Massachusetts will state his point of order.

Mr. HOAR. My point of order is that the communication of the President, unless I am very much mistaken as to the fact, was made to the Senate in executive confidence, and the seal of confidence never has been removed. If I am mistaken in that respect, I have no point to make about it.

Mr. MORGAN. I think the Senator is entirely mistaken about it. The injunction of secrecy has been removed. But the message of the President was published.

The PRESIDING OFFICER. The Chair has no means of ascertaining the question of fact raised by the point of order.

Mr. HOAR. If this discussion is to proceed without ascertaining that fact, I will be compelled to make the point that the doors of the Senate shall be closed. I do not wish to interfere with the Senator from Alabama. I have no doubt he has said all he desires to say, or that he will say what he desires to say without trenching upon that order.

Mr. MORGAN. I am entirely satisfied that the injunction of secrecy has been removed. We have discussed the question here. We discussed it on the passage of a similar bill heretofore. It was fully discussed. But if I am in error about it, the only thing I can do is to beg pardon of the Senate and take back all these words.

Mr. HOAR. My recollection is that the communication from President Cleveland, immediately after his entrance upon his first Administration, or whatever communication was made upon the subject, was made to us in confidence, and that the obligation of confidence never has been removed. That is my recollection of it.

Mr. MORGAN. I have been a very negligent sinner, not a willful one, if that is true, for I discussed that question very fully on the passage of the bill when it passed this body before, and it is in the report of the committee now.

Mr. GALLINGER. And has doubtless been published by the Executive, of course, as all executive matters are.

Mr. MORGAN. It has been reported and discussed and hacked about here time out of mind.

But I will suppose a case. I will suppose that the President of the United States withdrew the Zavala treaty upon the ground that it interfered with the Clayton-Bulwer treaty. But I need not suppose the other branch of the case—that is, that the Senator from Ohio declared that the Clayton-Bulwer treaty was no longer in effect. I need not, because he stated that in an open report here. But I will suppose one proposition and state the other; and then I should like to know what sort of a kink we are getting ourselves into here about this matter. That is what I dislike about this business. There is not enough of manhood, not enough of direct, old-fashioned, sincere honesty in our dealings with other people and other countries.

Here comes, then, a proposition from this Greater Republic of South America that we are to pay them $4,000,000 for this privilege that we have already got. The Senator from Maine asked me what I thought we ought to do with this bill under the circumstances. I will say to the Senator, as he has put the question to me, that I consider that self-respect requires us, in view of this communication, simply to pass our bill and inform the Republic of Nicaragua, and Costa Rica, which is the other partner in the business, that we are not at all alarmed or subdued by Mr. Rodriguez and his proposition, or by the British Government, if the British Government is at the back of him, and I honestly believe it is; that we are not alarmed or subdued as to our position upon this treaty in the slightest degree by this matter, but we will proceed to do what we have considered it to be our duty to do, to frame a proposition upon these concessions as we understand them, for the acceptance or the rejection of the Maritime Canal Company, for that is all that we are doing here. Our bill can have no effect until these propositions are accepted by that company and all the conditions precedent are complied with. They must put themselves in clean shape to be able to comply, and then they comply if they choose to do so. Who has the option to comply? The Maritime Canal Company. Who are the Maritime Canal Company? Nicaragua, represented there amongst the foremost of the stockholders; Costa Rica is another.

Now, this bill proposes to submit to the Nicaraguan Government, through its delegate to that board of directors, and to Costa Rica, the question whether they will accept our legislation. Nicaragua has no right to come here now and undertake to interpret the rights of our citizens under their contracts or to influence our interpretation. That is for us to determine. We say that our citizens and those Republics have the right to sell us $70,000,000 of this stock, and they have the right to take out of the stock so much to pay them for the concession, including the 1,000,000 acres of land, and so much of the bonds to pay them for the money actually expended in the construction so far. That is what we say we think their rights are under the concession. We formulate them clearly in a bill, and we say to the Maritime Canal Company, "You have the perfect right to accept or refuse it. We are dealing with you as the owners of a great property, and we propose to buy it from you under the conditions that we have stated in this bill."

Now Nicaragua comes to inform us in advance, through a new provisional arrangement with her associates, Honduras and Salvador, who have got no connection with it, that that would be considered as a violation of the treaty, as the Senator from Indiana [Mr. TURPIE] calls it. If she thinks so, let her refuse to accept it. She has got a vote in the board. She is represented there. She can file a bill to enjoin her fellow-stockholders from selling it if she wants to do so. She can stop it in our courts or her own courts, or wherever she undertakes to have a jurisdiction established, if they have no right under her concessions to permit us to own $70,000,000 of the stock in the Maritime Canal Company.

Now, viewing it in that light, are we to be moved from our interpretation of this treaty upon facts that are known to exist and are established before a committee of this body after the most thorough examination? Are we to be moved from our interpretation of this contract because Mr. Rodriguez, representing two other Republics along with Nicaragua in a diplomatic sense, concludes that he will make objections here sufficient, as he supposes, to break down the bill and induce the Government to reinstate the Frelinghuysen-Zavala treaty?

I have said that I prefer that treaty. I do prefer it; but, Mr. President, there is nothing that I prefer above justice to our own people. There ought to be something in the character of our Government to entitle our people to have something more than a mere sentimental respect for this Government and its flag. They ought to understand that they are to be taken care of, that they are to receive justice on all occasions when the Government deals with them or with their rights, or they are thrown upon its consideration.

I would not, sir, take from these men that million acres of land in order to make a new treaty with Nicaragua. I would not take from them the six and a half million dollars of stock in that canal which they are forced by this bill to surrender to us. I would not take it with violence and concede the same right demanded by Nicaragua, and thus throw our people overboard and spurn their just demands. I would not take from them the opportunity which they have under this charter, this concession, of going to any other government and getting the identical legislation that we are proposing to enact in this bill. I should very much dislike to see them do it, because it would be symptomatic at least of a want of that kind of enthusiasm in their patriotism which might cast some odium upon them. But, sir, Nicaragua, if she has got the rights that she contends for here to-day, is free to make the same concession to Great Britain. She, contending as she does in this letter of Rodriguez that the contract has been forfeited, if her contention is just, not only is free to make such a proposition to Great Britain, but she has got a treaty to justify it, which is exactly in the language of our treaty.

I have been furnished with the first annual message of the President of the United States—which shows that it was a public document—for the withdrawal of the Frelinghuysen-Zavala treaty. I think there was also a special message, but it makes no difference. The President says in his annual message December 8, 1885:

> The interest of the United States in a practicable transit for ships across the strip of land separating the Atlantic from the Pacific has been repeatedly manifested during the last half century.
>
> My immediate predecessor caused to be negotiated with Nicaragua a treaty for the construction, by and at the sole cost of the United States, of a canal through Nicaraguan territory, and laid it before the Senate. Pending the action of that body thereon, I withdrew the treaty for reexamination. Attentive consideration of its provisions leads me to withhold it from resubmission to the Senate.
>
> Maintaining as I do the tenets of a line of precedents from Washington's day which proscribe entangling alliances with foreign states, I do not favor a policy of acquisition of new and distant territory or the incorporation of remote interests with our own.
>
> The laws of progress are vital and organic, and we must be conscious of that irresistible tide of commercial expansion which, as the concomitant of our active civilization, day by day is being urged onward by those increasing facilities of production, transportation, and communication to which steam and electricity have given birth; but our duty in the present instructs us to address ourselves mainly to the development of the vast resources of the great area committed to our charge, and to the cultivation of the arts of peace within our own borders, though jealously alert in preventing the American hemisphere from being involved in the political problems and complications of distant goverments. Therefore I am unable to recommend propositions involving paramount privileges of ownership or right outside of our own territory, when coupled with absolute and unlimited engagements to defend the territorial integrity of the state where such interests lie. While the general project of connecting the two oceans by means of a canal is to be encouraged, I am of opinion that any scheme to that end, to be considered with favor, should be free from the features alluded to.
>
> The Tehuantepec route is declared by engineers of the highest repute and by competent scientists to afford an entirely practicable transit for vessels and cargoes by means of a ship railway from the Atlantic to the Pacific. The obvious advantages of such a route, if feasible, over others more remote from the axial lines of traffic between Europe and the Pacific, and particularly between the valley of the Mississippi and the western coast of North and South America, are deserving of consideration.
>
> Whatever highway may be constructed across the barrier dividing the two greatest maritime areas of the world must be for the world's benefit, a trust for mankind, to be removed from the chance of domination by any single power, nor become a point of invitation for hostilities or a prize for warlike ambition. An engagement combining the construction, ownership, and operation of such a work by this Government, with an offensive and defensive alliance for its protection with the foreign state whose responsibilities and rights we would share, is, in my judgment, inconsistent with such dedication to universal and neutral use, and would, moreover, entail measures for its realization beyond the scope of our national polity or present means.
>
> The lapse of years has abundantly confirmed the wisdom and foresight of those earlier Administrations which, long before the conditions of maritime intercourse were changed and enlarged by the progress of the age, proclaimed the vital need of interoceanic transit across the American Isthmus and consecrated it in advance to the common use of mankind by their positive declarations and through the formal obligation of treaties. Toward such realization the efforts of my Administration will be applied, ever bearing in mind the principles on which it must rest, and which were declared in no uncertain tones by Mr. Cass, who, while Secretary of State, in 1858, announced that "what the United States want in Central America, next to the happiness of its people, is the security and neutrality of the interoceanic routes which lead through it."
>
> The construction of three transcontinental lines of railway, all in successful operation, wholly within our territory and uniting the Atlantic and the Pacific oceans, has been accompanied by results of a most interesting and impressive nature, and has created new conditions, not in the routes of commerce only, but in political geography, which powerfully affect our relations toward, and necessarily increase our interests in, any transisthmian route which may be opened and employed for the ends of peace and traffic, or, in other contingencies, for uses inimical to both.
>
> Transportation is a factor in the cost of commodities scarcely second to that of their production, and weighs as heavily upon the consumer.
>
> Our experience already has proven the great importance of having the competition between land carriage and water carriage fully developed, each acting as a protection to the public against the tendencies to monopoly which are inherent in the consolidation of wealth and power in the hands of vast corporations.
>
> These suggestions may serve to emphasize what I have already said on the score of the necessity of a neutralization of any interoceanic transit; and this can only be accomplished by making the uses of the route open to all nations and subject to the ambitions and warlike necessities of none.
>
> The drawings and report of a recent survey of the Nicaragua Canal route, made by Chief Engineer Menocal, will be communicated for your information.

Mr. WHITE. Will the Senator from Alabama permit me to make an inquiry? Is there anything stated in the message of the President of the United States, to which the Senator has referred, with respect to the Clayton-Bulwer treaty or any supposed conflict with that treaty?

Mr. MORGAN. No, sir; not this particular treaty. The Zavala treaty is printed in the report of the committee. It was printed four or five times by the Senate, and circulated all over the country. Any Senator can have access to it. It was published by order of the Senate, too. So we are in no doubt about it and in no darkness about it all. That was a very important treaty for us, and it was a grievous day to me when it was lost. I then apprehended the troubles that are coming now when we gave up what Mr. Frelinghuysen so splendidly did for his country on that occasion.

Then the further objection in the President's message here was that the whole cost of it was on the Government of the United States. Now we are complaining because it is not all on the Government of the United States, that the Government has not got all the stock.

Mr. President, I have gone as far as I think I need go in this matter. This recommendation of Mr. Rodriguez is that the Senate of the United States or the Congress of the United States will not pass the bill for the reasons that he has stated, which indicate, as far as he has got the power to indicate, that the Government of Nicaragua will not consent to become a party to its acceptance. That means that we are not to build a canal through Nicaragua upon any ground that our citizens have acquired already; that nothing has been done so far to give us a right to do it. We interpret the contract, interpret the treaty, as both parties to a treaty have an equal right to interpret it. We determine that we have the right to do it. We submit it in a proposition to the Maritime Canal Company. If Nicaragua is right and can satisfy a court that we are wrong, she can stop it, or she can persuade her stockholders and directors not to adopt it. It is an open matter, where she has a full chance to be heard, and the whole transaction involves rights and duties that we can also insist upon and enforce.

Now, sir, if you break this bill down as it stands to-day, with a treaty between Great Britain and ourselves that has been somewhat discussed here this morning standing in front of us, and with this threat from Nicaragua and Honduras and Salvador flouted in our faces by a communication from an ambassador whom we know nothing about and never recognized—if we can be stopped by that, we had better stop all efforts to dig a canal. The people can not have faith in us if we have not any more power than that in ourselves to protect their rights. We had better stop and throw it up. But, sir, I intend to move this bill. I intend to give the Senate of the United States the opportunity to say whether it is deterred by this threat from Mr. Rodriguez.

Mr. HALE. I do not know that the Senator has concluded.

Mr. MORGAN. I was about to take my seat.

Mr. HALE. Then I will put what I have to say in the form of a proposition, which I should like the Senator to answer. There has come here a very serious protest against further action by the United States in the direction of carrying out this canal project, based upon the proposition that the United States and the company have forfeited all their rights; that they have lapsed by time or otherwise, and that the pending bill is a new matter and an infringement upon the rights of Nicaragua. That protest comes from a gentleman whom the Senator from Alabama says we know nothing about, and who has not been recognized; but it is an undoubted fact that he has been recognized by the President, who has authority by the Constitution to receive ministers and ambassadors, as the minister, duly accredited, of the Greater Republic of Central America.

Mr. VILAS. I should like to ask the Senator from Maine if the communication is not sent to the chairman of the Committee

on Foreign Relations by our Secretary of State as having been received from the minister?

Mr. HALE. I was going to read it.

Mr. MORGAN. Now, let me ask the Senator from Maine, as he is putting a question, or rather making a speech——

Mr. HALE. I said I would make a proposition, as the Senator yielded the floor.

Mr. MORGAN. Now, is this in your proposition? Has it been in any wise doubted or disputed that that is an authentic proposition? I do not dispute it.

Mr. HALE. What proposition?

Mr. MORGAN. Rodriguez's proposition here. I do not dispute that it represents the Nicaraguan sentiment.

Mr. HALE. But the Senator referred to him as a gentleman whom we know nothing about and who has not been recognized. The communication, duly sent to the Senate in session, says:

In the matter of the various bills now pending in Congress looking to the construction of an interoceanic canal through Nicaragua, I have the honor to inclose herewith for the information of your committee a communication just received by me from the minister of the Greater Republic of Central America at this capital.

Respectfully, yours, RICHARD OLNEY.

Whatever rights Nicaragua has in this matter, and whatever rights she has to assert them in any channel of communication in which she must act diplomatically, she has merged in what is known as the Greater Republic of Central America. I do not suppose there is any historic doubt that there has been entered into a compact that forms a new Government, and that Nicaragua's rights are merged in that new Government. She had the same right that Massachusetts, New York, and Virginia had in 1776 to go into the Confederation.

Mr. MORGAN. I should like to know what part of this question I have got to answer.

Mr. HALE. Well, Mr. President, simply in my own way——

Mr. MORGAN. I know.

Mr. HALE. I am referring to, and traveling over no ground that the Senator himself has not gone over——

Mr. MORGAN. No; but I have the floor.

Mr. HALE. The Senator yielded the floor.

Mr. MORGAN. I have the floor and yielded for a question. I did not yield for a speech.

Mr. HALE. I beg the Senator's pardon; the Senator said he had finished.

Mr. MORGAN. I said I was about to take my seat.

Mr. HALE. And I said I would make my proposition and would ask the Senator to answer it. So I consider that I am speaking in my own right, and I shall not speak at length.

Mr. MORGAN. I do not care how long you speak.

Mr. HALE. I am going over no ground the Senator himself has not traversed.

Mr. MORGAN. The Senator took the floor for the purpose of putting a question to me, and he has been keeping me on my feet for ten or fifteen minutes.

Mr. HALE. I have more trouble over this communication than has the Senator. I am as earnest a friend of the interoceanic canal, and have been from the beginning, as the Senator; but when I find a grave and dignified protest sent to us by the recognized minister of a country that is concerned in this matter, and has been from the beginning, as we are and have been, I am troubled about what the result of that is to be, and I was going to ask the Senator——

Mr. MORGAN. Will the Senator first allow me to ask him a question, or rather to make a statement to him?

Mr. HALE. Yes.

Mr. MORGAN. I have not sought in anything I have said, or in any attitude I have taken, to decide any Cuban question or the question of the power of the President to recognize a foreign government. If the Senator thinks there is anything in that view, let him think so, because I do not think our action here has the slightest bearing upon that point.

Mr. HALE. I did not suppose that question was involved in this debate at all. The Senator did clearly say this is a gentleman we know nothing about. I should like to have the Senator or any Senator who believes in the policy that, notwithstanding this grave protest from a country that was interested with us from the beginning in a friendly way, we should go right on and legislate and pass the bill without further examination, without further calling a halt, tell me what is likely to happen actually—and the thing that we want to bring about is not to get the advantage of each other in debate, but to have the Nicaraguan Canal built—if, with the Greater Republic of Central America protesting through its minister, representing its Government, against any action on the part of the United States, and representing Nicaragua with the other States protesting, and throwing obstructions in the way of this great work, we would go on and pass the canal bill? I should like to have the doubts in my mind cleared as to what we can do. I do not know. I do not feel so clear as the Senator does that we, in the presence of this grave protest, may go on and pass a bill, and let Nicaragua stand out, if she chooses to do so. I would prefer an opportunity of examining into this matter and seeing how far this protest really represents the attitude of Nicaragua.

Mr. GRAY. May I ask the Senator a question?

Mr. HALE. Yes.

Mr. GRAY. As to the bill which is before the Senate at the instance of a corporation which receives its charter from the United States, I ask whether the offer that is made by that corporation to the Government of the United States does not include certain valuable and important concessions from the Government of Nicaragua; and whether the situation is not, whilst we are debating whether we shall accept the proposition of that corporation, we have here a communication from an authorized representative of Nicaragua protesting that the concessions offered by that company do not exist and are not under the control of the company which offers them to the United States?

Mr. HALE. That is precisely what gives my mind pause. It looks to me as if that is very serious, as if one of the fundamental things necessary to carry out the arrangement with this corporation is now declared by the representative of this new Republic as nonexisting, and therefore it presented to us—certainly it does present to me—an entirely different situation, Mr. President, from what it did this morning. I understood the Senator to say it does not with him. I am not prepared and I do not want to give up this bill. I do not know but what this has got to go into the field of diplomacy to be negotiated, and new terms and conditions made. I can not tell that now; I am in doubt about that, but I do not feel that we have the same guaranty for going on now and legislating and passing this bill that we had before this respectful protest was sent in to us.

Mr. MORGAN. Mr. President, the situation as it is now presented is just this: A concession has been granted by Nicaragua and Costa Rica; it has been acted upon by Congress for several years—as many as eight or ten. We have now come to the point when we propose to make an offer to the Maritime Canal Company for advancing it money with which to build a canal upon certain terms and conditions. That offer includes the proposition that the Government of the United States shall have for itself seventy millions out of a hundred millions of the stock. Nicaragua considers—so Mr. Rodriguez says, though nobody mentions Costa Rica at all—but Nicaragua considers that that purchase of seventy millions of stock is the ownership of the canal, and that this provision in the bill violates the part of the concession which forbids that company to sell the concession to any foreign government. That is the situation. I do not read it as Mr. Rodriguez does. I do not so interpret it at all, and I have the right, so has every Senator, so has the House of Representatives—the Government of the United States has the right to put its own interpretation upon this contract in making this offer, to guarantee the bonds of this company. To say the least of it—I could go very much further than that—but to put the question in the simplest possible form, we must put our own construction upon this contract in making our offer. Then it is for the Maritime Canal Company to say whether it accepts or whether it rejects. Under the bill until, it accepts, there is no agreement, there is no legislation. Their acceptance is made a condition precedent to its operation.

Now, to say the least of it, Nicaragua has, in conjunction with Costa Rica as an associate in the transaction, if I may call it such, full right to say, "No, we will not accept this; we consider that it violates the contract," and that ends it, of course. If she can get her colleagues to go with her, or if she thinks she is not bound to go with them, under the contract she can enjoin them and say, "You must not do that; you are disposing of property you have no right to dispose of;" or she can say to the Government of the United States or the President of the United States, "Do not issue any bonds under this bill;" and the President has full authority under the bill not to issue any and not to proceed until all questions are settled.

The question now is as to whether or not we are going to change our opinion as to what the rights of the United States are and would be under the acceptance of such a contract as that, in view of what has been said by Mr. Rodriguez as to the objections of the three Governments which he represents, called the Greater Republic of Central America.

Mr. HALE. Which is now one Government.

Mr. MORGAN. Three States, but one Government for diplomatic purposes. I call attention again, however, to the fact—and I do it emphatically, because I want an answer upon that part of it from somebody authorized to give it—that the President expressly said to Mr. Rodriguez when he admitted him, "Your reception here as the minister of this new Republic, this new combination, this diet, does not in the slightest degree affect the individual obligations of any of these States." That reservation was distinctly put in, as the newspapers inform us. But I do complain, and I have a right to complain, and we have all a right to complain, that so important a transaction should take place in

the United States and that the President has disdained to inform Congress. I am sorry to be in that attitude, I am sorry to be so much in the contempt of the President of the United States as a member of this body that I am supposed to have no right to ask him that he communicate to us, as his oath requires that he should, information as to the state of the Union—no right to ask him to send to us what has taken place in regard to these matters; and here is the Senate of the United States in the dark about it. Who knows here whether my statement is correct or incorrect that these very rights were reserved by the United States at the time that that minister was recognized and let into the Blue Room of the White House to receive the courtesy of a reception? Who knows anything about it? Why will the Senate sit by and undertake to legislate upon matters which are communicated through the Secretary of State to the chairman of the Committee on Foreign Relations, instead of the chairman of the Committee on the Canal, when the information is withheld from us as to whether that protest affects the rights of the people of the United States, and whether or not our rights were reserved when he came as the representative of a new Government?

Mr. HALE. If the Senator will allow me, the question now confronting us is not so much, perhaps, as to the rightfulness of Nicaragua's contention, but that until this afternoon none of us knew that Nicaragua made this contention.

Mr. MORGAN. I never did.

Mr. HALE. I never did. One of the great arguments in favor of this project and the feasibility of this scheme is this——

Mr. BRICE. May I ask a question on that point?

Mr. HALE. If the Senator will allow me, I was about to state——

Mr. BRICE. And as well of the chairman of the committee, the Senator from Alabama in charge of the bill. I ask, Is it true that in the original concession the State of Nicaragua reserved for herself—in other words, that she was to be paid for the concession 6 per cent of the capital stock of the company?

Mr. MORGAN. Yes.

Mr. BRICE. Is it not true that in the bill now under consideration that 6 per cent of the capital stock, which presumably would be worth its par in money, is reduced in value by putting ahead of the capital stock $100,000,000 of bonds?

Mr. MORGAN. No.

Mr. BRICE. And the stock is left to be merely an instrumentality for voting for and electing the directors of the company?

Mr. MORGAN. No.

Mr. BRICE. If the Senator will allow me, is it not right that the State of Nicaragua, either directly or through the Greater Republic of Central America—and is it not proper under the circumstances that she should represent to this Government that she ought to have in any event the sum of six and a half million dollars, which she originally expected to get? If we pass the bill and undertake to construct the canal, ought we not to provide that the State of Nicaragua should be paid what she originally expected to be paid when she gave the concession? Is it not fair and right that she should be so paid?

Mr. MORGAN. If the questions of the Senator have given out, if he has got to a period, I will begin.

Mr. HALE. Will the Senator allow me to finish my statement? The Senator knows I was interrupted right in the middle of a sentence by the Senator from Ohio [Mr. BRICE].

The question is not whether Nicaragua is right, but she makes the contention. Neither the Senator from Alabama nor I knew anything of it until this afternoon, and he knows that in the arguments made in urging the adoption of the Nicaraguan Canal bill, one great and convincing argument was that we were proceeding in entire concert of action with Nicaragua; that she was as desirous of this legislation as we; that she accepted all these allowances which had been made in the bill for herself; that she yielded to everything that we gave to the company, and was jointly with us pushing this thing forward. Now, suddenly, we are confronted with a situation just the reverse. She is objecting to that. Can we really move an inch in this matter substantially toward the building of the canal without the friendship of Nicaragua?

Mr. MORGAN. Has the Senator come to a period in his question?

Mr. HALE. Yes; I have; and I should like to have the Senator answer that question if it is in the line of his argument.

Mr. MORGAN. I have had at least twenty questions put to me seriatim by the Senator from Ohio and the Senator from Maine.

Mr. HALE. I will waive all but the last one.

Mr. MORGAN. It would take a very long time to answer all these questions of Senators about a matter that they understand just as well as I do. Every man who has read this bill—I do not think that everybody in the Senate has read it—knows what the rights of Nicaragua are. Six million five hundred thousand dollars of stock in the canal are expressly reserved to that State, and she is allowed to have, in consequence of that, one director in the board of directors. About that there can be no possible query or difference. Nicaragua is not put behind the United States except in the sense that the minority stockholder is always behind the majority stockholder. We did not intend to go into this at all without having a majority of the stock—a great majority. So that answers all the questions the Senator from Ohio has put to me. I submit that is a full and fair answer. The reading of the bill discloses distinctly that all rights of Nicaragua are reserved.

Now, the Senator from Maine wants to know if it is not a very serious business. Well, Mr. President, whatever is of sufficient importance to gain the attention and the vote of this Senate is always a serious business, some parts of the business a little more serious than the balance, but I confess that we have got now into a diplomatic imbroglio, if I may be allowed the expression, in various directions which makes everything that we touch a little serious, and my judgment about the action of Congress is, that whenever the business is serious, men must take it up seriously and meet their responsibilities.

There is one thing I can assert, I think, with reasonable certainty, and that is, if we are driven away from our action on this occasion by the opinions which are urged here by Mr. Rodriguez against our right to act, we had just as well abandon the whole business of building this canal.

I will suppose it is abandoned; I will suppose that Mr. Rodriguez has not got sufficient influence diplomatically to get us to pay Nicaragua $4,000,000 for the privilege of building that canal, as he wants to do by getting the Zavala treaty rehabilitated. I will suppose that the whole thing lapses, as it will lapse for all time, so far as I can see. Then I will leave the Senate to answer this question to the American people: When and how are we going to get that canal? I leave the Senate also to determine upon the propriety of making in advance a treaty of arbitration with Great Britain which will shelter her while she swallows this sweet morsel. There is no question about that in my mind. That may suit the fancy of some gentlemen who think, after all, more of the British aristocracy and their titles, orders, and decorations than they do of the American people; but it does not suit me at all. I am averse to it. But whenever you recommit this bill, whenever you defeat it, the canal passes; that is an end of it so far as we are concerned, either at present or in prospect.

We started out—no, not we, but the present Administration started out—by strangling the Frelinghuysen-Zavala treaty to death; that treaty which would have done more for the people of the United States than any treaty which has been signed since the treaty of Ghent. The greatest treaty we have ever had was strangled to death by this Administration. As I said before, it has left a cloud upon the prosperity and upon the reputation of the United States for wisdom in government, the like of which has not been shadowed upon us by anything in the way of a public act in which we have ever engaged. That treaty was broken down because it was likely to be an entangling alliance, said the President. The other reasons for breaking it down every Senator here knows. The honorable Senator from Massachusetts [Mr. HOAR], who is looking at me now, knows as well as I do that it was in alleged conflict with the Clayton-Bulwer treaty. By running away from the ground we occupy to-day we open these old sores, all of them. We must deny that we have got the right now to pass this bill, because in doing so it is an invasion of what the Senator from Indiana calls a treaty between the Maritime Canal Company and the Governments of Nicaragua and Costa Rica. In our refusal to act since the Greater Republic of Central America has intervened we admit her contention and are driven from the field by a power we have never recognized, and are forced to yield our rights unless we pay $4,000,000 for them.

Mr. HOAR. May I ask the Senator a question?

Mr. MORGAN. Certainly.

Mr. HOAR. What is the objection, if there is any objection in the Senator's mind, to inserting in the Nicaraguan Canal bill an amendment that there shall be paid to Nicaragua in money or in bonds, or in having her portion of the stock excepted from the preference equal to the value of the stocks for which she originally stipulated?

If the Senator will pardon me a moment longer, I will state that I have always supported this bill, but I think there is great force in what the Senator from Maine [Mr. HALE] says, that it is not strictly a question of what Nicaragua is entitled to, but, within reasonable limits, is a question of what she thinks she is entitled to. It is not wise for us to go on with this project with Nicaragua hostile or sullen or sulky, or thinking she has been treated unjustly. Here is a great expenditure of certainly more than $100,000,000. The matter of six and a half million dollars to Nicaragua is a mere bagatelle. It seems to me this whole matter could be removed from anybody's cavil by simply saying that Nicaragua shall be entitled to receive in stock or otherwise what she will accept as an equivalent for the original stock which was stipulated for.

Mr. MORGAN. The Senator from Massachusetts has heard the declaration by Mr. Rodriguez that this proposed legislation violates the treaty of cession.

Mr. HOAR. I did not say that. I merely said that somebody claimed it. If he does not claim it, Nicaragua does not claim it; and then she will be contented with the bill as it stands; but if she does have any ground of that kind, we ought to provide for her being reasonably satisfied.

Mr. MORGAN. Mr. Rodriguez makes the point that our taking $70,000,000 out of the $100,000,000 of this stock amounts to our owning the whole business—gives us such a power that we own the whole of it—and that that is contrary to the concession, that this company sells the property under this bill to the United States in violation of the concession.

Mr. ALLISON. May I call the attention of the Senator to one fact in connection with that statement?

Mr. MORGAN. Yes.

Mr. ALLISON. Although that is a violation of the original treaty, yet Mr. Rodriguez suggests immediately that the United States shall have the whole of the canal. So it is not objectionable to Nicaragua, as he suggests, that the Government shall have it.

Mr. MORGAN. That is true. I was about to make a remark as to the proposition of the Senator from Massachusetts [Mr. HOAR] that Mr. Rodriguez must be satisfied that Nicaragua would be willing to receive the equivalent of $4,000,000 in bonds of this company, and that she is here for the purpose of playing that game upon us to-day. He says she is willing to reinstate the Zavala treaty that puts up $4,000,000 to purchase this concession, but the Senator from Massachusetts says, inasmuch as Nicaragua is trying to compel us to pay her some blackmail, we had better pay her in bonds—$4,000,000 of bonds. Whenever that is done, Mr. President, it must be done with a treaty that gives us better rights than we have under this concession, for the Zavala treaty was far ahead of this concession in the right of the Government of the United States and in its power of control of that canal; and I would not consent to insert it into this bill, because, if Nicaragua had any sense of self-respect, she would not accept it offered in this way. It would be like saying, "Mr. Rodriguez, you come in here as the representative of this Greater Republic of Central America, and you say that if we give you $4,000,000 it will be all right; you will be content. We do not want to make any treaty with you, Mr. Rodriguez, that might bring up the ghost of the old Clayton-Bulwer treaty"—the shadow of which we are much more afraid of than of any real fact that we have ever had to encounter in connection with it—"we can not do that; but we will just slip in $4,000,000 of these bonds. That is what you want. That ought to satisfy you." What sort of respectability would that minister and his Government have in the eyes of the world, to come here and to attempt to force the Congress of the United States in its legislation to give him $4,000,000 in order that we might get his consent to build this canal?

True, sir, I have always said, and always felt it until the very moment when the Senator from Ohio [Mr. SHERMAN] showed me that paper, that Nicaragua and Costa Rica were heartily in accord with us in building this canal, along with every one of the Central American States. This proposition has been delayed until it is scarcely decent to make it; this proposition has been delayed until this bill is about to pass one of these bodies after years of discussion, during which it has been always presented for the consideration of that Government of Nicaragua in the most friendly and respectful way. Now she comes, at the last hour, and offers her objections. Why has she not offered them heretofore? It is because she has got somebody standing at the back of her that she thinks stronger than we are—that is all.

Now, let it go, if we are afraid to undertake it. I have done my duty in reference to this canal; I have worked for it faithfully in season and out of season. If we had passed the bill through the other House that we passed through the Senate two years ago, this matter would have all been settled; there would have been no complaint from Nicaragua, and the canal would have been well on the way to construction. It is our weakness of purpose that has invited this effort to destroy our rights and those of our people. It is the halting and the hesitating of Congress which invites attack. That has been the American position about everything of late. For the last twenty years the United States have had their mind made up, it appears, to yield in every direction, and now they are presenting to us a halter of compromise by which we shall be tied up for five years to come, without permission to assert our rights in any respect.

Gentlemen, these are serious moments in the Senate. Take this bill and recommit if you choose. I shall be found here, so long as I have a seat on this floor, contending for the doctrine that that is to be an American canal under American control, and they can not drive me away from it. We yield this doctrine and this attitude when we give up this bill. It may be better in the judgment of the Senate to stop, but if it is better in their judgment to stop now they are only following that lead which has come very near disgracing us many a time. When a British ship ran into the harbor of Corinto and took possession of the custom-house to collect a debt the Government of the United States stood by and saw it all go on, but the people were aroused until they were almost in a frenzy. The Government of Great Britain never ceases to press an advantage whenever there is an opportunity—never. The one glorious thing about her Government is that she stands by the rights of her citizens. While we are parleying here this afternoon about the proposition of paying this blackmail of $4,000,000, we abandon the rights of as honorable a set of men as this country ever produced, some of them our former colleagues—McDonald and Eustis—against whose rights we cavil and with whom we dicker, and make sharp bargains with them; and now we propose, at the instance of Mr. Rodriguez, to turn our backs upon them and say, "They have no rights in these concessions; let them go; they are nothing but Americans."

I have no respect for the action of any government that will turn upon its own people to devour them, while they court the favor of other governments by visiting injustice upon American citizens.

Sir, graves in Cuba have been filled with Americans who died because this Government had neglected them, and now we propose to throw other rights away, to destroy the rights of honorable men, as honorable as any who look at me to-day. If we do that, we do not deserve the respect of our own people, and we are not going to have it. They will not respect men who do not regard their rights, and the Senate of the United States before it stops now under this threat should consider what their attitude will be when a committee brings this bill back before this body. Let some Senator move to recommit it. I want to hear him.

Mr. HALE. Does the Senator desire to debate the question further this evening?

Mr. MORGAN. I do not. I am ready for a vote upon the bill.

Mr. HALE. I was going to suggest that I will not for one move, though I had that in view, to recommit the bill to the committee. I think it will do no harm for it to go over and let us examine more fully into the real conditions, and on Monday, if no amendment can be prepared that is agreed upon which will satisfy Nicaragua, then perhaps recommit the bill. I do not feel about this, which may give rise to a possible controversy, that there is any question about our yielding to a European power. If we are going to have a controversy here, and the canal project is to be thwarted and run awry, it is going to be not with any European power but with a sister American Republic. I desire to avoid that, and I rose for the purpose of moving, so that we may have until Monday for consideration, that when the Senate adjourn to-night it be to meet on Monday next. Then the Senate can go on, if it chooses, and finish the appropriation bill. I make that motion.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Maine, that when the Senate adjourn to-day it be to meet on Monday next.

Mr. MORGAN. Before the vote is taken, I wish to say a word.

Mr. HALE. I yield for the moment.

Mr. MORGAN. I have no objection at all to the Senate deliberating upon this proposition. I think it should be deliberated upon. It has come in here suddenly and very unexpectedly. I do not know that between to-day and next Monday we shall have an opportunity of finding out authoritatively or from the executive department anything about the opinion they have in regard to these various subjects. I should like very much if the Senator from Maine, before he takes his seat, would institute an inquiry. If I should institute an inquiry it would not be responded to. I have tried that often enough to understand that I can not get any information from the State Department about any public matter.

Mr. HALE. I think the State Department will always be compliant and ready——

Mr. MORGAN. They have not been, I will say to the Senator from Maine.

Mr. HALE. To give any Senator or the Senate, in response to a resolution, any information desired. I believe that the gentleman who presides with such distinguished ability at the head of that Department is in no degree actuated by any feeling except confidence in Congress and a desire to act with it, to comply with its requests, and to furnish information at all times.

Mr. MORGAN. I am only speaking upon personal observation, Mr. President. What I have said I think is true, and I shall adhere to it until I am convinced to the contrary. At the same time we want this information if the executive department has any. If the President has any advice to give us about it, now is the time to do it. I stated here to-day, and I am ready to repeat it, that I am thoroughly satisfied that this movement of Rodriguez has been inspired by the British Government, and that he was sent here for that purpose.

Mr. HALE. I do not suppose there is the slightest ground for anybody believing that to be true. I do not myself believe it, and

I do not look upon this as blackmail on the part of Nicaragua, I am bound to say. I do not think the phrase was well selected by the Senator from Alabama. I look upon it as a protest on her part that she is not being treated now as in the original negotiation, and she protests that her rights that were recognized then should be recognized by us now. It is a sister American Republic which makes this protest, and I do not want to hurry or to be driven by whip and spur into any action that will complicate the situation and render a quarrel with her more likely than it is to be avoided.

I move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. HOAR. I wish the Senator from Maine would withdraw his motion for one moment. Yesterday request was made by the Senator from Connecticut [Mr. HAWLEY], which was withdrawn in order not to interfere with this bill, to go on with House bills coming from the Military Affairs Committee.

Mr. HAWLEY. Please excuse me. My request included House bills in general. The proposition was to proceed, under Rule VIII, to the consideration of unobjected House bills on the Calendar, including pension bills.

Mr. HOAR. House bills in general, including pension bills. There is the bankruptcy bill, which some of us desire to get up. There is the matter which was discussed this morning. It will be considered during the session, probably in executive session; and there are ten appropriation bills. We have only a few weeks of the session left, and Monday is to be taken up, after 3 o'clock, by the eulogies on a very eminent gentleman, late a member of the other House and formerly its Speaker. I hope the Senator from Maine will allow this business—which ought to be disposed of—to to be done to-morrow, and let the pending bill go over, which will do just as well.

Mr. HALE. The pending bill may go over. I will withdraw the motion, provided the Senator from Massachusetts will make his proposition here now, and I will help him to get it accepted.

Mr. HOAR. The formal reading of the bankruptcy bill will take an hour and a half. It will have to be done once, of course, under the rule. Now, some time in the future, when Senators are not very much engaged, I should like to have the matter of reading that bill, in compliance with the rule, accomplished. That is another thing which will take some time. I do not suggest this in interference with the request of the Senator from Connecticut. I only state it as one thing that requires time.

Mr. HALE. Let any Senator make the proposition. [A pause.] I will make it myself. I ask that the session to-morrow, after the routine morning business, shall be devoted to the consideration of House bills on the Calendar under Rule VIII.

Mr. SHERMAN. Subject to objection?

Mr. HALE. Subject to objection.

Mr. SHERMAN. Also Senate pension bills?

Mr. HALE. If that proposition carries, then of course I will withdraw the motion to adjourn over.

Mr. WHITE. I desire to make an inquiry in reference to the proposed agreement. Will the Nicaraguan Canal bill remain the unfinished business on Monday?

Mr. HALE. Undoubtedly. It is the unfinished business now, and it will be so on Monday.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine?

Mr. VILAS. I object.

The VICE-PRESIDENT. Objection is interposed.

Mr. HALE. Then I must renew my motion.

Mr. SHERMAN. I hope we can meet here to-morrow under better conditions.

Mr. HALE. The Senator from Wisconsin [Mr. VILAS] desires to address the Senate upon the Nicaraguan Canal bill, and under the circumstances I withdraw the motion for the present.

Mr. VILAS. Mr. President, I desire to occupy the time of the Senate for only a few moments, but I am not willing to allow this occasion to pass altogether without drawing attention to one or two facts in respect to the discussion of this bill in the Senate.

It is perfectly obvious to Senators upon this floor at the present moment that the pending measure as now presented is in articulo mortis. But I wish to call special attention to the fact that the Senator from Indiana [Mr. TURPIE] during three days of labor here in the public interest has pointed out with eloquence and clearness every proposition and argument of material consequence suggested by the minister of the Greater Republic of Central America. He has pointed out here that we were by this bill proposing to outrage the dignity of a government with which we are purposing friendly cooperation; that having permitted a company which stands now incorporated by a law of Congress to negotiate with that Government and enter into contract upon certain specific terms, we were by this bill putting the United States in the position of creeping and crawling into the skin of that bankrupt and worthless corporation, and violating the terms of its concession, and thus putting upon that Government by this legislation an outrage which it could not but resist.

His argument and reasons, presented with such clearness and force as to send the thrill of conviction through every one who heard them, were addressed to empty benches in the Senate of the United States, which was bent upon this act. Later in the evening of yesterday, when another Senator, who has not been in the habit, I respectfully submit, of unreasonably encroaching upon the time of the Senate, asked to make some further argument in opposition to the bill, it was followed by the intimation that the opponents of the bill were seeking to filibuster, and it was only by insisting upon rules of the Senate which have been very often, as they were yesterday, inveighed against, that the bill was carried over until to-day, here to receive the logical consequence, the almost inevitable result, which the Senator from Indiana had depicted as its proper fate, but coming sooner than expected, in the form of a communication from that friendly Government, which has dealt it a death blow.

Notwithstanding that the distinguished Senator from Alabama [Mr. MORGAN], who has labored for so many years with zeal and persistency, with industry and intelligence which all recognize as doing him credit and honor, has in these last moments indulged in some very severe language, yet the Senate recognizes that the Greater Republic of Central America is entitled to its respectful consideration, and that it will receive it. It may be true that that Government or the constituents of that Government, the three States as formerly existing, have chosen to form their new confederacy and set up their new establishment without first communicating with us, but it is also true that it is their right to establish that Government and that it is to be recognized by us, not animadverted upon as a thing to be discredited and disregarded. Surely every man in the Senate, as throughout the United States, rejoices to see those movements in the Central and South American countries which indicate the advance of the ideas of liberty—liberty regulated by law, insuring stability, the progress and enlightenment of our race.

This step of theirs is one such, and I regretted to hear even in moments of pain, perhaps, and of keen disappointment, the expression fall that that Government, when insisting only upon the just recognition by the Congress of the United States of its dignity, of its rights under the concession which it has made for the purpose of this canal, is seeking to blackmail the United States into the payment of $4,000,000, which was reserved in the former treaty as its price for the great concessions then made, and which the Senator said to-day were worth the money in the mere land given in that treaty or proposed to be given. I am sure we shall all join, even the distinguished Senator from Alabama, in recalling any idea that the Senate of this great Republic of North America can indulge in harsh words toward that sister Government of Central America.

Sir, if you look to this concession you will find that every point made by that acute and enlightened minister, Mr. Rodriguez, is amply and perfectly sustained. It is true, as he says in his communication, that it was carefully and particularly stipulated by Nicaragua with the Maritime Canal Company that under no circumstances should the control of the canal be transferred to another government; and yet this bill, by direct legislation, as he points out—if the Maritime Canal Company assent to it, and we proffer them a bribe of $4,500,000 in money and $7,000,000 in stock to secure their assent—establishes the United States as the owner of 700,000 shares out of 1,000,000 shares of the capital stock of that company, all paid-up shares, upon which not a mill is paid. We proffer to Nicaragua, as her share of a capital stock which she stipulated should be paid-up capital stock, $6,000,000 of nominal shares of that kind, but after we have burdened the whole enterprise with every dollar of capital which is proposed to be put into it by a mortgage which destroys at once, of course, the capital stock.

Thus that Government, outraged by being put into relations with another Government against its own consent and express limitations, outraged by this purpose to treat it in such a reckless and heedless manner, has sent in a dignified and respectful protest through the ordinary channels of diplomacy.

Mr. President, I do not intend to take the time of the Senate of the United States in discussing this measure or to discuss any further what should be done with it. I have done all that I desire to do, in pointing out that not one word of implied or indirect animadversion upon the Greater Republic of Central America or upon its distinguished minister residing at this capital can be justified by any act in the history of it; that every circumstance which is urged now by him, and much more besides, which ought to have been in itself like an impassable barrier of rock to the progress of the Senate in the further consideration of this bill, was already fully presented in the most eloquent and powerful manner by the distinguished Senator from Indiana.

There I leave this measure, so far as any discussion of mine is concerned, unless the Senate shall indeed so disregard all ordinary usages which obtain between governments as to continue to proceed, without a reference to a committee, to consider the true

method of now dealing with this scheme, which has received a protest that every one of us here knows to be well founded in fact, in law, in reason, and in the true maintenance of the dignity of the Government making it.

Mr. HALE. I now renew my proposition, that to-morrow, after the routine morning business, the session for the day shall be devoted to the consideration, under Rule VIII, of House bills upon the Calendar unobjected to and all pension bills.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine?

Mr. GALLINGER. The only objection I could possibly urge to the request would be that the entire day might be spent upon the Calendar before the pension bills were reached. The pension Calendar is a separate calendar. I suggest to the Senator from Maine that we might take two hours, for instance, for the consideration of bills on the Calendar and then let us go to the pension bills.

Mr. HALE. There will be no difficulty in arranging that to-morrow. There is never any trouble about reaching pension bills.

Mr. GALLINGER. I am satisfied to have the agreement made in that way.

Mr. HILL. Should you not include in the agreement unobjected Senate bills?

Mr. HALE. The proposition came originally from Senators who are interested in House bills.

Mr. HILL. I understand that.

Mr. HALE. Generally, some time within a month or so of the end of the session, we give a day or two to House bills. I have no objection to this arrangement: That when the House bills and pension bills on the Calendar shall have been acted upon, we shall continue until adjournment to-morrow with the consideration of unobjected Senate bills on the Calendar. I will make that a part of the proposition.

Mr. HILL. That is better.

Mr. GALLINGER. I take it for granted it is understood that, so far as pension bills are concerned, the agreement is not restricted to House bills. I should object to such a restriction.

Mr. HALE. All pension bills.

Mr. DANIEL. I move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. The Chair will first submit to the Senate the request of the Senator from Maine [Mr. HALE].

Mr. HALE. I hope the Senator from Virginia will withhold his motion, in order that we may get this proposition through for using the day to-morrow. I do not object to his making the motion, but I hope he will not make it until——

Mr. DANIEL. I understand the suggestion of the Senator from Maine is that we shall sit to-morrow.

Mr. HALE. Is the Senator's motion that we adjourn over?

Mr. DANIEL. I have moved that when the Senate adjourn to-day it may be to meet on Monday next.

Mr. HALE. I thought the Senator was going to move that the Senate now adjourn.

The VICE-PRESIDENT. The Chair will submit to the Senate the motion of the Senator from Virginia [Mr. DANIEL].

Mr. HALE. It is in order, clearly.

The VICE-PRESIDENT. The Senator from Virginia moves that when the Senate adjourn to-day it be to meet on Monday next.

Mr. CHANDLER. On that I ask for a division.

Mr. HALE. We had better have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired with the Senator from Michigan [Mr. MCMILLAN] who is not present. I do not know how he would vote. If he were present, I should vote "yea."

Mr. ALDRICH. The Senator from Michigan would vote "nay."

Mr. BLACKBURN. Then I will withhold my vote.

The roll call was concluded.

Mr. BURROWS. I am paired with the senior Senator from Louisiana [Mr. CAFFERY].

Mr. HILL. I suggest to the Senator from Kentucky [Mr. BLACKBURN] that he transfer his pair to my colleague [Mr. MURPHY].

Mr. BLACKBURN. I am very glad to do that. I vote "yea."

Mr. WILSON (after having voted in the negative). I have a general pair with the Senator from Florida [Mr. PASCO], and therefore withdraw my vote.

The result was announced—yeas 17, nays 25; as follows:

YEAS—17.

Allen,	Cameron,	Gorman,	Vilas,
Bacon,	Chandler,	Gray,	Walthall.
Baker,	Chilton,	Hill,	
Bate,	Daniel,	Mills,	
Blackburn,	Gibson,	Turpie,	

NAYS—25.

Aldrich,	Gallinger,	Peffer,	Stewart,
Allison,	Hale,	Perkins,	Thurston,
Berry,	Hawley,	Platt,	Tillman,
Brown,	Lodge,	Proctor,	Wetmore.
Cullom,	McBride,	Pugh,	
Davis,	Morgan,	Roach,	
Frye,	Nelson,	Shoup,	

NOT VOTING—47.

Blanchard,	Faulkner,	McMillan,	Sewell,
Brice,	Gear,	Mantle,	Sherman,
Burrows,	George,	Martin,	Smith,
Butler,	Gordon,	Mitchell, Oreg.	Squire,
Caffery,	Hansbrough,	Mitchell, Wis.	Teller,
Call,	Harris,	Morrill,	Vest,
Cannon,	Hoar,	Murphy,	Voorhees,
Carter,	Irby,	Palmer,	Warren,
Clark,	Jones, Ark.	Pasco,	White,
Cockrell,	Jones, Nev.	Pettigrew,	Wilson,
Dubois,	Kyle,	Pritchard,	Wolcott.
Elkins,	Lindsay,	Quay,	

The VICE-PRESIDENT. No quorum has voted.

Mr. HALE. As no quorum is present, I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 48 minutes p. m.) the Senate adjourned until to-morrow, Saturday, January 23, 1897, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 22, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

REFERENCE OF A BILL.

Several members called for the regular order.

Mr. RICHARDSON. I desire to make a privileged motion. On the 28th of January last, the gentleman from Pennsylvania [Mr. MAHON], chairman of the Committee on War Claims, reported House bill No. 5092, the report being No. 153, the title of the bill being "A bill for the allowance of certain claims for stores and supplies, reported by the Court of Claims under the provisions of the act approved March 3, 1883, commonly known as the Bowman Act." The report and bill in that case were referred to the Committee of the Whole on the state of the Union. But that is a private bill, and under the rules should have been referred with the report to the Committee of the Whole on the Private Calendar. There having been an improper reference, I ask that the bill be now properly referred.

The SPEAKER. The Chair will hear the gentleman on that point.

Mr. RICHARDSON. Well, Mr. Speaker, I think there can be no controversy as to this being a private bill; and the rules provide that all bills of a private character when reported shall go to the Committee of the Whole on the Private Calendar. Bills of the character of this one—providing for this class of claims—have usually been referred to the Calendar of the Committee of the Whole on the state of the Union.

The SPEAKER. It is a general bill, is it not?

Mr. RICHARDSON. No; it is not a general bill. It is a bill referring to a number of claims; but it is a bill providing only for private claims. It can not be called a general bill. If the Chair will indulge me, I wish to call attention to a law which defines private bills. I refer to section 55 of the act passed January 12, 1895, providing for the public printing and binding and the distribution of public documents. Section 55 of that act provides:

> There shall be printed of each Senate and House public bill, etc.

And after further provision the act continues—

> The term "private bill" shall be construed to mean all bills for the relief of private parties, bills granting pensions, and bills removing political disabilities.

So that the term "private bill" is defined in the law; and it occurs to me that there can be no controversy as to this being a private bill.

It is true, as has been suggested by the Speaker, that it embraces more than one party; that is, that there are several claims embodied in the one bill. But that does not prevent it from being a private bill.

The SPEAKER. But it applies to a class of bills——

Mr. RICHARDSON. Not to a class of bills, Mr. Speaker.

The SPEAKER (continuing). Or rather to a class of claims, namely, those which have been passed upon by the Court of Claims.

Mr. RICHARDSON. Yes, sir; a class of claims which have been presented and passed upon by the Court of Claims; and they are introduced into the House and reported here as one bill.

As far as I can ascertain, it has been usual to refer these bills

and reports to the Private Calendar, and not to the Union Calendar, though in some instances they may have been referred inadvertently to the Union Calendar.

The SPEAKER. It is only recently that such combinations of claims have been embodied in a single bill.

Mr. RICHARDSON. That is true, Mr. Speaker.

The SPEAKER. But it is a question whether it would not be as much a public bill as the river and harbor bill.

Mr. RICHARDSON. No, sir. The river and harbor bill is made a public bill by a rule of the House, which rule provides that the Committee on Rivers and Harbors may make this kind of report, and may include all the reports in one bill. But here is a private bill, intended to benefit only private persons, and it seems to me that it must be apparent it can not be and ought not to be on the Union Calendar.

The SPEAKER. The Chair has had no notice of this proposition with a view to an examination of it. The Chair does not think, however, that the Private Calendar was intended for such bills as this.

Mr. RICHARDSON. As I understand it, Mr. Speaker, the Private Calendar is intended to take care of all private claims. Now, there is no controversy that this is a bill for the payment of private claims. It is not obnoxious to the rule of the House which provides that two bills for the payment of private claims shall not be coupled together. It simply places a number of bills in one claim, the bills all being of a class, of a similar character. They are not separate bills combined or united, but they are only different persons named as the beneficiaries under the same bill.

The SPEAKER. It is the allowance of certain claims for stores and supplies reported by the Court of Claims under the provision of the act approved March 3, 1883, commonly known as the Bowman Act. That fact, in the opinion of the Chair, would seem to make it a public matter.

Mr. RICHARDSON. I have not looked any further into the case than I have already stated, and the reason I did not, if I may be pardoned for referring to it, is that I mentioned the matter to the Speaker, when not in the chair, for the purpose of ascertaining his opinion, and I was misled, of course not intentionally, by the Speaker; but I was under the impression that an opinion was expressed in accordance with the suggestion I made.

The SPEAKER. If the gentleman will bring up the matter again, the Chair will examine as to what was done in regard to what are known as the "4th of July claims," and possibly that may throw some light on the question. The determination of that point may change the opinion of the Chair, which, of course, has been formed without any careful examination of the matter.

Mr. RICHARDSON. I would have made a more exhaustive examination but for the reason I have suggested.

But my recollection is, Mr. Speaker, that the 4th of July claims, to which the Chair calls attention, have been so reported since I was a member of the House, and certainly at one time when I was serving on the Committee on War Claims. My recollection is, I know indeed, that they have sometimes been placed on the Private Calendar, because I remember distinctly in former Congresses considering that class of claims when the House was in Committee of the Whole on Friday on the Private Calendar.

The SPEAKER. The gentleman will suspend the matter for the present, and the Chair will look into it.

Mr. RICHARDSON. Certainly.

CHANGE OF REFERENCE.

Mr. BAILEY. I desire to correct a reference. The bill (H. R. 3278) to amend section 1 of an act approved December 21, 1893, entitled "An act to provide for two additional associate justices of the supreme court of the Territory of Oklahoma, and for other purposes," reported from the Committee on the Judiciary, was referred to the Union Calendar. It should have been referred to the House Calendar. The mistake occurred because the bill repeats the title of a former act to increase the number of judges in Oklahoma Territory, whereas this bill only proposes to change a rule of court procedure.

The SPEAKER. The Chair thinks that the correction should be made.

QUESTION OF PERSONAL PRIVILEGE.

Mr. COX. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Tennessee [Mr. COX] rises to a question of personal privilege. The gentleman will state it. The House will please be in order.

Mr. COX. In the New York Sun of last Monday, in its financial article, appeared this language:

It was assumed, too, that our citizens are universally discontented with their present currency, although one of the delegates to the convention, who is chairman of the Committee on Currency of the present House of Representatives, acknowledged that there is so little public demand for legislation on the subject that he could not get his committee together to discuss and formulate it.

I desire to state, Mr. Speaker, that I have been a member of that committee ever since I have been in Congress, and with the exception of a few meetings at the last session of Congress——

The SPEAKER. The gentleman will suspend until order is obtained. Gentlemen will please cease conversation and take their seats. This is a question of personal privilege.

Mr. RICHARDSON. It was impossible for us to hear the reading.

The SPEAKER. The Chair is trying to facilitate hearing on the part of all members.

Mr. RICHARDSON. I should like to hear the communication read from the Clerk's desk.

The Clerk read as follows:

It was assumed, too, that our citizens are universally discontented with their present currency, although one of the delegates to the convention, who is chairman of the Committee of Currency of the present House of Representatives, acknowledged that there is so little public demand for legislation on the subject that he could not get his committee together to discuss and formulate it.

Mr. COX. I desire to state, as I was stating, that I have served on that committee ever since I have been in Congress, and with the exception of a few meetings at the last session, after we concluded to transact no further business, I have attended every meeting; and I am ready to meet with the chairman of that committee at the proper time and vote on any propositions he may lay before us.

Mr. WALKER of Massachusetts. Mr. Speaker, as I seem to be involved in this, I will simply say that it is one of ten thousand communications to newspapers, or statements made in papers, that have not the slightest foundation in fact.

Mr. COX. Will the gentleman, before he takes his seat, allow me to ask him if a worse one than that did not appear in a Richmond paper before he went over there to make a speech?

Mr. WALKER of Massachusetts. Well, I am sure I do not know whether it did or did not. If I am obliged to keep track of all that is said by the newspapers in the country, I think I might as well resign here and attend to that business.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate further insisted upon its amendments to the bill (H. R. 9638) making appropriations for the support of the Army for the fiscal year ending June 30, 1898, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. QUAY, Mr. HALE, and Mr. BLACKBURN as the conferees on the part of the Senate.

RAILWAY THROUGH THE INDIAN AND OKLAHOMA TERRITORIES.

Mr. BARTHOLDT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9571) authorizing the Galveston and Great Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

The Clerk proceeded to read the bill. It provides that the Galveston and Great Northern Railway Company, a corporation created under and by virtue of the laws of the State of Kansas, be, and the same is hereby, authorized and invested and empowered with the right of locating, constructing, owning, equipping, and operating, using, and maintaining a railway and telegraph and telephone line through the Indian and Oklahoma Territories, beginning at a point to be selected by said railway company along the south line of the county of Harper, State of Kansas, and running thence in a south and southeasterly direction, over the most practicable route, through the Indian Territory and the Territory of Oklahoma, to a point at or near Denison, State of Texas, thence to the city of Galveston, said State, with the right to construct, use, and maintain such tracks, turn-outs, sidings, and extensions as said company may deem to their interests to construct along and upon the right of way and depot grounds herein provided for.

Mr. BARTHOLDT (during the reading). Mr. Speaker, I ask that the reading of the bill be dispensed with. It is in the usual form, and comes with a unanimous report from the Committee on Indian Affairs, who say that it is in every way identical with previous bills of the same character.

The SPEAKER. The gentleman from Missouri [Mr. BARTHOLDT] asks unanimous consent for the present consideration of the bill, and that the further reading of it be dispensed with. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BARTHOLDT, a motion to reconsider the last vote was laid on the table.

Subsequently,

The SPEAKER said: The Chair desires to call the attention of the House to the fact that the bill presented by the gentleman

from Missouri [Mr. BARTHOLDT] contains certain amendments which were not voted upon. Without objection, the amendments, which are committee amendments, will be considered as agreed to.

There was no objection.

ADJOURNMENT UNTIL MONDAY.

Mr. DALZELL. I move that when the House adjourn to-day it adjourn to meet on Monday next.

The motion was agreed to.

Mr. THOMAS. Regular order.

INDEX OF GOVERNMENT PUBLICATIONS.

Mr. PERKINS. Mr. Speaker, I have a privileged report from the Committee on Printing.

The SPEAKER. The gentleman from Michigan [Mr. THOMAS] calls for the regular order. The gentleman from Iowa [Mr. PERKINS] has a privileged report from the Committee on Printing, which is the regular order.

The Clerk read as follows:

Substitute for joint resolution (H. Res. 211) providing for a comprehensive index to Government publications from 1881 to 1893:

Resolved, etc., That there be prepared for publication in a single volume, under the direction of John G. Ames, the compiler of the Comprehensive Index of Government Publications, 1889 to 1893, an index to all publications of the Government from 1881, the date at which the Descriptive Catalogue of Government Publications by Ben: Perley Poore terminates, to 1893, the date at which the index by the superintendent of documents begins, said index to conform in its general plan to the above-named Comprehensive Index; and the compiler shall be entitled to receive, as compensation for this work, at the rate of $1,000 per Congress, to be paid by the Secretary of the Treasury as follows: Five hundred dollars whenever he shall certify to said officer that the index to the documents of any entire Congress is completed, and the balance when the copy for the entire work is ready for delivery to the Public Printer.

SEC. 2. That the heads of the several Departments, Bureaus, and officers of the Government shall, upon the request of the compiler of the index, supply him with copies of all their publications issued during the period above indicated, or such information as will enable him to prepare the index herein provided for.

SEC. 3. That in addition to the usual number, 1,500 copies of said index be printed and bound, 500 for the use of the Senate, and 1,000 for the use of the House of Representatives.

Mr. PERKINS. Let the report be read, Mr. Speaker.

The Clerk read as follows:

Your Committee on Printing, having had under consideration House joint resolution No. 211, "providing for a comprehensive index to Government publications from 1881 to 1893," report a substitute for the same, and recommend that the substitute be agreed to.

The purpose of this resolution is to fill the gap now existing in the indexing of Government publications.

It is proposed that this work shall be done under direction of Dr. John G. Ames, the compiler of the Comprehensive Index of Government Publications, 1889 to 1893, and produced in a single volume.

Dr. Ames's long association with the publications of the Government gives him exceptional qualification for the work. The compensation allowed him is $1,000 per Congress, a total of $6,000 for the six Congresses.

The Ben: Perley Poore Index, prior to 1881, with this, will complete the work to the present time, as the printing act of January 12, 1895, provides for indexing by the superintendent of documents from 1893.

Mr. PERKINS. Mr. Speaker, I think that the report which has just been read fully explains the purpose of the joint resolution; and I shall ask a vote unless some gentleman desires to ask a question in regard to it.

Mr. LOUD. I would like to ask the gentleman, Mr. Speaker, why the committee desires to impose this additional infliction upon the members of this House? The gentleman is well aware, of course, that if a catalogue of these documents be distributed throughout the country that it will be the bane of the life of every member of this Congress.

Mr. PERKINS. Mr. Speaker, in reply to the gentleman from California, I have to say that there is no purpose in this resolution to distribute broadcast throughout the country the catalogue of public documents.

Mr. LOUD. You will give each member eight or ten copies?

Mr. PERKINS. We have a catalogue of public documents down to 1881, prepared by Ben: Perley Poore. We have a catalogue from 1893. This is made continuous in the printing act of January 12, 1895. It leaves a gap, as stated in this resolution. This work is done at a very slight expense, comparatively, and it seemed to the committee that it should be completed.

Mr. LOUD. Let me say to the gentleman that I can see no objection to the publication of this index, but why not confine your number to libraries or to persons other than members, and not to be distributed to every member of this House?

Mr. PERKINS. I will state to the gentleman that if he had paid attention to the reading he would have found that the committee had made an amendment to the original resolution which does confine the index in the manner he suggests.

Mr. LOUD. I paid as close attention as I could, and I will venture the assertion that my information from the reading is correct, that the number is to be the usual number. If this does confine the operation of the resolution as the gentleman suggests, I have no objection to it.

Mr. PERKINS. This is for the printing of the usual number.

Mr. LOUD. The resolution provided for 3,000 copies for the use of the House.

Mr. PERKINS. That is the original resolution.

Mr. LOUD. I did not catch the reading of the amendment.

The amendment recommended by the committee was agreed to.

The joint resolution as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. PERKINS, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

DISTRIBUTION OF MAPS AND ATLASES OF THE UNITED STATES GEOLOGICAL SURVEY.

Mr. PERKINS. Mr. Speaker, there is another resolution.

The Clerk read as follows:

House resolution 234, providing for the distribution of the maps and atlases of the United States Geological Survey.

Resolved, etc., That the Director of the Geological Survey be, and is hereby, authorized and directed, on the approval of the Secretary of the Interior, to dispose of the topographic and geologic maps and atlases of the United States, made and published by the Geological Survey, at such prices and under such regulations as may from time to time be fixed by him and approved by the Secretary of the Interior; and that a number of copies of each map or atlas, not exceeding 500, shall be distributed gratuitously among foreign governments and departments of our own Government, to literary and scientific associations, and to such educational institutions as may be designated by the Director of the Survey and approved by the Secretary of the Interior.

SEC. 2. That one copy of each map and atlas shall be sent to each Senator and to each Representative and Delegate in Congress, if published within his term; and that a second copy shall be placed at the disposal of each such Senator, Representative, and Delegate.

The report (by Mr. PERKINS) was read, as follows:

Your Committee on Printing, having had under consideration House joint resolution No. 234, "providing for the distribution of the maps and atlases of the United States Geological Survey," recommend that the same be agreed to.

The resolution only relates to the distribution. The sundry civil act approved March 2, 1895, contained this provision: "The Director of the Geological Survey, with the approval of the Secretary of the Interior, is authorized to sell copies of the topographic maps, with the text, at cost and 10 per cent added." This necessitates the sale of the sheets at 5 cents each, and appears to cut off the usual full distribution to universities, colleges, and libraries, foreign exchanges, etc. The resolution leaves the distribution subject to the approval of the Secretary of the Interior, and provides that copies of each map or atlas, not exceeding 500, shall be distributed gratuitously among foreign governments and departments of your own Government, to literary and scientific associations, etc., as may be designated by the Director of the Survey and approved by the Secretary of the Interior.

The resolution is approved by the Director of the Survey and by the Secretary of the Interior.

Mr. PERKINS. Mr. Speaker, I ask for a vote, if no one desires to ask a question concerning the resolution.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

VETO MESSAGE—EASTERN JUDICIAL DISTRICT OF TEXAS.

Mr. COOPER of Texas. Mr. Speaker——

The SPEAKER. The gentleman from Texas calls up a question of privilege.

Mr. COOPER of Texas. I rise to call up for present consideration the bill H. R. 9469, and ask that it be passed over the veto of the President.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

A bill (H. R. 9469) to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court.

Be it enacted, etc., That the counties of Jefferson, Orange, Newton, Jasper, Hardin, Liberty, Tyler, San Augustine, Sabine, Polk, and San Jacinto shall constitute a division of the eastern judicial district of Texas.

SEC. 2. That terms of the circuit and district courts of the United States for the said eastern district of the State of Texas shall be held twice in each year at the city of Beaumont, on the first Mondays in June and December.

SEC. 3. That all civil process issued against persons resident in the said counties of Jefferson, Orange, Newton, Jasper, Hardin, Liberty, Tyler, San Augustine, Sabine, Polk, and San Jacinto, and cognizable before the United States courts, shall be made returnable to the courts, respectively, to be held at the city of Beaumont; and all prosecutions for offenses committed in either of said counties shall be tried in the appropriate United States court at the city of Beaumont: *Provided*, That no process issued or prosecution commenced or suit instituted before the passage of this act shall be in any way affected by the provisions hereof.

SEC. 4. That the clerks of the circuit and district courts for said district shall maintain an office in charge of themselves or a deputy at said city of Beaumont, which shall be kept open at all times for the transaction of the business of said division.

SEC. 5. That so much of all acts or parts of acts as are in conflict herewith are hereby repealed.

Mr. COOPER of Texas. Mr. Speaker, I ask for the reading of the report of the Committee on the Judiciary reviewing the veto of the President.

The report (by Mr. BRODERICK) was read, as follows:

The Committee on the Judiciary, to which was referred the President's veto of House bill 9469, has had the same under consideration, and beg leave to report as follows:

The objections of the President to the bill are substantially as follows:

First. That there are now sufficient places in the district for holding court, and that the parties having business in the courts are not seriously inconvenienced under the present system:

Second. That the district judge and district attorney in the district express themselves in opposition to the bill, as unnecessary, etc.;

Third. That there is not sufficient court business in the counties comprising the proposed division to warrant the establishment of another place for holding court, and

Fourth. That the terms of court provided for in this bill would interfere with business in the other courts, and particularly, that the criminal docket at Paris is so large that now cases can not be as promptly disposed of as the ends of justice require.

In answer to the first objection, your committee states that the territory comprising the eastern judicial district of Texas covers an area of more than —— miles and extends from the Gulf of Mexico to Red River, the northern boundary of the State, and that courts are now held at Paris, near the northern boundary of the district, and at Tyler and Jefferson, both of which are north of the center of the district, and at Galveston, near the southwestern border of the district, and that no place is now provided for the holding of court near the center or southeastern portion of the district, and that the courts nearest the territory forming the proposed division are held at Tyler and Galveston. Process issued against persons resident in nine of the counties in the proposed division is now returnable to the Galveston court, and in the remaining two it is now returnable to the court at Tyler.

Beaumont is situated in the southeastern part of the eastern judicial district of Texas. It is distant from Galveston, on an air line, approximately 100 miles, but by the usual line of travel by railway, 135 miles, while Tyler is distant from Beaumont about 175 miles.

From eight of the counties of the proposed division the citizens, in going to Galveston by the usually traveled route, have to pass through Beaumont, those from seven of the counties being compelled to change cars and at times subjected to inconvenient delays in making railway connections. Citizens of the other three counties are as near to Beaumont as to either Galveston or Tyler, and in some cases nearer, and the traveling facilities for reaching Beaumont are as good as for reaching either of the other points, Galveston or Tyler. There are now running into Beaumont four railroads, and others are under construction. The Kansas City, Pittsburg and Gulf Railway will be completed from Kansas City to the Gulf by March. These roads do now, or will when constructed, traverse, to a greater or less extent, the several counties proposed to be placed in the new division.

When the eastern judicial district of Texas was created, the counties forming the proposed division were sparsely settled and had but few, if any, railroads; but within the past few years the population and wealth of these counties have rapidly increased.

Beaumont and Orange, the latter a city distant about 23 miles from Beaumont, were a few years ago small villages, doing but little business; they are now cities with a population of several thousands each, and have large manufacturing interests; and the counties contiguous thereto, which are included in the proposed new division, have correspondingly increased in population, and a considerable immigration is now pouring into this section of the State. Sabine Pass, 28 miles distant and in Jefferson County, and which a few years ago had only about 5 feet of water on the bar and no commerce or shipping of any consequence, now has, by reason of the improvement of the harbor at that point and the bar outside, a continuous depth of water from the Gulf across the bar to the deep water inside the pass of 24 feet, and the commerce and the tonnage of vessels now passing through this port have immensely increased, and the port bids fair to become in the future one of the most important harbors on the Gulf coast. As a natural sequence of this admiralty, litigation respecting maritime matters will necessarily arise in this vicinity, and the proposed court would furnish the litigants a convenient tribunal.

The area of territory included in the proposed division covers approximately 10,000 square miles and has a population of about 90,000 people. During the year of 1896 the shipment of lumber alone through the port at Sabine Pass to foreign markets amounted to 28,944,701 feet, and the domestic trade is estimated to be five times as much as the foreign shipment, and all this lumber is manufactured in the proposed division. These facts are mentioned to indicate the wealth and business interests in the proposed division. It is believed that these facts meet and overcome the first objection of the President.

To the second objection of the President, that the district judge and district attorney express themselves in opposition to the bill as unnecessary and an interruption to the large volume of business now pending and constantly coming before the court, we can not attach great weight or importance. The convenience of officials is often an excuse for objecting to changes of the status quo and assume importance not supported by the convenience of the people or the dispatch of public business, and this objection of the President is answered by reasons and facts heretofore set forth and which will hereafter be specified in mentioning the objections of the President.

In reply to the third objection, your committee has not had access to the court docket or information in regard to the amount and character of business pending in the several courts of the district, but judging from the population, wealth, resources, manufacturing and maritime interests of the territory in the proposed division, and its rapid development, together with the large railroad and corporate interests situate and being in said division, it is reasonable to conclude that the court business will be amply sufficient to justify Congress in providing for a court for said division.

In answer to the fourth and last objection, it does not appear that the term of court provided for in the bill will injuriously interfere with the terms of court already now by law provided for. If the proposed legislation becomes law, the court at Paris will have nine weeks' term during the year, and it appears that this will be sufficient time to give proper attention to all business that may hereafter be pending in said court. But in the event that it is hereafter ascertained that sufficient time has not been allotted said court, or that the time for holding court at the several places has not been equitably fixed, subsequent legislation to this end, which is always easy of accomplishment, can correct this error.

The cause of a large docket and large amount of business at the Paris court has been on account of the jurisdiction exercised by that court over a large territory in the Indian Territory, fruitful in litigation. By recent legislation the jurisdiction of the court at Paris over the territory in the Indian Territory has been taken away, and it is believed that in the future comparatively little litigation will arise in that court, and the time allotted for the holding of court fixed by the present bill will be ample to dispose of all business that would find its way to that court.

This bill has twice passed the House without objection. No member from the State of Texas or elsewhere, or any party in interest, has ever opposed the bill or assigned any reason why the bill should not become a law. The bill has been discussed and explained in the House, and your committee have no advice that any objection existed against the bill, except as herein stated, and believing it is to the interest of the public service and public good, and will result in economy, convenience to the people, and a speedy dispatch of court business, recommend that the bill do pass, the objections of the President to the contrary notwithstanding.

Mr. COOPER of Texas. Mr. Speaker——

Mr. GROSVENOR. Mr. Speaker, is it in order to ask at this time for the reading of the veto message of the President?

The SPEAKER. The gentleman can have it read as a part of his remarks.

Mr. GROSVENOR. Then, when the proper time comes, I will ask to take the floor for the purpose of having the message of the President read.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

To the House of Representatives:

I return herewith without my approval House bill No. 9469, entitled "An act to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court."

It appears that terms of court are now held at four different places within the eastern judicial district of Texas, and that parties having business in the courts are not seriously inconvenienced under present arrangements.

Both the Federal judge and district attorney in this district express themselves in opposition to the bill as unnecessary and an interruption to the transaction of the large volume of business now pending and constantly coming before the court.

I have before me certificates of the clerks of the present divisions of the courts showing that during the last five years the counties which it is proposed shall constitute the new division have contributed but forty-two cases to the calendars of the court.

Conclusive proof is also before me that the additional terms of court provided for in this bill would so interfere with the terms already appointed in the existing divisions that the proper administration of the civil as well as the criminal law would be impracticable.

The criminal docket of the terms held at Paris is so large that under present arrangements and with the utmost industry trials can not now be as promptly disposed of as the ends of justice require. This condition would be further aggravated if terms of the court should be held at Beaumont on the dates proposed in this bill, since they are fixed at such times as to necessarily curtail the period now devoted to the Paris terms.

On the grounds stated, and because I am unable to discover how the public interests can possibly be promoted by the proposed legislation, I am constrained to withhold my approval of the bill under consideration.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 14, 1897.*

Mr. COOPER of Texas. Mr. Speaker, I only desire to make a succinct statement touching this measure. I will refer briefly to the history of the bill, and not recapitulate the reasons assigned by the committee why the bill should pass over the objections of the President. This bill has been twice considered by the present Congress. During the first session of the Fifty-fourth Congress it was passed by both Houses and sent to the President seven days before the adjournment. He did not then veto it, but he did not approve it, and hence it did not become a law. It was introduced again during this session, received the unanimous report of the Judiciary Committee, passed this House, passed the other branch, and again went to the President. No objection had ever been raised to the bill by any party in Texas or party in interest so far as was known to me, the author and mover of the bill, or, so far as I have been informed, was known by the Committee on the Judiciary which had it under consideration. So careful was the other branch of Congress in considering this measure that—and I hope I keep within the line of parliamentary courtesy when I make this statement—the Senator who had it in charge corresponded in respect to this matter with parties thought to be interested in this bill, and ascertained from them that there was no objection to the bill, and that it was a meritorious measure, before he gave his consent to advocate it in the Senate. It then, as I have stated, passed that body and went to the President.

The first statement of any objections to the bill, so far as I know or so far as is known to any of the tribunals where it has been considered, has been made by the President of the United States in his veto. I have this further statement to make in relation to the subject, and I make it with some humiliation. In the discharge of what I conceived to be my duty, I called upon the President a number of times during the last session of Congress, before the bill died in his hands, in order to present the reasons why it should become a law or to answer any objections that might have been made against it; but I was denied the privilege of seeing the President and did not have an opportunity to present the facts and reasons to the President why the bill should become law. Again during this session, as a representative of the people and in discharge of my public duty, as I understood it, I went to the Department of Justice and again sought an opportunity to see the Executive and ascertain if there were any objections to the bill or if he entertained any idea of exercising his Executive veto. Again I was unable to get an opportunity to speak with the President in regard to the bill. The last occasion on which I called was the day the veto message was sent to the House. On that occasion his private secretary, the gentleman who has the key to the door which admits members to the President, stated to me that the bill had not been returned from the Department of Justice to the President and that the President had not yet acted upon the bill. I then told him that I had been to the Department of Justice and had been there informed that they had returned the bill to the Executive and that the Attorney-General had made no recommendation in reference to the same. The private secretary went in, and when he returned he said it was true that the bill was then in the hands of the President, and that the President had concluded to veto it and had his veto message prepared. I again asked for an

opportunity to appear before the President in order that I might ascertain what objections there were to the bill and who had made them. I was again denied the opportunity, and the statement was made to me by the trusted secretary of the President that his (the President's) mind was made up and that it was unnecessary and useless for me to interview him on the subject, and I was refused the privilege of seeing the President.

Now, Mr. Speaker, these, I know, are not reasons, but I state them as facts to show that no opportunity has been given me to present to the President the reasons for the passage of this bill, and I am unwilling to believe that he would have sent in his veto if he had known the true facts of the case.

Mr. TURNER of Georgia. Who is the district attorney there?

Mr. COOPER of Texas. The district attorney is a gentleman named Tolliver.

Mr. TURNER of Georgia. Do you state that you have never heard of any objections to this bill except from the President?

Mr. COOPER of Texas. I so state, and I am informed that the Committee on the Judiciary had never heard of any objections.

Mr. TURNER of Georgia. But the district attorney and the judge object for the reasons stated by the President.

Mr. COOPER of Texas. I have never had an opportunity to see or hear any of the reasons against this bill except as they are stated in the veto message.

Mr. TURNER of Georgia. But they are stated in the message, I believe.

Mr. COOPER of Texas. They are stated, and I take the statement to be correct; but neither the Department of Justice nor the President ever gave me the benefit of this information.

Now, Mr. Speaker, as to the merits of the bill, I call attention to the fact that it does not provide for an additional judge, for an additional marshal, or for any additional service. It merely provides for the locating of a court in another portion of the district. Court is held now on the northern boundary at Paris, and also on the southwestern boundary at Galveston, points distant from each other at least 500 miles, and two other places in the district. The southeastern portion of the district has no place where court is held. Every man who attends court at Galveston or at Tyler, every person from eight of the counties in the district going to Galveston or to Tyler, has to pass through Beaumont, the place where it is proposed to locate this session of the court. There are now five railroads entering the city of Beaumont. Recently we have developed a harbor there, and the commerce through this harbor is now large and increasing. During the past twelve months more than 28,000,000 feet of lumber have been shipped through the harbor at Sabine Pass. Admiralty litigation will necessarily arise in consequence of the commerce and shipping at that point. The population of the region has greatly increased. There are more than 90,000 people in the proposed new division, and there is an immense amount of commerce, wealth, and capital there, including large corporate interests. For these reasons it will be economy to establish a court at this point. It will not merely be a convenience and a saving to litigants, but it will also be an actual saving to the Government, in the expenses of witnesses and officers who are compelled to attend court. So, the passage of this bill will conduce not only to the convenience of the people, but to economy in the administration of the Government. For these reasons and for the additional and stronger reasons set forth in the report of the Judiciary Committee, I ask that this bill be passed over the veto of the President.

Mr. SHAFROTH. How far is this point from Galveston?

Mr. COOPER of Texas. By an air line, about 100 miles; by the usual mode of travel, about 137. Allow me to state further that in answer to the inquiry made at the Department of Justice whether there were any objections to this bill, the statement was made that the only reason then apparent or assigned against the bill was the proximity of Beaumont to Galveston. It was not stated that this was a sufficient or reasonable objection, and in reply to that objection I attempted to show the necessity for the establishment of the court at this point and that Beaumont was not in sufficient proximity to Galveston to hinder or prevent the establishment of the court as proposed. At the times I asked to see the President, I supposed that was the only objection that was urged against the bill.

I yield now to the gentleman from Kansas [Mr. BRODERICK].

Mr. TURNER of Georgia. Before the gentleman yields the floor, I would like to ask him the cause of the increased business and population of which he speaks. Is it because of the establishment of new lines of railroad, or because of the deepening of the harbor?

Mr. COOPER of Texas. There are three or four new lines of road (one beginning at Kansas City and ending at the Gulf, nearly completed) which have been constructed during the last few years.

Mr. SHAFROTH. Does this bill provide simply for the holding of court, or does it contemplate the creation of a new district?

Mr. COOPER of Texas. It provides only for the holding of court.

Mr. SHAFROTH. By the same judge?

Mr. COOPER of Texas. By the same judge.

Mr. BRODERICK. Mr. Speaker, early in the first session of this Congress a number of bills were introduced relating to courts in Texas and were referred to the Committee on the Judiciary of the House. Those bills—I think there were five or six of them—were all referred to the subcommittee of which I am a member. There was some difference of opinion among members as to some of those bills, and hearings were given upon them. I think that all the members of the Texas delegation appeared before the committee and discussed those several measures. But there was never any objection made to the bill introduced by the gentleman from Texas [Mr. COOPER]. Objections were made to some of the other bills. The committee, being anxious to accommodate the delegation from the State, and believing that the delegation knew best where courts should be held in that State to meet the wants of the people, endeavored to bring about a settlement of their differences, which was finally accomplished. A bill was reported which was satisfactory to the entire delegation. As I have said, no objection was ever made to this bill. After it had been reported, it passed, as my friend from Texas has stated, and came back without approval. It was again referred to the committee for consideration, and again no objection was made to the bill either by any member of the Texas delegation or by any citizen of that State. One of the judges wrote concerning one of the other bills, and I think the United States marshal wrote in regard to one of those other bills; but no letter was received by any member of the committee relating to this bill or making any objection to it whatever. So, believing that the delegation from that State understood just where courts should be held and what was for the best interests in relation to these matters, the committee made a favorable report. We believed that this court was necessary, as stated in the report. Hence we have recommended in our last report that the bill be passed, notwithstanding the President's veto.

Mr. GROSVENOR. Mr. Speaker, as I understand from the statement of the gentleman from Texas [Mr. COOPER], who advocates the passage of this bill over the veto of the President, he has labored under the disadvantage of not being able to have access to the Executive of the United States. It has been unfortunate for the American people that during the last three years very few self-respecting Representatives of a respectable constituency would make an application to the President of the United States to be seen or heard. It has been the misfortune of the present occupant of the Executive office that he has been represented as having issued an order that no Senator or Member of Congress should present himself in person until he had bowed at the feet of the private secretary and communicated to that august personage the wishes of his constituency and received the sanction of that person to the effect that the matter in question was one of so much importance that the Senator or Representative ought to present it in person to the President.

When that order was issued, the representative of my constituents was in the midst of a matter pertinent to his official relation to the executive department of the Government. When he had concluded that duty and finished his connection with that matter, he filed on behalf of his constituents, in his own mind, a statement that he would never again seek to see the President of the United States during the incumbency of the present occupant. And he has kept his word.

My constituents have never commissioned me to percolate my business with the Executives through the clay conduit of a private secretary. [Laughter.] And it appears now that the President has, according to the statement of the gentleman from Texas, made a mistake simply because the private secretary of the President did not comprehend the situation.

It is unfortunate for a President of the United States that he excludes communications with members of Congress; that he fences himself in and surrounds himself by a picket guard, a skirmish line of very moderate capacity, and keeps himself away from hearing an expression of the wishes of the people of the United States. It is too late to remedy it, and I am making the suggestion now when I am sure it can do no good. I have felt somewhat condemned in my own mind that I did not make these remarks two years ago. I believe if I had done so, and they had been carefully considered by all parties in interest, there might possibly be some one in Congress, two or three men, perhaps, who might have been favorable to the President's views of the politics of his own party.

Mr. DALZELL. These things will be remedied in the next Administration.

Mr. GROSVENOR. I can not speak for that. I can only express a hope that never again shall there be an Administration of the executive department of this Government which will refuse ready access, on all proper occasions, to the representatives of the

people. The people of the United States are greater than the Executive of this Government——

A MEMBER. They make him.

Mr. GROSVENOR (continuing). He is the creature of the people, and when he fences himself in he ought to be wonderfully careful that the portal of the Executive Mansion is guarded by one of the highest intellects in the country.

Mr. RICHARDSON. I understand my friend is speaking now by authority for the next Administration?

Mr. GROSVENOR. I have not spoken for it.

Mr. RICHARDSON. I thought perhaps the gentleman was the advance agent. [Laughter.]

Mr. GROSVENOR. I will tell you about that: I am about as much the advance agent of the next Administration as my very good friend from Tennessee was the representative of the Democratic party during the recent unfortunate conditions of that affair. [Laughter and applause.]

A MEMBER. That is calling the Democratic party an "affair." That is pretty hard.

Mr. GROSVENOR. Now, I find the President of the United States has reached a conclusion, and, in the exercise of the duties imposed upon him, he has notified Congress of his disapproval of this bill. We are about to decide now, under the Constitution, whether he is wrong or right in the exercise of that constitutional prerogative. I read here, and if it is not true I should like to know it—if it is not a statement of facts, then it must be that because the Executive has excluded himself from the sources of information he has made an erroneous statement—if he has made a truthful statement based upon the facts, derived from reliable sources, then the President is right and the author of this bill is mistaken. The President tells us that he has before him the certificate from the clerks of the present divisions of the courts in Texas, and by those certificates he learns that during the last five years, in this entire territory that it is now proposed shall be erected into a separate division or judicial district of the divisions of Texas, there were but 45 cases before the United States courts; that is to say, but 9 cases before them in a year from all the counties.

Now, I submit, and I think I may appeal to every lawyer, that the divisions of court, and the sending of them hither and thither in a sort of circle, is a great detriment to the best administration of public justice.

I can not understand why this bill should be here. My friend here, the chairman of the Committee on the Judiciary [Mr. HENDERSON], may know more about it than I do. If he does not, I am sorry for him.

We in the circuit in which I live have piled up mountain high the proof that the business of the United States court is absolutely paralyzed for the want of an additional judge; but the committee, in the exercise of its wisdom—and I do not complain—has refused us the judge. Now, what is the necessity here?

I want here to compliment the President of the United States for his great labor. He has done that in all instances since he has been President of the United States. No man has ever gone down into the details of all of the matters that come before the executive department as he has; and if he had only got the information from the members of Congress that he might have got he never would have taken the position he has taken on a good many of these questions.

Why should we increase the cost of the administration of justice in the United States? I know what the answer will be. The gentleman will say that there is no new office created. He is mistaken. Whoever says that is mistaken. There will be an additional deputy clerk. I know it is not provided for in the bill, but I know that under the judiciary act it is possible to create it; and no man ever knew a possibility of that kind to be allowed to go by.

Mr. COOPER of Texas. All of the jurors and witnesses have to pass this point to reach the court, 137 miles distant. Would it not be a saving of the expenses of jurors and witnesses to permit them to remain at this point and have the courts held there?

Mr. GROSVENOR. That argument would be a successful one to carry the United States courts into every county. How considerable are five cases a year—possibly many of those cases simple matters in equity, that had no testimony taken except that which was taken by the deposition of the witnesses at home.

Mr. COOPER of Texas. May I inquire of the gentleman if he knows how many cases there were last year?

Mr. GROSVENOR. I know nothing about it except what the President has stated.

Mr. COOPER of Texas. Has the President said that there were any cases last year?

Mr. GROSVENOR. He has not said anything about it.

Mr. COOPER of Texas. Does not the report show you that there has been a large increase in the population; that the wealth and resources of that district have greatly increased; that large manufacturing interests have been established, and that a deep-water harbor has been established at one point in the district? And does not the gentleman know that these things result in an increase of litigation?

Mr. GROSVENOR. The observation of members of the bar in this country is that litigation in the courts of the country is not only less than it was two years ago, but is rapidly going down in all the counties and districts of the United States. And I can not conceive of a condition of things that justifies the creation of an additional clerk of court, an additional deputy marshal, additional bailiffs of the court, and all the concomitants and surroundings of a process like this.

It is not very often that I find the President is right and Congress is wrong. The trouble has been that the President has excluded himself from the opportunity of knowing what he was doing; and if the gentleman from Texas [Mr. COOPER] can show me that in this particular instance the President was wrong in his statement of facts, that will be one thing; but if he states the facts, this is an unnecessary bill, and passing a bill of this character over the veto of the President would be an act showing a sort of spirit on the part of Congress that we will take advantage of every opportunity to override the veto of the President, and against this sort of spirit I protest.

Now, I have great respect for the office of the President, independent of my very high respect for the present incumbent of the office. I wish that the Democratic party of this country had followed the lead of their great chief. They would have been in a better position for the future than they are now. I think that one of the best steps toward a reconciliation of the discordant and dismembered elements of that hitherto great party, now wrecked by the President, or wrecked by its own members, would be to cease to annoy the President by passing bills over his veto.

Mr. COOPER of Texas. I will not let the gentleman from Ohio draw me into a political discussion.

The SPEAKER. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding? Under the Constitution, the yeas and nays must be taken on this question. As many as are in favor will, when their names are called, say "aye;" those opposed, "no." The Clerk will call the roll.

The question was taken; and there were—yeas 144, nays 68, not voting 143; as follows:

YEAS—144.

Abbott,	De Armond,	Layton,	Quigg,
Adams,	Denny,	Leisenring,	Reyburn,
Arnold, Pa.	Dockery,	Leonard,	Richardson,
Babcock,	Dolliver,	Lester,	Rinaker,
Bailey,	Doolittle,	Lewis,	Robertson, La.
Baker, N. H.	Dovener,	Linney,	Sauerhering,
Bankhead,	Ellett,	Linton,	Sayers,
Barham,	Ellis,	Little,	Shafroth,
Barney,	Fischer,	Livingston,	Shuford,
Bartlett, Ga.	Foote,	Long,	Smith, Mich.
Bell, Tex.	Foss,	Loudenslager,	Sorg,
Bennett,	Gamble,	Maddox,	Sparkman,
Berry,	Gibson,	Mahon,	Stephenson,
Bingham,	Gillett, Mass.	McCleary, Minn.	Stewart, Wis.
Blue,	Graff,	McCulloch,	Stokes,
Boatner,	Grout,	McDearmon,	Strait,
Bowers,	Hager,	McLachlan,	Strowd, N. C.
Broderick,	Hainer, Nebr.	McLaurin,	Sulloway,
Brumm,	Hall,	Meiklejohn,	Swanson,
Burton, Mo.	Halterman,	Meredith,	Talbert,
Burton, Ohio	Hardy,	Miles,	Tate,
Calderhead,	Harmer,	Miller, W. Va.	Tawney,
Clark, Iowa	Hatch,	Minor, Wis.	Terry,
Cockrell,	Henderson,	Mondell,	Tyler,
Codding,	Hubbard,	Money,	Updegraff,
Cook, Wis.	Huling,	Neill,	Wanger,
Cooper, Tex.	Hurley,	Noonan,	Washington,
Cousins,	Hyde,	Northway,	Watson, Ohio
Cox,	Jenkins,	Odell,	Williams,
Crisp,	Johnson, N. Dak.	Ogden,	Willis,
Culberson,	Jones,	Otey,	Wilson, Idaho
Cummings,	Joy,	Otjen,	Wilson, Ohio
Curtis, Iowa	Kendall,	Owens,	Wilson, S. C.
Curtis, Kans.	Kirkpatrick,	Pendleton,	Woodman,
Curtis, N. Y.	Kleberg,	Pitney,	Wright,
Daniels,	Latimer,	Powers,	Yoakum.

NAYS—68.

Acheson,	Erdman,	Hull,	Phillips,
Avery,	Evans,	Johnson, Ind.	Raney,
Bishop,	Fitzgerald,	Kyle,	Royse,
Black,	Gillet, N. Y.	Lacey,	Russell, Conn.
Buck,	Griswold,	Lawson,	Scranton,
Bull,	Grosvenor,	Lefever,	Sherman,
Burrell,	Grow,	Loud,	Smith, Ill.
Chickering,	Harris,	McCall, Tenn.	Southard,
Clark, Mo.	Harrison,	McClellan,	Steele,
Clarke, Ala.	Hart,	McEwan,	Taft,
Cobb,	Hendrick,	Miller, Kans.	Thorp,
Connolly,	Henry, Conn.	Milnes,	Tracewell,
Cooper, Fla.	Henry, Ind.	Mitchell,	Turner, Ga.
Crowther,	Hicks,	Morse,	Van Voorhis,
Dalzell,	Hilborn,	Patterson,	Wilson, N. Y.
Danford,	Hitt,	Payne,	Wood,
De Witt,	Howe,	Perkins,	Woomer.

NOT VOTING—143.

Aitken,	Dingley,	Lorimer,	Shannon,
Aldrich, T. H.	Dinsmore,	Low,	Shaw,
Aldrich, W. F.	Draper,	Maguire,	Simpkins,
Aldrich, Ill.	Eddy,	Mahany,	Skinner,
Allen, Miss.	Fairchild,	Marsh,	Snover,
Allen, Utah	Faris,	Martin,	Southwick,
Anderson,	Fenton,	McCall, Mass.	Spalding,
Andrews,	Fletcher,	McClure,	Spencer,
Apsley,	Fowler,	McCormick,	Sperry,
Arnold, R. I.	Gardner,	McCreary, Ky.	Stahle,
Atwood,	Goodwyn,	McMillin,	Stallings,
Baker, Kans.	Griffin,	McRae,	Stewart, N. J.
Baker, Md.	Hadley,	Mercer,	Stone, C. W.
Barrett,	Hanly,	Meyer,	Stone, W. A
Bartholdt.	Hartman,	Milliken,	Strode, Nebr.
Bartlett, N. Y.	Heatwole,	Miner, N. Y.	Strong,
Beach,	Heiner, Pa.	Moody,	Sulzer,
Belknap,	Hemenway,	Moses,	Tayler,
Bell, Colo.	Hepburn,	Mozley,	Thomas,
Boutelle,	Hermann,	Murphy,	Towne,
Brewster,	Hill,	Murray,	Tracey,
Bromwell,	Hooker,	Newlands,	Treloar,
Brosius,	Hopkins,	Overstreet,	Tucker,
Brown,	Howard,	Parker,	Turner, Va.
Cannon,	Howell,	Pearson,	Van Horn,
Catchings,	Huff,	Pickler,	Wadsworth,
Clardy,	Hulick,	Poole,	Walker, Mass.
Coffin,	Hunter.	Price,	Walker, Va.
Colson,	Hutcheson,	Prince,	Warner,
Cooke, Ill.	Johnson, Cal.	Pugh,	Watson, Ind.
Cooper, Wis.	Kem,	Ray,	Wellington,
Corliss,	Kerr,	Reeves,	Wheeler,
Cowen,	Kiefer,	Robinson, Pa.	White,
Crowley,	Knox,	Rusk,	Wilber,
Crump,	Kulp,	Russell, Ga.	Woodard.
Dayton,	Leighty,	Settle,	

So (two-thirds voting in favor thereof) the House, on reconsideration, passed the bill, the objections of the President to the contrary notwithstanding.

The Clerk announced the following pairs:

Until further notice:

Mr. DINGLEY with Mr. MCMILLIN.

Mr. HANLY with Mr. MOSES.

Mr. HEMENWAY with Mr. MINER of New York.

Mr. MOZLEY with Mr. RUSSELL of Georgia.

Mr. LOW with Mr. MAGUIRE.

For this day:

Mr. TRUMAN H. ALDRICH with Mr. MEYER.

Mr. HARMER with Mr. TUCKER.

Mr. PICKLER with Mr. STALLINGS.

Mr. WILLIAM F. ALDRICH with Mr. ALLEN of Mississippi.

Mr. WALKER of Virginia with Mr. COOPER of Florida.

Mr. HEATWOLE with Mr. CATCHINGS.

Mr. MERCER with Mr. COWEN.

Mr. BINGHAM with Mr. WHEELER.

Mr. CRUMP with Mr. CROWLEY.

Mr. KULP with Mr. DINSMORE.

Mr. WELLINGTON with Mr. MCRAE.

On this question:

Mr. MOODY with Mr. SIMPKINS.

The result of the vote was then announced as above recorded.

Mr. MAHON. Regular order, Mr. Speaker.

MRS. JAMES STEWART WHITING.

Mr. CROWTHER. Mr. Speaker, I desire to present a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1511) granting a pension to Mrs. James Stewart Whiting, having met, after a further full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House of Representatives, and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted insert "$50;" and the House agree to the same.

GEORGE C. CROWTHER,
S. S. KIRKPATRICK,
WM. BAKER,
Managers on the part of the House.

J. H. GALLINGER,
JOHN L. MITCHELL,
FRANK J. CANNON,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The bill (S. 1511) under discussion in conference originally passed the Senate, granting $75 per month to the beneficiary named therein. It was amended in the House, granting but $30 per month, in which amendment the Senate refused to concur. The effect of the adoption of the conference committee report will be to grant $50 per month.

GEO. C. CROWTHER,
S. S. KIRKPATRICK,
WM. BAKER,
Conferees on the part of the House.

The report of the committee of conference was agreed to.

CELESTE A. BOUGHTON.

Mr. CROWTHER. Mr. Speaker, I desire to submit another conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1291) granting an increase of pension to Celeste A. Boughton, widow of Brig. Gen. Horace Boughton, having met, after a further full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House of Representatives, and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted, insert "$50;" and the House agree to the same.

GEORGE C. CROWTHER,
S. S. KIRKPATRICK,
WM. BAKER,
Managers on the part of the House.

J. H. GALLINGER,
LUCIEN BAKER,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The bill under discussion in conference was an original Senate measure, and granted the beneficiary named therein a pension at the rate of $75 per month. The House amended the bill by reducing the amount to $30 per month, to which amendment the Senate refused to accede. The effect of the adoption of the conference committee report will be to grant $50 per month.

GEO. C. CROWTHER,
S. S. KIRKPATRICK,
WM. BAKER,
Conferees on the part of the House.

The report of the committee of conference was agreed to.

ORDER OF BUSINESS.

Mr. WOOD. Mr. Speaker, I am requested by the Committee on Invalid Pensions to ask for the regular order.

The SPEAKER. The Clerk will report the first bill.

The Clerk read as follows:

A bill (S. 90) for the relief of William P. Buckmaster.

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to William P. Buckmaster, surviving partner of James Murphy & Co., late of New York City, out of any money in the Treasury not otherwise appropriated, the sum of $22,386.61, the same being a balance due for labor and material furnished by James Murphy & Co. in the construction of the machinery for the double-ender vessel *Otsego* in 1862 and 1863, as per report of a board of officers organized by the Secretary of the Navy in pursuance of a resolution of the United States Senate, adopted March 9, 1865.

The bill was reported from the Committee of the Whole with the recommendation that the bill do lie on the table.

Mr. JOY. Mr. Speaker, I trust that that recommendation will not be agreed to, and I would like to be heard on that question.

The SPEAKER. The gentleman from Missouri.

Mr. JOY. Mr. Speaker, this bill was introduced by myself, and is a bill for the relief of William P. Buckmaster, the surviving partner of Murphy & Co., of New York.

Mr. RICHARDSON. I rise to a parliamentary inquiry. Do I understand there has been a motion to lay on the table?

The SPEAKER. The recommendation of the committee is that the bill do lie on the table.

Mr. RICHARDSON. Is that debatable, except by unanimous consent?

The SPEAKER. There has been no motion made to lay the bill on the table.

Mr. RICHARDSON. The report of the committee was that it do lie on the table.

The SPEAKER. Does the gentleman make the point of order that the motion to lay on the table is not debatable?

Mr. RICHARDSON. I do not want to take the gentleman off the floor if he wants to debate it.

The SPEAKER. The gentleman from Missouri asks unanimous consent to present his views. Is there objection?

Mr. CANNON. What is that bill?

Mr. JOY. For the relief of William P. Buckmaster.

Mr. CANNON. Unanimous consent is for what?

Mr. JOY. To be heard.

Mr. CANNON. Well, if it is to be open for debate, my friend from Missouri knows that I would not be so ungracious as to object, so far as to his being heard is concerned; but if it is to be opened for debate, I must couple with that a request that after the gentleman is heard I shall have an equal length of time. The recommendation of the committee was that it do lie on the table.

Mr. JOY. I would simply like to say that all I wish to say is I do not care to debate the bill, but I understand the parliamentary position of this bill is that it shall go back to the Committee of the Whole.

Mr. CANNON. I would rather that it should not be debated unless an arrangement be made in the House to vote on that recommendation of the committee. Now, if the gentleman wants to make a speech about the bill, if I can have a similar length of time, if we can agree upon it, I have no objection.

The SPEAKER. The Chair does not know that a report of the Committee of the Whole House on the state of the Union that the bill do lie on the table is itself a motion to lie upon the table. It may be a question of whether the Chairman of the committee should

not carry out the direction of the committee by making the motion to lay on the table.

Mr. CANNON. Then what would be its parliamentary status at present?

The SPEAKER. If that motion were made, it would not be debatable.

Mr. CANNON. And if it was not, it would be?

The SPEAKER. If it is not made, the Chair thinks it would.

Mr. CANNON. Then, if I can be recognized after the gentleman from Missouri is heard, and I am heard, if the Chairman of the committee does not make the motion I will.

Mr. JOY. You can be heard, so far as my consent is concerned, provided that I can answer you for a few minutes.

Mr. CANNON. If I am to be placed in charge of the bill, I will say that I was one of the parties that antagonized this bill in the Committee of the Whole House on the state of the Union.

Mr. JOY. I would be perfectly willing that you make a statement and that I should occupy the same time as the gentleman from Illinois.

Mr. CANNON. Unless the chairman of the Committee on Claims——

Mr. WOOD. Mr. Speaker, I desire to call the attention of the Chair to the condition of the RECORD, on page 824:

> The SPEAKER. The gentleman from Missouri [Mr. JOY] asks unanimous consent that the consideration of this bill be postponed until the next private-bill day. Is there objection? The Chair hears none. The Chair understands that under this permission the bill remains in the same situation, with the recommendation of the Committee of the Whole still standing.

I think the gentleman from Missouri ought to have the privilege of speaking.

Mr. JOY. Then, Mr. Speaker, I ask whether it is proper for me to make a motion to recommit this bill to the Committee of the Whole?

Mr. CANNON. That would cut off debate.

Mr. JOY. The motion to recommit?

Mr. CANNON. I think so.

The SPEAKER. If the Chairman of the committee does not make any motion, the Chair will entertain the motion suggested by the gentleman from Missouri.

Mr. CANNON. I suppose the Chairman of the committee is a friend to this bill, and I think that I really ought to be recognized as the opponent of the bill in the Committee of the Whole.

The SPEAKER. The Chair thinks that the bill ought to be in charge of those who received the approbation of the Committee of the Whole House on the state of the Union, and if that point is made, the Chair will recognize the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Then, Mr. Speaker, I will ask the gentleman from Missouri how much time he desires.

Mr. JOY. To answer you?

Mr. CANNON. No; I am ready to vote now.

Mr. JOY. I will take five minutes before the gentleman from Illinois speaks and five minutes after, giving him the intervening ten minutes. That is fair. [Laughter.]

Mr. CANNON. How much time does the gentleman want, ten or fifteen minutes?

Mr. JOY. I want to speak after you do.

Mr. CANNON. I can not consent to that.

Mr. JOY. This is my bill and I have the affirmative.

Mr. CANNON. But I am for killing this bill, and I am not willing to give away any parliamentary advantage that I may have. At the same time, I am perfectly willing that the gentleman shall have twenty or thirty minutes if he desires.

Mr. JOY. I simply want to have the bill recommitted to the Committee of the Whole.

Mr. CANNON. It has been there already. Mr. Speaker, gentlemen around me say that there is so much unfinished business pending that they insist on my making the motion that this bill do lie upon the table, as by the recommendation of the committee.

The question being taken on the motion of Mr. CANNON, the Speaker declared that the ayes seemed to have it.

Mr. JOY. I ask for a division.

The House divided; and there were—ayes 31, noes 38.

Mr. THOMAS. Mr. Speaker, do I understand that the motion being voted upon is the recommendation of the Committee of the Whole?

The SPEAKER. It is.

Mr. THOMAS. The recommendation of the committee was that the bill be indefinitely postponed.

The SPEAKER. The Chair is informed that the Journal of the House shows that the motion was that the bill be laid on the table.

Mr. CANNON. Mr. Speaker, I ask for tellers.

Tellers were refused.

Mr. CANNON. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 84, nays 119, not voting 152; as follows:

YEAS—84.

Abbott,	Gillet, N. Y.	Leighty,	Sayers,
Allen, Miss.	Gillett, Mass.	Loud,	Shuford,
Andrews,	Grout,	McCall, Tenn.	Smith, Mich.
Avery,	Grow,	McCleary, Minn.	Snover,
Baker, Kans.	Hainer, Nebr.	McCormick,	Steele,
Bell, Colo.	Halterman,	McLaurin,	Stephenson,
Bishop,	Harrison,	Miller, Kans.	Stokes,
Blue,	Hatch,	Milnes,	Strait,
Cannon,	Hemenway,	Mitchell,	Strode, Nebr.
Clardy,	Hendrick,	Morse,	Strowd, N. C.
Clark, Iowa	Henry, Conn.	Northway,	Talbert,
Clarke, Ala.	Henry, Ind.	Overstreet,	Tawney,
Codding,	Hill,	Payne,	Thomas,
Connolly,	Huling,	Pearson,	Thorp,
Dalzell,	Hull,	Perkins,	Tracewell,
Erdman,	Jenkins,	Pitney,	Walker, Mass.
Evans,	Johnson, N. Dak.	Powers,	Warner,
Faris,	Jones,	Reeves,	Wilson, Ohio
Fenton,	Kem,	Richardson,	Woomer,
Foss,	Lacey,	Royse,	Wright,
Fowler,	Layton,	Russell, Conn.	Yoakum.

NAYS—119.

Acheson,	Curtis, N. Y.	Latimer,	Raney,
Adams,	Danford,	Lawson,	Robertson, La.
Arnold, Pa.	Daniels,	Lefever,	Sauerhering,
Babcock,	Dockery,	Leisenring,	Scranton,
Bailey,	Dolliver,	Leonard,	Shafroth,
Baker, N. H.	Doolittle,	Lewis,	Smith, Ill.
Barham,	Ellett,	Linney,	Sorg,
Barney,	Ellis,	Little,	Southard,
Bartlett, Ga.	Fischer,	Livingston,	Sparkman,
Bennett,	Fitzgerald,	Loudenslager,	Stewart, Wis.
Black,	Foote,	Maddox,	Stone, C. W.
Boatner,	Gibson,	Maguire,	Sulloway,
Bowers,	Griffin,	Mahon,	Tate,
Brumm,	Grosvenor,	McClellan,	Terry,
Buck,	Hall,	McCulloch,	Towne,
Bull,	Hardy,	McLachlan,	Tracey,
Burrell,	Hart,	Meredith,	Treloar,
Burton, Mo.	Hartman,	Meyer,	Tyler,
Catchings,	Hermann,	Miles,	Updegraff,
Chickering,	Hicks,	Miller, W. Va.	Van Horn,
Cobb,	Hilborn,	Minor, Wis.	Van Voorhis,
Cockrell,	Hubbard,	Mondell,	Wadsworth,
Cook, Wis.	Hulick,	Murphy,	Wanger,
Cooke, Ill.	Hunter,	Noonan,	Williams,
Cooper, Tex.	Hurley,	Ogden,	Willis,
Corliss,	Joy,	Otey,	Wilson, Idaho
Crisp,	Kendall,	Otjen,	Wilson, S. C.
Crowther,	Kerr,	Patterson,	Wood,
Cummings,	Kleberg,	Pendleton,	Woodman.
Curtis, Iowa	Kyle,	Price,	

NOT VOTING—152.

Aitken,	Curtis, Kans.	Kirkpatrick,	Stone, W. A.
Aldrich, T. H.	Dayton,	Knox,	Strong,
Aldrich, W. F.	De Armond,	Kulp,	Sulzer,
Aldrich, Ill.	Denny,	Lester,	Swanson,
Allen, Utah	De Witt,	Linton,	Taft,
Anderson,	Dingley,	Long,	Tayler,
Apsley,	Dinsmore,	Lorimer,	Tucker,
Arnold, R. I.	Dovener,	Low,	Turner, Ga.
Atwood,	Draper,	Mahany,	Turner, Va.
Baker, Md.	Eddy,	Marsh,	Walker, Va.
Bankhead,	Fairchild,	Martin,	Washington,
Barrett,	Fletcher,	McCall, Mass.	Watson, Ind.
Bartholdt,	Gamble,	McClure,	Watson, Ohio
Bartlett, N. Y.	Gardner,	McCreary, Ky.	Wellington,
Beach,	Goodwyn,	McDearmon,	Wheeler,
Belknap,	Graff,	McEwan,	White,
Bell, Tex.	Griswold,	McMillin,	Wilber,
Berry,	Hadley,	McRae,	Wilson, N. Y.
Bingham,	Hager,	Meiklejohn,	Woodard.
Boutelle,	Hanly,	Mercer,	Ray,
Brewster,	Harmer,	Milliken,	Reyburn,
Broderick,	Harris,	Miner, N. Y.	Rinaker,
Bromwell,	Heatwole,	Money,	Robinson, Pa.
Brosius,	Heiner, Pa.	Moody,	Rusk,
Brown,	Henderson,	Moses,	Russell, Ga.
Burton, Ohio	Hepburn,	Mozley,	Settle,
Calderhead,	Hitt,	Murray,	Shannon,
Clark, Mo.	Hooker,	Neill,	Shaw,
Coffin,	Hopkins,	Newlands,	Sherman,
Colson,	Howard,	Odell,	Simpkins,
Cooper, Fla.	Howe,	Owens,	Skinner,
Cooper, Wis.	Howell,	Parker,	Southwick,
Cousins,	Huff,	Phillips,	Spalding,
Cowen,	Hutcheson,	Pickler,	Spencer,
Cox,	Hyde,	Poole,	Sperry,
Crowley,	Johnson, Cal.	Prince,	Stahle,
Crump,	Johnson, Ind.	Pugh,	Stallings,
Culberson,	Kiefer,	Quigg.	Stewart, N. J.

So the House refused to lay the bill on the table.

The following additional pairs were announced:

Until further notice:

Mr. MEIKLEJOHN with Mr. CLARKE of Alabama.

Mr. BROMWELL with Mr. MINER of New York.

For this day:

Mr. WILBER with Mr. TURNER of Georgia.

Mr. HENDERSON with Mr. MCCREARY of Kentucky.

Mr. PRINCE with Mr. SWANSON.

Mr. MILLIKEN with Mr. BANKHEAD.

Mr. TAFT with Mr. SULZER.

Mr. WILLIAM A. STONE with Mr. HUTCHESON.

On this question:

Mr. MOODY with Mr. SIMPKINS.

The SPEAKER. The House refuses to lay the bill on the table. The gentleman from Missouri [Mr. JOY] is entitled to the floor.

Mr. JOY. I should like to inquire what becomes now of the bill. Does it go back to the Committee of the Whole?

The SPEAKER. The bill is now before the House for consideration.

Mr. JOY. I desire to move that the bill pass, if that is an appropriate motion.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. CANNON. I hope favorable action on this bill will not be taken. If I can be recognized, I want to antagonize the passage of the bill.

The SPEAKER. The gentleman from Missouri is in charge of the bill under the vote of the House and has the floor.

Mr. JOY. Mr. Speaker, I should like to make a short statement about this matter. [After a pause.] I call for the previous question.

Mr. CANNON. I hope the previous question will not be ordered. This House does not understand what it is voting upon.

Mr. JOY. I call for order.

Mr. CANNON. Some men think they are voting for a soldier's claim; others have voted favorably out of personal compliment to the gentleman from Missouri.

The SPEAKER. The gentleman from Illinois is not in order.

Mr. CANNON. I know I am not, but I want the previous question voted down.

The SPEAKER. The gentleman from Missouri moves that the previous question be ordered.

Mr. CANNON. This bill opens the door to the payment of a hundred millions of dollars upon stale claims.

The SPEAKER. The gentleman must be in order.

Mr. CANNON. Well, I am in order—now. [Laughter.]

The SPEAKER. The gentleman from Missouri asks for the previous question.

Mr. CANNON. I hope it will be voted down.

The question having been put on ordering the previous question,

The SPEAKER. The noes seem to have it.

Mr. JOY. I call for a division.

The question being again taken, there were—ayes 48, noes 85.

The SPEAKER. The House refuses to order the previous question. The Chair now recognizes the gentleman from Illinois. [Laughter.]

Mr. CANNON. Does the gentleman from Missouri want some time? [Laughter.] I yield to my friend from Missouri such time as he desires.

The SPEAKER. How much time does the gentleman need?

Mr. JOY. I shall only want ten or twelve minutes.

Mr. CANNON. I will yield that time to the gentleman, and if he wishes more he shall have it.

Mr. JOY. Mr. Speaker, this bill was introduced by myself in behalf of a citizen of St. Louis. It is a bill which in my judgment recommends to this House a measure that is absolutely just and which no one can fairly oppose. I will state briefly the matter out of which the claim has arisen.

In 1862 the Government of the United States was considerably engaged in the business of building war vessels, and applied, among others, to Murphy & Co., of New York, to build a war vessel called the *Otsego*. The Government proposed the form of a contract, with certain specifications partially made, and asked for a bid. The matter was discussed between Messrs. Murphy & Co. and the representative of the Government, Mr. Isherwood, an officer of the Navy, who afterwards drew the contract, and a price was finally fixed at $82,000 for the machinery in question. Some two weeks afterwards, or a few days perhaps, the prices of everything—labor and material of all kinds—had risen 10 or 15 per cent, and before the contract was completed, Murphy & Co., of whom this claimant is the sole survivor, wrote to the representative of the Navy Department, B. F. Isherwood, engineer of the United States Navy, as follows:

DEAR SIR: We inclose contract for the *Otsego's* machinery, which we have executed this day. We are still without any drawings, although the contract is dated August 15. Since that time labor and materials have advanced at least 15 per cent. This will enhance the cost of the work. The exigency of the situation is the only reason we accept the contract; but before we begin the work we must be assured that we will be protected against actual loss.

Very respectfully, your obedient servants,

JAMES MURPHY & CO.

This letter was written on the 5th day of September, 1862, and on the 10th day of the same month the engineer of the Navy replied as follows:

WASHINGTON, D. C., *September 10, 1862.*

JAMES MURPHY & Co.,
Fulton Iron Works, New York:

Your letter of the 5th received. I will send a portion of the drawings in a few days. Push the work forward as fast as possible.

The Department will allow actual loss on labor and material used in the *Otsego's* machinery in excess of the contract price.

B. F. ISHERWOOD.

There was, therefore, a contract to pay an upset price of $82,000, and a specific agreement entered into that if the cost is more, by reason of the price of labor and material, it will also be paid. I know of no contract, Mr. Speaker, that could be more specific and definite, as far as the language is concerned, than that which has been made in this case.

Upon this, and not until the guarantee was made by the Government engineer in charge of the work, authorized to make the contract, and who signed the additional contract to which I have referred, these parties went to work and built the machinery for this steamer. Prices went up to nearly double before the vessel was completed. The vessel was completed and accepted by the Government, and put into service.

In 1865, this matter of the extra cost having been brought to the attention of the officers of the United States, a Senate resolution was passed organizing what was known as the Selfridge board, a board which was organized under the following resolution:

IN THE SENATE OF THE UNITED STATES, *March 9, 1865.*

Resolved, That the Secretary of the Navy be requested to organize a board of not less than three competent persons, whose duty it shall be to inquire into and determine how much the vessels of war and steam machinery contracted for by the Department in the years 1862 and 1863 cost the contractors over and above the contract price and the allowance for extra work, and report the same to the Senate at its next session, none but those who have given satisfaction to the Department to be considered.

Under that resolution a board was organized composed of three distinguished men. Mr. Selfridge, who died, as you will remember, some two weeks ago, a retired officer of the Navy, was at the head of it. In their report to the Senate under that resolution they find, among other things, that the *Otsego*, built by the Fulton Works—this Murphy & Co., as appears, being the Fulton Company—cost, over and above the contract price, the sum of $22,386.61, as I quote from a copy of that report.

That is the exact amount named in the bill and now claimed by the beneficiary, Mr. Buckmaster. That account has not been paid, although it has been favorably reported in various Congresses for years. I have a number of favorable reports upon it—in fact, all reports from both ends of this body are favorable always to the claim. The bill has passed the Senate and has met with a unanimous report from the Committee on War Claims of the House at all times, at least I so understand. If I am mistaken I should be very glad to be corrected here, but I understand that a unanimous report was made by the committee recommending that the Government pay the contract price for that vessel.

Now, it will be urged on the other side that this Selfridge board had no authority to do what it did. They were a body named by the Senate alone. The House was not consulted; so that afterwards the House and Senate jointly demolished the whole constitution of the Selfridge board, but not, however, until after that board had completed their work and made their report, and I submit that while this report is not binding in law upon anybody perhaps, yet, as the judgment of three distinguished men who examined the facts, the facts are as were represented in their report. The findings of that board have never been contradicted, and are not contradicted to-day by any person who knows anything about it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CANNON. Would the gentleman like some further time?

Mr. JOY. I should like some minutes more.

Mr. CANNON. I will yield to the gentleman five or ten minutes more, just as he wishes.

Mr. JOY. I think five minutes more will be enough.

Mr. CANNON. I yield to the gentleman five minutes.

Mr. JOY. After the dissolution of the so-called Selfridge board, the House and Senate constituted another board, called the Marchand board.

It will be charged here by the distinguished chairman of the Committee on Appropriations [Mr. CANNON] that this matter never was brought before the so-called Marchand board, a board constituted by both Houses of Congress. Now, I admit that it was not, and I will tell you why it was not. The Marchand board was constituted under authority of both Houses of Congress, and I quote from the act to show to what its duties were limited. Murphy & Co. and their successor, Mr. Buckmaster, could not have any standing before that board. That board had no jurisdiction to pass upon his case; and I read from the statute providing for the Marchand board:

But no allowance for any advance in the price of labor or material shall be considered unless such advance occurred during the prolonged time for completing the work rendered necessary by the delay resulting from the action of the Government aforesaid, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor.

Now, Murphy & Co., or Mr. Buckmaster, had no claim before that board by reason of the rise in materials alone. Their claim

was solely upon the ground that the Government had contracted to pay the exact amount that whole vessel cost, provided it cost over $82,000.

They had no standing before the Marchand board; but if they had appeared before the Marchand board it is fair to assume that the findings of fact would have been the same as those found by the other board, constituted of as eminent citizens, of men of as high character and standing, as the later board.

Now, my friends, one other thing. I disagree wholly with the leaders of this House, and I designate especially the distinguished gentleman from Illinois [Mr. CANNON] when he says that the passage of this bill will open the door for a hundred million dollars of claims. I guarantee that there is not another war claim for building vessels or anything of that character that is backed up by a contract of the Government itself. These claims all arise from the rise in the prices of material and labor.

Mr. TALBERT. Will the gentleman allow me to ask him a question?

Mr. JOY. Certainly.

Mr. TALBERT. I see in the report of the committee it is stated that—

This claim is for the difference between the actual cost and the sum allowed and paid by the Government to James Murphy & Co., amounting to $22,386.61.

Mr. JOY. Yes.

Mr. TALBERT. Now, do I understand that the Government paid the amount of the contract, or did the Government shave the amount of the contract and refuse to pay the whole contract price?

Mr. JOY. The Government paid $82,000.

Mr. TALBERT. Was that the whole amount of the contract?

Mr. JOY. They have paid the whole amount of the stipulated price, but the contract, as I read before, provides further——

Mr. BRUMM. The additional contract.

Mr. JOY. The contract made by Mr. Isherwood before they would begin work——

Mr. TALBERT. Then the Government paid the whole amount at the start?

Mr. JOY. No. When the vessel was completed, the Government paid $82,000.

Mr. TALBERT. Did the Government pay the whole amount of the original contract, or did they shave that amount?

Mr. JOY. They did not pay the whole amount of the original contract.

Mr. TALBERT. That is the point.

Mr. CANNON. Mr. Speaker——

Mr. JOY. I want to qualify that statement, so that gentlemen will understand me.

Mr. CANNON. That is right, because my friend is in error.

Mr. JOY. I state again that they did not pay the whole amount of the original contract, and I will tell you why. The original contract was for $82,000 and such other sums as were actually expended in the building of the vessel. The Government paid the $82,000, but did not pay the balance of $22,000.

Mr. TALBERT. That was not included in the original contract.

Mr. CANNON. I controvert the gentleman's statement of fact by saying that he is mistaken, as I understand it.

Mr. JOY. I will state the exact facts. The Government paid $82,000. The contract further provided that they should pay in addition the actual amount which the vessel cost if it exceeded $82,000.

Mr. BRUMM. There was an original contract and a subsequent contract?

Mr. JOY. There was an amendment to the original contract, entered into before the work was commenced.

Mr. BRUMM. That is, by the General Government?

Mr. JOY. That is, by the same man that signed the contract—B. F. Isherwood, engineer of the United States Navy.

Mr. MILES. As I understand the gentleman, the Government undertook to pay an additional sum over the original contract, and a contract to pay the additional cost was also entered into by the Government before the vessel was constructed?

Mr. JOY. Before they would commence the work, and the Government made that contract before the work was commenced. So that when I say that $82,000 was the stipulated price that they had to get, if they had cut it down to $70,000 that would have saved the Government $12,000, and they would not make a cent by it.

Mr. MCCULLOCH. Had the contract for $82,000 been fully consummated before they made that claim?

Mr. JOY. In the same letter that they transmitted the original contract.

Mr. MCCULLOCH. Was this contract first signed and concluded before they required an amendment of the contract?

Mr. JOY. They said they would not sign the original contract except with the condition that the Government would agree to the further contract.

Mr. MCCULLOCH. They would not deliver the contract?

Mr. BOATNER. They delivered the contract conditionally.

Mr. JOY. They did not deliver it at all.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOY. Mr. Chairman, I should like to have further time. I have been interrupted.

Mr. CANNON. I will yield five minutes more to the gentleman.

Mr. JOY. I should like ten minutes, and will use just so much as I need of it.

Mr. CANNON. I will give the gentleman ten minutes; but a member of the committee who agrees with him has also asked for some time. I yield ten minutes to my friend.

Mr. POWERS. I desire to ask the gentleman a question. As I understand the gentleman's statement, this firm of Murphy & Co., when they transmitted their contract, also sent along a proposition saying that they would not take the contract unless they were to have increased pay for labor and material on the vessel. Now, as I read the document, it was for increased pay for labor and material on the machinery.

Mr. JOY. It was not for building a vessel; it was for building the machinery. The contract was for building machinery, and not for the whole vessel. I will read again, for the information of gentlemen, on page 5 of Senate Report 72.

NEW YORK, *September 5, 1862.*

DEAR SIR: We inclose contract for the *Otsego's* machinery, which we have executed this day. We are still without any drawings, although the contract is dated August 15. Since that time labor and materials have advanced at least 15 per cent. This will enhance the cost of the work. The exigency of the situation is the only reason we accept the contract; but before we begin the work we must be assured that we will be protected against actual loss.

Very respectfully, your obedient servants,

JAMES MURPHY & CO.

B. F. ISHERWOOD, Esq., *Engineer, U. S. N.*

On September 10, five days later, Mr. Isherwood acknowledged their letter in the following letter:

WASHINGTON, D. C., *September 10, 1862.*

JAMES MURPHY & CO.,
Fulton Iron Works, New York:

Your letter of the 5th received. I will send a portion of the drawings in a few days. Push the work forward as fast as possible.

The Department will allow actual loss on labor and material used in the *Otsego's* machinery in excess of the contract price.

B. F. ISHERWOOD.

I say, in answer, that the letter delivering the contract was a conditional delivery of the contract, and that contract was never delivered and could not have been enforced unless the Government agreed to further reimburse them or protect them against actual loss. So that I say that the contract price of this vessel has never been paid, because a body of gentlemen organized, if you please, without authority, of engineers of the United States Navy, passed upon the amount that had been actually expended, and that amount has never been paid. Therefore the contract price (the upshot price has been paid), the cost of the vessel, has never been paid within $22,000.

Now, my friends, I was about to say when interrupted that I am willing and anxious to stand between the Government and the people against all unjust claims. I honor the gentleman from Illinois [Mr. CANNON] in opposing unjust appropriations. But if the Government of the United States owes $20,000 or $10 for work that it has contracted for and not paid, it ought to pay it or go into bankruptcy. This Government, or any government, because of a question of appropriations, ought not to stand in the position of backing out or getting out of its written obligations. This is not a case where men have contracted to do a piece of work and have done it and lost money, and then come and ask to be made whole. This is where they got a contract and ask for the letter of the contract to be fulfilled. They do not ask to make one dollar. They ask that a body of Government officers who passed upon the amount they have actually expended shall be recognized by the Government, showing the amount of their loss, and that the Government pay that amount under its written contract.

Now, my friends, while I believe that we all should stand between the Government and careless expenditures in the appropriations, we ought not to stand and defend the Government when its leaders attempt to refuse to the citizens of this country, or any one of them, what it has contracted to pay them. The recognition of a written obligation of the Government, such as this, is as sacred as the duty to pay a soldier his pension after the bill for that purpose has been passed. I can not see any difference. The obligation to indemnify a man who sacrificed his property for the Government, when you have contracted to do it, is, I repeat, as sacred as the obligation to pay a pension to a soldier who suffers from disease or wounds incurred during the war.

I am surprised, Mr. Speaker, to hear the gentleman from Illinois say that the allowance of this claim would open the door to claims amounting to a hundred million dollars. I will guarantee that there is no other claim among those presented to this House that stands upon a like footing with this one. I will guarantee that

there is no other claim which has to back it the positive and undenied agreement of the Government itself. If Mr. Isherwood had authority to sign the original contract—we shall hear presently that he had not—he had authority to modify that contract. If he had authority to go out and make a price of $80,000, he had authority to make a price of $60,000 or $100,000, and when he made the price and the contract was completed and the work was done as contracted for, the Government ought to pay.

Mr. BRUMM. May I ask the gentleman a question?

Mr. JOY. Certainly.

Mr. BRUMM. Was there in the original contract any time stipulated within which the Government was to furnish the plans and specifications?

Mr. JOY. They were to be presented with the contract, but the Government did not present the specifications for some four or five weeks afterwards.

Mr. BRUMM. Do I understand the gentleman to say that it was specified that the Government was to furnish the specifications and plans upon the execution of the contract?

Mr. JOY. Upon the execution of the contract.

Mr. BRUMM. And the Government failed to do that?

Mr. JOY. The Government failed to do that, and when this letter to which I have referred was written by the firm, the specifications had not yet been received.

Mr. BRUMM. Then you claim that, by reason of the Government failing in the first instance to carry out its contract with reference to furnishing the plans and specifications, the claimant was delayed in completing or in starting the work?

Mr. JOY. It is true that he was delayed in starting, but he would not have started it anyway, because he refused to start it until the Government guaranteed him against loss.

Mr. BRUMM. But that was after the delay had occurred?

Mr. JOY. Yes.

Mr. BRUMM. In other words, then, there is no ground for any suspicion that this was a scheme on the part of Murphy & Co. to force the Government to give them a second contract under duress arising out of the exigencies of the time?

Mr. JOY. Not at all. In the very letter in which they asked to be guaranteed against loss they called for the specifications, which had not yet been received.

Mr. BRUMM. One more question. Was there a time fixed when the work was to be completed?

Mr. JOY. There was.

Mr. BRUMM. Did the contractor complete it within the time?

Mr. JOY. I am not thoroughly advised upon that point. There has been no question made about that.

Mr. BRUMM. But that may be important, because at that period wages and material were advancing rapidly.

Mr. JOY. There was, I think, about a year within which to complete this vessel, and there was no question between the Government and the contractor as to the time when it was completed. If more time than that which was stipulated for originally was required, it was granted and the work was completed and accepted.

Mr. BRUMM. That may be, but the Government had to accept almost anything during the rebellion. The question is whether it was not accepted under duress. In other words, do you mean to say that in the contract there was no maximum time within which the work was to be completed?

Mr. JOY. I have not the contract before me, but my memory is that there was a time fixed.

A MEMBER. Seven months.

Mr. JOY. Yes; the time was seven months, and the work was practically completed within the time.

Mr. BOATNER. Is the claimant asking for any interest on this claim?

Mr. JOY. Not at all. The bill simply provides for payment of the identical amount found to be due by the Selfridge board, without interest.

Mr. MILES. Has there ever been any pretense on the part of the Government that the work was not done according to contract?

Mr. JOY. Not that I have ever heard of.

[Here the hammer fell.]

Mr. CANNON. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. BINGHAM].

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the legislative, executive, and judicial appropriation bill, that the amendments of the Senate be disagreed to, and a committee of conference appointed.

There was no objection, and it was so ordered.

The SPEAKER pro tempore (Mr. PAYNE) appointed as conferees on the part of the House Mr. BINGHAM, Mr. MCCALL of Tennessee, and Mr. DOCKERY.

WILLIAM P. BUCKMASTER.

Mr. CANNON. Mr. Speaker, I crave the attention of the House for a very few minutes for some remarks touching the merits of this bill. If in very right this claimant is entitled to this money and he has been within gunshot of diligence, then let us give it to him. I take the position here and now that in very right he is not entitled to one cent. Now, what are the facts? In 1862 the Government entered into a contract with Murphy & Co. to build this machinery in seven months for $82,000. The contract was entered into by the Secretary of the Navy under law, and a bond was given. Now, the gentleman from Missouri [Mr. JOY] says that that contract was modified. So far as I have information or belief, I deny it, and I will first prove it by the direct statement of the Secretary of the Navy, and second I will prove it by facts and circumstances as "strong as proofs of holy writ."

Now, what does the Secretary of the Navy say? I hold in my hand his letter, dated January 14, 1897, from which I read:

NAVY DEPARTMENT, *Washington, January 14, 1897.*

SIR: Referring to the request made in your telegram of the 13th instant, for information concerning the claim of William P. Buckmaster, successor to James Murphy & Co., on account of the construction of the engine and boiler of the U. S. S. *Otsego*, I have the honor to inclose herewith copies of the Department's letters to Mr. Buckmaster and the chairman of the Senate Committee on Claims, dated respectively November 22, 1889, and July 22, 1892, in relation to said claim, and to state that the Chief of the Bureau of Steam Engineering reports with reference to the letter alleged by the claimant to have been sent by B. F. Isherwood, the contraction agent of the Department, relative to the paying of any excess of cost of labor or material over the contract price, that—

"An examination of the records of this Bureau has been carefully made, and said records show only the usual correspondence in transmitting the contract for execution, drawings of machinery, and for payments of bills on contract as they became due.

"The records fail to show that Mr. Isherwood, or any other person connected with this Bureau, agreed in writing to pay any excess of cost of labor and material over the contract price, as set forth in the claim."

This letter is signed by H. A. Herbert, Secretary of the Navy.

Mr. TRACEY. Will the gentleman allow me to ask him a question?

Mr. CANNON. Certainly.

Mr. TRACEY. What was the occasion for constituting the Selfridge board?

Mr. CANNON. I will come to that in a moment; but I want to finish this branch of the case first. I will in due time talk about the Selfridge board. In the first place, I say these men entered into a written contract and gave bonds to finish this work in seven months for the price of $82,000. They were paid $82,000 in money from the Treasury and executed to the United States their receipt in full for everything connected with the construction of this machinery. That is fact No. 2. In a court of justice they would not be heard for one moment to contradict that receipt unless they came and said it was a forgery or was a settlement with an insane man or an imbecile.

Mr. RICHARDSON. Will the gentleman yield a moment?

Mr. CANNON. Certainly.

Mr. RICHARDSON. I am in sympathy with the gentleman in regard to this claim; but I want to ask him whether he is not stating that principle a little too strongly? Is it not the fact that in reference to these receipts for all these vessels and machinery contracted for and built during the war there was a kind of compulsion upon the builders or manufacturers? Were they not compelled to sign these formal receipts in order to get anything?

Mr. CANNON. I was not there at the time. I was not running the business. But let me say to my friend the Court of Claims has always been open. And there is no higher compulsion to be supposed in this case than there is in a settlement between two individuals where they make a settlement in fact and formal receipts pass.

Mr. RICHARDSON. Is it not true that the Court of Claims and all other courts permit explanations as to the circumstances under which receipts were given or signed?

Mr. CANNON. I have said that for fraud, for mistake——

Mr. RICHARDSON. Or compulsion.

Mr. CANNON. Oh, yes; or for compulsion a receipt of this kind can be set aside.

Mr. MILES. Is it not true, as a legal proposition, that a receipt is always explainable?

Mr. CANNON. Every man who understands anything about the hornbooks of the law understands that, I suppose.

Mr. MILES. But the gentleman has just made the point that because these men gave a receipt in full they would be precluded in any court of justice from questioning or undertaking to modify that receipt.

Mr. CANNON. I made the point that they made a settlement with the United States upon full knowledge and understanding; and upon that settlement they received the money and gave an acquittance.

Mr. MILES. You have just stated——

Mr. CANNON. I have said that that settlement settles the matter, in the absence of fraud or mistake, which is not alleged here.

Mr. MILES. Did not the gentleman say "in the absence of forgery?"

Mr. CANNON. Or forgery. They do not set up fraud; they do not set up compulsion; they do not set up forgery or mistake.

Mr. BRUMM. If the gentleman will permit me——

Mr. CANNON. Let me finish my statement, please. My time will all be gone in a few minutes. I will cover the ground which the gentleman has in mind; or, if not, I will yield at the close of my remarks.

Mr. BRUMM. All right.

Mr. CANNON. If I make a settlement with my good friend from Tennessee on a matter of difference between us, and upon that settlement he receives the money, his receipt is evidence of the settlement. That is the end of it. Now, the records of the Navy Department, where these matters are kept of record (as appears by the letter of the Secretary of the Navy), do not show what the gentleman from Missouri claims about the contract—do not show that any officer of the Government agreed that the Government would make good all loss that these contractors might suffer. It is not probable that such a contract would be made. Any officer who would make such a contract in the absence of express provision of law would be subject to severe criticism, even if he had the authority of the Department to make it.

Now comes fact No. 3. If this was a legal contract, as the gentleman from Missouri claims, made in 1862, and the work as agreed was done in seven months, and the contractors failed to receive the stipulated compensation, the Court of Claims was open continuously from that time for five years for them to establish their contract by suit and recover against the United States. No suit was ever brought. The five years passed by.

Mr. JOY. Does the gentleman always advocate the payment of claims that have been approved by the Court of Claims?

Mr. CANNON. I believe I have always recommended appropriations to pay judgments of the Court of Claims, and have invariably voted for them.

Mr. BOATNER. One question for information.

Mr. CANNON. I should like to finish my remarks, which I think will answer all my friend's questions before I get through.

Mr. BOATNER. I do not want to interrupt the gentleman's argument, but only to ask whether he questions the authenticity of the letter of Isherwood as it appears in the papers in this case?

Mr. CANNON. I do not know whether it is authentic or not. I bring here a letter from the Secretary of the Navy touching the legal contract between the parties and speaking of all things pertaining to them, and it contains nothing whatever of that kind. On the contrary, I find just the reverse of it.

Mr. BOATNER. As I understand, that letter speaks only of the letters on file.

Mr. CANNON. Now, Mr. Speaker, if that contract was in force and effect, if that contract was made, which I do not admit, and the records of my country do not show it to have been made, this man has no claim, because when we completed the work the two parties came together and agreed upon a settlement, and when that settlement was made the money was paid and accepted in full.

Mr. JOY. Let me ask the gentleman upon what authority he makes that statement.

Mr. CANNON. From the admitted fact, that was not disputed. Oh, the gentleman laughs; men can laugh at anything when they want to laugh.

Mr. JOY. I asked the gentleman a question in good faith.

Mr. CANNON. And I answered the gentleman in good faith. It is not controverted. That is the whole tenor of your report. But if the gentleman wants to know, as I have hastily examined the question, I get it from a minority report upon this very bill, made a quarter of a century ago in the Forty-third Congress, and signed by Messrs. Lawrence, of Ohio, Holman, of Indiana, James Wilson, of Iowa, and A. Herr Smith, of Pennsylvania. In that report they state that fact, which has never been controverted, that the amount was paid in full and the receipt given, and the gentleman admits himself that it was.

Mr. JOY. This gentleman does not admit it.

Mr. CANNON. Now, let me say one thing before I speak of the different boards which passed upon the question. A generation ago this transaction took place; a settlement was made a generation ago; the courts were opened a generation ago and this shrewd man did not go into the courts, but allowed the statute of limitations to run against his claim. Now, after the lapse of a generation, the Secretary of the Navy gone, the personnel representing the United States Government gone, they having passed over, the most of them—for men are mortal—and therefore between private individuals, and as to the Government also, there is the statute of repose, a statute of limitation, a wise statute, because as men die and as time passes memory of these transactions fades away. Why, we have exemplification of it here. We voted against laying this very bill on the table this morning, and yet but a short month ago the Committee of the Whole, after debate, by a decided majority, on discussion of the matter, voted to report it back to the House with the recommendation that it be laid upon the table. That month passed by; the most of the membership did not know when the roll call began this morning what they were voting on. You understand how it happened. I am not criticising. It is human. It can not be helped.

I say, therefore, Mr. Speaker, that these statutes of repose, of limitation, are wise. I repeat, we are mortal, but a claim that had its standing in the court, that was settled in full, after the lapse of thirty-five years, when men have gone from the scenes of action—the claim seems to be immortal.

Now, a word as to these various boards. The gentleman referred to the Selfridge board. I want to refer to it also. The whole matter was up and fought over between the House and Senate nearly a generation ago, and it arose under the following circumstances. The Senate on the 9th day of March, 1865, passed the following resolution:

"*Resolved*, That the Secretary of the Navy be requested to organize a board of not less than three competent persons, whose duty it shall be to inquire into and determine how much the vessels of war and steam machinery contracted for by the Department in the years 1862 and 1863 cost the contractors over and above the contract price and allowance for extra work, and report the same to the Senate at its next session. None but those that have given satisfaction to the Department to be considered."

Now, under the resolution, what were they to inquire about? What the Government owed? No. What was due these parties for extra? No. But the cost of the vessel to the contractor over and above the contract price, and report the same to the Senate at its next session. That is, they claim a foundation for making good the claims of every contractor with the Government for the construction of vessels where the cost of the work is alleged to have exceeded the amount received from the Government, whether it be under laches from the contractor or not; not for extras or for extension of time, but what it cost over and above the contract price. Under that resolution the Selfridge board was organized, and under that resolution this claim was presented and that board found a great many claims, but among them this one for $22,000, and so reported to the Senate. Under our Constitution—and I sometimes think it is a fortunate thing that neither body can legislate on its own motion or pay money on its own motion—under our Constitution it was not the law, and when that report was made, if you will examine the files, you will see that the Senate wanted to appropriate to pay the findings of the Selfridge board and the House said no.

Mr. WALKER of Massachusetts. To what amount, for the whole thing?

Mr. CANNON. Oh, I do not recollect; a million or two of dollars.

Mr. WALKER of Massachusetts. A million or two?

Mr. CANNON. I do not recollect the amount. I will not pretend to say accurately, but a large amount; $22,000 for this particular one. Then what happened? Growing out of that contest, which was fast and furious, in which there were many eloquent speeches made, and the old flag and an appropriation were trotted out frequently, and all that kind of thing, properly or improperly, and possibly both, what happened as a result of that contest? I will read you. The sensible thing happened. Here it is, 14 Statutes at Large, page 424, a substitute for the Senate bill. The conference committee finally agreed upon a bill, which became the law March 2, 1867, and here it is:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized and directed to investigate the claims of all contractors for building vessels of war and steam machinery for the same under contracts made after the 1st day of May, 1861, and prior to the 1st day of January, 1864, and said investigation to be made upon the following basis:

Pay attention:

He shall ascertain the additional cost which was necessarily incurred by each contractor in the completion of his work by reason of any changes or alterations in the plans and specifications required and delays in the prosecution of the work occasioned by the Government which were not provided for in the original contract.

That is, first, if the Government changed the plans and the contractor was delayed, the Secretary was to inquire and report. Now listen. Here is a prohibition:

But no allowance for any advance in the price of labor or material shall be considered unless such advance occurred during the prolonged time for completing the work rendered necessary by the delay resulting from the action of the Government aforesaid, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor; and from such additional cost, to be ascertained as aforesaid, there shall be deducted such sum as may have been paid each contractor for any reason heretofore over and above the contract price.

That was the settlement, and under that law the Marchand board was constituted, and the Selfridge board, appointed under the Senate resolution, was turned down, and righteously turned

down; because, under the Senate resolution, all they had to do was to inquire whether anybody had been put to any expense above the contract price in complying with a Government contract. This properly limits it. Did the Government——

Mr. TALBERT. Will the gentleman allow me?

Mr. CANNON. In a moment. Did the Government extend the time? If so, and these men were damaged or anybody else was damaged by a rise in prices, then it was to be ascertained.

Mr. TALBERT. I agree with the gentleman——

Mr. CANNON (continuing). Provided always—and there is another limitation, for Congress tied this matter up—provided the contractor has been diligent in making contracts; and there is no other rule that could be adopted in justice to the Government. Anything else is a fraud, a dead giveaway.

Mr. TALBERT. I want to say that I agree with the gentleman, and I want to make the suggestion that in the claim of Mr. Buckmaster he says that material and labor had advanced during this interim. I want to call his attention to the fact that he claims only 15 per cent, and 15 per cent on $82,000 would only amount to $12,000; yet this claim is $22,000. Why pay him more than he claims?

Mr. CANNON. This is not a claim for advance of price of material on the part of Mr. Buckmaster or those he represents. He did not go before the Marchand board at all. Why? He had already settled with the Government and given a receipt in full. Why did he not go before the Marchand board? I will tell you why. Because his claim did not come within the terms of the act of 1867, under which the Marchand board was organized.

Mr. JOY. Will the gentleman allow me one question?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. CANNON. Well, for a question.

Mr. JOY. I want to ask the gentleman if the fact that the Secretary of the Navy reports that he can not find the copy of a letter will weigh against the original letter sent to Mr. Murphy, which I now hold in my hand? I hold in my hand the original contract and the correspondence between the Government and Murphy & Co. and the original letter from Mr. Isherwood. I want to know if the gentleman means that the statement made by the Secretary of the Navy, that he can not find the copy of the letter, or that Mr. Isherwood did not preserve any copy, weighs against the original papers themselves which I hold in my hand?

Mr. CANNON. I would say, then, if I can have my own time to answer the gentleman, that the proper place to find the contracts of the United States is in the files of the Navy Department, first.

Mr. JOY rose.

Mr. CANNON. Hold on; let me answer the gentleman. I have treated the gentleman courteously during this debate.

Second, I mean it was a contract between the United States, acting through the Secretary of the Navy under the law, and this party. Third, upon that contract and upon the files the letter the gentleman referred to does not appear. Fourth, if it did appear, the gentleman without authority, an agent of the Secretary of the Navy, could not bind the Government. Fifth, if he did bind the Government in fact in that contract, the gentleman is estopped from coming and presenting this claim, because after the full contract was made, and after the work was received by the Government, a generation ago, these claimants and the Government got together and there was a full settlement and payment.

Mr. JOY. I want to ask you right there what authority have you for stating that there was a full settlement and payment? I challenge the gentleman's statement that there is in evidence any receipt in full.

Mr. CANNON. The gentleman is not ingenuous.

Mr. JOY. I do not want to be ingenuous. I am fair and frank.

Mr. CANNON. If he challenges that statement, the very report he holds in his hand admits that they received $82,000.

Mr. JOY. I admit that myself.

Mr. CANNON. And it proceeds on the very ground that they have received it; and they say they are still entitled to relief. I have here this minority report—not being upon this committee—that states the facts, and no man on the Committee on Claims——

Mr. JOY. Do they give a copy of a receipt in full?

Mr. CANNON. No man on the Committee on Claims will rise in his place and deny a full settlement was had.

Mr. JOY. In the minority report, do they present a copy of a receipt in full?

Mr. CANNON. I say that this is no time for sharp practice.

Mr. JOY. Do they present a copy of a receipt in full?

Mr. CANNON. There was a settlement. The gentleman can see that.

Mr. JOY. Do they present a copy of a receipt?

Mr. CANNON. I do not know.

Mr. JOY. I challenge the correctness of the gentleman's remarks.

Mr. CANNON. I think the gentleman would challenge the archangel in his zeal for his constituent.

Mr. JOY. I have the right to challenge that statement when I present the original contract.

The SPEAKER pro tempore. The gentleman from Illinois declines to yield.

Mr. CANNON. Oh, challenges amount to nothing! There are the facts; there is the minority report of the committee.

Mr. JOY. Read it.

Mr. CANNON. And if the gentleman believes, in his zeal, in representing his constituent, which is entirely proper, I suppose, they did not settle in full, in the name of common sense why did not he go into the Court of Claims within five years and bring his suit?

Mr. JOY. I will ask the gentleman another question, with his permission.

Mr. CANNON. But the gentleman blows hot and cold at the same time. He did not go to the Court of Claims, but when he wants to get around this receipt it was claimed that this poor man was coerced, so as to get his money, to sign the receipt; and now the gentleman, when pressed to the wall, says he never signed a receipt.

Mr. JOY. I say there is no copy of a receipt, and I claim that no receipt was ever given.

Mr. TERRY. I would like to ask the gentleman one question there.

Mr. CANNON. Certainly, I yield for a question.

Mr. TERRY. Do I understand the gentleman from Illinois to state that the records of the Department shows no copy of this Isherwood letter?

Mr. CANNON. So says the letter of the Secretary of the Navy.

Mr. TERRY. Does it show any copies of the other letters written by Isherwood before that time or after that time?

Mr. CANNON. I do not know all the conditions. I have only the Secretary's letter.

Mr. TERRY. That is very important.

Mr. CANNON. But I plant myself here on this ground, which is entirely defensible. First, this man was settled with and paid. Second, the Selfridge board was turned down as being unjust and not authorized by law. Third, he did not go before the Marchand board because his case did not come within the provisions of the law giving relief. Fourth, he had his day in court, and he not only let five years pass by, but he has let thirty years pass by without going into the courts of his country to recover under a legal contract, as he alleges. And now a word to members sitting about me. We occupy the seats of men who were conversant with all these facts when the legislation of 1867 was enacted, men who have since crossed over the dark river, and as they so legislated, as the courts were for years open to this claimant, and as our places here are to be occupied in thirty years or in twenty years more by those whom we do not know, I ask you whether it is not along the line of sound policy, of justice to seventy millions of taxpayers, of justice between man and man, and between the Government and the citizen, that somewhere there should be a stopping place established, a barrier erected, against these claims that troop, under the guidance of persistent attorneys, through the corridors of this Capitol session after session? [Applause.]

Mr. RICHARDSON. I would like to ask the gentleman a question in reference to a statement he has just made. I understood him to state that this claimant had five years given him by law within which to bring suit in the Court of Claims. What is the authority for that statement?

Mr. CANNON. I will give it to the gentleman in a minute.

Mr. RICHARDSON. If he had five years given him by law within which to bring his suit, it would seem to me that that would be a very strong point in favor of the contention of the gentleman from Illinois.

Mr. CANNON. Certainly. Section 1059 of the Revised Statutes gives the Court of Claims jurisdiction of suits upon all legal contracts. Section 1069 makes the statute of limitations six years after the claim accrues; so it was six years that he had instead of five.

Mr. RICHARDSON. When was that section enacted?

Mr. CANNON. In 1875 it was embodied in the Revised Statutes, but it existed in the session laws away prior to that time.

Mr. TRACEY. In 1875—twelve years after the claim accrued.

Mr. CANNON. Now, Mr. Speaker, I move the previous question.

The previous question was ordered.

The question being taken on the third reading of the bill, the Speaker pro tempore declared that the noes seemed to have it.

Mr. JOY. I ask for a division.

The House divided; and there were—ayes 46, noes 77.

Mr. JOY. I ask for the yeas and nays.

The yeas and nays were refused, only 22 members voting in favor thereof.

Mr. CANNON. Mr. Speaker, I move to reconsider the vote just taken, and to lay that motion on the table.

There was no objection, and it was so ordered.

GRAY'S BATTALION ARKANSAS VOLUNTEERS.

The SPEAKER. The Clerk will read the next bill.

The next business on the Private Calendar was the bill (H. R. 1061) granting pensions to Gray's Battalion of Arkansas Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the names of all of the honorably discharged surviving officers and enlisted men of Gray's battalion of Arkansas Volunteers raised under the act of Congress of May 13, 1846, for service during the war with Mexico; and the names of surviving widows of such officers and enlisted men, subject to the limitations and regulations of the pension laws of the United States for pensioning the survivors of the war with Mexico.

Mr. THOMAS. Mr. Speaker, I make the point of order on this bill that it is not a private bill.

The SPEAKER. Whatever doubt the Chair might entertain as to whether it is a private bill or not, it seems to have reached a stage where the point of order would not be applicable, the bill having been reported upon by the committee to which it was referred under the regular forms of the House.

Mr. THOMAS. Then, Mr. Speaker, I move the previous question on the passage of the bill.

The previous question was ordered.

Mr. BLUE. Mr. Speaker, I move that this bill be referred to the Committee of the Whole House on the state of the Union, and if I may be heard——

The SPEAKER. The previous question has been ordered.

Mr. TERRY. Mr. Speaker, I make the point of order that the motion of the gentleman from Kansas is not in order.

The SPEAKER. The Chair will hear the gentleman on his point of order.

Mr. TERRY. If the gentleman desired to move to recommit, he should have made that motion before the House took the order it did a while ago. Otherwise see what an attitude we are placed in. The friends of the bill are prevented from saying a word in its behalf, and I hope the House will vote down the gentleman's motion if it is not out of order. This bill has been recommended——

The SPEAKER. That is in the nature of debate.

Mr. TERRY. Is the Chair going to shut us off from all debate?

The SPEAKER. Certainly. The previous question has been ordered. The rules provide that, notwithstanding that, the bill may be referred to a standing or select committee; but a motion to refer it back to the Committee of the Whole would not be in order.

Mr. TERRY. It has already been considered in Committee of the Whole and has been recommended for passage.

Mr. BLUE. Mr. Speaker, I desire to make a parliamentary inquiry, for information as to the status of this question at this time.

The SPEAKER. The question now before the House is on the passage of the bill.

Mr. BLUE. There has been no discussion of this motion to refer the bill to the Committee of the Whole House?

The SPEAKER. No; there has been no discussion, because the previous question was ordered on the passage of the bill.

Mr. BLUE. The point I desire to reach is this: There having been no discussion, is it not proper now that there should be some discussion on the subject, even after the previous question is ordered?

The SPEAKER. The House has ordered that there shall be no discussion, because it has ordered that the main question be now put, which is the question on the passage of the bill.

Mr. TERRY. I understand the Speaker has ruled that the motion to recommit, made by the gentleman from Kansas [Mr. BLUE], is not in order.

The SPEAKER. The rule expressly provides that a motion to commit to a standing or a select committee shall be in order. The Committee of the Whole House does not answer that description.

Mr. BLUE. Do I understand that my motion is ruled out of order?

The SPEAKER. A motion to refer to the Committee of the Whole House is not in order.

Mr. BLUE. I move to recommit the bill to the Committee on Invalid Pensions.

The question being put on the motion of Mr. BLUE, there were on a division (called for by Mr. BLUE)—ayes 61, noes 57.

Mr. TERRY. I ask for tellers.

Tellers were ordered; and Mr. BLUE and Mr. TERRY were appointed.

The House again divided; and the tellers reported—ayes 64, noes 65.

Mr. BLUE. I ask for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question is on recommitting the bill to the Committee on Invalid Pensions.

The question was taken; and there were—yeas 77, nays 111, not voting 167; as follows:

YEAS—77.

Acheson,	Curtis, Kans.	Kirkpatrick,	Royse,
Adams,	Dalzell,	Leighty,	Sauerhering,
Aldrich, Ill.	Danford,	Leisenring,	Snover,
Andrews,	Dolliver,	Long,	Spalding,
Avery,	Faris,	Loud,	Steele,
Baker, Kans.	Fenton,	Loudenslager,	Stephenson,
Bartholdt,	Fischer,	McCall, Tenn.	Stewart, Wis.
Blue,	Fletcher,	Miller, Kans.	Stone, C. W.
Bowers,	Foss,	Minor, Wis.	Taft,
Brumm,	Gamble,	Mozley,	Tawney,
Burton, Ohio	Griffin,	Murphy,	Tracewell,
Calderhead,	Griswold,	Northway,	Tracey,
Cannon,	Hager,	Overstreet,	Treloar,
Chickering,	Hainer, Nebr.	Payne,	Updegraff,
Clark, Iowa	Harris,	Pearson,	Van Voorhis,
Clark, Mo.	Hatch,	Perkins,	Warner,
Codding,	Henry, Ind.	Pitney,	Watson, Ohio.
Corliss,	Hill,	Prince,	
Crowther,	Hubbard,	Raney,	
Cummings,	Hull,	Reeves,	

NAYS—111.

Abbott,	Dockery,	Leonard,	Shuford,
Anderson,	Erdman,	Lester,	Smith, Ill.
Arnold, Pa.	Fitzgerald,	Lewis,	Sorg,
Bailey,	Gibson,	Linney,	Southard,
Baker, Md.	Graff,	Linton,	Sparkman,
Baker, N. H.	Grosvenor,	Little,	Sperry,
Barney,	Grow,	Maddox,	Stokes,
Bartlett, Ga.	Hall,	Martin,	Strait,
Belknap,	Hardy,	McCleary, Minn.	Strowd, N. C.
Bell, Colo.	Harrison,	McCreary, Ky.	Sulloway,
Berry,	Hendrick,	McCulloch,	Swanson,
Bishop,	Henry, Conn.	McDearmon,	Talbert,
Black,	Howard,	McEwan,	Tate,
Boatner,	Huling,	McLachlan,	Terry,
Buck,	Hunter,	McLaurin,	Thomas,
Burrell,	Hyde,	Meyer,	Turner, Ga.
Burton, Mo.	Jenkins,	Miles,	Turner, Va.
Catchings,	Johnson, Ind.	Miller, W. Va.	Tyler,
Clardy,	Kem,	Milnes,	Van Horn,
Cobb,	Kendall,	Moody,	Walker, Mass.
Cockrell,	Kiefer,	Otey,	Williams,
Cooke, Ill.	Kleberg,	Otjen,	Willis,
Cousins,	Knox,	Price,	Wilson, Ohio
Cox,	Kyle,	Richardson,	Wilson, S. C.
Crisp,	Lacey,	Robertson, La.	Wood,
Curtis, Iowa	Latimer,	Sayers,	Woodman,
Daniels,	Lawson,	Scranton,	Wright.
De Armond,	Layton,	Shafroth,	

NOT VOTING—167.

Aitken,	Doolittle,	Kerr,	Ray,
Aldrich, T. H.	Dovener,	Kulp,	Reyburn,
Aldrich, W. F.	Draper,	Lefever,	Rinaker,
Allen, Miss.	Eddy,	Livingston,	Robinson, Pa.
Allen, Utah	Ellett,	Lorimer,	Rusk,
Apsley,	Ellis,	Low,	Russell, Conn.
Arnold, R. I.	Evans,	Maguire,	Russell, Ga.
Atwood,	Fairchild,	Mahany,	Settle,
Babcock,	Foote,	Mahon,	Shannon,
Bankhead,	Fowler,	Marsh,	Shaw,
Barham,	Gardner,	McCall, Mass.	Sherman,
Barrett,	Gillet, N. Y.	McClellan,	Simpkins,
Bartlett, N. Y.	Gillett, Mass.	McClure,	Skinner,
Beach,	Goodwyn,	McCormick,	Smith, Mich.
Bell, Tex.	Grout,	McMillin,	Southwick,
Bennett,	Hadley,	McRae,	Spencer,
Bingham,	Halterman,	Meiklejohn,	Stahle,
Boutelle,	Hanly,	Mercer,	Stallings,
Brewster,	Harmer,	Meredith,	Stewart, N. J.
Broderick,	Hart,	Milliken,	Stone, W. A.
Bromwell,	Hartman,	Miner, N. Y.	Strode, Nebr.
Brosius,	Heatwole,	Mitchell,	Strong,
Brown,	Heiner, Pa.	Mondell,	Sulzer,
Bull,	Hemenway,	Money,	Tayler,
Clarke, Ala.	Henderson,	Morse,	Thorp,
Coffin,	Hepburn,	Moses,	Towne,
Colson,	Hermann,	Murray,	Tucker,
Connolly,	Hicks,	Neill,	Wadsworth,
Cook, Wis.	Hilborn,	Newlands,	Walker, Va.
Cooper, Fla.	Hitt,	Noonan,	Wanger,
Cooper, Tex.	Hooker,	Odell,	Washington,
Cooper, Wis.	Hopkins,	Ogden,	Watson, Ind.
Cowen,	Howe,	Owens,	Wellington,
Crowley,	Howell,	Parker,	Wheeler,
Crump,	Huff,	Patterson,	White,
Culberson,	Hulick,	Pendleton,	Wilber,
Curtis, N. Y.	Hurley,	Phillips,	Wilson, Idaho
Dayton,	Hutcheson,	Pickler,	Wilson, N. Y.
Denny,	Johnson, Cal.	Poole,	Woodard,
De Witt,	Johnson, N. Dak.	Powers,	Woomer,
Dingley,	Jones,	Pugh,	Yoakum.
Dinsmore,	Joy,	Quigg,	

So the motion to recommit the bill to the Committee on Invalid Pensions was rejected.

The following additional pairs were announced:

Until further notice:

Mr. AITKEN with Mr. HART.

Mr. THORP with Mr. BARTLETT of New York.

For this day:

Mr. GILLETT of Massachusetts with Mr. JONES.

Mr. HICKS with Mr. CULBERSON.

Mr. SIMPKINS with Mr. RUSSELL of Georgia.

Mr. BINGHAM with Mr. WHEELER.

Mr. MITCHELL with Mr. ELLETT.

On this question:
Mr. WILBER with Mr. WOODARD.
Mr. STEWART of New Jersey with Mr. YOAKUM.
Mr. HOPKINS with Mr. WASHINGTON.
Mr. HEMENWAY with Mr. SPENCER.
Mr. COOPER of Wisconsin with Mr. RUSK.
Mr. DAYTON with Mr. OGDEN.
Mr. LEFEVER with Mr. MEREDITH.
Mr. COOK of Wisconsin with Mr. MCCLELLAN.

The question recurring on the passage of the bill, the bill was passed.

On motion of Mr. TERRY, a motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE L. BENNER.

The next unfinished business on the Private Calendar was the bill (H. R. 6841) granting a pension to George L. Benner.

Mr. MILES. Mr. Speaker, I made the report in this case, but the gentleman who introduced the bill is not present, and I prefer that it should not be acted upon in his absence, inasmuch as some question has been raised as to the propriety of passing the bill. I ask, therefore, that the bill lie over without prejudice.

The SPEAKER pro tempore (Mr. PAYNE). The gentleman from Maryland [Mr. MILES] asks unanimous consent that this bill be passed over without prejudice, retaining its place on the Calendar. The Chair hears no objection, and it is so ordered.

LENA D. SMITH.

The next unfinished business on the Private Calendar was the bill (S. 3381) granting a pension to Lena D. Smith.

Mr. THOMAS. I move the previous question on the bill to its passage.

The previous question was ordered.

The bill was ordered to a third reading, read the third time, and passed.

ELIHU JONES.

The next unfinished business on the Private Calendar was the bill (H. R. 5931) granting a pension to Elihu Jones, of Potwin, Butler County, Kans., reported from the Committee of the Whole with amendments.

Mr. THOMAS. Mr. Speaker, I move the previous question on the bill and amendments.

Mr. ERDMAN. Is it the intention of the gentleman to cut off debate on all of these bills?

Mr. THOMAS. All bills that have been discussed in the Committee of the Whole so late as January 15 I think ought to go upon their passage.

The previous question was ordered; under the operation of which the amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time.

Mr. ERDMAN. I demand the reading of the engrossed bill.

The SPEAKER pro tempore. The bill will be laid aside for the purpose of being engrossed.

AMBROSE D. MANION.

The next unfinished business on the Private Calendar was the bill (H. R. 6215) to increase the pension of Ambrose D. Manion, reported from Committee of the Whole with an amendment.

Mr. THOMAS. I ask the previous question on the bill and amendment to its passage.

The previous question was ordered; under the operation of which the amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time.

Mr. ERDMAN. I demand the reading of the engrossed bill.

The SPEAKER pro tempore. The bill will be laid aside for the purpose of engrossment.

RUFUS H. PAINE.

The next unfinished business on the Private Calendar was the bill (S. 1505) granting an increase of pension to Rufus H. Paine.

The bill was considered and ordered to a third reading; and being read the third time, it was passed.

JARED S. CHAMBERLAIN.

The next unfinished business on the Private Calendar was the bill (S. 878) granting a pension to Jared S. Chamberlain, reported from the Committee of the Whole with amendments.

The amendments recommended by the committee were agreed to, and the bill as amended ordered to a third reading; and it was accordingly read the third time, and passed.

ISABELLA MORROW.

The next unfinished business on the Private Calendar was the bill (S. 1128) granting a pension to Isabella Morrow, widow of Henry A. Morrow, a colonel and brevet major-general in the United States Army.

Mr. TALBERT. I move, Mr. Speaker, to amend this bill by striking out "seventy-five" and inserting "fifty;" so as to make it read "$50 a month."

The question was taken; and on a division (demanded by Mr. TALBERT) there were—ayes 26, noes 40.

Mr. TALBERT. No quorum.

The SPEAKER pro tempore (having counted the House). One hundred and fifty-one members are present; not a quorum.

Mr. THOMAS. Mr. Speaker, if the gentleman will withdraw his motion, I will ask to have this bill passed over informally without prejudice.

The SPEAKER pro tempore. The difficulty is that the Chair has counted the House and ascertained that no quorum is present. The Chair thinks that under the rule the doors will have to be closed. The Sergeant-at-Arms will summon the absent members, and the roll will be called.

Mr. LACEY. I ask unanimous consent that the gentleman be permitted to withdraw his point.

The SPEAKER pro tempore. The trouble is that the House has discovered itself without a quorum.

The roll will be called, and members present will vote on the pending proposition, and those who decline to vote will answer present, so as to be recorded on the call.

The question was taken; and there were—yeas 98, nays 82, not voting 175; as follows:

YEAS—98.

Allen, Miss.	De Armond,	Latimer,	Reeves,
Anderson,	Dockery,	Leighty,	Richardson,
Bailey,	Ellett,	Little,	Royse,
Baker, Kans.	Erdman,	Loud,	Sayers,
Baker, N. H.	Fitzgerald,	Loudenslager,	Shafroth,
Bell, Colo.	Foss,	Maddox,	Shuford,
Berry,	Gibson,	Martin,	Stokes,
Bishop,	Graff,	McCall, Tenn.	Strait,
Blue,	Hager,	McCreary, Ky.	Strowd, N. C.
Boatner,	Hall,	McCulloch,	Swanson,
Bowers,	Harrison,	McDearmon,	Talbert,
Broderick,	Hatch,	McEwan,	Tate,
Buck,	Hemenway,	McLaurin,	Terry,
Bull,	Henderson,	Miles,	Towne,
Burrell,	Hendrick,	Miller, Kans.	Tracewell,
Burton, Mo.	Henry, Conn.	Minor, Wis.	Treloar,
Clardy,	Hill,	Mozley,	Turner, Ga.
Clark, Mo.	Howard,	Otey,	Turner, Va.
Cockrell,	Hulick,	Otjen,	Tyler,
Codding,	Hull,	Overstreet,	Updegraff,
Connolly,	Jones,	Patterson,	Williams,
Cox,	Kem,	Perkins,	Wilson, Ohio
Crisp,	Kirkpatrick,	Phillips,	Wood.
Crowther,	Kyle,	Pitney,	
Danford,	Lacey,	Raney,	

NAYS—82.

Adams,	Fairchild,	Kleberg,	Snover,
Aldrich, Ill.	Fischer,	Knox,	Sorg,
Arnold, Pa.	Griswold,	Lawson,	Southard,
Avery,	Grosvenor,	Layton,	Spalding,
Bartlett, Ga.	Grout,	Leisenring,	Steele,
Boutelle,	Grow,	Leonard,	Stone, C. W.
Brumm,	Hainer, Nebr.	Lewis,	Strode, Nebr.
Burton, Ohio	Halterman,	Linton,	Sulloway,
Calderhead,	Hartman,	Long,	Tawney,
Cannon,	Hilborn,	McCleary, Minn.	Thomas,
Cooper, Tex.	Hitt,	McLachlan,	Thorp,
Corliss,	Hooker,	Mercer,	Van Horn,
Cousins,	Howe,	Miller, W. Va.	Van Voorhis,
Cummings,	Hubbard,	Milnes,	Walker, Va.
Curtis, Kans.	Huling,	Northway,	Wanger,
Dalzell,	Hunter,	Odell,	Warner,
Daniels,	Hyde,	Payne,	Watson, Ohio
Dovener,	Johnson, Ind.	Reyburn,	Willis,
Draper,	Joy,	Rinaker,	Wright.
Ellis,	Kendall,	Scranton,	
Evans,	Kiefer,	Smith, Ill.	

NOT VOTING—175.

Abbott,	Coffin,	Hardy,	McCormick,
Acheson,	Colson,	Harmer,	McMillin,
Aitken,	Cook, Wis.	Harris,	McRae,
Aldrich, T. H.	Cooke, Ill.	Hart,	Meiklejohn,
Aldrich, W. F.	Cooper, Fla.	Heatwole,	Meredith,
Allen, Utah	Cooper, Wis.	Heiner, Pa.	Meyer,
Andrews,	Cowen,	Henry, Ind.	Milliken,
Apsley,	Crowley,	Hepburn,	Miner, N. Y.
Arnold, R. I.	Crump,	Hermann,	Mitchell,
Atwood,	Culberson,	Hicks,	Mondell,
Babcock,	Curtis, Iowa	Hopkins,	Money,
Baker, Md.	Curtis, N. Y.	Howell,	Moody,
Bankhead,	Dayton,	Huff,	Morse,
Barham,	Denny,	Hurley,	Moses,
Barney,	De Witt,	Hutcheson,	Murphy,
Barrett,	Dingley,	Jenkins,	Murray,
Bartholdt,	Dinsmore,	Johnson, Cal.	Neill,
Bartlett, N. Y.	Dolliver,	Johnson, N. Dak.	Newlands,
Beach,	Doolittle,	Kerr,	Noonan,
Belknap,	Eddy,	Kulp,	Ogden,
Bell, Tex.	Faris,	Lefever,	Owens,
Bennett,	Fenton,	Lester,	Parker,
Bingham,	Fletcher,	Linney,	Pearson,
Black,	Foote,	Livingston,	Pendleton,
Brewster,	Fowler,	Lorimer,	Pickler,
Bromwell,	Gamble,	Low,	Poole,
Brosius,	Gardner,	Maguire,	Powers,
Brown,	Gillet, N. Y.	Mahany,	Price,
Catchings,	Gillett, Mass.	Mahon,	Prince,
Chickering,	Goodwyn,	Marsh,	Pugh,
Clark, Iowa	Griffin,	McCall, Mass.	Quigg,
Clarke, Ala.	Hadley,	McClellan,	Ray,
Cobb,	Hanly,	McClure,	Robertson, La.

Robinson, Pa.	Smith, Mich.	Strong,	Wheeler,
Rusk,	Southwick,	Sulzer,	White,
Russell, Conn.	Sparkman,	Taft,	Wilber,
Russell, Ga.	Spencer,	Tayler,	Wilson, Idaho
Sauerhering,	Sperry,	Tracey,	Wilson, N. Y.
Settle,	Stahle,	Tucker,	Wilson, S. C.
Shannon,	Stallings,	Wadsworth,	Woodard,
Shaw,	Stephenson,	Walker, Mass.	Woodman,
Sherman,	Stewart, N. J.	Washington,	Woomer,
Simpkins,	Stewart, Wis.	Watson, Ind.	Yoakum.
Skinner,	Stone, W. A.	Wellington,	

So the amendment was agreed to.

During the roll call the following occurred:

Mr. TALBERT. Mr. Speaker, I withdraw the point of no quorum.

The SPEAKER pro tempore (Mr. PAYNE). The gentleman can not withdraw the point. The House has ascertained that no quorum is present. The roll call has been entered upon and can not be interrupted. The Clerk will proceed.

Mr. DOCKERY. Mr. Speaker, is it not in order, by unanimous consent, to vacate all proceedings?

The SPEAKER pro tempore. Nothing is in order during this roll call except the roll call.

Mr. DOCKERY. There has been no record showing the absence of a quorum.

The SPEAKER pro tempore. Nothing is in order during this roll call except to complete it. The Clerk will proceed.

The Clerk resumed and completed the calling of the roll.

Mr. LOUDENSLAGER. I should like to have my colleague, Mr. GARDNER, excused on account of sickness.

There was no objection.

The Clerk announced the following additional pairs:

For the remainder of this day:

Mr. JENKINS with Mr. MCCLELLAN.

Mr. WATSON of Indiana with Mr. COWEN.

Mr. SMITH of Michigan with Mr. ROBERTSON of Louisiana.

The SPEAKER. The Clerk will announce the names of members marked present.

The Clerk announced as present and not voting: Mr. COOPER of Florida, Mr. COWEN, Mr. MITCHELL, Mr. SPARKMAN, Mr. MAHON, Mr. BELKNAP, and Mr. BANKHEAD.

The result of the vote was then announced as above recorded.

Mr. MERCER. I desire to change my vote.

The SPEAKER. The vote has been announced.

Mr. TALBERT. I rise to the point that that comes too late.

The SPEAKER. The Chair thinks it can not be done after the vote has been announced. The question is on the third reading of the bill.

Mr. RICHARDSON. He could change his vote if it did not change the result.

The SPEAKER. The Chair thinks not, after the result has been announced.

Mr. RICHARDSON. He might change it the next day, or later, by unanimous consent, if it did not change the result.

The SPEAKER. That would have to be by consent of the House.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SARAH B. LEET.

The next unfinished business on the Private Calendar was the bill (S. 1682) granting an increase of pension to Mrs. Sarah B. Leet.

The bill was read.

Mr. THOMAS. Mr. Speaker, I move the previous question on the bill to its passage.

The previous question was ordered.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The SPEAKER. The Chair understands that the gentleman from Pennsylvania [Mr. ERDMAN] withdraws his request for the reading of an engrossed bill; but the Chair understands that the bill has been sent to be engrossed, and consequently it is not here and can not now be presented.

The Clerk will report the next unfinished business.

ANNIE SCHIFIRLI.

The next unfinished business on the Private Calendar was the bill (H. R. 7821) granting a pension to Annie Schifirli.

The bill was read.

Mr. THOMAS. I move the previous question on the bill to its passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

CHARLES H. TWOMEY.

The next unfinished business on the Private Calendar was the bill (H. R. 2257) to increase the pension of Charles H. Twomey.

The bill and the amendment recommended by the Committee of the Whole were read.

Mr. THOMAS. I move the previous question.

The previous question was ordered.

The amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had insisted upon its amendment to the bill (H. R. 9643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CULLOM, Mr. ALLISON, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 684) granting an increase of pension to Marion McKibben, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. VILAS, and Mr. SHOUP as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the reports of committees of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to bills of the following titles:

A bill (S. 1291) granting an increase of pension to Celeste A. Boughton, widow of Bvt. Brig. Gen. Horace Boughton and

A bill (S. 1511) granting a pension to Mrs. Jane Stewart Whiting.

HENRY SLAUGHTER.

The next unfinished business on the Private Calendar was the bill (H. R. 2725) granting an increase of pension to Henry Slaughter.

The bill was read.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JANE CUNNINGHAM.

The next unfinished business on the Private Calendar was the bill (H. R. 5068) to grant a pension to Jane Cunningham, widow of James Cunningham.

The bill was read.

Mr. THOMAS. Mr. Speaker, I move the previous question on the bill to its passage.

The previous question was ordered, and under the operation thereof the amendment recommended by the committee was agreed to, and the bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LEWELLYN D. KING.

The next unfinished business on the Private Calendar was the bill (H. R. 7349) to pension Lewellyn D. King.

The bill was read.

Mr. THOMAS. I move the previous question.

The previous question was ordered, and under the operation thereof the amendment recommended by the Committee of the Whole was agreed to, and the bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 8726) to provide for the payment of certain claims against the District of Columbia by drawback certificates;

A bill (H. R. 8038) for the relief of yacht owners and shipbuilders of the United States;

A bill (H. R. 3075) for the relief of John A. Lynch;

A bill (H. R. 8551) to establish railroad bridges across the Cumberland and Tennessee rivers in Kentucky;

A bill (H. R. 2941) granting increase of pension to Alfred P. Buss;

A bill (H. R. 9901) to detach the county of Audrain from the western district of Missouri and to attach the same to the eastern district of said State of Missouri; and

Joint resolution (H. Res. 152) to authorize the Secretary of the Interior to use Fort Bidwell for an Indian training school.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. VAN HORN, for to-night's session, on account of sickness in family.

To Mr. DANFORD, from attending this evening's session, on account of illness.

To Mr. OTEY, until Monday, on account of important business.

To Mr. BURTON of Ohio, for ten days, on account of important business.

To Mr. NEILL, indefinitely, on account of sickness.

To Mr. HUBBARD, for five days, on account of important business.

To Mr. STAHLE, indefinitely, on account of sickness.

To Mr. HEATWOLE, indefinitely, on account of sickness.

To Mr. ALLEN of Utah, indefinitely, on account of sickness in family.

To Mr. MURRAY, for ten days, on account of sickness in family.

To Mr. BELL of Texas, for two days, on account of sickness.

To Mr. BEACH, for twenty days, on account of important business.

To Mr. THORP, indefinitely, on account of sickness.

To Mr. HARMER, indefinitely, on account of severe illness in family.

To Mr. WHEELER, for one day, on account of sickness in family.

Mr. THOMAS. Mr. Speaker, I ask indefinite leave of absence for the gentleman from South Dakota [Mr. PICKLER], on account of important business.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

Mr. WILLIAMS. Mr. Speaker, I ask to be excused from the night session, on the ground that I have not been well, and I do not want to come out at night.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

The SPEAKER. Under the rules of the House, the hour of 5 o'clock having arrived, the House is in recess until 8 o'clock this evening; and the gentleman from Iowa, Mr. LACEY, will then please take the chair.

EVENING SESSION.

The recess having expired, the House was called to order, at 8 o'clock p. m., by Mr. LACEY as Speaker pro tempore.

The SPEAKER pro tempore. The Clerk will report the rule under which Friday night sessions are held.

The Clerk read as follows:

The House shall, on each Friday, at 5 o'clock p. m., take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered, said evening session not to extend beyond 10 o'clock and 30 minutes.

AMBROSE D. MANION.

Mr. LEWIS. Mr. Speaker, the bill (H. R. 6215) entitled "A bill to increase the pension of Ambrose D. Manion" was ordered to be engrossed for a third reading this afternoon. The distinguished gentleman from Pennsylvania [Mr. ERDMAN] demanded that the bill be laid over for engrossment. He has very generously withdrawn that demand. I ask now that this bill be read a third time and passed.

The SPEAKER pro tempore. If there be no objection, the bill will be read a third time.

There was no objection.

The bill was read the third time, and passed.

ORDER OF BUSINESS.

Mr. LOUDENSLAGER. Mr. Speaker, I ask unanimous consent for the present consideration of this resolution.

The Clerk read as follows:

Resolved, That bills be considered in the following order: The Clerk to call the first bill on the Calendar, announce the number of it, the Calendar number, and the name of the member who introduced it, and upon his failure to respond "Present," the bill to be passed without prejudice and the next bill be called in the same way; this not to apply to Senate bills.

Mr. LOUDENSLAGER. I would just say, Mr. Speaker, that the Senate bills are to be taken up as they appear on the Calendar. This resolution was adopted at several sessions in the Fifty-third Congress and worked admirably. The Clerk commences at the top of the Calendar, announces the number of the bill, the name of the member who introduced it, and upon his failure to respond "Present," the bill is passed without prejudice and the next bill taken up. It gives to those who are present at the night sessions a chance of having their bills considered in the order that they appear on the Calendar, and does not present that unfair proposition which would be presented under a call of the roll, where the alphabet might assist very much in getting consideration of a bill far down on the Calendar.

Mr. CRISP. That does not apply, I understand, to Senate bills?

Mr. LOUDENSLAGER. No; the Senate bills are to be taken up as they appear on the Calendar.

The SPEAKER pro tempore (Mr. LACEY). The Chair understands the proposition of the gentleman from New Jersey to be that this shall be adopted as a rule for this evening's session after the House resolves itself into Committee of the Whole. The Chair thinks it would not be a proper subject for action on motion, but must be adopted, if at all, by unanimous consent. If proposed as a resolution, it would have to go to the Committee on Rules, but by unanimous consent it can be agreed upon in the House, so as to bind the Committee of the Whole. Is there objection?

Mr. ERDMAN. Mr. Speaker, could not this rule be adopted in the Committee of the Whole?

The SPEAKER pro tempore. The Chair thinks that the House could, by unanimous consent, agree upon this rule as a method of procedure that would bind the committee for this evening's session, and the committee also could agree to it afterwards.

Mr. ERDMAN. Well, it can be done just as well in Committee of the Whole, and I object for the present.

The SPEAKER pro tempore. Objection is made.

ELIHU JONES.

Mr. THOMAS. Mr. Speaker, this afternoon a gentleman on the other side demanded the reading of the engrossed copy of the bill (H. R. 5981) granting a pension to Elihu Jones, etc. I understand that that demand is now withdrawn, and I ask that the bill be put upon its passage.

The SPEAKER pro tempore. Is the demand for the engrossed copy withdrawn?

Mr. ERDMAN. Yes, sir.

The bill was passed.

ORDER OF BUSINESS.

Mr. THOMAS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of business under the special order.

The SPEAKER pro tempore. The question is upon the motion of the gentleman from Michigan——

Mr. THOMAS (interposing). Mr. Speaker, I withdraw that motion for the present, and ask unanimous consent that we proceed with the unfinished business.

Mr. EVANS. Mr. Speaker, before that is agreed to, I want to say a word. There is a bill (H. R. 6579) pensioning Mary L. Tweddle, which was laid aside in my absence. Objection was made to its consideration, and it went over without prejudice. I should like to have that bill considered.

Mr. MILES. Mr. Speaker, I suggest to the gentleman that he can have an opportunity to have it taken up later, when the House resolves itself into Committee of the Whole.

Mr. EVANS. Well, the bill is first on the Calendar, and I do not want it to lose whatever rights it has in that respect.

The SPEAKER pro tempore. The first thing in order will be the unfinished business on the Calendar. The Clerk will report the first bill.

The first unfinished business was the bill (S. 646) for the relief of Francis Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll the name of Francis Brown, late of Company B, Fifth Massachusetts Cavalry, subject to the limitations of the general pension laws.

An amendment recommended by the committee striking out the words "subject to the limitations of the general pension laws" and inserting "at $12 per month" was adopted.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

IRA H. SWEATT.

The next unfinished business on the Private Calendar was the bill (H. R. 2023) granting an increase of pension to Ira H. Sweatt.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that that bill be laid aside without prejudice.

Mr. MILES. I object for the present. I desire to be heard on the bill.

Mr. THOMAS. Did the gentleman from Maryland understand my request?

Mr. MILES. I think I did.

Mr. THOMAS. I will say that I made the request because the gentleman who introduced the bill came to me this afternoon and said that he would like to be present when it was under consideration, and I do not see him here.

Mr. MILES. I will say to the gentleman that I shall not insist on a vote upon the bill this evening, but I do insist upon being heard. I had something to say about this bill last Friday night, and I desire to further explain my position. I do not, however, want to take any advantage of the gentleman who introduced the bill, and if he can defend it, I shall be glad to let him have an opportunity to do so.

Mr. THOMAS. I withdraw my request.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Ira H. Sweatt, late of Company I, Thirteenth New Hampshire Volunteers, a dependent pensioner, the amount for which he is borne upon the rolls, and in addition he receive the amount which has already accrued to him while his name was borne upon said rolls.

An amendment proposed by the committee was read, as follows:

Strike out all after the word "Volunteers," in line 5, and insert: "A pension of $12 per month from the passage of this act, under certificate No. 121863, issued October 27, 1892, and no part of it shall be retained by any authority to reimburse the Government for any pension heretofore paid."

The amendment was agreed to.

Mr. MILES. Mr. Speaker, on last Friday night I made some remarks touching this bill, and made certain statements with respect to it which were denied by the gentleman who offered the bill. At that time I was not so fully prepared as I am now to substantiate the statements I then made. I stated on last Friday night that this claim for pension was without merit. I stated at that time that the soldier proposed to be pensioned in this bill had already drawn a large sum of money from the Treasury of the United States upon representations made under oath which in my judgment were false and fraudulent. I think I am now prepared to show the House that the statements which I then made were true, and if, after I shall have shown that, the House sees fit to pass the bill, I shall have nothing further to say about it. I am not here quibbling about amounts. I have never been given to that kind of thing with respect to pension legislation. A few days ago I addressed a letter to the Pension Bureau, asking for information about this bill and requesting to have made for me, for the information of the House, a transcript of the record in the case. I have received this reply:

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., January 19, 1897.

Hon. JOSHUA W. MILES,
House of Representatives.

DEAR SIR: In response to your request of the 18th instant, I have the honor to state that Ira Sweatt, late private Company I, Thirteenth Regiment New Hampshire Volunteer Infantry, pensioned by certificate No. 121863, is shown to have enlisted January 1, 1864, and served until September, 1864, when he was admitted to hospital at Point of Rocks, Md., for treatment for "fever," and was furloughed October 31, 1864. He never returned to his company, but was mustered out on an individual muster-out roll dated Boston, Mass., December 19, 1865, having been absent, sick, when regiment was mustered out.

He was pensioned in 1873 at $8 per month from December 20, 1865; $20 per month from May 10, 1871, and $24 per month from June 4, 1872.

Just here I would like to say that I have made a rough calculation as to the amount of money that this soldier drew under these various allowances, and I find that it is something like $4,000. What next?

His name was dropped from the roll December 3, 1882, on the ground that the disability for which he was pensioned, viz, paralysis of both legs and right arm, was not contracted in line of duty, but while absent without leave.

I stated last Friday evening that this man was practically in the attitude of a deserter at the time when the disease for which he drew this $4,000 from the Government was contracted. This communication from the Pension Office shows that that statement was correct. But there is more of this:

He made an appeal to the Secretary of the Interior in 1884, but the action of this Bureau was affirmed by the Secretary in the following language:

"Although the appellant has a hospital record of 'fever' in 1864, the evidence is not sufficient to show that he was permanently affected thereby. On the other hand, the weight of evidence tends to show that his present disability was incurred while in Canada, absent from his command without authority."

I desire the attention of the House to the statements here as to where this man went after he left his regiment without leave. He went to Canada.

He entered a second appeal in September, 1890, and under date of October 2, 1890, Assistant Secretary Bussey affirmed the action of the Bureau in this language:

"From the appellant's own statements to the special examiner, it appears that soon after he arrived home on furlough he went to Canada and never returned to his command nor to the Army, and was reported absent when his regiment was mustered out."

It is shown from the evidence procured by the special examiner in Canada that appellant, when he first came to that country, worked upon a farm, receiving the usual wages and performed the usual amount of labor required of men in that business.

Whereas in the sworn statement which he made to the Pension Office it is alleged that he had, prior to this time, incurred the paralysis for which he subsequently drew $24 per month by way of pension:

That while in Canada he took a contract to put in water pipes, and worked at the same until his health failed, when he procured another to complete the contract; that some time in July, 1865, he was digging a grave when he was overcome by the heat, and sat down upon the ground and took cold, and was immediately taken sick and the next day called in a physician—

All this in Canada; all this while absent from his company without leave; all this while he was practically in the attitude of a deserter—

that when he recovered from such sickness he was partially paralyzed. Some of his neighbors say he had a sunstroke while digging the grave referred to. "In my opinion"—

Says Mr. Bussey—

"the evidence clearly shows that the appellant's present disability is not due to his army service, but was contracted while laying pipe and digging a grave in Canada while he was absent without leave, and your action in refusing to restore him to the pension rolls is approved and adhered to, and the appeal is dismissed."

In the statement made by the claimant to the special examiner in September, 1881, he—

That is, this claimant—

admitteed that he went to Canada about a week after he returned to Colebrook, N. H., on his furlough, and remained there doing work for several persons until he was taken down sick with a fever; but he claimed that he had not been well a day from the time he left the army—

"Not been well a day." I want to give him the full benefit of all that he claims—

that the first he ever noticed any trouble with his limbs was early in the summer of 1865, while still in Canada.

Now, Mr. Chairman, these are the facts as I have caused them to be procured from the Pension Office. If this House thinks that this man, who, as I claimed last Friday night and as I think I have now shown, has thus fraudulently drawn $4,000 from the Treasury upon false representations of facts as to when he contracted his disease and as to the nature of his disease, and while he was occupying practically the attitude of a deserter from the flag of his country—if this House thinks that this is the kind of a man to be put upon the pension rolls, then I, having discharged my duty, shall content myself with simply voting in the negative without saying anything further about the question.

Mr. KNOX. Mr. Speaker, I came to the House this evening under the impression that the evening was to be devoted to the consideration of pension bills in the Committee of the Whole and that bills upon the House Calendar would not be taken up. It was just as I came into the door that I heard this case called and caught some remarks from my friend from Maryland.

Mr. MILES. I want to say to my friend that I stated when this case was called up that I should not insist upon a vote this evening if the friends of the bill preferred to have it go over.

Mr. KNOX. I have no disposition to delay the matter at all. This question was fully gone into one week ago to-night, before the Committee of the Whole, upon allegations precisely the same as those which the gentleman from Maryland has seen fit to make to-night. No new facts have been disclosed.

Mr. MILES. I think my friend will bear me out in the statement that he undertook to controvert these facts when I stated them before.

Mr. KNOX. I did; and I shall continue to controvert them, because while many of the facts, baldly stated, are as the gentleman gives them, yet the inferences which he draws from them are entirely wrong and are unjust to this applicant.

The facts about the case are, as I stated one week ago, that this man Ira H. Sweatt, who lives in Lowell, the largest city in my district, is totally disabled. Both his lower limbs are paralyzed. He could not cross this Hall in the space of ten minutes. One arm is entirely paralyzed. The other arm is helpless; that is, he can not bend it at the elbow; and when working at his cobbler's bench he strikes from the shoulder. There is no question that he is totally disabled; and so far as his disability is concerned he is entitled to receive the amount of pension that he originally received. I presume my friend would not controvert that fact.

Now, he obtained a pension, the application being made some time in 1870 and the pension granted in 1873, I believe. My friend from Maryland has the exact date. Was it not 1873?

Mr. MILES. My recollection is it was 1871.

Mr. KNOX. Very well. My recollection was it was 1873. The pension at first was $8 a month, but it was finally increased to $24 a month; that is, he was pensioned as a man totally disabled.

Mr. MILES. Upon the theory that he contracted the injury in the service.

Mr. KNOX. Exactly so. He enjoyed that pension until about 1882, when, upon certain investigations which were made by the Pension Office, the pension was taken away from him.

Now, the ground of the original pension was this, and the fact, let me say, is entirely uncontroverted: He entered the Army in January and served until September of that year, when he was taken down with dumb ague and malaria, and after going into the hospital was sent home on a furlough for a certain time. The pensioner claims—and that was the evidence in the office—that after his return home he suffered a relapse of the disease which he had contracted before Petersburg while in the Army, and was thereby disabled in Canada. And so it appears from the records that he was absent without leave, while the real fact was that he was necessarily absent by reason of a recurrence of the disease.

Now, what is the explanation of that? It is that he was in Canada, a point which my friend dwells on so materially, the reason of which I explained to the committee a week ago to-night. But it must be remembered that it was practically just on the line. When he entered the service he resided with his family at the home of his brother in Colebrook, which, as the members present probably know, is only about 10 miles from the Canadian line.

Mr. MILES. How long did he stay there?

Mr. KNOX. I say when he went to the Army he went from there.

Mr. MILES. But how long did he stay there when he returned from the Army to his home?

Mr. KNOX. He left his wife there with his brother, who owned a farm in Colebrook, and while absent in the Army his brother disposed of the farm in Colebrook and took one near by, which happened to be just across the line in Canada; and so the soldier, when he returned to his home, found his wife in Canada, just as if you in your Maryland home should return there and change your residence to the next town in the same county. That fact, that the residence was changed in that way, has no bearing whatever upon this case. He joined his wife and family where they were residing with his brother. He was taken sick in the home of his brother, where his wife and family lived, having a relapse of the disease contracted at Petersburg.

Now, this disease with which he was afflicted, as physicians testify, was a recurrence of the disease contracted before Petersburg. It resulted in total paralysis and the helpless condition of which I have spoken. I agree that he drew the three or four thousand dollars during the time specified, and I have no doubt the calculation of my friend is entirely correct. It must have been somewhere near that sum, I judge. But the pension was taken from him on an investigation commenced behind his back, one of these investigations entirely ex parte, with no opportunity of being confronted with the witnesses against him, and when the result was reached, he had had no chance to be heard. The pension was taken from him on the allegation of some enemy, who knew that he was receiving the pension, that the injury from which he was suffering was received in Canada, while digging a grave or a well, as I remember, and consequently did not result from the disease contracted while in the service. The evidence on that point was conflicting. The Pension Office finally decided that the disease was not contracted in the Army, and on this ex parte investigation deprived him of the pension.

I think it was wrong. I think that the evidence was in his favor. He put in evidence of the most reputable and able physicians of the city of Lowell, men of unquestioned integrity and ability, all testifying that there was no sort of doubt that the disease was the result of injury contracted before Petersburg. But he lost the pension, and we give it up. He can not recover it. He had not money enough to get it restored. He tried somewhat by home evidence, but did not succeed, and that we must let go. Subsequently he applied for a dependent pension under the act of 1890, and upon that, as a dependent soldier, he received the pension allowance of $12 a month. The committee find that the money he received has been expended for his own support. He is a man who requires the constant attention of some one else. He can not attend to the commonest necessities of man without help. Somebody has to be with him all the time. He got a small pension of $12 a month in 1890, or about that, or possibly in 1892. When he went to the pension office in Boston to draw it, the officer said: "You have to pay back to the Government three or four thousand dollars which has been paid you on a previous pension, and after you do that you can receive the $12 a month. Call around here at the pension office fifteen or twenty or thirty years from now, if you can get excused from the shades of the disembodied spirits, and you may receive the $12 that the country has graciously granted to you."

Now, I claim that was wrong. Even if a mistake was made and this man's disease was not contracted in the Army, I claim it was wrong to deprive him of the dependent pension that he had been granted of $12 a month.

A practice has grown up in the Pension Office to do that sort of thing, to make a pensioner pay back the amount that he has received under a pension that has been granted and then taken away. I do not believe there is any law or practice or justification for it, but it is done.

Mr. GROSVENOR. Will the gentleman allow me?

Mr. KNOX. Certainly.

Mr. GROSVENOR. Is there any allegation that there was any fraud on the part of the pensioner?

Mr. KNOX. Not a particle.

Mr. GROSVENOR. Then who was to blame?

Mr. KNOX. I was about to come to that. I will say that by a decision of Assistant Secretary Reynolds, rendered within a few months, it was decided that a pensioner could not be deprived of his pension in that way, that he could not be compelled to pay back previous payments unless there was actual fraud on his part in obtaining his pension.

Mr. MILES. Will the gentleman allow me to ask him a question?

Mr. KNOX. Certainly.

Mr. MILES. If it is true, as Mr. Bussey has stated, that this claimant admitted to the examiner, under oath, that he did not contract this disease until after he had left the line of duty and while he was in Canada, does it not necessarily follow that when he made his application to the Pension Office, under which he received this pension of $24 a month for ten years, when he swore to the fact that he had contracted the disease in line of duty, that he committed a fraud and swore to that which was not true?

Mr. KNOX. I have seen no such evidence in the Pension Office, and I have examined the evidence very carefully as to the pensioner's admissions.

Mr. MILES. I just read it in the presence of the House.

Mr. KNOX. You have read what Mr. Bussey said. I have seen no such evidence in the Pension Office.

Mr. MILES. Do you say it is not there?

Mr. KNOX. I do.

Mr. MILES. Then you are in conflict with Mr. Bussey, and you are in conflict with this letter which I have received officially from the Pension Office.

Mr. KNOX. Do not misunderstand me. I do not mean to say but what you have the letter, as you say you have; I do not mean to say you do not think it is as you say it is; but I say there is no evidence on file in the Pension Office, that I have seen, that this man admitted that he did not contract this disease in the Army, Mr. Speaker, think of the nonsense of it. Here is a man who has just been sick at Petersburg, who comes back and within a few months has a relapse and is rendered helpless, and all the physicians that attend him, men who know more about disease than he does, all swear that it is the result of that disease at Petersburg. Is there any sense in supposing that he said any such thing as that? Why, all the physicians that examined him, the pension examiners, the medical examiners, all said it was the result of the disease at Petersburg. Is there any sense in such a position as that?

Now, Mr. Speaker, I was going to say that the Assistant Secretary decided that the taking away from a pensioner of a pension to which he is entitled to repay one which he has received in the past, but which was erroneously granted, can not be sustained unless there is active fraud on the part of the pensioner in his claim or in his evidence.

Mr. MILES. That is just the ground on which it is put.

Mr. KNOX. There is not a particle of evidence to support that. This matter has been investigated in the Pension Office, in the Committee on Invalid Pensions, and here, in Committee of the Whole; and there is not a particle of evidence in this case that this man opposed the opinion of every physician who examined him, that this was the cause of his disability. He swore under oath that it was, instead of admitting that it was not. Is it to be supposed that a man after swearing under oath that he has contracted a disease in the line of duty, and is then suffering from it, that he admitted to a pension examiner that he did not?

Mr. MILES. Will you allow me a question right there?

Mr. KNOX. Yes.

Mr. MILES. If this claimant still insists that he contracted the disease in the line of duty, why does he come here asking for the pittance of $12 a month? Why does he not come up like a brave and honest man and ask for the $24 of which he was deprived?

Mr. KNOX. He stood as long as he could, Mr. Speaker, against the adverse decisions of the Pension Office in 1884. He is poor. He has but a few years more to live. That $12 a month was an object to him, and he asked that from the Government. The Government granted it to him, and all he asks now is that he be paid the amount for which his name is borne on the rolls of the Pension Office to-day.

Mr. ANDREWS. Will the gentleman permit me to ask him a question?

Mr. KNOX. Certainly.

Mr. ANDREWS. Does this pensioner now hold a certificate under the law of 1890?

Mr. KNOX. Yes; only for $12.

Mr. ANDREWS. Is it in full force at the Pension Office, or is it simply holding back the pay?

Mr. KNOX. That is so.

Mr. ANDREWS. That is an important item in connection with the charge that this claimant is substantially a deserter.

Mr. KNOX. I wish to explain that, and was about to explain it. He was marked as being absent without leave on account of this very relapse that he had after he got home—which of course the officials of the Army did not know of—which prevented his return. But when the facts were discovered, this man was granted an honorable discharge. And when an honorable discharge is given, it is evidence that he had fulfilled his duty as a soldier and every obligation to the country that he intended to serve. That settled that question. And when the Government grants a man an honorable discharge, it does not lie in the mouth of my friend from Maryland to say that he is a deserter. When it is said he was a deserter, it is simply put in here as a makeweight to try to prejudice his case and deprive this man of the little pittance he is entitled to under this bill.

Mr. WALKER of Massachusetts. Will the gentleman permit me to ask him one question?

Mr. KNOX. Certainly.

Mr. WALKER of Massachusetts. Why does not the recent ruling, if he is deprived of his pension or if he is illegally deprived of it, restore him his pay?

Mr. KNOX. We are not asking for that now.

Mr. WALKER of Massachusetts. Why not ask for that? Do that.

Mr. KNOX. We ask for nothing but that this man be paid at the rate he now is borne on the roll for—$12.

Mr. WALKER of Massachusetts. Why does not the late ruling, the recent ruling, restore him his pay?

Mr. KNOX. It certainly does.

Mr. WALKER of Massachusetts. Then, why does not that end the case, so far as the House is concerned?

Mr. KNOX. Oh, no.

Mr. NORTHWAY. They will not pay him.

Mr. KNOX. They will not pay him. The pension certificate which he has simply says that he is to receive this money after repaying the Government $3,000.

Mr. MILES. Why is that condition put upon him?

Mr. KNOX. For the reason that you have undertaken to substantiate that this man fraudulently obtained a pension from the Government.

Mr. MILES. To be sure; that is what the Department has found.

Mr. KNOX. Very well. I am asking the House to restore this man the $12 a month; and it has been passed by two committees, and they say that he shall have that sum.

Mr. HAINER of Nebraska. Will the gentleman permit me to ask him a question?

Mr. KNOX. Certainly.

Mr. HAINER of Nebraska. It is claimed here that after the man's furlough had expired he continued to work on a farm, doing the usual work and receiving the usual wages, and in addition to that, when he was not engaged at such work he was digging wells and graves, which is unusually difficult manual labor; and from that it would seem that he was in proper physical condition to have returned to his command.

Mr. KNOX. What do you refer to—something in the report?

Mr. HAINER of Nebraska. That was contained in the letter which has just been read.

Mr. KNOX. That was not a fact. He did not go to work. Shortly after he went back he was taken sick, very shortly before his furlough expired.

Mr. HAINER of Nebraska. He was not sick while digging a well or a grave.

Mr. MILES. That he admits.

Mr. KNOX. I disclaim that he was continuously at work; but while he was absent he did undertake to dig a well, as I understand, or, as the gentleman has stated, a grave; and the evidence in the Pension Office claims that he was sunstruck while digging a grave or well, but he was not continuously employed in farming as a well man.

Mr. HAINER of Nebraska. It seems that he was a "well man," or he would not have undertaken that work. [Laughter.]

Mr. NORTHWAY. Was not all of that evidence developed in the Pension Office before this man received his original pension?

Mr. KNOX. Yes, sir.

Mr. NORTHWAY. And did they not grant the pension with the full knowledge of all that?

Mr. KNOX. Surely; and the discharge.

Mr. MILES. That is not correct. [Cries of "Vote!" "Vote!"]

Mr. HARDY. Mr. Speaker, there has been considerable said in the argument upon this pension claim about this soldier, whose home was in New Hampshire, on the borders of Canada, straying over into Canada during the existence of the war. Probably he did. A great many gentlemen, especially from the Southern portion of the United States, strayed over into Canada during the war and never returned until peace had been declared. [Laughter.] On the other hand, 40,000 Canadians left their homes and were faithful soldiers in the war for the Union.

But, Mr. Speaker, to get down to the meat of this question, I find, from a little mathematical calculation, that this soldier served faithfully twenty-two months. He was pensioned in December, 1865, at $8 per month.

Mr. MILES. Will the gentleman allow an interruption?

Mr. HARDY. On the question of this pension?

Mr. MILES. On the question of this pension.

Mr. HARDY. Yes, sir.

Mr. MILES. How long does the gentleman claim that this soldier served?

Mr. HARDY. According to the report, which I take to be correct, he enlisted January 1, 1864, and was discharged December 19, 1865.

Mr. MILES. You said he had served twenty-two months. Do you make that twenty-two months?

Mr. HARDY. From January, 1864, to December, 1864, would be twelve months, and from December, 1864, to December, 1865, would be, say, eleven months, making twenty-two or twenty-three months of service. From December, 1865, to May, 1871, this soldier was pensioned at the rate of $8 a month, and received $576. From May, 1871, to June, 1872, his pension was increased and was at the rate of $20 per month, giving him, in round numbers, $480. From June, 1872, to June, 1882, ten years, he received pension at the rate of $24 a month, giving him, in round numbers, $3,080. This makes an aggregate paid to him of $4,136. Now, if this soldier, paralyzed as he is to-day and as the evidence shows he was, had been pensioned at the rate he was entitled to, then he would have been entitled to receive $12 a month and to have drawn from the Government $5,320. Deduct what he has drawn, $4,126, from the amount he was entitled to draw, and you find that the Government of the United States owes him to-day, at the rate of $12 a month from the date of his discharge, $1,094, and that is what he ought to receive, if this bill would carry it.

Several MEMBERS. Vote! Vote!

Mr. HARDY. I am willing to vote now. I think we can have a vote which will pass this bill.

Mr. THOMAS. I ask unanimous consent that this bill go over without prejudice.

Mr. KNOX. I object.

Mr. MILES. I give the gentleman from Massachusetts notice that if he insists upon a vote on this bill, I shall insist on a yea-and-nay vote. I do not want to debate it any further. I am content with the record as it stands.

Mr. KNOX. Mr. Speaker, I do not think that I should consent to this bill going over because of any threat of the gentleman as to what he is going to do. I am not afraid of a yea-and-nay vote. If this bill is not a just bill and this man is not entitled to $12 a month, then I have respect enough for the members of this House to believe that they will vote against it. On the other hand, if he is entitled to it, I feel confident that they will vote for the bill.

Mr. HAINER of Nebraska. Mr. Speaker, I submit to the members of the House that questions have been raised this evening in regard to this bill which demand of us a little careful consideration. If the charges made by the gentleman from Maryland [Mr. MILES] are sustained—and they certainly seem to be sustained by the report which he has received from the Pension Office—this bill ought not to be passed. If, on the contrary, they can not be sustained, the bill should be passed, and perhaps even a bill more favorable to the claimant than this.

Mr. MILES. Mr. Speaker, as I said at the beginning, I have no disposition to push this bill hastily to a vote. I want every gentleman to be satisfied, as I am, with respect to the merits of the bill, and for that reason I suggested a while ago to the gentleman from Michigan [Mr. THOMAS] that this case might go over until every member could satisfy himself about it.

Mr. HAINER of Nebraska. To conclude, Mr. Speaker, in view of the questions raised, I submit that the proper course would be to recommit this bill to the Committee on Invalid Pensions, who will, of course, investigate these questions in the light of the charges that have been made and of the defense that has been made by the gentleman from Massachusetts. For my own part, I sincerely hope that the gentleman from Massachusetts is entirely right; but, in justice to ourselves and to the people we are representing, it seems to me that the bill should be recommitted, and should have the careful consideration which it obviously merits.

Mr. KNOX. Mr. Speaker, is there any idea that this bill was not properly investigated by the Committee on Invalid Pensions?

Mr. HAINER of Nebraska. I submit, Mr. Speaker, that I think it has not been fully investigated in the light of the charges which have been made.

Mr. KNOX. All the evidence was before the committee. Gentlemen speak of this bill going over. If it goes over, will it lose its place?

Several MEMBERS. No.

Mr. KNOX. Well, if it will not lose its place I am quite willing that it shall go over. I simply want the bill to keep its place.

The SPEAKER pro tempore. The gentleman from Massachusetts withdraws his objection. Is there further objection to the request of the gentleman from Michigan that this bill lie over without prejudice?

Mr. THOMAS. Before that question is put, Mr. Speaker, I will say to the gentleman from Massachusetts that the case having been considered by the committee and discussed in the Committee of the Whole, and discussed again this evening in the House, if it goes over until next Friday evening, members who are interested in the case can have ample opportunity to satisfy themselves in regard to its merits.

Mr. HAINER of Nebraska. I make no objection to the bill going over.

Mr. HARDY. Mr. Speaker, I would like to ask the distinguished mathematician from Maryland [Mr. MILES] how many months there are between January, 1864, and December, 1865? [Laughter.]

WILLIAM R. HARLESS.

The next unfinished business on the Private Calendar was the bill (H. R. 4629) granting a pension to William R. Harless.

Mr. TALBERT. Mr. Speaker, I rise to a parliamentary inquiry. Do I understand that we are to continue the unfinished business this evening, or go into Committee of the Whole according to the rule?

The SPEAKER pro tempore. We are proceeding with the unfinished business. There is no motion to go into Committee of the Whole.

Mr. TALBERT. Are we not out of order in this method of proceeding?

The SPEAKER pro tempore. The Chair thinks not. The unfinished business is now before the House unless a motion is made to go into Committee of the Whole. The bill just read has been reported from the Committee of the Whole with amendments, which will be read.

The amendments were read and agreed to.

The bill as amended was ordered to be engrossed and read a third time.

The question being then on the passage of the bill,

Mr. TALBERT. Mr. Speaker, I think we ought to have the report read in this case. There was some discussion last Friday night in regard to this bill. It seems there is no evidence in the War Department that the command to which this soldier belonged was ever mustered into the service, and there was some doubt expressed as to whether he had actually performed service. I should be glad to have the House put into possession of some of the facts in the case, by the reading of the report.

Mr. THOMAS. I move that the House resolve itself into Committee of the Whole for the consideration of business on the Private Calendar, under this special order for Friday night sessions.

The question being put,

The SPEAKER pro tempore. In the opinion of the Chair the ayes have it.

Mr. ERDMAN. I call for a division.

The question was again put; but before the result was announced

Mr. THOMAS said: Mr. Speaker, I desire to withdraw my motion.

The SPEAKER pro tempore. Is there objection to permitting the gentleman from Michigan [Mr. THOMAS] to withdraw his motion? The Chair hears none. The motion is withdrawn.

Mr. THOMAS. I now call for the regular order.

The SPEAKER pro tempore. The regular order is the bill which the House was just considering. The pending question is upon its passage.

Mr. TALBERT. I ask for the reading of the report in my time.

The Clerk proceeded to read the report as published in the proceedings of last Friday evening.

Mr. TALBERT (before the reading of the report was concluded). Mr. Speaker, without asking that any further time be spent in the reading of the report, I will ask that this bill be allowed by unanimous consent to go over.

Mr. THOMAS. I ask that the bill go over without prejudice.

The SPEAKER pro tempore. The request is made by the gentleman from South Carolina [Mr. TALBERT] and the gentleman from Michigan [Mr. THOMAS] that this bill be passed over without prejudice. Is there objection?

Mr. CROWTHER. I object. This question has been discussed so fully that I think members should be able to vote upon it now.

Mr. GROSVENOR. Mr. Speaker, I desire to occupy two or three minutes of the time of the House with reference to a question of importance in these pension claims. I may not be present when the case of Sweatt shall come up again, and I want to put on record very briefly my views upon one question involved in that case.

I deny the right of the Pension Office or of anybody else to set off a pension that has been allowed by the proper Bureau or by Congress against a claim of money overpaid to a pensioner, unless there has been fraud in the procurement of the pension. A pension is a gratuity of the Government, given to the soldier for his support. It is given to provide him with the means of livelihood. By the very act of the Government in giving him a certain amount per month upon the finding of the Pension Office on the evidence presented, he is authorized to expend that amount of money every month. And when, after he has done so, the Pension Office discovers it has made a mistake, or when it changes its mind or changes the method of administration, as a friend here suggests, the office has no right thereupon to go back and make a set-off or counterclaim, or whatever else you may please to call it, of the money which has been paid to the pensioner for a special purpose; it has no right to set that off against the future gratuity of the Government under the law of Congress. I know it has been done, and gross injustice has come of it. A man who draws a pension, and who has been guilty of no wrong, assumes that he has a right to use the money for his benefit and the benefit of his family. Then when the emergency becomes still greater, when he becomes older and more than ever in want of this monthly allowance for his bread and his shelter and his clothing, I deny that there is any justice or any legal right in making a counterclaim, based upon the error of the Government itself, where no wrong has been committed by the soldier, and upon such a claim depriving him of the livelihood upon which he has relied, driving him into the poorhouse, driving him to desperation and degradation, because of the former error or wrong in which he in no wise participated. This is all I desire to say.

Mr. THOMAS. I understand, Mr. Speaker, that the gentleman from Missouri will withdraw his objection to allowing the bill to go over, and I therefore ask unanimous consent that it be laid aside without prejudice.

Mr. CROWTHER. Mr. Speaker, I must object.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. TALBERT. I call attention of the House to the fact that the War Department has no evidence that this man ever had been in the military service of the Government; they give him no ratable disability. The matter is in possession of the House. I have nothing further to say.

The question was taken on the passage of the bill; and on a division (demanded by Mr. TALBERT) there were—ayes 77, noes 5.

Mr. TALBERT. No quorum.

Mr. THOMAS. I move that the House do now adjourn.

The motion was rejected.

The SPEAKER pro tempore. The Chair will count the House.

Mr. TALBERT. Mr. Speaker, I will withdraw the point.

So (no further count being demanded) the bill was passed.

Mr. KIRKPATRICK. I desire to ask unanimous consent of the House to take up House bill 9785.

Several MEMBERS. Regular order.

The SPEAKER pro tempore. The regular order is demanded.

Mr. KIRKPATRICK. I ask unanimous consent to submit this bill.

Mr. AVERY and others. Regular order!

The SPEAKER pro tempore. The regular order is the continuation of the unfinished business, and the Clerk will report the next bill.

MARGARET O'DONNELL.

The next unfinished business on the Private Calendar was the bill (H. R. 4823) for the relief of Margaret O'Donnell, nurse, United States Volunteers.

Mr. THOMAS. I move that this bill lie on the table.

Mr. BISHOP. I ask leave to withdraw the bill, as the beneficiary is dead.

The SPEAKER pro tempore. The Chair will submit the motion of the gentleman from Michigan to lay the bill on the table.

The motion was agreed to.

J. R. PACK.

The next unfinished business on the Private Calendar was the bill (H. R. 6234) to restore the name of J. R. Pack to the pension roll, reported with amendments from the Committee of the Whole.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The title of the bill was amended as recommended by the committee.

JAMES WARBROOK.

The next unfinished business on the Private Calendar was the bill (H. R. 7115) granting a pension to James Warbrook, reported from the committee with amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

RICHARD C. ENRIGHT.

The next unfinished business on the Private Calendar was the bill (H. R. 6539) granting a pension to Richard C. Enright.

The bill was ordered to be engrossed and read a third time.

Mr. ERDMAN. Mr. Speaker, let the engrossed copy of the bill be read.

The SPEAKER pro tempore. The bill will be laid aside for engrossment.

Some time subsequently,

Mr. WOOD. Mr. Speaker, the gentleman from Pennsylvania has kindly consented to withdraw his call for the reading of the engrossed copy of the bill No. 6539.

Mr. ERDMAN. I withdraw the demand.

The bill was accordingly read the third time, and passed.

The title of the bill was amended to correspond with the action of the House.

GEORGE E. REID.

The next unfinished business on the Private Calendar was the bill (H. R. 5620) to pension George E. Reid.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

GEORGE C. ABBEY.

The next unfinished business on the Private Calendar was the bill (S. 350) granting an increase of pension to George C. Abbey.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM T. WALKER.

The next unfinished business on the Private Calendar was the bill (S. 1888) granting an increase of pension to William T. Walker.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES L. M'KINNEY.

The next unfinished business on the Private Calendar was the bill (H. R. 3688) to pension James L. McKinney for services in Oregon Indian wars, reported from the Committee of the Whole with an amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

DANIEL GILES.

The next unfinished business on the Private Calendar was the bill (H. R. 3939) to pension Daniel Giles for services in Oregon Indian wars.

The bill, with the amendment recommended by the Committee of the Whole, was read.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

GEORGE B. MERCHANT.

The next unfinished business on the Private Calendar was the bill (H. R. 3166) granting a pension and arrearage of pension to George B. Merchant.

The bill, with the amendment recommended by the Committee of the Whole, was read.

The SPEAKER pro tempore. The question is on the amendments. Without objection, they will be submitted together.

Mr. SMITH of Illinois. Mr. Speaker, it appears from the title that this bill is intended to give arrearage of pension to this applicant.

Mr. NORTHWAY. The amendments strike that out.

Mr. SMITH of Illinois. I have not seen the report.

Mr. NORTHWAY. The pension only dates from the passage of the law.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. THOMAS. I move to amend the title by striking out the words "and arrearage of pension."

The SPEAKER pro tempore. Without objection, the title will be amended as proposed by the gentleman from Michigan [Mr. THOMAS].

There was no objection.

JOSEPHINE GLOVER.

The next unfinished business on the Private Calendar was the bill (H. R. 5532) to increase the pension of Josephine Glover.

The bill was read.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

EMILY M. TYLER.

The next unfinished business on the Private Calendar was the bill (H. R. 6560) to increase the pension of Emily M. Tyler.

The bill, with the amendments recommended by the Committee of the Whole, was read.

Mr. TALBERT. Mr. Speaker, I move to amend by striking out "seventy-five" and inserting in lieu thereof "fifty."

Mr. THOMAS. Mr. Speaker, I ask that this bill go over without prejudice.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. THOMAS] asks that this go over without prejudice. Is there objection?

Mr. TALBERT. I object.

The SPEAKER pro tempore. Objection is made. The question is on the amendment to the amendment offered by the gentleman from South Carolina [Mr. TALBERT] to strike out "seventy-five" and insert "fifty."

Mr. WOOD. Mr. Speaker, when this bill came up from the Committee of the Whole a few days ago, there was some question made about the circumstances of the beneficiary named in this bill, and there seemed to be some misunderstanding as to what the evidence was. I have taken occasion to-day to examine the evidence that was laid before the committee, and it shows about this state of facts: The proposed beneficiary was not the wife of the soldier during any period of his service. She was married to him after the close of the war, and after he had been mustered out. She is 60 years of age. She is engaged in keeping a boarding house in Baltimore, according to the evidence. Her property consists of 9 acres of land. The evidence is somewhat unsatisfactory as to its situation, but perhaps the affidavit of her attorney would come nearest to disclosing what it is. That shows that it is situated about 2 or 3 miles from the business portion of the city of Baltimore. The land rents, as is stated, for about $200 per year. It is also said to be unsuited for suburban lots, and is rented for a truck patch, the rental being somewhere about $22.50 per acre. It is also stated that the taxes and other expenses about use up the income. The value put on this property is about $8,000, as stated by one witness; by another, about $6,000, and another, about $5,000 or $6,000. This widow received a pension in 1891, in March, of $30 per month.

It is stated that this property is encumbered to the extent of about $4,200. That is the evidence in the case, and it substantially corroborates the information I gave to the Committee of the Whole when the bill was before that committee.

Mr. THOMAS. I understand that the gentleman from South Carolina [Mr. TALBERT] is willing that this case shall go over without prejudice, and I renew my request.

The SPEAKER pro tempore. The gentleman from Michigan renews his request that this bill be laid aside without prejudice. Is there further objection?

There was no objection.

ORDER OF BUSINESS.

Mr. THOMAS. Mr. Speaker, I desire to call the attention of the House to the possibility of going into Committee of the Whole, if two bills that I hold in my hand can be considered by unanimous consent. These bills are recommended by the Commissioner of Pensions, and apply to two special cases. These bills are not championed by any gentleman on the floor. There is no one to look after them, but at the request of the Commissioner of Pensions they are reported favorably, with a report from the committee at large; and I ask unanimous consent at this time to consider these two bills.

Mr. MILNES. Have they passed the committee?

Mr. WOOD. Can not these bills be considered in the House as in Committee of the Whole?

Mr. THOMAS. They have been considered by the Committee of the Whole, and they are on the Calendar.

Mr. WOOD. They have not passed the Committee of the Whole.

Mr. THOMAS. Oh, no.

Mr. WOOD. Can they not be considered in the House as in the Committee of the Whole?

The SPEAKER pro tempore. They have been considered in the Committee of the Whole, as the gentleman from Michigan states.

Mr. THOMAS. No; they have not; I was mistaken in that.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that these bills be considered in the House as in Committee of the Whole, and be placed upon their passage.

Mr. HERMANN. I would ask the gentleman from Michigan, instead of making an exception in favor of two claims, why not so amend his proposition as to embrace with himself the same request as to each member. There are but few members present this evening, and many of them are directly interested in some bill. Why not let the names be called in alphabetical order?

Mr. THOMAS. When we get into Committee of the Whole that request can be made.

Mr. GIBSON. Regular order.

The SPEAKER pro tempore. The regular order is demanded.

ISAAC HOLBROOK.

The next unfinished business on the Private Calendar was the bill (H. R. 2396) granting a pension to Isaac Holbrook.

The bill was read.

The SPEAKER pro tempore. The question is upon the amendment recommended by the Committee of the Whole.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time.

The question was taken on the passage of the bill; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. ERDMAN. Division!

Mr. THOMAS. Mr. Speaker, I ask that the bill be laid aside without prejudice.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent that the bill be laid aside without prejudice. Is there objection?

Mr. ERDMAN. I object.

Mr. THOMAS. When this bill is disposed of, I desire to move that the House resolve itself into Committee of the Whole, to consider the bills I have referred to and such other bills as may be disposed of.

Mr. ERDMAN. I did not hear the gentleman, and did not understand him.

Mr. THOMAS. If this can prevail, I desire to move that the House resolve itself into Committee of the Whole, to consider the two bills I referred to a moment ago.

Mr. ERDMAN. What assurance has the gentleman that the House will permit him to do so?

Mr. THOMAS. I hope it will.

Mr. ERDMAN. I hope so, too, but I do not think the gentleman has that assurance. I would rather have them considered now.

Mr. THOMAS. I would like very much to have them considered now.

Mr. ERDMAN. If unanimous consent is given for that purpose, we can very soon determine whether the House is willing or not.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. THOMAS. The gentleman from Tennessee [Mr. GIBSON], who objected to the consideration of these bills, says that he will withdraw the objection.

Mr. GIBSON. I withdraw the objection.

Mr. CONNOLLY. I object, then.

The SPEAKER pro tempore. The question is on the passage of the bill; but the Clerk will again report the title of the bill.

The title of the bill was again reported.

The SPEAKER pro tempore. The question is on the passage of the bill, and a division has been demanded.

The House divided; and there were—ayes 98, noes 0.

Mr. ERDMAN. No quorum.

The SPEAKER pro tempore. The gentleman makes the point that there is no quorum.

The SPEAKER pro tempore counted the House.

Mr. MILES. What is the count, Mr. Speaker?

The SPEAKER pro tempore. The count has not been completed.

Mr. THOMAS. Mr. Speaker, I renew my request that the bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Michigan renews the request that the bill be passed over without prejudice.

Mr. ERDMAN. I must object.

The SPEAKER pro tempore. The gentleman from Pennsylvania says he must object.

Mr. THOMAS. Mr. Speaker, I move that the House adjourn.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Several MEMBERS. Division!

The House divided; and there were—ayes 69, noes 35.

Mr. DOVENER. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 50, nays 72, not voting 233; as follows:

YEAS—50.

Anderson,	Daniels,	Minor, Wis.	Shafroth,
Avery,	De Witt,	Erdman,	Shannon,
Baker, Kans.	Dockery,	Evans,	Shuford,
Barham,	Doolittle,	Fletcher,	Spalding,
Bartlett, Ga.	Ellis,	Graff,	Thomas,
Bishop,	Kem,	Griswold,	Tracey,
Black,	Kleberg,	Grosvenor,	Turner, Va.
Blue,	Lacey,	Hainer, Nebr.	Tyler,
Boatner,	Latimer,	Hilborn,	Van Voorhis,
Burrell,	Long,	Jenkins,	Walker, Mass.
Calderhead,	Loudenslager,	Moody,	Wilson, Ohio.
Clardy,	Miles,	Northway,	
Curtis, Kans.	Milnes,	Russell, Conn.	

NAYS—72.

Andrews,	Fischer,	Lewis,	Smith, Ill.
Baker, Md.	Foss,	Linton,	Smith, Mich.
Baker, N. H.	Gamble,	Little,	Snover,
Bankhead,	Gibson,	Mahany,	Sorg,
Barney,	Grout,	McCleary, Minn.	Southard,
Belknap,	Hardy,	McCulloch,	Sperry,
Broderick,	Henry, Ind.	McEwan,	Stone, C. W.
Burton, Mo.	Hermann,	Miller, W. Va.	Strowd, N. C.
Burton, Ohio	Hill,	Mitchell,	Sulzer,
Connolly,	Hooker,	Murphy,	Talbert,
Cook, Wis.	Hopkins,	Odell,	Tate,
Cooke, Ill.	Howe,	Otjen,	Terry,
Crisp,	Hulick,	Phillips,	Updegraff,
Crowther,	Hunter,	Pitney,	Warner,
Dovener,	Hyde,	Reeves,	Wilber,
Fairchild,	Kirkpatrick,	Rinaker,	Willis,
Faris,	Knox,	Royse,	Wood,
Fenton,	Leighty,	Sauerhering,	Woodman.

NOT VOTING—233.

Abbott,	Bell, Colo.	Clarke, Ala.	Dalzell,
Acheson,	Bell, Tex.	Cobb,	Danford,
Adams,	Bennett,	Cockrell,	Dayton,
Aitken,	Berry,	Codding,	De Armond,
Aldrich, T. H.	Bingham,	Coffin,	Denny,
Aldrich, W. F.	Boutelle,	Colson,	Dingley,
Aldrich, Ill.	Bowers,	Cooper, Fla.	Dinsmore,
Allen, Miss.	Brewster,	Cooper, Tex.	Dolliver,
Allen, Utah	Bromwell,	Cooper, Wis.	Draper,
Apsley,	Brosius,	Corliss,	Eddy,
Arnold, Pa.	Brown,	Cousins,	Ellett,
Arnold, R. I.	Brumm,	Cowen,	Fitzgerald,
Atwood,	Buck,	Cox,	Foote,
Babcock,	Bull,	Crowley,	Fowler,
Bailey,	Cannon,	Crump,	Gardner,
Barrett,	Catchings,	Culberson,	Gillet, N. Y.
Bartholdt,	Chickering,	Cummings,	Gillett, Mass.
Bartlett, N. Y.	Clark, Iowa	Curtis, Iowa	Goodwyn,
Beach,	Clark, Mo.	Curtis, N. Y.	Griffin,
Grow,	Layton,	Newlands,	Stephenson,
Hadley,	Lefever,	Noonan,	Stewart, N. J.
Hager,	Leisenring,	Ogden,	Stewart, Wis.
Hall,	Leonard,	Otey,	Stokes,
Halterman,	Lester,	Overstreet,	Stone, W. A.
Hanley,	Linney,	Owens,	Strait,
Harmer,	Livingston,	Parker,	Strode, Nebr.
Harris,	Lorimer,	Patterson,	Strong,
Harrison,	Loud,	Payne,	Sulloway,
Hart,	Low,	Pearson,	Swanson,
Hartman,	Maddox,	Pendleton,	Taft,
Hatch,	Maguire,	Perkins,	Tawney,
Heatwole,	Mahon,	Pickler,	Tayler,
Heiner, Pa.	Marsh,	Poole,	Thorp,
Hemenway,	Martin,	Powers,	Towne,
Henderson,	McCall, Mass.	Price,	Tracewell,
Hendrick,	McCall, Tenn.	Prince,	Treloar,
Henry, Conn.	McClellan,	Pugh,	Tucker,
Hepburn,	McClure,	Quigg,	Turner, Ga.
Hicks,	McCormick,	Raney,	Van Horn,
Hitt,	McCreary, Ky.	Ray,	Wadsworth,
Howard,	McDearmon,	Reyburn,	Walker, Va.
Howell,	McLachlan,	Richardson,	Wanger,
Hubbard,	McLaurin,	Robertson, La.	Washington,
Huff,	McMillin,	Robinson, Pa.	Watson, Ind.
Huling,	McRae,	Rusk,	Watson, Ohio
Hull,	Meiklejohn,	Russell, Ga.	Wellington,
Hurley,	Mercer,	Sayers,	Wheeler,
Hutcheson,	Meredith,	Scranton,	White,
Johnson, Cal.	Meyer,	Settle,	Williams,
Johnson, Ind.	Miller, Kans.	Shaw,	Wilson, Idaho
Johnson, N. Dak.	Milliken,	Sherman,	Wilson, N. Y.
Jones,	Miner, N. Y.	Simpkins,	Wilson, S. C.
Joy,	Mondell,	Skinner,	Woodard,
Kendall,	Money,	Southwick,	Woomer,
Kerr,	Morse,	Sparkman,	Wright,
Kiefer,	Moses,	Spencer,	Yoakum.
Kulp,	Mozley,	Stahle,	
Kyle,	Murray,	Stallings,	
Lawson,	Neill.	Steele,	

Mr. THOMAS. Mr. Speaker, I ask for a recapitulation of the vote.

The vote was recapitulated as above.

Mr. MOODY. Mr. Speaker, my colleague, Mr. SIMPKINS, is detained at his house by illness and is under the care of a physician. I ask that he be excused.

There was no objection, and it was so ordered.

Mr. FAIRCHILD. Mr. Speaker, the gentleman from Nebraska [Mr. STRODE] who sits next to me left the House to-day quite ill and asked me to have him excused this evening on account of illness.

There was no objection, and it was so ordered.

Mr. THOMAS. Mr. Speaker, the gentleman from New York, Mr. CURTIS, is absent on account of sickness. I ask that he be excused.

There was no objection, and it was so ordered.

Mr. TALBERT. Mr. Speaker, I ask that my colleague, Mr. STOKES, be excused on account of the illness of his wife.

There was no objection, and it was so ordered.

Mr. KLEBERG. Mr. Speaker, I ask that my colleague, Judge NOONAN, be excused on account of sickness.

There was no objection, and it was so ordered.

Mr. BARTLETT of Georgia. Mr. Speaker, I ask indefinite leave of absence for my colleague, Mr. RUSSELL, who has been for some days confined to his room by illness.

There was no objection, and it was so ordered.

Mr. LOUDENSLAGER. Mr. Speaker, I ask that my colleague, Mr. GARDNER, be excused on account of illness.

There was no objection, and it was so ordered.

Mr. McCLEARY of Minnesota. Mr. Speaker, I ask that my colleague, Mr. EDDY, be excused on account of sickness.

There was no objection, and it was so ordered.

Mr. JENKINS. Mr. Speaker, I ask that my colleagues, Mr. STEWART and Mr. GRIFFIN, be excused on account of illness.

There was no objection, and it was so ordered.

Mr. HENRY of Indiana. Mr. Speaker, I ask leave of absence for my colleague, Mr. HATCH, on account of sickness.

There was no objection, and it was so ordered.

Mr. LITTLE. Mr. Speaker, the gentleman from Mississippi, Mr. KYLE, is unwell this evening, and I ask that he be excused.

There was no objection, and it was ordered.

Mr. FAIRCHILD. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER pro tempore. What is the gentleman's inquiry?

Mr. FAIRCHILD. What was the result of the vote just taken?

Mr. DANIELS. Mr. Speaker, before that is answered, I desire to ask that the gentleman from Illinois, Mr. CANNON, be excused.

There was no objection, and it was so ordered.

Mr. FAIRCHILD. Mr. Speaker, I ask the Chair to answer my parliamentary inquiry.

Mr. BAKER of Maryland. Mr. Speaker, the gentleman from North Carolina [Mr. LINNEY] who sits near me is necessarily detained from the House this evening, and I ask that he be excused.

There was no objection, and it was so ordered.

Mr. WILSON of Ohio. Mr. Speaker, I ask that the gentleman from Pennsylvania, Mr. CODDING, be excused.

There was no objection, and it was so ordered.

Mr. CONNOLLY. Mr. Speaker, I ask that my colleague, Mr. MARSH, be excused on account of sickness.

There was no objection, and it was so ordered.

Mr. HOWE. Mr. Speaker, I ask that my colleague, Mr. POOLE, be excused on account of illness.

There was no objection, and it was so ordered.

Mr. SHAFROTH. Mr. Speaker, I ask that my colleague, Mr. BELL of Colorado, be excused, on account of a pressing business engagement.

There was no objection, and it was so ordered.

Mr. FAIRCHILD. Mr. Speaker, I rose to a parliamentary inquiry a while ago and asked what the result of the vote was.

The SPEAKER pro tempore. The vote will be announced in due time.

Mr. FAIRCHILD. Meanwhile I ask that Mr. WRIGHT be excused on account of sickness.

There was no objection, and it was so ordered.

Mr. FISCHER. Mr. Speaker, a parliamentary inquiry. Pending the announcement of this vote, is it in order to move to refer the question of this epidemic to the proper committee? [Laughter.]

The SPEAKER pro tempore. The Chair thinks that is not a parliamentary inquiry. Upon the vote just taken the yeas are 50 and the nays are 72. The noes have it, and the House refuses to adjourn.

A MEMBER. No quorum.

Mr. MCEWAN. Mr. Speaker, my colleague, Mr. HOWELL, has been sick for about a week, and I ask that he be excused.

There was no objection, and it was so ordered.

Mr. FAIRCHILD. Mr. Speaker, I move a call of the House.

Mr. MILNES. Mr. Speaker, I move to lay that motion upon the table.

Mr. BURRELL. Mr. Speaker, I ask that all members who have not answered to their names be excused. They are all sick, and there are a good many others here who are sick and ought to be absent. [Laughter.]

The SPEAKER pro tempore. The gentleman is not in order. The point of no quorum having been made, and the roll call having disclosed the fact that no quorum is present——

Mr. THOMAS (interposing). Mr. Speaker, I move that all the absentees be excused.

Mr. HOOKER. Mr. Speaker, I move that the House do now adjourn.

Mr. GROSVENOR. Mr. Speaker, I rise to a question of order. The House has just refused to adjourn, and there is business pending. I ask that the Maine delegation be excused on account of the weather. [Laughter.] After we excuse that delegation, the gentleman's motion will be in order.

The SPEAKER pro tempore. No business has intervened, and the Chair refuses to entertain the motion to adjourn. The question is on the motion of the gentleman from New York [Mr. FAIRCHILD] for a call of the House.

Mr. GROSVENOR. Mr. Speaker, I demand a vote on the *Maine* question. [Laughter.]

Mr. MILNES. Mr. Speaker, I move to lay the motion for a call of the House on the table.

The SPEAKER pro tempore. The Chair declines to entertain that motion.

Mr. MCEWAN. Mr. Speaker, I make the point that the motion of the gentleman from New York [Mr. HOOKER], that the House do now adjourn, is in order, because since the last vote on the question of adjournment business has intervened. The business that has intervened has been the granting of excuses by unanimous consent, practically a vote.

The SPEAKER pro tempore. The question is on a motion for a call of the House.

The question being taken, the Speaker pro tempore declared that the noes seemed to have it.

Several MEMBERS. Division!

The House divided; and there were—ayes 10, noes 57.

Mr. NORTHWAY. Mr. Speaker, I move that the House do now adjourn.

The question being taken, there were—ayes 55, noes 20; so the motion was agreed to; and the House accordingly (at 10 o'clock and 15 minutes p. m.), pursuant to the order previously made, adjourned until Monday.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior, submitting an additional estimate of appropriation to complete the survey of the Blackfeet Indian Reservation—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting, with a favorable recommendation, a draft of a proposed joint resolution transferring a certain appropriation for expenses of Treasury notes to the appropriation for printing silver certificates—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the Mississippi River, Drury's Landing to New Boston—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Pascagoula River, Mississippi—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of La Crosse Harbor, Wisconsin—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Pearl River, Mississippi—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the Mississippi River along the west bank from the mouth of the Iowa River, in Louisa County, to the city of Muscatine, Iowa—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Lloyds Harbor, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Buffalo Fork of White River, Arkansas—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Petaluma Creek, California—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of harbor at Alexandria Bay, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. FISCHER, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 10061) to amend an act entitled "An act granting to the Eastern Nebraska and Gulf Railway Company right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska," by extending the time for the construction of said railway, reported the same with amendment, accompanied by a report (No. 2598); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HILBORN, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 3355) entitled "An act to provide for organizing a naval battalion in the District of Columbia," reported the same without amendment, accompanied by a report (No. 2599); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HOOKER, from the Committee on Rivers and Harbors, to which were referred sundry bills and resolutions, reported the same, accompanied by reports; which said bills, resolutions, and reports were referred to the Committee of the Whole House on the state of the Union, as follows, to wit:

The joint resolution (H. Res. 231) relative to the improvement of the waterway between Birmingham, Ala., and the Black Warrior River. (Report No. 2597.)

The bill (S. 3333) entitled "An act to amend an act entitled 'An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes,' passed finally June 3, 1896." (Report No. 2607.)

The House resolution (No. 495) authorizing the Secretary of War to make an examination for removal of rock at the narrowest part of East River, on the eastern side, at Ravenswood, Long Island, N. Y. (Report No. 2608.)

The joint resolution (H. Res. 233) directing the Secretary of War to submit estimates for work upon the channels in Jamaica and Canarsie bays. (Report No. 2609.)

The bill (H. R. 10012) relating to the improvement of Eastchester Creek, State of New York. (Report No. 2610.)

The bill (H. R. 10057) to provide for an examination and survey of a water route from the mouth of the jetties at the city of Galveston, Tex., through the ship channel and up Buffalo Bayou to the city of Houston, Tex., and appropriating money therefor. (Report No. 2611.)

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 9793) granting an increase of pension to Joseph C. Berry, alias Joseph White. (Report No. 2594.)

The bill (H. R. 2214) granting a pension to Annie Beach. (Report No. 2612.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (H. R. 6057) granting a pension to Emily C. Merriman. (Report No. 2595.)

By Mr. PARKER, from the Committee on Military Affairs: The bill (S. 762) entitled "An act for the relief of Henry Lane." (Report No. 2596.)

By Mr. WOOMER, from the Committee on Military Affairs: The bill (H. R. 8900) for the relief of Emanuel Peck, to amend his military record, and grant him an honorable discharge to date January 4, 1862. (Report No. 2600.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (S. 1976) entitled "An act granting a pension to Catherine E. O'Brien." (Report No. 2601.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 7954) to pension James H. Rathburn, father of Charles B. Rathburn. (Report No. 2602.)

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (H. R. 2137) to pay the heirs of the late John Roach, deceased, $330,151.42 for labor and material, dockage and detention, and occupation of yards and shops for the gunboats *Chicago*, *Boston*, and *Atlanta*. (Report No. 2603.)

By Mr. FENTON, from the Committee on Military Affairs: The bill (S. 2384) entitled "An act for the relief of David O. Burleigh." (Report No. 2605.)

By Mr. WILSON of New York, from the Committee on Naval Affairs: The bill (S. 3150) entitled "An act authorizing the President to appoint Lieut. Robert Platt, United States Navy, to the rank of commander." (Report No. 2606.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 6387) for the relief of John Dunn—Committee on Claims discharged, and referred to the Committee on War Claims.

The bill (H. R. 7604) for the relief of I. Winslow Ayers—Committee on Claims discharged, and referred to the Committee on War Claims.

The bill (H. R. 363) for the relief of Fannie Bostwick, widow of Martin B. Strader—Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WILLIS: A bill (H. R. 10106) authorizing expenditure of certain portion of amount appropriated by river and harbor act of June 30, 1896—to the Committee on Rivers and Harbors.

By Mr. FAIRCHILD: A bill (H. R. 10107) to amend the copyright law—to the Committee on Patents.

By Mr. LINTON: A bill (H. R. 10108) regulating fraternal beneficiary societies, orders, or associations in the District of Columbia—to the Committee on the District of Columbia.

By Mr. McCORMICK: A bill (H. R. 10109) directing the Secretary of the Navy to report to Congress a design for a statue of David D. Porter, lately the Admiral of the United States Navy—to the Committee on the Library.

By Mr. PATTERSON: A bill (H. R. 10110) to amend an act entitled "An act to regulate commerce," approved February 4, 1887—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: A bill (H. R. 10111) to equalize the pensions paid to the Union soldiers and sailors of the rebellion of 1861 to 1865, and to the widows of said Union soldiers and sailors—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 10112) to authorize the Secretary of War to furnish certified copies of muster rolls—to the Committee on Military Affairs.

By Mr. WALKER of Massachusetts: A resolution (House Res. No. 501) authorizing the Committee on Banking and Currency to expend $120 as compensation for the employment of stenographers and typewriters—to the Committee on Accounts.

By Mr. CRISP (by request): A resolution (House Res. No. 502) relative to post-office boxes—to the Committee on the Post-Office and Post-Roads.

By Mr. FITZGERALD: A resolution (House Res. No. 503) concerning the Marquette statue—to the Committee on the Library.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BAKER of New Hampshire: A bill (H. R. 10113) granting an increase of pension to Harriet P. Dame—to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 10114) granting a pension to E. F. Haskell—to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 10115) for the relief of William H. Hardy—to the Committee on Military Affairs.

Also, a bill (H. R. 10116) for the relief of John W. Parsons—to the Committee on Military Affairs.

By Mr. KULP: A bill (H. R. 10117) for the relief of William J. Freeman—to the Committee on War Claims.

By Mr. SULLOWAY: A bill (H. R. 10118) granting an increase of pension to Frederick W. Lamb—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARRETT: Resolutions of the Boston (Mass.) Chamber of Commerce, in favor of the construction of a dry dock at the Charlestown Navy-Yard—to the Committee on Naval Affairs.

By Mr. BOWERS: Petition of 250 residents of Redlands, Cal., favoring the passage of a bill forbidding the sale of intoxicating liquors in any Government building—to the Committee on Alcoholic Liquor Traffic.

By Mr. BRUMM: Petition of Camp No. 57, Patriotic Order Sons of America, and other societies of Tamaqua, Pa., relative to the recognition of the independence of Cuba—to the Committee on Foreign Affairs.

By Mr. BURTON of Ohio: Resolution of the Forest City Post, No. 556, Grand Army of the Republic, of Cleveland, Ohio, in favor of the Cameron resolution and the recognition of the independence of Cuba—to the Committee on Foreign Affairs.

Also, resolutions of the Ohio State Board of Commerce, in favor of the passage of Senate bill No. 2447, for the creation of a department of commerce and manufactures; also in favor of appropriations for the improvement of the Ohio River—to the Committee on Interstate and Foreign Commerce.

By Mr. COUSINS: Petition of O. E. Gaunt and 13 other citizens, of Legrand, Iowa, praying for the passage of House bill No. 9209, granting a service and per diem pension to all honorably discharged soldiers and sailors of the late war—to the Committee on Invalid Pensions.

By Mr. DALZELL: Resolution of the Pennsylvania Republican Association, in favor of legislation relating to restorations in the civil service—to the Committee on Reform in the Civil Service.

By Mr. FITZGERALD: Resolution of the New England Furniture Exchange, of Boston, Mass., favoring a permanent nonpartisan tariff commission—to the Committee on Ways and Means.

Also, resolutions of the American Trade Press Association of New York, N. Y., indorsing House bill No. 4566, known as the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Boston (Mass.) Chamber of Commerce, favoring the construction of a dry dock at the Charlestown Navy-Yard—to the Committee on Naval Affairs.

By Mr. GAMBLE: Petition of the Congregational church, the Christian church, and the Woman's Christian Temperance Union of Carthage, S. Dak., urging the passage of House bill No. 7441 and Senate bill No. 2846, for the prevention of gambling—to the Committee on the Judiciary.

By Mr. HILBORN: Petition of the California Wool Association, of San Francisco, Cal., for a tariff on wool and woolen goods—to the Committee on Ways and Means.

Also, resolutions of the Master Car Builders' Association, opposing the metric system—to the Committee on Coinage, Weights, and Measures.

Also, resolutions adopted by the Merchants and Manufacturers' Association of San Diego, Cal., urging the early completion of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

By Mr. HULING: Petition of 126 citizens of West Virginia, asking for the passage of Senate bill No. 2962, for the relief of the book agents of the Methodist Episcopal Church South—to the Committee on War Claims.

By Mr. KIEFER: Resolution of the National Guard of the State of Minnesota, protesting against the use of the national flag as a design for advertising—to the Committee on the Judiciary.

By Mr. KULP: Petition of George W. Seiler and 47 other citizens of the city of Milton, Pa., asking that an act be passed in relation to the American flag—to the Committee on the Judiciary.

By Mr. MARTIN: Petition of John Watson, of Richmond County, N. C., praying reference of his war claim to the Court of Claims under the Bowman Act—to the Committee on War Claims.

Also, petition of Josiah Milliken, of Richmond County, N. C., praying reference of his war claim to the Court of Claims under the Bowman Act—to the Committee on War Claims.

Also, petition of the estate of Elizabeth Covington, of Richmond County, N. C., praying that her war claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

Also, petition of the heirs of Mial T. Long, deceased, late of Richmond County, N. C., praying reference of his war claim to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. MORSE: Petition of the Old Colony Historical Society, Taunton, Mass., praying for the preservation of the United States frigate *Constitution*, now going to decay at Kittery, Me.— to the Committee on Naval Affairs.

By Mr. REED: Petition of Mary Lawson and 77 other citizens of the District of Columbia, Virginia, and Maryland; also petition of Toner Holman and 209 other citizens of Mississippi, for an appropriation to pay the depositors who lost by the failure of the Freedman's Savings and Trust Company—to the Committee on the District of Columbia.

By Mr. STEELE: Papers to accompany House bill for the relief of Eliza Tate, sister of Private Tipton Tate, Company K, Seventeenth Indiana Volunteers, who died in hospital at Nashville, Tenn., in April, 1862—to the Committee on Invalid Pensions.

By Mr. TURNER of Virginia: Petition of the heirs of James Ginn, deceased, late of Frederick County, Va., praying that his war claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

SENATE.

SATURDAY, *January 23, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. ALLEN, and by unanimous consent, the further reading was dispensed with.

NORTH AMERICAN COMMERCIAL COMPANY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 5th instant, a detailed statement of the public revenue derived from the North American Commercial Company in its annual settlements with the Treasury Department, for the exclusive privileges which they enjoy by the terms of the lease of the seal islands of Alaska, dated May 1, 1890; which, with the accompanying papers, was ordered to lie on the table, and to be printed.

ORDER OF PROCEDURE.

Mr. HALE. I should like now, Mr. President, to renew the proposition with reference to the course of business to-day which I made last night, for the reason that a good many Senators have left town and will not be here to-day, not expecting that any of the particular subjects-matter that were up yesterday would come up to-day. But there is a general disposition to go to the Calendar and clear up the business on that list.

Mr. SHERMAN. Unobjected cases.

Mr. HALE. Unobjected cases. It is a better time now to do it than hereafter, because after this week the tide of appropriation bills from the other House will set in here. We have not any appropriation bills pending now. The one that was almost finished yesterday is the last one before the Senate; and we are waiting for the action of the House on those bills. When they come in, as Senators know, with only about five weeks of the Congress left, we shall have little time for other matters. So I renew my proposition that after the routine morning business to-day the time be devoted——

Mr. SHERMAN. Let us commence now.

Mr. PETTIGREW. I want to finish the Military Academy appropriation bill to-day.

Mr. HALE. Had not that better go over until Monday? It can be got through at any time. I think the Senator from South Dakota can get it through on Monday; but that, of course, is a matter he must decide. He has in charge an appropriation bill that is almost through. We can take it up, of course, on Monday morning and dispose of it, perhaps, in ten minutes.

Mr. COCKRELL. That would be a better course than to take it up to-day.

Mr. HALE. I think so.

Mr. PLATT. The pension bills are by themselves on the Calendar.

Mr. HALE. Then I will modify the proposition and propose that, commencing now, the day be devoted to the consideration, under Rule VIII, of unobjected bills on the Calendar.

Mr. PLATT. The pension bills to be taken first.

Mr. SHERMAN. The pension bills had better be taken up first.

Mr. GORMAN and others. Oh, no!

Mr. HALE. Suppose we go on until 3 o'clock and then take up the pension bills. Will that course be satisfactory?

Mr. WHITE. I inquire of the Senator from Maine whether such an order will interfere with the Nicaragua Canal bill.

Mr. HALE. Not in the least. The Nicaragua Canal bill is the unfinished business. Of course, at 2 o'clock it will be formally laid before the Senate, and then temporarily laid aside.

Mr. WHITE. I merely wanted to have that understood.

Mr. HALE. Nothing will uproot it.

Mr. WHITE. Very well.

Mr. HALE. Then I make the proposition that to-day be devoted to the consideration, under Rule VIII, of unobjected cases on the Calendar, and that at 3 o'clock the Senate proceed to the consideration of bills on the pension Calendar.

Mr. ALLEN. Do I understand the Senator to desire to proceed now?

Mr. MILLS. Right now.

Mr. HALE. At the suggestion of several Senators, I have made the proposition to begin now.

Mr. ALLEN. I do not desire to interpose any objection, but I think we ought to have fifteen or twenty minutes to get through with the morning business.

Mr. HALE. Of course the only trouble about that—if the Senator objects, we shall have to do it, of course——

Mr. ALLEN. I do not want to object.

Mr. HALE. The only trouble is, a Senator may get something in that will lead to debate.

Mr. ALLEN. I do not want to object at all, but there is some routine morning business that I think ought to be transacted, and it will not take twenty minutes to do it.

Mr. HALE. Then I will make the proposition that at half past 12——

Mr. ALLEN. That is right.

Mr. HALE. That at half past 12 the Senate proceed to consider, under Rule VIII, unobjected cases upon the Calendar, and that at 3 o'clock the Senate take up the pension Calendar for action.

Mr. GORMAN, Mr. MILLS, and others. All right.

Mr. GALLINGER. That will be satisfactory.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine? The Chair hears none, and it is so ordered. Petitions and memorials are in order.

PETITIONS AND MEMORIALS.

Mr. ALLEN. I present a resolution of the senate of Nebraska, in the nature of a petition, praying for the recognition of the independence of Cuba. I ask that the resolution lie on the table and be printed in the RECORD.

The resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

SENATE CHAMBER, *Lincoln, Nebr., January 12, 1897.*

Resolved, That the senate of Nebraska send to the people of Cuba now struggling to free themselves from four hundred years of Spanish misrule, oppression, and cruelty, our active sympathy in their struggle for liberty, and our earnest hope that they may soon secure the right of self-government now enjoyed by the people of the United States; that we condemn the cruelty and outrages which have marked the present Spanish wars in that island as deserving the reproach of all civilized nations, and express our hope that the day may soon dawn when Cuba shall be free and European domination and intrigue shall be banished from American soil; that we respectfully urge the President and our Senators and Representatives in Congress to actively support immediate measures designed to secure honorable, and, if possible, peaceful independence for the Island of Cuba, and that the secretary of the senate be instructed to forward to the President and to each of our representatives in Congress a copy of this resolution.

STATE OF NEBRASKA, *Lancaster County, ss:*

I, W. F. Schwind, secretary of the senate, hereby certify that the foregoing is a true and correct copy of a certain resolution passed by the senate of the State of Nebraska on the 12th day of January, 1897.

WILLIAM F. SCHWIND, *Secretary.*

Mr. PLATT presented the petition of Timothy Dwight and other members of the faculty of the Yale Law School of New Haven, Conn., praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

Mr. CULLOM presented a memorial of the Federation of Labor of Chicago, Ill., remonstrating against the provisions of House bills 2063 and 6339, providing for the punishment of American seamen; which was ordered to lie on the table.

He also presented a petition of Dunlap Grange, No. 919, Patrons of Husbandry, of Dunlap, Ill., praying for the establishment of

postal-savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented a petition of the New Hampshire Christian Endeavor Union, of Concord, N. H., praying for the passage of House bill No. 7083, prohibiting the sale of intoxicating liquors in the Capitol building; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Woman's Christian Temperance Union of Franklin, N. H., praying for the passage of Senate bill No. 1498, to raise the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the Judiciary.

Mr. BURROWS presented a memorial of the Michigan Presbyterian, of Detroit, Mich., and the memorial of G. O. Shields, editor of the Read Recreation, of New York City, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of Edmund A. Souder & Co., of Philadelphia; of Schell, Taylor & Co., of Philadelphia; of Albert C. Lowe, of Philadelphia; of R. J. Hillier, of Philadelphia; of Charles W. Clark & Son, of Philadelphia; of John S. Stilz & Son, of Philadelphia; of Fisher, Bruce & Co., of Philadelphia; of Croxton, Ward & Co., of Philadelphia; and of John L. Vandiver, of Philadelphia, all in the State of Pennsylvania, and the petition of the Esterbrook Steel Pen Manufacturing Company, of Camden, N. J., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BRICE presented a petition of the Cincinnati Bar Association, of Cincinnati, Ohio, praying for the ratification of the arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Fach Bros. Grocery Company, of Cincinnati, Ohio, and a petition of Stilwell-Bierce and Smith-Vaile Company, of Dayton, Ohio, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE presented a petition of the Lexington Historical Society, of Lexington, Mass., and a petition of the Franklin Typographical Society of Boston, Mass., praying for the ratification of the arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

He also presented a petition of the Chamber of Commerce of Boston, Mass., praying that an appropriation be made for the establishment of a dry dock at Charlestown, Mass.; which was referred to the Committee on Naval Affairs.

Mr. COCKRELL. I present a petition of citizens of Bonneterre, St. François County, Mo., condemning the cruel outrages perpetrated in Cuba by Spanish soldiers, expressing sympathy with the patriotic people of that island struggling for liberty, and praying that the United States Government grant them every right and extend to them every aid possible not in open violation of existing treaties. I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. CAMERON presented a concurrent resolution of the legislature of Pennsylvania; which was read, and referred to the Committee on Military Affairs, as follows:

CONCURRENT RESOLUTION.

IN THE SENATE, *January 19, 1897.*

Whereas there is now pending in Congress a bill (H. R. 4339) to establish a national military park to commemorate the campaign, seige, and defense of Vicksburg; and

Whereas the operations that culminated almost simultaneously at Gettysburg and Vicksburg in July, 1863, not only mark the turning point in the war of the rebellion, but also constitute one of the greatest epochs in the history of our country, and should both be commemorated in the most impressive and enduring manner possible; and

Whereas the establishment of a national military park at Vicksburg will be a most fitting and appropriate monument to the great commander whose genius planned these operations and directed them to a successful issue; and

Whereas the State of Pennsylvania has an especial interest in this line for the reason that of her gallant soldiers four regiments of infantry and one battery of artillery participated in the operations it is intended to commemorate: Therefore,

Resolved (*if the house of representatives concur*), That the general assembly of Pennsylvania ask that the above-named bill (H. R. 4339) be passed during this session of Congress and requests the Senators and Members of the House of Representatives in Congress from Pennsylvania to labor earnestly for its passage, and the secretary of the commonwealth is hereby directed to send a copy of this resolution to the Senators and Members of the House of Representatives from Pennsylvania to the Hon. THOMAS B. REED, Speaker of the House of Representatives, and to the Hon. JOHN A. T. HULL, chairman of the House Committee on Military Claims.

E. W. SMILEY,
Chief Clerk of the Senate.

The foregoing resolution concurred in January 19, 1897.

JERE B. REX,
Chief Clerk of the House of Representatives.

Approved the 20th day of January, A. D. 1897.

DANIEL H. HASTINGS.

The foregoing is a true and correct copy of concurrent resolution of the general assembly of Pennsylvania No. 1.

FRANK REEDER,
Secretary of the Commonwealth.

Mr. HOAR presented a petition of the Merchants' Association, of Boston, Mass., and a petition of sundry citizens of Massachusetts, praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

Mr. GEAR presented the petition of T. R. Wallace and 78 other citizens of Altantic, Iowa, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HILL presented a memorial of sundry citizens of the District of Columbia, remonstrating against the adoption of the so-called Cockrell resolution, in relation to electric lighting in the District of Columbia; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (H. R. 4620) granting a pension to Samuel McKinsey, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (H. R. 4875) granting a pension to John W. Pogue, reported it without amendment, and submitted a report thereon.

Mr. CHILTON, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 8850) to amend an act passed at the first session of the Fifty-fourth Congress, entitled "An act to grant to railroad companies in Indian Territory additional power to secure depot grounds, and to correct alignments," reported it with an amendment.

BILLS INTRODUCED.

Mr. LODGE introduced a bill (S. 3585) to relieve Jacob H. Eaton from the charge of desertion from the Navy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3586) granting a pension to James P. Hurley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GIBSON introduced a bill (S. 3587) to change the names of certain streets in the city of Washington, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HOAR introduced a bill (S. 3588) to insure a full bench in the Court of Claims for the hearing of the cases entitled "The United States against La Abra Silver Mining Company and others" and "The United States against Alice Weil and others;" which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. GALLINGER (for Mr. MCMILLAN) introduced a bill (S. 3589) regulating fraternal beneficiary societies, orders, or associations in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. TILLMAN introduced a bill (S. 3590) to limit the effect of the regulation of commerce between the several States and with foreign countries in certain cases; which was read twice by its title, and referred to the Committee on Interstate Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PROCTOR submitted an amendment intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

ELECTRIC SUBWAYS IN THE DISTRICT OF COLUMBIA.

Mr. HILL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the memorial of Herbert M. Locke and 500 other citizens of the District of Columbia relating to the laying of electric subways in the District of Columbia, presented to the Senate on January 19 instant and referred to the Committee on the District of Columbia, together with the memorial this day presented on the same subject, be printed as a document.

UNION PACIFIC RAILROAD.

Mr. ALLEN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General be, and he is hereby, directed to inform the Senate whether he has entered into an agreement or stipulation with what is commonly known as the reorganization committee of the Union Pacific Railroad respecting the foreclosure of the Government lien thereon, and the amount, if any such agreement or stipulation has been made, said reorganization committee is to bid in the event of the foreclosure of said lien; and also send to the Senate the full text of such agreement or stipulation, together with the names of the parties thereto and the names of the persons

comprising the reorganization committee, as well as the written authority he may have for beginning such foreclosure proceedings or entering into any such agreement or stipulation.

ARTESIAN WATERS OF THE DAKOTAS.

Mr. PETTIGREW submitted the following concurrent resolution; which was referred to the Committee on Printing, and ordered to be printed:

Resolved by the Senate (the House of Representatives concurring), That there be printed 2,000 additional copies of an extract from the Seventeenth Annual Report of the United States Geological Survey, entitled "Preliminary report on artesian waters of a portion of the Dakotas," for distribution by the Geological Survey.

MARITIME CANAL COMPANY OF NICARAGUA.

Mr. MORGAN. I ask unanimous consent for the present consideration of the resolution which I send to the desk, to secure certain papers.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The resolution will be read.

The Secretary read as follows:

Resolved, That the President is requested, if it is not, in his opinion, inconsistent with the public interests, to send to the Senate copies of all correspondence and official communications relating to the Nicaragua Canal, or the Maritime Canal Company of Nicaragua, since 1887, with the Government of Nicaragua, or any minister thereof, or between the Government of the United States and its ministers accredited to the Government of Nicaragua.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. HILL. I should like to examine the resolution, and therefore I ask that it go over for to-day.

The PRESIDING OFFICER. The Senator from New York objects.

Mr. MORGAN. If I may be permitted to make a brief statement to the Senator from New York, I think he will not object.

Mr. HILL. What is the reason for the resolution?

Mr. MORGAN. The reasons for the resolution are these: The letter that was read here yesterday from Mr. Rodriguez, the minister of the Greater Republic of Central America——

Mr. HILL. I withdraw my objection, Mr. President.

The PRESIDING OFFICER. The objection being withdrawn, the resolution is before the Senate, and the question is on its passage.

The resolution was agreed to.

ORDER OF BUSINESS.

The VICE-PRESIDENT (at 12 o'clock and 15 minutes p. m.). The morning business is closed.

Mr. PLATT. I suggest that we might go on with the order, although the hour of half past 12 has not been reached.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Calendar under Rule VIII is in order. The first case will be announced.

NONPARTISAN INDUSTRIAL COMMISSION.

The bill (H. R. 9188) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital was announced as first in order on the Calendar.

Mr. PLATT. I supposed that bill was objected to and passed over into the stage preceding this.

The VICE-PRESIDENT. The Chair understands that it was placed in the position it now occupies by unanimous consent at the time.

Mr. PLATT. I did not so understand it, and I do not think the Senator from Rhode Island [Mr. ALDRICH] who made the objection so understood it. At any rate, it is a bill which can not be discussed under the five-minute rule, and I make the objection now.

The VICE-PRESIDENT. The Chair is advised that it was passed over upon the request and at the suggestion of the Senator from Maine [Mr. FRYE].

Mr. PLATT. That simply was that it should not lose its place.

The VICE-PRESIDENT. What is the request of the Senator from Connecticut?

Mr. PLATT. I object to its consideration now.

The VICE-PRESIDENT. The bill goes over, then.

Mr. PERKINS. I move that, notwithstanding the objection to the bill, it be now considered by the Senate.

Mr. PLATT. This is not in accordance with the order which was made this morning. It is for the consideration to-day of unobjected bills merely.

Mr. PERKINS. If that is the understanding, of course I withdraw the motion. The bill does not lose its place, I understand, upon the Calendar.

Mr. PLATT. I will object to it, and see where it goes then.

Mr. COCKRELL. It does not make any difference whether it is placed on the other Calendar. The Senator can call it up at any time from there just as well as from anywhere else.

The VICE-PRESIDENT. The next bill on the Calendar will be stated.

Mr. PERKINS. I rise to a parliamentary inquiry. Does the bill lose its place upon the Calendar?

Mr. SHERMAN. I think there is no question about it. The bill retains its place on the Calendar and is not displaced at all.

Mr. HILL. I suggest to the Senator from California that he ask that it go over without losing its place. That will settle it.

Mr. PERKINS. I made that request and understood it was granted. Then the Senator from Connecticut [Mr. PLATT] objected. Therefore, I wish to know the status, from a parliamentary standpoint, of the position the bill now holds. I wish to say, parenthetically speaking, that I have no interest in the bill except for the public good, but I do think that we should dispose of it, that we should either pass it or defeat it.

The VICE-PRESIDENT. The Chair will determine the question and answer the inquiry of the Senator from California after an examination of the rule.

BLACKFEET AND FORT BELKNAP INDIAN RESERVATIONS, MONT.

The bill (S. 2564) to ratify an agreement with the Indians of the Blackfeet Reservation, Mont., and making an appropriation to carry the same into effect, and the bill (S. 2565) to ratify an agreement with the Indians of the Fort Belknap Reservation, Mont., and making an appropriation to carry the same into effect, were announced as the next bills on the Calendar.

Mr. PLATT. I supposed that those two bills were passed substantially on last year's appropriation act.

Mr. COCKRELL. Let them be passed over without losing their place.

Mr. PLATT. The Senator from Montana [Mr. MANTLE] is not here, and the bills had better be passed over until he comes in.

Mr. COCKRELL. Let them be passed over.

The VICE-PRESIDENT. Without objection, the bills will be passed over.

Mr. PLATT. I think they were incorporated in an appropriation act.

Mr. COCKRELL subsequently said: Senate bill 2564 and Senate bill 2565 were included in an appropriation act, and I move that they be indefinitely postponed, and stricken from the Calendar.

Mr. PLATT. I think that is right, Mr. President.

The VICE-PRESIDENT. Without objection, it will be so ordered.

ADMISSION OF ARIZONA.

The bill (S. 2090) to enable the people of Arizona to form a constitution and State government, and to be admitted into the Union on an equal footing with the original States, was announced as next in order on the Calendar.

Mr. WHITE. That bill ought to be disposed of, Mr. President, it seems to me, at some time. It has been on the Calendar for a long while.

The VICE-PRESIDENT. The bill will be read.

Mr. SHERMAN. I think a bill proposing to form a new State ought not to be acted upon under the five-minute rule.

The VICE-PRESIDENT. It is for the Senate to decide upon the disposition of the bill.

Mr. SHERMAN. I object to the present consideration of the bill.

Mr. WHITE. Let it be passed over without losing its place.

Mr. SHERMAN. I understood that none of the bills which are merely passed over are to lose their place.

Mr. WHITE. I make the request accordingly. There is no objection to my request, I understand.

The VICE-PRESIDENT. In the absence of objection, it is so ordered. The next bill on the Calendar will be announced.

FRANCIS HALL AND JURIAH HALL.

The bill (S. 2469) authorizing and directing the Secretary of the Interior to quitclaim and release unto Francis Hall and Juriah Hall and their heirs and assigns all the right, title, and interest of the United States in and to the east 20 feet front by the full depth of 100 feet of lot 2, in square 493, in the city of Washington, D. C., as laid down on the original plan or plat of said city, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT WATERBURY, CONN.

The bill (S. 493) for the erection of a public building at Waterbury, Conn., was announced as next on the Calendar.

Mr. PLATT. That bill may be passed over for the present.

The VICE-PRESIDENT. Without objection, the bill will be passed over.

SUPREME COURT BUILDING.

The bill (S. 2492) authorizing the purchase of a site for a building for the accommodation of the Supreme Court of the United States was announced as next on the Calendar.

Mr. GORMAN. Let that go over.

The VICE-PRESIDENT. The bill will go over.

ESTHER A. KEYSER.

The bill (S. 335) for the relief of Esther A. Keyser, was considered as in Committee of the Whole. It directs the Commissioners

of the District of Columbia to refund and repay to Esther A. Kersey, out of any moneys standing to the credit of the District of Columbia in the Treasury of the United States not otherwise appropriated, such sum or sums of money as have heretofore been paid by her, or those under or through whom she claims, to the corporation of Washington or its successors, not exceeding $2,036.61, as the purchase money for lot 3 in square 873.

The bill was reported from the Committee on the District of Columbia with an amendment, to add the following proviso:

Provided, That the amount paid under this act shall not exceed $2,036.61.

The amendment was agreed to.

Mr. COCKRELL. I should like to have some explanation of the bill.

Mr. SHERMAN. Let the report be read.

The VICE-PRESIDENT. The report will be read.

Mr. COCKRELL. Let the bill be passed over temporarily.

The VICE-PRESIDENT. Objection being interposed, the bill will be passed over.

DONATION OF CONDEMNED CANNON.

The bill (S. 1399) authorizing and directing the Secretary of the Navy to donate condemned cannon and condemned cannon balls to certain posts of the Grand Army of the Republic was announced as next in order.

Mr. COCKRELL. I move that that bill and two or three other bills of the same sort—I thought they were all here together—be indefinitely postponed. I hold in my hand public act No. 146, approved May 22, 1896, which authorizes the Secretary of War and the Secretary of the Navy "in their discretion, to loan or give to soldiers' monument associations, posts of the Grand Army of the Republic, and municipal corporations condemned ordnance, guns, and cannon balls which may not be needed in the service of either of said Departments." It is a general law, and there is no use to pass any more special bills.

Mr. GALLINGER. And we are getting them under that general law, I will say to the Senator. In my State we have already obtained them.

Mr. COCKRELL. I move that all those bills, as we come to them, be indefinitely postponed.

Mr. GALLINGER. That is right.

The VICE-PRESIDENT. Without objection, it will be so ordered.

SHORT-PAID MAIL MATTER.

The bill (S. 2199) to regulate the delivery of short-paid mail matter was announced as next in order on the Calendar.

Mr. MILLS. That bill ought to be indefinitely postponed. It is an adverse report.

Mr. COCKRELL. Let it be indefinitely postponed.

Mr. HAWLEY. I have not looked at the bill, but my impression is that it is not the bill which authorizes——

Mr. SHERMAN. The bill has been reported adversely at any rate, and it goes over without an objection.

Mr. MILLS. There is an adverse report by the committee upon it.

Mr. COCKRELL. I object to it, anyway.

The VICE-PRESIDENT. The bill will be postponed indefinitely, in the absence of objection.

Mr. PLATT. I would rather the bill would not be postponed indefinitely until we can see what it is.

Mr. MILLS. Simply object to it, and it will be passed over.

Mr. COCKRELL. I objected to it, and it went over.

Mr. PLATT. But I understood the Chair to say that the bill would be indefinitely postponed.

Mr. COCKRELL. I first made that motion, which would be perfectly in order, as the bill was reported adversely.

Mr. SHERMAN. According to the rule under which we are acting, it would go over because reported adversely.

The VICE-PRESIDENT. The bill will be passed over.

AMES & DETRICK.

The bill (S. 289) for the relief of Ames & Detrick, of San Francisco, in the State of California, was considered as in Committee of the Whole. It proposes to refund to Ames & Detrick, manufacturers of grain bags at San Francisco, or to the person or persons legally entitled to receive the same, the amounts actually collected from that firm and its predecessors, Detrick & Co., E. Detrick & Co., and E. Detrick, for alleged extra expenses incurred by customs officers in supervising the export of grain bags with benefit of drawback, over and above the 10 per cent retention provided by law.

Mr. PLATT. Let the report be read.

The VICE-PRESIDENT. The report will be read.

The Secretary proceeded to read the report, submitted by Mr. STEWART from the Committee on Claims, March 31, 1896.

Mr. PLATT. I do not care to hear the report read through, if it can appear in the RECORD as if read.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). If there be no objection, the report will be printed in the RECORD as having been read.

The report is as follows:

The Committee on Claims, to whom was referred the bill (S. 289) for the relief of Ames & Detrick, of San Francisco, in the State of California, have examined the same, and report as follows:

The bill was before your committee in the Fifty-third Congress, and after due consideration it was favorably reported. It has been favorably reported to the House of Representatives at this session, but no final action has yet been taken thereon. Your committee subjoin the report made by the House Committee on Claims at this session of Congress to this report, and recommend that the bill be passed.

The report referred to is as follows:

[House Report No. 198, Fifty-fourth Congress, first session.]

The Committee on Claims, to whom was referred the bill (H. R. 1014) for the relief of Ames & Detrick, of San Francisco, in the State of California, submit the following report:

In 1882 the Secretary of the Treasury issued a regulation to enable manufacturers of grain bags to recover the drawback allowed by law on imported materials manufactured into articles within the United States and thence exported. The regulation provided that each grain bag should bear an indelible inscription expressly reserving the drawback right to the manufacturer, and that the manufacturer should bear any extra expense of administering the regulation.

According to a report by the special Treasury agent at San Francisco, the extra expense contemplated by the regulation was the expense of appropriately and indelibly marking each bag so that none but the manufacturer could set up a legal claim to the drawback allowance, whoever might be the owner or shipper of the grain contained in the bag. This expense has always been borne by the manufacturers, and is not in controversy. But the then collector of customs at San Francisco so construed the regulation as to require the manufacturer to refund to the custom-house the compensation paid to the Government inspectors by whom the exported grain bags were counted and certified for payment of drawback. The result was that $11,004.51 were illegally exacted from this manufacturing house, under its successive firm names and styles of Detrick & Co., E. Detrick & Co., E. Detrick, and Ames & Detrick, before the exaction ceased, partly by the voluntary action of the Secretary of the Treasury and partly by virtue of a decision of the United States circuit court at San Francisco to the effect that the exactions were illegal. This decision was accepted by the Secretary of the Treasury, upon advice of the Attorney-General, as final and conclusive, without appeal to the Supreme Court. In addition to these exactions, aggregating more than $11,000, as already stated, the Department retained the statutory 10 per cent of the duties paid on the imported materials, as in other cases of drawback.

The parties, as appears from the opinion rendered by the Attorney-General to the Secretary of the Treasury, have lost their legal right to recover these unlawful exactions because they did not formally protest and appeal or enter suit upon each exaction as it was made. But from the very beginning they objected to the exaction, and were deterred from more formal proceedings for the time being by promises from the Secretary of the Treasury, the collector of customs, and the special Treasury agent at San Francisco that the matter should receive proper consideration, all of which appears from papers and information furnished to the committee from the Treasury Department. Failing to obtain relief from these assurances, they made formal protest and appeal October 6, 1886, against the exactions for the month of August in that year. The appeal was overruled by the Secretary of the Treasury, who advised the collector that charges of this nature were not subject to protest and appeal, and this advice was communicated to the parties, who therefore discontinued that mode of obtaining relief from the exactions and ultimately brought an action against the collector on a test case, with the result already stated.

In his letter of October 19, 1886, to the collector at San Francisco, overruling the protest and appeal made by the claimants against the exactions for the month of August, the Secretary of the Treasury explicitly said:

"It may be proper here to state that the decisions of the collector in cases of drawback are not subject to protest and appeal under section 2931, Revised Statutes.

"Respectfully, yours, "C. S. FAIRCHILD,
"*Acting Secretary.*"

Naturally, after the communication of this decision to them, the claimants ceased to exercise the tedious formality of protest and appeal month by month until they were induced to renew it a year afterwards for the purpose of making a test case for the courts. The result of that test is shown in the following extract from the record of the court:

[In the circuit court of the United States, Ninth judicial circuit, northern district of California. Josiah P. Ames and Edington Detrick, doing business under the firm name and style of Ames & Detrick, *vs.* John S. Hager, collector of customs, port and collection district of San Francisco, Cal. No. 6379.]

The court having overruled the demurrer of defendant to plaintiffs' complaint herein and ordered that judgment be entered herein in favor of plaintiffs, in pursuance of the prayer of the complaint: Now, therefore, by virtue of the law and by reason of the premises aforesaid, it is considered by the court that Josiah P. Ames and Edington Detrick, doing business under the firm name and style of Ames & Detrick, do have and recover of and from John S. Hager, collector of customs, port and collection district of San Francisco, Cal., the sum of $375.57, together with interest thereon at the rate of 7 per cent per annum from the 26th day of January, 1888, and their costs in this behalf expended, taxed at $15.40.

Judgment entered October 29, 1888.

L. S. B. SAWYER, *Clerk.*

Full satisfaction of this judgment is hereby acknowledged this 14th day of December, A. D. 1888.

AMES & DETRICK.

This judgment, accepted as conclusive by the Secretary of the Treasury, upon advice of the Attorney-General, stopped the illegal collections; but the $11,004.51 illegally collected prior thereto was beyond recovery by suit or refund, because the claimants, relying upon the advice and direction of Treasury officials, had not protested and appealed the payments as exacted from them.

The following letter from the Treasury Department to the then chairman of the House Committee on Ways and Means shows the opinion entertained by the Department of the equities and merits of the case:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., December 11, 1890.

SIR: Referring to the letter addressed to your committee by this Department July 31, 1890, respecting House bill 6538, for the relief of Messrs. Ames & Detrick, I have the honor to inclose herewith a copy of a report of the special agent of the Department at San Francisco, who was directed to make a thorough inquiry into the matter, in view of the strong presentation made under oath by one of the parties interested, a copy of which will be found herewith, that injustice had been done to them by the letter above referred to, both in the summary of facts and in the omission or any suggestions touching the equitable readjustment of their cases.

The Department believes that it should not withhold from the committee the new facts disclosed and the particular circumstances of the case as set forth in the report of the special agent, which exhibit equitable grounds for the interference of Congress not fully appearing heretofore in the records of the Department.

I am, sir, very respectfully,

A. B. NETTLETON,
Acting Secretary.

Hon. WM. MCKINLEY,
Chairman Committee on Ways and Means,
House of Representatives.

The committee have also been furnished with a report from the United States district attorney at San Francisco and a statement by the circuit judge before whom the test case was tried, both of which confirm the conclusion that there was no more warrant in law than there was upon the equities of the case for the collector of customs to exact from these drawback exporters the amounts he did exact in excess of the 10 per cent of duties paid as provided by the law then existing relating to drawback.

The report of the special agent of the Treasury referred to in the above letter of the Acting Secretary of the Treasury is too long to be inserted here in full, but the following are extracts from it that throw light upon the case:

"In January, 1882, the Department issued circular instructions to the effect that whenever a manufacturer of grain bags from duty-paid material should reserve to himself the drawback right arising from such manufacture * * * the legal drawback of the duties paid on exportation should be paid to him. * * * Soon after the order went into effect the larger part of the export grain traffic of the port of San Francisco was transferred to Port Costa, a village at the head of the bay of San Francisco, 30 miles distant, near to and opposite the port of Benicia, where, by law, an officer of customs was required to be stationed.

"When it transpired that the presence of an officer was necessary at Port Costa, the collector assigned the Benicia inspector there, and instead of permitting him to attend to exports he instructed him not to do so, but sent an inspector there from San Francisco to supervise the lading of bags for exportation, and collected thereafter, monthly, from Messrs. Ames & Detrick, a sum equivalent to the compensation of the officer. * * * This arrangement continued until the autumn of 1885, when Gen. O. L. Spaulding, then special agent, visiting the Pacific Coast ports and finding the Benicia inspector comparatively unemployed, recommended his removal, which was approved by the Department, after which all the official duties at Port Costa devolved upon the inspector whose compensation was charged to Messrs. Ames & Detrick. These duties consisted in protecting the revenue against smuggling, opening of the sealed hatches of vessels for the delivery of ship stores, and the performance of such other services as the collector should direct. * * *

"I am unable to comprehend any sufficient objection to the passage by Congress of a measure of relief. * * * I have not believed that the official order was intended to or could warrant the exaction of other than the expense of marking the grain bags to distinguish them from those of other makers. * * * The contention that the failure of the payers to protest each payment is fatal to the case does not, from my point of view, touch the equities of the case. * * * The Department has deducted from the face of all drawbacks the 10 per cent allowed by law on all drawbacks paid to the firm of Messrs. Ames & Detrick. This sum was evidently intended by the statute to cover the expenses incident to supervising the exportation. * * * I can not perceive how the Department can in justice withhold the recommendation to Congress.

"J. F. EVANS, *Special Agent.*"

Other features of hardship are that in illegally collecting this sum of upward of $11,000 for alleged expenses the collector gave no credit to the parties for the 10 per cent of duties retained under the drawback act, nor for the great number of exported bags upon which no drawback could be obtained because the Government inspectors were not present to count and certify them as they went aboard ship laden with grain; also, that while the inspectors who counted such bags as were certified were necessarily and beneficially employed upon a wide range of public duties under the revenue and navigation laws, at Port Costa, on the bay of San Francisco, this one house or firm was made to pay the entire compensation of these inspectors instead of a proportional part thereof, which was the most that the collector should have exacted, even under his erroneous construction of the grain-bag regulation as made by the Department. The bill provides, in effect, that the Treasury Department shall refund whatever amounts were illegally and improperly collected, and which can not be refunded now without authority of Congress, because, upon advice and direction of the Department itself, these parties ceased to protest and appeal against each successive payment as it was demanded and received by the collector of customs.

There is before the committee a table showing the amounts exacted from the firm by months, the payments running from April, 1882, to October, 1887, and showing the total amount collected to have been $11,004.51, not including the amount recovered by the judgment of the circuit court at San Francisco, which finally ended the collections. This table also has the interest calculations, at the legal rate in California of 7 per cent per annum, and they show that the interest amounted to $5,253.49 on March 31, 1890, to which date the calculations were made. The present amount of interest exceeds $9,700, and this and all subsequent accretions of interest are lost to the true owners of the $11,004.51, because the Government is not legally liable for interest, the claimants have not pressed it, and the committee would not feel at liberty to recommend it if they had.

Upon the foregoing facts the committee report back the bill and recommend that it do pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. SARAH H. WOOD.

The bill (S. 1734) for the relief of Mrs. Sarah H. Wood was announced as next in order on the Calendar, and was read.

Mr. CHANDLER. If the Senator who reported that bill is here, I should like to have an explanation of it. I have an impression that it was a military seizure of property, and I have uniformly voted against such bills.

The PRESIDING OFFICER. The Senator who reported the bill is not present.

Mr. HILL. Let the bill be temporarily laid aside.

Mr. CHANDLER. If the Senator who reported the bill comes in, I will have no objection to its being taken up again.

The PRESIDING OFFICER. If there be no objection, the bill will be temporarily laid aside.

HEIRS OF LORENZO ANDININO AND OTHERS.

The bill (S. 2694) for the relief of the heirs of Lorenzo Andinino, Francesco Ronchietto, and Stanislas Vittone was considered as in Committee of the Whole. It proposes to appropriate $15,000, to be expended under the direction of the Secretary of State, at his discretion, for the benefit of the heirs of Lorenzo Andinino, Francesco Ronchietto, and Stanislas Vittone, Italians, who were killed by mob violence at Walsenburg, Colo., in March, 1895.

Mr. CHANDLER. I want to ask a question of the Senator from Alabama about the bill. Has not the amount already been paid in some appropriation act?

Mr. MORGAN. No; I suppose not. The Committee on Foreign Relations reported the bill unanimously after investigation, and we had no intimation that it had been paid under any other bill.

Mr. CHANDLER. Is the Senator sure that the amount was not appropriated in one of the regular appropriation acts last summer?

Mr. MORGAN. That was for the New Orleans affair, I am told.

Mr. CHANDLER. And this payment has not yet been made, the Senator thinks?

Mr. MORGAN. That is the information the committee have. I do not know anything about it personally besides that information.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LINCOLN PARK, CHICAGO.

The bill (S. 2120) to release and quitclaim to the commissioners of Lincoln Park, in the county of Cook and State of Illinois, certain littoral or riparian rights belonging to the United States was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with an amendment to add:

For purposes of the extension or enlargement of said park and for no other.

Mr. CULLOM. I am not very certain that that bill is exactly the measure we ought to pass. As it has been read and the amendment has been stated, I will ask that it be laid over until I can see some members of the other branch of Congress who are interested and know all the facts. I may desire to call it up later.

The PRESIDING OFFICER. Does the Senator from Illinois desire to have the amendment acted upon before the bill is laid over?

Mr. COCKRELL. No.

Mr. CULLOM. I think it might as well rest just as it is until I learn a little more fully about it.

The PRESIDING OFFICER. The bill will go over.

DANIEL E. LYNN.

The joint resolution (S. R. 100) granting a life-saving medal to Daniel E. Lynn, of Port Huron, Mich., was considered as in Committee of the Whole.

The joint resolution was reported from the Committee on Commerce with amendments, in line 5, before the word "life-saving," to insert "gold," and in line 7, before the name "Shupe," to insert "William;" so as to read:

Resolved, etc., That the Secretary of the Treasury be, and he is hereby, authorized to bestow upon Daniel E. Lynn, of the city of Port Huron, Mich., a gold life-saving medal in recognition of his heroic services in the attempt to rescue the crew of the schooner *William Shupe* on the 19th of May, 1894.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

SWAN ISLAND LIGHT-HOUSE.

The bill (S. 2549) for the establishment of a light-house on Swan Island, belonging to the United States, in the Caribbean Sea, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment to add the following proviso:

Provided, That a suitable site for said light-house shall be secured to the United States free of cost or liability.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FORT GRATIOT LIFE-SAVING STATION.

The bill (S. 2782) to establish a life-saving station at or near Fort Gratiot, Mich., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DELEGATE FROM ALASKA.

The bill (S. 2671) providing for the election of a Delegate from the District of Alaska to the House of Representatives of the United States was announced as next in order.

Mr. COCKRELL. Let that be passed over for the present.

Mr. SHERMAN. Let the bill go over.

The PRESIDING OFFICER. The bill will go over.

PROSECUTIONS IN THE DISTRICT OF COLUMBIA.

The bill (S. 2463) to regulate certain prosecutions in the District of Columbia was announced as next in order.

Mr. ALLEN. Let that bill go over, Mr. President.

Mr. GALLINGER. This is a very simple bill, making changes that are important in the laws of the District, which are recommended by the Commissioners and by others in authority here. I hope the Senator will not object to its consideration.

Mr. ALLEN. The bill pertains to the practice before the courts in prosecutions in the District of Columbia.

Mr. GALLINGER. I will state to the Senator that it simply confers jurisdiction over certain classes of cases purely municipal, sending such cases to the District courts and taking them out of the United States courts.

Mr. ALLEN. I do not think it will do the bill any harm if it goes over at the present time.

The PRESIDING OFFICER. There is objection, and the bill goes over.

REDEMPTION OF OUTSTANDING CERTIFICATES.

The bill (S. 1315) to redeem outstanding certificates issued by the board of audit and the board of public works of the District of Columbia was announced as next in order.

Mr. COCKRELL. Let that bill be passed over for the present.

The PRESIDING OFFICER. The bill will go over.

DISTRICT WATER SUPPLY.

The bill (S. 1823) to amend an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes," was announced as next in order.

The PRESIDING OFFICER. The bill having been previously read, it is before the Senate as in Committee of the Whole and open to amendment.

Mr. ALLISON. Let it be read again.

Mr. CHANDLER. If the Senator from Iowa will indulge me, I will state that the bill was read and the committee amendments were reached, when it was objected to by the Senator from Indiana [Mr. TURPIE], who said he preferred that the appraisement of the rights that were taken under the act should be made by the courts of the District, instead of by the Court of Claims. An amendment making that change was submitted to the Senator from Indiana, to which he agreed. I suggest to the Senator from Iowa that the committee amendments be acted upon, and then the amendment proposed by the Senator from Indiana, and then if any Senator desires that the bill shall go over without further action I can, of course, make no objection.

Mr. GALLINGER. But my colleague would like to have it passed, of course.

Mr. CHANDLER. I desire to have it passed to-day.

Mr. ALLISON. This is the bill regulating the water supply of the District of Columbia which we had up last year, is it not?

Mr. CHANDLER. It provides that the Government shall take all the rights to the water power at Great Falls.

Mr. ALLISON. I think it is a bill of too much importance to be considered under the five-minute rule. I object to its consideration.

The PRESIDING OFFICER. The Senator from Iowa objects, and the bill goes over.

GEN. HENRY L. ABBOT.

The bill (S. 2215) for the relief of Col. and Bvt. Brig. Gen. Henry L. Abbot, United States Army, and brevet major-general United States Volunteers, was considered as in Committee of the Whole. It authorizes the President to place Col. and Bvt. Brig. Gen. Henry L. Abbot, United States Army, on the retired list of brigadier-generals, with the pay and emoluments of a brigadier-general of the United States Army on the retired list.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

UNIFORM SYSTEM OF BANKRUPTCY.

The bill (S. 742) to establish a uniform system of bankruptcy, was announced as next in order.

Mr. HOAR. There is a later bill on the Calendar on the same subject as this, a House bill, to which the majority of the Senate Committee on the Judiciary have reported the Senate bill as an amendment. I believe all the members of the committee prefer that whatever is done about this matter shall be done on that bill and not on this. The Senator from Colorado [Mr. TELLER] is absent at present; so I ask that the bill may be passed over.

The PRESIDING OFFICER. The bill will be passed over.

BRISCOE B. BOULDIN.

The bill (S. 2060) for the relief of Briscoe B. Bouldin was considered as in Committee of the Whole. It recites that Briscoe B. Bouldin, an agent in the Internal-Revenue Service, was badly wounded while in the discharge of public duties and was subjected by his wound to the actual expense of $205.15, and proposes to pay him $205.15 in reimbursement.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

ADMINISTRATOR OF HENRY FITZHUGH.

The bill (S. 1212) to carry out the findings of the Court of Claims and for the relief of Samuel Fitzhugh, administrator of Henry Fitzhugh, was announced as next in order, and was read.

Mr. SHERMAN. If there is a report in that case, I should like to hear it read, as the bill involves a large amount of money.

The PRESIDING OFFICER. The Secretary will read the report.

The Secretary proceeded to read the report submitted by Mr. MARTIN, from the Committee on Claims, April 14, 1896, but before concluding was interrupted by

Mr. COCKRELL. I can state to the Senator from Ohio that this is a claim for $75,000, referred to the Court of Claims under the so-called Bowman Act for a finding of fact. The Court of Claims made a report finding that the amount specified in this bill was the value of the stores which were actually used for army purposes, and that was all the court did.

There are many hundreds of cases of the same kind, and why the Committee on Claims should have reported this particular case, without reporting all of the same kind that are pending, I do not know. This, I think, is the only one I have seen on the Calendar of the many hundreds of like cases. There is a general bill reported by the Senator from Michigan [Mr. BURROWS], which contains several hundred of these claims. If we undertake to dispose of these cases individually, we shall be encumbered for years to come, because there are thousands of cases which have gone to the Court of Claims in which they have made reports on the findings of fact and have found that certain amounts were due. In this case they find that out of the $75,000 claimed there was $19,000 worth of articles used for army purposes. No doubt it is a just claim. It is only a question of policy which is involved in the passage of such individual bills.

Mr. SHERMAN. I think the bill had better go over. I object to its further consideration.

The PRESIDING OFFICER. The bill will go over.

ESTATE OF JOHN J. GUTHRIE.

The bill (S. 1913) for the relief of Louisa S. Guthrie, widow and executrix of John J. Guthrie, deceased, was considered as in Committee of the Whole. It proposes to relieve Louisa S. Guthrie, widow and executrix of John J. Guthrie, formerly a lieutenant in the United States Navy, from the payment of $500, charged upon the books of the Fourth Auditor's Office of the Treasury Department against him, as cash received by him from the paymaster of the U. S. S. *Saratoga*, upon his requisition as lieutenant in command of the prize ship *Nightingale*, captured on the 21st of April, 1861, as a slaver, off the west coast of Africa.

The bill also proposes to relieve the executrix from the payment of $184, overpaid allotment, which remains charged upon the books of the Fourth Auditor's Office of the Treasury Department against Lieut. John J. Guthrie, and directs the payment to the executrix of $96.84, in full of balance of pay due Lieutenant Guthrie up to and including July 15, 1861, and also the further sum of $122.07, the share of prize money awarded to him from the *Nightingale*.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM BUSHBY.

The bill (S. 2059) for the relief of William Bushby was announced as next on the Calendar, and was read.

Mr. SHERMAN. I think that is one of the same character of claims referred to by the Senator from Missouri [Mr. COCKRELL], and I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

RESIDUARY LEGATEES OF MARK DAVIS.

The bill (S. 1915) for the relief of the residuary legatees of Mark Davis, deceased, was announced as next in order, and was read.

Mr. SHERMAN. My impression is that that is one of the same kind of claims on account of the war as those previously referred to, and it involves a large sum of money. I ask that it be passed over.

The PRESIDING OFFICER. The bill will be passed over.

STATE WAR CLAIMS.

The bill (S. 2624) giving to any State having a claim for expenses incurred in defense of the United States the right to have the same adjudicated by the Court of Claims was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That any State having a claim or claims against the United States, including the claims of the States of California, Oregon, and Nevada, heretofore examined and reported by the Secretary of War to the Senate in Senate

Executive Documents Nos. 10, 11, and 17, Fifty-first Congress, first session, under an act entitled "An act to indemnify the United States for expenses incurred by them in defense of the United States," approved July 27, 1861, is hereby given the right within one year from the passage of this act to file a petition in the Court of Claims of the United States and have the same adjudicated and determined. Said Court of Claims shall, notwithstanding the statute of limitations, hear, determine, and give judgment upon all such claims according to law.

The amendment was agreed to.

Mr. ALLISON. I should like to suggest an amendment to that bill which relates to the claims of California, Oregon, and Nevada. I think there was a large amount of interest authorized to be paid by the report of the military commission. I do not think we ought to pay interest upon those claims, and I should like to offer an amendment providing that no interest shall be paid.

Mr. STEWART. I think Nevada ought to be an exception to that, because these expenses were incurred when Nevada was a Territory, and Nevada assumed the responsibility, including the interest, for what had been done before it became a State.

Mr. ALLISON. If we are to pay interest on claims such as this, it would involve the payment of enormous sums to all of the States having such claims.

Mr. STEWART. There would not be a very large sum. This indebtedness was incurred while Nevada was a Territory, and the Territory was under no obligation to assume such a war debt. In that case there ought to be an exception made.

Mr. CULLOM. I did not catch the reading of the first part of the bill. I thought the committee included in their report all the States whose amounts had not been settled in full.

The PRESIDING OFFICER. The bill will be again read.

The Secretary read the bill.

Mr. CULLOM. I only wanted to see whether it included the States generally, or was confined to a portion of them.

Mr. FRYE. What is the point about interest?

Mr. SHERMAN. We have not been in the habit of paying interest to States. Many of these claims are of a very doubtful character, and I do not think we ought to pay interest on them.

Mr. HOAR. How long has it been the established custom not to pay interest in such cases, I should like to inquire of the Senator from Ohio? Certainly since I have been in the public service interest has been paid States on many claims. One notable case was that of Virginia. In all cases where a State has incurred an obligation in the national interest and raised the money for that purpose by interest-bearing securities it has been the policy to pay interest. I am quite sure that that is the settled policy. I have not, however, had the opportunity of looking up the matter lately.

Mr. CULLOM. If the Senator will allow me, I think the New York claim was settled on that basis.

Mr. HOAR. Unless my memory is very much at fault, there was a very important claim of my own State on which, after the principal had been paid many years before, the State was allowed interest. I think the Senator from Ohio will recollect that the State of Massachusetts had assigned that claim for interest to a railroad in the State of Maine, which it was supposed, as it was a railroad connected with the British Provinces, would be of commercial advantage to the State of Massachusetts. So the State contributed that claim for interest to that railroad company, and it was paid. So that it certainly can not be stated as a universal and general rule that we do not pay interest to the States. The Senator from Maine remembers the case to which I refer.

Mr. FRYE. I remember the case perfectly well.

Mr. SHERMAN. This bill involves a large sum, and I should like to have the report read.

Mr. COCKRELL. There is no written report accompanying the bill.

Mr. SHERMAN. Then I do not think we ought to act upon a bill of this kind without at least a report.

Mr. FRYE. I hope the Senator from Ohio will not object. The gist of the bill is this matter of interest; and the Senator from Massachusetts [Mr. HOAR] stated, with entire correctness, that where a State raised money for the United States Government and issued its own bonds in order to raise the money it is the duty of the United States to pay interest on those bonds. The Supreme Court has so held, and New York recovered the interest which she had paid exactly under those circumstances—several hundred thousand dollars.

Mr. WHITE. That was quite a recent decision.

Mr. FRYE. Yes.

Mr. SHERMAN. I do not think the bill ought to be acted upon now, and I shall object to its consideration.

Mr. CHANDLER. I inquire whether this bill does anything more than remove the statute of limitations?

Mr. COCKRELL. Oh, yes; it gives a right of action.

Mr. STEWART. In the Court of Claims.

Mr. CHANDLER. I had the impression that a State could recover without any law under the New York decision where the statute of limitations had not begun to run.

Mr. COCKRELL. The bill has been objected to by the Senator from Ohio [Mr. SHERMAN] and I object to further debate on it. If we are going to do any business, let us do it.

The PRESIDING OFFICER. The Senator from Ohio objects to the further consideration of the bill, and it will go over.

Mr. FRYE. One moment, Mr. President. Does the Senator desire the bill to go over under Rule IX, or will he allow it to remain under Rule VIII?

Mr. SHERMAN. I think all these bills remain under Rule VIII until disposed of, according to the agreement under which we are acting.

Mr. FRYE. They do not, when objection is made, unless the Senator making the objection asks that they shall remain under Rule VIII.

Mr. SHERMAN. I desire to say that I have no objection to paying the claim of any particular State, but we ought to have fuller information of the amount in the Treasury before acting upon these cases.

Mr. GORMAN. Debate is out of order. Regular order, Mr. President.

The PRESIDING OFFICER. Without objection, the bill will be passed over, and remain under Rule VIII.

Mr. FRYE. That is right.

RECLASSIFICATION OF RAILWAY POSTAL CLERKS.

The bill (S. 2741) to reclassify railway postal clerks and prescribe their salaries, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PREFERENCE IN MAIL LETTINGS.

The bill (S. 1030) to require preference to be given to citizens of the States and localities where the mails are carried in all mail lettings was announced as next in order.

The PRESIDING OFFICER. This bill has been reported adversely.

Mr. GORMAN. Let it go over under Rule IX.

Mr. CHANDLER. I move that the bill be indefinitely postponed, Mr. President.

Mr. COCKRELL. That is better.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Hampshire, that the bill be indefinitely postponed.

The motion was agreed to.

REV. ROBERT MEACHAM.

The bill (S. 2243) for the relief of Rev. Robert Meacham was announced as next in order.

The PRESIDING OFFICER. This bill has been reported adversely.

Mr. GORMAN. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. CALL subsequently said: In reference to the bill (S. 2243) for the relief of Rev. Robert Meacham, which has been indefinitely postponed, I ask that that order may not be taken, but that the bill may stand on the Calendar. I am informed that there is some probability that there will be a recommendation from the Postmaster-General to reimburse this man for the money he lost as postmaster.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida to reconsider the vote by which the bill was indefinitely postponed and that it stand upon the Calendar? The Chair hears none, and it will be so ordered.

CONSOLIDATION OF THIRD AND FOURTH CLASS MAIL MATTER.

The bill (S. 983) to consolidate mail matter of the third and fourth classes was announced as next in order.

Mr. CHANDLER. As that bill has been reported adversely from the Committee on Post-Offices and Post-Roads, I move that it be postponed indefinitely.

The motion was agreed to.

COIN SCALE AND COUNTERFEIT-COIN DETECTOR.

The bill (S. 1162) making an appropriation for the purchase of Fairbanks & Co.'s infallible American gold and silver coin scale and counterfeit-coin detector, for use in the post-offices throughout the United States, was announced as next in order.

Mr. GORMAN. As that bill has been reported adversely from the Committee on Post-Offices and Post-Roads, I move that it be indefinitely postponed.

The motion was agreed to.

BUILDING FOR NATIONAL MUSEUM.

The bill (S. 698) to provide for the erection of an additional fireproof building for the National Museum was announced as next in order.

Mr. SHERMAN. As that is a bill providing for the erection of a new building, and the Senator having it in charge is not present, I ask that it may go over.

The PRESIDING OFFICER. The bill will go over, retaining its place under Rule VIII, if there be no objection.

SUFFERERS BY FOUNDERING OF LIGHT VESSEL NO. 37.

The bill (S. 2700) for the relief of the heirs of certain seamen lost in the foundering of light vessel No. 37 was considered as in Committee of the Whole. It directs the Secretary of the Treasury to settle and pay the accounts of the legal representatives of Howard Selover, mate, and George Richardson, seaman, for value of clothing and effects lost when they were drowned by the foundering of light vessel No. 37, off Cape May, New Jersey, while on duty thereon during the cyclone of August, 1893, and appropriates $137.25 for that purpose.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WASHINGTON CITY WATER SUPPLY.

Mr. CHANDLER. I again ask the attention of the Senate to Senate bill 1823, which was objected to by the Senator from Iowa [Mr. ALLISON]. I ask that the committee amendments may be acted upon and that the amendment which has been drawn in pursuance of the suggestions of the Senator from Indiana [Mr. TURPIE] may be read and adopted. The bill will then be in the form in which its friends desire to have it passed. I shall then ask that it may be printed and go over, so that Senators desirous of examining the bill can examine it in that shape.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1823) to amend an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes," which had been reported by the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, line 10, after the word "rights," to insert "not now owned by the United States;" so as to read:

That the act entitled "An act to increase the water supply of the city of Washington, and for other purposes," approved July 15, 1882, be so amended as to enable the Attorney-General and the Secretary of War, in the exercise of the authority therein and hereby conferred on them, to obtain title for the United States, by right of eminent domain or otherwise, to all the water rights not now owned by the United States at and in the vicinity of Great Falls, on the Potomac River, the water so taken to be used for any and all public purposes, and also such land as may be necessary for these purposes.

The amendment was agreed to.

The next amendment was, in section 1, page 2, line 2, before the word "months," to strike out "nine" and insert "three;" and in line 4, after the word "lands," to insert "and water rights, if any;" so as to read:

Within three months after the approval of this act the Secretary of War and the Attorney-General shall make a written statement specifying by metes and bounds the lands and water rights, if any, they may deem necessary to take for the purposes of this act, excluding the lands already purchased by the United States and paid for, and shall file triplicate originals of said statement in the offices of the register of deeds for the District of Columbia, the county of Fairfax, Va., and the county of Montgomery, Md., respectively; and said filing of said statement shall be a taking for the United States by right of eminent domain of the lands and waters specified in said statement and of the water rights appertaining thereto, and shall vest the title to the same absolutely in the United States.

The amendment was agreed to.

The next amendment was, in section 1, line 15, after the words "United States," to insert:

Provided, That additional or amended written statements specifying any other lands and water rights deemed necessary to be taken under this act, not included or properly described in the statement above provided for, may be filed as aforesaid and with like effect at any time after said three months and within one year after the approval of this act.

The amendment was agreed to.

The next amendment was, in section 3, line 18, after the word "shall," to strike out "only;" in line 19, after the word "consider," to insert "only;" at the end of the same line, after the word "rights," to strike out "without reference to their values for the uses for which they are taken" and insert "and shall not consider their values to the city of Washington for the uses for which they are taken or to which they may be applied;" so as to read:

In making the valuations the appraisers shall consider only the present values of the land and water rights, and shall not consider their values to the city of Washington for the uses for which they are taken or to which they may be applied under the provisions of this act.

The amendment was agreed to.

The next amendment was, in section 6, line 10, after the word "persons," to strike out "of whom two shall be skilled in hydraulic engineering, to determine" and insert "to hear and report;" in line 12, after the words "board of," to strike out "referee" and insert "referees;" in line 15, after the word "apply," to strike out "and a decision of a majority of them, which" and insert "either party may appear before said board of referees, by counsel, and submit evidence in support of their contention, the evidence so taken to be filed in court by said referees with their report thereon. The said decisions of the board of referees," and, in line 22, after the word "time," to strike out "shall be conclusive on all matters of fact submitted to the board by the court if their award shall be accepted by the court" and insert:

Provided, That either party may file with the court written exceptions to said report or any part thereof, and support the same by affidavits or testimony in accordance with the rules of the court, and the court shall, upon the hearing, determine the matter.

Mr. CHANDLER. Those amendments and the amendment in section 8, line 15, to insert the word "experts," may be omitted, because they are to be disposed of by the further amendments I wish to offer.

The PRESIDING OFFICER. The Chair will suggest to the Senator from New Hampshire that the amendments should be disagreed to. If there be no objection, the amendments will be disagreed to. The Chair hears none, and it is so ordered.

Mr. CHANDLER. Now I move the amendment I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 2, section 1, line 1, after the word "purposes," it is proposed to insert:

Provided, That the property, water rights, and franchises of the Chesapeake and Ohio Canal Company shall be exempt from the operation of this act.

The amendment was agreed to.

Mr. CHANDLER. I now offer the amendment I send to the desk, and ask to have it read.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out all of sections 4, 5, 6, 7, 8, and 9, and insert in lieu thereof the following:

SEC. 4. In case the Secretary of War and the Attorney-General shall not agree with any of the owners of the land and water rights taken, or with any of the owners of any land damaged by said taking, the Attorney-General shall, within six months after the filing of the statement provided for in section 1, cause proceedings to be commenced by petition in the name of the United States in the supreme court of the District of Columbia, making all such owners of land and water rights with whom no agreement has been made parties defendant, to determine the amount of compensation and damage to be paid such owners. Said court shall prescribe rules of procedure, conformable to the practice in like cases, necessary and proper to secure a speedy determination of the rights of the parties. Said court shall forthwith summon a jury to hear and determine, under its instruction, the amount of compensation and damage. The Attorney-General may appoint special counsel to represent the United States in such proceedings conspicuous for known familiarity with and experience in the laws regulating riparian rights and in hydraulics.

SEC. 5. Judgments shall be entered against the United States for the amount of compensation and damages ascertained, as provided in the preceding section; and as said lands, water rights, and waters are taken for the use of the District of Columbia said judgments and the certificates that may be issued by the Secretary of War and the Attorney-General, provided for in section 2, together with the certificates of the Secretary of War and Attorney-General for the costs and expenses incurred by them in executing the provisions of this act, and for the fees of the Commissioners, provided for in section 3, and for the fees of special counsel, experts, and witnesses on behalf of the United States and for the jury shall be paid by the Secretary of the Treasury of the United States as judgments against the District of Columbia are paid.

SEC. 6. Appeals may be taken by either party from the judgments rendered in such proceedings as are allowed in other cases in said court.

Mr. CHANDLER. I desire to state that the only difference between this and the original bill is that the original bill provided that the damages should be assessed by the Court of Claims, and this provides that they shall be assessed by the ordinary courts in the District.

Mr. GORMAN. I suggest to the Senator from New Hampshire that we have a reservation that when the bill comes to be considered in the Senate we shall have a right to amend even these amendments.

Mr. CHANDLER. Certainly; the whole bill will be open to amendment.

Mr. ALLISON. As I understand the suggestion of the Senator from New Hampshire, it is that the amendments shall be incorporated in the bill and that then the bill shall be printed as an original bill reported by the committee.

Mr. GORMAN. So I understand.

Mr. ALLISON. Then the whole bill will be open to amendment.

Mr. CHANDLER. The whole bill will be open to amendment.

Mr. ALLISON. I especially see no reason why the Chesapeake and Ohio Canal should be exempted from its provisions.

Mr. CHANDLER. That will be explained when the bill comes up.

Mr. ALLISON. I hope it will, for if we are going to settle the water question as a whole——

Mr. CHANDLER. I might as well answer that question now for the Senator's information.

Mr. COCKRELL. Let us act on the amendment.

Mr. CHANDLER. The Senator will allow me. The Chesapeake and Ohio Canal Company's rights are exempted because it is not intended to prevent the use of water enough to maintain the canal——

Mr. ALLISON. Very well.

Mr. CHANDLER. While it is intended to wipe out the right to use the water at Great Falls for any other purposes than those

two purposes. That is the point. I hope the amendment will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Hampshire.

The amendment was agreed to.

Mr. CHANDLER. Now I ask that the bill may be passed over without prejudice, and be printed in its present form.

The PRESIDING OFFICER. The Senator from New Hampshire asks that the bill now under consideration shall be passed over without prejudice, and be printed as amended. The Chair hears no objection, and it is so ordered. The next business on the Calendar will be stated.

FOG-SIGNAL VESSEL AT SAN FRANCISCO BAR.

The bill (S. 2337) for establishing a fog-signal vessel at San Francisco Bar, California, was announced as the next business in order on the Calendar.

Mr. PERKINS. The object sought to be attained by the bill has already been embodied in one of the appropriation bills. I therefore move that this bill be indefinitely postponed.

The motion was agreed to.

LIEUT. JEROME E. MORSE, UNITED STATES NAVY.

The bill (S. 1155) for the relief of Lieut. Jerome E. Morse, of the United States Navy, was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with an amendment, in line 9, to strike out all after the word "act," as follows:

And the proper accounting officers of the Treasury be, and they are hereby, authorized to allow to Jerome E. Morse an amount which, with the payments heretofore made to him, will be equal to 75 per cent of the sea pay of the grade held by him at the date of his retirement, said amount to be paid out of any money in the United States Treasury not otherwise appropriated.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and empowered to transfer Lieut. Jerome E. Morse, of the retired list of the United States Navy, from the half-pay list to the 75 per cent pay list of retired officers, under section 1588 of the Revised Statutes of the United States; and the said transfer shall take effect as of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALLOTMENTS OF LAND TO THE LOWER BRULE INDIANS.

The bill (S. 1569) allowing certain Lower Brule Indians to take allotments of land on the Rosebud Reservation, south of White River, in the State of South Dakota, was announced as the next business in order on the Calendar.

Mr. COCKRELL. I do not see present the Senator from South Dakota [Mr. PETTIGREW] who reported the bill, and I am not certain but that some provision in regard to this matter was put into the last appropriation bill. I therefore ask that the bill may retain its place on the Calendar and be passed over informally.

The PRESIDING OFFICER. That will be the order, if there be no objection. The Chair hears none.

Mr. PETTIGREW subsequently said: I will state, in regard to Senate bill 1569, which I understand was passed over, that the provisions of the bill were incorporated in an appropriation bill last year, and I therefore move that the bill be indefinitely postponed.

Mr. COCKRELL. I had it passed over with that expectation.

The PRESIDING OFFICER. Without objection, the bill will be indefinitely postponed.

MRS. SARAH H. WOOD.

Mr. BACON. During my temporary absence from the Chamber the bill (S. 1734) for the relief of Mrs. Sarah H. Wood was passed over on account of my absence. I shall be glad if the Senate will now consent to its consideration.

The PRESIDING OFFICER. If there be no objection, the bill referred to will be laid before the Senate. The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CHANDLER. I think this is a bill to which I objected, and it was postponed on account of the absence from the Chamber of the Senator from Georgia [Mr. BACON]. I said that I had an impression that it is a claim to be reimbursed for captured property; that here was a military seizure of certain property some thirty or more years ago——

Mr. BACON. Will the Senator permit me to state what it is, rather than for him to surmise what it is?

Mr. CHANDLER. I would rather the Senator would answer my query than to make one of his own and answer it. I had that impression, as I stated, and I inquired what the claim is. Now I am ready to hear the Senator from Georgia.

Mr. BACON. Mr. President, this is a claim of some antiquity, it is true, but that does not in any manner rob it of the justice to which it is entitled at the hands of this Government.

It is a case where the assets in a bank in New Orleans were seized by order of a Federal commander, and the assets, including deposits, were sold and realized 60 per cent on the face value. The money was paid into the Treasury of the United States. About these facts there is no dispute.

The claim is that of a lady who was a depositor in the bank and who, I will state in passing, was a loyal citizen of the United States. The bill merely provides that she shall be repaid the exact amount, without interest, which was realized by the Government from the sale of her money or her deposit in that bank and which was paid to the United States.

I will state, in reply to the inquiry of the distinguished Senator from New Hampshire, that this seizure has been pronounced by the Supreme Court of the United States to have been an illegal seizure. It is not the case of the sequestration of property under any law of the United States. If the Senator from New Hampshire desires it, I will send him a copy of the report.

Mr. COCKRELL. The Senator from New Hampshire doubtless has one.

Mr. BACON. Has the Senator from New Hampshire the report?

Mr. CHANDLER. I have not. I am familiar with the subject, however.

Mr. BACON. The Supreme Court of the United States in the case of the Planters' Bank *vs.* The Union Bank, 16 Wallace, decided that this seizure was an illegal seizure; that there was no law which warranted the seizure. The decision is quoted in the report, and I will read it:

The acts of Congress of August 6, 1861, and July 17, 1862, designated Government agents for seizing enemy's property, and they directed the mode of procedure for its condemnation in the courts. The system devised was necessarily exclusive. No authority was given to a military commandant, as such, to effect any confiscation. And under neither of the acts was the property of a banking institution made confiscable. Both of them had in view the property of natural persons who were public enemies, of persons who gave aid and comfort to the rebellion, or who held office under the Confederate government, or under one of the States comprising it. * * * It follows, then, that the order of General Banks—

That was this particular order—

was one which he had no authority to make, and that his direction to the Union Bank to pay to the quartermaster of the Army the debt due the Planters' Bank was wholly invalid.

That is the statement of the case, and I will state that the Government in former instances, as set out in the report, has returned such money to the parties who had deposits in the bank. Senators will find, by reference to the report, the names of the parties to whom money has heretofore been returned, one under judgment of the Court of Claims, another under a special act of Congress, it being a matter of very grave doubt whether or not the Court of Claims would have jurisdiction to pass upon a case of this kind.

If I do not trespass upon the time of the Senate, it does seem to me that the commonest justice would require the return of this money.

The PRESIDING OFFICER. The Chair will inform the Senator from Georgia that his five minutes have expired.

Mr. BACON. If the Senate will indulge me just to finish the sentence, I do not wish to trespass upon its time——

Mr. CHANDLER. I ask unanimous consent that the Senator from Georgia may proceed.

The PRESIDING OFFICER. If there be no objection, the Senator from Georgia will proceed.

Mr. BACON. Here is the case of a noncombatant, a widow, who had money on deposit in the bank. Not only that, but prior to the seizure she had taken the oath of allegiance and was in no manner connected with what is called by some the rebellion. Here is her money which the Supreme Court of the United States has said was not confiscable, and there is no doubt about the fact that the Government received it into its Treasury and has held it for thirty years. The bill simply provides that without interest there shall be restored to her that which was illegally taken from her and for the taking of which it seems no possible justification can be even suggested.

Mr. CHANDLER. Can the Senator from Georgia tell me how many of these claims there are? I have had occasion to know that General Butler seized several hundred thousand dollars there. General Banks seized many thousand dollars. There has been litigation. There have been cases before the Senate. There have been reports for and against such claims, and there have been payments. The last payment, cited by the Senator from Georgia in his report, is one of January 14, 1885, which I am quite sure I voted against.

Now, if we could close up all these claims by paying this widow $2,240.74, without interest, I might be willing to let the bill be passed, either with or without my vote.

Mr. BACON. That is not the amount provided for in the bill.

Mr. CHANDLER. But I am afraid there are a great many

cases, and I think one of the most dangerous methods of legislation is, in reference to a large number of claims, involving a great amount of money, to have one claim put forward by a person whose circumstances at once interest the sympathies of Congress, as the facts in the case of this woman may.

Before I am willing to see the bill passed, I desire to have the Committee on Claims tell us how many claims of this class there are which are likely to follow this one, if we take up a claim which was left dormant for twenty or thirty years and is now presented to Congress to confront an empty Treasury. Can the Senator tell me how many claims there are?

Mr. BACON. I will state, in response to the inquiry of the Senator from New Hampshire, that if there is any other claim before the Committee on Claims, I have not been advised of the fact, and I presume that if there had been another claim there of this class it would have been referred to me at the same time that this one was, as is the usual custom in committees. I know of no other. I have no doubt there are claims on the ground of confiscated property, but the Senator will remark that the decision of the Supreme Court of the United States is based upon the specific ground that this particular act of seizure was not warranted by law, and while there may be a great many other claims for reimbursement or for remuneration for confiscated property, they would not fall within this particular class. This is a particular class of depositors in the bank in question.

Mr. CHANDLER. Let me ask the Senator whether the Planters' Bank has recovered its money?

Mr. BACON. I am not able to say.

Mr. CHANDLER. Can the Senator tell me whether the Louisiana Bank has recovered its money?

Mr. BACON. It seems that there was litigation among themselves.

Mr. CHANDLER. If the two banks recovered all the money there was in them when the seizure took place——

Mr. BACON. I have no information on this subject.

Mr. CHANDLER. Suppose the banks have recovered their money, all the money that was on deposit with them, would the Senator then have the Government pay this woman? Would not that be paying twice?

Mr. BACON. I am quite sure, although I am not able to state it definitely and authoritatively, that the fact is not as suggested by the Senator, that the banks have been reimbursed by the Government for the money which was in their possession belonging to other people and which was seized at that time.

Mr. CHANDLER. Does the Senator think the banks have been paid?

Mr. BACON. I say I am confident they have not been paid, because the fact would be so notorious that there would be no presentation of individual claims.

Mr. CHANDLER. I remember a very able report by Senator Dolph against a bill to pay several hundred thousand dollars to one of these banks. I do not know what has become of it. I voted against the bill, if it passed.

I think the Senator ought to tell us whether the amount of this claim has already been paid to the bank. He has investigated the whole question of seizure. He has discovered that the seizure was illegal, and he is in favor of giving this woman her money, and yet he does not know but that this woman's money has already been paid back to the Louisiana Bank.

Mr. BACON. I am quite confident that neither the distinguished Senator nor anyone else suspects that the bank has been paid by the Government the amount of money which was on deposit belonging to other parties at that time, and I call the attention of the Senator to the fact that if the banks had been paid the three prior cases which are set out in the report would not have been paid. Certainly the Court of Claims would not have rendered judgment in favor of the individual depositors if it were true, as is suggested by the Senator from New Hampshire, that the bank had been paid in lump all that was lost by those individual depositors.

Mr. CHANDLER. It is a singular fact that the Senator from Georgia, who is very able and very acute and a thorough investigator of any subject which he takes up, reports to us here that the Supreme Court has decided that the seizures of the Planters' Bank money and the Louisiana Bank money, including Mrs. Wood's money, were illegal, and yet does not tell us in the report and can not tell us now whether the banks have ever recovered the money from the Government.

Mr. BACON. I will say to the Senator that I can tell him with absolute certainty and personal knowledge that they have not been so paid. I have not the slightest doubt of it, and I do not suppose any other person has.

Mr. CHANDLER. I have a very feeble impression that they have been paid.

Mr. FRYE. Is there not a rule under which we are acting now that does not permit a Senator to make more than one speech?

The PRESIDING OFFICER. The Senator from Maine is correct. If the point is made, the Chair will hold that both Senators are out of order.

Mr. FRYE. The Senator from New Hampshire has already made six speeches.

Mr. PLATT. I have not paid much attention to this claim.

Mr. ALDRICH. I think the shortest course about the matter is to object to the further consideration of the bill. If it is going to be discussed hypothetically for the remaining portion of the day, it will certainly destroy the purpose for which this session is held.

Mr. CHANDLER. I do not want the debate to be shut off until I return my thanks to the Senator from Maine for calling attention to the rule which no Senator violates so habitually as he does.

Mr. FRYE. The Senator from New Hampshire is entirely welcome.

The PRESIDING OFFICER. The Senator from Rhode Island objects to the further consideration of the bill, and it will go over under the rule.

ADMINISTRATOR OF HENRY FITZHUGH.

Mr. DANIEL. I beg leave to call attention to the bill (S. 1212) to carry out the findings of the Court of Claims and for the relief of Samuel Fitzhugh, administrator of Henry Fitzhugh. I think there was some objection to the bill when it was reached on the Calendar. Both my colleague and I were then absent momentarily from the Chamber. If there is no serious objection, I hope it may be taken up now.

Mr. GALLINGER. I suggest to the Senator from Virginia that the Senator from Ohio [Mr. SHERMAN] objected, and he is not in the Chamber at the present time.

RESIDUARY LEGATEES OF MARK DAVIS.

Mr. DANIEL. I will inquire, then, about the next case, the bill (S. 1915) for the relief of the residuary legatees of Mark Davis, deceased, reported by my colleague from the Committee on Claims.

Mr. ALDRICH. The same Senator objected.

Mr. DANIEL. Then I will wait until we hear from him.

The PRESIDING OFFICER. The next case on the Calendar will be announced.

PUBLICATIONS OF BENEVOLENT SOCIETIES.

The bill (S. 2005) to amend an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1895," approved July 16, 1894, amending the third proviso thereof, was announced as the next order of business on the Calendar.

Mr. COCKRELL. The Senator who reported the bill is not present.

Mr. ALDRICH. The bill had better go over.

Mr. COCKRELL. Nor is the Senator who introduced it present. Let the bill go over.

The PRESIDING OFFICER. The bill will go over under Rule VIII.

JUDGMENTS IN CIVIL CAUSES IN THE DISTRICT.

The bill (S. 2748) providing that all judgments in civil causes in the District of Columbia shall bear interest was announced as next in order on the Calendar.

Mr. COCKRELL. I ask the Presiding Officer [Mr. FAULKNER] whether under existing law judgments such as are contemplated in the bill draw interest in the District of Columbia?

The PRESIDING OFFICER. The Senator from Missouri will see by the amendment that the bill only applies to judgments in actions of tort.

Mr. COCKRELL. In the District of Columbia do judgments in actions of tort, after they are rendered and before they are paid, draw interest? Ordinarily judgments draw interest. The question is whether judgments in the District of Columbia do, and whether the bill proposes to reduce the rate to 4 per cent. That is the only question, it seems to me, as to the bill.

The PRESIDING OFFICER. The bill will go over, under Rule VIII, retaining its position.

PACIFIC RAILROADS.

The bill (S. 1369) directing the foreclosure of the Government lien on the Pacific railroads, and for other purposes, was announced as next in order on the Calendar.

Mr. ALDRICH. The bill had better go over.

Mr. GALLINGER. Let it be passed over.

The PRESIDING OFFICER. The bill will go over, under objection.

Mr. ALDRICH. The same remark applies to the next bill.

The bill (S. 2894) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; and also to amend an act approved July 2, 1864; and

also an act approved May 7, 1878, both in amendment of said first-mentioned act; and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned, was announced as the next business in order on the Calendar.

Mr. GORMAN. Let the bill go over.

Mr. GALLINGER. The bill had better go over.

The PRESIDING OFFICER. The bill will be passed over.

ILLINOIS RIVER BRIDGE.

The bill (S. 2725) to establish a railroad bridge across the Illinois River at a point within 5 miles from and above the upper limits of Grafton and a point in Calhoun County, in said State, opposite or nearly opposite the said point in Jersey County, all in the State of Illinois, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment of the Committee on Commerce was, in section 1, line 14, after the word "county," to strike out—

Which said bridge shall not interfere with the free navigation of said river; and in case of any litigation arising from any obstruction or alleged obstruction to free navigation of said river; the proceeding shall be instituted in and determined by the district court of the United States for the southern district of the State of Illinois.

And insert:

Provided, That the location selected shall be suitable to the interests of navigation.

So as to make the section read:

That the St. Louis, Perry and Chicago Railroad, a corporation organized under the laws of the State of Illinois, its successors and assigns, are hereby authorized and empowered to erect, construct, establish, and maintain a railway bridge and approaches thereto across the Illinois River, in the State of Illinois, between a point to be selected by said railroad, or its successors or assigns, within 5 miles from and above the upper limits of Grafton, in the county of Jersey in said State, and a point in Calhoun County in said State, to be selected by said railroad, or its successors or assigns, opposite or nearly opposite the point so selected as aforesaid in said Jersey County: *Provided*, That the location selected shall be suitable to the interests of navigation.

The amendment was agreed to.

The next amendment was, in section 2, line 7, after the word "with," to strike out "spans" and insert "two equal drawspans, one on each side of the central or pivot pier, each giving a clear width of waterway;" and, in line 9, after the word "and," to strike out "75 feet in length on each side of the center of the pivot pier of the draw" and insert "60 feet;" so as to make the section read:

SEC. 2. That the bridge authorized by and constructed under this act shall be a pivot drawbridge, the drawspan on the Jersey side to commence at the abutment of the approach on that side of the river, which abutment on the Jersey side shall be within the low-water mark, and the bridge shall have a draw over the main channel of the river, at an accessible and navigable point, with two equal drawspans, one on each side of the central or pivot pier, each giving a clear width of waterway of not less than 160 feet; and the span next the drawspan on the Calhoun side of the river shall not be less than 200 feet in length, and the remaining span of such length as shall be necessary to reach the approach on that side of the river, which will be beyond low water on the Calhoun side; all spans to have a clear headroom of 10 feet above high water, and the piers of said bridge shall be parallel with the current of the river when said bridge shall be erected.

The amendment was agreed to.

The next amendment was, in section 5, line 20, after the word "said," to strike out "construction" and insert "bridge;" in line 22, after the word "structure," to insert:

And such aids to the passage of the draw, in the form of pile or crib guides, as the Secretary of War may deem necessary, shall be constructed by the said company.

In line 26, after the word "be," to strike out "displayed" and insert "maintained;" and in line 27, after the word "bridge," to insert "at the expense of the owners thereof;" so as to read:

And the said bridge shall be at all times so managed and kept as to offer reasonable and proper means for the passage of vessels through or under said structure, and such aids to the passage of the draw, in the form of pile or crib guides, as the Secretary of War may deem necessary, shall be constructed by the said company; and to secure the safe passage of vessels at night there shall be maintained on said bridge, at the expense of the owners thereof, from the hour of sunset to that of sunrise, such lights as may be prescribed by the Light-House Board; and the said structure shall be changed, at the cost and expense of the owners thereof, from time to time, as the Secretary of War may direct, so as to preserve the free and convenient navigation of said river.

The amendment was agreed to.

The next amendment was, in section 6, line 3, after the word "within," to strike out "two years" and insert "one year;" and in line 4, before the word "years," to strike out "five" and insert "three;" so as to make the section read:

SEC. 6. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date hereof.

The amendment was agreed to.

The next amendment was, in section 7, line 1, after the word "That," to strike out "Congress shall have the power at any time" and insert "the right;" and in line 2, after the word "act," to strike out:

So as to prevent or remove all hurtful obstructions to the navigation of said river by the construction of said bridge and its accessory works: *Provided*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt the bridge from the operation of the same.

And insert "is hereby expressly reserved;" so as to make the section read:

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to permit the construction of a railroad bridge across the Illinois River at a point within 5 miles from and above the upper limits of Grafton and a point in Calhoun County in said State opposite or nearly opposite the said point in Jersey County, all in the State of Illinois."

ESTATE OF CHARLES M. ROBERTS.

The bill (S. 1652) for the relief of the estate of Charles M. Roberts, deceased, was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 4, after the word "administrator," to insert "de bonis non;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the administrator de bonis non of the estate of Charles M. Roberts, deceased, the sum of $39,034.21, in full settlement of the findings of the Court of Claims in Congressional case No. 71, House Miscellaneous Document No. 108, Forty-ninth Congress, first session.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PORTLAND COMPANY OF PORTLAND, ME.

The bill (S. 2538) for the relief of the Portland Company of Portland, Me., was considered as in Committee of the Whole. It proposes to pay $80,867.46, in full payment and discharge of the claim of the Portland Company for work done and material furnished in the construction of the United States double-ender gunboats *Agawam* and *Pontoosuc*, as per report of Thomas O. Selfridge, commodore and president of board, Senate Executive Document No. 18, first session of the Thirty-ninth Congress.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ATLANTIC WORKS OF BOSTON, MASS.

The bill (S. 2817) for the relief of the Atlantic Works of Boston, Mass., was considered as in Committee of the Whole. It proposes to submit to the Court of Claims the claims of the Atlantic Works, of Boston, Mass., for further compensation for the construction of the ironclad monitor *Casco* and the turrets of the *Monadnock* and *Agamenticus*.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HEIRS OF JOHN ROACH, DECEASED.

The bill (S. 1181) to pay the heirs of the late John Roach, deceased, $330,151.42 for labor and material, dockage and detention, and occupation of yards and shops for the gunboats *Chicago*, *Boston*, and *Atlanta*, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That to carry out the provisions of the act making appropriations for the naval service for the fiscal year ending June 30, 1884 (22 Statutes, page 477), to pay to the legal representatives of John Roach, deceased, out of any money in the Treasury not otherwise appropriated, the sum of $330,151.42 for labor and material and dockage furnished by said Roach, and detention and occupation of his yards and shops by the United States for the gunboats *Chicago*, *Boston*, and *Atlanta*, which sum is in full and final settlement of all claims and damages between the United States and said legal representatives of John Roach, deceased, growing out of the construction of said vessels.

Mr. COCKRELL. I should like to hear some explanation of the bill. The Senator who reported it is present.

Mr. BURROWS. The bill was introduced by the Senator from Pennsylvania [Mr. QUAY].

Mr. COCKRELL. The report is a very long one, and to read it would simply take the balance of the day.

Mr. BURROWS. It is a long report. It is a claim for rent of grounds and use of machinery and services of staff used by the Government in the completion of certain vessels which were under construction by Mr. Roach, but for reasons which are well known he was unable to complete them, and the Government took possession of the yards and the plant belonging to Mr. Roach and used them for the completion of the vessels. The proof before the committee was full and conclusive that the amount fixed by the committee and inserted in the bill was correct and that it ought to be paid.

Mr. COCKRELL. How was that amount ascertained?

Mr. BURROWS. It was ascertained by affidavits filed with

the committee and other proofs as to the occupation of the plant, the length of time, and the value of such occupation.

Mr. HAWLEY. Was there not the report of a naval board?

Mr. BURROWS. I thank the Senator. I am under the impression that there was such a report of a naval board as to the use and occupation of the premises and the amount that ought to be allowed, but of this I am not certain.

Mr. HILL. I simply desire to ask the Senator from Michigan [Mr. BURROWS] what is the reason why this claim was not filed in the Court of Claims and adjudicated? What is the propriety of absolutely allowing it by statute and compelling its payment? I assume that the Department could pay it now if they desired to do so, could they not? It does not contain an appropriation. In other words, if there is an unadjusted disputed claim, why should we not refer it to the Court of Claims? I merely make the suggestion.

Mr. GRAY. Would it not require that a claim of that kind, to be adjudicated in the Court of Claims, should grow out of a contract?

Mr. HILL. This claim does grow out of a contract.

Mr. GRAY. I do not know. I am not very well informed about it.

Mr. HILL. Yes——

Mr. ALDRICH. It does not.

Mr. BURROWS. It does not grow out of a contract.

Mr. HILL. What does it grow out of?

Mr. BURROWS. The Government took possession of these works, the machinery and grounds, and used them for the completion of the vessels, for which Mr. Roach never received any compensation. The bill proposes to pay his heirs for the use and occupation of the premises.

Mr. HILL. Does not that constitute just such a claim as is passed upon by the Court of Claims?

Mr. ALDRICH. It does not constitute a contract. They can only pass upon contracts.

Mr. BURROWS. I think not. It is for the use and occupation of the premises.

Mr. HILL. That depends upon the terms of the submission to the Court of Claims. You can refer a matter pertaining to the occupation of property by statute to the Court of Claims, and the court has jurisdiction to pass upon it. Of course, under the general law it may be that the Court of Claims could not, without some affirmative legislation, proceed to determine it; but when you take a case like this it is not sent, as one under the general law, to the court. You can, of course, prescribe how it shall be done.

Mr. BURROWS. I suppose there is no doubt but that Congress might confer upon the court jurisdiction over this or any other claim. That could be done; but when the case is proven, as it has been proven in this case, if the Senator will examine the report——

Mr. HILL. Only by affidavits, as I understand, the Government not being represented.

Mr. BURROWS. And by the report of naval officers, by official reports of naval officers.

Mr. HAWLEY. A board of officers directed to inquire into that particular affair took testimony and examined the case at length.

Mr. COCKRELL. What amount did they report in favor of?

Mr. BURROWS. I do not know. The report sets out the following:

> In August, 1890, a settlement was effected between the assignees of John Roach on the one hand and the Secretary of the Navy on the other, of all matters of difference between the parties except the claim of the assignees for the prolonged use of the yards and shops of the contractor, the claim for the necessary outlay for the staff at each yard during the prolonged term, and the insurance for the same period; and the Secretary of the Navy deciding that he was without jurisdiction to pass upon and adjust said matters of difference, it was expressly stipulated that "nothing in this release contained shall be construed to prejudice the right of said assignees or of the estate of the party of the first part to apply for and receive such sum or sums of money as Congress or the Court of Claims or other proper tribunal may award or may authorize to be paid on account of such claims."

This is outside of the settlement, and the Committee on Claims were unanimous and were satisfied, from the proof submitted to the committee, that there was this balance due the heirs of Mr. Roach.

Mr. HILL. Of course, there is no use to have a Court of Claims to pass upon matters against the Government if Congress is going to step in upon special application each time and pass an act directing and allowing the adjustment of a certain sum. Congress has a right to assume the payment of claims and investigate them in its own way, by affidavits, ex parte—oral, if it desires it—and substantially usurp the functions of the Court of Claims. I suppose, however, that all we should do in such cases is to pass an enabling act to enable some court to pass upon the claim. I assume that to be the proper course. I do not make any objection to the bill. If the Senator thinks it is all right, let it be passed. I merely make that suggestion.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ELLEN SEXTON.

The bill (S. 515) for the relief of Mrs. Ellen Sexton was announced as next in order.

Mr. COCKRELL. That bill I object to. Let it go over under Rule IX.

The PRESIDING OFFICER. The Chair will state that the Chair has instructed the clerks that where a bill is objected to and not requested to go over under Rule IX, it shall be simply passed over.

Mr. COCKRELL. I understand that.

The PRESIDING OFFICER. And retain its place under Rule VIII. The bill to which the Senator refers will be placed under Rule IX.

Mr. ALDRICH. I suggest to the Senator from Missouri that the Senator from Wyoming [Mr. WARREN] who reported the bill is absent.

Mr. COCKRELL. It belongs to a class of cases that Congress never has entertained in any shape, manner, or form.

Mr. ALDRICH. I only suggested that it might remain upon this Calendar under Rule VIII.

Mr. COCKRELL. I do not care where it remains. I want to call the attention of the Senate to the fact that it is the kind of a case where there has never been a recovery, or anything of the sort, and I hope there never will be.

The PRESIDING OFFICER. The bill will be passed over and retain its place under Rule VIII.

HAWAIIAN BARK ARCTIC.

The bill (S. 1010) for the relief of the owners and crew of the Hawaiian bark *Arctic* was announced as next in order.

Mr. ALDRICH. That bill had better be passed over, in the absence of the Senator who reported it.

Mr. LODGE. I hope that will not be done. I am entirely familiar with the circumstances in this case and I think the bill ought to pass. If any explanation is desired, I will give it.

Mr. ALDRICH. If any Senator desires it, I will withdraw the objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the owners, or their legal representatives, of the vessel or bark *Arctic* $23,500, in full compensation for the losses sustained and the services rendered by them in abandoning their business of whale catching and rescuing 176 seamen in the Arctic Sea.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NORTHERN PACIFIC RAILROAD COMPANY.

The joint resolution (S. R. 124) to facilitate the reorganization of the Northern Pacific Railroad Company, to secure to actual settlers the right to purchase at a price not exceeding $2.50 per acre the agricultural lands within its grant, and to prohibit said company or any successor company from giving, by consolidation, sale, or other corporate action, control of its railroad to any corporation, company, person, or association of persons owning, operating, or controlling a parallel or competing railroad, was announced as next in order.

Mr. GORMAN. Let the joint resolution go over.

The PRESIDING OFFICER. Objection being made, the joint resolution will go over.

NEW HAMPSHIRE WAR CLAIMS.

The bill (S. 2517) to refer to the Court of Claims the war claims of the State of New Hampshire was announced as next in order.

Mr. COCKRELL. Let the bill go over without losing its place.

The PRESIDING OFFICER. The bill will go over without prejudice under Rule VIII.

EXTENSION OF NORTH CAPITOL STREET.

The bill (H. R. 6713) to extend North Capitol street to the Soldiers' Home was announced as next in order.

Mr. COCKRELL. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. HAWLEY. Is objection made to Order of Business 830?

The PRESIDING OFFICER. The Senator from Missouri asked that the bill might go over.

Mr. COCKRELL. I asked that it might go over. The Senator who reported it [Mr. PROCTOR] is not present, and it will probably lead to discussion.

Mr. HAWLEY. He will be here in a few moments.

Mr. COCKRELL. It will probably lead to discussion anyway. I have not looked at it yet.

WOMAN SUFFRAGE.

The joint resolution (S. R. 106) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. GORMAN. Let the joint resolution go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

PUBLIC BUILDING AT NORFOLK, VA.

The bill (S. 1914) supplemental to an act entitled "An act to provide for the erection of a public building in the city of Norfolk, in the State of Virginia," approved January 2, 1891, was considered as in Committee of the Whole. It proposes to appropriate $100,000 for the purpose of more fully carrying out the provisions of the act to provide for the erection of a public building in the city of Norfolk, in the State of Virginia, approved January 2, 1891.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PARTY WALLS IN THE DISTRICT OF COLUMBIA.

The bill (S. 2927) in regard to party walls in the District of Columbia was announced as next in order.

Mr. GALLINGER. In behalf of my colleague [Mr. CHANDLER], I ask that the bill may go over.

The PRESIDING OFFICER. The bill will go over without prejudice, retaining its place, under Rule VIII.

BRIGHTWOOD RAILWAY COMPANY.

The bill (S. 906) to amend the charter of the Brightwood Railway Company of the District of Columbia was announced as next in order.

Mr. GALLINGER. I ask, likewise, that that bill go over.

The PRESIDING OFFICER. The bill will go over under the same order.

PUBLIC BUILDING AT TAMPA, FLA.

The bill (S. 497) to provide for a public building at Tampa, Fla., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, in section 1, line 13, after the word "Florida," to insert "and by the Attorney-General of the United States;" so as to make the section read:

That a public building for the use of the United States courts, the post-office, the custom-house, and the internal-revenue offices shall be erected in Tampa, Fla., and a suitable lot purchased for that purpose: *Provided*, That the building shall be 100 feet distant on all sides from any other building: *Provided also*, That the building shall be erected under plans and specifications prepared and approved by the Supervising Architect of the Treasury, and that the title to the lot on which the building shall be erected shall be examined and approved by the district attorney of the United States for the southern district of Florida and by the Attorney-General of the United States.

The amendment was agreed to.

The next amendment was, in section 2, line 1, before the word "hundred," to strike out "five" and insert "two;" in the same line, before "thousand," to insert "and fifty;" in line 3, after the word "Treasury," to insert "not;" in the same line, after the word "otherwise," to strike out "unappropriated" and insert "appropriated;" so as to make the section read:

SEC. 2. That $250,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of a lot and the erection of a building under this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MILITARY ROAD IN UINTA COUNTY, WYO.

The bill (S. 1830) providing for the construction of a military road from Fort Washakie, Wyo., to the mouth of the Buffalo Fork of the Snake River near Jacksons Lake, in Uinta County, Wyo., was announced as next in order.

Mr. ALDRICH. Let that bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

STATUE OF GEN. ULYSSES S. GRANT.

The bill (S. 162) for the erection of a monument and statue of Gen. Ulysses S. Grant on ground belonging to the United States Government in the city of Washington, D. C., was announced as next in order.

Mr. ALDRICH. In the absence of the Senator from Washington [Mr. SQUIRE], let that bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

BUREAU OF ANIMAL INDUSTRY.

The bill (S. 1147) for the establishment of a bureau of animal industry for the inspection of meat products and live stock, suppression and extirpation of contagious and infectious diseases among cattle and live stock, to regulate the transportation of cattle and live stock and prevent the exportation or importation of diseased cattle, live stock, or other animals, and for other purposes, was announced as next in order.

Mr. ALDRICH. Let that bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

WILBER H. GRAEF & CO.

The bill (S. 2116) for the relief of Wilber H. Graef & Co. was considered as in Committee of the Whole. It proposes to pay to Wilber H. Graef & Co. $943.65, being the value of goods imported by them and taken by the officer of the custom-house having them in charge, and converted to his own use.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAPE FEAR RIVER LIGHT-HOUSE.

The bill (S. 2906) for the establishment of a light-house at the pitch of Cape Fear River, near Wilmington, N. C., was considered as in Committee of the Whole. It proposes to establish a light-house at the pitch of Cape Fear River, near Wilmington, N. C., at a cost not to exceed $70,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM B. ISAACS & CO.

The bill (S. 2058) to execute the findings of the Court of Claims in the matter of William B. Isaacs & Co. was announced as next in order.

Mr. ALDRICH. That bill had better go over. It is a war claim.

Mr. DANIEL. I think that the bill——

Mr. ALDRICH. We can not take up any of those war claims this morning. There are too many of them.

Mr. DANIEL. I beg leave to state to the Senator that I think a similar bill has passed the House of Representatives. It is from the Court of Claims.

The PRESIDING OFFICER. The Chair will state to the Senator from Virginia that a similar bill has been passed by the House and brought to the Senate, and it is now before the appropriate committee of this body.

Mr. ALDRICH. Then this bill had better not be passed.

Mr. DANIEL. If there be no objection, I should like very much to offer the House bill as a substitute for the Senate bill.

Mr. ALDRICH. That bill is before the Committee on Claims, and you can not do that.

Mr. DANIEL. I understand that it can not be done without unanimous consent. Then let this bill remain on the Calendar. I shall not insist.

The PRESIDING OFFICER. The bill will go over under Rule VIII, retaining its place.

AMERICAN SEAMEN.

The bill (H. R. 6399) to amend the laws relating to American seamen was announced as next in order.

Mr. GALLINGER. That bill had better go over.

The PRESIDING OFFICER. The bill will go over.

CLASSIFICATION OF LANDS IN OREGON.

The bill (S. 3006) to provide for the examination and classification of certain lands in the State of Oregon was announced as next in order.

Mr. ALDRICH. The Senator from Oregon [Mr. MCBRIDE] is absent. I suggest that the bill go over.

Mr. PERKINS. I was going to state that I think the object he desires to attain is already embodied in a bill which has passed the Senate. I ask that the bill may go over under Rule VIII.

The PRESIDING OFFICER. The bill will go over as requested.

FOREST RESERVATIONS.

The bill (S. 2118) to protect forest reservations was announced as next in order.

Mr. GORMAN. Let that bill go over also.

The PRESIDING OFFICER. The bill will go over.

Mr. ALLEN subsequently said: I was out of the Chamber for just a moment when the bill (S. 2118) to protect forest reservations was passed over. It is quite an important bill, which has received the unanimous report of the Committee on Forest Reservations and the Protection of Game, and I should like consent of the Senate to have it taken up.

Mr. ALDRICH. That is too important a bill to be considered under the five-minute rule.

Mr. ALLEN. I suggest to the Senator that it will not lead to any debate. It has the unanimous report of the committee.

Mr. ALDRICH. But it may be debated, notwithstanding there is a unanimous report.

Mr. ALLEN. If the bill is read, I do not think the Senator will object to it. However, let it go over for the time.

The PRESIDING OFFICER. Does the Senator from Rhode Island object to the consideration of the bill?

Mr. ALDRICH. I do.

The PRESIDING OFFICER. The bill will be passed over.

JAMES R. D. MORRISON.

The bill (S. 694) for the relief of James R. D. Morrison and William H. Morrison, executor of William M. Morrison and administrator of Charles J. Morrison, deceased, was announced as next in order.

Mr. ALDRICH. As the Senator from Michigan [Mr. BURROWS] is not in his seat, I suggest that the bill go over.

The PRESIDING OFFICER. The bill will go over.

ALLEGED ASSESSMENTS IN THE POST-OFFICE DEPARTMENT.

The resolution proposing to instruct the Committee on Post-Offices and Post-Roads to investigate as to the authority of the Postmaster-General to levy fines against the pay of employees of the Post-Office Department for mistakes and errors in work was announced as the next business in order on the Calendar.

Mr. GALLINGER. The resolution was reported adversely. Let it go over.

Mr. FRYE. The resolution had better be indefinitely postponed.

Mr. GALLINGER. Some one wanted to have it placed on the Calendar.

The PRESIDING OFFICER. The resolution will be passed over.

TELEGRAPHIC COMMUNICATION WITH THE HAWAIIAN ISLANDS.

The bill (S. 3068) to facilitate the construction and maintenance of a telegraphic communication between the United States, the Hawaiian Islands, Japan, and to promote commerce was announced as next in order.

Mr. PETTIGREW. Let that bill go over.

Mr. FRYE. Let the bill retain its place on the Calendar.

The PRESIDING OFFICER. The bill will go over.

MATTIE S. WHITNEY.

The bill (S. 2953) to carry out the findings of the Court of Claims in the case of Mattie S. Whitney, administratrix of Franklin S. Whitney, was announced as next in order.

Mr. ALDRICH. In the absence of the Senator from Florida [Mr. PASCO], I suggest that the bill go over.

The PRESIDING OFFICER. The bill will go over.

SIOUX CITY AND PACIFIC RAILWAY COMPANY.

The bill (S. 3080) authorizing the Secretary of the Treasury to effect an adjustment between the United States and the Sioux City and Pacific Railway Company in relation to certain bonds issued by the United States in aid of the construction of said railway was announced as next in order.

Mr. GALLINGER, Mr. GORMAN, and Mr. PETTIGREW. Let the bill go over.

The PRESIDING OFFICER. The bill will go over.

CLASSIFICATION AND GRADING OF GRAINS.

The bill (S. 353) to provide for fixing a uniform standard of classification and grading of wheat, corn, oats, barley, and rye, and for other purposes, was announced as next in order.

Mr. PETTIGREW. Let that bill go over.

The PRESIDING OFFICER. The bill will go over.

CUMBERLAND FEMALE COLLEGE, TENNESSEE.

The bill (S. 1623) for the relief of the Cumberland Female College, of McMinnville, Tenn., was announced as next in order.

Mr. BATE. I wish to say to the Senate that that bill has passed the Senate and House amended so as to meet the objections to it; that it went to the President and failed to be signed by the President simply for want of time. It is one of the measures which failed at the last hour of the last term. I do not think there is any objection to it, it having passed regularly. I should like very much to have it disposed of. It is a compromise to meet the objections to the bill in committee, and the report is unanimous from the Committee on Claims.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with amendments, in line 8, after the word "occupation," to strike out "damage and destruction" and insert "and consumption;" in line 9, after the word "property," to insert "for hospital and other army purposes;" and in line 12, after the word "States," to strike out "in the use of said property during that said period for hospital purposes;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Cumberland Female College, of McMinnville, Tenn., out of any money in the Treasury not otherwise appropriated, the sum of $5,000, in full of all claims of said college for the use, occupation, and consumption of its property for hospital and other army purposes, during the late war of 1861 to 1865, by the military authority of the United States. And the acceptance of said sum by the said college shall be a complete and absolute bar to any and all claims for damage and destruction of the property of said college or the use and occupation thereof by the armies of the United States.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

POTOMAC LIGHT AND POWER COMPANY.

The bill (S. 3088) to authorize the extension of the lines of the Potomac Light and Power Company was announced as next in order.

Mr. GALLINGER. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill will go over.

NATIONAL CAPITAL GASLIGHT, HEAT, AND POWER COMPANY.

The bill (S. 1408) to incorporate the National Capital Gaslight, Heat, and Power Company of the District of Columbia was announced as next in order.

Mr. GALLINGER. That is an adverse report. I move that the bill be indefinitely postponed.

Mr. HILL. I prefer that it shall retain its place.

The PRESIDING OFFICER. The Senator from New York asks that the bill be passed over without prejudice.

Mr. GALLINGER. I have no objection.

The PRESIDING OFFICER. The bill will be passed over.

BEQUEST OF PETER VON ESSEN.

The bill (S. 2986) authorizing the Commissioners of the District of Columbia to accept the bequest of the late Peter Von Essen for the use of the public white schools of that portion of said District formerly known as Georgetown was announced as next in order.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia to ask that the bill be recommitted to the Committee on the District of Columbia.

The PRESIDING OFFICER. Such will be the order, if there be no objection. The Chair hears none.

THE ISSUE OF BONDS.

The joint resolution (S. R. 145) regulating the issue of bonds was announced as next in order.

Mr. ALDRICH. The joint resolution had better go over.

The PRESIDING OFFICER. The joint resolution will go over.

FORD'S THEATER DISASTER.

The bill (S. 3117) to provide compensation for injuries to person of employees of the Government in the disaster at Ford's Theater, which occurred on the 9th day of June, 1893, and for other purposes, was announced as next in order.

Mr. ALDRICH. That bill will have to go over.

The PRESIDING OFFICER. The bill goes over, under objection.

Mr. HAWLEY. Do I understand that the bill providing compensation for injuries to employees of the Government in the disaster at Ford's Theater has been passed over?

Mr. PLATT. Do I understand that that bill was objected to?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). That bill has gone over.

Mr. FAULKNER. I would state that I desired that the bill should go over for the reason that all the cases embraced in the bill, except, I think, nine or ten, were provided for in an amendment to one of the appropriation bills of last year; but the House of Representatives objected to certain claims which were embraced in the amendment, which was the same as the bill of the House of Representatives, and those particular cases objected to in the House were stricken out of the appropriation bill. I thought, therefore, it was proper that, as the committee was continuing the investigation of these particular cases, this bill should remain on the Calendar until the report of the committee, which will be made in a day or two, when they will again offer, as they did at the last session, an amendment to the appropriation bill to carry out the views of the committee in reference to the indemnity that should be furnished to those persons who were not included in the indemnity under the appropriation of last year.

Mr. PLATT. That is perfectly satisfactory.

ASPEN TOWN SITE IN COLORADO.

The bill (S. 2739) to confirm the title to the Aspen town site, in the State of Colorado, was announced as next in order.

Mr. ALDRICH. The Senator from Montana [Mr. CARTER] who reported the bill is absent, and I suggest that it had better go over.

The PRESIDING OFFICER. The bill will go over.

CLASSIFICATION OF LANDS IN OREGON.

Mr. McBRIDE. I ask consent of the Senate to return to the consideration of the bill (S. 3006) to provide for the examination and classification of certain lands in the State of Oregon.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). Is there objection to the request of the Senator from Oregon?

Mr. ALDRICH. Let the bill be read for information.

The PRESIDING OFFICER. An objection to the bill will be in order at any time according to the rule under which the Senate is now acting. The bill will be read.

The bill was read, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CANAL BOATS SWAN AND LEWIS AND BUTLER.

The bill (S. 2721) for the relief of the owners or legal representatives of canal boats *Swan* and *Lewis and Butler* was announced as next in order.

Mr. ALDRICH. Let that go over.
The PRESIDING OFFICER. The bill will be passed over.

CHAMBLIN, DELANEY & SCOTT.

The bill (S. 2777) to authorize the Light-House Board to pay to Chamblin, Delaney & Scott the sum of $2,125 was announced as next in order.
Mr. ALDRICH. Let that go over, Mr. President.
The PRESIDING OFFICER. The bill will be passed over.

PAYMENT OF FINAL DECREES OF THE DISTRICT SUPREME COURT.

The bill (S. 3123) to provide for the payment of final decrees of the supreme court of the District of Columbia under an act entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," approved March 2, 1893, for continuing the system of trunk sewers in the District of Columbia, for completing the system of sewage disposal, and protection against floods, and for other purposes, was announced as next in order.
Mr. PROCTOR. That bill can hardly be disposed of under this rule.
The PRESIDING OFFICER. The bill will go over, under objection.

SCIENTIFIC BUREAUS IN DEPARTMENT OF AGRICULTURE.

The bill (S. 3131) to provide for a director in chief of scientific bureaus and investigations in the Department of Agriculture, and for other purposes, was announced as next in order.
Mr. GALLINGER. Let that go over, Mr. President.
The PRESIDING OFFICER. The bill will be passed over.

AMENDMENT OF INTERSTATE-COMMERCE ACT.

The bill (S. 2967) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, was announced as next in order.
Mr. GORMAN. Let that bill go over under Rule IX.
The PRESIDING OFFICER. It will be so ordered.

STATUE OF ABRAHAM LINCOLN AT GETTYSBURG.

The bill (S. 2509) to authorize the erection of a statue of the late President Abraham Lincoln at Gettysburg, Pa., was considered as in Committee of the Whole. It proposes to appropriate $50,000 for a statue of the late President Abraham Lincoln, and for a pedestal and the preparation of a site for and the erection of the statue at Gettysburg, Adams County, Pa., under the direction and supervision of the Secretary of War, who is authorized to contract for the statue and pedestal, after the designs and a suitable site shall have been selected by a commission consisting of the Secretary of War, the Commander of the Army, the governor of Pennsylvania, and the commander in chief of the Grand Army of the Republic.
Mr. HILL. I ask whether there is not already a board or commission which has charge of the Gettysburg property? The Senator from Connecticut [Mr. HAWLEY], I presume, can inform us.
Mr. HAWLEY. Certainly, there is a commission in charge of it.
Mr. HILL. Then why should there be a special commission appointed for this purpose, or does the bill provide that this work shall be done under the commission already in existence?
Mr. HAWLEY. I was not paying attention to the reading of the bill.
Mr. HILL. Why should we appoint a special commission every time we erect a monument at Gettysburg, when, as I understand, there is a general board which has supervision of that property?
Mr. HAWLEY. There is a board which has charge of that site, but in reference to the erection of this statue, I suppose the author of the bill thought it was a matter of such special consequence that there ought to be a special commission appointed. There is a board there consisting of men who have excellent business sense and capacity for taking care of the grounds, etc., but who, perhaps, may not have any special qualification to superintend the designing and erection of statues. I do not know of any other reason why a special commission should be appointed for this purpose.
The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PURCHASE OF CORCORAN ART GALLERY BUILDING.

The bill (S. 1961) to authorize the purchase of the property known as the Corcoran Art Gallery, in the city of Washington, D. C., was announced as next in order.
Mr. HILL. In behalf of the Senator from Maryland [Mr. GORMAN], I ask that that bill go over.
The PRESIDING OFFICER. It will be so ordered.

NEWPORT NEWS, HAMPTON AND OLD POINT RAILWAY COMPANY.

The joint resolution (S. R. 130) to extend the rights and privileges granted by an act entitled "An act authorizing the construction of a railway upon the Government reservation at Fortress Monroe" to the Newport News, Hampton and Old Point Railway Company, in the State of Virginia, was announced as next in order.
Mr. HAWLEY. I reported that joint resolution and have not yet seen the report in print. I have just sent upstairs for it, but the Senator from Virginia [Mr. DANIEL] understands the subject very well, and I think I shall ask that it lie over for the present.
The PRESIDING OFFICER (Mr. CHANDLER in the chair). The joint resolution will be passed over, retaining its place on the Calendar.

ESTATE OF DANIEL WOODSON AND ELY MOORE.

The bill (S. 1438) for the relief of the estate of Daniel Woodson and Ely Moore was considered as in Committee of the Whole. It proposes to pay to the estate of Daniel Woodson, who was formerly a receiver of public moneys in the Delaware land district of Kansas, for office expenses, etc., and $4,115 to the estate of Ely Moore, who was register of the land office in the Pawnee land district of Kansas, for clerk hire and office rent.
The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INVESTIGATIONS IN ALASKA.

The resolution reported by Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, on May 18, 1896, for the appointment of a committee of five Senators to proceed to Alaska to inquire and report as to the condition of certain industries, was announced as next in order.
Mr. GALLINGER. Let that go over. It is a resolution.
The PRESIDING OFFICER. The resolution will be passed over.

DISTRICT TAX SALES.

The bill (H. R. 8499) in relation to taxes and tax sales in the District of Columbia was announced as next in order, and was read.
Mr. HILL. Mr. President, this is a pretty important bill, and I am simply standing guard for the Senator from Nebraska [Mr. ALLEN], who, I see, has just entered the Chamber.
Mr. ALLEN. I notice what I regard as some very important defects in the bill, and as it has just been read for information, I desire to object to it. Let it go over.
The PRESIDING OFFICER. The bill will go over without prejudice.

THE NATIONAL PLANT, FLOWER, AND FRUIT GUILD.

The bill (S. 2892) to incorporate The National Plant, Flower, and Fruit Guild was announced as next in order.
Mr. GORMAN. Let that bill go over.
The PRESIDING OFFICER. The bill will be passed over without prejudice.

ALIENATION OF INDIAN TITLES.

The bill (S. 3051) defining the rights and privileges of mixed-blood Indians under the treaties and statutes of the United States, confirming the title of said Indians to their lands, allowing the same to be alienated under certain circumstances, and for other purposes, was announced as next in order.
Mr. ALDRICH. Let that bill go over, Mr. President.
The PRESIDING OFFICER. The bill will go over.

ESTATES OF SAMUEL RHEA AND JOSEPH R. ANDERSON.

The bill (S. 19) for the relief of John L. Rhea, executor of Samuel Rhea, deceased, and John Anderson, administrator of Joseph R. Anderson, deceased, was considered as in Committee of the Whole. It proposes to pay, out of the fund arising from the sale of captured and abandoned property, now in the Treasury, to John L. Rhea, executor of Samuel Rhea, deceased, $12,825.61, and to John Anderson, administrator of Joseph R. Anderson, deceased, $1,803.35, those being the proportions to which each party is entitled in 63 bales of cotton taken and receipted for by E. Hade, captain and assistant quartermaster, on the 19th of September, 1864, at Atlanta, Ga., and turned over to the United States Treasury agents, and by them sold and the proceeds turned over to the United States Treasury.
The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

W. J. TAPP & CO.

The bill (S. 2988) for the relief of W. J. Tapp & Co. was considered as in Committee of the Whole. It proposes to pay to W. J. Tapp & Co. $240.10, as a refund of duties erroneously exacted on certain machinery.
The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS ANTISELL.

The bill (S. 315) for the relief of Thomas Antisell was considered as in Committee of the Whole.
The bill was reported from the Committee on Claims with amendments. The first amendment was, in line 3, before the word

'thousand," to strike out "ten" and insert "two;" and after 'thousand" to insert "five hundred;" so as to read "$2,500."

The amendment was agreed to.

Mr. PLATT. I should like to have the report read.

The PRESIDING OFFICER. The report will be read.

The report submitted by Mr. BURROWS May 19, 1896, was read, as follows:

The Committee on Claims, to whom was referred Senate bill 7093, have had the same under consideration and find that it has received the consideration of previous Congresses, and at the first session of the Fifty-second Congress was reported favorably by the Senate Committee on Claims, which report your committee adopt as presenting all the material facts in the case, as follows:

"The Committee on Claims, to which was referred the bill (S. 1790) for the relief of Thomas Antisell, have had the same under consideration, and beg leave respectfully to report as follows:

"The bill proposes an appropriation of $10,000 to Dr. Thomas Antisell for injury to his real property, situate at the west end of Long Bridge, near the banks of the Potomac River, in Virginia, where, at the breaking out of the war, Dr. Antisell resided. Of his loyalty to the Government of the United States in those troublesome times there can be no doubt. He was in the service of the Government and he remained a loyal, intelligent, and efficient officer, and in every avocation acquitted himself in a manner wholly creditable to himself and to the great advantage of his country. At the breaking out of the war troops occupied his place, a fort was built upon it, his home was broken up, and he was compelled to remove to the District of Columbia, where he has ever since resided. The orchard and forest and fencing was taken by the troops and used for firewood, or in the construction of a fort thereat, or for other military uses.

"Your committee has repeatedly held that damage in the form of depredations or injuries to real property within the limits of the States in rebellion, or where war was flagrant, are not such damages as the Government is called upon under any circumstances to pay. The Government is in such places engaged in such work upon its own lawful business, and can not be required to compensate for injuries resulting therefrom, unavoidably or otherwise, on any principle of law or equity.

"Nor does your committee recognize that always quartermaster and commissary stores used by the Army in time of war call for compensation, but instances have occurred where it has seemed not inappropriate to pay for timber used in the construction of forts or for firewood, or for other military uses, where there are circumstances indicating that it was the purpose of the officers of the Government so to pay for the same.

"If any case justifies such a payment, it seems to your committee the case at bar is one. The place occupied was in sight of the Capitol, the officers of the Government seem to have entered upon a consideration and negotiation as to the value of the property taken by them, but in the excitement and mutations of the time did not give to Dr. Antisell the proper vouchers whereby he could be paid for the same; but your committee do not believe that the value of the orchard, the forest trees, and the fencing used for military purposes by the Army exceeds in value the sum of $2,500, and, believing that that sum, upon the principle hereinbefore stated, is due Dr. Antisell, your committee recommend that the words 'ten thousand dollars' where they occur in the bill be stricken out, and that the words 'two thousand five hundred dollars' be inserted in lieu thereof, and as so amended your committee recommend that the bill do pass."

Your committee, upon a full examination of the case, conclude that $2,500 will be a full compensation for the use and occupation of claimant's premises and for property used and taken by the United States troops, and therefore recommend the bill be amended by striking out, in line 3, the words "ten thousand" and insert "two thousand five hundred," and that the bill as thus amended pass.

Mr. PLATT. I am not going to make any serious opposition to the passage of the bill—that is, to call for a division of the Senate upon it—but it seems to me to be one of those cases which can not be singled out from an innumerable number of cases where by the operations of war a man's farm was camped upon and there was more or less damage to it. All this land across the Potomac River, many miles into Virginia, was in practically the same condition as the land at the end of Long Bridge.

Mr. COCKRELL. I suggest to the Senator from New Hampshire that the words about destruction and damage are proposed to be stricken out by the amendment reported by the committee. The amount is to be reduced from $10,000 to $2,500, and the words "consumed by the United States for military purposes" inserted. All of the amendments have not yet been stated from the desk.

Mr. PLATT. I was going to say, in regard to the matter, that on every farm where a fort was built all along the eastern shore of Virginia the same thing took place. Trees were cut down, Virginia rail fences were demolished, and unless there is some particular reason why this case should be taken up——

Mr. ALDRICH. I have been objecting to cases of this kind, and I will interpose an objection to the further consideration of the bill, in order to avoid longer discussion.

The PRESIDING OFFICER. The bill, being objected to, will be passed over without prejudice.

CHICKASAW TRUST FUNDS.

The bill (S. 1529) for the payment of arrears of interest on Chickasaw trust funds, was announced as the next business in order on the Calendar.

Mr. COCKRELL. Let the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

DONATION OF CONDEMNED CANNON.

The bill (H. R. 8495) granting to John Hill Post, No. 86, of Boonton, N. J., 4 condemned cannon and 20 cannon balls;

The bill (H. R. 8324) authorizing and directing the Secretary of the Navy to donate 4 pieces of condemned cannon and 4 pyramids of condemned cannon balls to the Grant County Union Soldiers' Monument and Memorial Association of Wisconsin; and

The bill (H. R. 7771) authorizing and directing the Secretary of the Navy to donate condemned cannon and condemned cannon balls to certain posts of the Grand Army of the Republic, were the next in order on the Calendar.

The PRESIDING OFFICER. The three bills the titles of which have been stated will be indefinitely postponed unless there be objection. The Chair hears none.

RUFUS BETZ.

The bill (H. R. 2048) for the relief of Rufus Betz was considered as in Committee of the Whole. It proposes to remove the charge of desertion standing against the name of Rufus Betz, late a private of Company A, Nineteenth Regiment of Ohio Infantry Volunteers, and to grant him an honorable discharge, to date August 9, 1862.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIFE-SAVING STATION ON MARYLAND COAST.

The bill (H. R. 7255) authorizing the establishment of a life-saving station on the coast of Maryland was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to establish a life-saving station on the coast of Maryland, between the Fenwick Island and the Ocean City life-saving stations, at such point as the General Superintendent of the Life-Saving Service may recommend.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UNIFORM FREIGHT CLASSIFICATION.

The bill (S. 3205) directing the Interstate Commerce Commission to prepare a uniform freight classification was announced as the next business in order on the Calendar.

Mr. PLATT. We can not consider the bill now.

Mr. COCKRELL. Let it be passed over.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

BAPTIST CHURCH AT CORINTH, MISS.

The bill (S. 741) for the relief of the Baptist church at Corinth, Alcorn County, Miss., was announced as the next business in order on the Calendar.

Mr. COCKRELL and Mr. PLATT. The bill is adversely reported.

The PRESIDING OFFICER. It will be passed over without prejudice.

JOHN RUHM, SR.

The bill (H. R. 1882) for the relief of John Ruhm, sr., Nashville, Tenn., was considered as in Committee of the Whole. It proposes to pay to John Ruhm, sr., of Nashville, Tenn., late United States district attorney for the middle district of Tennessee, $200 for services rendered the United States in the case of the State of Tennessee for the use of the United States against W. J. Hill and others, and other cases.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PREVENTION OF CRUELTY TO ANIMALS IN THE DISTRICT.

The bill (S. 1552) for the further prevention of cruelty to animals in the District of Columbia was announced as the next business in order on the Calendar.

Mr. PEFFER. I ask that the bill may be passed over for the present without prejudice.

The PRESIDING OFFICER. It will be passed over without prejudice.

DONATION OF CONDEMNED CANNON.

The bill (H. R. 7381) directing the Secretary of the Navy to donate one condemned cannon and cannon balls to Soldiers and Sailors' Monument Association of the city of Middletown, N. Y., was announced as the next business in order on the Calendar.

The PRESIDING OFFICER. The bill will be indefinitely postponed, if there be no objection.

The bill (S. 3207) donating condemned cannon and cannon balls to Stow Post of the Grand Army of the Republic, of Calais, Vt., was announced as next in order on the Calendar.

The PRESIDING OFFICER. If there be no objection, the bill will be indefinitely postponed.

The bill (S. 3175) donating condemned cannon and condemned cannon balls to S. A. Douglas Post, No. 69, Grand Army of the Republic, Department of Nebraska, at North Platte, Nebr., was announced as the next business in order on the Calendar.

The PRESIDING OFFICER. The bill will be indefinitely postponed, if there be no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 350) granting an increase of pension to George C. Abbey;

A bill (S. 1505) granting an increase of pension to Rufus H. Paine;

A bill (S. 1682) granting an increase of pension to Mrs. Sarah B. Leet;

A bill (S. 1888) granting an increase of pension to William T. Walker; and

A bill (S. 3381) granting a pension to Lena D. Smith.

The message also announced that the House had passed with amendments the following bills in which it requested the concurrence of the Senate:

A bill (S. 646) for the relief of Francis Brown;

A bill (S. 878) granting a pension to Jared S. Chamberlain; and

A bill (S. 1128) granting a pension to Isabella Morrow.

The message further announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. 1061) granting pensions to Gray's Battalion of Arkansas Volunteers;

A bill (H. R. 2257) to increase the pension of Charles H. Twomey;

A bill (H. R. 2725) granting increase of pension to Henry Slaughter;

A bill (H. R. 3166) granting a pension to George B. Merchant;

A bill (H. R. 3939) to pension Daniel Giles for services in Oregon Indian wars;

A bill (H. R. 3688) to pension James L. McKinney for services in Oregon Indian wars;

A bill (H. R. 4629) granting a pension to William R. Harless;

A bill (H. R. 5068) to grant pension to Jane Cunningham, widow of James Cunningham;

A bill (H. R. 5532) to increase the pension of Josephine Glover;

A bill (H. R. 5620) to pension George E. Reid;

A bill (H. R. 5981) granting a pension to Elihu Jones;

A bill (H. R. 6215) to increase the pension of Ambrose D. Manion;

A bill (H. R. 6234) to restore the name of James R. Pack to the pension roll;

A bill (H. R. 6539) granting a pension to Richard C. Enright;

A bill (H. R. 7115) granting a pension to James Warbrook;

A bill (H. R. 7349) to pension Lewellyn D. King;

A bill (H. R. 7821) granting a pension to Annie Schifirli;

A bill (H. R. 9571) authorizing the Galveston and Great Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes;

A joint resolution (H. Res. 211) providing for a comprehensive index to Government publications from 1881 to 1893; and

A joint resolution (H. Res. 234) providing for the distribution of the maps and atlases of the United States Geological Survey.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. 2941) granting increase of pension to Alfred P. Buss;

A bill (H. R. 3075) for the relief of John A. Lynch;

A bill (H. R. 6726) to provide for the payment of certain claims against the District of Columbia by drawback certificates;

A bill (H. R. 8038) for the relief of yacht owners and shipbuilders of the United States;

A bill (H. R. 8551) to establish railroad bridges across the Cumberland and Tennessee rivers in Kentucky;

A bill (H. R. 9901) to detach the county of Audrain from the western district of Missouri and to attach the same to the eastern district of said State of Missouri; and

A joint resolution (H. Res. 152) to authorize the Secretary of the Interior to use Fort Bidwell for an Indian training school.

JURISDICTION OF UNITED STATES COURTS.

The bill (H. R. 7370) to amend an act entitled "An act to establish circuit courts of appeals and define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, was announced as the next business in order on the Calendar.

Mr. HILL. At the time the bill was reported I dissented, and its consideration will lead to extensive debate.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The bill will be passed over without prejudice.

REORGANIZATION OF CONSULAR AND DIPLOMATIC SERVICE.

The bill (S. 3230) to provide for the reorganization of the consular and diplomatic service was announced as the next business in order on the Calendar.

Mr. COCKRELL. Let the bill go over without prejudice.

The PRESIDING OFFICER. It will be passed over.

JAMES AND WILLIAM CROOKS.

The bill (S. 692) for the relief of the legal representatives of James and William Crooks, of Canada, was announced as next in order on the Calendar.

Mr. COCKRELL. Let the bill be passed over.

The PRESIDING OFFICER. It will be passed over.

WYOMING HOT SPRINGS RESERVATION.

The bill (S. 3188) to ratify an agreement with the Indians of the Shoshone or Wind River Reservation, Wyo., and making an appropriation to carry the same into effect; establishing the Wyoming Hot Springs Reservation, and making an appropriation for the survey thereof, was announced as the next business in order on the Calendar.

Mr. GORMAN. Let the bill go over.

The PRESIDING OFFICER. It will be passed over without prejudice.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER (at 3 o'clock p. m.). I suggest that the hour has arrived for the consideration of pension bills.

The PRESIDING OFFICER. The hour of 3 o'clock having arrived, pension bills are in order.

EMILY E. ATHERTON.

The bill (S. 3370) granting a pension to Emily E. Atherton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "roll," to strike out "subject to the provisions and limitations of the pension laws;" and in line 7, after the word "Artillery," to insert "and pay her a pension of $20 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Emily E. Atherton, widow of Capt. Benjamin T. Atherton, late captain in Company C, First Maine Heavy Artillery, and pay her a pension of $20 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMBROSE J. VANARSDEL.

The bill (S. 3407) granting a pension to Ambrose J. Vanarsdel was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ambrose J. Vanarsdel, a private of Company F, Forty-ninth Regiment Enrolled Missouri Militia, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZA J. HOLMAN.

The bill (H. R. 6378) for the relief of Eliza J. Holman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza J. Holman, widow of William T. Holman, deceased, late a private in Capt. Charles Pettigrew's Company, commanded by Colonels Laban C. Horrell and Albert Forohr, Indian war, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. BRUNER.

The bill (H. R. 7240) granting a pension to John W. Bruner was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of John W. Bruner, late a private in Company F, Second Pennsylvania Volunteer Infantry; Captain Higgins's company, First Pennsylvania Cavalry, and Company G, First Pennsylvania Cavalry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCES M. ROBERTS.

The bill (H. R. 3494) granting a pension to Frances M. Roberts, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, in line 5, after the name "Roberts," to insert "daughter of Levi M. Roberts, express rider in the war of 1812;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of said Frances M. Roberts, daughter of Levi M. Roberts, express rider in the war of 1812, upon the pension roll, and pay to her the sum of $8 per month.

The amendment was agreed to.

Mr. GALLINGER. I ask that the bill be passed over, as manifestly there are errors in it.

The PRESIDING OFFICER. The bill will be passed over.

ANNA M. NEWTON.

The bill (H. R. 1508) granting a pension to Anna M. Newton, widow of Gen. John Newton, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anna M. Newton, widow of John Newton, late major-general of volunteers and brigadier-general of the United States Army, and to pay her a pension of $75 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALICE DE K. SHATTUCK.

The bill (S. 3319) to increase the pension of Alice De K. Shattuck, widow of Lucius H. Shattuck, Company I, Fifth Massachusetts Infantry, three months, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the name "Shattuck," to insert "widow of Lucius H. Shattuck, hospital steward, United States Army;" and in line 6, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place the name of Alice De K. Shattuck, widow of Lucius H. Shattuck, hospital steward, United States Army, on the pension roll at the rate of $20 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to increase the pension of Alice De K. Shattuck, widow of Lucius H. Shattuck."

PRICILLA R. BURNS.

The bill (H. R. 5938) for the relief of Pricilla R. Burns, was considered as in Committee of the Whole. It proposes to place the name of Pricilla R. Burns, widow of the late Brig. Gen. William W. Burns, of the United States Army, on the pension roll, at $50 per month, in lieu of the amount she now receives.

Mr. ALLEN. What is the amount she now receives?

Mr. COCKRELL. She is receiving $30 now.

Mr. ALLEN. I should like to ask the chairman of the Committee on Pensions why there should be a distinction of $25 a month made between the widow of General Burns and the widow of General Newton? The officers appear to have been of the same rank, and presumably performed the same service. I do not know why such a distinction should be made.

Mr. GALLINGER. Unfortunately, I did not report either one of these bills, and perhaps, therefore, I am not so familiar with them as are the members of the committee who made the reports. I do not know anything beyond the fact that very likely General Newton's service was one of greater distinction and possibly greater length than that of General Burns. At any rate, the House seemed to take that view of it, and passed a bill giving Mrs. Newton $75 and Mrs. Burns $50.

I find, by reference to the report, that General Newton had a very long and very distinguished service, serving from early manhood to the close of the war, and having been promoted several times for gallant and meritorious services on the battlefield. He was likewise chief engineer of the work in New York Harbor, as well as chief engineer of the Department of the Shenandoah, and assistant engineer in the construction of the defenses of Washington. He seems to have had a very conspicuous and long service, covering the different departments of military work and military service. That is the only explanation I can give about it.

Mr. ALLEN. The point to which I desire to direct the attention of the honorable Senator from New Hampshire is whether the distinction is not made in consequence of the civil career of General Newton rather than his military career.

I do not think I desire to offer any amendment to the bill, but I do wish to put upon record my condemnation of the shoddyism, if I may characterize it as such, that makes a distinction between two men of equal rank who have performed similar service. There may be something in the atmosphere around Washington, around the Committee on Pensions, that makes the widow of one soldier preferable to another. I have thus far in my humble life and in my humble station supposed that there is no natural difference between individuals, and that whatever distinction exists between them is in consequence possibly of their own conduct or their own environment. I have supposed that the blood that runs in the veins of one man, unless tainted by hereditary causes, is about as pure as the blood which runs in another man's veins, and about as thick, if thickness counts. Yet it is true we never turn to the Calendar of pension bills without developing the grossest outrages of discrimination between those who are entitled not to the bounty, but to the just recognition of this Government.

I have not one word to say against the pension to General Newton's widow; I have not one word to say against the pension to General Burns's widow, but these women certainly ought to be placed upon an equality so far as the Government is concerned, if their husbands held the same rank. It was said by my honorable friend the Senator from New Hampshire that General Newton was a man of distinguished career. We would all like to be distinguished. There is not a man in this land who is carrying a hod to-day whose circumstances place him in a position where he may be said to be one of the worms of the earth, who has not the gallantry and nobleness of his Creator in his make-up which would be developed if he had the opportunity. What shoddyism, and how it smells to heaven, to have honorable Senators come in here and make a distinction between these men or between their widows! It seems to me the thing is so rotten that the man in the moon in passing over the Capitol ought to hold his nose to prevent the stench from entering his nostrils.

Mr. GRAY. He does, possibly.

Mr. ALLEN. My friend the Senator from Delaware says he does, possibly. At least, if he has any sensibility, he does.

It is all put upon the ground that the soldier was a distinguished gentleman. If he was a distinguished gentleman and reaped the rewards that his Government afforded him, was not that something? If he had the honor that followed distinction won upon the field of battle, is not that something, not only to the individual, but to his widow and his children? Where the services were equal, when the opportunity presented itself to render them, where the gentlemen have commanded brigades and possibly divisions upon the same field of battle, both giving to their country the best of their services, both giving their lives (all a man can give), is it not invidious to make a distinction in legislation in the United States Senate between the unfortunate widows of those gentlemen, giving one 50 per cent more than you give to the other?

Mr. President, I have occupied a seat in this Chamber by the sufferance of the people of Nebraska for four years. I did not come here because distinguished gentlemen wanted me to come. They do not want me here. The distinguished gentlemen upon whose shirt fronts shine diamonds do not want me in the Senate. I do not represent that class. I should modify that statement; I do represent them, but contrary to their wishes. When the wife of a private soldier, who fell in the discharge of his duty, came here in her rags and in her poverty, asking for some help at the hands of this great Government, I have never heard the honorable chairman of the Committee on Pensions, or one of his colleagues upon that committee, say his services were distinguished. No; the great unknown millions of men who carried muskets and whose prowess upon fields of battle moved the world, the men who put stars upon the shoulders of these distinguished generals, may sleep in unknown graves, their wives and children may be thrown by misfortune upon the highways and byways of life, and the honorable chairman of the Committee on Pensions and his colleagues have not one word to say in their behalf.

The PRESIDING OFFICER. It is the duty of the Chair to remind the Senator that his time has expired.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. WALTON.

The bill (S. 3196) granting an increase of pension to George W. Walton was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of George W. Walton, late a private of Company I, Second United States Light Artillery; Company G, Seventh Maryland Infantry, and a sergeant of Company C, Third Veteran Reserve Corps, at $30 per month, in lieu of the pension he now receives.

Mr. GALLINGER. Mr. President, a single observation on this bill. It will be noticed that this is a bill increasing the pension of a private from $12 to $30 a month. The committee are trying to deal justly with private soldiers and their widows and with officers and their widows.

Mr. ALLEN. I should like to ask the honorable Senator why it would not be wise now to raise this pension, say to $50 a month?

Mr. GALLINGER. The committee do not think it wise to do it.

Mr. ALLEN. Of course, the committee did not think it wise. That ends the dispute.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M'GRATH.

The bill (S. 3185) granting an increase of pension to John McGrath was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "to," to strike out "increase his pension from six to twelve dollars per month" and insert "pay him a pension of $12 per month in lieu of that which he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John McGrath, a private in Company C, Seventh Regiment United States Cavalry, and to pay him a pension of $12 per month in lieu of that which he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARABELLA V. WASHBURN.

The bill (S. 3311) to increase the pension of Arabella V. Washburn was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the words "Marine Corps," to insert "United States;" and in the same line, after the words "Marine Corps," to strike out "United States Navy;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Arabella V. Washburn, widow of Israel Henry Washburn, late captain in the United States Marine Corps, at $25 per month, in lieu of the pension she now receives.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARAH R. FRARY.

The bill (S. 3361) granting a pension to Sarah R. Frary was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah R. Frary, widow of Jedediah C. W. Frary, late of Company H, Eighteenth New Hampshire Volunteer Infantry, and to pay her a pension of $8 per month.

Mr. ALLEN. I should like to have the attention of the chairman to this pension. This seems to be the case of the widow of a private soldier. I should like to ask the chairman of the Committee on Pensions if this widow has a family.

Mr. GALLINGER. She has not, I would say to the Senator. I know her personally.

Mr. ALLEN. What is her probable age?

Mr. GALLINGER. She is an old lady.

Mr. ALLEN. An old lady?

Mr. GALLINGER. Yes, sir.

Mr. ALLEN. Did her husband die in the service?

Mr. GALLINGER. Her husband did not die in the service.

Mr. ALLEN. Was he a good soldier?

Mr. GALLINGER. I take it for granted that he was.

Mr. ALLEN. He had an honorable discharge?

Mr. GALLINGER. Beyond a question.

Mr. ALLEN. How long did he serve?

Mr. GALLINGER. I do not know.

Mr. ALLEN. Does the report show?

Mr. GALLINGER. I think not.

Mr. COCKRELL. He served a little less than ninety days, and the widow is not entitled to a pension at all.

Mr. GALLINGER. The Senator is right. I have turned to the report. The report was made in my behalf while I was absent from the city; hence I was not familiar with that particular point. I know all about the case now. The soldier served a period not sufficiently long to entitle the widow to a pension, and this is a pure gratuity. We give her the same rate of pension allowed under the act of June 27, 1890, which is popularly known as the dependent pension act. We thought that was just.

Mr. ALLEN. I do not want the Senator to leave a wrong impression upon the Senate, or upon the country, for that matter; but many of the officers whom we pension, very many of them, served no longer than this private did. Now, I will ask the Senator if this widow is pensioned in consequence of disabilities incurred by her husband during his service?

Mr. GALLINGER. She is not. There is no contention made that he ever incurred disabilities in the service.

Mr. ALLEN. Then she ought not to be pensioned at all.

Mr. GALLINGER. That is not quite true. The act of June 27, 1890, pensions thousands of widows——

Mr. ALLEN. That is simply an abuse of the pension power, or the theory of pensions. I shall object to this bill. The pension proceeds upon the theory that the husband has rendered his country some service for which his widow or children ought to be recognized.

Mr. GALLINGER. I will simply say to the Senator that if the soldier had served one or two days more he would have reached the limit, and we have made a great many exceptions in the case of soldiers of the Mexican war.

Mr. ALLEN. I think I will withdraw the objection to the bill, in consequence of the fact that the beneficiary comes from the Senator's own State and his immediate neighborhood.

Mr. GALLINGER. I have no personal interest in the bill.

Mr. ALLEN. In another case like it I shall object.

Mr. GALLINGER. The Senator does object?

Mr. ALLEN. I have no objection to this case.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALLEN BUCKNER.

The bill (S. 3324) granting a pension to Allen Buckner, of Baldwin, Kans., was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "seventy-five" and insert "fifty;" and in the same line, after the word "month," to insert "in lieu of the pension he is now drawing;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Allen Buckner, late colonel of the Seventy-ninth Regiment Illinois Volunteers, and pay him a pension at the rate of $50 per month, in lieu of the pension he is now drawing.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Allen Buckner, of Baldwin, Kans."

MELANCTHON M'COY.

The bill (H. R. 94) increasing the pension of Melancthon McCoy, of Company K, One hundred and forty-eighth Illinois Infantry, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Melancthon McCoy, late of Company K, One hundred and forty-eighth Illinois Volunteer Infantry, and to pay him a pension of $25 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHERINE L. NIXON.

The bill (S. 1640) granting a pension to Catherine L. Nixon was considered as in Committee of the Whole. It proposes to place the name of Catherine L. Nixon, widow of Andrew Nixon, late private of Company A, Regiment of Oregon Mounted Volunteers, in the Indian war of 1855 and 1856, on the pension roll, at $12 per month, and to allow her $2 additional for each of her minor children by the said Andrew Nixon.

Mr. COCKRELL. I move to amend the bill, beginning at the end of line 8, by striking out the words:

And that she be allowed $2 additional for each of her minor children by the said Andrew Nixon.

This is a pension for service in the Indian war of 1855, and prior to the late war there never has been a precedent for giving pensions to minor children.

Mr. GALLINGER. I think that is correct. The clause ought to go out.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN J. SHOCKEY.

The bill (S. 2672) granting a pension to John J. Shockey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John J. Shockey, late a musician in the Fifty-third Ohio Volunteer Infantry, and grant him a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMOS L. HOOD.

The bill (S. 3190) granting a pension to Amos L. Hood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Amos L. Hood, late of Company D, One hundred and seventy-first Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MILTON T. BEDFORD.

The bill (S. 3191) granting a pension to Milton T. Bedford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Milton T. Bedford, late of Company B, One hundred and fifty-first Regiment Ohio National Guard Infantry.

Mr. ALLEN. Was this soldier in the regular volunteer military service? I call the attention of the chairman of the Committee on Pensions to the fact that the bill seems to indicate that the

proposed pensioner was not in the regular volunteer service or in the regular service, but was a mere militiaman at home.

Mr. GALLINGER. The report suggests that he was, while the bill suggests otherwise. I think the bill ought to be passed over to be examined. It was reported during my absence, I will say to the Senator.

The PRESIDING OFFICER. The bill will go over.

The Chair lays before the Senate bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 1061) granting pensions to Gray's Battalion of Arkansas Volunteers;

A bill (H. R. 2257) to increase the pension of Charles H. Twomey;

A bill (H. R. 2725) granting increase of pension to Henry Slaughter;

A bill (H. R. 3166) granting a pension to George B. Merchant;

A bill (H. R. 3939) to pension Daniel Giles for services in Oregon Indian wars;

A bill (H. R. 3688) to pension James L. McKinney for services in Oregon Indian wars;

A bill (H. R. 4629) granting a pension to William R. Harless;

A bill (H. R. 5068) to grant pension to Jane Cunningham, widow of James Cunningham;

A bill (H. R. 5532) to increase the pension of Josephine Glover;

A bill (H. R. 5620) to pension George E. Reid;

A bill (H. R. 5981) granting a pension to Elihu Jones;

A bill (H. R. 6215) to increase the pension of Ambrose D. Manion;

A bill (H. R. 6234) to restore the name of James R. Pack to the pension roll;

A bill (H. R. 6539) granting a pension to Richard C. Enright;

A bill (H. R. 7115) granting a pension to James Warbrook;

A bill (H. R. 7349) to pension Lewellyn D. King; and

A bill (H. R. 7821) granting a pension to Annie Schifirli.

The bill (H. R. 9571) authorizing the Galveston and Great Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, was read twice by its title, and referred to the Committee on Indian Affairs.

The following joint resolutions were severally read twice by their titles, and referred to the Committee on Printing:

A joint resolution (H. Res. 211) providing for a comprehensive index to Government publications from 1881 to 1893; and

A joint resolution (H. Res. 234) providing for the distribution of the maps and atlases of the United States Geological Survey.

JESSE O. DAVY.

The bill (S. 3103) granting a pension to Jesse O. Davy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the name "Davy," to insert, "a private in Company B, Fifty-ninth Ohio Volunteer Infantry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse O. Davy, a private in Company B, Fifty-ninth Ohio Volunteer Infantry.

The amendment was agreed to.

Mr. GALLINGER. I move a further amendment. After the word "Infantry," in line 7, I move to insert the words "at the rate of $12 per month."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILSON S. HULSE.

The bill (S. 2752) granting a pension to Wilson S. Hulse, was announced as the next pension bill in order.

Mr. GALLINGER. I ask that that bill be passed over.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

JAMES M. DENNISON.

The bill (S. 2995) granting a pension to James M. Dennison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Dennison, late of Company F, Forty-ninth Regiment Ohio Volunteer Infantry.

Mr. GALLINGER. I move to amend the bill by inserting after the word "Infantry," in line 7, the words "at the rate of $12 per month."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOUISE VAN ATTER.

The bill (S. 3516) granting a pension to Louise Van Atter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louise Van Atter, widow of Joshua Van Atter, a private of Company A, One hundred and fifty-third New York Infantry, and to pay her a pension of $12 a month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ALLEN. Mr. President——

The PRESIDING OFFICER. Does the Senator object to the passage of the bill which has just been declared passed?

Mr. ALLEN. I want some information on the subject.

The PRESIDING OFFICER. The bill will be considered as being before the Senate, and the question is, Shall the bill pass?

Mr. ALLEN. I should like to ask the attention of the chairman to this bill and to get some information as to the services rendered by this lady's deceased husband. I see he was a private soldier, and he rendered some service, of course.

Mr. GALLINGER. He served for three years.

Mr. ALLEN. He left a widow with some children?

Mr. GALLINGER. I do not know about the children, Mr. President.

Mr. ALLEN. There is nothing to indicate that?

Mr. GALLINGER. I think not.

Mr. ALLEN. Now, Mr. President, I should like to put a question directly to the chairman of the committee or any other member of the committee, to get to a point where we may know something about this matter, or the policy pursued by the Committee on Pensions. I want to put this question to the chairman of the committee: Is it the policy of the committee of which you are chairman to discriminate——

The PRESIDING OFFICER. The Senator from Nebraska will address his remarks to the Chair.

Mr. ALLEN. I beg the Chair's pardon. Through the Chair, I desire to put a question to the chairman of the Committee on Pensions and his associates upon that committee, and that is, whether it is the purpose of the Committee on Pensions to lay down this inexcusable, invidious, and almost nauseating distinction between the widows of soldiers based upon the respective ranks of their husbands; and to that I should like to have a plain and candid answer.

Mr. GALLINGER. I have answered the Senator I think more than a score of times during the present Congress that the law recognizes rank and the committee recognizes rank. The law grants the widow of a private soldier not more than $12 under any law. It gives a captain $20, a major $25, and a colonel and brigadier-general $30, and their wives that amount if the husband died from causes due to army service. The committee simply follows the law in this particular.

There is no law on the statute books that would give this woman more than $12 if she could prove her claim. She has been unable to prove her claim under the law, and the committee felt that the service of the soldier—lasting three years and having been a commendable one—entitled the widow to a pension, while under a technicality, perhaps, she has not been able to prove her claim. The committee, of course, could not defend themselves in going above the amount that she would have received if she could have proved her claim, and they waived that in her behalf.

Mr. ALLEN. Now, the Senator does not answer the question, and to be entirely candid with the Presiding Officer and the Senate and the country, I did not expect an answer to the question that I put to the Senator. I have never yet been able to get a straight answer from a member of the Committee on Pensions on this subject, because every one of them has private soldiers residing in their States that they are afraid of; they are afraid of their votes. Therefore they beat about the bush when it comes to answering whether they propose to continue this distinction or not. Mr. President, do not enforce the five-minute rule on me for a moment.

The Senator says that the law makes the distinction. Mr. President, we are the lawmaking power. We have the power to change that law. We are changing it every day; we are changing it almost every five minutes now. The Senator does not answer the question. Does he propose to make a distinction between the widows of dead soldiers simply because during the war the one was a private soldier and the other was a commissioned officer? If it is proposed to make that distinction, as he is making it here constantly, and as it has been made constantly since I have been a member of this Chamber, I do not want any specious plea that other governments recognize distinctions between men. I want a distinct answer from the chairman and his associates whether, upon the high ground of the equality before the country and before the higher law of every citizen of this country, he proposes to make and enforce this invidious distinction.

Of course the Senator will say in a general way that we must recognize distinctions. I recognize them. I have recognized them all my life; I recognize them now. But I should like to know why

the widow of a private soldier whose husband died upon the field of battle or who died since the war in consequence of disabilities contracted during the service should be cast out by a great Government as a mendicant and a beggar, while a woman with no brighter intellect and possessing no greater womanly qualities than she possesses should be encouraged by a pension of $50 or $100 a month because her husband occupied another position. I want to provoke the chairman——

Mr. GALLINGER. You can not do that.

Mr. ALLEN. I want to provoke you——

The PRESIDING OFFICER rapped with his gavel.

Mr. ALLEN. I beg the Chair's pardon.

The PRESIDING OFFICER. The parliamentary rule requires that the Senator should observe the rule——

Mr. COCKRELL. I insist on the rule.

The PRESIDING OFFICER. In order that unpleasant conditions in debate between Senators may be avoided.

Mr. ALLEN. I will observe the rule. I want to provoke the Senator from New Hampshire to come out in the open daylight of discussion and vindicate the defenseless position he has taken upon this question. Mr. President, the attitude of the Committee on Pensions in this respect has been cowardly in the extreme, and absolutely indefensible.

I challenge the chairman of that committee, or any of his associates, to walk into the arena of discussion and discuss this question upon its merits before the country. You go to the private soldier when you want his vote and want his influence, and you tell him what a great man he has been, and you make him promises, but the moment you have received his vote you have forgotten him, and forgotten his wife and his children, and forgotten everything which belongs to him. The moment you get into the heated atmosphere of wealth in this Senate Chamber you begin to legislate for the general and against the private. You do not dare to come out and discuss this question and tell the truth about it.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill was passed.

LIZZIE M. SIBLEY.

The bill (S. 1190) for the relief of Lizzie M. Sibley was announced as next in order.

Mr. GALLINGER. That bill should be postponed indefinitely. There is an adverse report on it, though it is not so noted on the Calendar.

The PRESIDING OFFICER. The bill will be indefinitely postponed, if there be no objection.

REBECCA P. QUINT.

The bill (S. 3451) granting a pension to Rebecca P. Quint was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 4, before the word "directed," to insert "authorized and;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Rebecca P. Quint, widow of Alonzo H. Quint, late chaplain of the Second Regiment Massachusetts Infantry Volunteers, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CAPT. JOHN H. MULLEN.

The bill (S. 3445) to increase the pension of Capt. John H. Mullen was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 4, after the word "to," to strike out "allow and pay to John H. Mullen, captain of Company C, Twelfth Connecticut Volunteer Infantry, a pension of $25 a month in lieu of the pension that he is now receiving," and insert "place upon the pension roll the name of John H. Mullen, late captain of Company C, Twelfth Connecticut Volunteer Infantry, and pay him a pension of $20 a month in lieu of that which he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of John H. Mullen, late captain of Company C, Twelfth Connecticut Volunteer Infantry, and pay him a pension of $20 a month in lieu of that which he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANN KING.

The bill (S. 3408) granting a pension to Ann King, widow of Samuel King, deceased, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ann King, widow of Samuel King, a private in Capt. Adam Mase's Company of Missouri Militia in the Indian war of 1832, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE G. EAKINS.

The bill (S. 2991) granting a pension to George G. Eakins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George G. Eakins, who was a private in Company B, Second Regiment Ohio Volunteers, in the war with Mexico.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM HULSIZER.

The bill (S. 3145) to increase the pension of William Hulsizer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "dollars," to strike out "twenty-six" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Hulsizer, at the rate of $20 per month, in lieu of any pension he may now be receiving.

The amendment was agreed to.

Mr. GALLINGER. I move a further amendment, to insert after the name "Hulsizer," in line 6, the words "late of Company G, Sixty-sixth Ohio Volunteer Infantry."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM C. FORSYTHE.

The bill (S. 2912) increasing the pension of William C. Forsythe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Forsythe, at $12 per month, in lieu of any pension he now may be receiving.

Mr. GALLINGER. After the name "Forsythe," in line 6, I move to insert "late of Company K, Seventy-eighth Ohio Volunteer Infantry, and of Company C, One hundred and seventy-second Ohio Volunteer Infantry."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH BROWN.

The bill (S. 2813) granting an increase of pension to Joseph Brown was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Brown, late sergeant of Company F, Thirty-seventh Regiment Kentucky Mounted Infantry, at the rate of $20 per month, in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOEL M. GIBSON.

The bill (S. 2097) granting a pension to Joel M. Gibson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joel M. Gibson, of Company F, One hundred and twenty-third Ohio Volunteers, and to pay him a pension of $50 per month.

Mr. GALLINGER. I move to insert at the end of the bill the words "in lieu of the pension he is now receiving."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill granting an increase of pension to Joel M. Gibson."

LOUISE E. PERKINS.

The bill (S. 3339) granting a pension to Louise E. Perkins was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place the name of Louise E. Perkins, widow of the late Capt. Bishop W. Perkins, captain in the Sixteenth Regiment United States Infantry, on the pension roll, and pay her a pension of $20 per month.

The amendment was agreed to.

Mr. COCKRELL. In line 5, I move to strike out the word "captain."

Mr. GALLINGER. That is right.

The amendment was agreed to.

Mr. PEFFER. I ask whether the word "colored" does not appear in the bill before the word "Infantry," so as to read "United States Colored Infantry?"

Mr. GALLINGER. It does not.

Mr. PEFFER. If it does not, it ought to.

The PRESIDING OFFICER. The amendment proposed by the Senator from Kansas will be stated.

The SECRETARY. Before the word "Infantry," in line 6, it is proposed to insert "Colored."

Mr. COCKRELL. There is no distinction in the regulations of the Army in that matter; there is nothing about that, as I understand it. It is "the Sixteenth Regiment United States Infantry," which is composed of colored troops; but there is no such distinction in the law or regulations of the Army as "colored infantry." The distinction was only used in the volunteer service.

Mr. PEFFER. We made that distinction during the war.

Mr. COCKRELL. It was made in the case of the volunteer troops.

Mr. GALLINGER. I do not think we should put it in the bill.

Mr. PEFFER. Very well; I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET STONE.

The bill (S. 947) granting a pension to Margaret Stone, widow of Benoni Stone, a soldier of Florida Seminole Indian war, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret Stone, widow of Benoni Stone, a private of Captain Pittman's Florida Volunteers in the Florida Seminole Indian war from 1839 to 1842.

Mr. GALLINGER. I move to amend the bill by inserting at the end of it the words "at the rate of $8 per month."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OSCAR A. PALMER.

The bill (S. 3177) granting a pension to Oscar A. Palmer, Tabor, Iowa, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Oscar A. Palmer, late of Company F, One hundred and eleventh Regiment Ohio Volunteer Infantry, at $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill granting a pension to Oscar A. Palmer."

JOHN G. POWERS.

The bill (S. 2375) granting an increase of pension to John G. Powers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John G. Powers, late a private of Company G, Twenty-third Regiment of Iowa Volunteer Infantry, at $24 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REBECCA GILBERT.

The bill (S. 2993) granting a pension to Rebecca Gilbert was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rebecca Gilbert, widow of William Lester, formerly of Company B, Fifteenth United States Infantry, and Company C, Twenty-first Missouri Volunteers, at $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JANE B. JOHNSTON.

The bill (S. 3541) granting a pension to Jane B. Johnston was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane B. Johnston, an army nurse at Willets Point Hospital, Throggs Neck, New York, during the war of the rebellion, and to pay her a pension of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM G. ALSPACH.

The bill (S. 2994) granting a pension to William G. Alspach was considered as in Committee of the Whole. It proposes to place on the pension roll, subject to the provision and limitations of the pension laws, the name of William G. Alspach, late of Company F, Fifty-seventh Regiment Ohio Volunteer Infantry.

Mr. GALLINGER. I move to amend by inserting the word "provisions" for the word "provision," in line 5; and at the close of the bill by inserting the words "at the rate of $12 per month."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH M. WADDELL.

The bill (S. 1538) granting a pension to Joseph M. Waddell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph M. Waddell, late a soldier in Company A, Sixteenth Regiment United States Infantry, in the Mexican war, and Companies E, Twelfth Regiment Wisconsin Infantry, and F, Third Regiment Wisconsin Cavalry, and to pay him a pension of $20 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ETHAN A. SELLMAN.

The bill (H. R. 4490) to restore the name of Ethan A. Sellman to the pension roll was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ethan A. Sellman, late a private in Company E, Fiftieth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. HINES.

The bill (H. R. 5712) granting increase of pension to John W. Hines was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of John W. Hines, late first lieutenant and adjutant of Fourth Tennessee Volunteer Infantry, and to pay him a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DOLLY S. BROWN.

The bill (H. R. 1646) for the relief of Dolly S. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Dolly S. Brown, dependent mother of Irving Stevenson, late of Company D, Third Regiment New York Cavalry Volunteers, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSE M'MILLAN.

The bill (H. R. 9592) to amend an act entitled "An act granting a pension to Jesse McMillan," received by the President May 27, 1896, was considered as in Committee of the Whole. It proposes to amend the act entitled "An act granting a pension to Jesse McMillan," received by the President May 27, 1896, by striking out the word "Infantry" and inserting the word "Cavalry," and that the pension provided for in that act be paid from the 8th of June, 1896.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLARK W. HARRINGTON.

The bill (S. 1647) to increase the pension of Clark W. Harrington, late sergeant of Company I, Ninety-third New York Infantry, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "receives," to strike out "under certificate No. 176674;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Clark W. Harrington, of Knobview, Crawford County, Mo., late of Company I, Ninety-third New York Infantry, a pension of $50 per month from and after the passage of this act, in lieu of the pension which he now receives.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH J. HUDSON.

The bill (H. R. 4363) to increase the pension of Joseph J. Hudson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "seventy-two" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of Joseph J. Hudson, late a member of Company I, One hundred and tenth Regiment of Illinois Infantry, from twenty-four to fifty dollars per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MISS JENNIE E. MOORE.

The bill (H. R. 6247) to grant a pension to Miss Jennie E. Moore was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, after the word "Infantry," to strike out "and Lovina J. Moore, his wife, now both dead;" and in line 10, before the word "dollars," to strike out "thirty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Miss Jennie E. Moore, orphan, permanently helpless invalid daughter of Charles E. Moore, late private of Company K, Twenty-fifth Regiment Illinois Volunteer Infantry, and grant her a pension of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BENNETT S. SHAUG.

The bill (H. R. 1018) to increase the pension of Bennett S. Shaug was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Bennett S. Shaug, late a private of Company K, Fifteenth Ohio Volunteer Infantry, in Mexican war, at $30 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLEN O'HARA.

The bill (S. 2992) granting a pension to Ellen O'Hara was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Infantry," to insert "and pay her a pension of $8 a month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen O'Hara, widow of John O'Hara, late of Company A, Tenth Regiment New York Volunteer Infantry, and pay her a pension of $8 a month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN AMREIN.

The bill (S. 2975) granting a pension to John Amrein was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "month," to insert "in lieu of the pension he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Commissioner of Pensions be, and is hereby, authorized and directed to place the name of John Amrein, late captain Company B, Twenty-eighth Regiment Ohio Infantry Volunteers, and captain, Fourth Regiment Veteran Reserve Corps, on the pension roll of the United States at the rate of $50 per month, in lieu of the pension he is now receiving, for disabilities contracted while in the service of the United States.

The amendment was agreed to.

Mr. GALLINGER. I move to amend after the word "disabilities," in line 9, by striking out "contracted while in the service of the United States."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. SMITH.

The bill (S. 3329) to increase the pension of George W. Smith, late a captain, Seventh Regiment New Jersey Infantry Volunteers, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "dollars," to strike out "seventy-two" and insert "fifty;" and in the same line, after the word "month," to insert "in lieu of the pension he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place the name of George W. Smith, late a captain Seventh Regiment New Jersey Infantry Volunteers, on the pension roll at the rate of $50 per month in lieu of the pension he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. SARAH TOWNSEND.

The bill (S. 2950) granting a pension to Mrs. Sarah Townsend was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 5, after the name "Townsend," to insert "a private in Capt. C. C. Coffey's Independent Company, Florida Volunteers;" and in line 8, before the word "dollars," to insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mrs. Sarah Townsend, widow of Noah Townsend, a private in Capt. C. C. Coffey's Independent Company, Florida Volunteers, who served in the Mexican war, at the rate of $8 per month from the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PATSEY E. BROADDUS.

The bill (H. R. 4481) granting an increase of pension to Patsey E. Broaddus, of Marion, Kans., was considered as in Committee of the Whole. It proposes to pay a pension of $30 per month, in lieu of the pension now received by her, to Patsey E. Broaddus, of Marion, Kans., widow of Green B. F. Broaddus, late first lieutenant of Company H, First Kentucky Cavalry, Mexican war, and major Eighth Kentucky Volunteer Infantry in the late war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN R. ROW.

The bill (H. R. 3380) granting an increase of pension to John R. Row, of Toronto, Kans., was considered as in Committee of the Whole. It proposes to increase the pension of John R. Row, of Toronto, Kans., late of Company B, Third Illinois Infantry, Mexican war, and to pay him a pension of $30 per month in lieu of the pension now received by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISS MARY HAYNE.

The bill (S. 2713) granting a pension to Miss Mary Hayne was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Miss Mary Hayne, late a hospital nurse in the United States Naval Academy at Annapolis, Md., and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY B. CONWAY.

The bill (S. 2177) granting increase of pension to Henry B. Conway was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry B. Conway, late of Company F, Second Illinois Volunteers, Mexican war, at the rate of $20 per month, in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMILY ELLIOTT.

The bill (H. R. 5855) granting a pension to Emily Elliott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emily Elliott, the permanently helpless daughter of Joseph Elliott, late quarter gunner, United States Navy, in the Florida war, private Company E, First Regiment Voltiguers in the Mexican war, and late private Company B, Second Regiment Maryland Volunteer Cavalry, in the war of the rebellion, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. BAGLEY.

The bill (H. R. 1500) granting a pension to George W. Bagley was considered as in Committee of the Whole. It proposes to

place on the pension roll, at $12 per month, the name of George W. Bagley.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNIE THOMPSON.

The bill (H. R. 4298) granting an increase of pension to Annie Thompson was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Annie Thompson, widow of Jay Thompson, late captain of Company M, Third Wisconsin Cavalry, and to pay her a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GABRIEL WIDMER.

The bill (H. R. 4267) granting an increase of pension to Gabriel Widmer was considered as in Committee of the Whole. It proposes to increase the pension of Gabriel Widmer, late of Company K, Twenty-third Michigan Infantry, to $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANKLIN ANDREWS.

The bill (S. 2908) granting a pension to Franklin Andrews was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Franklin Andrews, late of Company G, One hundred and first Regiment Ohio Volunteer Infantry.

Mr. GALLINGER. I move to amend by inserting at the end of the bill the words "at the rate of $12 per month."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY SCHAFER.

The bill (S. 2909) granting a pension to Henry Schafer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Infantry," to insert "at the rate of $12 per month, in lieu of any pension he may now be receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Schafer, late of Company C, Forty-ninth Regiment Ohio Volunteer Infantry, at the rate of $12 per month, in lieu of any pension he may now be receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill granting an increase of pension to Henry Schafer."

FREDERICK LIERMAN.

The bill (H. R. 8683) granting a pension to Frederick Lierman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick Lierman, late private Company B, Johnson County Home Guards, Enrolled Missouri Militia, at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BLUFORD REEDER.

The bill (H. R. 2231) for the relief of Bluford Reeder was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Bluford Reeder, and to pay him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS S. DAUGHERTY.

The bill (H. R. 3333) granting a pension to Thomas S. Daugherty was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Thomas S. Daugherty, late a private in Company A, in the First Regiment of Kentucky Cavalry, and to pay him a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY ANN LAFFERTY.

The bill (H. R. 717) granting a pension to Mary Ann Lafferty was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Ann Lafferty, the surviving widow of Patrick B. Lafferty, deceased, private in Captain Crawford's company, Second Regiment Tennessee Volunteer M. G. Men, Col. Thomas Williamson commanding, in Seminole Indian war, 1818, at $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MIRUM C. PECK.

The bill (S. 3540) granting a pension to Mirum C. Peck was announced as next in order.

Mr. GALLINGER. Let that bill be passed over temporarily. I think a House bill has come over granting a pension to this same widow, and I have sent to the committee room for it. I shall desire to substitute the House bill for the Senate bill.

Mr. COCKRELL. I know that the other House has passed such a bill. Let us pass the House bill in place of the Senate bill.

Mr. GALLINGER. I will ask for the consideration and passage of the House bill as soon as I can obtain it.

The PRESIDING OFFICER. The bill will be passed over for the present.

ALEXANDER M'BRIDE.

The bill (H. R. 6282) to increase the pension of Alexander McBride was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Alexander McBride, late a private in Company I, Third United States Infantry, Mexican war, and also a private in Company F, Sixteenth Indiana Infantry Volunteers, in the war of the rebellion, at $30 a month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY PELHAM.

The bill (H. R. 4264) granting a pension to Mary Pelham was considered as in Committee of the Whole. It proposes to place on the pension roll, at $12 per month, the name of Mary Pelham, dependent mother of Joseph Farrer, late a private in Company I, Seventh Kansas Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GIDEON L. M'GINNIS.

The bill (H. R. 6549) granting a pension to Gideon L. McGinnis was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Gideon L. McGinnis, late a private of Company K, Thirteenth Illinois Cavalry, and to pay him a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. SARAH MARTIN.

The bill (H. R. 4994) for the relief of Mrs. Sarah Martin was considered as in Committee of the Whole. It proposes to pay to Sarah Martin, widow of Jonas Martin, late private Company F, Twenty-ninth Michigan Infantry, the pension granted her under the act of June 27, 1890, by certificate No. 211127, without any deduction on account of pension previously granted her January 16, 1878, by the same certificate number.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM GREER.

The bill (H. R. 6590) granting a pension to William Greer was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of William Greer, late of Company A, One hundredth Pennsylvania Veteran Volunteer Infantry, and to pay him a pension of $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALICE GARD.

The bill (H. R. 8053) granting a pension to Alice Gard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alice Gard, of Greenfield, Hancock County, Ind., at $20 per month, as the dependent and permanently blind sister of Mahlon B. Gard, late private of Company K, One hundred and twenty-third Regiment Indiana Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY T. YOUNG.

The bill (H. R. 6900) increasing the pension of Mary T. Young was considered as in Committee of the Whole. It proposes to increase to $20 per month the pension heretofore granted to Mary T. Young, widow of James Hamilton Young, late private in Capt. J. R. Swift's company, Pennsylvania Militia, in the war of 1812.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MIRUM C. PECK.

Mr. GALLINGER. I report favorably from the Committee on Pensions the bill (H. R. 9619) granting a pension to Mirum C. Peck, and ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll at $8 per month the name of Mirum C. Peck, widow of Hartwell B. Peck, late private Company D, Santa Fe Battalion Missouri Volunteers, in the war with Mexico.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GALLINGER. I move that Senate bill 3540, granting a pension to Mirum C. Peck, be indefinitely postponed.

The motion was agreed to.

SILAS S. WHITE.

The bill (H. R. 4547) granting a pension to Silas S. White was considered as in Committee of the Whole. It proposes to place the name of Silas S. White, late a private in Company G, Seventy-seventh Regiment New York Infantry Volunteers, on the pension roll at $30 per month, in lieu of the pension now received by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HANNAH YAZELL.

The bill (H. R. 1171) to pension Hannah Yazell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hannah Yazell, of Hardin County, Ohio, as the widow of James Yazell, deceased, late of Company G, Eighty-second Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS J. THORP.

The bill (H. R. 3945) granting a pension to Thomas J. Thorp was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas J. Thorp, late a private Company K, Third Regiment Ohio Volunteer Cavalry, at $50 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ETTA S. STILLSON.

The bill (S. 3397) granting a pension to Etta S. Stillson, widow of Philo B. Stillson, lieutenant-colonel One hundred and ninth Regiment New York Volunteers, was considered as in Committee of the Whole.

Mr. GALLINGER. In line 4, after the word "authorized," I move to insert "and directed."

The SECRETARY. In line 4, after the word "authorized," it is proposed to insert "and directed;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Etta S. Stillson, widow of Philo B. Stillson, late lieutenant-colonel One hundred and ninth Regiment New York Volunteers, and pay her a pension of $30 per month in lieu of the pension now paid her.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Etta S. Stillson, widow of Philo B. Stillson, lieutenant-colonel One hundred and ninth Regiment New York Volunteers."

MELITA E. WHITE.

The bill (H. R. 7212) to increase the pension of Melita E. White was considered as in Committee of the Whole. It proposes to place upon the pension roll, at $42 per month, the name of Melita E. White, widow of Carr B. White, late colonel of the Twelfth Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER C. MORRISON.

The bill (H. R. 6552) granting increase of pension to Alexander C. Morrison was considered as in Committee of the Whole. It proposes to place upon the pension roll at $30 per month the name of Alexander C. Morrison, late a corporal in Company E, Fourth Iowa Veteran Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OLIVE M. LEWIS.

The bill (H. R. 6472) granting a pension to Olive M. Lewis was considered as in Committee of the Whole. It proposes to pension Olive M. Lewis, dependent stepmother of Edward L. Knight, late of the U. S. S. *Portsmouth*, of United States Navy, at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMANDA WOODCOCK.

The bill (H. R. 9306) granting a pension to Amanda Woodcock was considered as in Committee of the Whole. It proposes to pay a pension of $12 per month to Amanda Woodcock, of Richmond, Ky., widow of Robert Woodcock, deceased, late a private in the Fourth Kentucky Volunteer Infantry in the Mexican war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. SARAH A. ASPOLD.

The bill (H. R. 1505) granting a pension to Mrs. Sarah A. Aspold, was considered as in Committee of the Whole. It proposes to pension Mrs. Sarah A. Aspold, of Annapolis, Md., widow of Edward Aspold, late acting second assistant engineer, United States Navy, and late first assistant engineer in the United States Revenue-Marine Service, deceased, at the rate of $15 per month, in lieu of the pension now received by her.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADAM DENNIS.

The bill (H. R. 4744) to increase the pension of Adam Dennis was considered as in Committee of the Whole. It proposes to pension Adam Dennis, late a private in Company G, Seventy-ninth Regiment Pennsylvania Volunteer Infantry, at the rate of $50 per month, in lieu of the pension he now receives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAURA BARNES.

The bill (S. 3472) granting a pension to Laura Barnes was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll the name of Mrs. Laura Barnes, widow of Thomas J. Barnes, late of Company K, Sixth United States Volunteer Infantry, at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS D. WALKER.

The bill (H. R. 6483) granting increase of pension to Thomas D. Walker was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Thomas D. Walker, late a private in Company B, Fourth Kentucky Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL HOLLIDAY.

The bill (H. R. 6546) granting a pension to Samuel Holliday was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Samuel Holliday, late sergeant of Company I, Thirty-ninth Iowa Infantry, and to pay him a pension of $24 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB BROWN.

The bill (H. R. 6556) granting a pension to Jacob Brown was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Jacob Brown, late a private of Company A, Fifteenth Iowa Infantry, and to pay him a pension of $30 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARCHIBALD HUNLEY.

The bill (H. R. 5580) granting a pension to Archibald Hunley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Archibald Hunley, late a member of Company H, Thirtieth Regiment Illinois Volunteers, at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELISE BLENKER.

The bill (H. R. 4410) to increase the pension of Elise Blenker from $30 to $50 was considered as in Committee of the Whole. It proposes to increase the pension of Elise Blenker, widow of Gen. Louis Blenker, late brigadier-general of the United States, from $30 per month to $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HESTER A. BOSTWICK.

The bill (H. R. 4941) to pension Hester A. Bostwick was considered as in Committee of the Whole. It proposes to place upon the pension roll at $20 per month the name of Hester A. Bostwick, widow of Burr H. Bostwick, late captain of Company K, Seventh Regiment Kansas Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. The pension bills on the Calendar have been disposed of. What is the pleasure of the Senate?

SAMUEL M'KINSEY.

Mr. PEFFER. The bill (H. R. 4620) granting a pension to Samuel McKinsey was reported favorably to-day, and of course does not yet appear upon the Calendar. I ask that it may be now taken up and disposed of.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place upon the pension roll at $72 per month the name of Samuel McKinsey, of Columbus, Kans., late private in Company B, Seventeenth Regiment of Indiana Volunteer Infantry, in lieu of pension now received by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. COCKRELL. There are probably eight or ten bills on the Calendar which have been passed by the other House and reported by our Committee on Military Affairs. They are for the correction of the records of soldiers, removing charges of desertion, and in nearly every one of the cases there have been some amendments reported. I trust that the Senate now, by unanimous consent, will take up those bills and act upon them, so that they can be sent back to the other House.

Mr. GALLINGER. Let us pass two or three more pension bills.

Mr. ALLISON. I ask the Senate to consider a House pension bill reported this morning.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri that the bills he has specified shall be considered at the present time?

Mr. ALLISON. After the bill I wish to have considered is disposed of.

Mr. GALLINGER. After pension bills.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

JOHN W. POGUE.

Mr. ALLISON. I ask unanimous consent for the present consideration of the bill (H. R. 4875) granting a pension to John W. Pogue.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of John W. Pogue, late a private in Company E, Tenth Regiment Illinois Volunteer Infantry, at the rate of $24 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BARTON S. DAWSON.

Mr. GALLINGER. I report favorably, from the Committee on Pensions, the bill (H. R. 4494) granting pension to Barton S. Dawson without amendment. I ask that the bill may be considered at the present time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Barton S. Dawson, late private in Company L, Second Regiment Illinois Volunteer Cavalry, at the rate of $30 per month, in lieu of his present pension.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD S. PHILLIPS.

Mr. GALLINGER. In behalf of my colleague on the Committee on Pensions, the Senator from Kansas [Mr. BAKER], I report favorably, without amendment, the bill (H. R. 5670) to increase the pension of Richard S. Phillips. I ask for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll, at $50 per month, the name of Richard S. Phillips, late corporal of Company K, Sixty-second Regiment Illinois Volunteer Infantry, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOMER C. M'CUSKEY.

Mr. COCKRELL. The first of the bills on the Calendar for the consideration of which we have unanimous consent is House bill 4872.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4872) to correct the military record of Homer C. McCuskey, which had been reported from the Committee on Military Affairs with an amendment, in line 8, after the word "from," to strike out "the muster out of said Seventh Regiment of United States Colored Troops" and insert "October 1, 1865: *Provided*, That the said Homer C. McCuskey shall receive no bounty, pay, or emoluments of any kind subsequent to said last-named date;" so as to make the bill read:

Be it enacted, etc., That the charge of desertion now standing against Homer C. McCuskey, second lieutenant of the Seventh Regiment of United States Colored Troops, on the records of the War Department, be, and the same is, removed, and the Secretary of War is hereby directed to issue to said Homer C. McCuskey an honorable discharge, the same to date from October 1, 1865: *Provided*, That the said Homer C. McCuskey shall receive no bounty, pay, or emoluments of any kind subsequent to said last-named date.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ABRAHAM O. WAUCOP.

The bill (H. R. 5127) for the relief of Abraham O. Waucop was considered as in Committee of the Whole. It proposes to correct the military record of Abraham O. Waucop, late captain Company F, One hundred and eighteenth Regiment Ohio Volunteer Infantry, by removing the charge of absence without leave and dishonorable dismissal from the service, and grant him an honorable discharge as of the date of May 15, 1865.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REV. EDWIN WARRINER.

The bill (H. R. 505) for the relief of Rev. Edwin Warriner was considered as in Committee of the Whole. It proposes to place the name of Edwin Warriner on the rolls of the First Battalion Connecticut Cavalry Volunteers as chaplain, and to recognize him as of that grade and organization in the service of the United States from the 1st day of December, 1861, the date of his commission, to the 12th day of March, 1864, the date of the acceptance of his resignation by the governor of the State.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW V. SENDE.

The bill (H. R. 2618) granting honorable discharge to Andrew V. Sende was considered as in Committee of the Whole. It proposes to issue to Andrew V. Sende, late private Company B, Ninth Regiment Pennsylvania Reserve Corps, an honorable discharge, to date from the 24th day of July, 1863.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN DUNCAN.

The bill (H. R. 4853) for the relief of John Duncan was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 4, after the word "discharge," to insert "as of date April 30, 1863;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to issue an honorable discharge as of date April 30, 1863, to John Duncan, late of Company D, Twenty-fifth Missouri Infantry, and to correct his military record accordingly as it appears in the archives of the War Department.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PETER YOUNG.

The bill (H. R. 6143) for the relief of Peter Young was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 7, after the word "date," to insert "June 22, 1863;" and in line 8, after the word "his," to strike out the word "regiment" and insert "company of," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of Peter Young, late a private in Company K, Fifth Missouri State Militia Cavalry, by removing therefrom the charge of desertion, and grant him an honorable discharge as of the date June 22, 1863, when his company of the Fifth Missouri State Militia Cavalry was mustered out of service.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

COMPANY I, SEVENTH IOWA INFANTRY VOLUNTEERS.

The bill (H. R. 3772) to correct the muster roll of Company I of the Seventh Iowa Infantry Volunteers was considered as in Committee of the Whole. It proposes to correct the muster roll of Company I, Seventh Regiment of Iowa Infantry Volunteers, so as to show that the company was enrolled in the service on the 15th day of July, 1861.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILSON KALE.

The bill (H. R. 1836) granting an honorable discharge to Wilson Kale was considered as in Committee of the Whole. It proposes to correct the military record of, and grant an honorable discharge to, Wilson Kale, of Truro, Iowa, late a private in Company G, Sixth Regiment of California Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WEAR CRAWFORD.

The bill (H. R. 514) to remove the charge of desertion from the military record of Wear Crawford was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 8, after the word "service," to strike out the words "*Provided*, That no back pay or allowance shall become due or payable by reason of the passage of this act. Said discharge,"; so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of Wear Crawford, late of Company G, Fifty-second Regiment of Indiana Infantry Veteran Volunteers, and to issue to the said Crawford an honorable discharge from said service, to be dated June 28, 1865: *Provided*, That no pay, bounty, or allowance shall become due or payable by virtue of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GEORGE T. STEVENS.

The bill (H. R. 5610) for the relief of George T. Stevens, assistant surgeon Seventy-seventh New York Volunteers, was considered as in Committee of the Whole. It proposes to revoke the order of November 11, 1862, dismissing George T. Stevens, assistant surgeon Seventy-seventh New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANTHONY O'GRADY.

The bill (H. R. 3671) to remove the charge of desertion from the military record of Anthony O'Grady, alias John Davis, was considered as in Committee of the Whole. It proposes to remove the charge of desertion appearing on the records against Anthony O'Grady, alias John Davis, late private of Company F, Nineteenth Regiment Massachusetts Volunteers, and to issue to him a certificate of honorable discharge, as of Company F, Nineteenth Regiment Massachusetts Volunteers, to date from April 30, 1865.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. The bills upon the Calendar within the consent given by the Senate have been disposed of. What is the pleasure of the Senate?

BRIDGE ACROSS THE RIO GRANDE RIVER.

Mr. CHILTON. I ask consent to call up the bill (H. R. 9935) to authorize the construction or acquisition of a bridge across the Rio Grande River at El Paso, in the State of Texas.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGE ACROSS THE EAST RIVER, NEW YORK.

Mr. HILL. There is a House bill on the Calendar to extend the time for the construction of a bridge. The time will expire in a very short time, and I should like to have it passed. It is very short. It is the bill (H. R. 9865) extending the time for the completion of the bridge across the East River, between the city of New York and Long Island, now in course of construction, as authorized by the act of Congress approved March 3, 1887.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WARREN HALL.

Mr. HOAR. I ask the Senate to take up the bill (S. 514) for the relief of Warren Hall.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It confers jurisdiction upon the Court of Claims to hear and adjudicate the case of Warren Hall as originally tried and reported in the Ninth Court of Claims Reports, page 170, and known as "Hall and Roche's Case."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF INTOXICATING DRINKS TO INDIANS.

Mr. GALLINGER. I move that the Senate adjourn.

Mr. PETTIGREW. I hope the Senator from New Hampshire will withdraw the motion until we can consider a little bill which ought to be passed. It is a House bill, and it relates to a question of public importance in the West.

Mr. GALLINGER. What is the bill?

Mr. PETTIGREW. It is House bill 280, to prohibit the sale of intoxicating liquors to Indians.

Mr. GALLINGER. I will temporarily withdraw the motion for that purpose.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent for the consideration of a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 280) to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes.

The PRESIDING OFFICER. Is there objection?

Mr. HOAR. Let the bill be read.

The PRESIDING OFFICER. The bill will be read at length, subject to objection.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. HILL. What is the act of 1892 which is proposed to be repealed in part? I should like to know in what respect the bill proposes to change the existing law.

Mr. PETTIGREW. I will say to the Senator from New York that the bill simply broadens the scope of the existing law. Under the existing law it appears that we do not define intoxicating liquors sufficiently, so that persons sold to the Indians liquors under different names—bottles of brandied peaches, for instance, which had more brandy than peaches; pickles which had more alcohol than anything else, and so on. The bill covers cases of that sort where such liquors are sold to Indians under the guise of food, etc.

Mr. CHILTON. Does it extend to allottees?

Mr. PETTIGREW. Yes, it applies to Indians who hold lands in severalty. The bill was reported unanimously by the Committee on Indian Affairs, and was recommended by the Indian Rights Association at their last meeting in this city.

Mr. HILL. It is pretty broad, covering ale, beer, extract, bitters, compounds, preparation, or any article——

Mr. BACON. Which intoxicates.

Mr. HILL. Which produces intoxication. It does not say "which intoxicates," but "which produces intoxication." However, I suppose the committee gave it due consideration, and I shall not object.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

QUARANTINE STATION AT ASTORIA, OREG.

Mr. GALLINGER. I rose again to move an adjournment, but the Senator from Oregon [Mr. MCBRIDE] has a bill which he says will not be objected to, and I yield to him. After that bill is disposed of, I shall move an adjournment, feeling that we have already gone rather far under the agreement made at the beginning of the session to-day. I will yield now to the Senator from Oregon.

Mr. MCBRIDE. I will state to the Senator from New Hampshire that if he regards the calling up of an unobjected bill on the Calendar as a violation of the agreement, I shall not ask that the bill be taken up.

Mr. GALLINGER. No. I yield to the Senator.

Mr. MCBRIDE. I ask the Senate to take up the bill (S. 2487) providing for the establishment of a quarantine station at or near Astoria, Oreg.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Commerce with an amendment, in section 1, line 6, after the word "station," to insert "at or near Astoria, Oreg., and for the maintenance of said station," and in line 8, after the word "and," to strike out "ninety-seven" and insert "ninety-eight;" so as to make the section read:

That the sum of $30,000 is hereby appropriated for the purchase of site, erection of buildings, pier, disinfecting apparatus, launch, and other appurtenances, for the establishment of a quarantine station at or near Astoria, Oreg., and for the maintenance of said station, during the fiscal year ending June 30, 1898, said station to be maintained and operated under the provisions of the quarantine laws of the United States.

The amendment was agreed to.

Mr. COCKRELL. I should like to ask if the bill has been recommended by the United States Marine-Hospital Service?

Mr. MCBRIDE. There is a report accompanying the bill. It is recommended by the Secretary of the Treasury and by the Surgeon-General of the Marine-Hospital Service. The report of the committee is before the Senate.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 52 minutes p. m.) the Senate adjourned until Monday, January 25, 1897, at 12 o'clock meridian.

SENATE.

MONDAY, *January 25, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

FRANCIS E. WARREN, a Senator from the State of Wyoming, appeared in his seat to-day.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

UNION PACIFIC RAILROAD.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 23d instant, certain information relative to an agreement with what is commonly known as the reorganization committee of the Union Pacific Railway Company respecting the foreclosure of the Government lien on property of that company, together with a letter from the President of the United States under authority of which the agreement was made and foreclosure proceedings have commenced, and also copies of the correspondence which embodies the agreement; which, with the accompanying papers, was referred to the Committee on Pacific Railroads, and ordered to be printed.

COST AND PRICE OF ARMOR.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting a supplementary report in the matter of the cost and price of armor, and calling especial attention to certain letters and reports contained therein; which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

ELECTIONS IN DELAWARE.

Mr. BURROWS. I present a memorial signed by James G. Shaw, Daniel M. Wilson, Daniel J. Fooks, Presidential electors chosen by the people of Delaware at the general election held in November, 1896, declaring that in the county of Kent in said State 7,200 votes were polled, and that the Union Republican electoral ticket had at said election in said county a majority of at least 440 votes, but that the board of canvass for said county, composed of 10 Democrats and 7 Republicans, refused to count or to return the vote in 7 election districts, in all of which districts the Union Republican electoral ticket had a substantial majority; and that the canvass board rejected and refused to count at least 1,992 Republican votes and 1,341 Democratic votes in said county; and that then the canvass board of that county removed the presiding officer, a Republican sheriff of the county, and put in his place the coroner of the county, a Democrat, and that the board as thus constituted rejected the votes of the 7 precincts that went Republican and counted only the returns from 8 election precincts, all of which, with the exception of 1, went Democratic, and thereby converted a majority of 500 for the Republican electoral ticket into a Democratic majority of 200. Upon this certification the governor of the State refused to count any portion of the votes from Kent County; and the petitioners declare that the electors of said county were deprived of the elective franchise in the election of President and Vice-President.

These electors therefore pray that the Congress of the United States may fully and fairly investigate all the matters and take appropriate action thereon.

I move that the petition be printed and referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. BURROWS. I present a petition purporting to be signed by the speaker of the house and the speaker of the senate and the clerk of the house and the clerk of the senate of the State of Delaware, setting forth in substance that a republican form of government does not exist in the State of Delaware, that the will of the people has been overthrown, that a revolutionary government is inaugurated, that the members of the general assembly of both houses hold title fraudulently, and that parties are holding credentials of election to the Senate and House of Representatives which are illegal. The people of Delaware appeal to Congress for the fulfillment to the State of Delaware of the United States constitutional guarantee of a republican form of government, averring that said general election was fraudulently determined by the said board of canvass, and that men claiming seats in both Houses of Congress bear credentials which are invalid by reason of fraud. They therefore petition for a recount under the direction of the Senate and House of Representatives, and such action as the two Houses may deem proper to take.

I move that the petition be referred to the Committee on Privileges and Elections, and that it be printed.

Mr. CHANDLER. Mr. President, I desire to say a word in reference to the papers presented by the Senator from Michigan, as they raise a grave question in regard to the vacant seat in this body from Delaware.

As I understand those papers, they set out the substantial facts as they come to me from other sources. In the county of Kent the returns on their face showed the Republican members elected. The canvassing board threw out sufficient votes to elect the Democratic members of the two houses from that county. Mandamus proceedings were commenced, but they were dismissed on the ground that first there should have been proceedings to correct the returns from West Dover Hundred; but all the judges declared that it was the duty of the canvassing board to count the returns according to their face. This would have made a difference of 8 in the legislature of Delaware, which has but 30 members.

In Sussex County it is believed by the Republicans that a recount of the ballots actually in the boxes will show that the Republican members from that county were chosen. Proceedings in court have already been commenced to have a recount in Sussex County. If these contentions of the Republicans are correct, the legislature of Delaware, which has been organized and controls the State, is wholly the creation of erroneous proceedings and of fraud, taken together.

I will say to the Senator from West Virginia [Mr. FAULKNER], whom I see rising, that it is my purpose at an early day to devise, if possible, a resolution of Congress, proposing some method by which this wholesale larceny of States and of seats of United States Senators in various States of the Union can be prevented.

Mr. FAULKNER. I was just going to rise to a point of order and suggest that the Senator from Delaware [Mr. GRAY] is not present, and that it is improper and unfair to present a statement of facts on one side when the Senator representing the State is not present to reply. I will simply make the point of order and call for the regular order of business.

Mr. CHANDLER. I regret that the Senator from Delaware is not here, and I will say to the Senator from West Virginia that it will give me pleasure to repeat what I said when the Senator from Delaware comes into the Chamber.

Mr. FAULKNER. I will state that I am certain the Senator from New Hampshire will have full opportunity to make those statements before long.

The VICE-PRESIDENT. The petition presented by the Senator from Michigan will be referred to the Committee on Privileges and Elections and printed, in the absence of objection.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Evangelical Alliance for the United States of America, praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

He also presented two petitions of Clinton Roger Woodruff, of Philadelphia, Pa., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BURROWS presented a concurrent resolution of the legislature of Michigan, favoring the passage of House bill No. 4339, to establish a national military park to commemorate the campaign, siege, and defense of Vicksburg; which was referred to the Committee on Military Affairs, and read, as follows:

STATE OF MICHIGAN,
Office of the Secretary of State, ss:

I, Joseph W. Selden, deputy secretary of state of the State of Michigan, do hereby certify that I have compared the annexed copy of a concurrent resolution of the legislature of the State of Michigan, approved January 20, 1897, and filed in this office January 20, 1897, with the original now in this office, and that it is a true and correct transcript therefrom and of the whole of such original.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Michigan, at Lansing, this 22d day of January, in the year of our Lord 1897.

[SEAL.]

JOS. W. SELDEN,
Deputy Secretary of State.

A CONCURRENT RESOLUTION.

Whereas there is now pending in Congress a bill (H. R. 4339) to establish a national military park to commemorate the campaign, siege, and defense of Vicksburg; and

Whereas the operations that culminated almost simultaneously at Gettysburg and Vicksburg in July, 1863, not only mark the turning point in the war of the rebellion but also constitute one of the greatest epochs in the history of our country, and should both be commemorated in the most impressive and enduring manner possible; and

Whereas the establishment of a national military park at Vicksburg will be a most fitting and appropriate monument to the great commander whose genius planned these operations and directed them to a successful issue; and

Whereas the State of Michigan has an especial interest in this bill for the reason that of her gallant soldiers seven regiments of infantry and two batteries of artillery participated in the operations it is intended to commemorate: Therefore,

Resolved by the house (the senate concurring), That the legislature of the State of Michigan by this concurrent resolution asks that the above-named bill (H. R. 4339) be passed during this session of Congress, and requests the Senators and Members of the House of Representatives in Congress from Michigan to labor earnestly for its passage; and the secretary of state is hereby directed to send a certified copy of this resolution to the Senators and Members of the House of Representatives from Michigan, to the Hon. THOMAS

B. REED, Speaker of the House of Representatives, and to the Hon. JOHN A. T. HULL, chairman of the House Committee on Military Affairs, and to the Senators and Representatives in Congress from this State.

WILLIAM D. GORDON,
Speaker of the House of Representatives.
THOMAS B. DUNSTAN,
President of the Senate.

Approved January 20, 1897.

H. S. PINGREE, *Governor.*

Mr. BURROWS presented a petition of the Board of Trade of Grand Rapids, Mich., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented the petitions of Cyrus Curtis, publisher of the Ladies' Home Journal, of Philadelphia; of William P. Thompson and 11 other citizens of Philadelphia; of the Link Belt Engineering Company, of Philadelphia; of Hamilton & Diesinger, of Philadelphia; of J. W. Supplee, of Philadelphia; of Edwin F. Merritt & Co., of Philadelphia; of H. Andres, of Philadelphia; of the Charles E. Hins Company, of Philadelphia; of C. & J. Sasman, of Philadelphia; of John T. Palmer, printer, of Philadelphia, all in the State of Pennsylvania, and the petition of the Page Bros. Buggy Company, of Marshall, Mich., praying for the passage of House bill No 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented a petition of the Illinois Yearly Meeting of the Religious Society of Friends, of Chicago, Ill., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was referred to the Committee on Public Buildings and Grounds.

He also presented the petition of A. S. Pratt, in behalf of the Humane Society of Washington, D. C., praying for the enactment of legislation providing for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

He also presented a petition of the Furniture Commercial Agency, of Chicago, Ill., and a petition of the Radfors Sash and Door Company, of Chicago, Ill., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the faculty of the Chicago Theological Seminary, of Chicago, Ill.; a petition of the Congregational Ministers' Union of Chicago, Ill.; and a petition of the Evangelical Alliance for the United States of America, praying for the ratification of the pending arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

He also presented the memorial of J. A. Ryan, of Chicago, Ill., remonstrating against the ratification of the arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

Mr. GEAR presented a petition of the Commercial Exchange of Des Moines, Iowa, praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented a petition of the Evangelical Alliance for the United States of America, praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

Mr. GALLINGER presented the petition of W. F. Parker, of Franconia, N. H., and a petition of the Evangelical Alliance for the United States of America, praying for the ratification of the pending arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

He also presented a petition of the Woman's Christian Temperance Union of Manchester, N. H., praying for the passage of Senate bill No. 2846, to protect State antigambling laws from nullification through interstate gambling by telegraph, telephone, or otherwise, etc.; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Manchester, N. H., and a petition of the Woman's Christian Temperance Union of Portsmouth, N. H., praying for the passage of Senate bill No. 2485, to further protect the first day of the week as a day of rest in the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Manchester, N. H., praying for the passage of Senate bill No. 1498, to punish the carnal and unlawful knowing of any female under the age of 18 years in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. THURSTON presented resolutions adopted by the senate of the State of Nebraska, expressing sympathy for the Cubans in their struggle for freedom; which were ordered to lie on the table.

Mr. HALE presented a petition of the faculty of Bowdoin College, Brunswick, Me., praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

He also presented a memorial of Central Labor Union, No. 1, of Portland, Me., remonstrating against the provisions contained in House bill No. 6399, which, it is claimed, provide for the punishment of American seamen; which was ordered to lie on the table.

Mr. ALLEN presented the memorial of J. C. Rahe, publisher of the Sun, of Shelby, Nebr., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. McMILLAN presented a petition of the legislature of the State of Michigan, praying for the enactment of legislation to establish a national military park to commemorate the campaign, siege, and defense of Vicksburg; which was referred to the Committee on Military Affairs.

He also presented a petition of the Evangelical Alliance for the United States of America, praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

He also presented the petition of E. H. Harner and 78 other members of Independent Lodge, No. 14, Independent Order of Good Templars, of Washington, D. C., praying for the enactment of legislation to amend the license law of the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. HILL presented a petition of sundry citizens of New York, praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. LODGE presented petitions of the Boston Merchants' Association, of Boston; of F. A. Russegne, treasurer of the Boston Times, of Boston, and of H. Leonard & Co., all in the State of Massachusetts, and the petition of Thomas W. Newcomb, of Rochester, N. Y., praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

Mr. COCKRELL. I present letters, in the nature of memorials, from George M. Sternberg, Surgeon-General United States Army; Dr. S. C. Busey, Dr. D. E. Salmon, Dr. Walter Reed, and others; from Seth Low, president of Columbia University of New York, J. W. Mallet, of the University of Virginia, and other members of a joint committee of the medical and other scientific societies and educational institutions of the District of Columbia, remonstrating against the proposed legislation embodied in Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia. I ask that the memorials be printed as a document as part 2 in connection with those that have heretofore been presented by me on the same subject and ordered printed.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered. The memorials will lie on the table, the bill having been reported.

Mr. DANIEL presented the petition of Walter Maben, A. R. Jacobs, and other citizens of Virginia, praying that authority be granted to the Washington, Arlington and Falls Church Railway Company to widen the Aqueduct Bridge and to extend a single track for electric street car purposes only across the bridge to the new Union Station, Washington, D. C.; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the dairymen and shippers of milk of Herndon, Va., remonstrating against the passage of Senate bill No. 3388, regulating the shipment of milk into the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the memorial of W. C. Curtis & Son, publishers of the Weekly Mecklenburg News, of Boydton, Va., and the memorial of T. M. Broadus, druggist, of Gordonsville, Va., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the retail clerks of Richmond, Va., praying for the establishment of a Government postal telegraph system; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BLACKBURN. I present the memorial of John L. Smithmeyer and Paul J. Pelz, architects of the building for the Library of Congress, making certain statements concerning the architecture of that building. I move that the memorial be printed, and referred to the Select Committee on Additional Accommodations for the Library of Congress.

The motion was agreed to.

Mr. COCKRELL. I present a letter from Edward Flad, president of the Engineers' Club, of St. Louis, Mo., accompanied by a petition from that club, praying for the maintenance of deep-water navigation at the mouth of the Mississippi River. I move that the letter and accompanying petition be printed, and referred to the Committee on Commerce.

The motion was agreed to.

Mr. CAMERON presented the petitions of Lucius S. Landreth, of Halpen, Green & Co., of James W. Cooke & Co., of Schell, Taylor & Longstreth, of Reeves, Parvin & Co., of C. Hulburt & Co., of Einwochter & Wyeth, of Thomas P. Conard, of John F.

Soby, of Miller & Mooney, of John Blakely, publisher of the Evening Star, of David J. Blank, of H. Gawthrop & Co., of John W. Francis and J. E. Sterrett, of Biddle, Bernstein & Co., of Thomas Roberts & Co., of J. L. Shoemaker & Co., of the Sharpless Dyewood Extract Company, of the Union Trust Company, of Luis Bremer's Sons, of David Bentley & Co., of John M. Watts's Sons, of Bradler & Co., of George Miller & Sons Company, of Lukens Bros., of The American Exchange and Review, of Eben C. Jayne, of Brice, Monges & Co., of Ivin, Dietz & Metzger Company, of the Guarantee Trust and Safe Deposit Company, of Hance Bros. & White, of Tattrall Vandaling, of the Guarantee Company of North American, of the George W. Brabon Company, of Klauder & Bro., of Burgin & Son, of Ziegler Bros., of A. N. Wirg, of Krause, Ingham & Heister, of Shaw & Ewing, of Edmund A. Souder, of David Henephin, of William H. Staake, of Ropham Gerstley & Co., of Robert A. Sinclair, of William H. Hoskins, of Croxton, Wood & Co., of William S. Emley, of Harold C. Peirce, of Leas & McVitty, of Charles Bond, J. Milton Colton, of Hughes & Miller, of the Philadelphia Grain Elevator Company, of Charles M. Taylor's Sons, of Harvey, Moland & Co., of William H. Deisroth, of William Conway, of F. G. Percival & Co., of Henry A. Dreer Company, of Edwin F. Merritt & Co., of Vail Bros., of Jones Eavenson & Sons, of the Wolff Chemical Company, of John T. Palmer, of Charles Noble & Co., of the Keystone Plaster Company, of J. M. Melling & Sons, of Halstead & Spencer, of James S. Mason Company, of Duling, Buek & Co., of Wilson & Bradbury, of the Milbourne Mills Company, of the Partrick & Carter Company, of James Gopsill's Sons, of Harry Fallows, of the Howard W. Middleton Company, of Young & Newman, of Thomas Watts & Bro., of Malcolm Henry, of Loos & Dilworth, of the J. Lansing Mines Company, of the Horn & Brannen Manufacturing Company, of Fritson Mitchell, of Walter O. McJutson & Co., of Guy W. Emlen, of William H. Thompson, of the Standard Steel Works, of Hunter & Dickson, of Z. F. Fuller & Bro., of Atmore & Son, of Gray's Ferry Fidelity and Boiler Company (Limited), of McMurray & Co., of Samuel Sternberger & Co., of the Pioneer Suspender Company, of James Boyd, of W. T. Smith & Sons, of the North Brothers Manufacturing Company, of J. Warren Hale, of Henry S. Hale, president of the Hale & Lilburn Manufacturing Company, of the Hunting, Park Avenue and Pennsylvania and Reading Railroad, of Wetherill & Bro., of the Thackara Manufacturing Company, of Wilson & Baker, of Thomas Rickers & Co., of J. B. Allen, of Hamill & Cartright, of William Boekel & Co., of E. A. Corbin, of the West Philadelphia Title and Trust Company, of Charles H. Nickels & Co., of Sune & Scott, of Shields & Bro., of Estleman & Craig, of Paxson, Comfort & Co., of Francis T. Sibley, of the Pratt Food Company, of Fisher, Bruce & Co., of the G. S. Lovell Clock Company, of Hamilton & Deisinger, of Finery, Acker & Co., of H. Frysinger, of A. C. Varneso, Mary L. Ross, Elizabeth Dagg, and Mrs. A. E. Lyle; of Mrs. Mary Van Houten, Mrs. Sadie Dodson, Mrs. Annie L. Groh, and Mrs. Mary McKamey, of the Electric Protection Company, of James Smith & Co., of Edward K. Tryon, jr., & Co., of William P. Thompson, of Max Levy, of Samuel Kind, of Jos. D. Conner, of the American Carpet Trade, published at Philadelphia, of Sylvan Dalsimer & Sons, of Henry C. Ellis, and sundry other citizens, all of the city of Philadelphia, Pa., and a petition of the faculty of the York Collegiate Institute, of York, Pa., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of Tiffany Bros., publishers of the Examiner, of Nicholson, Pa., and a memorial of the publication committee of the Philadelphia (Pa.) Polyclinic, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions in the form of resolutions adopted by the Joint Diocesan Sunday School Lesson Committee of the Protestant Episcopal Church, represented by over 200 members from 56 dioceses, and from the Brotherhood of St. Andrew, now in session at Philadelphia, Pa., and a petition of the Chamber of Commerce of Pittsburg, Pa., praying for the ratification of the pending arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

He also presented the petition of H. A. Fry & Co. and 98 other business firms of Philadelphia, Pa., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. FRYE, from the Committee on Foreign Relations, to whom was referred the bill (H. R. 9149) to regulate the establishment of submarine telegraphic cable lines or systems in the United States, reported it without amendment.

Mr. VILAS, from the Committee on the Judiciary, to whom was referred the bill (H. R. 6834) to prevent the purchasing of or speculating in claims against the Federal Government by United States officers, reported it with amendments, and submitted a report thereon.

Mr. STEWART, from the Committee on Claims, to whom was referred the amendment submitted by Mr. ALLEN on the 20th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed and referred to the Committee on Appropriations, with the accompanying report; which was agreed to.

BILLS INTRODUCED.

Mr. ROACH introduced a bill (S. 3591) to increase the pension of Daniel Phillips, of Company D, Thirteenth Regiment Wisconsin Infantry; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TILLMAN introduced a bill (S. 3592) for the relief of Marcus Bain; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PETTIGREW introduced a bill (S. 3593) granting settlers the right to make second homestead entries; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. THURSTON introduced a bill (S. 3594) granting a pension to Loughlin F. Maginn; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HILL introduced a bill (S. 3595) granting an increase of pension to Mrs. Catherine R. Brown, widow of Joseph B. Brown, a surgeon in the Army; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3596) granting a pension to Moses M. Crants which was read twice by its title, and referred to the Committee on Pensions.

Mr. CHANDLER introduced a bill (S. 3597) providing that no person shall be tried in the courts of the United States for acts in aid of the Republic of Cuba; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. GORMAN introduced a bill (S. 3598) to correct the military record of James Irwin, alias James Williamson; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BLACKBURN introduced a bill (S. 3599) granting a pension to Annie Fowler; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 3600) to make disposition of the increment and accretions upon the sums reserved by the Department of State from the fund received by the United States upon the account of the payment of the awards of the late Spanish and American Claims Commission, and to pay and distribute the same; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Foreign Relations.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ALLEN submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Indian Affairs.

He also submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. LODGE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

UNLAWFUL COMBINATIONS IN RESTRAINT OF TRADE.

Mr. ALLEN submitted an amendment intended to be proposed by him to the bill (S. 3545) amendatory to an act entitled "An act to regulate commerce," approved February 4, 1887, and the several acts amendatory thereof; which was referred to the Committee on Interstate Commerce, and ordered to be printed.

SECOND-CLASS MAIL MATTER.

Mr. CHANDLER submitted an amendment intended to be proposed by him to the bill (H. R. 4566) to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

OPIUM HABIT IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I ask that 500 copies of the bill (S. 3575) to regulate the sale of poisons in the District of Columbia, and of Document No. 74, relating to the opium habit in the District of Columbia, may be printed for the use of the Senate Committee on the District of Columbia, there being numerous calls for the bill and the accompanying document.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

PROPOSED PACIFIC RAILROADS INVESTIGATION.

Mr. PETTIGREW. I submit a resolution, and ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That a committee of five Senators shall be appointed by the Vice-President, whose duty it shall be to investigate the issue of patents for lands of the United States to the Pacific railroads and to the California and Oregon Railroad. Said committee shall also investigate and report to the Senate the amount due the sinking fund of the Union and Central Pacific roads on account of subsidies paid the Pacific Mail Steamship Company by said roads and deducted from the gross earnings of said roads and charged to the operating expenses.

That said committee shall have power to send for persons and papers, to administer oaths, and to examine witnesses under oath, touching the matters which they are hereby empowered to investigate, and may hold their sessions during the recess of the Senate, and may appoint a clerk for said committee, and the necessary and proper expenses incurred in the execution of this order shall be paid out of the contingent fund of the Senate, upon vouchers approved by the chairman of said committee.

Mr. HALE. The resolution goes to the Committee on Contingent Expenses under the rule.

Mr. PETTIGREW. I ask that it may lie over until to-morrow, and then I will ask to have it referred, if that is the rule.

Mr. HALE. The rule imperatively declares that all such resolutions must be referred to the Committee on Contingent Expenses. There is no doubt about it.

The VICE-PRESIDENT. That is a correct statement of the rule.

Mr. PETTIGREW. Very well. Then the resolution may go to the committee at once.

The VICE-PRESIDENT. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. PETTIGREW. I move that the Senate proceed to the consideration of the Military Academy appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898.

The VICE-PRESIDENT. The pending question is on the amendment submitted by the Senator from Vermont [Mr. PROCTOR]. The amendment will be stated.

The SECRETARY. At the end of line 4, page 2, insert the following proviso:

Provided, That hereafter, whenever the corps of cadets, United States Military Academy, is ordered upon military duty away from West Point, N. Y., the necessary expenses for transportation, quarters, and subsistence of the said corps shall be paid from the appropriations for the support of the Army.

Mr. THURSTON. Mr. President, it seems to me that the opposition to this amendment is proceeding upon an unfair basis. I do not understand that there is anything whatever in the amendment which has any connection with the inauguration exercises to be held in this city on the 4th of March next.

The cadets at the West Point Military Academy are a part of the Army of the United States. They are subject to the direction of the Executive and of the Secretary of War. Unquestionably there may arise occasions when it is proper and wise that the President or the Secretary of War should direct that the cadets or some of them be transferred from one part of the country to another. There might arise occasions when such an order would not only be wise, but would be almost a matter of necessity. It ought to be true that the appropriations for the subsistence of the Army of the United States should be equally at the disposal of the War Department to take care of the cadets of the West Point Military Academy if ordered to some other part of the country as the appropriation would be at the disposal of the Secretary of War if another part of the Army of the United States was ordered to some other part of the country.

It seems to me that in bringing in the question of the participation of the cadets in the inaugural ceremonies in this city we are unjustly and unfairly approaching the consideration of the pending amendment. On the ground that the cadets are a part of the Army of the United States, that their subsistence ought to be provided for in the same way as the subsistence of any other part of the Army, and on the further ground that this question properly has nothing to do with the presence of the cadets at the inaugural ceremonies to be held in this city, it seems to me that the amendment should prevail.

But beyond that, Mr. President, it has been suggested upon this floor that a great injury may be worked to the educational advantages or opportunities of the West Point cadets by ordering them away from the Academy for one week and from the consideration of their daily lessons to participate in this the grandest pageant that can be seen in a government of the people. If a son of mine were a cadet at the Military Academy of the United States there is no lesson in which I should so anxiously wish him to participate as the grand inaugural ceremonies incident to the placing in the office of President of this country the man selected by the people at the polls, where all have the right to express their choice. There is no other spectacle so sublime; there is no other lesson so instructive. There is no other memory which will so tend to inspire in the hearts of these youths a love of country, a high and abiding patriotism, loyalty, and devotion to duty as the memory which will enable them to say in the years to come, "This splendid ceremony we saw, and of it we were a part."

As an educational proposition alone, Mr. President, I know nothing which would be so good for the West Point cadets as to have them participate in every inaugural ceremony of a President of the United States. This opportunity can only come once in the Academy course of any cadet. When it does come, Mr. President, it seems to me that if I were the officer of this Government having the power of direction I would say that that opportunity ought not to be missed by any of those young men who are entered there expecting to devote their whole lives to the services of this Government. I see no harm that could possibly come from it.

And, Mr. President, let me say, without intending to reflect upon anything that has been said here, or upon any Senator who has made opposition to this amendment, that it does seem to me it is a very small matter for anyone upon this floor to object to the amendment by bringing in the question of the success of the great inaugural demonstration that is to be held in this city on the 4th day of March next. There is no man in this country of any political party, high or low, black or white, whose heart should not beat high with the hope that the inaugural ceremonies of a President of the United States should be as grand, as magnificent, as popular, and as general in celebration as they can possibly be made. For the purpose of permitting the Executive of this nation to be left free in the exercise of his own views as to whether the cadets, that are a part of the Army and at his disposal, shall be brought here, it seems to me the amendment should prevail.

Mr. MILLS. The other day my friend from Indiana [Mr. TURPIE] gave notice that he would address the Senate this morning after the routine business, and I ask that the pending business may be laid aside until we can hear him.

Mr. HALE. We shall get through with the appropriation bill very soon.

The VICE-PRESIDENT. The Senator from Texas asks unanimous consent that the pending bill be laid aside in order that the Senator from Indiana may address the Senate. Is there objection?

Mr. PETTIGREW. I think the bill will take but a very few moments, for this is the only important matter in it yet to be brought before the Senate for consideration.

Mr. MILLS. The Senator from Indiana gave his notice before the Senator from South Dakota called up his bill, and I think it is a courtesy to that Senator that the Senator from South Dakota should yield for the present.

Mr. PETTIGREW. I shall not object, but it seems to me we could dispose of the bill in the next ten minutes.

Mr. STEWART. I do not think we could.

Mr. PETTIGREW. I should like very much to do so.

Mr. WHITE. I do not think we could close this matter in ten minutes. I am confident we could not.

Mr. STEWART. No. Several Senators want to make remarks on the subject.

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from Texas that the pending bill be laid aside in order that the Senator from Indiana may address the Senate. Is there objection? The Chair hears none, and the Senator from Indiana will proceed.

INDEPENDENCE OF CUBA.

Mr. TURPIE. Mr. President, I call up the joint resolution reported from the Committee on Foreign Relations.

The VICE-PRESIDENT. The Chair lays before the Senate the joint resolution indicated, which will be read by title.

The SECRETARY. A joint resolution (S. R. 163) acknowledging the independence of Cuba.

Mr. TURPIE addressed the Senate. After having spoken for some time—

MARITIME CANAL COMPANY OF NICARAGUA.

The PRESIDING OFFICER (Mr. BLANCHARD in the chair). The Senator from Indiana will please suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. MORGAN. I ask unanimous consent that that bill may go over as the unfinished business until to-morrow at 2 o'clock; and I further ask unanimous consent that the Senator from Indiana [Mr. TURPIE] be allowed to retain the floor until he has concluded his remarks.

Mr. HOAR. What becomes of the special order?

Mr. MORGAN. What is the special order?

Mr. HOAR. The bankruptcy bill.

The PRESIDING OFFICER. The Senator from Alabama asks unanimous consent that the unfinished business, which is the

Nicaraguan Canal bill, go over without prejudice until 2 o'clock to-morrow. Is there objection? The Chair hears none. The Senator from Alabama also asks the unanimous consent of the Senate that the Senator from Indiana be allowed to conclude his remarks. Is there any objection? The Chair hears none.

Mr. VILAS. I was going to suggest to the Senator from Massachusetts that he also ask unanimous consent that the special order stand over until to-morrow with the same rights which it has for to-day.

Mr. ALDRICH. Special orders always stand over without unanimous consent.

Mr. VILAS. But the special order does not stand over with the same rights it has now.

Mr. ALDRICH. No unanimous consent is required for a special order.

Mr. HOAR. I ask unanimous consent that the bankruptcy bill be taken up immediately after the conclusion of the Nicaragua measure.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

Mr. STEWART. The Senator from Colorado [Mr. TELLER] is not here.

Mr. HOAR. I shall not press the bill in his absence. I merely want to have it read; that is all.

Mr. ALDRICH. After the disposition of the Nicaragua Canal bill?

Mr. HOAR. Yes.

The PRESIDING OFFICER. The Senator from Massachusetts asks the unanimous consent of the Senate that the bankruptcy bill be taken up immediately after the conclusion of the Nicaraguan Canal bill. Is there objection? The Chair hears none, and it is so ordered. The Senator from Indiana will proceed.

Mr. GEAR. I did not wish to object, but I want to call the attention of the Senator from Massachusetts to the fact that there is a very important bill pending here, which has been reported for a long time, the bill regulating the debts of the Union Pacific Railroad. I think that bill should have the precedence, and I would be glad if it should be given. It will take but a short time to dispose of the bill. It is the unanimous report of the committee.

Mr. WHITE. I should like to inquire of the Senator from Iowa if that is the bill which is similar in form to the bill which was defeated in the House of Representatives?

Mr. GEAR. No, sir; not at all. It is what is called the commission bill. I am informed by the Senator from Massachusetts that he will consent, if the bankruptcy bill is brought up, to lay it temporarily aside for that bill, and therefore I withdraw my objection.

Mr. WHITE. There will be objection to taking up the commission bill—the railroad bill.

Mr. GEAR. That is all right.

The PRESIDING OFFICER. The Senator from Indiana will proceed.

INDEPENDENCE OF CUBA.

Mr. TURPIE resumed his speech. After having spoken for nearly an hour,

The VICE-PRESIDENT. The Senator from Indiana will suspend, that the Chair may lay before the Senate a message from the President of the United States.

[Mr. TURPIE'S speech will be found in the RECORD of January 26.]

IMPRISONMENT ABROAD OF NATURALIZED CITIZENS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read:

To the Senate of the United States:

I transmit herewith, in response to the Senate resolution of December 21, 1896, addressed to the Secretary of State, a report of that officer covering a list of persons claiming to be citizens of the United States who have been arrested on the Island of Cuba since February 24, 1895, to the present time.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, January 25, 1897.

Mr. CALL. I ask that the message of the President be printed for the use of the Senate.

The VICE-PRESIDENT. The message will be referred to the Committee on Foreign Relations and printed.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE CRISP.

Mr. GORDON. Mr. President——

The VICE-PRESIDENT. The hour of 3 o'clock having arrived, the Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES, *January 16, 1897.*

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. CHARLES F. CRISP, late a Representative from the State of Georgia.

Resolved, That as a mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be instructed to communicate a copy of these resolutions to the family of the deceased.

Mr. GORDON. Mr. President, I submit the resolutions which I send to the desk.

The resolutions were read, as follows:

Resolved, That the business of the Senate be now suspended, that opportunity may be given for tributes to the memory of the Hon. CHARLES F. CRISP, late a Representative from the State of Georgia.

Resolved, That as a further tribute to his memory and in recognition of his distinguished ability as a public servant, the Senate, at the conclusion of these memorial ceremonies, shall stand adjourned.

Resolved, That the Secretary communicate these resolutions to the House of Representatives; and

Resolved, That the Secretary be instructed to communicate a copy of these resolutions to the family of the deceased.

The VICE-PRESIDENT. The resolutions are before the Senate.

Mr. GORDON. Mr. President, during the last session of Congress, and near its close, I met on this floor for the last time the great Georgian in whose honor we speak, and whose death an appreciative people so sincerely mourn. Were it permissible to refer to the purpose which brought him from the other end of the Capitol it would reveal, as his every act, public and private, revealed, the innate nobility of the man.

CHARLES FREDERICK CRISP was born in England, but was transferred before his first anniversary to his future home in southwest Georgia. Richly endowed with native abilities and notably with those attributes of character so quickly and infallibly discerned by the open-hearted people of that section, in his early manhood he commanded their respect and enlisted their support. In a district where competition was an impassable barrier against mediocrity, he rose steadily and rapidly in their esteem and confidence until he held, without a rival, the supreme place in their affections.

Mr. President, if it be true that our temperament and sensibilities and character are permanently affected by the scenes amidst which we are reared, this fact would in some measure explain the strikingly attractive characteristics of our deceased friend. His youthful imagination, his gentle nature, receptive and impressible, received their earliest touches and strongest tints from the peculiar civilization, the sunlight, and soft air of that genial clime. His childhood was passed in a locality where an unaffected cordiality was the genius of social life, where daily associations were elevating and refining, and where all nature tended to soften the heart and lift the soul—where home was the synonym of hospitality, and where every open field, made beautiful by the white, the yellow, and the crimson cotton blooms, was rimmed by majestic pines, whose weird music, like the distant murmur of the sea, tranquillized the spirit and turned the thoughts to God.

He was soldier, lawyer, solicitor, judge, national legislator, and Speaker of the House of Representatives. In all these positions of responsibility and trust, in the holier relations of Christian, husband, and father, through all the stages of a great career, in all the activities of life, he was brave, unselfish, strong, and pure. English by birth and blood, he was American in thought, sentiment, and purpose—in every throb of his brain and fiber of his being.

The achievements of his maturer years were but the fulfillment of his early promise. The courage and consecration of the youthful soldier were but the prophecies of the career and crown of the illustrious statesman.

At the age of 16 he won a commission in the Confederate army under "Stonewall" Jackson. He was with that phenomenal soldier when he fell in the Wilderness. He marched with him, fought under him, felt the power of his majestic presence, and caught inspiration from his dazzling genius and from that inflexible Christian faith and fortitude which are better than genius. Beardless boy as he was, CHARLES F. CRISP met the hardships and dangers of the field with the nerve of a veteran, and endured the privations of prison with the patience of a philosopher.

Mr. President, a character so symmetrical and complete as Speaker CRISP'S deserves to be studied and imitated. Called to an unusual number of positions, he was efficient in all, and in many excelled. Doubtless this very diversity in his active life, like exercises in training schools for the development of complete physical manhood, was a source of strength in his mental and moral equipment.

As a soldier, he learned obedience to constituted authority, the necessity of promptness, the value and power of organized effort.

As a lawyer, he was taught the efficacy of analysis and of that close, clear, and forceful style of reasoning from premise to conclusion which constitute the strength and charm of his public utterances.

As State's attorney, it was his duty to analyze and denounce

crime and to bring the perpetrators to punishment, and he discharged that duty with absolute fidelity and marked ability.

As judge, he was charged with the high function of declaring the law protecting the citizen's rights, his property, his life, and his liberty, and no man ever met these grave obligations more conscientiously and bravely. The judicial ermine never rested upon worthier shoulders, nor was it ever kept whiter or more immaculate.

As member of the National Congress, he was confronted by the gravest problems of government, and he supported or antagonized measures with an eye single to the welfare of the people.

As Speaker he had placed in his hands a power greater in many important particulars than that intrusted to the President, and he wielded it, in the judgment of political friend and opponent, with an ability rarely equaled and a courtesy and an impartiality never surpassed.

As professing Christian he assumed obligations to the Christian church and to its Divine Founder and Head which he never disowned and never dishonored.

Mr. President, there remains but one other phase of our deceased friend's life of which I wish briefly to speak. In those stations to which I have already alluded his record was far more conspicuous and related itself to a vastly wider constituency. The responsibilities of those public stations, so faithfully met, were to his country, to society, and church. The honors he won by a great career and a noble life are the heritage of the whole American people. But the realm into which I now enter, while far more circumscribed, is infinitely more sacred than any except the church itself. It is due to the occasion, due to my own sense of propriety, to say that the curtain is drawn from the sanctuary of my friend's domestic life by a reverent hand, and that the delicate task is legitimately sanctioned; but it is also due to his memory and to those whom he loved above honors and held dearer than life to say that no home ever lost a nobler head than the home of CHARLES F. CRISP.

Great and lasting as are the honors he won in the public service, sincere and just as are the eulogiums pronounced by his associates in Congress, earnest and universal as are the benedictions of his people, and precious as will be this heritage to the unspeakably bereaved wife and children, yet his constant, daily acts of unselfish devotion as husband and father are to them the richest and most cherished legacy. His unfailing solicitude and tenderness exhibited throughout his busy, absorbing career, and singularly manifested in the very hour of dissolution, when his tongue was no longer capable of utterance, will constitute to this stricken household the sweetest and most hallowed memory.

The life of such a man, Mr. President, is a sermon, a psalm, an inspiration. The death of such a man is a bereavement to society, to the State, to the Republic. Both his life and his death to those of us who served with him and who now survive him are full of encouragement and at the same time of warning—of encouragement to virtuous living in the discharge of duty, and of solemn warning to be ready for the inexorable summons of the mute messenger, who will come we know not how nor when, but will come surely and come to all.

Standing in the gloom of this national loss, the radiance of the highway he trod becomes the more plainly visible. From its opening to its close his career was one of unbroken success. From year to year, from station to station, from one official height to another still higher, his shining course was a constant, continuing ascent, with no blemish to mar, no stain to dim its luster. Holding the great office of Speaker, he declined a seat in this Chamber tendered him by the governor of his State. Though laudably ambitious to represent Georgia in this august body, he turned his back on ambition at the call of duty, whose every command was to him an imperative fiat. He died with the echoes of his last political victory still ringing in his ears. He died near the convening of the legislature which, in obedience to the formally expressed and emphatic popular will, would have sent him triumphantly to the Senate as a partial recompense for his previous self-abnegation.

Providence denied him the coveted seat in this Chamber, but called him, as we confidently hope and believe, to an infinitely more exalted station in the invisible, everlasting convocation of the just.

Mr. GALLINGER. Mr. President, in response to the request of the distinguished senior Senator from Georgia, whose eloquent and touching words of eulogy have charmed our ears to-day, I will very briefly pay tribute to the great Georgian whose virtues and accomplishments are matters of history. It was my privilege to serve with Judge CRISP during the Forty-ninth and Fiftieth Congresses, and it is an exceedingly pleasant memory that we were friends as well as associates during those four eventful years. Judge CRISP had not then risen to the high eminence as an orator and parliamentarian that he achieved in later years, but even then, almost at the threshold of his Congressional career, he impressed himself upon the House as a man of marvelous gifts and commanding powers. I recall more than one instance when he surprised his associates by an exhibition of tact, ability, and skill in the management of legislation, while his occasional outbursts of fervid oratory are not forgotten by his fellow-members. At times Judge CRISP was intensely partisan, as all strong men are, but he was always courteous and usually fair. The rancor of debate left no scars on his mind, and the turbulent waters of party strife did not soil the purity of his soul. Looking back over the years that have come and gone to the time that I parted with Judge CRISP at the close of the Fiftieth Congress, my heart goes out to him even as it did when we daily met. His kindly words are remembered, and his strong and pervading personality is vividly and tenderly recalled. But the good friend, the courtly gentleman, the intellectual giant is no more. At the very zenith of his fame—the chosen leader of his party associates and the idol of his State—he was summoned from earth to the great beyond. CHARLES FREDERICK CRISP has gone to his reward, to receive the plaudit of "Well done, good and faithful servant."

Mr. President, it is a single blossom that I bring to be laid on the casket of my dead friend; but the tribute, though brief, is sincere and heartfelt. A man of marvelous powers, grand achievement, and noble purpose has passed away. The place he so well filled in the halls of legislation is vacant; but his place in the hearts of his family, his friends, and his countrymen will forever be bright and glorious. Farewell, thou man of strength and grandeur; of tenderness and heroism; of mighty achievement and exalted purpose. Earth's work is done, life's fitful fever is ended, and the joys of a better world are the reward for the faithful performance of earth's duties and obligations. Farewell the true friend, the convincing orator, the great Speaker, a fond and tender farewell.

Mr. GORMAN. My purpose, Mr. President, on the present sad occasion is briefly to express my great personal esteem and my high admiration for a great leader in the public councils of our country, whose life added luster to American character and illustrated the possibilities in American political life.

It can not be too often noted and emphasized that there is no insurmountable bar to preeminence in the politics of our country when to personal traits of exalted character there are added incorruptible integrity, firm resolution, and positive courage. When these high qualities are graced with kindliness of disposition, urbanity in intercourse, and a high sense of justice and fair dealing toward adversaries, we have that truly American character which was illustrated in the public life of the late CHARLES FREDERICK CRISP, of Georgia.

His early schooling was obtained in the camp, upon the march, and in the very forefront of the battle. It was amidst the hardships, restraints, and sacrifices incident to four years of civil conflict that he laid fast and sure the foundation of self-reliance, indomitable resolution, and high purpose, which in a few years brought him forward as one qualified to lead and to shape the course of political affairs. His promotion was rapid. Admitted to the bar in 1866, he was raised to the bench in 1877, and from that high position was elected to the House of Representatives in 1882. There in committees, on the floor in debate, and in earnest work, he so impressed his political associates that in the Fifty-second Congress his party elected him Speaker of the House—the most exalted position within the gift of the House and second only to the Presidency, in point of power, in our system of Government.

These accomplished results illustrate not only the high character and attainments of Judge CRISP, but they emphasize the possibilities of popular government, whose highest honors are at all times open to the free competition of those who are worthy to fill them.

The public life of Judge CRISP illustrates the truth of the remark that "nothing is denied to well-directed labor, and nothing is obtained without it." Leadership in the House exacts the most constant and assiduous labor from those who aspire to its high emprize, and can not be purchased at a lesser price. His administration of the duties of the Speakership, during periods of intense excitement and amid the conflicts of contending interests, left not a sting among his party's adversaries nor failed to bring intensest satisfaction to his supporters. He was preeminently fair, considerate, just, and impartial, and left the well-earned reputation of a great Speaker. A like career on this floor was frustrated by the rude hand of Death immediately after the people of Georgia had expressed their purpose to elect him to the Senate.

There must have been in such a career a dominating principle to which thought and action were at all times subordinated. We shall not improve occasions like this if we fail to eliminate the motive and the principle which made the public career of Judge CRISP so worthy of study and so full of noble example. He was a

partisan in the purest sense of that word. He had satisfied his conscience that more substantial good, more positive progress was possible to the country from the principles, measures, and organization of the political party to which he was attached than was possible from any other organization. Hence his advocacy, as well as his opposition, was directed at all times to the triumph before the people of the principles and measures of his party. But that partisanship was destitute of every unworthy motive, free from all asperity, and unattended with epithet, innuendo, or aspersion. Those who differed from him listened to his earnest advocacy confident that it was inspired by sincerity and prompted by a sense of high duty. If to "party he gave up what was meant for mankind," it was because he identified his party with all that was best and safest for the general welfare of the people, the progress of the country, and the advancement of her civilization.

By disposition, as well as from conviction, he was a conservative of that form of government and that distribution of its functions which under the Federal Constitution can alone render permanent the blessings of popular government. At the same time, he was a pronounced radical in his conviction that all power emanates from the people, and that the administration of government can never be safe and successful unless it be conformable to the wishes and opinions of the people as expressed by their representatives, and that the regular, orderly, and authentic expression of public opinion was obligatory at all times upon the legislative and the executive departments of the Government.

Such exalted principles qualify and modify partisanship into patriotism and teach the lesson that intensity of advocacy is at all times compatible with a just consideration for the convictions of an adversary. That was the preeminent characteristic of the political career of Judge CRISP. In the most excited and embittered contests over measures like those for the repeal of the election laws, or the different phases of the tariff discussion, he exhibited the highest qualities of leadership, but at the same time the fullest recognition of the same earnestness of conviction in his opponents.

Without the brilliancy of oratory or the graces of rhetoric, his very earnestness and the manifest sincerity of his character became persuasive and convincing, and made him a natural leader and his party willing and enthusiastic followers. There was in his personality every element which made association pleasant and agreeable. With warm-hearted geniality he won the affections, while his dignity of bearing impressed all who came within its influence. But there was no compromise of principle within his nature; what conscience approved, expediency could not compromise. It was that full and complete subordination of expediency to principle that carried into the Speakership the integrity of the judge and clothed the politician with the ermine of justice.

It was natural that such a character should impress the people far beyond the borders of Georgia; hence his popularity was as widespread as his party, and in every State he won the respect and confidence alike of Democrats and Republicans. Citizens of every party recognized the purity and sincerity of that "hope" for "our beloved country" when uttered by him upon being elected Speaker.

No review of his public and private character would do justice to our departed friend which did not emphasize that unselfish devotion to duty which declined the appointment to the Senate by the governor of Georgia because he was more useful to his party at that time in the House. The seat in the Senate was the goal of all his hopes, the crown of his ambition. But the opportunity of his life came at a moment when duty to his party demanded its declension. He was equal to the sacrifice and set aside his personal promotion for the good of his party. There is a deep sadness in the fact that after such unselfish devotion to duty death should have robbed him of his reward, when tendered by the suffrages of the people of that great State of which he was a noble citizen and an honored Representative.

My acquaintance with him was close and intimate; my confidence in his judgment, discretion, and ability was full and complete. He measured up to every occasion, and never was a flaw or crevice found in that armor of principle, integrity, and zeal for "our beloved country," which enveloped him like a "garment of praise."

Mr. BERRY. Mr. President, I met Judge CRISP for the first time when I came here in 1885. He was then serving his second term in Congress, and had already attracted attention as a man of ability and high character. Subsequently I knew him intimately and knew him well. We lived together in the same hotel in this city for eight years. During the sessions of Congress I saw him daily. I saw him in his associations with his family, with members of Congress, and with numerous friends from all sections of the country. That he was a man of high character and splendid ability I need not say. That he met bravely and was equal to each responsibility and that he did his duty faithfully and well to his constituents and his country is known to all.

Judge CRISP was one of the few men in public life of whom it could be truly said that he was always equal and never superior to any place or station where duty called him to go. He rose steadily and continuously in the public estimation and grew greater year by year as his duties and responsibilities increased, and he was more honored and loved at the time of his death than at any time before. The most prominent and striking traits in his character as they appeared to me were his self-poise and remarkable self-control, his uniform cheerfulness, his great patience and kindliness toward all with whom he came in contact, his quick perception, and great power to condense and convince in argument. I saw him every day and many times each day during the exciting and heated contest for Speaker in December, 1891. I saw him at the time when many of his friends thought he was beaten. I saw him in the hour of his victory, and no one could detect in his manner or bearing the least sign of despondency in the one instance or elation in the other. I saw him after the contest was over, when the pressure came upon him for committee assignments. From early in the morning for many days until late at night his rooms overflowed with members of the House of Representatives, Senators, and many others. He saw and heard all who came, and never for one moment did he lose his patience, his cheerfulness, or his kindliness of manner. If he felt the criticisms and abuse which came from the disappointed—and he did feel it, for he told me so long afterwards—he made no sign and uttered no complaint, and I think now that it was these high and admirable qualities in his character that enabled him afterwards to lead and control his party so absolutely in the House of Representatives. Many strong men, many great men, have presided over the House of Representatives; but I think none of them ever surpassed Judge CRISP in his ability to lead and none ever had more devoted and willing followers. That he was a great Speaker and possessed qualities that peculiarly fitted him for the position all will admit, but that which made him really great was his devotion to his duty and his love for country.

These were the same qualities in his character that caused him when a lad of 16 years of age to march forth to battle for his home, his people, and the faith of his fathers, and this same devotion to duty and love of country remained with him in the exalted position he afterwards obtained. And he was as true and loyal to our common country and to the flag of the Republic, when presiding over the House of Representatives, as he had been true and loyal to the flag of the South when he upheld it and faced death upon the battlefield of Manassas and Spottsylvania.

The greatest lesson taught by the life of Judge CRISP is that it shows the possibilities of success for the American youth. It is the glory of our Republic that the poorest boy in the land, if he has the courage to be honest and upright and the energy to persevere, may aspire to any place within the gift of the American people.

Judge CRISP returned from the war in 1865, a youth of 20, absolutely without means or influential friends; without the advantage of college training; dependent alone upon his own resources; and yet at the age of 45 he had served as district attorney, judge of the court, member of Congress, and Speaker of the House of Representatives, and had discharged the duties of all these positions in such way as to command the respect of friend and foe. During all of his career he never forgot the people of Georgia; those with whom he had marched and suffered in time of war; those who had been loyal and true to him in every ambition of his life. He never believed that he was wiser than they; he never sought to secure what is called a national reputation by antagonizing or sacrificing the people of his State. He was true to them, and they supported him with a devotion and unanimity seldom, if ever, surpassed.

The last contest he ever made, the last speeches he ever delivered, were in a contest within his own party upon a great question of party policy, and in this, as in the past, he was in full sympathy with and true to the great body of his constituents who had so often honored him, and they showed their appreciation by giving him an overwhelming majority for a seat upon the floor of the Senate of the United States.

The last conversation I ever had with him was upon his return from that canvass, where he had met the then Secretary of the Interior in joint debate. He told me that his physician had insisted that he should quit the canvass and his regret for the necessity. He spoke of his failing health, the intense pain that he suffered, and that he feared that it was the beginning of the end. He did not speak of it lightly, nor did he speak of it in any gloomy or despondent way, but calmly and courageously, as a brave man would speak of something that could not be avoided and that he was ready to meet without fear, but that he hoped might be postponed for the sake of those dependent upon him.

I never saw anyone more devoted to his family than Judge CRISP. During all the years that we lived in the same house no one ever heard him speak an unkind or impatient word to wife or

child. He was the intimate friend of and loved by all children; he was deferential to all womanhood and courteous to all manhood. He was always a gentleman in his manner and deportment; a Southern man in his instincts and feelings; a Southern soldier true to that cause until its flag was furled forever. He never paraded his services, nor did he ever express regret or offer excuse for the course he had pursued. When he laid down his arms and pledged his word for future allegiance to this Government, he kept his promise in letter and spirit, and when he arose to the high position that he afterwards reached, he was as true and loyal to the Government of the United States as the men whom he had faced in battle. The people of the South have much cause to love and honor his memory, and the people of the entire nation have much cause to be proud of such a citizen.

Mr. MILLS. Mr. President, there are some reasons which have impressed me that I should join the people of Georgia and the friends of her distinguished son in paying to his memory all the honors which the living can pay to the dead. The remains of his father and mother have for many years been sleeping in the warm and generous bosom of Texas. Side by side with her own children, Texas has seen that their graves are kept green. There are still living in Texas those who knew intimately the father and mother and who cherish their memories, and who knew the son in his young manhood, whose name in after years became a household word around all their firesides. If there were no other considerations which moved me, this would constrain me to go with the people of Georgia and drop a flower for Texas in the grave of Georgia's distinguished son. But there are other considerations which to my mind make it appropriate for me to speak of him. During the great civil war—the greatest in the annals of mankind—he and I were soldiers on the same side. We fought with those who lost. He served with the army which defended Virginia, I with the army which defended Georgia. We both passed through all the vicissitudes incident to the life of a soldier. One by one the old gray-jackets are passing away. Even those who, like him, entered the service at 16 come fewer and fewer to the annual reunions. During the last summer I went to a reunion of Confederate soldiers in a county in Texas from which I had a company in my regiment numbering more than a hundred. Not many returned from the bloody fields of Tennessee and Georgia, and of those who did return there was not one present to call the roll. As a comrade in arms, I would come to his bier and help his loved ones lower him to that last sleep from which only the reveille of Heaven shall awake him.

In that fearful contest it was my fortune to be three times severely wounded, two of them on the same day. I was sent from the field to the hospital at Lagrange, Ga., where I received from the mothers, wives, and daughters of Georgia soldiers the kindest care and the tenderest nursing, without which I should be sleeping to-day in the Confederate cemetery at Lagrange. I remember how like angels they hovered about our rude cots, and while pouring balm into our wounds they poured consolation into our ears and hope into our hearts. I remember how noiselessly they passed from cot to cot, watching the life struggle of the torn and lacerated soldiers, ever ready with hand and heart to help the sinking pulse to strike back toward life and the lusterless eye to relume and burn again with life's brilliancy. Lingering long after the sun had gone, folding tenderly the winding sheet around those appointed to die, and administering the opiate prescribed by the surgeon to soothe the suffering to sleep, they bade all good night with lips and eyes burdened with prayers, and hied them to their homes. At early dawn their footsteps were heard again at our bedsides, to go over and over again the labors which their brave and patriotic hearts had made a labor of love. These are memories which are indelibly stamped upon my brain. How could I ever forget the people of Georgia? I come now in this hour of grief, when the hand of the Reaper has cut down a son whom she honored and loved, and one who loved and honored her, and take my place with her in rendering to his memory every tribute which pride and affection can pay to the memory of her loved and lost son. In life he served her faithfully and well; he achieved honors for himself and heaped honors upon a noble people whose servant he was. I remember when he came a Representative to the Forty-eighth Congress. He had been a lawyer of prominence at the bar of his State. From that he rose to the bench. He was equipped with the knowledge and accomplishments that such positions give to a man of labor. He soon stood among the leading members of the House, and easily maintained the place which thorough study and preparation had enabled him to win.

The House of Representatives is as much unlike the Senate as the stormy waters of the Atlantic are unlike the waveless waters of the Dead Sea. The House is the focus of the concentrated power and passion of the people. There the popular heart beats with its strongest pulsation. There the popular voice speaks with its clearest emphasis. It is a field where the people assemble in the galleries and look on and are quick to express approbation or disapprobation. They applaud, laugh, shout, and jeer the combatants. They are severe, merciless critics. The leader who puts on the armor of Saul but can not wear it like Saul will soon discover his mistake. In the House the party leader must be ready for battle at any moment, for he knows not at what moment his forces may be assailed. He stands in the arena of combat, and to command the confidence of his followers he must be able to give and take the blows of battle in such a way as to retain the approval and affection of his comrades. This is the ordeal through which all leaders of the House have passed and must continue to pass. In this ordeal Judge CRISP bore himself well, and continually won his way toward the top. In the Fiftieth Congress Hon. John G. Carlisle, of Kentucky, was elected Speaker. His seat as a member of the House was contested. He very properly declined to appoint the Committee on Elections, because he could not with propriety appoint the judges who were to pass upon his own title. The Democratic caucus designated several gentlemen who were authorized to select that committee and appoint its chairman. I had the honor of being the chairman of the committee appointed by the caucus. When we met, I proposed the name of CHARLES F. CRISP as chairman of the Committee on Elections, and he was unanimously chosen. He discharged the duties of that exacting and laborious position with conspicuous ability.

He was a good lawyer, a good student, well informed in the rules of parliamentary law, and an able debater. He was conciliatory and kind in his disposition and grappled his friends to him with hooks of steel. In the Fifty-second Congress he was elected Speaker of the House, and so discharged the duties of that high station that he was reelected as long as his party was in power. So strong was his hold upon the affections of the people of Georgia that they had designated him as a member of this body, and had he lived till the 4th of March next he would have taken his seat here; but on the 23d day of October, 1896, "God's finger touched him, and he slept." There is nothing now left us but to bow with resignation to the decree which sooner or later will come to us all. Peace to his ashes!

Mr. CARTER. Mr. President, on my appearance in the Chamber this morning the eminent senior Senator from Georgia [Mr. GORDON] kindly accorded me the privilege of addressing the Senate briefly on the character and services of CHARLES F. CRISP.

When I first became acquainted with Mr. CRISP, he was in the prime of life. We stood together before the Speaker's desk and took the oath of office at the same time as members of the Fifty-first Congress. My service was then beginning. He had to his credit six years of honorable and distinguished service in that body. He was an accomplished parliamentarian and a veritable legislative gladiator. He was a modest, unassuming man.

In the stormy scenes of that memorable Congress he was a constant and forcible, but not a noisy, participant. Without boisterous demonstration as a representative of his party views, he resisted the parliamentary reforms proposed by the opposition with a skill which commanded the respect of his opponents and the affectionate admiration of his party associates.

I can recall him now as a calm, self-reliant debater, rising in the midst of the excited Representatives to present and support his convictions concerning the moving cause of the existing commotion. His self-control became contagious, and agitated members quickly became attentive listeners. His career in that Congress gave notice to the country that in any parliamentary emergency liable to arise in the history of the Government CHARLES F. CRISP would prove one of the most competent and thoroughly reliable of American statesmen.

The Speakership of the next House of Representatives was accorded him by his party associates in recognition of the eminent ability displayed by him in the course of his service in the House. Whilst his partisanship goes unquestioned, we observed with intensified regard the moral courage which impelled him to adopt views he had previously opposed when those views became confirmed and approved in the severe test of parliamentary experience.

It was as a new member of the House of Representatives that my first impressions of this great man were formed. He was a generous man; he was a just man; he was all that is embodied in the phrase so often applied to him—a fair-minded man. To the new member of the House he extended the hand of cordial goodfellowship and welcome. His great experience and logical mind always stood at the ready disposal of the new member. It is the recollection of his many acts of considerate kindness to which I ascribe the affectionate regard in which his memory is held. While others in studied phrase analyze his character and the lessons of his life, I gratefully avail myself of the sad privilege of recognizing his early and unfailing courtesy to me by placing the tribute of my humble praise upon his honored grave.

Mr. DANIEL. Mr. President, a noble character has disappeared from the conspicuous scenes of American public life—a man who had the good will and the confidence of all who knew him and the affection of all who knew him well.

The death of Judge CRISP, of Georgia, is a great national loss. To the people of his own State it is a poignant affliction, and to the many friends whom he made in his career in the capital city of the United States it is a source of deep personal grief. A number of those who knew him and associated with him in the House of Representatives and in the conferences and consultations of our public affairs have analyzed the peculiar features of his mind and have painted those virtues which the public had thoroughly realized that he possessed. I shall not attempt, Mr. President, to do more for my part than to allude to a few of the conspicuous characteristics of Judge CRISP and to express my own profound sympathy with those upon whom his death has so heavily fallen.

I think it may be said of him that no man has taken so conspicuous a position in public life, has exercised such great responsibility, has been thrown in conflict with such great antagonisms and such influential interests, who at the same time has so conducted himself as to achieve more thoroughly the good will of all who came in contact with him.

Judge CRISP was a man of solid and substantial character and of useful gifts. That character was always thrown as a great weight upon the side which he deemed to be right, and those gifts were always employed in patriotic interests.

It may be truly said of Judge CRISP that he was a patriot. There was nothing small, nothing mean, nothing narrow, nothing sectional, in any offensive sense, in the characteristics or in the history of the man. He was a manly man, a man of broad, humane, and catholic sympathies, of high and noble purposes, and he never thought of, much less did he ever condescend to questionable methods or offensive methods in achieving his purposes.

I think that the great weight which Judge CRISP acquired in the House of Representatives was due to the equilibrium of his temperament and to the well-ordered adjustment of his fine faculties. His mental and moral virtues were well fused; they made a compact and wholesome unit. Everyone always knew where he stood; everyone felt the good influence of his presence, of his association, and of his counsel.

I had much in common with Judge CRISP in the courses of our varied lives. We entered the army of the Confederate States in the same command, in that immortal band known as "the Stonewall Brigade," which made its début in history on the first field of Manassas, and bore its shredded battle flags in the last conflict at Appomattox. He entered that brigade when a boy of 16, as a member of the Tenth Virginia Infantry. He acquired the reputation amongst his comrades of being a good soldier. He never seemed to desire the honors or shows of military distinction, but he became an officer before he was yet a man. He was content, as were the great body of patriots all over this land who gave themselves to a cause and to a flag, to do his duty as he thought it should be done, and was content that it had been done.

Judge CRISP was a man who had in him the elements of inevitable success. He was steady of purpose. When he set his head in any direction he persevered and continued to persevere in that direction. Concentration is the secret of success. Judge CRISP possessed concentration. He did not seek many things at once. He took in hand the thing that was before him; he did it well, and he was always called up higher because he had done well that which went before.

It has been well said, Mr. President, by a fine writer, that self-control is the highest form of self-assertion. Judge CRISP possessed self-control. He was well-poised; he was always self-possessed. Whatever of ability and of talent he possessed were always ready and available. His judgment was almost always a wise judgment. He was a man well fitted to elevate and honor the bench. He was judicial in bearing, judicious in decision. He was a good man. His heart was in the right place. His instincts made him do right without reflection in those moments of exigency which give little time for reflection. His studious disposition made him find the right when it was involved in perplexities and complications.

The House of Representatives, Mr. President, is a forum which puts to sternest tests the qualities of men in public life. Of all the theaters in which political ambition and political usefulness are exercised, it is the most exacting. In the House of Representatives, amongst the many brilliant men who represent the different sections of this great and diversified country, there is soon an evolution to the front of the strong men. We often see there men of great scholastic ability making little impression upon the affairs of the country. We see men of brilliant oratorical qualifications and forensic talents making little headway in influence, and reaching but small consummations. It is because there is necessary to success in that body a peculiar combination of talents, a mixture of tact, judgment, courage, skill, ability to speak, and ability to keep silent—a certain practical common sense withal, a certain indefinable and predominant quality which we can never exactly estimate, which we can never thoroughly analyze, which we can never paint and fully describe, but which is ere long discovered to be in one man or another when large assemblies are brought together. We all know that Judge CRISP was well versed in parliamentary law, able in debate, oftentimes powerful and effective in oratory. We all know that he was fair-minded, discreet, and capable in counsel. But, however we attempt to analyze his qualities and qualifications, we all realize that he had such as made men honor and follow him.

I had the pleasure of first making the acquaintance of Judge CRISP in the Forty-ninth Congress. He was then a young member, gathering his earlier experiences of Congressional life. He never seemed to seek position of conspicuous distinction. He never made a speech for the mere sake of making it. He never showed any desire for display or effect or applause in the speeches which he did make; but when he did speak, he spoke at the proper time, he said the right thing, and in effect his services had already at that early stage in his career marked him as a man who would lead and influence and guide men, and would make his mark in the affairs with which he was associated in conducting. Year by year he became more prominent. He came in collision with the ablest minds in American politics. It is enough to say that he always held his own. He was thrown in most fierce antagonism with the great interests which influence legislation and in hot conflict upon the most partisan questions which have ever engaged the minds of the American people. He came to the front rank of the disputants. In his addresses he always commanded attention. In his positions he always attracted support. In his decisions as Speaker and on the policies he pursued he made but few mistakes. In his conduct of party affairs he always showed that tact and wisdom which achieve results, or come as near achieving results as it is possible. Though, sir, he was in the heat of battle for many years, although he was thrown in antagonism with the ablest minds, although he was often suddenly precipitated into debate with the keenest and subtlest intellects, although day after day he had to show preference between one man and another, or make sharp and far-reaching decisions, the fact speaks that at the end of that career all who were associated with him, whether in sympathy or conflict, whether in concurrence or disagreement—all say, "This was an honorable champion; this was a just man; this was a true patriot; this was a noble and useful character; this was a good citizen." All bowed their heads as the cortege which bore his remains passed by, and all would fain throw a flower upon his tomb.

I knew Judge CRISP in other capacities than that of legislator. I had the privilege of enjoying his personal friendship, of meeting him often in genial and social scenes. This but attracted me the more to him.

Judge CRISP was a man of fine manners and address, natural and unaffected. He had the instinctive courtesy which is not that of mannerism, but which is born in the heart and which expresses itself in the many small and nameless kindnesses which make life worth living. He was a genial and kind companion; he was a true friend; and though, sir, there are many who have decorated his name with more fitting praise than my poor words convey, there are none here who mourn him more deeply or who will more sincerely cherish his memory.

Georgia has sent to both Houses of Congress many able and brilliant men. Amongst them the name and fame of CHARLES F. CRISP will always shine with a calm and steady luster.

Mr. BACON. Mr. President, the many touching, beautiful, and appropriate eulogies which have been paid to the memory of our friend, both in the House and Senate, leave little need that I should attempt to add anything, however brief. I may be pardoned, however, for a few words before asking for the adoption of the resolutions submitted by my colleague.

It is a great thing for one to be an acknowledged leader among men. It is still greater for one to be recognized by voluntary acclaim as the leader among a concourse of those who are themselves leaders. But greater than this high distinction is the honor, when such an one falls on that high arena in the thick of the combat, that the strife ceases, and that there are offered by Representatives and Senators of all parties and sections, as well those who have contended with him as opponents as those who have striven with him as allies, such tributes to his character and achievements as in the anticipation would fill the measure of any man's ambition.

Most tenderly will these words of affection and praise be cherished by those of his own blood, by the host of men knit to him by the ties of friendship, and by the State which has most lovingly and proudly enrolled his name upon the list of her most distinguished sons.

Mr. President, I need not say more of those qualities and achievements which have won for him the praise and admiration not

only of his associates but also of the nation; and yet I can not forbear to say that as I have listened in the House and Senate to the words which have been uttered during the consideration of these resolutions the thought has come to me that if it were mine to write his epitaph, in the portrayal of his personal character I would inscribe but the single line:

All men loved him.

Twice, Mr. President, within less than three years has the State of Georgia stood a mourner within this Chamber lamenting the loss of a cherished son who held her commission in the National Congress. The first of these had been for nearly twelve years an honored member of this body. He to whom we to-day do honor, while never a Senator, occupied a peculiar relation to the Senate. As has been told, he was once appointed a Senator, but duty, whose voice to him was a command, denied him entrance here. Again, two years later, at the time when he was stricken down as with a lightning shaft, his foot was on the very threshold of this Chamber. Already chosen by the well-nigh unanimous voice of the people expressed through a primary election, with no opposition to his election by the legislature which was to assemble within a week, the arm of the State was already outstretched to place within his hand her commission to him as one of her ambassadors to this high council of the representatives of States.

From one point of view there was never sadder picture of a disappointed hope. The dream, the ambition of his life was to be a Senator of the United States. Neither in public nor in private had he disguised its avowal. From boyhood he had set his gaze upon it, and through all his manhood it was the goal of his desire. All undaunted by obstacles, he strove to reach it. Step by step for thirty years, unwearied, never failing in resolve, always steadfast in endeavor, he had climbed the steep ascent, he had scaled the rugged cliffs, he had gained the dizzy height where shone the prize, when in a moment the sun of his life went out at noonday!

The vainness of regret stifles not the tender emotion which this contemplation must inspire in every sympathetic heart. When the full span of life has been accomplished, when the life work to which one has set his hand has in his labor found full fruition, still the death of even such an one, the end of a career where no more remains for achievement, nevertheless brings inevitable sorrow to all who love the instinct of life and who shrink back from the mystery of death. But deeper must be the emotion, more tragic in its nature the catastrophe, when in mid career one falls in life, as fell in estate the great Cardinal, while he—

Bears his blushing honors thick upon him.

Mr. President, it is sad to see even the shrunk and withered giant trunk sway in the blast and fall before the fury of the storm; but when, in the peaceful sunshine, when no winds blow, when no cloud is in the sky, all suddenly falls the green and sturdy oak, we start back shocked and dismayed.

Humanity can not suppress its moan in the presence of death. Around it there is such impenetrable mystery; between the living and the dead there is such an unspeakable, fathomless, unmeasured gulf. Beside the bier there is only remembrance of the great change, the life that has gone from among us and can never return. In the presence of the physical ruin the heart echoes the wail of Antony by the dead body of Cæsar:

Are all thy conquests, glories, triumphs, spoils,
Shrunk to this little measure!

And yet, sir, sad as is this contemplation, wrung and torn as are the hearts of those who mourn his loss, who can view the life of our departed friend, so rounded and so symmetrical, so steady in its upward progress, so full and overflowing in its fruition, and not say—it may be through blinding tears, but still in loving pride—'tis well!

And, sir, while I would not dry one tear that is shed for him, while I would not suppress one moan that breathes out the sorrow of those who mourn for him, yet I take heart in the glad thought that in those things which made our friend beloved of all, in those things which made him a leader among men, in those things which marked him in the nation's view as a great man, in all these things he is not dead and can not die.

More lasting than the marble which will mark his last resting place, in the unfading memory of all who knew him in life, in the imperishable archives of his State and of this great nation, will ever live the enduring record of this good and great man.

And not as a memory only will he live. The teaching of Revelation finds its strongest confirmation in the conviction of the inner consciousness that the sun of this life does not go down into an eternal night. Who is there of the most skeptical who believes that the soul and the intellect which looked out from the eyes of CHARLES F. CRISP, and beamed in his countenance and inspired his lips, have perished with the body that we have tenderly hid away from our sight? There is that within that tells us it can not be. When or how we know not, but the undying yearnings for the loved ones gone before tell us that we shall meet again.

In the drama of Ion, the young heathen Greek, forewarned by the Oracles of impending death by violence, comes to part with the maiden he loves. She asks him, "Shall we meet again?" He replies that he has asked that dread question of the hills that look eternal; of the streams that flow on forever; of the stars amid whose azure fields his spirit had walked in glory. To that question they all had been dumb. "But now," he adds, "while thus I gaze upon thy living face, I feel the love that kindles through its beauty can never wholly perish. We shall meet again."

Mr. President, I ask for the adoption of the pending resolutions.

The resolutions were unanimously agreed to; and (at 4 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 26, 1897, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 25, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Friday last was read and approved.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 350) granting an increase of pension to George C. Abbey;

A bill (S. 1888) granting an increase of pension to William T. Walker;

A bill (S. 1505) granting an increase of pension to Rufus H. Paine;

A bill (S. 3381) granting pension to Lena D. Smith;

A bill (S. 1682) granting an increase of pension to Mrs. Sarah B. Leet;

A bill (S. 1291) granting an increase of pension to Celeste A. Boughton, widow of Bvt. Brig. Gen. Horace Boughton; and

A bill (S. 1511) granting a pension to Mrs. Jane Stewart Whiting.

WATER ROUTE FROM GALVESTON TO HOUSTON, TEX.

Mr. SAYERS. I ask unanimous consent for the present consideration of the bill (S. 3525) to provide for an examination and survey of a water route from the mouth of the jetties at the city of Galveston, Tex., through the ship channel and up Buffalo Bayou to the city of Houston, Tex., and appropriating money therefor.

This bill is an exact copy of a House bill which has been favorably reported by the Committee on Rivers and Harbors. If unanimous consent be given for the consideration of the bill, I will move to strike out the section making an appropriation.

There being no objection, the House proceeded to the consideration of the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to make an examination and survey, with an estimate of the necessary cost, for a water channel not less than 25 feet deep and 100 feet wide, extending from the mouth of the jetties at the city of Galveston, Tex., through the existing ship channel and up Buffalo Bayou to the city of Houston, Tex., and for a harbor at or near Houston, of a depth of not less than 25 feet and of a width of 500 feet, and to make a report of such examination, survey, and estimate, with its commercial importance, to Congress.

SEC. 2. That the sum of $5,000 be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, to pay the cost of said examination, survey, and estimate.

Mr. SAYERS. I offer the amendment which I send to the desk, an amendment reported by the Committee on Rivers and Harbors to the House bill.

The Clerk read as follows:

Strike out section 2, and insert the following:

"SEC. 2. That the cost of said examination, survey, and estimate be paid out of funds already appropriated for work on the improvement of the ship canal and Buffalo Bayou."

The amendment was agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

On motion of Mr. SAYERS, a motion to reconsider the last vote was laid on the table.

Mr. SAYERS. I ask unanimous consent to amend the title of the bill by striking out the words "and appropriating money therefor."

The amendment was agreed to.

Mr. SAYERS. I ask unanimous consent that House bill No. 10057, similar in its provisions to the Senate bill just passed, be laid on the table.

There being no objection, House bill No. 10057 was accordingly laid on the table.

A. L. WILLIAMS.

Mr. CURTIS of Kansas. I ask unanimous consent for the present consideration of the bill (H. R. 9499) authorizing and directing the Secretary of the Interior to sell certain lands to A. L. Williams, and for other purposes.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to sell at $1.25 per acre, and cause a patent to be issued to A. L. Williams, all of the southeast quarter of section 9, township 14 south, range 68 west, sixth principal meridian, in the county of El Paso, State of Colorado.

The amendment reported by the committee was read, as follows:

In line 6, after the word "of," add the following words: "the southeast quarter and lot 5 of."

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DOCKERY. I should like to hear a brief explanation.

Mr. CURTIS of Kansas. Mr. Williams, the party for whose relief this bill has been reported, bought lots 1, 2, and 3 and the northeast quarter of the northeast quarter of section 16 (school land), El Paso County, Colo. After having the land surveyed, he built a house upon it. After the completion of his house, it was discovered that there had been a mistake in the original survey because of a shortage in the township; so that, as it turns out, his house was built 580 feet over on Government land. The proposition of the bill is that Mr. Williams be allowed to purchase the land on which this house is located, 69.73 acres. The bill is unanimously recommended by the Committee on Public Lands, and also by the Secretary of the Interior and the Commissioner of the General Land Office.

There being no objection, the House proceeded to the consideration of the bill.

The amendment reported by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

AMENDMENT OF IMMIGRATION LAWS.

Mr. DANFORD. I present a report of the committee of conference on the bill (H. R. 7864) to amend the immigration laws of the United States. I ask that this report be printed in the RECORD, and I give notice that I will call it up on Wednesday next, after the reading of the Journal.

The SPEAKER. If there be no objection, the printing of the report in the RECORD will be ordered.

Mr. BARTHOLDT. What is the agreement proposed?

The SPEAKER. The gentleman from Ohio [Mr. DANFORD] asks that this conference report be printed in the RECORD, and gives notice that he will call up the report on Wednesday next, immediately after the reading of the Journal.

Mr. BARTHOLDT. How much time is to be allowed for discussion?

The SPEAKER. No time is fixed.

There being no objection, the report was ordered to be printed, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment to the bill (H. R. 7864) to amend the immigration laws of the United States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment, and agree to the House bill with amendments as follows:

Strike out, in the first section, all after the words "admission to the United States the following" and insert the following:

"All persons physically capable and over 16 years of age who can not read and write the English language or the language of their native or resident country; but a person not so able to read and write who is over 50 years of age and is the parent or grandparent of a qualified immigrant over 21 years of age and capable of supporting such parent or grandparent may accompany such immigrant, or such a parent or grandparent may be sent for and come to join the family of a child or grandchild over 21 years of age similarly qualified and capable."

Strike out the present section 2 and insert a new section, as follows:

"SEC. 2. For the purpose of testing the ability of the immigrant to read and write, as required by the foregoing section, the inspection officers shall be furnished with copies of the Constitution of the United States, printed on numbered uniform pasteboard slips, each containing not less than twenty nor more than twenty-five words of said Constitution, printed in the various languages of the immigrants in double small pica type. These slips shall be kept in boxes made for that purpose and so constructed as to conceal the slips from view, each box to contain slips of but one language, and the immigrant may designate the language in which he prefers the test shall be made. Each immigrant shall be required to draw one of said slips from the box and read, and afterwards write out, in full view of the immigration officers, the words printed thereon. Each slip shall be returned to the box immediately after the test is finished, and the contents of the box shall be shaken up by an inspection officer before another drawing is made. No immigrant failing to read and write out the slip thus drawn by him shall be admitted, but he shall be returned to the country from which he came at the expense of the steamship or railroad company which brought him, as now provided by law. The inspection officers shall keep in each box at all times a full number of said printed pasteboard slips, and in the case of each excluded immigrant shall keep a certified memorandum of the number of the slip which the said immigrant failed to read or copy out in writing. If in any case, from any unavoidable cause, the foregoing slips are not at hand for use, the inspection officers shall carefully and thoroughly test the ability of the immigrant to read and write, using the most appropriate and available means at their command, and shall state fully in writing the reasons why the slips are lacking, and describe the substitute method adopted for testing the ability of the immigrant."

Strike out present section 3 and insert a new section, as follows:

"SEC. 3. That the provisions of the act of March 3, 1893, to facilitate the enforcement of the immigration and contract-labor laws, shall apply to the persons mentioned in section 1 of this act."

Strike out present sections 4, 5, and 6 and insert as follows:

"SEC. 4. That it shall hereafter be unlawful for any male alien, who has not in good faith made his declaration before the proper court of his intention to become a citizen of the United States, to be employed on any public works of the United States, or to come regularly or habitually into the United States by land or water for the purpose of engaging in any mechanical trade or manual labor, for wages or salary, returning from time to time to a foreign country.

"SEC. 5. That it shall be unlawful for any person, partnership, company, or corporation knowingly to employ any alien coming into the United States in violation of the next preceding section of this act: *Provided*, That the provisions of this act shall not apply to the employment of sailors, deck hands, or other employees of vessels, or railroad train hands, such as conductors, engineers, brakemen, firemen, or baggagemen, whose duties require them to pass over the frontier to reach the termini of their runs, or to boatmen or guides on the lakes and rivers on the northern border of the United States.

"SEC. 6. That any violation of the provisions of sections 4 and 5 of this act by any alien or citizen shall be deemed a misdemeanor, punishable by a fine not exceeding $500 or by imprisonment for the term of not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That all persons convicted of a violation of section 4 of this act shall be deported to the country whence they came.

"SEC. 7. That notwithstanding the provisions of this or any other existing law, the Secretary of the Treasury may permit aliens to enter this country for the purpose of teaching new arts or industries, under such rules and regulations as he may provide."

Add a new section, as follows:

"SEC. 8. That this act shall not apply to persons arriving in the United States from any port or place in the Island of Cuba, during the continuance of the present disorders there, who have heretofore been inhabitants of that island."

Insert a new section, as follows:

"SEC. 9. That any alien who shall, in violation of this act, or any other existing law, secure entry into the United States without inspection or examination, or through mistake, misrepresentation, collusion, deception, or fraud, may be taken into custody by the properly authorized immigration officers within thirty days after the facts become known to them; and such alien, upon a special inquiry at the most convenient place, conducted according to section 5 of the immigration act of March 3, 1893, shall be dealt with as provided by law for alien immigrants upon their first arrival."

Strike out the present section 7 and insert as follows:

"SEC. 10. That this act shall take effect July 1, 1897."

L. DANFORD,
STANYARNE WILSON,
Managers on part of the House.

HENRY CABOT LODGE,
WM. E. CHANDLER,
CHAS. J. FAULKNER,
Managers on part of the Senate.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and a joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 2469) authorizing and directing the Secretary of the Interior to quitclaim and release unto Francis Hall and Juriah Hall and their heirs and assigns all the right, title, and interest of the United States in and to the east 20 feet front by the full depth of 100 feet of lot 2, in square 493, in the city of Washington, D. C., as laid down on the original plan or plat of said city;

A bill (S. 289) for the relief of Ames & Detrick, of San Francisco, in the State of California;

A bill (S. 2694) for the relief of the heirs of Lorenzo Andinino, Francesco Ronshietto, and Stanislas Vittone;

Joint resolution (S. R. 100) granting a life-saving medal to Daniel E. Lynn, of Port Huron, Mich.;

A bill (S. 2549) for the establishment of a light-house on Swan Island, belonging to the United States, in the Caribbean Sea;

A bill (S. 2782) to establish a life-saving station at or near Fort Gratiot, Mich.;

A bill (S. 2225) for the relief of Col. and Bvt. Brig. Gen. Henry L. Abbot, United States Army, and brevet major-general United States Volunteers;

A bill (S. 2060) for the relief of Briscoe B. Bouldin;

A bill (S. 1913) for the relief of Louisa S. Guthrie, widow and executrix of John J. Guthrie, deceased;

A bill (S. 2741) to reclassify railway postal clerks and prescribe their salaries;

A bill (S. 2700) for the relief of the heirs of certain seamen lost in the foundering of light vessel No. 37;

A bill (S. 1155) for the relief of Lieut. Jerome E. Morse, of the United States Navy;

A bill (S. 2725) to establish a railroad bridge across the Illinois River at a point within 5 miles from and above the upper limits of Grafton and a point in Calhoun County, in said State, opposite or nearly opposite the said point in Jersey County, all in the State of Illinois;

A bill (S. 1652) for the relief of the estate of Charles M. Roberts, deceased;

A bill (S. 2538) for the relief of the Portland Company, of Portland, Me.;

A bill (S. 2817) for the relief of the Atlantic Works, of Boston, Mass.;
A bill (S. 1181) to pay to the heirs of the late John Roach, deceased, $330,151.42 for labor and material, dockage and detention, and occupation of yards and shops for the gunboats *Chicago, Boston*, and *Atlanta;*
A bill (S. 1010) for the relief of the owners and crew of the Hawaiian bark *Arctic;*
A bill (S. 1914) supplemental to an act entitled "An act to provide for the erection of a public building in the city of Norfolk, in the State of Virginia," approved January 2, 1891;
A bill (S. 497) to provide for a public building at Tampa, Fla.;
A bill (S. 2116) for the relief of Wilber H. Graef & Co.;
A bill (S. 2906) for the establishment of a light-house at the pitch of Cape Fear River, near Wilmington, N. C.;
A bill (S. 1623) for the relief of the Cumberland Female College, of McMinnville, Tenn.;
A bill (S. 3006) to provide for the examination and classification of certain lands in the State of Oregon;
A bill (S. 2509) to authorize the erection of a statue of the late President Abraham Lincoln at Gettysburg, Pa.;
A bill (S. 1438) for the relief of the estate of Daniel Woodson and Ely Moore;
A bill (S. 19) for the relief of John L. Rhea, executor of Samuel Rhea, deceased, and John Anderson, administrator of Joseph R. Anderson, deceased;
A bill (S. 2988) for the relief of W. J. Tapp & Co.;
A bill (S. 3370) granting a pension to Emily E. Atherton;
A bill (S. 3407) granting a pension to Ambrose J. Vanarsdel;
A bill (S. 3319) to increase the pension of Alice De K. Shattuck, widow of Lucius H. Shattuck, Company I, Fifth Massachusetts Infantry, three months;
A bill (S. 3196) granting an increase of pension to George W. Walton;
A bill (S. 3185) granting an increase of pension to John McGrath;
A bill (S. 3311) to increase the pension of Arabella V. Washburn;
A bill (S. 3361) granting a pension to Sarah R. Frary;
A bill (S. 3324) granting a pension to Allen Buckner, of Baldwin, Kans.;
A bill (S. 1640) granting a pension to Catherine L. Nixon;
A bill (S. 2672) granting a pension to John J. Shockey;
A bill (S. 3190) granting a pension to Amos L. Hood;
A bill (S. 3103) granting a pension to Jesse O. Davy;
A bill (S. 2995) granting a pension to James M. Dennison;
A bill (S. 3451) granting a pension to Rebecca P. Quint;
A bill (S. 3445) to increase the pension of Capt. John H. Mullen;
A bill (S. 3408) granting a pension to Ann King, widow of Samuel King, deceased;
A bill (S. 2991) granting a pension to George G. Eakins;
A bill (S. 3145) to increase the pension of William Hulsizer;
A bill (S. 2912) increasing the pension of William C. Forsythe;
A bill (S. 2813) granting an increase of pension to Joseph Brown;
A bill (S. 2097) granting a pension to Joel M. Gibson;
A bill (S. 3339) granting a pension to Louise E. Perkins;
A bill (S. 947) granting a pension to Margaret Stone, widow of Benoni Stone, a soldier of Florida Seminole Indian war;
A bill (S. 3177) granting a pension to Oscar A. Palmer, Tabor, Iowa;
A bill (S. 2375) granting an increase of pension to John G. Powers;
A bill (S. 2993) granting a pension to Rebecca Gilbert;
A bill (S. 3541) granting a pension to Jane B. Johnston;
A bill (S. 2994) granting a pension to William G. Alspach;
A bill (S. 1538) granting a pension to Joseph M. Waddell;
A bill (S. 1647) to increase the pension of Clark W. Harrington, late sergeant of Company I, Ninety-third New York Infantry;
A bill (S. 2975) granting a pension to John Amrein;
A bill (S. 3329) to increase the pension of George W. Smith, late a captain Seventh Regiment New Jersey Infantry Volunteers;
A bill (S. 2959) granting a pension to Mrs. Sarah Townsend;
A bill (S. 2713) granting a pension to Miss Mary Hayne;
A bill (S. 2177) granting increase of pension to Henry B. Conway;
A bill (S. 2908) granting a pension to Franklin Andrews;
A bill (S. 2909) granting a pension to Henry Schafer;
A bill (S. 3397) granting a pension to Etta S. Stillson, widow of Philo B. Stillson, lieutenant-colonel One hundred and ninth Regiment New York Volunteers;
A bill (S. 2992) granting a pension to Ellen O'Hara;
A bill (S. 3472) granting a pension to Laura Barnes;
A bill (S. 514) for the relief of Warren Hall;
A bill (S. 2487) providing for the establishment of a quarantine station at or near Astoria, Oreg.; and
A bill (S. 3516) granting a pension to Louise Van Atter.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 2048) for the relief of Rufus Betz;
A bill (H. R. 7255) authorizing the establishment of a life-saving station on the coast of Maryland;
A bill (H. R. 1882) for the relief of John Ruhm, sr., of Nashville, Tenn.;
A bill (H. R. 6378) for the relief of Eliza J. Holman;
A bill (H. R. 7240) granting a pension to John W. Bruner;
A bill (H. R. 1508) granting a pension to Anna M. Newton, widow of Gen. John Newton;
A bill (H. R. 5938) for the relief of Pricilla R. Burns;
A bill (H. R. 94) increasing the pension of Melancthon McCoy, of Company K, One hundred and forty-eighth Illinois Infantry;
A bill (H. R. 4490) to restore the name of Ethan A. Sellman to the pension roll;
A bill (H. R. 5712) granting increase of pension to John W. Hines;
A bill (H. R. 1646) for the relief of Dolly S. Brown;
A bill (H. R. 9592) to amend an act entitled "An act granting a pension to Jesse McMillan," received by the President May 27, 1896;
A bill (H. R. 1018) to increase the pension of Bennett S. Shaug;
A bill (H. R. 4481) granting an increase of pension to Patsey E. Broaddus, of Marion, Kans.;
A bill (H. R. 3380) granting an increase of pension to John R. Row, of Toronto, Kans.;
A bill (H. R. 5855) granting a pension to Emily Elliott;
A bill (H. R. 1500) granting a pension to George W. Bagley;
A bill (H. R. 4298) granting an increase of pension to Annie Thompson;
A bill (H. R. 4267) granting an increase of pension to Gabriel Widmer;
A bill (H. R. 8683) granting a pension to Frederick Lierman;
A bill (H. R. 2231) for the relief of Bluford Reeder;
A bill (H. R. 3333) granting a pension to Thomas S. Daugherty;
A bill (H. R. 717) granting a pension to Mary Ann Lafferty;
A bill (H. R. 6282) to increase the pension of Alexander McBride;
A bill (H. R. 4264) granting a pension to Mary Pelham;
A bill (H. R. 6549) granting a pension to Gideon L. McGinnis;
A bill (H. R. 4994) for the relief of Mrs. Sarah Martin;
A bill (H. R. 6590) granting a pension to William Greer;
A bill (H. R. 8053) granting a pension to Alice Gard;
A bill (H. R. 6900) increasing the pension of Mary T. Young;
A bill (H. R. 9619) granting a pension to Mirum C. Peck;
A bill (H. R. 4547) granting a pension to Silas S. White;
A bill (H. R. 1171) to pension Hannah Yazell;
A bill (H. R. 3945) granting a pension to Thomas J. Thorp;
A bill (H. R. 7212) to increase the pension of Melita E. White;
A bill (H. R. 6552) granting increase of pension to Alexander C. Morrison;
A bill (H. R. 6472) granting a pension to Olive M. Lewis;
A bill (H. R. 9306) granting a pension to Amanda Woodcock;
A bill (H. R. 1505) granting a pension to Mrs. Sarah A. Aspold;
A bill (H. R. 4744) to increase the pension of Adam Dennis;
A bill (H. R. 6483) granting increase of pension to Thomas D. Walker;
A bill (H. R. 6546) granting a pension to Samuel Holliday;
A bill (H. R. 6556) granting a pension to Jacob Brown;
A bill (H. R. 5580) granting a pension to Archibald Hunley;
A bill (H. R. 4410) to increase the pension of Elise Blenker from $30 to $50;
A bill (H. R. 4941) to pension Hester A. Bostwick;
A bill (H. R. 4620) granting a pension to Samuel McKinsey;
A bill (H. R. 4875) granting a pension to John W. Pogue;
A bill (H. R. 4494) granting pension to Barton S. Dawson;
A bill (H. R. 5670) to increase the pension of Richard S. Phillips;
A bill (H. R. 5127) for the relief of Abraham O. Waucop;
A bill (H. R. 505) for the relief of Rev. Edwin Warriner;
A bill (H. R. 2618) granting honorable discharge to Andrew V. Sende;
A bill (H. R. 3772) to correct the muster roll of Company I of the Seventh Iowa Infantry Volunteers;
A bill (H. R. 1836) granting an honorable discharge to Wilson Kale;
A bill (H. R. 5610) for the relief of George T. Stevens, assistant surgeon Seventy-seventh New York Volunteers;
A bill (H. R. 3671) to remove the charge of desertion from the military record of Anthony O'Grady, alias John Davis;
A bill (H. R. 9935) to authorize the construction or acquisition of a bridge across the Rio Grande River at El Paso, in the State of Texas;
A bill (H. R. 9865) extending the time for the completion of the bridge across the East River, between the city of New York and Long Island, now in course of construction, as authorized by the act of Congress approved March 3, 1887; and
A bill (H. R. 280) to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes.

The message also announced that the Senate had passed, with amendments, bills of the following titles; in which the concurrence of the House was requested:

A bill (H. R. 4363) to increase the pension of Joseph J. Hudson;

A bill (H. R. 6247) to grant a pension to Miss Jennie E. Moore;

A bill (H. R. 4872) to correct the military record of Homer C. McCuskey;

A bill (H. R. 4853) for the relief of John Duncan;

A bill (H. R. 6143) for the relief of Peter Young; and

A bill (H. R. 514) to remove the charge of desertion from the military record of Wear Crawford.

JOHN K. DIXON.

Mr. FENTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3295) for the relief of John K. Dixon, of Portsmouth, Ohio.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STEELE. I object.

CALVIN T. HAZELWOOD.

Mr. COCKRELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9475) for the relief of Calvin T. Hazelwood.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COCKRELL. I ask for the reading of the report, which fully explains the bill.

The SPEAKER. The report will be read, pending objection.

The report (by Mr. HUTCHESON) was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAYNE. I would like to know the nature of the evidence that is referred to in the report as having been lost.

Mr. COCKRELL. I do not know the nature of the evidence. I understand, though, that a number of the parties were old men, many of them are now dead, and that it has been difficult to secure the evidence. You will remember that these claims have been pending for a very long time. These are old frontiersmen and are rapidly passing away. It is nearly impossible to get the evidence. The Department, however, passed upon the case and admitted that it was sufficient as far as the evidence was concerned, but that evidence has been lost. All that character of claims have since been adjudicated by the court, and the only reason this has not been is because the papers were lost, through no fault of the parties.

Mr. PAYNE. When did this come before the Court of Claims?

Mr. COCKRELL. I am not sure, but I think in 1891.

Mr. PAYNE. This loss seems to have occurred in 1867. When did it occur to the parties that they had a remedy?

Mr. COCKRELL. The report shows when it occurred; and from 1866, I think, to 1871, at different times, efforts were made to secure settlement of the claim. There is no question but that it is a just claim and ought to be paid. He is an old man tottering on the verge of the grave, and he has lost his all. I think it ought to be paid.

Mr. PAYNE. Do you know of any other claims of this character still remaining unpaid?

Mr. COCKRELL. There are none that I know of.

Mr. CANNON. As I understand it, Mr. Speaker, this is an Indian depredation claim that has been sent to the Court of Claims for adjudication, and I think I shall have to object.

The SPEAKER. Objection is made, and the bill is not before the House.

REGULATION OF CEMETERIES OF THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, this being District day, I desire to call up for present consideration the bill (H. R. 9099) for the regulation of cemeteries and the disposal of dead bodies in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That from and after the passage of this act no person or persons shall lay out any cemetery, or part of any cemetery, within the city of Washington, D. C., nor within one mile and a half from the boundaries of said city; no person shall, in said District, lay out any cemetery, or part of any cemetery, within less than 200 yards of any dwelling house, except with the written consent of the owner, lessee, and occupier of such house, nor without a permit to do so from the Commissioners of said District.

SEC. 2. That it shall be the duty of the owner or owners of any cemetery or cemeteries in said District to inclose such cemetery or cemeteries in said District with good and sufficient walls or fences to prevent entrance thereto or exit therefrom except by gates provided for that purpose. Such cemetery or cemeteries shall, if required by the Commissioners of said District, be underdrained to such a depth as will prevent water remaining in any grave or vault therein.

SEC. 3. That it shall be the duty of the owner or owners of any cemetery or cemeteries in said District to divide the area to be used for graves into lots and grave spaces, to be permanently designated by conspicuous marks, so that the position of each may be readily determined; each lot and grave space to be duly numbered; a plat of each cemetery showing the area so divided, the division into lots and grave spaces, and the number of each such lot and grave space shall be filed in the office of the surveyor of said District; the grave spaces for the burial of persons above 12 years of age to be at least 8 feet by 3 feet, and those for the burial of children under 12 years of age, at least 6 feet by 2 feet, or, if preferred by said owner or owners, one-half the measurement of the adult grave space, namely, 4 feet by 3 feet.

SEC. 4. That it shall be the duty of the owner or owners of any cemetery or cemeteries in said District to cause to be kept in the office of the superintendent or person in charge of such cemetery or cemeteries a register showing the number of each lot and grave space, the name, age, cause of death, and date of burial of each person or persons buried in any such lot or grave space, and the number of the burial permit authorizing such burial; in cases of disinterment said register shall show the date of such disinterment and the number of the official permit therefor, opposite the name of the person whose remains are disinterred; such register shall be at all times open to inspection by duly authorized representatives of the health department and of the police department of said District.

SEC. 5. That it shall be the duty of the superintendent or person in charge of any cemetery, or other place for the disposal of dead bodies of human beings, in the District of Columbia to register his or her name at the office of the health department of said District, giving full name, residence, and place of business, and in case of removal from one place to another in said District to make change in such register accordingly.

SEC. 6. That no dead body of any human being, or any part of such body, shall, in said District, be removed from place to place, interred, disinterred, or in any manner disposed of without a permit for such removal, interment, disinterment, or disposal granted by the health officer of said District, nor otherwise than in accordance with the terms of said permit; permits for the removal, interment, or disposal to be issued upon the presentation of a proper death certificate, signed by a physician, registered at the health department of said District, who has attended the deceased during his or her last illness, or by the coroner of said District or his deputy, or by the proper municipal, county, or State authorities at the place where the death occurred; permits for disinterment (including permission to reinter or transport the body disinterred) to be issued upon the written application of the nearest relative or the legal representative of the deceased; and no superintendent or other person in charge of any cemetery in said District, or other place for the disposal of dead bodies, shall assist in, or assent to, or allow any such interment, disinterment, or disposition to be made in such cemetery or place until permit shall be given as aforesaid. It shall be the duty of every such superintendent or other person who shall receive any such permit aforesaid to indorse thereon the date of interment, disinterment, or disposal, and to preserve, sign, and return the same to the health officer of said District before 6 o'clock p. m. of the Saturday following the day of burial.

SEC. 7. That no dead body, or part of the dead body, of any human being shall be in any manner carried or conveyed from, in, to, or through said District by any person or by means of any boat, vessel, car, stage, or other vehicle, or by any public or private conveyance, without a permit therefor first granted by the health officer of said District: *Provided*, That bodies or parts of dead bodies of persons who have not died of Asiatic cholera, yellow fever, typus fever, smallpox (including varioloid), leprosy, the plague, diphtheria, or scarlet fever may be brought into said District upon a permit of the proper municipal, county, or State authorities of the place at which such person died; whenever the remains of any deceased person have been conveyed, transferred, or removed beyond the limits of said District, it shall be the duty of the person or agent or officer of the corporation having charge of such conveyance, transfer, or removal to detach, date, sign, and return to the health officer the coupon attached to the permit by said health officer authorizing such conveyance, transfer, or removal before 6 o'clock p. m. of the Saturday following the day of such conveyance, transfer, or removal of said remains.

SEC. 8. That it shall be the duty of any person or persons having custody or control of the dead body of any human being, or any part of such body, to report in writing, or cause to be reported in writing, to the health officer of said District within forty-eight hours after the death of the deceased, the name of said deceased and the location of the body or part thereof; no such body or part thereof shall be kept in said District in such manner as to give rise to any offensive odors to the annoyance of any person or persons in the neighborhood or to the public, nor so as to be exposed to the public view; nor shall any such body or part thereof be permitted by the person or persons having custody or control of it to remain unburied for a longer period than one week after death unless it has been cremated or deposited in the vault of some cemetery; nor shall any person exhibit to the public in said District, for pay or otherwise, any dead body of any human being, or any part of such body, without a permit from the health officer of said District so to do, except such exhibition be in connection with some Government museum or with some institution of learning permanently located in said District.

SEC. 9. That no person shall bury or cause to be buried within said District the body or part of the body of any deceased person, except in such grounds as are now known and used as public burial grounds, or such as shall hereafter be designated by the Commissioners of said District and authorized by them to be used as such: *Provided*, That no cemetery shall hereafter be established within one mile and a half of the city of Washington.

SEC. 10. That no body shall be buried in said District in any vault unless the coffin be separately entombed in properly cemented stone or brick work, so as to render such vault airtight; such vault, after having been sealed, shall not be opened within ten years; no body shall be temporarily deposited in any vault for a longer period than one week, unless such body is in a hermetically sealed metallic case, nor in any instance for a longer period than six months.

SEC. 11. That one body only shall be buried in a grave at one time, unless the bodies of those of members of the same family.

SEC. 12. That no grave in said District shall be reopened within ten years after the burial of a person above 12 years of age, or within eight years after the burial of a child under 12 years of age, unless to bury another member of the same family, in which case a layer of earth of not less than 1 foot thick shall be left undisturbed over the previously buried coffin; but if on reopening any grave the soil be found to be offensive, such soil shall not be disturbed; in no case shall a grave be opened in which has been buried the body of any person who has died of Asiatic cholera, yellow fever, typhus fever, smallpox (including varioloid), leprosy, the plague, diphtheria, or scarlet fever.

SEC. 13. That no coffin shall be buried in said District so that any part thereof is within less than 4 feet of the ordinary level of the ground, unless it contains the body of a child under 12 years of age, when it shall not be less than 3 feet below that level.

SEC. 14. That no person shall, in the District of Columbia, build or maintain a crematory or other device for destroying human bodies except within the limits of some duly established cemetery in said District, unless such person or persons has in writing the consent of the owners of more than one-half of the property within a radius of 200 feet from the place where such crematory is to be erected and maintained, and a permit from the Commissioners of said District for the erection and maintenance of such crematory or other device; such permit to be for a term of years, not exceeding five, to be specified therein: *Provided*, That this section shall not apply to such crematories or other devices for destroying human bodies as may have been erected and are in operation at the time of the passage of this act.

SEC. 15. That it shall be unlawful for any person or persons to cremate or otherwise destroy the dead body, or part of the dead body, of any human being in said District before the issue of the burial permit by the health officer of said District, and then only when said permit is countersigned by the coroner of said District authorizing such cremation or destruction.

SEC. 16. That any person who shall violate or aid and abet in violating any of the provisions of this act shall, upon conviction thereof by competent judicial authority, be punished for each offense by a fine of not less than $25 nor more than $200, or by imprisonment for not less than seven nor more than ninety days in the jail of the District of Columbia.

SEC. 17. That prosecutions under this act shall be in the police court of the District of Columbia, in the name of said District, on information signed by the attorney of said District or one of his assistants: *Provided*, That any person or p. sons tried under this act shall have the privilege, when demanded, of a trial by jury as in other jury cases in said police court.

SEC. 18. That nothing in this act shall be construed to interfere with or prevent the disinterment of any body when such disinterment is ordered by one of the justices of the supreme court of the District of Columbia, or by the coroner of said District, for judicial purposes; the provisions of this act shall not be held to interfere with the disposal of the ashes of bodies which have been cremated.

SEC. 19. That all acts or parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

The Committee on the District of Columbia recommend the adoption of the following amendment:

On page 8, section 15, line 7, after the word "destruction," insert:
"It shall be unlawful for any person or persons to embalm, inject, or by any similar method preserve the dead body or part of the dead body of any human being in said District before the issue of the death certificate by the attending physician or the health officer, and in case the death so certified is due to other than natural causes, unless said death certificate is signed or approved by the coroner of said District."

Mr. CURTIS of Iowa. Mr. Speaker, the report upon this bill is quite a lengthy one, and inasmuch as the bill was prepared carefully by the health officers of the District and indorsed by the District attorney, as well as by the Commissioners, and unanimously reported by the Committee on the District of Columbia, I feel that there should be no objection to its passage. I ask that the report of the committee be printed in the RECORD. It is quite voluminous, and I presume that the reading will not be insisted upon by any gentleman present.

Mr. BAKER of New Hampshire. I ask for the reading of the report.

Mr. MCCREARY of Kentucky. Mr. Speaker, I listened carefully to the bill, but was unable to hear at all. This is a very important matter, I think, and I would like the gentleman who reports it to make some sort of explanation as to the meaning of the bill.

The SPEAKER. The Chair will state to the gentleman from New Hampshire that the reading of the report is not a matter of right, to be called for by any member, and can only be presented as a part of the remarks of some gentleman when he is occupying the floor.

Mr. MCCREARY of Kentucky. I would like to ask the gentleman from Iowa a question, if he will permit me. Does this bill relate to private cemeteries already laid out in the city, or does it only apply to those to be laid out hereafter?

Mr. CURTIS of Iowa. There are certain amendments which I shall offer to the bill that have been suggested by the superintendents of the different cemeteries in a conference with the Commissioners and the health officers; and when the bill is so amended I do not think there can be any objection to its passage.

Mr. MCCREARY of Kentucky. I understood one section of the bill to prevent the laying out of private cemeteries in the District hereafter. Now, does it interfere with those which have been already laid out?

Mr. CURTIS of Iowa. No; only new cemeteries.

Mr. BAKER of New Hampshire. Mr. Speaker, I think if the gentleman from Kentucky——

The SPEAKER. Does the gentleman from Iowa [Mr. CURTIS] yield?

Mr. CURTIS of Iowa. I yield to the gentleman for a question.

Mr. BAKER of New Hampshire. I understood the gentleman from Iowa [Mr. CURTIS] to say, in response to a question by the gentleman from Kentucky [Mr. MCCREARY], that this bill did not apply to private cemeteries or to cemeteries that are already established. If the gentleman from Kentucky [Mr. MCCREARY] will read the first two sections of the bill, and section 9, he will see that it does apply to both.

Mr. MCCREARY of Kentucky. I was unable to hear the bill as it was read by the Clerk.

Mr. BAKER of New Hampshire. If the gentleman will send for a copy of the bill, I think he will find that my statement is correct.

Mr. CURTIS of Iowa. I understood the gentleman from Kentucky [Mr. MCCREARY] to inquire if the laying out of cemeteries referred to both old and new ones. I have to say, in reply to that question, that if this House shall adopt the amendments suggested, the bill will then apply to new cemeteries so far as the laying out is concerned. I want to say by way of further explanation that this bill was submitted by the health department to Dr. S. B. Busey, chairman of the committee on public health of the Medical Society of the District of Columbia, and chairman of the committee of public health of the Washington Board of Trade; also to Dr. J. B. G. Custis, chairman of the committee on public health of the Washington Homeopathic Medical Society, and also to Dr. G. M. Kober, chairman of the committee on public health of the Civic Center.

Dr. Busey responds in these words:

House bill No. 9091 is also approved, with the amendments marked on the margin—

Which, I may say to the gentleman, I shall introduce.

It is intended to regulate by law the establishment and government of cemeteries, for which the existing rules and regulations are entirely inadequate.

I ask for a vote, Mr. Speaker, upon the committee amendments.

Mr. BLUE. Will the gentleman from Iowa permit a question?

Mr. CURTIS of Iowa. Yes.

Mr. BLUE. In section 12 of this bill there seems to be a prohibition against opening graves for a period of ten years, except to bury another person. I should like a little explanation in regard to that. That might become troublesome.

Mr. CURTIS of Iowa. If the gentleman from Kansas [Mr. BLUE] will kindly withhold his question until after he has heard the amendments read, I think he will obtain sufficient information from them.

Mr. BLUE. Then I will withdraw that question and ask another one, if the gentleman from Iowa [Mr. CURTIS] will permit me. I see there is a section governing crematories. Is it the intention of that section to permit anyone who sees fit so to do to erect a crematory without any further restriction than that provided by that particular section?

Mr. CURTIS of Iowa. What section do you refer to?

Mr. BLUE. Section 14.

Mr. CURTIS of Iowa. The gentleman will see that certain restrictions are provided for.

Mr. BLUE. It provides for a distance of 200 feet. This does not say so in terms, but I infer from it that any person might erect and maintain a crematory, provided he did not maintain it within 200 feet of other buildings or residences. I suggest that it seems to me it would leave it very broad, and without sufficient restrictions.

Mr. CURTIS of Iowa. I call the attention of the gentleman to the language:

Unless such person or persons has in writing the consent of the owners of more than one-half of the property within a radius of 200 feet from the place where such crematory is to be erected and maintained.

Mr. BLUE. If the gentleman will permit me, that is just what I am objecting to; that when they get the consent of those within 200 feet, no difference what objection the public may have to the maintaining of a crematory, they could proceed with the erection of crematories all over the city. Furthermore, it provides for the consent of only half the property owners. It seems to me it is of doubtful propriety. I shall not offer any amendment, but I call the attention of the House to it.

Mr. CURTIS of Iowa. At the proper time the gentleman from Kansas [Mr. BLUE] may offer an amendment if he desires to do so.

Mr. BAKER of New Hampshire. Mr. Speaker, this bill is one of several bills which have been prepared by the health department of the District of Columbia, and each one of them seems to have for its specific object the glorification of the health officer, the extension of his powers, and the limitation of all the rights of the citizens of the District of Columbia. And in view of the general tenor of these bills, I wish to temporarily yield, reserving the remaining portion of my time to the gentleman from Iowa, and ask him to explain the necessity for the enactment of this bill and the causes of the present necessity.

This city has been maintained, so far as its cemeteries are concerned, in good health, and there has been no inconvenience, and there has been no claim whatever that there has been any disease contracted on account of the condition of the cemeteries of this city. It seems to me to be a piece of legislation unnecessary, uncalled for; and, as I say, I reserve the remainder of my time, and would ask to have a full explanation of the necessity for the bill.

Mr. CURTIS of Iowa. I am in no way connected with the health department of the District of Columbia. I am not a physician; I am not familiar with the present sanitary conditions of the District of Columbia. The committee is made aware of the condition only through information supplied by the proper officers of the District. Now I desire to read, for the information of the gentleman and other members of the House, from the report:

Cemeteries in this District are now governed only by certain laws enacted for the purpose of regulating the incorporation of cemetery associations, with which aspect of the case the law now proposed does not deal, relating solely to sanitary conditions. Its purpose is to prevent the improper location of cemeteries or crematories for human remains; to prevent the overcrowding of cemeteries, and to require the keeping of certain records.

I understand, Mr. Speaker, there is absolutely no law in effect requiring the superintendent of a cemetery to keep records of the burials therein—

So far as relates specifically to any of these matters, existing law is silent.

It provides for the disposal of dead bodies, and it is wholly, I may say, a sanitary measure. The bill, I am informed, is absolutely necessary in the interest of the public health of the city of Washington and the District of Columbia.

Mr. BAKER of New Hampshire. Mr. Speaker, that seems to me to be an explanation which does not explain. [Laughter.] This bill is simply for the purpose of the glorification, as I said before, of one department of the District government. It is faulty in almost every section as a bill. For instance, take the first section, where it says:

No person or persons shall lay out any cemetery, or part of any cemetery, within the city of Washington, District of Columbia, nor within one mile and a half from the boundaries of said city.

I say that that part of that section is faulty, and it is very ingeniously devised. As it is printed, the city of Washington seems to be entirely distinct from the District of Columbia. The organization of the District of Columbia would be included in that designation as distinct from the city of Washington, although the implication is otherwise.

Mr. McCREARY of Kentucky. Mr. Speaker, I would like to ask the gentleman from New Hampshire a question. I would like to call his attention to section 9 of the bill.

Mr. BAKER of New Hampshire. I will come to that later.

Mr. McCREARY of Kentucky. I would like to ask the gentleman if section 9 would not prevent a person having a private burying ground from having a friend buried in that cemetery?

Mr. BAKER of New Hampshire. I will come to that a little later; but I will say nowhere in the District of Columbia can a person be buried in a private burial place if this bill becomes law.

Now, if the bill is honest, the words "in the" should be inserted between the words "Washington" and "District of Columbia," so that it will read, "within the city of Washington, in the District of Columbia."

Now it reads "within one and a half miles of the boundaries of said city." The gentlemen in the health department seem to be disposed to legislate for the State of Maryland and for the State of Virginia. There are plenty of places across the river within the entire jurisdiction of the State of Virginia that are within a mile and a half of the city of Washington; and this bill proposes to dominate these sections, which are entirely out of the jurisdiction of Congress for such purposes. So the bill should be amended there by inserting before the word "within," in line 6, the words "in said District," if it intends to accomplish the purpose which it ostensibly has.

Then, passing on to section 2, we read:

That it shall be the duty of the owner or owners of any cemetery or cemeteries in said District to inclose such cemetery or cemeteries in said District with good and sufficient walls or fences to prevent entrance thereto or exit therefrom except by gates provided for that purpose.

Has it come to this, in these closing days of this century, that our cemeteries are to be fenced in like penitentiaries? Must we presume that when Gabriel shall blow his horn no spirit shall be able to enter Heaven from one of these cemeteries unless it shall go through a legally constituted gate, or shall it stay in altogether if the gate keeper shall not be present to open the gate? In these modern days, the purpose seems to be to make cemeteries as pleasant as possible for those who are compelled to visit them in the memory of their dead. But here is a distinct provision that these cemeteries shall be so fenced and walled in as to make it impossible to get in or out of them except by the established ways.

Mr. BABCOCK. Would the gentleman desire to have the public get over the fences when they visited the cemeteries? [Laughter.]

Mr. BAKER of New Hampshire. There is not anywhere in this District a cemetery for public purposes which has not already around it a sufficient fence for all practical purposes.

Mr. BABCOCK. Does the gentleman understand what the object of the fence is?

Mr. BAKER of New Hampshire. I am entirely ignorant of any justification for such a clause as that which I find in this bill.

Mr. BABCOCK. The sole object of the fences is to keep grave robbers out of the cemeteries, not to keep the spirits in. [Laughter.]

Mr. BAKER of New Hampshire. But the gentleman, if he knows anything about the conditions existing in this District, knows that there is not, and that there has not been for years, any just cause of complaint upon that score.

Mr. CURTIS of Iowa. I understood the gentleman to say that the cemeteries existing within this city or this District are fenced or walled in now.

Mr. BAKER of New Hampshire. Yes, sir; nearly every one of them—Oak Hill Cemetery, Rock Creek Cemetery, Glenwood, the Congressional Cemetery, Mount Olivet—all, or nearly all of them.

Mr. CURTIS of Iowa. Then there would be no hardship in this section even if it should become a law.

Mr. BAKER of New Hampshire. Yes, there would be hardship, because this provides what kind of fences shall be constructed; it requires that there shall be a fence which will prevent anybody from getting in, and that means a fence which shall be 8 or 10 feet high, or more.

Mr. CURTIS of Iowa. Is not that precisely the character of the fences or walls by which those cemeteries are inclosed now?

Mr. BAKER of New Hampshire. There is not one of them in this District so fenced, although each is fenced sufficiently for all ordinary purposes of protection. The cemeteries here are fenced as well as the cemeteries in the cities of the several States are fenced. If the gentleman would strike out all after the word "fences," in line 4, down to the end of section 2, then he would have a tolerably good bill in this respect. The provision would then be that the cemeteries in this District should be inclosed "with good and sufficient walls or fences."

Mr. RICHARDSON. What is the language the gentleman desires to have stricken out?

Mr. BAKER of New Hampshire. "To prevent entrance thereto or exit therefrom except by gates provided for that purpose." The object of that provision is simply to give the health officer of the District power to dictate to these private corporations and compel them to conform to his will. It can have no other object. Again, it would be a serious blemish to these cemeteries if they were compelled to have a penitentiary wall around them.

Mr. Speaker, I have not sufficient time to go into detail in regard to all the necessary amendments to this bill, but I wish to call attention to section 6, especially the clause beginning on page 3 and continuing at the top of page 4, as follows:

Permits for the removal, interment, or disposal to be issued upon the presentation of a proper death certificate signed by a physician, registered at the health department of said District, who has attended the deceased during his or her last illness, or by the coroner of said District or his deputy, or by the proper municipal, county, or State authorities at the place where the death occurred.

I wish to ask the gentleman from Iowa this question: Suppose that a person should die without the assistance of a physician and in the absence of a coroner, would it be necessary under this provision to call in the coroner in order to have the body interred?

Mr. HULICK. Does not the gentleman know that there are no deaths in this city or elsewhere without the assistance of a doctor? [Laughter.]

Mr. BAKER of New Hampshire. Unfortunately there are a great many people in this city and in this District who are too poor to call in a doctor under any circumstances.

Mr. HULICK. That is their good luck. [Laughter.]

Mr. RICHARDSON. There are charity doctors.

Mr. BAKER of New Hampshire. But the charity doctors can not get around to all these poor people, at least they do not. Now, I desire an answer to my question. If a death occurs without the presence of a physician, how is the person to be buried unless the coroner be called in, and if there is no suspicion of foul play, why should the coroner be called in? The gentleman from Iowa does not seem to know of any reason, and I can not help him in that particular.

Again, in section 7, there is an enumeration of certain diseases which I suppose are classed here as contagious, and in the list is typhus fever. Will the gentleman from Iowa explain the distinction which he draws, if he draws any, between typhus and typhoid fever?

Mr. CURTIS of Iowa. Mr. Speaker, I shall not be able to discuss the difference between typhus fever and typhoid fever with the gentleman from New Hampshire, but I do know, as every intelligent person knows, that there is a difference, and that typhus fever is certainly contagious. If there is a physician upon the floor, I will ask him to say if I am not right.

Mr. BAKER of New Hampshire. Mr. Speaker, I have no doubt that there is the distinction which the gentleman claims to exist between those two diseases, but in one of the series of bills to which the present one belongs—a bill which I presume the gentleman intends shall follow this one—there is the same classification, and there is an added clause which says that "kindred diseases" shall be included in the category of contagious diseases. Now, has the gentleman any doubt that typhoid is of the same class as typhus, though milder in form, and is a kindred disease?

Mr. CURTIS of Iowa. I have grave doubts.

Mr. RICHARDSON. This is a *grave* question. [Laughter.]

Mr. BAKER of New Hampshire. If the gentleman will examine the question medically, his doubts will be entirely removed. In section 8, beginning at line 15 on page 6, we read:

Nor shall any person exhibit to the public in the said District, for pay or otherwise, any dead body of any human being.

I wish to ask——

Mr. CURTIS of Iowa. Will the gentleman please read all of that section?

Mr. BAKER of New Hampshire (continuing the reading)—

or any part of such body, without a permit from the health officer of said District so to do, except such exhibition be in connection with some Government museum or with some institution of learning permanently located in said District.

Would that prevent, for instance, the bringing of the body of a deceased Congressman into this House for the funeral ceremonies, and the exposure of his remains, so that his brother members might look at them?

Mr. RICHARDSON. It would if they were brought in here "for pay."

Mr. BAKER of New Hampshire. The language of this section is "for pay or otherwise." Under this bill can the remains of any deceased person be exposed at the time of the funeral without the sanction of the health officer? Certainly not. Yet it is usual now for that to be done, without the sanction of any officer and without the permit of anyone.

Mr. RICHARDSON. Suppose the person died of smallpox?

Mr. BAKER of New Hampshire. In that case the present laws give the health officer power to act.

Mr. RICHARDSON. Then there should be no objection to the provision of this bill.

Mr. BAKER of New Hampshire. But under this bill, if a person should die of pneumonia, the remains could not be exhibited at the time of the funeral.

I now come to section 9, which has been referred to by the gentleman from Kentucky. It reads:

That no person shall bury or cause to be buried within said District the body or part of the body of any deceased person, except in such grounds as are now known and used as public burial grounds, or such as shall hereafter be designated by the Commissioners of said District and authorized by them to be used as such: *Provided*, That no cemetery shall hereafter be established within one mile and a half of the city of Washington.

Now, let me remark that exactly this same clause is found in section 1; and in this way the bill undertakes to legislate for the States of Maryland and Virginia. But apart from that, inside of this District, but outside of the city of Washington, there are private burial grounds which have been in use almost from time immemorial—family burying grounds where the remains of members of a particular family have been interred for a period of years. There are now in some cases elderly people who wish to be buried in those private cemeteries with their kindred. This bill, if it should become a law, would prevent that. I agree with the gentleman from Kentucky that such a provision is an outrage, and is not justified by any proper health regulations.

Then comes section 12, which has been referred to by the gentleman from Kansas, and which provides:

That no grave in said District shall be reopened within ten years after the burial of a person above 12 years of age, or within eight years after the burial of a child under 12 years of age.

Now, if it should so happen that a member of this House, in the absence of his family in Europe, where they could not be communicated with, should be interred, for instance, at Oak Hill or the Congressional Cemetery, there would be required under this bill, if it should become a law, a special act of Congress to allow the disinterment of the remains in order that they might be buried at the home of the family. Do gentlemen wish that? Does the gentleman from Iowa [Mr. CURTIS] himself wish that? I presume he does not.

Then, again, while a cemetery may be established in a given way and without permission of the coroner, a crematory can not be established on equal terms. That is the effect of section 14.

Then, in section 16, we have the penalties for violation of any of these petty requirements; and we read that the offender must pay a fine of not less than $25 nor more than $200 or be punished by imprisonment for not less than seven or more than ninety days in the jail of the District of Columbia. I submit that this provision is altogether too harsh for any purpose which the bill proposes to accomplish.

Reserving the remainder of my time, I will await further explanation of the bill.

Mr. JOHNSON of Indiana. I wish to suggest an amendment which I think will obviate the principal objection urged by the gentleman from New Hampshire [Mr. BAKER]. I propose that we add to the bill this clause:

Provided, That nothing herein contained shall interfere with the process of resurrection as foreshadowed and provided for in holy writ.

[Laughter.]

Mr. CURTIS of Iowa. Mr. Speaker, there are certain amendments which I desire to offer to this bill on behalf of the committee. These amendments have been suggested in conferences with the cemetery superintendents of the District and with the health officer and the Commissioners. The first amendment is to insert, after the word "any," in line 4 of section 1, the word "new."

Mr. McCREARY of Kentucky. I suggest that the amendments be read by the Clerk.

Mr. BABCOCK. There are several of these committee amendments. I think they can all be adopted at one time.

Mr. CURTIS of Iowa. Very well. Let the Clerk read all the amendments.

The Clerk read the various amendments proposed by the committee.

Mr. BAKER of New Hampshire. Mr. Speaker, I call for a separate report of the amendments, and a separate vote upon each.

The SPEAKER pro tempore (Mr. JOHNSON of Indiana in the chair). The Clerk will report the first amendment.

The amendment was read, as follows:

In section 1, line 4, after the word "any" where it occurs the first time, insert, before the word "cemetery," the word "new;" so as to read "any new cemetery."

The amendment was agreed to.

The next amendment was read, as follows:

Section 3, line 3, strike out the words "and grave space," and insert "of reasonable size."

The amendment was agreed to.

The third amendment was read, as follows:

Line 5, strike out the words "and grave space;" line 7, section 3, strike out the words "and grave spaces;" line 8 of the same section, strike out the words "and grave space;" in line 9, insert, after the word "spaces," at the end of the line, the words "hereafter laid out;" line 10, strike out "twelve" and insert "ten;" in line 12, strike out the word "twelve" and insert "ten."

The amendment was agreed to.

The next amendment was read, as follows:

Section 4, line 5, strike out the words "and grave space."

The amendment was agreed to.

The next amendment was read, as follows:

Section 10, line 6, strike out the word "week" and insert "month;" and in line 8, strike out the words "six months" and insert "one year."

The amendment was agreed to.

The next amendment was read, as follows:

Strike out section 11 of the bill.

The amendment was agreed to.

The next amendment was read, as follows:

Lines 4 and 5 of section 12, strike out the words "to bury another member of the same family" and insert "the grave has been, in the first instance, of sufficient depth to permit subsequent interments." In line 7, insert, after the word "coffin" and before "but," "unless such coffin has been separately entombed in properly cemented stone or brick work." In line 12, insert, after the word "plague" and before "diphtheria," the word "tetanus."

The amendment was agreed to.

The next amendment was read, as follows:

Insert, after section 18 and before section 19, the following:
"SEC. —. That the provisions of this act shall not be applied to prevent the immediate removal of bodies from Graceland Cemetery, as required by 'An act to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia,' approved August 3, 1894."

Mr. McCREARY of Kentucky. Mr. Speaker, I would like to offer an amendment to the pending amendment:

That nothing in this act shall apply to private cemeteries in the city of Washington.

I understand that the purpose of the bill is to control cemeteries hereafter laid out. There are, however, private cemeteries in the city where the dead of one family, or perhaps two or three families, are buried, and I do not think that this supervision should apply to cemeteries of that character.

Mr. CURTIS of Iowa. I do not think the bill, if enacted into law, would prevent the use of such cemeteries—that is, necessarily so. The object, however, is in the interest of the public health of the city of Washington, to prevent the establishment of these cemeteries in improper places or by improper or irresponsible persons. The gentleman from Kentucky can readily see that without a law restricting the establishing of such cemeteries, either public or private, the public health of the city might be seriously endangered by reason of the improper location of such establishments.

Mr. McCREARY of Kentucky. I will call the attention of the gentleman to section 9 of this bill, which reads as follows:

SEC. 9. That no person shall bury or cause to be buried within said District the body or part of the body of any deceased person, except in such grounds as are now known and used as public burial grounds, or such as shall hereafter be designated by the Commissioners of said District and authorized by them to be used as such: *Provided*, That no cemetery shall hereafter be established within one mile and a half of the city of Washington.

Under that provision, in the private cemeteries in the city of Washington where members of one family are buried and it is desired to inter another member of the family, your bill as at present drawn would prohibit it.

Mr. CURTIS of Iowa. Well, I would suggest to the gentleman that an amendment might be prepared in this form to prohibit interments:

Except in such grounds as are now known or used as public or private burial grounds.

Would not that meet the purpose of the gentleman?

Mr. McCREARY of Kentucky. I should think so.

Mr. CURTIS of Iowa. I would suggest that such an amendment will not meet any objection from the committee.

Mr. McCREARY of Kentucky. I will prepare the amendment.

Mr. RICHARDSON. Mr. Speaker, I do not wish to consume any of the time of the House, but I wish to call the attention of the House for a moment to the amendment of the gentleman from Kentucky. It seems to me that private cemeteries should be regulated by the District Commisioners, or the health officer, just as well as any other cemeteries. We are just as liable to have contagious and infectious diseases spread from a private cemetery as from a public cemetery. I can not see why it is not safe to lodge in the District Commissioners the discretion which that section gives to them. It is a matter of some importance, if there be private cemeteries, and they are to be considered as independent and outside of all health regulations, if the graves in them are to be opened at will and interments in them to be made at will and not subject to any health regulations. I do not object to any reasonable protection of private cemeteries. I do not believe in desecrating them in any way, or in allowing officers to desecrate them; but there is a great necessity for this bill, or some bill like it, as the Commissioners and the health officer and all connected with the District testified to the District Committee. That being so, it seems to me there ought not to be any factious objection to it. The committee certainly will not object to any reasonable and fair amendments that will make the bill better in any way.

Mr. McCREARY of Kentucky. Mr. Speaker, I do not desire to interfere improperly in any way with this bill, but I do not think that a law which will interfere as seriously as this does with private cemeteries should be passed. I can reach the object that I desire to reach by offering an amendment to section 9, and therefore I withdraw the amendment that I offered, on condition that I be allowed to go back to section 9.

Mr. BAKER of New Hampshire. The bill has not been read for amendment yet.

Mr. RICHARDSON. It is being considered for amendment now. The gentleman seems to be laboring under the idea that the bill will have to be read by paragraphs, but there is no such rule in reference to the consideration of bills in the House.

Mr. BAKER of New Hampshire. There has been no chance for amendment, except committee amendments. I have quite a number of amendments that I wish to propose.

Mr. RICHARDSON. That may be so; but the rule that the gentleman invokes applies to the Committee of the Whole, and not to the consideration of bills in the House.

Mr. BAKER of New Hampshire. I give notice that I wish to amend this bill, commencing with section 1.

Mr. McCREARY of Kentucky. I withdraw the amendment that I offered with the understanding that I be allowed to offer it later.

Mr. RICHARDSON. Offer it now.

Mr. McCREARY of Kentucky. In section 9 I offer the amendment to insert between the words "public" and "burial" the words "or private."

The SPEAKER pro tempore. The gentleman will notice that there is an amendment already pending, offered by the gentleman from Iowa [Mr. CURTIS]. The Chair understands the gentleman from Kentucky [Mr. McCREARY] to withdraw his amendment to the amendment.

Mr. McCREARY of Kentucky. Yes; I withdraw my amendment to the amendment; but as we have passed section 9, I wish to return to that.

Mr. RICHARDSON. That amendment will still be in order to section 9.

The SPEAKER pro tempore. The Chair will say to the gentleman that an opportunity will be afforded to offer the amendment later. The question is on the amendment offered by the gentleman from Iowa [Mr. CURTIS], which the Clerk will report.

The Clerk read as follows:

Insert after section 18, and before section 19, the following:
"SEC. —. That the provisions of this act shall not be applied to prevent the immediate removal of bodies from Graceland Cemetery, as required by 'An act to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia,' approved August 3, 1894."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

In line 7 of section 15, after the word "destruction," insert the following:
"It shall be unlawful for any person or persons to embalm, inject, or by any similar method preserve the dead body or part of the dead body of any human being in said District before the issue of the death certificate by the attending physician or the health officer, and in case the death so certified is due to other than natural causes, unless said death certificate is signed or approved by the coroner of said District."

The amendment was agreed to.

Mr. CURTIS of Iowa. Mr. Speaker, I wish to offer an amendment to that amendment. I have sent it to the Clerk's desk.

The SPEAKER pro tempore. The amendment has not been reported. The Clerk will report the amendment offered by the gentleman.

The Clerk read as follows:

In section 15 strike out, in lines 10 and 11, page 8, after the word "certificate," the words "by the attending physician or the health officer."

The amendment was agreed to.

Mr. CURTIS of Iowa. Now, Mr. Speaker, I offer an amendment to section 8, to insert, after the word "death," at the end of line 13, the words "without permission of the health officer."

The amendment was reported by the Clerk, as follows:

On page 6, line 13, after the word "death," insert the words "without permission of the health officer."

The amendment was agreed to.

Mr. BAKER of New Hampshire. Now, Mr. Speaker, in the first section——

The SPEAKER pro tempore. The Chair would inquire of the gentleman from Iowa if there are any more committee amendments?

Mr. BAKER of New Hampshire. I understood the gentleman to say there were none.

Mr. CURTIS of Iowa. There are no other committee amendments. I will say, however, while I have the floor, that the amendment suggested by the gentleman from Kentucky [Mr. McCREARY] has been accepted by the committee.

Mr. McCREARY of Kentucky. I suggest that the gentleman offer that amendment now.

The SPEAKER pro tempore. The Chair suggests that the House had better go back to the first of the bill and complete it as it goes.

Mr. BAKER of New Hampshire. Mr. Speaker, I move to amend, in line 5, page 1, after the word "Washington," by inserting the words "in the."

Mr. RICHARDSON. You had better agree to that.

Mr. CURTIS of Iowa. I agree to that.

The SPEAKER pro tempore. The Chair suggests that gentlemen had better reduce their amendments to writing, because it causes the clerks considerable trouble to have them submitted verbally.

Mr. BAKER of New Hampshire. I think the Clerk will be able to catch these amendments as they are offered.

The Clerk read as follows:

In section 1, after the word "Washington," insert the words "in the."

The amendment was agreed to.

Mr. BAKER of New Hampshire. I also move to amend in the same section, in line 6, by inserting, before the word "within," the words "in said District."

The Clerk read as follows:

In line 6, before the word "within," insert the words "in said District."

The amendment was agreed to.

Mr. BAKER of New Hampshire. In section 2, page 2, lines 4 and 5, strike out the words "to prevent entrance thereto or exit therefrom, except by gates provided for that purpose."

The Clerk reported the amendment, as follows:

In lines 4 and 5, page 2, strike out the words "to prevent entrance thereto or exit therefrom, except by gates provided for that purpose."

Mr. RICHARDSON. Mr. Speaker, I only want to say a word about that amendment. I do not think the House ought to agree to that. It simply provides that these cemeteries shall be properly fenced, so that persons may not enter them by climbing over the fence, but must go to the gates. A few years ago, since my experience as a member of this House, there were very serious complaints made about the robbing of graves in this city, and the difficulty seemed to be that these night prowlers, grave robbers, could get into the cemeteries at different places without going to the gate. It seems to me that the cemetery keepers can not guard all around them. They may be able to do so, and can do so at a few gates, but they can not police the entire line. Now, the gentleman from New Hampshire seems to think that the health officer and the District Commissioners would be unreasonable in regard to the fences around these cemeteries.

Mr. Speaker, I think the language is proper, in providing for reasonable fences, to properly inclose the cemetery. If the gentleman wants to put that language in, all right, although it is covered as it is, in my judgment. These officers can not go and tear down the fences if they are there. They would have to make their complaints in a specific way that they were not reasonable and proper, and that would be in the discretion of the court, and they could not be torn down. Therefore, Mr. Speaker, no harm could come to these cemeteries by allowing the language as it is written in the bill.

Mr. HULICK. Are the cemeteries provided with guards?

Mr. RICHARDSON. Not at all, except as the cemetery associations themselves provide guards and pay for them.

Mr. HULICK. Are the cemeteries not provided with fences, so that people can not get over?

Mr. RICHARDSON. Every one of them, I understand, has a fence, but possibly not as high as it ought to be. I know that there was a great deal of talk in the last few years as to grave robbing in the District of Columbia.

Mr. BAKER of New Hampshire. In order to prevent this you have to put up a 20-foot fence.

Mr. RICHARDSON. I do not say that.

Mr. BAKER of New Hampshire. But that is what it amounts to.

Mr. RICHARDSON. It does not amount to that if it is put up properly. The language of the bill is quite sufficient, and prevents entrance except by the gates provided for that purpose. I do not see how any reasonable man can object to that provision in the bill.

Mr. BAKER of New Hampshire. Then I am unreasonable.

Mr. RICHARDSON. I think the gentleman is a little unreasonable when he objects to this. If the District Commissioners or if the health officer were to attempt to interfere with the fences of the cemeteries already there, if they made unreasonable demands upon the owners of those cemeteries, as the gentleman seems to think they may, the courts would give them redress. There would be no difficulty about that. I would be perfectly willing to trust the District Commissioners with a matter of that kind when they come to decide upon what kind of fences should be around the cemeteries. The gentleman near me, if I understood him correctly, made a good suggestion, that those of us who are out do not want to get in, and those who are in do not want to get out, and it seems to me that the language of the bill is entirely proper.

Mr. BAKER of New Hampshire. Mr. Speaker, it is not, I presume, the object of this legislation to drive the citizens of the District of Columbia into the courts. It is rather to prescribe such requirements as are essential and then to prevent the officials who are placed temporarily over the citizens of this District from driving them into the courts in defense of their rights. After my amendment shall have been adopted, the requirement of this part of the bill will be that these cemeteries shall be inclosed with "good and sufficient walls or fences," and I do not see why that is not a good and sufficient requirement. I propose, by my amendment, to strike out the words "to prevent entrance thereto or exit therefrom except by gates provided for that purpose," leaving the requirement that there shall be "good and sufficient" fences, and I do not see what more than that the gentleman from Tennessee or any other gentleman can reasonably desire.

Mr. RICHARDSON. Mr. Speaker, the gentleman from New Hampshire proposes to strike out these words:

To prevent entrance thereto or exit therefrom, except by gates provided for that purpose.

Now, what else do we have fences for but to prevent persons going in or coming out at other places than the gates? The gentleman from New Hampshire does not object to that idea, but he proposes to strike out the words which express the idea, for that is all that is expressed by the language which he proposes to strike out.

Mr. BAKER of New Hampshire. The object of a fence ordinarily is not to prevent people from climbing in or climbing out, but it is to prevent animals from straying into the inclosure, and a good and sufficient fence is ample for that purpose; but in order to prevent persons from getting in or out otherwise than through the gates you must erect such a fence as you would erect around a jail or penitentiary, and that, I submit, is not a proper kind of fence for a cemetery. My amendment will still leave in the bill the words "good and sufficient walls or fences," and if good and sufficient walls or fences are not enough to require in this case, then I mistake the proper purpose of such legislation.

The question was taken on the amendment of Mr. BAKER of New Hampshire, and the Speaker declared that the noes seemed to have it.

Mr. BAKER of New Hampshire. I ask for a division.

The House divided; and there were—ayes 1, noes 19.

Mr. BAKER of New Hampshire. No quorum, Mr. Speaker.

Mr. RICHARDSON. I make the point that the gentleman has not made the point of no quorum present. [Laughter.]

The SPEAKER. The gentleman from New Hampshire said "no quorum," which the Chair understands to mean no quorum present. [After a count.] One hundred and twenty-four members are present, not a quorum, and, under the rules of the House, the yeas and nays will be considered as ordered, and also a call of the House. As the roll is called, members desiring to vote will vote yea or nay, and members desiring to record themselves as present will announce their presence. The Clerk will report the amendment offered by the gentleman from New Hampshire.

The Clerk read as follows:

Page 2, line 4, after the word "fences," strike out the words "to prevent entrance thereto or exit therefrom, except by gates provided for that purpose."

The SPEAKER. The Chair desires to call the attention of members to the fact that, under the rules, not only is a vote to be now taken, but also a call of the House. The doors will be closed and members are expected to remain within the precincts of the Hall, and the Sergeant-at-Arms and doorkeepers have no right to permit any member to leave the House during the continuance of the call. The Chair hopes members will understand this, and will stay in the Hall until a conclusion of the vote.

Mr. GIBSON. Mr. Speaker, after a member responds to his name, can he retire temporarily?

The SPEAKER. He can not. The doors are closed and the House remains in session while the call of the House is operating.

Mr. BENNETT. Mr. Speaker, is the lobby within the precincts of the Hall of the House?

The SPEAKER. It is, for the purposes of the inquiry. The Clerk will call the roll.

The roll was called; and there were—yeas 9, nays 185, answered "present" 21, not voting 140; as follows:

YEAS—9.

Aldrich, T. H.	Henry, Ind.	Otjen,	Talbert,
Baker, N. H.	McCreary, Ky.	Sperry,	Van Horn.
Burrell,			

NAYS—185.

Abbott,	Dockery,	Lacey,	Robertson, La.
Allen, Miss.	Dolliver,	Latimer,	Royse,
Andrews,	Ellis,	Layton,	Russell, Conn.
Apsley,	Evans,	Lefever,	Sauerhering,
Arnold, Pa.	Fairchild,	Leighty,	Sayers,
Atwood,	Faris,	Leisenring,	Scranton,
Babcock,	Fenton,	Lewis,	Shafroth,
Bailey,	Fischer,	Linney,	Shannon,
Barham,	Fletcher,	Little,	Sherman,
Barney,	Foss,	Livingston,	Shuford,
Bartlett, N. Y.	Gamble,	Long,	Skinner,
Belknap,	Gillet, N. Y.	Low,	Smith, Mich.
Bell, Colo.	Gillett, Mass.	Maguire,	Snover,
Bell, Tex.	Graff,	Martin,	Sorg,
Bingham,	Griffin,	McCleary, Minn.	Southard,
Bishop,	Griswold,	McClellan,	Spalding,
Black,	Grout,	McCulloch,	Stallings,
Blue,	Grow,	McLaurin,	Steele,
Boutelle,	Hager,	Meiklejohn,	Stewart, N. J.
Brewster,	Hall,	Mercer,	Stewart, Wis.
Broderick,	Hardy,	Miller, Kans.	Stokes,
Bromwell,	Harris,	Miller, W. Va.	Stone, W. A.
Buck,	Hatch,	Milnes,	Strode, Nebr.
Burton, Mo.	Heatwole,	Minor, Wis.	Strowd, N. C.
Calderhead,	Hemenway,	Mitchell,	Sulzer,
Cannon,	Henderson,	Mondell,	Swanson,
Chickering,	Hendrick,	Moody,	Tate,
Clardy,	Henry, Conn.	Morse,	Tayler,
Cobb,	Hepburn,	Murphy,	Terry,
Cockrell,	Hicks,	Noonan,	Tracewell,
Codding,	Hilborn,	Northway,	Tracey,
Connolly,	Hill,	Odell,	Turner, Ga
Cook, Wis.	Hitt,	Ogden,	Van Voorhis,
Cooke, Ill.	Hopkins,	Otey,	Walker, Mass.
Cooper, Fla.	Huff,	Overstreet,	Wanger,
Cooper, Wis.	Hulick,	Owens,	Watson, Ohio
Cousins,	Huling,	Parker,	Williams,
Crisp,	Hull,	Patterson,	Wilson, N. Y.
Culberson,	Hunter,	Pearson,	Wilson, Ohio
Curtis, Iowa	Hyde,	Pendleton,	Wilson, S. C.
Curtis, Kans.	Jenkins,	Perkins,	Wood,
Curtis, N. Y.	Johnson, Ind.	Phillips,	Woodard,
Danford,	Joy,	Pitney,	Woodman,
Dayton,	Kiefer,	Powers,	Wright.
De Armond,	Kirkpatrick,	Raney,	
De Witt,	Kleberg,	Richardson,	
Dinsmore,	Knox,	Rinaker,	

ANSWERED "PRESENT"—21.

Baker, Kans.	Daniels,	Loud,	Smith, Ill.
Boatner,	Erdman,	Maddox,	Strait,
Bull,	Gibson,	McCall, Tenn.	Sulloway.
Cooper, Tex.	Hartman,	Mozley,	
Corliss,	Howard,	Newlands,	
Crowther,	Kem,	Settle,	

NOT VOTING—140.

Acheson,	Burton, Ohio	Foote,	Johnson, N. Dak.
Adams,	Catchings,	Fowler,	Jones,
Aitken,	Clark, Iowa	Gardner,	Kendall,
Aldrich, W. F.	Clark, Mo.	Goodwyn,	Kerr,
Aldrich, Ill.	Clarke, Ala.	Grosvenor,	Kulp,
Allen, Utah	Coffin,	Hadley,	Kyle,
Anderson,	Colson,	Hainer, Nebr.	Lawson,
Arnold, R. I.	Cowen,	Halterman,	Leonard,
Avery,	Cox,	Hanly,	Lester,
Baker, Md.	Crowley,	Harmer,	Linton,
Bankhead,	Crump,	Harrison,	Lorimer,
Barrett,	Cummings,	Hart,	Loudenslager.
Bartholdt,	Dalzell,	Heiner, Pa.	Mahany,
Bartlett, Ga.	Denny,	Hermann,	Mahon,
Beach,	Dingley,	Hooker,	Marsh,
Bennett,	Doolittle,	Howe,	McCall, Mass.
Berry,	Dovener,	Howell,	McClure,
Bowers,	Draper,	Hubbard,	McCormick,
Brosius,	Eddy,	Hurley,	McDearmon,
Brown,	Ellett,	Hutcheson,	McEwan,
Brumm,	Fitzgerald,	Johnson, Cal.	McLachlan,

McMillin,	Price,	Spencer,	Updegraff,
McRae,	Prince,	Stahle,	Wadsworth,
Meredith,	Pugh,	Stephenson,	Walker, Va.
Meyer,	Quigg,	Stone, C. W.	Warner,
Miles,	Ray,	Strong,	Washington,
Milliken,	Reeves,	Taft,	Watson, Ind.
Miner, N. Y.	Reyburn,	Tawney,	Wellington,
Money,	Robinson, Pa.	Thomas,	Wheeler,
Moses,	Rusk,	Thorp,	White,
Murray,	Russell, Ga.	Towne,	Wilber,
Neill,	Shaw,	Treloar,	Willis,
Payne,	Simpkins,	Tucker,	Wilson, Idaho
Pickler,	Southwick,	Turner, Va.	Woomer,
Poole,	Sparkman,	Tyler,	Yoakum.

So the amendment of Mr. BAKER of New Hampshire was rejected.

Mr. HICKS. Mr. Speaker, I desire to ask that the gentleman from New Jersey, Mr. LOUDENSLAGER, be excused. He has been called away on important business.

There being no objection, Mr. LOUDENSLAGER was excused.

Mr. MOODY. I ask that my colleague, Mr. SIMPKINS, be excused. He is ill in bed. I saw him this morning.

There being no objection, Mr. SIMPKINS was excused.

The following pairs were announced:

Until further notice:

Mr. JOHNSON of California with Mr. SPENCER.

Mr. PICKLER with Mr. MINER of New York.

Mr. DINGLEY with Mr. MCMILLIN.

Mr. HANLY with Mr. MOSES.

Mr. AITKEN with Mr. HART.

Mr. DOVENER with Mr. CLARKE of Alabama.

Mr. SIMPKINS with Mr. FITZGERALD.

Mr. REYBURN with Mr. MCRAE.

Mr. HERMANN with Mr. LESTER.

Mr. DRAPER with Mr. COWEN.

For this day:

Mr. RAY with Mr. TURNER of Virginia.

Mr. WELLINGTON with Mr. WASHINGTON.

Mr. TAFT with Mr. RUSK.

Mr. WOOMER with Mr. RUSSELL of Georgia.

Mr. PRINCE with Mr. TUCKER.

Mr. HAINER of Nebraska with Mr. SPARKMAN.

Mr. BOWERS with Mr. MILES.

Mr. HARMER with Mr. ELLETT.

Mr. WILBER with Mr. JONES.

Mr. LINTON with Mr. ERDMAN.

Mr. MCEWAN with Mr. LAWSON.

Mr. KULP with Mr. MCDEARMON.

Mr. THORP with Mr. KENDALL.

Mr. MILLIKEN with Mr. BANKHEAD.

Mr. GARDNER with Mr. CATCHINGS.

Mr. LOUDENSLAGER with Mr. HUTCHESON.

Mr. BROSIUS with Mr. COX.

The result of the vote was announced as above stated.

Mr. BAKER of New Hampshire. I desire to offer a further amendment.

Mr. CURTIS of Iowa (having been recognized by the Chair). I yield to the gentleman from Kentucky [Mr. MCCREARY].

Mr. MCCREARY of Kentucky. I desire to offer an amendment, to which I am informed the committee has no objection.

The amendment was read, as follows:

After the word "public," in line 4 of section 9, insert the words "or private."

Mr. CURTIS of Iowa. There is no objection to that amendment on the part of the committee.

The amendment was agreed to.

Mr. BAKER of New Hampshire. I desire to offer a further amendment.

Mr. CURTIS of Iowa. Upon this bill I demand the previous question.

Mr. BAKER of New Hampshire. I addressed the Chair and stated that I desired to offer a further amendment. I wish to offer it and to be heard upon it.

The SPEAKER. The gentleman in charge of the bill has asked for the previous question.

Mr. BAKER of New Hampshire. But the bill is not perfected; it requires amendment in various particulars.

The SPEAKER. That is a matter which depends upon the opinion of the House, not upon that of the gentleman from New Hampshire or the Chair. If the House considers that the bill is not perfected, it will vote down the previous question.

The question being taken on ordering the previous question, there were, on a division (called for by Mr. BAKER of New Hampshire)—ayes 104, noes 1.

Mr. BAKER of New Hampshire. No quorum.

The SPEAKER. The gentleman from New Hampshire makes the point that there is no quorum present.

Mr. RICHARDSON. Did not the roll call just taken show the presence of a quorum?

The SPEAKER. It did; but the Chair does not feel quite certain that there is a quorum now.

Mr. RICHARDSON. I submit that this motion on the part of the gentleman from New Hampshire is dilatory.

The SPEAKER. The fact that it is dilatory does not make any difference if there is not a quorum present.

Mr. RICHARDSON. The roll call a few moments ago showed a quorum present.

Mr. BAKER of New Hampshire. But the vote just taken shows that there is not.

The SPEAKER. The Chair is not quite sure of the presence of a quorum, and will count the House.

Mr. RICHARDSON. All right.

The SPEAKER (having counted the House). One hundred and eighty members are present—a quorum. The ayes have it; and the previous question is ordered.

The question being taken upon ordering the bill as amended to be engrossed and read a third time, there were, on a division (called for by Mr. BAKER of New Hampshire)—ayes 119, noes 3.

Mr. BAKER of New Hampshire. I make the point that there is no quorum present.

The SPEAKER. That point is overruled. [Laughter.]

So the bill was ordered to be engrossed for a third reading; and it was accordingly read the third time.

The question being taken on the passage of the bill, there were, on a division (called for by Mr. BAKER of New Hampshire)—ayes 105, noes 5.

Mr. BAKER of New Hampshire. No quorum present.

The SPEAKER. The Chair overrules the point of order, it having been ascertained that a quorum is present. The ayes have it, and the bill is passed.

REGULATION OF PRIVIES, DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up the bill (H. R. 9102) to regulate privies in District of Columbia.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, etc., That it shall be unlawful for any person or persons to maintain, upon any original lot or subdivisional lot, situated on any street in the District of Columbia, where there is a public sewer and water main available for the use of such lot, any system of disposal of human excreta except by means of water-closets connected with such sewer and water main.

SEC. 2. That no privy shall be constructed or maintained in said District, every part of which is not at least 5 feet from the line of any adjoining lot, 2 feet from any street or public or private passageway, and 10 feet from any building used or intended to be used for dwelling purposes or wherein persons are employed or intended to be employed in any trade or business, nor within 50 feet of any well or spring used or likely to be used by man as a source of water for drinking or domestic purposes.

SEC. 3. That every privy in said District shall be constructed and maintained in such a manner and position as to afford ready means of access thereto for the purpose of cleaning the same, and to admit of the removal of the contents from the premises whereon such privy is situated to the public street without being carried through any dwelling house or building where persons are employed in any trade or business; and said privy shall be so constructed as to prevent undue exposure of the occupants thereof, and provided with a sufficient opening for ventilation, as near to the top as practicable, communicating directly with the external air. The floor thereof shall be paved with some nonabsorbent material, and constructed so that it shall be in every part at a height of not less than 4 inches above the level of the surface of the surrounding ground, and have a fall or inclination toward the door of the privy of half an inch to the foot. Said privy shall be provided with a suitable receptacle or suitable receptacles for filth which may be movable or fixed.

SEC. 4. That whenever any privy in said District is provided with a movable receptacle, there shall be constructed over the whole area of the space immediately beneath the seat of the privy a floor at a height of not less than 4 inches above the level of the surface of the adjoining ground, said floor and the whole extent of each side of such space between the floor and the seat to be constructed of some nonabsorbent material. The seat, the aperture therein, and the space beneath must be of such dimensions as to admit of the removable receptacle for filth being placed or fitted beneath the seat in such manner and position as may effectually prevent the deposit of any filth elsewhere than in the receptacle. The seat shall be so constructed that the whole or sufficient part of it may be readily removed or adjusted in such a manner as to afford adequate access to the space beneath for the purpose of cleaning the same and removing the receptacle therefrom or placing or fitting it therein. Such receptacle for filth shall not exceed in capacity 2 cubic feet, and shall be made of metal, water-tight, and provided with handles, and so constructed that it may be closed with a cover and made air-tight at the time of its removal. Such receptacle shall at all times be kept in good repair.

SEC. 5. That whenever any privy in said District is provided with a fixed receptacle, the bottom and floor of said privy shall be in every part at least 4 inches above the level of the surface of the adjoining ground, and adequate means of access must be provided for the purpose of cleansing the receptacle and removing the filth therefrom. Said receptacle shall not exceed in capacity 8 cubic feet, and shall be constructed of such material or materials and in such a manner as to prevent any absorption by any part of it of any filth deposited therein or any escape of its contents by leakage or otherwise, except in process of cleaning. Said receptacle shall be maintained at all times in good repair.

SEC. 6. That no person shall, in said District, deposit in any receptacle for filth in any privy any substance except human fecal matter, urine, and liquid house refuse.

SEC. 7. That no owner or occupant of any premises in said District whereon is situated any privy shall permit the approaches to such privy, the walls, floors, seats, or fittings thereof, to be in such a state or condition as to be a nuisance or annoyance to any person or persons, for want of proper cleansing thereof, nor allow any receptacle for filth used in connection with any privy to be filled within less than 4 inches of the top thereof.

SEC. 8. That no part of the contents of any privy shall, in said District, be removed therefrom, nor shall the same be transported through or over any streets or highways, except as the same shall be removed and transported by

means of some air-tight apparatus, pneumatic or other process, so as to prevent the contents from being agitated or exposed to the open air during the process of such removal or transportation.

SEC. 9. That every building in said District used for dwelling purposes, or where persons are employed or intended to be employed in any trade or business, shall be provided with sufficient and suitable privy accommodations, having regard to the number of persons employed in or in attendance at such building; and also where persons of both sexes are employed or intended to be employed, or in attendance, with sufficient suitable and separate privy accommodations for persons of each sex. It shall be unlawful for any owner or agent to put any person or persons in possession of any building, or any part thereof, not provided with privy accommodations as aforesaid, except a watchman for the purpose of guarding such building or part thereof.

SEC. 10. That no person shall, in said District, deposit any human fecal matter in any place except in some properly constructed privy or water-closet; nor shall any person, having removed the contents, or any part thereof, of any privy in the District of Columbia, deposit it in any place other than such as may be approved by the health officer of said District.

SEC. 11. That it shall be unlawful for any person, other than such as shall be authorized by the health officer of said District, to clean any privy therein. Said authority shall be granted by said health officer, upon application, to any person who is properly equipped as to apparatus and means of disposal for performing the work to be done.

SEC. 12. That no person shall, in said District, erect or maintain a privy without having secured from the health officer of said District a permit so to do. Such permits shall be issued upon written applications, without cost, shall be numbered consecutively, and shall describe the location where each privy is to be maintained.

SEC. 13. That no person shall, in said District, construct or maintain any system of sewage disposal by means of broad irrigation, subsoil irrigation, or otherwise, except upon a permit issued by the Commissioners of said District. Application for said permit shall be in writing to said Commissioners, and shall be accompanied by detailed plans of the system which it is proposed to construct and maintain; and no permit shall be issued under this section until said Commissioners are satisfied that said system can be maintained without nuisance or danger to public health.

SEC. 14. That any person who shall violate or aid or abet in violating any of the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, be punished by a fine of not more than $50, or by imprisonment in the jail of the District of Columbia for not exceeding fifteen days.

SEC. 15. That prosecutions under this act shall be in the police court of the District of Columbia, in the name of said District, on information signed by the attorney for said District or one of his assistants: *Provided*, That any person or persons tried under this act shall have the privilege, when demanded, of a trial by jury, as in other jury cases in said police court.

SEC. 16. That the term privy, as used in this act, shall be held to mean any building or part of a building used or intended to be used for the reception of human fecal matter or urine, and which is not connected with the public sewer or with some duly authorized system of sewage disposal, so as to immediately remove such material from such building; that the owner of the premises on which any privy is situated shall be held liable for its erection and maintenance in conformity to law, and for the removal of the contents thereof as may, from time to time, be necessary.

SEC. 17. That this act, in so far as it affects privies hereafter to be erected or existing in said District at the time of its passage otherwise than in conformity to the laws in force at that time, shall take effect upon its passage; in so far as it affects privies existing in said District at the time of its passage, in conformity to the laws in force at that time, shall take effect one year after date of said passage.

SEC. 18. That all acts or parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

The Committee on the District of Columbia recommend the adoption of the following amendments:

Insert in section 3, line 16, after the word "fixed," the following:

"Which shall have suitable covers, and be kept closed therewith whenever practicable."

Insert in section 6, line 3, after the word "refuse," the following:

"Except for the purpose of disinfecting or deodorizing; and it shall be the duty of the occupant or occupants, owner or owners, of any premises on which a privy is located to keep the same, and the contents thereof, disinfected and deodorized at all times."

The amendments were agreed to.

Mr. BAKER of New Hampshire. Mr. Speaker, I offer the amendment I send to the desk.

The Clerk read as follows:

Strike out lines 1, 2, 3, and 4 on page 4, and all of section 6, down to and including the word "and" in line 4.

Mr. BAKER of New Hampshire. The purpose of the amendment is simply to modify the bill in order not to subject ignorant people to the penalties of the law in a matter of no special importance to anyone. It will do no harm if the words are stricken out, and it would save much trouble to many innocent people.

I trust, therefore, that the committee will accept the amendment.

Mr. BABCOCK. Mr. Speaker, I desire to say in reference to the amendment of the gentleman from New Hampshire, that it practically is not germane to the bill. It cuts no figure whatever. This bill has been very carefully prepared by the health department of the city of Washington; it has been through all of the ordinary channels—the District attorney, the Commissioners, the subcommittee, and the full committee—and in my judgment it is very dangerous to strike out provisions in a bill which has been so prepared. I can see no reason whatever for it, and I therefore, on the part of the committee, object to the amendment, and trust that it will not be adopted.

Mr. BAKER of New Hampshire. Mr. Speaker, by turning to section 14 we find a provision for the punishment of violations of the bill. The provision is to the effect that any violation of any of its provisions may subject the offender to a fine of $50 or to an imprisonment of fifteen days.

Now, the purpose of my amendment is to remove from the bill one of the petty requirements which is very likely to be violated by people who are ignorant of or not acquainted with the purpose and provisions of the law.

There are many hundreds of people in this city who are ignorant, who can not read or write or understand such a law, especially such a little petty requirement as this. For instance, if a handkerchief, a lead pencil or piece of wood, or anything of that kind, has been deposited in one of these receptacles, contrary to the terms of the bill, the party is liable under the law to fine and fifteen days' imprisonment. In my opinion it is a requirement entirely unjust and absolutely unnecessary; it has no effect upon the public health of the people of the city in any possible way.

I offer the amendment solely for the purpose of calling the attention of the committee and the House to it, and only to ask that in the interest of this class of people, there being no possible damage that will ensue to anybody, unless it may be the occupant or the owner of the property himself, when it can be of no possible service to the public health in any form, when it can endanger no life, or subject the health of the city to jeopardy, or in any other way work harm, except to the people who must of necessity pay for its removal by the expenditure of their own money, this feature be stricken out.

I trust the amendment will prevail.

The question being taken on the amendment of Mr. BAKER of New Hampshire, it was rejected.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

CONTAGIOUS DISEASES.

Mr. BABCOCK. Mr. Speaker, I call up the bill (H. R. 9023) to prevent the spread of contagious diseases in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That for the purposes of this act the term "contagious disease" shall be held to mean Asiatic cholera, yellow fever, typhus fever, smallpox (including varioloid), leprosy, the plague, glanders, diphtheria, and scarlet fever, or any of these diseases by whatsoever name it may be designated; the term "case of contagious disease" shall be held to mean any person suffering from any such disease. Any person shall be held to be suffering from a contagious disease who is so infected by such disease as to be capable of transmitting it to others. The presence of the ordinary clinical symptoms of any contagious disease (in the case of diphtheria, including the symptoms of membranous croup) shall be prima facie evidence that such case is or was such a disease; and the presence in such case of the specific bacteria of such disease shall be conclusive evidence that such case is or was such disease. The provisions of this act shall apply to every ship, vessel, steamer, boat, or craft lying or being in the rivers, harbors, or other waters within the jurisdiction of said District, and to every tent, van, hovel, barn, outhouse, cabin, or other place in said District. The term "person in charge of a case of contagious disease" shall be held to mean, first, the head of the family in which such case belongs; second, in his absence or disability or in case he be the person sick, the nearest relative or relatives of such case present on the premises where such case is, and being in attendance on him; third, in the absence of such relatives, everyone in attendance on such person; fourth, in the absence of anyone so in attendance, everyone in charge of the premises where such person is.

SEC. 2. That every physician attending on or called in to visit or examining any case of contagious disease in the District of Columbia shall immediately cause such case to be properly isolated, and at once send to the health officer of said District a certificate signed by him, which said certificate shall state the name of the disease and the name, age, sex, and color of the person suffering therefrom, and shall set forth by street and number or otherwise sufficiently designate the house, room, or other place in which said person may be located, together with such other reasonable information relating thereto as may be required by said health officer: *Provided*, That attending, visiting, or examining any person suffering from a contagious disease shall be prima facie evidence that any physician so doing was aware that such person was suffering from such disease: *And provided further*, That any case of sickness the symptoms of which so resemble the symptoms of any contagious disease that such case can not be immediately distinguished from such disease shall be properly isolated by the person in charge thereof until the nature of such sickness is positively determined, or until the case has completely recovered or died; and if such case recovers or dies without the true nature of the disease having been ascertained, it shall be the duty of the person in charge of such case to adopt such measures of isolation and disinfection as are required by this act in cases of contagious diseases.

SEC. 3. That any physician attending on or visiting any case of contagious disease in said District shall send to said health officer a certificate signed by him, certifying to the recovery or death of such case within twenty-four hours after he becomes aware of such recovery or death. No person suffering from any contagious disease shall be certified as having recovered therefrom until he is entirely free from danger of communicating such disease to others.

SEC. 4. That whenever any person in said District is suffering from any contagious disease, or suspected of being suffering from such disease, and no physician is in attendance on or called in to visit, or examines such person, it shall be the duty of the person in charge of such case to properly isolate the same and to send to said health officer certificates relative thereto, in the same manner as is required by this act of physicians attending on or called in to visit, or examining like cases.

SEC. 5. That whenever it comes to the knowledge of said health officer, either by the certificate hereinbefore provided for or otherwise, that any person in said District is suffering from any contagious disease, said health office shall cause one or more suitable placards or warning signs to be placed at once in a conspicuous position or positions upon, at, or near the front entrance or entrances to the premises in which such person is, so that the same can be distinctly seen by passers-by; said placards or signs shall contain, printed thereon in large letters, the name of the disease from which said person is suffering, and, in small letters, a statement of the law in reference to entrance to and exit from such house, and in reference to interfering with such placard or warning sign; if such premises be a hospital, asylum, hotel, or apartment house said placards or warning signs may, in the discretion of said health officer, be placed in a conspicuous position or positions within said premises, at such place or places as said health officer may determine; said placards or warning signs shall be displayed as aforesaid until such premises and the contents thereof are disinfected to the satisfaction of said health officer, as certified by him, and for such time thereafter as may be necessary to demonstrate the freedom of occupants of said premises from

contagious disease, namely, in the case of cholera and yellow fever, five days; typhus fever, twenty-one days; smallpox, sixteen days; the plague, fourteen days; glanders, twenty-one days; diphtheria, ten days; and scarlet fever, fourteen days: *Provided*, That in addition to or in lieu of the placards or warning signs provided for above, said health officer may station a watchman or watchmen at such building or premises for the purpose of securing compliance with the provisions of this act.

SEC. 6. That no person shall in said District, without the written consent of said health officer, handle, deface, obliterate, remove, or in any manner conceal any placard or warning sign displayed as aforesaid; the person in charge of the building or premises where such placard or sign is or has been displayed, and which said placard or warning sign has been to his knowledge defaced, obliterated, removed, or concealed, shall forthwith report that fact in writing to said health officer, unless he has good reason to believe that such placard or sign has been removed by authority of said health officer.

SEC. 7. That it shall be the duty of the person in charge of any case of contagious disease in said district to cause such case, immediately upon the discovery thereof, to be removed to a room or rooms on the premises where it occurs, as far as practicable from rooms occupied by other persons not affected by such contagious disease; to prevent the entrance into the building in which such sick person is of any person or persons except those dwelling therein at the time of the discovery of such disease therein, the physician or physicians in attendance, the nurse or nurses, and such persons as may be especially authorized in writing by said health officer to enter such building; to properly disinfect or cause to be disinfected all articles in use in the room or rooms in which such sick person is and all excreta from such sick person before such articles or excreta are removed from said room, and within three days after the complete recovery, the death, or removal of such case, to cause the premises in which such sick person has been and the persons and articles thereon to be properly disinfected.

SEC. 8. That the disinfection required by this act shall be performed as follows:

(A) All dejecta, vomit, and sputum of persons suffering from contagious diseases shall be received and shall remain for not less than one hour in vessels containing a sufficient quantity of an acid solution of bichloride of mercury (bichloride of mercury, 1 part; hydrochloric acid, 2 parts; water, 1,000 parts), or other germicidal agent which has been approved by said health officer.

(B) All articles which have been exposed to infection but not included among those enumerated in the preceding paragraph shall be (a) exposed for not less than thirty minutes to steam, at a temperature of not less than 105° C., or (b) boiled for not less than thirty minutes, articles to be disinfected to be completely submerged, or (c) soaked in the acid solution of bichloride of mercury aforesaid for not less than one-half hour, or in a 2 per cent aqueous solution of carbolic acid for not less than four hours, or in other germicidal solution approved by said health officer, or thoroughly washed with such solution, or (d) exposed to the vapor of formaldehyde or other germicidal agent for such time and in such strength as may be specified by said health officer.

(C) Persons who have convalesced from any contagious disease or who have been exposed to such disease shall be thoroughly washed with soap and hot water and sponged with an acid solution of bichloride of mercury, as follows: Bichloride of mercury, 1 part; hydrochloric acid, 2 parts; water, 2,000 parts; or other germicidal solution approved by said health officer. The bodies of persons who have died from any contagious disease shall be immediately enveloped in a sheet saturated with a 5 per cent aqueous solution of carbolic acid or other germicidal solution approved by said health officer.

SEC. 9. That if the person who is or has been in charge of any case of contagious disease in said District shall fail or refuse to properly disinfect said premises and persons and articles thereon, or cause the same to be properly disinfected, within three days after the removal, recovery, or death of such case, said health officer is hereby authorized to cause the same to be properly disinfected and to pay the cost thereof out of any appropriation available for the purpose, and the court before whom such person is tried may require him to pay such costs in addition to suffering such penalty as is hereinafter specified: *Provided*, That when such person is unable, in the opinion of said health officer, to properly disinfect such premises, or any part thereof, or any person or persons, article or articles thereon, such premises or parts thereof, person or persons, article or articles may be disinfected by said health officer and the cost of such disinfection paid out of any appropriation available therefor, including payment for articles belonging to the poor necessarily destroyed.

SEC. 10. That no person in said District suffering from any contagious disease, or residing either permanently or temporarily in any building where there is such disease (or, if such building be a hospital, asylum, hotel, or apartment house, in the apartments where there is such disease), shall leave such building or apartments, except with a written permit from said health officer, and then only in accordance with the terms of said permit; or with a certificate from said health officer certifying that such person can leave said building or apartments without danger to public health.

SEC. 11. That no person shall, in said District, knowingly enter any building in which exists any case or cases of contagious disease or any building infected by such disease except persons dwelling in such building at the time of the discovery of such disease therein, the attending physician or physicians, the nurse or nurses, and such other person as may be especially authorized in writing by said health officer to do so.

SEC. 12. That no person shall, in said District, keep or retain the body of any person who has died of any contagious disease, except in accordance with the following provisions: Such body shall not be placed in an ice box, but shall, immediately after death, be completely enveloped, and shall thereafter remain so enveloped, in a sheet saturated with a 5 per cent aqueous solution of carbolic acid or other germicidal solution, as provided in section 8; such body shall then be immediately placed in a coffin or casket, which shall at once be tightly closed with screws or clamps and remain so closed; such body shall be buried, cremated, or transported beyond the limits of said District within thirty-six hours after death.

SEC. 13. That no body of any person who has died of Asiatic cholera, yellow fever, typhus fever, smallpox, including varioloid, the plague, leprosy, or glanders shall be carried into or out of the District of Columbia except in transit; no body of a person who has died of diphtheria or scarlet fever shall be carried into or out of said District unless said body be (a) wrapped in a sheet saturated with a 5 per cent aqueous solution of carbolic acid or other germicidal solution, as provided in section 8, and (b) incased in a coffin or casket lined with zinc, tin, copper, or lead, so as to be air-tight, or in an hermetically sealed metal casket, and (c) all inclosed in a strong, tight, wooden box: *Provided*, That this section shall not apply to the transportation of bodies in hearses or undertakers' wagons for burial in adjoining States.

SEC. 14. That in said District the body of any person who has died of any contagious disease shall not be carried from place to place except for the purpose of burial, cremation, or shipment, nor in any conveyance other than a hearse or undertaker's wagon; such body shall not be taken into any place of public assemblage, nor shall any person attend the funeral of any such body except adult members of the immediate family of the deceased, his nearest friends, exceeding two, and other persons whose attendance is actually necessary.

SEC. 15. That no person shall, in said District, without a written permit from said health officer, and then only in accordance with the terms of said permit, carry or remove, or cause to be carried or removed, from place to place any person suffering from any contagious disease, or who has been recently exposed to infection by such disease, and is liable soon to develop the same, or to carry the infection of such disease. No person shall, in said District, expose himself or any other person, or permit his minor child or ward to expose himself, while suffering from any contagious disease or when, having been exposed to such disease, liable soon to develop the same or to carry the infection thereof.

SEC. 16. That no person shall, in said District, without a written permit from said health officer, and then only in accordance with the terms of said permit, carry or remove, or cause to be carried or removed, from place to place any thing or things which have been exposed to any case of contagious disease and which have not been properly disinfected since such exposure as certified by said health officer.

SEC. 17. That the principal, teacher, or other person or persons in charge of any school, seminary, college, or Sunday school in said District shall not permit any person to attend such school, seminary, college, or Sunday school who is or has been suffering from or exposed to any contagious disease and whose exclusion from such school, seminary, college, or Sunday school has been certified to by said health officer as in his opinion necessary to prevent the spread of such contagious disease; persons so excluded may be permitted to return to such school, seminary, college, or Sunday school upon the presentation of a certificate from said health officer that they may do so without danger of spreading such contagious disease.

SEC. 18. That no parent, master, or custodian of any child or minor, having power or authority to prevent, shall, in said District, permit such child or minor to be unnecessarily exposed or to needlessly expose any other person to the infection of any contagious disease.

SEC. 19. That no person suffering from any contagious disease shall, in said District, enter any public conveyance, nor shall any person in charge of anyone so suffering permit such an one to enter such conveyance without previously making it known to the owner or driver thereof that he, or the person in charge, as the case may be, is suffering from such contagious disease; any person suffering from such disease and any person in charge of one so suffering having entered any public conveyance shall forthwith report in writing to said health officer the time of such use, the number and kind of conveyance used, and, if known, the name of the driver. The owner or driver of any public conveyance, either or both of them, in which has been conveyed any person suffering from a contagious disease shall immediately have such conveyance properly disinfected, and said conveyance shall not again be used until it has been disinfected to the satisfaction of said health officer, as certified by him.

SEC. 20. That no person shall, in said District, knowing let or cause to be let to any person, or put any other person in possession of, any house, room, or part of a house or room, in which any person has been confined by reason of any contagious disease, until such house or room or part of a house or room has been disinfected to the satisfaction of said health officer, as certified by him.

SEC. 21. That whenever any person in said District is an inmate of any premises occupied by three or more families, or of any tenement house, boarding house, lodging house, hotel, or apartment house, and is suffering from any contagious disease, and can not, in the opinion of said health officer, be properly isolated in such premises, tenement house, lodging house, hotel, or apartment house, said person shall be removed as expeditiously as possible, under direction of said health officer, to the public hospital or to such other place, satisfactory to said health officer, provided by and at the expense of said person, his parents or guardians; if such person can not, in the opinion of said health officer, be removed as aforesaid without endangering his life, said health officer may cause such persons in the neighborhood to be removed as are in danger of contracting the disease. Any person suffering from any contagious disease, and requiring to be treated at public expense, may, at the discretion of said health officer, be removed to the public hospital for treatment.

SEC. 22. That in every hospital and dispensary in said District there shall be provided and maintained a suitable room or rooms for the isolation of persons infected with contagious diseases; such persons shall, immediately upon the discovery of the nature of their sickness, be separated from the other persons and other patients at such dispensary or hospital. It shall be the duty of the physician or physicians, of the officers, managers, and of everyone in charge of a hospital or dispensary, and of everyone who has any duty or office in respect to patients in course of treatment, or persons who apply for treatment or care at a dispensary or hospital, to see that a report is immediately made to said health officer of every person so applying, infected with a contagious disease, who comes to their knowledge, and that such person or persons so infected are properly isolated and kept separated from other persons and other patients.

SEC. 23. That the person or persons in charge of any institution supported or aided by said District shall, at the expense of that institution, cause each inmate thereof to be successfully vaccinated immediately upon his admission thereto, or vaccinated a sufficient number of times to demonstrate that successful vaccination is impossible, unless he produces sufficient evidence of having been successfully vaccinated within five years, or of having had smallpox.

SEC. 24. That every person in said District having been exposed to the infection of smallpox (including varioloid) shall be at once successfully vaccinated, or vaccinated a sufficient number of times to make it evident that successful vaccination is impossible.

SEC. 25. That it shall be the duty of every person in said District to be successfully vaccinated, or to be vaccinated a sufficient number of times to make it evident that successful vaccination is impossible, whenever the Commissioners of said District shall, by proclamation, declare such action on the part of every person, within a reasonable time, to be stated in said proclamation, necessary for public health: *Provided*, That this section shall not apply to persons who prove to the satisfaction of said health officer that they have been successfully vaccinated, or repeatedly vaccinated as aforesaid, within five years from the date of said proclamation, or that they have had smallpox or varioloid.

SEC. 26. That the Commissioners of said District be, and they are hereby, authorized and empowered, whenever said District is, in their judgment, threatened or afflicted with Asiatic cholera, yellow fever, typhus fever, smallpox (including varioloid), glanders, the plague, or leprosy, and whenever diphtheria or scarlet fever exists in said District in epidemic form, to cause house-to-house inspections to be made, to require, especially, the cleansing and disinfection of premises or parts of premises, to provide accommodations for such persons as may be threatened by or afflicted with any of the diseases aforesaid, to provide gratuitous vaccination and distribution of disinfectants, and to do or cause to be done such other acts not contrary to law as may be necessary, in their judgment, to prevent the introduction or spread in said District of any disease aforesaid.

SEC. 27. That no person shall, in said District, knowingly make, sign, or deliver any report or certificate, herein provided for, not in accordance with fact.

SEC. 28. That said health officer, and any employee or employees of the health department of said District duly detailed for such purpose, shall have the right to enter and inspect premises or places in said District where there is, or is believed to be, one or more cases of contagious disease; such inspection to be made between the hours of 7 o'clock a. m. and 7 o'clock p. m., or at such other times as may, in the opinion of said health officer, be found necessary to secure the enforcement of the provisions of this act.

SEC. 29. That no person in said District shall molest, hinder, or in any manner prevent said health officer, or any person in the service of said health department, from performing any duty imposed upon him or them by the provisions of this act.

SEC. 30. That any person who shall violate, or aid or abet in violating, any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof be punished by a fine of not less than $5 nor more than $200, or by imprisonment in the jail of the District of Columbia, or in such other place as may be designated by the court, for not less than five days nor more than six months, or by both such fine and imprisonment, in the discretion of the court.

SEC. 31. That prosecutions under this act shall be in the police court of said District, in the name of said District, on information signed by the attorney of said District or one of his assistants, at the instance of said health officer: *Provided*, That any person or persons tried under this act shall have the privilege, when demanded, of a trial by jury, as in other jury cases in said police court.

SEC. 32. That all laws and parts of laws inconsistent with the foregoing be, and the same are hereby, repealed; and any appropriation or balance thereof available at the time of the passage of this act, or which may thereafter become available, for the enforcement of the provisions of "An act to prevent the spread of scarlet fever and diphtheria in the District of Columbia," approved December 20, 1890, is hereby made available for the enforcement of the provisions of this act so far as they relate to scarlet fever and diphtheria.

The Committee on the District of Columbia recommended the following amendments:

Insert after section 31 the following:

"SEC. 32. That any person arrested in the District of Columbia for alleged violation of law, whose detention in a police station, workhouse, or jail would, in the opinion of the health officer of said district, expose the occupants of any such police station, workhouse, or jail to infection by any contagious disease aforesaid, may be confined in any hospital in which are treated patients suffering from such contagious disease as that by which said person is believed to be infected, or in such other place as may be designated by the court."

Number section 32 as 33.

Mr. BABCOCK. Mr. Speaker, I ask that the report of the committee on this bill be printed in the RECORD.

The SPEAKER. Without objection, the report will be printed in the RECORD.

There was no objection.

The report (by Mr. CURTIS of Iowa) is as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 9023) to prevent the spread of contagious diseases in the District of Columbia, having had the same under consideration, recommend that the same do pass with the following amendments:

Insert after section 31 the following:

"SEC. 32. That any person arrested in the District of Columbia for alleged violation of law, whose detention in a police station, workhouse, or jail would, in the opinion of the health officer of said District, expose the occupants of any such police station, workhouse, or jail to infection by any contagious disease aforesaid, may be confined in any hospital in which are treated patients suffering from such contagious disease as that by which said person is believed to be infected, or in such other place as may be designated by the court."

Number section 32 as 33.

The annexed report of the health officer of the District sufficiently explains the object of the proposed legislation.

The amendments reported by your committee are the amendments submitted by the health officer of the District and sanctioned by the Commissioners.

—

HEALTH DEPARTMENT, DISTRICT OF COLUMBIA,
Washington, December 15, 1896.

GENTLEMEN: Referring to a bill to prevent the spread of contagious diseases in the District of Columbia (H. R. 9023), I have the honor to submit the following report:

The restriction of contagious diseases in the District of Columbia is governed by the following laws and regulations, copies of which are attached hereto:

(1) An act of the legislative assembly entitled "An act for the prevention of disease in the District of Columbia," approved June 19, 1872.

(2) Rules and regulations of the board of health in regard to smallpox, legalized by joint resolution of Congress April 24, 1880, and again by act of Congress approved August 7, 1894.

3. Regulations to prevent the spread of smallpox in the District of Columbia, promulgated by the Commissioners of the District of Columbia October 24 and November 9, 1894.

4. An act to prevent the spread of scarlet fever and diphtheria in the District of Columbia, approved December 20, 1890, and regulations of the health officer made by virtue thereof.

An act for the prevention of diseases in the District of Columbia.—This act was passed by the late legislative assembly at a time when smallpox was epidemic, and refers only to "formidable epidemic infectious or contagious diseases." There has been no judicial interpretation of the diseases included by this law, but it has, by common consent, been held to mean such diseases as are now termed major contagious diseases, viz, Asiatic cholera, smallpox, typhus fever, etc. This interpretation receives weight by the subsequent enactment of the law relating specifically to certain minor contagious diseases, viz, scarlet fever and diphtheria.

This act affixes certain penalties for certain acts. It is itself, however, incomplete, depending for its operation upon orders, regulations, and instructions which it authorizes (section 1) to be made whenever, in the judgment of the "board of health," the District of Columbia is "threatened with or affected by any formidable epidemic infectious or contagious disease." The subjects to be treated of in these orders, regulations, and instructions are specified in section 2. The act does not authorize the affixing of any penalties to such orders, regulations, or instructions, nor does it direct that the board of health enforce them, so that they may possibly be considered as advisory rather than mandatory, as will appear later in an opinion of the Hon. A. A. Birney, United States district attorney, in reference to certain other regulations made under similar authority.

The law itself is, therefore, incomplete. The orders, regulations, and instructions upon which it depends for its completion can only be promulgated in the actual presence of, or threatened invasion by, a formidable epidemic infectious or contagious disease, and must then be advertised for thirty days; and even when promulgated, are of doubtful value.

Rules and regulations of the late board of health in regard to smallpox.—The late board of health, availing itself of the authority conferred by the act referred to above, and of the existence of an epidemic of smallpox, promulgated certain regulations June 19, 1872, which were amended December 26, 1872, and February 14, 1873. These regulations were entirely in harmony with the accepted sanitary teachings of that day. Some of them are at present, however, known to be of no value, and others positively harmful.

These regulations have been twice legalized by Congress, as before stated, and now "have the same force and effect within the District of Columbia as if enacted by Congress in the first instance" (act of August 7, 1894). But there is not and never has been any penalty for their violation.

Regulations to prevent the spread of smallpox in the District of Columbia, issued by the Commissioners of the District of Columbia.—During the outbreak of smallpox in this District in the years 1894–95, in view of the impossibility of enforcing existing regulations in reference to that disease because of the absence of any penalty clause, the Commissioners promulgated additional regulations under the joint resolution of Congress of February 26, 1892, authorizing the promulgation of "such reasonable and usual police regulations" as the Commissioners deem necessary "for the protection of lives, limbs, health, comfort, and quiet of all persons, and the protection of all property." The validity of these regulations is open, however, to serious question, in view of the decision of the police court that any act or condition restricted by act of Congress can not be further restricted by regulations of the Commissioners, and for other reasons.

An act to prevent the spread of scarlet fever and diphtheria in the District of Columbia.—The following opinion of the Hon. A. A. Birney, United States attorney for the District of Columbia, indicates the value, if any, of this act, and of the regulations made by virtue thereof, and the need for its amendment:

OFFICE UNITED STATES ATTORNEY, DISTRICT OF COLUMBIA.
February 19, 1896.

DEAR SIR: I have before me your letter of February 15, in which you say that under your direction an application had that day been made for a warrant of arrest, which warrant my assistant at the police court had declined to allow to issue; and ask if his decision meets with my approval.

Upon investigation I learn that the case in question was this: A physician filed a death certificate stating the cause of death of his patient to have been "membranous croup." He had not previously reported the existence of this disorder in the patient. Application is made for his arrest for violation of the second section of the act of Congress of December 20, 1890, entitled "An act to prevent the spread of scarlet fever and diphtheria in the District of Columbia." This section provides, in effect, that it shall be the duty of every practicing physician to make report to the health officer "immediately after such practicing physician becomes aware of the existence of any case of scarlet fever or diphtheria under his charge," and a penalty is provided for his neglect to make such report. It will be observed that the only cases provided for are cases of scarlet fever and diphtheria. Section 3 of the act requires physicians in attendance upon cases of scarlet fever or diphtheria to exercise such reasonable precautions to prevent the spread of said diseases as may be prescribed by the health officer of the District of Columbia in regulations. This section and section 6 of the same act impliedly give authority to the health officer to prescribe regulations which are to be respected by physicians generally, but no part of the act provides any penalty whatever to be imposed upon any practitioner who shall violate these regulations or refuse to be bound by them. The only penalties provided for in the act are (1) failure to report cases of scarlet fever or diphtheria, (2) the giving of a false certificate, and (3) the visiting of schools, seminaries, or colleges by convalescents from diphtheria or scarlet fever who have not provided themselves with certificates of recovery.

Section 3 has attempted to provide penalties (not affecting physicians, however), but is so confused that, in my judgment, it is incapable of being enforced in a court of justice.

Under the authority of this act, as stated above, the health officer has issued certain regulations, and has assumed by the second to declare, as a matter of law, that the term "diphtheria," as used in the act, "shall be held to include membranous croup, unless," etc. I find no authority whatever for this action of the health officer, and I am therefore of the opinion that such declaration, going as it does far beyond the terms of the statute, is void. As I have above indicated, however, in my opinion no liability whatever attaches in any case for violation only of the regulations.

If it can be made to appear by evidence that the patient in the case complained of died of diphtheria, and that the physician in charge knew it to be a case of diphtheria, and with such knowledge failed to report it to the health officer, my assistant has instructions to cause a warrant to be issued forthwith for his arrest. But in the absence of such evidence (and I am informed that no such evidence was brought to the attention of my assistant) it is my opinion that no warrant should issue, since the proceedings could not possibly be sustained.

With great respect, I am, dear sir, yours, very truly,

A. A. BIRNEY,
United States Attorney, District of Columbia.

Dr. WILLIAM C. WOODWARD,
Health Officer, District of Columbia.

No penalty, it appears, is fixed for the removal or mutilation of the warning signs, which the act requires to be displayed; no penalty for failure to properly isolate the patient; none for failure or refusal to disinfect; and it is even doubtful whether a person actually suffering from scarlet fever or diphtheria could be punished for exposing himself on the public streets.

The frequency with which attempts have been made to prevent the spread of contagious diseases in this District by enacting laws and regulations in reference thereto indicates that the necessity for such legislation has been abundantly proven. The law at present under consideration has been prepared after a careful study of similar laws in force in other cities, and will, it is believed, accomplish what previous enactments have failed to do. Such a measure must necessarily be framed so as to reach and control those who are ignorant of the dangers surrounding cases of contagious disease, and who therefore willfully expose others to contagion; and must be broad and at the same time more or less rigid. It should be drafted so as to reduce to a minimum the personal element in its administration. An effort has been made to accomplish all of this.

The requirements of the proposed law are simply (1) the report of cases of contagious diseases, (2) the placarding of infected premises as a warning to the public, (3) the isolation of those affected by such diseases and of those exposed to them, (4) the disinfection of infected premises, (5) the vaccination of citizens under certain specified conditions.

The health department recommends that this law be passed. The effort

made to secure more authority for this department in the management of the diseases named is solely in the interest of the public welfare, the personal interests of those connected therewith dictating the reduction of authority as much as possible, since their work and responsibility are diminished in proportion thereto.

WM. C. WOODWARD, M. D.,
Health Officer.

THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

The SPEAKER. The Chair understands that there are two committee amendments. The question is on agreeing to them.

The committee amendments were agreed to.

Mr. CURTIS of Iowa. I have another amendment, Mr. Speaker.

The amendment was read, as follows:

Strike out section 23, on pages 14 and 15.

Mr. BAKER of New Hampshire. Mr. Speaker——

The SPEAKER. Does the gentleman desire to address himself to the amendment?

Mr. BAKER of New Hampshire. Yes. The pending amendment, Mr. Speaker, removes one of the greatest objections to this bill; but there are a few others to which, it seems to me, the attention of the committee should be called.

Mr. BABCOCK. I raise the point of order that the gentleman is not addressing himself to the amendment under consideration.

Mr. BAKER of New Hampshire. I am willing that a vote should be taken on the amendment.

The amendment offered by Mr. CURTIS of Iowa was agreed to.

Mr. JENKINS. Mr. Speaker, I desire to offer an amendment to section 11.

The amendment was read, as follows:

Strike out section 11 and insert in lieu thereof the following:

"SEC. 11. That no person in said District shall knowingly enter any building or (if such building be a hospital, hotel, asylum, or apartment house) in the apartment in which exists any case or cases of contagious disease, or any building infected by such disease, except persons dwelling in such building at the time of the discovery of such disease therein, the attending physician or physicians, the nurse or nurses, and such other persons as may be especially authorized in writing by said health officer to do so."

Mr. CURTIS of Iowa. I am authorized to say, Mr. Speaker, that the committee will not object to the amendment offered by the gentleman from Wisconsin [Mr. JENKINS].

Mr. LACEY. Mr. Speaker, I want to inquire whether the word "knowingly" is in the amendment?

Mr. JENKINS. It is.

The amendment was agreed to.

Mr. BAKER of New Hampshire. Mr. Speaker, in section 8 there is a formula for disinfectants. A few years ago it was supposed that sulphur was the only successful disinfectant. Since then one or two other articles have been used for that purpose. In this bill there is a provision for still other articles. If this bill should become law, then these particular things must be used as disinfectants, although the progress of science may demonstrate that they are no longer useful or effective. I have a letter from one of the most prominent physicians in this city which says that when this disinfectant was tried upon flies, it did not hurt them, and when it was tried upon turtles, the turtles were said to have danced. Such being the case, this is not a very good disinfectant, and it seems to me that the committee themselves ought to provide that disinfection shall take place, and leave the particular disinfectant to be determined according to the progress of science. I make that merely as a suggestion at this point.

Again, I wish to say, as to the whole bill, that while it may have been prepared by the health officer of the District of Columbia, it has not received action, favorable or otherwise, on the part of any medical society in the District of Columbia; but in its present form is before each of the medical societies of the District and under consideration now. My authority for this statement is a prominent physician who came to me only a few hours ago and so stated to me, so far as the allopathic society is concerned. I have also a letter which I received in my mail yesterday from one of the most prominent homeopaths of the city.

So it seems to me that this bill ought not to be rushed through the House until the medical societies of this city can consider it and say whether they approve it or not. I do know that it is not approved by very many of the most prominent physicians of this city. There are provisions all through it that are not satisfactory to them, or to anyone who has considered the bill. On page 11, in section 14, providing for the funerals of certain deceased persons, there is a provision that there may be only the nearest friends of the deceased present, not exceeding two, besides the members of the family. If it is dangerous to have five people there, it is certainly dangerous to have two.

Mr. CURTIS of Iowa. This applies only to persons who have died of contagious diseases.

Mr. BAKER of New Hampshire. Very well. But why should there be two people present outside of the immediate family?

Mr. CURTIS of Iowa. How would the gentleman bury them without anyone present?

Mr. BAKER of New Hampshire. This applies only to the confidential friends, and not to the undertaker or his assistants.

Mr. CURTIS of Iowa. I call the attention of the gentleman to the language of the section:

And other persons whose attendance is actually necessary.

Mr. BAKER of New Hampshire. "And other persons whose attendance is actually necessary." That covers the undertakers. His two nearest friends are not those of the persons, you will observe by referring to the language in his own bill.

Mr. CURTIS of Iowa. It provides that friends not exceeding two may attend the funeral.

Mr. BAKER of New Hampshire. Yes. Now, I say if it is dangerous to have five present, it is dangerous to have two present; and yet in all possibility he may have three confidential friends who might wish to attend the funeral.

Mr. BABCOCK. In that case they would have to draw cuts to see who should attend.

Mr. BAKER of New Hampshire. And the bill is full of these little irregularities.

Mr. MORSE. Under the suggestion of the gentleman from New Hampshire, it would exclude the clergyman.

Mr. BAKER of New Hampshire. I suppose it would, because there is no provision for his attending unless he should happen to be one of the two confidential friends. In section 21 it is provided:

That whenever any person in said District is an inmate of any premises occupied by three or more families, or of any tenement house, boarding house, lodging house, hotel, or apartment house, and is suffering from any contagious disease, and shall not, in the opinion of the health officer, be properly isolated in such premises, tenement house, lodging house, hotel, or apartment house, said person shall be removed as expeditiously as possible, under the direction of said health officer, to the public hospital.

I would like to be informed by any member of the committee where the public hospital in the District of Columbia is situated? There is no public hospital in the District of Columbia.

Mr. MORSE. That is a child yet to be born.

Mr. BABCOCK. There are half a dozen hospitals open here to the public for which appropriation after appropriation has been made by this House.

Mr. BAKER of New Hampshire. And every one of those hospitals is a private institution, and under the wording of this bill there is nowhere that anyone can be taken. More than that. On the very first page of the bill the words "typhus fever" occur. I asked the gentleman a moment ago to explain to the House the difference between typhoid and typhus fever, and whether typhoid is included in the phrase as being a form of that disease, but I was not able to get any information; and yet I know that, according to official reports of fourteen and a half years of the London free hospital there were 2,580 typhoid-fever patients treated there, and that only eight typhoid cases arose in the hospital.

Then, again, this bill requires that any symptom of membranous croup in any child or in any person shall be treated exactly as diphtheria is to be treated; and that all these disinfectants, which in five years from now may become absolutely useless, and known to be useless, must be applied, according to the law under this bill, or legislation must again be had by Congress.

Then, again, if any of these diseases can be legislated out of the District it would be a grand and glorious thing, but disease yields to conditions and not to legislation. Section 28 of this bill is hostile to the provisions of the Magna Charta, and ought not to be passed in its present form. Again, the last section of the bill makes an appropriation, and this bill should be considered, if at all, in the Committee of the Whole.

Mr. DOCKERY. What appropriation does it carry?

Mr. BAKER of New Hampshire. The section reads:

That all laws and parts of laws inconsistent with the foregoing be, and the same are hereby, repealed; and any appropriation or balance thereof available at the time of the passage of this act, or which may thereafter become available, for the enforcement of the provisions of "An act to prevent the spread of scarlet fever and diphtheria in the District of Columbia," approved December 20, 1890, is hereby made available for the enforcement of the provisions of this act so far as they relate to scarlet fever and diphtheria.

Mr. CURTIS of Iowa. Scarlet fever and diphtheria.

Mr. BAKER of New Hampshire. Now, Mr. Speaker, I think the bill should be recommitted, and I hope the committee will take it on themselves to have that done.

Mr. CURTIS of Iowa. Mr. Speaker, I desire to correct the statement of the gentleman from New Hampshire. The appropriation referred to is only made available as far as it may relate to scarlet fever and diphtheria.

Now, I desire to call the attention of gentlemen of the House to the requirements of this proposed act. They simply provide for the reporting of cases of contagious diseases; the placarding of infected premises as a warning to the public; for the isolation of those affected by such diseases, and the isolation of those exposed to them; for the disinfection of any infected premises, and the disinfection of citizens under certain specified conditions.

Now, Mr. Speaker, this bill, with the other bills that the House has previously considered relating to the public health of the District of Columbia, were referred to the medical associations of the District for their consideration and report—to Dr. Busey, to Dr. Custis, and to Dr. Kober, representing the medical societies of the

District of Columbia, and also the boards of health for the District of Columbia.

Mr. BAKER of New Hampshire. Will the gentleman pardon me right there?

Mr. CURTIS of Iowa. Two of the gentlemen referred to——

Mr. BAKER of New Hampshire. Will the gentleman pardon me right there? I have a letter from Dr. Custis, written on Saturday, in which he said the society had not acted on this bill, and that the bill ought not to pass in its present form.

Mr. CURTIS of Iowa. Are the presidents of their respective associations.

Mr. BAKER of New Hampshire. Dr. Custis is the president of one of the medical associations, and Dr. Busey is the president of the other.

Mr. CURTIS of Iowa. In reply to the gentleman from New Hampshire, I will say I have in my hand a letter, dated November 13, addressed to Dr. J. B. G. Custis, chairman of one of the medical societies——

Mr. BAKER of New Hampshire. He is the very gentleman I refer to, and he wrote to me the day before yesterday.

Mr. CURTIS of Iowa. The bill was placed in his hands. He is aware that this legislation is now before Congress. I will refer to a letter received from Dr. Busey, chairman of the Medical Society of the District of Columbia, and chairman of the committee on public health of the Washington Board of Trade. Dr. Busey——

Mr. BAKER of New Hampshire. Does he anywhere say that the Medical Society of the District of Columbia has approved this bill?

Mr. CURTIS of Iowa. Will the gentleman kindly wait until I read this letter?

Mr. BAKER of New Hampshire. I shall be glad to.

Mr. CURTIS of Iowa. In a letter which I have received from Dr. Busey, under date of December 23, 1896, he says:

House bill No. 9023 is a very important measure to fulfill the requirements of preventive and protective medicine, and is indorsed with entire unanimity by the committee, with the amendments suggested to sections marked on the margin, 10 and 14.

Those amendments, suggested by Dr. Busey, chairman of the society, and by the board of health, have been presented here and adopted, and, so far as I have been able to ascertain, this bill is indorsed by the medical fraternity of the District of Columbia. It was prepared with great care by the health officer and considered by the District attorney and by the District Commissioners, and its passage is unanimously recommended and urged by gentlemen representing the Commissioners and the health office. The bill has been unanimously reported by the Committee on the District of Columbia of the House, and I trust that it may be passed without further objection.

Mr. BAKER of New Hampshire. Mr. Speaker, as I have stated, this bill has not been approved by either of the medical societies of the District of Columbia, and all the testimony which the gentleman from Iowa presents is the opinion of one man who is chairman of a committee. The bill has not been submitted to his medical society, or if it has been submitted it has not been acted upon, so that it has not received either the unanimous sanction or the sanction at all of the society.

Mr. CURTIS of Iowa. I desire to say, Mr. Speaker, in further reply to the gentleman from New Hampshire, that I understood that certain medical men to whom the gentleman has referred objected to a certain section of the bill which provides for vaccination in the hospitals. At the suggestion of other medical gentlemen in the District of Columbia, that section has been stricken out; the amendment striking it out has been adopted. Therefore the committee in charge of the bill feel that, as it has been amended, it can not be further objected to by any of the medical fraternity of the District of Columbia.

Mr. BABCOCK. Mr. Speaker, I desire to offer an amendment to this bill, a very proper one, which has been suggested by a member of the Committee on Appropriations.

The amendment was read, as follows:

On page 18, section 33, lines 4 and 5, strike out the words "which may thereafter become available."

The amendment was agreed to.

Mr. BABCOCK. I ask for a vote upon the bill.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. CURTIS of Iowa. Mr. Speaker, I move that the votes by which the three bills relating to the public health in the District of Columbia have been severally passed be reconsidered, and that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPRINTS.

On motion of Mr. HEPBURN, by unanimous consent, a reprint of the bill H. R. 10090 was ordered for the use of the House.

On motion of Mr. THOMAS, Report No. 1473, parts 1 and 2, Fifty-fourth Congress, was ordered to be reprinted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following resolutions:

Resolved, That the business of the Senate be now suspended that opportunity may be given for tributes to the memory of the Hon. CHARLES F. CRISP, late a Representative from the State of Georgia;

Resolved, That as a further tribute to his memory and in recognition of his distinguished ability as a public servant, the Senate, at the conclusion of these memorial ceremonies, shall stand adjourned.

Resolved, That the Secretary communicate these resolutions to the House of Representatives: and

Resolved, That the Secretary be instructed to communicate a copy of these resolutions to the family of the deceased.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred as follows:

A bill (S. 19) for the relief of John L. Rhea, executor of Samuel Rhea, deceased, and John Anderson, administrator of Joseph R. Anderson, deceased—to the Committee on War Claims.

A bill (S. 289) for the relief of Ames & Detrick, of San Francisco, in the State of California—to the Committee on Claims.

A bill (S. 497) to provide for a public building at Tampa, Fla.—to the Committee on Public Buildings and Grounds.

A bill (S. 1010) for the relief of the owners and crew of the Hawaiian bark *Arctic*—to the Committee on Claims.

A bill (S. 1155) for the relief of Lieut. Jerome E. Morse, of the United States Navy—to the Committee on Naval Affairs.

A bill (S. 1181) to pay the heirs of the late John Roach, deceased, etc.—to the Committee on Claims.

A bill (S. 1438) for the relief of the estates of Daniel Woodson and of Ely Moore—to the Committee on Claims.

A bill (S. 1623) for the relief of Cumberland Female College, of McMinnville, Tenn.—to the Committee on War Claims.

A bill (S. 1914) supplemental to an act entitled "An act to provide for the erection of a public building in the city of Norfolk, in the State of Virginia," approved January 2, 1891—to the Committee on Public Buildings and Grounds.

A bill (S. 2060) for the relief of Briscoe B. Bouldin—to the Committee on Claims.

A bill (S. 2116) for the relief of Wilber H. Graef & Co.—to the Committee on Claims.

A bill (S. 2225) for the relief of Col. and Bvt. Brig. Gen. Henry L. Abbot, United States Army, and brevet major-general United States Volunteers—to the Committee on Military Affairs.

A bill (S. 2509) to authorize the erection of a statue of the late President Abraham Lincoln at Gettysburg, Pa.—to the Committee on the Library.

A bill (S. 514) for the relief of Warren Hall—to the Committee on War Claims.

A bill (S. 3196) granting an increase of pension to George W. Walton—to the Committee on Invalid Pensions.

A bill (S. 3324) granting an increase of pension to Allen Buckner, of Baldwin, Kans.—to the Committee on Invalid Pensions.

A bill (S. 3329) to increase the pension of George W. Smith, late a captain Seventh Regiment New Jersey Infantry Volunteers—to the Committee on Invalid Pensions.

A bill (S. 3361) granting a pension to Sarah R. Frary—to the Committee on Invalid Pensions.

A bill (S. 3370) granting a pension to Emily E. Atherton—to the Committee on Invalid Pensions.

A bill (S. 3397) granting an increase of pension to Etta S. Stillson, widow of Philo B. Stillson, lieutenant-colonel One hundred and ninth Regiment New York Volunteers—to the Committee on Invalid Pensions.

A bill (S. 3407) granting a pension to Ambrose J. Vanarsdel—to the Committee on Invalid Pensions.

A bill (S. 3408) granting a pension to Ann King, widow of Samuel King, deceased—to the Committee on Pensions.

A bill (S. 3445) to increase the pension of Capt. John H. Mullen—to the Committee on Invalid Pensions.

A bill (S. 3451) granting a pension to Rebecca P. Quint—to the Committee on Invalid Pensions.

A bill (S. 3472) granting a pension to Laura Barnes—to the Committee on Invalid Pensions.

A bill (S. 3516) granting a pension to Louise Van Atter—to the Committee on Invalid Pensions.

A bill (S. 3541) granting a pension to Jane B. Johnston—to the Committee on Invalid Pensions.

A bill (S. 2549) for the establishment of a light-house on Swan Island, belonging to the United States, in the Caribbean Sea—to the Committee on Interstate and Foreign Commerce.

A bill (S. 2700) for the relief of the heirs of certain seamen lost in the foundering of light vessel No. 37—to the Committee on Claims.

A bill (S. 2725) to permit the construction of a railroad bridge across the Illinois River at a point within 5 miles from and above the upper limits of Grafton and a point in Calhoun County, in said State, opposite or nearly opposite the said point in Jersey

County, all in the State of Illinois—to the Committee on Interstate and Foreign Commerce.

A bill (S. 2741) to reclassify railway postal clerks and prescribe their salaries—to the Committee on the Post-Office and Post-Roads.

A bill (S. 2782) to establish a life-saving station at or near Fort Gratiot, Mich.—to the Committee on Interstate and Foreign Commerce.

A bill (S. 2906) for the establishment of a light-house at the pitch of Cape Fear River, near Wilmington, N. C.—to the Committee on Interstate and Foreign Commerce.

A bill (S. 2988) for the relief of W. J. Tapp & Co.—to the Committee on Claims.

A bill (S. 3005) to provide for the examination and classification of certain lands in the State of Oregon—to the Committee on the Public Lands.

A bill (S. 947) granting a pension to Margaret Stone, widow of Benoni Stone, a soldier of Florida Seminole Indian war—to the Committee on Pensions.

A bill (S. 1640) granting a pension to Catherine L. Nixon—to the Committee on Pensions.

A bill (S. 1647) to increase the pension of Clark W. Harrington, late sergeant of Company I, Ninety-third New York Infantry—to the Committee on Invalid Pensions.

A bill (S. 2097) granting an increase of pension to Joel M. Gibson—to the Committee on Invalid Pensions.

A bill (S. 2177) granting an increase of pension to Henry B. Conway—to the Committee on Pensions.

A bill (S. 2375) granting an increase of pension to John G. Powers—to the Committee on Invalid Pensions.

A bill (S. 2672) granting a pension to John J. Shockey—to the Committee on Invalid Pensions.

A bill (S. 2694) for the relief of the heirs of Lorenzo Andinino, Francesco Ronchietto, and Stanislas Vittone—to the Committee on Claims.

A bill (S. 2713) granting a pension to Miss Mary Hayne—to the Committee on Pensions.

A bill (S. 2908) granting a pension to Franklin Andrews—to the Committee on Invalid Pensions.

A bill (S. 2909) granting an increase of pension to Henry Schafer—to the Committee on Invalid Pensions.

A bill (S. 2912) increasing the pension of William C. Forsythe—to the Committee on Invalid Pensions.

A bill (S. 2959) granting a pension to Mrs. Sarah Townsend—to the Committee on Pensions.

A bill (S. 2975) granting a pension to John Amrein—to the Committee on Invalid Pensions.

A bill (S. 2991) granting a pension to George G. Eakins—to the Committee on Pensions.

A bill (S. 2992) granting a pension to Ellen O'Hara—to the Committee on Invalid Pensions.

A bill (S. 2993) granting a pension to Rebecca Gilbert—to the Committee on Invalid Pensions.

A bill (S. 2994) granting a pension to William G. Alspach—to the Committee on Invalid Pensions.

A bill (S. 2995) granting a pension to James M. Dennison—to the Committee on Invalid Pensions.

A bill (S. 3103) granting a pension to Jesse O. Davy—to the Committee on Invalid Pensions.

A bill (S. 3145) to increase the pension of William Hulsizer—to the Committee on Invalid Pensions.

A bill (S. 3177) granting a pension to Oscar A. Palmer—to the Committee on Invalid Pensions.

A bill (S. 3190) granting a pension to Amos L. Hood—to the Committee on Invalid Pensions.

ORDER OF BUSINESS.

Mr. SHERMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the Indian appropriation bill.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole, Mr. HOPKINS in the chair.

Mr. SHERMAN. Mr. Chairman, I would like to have some arrangement as to the time for general debate, and I ask unanimous consent that general debate be closed upon the bill in one hour.

There was no objection, and it was so ordered.

Mr. SHERMAN. I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection, and it was so ordered.

Mr. SHERMAN. I now yield to the gentleman from Indiana [Mr. JOHNSON] such time as he desires.

Mr. JOHNSON of Indiana. Mr. Chairman, before proceeding, I ask unanimous consent that I be permitted to consume the time which has been kindly accorded to me in discussing the subject of banking and currency reform.

Mr. HULICK. Mr. Chairman, I would like to ask the gentleman whether the reform is to be for the benefit of the Indians or for the benefit of the white people? [Laughter.]

Mr. JOHNSON of Indiana. I will leave the gentleman to determine that as I proceed.

Mr. Chairman, I do not rise on this occasion so much to discuss the measure now before the House for consideration as I do to call attention to the imperative necessity for a general revision of the banking and currency laws of the country at an early day.

I would much prefer, sir, that some other gentleman upon this floor should perform this task—some gentleman more prominent than myself, some gentleman whose ability and reputation are such that his utterances would be sure to awaken a profound interest in this important subject.

Inasmuch, however, as no member thus equipped appears inclined to say anything upon the matter, I unhesitatingly take upon my own shoulders the burden of the responsibility.

Mr. Chairman, I maintain that this is a very opportune time to agitate the question of banking and currency reform. There has certainly been ample demonstration within the last few years of the utter inefficiency of the existing system. It has inflicted much inconvenience and loss upon the people, and has excited great dissatisfaction in many sections of the Union.

We are standing, too, just at this juncture of public affairs, midway between the triumph of sound money principles at the polls last November and the inauguration next March of the newly elected President, to whose Administration the country is looking with anxious eyes for relief from the misfortunes which have befallen it.

If anything is to be done during this incoming Administration in the way of revising our banking and currency laws, it is therefore high time that we were giving to the matter some thought and consideration—that we were turning our faces resolutely in that direction.

I have been hoping for some time, sir, that the President-elect might give some intimation that he favored this revision. I sincerely trust that he will at least deem the subject worthy of his consideration and approval when he comes to prepare his inaugural address, that he will recommend it earnestly to Congress in his first message, and that he will continue thereafter to give to it at all times his active influence and support.

I have faith in the intelligence, ability, and patriotism of the incoming President. No one doubts that he will enter upon the discharge of the duties of his high office animated by a sincere desire to do everything within his power to ameliorate the condition and promote the interest and prosperity of his countrymen.

Certainly, sir, nothing will so signalize his Administration and entitle him to the gratitude of the people as the enactment, at his instance and during his Chief Magistracy, of a banking and currency law which will correct the evils in the present system and afford to the nation enlarged opportunity for progress and development.

Let me also indulge the hope, Mr. Chairman, that we may soon have some favorable expression on this important topic from those who are the acknowledged leaders in this House and likewise from those who are leaders in the Senate of the United States—those gentlemen who are most instrumental in shaping legislation, and to whom we are often accustomed to resort for counsel and advice.

Until there is some assurance from the various sources to which I have alluded that it is the earnest desire and intention that the banking and currency laws are to be taken up and thoroughly revised during the lifetime of the Fifty-fifth Congress, it is folly for the Banking and Currency Committee of the House, or for any member of the House who has the subject at heart, to give to the matter any attention whatever. To do so would be simply to squander time, waste energy, and labor without achievement or reward.

If, however, this assurance were now to be given, it would inspire confidence and stimulate to action. Members could and would commence to investigate the subject. The doors of the Banking and Currency Committee could be thrown open to admit those learned in banking and finance who would come to present plans and offer suggestions.

Under such conditions as these we might reasonably expect that before the end of the first regular session of the next Congress, at least, there could be placed upon the statute book of the nation a banking and currency law which would answer satisfactorily our demands and necessities.

Mr. Chairman, I am not a pessimist, neither am I an alarmist, but is it absolutely certain that the problem of self-government by the people has been wrought to a happy conclusion on this continent simply because we have existed as a Republic for a little over a century, and during that period have passed through some severe ordeals bravely and successfully?

A hundred years, sir, is not, after all, a very great period in the life of a nation. Is there not still ample opportunity for our light to fade in the years which are to come? Nor is it wise for us to close our eyes to the fact that there is just now a spirit of great

discontent and unrest abroad in the land. The disposition to defy those in authority and to treat the law with contempt is increasing. Populism, which in its essential constituents is the avant-courier of socialism and communism, has been sowing its pernicious doctrines with a prodigal hand, and they have taken deep root in the minds of some of the people. Radical innovations are sought to be ingrafted upon our system. All sorts of financial heresies are being advocated. There is a positive demand for a short weight silver dollar and a persistent clamor for the issue by the Government of an irredeemable paper currency.

In my humble opinion, Mr. Chairman, it is the part of wisdom and statesmanship to investigate into the cause for all of this restlessness and ascertain whether there are any just grievances behind it, and, if there are, to provide for them a prompt and adequate redress. Such a course will extract the heart from all this discontent. It will disarm it by exposing the inherent weakness of such of its grievances as are without reason or merit. It will array against it the intelligence, good sense, and patriotism of the land and thus render it incapable of further disturbing the public tranquillity or interfering with the public prosperity.

Sir, to my mind those who are engaged in this agitation have at least one genuine grievance in their list of complaints. The present banking and currency system is a positive imposition upon the people, particularly upon the people living in the agricultural sections of the Union. It is maintained only at great expense. It keeps the business and commercial interests in a constant state of apprehension and uncertainty. It congests money at the great commercial centers, where, owing to the use of bank checks and deposits, it is not so much needed for effecting the ordinary exchanges of daily life and where it can be borrowed at a very low rate of interest, while it leaves those residing in the rural sections of the country—notably in the South and West—without money with which to effect their ordinary exchanges, and without money for unusual enterprises or for marketing their crops, except upon payment of very high rates of interest.

Mr. Chairman, I venture the assertion here and now that it is this scarcity of good paper money, this inequality in the distribution of such money throughout the country, which is largely at the bottom of the demand for a short-weight silver dollar and for the issue of irredeemable and other vicious forms of paper currency.

Once do away with this just reason for dissatisfaction through a wise revision of the banking and currency system, once give to the people a good paper currency, in sufficient volume to answer their necessities, and at reasonable rates of interest, and you will sound the death knell of the cry for a cheap metallic dollar and for all kinds of questionable paper issues.

Refuse this reasonable legislation, and there is grave danger that the demand for vicious money will swell to a torrent which at the biennial election will sweep you from your seats, and which, having overleaped that barrier, will rush irresistibly onward, until in the year 1900 it will land its driftwood in the White House, and then you will see spread upon the statute books of the nation such legislation as will produce widespread loss and disaster—loss and disaster from which it will take years for us to recuperate.

While the subject of banking and currency reform, Mr. Chairman, is one which should profoundly interest men of all shades of political opinions, it seems to me that there are strong reasons why it should just now be invested with peculiar concern to that party to which the majority of the members in this Chamber belong.

In the last campaign this party found the people in hard lines. Business was partially paralyzed. Trade and commerce were in a state of semistagnation. Our manufactories were either entirely closed or else were badly crippled. Men were everywhere out of employment.

There was a deficit in the Treasury, and the gold reserve had fallen below the hundred-million-dollar mark. Bonds had been issued to repair the reserve, which had been depleted to redeem our paper currency and maintain it at par.

Sir, what did we say to the people in that campaign? We told them that this condition had been largely brought about by the imbecility of the party which was then in power, by its lack of genius for administering the Government.

We told them that their distress was mainly due to the attack upon the protective tariff and the passage of the Wilson bill.

But we did not stop with this locating the responsibility; we went further. We made promises; we were profuse in our pledges. We declared that if we were given control of public affairs we could and we would pass such legislation as would insure prosperity.

The people took us at our word. After the 4th of next March we will have the Presidency, the House of Representatives, and very likely the Senate of the United States.

What, then, do we propose to do in the way of observing our promises? Are we going to pass a bill to raise revenue, so that our receipts will at least equal our expenses, and thus stop the deficit in the Treasury? Well enough! This is a step in the right direction. It will have a tendency to restore confidence in the public mind. But does any of us imagine that this legislation will materially ameliorate conditions?

What next, sir? Why, we are to enact a protective tariff law. Even now the Committee on Ways and Means of the House is giving hearings and is framing a protective tariff measure to the end that it may be promptly put upon its passage at the special session of Congress which, it is understood, is to be convened at an early day, precisely what the Banking and Currency Committee of the House would now be doing with respect to the banking and currency system had there been extended to it one-half of the encouragement which has been so promptly accorded to the Committee on Ways and Means.

Mr. Chairman, I am a firm believer in the principle of protection, but let me indulge the hope and belief that this tariff bill which is thus being prepared is a tariff for protection and not a tariff for oppression; that the schedule is amply high enough to cover all honest American industries and to bridge the difference between wages paid at home and wages paid abroad, but that it is not high enough to shield the monopolies and trusts which seek to prey upon the people nor to work injury to the consumer. Such a tariff law as this—and I have faith to believe that no other kind will be proposed—will give healthy stimulus to American industry and afford steady employment to American labor at wages so remunerative as to bring happiness and comfort to its humble home. It will assuredly have a beneficial effect upon the country, and do much toward improving the conditions which now oppress us. But will it be a perfect and permanent cure for the disease with which we are afflicted?

Sir, I hazard the prediction here and now that the man, or the men, wherever found and to whatsoever political party belonging, who pin their faith to the proposition that a cured deficit and a protective tariff are all that is necessary to bring prosperity to this Republic will awaken at no very distant day to the startling discovery that they have all along been the victims of a most egregious delusion.

We may add to these two just measures of reform to which I have alluded the exercise of that wise and reasonable economy in public affairs which is, in my judgment, one of the prime duties of the hour.

Even this will not suffice to relieve us.

We may enact, too, a drastic but discriminating immigration law. Such a law ought to be passed in the interest of every American citizen, whether native-born or naturalized, not simply for the protection of our labor, but also for the protection of our civilization and our institutions, which can no longer stand with safety the strain to which they are being subjected by that class of foreigners who are continually coming to our shores, but who are, nevertheless, totally unfit to become factors in our national life.

But when we have done all of this, sir, we will still be short of an adequate remedy.

Mr. Chairman, we must have a thorough revision of our banking and currency system before we can, with any exercise of reason, expect to have a permanent and substantial prosperity throughout the borders of this Republic. When this great boon of prosperity comes to us, it must come through the doors of the Committee on Banking and Currency as much as through the doors of the Committee on Ways and Means, and the sooner we recognize this fact and proceed to act upon it the better it will be both for ourselves and for the country.

If we try only the tariff and fail, as fail we assuredly will, it will furnish to the advocates of dishonest money their opportunity. It will enable them to assert that we have exhausted all our remedies and failed, and to predicate to the people an appeal that their own specious but dangerous remedies shall be tried. Will the people have the courage, sir, to resist this appeal?

What supreme folly to employ only the one weapon when we are possessed of two. By all means, let us have a protective tariff, but let us also have banking and currency reform.

But, says some gentleman, the existing banking and currency laws do not need revision. Yes, Mr. Chairman, strange as it may seem, there are some persons who actually laud the present system to the skies. They even tell us that it is the best in the world, and believe, or at least affect to believe, that it really has no serious defects.

Now, the system certainly has its excellencies. No man is disposed to deny this. Our paper money is sound in quality and uniform in value. These are of course indispensable requisites to a good paper currency, but when this is said all is said. We have not a well-rounded and harmonious system, but a system of patchwork. It was not all created at one time, but at different times, most of it having been devised during the war, when the exigencies were such that there was hardly time for careful thought and deliberation. It is largely the result of legislative compromises which sacrificed sound principle to expediency. It is utterly lacking in simplicity, for it provides too great a variety of issues.

It is wholly devoid, too, of elasticity—the faculty of expanding and contracting to meet the varying necessities of trade—and is,

as I have before intimated, incapable of equitable distribution throughout the country—qualities just as essential to a good system of paper money as soundness and uniformity, and without which, in its currency, no great commercial nation like our own can conveniently and properly carry on its business. Add to all this the great expense which it entails for its maintenance, and one begins to see the system in all its deformities.

Why, sir, if we were now, for the first time, about to fashion for ourselves a system of banking and currency, does any gentleman believe that we would be guilty of the stupendous folly of enacting one similar to this which we now have in operation? If we were to tender our system to any civilized nation upon the face of the earth which was seeking to change or remodel its banking and currency laws as one fit to be adopted by it, who can doubt, sir, that our offer would be rejected with derision and contempt?

Take the greenback, for instance. No man can read its history without perceiving at a glance that it was never designed, at the time of its creation and during the early years of its existence, to circulate permanently as money. It was then regarded simply as a loan, a debt to be paid off and retired at the earliest practicable moment. The idea that it should be kept out indefinitely came to us as an afterthought. That this form of our currency has cost the people heavily to maintain it let the bond issues of the last four years attest.

I am well aware, sir, that it is customary to speak of the greenback in terms of unstinted praise and reverence, but do we not know very well that it has wrought for us incalculable mischief? Has it not imbued the people with the erroneous idea that values can be created by a mere act of Congress, encouraged the demand for a direct issue of irredeemable paper by the Government, and otherwise done more to befog the public judgment and lead it astray from sound economic principles than all other causes combined?

Mr. Chairman, the President of the United States, the Secretary of the Treasury, the Comptroller of the Currency, and men of all parties who stand with them on this proposition, are right. The greenbacks and the United States Treasury notes should be retired and canceled. The revolution of the endless chain should be stopped, and stopped forever. The Treasury should be entirely divorced from the banking business and left to the discharge of its more legitimate duties—the collection of public revenues and their disbursement upon public expenses. It should no longer be invested with any of the functions of a bank of issue, nor required to maintain a vast gold reserve for the redemption of paper money. All of these functions and obligations should be devolved upon the banks, where they more properly belong, and which, under a well-devised system of banking and currency, would be amply able to exercise them.

Ah, but we are told that the retirement of these notes means an issue of bonds, the substitution of an interest-bearing for a non-interest-bearing debt, and the contraction of the currency. This, sir, is the bugaboo which frightens the timid and seems an insuperable obstacle to the unreflecting.

Well, suppose we do issue bonds with which to retire these notes. Is it not much better for the people that we should do this than that we should continue from time to time to issue bonds with which to redeem them and keep them at par? Think of it. Two hundred and sixty-two million dollars' worth of bonds already issued, a large part of which was used to redeem these notes, and yet every one of these notes still in existence! How many years will elapse under this policy until we shall have bonds issued equal to the total amount of the greenbacks and the Treasury notes and still have every one of the notes in existence ready for presentation for redemption again at any moment?

Let us not vainly imagine that the drain on the gold reserve has ceased forever, simply because it has stopped temporarily. It is liable to recur. There is a feverish apprehension even now in the minds of our bankers and merchants that it will recur, and this is constantly hampering and interfering with the transaction of all kinds of business.

But it is not true, Mr. Chairman, that the retirement of the circulating notes necessarily means the issue of bonds. Personally I am opposed to this method of retirement, except as a last resort; nor is it true that the retirement will cause a contraction of the currency. I entertain, myself, the firm conviction that there is sufficient ingenuity and resource in Congress, when reenforced by the advice and cooperation of such of our countrymen as are learned in banking and finance, to accomplish the task without either bond issue or contraction, if we will only once resolutely enter upon the undertaking.

Contraction can easily be averted by the substitution of some other form of currency for the notes retired.

The retirement of these notes, however, should be accomplished in connection with and as a part of a general revision of the banking and currency system, instead of by a distinct act of legislation, since this comprehensive method would afford superior facilities for a successful consummation of the whole work and also reduce any inconvenience and disturbance which it might occasion to a minimum.

And then, Mr. Chairman, there is the national-bank system, devised during the war for two purposes: First, to furnish a market for United States bonds, in which particular it has been a marked success; and second, to supply us with a paper currency which would be ample in volume to supply the necessities of the entire nation, in which respect it has been a signal failure. How could we expect it to be otherwise than a failure in the exercise of this latter function when we have brought it into competition with a great many varieties of money, when the system was so constituted that for years past there has been no profit of consequence to the national banks in the issuing of their circulating notes?

Here, again, sir, in the national-bank bill, as in the greenback, we have a paper currency which is safe and of uniform value, but which is greatly lacking in flexibility.

The simple fact is that this whole system must be changed. But to what? To the direct issue of paper money by the Federal Government? No, sir. What does the General Government know as to the ever-varying needs of the business world for money? How is it in daily touch with the currents of trade and commerce, moving rapidly one moment and sluggishly the next? Is it capable of responding on the instant to the demands of an increased or a diminished volume of currency as the occasion may require? Elasticity is an impossibility under such a system. Paper once out under it virtually remains out.

And how is this kind of paper money to be gotten into circulation? Certainly the Government is not to give it away! The subtreasury scheme and all other forms of Government lending are now generally regarded with the derision and contempt which they deserve. Are we to get it into circulation by disbursements for the expense of the Government? This will only give us between four and five hundred million dollars per year, not enough in volume for a paper currency for the entire country, and much of this would be continually returned to the Treasury in the payment of taxes. No sane man will advise that we should embark in a series of great public enterprises and in corresponding extravagant appropriations to get notes out among the people. Surely it is not necessary for us to become a nation of spendthrifts in order to be able to indulge in the luxury of a paper currency!

Mr. Chairman, the direct issue of circulating notes by the legislative power of a State almost invariably leads to overissue, overissue necessarily leads to depreciation, and depreciation is always attended with great loss and disaster to the people. Indeed, it seems to me, sir, that such a system as one of direct issue by the Government ought not to be seriously entertained for one moment.

Well, are we to return to the old system of State banks of issue which prevailed before the war? I imagine not. Under that system we seem to have had an abundance of money, but it was neither sound in quality nor uniform in value. Of course there were some States which had good banks of issue, whose paper was at par in all the States of the Union and whose note holders suffered no loss whatever. But this, unfortunately, was the exception. The losses, generally speaking, to the holders of the notes throughout the country were simply terrific; discounts were heavy and the rates of exchange exceedingly high, and trade and commerce were greatly hampered and obstructed.

No doubt, Mr. Chairman, if this system were adopted now it would be shorn of very many of the defects which characterized it of old, for the country has improved marvelously in the interval. Population has grown, intelligence has increased, means of communication have been multiplied, new and improved methods of business have supplanted the old ones, and banking and financing have developed to an extraordinary degree.

But with all of this, the system, if now revived, would hardly be expected to operate satisfactorily. It would still be wrong in principle, and hence evil in its results.

One of the qualities very earnestly to be desired in our system is simplicity, whereas State banks of issue would of necessity present to us only multiplicity. Indeed, some of the advocates of this system openly admit that it would not give us a currency of uniform value, and they claim that this is one of the principal merits of the system, for the reason that this very lack of uniformity in the money would keep it at home—would prevent it from going abroad.

It is their theory, sir, that the only way in which this character of paper money can be kept in circulation in the State where it is issued is to have it at a discount in the other States.

But, we are a homogeneous people, we ignore State lines in our intercourse and in our trade and business relations, and we want and must have for our convenience and profit a paper money that will admit of diffusion over the whole Union and still be of the same value in each of the States which compose it.

It may also be said, both with truth and propriety, that the people of this country can devise no system of banking and currency through the medium of their State legislatures which they

can not create more perfectly through the agency of their Senators and Representatives in the Federal Congress.

The advocates of State banks of issue, Mr. Chairman, can well afford to surrender their ideas of State sovereignty so far as it relates to the formation of a banking and currency system, providing they can secure in return for this concession a paper currency which will be ample in volume to meet their necessities and supplied to them at a reasonable rate of interest.

Mr. Chairman, I confess that what I have said thus far has been largely in the nature of opposition and negation. I have been condemning the existing system and denying that certain other systems were worthy to succeed it. In this matter, as in all other matters, it is much easier, I frankly confess, to assail than it is to create, especially for one so lacking in constructive genius as I. It is therefore with a great deal of diffidence that I venture, in conclusion, an opinion as to what kind of banking and currency system should be adopted.

It appears, however, to me, that the entire system should be under exclusive Federal control; that the present national-banking law should be taken as the nucleus for the system; that we should retain its virtues and correct its infirmities. It has provided us with a safe and a uniform currency; it should now be so altered or amended as to supply us also with a currency which will possess volume, diffusiveness, and elasticity.

Nor can I resist the impression that these three qualities can not be imparted to our paper money as long as the bond-security feature of the present law is retained. It is questionable anyhow whether there are enough suitable Government bonds now available to serve as a basis for a permanent paper currency, adequate to the necessities of the entire country. Certainly additional bonds should not be issued solely for the purpose of securing circulating notes.

The best authorities inform us, Mr. Chairman, that bond security and an elastic paper currency are, in the very nature of things, incompatible, and no one denies that. Owing principally to the high price of Government bonds, there is scarcely any profit to the national banks in the circulation of notes. Hence it is that many of these banks do not issue notes at all, and that the national-bank circulation is very greatly restricted.

An amendment to the national banking act, authorizing the banks to issue notes to the par value of their bonds, providing for the organization of branch banks and of banks with less than $50,000 capital stock, and repealing the tax upon circulation, and repealing also the rigid limitations upon the taking out and surrendering of notes, would doubtless make the issuing of notes a little more profitable to the banks, and thus induce them to augment somewhat the volume and distribution of their paper; but this would never occur to such an extent as would afford sufficient volume and diffusion to satisfy the wants of the whole people. The issuing of notes would still cost the banks too much—would still be too expensive to them.

Mr. Chairman, in my humble opinion, the time has arrived when we can well afford to authorize banks to issue circulating notes upon their assets without bond security, trusting something to the intelligence, integrity, and self-interest of the bankers in the conduct of their business, but relying mainly, for the success and safety of such a plan, upon a wisely devised and rigidly enforced regulation and supervision by the General Government. Such a system, by making the notes comparatively inexpensive to the banks, would induce an issue, and, with proper provisions for redemption of the notes by the banks on demand, would insure to us a safe and uniform paper currency, ample in volume, and capable of diffusion throughout the entire country and at a reasonable rate of interest to all sections.

I am, of course, aware, sir, that this proposed system, which it is hardly necessary for me to state is not at all original with myself, will arouse strong opposition in many quarters. We are, after all, rather a conservative people, and do not always take kindly to innovations. Indeed, we often endure much unnecessary pain rather than resort to remedies which we foolishly imagine are too drastic. Besides, sir, are we not accustomed to believe that the soundness of our national-bank notes is owing entirely to the fact that they are secured by the deposit of Government bonds?

And yet, Mr. Chairman, there are many other excellent provisions of that act which preserve the note holder from loss. There are the provisions for the prompt payment of the capital stock, its immediate replacement when impaired, the double liability of stockholders, the prior lien of the note holders upon assets, the sworn reports of the officers, the frequent examination into the affairs of the bank—a very effective safeguard, if the examination is only properly conducted—and many other most admirable provisions. Can not legislation strengthen these provisions and add to them new and additional requirements, and thereby insure the safety of circulating notes, even though the bond security is abolished?

Take, if you please, what is known as the safety-fund system for an instance. This system has been employed in Canada for years; has given satisfaction to the people of that Dominion, and is now in successful operation there. It also worked safely and advantageously in several of the States of the Union where it was tried before the war of the rebellion.

The Comptroller of the Currency has informed us that the tax on circulation, paid by the national banks from the time of the enactment of the national banking act down to the present time, has been large enough to pay the notes of all national banks which have failed during this period and still leave an immense balance.

Why not, then, in the creation of the new system of banking and currency, provide that this tax shall be converted into a safety fund, and combine it with the other provisions to which I have referred, and, in this way, secure the soundness of the circulating notes of the banks?

But, sir, whether this particular scheme is practicable or not, the solemn obligation rests upon us to make an honest effort to do something in the way of affording relief, and to do it, too, without unnecessary delay. The country is daily languishing from the effects of the vicious system which is retarding its development and interfering with its prosperity. Now is our opportunity. We can improve it, and our countrymen will applaud us and endure us; we can ignore it, and they will denounce us and repudiate us.

Mr. Chairman, which course shall we pursue? Which fate do we prefer? [Loud applause.]

Mr. SHERMAN. Mr. Chairman, the Indian appropriation bill for the fiscal year ending June 30, 1898, carries appropriations aggregating $136,000 more than the amount appropriated for the fiscal year ending June 30 next. A full statement of the increases and decreases will be found in the supplementary report, No. 2517, part 2. The bill as now presented aggregates $246,000 more than the appropriations proposed in the Book of Estimates. But that comes about substantially in this way: Not that the committee has incorporated into the bill that amount in addition to what the Secretary of the Interior recommended, but a single item of $100,000 for continuing survey in the Indian Territory, which was contained in the estimate for the sundry civil bill, has been incorporated in the present bill. The Secretary of the Interior, too, has recommended the adoption of two treaties which were presented to him as separate measures, not as a portion of the appropriation bill; and these two items amount to sixty-odd thousand dollars. So there are several other items which do not appear in the Book of Estimates, but which have been approved by the Secretary of the Interior as separate measures, so that the bill, as presented by the committee, does not exceed the amount of expenditure really approved by the Department of the Interior.

There are some very material changes from the bill of last year in the way of decreases and increases. For instance, this year we have no specific appropriation for building any new school. Last year we had four or five such appropriations, approximating about $150,000; but as against this deduction, there is added in the school item provision for the maintenance and education of a greater number of children in the existing schools. So that the total amount proposed to be appropriated for the education of Indian children during the next fiscal year exceeds by something like $70,000 that appropriated for the present fiscal year; or, eliminating the specific appropriations for special schools, this bill exceeds in the running expenses of the school department the appropriations of last year to the extent of upward of $200,000.

The committee propose an appropriation in a lump sum for education at schools other than the specified schools, making no restriction upon the Secretary of the Interior or the Commissioner of Indian Affairs in the expenditure of that money, leaving those officers to carry out the declared policy of the Government as embodied in the last appropriation bill.

Already the Commissioner of Indian Affairs has made quite material progress in providing means to educate Indian children elsewhere than in the contract schools. I have here a short statement on that subject, sent me by the superintendent of Indian schools, which I will ask the Clerk to read.

The Clerk read as follows:

The method of reducing contract schools according to the appropriation for the current fiscal year is fully set forth on pages 14 and 15 of the Commissioner's Annual Report for 1896. The general principles adopted there for making the reduction were in the main carried out in the table given in said report. In order to provide additional facilities for such pupils attending these contract schools, which were either reduced in amount or discontinued, the office rented or purchased certain former contract schools or enlarged the Government schools to take up the same. To illustrate: For the Indians of North and South Dakota, Minnesota, Wisconsin, and Michigan, the Morris contract boarding school has been leased, and will be eventually purchased. Negotiations are al o pending for the purchase of the Clontarf (Minn.) contract school. The Bayfield (Wis.) contract school has been leased. The Grace Howard Mission school, in South Dakota, is now being negotiated for. The new schools at Rapid City and Chamberlain, as well as the large reservation boarding schools for the Pine Ridge and Rosebud agencies, will eventually supply sufficient accommodations for any contract Indian pupils

in that section who may be deprived of educational facilities. On the Pueblo and Jicarilla Reservation, N. Mex., there were six contract day schools whose work was not, in the main, satisfactory to this office, and all these have been discontinued. The majority of them have been leased, and are now run as strictly Government day schools; besides, several additional Government schools have been provided, and arrangements are now in progress for the erection of a regular reservation boarding school for these Indians. In Washington, the cutting out of the North Yakima boarding school can be supplied from the regular Yakima boarding school on the Yakima Reservation, where additional accommodations have been provided. For such contract pupils as may be deprived of aid in Montana the several large reservation and non-reservation schools of that State are amply abundant. In California certain contract schools have been abandoned and Government day schools have been established, or efforts are being made to place the pupils in public schools. A goodly proportion of the cut in contract schools was brought about by the reduction in the rate paid these schools. It will be observed from the table that the provision of law pertaining to the division of aid among denominations by not reducing the number of pupils at the very few contract schools which are non-Catholic has been carried out.

Mr. MORSE. Will the chairman of the Committee on Indian Affairs [Mr. SHERMAN] yield for a question?

Mr. SHERMAN. Certainly.

Mr. MORSE. I should like to ask the gentleman whether he thinks from his observation that the Indian children have suffered any harm as a result of the change from contract schools to Government schools—whether as to education or otherwise any injury has resulted from the change?

Mr. SHERMAN. All the matters which are before me in reference to that question are before the distinguished gentleman from Massachusetts [Mr. MORSE]. The question suggested by him is fully discussed in the report of the Commissioner of Indian Affairs and the commissioner of schools. There is a special report on that subject. I think, therefore, the gentleman can be his own judge about that question just as well as I can be.

Mr. MORSE. I do judge, Mr. Chairman, that the children have experienced no harm from the change.

Mr. SHERMAN. I am very glad to know that the gentleman commends thus far the action which has been taken; I believe he will still commend it when a conclusion has been reached.

This bill continues the board of citizens who serve without compensation in supervising the lettings of the Department and other matters pertaining in a general way to the Indian service. It also continues the so-called Dawes Commission, which during the last year has, in my judgment, made most substantial progress toward settling the difficulties now existing in the Indian Territory. It has been found necessary to increase the appropriations for that Commission $10,000 beyond the amount appropriated last year. By the way, that is another item, in addition to those already specified, which was not estimated for.

The bill contains some new legislation, perhaps, which does not carry an appropriation. It confirms two separate treaties, both of which have been acted upon as separate measures by the committee and, upon a unanimous vote, reported favorably.

There has also been incorporated in the bill as a separate section the provisions of House bill No. 9644 for the abolishment of the office of Commissioner and Assistant Commissioner of Indian Affairs. For these officers it is proposed to substitute a board of Indian commissioners, consisting of two civilians, to be chosen by the President, with the advice and consent of the Senate, from opposite political parties, and a third member, who is to be an army officer. A full report was made upon House bill No. 9644, and any gentleman who may desire to look more fully into that question can examine that report, House Report 2383. There are a few other provisions, none of them, however, I think, exciting any general interest, and unless some gentleman prefers to inquire now in reference to them, I will let them go until we reach the various items in the reading of the bill by sections. Unless somebody desires to ask something in reference to this bill, Mr. Chairman, to which I have not alluded, I will ask that it be read by paragraphs.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

For traveling expenses of five Indian inspectors, at $3 per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, and for incidental expenses of inspection and investigation, including telegraphing and expenses of going to and going from the seat of government, and while remaining there under orders and direction of the Secretary of the Interior, for a period not to exceed twenty days, $7,000: *Provided*, That the accounting officers of the Treasury be, and are hereby, authorized and directed to settle claims of Indian inspectors for traveling and other expenses heretofore incurred while on duty in Washington under orders of the Secretary of the Interior, when such claims have been disallowed or suspended by said accounting officers.

Mr. DOCKERY. Mr. Chairman, I raise the question of order on the proviso beginning in line 25, on page 7, and extending down to the word "officers" in line 6, on page 8.

Mr. SHERMAN. Mr. Chairman, that is the same proviso as in the last appropriation bill, if I remember correctly, and it was put in to meet the objections of the accounting officer of the Treasury, who declined to pay the expenses of these agents while they were in the city of Washington under the order of the Secretary. It was inserted in that bill to permit the settlement of these accounts.

Mr. DOCKERY. This is new legislation, however.

And I desire to say further—I do not raise this question merely on the ground that it is new legislation, and as such subject to the rule, but I make the objection to it because I regard it as exceedingly bad legislation—an effort has been made repeatedly to apply the same principle to the special examiners of the Pension Office, and allow them per diem while they are on duty here in the city of Washington. It has always been resisted by Congress. I do not think it wise administration to give $3 a day and other expenses to the employees when they are on actual duty in the District of Columbia.

Is the gentleman advised as to the amount involved in this proviso?

Mr. SHERMAN. Oh, it is not large. It is quite a small amount. It was not necessary, as the gentleman will see, to increase the appropriation. The amount for the current year is sufficient to meet the expenses and also to pay these small accounts, which, as I understand it, involve only a few hundred dollars.

But I doubt, Mr. Chairman, if the point of order is good against the proviso anyway, because it is carried in the last appropriation bill for this purpose.

Mr. DOCKERY. That may be true, and of course if the gentleman says it is, it undoubtedly is true. But I think in this form it has not heretofore appeared in the appropriation bill.

Mr. CANNON. Does the gentleman from New York find that in his bill? The copy of the bill that I have before me does not contain the proviso.

Mr. SHERMAN. Yes, sir; or rather the substance of it.

Mr. DOCKERY. It appears, then, by way of a Senate amendment, does it not?

Mr. SHERMAN. Understand me, it does not appear in the exact form of the proviso in the present bill. It is in the following form:

For necessary traveling expenses, etc., including expenses of going to and from the seat of Government, and while remaining there under orders and direction of the Secretary of the Interior for a period not exceeding twenty days.

Mr. BINGHAM. That is the general body of the bill. Now the proviso?

Mr. SHERMAN. The proviso is to cover the expenditures made prior to the time for which we have made provision in the bill; and which amount, as I understand it, to a very small sum.

Mr. CANNON. But the proviso is entirely new legislation.

Mr. SHERMAN. I think not. It seems to be along the line of the last year's appropriation bill.

Mr. CANNON. But this proviso would authorize the accounting officers of the Treasury to settle all of these old accounts.

Mr. BINGHAM. In futuro.

Mr. SHERMAN. No; this is for accounts and obligations already contracted.

Mr. CANNON. It is very sweeping legislation. It would enable these accounts to be settled for twenty-five years back.

Mr. SHERMAN. That is true.

Mr. CANNON. And we have no information as to the amount involved, whether it be $1,000 or $25,000.

Mr. SHERMAN. The total appropriation is not increased by reason of this allowance. We simply allow $7,000 for the whole service, and the sums due on this account are so small that it was not necessary to increase the appropriation to cover them. They are not so large that they can not be paid out of this appropriation.

Mr. CANNON. I beg the gentleman's pardon. If they are $50,000 or $100,000, and the money you appropriate is not sufficient to pay them, it becomes an audited claim under this legislation which is now appended to the bill for the first time.

Mr. DOCKERY. As bearing on the point of order, that is conclusive, because it is obvious that the accounts are not being allowed and audited under existing law. Therefore the necessity of new legislation, and hence the appearance of the proviso, which is not in order under the rule.

Mr. SHERMAN. That is the construction of the accounting officers of the Treasury. That is correct.

Mr. DOCKERY. I do not want the gentleman to understand that I raise this objection in any captious spirit, but simply because I have consistently opposed a similar provision in respect to other Departments of the Government when it was sought to give pay to inspectors when they were on duty here in the District of Columbia.

Mr. SHERMAN. I certainly would not expect the gentleman to raise any objection in a captious spirit. I do not understand it at all in that way. I want to disclaim having any such idea for a moment as to the gentleman's objection.

The CHAIRMAN. The Chair is inclined to think that it is new legislation, but he will hear the gentleman from New York [Mr. SHERMAN].

Mr. SHERMAN. I have nothing further to say than what I

said before, Mr. Chairman, that it is in line with the provision of last year's appropriation bill, but not identical with it in terms.

The CHAIRMAN. The proviso is broad in its language and is not limited to any special time.

Mr. SHERMAN. That is true.

The CHAIRMAN. And, as the gentleman from Illinois [Mr. CANNON] has stated, any claim under that could be audited by the accounting officers.

Mr. SHERMAN. There would be no objection to limiting the time; but I understand that would not meet the objection of the gentleman from Missouri [Mr. DOCKERY], even if we should limit the time. I have no objection to any time limit, if it meets the objections of the gentleman from Illinois [Mr. CANNON] and the gentleman from Missouri [Mr. DOCKERY].

Mr. CANNON. The safer way is to let it go out.

Mr. DOCKERY. These officers are getting very handsome salaries now.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CANNON. Now, I desire to raise a point of order for the purpose of asking a question. In lines 17, 18, 19, and 20, I find the following:

For traveling expenses of five Indian inspectors—

And the current law reads:

And for incidental expenses of inspection and investigation.

But in this bill I find the following, which is new:

at $3 per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law.

Mr. SHERMAN. The gentleman is correct. The providing of a per diem rather than to reimburse for actual expenses is new. It was thought wise to change that policy and give these inspectors the same as is given to other officers in similar departments of the Government; that is, a per diem to meet their expenses. We found upon investigation, if I remember the figures correctly, that last year the average expenses of these inspectors were $1,002. Now, they are absent for thirty days in each year on regular leave, as I understand it, and sometimes another thirty days on account of sickness, so that the $3 per diem, in all human probability, would be nothing more, or very little more, than the average expenses of last year. The Commissioner believes it is much better that they should have a specified sum. It is very inconvenient at many times and in many places to stop to get receipts for 10 or 25 cents. It often happens that they have to divulge their identity, when otherwise they would not do it, and when it would be better for the service that they should not.

Mr. CANNON. If the gentleman is of opinion, after investigation, that it is for the good of the service and that it will not materially increase expenses, I shall not insist upon the point of order.

Mr. SHERMAN. That is precisely what I believe. It would not materially increase the expense and it is for the good of the service.

Mr. CANNON. Then I do not insist upon the point of order.

The Clerk (proceeding with the reading of the bill) read as follows:

For pay of one clerk to superintendent of Indian schools, $1,000.

Mr. CANNON. Mr. Chairman, that provision and the two succeeding paragraphs are, it seems to me, subject to the point of order, and I desire to raise the point of order upon them that they are new, and that they appropriate for an expenditure not provided for by law.

Mr. SHERMAN. If the gentleman insists upon his point of order, I suppose the Chair will be forced to sustain it, because they are new. In the first place, I believe that the superintendent of schools has had a clerk heretofore, because it has been absolutely essential that he have one, and a clerk has been provided by the office detailing somebody to act in that capacity. This provides that he be allowed a clerk of his own rather than to take anybody, Tom, Dick, or Harry, whom the office can spare for that work.

In reference to the next section, providing a salary of $3,000 for a superintendent of irrigation, I will say to the gentleman that this bill provides for an expenditure of about $500,000 for irrigating purposes. Now, it does seem to me that when we are expending so large a sum of money, not all our own, a large part of it coming out of the Indian fund, that it is no more than reasonable, and no more than any fair business man would do in his own business, to provide some competent person to see that that money was properly and wisely and judiciously expended, and that is all that this does; but it is new.

I hope the gentleman will not raise the point of order. I believe, especially as to the superintendent of irrigation and his traveling expenses, that this officer is seriously needed. No special harm can arise if the superintendent of schools is not given a clerk. That can be provided for in some other way. But so far as the superintendent of irrigation is concerned, it does seem to me, when we are expending such vast sums of money, that such officer should be created. I hope the gentleman will not insist on his point of order to these two items.

Mr. CANNON. I should be glad to accommodate the gentleman from New York in this matter if I could, but I have been compelled to investigate for one or two years touching this matter of irrigation. Already the irrigation work is duplicated in several of the Departments.

Mr. SHERMAN. Just because there has been nobody there to attend to it.

Mr. CANNON. It is being done by the Geological Survey and by the Agricultural Department, and all around. This will only increase the trouble that we now have. There is an absolute necessity for the academy of science licking this whole matter into shape. Every new bureau only adds to the trouble, and when the money is available they can get the proper employees, if Congress should appropriate for irrigation. It is a matter, I assure my friend, after much thought, that I do not believe it is politic to enter upon, for reasons beyond this bill entirely; and therefore I am compelled to insist on the point of order.

Mr. SHERMAN. Does that insistence include the clerk to the superintendent of Indian schools?

Mr. CANNON. So far as I am concerned about that, the legislative bill carries the personnel of all the Departments. The gentleman from Pennsylvania [Mr. BINGHAM] has charge of that bill. So far as I am concerned, I care nothing about that clerk.

Mr. SHERMAN. Well, then, I understand the gentleman withdraws his point of order as to that?

Mr. CANNON. I withdraw my point of order as to that. I think it does not belong to this bill, and that the service has been already provided for through the ordinary legislative bill; but I care nothing about this clerk. It is a clerk, more or less, that I have made no investigation about, and so far as I am concerned, I shall not insist upon the first item; but for reasons indicated I must insist on the other two.

Mr. DOCKERY. Where has the superintendent his office?

Mr. SHERMAN. He has his office in the bureau while he is in the city, but he is away a good deal, traveling and visiting the large schools.

Mr. DOCKERY. I shall not raise the question, if it is not raised by the gentleman from Pennsylvania; but it seems to me that if this officer is necessary, he ought to have been carried in the legislative bill.

The CHAIRMAN. Will the gentleman from Illinois clearly indicate the two points upon which he raises the objection, so that the Chair may understand it?

Mr. SHERMAN. To lines 22, 23, and 24 on page 8, and lines 1 and 2 on page 9.

Mr. BINGHAM. I simply desire to say to the gentleman in charge of the bill that in connection with the legislative bill we went into every possible detail as to the necessity of the continuance of the present force, as well as of increasing the force, and in looking over this bill I am free to say that I am somewhat surprised at the increases that run through it. I agree with the gentleman from Illinois, chairman of the Committee on Appropriations. I will not make any objection to lines 20 and 21, but so far as the personnel of the Indian Department is concerned, we went into it very thoroughly, and I shall regret very much if I am called upon in the later stages of this bill to file some objection to the gentleman's proposed legislation. As to this paragraph I shall not object.

The Clerk read as follows:

For pay of one superintendent of irrigation, $3,000.

For traveling expenses of the superintendent of irrigation and employment of necessary assistants, $4,000.

Mr. CANNON. Mr. Chairman, am I correct in understanding that the point of order lies to line 24 on page 8, and lines 1 and 2 on page 9?

The CHAIRMAN. That is ruled out on the objection made by the gentleman from Illinois.

The Clerk read as follows:

To enable the Secretary of the Interior to employ practical farmers and practical stockmen in addition to the agency farmers now employed, at wages not exceeding $65 each per month, to superintend and direct farming and stock raising among such Indians as are making effort for self-support, $65,000: *Provided*, That no person shall be employed as such farmer or stockman who has not been at least two years immediately previous to such employment practically engaged in the occupation of farming.

Mr. STEELE. I desire to ask the gentleman in charge of the bill if these farmers are within the civil-service law?

Mr. SHERMAN. I suppose they are.

Mr. STEELE. It is not new legislation?

Mr. SHERMAN. It is not new legislation.

Mr. STEELE. Then I will have to submit to farmers being examined. [Laughter.]

Mr. CANNON. Mr. Chairman, I desire to ask the gentleman in charge of the bill a question. I see that there has been dropped from this paragraph, as it has been heretofore carried, these words:

Within the State and Territory where such agency is located, and, where practicable, competent Indians shall be given the preference.

Has that been dropped through error or inadvertence?

Mr. SHERMAN. I think not. I think that was purposely dropped.

Mr. CANNON. I should be glad to know why. It seems to me that where the Indians are competent they ought to be employed.

Mr. SHERMAN. That was dropped because it was not thought to be essential that a farmer should have obtained his experience in the State or Territory in which he was to be appointed. It seemed to the committee that a farmer from any other State or Territory would probably be just as competent to discharge the duties of the office as one whose experience had been obtained within the limits of the particular State or Territory.

Mr. CANNON. I merely noticed that these words had been dropped, and I desired to know the reason. I do not make any point about it.

The Clerk read as follows:

To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to carry out an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, namely, the purchase of material and employment of labor for the erection of houses for Indians; for the purchase of agricultural implements, stock, and seeds, breaking and fencing land; for payment of expenses of delegations of Chippewa Indians to visit the White Earth Reservation; for the erection and maintenance of day and industrial schools; for subsistence and for pay of employees; for pay of commissioners and their expenses; and for removal of Indians and for their allotments, to be reimbursed to the United States out of the proceeds of sale of their lands, $125,000; so much thereof as may be necessary for the erection and completion of suitable buildings for an industrial boarding school on the White Earth Reservation, Minn., to be immediately available.

Mr. CANNON. I will ask the gentleman why this item has been increased from $75,000 to $125,000?

Mr. SHERMAN. That increase is made for the purpose of replacing a school that was burned there about a year ago. The gentleman understands that this is Indian money which we appropriate. We do not make the appropriation except out of their own funds, and they desire that their school which was burned shall be replaced. They asked, as I recall, for a greater sum than the committee thought was necessary to replace the school, so we gave what we thought sufficient.

Mr. CANNON. I wish to call the gentleman's attention to the fact that while the money appropriated in this paragraph from line 16 on page 14 down to line 9 on page 15 is reimbursable, it awaits the sale of the lands of these Indians. Now, we have already appropriated over a million dollars to these Indians by way of advance, and the question in my mind is whether, if we keep on, we shall have such a large sum reimbursable that their lands will not begin to pay the obligation?

Mr. SHERMAN. I do not understand that to be a possible condition of affairs, Mr. Chairman. If the gentleman from Illinois is correct in his assumption, I do not understand the matter, and I am very much astonished. I think we have not appropriated for them anything like a million dollars more than has been received, and I think the gentleman is mistaken.

Mr. CANNON. No, I think I am not mistaken about it. As I have said, while these item are reimbursable, we have already advanced over a million dollars.

Mr. SHERMAN. More than the receipts?

Mr. CANNON. There has been no reimbursement at all yet. We have not commenced to sell the lands. Now, if we keep on advancing money to these Indians it seems to me that by and by it may be difficult to get it back.

Mr. SHERMAN. I do not think we are yet anywhere near the danger line.

Mr. CANNON. Of course I do not wish to antagonize the committee if they have investigated the question and think it necessary to appropriate this money to reconstruct that school.

Mr. SHERMAN. It certainly is. There are a lot of children there who for about a year, since the building was burned, have been without a school.

The Clerk read as follows:

Pay of additional employees, $5,000.

Mr. CANNON. Mr. Chairman, I make the point of order on that. There is no law to authorize it, and I suggest to the gentleman whether it is not quite unnecessary to make that appropriation, for the reason that if he will turn back to page 17 he will find that there is an appropriation of $30,000, to be expended in such manner as the President may direct under the treaty. The Crows, as I understand it, have a wonderfully fine reservation and are very rich Indians.

Mr. SHERMAN. Well, Mr. Chairman, this was asked for by the Secretary, and I assume that he would not ask for it if he did not think it was essential; but it was not in last year's bill.

Mr. CANNON. It is a mere gratuity to a people who, in my judgment, do not need it, and I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent to strike out "eighty-three," in line 16, the sum total, and substitute "seventy-eight," to conform the total to the change in the bill made by the striking out of line 12.

There was no objection, and it was so ordered.

The Clerk read as follows:

This amount to enable the President of the United States to pay the legal representatives of two deceased Kickapoo Indians, the settlement of whose estates is desired, under the provisions of section 2 of the act of August 4, 1886, such sum as may be their proportion of the $100,000 provided for said tribe for education and for other purposes, per treaty of May 18, 1854, not exceeding $675.66; in all, $4,087.83.

Mr. CURTIS of Kansas. Mr. Chairman, I desire to offer an amendment at this point.

Mr. DOCKERY. Mr. Chairman, I reserve the point of order against the paragraph, in order to get an explanation of it.

The amendment proposed by Mr. CURTIS of Kansas was read, as follows:

On page 21, after the word "cents," in line 13, insert the following:

"Merchants and others doing business with, and having accounts against, Indians to whom allotment of land has been made in any reservation in the State of Kansas, shall not be prohibited from going upon the reservation, or to any agency in said State, for the purpose of collecting or securing in an orderly manner such debts; but any Indian agent shall have power to remove any person from the reservation who is there for the purpose of gambling, or inciting insubordination among the Indians."

Mr. SHERMAN. Mr. Chairman, I do not desire to raise the point of order against that amendment, at least until I shall have heard an explanation of it.

Mr. CURTIS of Kansas. I will yield to my colleague to make an explanation.

Mr. BRODERICK. Mr. Chairman, there are three small reservations in my district, and upon each of them is a licensed trader, but the allotments have been made, schools have been conducted upon the reservations for a number of years, and those Indians are well advanced in civilization. The Indians have been in the habit of trading at the towns near by, and the merchants have generally gone to the agencies when payments were made, or have sent their clerks there, simply for the purpose of collecting or receiving their money. They can not collect from the Indians by suing them, as they generally have no property over and above the exemption, so the only way they have of collecting their debts is by going there or sending their clerks. This year, for the first time, the Department issued an order against anyone going to the agency for that purpose except the licensed traders. The order really works great hardship to the Indians. It deprives them of the benefits of competition between merchants, and of course they can not get credit unless the merchants are permitted to be at the agency or to be represented there on pay day. No trouble has ever arisen heretofore from their presence there on such occasions. They proceeded in an orderly way to collect their debts where they could, and where they could not they just let them go, as other people do.

The object of the authority which has been given is to keep those who desire to sell liquor to the Indians or to gamble with them from going to the agency on pay day. Authority is conferred upon the Indian Bureau to prohibit persons from going upon the agency for such purposes; but that authority has never been exercised before with reference to reservations where allotments have been made and the Indians are well advanced in civilization. There is a saving clause in this amendment under which the agent will still have authority to remove persons who may be upon the reservation for the purpose of inciting insubordination among the Indians or gambling with them.

As this is a local measure, applying only to the State of Kansas, I hope there will be no objection made to it. It can not possibly result in any injury to the Indians. On the contrary, it will help them. I understand that in some cases where Indians have desired credit they could not get it for the reason that the merchants are prohibited from going upon the reservation. Some Indians, too, have been keeping small accounts at the banks, and they have been unable to get credit at those institutions because of this order. So that I believe this amendment is in the interest of the Indians. In fact, they have advised its adoption. I hope no objection will be made.

Mr. DOCKERY. I withdraw the point of order. I am satisfied, upon inquiry, that it is not well taken.

The question being taken on the amendment of Mr. BRODERICK, it was agreed to.

Mr. SHERMAN. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOPKINS reported that the Committee of the Whole on the state of the Union had had under consideration the Indian appropriation bill, and had come to no resolution thereon.

REPRINT OF BILL AND REPORT.

Mr. SHERMAN. I ask unanimous consent for a reprint of House bill 10090, and the accompanying report, both of which are exhausted.

There being no objection, it was ordered accordingly.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HOWELL, for ten days, on account of sickness.

To Mr. DENNY, for ten days, on account of important business.
To Mr. DRAPER, for one week, on account of important business.
To Mr. STRONG, for two days, on account of sickness.
To Mr. MARSH, indefinitely, on account of sickness.
And then, on motion of Mr. SHERMAN (at 5 o'clock and 7 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Navy forwarding a supplementary report in the matter of the cost and price of armor plate, and transmitting therewith certain letters, was taken from the Speaker's table, referred to the Committee on Naval Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. QUIGG, from the Committee on the Library, to which was referred the joint resolution of the Senate (S. R. 184) authorizing the Smithsonian Institution to participate in the Exposition of Gas Apparatus and Appliances, to be held in Madison Square Garden, New York City, January 27 to February 6, 1897, reported the same without amendment, accompanied by a report (No. 2613); which said bill and report were referred to the House Calendar.

Mr. FLYNN, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 3656) entitled "An act providing for free homesteads on the public lands in Oklahoma Territory for actual and bona fide settlers, and reserving the public lands for that purpose," with certain amendments of the Senate thereto, reported the same, accompanied by a report (No. 2614); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MERCER, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 9073) providing for the erection of an addition to the United States custom-house and post-office building in the city of Dubuque, Iowa, reported the same without amendment, accompanied by a report (No. 2615); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 3401) entitled "An act to amend the act entitled 'An act to authorize the construction of a bridge across the Missouri River at or near the city of Lexington, Mo.,' approved July 26, 1894," reported the same without amendment, accompanied by a report (No. 2618); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. COFFIN, from the Committee on Pensions: The bill (H. R. 6495) granting an increase of pension to Robert Selden. (Report No. 2616.)

By Mr. STRODE of Nebraska, from the Committee on Pensions: The bill (S. 989) entitled "An act granting a pension to Fannie Kantz, widow of August V. Kantz, late brigadier-general, United States Army." (Report No. 2617.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BROWN: A bill (H. R. 10119) granting the right of way through the Chickamauga and Chattanooga National Park—to the Committee on Military Affairs.

By Mr. CULBERSON: A bill (H. R. 10120) to amend an act entitled "An act to provide for the adjudication and settlement of claims arising from Indian depredations," approved March 3, 1891—to the Committee on the Judiciary.

By Mr. BABCOCK: A bill (H. R. 10121) to compel street railway companies in the District of Columbia to remove abandoned tracks, and for other purposes—to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 10122) to amend an act entitled "An act to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia," passed August 3, 1894—to the Committee on the District of Columbia.

By Mr. HENDERSON: A concurrent resolution (House Con. Res. No. 68) providing for counting of electoral vote—to the Committee on Rules.

By Mr. CHICKERING: A resolution (House Res. No. 504) to print report of Thomas W. Symons, Corps of Engineers, upon widening the locks of Erie Canal as a House document—to the Committee on Printing.

By Mr. AVERY: A concurrent resolution of the legislature of the State of Michigan, in favor of the passage of the bill (H. R. 4339) to establish a military park at Vicksburg, Miss.—to the Committee on Military Affairs.

By Mr. STAHLE: A concurrent resolution of the legislature of Pennsylvania, praying Congress to pass House bill No. 4339, to establish a military park at Vicksburg to commemorate the campaign, siege, and defense of Vicksburg—to the Committee on Military Affairs.

By Mr. LINTON: A concurrent resolution of the legislature of the State of Michigan, favoring the passage of House bill No. 4339—to the Committee on Military Affairs.

By Mr. STRODE of Nebraska: A resolution of the senate of Nebraska touching the Cuban question—to the Committee on Foreign Affairs.

By Mr. BISHOP: A concurrent resolution of the legislature of Michigan, praying the passage of House bill No. 4339, to establish a national military park at Vicksburg—to the Committee on Military Affairs.

By Mr. MERCER: A resolution of the senate of the Nebraska legislature, in favor of the independence of Cuba—to the Committee on Foreign Affairs.

By Mr. BINGHAM: A resolution of the general assembly of Pennsylvania, favoring the establishment of a national park at Vicksburg, Miss.—to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BOATNER: A bill (H. R. 10123) for the relief of Joe Carroll, of Ouachita Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 10124) for the relief of James Y. Lilley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10125) for the relief of Mrs. Mary A. Dennis—to the Committee on Invalid Pensions.

By Mr. COX: A bill (H. R. 10126) to increase pension of Emily E. Cash from $20 to $50 per month—to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 10127) for the relief of Stewart & Co.—to the Committee on Claims.

By Mr. HAINER of Nebraska: A bill (H. R. 10128) granting a pension to Rebecca P. Quint—to the Committee on Invalid Pensions.

By Mr. HULING: A bill (H. R. 10129) for the relief of George W. Yoakum—to the Committee on Invalid Pensions.

By Mr. MEREDITH: A bill (H. R. 10130) for the relief of the Presbyterian church at Warrenton, Va.—to the Committee on War Claims.

By Mr. RICHARDSON: A bill (H. R. 10131) for the relief of estate of John M. Malone, deceased, late of Sumner County, Tenn.—to the Committee on War Claims.

By Mr. WANGER: A bill (H. R. 10132) to grant a pension to Sarah E. Daub—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH of Illinois: Resolutions of the Board of Trade of Chicago on the subject of the threatened restriction of trade in American meats with France, Germany, and Switzerland—to the Committee on Ways and Means.

By Mr. ARNOLD of Pennsylvania: Petition of C. W. Beyer and other citizens of Ramey, Pa., for legislation punishing the desecration of the United States flag—to the Committee on the Library.

By Mr. BINGHAM: Sundry petitions of Charles H. Howell & Co., David Hanly & Son, Burt Bros., and the Allison Manufacturing Company, all of the city of Philadelphia, for favorable action on House bill No. 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. BROMWELL: Memorial of the Ohio State Board of Commerce, favoring a department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

By Mr. BURTON of Ohio: Resolution of the Grand Lodge of the Ship Masters' Association, in favor of gas buoys on the Great Lakes—to the Committee on Interstate and Foreign Commerce.

By Mr. COBB: Petition of the Lucas Avenue Cumberland Presbyterian Church of St. Louis, Mo., representing 300 members, for the protection of State antigambling laws—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Engineers' Club of St. Louis, Mo., relative to the maintenance of deep-water navigation at the mouth of the Mississippi River—to the Committee on Rivers and Harbors.

By Mr. CURTIS of Iowa: Resolutions of the Commercial Exchange of Des Moines, Iowa, favoring the creation of a department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of Kansas: Resolutions of the Second Presbyterian and the Second Congregational churches of Emporia, Kans., relative to Armenian outrages—to the Committee on Foreign Affairs.

By Mr. FISCHER: Petition of the merchant tailors of New York and Brooklyn, favoring the passage of House bill No. 10058, to increase the duty on ready-made clothing—to the Committee on Ways and Means.

By Mr. FOSS: Resolutions of the Chicago Board of Trade, protesting against the unfriendly action of foreign countries toward American products—to the Committee on Foreign Affairs.

By Mr. GAMBLE: Petition of the Congregational church, the Christian church, and the Woman's Christian Temperance Union of Carthage, S. Dak., urging the passage of Senate bill No. 2485, to protect the first day of the week as a day of rest in the District of Columbia—to the Committee on the Judiciary.

By Mr. HENDERSON: Paper from Branch No. 156, National Association of Post-Office Clerks, urging the passage of House bill No. 3273, for the classification of clerks in first and second class post-offices—to the Committee on Rules.

By Mr. HILL: Petition of the Woman's Christian Temperance Union of South Norwalk, Conn., favoring the passage of House bill No. 3203 and Senate bill No. 1498, to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

By Mr. LACEY: Resolutions of the Commercial Exchange of Des Moines, Iowa, in favor of a department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

By Mr. LEWIS: Resolutions of the National Encampment of Grand Army of the Republic, adopted September 4, 1896, asking for the enactment of House bill No. 8589, providing for the Southern Memorial Soldiers' Home—to the Committee on Military Affairs.

By Mr. LINTON: Sundry petitions of James C. Diamond and others, J. M. Irvine and others, and R. M. Loughridge and others, protesting against appropriations for sectarian institutions—to the Committee on Appropriations.

Also, petition of Cyrus C. Tubbs and other citizens of Saginaw County, Mich., for the relief of George E. Lonsberry—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: Petition of the Woman's Christian Temperance Union of Camden, N. J., representing 253 members, praying for the passage of House bill No. 3203 and Senate bill No. 1498, to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Camden, N. J., urging the passage of House bill No. 7441 and Senate bill No. 2846, for the prevention of gambling—to the Committee on the Judiciary.

Also, petition of Edward Roberts, of Camden, N. J., favoring the passage of bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Rev. A. G. Lawson, of Camden, N. J., for favorable action on House bill No. 4566, relating to second-class mail matter, and Senate bill No. 1675, to prohibit the transportation of obscene matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MEREDITH: Petition of Aaron B. Hoffman, of Culpeper County, Va., praying that his war claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. RICHARDSON: Petition of James Willoughby, of Henderson County, Tenn., asking reference of his war claim to the Court of Claims under act of March 3, 1883—to the Committee on War Claims.

By Mr. STEELE: Petition of citizens of Logansport, Ind., protesting against the passage of the Sherman bill with respect to ticket scalpers—to the Committee on Interstate and Foreign Commerce.

By Mr. STRONG: Affidavit of H. C. Wikoff, to accompany House bill No. 7608, to increase the pension of Mrs. Dortha J. Edgar—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: Petition of the Woman's Christian Temperance Union of Manchester, N. H., praying for the passage of the Phillips bill (H. R. 6119)—to the Committee on Labor.

Also, petition of the Woman's Christian Temperance Union of Manchester, N. H., urging the passage of House bill No. 7441 for the prevention of gambling—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Manchester, N. H., favoring the passage of House bill No. 3203, raising the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

By Mr. TOWNE: Petition of the Lumbermen's Association of Duluth, Minn., for the restoration of the duty on lumber—to the Committee on Ways and Means.

By Mr. UPDEGRAFF: Petition of C. R. Shatto, president of Southeastern Iowa Union, Young People's Society of Christian Endeavor; also, petition of the officers of the Woman's Christian Temperance Union of Iowa, favoring the passage of the House bill No. 9515 to raise the age of protection to 18 years for girls in the District of Columbia, and House bill No. 7441, regarding interstate gambling by telegraph—to the Committee on the Judiciary.

By Mr. WALKER of Massachusetts: Memorial of H. Austin Putnam, of West Rutland, Mass., suggesting legislation on the labor problem—to the Committee on Labor.

Also, memorial of H. Austin Putnam, of West Rutland, Mass., concerning methods of election—to the Committee on Election of President, Vice-President, and Representatives in Congress.

SENATE.

TUESDAY, *January 26, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

UNION IRON WORKS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, pursuant to a provision contained in the act making appropriations for the naval service for the fiscal year ending June 30, 1897, the claim of the Union Iron Works, of San Francisco, Cal., against the Government for loss and damage due to delays alleged to have been caused by the Department in the construction of the armored coast-defense vessel *Monterey;* which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

CREDENTIALS.

Mr. BERRY presented the credentials of JAMES K. JONES, chosen by the legislature of Arkansas a Senator for that State for the term beginning March 4, 1897; which were read, and ordered to be filed.

Mr. CHANDLER presented the credentials of JACOB H. GALLINGER, chosen by the legislature of New Hampshire a Senator from that State for the term beginning March 4, 1897; which were read, and ordered to be filed.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE COGSWELL.

Mr. LODGE. Mr. President, I desire to give notice that, with the consent of the Senate, on Saturday, February 6, at 3 o'clock, I shall ask leave to call up the resolutions of the House of Representatives in memory of the late William Cogswell, a member of that body, to enable Senators to make remarks upon the same.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 3525) to provide for an examination and survey of a water route from the mouth of the jetties at the city of Galveston, Tex., through the ship channel and up Buffalo Bayou to the city of Houston, Tex., and appropriating money therefor, with amendments in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 9499) authorizing and directing the Secretary of the Interior to sell certain lands to A. L. Williams, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 350) granting an increase of pension to George C. Abbey;

A bill (S. 1291) granting an increase of pension to Celeste A. Boughton, widow of Bvt. Brig. Gen. Horace Boughton;

A bill (S. 1505) granting an increase of pension to Rufus H. Paine;

A bill (S. 1511) granting a pension to Mrs. Jane Stewart Whiting;

A bill (S. 1682) granting an increase of pension to Mrs. Sarah B. Leet;

A bill (S. 1888) granting an increase of pension to William T. Walker; and

A bill (S. 3381) granting a pension to Lena D. Smith.

PETITIONS AND MEMORIALS.

Mr. SEWELL presented a petition of the Eleventh Ward Republican Club, of Newark, N. J., and a petition of Goodwill Council, No. 32, Junior Order United American Mechanics, of New Brunswick, N. J., praying Congress to recognize the independence of Cuba; which were ordered to lie on the table.

He also presented a petition of the Christian Citizenship Union, of Camden, N. J., and a petition of the Tabernacle Baptist Church, of Camden, N. J., praying for the passage of Senate bill No. 2846, to protect State antigambling laws from nullification through

interstate gambling by telegraph, telephone, or otherwise, etc.; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Bethel African Methodist Episcopal Church, of Camden, N. J., praying for the passage of Senate bill No. 2485, to further protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petitions of H. V. Anthony, of Camden; of Alfred G. Lawson, pastor of the North Baptist Church, of Camden; of Edward Roberts, of Camden; of Alexander C. Wood, of Camden, all in the State of New Jersey; a petition of the Partrick & Carter Company, of Philadelphia, Pa.; and the petition of Thomas Bray, of Philadelphia, Pa., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BURROWS presented the petition of John H. Johnson, sheriff, and 66 other citizens of Georgetown, Sussex County, Del., praying for the appointment of a joint commission to inquire into the political conditions existing in that State; which was referred to the Committee on Privileges and Elections.

He also presented the petitions of J. W. Wells, vice-president of the Girard Lumber Company, of Menominee, Mich.; of Charles A. Chamberlain & Son, of Philadelphia; of Schaum & Uhlinger, of Philadelphia; of J. J. Mulconroy, of Philadelphia; of R. J. Lecomte, of Philadelphia, all in the State of Pennsylvania, and a petition of the Manufacturers' Association of Kings and Queens counties, Pouch Mansion, Brooklyn, N. Y., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GEAR presented the memorial of F. M. Douglass, publisher of the Modern Schools, of Des Moines, Iowa, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. VILAS presented a petition of the Wisconsin Cranberry Growers' Association, praying that the European cranberry be included in the next tariff schedule, and also for the ratification of a reciprocity trade treaty with Canada to open up that country to the free importation of our berries; which was referred to the Committee on Finance.

Mr. FRYE presented a petition of the president and faculty of Bowdoin College, Brunswick, Me., praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

Mr. FRYE. I present what is practically a remonstrance of the Central Labor Union of Portland, Me., against the restoration of flogging or corporal punishment in the merchant marine.

Permit me, Mr. President, to say that there is no amendment pending in the Senate to any bill whatsoever which restores flogging in the merchant marine. On the contrary, the amendment referred to, in the unanimous opinion of the Senate Committee on Commerce, gives greater security to the sailor against the brutality of any master or officer at sea than the existing law or any other bill now pending in Congress.

The VICE-PRESIDENT. The memorial will be referred to the Committee on Commerce.

Mr. SHERMAN presented a petition of the Jewish ministers of the United States and Canada, praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

Mr. McMILLAN presented a petition of the Detroit Credit Men's Association, of Detroit, Mich., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. PLATT presented a petition of the Board of Trade of Ansonia, Conn., praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

Mr. LODGE presented the petition of James D. Macewen, of Natick, Mass., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the Massachusetts Reform Club and a petition of the Evangelical Alliance for the United States of America, praying for the ratification of the pending arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

Mr. TURPIE presented a petition of the Young Men's Christian Association of Evansville, Ind., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Evangelical Alliance for the United States of America, praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Indiana Republican Editorial Association and a petition of the State committee of the Indiana Young Men's Christian Association, of Indianapolis, Ind., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of O. E. Fulghum, of Richmond, Ind., praying for the adoption of an amendment to the so-called Loud postal bill which will give to incorporated schools and colleges the pound-rate privilege conferred by the Manderson-Hainer Act of July 13, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Wayne County, Ind., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SMITH presented a petition of the Eleventh Ward Republican Club, of Newark, N. J., praying that the United States take steps looking to the annexation of Cuba, and that the Monroe doctrine be rigidly observed and maintained by the United States in regard to the acquisition of Cuba by any European Government; which was ordered to lie on the table.

He also presented the petition of Alexander C. Wood, treasurer of the Esterbrook Steel Pen Company, of Camden, N. J., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Louis A. Russe and 8 other citizens of New Jersey, praying for the passage of House bill 4566, to amend the postal laws relating to second-class mail matter, and also for the passage of Senate bill No. 1675, to prohibit the transportation of obscene matter through the mails; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented the petition of Arthur S. Fields, of Chicago, Ill., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was referred to the Committee on Public Buildings and Grounds.

He also presented the petition of William Haskell, of Chicago, Ill., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented the petition of H. C. Purmort, of Chicago, Ill., and a petition of the Chicago Talking Machine Company, of Chicago, Ill., praying for the enactment of legislation providing 1-cent letter postage; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of H. L. Timmons & Co., bankers, of Bement; of the Wilbur Mercantile Agency, of Chicago, and of the Young Men's Christian Association of Waukegan, all in the State of Illinois, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Lyman Baird, of Chicago, Ill.; a petition of E. H. Moore, of Chicago, Ill., and a petition of the board of trustees of Beloit College, Beloit, Wis., praying for the ratification of the pending arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

He also presented a memorial of the W. F. Hall Printing Company, of Chicago, Ill.; a memorial of Blomgren Bros. & Co., of Chicago, Ill., and a memorial of F. M. Lupton, publisher, of New York City, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of James W. Houston & Co., of Pittsburg, Pa., praying for the enactment of legislation prohibiting interstate gambling by telegraph; which was referred to the Committee on Interstate Commerce.

He also presented the memorial of Forest House Lodge, No. 159, Brotherhood of Railroad Trainmen, of Derry, Pa., remonstrating against granting an extension of time within which to equip freight cars with automatic car brakes and couplers; which was referred to the Committee on Interstate Commerce.

STATE ELECTION LAWS.

Mr. GALLINGER. I have in my hand a table showing the provisions of the election laws in the different States, compiled by Hon. John C. Houk, ex-Congressman from Tennessee. It embraces a great deal of valuable information, and it is not in any wise partisan, being simply facts which he has collated from pamphlets containing the election laws furnished by the respective secretaries of state. I ask that it be printed as a document for the use of the Senate.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

REPORTS OF COMMITTEES.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (H. R. 2985) granting an increase

of pension to Lemuel J. Essex, reported it without amendment, and submitted a report thereon.

Mr. ROACH, from the Committee on Pensions, to whom was referred the bill (H. R. 6539) granting a pension to Richard C. Enright, reported it without amendment, and submitted a report thereon.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 4279) to cure the title to certain real estate in the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3688) to pension James L. McKinney for services in Oregon Indian wars; and

A bill (H. R. 3939) to pension Daniel Giles for services in Oregon Indian wars.

Mr. WETMORE, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 8010) to authorize a survey for construction of a bridge across the Eastern Branch of the Potomac River in line with Massachusetts avenue extended eastward, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 3307) declaring the Potomac Flats a public park, under the name of the Riverside Park, reported it with amendments, and submitted a report thereon.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the joint resolution (H. Res. 215) extending time for compliance by Eckington and Soldiers' Home Railway Company and the Belt Railway Company with provisions of section 1 of an act entitled "An act to extend the routes of said railway companies," etc., approved June 10, 1896, reported it without amendment.

Mr. CANNON, from the Committee on Pensions, to whom was referred the bill (H. R. 2189) granting a pension to Mrs. Mary A. Freeman, reported it without amendment, and submitted a report thereon.

Mr. BAKER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4099) to increase the pension of Mary S. Higgins; and

A bill (H. R. 2620) granting a pension to Lauretta L. Prince.

Mr. BAKER, from the Committee on the District of Columbia, to whom was referred the bill (S. 3498) to punish the impersonation of inspectors of the health and other departments of the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 18th instant, intended to be proposed to the deficiency appropriation bill, reported favorably thereon, and moved that it be printed and referred to the Committee on Appropriations, with the accompanying report; which was agreed to.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2257) to increase the pension of Charles H. Twomey; and

A bill (H. R. 2859) granting a pension to Harriet F. Herrick.

Mr. GALLINGER (for Mr. BRICE), from the Committee on Pensions, to whom was referred the bill (S. 2576) granting a pension to Mrs. Martha L. Bohannon, of Lynchburg, Va., reported it with an amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Mines and Mining, reported two amendments intended to be proposed by him to the sundry civil appropriation bill, and moved that they be printed with the accompanying report, and referred to the Committee on Appropriations; which was agreed to.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 3523) to provide for further proving the genuineness of handwriting by comparison, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 3524) to remove doubts concerning the jurisdiction of district judges, reported it without amendment.

THE LA ABRA AND WEIL CASES.

Mr. HOAR. From the Committee on the Judiciary I report back favorably the bill (S. 3588) to insure a full bench in the Court of Claims for the hearing of the cases entitled "The United States against La Abra Silver Mining Company" and others and "The United States against Alice Weil and others." I ask unanimous consent that the bill be considered now. Let it be read for information.

The Secretary read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. ALLEN. I object to the present consideration of the bill.

Mr. HOAR. Will the Senator from Nebraska kindly permit me to state in one sentence what the bill does? Then, if he desires to look further into it, of course I shall not object.

Mr. ALLEN. Certainly; I am perfectly willing to listen to the Senator.

Mr. HOAR. Congress provided that the questions arising in those cases should be submitted to the Court of Claims, with a right of appeal to the Supreme Court. There is a fund in the possession of the United States, paid over by Mexico under an award by a board of which Sir Edward Thornton was chairman, in favor of these parties. After the award it was claimed that the award was procured by fraud. The claimants denied, of course, that statement, and further held that the award was final and could not be reopened.

After many years' discussion, Congress determined to submit the question whether under the award the claimants were absolutely entitled to the money, whether it ought to be paid back to Mexico, or whether there ought to be a new hearing to be submitted to the Court of Claims with authority to render a final judgment for the claimants if they were held entitled to the money, and with an appeal to the Supreme Court of the United States. Of course, good faith to Mexico and justice to the claimants alike require that that question should be settled.

It so happens that four judges of the Court of Claims are necessary for a quorum, and that one of the five can not sit. Of the remaining four it is understood that they are equally divided, two and two. I suppose it is not improper to state that if a gentleman nominated for that court should be confirmed by the Senate, he having been an officer of the Government for so long, he will probably be found also disqualified, although I know nothing about that.

This proposed act simply provides that if any judge of the Court of Claims be disqualified the Chief Justice of the Supreme Court of the United States may designate some circuit judge or district judge of the United States to sit in the Court of Claims in that particular case and that he shall be paid his actual expenses. I suppose no one would question that the Chief Justice would exercise that power discreetly, but if he did not, as there is an appeal to the Supreme Court of the United States, the matter can be revised. But now it is blocked, and it is likely to be blocked for a good while unless this remedy is granted. That is the story. The Senator will now do what he thinks best.

Mr. ALLEN. I understand that the La Abra case has been before the court for a number of years. I understand, as the Senator from Massachusetts says, that it resulted in the first instance in an arbitration between Mexico and the United States, Sir Edward Thornton being the arbitrator. The money was paid over by Mexico and is now in the hands of this Government.

Mr. HOAR. A part of the award, not the whole of it.

Mr. ALLEN. It was paid over in trust for the heirs, whoever they may be, the stockholders. I understand that case was once or twice determined by the court, and then, upon the earnest appeal of some person (whether in a legal manner or not I do not know, and I do not pretend to say), the judgment was set aside.

Mr. HOAR. I was not aware that it had ever been determined by the court.

Mr. ALLEN. That is my understanding.

Mr. HOAR. I did not know of any but the case now, in which the court is blocked in this way.

Mr. ALLEN. I may be mistaken as to that point. However, it has been pendente lite for a great many years.

Mr. HOAR. For two or three years.

Mr. ALLEN. I agree with the Senator from Massachusetts that it ought to be determined; but why can we not, if it is necessary, pass a bill authorizing the certification of this case to the Supreme Court in the event of an equal division of the judges of the Court of Claims, without incurring the expense and delay of an extra judge, and allow the Supreme Court finally to determine it? Why can not that be done?

Mr. HOAR. Of course it may be that the losing party would not carry it up if it were decided. If the Senator desires to look into it further, of course it is a very important matter and I shall entirely respect his desire. The only expense is the actual traveling expenses of the judge who comes here. There is no other expense. It is not to exceed $10 a day.

Mr. ALLEN. The Senator from Massachusetts will understand, of course, that this objection of mine is not a mere capricious objection.

Mr. HOAR. Certainly. It is a very important matter.

Mr. ALLEN. It is an important matter, and I should like to look into the bill.

Mr. HOAR. Very well.

Mr. ALLEN. And if I think the bill should pass, I shall have no objection to it.

Mr. HOAR. If the Senator prefers, let it go over.

The VICE-PRESIDENT. The bill will go over.

SPECIAL CENSUS REPORT ON OCCUPATIONS.

Mr. HALE, from the Committee on Printing, reported a concurrent resolution providing for the printing of additional copies of a special census report on occupations; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there shall be printed and bound in paper covers 5,000 additional copies of the special census report on the occupations of the population of the United States as shown at the Eleventh Census, to be distributed by the census division of the Department of the Interior, the extra edition of such special report to be known as Extra Census Bulletin No. 100.

PRINTING OF BULLETIN ON APICULTURE.

Mr. HALE, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. PERKINS on the 21st instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 20,000 extra copies of Bulletin No. 1, New Series, Division of Entomology, Department of Agriculture, entitled The Honey Bee: A Manual of Instruction in Apiculture, by Frank Benton, M. D., of which number 6,000 copies shall be for the use of the Senate, 12,000 copies for the use of the House of Representatives, and 2,000 copies for distribution by the Secretary of Agriculture.

ELECTRIC SUBWAYS IN THE DISTRICT OF COLUMBIA.

Mr. McMILLAN. I report from the Committee on the District of Columbia hearings on the joint resolution (S. R. 187) relating to the laying of electric subways in the District of Columbia, and on the resolutions of the Senate of December 14 and 17, 1896, and ask that it be printed as a document.

The VICE-PRESIDENT. It will be so ordered.

OSAGE INDIANS IN OKLAHOMA.

Mr. PETTIGREW. I am instructed by the Committee on Indian Affairs to submit a report in regard to an investigation by that committee in relation to the Osage Indians in Oklahoma, ordered by resolution of the Senate of March 18, 1896. I ask that the report and accompanying testimony be printed as a document for the use of the Senate.

The VICE-PRESIDENT. Without objection, it will be so ordered.

LEGAL EFFECT OF CONCURRENT RESOLUTIONS.

Mr. HILL, from the Committee on the Judiciary, who were directed by a resolution of the Senate of February 20, 1896, to inquire and report to the Senate whether, under the provisions of the river and harbor act approved July 13, 1892, the resolution mentioned in the last paragraph of that law is required to be a joint resolution, and whether concurrent resolutions generally are required to be submitted to the President of the United States, submitted a report thereon; which was ordered to lie on the table and be printed.

REGULATIONS CONCERNING OLEOMARGARINE, ETC.

Mr. HILL. There is lying on the table a bill (H. R. 1221) to make oleomargarine and all other imitation dairy products subject to the laws of the State or Territory into which they are transported, which has not yet been referred. The other day the Senator from Iowa [Mr. GEAR] made some motion in regard to it. I do not know what course he desires the bill to take. The bill was laid over, and is on the table.

Mr. GEAR. I withdraw the motion I made to refer the bill to the Committee on Interstate Commerce, and accept the motion of the Senator from New York to refer it to the Committee on Agriculture and Forestry.

Mr. HILL. Then let the bill be referred to the Committee on Agriculture and Forestry.

The VICE-PRESIDENT. The bill will be so referred.

BILLS INTRODUCED.

Mr. GEAR (by request) introduced a bill (S. 3601) for the relief of Stewart & Co.; which was read twice by its title, and referred to the Committee on Claims.

Mr. McMILLAN introduced a bill (S. 3602) to amend an act entitled "An act to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia," approved August 3, 1894; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. NELSON introduced a bill (S. 3603) to extend the time for the completion of the St. Paul, Minneapolis and Manitoba Railway Company through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian reservations in the State of Minnesota; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PROCTOR introduced a bill (S. 3604) for the relief of Robert J. Humphrey; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. MARTIN introduced a bill (S. 3605) to amend an act to regulate the practice of pharmacy in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CHANDLER introduced a bill (S. 3606) to provide for the twelfth and subsequent censuses; which was read twice by its title, and referred to the Committee on the Census.

Mr. BLANCHARD introduced a bill (S. 3607) for the relief of Thomas Kergon, of Rapides Parish, La.; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WETMORE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. CAMERON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. TURPIE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. HAWLEY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MARY W. KEEFFE.

On motion of Mr. GALLINGER, it was

Ordered, That Mr. PRITCHARD be excused from service as a manager of the conference on the amendment of the House of Representatives to the bill (S. 905) granting a pension to Mary W. Keeffe, and that the vacancy be filled by the Vice-President.

Mr. SHOUP was appointed in the place of Mr. PRITCHARD, excused.

JARED S. CHAMBERLAIN.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 878) granting a pension to Jared S. Chamberlain.

The amendment was, in line 7, to strike out the letter "s" in "Volunteers" and insert "Infantry; and pay him a pension of $12 per month."

Mr. GALLINGER. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

FRANCIS BROWN.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 646) for the relief of Francis Brown.

The amendments were, in line 3, after the word "hereby," to insert "authorized and;" in line 5, to strike out all after the word "Cavalry" and insert "and pay him a pension of $12 per month;" and to amend the title so as to read "An act granting a pension to Francis Brown."

Mr. GALLINGER. I move that the Senate concur in the amendments made by the House of Representatives.

The motion was agreed to.

ISABELLA MORROW.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1128) granting a pension to Isabella Morrow.

The amendment was, in line 8, before the word "dollars," to strike out "seventy-five" and insert "fifty."

Mr. GALLINGER. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

WATER ROUTE BETWEEN GALVESTON AND HOUSTON, TEX.

Mr. MILLS. I ask the Chair to lay before the Senate the amendments of the House to Senate bill 3525, received from the House this morning.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3525) to provide for an examination and survey of a water route from the mouth of the jetties at the city of Galveston, Tex., through the ship channel and up Buffalo Bayou to the city of Houston, Tex., and appropriating money therefor.

The amendments were, on page 2, line 1, after the word "the," to strike out down to and including the word "estimate," in line 4, and insert:

Cost of the said examination, survey, and estimate be paid out of funds already appropriated for work on the improvement of the ship channel and Buffalo Bayou.

And amend the title so as to read: "A bill to provide for an examination and survey of a water route from the mouth of the jetties at the city of Galveston, Tex., through the ship channel and up Buffalo Bayou to the city of Houston, Tex."

Mr. MILLS. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 9499) authorizing and directing the Secretary of the Interior to sell certain lands to A. L. Williams, and for other purposes, was read twice by its title, and referred to the Committee on Public Lands.

INTERNATIONAL MONETARY CONFERENCE.

Mr. TURPIE. Mr. President——

Mr. CHANDLER. If the Senator from Indiana will allow me a moment, I will state that I gave notice that after the conclusion of the routine morning business to-day I should move to take up the bill providing for an international monetary conference. I delay making the motion until after the Senator has finished his remarks.

INDEPENDENCE OF CUBA.

The VICE-PRESIDENT. The Chair lays before the Senate the joint resolution (S. R. 163) acknowledging the independence of Cuba, reported from the Committee on Foreign Relations, upon which the Senator from Indiana [Mr. TURPIE] is entitled to the floor.

Mr. TURPIE resumed and concluded the speech begun by him yesterday. The entire speech is as follows:

Mr. TURPIE. Mr. President, very much language has been used with some indefiniteness in respect to what are called our peculiar and traditional relations with the Island of Cuba. A more careful consideration will convince anyone that these relations have an origin very natural and a date quite determinate.

In 1821, in pursuance of the treaty of cession of 1819, Spain delivered to the United States the possession, jurisdiction, and dominion of her province of Florida, seated on the mainland and continent of North America. That province afterwards became a Territory, and is now a great State—one of the forty-five which constitute this Union.

The Island of Cuba had always been appurtenant to the mainland. It was an appurtenance to the mainland. The energy of steam since the date of the cession of Florida has made it a near appurtenance, and there are other causes which have vastly diminished the distance between this adjacent island and the mainland of Florida. Geographically it has always been regarded as an appurtenance. It is an island situated in American waters, belonging to the Western Hemisphere, belonging to the northern division of that hemisphere, and even internationally it may be reckoned as a part of the American continent.

In the cession of Florida by Spain to the United States she retained the possession of the Island of Cuba, but her title to that island suffered a very marked defeasance and deterioration on the very day of the date of the cession, because from that very date up to this moment Spain has held her title to Cuba under a most absolute limitation, and that is a prohibition to alienate the same. She lost then the power to sell the Island of Cuba to any European Government, the power to sell the Island of Cuba to any Government except that of the United States. It has not only been a maxim of our domestic policy, but fifty years ago in the Ostend manifesto it was declared before the whole world to be an indefeasible maxim, and events since have made it a more absolute measure of our internal policy than it was even at the time of the publication of the Ostend manifesto. A man who owns his real estate without the power to alienate it has a very inferior title, has necessarily a servient title, has necessarily (I am speaking of it in a legal sense) a degraded title. It is not absolute; it is not unlimited.

Besides this condition absolute of nonalienation of the island by Spain there was another condition, there is now and always has been another condition attached to the title of Spain and the possession by Spain of the Island of Cuba. It is the condition that Spain should so govern the island that her administration of its affairs should be acceptable to the Cuban people, a part of the compact and covenant necessarily running with the condition of nonalienation which is not disputed. If Spain can not sell Cuba, thus transferring the allegiance of 1,500,000 of its inhabitants to another European power, still less could she retain her own title and possession when the inhabitants of that island had concluded that the sovereign of Spain and his advisers were the enemies and oppressors of its people.

Every contract, and especially that between sovereign states, must be interpreted by, and indeed includes as a part of it, the public events and conditions relating to it of the time and place of its execution. In 1821 what were the public events and conditions relating to the cession of Florida by Spain to the United States? All the colonies of Spain in Southern and Central America were in armed revolt against her authority at that very date. She had held a vast dominion on this continent by virtue of discovery, by virtue of the conquest of the native powers, and in virtue of possession. Spain lost it by insufferable misgovernment and oppression. Liberty gained what Spain lost. Spain never had any better title to Cuba than she had to Peru, to Chile, to Colombia, to Texas, to Mexico, even before the cession of Florida to the United States, and after that cession her title was much deteriorated; it became much easier subject to defeasance not only by the inhibition to dispose of the island, but by the natural influences of the social and commercial intercourse of its people with their nearest neighbor, the citizens of this great Republic, overshadowing this remnant of monarchy so close to our frontier.

The people of Cuba knew at the time of the cession of Florida to the United States all about the revolutionary condition of the South American colonies of Spain. It is not to be supposed that they were ignorant of our own Revolution, of its beginning, of its course, of its termination. They lived too close not to have heard that shot fired at Concord which was heard around the world. For fifty years before the Cubans knew that the possession and dominion of Spain in their country, under our model and example, and under, as I shall show, the precise provisions of international law, was subject always to the right of the people to alter or abolish their form of government and to institute a new government, such new government as they might deem most likely to effect their safety and their happiness. Every title and every possession of European government in the waters of this hemisphere had been subject and is now subject to this as a perpetual condition, the right by the people to alter or abolish the existing form of government and to institute a new one.

This great passage of the Declaration was not made in allusion to constitutional amendments and legislative changes, although it includes those. Here is another instance where contemporaneous events make a part of the instrument and of its interpretation. This great Declaration was made by our people under arms and among armies. It was made after Lexington, after Concord, after Bunker Hill, while the war was flagrant, and it means that by force of arms any people have the right to alter or abolish an existing form of government and to institute a new government, such as they may deem most likely to promote their safety and happiness. There can be no felony in the exercise of such a right; there can be no crime or crimes in its execution; there can be no offense against any municipal law of the government which is disowned and sought to be overthrown; there can be no offense against any municipal law or decree in such a warfare by any power. The combatants, the belligerents, are not criminals on either side.

It is sometimes said that the old doctrine was that belligerency was not to be acknowledged or recognized, that independence was not to be acknowledged or recognized, until the old government had recognized the new one. This is spoken of sometimes as an "old doctrine." It is not an old doctrine; it has never been the doctrine. The old doctrine is laid down in Vattel, never disputed, can never be gainsaid. He says:

> When two parts of a nation resort to arms and are engaged in civil war, they are entitled to be treated by other powers, and should treat each other, as independent governments and powers for the time being.

That is the old doctrine. It would be a good deal more correct to say that the old practice has been discarded; the old practice under this doctrine, the practice in disparagement of this doctrine, the practice in disregard of this doctrine—that practice, the old practice, has been discarded.

In 1776, during seven years of war, no nationality recognized the United States except France, and she made the recognition as a war measure, and followed it up with full military and naval support. But that is the last appearance of the old practice. All nations have returned since to the old doctrine of Vattel, and we have done a great deal, the people and the Government of the United States have done all things, to explode the old practice and to affirm and to vindicate the old doctrine that parties to a civil war must treat each other and must be treated by other powers for the time being as independent nations.

During the long and bloody wars in South America and in Central America, including Mexico, between Spain and her colonies, the people of Cuba remained, like Logan in his cabin, idle, in peace; they remained the subjects of Spain, the loyal subjects of Spain. Habana was the military and naval headquarters for Spanish expeditions against the revolutionists. Year after year the departure was witnessed from that harbor of the forces of Spain, both naval and military, to crush what they called the rebellions in South and Central America. It was during this long period that Cuba gained that sobriquet, the title to be called "the ever-faithful island." But the revolutionary fire in Cuba was smoldering; it was not unseen; it was not unfelt. After the close of those wars the Cuban people might justly and lawfully lay claim to a redress of their own grievances, to the reduction of taxation, to real representation in an autonomous legislature, to a chance for engagement in every public employment. They had been loyal to Spain. Spain should have been loyal to them as fellow-subjects, as fellow-citizens, as fellow-creatures. They did lay claim to a redress of the grievances under which they had been for two and a half centuries, even then, suffering; for it must be recollected that Cuba is the oldest European colony upon this hemisphere. It was settled and civilized with every

incident of the civilization of the time, practiced Christian doctrine and worship one hundred years before a Pilgrim Father set his foot on Plymouth Rock. Thirty years after the close of these wars a whole generation of Cubans had passed away. That generation had presented petition after petition, remonstrance after remonstrance, for a redress of the horrible grievances which had been inflicted upon them in the ordinary course of the Spanish Government in that island. All of these were vain; they were spurned with contempt, as ours were, from the foot of the Spanish throne. The sword, bare, whetted, sharpened—the sword was the only judge, executioner, law in the Island of Cuba.

The old generation of Cubans had gone to their graves. In 1850, thirty years after the Florida cession, the first attempt was made, after all peaceable efforts had failed to obtain redress, by an appeal to arms.

The effort of Lopez, Cespedes, and other leaders which might be named, was begun by arms on behalf of the people of Cuba to alter and abolish the existing form of government and institute a new one. They failed. There have been since 1850 but ten years of peace upon the island, and there never has otherwise been a lapse of a period that long that hundreds and thousands of the inhabitants of that island have not, in the support of armies and in the raising of troops, repeated and asserted the right of the people to alter and abolish the existing form of tyranny and despotism which had so long afflicted them.

We are now very near the close of the twelfth year of the war for Cuban independence. For I do not think there is any just consideration of this subject which must not consider that the ten years of war, of actual hostilities from 1868 to 1878, closed, not by the suppression of the rebellion, not by a surrender of the Cuban people, not by a surrender of the Cuban armies, but closed under the treaty of Zanjon, the treaty called a treaty of pacification, upon explicit conditions for the redress of grievances, must be added to these two years of war, the second of which is now ending; and are a part of the same war commenced in 1868. It is the second period of the war for Cuban independence, between the same parties, for the same reasons, and upon the side of the republic, by the same leaders, civil and military, as were parties to the pacification of Zanjon and were parties to that ten years of hostilities which, by mutual agreement, were closed by the terms of that pacification.

At this crisis, then, after a prolongation of the war for independence, after an effort, and a successful effort, as I shall show, to maintain independence and to maintain that armed authority of the people to abolish the existing form of government and institute a new one—at this period of that effort, what shall be the attitude of the United States? When you ask that question, it is said in answer, "Congress has no right to take any action in the premises; it must wait for the Executive."

Let us examine this proposition, sir. The composition of Congress is the first subject in the Constitution of the United States, and the most important. There are more provisions devoted to that subject than to any other. It precedes the judicial department, it precedes the executive department, it is first in order, first in time, first in right, power, and authority. After the composition of Congress is provided for and its organization effected under constitutional provisions, the very next thing following is what is called the power clause, immediately after the composition and constitution of Congress, by which certain powers are vested in Congress. The third section in the power clause reads as follows:

> To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

This precedes all the powers vested in Congress except two; it is the third in order and importance in the constitutional text. The regulation of commerce with Indian tribes includes the regulation with the chiefs, the headmen of the tribes, and with the tribal governments. The regulation of commerce among the States includes the people, the officers, the governments of the several States. The regulation of commerce with foreign nations includes the governors, rulers, kings, or other representatives of the several national sovereignties alluded to.

What is a regulation of commerce? It would answer this question to look at the volume of law upon either of these three subjects. The largest volume of laws in scope on this subject is that in relation to the Indians. I speak now of the pages employed. The next largest is that with respect to intercourse with foreign nations. The least is that with respect to commerce among the several States.

The regulations of commerce with the Indians are not confined at all to trade and traffic. They control every possible species of intercommunication between white men and Indians, every possible domestic relation, all sorts of police regulations, civil and criminal, everything necessary to make—if I may use the expression—an inter-Indian government unquestioned, complete, plenary.

Commerce, in respect to the several States, includes freights, fares, passengers, cargoes, machinery used in transportation, all vessels and ships used in either, the conduct of the officers and crews of such vessels, and the direction of the owners of the same.

Commerce with foreign nations has been held to embrace the forms and regulations in the same universality of character as between the several States and the Indian tribes. Commerce in this clause does include trade or traffic, but that is a very small department of it; it includes much more. It means intercourse in the common and ordinary sense, the most general sense of that word "intercommunication," the sense in which the word was used at the time the Constitution was adopted, and is used now. Legitimate commerce between the sexes is a proper expression, and certainly has no reference to trade or traffic. The orator and the poet have spoken of commerce with the skies, commerce with the stars. This is not trade or traffic. It is intercourse, intercourse only with the eye, intercourse only in imagination, yet it is properly called commerce.

Mr. President, I have taken the trouble to look up some judicial opinions of the Supreme Court upon this subject, as to the meaning and scope of the word "commerce," in what is called the commerce clause of the Constitution:

> Commerce among the several States consists of intercourse and traffic between their citizens, and includes transportation of persons and property.

That is one decision. It includes the regulation as to telegraphic, telephonic, and all other communications. It includes the regulation of railroad travel and every other incident of transportation by decisions of the same tribunal.

These are decisions of the broadest possible scope. They do not relate to commerce as trade and traffic. They relate to all sorts of dealings between citizens of the several States, between Indian tribes and citizens of the States, and the Government of the United States and foreign nations. Ocean telegraphs are undoubtedly subjects of international commerce. They may be regulated, so far as regulation is necessary under this clause, by an act of Congress and not otherwise, and I am told the whole diplomatic correspondence in times of exigency is carried on by means of cablegrams—ocean telegrams.

The power granted in this commerce clause is paramount; it is plenary. The power to regulate commerce with foreign nations is first granted, first created in the clause. It is a general power, and its exercise is as general with respect to intercourse with foreign nations as it is with respect to intercourse with Indian tribes or among the several States.

The power thus granted in general terms can not be destroyed by a construction of any subsequent section of this instrument which will affect that purpose. Such a construction must be untenable and is untenable. We have, in the exercise of this power to regulate commerce among foreign nations, in the first place, the whole body of treaties, protocols, conventions, and the whole body of enactments with respect to ambassadors, ministers, secretaries of legation, consuls, and all citizens who may be engaged in international travel or sojourn.

To whom else and where otherwise is such a power granted? It is never said that the President shall have power to regulate intercourse with foreign nations. To have so provided would have been to vitiate a former provision in the instrument. Our fathers did not frame constitutions in that way.

I ask the attention of the Senate also to the concluding section of the power clause, which reads:

> The Congress shall have power to make—

Upon which word I shall comment—a very rare word in the Constitution, used only in one other section—

> The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department.

Congress is certainly a department of the Government. Under the power clause, to which I have called attention, but following the intercourse clause, and therefore in time inferior to it in order, in importance inferior to it—under that clause Congress is empowered to establish post-offices and post-roads, and by a subsequent clause it is empowered to make all laws necessary to carry that power into execution. Congress has established a post-office at the city of New York; the President declines to appoint a postmaster. Can he defeat the power of establishment by declining to perform an executive duty? Is there any question but that in such an extraordinary case—I admit it is exceptional—Congress would have the right, under the executive clause cited, to appoint a person temporarily to discharge the duties of the postmaster for that city; because a post-office without a postmaster would be an overthrow of the establishment, not a maintenance of it. The same may be said with respect to any other postmaster in the United States. I have no doubt that Congress could appoint and designate a person to perform those duties. The establishment of a post-office, the power of the establishment of a post-office at any point,

is not at all affected and can not be defeated by the failure of the Executive under the appointing clause.

Take another one of these powers, the first one mentioned in that clause:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises.

That is a fundamental power. It is necessary in order to get revenue for the support of the Government, and without such power and without the execution of such power the Government in all its branches would starve, would die of inanition. Suppose, now, the President fails to appoint collectors at all ports or at any port, shall the Government go down and perish or lose and be deprived of its revenue by reason of the refusal of the President to exercise the appointing power? Who will contend that this power of Congress to levy and collect is not paramount, indefeasible, not to be destroyed by any neglect of action, either affirmative or negative, by any other department of the Government? It must be so, sir; and to decide otherwise would be to hold that the fathers of the Constitution had deliberately and of purpose contrived in this provision a place where and a method by which the Government should come to an end.

This primary paramount authority of Congress with respect to the powers enumerated is an ultimate power beyond the veto. The exercise of this ultimate legislation must be rare, but it undoubtedly exist. Without it the Government might cease to exist, and there is no power in the Constitution which can be conceived superior to the power expressly ordained for its preservation. Therefore, international intercourse, or, to use the express terms of the granting clause, "the power to regulate commerce"—intercourse—"with foreign nations" does give to Congress the paramount power; and as one of the most reasonable and necessary modes of this intercourse is by treaties and conventions, and by the labors of ambassadors, ministers, and consuls—if the President should refuse to appoint ambassadors, ministers, and consuls—any officers of this character—or if the President should refuse to appoint ministers, ambassadors, and consuls—any single officer of this character—which, in the opinion of Congress, was necessary and proper to the exercise of this power in regulating foreign intercourse, could the Executive inaction defeat the executive power of Congress, which is the power granted, and then the power to make laws to carry it into execution? I do not think it could, sir. I am of the opinion that when Congress has made a law—has made a law decreeing that intercourse with a particular nation is necessary and proper, Congress can use all the means to carry into execution that project and that purpose, and can temporarily appoint any diplomatic or political agents to be used as the means of executing its purpose, to act until the President is willing to execute his ordinary functions.

Intercourse with foreign countries includes trade and traffic; it includes, among other things, travel by our citizens in those countries. This embraces of necessity a sojourn, brief or longer, in foreign countries by our citizens. Following this sojourn come instances of death, of marriage, of birth, all regulated by acts of Congress. A very distinguished member of the late House of Representatives was born in a foreign country on the occasion of the temporary sojourn of his parents in that country. He was held under the act of Congress, and decisions in reference to it, to be a native-born citizen of the United States. The law carried the flag and the form of government wherever the mother and father made temporarily their home. That is a regulation of intercourse—broad regulation; and so it might be with respect to all the other important events in human life to which I have called attention. It is not place that determines nativity under our power to regulate foreign commerce. Place of birth does not determine nationality, but the paramount power of Congress determines nationality and every other incident in relation to our intercourse with foreign nations.

Could the President do that by proclamation? It is asserted that he regulates foreign intercourse and may determine with what people intercourse shall be begun or undertaken. Could the President determine in relation to any of these incidents or pass any of the very numerous laws which have taken effect under the authority of Congress with respect to foreign intercourse? Among the things most necessary in the regular and usual intercourse with foreign nations are treaties. To make these, ambassadors and other public diplomatic agents are necessary. Would the failure of the President to appoint such agents as are now named in general laws deprive us of the power to regulate foreign intercourse and to make all laws necessary and proper for that purpose? Does a failure of the Executive to exercise his duty destroy the power of Congress to regulate this intercourse or to make any and all laws necessary for its execution? This would be to make an agent appointed to do a certain particular thing greater even than the power or purpose which was designed to be accomplished in the principal grant. It would make the faucet or the stopcock larger than the hydrant. It would make the hydrant superior to the water main. It would make the water main of more consequence than the great reservoir, the vast flood, the source of every drop which runs through these minor instrumentalities.

If, then, the President perversely and lawlessly refuses or declines to appoint an ambassador when Congress desires one in the form of law, we could direct by law that he should appoint one to a particular country, and in case of his further refusal, we could name and designate a person as our political agent to perform such duties as are usually performed by the Presidential appointee, because such a law is necessary and proper to the execution of the paramount power of Congress to regulate our intercourse with foreign nations. And we may well note here how close this construction is in harmony with the Constitution, a harmony designed in all its parts, because such an appointee by Congress, the person temporarily designated by Congress, vested with ambassadorial, consular, or ministerial powers, would receive two-thirds vote of both Houses of Congress, the Senate and the House of Representatives, a larger majority than if he had been appointed and commissioned by the President and the Senate to that office, for such law could only be passed over the veto of the President by a two-thirds vote of both the Senate and the House.

The power to make all laws necessary to the execution of the primary powers granted to Congress does not exclude the power to appoint by the President the officers required in the execution of the same, if he desires to make use of it, but if he fails to do so, when directed, it must include the power of Congress to make such appointments and to provide for such emergencies. Else these two powers are incongruous and contradictory, which is not possible in this scheme of constitutional government. Upon that point I wish to refer to a decision upon the executory power of Congress, and upon the clause of execution, under the interstate-commerce clause:

Congress may employ the Secretary of War as an agent to ascertain a fact upon which it may declare a bridge over a navigable stream to be a lawful public work.

That was a case in which it was contended that the President only could appoint; that all appointing power was vested in the President; that there could be no condition where Congress could employ or appoint. The Supreme Court of the United States decided that Congress may in such a case employ the Secretary of War as an agent for such a purpose. They might employ any other officer of the Government, or they might pro hac vice appoint a person not an officer of the Government for such purposes. The President can not defeat the action of Congress, because this whole legislation is based upon the interstate-commerce clause. The President can not defeat by his own action or by his inaction any act of Congress bridging a river or a navigable stream. It must ultimately take effect, because Congress has the power to make all laws necessary to its execution.

The power to make all laws necessary to the execution of the primary powers granted to Congress does not exclude the Executive's power, if he sees fit to exercise it, but it includes the power of Congress to prosecute to completion the purpose which they have undertaken. The powers vested primarily in Congress are in ultimate effect paramount. They must take effect. The appointing power, the treaty-making power, or any other power of the President is auxiliary, ancillary, secondary, subservient to those of Congress in the cases made, subject to the limitation stated.

One of these powers, a paramount power, is granted in section 3, Article IV.—"New States may be admitted by the Congress into this Union." It is a power paramount; that is, its actual operation, the taking effect of it, can not be rightfully prevented by the Executive. When Congress wishes to admit a new State, and makes a law for that purpose, the State must come in. There is no function of the President which can shut the door against it. But then he has very important functions with respect to this very subject-matter. The President may veto the enabling act. He may refuse to make the proclamation. He may refuse to appoint judges, marshals, messengers, officers, any person connected by law with the admission of such new State. But the State is to be ultimately admitted. Congress has so enacted, and Congress may temporarily appoint a person to discharge the duties, all the duties—Federal duties—in the new State which is admitted fully trimmed and equipped to enter upon her new career. There is no possible way for the Executive to prevent it except the way of Balmaceda; and in that way an Executive might meet with Balmaceda's fate.

It is perhaps proper for me to say that in the use of the words "President" and "Executive" I do not mean to refer to the incumbent that now is, nor to his successor, so soon to arrive. Both of those eminent gentlemen are dressed in too brief authority to be mentioned in an argument of this character. I refer to all executives and all incumbents of the Presidency. I refer to the office and officer, which in contemplation of law are perpetual.

The power to make laws necessary to the execution of the power so granted is not confined to the group of powers mentioned in the section where it is found, but it is expressly extended to all other powers vested by the Constitution in the Government of the United States or any department thereof. It consequently

applies in express terms to this subsequent section, empowering Congress to admit new States. Congress is not only authorized to admit new States, but to make all laws necessary to carry that enactment into execution. Now, although I am free to admit that the analogy is not perfect, yet of all the operations of government I do not recollect any that more nearly resemble each other than the admission of a new State into this Union and the admission of a new member into the family of nations, whether it be a new nationality or a new form of government in an old nationality. For the purpose of admitting a new State into the Union not only may Congress make laws and designate any persons to perform the duties necessary for that purpose, but it may make laws especially for such admissionary action proper or necessary to consummate the particular act of admission. What it desires must be accomplished. This is implied in the use of the word "make," not, as I said before, commonly used in the Constitution or any constitution with reference to legislation. The word "passed" is used a great deal. That is the ordinary word used.

There is only one other section of the Constitution where Congress is spoken of in respect to making laws. That is a section of negation—"Congress shall make no law respecting an establishment of religion." That implies an absolute prohibition. It implies a prohibition upon the ultra veto power of Congress. Neither two-thirds of Congress, any majority of Congress, nor both branches, can make a law respecting an establishment of religion, and when the same word is used affirmatively, as it is in the section to which I have alluded—"Congress shall make all laws necessary and proper for carrying into execution these powers"—it is an affirmative declaration of the ultimate ultra veto power, not to be defeated by the Executive, not to be defeated by any function of the Executive, not contemplated as possible of defeat by any other authority in the Government. It can be defeated by a resort to arms, and to arms only.

It will be seen how this ultra veto paramount power of Congress is carefully preserved and guarded in the section concerning the President's appointing power. "The President shall have power, by and with the advice and consent of the Senate," to appoint certain officers named, and all "other officers of the United States whose appointments are not herein otherwise provided for." What other officers of the United States are those—this class of officers? Name one in the text, the open text, the face text. There are none. It is very plain upon this construction what that class of officers is. It is the group of persons appointed by Congress to carry into execution laws which they have made against the protest and over the veto of the Executive. This class of officers the President can not appoint. The makers of the Constitution had already provided for them. They are otherwise provided for in the instrument. Not even can the President relent and say, after Congress has gone this far, "I reckon I had better make it up and appoint." He can not even relent. He can not appoint at all. He could not physically appoint, because under his appointing power he has to have a majority of the Senate, but in that condition I am speaking of two-thirds of the Senate and of the House are already against him, exercising their own indisputable paramount power to admit the state and to make all laws necessary for her admission, to recognize a new nation and to make, not pass, subject to veto, but to make all laws for carrying into effect the recognition of the new nation, and to regulate the international intercourse which is vested in Congress by the principal section cited.

It is, therefore, very clear that under the limitations stated and in the cases made laws for the admission of a new state, for the collection of the revenue, for the regulation of foreign intercourse, for the recognition of a new government may be enforced and carried into execution by the power of Congress, and by Congress alone. That this proviso in the appointing section, in that section defining the appointing powers of the President is in support of the construction I am giving to what is called the power clause is very clear, because there is no other class of officers to which the words "not otherwise appointed," in which the Presidential power is prohibited and forbidden, can apply. It takes four lines to make this reservation. Four lines of good, graceful English have prohibited the President from exercising the appointing power in such instances, and there is not one line or one word of surplusage in the Constitution. The Constitution did not deal in surplusage. It did not make an unnecessary proviso. It did not create a needless reservation—no, sir; not one.

Considering, then, together as they must be considered in pari materia, the group of primary powers, the law-making power, not the law-passing power, the lawmaking power of Congress to execute such power, the absolute limitation upon the appointing power of the President in such cases, the language of the veto clause, expressly recognizing, not the law-passing, but the law-making power of Congress—if such bill receive two-thirds of the votes of both branches of Congress it shall become a law, the President's objection notwithstanding——

Mr. DAVIS. He is bound to execute it.

Mr. TURPIE. Yes, sir; he is bound to execute it, and if he does not within these cases of limitation, Congress may execute it. Considering all these, it is evident that there is in the Constitution a scheme of government by Congress alone as plainly provided as of government by the President and Congress, so far as it is indicated in the cases stated and under the limitations predicated.

This is very plain also from the consideration of another subject, urged here with great earnestness, with great sincerity, with respect to foreign intercourse. It is said the President makes treaties. Yes, sir; the President, by and with the advice and consent of the Senate, does make treaties, but those treaties are made wholly subject to the approval of Congress. The President may make a treaty and the Senate may confirm and approve of it. Congress the next day may denounce and repeal it. It is Congress that regulates foreign intercourse. It is not the President. It is not the Senate. It is not the President, with all his functions. It is not the Senate, with all its authority. It is Congress which regulates foreign intercourse; and when a treaty is made contradictory to the will of Congress, it can destroy it, because the paramount power of regulation is with Congress and not with the Senate or with the President. The treaty-making power is an instance—a precise instance—of that Congressional government of which I have spoken, and shows its absolute existence, application, and efficiency in respect to the very subject now under consideration—our intercourse with foreign nations.

The whole body of treaties, protocols, and conventions, the whole mass of this legislation of the President and of the Senate, is to-day subject to Congress, subject to the action of Congress, and may be, before this session closes, wiped out and obliterated, if Congress sees fit to enact a regulation as to our foreign intercourse inconsistent with existing treaties. That is a judicial decision also. The Supreme Court not only once, but twice, thrice, many times, have adopted and approved this very system of government by Congress within the limitations stated, and of government by Congress alone.

There is as to these primary powers vested in Congress—that is the word used in the executing clause, vested in Congress—and executable by Congress, a scheme as perfect, peaceable, comprehensive as the one in ordinary use as to all cases made by its limitations. It may be said that this would place Congress, in respect to these primary powers, in the possession of executive as well as legislative functions. Certainly it might do so. That is just the meaning of the phrase "to make all laws necessary and proper for carrying into execution the foregoing powers." "Carrying into execution" does not imply executive powers. It imposes executive powers upon Congress. We can not abdicate them; we can not abrogate them; we can not get rid of them if we desire to exercise them. The phrase "for carrying into execution the foregoing powers," as to Congress, in the cases stated, stands as a precise equivalent for the clause "he shall take care that the laws be faithfully executed," with respect to the President. The one phrase refers to the executive powers of Congress; the other to those of the President. They have the same meaning, the same effect, the same significance, and the same authority in both instances where the limitations and conditions before stated obtain.

A scheme of government within the above limitation is not strange to the Constitution nor foreign to its spirit, its genius, or to the persons who made it. The makers of the Constitution had lived many years under a government by Congress and Congress alone. From 1776 to 1790 Congress had possession of all executive functions. The executive power of Congress is fourteen years older than the first President. We had no President during those years to which I allude. That great season of peril, that formative era of the Government, we passed through safely, gloriously, without a President.

Therefore, when our forefathers came to frame this instrument, and to vote for and approve it, it is not surprising that they should have formed as part of it, in the cases named, a government by Congress, which the Executive could neither destroy nor prevent as far as is provided in this limitation.

The consideration of the question of jurisdiction of Congress on such subjects as recognition of a new nation or government does not depend upon a two-thirds majority of both Houses. Our action depends upon that, but our authority or right to act upon either of the propositions now before the Senate, the joint resolution of the honorable Senator from New York [Mr. HILL] or the joint resolution reported by the honorable Senator from Pennsylvania [Mr. CAMERON], does not depend upon such majority. Recognition is the first incident in the usual and ordinary mode of intercourse with foreign nations, and the power of Congress upon this subject is paramount. It is imposed upon us by the supreme law of the land.

Recognition may be made in several ways. First, by sending an ambassador, by receiving an ambassador, by public proclamation. Recognition has been made by treaty between two powers not engaged in the contest at all. It is said that the President of the United States may recognize a new nationality, or a new form

of government, and that he has done so in many instances. This is true.

He may recognize either belligerency or independence. He does so in the exercise of the servient and ancillary power to make treaties and to appoint ambassadors or ministers, because in order to make a treaty there must be an officer designated for negotiation by both parties. In looking over the course of events, in scanning the disk of public progress, the President may come to the conclusion that a new nation has appeared in the horizon, that our people desire to have intercourse with it, treaty of amity and commerce. He may therefore recognize it and name it as such as an indispensable part of his power of appointment. But that whole power, and even the treaty itself, is subject to the paramount exercise of the power by Congress.

The President may then determine that a new nation should be recognized, and always takes in such a case the actual initiative, and when he recognizes or makes recognition, the act is beyond recall. It binds Congress; it binds everyone. It is not revisable; it is not reviewable. It is irrevocable, but its irrevocability is not upon the consideration of any constitutional power. It is not a question of our own law at all. This irrevocability has no relation to the actor. It relates entirely to the character of the act. The act of recognition passes into the sphere and scope of international law, and upon the gravest and most important reasons of international public policy it has been decreed—and the decree has always been observed—that recognition once made is irrevocable. Such is the international law. It is not because the power of the President is inherent; he has no inherent power. It is not because the President's power is exclusive; he has no exclusive power in such instances. It is not because the power of the President is absolute; no power of his is absolute. It is because of the law of nations, which, in the interest of peace and public policy and the certainty of conditions, has enacted that the act of recognition is irrevocable; that the determination is final. If he acts, he may bind Congress under this rule of international law, but his inaction is nothing; his inaction binds nobody. If he acts, his act of recognition is not reviewable or revisable; his inaction is reviewable and revisable. He has the actual initiative power and duty to make recognition, but he can not retain it forever. He can only retain it until such time as Congress wishes and manifests in the form of law to make recognition. Then this initiative power of the President is gone. It is set aside. Of course this manifestation of the will of Congress must be made under the ultra veto power—that is, by a two-thirds vote of both Houses.

Congress, after waiting such reasonable time as in their judgment may seem proper, may, if the President refuses to act, or if he obstinately neglects to act, direct him in the first place to make recognition and in the next to send a minister or other agent, and if he refuses to do so, they can make a law carrying into execution this regulation of theirs with respect to commerce or intercourse with foreign nations.

That is clearly decided in the case in relation to the Secretary of War as an employee of Congress, before cited. But I will suppose now a more familiar instance. We passed at this session of the Senate an immigration act under this power to regulate intercourse with foreign nations, providing, among other things, that we did not wish intercourse with any people, or even with any person, who could not read or write in some language some passage of the Constitution. Suppose the President of the United States should direct that the Commissioner of Immigration should not obey that law, and should not carry it into execution. There is an instance where the executive power of Congress would be fully employed and fully justified. If that bill becomes a law and Congress makes it a part of the permanent legislation of the country and the President refuses to appoint the officer designated in it by existing law, or forbids him to execute this enactment, Congress can make a law to carry it into execution. That is a very unimportant power, and comparatively a very unimportant execution of a power, but it is just as paramount, and is exactly similar to the power that we should have to appoint diplomatic or commercial agents in case the President refused to do so after recognition, because the power of Congress to regulate our intercourse with foreign nations seems to be in the cases named not only paramount, but capable of complete execution by our own action.

I agree with all my heart and soul and mind to the proposition of the distinguished Senator from Georgia who sits to my left [Mr. BACON], that every provision of the Constitution, every line in it, leads up to the supremacy of the people, not to the supremacy of the President, but the supremacy of the people as represented in both Houses of Congress; and there may be some things which I have not mentioned, many things under these provisions which are placed, properly and justly placed, entirely above and beyond the Presidential control.

The honorable Senator from Georgia says that the only sovereign power of the President is to grant a pardon. I conceive that to be a correct statement of the law. The act is a sovereign act, but the actor is not a sovereign. The act has all the effect of sovereignty. It releases the offender, acquits him, restores him to the condition of citizenship which he had forfeited by his crime. But a sovereign acknowledges no superior. The sovereign is not answerable to any other power for the exercise of his powers. Yet I think that a President who corruptly used the pardoning power would be as liable to impeachment and removal as for any other high crime and misdemeanor. He is by no means a sovereign, although he does a sovereign act in those instances.

Impeachment, however, is not a remedy, whatever else may be claimed for it. Impeachment has two parts; one is punishment of the offender, the other is the removal of him from office and the appointment of some one who will obey the law in his place. But that class of officers and that class of duties to which I have called attention, which are within the paramount authority of Congress, can not wait for impeachment, do not contemplate impeachment as a remedy. Could we wait for an impeachment and removal in case the President should refuse to appoint collectors, postmasters, ambassadors, ministers? We need not wait a day, because the same power that he would have had in the ordinary exercise of the Government two-thirds of both Houses may exercise in any case within the limitation of the predicate, and especially in the case of intercourse with foreign nations.

Now, sir, I have made this slight sketch of the paramount powers of Congress, not with the view that the Senate had to pass upon such questions, but to show that, carrying it out to its ultimate conclusion, it was consistent in every part and harmonious with the constitutional ordinances of the Government. If I had any other purpose it was to show how little of our power we are exercising in passing the joint resolution introduced by the Senator from New York, or that reported by the Senator from Pennsylvania. Neither of those resolutions provides anything for execution. They both refer merely to the declaration of a condition of things. We are using only a very small fragment of the prerogative of Congress in considering or passing either of these joint resolutions.

I was not originally in favor of the joint resolution of the Senator from Pennsylvania, not but that I approved its policy and its doctrine, but I objected to its form. I thought that it was expressed in a form not sufficiently deferential to the Executive and that it ought to have been in form directory and advisory, not in its present form. But when we are told by a promulgation in a most public manner that we have no right to pass upon this question at all, as deference has not been remembered on one side I do not see why it may not be forgotten on the other. And I am now therefore in favor of these resolutions.

With respect to the joint resolution introduced by the distinguished Senator from New York, there is no question of deference. It simply declares belligerency between the present parties to the war in Cuba, because at the last session Congress declared its opinion that they ought to be recognized as belligerents. In the Senate there were only 6 votes against that opinion, and the concurrent resolution passed the House by a very large majority. This, then, is a preface, an introduction to the joint resolution declaring the existence of such a condition, and is the next step in the regular order of procedure.

But, however, the concurrent resolution of the last session was only a parliamentary expression of opinion. Both the resolutions now pending are legislative in their character. They go directly to the President the same as any other enactment. We may recognize belligerency by law, as we may recognize independence by law, and by the same method carry either of these into execution if execution thereof be denied by the President. We have the power to regulate intercourse with foreign nations. The President has not that power.

Let us consider, then, the reasons Congress had for its opinion expressed in the concurrent resolution of the last session, and what reasons we have now for the passage of the joint resolution reported by the honorable Senator from Pennsylvania, or the joint resolution introduced by the honorable Senator from New York. In support of these measures, in imitation of our Revolutionary fathers, let facts be submitted to a candid world.

We are now very nearly in the twenty-fourth month of the second period of the war for the independence of Cuba which succeeded the former ten years of war terminated by the pacification of Zanjon, concluded in 1878. This pacification was brought about by a truce of actual hostilities at that time and then by a treaty entered into on the part of the Spanish Government by Campos and his associates, and on the part of the Cuban Republic, named and recognized as such, by Marti and Cisneros and their associates, containing special provisions with respect to the redress of grievances of the Cuban people. I wish to call attention to one of the provisions of that treaty as bearing upon the question now before the Senate. That treaty provided by actual agreement that all prisoners should be released. That relates to prisoners of war. It provided by mutual agreement that all sentences and judgments of courts in any part of the island founded upon political

causes arising during the war should be mutually released and condoned. That did not refer to prisoners of war. It referred to civil prisoners; and it shows that seventeen years ago, in July, 1878, at the time the treaty of pacification was agreed upon and at a time when hostilities were suspended, there were existing in the Republic of Cuba courts that took notice of treason against that republic, courts that entered sentences of condemnation against persons accused of treason, and who entered sentences of confiscation against property held by persons who were accused of treason against the Cuban Republic then in arms and now in arms against the Spanish monarchy. That is what that provision shows; and if there was such a condition in the states of the republic subject to republican control and dominion at that time is it possible that such a condition has ceased now? It is said there is no civil government there.

I have here, both in the original and in translation (I shall not take pains or the time of the Senate to read them at length), a record of the meeting of the executive council of the government, composed of members of congress and of the heads of departments, held at Guaimaro, in the free government of Camaguey—that is, a state in the Republic of Cuba—in October, 1896, at which session congress passes a vote of thanks, the same as our Congress was in the habit of doing during the Revolution, a vote of thanks to General Garcia and his officers for their successful siege and attack of the city of that name in that province which had immediately before surrendered. The Cuban congress, the representatives of the Cuban congress, just as we had an executive committee during the Revolutionary war, frequently followed the army in the field. They did not always sit at the capital, and the capital itself was movable.

I have the newspaper here showing an imprint of the printing office of the Cuban Republic just as plainly as the imprint of Colonel Benedict as Public Printer of the United States appears upon public papers published by him. It is very inferior printing. It puts me in mind of the old broadsides that we see in collections of the curious, and news-letters that were issued during the war of 1776 by our side. The type is dim, the execution is not first class, but the original paper, which I have every reason to suppose is genuine, is here on the desk, not only showing this vote of thanks by the executive committee of the Cuban congress, but showing orders to the army, legal notices, and all the regular machinery of a civil government within the lines of the Cuban Republic in October, 1896—last October; and I am certain there is no changed condition since. There has not been a Spanish army of any force within the state of Camaguey since the meeting of the executive committee at Guaimaro to which I alluded; and I am certain that the condition in 1878 is continued also, that the Cuban courts and the Cuban judges, the prefectos, and the subprefectos are in the exercise of all the functions of the officers of an independent government within the states of Oriente, Camaguey, and Occidente.

But, Mr. President, I wish to call attention to this provision of the treaty of pacification at Zanjon for another purpose. It shows clearly that the Spanish monarchy at that time, seventeen years ago, recognized the forces of the Cuban Republic as belligerents. And the papers of this day have Spanish dispatches showing that their troops captured "four prefectures, arms, effects, and documents."

This makes it clear that a civil government is now existing within the Cuban Republic. The prefecto is a minor office under the laws of the republic, and the prefecture is the building in which his papers and documents are deposited, which, as the dispatch shows, the Spanish troops, in the course of some raid, took and destroyed. The dispatch is dated January 24, 1897, and speaks of the incident as having occurred during the month.

I wish to call attention to this provision in the treaty of pacification at Zanjon for another purpose. It shows clearly that the Spanish monarchy at that time, seventeen years ago, recognized the Cuban Republic as belligerents, and provided for the release, mutually, of prisoners of war. I am not speaking now of the question of independence, but the Spanish monarchy itself seventeen years ago most solemnly admitted the belligerency of the Cuban Republic, the belligerency of the combatants in that civil war. Why, then, should we refuse to make the same acknowledgment? What Spain has herself conceded, why should we withhold or deny?

This is now a war in the twelfth year of its prosecution, in which Spain does not pretend, even in the further prosecution of it, to restore her authority in the island. It is a war, on her part, defensive in every particular, in which she admits, both in the civil and military sense, the existence of another paramount government, and is anxious only to prevent that government from exercising its authority in the city of Habana and a very small neighborhood around the city. That is the actual condition of affairs in the island at present.

With reference to that conduct of the war now I ask the attention of the Senate to the trocha. There are two trochas, both built across the island, or very nearly across the island, from sea to sea, at narrow parts of it, one west of Habana and one on the east side of Habana. They are earthworks, deep ditches, embankments, reenforced with a wire fence, and other lines of not very material difference, inclosing that comparatively small part which is in the immediate neighborhood of the city of Habana. They are simply outworks, fortifications prolonged to defend the city of Habana.

What is their purpose? The Spanish Government says, and the Government of the United States has intimated, that the object of this war is to subjugate the Cubans in revolt against the Government of Spain. Why, then, have they built trochas to prevent their armies from going into or treading upon the soil of the republic? Were these trochas built for that purpose—to aid the Spanish forces in subjugating those of the Cuban republic? Not at all. The ditch, the embankment, the wire fence all deny this. They were built for the purpose of preventing the military forces of the republic from taking possession of the civil and military capital of the island during Spanish authority—Habana. They were not built for any other purpose. I have read of trochas before, but I never read of one composed of this material. The trocha is a very old instrumentality of war. Perhaps the most celebrated instance of it was the case of the walls of Severus and Trajan, built across the island of Britain between the two friths, where the island was most narrow. For what purpose? To prevent the Romans from invading North Britain? To prevent the Romans from the conquest of the Picts and Scots? It was a plain stone wall, a very tangible trocha, a trocha of masonry, a strong one, a real one, a permanent one, showing a permanent policy. Was that to enable the Roman armies to subjugate the Scot and Pict Government of the times? Not at all, sir. It was to prevent the Scottish Government of that time from invading the Roman part of Britain.

The trocha did not indicate an extension of Roman power or any purpose or policy of extending that power. It showed a limitation of Roman power. Part of that is still in existence, and is called "the Roman wall." It showed the boundary of Roman power. In this case these ditches are built, these trochas in the Island of Cuba, because they are necessary; and just as in the case of Rome, both these trochas show the limitation of the power of the Spanish monarchy. They are built in defense of it, and not in prosecution of any war for the restoration of its authority; they are built in defense of the Spanish force inside the trocha and Spanish property, military and other, inside of the trocha and inside the city of Habana. They have no other purpose. The subjugation of the island, of the republic, has been abandoned; it is no longer thought of; it is not a part of the Spanish policy.

Then it may be said, But what if the Spaniards stay always between the two trochas, and what if the Spaniards always retain possession of the Province of Habana and the city of Habana—about one-sixth of the island? That would not prevent us from recognizing the belligerency or the independence of the republic of Cuba. San Domingo is an island smaller than Cuba. The first republic of Haiti was not so large as the Cuban Republic outside the trocha at either end of it; and for a century there were two governments on the island of San Domingo—one a republic, the other a colony—but within the last fifty years both have become Republics, and in less time Cuba will become wholly a republic, and no monarchy, neither Spanish nor any other, will have dominion in that island.

The United States recognized the representatives of Haiti years before Toussaint had driven their enemies from their capital, and when it became known that they might not be driven from their capital in the other part of the island, the United States recognized the independence of the republic outside of the capital, and there were two governments, the colonial and the republican. So the possession, and the continued possession, by Spain of the city of Habana is made a pretext by her to deny belligerency and to prevent recognition; but it ought not to be made a pretext by the Government of the United States in denial of either of those rights, because we have acted in exactly a similar case in recognizing the republic in the Island of Haiti, which is next in importance and in population to Cuba. We have acted, and we have recognized the independence of a government in a part of the island which was not for the time being able to drive its oppressors into the sea, but was for the time able to maintain its own territorial independence. and has done so ever since.

Let me call attention, Mr. President, to another incident showing the permanency of the government of the Cuban Republic, the permanency of independence as a condition, and, above all conjecture, doubt, or hesitation, the right which these people have to be acknowledged as belligerents.

Cubitas is the capital of the republic. It is situated, as I am informed, in the state of Camaguey. I may say that the Island of Cuba, under the constitution of the Republic of Cuba, is divided into four states, Oriente, Occidente, Las Villas, and Camaguey. Cubitas, the capital, is in the state of Camaguey, near the line which separates it from the state of Oriente. It is the place

where the public and civil officers of the republic reside, though they are occasionally in camp; it is the place where Cisneros, who is president of the republic, makes his abode; it is the place where the government newspaper is published, where the laws and official notices are given out to the people adhering to that government; it is a place many miles distant from Habana, but the distance is all measured by level land; there is nothing inaccessible about it; no exploit like the crossing of the Alps is necessary to reach Cubitas. It is reachable, if I may use that word for the time being, from any part of the Cuban Republic. No invasion of it has in twelve years of war been made by the enemy; no expeditionary force has been dispatched against the capital of the republic in the last period of the war.

During the first period of the war, to which I ask attention, in 1877, which was one year before the treaty of pacification at Zanjon, Campos did organize a large force, not against Cubitas—for that was not the capital of the republic at that time—but against the capital of the republic at that time. That army invaded and passed through hundreds of miles of hostile territory, fighting its way until it reached the capital of the republic, which it burned to ashes, destroying all papers and archives of the Government of the Cuban Republic, captured the members of the legislative assembly, shot to death with musketry the presiding officer, and tried by court-martial all the prisoners which it took. Did that destroy the republic? Did that close the war? Has the war ever been closed? No, sir; the war went on. It was prosecuted with greater vigor and vengeance by the army of the republic until Spain had to kneel and ask for peace upon such conditions as the Cuban Republic would accord.

No, sir; the destruction of the Cuban capital, the execution of its legislative and executive officers, or the flight and escape of others—all this had no more effect upon the Republic of Cuba and the war which they were then waging in 1877 than had the capture and burning of the Capitol at Washington upon us in 1814 by the British army, an act of which Mr. Burke said the spoliation of public records was a crime which should make the perpetrators infamous in the annals of human history—it had no effect upon the authority of the Cuban Government, or upon the military forces of that Government, or with respect to its permanence. Such a military event as this happening in 1877 ought to be considered in determining the nature and character of the present movement.

How inconsiderate it is, then, for anyone to say that the death of Maceo is a decisive event in this struggle, as if this great civil conflict at arms was a personal matter, a matter of personal disagreement between Maceo and the Spanish monarchy.

Maceo is dead and buried, but the cause he fought for is neither dead nor buried. Do we not all recollect his death, and have we not all read of it with as much sorrow as our fathers felt when Warren fell at Bunker Hill? Their hearts did not fail within them. Massachusetts did not falter; it gathered the body in its bloody raiment and laid it very tenderly away; but the Revolution still lived, and the war for liberty was still waged until victory ended it.

Montgomery fell. The idol of the army, the friend and favorite of our great Commander-in-Chief, the greatest Irishman of the Revolutionary war was slain in battle, but his countrymen and his comrades of all nationalities accepted that only as a motive for more stern, vigorous, zealous, undying efforts for the success of the great cause which he had espoused.

Maceo is dead, but when his name is called his comrades will answer, "Dead upon the field of honor," for, Mr. President, you may recollect that when the first report reached us, spread in every direction by every means of publication, that Maceo had fallen, it was accompanied shortly afterwards by a rumor that an officer of his staff, the surgeon-in-chief of the Cuban army, Zertucha by name, had betrayed him into a dangerous position, and had for $50,000 fired his pistol into Maceo's head, and thus procured his death.

Mr. President, the Spanish Government had been accused, in the prosecution of this war, of great cruelties, of great atrocities, but it could not bear that report; the Spanish authorities winced under it; and consequently Captain-General Weyler, who uses his sword against women and children, and fights the enemy with paper bullets and proclamations—this murderer of the innocents, this Herod of Habana—published an official proclamation of the Spanish Government, denying the story that they had bribed Zertucha, declaring, in the words of the text, that Maceo had fallen in as loyal battle as ever was fought.

What is the meaning of "loyal battle?" A battle can not be ex parte; it is a contest between two parties, armed to decide the supreme or superior force of one or the other. Loyal battle is a legal battle; it is a lawful battle, under the rules of war and under the laws of nations and under the laws of humanity. "Maceo fell in as loyal battle as ever was fought."

This indescribably diminutive reptile, who is entitled Captain-General of Cuba, gave no title to Maceo; he simply mentioned his name. Maceo was a lieutenant-general in the army of the Cuban Republic, but he is spoken of as "Maceo," which reminds us very much of the early days of the Revolution, when the Howes and the Clintons sent their correspondence by special messenger very carefully directed to "Mr. Washington." It is a very careful guarding of this point of punctilio—no committal, no sort of recognition of military rank of this great hero, patriot, soldier. The punctilio was omitted, but the great, open, patent fact of loyal battle was conceded and published to the world; and the official acknowledgment of the Spanish Government was thus made that this was a belligerent act—an official public acknowledgment of the Madrid court that this was a war in which both parties were entitled to equal rights of belligerency.

Belligerency, the condition of public war, was acknowledged three weeks ago by the Captain-General of Cuba in this proclamation. Why should the Senate of the United States hesitate a moment to declare it? Maceo has fallen, but even the spoils taken on his person and that of the brave young Gomez, who fell with him, throw some light on this subject. The shirt of finest material, the ivory-mounted sword, the studs and buttons of gold, the silver-mounted pistols plated with pearl inlaid, show that these warriors belonged to a people skilled in arts and arms, familiar with commerce, and with every incident of civilization, as they well might be, being by one hundred years the oldest European colony upon the American continent.

Maceo's body was recovered by his comrades. It was buried in the kindly soil of the republic which he died to create, and as counties, towns, and cities in the United States have been honored by the names of Warren and Montgomery, so Maceo will have his memory perpetuated in the towns and cities of the Republic of "Cuba libre." His name can not be forgotten.

Mr. President, I have certain extracts from newspapers which I shall put into my remarks, without detaining the Senate in reading them, showing the condition of the present war on the part of Spain to be wholly defensive, showing that independence is already a fact accomplished, and all that is necessary is that it should be declared or recognized.

NEW YORK, *January 1, 1897.*

General Calixo Garcia, in a letter to his wife, received yesterday, says:

"The flag of the Cuban Republic waves in undisputed sway over the entire province of Oriente. You can drive for miles across the country and never meet a Spaniard. Free schools, modeled after those of the United States, have been established. The farmers are planting and tilling their fields as though no revolution existed.

"My army of 2,000 men is in splendid condition. The officers are all brave young fellows, many of whom belong to the most aristocratic families in Cuba. Jealousy among them is unknown. We are all animated by the same love of independence and hatred of the Spaniards."

I especially allude, sir, to this article, which I shall publish—which has been printed very generally, and perhaps most Senators have seen it—the letter of General Garcia stating that his forces were stationed in the state of Oriente. The state of Oriente corresponds with the late Spanish Province of Santiago de Cuba. It is on the eastern part of the island. It is the largest state or separate territory in the island. Camaguey is the next state in the republic to the east.

General Garcia states that he has 2,000 men with him, all armed and accoutered in excellent condition, and officered by sons of the best families of Cuba. He states there are no Spaniards in that country; that no Spanish authority is recognized in Occidente; that free schools, modeled after those of the United States, have been established. I notice that no skirmishes, nor battles, nor marches even, had occurred in the state of Oriente. He states also that the farmers are employed in plowing and planting, just the same as if no revolutionary war was in progress. Those are the exact terms of his letter.

Oriente is a very large country geographically; it has a population of 350,000. It is a part of the oldest settled portion of Cuba. The soil is very fertile, and there is a very large acreage of fertility; the forest and mining interests are very great and very rich. This whole province was ten years ago and is now entirely loyal to the republic; never has acknowledged in the least degree the authority of Spain. This state of Oriente, of whose present condition General Garcia gives a description—that is, its condition last December, last month, thirty days ago—this state of Oriente is territorially larger than the Republic of Hawaii—a great deal larger. Its arable area is larger than that of the Republic of Switzerland. It contains three times the number of people that the Republic of Hawaii does. Released from Spanish exactions, free from Spanish taxation, 350,000 people of that great state of the republic not only pay their taxes to the new government, but they offer more abundant contributions to support the republic and her armies in the war against the Spanish monarchy.

Is it possible that there can be no government in such a territory? Of what other part of Cuba do you read a similar description last December? In the province of Habana, anywhere between the two trochas, do you read of farmers plowing and planting, of people pursuing their usual vocations? No, sir; not even in the city of Habana. Everything there is under martial law; everything is

shrunk and shriveled up by military necessity. There is no civil government in the city of Habana. There is no civil government in the country defended by the trochas. They are the very seat of war. This is a statement of a fact: Instead of there being no civil government in Cuba except that of Spain, there is no civil government in Cuba except that of the republic, for there is no place outside of republican territorial lines where 350,000 people are planting, plowing, and pursuing their usual vocations undisturbed by the war.

The republic is in the undisturbed possession of this great state and has been for the ten years of the first hostilities and the two years of the second period of the war. For twelve years in all of warfare the Republic of Cuba has been in undisturbed possession of this vast territory; and every incident of civil government, every right of civil government, is enjoyed by the inhabitants of the great state of Oriente, who support the armies and other forces engaged in actual hostilities and who render true allegiance to the lone star of Cuba, to its flag, to its laws, to its government. If there were no other showing of the permanency of the government, of its power, of its authority than is included and not denied and not deniable in this description of the state of Oriente last December, belligerency ought to be offered instantly and recognition made before the next sunset.

Of the 350,000 people residing in that territory, 35 per cent are blacks or colored and nearly 66 per cent are whites, Cubans of Spanish origin, just as we are citizens of the United States of English or other European origin. This percentage of colored citizens and soldiers so often spoken of ought not to deprive those people of belligerent rights or of the recognition of their independence. It is not so great as the percentage in our own population in the States within the black belt, and certainly there is a government in all the counties of the black belt. Where colored people are in vast majority there is yet a government. It is not nearly so great as in the Republic of Haiti. Not a tenth of the population there is white. Nine-tenths of it is black or colored. Yet the Republic of Haiti has been recognized as a Government for eighty years with less population and a great deal less military force than the Cuban Republic now employs.

As I said before, I do not recollect to have noticed (and I have noticed very closely all dispatches, Spanish dispatches, Habana dispatches, New York dispatches, in reference to this case) an instance of a military engagement, or of a military attempt by the Spanish monarchy in the great state of Oriente. There may have been an occasional sally from a seaport, an inconsiderable sally, because there are several seaports which are held by Spain. But this would not change the condition of nationality.

Mr. President, when I come to treat of the action of President Monroe in a similar instance, it will be found that when he dispatched his ministers and political agents to the South American republics all of them landed in what were called Spanish ports, every one of them—that is, they were harbors which were held by Spain, although the independence of the revolutionists had been declared and had been recognized by Mr. Monroe, not recognized by Spain. Those political agents had to pass through Spanish lines in one or two instances to reach their destinations, and in one instance Mr. Prevost, one of his political agents, lost his way and had very hard work to find the capital of the government to which he was accredited. Yet he did reach it at last, and that government is in existence now. There is nothing in this attempt to show that there is no civil government in Cuba, speaking of the indefiniteness of its locality.

On one of those occasions the minister appointed by Mr. Monroe, it is related, was received by Simon Bolivar in his tent. He was then commander-in-chief and dictator under the Republic of Colombia; that is, he had united in his person all civil and military authority. The minister was received by the Dictator, Simon Bolivar, in his tent in the midst of his army. Credentials were exchanged and the government was recognized, felicitations were exchanged, and intercourse was opened with that government, that foreign nation, intercourse which has not ceased to this day. When an officer was asked, a subordinate—he did not ask General Bolivar—where the archives and records of the government were, he answered, "They are in the military chest." Yet that was a legitimate government, a lawful government, a belligerent government, recognized by the United States as having an existence, and recognized by events since proving its existence, permanent, stable, enduring as that of any other government in South America.

No, sir; the fact of the retention of seaports by Spain is not a material fact at all in the consideration of the question either of belligerency or independence. Belligerency would do a great deal to close the war, to end it. It would do a great deal in behalf of the revolutionists. It would enable the revolutionary government to issue its bonds and other securities. It would enable the revolutionary government to issue letters of marque and reprisal, to have vessels bearing its flag, under the law of nations, entitled to take prizes. It would break in pieces the maritime trocha which Spain has established around Cuba, by her ships of war, a trocha a great deal more formidable than the wire fence of which I have spoken heretofore. That invincible militia of the seas would be found in all Cuban waters, in all Spanish waters. It would drive Spanish commerce from the ocean. It would compel peace and the recognition of the independence and existence of the new nationality. It would submerge Spanish credit, Spanish bonds and debentures. It would leave them without a market. They have touched zero already. I have here an extract from a New York newspaper, certainly a neutral in this contest—I will not read the extract, but I will put it in my remarks—in which it is said that last Saturday a public security in the shape of an indemnity certificate secured by Spanish bonds, for $2,500, being part of an old estate of a deceased operator in Wall street, was offered at public auction, after every possible publication, and brought on the first bid 10 cents and on the second bid 11 cents on the dollar. It was struck off finally to an agent of the estate to which it belonged at 11 cents on the dollar. That is the state of the Spanish credit at this time—January 20, 1897.

ELEVEN CENTS ON THE DOLLAR WAS WALL STREET'S BID FOR THEM—SALE WELL ADVERTISED—OTHER SECURITIES OFFERED AT THE SAME TIME BROUGHT EXCELLENT PRICES—THE BONDS PAY FIVE PER CENT—ISSUE MADE TO INDEMNIFY CITIZENS OF THE UNITED STATES, AND INTEREST HAS BEEN MET FOR FIFTY-SIX YEARS.

Face value.	Security.	Price bid.
$2,500	Standard Oil stock	$6,600
2,500	New York Mutual Gas stock	5,775
2,500	Mercantile Bank stock	4,250
2,500	Spanish bonds	275

Spain's credit in Wall street was tested yesterday for the first time in years. One of her indemnity certificates of the face value of $2,500 was sold for 11 cents on the dollar. That the sale was a fair test is shown by the fact that at the same time and place were sold 100 shares of Standard Oil stock for $264 per share, 15 shares of New York Mutual Gas Company stock at $231 per share, 50 shares of Mercantile National Bank stock for $170 per share, together with a long list of other securities at prevailing market prices.

Mr. President, when I concluded yesterday I was referring to the low condition in which the financial credit of Spain is now found. Never before has it been so bad, except at the time of the conclusion of the wars between the South American republics and the Spanish monarchy. Those wars impoverished Spain and mortgaged the industries and wealth of her people for two generations afterwards. There is nothing, sir, so expensive, so costly as is injustice.

It is claimed that the recognition of belligerency would, as to large reclamations for American losses, release Spain from that payment. That is very true, sir, but whatever those reclamations (we had a long list of them furnished here the other day) and whatever position they will occupy with reference to Spanish funds, they will be postponed to the millions already incurred of funded war debt. They will not be paid within the next generation or the one following it. As far as future reclamations are concerned, I would a great deal rather depend upon the credit of the Cuban Republic than upon the resources of Spain, stripped as she will be of one great source of revenue—the Island of Cuba.

I wish to call the attention of the Senate now to diplomatic and executive precedents with regard to the recognition of belligerency and independence in very similar cases, in cases where the parties, generally speaking, were the same, the Spanish monarchy on the one hand and its colonies in revolt on the other. I will read now from the message of President Monroe, the message of 1817, and it will be seen that in this message belligerency is acknowledged, is declared, is announced. President Monroe in another part of one of his messages, which I shall not detain the Senate by reading, gives the date of the origin of these revolutions, one in 1810, seven years before the delivery of the message. All the other revolutions occurred in 1815 and 1816. All the other revolutions flagrant in the South American colonies were not two years old at the time of the delivery of the Presidential message on the subject of belligerency in 1817. Here are the words of the message:

It was anticipated at an early stage that the contest between Spain and the colonies would become highly interesting to the United States. It was natural that our citizens should sympathize in events which affected their neighbors. It seemed probable also that the prosecution of the conflict along our coast and in contiguous countries would occasionally interrupt our commerce and otherwise affect the persons and property of our citizens. These anticipations have been realized.

All this language is applicable to the case of Cuba.

Such injuries have been received from persons acting under authority of both the parties, and for which redress has in most instances been withheld. Through every stage of the conflict the United States have maintained an impartial neutrality, giving aid to neither of the parties in men, money, ships, or munitions of war. They have regarded the contest not in the light of an ordinary insurrection or rebellion, but as a civil war between parties nearly equal, having as to neutral powers equal rights.

There is a plain, square declaration of belligerency in the message:

Our ports have been open to both, and every article the fruit of our soil or of the industry of our citizens which either was permitted to take has been

equally free to the other. Should the colonies establish their independence, it is proper now to state that this Government neither seeks nor would accept from them any advantage in commerce or otherwise which will not be equally open to all other nations. The colonies will in that event become independent States, free from any obligation to or connection with us which it may not then be their interest to form on the basis of a fair reciprocity.

Here is a final and plenary declaration of equal belligerent rights to both parties in the second year of these wars, and even in some of the cases before the second year had elapsed, in the wars then pending between the Spanish monarchy and the colonies in revolt against its authority.

I read now from the message of 1819 upon the same subject—the wars still continued. These are the words of the message:

The contest between Spain and the colonies, according to the most authentic information, is maintained by the latter with improved success. The unfortunate divisions which were known to exist some time since at Buenos Ayres it is understood still prevail.

That was a contest here between revolutionists themselves, both common enemies of the Spanish monarchy and engaged in war against it.

In no part of South America has Spain made any impression on the colonies, while in many parts, and particularly in Venezuela and New Granada, the colonies have gained strength and acquired reputation, both for the management of the war in which they have been successful and for the order of the internal administration. The late change in the Government of Spain, by the reestablishment of the constitution of 1812, is an event which promises to be favorable to the revolution. Under the authority of the Cortes the Congress of Angostura was invited to open a negotiation for the settlement of differences between the parties, to which it was replied that they would willingly open the negotiation provided the acknowledgment of their independence was made its basis, but not otherwise. Of further proceedings between them we are uninformed. No facts are known to this Government to warrant the belief that any of the powers of Europe will take part in the contest, whence it may be inferred, considering all circumstances which must have weight in producing the result, that an adjustment will finally take place on the basis proposed by the colonies—

Independence.

To promote that result by friendly counsels with other powers, including Spain herself, has been the uniform policy of this Government.

To promote the result of independence. Nothing is here said of autonomy; no word is spoken of pacification; nothing is whispered about ending the war except on that basis, the basis of the independence of the colonies.

That is the message of 1819. The war was then flagrant, and had been flagrant four years. None of these wars had then been pending for twelve years, as the war for Cuban independence has now been pending.

I read now from the message of 1820 in regard to the same subject:

It is understood that the colonies in South America have had great success during the present year in the struggle for their independence. The new Government of Colombia has extended its territories and considerably augmented its strength, and at Buenos Ayres, where civil dissensions had for some time before prevailed, greater harmony and better order appear to have been established. Equal success has attended their efforts in the provinces on the Pacific. It has long been manifest that it would be impossible for Spain to reduce these colonies by force, and equally so that no conditions short of their independence would be satisfactory to them. It may therefore be presumed, and it is earnestly hoped, that the Government of Spain, guided by enlightened and liberal councils, will find it to comport with its interests and due to its magnanimity to terminate this exhausting controversy on that basis.

The basis of independence. This is the second official allusion by the President of the United States after declaring belligerent rights as between these parties—this is the second official allusion to independence as the only basis of peace between Spain and the colonies. We have heard no such allusion, no allusion to such a basis, during the present war in Cuba.

I wish now to read from the next message on the same subject:

When the result of such a contest is manifestly settled, the new governments have a claim to recognition by other powers which ought not to be resisted. Civil wars too often excite feelings which the parties can not control. The opinion entertained by other powers as to the result may assuage those feelings and promote an accommodation between them useful and honorable to both. The delay which has been observed in making a decision on this important subject—

That is, the recognition of independence—

will, it is presumed, have afforded an unequivocal proof to Spain, as it must have done to other powers, of the high respect entertained by the United States for her rights and of their determination not to interfere with them. The provinces belonging to this hemisphere are our neighbors, and have successively, as each portion of the country acquired its independence, pressed their recognition by an appeal to facts not to be contested, and which they thought gave them a just title to it. To motives of interest this Government has invariably disclaimed all pretension, being resolved to take no part in the controversy or other measure in regard to it, which should not merit the sanction of the civilized world. To other claims a just sensibility has been always felt and frankly acknowledged, but they in themselves could never become an adequate cause of action. It was incumbent on this Government to look to every important fact and circumstance on which a sound opinion could be formed, which has been done. When we regard, then, the great length of time which this war has been prosecuted, the complete success which has attended it in favor of the provinces, the present condition of the parties, and the utter inability of Spain to produce any change in it, we are compelled to conclude that its fate is settled, and that the provinces which have declared their independence and are in the enjoyment of it ought to be recognized.

One of these phrases speaks of the complete success which has attended the colonies. That was not a success which intimated that Spain had abandoned the contest, that there were not Spanish troops there, that there were not seaports in possession of Spain or of Spanish authority; the war continued for years even after this recognition; but it was the declaration of the fact, peculiarly applicable to the war in Cuba, that the condition was unchanged, that republican independence was maintained, that it was unshaken, and that it ought to be recognized.

I read now the last clause of this message:

In proposing this measure—

The measure of recognition—

it is not contemplated to change thereby in the slightest manner our friendly relations with either of the parties—

Spain or the revolted colonies—

but to observe in all respects, as heretofore, should the war be continued, the most perfect neutrality between them.

It is frequently said if we acknowledge belligerence there will be war between the United States and Spain. The acknowledgment of belligerence is no cause for war. I presume, sir, if there is a monarchy in Europe or in the world that is beset with diplomatic etiquette and dignity, that is invested with punctilio and formality, that is advised by learned jurists, wise in all diplomacy and old in the learning of international law, it is the Spanish monarchy. What, then, did this monarchy do in the case of our own troubles? What action did she take with reference to belligerency? She acknowledged the belligerency of the Confederate States in the early months of the first year of the war of 1861; and if the acknowledgment of belligerency were a casus belli, that is, a cause of war, we ought to have declared war against Spain on the day after the surrender at Appomattox. The recognition of belligerency is not by international law, by international usage, by any law, a cause of war. It never has been the cause of a war. No war between any governments has ever been declared by reason of the recognition or declaration of belligerency of the combatants engaged in civil war in modern times.

Mr. President, it is said also that if we recognize independence, war must follow. That is the very question which President Monroe was discussing. He says it can not be that the recognition of independence will change the relations of friendship existing between the United States and Spain; that amity, the President says, will be unchanged, and the relations of more than friendship, the sympathy of liberty with those who are struggling for liberty, between the United States and the revolted colonies, will also be unchanged by the declaration or the recognition of independence. The recognition of independence is no cause for war under any law of God or man. No war has ensued upon the declaration or recognition of independence. President Monroe recognized the independence of seven South American colonies in succession, very nearly at the same time, without ensuing war, and still peace—peace in every sense, peace in every form—friendship, amity, prevailed between Spain and the United States.

I will read a little further from this message, as showing the part Congress bore in the recognition of independence:

In proposing this measure it is not contemplated to change thereby in the slightest manner our friendly relations with either of the parties, but to observe in all respects, as heretofore, should the war be continued, the most strict neutrality between them. Of this friendly disposition an assurance will be given to the Government of Spain, to whom it is presumed it will be, as it ought to be, satisfactory. The measure is proposed under a thorough conviction that it is in strict accord with the law of nations, that it is just and right as to the parties—

Not "party," but "parties," both Spain and her colonies—

and that the United States owe it to their station and character in the world, as well as to their essential interests, to adopt it. Should Congress concur in the view herein presented, they will doubtless see the propriety of making the necessary appropriations for carrying it into effect.

Mr. HILL. What message is that?

Mr. TURPIE. That is the message of President Monroe of 1820.

Congress did concur and made the necessary appropriations, when President Monroe appointed ministers and other special agents to go down there. I traversed the track of that history yesterday. They succeeded in finding all the capitals and all the presidents and dictators of those new republics; they succeeded in perfecting the recognition; yet peace between the United States and Spain was never broken. I hope it may never be broken. No war has ever existed between these two countries, and there is no occasion for war either in the recognition of the independence of the Republic of Cuba or in the recognition of belligerency to both of the Governments engaged in the civil war flagrant to-day in that island.

I come now to the great message—the message of 1824. The war was still being carried on. The message of 1824 was a declaration of independence in behalf of every people residing in this hemisphere, their right to assert it and maintain it, and the right and power of the United States to intervene and to uphold it, if it became necessary, by outside interference.

Mr. BACON. I ask the Senator from Indiana if all the wars between Spain and her colonies were not then going on?

Mr. TURPIE. Yes, sir; all the wars were then flagrant and

had continued after recognition of belligerency and independence, and for some years after this message which I have called great, which deserves to be called great, and to which I shall now call the attention of the Senate:

In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defense. With the movements in this hemisphere—

Which includes both of the continents of South and North America—

we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the Allied Powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective governments; and to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition toward the United States. In the war between those new governments and Spain we declared our neutrality at the time of their recognition, and to this we have adhered and shall continue to adhere, provided no change shall occur which, in the judgment of the competent authorities of this Government, shall make a corresponding change on the part of the United States indispensable to their security.

There is a declaration the President made as to the recognition of belligerency, made as to the recognition of independence, still declaring neutrality, and still declaring friendship and amity with both parties, still declaring no disposition to interpose unless other European powers should intervene, but if other European powers intervened, then this Government, by its station, by its dignity, by the rank which it holds among nations, by its alliance with liberty, has the right to repel such intervention.

The Holy Alliance, upon whose threat the Monroe doctrine was first issued, was composed of three of the greatest military and naval powers of Europe, and the glove was thrown down in defiance to those powers when this message and proclamation was published.

And who was President Monroe? He was President of a Republic which had 10,000,000 inhabitants only, less than twenty States. Now it is intimated that European powers are, in case we acknowledge belligerency, or in case we recognize the independence of the Cuban Republic, to interfere in favor of Spain as against her colonists or former colonies in that island. When it is intimated that there will be such interposition, it is not replied that in such case the United States Government will repel such interposition. All that is repeated and replied is the hope of pacification in the island, pacification of the island, not a settlement on the basis of independence, not a declaration that there shall be no intervention by others, not a declaration that such an intervention shall be repelled; but, if I am compelled to say so, an anxiety is intimated that the revolution shall fail, that the authority of the Spanish Government shall be restored, for pacification unconditional includes that restoration.

Rare Monroe! In his time, sir, the eagle on our flag, with its arrows and lightning, was not borne in vain.

What, now, is the actual condition of the war in Cuba? We have, so far as I know, authentic official accounts of the military forces of the republic, accounts not denied of the number in arms. Thirty-five thousand Cubans are trained, disciplined, armed with the very best material and with all the munitions of war; 35,000 other Cubans are trained and disciplined, but armed with inferior weapons, just the same as some of our old Continentals in their ragged regimentals were armed in the days of our own Revolution; but the whole 70,000, sir, even the 35,000 who have inferior arms, have the machete—that sword, claymore, falchion, all combined—they all have the machete, more dreaded than the bullet or the bayonet by the Spanish forces; and if you will look into the hospital returns you will find that the most dangerous and incurable wounds are inflicted by the machete—very numerous—showing that whatever may be the valor and skill of the Spanish infantry—and I do not wish to disparage it—they have not been able to avoid close quarters; they have not been able to repel the matchless machete.

Here are over 70,000 men armed in behalf of the cause of independence. It exceeds any force which we had in the field during the seven years of the war of 1776. We had in no year of that war more than 50,000 armed men in the field. At that time in the British Parliament statesmen opposed to American independence took the ground that it was no government, no civil government; that there was no population; that there were not the people to make a nation, nor never would be; that this force of 50,000 men in the field was a force of robbers, of guerrillas, of mere murderers, with no constituency behind them. That was the very position taken by the enemies of American independence, both in and out of Parliament. It was a position as false and unfounded as the position taken to-day with respect to the Cuban forces and people in their struggle for independence. I say that a force of 70,000 under drill and discipline and armed in this cause must of necessity imply a nation in support of it, a government behind it with all the forms of government, all the resources of government; and that there is such a force is not denied; and such a force, with a corresponding constituency behind it, is sufficient evidence to justify Congress either in the recognition of belligerency or independence.

Take the other side of the question with respect to the war with Spain there being simply defensive. The war on the Spanish side is prosecuted in the interest of contractors, in the interest of fortunes and profits to army and naval contractors, in the interest of politicians, whose places and power depend upon its prosecution. Neither of these parties has the slightest expectation that the war will ever terminate in the subjugation of the Cuban Republic. Their plan of campaign shows it, as the utter inability of their forces so far in the field shows it. Spain has had there now for more than eighteen months in this second period of the war 100,000 regular troops. Forty thousand of those are in the stations along the two trochas, 40,000 of them are in garrison in seaports, and 20,000 of them are in the hospitals suffering from wounds or disease. They have also 50,000 militia, what we call home guards, who are detailed for local duty in order to allow the regulars more leisure, more freedom in conducting the principal campaign. Now, what principal campaign have they conducted? What aggressive campaign has been the result or been shown as the fruit of this enormous force? I know that single instances are dangerous predicates in doubtful cases, but this is no doubtful case.

Cuban independence is already an accomplished fact, but it does not necessarily imply that the Spanish forces have ceased fighting. But I take this single instance in this case of the state of Occidente. The state of Occidente in the Republic of Cuba answers to the former Province of Pinar del Rio during the Spanish rule. It has a population of about 150,000. It is isolated from the main body of the republic, not only by the two lines of trochas and the military headquarters at Habana, all of which are between Pinar del Rio and the eastern section of the island, but it is also isolated by sea on account of the naval forces of Spain which continually patrol those coasts. Here, then, is one state with a population of 150,000 in rebellion against the Spanish authority. What was the duty of the Spanish Government, if they had the power to perform such duty, in reference to the subjugation and conquest of this single state? Here there is no inaccessibility. The whole distance may be be traversed not in many days between Habana and the state of Occidente. The republic there has a force of 5,000; they occupy quarters and entrenched positions, and they are under the command of the lieutenant-general of the army of the republic, the second officer in command, Rivera, the successor of Maceo.

One would think there ought to be 50,000 of the republican army in the state of Occidente, when we know that 100,000 Spanish troops have failed to subdue it. There are only 5,000; but they have, sir, very valuable reenforcements. It is in the state of Occidente that the Texan contingent is stationed—a corps called the Texan Rangers, not a very large corps, but I ask Senators considering this question not to despise the day of small things. Remember San Jacinto, and remember there were not many Texan Rangers there. This corps is perfect in its adaptation to all service; has two pieces of artillery; it has a pioneer corps, as well as infantry and artillery, and cavalry for scouts. Are they robbers? Are they murderers? Is it possible that 150 or 200 American citizens of the State of Texas are engaged in robbery and murder, or are combined with others who are engaged in robbery and murder? I ask any Senator to consider whether this fact alone is not enough to determine the character of this war as belligerent? This corps of Texan Rangers are belligerents, soldiers fighting in a great cause, soldiers enlisted in as loyal battle as that in which Maceo fell, commissioned by Cisneros, president of the republic, bearing the flag of the republic, and in every way entitled to recognition as belligerents, and a reenforcement to the 5,000 army of the republic, which is stationed there for the defense of that state.

President Monroe notices twice the fact that the Spanish forces had made no impression upon the revolutionary armies or upon the several states engaged in revolution in South America. I ask the Senate to note that the Spanish force of 100,000 regulars in Cuba have made no impression upon the republican force, the republican government, of the state of Occidente. They have had two years to make an impression. They have not in that time made one. They have had as long as the Spanish forces had in South America when President Monroe declared belligerency, and they have made no impression. Of course there has been

fighting there. The southern line of Pinar del Rio has been debatable ground. It has been the Kentucky of this conflict—dark and bloody ground like Kentucky itself—but no enemy has ever preempted it or occupied it.

You will consider, sir, what is the condition of those forces. They are not supported by others, and can not be. They are miles away from the capital of the republic and from the chief military headquarters. Here is a province like that of New Jersey, from which the British drove the Americans after the battle of Long Island, and virtually subdued and subjugated its territory. But the war of the Revolution did not cease. In the case of Cuba, the state of Occidente has not been subjugated or conquered or even impressed in any military sense by the forces of Spain. We are nearly all civilians, but I think we can recognize a movement which succeeds. What now would have been the duty, under what they claim to be a prosecution of the war, for the purpose of destroying what they call the rebellion? To organize an expeditionary force against the state of Occidente; to compose it of cavalry, artillery, and infantry sufficient to make safe passage through an unfriendly population, just as the British did when they traversed New Jersey; to suppress the efforts of that population; to slay or to compel the surrender of the 5,000 republican troops, and, what is more difficult than either, to slay or make prisoners of war of the Texan Rangers. That was their task. In that way they would have made an impression.

Have they performed that task? Have they even remotely attempted to perform it? Do they dream of performing it? Have they conceived of performing it? No, sir. The whole force of the Spanish army has been engaged not in suppressing the revolution but in guarding the person of the Captain-General, Weyler, and the property of Spain in the province and city of Habana. That is the present condition, the undeniable condition. I am not now speaking of that which was mentioned yesterday—the expedition against Cubitas. That is at a greater distance, and Cubitas is not isolated at all. It is in the very heart of the republic. But here is a republican state, thoroughly severed from the other states of the Cuban Union, defended alone by republican armies and that great reenforcement of Texan patriots who have gone from their own country, like Kosciusko and Lafayette, De Kalb and Pulaski, to take their share in this struggle for liberty. Yet with all these advantages and this overwhelming military and naval force, Spain has not established her authority in this single state. And from that single instance at this late stage of the hostilities I deem it the duty of Congress to grant at least belligerency, and personally I favor the recognition of the independence of the republic.

Mr. President, I favor first a recognition of the independence of the Cuban Republic. I believe that would be the most patriotic, the most thoroughly American method of disposing of this question; and if economy is to be considered, it is also the most facile and least expensive method of terminating this condition. I believe next in the declaration of belligerency, placing the combatants upon equal footing; that it is due from the United States, having regard to its history, its rank and station among the family of nations, to acknowledge the great right of revolution and self-government in any people upon any island of this hemisphere or in any part of the continent.

I believe in recognition because recognition is reenforcement. It is reenforcement to the side and cause of freedom in this hemisphere. If the Cuban patriots succeed we may then claim that we were friends of that republic, friends in need, friends in the hour and day of danger. If failure befall them, which may God avert, our action will lose nothing of grace or grandeur, and we shall have kept faith with that generous, quenchless spirit of liberty which has placed our own feet in so large room and in the way of such a high career that we can not forbear, we can not be silent; we must cry out, in the words of Lincoln, the great emancipator, "I wish that all men everywhere might be free!"

Mr. HILL. Mr. President, some time ago I introduced the joint resolution (S. R. 178) declaring that a state of war exists in Cuba and recognizing the parties thereto as belligerents. I stated at the time that I desired on a proper occasion to offer the joint resolution as a substitute for the joint resolution reported by the distinguished Senator from Pennsylvania [Mr. CAMERON]. The joint resolution for independence not having been pressed since then and my joint resolution having laid on the table, I merely ask now that the latter measure may be taken from the table and placed upon the Calendar, so that it can be brought up hereafter on a proper occasion.

The PRESIDING OFFICER (Mr. CARTER in the chair). The Senator from New York asks that the joint resolution referred to may be taken from the table and placed on the Calendar. In the absence of objection, it will be so ordered.

INTERNATIONAL MONETARY CONFERENCE.

Mr. CHANDLER. I move that the Senate take up the bill (S. 3547) to provide for the representation of the United States by commissioners in any international monetary conference hereafter to be called.

Mr. WHITE. It is a bill of some importance, and I think we ought to have a quorum in the Senate. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Chilton,	Hill,	Roach,
Allen,	Clark,	Hoar,	Sewell,
Allison,	Cockrell,	Jones, Ark.	Shoup,
Bacon,	Cullom,	Lodge,	Stewart,
Bate,	Daniel,	McBride,	Thurston,
Blackburn,	Faulkner,	McMillan,	Tillman,
Brown,	Frye,	Martin,	Turpie,
Burrows,	Gallinger,	Mitchell, Wis.	Vilas,
Caffery,	Gear,	Palmer,	Walthall,
Call,	Gibson,	Peffer,	Wetmore,
Cameron,	Gorman,	Perkins,	White.
Cannon,	Gray,	Platt,	
Carter,	Hale,	Proctor,	
Chandler,	Hawley,	Pugh,	

The PRESIDING OFFICER. Fifty-three Senators having answered to their names, a quorum is present. The question recurs on the motion of the Senator from New Hampshire to proceed to the consideration of the bill the title of which has been stated.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill; which was read, as follows:

Be it enacted, etc., That whenever after March 4, 1897, the President of the United States shall determine that the United States should be represented at any international conference called by the United States or any other country with a view to securing by international agreement a fixity of relative value between gold and silver as money by means of a common ratio between these metals, with free mintage at such ratio, he is hereby authorized to appoint five or more commissioners to such international conference; and for compensation of said commissioners, and for all reasonable expenses connected therewith, to be approved by the Secretary of State, including the proportion to be paid by the United States of the joint expenses of any such conference, the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated.

Mr. WHITE. Mr. President, as I understand this bill, the object is to provide for a monetary conference in order to bring about that blissful condition of things which we were promised in a somewhat indirect manner by the recent Republican national convention. I expect to vote for the measure, though I have not the slightest hope that we will succeed in having bimetallism of the genuine sort until this country takes the initiative. I observe that the distinguished envoy, if I may call him such, who has passed the Atlantic for the purpose of bearing a somewhat previous expression of policy on the part of the incoming Administration has discovered this difficulty already. If we are to believe various newspaper reports, our semidiplomatic messenger has been respectfully referred by British financiers to such friends as he may be able to discover upon the Continent of Europe, and has been told that it is very unreasonable to expect anything to be done abroad until the United States itself has acted.

During the recent political campaign voters were not only promised international bimetallism, but many of the most prominent Republicans in the United States made other pledges, which no doubt materially assisted in gathering many votes to the Republican fold. Among others, the distinguished Senator from New Hampshire [Mr. CHANDLER], who in the midst of his varied occupations is able to conduct a very influential newspaper, sent broadcast over the land a modest publication, a copy of which I hold in my hand—a pamphlet composed of various editorials taken from his newspaper. Beyond question numerous electors were influenced to believe that they would obtain their desire by reason of the assurances made by the distinguished Senator in the editorial which I request may be read at the desk.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary proceeded to read the editorial.

Mr. HAWLEY. What paper is that from?

The PRESIDING OFFICER. The Senator from California will enlighten the Senator from Connecticut.

Mr. WHITE. I will state to the Senator from Connecticut that it comes from a pamphlet sent to me, and I have no doubt to other Senators, by the distinguished Senator from New Hampshire [Mr. CHANDLER]. It is a sample of many other editorials from his paper.

Mr. HAWLEY. Does it bear his name?

Mr. WHITE. Yes, sir.

Mr. HAWLEY. All right.

The Secretary resumed and concluded the reading of the editorial, which is as follows:

FOR THE REMONETIZATION OF SILVER AFTER BRYAN'S DEFEAT SENATOR SHERMAN IS TO BE A LEADER.

Fortunately the defeat of Bryan and immediate free silver coinage—which is inflation, a debasement of the currency, and partial repudiation—is so sure that we can even now begin to anticipate the remonetization of silver by the United States, proceeding by honest methods, safe and deliberate steps, and with due regard to the national honor.

In this great work of fighting against permanent acquiescence in the single gold standard Senator JOHN SHERMAN will be our earnest leader, as proved

by his deliberate public utterances, some of which we annex, from his speech in the Senate of April 10, 1876 (CONGRESSIONAL RECORD, volume 4, part 3, page 2341):

"To adopt the gold standard alone and demonetize silver would be to deprive the poor people of the world of the money which alone measures the value of their productions and their labor. * * * Gold alone is not suitable for a currency because it will not measure the daily wants of the great mass of mankind." (Page 2341.)

"The utter ruin that would come to mankind, especially to the poorer nations, by the entire demonetization of silver can not be estimated by us. Take one-half of the solid money of the world out of existence, take the sole standard of more than two-thirds of the human race, reduce it to a base metal, and the effect upon the commerce of the world would be incalculable. It can not be done; it will not be done. There is no danger of it. These two metals, gold and silver, have traveled side by side from the beginning of time; the records of human history do not go back beyond it. They have varied, sometimes one and sometimes the other higher, but they have gone on—gold the money of the rich, silver the money of the poor; the one to measure acquired wealth, the other to measure the daily necessities of life; and, sir, no act of Parliament, although it may disturb for a moment the relations of these two metals to each other, nothing but an act of God can destroy the use of both these metals among the nations of mankind." (Page 2246.)

Speaking of the German demonetization of silver, he said:

"It at once begot a struggle for the possession of gold between all the great nations of the world, because everybody could see that if you demonetize $3,200,000,000 of silver coin and make $3,500,000,000 of gold coin the sole standard of the transactions of the world, * * * it would enormously add to the value of gold. * * * Therefore, what we have observed recently is not so much a fall of silver as it is a rise of gold, the inevitable effect of a fear of demonetizing the whole mass of this silver." (Page 2345.)

Mr. WHITE. I note that the Senator from Ohio [Mr. SHERMAN] is in his seat, and I presume the quotations from his previous utterances thus made by the Senator from New Hampshire [Mr. CHANDLER] are correct, otherwise he would protest.

I refer to this editorial, Mr. President, as a sample of many contributions published, not merely in the paper which is edited by the distinguished Senator from New Hampshire, but in journals of similar disposition throughout the United States. In the presence of most positive declarations, many well-meaning people were led to think that the Republican party really meant to do something for silver, whereas those of us who had looked the least bit beneath the surface knew that it was the design of that party to do that which they are seeking to bring about—precisely nothing.

The fact that the envoy antecedent or the early messenger above mentioned has been sent abroad is a confession that something must be done. Whether for the country or in aid of the redemption of party promises made with little anticipation of performance it is immaterial perhaps to inquire.

It is well to point out at this time that although there will be no opposition to the passage of this measure, although the fullest opportunity will be given to our friends to redeem their platform, and although we hope they may be successful, still with these weapons in their hands, with this act of Congress in their possession, they are doomed to certain failure. When they shall have recalled their envoy, and when this law shall have remained on the statute books unacted upon for months, perhaps some other device equally fitted to seduce the unwary will be presented.

We are now approaching the end of the present Administration, and when the Administration of Mr. McKinley assumes control he will find himself empowered by an act of Congress allowing the appointment of a commission. So there will be no excuse for delay—none whatever. The great obstacle to be encountered will be discovered in the lonesomeness of the commission. In its peregrinations about the world seeking for association it will be asked: "Why do you not do something yourselves? We have told you repeatedly that our interest is the other way, and we have told you repeatedly that because you are the borrowers of the world, you, of all peoples, are the persons primarily interested in bimetallism." Thus this commission will proceed companionless, without anything upon which to act, without potency to formulate a resolution, or to win acquiescence from a single king or subject, commissioner or diplomat—nay, without ability to obtain favorable consideration from any person or association of influence. As a matter of fact, the commission will not come home, for it will never go abroad. Indeed, it is exceedingly doubtful whether anyone will ever be appointed to fill the places created here unless it be that some substantial emolument is provided, and then possibly gentlemen may be found willing to accept the positions and to *think* sufficiently to earn their salaries.

Having so arranged that a commission may be appointed, the Republican party will feel that it has redeemed itself, and that its pledges have been performed. It will then proceed further to relieve the people by the addition of more taxes.

Mr. CANNON. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause down to and including the word "conference" in line 12, and to insert in lieu thereof:

That within ninety days after the 4th day of March, 1897, the President of the United States shall invite the leading commercial nations of the world to appoint representatives to an international monetary conference to convene on or before October 1, 1897, at such place in the city of Washington as the President may designate; and also, within said ninety days after the 4th day of March, 1897, the President shall appoint five commissioners to represent the United States at such conference, the duty of which United States commissioners shall be to urge the adoption by said conference of a plan for the free and unlimited coinage of silver and gold at some ratio ranging between 15 to 1 and 16 to 1, by the nations represented at such conference.

Mr. CANNON. Mr. President, the consideration of this question in the morning hour, and the importance of matters now pending as unfinished business, admonish me of the impropriety of entering into a discussion of the monetary question at this time, and so I shall confine my remarks entirely to the bill under consideration and the amendment proposed thereto.

The introduction of this bill by the eminent Senator from New Hampshire in behalf of the distinguished junior Senator from Colorado, supported, as is currently reported, by the unanimous Republican caucus, is a most gratifying assumption of responsibility in behalf of the party soon coming into control of the Government. Presented in this manner, a full discussion of the question involved in the bill and the passage of such a measure—either the one proposed or another of more positive character—can not seriously endanger existing confidence in the United States nor that prospective prosperity which has been predicted and for which 70,000,000 people are praying to God or fortune. The mere presentation of the pending bill to the Senate of the United States is a recognition by the party whose caucus supports it that a restoration of silver to its old place as a money metal is required by the world and by this country especially; for, without such requirement, the great Republican party, as represented in the Senate, would not consent to a resurrection of this question against the example and admonition of the so-called "most enlightened nations of the earth," nor would the junior Senator from Colorado, whose services in this body are always signal, have sacrificed his present duty here in order to act as a premonitory ambassador to Great Britain. But whatever may be the result of the discussion and action following the introduction of the silver question into the Senate of the United States, no charge can justly be laid to the advocates of free, unlimited, and independent coinage by the United States for any unrest or for any disaster which may accrue in business circles attendant upon the projection into the arena of debate and legislation of a question which the leading metropolitan journals and the financiers of this country declared on the 4th day of November to be settled for all time.

Knowing the ardent devotion extended to the cause of bimetallism by the senior Senator from New Hampshire and the junior Senator from Colorado, I am not disposed to admit that this bill is proposed in any mere perfunctory spirit or that there is a tinge of insincerity in the effort now being made in the Senate of the United States by one of those distinguished gentlemen to secure the passage of this bill and by the other to secure the cooperation of the Rothschilds and other friends of humanity in England. So confident am I that the endeavor has been entered upon with solemn purpose to achieve a substantial result that I shall vote for the pending measure in its present form if no more desirable phraseology can be procured for it by action of the Senate.

In order, however, to strengthen the hands of the incoming Administration, it seems desirable that the measure shall be so amended as to be crystallized into efficiency. If a criticism may be ventured by one who is not within the immediate confidence of the manipulators of this plan, it is that the proposed bill is entirely too nebulous. As the labors of international bimetallists in Congress and elsewhere who are to be connected with the great Administration which will assume control on the 4th day of next March are to be judged by their effect and not by their intention, when the people shall review the work of the ensuing four years, it would seem desirable to have such discussion of method, such precision of plan, and such mandate of action as is proposed by the amendment which I have offered to the bill of the Senator from New Hampshire and the Senator from Colorado. As the original measure presents itself to the Senate, it is lamentably weak in that it leaves the exalted statesman who will occupy the Presidential chair after the 4th of March in an attitude of discretion upon a question concerning which he has in most recent times preserved the silence of the seven sleepers combined.

Mr. President, I appeal to Senators who have accorded their preliminary favor to this bill as considered in caucus, and to all the members of this body who are pledged to promote international agreement for bimetallism with "the leading commercial nations of the earth," not to leave a question so important as this in such an attitude of indefiniteness as it would be if the original measure were to become a law without the proposed or a similar amendment. It is as well known as any other matter of current history that the vast weight of that influence through whose favor William McKinley was elected President of the United States will be permanently thrown into the scale to prevent any disturbance of the existing gold standard, "the standard of the most enlightened nations of the earth." It may be fairly inferred that any President, not entirely insensible to political obligations,

would hesitate to offend the friends who contributed so lavishly of time and substance to secure, in fact, to procure, his election. The amendment, if adopted, will relieve Mr. McKinley, when he shall become President, of all responsibility on this point. His duty will be merely a fixed, defined, executive performance and not the exercise of discretionary authority. The original bill would place him between the devil and the deep sea, and no friend who witnessed his suffering of silence during the long campaign which was waged antecedent to the nominating conventions ought to be so inhumane as to provoke upon his sacred head a renewal of that excruciating torture after he shall have attained the summit of human desire. There is a belief in this country that the President-elect holds in the holy of holies of his conscience a conviction in behalf of bimetallism and a desire for its reestablishment in this country to uplift the mass of his fellow-citizens; and while it is not within my province to act as guardian of his hope and purpose, I am extremely desirous to make a way back to his old position, and to the expression of his earnest faith, as easy as it may be made by legislation.

In other respects than in the determination for an initiatory movement by the United States in behalf of bimetallism, this amendment would seem to be desirable. It provides a definite time at which the invitation shall be issued. In this respect it may merit the support of all earnest bimetallists. The people of the United States, by their votes during the past twenty-four years, have warned all parties that they are wearied of mere promise and pretense, and that they desire the prompt and efficient application of remedy to existing wrong. It was not against bimetallism that the people of the United States returned an alleged majority of the popular vote on the 3d day of last November. On the contrary, it was in fulfillment of that custom—now almost confirmed as a habit on the part of the American people—to change from one party to another with each recurring four years in order to secure some possible assistance through legislation and execution in their great fight against falling prices and the destruction of the little competencies achieved by the millions through the toil of years. Mr. President, the people of the United States have transferred their allegiance from one party to the other with each recurring national election ever since 1872. From that time until the present no one party has been twice in succession victorious at the polls. Such determined and startling revolution should admonish the party about to enter into power, and the Senatorial guardians of its fame and hope for perpetuity, that promptitude in the consideration of a reform now admitted by all to be a grave necessity must be the chief factor in the proceeding for that reform. Only 132,870 people of the United States on last election day voted for the platform and candidates avowedly determined to fasten irrevocably on the people of this country the single gold standard. The 6,454,943 citizens who voted for William J. Bryan declared for bimetallism by the only method which they believed would attain that splendid consummation. The 7,105,959 ballots counted for William McKinley were ostensibly, if not all really, for the promotion of an international agreement to secure bimetallism. With such overwhelming declaration to this great end it is not wise to leave the matter open to possible delay. The dates fixed in the proposed amendment are not too early. Three months are allowed to the President-elect in which to invite the cooperation of the leading commercial nations of the earth. The same period of time is allowed to him within which to make that judicious discrimination in the selection of men who will act for bimetallism and yet leave undisturbed the general confidence which will, immediately after the 4th of March, enfold the commercial interests of the United States as a hen gathereth her chickens under her wings. Four months' additional time is proposed for the assembling of the international conferees at a point to be designated by the President.

Mr. President, by the daily press, usually accurate in matters emanating from Europe, we are advised, repeatedly advised during the past five or six days, that the mission of the distinguished Senator from Colorado [Mr. WOLCOTT] abroad is an absolute failure so far as practical results are concerned. We are advised by dispatches through the Associated Press and other channels of current news to American journals that the people of England will not take the initiative in this matter. It is, therefore, incumbent upon us to act first, to extend the invitation. I fear that we might as well try to galvanize the mummy of the first Pharaoh into life as to procure bimetallism by international agreement if we shall wait upon Europe's action, as is proposed in the original measure now before the Senate.

The requirement of the proposed amendment that the conference shall be held at Washington is in behalf of a better comprehension by the people of the United States of the reasons which may be adduced for or against international agreement. On other occasions of this grave character, when our representatives have visited European cities in a fruitless endeavor to secure agreement or substantial concession in behalf of bimetallism, the mass of the people of the United States have been denied by circumstances the privilege of directly influencing and encouraging their representatives, and denied the opportunity of affecting by environment the commissioners of other countries participating in the conference, and denied that intimate knowledge of the progress of the discussion without which the proceedings and their results must necessarily be unsatisfactory to the taxpayers whose money has been repeatedly expended in this vain pursuit and the preservation of whose remaining welfare is jeopardized by international delay.

The proposed amendment goes even to the length of designating the extremes of ratio within which our commissioners shall seek to procure agreement. Nothing less than this equitable and legal restitution should be acceptable to a party of great moral ideas. The limits of ratio proposed by the amendment would permit agreement in accordance with the coinage of the civilized world. If it shall be contended that other nations, judged by the experience of past conferences, will not cooperate upon any such definite lines, it is sufficient answer to say that our commissioners should be authorized and instructed to proceed, and this whole endeavor should be based upon a determination to have justice or nothing. Nor is this the mere assertion of purpose to exclude other possible ratios and to foreclose any attempt in behalf of international agreement. Rather is the fixing of limits for the ratio in the interest of such agreement. It is the simplest proposition connected with this whole affair, that if the leading commercial nations of the earth shall join with the United States in a monetary conference without such predetermination of ratio the whole proceeding will be a mere airing of academic views, with possibly a little expansion of abstract theories, but with a bridgeless chasm intervening in the conference so soon as the question of ratio shall come under discussion. It is the safest of all predictions concerning this matter that unless conference can be had with the question of ratio predetermined the distinguished proponents of this bill in its present form might as well try to whistle down a whirlwind as to bring the conferees from other countries into accord on the question of "fixity of value," to use the language of the original bill.

Mr. President, I was greatly surprised when the distinguished senior Senator from New Hampshire offered this measure before the Senate to hear him assert, as if it were a merit for this bill and as if thereby reference to committee was made unnecessary and amendment undesirable, that this measure was in the exact language of the three previous acts of Congress providing for the representation of the United States at international conferences. Inasmuch as the three previous acts of Congress accomplished nothing but the expenditure of the people's money in a vain worship of foreign money gods, it would seem that the last recommendation which any advocate of the bill could offer in its behalf would be its similarity to, to say nothing of its exact reproduction of, the serious failures of the past. The statement of the Senator from New Hampshire is alone sufficient to demand the entire reconstruction of the proposed bill, if not upon the lines proposed by my amendment, at least to the same radical extent in language to be proposed by some other Senator.

Mr. President, it is permissible to express a grave doubt of the efficacy of this bill in procuring any substantial recognition by the leading commercial nations of the earth, notwithstanding the contributory efforts of the distinguished junior Senator from Colorado, whose visit to England as a friendly mediator reflects social glory upon his State and country. And it may be further permissible to express the conviction that dilettant dalliance with this question will bring condign rebuke from the American people at the next election, notwithstanding any intervening legislation which may be had in behalf of protective tariff.

Mr. President, except that no further blow can be struck at silver, I would not vote for this proposed international conference. When the United States began its genuflection before the thrones of foreign finance, this country was adding $2,000,000 every month of substantial money to the business of the people. Our progress in the money question since that time has all been evil, and today, on the eve of a mighty multiplication of commercial demands as proposed by the party coming to power, we are practically adding nothing to the money with which business shall be performed. But as no further injury can be done, I, for one, am willing to consent to another experiment, in the hope that if it shall fail, the Senators who by the proposal and support of this bill admit all the wrong of the single gold standard will consent that such wrong shall be remedied by the only means adequate to the end, namely, the unrestricted and independent coinage of gold and silver by the United States.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. DANIEL. Mr. President——

Mr. CHANDLER. If the Senator from Virginia will allow me, if the bill in reference to an international conference can be——

Mr. DANIEL. I have not yielded the floor. I was recognized.

The PRESIDING OFFICER. The Senator from Virginia was recognized. Does he yield to the Senator from New Hampshire?

Mr. CHANDLER. I ask the Senator to allow me to say a word.

Mr. DANIEL. I will yield with pleasure if the Senator will allow me first briefly to make a statement. I would gladly yield to the Senator to make his statement and I would show him the courtesy of yielding the floor entirely toward a measure of which he is so ardent a champion, but I have engagements which will prevent me from making the few remarks which I desire to submit upon the unfinished business unless I avail myself of this opportunity.

Mr. CHANDLER. Now, will the Senator from Virginia allow me a word?

Mr. DANIEL. Certainly.

Mr. CHANDLER. I did not intend to ask the Senator to postpone his remarks unless I could ascertain that there could be a vote upon the bill without further debate. If there is no further debate to take place upon the bill, I will ask that it may be voted upon at this time, in which case it will not delay the Senator from Virginia. I ask unanimous consent that the bill may be voted upon at this time.

Mr. VILAS. Mr. President——

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the bill which has been under consideration be voted on.

Mr. CHANDLER. In view of information just given me as to the desire of Senators, I will not ask that the unfinished business be laid aside, but I give notice that I shall press the bill at any convenient time while the Nicaragua bill is under consideration—this afternoon if there is an opportunity, after Senators have spoken, and at all events after the routine business to-morrow morning.

Mr. STEWART. Will the Senator from Virginia allow me to give notice of an amendment which I will press at the proper time? I should like to have it read; it is short.

The PRESIDING OFFICER. Does the Senator from Virginia yield?

Mr. DANIEL. Certainly.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. It is proposed to insert the following as an additional section:

SEC. 2. That in case the international conference shall be held as contemplated by this act, and such conference shall fail to agree upon a system of international bimetallism, one month after the adjournment of such conference it shall be the duty of the Secretary of the Treasury to coin all gold and silver brought to the mints for the benefit of the depositors into standard silver dollars and such gold coin as are now provided by law.

MARITIME CANAL COMPANY OF NICARAGUA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. DANIEL. The Senator from Alabama desires, before I proceed with any remarks, to make a statement, and I will gladly yield to him for that purpose, if it does not interfere with my taking the floor.

Mr. MORGAN. I have an amendment to offer to the bill, which I ask may be read at the desk.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. It is proposed to add as an additional section:

SEC. —. That of the one hundred million of capital herein provided for at least 5 per cent shall be reserved for Central American Governments and citizens that may desire to subscribe for the same within a time fixed by the Maritime Canal Company of Nicaragua.

That there shall be delivered to the States of Nicaragua and Costa Rica such portions of the securities authorized to be issued by the provisions of this act as they or either of them are entitled to receive by virtue of the concessions now existing from such States, or either of them, to said Maritime Canal Company of Nicaragua.

Nothing in this act contained shall be construed as empowering the Maritime Canal Company of Nicaragua to accept any rights or privileges or to do any act or thing inconsistent with the terms of the concessions made to it by the Nicaraguan Government or the Government of Costa Rica.

Mr. MORGAN. I now present a paper, a duplicate of which is on file in the office of the Secretary of State, from the president of the Maritime Canal Company, and I ask that it be read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

THE MARITIME CANAL COMPANY OF NICARAGUA,
New York, January 23, 1897.

DEAR SIR: My attention has been called to the CONGRESSIONAL RECORD of January 22 containing a copy of a letter addressed by the minister of the Greater Republic of Central America at Washington to you, and transmitted by you to the Senate, in which the minister reflects upon the Maritime Canal Company of Nicaragua, a company chartered by the United States, and which company, in compliance with a provision of said charter, reports annually its transactions to the Government of the United States, through the Department of the Interior, and which holds concessions from the Governments of Nicaragua and Costa Rica, under which the construction of the Nicaragua Canal has been commenced and is to be completed.

It therefore becomes my duty to briefly call your attention to some of the statements contained in the minister's letter, and to note some omissions. Referring to certain bills before the Congress of the United States, he says that "the bills, however, provide that the canal shall be constructed under the surveillance of the Department of Engineers of the Army of the United States of America and according to its plans;" and adds, "this provision likewise conduces to the forfeiture of the contract." But he omits to inform you that the final surveys and the location of the line of the canal were made and concluded by a commission of engineers, in strict conformity with Article XLVII of the concession, and were formally accepted by the Government of Nicaragua on the 8th day of October, 1889.

He quotes from Article IX of the concession, "the people of all nations shall be invited to contribute the necessary capital to the enterprise," but omits the remainder of the sentence, namely, "and it shall be sufficient for the fulfillment of this requirement to publish an advertisement for thirty consecutive days in one of the principal daily papers of each of the cities, New York, London, and Paris." He quotes further, "there shall be reserved at least 5 per cent for the Central American Governments and citizens that may desire to subscribe," but he omits to inform you that soon after its organization the company fully performed all these conditions of Article IX in the manner required therein.

Referring to the 6 per cent of shares that the concession obligates the company to issue to Nicaragua, the minister says the "company has not fulfilled its obligations." The fact is that the company issued this stock to Nicaragua on the 31st day of October, 1890, and notified that Government that the certificate was at its disposal, but the Government has not yet appointed an agent to receive the same as provided in Article L of the concession.

The minister states that the company has failed to meet its obligations to construct the Tipitapa Canal under the terms of Article XIV of the concession. As to this I will say that the surveys for the canal as described in Article XIV were made, and then the Government of Nicaragua asked for a deeper canal than the concessions provided for. Before a resurvey was completed a desire was expressed for a still deeper canal. Pending negotiations on this subject, and notwithstanding the fact that the Government had failed to place at the disposal of the company the lands required for the line of the canal, the Government issued a notice to the effect that it considered the canal concession forfeited. The company then sought the protection of the power that created it—the United States—and the then honorable Secretary of State, the late Judge Gresham, reviewed the case, examined the concession, and arrived at the conclusion that there was no existing cause whatever of forfeiture of the concession, and by his direction the United States minister at Managua cooperated with the general agent of the company, and the Government of Nicaragua withdrew the notice. Whether the Tipitapa Canal will be constructed and of what dimensions, or whether compensation will be made in lieu thereof are matters still under negotiation, and any differences that may arise in the consideration thereof are not causes of forfeiture, but are to be settled by arbitration under Article LV of the concession.

While the honorable minister may not have intended any injustice to the company by his letter, yet he must be supposed to have made a careful study of the canal question, the concessions and the operations under them, and if so, his letter seems inexplicable.

It would appear from his letter that a contemplation of possible Congressional action in amending the charter of the Maritime Canal Company has interposed itself between him and the true relations existing between the Government of Nicaragua and Costa Rica and this company under the concessions.

In this connection it is pertinent to say that in an interview with the honorable minister since his arrival from Central America I alluded to the bills before Congress and stated to him in substance that they were generally believed to be the result of a strong desire on the part of the Congress to hasten the construction of this vitally important connection of the coast lines of this continent; and I added that whatever the outcome might be, the Maritime Canal Company could accept of no measure that would be unjust to the powers from whom it received the concessions.

This letter of the minister is an attack upon the integrity of the Maritime Canal Company and its concessions, and on behalf of that company I ask the protection and aid of the Government of the United States in the defense and maintenance of its concessionary rights and its property.

Very respectfully,

HIRAM HITCHCOCK,
President of the Maritime Canal Company of Nicaragua.

Hon. RICHARD OLNEY,
Secretary of State.

Mr. MORGAN. Last Saturday morning the Senate passed a resolution calling for all the correspondence between this Government and the Government of Nicaragua on the subject of the canal. Several letters have passed. I find, however, in Executive Document No. 20, of the Fifty-third Congress, third session, a correspondence which took place between Mr. Baker and Mr. Gresham, and which was printed with the message of the President upon another subject.

In support of Mr. Hitchcock's statement, made in the communication to the Secretary of State, I will read a letter from Mr. Baker, our minister in Nicaragua, and then, following that, one from Daniel Macauley, agent of the Maritime Canal Company of Nicaragua, premising, however, that the concession required the Maritime Canal Company to keep constantly resident in Nicaragua an agent of that company to communicate with them in behalf of the company in respect of all business. That is how it was that Gen. Daniel Macauley was there as the agent of the company. We have always kept one there, and have one there now. Mr. Baker writes to Mr. Gresham as follows:

LEGATION OF THE UNITED STATES,
Managua, June 5, 1894.—

After one of the attempts at forfeiture had taken place upon the part of the Government of Nicaragua. The letter was received July 3, 1894, at this capital—

SIR: On Sunday, the 3d instant, I received your further cable instructions in regard to the Nicaraguan interoceanic canal, and on Monday morning I made an early call upon Mr. José Madriz, the minister for foreign affairs of this Government. There were present Mr. Román Mayorga Rivas, the subsecretary, and Gen. Daniel Macauley. Mr. Madriz had been out of the city for a

week, and General Macauley's letter addressed to the Government, a copy of which I here inclose, had just been referred to him for report. The minister informed us that he would take up the matter at once, and would very soon make a written report thereon to the President and cabinet.

A few minutes before leaving the legation I received from Capt. J. C. Watson, commander of the U. S. S. *San Francisco*, then at Colon, a cable message informing me that he had received copies of instructions sent to me from Washington, dated the 12th and 24th of May, concerning the Argüello case, and that he was ready to assist with all his force. Unfortunately my latest Washington dates by mail were May 1, therefore I was in the dark as to the instructions referred to; but I assumed, for my purpose with this Government on this occasion, that they were something pretty perpendicular, containing a genuine American ring. Remarking upon Captain Watson's cable and the supposed tenor of my instructions referred to, I said that it was to be deeply regretted that the recent course of Nicaragua toward Americans and American interests, both in the matter of the canal and in affairs at Bluefields and Rama, was of such a nature as to make a most serious impression at Washington of the apparent unfriendliness of this administration toward the United States, a great Government which is and desires to continue to be a sincere friend to Nicaragua.

You express to me, Mr. Minister, your friendship for the United States, and the President does the same, and then you jump on us with both feet and spit in our faces. Your action in the canal matter has advertised to all the civilized world your own lack of good faith and your indisposition to protect the capital that would come here and develop your naturally splendid country. Nothing is so sensitive as credit; not even capital is so timid, for credit—good faith—must go before capital. This is the rock upon which capital builds. Your notice of the forfeiture of the canal concession, even though it be upon a frivolous ground and one not warranted and not founded in law, not only destroys the credit of the Interoceanic Canal Company, but it is the most ghastly stab under the fifth rib of the credit of your own Government which could be inflicted by the keenest Damascus blade.

"Your Government will, I am sure, Mr. Minister, withdraw the offensive notice of forfeiture; but every hour's delay is dangerous. I feel authorized to say to you that President Cleveland, his Cabinet ministers, and the Senatorial Committee on Foreign Affairs are all awaiting with deep concern the early and further action of the Nicaraguan Government in both the canal and the pending troubles at Bluefields. This is evidenced by the presence of two powerful war steamers on your eastern coast. You must admit, Mr. Minister, when you reflect candidly, that the United States has been most forbearing and patient with your Government, and that their action toward you has been in marked contrast with the brusque manner in which some of your other good neighbors have dealt with you. I hope it is not true that you have failed to appreciate this kindly spirit, that you have misconstrued it, and that therefore you have ventured to treat us with a measure of contempt which is usually only accorded to an adversary who is sadly lacking in spirit. I am sure you could not have held this view, albeit your actions might be so construed."

General Macauley then presented the case of the canal company to the minister in brief terms, and we withdrew.

I have, etc.,

LEWIS BAKER.

Here is the inclosure from General Macauley:

General Macauley to the Minister of Foreign Affairs.

HOTEL SUPONE, *Managua, Nicaragua, May 30, 1894.*

The Honorable EL MINISTRO DE FOMENTO, *Presente:*

In behalf of the Maritime Canal Company of Nicaragua, which holds your concession to construct the Interoceanic Canal, I have the honor to present to you the following facts:

Article XIV of the concession provides, in brief, that within three years from commencement of the work upon the Interoceanic Canal (October 8, 1889) the company shall construct the Tipitapa Canal.

For many reasons—some of them certainly not the fault of the company—the Tipitapa Canal has not been finished within the specified time.

On the 26th of April, 1894, the president of the Maritime Canal Company received in New York from Minister Horacio Guzman a copy of a letter addressed on April 2 or 7, 1894, by Minister Gamez to the "Agent of the Interoceanic Canal Company" in "Granada," reading as follows:

I will stop to remark parenthetically that there is no such canal company; there is no such agent; and this matter was interposed by that administration in Nicaragua simply for delay.

NATIONAL PALACE, *Managua, April 7, 1894.*

To the Agent of the Interoceanic Canal Company, Granada:

In amplification of my communication of the 20th of September last, I have the honor of stating to you that the representative of Nicaragua in Washington, Dr. Horacio Guzman, has not carried into effect up to this date the instructions given him to sue the Interoceanic Canal Company in the courts of the United States for its failure to construct a canal on the Tipitapa River, as it agreed to do under Article XIV of the contract entered into with this office on the 23d of March, 1887, because he did not want to render worse the sad condition of the company, which it was desired to help, hoping that it might rise from its present prostration; but the Government of Nicaragua, being now convinced that the rights of Nicaragua may be injured by a continuation of such a condition of affairs, and being convinced that the said contract has already been forfeited by default in compliance with one of its principal stipulations, believes that it is the Government's duty to avail itself of Article LV of the said contract in order that a court of arbitration may decide about the point in dispute.

My Government, as I have before stated, declares as terminated the aforesaid contract, and protests that only for the purpose of adjusting itself to the provisions of the said contract it submits this point to the decision of arbitrators.

Therefore it appoints as arbitrators on the part of the Republic the lawyers Messrs. Buenaventura Selva and Augustin Duarte, and in case of the failure of any of them not acting, and any impediment that may arise from this time to the date on which the court may assemble, the lawyers Messrs. Modesto Barios and J. Francisco Aguita will act in the order in which they are named.

I hope you will please acknowledge receipt of this present communication, because from this date will commence to run the four months that said contract grants to the company for the appointment of arbitrators on its part.

I am, etc.,

JOSÉ D. GAMEZ.

General Macauley proceeds:

The letter of September 20, 1893, to which the above letter refers, has not yet been received by our company, nor have we any knowledge of its contents, and Minister Gamez's letter above copied had lost nearly one month before we received even a copy—the original not having yet reached us.

And now, sir, in the most respectful and amicable manner, permit me to suggest that whatever may have been the fault of our company in the noncompletion of the Tipitapa Canal, the remedy sought to be applied by Minister Gamez is not feasible, has no existence in the concession itself, and I am certain will be pronounced by your friendly and honorable Government as untenable and to be withdrawn and canceled without delay.

Article LIII of the concession contains the five distinct and only grounds of forfeiture of this concession, not one of them being in default and not one of them bearing any relation to Article XIV or to the construction of the Tipitapa Canal.

That the concession may contain many agreements and stipulations upon breach of which action or claim might rest, including Article XIV, is perhaps true; but, as said above, there are only five permitting the extreme penalty of forfeiture, and they are clearly and unmistakably set forth in Article LIII.

I purposely refrain from complicating this single, solitary question with any other in any form, omitting all argument, counterchange, or discussion of any other point as tending to direct attention—

It is printed "to direct attention," but it ought to be "to divert attention"—

from the remarkable sentence thus passed upon our company and its great work. I have full faith that your Government, in consideration of its friendly neighbor, the United States (whose good will and confidence our company also enjoys), will promptly remove this surprising obstruction, and permit us to go forward to thorough and rapid success upon the conditions of the concession as they actually exist.

We do not ask or suggest that you waive or abandon any right falling to you under the articles of the concession. We are ready, separately from the question of this attempted forfeiture, to consider in good faith and act upon any claim you may wish to present, whether under Article XIV or any other, but we sincerely and respectfully protest that your sentence of forfeiture, where no forfeiture can lie, gravely damages our progress and tends in many ways to retard the prosperity of your own country, for whose fame and happiness you would gladly do so much.

I conclude by giving you the most profound assurances that all clouds, except this one, are dispelled from the company's horizon, and that the construction of the Nicaragua Canal now, without delay, is an absolute certainty.

But primarily we must be released as quickly as possible from the shadow of the mistaken conditions of the letter above referred to, and to that end I submit the petition to your Government.

Pardon me if I modestly suggest, in conclusion, that a company which has paid you $150,000 in gold and has expended over $3,000,000 under your concession might well invoke your kindly forbearance and its continuance under more serious faults than yet appear against us in Nicaragua.

Urging upon you that the emergency calls for your promptest action, I am, etc.,

DANIEL MACAULEY,
Agent of the Maritime Canal Company of Nicaragua.

Mr. President, that is a fair and clear presentation of the answer to one of the leading objections which was submitted the other day by the minister of the Greater Republic of Central America. Mr. Hitchcock has answered other objections in his letter to Mr. Olney, which is now in the possession of the Senate.

I have read these two statements, the letter from Mr. Baker and the letter from General Macauley for the purpose of showing the absolute verity of Mr. Hitchcock in his statement made in the paper which has just been read, which, I suppose, however, no one will venture to question anyhow upon his simple statement.

I will make no observations upon this situation further than to say that I think it is very lamentable that after the Government of Nicaragua, under the protestation from our own Government, has withdrawn the very objection that is urged here and has caused Nicaragua to recall the statement of this minister that the charter had been forfeited—I think that these facts ought to convince the Senate of the United States that we had better be a little careful in the investigation of these matters for fear we may do some very serious injustice to our own people.

Mr. DANIEL. Mr. President, it is very painful for me to interrupt the penitential effort of our bimetallic friends, so called, to get through a bill or resolution to assist them in the restoration of that great American system of finance which they have been so successful in pulling down. The precipitous haste with which their envoy extraordinary, if not minister plenipotentiary, proceeded to lay their petition before the British throne is pathetic and touching. It commands my sympathy. I dislike also to put any impediment, even for a few brief moments, in the way of that great crusade which has been announced by the Senator from New Hampshire [Mr. CHANDLER], and at the head of which it is said the distinguished Senator from Ohio [Mr. SHERMAN] is to ride, in restoration of that great system which has been so successfully assailed, if not yet quite completely destroyed. The picture of the great Republican party and the great republican people of America roaring "as gently as any sucking dove" through the haunts of Lombard street and seeking interviews with the magnates of European finance with the piteous wail that mayhap the American people, sometimes "headstrong and violent," may take this question in their own hands unless some dole of concession is given them, is an impressive picture which should be put in the Rotunda of the Capitol before its embellishments are finished. There are some striking contrasts which would make that picture an interesting one to the lover of art and to the student of color. Side by side with this unique and engaging feature thereof we should perceive the Congress of the United States passing an immigration bill to rescue our country from the flood of fugitives from Europe who are seeking to escape the great prosperity which the gold standard has brought to their countries! At the same time we would see the avant-courier of the incoming Administration in their committee rooms making haste to prepare

a bill to protect American labor from the pauper labor of those countries which are now enjoying in full vigor the system which they are seeking to give root to and establish here.

Painful as it is to me, Mr. President, to interrupt this proceeding of the dilettante bimetallists who are still talking about silver as a sort of aftermath to their golden victory, we have before us upon our Calendar certain bills which come in suggestive contiguity and competition with each other. The first is that resolution, tentative, or pretendedly tentative, of something or other to be done at some day or other toward a restoration of our financial system.

In the next place, there is a bill to allow the wrecks of fortunes—the millions of bankrupts who have been enjoying the prosperity that followed the Sherman law repeal of 1893—to relieve themselves of their present bondage. Right amidst these proceedings there is a measure, favored by many of those who are soon to preside over our bankrupt Treasury, to give away $100,000,000 of American money, without any provision being made as to where that money is to come from, and with nothing done, nothing shaped, nothing proposed to restore the confused, prostrate, and disgraceful so-called financial system under which the people are attempting to live. It can not be said, at least, that this country is not generous. Here is a bill that embodies the greatest subsidy that this nation has ever offered to any scheme, to bind itself up for thirty years with $100,000,000 of increase of the public debt.

Mr. President, is this country to go along forever in this makeshift fashion? Are we to have no head to our financial committees, and no direction to our financial affairs? Are we to drift along like some ne'er-do-well who never grasps all of any problem, who never proposes any comprehensive scheme, but who deals with everything as it comes along, borrowing without making provision to pay, levying taxes without providing the means wherewithal the people can pay them, donating with generous hand to any good fellow who pats him on the back, and making no provision for the care and support of the family at home?

I am opposed, Mr. President, to this bill. I think the bill has been killed. I think if this measure were a matter to be affected by natural causations; if it could be reached by the analyses and the arguments which are made about it, it would have been killed by the masterly speech of the Senator from Indiana [Mr. TURPIE]. Indeed, I think the Senator from Indiana has killed it. I think the minister from the Greater Republic of Central America has exposed its corpse in the public morgue. But, though logically speaking it ought to be dead, and though logically speaking it is dead, it yet refuses to manifest those signs of death which generally follow dissolution, and I wish to address myself simply to a few points concerning it, in the hope that I may convince anyone who is hesitant about it that it is dead.

As the matter stands to-day before the Senate, it has been impaneled as a jury and is here sitting to-day to decide questions of law and questions of fact upon the issues which the distinguished Senator from Alabama [Mr. MORGAN] is making up from time to time between the minister from the Greater Republic of Central America and the corporation known as the Maritime Canal Company of Nicaragua.

The Senator from Alabama is generally a good pleader, but in making up these issues, it seems to me, he has overlooked some of the forms which the pleader usually follows. He tells us, to begin with, as to this protest from Minister Rodriguez which has been laid upon our tables and presented to the Senate in the most decorous and respectful form as a communication from a foreign state—he tells us that this minister is not much of a minister after all; that he does not come from much of a country anyway; that he was just bowed into the diplomatic corps by the President of the United States, and is altogether too fresh in arriving at the American capital to be entertained in the presentation of his communication. I demur to that statement. The President, in his message to Congress in December last, and in the discharge of his duty to communicate to Congress the state of the Union, informed us that by a treaty concluded in June, 1895, and lately ratified in exchange, the Republics of Honduras, Nicaragua, and Salvador, adopting the name of the Greater Republic of Central America, have undertaken to merge their common interests, so far as their relations with foreign powers are concerned, and to put them in charge of a diet, consisting of three persons, one to be designated by each of the constituent States.

There was formal information to Congress, now two months old. The minister of the Central American Republic has since appeared and has been recognized by that authority of our Government which has invariably recognized ambassadors and ministers and other foreign representatives, and which has specific power under the Constitution to receive them. Therefore there is nothing in the title of this minister, as there is nothing in his attitude toward this Government, to call for invidious remarks of any kind. His communication is couched in most polite and courteous language, and it should be received with that respect which is due to the representative of a sovereign state.

In the second place, the distinguished Senator from Alabama makes a charge that England is behind this minister; that Great Britain has set him up and inspired and instigated him to make this communication. The Senator does not vouchsafe to us any evidence on this subject, and therefore I can not demur to it, but I can demur to the declaration. The question here is not who has influenced, instigated, prompted, aided, or abetted the foreign minister in making the communication; the question is whether or not the contents of the communication are worthy of recognition and notice.

I would oppose this bill, Mr. President, I frankly state, whether that communication of Minister Rodriguez had been made or no. But the communication has been made; it has been to some extent answered by communications which have just been laid before the Senate by the Senator from Alabama. He has raised an issue between the minister and the Canal Company of Nicaragua by these communications.

We are claiming rights here under a treaty, or rather contract of cession with Nicaragua, and it is provided in that document exactly how such issues are to be determined. I read the fifty-fifth article of this treaty, or, more properly speaking, contract between the Republic of Nicaragua and the Maritime Canal Company. It is not a treaty or contract between the United States and Nicaragua, but it is between Nicaragua and the Maritime Canal Company as represented by Mr. Menocal—a cession of which we under this bill are to become the practical proprietor and assignee. Article LV of that cession reads as follows:

> Any misunderstanding that may arise between the State of Nicaragua and the company in regard to the interpretation of the present stipulations shall be submitted to a court of arbitrators composed of four members, two of which shall be appointed by the State and two by the company.
>
> These arbitrators shall be designated by each of the parties within the period of four months from the day on which one of the contracting parties shall have informed the other in writing of the want of agreement on the point at issue. Should one of the parties allow the aforesaid term to pass, it shall be considered as assenting to the opinion or claim of the other.

Mr. TURPIE. I suggest that a quorum of the Senate is not present.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Clark,	Lodge,	Pugh,
Bacon,	Cockrell,	McBride,	Sewell,
Bate,	Cullom,	McMillan,	Sherman,
Berry,	Daniel,	Martin,	Shoup,
Blackburn,	Elkins,	Mitchell, Wis.	Smith,
Blanchard,	Faulkner,	Morgan,	Stewart,
Brice,	Frye,	Morrill,	Tillman,
Burrows,	Gallinger,	Murphy,	Turpie,
Caffery,	Gear,	Palmer,	Vilas,
Cameron,	Gorman,	Peffer,	Walthall,
Cannon,	Gray,	Perkins,	Wetmore,
Carter,	Hawley,	Pettigrew,	White,
Chandler,	Hoar,	Platt,	Wilson.
Chilton,	Jones, Ark.	Proctor,	

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. A quorum is present. The Senator from Virginia will proceed.

Mr. DANIEL. Mr. President, I was pointing out that there is a clause in the cession from Nicaragua to the Maritime Canal Company which provides for just the condition that is presented by the pleadings made up or attempted to be made up in the Senate between the minister of the Greater Republic of Central America and the canal company. I find a similar provision in the cession of the State of Costa Rica. It seems that we are soon to have universal peace. Here is a foretaste of it. In the report made by the Committee on Foreign Relations is printed the document to which I refer (page 121 of the report of Mr. SHERMAN, Fifty-second Congress, second session, Report No. 1142), showing that these parties have solemnly agreed with each other that, in the event of a misunderstanding between the State of Nicaragua and the company in regard to the interpretation of the stipulations made, it shall be submitted to a board of arbitrators composed of four members, two to be appointed by Nicaragua and two by the company. There is provision also that the arbitration shall take place after four months' notice has been given of the misunderstanding.

The company, if I correctly understood the communication which was read at the instance of the Senator from Alabama, has taken formal, public, official notice of this misunderstanding and has filed its answer in the Senate, setting up its counterview of the subject. There, then, is precisely the case which this concession contemplated, and so far as the debate in the Senate is concerned, it seems to me, sir, it is "aliunde." Had there been no provision of this kind, it could not have been fitting for the United States of America to proceed in advance of some decision to be obtained by diplomatic negotiation that settled the controversy which had been excited by the communication of that minister. But here is a formal, legal, authentic provision made for its settlement. How is it possible that the Senate of the United States, in view of such an existing state of facts, can persist, to the prejudice of a litigation which has appeared in their presence, to ignore

the formal and agreed methods of settlement and to make themselves the self-constituted judges?

Were we to embark, Mr. President, upon this enterprise in the present status of affairs, it is quite evident to my mind that we would embark upon a sea of trouble. Up to the period when the President of the United States under the authority of Congress appointed Colonel Ludlow and Messrs. Endicott and Noble as a board of engineers to survey this route, there had never been by anybody, as they themselves state, a survey of the entire line. We have that report before us, and those representatives of the United States who at great public expense were sent to view the site of this enterprise state that they were the first who ever went over the entire line upon which we propose to build a great canal and to initiate the enterprise with a bonus of $100,000,000. This, at least, is Colonel Ludlow's statement, to be found in Senator MORGAN's report from the select committee of last session, page 169.

These three engineers spent thirty-four days in traversing most difficult and almost inaccessible country, in riding over mountains, in penetrating swamps, and in hunting about on the banks of declivitous rivers, and at the end of that necessarily imperfect survey they discover that anterior surveys were perfectly unreliable. They show that the estimates of anterior surveys can not be banked on; and I will read just a brief paragraph from the report of Colonel Ludlow, to be found on page 138 of Senate Document No. 315, Fifty-fourth Congress, first session. He is asked the question, in a hearing before one of the committees of Congress, if he feels certain that the canal can be built within $125,000,000. He replies:

I do not believe it can.

Mr. PATTERSON. Within $150,000,000?

Colonel LUDLOW. Yes, we think so; as nearly as we can form an approximate judgment, we think so. I think my colleagues think so. We make a provisional estimate, if you like, of $133,000,000 or $134,000,000.

Mr. PATTERSON. I think that is the amount.

Colonel LUDLOW. It is named in our report and we do state our opinion that the canal, not necessarily according exactly to the company's prices, etc., but that a canal can be built within that estimate—

Meaning $133,000,000—

which is a very conservative estimate. I wish we had made it $150,000,000, as I would feel more satisfied in my mind.

We are starting to build the canal for $100,000,000. The company says that is an abundance. Colonel Ludlow and two engineers, who spent thirty-four days in traversing this difficult country, 170 miles in length, think possibly it may be built for $133,000,000, but they wish they had said $150,000,000. In short, Mr. President, this is mere guesswork. It is the merest speculation on a sort of bird's-eye view of this grave, important, and momentous subject. It is evident that, vast as is the amount with which we propose to subsidize the canal company, $100,000,000 is a mere keen entering wedge to future great appropriations; and where they would end or to what financial embarrassment and trouble and loss they might lead us, there is no mortal who can tell us. We are embarking, if we pass this bill, upon a shoreless sea.

The report of the committee of the other House, if I may allude to that document, only confirms this view of the matter. If Senators will turn to the report made by the committee of the House of Representatives, they will find that the committee speak of the appropriation, the subsidy of $100,000,000, as by no means certain to accomplish the result in view. They themselves look upon it as a tentative contribution of the United States toward this end. They say that although it may cost much more—I am not repeating their exact words, but quoting them from memory of their meaning—the United States ought to go ahead, anyway.

There is a deep-seated public feeling in some sections of the United States, and a very pervasive feeling existing in some degree, that this Republic ought, if it can, to control the Nicaraguan Canal and ought to build it. While some seem to think that this is a conclusive view of the matter, it is not a conclusion which is without great dissent. Whether or not the benefits will be realized to this country which some optimistic gentlemen foresee in this canal, is a very doubtful question. Whether or not trade to a large degree will be diverted from the great Central States of the American Union and the seaboard cities—trade which now uses our great transcontinental railway lines and furnishes enormous freights from the West to St. Louis, Chicago, and to New York, and to our Eastern seaport cities—whether or not the Nicaraguan Canal will not greatly detract from that trade and more or less injure the interior and the seaboard terminals, is a great and serious problem of commerce upon which I do not feel myself competent at this juncture to offer an opinion to the Senate.

But I do perceive that that problem exists. I do perceive that there are two sides to that question. I do perceive that those who are imagining that there will be great relief to them and great benefit to them from the construction of the canal take the chance, at least, of suffering great disappointment. It is the opinion of some who have studied problems of this kind, who have mastered the statistics that belong to it, who have spent years of their lives in studying the courses of trade and commerce, that the canal would work disadvantage to sections represented by many of those who are most ardently seeking to see that it is constructed. I simply suggest this question, hoping that before the measure is finally passed upon, whether at this or another session, that particular point may be made the focus of full debate in the Senate, so that we may view it from all standpoints and weigh as well as we can what may be the possible outcome of this measure.

Mr. President, I shall address myself as briefly as possible now, for I have no idea of making or attempting to make any comprehensive review of this subject, to some of the objections which have been urged to this bill by the distinguished minister of the Greater Republic of Central America. I have taken his communication and endeavored to analyze it and dissect it. I have endeavored to compare his objections to the provisions with the various provisions of the contract under which the Maritime Company traces its corporate rights—the contract under which the United States would become under this bill, to all purposes except a few labels and a little varnish, the actual assignee and successor of the Maritime Company, which will, indeed, preserve a sort of ghostlike existence, but will be superseded in all powers by the United States.

The first objection of the minister of the Greater Republic of Central America to the bill and to other cognate bills which have been from time to time introduced is this:

All these bills—

Says he—

take it for granted, with minor differences of detail, that the American Government is to take an important part in the enterprise, and that it is to furnish the money necessary for the construction of the canal by the Maritime Canal Company of Nicaragua, whose constitution and organization they essentially modify.

Unfortunately, the undersigned observes that the provisions of these bills are at variance, both generally and in matters of detail, with the stipulations of the contract of April 24, 1887, between Nicaragua and the company aforesaid, from which contract the company derives its existence and which is the basis of its enterprise.

That contract stipulates, in its eighth article, that the concession therein provided for shall in no case be transferable to governments or to foreign public powers, and Article LIII provides that any contravention of this stipulation shall entail a forfeiture of the contract. As it can not be denied that the bills to which the undersigned has reference—although they do not expressly say so—effect that transfer most fully, making the Government of the United States of America the absolute owner of the enterprise and of the canal and its rights, the result to which they inevitably conduce is the forfeiture of the contract.

I turn to that contract to verify what the minister has so tersely stated, but before reading these provisions let me call attention to the extraordinary attitude in which we would place ourselves by the passage of the pending bill. It is by this bill that the United States proposes to become the owner of 70 per cent of the stock in the Maritime Canal Company of Nicaragua. It is by this bill that it proposes to assume complete control over that work, appointing eight directors out of eleven, superseding all other authorities, assuming mastership. If this bill should pass, we may forfeit the right to do the very thing which it undertakes to do, because by this very bill, which is devised upon its face to construct the canal, this company itself agrees that a violation of Article VIII shall work a forfeiture. And it is that question which is thus raised before the Senate by the minister from the Greater Republic of Central America, upon which, I understand, the Senator from Alabama and the representatives of the company join issue. The issue, then, is not only one that concerns the proprieties, the delicacies, the precedents, and the observances of international communication. The question is not one which simply concerns the dignity of the Senate, the dignity of the nation, the dignity of international intercourse between sovereign States. The question is one which goes to the right of the Senate to pass the bill. It is a plea in bar of this procedure, and that plea has selected the tribunal for its decision in the very paper which accords to the one the right to raise the question in the case, and to the other the right to join issue upon it.

The contract and the judge of the contract are constituted by the same document, and the interpretation of that document made by the sovereign State of Nicaragua, which is a party thereto, is that the passage of the pending bill destroys and forfeits the rights under the contract. So I say the issue is vital, and goes to the right of the Senate and of the American Congress to pass the bill.

Evidently, Mr. President, under such a state of facts the appropriate thing to do is to submit to that arbitrament and to wait and get the decision.

There is such a thing in the law known as "election," and it ramifies through all equitable and runs into legal jurisprudence. The fundamental principle of the law of election is that no man can dispute the title under which he claims nor make with respect thereto any contradictory or inconsistent claim.

Now, observe the singular and the most embarrassing attitude in which the Senate and the country would be placed if we were to persevere in the passage of the pending bill, claiming rights under this contract. Here is a contract produced in the Senate,

and under the terms of that contract it is claimed that the United States has thus the right to contribute the money, to subscribe to the stock, to name the directors, and assume charge of the Nicaragua Canal; and in that very contract is a provision that if the Maritime Company, under which we claim, and the grantor, the sovereign State of Nicaragua, shall come to a misunderstanding about its interpretation, then a board of arbitrators is to be appointed. Now, if we persist, how, in any fair forum, how, at the bar of law or at the bar of equity, can we proffer a contract and claim under it and at the same time say that we will ignore its provisions?

I turn now, Mr. President, to Article VIII; it is the article referred to by the minister, and I seek to verify the correctness of his citation of that article. It will be found on page 111 of the report made by Mr. SHERMAN December 22, 1892:

ARTICLE VIII.

The present concession is transferable only to such company of execution as shall be organized by the Nicaragua Canal Association—

And mark the following:

and in no case to governments or to foreign public powers. Nor shall the company cede to any foreign government any part of the lands granted to it by this contract; but it may make transfers to private parties under the same restriction.

The Republic of Nicaragua can not transfer its rights or shares by selling them to any government.

Mr. President, this reads to me like very plain language; and the object, intent, and purpose of the language is just as plain as the language itself. We need only to read the words to have our minds contemplate and comprehend their purview. It was the object of Nicaragua in using that language, the plain object, to forestall foreign governments and public powers from possessing themselves of this canal or the control of this canal. That was its object, and it compassed that object in the natural terminology which legal phrase would employ, and it emphasized that language: "In no case" shall the present concession be transferable "to governments or to foreign public powers."

Mr. President, look at this bill. Whatever name it may call itself, however it may try to whip the devil around the stump, it is the plain intent and purpose of the bill, it is the avowed purpose of the bill, it is the open, acknowledged, and recognized purpose of the bill, to transfer this canal and this concession to the Government of the United States in as plain, palpable repudiation of the contract between the Government and the canal company as it is possible for the human mind to invent.

Why, sir, there is nothing in the bill but the United States, except a few splinters, fragments, spicula, fringes, and trimmings. The United States is to get the cession, too, for a consideration; it is a matter of barter and sale. The stock, when we come to look at the bill and read its provisions, is to be $100,000,000. They had just as well made it $1,000,000,000 or $100,000,000,000. It is a mere matter of figures—the scratch of a pen and a few naughts will make them. There is nothing in the stock except what it is proposed by the bill to put in it. I do not mean nothing absolutely, but speaking in the language of the law, de minimis non curat lex; and there is nothing else but a few chips and whetstones—practically nothing.

Mr. President, if all the water in the stock to be created by the United States by this bill and evolved out of its inner consciousness of the magnificence of things were poured upon that line where the Nicaragua Canal is projected—the water squeezed out of the stock would float the navies of the world, and there would be no necessity for digging. As to the $70,000,000 of this stock, it is to be given to the United States in consideration of its bonus, grant, guaranty, whatever you please to call it. They are to be the paymaster out of our taxpayers, in the end, of this guaranty of $100,000,000. They are to pay 100 per cent in dollars for 70 per cent of nothingness.

So, under a contract from which we are to deduce the right to build the canal, and under a contract which provides that in no case shall the cession be transferable to any foreign government or public power, we are to accept a transfer of 70 per cent.

Now, Mr. President, it is a maxim of law that the greater contains the less. When Nicaragua said that in no case should this cession be transferable to any foreign nation or public power, it did not add the words "or any part thereof." It did not add the words "or any percentage thereof." Why? Because it would have been surplusage. The cession is an integral thing, a proprietary right granted by a sovereign power. It is not divisible. It is one indivisible grant by a sovereign to a corporation. Therefore, if the United States should accept the transfer of 70 per cent, or of 5 per cent, or of any per cent, it would violate that contract of cession between Nicaragua and the corporation which received it, just as much as if it accepted the whole bodily, by deeds to real estate and by transfer and delivery of corporate personal property.

After 70 per cent of this has been given to the United States in consideration of its transfer, 70,000 shares of nonassessable stock are to be issued and delivered to such person or persons as may be designated by those stockholders of the said company whose stock has been surrendered and canceled as in the contract hereinbefore required. For what purpose are these 70,000 shares to be given to outgoing stockholders? The bill does not say. For what consideration is it to be given to them? The bill does not say. There is, therefore, left by this provision a large space for imagination to employ itself in, and such spaces exist from the beginning to the end of this measure. I have never seen a measure which served as so strong a stimulant to imagination.

Mr. MORGAN. Mr. President, may I ask the Senator from Virginia a question in regard to that point? I understand the Senator to say that the Government has no right under this concession to take any stock at all.

Mr. DANIEL. I think not.

Mr. MORGAN. I want to call the Senator's attention to Article IX, if he will allow me to read it.

Mr. DANIEL. Well, sir.

Mr. MORGAN. It reads as follows:

As soon as the company is ready to open subscription books it shall advise the Government of Nicaragua, which will invite the other Governments and through them private parties to subscribe. All such shares not taken within six months following the date on which the Government shall have been advised of that circumstance shall remain subject to the free disposition of the company.

All Governments have the right to subscribe to that stock under the stipulations of the concession.

Mr. DANIEL. When the books are thrown open. I am talking about this subscription and the interpretation of Article VIII.

Mr. MORGAN. This has been thrown open and the transfer closed. Nicaragua by advertisement invited the Governments to make the subscription, and they did not do it, and then the stock was turned over, and it is disposable as property of the company to anybody.

Mr. DANIEL. I shall be entirely candid with the Senator. I think he has to a degree answered what I said, but not altogether and not effectually. My mind was resting upon the provision of the contract in Article VIII, the provision quoted by the minister of Central America, and the transfer claimed to exist or apparently existing under it. The subsequent provision of the contract dependent upon the invitation of Nicaragua is another matter which I will come to in due course. That is a provision which opens the books to all alike, and it is that provision which this method of dealing with the contract seeks to evade, and successfully evades.

Mr. President, to look a little further into the structure of the bill, it will appear that if the bill should accomplish its purpose there will be scarcely anything left, nothing material or practical left, except the United States in possession and control of the Nicaragua Canal. The existing management is to retire, the new board to consist of eleven directors, one to be appointed by Nicaragua, one by Costa Rica, one by the stockholders other than the United States, and eight by the President of the United States, with the advice and consent of the Senate. Six of the directors, five of whom must be directors appointed by the President of the United States, shall constitute a quorum for business. In short, the United States, besides furnishing the capital and owning 70 per cent of the stock, is to manage and direct the company. The directors are to select a president, vice-president, secretary, assistant secretary, and treasurer. They are to get $5,000 a year and traveling expenses.

I think the provision that six of the directors, five of whom must be directors appointed by the President of the United States, shall constitute a quorum for business, is in contravention of the rights of Nicaragua and Costa Rica. Each of those States has the right to appoint a director, who, it is provided in the concession, shall have equal powers and privileges as other directors; but if two of them, in a board of eleven, and four other directors were present, they are deprived by the bill of the right to constitute a quorum, showing that the United States in its eagerness and zeal to become the proprietor of this cession has given to its directors peculiar rights and exclusive privileges which are not attached by the bill to the representatives of other governments. I do not think that that is fair. I do not think that it is in equitable and just fulfillment of this contract. I think it might be said to be in fraud of the contract.

The United States is so intimately associated with the cession and so completely absorbs it that even the bonds which are to be printed for the purpose of being signed by the Maritime Canal Company are to be printed at the Bureau of Engraving and Printing of the United States at the expense of the company. They are then to be deposited with the Secretary of the Treasury and issued by him as the work progresses. So the Secretary of the Treasury is to become the custodian of the assets and is to become the disbursing officer as the work progresses.

The most important provision is that the Secretary is to cause to be engraved on the bonds the guarantee of the United States, and is directed to pay them, interest and principal, if they are not paid into the Treasury by the Maritime Company; and if the Maritime Company by any good luck or chance were to pay the

bonds, they are to pay them through the Treasury of the United States.

So, Mr. President, he who runs may read; it is a self-evident fact that the United States not only takes the stock in the company, but becomes in all legal effect and to all intents and purposes the monopolistic owner of this cession; and whether I have been exactly correct or not in my previous observation upon the eighth article, this great fact I do not think can be diminished or answered in its influence upon this subject; the Government of the United States does by the bill become the one controlling power and authority and the one open administrator of the Nicaragua Canal.

Mr. MORGAN. If the Senator will allow me, I think I am authorized to say, even on behalf of the committee, that if this bill is accepted by the Nicaraguan Canal Company and thereby becomes effectual, the Government of the United States, as a stockholder, will probably control the plans and the destiny of this canal, just as any majority of stockholders would control the minority. That is the whole story; it is all right there.

Mr. DANIEL. A part of it is right there, but that is not all of it. The United States assumes relations to this canal by this bill which it could not assume as a mere stockholder, be it majority or otherwise. It is not only, as I conceive, the majority stockholder, but it is the one absorbing occupant of the rights granted by this cession.

Mr. PLATT. May I ask the Senator a question?

Mr. DANIEL. Certainly.

Mr. PLATT. Why does the Senator object to that? Does he not think it a good thing for the Government of the United States to build this canal?

Mr. DANIEL. It may be he does not object to it. I am not in the council of Nicaragua. My learned friend who sits upon my left [Mr. MORGAN] says he objects to it because England has put the minister up to it. He says that is the reason.

Mr. MORGAN. I never stated that as a reason, Mr. President.

Mr. DANIEL. I thought you said so.

Mr. MORGAN. I stated my convictions upon that subject, and if it will do the Senator any good, I will repeat them.

Mr. DANIEL. The Senator said he made the charge and demanded an answer.

Mr. MORGAN. I did.

Mr. DANIEL. Had you not better give your evidence before you demand an answer?

Mr. MORGAN. No, sir; not in view of what Great Britain is trying to do here in the way of making the treaty of arbitration.

Mr. DANIEL. I thought that was in secret session.

Mr. MORGAN. You asked a question, and I want to give you a frank answer. I want to understand before we enter upon the consideration of that treaty whether she is trying to displace us in that Isthmus, as she has never failed to do for seventy-five years whenever she has had an opportunity.

Mr. DANIEL. I am entirely in accord with the Senator from Alabama, if that is his conviction, and if he has evidence of it, circumstantial or otherwise. It is not at all improbable, but I do not know. He makes the charge and says he demands an answer, but he can not demand an answer of me, for, if he did, I would say, "Please produce the testimony first."

Mr. MORGAN. I never asked the Senator for an answer.

Mr. DANIEL. No, not at all. I say the Senator does not ask me. The Senator simply addressed the world at large, mankind in general, and demanded of them an answer. They have not yet been heard from, and I do not consider that I am their keeper.

The second objection of Minister Rodriguez is as follows; he says:

> Article XLVII of that instrument—
>
> Referring to the contract—
>
> Article XLVII of that instrument provides that the company shall undertake, at its own expense, the final surveys of the ground and the location of the line of the canal by a commission of competent engineers, two of whom are to be appointed by the Government of Nicaragua, and the aforesaid Article LIII provides that a failure to comply with this stipulation shall entail the forfeiture of the concession.
>
> The bill, however, provides that the canal shall be constructed under the surveillance of the Department of Engineers of the Army of the United States of America and according to its plans, and that three engineers shall be designated by the President for that purpose, who shall make the explorations and estimates.
>
> This provision likewise conduces to the forfeiture of the contract.

And this provision also reenforces me in the suggestion I have already made, that the United States is not appearing here as a mere majority stockholder. It is appearing here as the propounder, possessor, organizer, money contributor, manipulator, and administrator of the whole enterprise, and it is to that that Nicaragua has objected with specification of these details, that this canal is to be conducted under the surveillance of the Department of Engineers of the Army of the United States.

Mr. MORGAN. I know the Senator from Virginia does not want to fall into an error or do any injustice at all.

Mr. DANIEL. Not at all. The Senator is much more familiar with this subject than I am.

Mr. MORGAN. I have made a study of it.

Mr. DANIEL. And I shall gladly defer to any correction he may make.

Mr. MORGAN. The final survey of this canal and its location are provided for in that concession to be made under the cognizance of the Nicaraguan Government. Plans, specifications, and maps were made out and filed in Nicaragua and approved by the Government. Now, what this bill provides is that the construction of the canal shall be under the surveillance, as stated by the Senator from Virginia, of American engineers—at least three American engineers—to be chosen by the President. Nicaragua can choose as many as she wants to. That is all, and that is the whole story about that.

Mr. DANIEL. Be it so, Mr. President. The minister who represents Nicaragua as the minister of the Greater Republic of Central America takes one view of this matter and the Senator from Alabama takes another. That is just the case in which this contract says four arbitrators shall step in.

Mr. MORGAN. If the Senator will allow me to say so, the minister does not take any view in opposition to what I take, unless he means to say that the final location and survey of the canal shall be submitted to his Government—if Nicaragua is his Government, which I doubt very much. I do not think he undertakes to say that, but he says that its further construction is to be under surveillance.

Mr. DANIEL. He does not say that is an absolute forfeiture. He says it is conducive to a forfeiture.

Mr. MORGAN. I understand that is a threat. We have had plenty of those. Why does he want to threaten us?

Mr. DANIEL. I can not answer the Senator as to why the minister threatens. I am only pointing out this state of fact, that the Senator views it one way and the minister views it another way; that the company has contracted that when such misunderstanding arises the board of arbitrators is to step in, and I am hesitating, Mr. President, for my part, and advising the Senate to hesitate on its part, to assume and usurp the high office of arbitrator and to interrupt this happy, peaceful proceeding which has been anticipated and provided for by making itself a self-constituted judge.

Mr. MORGAN. Now, if the Senator will allow me a moment, the concession provides for an arbitration of all matters in dispute between the membership of the Maritime Canal Company of every kind and character. The United States can have no part in any dispute of that kind until it becomes a stockholder in the corporation, and it can not become a stockholder in the corporation until the Maritime Canal Company has accepted this proposed act. The question arises upon the acceptance of the act. Nicaragua says, "I object to the acceptance of this act." That is in the company's council, before we can get into it at all. While we are passing upon the question of whether they will accept the act, Nicaragua objects and says, "That violates my concession." The American stockholders say it does not. There is a question raised which must be settled between them by arbitration. They go on and settle it, and the settlement is made by the arbitrators. That concludes the whole business. They resolve, then, whether they are entitled, under the judgment of the arbitrators, to accept the act or not. If the majority is in favor of it, "Yes;" if the majority is against it, "No," and the act fails.

Mr. DANIEL. I do not see that the Senator has at all answered, or attempted to answer, the objection I made.

Mr. MORGAN. I did not understand it, then, if I did not answer it.

Mr. DANIEL. I say—and I will make myself clear—that it is provided in this contract—

> Any misunderstanding that may arise between the State of Nicaragua and the company in regard to the interpretation of the present stipulations shall be submitted to a court of arbitrators composed of four members, two of which shall be appointed by the State and two by the company.

Is not that misunderstanding the subject of debate in the Senate to-day?

Mr. MORGAN. Oh, yes.

Mr. DANIEL. Then, why should it not be submitted to the board of arbitration?

Mr. MORGAN. If the Senator will allow me, as he asks me a question, if Nicaragua makes the point, and the Senator and the minister of the Greater Republic insisting upon that, of course the other men who own stock in this concern will see to it that it be submitted to arbitration; and when it is decided it will be for that company to determine whether they accept the proposition or not. Ours is a mere offer to them that they can accept or refuse according to the majority of that corporation.

Mr. DANIEL. But our proposition is one, as urged by the Senator from Alabama, which the minister from Nicaragua claims would expressly forfeit the contract.

Mr. MORGAN. I do not care what he claims.

Mr. DANIEL. I am only stating what he claims. Of course, now the Senator has stated his true position; he does not care what the minister from Nicaragua claims.

Mr. MORGAN. I confine my remarks to the claims of Nicaragua.

Mr. DANIEL. What the minister from Nicaragua claims. That is what I said.

Mr. MORGAN. Yes.

Mr. DANIEL. Then we have a sharp issue between the Senator from Alabama and myself—I mean in debate only, of course—and he presents that issue to the Senate. We have a formal, respectful, clear, precise statement from one who has been recognized by the President of our country as the minister of Nicaragua, Honduras, and Salvador. The Senator does not care for it. It seems to me that we are bound to care for it.

Mr. MORGAN. I say his construction of that article. As a Senator, I think I have a right to put my own construction upon it, and am bound to do it. I differ with that gentleman upon that.

Mr. DANIEL. I understand the Senator's difference. I recognize his right to differ, but I do maintain that it is a violation of contract and a contempt of the solemn observances of intercourse in a great matter for the legislative body of the United States, or either branch thereof, to persist in a matter which concerns the dignity, the interests, the fortunes of a foreign state under the protest of its recognized representative, and unwarranted by any precedent of civilized nations to ignore and treat with contempt a solemn contract of anticipated arbitration.

Mr. MORGAN. Now, will the Senator allow me one moment?

Mr. DANIEL. Certainly.

Mr. MORGAN. Will the Senator indicate the provision in the bill before the Senate which prevents Nicaragua and the Maritime Canal Company from having this arbitration?

Mr. DANIEL. None. I say they can have it.

Mr. MORGAN. They are still in the possession of their rights.

Mr. DANIEL. But we are about to do the thing which assumes that they are wrong in their interpretation.

Mr. MORGAN. No.

Mr. DANIEL. The Senator begs the question. The minister from Nicaragua has entered his caveat. He has said to the American Government, holding forth the documentary evidence upon which he acts, "You have no right to do this." The Senator says, "I disagree with you." We find that in the event of misunderstanding a board of arbitrators has been provided, and the Senator's argument to that is that we will go and do the thing which is protested against; we will take advantage under this contract, according to our view, against the minister's solemn remonstrance.. and after we have done the wrong of which he complains, then, if they want to, they can have an arbitration.

Mr. MORGAN. I will ask the Senator if this bill does not leave the whole subject perfectly open to their acceptance or their refusal until they have determined whether they will accept or refuse it? It is the regulation of their own company.

Mr. DANIEL. If you knock a man down, he can accept the situation and go off, of course.

Mr. MORGAN. If the Senator will excuse me a moment, I think this is the first time I have heard an argument made in the name of a foreign minister at this court in the nature of a protest against the action of the Senate of the United States—the protest of a foreign minister to accepting our proceedings, or his protest to stop the Senate from performing what they conceive to be an honest and correct judgment.

Mr. DANIEL. I can not yield for an argument.

Mr. MORGAN. Of course we have nothing else to do, but I have never heard of it before.

Mr. DANIEL. I can not yield for one of my distinguished friend's learned arguments and disquisitions.

Mr. MORGAN. I am through with what I wished to say, and I am much obliged to the Senator.

Mr. DANIEL. I am very glad to yield to the Senator courteously at all times, but I can not yield to have an argument thrust into mine.

Mr. MORGAN. I take it all back except what I said. [Laughter.]

Mr. DANIEL. I am glad the Senator does not retract it; but what I wish to point out is that in his observation he does that foreign minister great injustice. Suppose the foreign minister had waited until we had passed the bill.

Mr. MORGAN. That was his clear duty.

Mr. DANIEL. After the Senator had had all his toils and labors, and had gotten the bill through Congress, the minister would have put a much more pointed speech in the Senator's mouth than his recent observations, for then the Senator would have said, "Here is a minister who was upon the ground, he read the CONGRESSIONAL RECORD every morning, he lay awake at night reading my speeches, he knew about all these bills, and yet permitted this to be done without protest. He comes too late."

Mr. MORGAN. I beg the Senator's pardon. I would never have taken such a position as that. My own self-respect would have prevented me from doing it. More than that, another government, the Government of Costa Rica, is represented here by Mr. Calvo, a very elegant gentleman. Mr. Calvo is as much interested in this matter as this newcomer from this new Republic. Mr. Calvo has not sent a protest here or entered objections. Why has he not? It may be because he is in favor of the bill, or it may be because he thinks it his duty not to act upon this matter until Congress has acted and submitted it to his Government. He knows how to treat a government.

Mr. DANIEL. My learned and distinguished friend has made many speeches and reports upon this subject. He is perfectly saturated with it. He has Nicaragua and the Nicaraguan Canal always on tap. I am not so familiar with the subject as he is. This is the first time I have said anything about it, and I hope he will restrain his ardor sufficiently to let me get through with my remarks on this occasion.

Mr. MORGAN. I had supposed that I had interrupted the Senator entirely with his consent. I shall not do it again. I shall answer his speech when he gets through.

Mr. DANIEL. I will always yield to an interruption for a question.

Mr. MORGAN. The Senator yielded so gracefully that I supposed he had no objection to interruption.

Mr. DANIEL. I do not mean to be otherwise than gracious. I could not, if I tried, be discourteous to a friend and to a Senator whom I so much esteem as the Senator from Alabama; but while he is rubbing the foreign minister and rubbing me, he must not be fretted if occasionally I may make some remarks which may create a little sensitiveness on his part.

As I understand the Senator from Alabama, he objects that one minister has made a remonstrance and that ano her minister has not made a remonstrance. It is entirely immaterial. Costa Rica has her rights, and Nicaragua has her rights. Nicaragua is a member of the new confederation; it is possible that Costa Rica may become so, but she has not yet.

Mr. President, in the running colloquy between myself and the Senator from Alabama I fear that no one can collect in any one sentence a clear and succinct statement of the point I make. Therefore, in conclusion, I sum up in these words: First, that in a case of disagreement between Nicaragua and the company it is agreed that the disagreement shall be arbitrated. That disagreement has occurred; that disagreement is such that we have no right, if the Nicaraguan construction is correct, to pass this bill; and second, that disagreement is such that, if Nicaragua is correct, we forfeit the right which we seek to acquire under this bill by the very act of its passage.

Now, I say, as the question of misunderstanding it does not simply concern a collateral matter, but goes vitally and directly to the question of our right to pass this bill, it would be in contempt of all proper procedure and in peril of the end the Senator seeks to attain to go ahead and do the thing complained of without submitting to the arbitration first. I come to section 3. This is what the minister says, and I desire to contrast what he says with what the Senator from Alabama said a few moments ago in answer to my objection that the United States was subscribing to the majority of this stock, assuming the direction, appointing the officers, issuing the bonds, and making itself the factotum of the enterprise. I read from the minister's remonstrance. He quotes in that remonstrance from the contract between Nicaragua and the Maritime Canal Company these words:

> The people of all nations shall be invited to contribute the necessary capital to the enterprise.
>
> Of the capital with which the company shall organize, and which it proposes to distribute among the different countries interested in the enterprise, there shall be reserved at least 5 per cent for the Central American Government and citizens that may desire to subscribe.

Now, the minister observes:

> These provisions of Article VII of the contract are antagonized by the bills which distribute the capital of the enterprise among the United States of America, Nicaragua, Costa Rica, and the company.

I can not see in any document which has been submitted to the inspection of the Foreign Relations Committee any answer to this objection. "The people of all nations shall be invited to contribute." That does not mean that any people might by a particular provision of law become a monopolist in this canal. When I pointed out a few moments ago that this contract prohibits foreign governments from becoming the transferees of this cession, the Senator from Alabama quoted this provision:

> The people of all nations shall be invited to contribute the necessary capital to the enterprise.

Mr. MORGAN. And other governments.

Mr. DANIEL. Where is that about "other governments?"

Mr. MORGAN. It is on top of page 112 in my book, the closing paragraph of Article IX.

Mr. DANIEL. The Senator quoted this language which I have read from the minister, or referred to it, and then quoted a subsequent passage of the Article IX in the contract between Nicaragua

and the Maritime Canal Company, to be found on page 112 of the report of the Senator from Ohio [Mr. SHERMAN]. I will now read the whole of that language:

As soon as the company is ready to open subscription books it shall advise the Government of Nicaragua, which will invite the other governments and through them private parties to subscribe. All such shares not taken within six months following the date on which the Government shall have been advised of that circumstance shall remain subject to the free disposition of the company.

Does the Senator claim that that procedure is observed by this bill?

Mr. MORGAN. This bill has not anything to do with that. The only question is whether the Government of the United States, under that concession, is a Government which has a right to take stock. We would have the right under this bill, if they accept it and that stock is taken; but if they refuse it, the bill will amount to nothing.

Mr. DANIEL. Let me point out to the Senator from Alabama that if a government may become a stockholder in this company in any way, it is only by and through the right granted in the cession under the language which I have quoted, which is:

As soon as the company is ready to open subscription books, it shall advise the Government of Nicaragua—

That is the first step. It shall say to Nicaragua, "The books are open." Then what? Then Nicaragua is to invite other governments, and through other governments private parties, to subscribe.

Mr. MORGAN. That has been done; all that has been complied with literally.

Mr. DANIEL. As to this amended bill which you seek to pass through the Senate?

Mr. MORGAN. The bill has not anything to do with it. It can not have any effect until it is accepted by them.

Mr. DANIEL. No; as to some other bill which is not the subject of consideration here; some other bill which is not now before the Senate. But as to this bill, by which it is sought to claim under this cession, to give effect to this cession, and to hold Nicaragua up to her contract under this cession, we have not only ignored this clear and patent right, but have turned her protest into an invitation. What Nicaragua meant by this cession, and what, as it seems to me, all fair interpretation would apply to this cession, was that when the company was ready to formulate and propound the scheme under which it proposed to build the canal it should then throw open the books; it should then advise the State of Nicaragua that the books were open, and Nicaragua would then invite the other governments and through them private parties to subscribe. Mr. President, has Nicaragua invited the United States to subscribe?

Mr. MORGAN. It has.

Mr. DANIEL. When?

Mr. MORGAN. Immediately after the organization of the company. The evidence is here, taken before the committee.

Mr. DANIEL. Which company? The company which you propose to supersede, to destroy, and retire from business?

Mr. MORGAN. The Maritime Canal Company. We do not propose to supersede it, to retire it, or to destroy it. We propose to give it a new set of directors, and a new set of stockholders, if it will accept our proposition.

Mr. DANIEL. You propose to give it a new everything——

Mr. MORGAN. All right.

Mr. DANIEL. And to let the United States walk into the arena clothed and vested only with its name.

Suppose that at an anterior period all that the Senator says is true. What would it amount to? That heretofore, under some other chartered right than that which this Government is now asked to grant, books had been opened; the United States invited to subscribe to the scheme then proposed; the United States had declined to subscribe, if so invited; the scheme was a failure, bankrupt, abandoned. This bill is to wipe out of existence the fragments left of it and to supersede it by another scheme; to buy out all the old stockholders, to pay them $4,500,000 for their stock——

Mr. MORGAN. That is not in the bill.

Mr. DANIEL. To retire and buy out the old stockholders. It proposes to open new books, and without the invitation of Nicaragua—nay, sir, under the open remonstrance and protest of Nicaragua—the United States is to thrust itself upon the scene and subscribe to 70 per cent of the stock.

Mr. President, this seems to be in fraud of the rights of Nicaragua. I will not express my opinion upon all of these provisions, except to say that I do not think the United States could contemplate, in fairness and justice, for one moment to thrust itself upon this scheme, in which it is most profoundly interested, under a contract which forbids governments and public powers from becoming the transferees of the cession, and under a contract which provides that other governments shall be first invited by Nicaragua to subscribe, and through them private persons. He says that that was all done as to some prior scheme. If the prior scheme has been abandoned, and if we are to revamp it with this bill, are we not bound to revamp it with all the conditions which attached to its predecessor? If Nicaragua is still bound by the cession which she claims to have been forfeited, are we not also bound by the terms of the cession? Is it possible that we could accept the privileges granted and yet say we are under no obligation to perform the conditions under which they are granted?

The section which the minister refers to is not that which applies to foreign governments, but to the people of all nations. The people of all nations are very different from the people of the nations themselves. They are so treated in this bill. The idea was that the books should be opened for the subscriptions of the people of the world. That was the idea of Nicaragua. The idea of the bill is that this shall be made a close corporation, and that the United States shall hold the lock and key.

Then the minister refers to this further provision of the bill:

According to Article X of the contract, the board of directors is to be composed of persons at least one-half of whom shall be chosen—by the company, of course—from the promoters who may yet preserve their quality as such. The bills organize the board of directors with eleven members, eight of whom are to be appointed by the President of the United States, in different capacities, one by Nicaragua, one by Costa Rica, and one by the canal company.

His commentary upon this violation of the plain intent and purpose of the contract is very brief, but it is very sufficient:

The difference—

Says he—

between this provision and the stipulation referred to could not be more marked than it is.

And there is that which intensifies the objection which he made, but which he thought it unnecessary to mention. It is that even in the question of a quorum we have attempted by this bill to give to the directors of the United States larger rights and privileges than those which we accord to other directors.

Nicaragua and Costa Rica are each entitled to appoint one director, but while six is a quorum, these two directors and four United States directors do not make a quorum, but five of them must consist of directors appointed by the President of the United States.

Mr. CAFFERY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Louisiana?

Mr. DANIEL. Certainly.

Mr. CAFFERY. I desire to make an inquiry of the Senator from Virginia. Under the bill the United States is to appoint eight directors. Under the concessions of Nicaragua and Costa Rica six of the directors are to be chosen from among the promoters, who still, in the language of the concession, preserve their quality as such. I should like to know of the Senator whether in his estimation the United States would not be forced to appoint those directors from among the promoters?

Mr. DANIEL. I entirely agree in the view of the Senator from Louisiana, that if we were to accept this concession on the part of the United States we would have to observe those conditions and respect the right as to the appointment of the directors.

Mr. MORGAN. Will the Senator from Virginia allow me to call his attention to section 9 of the concession of Costa Rica?

Mr. DANIEL. Section 9?

Mr. MORGAN. Yes; on page 125 of the report of the Senator from Ohio [Mr. SHERMAN].

Mr. DANIEL. That is the concession of Costa Rica?

Mr. MORGAN. Yes.

Mr. DANIEL. It is not the concession of Nicaragua?

Mr. MORGAN. No.

The company shall be organized in the manner and under the conditions generally adopted for such companies.

Mr. DANIEL. That is not this concession. We are dealing with Nicaragua. That is the concession of Costa Rica. Get the Nicaragua concession.

Mr. MORGAN—

Its principal office shall be either in the city of New York or in such place as may be deemed convenient.

Its first board of directors shall be composed of persons, one-half, at least, of whom shall be chosen from those members of the Nicaragua Canal Association who were promoters of the enterprise.

The word "first" was not in the Nicaraguan concession. It was put into the Costa Rican concession after this company had been organized. This concession was submitted to Nicaragua, and she agreed to it. This concession mentions the concession of Nicaragua. In many respects they are joint. Nicaragua has accepted that construction. She not only accepted it in that manner, but she has accepted it also from the fact that she has gone on and participated in the action of this company, which did not any longer see proper to take the directors from the promoters. Mr. McDonald is not a promoter; Mr. Eustis is not a promoter, and various other gentlemen who have been on the board are not promoters of the enterprise.

Mr. DANIEL. The Senator from Alabama is stating his conclusions of law mingled with a fact which he considers forceful. He considers that Nicaragua has done something or other which

estops her from the assertion of this claim through her minister. That is too great a refinement in pleading to go into at this stage of affairs; and again at this juncture I remind him that the minister of Nicaragua does not so understand it, and has evinced to the Senate in his remonstrance a different interpretation; and again I would say there is thus raised just such a case as this contract provides shall be submitted to arbitration.

The sixth objection of Mr. Rodriguez is a very important one. He says:

Among the benefits which Nicaragua reserves to herself, in consideration of the valuable privileges and rights which she surrenders, is 6 per cent of the shares, bonds, certificates, or such other obligations as the company may issue with a view to raising the capital. Now, notwithstanding the fact that the company has made several issues, it has not fulfilled this obligation; and as the bills say nothing on this particular point of shares, bonds, certificates, or other obligations which were to be issued and have not been issued in favor of Nicaragua, these securities would probably either be lost in the new form of the enterprise or would be liable to troublesome and tedious litigation.

Two of the bills in question have already been reported by a committee, so that they may finally exclude the others; nothing, however, is established in them with regard to the shares that would belong to Nicaragua; and it might happen, owing to this, that Nicaragua would get none at all.

If the company were to issue a hundred or a hundred and fifty million dollars' worth of bonds in order to meet the cost of the work, which bonds, as I have already remarked, would have to be considered as capital or be left out of the contract, Nicaragua would be entitled to her 6 per cent in virtue of the stipulation above referred to; but the bills leave no door open to such a possibility, nor do they allow her any participation in the issue which is to be made in order to pay for the work already done.

I thought I understood the Senator from Alabama to say that Nicaragua has already got her share of the stock. How could she have got her share of the stock which has not yet been created?

Mr. MORGAN. I read a paper to-day from the president of the Maritime Canal Company, in which he stated that in 1884, I believe, 6 per cent of the stock was issued to Nicaragua by this company and she was notified of it, but has not yet appointed an agent to receive it.

Mr. DANIEL. Shares of which stock?

Mr. MORGAN. Of the Maritime Canal Company.

Mr. DANIEL. Not of this $100,000,000 of stock?

Mr. MORGAN. That is not a law and can not be until Nicaragua accepts it. The Senator does not seem to be able to get his mind on that.

Mr. DANIEL. Yes; I have my mind on it. You have undertaken in this bill to disburse the stock and bonds, and have not laid aside that part which Nicaragua will take.

Mr. MORGAN. We have expressly done so.

Mr. DANIEL. Where?

Mr. MORGAN. In the bill itself.

Mr. DANIEL. Of the bonds?

Mr. MORGAN. The bonds.

Mr. DANIEL. What bonds; the guaranteed bonds?

Mr. MORGAN. I did not know that we had to pay to Nicaragua $5,000,000 of bonds.

Mr. DANIEL. But the $100,000,000 of stock——

Mr. MORGAN. The amendment which I proposed to-day is for the purpose of clearing up a difficulty, if there is a difficulty in the minds of Senators; and I suppose when the Senator reads it he will find that his point is not very much.

Mr. DANIEL. I will read Article L of the cession from Nicaragua to the Maritime Canal Company:

In consideration of the valuable privileges, franchises, and concessions granted to the company by this contract, the Republic shall receive in shares, bonds, certificates, or other securities which the company may issue to raise the corporate capital, 6 per cent of the total amount of the issue.

Does the Senator say that the pending bill provides for Nicaragua to get that 6 per cent of the total amount of the issue of shares, bonds, certificates, and other securities?

Mr. MORGAN. I do.

Mr. DANIEL. Of the bonds guaranteed by the United States?

Mr. MORGAN. No. The United States has never agreed to——

Mr. DANIEL. Does it not provide that it shall not issue any other bonds?

Mr. MORGAN. The United States has never agreed to guarantee any bonds for the purpose of turning them into the treasury of Nicaragua. That is what they want to get us to do, to pay them $6,500,000 of bonds for this concession, and we do not expect to do it.

Mr. DANIEL. In other words, we have got this issue before the Senate, that the State of Nicaragua gave the concession to a company and bargained solemnly with that company that—

In consideration of the valuable privileges, franchises, and concessions granted to the company by this contract, the Republic shall receive in shares, bonds, certificates, or other securities which the company may issue to raise the corporate capital, 6 per cent of the total amount of the issue.

Mr. MORGAN. All in the disjunctive. The Senator does not contend, I suppose, that because there are four or five classes of securities mentioned here Nicaragua is to have 36 or 40 per cent of the stock of the company? She is entitled to 6 per cent, in the disjunctive, whichever she wants.

Mr. DANIEL. Does this great nation fancy that it can stand unindicted and unimpugned at the bar of public justice if it contents itself to receive from a sister Republic this concession which it claims and thus tries to evade and repudiate the consideration upon which it is based?

Mr. MORGAN. Does the Senator contend, if he will allow me to ask him a question, that Nicaragua is entitled to 30 per cent of these bonds?

Mr. DANIEL. I will read again the language.

Mr. MORGAN. The Senator had better answer the question.

Mr. DANIEL. I will answer it in my own time. Perhaps some of these questions had better have been anticipated and laid before the Senate by the committees that have reported upon this subject.

Mr. MORGAN. They are—every one of them.

Mr. DANIEL. Where?

Mr. MORGAN. In the report.

Mr. DANIEL. Which report?

Mr. MORGAN. In every report that has been made.

Mr. DANIEL. I have read a good many of the reports, and I know that some of them assume facts and some of them but partially state the whole of a fact, so as to render the general result misleading. But I will read this language. It is the language of barter and sale, of conveyance, and of consideration:

In consideration of the valuable privileges, franchises, and concessions granted to the company by this contract, the Republic shall receive—

Now mark the words—

in shares—

That means stocks—

bonds——

Mr. MORGAN. That is 12 per cent.

Mr. DANIEL. I am not calculating percentage where a question of national honor is concerned.

Mr. MORGAN. I wish to know what it is.

Mr. DANIEL. The contract tells what it is. It says "shares" and distinguishes them from bonds; it says "bonds" and distinguishes them from certificates; it says "certificates," and then it puts in a blanket clause, "or other securities"—

Which the company may issue to raise the corporate capital, 6 per cent of the total amount of the issue.

It is not proposed by the pending bill to give to Nicaragua anything of value for these concessions. I think that if we have a right to mortgage the property of Nicaragua, we should first pay her the purchase money provided for in the contract under which we claim it.

These bonds are the capital stock of the company. They are provided for to enable this lame duck of a corporation to revive itself long enough to receive a subsidy and then to vanish from the scene of action and leave the whole charge of it to the United States, and 70 per cent of the stock, as a so-called gift, is presented to the United States. I might observe, by the way, that the United States ought to remember in receiving it the old adage, "Never look a gift horse in the mouth." She is to receive 70 per cent. How much is Nicaragua to receive under this bill even of the stock and of the bonds, which are mentioned next to the stock, for Nicaragua has shown some prudence and some forecast in her dealing with this corporation? She has used legal terms in their common and ordinary meaning. What did she mean when she said bonds to be issued by the company? What could she have meant except bonds issued upon the assets of the company to raise the capital?

The Senator acknowledges that not one dollar of those bonds, not 6 per cent, nor any per cent, is provided to be paid to Nicaragua.

Mr. MORGAN. No, I do not.

Mr. DANIEL. Yet he tells us at the same time that he wants this great Government to make Nicaragua recognize our rights. Look how these bonds are dealt with in this bill!

Mr. MORGAN. If the Senator will allow me for just a second, I will make a statement to him. If the Senator desires the language of that concession to go into the pending bill, the committee are perfectly willing to put it in, because they have nothing in the bill to the contrary of it. We will put that language into the bill, so that Nicaragua will get all she is entitled to.

Mr. DANIEL. I should certainly insist, for the honor of this country——

Mr. MORGAN. It is in there now.

Mr. DANIEL. For the right of fair dealing between man and man, that no bill should pass this body which does not recognize the plain rights of Nicaragua. But I am not ready to give to Nicaragua $6,000,000 for this right.

Now let us read section 9 of the bill:

That to secure the means to construct and complete said canal, and to meet the expenditures made on account thereof, the said Maritime Canal Company of Nicaragua is hereby authorized to issue coupon or registered bonds, or both, of the said company.

So, then, these bonds are issued for the very purpose of raising the means to construct the canal. They so describe themselves in

the bill which we are asked to pass. They become by the very instrument of their creation the corporate capital provided for the purpose of initiating and executing the corporate scheme. They are defined in the bill just as they were in the contemplation of the State of Nicaragua when she issued this contract. Does the Senator imagine that the Senate of the United States, with a steel pen and a bottle of ink, can transmogrify $100,000,000 of stock, 99 per cent of which is pure, unadulterated water, into capital stock when it has no existence as such save in the anticipatory imaginations of gentlemen who suppose that the law can create it? Mr. President, do we suppose that the enlightened judgment of this age, the fair conscience of reasonable men, would for a moment support the United States in its attempt to palm off upon a sister republic worthless stock created in the imagination of legislators, printed at the Bureau of Engraving and Printing, and more valuable for the pictures upon it than for any pecuniary possibility that will ever attach to its possession? Can we bury it under a mortgage out of sight, where it can only hope that the trump of resurrection will reach it in the dim by and by, ignore the obligation and give her any percentage of the bonds, walk off with her proprietary right, the most interesting feature in her prospective civilization, and sit down and content ourselves that we have done a wise and a good thing?

This bill, Mr. President, is impossible of passage. It would be a disgrace, a shame, a blotch, and a smirch to the statute books of the United States. We had as soon repudiate our national debts or anything that rests upon the obligation and conscience of this nation as to go hunting amongst the South American Republics for some smaller nation at whose minister we may point in safety the finger of ridicule, and over whose weak army and navy we may shake the menacing fist of a despotic and contemptuous neighbor, and when we have found it repudiate effectually the engagements made with it.

With my idea, sir, of the bill, without impugning the integrity of the views of anyone who sees it otherwise, I would as soon organize a band of pickpockets to plunder visitors to the Capitol as to treat Nicaragua in this unprecedented, disrespectful, and oppressive manner.

I propose to place on record one more objection of the minister from Central America to the proposed passage of the bill. He says:

> The company, by Article XIV of the aforesaid contract, has contracted the solemn obligation to construct at its own expense within the term of three years, reckoned from the commencement of the work upon the interoceanic canal, a navigable canal between Lake Managua and the navigable part of the Tipitapa River, near Pasquier, of sufficient dimensions to admit of the free passage of vessels drawing 6 feet, and of 150 feet in length. That term expired a long time ago, but the company, notwithstanding the most earnest solicitation, has made no pretense of meeting that obligation, or of definitively adjusting the compensation which it ought to pay in order to be discharged therefrom.

Mr. MORGAN. Will the Senator allow me to interrupt him a moment to say that Mr. Baker, the minister from the United States to Nicaragua, came in contact with this subject and wrote a letter to Mr. Gresham which I read here this morning, in which he says that Nicaragua made a pretense of trying to forfeit its charter and did declare it forfeited upon that ground, and after he had an interview with that minister and brought him in contact with the facts Nicaragua withdrew the objection. The president of the Maritime Company has also stated here in a paper which was read to-day, that Nicaragua twice after that contract was made insisted upon the deepening of the canal, first to a certain depth and then to a certain other depth, and has never made the grant of the land to it a condition precedent of building the Tipitapa Canal, and the nonbuilding of the Tipitapa Canal is only a question whether the company was in default as to the sum of damages, and has no relation at all to the right of forfeiture.

Mr. DANIEL. Mr. President, here is another lawsuit, and that is all I have to say on this point. I am not going to discuss whether the company has forfeited its rights under this provision or not.

Mr. MORGAN. Your minister says it has.

Mr. DANIEL. The minister says it has; he has entered his caveat here. If it is forfeited, if he is correct, our work in passing this bill would be vain. The contract provides that such a question shall be submitted to arbitration. Again I say, we can not ignore that contract. We can not refuse to submit to arbitration things not involving the national honor, which we have agreed on, and that the person under whom we claim has agreed to submit to arbitration. The whole case from beginning to end bristles with either forfeitures or alleged forfeitures. There is a lawsuit in almost every section of the bill. In conclusion, the minister says:

> By the plan involved in the new form which the bills devise for the enterprise, the present company is extinguished and nothing remains of it in its relations with the enterprise save the shadow of a personality represented by a vote in a board of directors of eleven members, while in its relations with Nicaragua it may always claim full personality as the holder of the concession, although having none of the means necessary to enable it to meet its obligations.

I do not know whether the story be true or not, but I read in a newspaper not long ago that some lady whose husband was getting a large pension from the Government was bereaved of her helpmate, and that, in her exigency, being more afflicted by the loss of the pension that came to him than by his departure for another and a better world, she obtained some simulacrum of his figure, dressed it up in his old clothes, and had it occasionally taken out of bright evenings for an airing, in order that she might keep up the impression that he was still alive and might still receive the emolument and benefaction that came to him.

That idea, Mr. President, was the model upon which this bill was builded. The Maritime Canal Company appears before the Senate of the United States with a certain lot of worthless stock in a bankrupt corporation. It sells that stock out to the United States for $4,500,000. It retires from the directorate and the management. It has some fancy stock created by a new bill, presents it as a gratuity to the United States, buries it under a mortgage where it can never be found, disposes of that mortgage, in the first place, to solace itself for its own bereavement, calls the United States "the Maritime Canal Company," introduces it into a contract which says the cession shall not be granted to any foreign government, and repudiates the one thing that lies at the bottom, the consideration and purchase money promised as the condition of the original grant.

Mr. President, if the United States is ready to engage in the bunko business we ought to pass such a bill. If the United States proposes to deal fairly with a foreign nation, it can not pass the bill. In my humble judgment, we ought not to pass the bill. If none of these objections could be made to it, I can not conceive of anything more improvident, of anything more unwarranted, of anything more impolitic, of anything more uneconomical, of anything more extravagant than to embark in giving a subsidy of $100,000,000 to any corporation, to any person, with the expectation that it will build the Nicaragua Canal.

After we have built it who is to get the benefit of it? By the Clayton-Bulwer treaty with Great Britain, which some say is extant between us and Great Britain and some say is not, and also by a treaty of Nicaragua with Great Britain, whether the Clayton-Bulwer treaty is extant or not, that canal is to be opened to the world upon the same terms that it is opened to us. After we have borne all the heat and burden of the day, after we have poured millions into what may prove a Serbonian bog, the whole world is to step up and get exactly the same advantages from it that we have, and the rival which the Senator warns us to fear—Great Britain herself—is to have all the advantages which we alone are to pay for. We are to gain no exclusive right or public privilege. The armies of Great Britain, which my friend thinks should be held at a distance, are to have a right to protect it and pass through it and camp by it. The armies of Great Britain are to have the right to come there and protect it and guard it. The navies of Great Britain are to have the right, under the treaty with Nicaragua, independent of the Clayton-Bulwer treaty, to sail through it. They are to be exempt from blockade at each port, on the one side and upon the other. We are to construct a canal with our own money, and it is then to be thrown open, pro bono publico, and put at the beck and call and use of the very nation which, as some conceive, is our great rival in the commerce of the future.

Great Britain does not conduct her schemes exactly upon that basis. She is a little more modest, I think, about building the Nicaragua Canal than my friend conceives. I can not imagine anything better for Great Britain than that this bill should pass and that we should build the canal and then throw it open for her to use it. We will have the name of the thing and she will have the thing.

Furthermore, Mr. President, we ought to call some halt to indiscriminate and vague appropriations. When have spent this hundred million dollars there is no man who can tell how many more hundred million dollars we have got to spend. Three engineers whom we have sent there, the only three persons who have ever gone over that whole difficult line, 170 miles long, swamp, mountain, rock, and water——

Mr. MORGAN. They did not go over it.

Mr. DANIEL. Then nobody has gone over it.

Mr. MORGAN. There is a canal surveyed and nobody has been over it!

Mr. DANIEL. So much the worse. I had hoped that they had at least taken a bird's-eye view. But we are going to make an appropriation of $100,000,000 as the initial step in an enterprise when as yet the United States has not been represented, according to the chairman of the select committee, by anybody who has gone over and inspected the enterprise and made even a reasonable guess as to what it would cost.

Mr. MORGAN. I never made any such statement as that.

Mr. DANIEL. You say they have not gone over it. They say that nobody else has gone over it.

Mr. MORGAN. I did not say nobody else had gone over it.

Mr. DANIEL. No; you did not, and I did not mean to say you did. I say that Colonel Ludlow says no other engineers have gone over it.

Mr. MORGAN. You spoke of the statement of the chairman of the committee.

Mr. DANIEL. And nobody representing exclusively the United States has ever gone over the whole and surveyed it and given us an estimate of it.

Mr. MORGAN. The Senator from Virginia does not really know, I think, what the facts are. Two surveys have been made over this line by the engineer officers of the Government of the United States and paid for by the Government.

Mr. DANIEL. I will give my authority for my statement. If the Senator will read the report of Colonel Ludlow——

Mr. MORGAN. I have read it.

Mr. DANIEL. Very well; you will see in that report the statement of Colonel Ludlow that these three enigineers are the only ones who have ever gone from one end to the other of that line. Does the Senator deny that?

Mr. MORGAN. I do not deny it. I say I do not think he made the statement; and I utterly deny that his statement is liable to any such grotesque interpretation. I can bring into the Senate Chamber the book——

Mr. DANIEL. Mr. President, I am not yielding for the Senator to make a speech.

Mr. MORGAN. I want to make a statement of fact.

Mr. DANIEL. I do not think you have a right to do it in my speech.

Mr. MORGAN. Very good, sir; then do not say that I have said so and so.

Mr. DANIEL. I did not mean to say you said it. I expressed myself rather beyond my intention. I say that Colonel Ludlow said it; his statement will be found in the Senator's report on this subject, page 169; and I do not know, sir, that Colonel Ludlow, who spent thirty-four days there, does not know as much about the situation as the Senator from Alabama. The fact is, I think, that nobody knows the full and true situation. These three engineers can not by possibility have fully estimated that canal of 170 miles in thirty-four days.

Mr. MORGAN. How did they do it, then?

Mr. DANIEL. They guessed at it, like everybody else has been guessing at it.

Mr. MORGAN. The Senator is mistaken.

Mr. DANIEL. I mean anything but a rough estimate. They guessed that it would cost about $133,000,000, and then they expressed regret that they had not said $150,000,000.

Mr. MORGAN. Only one of them.

Mr. DANIEL. Colonel Ludlow, the chairman, said so. We can only get our information like the Senator from Alabama, secondhand.

Mr. MORGAN. If the Senator will allow me, I will bring the books into this Chamber here and show the survey.

Mr. DANIEL. Oh, I can bring the books in here and show surveys of one sort and another. The Senator will see that Messrs. Noble and Endicott say as to the surveys that they are unreliable; that they are full of mistakes. For instance, Mr. Endicott says as to the anterior surveyors:

> They made a mistake of a million cubic yards in the rock excavation in the San Juan River. This amounts to $5,000,000 increase in the estimates. They have reduced the price of rock excavation in the river from $5 to $3 in their last estimates, making an increase of $3,000,000, according to their own price. Then they made an error of about 1,000,000 cubic yards in the dredging in earth in the San Juan River, and an error of about half a million cubic yards of dredging in the lake, which amount to about $4,000,000 at the canal company's prices.

In these few mistakes pointed out in one sentence of Mr. Endicott vanishes $9,000,000.

Mr. MORGAN. He discovered all that in twenty-four days, and guessed at it.

Mr. DANIEL. Then we are not in a condition to act and spend the people's money if we can not trust the accomplished engineer officers of the United States, selected with care, standing high, and as reputable in their profession as the hired agents of the corporation who expect to get the benefit of this appropriation—more independent in their relation to it, less diverted by the magnetism of self-interest. If we can not trust them, we can not trust the other surveys. I am not here to put reliance upon them. My faith is not as great as that of the Senator from Alabama. My imagination is not as reliable as the imagination of the Senator from Alabama. But I say when we propose to tax the people of the United States by an initial step of $100,000,000, and when we know that it is opening the door in all probability, in all fair human expectation, in accordance with the statement of our engineers, in accordance with the anticipations and suggestions of the very committee which recommends us to the expenditure of many more millions, that it is time to pause and not to buy a lawsuit in which we can in no event recover anything, but can only be mulcted in damages and in costs.

Mr. President, the serious condition of our public affairs ought to stop this bill, if nothing else did. We have got one elephant upon our hands now, a subsidized railroad. I am astonished when I see our friends from the great West, who are here in Congress filling the table with petitions, making speeches of one sort or another, asking that the Government take charge, and asking for this relief and that from one subsidized corporation, trying to get another white elephant on hand before it has duly provided for the one already on hand.

I believe our situation in this country with special relation to our financial affairs is more serious than Congress has yet realized. Go upon the stock exchange, and you see banks strained and breaking. Read the commercial reports, and you see thousands, tens of thousands, hundreds of thousands of failures. Go into the countryside and into the cities, and you see real estate, even in Washington and in all the great commercial cities of the Union, going down, down, down. Go out into the country, and you find that the agriculturist is in a state of despair. Talk to the working classes. You see that some of them are freezing when a cold spell comes because they can not get fuel. You find your calendars covered with bills, with all sorts of legal devices, and inventions to get relief for one particular class, or one particular section, or one particular lot of men. The railroad companies say that their business has been prostrated, and they are here asking Congress for a special bill for protection by allowing them to pool. The workingmen are here, and want a commission of twelve men to study the problems which concern them. Every interest in the United States is up at the doors of Congress petitioning, beseeching, that something be done to relieve their agony in these hard and difficult times. But one industry seems to thrive. It is the expenditure of money. The Treasury has been living in a crisis of shocks and spasms ever since prosperity was brought in by the President and the able chairman of the Finance Committee through the repeal of the Sherman law. That was to be the "open sesame" to a long period of prosperity. Three years passed. Prosperity did not appear. Then they said wait until we elect a Republican President; that would restore confidence; then prosperity would spring in with a bound. After a three-years continuance the second event took place. Where is confidence? Where is prosperity? We are still chasing the rainbow, and the rainbow is still on the top of the next hill, not on the one we have climbed or are climbing.

In this state of affairs, Mr. President, with a Treasury living on borrowed money, with a financial system which is self-destructive, with real estate in all cities and towns being sold for taxes, with our people overstrained everywhere in their financial affairs, we are asked to pass a bill to increase the national debt $100,000,000, and to give the borrowed funds as a gracious gift to a bankrupt corporation under a protested and possibly worthless concession.

Mr. MORGAN. Will the Senator allow me to ask him whether he does not think a greater extension of our commerce would have some tendency to relieve the people of this terrible condition?

Mr. DANIEL. If they do not have to pay too much for it, Mr. President.

Mr. MORGAN. Of course.

Mr. DANIEL. And if they have got to pay for it, look for the money first. It is not credit that this country wants.

Mr. MORGAN. It is commerce.

Mr. DANIEL. It is not credit that our people want, it is cash. If the Senator will stick to his last and will get financial measures passed through the Senate and concentrate upon that work until it is accomplished——

Mr. MORGAN. I am not a cobbler.

Mr. DANIEL. No, I do not think you are a very good one; I admit that, if this job be the specimen of work, but I think it is a cobbler's job that we have before us, and a very bad one at that.

Mr. MORGAN. The Senator can take care of it certainly if it is.

Mr. DANIEL. I think so, sir.

I say every nation ought first to attend to its most pressing question. The fisc is the State. Correct the pocketbook, and the other things will begin to correct themselves. Do not let our Treasury live forever upon borrowed money; do not turn your face to the increase of the national debt; do not look toward the indefinite expansion of obligations to pay, but look to the means and ways of payment. Be like the thrifty housekeeper who does not spend before he has earned.

Mr. President, it has been three hundred years since the Nicaraguan Canal made its début upon public attention. There is no danger that that question will pass beyond our jurisdiction. The Isthmus is going to stay there. This company has demonstrated that we have no rival rushing to accord to it the capital to build the canal.

Furthermore, whomsoever we may be disappointing in this matter, we should have no fear of disappointing or wounding the feelings of the Maritime Canal Company of Nicaragua. The first sentence with which the president of the Nicaraguan Canal Company opened his deposition before the committee was the broad

statement that he did not come there to advocate the passage of this bill or any other bill, and that so long as he was connected with the company he would not ask anything from Congress. So, then, our attitude is quite singular indeed. The canal company do not ask us to do this thing; Nicaragua protests that we shall not do this thing; and yet, ex mero motu, at a time when our Treasury is bankrupt, and when our bankrupt people are beseeching us to pass a bankruptcy bill to allow them to escape from the clutches of eager creditors and officious sheriffs, we are asked to issue more bonds and appropriate $100,000,000 in advance of any means of deriving it from taxation.

Mr. President, I protest against adventurous and perilous financial schemes like this. It is unworthy of the dignity of a great nation to be always borrowing money and allowing its financial system to lapse, with no serious and grave effort to correct these evils. It is bad policy, condemned by the political economists and by the greatest statesmen of all ages. I protest against the time of the Senate being consumed; I protest against the Treasury being menaced by a bill like this, which would only embark us upon a sea which has no farther shore, in the obligations and burdens which it would place upon us.

Mr. MORGAN. I desire to take the floor on the pending bill, and want the opportunity of saying a word. The Senator from Virginia [Mr. DANIEL] announced that perhaps he would not be here, I think, on to-morrow or some other occasion. He is going away, perhaps soon, having some other engagement, and I therefore wish to say before he leaves the Chamber that I am surprised that after having borrowed a club from the minister from the Greater Republic of Central America with which to demolish this corpse, as he described it when he first took the floor, he has not informed us in some way or given us some intimation of what he proposed to do about a Nicaraguan canal. When these gentlemen come forward with objections to this bill and with reproaches, and throw contumely and scorn and insult and everything of that kind upon the bill, upon all who have advocated it, and upon the various committees who have reported it here, I think it is due to the American people and to the occasion that they should suggest something that they want to do, something that they think is possible, something that will take the place of this proposed arrangement. Nothing has been suggested, so far as I have heard. The minister from the Greater Republic of Central America suggests that he is willing to treat for the old privileges and rights which are under the Zavala-Frelinghuysen treaty. That involves, of course, the payment of $4,000,000 to Nicaragua for the privilege. It involves also the wasting of four and a half million dollars which our people have expended there; it involves the throwing away, in a large sense, of three engineering surveys, two of which have been paid for by the Government of the United States and the other by this company.

I think, Mr. President, that these great statesmen, who look at these broad questions in such a wonderfully wide view, ought to be able to suggest whether there is any plan whatever for the construction of this canal, or whether they intend to let that Isthmus stand unbroken, whether they intend to let the labors of these three centuries go without any result at all.

My identification with the subject has been entirely for the purpose of trying to work out for the industrial classes—the farmers, the mechanics, the merchants, and shipowners—of this country an opportunity to get through to our western coast and the western coast of South America out into the broad Pacific, with its enormous traffic, and across to the Orient, so that we might have an equal show with the other nations of the earth in the endeavor to promote our commerce and to give a spur to our people, so that they could work with some hope, some energy, and some profit. I have been encouraged in that hope by the conviction that if the United States were to step out now upon a perfectly safe basis and take up this work it would be but a few weeks or months, perhaps even a few days, until every industry in the United States would feel the benefit of it.

Mr. MILLS. Does the Senator want to go on to-night?

Mr. MORGAN. That is all I want to say. I merely want the Senator from Virginia to furnish us some plan by which we can do this thing, if he has any in his mind.

Mr. MILLS. I move that the Senate adjourn.

Mr. DANIEL. Will the Senator withhold that motion for a moment?

Mr. MILLS. Certainly.

Mr. DANIEL. If the Senator from Alabama will consent to the recommitment of this bill, I will promise the Senator to confer with him about some plan just as soon as our financial system is well settled down, so that we may venture to spend some money on new enterprises.

Mr. MORGAN. I have waited; I have been on this committee and have been trying to get this bill through for seven or eight years, and the Senator never has had that conference with me yet. He proposes to have it after we have restored the monetary system in such a way as to make the country prosperous—I do not know when that is going to take place—so that he will then confer with me, if we will recommit the bill, at that remote period of time. I am sorry I can not make the motion to recommit.

Mr. HOAR. I do not wish to interfere with this bill, but I desire to move——

Mr. PLATT. Will the Senator wait a moment?

Mr. HOAR. I desire to move an executive session, but I will yield if there is any business.

Mr. PLATT. Just one word with regard to the recommitment of the bill, suggested by the Senator from Virginia.

Mr. DANIEL. I did not make any motion with regard to it.

Mr. PLATT. Well, then, the suggestion. It seems to me this matter has been long enough before the Senate, so that it ought to be disposed of.

Mr. MORGAN. I think so.

Mr. PLATT. I believe that every Senator is thoroughly informed with regard to the situation of this bill, and it does seem to me that the Senate ought to come to a vote upon it without any considerable delay.

Mr. MORGAN. I am willing.

Mr. VILAS. The Senator from Connecticut is very much mistaken about it if he thinks there is very much probability that the bill is going to come to a final vote at a very early day.

Mr. PLATT. I hope I am not mistaken.

Mr. ALDRICH. I heard the Senator from Wisconsin pronounce a funeral eulogy upon this measure several days ago, and he certainly can not be afraid of a bill that is dead.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the concurrent resolution of the Senate to print 5,000 additional copies of the report of the delegates of the United States to the Fifth International Prison Congress, held at Paris, July 18, 1895, with amendments in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 9023) to prevent the spread of contagious diseases in the District of Columbia;

A bill (H. R. 9099) for the regulation of cemeteries and the disposal of dead bodies in the District of Columbia; and

A bill (H. R. 9142) to regulate privies in the District of Columbia.

The message further announced that the House had passed a concurrent resolution providing for the printing of 6,000 additional copies of Bulletin No. 33, United States Department of Agriculture, entitled, The Cotton Plant: Its History, Botany, Chemistry, Culture, Enemies, and Uses; in which it requested the concurrence of the Senate.

The message also announced that the President of the United States having returned to the House of Representatives, in which it originated, the bill (H. R. 4526) granting a pension to Jonathan Scott, with his objections thereto, the House proceeded in pursuance of the Constitution to reconsider the same, and

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

JONATHAN SCOTT—VETO MESSAGE.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives on the bill (H. R. 4526) granting a pension to Jonathan Scott, which had been sent by the House of Representatives to the Senate with the objections of the President thereto.

Mr. GALLINGER. I move that the bill, with the accompanying message, be referred to the Committee on Pensions.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 9023) to prevent the spread of contagious diseases in the District of Columbia;

A bill (H. R. 9099) for the regulation of cemeteries and the disposal of dead bodies in the District of Columbia; and

A bill (H. R. 9142) to regulate privies in the District of Columbia.

THE COTTON PLANT.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound in cloth 6,000 additional copies of Bulletin No. 33, United States Department of Agriculture, entitled, The Cotton Plant: Its History, Botany, Chemistry, Culture, Enemies, and Uses; of which 2,000 copies shall be for the use of the Senate and 4,000 copies for the use of the House of Representatives.

EXECUTIVE SESSION.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 48 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 27, 1897, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 26, 1897.

PROMOTIONS IN THE ARMY.

Infantry arm.

Second Lieut. Samuel Burkhardt, jr., Twenty-fifth Infantry, to be first lieutenant, January 1, 1897, vice Wooley, Tenth Infantry, resigned.

Second Lieut. James Edward Normoyle, Twenty-third Infantry, to be first lieutenant, January 6, 1897, vice Devol, Twenty-fifth Infantry, appointed assistant quartermaster, who resigns his line commission.

Second Lieut. Robert Alexander, Seventh Infantry, to be first lieutenant, January 7, 1897, vice McCarthy, Twelfth Infantry, appointed assistant quartermaster, who resigns his line commission.

POSTMASTERS.

C. E. Dingle, to be postmaster at Woodland, in the county of Yolo and State of California, in the place of Frank M. Rahm, whose commission expires February 1, 1897.

Z. T. Carroll, to be postmaster at Rolfe, in the county of Pocahontas and State of Iowa, in the place of George F. Spence, whose commission expired January 14, 1897.

John H. Kuehl, to be postmaster at Charter Oak, in the county of Crawford and State of Iowa, in the place of J. J. McWilliams, whose commission expired January 14, 1897.

John Henning, to be postmaster at Emporia, in the county of Lyon and State of Kansas, in the place of Judge M. McCown, removed.

William W. Helm, to be postmaster at Newport, in the county of Campbell and State of Kentucky, in the place of J. J. Hetsch, removed.

B. R. Doody, to be postmaster at Canton, in the county of Norfolk and State of Massachusetts, in the place of Fred E. Holmes, whose commission expired February 9, 1896.

Joshua H. Alexander, to be postmaster at Troy, in the county of Lincoln and State of Missouri, in the place of L. H. Mohr, whose commission expired December 14, 1896.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 26, 1897.

COLLECTOR OF INTERNAL REVENUE.

William Crow McCreery, of Missouri, to be collector of internal revenue for the First district of Missouri.

POSTMASTERS.

George E. Oberholtzer, to be postmaster at Clay City, in the county of Clay and State of Indiana.

Virginia Jones, to be postmaster at Cortland, in the county of Cortland and State of New York.

Mary P. Dixon, to be postmaster at West Point, in the county of Troup and State of Georgia.

R. O. Cresap, to be postmaster at Lakeland, in the county of Polk and State of Florida.

Felix C. Williams, to be postmaster at Hamilton, in the county of Hamilton and State of Texas.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 26, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

CHANGE OF REFERENCE.

The SPEAKER laid before the House, for change of reference, the bill (S. 3491) granting an increase of pension to Capt. John W. Dodd; which, having been erroneously referred to the Committee on Invalid Pensions, was, by unanimous consent, referred to the Committee on Pensions.

REPORT OF INTERNATIONAL PRISON CONGRESS.

Mr. PERKINS. I ask unanimous consent for the consideration of the Senate resolution which I send to the desk. It has been considered by the House Committee on Printing, and I desire to report it with certain amendments, with which I ask it may be adopted.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 additional copies of Senate Document No. 181, of the first session of the Fifty-fourth Congress, being the report of the delegates of the United States to the Fifth International Prison Congress, held at Paris, France, in July, 1895; 1,000 copies for the Senate, 2,000 copies for the House of Representatives, and 2,000 copies for distribution by the Secretary of State.

The amendments reported by the Committee on Printing were read, as follows:

Strike out "1,000 copies for the Senate" and insert in lieu thereof "500 copies for the Senate."

Strike out "2,000 copies for the House of Representatives" and insert in lieu thereof "1,000 copies for the House of Representatives."

Strike out "2,000 copies for distribution by the Secretary of State" and insert in lieu thereof "3,500 copies for distribution by the Secretary of State."

So as to read:

"*Resolved by the Senate (the House of Representatives concurring)*, That there be printed 5,000 additional copies of Senate Document No. 181, of the first session of the Fifty-fourth Congress, being the report of the delegates of the United States to the Fifth International Prison Congress, held at Paris, France, in July, 1895; 500 copies for the Senate, 1,000 copies for the House of Representatives, and 3,500 copies for distribution by the Secretary of State."

There being no objection, the House proceeded to the consideration of the resolution.

The amendments reported by the Committee on Printing were adopted.

The resolution as amended was agreed to.

On motion of Mr. PERKINS, a motion to reconsider the last vote was laid on the table.

THE COTTON PLANT.

Mr. PERKINS. Mr. Speaker, I now, on behalf of the committee, desire to present the resolution which I send to the desk, and ask to have it considered.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound in cloth 6,000 additional copies of Bulletin No. 33, United States Department of Agriculture, entitled The Cotton Plant: Its History, Botany, Chemistry, Culture, Enemies, and Uses, of which 2,000 copies shall be for the use of the Senate and 4,000 copies for the use of the House of Representatives.

The resolution was agreed to.

On motion of Mr. PERKINS, a motion to reconsider the last vote was laid on the table.

MRS. LUCY ALEXANDER PAYNE.

Mr. MEREDITH. Mr. Speaker, I ask unanimous consent to take up for present consideration the bill (S. 1501) granting an increase of pension to Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to put the name of Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry, on the pension roll, at $50 per month, in lieu of the pension she is now receiving.

Mr. MEREDITH. I ask for the reading of the report, which is very brief.

The report was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. I object.

Mr. TALBERT. Mr. Speaker, I wanted to ask the gentleman from Virginia if this claim had been considered at the regular Friday night sessions?

Mr. MEREDITH. This, I will say to the gentleman, is a Senate bill which has been reported by our committee with an amendment suggesting a change from fifty to thirty dollars per month, as stated in the report. It passed the Senate originally, fixing the amount at $50, but the committee cut it down as I have stated. It is a very meritorious case, and I am sure there can be no objection to its present consideration.

The SPEAKER. Objection has been made.

Mr. MEREDITH. I did not understand the gentleman to object.

Mr. TALBERT. I only wanted to call the attention of the House to the fact that these bills ought to be considered at the regular time fixed for their consideration.

The SPEAKER. But the gentleman from California objected.

JERE SMITH.

Mr. LINNEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5128) to increase the pension of Jere Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place the name of Jere Smith, a sergeant of Company F, Thirteenth Regiment of Tennessee Cavalry, on the pension roll at the rate of $35 per month, in lieu of the pension he is now receiving.

Mr. TALBERT. Reserving the right to object, I will ask for the reading of the report in that case.

Mr. LINNEY. I will read the report.

Several MEMBERS. Let it be read from the desk.

Mr. LINNEY. Very well; I ask the Clerk to read it.

The report (by Mr. ANDERSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5128) to increase to $35 per month the pension of Jere Smith, late sergeant, Company F, Thirteenth Tennessee Cavalry Volunteers, having carefully examined and considered the facts presented, respectfully report:

Jere Smith enlisted September 22, 1863, and was honorably discharged May 25, 1865.

Claimant filed application for pension July 8, 1890, and April 8, 1891, under act of June 27, 1890, alleging injury to back, injury to right foot, dyspepsia, and rheumatism, which was allowed December 2, 1890, at $8 per month from July 8, 1890, for injury of right foot and back and dyspepsia. The claim for rheumatism was rejected February 6, 1893, on the ground of no ratable disability shown.

The board at Charlotte, N. C., August 12, 1891, rate him four-fifths for injury to right foot, one-fifth for injury to back, one-fourth for injury to shoulder, and nothing for dyspepsia.

The facts shown in testimony are that claimant was sent to Knoxville, Tenn., to procure rations for his company, and while there accidentally fell from a window about 20 feet to the ground, injuring his back and foot, about the night of November 12, 1864, and that upon the following night the whole brigade, including claimant, were taken prisoners, sent to Danville, and thence to Libby Prison and kept in confinement three months on short rations and no medical treatment, and has suffered ever since with the injuries and rheumatism; and Dr. R. B. Killian testifies, February 1, 1896, that he has examined him and finds him suffering with dyspepsia, which causes a disability of one-third; also an injury to foot, causing one-fourth disability, and an injury to back, which has caused a total disability.

In view of the facts presented the committee recommend the passage of the bill with an amendment striking out "thirty-five," in line 6, and inserting "twelve" in lieu thereof.

Mr. LINNEY. Mr. Speaker, I ask unanimous consent to make a very brief statement to the House with reference to this matter.

If there ever was a meritorious bill presented for the consideration of this body, this, I think, is one, as shown by the committee's report. Mr. Smith, the pensioner named in the bill, lived about the center of the western part of the State of North Carolina. I myself can well recall the facts, when a boy, of listening to the earnest discussions between Mr. Smith and C. Stewart, esq., an able and intelligent gentleman, and one of the best conversationalists I have ever heard in my life, on the various questions relating to the right of a State to secede from the Union. Mr. Smith, then but a young man about 20 years of age, contested the right as claimed, although Mr. Stewart, a distinguished and able man, and others of his character shaped the views entertained generally by the people of my State at that time on this question. And allow me to say, Mr. Speaker and gentlemen of the House, that the views of these great men had influence even upon great men like Robert E. Lee and the lordly Senators who maintained the right of secession. General Lee admitted it, the lordly Slidell admitted it, and the people all admit the influence that this had upon their action in connection with the question; and while the idea of going with our own sections was not the only thing that controlled men in casting their fortunes with the South, it nevertheless had its influence on all of us.

When a boy, Mr. Smith resided near the center, as I have said, of the western part of the State of North Carolina, the home of Branch and Pender and the polished Pettigrew and Reuben Campbell, but he had the courage, the manliness, and the patriotism to move from that part of the State and join the Federal Army in support of what he believed to be a question of right. He fought gallantly until the close of the war, being, I believe, promoted to the rank of sergeant.

This, gentlemen, is a case of total disability, as shown by the report, which I understand in the legal sense is equivalent to the loss of a limb; and yet we only ask an increase of this man's pension from eight to twelve dollars a month. I seems to me that it ought to be $35, the amount originally proposed in the bill, and I think I will ask the House to vote down the amendment and give the original sum. There is no case more meritorious, if there is one as meritorious, that has ever been considered by the House.

I will ask the House, then, to vote down the amendment——

Mr. LOUD. I would suggest to the gentleman that if he proposes to take that course I shall have to object to the consideration of the bill.

Mr. LINNEY. Very well, then; let me have the bill as amended. [Laughter.]

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, the amendment recommended by the committee was agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

BVT. MAJ. GEN. ALEXANDER STEWART WEBB.

Mr. CURTIS of New York. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1106) to place Lieut. Col. and Bvt. Maj. Gen. Alexander Stewart Webb on the retired list of the United States Army.

The bill was read, as follows:

Be it enacted, etc., That the President of the United States be, and he hereby is, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Alexander Stewart Webb, late a brigadier-general of volunteers and lieutenant-colonel and brevet major-general, United States Army, a lieutenant-colonel, and to place him on the retired list of the Army with that rank and pay, the retired list being thereby increased in number to that extent; and all laws and parts of laws in conflict herewith are suspended for this purpose only: *Provided*, That from and after the passage of this act no pension shall be paid to the said Alexander S. Webb.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOPKINS. Mr. Speaker, I desire to interpose an objection for the time being. I should like to know from the gentleman who presents this bill why General Webb should be placed on the retired list. My understanding is that he voluntarily retired from the service to take a larger salary in civil life; and if that is so, I do not see any reason why he should now get the benefit that comes to a man who remains in the service.

Mr. CURTIS of New York. I will make a statement.

Mr. Speaker, General Webb was a graduate of West Point, I think in the class of 1854. When the war broke out he was promoted to be brigadier-general and brevet major-general of volunteers. His services were among those of the best. He received several wounds during the war, and on the 12th of May, 1864, in the battle of the Wilderness, at what was known as the "Bloody Angle," he received a very serious wound, which has affected him ever since and prevented him from performing many of the duties that would have naturally fallen to him in the positions he has occupied.

Mr. TALBERT. Is this claimant now drawing a pension?

Mr. CURTIS of New York. I do not know. If so, he is drawing $30 a month. I can not tell you. This bill provides that he shall not hereafter draw any pension. General Webb was, in the reorganization of the Army after the war, promoted to the rank of lieutenant-colonel in one of the regiments known as invalid regiments. It was the policy of Congress at the close of the war to give generous recognition to a number of distinguished officers, when the Army was increased. Later, when the regiments were consolidated, most of them were placed on the retired list.

Mr. COX. Mr. Speaker, I desire to ask the gentleman a question. Do I understand this distinguished soldier retired from the Army and went into civil life, and that now you want to take up a civilian and put him on the retired list? Is that the state of facts?

Mr. CURTIS of New York. I will make a statement so plain that my friend will get all the facts.

Mr. COX. How long is it since he retired from military life to civil life?

Mr. CURTIS of New York. I will endeavor to answer in my statement the inquiries of my friend from Tennessee [Mr. Cox].

At the close of the war, at the time these regiments were consolidated, very many officers were ordered before retiring boards, that they might be retired under provisions of law which authorized their retirement as of the highest rank which they had held in the volunteer service. Many officers serving in the line and in the field in the reorganization of the Regular Army were retired as brigadier-generals. General Webb went before a retiring board, but by some failure the medical testimony in his case was not furnished to the board, and on his personal appearance and a brief examination he was declared not unfit to perform military duty. He was advised by many officers of the Army and by his family physician that to go out to the plains and join his regiment while suffering from injuries incurred in action would be fatal to him, and he resigned from the Army. He was not long after elected to the presidency of the College of the City of New York. In that position General Webb has received a larger salary than he would have received as a lieutenant-colonel in the Army and somewhat more than that of a retired general officer. He would have been retired at the close of the war as a brigadier-general had the facts all been known to the retiring board, because when the medical evidence was sent to the retiring board the members examined the papers and reviewed their decision which they had given upon his application, and said that they had done General Webb an injustice in refusing to retire him. The evidence of that fact I have here in the statements of two members of that board—Surg. Gen. John Moore, United States Army, and Colonel Gardner, United States Army—both of whom are on the retired list of the Army.

Mr. LOUD. May I ask the gentleman, without interrupting, how old this gentleman is?

Mr. CURTIS of New York. I think he is probably 64 or 66 years of age.

Mr. LOUD. He is liable to live to a good old age, regardless of the injuries he received in the service. He has lived thirty years or more already since then, has he not?

Mr. CURTIS of New York. He is in feeble health at this time.

Mr. LOUD. I expect that I shall be when I get to be that old.

Mr. CURTIS of New York. His poor health is the result of injuries received in the service, which disables him from performing much of the labor which would naturally be performed by a man of his age in ordinary health.

Mr. LOUD. Many men die before they reach that age.

Mr. MILLER of Kansas. Is this man president of a college now?

Mr. CURTIS of New York. He is.

Mr. MILLER of Kansas. Is he not receiving a large salary in that position?

Mr. CURTIS of New York. I do not know what his salary is. It might be considered large in some sections, but not large when considered in connection with the attendant expenses.

Mr. MILLER of Kansas. Did he resign for the purpose of taking that position?

Mr. CURTIS of New York. He did not resign to take the position.

Mr. MILLER of Kansas. His salary is not exceeding $5,000——

Mr. ERDMAN. I object to further discussion.

The SPEAKER. The gentleman from Pennsylvania objects to further discussion. Is there objection to the present consideration of the bill?

Mr. ERDMAN. I object.

The SPEAKER. The gentleman from Kansas has a privileged question.

Mr. KIRKPATRICK. I will withhold it until the next bill is considered.

THOMAS J. SHEPPARD.

Mr. HARRIS. Mr. Speaker, I ask for the present consideration of the bill (H. R. 6368) for the relief of Thomas J. Sheppard.

The bill was read, as follows:

Whereas Thomas J. Sheppard, of Sandusky, Ohio, then first sergeant of Company E, Ninety-seventh Regiment Ohio Volunteer Infantry in the war of the rebellion, being captured while participating in a night attack upon the Confederate lines at Kenesaw Mountain, June 17, 1864, and being at the date of capture an ordained minister of the gospel, on being confined at the Confederate prison known as Andersonville did faithfully, continuously, and without expectation of reward, conduct religious meetings, visit the sick and dying, hold funeral services, and thus perform voluntarily the duties of a chaplain during the ten months and ten days of his imprisonment; and

Whereas the said Thomas J. Sheppard is now in his sixty-first year and dependent for support on his clerical labors: Therefore, in recognition of his services to his country and his suffering comrades,

Be it enacted, etc., That the name of the said Thomas J. Sheppard be placed on the roll of army chaplains, from June 23, 1864, the date of his entering Andersonville prison, to June 23, 1865, with such rank and compensation as provided by law.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ERDMAN. Mr. Speaker, has this bill been considered in Committee of the Whole? Is it on the Calendar now?

Mr. HARRIS. It is on the Calendar.

Mr. ERDMAN. Has it been considered in Committee of the Whole?

Mr. HARRIS. That I can not tell you. Not to my knowledge.

The SPEAKER. The Chair thinks not.

Mr. ERDMAN. Then I object.

JOHN F. M'RAE.

Mr. TURNER of Georgia. Mr. Speaker, I ask for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 610) for the relief of John F. McRae.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John F. McRae, of the county of Telfair, in the State of Georgia, out of any money in the Treasury not otherwise appropriated, the sum of $462, for services rendered as deputy United States marshal of Georgia in the year 1859.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. I would like to hear the report.

Mr. HOPKINS. I would like to hear some explanation of the bill. That seems to be in 1859.

The report (by Mr. DENNY) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 610) entitled "A bill for the relief of John F. McRae," submit the following report:

The claimant was in 1859 a deputy United States marshal, and the United States court of which he was an officer sat in the city of Savannah, Ga. During that year the ship *Wanderer* landed a cargo of Africans on the Georgia coast. Under the stringent laws for the suppression of the African slave trade, the circuit court of the United States had a very important jurisdiction, and this deputy marshal, in pursuance of his duty, arrested and seized thirty-six of these Africans while being smuggled into the interior as slaves. This claim is for this service, and for the expense of keeping these Africans for fourteen days. No interest is included. The proper officer of the Treasury Department reports that this claim was never presented for payment. The confusion growing out of the war probably caused this omission.

We recommend that the bill pass.

Mr. LOUD. Mr. Speaker, I would like to inquire what eventually became of these Africans. Did they return to Africa, or go into slavery?

Mr. MEREDITH. They were freed by Mr. Lincoln's proclamation, I suppose.

Mr. TURNER of Georgia. I did not hear the gentleman's inquiry.

Mr. HARDY. I would like to inquire of the gentleman from Georgia what eventually became of these Africans that this marshal arrested. Were they returned to Africa?

Mr. TURNER of Georgia. They were set free; and I think were, at the expense of the Government, returned to Africa or one of the islands of the sea.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. TURNER of Georgia, a motion to reconsider the vote by which the bill was passed was laid on the table.

CLARA W. STAGG.

Mr. HULICK. Mr. Speaker, I ask for the present consideration of the resolution I send to the desk.

The Clerk read as follows:

Resolved, etc., That the bill (H. R. 8873) for the relief of Clara W. Stagg, widow of Jesse S. Stagg, deceased, with all the accompanying papers, be referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, generally known as the Tucker Act.

Mr. HULICK. I ask for the reading of the report.

The report (by Mr. WILSON of Ohio) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 8873) for the relief of Clara W. Stagg, widow of Jesse S. Stagg, deceased, submit the following report:

This is a claim for $592.94 alleged to be due Jesse S. Stagg, deceased, late first assistant engineer on board the U. S. S. *Switzerland*, being his share of prize money accruing from the capture of the rams *General Bragg* and *Sumpter* by the U. S. S. *Switzerland*, near Memphis, Tenn, June 6, 1862.

The claim was examined, adjusted, and allowed by the Fourth Auditor of the Treasury Department and paid to one I. W. Bausman on a power of attorney dated July 23, 1872. The claimant alleges said payment was made to the said Bausman without his knowledge or authority, and for which he has never received any benefit.

Your committee is of the opinion that the claim should be referred to the Court of Claims for a finding of facts under the terms of the act approved March 3, 1887, generally known as the Tucker Act, and report herewith a resolution to that effect and recommend its passage.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAYNE. I should like to inquire if there were any other parties who claimed prize money and got it?

Mr. HULICK. Yes, sir; other officers upon the same vessel claimed it and it was awarded. This was awarded to him also, but without his authority, knowledge, or consent it was drawn by this man Bausman on a forged power of attorney. The question of forgery was not gone into. The committee thought they would not take the time to do that, but simply refer the matter to the Court of Claims for a finding. The only question is the forgery of the power of attorney by this man Bausman. The reason why they made no claim for it was that this officer, Stagg, did not know anything about this claim. He lost his sight entirely, and for ten years prior to his death he was totally blind. He left a widow. He was advised of this sum being there, and was notified that it had been drawn by Bausman on a forged power of attorney. Before the death of the husband, in an affidavit he said that he knew nothing about it, that it was never authorized, and that it was a forgery.

Mr. PAYNE. Who presented the claim?

Mr. HULICK. This man Bausman, who was then living in Washington, formerly, possibly, from Pittsburg. She knows nothing about him.

Mr. PAYNE. Did Bausman act for any of the other officers?

Mr. HULICK. I do not know about that. His history is unknown to this widow. She knows nothing about the man.

Mr. PAYNE. How long ago did he draw it?

Mr. HULICK. He drew it on July 23, 1872, on this forged power of attorney. This man left no property. The widow has nothing in the world except to depend upon her relatives.

Mr. PAYNE. This occurred twenty-five years ago?

Mr. HULICK. Yes, sir.

Mr. PAYNE. It seems that the Government of the United States, having paid this twenty-five years ago, ought not to be called upon to examine the question now.

Mr. HULICK. Very well; she knew nothing of it, and if his name was a forgery, without her authority, or her husband's authority, or without any fault on their part, the Government is in the position of a national bank or any other bank when it pays out money on a forged order.

Mr. PAYNE. But a national bank would have the statute of limitations.

Mr. HULICK. Oh, no.

Mr. TALBERT. Will the gentleman permit me to ask him a question?

Mr. HULICK. Certainly.

Mr. TALBERT. What became of the man who committed the forgery?

Mr. HULICK. I do not know anything about him; and this party, the beneficiary in this bill, knows nothing about him, and does not know where he came from.

Mr. TALBERT. Do they know nothing about him? Was he a lawyer?

Mr. HULICK. Well, I know he was a scoundrel. [Laughter.] If the two are synonymous, the gentleman's question is answered; but, for the credit of the profession, I hope he was not a lawyer.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. LOUD. Mr. Speaker, if the gentleman from New York can satisfy his conscience in respect to this bill, I can not satisfy mine, so I must object.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. HITT. Mr. Speaker, I am instructed by the Committee on Foreign Affairs to report the annual appropriation bill for the expenses of the consular and diplomatic service, and to ask that it be referred to the Committee of the Whole House on the state of the Union, and that the bill and report be printed.

There was no objection, and it was so ordered.

Mr. PAYNE. It is understood that all points of order are reserved.

JONATHAN SCOTT.

Mr. KIRKPATRICK. Mr. Speaker, I rise to a question of privilege. I ask that the bill (H. R. 4526) granting a pension to Jonathan Scott, which has been vetoed by the President, be read.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $72 per month, subject to the provisions and limitations of the pension laws, the name of Jonathan Scott, of Oswego, Kans., late of Company M, Sixth Regiment Iowa Volunteer Cavalry.

Mr. KIRKPATRICK. Now I ask that the report of the committee be read.

The report (by Mr. KIRKPATRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill H. R. 4526, together with the message of the President of the United States, dated May 30, 1896, vetoing the same, have had said bill and message under consideration and report the same back to the House with the recommendation that the bill do pass, the veto of the President of the United States to the contrary notwithstanding.

The President seems to rest his veto of this bill on the legal presumption that the Pension Bureau fairly and justly determined the case when the pensioner was dropped from the roll. If presumptions are to be indulged in, we suggest that the presumption ought to be that the surgeon who examined the soldier at the time of each of his enlistments also performed his duty, and did not accept a man in the service whose defective eyesight rendered him unfit to perform the duties of a soldier.

But your committee does not base its recommendation on presumptions; it has carefully examined the testimony on file in the Pension Office, and from that testimony reaches the conclusion that great injustice has been done this soldier in dropping him from the roll and branding him as having fraudulently obtained his pension.

Jonathan Scott enlisted on the 8th day of June, 1861, at the very beginning of the war, in a company of home guards in the State of Missouri, and was honorably discharged from said service on the 5th day of October of the same year. On the next day he enlisted in Company M, Fifth Iowa Cavalry, to serve for three years or during the war, and was at once accepted and mustered into said company and regiment, and served continuously until December 31, 1863, when he was honorably discharged by reason of reenlistment, and was immediately mustered into the same company and regiment to serve three additional years. On August 11, 1865, he was mustered out by general order, having served four years two months and three days. During all these years he was never excused from duty because of disease or defective eyesight.

Soon after the close of the war the claimant made application for pension, and on March 9, 1873, he was placed upon the roll at $6 per month from August 12, 1865. On January 1, 1878, his pension was increased to $8 per month; thence to $24; on March 3, 1883, was increased for disease of eyes to $50, and on July 1, 1885, for the same, and resulting in total blindness, his pension was increased to $72 per month. He was dropped from the pension roll August 13, 1895, for the sole reason that the disability for which the pension was granted existed prior to his enlistment. The testimony on file in the Pension Office clearly shows the contrary. The claimant is now past 72 years of age, totally blind, afflicted with a complication of diseases, and is as helpless as a child. He is without any means of support, with an aged wife depending upon him, and must depend upon public charity unless relief speedily comes. Now, in his distressed and pitiable condition, due to his long and faithful service, he turns to that Government for which he sacrificed so much, and appeals to Congress to protect him and his wife from the poorhouse. There can be but one patriotic answer to this appeal.

The President further suggests that whatever may be the merits of the case, he is informed by the Pension Bureau that the bill, if it becomes a law in its present form, will be inoperative, for the reason that the beneficiary therein is described as having served in the Sixth, when in truth and in fact he actually served in the Fifth Regiment of Iowa Cavalry Volunteers. Your committee is of the opinion that this suggestion is untenable. It finds, however, on investigation that an error was made in drafting the bill in the particular suggested. The beneficiary actually served in the Fifth Iowa Cavalry, instead of the Sixth, as stated in the bill. This error, however, can not invalidate the bill or render it inoperative. In fact, the bill would be as valid with the service entirely omitted. Its purpose serves only as a means of identification, and has no further significance. Should this bill become a law, there can be no doubt as to the identity of the beneficiary. And if the Pension Commissioner should experience any difficulty in determining the person intended, a reference to the latter part of the President's message will remove all doubts, as he seems to have had no difficulty in ascertaining from the bill and its record the beneficiary intended, as well as the company and regiment in which he actually served.

Mr. KIRKPATRICK. I ask now, Mr. Speaker, that the veto message of the President be read.

The message was read, as follows:

To the House of Representatives:

I herewith return without approval House bill No. 4526, entitled "An act granting a pension to Jonathan Scott."

This bill directs that the Secretary of the Interior place upon the pension roll, at the rate of $72 per month, subject to the provisions and limitations of the pension laws, the name of Jonathan Scott, late of Company M, Sixth Regiment Iowa Volunteer Cavalry.

The beneficiary was dropped from the pension roll in October, 1895, after a very thorough examination for fraud, it appearing to the satisfaction of the Pension Bureau that the disability for which he was pensioned was not due to his army service. There certainly ought to be a strong presumption that the case was fairly and justly determined by the Bureau, and the evidence strongly tends to support the conclusion reached. If restored to the rolls, such restoration would still be "subject to the provisions and limitations of the pension laws," and he would not be exempt from further investigation if circumstances or newly developed facts justified such a course.

Whatever may be the merits of the case, however, I am advised by the Pension Bureau that the bill, if it became a law in its present form, would be inoperative, for the reason that the beneficiary is therein described as having been a member of the Sixth Regiment of Iowa Volunteer Cavalry, whereas he actually served in the Fifth Regiment of the Volunteer Cavalry of that State.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 30, 1896.*

Mr. KIRKPATRICK. Mr. Speaker, the beneficiary in this bill, Jonathan Scott, on the 8th day of June, 1861, became a member of a home guard company in the State of Missouri, where he lived, and continued with it until the 5th day of October, 1861, when the company disbanded. On the next day Jonathan Scott went to St. Louis, Mo., and there enlisted as a private in Company M of the Fifth Iowa Cavalry. He continued to serve in that company and regiment until the expiration of his term of service, three years, when he reenlisted in the same company and regiment, and continued to serve until he was mustered out by the general order at the close of the war, having served four years two months and three days.

On March 9, 1883, on an application made soon after his return from the service, he was placed upon the pension roll at the rate of $6 a month for defective eyesight. His pension was increased from time to time for the same reason, until, some time in 1888 or 1889, he was placed upon the roll at $72 a month for total blindness. On December 20, 1893, a letter was sent to the Commissioner of Pensions making the charge that this pensioner was obtaining his pension by fraud, and I desire to call the attention of members to this letter, which is the only one of this character I have ever discovered in the files of the Pension Office.

I wish to read it, that this man's name may be preserved to posterity:

OSWEGO, LABETTE COUNTY, KANS., *December 20, 1893.*

DEAR SIR: Jonathan Scott, Oswego, Labette County, Kans., private Company M, Fifth Iowa Cavalry, certificate 229326, is drawing a pension of $72 per month for total disability. He can read and write, but when he signs his pension checks he makes his mark. I have seen him draw a line to reset a fence, repair his barn. He can go out and come in, drive his horse and buggy all over town without the aid of any of his family or anyone else. This can be substantiated by any of his neighbors outside of his own family.

Very respectfully,

J. W. ESAURT,
Oswego, Labette County, Kans.

P. S.—Can send you names of a number of others drawing total-disability pensions under the pension laws of 1890, but am unable to find out number of company or certificate. Will send names, if they will be of any benefit to you.

Honorable COMMISSIONER OF PENSIONS.

Now, upon the receipt of this communication the Commissioner of Pensions forwarded the same to a special examiner named Hunter, residing at Parsons, near Oswego, requesting that he make an investigation.

Mr. MILES. When was this?

Mr. KIRKPATRICK. In December, 1895. Mr. Hunter, pursuant to that direction, took the affidavits of three witnesses; reported to the Department that this man was not reliable, but that there was some testimony tending to corroborate his statements, and therefore suggested that a thorough investigation be made. On the receipt of this report by the Department, the papers in the case were forwarded to Special Examiner Hunter, who was directed to make a thorough investigation of this charge to determine whether or not the pensioner was actually blind or whether he was perpetrating a fraud upon the Government.

Mr. Hunter, after making a very thorough investigation of the case, made his report to the Department, submitting numerous affidavits taken at the time; but he was unable to secure any testimony that tended to show that this man was not blind. Mr. Hunter, in the report submitted to the Department, stated that he was unable to ascertain whether or not the man could distinguish between daylight and darkness; that it would require a specialist to determine that fact; that the testimony seemed to show that the man was totally blind; but that Jonathan Scott himself, who is 72 years of age (and his affidavit was taken, I think, three or four times in the course of this investigation), testified that this disability occurred within a few days after he had entered the service of the United States; that when wading a stream of cold water within a week or ten days after his enlistment, he contracted a cold which settled in his eyes, and that his eyes had troubled him from that time up to the time when he was mustered out of the service.

Because of this testimony, Special Examiner Hunter recommended that further examination be had in Missouri, the former residence of the claimant, in order to determine, if possible, whether the disability did or did not exist prior to his enlistment. So the papers in the Department were forwarded to a special examiner at Springfield, Mo., who was directed to make a thorough examination and ascertain, if possible, whether or not the claimant was suffering from defective eyesight prior to his enlistment.

This special examiner took the affidavits of ten witnesses, whose character he reported as good, in support of this claim, and in submitting to the Department these affidavits which I hold in my hand he recommended that the pensioner be dropped from the roll because of the fact that his eyesight was defective when he entered the service. Pursuant to that recommendation, the Department notified Mr. Scott that unless he produced testimony to the contrary within thirty days, his name would be dropped from the roll for the reason that the disabilities for which he claimed pension had not been incurred in the service of the United States.

The pensioner offered some additional testimony in support of his claim; but at the end of thirty or forty days his name was dropped from the roll, the Commissioner sending him this communication:

It appears from the records of this Bureau that you were pensioned March 9, 1883, under certificate 229326, at the rates of $6 per month from August 12, 1865; $8 from January 1, 1878; $24 from January 18, 1882; $30 from March 3, 1883, for disease of eyes; increased to $50 from February 11, 1885, and to $72 from July 1, 1885, for same, resulting in total blindness, based on services as private, Company M, Fifth Iowa Cavalry. It further appears from evidence obtained on special examination, now on file in this Bureau, that the alleged disease of eyes was not due to your service, as required by law to give title to pension, but was incurred prior to enlistment. The granting of pension to you for the same was therefore erroneous.

Under the provisions of the act of Congress of December 21, 1893, you will be allowed a period of thirty days from the receipt of this notice in which to file testimony in rebuttal of the evidence referred to; and if the same is not satisfactory, and no sufficient reason appears why an extension of time should be made, your name will be dropped from the pension roll at the end of the time indicated above.

The letter from the Commissioner states that the pensioner was dropped from the roll for the sole reason that the disability for which he was pensioned existed prior to his enlistment. I call attention to this letter for the purpose of showing that the Government abandoned the idea that the man could see, and finally based its action upon the fact that the disability had not been incurred in the service of the United States.

Now, by turning to the message of the President of the United States, it will readily be seen that the President did not for himself investigate these papers and proofs; but contented himself with the bare presumption, upon which he bases his veto, that the Pension Bureau had acted fairly and justly in making the investigation before Mr. Scott was dropped from the pension roll.

Now, I want to suggest, Mr. Speaker, to the House that it seems to me if this pensioner's right must rest upon a presumption that the presumption ought to be that the man, when he was accepted and enlisted into the military service, upon an examination made by the Government, and served his three years as a soldier, and then reenlisted in the service of his country, again examined and accepted before a surgeon appointed by the Government—the presumption ought to be that the surgeon performed his duty and did not accept a man who was unfit to become a soldier and unable to discharge the duties required of him. Again, it seems to me if the President desired to indulge in presumptions that he might have, with perfect propriety, presumed that the Congress of the United States had investigated this matter, that in considering and passing a bill giving this man $72 a month it also did its duty, and so, if this case should rest upon presumption alone, I contend that the bill should pass over the veto of the President.

But, Mr. Speaker, I am not here insisting that this bill shall rest upon any presumption whatever. I have in my hand the entire testimony submitted to the Pension Bureau in the case, and I have examined that testimony with great care. I am here prepared to say to the House, without fear of successful contradiction, that the testimony overwhelmingly shows that the man's disability was incurred in the service of the United States, and not prior thereto.

Now, it will be seen that the real question for the House to determine is whether or not the disability of Jonathan Scott, which is now conceded to be total blindness, was incurred in the line of duty and in the service of the United States, or whether that disability existed prior to that time. I will now take up and examine, as briefly as I can, the testimony for the purpose of showing you that an outrage has been perpetrated on this old soldier.

The report made by Special Booth shows ten affidavits. They are all here in the papers I hold in my hand, and any gentleman can examine them who has the slightest doubt with reference to the representations I am making to you as to their contents. The first affidavit, and one which the Department seems to lay great stress on, is that of Dr. G. A. Waters, and I submit that under ordinary circumstances that testimony ought to be entitled to very much weight, because the man is a man of position and character and testified that he had attended Jonathan Scott as his family physician from 1854 up to the time he entered into the service of the United States, and that he accompanied him into the service.

Mr. NORTHWAY. Will the gentleman yield for a question?

Mr. KIRKPATRICK. Certainly.

Mr. NORTHWAY. Is it claimed anywhere before the Department that this soldier committed any fraud in any manner for the purpose of securing an enlistment in the United States service?

Mr. KIRKPATRICK. Not at all. There is not a word of such evidence; not a word of it.

As I was saying, Mr. Speaker, the affidavit of Dr. Waters ought to be entitled to very much weight. But, unfortunately for the Government, the affidavit was taken after the man reached 77 years of age, by an inspector, in his own writing, and not in the form of question and answer, but in narrative form, in which Dr. Waters states that the man was sound in every particular, save and except that his eyesight was somewhat defective. But, unfortunately for the Government, there is testimony by the same physician given ten years before. Ten years preceding that time an affidavit was made by this witness, when the facts were clear in his mind, and when old Jonathan Scott was several hundred miles distant, when there was no one present to operate on the mind of the gentleman making the affidavit, and then and there he voluntarily made the statement that Jonathan Scott, at the time he entered the service of the United States, was absolutely free from disease; that he had been his family physician all the time since 1851, and knew that he was free from any such disqualification.

Now, we have the two affidavits of the same man. Give him credit for being honorable if you will. In one affidavit he swears, when there was no one present to influence him, that this man was free from disease when the facts were all fresh in his mind. Is not that affidavit entitled to greater credit than the other, when the circumstances are taken into consideration? But I am willing to allow the testimony of this witness to be set aside, and it does not affect the result, he having testified both ways, while, under the circumstances, the first affidavit is entitled to greater weight.

The next witness who testified in that examination was William E. Lampkin, aged 77 years. It seems as though all the witnesses testifying on behalf of the Government had reached a ripe old age. He says:

I became acquainted with the soldier in 1855; knew him well; served in the same company and regiment.

Now, mark the language. I propose to quote from these affidavits that you may hear this evidence for yourselves.

Some time after I enlisted he came to the company, and I know I heard it talked among the boys that he was rejected on account of his eyes. But some time after that he got into the company, and my understanding was that some of the officers interceded for him. He and his brothers had red, weak eyes from the time I remember them.

That is one witness. The next witness was Samuel M. Lambreth, aged 55 years:

I did not see claimant until about one year after the war was over. He was then complaining of rheumatism and sore eyes.

Martha A. Lambreth, aged 45 years, testified:

I have known claimant all my life, and lived within 1 mile of him at the time he went into the Army. I do not think he had anything the matter with his eyes before he went into the Army. I do remember that he was bothered some with erysipelas, but do not remember just when he had it. I know his eyes were weak after he came out of the service.

That is the third witness. Then comes Peter Fleck, aged 59 years:

Have known claimant since 1850. Lived in the same neighborhood with him before he went into the Army. He was a stout, healthy man both before and since the war, so far as I know, until he came back here some years ago. I don't remember of hearing him complain of his eyes then, or noticing anything the matter with them. I know his brother Joel had bad eyes.

The next witness is Margaret A. Fleck, aged 58 years:

I have been acquainted with claimant since 1851. Lived in the same neighborhood with him both before and since the war. He was a strong, healthy man when he went into the Army. I did not notice that there was anything the matter with his eyes.

The next witness is Thomas P. Halloway, aged 77 years:

I was raised in Tennessee with claimant, and lived in the same neighborhood with him before and for a while after the war. I do not remember that there was anything the matter with him before he went into the war but some red-looking eyes. He and his brothers Joel, Thomas, and Calvin all had red-looking eyes. There were red-looking streaks in the eyeballs of all of them, and their eyes all looked to be weak.

Now, I want to suggest to you, this is the only testimony that can be considered in this case. Let me read the next one, David C. Dun, aged 72 years:

I lived within about 3 miles of the claimant before the war for several years. He was a sound, hearty man so far as I know before he went into the Army.

Henry D. Laughlin, aged 53:

I was a member of Company M, Fifth Iowa Cavalry, and first met claimant in the service. He had bad eyes while in the service, and my impression is they looked bad when I first saw him. I think I saw him soon after he came to the camp—

So you will observe from that affidavit that it does not conflict with the testimony of Jonathan Scott himself—

I am pretty sure there was something the matter with his eyes when he went into the service.

Then comes William H. Utterling, aged 53:

I was a private in Company M, Fifth Iowa Cavalry, and acquainted with Jonathan Scott. I did not know him before I enlisted, and did not see much of him while in the company. I do not remember that I ever noticed anything the matter with his eyes, but there might have been.

Now, it will be seen that of the ten witnesses examined, only four testified to any defect in claimant's eyesight before he entered the service, to wit, Dr. Waters, William E. Lampkin, Thomas P. Halloway, and Henry D. Laughlin. Two of these witnesses testify to impressions only and hearsay. Six out of the ten witnesses subpœnaed by the Government in this case, with equal opportunities of discovering defects in the claimant's eyesight, failed to discover any such defects.

The Pension Bureau seems to lay much stress on the affidavit of Dr. Waters. I have already suggested to you, with reference to that affidavit, that the Doctor swore, ten years before making it, that the man when he entered the service was absolutely sound and free from disease. So that leaves in the testimony taken by the special examiner only one witness if you bar the hearsay testimony and mere impressions and throw out Dr. Waters's affidavit. There is just one witness who testifies that this man's eyeballs had red streaks in them, and upon that testimony and that alone the Government dropped this old man from the rolls, although there were six affidavits taken by this same inspector at the same time, of neighbors and friends, persons acquainted with this pensioner at the time and before he entered the service, and each of the six testifies absolutely that the man's eyes were free from disease at the time he entered the service. So, taking the report made by the Government's own inspector, we find we have the testimony of six substantial witnesses contradicting the testimony of one who said simply that the man's eyeballs had red streaks in them. But I want to submit to you, if I should concede the truth of that proposition, that that would be no reason why this old man should be dropped from the pension roll. Here is a man who was accepted a second time into the service of the United States. His eyesight seems to have been sufficient to enable him to make a good, faithful, and valiant soldier. Is he to be turned down upon the mere presumption or statement or declaration of a witness that he had red streaks in his eyes? There is nothing to show that his eyes were diseased. It may be that there were simply peculiar spots in them. But be that as it may, I say that the testimony of the six witnesses overwhelmingly shows that this old man—Jonathan Scott—was healthy and sound and able-bodied when he entered the service of his country, and his service of four years two months and three days ought to be conclusive of that fact without regard to the affidavits.

Now, then, as I suggested, Jonathan Scott offered some additional affidavits in opposition to the frivolous charge made against him. I now propose to call your attention to these, showing that the proof is overwhelming in his favor in this case. And there can be no escape from the proposition that the Pension Bureau did not examine the testimony on file in this case, but depended upon the inspector down there in Missouri, who reported that this man should be dropped from the roll; a man who made his report when he supposed the Department demanded that he should find that this disability existed prior to enlistment. Now, then, I say I have the affidavit of Jonathan Scott of his soundness before he entered the service of the United States.

He testifies in the most positive terms that at the time he entered the service he was sound in every particular. That up to the time of his enlistment his eyesight was and always had been perfect, and that the disability came on him from exposure very soon after his enlistment.

Lucy Scott, wife of claimant, testifies to prior soundness of claimant's eyes.

Joel Scott, brother of claimant, testifies in the most positive terms to the prior soundness of claimant's eyes.

D. C. Duncan, aged 72 years, testifies: "I have been acquainted with the claimant for over forty years. He never had sore eyes prior to going into the Army."

Samuel Duncan, age 69, testifies: "I was well acquainted with the claimant, and know that his eyes were sound when he went into the Army."

Jacob E. Redden, age 57 years, testifies: "I have been acquainted with Jonathan Scott over forty-five years; was living 1 mile from him when he enlisted, and know when he went into the service his eyes were sound."

Martha A. Lambreth, age 46 years, testifies: "I have been well acquainted with Jonathan Scott ever since I can recollect, and was at his home frequently, and if there was anything the matter with his eyes before he went into the Army I don't recollect it. I recollect that he had erysipelas once."

John C. White, age 57 years, testifies: "I have known the claimant since 1856. I lived a near neighbor to him from that time until he enlisted. I was a recruiting officer and enlisted Jonathan Scott. At the time I enlisted him, and at all times prior, so far back as I was acquainted with him, he had good, sound eyes and there were no symptoms or appearances of sore eyes."

John K. Kidd, captain Company M, Fifth Iowa Cavalry, the captain of his company, testifies that the claimant did not contract sore eyes until after the regiment left Jefferson Barracks, Mo.

James B. Dial, private in Company M, testifies: "I was acquainted with the claimant before, during, and after the war, and know that his eyes were free from disease at the time he entered the service."

Allen L. McGregor, M. D., testifies: "I became acquainted with claimant in 1853; knew him well. He was a healthy and able-bodied man when he went into the service. I was his family physician before he enlisted."

James Cowen testifies: "I have been personally and intimately acquainted with Jonathan Scott since 1855. I know from personal knowledge that the claimant was, prior to his enlistment, a sound and healthy man, free from all diseases, weaknesses, and especially of the eyes."

Charles C. Brinn testifies: "I have known the claimant ever since I can recollect. Lived a near neighbor to him and intimate with him up to the time he went into the Army. I do not know of his ever being afflicted with sore eyes up to that time."

Thus, Mr. Speaker, I have here the practically uncontradicted affidavits of seventeen witnesses, reported to be reputable, all testifying to the prior soundness of this man's eyes.

Mr. LACEY. I would like to ask the gentleman a question in connection with this veto message.

Mr. KIRKPATRICK. Yes, sir.

Mr. LACEY. The bill, as I understood it, is in favor of Jonathan Scott, of the Sixth Iowa Cavalry——

Mr. KIRKPATRICK. Yes, sir.

Mr. LACEY. Subject to the limitations of the pension laws——

Mr. KIRKPATRICK. Yes, sir.

Mr. LACEY. While, as a matter of fact, there was no Jonathan Scott in the Sixth Iowa Cavalry; and if the bill goes through subject to the limitations of the pension laws, he will get no pension anyhow. Therefore we are having a vain discussion here which can not do the beneficiary any good.

Mr. KIRKPATRICK. I am surprised——

Mr. LACEY. I am simply calling attention to the statement in the veto message.

Mr. KIRKPATRICK. Those are the facts as you have stated them. I desire to take up that point now and present it. It would be a strange proceeding now, Mr. Speaker, if a mere misstatement in the bill should operate to destroy the force and effect of the bill. There is no tribunal on the face of the earth outside of the Pension Department, in my judgment, that would refuse to carry out the law because of uncertainty.

Mr. LACEY. The point that the President makes is this: That the bill itself specifies that it is subject to the limitations of the pension laws. Now, under the general pension laws you can not pension Jonathan Scott of the Fifth Iowa Cavalry in a bill that designates him as Jonathan Scott of the Sixth Iowa Cavalry. There are plenty of Jonathan Scotts. There may be one in one regiment and there may not be one in another; and under the limitations of the pension laws I think the bill would be an absolute nullity; and if the committee thinks the facts are as pointed out by the President about this bill, why, they should bring in a new bill to pension Jonathan Scott of the Sixth Iowa Cavalry, and when that bill gets through, have it to do him good, and not simply pass this bill that would do no good.

Mr. LOUD. Is it not a good idea, to show our independence of the Executive, to pass it over his veto?

Mr. KIRKPATRICK. The President of the United States has not made the suggestion that the gentleman seems to think he made. The President suggests that he is informed by the Pension Bureau that because of this error in the bill it will become inoperative. That is what he says. But, speaking with reference to its being subject to the limitations and provisions of the pension laws, he says that, as a matter of course, would enable the Pension Office to go on and retry the case, if they were afterwards to discover his eyesight was not as defective as they claim; and they can, therefore, try the claim over. That I concede. Now, what is the purpose of naming the service of the soldier in a pension bill? It is merely for identification, nothing more, nothing less. That being so, would the Commissioner of Pensions be justified in refusing to place this man upon the roll in the face of this record? Let us see what the President himself says about that. He says:

> I am advised by the Pension Bureau that the bill, if it became law in its present form, would be inoperative, for the reason that the beneficiary is therein described as having been a member of the Sixth Regiment of Iowa Volunteer Cavalry, whereas he actually served in the Fifth Regiment of Volunteer Cavalry of that State.

How do you suppose the President made that discovery, if the records do not show it?

Mr. LACEY. There was a Jonathan Scott in the Thirty-sixth Iowa.

Mr. KIRKPATRICK. But there was no Jonathan Scott of Oswego, Kans., in the Thirty-sixth, and there is no other Jonathan Scott holding the certificate that is mentioned in this record as being held by this man. Therefore, it is mere child's play to talk about the Pension Bureau disregarding this bill on the ground that the service of the soldier is not correctly described in it. We

have frequently passed bills here wherein it has been stated that the beneficiary served in some one company or regiment, when in fact he had served in two or three. Would the Bureau be justified is disregarding those bills upon that ground? As I have said, the only object of reciting in the bill the service of the soldier is to identify him, and if there is sufficient identification aside from the bill, then any error of that kind in the bill may be absolutely ignored. This bill provides for pensioning Jonathan Scott. The Pension Bureau, when called upon to give effect to the law, may take into consideration the history of this bill, and the President of the United States himself states in his message that this man did serve in the Fifth Regiment of Volunteer Cavalry. The report of the committee concedes the error in the bill as to the number of the regiment, but shows that this is the same identical man for whose benefit the bill was intended, giving numbers and dates and testimony to establish that fact.

Mr. FAIRCHILD. Let me suggest to the gentleman from Iowa and the gentleman from Kansas that for at least four years to come there will be no trouble in having the provisions of this bill carried out, if it should be passed over the President's veto.

Mr. KIRKPATRICK. I thank the gentleman. I was about to suggest that a Pension Commissioner who should refuse to place this man on the pension roll after this bill becomes a law ought to be impeached, and I believe there will be enough patriotism in the next Congress to take such action against any officer who should refuse to carry out the law.

Mr. LACEY. Mr. Speaker, I think the gentleman from Kansas misapprehends the point of the objection. We are now making legislation. This is a body which has the intelligence and the power to legislate and to make its legislation correct and sensible. Our attention has been called to the fact that in this case we have legislated on behalf of a person who does not exist, and at the same time we are notified as to who the real man is, where his service was rendered, and where he is to be found. Now, if we are to pass a bill at all for his benefit, why not pass it in correct form instead of in a wrong form?

Mr. LOUD (ironically). That would not maintain our dignity. [Laughter.]

Mr. LACEY. Oh, there is no question of dignity involved here. It is a mere question of passing a law in proper form instead of in an improper form.

Mr. KIRKPATRICK. Does the gentleman from Iowa suggest that there is no Jonathan Scott, for whose benefit this bill is proposed?

Mr. LACEY. Oh, no. I know there is a man of that name who is entitled to the benefits of this bill, but the bill misdescribes him, or describes a different man, and my point is that the rights of Jonathan Scott ought not to be imperiled by this sort of legislation. Of course we can not amend the bill now after it has been vetoed, but we can pass a new bill for his benefit.

Mr. KIRKPATRICK. Yes, and get it in, too, in the last ten days and have it made the subject of a pocket veto, and let this old man die without getting a dollar.

Mr. LACEY. The committee can take care of that.

Mr. KIRKPATRICK. We have passed this bill. There is an error in it, but no man doubts as to who is the man that is intended by the bill, neither the President nor the Commissioner of Pensions nor anybody else. The point made against the bill is a mere technicality. No man can be mistaken about the purpose of the bill or the identity of the person for whom it is intended. Therefore I beg of the House to pass this bill. The President of the United States, in his veto message, has practically branded this old veteran, who served four years two months and three days, as having obtained his pension through fraud; and I would pass this bill over the veto, if for no other reason, for the purpose of giving this old man a clear title. But I want to say to you, gentlemen, that no Commissioner of Pensions will be found who, in the face of this record, will dare to ignore this bill in its present form if we pass it here.

It is perhaps unfortunate for this old soldier that in 1861 he did not adopt a less patriotic but a wiser course and send a substitute to the war instead of going himself. If he had done that, he would not perhaps be here to-day clamoring in darkness to this House to protect him and his wife from the poorhouse. Although an insignificant mistake did creep into this bill by accident, there is no doubt about the identity of its beneficiary, and it would be impossible for us to pass a new bill for the relief of this old soldier at this session. I hope that every gentleman upon this floor, in view of the facts of this case and the records I have presented, will vote in favor of this bill. I remind gentlemen that seventeen witnesses stand up and swear absolutely that this man's eyes were sound when he entered the service, while, on the other hand, there is one man who swears that he had "red eyes," and upon that testimony the Pension Bureau dropped this old veteran from the roll, and the President of the United States, upon the assumption that the Bureau did its duty, vetoed this bill and sent it back to the House. I hope that the House will pass the bill. I reserve the remainder of my time till I see whether any gentleman desires to oppose the bill.

As there seems to be no one desirous of addressing the House in opposition, I ask for a vote.

Mr. LACEY. Mr. Speaker, I regret to oppose a measure of this kind, because my sympathies are entirely with what my friend from Kansas [Mr. KIRKPATRICK] has said. But if we pass this bill, we shall not do any good thereby to the beneficiary named. We shall simply embarrass him by enacting a bill which, if it passes, will be wholly inoperative.

This Congress is in possession of all the facts in controversy between the Interior Department and the Committee on Invalid Pensions. I should feel inclined in any matter of this kind to accept the views of the committee, because they are not bound by the fixed rules of law; and any man who served nearly four years in the Army and is now totally blind ought to be pensioned. I believe, therefore, this bill ought to pass; but in the form in which it now is it will not do the beneficiary any good. We ought to pass a bill which will give him his pension, not a bill which would have to be reformed by a chancery proceeding in order to enable him to obtain the benefit of it.

While the objection raised in this case may be said to be technical, yet it is more than technical. It is an objection which reaches the very foundation of the bill itself. Here is a man—Jonathan Scott. It is immaterial whether that is his correct name or not. He is described as Jonathan Scott of the Sixth Iowa Cavalry. There was no Jonathan Scott of the Sixth Iowa Cavalry. I am told by my friend from Kansas that the number of the pension certificate is given in the bill; that this man is described as Jonathan Scott to whom a certificate of a certain number was issued; that this is a sufficient description to identify the pensioner. Unfortunately, my friend from Kansas is inaccurate in that statement.

Mr. KIRKPATRICK. I did not make the statement.

Mr. LACEY. I so understood the gentleman.

Mr. KIRKPATRICK. I said that that is the statement in the record.

Mr. LACEY. Very well; it is not in the bill. The bill does not recite the number of the certificate.

I repeat, that we ought to pass such a bill that Jonathan Scott—the man whom we intend as the beneficiary—may receive his pension under it, instead of simply putting him in a position where he will find himself in hostility to the Department and powerless to enforce what this Congress proposes to grant him.

Mr. FAIRCHILD. May I make a suggestion to the gentleman?

Mr. LACEY. Certainly.

Mr. FAIRCHILD. In view of the fact that in the veto message of the President other reasons are given for the veto, so that it is likely, as the gentleman from Kansas has suggested, that if we pass a new bill it will also be vetoed and the matter will come up too late in the session to do this old man any good, and in view of the fact that there are differences of opinion as to whether the technical error referred to will deprive the man of the pension, would it not be decidedly the best course, if we approve the merits of this bill, to pass it now over the veto, and then, if it is necessary, pass another bill correcting the small error which it is stated exists? Should we not, in that way, give the old soldier the benefit of the doubt?

Mr. LACEY. If this bill should go back to the committee, a bill can be reported in proper form; and I think the Committee on Rules would be willing to give the new bill an opportunity for special and immediate consideration, so that it should not fail to pass by reason of the lateness of the session. Then, when the bill shall have passed, we can say that we have done what we ought to have done for this old soldier and that our action will be effectual. That, it seems to me, is the only practical course of action. I suggest that this bill ought to be withdrawn or referred back to the committee; that then they should bring in a new bill and obtain early action upon it. This old man ought to have a pension. He is totally blind. He served nearly four years in the Army. Even if we concede that his blindness did not originate in the service, he is a person whom this House would feel inclined to treat as a proper beneficiary of the bounty of the Government. We should not embarrass a bill for his benefit with the difficulties that will surround this bill if passed in its present defective form, as proposed, over the veto.

Mr. BRUMM. Allow me to make a single suggestion. We are now legislating. If this bill be passed over the President's veto, it will be an act of Congress. The Department will have nothing to do except to carry out the law. The difficulty connected with a wrong designation of the soldier's regiment can only arise in the construction of that law. In an honest effort to carry out the law, would it not be the duty of the Pension Department to inquire into the reason, the spirit, the meaning, and intent of the law, and in that way to give the act the effect intended by Congress? Can there be any possible doubt as to the reason and intent of Congress in this bill, if it should now be repassed? Does the gentleman

believe that under these conditions the Pension Department would say, "We will not carry out the law by paying this pension?" If the Pension Department is ready to do a thing of that kind, we ought to know it.

Mr. LACEY. My friend is a lawyer; I will refer him to a very well settled principle. Suppose two persons preparing a contract are mutually misled. They undertake to describe a certain tract of land, but the description in fact covers a tract which they had not in their minds. In such a case a court of equity will reform the contract and treat it as applicable to the particular land which the parties had in view. But suppose the attention of the parties before executing the contract is called to the fact that the land which they describe has no existence; suppose that in the face of that absolute knowledge they persist in going on and executing the contract. Suppose they shut their eyes to the facts, saying: "A court of equity will grant us relief against our own perversity; we will go on and execute the contract in the form proposed; and we will rely upon a court of equity doing for us what we ought to have done for ourselves." Would the gentleman expect that in such a case relief in chancery could be obtained? Yet that is the very position which gentlemen ask this House to take in this case. The House is gravely informed by its committee that this bill in its terms applies to an individual who does not in fact exist, who never rendered the service described; but we are told that the Pension Bureau will have at command a method by which it can find out who the man is; and therefore we will not correct the terms of this legislation ourselves, although we know they are erroneous. Such perversity ought not to characterize the action of Congress.

Mr. WOOD. Is there anything in the pension law to prevent the Commissioner of Pensions from revoking the order dropping this man from the rolls, and restoring him to his original right, independently of any bill passed here?

Mr. LACEY. Nothing whatever.

Mr. WOOD. Well, then, this bill will help him to do that.

Mr. LACEY. Possibly it may, or it may not. But a bill passed "for the benefit of Jonathan Scott of the Fifth Iowa Cavalry," will help him, and we ought to pass that. We ought to pass a bill for the man whom we mean to benefit.

Mr. FAIRCHILD. Let me make this suggestion to the gentleman: Suppose you were Commissioner of Pensions in the next Administration, and this law was passed, would you ignore it or construe it according to the plain intent of the lawmakers?

Mr. LACEY. If you were the Commissioner of Pensions, or I, or any other man, and we found a bill to place on the rolls "under the general limitation of the pension law" the name of a certain man, and we find upon inquiry of the War and Record Division that there is no such man, we would simply be compelled to say that the law is inoperative; and that would be the end of it, in my judgment. There is no use embarrassing the claimant by passing a confessedly imperfect and erroneous bill. We have it in our power to make the proper correction, and the necessary correction. We can pass a new bill in the correct form. Of course, a vetoed bill can not be amended, but it must pass as it is or fail. Let the committee bring in the bill drawn in proper form to the correct beneficiary.

Mr. WOOD. Would you not restore him to the rolls under such a law?

Mr. BRUMM. Let me interrupt the gentleman to make this suggestion: What would be the harm in passing the bill over the President's veto, and immediately after an amendment correcting the error? That is the better and safer way. Pass this bill first and then the necessary amendment afterwards.

Mr. LACEY. Why not pass a new bill with the amendment first, and then there will be no need of this bill?

But, Mr. Speaker, I shall not detain the House longer. I simply call attention to what seems to me the common-sense view of the matter. I think we are committing an error; but let gentlemen who have charge of the measure take their own course. I regret that the course which they seem to prefer may defeat the very object which they have in view.

Mr. KIRKPATRICK. I now ask the previous question.

The previous question was ordered.

The SPEAKER. The question is, Will the House on reconsideration agree to pass the bill, the objections of the President to the contrary notwithstanding? Under the Constitution, the yeas and and nays will be taken; and the Clerk will call the roll.

The question was taken; and there were—yeas 137, nays 53, not voting 165; as follows:

YEAS—137.

Adams,	Belknap,	Bull,	Cooper, Tex.
Aldrich, T. H.	Bell, Colo.	Burrell,	Cooper, Wis.
Anderson,	Bennett,	Burton, Mo.	Corliss,
Arnold, Pa.	Blue,	Calderhead,	Cousins,
Atwood,	Boutelle,	Cannon,	Crowther,
Baker, Kans.	Bowers,	Chickering,	Curtis, Iowa
Baker, Md.	Broderick,	Codding,	Curtis, Kans.
Baker, N. H.	Bromwell,	Cook, Wis.	Danford,
Barham,	Brumm,	Cooke, Ill.	Dayton,
De Witt,	Hilborn,	McCormick,	Snover,
Dolliver,	Hill,	Meiklejohn,	Southard,
Ellis,	Hitt,	Mercer,	Spalding,
Fairchild,	Huff,	Miller, Kans.	Sperry,
Faris,	Hulick,	Milnes,	Stahle,
Fenton,	Huling,	Minor, Wis.	Stewart, N. J.
Fischer,	Hull,	Mitchell,	Stone, W. A.
Gamble,	Hunter,	Mondell,	Strode, Nebr.
Gardner,	Hurley,	Moody,	Sulloway,
Gibson,	Hyde,	Morse,	Tracey,
Gillett, Mass.	Kem,	Mozley,	Updegraff,
Griffin,	Kiefer,	Murphy,	Van Horn,
Griswold,	Kirkpatrick,	Noonan,	Van Voorhis,
Grosvenor,	Knox,	Otjen,	Walker, Mass.
Grout,	Latimer,	Overstreet,	Wanger,
Grow,	Layton,	Parker,	Warner,
Hager,	Lefever,	Pendleton,	Wellington,
Hainer, Nebr.	Leighty,	Perkins,	White,
Halterman,	Lewis,	Phillips,	Wilson, N. Y.
Hardy,	Linney,	Pitney,	Wilson, S. C.
Harris,	Long,	Powers,	Wood,
Hartman,	Loudenslager,	Royse,	Woomer,
Hatch,	Low,	Sauerhering,	Wright.
Hemenway,	Mahon,	Shafroth,	
Henry, Ind.	McCall, Tenn.	Sherman,	
Hicks,	McCleary, Minn.	Smith, Ill.	

NAYS—53.

Abbott,	Culberson,	Loud,	Stokes,
Allen, Miss.	Daniels,	Martin,	Strait,
Bailey,	Dockery,	McCreary, Ky.	Strowd, N. C.
Bartlett, Ga.	Erdman,	McCulloch,	Swanson,
Bartlett, N. Y.	Gillet, N. Y.	McDearmon,	Talbert,
Bell, Tex.	Hall,	McLaurin,	Tate,
Black,	Henderson,	Miles,	Terry,
Buck,	Hendrick,	Otey,	Tracewell,
Catchings,	Kleberg,	Patterson,	Turner, Ga.
Clardy,	Kyle,	Raney,	Washington,
Coffin,	Lacey,	Sayers,	Weodard.
Connolly,	Lawson,	Scranton,	
Cox,	Little,	Shuford,	
Crisp.	Livingston.	Sparkman,	

NOT VOTING—165.

Acheson,	Draper,	Maddox,	Russell, Ga.
Aitken,	Eddy,	Maguire,	Settle,
Aldrich, W. F.	Ellett,	Mahany,	Shannon,
Aldrich, Ill.	Evans,	Marsh,	Shaw,
Allen, Utah	Fitzgerald,	McCall, Mass.	Simpkins,
Andrews,	Fletcher,	McClellan,	Skinner,
Apsley,	Foote,	McClure,	Smith, Mich.
Arnold, R. I.	Foss,	McEwan,	Sorg,
Avery,	Fowler,	McLachlan,	Southwick,
Babcock,	Goodwyn,	McMillin,	Spencer,
Bankhead,	Graff,	McRae,	Stallings,
Barney,	Hadley,	Meredith,	Steele,
Barrett,	Hanly,	Meyer,	Stephenson,
Bartholdt,	Harmer,	Miller, W. Va.	Stewart, Wis.
Beach,	Harrison,	Milliken,	Stone, C. W.
Berry,	Hart,	Miner, N. Y.	Strong,
Bingham,	Heatwole,	Money,	Sulzer,
Bishop,	Heiner, Pa.	Moses,	Taft,
Boatner,	Henry, Conn.	Murray,	Tawney,
Brewster,	Hepburn,	Neill,	Tayler,
Brosius,	Hermann,	Newlands,	Thomas,
Brown,	Hooker,	Northway,	Thorp,
Burton, Ohio	Hopkins,	Odell,	Towne,
Clark, Iowa	Howard,	Ogden,	Treloar,
Clark, Mo.	Howe,	Owens,	Tucker,
Clarke, Ala.	Howell,	Payne,	Turner, Va.
Cobb,	Hubbard,	Pearson,	Tyler,
Cockrell,	Hutcheson,	Pickler,	Wadsworth,
Colson,	Jenkins,	Poole,	Walker, Va.
Cooper, Fla.	Johnson, Cal.	Price,	Watson, Ind.
Cowen,	Johnson, Ind.	Prince,	Watson, Ohio
Crowley,	Johnson, N. Dak.	Pugh,	Wheeler,
Crump,	Jones,	Quigg,	Wilber,
Cummings,	Joy,	Ray,	Williams,
Curtis, N. Y.	Kendall,	Reeves,	Willis,
Dalzell,	Kerr,	Reyburn,	Wilson, Idaho
De Armond,	Kulp,	Richardson,	Wilson, Ohio
Denny,	Leisenring,	Rinaker,	Woodman,
Dingley,	Leonard,	Robertson, La.	Yoakum.
Dinsmore,	Lester,	Robinson, Pa.	
Doolittle,	Linton,	Rusk,	
Dovener,	Lorimer,	Russell, Conn.	

So (two-thirds voting in favor thereof) the bill was passed.

The following pairs were announced:

Until further notice:

Mr. DRAPER with Mr. COWEN.

Mr. REYBURN with Mr. MCRAE.

Mr. SIMPKINS with Mr. FITZGERALD.

Mr. DOVENER with Mr. CLARKE of Alabama.

Mr. AITKEN with Mr. HART.

Mr. HANLY with Mr. MOSES.

Mr. DINGLEY with Mr. MCMILLIN.

Mr. PICKLER with Mr. MINER of New York.

Mr. JOHNSON of California with Mr. SPENCER.

Mr. DALZELL with Mr. COBB.

Mr. SMITH of Michigan with Mr. TUCKER.

For this day:

Mr. KULP with Mr. CUMMINGS.

Mr. CHARLES W. STONE with Mr. DINSMORE.

Mr. WILLIAM F. ALDRICH with Mr. HARRISON.

Mr. HERMANN with Mr. COOPER of Florida.

Mr. RUSSELL of Connecticut with Mr. COCKRELL.

Mr. HUBBARD with Mr. MAGUIRE.

Mr. HOPKINS with Mr. BOATNER.
Mr. HEATWOLE with Mr. BERRY.
Mr. HARMER with Mr. BANKHEAD.
Mr. ANDREWS with Mr. PRICE.
Mr. FOSS with Mr. NEILL.
Mr. PRINCE with Mr. RICHARDSON.
Mr. AVERY with Mr. MADDOX.
Mr. MILLIKEN with Mr. MONEY.
Mr. HOWELL with Mr. STALLINGS.
Mr. MAHANY with Mr. WILLIAMS.
Mr. MCEWAN with Mr. JONES.
Mr. LINTON with Mr. OGDEN.
Mr. LEISENRING with Mr. LESTER.
Mr. APSLEY with Mr. SORG.
On this vote:
Mr. JENKINS with Mr. SULZER.

Mr. KYLE. Mr. Speaker, I desire to have my vote recorded.

The SPEAKER. Was the gentleman present and listening when his name should have been called and failed to hear it?

Mr. KYLE. I can not say that I was listening at the precise moment. I was here in my seat, and was paying attention to the call, but did not hear my name. I had been keeping the account of the roll. I do not think my name was called at all. I will not state positively that it was not, although I was paying attention at the time, I think, and did not hear it.

The SPEAKER. The principle on which the rule is relaxed is on the idea that there may have been some omission in calling the name. If the gentleman thinks his name was not called the Chair will direct it to be called.

Mr. KYLE. I do not think it was called.

Mr. KYLE's name was called and recorded as above.

Mr. COBB. Mr. Speaker, I am paired with the gentleman from Pennsylvania, Mr. DALZELL. If he were present, I would vote "no."

Mr. BUCK. Mr. Speaker, I was present and heard my name called, but was preoccupied, and before I could answer another name was called. I would like to have my vote recorded.

Mr. BUCK'S vote was recorded in the negative, as above.

Mr. MCMILLIN. Mr. Speaker, I voted in the negative on this question. I see that I am paired with the gentleman from Maine, Mr. DINGLEY, and therefore withdraw my vote.

Mr. RUSSELL of Connecticut. Mr. Speaker, I voted in the affirmative, but see that I am paired, and therefore withdraw my vote.

The result of the vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following resolutions; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That there shall be printed and bound in paper covers 5,000 additional copies of the special census report on the occupations of the population of the United States, as shown at the Eleventh Census, to be distributed by the census division of the Department of the Interior, the extra edition of such special report to be known as Extra Census Bulletin No. 100.

Also:

Resolved by the Senate (the House of Representatives concurring), That there be printed 20,000 extra copies of Bulletin No. 1, New Series, Division of Entomology, Department of Agriculture, entitled The Honey Bee: A Manual of Instruction in Apiculture, by Frank Benton, M. D., of which number 6,000 copies shall be for the use of the Senate, 12,000 copies for the use of the House of Representatives, and 2,000 copies for distribution by the Secretary of Agriculture.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

A bill (S. 646) for the relief of Francis Brown;

A bill (S. 878) granting a pension to Jared S. Chamberlain;

A bill (S. 3525) to provide for an examination and survey of a water route from the mouth of the jetties at the city of Galveston, Tex., through the ship channel and up Buffalo Bayou to the city of Houston, Tex., and appropriating money therefor; and

A bill (S. 1128) granting a pension to Isabella Morrow.

INDIAN APPROPRIATION BILL.

On motion of Mr. SHERMAN, the House resolved itself into Committee of the Whole on the state of the Union for the further consideration of the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes, with Mr. HOPKINS in the chair.

The Clerk (resuming the reading of the bill by paragraphs for amendment) read as follows:

MOLELS.

For pay of teachers and for manual-labor schools, and for all necessary materials therefor, and for the subsistence of the pupils, per second article of treaty of December 21, 1855, $12,000.

Mr. CANNON. Mr. Chairman, I move to strike out "twelve" and insert "three."

Mr. SHERMAN. I should like to ask the gentleman why he makes that motion?

Mr. CANNON. I should be glad to know first why the gentleman increases the amount from three thousand, as it has been for many years, to twelve thousand?

Mr. SHERMAN. We make the increase upon the request of the Secretary, coming to us in the usual way, in the Book of Estimates. I have no special report on the subject.

Mr. CANNON. Now, I believe I can give the gentleman some information, if that is so, which will show the absolute defenselessness of the increase. In fact, I am inclined to think it ought to be reduced to $1,000; but I took occasion to glance at the facts about the Molels. I did not get a great deal of satisfaction out of the reports, I must admit. I found the treaty referred to. No amount is stated in the treaty, so I addressed a telegram to the Indian Office, and I received the following reply:

INDIAN OFFICE, *January 22, 1897.*

To Hon. J. G. CANNON,
Chairman Committee on Appropriations:

It is presumed Mr. CANNON desires to know of Molels in connection with an item of the Indian appropriation bill. The number is 31, as shown by the police reports. They are at Grande Ronde Agency, Oreg. It may be noted by reference to article 2, fourth paragraph of the treaty of 1855, ratified in 1859, Twelfth Statutes, page 981, that they were therein confederated with several other tribes. The sum of $3,000, appropriated each year under the head of Molels, is used at Grande Ronde Agency for the education of these confederated tribes. The word is spelled in different ways in different places: Sometimes Molel, Molile, and Molale.

D. M. BROWNING, *Commissioner.*

Now, that is a part of that treaty, made away back in the fifties, and from that day to the present there has been $3,000 set aside annually for the education of these Indians. If there are 31 of them, men, women, and children, all told, there would probably be about 10 of them of school age. I do not know but that is too high an estimate. If there are 10, the $3,000 which has always been given would make $300 for each child. Twelve thousand dollars would give $1,200 for each child.

Mr. SHERMAN. On the gentleman's statement I will accept his amendment. The committee based this item entirely upon the estimate of the Secretary. The Secretary, or the Commissioner, has furnished to the gentleman from Illinois [Mr. CANNON] fuller information than he furnished to the committee; and on the gentleman's statement I think myself that $3,000 is enough.

Mr. CANNON. I know nothing of it except this. I did not find any information in the report, and what I have stated is all I know about it.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Illinois [Mr. CANNON] will be agreed to.

The amendment was read, as follows:

In line 18, page 21, strike out "twelve" and insert "three."

The amendment was agreed to.

The Clerk (proceeding with the reading of the bill) read as follows:

PAWNEES.

For perpetual annuity, at least one-half of which is to be paid in goods and such articles as may be deemed necessary for them, per second article of treaty of September 24, 1857, $30,000.

For support of two manual-labor schools, per third article of same treaty, $10,000.

For pay of 2 farmers, 2 blacksmiths and 2 apprentices, 1 miller and apprentice, 2 teachers, 1 shoemaker, and 1 carpenter, $5,400.

For pay of physician and purchase of medicines, $1,200.

For purchase of iron and steel and other necessaries for the shops, as per fourth article of treaty of September 24, 1857, $500; in all, $47,100.

Mr. SHERMAN. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

After line 15, page 21, insert:

"The Secretary of the Interior is hereby authorized and directed to pay to the Pawnee tribe of Indians, in cash, per capita, the sum of $50,000, out of their trust land money on deposit in the United States Treasury."

Mr. CANNON. I reserve the point of order until I hear the gentleman's explanation.

Mr. SHERMAN. This amendment is here by the authority of the committee, and in pursuance of a recommendation received from the Secretary. These Indians have in the Treasury the sum of $422,000, in round figures. They have petitioned the President to allow them to draw $100,000 of that amount, stating that it is necessary for them in order that they may successfully compete in agriculture with other citizens. These Indians are citizens, and their lands have been allotted to them. They sent on their petition and it was presented to the Secretary by a duly authenticated delegate, and after several conferences the Secretary finally agreed to recommend that Congress pay to them $50,000, and in that recommendation this authenticated delegate joined. I have the full report here, if the gentleman would like to have it read from the Clerk's desk. The petition of these Indians is signed by Brave Chief, Curly Chief, War Chief, and Lone Chief, Captain Jim, and certain other gentlemen bearing like euphonious names,

and some who do not. It is a tribal petition, and it is authenticated by the Indian agent. The item is, as I say, recommended by the Secretary of the Interior, after giving the matter full consideration, as he stated in his communication.

Mr. CANNON. I should like to ask the gentleman, for information, how many Pawnees are there?

Mr. SHERMAN. I can not give the exact number, but several hundred; I think somewhere between 500 and 700, if I remember correctly.

Mr. CANNON. Are they taking their lands in severalty?

Mr. SHERMAN. Yes, sir.

Mr. CANNON. And living upon their lands now?

Mr. SHERMAN. Yes, sir.

Mr. CANNON. In the valley of the Canadian?

Mr. SHERMAN. They are citizens now.

Mr. CANNON. They are living in the valley of the Canadian, and are citizens?

Mr. SHERMAN. Yes, sir.

Mr. CANNON. Now, then, the trust fund, as I understand it, for these Indians, created nearly half a century ago, is given to them, in the discretion of the Secretary of the Interior, for education and for building schoolhouses, or anything that seems to him proper for their advancement.

Mr. SHERMAN. I assume that it is so. That is the ordinary form of treaties.

Mr. CANNON. Let us take the number at 700, or 140 families.

Now, there is appropriated in this bill for Pawnees for the coming year a little over $100,000. They are on their farms, and, as I recollect, right in the valley of the Canadian south of Arkansas City some distance. I suppose if there are any good lands in that section they are on good lands.

Mr. SHERMAN. They are down in Oklahoma.

Mr. CANNON. Yes; but in the best part of Oklahoma. They have been there a long time, I believe. If you divide $100,000 among 140 families, how much would it be?

Mr. SHERMAN. The gentleman from Ohio might answer if he were here, but he has gone out with his slate.

Mr. CANNON. I was trying to get at it.

Mr. CURTIS of Kansas. About $70 apiece.

Mr. CANNON. About $70 to each, about $350 to a family. Now, let us see what we have. A civilized tribe of Indians, if there are any civilized, and I mean as tribes, I think quite the equal—and the gentleman will correct me if I am wrong in that point—of the civilized tribe on the east, the Osages. They have their lands in severalty, free from taxation, and have $350 to the family if they receive this appropriation, or its equivalent. Now, I want to submit to my friend and ask him the question whether he thinks, in addition to all this, it is wise by legislative action to decrease this trust fund, which bears interest, and to vote $50,000 of it in addition to what they already get. In other words, if we continue that policy, it seems to me the trust fund will go in two, three, or four years, and when it does go, if we are so unfortunate in dealing with these Indians, and if they shall squander the money, why, then, "Lo, the poor Indian," from the standpoint of God and humanity, would require to be relieved from the public Treasury. I am only seeking to find out whether it is not better to husband the fund.

Mr. SHERMAN. I will ask the Clerk, Mr. Chairman, to read the body of the petition presented by these Indians and also the recommendation of the Secretary in reference thereto.

The Clerk read as follows:

PAWNEE AGENCY, OKLA., *December 22, 1896.*

To the Honorable the COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: We, the undersigned, adult members of the Pawnee tribe of Indians, residing in the Territory of Oklahoma, in council assembled, do hereby beg and petition that the Congress of the United States by act of legislation direct that our tribe be paid per capita at once, or so soon as may be practicable, $100,000 of the principal of our money now on deposit in the Treasury of the United States.

Our reasons for requesting this payment are that since taking our allotments and allowing our surplus lands to be thrown open to settlement, and becoming citizens of the United States, we find it much harder to live than formerly; that citizenship brings with it many responsibilities of which we never dreamed. We find that in order to in any manner compete successfully with our white neighbors we must have modern agricultural implements, and that our farms or allotments must be improved in many respects. This takes much money, much more than our regular annuity payments, as it takes nearly all of such payments, and in some cases more, to pay our ordinary family expenses. During the past three years our crops have been very unsatisfactory, and have produced scarcely no revenue. We find ourselves constantly hampered in our upward progress for want of sufficient funds with which to make needed improvements on our allotments.

In order to properly place this matter before Congress, and urge the passage of such a bill, we have selected * * * men of our tribe to visit Washington, and we ask you to lend them all the assistance you can to have this money paid us. We desire you to pay their traveling expenses and other expenses out of our funds, and we truly hope that you will see that they do not visit saloons and other bad places, for we send them there to attend to our business, which we consider of very great importance to the tribe.

In view of these facts, we most earnestly beg and pray that you grant this, our request and petition. We have promised our agent that this money, if paid to us, shall be spent judiciously for the benefit of our tribe and the improvement of our homes.

We also promise you that this money, if given us, shall be spent in improving our homes, and that none of it will be squandered. We truly hope you will assist us.

Witness our hands and seals the day and year first above written.

Mr. SHERMAN. Now, if the Clerk will read the first letter there from Secretary Francis.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, *Washington, January 18, 1897.*

SIR: I have the honor to transmit herewith copy of a communication of 16th instant and accompanying petition of the Pawnee tribe of Indians, Oklahoma, to secure a payment to them of $100,000 of their trust-land moneys on deposit to their credit in the United States Treasury, which amounts to $422,418.25.

The Commissioner states that he has carefully considered the petition of these Indians and is of opinion that the aid extended to them at this time would be of benefit to the tribe, and he recommends that $50,000 of their land money be paid to them per capita.

I have talked with the delegation of these Indians, and urged them to retain $400,000 in the Treasury, which would give them $20,000 interest per annum. This they seem unwilling to do, and insist on the per capita payment of $50,000, which is but one-half of the sum asked for.

Having expressed the views and wishes of the Indians, I deem it best for Congress, in its wisdom, to fix the amount to be paid per capita to them.

Very respectfully,

DAVID R. FRANCIS,
Secretary.

The CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
House of Representatives.

Mr. SHERMAN. Now, Mr. Chairman, on general principles I am opposed, as I understand my friend from Illinois [Mr. CANNON] is, to taking the trust funds and paying them out to the various tribes of Indians; but it does seem to me that these Indians have made out a very strong case; and in view of the fact that the request, modified as to amount, is concurred in by the Indian Office, and substantially by the Secretary, I think the amendment should be adopted.

Mr. CANNON. I have this figured out now. All I want is that the House shall proceed with its eyes open. This bill carries over $100,000 for these 700 Indians.

Mr. SHERMAN. Including this item?

Mr. CANNON. No, no; excluding this item. Besides that, the interest on the trust fund was over $20,000——

Mr. SHERMAN. Where does the gentleman get his $100,000 which he says this bill carries for the Pawnees?

Mr. CURTIS of Kansas. In line 15 the total is summed up at $47,000.

Mr. CANNON. Let us see. On page 22 I find "Pawnees: For perpetual annuity, etc., $30,000"——

Mr. SHERMAN. Certainly; but on line 15, page 23, there is a summary of all those items, which is only $47,100.

Mr. CANNON. Well, I want to get it exactly right. But in addition to this $47,000 they get $22,500 interest on their trust fund, so that they get, in round numbers, $70,000. Now, that is to be divided between 700 people.

Mr. SHERMAN. But it is not all divided. Part of it is expended for schools, part for the blacksmith, part for the physician, etc. It is not all divided per capita among the people.

Mr. CANNON. I know that; but it helps them to live.

Mr. SHERMAN. Oh, certainly, it helps them to live.

Mr. CANNON. And in the meantime they are living in their own homes, on their farms, and they receive, for schools, $10,000; for pay of physician, $1,200; for purchase of iron and steel, etc., $500; and other items, the whole making up this total of over $47,000. Now, I want to put the case to my friend from New York in this way: These Indians are wards of the nation who receive $500 each and live on their own farms; and does not the gentleman think, in view of these facts, that it is better for us to refuse to take a part of this trust fund and pay it over to them to be spent, instead of keeping it invested as capital for their benefit? They get $500 per family; that is $100 for every man, woman, and child. Now, with the highest grade of civilization existing throughout the length and breadth of this land, I do not believe that the average earnings of families will exceed that sum.

Mr. GARDNER. Have they their houses paid for?

Mr. CANNON. Certainly. They are living on their own farms, which they can not encumber. They are free from taxation. They are living in severalty, and, in addition to all this, they get from the Government $500 for every family. That being the case, it seems to me that it is sheer waste to take $50,000 from this trust fund and pay it over to them; and, let me add, and I say it respectfully, people who would request that their trust fund, which is earning 5 per cent interest, should be distributed and paid over to them for current expenses, do, in my judgment, by that very request, show that they are not competent to care for themselves, and if we waste this trust fund now at their suggestion, I fear the years will be very few until it is all gone and we shall be called upon to appropriate for these Indians from the Treasury, as we do for so many others.

Mr. SHERMAN. I remind the gentleman that our whole system of dealing with the Indians is based upon the assumption that we have to care for them because they are not competent, as we are, to care for themselves.

Mr. CANNON. And we do care for them. Having extinguished their title, and their lands being now held in severalty, we do care for them by treaty and give them $500 for each family. Now, if we take, in addition to that, $50,000 from the trust fund, that makes about $340 more for each family. In other words, the candle will be burning at both ends. Under the treaty we could permanently give them $500 for each family for many years to come, but if we disturb the principal of the trust fund, we merely hasten the day when they will become a general charge upon the Treasury.

The question being taken on the amendment of Mr. SHERMAN, the Chairman declared that the ayes seemed to have it.

Mr. CANNON. I ask for a division.

The committee divided; and there were—ayes 23, noes 26.

So the amendment was rejected.

The Clerk read as follows:

QUAPAWS.

For education, per third article of treaty of May 13, 1833, $1,000; for blacksmith and assistants, and tools, iron, and steel for blacksmith shop, per same article and treaty, $500; in all, $1,500.

Mr. CURTIS of Kansas. Mr. Chairman, I desire to offer the amendment which I send to the desk.

The amendment was read, as follows:

On page 25, after the word "dollars," in line 13, add the following:

"That the allottees of land within the limits of the Quapaw Agency, Ind. T., are hereby authorized to lease their land, or any part thereof, for a term not exceeding three years for farming or grazing purposes, or ten years for mining and business purposes; and said allottees, and their lessees and tenants, shall have the right to employ such assistants, laborers, and help from time to time as they may deem necessary: *Provided*, That whenever it shall be made to appear to the Secretary of the Interior that, by reason of age, disability, or inability, any certain allottee can not improve or manage his allotment properly and with benefit to himself, the same may be leased, in the discretion of the Secretary, upon such terms and conditions as shall be prescribed by him. All acts and parts of acts inconsistent with this are hereby repealed."

Mr. SHERMAN. Mr. Chairman, I will raise the point of order against that amendment until I can ascertain what is the necessity for it.

Mr. CURTIS of Kansas. Mr. Chairman, in the last Indian appropriation bill this provision was embodied:

That allottees of lands within the limits of the Quapaw Agency, Ind. T., are hereby authorized to lease their lands, or any part thereof, for a term not exceeding three years for farming or grazing purposes, or for ten years for mining or business purposes.

It seems that the Indian Office has placed one construction upon this language and the Secretary of the Interior another. The Secretary holds that no leases can be made without the approval of the Secretary, and the Indian Office holds that such leases may be made without his approval. It was clearly the intention of the provision to authorize the Quapaw Indians to lease their lands the same as the adjacent tribes are permitted to lease theirs. All those Indians are in an advanced stage of civilization, and in order to remove any doubt as to what construction should be placed upon the law, I offer this amendment. It authorizes these Indians, if they are competent to make leases, to do so, but if for any reason they are not competent, it provides that the lands may be leased under rules and regulations to be prescribed by the Secretary of the Interior. It has been suggested and I believe that this is the best way out of the difficulty which has arisen in reference to the construction to be placed upon the act passed last winter.

Mr. FISCHER. As I understand the gentleman, under the law as it now reads leases may not be made without the consent of the Department.

Mr. CURTIS of Kansas. No: as the law now reads, leases of any kind may be made without the consent of the Department; that is clearly the intention; but there is a dispute between the officers as to whether the law is entitled to that construction.

Mr. FISCHER. Do you by your amendment intend to convey the idea that leases may hereafter be made by the Indians except where they are incompetent?

Mr. CURTIS of Kansas. By these particular Indians—the Quapaws—unless they are incompetent.

Mr. FISCHER. How is that incompetency to appear? How is it to be determined?

Mr. CURTIS of Kansas. It is to be determined by the agent. There is an agent over these Indians.

Mr. FISCHER. Then all leases must be countersigned or indorsed by the Department; otherwise there can be no authoritative determination of the competency of the Indians to make the leases.

Mr. CURTIS of Kansas. The leases might be made, unless some objection appeared.

Mr. FISCHER. If an Indian can not now lease his land except by consent of the Department, but may hereafter make a lease without the consent of the Department, except when he is incompetent, how is that incompetency to be determined?

Mr. CURTIS of Kansas. The gentleman misunderstands. These Indians have now the right under the law to make leases without the consent of the Indian agent, just as the Miamis and other Indian tribes located in the same neighborhood are permitted to do. This law passed a year ago was intended to give the Quapaws the same right exercised by Indian tribes whose lands adjoin the Quapaw Reservation.

Mr. FISCHER. I shall have to ask that the amendment be read again. I did not so understand it.

The amendment was again read.

Mr. BRODERICK. I wish to ask my colleague [Mr. CURTIS of Kansas] a question. The Quapaws are still under the supervision of an agent, are they not?

Mr. CURTIS of Kansas. There is an agent over those few tribes down in that neighborhood; but I am informed that they really need no agent.

Mr. BRODERICK. And the agent superintends the matter of leases?

Mr. CURTIS of Kansas. He has done so, and does so now.

Mr. BRODERICK. Well, why not make this provision general, applying to all Indians to whom allotments have been made?

Mr. CURTIS of Kansas. Because other Indian tribes are not so far advanced as the members of the Quapaw and Miami tribes. These Indians have been transacting their own business for a considerable time, and are perfectly able to take care of themselves. Most of them are entirely competent to be intrusted with the making of leases.

Mr. BRODERICK. As a rule, allotments are not made until the Indians are well advanced.

Mr. STEELE. Why not move to dispense with the agents?

Mr. CURTIS of Kansas. The gentleman from Missouri suggests to me that such a provision would "knock out" at least ten men of his district who want to be Indian agents.

Mr. STEELE. I did not think of that. [Laughter.]

Mr. CURTIS of Kansas. Really, these Indians, or most of them, do not need an agent.

Mr. STEELE. So I understand. They have already applied to be annexed to Oklahoma. They are above the average in intelligence. They occupy a very small tract of territory—about the extent of this Capitol.

The amendment of Mr. CURTIS of Kansas was adopted.

The Clerk, resuming the reading of the bill, read the following:

For pay of additional employees at the several agencies for the Sioux in Nebraska and Dakota, $85,000.

Mr. CANNON. I move to amend by striking out the paragraph just read. It seems to me the provision ought to be struck out. I ask the attention of the gentleman in charge of this bill for a moment. There seems to be in this item an increase from $20,000, the amount of the corresponding item for the current year, to $85,000.

Mr. SHERMAN. There is in this case really a transfer of amounts. The item next following this is reduced $100,000, as compared with the corresponding appropriation of last year. I understand from the Indian Office that because of the ruling of the accounting officer of the Treasury in construing the law certain items heretofore paid out of the next item can not be so paid hereafter. For that reason the amount here is increased, while the appropriation in the next paragraph is reduced.

Mr. CANNON. But in one case there is a reduction of $100,000, and in the other an increase of $65,000. So it seems my friend's explanation does not explain.

Mr. SHERMAN. But notwithstanding the transfer, there is a net reduction. Under the ruling of the Treasury Department, it has been impossible to make out of the general appropriation of $1,000,000 given last year payments which it is desired to make out of this specific appropriation. Therefore, the appropriation in one case has been reduced and in the other increased; but it has not seemed necessary to make the increase in one case as large as the reduction in the other.

Mr. CANNON. Has my friend any detailed information about this matter?

Mr. SHERMAN. No; I have not any itemized statement in reference to it.

Mr. CANNON. I will change my amendment, and instead of moving to strike out the paragraph will move to amend by striking out "$85,000" and inserting "$20,000."

Mr. SHERMAN. I hope the gentleman's motion will not prevail. These two items taken together make a reduction upon the appropriations of last year. The Indian Office has assured us that by leaving the general items in the form heretofore adopted the Bureau will be embarrassed, because the accounting officer of the Treasury will not audit certain bills, declaring that he has not authority of law to do so. Hence this change has been asked for. I hope that the bill may be allowed to stand as it is, in the precise form asked for by the Secretary of the Interior, so as to avoid embarrassment in the workings of the Indian Department on account of the rulings of the Treasury officials.

Mr. CANNON. Now, I want to say, in reply to the gentleman from New York, touching the condition of the Sioux Indians,

their property and funds, that I think the next item in the bill is quite right when he reduces it by $100,000, and I think this item is quite wrong when he increases it $65,000, for the following reasons: We have made treaties with the Sioux Indians pretty much at their demand. Of all of the Indians in this country, they have had their way about it, solely because they have been gamy and because it was cheaper to treat with them, to feed them, and to clothe them than it was to fight them. The provision made in this bill for the different tribes, including the Santee Sioux of Nebraska, of $1,507,000 in the aggregate, as against $1,348,000 for the current year, is, in my judgment, without warrant. It is an extraordinary provision under the treaty.

Now, the next item ought to be decreased $100,000, and I have no doubt is decreased, because the prices of these commodities, beef, pork, and other subsistence stores, furnished to these Indians have been reduced.

But another thing: This item for pay of additional employees at the several agencies for the Sioux in Nebraska and Dakota, amounting to $85,000, is outside of any treaty as far as I can discover. It is a gratuity, pure and simple. But we have been giving them this gratuity, if it be a gratuity, of $20,000 a year for a long time past, and it is enough to continue that sum.

Now, suppose they need more employees out there; they have a trust fund of $3,000,000 outside of all this, the interest upon which is $150,000 a year, and under the treaty the Secretary of the Interior may use the proceeds of that fund for the civilization, for the education, or the welfare of these Indians. There are some poor Indians in the United States without reservations, without lands, without property, vagabonds upon the face of the earth, and from the standpoint of humanity I suppose we ought to make it from the National Treasury in their behalf. But these are not the Indians.

The Sioux Indians are not in need. I undertake to say that they, under the provisions of the treaty, in the way of appropriations and allowances given to them by the Government for clothing and subsistence, have received such allowances in greater amount than a like number of the average white population receives anywhere in the United States. Therefore I trust the committee will not grant the increase of $65,000. If the gentleman from New York thinks it necessary, then there is $150,000 interest on the $3,000,000 trust fund that can be used, in the discretion of the Secretary of the Interior.

Mr. SHERMAN. I certainly do think it necessary to retain the amount of $85,000. I think it necessary because from the experience of last year the Department knows that $20,000 is not sufficient. They know that an amount aggregating $85,000 was necessary; they know they were embarrassed by not being allowed to use that amount of the general appropriation, because the accounting officers of the Treasury held it could not be done; that they could not apply the appropriation under the first head to the second appropriation. They therefore asked to have the amount transferred; and instead of increasing the total amount of the appropriation, as my friend from Illinois intimated, it does not, for there is really a decrease of $35,000.

Mr. CANNON. Let me ask the gentleman if there is not a fund of $150,000, interest on the $3,000,000 trust fund in the Treasury, that the Secretary of the Interior has a perfect right to use in whole or in part for this exact purpose?

Mr. SHERMAN. He has a right to use it for the support of the Indians; yes. There is no question of that. But this provision is for the officers of the United States—officers to oversee in a general way the disposition of money and property, rations, etc., that are sent there under the appropriation and under the treaties for the use of these Indians.

Mr. CANNON. This says, "For pay of additional employees."

Mr. SHERMAN. Certainly; at the agencies.

Mr. CANNON. And instead of $20,000 the amount is fixed at $85,000.

Mr. SHERMAN. Yes.

Mr. CANNON. That is an extraordinary increase. Is it not true that these Indians have a trust fund, under the treaty, of $3,000,000?

Mr. SHERMAN. I think about that sum. But let me call the attention of the gentleman to the fact that this is not a proposed increase of $65,000. Last year these expenses aggregated, I think, something like $70,000, but were paid out of the general appropriation. Now, the accounting officer holds that as there is a specific appropriation for that purpose, a deficiency can not be made up out of another fund. Do not understand me as criticising his ruling. I am simply stating the position.

Mr. CANNON. The annual interest on $3,000,000 is $150,000, and the Secretary of the Interior has the right to use any part of that sum of $150,000 for this or any other purpose. Aye, more; he has the right to use 10 per cent of the $3,000,000 trust fund, under the terms of the treaty, if he regards it as necessary. So that here is a discretionary fund for the coming fiscal year of $450,000 which he can use.

Mr. SHERMAN. Well, he can not use it in hiring United States officials. He can use it in support of schools. He can use it in various ways for the good of these Indians, but not rightfully in employing additional employees at the agency. He ought not so to use it.

Mr. CANNON. If my friend will allow me, he has not lately read the treaty, or it has passed from his mind.

Mr. SHERMAN. I know the power is quite general.

Mr. CANNON. It is quite general, and he can use it for employees——

Mr. GAMBLE. If the gentleman will permit me, I think I have the terms of the treaty in my mind. It is for the civilization and education of the Indians. Those are the terms limiting the power of the Secretary, as I remember it. Possibly I may be mistaken, but I think I have it in mind.

Mr. CANNON. I think I have it here.

Mr. GAMBLE. I should be very glad to be corrected, if I am in error.

Mr. CANNON. It makes permanent appropriations, with apt words, for subsistence—so many pounds of beef for each inhabitant; clothing, oxen, cows, farming implements, and so on. Then follow these words:

And in addition thereto there shall be set apart, out of any money in the Treasury not otherwise appropriated, the sum of $3,000,000, which said sum shall be deposited in the Treasury of the United States to the credit of the Sioux Nation of Indians as a permanent fund, the interest of which, at 5 per cent per annum, shall be appropriated, under the direction of the Secretary of the Interior, to the use of the Indians receiving rations and annuities upon the reservations created by this act, in proportion to the numbers that shall so receive rations and annuities at the time this act takes effect, as follows: One half of said interest shall be so expended for the promotion of industrial and other suitable education among said Indians, and the other half thereof in such manner and for such purposes, including reasonable cash payments per capita, as, in the judgment of said Secretary, shall, from time to time, most contribute to the advancement of said Indians in civilization and self-support; and the Santee Sioux, the Flandreau Sioux, and the Ponca Indians shall be included in the benefits of said permanent fund, as provided in sections 7 and 13 of this act.

Then there is a further provision:

Provided, That after the Government has been reimbursed for the money expended for said Indians under the provisions of this act, the Secretary of the Interior may, in his discretion, expend, in addition to the interest of the permanent fund, not to exceed 10 per cent per annum of the principal of said fund in the employment of farmers and in the purchase of agricultural implements, teams, seeds, including reasonable cash payments per capita, and other articles necessary to assist them in agricultural pursuits, and he shall report to Congress in detail each year his doings hereunder.

One of the purposes for which he may use this money is industrial education. Now let me read this:

For pay of additional employees at the several agencies.

We give them what the treaty calls for—a physician, a carpenter, and an engineer, two farmers, a blacksmith, and later on an additional blacksmith, under a modified treaty. Now, this is for additional employees. They live there, I believe, and I think I may assume from what little knowledge I have that these people largely do the work, or assist in doing the work, of tilling the farms. It is instruction, if you please; and perhaps the instructor does quite as much work as the instructed; but all I claim is that we ought not to make this gift to these wealthy Indians that have the most magnificent provision made for them of any Indians in the United States, more than any similar block of white population, with this great trust fund which can be used and the interest upon which ought to be used for these purposes. We ought not to make this gift, which we are not compelled to make under the treaty. Mind you, this is a gratuity. When we keep the treaty with them we provide for them magnificently. I do not want to increase the gratuity.

Mr. GARDNER. Do you think it is good policy, in this or any other treaty, to permit a construction that will allow any officer of the Government to expend the allowances in placing people in and about a reservation whom he chooses to call employees? Would it not place in the hands of the Secretary the power, at least, to waste one-half of the interest and the 10 per cent in placing there such persons as he might choose?

Mr. CANNON. I will say to my friend that he opens up a large question. I want to say to him that in my judgment if a policy similar to the Indian policy of the United States toward these people who are savage or semisavage, a policy of provision for them when they do not toil, was pursued toward an equal block of the most magnificent of our American population it would, in a quarter of a century, demoralize our American population so that they would become paupers and mendicants, without manhood and without the power of self-support.

Mr. HARTMAN. That is true, and the whole system is wrong.

Mr. SHERMAN. There is a large increase in the next item, and the Indian Office was to send me a full report in reference to that, which has not come. I have sent for it, and I should have asked that we pass over the next item temporarily, until I receive it. I therefore suggest, if it meets with the gentleman's approval, that I include this item under discussion. I will ask for a little further information concerning it from the Indian Office, and meantime that it be passed.

Mr. BINGHAM. Why not include in that request everything relating to the Sioux of different tribes?

Mr. SHERMAN. Only the last three items are under discussion.

Mr. BINGHAM. Your increase of $65,000, your decrease of $100,000, and your increase of $200,000?

Mr. SHERMAN. Yes; I ask unanimous consent that they be temporarily passed.

The CHAIRMAN. The gentleman asks unanimous consent that the paragraphs he has indicated be temporarily passed. Is there objection?

There was no objection.

Mr. SHERMAN. I ask the Clerk to begin to read at line 8, page 32.

Mr. CANNON. The gentleman also desires to pass the paragraph at the top of page 32?

Mr. SHERMAN. Yes.

Mr. CANNON. I hope the gentleman will get his information about that paragraph also.

Mr. SHERMAN. That is the one concerning which I intended to make this request anyway, because I am expecting a full report, which has not yet been received.

The Clerk read as follows:

For pay of employees at the several Ute agencies, $15,000; in all, $83,740.

Mr. CANNON. Mr. Speaker, I move to strike out the word "fifteen," in lines 21 and 22, and insert the word "five," so as to read "five thousand" instead of "fifteen thousand."

Mr. SHERMAN. I would like to say to the gentleman that my information is that heretofore $5,000 has been appropriated and that that was not found to be sufficient, and the balance has been used out of the Ute 5 per cent trust funds now in the Treasury. But the Auditor of the Treasury now holds that that fund can not be drawn upon for this purpose; and therefore the Department asks for this increase. This, as the gentleman understands, is the fund of this band of Indians. It is not an appropriation out of the United States funds, but it is an appropriation of the money of this tribe of Indians.

Mr. CANNON. I do not so understand.

This very item, according to my recollection, is in pursuance of treaty. Now, I want to say to my friend that I will suggest to him that he put legislation in here that will overrule the Comptroller, because time out of mind these various treaties have received the construction that the Secretary of the Interior, at his discretion, could use the proceeds of these trust funds along this line. Now, the gentleman says that a hypercritical Comptroller has come in and turned him down. Well, now, there are several remedies. I am inclined to think that before the close of the present fiscal year we will get a Comptroller who will not be hypercritical in a matter of this character.

Mr. SHERMAN. I do not call the Treasury official hypercritical; I do not criticise his action. I state what I understand from the Indian Office to be the reason for the requested change.

Mr. CANNON. To cure the rulings of the Comptroller, we have to make provisions on almost all our bills. If you do not let that trust fund remain intact and used where it ought to be used, you will have to use the money out of the Treasury. It would be in order, if my amendment should fail, and I have no objection to the committee providing apt legislation to control the ruling of the Comptroller.

Mr. SHERMAN. I trust the amendment of the gentleman will not prevail, but let us act under the ruling of the Comptroller on this article. The additional appropriation is absolutely essential as long as the Auditor of the Treasury holds as he does. What another Comptroller is likely to hold we do not know, but he may sustain the ruling of the present Comptroller; and therefore I hope the gentleman's amendment will be voted down.

Mr. CANNON. I would suppose that the gentleman would accept my amendment as a matter of course, otherwise I should have made the point of order on the increase being outside of the law and a mere gratuity; but it is too late to do that. I can hardly see, Mr. Chairman, how it is possible that with the $5,000 appropriation for employees of these Indians always had heretofore it shall with a single turn of the wrist be jumped up to $15,000, multiplied by three. Now, then, I do not know, but would be glad if the gentleman has the decision of the Comptroller he would show it to us. Just how it is I do not know. I did not prepare this bill.

Mr. SHERMAN. I have not the specific decision of the Auditor. I have taken the statement of the Commissioner of Indian Affairs in reference to the matter. I imagine that the Commissioner would not say to me that there had been such a ruling if there had not been one. The additional appropriation is not for the same number of employees. Under this item is now included officials last year included under the general item for Utah on page 41, and that item is reduced by $4,000.

Mr. CANNON. Well, I suggest to the gentleman another way: If it is really to cure a ruling, let us not pay $10,000 by way of a gratuity to cure it. If the gentleman will show me wherein it is not a gratuity, I shall be glad. Now, as a matter of fact, I think he is mistaken. It does not so state. If I understand the English language, it takes the money out of the Treasury and not under the treaty. I think I am right about it.

Mr. SHERMAN. I have not the treaty before me, but I think it is under this treaty that is referred to on the upper part of page 34.

Mr. CANNON. Well, this contains a provision to be under the treaty put in these other items. I hope the gentleman will pass it by, and cure it, if it be a mere ruling, by an apt provision; and if he does not desire to do that, well, then, of course, I am ready for a vote.

Mr. SHERMAN. I think that the bill should pass, Mr. Chairman, as it is. I think the additional amount is needed. There is no question about that, and I hope the committee will sustain the bill as it is, and vote down the amendment of the gentleman from Illinois.

The question was taken on the amendment offered by Mr. CANNON; and the Chairman announced that the noes seemed to have it.

Mr. CANNON. I ask for a division.

The committee divided; and there were—ayes 25, noes 37.

So the amendment was rejected.

Mr. CANNON. Mr. Chairman, I move to amend by inserting, after the word "dollars," in line 22, the following language:

To be paid out of the interest on the trust fund of said Indians.

The amendment was agreed to.

The Clerk read as follows:

For support, civilization, and instruction of the Shoshones and Bannocks, and other Indians of the Fort Hall Reservation in Idaho, including pay of employees, $30,000.

Mr. CANNON. Mr. Chairman, I will ask the gentleman to state the reason for the increase of $10,000 in this item, making it $30,000 instead of $20,000.

Mr. SHERMAN. The trust fund of these Indians, which has heretofore yielded them, I think, something like $13,000 annually, has been expended by them for irrigation purposes, according to my recollection. Then, too, the gentleman will recall that a recent decision of the courts holds that these Indians are subject to the State laws in relation to the hunting of game, which shuts them off from one of their customary means of subsistence. These two reasons, taken together, make it necessary to increase the appropriation for their support.

Mr. CANNON. I have been under the impression that these Indians are pretty poor, and I am inclined to think that they have not any trust fund.

Mr. SHERMAN. They did have one, but it is all gone.

Mr. CANNON. Principal and interest?

Mr. SHERMAN. Principal and interest.

Mr. CANNON. Therefore all that they now receive for their support and civilization is what the United States gives them as a gratuity?

Mr. SHERMAN. That is correct.

Mr. CANNON. And the gentleman thinks it is necessary to increase by one-third the appropriation heretofore made?

Mr. SHERMAN. I certainly think the amount in the bill is none too large. These Indians are poor, very poor.

The Clerk read as follows:

For construction, purchase, lease, and repair of school buildings and purchase of school sites, $200,000.

Mr. CANNON. Mr. Chairman, I observe that in the paragraph just read providing for the construction, purchase, lease, and repair of school buildings, etc., there is an increase recommended from $140,000 to $200,000. Will the gentleman in charge of the bill tell the House the reasons for that increase?

Mr. SHERMAN. I will say to the gentleman that, carrying out the provision in the last appropriation bill, which declared it to be the policy of the Government to do away with contract schools, it became necessary to provide something in their stead, and the Commissioner of Indian Affairs is carrying into effect that policy as rapidly as he can. As we do away with contract schools, it is of course necessary to supply other schools in their place, and this item is for that purpose and is none too large.

Mr. CANNON. I notice that at the various points through the bill there are specific appropriations for the construction of schoolhouses, and that they are, quite properly, no doubt, somewhat more liberal than such appropriations have been made heretofore. I suppose the reason which the gentleman has just stated explains those increases also.

Mr. SHERMAN. Yes; although the gentleman's statement of facts is a little bit erroneous. Wherever there is an increase the purpose is to carry out what Congress has declared to be its policy in regard to this subject.

Mr. CANNON. Can the gentleman inform the House as to the total amount of the increases for the present year resulting from the policy he speaks of, and also what the increase will be for the coming year?

Mr. SHERMAN. For this fiscal year the increase is $140,000. Last year we appropriated for building some five or six new schools outside of this general appropriation of $140,000. We appropriated last year for schools at Chamberlain and at Rapid City, S. Dak. Also for one for the Sacs and Foxes in Iowa, for one at Flandreau, S. Dak., for one at Genoa, Nebr., and for additional buildings at Mount Pleasant, Mich.

Mr. CANNON. At a cost of about how much?

Mr. SHERMAN. About $200,000.

Mr. CANNON. Was there any increase last year in the general item for schools?

Mr. SHERMAN. There was an increase in the general item in addition to these special items I have mentioned.

Mr. CANNON. Can the gentleman specify what is to be the total cost of this change of policy?

Mr. SHERMAN. Oh, I should think that before we finished it the cost would probably be in the neighborhood of from $1,500,000 to $2,000,000.

Mr. McCORMICK. Mr. Chairman, I would like to ask the gentleman to state briefly for the information of the House at this stage of the debate something in reference to the progress made by these Indians under this instruction, whether there is sufficiently marked progress made to justify these increased expenditures; whether the gentleman has visited any of these Indian schools and can tell us about them from personal observation?

Mr. SHERMAN. I will say to the gentleman that, outside of Carlisle and Hampton, both of them schools with an industrial department; schools commonly called industrial schools—I have not visited any of the schools; but in to-day's RECORD the gentleman will find a statement which comes from the superintendent of Indian schools, and which I incorporated in my remarks yesterday.

Mr. McCORMICK. Having spent some of the better years of my life in the Indian country, in Arizona and New Mexico, I feel now as though I would like to hear directly from the chairman of the committee charged with this subject a brief statement as to the progress made by the Indians in these schools. It has been a question for years as to whether the Indian schools would pay the Government for its great outlay in supporting them. If these schools are producing satisfactory results, I would be the last man on this floor to oppose increased appropriations for them; but if, on the contrary, there is not that marked progress which has been sometimes reported, I think the House ought to know it. Years ago, this question of Indian education was agitated in Congress, and, as the records will show, I had a good deal to say upon the subject, having been at that time a Delegate on this floor from the Indian country.

Now, as a matter of personal interest to myself and also, I have no doubt, of interest to gentlemen around me, I should like to have the chairman tell the House whether or not there has been marked progress in the civilization and development of the Indians through these schools within, say, the last two years.

Mr. SHERMAN. Mr. Chairman, I think there has been marked progress each year for more than two years—for the last half dozen years—in the development of the Indians in all the schools of the country, a progress most marked, perhaps, in the nonreservation industrial schools. The development and progress of the Indians is shown to a greater degree, in my judgment, in these nonreservation industrial schools than anywhere else. The educational advance of the Indians during the last twenty years has been remarkable. The result has been of inestimable value in elevating the entire Indian race. I think that the expenditure of the Government in this direction has shown remarkable fruit, and is showing fruit every day.

Mr. McCORMICK. Of the pupils attending these Indian schools within the last fifteen or twenty years, can the gentleman tell us what proportion have, after leaving the schools, continued to live a life of civilization—if I may use that expression—or what proportion have returned to their original life among their tribes? Has the gentleman any idea of that proportion?

Mr. SHERMAN. If I should undertake to state the proportion, it would simply be a guess. I have no exact figures on the subject. My impression, however, is that a very large majority of the Indians after being educated go back to their tribes; but in resuming life among their tribes they exercise an influence in elevating their fellows which they could not exercise had they not been educated.

Mr. MURPHY of Arizona. I should like to have the gentleman state for the information of the House how many of these educated Indians have been provided with employment, and what benefit they have been in elevating their tribes. Allow me to say that I once witnessed one of the greatest cases of cruelty in returning the educated Indian boys and girls to their tribes without making provision for maintaining them in a state of civilization that I ever witnessed in any large city or in any State. It has been the practice to educate these Indian boys and girls—to make them civilized, polite, and well dressed—and then return them to their original homes, where within two weeks or a month they relapse into a state of barbarism as bad as before—not exerting a good influence, but exerting a bad influence, the other members of the tribe absolutely "hazing" them into a condition of fear, so that they dare not assert their independence or undertake to exert any beneficial influence which their education might be expected to enable them to exercise. I say that to elevate these Indians to a condition of civilization and then return them to their tribes, making no provision for maintaining them, is a refinement of cruelty infinitely worse than to have allowed them to remain in their original condition. I should like the chairman of the committee [Mr. SHERMAN] to state wherein this elevating influence of which he speaks has been shown.

Mr. SHERMAN. I will ask my colleague on the committee, the gentleman from Kansas [Mr. CURTIS], to answer that question, because, as he lives in that section of country where many of these Indians reside, and is very familiar with them from personal observation, he can answer the gentleman's question more intelligently than I can.

The CHAIRMAN. Debate on the pending amendment is exhausted.

[Mr. BINGHAM addressed the committee. See Appendix.]

Mr. MAHON. Mr. Chairman, I move to strike out the last word.

I simply want to say a word in reply to the statement of the gentleman from Arizona [Mr. MURPHY] as to the results of the Indian industrial schools in the East, and with reference to his suggestion that these Indian people are worse off when they go back to the reservation than before. Now, I can not speak for any other school except that in my immediate neighborhood, but we have the care there of some 800 Indian pupils, and I challenge his statement as to that school, and refer the gentleman for its refutation to the report of the Commissioner of Indian Affairs; I refer him to the superintendent of that institution, and to facts which are well known to many people connected with the institution. We have kept a tab on all of the boys and girls who have been taught in the school at Carlisle since it was instituted; and let me tell the gentleman that 98 per cent of the Indian pupils turned out from that school are among the very best citizens of the land to-day. They are teachers, they are bankers, farmers, mechanics; they have been educated away from their tribal relations, not only in the education of the books, but in communities where they can see bankers, merchants, business men, agriculturists, and others engaged in their work, and they have become civilized; and if I could take you to that school and show you 25 Indian boys who have entered this year from the Apache tribe and then four years from now show you the same boys, you would not be able to recognize them as the same persons.

Mr. MURPHY of Arizona. Let me say to the gentleman that I have no reflection to pass upon the Indians educated at the school in his district. But what I do say is that every Apache Indian educated there who returns to the San Carlos Reservation, with the exception possibly of 5 per cent of the total number who have been so educated, returns at once to his original state of barbarism, and the Commissioner of Indian Affairs has said that he desired Congress to help him find employment for these people.

Mr. MAHON. You can not get the Indians back on that agency when they have been properly educated.

Mr. MURPHY of Arizona. Why, they have just recently turned loose thirty of them on the agency.

Mr. MAHON (continuing). And some of the very best men in the Cumberland Valley are of that tribe, educated in the Carlisle school.

Mr. CANNON. Mr. Chairman, I move to strike out the last word, for the purpose of making a remark in reply to the gentleman from Pennsylvania [Mr. MAHON]. I do not want to interfere with the Carlisle school or any other, because I can not. [Laughter.] In reference to these schools I want to say a word.

I want to say, however, that the gentleman is right about the Indian children. I have no doubt that many of these people educated at Carlisle, if they could stay in Pennsylvania, would make a fair race in the contest for existence. But a large percentage, as I am informed, and, in fact, as I know to be true, as it was some years ago, of the people highly educated off the reservation, whenever they went back to the reservation and came in contact with the people from whom they originally sprung, were absolutely without protection, except where employed by the United States. And it was a matter of pride with the other Indians to see that they were brought down to a lower level than that occupied by the average member of the tribe.

It is not strange. I am not going to abuse the Indians. It has been something over 2,000 years since the invasion of Britain by Cæsar. Those early Britons were a courageous set of people; but they were savages, as we are told, and it has taken them, with the whole island to perform in, 2,000 years and constant war and struggling to work out the civilization of that magnificent island.

There is no such time nor geographical condition for the unfortunate Indians; and long before a hundred years shall have passed by, he will be gone. To me it is the very extreme of cruelty to take the children of Indians from a state of barbarism and educate them highly, give them a thorough course of college training, bring them in contact with our civilization, and then turn them back with the tide. They are infinitely worse off for themselves, and, indeed, for the advancement of the tribe, than if they had never been taken from the tribe.

Mr. CURTIS of Kansas. Mr. Chairman, I move to strike out the last two words.

I am a little surprised at the statement of the two gentlemen who have just spoken. I do not deny the statement of the gentleman from Arizona [Mr. MURPHY], because it is very unfortunate that some of the Indians of Arizona are compelled to return to their reservation. They are kept upon reservations in that Territory of which it is said, gentlemen, that "if a crow should fly over he would take his dinner with him," and yet the Indians are supposed to go back to that region and continue to advance in civilization.

If some of the Arizona Indians were removed from the undesirable and barren section of that Territory to some of her rich valleys and good farming lands, I am satisfied that the gentleman would have no reason to complain of the conduct of the boys and girls who had been educated at the splendid Indian schools of this country.

Many of the Arizona Indians beg at the various railroad stations; and while there is now no inducement to them to continue to develop and educate the tribe, yet the skill displayed in the manufacture of trinkets plainly shows that if they had an opportunity they would make great advancement. If you go to the part of the country where they have good lands to till, you will find the Indians who have been educated at Haskell, at Carlisle, at Hampton, and the other schools, have built nice homes and are setting a good example for the Indians who have stayed on the reservations. At Chilocco boys who have been educated in Indian schools are teachers, and they make teachers of whom the Government may well be proud. In parts of Kansas Indian boys who have been educated at Haskell are employed. On some of the reservations to-day you can find boys and girls who when babies had their ears pierced, who wore the blanket and breech clout when taken to Carlisle, to Haskell, to Hampton, and Chilocco, who have returned to their tribes and are to-day wearing the dress of civilized men and women, and they are setting a good example for the Indians at their homes.

Mr. GROSVENOR. Will the gentleman allow a question?

Mr. CURTIS of Kansas. Certainly.

Mr. GROSVENOR. There is another test of civilization and education in this country to which none of you gentlemen seem to have referred, and I should like to have your statement in regard to that. That is, whether these Indians have learned to play football successfully? [Laughter.]

Mr. CURTIS of Kansas. I understand one of the best football teams in the United States is up at Carlisle.

Mr. GROSVENOR. Is not that considered the highest development of our educational system? [Laughter.]

Mr. CURTIS of Kansas. I do not know; but I want to say that a few years ago the law was modified so that the boys and girls who were educated at these schools might be employed as teachers; and here is what the Commissioner of Indian Affairs says in reference to that:

> This modification has enabled me to secure excellent teachers who otherwise would have been debarred from entering the service. The corps of teachers now numbers many graduates of training schools, who have proven themselves worthy employees, well qualified for their work. Many other positions in the school service are filled by Indians, and for all unclassified positions agents and superintendents are instructed to give preference to Indians.

Many other positions are filled by these boys and girls, educated in the reservation and nonreservation schools. Not only that; you may visit the reservation schools and you will find that a large per cent of the Indian children are going there and being trained, not only educated in books, but the boys are educated in farming and the girls in housekeeping. The advantage of this training is apparent on every reservation.

I want to say further that it is a fact that to-day over 60 per cent of the entire Indian school population is attending schools. There are nearly 25,000 Indian pupils attending school, exclusive of the New York Indians and the Five Tribes. The trouble is that there are not enough schools to accommodate the children. These gentlemen who have been complaining about the nonadvancement of the Indian had better vote liberal appropriations that provision may be made to educate the Indian children.

[Here the hammer fell.]

Mr. CANNON. Mr. Chairman, I move to strike out the last two words, and I wish to say a single word. Education is not what you get out of books. It does not help a great deal in the race of life, except as it gives you good tools to work with. Now, we are not appropriating any great amount to educate the colored people; yet there are eight or nine millions of them, and they are making pretty fair progress. Why? Because on the whole they will work before they will steal or starve. There is hope for that race. They progress. They are accumulating property. Now, if it were possible for us to pursue a policy by which we could have the Indian population of the United States learn to live in the sweat of their faces, even if they did not live very well—if we could have them learn to work one month in the year or one day or two days in the week—I would rather see that done. But I do not see any advancement along that line. I am sorry to say I see but little advancement along that line down in the Indian Territory, and for that reason, a little later on, we shall come to an appropriation to continue the commission to try to treat with those people. And you must recollect that there they have a large mixture of white blood. The situation in that respect is not hopeful.

Still, there is nothing practical in this talk. After having possessed the lands of these people that are of much value, still keeping in possession, we have a spasm of desire to be employed, some of us that do not need employment and some of us that do need employment, and the result is that, at the expense of the Treasury, we are doing a good deal of what we call education. If I had the power to amend the law, I would not allow any Indian child who is educated at the public expense away beyond the tribe to return, but would furnish him employment among the people who had educated him.

Mr. MONDELL. I offer an amendment to the bill.

Mr. JOHNSON of North Dakota. Before we pass this, I rise to resist the amendment offered by the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. To strike out the last two words.

The CHAIRMAN. The Chair has recognized the gentleman from Wyoming.

Mr. JOHNSON of North Dakota. I hope we will not pass from this subject of Indian schools until I have a chance to say just a few words on that subject. I hope I shall have an opportunity after we shall have passed on this amendment.

Mr. SHERMAN. I rise to the point of order that debate on all the amendments is exhausted.

Mr. MONDELL. I desire to amend the bill by adding, on line 16, page 42, the following:

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> After the word "dollars," in line 16, page 42, add:
> "And in connection with every Indian school hereafter erected and established there shall be provided a completely equipped manual training department."

Mr. SHERMAN. I raise the point of order against that amendment that it is new legislation.

Mr. MONDELL. I trust the gentleman will reserve the point of order.

Mr. SHERMAN. I will reserve the point of order if the gentleman desires to make a statement.

Mr. MONDELL. Mr. Chairman, there has been a good deal said in regard to the question of Indian education; and the gentleman from Illinois [Mr. CANNON] has very wisely stated in this connection that what we learn from books is only a small portion of our education. I believe that the Indian schools—both the reservation and the nonreservation schools—in this country are doing a vast amount of good in elevating the individual Indians taught. In the past, in the history of the human race, there have only been two methods by which nations have been civilized. One has been by slavery; the other by war. Nations have been civilized by being enslaved and compelled to work, by being compelled by their masters to learn that the only way in which a people rise is by labor, by exertion. "No good ever comes without labor," some one has said; or else by wars, by which peoples have been driven, in self-defense, to agriculture and manufacture.

Now, in the United States we are attempting the civilization of a race by moral suasion, which is a new method, and up to this time a method which, judged by the results, has not been entirely successful. I believe that in the civilization of the Indians schools are absolutely necessary; but many of them do not go far enough in teaching the Indians how to work and how to do those things necessary to make them self-supporting members of society. In the State in which I live is a splendidly equipped school, largely attended by the children of both sexes of the Shoshone and Arapahoe tribes; and it is certainly very interesting and very encouraging to note the progress made by these young Indians. The difficulty in that school, as in many other schools all over the country, is that the Indians are not being taught those things which are the most essential in the practical education of a people. They have not been taught to work; they are not being taught that it is necessary to labor in order to gain a livelihood. They are taught reading, writing, and spelling; and then, when so taught, they go out into the reservation among their people without having been instructed in those arts which they must practice in order to gain a livelihood and in order to elevate their people. There is not in connection with that school any opportunity for those children to

receive instruction, except in the art of irrigation, in the practical branches which they must be trained in to be of the highest service to their people. That is very important and essential, for the country on which the reservation school is located is susceptible of being irrigated, and is being irrigated to a very considerable extent by these Indians.

The practical lessons which white boys and girls learn by contact with their fellows these Indians have no opportunity to learn. That is one of the disadvantages of the agency school. They are surrounded by barbarism and savagery, and they do not and can not by intercourse and by observation learn to work and learn how work is done in a civilized community. It is therefore especially essential, instead of educating these children to a high degree in books, that there should be in connection with every one of these schools a well-equipped manual training establishment in which the boys and girls shall be taught those things which are absolutely essential to enable them to go back to their tribes and be of benefit to their people. And I believe that the solution of the question of the civilization of the Indians depends very largely on whether or not in the future in our schools we teach the Indians to work and give them an opportunity to learn those trades which will benefit them when they return to their reservation.

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from New York.

The Clerk read as follows:

For support and education of 300 Indian pupils at Albuquerque, N. Mex., at $167 per annum for each pupil, $50,100; for pay of superintendent of said school, $1,700; for general repairs and improvements, $1,500, and for water supply, $2,000; in all, $55,300.

Mr. HARTMAN. Mr. Chairman, I offer the amendment which I send to the desk, to come in after the paragraph just read.

The amendment was read, as follows:

For the support, education, and civilization of the Seeley savages on the Manhattan Reservation, one thousand million dollars.

[Laughter.]

Mr. SHERMAN. Mr. Chairman, I reserve the point of order on that until I ascertain whether it proposes to appropriate a thousand millions or one million.

Mr. HARTMAN. It proposes one thousand million dollars for the support, education, and civilization of the Seeley savages on the Manhattan Reservation. [Laughter.]

Mr. SHERMAN. Mr. Chairman, while I am thoroughly in sympathy with the object contemplated by the amendment, yet it carries so large an appropriation I must insist upon the point of order. [Laughter.]

The Clerk read as follows:

For the support and education of 100 Indian pupils at Chamberlain, S. Dak., at $167 per annum for each pupil, $16,700; pay of superintendent of said school, $1,200; equipments and minor improvements, $2,000; in all, $19,900.

Mr. GAMBLE. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Strike out all of line 8, page 43, after the word "dollars," and all of line 9 on said page and insert the following:

"For water supply and sewer, $5,000; for erection of stable, $1,000; for erection of workshop, $1,500; for erection of laundry, $1,000; for erection of hospital, $1,500; in all, $29,900."

Mr. SHERMAN. I will state that that amendment was agreed to by the full committee after a thorough hearing, and is offered by the gentleman from South Dakota as a committee amendment.

Mr. GAMBLE. I may add that I have a communication from the Commissioner of Indian Affairs favoring the amendment.

Mr. CANNON. Before the amendment is acted upon, I wish to ask a question or two. I should like to know whether, at any of these other boarding schools, we undertake to erect hospitals?

Mr. SHERMAN. Oh, yes.

Mr. CANNON. Is it the policy of the committee or of Congress that at each of these Indian boarding schools we are to have hospitals and all that kind of thing?

Mr. SHERMAN. I do not know just what the gentleman means by "all that kind of thing," but I think a majority of the schools have hospitals, though not expensive ones. It strikes me that it is quite apparent why hospitals are necessary at these schools, with an attendance of anywhere from 125 to 350 children, who are likely to be sick, at least with the ordinary children's diseases, some of which are contagious.

The amendment was agreed to.

The Clerk read as follows:

For support and education of 150 Indian pupils at the Indian school at Perris, Cal., at $167 each per annum, $25,050; for pay of superintendent of said school, $1,500; for general repairs and improvements, $500; in all, $27,050.

Mr. BOWERS. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Amend by inserting on page 47, line 8, after the word "dollars," the following: "For pay of bill of Russ Lumber and Mill Company for lumber furnished for school building, $31.35."

In line 9, same page, strike out the words "fifty dollars," and insert in lieu thereof the words "eighty-one dollars and thirty-five cents."

Mr. SHERMAN. Mr. Chairman, I desire to raise the point of order against that amendment, but I will reserve it long enough to hear the statement of the gentleman from California, if he wishes to make one.

Mr. BOWERS. It is to pay a small bill of $31.35 that this school owes to the Russ Lumber and Mill Company at Perris. The circumstances are briefly set forth in a letter which I have received and which I will ask to have read. It will be remembered that the agent at that place fell into bad ways and left for another country, leaving some bills unpaid. The lumber company never was paid, and it was not in fault at all.

The letter was read, as follows:

RIVERSIDE, CAL., *December 22, 1896.*

DEAR SIR; We inclose herein a claim of $31.35 against the Government for lumber furnished for use of the United States Indian school near Perris, Cal., with the correspondence relative thereto, and ask that you kindly give the matter your attention. While the claim is a small one, yet we do not feel like losing it.

Briefly, the facts are these:

On May 14, 1894, Mr. R. P. Nevin, our agent at Alessandro, furnished lumber for the use of Indian school near Perris, Cal., amounting to $31.35, of which no part has been paid. Shortly after this the superintendent of the school disappeared and Special Agent Colonel Shelby was sent to take charge and check up the accounts. He examined our books and also located the lumber in the school and approved of our claim. Nevin left our employ in January, 1895, and went to New Mexico, and we have not heard from him since. We have repeatedly written to the superintendent of the Indian school at Perris in regard to the claim and he always promised to write to the Department. The matter ran along in this way until we wrote the Department direct, in September, 1896, and the inclosed correspondence is the result of same. From these it appears that Mr. Nevin was notified on April 27, 1895 (four months after he left our employ), that the claim was disallowed and that as an application for revision of the account had not been made within one year, the action of the Auditor's Office became final and that our only relief now was to apply to Congress to make a special appropriation for the payment of the amount.

The Russ Lumber and Mill Company is in no manner to blame and can see no good reason why it should lose the money. If it is not asking too much of you, we wish that you would take the matter up for us, and oblige,

Yours, truly,

RUSS LUMBER AND MILL COMPANY,
R. P. WINTERS, *Assistant Manager.*

Hon. W. W. BOWERS, M. C.,
Washington, D. C.

Mr. BOWERS. The bill was approved by the Indian Bureau and certified to the Auditor, but it was some two years before they got notice, and then the time had expired within which they could ask for a revision. They were required to ask for a revision within twelve months, if at all; and the time expired while the Indian agent was gone and while their agent was gone, and so the company has suffered.

Mr. HYDE. Is that the reason assigned in the correspondence why the claim was disallowed?

Mr. BOWERS. Yes.

Mr. SHERMAN. Mr. Chairman, I think this item does not properly belong here, but the claim seems to be an honest one and the amount is so trifling that I shall not insist on the point of order.

The amendment was agreed to.

The Clerk read as follows:

For support and education of 100 Indian pupils at the Indian school, Pipestone, Minn., at $167 per annum each, $16,700; for pay of superintendent at said school, $1,200; for general repairs and improvements, $1,000; in all $18,900.

Mr. SHERMAN. Mr. Chairman, under instructions of the committee, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Strike out in line 5, page 48, after the word "improvements," the remainder of the paragraph and insert "$2,500; for school building and dormitory, $10,000; in all, $30,400."

Mr. WASHINGTON. Mr. Chairman, I would like to ask the gentleman in charge of this bill what arrangement has been made in it with reference to contract schools.

Mr. SHERMAN. We passed that paragraph some time ago. If the gentleman will turn back to page 42, he will see what there is in the bill in relation to that subject, and if he will examine the RECORD of yesterday, he will see what was stated upon the subject when the bill was presented. I do not suppose the gentleman desires me to occupy time now in repeating what I said yesterday.

Mr. WASHINGTON. I was unavoidably absent at that particular time and failed to hear the gentleman.

Mr. SHERMAN. Well, if my friend will turn to the RECORD, he will find what I said.

Mr. WASHINGTON. I suppose the chairman can state very briefly whether the bill in that respect is as it was last year.

Mr. SHERMAN. The declaration that was made last year was about as clear and emphatic as the English language could make it, and there is no declaration at all on the subject in this bill.

Mr. WASHINGTON. My friend is a master of English, and when he assures me that the bill is just as explicit upon this point as it is possible for the English language to make it, I accept his statement.

Mr. SHERMAN. The gentleman's complimentary words compel me to admit that I did not draw the provision under discussion. It was not in the original bill, but was the result of a conference.

Mr. CANNON. Mr. Chairman, I understand that this amendment which the chairman has offered provides for constructing a new building.

Mr. SHERMAN. Yes; and adds $1,500 for repairs and improvements.

The amendment was adopted.

The Clerk (proceeding with the reading of the bill) read the following:

For support and education of 100 Indian pupils, Rapid City, S. Dak., at $167 per annum each, $16,700; for pay of superintendent, $1,200; for equipment and minor improvements, $2,000; in all, $19,900.

Mr. GAMBLE. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out all of line 12, page 48, after the word "dollars," where the same first appears in said line, and insert the following:
"For water supply and sewer, $5,000;
"For erection of stable, $1,000;
"For erection of workshop, $1,500;
"For erection of laundry, $1,000;
"For erection of hospital, $1,500; in all $29,900."

Mr. SHERMAN. This also is an amendment which has been agreed to by the committee. This is a new school, and these additions seem to be proper and necessary.

Mr. CANNON. Has this item been considered and estimated for by the Indian Office?

Mr. SHERMAN. Yes, sir; only it was estimated for at a considerably larger sum than that which the committee agreed to allow.

Mr. GAMBLE. The estimate of the Commissioner of Indian Affairs was $18,700; the recommendation of the committee is $10,000, the committee having left out some of the items and scaled down others.

The question being taken, the amendment of Mr. GAMBLE was adopted.

The Clerk (proceeding with the reading of the bill) read the following:

For support and education of 150 Indian pupils at the Indian school, Shoshone Reservation, Wyo., at $167 per annum each, $25,050; for pay of superintendent at said school, $1,400; for general repairs and improvements, $500; in all, $26,950.

Mr. MONDELL. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of line 19 on page 49 insert—
"For erection and equipment of shop for manual training, $3,000."

Mr. SHERMAN. I desire to ask the gentleman whether he has any recommendation from the Indian Office for such an appropriation as the amendment proposes?

Mr. MONDELL. The Indian Office did not make any recommendation on this subject. That office said this school was not large enough to warrant the erection of a manual training shop. If the gentleman will reserve for a moment his point of order (if he thinks of raising one), I should like to make a brief explanation.

Mr. SHERMAN. I will reserve the point of order, to hear the gentleman's statement.

Mr. MONDELL. This school at Shoshone Agency, Wyo., was erected by the Government at a cost originally of $50,000. There has since been expended upon it for additions about $5,000, making the total expenditure about $55,000. Good buildings have been erected there, and about 160 Indian children are attending the school. They have made marked progress, and I believe the school on that reservation is doing a great deal of good and will continue to do good in the future. But at present the Government has provided no means by which those children can be taught trades or can receive any manual training whatever. Those Indian youths, when they return to their tribes, should have some knowledge of trades. The boys should understand something about blacksmithing, carpentry, house building, and repairing, know how to repair agricultural machinery, etc. There are many branches of practical knowledge which will prove much more beneficial to these Indian children when they leave school than higher book education.

While, as I have said, I believe the school is doing a great deal of good, I believe that the addition of a manual training shop to this school would add vastly to its usefulness to the Indians. An appropriation of $2,500 for the purpose contemplated by my amendment would make this school of much more utility in the development and civilization of those Indians than it now is.

The superintendent of the Indian school has for several years past asked for an appropriation of a larger amount for this purpose than my amendment proposes. I believe the Indian Department holds some sort of a theory—that is what I judge from a remark made by the Commissioner of Indian Affairs—that unless a school has a large number of pupils the Department is not justified in asking an appropriation for manual training shops. On the contrary, my belief is that a manual training shop is the most important part of an Indian school. If we do not teach these Indian boys how to work, if we do not give them the opportunity to learn those things which will be absolutely essential to them when they return to their tribes, then on their return they are useless and are liable to become more degraded and worthless than the most ordinary of the Indians who have received no education whatever. I trust the gentleman from New York, the chairman of the committee, will not raise the point of order against this amendment.

Mr. SHERMAN. In view of the fact that this proposition does not reach us through the usual channel, and has not been estimated for, and in view of the further fact that even now the gentleman offering the amendment is forced to admit that it has not the approval of the Indian Office, I must insist on the point of order.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. SHERMAN. My point of order is that the amendment increases the appropriation and is in the line of new legislation.

The CHAIRMAN. Does the gentleman claim that it is not authorized by existing law?

Mr. SHERMAN. The school as now established is authorized by existing law; but this amendment proposes such an addition and modification to that school as to constitute what I assume to be new legislation.

Mr. MONDELL. I believe the gentleman's point of order is not well taken.

Mr. CANNON. I have no interest in this matter; I do not know anything about the merits of the case. But upon the point of order—suppose the amendment provided for the establishment of a medical school, or a law school, or a training school for nurses, would such a provision be in order? This amendment provides for a manual training school. I do not know of any law for such a provision. I am not antagonizing this particular appropriation, but I want to know "where we are at," so far as the point of order is concerned.

Mr. SHERMAN. The mere fact that a school is provided for at this particular reservation does not, it seems to me, imply that the school can be enlarged or its scope extended, as this amendment proposes. I submit that under the rule governing amendments to appropriation bills the point of order must be sustained. While a point of order could not be sustained against an amendment increasing the number of pupils 25 or 50, or to any other extent, this proposition, it seems to me, proposes to enlarge the scope and change the character of the school.

The CHAIRMAN. The Chair would like to hear the gentleman's view as to whether this amendment can be regarded as a continuation of a public work already authorized by law.

Mr. SHERMAN. No, I think not, because it provides for another department of the school, a new department not heretofore authorized. It opens up a new field of education at that particular point; and my idea would be that because of that it comes within the rule which provides that no new legislation shall be ingrafted upon any appropriation bill.

The CHAIRMAN. The Chair will sustain the point of order; and the Clerk will proceed with the reading of the bill.

The Clerk read as follows:

For collecting and transportation of pupils to and from Indian schools, and also for the transportation of Indian pupils from all the Indian schools and placing of them, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such pupils moral, industrial, and educational training, under arrangements in which their proper care, support, and education shall be in exchange for their labor, $35,000.

Mr. MURPHY of Arizona. Mr. Chairman, I move the amendment I send to the desk.

The Clerk read as follows:

After line 13 on page 50 insert:
"That no Indians educated away from their reservations at any school shall be compelled to return to reservations and tribal relations in Arizona, unless suitable provision is there made for their employment."

Mr. SHERMAN. Mr. Chairman, I must make the point of order upon that.

Mr. MURPHY of Arizona. I hope the gentleman will reserve the point of order for a moment until I can explain the reason of this amendment.

Mr. SHERMAN. Certainly, I will do so.

Mr. MURPHY of Arizona. Mr. Chairman, I wish to make the point with reference to the remarks of the gentleman from Kansas [Mr. CURTIS] concerning the condition of these Indians when they are returned from these Eastern schools. The gentleman excepted Arizona in his remarks, and admitted that it was unfortunate for these Indians that they were compelled to be returned to the Apache Reservation in that Territory. While I ask that

they be not compelled to return to the Apache Reservation in Arizona particularly, I think the amendment would apply with equal force to reservations in many parts of the West where there are semihostile tribes of Indians. We have some peaceful tribes in Arizona, such tribes, for instance, as the Pima and the Maricopa Indians, where the return of these boys to the tribes would undoubtedly be beneficial. But with reference to the Apache, or the Navajo Indians, comprising by far the larger number of Indians in the Territory, I claim it is a great hardship and a cruelty to return educated boys to these tribes without providing employment for them. In ninety-nine cases out of a hundred it is safe to say that they return immediately to barbarism, and they are in a far more unfortunate condition than if they had not been taken from the tribe at all.

I wish to call the attention of the legislative body of the nation to this condition of affairs in that Territory.

The CHAIRMAN. The Chair sustains the point of order raised by the gentleman from New York; and the Clerk will proceed with the reading of the bill.

The Clerk read as follows:

That all expenditure of money appropriated for school purposes in this act shall be at all times under the supervision and direction of the Commissioner of Indian Affairs and in all respects in conformity with the rules and regulations as to the expenditure of money as may be from time to time prescribed by him, subject to the supervision of the Secretary of the Interior.

Mr. CURTIS of Kansas. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

On page 50, line 20, after the word "Interior," add the following:

"*Provided*, That the Secretary of the Interior is hereby authorized and directed to reimburse, out of any unexpended balance of the appropriation for the support of the Indian schools for the fiscal year ending June 30, 1898, the persons employed by the Government at the Indian school at Fort Lewis, in the State of Colorado, who lost their personal property by the fire which destroyed the superintendent's residence and hospital in the Fort Lewis Indian school on the 3d day of August, 1896: *Provided*, That no claim presented for adjudication under this authority shall be allowed until after the said Secretary has carefully investigated the loss and ascertained the actual value of the property destroyed, regardless of the value placed upon it by interested parties or the commission which has heretofore investigated said claims: *Provided further*, That no more than $800 be expended for this purpose."

Mr. SHERMAN. Mr. Chairman, I make the point of order against the amendment.

Mr. CURTIS of Kansas. Let me state to the gentleman from New York that this does not increase the appropriation at all, and the policy of settling claims of this kind in this way was adopted in the Fifty-third Congress.

I was directed by the subcommittee of the Committee on Indian Affairs to offer the amendment when the bill came up in the House. It carries no appropriation and nothing will be paid under it unless there is sufficient sum left over out of the general appropriation to meet the expenditure.

Mr. SHERMAN. How much is the amount involved?

Mr. CURTIS of Kansas. About $800 in all. I will state to the gentleman that items of account aggregating some $1,200 were presented, but the subcommittee who examined the matter thought that the estimates in some cases were too high, and so limited the total to $800.

Mr. SHERMAN. How does it happen that these officers do not keep their property insured themselves?

Mr. CURTIS of Kansas. That, of course, I can not tell. The Governmen insures no buildings of its own, and, as a matter of fact, this property was not insured by these parties.

Mr. SHERMAN. It is not Government property?

Mr. CURTIS of Kansas. No; it belongs to the superintendent——

Mr. GAMBLE. Is there any reason why these individuals could not have had their property insured like others?

Mr. CURTIS of Kansas. None whatever, so far as I am aware. I repeat, I have only offered the amendment because it was recommended by the subcommittee to carry out a policy adopted by the Fifty-third Congress.

Mr. SHERMAN. Well, Mr. Chairman, it seems to me that that policy has been carried on long enough, and I must insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk, proceeding with the reading of the bill, read as follows:

MISCELLANEOUS.

For salaries and expenses of the commissioners appointed under acts of Congress approved March 3, 1893, and March 2, 1895, to negotiate with the Five Civilized Tribes in the Indian Territory, including expenses of employing clerical and other assistance, and all other expenses necessary to the proper discharge of their duties, the sum of $50,000, to be immediately available; and said commissioners are directed to continue the exercise of the authority already conferred upon them by law, and endeavor to accomplish the objects heretofore prescribed to them, and report, from time to time, to Congress: *Provided*, That the appropriations for the salaries and expenses of said commissioners for the fiscal year ending June 30, 1897, and prior years, shall be applicable for each and every purpose above enumerated. And the special disbursing agent is authorized to pay salaries and expenses of all persons heretofore employed by the commission.

Mr. CANNON. I desire to reserve a point of order to the whole of this paragraph, and then to make a point of order to the following words, commencing in line 1:

Including expenses of employing clerical and other assistance, and all other expenses necessary to the proper discharge of their duties.

And also to the whole of the proviso commencing with line 8, to and including line 14.

Mr. SHERMAN. I understand the gentleman reserves his point of order, anyway. So far as the point of order relating to the entire paragraph is concerned, I do not think that could be sustained. The Dawes Commission is a Commission which has been in existence for some years, and has been appropriated for in every Indian bill for three or four years. So it does seem to me that there is no foundation for that point of order. In reference to the point of order against the words commencing in line 1 on page 51, it seems to me that that provision simply gives authority to the Commission to carry out the purposes for which it was created; and in connection with the gentleman's point, in reference to these words, as well as that in reference to the proviso, I will send to the Clerk's desk and have read two letters from Judge McKennon, of the Dawes Commission.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Fort Smith, Ark., December 23, 1896.

DEAR JUDGE: You will remember there was no provision made for any help for the Commission during the past year, except the employment of one secretary. We found that it was absolutely impossible to do the work without other assistance, and when we appealed to the Department during the summer, the Commissioner of Indian Affairs suggested that we employ the necessary help and take the chances of Congress making appropriation for payment of same. We therefore employed help as follows:

N. L. Steele, from August 20 to September 20, 1896, one month; F. E. Willie, from September 8 to September 16, 1896, nine days; A. W. Dickey, from September 1 to September 13, 1896, thirteen days; W. H. McClendon, from September 3 to September 13, 1896, eleven days; Henry Stroup, from October 1, 1896. Mr. Stroup is still with us and will remain, because we can not get along very well without him. I will be very much obliged if you will have appropriation made for the payment of these parties—Mr. Stroup, at the rate of $100 per month, and the others $3 per day. All of this help was absolutely necessary to enable us to accomplish the important work in hand, the magnitude and importance of which you yourself know. I will ask, also, that you see that provision is made for the employment of the necessary help for the work of the Commission during the present year. I hope we will not be left in the embarrassed condition we were last year. The work is important, and there should be sufficient clerical force furnished to us to aid us in properly discharging our duties.

I presume the Commission will be called to Washington early in January.

With very kindest regards, I am, sincerely, your friend,

A. S. McKENNON.

Hon. J. S. LITTLE,
House of Representatives, Washington.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Fort Smith, Ark., December 30, 1896.

DEAR JUDGE: I am just in receipt of your favor of the 26th instant, in which you request me to suggest amount necessary for expenses of the Commission during the coming year. With the present work before us, it will require at least four clerks during the summer in making rolls, as required by the present law. Each of four members will work separately at the capitals of four of the tribes, and each will require a clerk. If we conclude treaties with the Cherokees and Creeks, and any of these treaties are ratified by both governments, then we will need considerable assistance in the way of clerks, allotment agents, and surveyors. I suggest, however, that surveyors might be furnished us from the present organized survey now in the Territory. I hope that you will see to it that we have full authority to employ all necessary assistance, in order that we may carry on the work in the right manner, as there can be no economy in placing us in a condition where we can not get assistance to do the work required, and I do not think there is any danger of the Commission employing assistance which is not needed. You will see, therefore, that it will become necessary to make a much larger appropriation for the work of the Commission than was made last year, viz, $40,000. I do not know how much of this amount has been expended by the Commission since the appropriation was made. You can readily ascertain at the Indian Office. I would think, however, that it would be necessary to make an appropriation of, say, $75,000 for the work during the coming year. This, however, you can as well judge as I.

In addition to the list of employees which I sent you I would be obliged if you will give special attention to one other matter personal to myself. When the Commission went to Washington last winter in order to save expenses, and at the suggestion of the Secretary of the Interior, we dispensed with the services of our secretary, the Department when necessary furnishing us with a stenographer. But I, as you well know, performed not only my duties as Commissioner, but a great deal of laborious work of the secretary. I found my accounts in a bad shape, and employed Mr. W. S. Olive, of the Indian Office, to go through them and adjust them for me. This work he did after his usual office hours and did it well. For this I paid him $50, which was approved by the Secretary of the Interior, but the Treasury Department has suspended this disbursement and refused to allow it on the ground that we were not authorized to employ any assistance other than a secretary, and as Mr. Olive was not a secretary in fact, although acting as such in the performance of this work, they claim that the disbursement was made "without authority, and therefore can not be allowed." You will see that I got into this difficulty by my effort to economize and save money for the Government. I would be obliged if you will place this with the other matters heretofore referred to, and have an appropriation made for the payment of that as well, as it stands exactly on a parity with the employment of Mr. Stroup, which was suggested by the Commissioner of Indian Affairs.

Pardon me for writing at such length. I will be glad to hear from you. Please remember me most kindly to your family and to Mr. Cornish.

Yours, very truly,

A. S. McKENNON.

Hon. JOHN S. LITTLE,
House of Representatives, Washington.

Mr. SHERMAN. I should like to know from the gentleman from Illinois [Mr. CANNON] if the explanation contained in the letter is satisfactory to him?

Mr. CANNON. I want to see if I have a proper understanding. In 1893 this Dawes Commission was appointed by an appropriation act. It is not a provision that exists under any law, except as it dwells in the appropriation from time to time.

Mr. SHERMAN. That is correct, but even though so enacted, it is quite as much law.

Mr. CANNON. In 1895, it having performed all the time, we made another appropriation——

Mr. SHERMAN. And changed the Commission, enlarged it from a Commission of three to a Commission of five.

Mr. CANNON. And now we propose to still make an appropriation for the Commission.

Mr. SHERMAN. Certainly.

Mr. CANNON. Therefore, it seems to me that the whole matter is subject to a point of order; but I have no desire to insist on the point of order to cut off this Commission, if the gentleman believes that it ought to be continued for another year; but I do want to say that it looks to me like a long time away from results. I do not have much faith in anything being done. It seems to me that if you continue this Commission, increased from three to five, and now give them full authority for clerical assistants without let or hindrance, each of the Commissioners will apply to have a clerk or two, a stenographer and typewriter, and we shall have an organized bureau. Now, I know some of these gentlemen, and they are very excellent gentlemen, and I am not speaking disrespectfully of them; but, frankly, it seems to me that if they are to have employees, those employees ought to be specified and we ought to know what there is about this. If the gentleman is not prepared to specify, I suggest to him that he pass this by until to-morrow's sitting, and let us see if we can not have a specific appropriation here.

Mr. SHERMAN. Well, Mr. Chairman, I am very glad that the gentleman gives no outward sign of approaching the golden stair, because if faith is an essential element to enable one to march along the golden streets hereafter, I am afraid, judging by the gentleman's great lack of faith here to-day, that he would not walk along those streets. His faith seems to be conspicuously absent.

In reference to the Dawes Commission, I think they have done a wonderful work. They are dealing with a large subject. It is a matter that can not be disposed of in a day or in a year, and I think that within the last year they have made the most substantial progress. In the last appropriation bill they were authorized to take a census of these Indians, to make an enrollment, to hear the allegations of the right to be enrolled as members of the tribes, and to decide on the proofs, but to anybody aggrieved the right of appeal to the United States courts was given. They were authorized, too, to negotiate for treaties with these Indians. Heretofore for years it has been impossible for the United States to accomplish anything with the Indians looking toward a treaty which would eventually open up this Territory, allot the land, and make that whole tract of land, rich and fertile as it is, a civilized country. Now, this Commission has already agreed upon terms with the Choctaw and Chickasaw Nation, subject, of course, to Congressional ratification. That agreement, or treaty, whichever you may choose to call it, is now in the hands of the Secretary. It is expected daily to be transmitted to Congress for its action. There are three other nations yet to be dealt with there.

These lists of citizenship are not yet completed. That there is before this Commission a large amount of work in the immediate future is quite apparent; and it may be, dealing with such people as the Indians are, they will not be able to accomplish the treaty with the other tribes during the next year. But I do believe, sir, that if this Commission is given authority along the line they have been working they will eventually enter into an agreement with these Indians which will bring about a condition in the Indian Territory which every American citizen who knows anything about that country and the conditions long existing there is anxiously praying and waiting for.

Now, what special employees they may need I do not know. They have asked for an appropriation of $75,000. They had $40,000 last year. From the reading of the letter from Judge McKennon it will be seen that the $40,000, under the terms of the appropriation, did not meet all their requirements. Now, it seemed to the committee, without going specifically into the exact number of employees at a particular per diem, that this $50,000 might be sufficient to meet all their wants. If it is not all expended, the money stays in the Treasury.

Mr. LITTLE. If the gentleman from New York will permit me, I will call the attention of the House to this additional fact, that the Commission by last Congress were empowered to determine the roll of citizenship of the Five Tribes. That involves the hearing of 7,000, 8,000, or 10,000 cases, and they will have a lot of work ahead of them before they can make a complete roll of the citizenship in hearing and determining the rights of those who claim citizenship. Of course, auxiliary to that is the question of negotiation with the tribes; but to complete this work which has already been begun it will take five or six months, probably a longer time; and they have really a necessity for this clerical assistance when they go into taking up the rolls of each of these tribes. The lists that have been allowed by them and rejected have got to be disposed of to complete the rolls made; and I understand it will take a considerable time to do that.

Mr. SHERMAN. It involves the examination of perhaps 10,000 individual cases, and it is quite apparent that it will take a considerable amount of work.

Mr. BRODERICK. I think that report is complete. I went the other day to the Indian Office and examined it, and they told me the roll was completed and filed with the Secretary of the Interior; but there has to be a review by the Secretary to find whether there has been any injustice done anyone who has claimed the right to be placed on the roll. I understand the roll has been completed and filed with the Secretary of the Interior.

Mr. SHERMAN. The roll of one tribe only.

Mr. BRODERICK. I am speaking more particularly of the Cherokees.

Mr. LITTLE. Do you not speak of the colored citizens' roll there? If my friend from Kansas will permit me, the gentleman will understand that there is an additional roll being made, known as the colored citizens or freedmen's roll. That is the roll that you speak of having been completed. I understand that the completing of these other rolls, which involves the entire citizenship of the tribe, has not been completed, and I understand will not be for some time; and there is an immense amount of work to be done.

Mr. BRODERICK. That may be so.

Mr. CANNON. Now, Mr. Chairman, upon the point of order, and in reply to the gentleman from New York, I do not know whether I have as much faith as he. I do not know whether I shall climb the golden stairs; but if I do I shall have one source of regret—I shall not be dwelling with him.

Mr. SHERMAN. That regret will be mutual.

Mr. CANNON. All that I aim to say is this: That I have no knowledge about it, and I think I am about as wise as the gentleman from New York and about as wise as the gentleman from Arkansas. This is really a simple authorization to spend this money for employees at their discretion. The gentleman from Kansas thinks the census has been taken and the quasi judicial proceedings had——

Mr. LITTLE. But if the gentleman will allow me——

Mr. CANNON. In a moment. (Continuing:) To find out who were citizens and who were freedmen. The gentleman from Arkansas thinks that work has to be done.

Mr. LITTLE. If the gentleman will permit me, there is no conflict between the gentleman from Kansas and myself. He speaks of the freedmen's roll, which is another roll altogether from the citizenship of the tribe.

Mr. BRODERICK. The freedmen's roll is in the hands of the Secretary.

Mr. CANNON. Now, I want to know what there is in the line of progress. If we are to continue this Commission at a very respectable salary—and they are very respectable gentlemen—I want to know what progress has been made. And when they come to ask us to enlarge the appropriations for their service, I want them to state what progress they are making. I want to know why it is necessary now, in the absence of an official report as to why, that this appropriation should be doubled. I shall be compelled to make the point of order to that change in the law indicated in lines 1 and 2:

> Including expenses of employing clerical and other assistance, and all other expenses necessary to the proper discharge of their duties—

Which will appropriate for this Commission. If these words are stricken out, and that legislation is stricken out, we will leave it precisely as it has been appropriated heretofore. And the proviso also is clearly legislation.

Mr. SHERMAN. Mr. Chairman, if the gentleman followed closely the letter of Judge McKennon which the Clerk read, he must have seen the necessity for the change in the wording. It was held under the old wording that the Commission could not employ clerical help within the wording of the appropriation, yet they have employed the necessary help, and the gentlemen who have performed the service during the past year have not been paid, except one, the appropriatiation for whom we have not yet reached. The change in the wording is intended to meet the objections of the accounting officer, who holds that under the word "expenses" is not included necessary clerical help.

Mr. CANNON. How much do we pay these commissioners?

Mr. SHERMAN. Five thousand dollars apiece.

Mr. CANNON. That is $25,000. I have no objection to that appropriation of $25,000 being made, but now how much do they want for clerical assistance, and how much for miscellaneous purposes?

Mr. SHERMAN. Traveling expenses also are to be paid—they always have been paid. I do not know just how the Commission would divide this sum. It is now five minutes past 5 o'clock, and I will move that the committee rise. Then this evening I will see one of the commissioners and ask him to give me a detailed statement of how they would expend this $50,000, if the gentleman desires such a statement.

Mr. CANNON. I would like to have the limits fixed and an appropriation made definitely for each purpose. I have no desire at all to embarrass the Commission.

Mr. SHERMAN. Well, we will let the item stand over till tomorrow. Now, Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOPKINS, from the Committee of the Whole, reported that they had had under consideration the bill H. R. 10002, the Indian appropriation bill, and had come to no resolution thereon.

SENATE RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following resolutions were taken from the Speaker's table and referred as follows:

Resolved by the Senate (the House of Representatives concurring), That there shall be printed and bound in paper covers 5,000 additional copies of the special census report on the occupations of the population of the United States as shown at the Eleventh Census, to be distributed by the census division of the Department of the Interior, the extra edition of such special report to be known as Extra Census Bulletin No. 100—

To the Committee on Printing.

Resolved by the Senate (the House of Representatives concurring), That there be printed 20,000 extra copies of Bulletin No. 1, New Series, Division of Entomology, Department of Agriculture, entitled The Honey Bee: A Manual of Instruction in Apiculture, by Frank Benton, M. D., of which number 6,000 copies shall be for the use of the Senate, 12,000 copies for the use of the House of Representatives, and 2,000 copies for distribution by the Secretary of Agriculture—

To the Committee on Printing.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 2618) granting an honorable discharge to Andrew V. Sende;

A bill (H. R. 4490) to restore the name of Ethan A. Sellman to the pension roll;

A bill (H. R. 5127) for the relief of Abraham O. Waucop;

A bill (H. R. 1836) granting an honorable discharge to Wilson Kale;

A bill (H. R. 3772) to correct the muster roll of Company I of the Seventh Iowa Infantry Volunteers;

A bill (H. R. 6378) for the relief of Eliza J. Holman;

A bill (H. R. 4547) granting a pension to Silas S. White;

A bill (H. R. 5938) for the relief of Pricilla R. Burns;

A bill (H. R. 9592) to amend an act entitled "An act granting a pension to Jesse McMillan," received by the President May 27, 1896;

A bill (H. R. 6483) granting increase of pension to Thomas D. Walker;

A bill (H. R. 6590) granting a pension to William Greer;

A bill (H. R. 5712) granting increase of pension to John W. Hines;

A bill (H. R. 8683) granting a pension to Frederick Lierman;

A bill (H. R. 4941) to pension Hester A. Bostwick;

A bill (H. R. 2231) for the relief of Bluford Reeder;

A bill (H. R. 6472) granting a pension to Olive M. Lewis;

A bill (H. R. 1646) for the relief of Dolly S. Brown;

A bill (H. R. 8053) granting a pension to Alice Gard;

A bill (H. R. 6552) granting increase of pension to Alexander C. Morrison;

A bill (H. R. 7255) authorizing the establishment of a life-saving station off the coast of Maryland;

A bill (H. R. 5610) for the relief of George T. Stevens, assistant surgeon Seventy-seventh New York Volunteers;

A bill (H. R. 4744) to increase the pension of Adam Dennis;

A bill (H. R. 4994) for the relief of Mrs. Sarah Martin;

A bill (H. R. 1508) granting a pension to Anna M. Newton, widow of Gen. John Newton;

A bill (H. R. 6282) to increase the pension of Alexander McBride;

A bill (H. R. 4267) granting an increase of pension to Gabriel Widmer;

A bill (H. R. 6556) granting a pension to Jacob Brown;

A bill (H. R. 6900) increasing the pension of Mary T. Young;

A bill (H. R. 4481) granting an increase of pension to Patsey E. Broaddus, of Marion, Kans.;

A bill (H. R. 9619) granting a pension to Mirum C. Peck;

A bill (H. R. 4620) granting a pension to Samuel McKinsey;

A bill (H. R. 1500) granting a pension to George W. Bagley;

A bill (H. R. 717) granting a pension to Mary Ann Lafferty;

A bill (H. R. 4875) granting a pension to John W. Pogue;

A bill (H. R. 1505) granting a pension to Mrs. Sarah A. Aspold;

A bill (H. R. 3380) granting an increase of pension to John R. Row, of Toronto, Kans.;

A bill (H. R. 94) increasing the pension of Melancthon McCoy, of Company K, One hundred and forty-eighth Illinois Infantry;

A bill (H. R. 4410) to increase the pension of Elise Blenker from $30 to $50.

A bill (H. R. 1171) to pension Hannah Yazell.

A bill (H. R. 5580) granting a pension to Archibald Hunley;

A bill (H. R. 3945) granting a pension to Thomas J. Thorp;

A bill (H. R. 4298) granting an increase of pension to Annie Thompson;

A bill (H. R. 3671) to remove the charge of desertion from the military record of Anthony O'Grady, alias John Davis;

A bill (H. R. 7240) granting a pension to John W. Bruner;

A bill (H. R. 4494) granting a pension to Barton S. Dawson;

A bill (H. R. 505) for the relief of Rev. Edwin Warriner;

A bill (H. R. 9865) extending the time for the completion of the bridge across the East River, between the city of New York and Long Island, now in the course of construction, as authorized by the act of Congress approved March 3, 1887;

A bill (H. R. 280) to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes;

A bill (H. R. 2048) for the relief of Rufus Betz;

A bill (H. R. 6546) granting a pension to Samuel Holliday;

A bill (H. R. 6549) granting a pension to Gideon L. McGinnis;

A bill (H. R. 5855) granting a pension to Emily Elliott;

A bill (H. R. 7212) to increase the pension of Melita E. White;

A bill (H. R. 9935) to authorize the construction or acquisition of a bridge across the Rio Grande River in the State of Texas;

A bill (H. R. 9306) granting a pension to Amanda Woodcock;

A bill (H. R. 1882) for the relief of John Ruhm, sr., Nashville, Tenn.;

A bill (H. R. 5670) to increase the pension of Richard S. Phillips;

A bill (H. R. 1018) to increase the pension of Bennett S. Shaug;

A bill (H. R. 3333) granting a pension to Thomas S. Daugherty; and

A bill (H. R. 4264) granting a pension to Mary Pelham.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. WILLIAMS, indefinitely, on account of sickness.

To Mr. HEATWOLE, indefinitely, on account of sickness.

To Mr. FOSS, for two days, on account of sickness in his family.

To Mr. SHANNON, for two days, on account of sickness.

The House then, on motion of Mr. PAYNE (at 5 o'clock and 5 minutes p. m.), adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Navy, transmitting a copy of the claim of the Union Iron Works, of San Francisco, Cal., for loss and damage incurred in the construction of the coast-defense vessel *Monterey*, was taken from the Speaker's table, referred to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 1624) entitled "An act to quiet title and possession with respect to certain unconfirmed and located private land claims in the State of Louisiana," reported the same with amendment, accompanied by a report (No. 2622); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9775) to repeal so much of chapter 189 of the Statutes of the United States of America, passed at the third session of the Fifty-third Congress, and approved March 2, 1895, as requires that the lower portion of the Rock Island Bridge shall not be occupied by any street railway company without paying a reasonable rent therefor, reported the same with amendment, accompanied by a report (No. 2634); which said bill and report were referred to the House Calendar.

Mr. STALLINGS, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4318) granting increase of pension to survivors of the Mexican and Indian wars and to their widows, reported the same with amendment, accompanied by a report (No. 2635); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. WOOMER, from the Committee on Military Affairs: The bill (S. 56) entitled "An act for the relief of John M. Davis." (Report No. 2619.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (H. R. 8868) for the relief of Mrs. Ellen O'Rorke. (Report No. 2623.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 6038) to increase the pension of Joseph M. Donohue. (Report No. 2624.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 2236) granting a pension to Mary Elizabeth Craig. (Report No. 2625.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (H. R. 8257) granting a pension to Mary Hitt Walker. (Report No. 2626.)

By Mr. POOLE, from the Committee on Invalid Pensions:

The bill (H. R. 9620) granting a pension to Albert Hammer. (Report No. 2627.)

The bill (H. R. 10085) for the relief of Elnora Shuman, widow of John Shuman, deceased, and foster mother of W. E. Shuman and James F. Shuman, both deceased. (Report No. 2628.)

By Mr. WOOD, from the Committee on Invalid Pensions:

The bill (H. R. 7903) granting a pension to Mrs. Hester A. Adams. (Report No. 2629.)

The bill (H. R. 8137) granting a pension to Sarah E. Daub. (Report No. 2636.)

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (S. 1181) entitled "An act to pay the heirs of the late John Roach, deceased, $330,151.42 for labor and material, dockage and detention, and occupation of yards and shops for the gunboats *Chicago*, *Boston*, and *Atlanta*." (Report No. 2630.)

By Mr. FENTON, from the Committee on Military Affairs:

The bill (S. 1277) entitled "An act for the appointment as lieutenants on the retired list of certain survivors of the Lady Franklin Bay Expedition." (Report No. 2631.)

The bill (H. R. 4676) to correct the military record of John H. Finfrock. (Report No. 2632.)

By Mr. TYLER, from the Committee on Military Affairs: The bill (H. R. 8287) to remove the charge of desertion standing against James McGreevey. (Report No. 2633.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 10126) to increase the pension of Emily E. Cash from $20 to $50 per month; and the same was referred to the Committee on Pensions.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BABCOCK: A bill (H. R. 10133) to amend an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes"—to the Committee on the District of Columbia.

By Mr. HULICK: A bill (H. R. 10135) to reorganize and increase the efficiency of the personnel of the Navy and the Marine Corps of the United States—to the Committee on Naval Affairs.

By Mr. MURPHY of Arizona: A bill (H. R. 10136) to assist the wandering Papago Indians in the Territory of Arizona to establish homes for themselves and induce them to cease their depredations on the cattle herds of white citizens—to the Committee on Indian Affairs.

By Mr. FENTON: A bill (H. R. 10153) to amend section 5234 and section 5238 of the Revised Statutes of the United States—to the Committee on Banking and Currency.

By Mr. HURLEY: A joint resolution (H. Res. 238) in relation to monument to prison-ship martyrs at Fort Greene, Brooklyn, N. Y.—to the Committee on the Library.

By Mr. DOLLIVER: A resolution (House Res. No. 505) requesting certain information of the Secretary of the Navy relative to promotions of meritorious warrant officers of the Navy—to the Committee on Naval Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BAKER of New Hampshire: A bill (H. R. 10137) granting a pension to Miss Delphine P. Baker for expenses incurred during the late war and for services performed in originating and founding the National Home for Disabled Soldiers and Sailors of the Army and Navy of the United States—to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 10138) to relieve W. J. Floyd of the charge of desertion—to the Committee on Military Affairs.

Also, a bill (H. R. 10139) to relieve John Johnson of the charge of desertion—to the Committee on Military Affairs.

Also, a bill (H. R. 10140) granting an increase of pension to George Hyde—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10141) to remove the charge of desertion now standing against James H. Nowlin, Eighty-first Illinois—to the Committee on Military Affairs.

Also, a bill (H. R. 10142) for the relief of John C. Brown—to the Committee on Pensions.

By Mr. HARMER: A bill (H. R. 10143) granting a pension to Cara H. Wilson—to the Committee on Invalid Pensions.

By Mr. HUNTER: A bill (H. R. 10144) granting a pension to S. T. Love—to the Committee on Invalid Pensions.

By Mr. PHILLIPS: A bill (H. R. 10145) for the relief of Perry Childs, Company I, Fifty-seventh Pennsylvania Volunteers—to the Committee on Military Affairs.

By Mr. RUSSELL of Connecticut: A bill (H. R. 10146) to remove the charge of desertion against Charles Geer—to the Committee on Military Affairs.

By Mr. SAUERHERING: A bill (H. R. 10147) to provide compensation for injuries received by George E. Giles, of Watertown, Wis., at the Ford's Theater disaster, which occurred June 9, 1893—to the Committee on Claims.

By Mr. WATSON of Ohio: A bill (H. R. 10148) to increase the pension of George W. Roger, sr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10149) to correct the military record of Charles H. Jessup—to the Committee on Military Affairs.

Also, a bill (H. R. 10150) to correct the military record of Mathias Keith—to the Committee on Military Affairs.

By Mr. BUCK: A bill (H. R. 10151) for the relief of Mrs. Matilda M. Fairex, administratrix of Daniel Fairex, deceased—to the Committee on War Claims.

By Mr. WHEELER: A bill (H. R. 10152) for the relief of Anderson Malon—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of the Trades League of Philadelphia, favoring Government ownership of canals, with free tolls—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Allison Manufacturing Company, of Philadelphia, Pa., favoring the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. ALLEN of Mississippi: Papers relating to the claim of M. G. Cumby, of Corinth, Miss.—to the Committee on War Claims.

By Mr. BENNETT: Petition of the Medical Society of the county of Kings, State of New York, protesting against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

By Mr. CROWTHER: Protest of citizens of Walnut Ridge, Ark., against the establishment of a new Federal judicial district at Batesville, Ark.—to the Committee on the Judiciary.

By Mr. CURTIS of Iowa: Petition of Le Grand Byington, of Iowa City, Iowa, respecting national banks—to the Committee on Banking and Currency.

By Mr. CURTIS of New York: Resolution adopted by Canby Post, No. 17, Grand Army of the Republic, Department of New York, in behalf of Cuban independence—to the Committee on Foreign Affairs.

By Mr. HENDERSON: Resolutions adopted by the Commercial Exchange, of Des Moines, Iowa, favoring a department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL: Resolutions of the Commercial Exchange of Des Moines, Iowa, favoring the creation of a department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

By Mr. HURLEY: Papers relating to the claim of Catharine Gillin, of the State of Virginia—to the Committee on War Claims.

By Mr. KIEFER: Petition of the Trades and Labor Assembly of St. Paul, Minn., in favor of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUD: Memorial of the citizens of San Francisco, Cal., in mass meeting assembled January 19, 1897, favoring the passage

of the Nicaragua Canal bill—to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE: Petition of Window Glass Workers of North America, by its chief preceptor, George Hull, favoring the adoption of postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of tin-plate workers of Gas City, Ind., for an increase of tariff on tin plate—to the Committee on Ways and Means.

By Mr. WATSON of Ohio: Papers to accompany House bill to correct the military record of Charles H. Jessup—to the Committee on Military Affairs.

Also, papers to accompany House bill to correct the military record of Mathias Keith—to the Committee on Military Affairs.

Also, paper to accompany House bill to increase the pension of George W. Roger, sr.—to the Committee on Invalid Pensions.

By Mr. WELLINGTON: Petition of J. A. Hall, praying that the war claim of John W. Hall, deceased, late of Montgomery County, Md., be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

Also, petition of John H. Allnut, of Montgomery County, Md., praying reference of his war claim to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. WHEELER: Papers relating to the claim of George W. Woody, of Madison County, Ala.—to the Committee on War Claims.

SENATE.

WEDNESDAY, *January 27, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Vice-President being absent, the President pro tempore took the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

MEDICAL AND HOSPITAL SUPPLIES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from Maj. Gen. Nelson A. Miles, president of the Board of Commissioners of the Soldiers' Home, recommending that Congress be requested to authorize the Medical Department of the United States Army to sell medical and hospital supplies at cost price to the Soldiers' Home in the District of Columbia; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

KLAMATH INDIAN RESERVATION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a report of the Klamath Boundary Commission, appointed under a clause in the Indian appropriation act of June 10, 1896, for the purpose of locating the boundary lines of the Klamath Indian Reservation in the State of Oregon, and submitting an item for insertion in the Indian appropriation bill, prepared in accordance with the recommendations contained in the report; which was read.

The PRESIDENT pro tempore. The Chair is uncertain whether the communication should go to the Committee on Appropriations or the Committee on Indian Affairs.

Mr. HALE. I think it had better go to the Committee on Indian Affairs first; but the appropriation bill on the subject-matter will be here from the other House within a day or two.

The PRESIDENT pro tempore. The communication will be printed and referred to the Committee on Indian Affairs.

CHOCTAW AGREEMENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with a provision in the act of March 3, 1893, a certified copy of an agreement entered into between the Commission appointed to negotiate with the Five Civilized Tribes and a commission of the Choctaw Nation appointed for the purpose of negotiating with the Commissioners appointed by the United States Government; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

FIFTH INTERNATIONAL PRISON CONGRESS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the concurrent resolution passed by the Senate April 8, 1896, relative to printing the report of the delegates of the United States to the Fifth International Prison Congress.

The amendments were, in line 8, to strike out "1,000" and insert "500;" in line 9, before "thousand," to strike out "two" and insert "one;" in line 10, to strike out "2,000" and insert "3,500;" so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 additional copies of Senate Document No. 181 of the first session of the Fifty-fourth Congress, being the report of the delegates of the United States to the Fifth International Prison Congress, held at Paris, France, in July, 1895, 500 copies for the use of the Senate, 1,000 copies for the House of Representatives, and 3,500 copies for distribution by the Secretary of State.

Mr. HALE. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 610) for the relief of John F. McRae; and

A bill (H. R. 5128) to increase the pension of Jere Smith.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

A bill (H. R. 94) increasing the pension of Melancthon McCoy, of Company K, One hundred and forty-eighth Illinois Infantry;

A bill (H. R. 280) to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes;

A bill (H. R. 505) for the relief of Rev. Edwin Warriner;

A bill (H. R. 717) granting a pension to Mary Ann Lafferty;

A bill (H. R. 1018) to increase the pension of Bennett S. Shaug;

A bill (H. R. 1171) to pension Hannah Yazell;

A bill (H. R. 1500) granting a pension to George W. Bagley;

A bill (H. R. 1505) granting a pension to Mrs. Sarah A. Aspold;

A bill (H. R. 1508) granting a pension to Anna M. Newton, widow of Gen. John Newton;

A bill (H. R. 1645) for the relief of Dolly S. Brown;

A bill (H. R. 1836) granting an honorable discharge to Wilson Kale;

A bill (H. R. 1882) for the relief of John Ruhm, sr., Nashville, Tenn.;

A bill (H. R. 2048) for the relief of Rufus Betz;

A bill (H. R. 2231) for the relief of Bluford Reeder;

A bill (H. R. 2618) granting an honorable discharge to Andrew V. Sende;

A bill (H. R. 3333) granting a pension to Thomas S. Daugherty;

A bill (H. R. 3380) granting an increase of pension to John R. Row, of Toronto, Kans.;

A bill (H. R. 3671) to remove the charge of desertion from the military record of Anthony O'Grady, alias John Davis;

A bill (H. R. 3772) to correct the muster roll of Company I of the Seventh Iowa Infantry Volunteers;

A bill (H. R. 3945) granting a pension to Thomas J. Thorp;

A bill (H. R. 4264) granting a pension to Mary Pelham;

A bill (H. R. 4267) granting an increase of pension to Gabriel Widmer;

A bill (H. R. 4298) granting an increase of pension to Annie Thompson;

A bill (H. R. 4410) to increase the pension of Elise Blenker from $30 to $50;

A bill (H. R. 4481) granting an increase of pension to Patsey E. Broaddus, of Marion, Kans.;

A bill (H. R. 4490) to restore the name of Ethan A. Sellman to the pension roll;

A bill (H. R. 4494) granting a pension to Barton S. Dawson;

A bill (H. R. 4547) granting a pension to Silas S. White;

A bill (H. R. 4620) granting a pension to Samuel McKinsey;

A bill (H. R. 4675) granting a pension to John W. Pogue;

A bill (H. R. 4744) to increase the pension of Adam Dennis;

A bill (H. R. 4941) to pension Hester A. Bostwick;

A bill (H. R. 4994) for the relief of Mrs. Sarah Martin;

A bill (H. R. 5127) for the relief of Abraham O. Waucop;

A bill (H. R. 5580) granting a pension to Archibald Hunley;

A bill (H. R. 5610) for the relief of George T. Stevens, assistant surgeon Seventy-seventh New York Volunteers;

A bill (H. R. 5670) to increase the pension of Richard S. Phillips;

A bill (H. R. 5712) granting increase of pension to John W. Hines;

A bill (H. R. 5855) granting a pension to Emily Elliott;

A bill (H. R. 5938) for the relief of Pricilla R. Burns;

A bill (H. R. 6282) to increase the pension of Alexander McBride;

A bill (H. R. 6378) for the relief of Eliza J. Holman;

A bill (H. R. 6472) granting a pension to Olive M. Lewis;

A bill (H. R. 6483) granting increase of pension to Thomas D. Walker;

A bill (H. R. 6546) granting a pension to Samuel Holliday;

A bill (H. R. 6549) granting a pension to Gideon L. McGinnis;
A bill (H. R. 6552) granting increase of pension to Alexander C. Morrison;
A bill (H. R. 6556) granting a pension to Jacob Brown;
A bill (H. R. 6590) granting a pension to William Greer;
A bill (H. R. 6900) increasing the pension of Mary T. Young;
A bill (H. R. 7212) to increase the pension of Melita E. White;
A bill (H. R. 7240) granting a pension to John W. Bruner;
A bill (H. R. 7255) authorizing the establishment of a life-saving station on the coast of Maryland;
A bill (H. R. 8053) granting a pension to Alice Gard;
A bill (H. R. 8683) granting a pension to Frederick Lierman;
A bill (H. R. 9306) granting a pension to Amanda Woodcock;
A bill (H. R. 9592) to amend an act entitled "An act granting a pension to Jesse McMillan," received by the President May 27, 1896;
A bill (H. R. 9619) granting a pension to Mirum C. Peck;
A bill (H. R. 9865) extending the time for the completion of the bridge across the East River, between the city of New York and Long Island, now in the course of construction, as authorized by the act of Congress approved March 3, 1897; and
A bill (H. R. 9935) to authorize the construction or acquisition of a bridge across the Rio Grande River in the State of Texas.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the Presbyterian Ministers' Association of Washington, D. C., praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

Mr. CULLOM presented memorials of the Methodist Episcopal Church, of Murphysboro; of the Free Baptist Church, of Murphysboro; of the First Christian Church, of Murphysboro; of the Lutheran Church, of Murphysboro, and of the Methodist Episcopal Church South, of Murphysboro, all in the State of Illinois, remonstrating against the sale of intoxicating liquors in the Capitol building; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of the Brown Chapin Lumber Company, of Chicago; of the Western Coated Paper and Card Company, of Chicago; of the Badger & Jackson Company, of Chicago, and of the First United Presbyterian Church, of Sparta, all in the State of Illinois, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of E. O. Vaile, of Oak Park, Chicago, Ill., and the petition of J. M. Nickles, of Sparta, Ill., praying for the ratification of the pending arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

He also presented petitions of the American Paper Company, of Chicago; of Taylor & Parrotte, of Chicago; of Reed, Walsh & Lange, of Chicago; of Griswold, Palmer & Co., of Chicago, and of the Continent Shoe Company, of Chicago, all in the State of Illinois; and the petition of George W. Taussig, of St. Louis, Mo., praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

Mr. CULLOM. I present the petition of John Wood Post, No. 96, Department of Illinois, Grand Army of the Republic, praying for a revision of the civil-service rules. I call the attention of the committee having that subject in charge to the statements made in the petition, which I think are worthy of consideration. I move that the petition be referred to the Committee on Civil Service and Retrenchment.

The motion was agreed to.

Mr. SEWELL presented a petition of the Woman's Christian Temperance Union of Camden, N. J., praying for the passage of Senate bill No. 1498, to punish the carnal and unlawful knowing of any female under the age of 18 years; which was referred to the Committee on the Judiciary.

He also presented petitions of the Ferry Avenue Methodist Episcopal Church, of Camden; of the Linden Baptist Church, of Camden; of the First Baptist Church, of Camden; of the Seventh Baptist Church, of Camden; of the Mount Zion Baptist Church, of Camden; of the Third Baptist Church, of Camden, and of the Wiley Methodist Episcopal Church, of Camden, all in the State of New Jersey, praying for the passage of Senate bill No. 2485, to further protect the first day of the week as a day of rest in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. BURROWS. I present the petitions of Stanford L. Parker and 153 other citizens of the Little Creek district of Laurel, Sussex County, Del.; of H. L. Spicer and 72 other citizens of Laurel, Sussex County, Del.; of Thomas Jefferson and 43 other citizens of Smyrna, Kent County, Del., and of C. C. Brown and 40 other citizens of Bridgeville, Sussex County, Del., praying for the appointment of a joint commission to inquire into the political conditions existing in that State, averring that they are not those of a republican form of government as contemplated by the Constitution of the United States. I move that the petitions be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. PERKINS presented a resolution of the Chamber of Commerce of San Francisco, Cal., favoring the general principle of arbitration, and remonstrating against the submission to arbitration of any question affecting the validity of the Monroe doctrine; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Bancroft-Whitney Company, of San Francisco, Cal., and the petition of P. W. Croake, publisher of the Catholic Tidings, of Los Angeles, Cal., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Chamber of Commerce of San Diego; of the California Dairy Association; of the Merchants and Manufacturers' Association of San Diego; of the Merchants' Association of San Francisco, all in the State of California, and a petition of sundry citizens of California, praying for the passage of the Nicaraguan Canal bill; which were ordered to lie on the table.

He also presented the memorials of Charles A. Tupper, publisher of the California Prohibitionist, of San Jose; of William Pierce Johnson, vice-president of the Willamette Pulp and Paper Company, of San Francisco; of Stephen Bowers, publisher of the California Voice, of Los Angeles; of Dr. C. N. Miller, editor of the California Medical Journal, of San Francisco; of J. H. Cosgrove, publisher of the Wave, of San Francisco; of Wallace G. Brown, publisher of the Contra Costa Gazette, of Monterey; of R. A. Dague, publisher of the Chronicle, of Santa Paula; of Warren E. Price; of E. P. Truitt, publisher of the Weekly Call, of Norwalk; of John Sharp, publisher of the South Pasadenan, of South Pasadena; of S. B. Carleton, publisher of the Pacific Town Talk, of San Francisco; of J. G. Edward, publisher of the Coast Review, of San Francisco; of H. L. Herzinger, publisher of Ukiah Herald, of Mendocino County; of Clark Bros., publishers of the Press, of Riverside; of Adolph Glaser, publisher of the Stockton Banner, of Stockton; of Dr. W. P. Burke, of Altruria; of J. A. Wiles, manager of the San Francisco Business College; of J. A. Cruzan, publisher of the Pacific, of San Francisco; of Walter Frickstad, publisher of the Ægis of the high school of Oakland; of Samuel T. Porter, editor and manager of the Del Norte Record, of Crescent City; and of J. G. Eckles & Sons, publishers of the Weekly Review, of Porterville, all in the State of California; the memorial of H. F. McKeener, of Alna, Me., and a memorial of a committee appointed at a meeting of publishers held in New York City February 10, 1896, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HALE presented a petition of the Maine Woman's Suffrage Association, praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

Mr. SHERMAN presented a memorial of sundry citizens of Mansfield, Ohio, remonstrating against the passage of House bill No. 10090, to amend an act to regulate commerce; which was referred to the Committee on Interstate Commerce.

Mr. DAVIS presented a resolution of the house of representatives of Minnesota, favoring the adoption of an amendment to the Constitution of the United States permitting the election of United States Senators by a direct vote of the people; which was referred to the Committee on the Judiciary.

Mr. LODGE presented a petition of the Harvard Church, of Brookline, Mass., praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

Mr. DANIEL presented the petition of C. A. Jewell, B. C. Buxton, and sundry other citizens of Alexandria, Va., and the petition of T. T. Hanee, Louis H. Berry, and sundry other citizens of Alexandria, Va., praying that the Washington, Arlington and Falls Church Railway Company be allowed to widen the Aqueduct Bridge and construct an electric street railway track thereon into Washington, D. C.; which were referred to the Committee on the District of Columbia.

SENATOR FROM DELAWARE.

Mr. CHANDLER. I present the petition of Washington Hastings, Alfred D. Warner, Evan G. Shortridge, Samuel M. Knox, J. E. Smith, and 33 other citizens of Delaware, praying that the claim of Henry A. Du Pont be again investigated, and stating that he was duly and legally elected to the United States Senate by the legislature of Delaware on the 9th day of May, 1895. I move that the petition be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. CHANDLER. I present a further petition from Henry A. Du Pont, who claims the vacant seat in the Senate from the State of Delaware. He sets out that the previous vote by which he was declared not entitled to his seat was carried by a majority of 1.

He further states that upon an examination of the record he finds that there was a doubt existing as to the regularity of certain pairs, which, if correctly stated, he avers would have prevented the passage of that resolution; and he cites the following principle of parliamentary law, which he says is the well-established and settled rule, that—

Whenever a vote is improperly stated, or some error occurs, or an erroneous announcement is made of the record of the vote, at whatever period of time the discovery is made, the proceedings are null and void and the bill stands before the house for whatever action may be necessary for a correction of the vote.

I ask that the petition may be printed as a document and referred to the Committee on Privileges and Elections.

The PRESIDING OFFICER (Mr. PERKINS in the chair). If there be no objection, such will be the order.

Mr. GRAY. I object to its being printed, but of course it will be referred to the committee.

Mr. CHANDLER. I hope the Senator will not object to its being printed as a document—not in the RECORD.

Mr. GRAY. I object to its being printed in the RECORD.

Mr. CHANDLER. Not in the RECORD. The Senator does not object to its being printed as a document?

Mr. GRAY. No.

The PRESIDING OFFICER. If there be no objection, the petition will be printed as a document and referred to the Committee on Privileges and Elections. It is so ordered.

REPORTS OF COMMITTEES.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (H. R. 3014) revising and amending the statutes relating to patents, reported it without amendment.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 7740) granting an increase of pension to Lewis Keiser, reported it without amendment, and submitted a report thereon.

Mr. CHANDLER, from the Committee on Naval Affairs, to whom was referred the amendment, submitted by himself, intended to be proposed to the naval appropriation bill, the amendment directing the Secretary of the Navy to consider the subject of the erection, in the city of Washington, of a suitable statue to David D. Porter, lately the Admiral of the United States, reported it favorably, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

BILLS INTRODUCED.

Mr. GEAR introduced a bill (S. 3608) setting apart a plot of public ground in the city of Washington, in the District of Columbia, for memorial purposes, under the auspices of the National Society of the Daughters of the American Revolution; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Buildings and Grounds.

Mr. DANIEL introduced a bill (S. 3609) to quitclaim and confirm title to lots 13 and 14, in square 959, in Washington, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. TURPIE (for Mr. VOORHEES) introduced a bill (S. 3610) granting a pension to Nancy Hawkins; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (for Mr. VOORHEES) introduced a bill (S. 3611) granting arrearage of pension to Daniel Uptegraft; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 3612) granting a pension to Mrs. Martha Frank; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3613) granting a pension to Mary Macauley, widow of the late Brig. Gen. Daniel Macauley, United States Volunteers; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MORRILL (by request) introduced a joint resolution (S. R. 195) providing for the printing of the names of heads of families and other detailed information as shown by the First Federal Census; which was read twice by its title, and referred to the Committee on the Census.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HALE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GRAY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. BURROWS submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

HOUSE BILLS REFERRED.

The bill (H. R. 610) for the relief of John P. McRae was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 5128) to increase the pension of Jere Smith was read twice by its title, and referred to the Committee on Pensions.

ORDER OF BUSINESS.

Mr. ALLEN. I ask unanimous consent to call up Senate bill 3051.

The PRESIDENT pro tempore. The Senator from Nebraska will wait. The morning business is not yet concluded. Concurrent and other resolutions are in order. [A pause.] If there be none, the morning business is concluded, and the Calendar is in order.

Mr. CHANDLER and Mr. PETTIGREW addressed the Chair.

Mr. ALLEN. I ask unanimous consent to call up Senate bill 3051.

Mr. PETTIGREW. I wish to move to take up the Military Academy appropriation bill.

Mr. ALLEN. I hope that I can have the attention of the Senate just a few moments, having called the attention of the Chair to this matter, and that the Senator from South Dakota will waive his right to have the appropriation bill taken up until I can have a little bill passed which I think is merely formal.

The PRESIDENT pro tempore. The Chair recognizes the Senator from South Dakota. Does he yield to the Senator from Nebraska?

Mr. PETTIGREW. I will yield to the Senator from Nebraska after the appropriation bill is brought before the Senate. I am very anxious to dispose of the appropriation bill.

Mr. ALLEN. I am perfectly willing to yield until that is taken up.

The PRESIDENT pro tempore. The Senator from South Dakota moves that the Senate proceed to the consideration of the bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898.

The motion was agreed to.

Mr. PETTIGREW. Now I yield to the Senator from Nebraska, provided the bill he wishes to call up does not lead to any delay or debate.

Mr. ALLEN. It will not lead to any delay, I think.

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Nebraska?

Mr. PETTIGREW. I yield to the Senator from Nebraska.

MIXED-BLOOD INDIANS.

Mr. ALLEN. I ask the Senate to proceed to the consideration of the bill (S. 3051) defining the rights and privileges of mixed-blood Indians under the treaties and statutes of the United States, confirming the title of said Indians to their lands, allowing the same to be alienated under certain circumstances, and for other purposes.

The PRESIDENT pro tempore. The bill will be read at length.

The Secretary read the bill.

Mr. PLATT. Is the bill before the Senate?

The PRESIDENT pro tempore. The Senator from Nebraska asked unanimous consent that the Senate would proceed to its consideration, and it was read for the information of the Senate.

Mr. PLATT. I desire to say about the bill, if the Senator will permit me, and if I may be indulged a single word——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Connecticut?

Mr. ALLEN. Certainly.

Mr. PLATT. The bill did not receive my support in the committee, and it is an important bill. It practically reverses the present policy or law with reference to the title under which Indians hold their allotments and is widespread in its effects. I do not think it ought to be taken up just in this way. I am perfectly willing to consider the bill at any time when it can be done. I do not think it can be done under the five-minute rule. I could not explain the operations of the bill in five minutes. I will say to the Senator from Nebraska that I have not the slightest desire to obstruct the consideration of the bill. I am ready, at any time when we can take it up, to discuss it and give my reasons why I think it is an unwise measure.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. PLATT. I think I must object.

The PRESIDENT pro tempore. Objection is made.

INTERNATIONAL MONETARY CONFERENCE.

Mr. CHANDLER. I ask unanimous consent to proceed to the consideration of Senate bill 3547, to provide for the representation of the United States by commissioners in any international monetary conference hereafter to be called. I hope it will not take a

great while to dispose of the bill, I will say to the Senator from South Dakota.

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from New Hampshire?

Mr. PETTIGREW. I can not yield, Mr. President. I wish to dispose of the appropriation bill, and I think we had better do it now.

Mr. CHANDLER. I understand there is nothing left of the Military Academy appropriation bill for consideration, as far as the committee know, except the pending amendment.

Mr. PETTIGREW. That is all.

Mr. CHANDLER. I will then defer moving to take up Senate bill 3547 until the pending bill is disposed of. Then I hope to get the attention of the Chair and the vote of the Senate to proceed with the consideration of that bill until it is completed.

MILITARY ACADEMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898, the pending question being on the amendment of Mr. PROCTOR, to insert at the end of line 4, page 2:

Provided, That hereafter, whenever the corps of cadets, United States Military Academy, is ordered upon military duty away from West Point, N. Y., the necessary expenses for transportation, quarters, and subsistence of the said corps shall be paid from the appropriations for the support of the Army.

Mr. PROCTOR. Mr. President, it seems to me that we have not been discussing the main issue in regard to this amendment. I should like to ask the Senator who reported the bill whether he considers the West Point cadets as a part of the Army of the United States?

Mr. PETTIGREW. I will say to the Senator from Vermont that I am not aware that my opinion on that subject would be a matter of any interest whatever, and therefore I decline to give it.

Mr. CHANDLER. I should like to answer that question.

Mr. PROCTOR. I can answer it very well, I think.

Mr. CHANDLER. Then the Senator did not want an answer; he only wanted an excuse for making his own remarks. I beg pardon for rising.

Mr. PROCTOR. The Revised Statutes, in giving the list of the different organizations that form a part of the Army, give at the close of the list "the professors and corps of cadets of the United States Military Academy." The important question, it seems to me, is whether the President of the United States, the Commander in Chief of the Army of the United States, has a right to call out the cadets for any purpose that he thinks warrants it——

Mr. COCKRELL. No; for an inauguration. That is the question.

Mr. PROCTOR. For any purpose that he thinks warrants it; and that right, I submit, has never been abused so far. They have been called out only at rare intervals. There is no danger that they will be called out frequently. The President can call them out and the transportation is paid by the Government. It is only a question of the three or four or half a dozen meals that the cadets would take here that is in issue. The Comptroller holds that as the statute limits the pay of cadets to $540 a year, and as officers must furnish their own subsistence, the payment can not be made out of the Army appropriation for subsistence. But the transportation is a different matter.

Mr. GRAY. May I ask the Senator from Vermont a question?

Mr. PROCTOR. Certainly.

Mr. GRAY. Does the Senator know how this matter of subsistence was managed when the cadets went to the Centennial Exposition at Chicago in 1893?

Mr. PROCTOR. Their subsistence was paid when they came here in 1873.

Mr. GRAY. I mean at Chicago in 1893.

Mr. PROCTOR. I have a letter from the Commissary-General here, and I think he finds no record of any payment for subsistence since 1873. I will read an extract from his letter:

The expenses for subsistence were, by order of the Secretary of War, paid in 1873 from the appropriation for the subsistence of the Army, the law at that time not being so explicit as it has been since as to what items can be paid out of the appropriation. The subsistence during later visits was probably paid by the cadets themselves, as no records show any payments out of the subsistence appropriation.

Mr. GRAY. Have there been any later visits to inaugural ceremonials by the cadets?

Mr. PROCTOR. None since 1873. There have been visits to other points—in 1876 to the Centennial at Philadelphia, to New York in 1889 at the time of the centennial anniversary of the adoption of the Constitution, to New York at General Sherman's funeral, and to the Exposition at Chicago in 1893. It appears to me very strange that this expense should be thrown upon the cadets whenever the Commander in Chief deems it expedient to call them out for any purpose. That is just to what it comes. I can hardly believe the Senate will do that.

Of course the great expense is the transportation, and that the law allows now. It seems to me this amendment is what the law ought to be at all times. The small pay of the cadets, $540, was plainly intended only to cover their expense at West Point.

Mr. GRAY. Clothing and subsistence?

Mr. PROCTOR. Yes; their clothing and subsistence there. Their position is a little peculiar. In one sense they are officers, and the Comptroller in his decision puts them on the basis of officers, and yet all but the four or five cadet officers are performing the duty of enlisted men, carrying muskets, marching in the ranks; and when enlisted men are ordered out, of course their subsistence is furnished by the Government. It seems to me very plain that the amendment should be adopted and should be the permanent law, and be subject then to no misunderstanding. It has been the interpretation up to a recent period.

Mr. GRAY. Mr. President, the Senator from Vermont would seem to be, so far as I could understand the law he read, correct in his interpretation of the powers of the Secretary of War. But if any legislation is needed to bring these cadets here the inquiry naturally arises, Why should they be brought at all? They have not been here to grace any inaugural ceremonial since 1873, which was twenty-four years ago. What has occurred since then to make it expedient that the unbroken custom from that time should be departed from and the cadets should not be left, as they always have been, to attend to their studies and to the work that is laid out for them at West Point?

It is a very handsome thing to see those cadets in a parade; it is a very handsome showing; they do credit to their instructors; they do credit to those who founded that institution and to those who now sustain it. But the object of the institution was to educate these young men as soldiers. We shall bring them here, if we bring them at all, at a very inclement season of the year. They would be exposed, probably, so far as the vicissitudes of weather go at that early part of the month of March, to a very harsh and a very trying climatic condition in this city. I have been informed that the last time they were brought here, in 1873, two of the then cadets lost their lives by reason of exposure.

I do not feel that the time has yet come for the bringing of the cadets at the Military Academy to grace the inauguration ceremony of the President, however proper it might be that it should be graced in a proper way.

Mr. ALLEN. I should like to ask the Senator from Delaware a question before he sits down. I understand that the Senator last fall gave his great influence to the election of the Republican ticket, and that prosperity has been restored, and the country is now rolling in luxury and in wealth. Why not bring these young gentlemen down here at the expense of the taxpayers and give them an opportunity to see the consummation of that great event?

Mr. GRAY. Well, Mr. President, that is just one of the differences between the representatives of the Populist party and myself. They may be willing to indulge in these extravagances, but the school in which I was brought up forbids me to assent to it.

Mr. ALLEN. I was fearful the Senator from Delaware would not stand up to the question.

Mr. GRAY. The question we are discussing is the propriety of bringing the cadets here at all. We will discuss the other question with you on a proper occasion.

Mr. ALLEN. I agree entirely with the Senator from Delaware that it is a work of supererogation; not only that, but it is foolishness, absolute, inexcusable foolishness, to bring these boys down here to the inauguration. They are not to be brought here for educational purposes. That is the mere occasion, the mere excuse, the mere subterfuge, if I may use the expression. They are to be brought here to add to the tinsel and the display. They are to be brought here so that the people who attend the inaugural may look upon them, and that they incidentally may enjoy some of the sights and scenes and entertainments around Washington during that period. I understand how skillful gentlemen can say, "Why, they are brought here for educational purposes; we want to educate these young men." They can get their education at West Point. That is the place for them to obtain their education; and if they want to come here at proper periods, let them obtain leaves of absence from their commanders and come here like any other citizens.

Mr. HAWLEY. Will the Senator allow me to correct him?

Mr. ALLEN. Certainly.

Mr. HAWLEY. They get but one leave of absence during their four years' term, and that is at the end of the second year.

Mr. ALLEN. Possibly that is enough. If they are sent to that school to be educated at the expense of the taxpayers of this country, they should attend to the business for which they have been selected. We are getting to be altogether too kingly in this country now. All we lacked four years ago to be a foreign nation was a crown.

Mr. CHANDLER. A crown of thorns.

Mr. ALLEN. We have had the crown of thorns since then. I am told that the coming inauguration is to outdo everything

that has preceded it in the line of display, military display, civil display—a display of wealth, if I may use the expression.

Mr. GRAY. That is better.

Mr. ALLEN. Yes. Mr. President, I should like to see the time come or come back to this country when a man can come here and be inaugurated as Jefferson was inaugurated, in absolute democratic simplicity, where there would be no display.

Mr. GRAY. Ride up on the street cars?

Mr. ALLEN. Ride up on the street cars. They are good enough for any man. Or ride on horseback, if he can do so. That is good enough for any man. Let the people stand and witness the inaugural ceremony, the inaugural address, the administration of the oath, and such things as that, not in the sense of witnessing a display, but in the sense of witnessing the great responsibility that the President of a great country takes upon himself.

Mr. STEWART. Do I understand the Senator——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Nevada?

Mr. ALLEN. I always yield to my good friend from Nevada.

Mr. STEWART. Will the Senator say he does not admire the grandeur of the Roman emperors as they took charge of that Empire? Has he failed to appreciate the magnificent display there was in Russia at the last coronation, where only a few thousand, probably not more than fifteen or twenty thousand, were trampled under foot by the guards and killed? Does he not appreciate those things?

Mr. ALLEN. I should like to ask my friend if he refers to the recent coronation in Russia where the American ambassador appeared in knee trousers. Is that the display?

Mr. GRAY. In knickerbockers.

Mr. ALLEN. In knickerbockers.

Mr. STEWART. I do not exactly remember what occurred to him, but if he composed a part of that pageant I care very little what became of him.

Mr. ALLEN. I think it was reported at the time that the American ambassador was required to wear, what some gentlemen here suggest to me is a politer expression, knickerbockers.

Mr. GRAY. A bicycle suit, I expect.

Mr. ALLEN. A bicycle suit. I would call it knee trousers, myself.

Mr. President, I never read anything in Roman history of the display that was made by the emperors that challenged my admiration. The greater the display in Rome the nearer the fall of the Empire. When Rome gave herself over to feasts and festivals and to great parades and coronations then the dry rot that eventually destroyed the Roman Government set in, and it fell, and we have to-day as a logical sequel the miserable lazzaroni of Italy.

But I can not understand why my distinguished friend from Delaware, whose great voice and whose great mind have been given here to bring about the present condition of affairs, can object to this display. To all intents and purposes the Senator from Delaware has been a Republican for the last three or four years. I know he attends Democratic caucuses; I know that he says he is a Democrat, and another distinguished gentleman over here says he is a Democrat; but upon every essential feature of Republican doctrine the Senator from Delaware has been a Republican. Names count for nothing. The American people can not be deceived by names any more. If I were a gold-standard man and had led the people of this country to believe that prosperity was already here, that all we had to do was to have a little confidence in one another and we would have plenty of money, I would say, expend the public money liberally, bring these young men down here at the expense of the taxpayers and let them see Washington and its sights and have a good time, for that is all that is meant.

There is not a Senator upon the other side of the Chamber nor upon this side who believes in his heart that there is any sense in bringing these boys here. There is no mission for them to perform here, except to become a part of the line of military display that is to be seen along the Avenue between the White House and the Capitol. You may undertake to veil it, you may say it is a splendid educational opportunity, and all that; you may put it in soft words; but the people of this country will not be deceived respecting what it means. It means a foolish, an utterly foolish display at the expense of this Government. Let these boys come here at their own expense, as the other boys of the country come here, if they do come.

Mr. HAWLEY and Mr. GRAY addressed the Chair.

The PRESIDENT pro tempore. The Senator from Connecticut is entitled to the floor.

Mr. GRAY. I only want to say a word or two in reply to the Senator from Nebraska [Mr. ALLEN].

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Delaware?

Mr. HAWLEY. I do.

Mr. GRAY. Mr. President, the Senator from Nebraska has just exhibited to us a melancholy example of the devastation and the ravages which are worked in the moral and intellectual nature by the admission of Populistic ideas and the entertainment of Populistic notions.

Why, think of it, Mr. President! I rose merely to utter my feeble voice against the proposition that the cadets of the United States Military Academy should be brought away from their studies in order to form a part of the pageant of the inaugural ceremony, and the Senator from Nebraska, while he agrees with me, enters into a very heated altercation—if altercation it can be called which is confined to one side—as to my position with reference to the currency question. My views and notions upon that question have been known for many years, yet upon this simple proposition as to whether or no these cadets shall be brought away from the Academy at West Point, the Senator has indulged himself in this long screed as to my personal relations concerning certain great questions before the country. He might as well have brought into the discussion the propriety of bringing Coxey's army here to form a part of the procession that is to march up Pennsylvania avenue on the 4th of March next. It would have been quite as relevant.

Mr. ALLEN. A little more relevant.

Mr. GRAY. The Senator says "a little more relevant."

Mr. ALLEN. Mr. President——

Mr. GRAY. I will yield the floor in a moment.

The PRESIDENT pro tempore. The Senator from Delaware declines to yield.

Mr. GRAY. I have no doubt from what the Senator from Nebraska has said that he would have voted for that proposition, as he will vote against the one before the Senate.

Mr. ALLEN. Mr. President——

The PRESIDENT pro tempore. The Senator from Connecticut [Mr. HAWLEY] was recognized.

Mr. HAWLEY. Mr. President, I am not at all afraid that the health of these young gentlemen will be injured by a trip down here. They would themselves scorn an excuse of that sort. It did so happen that they came here twenty-three years ago without their overcoats (which was a very great mistake), presuming too much upon the delights of this climate, and undoubtedly they had a severe time during that terrific March weather during the prevalence of a fierce northwest wind. They were not clad as soldiers ordinarily would be who go out at that season of the year; but that is no reason whatever why they should not come here now, when they will be lodged in exceedingly comfortable rooms and quarters which are already pointed out in case they are allowed to come here.

That, by the way, reminds me that there is a mistake about the question which is before us. These cadets are as much under the command of the President of the United States as the artillery that is down here at the Arsenal or the troops at Fort Myer. The President can order them to San Francisco if he thinks best. He has the constitutional power to do so, and, although he is not likely to do so, he has that undoubted right. The only question before us is whether a certain portion of the expenses shall be paid out of the appropriation already made to the Army.

I think it would be an excellent thing for the cadets to come here. I wish, if possible, that every person under 21 years of age could pay one good visit to the capital of the United States. I rejoice when I see these companies of military here. Not one of them goes back without a thrill of patriotic pride in this very noble city, without becoming a better American citizen.

These young men will be graduated soon; they will be ordered off a few days after graduation to various parts of the country to join their commands. Some of them go out upon the plains and across the distant mountains to the Pacific Coast, and their regiment is never ordered east of the Mississippi. It is only by a trip at their own expense that they can see Washington, and many of them will not see it under ten or fifteen years unless they can avail themselves of this opportunity. I should be glad to have the cadets come.

The Senator from Nebraska [Mr. ALLEN] is one of those who is using in every other line the words "the people," "the people," "the people," as if they were a race distinct from ours, as if there were two kinds of human beings, one of which were American citizens and the other "the people." It is a sort of contempt for the body of citizens of the United States to have everlastingly attributed to them narrow prejudices and lack of patriotism and jealousy about the expenditure of a dollar. There is not a human being in this country who comes to this city who is not proud to see that extensive, magnificent Library building, perhaps the finest in the world. There is not one of these American citizens who is not proud of it, not one of those called "the people" who is not proud of it, and who does not approve of any reasonable expenditure being made for the glory of the country. So of the other great public buildings in this city.

Every young man who comes here to witness the inauguration and who sees the splendid array of troops will be delighted to see them, and there are none who, upon the question being raised,

would not thank the President of the United States for ordering the cadets from the Military Academy to come here and participate in the inaugural ceremonies. They are our boys, a specially dedicated class, paid by us, supported by us, selected by the representatives in Congress and by the President of the United States to dedicate their lives, under oath, to the service of their country. It is a proud thing to be a member of that cadet corps, and the people of the United States are proud of it.

There is not a better school in the world, nor a finer class of young soldiers growing up to be champions of their flag. I shall be sorry if they are not permitted to come. The President can order them to come, but this amendment provides for the payment of a portion of their expenses, perhaps their food. I suppose the country feeds them already at West Point. They do not pay out of their own pockets for it, for there is not one out of ten who has a pocket with any money in it. The great mass of them are poor boys.

I hope the Senate will pass this amendment, and that this small sum of money which will be needed will be given for this purpose.

I insist that the excursion would be an excellent drill for the cadets. They live upon the beautiful campus at West Point, and have a great severity of drill in daily life. They are out in guard mounting, they are out in dress parade, and they are out upon various drills. I hope that no man supposes they wait for an April sun before they go out of doors. There is one kind of drill which a soldier learns very early after he becomes a real soldier, which was especially the case in our late war, and that is how to travel. It is not a small trick to know how to travel, how to get into cars promptly and properly, and get out of them and march away as easily as people do at one of our ordinary stations.

It is a drill for them to come to their quarters here in Washington, to take care of themselves in those quarters, and to march in the presence of 150,000 of their fellow-citizens. It will be a pleasant sight for them, an object lesson. They will see the President of the United States, and will see more or less how this great Government is carried on. I hope we shall let the boys come.

Mr. CHANDLER. As the Senator from Connecticut [Mr. HAWLEY] says, "these are our boys," and they are, as the Senator from Vermont [Mr. PROCTOR] says, a part of the Army of the United States; but nevertheless, Mr. President, they are our boys at school, and in considering this question I desire to say that, in my belief, every instructor of these boys, from the Superintendent of the Naval Academy at Annapolis down, and from the Superintendent at West Point down to the lowest instructor in the school, if their opinions were asked, would say that it would be an injury to the studies of these boys to take them away on this occasion.

The same discipline that the Senator from Connecticut says keeps these boys at that school for four long years, without allowing them to go home to visit their fathers and mothers, their brothers and sisters but once in the whole time, is impaired by taking them away from the school to make excursions, in order, as the Senator from Connecticut says, in addition to all their other studies and all their drills, that they may learn to get in and out of a baggage car. [Laughter.]

Mr. President, what are the merits of this case? I beg not to be misunderstood. I do not commit myself as to the merits of the great questions which have been raised between the Senator from Delaware [Mr. GRAY] and the Senator from Nebraska [Mr. ALLEN] in this debate. [Laughter.] I confine myself to the point whether or not these young men are to be injured in their educational course by coming here; and I say confidently that they are, and that that is the opinion of everybody connected with their education.

This was all I intended to say in closing the other day when I had the floor when 2 o'clock arrived, except to say that I did not raise this question in the Senate. I noticed that the boys were coming. I had a very thorough knowledge of one of these schools, and I had a good knowledge of the other school. I believed an injury was to be done by the orders already issued, and I intended to confine myself to writing a modest note to the Secretary of War and the Secretary of the Navy, filing my humble protest against the injury that would be done the boys at these two schools by the order, which I understood had been issued, and to leave it there; but the question is brought in here by a proposition that I am called to vote upon, it is brought in here by the Senator from Vermont for the purpose of having the opinion of the Senate expressed as to whether these cadets ought to be taken from their regular studies and distracted from their regular work in order to join in the pageant which is to take place, and fittingly and properly take place, on the great occasion on the 4th of March next.

Mr. President, that is the question, and when I am called upon to vote, with my convictions I can vote but in one way.

Mr. HOAR. I should like to ask the Senator from New Hampshire a question.

The PRESIDENT pro tempore. The Senator from New Hampshire has yielded the floor.

Mr. HOAR. I merely arose to ask a question, and I hope the Senator will take the floor again for the purpose of answering it. I ask if I correctly understood him to say that the head of the Military Academy, the present Superintendent, who is responsible for these cadets, had expressed an opinion adverse to this proceeding, as bad for the boys?

Mr. CHANDLER. I did not say so.

Mr. HOAR. The Senator said something which I understood in that way.

Mr. CHANDLER. I will state what I said. I suppose that if orders were issued from the present President and Commander in Chief to the cadets to come here and do honor to the future President and Commander in Chief, whom we shall all welcome, the head of the Military Academy would not protest against it. He is a military officer. What I said was that, so far as I know, there has been no expression of opinion here or anywhere else from the instructors of these young men in favor of their coming, but I undertake to say if they were consulted they would one and all be against it.

Mr. HALE. Mr. President, I have no doubt that what the Senator from New Hampshire [Mr. CHANDLER] says is correct. Neither do I understand that either of the heads of the Departments under whose management are these two schools was in favor of this as a matter of discipline for the good of the corps.

The Senate may as well understand that the whole thing rests upon the question whether or not the cadets shall be brought here at the inauguration. It is not a general question, as the Senator from Vermont has stated. While the provision is put as a general proposition in the bill, it means that the cadets are to be brought here whatever may be the character of the weather on the 4th of March. The Secretary, in transmitting the amendment, which was given to me at first, says, in connection with other things:

> I inclose also a draft of a provision and memorandum respecting the traveling expenses of the corps of cadets when they are passing from West Point on military duty. Unless the existing law shall be changed, it will probably be impracticable for the cadets to participate in the inaugural ceremonies.

They have not been ordered here, and the order from the Secretary of War or from the Secretary of the Navy affecting the corps of cadets will depend upon the action of the Senate. If the Senate declines to put the provision upon this bill, as the Secretary of War says, the cadets can not come here; and it ought to be settled by the Senate one way or the other, so that these officers may have the monition of the act of Congress as to what course they will take.

I expect to see, and desire to see, a large parade, well conducted by the officer in charge of it, who has great experience, immense tact and ability, and it will be a demonstration creditable to the American people, as it ought to be. But the salient question here, the fundamental thing, is whether it will be good for the discipline of the cadets at West Point to be taken away from that institution in March weather and broken up in their studies for nearly or quite a week, and whether any commensurate good will come from that. I do not think the celebration and ceremonies will be perceptibly marred or lessened by their absence. Therefore, thinking it will be wrong and bad policy, and bad for the corps, I shall not vote for the amendment.

Mr. WHITE. I desire to address an inquiry to the Senator from Maine. May I ask of the Senator whether there is any recommendation of any kind from the War Department or from the Navy Department with reference to this matter?

Mr. HALE. None whatever. I have read the part of the letter transmitted by the Secretary of War touching this matter, and the Senate has the whole case before it.

Mr. ALLEN. Mr. President, I want to say just a word in reply to the Senator from Delaware [Mr. GRAY] and the Senator from Connecticut [Mr. HAWLEY].

What I meant to say respecting the attitude of the Senator from Delaware was this, and I think he will see the connection between the premises and the conclusion—it is very logical: I said the attitude of the Republican party during the last campaign, and in fact for the last twenty years, has been an attitude of reckless expenditure of money, enormous taxation, and great appropriations. Those appropriations have been thrown around and scattered over the country recklessly and uselessly. The Republican party has been the champion of the financial policy which has been championed so ably by my friend from Delaware.

While the Senator from Delaware calls himself a Democrat, as a matter of fact he has been a Republican. I know it may seem strange to make that assertion; but, Mr. President, if the Senator from Delaware had given his great influence in the State of Delaware last fall to the cause of the Democratic party, I have no doubt he would have been able to change the result there. He was to all intents and purposes a Republican during the campaign of 1896. That being true, the Senator from Delaware is committed to the policy that may be mapped out by the Republican party; he can not alienate himself from it; and whenever his party says that it is necessary to bring these cadets here, or to bring any

other portion of the Army or the Navy here for the purpose of making a display at the expense of the taxpayers of this country, the Senator from Delaware is estopped from denying their right to do so.

Mr. GRAY. The Senator, I suppose, will not let me vote against it.

Mr. ALLEN. Of course the Senator can break away from his party ties if he wishes to. He can say, "I will no longer be bound by the action of the Republican party," if he desires to; he can again become a Democrat; but I am saying that if his attitude now upon this question is to be made consistent with his attitude for the last six or eight months, he must stand with the Republican party and vote for this appropriation.

Mr. HAWLEY. Will the Senator please allow me one word?

Mr. ALLEN. Certainly.

Mr. HAWLEY. I understand that the Senator from Nebraska himself was formerly a Democrat and has changed his party twice.

Mr. ALLEN. Mr. President, I told the Senator here two or three years ago about myself, and if he wants to know more about me I will take him out into the cloakroom and tell him all about myself from childhood up. [Laughter.]

Mr. HAWLEY. I do not care about that.

Mr. GRAY. The Senator has been a Republican and a Democrat both.

Mr. ALLEN. Mr. President, I have not lived for seventy-five or eighty years and been incapable of changing my party allegiance. I have made a little more progress than that. Whenever a man gets to the point in his political affiliations where he says, "I have reached all political perfection; my party is right, and I am right; changed conditions and changed circumstances make no difference, I will stay with the party," he is in a position where he never makes any progress, and some men have never made any progress.

I have never been able, Mr. President, to raise my voice in this Chamber against reckless expenditure of money and military display that I have not called forth the invective of the Senator from Connecticut, and called it forth in a manner that was scarcely decent at times, personally. Here I have incurred his enmity again, because in my way I have objected to this display on inaugural day. I said these young men in the Military Academy were boys at school at the expense of this Government and at the expense of the taxpayers. I say so now. Who disputes it? I say there is no kind of sense in bringing them here to make them a part of the grand military display on the 4th of March. That is what they will be brought here for.

The Senator from Connecticut, in the plenitude of his wisdom, says that it will be good exercise for them. They can certainly exercise at West Point. He also says it will be a good drill for them to get in and out of cars. Mr. President, if these cadets did not know enough to get in and out of cars when they left their homes, then the sooner we open the doors at West Point and send them home the better for the Government it will be. The idea of this Government raising up as officers of the Army lieutenants, captains, majors, lieutenant-colonels, colonels, brigadiers, and major-generals, like my friend from Connecticut, from boys who do not know enough to get in and out of cars!

Mr. GRAY. Without being blindfolded.

Mr. ALLEN. If that is the only thing to be gained, would it not be better policy for us to buy a train of cars and put them on a side track at West Point, or somewhere, and let those boys go out in the morning and practice getting in and out of cars? [Laughter.] It would be cheaper by all means.

Then the Senator from Connecticut is angry again because I spoke of the people. Mr. President, I am an American citizen, born in this country of ancestors who came here long before the Revolutionary struggle. I have a right to speak of the people, and the distinguished and honorable Senator from Connecticut has no right to arraign me in bitter language for doing so. True, I was not born with a silver spoon in my mouth; I was not born an aristocrat; I was not born a Hamiltonian; I was not born to believe that one man in this world is any better than another, unless he makes himself so.

What is there about the bringing of these boys here to the inaugural ceremonies at the expense of the Government that is questionable, Mr. President, from my standpoint? I say it is one of the things that Congress is encouraging from time to time that shows the reckless disposition of our Government to expend public money. If they are brought here, they will be brought, not for the purpose of education, but for the purpose of display, a grand military display at the expense of the taxpayers; and because I raise my voice, feeble as it is, in behalf of those taxpayers who are selling corn out in my country at 7½ and 8 cents a bushel, and can not sell it at all at times—because I am not willing to see the taxes piled upon the people of this country, because I will not join the Senator from Connecticut in his raid upon the public Treasury whenever he wants to make it, then I am to be condemned.

Mr. PROCTOR. Mr. President, the Senator from Maine [Mr. HALE] seems to think this body is the proper one to exercise the discretion about calling out any part of the Army. It seems to me that discretion properly rests in regard to these cadets just where it does with reference to any other corps or part of the Army—with the President, the Commander in Chief. If we adopt this amendment, we merely give him the authority he has with reference to any other part of the Army. As the law now stands, or, rather, under the ruling of the Comptroller, if the President should die and a guard of honor should be wanted—if any occasion should seem to call for transporting these cadets—their transportation could be paid, but they would have to pay their own subsistence.

Certainly the provision is a wise one as a part of the general law, and we may safely and properly leave the matter of discretion where it belongs, with the President, the Secretary of War, and the officers of those cadets. If they see serious objections, they will surely prevail, and the Secretary of War and the President will not overrule the officers of the Academy in reference to this matter. That is where the discretion properly belongs, and it is where we should leave it, and put these cadets upon the same basis with all other parts of the Army with reference to being called out and as to their subsistence and transportation. The exception in this case is merely as to the three or four meals they would require while here.

Mr. THURSTON. Mr. President, I dislike to run counter to the settled judgment of "the grave and reverend seigniors" of the Appropriations Committee, but I can not let this question go to a vote, and, as I presume, to a defeat, without once more saying a word in behalf of the broad proposition that, as a matter of grave public policy, the cadets at West Point ought to be asked and ought to be given an opportunity to participate in every inaugural demonstration in the United States.

Sir, these young men are dedicated to their country; they have entered upon a life defense of the institutions of this Government. They are as truly pledged to their country as are the priests who vow their allegience upon their altars to their God. For all time to come these young men who enter West Point, selected from the best of the land, are set apart; they are not to participate in the ordinary business affairs and enterprises of the country; but they are set apart to be the guardians of the flag, to be the defenders of our liberties, to maintain our borders, to protect our coast line, and always and at every time to stand between this nation and its foes.

That being the case, they are different from the ordinary boys of the country who are being brought up to other pursuits and have the choice of other vocations, as referred to by my colleague, the Senator from Nebraska. It seems to me it is a strange idea which some of the Senators upon this floor have, that these young soldiers entered at West Point upon their military careers are hothouse blossoms who will wither in the cold atmosphere of Washington upon the 4th of March; that they are mere tender plants who ought not to be exposed to the inclemency of the weather that usually attends the inauguration of a President of the United States.

No, no; Mr. President, these young men, boys in years, are already soldiers of the United States. Must they be kept in a hothouse in order that when they are graduated and receive their commissions they may enter for the first time upon actual contact with the hardships of weather and travel and of real practical experience? Boys younger than these were in the charge up the flame-swept hills at Chattanooga. There were boys younger than these at Chickamauga on either side. There were boys younger than these who baptized their patriotism with their blood. This talk about it being necessary to keep them sheltered as in a nursery at West Point and not permitting them to stick their noses out into the colder atmosphere of Washington on the 4th of March, in my judgment, is all nonsense. It is not intended in seriousness. It is interposed here for the purpose of making weight against a proposition which is opposed for other and more potent reasons.

Mr. President, I say the object lesson of the inaugural demonstration will do more for the education of these young men than all their lessons for any month of their academy term. The most valuable lessons of youth are not those from the books. The best are those of the eye, are those of experience, are those of travel, are those of actual observation. What grander lesson can there be on the face of the earth for young men dedicated to the military service of their country than that grand spectacle which will be fittingly observed here upon the 4th of next March? I say fittingly observed, for it matters not who is to be inaugurated President of the United States. It would be the same to me if Mr. Bryan had been elected rather than Mr. McKinley. I do not care, for that matter, whether it be a Republican or a Democrat or a Populist whom the people select. At the time of the inauguration of that man, whomsoever he may be, the people of this country, because it is their country, the people of this Government, because it is their Government, the people of this land, because it is their land, are all interested equally and alike, every section and every belief, in

making the ceremony typical of the power and grandeur and duration of the American Republic. Talk about other grand demonstrations in foreign lands and under kings, or those in the time of the Roman Emperors; talk about the pageants emblematic of despotic power! Sir, there is as great a line of demarcation between those demonstrations, typical of despotic power, of kingly rule, of the dominion of emperors and kings, and those which are commemorative of the peaceful solution by a great free people of their domestic affairs, as there is between the sunrise and the midnight.

No, no, Mr. President; the boys at West Point are our boys. They are our soldier boys. There are among them the future Grants and the future Lees. There are among them those who, if need be, will be our defenders and the defenders of our children in the years to come. No matter what party may prevail, we are to trust to them, to their patriotism, to their loyalty, to their zeal, and to their experience and ability for the preservation of this country from attack outside or from within.

I do insist and I must insist that these young men will receive more benefit, more experience, higher lessons, broader conceptions of duty; that they will be inspired to a higher patriotism, a more devoted love of country, by being permitted to come to this city and participate in these ceremonies, than they will be if the Senate of their country at the close of this debate says to them, "Children, keep within your nursery; your country has no use for you as witnesses of the grandest ceremony that attends the culmination of the will of the people in a Presidential inauguration."

Mr. STEWART. Mr. President, in the present condition of the country, when hundreds of thousands of people are starving for lack of bread, when our cities are filled with tramps, when the public press is calling upon the people for charity, it is proposed that the Senate shall vote away the public money to augment the display which will naturally be made by an army of office seekers who come for a purpose. If it is so important for American citizens to see this display, if it is necessary that it shall be seen by all, why not make the appropriation general, sufficient for all the people to come? The necessity of having those boys here is not great. It will certainly break up their studies, and it is liable to endanger their health, because in every inauguration for many years past a large number of persons have lost their lives through disease occasioned by the exposure which necessarily attends such an occasion.

Now, if there is anything in republican form of government that demands imperial display on inauguration day, it is something new. If you will search the annals of history you will find that such displays are always accompanied either by despotism or approaching despotism. No republic of ancient or modern times, when it was really a republic and not in decay, has ever made any great display in placing its executive in power. This Republic did not in its better days. Senators say there were not so many people here then as there are now, but there were enough then to have made a great display if it had been deemed in accordance with the genius of our institutions. It is bad enough, it reflects upon republican institutions enough, to tolerate the display made by interested parties, by office seekers. They will make it grand enough on this occasion when office holding is about the only business in the country that will pay. Of course they will be here in force, demanding their reward for their services in the campaign. They always come, and the only trouble is that too many come; more come than can be accommodated.

The idea of spending public money, not to illustrate republican institutions, but to set an example of monarchy! You want the cadets to come here so that they will love their country. I do not want them to come here so that they will mistake the President of the United States for their country. That is what people are liable to do. I prefer the practices of the early days of the Republic, when there were fewer tramps and fewer hungry men in proportion to population than now. If I have read history aright, all despotisms, and all republics when they are marching on to despotism, make these displays. Monarchies do it as a matter of course. Republics do it when they are on the road to monarchy. It is proposed to bring the young men here to teach them that this grand display is their Government; that the people are nothing; to draw a contrast between the grandeur here and the adoration for the incoming President, and the starving masses in the country begging for bread. The contrast at this time between display and the squalor of poverty is already too great. There is no necessity of making an appropriation by Congress to aggravate it, to increase it. I am opposed to paying one cent out of the public Treasury to add to the gorgeous, magnificent display, which is in taste and keeping with monarchy and opposed to every principle and usage of true republics.

Mr. PEFFER. Mr. President, before the vote is taken, I wish to say a word. It seems to me that the discussion has taken a very wide range upon a proposition which is very plain in its wording. There is nothing in the amendment which in any way trenches upon the question we have now been discussing, which is simply a proposition that whenever the President orders the cadets at the Military Academy to any particular place in the country, their transportation shall be paid. I assume that that would be done at any rate, when they are ordered to any place, if the cadets are a part of the Army, and we are to assume that they are for the purposes of this argument. The order will come from the President of the United States through the proper channels, because the President is Commander in Chief of the armies of the United States. I assume, therefore, that in any case where the cadets would be ordered for any purpose to any part of the territory of the United States or elsewhere, it would be done by virtue of a military order coming within the jurisdiction of the military arm of the Government, and that it would follow necessarily that their transportation would be paid and all other necessary charges. That has been the universal rule, so far as I understand.

But we are discussing a new feature, whether or not the cadets ought to be ordered to Washington, and that, if it were properly before the Senate, would be a subject worthy of discussion. But it is not here. I assume that if it is to be acted upon by the President it will be done purely as a matter coming within his jurisdiction as Commander of the Army, and I confess I have some anxiety to see what the President will do in such a case; whether he will order those men here. If he does not order them here, it will be understood either that he does not wish them to be here or that it does not come within his jurisdiction. On the other hand, if it is at all important in the estimation of Senators that the cadets shall visit Washington at the time of the coming inauguration, would it not be well to treat them the same as we treat any other class of citizens of the United States—not direct them to come, but permit them to come? In order to grant that permission, the order would have to come from the superior officers of the Army. That certainly would cure all these defects. Let the cadets come if they want to. I would be perfectly willing to grant the permission. Let them come at their own expense and go to any hotels, wherever they are willing to go, and while they are here act as American citizens should act. It would be simple; it would be easy; it would be American, and it would do away with all the criticism that would come from the line of argument we have heard here this morning.

I think an inauguration is something that is very interesting to the American people. I remember once that I came a long distance to see the inauguration of General Grant; and I felt amply repaid for it. I have no doubt every one of the cadets would be pleased to come to Washington to attend the ceremonies, but I confess that I do not believe it is a military purpose that would call the cadets here at that time, and hence I think the President would not make such an order. But if he does make the order, if he feels that it is within his discretion and within the line of his duty as Commander in Chief of the Army, the expenses ought to be paid.

Mr. COCKRELL. Mr. President, I disagree entirely with the Senator from Kansas [Mr. PEFFER]. This is a question for the Senate to settle. The whole object is to bring the cadets from West Point to the inauguration. That is avowed. The Senator from Vermont [Mr. PROCTOR] has stated it, and now the question is, Will we vote to pay their subsistence while here?

Mr. PEFFER. I will not.

Mr. COCKRELL. And thereby indorse the power of the President to call them here for a nonmilitary purpose?

Mr. PEFFER. I will say to the Senator from Missouri that I will not vote for it.

Mr. COCKRELL. I supposed from what the Senator said that he was going to vote for it.

I am opposed to the proposition because it would be a tacit admission that the President of the United States has a right to order the cadets at West Point here at an inauguration for mere show, for mere demonstration, for mere tinsel. The Senator from Vermont [Mr. PROCTOR] has stated that if they come here they come as soldiers, not as officers. We all know the situation at West Point. These young men are there at public expense. They are being educated by the Government; all their expenses are paid, and $540 a year is given to each of them. A cadet is not allowed to go home in case of the sickness of his father or mother. The Senator from Arkansas told me of an instance where a cadet from his State was expelled because he had gone home to attend the funeral of his father or his mother. He could not get permission to go before the death.

These strict rules, the whole history of the institution shows, are necessary for the purpose of confining the minds and the attention of the students to the intricate questions before them. They are not allowed to go home except at certain times. Why shall they be taken off at public expense on this junketing expedition for show and demonstration? Is it a legitimate, is it a proper purpose for which to employ these soldiers who are to be officers? I say it is not. I deny the right of the President under existing law to order the cadets here. I care not what the accounting officers may decide. I know what they will decide. They have practically decided, because of obedience to the higher power, that the

Secretary of War or the President, through the Secretary of War, has the right to pay the expense of their transportation here. I understand that decision perfectly. It is because there has been a precedent set for it once. Shall a bad precedent be followed? I say not. I say the President has no authority under general law to order the cadets here for mere show and demonstration. It is not a part of their military duty.

Mr. PROCTOR. Will the Senator from Missouri yield to me for a moment?

Mr. COCKRELL. With pleasure.

Mr. PROCTOR. I think the allowance of the expense of transportation is not on account of any precedent, but because it is authorized by law. The law authorizes the transportation of the entire Army at public expense.

Mr. COCKRELL. I understand that.

Mr. PROCTOR. It includes officers as well as men.

Mr. COCKRELL. That is true.

Mr. PROCTOR. The Comptroller holds that the subsistence stands on an entirely different basis, because officers have to pay for their own subsistence, and in his decision he puts the cadets on the basis of officers, and holds that as their pay is fixed they must pay for their own subsistence.

Mr. COCKRELL. As a matter of course, the Commander in Chief has the authority to order out the Army for military purposes, but it is a perversion of his power when he orders them to a point for other than military purposes. He has no right to order them to a place for mere demonstration and show.

Mr. PROCTOR. Will the Senator from Missouri allow me again?

Mr. COCKRELL. Certainly.

Mr. PROCTOR. The amendment itself states that—

Whenever the corps of cadets, United States Military Academy, is ordered upon military duty away from West Point.

It covers any case of military duty, and nothing else. The responsibility is placed by the amendment upon the President, where it belongs.

Mr. COCKRELL. We understand exactly what it is. The President and the Secretary of War, desiring to have the cadets here on this occasion, will make such an order and say it is military duty. I say it is not military duty. It is a civilian occasion. The President has no right to pervert it in that way. He has no right to ask the sanction of the Senate or of Congress to the enactment of a provision which will enable him to order the cadets here nominally for military duty, but really for civilian duty, for mere ornament, for show, for demonstration.

I do not think it ought to be done. The cadets are not put at West Point for that purpose. It will interfere with their business; it will interfere with their studies; it will divert their minds; it will expose them here to the inclement season in which the 4th of March occurs—such seasons we have seen. Their lives will be endangered, not for any military purpose, not for any military defense, but merely for vain show, for the gratification of the citizens who come here, that they may see the beautiful cadets in their handsome uniforms march up and down the streets of Washington for mere show, not for military duty.

Mr. President, I do not think that the amendment ought to be adopted. I think it would be vicious legislation; I think it would be wrong to sanction any such movement; and I go to the very basis of it, that the cadets are not at West Point for any such purpose. While they are nominally in one sense of the word officers, in order to have longevity pay counted to them, and in one sense soldiers, that they have to be drilled and disciplined, yet they are there as students preparatory for their duties as officers of the Army, and it is not proper to take them away for any other purpose. I hope the amendment will not be agreed to.

Mr. HAWLEY. Mr. President, the tendency of the remarks of our friends is in a wider direction than this mere measure. I take it they are opposed to anything which can be called unnecessary display in the world anywhere. There shall be no great feast days when all the people shall leave their daily toil; no triumphant marching; no hanging out of flags and banners; no money wasted in bands; no time or money spent in learning to sing great anthems. There is no use in this carving and gilding over here. A great barn of unplaned planks with a log fire can be made to answer every purpose of the Government, and the money can be saved to be given to the poor, after the fashion of the poor fellow who was rebuked by the Saviour. There is no such thing as pleasure; there is no such thing as display. There is folly in these magnificent cathedrals costing millions. There is gigantic folly in the thirteen millions spent on the Capitol here.

That is the general tendency of all they say. Mankind is not made that way, thank God, and the people are not represented by that style of debate, in my very humble judgment. They like to see a day devoted to a great public affair, and especially to the inauguration of a President of the United States. These gentlemen can not consistently with their teaching here to-day permit troops to be ordered over from Fort Myer, or from the barracks on the lower edge of the city, or from Fortress Monroe. They can not lend the flags to go outside the Quartermaster's Department, because they will, forsooth, be worn a little, and they ought to be kept for actual war, actual military purposes. The Commander in Chief of the whole 10,000,000 men liable to military duty is not to be allowed to have a single regiment of his troops following upon this splendid occasion. The same is to be true of the National Guard of Pennsylvania and other States who come here entirely without expense to the Federal Government. What business have they here upon that day? They are part of his Army just as much as the Regular Army is, and subject to his command at any moment.

I think, with all due respect—I do not say where it is located—that there is an infinite quantity of rot in this world.

Mr. STEWART. I think I can state its location.

The PRESIDENT pro tempore. Is the Senate ready for the question on agreeing to the amendment?

Mr. CULLOM. I should like to have the amendment stated.

The PRESIDENT pro tempore. The amendment will again be stated.

The SECRETARY. After the word "dollars," in line 4, it is proposed to insert:

Provided, That hereafter whenever the corps of cadets, United States Military Academy, is ordered upon military duty away from West Point, N. Y., the necessary expenses for transportation, quarters, and subsistence of the said corps shall be paid from the appropriations for the support of the Army.

The PRESIDENT pro tempore. The question is on agreeing to the amendment which has been stated.

Mr. PROCTOR. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary called the roll.

Mr. FAULKNER (when his name was called). I am paired with the Senator from West Virginia [Mr. ELKINS]. I transfer my pair to the Senator from South Dakota [Mr. KYLE] and vote "nay."

Mr. McBRIDE (when his name was called). I have a general pair with the Senator from Mississippi [Mr. GEORGE]. If he were present, I should vote "yea."

Mr. MARTIN (when his name was called). I am paired with the Senator from Montana [Mr. MANTLE]. If he were present, I should vote "nay."

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. MORRILL (when his name was called). I am paired with the senior Senator from Tennessee [Mr. HARRIS], and therefore withhold my vote.

Mr. PALMER (when his name was called). I am paired with the senior Senator from North Dakota [Mr. HANSBROUGH]; otherwise I should vote "nay."

Mr. VILAS (when his name was called). I have a general pair with the Senator from Oregon [Mr. MITCHELL], and in his absence withhold my vote.

Mr. WHITE (when his name was called). I have a general pair with the Senator from Idaho [Mr. SHOUP]. I inquire if he has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. WHITE. If the Senator from Idaho were present, I should vote "nay." I am unable to state what his attitude on this matter is, and so I withhold my vote.

Mr. WILSON (when his name was called). I have a general pair with the Senator from Florida [Mr. PASCO]. In his absence, I withhold my vote.

The roll call was concluded.

Mr. BLANCHARD. I am paired with the Senator from North Carolina [Mr. PRITCHARD], who is absent. Were he here, I should vote "nay."

Mr. McMILLAN (after having voted in the affirmative). Has the Senator from Kentucky [Mr. BLACKBURN] voted?

The PRESIDENT pro tempore. He has not voted.

Mr. McMILLAN. I am paired with that Senator, and withdraw my vote.

Mr. NELSON. Has the Senator from Missouri [Mr. VEST] voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. NELSON. I am paired with the Senator from Missouri [Mr. VEST].

Mr. WHITE. I have made an arrangement with the Senator from Washington [Mr. WILSON], who is paired with the Senator from Florida [Mr. PASCO], and I am paired with the Senator from Idaho [Mr. SHOUP]. We will transfer our pairs so as to enable both of us to vote. I vote "nay."

Mr. WILSON. I vote "yea."

Mr. HOAR. I am paired with the Senator from Alabama [Mr. PUGH].

The result was announced—yeas 20, nays 28; as follows:

YEAS—20.

Bacon,	Clark,	Gibson,	Proctor,
Brown,	Cullom,	Hawley,	Sewell,
Call,	Davis,	Lindsay,	Sherman,
Cameron,	Frye,	Perkins,	Thurston,
Carter,	Gallinger,	Platt,	Wilson.

NAYS—28.

Aldrich,	Cannon,	Jones, Ark.	Roach,
Allen,	Chilton,	Jones, Nev.	Stewart,
Allison,	Cockrell,	Lodge,	Tillman,
Bate,	Daniel,	Mills,	Turpie,
Berry,	Faulkner,	Mitchell, Wis.	Walthall,
Burrows,	Gray,	Peffer,	Wetmore,
Caffery,	Hale,	Pettigrew,	White.

NOT VOTING—41.

Baker,	Gorman,	Mitchell, Oreg.	Smith,
Blackburn,	Hansbrough,	Morgan,	Squire,
Blanchard,	Harris,	Morrill,	Teller,
Brice,	Hill,	Murphy,	Vest,
Butler,	Hoar,	Nelson,	Vilas,
Chandler,	Irby,	Palmer,	Voorhees,
Dubois,	Kyle,	Pasco,	Warren,
Elkins,	McBride,	Pritchard,	Wolcott.
Gear,	McMillan,	Pugh,	
George,	Mantle,	Quay,	
Gordon,	Martin,	Shoup,	

So the amendment was rejected.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. Is there a desire to reserve any amendment? If there is no reservation, the question is on concurring in bulk in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PROOF OF HANDWRITING.

Mr. HOAR. I ask the Senate to take up the bill (S. 3523) to provide for further proving the genuineness of handwriting by comparison. Let the bill be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That whenever it may be material to prove the genuineness of handwriting in any court of the United States, the same may be proved, in addition to any mode now competent, by a comparison made by the witness or the jury with writings admitted or treated as genuine by the party against whom the evidence is offered, or proved to be genuine to the satisfaction of the judge.

Mr. STEWART. I shall object to that bill.

Mr. HOAR. If the Senator from Nevada will pardon me—it will take but a moment——

Mr. STEWART. It will take more than that.

Mr. HOAR. Let me make a statement of what the bill is, and then I will withdraw it if the Senator has the slightest objection.

In the United States courts the rule does not exist which exists in every State court in the country so far as I know—anyhow, in our part of the country—that if you want to prove the genuineness of handwriting the jury may compare with other handwriting which is admitted beyond question to be genuine, or proved to be genuine by the judge. In the United States courts they can only compare with other documents which are relevant, material in the case. That is the United States court law. It is an old remnant of antiquity which is disposed of everywhere else.

If the Senator from Nevada has the slightest question about the bill, I shall not press it now, of course. That is all there is of it.

Mr. WHITE. If the Senator will allow me, I will state that in recent experience I have come in contact with that very proposition. The Senator from Massachusetts is undoubtedly correct. The present condition of the law is that we have a different rule in the United States courts, an antiquated, fossilized rule.

Mr. HOAR. It is a relic of barbarism.

Mr. WHITE. It is a rule that brings about the commission of the grossest injustice in many cases. I have myself seen people acquitted, in one case I have before my mind, of the crime of forgery where the guilt was, I believe, without any doubt; but the difficulty arose from the inability of the prosecuting officers to prove the handwriting by that comparison which we have in all our State statutes, I think, adopted, and which is now the rule in England.

Mr. HOAR. This bill was drawn in the Attorney-General's Office.

Mr. STEWART. I object to the bill in its present form because it would give too much force to that kind of evidence.

Mr. HOAR. If I may be pardoned one moment, suppose there is a suit and the question is on the forgery of the signature to a deed. If there happen to be any other handwriting of the signer material in the case, then the jury can compare it with that, but if there happen to be nothing in the case which makes any other written document of his material at all, then in all the State courts and now in England other undisputed handwriting of his may be introduced and shown to the jury for them to form their judgment in addition to all the modes now competent. Without this law that can not be done in United States courts. So if a man is indicted in a United States court for forgery or if there is a question of the genuineness of the deed arising in a United States court and there happen to be no other handwriting of the witness competent for general purposes in the case, the jury has simply got to listen to experts, who can not show any handwriting upon which to base their opinion. Ten experts come in and say, "I am familiar with that man's handwriting in the course of business and I think that is not his." Other experts come in and say, "I am familiar with that man's handwriting in the course of business and I think it is his;" and the jury have got to judge of the weight of those opinions without the slightest opportunity to see a single scrap of the real handwriting of the man whose writing is in dispute.

This bill was drawn in the Attorney-General's Office and is the unanimous report of the committee. I do not want to force a bill through, of course, on such a question by unanimous consent. If any Senator wants to look at it, let it go over.

Mr. STEWART. The Senator does not——

The PRESIDENT pro tempore. If Senators will suspend one moment, the Chair will lay before the Senate the unfinished business, 2 o'clock having arrived. The unfinished business will be stated.

The SECRETARY. A bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. HOAR. I ask that the unfinished business may be informally laid aside.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that the pending bill may be laid aside informally, and that the Senate proceed to the consideration of the bill named by him. Is there objection? The Chair hears none, and Senate bill 3523 is before the Senate as in Committee of the Whole, upon which the Senator from Nevada [Mr. STEWART] is entitled to the floor.

Mr. STEWART. I have had a good deal of experience in the matter of proving signatures by a comparison with genuine signatures. It is the weakest kind of evidence. For example, on one occasion there were half a dozen experts who testified by a comparison of this kind. One of them suggested that he could forge the names of the gentlemen present and they could not pick them out themselves. The test was made. The judge and the lawyers present, to about the number of twenty, wrote their names. They were written on foolscap paper. A committee went into a room with the expert, and he wrote the same names. Then to distinguish them the committee cut the paper into slips of a different size, and when they went back over two-thirds of the men, including three other experts, who had written their names, were unable to pick them out. They could not pick out their own names, written by themselves, and distinguish them from the names written by the expert.

Mr. HOAR. May I ask the Senator a question? Would he for that reason refuse to allow a man to testify whether a writing was his own signature or not?

Mr. STEWART. No; I would not. But the difficulty about this proposed legislation is that it may give too great a sanctity to the handwriting. There ought to be qualifying words so as not to give too great force to this exceedingly weak testimony.

Mr. WHITE. Will the Senator from Nevada allow me simply to make a suggestion to him?

Mr. STEWART. Certainly.

Mr. WHITE. I think it is not the design of the amendment of the law to give any especial force to this evidence, or to weigh it at all, but merely to make it admissible. At the present time, if the Senator's signature were called in question and he had 500 bank checks bearing his genuine signature, which were known to be genuine not only because of the fact that he recognized the signature himself, but because of extraneous circumstances confirmatory of that fact, those checks could not be put before the jury for their comparison with the alleged forged writing under the present law. This proposed law, which brings the law in harmony with the law in all the States, so far as I know, would merely allow the checks to be admitted as evidence without giving any force to it.

Mr. STEWART. I should like to hear the bill read again. I do not wish to obstruct its passage, but I do not want it to go too far, because it is very dangerous ground.

The PRESIDENT pro tempore. The bill will be again read.

The Secretary again read the bill.

Mr. STEWART. My objection is to the words "may be proved." If you will say that such evidence "may be admissible," I shall have no objection to the bill.

Mr. WHITE. It is in exactly the language of the Code of Civil Procedure of California, I notice.

Mr. STEWART. No matter from what the language is drawn, it gives too much force.

Mr. HOAR. I will adopt the Senator's suggestion.

Mr. STEWART. Let it read that all evidence of that kind shall be admissible. That is all I desire.

Mr. WHITE. I think the word "proved," as used in the bill, simply refers to the necessity of proving it to the satisfaction of the court before it can be admitted at all.

Mr. HOAR. I move to strike out the words "the same may be proved," in the fourth and fifth lines; the word "by," at the end of the fifth line, and to insert at the end of the bill the words "shall be admissible."

Mr. STEWART. That will meet my objection.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The question is on the amendment of the Senator from Massachusetts.

The amendment was agreed to.

Mr. PALMER. I now ask that the bill be read as amended.

The PRESIDING OFFICER. The Secretary will read the bill for the information of the Senate as amended.

The Secretary read as follows:

Be it enacted, etc., That whenever it may be material to prove the genuineness of handwriting in any court of the United States, in addition to any mode now competent, a comparison made by the witness or the jury with writings admitted or treated as genuine by the party against whom the evidence is offered, or proved to be genuine to the satisfaction of the judge, shall be admissible.

The bill was reported to the Senate as amended.

Mr. LINDSAY. I ask that the bill be again read as amended.

The Secretary read the bill as amended.

Mr. PALMER. I desire to know from the Senator from Massachusetts whether it is the purpose of the bill that a jury shall make the comparison either in their box or on their retirement.

Mr. HOAR. Certainly.

Mr. PALMER. Surely such a principle ought not to be introduced into our jurisprudence, because comparisons made by a jury are the most unreliable of all methods of determining facts. How would the parties in court pass upon the conclusions of a jury unless they were required in some public way to make their comparison and announce the result of that comparison? I submit that it is entirely competent for a witness who may be examined and cross-examined under this bill to compare a particular instrument.

Mr. GRAY. I suggest to the Senator from Illinois that the finding of a jury is not reviewable in a court of error.

Mr. PALMER. A finding of a jury is reviewable in some of the States; but the point upon which I am embarrassed is that it is proposed that the jury shall make the comparison. I am content that a witness shall make the comparison, because he can be examined and cross-examined, but I protest that unless the jury were required to announce their conclusion at the moment, to which some sort of exception might be taken, it would be a very dangerous practice.

Mr. WHITE. Will the Senator allow me?

Mr. HOAR. If the Senator from California will pardon me, this is a very simple matter, and I think there is some misunderstanding on the part of the Senator from Illinois or on mine. A man is sued on a promissory note and denies that he signed it. There may possibly be exceptions, but practically in every State court in the country experts may be brought who say, "I am familiar with that handwriting," and assert that it is or is not the handwriting of the defendant; and if there be another note or other documents admitted or proved to the satisfaction of the judge to be his, the jury may take those and compare them and use them in aiding them to make up their minds as to whether the man actually signed the note.

Now, in the United States courts you can not do that. All you can do is, if there happens to be some material in the case—for instance, if there were two notes, one of them would be admitted, and the other note in the case the jury can look at and then they make a comparison with that; but it is not reviewable; it is merely evidence on the question whether the note was signed.

Now, this bill proposes to allow the United States courts to go further and do what our State courts do; that is, let the jury see other admitted or proved genuine signatures of the party whose signature is in dispute. It would be certainly an anomaly in the law to make any provision that a particular finding of fact which they make after they have made the comparison shall be reviewable by any court. If it is reviewable in any court, it is reviewable in view of the final decision of the whole fact and not on one particular question.

Mr. PALMER. In the State of Illinois it has been settled by repeated decisions. I have a case in mind. It is competent for the court to submit to the jury for the purpose of comparison any affidavit sworn to by the party in the cause. The rule has been carried somewhat beyond that where there is a recognized signature, probably I ought to limit it to a signature made in the cause, to an affidavit, or to a decree. It is competent for the court to submit to the jury the particular signatures, to which I advert, for the purpose of comparison with the particular disputed signature; but the decisions of the courts upon that point are reviewable; they may be made the subject of exception. The court passes first upon the identity of the papers submitted to the jury or the genuineness of the signature submitted to the jury for the purpose of comparison. I am persuaded that this intrusts too much authority to the jury. I think it would be better to limit it to the functions of the court alone, that the judge shall have the power to submit to the jury, or that it shall be competent evidence to go to the jury.

Mr. HOAR. That is all there is to it.

Mr. WHITE. If the Senator will allow me, the proposed amendment does not extend back to the power of the court to rule upon the admissibility of the document as the foundation. It must be established to the satisfaction of the court, or proved, as the bill says, that this is a genuine document. If there was a case on trial involving the signature of the Senator, and there were 500 bank checks bearing his signature, and they were brought into court, and it was admitted that they were genuine signatures, does not the Senator think they might be submitted to the jury for their comparison just as any other exhibit in a cause might be submitted?

Mr. PALMER. The Senator is probably correct. My impression is that the language is too broad, and that it will be found in practice to involve more danger than seems to occur to Senators now.

Mr. VILAS. I call the attention of the Senator from Illinois to one suggestion in reference to this bill. He recognizes that it is the rule that whenever a genuine signature, indisputably so, is in the case for any purpose, the law now permits the jury to compare the disputed signature with those which are genuine as one of the means of arriving at a true verdict upon the question of genuineness of the disputed signature. That has always had a somewhat injurious effect, in this, that a just comparison of a disputed signature with genuine signatures could not be well made if compared only with one or two genuine signatures. A large number of them affords a much safer basis of comparison to a jury than a particular one or two which might have been affected in the writing by peculiar circumstances. It requires a large number to make a safe comparison. This bill only fortifies and adds to the value of the rule which enables a comparison of signatures when their genuineness is known.

Mr. LINDSAY. Mr. President, I move to reconsider the vote by which the amendments to the bill were agreed to.

The PRESIDING OFFICER. The Chair will state that the bill has been reported to the Senate. The bill is now before the Senate, and the question is, Will the Senate concur in the amendments made as in Committee of the Whole?

Mr. LINDSAY. Very well.

The PRESIDING OFFICER. The Chair would suggest that the object of the Senator will be accomplished by a nonconcurrence in the amendments made as in Committee of the Whole.

Mr. WHITE. I suggest, as I understand it, that if we vote down the amendments in the Senate, that will accomplish the object.

The PRESIDING OFFICER. The Chair so understands.

Mr. LINDSAY. The explanation I desire to make will be made as well with the bill in its present condition. It occurs to me that the safeguards were very much greater as the bill was reported and the bill very much more intelligible than it will be if the amendments which have been agreed to be concurred in by the Senate. The bill reads:

That whenever it may be material to prove the genuineness of handwriting in any court of the United States—

The bill, before the amendment was agreed to, provided—

the same may be proved, in addition to any mode now competent, by a comparison made by the witness or the jury with writings admitted or treated as genuine by the party against whom the evidence is offered, or proved to be genuine to the satisfaction of the judge.

The admissibility of papers with which the comparisons are to be made depended, first, on their admitted genuineness, or upon evidence offered to the court which convinced the court to its satisfaction that the papers were genuine, and then they became admissible, to be testified to by expert witnesses, or to be examined by the jury. It seems to me that no greater safeguard ought to be required.

Mr. HOAR. That is there now.

Mr. LINDSAY. I beg the Senator's pardon. That has been stricken out. The bill now reads:

That whenever it may be material to prove the genuineness of handwriting in any court of the United States in addition to any mode now competent, a comparison made by the witness or the jury with writings admitted or treated as genuine by the party against whom the evidence is offered, or proved to be genuine to the satisfaction of the judge, shall be admissible.

Mr. HOAR. The comparison is admissible on writings so proved, and it means exactly the same thing.

Mr. LINDSAY. The language is better in the original bill, and much more intelligible.

Mr. HOAR. I have not any choice about that.

Mr. LINDSAY. It occurs to me that we are only making uncertain that which was absolutely certain, and that we have not

increased the safeguards at all by the change of the verbiage of the bill.

The PRESIDING OFFICER. The question is on concurring in the Senate in the amendments made as in Committee of the Whole.

The amendments were nonconcurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARITIME CANAL COMPANY OF NICARAGUA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. DANIEL obtained the floor.

Mr. CHANDLER. I desire, if the Senator will permit me, to call up the bill (S. 3547) to provide for the representation of the United States by commissioners at any international monetary conference hereafter to be called.

Mr. DANIEL. I hope the Senator will not interrupt me at this moment. I shall only occupy the floor for five minutes.

Mr. CHANDLER. Do I understand that the Senator intends to deliver a speech?

Mr. DANIEL. No.

Mr. CHANDLER. I can not interrupt the Senator under those circumstances, but yesterday I was in the same case with the bill which I wish to get up, for the Senator from Virginia was then making a speech.

Mr. DANIEL. Mr. President, on yesterday, in the course of my remarks, I stated that Colonel Ludlow, chairman of the board of engineers who visited Nicaragua for the purpose of making a survey of the canal, had stated in his report that he and his associates were the only engineers who had ever gone over the entire route. The Senator from Alabama [Mr. MORGAN] challenged that statement, and said that it was a mistake. I find that in so far as I attributed it to the official report made by Colonel Ludlow it was a mistake. The Senator also stated that no such statement had been made by Colonel Ludlow. I find that I was correct. Yesterday I was only speaking from my general memory of what I had read in reports on this subject. I find that I was absolutely correct in attributing this statement to Colonel Ludlow.

Mr. MORGAN. And I admitted it, and here it is in the RECORD.

Mr. DANIEL. On page 169 of the report made by the Senator from Alabama from the select committee at this session, will be found the statement of Colonel Ludlow, and in an appendix to that report, made before the Committee on Interstate and Foreign Commerce of the House of Representatives, he says:

> We are the only engineers who have ever been over the entire route, and in making that statement I do not make any exceptions.

So it is the allegation of the chairman of the board of United States engineers who visited that country that they are the only engineers who have ever been over the entire route without exception.

On page 162 of this report made by the Senator from Alabama there is presented in an appendix the remarks made by Mr. Alfred Noble, one of the engineers, upon the testimony relating to the report of the Nicaragua Canal board. I think it important in this connection to cite those conclusions, and they are given by him as follows:

> The conclusions of the board may be summed up as follows:
> First. The data collected are in many respects deficient, either for a final judgment as to the best route for the canal, for an estimate of its cost, or for the information of intending bidders.
> Second. The channel widths proposed in the San Juan River and Lake Nicaragua are insufficient for the traffic expected by the company. Besides these large modifications, the project should be changed in many minor respects.
> Third. The correction of errors in the company's estimate makes a large increase in the estimated cost.

I would also ask attention to somewhat more of Colonel Ludlow's statement than I quoted on yesterday, which will be found on page 171 of Report No. 1109 of the last session of this Congress. He is asked the question by Mr. PATTERSON in his testimony before the committee of the House, as follows:

> Do you think the Government of the United States could construct this canal project over the route adopted by the Nicaragua Canal Company, and such a canal as will be entirely safe and sufficient for commercial purposes, within the limitation of $150,000,000?
> Colonel LUDLOW. I think an answer to that can not be given until the necessary information can be gained. There are some hydraulic data which must be determined before the engineers——

There he was interrupted, and does not seem to have concluded his sentence. The only comment I make is that we are assuming by this bill to make a subsidy of $100,000,000 to build a canal when the data that we possess upon the subject are imperfect, either, as was said by one of the engineers, for a final judgment as to the best route for the canal or estimate of its cost, or for the information of intending bidders, and that the chief of those engineers, the chief of the only board which, as he states, has ever gone over the entire route, informs Congress that he is unable to say whether this project can be built with entire safety and sufficiency for commercial purposes within the limitation of $150,000,000, which is a third more than this bill contemplates.

A single word more, sir, and I am done. The Senator from Connecticut [Mr. PLATT] on yesterday asked me a question which I misunderstood. I thought he asked me why the minister from Central America objected to the scheme to which I had referred, of giving the United States monopolistic control of this canal. He did in fact ask me why I objected to it, and my reply, with my misconception of his question, makes a rather unintelligible continuance of my remarks as reported in the RECORD. I will reply to his question, as I find on inspection it is quoted in the RECORD, why I should object to an arrangement which made the United States the apparent master of the situation. I do not object. On the contrary, I should favor a fair and appropriate arrangement which made the United States, as far as it was possible to make it, the director and administrator of this canal. I should prefer, if this project is ever carried out, that it should be done by the United States in its own name, open and aboveboard, and that our Government should assume in expression, as in fact, such a domination and control of that enterprise to the furthest extent of possibility.

My objection to this bill is, that under a contract of the State of Nicaragua, made with private citizens, the United States, under the protest of Nicaragua, and with disclaimer of request on the part of the private citizens, has injected itself, or has proposed to inject itself, upon a scheme where it is not invited by either party to do so, and where one of them protests, and where the whole scheme seems to be so intermixed and predominated by private interests that while it will be a matter of the United States with respect to the cost, it will not be a matter of the United States in that open manner which it should be if the United States should undertake it at all.

Such other objections, Mr. President, as I might have to this were sufficiently stated on yesterday, and I shall not detain the Senate with further remarks.

Mr. MORGAN. Mr. President, when on yesterday the Senator from Virginia [Mr. DANIEL] referred to the statement that Colonel Ludlow made before a committee of the House of Representatives, I distinctly admitted that such a statement had been made. I have not at any time denied that Colonel Ludlow made the statement, and I do not now. The Senator from Virginia read it again this morning. He did not read it all, however. There was a little addendum to it; but it makes no difference whether it is read or is not; it does not alter the question in the slightest degree.

Colonel Ludlow made a report in conjunction with his two colleagues, the engineers appointed by the President upon this canal subject, and he made his report on an examination that could not have continued longer than forty-two days, because that was as long as the commission were in Nicaragua, and during all but about nineteen or twenty days of that time those gentlemen were engaged in other matters, traveling about, waiting to get accommodations, and so forth. Therefore they had not the chance to examine this canal, and they did not examine it; they did not go over it; they did not make a boring or take a level anywhere except at one place, and that was where the canal enters Lake Managua from the west. They came back and made their report, and did not assume in their report that the surveys made heretofore had not been accurately made. They could not do that, because there was Childs's survey and maps, which were sent to the Secretary of War, printed, and in the possession of the Government, and I have them in my committee room. There was then Commodore Lull's survey, which was in the same manner printed, received by the Government, and put on file, with all of his estimates and maps. Then there is the first survey made by Mr. Menocal, which was made for the Government of the United States and paid for by the Government, and reported, printed, and is on file, with all of the necessary details of a full and complete survey. Then there was the next survey—that is the fourth one which was made by the Maritime Canal Company after the concession was granted. That has been fully and elaborately reported and stated. Every foot of the ground between the Pacific Ocean and the Atlantic Ocean on the route of this canal has been accurately measured except perhaps a mile or two of the bottom of the San Juan River, or 2 or 3 miles, where all the engineers have relied upon Commodore Lull's survey as being entirely complete. That survey was made with extreme care, and nobody has ever doubted or departed from it.

Now, that is the situation. Mr. Ludlow, with a view of trying to get this matter back into the hands of the Engineer Corps or somebody, to protract the time during which the engineers might be engaged upon it, requests an appropriation of $180,000, I believe it is, to keep up the survey and have a longer time about it. The committee of the House of Representatives paid no attention to that, although at the last session of Congress these gentlemen were paid $2,000 apiece in addition to their regular pay. Why that was done I never knew.

I know that the Maritime Canal Company spent a sum of money equivalent very nearly to $20,000, as much as the Government had appropriated, for the purpose of opening up the way and making it entirely convenient for these gentlemen to go and make a complete examination of the work. Then, after they returned to New York, they spent two or three months, a long time, in the office of the Maritime Canal Company, looking over their surveys and their estimates; and all their calculations are based upon Menocal's surveys and Menocal's estimates. They do raise the cost. They do that by making what they call a Government job of it; polishing and dressing it up; putting in things which a commercial canal does not need and can very easily dispense with; smoothing up the floor and the walls, etc. They made some changes in different pieces of work there, and they raised the whole sum, by a most extraordinary system of calculation, to $133,000,000. They stated in their report, and each of them stated upon examination before the House committee, that the canal could safely be built for $133,000,000, a most extravagant estimate, but it makes no difference. The committee go upon the basis of $150,000,000, and say that it is not only a practicable but a very profitable investment, even at that figure. Then they make a calculation upon the basis adopted by the report. Of course that is for profit. But they say that, taking the extreme between the former estimates of Mr. Menocal and the present estimates, they find that $115,000,000 would be the probable cost of the canal, granting that all that these men said is true.

Now, each of these men had the question put to him in every form, whether he admitted that the canal could be built, whether it was feasible. "Certainly it is feasible." "Can the Ochoa Dam be built?" "Yes." "Can the harbor be built?" "Yes." "What will it cost?" "One hundred and thirty-three million dollars." They are on the book both in their reports and in their personal examination before the committee as saying that the canal is perfectly feasible. So the committee of the Senate did not think it was worth while to make any special report upon the feasibility, except to refer to their statements, and our report to the Senate is based upon their statements, as is the House report.

After having accepted their statements with all their extravagance and based the report upon them, how does this complaint come here about little expenditures of the kind to which the Senator has referred? Mr. Ludlow, in the heat of passion, for he seems to be a very ill-tempered man (he is an officer of the Navy, and I suppose that that sort of dynamite or gunpowder in him is a good quality, and therefore I do not complain of him for being ill tempered), in argumentation before the House committee—for he was not before the Senate committee at all—stated positively that they were the only engineers who had ever been over that route. It turned out in the testimony of himself and the other two that they had never been over it all. They had passed over parts of it, not all of it. Having shocked the credulity of the committee upon that subject, I suppose, and still not being satisfied, he made the statement which the Senator from Virginia has read here to-day, that no other engineers but them had ever been over that route. They were there not exceeding seventeen days in all, and Mr. Ludlow got himself well enough informed on that occasion to state positively before the committee that no other engineers but these three men had ever been over the route; and they admitted that they had not been.

That was the most remarkable statement. The committee followed it up, and wanted to know from Mr. Ludlow where he got his information. He said he got it from a man by the name of Davis, who had been an engineer on the canal, and who had been discharged; and that is all the testimony that they had on the subject. Mr. Menocal, of course, felt wounded by that, inasmuch as he had made four surveys personally and had spent three or four years actually there tramping through those hills and cutting his way with a machete. He was called before the committee, and I have here his statement about it, amongst a number of other things which he was called upon to state. Mr. Menocal said, in reply to a question of Mr. DOOLITTLE:

There is another question in which my veracity has also been questioned here. It has been stated here that the engineer members of this board were the first engineers who visited a certain portion of this line.

Mr. SHERMAN. The only engineers, it was stated.

Mr. MENOCAL. I am glad you correct me, because I only get this from hearsay, as I have not seen the testimony sufficiently to enable me to pick out from it what is essential and deserves consideration. I have been told that the statement has been made here that this board are the only engineers who have visited some section of the Nicaragua Canal line, that section being between the Danta and Nicholson streams along the line of the embankments of the San Francisco.

I want to say to the committee positively, and I can take oath, if necessary, that I am the first engineer that ever explored that section of the country, and I do not think I will be mistaken when I say I am the first educated white man who went up the San Francisco and Nicholson creeks; I first did so in 1873. I was trying to find a line more or less directly from Ochoa to Grey Town. Up to that time all the routes proposed for a canal across Nicaragua had followed closely the bank of the river. I knew the line was a long one, and there were a great many engineering difficulties connected with it, and I was trying to find a path through these ranges of foothills of the San Francisco which would enable me to locate a line more or less direct from Grey Town to Ochoa. My first examination, as I said, was in 1873. In 1876 I devoted a number of days again to the exploration of that section of the country. I was very much encouraged by this examination. I had also examined in 1876 the upper portion of the valley of the Deseado from Grey Town, which, together with the preliminary examination I had previously made, convinced me that a path existed between those hills through which I could locate a practical line for the building of a canal from Ochoa to Grey Town.

In 1885 this matter was brought before the Navy Department, if I remember correctly, by Admiral Ammen, who had followed this scheme from its inception, and he suggested to the Secretary of the Navy that I be sent to Nicaragua to run a line across that country and see if such a canal route could be located there. I was ordered to Nicaragua in charge of a party of engineers to make surveys. I there ran a line from Ochoa to the divide—

That is a great rocky barren.

I had another party running across the divide and from Grey Town to the divide. The results of these examinations made by my assistants and myself were such as to demonstrate that the canal route was practical and could be located. Of course, the location then was only a preliminary one, but sufficient to satisfy us that the physical conditions were such as would enable us to locate a canal across that country. I returned to the United States, and this report was published.

Some gentleman interested in the Nicaragua Canal were very much encouraged by the results obtained by this investigation, and they organized an association, which later obtained a concession from Nicaragua, and at last a company was organized for the construction of the canal. I was then appointed chief engineer of this company, and we then made a careful and what we call the final location of the route, such as was required in the concession. In making this location, the engineer who was in charge of the location of that portion of the San Francisco Valley, not being thoroughly familiar with the ground, found considerable difficulty in locating the foothills that should form the base of embankments which had been proposed, and while I was engaged in the construction of the gun shops at Washington and other works of the Navy Department the report came from this engineer that they had been unable to locate these hills and establish the practicability of this line of embankment.

Mr. DOOLITTLE. What are those hills?

Mr. MENOCAL. They are the foothills which now form the base of the embankments.

Mr. DOOLITTLE. Between the canal and the river?

Mr. MENOCAL. Between the canal and the river. I went to Secretary Whitney and stated that my reputation, as well as the plan of the canal, depended, in my opinion, upon the solution of this problem then before us. I had been over the country and knew the hills were there, but the vegetation is so dense that you could not see them until directly before you, and these engineers, having never been over the country before, found considerable difficulty in finding the hills upon which we proposed to build the embankments. Secretary Whitney gave me permission to proceed at once to Nicaragua. I obtained leave at 4 o'clock in the afternoon from him, and I started the next day. I arrived at Nicaragua, and I devoted myself to the examination and location of all these hills, and with three parties of engineers started to develop and connect them so as to obtain a chain or line of embankments, with which we proposed to hold the water in this artificial basin.

Mr. DOOLITTLE. I wish you would state about your going up the river at that time, and about what point you stopped.

Mr. MENOCAL. Our headquarters were then at the mouth of the River San Francisco—

The very river in question—

If you will allow me to point it out, my headquarters were at these islands you see here, and I would take a canoe every morning (there is a gentleman present, who was my secretary, who could testify to that, if it was necessary), and I would go up the San Francisco and then over these hills and spend more or less time upon them to develop them. The statement of the board has been made here upon the authority of a man by the name of F. P. Davis. Mr. F. P. Davis went to Nicaragua for the first time in the latter part of 1887 or early in 1888. Up to that time he had never seen the country. When he arrived at Nicaragua he was ordered to locate a portion of the divide line which has since been abandoned, and he did not know or see anything of this line except what he heard from others.

During this time when this report was made that the hills could not be found so as to connect them and obtain the line of embankments which I had proposed, Mr. Peary, of Greenland fame, of whom you very well know, was my assistant, and he withdrew the engineers from the location of what is now called the upper line and put them to work on the location of the lower route on the river bank, and Mr. Davis was transferred from his work on the divide to the location of the line between the Sarapiqui River and the San Juanillo, and he was engaged there for some time, and on the completion of this service he was discharged, work was suspended in Nicaragua, and he returned to the United States. In the meantime this chain of hills to which I have referred, and which it has been stated to this committee I never saw, had been thoroughly examined by three parties of engineers. The chain of canal embankment was laid down practically as it is to-day, with some slight modifications made after more complete investigations with the cross section of every hill and every valley, and it is practically the same as it was located in 1888, when I was there, and any engineer can see that. That is all that I think it is necessary for me to say in connection with that matter.

Then he goes on into other questions where his estimates and veracity are questioned. He deals with them like a gentleman. He is not there as an engineer for the purpose of trying to pick flaws in somebody else's work or anything of the kind. According to the evidence that has been before me and the committees, including the Committee on Foreign Relations, Mr. Menocal is as much entitled to respect and credit as any man we know.

Mr. President, that is purely a collateral issue between Mr. Ludlow and the committee really as to whether Mr. Ludlow's statement was correct that his party were the only men who had ever passed over that part of the line, when he admitted and all of them admitted that his party never had passed over it, when I show here by Mr. Menocal's report the full and complete survey of every foot of it, the actual measurements on the ground of every foot of it, reported to the Government once and then reported to the Maritime Canal Company.

Now, I submit that this is not a very just way to attack the pending bill. I am perfectly aware that the Senator from Virginia could not have read all of this report. He could not have studied it. Otherwise he would have been incapable of doing Mr. Menocal this injustice. The report is an extensive one. The

House committee took all the testimony. The Senate committee did not take a particle of it. The House committee, after taking it all and considering it by a great committee of seventeen members, I believe, many of them the most eminent and honorable gentlemen in the United States, came to the conclusion that the canal could be built and ought to be built, and they reported the pending bill. The select committee of the Senate took the bill just exactly as they reported it. We concurred in it. I find, on some question being made of a very technical and critical character upon the language of the bill, that it is necessary or proper that I should offer an amendment to it, which I had printed and laid on the desks of Senators yesterday. I now offer that amendment.

The amendment is intended to give to Nicaragua and Costa Rica every right that they have under the concessions they have made, and it has gone so far as to prohibit this company from making a transfer of any property or anything else to the United States or anybody else in contravention of those rights under the concessions. We have done all that we knew how to do to preserve fully and perfectly the rights of Costa Rica and Nicaragua under the concessions. We do not want to violate them. The least of our purpose is to take any advantage of them or to violate them; and the hypothetical drubbings that the Government of the United States got yesterday evening on this subject, and frequently heretofore, upon the idea that the bill is here for the purpose of robbing Nicaragua and Costa Rica are totally out of place. They do not apply to this case in the slightest degree.

The Committee on Foreign Relations of the Senate have been engaged upon this business since Mr. Edmunds first offered the resolution in the Senate to have the matter investigated, and I will read the resolution, as I am on my feet now, merely to call the attention of Senators to the origin of the whole matter.

The committee in their first report made upon the subject, on the 10th day of January, 1891, say:

> The Committee on Foreign Relations respectfully report that on the 11th day of April, 1890, the Senate, in executive session, adopted a resolution in the following terms:
> "*Resolved*, That the Committee on Foreign Relations be, and it hereby is, directed to inquire into what steps have been taken under the act of Congress entitled 'An act to incorporate the Maritime Canal Company of Nicaragua,' approved 20th February, 1889, and what are the present conditions and prospects of the enterprise; and to consider and report what, in its opinion, the interests of the United States may require in respect of that interoceanic communication."

The resolution was passed. The committee went into executive session upon it, and frequently in the examination of the members of the company who were called before it we stated to them, "Your statements made here are not going to affect your company, because they are made in confidence; they are made secretly." The committee examined into the subject from the date of the passage of the resolution, about which I knew nothing as a member of the committee until I found the committee engaged in the examination of it—I happened not to be in the Senate when it was passed—until the 10th of January, 1891, and then made this report, which is signed unanimously by the committee. It contains all the provisions upon the subject of the rights of Nicaragua—Costa Rica was not then in it—which are contained in the present bill, and no objection was made from that day to this as to a fair and honorable and just proposition being made to Nicaragua that we would preserve sacredly all her rights.

This committee report is signed by JOHN SHERMAN, George F. Edmunds, WILLIAM P. FRYE, William M. Evarts, J. N. Dolph, JOHN T. MORGAN, Joseph E. Brown, H. B. Payne, and J. B. Eustis. Surely that committee were not trying to rob Nicaragua. Nobody here believes it. They may indulge in all the censure and criticism; they may heap all the abuse they desire to upon that committee; but they can not make any impression upon the Senate as to the honorable motives that influenced those gentlemen in making this report and as to the justice of their inquiries so far as they were able to make them.

We made an elaborate examination of the law, of the engineering reports, accompanied with maps. We examined the concessions very carefully to see what were the powers and rights of all these parties, and appended all of them to the report, together with a statement of Mr. Miller, whom we summoned to testify before us, and Mr. Hiram Hitchcock and Mr. Atkins and Mr. Mason and Mr. Menocal. We came to that conclusion.

At the next session of Congress the subject was taken up, and the committee was changed to some extent by the passing out of the Senate of some of its members, and new members were added, among others the Senator from Indiana [Mr. TURPIE]. He sat there, participated with us in all this business, and I never heard an objection, and he did not make any, to any of these contentions or concessions or questions that are raised here now.

In the meantime the House of Representatives took it up. There were seventeen men on its committee. Three Congresses have passed since that time and three times that number, seventeen men, have been engaged in the other House in the examination of the same subject. In the Senate the Committee on Foreign Relations, enlarged recently, was engaged in it until the Senate saw proper to make a subcommittee to take charge of this business, and I had the honor to be made chairman of it. The Senator from New Jersey [Mr. SEWELL] is a member of it; the Senator from Oregon [Mr. MITCHELL] is a member of it; the Senator from Connecticut [Mr. HAWLEY] is a member of it; the Senator from Virginia [Mr. MARTIN] is a member of it; the Senator from Illinois [Mr. PALMER] is a member of it; the Senator from Washington [Mr. SQUIRE] is a member of it, and I am a member.

Now, it will not do to say that there has been any fraud or desire to rob anybody in measures which these various gentlemen have examined with the most scrutinizing care. Neither will it do to say that they have not examined every point in the case that has ever been suggested. But it will do to say that when opinions antagonistic to the canal have been introduced here as amendments to the bill when it passed through the Senate before, two years ago, and were voted down, the committee took up several of those amendments and incorporated them into the bill with a view of accommodating the action of Congress to the objection that had thus been stated, and they are in the bill now. Some of the very amendments which were voted down before are in the pending bill now as reported by the committees of both Houses.

This movement on the part of the House and the Senate can not be attacked collaterally by a question like that which the Senator from Virginia [Mr. DANIEL] brings up here to-day on a statement by Mr. Ludlow that the engineers of the company have never passed over this line. Sir, that is too rash a statement for any man in the world to make. He had every opportunity in the world to qualify it. When we come to ascertain—as he had never been there before—how he came to make such a statement, we find he said that he had been informed by Davis. Here is Mr. Menocal's statement.

Now, I am determined, so far as I am concerned, to present this question to the Senate fully and fairly, as is done in the report; no fact withheld; none concealed; none excused or apologized for. Every fact that can make against the canal has been fully stated and fully discussed. I am determined, so far as I am personally concerned, not to be drawn off into a collateral issue where the jealousies of engineers may come in and cause them to criticise each other severely. We have not anything to do with that, but what we want to ascertain from the whole bulk of the testimony is whether or not this measure is well founded upon engineering, whether it is well founded in public policy, whether it is feasible. In respect to the last point, no man who as an engineer has ever examined the canal—and there must have been as many as twenty or thirty who have examined it thoroughly for different companies; I say twenty or thirty, perhaps I am wrong about the number, but a great number have examined it thoroughly—has ever pronounced against its feasibility or its necessity.

Then the question remains whether or not the Government of the United States wants to lend its assistance to the company. The Senator from Virginia [Mr. DANIEL] can persist in calling it a subsidy. There is no subsidy in it. The Government of the United States in this matter, as in several others where it has taken stock, as in the case of the United States Bank, in the case of various highways that have been built through the United States, toll roads, and such matters, is asked to invest its credit in an enterprise of very great moment to the United States and the world and to all coming generations of men.

Some of my brother Democrats, who are not more straight-laced or obstinate perhaps in their convictions as to the rules and tenets of the Democratic creed than I am, object to it on the ground that the Government has no right to do it. I stand upon the ground that General Jackson took about this matter, which is that outside of the United States we are the equal of any power in the world in all our authority. General Jackson took that ground in reference to this very canal, and sent Biddle there for the purpose of making explorations in order that he might crown his Administration with the highest glory in building it. I have the authority here to show it, but I will not detain the Senate now to read it unless some Senator wishes to have it read. But I do not appeal to any man for an interpretation of my views upon the Democratic doctrine. It is very true I would not run counter to the admitted and conceded tenets of the creed of the Democratic party when I knew it, but Thomas Jefferson also had this subject under consideration, and he was in favor of it. No man was more boldly in favor of it than Henry Clay, and yet Henry Clay was not a Democrat in the present acceptation of the word. Neither was he a Republican. So far as authority goes for this movement, no President and no Secretary of State has ever put his objections to this canal upon paper. On the contrary, almost every one of them has in the broadest terms adopted all that relates to this canal as being entirely within the powers of the Government of the United States. It was the leading and expressed feature of the conventions that nominated Franklin Pierce and James Buchanan for the Presidency.

So, Mr. President, upon that ground I feel entirely safe, if I were governed only by precedent; but I never had a doubt that, under the power to extend our commerce, to protect and care for it abroad, we could engage in this enterprise just as well as we could engage in the exploration of the seas in far distant countries for the purpose of finding out, according to our hydrographic operations and surveys, the state of the bottom of the ocean and the bays and the like. I have had no more doubt of it than I have that we have the right now to send our mails back and forward across the Atlantic Ocean and the Pacific Ocean and pay for them. I have had no doubt about the power of the Government of the United States to extend its mail facilities anywhere. Therefore I felt perfectly confident that I was standing on firm ground, both of precedent and my own convictions, whatever they may be worth; they are worth everything to me as a Senator.

We have brought the project forward in this way, and if I could only get the Senators on this floor to read the testimony taken by the House of Representatives, I would not have to say one word in advocacy of the bill. In that testimony all three of the commissioners were examined. I do not know that I am required, merely because I have had connection with this subject, to spend my life in the effort to pass the pending bill or to wear myself out in it, although the Senator from Virginia [Mr. DANIEL] seems to think that I am saturated with it, and with nothing else. I flatter myself that there is room left in me for several things besides this canal; that occasionally I have correct views upon other subjects besides this, and that it does not by any means comprise everything in the world that I happen to know. But I have been studious and diligent about it; I have been faithful and honest; and there is not a spot on the escutcheon of the Maritime Canal Company or anybody else connected with this business. It is perfectly pure and clean and free, and I would despise it if it had any stain upon it at all.

The question that I asked the Senator from Virginia yesterday evening—and he felt this morning compelled to allude to it a little somewhat—is, Who has proposed anything else? Do you intend to leave that backbone between those seas and make no effort to remove it, although every great statesman in the world for three centuries—yes, for full three centuries—has had his attention attracted to that passage? Finally, by the consent of all men who have considered the subject, we have come to the conclusion that the Nicaragua Canal route is not only the practical one, but that it is the only one through which we can get ships from ocean to ocean. Now, are we going to abandon the whole business? Are we going to be driven off by some threats that have been sent in here, which Mr. Olney entirely disclaims, through the minister of the young Republic, which is as yet in such a nascent state that we do not know what it is?

I have found the argument against this canal to turn now entirely upon that minister's statement. I have shown absolutely that in three of his statements one of two things was certain, either that he did not know what he was talking about or else he was violating the action, solemn, dignified, and final, of the Government that he represents here. It is the first time in my experience—and I think I can appeal to the experience of the older members of the Senate that it is the first time in theirs—when any foreign minister has been permitted to send to the Senate of the United States as censure his objection to, his criticism upon, a bill that is pending here. We are not allowed under our Constitution to be held responsible anywhere else for words uttered in debate or for the votes we give on this floor. That is a great protection; and it is even necessary now to protect a Senator who dares to raise his voice against that man. It is necessary now. Even something else may be necessary; I do not know.

On various occasions, commencing with the Administration of President Washington, coming down through several, John Adams, Thomas Jefferson, John Quincy Adams, Mr. Pierce, and so on, certain foreign ministers who were accepted at this capital have essayed to make criticisms upon what was passing in the Houses, and to make objections to what was going on in the Houses, and to ask the Secretary of State what it all meant, whereupon some of them have got their walking papers and others have been very severely rebuked.

Messages of the President of the United States have been criticised sometimes by foreign ministers at this capital, and whenever those criticisms have come out they have been suddenly dealt with in a very summary manner. On a very recent occasion, when the Government of Great Britain was represented by a worthy gentleman here who had public and private acceptability amongst all classes of people of a very high order, and he undertook to interfere, as was alleged, in a pending Presidential election, he was dismissed from this capital and sent home as far disgraced as this Government knew how to disgrace him in giving him his passports and ordering him off.

What we have a right to do here, what we contend for and all we contend for, is that we shall have on the floor of the Senate and in the other House perfect liberty of debate; that any man shall get up here and express any conviction or statement or argument he chooses to do; and that we are not to be interfered with by objections and suggestions interposed here for our consideration by a foreign minister.

Here is the honorable Senator from Virginia, who spent two hours or more yesterday evening, and predicated his objections to the bill not upon anything that was in it really, but distinctly read and enumerated all the objections thrust in here by this foreign minister. He took them up seriatim and undertook to advocate them in a way that cast, in the opinion of the Senator, extreme odium upon all our committees and all the reports that have been made, in so much that the Senator from Virginia indulged, at the instance of that minister, in most vituperative comments upon the men engaged in this business.

I would have made a very serious protest about this as a Senator, and others would have done so also, but Mr. Olney was entirely taken unawares by the fact that that minister's statements were ever laid before this body. That minister stated in an open communication, which is put in quotation marks in the Washington Post, that he and Mr. Olney had agreed upon it at a diplomatic dinner that that paper should be sent in here to the Senate. Mr. Olney denies it. Mr. Olney said he thought it was his duty to present that matter to the chairman of the committee who he then supposed had charge of the bill, the Committee on Foreign Relations, which always had charge of it until this session of the Senate; and he was very much disquieted and much offended that that matter should have been brought in here as a subject of discussion.

Now, sir, what we are to meet to-day in the Senate is not the merits of this case, but the threats and the arguments of the minister from this new Republic, the Greater Republic of Central America. That is what I am confronted with. It is the first time, I think, that any Senator in charge of a bill here has ever been compelled to go outside of this Chamber and to take up the complaints made by a foreign minister in advance of the passage of a bill and discuss them.

This is exceeding ungracious and unkind to the Senate of the United States, if I may use that last expression with a becoming sense of the dignity of this body, for the reason that the bill itself submits the whole matter of the actual existence and execution of the law to the acceptance of the Maritime Canal Company. If they do not accept what we provide here the bill amounts to nothing. If they accept it, then of course they are concluded by it. What will you say then? Must we withdraw the bill and cease our efforts to build this canal because we are admonished by the minister from these three States that the bill will not be accepted, or that the bill violates their concessionary rights?

Let us inquire a moment who these three States are. Two of them are Honduras and Salvador, that have no more concern with these concessions than England and Austria; they are total strangers to it. These concessions come from two sovereign Republics, Costa Rica and Nicaragua. Here is a man who represents these three Republics, or says he represents them, for we do not know how that is, or at least the basis upon which he represents them. We do not know what their constitution is, what his powers are, or anything about him. He says he represents these three Republics united under a diet. He does not represent Costa Rica, and yet Costa Rica has rights which to her are very much more important under the concession she made than the rights that are guaranteed to Nicaragua. Costa Rica is locked out from the Atlantic Ocean there by ranges of hills that prevent her access to it, and her route to the seaboard is down the San Juan River, where our own President has decided as an arbitrator that she is entitled to equal privileges with Nicaragua. Therefore Costa Rica is an indispensable factor. More than that, we overflow more than 50 square miles of her territory in building this canal. More than that, she has 30 miles of navigation up the San Carlos River, and will have in this overflowed region a great basin or estuary where she can collect ships of commerce almost into the heart of her country from all over the world and trade with them. Therefore Costa Rica has rights under these concessions that are even more valuable to her than those of Nicaragua.

Mr. Calvo is here. He has been here for a good many years. He is a gentleman of great intelligence, of marked ability, and of high acceptability in all the diplomatic and other circles of this city. Mr. Calvo has not a word to say. He makes no protest. He makes no threats. How is it, then, that immediately after that little diet was formed there of two Republics that have nothing to do with this canal and Nicaragua, the third, that has an important part of it, there comes a minister to this country and in very hot haste lays before the Senate of the United States, by a trick, his objections to this canal? What is his business here but that? He wants to defeat the making of that canal. Why? I have my own opinions about several reasons why; but there is one about which history leaves no doubt.

Since it was first ascertained that Nicaragua was the best route for this canal, concession after concession has been made. I think

the Senator from Indiana [Mr. TURPIE] enumerated about twenty or twenty-one. Out of every one of those concessions Nicaragua has made money. She has got money on the spot to fix the bargain, and then afterwards she has contrived in one way and another to get rid of it. She keeps this canal on the bargain counter always, and will keep it there as long as we let her do it. Our company—I say our company, our American company—paid her $150,000 in gold for this concession. They have gone there and expended four and a half million dollars. They have there now a splendid outfit of houses, establishments of different kinds of great value; they have built a railway 11 miles long and laid it with steel rails—a good railway. They have engines there; they have a machine shop there, and a great amount of material. Here comes Nicaragua in combination with these two other Republics, and they together, through their minister, are threatening us that they are going to forfeit these concessions and take everything away. Yet, if we pass this bill, they will not be able to stand up against this company, because the weight of the influence of the Government of the United States then will be in favor of the rights of American citizens also under this concession.

I object to Nicaragua keeping this canal on her bargain counter any longer. I object to her defeating this concession and then proposing some other concession to some one else here or somewhere else and getting another sum of money and getting all the work that has been done there—the surveys, three of which have been paid for by the Government of the United States, Nicaragua never contributing one dollar or the services of an engineer except for a very short time. That is what we have done. Now, if she can drive us off, if she can induce us to drop the subject, if, after being here a participant in this company and in full accord with the Maritime Canal Company, her own minister acting as a director on the board, and without any objection at all, she can just jump up a new diet or new alliance with two other Republics there that she thinks will increase the strength of her case, morally speaking, then, Mr. President, we will have to give way.

Mr. ALDRICH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Rhode Island?

Mr. ALDRICH. I suggest that we might perhaps get a vote on the bill if——

Mr. MORGAN. If the Senate were full enough for me to ask for a vote. I would like to do so.

Mr. ALDRICH. I think we might get a vote if the Senator would be willing to have one taken.

Mr. MORGAN. I would yield the floor in one moment, of course, to get a vote.

Mr. CHILTON. I heard the Senator from Wisconsin [Mr. VILAS] say that he desires to make some remarks upon the bill. I do not think it is possible to get a vote now.

Mr. MORGAN. I do not think so either. At the same time I was about to conclude my remarks. But I happen to have such a connection with this matter that I think makes the statements that I am now indulging in before the Senate somewhat important upon the case, and I think they ought to be put on the record. I am about through with what I had to say about it. I have said really more than I expected to say when I got up, but I felt that it was due to myself and the committee, that it was due to the Senate, that I should say what I have said, and also make one other observation, which has reference to the bonds that are to be issued here.

The bill provides that the bonds shall be guaranteed and issued as the work is done, approved by the board of engineers, and approved by the Secretary of the Treasury; so that if it takes five years or six years to complete the canal, the guaranty of the United States will be issued upon these bonds year by year and quarter by quarter and month by month, as the work progresses. The President of the United States is given the power by the bill to stop the work whenever he sees proper to do so, leaving it entirely in his judgment as it is going along whether it is going to be a failure, or anything of that kind. Whatever the canal costs up to $100,000,000, of course, will be paid out of money received under these guaranties, the bonds to be sold at par for 3 per cent interest. That is a clear proposition.

Now, I should like to know in what form that is a subsidy to the Government of Nicaragua when 70 per cent of the stock is reserved to the United States. Out of the $100,000,000, $70,000,000 is reserved, and every dollar we expend goes to making our stock more valuable. But to provide for the wants of Nicaragua—I mean her objections—in every possible sense, at the suggestion of gentlemen who are in favor of the bill, and at the suggestion of some gentlemen who are not in the Senate even, I have prepared the amendment that I have now submitted to the Senate and which I hope will be adopted. If there is reason and justice in the minds of the men who make these objections, they must give way, it seems to me, before the language of that amendment.

Mr. HALE. Mr. President——

Mr. CAFFERY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Cockrell,	Lindsay,	Platt,
Allison,	Cullom,	McBride,	Proctor,
Bacon,	Davis,	McMillan,	Sherman,
Berry,	Frye,	Martin,	Stewart,
Blanchard,	Gallinger,	Mills,	Tillman,
Caffery,	Gordon,	Mitchell, Wis.	Turpie,
Cameron,	Gorman,	Morgan,	Vilas,
Cannon,	Gray,	Morrill,	Walthall,
Carter,	Hale,	Murphy,	Wetmore,
Chandler,	Hawley,	Peffer,	White,
Chilton,	Hoar,	Perkins,	Wilson.
Clark,	Jones, Ark.	Pettigrew,	

The PRESIDENT pro tempore. The call of the Senate develops the fact that 47 Senators are present. There is a quorum present.

Mr. HALE. Mr. President——

Mr. MORGAN. If the Senator from Maine will allow me for one second, I desire to say that I wish again to suggest that unanimous consent be granted for putting this bill with the pending amendments on its passage, and that debate cease, except under the ten-minute rule, on Friday next at 3 o'clock. I make that offer now to the Senate that the bill be voted upon at 3 o'clock on next Friday, with all the pending amendments and motions which pertain to it, allowing ten minutes' debate for each Senator upon any proposition which may be pending before the Senate in reference to the bill at that time.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent that a vote may be had on this bill and pending amendments on Friday next, at 3 o'clock, with this modification, as the Chair understands it, that there may be what is called a ten-minute debate on proposed amendments. Is there objection?

Mr. TURPIE. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. HOAR. I hope that the Senator will give notice that he will endeavor to-morrow to complete the bill. If we are going to do any other business this session, that will be necessary.

Mr. MORGAN. I now give notice, as suggested by the honorable Senator from Massachusetts, one of the oldest gentlemen in the Senate, that on to-morrow I shall ask the Senate to sit out this bill.

Mr. HALE. Mr. President, I do not rise for the purpose of making any extended remarks upon this bill. I have been earnestly in favor, and am now, of the building of the Nicaraguan Canal. I have always realized that its way is made clear and smooth and plain by cooperation with the States of Central America whose territories lie along its line. It has always been urged as one of the reasons why the plan is practicable and can be carried out, that we are in, and will continue to be in, hearty cooperation with Nicaragua and Costa Rica and any State or any power in Central America which lies adjacent to or has an interest in this enterprise; and to me it is a most unfortunate incident in the history of this legislation that we are found now with possible hostility, or, as the Senator from Massachusetts [Mr. HOAR] well characterized it the other day, indifference or sullenness on the part of one of the Central American powers whose territory this line touches upon; and I am not encouraged in my hope of this bill finally passing by any turn that this discussion takes, or has taken, that leads to the exasperation or stirring up of hostility of those Central American powers.

I do not think, Mr. President, that we are more likely to find ourselves in a domain of acquiescence and consent to this great enterprise on the part of the Central American powers because this is deemed an impertinent intrusion on their part, that they object to certain provisions in this bill, or because of the allegation that Nicaragua is keeping this on her bargain counter in order to exact terms from us or blackmail, as the Senator from Alabama [Mr. MORGAN] characterized it the other day. I protest against that manner of dealing with any other power which has a right to be heard on this subject-matter.

I do not deem the letter that the minister from the Greater Central American Republic sent in here an impertinent intrusion. I do not agree with the Senator from Alabama that it was interfering with prerogatives of the Senate that that subject-matter was brought here. I do not know how we could become aware of that most important and perhaps dangerous objection unless it was laid before us during the discussion of the subject-matter and when we were determining whether or not we should vote for the bill.

The Senator says we do not know whether that minister is duly accredited or not, and the other day he declared that we did not know who he was. That minister represents the consolidated power of these three States. He does not represent Costa Rica, but we can deal with Costa Rica when we reach any protest on her part. He does represent Nicaragua, is duly accredited here, and is the only minister here of Nicaragua.

Mr. MORGAN. If the Senator will allow me to interrupt him, he is mistaken in imputing to me the statement that we did not

know that the minister had been accredited here from Nicaragua. What I said was that we did not know, nor do I believe, that these objections have been put in his charge by the Government of Nicaragua.

Mr. HALE. The assumption is that when Nicaragua went into that confederation, she went into it as Massachusetts and Virginia went into the Confederation of 1776; as Austria and Hungary went into the confederation which makes the monarchy of Austria-Hungary; as the States of Italy, who had been at each others' throats for centuries, formed the great Italian Kingdom, reaching, as Virgil says, from Piedmont on the northwest to Calabria on the south. The presumption is that these three States——

Mr. MORGAN. I am not acting on presumption.

Mr. HALE. I am acting on the presumption——

Mr. MORGAN. I know you are.

Mr. HALE. I am acting on the presumption that the minister here recognized by the President of the United States represents Nicaragua, and is her only representative, and I do not know, as he believes that his country is being unjustly dealt with in the emendations to the original compact between the company and Nicaragua, how he could better or more fittingly or more respectfully present his views than to send them through the proper channel of communication—the Secretary of State. Whether the Secretary of State is surprised or not, I do not know. I should have considered that he was doing less than his duty if he did not, in the midst of this discussion, send to the Senate, through the chairman of the Committee on Foreign Relations, who is our organ of communication with the State Department and with the President on such matters, this communication; and I should hold that the Senator from Ohio, the chairman of that committee, would have done less than his duty if he had not submitted it to the Senate.

The Senator from Alabama has the view that this is an intrusion, an impertinence; I look upon it as an exercise of proper diplomacy, and that the minister would have been doing not his full duty to his country if he had not done so. The Senator says it is an intrusion because it is brought before us before we have passed the act. Why, Mr. President, the only time at which it ought to have been brought before us was while we were considering the bill.

The Senator will gain no votes for his measure by taking occasion here to arouse opposition on the part of a friendly nation—not a European nation, but a sister Republic—and by reflection that can only result in a condition leading to more objection and more hostility. That is not a good domain of legislation or of negotiation.

Mr. MORGAN. Will the Senator allow me to interrupt him?

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Alabama?

Mr. HALE. Yes, sir.

Mr. MORGAN. This is not my measure. This is a measure of the people of the United States. I am no more identified with it than any other Senator who has heretofore had it in charge, either as chairman of the Committee on Foreign Relations or as a member of the committee.

I am not going to stand on this floor and conceal anything or have occasion afterwards to suffer rebuke from my own conscience about matters of this kind for this bill or any other, and if the Senator from Maine finds in my conduct or in my words occasion to vote against a great measure of this kind he may do so.

Mr. HALE. The Senator is invested with a great responsibility. He has more than his individual responsibility.

Mr. MORGAN. I shall try to properly discharge it.

Mr. HALE. The Senator is the organ of the committee and of the Senate in introducing and in passing this bill, and what he says bears greater weight than it would coming from another.

Mr. MORGAN. It ought not to; but if I have such influence, I will try to exercise it honestly and faithfully and fairly.

The matter I referred to in respect to blackmail and in respect to my opinion that this minister did not have the right from the Government of Nicaragua to make these objections, I am satisfied of.

Mr. HALE. I am not.

Mr. MORGAN. Very good.

Mr. HALE. I am not, and I do not think the Senate is satisfied of it. I do not think, with all due deference to the Senator and his great learning, his integrity, and his industry, which has led us in years of service to have the highest respect for him, that in dealing with a subject-matter of this kind he should use phrases and convey allegations which tend to stir up trouble rather than to propitiate. I do not like the use of the word "trick," as applied to the conduct of a foreign negotiation with this Government. I do not think the Senator will gain, or that we shall gain, by it.

The Senator says that this is not his bill. So far as I am one member of the Senate, it is my bill. I have been in favor of it, I am in favor of it to-day, and I am in favor of every assertion that this country can make here, now, and everywhere, that the whole subject of isthmian transit shall never be left in the domain of controversy, and allowing any great power of Europe or anywhere else to interfere. The sooner this bill is passed, rightfully drawn, with due deference to the rights of the Central American States, the better for me, and in that regard the bill is mine, if it is not his. My sensitiveness arises not because of anything offensive the Senator has said, but because I fear and believe that he is harming his bill by the course which he is taking.

I should be glad to have a vote upon the amendment the Senator has presented. I should have been glad to vote for the amendment, but I do deprecate the method of discussion which tends to arouse and inflame opposition rather than to reduce it.

Mr. MORGAN. Mr. President, there are to be some hereafters about this matter, and I have become satisfied that a final effort is being made here, through this gentleman who has sent in his message to the Senate, to destroy the hope of the United States to construct this canal. I believe that the people of the United States intend to construct it. I believe that, unless we avail ourselves of what has taken place, and which is an absolute estoppel upon Nicaragua and Costa Rica, and tender to them a bill like this—and I think this is a very good bill—that we shall fail utterly to get any hold upon the Isthmus by which we can build the canal. I believe that that will result in embroiling us with those States, because I am satisfied that the determination now is to break down this concession, if it can be done by this new diet. The further determination is to hold on to the money of our people that they have got, to hold on to the work they have done there, to confiscate the million acres of land which have been granted in fee simple, and to drive Costa Rica out of her rights in this matter. But now, inasmuch as this is a subject the magnitude of which is to my own mind incomprehensible, the results and consequences of which no man can measure, I am determined to keep my course of conduct exactly in the line of truth, honor, integrity, uprightness, and courage, without shrinking one hair's breadth from what these things convince me is right.

I know more about this than does the Senator from Maine, but I am not at liberty to state it. I dislike to make that remark, for the reason that I do not want the Senate of the United States to repose a blind confidence in anything I have to say. I believe there is no measure that has ever been conceived by the Congress of this Government which will at this moment of time be of more advantage to the people of the United States than this. I believe it is an indispensable thing to the connection of our coast lines. I believe that we are about to be driven, or that the effort is being made to drive us, from our rights, to cause us to surrender them and to abandon them in virtue of a threat which I do not believe Nicaragua has ever justified.

Now, I have stated my own convictions upon this record. If what I have said here is a damage and a detriment to this bill, it has been said in the light of the truth, and if truth is going to damage it, let it sink. But in after times, in after days, in a very short period of time, the American people are going to call us to account for what we are doing here. They will never have to call me to an account, Mr. President, because I shrink from contact with a movement that I believe is intended merely to frown our rights out of existence and destroy them.

The rights are just the same between Nicaragua and Costa Rica and the United States, growing out of our own legislation and growing also out of the participation of those States in the operations of the Maritime Canal Company; they are just as sacred as if they were all embodied in a treaty. There is no doubt about what they are, because the statute shows, the records of the Maritime Canal Company show, and if we are driven away from the assertion of those rights by this new idea, which has been concocted since the organization of this diet, or possibly in the organization of it, the fault will not be mine.

I think, Mr. President, that that, perhaps, is all I ought to say just now.

Mr. SHERMAN. Mr. President——

Mr. CULLOM. If the Senator from Ohio will allow me, I gave notice yesterday that I should ask pretty early to-day for an executive session, which I think will take but a short time.

Mr. SHERMAN. I shall only speak for about five minutes.

The PRESIDENT pro tempore. The Senator from Ohio is entitled to the floor.

Mr. SHERMAN. Mr. President, I had resolved in my own mind that I would not be drawn into the debate in regard to the Nicaraguan Canal. My position in respect to that canal is well known to Senators. I have always believed and still believe that the only way by which the Nicaraguan Canal could be built was by the action and credit and power of the Government of the United States.

When the treaty came to us—a treaty which I am not at liberty to discuss in open session—I supposed that through it we might accomplish the object, and if that treaty had been adopted by the Senate at the time, I have little doubt the Nicaraguan Canal

would have been completed by this time. I think that occurred about twelve years ago, perhaps not so long. At all events, Nicaragua by that treaty—probably the most liberal that ever was framed between the United States and any other nation in the world—practically gave us the control of Lake Nicaragua, the river, and the whole region between the two oceans. It was a broad and liberal treaty, so liberal as to indicate on the part of the people of Nicaragua an earnest desire to complete the canal. That that desire still remains I have no doubt whatever. I need not say how, or why, or when, or where, but unfortunately that treaty was withdrawn from the Senate of the United States and disappeared entirely from our consideration; but, in consequence of that, the people of Nicaragua agreed to transfer and concede to a corporation created in the United States rights and privileges almost boundless in their extent. They gave, among other things, to this company a million acres of land in Nicaragua; they gave terms and concessions which were very liberal, and which, as I suppose, might possibly, if the times were favorable, have led to the construction of the canal.

The history of that company you all know. They have expended about four and one-half million dollars; they dug a portion of the canal between the lake and the Atlantic Ocean, but they probably have been too sanguine in their expectations. At any rate, they were unable to borrow money, and they could only build this great work by borrowing money at a large discount. They were compelled to sell their bonds at a ruinous rate, and the result has been that they have practically failed, and I believe are now unable to complete the canal. I have avoided saying anything about this because I did not wish to say what probably might not be exactly true, that they can not complete it, but I feel bound now, in the present condition of affairs, to say that in my judgment that canal can never be built by a corporation, however strong and powerful it may be. It must be built, if at all, by the people of the United States. The Suez Canal was built by the contributions of the people of several nations, among them France and Great Britain. It could never have been completed as a mere corporate enterprise.

Nicaragua has always shown her desire to have the Nicaraguan Canal completed, and therefore soon after she had formed the temporary alliance of three South American States, a confederation which will probably be extended in time to six or seven states, and then there will be another republic embracing the whole or the greater part of Central America. But, without waiting until the full formation of the new Republic, Nicaragua, Honduras, and Salvador sent a minister here. He is a very intelligent and able man; he is an astute man. It has been said that he came here without the requisite authority. Why, sir, the Constitution of the United States gives plainly to the President the power to receive ambassadors or other public ministers or consuls, and the right of that minister to come here and communicate with the State Department is just as clear as the right of the ambassador of Great Britain or the ambassador or minister of any of the most powerful governments of the world to convey their claims and opinions to our Government. We ought, therefore, to treat him not only with personal respect, but we ought to treat with respect the country which has been so anxious for us to carry out this great enterprise, which will redound greatly to their advantage as well as to our own.

The minister of the Greater Republic of Central America sends us a friendly message; he delivers it to the proper authority, the Secretary of State. The President has acknowledged him as the minister plenipotentiary from those powers; he communicates in due form with the Secretary of State, and that statement made by him has all the marks of friendship and of honesty. There is no such sign about it as my friend the Senator from Alabama thinks there is. I see nothing in the communication but what is friendly. The minister himself says that the work can not be completed by the corporation, but that it must be completed, if at all, by the United States of America, and he comes here and submits the matter to us. The communication came in the ordinary course of business transactions. It came to me as the chairman of the Committee on Foreign Relations from the Secretary of State, and the very first thing I did was to show it to the Senator from Alabama, because, having charge of this bill, I felt he ought to know about it. We consulted and talked about it, and the Senator made no objection at all to the communication, so far as I could see, but advised that it be presented to the Senate. It was right that it should be presented in open session; it did not relate to any matter of foreign negotiation; it was not executive business; it was simply in relation to a bill pending before us and under debate, and therefore, although I disliked very much the aspect of it and some of the minister's objections to the bill, I considered it my duty to present it here in open session, and it was properly here. The considerations therein stated by the minister of the Greater Republic of Central America ought to have been treated with kindness and forbearance; it ought to have been and was printed and considered in our debates.

But my honorable friend drew England into the controversy; and whenever there is a bugaboo to be presented, England is brought before us. The Senate of the United States does not fear England or any other power, and the people of the United States do not fear England. We have had two wars with England, long since past, and I hope that war with England will never occur again. The two nations ought never to fight each other. They ought always to be friendly. Great Britain is more and more following the example of the American people of having a government for the people, of the people, and by the people, and I believe the time is not far distant when the people of Great Britain will be as free as we are. In many of their late proceedings they have been approaching nearer and nearer to the rule of the people in their country, and, but for the Irish question, I have no doubt that they would approach much nearer. That, however, is a question that we have not to deal with.

I think, under all the circumstances, although I will vote for this bill in any form in which it is likely to be presented—I think the better course for my honorable friend to pursue would be to allow the bill to rest. It can not pass during the present session of Congress. Everybody knows, without going into details, that even if the bill should pass the Senate, in all probability it would not be taken up in the House of Representatives. It can be taken up and considered at the next Congress whenever it shall meet.

I would not take advantage of the company which have undertaken to build this canal. I would pay back to them every dollar they have expended in advance for improvements made in the harbor, in the towns adjoining the canal, and in all parts of the work.

I should be very glad to see another treaty made between Nicaragua and the United States which would provide for the completion of the canal, something that would be acceptable to the United States Government, and that we should proceed to deal with that canal precisely as we have dealt with the great canal upon Lake Superior and the other public works of our country.

Until some arrangement is made between Nicaragua and Costa Rica we can make no progress. The waters that back from the river or the lake will flow over portions of Costa Rica, and we touch her soil at places. It is therefore necessary to have the consent of Costa Rica to anything we do. This bill, or any treaty we can make, should provide for all contingencies. It is better that this bill stand open and rest not upon complaints made against Nicaragua or its minister, not because Nicaragua is only a portion of this new confederacy, but with the confident hope that all difficulties will pass away, that the Government of the United States, with the free assent of the new Republic, will take up and build and complete this canal, which will be, if completed, the greatest achievement for the good of mankind that is likely to happen in the course of a hundred years.

I do not wish to advise my honorable friend what course to pursue, but certainly such is my opinion about it, and I therefore felt bound to express it.

Mr. WHITE. I desire to ask the Senator from Ohio whether this bill is not substantially the same bill which he, as chairman of the Committee on Foreign Relations, or as a member of that committee, duly authorized, reported to the Senate some time ago with highly eulogistic and extended comments?

Mr. SHERMAN. I did so, and I stand by it.

Mr. MORGAN. The Senator twice reported such a bill.

Mr. SHERMAN. But, unfortunately, the corporation which has undertaken to build this canal is not able to do it, and we have to assist them or the enterprise will fail. I join with my honorable friend also——

Mr. WHITE. I ask the Senator if at that time it was not evident that it would require the assistance of the United States to carry out the provisions of the bill?

Mr. SHERMAN. They sought the assistance of the United States; and if the United States had given them that assistance at the beginning of their enterprise, they probably would not have failed. That indorsement by the Government of the United States would have enabled them to sell their bonds. When we refused to do anything and stood by, leaving the corporation to deal with a problem involving the expenditure of nearly $100,000,000, with actual money of only $5,000,000, it was simply impossible for them to hope to build it. But they did go on until their means were exhausted.

Mr. MORGAN. I am bound to deny the statement of the Senator from Ohio that this company came to the Congress or before the committee and sought its assistance. His report shows exactly the reverse.

Mr. SHERMAN. Did I say "sought its assistance?"

Mr. MORGAN. The Senator said so.

Mr. SHERMAN. Well, perhaps I should not have used the word "sought." I think we sought them.

Mr. MORGAN. We sought them.

Mr. SHERMAN. And unfortunately, perhaps, encouraged them too much.

Mr. MORGAN. We have encouraged them all along by reporting bills, two of which the Senator from Ohio reported, the third from that committee I reported when I was chairman of it, the fourth I have now reported as chairman of the select committee. Perhaps we have encouraged them too much. It is rather a thing that a great many men do not like to do—to encourage American citizens—but when a Guatemalan or a Nicaraguan comes here he gets a tremendous amount of whitewash, an immense amount of sugar coating.

The honorable Senator from Ohio is to be the premier of this Government in the next Administration, and his utterances, of course, are ex cathedra. He states that France and Great Britain contributed to the building of the Suez Canal. I beg to correct him in that respect. They did not. On the contrary, Great Britain did all she could with the Sultan of Turkey to prevent the building of the Suez Canal, and she is now only a private stockholder, having bought into the company, after the canal had been completed, through the sagacity of Disraeli. We have suggestions here that the honorable Senator from Ohio means when he gets to be Secretary of State to renegotiate and reestablish the Frelinghuysen-Zavala treaty. I have always said that I preferred that treaty to any other. I have always preferred that method of making the canal to any other, but the Senator will find, when he gets into that little negotiation, that he has to deal with five or six different sets of powers, some of whom have to do with the canal and some of whom have not, and he will find a very tangled web if he expects to get through the Senate without objection, if I am living here at the time, a treaty that does not provide for those American citizens who have been invited by Nicaragua to go there and accept this concession and invited by our Government to do the same thing. If he expects to get such a treaty through without their being compensated for all the losses and damages they have sustained, I must admonish the honorable Senator now that when he has left this Chamber, where we will all regret very much to part with him, he will find that there will be opponents and antagonists here who are determined to stand up always for the rights of our American citizens—always.

One word more, Mr. President. The Senator from Ohio, joining the Senator from Maine, has taken occasion to censure me for remarks I have made on this floor and to impute to me passion and indignation. I confess to you that I have a good deal of indignation at being called up here by Senators upon statements made in a letter by a man who says he is minister from Nicaragua and from this diet, two or three of which have been proved to be absolutely false by statements made here now. He never heard of those objections until he came to this capital. In my opinion, he has no authority from Nicaragua to present those specific objections. He takes the ground that this contract is forfeited the moment the Government of the United States becomes a stockholder in the company. If that is true, when the concession contains a provision for all governments to take stock in it, then, of course, the concession is in the opinion of Nicaragua forfeited now. Then the question arises as to the rights of the American people and the American Government. Because Nicaragua choose to announce the determination to forfeit it, threaten its forfeiture, or to announce the fact that it is forfeited, are we to abandon our course in respect to this matter?

If such weakness is to characterize our course, we will be dealt with just as those Republics choose to deal with us. We have never done an unjust, an unkind, an unfriendly act, and after all this legislation, the passage of these bills, frequent diplomatic correspondence which will be on your desks to-morrow in regard to this canal, at the very last moment, and when the bill was about to pass this body, then in came the letter of objection from this gentleman. It has been made the basis of attack upon the pending bill from the time it came here until this moment. Why communicate these objections to us at that hour, when Nicaragua has reserved to herself, in the act itself, in her maritime company, of which we are not members, the right to accept or reject this measure? Then was the time for him to make his objections. If they were good, he could defeat the measure upon them, and it would not be a law. Then was the time, because we tendered him that opportunity, instead of coming in in advance and undertaking to shape legislation here, not by making overtures to us for carrying on the canal under the concession, but declaring that it is already forfeited and threatening us with forfeiture. And for us, in the presence of such threats and such declarations, to cower down before him is only an invitation extended to him that he will do as he pleases with us hereafter.

Now, I am a friend of the canal; I desire to have it built, but I say that the people of the United States can never build the canal, as the Senator says they ought to build it and control it, when they are led by a set of men who are weak in their councils, by men who are afraid to step forward and demand their rights as they exist, openly and freely. I am not demanding the rights of the people or of the Government of the United States in any spirit of indignation or exasperation, or anything of the kind, but I think we have got them; this country knows we have got them; they have been paid for at a great price both by the Government and by our people; and, that being true, I am not disposed now to lower my flag and run away from my duty because a man comes here at that time of day and makes objections to legislation going on in this body.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. VILAS. I ask the Senator from Illinois to yield to me to make a motion with reference to a vote.

Mr. CULLOM. I have no idea that the Senator will get a vote if he makes the motion.

Mr. MORGAN (to Mr. CULLOM). Let him make it.

Mr. CULLOM. I hope the Senator from Wisconsin will not insist upon it. I gave notice yesterday that I would move an executive session to-day.

Mr. VILAS. I am not at all disposed to interfere with the Senator from Illinois unless we can advance the business of the Senate by the course I would suggest. I know he gave the notice yesterday, and he gave it for a little earlier time during the day.

Mr. CULLOM. Yes; I did. But I have been yielding because I did not desire to disturb the debate as it was going on, thinking possibly we might get to a vote upon the Nicaraguan question. But there is no indication that there will be a vote to-day.

Mr. JONES of Arkansas. Let us get to a vote.

Mr. CULLOM. If the Senate is ready to vote upon the question of the passage of the bill, I will withdraw the motion.

Mr. VILAS. Not upon the final passage of the bill; but I desire to move to recommit it, in view of what has been said on the subject, all of which——

Mr. CULLOM. I withdraw the motion for an executive session, if the Senate can come to a vote on this matter.

Mr. VILAS. I desire to move that the bill be recommitted to the Committee on Foreign Relations, in view of the suggestions which have been made on the floor, and which seem imperatively to demand it.

Mr. LODGE. The bill does not come from the Committee on Foreign Relations, I will say to the Senator from Wisconsin.

Mr. VILAS. Then I move to commit it to the Committee on Foreign Relations, unless it is the desire that it shall be recommitted to the select committee. I am perfectly willing that it shall be recommitted to the select committee, if that is the desire. But the suggestions which we have heard on the floor of the Senate this afternoon lead to the conclusion that the bill ought to be considered especially by the Committee on Foreign Relations. The manner in which the bill now stands before us is one which requires, it seems to me, that motion rather than the other.

I wish to observe that the suggestions which have been made of the want of authority on the part of the representative of the Greater Republic of Central America are answered by the communication itself. He begins his communication by saying—in the way of information to the Secretary of State—there are "several bills relative to the construction of an interoceanic canal through Nicaragua that have been for some time pending before both Houses of the American Congress," and "his Government recently instructed him to examine them and to make, under certain conditions, suitable representations to his excellency, the Secretary of State," which representations he proceeds to make.

Is it not perfectly obvious from that language that his Government have considered these very bills, and that they have considered every feature of the objections which he now in this manner interposes to them, and that the conditions under which he was instructed to make these representations were simply if he found those features ingrafted upon the bills which, as he says, he observes have been reported in both Houses of Congress, that he would then make these objections.

Now, observe the manner in which he concludes his communication—respectful, kindly, courteous, differential in every word of it:

> The undersigned is convinced of the good faith of the gentlemen who have introduced these bills in both Houses, and of those who advocate their passage; he takes, moreover, pleasure in stating that he recognizes these efforts as the result of the legitimate interest which they feel in behalf of the construction of an interoceanic canal, in which the confederation that he represents is quite as deeply interested. And, in calling attention to the serious objections enumerated, which would render these efforts nugatory, the only object that he has in view is to protect just rights which he thinks are menaced by the bills aforesaid.

Is it conceivable that the objections so presented by that Government in such a respectful, considerate, and careful manner the Senate will not even have considered by the proper committee? He tells us that these objections will render the efforts to proceed in this way nugatory; and he gives us the voice of that friendly Government by instruction.

I submit that every friend of the bill ought to be willing to see that the committee of the Senate which is charged with the due consideration of the relations that exist and ought to exist between this Government and friendly governments, like that of Nicaragua, should take this subject into its care and custody until some proper method is devised.

I am obliged to the Senator from Illinois [Mr. CULLOM] for his kindness, and hope that it may result in a vote upon this question.

Mr. ALDRICH obtained the floor.

Mr. MORGAN. What is his motion, I desire to inquire of the Senator from Wisconsin?

Mr. VILAS. The motion is to commit the bill to the Committee on Foreign Relations, although, if the chairman of the select committee prefers a motion to recommit the measure to his committee, I will make it in that form.

Mr. MORGAN. The chairman of the select committee has never any choice between insults; he does not care what the character of them may be. If the Senate wants to vote this bill out of the hands of the select committee, of course it can do so.

Mr. VILAS. I do not think it possible——

The PRESIDING OFFICER (Mr. HOAR in the chair). The Senator from Rhode Island is entitled to the floor.

Mr. VILAS. I hope the Senator from Rhode Island will allow me to say one word.

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Wisconsin?

Mr. ALDRICH. Certainly.

Mr. VILAS. I can not think it possible that the Senator from Alabama should for a moment think I meant to convey any insult by a motion of that kind, provided for by the rules of the Senate and often recognized on this floor, and assuredly he can not think that the Senate of the United States is either to insult him or to be deterred from doing its proper duty because of the suggestion from him that such a thing could be possible.

Mr. ALDRICH. Mr. President, since the treaty called the Zavala-Frelinghuysen treaty and the communication which has been read were submitted to the Senate, I have been earnestly in favor of the building of the Nicaragua Canal. I have been in favor of building it by the Government of the United States directly, if that were possible, or in favor of building it through the intervention of the corporation which has been created by the Congress of the United States, called the Maritime Canal Company of Nicaragua. I am still in favor it. I believe that the American people are strongly in favor of the canal. I believe that a majority of the Senate, a large majority, are earnestly in favor of building the canal; and the question which the friends of the measure ought to consider here is not whether its opponents desire it to be sent to one committee or the other, but whether the bill now before the Senate is of such a nature that it ought to pass, to carry out the purpose which the friends of the measure have in view, and, if it is not, what amendments should be suggested to it.

It is the greater, the paramount, question, and I think it is aside from the question we have here whether the gentleman who sent the communication the other day represents one State or the other; whether he was authorized by his Government to do it; whether the Government of Great Britain or the Government of France or any other government has any especial regard in respect to this matter. The question we are to consider is, in the first place, whether the bill before the Senate is the proper one for the United States Congress to pass to carry out the object we have in view, and, in the next place, whether it intrenches upon any of the rights and privileges of sister Republics in Central America. Is there anything in the criticisms he sends here which should command our attention and should cause a change to be made in the measure? I think myself that some of those criticisms have force. One thing is certain, that the United States can not successfully build the canal except with the cooperation and friendship of the States in Central America through whose territory the canal is to be built. It therefore becomes us who desire to have the canal constructed in the first place so to amend the bill as to have the canal constructed in the best possible way and so as to preserve all the rights of these Republics. I think the amendment which has been suggested by the Senator from Alabama [Mr. MORGAN] is of itself a sufficient protection to all the rights of the Central American States.

I can not go, and I say this with regret, to the extent to which the Senator from Alabama has gone in his criticisms of the methods by which those suggestions were placed here. I think the representative of that Government had a right, through the State Department, to appear here and state the objections of his Government to the bill which is before the Senate. I think we are bound in good faith to take notice of those objections and give them such force as they are entitled to. As I have said, however, I think the amendment which the Senator from Alabama has suggested covers that question.

The bill now before the Senate proposes to do through the form of a corporation exactly what was done, as I remember, in the case of the Suez Canal. That canal was built by a private corporation, with private stockholders. Subsequently the Government of Great Britain purchased a majority of the stock.

Mr. MORGAN. No.

Mr. ALDRICH. A controlling interest in the stock.

Mr. MORGAN. No, not a majority.

Mr. ALDRICH. It is essentially a controlling interest in the canal.

Mr. MORGAN. Not a controlling interest. The other Governments would not permit Great Britain to do it.

Mr. ALDRICH. They have a large interest.

Mr. MORGAN. They wanted to control it.

Mr. ALDRICH. They have a large interest, which in effect controls it.

Mr. MORGAN. It does not in effect control it, because it is a minority interest, inasmuch as the other Governments——

Mr. ALDRICH. My impression is, Great Britain owns an absolute majority of the stock.

Mr. MORGAN. No.

Mr. ALDRICH. But, entirely aside from the question which I am now discussing, whether Great Britain has one-fifth or one-third or an absolute majority——

Mr. MORGAN. Very good.

Mr. ALDRICH. This proposition is to build the Nicaragua Canal through a company, a large majority of the stock of which is to be owned by the Government of the United States. It is not the building of the canal by the Government of the United States in form, but in essence. It is building the canal by the United States Government in the same way that the Governments of Great Britain and France hold stock in the Suez Canal.

Mr. MORGAN. Yes.

Mr. ALDRICH. It is by holding stock in the corporation.

Mr. MORGAN. Yes, sir.

Mr. ALDRICH. What other rights does this bill provide shall be maintained, and what else is to be paid except the money paid for building the canal itself?

Mr. MORGAN. None at all.

Mr. ALDRICH. It proposes to pay, as I understand the bill, not exceeding $4,500,000 to the gentlemen who invested their money in stock of the Maritime Canal Company and in developing the canal in the Central American States.

Mr. MORGAN. In bonds.

Mr. ALDRICH. In bonds. It also provides that they shall have $7,000,000 of stock in the new corporation out of a total issue of $100,000,000. All the other stock of the corporation is to be held by the United States and by the States of Nicaragua and Costa Rica. It is essentially, then, an enterprise of these three States; simply that and nothing more. The amendment last suggested by the Senator from Alabama, as I understand it, reserves all the rights of Nicaragua and Costa Rica in this enterprise, whatever they are and of whatever nature they may be, whether given by the concessions or otherwise.

Now, shall we at the present time kill this proposition to build the canal? Because that, in plain terms, is exactly what the motion of the Senator from Wisconsin [Mr. VILAS] proposes to do. It is true that the Senator from Ohio [Mr. SHERMAN] says, "If you do not do this now, when I become Secretary of State I will negotiate a treaty."

Mr. SHERMAN. I did not say that.

Mr. ALDRICH. The Senator said that in effect. He says, "If you will let this matter go over we will negotiate a treaty by which the canal shall be built." In the first place, we have no assurance that the States of Nicaragua and Costa Rica will again enter into any such negotiation or conclude any such treaty as that suggested by the Senator from Ohio. We know the great ability of the Senator from Ohio; we know that if it is within the range of possibility, such a treaty will be negotiated; but I say to him that if he is depending for the building of the canal upon the possibility of entering successfully upon negotiations of that kind, I fear very much that he will find himself mistaken, and that the people of the United States will wait indefinitely for the canal to be built. This Government in the present Congress has an opportunity to build the canal in a way to which no man who believes in the project can seriously object.

I have listened to the speeches which have been made upon the other side of the Chamber, and aside from the objection which has been made on the ground that the bill violates some of the provisions of the concessions, I have heard no Senator make any objection to the framework and the scheme of the bill. I have heard some Senators say that there is a provision in the concession that the canal shall not be constructed by the Government of the United States. It is not proposed that it shall be constructed by the Government of the United States. It is to be constructed by a corporation in which the United States will hold stock. That corporation is to issue securities which are to be guaranteed by the United States. The money derived from the sale of those securities must be expended, under the direction of the engineer officers of the Army, in the construction of the canal, and can be expended nowhere else and for no other purpose.

The pending bill is as carefully guarded, I believe, as any other measure that has ever been presented to the Senate of the United States. It is the only way by which the canal can be built. The

real friends of the project should understand that any such suggestion or motion as that made by the Senator from Wisconsin means the death knell of the canal, which I believe is very dear to the hearts of the American people. Senators may talk about it, and twist in various ways in regard to it, but the Senator from Wisconsin knows as well as I do that his own purpose is to kill the pending bill and to kill the project for a canal, to which he is and always has been opposed. I trust no such delusive suggestion as that which has been made by the Senator from Ohio—which is in the future so far that no man in this Chamber will live long enough to see it realized—will prevent the real friends of the measure from voting against the motion of the Senator from Wisconsin; and I certainly hope that our regard for the Senator from Alabama [Mr. MORGAN] and for his labors in this behalf through a long series of years will prevent this body from ever sending a bill reported from his committee to another committee for revision. I agree with the Senator from Alabama that a suggestion of that kind is an insult to his committee and to himself.

Mr. CULLOM rose.

Mr. LODGE and others. Let us vote.

Mr. CULLOM. If the Senate is ready to vote, I shall desist from making a motion to go into executive session.

The PRESIDENT pro tempore. What is the pending motion?

Mr. VILAS. I desire to have a vote on the motion as I made it originally, to recommit the bill to the committee which reported it.

The PRESIDENT pro tempore. The Senator from Wisconsin moves that the bill be recommitted to the Select Committee on the Construction of the Nicaragua Canal.

Mr. GORMAN. Pending that, I move that the Senate do now adjourn.

Mr. HALE. Let us have a short executive session.

Mr. MILLS. Oh, no; it is too late. Let us adjourn. We can have an executive session to-morrow morning.

Mr. GORMAN. I have moved that the Senate adjourn.

The PRESIDENT pro tempore. The Senator from Maryland moves that the Senate do now adjourn.

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 28, nays 27; as follows:

YEAS—28.

Allen,	Cannon,	Gray,	Pettigrew,
Bacon,	Chandler,	Jones, Ark.	Roach,
Baker,	Chilton,	Lindsay,	Thurston,
Bate,	Cockrell,	Martin,	Tillman,
Berry,	Gibson,	Mills,	Turpie,
Caffery,	Gordon,	Mitchell, Wis.	Vilas,
Call,	Gorman,	Murphy,	Walthall.

NAYS—27.

Aldrich,	Elkins,	McBride,	Sewell,
Allison,	Frye,	McMillan,	Sherman,
Brown,	Gallinger,	Morgan,	Shoup,
Burrows,	Hale,	Peffer,	Stewart,
Cameron,	Hoar,	Perkins,	Wetmore,
Clark,	Jones, Nev.	Platt,	Wilson.
Cullom,	Lodge,	Proctor,	

NOT VOTING—34.

Blackburn,	Gear,	Mitchell, Oreg.	Squire,
Blanchard,	George,	Morrill,	Teller,
Brice,	Hansbrough,	Nelson,	Vest,
Butler,	Harris,	Palmer,	Voorhees,
Carter,	Hawley,	Pasco,	Warren,
Daniel,	Hill,	Pritchard,	White,
Davis,	Irby,	Pugh,	Wolcott.
Dubois,	Kyle,	Quay,	
Faulkner,	Mantle,	Smith,	

So the motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 28, 1897, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 27, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

IMMIGRATION BILL.

Mr. DANFORD. Mr. Speaker, I call for the regular order, the consideration of the conference report on the immigration bill, and I ask for the reading of the report.

The conference report was read, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment to the bill (H. R. 7864) to amend the immigration laws of the United States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment, and agree to the House bill with amendments as follows:

Strike out, in the first section, all after the words "admission to the United States the following" and insert the following:

"All persons physically capable and over 16 years of age who can not read and write the English language or the language of their native or resident country; but a person not so able to read and write who is over 50 years of age and is the parent or grandparent of a qualified immigrant over 21 years of age and capable of supporting such parent or grandparent may accompany such immigrant, or such a parent or grandparent may be sent for and come to join the family of a child or grandchild over 21 years of age similarly qualified and capable."

Strike out the present section 2 and insert a new section, as follows:

"SEC. 2. For the purpose of testing the ability of the immigrant to read and write, as required by the foregoing section, the inspection officers shall be furnished with copies of the Constitution of the United States, printed on numbered uniform pasteboard slips, each containing not less than twenty nor more than twenty-five words of said Constitution, printed in the various languages of the immigrants in double small pica type. These slips shall be kept in boxes made for that purpose and so constructed as to conceal the slips from view, each box to contain slips of but one language, and the immigrant may designate the language in which he prefers the test shall be made. Each immigrant shall be required to draw one of said slips from the box and read, and afterwards write out, in full view of the immigration officers, the words printed thereon. Each slip shall be returned to the box immediately after the test is finished, and the contents of the box shall be shaken up by an inspection officer before another drawing is made. No immigrant failing to read and write out the slip thus drawn by him shall be admitted, but he shall be returned to the country from which he came at the expense of the steamship or railroad company which brought him, as now provided by law. The inspection officers shall keep in each box at all times a full number of said printed pasteboard slips, and in the case of each excluded immigrant shall keep a certified memorandum of the number of the slip which the said immigrant failed to read or copy out in writing. If in any case, from any unavoidable cause, the foregoing slips are not at hand for use, the inspection officers shall carefully and thoroughly test the ability of the immigrant to read and write, using the most appropriate and available means at their command, and shall state fully in writing the reasons why the slips are lacking, and describe the substitute method adopted for testing the ability of the immigrant."

Strike out present section 3 and insert a new section, as follows:

"SEC. 3. That the provisions of the act of March 3, 1893, to facilitate the enforcement of the immigration and contract-labor laws, shall apply to the persons mentioned in section 1 of this act."

Strike out present sections 4, 5, and 6 and insert as follows:

SEC. 4. That it shall hereafter be unlawful for any male alien, who has not in good faith made his declaration before the proper court of his intention to become a citizen of the United States, to be employed on any public works of the United States, or to come regularly or habitually into the United States by land or water for the purpose of engaging in any mechanical trade or manual labor, for wages or salary, returning from time to time to a foreign country.

"SEC. 5. That it shall be unlawful for any person, partnership, company, or corporation knowingly to employ any alien coming into the United States in violation of the next preceding section of this act: *Provided*, That the provisions of this act shall not apply to the employment of sailors, deck hands, or other employees of vessels, or railroad train hands, such as conductors, engineers, brakemen, firemen, or baggagemen, whose duties require them to pass over the frontier to reach the termini of their runs, or to boatmen or guides on the lakes and rivers on the northern border of the United States.

"SEC. 6. That any violation of the provisions of sections 4 and 5 of this act by any alien or citizen shall be deemed a misdemeanor, punishable by a fine not exceeding $500 or by imprisonment for the term of not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That all persons convicted of a violation of section 4 of this act shall be deported to the country whence they came.

"SEC. 7. That notwithstanding the provisions of this or any other existing law, the Secretary of the Treasury may permit aliens to enter this country for the purpose of teaching new arts or industries, under such rules and regulations as he may provide."

Add a new section, as follows:

"SEC. 8. That this act shall not apply to persons arriving in the United States from any port or place in the Island of Cuba, during the continuance of the present disorders there, who have heretofore been inhabitants of that island."

Insert a new section, as follows:

"SEC. 9. That any alien who shall, in violation of this act, or any other existing law, secure entry into the United States without inspection or examination, or through mistake, misrepresentation, collusion, deception, or fraud, may be taken into custody by the properly authorized immigration officers within thirty days after the facts become known to them; and such alien, upon a special inquiry at the most convenient place, conducted according to section 5 of the immigration act of March 3, 1893, shall be dealt with as provided by law for alien immigrants upon their first arrival."

Strike out the present section 7 and insert as follows:

"SEC. 10. That this act shall take effect July 1, 1897."

L. DANFORD,
STANYARNE WILSON,
Managers on part of the House.
HENRY CABOT LODGE,
WM. E. CHANDLER,
CHAS. J. FAULKNER,
Managers on part of the Senate.

Mr. BARTHOLDT. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTHOLDT. If the motion to agree to the conference report should not prevail, will a motion be then in order to send this bill back to conference and instruct the House conferees, or must that motion be made before the vote is taken on the adoption of the report?

The SPEAKER. If the conference report is disagreed to the matter will then be open to further conference at the request of either House. The question is on agreeing to the conference report.

Mr. TERRY. Mr. Speaker, I rise to a parliamentary inquiry. Would it be competent to refer this report back to the conference committee with instructions to the House conferees?

The SPEAKER. The Chair thinks not.

Mr. DANFORD. Mr. Speaker, as to the time the discussion on this report shall occupy, it has been suggested by the chairman of the committee that it run until a quarter past 4 o'clock this

afternoon, and that at that time the previous question shall be considered as ordered and the vote taken. I ask unanimous consent to that arrangement.

The SPEAKER. The gentleman from Ohio [Mr. DANFORD] asks unanimous consent that the discussion proceed until 4 o'clock and 15 minutes p. m., when the previous question shall be considered as ordered.

Mr. BARTHOLDT. Mr. Speaker, in connection with that request, I would suggest that gentlemen who desire to speak upon this question, but who may not have time to speak under the proposed order, be permitted to print their remarks in the RECORD.

Mr. HENDERSON. For ten days.

Mr. BARTHOLDT. For ten days.

The SPEAKER. The Chair will put that as a separate proposition unless the gentleman from Missouri [Mr. BARTHOLDT] desires otherwise.

Mr. WILLIAM A. STONE. I hope there will be no objection to it.

The SPEAKER. The proposition of the gentleman from Ohio [Mr. DANFORD] is that the debate continue until fifteen minutes after 4 o'clock this afternoon, when the previous question shall be considered as ordered. Is there objection?

Mr. PARKER. I object. It appears to me we should have more time.

Mr. BARTHOLDT. I hope the gentleman will not object.

Mr. PARKER. At the request of the gentleman from Missouri, I withdraw the objection.

The SPEAKER. Is there further objection? The Chair hears none, and it is so ordered. The gentleman from Missouri [Mr. BARTHOLDT] asks unanimous consent that leave to print remarks on this question be granted for ten days to members desiring to avail themselves of the privilege. Is there objection?

Mr. TERRY. Reserving the right to object, Mr. Speaker, I wish to say a word. Perhaps I did not make myself fully understood in the parliamentary inquiry which I submitted a while ago. I understand that under the rules when a conference committee has reported, that is the end of that conference; and therefore the Chair was correct in the answer that he made a while ago. But in case we decide to have a new conference, and conferees are appointed, can we not instruct our new conferees when a new conference is entered upon to agree to the Senate amendments with certain things eliminated?

The SPEAKER. The House can, of course, instruct its conferees, although it is not usual to do so until there has been at least one "full and free conference."

Mr. TERRY. That is what I wanted to get at.

Mr. PERKINS. Upon this proposition to grant leave to print for ten days, while I am not disposed to object to what may be the disposition of the House, I think such leave ought not, probably, to be extended more than five days, and with the understanding that the remarks furnished to be printed be confined to what might be spoken on the floor upon this bill. With such a modification of the proposition, I will not object.

Mr. HENDERSON. I hope the gentleman from Missouri [Mr. BARTHOLDT] will accept that suggestion.

The SPEAKER. Does the gentleman from Missouri accept the modification proposed?

Mr. BARTHOLDT. I do.

The SPEAKER. Unanimous consent is asked that members be allowed to print remarks on the pending proposition for five days, nothing to be printed that could not be spoken on the floor. Is there objection? The Chair hears none. The gentleman from Ohio [Mr. DANFORD] is entitled to the floor.

Mr. DANFORD. Mr. Speaker, I desire to confine my remarks to a few propositions, and I shall be brief in my statement of them. In the first section the conference report changes the House bill. The House bill applied the test of illiteracy only to males, leaving females to come in without the application of any test of illiteracy whatever—leaving them to come in only under the provisions of existing law. The conference report includes females as well as males in the excluded class, if they be illiterate. It is to questions growing out of this feature of the case that the principal objections come from those who oppose the report.

The House bill excluded all male illiterates, and permitted all females to come in without the application of that test. I hear it said that if the bill as proposed by the conference committee should become a law, we will be separating families. Now, Mr. Speaker, as the bill passed the House, no matter how bright or competent, no matter with what degree of accomplishments the wife might come as an immigrant to our shores, if she brought with her an illiterate husband he could not enter. As to the proposition made in the conference report, it refers to both the husband and the wife. I agree that if an admissible wife should come to these shores accompanied by a husband who is not admissible under this test, then if the wife proposed to take up her residence here there would be a separation of families. I want to address myself to this proposition, which is urged in opposition to the conference report, and I want to do so with reference to what are the known conditions of things so far as immigration goes.

If this test is to be applied in the future, then it will be known in all the countries whence our immigration comes that the test will be applied before admission to citizenship in this country. There is no trouble about knowledge on that subject on the other side of the water. There is a great and mighty agency at work. One of the agents of the steamship lines engaged in transporting immigrants to our shores said before the House committee, "We have our agents in every village and hamlet of Europe." This was said in the discussion of what was known as the Stone bill, and it shows that there need be no concern about this matter, for the reason that the steamship companies are looking anxiously to see that they do not bring to this country inadmissible immigrants, whom they would be obliged to return at their own expense. And I want to say, in passing, that this very proposition is also contained in the bill as it comes from conference. It applies that particular provision of law to those who shall come under this bill as well as under the law as compiled in 1893, I believe.

Now, Mr. Speaker, there will be very few persons attempt to come to this country who are not qualified under the law. Very few families will attempt to come to our shores who are not admissible immigrants in all respects, the husband and wife, and the children, if any there be, over 16 years of age. But this is spoken of mainly with reference to the separation of husband and wife. I would suggest that if perchance the husband and wife shall pass the vigilance of the steamship companies, who are engaged in throwing immigrants on our shores at the rate of hundreds of thousands every year, when they do come and learn what the law is, there need be no separation of husband and wife, for the illiterate husband can accompany his admissible wife back whence they came.

I admit, Mr. Speaker, that the bill was drawn for the purpose of excluding immigrants of this character. It was drawn with that purpose in view. I do not see that it will work any great hardships to those who may propose in the future to come to this country, in consideration of the propositions I have already made: First, that our laws are well known in every city and hamlet of the old country; and, in the second place, that if perchance a family divided on the question of illiteracy should reach our shores, there need be no division of the family.

Now, there is one other proposition contained in the report of the conference committee and in the bill brought out of the conference that differs to some extent from the bill as it passed the House. It was provided simply that illiterates of a certain class should not come to this country, but it provided no test by which the question of illiteracy should be ascertained. That was left possibly to the whims of the agents at New York or wherever the immigrant might land. This bill provides a test. That test is that the immigrant shall be qualified to read twenty words of the Constitution of the United States and write the same. The test contained in the Senate bill is five lines of the Constitution. This reduces it to about three lines of the Constitution, because an average line of the Constitution, taking up almost any edition, will average from five to eight words to the line, and twenty words will make about three lines of the Constitution. I want to suggest that there is no better specimen of the English language extant than the Constitution of the United States.

Now, Mr. Speaker, these are the main differences between the conference report and the House bill as it passed this body during the last session of Congress. There are very many reasons why we ought to do something on this subject of immigration. Each of the great political parties of the country have from time to time and from year to year promised that they would in some way restrict immigration. This is the first measure that has been proposed for a number of years that extends the disabilities of immigrants; and it extends them in a direction, in my judgment, that is entirely proper, not alone because of illiteracy, but for many other reasons which could be assigned.

Now, as to the number of illiterates seeking our shores from year to year. I have before me the report of the Commissioner-General of Immigration for the year ending June 30, 1896. You will find on page 30 of the report that the number of illiterates who reached this country during that fiscal year was 66,314, out of a total of 263,709. Of this illiteracy a very large proportion came from southern and eastern Europe. The percentage of illiteracy from the Scandinavian States was exceedingly small, less than 1 per cent; from Denmark it was but .95, from Norway 1.18, from Sweden 1.16, from Germany less than 3 per cent, from England about 5 per cent, and Ireland only 7 per cent. But when you come to the countries of eastern and southern Europe the percentage runs up to over 60 of illiterates. So that the immigration that comes to us from Germany and from the Scandinavian states, and the countries of western and northern Europe, will be affected very little by the passage of the act. It will not reach the servant girls who come from Sweden, Norway, and Germany.

Mr. DOLLIVER. Will the gentleman allow a question?

Mr. DANFORD. I will yield for an inquiry.

Mr. DOLLIVER. Where is the census of illiterates to which you have referred taken, and under what provision of law?

Mr. DANFORD. It is contained in the report of the Commissioner-General of Immigration.

Mr. DOLLIVER. But is there any provision of law requiring the orderly taking of such a census?

Mr. DANFORD. I do not know how it has been done, but it has been done and will be found in the report of the Commissioner. Examinations have been made within the last year in view of pending legislation.

I say, then, Mr. Speaker, that, so far as the immigration that comes to us from western Europe and from northern Europe is concerned, it will be affected very little by the proposed law. There is a demand for some legislation on this subject, a demand that reaches us as we sit here from day to day and scan our public journals. There is not a great city in the North that is not organizing charities for the purpose of feeding men and women who are able to work. In my own Congressional district, where we have no large cities, the farmers are providing the coal miners and the men who have worked in the mills and factories of that district with the cheap grain and the cheap vegetables from their farms, in order to keep them from starving. Associations are being organized everywhere, outside of the regularly constituted charities of the land, for the purpose of relieving the hunger and want of the people of our large centers at this time.

This immigration that has been thrown upon our shores in the last fifteen years has mainly gone to the great centers of population. A portion of the Scandinavians and of the Germans who immigrate go onto the farms and become producers of grain; but in the main the immigration seeks the great centers of population, and the social statistics of the censuses of 1880 and 1890 show that whilst we had a total per capita increase of about 24 per cent in the decade, the increase in our cities having a population of 10,000 and upward was 60 per cent, and that does not include all that were thrown upon our shores in that decade. In our mining centers and in our smaller centers of population these people have congregated in great numbers. I was struck with a remark in one of the morning newspapers a few days ago, that if we could start every wheel in this country, and give every man, woman, and child employment at fair wages, in the present condition of our immigration laws there would, within twelve months, again be 250,000 or 300,000 idle men in the land. These idle men and idle women must be dealt with and must be heard. I do not speak here for the class of weary men who never want to work, but I speak for the men who want to labor, who have come here from the old country to work, who are out of employment, and who beseech of this Congress some legislative action in this direction as well as in other directions.

Now, there is one other feature of this bill, known as the Corliss amendment, by which it is proposed, at least in some measure, to stop the coming to this country of what are known as the "birds of passage"—men who seek our shores at the beginning of the working season, who work for the better wages paid in this country during the summer, and go back to their native country, taking their money with them, leaving their families there, perchance, and then return again in the spring. Of that class who came within the last year there were almost 49,000. The Commissioner in his report, in speaking on this subject, says:

> Some aliens come and go so often that old officials at the immigrant station recognize them. They are each year listed as new arrivals. These immigrants are not considered desirable, as they have no love for our country or its institutions, pay no taxes or assessments, contribute nothing to the common weal, but, after taking advantage of the high wages paid for labor, carry their earnings with them to spend in a foreign country.

The statistics of immigration show that during the year ending June 30, 1896, there were between 48,000 and 49,000 of these immigrants, returning from spending their winters and their money in the Old World, or Canada, to take the labor of the American citizen. We think this legislation is in the right direction. I concede that there is great trouble in dealing with these birds of passage, and if anyone will attempt to draft a law that will in any way exclude them or catch them, it will probably prove a more difficult matter than it is imagined to be until the attempt is made. This bill is so drawn that their coming must be habitual.

This seemed to be the best that we could bring out of the conference, so far as that proposition went. This bill is not nearly so drastic as the bill that the House passed at the last session. That bill went much further than the conference report goes.

Mr. DOLLIVER. Will my friend permit another inquiry?

Mr. DANFORD. Yes.

Mr. DOLLIVER. I observe that the House bill requires intending immigrants to read and write the English language or some other language, and that the Senate bill requires the immigrant to read the language of his native country or some other language.

Several MEMBERS. Oh, no.

Mr. DANFORD. His native or resident country.

Mr. DOLLIVER. I speak of the Senate bill. The conference report appears to depart from the language of both bills, and requires him to read the language of his native or resident country.

Mr. BARTHOLDT. That is correct.

Mr. DOLLIVER. I should like to know the object of changing the language of both bills?

Mr. DANFORD. Well, the object of changing this language, at least one of the objects, was to reach a class of people who have been thrown on our shores—40,000 within the last fiscal year. They are known as the Russian Jews; men who have been persecuted and driven out of Russia, who have been made to move on as they passed across continental Europe, who have almost drained the magnificent charities of the city of London, and I noticed in one of the New York dailies a few days ago that the Associated Hebrew Charities in that city, for the first time in their history, were asking for aid outside of their particular sect. They are being thrown upon our country after having been made to move on across continental Europe, and after having drained the charities of England they are being thrown upon this country, and it was for the purpose of reaching that class, I confess, I consented to that change.

Mr. DOLLIVER. Does that reach any other class? Are there not residents of Europe that speak a language, but not the language of their native or resident country, who are good people?

Mr. DANFORD. There may be a very few of them. Their native or resident country includes almost every immigrant that would come to our shores.

Mr. HAINER of Nebraska. If the gentleman will permit me, I would call his attention to the Mennonites, a class of people who come into my State, a most desirable class, who speak the German language. They were, however, born in Russia and resided in Russia; but they do not speak the Russian language, and yet they are one of the best classes of people on the face of the globe.

Mr. WILLIAM A. STONE. If they speak their own language or the language of the country in which they reside, they are admissible.

Mr. HAINER of Nebraska. They were not born in Germany.

Mr. DANFORD. I decline to yield further.

Mr. WILLIAM A. STONE. They are admissible under the law.

Mr. HITT. I desire to ask the gentleman when he says residents of a "country," not "nation," was it intended by the committee when they said that that was the language of the country where the man lived, rather than the nation controlling that country? There are a number of people living in a province of Russia where the German language is spoken, and the German language is the language of "his country."

Mr. DANFORD. It would be his native language.

Mr. WILLIAM A. STONE. That is what anybody would construe it to mean.

Mr. DANFORD. Now, Mr. Speaker, the provisions of the bill as it comes out of the conference are different in very few material points from the bill as it originally passed the House. There has been an attempt in both the House and the Senate to restrict immigration to some extent. I believe that it is demanded—I believe that it is demanded by the people of this country, especially in the Northern States, from one ocean to the other. At least, we have no disposition whatever to in the least trench upon the rights of our naturalized citizens or to do anything that will make it a hardship for desirable immigrants to come to our shores; and while I shall remember in any vote that I may give the debt I owe in that direction, I ask members on this floor who are so anxious that every opportunity shall be given and every door opened to bring classes into this country and to bring immigration here, to remember that there are in this land of ours millions upon millions of men and women "to the manner born." Their ancestors have been here hundreds of years. They marched across the continent from ocean to ocean, and they have established here a civilization we believe to be the highest in the world, and I believe that we owe to them, so far as in our power lies, to elevate American labor. I believe that in elevating the plain people of this land we elevate all the people. Our fathers have stood by the schoolhouse in all the generations that they have occupied this country, as they have gone through the forests and across the prairies. It was their "pillar of fire by night and of cloud by day," and within its walls and on its rude benches there has been trained and educated mentally, morally, and physically as grand a race of men and women as the world ever knew.

Mr. Speaker, we owe something to them. We owe something to their demands; and whilst I shall listen and listen favorably to the demands that are made here by our naturalized citizens, it seems to me that we ought at least for this one time to listen to the very general demand that is made upon us for restriction in our immigration laws. That is a demand that comes to us. It is the promise of both the great political parties; and I trust, Mr. Speaker, that we will in some small measure at least keep it in this bill. I say in some small measure, for this bill does not by any means go as far as I would go in this matter. I believe that in this question of labor, in view of the condition of labor in this

country now, there is greater danger to the Republic than anything else that threatens it; and I do not mean by that that labor, the honest toil of this country, is not loyal to it. They are as loyal and much more so than many other classes of our people. But when men are hungry, when men are driven to live upon charity, it does not make good American citizens to live in that way. And I beg of this House to go as far at least as the conference report has gone upon this question. There is no general rule that does not in some instances work hardship. I do not desire to work hardship, and it was not the purpose of the committee to work hardships in this matter, but to bring in a bill that would have some effect in restricting immigration. [Loud applause.]

I reserve the remainder of my time.

Mr. BARTHOLDT. Mr. Speaker, I sincerely trust that the motion to agree to the conference report will not prevail, and that the House may order another conference and instruct its conferees in accordance with the suggestions I now beg leave to submit to the House.

The report, by the way, is subject to a point of order, because it is not accompanied, as is required by Rule XXIX, with a statement "sufficiently explicit," as the rule says, "to inform the House what effect such amendments or propositions will have upon the measures to which they relate." How necessary and important such a statement is, especially in the case of this bill, will appear from the explanation I am about to make, if my colleagues will kindly give me their attention. I will waive the point of order, Mr. Speaker, because I prefer to have this matter decided upon its merits rather than upon a technicality.

I refused to sign and present to the House the conference report upon this bill, mainly for two reasons: First, because the effect of the bill in its present shape will separate families, husbands and wives, mothers and children; and, second, because the bill not only bars illiterates, but goes much farther, and in specific terms admits only those who can read and write "the language of their native or resident country." Both of these provisions are entirely new. They were contained neither in the House bill nor in the Senate bill, but were inserted in conference, against my protest and vote. This shows that I was justified when, some weeks ago, I expressed the fear on this floor that if this bill went to conference it would come back in a shape which we might find it difficult to explain to our constituents, and which might offend the sentiment of a great many of them. This has literally come true; but as soon as the scope of these drastic propositions is fully understood I am satisfied that my appeals to the sense of justice, fairness, and humanity of this great House of Representatives will not be in vain.

The bill adds to the excluded classes the following:

All persons physically capable and over 16 years of age who can not read and write the English language or the language of their native or resident country.

What does this mean, and what would be its effect? If the purpose of this measure is to exclude illiterates—and this is generally conceded—then this phraseology is devised not only in direct contravention of that purpose, but also with entire disregard of the social and ethnological conditions of the world. And yet, Mr. Speaker, how necessary is a study of these conditions if we would legislate intelligently upon a subject of this kind. Knowledge and reason, and not prejudice and passion, will, I trust, still prevail, even in legislation of this character. There are millions of people born and living in European countries and in the countries south of us who, although not illiterates, can not speak the language of their native or resident country, and who would consequently be barred under the provisions of this bill.

Take, for instance, the Germans of the Baltic provinces of Russia, a sturdy, thrifty class of farmers who have turned that northern country along the Baltic Sea into fertile farms and blooming flower gardens—every one of those people would be barred under this bill because, while German in language, they are subjects of the Czar, and if they came here and were required to read and write the American Constitution in the Russian language, "the language of their native or resident country," they would have to admit their inability to do so, and would consequently be sent back to the country whence they came.

Mr. BOUTELLE. Could they not read it in English?

Mr. BARTHOLDT. Mr. Speaker, I will say in answer to this question that these people have maintained their individuality in Russia for several hundred years and many generations of them have been born on Russian soil.

A MEMBER. Is not that their native language, then?

Mr. BARTHOLDT. Not under this bill, because this bill says the language of their "country;" it does not say "province;" it does not say "county;" it does not say "kingdom" or "principality;" it says "country;" and the country of these people is Russia.

Mr. BOUTELLE. Is it not the intent of the bill to require the immigrant to read the language prevailing in the neighborhood from which he comes?

Mr. BARTHOLDT. This is the intent, perhaps, but it is my intention to ask the House to refer this bill back for the purpose of correcting it so that every doubt of its intent may be removed.

Mr. JOHNSON of Indiana. Suppose the class of whom the gentleman speaks should be excluded, how is any injustice inflicted upon them?

Mr. WILLIAM A. STONE. It would restrict immigration. That is the gentleman's objection.

Mr. BARTHOLDT. That is raising another question, namely, the general question as to the benefits or disadvantages of immigration. That question I am not now discussing, but I shall touch upon it later on. My present point is that, under the guise of an intelligence test, we should not exclude people who can read and write.

Mr. JOHNSON of North Dakota. Before the gentleman leaves that branch of the subject, I wish he would include also, under the class he has mentioned, the residents of Finland in the Russian Empire. Finland was the fairest part of Sweden at the opening of this century. The people use the Finnish and the Swedish languages and they are highly educated. There is a large and valuable immigration to this country from Finland. The ancestors of those people have been for at least a century born in Russia, but they do not speak Russian, and therefore, according to the gentleman's view, would be excluded under the operation of this bill.

Mr. BARTHOLDT. That is true.

Mr. CANNON. Mr. Speaker, I would like to be enlightened on this point, because upon my understanding of it will depend my vote on this bill. The provision in the bill reads:

All persons physically capable over 16 years of age who can not read and write the English language or the language of their native or resident country.

Now, I want to ask my friend [Mr. BARTHOLDT] whether he claims as to the Mennonites, for instance, who for many generations have resided in Russia in settlements and who speak the German language, not the Russian, that this bill in its present form would be so construed as to exclude them rather than be liberally construed, so that, if speaking German, the language of the resident people of the region whence they come——

Mr. BARTHOLDT. The language of this proposed bill, if the gentleman will permit me, can not be construed so liberally as to admit those people, because here are the specific terms "native or resident country." Under this phraseology those people would be absolutely barred.

Mr. CANNON. If I thought so, I would vote against the conference report.

Mr. HITT. What would be done in cases where there is no national language, as in Switzerland? Would this bill exclude every person coming from Switzerland?

Mr. BARTHOLDT. That is a very proper inquiry. In reply to the question of my distinguished friend from Illinois [Mr. HITT], I will say that in Switzerland there are three languages recognized as official, German, French, and Italian, and consequently persons coming from that country would not be barred under this bill.

Mr. HOPKINS. As to the Baltic provinces, is not the German language recognized as the language of that country or that province?

Mr. BARTHOLDT. I think not.

Mr. HOPKINS. As one of the languages of that province?

Mr. BARTHOLDT. There is only one language recognized as the official language of Russia, and that is the Russian language.

Mr. TAWNEY. In what language are the proceedings of the courts transacted?

Mr. BARTHOLDT. I can not say with positiveness. But I am coming to all these points, if gentlemen will permit me to continue.

Mr. HAINER of Nebraska. I desire to call the gentleman's attention to Alsace and Lorraine.

Mr. BARTHOLDT. I am coming to that.

Mr. HAINER of Nebraska. In those provinces, now a part of Germany, the people, as the gentleman knows, speak the French language.

Mr. BARTHOLDT. Mr. Speaker, as has already been said, the Mennonites of southern Russia ought to be mentioned in this connection. These people are often called German Quakers, and we have already made their acquaintance upon American soil, particularly in Pennsylvania, Nebraska, and the great Northwest. Their religion commands them to oppose war and strife, to leave their doors without locks or keys, and to regard every human being as their brother or sister. They in reality practice all the virtues of good citizenship with rare conscientiousness. They are all well educated; and those of them who have come to us have invariably brought considerable amounts of money with them. Under this bill every one of those would be barred because they are Russian subjects, and the language of their country is the Russian language, while in fact they can speak no language but the German—the same language, by the way, which is being used at the Court of St. James and at the castle of the Czar at St. Petersburg.

There are hundreds of thousands of French living in Alsace-Lorraine who have not yet acquired a knowledge of the German language. Every one of them would be barred under this bill. Not one of them would be permitted ever to raise his eyes to that great gift of the French Republic to ours—the Goddess of Liberty in the harbor of New York.

Mr. HOPKINS. Is it not a fact that in Alsace-Lorraine the people as a rule can speak both the German and the French languages—that even the girls who work in the fields at the hardest kind of labor are able to speak both languages?

Mr. BARTHOLDT. That is undoubtedly a fact. There are hundreds of thousands of people in Alsace-Lorraine who speak both languages. But my statement that there are also hundreds of thousands of French there who can speak the French and no other language is also true. And these it is proposed to exclude.

Mr. BOUTELLE. Will the gentleman permit me a suggestion?

Mr. BARTHOLDT. Yes, sir.

Mr. BOUTELLE. I have an impression that the gentleman may have given too narrow a definition to the word "country" as used in this bill, and may possibly have confused it with the word "nation." I do not understand that the word is restricted in the manner which the gentleman assumes it to be. I find in Webster, under the word "country," the first definition given is, "A tract of land; a region as distinguished from any other region; and with a personal pronoun, the region of one's birth, permanent residence, or citizenship." It seems to me, in view of this definition, that the language of this bill would be perfectly clear in its application to people who speak the language of the region or vicinage in which they reside.

Mr. JOHNSON of Indiana. Let me suggest to the gentleman from Missouri that the spirit of the law would require that very construction.

Mr. BARTHOLDT. I will say, in reply to the gentleman from Maine, that while the suggestion he makes may be true, I do not desire to run the risk in legislation of any construction which may be erroneous and unjust. I do not think it is the intention of the House to run any risk in this regard. And for this reason I ask the reference of the bill back to the committee, for the purpose of perfecting it in these particulars.

Mr. OVERSTREET. Does not the bill provide that the immigrant may select the language in which the test shall be made?

Mr. BARTHOLDT. It is true that under another section the immigrant may select the language in which he proposes to be examined. But he is confined to the limits prescribed by section 1, which says "the English language or the language of his native or resident country." To this extent he has a right to choose, but not further.

Mr. MILES. Is it not true also that the slips in the box will have only English words, etc., as provided in the first section, from which to select?

Mr. OVERSTREET. Is not that an interpretation of the gentleman himself, and not of the bill?

Mr. BARTHOLDT. The gentleman is correct; slips would be provided only in languages of existing countries. There are many countries throughout continental Europe in which there are three, four, or five different languages spoken, and in which only one or two are recognized as the official languages. Apply the law to these conditions and the effect is evident. The one man who is barely learned enough to read and write might be admitted, and another would be excluded by the language of this section, even though he were a great engineer, an artist, a composer, or some other valuable addition to the citizenship of our land. No German, Scandinavian, or Frenchman, born in the vast territory south of us upon the American continent, between the Rio Grande and Cape Horn, can ever put his foot upon American soil as an immigrant if he can not read and write our Constitution in the Spanish language, which is the official language of those countries.

Is it possible that the House should be willing to go to this length? I can not believe it, Mr. Speaker. The majority of the House undoubtedly favor a reasonable and fair educational test; such a bill, for instance, as we passed last summer, and which, as you will remember, I supported. But I can not believe it to be the intention of the House to unfairly discriminate between the different languages and recognize one and not the other, irrespective of the intelligence, the character, or financial standing of the immigrant himself, and under the guise of an illiteracy test shut out not only the illiterates, but also those who have acquired educational qualifications, perhaps even in a high degree, but happen to be unable, because of the geography of their birth, to come within the language qualification of this bill.

Mr. STEWART of New Jersey. Will the gentleman permit an interruption?

Mr. BARTHOLDT. I will yield for a question, with pleasure.

Mr. STEWART of New Jersey. Does the gentleman consider it a great hardship in exchange for the great boon of American citizenship to require an immigrant to come up to a sufficient measure of the very moderate provisions of this bill? Would it take the intelligent man, such as the engineer or the artist he describes, long to enable him to comply with the exceedingly moderate provisions of the bill, in exchange for the great boon of American citizenship?

Mr. BARTHOLDT. In answer to the gentleman from New Jersey, I would say that if we want to go that far let us vote on a proposition of this kind; but do not legislate by indirection. If you say to the people of the old country, "We have passed a bill requiring an educational test, and if you can comply with that test you can be admitted," then let us confine the requirement to this intelligence qualification; but do not by indirection exclude persons who can in every way comply with such a test merely because they can not do so in the language whence they come.

Mr. GROSVENOR. Would it interrupt the gentleman to ask him a question?

Mr. BARTHOLDT. I am always pleased to yield to my distinguished friend from Ohio.

Mr. GROSVENOR. What is the purpose, as you understand it—having traveled the road of the bill—in the requirement that the immigrant should read any language? What is the purpose contemplated?

Mr. BARTHOLDT. The object of an educational test, in general, is to restrict immigration to those who are able to read and write, and such a qualification is exacted upon the theory that men or women who have been raised in surroundings with sufficient regard for the benefit of such elementary education are more desirable and better immigrants than those who are totally ignorant.

Mr. GROSVENOR. That is what I supposed. Now the limitation is to the United States first, and then, failing in the United States, the language of the countries of their nativity or residence?

Mr. BARTHOLDT. Yes, sir. Now, what would be the effect upon this bill of changing that language, striking out the words—

Country of nativity or residence—

And inserting the words—

Some civilized country?

Mr. HAINER of Nebraska. Some other language.

Mr. GROSVENOR. If you desire to define it—

Some civilized country with which the United States has diplomatic relations.

Would not the educational test, so far as the development of intelligence is concerned, be the same in its effect? And would not that get rid of all this question that you are making in opposition to this bill?

Mr. BARTHOLDT. I think the gentleman, by his limitation to countries with which we have diplomatic relations, will do something that he does not intend to do.

Mr. GROSVENOR. Very well, then. Say "some other language."

Mr. BARTHOLDT (continuing). For the reason that there are languages that have no country behind them, so to speak. But I will come to that.

Mr. GROSVENOR. Now, what I am trying to get at is, Would not the educational test be just as valuable if the immigrant could read the Constitution of the United States in some language, as to limit it to the language of the country in which he was born?

Mr. BARTHOLDT. Undoubtedly; that is our contention.

Mr. JOHNSON of Indiana. Will the gentleman permit me to ask him a question? I am after information.

The SPEAKER pro tempore. Does the gentleman yield to the gentleman from Indiana [Mr. JOHNSON]?

Mr. BARTHOLDT. I will.

Mr. JOHNSON of Indiana. The gentleman has pointed out large classes of people, whom he thinks are worthy immigrants, who would be excluded by the language of this act. Now, is not the peculiar language of this act indispensable in order to include a much larger class of undesirable people who, while they may be able to read and write certain languages, are, nevertheless, by reason of their character and habits, absolutely incompetent to become good citizens?

Mr. MILES. Who, for instance?

Mr. BARTHOLDT. That is another question, Mr. Speaker.

Mr. JOHNSON of Indiana. The Polish Jews, for instance. I mention them simply as a type.

Mr. BARTHOLDT. If the House desires to go beyond the educational test, and discriminate not only between languages, but even between religions, as the gentleman from Indiana suggests, let us vote upon such a proposition directly. I should certainly have to oppose it; but let such a proposition come up by itself, and not in connection with a bill which, upon the face of it, simply provides an educational test.

Mr. JOHNSON of Indiana. The gentleman has not answered the question which I asked him. As a matter of fact, is not the peculiar language of this bill, to which he objects, necessary to exclude a very large class of people who, while they may be able to read and write, are lacking in other qualifications necessary to make them good American citizens?

Mr. BARTHOLDT. I suppose the gentleman refers to the Hebrews, of whom I shall speak later on.

Mr. JOHNSON of Indiana. I refer to no particular class.

Mr. BARTHOLDT. I thought the gentleman mentioned them.

Mr. NORTHWAY. Have you any statistics showing the number of individuals who would be excluded under this bill, or is there a good deal of imagination about it?

Mr. BARTHOLDT. Mr. Speaker, in answer to that question, I shall have to refer my friend from Ohio [Mr. NORTHWAY] to the statistics published by the Commissioner of Immigration. These statistics are unreliable, however, for this reason: They were not obtained in a scientific way or by census officials, but were obtained at Ellis Island or Castle Garden simply by asking the newcomer, male or female, "Can you read?" and "Can you write?"

The answers to those questions are all the information we have upon the subject. These statistics have been published. They show, for instance, that under this bill 7 per cent of our Irish friends would be excluded. I have statistics from scientific European sources, however, which show that under this bill, if properly enforced, about 25 per cent of the Irish will be excluded. So altogether, including about 50 per cent of the Italians and Portuguese and Spanish, and so forth, I think the number who will be excluded of our present immigration will be about one-third.

Mr. NORTHWAY. Those persons mentioned by the gentleman would be excluded under a bill which he says he would help to pass, would they not? For instance, the 25 per cent of the Irish and the 50 per cent of the Italians would be excluded under the gentleman's idea of a bill.

Mr. BARTHOLDT. This would about be the effect of the bill as previously passed by the House.

Mr. NORTHWAY. Well, then, this is not an objection to the present bill.

Mr. BARTHOLDT. Oh, but this is not the question now.

Mr. MAHON. I wish to ask the gentleman a question for information. I see the first section of the bill, as contained in the proposed report, says:

> The language of their native or resident country.

The gentleman knows that in a great many countries several languages are used. Then is not the second section explanatory of the first?

> Printed in the various languages of the immigrants in double small pica type.
>
> And the immigrant may designate the language in which he prefers the test shall be made.

How does the gentleman explain that?

Mr. WILLIAM A. STONE. May I add to it, that any language taught in any country is the language or a language of that country?

Mr. MAHON. The second section says that the immigrant may choose the language.

Mr. BARTHOLDT. I have answered the question of the gentleman from Pennsylvania before. I say the languages are limited by the first section, and the slips provided for in the second section, to which the gentleman refers, will be printed only in the languages recognized in the first section.

Mr. DANFORD. Will the gentleman permit me to ask him, is not that the very reason of the language in the bill there, that it shall be their "native language," or of their resident country, rather than their "national language"?—because a national language would be an even more restrictive term than "resident language."

Mr. BARTHOLDT. It all depends, Mr. Speaker, upon the interpretation of the term "country." I hold that the immigration commissioners would be forced, under the language of this bill, to interpret the term "country" to mean that when a man comes from Russia to this country he must be able to speak the Russian language, and if he can not speak the Russian language, they would have to send him back.

Mr. MONDELL. Will the gentleman from Missouri answer a question for information?

Mr. BARTHOLDT. Yes, sir.

Mr. MONDELL. The gentleman was a member of the conference committee?

Mr. BARTHOLDT. Yes, sir.

Mr. MONDELL. Does the gentleman understand that this provision was intended by indirection to exclude certain classes of immigrants; that is, that this wording was meant for the purpose of excluding from our shores certain classes of people who could not read and write the language of the country of their nativity or residence—for the purpose of excluding certain classes even if they could read and write?

Mr. BARTHOLDT. I can not say what the intention of my colleagues of the conference committee was when they insisted on this phraseology; but if it was their intention by indirection to exclude those who are able to read and write, while they proposed to offer a literary test to the country, then I am against their proposition.

Mr. MONDELL. I would ask the gentleman if we would not reach this matter much better by simply saying that the immigrant must read or write the English language or some other recognized language?

Mr. BARTHOLDT. That would be perfectly satisfactory to me.

Mr. JOHNSON of Indiana. Would not that admit a very great class of undesirable people?

Mr. BARTHOLDT. I think not.

As I have said before, Mr. Speaker——

Mr. COX. Will the gentleman allow me to ask him a question?

Mr. BARTHOLDT. Certainly.

Mr. COX. I want to draw this point out distinctly, if I can. Suppose I were to present a person desiring to come to this country who could neither read nor write in any language, but is an honest, temperate, and worthy man, is he excluded?

Mr. BARTHOLDT. He is excluded.

Mr. COX. Suppose his wife could read and write, and was an intelligent woman, do I understand, then, that she could come in and he has to stay at home?

Mr. BARTHOLDT. This would be the case.

As I have said before, Mr. Speaker, there are languages with no country behind them, if I may so put it. If this bill is enacted, the people speaking them could never see the sun rise from the mountain tops of the Alleghanies and Rockies or in the valleys of the Hudson and Mississippi. Take the Polish and the Hebrew languages for an example. Poland was divided between Germany, Austria, and Russia, and while there is a Polish language, there is no Poland; and every Pole under this bill would be barred, even if he were a professor or a constitutional lawyer, if he could speak but one language. Even Kosciusko, were he living, could not land here if he were unable to speak the language of the oppressors of his country.

I know there are those, Mr. Speaker, who would shut and bolt the doors of the Republic against the Hebrews. Opinions differ on this point. But we all know they are a persecuted race; and if I were asked by my constituents now, in the dawn of the twentieth century, to lend my hand to their further persecution, I should prefer to return to my sanctum, take my pen in hand and write editorials against such an inhuman proposition. [Applause.] They have their great faults, just as we have; and in their case it is undoubtedly due to the fact that they have been persecuted for more than a thousand years. But they are nevertheless an art-loving, peaceful race, a race which has given the world some of its greatest actors, authors, and composers.

What I mainly object to in this connection is legislation by indirection. If it is true, what some of my friends on this floor contend for, that we need no more immigrants, let us honestly say so. If "the land of the free and the home of the brave" is hereafter to be forbidden ground for any nations or races, such as the Hebrews, let us vote on a direct proposition of this kind. In the last campaign we heard a good deal about national honor and uprightness. This is the time to practice it by legislation. Let us, at all events, thoroughly understand what we are doing. The adoption of the clause to which I take exception will be the first step, Mr. Speaker, of the American Congress to discriminate not only against nations, but also against religions. The American people have always regarded the Jew-baiting in Europe with just contempt, and especially so the treatment of the Jewish subjects at the hands of the Czar, which some years ago aroused the honest indignation of every warm-hearted man and woman on this side of the Atlantic. If it is intended to force Uncle Sam into this same business, and to deprive him of the right to ever again express sympathy with the downtrodden of Europe, all that is necessary to accomplish that object and to crystallize the prejudice of the few into the law of the land is to pass this bill as it now reads.

The next feature of the bill to which I object, and which I am satisfied the House will not approve, is also contained in section 1. It is there provided that any admissible immigrant over 21 years of age may bring with him, or may send for his parents or grandparents, if over 50 years of age, and if the immigrant is able to support them. Not a word is said, however, about permitting the immigrant who is qualified to land under this bill to bring his wife, the mother of his children, with him if she is not so qualified; which means necessarily the separation of families, pure and simple. Against this inhuman provision I protest, Mr. Speaker, not in the name of any party, or nationality, or religion. I protest against it in the name of humanity, because it is the cause of humanity that is being violated by this section.

Let me illustrate the proposition by an example. A citizen of another country, the head of a family, has determined to immigrate to the United States. He has sold all his goods and chattels to raise the necessary money for the voyage across the ocean of his wife, his children, and himself. He has bid good-by to the friends of his youth, telling them that he is going in search of a better country, a better home, and a brighter future. When he arrives at Ellis Island he is subjected to the examination. He passes it successfully. Then the thumbscrews are put upon his

wife. She is a loving wife, a good mother to her children. She can cook a good meal and knows all about her household duties, but she can not read or write. She was in the habit of going to church and understood the sermons well, because she used to repeat their lessons to her children, but she can not herself handle a pen. She can not read in books, because she was raised in poor circumstances, and instead of going to school she had to work in kitchen, barn, and field. If this conference report is adopted, Mr. Speaker, this worthy woman, this good wife and mother, will be ruthlessly torn from husband and children and sent back to the country whence she came, or else the whole family must return with her. Is this the sense of the House? I am positive it is not.

In extenuation of this cold-blooded proposition it will be said on this floor that these people need not come. True; they need not come. But they will come, Mr. Speaker, unless you pass a law stopping immigration altogether, and if any steamship agent, or consul, or other person, should inform a father of a family on the other side of the ocean that he could not take his wife to the United States, that man would surely smile like the incredulous Thomas, and would say, "That is another of those lies they tell about America." This because he knows that there is no country on the face of the globe to which he could not go, if he himself were qualified, with his wife and his children. One great argument against slavery was that it caused the separation of families. That great issue was decided in favor of humanity and liberty, and shall we now, at this late day, pass a law which, in its inhuman and cruel effects, will be open to the same objections as the institution of slavery?

It may be said that these newcomers are not yet members of our body politic, and that consequently we need not concern ourselves about them. I ask my friends on both sides of the Chamber, will this excuse be admissible in the court of humanity? Will it be valid before the forum of the culture and civilization of the nineteenth century? We have an undoubted right, Mr. Speaker, to board a train going in the direction of the Middle Ages, but I hope Congress will refuse to be the locomotive. We should also remember in this connection that at this very moment there are perhaps thousands or tens of thousands of immigrants who have come here ahead of their families in order to establish homes for themselves, and who are even now contemplating invitations to their wives and children to join them in the United States. If those wives and mothers should happen to be illiterates, their reunion with their husbands would be impossible under this bill.

Mr. LACEY. May I ask the gentleman a question in that connection? This bill requires that in case of the failure of an immigrant to pass the examination the individual shall be returned. In such a case where there are two together, what would become of the other individual, the one that did pass? Would not he or she be left in this country, while the one that failed to pass would be sent back?

Mr. BARTHOLDT. Yes, sir; and that is one of the objections which I have to this bill—that it separates families.

Mr. LACEY. There is no authority, then, for charging to the steamship company the expense of returning them both?

Mr. BARTHOLDT. No. The one who is qualified to pass under this bill may be admitted; or, if he desires to return with his wife and children to the country whence he came, he may do so at his own expense.

Mr. BOATNER. Does the gentleman understand that under the provisions of this bill a foreigner who has settled in the United States and acquired domicile or citizenship here is prohibited from sending to the old country for members of his family or bringing them in unless they are qualified under the provisions of this act?

Mr. BARTHOLDT. He can send for his wife and children at any time, but if his wife is not qualified she would not be admitted, as the bill now reads.

Mr. BOATNER. Or any other member of his family—his father or his mother.

Mr. BARTHOLDT. It is being urged in defense of this inhuman provision that these wives and mothers should first apply themselves to study, and shall learn how to read and write before coming here. But I ask you, my friends, can they do so? How shall they do it? Are they expected as women of 30, 40, or 50 years of age to attend the village school? They are mostly poor people, hard-working people, who rise with the sun and go to bed at nightfall. The interval is occupied by hard work.

Mr. Speaker, if the best interests of our country demanded it, I should vote for a law admitting only those who have relatives in this country, and shut out all others, rather than to give my consent to a provision which will admit others and shut out relatives.

Mr. TAWNEY. Will the gentleman allow me a question?

Mr. BARTHOLDT. Yes, sir.

Mr. TAWNEY. The gentleman, as I understand, is a member of the conference committee. I should like to ask him whether the change in this language was made for the purpose of discriminating particularly against any class of people abroad?

Mr. BARTHOLDT. I do not know, Mr. Speaker, whether that was the purpose. It is undoubtedly the effect.

Mr. TAWNEY. Then I will ask the gentleman whether this provision would be acceptable to him:

All persons physically capable and over 16 years of age who can not read and write the English language or any other language generally used in the country from which such person comes.

Mr. BARTHOLDT. That is too indefinite. I believe, Mr. Speaker, that the provision contained in the House bill is the best that can be devised to meet all these objections. It reads:

All male persons between the ages of 16 and 60 years who can not read and write the English or some other language.

That is the amendment I will suggest, after we have sent the bill back to conference.

Mr. CANNON. Now, if my friend will tell me what people the conference provision would shut out that the House provision would let in, I shall be very glad, because then we shall get down to practical matters.

Mr. BARTHOLDT. Mr. Speaker, I have occupied forty minutes in enumerating these very people. I regret very much that my distinguished friend from Illinois [Mr. CANNON] has not heard the explanation. I have mentioned the Mennonites; I have mentioned the inhabitants of the Baltic provinces; I have mentioned the French inhabitants of Alsace-Lorraine; I have mentioned the French, the Scandinavians, and the Germans living south of the Rio Grande who were born in those Spanish countries, but who speak their own language—not the Spanish. All these people would be barred under this bill. And I say this should not be done. If we want to do that, we should do it by explicit terms, not by indirection—not under the guise of an illiteracy test.

Mr. KIEFER. Would not the Poles and Finlanders, as mentioned by our friend over the way, come under the same head?

Mr. BARTHOLDT. They would be excluded also. As I stated before, neither of these objectionable features was contained in the House bill as passed last summer. And all I now ask the House to do is to stand by its previous action. In one other conference the whole matter can be remedied in five minutes by simply restoring the text of the House bill in the terms I have just mentioned, namely: "All male persons"—that would admit the wife—"all male persons who can not read and write the English or some other language." This would meet both objections. To confine the test to male persons was deemed advisable by the House because of the great demand for female servants all over the country which existed then and which exists now.

There are some other provisions to which the press has raised objection—the one, for example, which provides for the reading and writing of parts of the Constitution of the United States; because that instrument contains so many technical terms and rare words difficult to be comprehended by the average immigrant. Suppose that one of the slips provided for in this bill should contain the words, "No bill of attainder or ex post facto law shall be passed." I claim, Mr. Speaker, that you might as well hand to the immigrant—say an Irish farm hand or a plain German mechanic—a stone with Assyrian cuneals or Egyptian hieroglyphics upon it as to ask him to translate, or rather to read, this provision of the Constitution in another language.

Mr. MILNES. He is not obliged to translate it.

Mr. BARTHOLDT. The same paper suggests that instead of requiring the reading and writing of passages from the Constitution the provision might designate the Bible, and it proposes the following passages of the Bible to be read and written by immigrants:

Leviticus xix, 33-34: And if a stranger sojourn with thee in your land, ye shall not vex him.

But the stranger that dwelleth with you shall be unto you as one born among you, and thou shalt love him as thyself; for ye were strangers in the land of Egypt.

Psalms cxlvi, 9: The Lord preserveth the strangers.

Zechariah vii, 10: And oppress not the widow, nor the fatherless, nor the stranger, nor the poor.

Jeremiah xx, 3: Do no wrong, do no violence to the stranger.

Deuteronomy x, 18, 19: He doth execute the judgment of the fatherless and widow, and loveth the stranger, in giving him food and raiment;

Love ye therefore the stranger: for ye were strangers in the land of Egypt.

This, I trust, will be the spirit in which this question will be disposed of by the House. In spite of all the outcry against immigration, it is nevertheless a fact—and I call special attention to this revelation of the latest statistics on the subject—that our natural increase of population, plus immigration, makes a combined total rate of increase smaller than that of nearly every European country without immigration. France, where the national legislature has put a premium on fecundity, is of course one of the countries excepted from the list of comparisons. The large European cities, too, have increased more rapidly in the last ten years than our great American centers of population. The fact that those countries are prospering, nevertheless, seems to be conclusive evidence that immigration after all is not the cause of our troubles. Moreover, the latest annual report of the Commissioner-General of Immigration shows that there are almost as

many people leaving the country as are coming, so that the whole problem seems to be solving itself.

Mr. JOHNSON of Indiana. Is the gentleman opposed to any law restricting immigration?

Mr. BARTHOLDT. Mr. Speaker, I think if the gentleman from Indiana had watched my course in this House he would be aware of the fact that last summer I sat here trying to engineer through the House a bill whose purpose was to regulate this very question.

Mr. JOHNSON of Indiana. I will admit, Mr. Speaker, that at least a portion of that time I was occupied with other matters to such an extent that I have occasionally been forced to overlook the course the gentleman was pursuing and was not exactly aware just what he favored in regard to this matter. I was therefore forced, for the purpose of getting information, to make the inquiry directly of him.

Mr. BARTHOLDT. In conclusion, Mr. Speaker, allow me to say that it is not a very pleasant duty for me, as the chairman of the Committee on Immigration of this House, to oppose a bill in its final stages which I had helped to frame and which I supported, and which I helped to pass through the House. I still hope the House will give all of its present opponents an opportunity to vote on this bill after eliminating its objectionable features. As it is, my own sense of justice, considerations of party and country, and the combined and unanimous opposition of the German-American press, and many of the reputable American journals of the United States (such as the Philadelphia Ledger, which this morning comes out editorially in favor of the spirit of my amendments and propositions), compel me to take the stand I do take. In the language of Martin Luther: "Here I stand; I can do no otherwise. God help me. Amen." [Continued applause.]

Mr. WILLIAM A. STONE. Mr. Speaker, at this late day in the session, and with our experience in the difficulty of passing immigration bills, we can not stop to have every bill trimmed to our taste.

This bill comes before the House on the report of the committee of conference. It does not suit me in all its particulars. I would prefer a more drastic bill. But it is an improvement on our present legislation.

I believe the principal opposition to this bill comes from the steamship companies. They are writing to their friends to telegraph their members of Congress to oppose the bill. In this connection I send to the Clerk's desk and ask to have read the following telegram.

The Clerk read as follows:

To F W. A. POPPIE, *Millbank, S. Dak.:*

Immigration bill comes up in House Wednesday. Wire your Congressman our expense protesting against proposed exclusion and requesting bill be defeated, informing him that vote in favor means defeat next election.

(Signed) CLAUSSENIUS & CO.,
North German Lloyd.

Mr. WILLIAM A. STONE. This telegram was forwarded to Senator LODGE by Mr. Poppie, and was published in this morning's Post.

This is not a political controversy. The last national Republican convention and also the last national Democratic convention declared in favor of restricting immigration. I desire to send to the Clerk's desk and ask to have read the platforms of these two conventions on this subject.

The Clerk read as follows:

FOREIGN IMMIGRATION.

For the protection of the quality of our American citizenship and our American workingmen against the fatal competition of low-priced labor, we demand that the immigration laws be thoroughly enforced and so extended as to exclude from immigration to the United States those who can neither read nor write.

Mr. WILLIAM A. STONE. That is the provision adopted by the Republican national convention. Now I ask the Clerk to read the one adopted by the national Democratic convention.

The Clerk read as follows:

KEEP OUT PAUPER LABOR.

We hold that the most efficient way of protecting American labor is to prevent the importation of foreign pauper labor to compete with it in the home market.

Mr. WILLIAM A. STONE. Mr. Speaker, it is simply a question of political economy, and not in any sense partisan.

I have been curious to learn just how this educational test would affect the immigration to this country. The total number of immigrants coming here, as shown by the report of the Commissioner of Immigration for the last fiscal year, was 343,269. This is an increase of 84,731 over the number coming during the previous year, or an increase of 32.77 per cent. As times improve, immigration will largely increase; and unless we pass some measure restricting immigration, the number coming into this country during the next fiscal year will exceed a half million.

The conference report practically excludes only those who can neither read nor write. Taking the status of those who came into this country during the fiscal year ending June 30, 1896, we find that 65,103 came from Austria-Hungary, 68,060 from Italy, and 45,137 from Russia proper, making a total of 178,291, or 51.93 per cent.

Of the 65,103 who came from Austria-Hungary, 23,973 could neither read nor write; of the 68,060 coming from Italy, 31,374 could neither read nor write; of the 45,137 coming from Russia proper, 12,816 could neither read nor write. Out of 178,291 coming from these three countries, a total of 68,163 could neither read nor write.

Now, there came from Germany during this same period, 31,885; from Norway, 8,855; from Sweden, 21,177; from England, 19,492; from Ireland, 40,262; a total of 121,671, or 35.44 per cent from these five countries.

Now, of the 31,885 who came from Germany, all but 713 could read and write. Of the 8,855 who came from Norway, all but 57 could read and write. Of the 21,177 who came from Sweden, all but 146 could read and write. Of the 19,492 who came from England, they could all read and write but 757. And of the 40,262 who came from Ireland, all but 2,473 could read and write. So that if this conference report had been the law during the last fiscal year, out of a total of 121,671 immigrants who came from Germany, Norway, Sweden, England, and Ireland, only 4,146 would have been debarred, while out of the 178,291 who came from Austria-Hungary, Italy, and Russia proper, 68,163 would have been debarred. So do you not see that all this talk about the Germans being affected by the passage of this law is ridiculous? It would not affect the Germans; it would not affect the Swedes; it would not affect the Norwegians; it would not affect the Englishmen, nor the Irishmen. But it would very seriously affect and restrict the immigration from countries from which undesirable immigration comes, and in that respect this conference report is satisfactory.

The Commissioner of Immigration has also made a report of the amount of money brought into this country by immigrants. It is curious to note that the large majority of immigrants coming from Austria-Hungary, Italy, and Russia proper bring less than $30 per head with them, while the great majority of immigrants from Germany, Norway, Sweden, England, and Ireland average more than $30 per head; and although fewer numbers come from these countries, they bring almost twice as much money with them.

Mr. BARTHOLDT. Will the gentleman permit me to interrupt him?

Mr. WILLIAM A. STONE. Yes.

Mr. BARTHOLDT. The report of the Commissioner of Immigration shows that during last year between $4,500,000 and $5,000,000 were brought in by the immigrants, and he admits that that represents about one-third of what they really brought in, because before they leave their homes they are told not to tell how much money they have.

Mr. KIEFER. If the gentleman will allow me, I will give the exact amount.

Mr. WILLIAM A. STONE. I can not yield, because I have only twenty minutes.

It is also important for us to consider where these immigrants go when they reach this country.

I find upon examination of the Commissioner's report that of the 343,269 immigrants who came into this country during the last fiscal year, 127,082 stopped in the State of New York; 61,007 of them stopped in Pennsylvania; 36,561 stopped in Massachusetts. A total of 224,650, or almost two-thirds of the whole number who came into this country, remained in the three States of New York, Pennsylvania, and Massachusetts. Why, the gentleman from Missouri who opposes this report [Mr. BARTHOLDT] knows nothing of the evils of unrestricted immigration. Only 2,485 went to Missouri. The gentleman from Louisiana, a member of the committee who opposes this report, only had 1,516 in his State. Wisconsin had 4,572; Nebraska, 1,043; Minnesota, 5,979. No wonder gentlemen do not seriously regard it essential to restrict immigration when they are not bothered by it.

It is the great States of New York, Pennsylvania, and Massachusetts that suffer. The theory that these immigrants settle down on our Western prairies and become tillers of the soil is ridiculous. They do not settle on our Western prairies. They settle in the great cities of New York, Boston, Philadelphia, and Pittsburg, and among the mines, the mills, the factories, and the coke ovens in these three States; and, in the name of my State, I demand that legislation be enacted that will relieve us from this imposition.

This bill will restrict immigration, not wholly, nor even sufficiently, but it will restrict it to some extent. Properly enforced, properly construed, it will keep out of Pennsylvania, New York, and Massachusetts about 1 in 4 who now come in.

If these immigrants entered into the professions and among the ranks of skilled labor, it would not fall with such a heavy hand upon that class of people who are known as common laborers. Let us look at the report and see what occupations were followed by those who came last year. Of the 343,269 who came, 50 of them were lawyers, 147 were clergymen, 19 were editors, 143 of them

were physicians. They have not increased competition among the clergymen, the editors, the doctors, or the lawyers.

No very considerable number of them were skilled workmen. There were only 534 machinists, only 126 jewelers, only 10 dressmakers, only 3,676 carpenters, only 589 gardeners, only 106 plasterers, only 117 plumbers. But there were 123,028 who had no occupation, 91,262 laborers, 38,926 servants, making a total of 253,216 common laborers who entered into direct competition with our poorer people. Of the 343,269, all but 90,051 entered into direct competition with the laboring men and women of this country, who receive the poorest wages, and whose lot is the hardest. Two-thirds of this great army—or nearly two-thirds, considerably over 200,000—settled in the States of New York, Massachusetts, and Pennsylvania, and entered into competition with our own people for their daily bread.

This country to-day is suffering from a surplus of common labor. There is work enough for all the men, women, and children who belong here, but there is not work enough for the laboring men and women of the world.

We put a tariff on a machine to keep it out of this country and give to the producer the home market. That tariff operates and is intended to operate to increase the wages of the men and women in this country. That very increase of wages is an inducement to the laboring men and women of other countries to come here and compete with our own people for these increased wages. Our laboring people would be better off—much better off—if you could give them the exclusive labor market of the country, and not force them into competition with the cheap pauper labor of other countries. We have been legislating for the producer, and properly so. It is high time that we begin to legislate for the man and the woman whose only capital is the ability to do a day's work. We protect our coal, our iron, our steel, our cotton, and I hope soon our wool.

Why? That the American producer may have the benefit of the home market. Now, if that is good policy, if that is good political philosophy, if that is good political economy, let us protect the brawn and the hand that produce the coal, the iron, and the steel. [Applause.]

I would like to see all the laboring men and laboring women of Europe have employment, but I would not like to see them employed by the turning out of our own working people. I have no unkind feelings toward foreigners, but I believe it to be my duty, so far as in my power lies, to protect the laboring men and the laboring women of this country before extending protection elsewhere. Let us begin it here. This country is rich enough and great enough to support our own laboring people. Wages will regulate themselves and keep pace in price with other things, but under this competition with the cheap pauper labor of Europe our laboring men and women are unable to obtain sufficient work and sufficient wages to secure the necessities of life.

Thousands of foreigners come here every year, save their wages, and send them to their relatives and friends in their own country.

It is estimated on good authority that during each year from twenty-five to thirty millions of dollars are sent by Italians in this country to Italy. They do not become citizens of this country; they come here to earn money to send home, and when they have earned a sufficient quantity, they go back and spend it there. Large amounts are sent to other countries also. Taking this into consideration, with the large amounts that are spent each year by visitors and tourists from this country in Europe, it may be said with some show of truth that the United States is practically supporting Europe to-day.

If we could only have our people spend their money at home, and keep the money earned here at home, there would be better times and less distress in this country. We can not stop people from visiting Europe. We can not stop a few of our silly women from marrying men with titles and bestowing upon them their fortunes. Fortunately, however, Europeans with titles do not marry our poor girls, our sensible girls, but only the rich, frivolous kind, whom we can well spare. But we can stop the people from other countries from coming here and filching the bread from the mouths of our people by such restrictive measures that will prevent their coming and give to the laboring men and women of this country the labor of the country until such time as there is greater demand for labor than they can supply.

Let us, therefore, adopt this conference report as the most likely measure we can get enacted into law at this session, and adjourn, having passed an immigration bill and kept our promises to the country. [Applause.]

I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman has one minute remaining.

Mr. HOPKINS. Before the gentleman from Pennsylvania takes his seat, I would like to get his view on the construction of the language that has been criticised by the gentleman from Missouri [Mr. BARTHOLDT]. That gentleman claims that under the provision which requires the immigrant to be able to read "in the English language, or the language of his native or resident country," desirable immigrants from the Baltic provinces of Russia and from other parts of Europe will be excluded. What is the gentleman's view as to that?

Mr. WILLIAM A. STONE. I am glad the gentleman has asked that question. I may not be lawyer enough to answer it correctly, but my judgment is that the language of the bill, "the English language, or the language of his native or resident country," would be construed to mean any language spoken in the resident country, so that any person coming to this country who was able to read and write in any language would be admitted.

Mr. CANNON. Why not let the law say that plainly?

Mr. WILLIAM A. STONE. Because if you send this report back for further consideration, it will be so delayed that you will get no law at all.

Mr. BARTHOLDT. Mr. Speaker, I ask unanimous consent that some arrangement be made as to the control of the time. None has yet been made.

Mr. WILLIAM A. STONE. I supposed it was understood that the gentleman from Ohio [Mr. DANFORD] and the gentleman from Missouri [Mr. BARTHOLDT] controlled the time.

The SPEAKER pro tempore (Mr. HENDERSON). If there be no objection, the time for debate will be controlled on the one side by the gentleman from Ohio [Mr. DANFORD] and on other by the gentleman from Missouri [Mr. BARTHOLDT].

There was no objection, and it was so ordered.

Mr. BARTHOLDT. Now, Mr. Speaker, I yield fifteen minutes to the gentleman from Louisiana [Mr. BUCK].

Mr. BUCK. Mr. Speaker, my views are on record not only against this particular measure, but against the theory and principle of the legislation upon which it is based, so that perhaps I would not trouble the House at this time with any remarks whatever if it were not that, from the very fact that there is, perhaps, an irresistible current of feeling among the American people in favor of this legislation, silence on my part might be misconstrued not only into acquiescence, but perhaps into something worse—a lack of courage to stand to the conviction which I feel on this subject to the very bottom of my soul.

I believe it a truth among the principles of government that whatever tends to restrict or to restrain the movements of human effort has in it the germ of injustice and of wrong. I believe that this legislation is of that character, and, though I am no prophet, I think the time will come when the old spirit will reassert itself and when there will be those who will agree with me that this legislation in its present form is trivial, inexpedient, unnecessary, and un-American in the light of the spirit which lies at the foundation of the American Government. I do not think the gentleman from New York meant an invidious distinction when he said that he would listen with patience to what the foreign-born members upon this floor might say in regard to this measure. Manifestly, he anticipates their opposition, and that anticipation argues that there lurks somewhere in his own conscience an idea that there may be something wrong in this bill. Else why anticipate opposition from that particular quarter?

I wish to tell the gentleman and the members of this House that my opposition to this measure is inspired by something loftier than my foreign blood. When I took that oath before the Speaker's stand to defend the Constitution of the United States against foreign and domestic foes, I took it with the same conviction of responsibility and seriousness as my American-born brother upon this floor. I have nothing to gain as a foreign-born citizen by opposing this bill. I have no friends that want to come here from foreign countries. They are all here. The bones of my parents repose in American soil; and, if I may say it, I have two generations of native-born Americans behind me. Nor have I a foreign constituency to look to. On the contrary, I admit with the gentleman from Pennsylvania that there is a strong current of feeling in the opposite direction, and if a vote of my own people were taken I believe that possibly, under the influence of that error, that prejudice, that misconception which clouds the minds of the American people to-day on this question, they would vote me into a hopeless minority. I have, therefore, nothing to gain by the position which I take, and nothing to do but to express my conviction and my belief that this measure is injurious, is unjust, and not founded in good principles.

If the exclusion of persons who can not read and write is based upon the principle or demand for the protection of American labor, why, sir, the figures which the gentleman has read show that the purpose will not be accomplished. There are poor laborers enough in this world without counting those who can not read and write to bring about the very competition which is complained of.

If it is complained that ignorance is the cause of the trouble, I tell my friends, as I said before, that education is a broad and comprehensive term, and does not mean book learning only. I could refer the gentleman to statistics in the Library, and prove to him that in communities where persons wholly illiterate predominate in numbers the relative proportion of criminals is smaller than in more educated communities.

An eminent writer has said that culture is the object of education, but culture does not mean book learning; culture, he says, means the attaining of a proper conception and faith with reference to God and a proper apprehension of the relative duties of man to man.

I do not think I need remind the American people of the service which immigration has done for this country. Nor need I remind them of the service that it has done in the attainment and preservation of the liberty which has been so great a power in the development of its destiny. I need not point my friend from South Carolina to the field of Camden, where the blood of De Kalb fertilizes the soil.

My friend refers to "the crowding of people in the large cities." Sir, what has made Chicago the marvel of civilized development but "the crowding of people in the large cities?" "The crowding of people in the large cities" is an indication of the aspiration and the ambition of men to better themselves. In Europe the city of Berlin, which a generation ago was barely a metropolitan city, has to-day two millions of people. People crowd the cities in their eagerness to come in contact with intelligence, with education, with improvement, and the possibilities of advancement. Communities can protect themselves against this overflow of population if it exists. Every county or municipality has the power to make laws to protect itself against paupers and vagrants; and if there is no room in the city for persons who can not or will not work, there is power in the law to send them elsewhere to fields where they are needed.

Mr. Speaker and gentlemen, my time is limited. I could go back with you to the history of nations and show you that no nation ever prospered from the moment it became selfish and exclusive. If the Roman Republic, if the Athens of the ancient world, instead of creating an aristocratic citizenship, had invited the surrounding peoples, to welcome and make them their equals, the civilization of the world might never have seen the relapse of the Middle Ages.

We are told secretly—it is not openly declared as the intention of the bill to strike in that direction—that numbers of an insignificant and inferior race come here from southern Europe. I need not defend that race. It is true that under the effects of oppression and peculiar institutions the mass of those people are ignorant. But remember they are the descendants of the Cæsars and the Gracchi. Remember that Venice was the mistress of the world when London was but the "tower of a prison" and a slaughter field of political strife and murders. Remember that when all of northern Europe was in the darkness of the Middle Ages, Italy had her Dante and her Tasso, her Petrarch, her Boccaccio, her Michaelangelo, and a little later her Christopher Columbus. These races have the instinct of high aspiration in their souls.

But in the little that remains of my limited time I want to make an appeal to my friends on the Democratic side, and on the Republican side of this House too. In 1852, when the Free Soil party began to show its power in the politics of the country—that party from which sprang the Republican party of to-day—what was the sentiment which they embodied in their political platform? It is brief. I will read it from the platform of the Free Soil convention at Pittsburg, August 11, 1852:

That immigrants and exiles from the Old World should find a cordial welcome to homes of comfort and fields of enterprise in the new; and every attempt to abridge their privilege of becoming citizens and owners of the soil ought to be resisted with inflexible determination.

Now, Mr. Speaker, I approve only the first part of that platform. I admit that there is an element of politics in the second when it speaks of citizenship. As a citizen of these United States, made such by the grace of your most liberal laws, I should stand here with the best of you and defend the dignity and the worth and the value of American citizenship. If your naturalization laws are too liberal, let a more restrictive policy be adopted. If these people are not worthy, after five years, to be citizens, do not give them the privilege. But let me tell you, since education is the topic, that those foreign-born citizens who have abused their trust and their duty, who have violated their oaths as American citizens by becoming aggressors upon society, the destroyers of property, the teachers of propagandism, pernicious to social and political order, are not the ignorant. They are the men who have studied the philosophy of the freethinkers of the world. They claim to be highly educated. They claim to be superior to the men of the common mass who, upon lines of sentiments of brotherhood toward each other, on the basis of law and order, have built up the civilization of the world.

Mr. Speaker, in the last political campaign it was claimed that this Government and this country were in danger of disintegration. It has been said upon this floor, aye, and the story has gone throughout the country and is in the public prints, that nobody can vote against this measure, or will do so, except those who are interested in the great steamship companies. It is a sad story, a sad commentary that such lack of confidence should impair the relations between the people and their representatives; and it repeats itself every time a measure in which large private interests are involved is up for consideration in the halls of legislation.

The SPEAKER. The time of the gentleman has expired.

Mr. McMILLIN. I ask unanimous consent that the gentleman from Louisiana have permission to close his remarks.

Mr. DANFORD. I must object, unless the time is extended for taking the vote.

Mr. BARTHOLDT. I will yield to the gentleman five minutes.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. DANFORD. I object, unless the time is extended beyond the time fixed for the vote to-day.

Mr. BARTHOLDT. I have yielded to the gentleman five minutes.

Mr. BUCK. I have very little additional to say. I had mapped out a brief course of argument for the time allotted, and I have about concluded what I desired to say.

This manifestation, Mr. Speaker, of the lack of confidence and of public assault on the honor and integrity of the legislative bodies of this country, unmerited and unjust, as I believe, is one of the disintegrating symptoms which hover, vaguely if you will, around the body politic and distinctly threaten its peace and perpetuity—one of those symptoms which were contemplated with so much seriousness and apprehension in the recent political campaign. It was claimed to be the corporations against the people; organized capital against organized labor; united wealth against common poverty. Such were the cries, and they were calculated to fill the patriotic mind with fear and misgiving. What, if anything, had the recent immigrant to do with that? On the contrary, the danger will be aggravated and emphasized if this country will suffer the wave of an intolerant spirit of exclusion and narrow-mindedness to shut it in. We must go back to the fundamental principles under which we became great and prosperous, and let in the light of day and true manhood in all its forms and aspirations. The grandeur of American citizenship and the life of the genius of our institutions lie in the dignity of their universality. [Applause.]

When God Almighty, back in the early ages of man, as the Scripture tells us, found the people trying to raise the Tower of Babel, what did He do? It has given rise to a common German proverb that "God Almighty takes care that the trees do not lift their tops to heaven." When we have grown great and think ourselves masters, something comes to remind us of the limit to our possibilities. And it taught something else as well. The people in those days must have been prosperous and happy if they had nothing to do but build a tower to reach up to the heavens, and God confounded them. He created diversity of language and nationality, and sent them out into the world to work out their redemption—a redemption to regain what they lost. And to attain that is our problem now—the problem of nations and of individuals.

The greatest step was made, second only to the Revelation in the birth of the Saviour, when the American Constitution and Declaration were given to the nations of the earth. Pass what restrictions you will, do what you think right and proper, and what is required of you in the performance of duty to protect the integrity of the nation; but do nothing to violate principle; do not violate the great eternal truths on which our Government rests and on which the nation has grown great.

I had started to remind my Democratic friends of the traditions of the Democratic party on this question, and I will read briefly an extract from the platform of 1848:

Resolved, That the liberal principles embodied by Jefferson in the Declaration of Independence and sanctioned in the Constitution, which makes ours the land of liberty and the asylum of the oppressed of every nation, have been cardinal principles in the Democratic faith; and every attempt to abridge the privileges of becoming citizens and the owners of the soil among us ought to be resisted with the same spirit that swept the alien and sedition laws from our statute books.

Such, Mr. Speaker, have always been Democratic principles. They are repeated in subsequent platforms which I would read if time permitted. They are the principles which made more glorious the greatness of Jefferson and Jackson. Jackson himself, the illustrious exponent of Democracy, would come under the ban of the objections made in the arguments on this bill in the sense that birth and ancestry are contended for by some gentlemen, great on the floor of Congress, as the only qualification that can imbue a man with the spirit of American liberty. His parents breathed the atmosphere of this country but one short year before the birth of that great American statesman, the very paragon of American individuality, the champion of Democratic principles and of the people's rights—the rights and privileges of the masses. Andrew Jackson was born when his parents had resided in this country but one short year. How, then, may you tell us that the foreigner can not imbibe the spirit of American citizenship? Why, sir, it grows within him with his growth, as it grows in you with yours. Liberty and patriotism are of no clime and of no soil. They are

"enthroned in the hearts of men," and are as universal as the sense of kinship with the ever-living God. I have seen native-born Americans, before the tomb of that great man 10 miles down the river, smile and gibber, and I have seen the foreign born there, thrilled with emotion, ready to kneel and worship at that shrine. [Applause.]

[Here the hammer fell.]

Mr. DANFORD. I yield ten minutes to the gentleman from Indiana [Mr. JOHNSON].

Mr. JOHNSON of Indiana. Mr. Speaker, I have one very serious objection to the bill which is proposed by the conference committee in its report, and that is that it does not go far enough, that it is not drastic enough. I wish it were possible, sir, for the committee to recommend, and for this House to pass, a measure which would be as broad as the evil at which this legislation is aimed. The educational test will hardly suffice. Many a man, sir, can read and write, and yet is utterly lacking in those qualities essential to make him a good American citizen. He may be profligate in his habits. He may be unwilling to work, and thereby become a charge upon the public. He may be a nihilist or an anarchist, or he may possess other characteristics which make him unfit to become a factor in our national life.

Now, Mr. Speaker, we can all agree upon general principles, but the difficulty is, I confess, in framing a measure which will meet the exigency, a measure practical in its application and which will subserve the purposes which we have in view. Any test that is employed, short of an absolute exclusion of immigrants, must necessarily be an arbitrary one—must necessarily bear hard in individual cases—but the sole question should be, What will be its general operation and effect?

Now, I favor this bill as recommended by the conference report because I believe that, even with its shortcomings, its general features are salutary. To be sure, objections have been urged to it. It is said, in the first place, that it will separate husband and wife; but the great transatlantic steamship companies, which have been making money by transporting the unworthy from foreign climes to our shores, have established their agencies the world over, and the moment it is distinctly understood that by the terms of this bill these companies must send back to the lands from which they have invited them those immigrants who are incapable of complying with this educational test, that minute the husband and wife will be informed of the existence of this test, and if unable to pass it, they will remain abroad instead of undertaking a venture which they know will be fruitless. If perchance, however, they happen to reach these shores, one of them being able to pass the educational test and the other unable, then if they choose to separate, one to become a citizen of this country and the other to go back to the land from which they came, the separation is their own act and not the act of the American people, whose sacred and substantial rights are to be regarded by us rather than the rights of particular individuals from abroad.

Mr. LACEY. May I ask the gentleman a question?

Mr. JOHNSON of Indiana. Certainly.

Mr. LACEY. Why not amend the bill so as to compel the steamship companies to take them both back under these circumstances?

Mr. JOHNSON of Indiana. I have no objection to that, so far as I am personally concerned; but I do not believe it is necessary, since I do not believe they will come here knowing in advance the terms of this law and their inability to comply with them.

Another objection, Mr. Speaker, which has been urged to this conference report is that its language will exclude a certain class of people in the world who might make desirable immigrants; but I have failed to draw out from the gentleman from Missouri—and he has adroitly avoided my question upon this point—the fact that the particular form of language employed in this bill is necessary in order to exclude a much greater class of people in the world who, while they may be able to read and write, are utterly incapable of becoming good American citizens, but who would be a burden rather than an advantage to our body politic if they were to be ingrafted upon it.

Mr. BARTHOLDT. Will the gentleman permit a question?

Mr. JOHNSON of Indiana. Certainly.

Mr. BARTHOLDT. The gentleman is undoubtedly in favor of stopping immigration——

Mr. JOHNSON of Indiana. I have not said so. That is the gentleman's assumption. I prefer to speak my own sentiments through my own lips.

Mr. BARTHOLDT. I am not quite through with my question. My question is this: If you are in favor of keeping out certain classes of people, either people who can not read or write or people to whom objection can be made because of their religion or nationality, why do you not say so in the bill? This bill legislates by indirection. It presents to the American people an intelligence test, but does not say that those people shall be excluded who will be excluded under the terms of the bill.

Mr. JOHNSON of Indiana. Mr. Speaker, the gentleman can not place me in any false position in this matter. This question is broader than religious prejudice, more expansive than sect. It is as broad as the continent on which we live, and involves the very life of the Republic and the permanency of our civilization. I am not insisting that discrimination shall be made against any religion. I care not whether a man is a Catholic or a Protestant, whether he is a Gentile or a Jew. The sole inquiry with me is, Will his coming to these shores have the effect of bettering the condition of my countrymen, naturalized and native born, or will his coming be an injury to them? If it will be injurious, I am in favor of his exclusion. I am not in favor of the total restriction of immigration, but I am in favor of any measure that will exclude from our population that undesirable and dangerous element which can be of no benefit, but which will work a great injury to us, and that is the reason why I favor this conference report. As I have intimated before, sir, it is a step forward, a step in the right direction. If not the best, it is at least the best attainable measure just now.

Mr. Speaker, there may have been a time when we could assimilate this undesirable immigration—the ignorant, the pauper, and the vicious class. That time has passed. Annually there are coming to our shores large numbers of people who are utterly unable to discharge the duties of American citizenship. They add to our burdens and responsibilities without adding anything whatever to our energies and our resources. They strain our public and our private charities, fill our charitable and penal institutions, and are a constant menace to our free institutions.

The time has now come, sir, when we should do something to prevent this, not simply talk, but do something in the interest of our citizens, the naturalized as well as the native-born. We must act if we are to escape this great danger. I would like to know of what avail is our great common-school system, that system under which we are preparing our children for the duties of American life in a Republic where every man is a factor in public affairs. I would like to know why we are talking about compulsory education, if at the same time we are willing to admit to our shores vast hordes of people who can not read or write and put upon their shoulders the full panoply of citizenship. What consistency, too, is there in a great State calling a constitutional convention to amend its organic law in order that it may make an educational qualification a prerequisite to the right to vote? With what consistency do they tolerate fraud at the ballot box against the ignorant black man in that same State, justifying themselves by the plea that intelligence should control in their State and municipal affairs, and at the same time extend through their representatives on this floor a welcome to the whole Union to men from abroad so ignorant that they not only can not read twenty lines of the Constitution, but can not even comprehend the simplest duties of citizenship in a free republic?

Is our restriction upon immigration to stop with the exclusion of the Chinese, who can both read and write? Are all other nationalities who lack this accomplishment to be admitted free? Is the right of self-protection one which inheres only in the individual? Does it absolutely cease to exist, sir, the moment we approach the nation? Is there no power in the people of this country to protect themselves from this menace, this evil which assails them? We prate, Mr. Speaker, about the protection of American labor. We are even now formulating a protective tariff bill to the end that the laboring class of our countrymen may be shielded from the competition of cheap labor from abroad, and we propose, through the medium of this bill, to confer upon our laborers wages so remunerative as to bring back happiness and comfort to their humble homes. What sense or reason, sir, is there in all of this kind of talk if we are to continue to throw open our ports to the foreign cheap laborers themselves and welcome them to unrestricted competition with our own laborers right here upon our very soil?

Gentlemen, sir, may talk in eloquent language about ancient history. They may deal in stale platitudes about "the land of the free and the home of the brave." They may dwell upon the humanities, and even quote Scripture as profusely as did the gentleman from Missouri, but the time has come in the history of this country when the plain, practical question comes home to us whether or not we are willing to legislate in a manner that will not only protect American labor, but also in a manner that will protect American civilization.

The gentleman from Missouri, who interlarded his remarks so beautifully and so copiously with extracts from the Scriptures teaching the duty of hospitality to the stranger, seems to have overlooked the pregnant fact that these same Scriptures are filled to overflowing with the doctrine of the right of self-preservation both to the individual and to the state.

Here, Mr. Speaker, is presented to us an opportunity to pass, not a measure that is broad enough to meet the entire exigency, but one which will remedy a part of the difficulty which surrounds us. Shall we act the part of cheap demagogues and abandon our convictions to curry favor with certain elements which are constantly conjuring up the fate of Knownothingism to affrighten public men in the discharge of their plain duty, or shall we rise to

the height of the occasion and take this resolute step toward the emancipation of our countrymen from this great evil which afflicts them? [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. CURTIS of Kansas. Mr. Speaker, I am in favor of more stringent immigration laws. I believe that all criminal, pauper, contract-labor, and ignorant classes and anarchists should be denied admission to our shores.

The people of Kansas do not object to the Germans, Swedes, Irish, and others who have helped develop our great State. We are proud of them; but they all, regardless of their nativity, favor keeping out the objectionable classes.

As strongly as I favor the further restriction of immigration, I can not support the conference report. No one of us can tell what would be the effect of the bill agreed upon by the conference committee. Hardly any two members of this House would construe it the same way.

Let us write a law upon the statutes that will protect American labor, but let it be in language that we understand ourselves, and one that can not be misconstrued.

Mr. BARTHOLDT. I yield ten minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER. Mr. Speaker, the consideration of this conference report involves two great questions. One is the mode of legislation. A conference committee, as I understand it, is appointed by the House and by the Senate to settle the differences between them. In this case that committee did nothing of the sort. It brings in a new and severe law. The House imposed an educational test, that the immigrant should read and write the English language or some other language; the Senate imposed the same test, that he should read and write his native language or some other language; and the conference imposes a new, drastic test, never passed by the House and never passed by the Senate, that he must be able to read and write the language of his native or resident country. That committee had no right to legislate for the Senate and the House of Representatives, and to frame a provision not approved in either one or the other, which goes further than either went. And, again, this House said by this act that men only should be submitted to the educational test; that is to say, that all women should be admitted free of that test. The Senate said all wives and mothers of families should be admitted without that test. Now, the question between the two Houses was only which was right, how far the exemption should be carried, because the House exempted mothers of families and the Senate did, too; and the only question was whether all women should be exempted. These conferees say that no woman shall be exempted, and they again carry legislation further than either the House or the Senate. They submit to us legislation that has not been adopted by the House or the Senate.

Mr. STEWART of New Jersey. Will my friend permit me to ask him a question?

Mr. PARKER. Certainly, if it is short, as my time is limited.

Mr. STEWART of New Jersey. Does the gentleman propose to say that it is not within the purview of a conference committee to suggest legislation not passed by the House or Senate?

Mr. PARKER. I do. I say it is not within the purview of a conference committee to suggest new legislation, to go beyond the matters in controversy between the two Houses, and to introduce matters which are not in controversy there. The function of a conference committee is to settle differences between the House of Representatives and the Senate, not to make new legislation.

Mr. Speaker, I have said that this is a great question, a question involving the powers, privileges, and prerogatives of this House, and the powers, privileges, and prerogatives of the Senate, but it is no greater than the other question that is raised by this bill.

Mr. Speaker, this century sees a movement of population, of their energies, ambitions, homes, and families, that no other time has seen. The movements of the nations when the Roman Empire fell, the movements of the period of the settlement of America, do not compare with that which we now witness. Go down with me to the city of New York. See on the one hand what gentlemen describe, and rightly describe, as pauperism and wretchedness which ought to be kept out, and on the other hand see the young father and the young wife and the young family leaving the old home, coming to the new land, with farewell on the mother's lips and with the earnestness of hope in the man's heart, and tell me what will you do to keep out the wrong and bring in the right? There may be doubt as to the efficacy of an educational test. There may be doubt as to whether the gentlemen who propose it want to bring in the failures in the professions and to keep out the peasant, whether they want to bring in the bankrupt, the anarchist, or the runaway scamp, and to keep out the hard-working honest farmer, like the Italians from the country places, who in my town constitute from 10,000 to 15,000 population and do not any of them seek for poor relief.

Perhaps it was not the intention of the framers of this bill, judging from the amendments they have now put in, to discriminate in favor of the house of Israel, who educate their children in the synagogues and teach them their duty to God, no matter how poor, how oppressed, how downtrodden they may be. The original bill did discriminate in their favor, and now we are almost told here that the conference report is designed to keep out the Hebrew! I doubt somewhat whether, when we are looking for hearts and hands and character, we can find them by putting the schoolmaster on the dock. But it is decided by this House, it is decided by the Senate, that we shall try that experiment, and all that I say is, Try it with prudence and discretion. If we wish to say that no man shall come here who can not read and write, let us say so; but let us not say that no man shall come here who has a wife who can not read and write, unless he leave her behind.

The report on immigration for last year shows that our difficulty was not that we got too many women, but that we got too few proportionately. The Commissioner of Immigration, in his twenty-nine different recommendations for the amendment of the immigration laws (not one of which is reported by the committee), has one in favor of keeping a strict lookout for men who leave their families in the old country and come here alone to earn money and send it abroad, in order that they may not be allowed to come over many times. The statistics show that men came here last year to the number of 212,000, and women to the number of only 130,000. We want the women to be nearer in number to the men. Do they compete with the labor of this country, or do they come as wives and bring families and cause money to be spent here? Of the women who came here last year 38,000 were servants, but the rest, including mothers and children, were mostly members of families. We want members of families. We do not believe that it is better to admit a man, no matter how well educated, to be separated from his family and to live here by himself. It is better neither for the country nor for him. I repeat, Mr. Speaker, this is a large question. I have here the Census of 1890. In the first volume, opposite page 92, I find a table showing the home-born and foreign-born. In my own city about one-third are born of American parents——

[Here the hammer fell.]

Mr. PARKER. I should like a minute or two more.

Mr. BARTHOLDT. I yield the gentleman from New Jersey two minutes more.

Mr. PARKER. I thank the gentleman. In my own city about one-third are born of native American parents, about one-third are foreign born, and one-third are born of foreign-born parents. Would you believe that that proportion is greater for the total of foreign born and those born of foreign parents in the cities of Rochester, Boston, Pittsburg, Cincinnati, Jersey City, Cleveland, St. Louis, Brooklyn, St. Paul, Buffalo, San Francisco, Detroit, Chicago, New York, and Milwaukee? Is not this, therefore, a question to be prudently handled?

I have thousands of foreign-born friends who in their independence of spirit cast their votes against me at one election, and who by the same independent votes aided in giving over 12,000 majority in the same city at the last election. I owe them my confidence, my belief in their honesty. I owe the country, on the other hand, strict enforcement of the laws against the pauper and against the criminal. But I do not owe to anyone, nor does the country owe to itself, the breaking up of families, the turning back of the wife of the household while we admit the husband. We do not owe to ourselves any harsh experiment with the great, growing pulse of the world, and any measure which is not certainly right (but is merely tried tentatively to see how it will work) should be moderate. We want no Russian passport system; we will have no absolute or oppressive law in dealing with human flesh and blood. We will try to do right by all.

The House bill and the Senate amendments both had full consideration and were moderated by a regard for the family. I can not believe it right to abandon both bills for a new measure which lacks that regard——

[Here the hammer fell.]

[Mr. CORLISS addressed the House. See Appendix.]

Mr. WALKER of Massachusetts. Mr. Speaker, I confess that this conference report, as it now stands, has stirred my blood more than anything I can remember since I have been a member of Congress. Can it be possible that we are forgetting the principles that we have stood for in the past? Can it be possible that we are forgetting to-day that we are a Christian nation? Can it be that we are forgetting that all that constitutes true manliness is the willingness of a man to sacrifice something of himself for others? Can it be possible that this bad measure is to be urged through the House on the plea that this measure must be adopted or a good measure can not be had?

I confess I shrink with extreme reluctance from adding any other prohibition to those already raised to impede immigration to this country. Have we forgotten so soon the motives and principles that moved our fathers or our grandfathers when they first came here? I tell you, sir, that we are none of us so far

removed from the immigrant that we can lightly touch him by the smallest weight of our little finger or lay the burden of a hair upon him that we can possibly avoid in justice to ourselves. When we do restrict immigration, it should be done with the very greatest possible care.

Is the educational qualification the only one? Why, Mr. Speaker, the very worst class of immigrants that now come here can not only read and write, but they are, some of them, from the most highly educated classes. Such people are found in the ranks of the socialists, the communists, the anarchists, and the nihilists. They may come, and we have no means of excluding them. We have no law for their exclusion. Is it not better for our own interests and the interests of the foreign born who have already made their homes among us that the better class of honest toilers from these foreign countries should come here to balance their baneful influences? Is it not true that in the last election it was among these people—in our foreign-born population—we found the most conservative of our people? I say, sir, that the most conservative people during the last campaign and election were found in the immigrants who have made their homes amongst us. Almost to a man they were found honest, faithful to our institutions, and conservative.

The House bill was sufficiently drastic; but let us look for a moment at the condition of this bill as it is returned to us by the conference committee. Mr. Speaker, I would sooner burn off my right hand than cast a vote for the bill in its present condition, or if it is not amended in several particulars. In the first line of the amendment recommended by the conference committee I would insert the word "male," so as to read "all male persons physically capable," and so forth. In the second line amend by inserting "all persons speaking the English language," admitting anyone who could speak our language.

Do you want to exclude immigrants from Ireland, or any other persons who can speak our mother tongue? Some of the very best immigrants—in fact, the very best in the second and third generations, if not the very first, trying as they may be in certain characters, equal to Germans and Scandinavians in all good qualities which they bring here—are Irishmen. In a generation they are the Yankees of Yankees, the Americans of the Americans; and can we afford to exclude those whose mother tongue is English? Yea, verily, I do not believe that this conference bill can pass. I regret that a son of Massachusetts, yea, two sons of New England, should have set their hands to such a report as this.

Again, in the third line I would strike out the words "of their native or resident country" and insert "some other;" so as to read:

Be able to write the English language or some other language.

Again, I certainly would add the words to the first section:

Provided, Such child or grandchild shall give a bond with surety to provide such support.

And I certainly should add, again:

This section shall not apply to any immigrant born on this continent or in South America.

I would welcome here the persons from our sister Republics on this continent and from South America. Has there been any trouble with immigration from those countries? If they desire to come here, is it a friendly act on our part to exclude them when there is no reason for so doing? Then, again, I have to say, notwithstanding the hot advocacy of the words in section 4, beginning—

Or come regularly or habitually to the United States, etc.—

that that provision in the bill is very objectionable. I would not refuse to vote for this bill solely because those words are there; but I want to say to this House and to the country that we ought to cultivate friendly and not unfriendly relations with the Dominion of Canada. The day is not distant when they will become a part of us, I hope. Let us observe all comity between this country and that country, and I submit that this is an unfriendly act I submit, furthermore, that there are hundreds and thousands of our people who cross into the Dominion to labor, as the people of the Dominion cross into this country, and that this is a most unjustifiable proceeding. I submit that there is no act that any of us have committed during our service in Congress that we shall look back upon or that our children will look upon with so much regret as a vote to adopt, unamended, this conference report.

[Here the hammer fell.]

Mr. BARTHOLDT. I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I have no hope of enlightening anybody in the remarks that I make, and I shall talk during my five minutes in order that I may place upon record the reasons touching my vote on this conference report.

I have no doubt, as none of us have, about the power to exclude any or all immigration. In the exercise of that power, I advocated and voted, many years ago, for the complete exclusion of the Chinese. I never have been better satisfied with any vote I gave than that. Later on I voted for the legislation on the statute books prohibiting the importation of labor under contract. Later on I voted for the legislation excluding paupers. Now there seems to be a desire to further exclude immigration and to apply the intelligence test. Very well; I am inclined to think that is desirable. We have a great common school system in this country, the best on earth, I suspect. We claim so, at all events. It is an exceedingly expensive system, but the very object of it is to make the sovereign competent to rule the country.

Now, it is quite proper, if we pursue that course at home, that we should shut out those—if the time has come to do so, as it seems to me it has—who have not received similar training elsewhere. We have a legal right and a moral right to do it, and it seems to me desirable. Therefore I voted for the House bill.

Well, now, here is the House bill, and I want for just a minute to tell my trouble. It lets in anyone who can read and write in English or some other language. That is the House measure. I voted for it cheerfully. The Senate, by amendment, let in anybody who can read and write the language of their native country, or some other language. Now, there was that disagreement between the two Houses. The bill went to conference. Here is the conference report:

All persons, etc., who can read and write the English language or the language of their native or resident country.

Now, why did they put that in instead of the Senate provision or the House provision? I have been trying to find out. There are twenty or thirty languages spoken in the Russian Empire. There are large numbers of people who are desirable immigrants who can not speak the language of that country, but who speak the German language, or, perhaps, other languages. Does that provision shut them out?

Mr. BARTHOLDT. It does.

Mr. CANNON. The gentleman says it does. Others say they do not think it does. Others say they doubt. Why have any doubt? If it is desirable to shut out all subjects of Russia, shut them out. If it is desirable to shut out all citizens of any other country, then shut them out. But let us do it in a manly, square way, so that there will be no doubt of our intention. Now, for the reasons indicated, as I do not believe this conference report accomplishes what it was intended to accomplish, as it is ambiguous, I would sooner vote down this conference report and ask another conference, and instruct our conferees what the will of the House is.

But gentlemen say it is this or nothing; that somewhere or other, from out the vasty deep, there is some mysterious person or influence that is going to hamstring any legislation unless we adopt this conference report. Well, who is it? What is it? Trot out your bogie. Name him. Here we have yet six weeks, almost, of this session. There is quite enough time for this conference committee to meet again and again. If I am informed that I must take certain legislation of doubtful construction, I object. If I am informed it is that or nothing, then I say, "Construe it to me;" and if they refuse to do it then I will throw the responsibility upon somebody else. My people desire legislation concerning immigration, but they do not desire legislation regardless of what it is.

[Here the hammer fell.]

Mr. DANFORD. I yield five minutes to the gentleman from Massachusetts [Mr. MORSE].

The SPEAKER. The gentleman from Massachusetts [Mr. MORSE] is recognized.

Mr. MORSE. Mr. Speaker, I very much regret the absence of my distinguished colleague, Mr. MCCALL, whose name this bill bears in this House. I am, however, fully persuaded that if he were present, he would urge upon the House the acceptance of the conference report.

In reply to my colleague, Mr. WALKER, who has just made a speech in opposition to the conference report, I have to say that it pains me to differ from my colleague, but I am very sure he misrepresents the Commonwealth of Massachusetts and the Republican party in this matter; and I call the attention of my colleague, Mr. WALKER, to the fact that at the last Republican convention held in Boston for the nomination of State officers, which was one of the largest and most enthusiastic conventions of the party which I ever attended in Massachusetts, resolutions were adopted on the subject of this bill.

And I call my other colleague, Mr. MOODY, who was chairman of the committee on resolutions in that convention, to witness that a ringing resolution was adopted, calling on Congress to pass legislation for the restriction of immigration, and indorsing this very bill which is now under consideration, known as the McCall bill, and indorsing it in the most emphatic manner. And the resolution on this subject was applauded as was no other resolution in the platform adopted by the convention. I think my colleague, Mr. WALKER, will vote alone against the conference report. I am persuaded that every other member of the delegation of the twelve Republican members from Massachusetts will vote or pair in favor of the conference report.

Mr. Speaker, I have objections to this bill, and my principal

objection is that it is not drastic enough to suit me; the bill does not go far enough in the way of radical legislation for the restriction of immigration such as the country demands. The door is still open for the admission of Mormons, communists, nihilists, anarchists, bomb-throwers, and criminals who can read and write. I have no doubt, however, but what the bill will exclude a very large and undesirable class of immigrants that are now being emptied on these shores.

My State is being overrun by a very undesirable class of immigrants from southern Europe, whose wants and necessities are much less than those of the laboring people of Massachusetts. The labor market of my State is being glutted, and thousands of honest workmen are out of work in consequence, and the cry is loud and long and imperative for legislation on this subject.

The laboring people of this country, especially in the great cities of the country, are being driven to the wall. I am in favor of the Republican principle of protection for the American manufacturer and the American laborer as well. Much has been said on this floor during this debate about the development which has come to our country from foreign immigration. I grant the truth of that claim, but I call the attention of this House and the country to the fact that the class of immigrants which formerly came here and developed not only the Eastern but the great Middle and Western States were of an entirely different class from those that are now being emptied on these shores. Mr. Speaker, where did they come from? They came from England, from Ireland, from Scotland, from Wales, from Germany, from Norway, and from Sweden. They brought with them a standard of civilization kin to our own; they came desiring to become American citizens. Where is the great tide of immigration coming from now? From southern Europe, from Russia, from Italy, and from Greece. Entirely a different class of immigrants, with a civilization, with wants and necessities, far below the American standard. And the purpose of this bill is to exclude that undesirable immigration.

The gentleman from Louisiana [Mr. BUCK] read the Free-Soil platform, adopted in 1856. He read the clause to the effect that this country welcomed foreign immigration, that this country was "an asylum for the downtrodden and oppressed of every land." I believe that phraseology might be changed to-day, and might be amended, so as to declare that this country was the dumping ground for the offscourings of all God's creation. It was well said at the other end of this Capitol building that som of the immigrants that were coming here now brought with them little else than an alimentary canal and an appetite.

The gentleman from Missouri [Mr. BARTHOLDT], chairman of the House Committee on Immigration, quoted Scripture to sustain his opposition to this conference report, about our duties toward "the stranger that is within our gates," about our duties toward "the widow and the fatherless." I admit, Mr. Speaker, that we have some duties toward that class, but I would like to read to the gentleman from Missouri from the Apostle Paul. What did the great Apostle to the Gentiles say? This is what he said, Mr. Speaker: "He that refuses to provide for his own household is worse than an infidel and hath denied the faith." I vote for this bill to restrict immigration because I believe self-preservation is the first law of nature, and because I believe that a man's first duty is to his own family; his second duty is to the community, the town, the city, the state, or the nation in which he lives. It is a beautiful theory, announced by the eloquent gentleman from Louisiana [Mr. BUCK], that all the world is a band of brothers. If their civilization, their modes of living, and their wants and necessities were the same and were up to the American standard, there might be no call for this legislation; but unfortunately they are not. A Chinaman can live on a little rice a day, and dress in paper; an Italian laborer, as I have seen with my own eyes, can make a satisfactory meal out of half a loaf of dry bread, without meat, without butter, without education for his children, without the most common necessities of an American workman; and while this condition of things lasts the cry is loud and long and imperative for radical legislation for the restriction of immigration.

No, Mr. Speaker; I am opposed to shaking up the 60,000,000 of my countrymen with the 450,000,000 Mongolians in the Chinese Empire, or with the millions of degraded people of southern Europe, and striking an average. Mr. Speaker, it is high time to call a halt in this immigration business; it is a serious question, deserving the attention of the patriot, the philanthropist, and the statesman as to how far our country can go in incorporating into its body politic these dangerous and hostile elements that are now being emptied on these shores.

Mr. Speaker, much has been said against this conference report because it is alleged that it will separate a husband from his wife; the gentleman from Missouri [Mr. BARTHOLDT] drew a pathetic picture, which nearly brought tears to the House, of a man and his wife who had arrived at New York and one was taken and the other left. Mr. Speaker, this is perfect nonsense; the man and wife would not be separated unless they wanted to be; they would know before they started whether they could be admitted or not. Aye, more than that; neither one of them who was not eligible would be allowed to start at all, because the steamship companies would have to carry back, at their own charges, immigrants who were not admissible, and you may be very sure that they would have tests at the port of embarkation, and no man or woman would be brought here who was not entitled to admission under this bill, if it shall become a law; so that argument goes for nothing.

Mr. Speaker, there are some things in this conference report that I do not like—that Cuban jingo provision on the end of it. I would like to eliminate that, but I can not; and to vote to send this bill back to conference, in my judgment, is to vote to send the bill to its death. If exception was to be made of any nationality or people on the score of their present dire distress and persecution, we might well have excepted the Armenians of Turkey, whose cruel oppression by the Sultan's Government is known of all men, and whose cry of distress appears to be unheard at present by mortal ear and heard only by the pitying ear of Heaven. Any conference agreement is necessarily a compromise, and the virtues of this bill as it stands are many and its faults are few, and I certainly hope and believe the House will agree to this conference report.

So far as the immigrants' qualification to read some language is concerned, i. e., "the language of his native country or of the country of his residence," the objection raised to this section by the gentleman from Missouri [Mr. BARTHOLDT] is a mere bugaboo and goes for nothing. Every man in this House knows that the Commissioner of Immigration would give a liberal construction to this provision, and that any man or woman of the prescribed ages who could read and write the Constitution in any language would be eligible to admission to the country under the provisions of this bill. I am sure, Mr. Speaker, that the House will not be misled as to the motives of some of the gentlemen on this floor who are opposing this conference report. They are really opposed to any and all legislation on the subject of restriction of immigration. We are drawing near the close of the session; the time is short; to refuse to accept the conference report is to defeat the bill.

Mr. Speaker, finally and lastly, I believe this legislation vitally concerns the welfare and perpetuity of this great Republic, the wisest and best and most munificent government the sun ever shone upon. This legislation vitally concerns the welfare of this great country, a country upon which the sun never sets, for the morning sun which gilds the rock-bound coast of Maine is the twilight and setting sun of far-off Alaska. Let us be faithful to the trust committed to our care; let us see to it that the Republic gets no injury at our hands, and that we transmit to our children and those that shall come after us the blessings of constitutional government, the blessings of civil and religious liberty that have been bequeathed to us by our fathers unimpaired.

Mr. Speaker, to that end I submit once more that the demand for radical legislation, for the restriction of immigration, is imperative. Every political party in its recent convention has demanded this legislation. The people demand it. I say the cry is loud and long and imperative, and shall we turn a deaf ear to this demand and refuse to accept this conference report as the best attainable measure possible? We can not; we must not; we will not.

[Mr. GROSVENOR addressed the House. See Appendix.]

Mr. WILSON of South Carolina. Mr. Speaker, we are not a selfish people, as stated by the gentleman from Louisiana [Mr. BUCK], and we are not unsusceptible to appeals to our sympathies in behalf of humanity. The fact that all the appeals that have been so far made upon the floor of this House in opposition to the adoption of the conference report have been of such a character is the best evidence that gentlemen making them realize that fact.

But, Mr. Speaker, we are sensible of our duty to our American citizens, our obligation to see to it that American labor is protected in the humble right of securing a livelihood in its own country. That is the purpose of this proposed legislation. That is the foundation upon which it rests; and, so far as I am concerned, I wish no further justification of my own action than that, with the light before me, I have done my best to protect those in this country who can not protect themselves.

On our statute books are laws which perhaps are responsible for the present condition of labor, by which tramps are scattered all over the country, by which our highways are filled with those whose hands and arms should be busy at the forge or in the machine shop or with the spindle. If this Congress, or Congresses that have preceded it, are responsible for those laws by which labor can not get employment in this country, the least we can do is to see to it that labor is relieved from as much competition as possible.

Mr. Speaker, there are three things admitted in this debate. One is that labor all over this country wherever it has spoken has spoken in favor of the restriction of immigration. That can not be denied. No single labor organization has ever raised its voice in opposition to this legislation. Another fact is that this House

has already placed the seal of its approval upon legislation of this kind. In fact, I may say it is already res adjudicata, because this House at its last session, by a vote of 195 to 26, passed a measure which I shall show a little later on differs but slightly from that which we are now asked to approve by the adoption of this conference report.

The fact is that all over the country there is the demand of the people, irrespective of party, irrespective of conditions, that immigration be restricted. I must qualify that statement. It is not the demand of all the people, because there are organizations in this country, there are corporations arrogant in the might of their power, eager in their purpose of obtaining the guinea which is music to their souls, to whom the only liberty that should be worshiped is that engraven upon the almighty dollar, the love for which alone controls them in all their actions. There are such corporations; and there are newspapers in this country to a certain extent controlled by those corporations. The influence and the power of those corporations are opposing this bill, and opposition comes from no other source.

And, Mr. Speaker, the letter which was read in the hearing of this body is enough to make the blood boil in contemplation of the efforts on the part of these steamship companies to dragoon this House and its members to support a bill contrary to their own ideas of what is in the line of their duty. Could it be suspected that a member on this floor would yield to the influence of the spirit contained in that article? "If you do not oppose that bill, it will cost you your election." Who gave this steamship company the power to dictate to Congress what it shall vote for or what it shall not? How dares any corporation, no matter how proud in the height of its monetary power, to declare to a member of this House, "Vote for this bill, or at the next election you shall be among the missing?" That is the influence which is antagonizing this bill—the influence of corporations that gather from every immigrant coming across the waters twenty shining dollars.

I say, Mr. Speaker, the last session settled this question upon its merits. The pages of the RECORD show the whole case that has been presented to-day. The matter coming before us now is a conference report from committees of the two Houses, who have made an effort to reconcile differences and to present a bill such as we believe the country wants, and such as we think will meet the demands of the people.

The country wants immigration restricted. The difference between my friend the chairman of the House Committee on Immigration and myself is that he is fearful these provisions are so rigid that they will keep out a class of undesirable immigrants. My position is that I want this class of undesirable immigrants kept out. He thinks that the keeping out of the wife of an immigrant may keep out the immigrant. I say if it does, so much the better for this country, if that immigrant is an undesirable immigrant. That is "the milk in the cocoanut." This educational test is not child's play. It is put forward here for the very purpose of excluding undesirable immigration. The figures presented by the gentleman from Pennsylvania this morning disclose the fact that the educational test will exclude the very class of immigrants that we do not wish to come in. There were 68,000 of them last year. And of the 84,000 increase of immigration into this country for last year, 78,000 have come from those countries that give us our undesirable immigrants.

Mr. MILES. As I understand the gentleman's position, he favors this bill because it is a class test rather than an educational test.

Mr. WILSON of South Carolina. It is a class test, applying the word "test" to the desirability of the immigration. The object of this test is to exclude undesirable immigrants; that is the prime purpose. No measure, except this, can be framed by which undesirable immigration can be kept out. All other tests, all other efforts, have failed.

Now, let us come down to the objections raised to the conference report. What are they? One is that the bill as reported does not allow the wife, if illiterate, to come in with her husband. This objection is based on the supposition that somebody is compelling that husband to come into this country. Now, I think that if a husband will leave his wife even for the purpose of becoming an American citizen and getting the rewards of American labor, such a man is unworthy to become a citizen or even a resident of this country. It is within his own volition whether he will come here or stay in his own country. If he is a man who is willing to pick up bag and baggage and come, leaving his poor, helpless wife behind him, he is the very kind of a man who ought to be kept out of this country.

Several MEMBERS. But you propose to let him in.

Mr. WILSON of South Carolina. No; because he will not come without his wife.

Mr. MAGUIRE. Then he is not the kind of a man you speak of.

Mr. WILSON of South Carolina. If this man should leave his wife and come to this country, he would not be a fit subject for all this sympathy; he would be a very undesirable addition to our citizenship, but one we could not bar because he would come within the test. But I say such people would be rare because of the application of the principle of which I have just spoken.

My friend from Missouri should measure himself by the position which he occupied here last session. Then he was willing to allow the immigrant to come into this country if he could read and write, leaving behind him his old, decrepit, helpless grandfather, who perhaps was entirely dependent upon him for support, to whom he was the staff of his old age and should be the strong arm for his support and protection. The gentleman was so heartless, so cruel that he was willing that an immigrant should be permitted to come into this country, leaving at home the old grandfather whom he was bound to protect and care for, but becomes sentimental when the same provision is applied to the wife.

The test must be applied somewhere. If you carry the illiterate wife away, what are you to do with the boys between the ages of 16 and 21 who can neither read nor write? They are also subjects of our sympathy. They should not be left there alone. Why, Mr. Speaker, it is enough to cause "tears of iron to roll down Pluto's cheek" to think of separating mother from child, father from old grandfather. But it all must be done if your bill stands as it was when it left the House. And if you admit the wife, as it is sought here to do, the effect will be to admit her father and her grandfather—in fact, to bring in the whole family.

Now, under the application of tests designed to keep them out, the wife who can not read and write will be excluded, and the children also, if they are 16 years old, and can not read and write; but the old father or grandfather, if they are 50 years of age, can come. The effect will be that hundreds will be kept out of the country who would otherwise come, if they could bring the illiterate members of their families with them.

Now, so far as the question of language is concerned, the intention of the committee was to make the provision broad enough to cover all those who would come into this country; those who could speak their native language, or if they had left their native country, then the language of the country of their new residence. Is that not broad enough to cover any reasonable or ordinary individual who wants to come? There may be some peculiar classes of people in Europe who are so careless of their own advancement that they would not even take the trouble to learn to read or write their own language, or take the trouble to learn to read and write the language of the country in which they are living, not their native country. But at the same time they may know the language of some country other than their own, that they have picked up in their peregrinations. Such classes of citizens, I say, are not and can not be desirable immigrants for this or any other country.

As I stated last spring, and as I repeat to-day, this is not a political question, but a question which has received the approbation of both political parties. The Chicago and the St. Louis conventions both declared for such legislation. Let me read, for the benefit of the members of this side of the House, what the Chicago convention said:

> We hold that the most efficient way of protecting American labor is to prevent the importation of foreign pauper labor to compete with it in the home market.

How are you to prevent it? How will you carry out that pledge in your platform? How will you make it operative? The only way that can be devised is by the application of an educational test which will keep out that class of paupers.

The Republican party has gone still further, and declared in favor of an educational test in this very platform, making no exception whatever. Upon that declaration you went before the country, and upon that you got the great foreign vote. Yet for my own party, no better day could dawn upon Democracy through the influence of any one measure than when the majority of that side of the House shall repudiate the declaration of your party in that platform.

Mr. FISCHER. Let me ask the gentleman a question. If a man should leave the old country and come to this, leaving his wife at home, intending to send for her after he had acquired a residence, and should commit bigamy here, on the passage of this bill would it not be impossible to prosecute him for that crime?

Mr. WILSON of South Carolina. Under the conference report the wife who could not be permitted under the provisions of the bill to land, or to be sent for by the husband, can be brought here without inflicting an injury upon any individual in this country, because the report itself provides that the act shall not go into effect until the 1st day of July, and during the six months intervening every possible contingency that can be suggested may be provided for by husbands availing themselves of that postponement of the operation of the act.

So I am satisfied that the bill as it stands is a good one, and the members of the House will come to the conclusion, I think, that if the educational test is to be applied as it is here applied it will inflict the less damage and the least evil that can possibly happen, and at the same time exclude undesirable immigrants.

It is no small matter when we reflect upon the fact of their coming here at the increase of 33 per cent a year, with our own labor out of employment to the extent of one and a half millions of men to-day, and the condition daily becoming worse. These men out of work have for their only hope of relief this appeal to this Congress.

[Here the hammer fell.]

Mr. BARTHOLDT. I yield now seven minutes to the gentleman from Iowa [Mr. DOLLIVER].

The SPEAKER. The gentleman will have then three minutes of his time remaining.

Mr. DOLLIVER. Mr. Speaker, I voted for the original House bill, though with very grave doubts as to the feasibility of the test of illiteracy which it applied to persons seeking a home in the United States. If a man's education were in any sense an index of his character, it might be accepted with less reluctance as the pledge of his good citizenship after his settlement among us. But I admit the difficulty of finding any basis for the exclusion of aliens not open to objections more or less forcible. We must deal with the problem as we find it. After all, the test of illiteracy is perhaps less open to complaint than any other that has been proposed, though we know that many a man has found these shores, both poor and ignorant, whose influence in the community has illustrated all the virtues of good citizenship.

Nevertheless, in common, I believe, with nearly everybody in the House, I gave my assent to the House bill. Nor should I have any hesitation in giving my assent to the bill which, after prolonged debate, passed the Senate; but I do not feel any sense of duty to approve the conference report. This report generously concedes everything to the House. It says that the Senate recedes from its amendments and agrees to the House bill, and then it proceeds to strike out of the House bill every sentence after the enacting clause, and adds a variety of matter not in either bill. I am opposed to the conference report, because, unlike the House bill, it undertakes to deal with the family as if it were not a unit, admitting a man without admitting his illiterate wife. I believe that no immigrant to the United States is desirable who is placed in the attitude of deserting his family, and I regard it as vastly more important for an immigrant to enjoy the society of his wife than of his grandfather, as this bill humanely enables him to do. [Laughter.]

I do not, however, desire to approach the question upon mere sentiment. Our friends who are in favor of the bill have dismissed all considerations that might lead us to regard the anxiety of a man to bring into the country to which he has immigrated the loved ones who surrounded him in his native land. And yet these very gentlemen who have dismissed with satire that sentiment, have graciously admitted into the bill a provision in favor of Cuban refugees. It will bring, and undoubtedly was intended to bring, a thrill of satisfaction and joy to the insurgent camps of Cuba to find that after two years' of debate the American Republic has nobly conceded to the Cuban patriots the right to enter the United States without a civil-service examination. [Laughter.]

I believe that we are, in all political parties, prone to exaggerate the dangers of immigration. Already we have heard in this debate all the misfortunes of American labor attributed to the immigration of laboring people into the United States. For one I do not believe that the honest labor of a man in any avenue of human employment diminishes the opportunities of life. If it is true that every laboring man added to the population of the United States crowds and jostles everybody else, then the prospect of civilization is melancholy indeed. If there is no more room in the world; if the United States is cursed and not blessed by increasing population; if the census of 1890 is a token of disaster and not a monument of progress, then we should adopt the gloomy view once indulged by Professor Huxley and hope that some friendly comet might smite the earth and end once for all the tragedy of social life. Gentlemen, this can not be a sane and profitable outlook on human affairs.

The addition of an intelligent workingman to the productive resources of the United States, instead of taking away from any man's chances in the world, broadens and enlarges all the opportunities of modern society. [Applause.] Therefore I feel that we are likely to overstate the dangers of immigration. It is one of the peculiar glories of the American Republic that in the last forty years we have taken millions of people out of the poverty of the Old World and given them an American prospect in life. My friend from Indiana [Mr. JOHNSON] says that we ought to exclude the anarchist, the pauper, the criminal. We have done that, and I believe that an effective execution of the laws now on the statute book is all that would be necessary to reconcile my friend from Indiana [Mr. JOHNSON] to the general course of civilization in the United States. [Laughter.]

We are at fault when we lay all the evils that beset us to the admission of aliens. The radicalism of to-day, the dangerous social and political agitation of our times does not speak a foreign language. It does not inherit either its ideas or its purposes from any foreign country. Even in Chicago, when we had to grapple with the perils of anarchy, it was an Irish policeman, Michael Degan, whose murder brought on a great trial by jury, at the end of which the law of the land was vindicated under the directions of Knute Matson, a Norwegian sheriff of Cook County, Ill.

In the neighborhood where I live we have always been anxious to have people come in and make their homes among us. For years we maintained a bureau for the purpose of inducing immigrants to settle our prairies. The whole Western country would to-day be an uninhabited wilderness if we had not been able to persuade intelligent working people from many lands to make their homes there. For one I can not think that the time has come to utterly abandon this policy and to send a hostile message to the industrious millions of the Old World who love, even afar off, the banner of the Republic. [Applause.]

Mr. JOHNSON of Indiana. Did I understand the gentleman to say "intelligent men and women of the Old World?"

Mr. DOLLIVER. Yes.

Mr. JOHNSON of Indiana. I thought so. This bill is not aimed at intelligence.

[Here the hammer fell.]

Mr. BARTHOLDT. Does the gentleman on the other side desire to occupy any time now?

Mr. DANFORD. I will yield two minutes to my colleague from Ohio.

Mr. BARTHOLDT. If it is the desire of the House to vote, I am perfectly willing. [Cries of "Vote!" "Vote!"]

Mr. DANFORD. If the gentleman does not desire to occupy his time, I will yield to another gentleman.

The SPEAKER. Does the gentleman desire to occupy any further time?

Mr. BARTHOLDT. If the House desires the vote to take place now, I am willing.

The SPEAKER. The gentleman from Ohio gives notice that he will yield time to another gentleman.

Mr. BARTHOLDT. Then I shall yield three minutes to the gentleman from Louisiana [Mr. BOATNER].

Mr. BOATNER. Mr. Speaker, there are two reasons which in my judgment render it inadvisable to adopt the conference report which is now before the House. One is, as the gentleman from Iowa has so felicitously said, that while the bill permits the immigrant who possesses the legal qualifications to bring in his grandfather, it prohibits him from bringing in his wife, if unfortunately she should be unable to read and write.

Another, Mr. Speaker, and more serious objection is that the bill discriminates against those foreigners who have already immigrated, many of whom have already become American citizens, by preventing them from bringing to this country their parents or their children, unless their parents or their children should be able to stand, as the gentleman from Iowa expresses it, a civil-service examination. These features of the measure are, in my opinion, indefensible, and ought by all means to be corrected. I do not participate, Mr. Speaker, in the idea that foreign immigration is an unmixed evil. I do not think that we should, by restrictive legislation, prevent a desirable class of foreigners from coming to our shores. We want as many of them to come South as can be induced to do so, at least for some years yet. While, sir, I think it is entirely proper that we should restrict and prevent, as far as possible, the immigration of the classes which will not make good citizens, yet I think that this bill is entirely too radical in its provisions, and that it ought at least to permit those of our foreign-born citizens or residents who are with us to bring to their adopted country their parents or their children. It is going beyond the bounds of all reason to say that a man who is qualified under the present law to be admitted to our territory shall not be able to bring with him his wife and his children under the age of majority because they are unable to read and write the English language or the language of their country or of their residence. For these reasons, Mr. Speaker, not to speak of others which present themselves to me, but which I have no time to elaborate, I shall be compelled to vote against the bill.

Mr. DANFORD. I yield such time as he may desire to the gentleman from Ohio [Mr. TAYLER].

Mr. TAYLER. Mr. Speaker, while one or two of the provisions of this bill do not meet with my approval, I shall vote for it, because I fear that if we do not now pass the bill we shall not pass it at the present session. I think that, in one or two respects, the language could be made more accurate and satisfactory, but the objectionable features do not reach the merits of the controversy. If the construction which is suggested by its opponents should be put upon the bill and any unintended hardship follow, I am sure that a succeeding Congress will be swift to correct the error. I am too much interested in the subject and too desirous of speedy relief to jeopardize what is in sight for relatively immaterial details.

Mr. Speaker, it is the philosophy of protection which lies behind

and justifies this bill. It is the law of self-preservation that demands it. It is quite as necessary that we should protect ourselves against cheap labor as that we should protect ourselves against the products of cheap labor. It is just as important that we should defend our civilization against the ravaging inroads of other civilizations when those ravages come through the immigration of cheap labor as when they come through the product of that labor. The forcible remarks just made by the gentleman from Indiana [Mr. JOHNSON] followed this line and struck, as it seems to me, to the very heart of this controversy.

The civilizing process, so far as it relates to the products of cheaper labor, comes through protective-tariff acts. We can not civilize the goods themselves, but we can prevent their invasion of civilization; that is to say, we can prevent their lowering the rewards which the American citizen receives for his labor. It is the purchasing power of this reward which fixes the character and quality of our civilization.

The civilizing process, so far as it relates to the importation of the cheap labor, comes through laws restricting immigration. How can these laws so operate as to minimize the deteriorating effects of modern immigration?

Viewed from one standpoint, two classes of people have come to this country from other shores. One is made up of peoples who, when they mingle with the American people, become Americans; of those who freely and naturally commingle with our people and our ways; who raise themselves to the American standard; who love the American flag; who become all that the American people are. In a few years they are welded to the old stock, leaving impressions and taking impressions, and producing a generally homogeneous result.

The other class possesses no inherent capacity to assimilate. They do not, except in rare and noticeable instances, become absorbed into the tissue of our own people. Their fiber never changes. Though among us and apparently of us, they are aliens in spirit, in tradition, and, generally, in language.

Such a people, in the broadest and most patriotic sense, can never be said to be desirable elements in our social fabric.

If what I have said be true and be understood, I need not waste words of eulogy on those splendid people who, though of foreign birth, have helped to make our country what it is and who share with us a just pride in the magnificent empire which they have helped to make magnificent. They are less Americans than I take them to be if they oppose the spirit of this measure.

The disturbing, the threatening, fact is that the character of our immigration has radically changed in the last twenty-five years. From some countries we have received a brave, stalwart, and desirable people; from others we have received an increasing horde whose influence is, and has been, distinctly deteriorating and demoralizing. It is against the latter that we would rouse the spirit of patriotism, and, if that will not suffice, we appeal to a spirit of self-interest.

The proof is at hand. By the census of 1890 we learn that out of every million of native-born white inhabitants of the United States 898 were inmates of prisons; out of every million of foreign-born whites 1,768 were inmates of prisons.

Out of every million of native-born whites, 829 were paupers in almshouses; out of every million of foreign-born whites, 3,131 were paupers in almshouses.

To put it in another form, in proportion to the population there are twice as many foreign-born white prisoners as native born. There are nearly four times as many foreign-born white paupers as native born.

Comment is unnecessary, if not misleading. No eloquence could paint in more vivid words the appalling facts which these figures present.

Let us now examine another item of proof more convincing, perhaps, than that just adduced.

During the year ending June 30, 1896, the number of immigrants landed at ports of the United States was 343,267. These brought with them money amounting to $4,917,318, or $14.30 each. How long did that sum suffice to support these new additions to our idle millions? How long was it until these poor people became a public charge or took the bread out of the mouth of some American workman or workwoman by underbidding for his or her job? Is it for any such purpose that our gates are thrown open and the toiling masses of other lands invited to come in? Have those who are here no rights that we are bound to respect? Every man who was born under or has adopted our flag has an equal right with every other, but I submit that he has a greater, an infinitely greater, right than those who are yet in the homes of their fathers across the water. Unhappy the country and distressed the people which do not recognize and assert that right.

In the same connection we learn that, while the average amount brought by the German immigrant was $30, the Russian brought $6.75, the Italian $8.50, and the Austro-Hungarian $11.70. No man can contemplate these unhappy people without pity: but his pity is more bountiful and effective if expressed before its unhappy object has left his home in another country.

From June 30, 1885, to June 30, 1896, the number of immigrants landed at our ports was 4,694,120, and of this amazing number approximately 2,500,000 were males above the age of 15.

The prosperity of this country has been threatened, and adversity has been and is upon us. Many causes have conspired to produce this result. Has the introduction of 2,500,000 able-bodied workmen affected it any? Doubtless we can absorb many thousands of immigrants every year, but we do not want to absorb any that we can not assimilate.

Forty per cent, I think, of the immigration of the last ten years has been distinctly undesirable. It has demoralized the social conditions in many sections of the country. It has demoralized labor and wages wherever it has gone. If there is work for him to do, the immigrant who is ready to come up to the American standard of living is a gain to the community to which he comes. The immigrant who will not raise himself to our standard is a menace to our civilization, no matter how much work there may be for him to do. He has no proper place among us.

These ought to be self-evident facts; yet we find them disputed. I protest that America is not an asylum. We want all to come for whom we have work and who can understand us and become a part of us; but we do not want and do not welcome any others. Let no man mistake the temper of the American people on this point.

But let us see now if this educational test is calculated to mitigate the evil from which we suffer and from which, if relief does not soon come, we must suffer more.

While intelligence is not the criterion of virtue, it yet furnishes, along broad lines, a reasonably safe test. We do not need to look about us to find our proof. It is not to individual instances that we need to point. Indeed, it is not to any general law or to any generally accepted idea of the value of intelligence that we need to look. Considered in relation to its application to this subject of immigration, we have only to look to the statistics of immigration for the past year. Let any doubting Thomas look at these figures here presented.

Illiteracy of immigrants over 14 years of age, year ending June 30, 1896.

Nationality.	Number arrived over 14 years of age.	Illiteracy.			
		Can not write.	Can not read or write.	Total illiteracy.	Percentage of illiteracy.
Austria-Hungary:					
Bohemia and Moravia	2,096	9	231	240	11.45
Galicia and Bukowina	11,165	634	6,107	6,741	60.37
Other Austria	16,261	434	5,281	5,915	36.38
Hungary	27,531	653	12,154	12,807	46.51
Belgium	1,003	1	144	145	14.46
Denmark	2,729	2	24	26	.95
France, including Corsica	2,112	8	95	103	4.88
Germany	25,334	37	713	750	2.96
Greece	1,984	3	517	520	26.21
Italy	57,515	25	31,374	31,399	54.59
Netherlands	1,152	.....	48	48	4.16
Norway	7,818	36	57	93	1.18
Portugal	2,067	17	1,589	1,606	77.69
Roumania	604	2	125	127	21.03
Russia (proper)	35,198	1,667	12,816	14,483	41.14
Finland	5,576	274	385	659	11.82
Poland	517	17	230	247	47.78
Spain	329	19	33	52	15.81
Sweden	18,824	73	146	219	1.16
Switzerland	2,022	.....	16	16	.79
Turkey in Europe	140	4	40	44	31.43
England	15,622	93	757	850	5.44
Ireland	37,496	153	2,473	2,626	7
Scotland	2,806	41	119	160	5.70
Wales	1,140	4	139	143	12.54
All other countries	11,476	860	2,317	3,177	27.16
Grand total	290,526	5,066	78,130	83,196	28.63

It requires only a cursory examination of this table to disclose some interesting and exceedingly instructive facts.

Among other things to be discerned in it is that the ability to read and write would seem to be a reasonably safe test of the desirability of an immigrant. No doubt there are many illiterate immigrants who will make good citizens, and many immigrants who can read and write who are wholly undesirable; but, in the main, this table indicates that the proposed test is strikingly and unexpectedly feasible and effective.

Mr. Speaker, the gentleman from Louisiana [Mr. BUCK] made a very eloquent and forcible speech against the imposition of any barrier against the admission of foreigners to our shores; yet he admitted that the American people wanted such a measure as this passed, and declared that even in his own city, among his own constituents, there was an overwhelming sentiment in its favor.

He was, of course, compelled to assert that his people were wrong, and that their sober second thought would lead them to the other opinion.

I am ready to admit, Mr. Speaker, that the people are sometimes wrong; perhaps they are often wrong. If this question had sprung up in a day; if we had not had time for reflection; if the American people in the field and workshop, busy or idle, at work or in the quiet of their homes, had not been for years thinking upon these things, it might, with some force, be urged that they had not given it fair and calm consideration. But they have been thinking of it, they have been suffering, and they have apprehended at least this cause of their sufferings. They have convictions stronger, deeper, more uncompromising on this subject than on any other in the domain of politics, and they demand action, prompt, vigorous, and effective. Shall we give it to them, or shall we, in the calm comfort of our own surroundings, say that they do not know what they want? For my part I have neither the desire nor the presumption to disobey them.

Mr. Speaker, let me indulge a moment in retrospect. The day after my first nomination as a candidate for Congress I addressed, to a gathering of my fellow-citizens who had assembled to congratulate me, the following words:

> We welcome to the soil of America every man who can become and expects to become a respectable and industrious part of our people; who can assimilate our ways and our civilization; who will become in the highest and best sense an American. It has been said that the gates of Castle Garden swing inward. That is right; they ought to swing inward; they must swing inward. But they must be locked. They must open only to him who holds the key; the key of intelligence, of morality, of health, of civilization; above all, the key of peace and good order. They must not open to the touch of every vagabond and criminal, of every anarchist and pauper, of those who can not live and will not live as our American people live. They must not open to the touch of him who may hope, or whose training may lead him, to inject the virus of his contamination into the healthy life of this patriotic and law-abiding people.
>
> And so I say that the policy of protection implies not only protection against cheap goods, but protection against cheap men. Tariff laws will not be fully effective if they are not supplemented with wise and just laws restricting immigration. Upon this question I have the most profound and determined convictions, and they will find expression if I take a seat in Congress.

On this, the first opportunity which has presented itself to keep that pledge, I take pleasure in fulfilling it. It is a source of satisfaction to add that time and experience have made more profound and determined the conditions which I then expressed, and to renew the promise that my voice and vote will always be found on the side of a cause so justly entitled to the approval of the American people.

The SPEAKER. The time of the gentleman has expired.

Mr. DANFORD. I yield such time as he may desire to the gentleman from Iowa.

Mr. HEPBURN. Mr. Speaker, how much time is yielded to me?

The SPEAKER. The gentleman has until 4 o'clock and 15 minutes—twelve and one-half minutes.

Mr. HEPBURN. Mr. Speaker, this question of restricting immigration ought not to disturb gentlemen because of any possible partisan character it might under other circumstances have, for the reason that both of the great political parties have declared in favor of its restriction. It is true, Mr. Speaker, that at all times we have not been absolutely frank upon this question in our expressions, and in some of the reasons that are given for the various provisions of legislation that have engaged the attention of the House gentlemen have not always been ingenuous. I undertake to say that the purpose of the great mass of the people of the United States, and of members of this House, in discussing this kind of legislation is to curtail largely the immigration that is coming to our shores.

We have attempted to disguise this purpose in various phrases. We have talked about prohibiting the coming of the paupers, the ignorant, the vicious, the diseased; but the real purpose, Mr. Speaker, is to lessen largely the thousands and tens of thousands that every year are crowding into our labor field. The American people have begun to see that the great duty of statesmanship in this country is to lengthen and broaden the labor field of the United States, and they are looking to us for the adoption of practical and sufficient methods. They will not be content with legislation that may stimulate the building of great mills for the manufacture of iron and steel and cotton and woolen products if those mills are to be filled with foreigners. They want a labor system that will give employment to Americans. If we are to be supplied in these wants by foreign labor, our people are wise enough to know that it makes but little difference to them upon which side of the Atlantic the labor is performed. In either case it works the same hardship to our people. In either case the day's labor given to the foreigner is a day's labor filched from one of us.

Mr. Speaker, if our institutions are to be preserved, if our social order is to be maintained, it will be because the labor field of the United States each year is to be so enlarged as that places shall be found therein for all men who want to labor to find a place; and how we shall attain that end and how we shall maintain the present American wage or increase it is the great problem for the statesmanship of this land. It must be done. Our institutions are to be perpetuated, if at all, by the men who hold the ballot, and if they are to be perpetuated, it will be because the homes in which those men live are homes of comfort, homes of contentment. Those homes can have that character only when the wage is ample, and that can be ample only when the labor field is so enlarged, so broadened, so lengthened, that every man may find a place in it at a compensating wage.

The question that presents itself now is not such a one as existed fifty years ago and which was referred to by my friend from Iowa [Mr. DOLLIVER] a while ago. He said that during the last fifty years it has been the crowning glory of this country that we had welcomed many millions of immigrants. Ah! but the conditions have changed. Then the immigrants that came to our shores came from England, from Ireland, from Scotland, from Germany, from the Scandinavian States. They were welcome. They were worthy, they were industrious, they were intelligent. Then we were but beginning our great system of internal improvements. Then we were just commencing the work of building the 185,000 miles of railway that we have to-day in the United States. As those immigrants arrived at the seaboard they were given employment in that great work, and in its conduct they were carried West to the broad prairies. Then there were millions of fertile acres awaiting settlement under the homestead laws. Then the labor field was abundant. Then the places waited for the men. Not such the conditions that prevail now, Mr. Speaker. Those fertile lands are all absorbed. That great field of labor has been filled. The work has been completed. There are no railways numbered by thousands of miles each year now being constructed. There are no inviting homesteads awaiting the advent of the industrious and enterprising immigrant from abroad. Again, the character of the immigration is largely changed. Now it comes from eastern Europe. The old sources of supply do not now furnish the immigrant, save in comparatively small numbers. Now it is composed of an entirely different class of people from those we had to deal with years ago.

Mr. Speaker, I have no doubt but that this very day, inclement as it is, there are thousands and hundreds of thousands of American citizens who have been crowded out of their places in the labor field of the United States by the other thousands and hundreds of thousands that have come to us from abroad. [Applause on the floor and in the galleries.] We have received an average of 250,000 able-bodied laborers every year during the last ten years. In that way two and one-quarter millions have been added to the fifteen or sixteen millions of native Amercans who must work in order that they may eat.

Mr. BARTHOLDT. Will the gentleman yield for a moment?

Mr. HEPBURN. Not now. I am told that the average earnings of each of these laborers is about $409 per year; so you have the monstrous sum of a hundred million dollars each year that has been wrested from the wage earners who belong peculiarly to us and whom it is our duty first to care for. Ah, Mr. Speaker, this is not simply a question of sentiment. It is a question of patriotism. It is a question of whether we can keep up the American wage, of whether we can keep places in the labor field for our own working people to delve in. Mr. Speaker, it is not simply a question of the lowering of wages; it is not simply that; it is a question of driving out of employment millions of our own people and leaving them without any wage at all by this cruel, relentless, merciless competition. Have any of you gentlemen ever tried, in thought, to place yourselves in the position of an American citizen, industrious, having a family, loving that family, who knows that they eat, day by day, as he labors, and that when he is out of employment there is no comfort in his home? Can you enter into his feelings as he leaves his home in the morning to go out into the competition which is thrust upon him by this undesirable immigration, seeking for a place to work, begging, not for alms, but for a place where he may labor? Have you tried to follow him and his thought as he goes from man to man, meeting only denial everywhere—everywhere told there is no demand for labor, that the places are all filled, that the seekers are far more numerous than the places? Ah, gentlemen, what a dreadful condition is that in which to place our countrymen. And when the long day is thus spent, when the shadows of the night come—shadows not so dark as those enshrouding his soul—and he turns his face homeward, knowing what he is to meet there, knowing of the cheerless hearth, knowing that there is no light in the window, knowing that there is no food in the house, knowing that wife and starving children await him—what think you of that man's agony? Fancy him trying to frame the sentences in which he will tell those at home of the fruitless, bootless efforts of all that day. And in the nighttime, when his child awakens and cries out in its hunger, what lullaby can that man sing to give quiet to that starving child?

That man has the ballot? Will he be content with existing conditions while he lives in a home like that? Can you expect it? In

view of what your knowledge must be of the action of such a man, does not this question rise above all others that have engaged our attention? Is it not primary in its importance? Is it not the first thing for us to consider how we can so enlarge our labor field that our own people can have a place in which to work [applause], so that they may earn their daily bread, so that there may be contentment in these homes—the homes that inspire political action and direct the fatal or the beneficent courses of the ballot? Gentlemen, that is the question for us. Its importance can not be magnified. This bill is not all that it should be. It may in instances work a hardship, but it is a step in the right direction. It will keep out of our labor field some that are not of us. It will give places to some, now unemployed and wellnigh discouraged, that are.

Sentimentalists talk about dividing the blessings of the great Republic with all the world. Ah, let us care for our own first. Let us keep these places in the American labor field for Americans to delve in. [Applause.] And if there is something to dispense afterwards, then let us be charitable. [Applause.] But let us be just to Americans. Let us preserve our labor fields for Americans. Let us see to it that American homes are homes of contentment, because American wages are ample. [Loud applause.]

Mr. Speaker, so long as that is the case, American institutions are safe. Our social order will be secure. Our rights of property will be preserved. Socialism and anarchy find no place in contented homes. They are the worst but necessary products of overcrowded labor fields. Congestion of labor breeds discussion of schemes of redistribution of the world's wealth. Give to the honest workingmen of America the contented and contenting homes that are possible when a fair day's work brings a fair wage, and the institutions the fathers gave us will endure. There will be no occupation for the pessimist or the foreboding dreamer.

Mr. Speaker, the working men and women of the country have the right to demand this legislation. This is their country. This is their labor field. You have no right to give away either. The labor field of America as much belongs to Americans as does the public domain, and is infinitely more important to them. Would gentlemen of this House give away to foreigners the public domain? Can you with more right give away the American labor field? Mr. Speaker, daily my gratitude increases because I am an American. My love is first for my countrymen and my country. I want to see them everywhere prosperous and content. I think all other gentlemen here feel as do I. Then, gentlemen, I beseech you that we legislate first for our countrymen, for their prosperity, for their homes, for the preservation to them of their labor field. This conference report is in the main right. It does not do all possible, but it accomplishes much. Let us adopt it, and if there are evils correct them some other day.

Mr. DANFORD. I now ask for a vote.

The SPEAKER. The House, by unanimous consent, ordered that a vote be taken at this time. The question is upon agreeing to the conference report.

The question being taken, there were—ayes 116, noes 105.

Mr. BARTHOLDT, Mr. SULZER, and others called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 131, nays 117, not voting 107; as follows:

YEAS—131.

Adams,	Foss,	Latimer,	Skinner,
Aldrich, T. H.	Fowler,	Layton,	Snover,
Apsley,	Gardner,	Leighty,	Sorg,
Arnold, Pa.	Gillet, N. Y.	Linney,	Southwick,
Atwood,	Gillett, Mass.	Linton,	Sperry,
Babcock,	Graff,	Little,	Stahle,
Bailey,	Grout,	Loudenslager,	Steele,
Baker, Kans.	Hall,	Mahon,	Stewart, N. J.
Barham,	Hardy,	McClure,	Stokes,
Barrett,	Hartman,	McCormick,	Stone, W. A.
Bell, Colo.	Hatch,	McCulloch,	Strowd, N. C.
Bishop,	Heiner, Pa.	McDearmond,	Sulloway,
Black,	Hemenway,	McEwan,	Talbert,
Blue,	Henry, Conn.	McLachlan,	Tate,
Bowers,	Henry, Ind.	McLaurin,	Tayler,
Brewster,	Hepburn,	McRae,	Terry,
Broderick,	Hicks,	Miller, Kans.	Thomas,
Brumm,	Hilborn,	Miller, W. Va.	Tracewell,
Bull,	Hill,	Moody,	Tucker,
Clardy,	Hitt,	Morse,	Van Voorhis,
Codding,	Howard,	Northway,	Wadsworth,
Coffin,	Howell,	Overstreet,	Wanger,
Corliss,	Huff,	Patterson,	Warner,
Danford,	Hulick,	Payne,	Washington,
Dayton,	Huling,	Pearson,	Watson, Ohio
De Armond,	Hull,	Phillips,	Wilber,
De Witt,	Hyde,	Pitney,	Wilson, Idaho
Dinsmore,	Johnson, Cal.	Powers,	Wilson, Ohio
Doolittle,	Johnson, Ind.	Raney,	Wilson, S. C.
Ellis,	Jones,	Russell, Conn.	Woomer,
Erdman,	Kem,	Scranton,	Wright,
Fairchild,	Kerr,	Shafroth,	Yoakum.
Fenton,	Knox,	Sherman,	

NAYS—117.

Abbott,	Crowley,	Joy,	Perkins,
Allen, Miss.	Crowther,	Kendall,	Price,
Anderson,	Curtis, Iowa	Kiefer,	Rinaker,
Andrews,	Curtis, Kans.	Kleberg,	Robertson, La.
Avery,	Curtis, N. Y.	Lacey,	Royse,
Baker, N. H.	Daniels,	Lawson,	Sauerhering,
Barney,	Dolliver,	Lefever,	Sayers,
Bartholdt,	Faris,	Livingston,	Smith, Ill.
Bartlett, Ga.	Fischer,	Long,	Southard,
Belknap,	Fletcher,	Low,	Spalding,
Bell, Tex.	Gamble,	Maguire,	Sparkman,
Bennett,	Gibson,	McCall, Tenn.	Stallings,
Boatner,	Griffin,	McCleary, Minn.	Stewart, Wis.
Boutelle,	Griswold,	McCreary, Ky.	Strode, Nebr.
Bromwell,	Grosvenor,	Meiklejohn,	Sulzer,
Buck,	Grow,	Mercer,	Tawney,
Burrell,	Hager,	Miles,	Tracey,
Burton, Mo.	Hainer, Nebr.	Milnes,	Treloar,
Calderhead,	Halterman,	Minor, Wis.	Turner, Ga.
Cannon,	Harris,	Mitchell,	Updegraff,
Catchings,	Harrison,	Mondell,	Van Horn,
Clark, Iowa	Henderson,	Money,	Walker, Mass.
Cockrell,	Hendrick,	Mozley,	Wellington,
Connolly,	Hopkins,	Murphy,	Wheeler,
Cook, Wis.	Howe,	Noonan,	White,
Cooke, Ill.	Hubbard,	Ogden,	Wood,
Cooper, Tex.	Hunter,	Otey,	Woodard.
Cooper, Wis.	Hurley,	Otjen,	
Cox,	Jenkins,	Parker,	
Crisp,	Johnson, N. Dak.	Pendleton,	

NOT VOTING—107.

Acheson,	Denny,	Loud,	Robinson, Pa.
Aitken,	Dingley,	Maddox,	Rusk,
Aldrich, W. F.	Dockery,	Mahany,	Russell, Ga.
Aldrich, Ill.	Dovener,	Marsh,	Settle,
Allen, Utah	Draper,	Martin,	Shannon,
Arnold, R. I.	Eddy,	McCall, Mass.	Shaw,
Baker, Md.	Ellett,	McClellan,	Shuford,
Bankhead,	Evans,	McMillin,	Simpkins,
Bartlett, N. Y.	Fitzgerald,	Meredith,	Smith, Mich.
Beach,	Foote,	Meyer,	Spencer,
Berry,	Goodwyn,	Milliken,	Stephenson,
Bingham,	Hadley,	Miner, N. Y.	Stone, C. W.
Brosius,	Hanly,	Moses,	Strait,
Brown,	Harmer,	Murray,	Strong,
Burton, Ohio	Hart,	Neill,	Swanson,
Chickering,	Heatwole,	Newlands,	Taft,
Clark, Mo.	Hermann,	Odell,	Thorp,
Clarke, Ala.	Hooker,	Owens,	Towne,
Cobb,	Hutcheson,	Pickler,	Turner, Va.
Colson,	Kirkpatrick,	Poole,	Tyler,
Cooper, Fla.	Kulp,	Prince,	Walker, Va.
Cousins,	Kyle,	Pugh,	Watson, Ind.
Cowen,	Leisenring,	Quigg,	Williams,
Crump,	Leonard,	Ray,	Willis,
Culberson,	Lester,	Reeves,	Wilson, N. Y.
Cummings,	Lewis,	Reyburn,	Woodman.
Dalzell,	Lorimer,	Richardson,	

So the report of the committee of conference was adopted.

The following pairs were announced:

Until further notice:

Mr. PICKLER with Mr. MINER of New York.

Mr. DINGLEY with Mr. MCMILLIN.

Mr. HANLY with Mr. MOSES.

Mr. AITKEN with Mr. HART.

Mr. DOVENER with Mr. CLARKE of Alabama.

Mr. SIMPKINS with Mr. FITZGERALD.

Mr. DRAPER with Mr. COWEN.

For this day:

Mr. DALZELL with Mr. COBB (Mr. DALZELL for, Mr. COBB against the adoption of the report).

Mr. BINGHAM with Mr. DOCKERY.

Mr. KULP with Mr. CUMMINGS.

Mr. COUSINS with Mr. WILLIAMS.

Mr. CHICKERING with Mr. SWANSON.

Mr. LEWIS with Mr. OWENS (Mr. LEWIS for, Mr. OWENS against the adoption of the report).

Mr. PRINCE with Mr. RICHARDSON.

Mr. LEISENRING with Mr. LESTER.

Mr. EDDY with Mr. NEILL.

Mr. CHARLES W. STONE with Mr. MADDOX.

Mr. SMITH of Michigan with Mr. MCCLELLAN.

Mr. LOUD with Mr. KYLE.

Mr. PUGH with Mr. CULBERSON.

Mr. MAHANY with Mr SPENCER (Mr. MAHANY would vote against and Mr. SPENCER would vote for the adoption of the report).

Mr. REYBURN with Mr. BERRY.

Mr. WATSON of Indiana with Mr. MEYER.

Mr. TAFT with Mr. MEREDITH.

Mr. WILLIAM F. ALDRICH with Mr. SHAW.

Mr. MCCALL of Massachusetts with Mr. DENNY.

Mr. STRAIT with Mr. HEATWOLE.

Mr. HERMANN with Mr. COOPER of Florida.

Mr. HARMER with Mr. BANKHEAD.

Mr. MILLIKEN with Mr. WOODMAN on this question.

Mr. COX. My colleague, Mr. RICHARDSON, is confined to his room by sickness. I ask unanimous consent that he be excused.

There was no objection.

Mr. WILLIAM A. STONE. My colleague, Mr. DALZELL, is absent, sick. He is paired with the gentleman from Missouri [Mr. COBB]. My colleague, if present, would vote "aye."

Mr. DOCKERY. I have voted in the negative on this question; but as I am paired with the gentleman from Pennsylvania [Mr. BINGHAM], I desire to withdraw my vote.

Mr. KIEFER. Mr. Speaker, my colleague, Mr. HEATWOLE, is absent in consequence of sickness, and he has instructed me to state that he would vote "no" if present.

Mr. BARTHOLDT. Mr. Speaker, I have a letter from my colleague on the committee from Illinois, General MARSH. He wishes me to state that he is sick, but if present, would vote "no."

Mr. MORSE. My colleague, Mr. MCCALL, is absent, and I have no doubt if he were present he would vote "aye."

The result of the vote was then announced as above recorded.

Mr. DANFORD. I move to reconsider the vote just taken, and move to lay that motion on the table.

The SPEAKER. Without objection, it will be so ordered.

Mr. BARTHOLDT. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state his question of order.

Mr. BARTHOLDT. It is with regard to the proposition just stated, to lay on the table the motion to reconsider.

The SPEAKER. The Chair will then consider that motion pending.

Mr. BARTHOLDT. I make the point or the suggestion that on a question of adopting a conference report such a motion to reconsider and lay on the table is not customary. I do not remember, during my service in the House, of ever having heard it submitted.

Mr. WILLIAM A. STONE. What difference does it make?

Mr. BARTHOLDT. None, practically; but I would like to have a ruling of the Chair upon it. It might be important hereafter.

The SPEAKER. The Chair would like to understand why the House could not reconsider its action. Of course, a motion to suspend the rules would not be subject to reconsideration.

Mr. BARTHOLDT. The objection I made was more in the nature of a parliamentary inquiry, to find out whether the motion was in order.

The SPEAKER. The Chair can not think of any reason why it should not be made. Of course, if the gentleman has any suggestion, the Chair will hear it.

Mr. BARTHOLDT. I have none, Mr. Speaker.

The SPEAKER. Without objection, the motion of the gentleman from Ohio [Mr. DANFORD] will be laid upon the table.

There was no objection, and it was so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898, in which the concurrence of the House was requested.

The message also announced that the Senate had passed the following order:

Ordered, That Mr. PRITCHARD be excused as one of the conferees on the bill (S. 905) "granting a pension to Mary W. Keefe," and that Mr. SHOUP be appointed to fill the vacancy.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the concurrent resolution to print 5,000 additional copies of the report of the delegates of the United States to the Fifth International Prison Congress.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and House bill with Senate amendments were taken from the Speaker's table and referred as follows:

A bill (S. 3319) to increase the pension of Alice De K. Shattuck, widow of Lucius H. Shattuck—to the Committee on Invalid Pensions.

A bill (S. 3311) to increase the pension of Arabella V. Washburn—to the Committee on Invalid Pensions.

A bill (S. 3185) granting an increase of pension to John McGrath—to the Committee on Pensions.

A bill (S. 3339) granting a pension to Louise E. Perkins—to the Committee on Invalid Pensions.

A bill (S. 2813) granting an increase of pension to Joseph Brown—to the Committee on Invalid Pensions.

A bill (S. 1538) granting a pension to Joseph M. Waddell—to the Committee on Invalid Pensions.

A bill (S. 2487) providing for the establishment of a quarantine station at or near Astoria, Oreg.—to the Committee on Interstate and Foreign Commerce.

A bill (S. 1913) for the relief of Louisa S. Guthrie, widow and executrix of John J. Guthrie, deceased—to the Committee on Claims.

A bill (S. 2538) for the relief of the Portland Company, of Portland, Me.—to the Committee on War Claims.

A bill (S. 2817) for the relief of the Atlantic Works, of Boston, Mass.—to the Committee on War Claims.

A bill (S. 1652) for the relief of the estate of Charles M. Roberts, deceased—to the Committee on Claims.

Joint resolution (S. R. 100) granting a life-saving medal to Daniel E. Lynn, of Port Huron, Mich.—to the Committee on Interstate and Foreign Commerce.

A bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898—to the Committee on Military Affairs.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 646) granting a pension to Francis Brown;

A bill (S. 878) granting a pension to Jared S. Chamberlain;

A bill (S. 1128) granting a pension to Isabella Morrow, and

A bill (S. 3525) to provide for an examination and survey of a water route from the mouth of the jetties at the city of Galveston, Tex., through the ship channel and up Buffalo Bayou to the city of Houston, Tex.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HUFF, for two days, on account of business.

To Mr. EDDY, for five days, on account of sickness in family.

To Mr. COUSINS, indefinitely, on account of sickness.

And then, on motion of Mr. PAYNE (at 4 o'clock and 47 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a letter from Gen. Nelson A. Miles, president of the Board of Commissioners of the Soldiers' Home, recommending that Congress be requested to authorize the Medical Department of the United States Army to sell medical and hospital supplies at cost price to the Soldiers' Home in the District of Columbia—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a copy of a report of the Klamath Boundary Commission, with accompanying communications and a map—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the treasurer of the Brightwood Railway Company of the District of Columbia, transmitting the report of the company for the year ending December 31, 1896—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Town Creek, Brunswick County, N. C.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Roslyn Harbor, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of channels to Far Rockaway and Inwood, N. Y.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a list of judgments rendered by the Court of Claims, amounting to $292,489.88, which have been presented to the Department, and require an appropriation for their payment—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a certified copy of an agreement entered into between Commissioners of the Government and of the Choctaw Indian Nation, with accompanying documents—to the Committee on Indian Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GARDNER, from the Committee on Labor, to which was referred the bill of the House (H. R. 8731) to prohibit the employment of prison labor on Government buildings, reported the same with amendment, accompanied by a report (No. 2654); which said bill and report were referred to the House Calendar.

Mr. MEIKLEJOHN, from the Committee on the Public Lands,

to which was referred the bill of the House (H. R. 9983) to authorize the entry and patenting of lands containing petroleum and other mineral oils under the placer-mining laws of the United States, reported the same without amendment, accompanied by a report (No. 2655); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. ANDERSON, from the Committee on Invalid Pensions:

The bill (S. 3541) entitled "An act granting a pension to Jane B. Johnston." (Report No. 2638.)

The bill (H. R. 4944) granting a pension to James M. Kercheval. (Report No. 2639.)

The bill (H. R. 9402) granting a pension to Mary D. Griffiths. (Report No. 2656.)

By Mr. CROWTHER, from the Committee on Invalid Pensions:

The bill (H. R. 9616) to increase the pension of Edward W. Nortoni, late assistant surgeon, Fifty-ninth Massachusetts Volunteer Infantry. (Report No. 2640.)

The bill (S. 3407) entitled "An act granting a pension to Ambrose J. Vanarsdel." (Report No. 2657.)

By Mr. ERDMAN, from the Committee on Invalid Pensions: The bill (H. R. 10083) granting a pension to Henry H. K. Elliott. (Report No. 2641.)

By Mr. PICKLER, from the Committee on Invalid Pensions:

The bill (H. R. 9392) to increase the pension of Daniel Phillips, of Company D, Thirteenth Regiment Wisconsin Infantry. (Report No. 2642.)

The bill (H. R. 10088) to increase the pension of Louise A. Rice. (Report No. 2643.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions:

The bill (S. 3451) entitled "An act granting a pension to Rebecca P. Quint." (Report No. 2644.)

The bill (S. 3516) entitled "An act granting a pension to Louise Van Atter." (Report No. 2645.)

The bill (H. R. 9398) granting a pension to Lizzie B. Burrows. (Report No. 2646.)

The bill (H. R. 6609) granting a pension to Hannah M. Cheney, of Springfield, Vt. (Report No. 2647.)

By Mr. THOMAS, from the Committee on Invalid Pensions:

The bill (H. R. 6239) to increase the pension of Elwin A. Scutt. (Report No. 2648.)

The bill (H. R. 8942) to pension Ann Maria Meinhoefer, widow of Lewis Meinhoefer, Company B, Forty-first New York Infantry. (Report No. 2649.)

By Mr. COX, from the Committee on Claims: The bill (H. R. 9184) for the relief of Thomas W. Scott, late United States marshal. (Report No. 2650.)

By Mr. GRIFFIN, from the Committee on Military Affairs: The bill (S. 2355) entitled "An act to correct the military record of Peter Buckley." (Report No. 2651.)

By Mr. WOOMER, from the Committee on Military Affairs: The bill (H. R. 4912) to remove the charge of desertion against Henry L. Snow. (Report No. 2652.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions:

The bill (S. 619) entitled "An act granting an increase of pension to Florence W. Buskirk." (Report No. 2658.)

The bill (S. 2267) entitled "An act granting an increase of pension to Alvah A. Eaton." (Report No. 2659.)

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. PARKER, from the Committee on Military Affairs, reported adversely the bill (H. R. 7654) for the relief of Spencer Norfleet; which said bill and report were laid on the table. (Report No. 2653.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FLETCHER: A bill (H. R. 10154) to extend the time for the completion of the St. Paul, Minneapolis and Manitoba Railway Company through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian reservations in the State of Minnesota—to the Committee on Indian Affairs.

By Mr. BARHAM: A bill (H. R. 10155) amending section 1858 of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. CUMMINGS: A bill (H. R. 10156) for the establishment of a light and fog-signal station near Homer, Kachekmak Bay, Cook Inlet, Alaska—to the Committee on Interstate and Foreign Commerce.

By Mr. HICKS: A bill (H. R. 10157) to authorize the purchase of additional land in square No. 624, adjacent to the Government Printing Office, and to construct thereon such improvements as may be necessary for the uses and transaction of the business of the Public Printing Office—to the Committee on Public Buildings and Grounds.

By Mr. MURPHY of Arizona: A bill (H. R. 10158) to promote education in military science and tactics in the University of Arizona—to the Committee on Military Affairs.

By Mr. MITCHELL: A joint resolution (H. Res. 239) admitting free of duty needlework and similar articles imported by New York Association of Sewing Schools for exhibition purposes—to the Committee on Ways and Means.

By Mr. MEIKLEJOHN: A memorial of the senate of the Nebraska legislature, in favor of the independence of Cuba—to the Committee on Foreign Affairs.

By Mr. SNOVER: A memorial of the Michigan legislature, asking passage of House bill No. 4339—to the Committee on Military Affairs.

By Mr. ANDREWS: A memorial of the Nebraska State senate, relating to Cuban independence—to the Committee on Foreign Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. CROWTHER: A bill (H. R. 10159) granting a pension to Mary Wesley—to the Committee on Invalid Pensions.

By Mr. HULICK: A bill (H. R. 10160) for the relief of Capt. Philip G. Temple—to the Committee on Invalid Pensions.

By Mr. HURLEY: A bill (H. R. 10161) for the relief of the heirs of Catharine Gillin—to the Committee on War Claims.

By Mr. HYDE: A bill (H. R. 10162) granting a pension to Lieut. Col. Ogden Street—to the Committee on Invalid Pensions.

By Mr. PICKLER: A bill (H. R. 10163) to remove the charge of desertion from the military record of John W. Alloway—to the Committee on Military Affairs.

By Mr. SULLOWAY: A bill (H. R. 10164) to increase the pension of Jeremiah Hackett—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 10165) to remove the charge of desertion against Benjamin F. Dayton—to the Committee on Military Affairs.

By Mr. ANDREWS: A bill (H. R. 10166) granting a pension to Clinton Ayres—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL of Colorado: Petition of citizens of Pueblo County, Colo.; also petition of miners of Crested Butte, Colo., protesting against the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. CURTIS of Iowa: Petition of 2,457 citizens, comprising business and professional men, of Davenport, Iowa, for the passage of proper legislation repealing the provision in sundry civil bill for the fiscal year ending June 30, 1896, requiring the War Department to collect a rental or toll from the Tri-City Railway Company on its cars running over the Rock Island Bridge—to the Committee on Military Affairs.

Also, petition of D. S. Fairchild, M. D., against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of faculty of Stevens Institute of Technology, Hoboken, N. J.; president of Luther College, Decorah, Iowa; president of Carleton College, Northfield, Minn.; president of Wheaton College, Wheaton, Ill.; dean of Hamilton Theological Seminary, Hamilton, N. Y.; president of Central Tennessee College, Nashville, Tenn.; board of trustees of Western Reserve University, Cleveland, Ohio; and president of Iowa College, Grinnell, Iowa, in favor of the bill to restrict vivisection in the District of Columbia—to the Committee on the District of Columbia.

By Mr. GROSVENOR: Petitions of William A. Wayland, George Holtzer, and other citizens of Chillicothe, Ohio, protesting against the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HENDERSON: Paper from the National Association of Post-Office Clerks of Evansville, Ind., favoring the passage of House bill No. 3273, for the classification of postal clerks—to the Committee on Rules.

By Mr. PARKER: Resolutions of the Eleventh Ward Republican Club, of Newark, N. J., upon the Cuban situation, asking the granting of belligerent rights, etc.—to the Committee on Foreign Affairs.

SENATE.

THURSDAY, *January 28, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The VICE-PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. NELSON, and by unanimous consent, the further reading was dispensed with.

COAST FISHERIES OF FLORIDA.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioner of Fish and Fisheries, transmitting, in response to a resolution of February 15, 1895, a report relative to the extent and condition of the coast fisheries of Florida; which, with the accompanying papers, was referred to the Committee on Fisheries, and ordered to be printed.

ISLAND OF JAPONSKY.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of April 13, 1896, the facts concerning the location and residence of one Michael Travers upon the Island of Japonsky, in the harbor of Sitka, Alaska; which, with the accompanying papers, was ordered to lie on the table and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7864) to amend the immigration laws of the United States.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 646) granting a pension to Francis Brown;

A bill (S. 878) granting a pension to Jared S. Chamberlain;

A bill (S. 1128) granting a pension to Isabella Morrow; and

A bill (S. 3525) to provide for an examination and survey of a water route from the mouth of the jetties at the city of Galveston, Tex., through the ship channel and up Buffalo Bayou to the city of Houston, Tex.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a telegraphic communication from the governor of California, transmitting a joint resolution of the legislature of that State, praying for the passage of the Nicaragua Canal bill; which was ordered to lie on the table and to be printed in the RECORD, as follows:

CAPITOL, SACRAMENTO, CAL., *January 27, 1897.*

President of the United States Senate, Washington, D. C.:

Senate joint resolution No. 9, on the Nicaragua Canal.

Whereas there is now before Congress a bill to secure construction of the Nicaragua Canal, entitled H. R. bill No. 35, introduced by Hon. Mr. MAHON; and

Whereas the State of California, the Pacific Coast, and our entire country will be materially benefited by the beneficent work: Therefore,

Be it resolved by the senate of the State of California (the assembly concurring), That we respectfully but urgently request the Congress of the United States to enact said bill at its present session, securing to our country the great benefit of a short, cheap waterway between the Atlantic and Pacific oceans, free to all on equal terms, without discrimination, under control of the United States Government.

Resolved, That the governor of California is respectfully requested to telegraph these resolutions to the honorable President of the Senate and honorable Speaker of the House of Representatives.

JAMES H. BUDD,
Governor of California.

The VICE-PRESIDENT presented a petition of the Association of Business Men of Quincy, Ill., praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

Mr. BRICE presented the petition of Rev. W. A. Leonard, bishop of Ohio, and a petition of sundry citizens of Ohio, praying for the ratification of the pending arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Cincinnati, Ohio, remonstrating against the enactment of legislation tending to destroy the present system of ticket brokerage; which was referred to the Committee on Interstate Commerce.

He also presented the petitions of Rev. W. F. McCauley, pastor of the Fifth Presbyterian Church, of Toledo; of F. R. Pargellis, president of the Toledo Christian Endeavor Union, of Toledo; of O. W. Kurtz, superintendent of public schools of Minerva, and of the Wise Company, of Butler, all in the State of Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of sundry citizens and business men of Ohio, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of the Cincinnati Credit Men's Association, of Cincinnati; of A. B. Voorhees, of Voorhees, Miller & Co.; of Messrs. Louis Stix & Co.; of Stewart Shillito, and the National Lead Company, of Cincinnati, and of Bohm Bros. & Co., of Cincinnati, all in the State of Ohio, remonstrating against the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented the memorial of Henry Haacke, of Cincinnati, Ohio, remonstrating against the enactment of legislation to provide for the restriction of immigration; which was ordered to lie on the table.

Mr. MCMILLAN. I present the memorial of Henry Nelson Loud, of Au Sable, Mich., in relation to monetary standards. I move that the memorial lie on the table and that it be printed as a document.

The motion was agreed to.

Mr. NELSON presented a petition of the Chamber of Commerce of St. Paul, Minn., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Minneapolis, Minn., remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Minnesota National Guard Association, of Minneapolis, Minn., praying for the enactment of legislation to preserve the dignity of the American flag; which was referred to the Committee on Military Affairs.

He also presented a petition of the house of representatives of Minnesota, praying for the election of Senators by a direct vote of the people; which was ordered to lie on the table.

He also presented a memorial of the Master Car Builders' Association, remonstrating against the adoption of a metric system of weights and measures; which was referred to the Committee on Finance.

He also presented a petition of Minneapolis Division, No. 117, Order of Railway Conductors, of Minneapolis, Minn., praying for the passage of the so-called Erdman arbitration bill; of Senate bill No. 2984, relating to contempt of court; of the so-called Phillips industrial commission bill, and of the so-called antiscalper bill; which was referred to the Committee on Interstate Commerce.

Mr. CAMERON presented a petition of sundry citizens of Philadelphia, and a petition of Union Star Council, No. 204, Order of United American Mechanics, of Fernwood, Pa., praying Congress to recognize the independence of Cuba; which were ordered to lie on the table.

He also presented a petition of the leading colored citizens of Evanston, Ill., praying for the passage of the so-called Cameron resolution, relative to the condition of affairs in Cuba; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Ramey, Pa., praying for the enactment of legislation to preserve the dignity of the American flag; which was referred to the Committee on Military Affairs.

Mr. ALLISON presented a petition of the Commercial Exchange of Des Moines, Iowa, praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented a petition of the Evangelical Alliance for the United States, praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

He also presented the memorial of F. L. Douglass, of the Midland schools, of Des Moines, Iowa, and a memorial of sundry citizens of Atlantic, Iowa, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the American Association of Inventors and Manufacturers, remonstrating against the delay in furnishing better facilities for the carrying on of the business of the Patent Office; which was referred to the Committee on Patents.

He also presented a petition of sundry ministers of Gladbrook, Iowa, and a petition of the Woman's Christian Temperance Unions and the Woman's Missionary Society of Washington, Iowa, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of the National Plate Printers' Union of America, remonstrating against the enactment of legislation providing for the reduction of the salaries of Government employees; which was referred to the Committee on Civil Service and Retrenchment.

He also presented petitions of the Methodist Church of Letts, of the United Brethren Church of Letts, and of the Woman's Christian Temperance Unions and the Woman's Missionary Society of Washington, all in the State of Iowa, praying for the

enactment of legislation to raise the age of protection for girls to 18 in the District of Columbia and the Territories; which were referred to the Committee on the District of Columbia.

Mr. PLATT presented a petition of the faculty of the Hartford Theological Seminary, of Hartford, Conn., praying for the ratification of the arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

Mr. LINDSAY presented petitions of the Grand Army of the Republic in national encampment assembled in the city of St. Paul, Minn., September 4, 1896; of the Grand Army of the Republic, Department of Kentucky, of Louisville, Ky., and of the Grand Army of the Republic, Department of Nebraska, of Omaha, Nebr., praying that an appropriation be made for the construction of a national soldiers' home for the benefit of old, infirm, and disabled Union soldiers south of the Ohio River, and also for the passage of House bill No. 8589, providing for the purchase of a site for such a home on the old Lincoln farm in Larue County, Ky., and for the construction thereon of a soldiers' home for the benefit of surviving Union soldiers; which were referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Frankfort, Ky., praying Congress to recognize the independence of Cuba; which was ordered to lie on the table.

Mr. LODGE presented a petition of the Boston Fruit and Produce Exchange of Boston, Mass., praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

He also presented a petition of the New England Sabbath Protective League, Bishop R. S. Foster, D. D., LL. D., president, and Rev. M. D. Kneeland, secretary, praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. SHERMAN presented a petition of the Cleveland Paint, Oil, and Varnish Club, of Cleveland, Ohio, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented a memorial of the Freie Presse, of Chicago, Ill., remonstrating against the enactment of legislation restricting immigration; which was ordered to lie on the table.

He also presented a petition of Camp No. 7, Patriotic Order Sons of America, of Chicago, Ill., praying Congress to recognize the independence of Cuba; which was ordered to lie on the table.

He also presented the petition of William Thompson, of Chicago, Ill., praying for the establishment of Government postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Presbyterian Ministers' Association of Cincinnati, Ohio, praying for the passage of Senate bill No. 2846, to protect State antigambling laws from nullification through interstate gambling by telegraph, telephone, or otherwise, etc.; which was referred to the Committee on Interstate Commerce.

He also presented the petitions of T. P. Elam and Frank Elam, of East St. Louis; of Cordelia Kirkland, of Chicago; of J. M. Snow, of Chicago; of the Association of Business Men of Quincy, and of John E. Bradley, president of the Illinois College, of Jacksonville, all in the State of Illinois, praying for the ratification of the pending arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

He also presented petitions of tenants and business men occupying the Tacoma Building, in Chicago, Ill.; of J. W. McCauley, secretary of the National Postage Movement, of Chicago, Ill.; of Clifford & Lawton, publishers of the Upholsterer, of New York, N. Y.; of the Military Tract Press Association of Illinois, of Macomb, Ill., and of Henry W. King & Co., of Chicago, Ill., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the New Kentucky Coal Company, of Chicago; of the Durand & Kasper Company, of Chicago; of Becker, Mayer & Co., of Chicago; of the Salter Silk Company, of Chicago; of C. F. Gunther, of Chicago; of Jenkins, Kreer & Co., of Chicago; of the Phelps, Dodge & Palmer Company, of Chicago; of the Kilbourn Shoe Company, of Chicago; of the McNeil & Higgins Company, of Chicago; of M. A. Richardson, Jr., & Co., of Chicago; of George W. Trout & Co., of Chicago; of the Butler Doll Stand Company, of Chicago; of H. Cohn & Son, of Chicago; of William Wrigley, Jr., & Co., of Chicago; of John M. Locke & Co., of Chicago; of J. Witkowsky, of Chicago; of W. M. Hoyt & Co., of Chicago; of the Golden Novelty Manufacturing Company, of Chicago; of the J. H. Fenton Company, of Chicago; of the Allen B. Wrisley Company, of Chicago; of the Weber Wagon Company, of Chicago; of Mack & Co., of Chicago; of E. S. Ransom, of Chicago; of E. Hoffman, of Chicago; of the Chicago Brush Company, of Chicago; of the Union Bag and Paper Company, of Chicago, and of Bangs, Wood & Bangs, of Chicago, all in the State of Illinois, and a petition of the Florence Manufacturing Company, of Florence, Mass., praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

Mr. BURROWS. I present the petition of S. J. Willey, chairman, and Harry Whiteman, secretary, of the State central committee of the Union Republican party of Delaware, and 18 other citizens of Wilmington, Newcastle County, Del., praying for the appointment of a joint commission to inquire into the political conditions existing in that State, averring that they are not those of a republican form of government as contemplated by the Constitution of the United States. I move that the petition be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. BURROWS presented petitions of the Woman's Executive Committee of Home Missions of the Presbyterian Church of the United States of America; of the Detroit Paint, Oil, and Varnish Company, of Detroit, Mich.; of Clifford & Lawton, publishers of the Upholsterer, of New York City; of R. D. Palmer, secretary of the Leather Manufacturers' Association of New Jersey, of Newark, N. J.; of George W. Todd, president of the Diamond State Iron Company, of Wilmington, Del.; of Vail Bros., of Philadelphia, Pa.; of Yates Hickey, superintendent of the American Railway Literary Union of Philadelphia, Pa.; and of the Tobacco Board of Trade of Baltimore, Md., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. McBRIDE presented a petition signed by the pastor and 51 members of the congregation of the Evangelical Church; of the superintendent and 12 officers of the Baptist Sunday school; of the pastor and 36 members of the congregation of the Christian Church, and of the president and 8 members of the Woman's Christian Temperance Union and sundry other citizens of Dayton, Oreg., praying for the passage of Senate bill No. 2846, to protect State antigambling laws from nullification through interstate gambling by telegraph, telephone, or otherwise, etc.; which was referred to the Committee on Interstate Commerce.

Mr. MITCHELL of Wisconsin presented the petition of Rev. A. C. Grier, pastor of the Church of the Good Shepherd, of Racine, Wis., praying for the ratification of the pending treaty with Great Britain; which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Omro, Wis., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was referred to the Committee on Public Buildings and Grounds.

He also presented the petitions of A. V. Bishop, of Milwaukee; of J. S. Hart, of Racine, and of J. M. Batz, and C. B. Willis, of Sun Prairie, all in the State of Wisconsin, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HOAR. I present a petition of the American Peace Society, which is that, after a very clear and powerful statement in favor of the pending arbitration treaty, this society, which has been engaged in the cause of peace among nations for three-quarters of a century, desires that, after thorough consideration of its provisions, the Senate shall act upon the pending treaty favorably. I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. HOAR presented a petition of the New England Woman's Press Association, praying for the permanent preservation of the U. S. frigate *Constitution*; which was referred to the Committee on Naval Affairs.

Mr. PEFFER. Before the order of petitions is passed, I will state that I am daily in receipt of a large number of individual letters not in the form of petitions to Congress exactly, and yet that is the meaning of them. They are so numerous, and coming from individuals, not being put in the form of petitions, I do not feel like presenting them to the Senate, and yet I want the Senate to know that among the people of Kansas, and especially among the clerical brethren and the newspaper people, there is a strong sentiment in favor of the early ratification of the arbitration treaty.

TREASURY STATEMENT.

Mr. COCKRELL. I present a communication from the Secretary of the Treasury, transmitting a statement showing the condition of the Treasury Department March 1, 1885, March 1, 1889, and March 1, 1893. I move that the communication and statement lie on the table, and that they be printed as a document.

The motion was agreed to.

SENATOR FROM DELAWARE.

Mr. CHANDLER. I present the petition of Hugh C. Brown, chairman of the Republican State committee of Delaware and

183 others, citizens of Delaware; of the 12 Republican ward committees of the city of Wilmington, and of the Republican committees of the counties of Newcastle, Kent, and Sussex, Del., praying that the petition of Col. Henry A. Du Pont, with his claim to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895, be again investigated by the Senate, and that, on reconsideration of the case, Mr. Du Pont may be seated. I move that the petition be referred to the Committee on Privileges and Elections.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. MCMILLAN. I report back adversely, from the Committee on the District of Columbia, sundry Senate bills, and ask that they be postponed indefinitely, House bills on the same subjects-matter taking their place.

The bills were postponed indefinitely, as follows:

A bill (S. 2354) to pay the Prospect Hill Cemetery Association, of Washington, the award made under the act of December 21, 1893;

A bill (S. 3439) to authorize the Washington and Glen Echo Railroad Company to obtain a right of way and construct tracks into the District of Columbia 600 feet;

A bill (S. 3450) to amend the charters of the Eckington and Soldiers' Home and Belt railway companies of the District of Columbia; and

A joint resolution (S. R. 177) to amend section 1 of the act approved June 10, 1896, chapter 395, relating to the Eckington and Soldiers' Home Railway Company.

Mr. BACON, from the Committee on Claims, to whom was referred the bill (S. 3239) for the relief of the estate of Richard Lawson, reported it without amendment, and submitted a report thereon.

Mr. BLANCHARD, from the Committee on Indian Affairs, reported an amendment intended to be proposed to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 3569) to provide a life-saving station at or near Green Hill, on the coast of South Kingston, in the State of Rhode Island, reported it without amendment, and submitted a report thereon.

Mr. CAFFERY, from the Committee on Commerce, to whom the subject was referred, submitted a report, accompanied by a bill (S. 3614) to aid in the improvement of the navigable channel of the South Pass by closing the existing crevasse in Pass a Loutre in the Mississippi River; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 3347) to provide for the closing of the Pass a Loutre crevasse, near the mouth of the Mississippi River, reported adversely thereon; and the bill was postponed indefinitely.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the amendment submitted by Mr. BACON on the 19th instant intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. MITCHELL of Wisconsin, from the Committee on Military Affairs, to whom was referred the bill (H. R. 7906) to grant an honorable discharge to Adam Hand, as first lieutenant of Company B, One hundred and eighty-fourth Regiment Pennsylvania Infantry Volunteers, reported it without amendment, and submitted a report thereon.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (H. R. 710) to remove charge of desertion against James A. Crouch, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. SHOUP, from the Committee on Indian Affairs, to whom was referred the bill (S. 3003) for the relief of John S. Friend, of Eldorado, Kans., asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Depredations; which was agreed to.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 3613) granting a pension to Mary Macauley, widow of the late Brig. Gen. Daniel Macauley, United States Volunteers, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3584) granting a pension to Louise A. Rice, widow of Bvt. Maj. Gen. Samuel A. Rice, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6528) to increase the pension of Clara L. Nichols, widow of Bvt. Maj. Gen. W. A. Nichols, reported it with amendments, and submitted a report thereon.

Mr. PROCTOR, from the Committee on Agriculture and Forestry, to whom was referred the amendment submitted by himself on the 23d instant, intended to be proposed to the Agricultural appropriation bill, reported favorably thereon, and asked that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 7083) to prohibit the sale of intoxicating liquors in the Capitol building, and for other purposes, reported it without amendment.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (H. R. 1524) to execute the findings of the Court of Claims in the matter of William B. Isaacs & Co., reported it without amendment, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 2253) for the relief of Barzilla C. Hudson, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 9666) to correct and amend the military record of John Long, late private, Company H, Thirty-first Regiment Missouri Volunteers, reported it with an amendment, and submitted a report thereon.

Mr. PETTIGREW, from the Committee on Public Lands, to whom was referred the bill (S. 3551) to authorize the entry and patenting of lands containing petroleum and other mineral oils under the placer-mining laws of the United States, reported it without amendment.

Mr. FRYE, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. GRAY on the 27th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. 9734) to provide an American register for the bark *E. C. Mowatt*, of Philadelphia, Pa., reported it without amendment.

Mr. FRYE. I ask unanimous consent that the bill just reported may take the place of Order of Business 1302, being the bill (S. 3398) to provide an American register for the bark *E. C. Mowatt*, of Philadelphia, Pa., and that the Senate bill be indefinitely postponed.

The VICE-PRESIDENT. In the absence of objection, it is so ordered.

PORTLAND (ME.) QUARANTINE STATION.

Mr. FRYE. I am instructed by the Committee on Commerce, to whom was referred the bill (S. 2308) providing for the purchase by the Government of the quarantine station at Portland, Me., to report it favorably, with amendments. I ask unanimous consent that the bill may now be considered. It is very warmly recommended by the Secretary of the Treasury and by the Surgeon-General of the Marine-Hospital Service, and in order to have it of any use at the present session it ought to go shortly to the other House, if it is to be passed at all.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments of the committee were, in section 2, line 8, to strike out "1896" and insert "1897," and in line 10 to strike out "1897" and insert "1898;" so as to make the section read:

That the sum of $12,000 be, and is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, of which $6,000, or so much thereof as may be necessary, shall be applied for the purchase of said quarantine establishment, and $6,000, or so much thereof as may be necessary, for the maintenance of same during the remainder of the fiscal year ending June 30, 1897, and the fiscal year ending June 30, 1898.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ST. PAUL, MINNEAPOLIS AND MANITOBA RAILWAY.

Mr. PETTIGREW. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 3603) to extend the time for the completion of the St. Paul, Minneapolis and Manitoba Railway Company through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian reservations in the State of Minnesota, to report it favorably without amendment.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill just reported.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 3615) to grant increase of pension to John Walker; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 3616) granting a pension to Peter J. Osterhaus, a brigadier-general in the Union Army in the late rebellion; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CALL introduced a bill (S. 3617) granting a pension to Jack Clifford; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. JONES of Arkansas submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed, and referred, with the accompanying petition, to the Committee on Indian Affairs.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. CARTER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

REBECCA GILBERT.

On motion of Mr. GALLINGER, it was

Ordered, That the Secretary of the Senate be, and he is hereby, directed to withdraw from the files of the Senate all papers filed in connection with Senate bill 2933, granting a pension to Rebecca Gilbert, and forward them to her at Ada, Ohio.

PACIFIC RAILROAD LIENS.

Mr. ALLEN. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Committee on Pacific Railroads be, and they are hereby, instructed to inquire and report to the Senate whether the executive department has, by existing law, authority to foreclose the Government mortgage or lien on the Union Pacific and Kansas Pacific railroads, or either of them, and sell the property and assets thereof, without additional legislation, and inquire and report what authority, if any, the President of the United States or the Attorney-General may possess to contract with any person or persons in advance of a foreclosure and sale of such property, or any part thereof, respecting the amount that shall be bid by contemplated purchasers, and whether it is not the duty of the President under existing law, before causing a foreclosure of such mortgage or lien, to direct the Secretary of the Treasury to "redeem or otherwise clear off all the paramount liens, mortgages, or incumbrances upon such property by paying the sums lawfully due in respect thereof, out of the Treasury;" and that in the meantime, and pending the report of the Committee on Pacific Railroads, the Attorney-General be, and he is hereby, directed to refrain from entering into any further or additional stipulations or agreements respecting the sale of said property or any portion thereof, or any fund arising therefrom, or in any manner belonging thereto or connected therewith.

Mr. ALLEN. Before the request for present consideration is submitted to the Senate, I desire to say a few words in explanation of the resolution.

On the 23d of this month the Senate adopted a resolution calling for information from the Attorney-General respecting a stipulation he had entered into with the reorganization committee of the Union Pacific Railroad Company as to the minimum amount that should be bid by them for the Union Pacific in the event of a foreclosure and sale of that property.

The response of the Attorney-General to the resolution is found in Document No. 83, second session Fifty-fourth Congress, and I will read from it briefly. I read the letter of the Attorney-General in response to the resolution. It is as follows:

DEPARTMENT OF JUSTICE, *Washington, D. C., January 23, 1897.*

SIR: I have the honor, pursuant to the Senate resolution of this date, to say that an agreement has been made with what is commonly known as the reorganization committee of the Union Pacific Railway Company respecting the foreclosure of the Government lien on property of said company. I transmit herewith a copy of the letter of the President of the United States under authority of which the agreement was made and foreclosure proceedings have been commenced, and copies of the correspondence which embodies the agreement.

The names of the gentlemen who comprise the reorganization committee are as follows: Louis Fitzgerald, chairman; Jacob H. Schiff, T. Jefferson Coolidge, jr., Chauncey M. Depew, Marvin Hughitt, Oliver Ames, 2d.

These papers set forth all the information called for by the resolution.

After the closing of the agreement I designated the United States Trust Company of New York as the depositary, and thereupon, upon the 21st instant, the sum of $4,500,000 was deposited therein in conformity with the terms of the agreement. The certificate representing such deposit is now in the hands of the Secretary of the Treasury.

I have the honor to be, with great respect, your obedient servant,

JUDSON HARMON,
Attorney-General.

The PRESIDENT OF THE SENATE.

Accompanying this is a letter from the President of the United States to the Attorney-General, as follows:

EXECUTIVE MANSION, *Washington, January 12, 1897.*

DEAR SIR: The bill which has been for some time pending before the Congress, providing for the adjustment and extension of the indebtedness of the Pacific railroads to the Government of the United States has been defeated in the House of Representatives.

In the case of the Union Pacific Railroad and the Kansas Pacific Railroad, a default in the payment of their indebtedness having occurred, and suits having been commenced for the foreclosure of the lien upon said roads which is paramount to the lien and security of the United States, you are hereby directed, pursuant to the provisions of an act of Congress passed March 3, 1887, after taking such precautions and perfecting such arrangements as are possible to assure as far as practicable the payment of their indebtedness to the Government as a result of the suits now pending or others to be instituted, to take such proceedings in the courts as shall be needful to protect and defend the rights and interests of the United States in respect of such indebtedness, and to take steps to foreclose the mortgages or liens of the United States upon the property of these railroad companies.

In the case of the other aided Pacific railroads as to which no foreclosure suits are pending, a different situation is presented, which requires further consideration before deciding the course to be taken by the Government.

Yours, truly,

GROVER CLEVELAND.

Hon. JUDSON HARMON,
Attorney-General of the United States.

The Attorney-General sets out in a letter to Louis Fitzgerald, chairman of the reorganization committee, of No. 120 Broadway, New York, certain modifications he insists on being put in the stipulation that was subsequently entered into between the Attorney-General and the reorganization committee respecting the price that is to be paid for these properties in the event of foreclosure and sale. It is sufficient to state that the Attorney-General insisted upon $45,754,059.99 instead of $45,000,000 offered by the reorganization committee.

Mr. President, as I understand the stipulation between the Attorney-General and the reorganization committee, as far as I can gather it from this document, it embraces the subject of a sale of the Union Pacific and Kansas Pacific railroads in their entirety—the roadbed, the right of way, the terminal facilities, the sinking fund, the lands granted in aid of their construction that have not yet been disposed of, and all the securities that are held for lands that have been contracted; in other words, that the reorganization committee, or those for whom they may act by virtue of the purchase to be made, will be subrogated to all the rights of the present corporations.

Without detaining the Senate any length of time on this matter, it is sufficient for me to say that the sinking fund alone amounts to $14,000,000 or $15,000,000, and that is secured, I understand, in the form of Government bonds. The lands granted in aid of the construction of these roads amount to about 18,000,000 acres. Many of them have been contracted to be sold to private individuals and corporations, but the contracts or securities for unpaid balances are yet the property of the corporation.

A dispute has arisen also respecting the terminal facilities of the roads, and especially of the Union Pacific. The Union Pacific occupies and owns a large bridge at Omaha across the Missouri River, costing many thousands of dollars to construct; it owns valuable terminal facilities at Council Bluffs, Iowa; and altogether it is highly important that Congress should know exactly what is to be conveyed by the decree of foreclosure when entered. The resolution which I have just offered calls for information through the Committee on Pacific Railroads respecting all these matters, so that Congress can act intelligently upon the subject when it comes before it.

There is another thing, Mr. President, and a very important matter, in connection with the resolution, and I desire to call particular attention to it. The President of the United States has directed the Attorney-General to foreclose and protect by legal proceedings the interests of the United States in these properties. He does that by virtue of the act of Congress of March 3, 1887, found on pages 488 to 492, inclusive, of the twenty-fourth volume of the United States Statutes at Large, as he says. The only portion of the act which bears on the question now before the Senate is found in section 4, and I will read it:

SEC. 4. That whenever, in the opinion of the President, it shall be deemed necessary to the protection of the interests and the preservation of the security of the United States in respect of its lien, mortgage, or other interest in any of the property of any or all of the several companies upon which a lien, mortgage, or other incumbrance paramount to the right, title, or interest of the United States for the same property, or any part of the same, may exist and be then lawfully liable to be enforced, the Secretary of the Treasury shall, under the direction of the President, redeem or otherwise clear off such paramount lien, mortgage, or other incumbrance by paying the sums lawfully due in respect thereof out of the Treasury; and the United States shall thereupon become and be subrogated to all rights and securities theretofore pertaining to the debt, mortgage, lien, or other incumbrance in respect of which such payment shall have been made. It shall be the duty of the Attorney-General, under the direction of the President, to take all such steps and proceedings, in the courts and otherwise, as shall be needful to redeem such lien, mortgage, or other incumbrance, and to protect and defend the rights and interests of the United States in respect of the matters in this section mentioned, and to take steps to foreclose any mortgages or liens of the United States on any such railroad property.

The important thing in this section is the first duty it imposes on the President of the United States, and that is, that whenever the lien of the United States upon any of these bond-aided roads is imperiled in any respect, it shall be the duty of the President of the United States not to direct the Attorney-General to foreclose, but to direct the Secretary of the Treasury to redeem or clear off, to use the language of the statute, the title of the superior lien holder.

Mr. President, if you were upon the bench and the question were submitted to you, you would hold that the first duty incumbent upon the President or incumbent upon the trustee, whoever he might be, would be to protect the second lien holder by a redemption of the property from the lien of the first lien holder. You could

not, in a proper construction of that statute, direct a foreclosure of the mortgage on the Government lien without taking steps to subrogate the United States or the interest of the second lien holder to the interests of the first lien holder. Has the President of the United States taken any steps to cause the first liens to be paid off? Not a thing has been done, as I understand it, and I regret the chairman of the committee is not present this morning to hear what I say. There is no pretense that the President of the United States or the Secretary of the Treasury has made any effort to redeem this property. I will not go further and say that no effort of that kind will be made, but I do say that it is the duty of the President of the United States—and he should be bound by the law as much as the humblest citizen of the land—to direct the Secretary of the Treasury to redeem these properties strictly in accordance with section 4 of the act quoted. It is important for us to know whether that has been done. It is important for us to know whether that will be done or not.

Suppose, in a proceeding to foreclose the Government lien by the Attorney-General, parties defendant should in their answer, or in their plea, or in whatever form the question might arise, say that the power, under the statute, of the Attorney-General to foreclose was dependent upon a compliance or an attempt to comply in the first instance with the first provision of the section, would it not be a good defense, because he only has power to foreclose the lien after the Secretary of the Treasury has exhausted the duties imposed upon him or required to be performed by him under the law?

The right of the Attorney-General to foreclose is a secondary right dependent upon the fulfillment of, or at least an honest attempt to fulfill, the first provisions of the section.

Mr. BACON. I should like to ask the Senator from Nebraska whether the law prescribes that specifically or whether that is his conclusion from the reading of it?

Mr. ALLEN. I will read the section again for the benefit of the Senator from Georgia, or that portion of it bearing on this question, and he can draw his own conclusion:

SEC. 4. That whenever, in the opinion of the President, it shall be deemed necessary to the protection of the interests and the preservation of the security of the United States in respect of its lien, mortgage, or other interest in any of the property of any or all of the several companies upon which a lien, mortgage, or other incumbrance paramount to the right, title, or interest of the United States for the same property, or any part of the same, may exist and be then lawfully liable to be enforced, the Secretary of the Treasury shall, under the direction of the President, redeem or otherwise clear off such paramount lien, mortgage, or other incumbrance by paying the sums lawfully due in respect thereof out of the Treasury.

The language is mandatory.

Mr. BACON. Then does the provision for foreclosure follow that?

Mr. ALLEN. The provision for foreclosure follows that, it is true, but certainly the Senator from Georgia will not claim that the President has power to direct a foreclosure by the Attorney-General without first having attempted to comply with the provisions of the statute I have just read.

Mr. BACON. The Senator will not understand me as taking issue with him from the fact that I am asking him a question.

Mr. ALLEN. Oh, no; I do not.

Mr. BACON. I am asking it that I may be enlightened.

Mr. CLARK. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Wyoming?

Mr. ALLEN. Certainly.

Mr. CLARK. I ask the Senator to yield simply for a question. I should like to ask the Senator if in his judgment the statute which he has just read bars the United States from the right to foreclose upon these roads without first paying off the prior liens?

Mr. ALLEN. No, Mr. President; I do not take any position of that kind. I do take the position, however, that if the President of the United States obeys the law as you and I are required to obey it, he will direct the Secretary of the Treasury to redeem the prior lien and carry out the mandatory provision of the law.

Mr. CLARK. Then I understand the Senator to take the position that no foreclosure should be attempted by the Executive of the United States until the United States has first paid in full, out of the money in the Treasury and the money of the people, the prior liens upon the road.

Mr. ALLEN. Either paid in full or made an honest attempt to pay in full. That is my position.

Mr. CLARK. We certainly could pay them if we made the attempt. I can not believe that the Senator wants the Government of the United States to pay out of the Treasury of the United States all the money that is due on the first-mortgage liens upon the road before the Government shall take action to foreclose. I can not believe that, because I know the Senator from Nebraska is an eminent jurist and a friend of the people of the United States.

Mr. ALLEN. I wish the Senator from Wyoming could believe it.

Mr. PLATT. Mr. President, may I——

Mr. ALLEN. Let me answer the Senator from Wyoming, and then I will yield. There is nothing, Mr. President, in this bluster that the "Senator from Nebraska" can not believe that the President ought to pay out of the money in the Treasury a sufficient amount to redeem these properties from the superior liens. Mr. President, that is the plain mandatory language of the law. It says the President of the United States shall direct the Secretary of the Treasury to redeem these properties, and it says he shall direct him to redeem the properties out of the money in the Treasury of the United States. If the policy laid down in the statute is wrong, it was for Congress to determine that fact when the statute was enacted.

The Senator from Wyoming may excuse his conscience if he desires to; he may excuse the President of the United States from a failure to comply with the law if he sees proper; he may characterize me in ironical terms if he sees fit; I care nothing for either, nor for the language he may use regarding me. I say there is no honest man on the face of the earth, not moved by personal or party motive, who can construe the language of section 4 of the statute in any other way than that it is the bounden duty of the President of the United States to cause the Secretary of the Treasury to redeem these properties out of money in the Treasury. All through the statutes, the history of these roads, from 1862 down to the present time, there runs the thought that it would be the duty and the province of the Government to take these roads and own and operate them, and I challenge the Senator from Wyoming or any other Senator to dispute that statement. I now yield to the Senator from Connecticut.

Mr. PLATT. I thought I would like to get the Senator's opinion on the true construction of the statute, because it has, I will say very plainly, troubled me. The last clause in the section, as the Senator knows, is this:

And to take steps to foreclose any mortgages or liens of the United States on any such railroad property.

What I wish to inquire of the Senator is whether he thinks or does not think that that gives the President a definite and independent power as disconnected from what has gone before it?

Mr. ALLEN. The Senator from Connecticut knows quite well that he can not disconnect sentences and sections of an act bearing upon a given subject; that they must be construed in pari materia. Now, look at the provisions of the act——

Mr. PLATT. It is simply the question whether he has both remedies or whether it is all one remedy.

Mr. ALLEN. That is, whether it furnishes remedies in the alternative or not?

Mr. PLATT. Yes.

Mr. ALLEN. It is not couched in the language of the alternative. Following what I read some time ago, after the Secretary is required to redeem, the section says:

And the United States shall thereupon become and be subrogated to all rights and securities theretofore pertaining to the debt, mortgage, lien, or other incumbrance in respect of which such payment shall have been made.

The payment must be made by the Secretary of the Treasury out of money in the Treasury, and the Government by force of the fact becomes subrogated to all the rights of the prior lien holders. Suppose it should appear that the Government of the United States is not in a condition to make and can not, by force of circumstances which can not be removed, make the redemption, then I admit under such circumstances, if the Government can not comply with the first requirements of that section, independent of the statute and by force of law that exists outside of statutes, the Government would have a right to go into the courts of equity of the country and foreclose the mortgages.

Mr. PLATT. If the Senator will permit me, the statute having provided for the redemption of the prior mortgage under the clause which the Senator read, then there is a period, and it proceeds to say:

It shall be the duty of the Attorney-General, under the direction of the President, to take all such steps and proceedings, in the courts and otherwise, as shall be needful to redeem such lien, mortgage, or other incumbrance, and to protect and defend the rights and interests of the United States in respect of the matters in this section mentioned, and to take steps to foreclose any mortgages or liens of the United States on any such railroad property.

Mr. ALLEN. Yes.

Mr. PLATT. The question which I confess has troubled me is whether that authorizes the President to direct the Attorney-General to make foreclosure when there has been no prior effort to redeem the prior mortgage. I think that it does, but I am not sure about that.

Mr. ALLEN. Let me put to the Senator from Connecticut a question, and let us see if that does not come pretty nearly interpreting this statute as it ought to be interpreted. Suppose the Secretary of the Treasury should attempt to make the redemption contemplated in this act, and the holders of the first-mortgage lien refuse to receive the money in redemption, as they would clearly have a right to if they saw fit in that case, the President is given authority to direct the Attorney-General to foreclose the lien and protect the interest of the Government. But the Senator from

Connecticut will not deny that the Government of the United States, through the executive department, would have that power, entirely apart from the provision of the statute. But how can the President excuse himself and how can the Senator from Connecticut excuse the President from following out the mandatory provision of this law, which says he shall direct the Secretary of the Treasury to redeem from the first liens with money in the Treasury?

Mr. PLATT. I am not trying to excuse the President. As the Senator will remember, I was simply desiring to get his opinion as to the construction of the statute, to which he has given a great deal more attention than I have. The proper construction of the statute has troubled me a good deal, and I wanted to know what the Senator thought about it.

Mr. ALLEN. I hold this to be the true construction of this statute: First, that the President of the United States shall require the redemption of these properties from the first lien holders by money out of the Treasury, if that can be done; and if it can not be done, or the holders of the first lien will not receive their money and the properties are becoming impaired in any respect, it is the duty of the President to direct the Attorney-General to foreclose the lien and preserve the properties by the appointment of receivers, or in any other usual form known to courts of equity. But he can not, Mr. President, I repeat it, justify himself in the eyes of the world if he fails to fulfill the law of the country and ignores the first provision of the statute. I understand well he may stand out doggedly and say, "I will not," and, in the language of Boss Tweed, ask, "What are you going to do about it?" I can understand that mental attitude of the President of the United States, but if he is a faithful servant of the people, if he has registered an oath to see that the laws of this country are fulfilled, he can not comply with the full requirement of that oath without causing the provision of this act, among others, to be carried into effect.

There is another important matter, and I will notice it just a moment, and that is the power of the Attorney-General to enter into a stipulation with specified persons respecting the sale of property that has not yet been foreclosed and offered for sale. Of course the Attorney-General is much more of a lawyer than I am, but I have never yet heard of a complainant, before his lien was foreclosed upon property, and where the sale by force of law must be public to all bidders who may see proper to bid, going to private individuals and entering into a stipulation for the sale of the property at marshal's sale, and, as my friend from Georgia [Mr. BACON] says, at 50 cents on the dollar, or any other sum. It is not 50 cents on the dollar in this case. If you will take the terminal facilities of these roads; if you will take their bridge privileges; if you will take the sinking fund, amounting to millions of dollars—$17,000,000, says the Senator from New Jersey [Mr. SMITH]—and their equity in the 18,000,000 acres of land which were granted in aid of their construction, the bid is not 35 cents on the dollar, in my judgment. Who ever heard of the complainant, before his mortgage was foreclosed, going to a private individual or corporation and entering into a written contract, fixing the price the marshal should receive for the property? Yet that is exactly what has been done here by the Attorney-General.

Mr. President, these proposed purchasers, the reorganization committee, at the head of which Mr. Fitzgerald stands, wanted the Attorney-General to exact of any other proposed purchaser—fearing that there might be other purchasers or proposed purchasers—a stipulation to advance a certain amount in cash as a condition precedent to their right to bid. The Attorney-General could not accept that condition. That is one thing he would not do.

Here is this property that is to be put up at auction and sold according to a decree at marshal's sale, contracted in advance of the entering of the decree, contracted in advance of the making up of the issues in the case, contracted in advance of the taking of testimony in the case, to specified individuals, or to a specific organization, by the Attorney-General, and without law or authority in the Executive authorizing it.

Mr. President, Congress has jurisdiction of this matter; it belongs to the legislative department of this Government; and yet if this precedent of the President of the United States is to be followed, and his action is to go unrebuked by Congress, these properties, amounting to one hundred and thirty or one hundred and forty million dollars, will be taken completely out of the control of Congress and left with the Attorney-General and whomsoever he may see fit to dicker with on the subject, and we will have nothing to say about it. We have recently been deprived of the privilege of legislating respecting Cuba. The distinguished gentleman standing at the head of the State Department has taken that matter out of our jurisdiction; he has taken out of our jurisdiction control of our relations with Great Britain; all our foreign relations have passed from Congress to the President and Secretary of State; and now our domestic relations, our internal affairs, are to be taken away from Congress by an Executive order of the President of the United States to the Attorney-General, and seemingly without a protest.

The VICE-PRESIDENT. The Senator from Nebraska asks unanimous consent for the present consideration of the resolution which has been read. Is there objection?

Mr. HOAR. I desire to give that unanimous consent if it is the purpose of the Senator from Nebraska to have the resolution referred or disposed of without further debate, and on that condition, but I shall not give unanimous consent for the further debate of the question.

Mr. THURSTON obtained the floor.

Mr. GEAR. I wish to give notice that, at the conclusion of the remarks of the Senator from Nebraska [Mr. THURSTON], I shall request that the resolution go over until to-morrow under the rule.

Mr. ALLEN. Let me suggest to the Senator, why not let the resolution be adopted and go to his committee now?

Mr. GEAR. I should prefer to examine it.

Mr. ALLEN. May it not stand so that it may come up in the morning as unfinished business?

Mr. GEAR. I should object to that. I shall ask at the conclusion of the remarks of the Senator from Nebraska that the resolution go over.

Mr. THURSTON. I was only about to state, Mr. President, that I desire the indulgence of the Senate to ask that the resolution go over until to-morrow, as before it goes to the committee I desire to address the Senate on the subject-matter.

The VICE-PRESIDENT. The resolution will go over under the rule.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 26th instant, approved and signed the following acts and joint resolution:

An act (S. 319) for the relief of telegraph operators who served in the war of the rebellion;

An act (S. 1725) authorizing the Kansas City and Gulf Railway Company to construct and maintain a bridge across the Red River at the city of Alexandria, La.;

An act (S. 3071) to authorize the construction of a bridge over the Monongahela River, from the borough of Braddock to the town of Mifflin, Pa.; and

The joint resolution (S. R. 133) authorizing Surg. P. M. Rixey, of the Navy, to accept from the King of Spain the grand cross of naval merit with the white distinction mark, in recognition of services rendered to the officers and sailors of the *Santa Maria*, who were injured by an explosion on that ship.

The message also announced that the President of the United States had, on the 27th instant, approved and signed the following acts:

An act (S. 637) granting a pension to George M. Brooks;

An act (S. 937) granting an increase of pension to Sarah E. Comly, widow of Maj. Clifton Comly;

An act (S. 1690) granting a pension to Richard Brookins;

An act (S. 2008) granting a pension to Fanny Moale Gibbon;

An act (S. 3182) granting a pension to Susan E. Cunningham; and

An act (S. 3375) authorizing the construction of a bridge across the Columbia River, in the State of Washington.

PROPOSED RESTRICTION OF IMMIGRATION.

Mr. LODGE submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendment to the bill H. R. 7864, "An act to amend the immigration laws of the United States," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment, and agree to the House bill with amendments as follows:

Strike out in the first section all after the words "admission to the United States the following" and insert the following:

"All persons physically capable and over 16 years of age who can not read and write the English language or the language of their native or resident country; but a person not so able to read and write who is over 50 years of age and is the parent or grandparent of a qualified immigrant over 21 years of age and capable of supporting such parent or grandparent may accompany such immigrant, or such a parent or grandparent may be sent for and come to join the family of a child or grandchild over 21 years of age, similarly qualified and capable."

Strike out the present section 2 and insert a new section, as follows:

"SEC. 2. For the purpose of testing the ability of the immigrant to read and write, as required by the foregoing section, the inspection officers shall be furnished with copies of the Constitution of the United States, printed on numbered uniform pasteboard slips, each containing not less than 20 nor more than 25 words of said language, and the immigrant may designate the language in which he prefers the test shall be made. Each immigrant shall be required to draw one of said slips from the box and read, and afterwards write out, in full view of the immigration officers, the words printed thereon. Each slip shall be returned to the box immediately after the test is finished, and the contents of the box shall be shaken up by an inspection officer before another drawing is made. No immigrant failing to read and write out the slip thus drawn by him shall be admitted, but he shall be returned to the country from which he came at the expense of the steamship or railroad company which brought him, as now provided by law. The inspection officers shall keep in each box at all times a full number of said printed pasteboard slips, and in the case of each excluded immigrant shall keep a certified memorandum of the number of the slip which the said immigrant failed to read or

copy out in writing. If in any case from any unavoidable cause the foregoing slips are not at hand for use, the inspection officers shall carefully and thoroughly test the ability of the immigrant to read and write, using the most appropriate and available means at their command; and shall state fully in writing the reasons why the slips are lacking, and describe the substitute method adopted for testing the ability of the immigrant."

Strike out the present section 3 and insert a new section, as follows:

"SEC. 3. That the provisions of the act of March 3, 1893, to facilitate the enforcement of the immigration and contract-labor laws, shall apply to the persons mentioned in section 1 of this act."

Strike out present sections 4, 5, and 6 and insert as follows:

"SEC. 4. That it shall hereafter be unlawful for any male alien, who has not in good faith made his declaration before the proper court of his intention to become a citizen of the United States, to be employed on any public works of the United States, or to come regularly or habitually into the United States by land or water for the purpose of engaging in any mechanical trade or manual labor, for wages or salary, returning from time to time to a foreign country.

"SEC. 5. That it shall be unlawful for any person, partnership, company, or corporation knowingly to employ any alien coming into the United States in violation of the next preceding section of this act: *Provided*, That the provisions of this act shall not apply to the employment of sailors, deck hands, or other employees of vessels, or railroad train hands, such as conductors, engineers, brakemen, firemen, or baggagemen, whose duties require them to pass over the frontier to reach the termini of their runs, or to boatmen or guides on the lakes and rivers on the northern border of the United States.

"SEC. 6. That any violation of the provisions of sections 4 and 5 of this act by any alien or citizen shall be deemed a misdemeanor, punishable by a fine not exceeding $500, or by imprisonment for the term of not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That all persons convicted of a violation of section 4 of this act shall be deported to the country whence they came.

"SEC. 7. That notwithstanding the provisions of this or any other existing law, the Secretary of the Treasury may permit aliens to enter this country for the purpose of teaching new arts or industries under such rules and regulations as he may provide."

Add a new section, as follows:

"SEC. 8. That this act shall not apply to persons arriving in the United States from any port or place in the Island of Cuba, during the continuance of the present disorders there, who have heretofore been inhabitants of that island."

Insert a new section, as follows:

"SEC. 9. That any alien who shall, in violation of this act, or any other existing law, secure entry into the United States without inspection or examination, or through mistake, misrepresentation, collusion, deception, or fraud, may be taken into custody by the properly authorized immigration officers within thirty days after the facts become known to them; and such alien, upon a special inquiry at the most convenient place, conducted according to section 5 of the immigration act of March 3, 1893, shall be dealt with as provided by law for alien immigrants upon their first arrival."

Strike out the present section 7 and insert as follows:

"SEC. 10. That this act shall take effect July 1, 1897."

HENRY CABOT LODGE,
WM. E. CHANDLER,
CHAS. J. FAULKNER,
Managers on the part of the Senate.

L. DANFORD,
STANYARNE WILSON,
Managers on the part of the House.

Mr. HALE. Does the Senator desire to ask for the consideration of the report at this time?

Mr. LODGE. No; I do not propose to call it up at present. Let it be printed for the information of the Senate, and I shall call it up at a later time, after it shall have been printed.

The VICE-PRESIDENT. The report will be printed and go over.

Mr. GORMAN subsequently said: I ask consent that House bill 7864, which is the immigration bill, on which a conference report was submitted to the Senate to-day, shall be printed as it would stand if the conference report were adopted, so that we may understand the entire provisions of the bill. It has gone over until to-morrow, and the printed bill can be here by to-morrow morning.

Mr. CHANDLER. I supposed that was understood in the order which the chairman of the committee obtained.

Mr. GORMAN. I think not. I think the order embraced only the ordinary conference report, but I desire now to have the bill printed as it would stand if the conference report were adopted.

Mr. CHANDLER. I hope that will be done, Mr. President.

The VICE-PRESIDENT. In the absence of objection, it is so ordered.

INTERNATIONAL MONETARY CONFERENCE.

Mr. CHANDLER. I move that the Senate proceed to the consideration of the bill (S. 3547) to provide for the representation of the United States by commissioners at any international monetary conference hereafter to be called.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. CHANDLER. Mr. President, this bill represents a new movement beginning in the United States for the establishment of bimetallism, the unlimited coinage of silver and gold as standard money.

The provisions of the bill are in the form desired by its friends; substantially in the language of three previous authorizations under which United States delegates were appointed to international monetary conferences, and of one under which no action was taken.

It simply authorizes the coming President to appoint delegates to any conference which may be called by the United States or any other nation, and provides for paying their expenses.

It does not compel the President to initiate an international conference, whether the time has arrived and due preparations have been made for it or not; and it is not desirable that such compulsion should be ordered. The responsibility for action or nonaction will be his, and there need be no desire to take it from him in view of his utterance upon accepting the nomination of his party, namely:

The Republican party has declared in favor of an international agreement, and if elected President it will be my duty to employ all proper means to promote it.

The bill does not name the place where a conference must be held, but leaves that question to be settled according to the preferences of the nations which are to participate in it, and to the convenience of the greater number of the delegates. It would be exceedingly unwise to absolutely require that the conference shall be held in the United States.

The bill does not undertake to declare what the action of this Government will be in case the conference shall fail to establish bimetallism. To insert a legislative provision that in such an event the United States alone will proceed to the free coinage of silver would necessarily prevent a successful outcome of the conference if one ensues, and, moreover, would certainly defeat the passage of this bill through both Houses and its signature by the President. It would be as complete a rejection of the bill as would be a vote of the Senate to indefinitely postpone it, and the responsibility for the first defeat of the new movement for bimetallism would fatally rest upon those who claim to be the special champions of silver.

Mr. President, this bill for an international bimetallic conference has been deliberately presented in a body a majority of whose members are well known to be in favor of the free coinage of silver by the United States independently of other nations, and who believe that no successful result will come from the conference. But it is presented to them in the belief and after the assurance that they are not unwilling to allow the experiment to be again tried, under favorable auspices, and with a universal hope that it may secure the adoption of a system of bimetallism by the leading commercial nations of the world.

Mr. TURPIE. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Indiana?

Mr. CHANDLER. I do.

Mr. TURPIE. I desire to ask the Senator from New Hampshire if the bill provides for a time for the meeting of the conference?

Mr. CHANDLER. It does not provide any time for holding the conference or where the conference shall be held, or that the conference shall be held within a particular time. It leaves the whole subject in the discretion of the incoming President.

This bill is also presented, Mr. President, in the form which is preferred by the friends of the measure who have faith that it will prove useful, effective, and successful in its great purpose. It depends for its passage upon the votes of those Senators who have no such faith. They can defeat it by direct votes against it. They can defeat it by amendments destructive of any hopeful scheme for an international agreement. Such a result, Mr. President, I do not, I will not, anticipate, but will ask in the public interest for the speedy and unanimous adoption of the bill as it is now proposed for the consideration and decision of the Senate.

Mr. President, I have little more to add to what I have said, except to say that I think the Senator from Utah [Mr. CANNON], upon reflection, will withdraw his amendment and will not ask a vote of the Senate thereon. The Senator's proposition is that the conference shall be held in the United States. It is perfectly well known that the Western Hemisphere is for bimetallism; all the countries of North and South America—certainly south of Canada—are in favor of the use of silver as standard money. They all concur with the desire of the bimetallists of the United States in favor of bimetallism. What is desired is that we shall convince the great and wealthy nations of Europe that it is important to return to the free coinage of silver under a fixed ratio and in accordance with the principles of bimetallism. There are ten——

Mr. BACON. Will the Senator allow me?

Mr. CHANDLER. In one second. There are ten nations of Europe whom it is desirable to have participate in an international conference.

Now I yield to the Senator from Georgia.

Mr. BACON. I desire to ask the Senator from New Hampshire whether he understands that this bill, if it shall be passed in the form introduced by him, will confer upon the President of the United States the authority to call such a conference if he decides that it is advisable to do so?

Mr. CHANDLER. I will answer the Senator by saying that the President would beyond question have that authority. The language of the act authorizing the President to appoint commissioners to any conference called by the United States or any other

nation, and appropriating $100,000 for the expenses of the conference, gives the authority to the President of the United States, which he will not hesitate for a moment to exert if he believes that the conference ought to be called.

Mr. BACON. I will ask the Senator—as it might be a question upon which lawyers might differ, as to whether or not that power is conferred under the present language—if there is any objection to specifically saying that "the President of the United States is hereby clothed with authority, in his discretion, to call such a conference?"

Mr. CHANDLER. If there is any need of that I should have no objection; but I say the friends of this movement have conned the language of this bill with the utmost care, and they have sought to avoid all just criticism. We might have said, "at any conference called by the President of the United States," but we understood for this purpose, with this amount of money, and with this authority to appoint commissioners, the President of the United States by absolutely necessary implication has the power to call the conference.

Mr. BACON. I desire to say, Mr. President, that I am of the opinion that the measure proposed should not be hampered in any way and that those who are moving in it should not be embarrassed by the incorporation in this bill of any provision which is not agreeable to them. In other words, I desire that they shall have full opportunity to carry out the programme which they have endeavored to inaugurate. At the same time I am anxious that this bill, if it passes, shall be in such language that there shall be no doubt about the fact that the President of the United States is clothed specifically by the bill with the power to call this conference in Europe, if you please, but with power to call it, so that if it is not called there will be no doubt as to where the responsibility for nonaction rests.

Mr. CHANDLER. There can be no possible objection to having that fact appear distinctly if it is not now a necessary implication of the bill. The President not only has this money to expend and the power to appoint commissioners, but he has the power to initiate a conference.

Now, I revert, Mr. President, to the suggestion I was making in reference to the amendment of the Senator from Utah, in order to say that I do not think, under the circumstances I have suggested, it would be wise for us to ask six or ten nations of Europe to send commissioners to the United States, when it is so much more easy and more appropriate for us to send commissioners to them. I therefore hope the Senator, to whose remarks I have listened with attention, will withdraw his amendment.

I also earnestly ask my friend of a lifetime [Mr. STEWART] not to precipitate upon this bill a proposition that, if an international conference is held, it shall then be the law of the land that the free coinage of silver by the United States alone shall take place. I ask that of the Senator from Nevada, knowing that he is sincere in his advocacy of free coinage, believes it ought to be adopted for the interests of the country and the interests of mankind, and does not wish to embarrass or defeat any honest effort to accomplish the result he has so much at heart.

Mr. STEWART. Mr. President, I have no disposition to embarrass or hinder the passage of this bill. I observed in the public press that our English friends were suggesting to the Senator from Colorado [Mr. WOLCOTT] that it would be proper and necessary for the United States to first adopt free coinage in this country, and that if we did so England would enter into a negotiation with us in regard to our tariff, requiring a reduction of only 10 per cent, and then they would consider the question. It was for the purpose of bringing that suggestion to my honorable friend here, thinking perhaps he would be willing to conform to this English view of the question, that I offered the amendment; but if he does not so desire, I shall not press it.

I wish to say a word or two about the humiliating position in which this bill places the United States. My honorable friend speaks of it as a new movement, and then tells us that it is in the precise language of three other bills which have been passed. It seems to me that his own statement robs his other statement of much force. We know very well that we have been making efforts for about twenty years to secure the cooperation of Europe in establishing bimetallism. As for myself and many others, we do not believe we need their cooperation. I have never heard a reason assigned which has any foundation in fact why we do need it.

It is said that we want the money of the world; that we must have the same financial system that other countries have in order to settle financial balances. Those who make this argument ignore the fact that financial balances are never settled with money; that international trade consists of the interchange of commodities; that we buy European money with our commodities and pay them for what we buy and what we owe with European money. We do not buy French goods with American money, but we send our commodities to France and sell them for French money and with it buy French goods. France sends her commodities to this country and sells them for American money and with it buys American goods. But you say we have to send our gold. Yes; we send our gold; but we send it as a commodity, not as money. It goes there by weight; it has no function as money in Europe any more than our wheat has.

There are many grave objections to international money which ought to make us hesitate before we enter into any compact with the world to have international money. In the first place, if we had an international money that was legal tender throughout the world our business would be subject to the fluctuations and changes of every country of the world. A business man would not only have to calculate about the business of his own country, but he would have to know the world in order to guard himself against fluctuations and disturbances which might occur anywhere. The idea that commerce can not be carried on without international money is against the experience of mankind. International money never has existed, to my knowledge, except in one instance. The Latin Union in 1865 formed a compact whereby the money of France, Italy, Greece, Belgium, and Switzerland should be a legal tender throughout that combination. But those were small countries, dependent upon France and under France's protection at the time. That is the only instance I know of international money.

Money is essentially domestic. It is a great misfortune if it has to be exported and sold in other countries. We do not want to export our money. We should not make an effort to have a kind of money that can be exported as such. When we export our money we disturb our own business. We might as well export our tools and attempt to carry on farming and other vocations. If you export money you take away the tools of commerce and destroy the prosperity of our country.

The idea of an international conference to establish an international money is against experience, and will cause great inconvenience to every nation involved in the complication. We should avoid entangling alliances, if possible. This would be the worst; and we see what grows out of it. The London press say, "If we make a bargain with you in regard to finances, you must make a bargain with us in regard to the tariff." Thereby they assume to have jurisdiction in this country, to control our domestic affairs. Shall we surrender it? Shall we surrender to other countries that jurisdiction which we think so important? The Constitution enjoins upon Congress the duty "to coin money, regulate the value thereof, and of foreign coin." Shall we give that up and say we have no right to coin money according to the Constitution? We exercised that right for over seventy years with great benefit to our country, and no inconvenience to anybody.

So I am opposed to international money. I am opposed to allowing any other country to participate in our domestic affairs. I am in favor of the United States furnishing to the people an adequate supply of money. Individuals can not supply money. If they attempt it it is a criminal offense. The Government has a complete monopoly. It is a part of the sovereignty of the Government to exercise that monopoly; and here we are going to Europe to ascertain whether we can legislate for the people of the United States. We are going to Europe, to our creditors, to the creditor nations of Europe, to the money powers of Europe, to see what measure they will mete out to us—what amount of money it is to their interest for us to have. The influence of Europe has brought this country to a sad condition.

Mr. HOAR. I should like to ask the Senator from Nevada a question, if he will allow me.

Mr. STEWART. Certainly.

Mr. HOAR. I agree myself with a good deal that the Senator from Nevada has said about fixing our own money; but I should like to ask the Senator whether, after we have fixed our own money, and concluded that it is for our interest to have gold and silver at a certain ratio, and to have all that is brought to our mints coined at that ratio, it would not be a good thing if we could persuade the other nations of the world to adopt the same policy in regard to it?

Mr. STEWART. I think not.

Mr. HOAR. The Senator thinks not?

Mr. STEWART. I think not.

Mr. HOAR. Very well; there is where we differ.

Mr. STEWART. I think it would be a very bad thing. In the first place, it would rob us of the advantage of acquiring silver. Let them stick to gold. Every country on earth which now uses silver is more prosperous than it ever was in its history by reason of the abundant supply, the United States and Europe not taking it. Already Japan is threatening the markets of New England, and the reason assigned by the Japanese is cheap silver. They boast, and truthfully, that the world can not compete with them.

Take the article of coal. Thirty years ago coal was discovered there. The two metals were then at a parity. They attempted to mine it, but they could not compete with English coal sold at about $6 a ton. When, however, the divergence came between the moneys of the two countries, the Japanese reopened their coal mines, and the English were compelled to sell their coal in Japan

at a higher price in silver—first $8 per ton, then nine, and finally ten and twelve dollars a ton—to get the $6 in gold. Japan was able to mine and sell her coal for a little over $6 in her own money. Her money had remained stable. She opened her coal mines; she established a line of steamers to Bombay and another to Australia, and now she is establishing one to the United States. She reports that she can and will and is driving out English coal and all other coal from the Pacific on account of the difference of exchange. You may attempt to keep out that coal by a tariff. Suppose you put a tariff of $2 a ton on coal. How would you stand then? England could not sell any coal in the Pacific, because she could not sell it there for $4 a ton. Japan and China could sell it. Why? They would have to pay $4 in tariff duties, if the duties were paid in gold, and that would leave them $8. They can deliver it all along there for about $7 in their money.

Recently a cargo of coal came from China. It was assorted coal, different qualities—anthracite, bituminous, and other kinds of coal. It was there tested by scientists, and they reported that the anthracite coal contained as much heating power as the best anthracite that Pennsylvania produces, and that the bituminous coal was of high quality. The report is that there are unlimited coal fields in China. Wages in China and the difference in exchange will enable her to drive out entirely from the Pacific—she will compete with Japan—the gold-standard countries as to that trade.

Japan, in discussing her possible rivals, says she has none but China. No rivals in the world can compete with her in any kind of manufacturing but China. That is the only rival she has. India is put on the road to a gold standard, and her manufactures have fallen off. She is no longer supplying the East. Already Japan is invading your markets. Her wares are in every city in the Union. She can sell her wares for less than the cost of production here and make money at it, after paying the freight, which on dry goods is merely nominal in the great tramp steamers. The universal prosperity of silver-standard countries, by reason of the difference of exchange, leads me to wish that the United States could have like opportunities. I might trace the facts as to all other manufactured articles, for I have followed up their trade reports, among others, and show the advantage they have over this country, but I will not do it.

I wish to state, however, that although the pending bill places the United States in a most humiliating position, although it delegates to foreign countries control over our domestic affairs, although it proposes to deprive the United States of the power to make her own laws, I shall not oppose its passage, for the reason that a great many people in the United States have been deceived and have been made to believe that this country is dependent upon foreign countries for its legislation. You made them believe that we were in a helpless condition, and secured many votes by such arguments. Although we have tried it for twenty years, and have been sent home humiliated and ridiculed, let us try it again. But I want the time to come when the sending of ambassadors to Europe to supplicate the crowned heads to allow us to legislate for our own country shall stop. It has to be repeated. Let it be repeated. Let us have humiliation. Let it come. They say that if it does not come they must stand the responsibility. Have they not tried it for twenty years, and it has not come? They want to try it again. Is it in good faith or is it for the purpose of keeping the attention of the American people on the other side of the Atlantic while they starve and freeze here in this cold winter? Is it for the purpose of diverting their attention and keeping them on the hope of relief in some other way, to prevent them from taking the business in their own hands and conducting it as they did in the better days of the Republic? Do the Republican party mean ever to bring this fake—I call it a fake, an old fake—to an end? Will they keep the American people starving and looking to Europe for relief? Do they intend to make this perpetual? Do they expect—they fix no time in this measure—that they can keep it going until another election, and another, and another, and keep the minds of the people diverted from the real cause of the evils which affect them? I do not know but that with the press, with the railroads, with the banks, with Great Britain, with the power of money, they can keep the people perpetually looking to Europe for relief until they are prostrated and enslaved. It is possible.

It is said that this was a verdict of the people. If it was a verdict of the people, why did it cost millions? Does it cost millions to get an expression of the free will of the people of the United States? Ah, it savors of the verdict of money. It reflects on free institutions that millions should be required to obtain a verdict of the people, and it may be possible that those—not my honorable friend—who are manipulating to carry the next election want this same thing, this same fake with which to deceive the people, so as to secure enough money to get another victory. Of course I reflect upon no Senator; but that seems to be the movement, because the gold press almost universally since the election have ridiculed the idea of an international agreement and have rather apologized to their gold associates in Europe for going through this old pantomime again; that they have to do it in pursuance of the promise which they made. The New York Tribune explains from day to day that they must go through this process because they put the promise in the St. Louis platform; that they must carry out their pledges to the people; that they will make another trial; that Europe must not be offended if we supplicate them again to be our masters. That is the tone of the gold press of the United States. There ought to be a time fixed when this particular movement, this new movement, as it is called, this old-new movement, shall be carried into effect. There should be a limit some time in the future, so that the people can know when the relief by foreign aid is to come.

The Government has a monopoly of creating money. The business of this country is prostrated for want of money. The manufacturers' doors are closed because the people are too poor to buy. Hundreds of thousands of people are suffering to-day for clothing. It is not because the people do not want clothing that the mills are stopped; it is because they can not buy it; and so in every other walk of life, there are abundant consumers if they had the money to buy. Everybody knows that that is true. But without money business is prostrated and the country is suffering. Is that to be perpetual? Are we to stand by always under the flimsy plea that the United States has no power to carry out the provisions of the Constitution and create money in some form, to supply the necessities of the people? In the great emergencies of war all civilized nations have found a way to create money to relieve distress, and more people are losing their lives to-day from hunger and cold than in the same period lost their lives in battle during the war. They are looked upon, I know, by the rich with contempt. They are asked to postpone, to wait—the time will come—until they get favors from Europe; but in the meantime, while they are waiting, they are suffering and dying.

Now, it does seem to me that there ought to be as much power in a government in time of peace as there is in time of war. No government on earth has ever preserved its existence in emergencies of war by the use of either gold or silver as money, except in one instance. Germany when she fought the French war remained on the silver basis. She was on the silver basis. Gold never carried any nation through war; and if we can not relieve the extremities now, which are greater than the distress of war, if we have no power to do it, then peace is more horrible than war.

Look. Every nation in Europe has resorted to the power of the government to issue legal-tender money in emergencies. England did it in the Napoleonic wars for twenty-two years. During that period she prospered in her commerce and in her trade, and increased her wealth more than in any century. The United States during the great war partially used her power to make legal-tender money. She issued first full-fledged greenbacks to the extent of $60,000,000, which remained at par with gold during the war. They never failed. She then issued a large amount of paper, partly legal tender, repudiated for certain kinds of taxes. It was not receivable for customs dues or interest on the public debt. We did that. It was admitted by all that it was the instrumentality which carried us through the war, because it gave the people money with which to do business and develop the country, and it supplied the sinews of war. If a government can meet an emergency of that kind, why can it not meet the emergencies which have come upon the American people. Never in the history of this country was there such suffering, such death, and destruction as now, inflicted by this terrible scourge, want of money.

They say we must have the commodity gold, whether or not we can get any of it. Does civilization depend upon any one commodity. Does the Government of the United States depend upon any single commodity? A commodity is not money. If you would take from gold the stamp of every government of the world, with fifty years' supply on hand, it would not be worth 10 cents a pound. The same would be true of silver if the silver countries would treat it as we have. It is the fiat of government that makes money. The material upon which it is stamped designates what law has declared. The only function that either gold or silver performs independent of the power of the fiat of government is the regulation of quantity. The value of money depends upon the quantity, upon the volume as compared with population and business. The two metals are sufficient limitations. The trouble with them through all the ages has been that the quantity has been too small. When the mines were prôductive, civilization came into existence. When the mines failed, civilization has disappeared and barbarism has come as regularly as the sun rises and sets.

Now, we discard one of the metals, and take the one the less regular in production, which the arts and sciences are consuming with a rapidity never before known, and say civilization must cease if that commodity gives out. The speculators and the manipulators of money have seized upon the situation and bought up the commodity. More than half of all the gold in the world is now hoarded by the governments of Europe under the pretext that

they need it in the emergency of war. The balance, nearly all of it, all or a sufficient amount to do any good, is held by a great money combination as a monopoly. If they have a monopoly of the money, they have a monopoly of liberty, of justice, and civilization. Those who hold this commodity also hold in their keeping the destiny of mankind, and civilization must perish. Avarice will never lose its grip. It has the gold, and civilization must cease unless something else is adopted upon which the sovereign will of the Government can be stamped. In the midst of such a condition we are asked to wait until the hoarders of gold will relent. When did avarice ever relent to suffering humanity? This proposed conference will be as idle as the preceding conferences. If any result is arrived at, it will be some entanglement that will make conditions worse.

I do not believe that President McKinley will appoint men who will betray this country. If he does not appoint men that the money powers can use, there will be no agreement. They boast of the great commercial power of England, of her supremacy over all countries, and she has supremacy because she has monopolized this commodity, gold. We can not get it except upon her terms. Her terms are starvation and want. We see her terms in every city in the Union. Her terms are advertised in the pulpit, her terms are advertised through the press, calling upon the citizens to contribute to save the starving multitude who are deprived of work from immediate death. There were 40,000 in the city of Chicago at one time sheltered by the public. How many other thousands were without shelter nobody knows. That is the condition.

Here are 5,000,000 willing hands excluded from the possibility of getting a living in this country. They have to subsist upon the charity of those who have something. See the loss, the waste, that this is entailing. There is a loss to this Government of thousands of millions a year by enforced idleness in attempting to use the commodity gold and nothing else, because the enemies of the human race, as are the usurers, have bought up this commodity and hold it where we can not have it. Men are going into bankruptcy every day, losing the accumulations of a lifetime, because they can not convert their property into money and pay their debts. That is the situation which confronts us here. With our fine salaries we can live, and see the country mourn, and see the distress; we know that the commodity gold is hoarded and we can not reach it. And this is called sound money, a safe currency. Safe for whom? For the men who can not get it or the men who have hoarded it?

Mr. BACON. Will the Senator from Nevada permit me to interrupt him simply to the extent of having an amendment read?

Mr. STEWART. With pleasure.

Mr. BACON. I will not consume more of the Senator's time. I send the proposed amendment to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Add at the end of the bill the following as an additional section:

SEC. 2. That the President of the United States is hereby authorized, in the name of the Government of the United States, to call, in his discretion, such international conference to assemble at such point as may be agreed upon.

The VICE-PRESIDENT. The amendment will lie on the table and be printed.

Mr. CHANDLER. Will the Senator from Nevada allow me to say that while I do not think that amendment is necessary, yet, after consulting with the Senator from Iowa now by my side [Mr. ALLISON], I see no objection to it, and therefore I am entirely willing that it should be adopted. I am very much obliged to the Senator from Nevada for his willingness not to embarrass the bill.

Mr. STEWART. I am not willing, while I am occupying the floor——

Mr. CHANDLER. I want to thank the Senator for making so brief a speech, that is all, and to express my gratitude to him for what is to happen after he finishes.

Mr. STEWART. There is one other thought to which I desire to call the attention of the Senate, and that is the progress which has been made in the last year in this great war for liberty. Heretofore the friends of honest money, the friends of prosperity, have been intermixed with the advocates of the commodity gold as the only material out of which money can be made. They are separated now. Six and a half million American people declared for free silver. The line is drawn, and on the goldbug side of the line there are hundreds and hundreds of thousands who have been deceived and have been running after false gods on the other side of the Atlantic, and they will come to us. The line of demarcation has been drawn between those who favor country, and this country, first, last, and all the time and those who willingly or unwillingly do the bidding of the money powers of Europe.

They say they gained a victory. We know we would have had a large majority notwithstanding, if money had not voted. But it will take a large amount of money to outvote us the next time. I say to them, "You have the press, most of it; you have the corporations, nearly all of them; you have the banks, nearly all of them; you have the money powers of Europe behind you; you have every means of subverting the will of the people, but we have now a solid phalanx in battle array." In the last campaign we were forced to organize our forces in the face of the enemy. Every effort was made by the Republicans and the gold Democrats to distract and divide the American people who believe in restoring the laws of the better days of the Republic. Under all those difficulties, without money, without a press, without corporations, without banks, against all that combination we polled, as I believe, more than half of the American vote. We did not get the colored vote, it is true. We did not get the foreign vote that congregates in the cities, because when they come from foreign lands and go into American factories and workshops they do not become Americans, as they did of old when they went upon the broad fields and breathed the fresh air. In a single generation—yea, in six months—we could convert a European to American institutions. But what do foreigners learn of American institutions in the fetid air of cities, where their surroundings are as dictatorial and oppressive as they were in the land from which they came? You got them; we got the independent American voters who——

Mr. HOAR. I rise to a parliamentary inquiry. When the Senator says "You have got them," does he impute all these things to the Vice-President?

Mr. STEWART. When I say "you," I mean every servant of British power. I mean every man who likes to see the people miserable and the rich happy——

Mr. HOAR. Mr. President, my point——

Mr. STEWART. Every man who dislikes American institutions, every man who says we want a stronger Government to keep down the rabble, every man who calls six and a half million American people anarchists.

Mr. HOAR. I rise to a question of order.

Mr. STEWART. I mean them when I say "you."

The VICE-PRESIDENT. The Senator from Nevada will suspend. The Senator from Massachusetts rises to a parliamentary inquiry.

Mr. HOAR. I rise to a question of order, that under the rules of the Senate the word "you," used by a Senator on the floor, means the Vice-President, and that it is out of order to attribute all these disgraceful things to him. [Laughter.]

Mr. STEWART. I will talk in order, and I will say "the Senator from Massachusetts and all who cooperate with him in robbing the people of their money." He is the person I meant by "you." I mean those who smile when the people suffer. I mean those who call the masses of the American people anarchists, those who deride them, those who want stronger governments to oppress them, those who are opposed to free institutions and ape foreign manners, those who make England their homes, those who spend a hundred million dollars a year to learn the ways of monarchy and oppression, those who admire the poverty of the peasant in Europe and desire to place American citizens upon the same level, those who call it anarchy to discuss economic questions, those who call the rule of gold kings supreme and sacred, those who call it the government who have confounded the Government of the United States with foreign influence and are not American in sentiment. Those are the men I mean. They had all the classes to which I have alluded. They had the votes of the cities, where ignorance and squalor prevail. They had the colored vote where the colored people have not had an opportunity to understand economic questions. We had the votes of independent Americans, and now we are arrayed against the forces of monopoly. We have the lines drawn, and I do not wonder that you want a bill to apply to Europe to get this question away. Take it away from the American people. Pass your bill. Show your fidelity to the opinions and wishes of foreign potentates. I think the people will begin to see it. They will see it more plainly in the next campaign. You who are engaged in this scheme know very well that you must have a new pretext; that you have not money and influence enough without some new device to avoid an overwhelming defeat at the next election. It is staring you in the face, if you will not give relief, and I see no movement in that direction. Everything has been tried by other countries to get relief under like circumstances. It is true onerous taxation is to be levied to oppress the people, but it is the first time in history. It is a new proposition that relief can come for want of money from more taxation. Your plan is more taxation and less money to pay it with. That is the only thing you propose. Go on with your bill for more taxation. Go on with more revenue. Pile it up. You have now $225,000,000 in the Treasury. Put more there. Take it away from the people, and see if you can produce good times by such a process.

I say, without fear of contradiction, that history does not furnish an instance in this or any other country where a depressed condition of things was ever mitigated or prosperity restored without more money. There has never been an instance. We are pointed

by the press to the act for the resumption of specie payments. Prosperity came after that. It came in spite of that act, by reason of the Bland Act, which furnished more money.

We are told by the New York Tribune and other papers that we had prosperity in 1892 after the passage of the McKinley Act. The McKinley Act did not give that prosperity, but an additional supply of money which was put out under the Sherman Act to relieve business, and the Senator from Ohio [Mr. SHERMAN] at the extra session of 1893 said that that additional supply saved this country from panic when the Barings failed.

The VICE-PRESIDENT. The Senator from Nevada will suspend. The Chair lays before the Senate the unfinished business, the hour of 2 o'clock having arrived, which will be stated.

The SECRETARY. A bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. CHANDLER. I ask unanimous consent that the unfinished business be temporarily laid aside for the consideration of the pending bill.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the unfinished business be laid aside for the time——

Mr. WHITE. Temporarily, I understand.

The VICE-PRESIDENT. That it may be temporarily laid aside for the consideration of the bill which has been under discussion. Is there objection?

Mr. PETTIGREW. I should like to ask the Senator from New Hampshire if he intends to dispose of the bill. Is that the purpose?

Mr. CHANDLER. I do. The Senator from Nevada informs me that he does not want to talk much longer. I do not know of any other Senator who wants to speak, and I expect to dispose of the bill very promptly.

Mr. PETTIGREW. I wish to be heard briefly upon the bill, but I do not wish to speak until to-morrow. Probably I shall not want to speak for over half an hour.

Mr. CHANDLER. Then I will only ask that the consideration be deferred until the Senator from Nevada has finished. Then the bill may go over and be taken up after the routine business to-morrow morning, when I hope it will be finished.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire as modified? The Chair hears none.

Mr. STEWART. I am about through. I wish to speak only a minute longer.

Mr. President, I had about concluded what I had to say. I simply want to warn the Republican party that their movements are now watched; that the people are aroused on this question; that there is no other relief in my belief from the distress that now afflicts the country for more money. I want to tell them what they undoubtedly understand themselves, that they will be overthrown by the American people as surely as they do not give relief, and if they can give relief by any legislation other than a greater volume of money it will be something that has never been accomplished on earth before. I do not believe they can.

I shall not offer the amendment which I proposed, but I shall allow the bill to pass in any form that its friends desire; but I may be allowed to make this prediction, that it will do no good, but will do a great deal of harm in humiliating the people of the United States. It is so unpatriotic, so un-American to go to Europe to get legislation for this country that I can not look upon it with any favor. I can not look upon it but as a calamity. Still, it is a calamity which we must have in order to afford another object lesson, if the people have not had enough. I think they will have enough before this object lesson is concluded, so that they can see.

Mr. CHANDLER. I now make the request that the bill may go over and be taken up after the conclusion of the routine business to-morrow morning.

The VICE-PRESIDENT. In the absence of objection, it is so ordered.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. CHANDLER. Mr. President——

The VICE-PRESIDENT. The Chair submitted to the Senate the request of the Senator from New Hampshire. There is no objection, and it is so ordered.

Mr. CHANDLER. I rise now to suggest that there is not a quorum of the Senate present.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Burrows,	Cockrell,	Hawley,
Allen,	Call,	Cullom,	Hoar,
Bacon,	Cameron,	Faulkner,	Jones, Ark.
Bate,	Cannon,	Frye,	Lodge,
Berry,	Carter,	Gallinger,	McBride,
Blanchard,	Chandler,	Gear,	McMillan,
Brice,	Chilton,	Gray,	Martin,
Brown,	Clark,	Hale,	Mills,
Mitchell, Wis.	Peffer,	Sherman,	Turpie,
Morgan,	Perkins,	Shoup,	Vilas,
Morrill,	Pettigrew,	Smith,	Walthall,
Murphy,	Platt,	Stewart,	Wetmore,
Nelson,	Roach,	Thurston,	White,
Palmer,	Sewell,	Tillman,	Wilson.

The VICE-PRESIDENT. Fifty-six Senators have answered to their names. A quorum is present.

EXECUTIVE SESSION.

Mr. CULLOM. I now move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and eighteen minutes spent in executive session, the doors were reopened.

MARITIME CANAL COMPANY OF NICARAGUA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. HOAR. I ask unanimous consent that the unfinished business may be temporarily laid aside in order that the bankruptcy bill may be laid before the Senate for the purpose of being read.

Mr. MORGAN. I have no objection to that request, on condition that it does not displace the unfinished business.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Chair will inquire of the Senator from Massachusetts precisely what is his request in connection with the bill.

Mr. HOAR. The request which the Senate granted was that the formal reading of the bill might take place now, it being understood that no votes were to be had. The bill has to be read some time. The reading is a tedious affair, but it has to be done under the rule.

Mr. MORGAN. In order to preserve the regularity of the proceeding, I ask to have the regular order laid before the Senate, and then it can be informally laid aside.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated by title.

The SECRETARY. A bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. MORGAN. I desire to offer an amendment which I ask to have printed and substituted for the amendment offered yesterday.

The PRESIDING OFFICER. The amendment will be received and printed.

Mr. MORGAN. I also present and ask that the Secretary may read a resolution of the National Board of Trade, now in session in this city, which sent the resolution to the Senate.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

Resolved, That the National Board of Trade reiterates its deep conviction that the construction of the Nicaragua Canal is of the highest importance to the commercial interests of the United States; that such a waterway will stimulate and encourage commerce, both between parts of our country remote from each other and with foreign countries, and will afford incalculable advantages to the Government in the event of a foreign war.

DAVID McMENAMIN.
H. H. POPPLETON.
JAMES T. HOOKER.
E. G. PRESTON.

THE BANKRUPTCY BILL.

The PRESIDING OFFICER. What is the request of the Senator from Massachusetts?

Mr. MORGAN. I ask unanimous consent that the unfinished business may be laid aside informally and without prejudice to enable the Senator from Massachusetts to have the bankruptcy bill read.

The PRESIDING OFFICER. Without objection, that will be the order. The Chair will inquire of the Senator from Massachusetts if he desires that the portion of the bill proposed to be stricken out shall be read?

Mr. HOAR. I do not think it is necessary.

The Secretary proceeded to read the bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States.

Mr. GORMAN. If I understand the request of the Senator from Massachusetts, it is that the bill will merely be read; that no amendments will be considered this afternoon.

Mr. HOAR. That is all. No amendments whatever will be acted upon.

Mr. GORMAN. So that after the reading of the bill is concluded we will adjourn.

Mr. HOAR. Yes, sir; that is it.

Mr. HALE. I do not want any consent——

Mr. HOAR. It has been consented.

Mr. HALE. What is the proposition?

Mr. HOAR. Let me state again. Some time or other the text of the bill has to be read. It will take a half or three-quarters of an hour. The Senate has already given unanimous consent, before

the Senator from Maine came in, that that might now be done, the Nicaragua Canal bill being laid aside informally for that purpose. No vote, however, is to be taken and no action had upon it. It is merely the technical reading.

Mr. HALE. I have no objection to the bankruptcy bill being taken up for the purpose of being read.

Mr. HOAR. That is all that is to be done.

Mr. HALE. I have understood that that is all that has been consented to heretofore. I am told that it is claimed by some parties, I do not know who, that the bankruptcy bill is the unfinished business after the Nicaragua Canal bill. I certainly have never agreed to that. It has undoubtedly been made a special order, but that it ever has been made the unfinished business after the consideration of the Nicaragua Canal bill is terminated is not within my knowledge. I have never consented to that.

Mr. CHILTON. That was done the other afternoon.

Mr. HOAR. It was done in a very full Senate.

Mr. STEWART. I understood the bill was to be taken up to be read, not to be considered.

Mr. HOAR. It is to be taken up to-day to be read.

Mr. HALE. I never understood that it was made the unfinished business.

Mr. STEWART. I would not have consented to that.

Mr. HALE. I should doubt—I may not have been here—whether the RECORD will show that the bankruptcy bill has been made the unfinished business. It has been made a special order; it has been consented that it may be taken up and read, but the only thing that gives right of way against all other measures is the consent given that it shall be made the unfinished business. I do not understand that that has ever been done.

Mr. HOAR. Let the question come up now.

The PRESIDING OFFICER. The Chair is informed by the clerks at the desk that it is their recollection such an order was made.

Mr. HALE. The RECORD will show.

The PRESIDING OFFICER. The RECORD will show. The RECORD will be consulted as soon as possible.

Mr. HOAR. If the Senator from Maine will look at the RECORD, he will see what has been done.

Mr. FRYE. There is no objection to the reading of the bill?

Mr. HOAR. There is no objection to reading it?

Mr. HALE. None at all. I do not say that I am opposed to the bankruptcy bill, but it is understood that upon both sides of the Chamber there is a committee on the order of business, which considers subject-matters that are to come up one after another. The Nicaraguan Canal bill was made the unfinished business in terms because it was agreed by the committees upon both sides that it should so be done. The committee upon neither side has taken up the question whether the bankruptcy bill should come in next. There are a dozen important matters that will take but little time, which will be pushed absolutely out of consideration after the bankruptcy bill is taken up. That bill, if it is taken up in connection with the appropriation bills, will absorb all the rest of the time. It will drive to the wall, unless the Senator from Massachusetts will agree that some other matters which will take but little time may be taken up, and let his measure——

Mr. HOAR. I do not think there will be anything that the Senator from Maine will object to when the matter comes up. I state very frankly that my expectation about the bankruptcy bill is that there will be a substantial agreement between the friends and the gentlemen who have been quite antagonistic to it. It has been modified, as the Senator will recollect, and it will not take a great deal of the time of the Senate.

I am aware of the suggestions that the Senator makes. I expect that this bill, if it gets through at all, will get through by a pretty general understanding in the Senate that it will not take up a great deal of time. The arrangement which has just been made, before the Senator from Maine came in, that we might spend this odd hour in the afternoon in the formal reading of the bill, was in furtherance of that idea. But I am not prepared now to make any absolute bargain, and the Senator, I suppose, is not. For instance, the Senator from Iowa has a short matter, and it was understood that the bankruptcy bill would be laid aside in its favor, and I have no doubt that that will be done as to any bill which the Senator from Maine asks to have considered.

Mr. STEWART. What have we agreed to?

Mr. HALE. On the statement of the Senator from Massachusetts, having no doubt that when he finds that the bankruptcy bill is going to sequestrate the time of the Senate, other matters will be allowed to come in, temporarily laying it aside, I will withdraw any objection.

Mr. NELSON. I wish to state with respect to the bankruptcy bill, in reply to the remarks of the Senator from Maine, that there is no bill on the Calendar of the Senate for the passage of which there is such an urgent demand as there is for the passage of the bankruptcy bill.

Mr. HALE. Which bill?

Mr. NELSON. The bankruptcy bill.

Mr. HALE. The Torrey bill?

Mr. NELSON. For a bankruptcy bill.

Mr. HALE. Or the House bill?

Mr. NELSON. Some kind of a bankruptcy bill.

Mr. HALE. I am in favor of a bankruptcy bill.

Mr. HOAR. I do not want to state what some people think (they can state it a great deal better), but I will say to the Senator from Maine, as showing the reasons for my thinking what I said, that the Judiciary Committee preferred a bill reported by the Senator from Colorado [Mr. TELLER]—a House bill—and authorized that report. Three of the number who so voted in the committee (there was a bare majority, I think, of one or two that way) have come to me within a few days and said that in looking over the Torrey bill, and seeing how it has been modified, they are now in favor of that bill; and I confidently hope and expect that the Senator from Colorado himself will give his assent, perhaps, to that bill, with some modification. I expect (however, I may be mistaken) that it will go through by a pretty general consent.

Mr. HALE. I hope the Senator is correct, and I shall join with him, because I believe that one of the necessities, in the present condition of almost suspended animation in the industries of the country, is to wipe the slate clean in many respects. I am for that. I do not have so much confidence that the Senator can do it, but I am willing that he shall try it.

Mr. STEWART. Mr. President——

The PRESIDING OFFICER. The Chair will suggest that the Senator from Minnesota [Mr. NELSON] has the floor and would like to be heard.

Mr. NELSON. I was under the impression that I had the floor.

Mr. ALDRICH. I rise to a question of order.

The PRESIDING OFFICER. The Senator from Rhode Island will state his question of order.

Mr. ALDRICH. I understood that consent was given to have the bill taken up for the purpose of being read, and not for the purpose of general discussion.

Mr. CHILTON. That was its purpose.

Mr. ALDRICH. I ask that the regular order may be proceeded with.

The PRESIDING OFFICER. The Chair will suggest to the Senator from Rhode Island that the Chair does not understand that consent has yet been given.

Mr. ALDRICH. Not to have the bill read?

The PRESIDING OFFICER. Not even to have it read.

Mr. ALDRICH. I beg the Chair's pardon, then.

Mr. BROWN. I should like to ask which one of the many bankruptcy bills it is proposed to have read?

The PRESIDING OFFICER. The Chair will again put the request submitted by the Senator from Massachusetts [Mr. HOAR], that the bill be now read for information.

Mr. BROWN. Which bill, Mr. President?

Mr. STEWART. Evidently it is the purpose to occupy the time of the Senate with that bill, and it contains anything but the voluntary provisions.

The PRESIDING OFFICER. The Senator from Nevada will suspend. The Senator from Utah had addressed the Chair and will be recognized.

Mr. BROWN. There is a majority report of one bill. The Senator from Oregon [Mr. MITCHELL], from the minority, has reported another bill. The Senator from Massachusetts [Mr. HOAR] has reported a third bill. Now, which bill of the three is it that it is asked to have read?

Mr. HOAR. I have not reported a third bill.

Mr. BROWN. There are three reports here, one with the name of Senator HOAR, one with the name of Senator MITCHELL, and one with the name of Senator TELLER.

Mr. HOAR. Those are Senate bills. The one which is before the Senate is House bill 8110.

Mr. BROWN. Then, laying aside the Senate bill, the Senator asks to have the House bill read?

Mr. HOAR. It does not require the Senate bill to be laid aside, because it is not before the Senate.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Massachusetts?

Mr. BROWN. Yes; there is objection.

Mr. HOAR. That unanimous consent was given some time ago. It is merely to read the House bill, which has to be read at some time. It is to have the drudgery of reading it, without any vote whatever to be taken upon it. It is only to devote this end of the afternoon to its reading, when I suppose no one wishes to make a long speech on the Nicaragua Canal bill. It has to be read at some time.

Mr. BROWN. Why should the House bill be read, when we have three Senate bills to be taken up in their order?

The PRESIDING OFFICER. The Chair will again submit the

request. Is there objection to the request made by the Senator from Massachusetts?

Mr. BROWN. There is objection.

The PRESIDING OFFICER. Objection is made by the Senator from Utah. What is the pleasure of the Senate?

Mr. MORGAN. The regular order, Mr. President.

W. H. WADE.

Mr. COCKRELL. If the Senator from Alabama will permit, I should like to call up and have considered at this time the bill (H. R. 9593) for the relief of W. H. Wade, late captain and acting regimental quartermaster Thirty-first Ohio Volunteers. The bill was reported favorably from the Committee on Military Affairs, and there can be no objection to it.

Mr. MORGAN. Does the Senator make that request without prejudice to the regular order?

Mr. COCKRELL. Oh, certainly.

Mr. MORGAN. That is understood, then.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to credit the account of W. H. Wade on the books of the Department, as captain and acting regimental quartermaster of the Thirty-first Regiment of Ohio Volunteers, with $420.15, received by him as such captain and acting regimental quartermaster and disbursed by him to extra-duty men for extra duty.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COGSWELL & CO.

Mr. COCKRELL. I ask the unanimous consent of the Senate to consider the bill (H. R. 939) for the relief of Cogswell & Co. It is a very short bill which has been passed by the House and is now pending here upon a favorable report from the Committee on Claims. It will only take a moment.

Mr. MORGAN. Without any prejudice to the regular order?

Mr. COCKRELL. Without any prejudice to the regular order, as a matter of course.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Commissioner of Internal Revenue to reopen the refunding claim of Cogswell & Co., of St. Louis, Mo., for $1,306, and allow so much thereof as he may find to have been paid in excess of the amount required by law.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIFE-SAVING STATION AT POINT ARENA, CAL.

Mr. PERKINS. I ask unanimous consent to call up the bill (S. 3320) to provide a life-saving station at or near Point Arena, Mendocino County, in the State of California.

Mr. MORGAN. I have a proposition which I desire to submit to the Senate. I wish to ask unanimous consent that bills on the Calendar may be taken up and considered in such order as they may be presented here without prejudice to the regular order, and that the regular order may be considered as still pending before the Senate at the close of this proceeding.

Mr. PERKINS. Do I understand the Senator to object to the consideration of the bill I wish to call up?

Mr. MORGAN. Oh, no; I was trying to make a way for you.

The PRESIDING OFFICER. The Senator from Alabama requests that the regular order shall be laid aside temporarily for the consideration of these bills. Without objection, that will be the understanding. Is there objection to the present consideration of the bill indicated by the Senator from California?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ECKINGTON AND SOLDIERS' HOME AND BELT RAILWAYS.

Mr. GORMAN. I ask the Senate to consider the joint resolution (H. Res. 215) extending time for compliance by Eckington and Soldiers' Home Railway Company and the Belt Railway Company with provisions of section 1 of an act entitled an act to extend the routes of said railway companies, etc., approved June 10, 1896.

The PRESIDING OFFICER. The joint resolution will be read for information.

The Secretary read the joint resolution, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY A. WEBB.

Mr. ALDRICH. I ask unanimous consent that the bill (H. R. 1256) for the relief of Henry A. Webb be taken up for present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, directed to redeem in favor of Harriet W. Greenwood and Amey W. Wheeler, heirs of Henry A. Webb, of Providence, R. I., the following-described bonds of the United States, issued under acts of Congress approved July 17, 1861, and August 5, 1861, namely: Bonds Nos. 30049 to 30051, inclusive, for $500 each; bond No. 5497, for $100; bonds Nos. 18436 and 18437, for $100 each; bonds Nos. 4345 to 4350, inclusive, for $50 each; amounting to $2,100, together with unpaid coupons thereof to the amount of 33, covering interest for sixteen and one-half years, namely, $2,079, said bonds and interest amounting in all to $4,179, the said heirs claiming that the estate of said Henry A. Webb owned said bonds on February 11, 1865, when, it is alleged, they were stolen from the estate, and were afterwards destroyed by the thief or thieves: *Provided*, That before the redemption of said bonds the said heirs of Henry A. Webb shall execute or cause to be executed and deposit with the Secretary of the Treasury a bond of indemnity, with good and sufficient surety, subject to the approval of the said Secretary, to secure the United States against loss or damage in consequence of the redemption of said bonds.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BARGE BLACK DIAMOND.

Mr. MCBRIDE. I ask the consent of the Senate to call up the bill (H. R. 7781) to grant an American register for the barge *Black Diamond*.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MORTGAGES IN THE INDIAN TERRITORY.

Mr. COCKRELL. There is an important bill, the bill (H. R. 8298) relating to mortgages in the Indian Territory, reported by the Senator from South Dakota [Mr. PETTIGREW] from the Committee on Indian Affairs. It is exceedingly important that the bill should be passed, and it is a very short bill. I ask unanimous consent that it may be considered. It is not even one page in length.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 4742 of Mansfield's Digest of the Laws of Arkansas, heretofore put in force in the Indian Territory, by adding the following:

Provided, That if the mortgagor is a nonresident of the Indian Territory the mortgage shall be recorded in the judicial district in which the property is situated at the time the mortgage is executed. All mortgages of personal property in the Indian Territory heretofore executed and recorded in the judicial district thereof in which the property was situated at the time they were executed are hereby validated.

The bill was reported to the Senate without amendment.

Mr. PLATT. I am not going to interpose any objection to the bill; I did not know it had been reported, but it seemed to me very strange when it was in committee, and it seems to me very strange here that the Congress of the United States should attempt to amend the statutes of Arkansas.

Mr. CHILTON. I can explain the bill in a moment. I did not introduce the bill, but it is simply one of this sort: Under the laws now prevailing in the Indian Territory a nonresident can not give a mortgage without delivering possession of the property. The record of the mortgage is ineffectual. The bill simply proposes to make a record effectual, so that the mortgages will be valid without an actual delivery of possession to the mortgagee. That is all there is in the bill.

Mr. PLATT. I am not complaining at all of the character of the bill.

Mr. COCKRELL. The point the Senator from Connecticut makes is that we are amending a State law. We have by our laws made the statute of Arkansas referred to the law in the Indian Territory; now it is proposed to amend that statute. That is all.

Mr. PLATT. I think the bill ought to be in a different shape, and not attempt to amend the laws of the State of Arkansas. I am quite in sympathy with the object of the bill.

Mr. COCKRELL. It is because we have made those laws the laws of the Indian Territory.

Mr. CHILTON. I will state further to the Senator from Connecticut that the same idea presented itself to me, but the bill passed the House in that shape. It did not occur to me that the objection was too serious. It was so desirable that the bill should get through without having to go back to the House and into conference that we allowed it to remain in that language.

The bill was ordered to a third reading, read the third time, and passed.

OFFICIAL TITLE OF EX OFFICERS.

Mr. HAWLEY. I ask consent to call up the bill (H. R. 9710) to authorize officers who served during the war of the rebellion in the Regular Army to bear the title and, on occasions of ceremony, wear the uniform of their highest rank.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE LA ABRA AND WEIL CASES.

Mr. HOAR. The bill (S. 3588) to insure a full bench in the Court of Claims for the hearing of the cases entitled The United States against La Abra Silver Mining Company and others and The United States against Alice Weil and others, was reported the other day and was taken up and read, but was postponed because the Senator from Nebraska [Mr. ALLEN] desired to examine it further. He tells me that he has examined it further and is entirely content with it. I desire that the bill be put upon its passage.

Mr. VILAS. I should like to suggest to the Senator from Massachusetts that while I am entirely in accord with him on the bill, one of the counsel engaged in the La Abra case asked me the privilege of making some suggestions about it, which I have not yet been able to hear.

Mr. HOAR. I will explain the request. I desire to say that that gentleman has spoken to me, and his suggestions are that the Chief Justice ought not to be the person to designate the judge to sit in case of inability to preside, but that the power ought to be lodged in the President of the United States, first, because the case will come before the Chief Justice afterwards, and next, because Mexico may consider that doing it by the Chief Justice, the United States being a quasi party, is not the proper thing.

I first had a conversation with that gentleman and then read something he had written, and it seems to me on full reflection that there is nothing in either of these objections, unless it be that any government would be better satisfied to have the Chief Justice of the United States perform such a duty than for the President of the United States, the political agent of the Government, to do so, who may select the person to appear to represent our Government before the court, and next that the mere designating of the judge to go into an inferior court and sit, in order that there may be a quorum, would hardly be supposed to bias the judgment of the Chief Justice of the United States in the matter of a decision of the case if it should go up on appeal. Still, if the Senator from Wisconsin thinks it best, I will not press the bill now.

Mr. VILAS. I feel just as the Senator from Massachusetts does about it; still I wish the Senator would give me the privilege of seeing the gentleman I have referred to in relation to the matter.

Mr. HOAR. Very well.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The bill will be passed over.

JURISDICTION OF DISTRICT JUDGES.

Mr. HOAR. I will substitute another request for the one which I just made. I ask unanimous consent for the present consideration of the next case on the Calendar, which is the bill (S. 3524) to remove doubts concerning the jurisdiction of district judges.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which provides that a district judge shall have all the powers of a circuit judge within his own district, and also within any district in which he shall be designated to hold court during the time limited by such designation.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 4853) for the relief of John Duncan;

A bill (H. R. 4863) to increase the pension of Joseph J. Hudson;

A bill (H. R. 4872) to correct the military record of Homer C. McCuskey;

A bill (H. R. 6143) for the relief of Peter Young; and

A bill (H. R. 6247) to grant a pension to Miss Jennie E. Moore.

The message also announced that the House insisted upon its amendment to the bill (S. 684) granting a pension to Marion McKibben, agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. THOMAS, Mr. CROWTHER, and Mr. LAYTON managers at the conference on the part of the House.

The message further announced that the House insisted upon its amendment of the bill (S. 757) granting an increase of pension to Adelaide Morris, agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. THOMAS, Mr. CROWTHER, and Mr. LAYTON managers at the conference on the part of the House.

The message also announced that the House insisted upon its amendment to the bill (S. 905) granting a pension to Mary W. Keefe, agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. THOMAS, Mr. CROWTHER, and Mr. LAYTON managers at the conference on the part of the House.

The message further announced that the House insisted upon its amendments to the bill (S. 1722) to approve and ratify the construction of a bridge across the Sulphur River, in the State of Arkansas, by the Texarkana and Fort Smith Railway Company, agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEPBURN, Mr. BARTLETT of New York, and Mr. PRICE managers at the conference on the part of the House.

AUGUSTUS P. BURDITT.

Mr. LODGE. I ask unanimous consent for the consideration of the bill (H. R. 130) to carry out the findings of the Court of Claims in the case of Augustus P. Burditt.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Augustus P. Burditt, of Boston, Mass., surviving partner of the late firm of Burditt & Fisk, $5,130 for the services of the steamboat *Mattie*, owned by the firm of Burditt & Fisk, and used in the military service of the United States from the 5th of January, 1865, to the 31st of January, 1865, both days inclusive, at the rate of $190 a day, as found by the Court of Claims in its finding of facts dated the 9th of June, 1890.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN Y. WILLIAMS.

Mr. PETTIGREW. I ask unanimous consent for the consideration at this time of the bill (H. R. 3500) to authorize the adjustment and settlement of accounts of John Y. Williams.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the proper accounting officers of the Treasury to adjust and settle the accounts of John Y. Williams, late superintendent of Indian school at Fort Hall and special disbursing agent, and to give him credit for such disbursements as shall be shown to have been actually and honestly made and have accrued to the benefit of the Government or the Indians; but the total credits allowed under the provisions of this act shall not be more than $900 in excess of the balance now standing against him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY M. MACAULEY.

Mr. GALLINGER. I reported this morning the bill (S. 3613) granting a pension to Mary Macauley, widow of the late Brig. Gen. Daniel Macauley, United States Volunteers. I ask unanimous consent for its consideration at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments, in line 4, after the name "Mary," to insert "M.;" and in line 8, after the word "month," to strike out "from and after the passage of this act;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mary M. Macauley, widow of the late Brig. Gen. Daniel Macauley, United States Volunteers, upon the pension roll, subject to the provisions and limitations of the pension laws, and pay her a pension of $30 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Mary M. Macauley, widow of the late Brig. Gen. Daniel Macauley, United States Volunteers."

ESTATE OF GEORGE M'DOUGAL.

Mr. STEWART. At the earnest request of the Senator from Indiana [Mr. VOORHEES], I ask for the present consideration of Senate bill 621.

Mr. COCKRELL. That is a bill which has been passed over on account of being objected to, and I do not think it ought to be called up at this time.

Mr. STEWART. I do not think it was objected to.

Mr. COCKRELL. All the orders of business at that place on the Calendar have been objected to.

Mr. STEWART. I was not here when the bill was before called up, but I do not think it was objected to.

The PRESIDING OFFICER. The Senator from Nevada asks unanimous consent for the present consideration of a bill the title of which will be stated.

The SECRETARY. A bill (S. 621) for the relief of the legal representatives of George McDougal, deceased.

Mr. ALDRICH. Let the bill be read for information.

The PRESIDING OFFICER. The bill will be read.

The bill was read.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. PLATT. It hardly seems to me that we ought to pass a bill appropriating for a claim of $81,000 which has been once objected to and has gone over into the Calendar of objected cases.

Mr. STEWART. I will not press the bill now, but I will say that the claim is a meritorious one. I have examined it with great care. The Senator from Indiana [Mr. VOORHEES] asked me the other day to call the attention of the Senate to the bill, and I told him I would do so if there was an opportunity. I do not wish in a thin Senate to have the bill passed upon, but I give notice that if an opportunity shall present I shall call it up when there is a larger attendance.

MARITIME CANAL COMPANY OF NICARAGUA.

Mr. CULLOM. I desire to move that the Senate adjourn, but will withhold the motion until the unfinished business can be laid before the Senate, so that it will not lose its place.

Mr. COCKRELL. Let the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, being the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. CULLOM. Now I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 29, 1897, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 28, 1897.

PROMOTIONS IN THE ARMY.

Adjutant-General's Department.

Lieut. Col. Michael Vincent Sheridan, assistant adjutant-general, to be assistant adjutant-general with the rank of colonel, January 25, 1897, vice Greene, retired from active service.

Maj. John Breckinridge Babcock, assistant adjutant-general, to be assistant adjutant-general with the rank of lieutenant-colonel, January 25, 1897, vice Sheridan, promoted.

Medical Department.

Capt. John Monro Banister, assistant surgeon, to be surgeon with the rank of major, January 26, 1897, vice Ewen, retired from active service.

COLLECTOR OF INTERNAL REVENUE.

Wayman Crow McCreery, of Missouri, to be collector of internal revenue for the First district of Missouri, in place of Charles Speck, deceased. Mr. McCreery is now serving under a temporary commission issued during the recess of the Senate. This nomination is made to correct error in name of Mr. McCreery, who was nominated as William Crow McCreery.

POSTMASTERS.

D. H. Lafferty, jr., to be postmaster at Sanger, in the county of Fresno and State of California, in the place of Lee McLaughlin, whose commission expired April 8, 1896.

Charles A. Huck, to be postmaster at North Bend, in the county of Dodge and State of Nebraska, in the place of Albert L. Norris, whose commission expired December 14, 1896.

T. W. Leeper, to be postmaster at Oakland, in the county of Burt and State of Nebraska, in the place of William W. Hopkins, whose commission expired January 17, 1897.

John M. Smith, to be postmaster at Cozad, in the county of Dawson and State of Nebraska, in the place of Samuel Atkinson, whose commission expired December 14, 1896.

John Alfred Potter, to be postmaster at Cranford, in the county of Union and State of New Jersey, in the place of John L. Derby, whose commission expired January 25, 1897.

William E. Mills, to be postmaster at Rose Hill, in the county of Onondaga and State of New York, in the place of William E. Mills, whose commission expired December 14, 1896.

William S. Harriss, to be postmaster at Wilson, in the county of Wilson and State of North Carolina, in the place of Edwin Barnes, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 28, 1897.

COMMISSIONER OF INTERNAL REVENUE.

William St. John Forman, of Illinois, to be Commissioner of Internal Revenue.

JUDGE OF THE COURT OF CLAIMS.

Charles B. Howry, of Mississippi, to be judge, Court of Claims.

CONSUL.

Frank Dyer Chester, of Massachusetts, to be consul of the United States at Budapest, Hungary.

PROMOTION IN THE NAVY.

Capt. William T. Sampson, United States Navy, to be Chief of the Bureau of Ordnance, in the Department of the Navy.

PROMOTIONS IN THE ARMY.

Infantry arm.

Second Lieut. Samuel Burkhardt, jr., Twenty-fifth Infantry, to be first lieutenant.

Second Lieut. James Edward Normoyle, Twenty-third Infantry, to be first lieutenant.

Second Lieut. Robert Alexander, Seventh Infantry, to be first lieutenant.

REGISTER OF THE LAND OFFICE.

Patrick W. O'Sullivan, of Prescott, Ariz., to be register of the land office at Prescott, Ariz.

POSTMASTERS.

Charles C. Collier, to be postmaster at Blocton, in the county of Bibb and State of Alabama.

Virginia A. Williams, to be postmaster at Independence, in the county of Polk and State of Oregon.

Peter A. Peterson, to be postmaster at Cannon Falls, in the county of Goodhue and State of Minnesota.

Miss Sebelle Knox, to be postmaster at Clinton, in the parish of East Feliciana and State of Louisiana.

Mrs. Jennie Curtis, to be postmaster at Thibodeaux, in the parish of Lafourche and State of Louisiana.

George W. Clancy, to be postmaster at Darby, in the county of Delaware and State of Pennsylvania.

Francis M. Mumford, to be postmaster at St. Francisville, in the parish of West Feliciana and State of Louisiana.

John Schmelz, to be postmaster at Springfield, in the county of Brown and State of Minnesota.

Henry L. Waite, to be postmaster at Omro, in the county of Winnebago and State of Wisconsin.

Isaac G. Pfautz, to be postmaster at Lititz, in the county of Lancaster and State of Pennsylvania.

Milton F. Moyer, to be postmaster at Lykens, in the county of Dauphin and State of Pennsylvania.

Charles H. Riley, to be postmaster at Dedham, in the county of Norfolk and State of Massachusetts.

Allen T. Hill, to be postmaster at Lyons, in the county of Burt and State of Nebraska.

John A. Isaacson, to be postmaster at South Superior, in the county of Douglas and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 28, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

WEAR CRAWFORD.

The SPEAKER laid before the House the Senate amendments to the bill (H. R. 514) to remove the charge of desertion from the military record of Wear Crawford.

The amendments were read at length.

The SPEAKER. The question is on concurring in the Senate amendments just read by the Clerk.

Mr. STEELE. Is that motion privileged now?

The SPEAKER. It is a House bill with Senate amendments, and is laid before the House under the rule.

Mr. STEELE. I move its reference to the Committee on Military Affairs.

The motion was agreed to.

Subsequently,

Mr. STEELE said: Mr. Speaker, the bill which I asked to have referred to the Committee on Military Affairs a little while ago is the bill of my colleague [Mr. JOHNSON], and he is ill. Therefore I should like to have the bill remain on the Speaker's table until he arrives, and to have my former motion reconsidered.

The SPEAKER. That can only be done by unanimous consent.

Mr. STEELE. I ask unanimous consent.

The SPEAKER. The gentleman from Indiana [Mr. STEELE] asks unanimous consent that the action of the House on the bill H. R. 514 be vacated, and that the bill return to the Speaker's table until his colleague returns.

Mr. McMILLIN. Mr. Speaker, a parliamentary inquiry. What was the action that is sought to be set aside?

The SPEAKER. The action was reference to a committee. If there be no objection, the request will be granted.

There was no objection.

HOMER C. M'CUSKEY.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 4872) to correct the military record of Homer C. McCuskey.

The Senate amendments were read at length.

Mr. HAGER. Mr. Speaker, I move that the House concur in the amendments of the Senate.

The motion was agreed to.

PETER YOUNG.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 6143) for the relief of Peter Young.

The amendments were read at length.

Mr. CROWTHER. I move that the House concur in the Senate amendments.

The motion was agreed to.

JENNIE E. MOORE.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 6247) granting a pension to Mrs. Jennie E. Moore.

The Senate amendments were read, and concurred in.

JOSEPH J. HUDSON.

The SPEAKER also laid before the House the amendment of the Senate to the bill (H. R. 4363) to increase the pension of Joseph J. Hudson.

The Senate amendment was read at length.

Mr. BURRELL. I move to concur in the Senate amendment.

Mr. BAILEY. I rise to a parliamentary inquiry. Is it in order to make that motion? This is a proposition that would seem to require its consideration in the Committee of the Whole.

The SPEAKER. It has been already considered in Committee of the Whole.

Mr. BAILEY. My understanding is that any Senate amendment to a bill which would require consideration in Committee of the Whole House on the state of the Union is subject to the point of order.

The SPEAKER. But the rule of the House is where the Senate has presented an amendment which requires consideration in Committee of the Whole; but this is merely a difference in amount on a question that has already been considered in Committee of the Whole. It is not a new proposition, and that has been held not to send it to the Committee of the Whole House on the state of the Union.

Mr. BAILEY. Whether the amount has been increased or reduced could make no difference. Suppose the Senate amendment had greatly increased the amount; it seems to me that the bill ought to be considered in the Committee of the Whole House on the state of the Union.

The SPEAKER. The Chair thinks that that would not affect it. Such has been the ruling ever since the twenty-first rule was adopted. The question is on concurring in the amendment of the Senate.

The Senate amendment was concurred in.

JOHN DUNCAN.

The SPEAKER laid before the House the bill (H. R. 4853) for the relief of John Duncan, with a Senate amendment thereto.

The Senate amendment was read, and concurred in.

MARY W. KEEFFE.

The SPEAKER laid before the House the bill (S. 905) granting a pension to Mary W. Keeffe, with an amendment of the House thereto, to which the Senate disagreed and asked a conference with the House on the disagreeing votes of the two Houses thereon.

Mr. CROWTHER. Mr. Speaker, I move that the House insist on its amendments and agree to the conference asked by the Senate.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. THOMAS, Mr. CROWTHER, and Mr. LAYTON.

ADELAIDE MORRIS.

The SPEAKER also laid before the House the bill (S. 757) granting an increase of pension to Adelaide Morris, with House amendments thereto, to which the Senate disagreed and asked a conference with the House on the disagreeing votes of the two Houses thereon.

Mr. CROWTHER. I move that the House insist on its amendments and agree to the conference asked by the Senate.

The motion was agreed to; and the Speaker appointed as conferees Mr. THOMAS, Mr. CROWTHER, and Mr. LAYTON.

BRIDGE ACROSS SULPHUR RIVER, ARKANSAS.

The SPEAKER also laid before the House the bill (S. 1722) to approve and ratify the construction of a bridge across the Sulphur River in the State of Arkansas by the Texarkana and Fort Smith Railway Company, with an amendment of the House thereto, to which the Senate disagreed and asked a conference with the House on the disagreeing votes of the two Houses thereon.

Mr. MCRAE. Mr. Speaker, I move that the House insist upon its amendments and agree to the conference requested by the Senate.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. HEPBURN, Mr. BARTLETT of New York, and Mr. PRICE.

ANNIE E. NOLAN.

The SPEAKER also laid before the House the bill (S. 2129) granting an increase of pension to Annie E. Nolan, with a House amendment thereto, to which the Senate disagreed and asked a conference with the House on the disagreeing votes of the two Houses thereon.

The amendment was read.

The SPEAKER. What action does the House propose?

Mr. MCMILLIN. I suppose, if there is no motion to the contrary, that the bill will go to the committee for their recommendation.

The SPEAKER. The gentleman moves that the bill be referred to the Committee on Invalid Pensions for their action.

The motion was agreed to.

MARION M'KIBBEN.

The SPEAKER also laid before the House the bill (S. 684) granting an increase of pension to Marion McKibben, with House amendment, on which the Senate insisted on its disagreement to the House amendment and asked for a conference.

Mr. STEELE. Mr. Speaker, I move that the House insist on its disagreement to the Senate amendment and agree to the conference requested.

The motion was agreed to.

The SPEAKER. The Chair will appoint as conferees on the part of the House the gentleman from Michigan, Mr. THOMAS, the gentleman from Missouri, Mr. CROWTHER, and the gentleman from Ohio, Mr. LAYTON.

CHANGE OF REFERENCE.

By unanimous consent, the bill (S. 2237) to provide for the appointment of guardians for pensioners in certain cases in the District of Columbia, which had been referred to the Committee on Pensions, was referred to the Committee on Invalid Pensions.

By unanimous consent, the bill (S. 2713) granting a pension to Miss Mary Hayne, which had been referred to the Committee on Pensions, was referred to the Committee on Invalid Pensions.

THEODORE JONES.

Mr. WATSON of Ohio. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8461) granting a pension to Theodore Jones, late brigadier-general of volunteers.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ERDMAN. Has this bill been considered at a Friday night session, and is it on the Calendar now? It is apparently not on the Calendar.

The SPEAKER. The Chair understands that it has not been considered.

Mr. ERDMAN. I object.

The SPEAKER. Objection is made.

ELNORA SHUMAN.

Mr. MAHON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10085) for the relief of Elnora Shuman, widow of John Shuman, deceased, and foster mother of W. E. Shuman and James F. Shuman, both deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elnora Shuman, widow of John Shuman, deceased, and foster mother of W. E. Shuman, late of Company K, One hundred and seventh Regiment Pennsylvania Infantry Volunteers, and James F. Shuman, late of Company D, Eleventh Regiment Pennsylvania Cavalry Volunteers, both killed in service during the late war, and pay her a pension of $12 per month.

Mr. MAHON. I ask for the reading of the report.

The SPEAKER. The report will be read.

Mr. JOHNSON of California. Reserving the right to object, I would like to inquire about this bill.

Mr. MAHON. If the gentleman will listen to the report, I do not think he will object.

The report (by Mr. POOLE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10085) for the relief of Elnora Shuman, widow of John Shuman, deceased, and foster mother of W. E. Shuman and James F. Shuman, both deceased, submit the following report:

The claimant asks to be placed on the pension roll at $12 per month. Her case is a sad one and her cause meritorious, the history of which shall be briefly recited.

John Shuman was father of James F. Shuman, of Company D, Eleventh Regiment Pennsylvania Cavalry Volunteers, and W. E. Shuman, late of Company H, One hundred and seventh Regiment Pennsylvania Infantry Volunteers, both of whom served in the Army during the war of the rebellion. W. E. Shuman died from the effect of wounds received in the battle of Gettysburg, Pa., and James F. Shuman was killed at Gettzs Station, Va., April 25, 1864.

John Shuman was dependent on said sons at time of their enlistment and death and drew a father's pension (certificate 230091). He died June 22, 1895, and left surviving him a widow (Elnora Shuman), who married him March 2, 1848. She is stepmother of James F. Shuman, and was to all intents and purposes a mother to him from the time he was 12 years old up to the time he was killed. She was also stepmother to W. E. Shuman, another son of John Shuman, from the time he was 8 years old until he died from the wound received at Gettysburg, July 2, 1863. She was in all respects (excepting birth) a mother of these two boys killed.

John Shuman and Elnora Shuman, father and stepmother, were dependent on these boys until they were killed, and after their death they lived on pension granted John Shuman. Mrs. Shuman is now without any property whatever.

The proof shows that Elnora Shuman had a paralytic stroke, which has rendered her helpless; that she needs constant care of an attendant; that she is now 74 years of age.

The bill will continue to her the same pension granted her husband. Your committee believe that this is a proper case in which to grant a pension, and report back the bill recommending its passage with an amendment striking out the clause, in lines 10 and 11, "both killed in service during the late war;" also amending title so as to read: "A bill for the relief of Elnora Shuman."

The SPEAKER. Is there objection?

Mr. JOHNSON of California. As I said, reserving the right to object, I would like to inquire why this lady would not get a pension in the regular way?

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The amendment to the title was agreed to.

JOHN N. QUACKENBUSH.

Mr. EVANS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9483) for the relief of John N. Quackenbush.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. object, Mr. Speaker.

The SPEAKER. Objection is made.

RIGHT OF WAY THROUGH THE OMAHA AND WINNEBAGO INDIAN RESERVATIONS.

Mr. MEIKLEJOHN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3555) to amend an act entitled "An act granting to the Eastern Nebraska and Gulf Railway Company right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska," by extending the time for the construction of said railway.

The bill was read, as follows:

Be it enacted, etc., That the time prescribed by an act of Congress approved the 27th day of June, 1894, entitled "An act granting to the Eastern Nebraska and Gulf Railway Company right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska," for the construction of such railway, be, and the same is hereby, extended for a period of four years from the 27th day of June, 1897.

SEC. 2. That all other provisions of said act are hereby continued in full force and effect.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. MEIKLEJOHN. Mr. Speaker, I ask that "four years" be stricken out and "three years" inserted.

The SPEAKER. The gentleman moves to amend by striking out the word "four" and inserting the word "three."

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. MEIKLEJOHN, a motion to reconsider the vote by which the bill was passed was laid on the table.

NAVAL RESERVE BATTALION IN THE DISTRICT OF COLUMBIA.

Mr. HILBORN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10066) to provide for organizing a naval reserve battalion in the District of Columbia.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BAILEY. I object.

The SPEAKER. Objection is made.

MRS. MARY A. VIEL.

Mr. McCREARY of Kentucky. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6902) granting a pension to Mrs. Mary A. Viel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Mrs. Mary A. Viel, formerly widow of Maj. W. D. Sanger, of the Fifty-fifth Regiment Illinois Volunteers, and pay her a pension at the rate of $25 per month.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALBERT. I would just like to ask if that bill has been considered at the regular Friday night sessions?

Mr. McCREARY of Kentucky. It has, and reported unanimously.

Mr. HITT. It has been reported unanimously.

Mr. TALBERT. Has it been considered at a Friday night session? Reserving the right to object, I ask that the report be read.

Mr. McCREARY of Kentucky. Let the report be read.

The SPEAKER. The Chair is informed that it has not been considered in Committee of the Whole.

Mr. TALBERT. Then I would like to have the report read. I I do not wish to object if it is a meritorious case.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6902) granting a pension to Mary A. Viel, submit the following report:

The claimant, Mary A. Viel, was married to Maj. W. D. Sanger August 27, 1862, while he was in the service. They lived together as husband and wife until November, 1872, when Major Sanger died. Claimant in 1875 remarried. Her second husband, Paul Viel, died September 23, 1883. Claimant had no children by either marriage. She is now 63 years of age. She is living in destitution at Galveston, Tex., without home or means of support, and entirely dependent on her own labor, as a servant, doing kitchen and household work.

W. D. Sanger was major of the Fifty-fifth Illinois Volunteers, and served with his regiment from its organization until March, 1862, when he was detailed as a member of the staff of Gen. W. T. Sherman. He was in the battles of Shiloh, Russell's House, Chickasaw Bayou, and Arkansas Post. In the latter part of 1862 he was mustered out of the service by order, for "physical disability." This order seems to have been made on a mistake of the adjutant of the Fifty-fifth Regiment, who had reported him absent on account of "physical disability" instead of "absent, detached on staff of General Sherman."

On request of Col. David Stuart, commanding the regiment, Governor Yates commissioned him as lieutenant-colonel of the Fifty-fifth Regiment. This commission Major Sanger, on February 9, 1863 (not having then been relieved from duty), declined on the very honorable ground that his own record had been made while serving on General Sherman's staff; that General Sherman had recommended him for promotion to the rank of lieutenant-colonel on his staff; that the officers of the regiment in line of promotion had rendered meritorious service, and that his promotion would be a great injustice to them.

The order mustering him out was revoked, but for the reason alone set forth he was not commissioned as an officer of the regiment, and for some unexplained reason he was not appointed on General Sherman's recommendation, and thus he was forced out of the service.

A large number of the survivors of his regiment have petitioned Congress to grant claimant a pension. They strongly urge that the wife of so honorable a soldier should not be compelled, in her old age, to go into service as a cook or bend over the washtub to obtain a support.

The pension asked for is a modest one, $25 per month, and the committee recommend the passage of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bills and joint resolutions of the following titles:

On January 18, 1897:

An act (H. R. 7945) to provide for the entry of lands in Greer County, Okla., to give preference rights to settlers, and for other purposes;

An act (H. R. 2259) for the relief of William B. Ellis; and

An act (H. R. 2328) for the relief of Patrick Rainey.

On January 20, 1897:

An act (H. R. 3890) granting a pension to George William Hodgdon;

An act (H. R. 3398) for the relief of Augusta Tuller;

An act (H. R. 5782) granting an increase of pension to Mrs. Anna Wedel;

An act (H. R. 7500) to grant a pension to Mrs. Keturah Wilson, widow of James Wilson, deceased; and

An act (H. R. 3877) granting a pension to Henderson Marple.

On January 26, 1897:

An act (H. R. 9733) to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River;

An act (H. R. 8676) to enable the town of Flagstaff, in the Territory of Arizona, to issue bonds to construct a water system;

An act (H. R. 596) for the relief of Ellis H. Roberts;

An act (H. R. 6883) to incorporate the Convention of American Instructors of the Deaf;

An act (H. R. 8726) to provide for the payment of certain claims against the District of Columbia by drawback certificates; and

An act (H. R. 4199) to correct the military record of Edward H.

Munson, late a private in Company H, Thirty-second New York Regiment Infantry.

On January 27, 1897:

An act (H. R. 4538) for the relief of John Keefe.

The following bills were presented to the President on the 8th instant, and not having been returned by him to the House of Congress in which they originated within the time prescribed by the Constitution of the United States, have become laws without his approval:

An act (H. R. 4281) granting an increase of pension to George Johnson, of Lenox, Iowa;

An act (H. R. 1511) for the relief of Lydia Boynton Ferris;

An act (H. R. 7127) granting a pension to Samuel D. Gilman;

An act (H. R. 5710) granting a pension to Eleanor L. Curtiss; and

An act (H. R. 158) granting a pension to Mary Collins.

The following bill was presented to the President on the 12th instant, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval:

An act (H. R. 7777) to authorize the Secretary of the Navy to furnish condemned cannon to Fort Thomas, Ky.

The following bills were presented to the President on the 13th instant, and not having been returned by him to the House of Congress in which they originated within the time prescribed by the Constitution of the United States, have become laws without his approval:

An act (H. R. 6608) to remove the charge of desertion from the military record of George W. Taylor;

An act (H. R. 3113) granting a pension to Margaret A. Kidwell; and

An act (H. R. 1261) for the relief of John Kehl and to restore him to his former rating.

ORDER OF BUSINESS.

Mr. SHERMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the bill (H. R. 10002) making appropriations for the Indian Department.

Mr. GROUT. Mr. Speaker, I ask the gentleman to withhold that motion for a moment that I may make a report.

Mr. SHERMAN. Very well.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GROUT, from the Committee on Appropriations, reported the bill (H. R. 10167) making appropriations for the District of Columbia; which was ordered to be printed, and referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of California. Mr. Speaker, is this the proper time to reserve points of order on that bill?

The SPEAKER. This is the time.

Mr. JOHNSON of California. Then I reserve all points of order.

The SPEAKER. All points of order are reserved.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Now, Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of the Indian appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HOPKINS in the chair.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois.

Mr. DOCKERY. At what point in the bill?

Mr. SHERMAN. Mr. Chairman, when the committee rose, we were at the foot of page 50, considering the first paragraph under the head of "Miscellaneous," and the gentleman from Illinois [Mr. CANNON] had made a point of order against one or two provisions in the paragraph. Since that time I have drawn an amendment to meet the gentleman's objections, which I have submitted to him, and which I now offer, understanding that it meets his approval.

The amendment was read, as follows:

Strike out lines 22, 23, 24, and 25 on page 50, and all of page 51 down to line 17, and insert in lieu thereof the following: "For salaries of the commissioners appointed under the acts of Congress approved March 3, 1893, and March 2, 1895, to negotiate with the Five Civilized Tribes in the Indian Territory, $25,000; for expenses of commissioners and necessary expenses of employees, $10,000: *Provided*, That $2 per diem for expenses of special disbursing agent from date of original detail by Interior Department, while on duty with the commission, shall be paid therefrom; for clerical help, including the secretary of the commission, $5,600; for contingent expenses of the commission, $1,400; in all, $43,000: *Provided*, That out of the appropriations for salaries and expenses of said commissioners for the fiscal year ending June 30, 1897, and prior years, there shall be paid for services heretofore performed, to F. E. Willie, $27; A. W. Dickey, $39; W. H. McClendon, $33; Henry Stroup, $500; N. L. Steele, $100: *And provided further*, The disbursing agent of said commission may reimburse himself out of said fund $50, heretofore paid by him to W. S. Olive for services."

Mr. SHERMAN. Mr. Chairman, let me say to the gentleman from Illinois that since submitting the amendment to him I have added a clause providing that a per diem shall be paid to the special disbursing agent. I have done this upon a letter received from the Dawes Commission, signed by Senator Dawes himself, in which he states that this officer was detailed from the Geological Survey to act with the Commission; that he has so acted since the 30th of August last; that while an employee of the Geological Survey his expenses were paid, but that when he came to the Commission they had no provision for the payment of his expenses, and therefore they ask that this allowance of $2 per diem from August 31 be allowed to meet that charge. Otherwise the amendment is precisely as it was when I showed it to the gentleman a while ago.

The amendment was agreed to.

The Clerk read as follows:

For operating two portable steam sawmills on the Nez Perce Indian Reservation, Idaho, and for necessary repairs to the same, $3,000.

Mr. STEWART of Wisconsin. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Amend the printed bill as follows: At the foot of page 51, after line 24, add the following words: "For the purchase of an electric dynamo and placing the same in position for electric lighting of the public buildings at the Oneida Industrial School, in Wisconsin, $1,000."

Mr. SHERMAN. I think that amendment, if it is to come in at all, ought not to come in at this point. It properly belongs in the paragraph providing for schools. However, I will not make the point of order against it.

The amendment was agreed to.

Mr. GAMBLE. Mr. Chairman, I desire to offer the amendment which I send to the desk.

The amendment was read, as follows:

Insert after the word "dollars," in line 24, page 51, the following:
"For the survey of lands in the Indian reservations in South Dakota, the sum of $30,000, to be immediately available; and the Commissioner of the General Land Office is hereby directed to survey the lands embraced in said reservations."

Mr. SHERMAN. Mr. Chairman, I will reserve the point of order against that amendment until I hear an explanation of it.

Mr. GAMBLE. Mr. Chairman, in reference to the amendment just proposed by me, I will say that it embodies the same provision that was contained in the bill of last year. There are a large number of reservations in the State. The allotments have not been fully made. There is great necessity for the adoption of this amendment, so that the allotments may be made to the Indians and carried out as originally intended. The amendment is identical in its terms with a provision embodied in the bill of last year, except that in this amendment I have dropped the names of the reservations—the Cheyenne River and Rosebud Indian reservations—named in the bill of last year, and I make the amendment apply generally to all the reservations in the State.

Mr. SHERMAN. What is the amount of appropriation proposed?

Mr. GAMBLE. Thirty thousand dollars. The provision of the last appropriation bill will be found at the foot of page 24 of the act as passed last year. I have conferred with the Indian Office on this subject, and I learned there that all of the appropriation made last year has been exhausted and that this appropriation is greatly needed to carry out the work in hand.

Mr. McMILLIN. This does not pertain to Indians in the Indian Territory, as I understand?

Mr. GAMBLE. It applies simply to South Dakota.

Mr. McMILLIN. To the South Dakota reservations.

Mr. GAMBLE. I had prepared my amendment before the amendment of the gentleman from Wisconsin was offered, and possibly the references in my amendment to the numbering of the lines ought to be somewhat changed.

Mr. SHERMAN. Why does not the provision embraced in lines 3 to 13, on page 52, cover the matter?

Mr. GAMBLE. Simply because it is inadequate.

Mr. SHERMAN. Then why not change the amount and leave the other language of the text as it is?

Mr. GAMBLE. Because in the State of South Dakota there are a number of these reservations; and I have followed the language of the law of last year, so as to make the provision specially applicable to that State, the object being that the money should not be diverted to other localities.

Mr. FOOTE. Was this amount appropriated last year for this purpose?

Mr. GAMBLE. Yes, sir.

Mr. FOOTE. And it is proposed that we appropriate again this year $30,000?

Mr. GAMBLE. Yes, sir.

Mr. FOOTE. How long at this rate will it take to complete this survey?

Mr. GAMBLE. Well, as I have said, there are a number of these reservations, some of them of large area, and the object of this appropriation is to carry out the provisions of law and treaty stipulations in regard to the allotment of lands to the Indians, so

that they can be separated from their tribal relations and move ahead in the bettering of their condition in all respects.

Mr. FOOTE. It seems to me the House should know something more about this matter. I am free to confess my own ignorance in respect to it.

Mr. SHERMAN. I desire to ask the gentleman from South Dakota [Mr. GAMBLE] whether this provision meets with the approval of the Indian Office?

Mr. GAMBLE. Yes, sir. I called yesterday at that office and conferred with Mr. Slayton, to whom I submitted this matter.

Mr. SHERMAN. Has the gentleman any report from the office on this subject?

Mr. GAMBLE. No, sir. But when I was in the Indian Office yesterday I was informed that all of the appropriation of $30,000 made last year had been exhausted and that this appropriation will be necessary to carry on the work for the coming year. I supposed then the bill would come up for consideration yesterday, and I did not have time to secure a formal report in writing from the Indian Office. Had I understood it would have gone over until to-day, I would have asked for a report in line with the suggestions I have made.

Mr. FOOTE. Has the gentleman any report as to how much work has been accomplished by the expenditure of the $30,000 appropriated last year, how much is yet to be done, and how many years it will probably take to complete the work?

Mr. GAMBLE. I do not know that I can intelligently answer that question.

Mr. FOOTE. It seems to me that the House should be informed on that point.

Mr. GAMBLE. There is a large area of land in these various reservations, of which there are a number in the State. It will take some time to carry out all the allotments under the treaty.

Mr. SHERMAN. Why does not the provision in the bill, so far as it goes, reach South Dakota as well as any other State?

Mr. GAMBLE. Because, as I have already stated, the amount provided in the bill is entirely inadequate for the State of South Dakota alone.

Mr. SHERMAN. Well, Mr. Chairman, while, in view of the gentleman's statement, a point of order would not probably be sustained on this amendment, I really think the amendment ought not to be adopted. I regret very much to oppose any proposition offered by the gentleman from South Dakota, but I can not allow such an amendment as this to pass without opposing it. I think this amendment ought not to be adopted.

Mr. GAMBLE. In reply to the gentleman from New York [Mr. SHERMAN], I will say—not that I would accuse him of bad faith or anything of that kind, because I believe he has the good of the service entirely at heart—that I suggested this matter to him yesterday, and I understood I had his permission to bring up the amendment, he believing, as I thought, that it was necessary that this work be carried out. If these Indians are to be advanced in civilization, if they are to be put on their allotments and separated from their tribal relations in conformity to the provision of the treaties with the different tribes, this appropriation ought to be made in conformity with treaty stipulations as well as the law by which they were ratified. I insist that the amount is not too large. In fact, it is really insufficient to do the necessary work in hand. But although I think a larger amount ought to be provided than this amendment proposes, I am willing to modify the amendment and reduce the amount of the proposed appropriation.

Mr. FOOTE. I should like to know whether attention is called to this matter in the report of the Indian Commissioner. Has the gentleman any report in favor of the proposition?

Mr. GAMBLE. No, sir; I can not refer to any such report. I can only answer the gentleman generally that these reservations are very large; all the allotments have not been made; it is absolutely necessary in carrying out the provisions of the treaties that the allotments should be made so that in addition to the school, industrial, and other facilities the Indians may have the advantages of the influences of civilization to the fullest extent.

Mr. FOOTE. I did not wish to appear as opposing the amendment of the gentleman, but only wanted to obtain some information before voting upon the expenditure of so large a sum.

Mr. SHERMAN. Mr. Chairman, I very much regret that there seems to be a misunderstanding between the gentleman and myself. I certainly did not mean to be understood as assenting to the amendment. I know, of course, that the gentleman must have supposed I assented to it, or that he would not have so stated. But it was a mistake. I had no such thing in my mind during the conferences we had on the subject.

I do not think, I repeat, that the amendment ought to be adopted. We have provided $30,000 in the next item in the general fund for the purpose for which the gentleman now asks the same sum to be used in South Dakota alone; and I think the amendment ought not to be adopted.

Mr. GAMBLE. I think the gentleman from New York is in error, Mr. Chairman. There is a provision at the bottom of page 52 for the amount of $20,000 for the general surveys of allotments——

Mr. SHERMAN. The gentleman is correct; $20,000. I said thirty, but twenty is the correct amount.

Mr. GAMBLE. And I clearly understood the gentleman from New York that I had the right to offer the amendment, as I suggested it to him. It was embodied in the law of last year; and, upon the further fact that I have the assurance of the Indian Bureau, and my own knowledge of the conditions prevailing, that this is necessary. I hope, therefore, that the amendment will be adopted.

Mr. CANNON. I would like to ask the gentleman a question in order to determine my vote on the amendment.

On page 52, line 13, about the middle of the page, I see that $30,000 is appropriated for surveys of allotments, and at the bottom of the page I see a sum of $20,000 is provided for the same purpose. It seems to me to be two substantially similar items, making a total of $50,000. Do I understand the gentleman from New York—that this was not estimated for?

Mr. SHERMAN. Of course the items in the bill were estimated for. The amendment proposed by the gentleman from South Dakota was not estimated for.

Mr. CANNON. It is clearly outside of the estimate?

Mr. SHERMAN. Yes, sir.

Mr. GAMBLE. I would say, in reply to the suggestion of the gentleman from Illinois, that when the estimates were made up in September last the amount provided by the bill last year had not been exhausted and very little had been paid out at that time; but since then it has been entirely exhausted.

Mr. CANNON. Is there any communication, transmitted in the regular way, from the Interior Department regarding this appropriation?

Mr. GAMBLE. No, sir; as I have already stated, there is no such communication. That is to say, there is no formal communication, only to me, personally, when I called yesterday at the Indian Office upon this subject.

Mr. CANNON. Do I understand the gentleman from New York to antagonize the provision?

Mr. SHERMAN. I do, sir.

The CHAIRMAN. The question is on agreeing to the amendment submitted by the gentleman from South Dakota.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For pay of physician, New York Agency, $600.

Mr. CANNON. I wish to reserve the right to submit a point of order on that provision long enough to ask a question.

Mr. SHERMAN. I will say to the gentleman from Illinois that the same provision was in the last appropriation bill, identical in language and amount.

Mr. CANNON. It is marked "new" here.

Mr. SHERMAN. That is an error. It is precisely the same provision.

Mr. CANNON. Has the gentleman got the last year's bill before him?

Mr. SHERMAN. I will say to the gentleman that he falls into an error because this item appears in another part of last year's bill. It was transposed here to make the bill more homogeneous.

Mr. CANNON. Is it in pursuance of a treaty?

Mr. SHERMAN. Only in a way, I suppose; in fact, it is a gratuity.

By our treaty with the New York Indians it was provided that we should furnish medicines, calicoes, and so on, and we have furnished a physician for many years; but up to last year he had been paid out of some general fund, what it is I can not say; but last year for the first time it was put in as a specific item in the appropriation bill in this form. In fact, this physician attends to some 2,500 Indians. He spends one day each week on the reservation, and goes there at any other time that his services may be required.

Mr. CANNON. This, I believe, is a wealthy class of Indians up in New York.

Mr. SHERMAN. No; I do not think so. They have lands, but as a tribe there is but little wealth amongst them. The land on which the Indians live, I will say, is the land the title to which was claimed by the Ogden Land Company. They have a right of tenure forever, and there is some question about the ownership of the land, some claim that affects the title.

Mr. CANNON. It is allotted. They are living there on their allotments, are they not?

Mr. SHERMAN. It is not allotted. They are living there in tribal relations. There has been no allotment whatever.

Mr. CANNON. If it is a treaty obligation, I am willing to pay. If it is not——

Mr. SHERMAN. It is not in terms a treaty stipulation, and yet it takes the place of a treaty provision that we shall furnish them so much medicine, and all that sort of thing. We furnish

them a physician who does all this instead. I think it is entirely proper.

The Clerk (proceeding with the reading of the bill) read as follows:

For irrigation, Southern Ute allotments, including labor and material, to be immediately available, $25,000.

Mr. CANNON. I make the point of order on lines 18, 19, and 20, that that is an appropriation not authorized by existing law.

Mr. SHERMAN. Does the gentleman make the point, or simply reserve it?

Mr. CANNON. Well, I will reserve it if the gentleman desires to say something.

Mr. SHERMAN. I ask the Clerk to read what is said on this subject in the report of the Commissioner of Indian Affairs. It is found on pages 94 and 95 of his report. I am not contending that the gentleman's point of order is not correct, but I ask him to hear these facts before he insists upon his point.

The Clerk read as follows:

SOUTHERN UTES IN COLORADO.

It was stated in my last annual report that the commission which was appointed under the provisions of the act of Congress approved February 20, 1895 (28 Stat. L., 677), was engaged in allotting lands in severalty to such members of the Southern Ute tribe as had elected to take them. November 30, 1895, the commission transmitted schedules showing allotments to 332 Indians, the quantity of land alloted being 65,450.33.

While these schedules were before the Department for approval, Agent Day, of the Southern Ute Agency, who was also a member of the commission, reported that the few Indians who had wanted their improvements appraised and sold with the intention of removing to the diminished reserve to live in common with those members of the tribe who had decided not to take allotments had reconsidered their determination and wanted allotted to them the land upon which their improvements were located. Agent Day, in his capacity as commissioner, was accordingly directed March 27, 1896, to prepare a supplemental schedule showing the additional allotments.

April 14 he transmitted a supplemental schedule showing 39 allotments aggregating 7,360.81 acres, which, added to the original schedule, makes a total of 371 allotments, covering 72,811.15 acres. June 12 the Department approved the two schedules of allotments and directed the Commissioners of the General Land Office to issue the patents therefor.

The surplus or unallotted lands of that portion of the reservation lying east of range 14 have not yet been opened to settlement, and they probably will not be until the east boundary line shall have been properly located. It is said now to be located about 5 miles too far west.

A matter of much importance to the allottees on the Southern Ute Reservation is that of irrigation. Agent Day has had surveys and the necessary filings made for five ditches, and he was directed September 1 to submit estimates of cost of putting in the head gate for each of the ditches and for doing a limited amount of additional work on two of them, the idea being to prosecute the work with "due diligence," as required by the laws of Colorado. The office is delayed in the proper prosecution of this work by lack of funds. For the completion of the ditches a special appropriation will have to be asked, the regular appropriation of $30,000 for irrigation generally on Indian reservations being entirely too small to provide for payment of the total cost of irrigation for the Southern Utes. It is proposed, however, to use about $5,000 thereof in making the start, and to depend upon Congress for the remaining funds necessary to complete the work.

Mr. SHERMAN. Mr. Chairman, these Indians are the Indians who have been moved, or whom we have attempted to move, from Colorado over into Utah, and, as the portion of the report which the Clerk has read shows, some 70,000 acres of land have been allotted to some 370 Indians. As the report further shows, these lands, as they are now conditioned, without water, are practically valueless, and before these Indians can possibly maintain their existence there it is necessary to irrigate these lands. That work, as the report shows, is under way, and it will require, as is believed by the Commissioner, $25,000 more to finish it. I hope the gentleman will not insist on his point of order against the amendment.

Mr. CANNON. How many of these Indians are there?

Mr. SHERMAN. I will have to refer to my friend from Colorado [Mr. BELL]. I can not recall how many there are, all told.

Mr. BELL of Colorado. About a thousand.

Mr. CANNON. About a thousand, my friend says.

Mr. SHERMAN. That is correct.

Mr. CANNON. I find, on page 34, that the appropriation for substantial assistance to these Indians aggregates $83,740 for 1,000 Indians.

Mr. SHERMAN. Yes; that is right.

Mr. CANNON. Then they are beneficiaries under the general appropriation, in the discretion of the Secretary of the Interior, for the construction of schools for education?

Mr. SHERMAN. That is right.

Mr. CANNON. And so on. Then, in addition to that, my recollection is that these Indians are very well off. And still, in addition to that, I find under the treaty of 1874 they are entitled to receive in perpetuity $25,000 a year, to be expended for their benefit within the discretion of the Secretary of the Interior.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. CANNON. Yes, I do insist on the point of order.

The CHAIRMAN. The Chair will sustain the point of order, and the Clerk will read.

The Clerk read as follows:

For survey and subdivision of Indian reservations and of lands to be allotted to Indians, and to make allotments in severalty, to be expended by the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, $20,000.

Mr. MONDELL. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Strike out, in line 25, page 52, the word "twenty" and insert in lieu thereof the word "forty."

Mr. MONDELL. Mr. Chairman, I should like to ask the chairman of the committee [Mr. SHERMAN] a question. I understand this is the amount estimated for by the Commissioner of Indian Affairs. I should like to ask if the Commissioner of Indian Affairs considered this amount sufficient for the survey and allotment of lands?

Mr. SHERMAN. Well, it is what he has asked for, and I assume that he considered that sufficient.

Mr. MONDELL. Mr. Chairman, this question has already been raised by the gentleman from South Dakota [Mr. GAMBLE], who wished an appropriation of $30,000 for his State alone, for surveys and allotments. The bill carries appropriations of only $20,000 for the surveys and allotments in all portions of the Union. Last year the appropriation, I believe, was about this amount, and I am of the opinion that this was not enough.

There are a number of reservations in the country where surveys and allotments are needed, and I have specially in mind a large reservation in my State where about two-thirds of the Indians have received their lands in severalty. The allotting agent has been unable to carry on allotments this entire winter for the reason that the appropriation for further surveys was exhausted; and I fear, with an appropriation of only $20,000 for the entire country for this very important branch of the work of the Department, that the same condition of affairs will exist in the coming year that has existed the past year. I believe that the Shoshone and Arapahoe Reservation alone in the State of Wyoming requires an appropriation of $8,000 or $9,000 to complete the surveys so that allotments can be made to all the Indians of that reservation in severalty. It is certainly highly important that these allotments should be made. The Department has already started in on this work of giving to every Indian his land in severalty, and the lack of sufficient funds for the survey operates against this very laudable work. It is highly important for the good of the Indians that the land shall be surveyed immediately in order that the allotments can be made at the earliest possible moment.

Mr. SHERMAN. Mr. Chairman, while I do not wish to set up my opinion against the knowledge of the gentleman so far as his own locality is concerned, I do think it is fair to assume that the Secretary has asked us for all that he deems sufficient for this year; and in the absence of any subsequent report or more definite report from him, I do think we should grant only such amount as the Secretary has asked for in the Book of Estimates; and therefore I trust that the amendment will not prevail.

Mr. MONDELL. Mr. Chairman, the appropriation made last year was much short of the amount needed, and it is barely possible that the Commissioner of Indian Affairs did ask for a larger appropriation for this purpose than the Secretary of the Interior finally submitted, and no doubt the Commissioner endeavored to keep estimates as low as possible.

The question was taken on the adoption of the amendment, and the amendment was rejected.

The Clerk read as follows:

For completion of the survey of the lands in the Indian Territory, $100,000, or so much thereof as may be necessary, to be immediately available: *Provided*, That the surveys herein authorized, or any part of them in the Indian Territory, shall be made under the supervision of the Director of the Geological Survey by such persons as may be employed by or under him for that purpose; and such surveys shall be executed under instructions to be issued by the Secretary of the Interior, and subdivisional surveys shall be executed under the rectangular system, as now provided by law: *Provided further*, That when any surveys shall have been so made and plats and field notes thereof prepared, they shall be approved and certified by the Director of the Geological Survey, and two copies thereof shall be returned, one for filing in the Indian Office and one in the General Land Office; and such surveys, field notes, and plats shall have the same legal force and effect as heretofore given to the acts of surveyors-general: *Provided further*, That all laws inconsistent with the provisions hereof are hereby declared to be inoperative as respects such surveys.

Mr. KIEFER. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

On page 53 insert, after line 20, the words:

"To enable the Secretary of the Interior to pay to the scouts and soldiers and their descendants of the Sisseton, Wahpeton, Medawaukanton, and Wapkoota bands of Sioux Indians residing off of the Sisseton Reservation and not parties to the agreement, who were duly enrolled and received their proportion of the annuities on the pay roll of said scouts and soldiers for the years 1893 and 1894, and whose names were omitted from the pay roll of the year 1895, $10,000, or so much thereof as may be necessary."

Mr. SHERMAN. Mr. Chairman, I reserve the point of order against the amendment until I have heard further in reference to it.

Mr. KIEFER. Mr. Chairman, I desire now that the Clerk may read the statement of the Commissioner of Indian Affairs touching this matter.

The Clerk read as follows:

WASHINGTON, *January 19, 1897.*

SIR: I am in receipt of your letter dated the 15th instant, inclosing copy of an amendment which your colleague, Mr. KIEFER, proposes to introduce to the Indian appropriation bill when it is considered. You ask to be advised whether or not the amendment should be incorporated in the bill.

In reply, I return the amendment with advice that the same should be incorporated in the bill. The amount named, $10,000, will pay twenty-five scouts and soldiers omitted from the pay roll of 1895, if that number were omitted.

Very respectfully,

D. M. BROWNING, *Commissioner.*

Hon. J. S. SHERMAN,
House of Representatives.

The CHAIRMAN. Does the gentleman desire to say anything on the point of order made by the gentleman from New York?

Mr. SHERMAN. I will not insist on the point of order, in view of the statement made by the Commissioner.

Mr. CANNON. I will reserve it.

Mr. KIEFER. May I be heard?

The CHAIRMAN. The Chair will hear the gentleman from Minnesota on the point of order, if he desires to be heard.

Mr. KIEFER. Yes, sir. The amendment, in the first place, asks for $10,000, or so much thereof as may be necessary, to pay a number of soldiers and scouts of the Sioux, as they are named in the amendment. They were left off the pay roll by an oversight for the year 1895. They were paid for 1893 and 1894. They are entitled to that pay. Now, the Commissioner of Indian Affairs acquiesces in the request that they should be so paid.

Mr. CANNON. Let me read:

In reply I return the amendment with the advice that the same be incorporated in the bill. The amount named, $10,000, will pay twenty-five scouts and soldiers omitted from the pay roll of 1895, if that number were omitted.

Very respectfully,

D. M. BROWNING, *Commissioner.*

Mr. KIEFER. That is the number that he refers to. Not knowing exactly how many there were omitted, he qualified it by stating if that number had been omitted; being the number of twenty-five, that would be the amount.

Mr. CANNON. Is that a treaty obligation?

Mr. KIEFER. I so understand it.

Mr. CANNON. What treaty?

Mr. KIEFER. I can not state. The gentleman must understand that these scouts and soldiers were scouts and soldiers during the Sioux outbreak of 1862, and payment authorized by act approved March 2, 1895.

Mr. CANNON. Then this runs back to 1862?

Mr. KIEFER. This is a claim by soldiers and scouts who served as such during the Sioux war for 1862, as I understand, and their names were left off the pay roll for the year 1895.

Mr. CANNON. Then I insist on the point of order.

Mr. SHERMAN. I hope you will. If that is so, that is a claim.

The CHAIRMAN. The Chair will sustain the point of order.

The Clerk read as follows:

To enable the Secretary of the Interior to reimburse the confederated Kaskaskia, Peoria, Piankeshaw, and Wea tribes of Indians the amount due them under the treaty of May 30, 1854, $12,123.93, to be immediately available, and to be in full for all money claimed by said Indians, both principal and interest, under and by virtue of said treaty; said sum to be paid per capita to said Indians by the Secretary of the Interior or expended for their benefit in such manner and for such objects and purposes as he may see fit, and when so paid or expended to be in full payment of all claim and demand against the Government of the United States under said treaty.

Mr. CURTIS of Kansas. Mr. Chairman, I desire to offer an amendment to that paragraph.

Mr. CANNON. Before the amendment is offered, I desire to make the point of order upon the paragraph, beginning at line 21, page 53, and extending down to line 8, page 54.

Mr. CURTIS of Kansas. Mr. Chairman, I desire to amend by adding after the word "treaty," on page 54——

Mr. CANNON. Mr. Chairman, I will ask to have the point of order disposed of first.

Mr. SHERMAN. Let it be reserved.

Mr. CANNON. What is the use of amending the paragraph if it is subject to the point of order?

Mr. SHERMAN. Then, Mr. Chairman, if the gentleman from Kansas [Mr. CURTIS] will withhold his amendment for a moment and the gentleman from Illinois [Mr. CANNON] will reserve his point of order, I will make a brief explanation of this paragraph. Back in the fifties certain treaties were made with these tribes of Indians relating to the sale of their lands, and they thereafter claimed that the United States had erroneously charged against their fund certain items of overpayments to allotting agents, payments to certain counsel that were employed in the business, and other matters of that kind which the Indians claimed should not under the treaty have been charged against them. In 1867 Congress passed an act which provided that "an examination shall be made of the books of the Indian Office and an account current prepared stating the condition of their funds, and the representation of these Indians for overcharges for the sale of their lands in 1857 and 1858 shall be examined and reported to Congress."

Mr. CANNON. What was the date of that?

Mr. SHERMAN. That was in 1867. It will be found on page 515 of 15 Statutes at Large. That examination took place and, as long ago as 1877, a bill was favorably reported in the Senate covering not only the amount included in this amendment, but also interest on various items, making a total of twenty-five thousand and some odd hundred dollars. That was in 1877, twenty years ago.

Mr. CANNON. That is, it was reported in the Senate as a claim for consideration?

Mr. SHERMAN. It was reported favorably as a separate bill.

Mr. CANNON. Let me ask the gentleman, is this an appropriation for the service of the Indian Office for the coming fiscal year?

Mr. SHERMAN. It is not.

Mr. CANNON. But it is in satisfaction of a claim that dates away back in the fifties?

Mr. SHERMAN. That is correct.

Mr. CANNON. Then I must insist on the point of order.

Mr. SHERMAN. Notwithstanding the absolute virtue of the claim as demonstrated by the gentleman from New York? [Laughter.]

Mr. CANNON. It has no place in this bill. It is a mere claim.

Mr. SHERMAN. I assume, Mr. Chairman, that the gentleman's point of order is good if it is insisted upon.

Mr. CANNON. I insist upon it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CURTIS of Kansas. Then, Mr. Chairman, I will offer my amendment, to come in before line 9 on page 54.

The amendment was read, as follows:

Before line 9 on page 54 insert:

"That the Secretary of the Interior be, and is hereby, directed to pay to G. H. Kitson, or his legal representatives, the sum of $1,000 due said Kitson for money advanced to the Menominee tribe of Indians of Wisconsin, out of any money due said tribe from the United States not otherwise appropriated."

Mr. SHERMAN. Mr. Chairman, I reserve the point of order upon that amendment, but will hear an explanation.

Mr. CURTIS of Kansas. Mr. Chairman, this carries no appropriation at all. These Indians are very wealthy. They have no annuities, but they have a large amount of money to their credit in the Treasury, the interest of which is paid to them every year without appropriation. They have also a large income from the sale of lumber. A few years ago a member of the tribe loaned them $1,000 in connection with a mission to Washington. He is a one-armed Indian. He mortgaged his farm to obtain the money, and they gave him a note for it. I have a letter here, written by the agent in 1892, in which he makes the request that $600 of this amount should be paid, and this amendment provides for the payment of the note without interest. There is no reason why it should not be paid. It takes nothing from the Treasury. This Indian has lost his farm. The tribe is perfectly able to pay the money they owe this man, and the only way he can be paid is for us to direct the Secretary of the Treasury to pay him.

Mr. SHERMAN. I withdraw the point of order, Mr. Chairman.

Mr. CANNON. I renew it.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For the erection of a bridge, under the direction of the Secretary of the Interior, across Big Wind River, on the Shoshone or Wind River Indian Reservation in Wyoming, at or near the Kinnear crossing of that river, $10,000, or so much thereof as may be necessary.

Mr. CANNON. Mr. Chairman, I reserve the point of order on this paragraph until I hear an explanation of it.

Mr. SHERMAN. I yield to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, the Shoshone Reservation in Wyoming is about 75 miles square. The Big Wind River runs east and west through that reservation, nearly through the center of it. The Shoshone and Arapahoe Indians—about 1,900 of them—have their allotments south of the Big Wind River, and they use the northern half of the reservation, on the north side of the Big Wind River, as grazing grounds. From the Owl Creek Mountains, in the northern part of the reservation, they obtain timber, logs, poles, fence posts, etc. The Big Wind River is not fordable during the months of April, May, and June, and generally not until the middle of July. Therefore during that part of the year it is impossible for the Indians to cross back and forth between their grazing and timber grounds and their farms.

Further, this reservation lies between two well-settled portions of the State of Wyoming—the Lander Valley and the Big Horn Basin country. All the travel from the Union Pacific Railroad to the southern portion of the last-named country is obliged to cross this reservation; there is no other way in which that region can be reached from the south. Settlers traveling in that country are compelled to cross the Big Wind River, and under existing

conditions it is impossible for them to do so until after midsummer. Further, this reservation is southeast of the National Park and the Jacksons Hole country, and Fort Washakie, on this reservation, is the only place where there are any troops adjacent to these regions. During the early part of the year it would be impossible, without the construction of this bridge, to transfer these troops, if it should be necessary, without great delay. I think this bridge is needed by the Indians, by the settlers, and by the military.

Mr. CANNON. Is this appropriation estimated for?

Mr. MONDELL. It is not.

Mr. CANNON. Is there anything to prevent the State of Wyoming from erecting a bridge within her borders?

Mr. MONDELL. In reply to the gentleman's question, I will say that if the State of Wyoming or its citizens were in possession of the Shoshone and Arapahoe Reservation, one of the fairest portions of our State, we should be only too happy to bridge the Big Wind River. But unfortunately for us that great reservation lying in the center of the State belongs to the Government and the Indians. It is surrounded east and west by mountain ranges. There is a vast tract in the northern part of my State, as large as the State of Massachusetts, which it is impossible to reach from the south without crossing this reservation. If the reservation were turned over to the State of Wyoming, we should be very happy to make appropriations for bridging the river; but so long as the reservation remains in the hands of the Indians and the National Government our State has no authority to go upon the reservation for the purpose of building bridges. We therefore ask that this bridge be provided for by an appropriation through the only channel in which an appropriation can be made for its erection.

Mr. CANNON. In the absence of any estimate and of any official information from the Executive Department in reference to this matter, I am compelled to insist on my point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

That all restrictions existing against the leasing, sale, or conveyance of the allotted lands of the Puyallup Indians, situate in Pierce County, State of Washington, in so far as the Government of the United States is concerned, are hereby removed.

Mr. McCALL of Massachusetts. I reserve a point of order against the paragraph just read.

Mr. SHERMAN. I ask the gentleman from Washington [Mr. DOOLITTLE] to explain this provision, as it has been inserted in the bill upon his suggestion.

Mr. DOOLITTLE. Mr. Chairman, this matter has been up during every session of Congress during the last four years. There are only something like five or six hundred of these Puyallup Indians. These lands, lands which have been allotted to them for a long period of time, are a much larger body of land than they will require, or even be able to clear, for purposes of cultivation. The allotted lands abut against the city limits of the city of Tacoma, in the State of Washington, a place of fifty-two or fifty-three thousand inhabitants. Some time since a treaty was made with these Puyallup Indians, and afterwards the lands were allotted to them, with the exception of about 600 acres, which were retained for school, church, and cemetery purposes. Some time since a commission was appointed to superintend the sale of these allotted lands and the reservation lands proper. The provision of law under which this commission was appointed provided for the payment of the salaries and expenses of the commissioners out of the proceeds of the sale of these allotted lands. The commissioners went on and sold certain of the lands—a much smaller quantity, as we believe, than should have been sold in view of the expense incurred. About $90,000 was expended in the sale of a portion of these lands.

On the 1st day of December, 1896, this commission, under an act of the last Congress, came to an end. I had a talk with the Secretary of the Interior, during the last session, on this subject while the Indian appropriation bill was pending, and when he requested that a further appropriation be made to pay the expenses of this commission. He told me that he desired the commission to proceed with the work till the 1st of December last, but he was satisfied that if they continued to work up to that time they would have sold all the lands which the Indians would consent to sell under that limitation, and therefore he would not care to insist on the further prosecution of that business under the supervision of a commission.

Now, Mr. Chairman, the fact is that these Indians are very largely of white blood; they are educated Indians, amply able to take care of their business; and, as I have stated repeatedly here on this floor, they are constituents of mine. I am here to represent them as any other member on this floor represents his constituents, and they desire that this limitation shall be now removed. They are just as competent to transact their own business as any agricultural community in the limits of the United States. What they desire to do is to sell portions of the allotted lands and use the moneys received from the sale for the purpose of clearing up the balance of the property. Large portions of their lands are covered very heavily with timber, and will require an expenditure of $100 or $125 and in some cases even as much as two or even three hundred dollars an acre to clear them up. Once cleared, however, it is the most productive land in the United States. It is so fertile that a farm of 8 or 10 acres is sufficient to produce everything required for the consumption and to supply the wants of a family of six or eight persons. We have gotten these Indians in such a condition—they are so well educated—that they are perfectly competent to manage their own business affairs and do not longer need this commission.

We wanted, therefore, the supervision of these commissioners to come to an end, for they added no value whatever to the property rights of my constituents.

I am asking only that which is fair and just and proper, and it seems to me that there ought to be no objection, in common fairness on the part of any Representative on this floor, to this proposition.

Mr. BRODERICK. I would like to ask the gentleman a question. Do I understand that this commission went on and sold lands after allotments had been made to the individual Indians?

Mr. DOOLITTLE. Yes, sir.

Mr. BRODERICK. Sold the allotted lands?

Mr. DOOLITTLE. Yes, sir; which, in my judgment, was a bad policy always. The Indians ought not to have been compelled to bear the burden of this commission. It is all wrong.

And another thing: If an investigation were had, it would be shown conclusively to any unprejudiced mind that the lands were sold to no better advantage than if they had been sold directly by the Indian allottees themselves. And in 9 cases out of 10 the sale was made by an arrangement with the individual allottee, and was simply confirmed by this commission.

I have no complaint or criticism to make so far as the commission itself is concerned, but their effort has come to an end, as Congress wisely determined, on the 1st of December last.

Mr. BRODERICK. The commissioners, as I understand it, had supervision over the lands in the matter of leasing, and sometimes collected the money under the leases, but I have never known that they had any right, or that they ever undertook to interfere with the title of the Indians.

Was that provided for by the act appointing the commission; that these commissioners should sell the lands of the individual allottees?

Mr. DOOLITTLE. Assuredly.

Mr. BRODERICK. I did not so understand.

Mr. DOOLITTLE (continuing). And they went and sold all the lands they could sell under the consent of the Indians.

A good many of the Indians possess the pride to manage their own affairs, and naturally would not consent to the sale of their lands under the supervision of any commission.

Mr. BRODERICK. To whom did the commission report?

Mr. DOOLITTLE. To the Secretary of the Interior. And the arrangement was further made that the moneys proceeding from the sale should be turned over to the Indians directly without being covered into the Treasury. This is a further fact that the intelligence of these Indians is recognized in every possible way.

Now, an effort is claimed to have been made all the time to educate Indians to be competent to manage their own affairs. Here are five or six hundred people who have acquired sufficient intelligence and business capacity to do that very thing.

Mr. BRODERICK. What became of the moneys received that were turned over from the lands sold?

Mr. DOOLITTLE. Why, they took the money and improved the balance of the lands, so that they are now living as white people, educating their children, and voting the Populist ticket in a good many cases, I am sorry to say.

Mr. BRODERICK. I mean with reference to the lands sold by the commission. Did those persons whose lands were sold become paupers?

Mr. DOOLITTLE. Not at all. They did not sell all of their lands. They took the money received from the sale of a portion of the land and improved the balance, on which they live and retain the title.

Mr. MEIKLEJOHN. Will the gentlemen allow me to ask him a question?

Mr. DOOLITTLE. Certainly.

Mr. MEIKLEJOHN. I notice you take away, by the amendment, the prohibition against the conveyance of the land. When would that time expire?

Mr. DOOLITTLE. In about four years from the present time. The twenty-year limitation was done away with by the act of a former Congress, and was cut down to ten years. About six years of that time have expired, and no one expects these Indians to be more competent than they are now, during the four years remaining, to manage their own property.

Mr. BRODERICK. I desire to ask the gentleman if this statute

authorizing the appointment of a commission authorized that commission to sell all the allotted lands of any individual Indian?

Mr. DOOLITTLE. Such portion of the alloted lands as they do not require for their own use was the provision.

Mr. McCALL of Massachusetts. I am very reluctant to make the point of order against my friend.

Mr. DOOLITTLE. I assure the gentleman that I am very reluctant to have it come from that source.

Mr. McCALL of Massachusetts. I have no doubt the gentleman knows a great deal more about it than I do.

Mr. DOOLITTLE. I am glad that is admitted also.

Mr. McCALL of Massachusetts. But we have to treat these Indians with reference to our general policy, and it seems to me this is an infraction of the general principles upon which we treat all Indians. They are considered as under the special guardianship of the nation. There is a way in which anyone who wants to buy these lands can get them.

Mr. DOOLITTLE. Not now.

Mr. McCALL of Massachusetts. That is, by getting the consent of the Government, which acts as a trustee; but I am especially moved to make the point of order from the statement made in the report of the Indian Commissioner, in which he says, with reference to this very proposition:

It is believed by this office——

Mr. DOOLITTLE. Will the gentleman yield for a question?

Mr. McCALL of Massachusetts. Let me just read this report.

Mr. DOOLITTLE. If the gentleman will allow me, I should like to ask him when that report was made by the Indian Commissioner?

Mr. McCALL of Massachusetts. It was in reference to the last Indian bill, in which there was a similar provision to this one. The date is February 21, 1886. The Indian Commissioner then said:

It is believed by this office that if the clause contained in the pending Indian appropriation bill—

Which I understand is substantially identical with this very clause—

should become a law it would result in robbing the Puyallup Indians of their homes and lands, in bringing them to early poverty, and in making them dependent upon the generosity of the Government. Not only would it result in their financial ruin, but tend to their moral destruction. It would, in my opinion, be a discredit to the Government and a fraud upon Indian legislation to allow these Indians to dispose of their lands—as they certainly would do—worth many thousands of dollars, for a mere pittance.

It seems to me that these Indians who own lands in the vicinity of a large city should especially receive the guardianship of the Government, if Indians anywhere should receive that guardianship. And in view of that statement of the Indian Commissioner, I very reluctantly—because I regret to object to anything my friend wishes—feel called upon to make the point of order that this changes existing law.

Mr. DOOLITTLE. I move to strike out the last word.

So far as the possibility of these Indians becoming a charge on the General Government is concerned, I wish to reply to the gentleman. These Indians are citizens of the State of Washington just as much as I am a citizen, and whenever an Indian has fallen into indigent circumstances he has been taken care of by the authorities just as a white man is taken care of. These Indians are recognized in every way as citizens of that State, voting at all of our elections, and subject to all of our laws. They have the right, under the decisions of the Federal courts in that State and under the decisions of the State courts, to purchase liquor and to exercise all of the rights of citizens. [Laughter.] They have at all times done so, and I desire to say to this House, that there is as much sobriety among these Puyallup Indians as there is in any community in your State or my State; that these Indians are sober, upright, self-respecting people.

Now, so far as the observation of the Commissioner is concerned, he never has seen these Indians, he never has been with them, and knows nothing about them, and when the gentleman from Massachusetts [Mr. McCALL] visited the State of Washington a short time since I think it was pointed out to him where this reservation lay, stretched out in the Puyallup Valley, covered with timber in the main. The gentleman should know how important it is to the interests of that city that these lands be opened up, and how important it is to the interests of those who now hold the lands under this little four years' restriction, and I ask him, in common fairness as between men representing constituencies here on this floor, to withdraw this point of order. He says he is reluctant in making it. I assure him that no harm whatever can come to these Indians through the passage of this provision in this bill. I am speaking earnestly, Mr. Chairman. This is the last opportunity I shall have on this floor to plead in behalf of the rights of these constituents of mine. Another man will soon take my place, residing in a more remote portion of the State, and I ask this on behalf of these Indians, on behalf of the citizens of the State of Washington, and on behalf of the fairness which I believe he possesses and that I simply invoke in asking the withdrawal of this point of order. I hope no point of order will prevail against this amendment, but that it will be allowed to come to a vote here in the House, so that we may ascertain what the sentiment of the House is in regard to a matter of this kind, that is asked in all candor by the representative of a constituency who ought to know what his people want and what is best for them.

The CHAIRMAN. Does the gentleman insist upon his point?

Mr. McCALL of Massachusetts. Mr. Chairman, if this can be reserved, and this section passed over, I would be very glad to further look into the matter; but we have the positive statement of the Indian Commissioner, and if we are compelled to act upon it now, I shall have to insist upon the point of order. I ask that this paragraph be temporarily passed over.

Mr. SHERMAN. I will consent to that.

The CHAIRMAN. Unanimous consent is asked that the paragraph under consideration be temporarily passed over. Is there objection? [After a pause.] The Chair hears none.

Mr. MURPHY of Arizona. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

After line 18, page 54, insert the following:

"That from and after the passage of this act all Indians tried within the Territories of the United States for any of the offenses enumerated in section 9, 23 Statutes, page 384, shall be tried exclusively by the United States courts within said Territories."

Mr. SHERMAN. I raise the point of order against the amendment. I reserve it temporarily.

Mr. MURPHY of Arizona. I wish to say, Mr. Chairman, that upon the Indian appropriation bill of 1891 certain offenses were enumerated in which an Indian could be tried in the United States Territories where the United States held exclusive jurisdiction, so that in the Territories these Indians shall be tried within the United States courts; but in the Territories of the United States there are courts with dual jurisdiction. The United States courts also sit as district courts, Territorial district courts, and confusion arises in regard to the trial of these Indians. In many cases they were tried in the Territorial district courts. It then became necessary on an Indian appropriation bill, approved March 2, 1889, to provide that—

SEC. 11. That hereafter the costs of the trial of the cases in the courts of the several Territories tried pursuant to and for the offenses named in section 9 of the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1886, and for other purposes," shall be audited by the accounting officers of the Treasury and paid out of money for similar expenses in the trial of criminal cases in the courts of the United States.

Notwithstanding that provision, confusion still arose, and many counties having claims against the General Government found that they could not collect them, and it became necessary in 1895 for a joint resolution to be passed, as follows:

That the First Auditor and the First Comptroller of the Treasury be, and they are hereby, authorized to examine all claims which may be presented in proper form by the different counties in Arizona Territory, and to ascertain the amount due to each of said counties on account of legal costs and expenses incurred from March 3, 1889, to June 30, 1893, in the prosecution of Indians under the act of March 3, 1885, for which the United States is liable under act of March 3, 1889, Statutes at Large, volume 25, page 1004, and which have been paid by said counties, and the amounts so found due shall be certified by the Secretary of the Treasury to the Speaker of the House of Representatives for a deficiency appropriation.

Now, I wish to say that these Indians are tried by the same men, in the same courts, at the same time, and this only involves the machinery by which they shall be paid. Under the law as it now stands it is very ambiguous, and they must present their claims to the Treasury, and they have to be certified to the Appropriations Committee to provide for their payment in the deficiency bill one year after the trials have been had. It was never contemplated they should be tried by those courts. The object of the amendment is simply to remove the ambiguity and hasten the collection of these amounts from the Department of Justice instead of through Congressional action.

Mr. SHERMAN. This is purely legislative action, and I assure my friend that the Committee on Indian Affairs, except its chairman, is a very active committee, and very energetic in taking action upon matters submitted to it; and if its attention is called to the matters it is prompt in disposing of them. If the gentleman will present the measure to the committee he can get it through, can get it reported from our committee, and it can be passed in the morning hours.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HAINER of Nebraska. I offer the following amendment.

The Clerk read as follows:

Insert after the word "removed," in line 18, page 54, the following:

"That the settlers who purchased with the condition annexed of actual settlement on all ceded Indian reservations be, and they are hereby, granted an extension of one year in which to make payment as now provided by law."

Mr. SHERMAN. I should like to ask my friend if this is the same provision we incorporated in the bill last year?

Mr. HAINER of Nebraska. It is not the same provision as incorporated last year, but substantially the same.

Mr. SHERMAN. It is the same in effect.

Mr. HAINER of Nebraska. No, not exactly. That only referred to homesteads, and this refers to the ceded lands on the Indian reservations with the condition annexed. It is substantially the same. It is to carry out the same purpose.

Mr. SHERMAN. I make no point of order.

The CHAIRMAN. Unless objection be made, the amendment will be considered as adopted. [After a pause.] The Chair hears no objection.

Mr. MONDELL. I wish to offer an amendment.

The Clerk read as follows:

After line 18, page 54, insert the following:
"For repair of present bridge across Big Wind River, on the Shoshone Reservation, in the State of Wyoming, the sum of $3,000."

Mr. MONDELL. Mr. Chairman, the provision for the construction of a new bridge across the Big Wind River has been stricken out on a point of order.

Mr. CANNON. Mr. Chairman, I reserve the point of order on this amendment until I hear the gentleman's statement.

Mr. MONDELL. The provision for the new bridge having been stricken out, I now offer this amendment. I have already explained to the House the necessity for some such provision in view of the geography of this reservation. Quite a number of years ago the Government erected a bridge across the Big Wind River. Last year one end of the bridge was washed out. It had been in use for many years, and it is the only means of communication across that stream for at least half the summer. Unless a new bridge shall be erected, or the old one repaired, neither the Indians, the military, nor the settlers can cross the river for a number of months during the year. The reason for asking for a new bridge was that the old one was too high up the river for general convenience; but as the paragraph providing for the new bridge has gone out on the point of order, I am anxious that at least the old one shall be repaired, so as to accommodate the travel.

The bridge is a piece of Government property, and it ought to be put in good order. I would say in connection with this matter that when the bill was under consideration in the committee I went to the Commissioner of Indian Affairs and asked him if the Indian agent on the Shoshone and Arapahoe Reservation had communicated with him in regard to this bridge, and he said the agent had called his attention to the fact that a portion of the bridge had been washed out, but had made no further suggestion. I then requested the Commissioner to telegraph to Captain Wilson, asking that he give his opinion as to whether there should be a new bridge erected or whether the old one should be repaired. This morning I stopped in the Commissioner's office and saw a letter from Captain Wilson stating that in his opinion it would be better to repair the old bridge, and that it could be repaired for the sum of $3,000. We can get a recommendation from the Commissioner, if necessary, for an appropriation for that purpose to that amount. I trust, therefore, that the House will see fit to give us this small appropriation for the purpose of bridging that river, so as to provide the Indians on the reservation, as well as the settlers in a large portion of my State, the means of intercommunication and travel across the reservation.

Mr. CANNON. I will ask the gentleman if there is anything in the estimates covering this item?

Mr. MONDELL. I will say, Mr. Chairman, that there is nothing in the estimates covering the item; but the Commissioner of Indian Affairs favors this appropriation and the Indian agent has recommended it.

Mr. CANNON. Has the statute been in any sense complied with which requires estimates to be sent from the Secretary of the Treasury to the Speaker of the House? Is there anything in writing in the shape of an estimate for this expenditure?

Mr. MONDELL. I do not know that there is.

Mr. CANNON. I will ask my friend further if it is not a fact that these Indians have a trust fund which the Secretary of the Interior administers, and out of which he can repair this bridge, if it is necessary?

Mr. MONDELL. I understand that there is no trust fund that can be so drawn upon.

Mr. CANNON. Well, I am very sorry, but I shall have to insist upon the point of order.

Mr. MONDELL. Mr. Chairman, I hold that the point of order is not well taken. This is an appropriation simply for the repair of a piece of Government property that has been in use for a number of years past.

Mr. CANNON. Who built that bridge?

Mr. MONDELL. The Government of the United States.

Mr. CANNON. Can the gentleman show me any law under which it was built?

Mr. MONDELL. There was an appropriation for its construction and it was erected at the expense of the Government, and this amendment simply proposes an appropriation to repair it.

Mr. CANNON. Well, Mr. Chairman, it seems to me that if we appropriate for our great territory and our extended service in pursuance of estimates, and with official knowledge of Government property and Government improvements, we shall be meeting the situation fairly well. I know that it is ungracious to make the point of order, but I do not very well see how I can avoid it in this case.

The CHAIRMAN. Does the gentleman from Illinois hold that it is necessary to have estimates submitted and recommendations made before it will be in order to put in the bill an appropriation of the kind contemplated in this amendment?

Mr. CANNON. I think that an expenditure made under law for a public work would be competent without an estimate, but I do not think this is such a public work in progress as is contemplated by the rule.

The CHAIRMAN. Even if the construction of the bridge was authorized by law?

Mr. CANNON. What information has the Chair upon that point?

The CHAIRMAN. Only the statements of the gentleman from Wyoming.

Mr. MONDELL. Mr. Chairman, if I had the time to look the matter up I could cite the gentleman to the appropriation as made. I do not know just when it was made, but we all know that the bridge was built at Government expense.

Mr. SHERMAN. In justice to the chairman of the Committee of the Whole, I ask unanimous consent that this item be passed over, so that information may be furnished to him on which he can rule intelligently.

There was no objection, and it was so ordered.

Mr. FLYNN. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the last amendment insert:
"That any sums of money hereafter to be paid per capita to individual Indians, including those belonging to the Five Civilized Tribes, shall be paid to said Indians by an officer of the Government designated by the Secretary of the Interior; and any provisions of law contrary hereto are hereby repealed."

Mr. CURTIS of Kansas. I reserve a point of order against this amendment.

Mr. FLYNN. Mr. Chairman, I do not believe the amendment is subject to a point of order. The last Indian appropriation bill contained the following clause:

That any sums of money hereafter to be paid per capita to individual Indians shall be paid to such Indians by an officer of the Government designated by the Secretary of the Interior.

In the Indian Committee it was well known that that amendment was offered by me at the last session in order to protect the individual Indians, especially in the Five Civilized Tribes. There has never been a payment made, to my knowledge, of any public funds to the treasurers of those Five Tribes in connection with which there has not been more or less scandal.

The difference between the present amendment and the provision adopted last year is just this: The amendment was put upon the last bill with the understanding that it included the Five Civilized Tribes. Later the Indian Office found that it did not. I brought this matter up in the Committee on Indian Affairs in the presence of the gentleman from Kansas [Mr. CURTIS] and other members. They sanctioned the proposition, and I was instructed to confer with the chief of the finance division in the Indian Office and have him draft an amendment which would cover the case. The amendment which has just been read was drafted by that gentleman in the Indian Office.

As to the merits of this amendment, all I have to say is this: If you want the Indians to obtain the money you appropriate for them, then you should see to it that the money is paid by an officer of the United States.

Mr. DOCKERY. In what other way has this money been paid heretofore?

Mr. FLYNN. It has been sent to the treasurers of the various tribes. If any individual Indian "coughed up" enough to the officers of the tribe, probably he would get all that was coming to him, or probably he would not.

This amendment is offered solely in the interest of the individual Indian. I am frank to acknowledge that it is against the monopoly now existing. As I stated when the amendment was offered and adopted last year, the governor of the Seminole tribe is named Brown, and the treasurer is his brother. They run the only stores in the Seminole Nation. When the money is paid from the Treasury of the United States to the treasurer of the Seminole Nation, the individual Indian never gets a single dollar, but is given a due-bill, upon which he can obtain goods to a particular amount at Brown's store.

Mr. DOCKERY. I am not sure that I am correct; but I have the impression that there may be some provision of law requiring moneys of this character to be paid to the treasurer of the particular tribe.

Mr. FLYNN. There is no such provision. There has simply been a custom of that kind. As I have said, I do not believe the amendment is subject to a point of order, because a similar provision will be found in the last Indian appropriation bill; and

while the gentleman from Kansas [Mr. CURTIS] has reserved such a point, I fail to see how he, having been present when I was instructed by the committee to have the Indian Office draft the amendment, can now raise the point.

Mr. DOCKERY. Has this proposition been submitted to the Indian Office and been approved?

Mr. FLYNN. It was drawn in the Indian Office.

Mr. DOCKERY. With the knowledge of the Commissioner of Indian Affairs?

Mr. FLYNN. I presume so; for, as I have stated, it was drawn by the chief of the finance division upon a request of the Indian Committee, which I was instructed to submit.

Mr. DOCKERY. I had the impression that possibly the Commissioner was opposed to the proposition.

Mr. CURTIS of Kansas. Mr. Chairman, I regret very much to be compelled to insist on a point of order against the proposition of my friend from Oklahoma [Mr. FLYNN]; but in view of the fact that we are now negotiating with these Five Tribes, I believe it would be unwise to make any change at the present time in the manner of making the payments to them. I know nothing as to the manner in which these payments are made, as related by the gentleman from Oklahoma; but I do want to say, in justice to the committee, that when the gentleman was authorized to confer with the Indian Office, it was expected that he would come before the committee with the amendment suggested by the Indian Office. But no such amendment was submitted to the committee. Had the gentleman presented an amendment with a letter from the Indian Office recommending it, I should have raised no objection.

Now, sir, this proposed amendment must change existing law; otherwise the provision contained in the Indian appropriation of last year would be sufficient to authorize the Indian Office to pay out the money in the manner the gentleman desires. But the Secretary of the Interior has held that the provision is not sufficient. I have his letter in my hand. The truth is that the law provides as follows—I read from page 448 of the eighteenth volume of the Statutes at Large:

That the United States assistant treasurer at St. Louis, Mo., be, and he hereby is, authorized to open and keep accounts with the duly constituted treasurers of the Cherokee, Creek, Choctaw, and Chickasaw nations of Indians the same as with the Government against the disbursing officer.

This amendment changes that law.

Then, in reference to the Seminole tribe, I find the following provision for making payments under the treaty of 1856 (see 11 Statutes at Large, page 702):

That the Commissioner of Indian Affairs, with the sanction of the Secretary of the Interior and the President, shall have authority to—

May—

expend the same for such objects as will best promote the comfort, civilization, and improvement of the Seminole Indians; or, in his discretion, with the sanction of the Secretary and the President aforesaid, shall be authorized to pay such annuities, or any part thereof, into the treasury of the Seminole nation, to be used as the council of the same shall provide, instead of paying the same per capita according to the terms of said treaty.

(See 18 Statutes, page 29.)

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. FLYNN. Mr. Chairman, I think the gentleman from Kansas forgets what occurred in the committee room. I was instructed, if he will remember, to draft the amendment to cover the point suggested in the amendment, and to offer it as I now offer it.

The CHAIRMAN. The Chair would like to ask the gentleman if this is new legislation?

Mr. FLYNN. Well, I think the whole bill is new legislation, as a matter of fact.

The CHAIRMAN. The Chair would like to know whether the amendment in its present form changes existing law?

Mr. FLYNN. This provision was in the last Indian appropriation bill:

And any sums of money to be paid per capita to the individual Indians shall be paid to such Indians by an officer of the Government designated by the Secretary of the Interior.

The CHAIRMAN. The Chair thinks this is obnoxious to the rule, and will sustain the point of order.

The Clerk read as follows:

That the clause in section 3 of the act approved February 28, 1891 (United States Statutes at Large, volume 26, page 795), which provides as follows: "That where lands are occupied by Indians who have bought and paid for the same, and which lands are not needed for farming or agricultural purposes, and are not desired for individual allotments, the same may be leased by the authority of the council speaking for such Indians, for a period not to exceed five years for grazing or ten years for mining purposes, in such quantities and upon such terms and conditions as the agent in charge of such reservation may recommend, subject to the approval of the Secretary of the Interior," be, and the same is hereby, extended, so far as the same relates to leasing for mining purposes, to the lands embraced in that part of the Colville Indian Reservation, in the State of Washington, not restored to the public domain by the act of June 20, 1892 (United States Statutes at Large, volume 27, page 62), and still reserved by the Government for the use and occupancy of the Indians thereon, to take effect immediately.

Mr. SHERMAN. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

After line 13, page 55, insert:

"To reimburse John T. Oglesby, special United States Indian agent, for traveling expenses incurred by him and per diem suspension made by the Treasury Department in his accounts while engaged in accompanying the remains of Paul F. Faison, late United States Indian inspector, from Shawnee, Okla., to Raleigh, N. C.: *Provided, however*, That the total amount paid under this authority shall not exceed the sum of $106.

"To reimburse the estate of Paul F. Faison, late United States Indian inspector, for the amount paid on account of board, etc., of said Faison during his illness at Shawnee, Okla., and for transportation of his remains from that point to Raleigh, N. C.: *Provided, however*, That the total amount to be paid under this authority shall not exceed the sum of $75."

Mr. CANNON. Mr. Chairman, although the amount involved here is quite small, for the present I will reserve the point of order with a view to asking my friend about the precedents for such legislation.

Mr. SHERMAN. The facts are that this Indian agent while in the service was taken sick in Oklahoma Territory and there died, and the Commissioner directed these gentlemen to proceed with his remains to his home in North Carolina. We have the report of the Secretary of the Interior in reference to the matter. The services were performed as directed; but the allowance passed by the Indian Office for the expense incurred in the performance of this duty was disallowed by the accounting officer of the Treasury, and therefore this provision is necessary to secure the payment of that sum to the parties who paid the money.

As the gentleman from Illinois says, it is not a large sum, and it seems to be an entirely just one. I have the letter of the Secretary if the gentleman cares to see it.

Mr. CANNON. I do not care about that. The only thing involved is the question of principle that it establishes. It is not the amount involved. I am speaking to my friend now about the matter of policy. It is some 3,000 miles across the continent, and I do not know how many, probably 300,000, United States officials are employed all through the country. Under the circumstances we ought to hesitate very long, it seems to me, before we enter upon a class of expenditures like this, that would involve unknown amounts. We have not been accustomed to paying the burial expenses, and all that, of the various officials of the Government who have died in its service heretofore, and this seems to be a new departure.

Mr. SHERMAN. This is a sum of money that was paid out, unfortunately for him, not by the dead man, but by one of his friends who conveyed his remains to North Carolina, under the orders of the Department; and naturally it was supposed they would be refunded by the Government, when acting under such orders.

Mr. CANNON. Suppose these gentlemen had not been in the Government service; would you have paid them for their services?

Mr. SHERMAN. The Secretary, I assume, would not have attempted to regulate the matter if it was somebody outside of the service of the Interior Department.

Mr. CANNON. But there is no more reason for entering upon this class of expenditure for an official of the Indian service than for any other of the two hundred or three hundred thousand employees of the Government.

Mr. SHERMAN. But this gentleman acted under an order of the Department.

Mr. CANNON. I want to say to the gentleman that I care nothing except as to the fact of establishing a precedent. If there was some way to do it—to pay out this $200, or any other like sum—without establishing such a precedent, there would be little objection to adopting the course the gentleman suggests. I would say, let it go.

Mr. SHERMAN. If the gentleman has been as watchful in past years as he has during the past two days, he certainly ought to know whether there is a precedent or not. I admit that I do not know whether there is a precedent or not.

Mr. CANNON. Well, I think it is my duty——

Mr. SHERMAN. I am not criticising the gentleman. I do not want him to so understand.

Mr. DOCKERY. Will the gentleman allow me to suggest the question whether under this precedent the Government would be liable for similar expenses of the 302 inspectors from the Pension Office now in the field? There are also more than 100 post-office inspectors. Every Department, so far as I know, has inspectors. I think my memory is good on this point, and my recollection is that there is not a single precedent upon which to hang these claims. I should prefer to pass around the hat and take up a private collection rather than to establish this precedent and subject the Government to this expenditure.

Mr. SHERMAN. Shall we suspend operations until the gentleman does that? [Laughter.]

Mr. DOCKERY. Well, I will contribute, if the gentleman will pass the hat around, rather than involve the Government in this expenditure.

Mr. MEREDITH. How much is the amount involved?

Mr. DOCKERY. Oh, something over $100.

Mr. MEREDITH. Oh, I thought it was a hundred millions, or I would have paid it myself. [Laughter.]

Mr. CANNON. I think it is a most dangerous precedent to establish, and I must insist.

The CHAIRMAN. The Chair is inclined to sustain the point of order, unless the gentleman from New York [Mr. SHERMAN] has something to say.

Mr. SHERMAN. I have nothing further to say than I have said.

The CHAIRMAN. The point of order is sustained.

Mr. SHERMAN. I offer the following amendment.

The Clerk read as follows:

After line 13, page 55, insert:

"That the Secretary of the Treasury is authorized and directed to pay the claims of the Chesapeake and Ohio Railroad Company for transportation of Indian pupils in September and October, 1889, to and from Hampton Normal and Agricultural Institute, amounting to $990.60, out of the unexpended balance of appropriations for the support of Indian day and industrial schools for the fiscal year ending June 30, 1895."

Mr. SHERMAN. I ask the Clerk to read the following statement——

Mr. CANNON. I suggest that that is not an appropriation for the coming fiscal year.

Mr. SHERMAN. Will the gentleman reserve his point of order?

Mr. DOCKERY. Let that item go into the deficiency bill.

Mr. CANNON. It seems to me that its proper place, under the rules, if it goes at all, is on the deficiency bill.

Mr. SHERMAN. I am inclined to agree with the gentleman, but if he does not object to having the statement read, I should be glad to have it read.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 19, 1897.

SIR: The Chesapeake and Ohio Railroad Company, under orders from this office, transported Indian pupils in 1889 to and from Hampton Normal and Agricultural Institute, the claims for which amount to $990.60.

The claims were allowed by this office and forwarded to the Treasury for settlement; but owing to the fact that the balance of appropriation out of which the claims were payable had been covered into the Treasury under the surplus-fund act, the same were disallowed by the accounting officers of the Treasury.

As there is an unexpended balance—$60,000—on the books of the Treasury for the support of Indian day and industrial schools for the fiscal year 1896, I recommend that the claim be paid from said balance, and I inclose draft of an amendment to the Indian bill for 1898, with the request that it be incorporated therein.

Very respectfully,
D. M. BROWNING,
Commissioner.

Hon. JAMES S. SHERMAN,
Chairman Committee on Indian Affairs,
House of Representatives.

Mr. SHERMAN. I hope after that statement the gentleman will not insist on his point of order.

Mr. CANNON. The item does not belong on this bill. If there is an estimate, it goes on the deficiency bill under the rules of the House.

Mr. SHERMAN. I suspect that the gentleman is literally correct about that; but if it is put in here it will be paid out of an existing appropriation, and will require no new appropriation. The gentleman, of course, does not question the validity of the claim?

Mr. CANNON. I do not know about it.

Mr. SHERMAN. This seems to me a good place to put it.

Mr. CANNON. If it is an audited claim, then it would go in as a matter of right——

Mr. SHERMAN. I think it would go in as a matter of right.

Mr. CANNON. But not in this bill.

Mr. SHERMAN. Into the deficiency bill.

Mr. CANNON. There is perfect propriety in keeping these bills separate.

Mr. DOCKERY. And the rules so provide.

The CHAIRMAN. The Chair will sustain the point of order.

Mr. SHERMAN. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 55, after line 13, insert the following:

"For completion of the digest now being prepared under the direction of the Secretary of the Interior of the decisions of the courts and the Indian Department, and of the opinions of the Attorney-General relating to Indian Affairs, as authorized by a clause in the Indian appropriation act for the fiscal year ending June 30, 1897, $2,000."

Mr. CANNON. I am compelled to make a point of order on that. It belongs in the sundry civil bill, if it belongs anywhere.

Mr. SHERMAN. If the gentleman will reserve it for half a minute, Mr. Chairman, I will be obliged to him. I doubt whether the point is good anyway, because this is simply a continuation of what was begun by last year's Indian appropriation bill. I will say to the gentleman that the Secretary of the Interior then estimated that it would cost $5,000 to do this work. The committee, in its desire to be as economical as possible, called upon the Secretary, who appeared before the subcommittee and made a statement as to these various items. Amongst other things, this item of the digest was discussed, and the Commissioner stated that he would undertake to do the thing, if possible, for $3,000. He has found it impossible to complete the work for that amount, and now recommends an additional appropriation of $3,000 to complete that work.

Mr. CANNON. Is there anything in the estimates?

Mr. SHERMAN. Not in the Book of Estimates; no.

Mr. CANNON. This is a mere communication from the Indian Office, from the head of the Bureau.

Mr. SHERMAN. It is a communication from the Secretary of the Interior, in the usual form. The Commissioner of Indian Affairs writes the first letter, and it is submitted to us through the Secretary of the Interior.

Mr. CANNON. Well, the usual form would be through the Secretary of the Treasury, and then it would come through the Speaker to the appropriate committee and the appropriate bill. I do not think it has any place in the bill; but I will say to my friend that, as he has looked into this matter and we have entered upon the work, I will not insist upon the point of order.

Mr. SHERMAN. I have looked into the work; I believe it is a valuable work, and I think that $2,000 is none too much to complete it.

The CHAIRMAN. Does the gentleman withdraw the point of order?

Mr. SHERMAN. He does.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

Mr. CURTIS of Kansas. I offer the following amendment.

The Clerk read as follows:

On page 55, after line 13, insert:

"Any person who shall destroy or injure or carry away without authority from the Secretary of the Interior any aboriginal antiquity on the public lands of the United States shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding $100, or by imprisonment of not more than ninety days."

Mr. SHERMAN. I will reserve the point of order until I hear some statement from the gentleman in reference to the matter.

Mr. MURPHY of Arizona. I wish to say that this amendment is offered because of a letter from the Bureau of Ethnology, claiming that the antiquities and ruins of the Western Territories are being despoiled and carried away; that later they will be of great interest and value to this country, and particularly to that Bureau. The matter went to the Committee on Indian Affairs, and, as I understand it, the amendment is offered as a committee amendment, with the instructions of the committee. I am simply acting in the matter in the interest of the Bureau of Ethnology, and I believe that these antiquities will some day be of great value to this country and should be preserved.

Mr. SHERMAN. I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn, and the question is on the amendment.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Whereas the Seneca Indians in council, January 3, 1893, duly entered into an agreement with William B. Barker whereby said nation leased to said Barker the Oil Springs, the Cattaraugus, and Allegany reservations, situate in western New York, for the purpose of boring and testing said territory for gas and oil, under certain conditions therein stated, said agreement having been ratified and confirmed by act of Congress; and

Whereas a renewal of said lease having been effected by the assignee of said lessee, the Seneca Nation of Indians, as to the reservation situate in Cattaraugus County, in the State of New York: Therefore

The renewal of the lease of that portion relative to the reservation in Cattaraugus County above recited be, and the same hereby is, in all things ratified, accepted, and confirmed.

Mr. SHERMAN. I offer the following amendment, which is to simply change the phraseology.

The Clerk read as follows:

Strike out lines 14, 15, 16, 17, 18, 19, and 20 and insert in lieu thereof:

"Whereas the assignee of said lease has released to the Seneca Indians certain portions of the lands and reservations included or referred to in said lease, and the council of the Seneca Nation of Indians, by a resolution adopted by said council on or about the 3d day of December, 1896, in all things ratified, confirmed, and extended as to the lessees thereof and as to the assignees thereof the said lease, and empowered and authorized them to fulfill the said lease, the same and to the same extent as the original lessee might or could have done when said lease was executed: Now, therefore

"The action aforesaid of the lessee of said lease and of the council of the Seneca Nation is hereby ratified and confirmed, as the same has been sanctioned and ratified by the said resolution of said Seneca Nation."

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

That hereafter, where funds appropriated in specific terms for a particular object are not sufficient for the object named, any other appropriation, general in its terms, which otherwise would be available may be used to accomplish the object for which the specific appropriation was made.

Mr. DOCKERY. Mr. Chairman, I raise the point of order upon that paragraph. It changes existing law, and is bad legislation.

Mr. STEWART of New Jersey. I offer an amendment.

Mr. SHERMAN. Mr. Chairman, I shall not contend against the point of order made by the gentleman if he insists on it. If

he is subject to conviction, I should like to talk to him, but if he is not, I would not wish to consume the time of the committee.

Mr. DOCKERY. This is a departure from the policy of the Government which has obtained for more than sixty years. For the first forty years in the history of the Government it was a payment made in a lump appropriation. Since that time the policy has grown from year to year to segregate the appropriations and make them specific. I would like to accommodate the gentleman, but must insist upon the point of order.

Mr. SHERMAN. I will not waste my weak eloquence upon the gentleman.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

That hereafter not more than $10,000 shall be paid in any one year for salaries or compensation of employees regularly employed at any one agency, for its conduct and management, and the number and kind of employees at each agency shall be prescribed by the Secretary of the Interior, and none other shall be employed: *Provided*, That where two or more Indian agencies have been or may hereafter be consolidated, the expenditure of such consolidated agencies for regular employees shall not exceed $15,000: *Provided further*, That salaries or compensation of agents, Indians, school employees of every description, and persons temporarily employed, in case of emergency, to prevent loss of life and property, in the erection of buildings, the work of irrigation, and making other permanent improvements, shall not be construed as coming within the limitations fixed by the foregoing paragraphs.

Mr. BRODERICK. I desire to offer the following amendment.

The Clerk read as follows:

After line 16, on page 57:

"Every Indian agent shall render to the Secretary of the Interior semi-annually a detailed statement under oath of all moneys received by him from all sources for the use of the tribe or for individual members of the tribe, and he shall place on file at the agency a true copy of such statement, which copy shall be open to the inspection of all persons interested: *Provided*, That all moneys received by the agent and belonging to the tribe shall be remitted by him to the Secretary of the Interior as required by the rules of the Department, and all moneys received for individual Indians shall be promptly paid by the agent to the respective persons entitled thereto."

Mr. SHERMAN. I raise the point of order against that amendment, but I am prepared to hear an explanation of it.

Mr. BRODERICK. Mr. Chairman, since the grazing lands have been largely taken up in the West, the Indian agents have been leasing the tribal lands upon the reservations and have also been superintending the leasing of the allotted lands. They receive large sums of money every year, and there is no statutory law directing how that money shall be disposed of. There is a rule of the Department which requires that the agent shall remit the money to the Secretary of the Interior, but there is no law or rule requiring that he shall make a detailed statement as to the amount of money that he receives. There is no check anywhere upon the agent; the Department simply receives the money that he sends.

Now, this amendment requires the agent in each case to make a detailed statement under oath of the amount of money received, and to file a copy of the statement with the clerk of the agency, so that anyone who is interested may go and examine that statement and see whether the agent has reported all the money he has received. It is intended simply as a check upon the agent, to compel him to deal honestly in these transactions. The agent receives not only the money derived from the leased lands that are held in common, but in most instances he receives the money derived from the leasing of the allotted lands. That money he pays over or should pay over to the individual Indians, and this amendment will require him to make a report and to place a copy of that report on file, so that anyone can inspect it and ascertain whether he has made an honest return.

Mr. SHERMAN. Does the gentleman consider that an additional oath will be a guaranty of the honesty of the Indian agent? The agent performs his duties now, I believe, under an oath of office.

Mr. BRODERICK. Well, it is thought that this will be an additional check. This will require him to make his statement under oath, and if he makes a false statement he can be indicted and convicted. It may not make all Indian agents honest, but it may prevent some from acting dishonestly. I trust the gentleman will withdraw the point of order.

Mr. SHERMAN. I will not make the point of order.

The amendment was agreed to.

The Clerk read as follows:

That hereafter not more than $10,000 shall be paid in any one year for salaries or compensation of employees regularly employed at any one agency, for its conduct and management, and the number and kind of employees at each agency shall be prescribed by the Secretary of the Interior, and none other shall be employed: *Provided*, That where two or more Indian agencies have been or may hereafter be consolidated, the expenditure of such consolidated agencies for regular employees shall not exceed $15,000: *Provided further*, That salaries or compensation of agents, Indians, school employees of every description, and persons temporarily employed, in case of emergency, to prevent loss of life and property, in the erection of buildings, the work of irrigation, and making other permanent improvements, shall not be construed as coming within the limitations fixed by the foregoing paragraphs.

Mr. HARTMAN. Mr. Chairman, I desire to offer an amendment, to come in after the paragraph just read.

The amendment was read, as follows:

The Secretary of the Interior may, in his discretion, from year to year, under such regulations as he may prescribe, authorize the Indians residing on any Indian reservation in the State of Minnesota, whether the same has been allotted in severalty or is still unallotted, to fell, cut, remove, sell, or otherwise dispose of the dead timber, standing or fallen, on such reservation, or any part thereof, for the sole benefit of such Indians; and he may also in like manner authorize the Chippewa Indians of Minnesota who have any interest or right in the proceeds derived from the sales of ceded Indian lands, or the timber growing thereon, whereof the fee is still in the United States, to fell, cut, remove, sell, or otherwise dispose of the dead timber, standing or fallen, on such ceded land. But whenever there is reason to believe that such dead timber, in either case, has been killed, burnt, girdled, or otherwise injured for the purpose of securing its sale under this act, then in that case such authority shall not be granted.

Mr. SHERMAN. I will reserve the point of order for a moment till I ask the gentleman whether this is the proposition that was submitted by my colleague and his, the gentleman from Minnesota [Mr. TOWNE], to the Secretary of the Interior and received his approval.

Mr. HARTMAN. It is. I have here the letter of the Secretary of the Interior and the Commissioner of the General Land Office approving it.

Mr. SHERMAN. Then I will not make the point of order against it.

Mr. DOCKERY. I merely wish to suggest, Mr. Chairman, that this provision in the bill will very largely promote the growth of dead timber. [Laughter.]

The amendment was adopted.

Mr. CURTIS of Kansas. Mr. Chairman, I desire to offer an amendment at this point.

The amendment was read, as follows:

On page 57, after line 16, add:

"That all children born of a marriage between a white man and an Indian woman shall have the same rights and privileges to the property of the tribe to which the mother belongs, either by blood or descent, as any other member of the tribe, and no prior act of Congress shall be so construed as to debar such children of such right."

Mr. CANNON. I will ask the gentleman wherein this amendment would change the law as it now is?

Mr. CURTIS of Kansas. In 1888 a law was passed which virtually disinherits the children of an Indian woman who marries a white man, while it does not change the condition of the children of an Indian man who marries a white woman, and I think, and the committee thought, that there was an unjust discrimination. This amendment was authorized by a unanimous vote of the Committee on Indian Affairs and was directed to be placed in the Indian appropriation bill, but by an oversight it was omitted, and I now offer it as an amendment by direction of the committee.

Mr. CANNON. How does it affect property rights?

Mr. CURTIS of Kansas. Only in this way. In 1888, after the act to which I have referred was passed, for three or four years the Department was undecided as to what construction should be placed upon it. About two or three years ago the Department ordered that all children who were the result of a marriage between an Indian woman and a white man be stricken from the rolls and no further payments be made to them; and of course the effect of this amendment, if adopted, will be to restore them to the roll. Since the decision of the Supreme Court in the Cherokee case, holding that the rights of the children of an Indian woman married to a white man are the same as those of an Indian man married to a white woman, I think the House will be fully justified in adopting this amendment. That discrimination against the Indian woman and her children is very unjust. We think that the children of Indian women should be treated the same as the children of Indian men. The effect of this amendment will be simply to put both classes in the same position.

The amendment was agreed to.

The Clerk read as follows:

SEC. 3. That the Secretary of the Interior, under the direction of the President, may use any surplus that may remain in any of the said appropriations herein made for the purchase of subsistence for the several Indian tribes, to an amount not exceeding $25,000 in the aggregate, to supply any subsistence deficiency that may occur: *Provided*, That funds appropriated to fulfill treaty obligations shall not be used: *Provided further*, That any diversions which shall be made under authority of this section shall be reported in detail, and the reason therefor, to Congress, at the session of Congress next succeeding such diversion: *And provided further*, That the Secretary of the Interior, under the direction of the President, may use any sums appropriated in this act for subsistence, and not absolutely necessary for that purpose, for the purchase of stock cattle for the benefit of the tribe for which such appropriation is made, or for the assistance of such Indians to become farmers, and in aiding such Indians as have taken allotments to build houses and other buildings for residence or improvement of such allotments, and shall report to Congress, at its next session thereafter, an account of his action under this provision.

Mr. CANNON. For temporary purposes, I make the point of order against the matter from line 23, on page 58, down to line 7, page 59, inclusive.

Mr. SHERMAN. That is not new matter. It was in last year's bill.

Mr. CANNON. Then you have rearranged it.

Mr. SHERMAN. I do not think it has been rearranged.

Mr. CANNON. I think the gentleman will find that this is new. Whether it is or not, I should like to ask him a question. Under the treaty with the Sioux Indians we appropriate in round numbers, if I recollect aright, a million dollars for subsistence. The

cost of supplies varies. I suppose that this year they can probably be bought for $100,000 or $200,000 less than they could two or three years ago. Now, I will ask the gentleman whether, under this provision, whatever amount may be saved in the purchase of those supplies can be applied toward the purchase of stock cattle, etc.

Mr. SHERMAN. I presume it could.

Mr. CANNON. Well, then, I must insist on the point of order, because our treaties with the Sioux especially are very liberal—I might say extravagant; and when we supply them with subsistence, I think we ought not to go beyond that.

Mr. SHERMAN. Allow me to suggest to the gentleman that the language here used would not apply to funds appropriated under treaty stipulations. I think I am safe in saying that a provision of this kind was in last year's bill, although I have not been able to find it.

Mr. CANNON. This language is pretty broad:

May use any sums appropriated in this act for subsistence and not absolutely necessary for that purpose for the purchase of stock cattle, etc.

Mr. SHERMAN. But the gentleman will find in lines 18 and 19, on page 58, this proviso:

That funds appropriated to fulfill treaty obligations shall not be used.

That proviso, it seems to me, would meet the gentleman's point.

Mr. CANNON. No. I think the language here is broader than the gentleman realizes. This section provides in the beginning—

That the Secretary of the Interior, under the direction of the President, may use any surplus that may remain in any of the said appropriations herein made for the purchase of subsistence for the several Indian tribes, to an amount not exceeding $25,000 in the aggregate, to supply any subsistence deficiency that may occur.

That covers one thing. Then we have the proviso:

Provided, That funds appropriated to fulfill treaty obligations shall not be used.

Mr. SHERMAN. If we transfer that proviso to the end of the paragraph, will not that meet the gentleman's objection?

Mr. CANNON. It seems to me not.

Mr. SHERMAN. If that language be transferred in the manner I suggested it would certainly prevent any money appropriated for the fulfillment of treaty obligations from being used for any other purpose. I am perfectly willing that the proviso be transferred to the end of the section, which, it seems to me, would surely cover the point which the gentleman desires to cover.

Mr. CANNON. If the gentleman will transfer the proviso in the manner he suggests, I think that will be satisfactory.

Mr. SHERMAN. Very well; I ask unanimous consent that the bill be amended so as to strike out, in lines 18 and 19, the words "*Provided*, That funds appropriated to fulfill treaty obligations shall not be used" and insert the same words after line 7 on page 59.

The CHAIRMAN. In the absence of objection, the transposition asked by the gentleman from New York [Mr. SHERMAN] will be made. The Chair hears no objection, and it is so ordered.

The Clerk (resuming the reading of the bill) read as follows:

SEC. 8. That the Commissioner of Indian Affairs shall report annually to Congress, specifically showing the number of employees at each agency, industrial, and boarding school, which are supported in whole or in part out of the appropriations in this act, giving name, when employed, in what capacity employed, male or female, whether white or Indian, amount of compensation paid, and out of what appropriation paid; also the number of employees in the Indian Bureau in Washington, when employed, in what capacity employed, male or female, full name, amount of compensation paid and out of what fund paid, and under what law employed.

Mr. STEWART of New Jersey. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 61, after line 18, add "and whether, in the opinion of such Commissioner, any of such employees are unnecessary."

Mr. SHERMAN. I reserve a point of order on that amendment.

Mr. STEWART of New Jersey. I submit that we should have the opinion of the Commissioner of Indian Affairs periodically stated to this House as to whether the services of any of these numerous employees are necessary or not, that being a fact peculiarly within his knowledge. I think the amendment ought to go through, and the gentleman from New York should not reserve a point of order upon it.

Mr. SHERMAN. I will ask that the Clerk report the amendment again.

Mr. DOCKERY. Before that is done, I wish to offer an amendment to the text of the section as it stands; and I will ask my friend from New Jersey [Mr. STEWART] to withhold his amendment for a moment.

The CHAIRMAN. If there be no objection, the amendment of the gentleman from New Jersey will be withheld for the present.

Mr. DOCKERY. I desire to inquire of the chairman of the committee whether there is any necessity for requiring the Commissioner of Indian Affairs to report "the number of employees in the Indian Bureau in Washington, when employed, in what capacity employed, male or female, full name, amount of compensation paid and out of what fund paid, and under what law employed." I know that a provision of this kind has been carried in this bill for a number of years; but I think that has been done merely from force of habit, and not because of any public necessity. This provision was doubtless inserted originally when there were employees in that Bureau paid out of a "lump sum." As I understand it, there are now no such employees in that office. Am I correct in that?

Mr. SHERMAN. That, as the gentleman from Missouri knows, does not come under the provisions of this bill. That would be in the legislative bill.

Mr. DOCKERY. I know; and that brings me to this point: It was found in examining the working of the Departments a few years since that an old statute existed which required each head of a Department to report to Congress every year the names of the employees and the compensation paid to them. That statute was enacted doubtless at a time early in the history of the Government, when it was the policy of Congress to appropriate for the clerical force in "bulk." But that policy having been abandoned, and specific appropriations being now made and the clerks provided for by classes, of course that requirement, as provided in the latter requirement of section 8 of this bill, only involves the Government in an unnecessary expense. It is a useless expenditure, in my judgment.

Mr. SHERMAN. I doubt not that the gentleman is entirely correct in that.

Mr. SAYERS. Allow me to ask the gentleman from Missouri if he is quite sure that there are no employees in that Bureau except such as are specifically named?

Mr. DOCKERY. My impression, Mr. Chairman, I will say in response to the gentleman from Texas, is that there are none in the Indian Bureau who are paid out of a lump sum.

Mr. SHERMAN. I have no doubt of that fact; but, as the gentleman is aware, it is regulated by the legislative appropriation bill, and not in this bill.

Mr. DOCKERY. I know; and therefore it seems to me somewhat unnecessary to require a report of the number of employees and the compensation paid them in the Indian Bureau, when the same information is found in the legislative bill, and is open to the examination of all.

Mr. SHERMAN. I think the gentleman is right.

Mr. DOCKERY. We repealed in the Fifty-third Congress the general provision requiring the heads of each Department to report the number of employees and the compensation paid them, and I suggest that unless there are employees in the Indian Bureau paid from a "lump sum," the concluding part of this paragraph, after the word "paid," in line 14, down to and including the word "employed," in line 18, be stricken out, for it is an unnecessary expense to prepare and report this information to Congress.

Mr. SHERMAN. The gentleman is undoubtedly correct. Will the gentleman place his suggestion in the form of an amendment?

Mr. DOCKERY. I merely suggest the matter to the gentleman, as to whether it would not be proper to amend the bill in that way, and would be glad to have him offer the amendment himself.

Mr. SHERMAN. If the gentleman offers the amendment, I shall not antagonize it.

Mr. DOCKERY. Then I offer the amendment, after the word "paid," in line 14, on page 61, to strike out the remainder of the paragraph down to and including the word "employed," in line 18.

The CHAIRMAN. Unless objection be made, the amendment will be regarded as adopted.

There was no objection.

Mr. STEWART of New Jersey. I now ask, Mr. Chairman, that my amendment be put to the committee, and that it be so changed as to follow the word "paid" in line 14.

Mr. SHERMAN. I reserve the point of order, Mr. Chairman, until I can hear the amendment again reported.

The CHAIRMAN. The amendment will be again read.

The Clerk read as follows:

On page 61, in line 14, after the word "paid," add:
"And whether in the opinion of such Commissioner any of such employees are unnecessary."

Mr. STEWART of New Jersey. It is simply to get the opinion of the Commissioner.

Mr. SHERMAN. I withdraw the point of order.

The question being taken, the amendment was agreed to.

The Clerk read as follows:

SEC. 9. That the office of Commissioner of Indian Affairs and the office of Assistant Commissioner of Indian Affairs are hereby abolished.

Mr. DOCKERY. Mr. Chairman, I raise the question of order on the paragraph just read, and in order to save time it is my purpose, I will state to the gentleman from New York, to raise the same point of order on the remainder of this section, including the last paragraph, beginning with line 7 and ending with line 11 on page 62, and I suggest, in order to expedite matters, that the point of order be considered as applicable to the entire section, and that the section be considered as having been read.

The remainder of the section is as follows:

That the President, by and with the advice and consent of the Senate, shall appoint from civil life two Indian commissioners, who shall hold their office for the period of four years, unless sooner removed for cause, and shall be from different political parties. He shall also detail an officer of the Army for service in the Indian Bureau, and who, with the two commissioners appointed as above provided, shall be and constitute a board of Indian commissioners. They shall have and exercise such rights and power as are now exercised by the Commissioner of Indian Affairs under the provisions of law.

That each of the commissioners appointed from civil life, as above provided, shall receive an annual compensation of $5,000, and the officer detailed, as provided herein, shall receive the pay of his rank with commutation of quarters.

Mr. SHERMAN. Of course I can not maintain that the point of order is not well taken, Mr. Chairman; but I believe it to be good legislation and in the interest of good government for the management of Indian affairs. I can not maintain, however, that the point of order is not applicable, and therefore, if the gentleman insists on making the point of order, I shall not consume the time of the committee in discussing it.

Mr. DOCKERY. I must insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk (resuming the reading of the bill) read as follows:

SEC. 1. That the following agreement with the Shoshone and Arapahoe tribes of Indians in the State of Wyoming is hereby accepted, ratified, and confirmed, viz:

Mr. SHERMAN. Mr. Chairman, that "section 1" on page 66, line 17, should be "section 11." It is a misprint.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

Mr. CANNON. Mr. Chairman, I wish to reserve a point of order against the whole of section 11, and also pages 67, 68, 69, 70, 71, and 72.

Mr. SHERMAN. If the point of order is good at all, it is good against all the rest of the bill, and so, perhaps, it would be well to dispose of the point of order before going any further.

Mr. CANNON. There are two agreements.

Mr. SHERMAN. There are two agreements. My idea is that the point of order is not good against the agreements, because they are both of them agreements made in pursuance of prior acts of Congress. They are simply the completion of a chain which was begun by the act of a former Congress. I can not, at this minute, refer to the particular act, but the gentleman will not question that statement, I think. These are agreements made in the ordinary way that Indian agreements are made, pursuant to a statutory regulation that they be submitted to Congress for its approval or disapproval. Last year's Indian bill ratified certain agreements, and, if my recollection serves me aright, certain agreements were also ratified in the appropriation bill passed in the Fifty-third Congress.

Mr. CANNON. Well, I want to say in reply to the gentleman that this legislation on its face is new legislation. It reads as follows:

That the following agreement with the Shoshone and Arapahoe tribes of Indians in the State of Wyoming is hereby accepted, ratified, and confirmed.

Then, if the Chair cares to examine the bill, there are seven or eight pages following which contain legislation about almost every conceivable matter. The agreements are set out in full, and then follows the legislation establishing a reservation, and so forth.

Mr. SHERMAN. All according to the agreement.

Mr. CANNON. Oh, no. It is legislation independent of the agreement; but this is a general appropriation bill, and this is clearly subject to the point of order.

The CHAIRMAN. Does the gentleman from New York [Mr. SHERMAN] wish to be heard further on that point?

Mr. SHERMAN. I can say nothing further than I have said, that these agreements are made in pursuance of former acts of Congress, and that therefore, in my judgment, this is not new legislation. It has been the custom of Congress heretofore to ratify such agreements upon appropriation bills. The agreements on their face carry appropriations necessary to be made in order that they be fulfilled if agreed to. Therefore I think they are proper on an appropriation bill.

The CHAIRMAN. The Chair desires to say to the gentleman from New York [Mr. SHERMAN] that, in his opinion, while they may be authorized under existing law, they are not germane to an appropriation bill. If the gentleman has some authorities there, the Chair will be glad to hear them.

Mr. SHERMAN. I have not looked the matter up especially, but my recollection is that rulings have come from that chair both ways on this same proposition. I can not refer to them at this minute, but that is my impression, that different occupants of the chair, not the present occupant, when such matters have been under consideration, have ruled that they were in order, and that other occupants have ruled that they were not in order.

Mr. CANNON. I think the gentleman is mistaken about that. It is true that many agreements have been ratified on the Indian appropriation bill, but generally by Senate amendments that can not be gotten rid of on points of order. Of course, if no point of order was made, why, it would be in order to put the Bible or a whole library on this bill or any other bill.

The CHAIRMAN. The opinion of the present occupant of the chair is that these sections are not germane to this appropriation bill, and so the Chair will sustain the point of order.

Mr. CANNON. That applies, as I understand it, to the balance of the bill.

Mr. SHERMAN. Yes; that covers the balance of the bill.

Mr. JOHNSON of North Dakota. No; not the balance of the bill. That goes only up to section 12, as I understand.

Mr. SHERMAN. No; it covers both agreements. They are identical. If one goes out on a point of order, the other does. If one remains, the other must, I assume, and I understand that the ruling covers the two agreements.

The CHAIRMAN. That is the present opinion of the Chair. The Chair will say that if there are any rulings that conflict with the present opinion of the Chair, he would be very glad to have any gentleman call his attention to them.

Mr. JOHNSON of North Dakota. I would ask permission to offer an amendment. I had a sort of understanding, Mr. Chairman, with the chairman of the Committee on Indian Affairs that when we reached section 12 there would be an opportunity to offer an amendment. I am willing to have section 12 stricken out. I am opposed to the ratification of that treaty with the Turtle Mountain Indians.

Mr. SHERMAN. Then offer your amendment on page 66, after line 16.

Mr. JOHNSON of North Dakota. I will therefore send up an amendment, to insert the following, on page 66, after line 16.

The Clerk read as follows:

Insert on page 66, after line 16, the following:

"For support and maintenance of the Turtle Mountain Indians there is hereby appropriated and placed to their credit $10,000, and, in the discretion of the Secretary of the Interior, such parts thereof as he may deem just shall be used to pay expenses incurred by them and their delegation to Washington in attending to the prosecution of their claim for unceded lands, and said $10,000 shall be deducted from any sum hereafter agreed upon or found to be due them for said lands."

Mr. SHERMAN. I reserve the point of order against the amendment.

Mr. JOHNSON of North Dakota. I will make a short explanation of the amendment. The bill before us proposes to ratify a treaty with the Turtle Mountain Indians and pay them a million dollars for their unceded lands, and the committee appropriates in this bill $50,000 as the first installment. We have stricken out on a point of order the part proposing a ratification of the treaty, to which I have no objection. The bill carries $50,000 for this year's payment. That also goes out on the point of order. But I hope that the House will grant at least $10,000, which is $40,000 less than proposed in the bill, to pay certain expenses that are necessarily involved in the prosecution of this claim, and for subsistence. These Indians are very poor. They have a valid claim. Our Commission that made this purported treaty states in its report that they have as good a right to that land as any tribe of Indians ever had to any lands. There are 9,000,000 acres involved. The Indians have rejected this treaty, claiming that it was not fairly procured. As a matter of fact, none of the chiefs or members of the chiefs' council subscribed to the treaty, and the lawyers that the Indians invited to assist them in the preparation of the treaty were ordered from the reservation at the time the purported treaty was made. On the part of the Indians it was only signed by unofficial and irresponsible Indians; and the tribe in regular council assembled voted to repudiate that treaty. Now, then, I simply ask this small pittance of $10,000 to be advanced to them on a claim where we admit that we are owing them a million dollars. They have rejected the treaty, for the very good reason that if we owe them anything we owe them from $4,000,000 to $10,000,000, and the amendment simply provides to pay them, as alimony, if I may so term it, for expenses of the further prosecution of the claim, the $10,000 to be deducted finally from the amount to be paid them.

Mr. SHERMAN. Are they all squaws?

The CHAIRMAN. Does the gentleman from New York insist on the point of order?

Mr. SHERMAN. I think I must, Mr. Chairman.

The CHAIRMAN. The Chair will sustain it.

Mr. SHERMAN. Mr. Chairman, I believe under the unanimous consent granted a while ago that we may return to page 54, to the provision in lines 14, 15, 16, 17, and 18. The gentleman from Massachusetts [Mr. MCCALL] who raised the point of order against the amendment offered by the gentleman from Washington at that point, and afterwards reserved the point, has come to me with the gentleman from Washington who so vigorously contested the point of order made by the gentleman. The gentleman from Massachusetts has been called over to the Senate, and he asked me to present this amendment, which was satisfactory to him and to the gentleman from Washington. I now present the amendment.

Mr. CANNON. I will reserve the point of order and hear the amendment.

The Clerk read as follows:

That all restrictions existing against the leasing, sale, or conveyance of the allotted lands of the Puyallup Indians, situate in Pierce County, State of Washington, in so far as the Government of the United States is concerned, be, and are hereby, so modified that such leasing, sale, or conveyance may be made, subject in each case, to the approval of the Secretary of the Interior.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

Mr. CANNON. If it is satisfactory to the gentleman from Massachusetts and the gentleman from New York, I will not press the point of order.

Mr. JOHNSON of North Dakota. Then, Mr. Chairman, I renew the point of order.

Mr. SHERMAN. I understand that the gentleman from North Dakota is not strenuous in his opposition to this particular amendment, but does believe it is not fair to allow this amendment to prevail and not his.

Mr. JOHNSON of North Dakota. That is it.

Mr. SHERMAN. In view of that, I will withdraw my point of order against the amendment offered by the gentleman from North Dakota.

Mr. BAILEY. I renew the point of order.

The CHAIRMAN. The Chair has already sustained the point. The gentleman from North Dakota [Mr. JOHNSON] raises the point of order. The Chair will sustain the point of order upon the original text and the amendment.

Mr. DOOLITTLE. Is that upon the amendment offered by the gentleman from New York [Mr. SHERMAN]?

The CHAIRMAN. The gentleman from Massachusetts raised the point of order against the text, and that point is sustained by the Chair. Now an amendment is offered by the gentleman from New York, and the point of order has been raised against that by the gentleman from North Dakota.

Mr. DOOLITTLE. The point of order was withdrawn.

Mr. SAYERS. Mr. Chairman, I understood my colleague [Mr. BAILEY] to renew the point of order.

Mr. DOOLITTLE. Does the gentleman from Texas [Mr. BAILEY] renew the point of order upon the matter on page 54, from line 14 to line 18, inclusive, as amended by the gentleman from Massachusetts?

Mr. BAILEY. I renewed the point of order against the amendment of the gentleman from North Dakota which the chairman of the Committee on Indian Affairs had made and had withdrawn.

The CHAIRMAN. The Chair will state that that point of order has been sustained, and the question now is upon the amendment agreed upon by the gentleman from Massachusetts and the gentleman from Washington and offered by the gentleman from New York [Mr. SHERMAN], regarding the Indians in the State of Washington.

Mr. BAILEY. I understood that the gentleman from North Dakota made the point of order against that, saying that if his amendment could not be entertained he would make the point of order against the other.

The CHAIRMAN. The Chair will state to the gentleman from Texas that the gentleman from North Dakota withdrew that point of order.

Mr. BAILEY. Then I renew that point, too.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SHERMAN. The next proposition that was passed over is the one in relation to repairing the bridge over the Big Wind River, in relation to which the gentleman from Wyoming was to furnish the Chair some information.

Mr. MONDELL. I will say to the Chair that I have not yet been able to find the appropriation under which the bridge was constructed.

Mr. SHERMAN. Then, Mr. Chairman, I suggest that we pass this item again for the time being and go to the Sioux proposition, which was temporarily passed over the day before yesterday, and which is found on pages 31 and 32. The gentleman from Illinois [Mr. CANNON] objected to the increase of the appropriation for the pay of additional employees at the several agencies for the Sioux, Nebraska, and Dakota Indians from $20,000 to $80,000. In reference to that I desire to say that last year there were at these several agencies 498 employees, at a total expense of $97,880; that there was appropriated for that purpose specifically only $20,000, and that the difference was made up out of the next item, which last year was $1,000,000, whereas now it is only $900,000. The Treasury Department has made a ruling bearing upon this matter, which I will read:

When a specific appropriation has been made for a particular object, a general appropriation which otherwise might have been available can not be legally used for that object.

So that, there being a specific appropriation for this purpose of $20,000, the Department holds that the balance necessary can not be used out of the surplus of the $1,000,000 appropriated. Now, as I before said, this is not really an increase of expenditure, because last year at these agencies, seven in number (at which agencies the affairs of over a hundred thousand Indians are attended to), ninety-seven thousand dollars and some odd hundreds was expended; and, in view of the ruling of the auditing officers, it is absolutely essential that this amount, which has been heretofore $20,000, shall be increased.

Mr. CANNON. Will the gentleman allow me a suggestion? Would it not be well to pay these employees from the proceeds of the trust fund? It seems to me it can be done.

Mr. SHERMAN. It can not be done, Mr. Chairman, for the reason that under the treaty a certain proportion of the trust fund must be used for specific purposes. For instance, one-half of the trust fund must be expended for educational purposes. I had the treaty here a while ago, containing that provision.

Mr. GAMBLE. I have the treaty here, and with the gentleman's permission, I will read the language:

One-half of such interest shall be so expended for the promotion of industrial and other suitable education among said Indians, and the other half thereof in such manner and for such purpose, including a reasonable cash payment per capita, as, in the judgment of said Secretary, shall from time to time most contribute to the advancement of said Indians in civilization and self-support.

Mr. CANNON. Now, is it not entirely competent to adopt an amendment making this expenditure payable from that "other half" of the trust fund?

Mr. SHERMAN. I think not, Mr. Chairman, because the terms of the treaty of 1867 have been confirmed by the act of 1889. I have said "treaty," but agreement would be a better word, for literally, of course there can be no treaty except with an independent nation, and we do not recognize these people as such. These provisions of the agreement were confirmed by Congress as late as 1889 by the act to divide a portion of the reservation of the Sioux nations in Dakota, and by the act of March 2, 1889, which obligates the United States to carry out the specific provisions of that treaty. I think this provision is absolutely essential in the bill.

Mr. CANNON. What are these employees for?

Mr. SHERMAN. I can give the gentleman a detailed statement, if he desires it.

Mr. CANNON. No; a general statement will do. What are they?

Mr. SHERMAN. They are physicians, clerks, farmers, butchers, laborers, stable men—all sorts of employees.

Mr. CANNON. Would not they come under the head of this language in the treaty: "For the promotion of industrial and other suitable education among the said Indians?"

Mr. SHERMAN. Possibly a few of them might, but the majority probably would not.

Mr. CANNON. Well, I hope that when the gentleman comes to prepare this bill next year, or at such time as may be convenient for him, he will take into consideration the idea of utilizing, in the case of these particular Indians, a considerable portion of the trust fund for such purposes. I do not want to embarrass the gentleman's bill in any way, but I have an impression, which almost amounts to a conviction, that the Sioux Indians are getting a great deal of support out of the United States under treaty, and are also getting a good deal otherwise than by treaty, some of which might well be cut off.

Mr. SHERMAN. The gentleman's impression is quite correct. They are getting a good deal. We tried for a time to get along with these same Indians by violating our obligations to them, and as a result there came uprisings and fighting and Indian wars; so it seems after all that we can get along cheaper with them on a peaceful basis than on the basis of war.

Mr. CANNON. I will say to my friend that the "warfare" came when we undertook to take the Black Hills country to suit the wishes of the white constituents of my friend over there.

Mr. GAMBLE. Not at all.

Mr. SHERMAN. It came as a result of our failure to carry out our treaty obligations to those Indians.

Mr. GAMBLE. Let me add that the next item of appropriation is absolutely provided for under the treaty of 1877. These Indians ask only what is actually provided for by treaty.

Mr. SHERMAN. Mr. Chairman, the question to be taken, as I understand, is on the proposition contained in lines 7, 8, and 9 of page 31.

Mr. CANNON. I withdraw the amendment.

Mr. SHERMAN. Then that is considered agreed to, as I understand.

Mr. CANNON. That, I believe, finishes the bill.

Mr. SHERMAN. Except the provision making an increase of $200,000 in reference to schools for the Sioux Indians. That appropriation in this bill is $225,000, as compared with an appropriation of $25,000 for the same purpose in the bill of last year. Prior to last year the appropriation for several successive years was $75,000. As it took some little time to get the machinery connected with those schools in working order, there accumulated from year to year something of a surplus, which last year amounted to somewhere between $50,000 and $75,000. Because of this surplus

which had accumulated and which remained unused, we reduced the appropriation last year from $75,000, which it had been the year before, to $25,000, in consequence of which the Indian Office has not had sufficient money with which to run the schools during the last year.

There is a treaty obligation to educate these Indian children. There are upon the Sioux reservations some 8 day schools and 5 boarding schools, at which there were educated last year 750 pupils at the boarding schools and 2,080 at the day schools. In addition to those schools, there have been erected during the last year at the Pine Ridge Agency and at the Rosebud Agency large schools to accommodate over 400 pupils. If we take the number of pupils educated last year at the boarding schools, and assume the expense to be what we have been paying at all our boarding schools, $167 per pupil, the aggregate needed for this purpose, supposing the number of pupils should not increase, will be something over $125,000.

Now, suppose we figure the cost of educating the day-school pupils at $50 apiece, which is but $10 more than we pay the district schools in the States where we educate Indian children. In point of fact, it costs the Government more to educate Indian children at its own day schools, because it gives a better education and because it gives other things than education—it furnishes a lunch, a midday meal for the children. Therefore, adopting $50 per pupil as a basis, which is not too much, the education of the day-school children would amount to $104,000—assuming the number of such pupils would be no greater during the coming year than during the past. So that the actual cost would be in excess of the amount of the appropriation here proposed.

But attention has been called very correctly to the fact that one-half of the interest on treaty funds may be used for educational purposes. This would amount to $75,000. It would require more than this amount to educate even the same number of pupils that we have been educating in the boarding schools. So that, counting the $225,000 which this bill proposes to appropriate, together with the $75,000 which will be derived from the trust funds for the purpose of education, the aggregate, $300,000, is none too much for the purpose contemplated. In fact it is, in my judgment, too small to educate these three or four thousand children of the Sioux Nation which we are under treaty to educate. That is all I have to say on this subject.

Mr. CANNON. It seems to me the gentleman from New York has covered the ground, but I do not want his statement to go upon record without a further statement. The great bulk of these children, as I understand him, are instructed at the day schools.

Mr. SHERMAN. Two-thirds of them.

Mr. CANNON. Now, the tuition in those schools amounts to $50 a year for each child?

Mr. SHERMAN. I have figured it at that.

Mr. CANNON. That the gentleman estimates as the cost to the Government for the education of each child?

Mr. SHERMAN. Yes, sir.

Mr. CANNON. Now, it seems to me that if the cost of providing instruction in these day schools be $50 for each child, it is rather expensive, especially when it is considered that this expense does not include clothing and subsistence. The children are subsisted and clothed at home.

Mr. SHERMAN. With the money of the United States.

Mr. CANNON. With the money of the United States. But under this bill they get, it seems to me, more food and clothing than they can eat or wear; and in my judgment $50 per pupil for bare tuition is too much.

Mr. SHERMAN. We are under an agreement, I will say to the gentleman, to educate all of these children.

Mr. CANNON. Then the fault is in the administration. For instance, take the schools generally throughout the country—well, let the gentleman make his own calculation about the average expense.

Mr. SHERMAN. Where there is not a very large number of children, as in many of these schools, as my friend knows, they can not be educated at a less price than that. There is hardly any school in the land, unless Illinois is an exception, and I think it is not, where it can be done at a less price. I think the sum is none too large for the service of the Government for the coming year.

The CHAIRMAN. If there be no amendment, the paragraph will be considered as adopted.

Mr. SHERMAN. That ends, I believe, the provisions of the bill which were passed over.

The CHAIRMAN. All except the amendment of the gentleman from Wyoming [Mr. MONDELL].

The Chair will overrule the objection to the amendment, and allow the gentleman to take the sense of the committee as to the propriety of its adoption.

The Clerk will report the amendment.

The Clerk read as follows:

In line 18, page 54, insert:

"For repair of the present bridge across Big Wind River, in the Shoshone Reservation, in the State of Wyoming, the sum of $3,000."

Mr. MONDELL. Mr. Chairman, I have already addressed the committee on this question, and I do not wish now to detain the House any longer. Gentlemen understand this matter. It is simply an appropriation to repair the Government bridge so that it can be used. It is absolutely of no avail at the present time, and hence the appropriation is necessary.

The question being taken on the amendment of Mr. MONDELL, it was agreed to.

Mr. SHERMAN. Mr. Chairman, that completes the reading of the bill.

Mr. TALBERT. Mr. Chairman, I would like to call the attention of the gentleman from New York in charge of this bill to the phraseology of a part of a subdivision of one of the sections, on page 66, which may possibly be misleading.

It provides, beginning with line 5 on that page—

That the Secretary of the Interior be, and he is hereby, authorized to pay over to the said Chippewa and Muhsee or Christian Indians, per capita, the remainder of said funds—

And so on; and then in line 9 it provides that—

he may, in his discretion, pay to said Indians, per capita, the sum of $42,560.36.

I will ask if the words "per capita" may not be misleading in that connection? It may be construed to mean that that sum shall be paid to each one of these Indians.

Mr. SHERMAN. That is what it is intended to mean, that the money is to be divided among them per capita.

Mr. TALBERT. I know; but it may be misunderstood. I would ask if the gentleman had not better change the phraseology, so that it will not be misleading?

Mr. SHERMAN. We might put in different words to express the same meaning.

Mr. TALBERT. I only ask the attention of the gentleman to it.

Mr. SHERMAN. The gentleman's suggestion is, as I understand it, to strike out the words "per capita" in line 10?

Mr. TALBERT. Yes, sir; that will make it more specific and definite. It might be construed, as it now stands, to mean that he is to pay $42,000 and upward to each one of these Indians.

Mr. SHERMAN. I move to strike out the words "per capita" in line 10, page 66.

The amendment was agreed to.

Mr. TALBERT. The same amendment should also be made in line 7.

Mr. SHERMAN. I will make the same motion in reference to that line. Strike out the words "per capita" in line 7.

The amendment was agreed to.

Mr. SHERMAN. I move that the committee now rise and report the bill as amended to the House with favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOPKINS reported that the Committee of the Whole House on the state of the Union, having had under consideration the Indian appropriation bill, had directed him to report the same to the House with amendments, and with the recommendation that as so amended it do pass.

The SPEAKER. If there be no demand for a separate vote, the question will be taken on the amendments all together.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

ATLANTIC AND PACIFIC RAILWAY COMPANY.

Mr. POWERS. Mr. Speaker, I desire to submit a conference report on the bill (S. 1832) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company, and to have it printed in the RECORD; and I give notice that I will call it up to-morrow immediately after the reading of the Journal.

The SPEAKER. The gentleman presents a conference report, which the Clerk will read.

The Clerk began the reading of the conference report.

Mr. POWERS. Mr. Speaker, I simply desire the report printed in the RECORD.

The SPEAKER. The gentleman desires the report printed in the RECORD, and gives notice that he will call it up to-morrow morning.

Mr. MCRAE. Mr. Speaker, I desire to have the request of the gentleman from Vermont so modified as to have the report printed in document form, rather than in the RECORD. It is more convenient for the members. The RECORD type is very small, and if we are to get any benefit from this print, so as to see what the amendments are, we should have the report in bill form.

Mr. POWERS. If we can have it printed by to-morrow morning, I have no objection.

Mr. MCRAE. Oh, that can be done.

The SPEAKER. The gentleman modifies his request, and asks that the report be printed in bill form.

Mr. POWERS. The report and the statement.

Mr. TERRY. In the same form in which we had the immigration bill the other day.

The SPEAKER. Without objection, the request will be acceded to.

There was no objection.

CONTESTED-ELECTION CASE—CORNETT VS. SWANSON, FIFTH DISTRICT, VIRGINIA.

Mr. THOMAS. Mr. Speaker, I desire to give notice that on Wednesday next I shall call up for consideration the contested-election case of Cornett *vs.* Swanson, from the Fifth Congressional district of Virginia.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the bill (S. 3523) to provide for further proving the genuineness of handwriting by comparison; in which the concurrence of the House was requested.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, the following Senate bill was taken from the Speaker's table and referred as follows:

A bill (S. 3523) to provide for further proving the genuineness of handwriting by comparison—to the Committee on the Judiciary.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole on the state of the Union for the consideration of the Agricultural appropriation bill; and, pending that, I move that general debate be limited to one hour, if that is satisfactory.

The SPEAKER. The gentleman from New York [Mr. WADSWORTH] moves that the House resolve itself into the Committee of the Whole on the state of the Union for the consideration of the Agricultural appropriation bill, and, pending that motion, he moves that general debate be limited to one hour.

The latter motion was agreed to.

And then, on motion of Mr. WADSWORTH, the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898, with Mr. PAYNE in the chair.

Mr. WADSWORTH. I ask to dispense with the first reading of the bill.

There was no objection.

Mr. WADSWORTH. I now yield thirty minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Chairman, under ordinary circumstances I should not occupy the time of the House to make reply to an attack aimed against the loyalty, honor, and integrity of the State of Ohio; but the circumstances surrounding the matter to which I shall directly refer seem to me to justify a deviation from my ordinary course and a reference to a matter of some public concern, not alone to the people of the State of Ohio, without regard to party, but to the people of the entire country.

On last Sunday morning there appeared what purported to be a speech delivered by the ex-governor of the State of Illinois. The speech was delivered at a dinner or celebration of the distinguished services of that gentleman, and in responding to the sentiment in his honor, he proceeded to make sundry and divers remarks reviewing the recent election campaign in the United States, to all of which I answer by silence, excepting as to a single paragraph of that speech. The paragraph is as follows:

> For example, in Ohio there were nearly 200,000 more votes counted in 1896 than there were in 1892, which would indicate an increase of population in that State during four years of very nearly 1,000,000 of people, whereas in reality there has not been an increase of a third of a million in that time. In other words, it is clear that in Ohio over 94,000 fraudulent votes were counted, and, as the returns show that Mr. McKinley had only a majority of 49,000 in that State, it is certain that Mr. Bryan carried Ohio by over 40,000.

The matter of inducement surrounding this special utterance was a broad and sweeping declaration that Bryan had been elected President and had been wrongfully defrauded of his office. Details are given in which other States are assailed, notably his own State, and with some little knowledge of the figures of the Illinois elections for the past three or four years, I do not wonder that a gentleman who led a victorious majority in the city of Chicago very recently, and then was absolutely overwhelmed in almost all the counties and voting precincts of Illinois, should select his own State as an illustration of the quality of unfairness which had been the measure and index of this election.

Ex-Governor Altgeld is the last person, in my judgment, who ought to drag from under the rapidly closing waves of oblivion the history and detail of the recent election in the United States of America. Whatever happened in the State of Ohio was due to a large number of factors, no one of which was more powerful and potential in giving victory to the Republican party in that State than was the existence as a leader of the Democratic party of Governor Altgeld, of Illinois. There is no place in all the broad domain of that magnificent State where appeals were made to the conscience and judgment, decency and patriotism, and law-abiding sentiment in the State of Ohio where the least difficulty was experienced in creating great interest by giving assurance of the defeat, then hoped for, of Altgeld. The most popular speeches were always decorated with the awful example of the then governor of the State of Illinois.

I was present at more than one vast assemblage of the people of Illinois during the campaign, and when all else failed to arouse an outburst of tremendous enthusiasm it always followed the declaration that one of the things that we were aiming at was to purge the fair record of Illinois of the name in office of Altgeld. He it was who in the Chicago convention demanded, as we all understood—as was published and declared everywhere—the introduction of those planks of the platform that arrayed hundreds of thousands of Democrats, independent of the question of the tariff and of the currency, against the Democratic party. Why, it is not very strange, Mr. Chairman, that that gentleman should feel some degree of responsibility for the results and some degree of soreness as he looks back over the miserable record in politics which he himself has made.

The people of the State of Ohio are thus arraigned, and my speech shall be directed to a vindication of the people of Ohio, without regard to party. There has been no dishonest election in the State of Ohio for a great many years. The condition of the law of that State and its administration, and the absolute immunity of the people there from a foul ballot box, are due to the joint efforts of the leading men of both political parties. The last trouble that we had was that which related to certain poll-book difficulties in the city of Columbus and in the city of Cincinnati. No party justified the wrongs that took place there. They were simply vulgar, contemptible, penitentiary offenses that were committed, and the prosecuting officers, without regard to party, pursued every man implicated. Some of them were arrested and tried, others fled from the State, others removed out of the State, and there is nothing left of those old, ancient, disreputable matters, long since gone by, except a treasury of recollections, in which all the facts and incidents are treasured up ready for use if the men who perpetrated these crimes shall ever again dare to become prominent in the politics of the State of Ohio. They are well known and thoroughly marked, distinctly condemned by the men of all parties, justified by nobody, and the wrongs were righted and no harm was done.

Shortly after that a new election law was passed in the State of Ohio. It was passed by the joint cooperation of Democrats and Republicans. The ballot is the Australian ballot. The system is the best developed, probably, of the study of pure elections that we have had in any of the States, and at least as good as that of any State in the Union. There was some objection to the Australian ballot because of certain unnecessary complications in regard to it. They were thoroughly and promptly rectified by the cooperation of men of all parties. The ballot is a blanket ballot, as it is called, upon which the ticket of each party is printed. We have progressed beyond any other State in the Union in the direction of suppressing frauds in the nomination of candidates by putting a provision into our statute, the first of any State in the Union, now being rapidly followed by the State of Indiana and possibly other States, forbidding the putting of the name of any one man upon any two ballots contained in the blanket ballot. This has operated in the greatest degree in the purification of the matter of nominations and in getting rid of the trading incident to that sort of business.

Now, let me give to gentlemen who have done me the honor to listen a simple outline of our system. In the first place, we have at the capital the secretary of state, who is chief of the board of elections. The law directs him to appoint four men in every county of the State, two of the men to belong to one of the leading two parties and two to another. So that the practical operation of it in Ohio is to give two Republicans and two Democrats. What may happen next year I do not know. The complication that may possibly grow out of the divided Democratic party will probably be solved by the adoption of the decision that the party polling the greatest number of votes will be entitled to have the election board. Now, these four election officers, two Democrats and two Republicans, are appointed upon the recommendation of the committees of the two parties. That is to say, the county committee of the Republican party names two men, the county committee of the Democratic party names two men, and they are appointed, unless there is some objection made as to their fitness or integrity, or something of that character.

Now, you will see the propriety of this feature of our statute. The Democratic committee knows who the Republican committee has recommended, and vice versa; and if there is a dishonest man recommended they have their right of protest. Then it is made the duty of the secretary of state, as the head of this board, to appoint these four men. Now these four men elect a clerk; and that clerk is usually elected from outside of the board. But there can not be a very bad man elected clerk, because he has to have either

two Republican votes and one Democratic vote or else he must have one Republican vote and two Democratic votes. Now, this board, thus constituted, appoints in every voting place in the county four judges, two to be Democrats and two to be Republicans; and, in that same connection, each one of these judges must have at least one vote of the opposite party from which he belongs. Then there is one Democratic clerk and one Republican clerk; and that board, thus constituted, under a law that limits the voters of a precinct to a small number, carries on the election.

There are six members of that board. They know everybody in the district. We have a registration law which applies to the cities, and there the registration boards—that is, the boards of election—are created in the same manner as are the county boards of election, and there also the machinery of registration is absolutely in the hands of both parties equally balanced, so that there can be no election of even a minor officer and no action by any board that is not consented to by at least one of the minority party. That is our system in the State of Ohio. It has worked well. There are divers restrictions in regard to the distance from the polls that everybody is compelled to keep, and then, under the Australian ballot law, step by step various amendments and improvements have come in, until, I say here, in the presence of distinguished Democrats of my own State, that the law has reached substantially perfection in administration.

Now, we find an ex-governor of a great State, in a public speech, apparently without any knowledge of this entire system or of any prominent part of it to which I have referred, making a wholesale charge of corruption and dishonesty and dishonor against the State, and in doing that he involves necessarily an equal number of Democrats with an equal number of Republicans; for there can be no dishonesty either in the registration, in the voting, in the machinery of the election, or in the certification of the returns, that is not participated in by men of both parties. Now, what has this ready maligner of other people to go upon when he makes this false charge that has been heralded all over the United States, and is being constantly repeated in the press when somebody happens to want to vilify a great State? What has he to go upon? A largely increased vote in the State of Ohio.

Well, Mr. Chairman, there was at the last election an enormously large increase of the vote in the United States of America. I have not the precise figures, but I think my recollection is not wrong when I say that the total increase in the vote was nearly two millions above any vote ever before cast for a President of the United States. I hold in my hand and will incorporate in my remarks a statement of the vote of Ohio from 1803, when she became a State, down to 1896, when she voted to put at end, for the time being at least, to the domination in politics of the party of the gentleman who was recently governor of Illinois. Among other things shown by that table is the fact that the vote of Ohio has fluctuated greatly. In the first place, going back only to 1888, the Republican vote was 416,054 and the Democratic vote was 396,455. The Democratic vote fell off in the next year to 379,423, and in the next year to 352,579. The next year it rallied to 365,228, and in 1892 it was 404,115. Then it fell off to 352,347 in the election of 1893, and in the election of 1894 the Democratic vote of Ohio was 276,902. In 1895 it was 334,519, and in 1896 it ran up to 473,462; an increase over the vote of 1894 of 196,560. That increase, remember, is in the Democratic vote alone.

The Republican vote of Ohio has also fluctuated very much along the same lines. We were beaten in 1889. We had but 363,548 votes in 1890 against 352,579 for the Democrats. We had but 386,739 in 1891 against 365,228 for the Democrats, and in 1892, in the Presidential election of that year, the Republican vote was 405,187 and the Democratic vote 404,115. We elected 22 electors and lost 1, the 22 being elected by only 1,072 plurality. In 1893 we rallied to 433,342. In 1894 we fell off to 413,988. In 1895, in the great impetus of that election, the Republican vote was 427,141, and last year it was 525,000, an increase over the vote of 1892 of 119,813, while the Democratic vote of that year showed an increase over the Democratic vote in 1894 of 196,560. Therefore, Mr. Chairman, it will be seen that whatever in the Ohio election is startling, whatever there is that needs explanation, whatever there is that the comprehension of a public and professional slanderer can not understand, is to be found rather in the extraordinary increase of the Democratic vote in the State of Ohio than in the increase of the Republican vote.

I hold in my hand a statement of the vote of 1896 in the State of Ohio by counties, and there is not a county in the State which has increased its vote at such a rate as the county which is the home of my distinguished friend, Mr. LAYTON. His county gave 4,899 votes last year for the Democratic ticket, while in 1895 it gave but 3,800 votes. In that little population there was an increase in the vote of over 28 per cent. In the county in which I live—and I think I may say, without arrogating very much to myself, that there could not get into the ballot boxes of my county a very large influx of fraudulent votes—in my county in 1895 there were 1,641 Democratic votes; in 1896 there were 3,256; an increase of 1,615 over the Democratic vote of 1895. That was the gain in the county in which I live; and let me say now for the county of Auglaize, where my Democratic friend, Mr. LAYTON, lives, and for the county where I live, that I do not believe there was one fraudulent vote cast, in the ordinary acceptation of that term. It may be that somebody voted who was not, under a strict construction of the law, entitled to vote. That happens in all voting places throughout the country. But that there was systematically or deliberately a vote cast that was not an honest vote, I deny absolutely.

What has been the matter, therefore, in Ohio? Well, I can tell you what has been the matter with the vote, so far as the Democratic party has been concerned. The same incidents, the same facts, the same elements that have driven the masses of the voters of the Democratic party away from the present Administration have had their effect in the State of Ohio; and inasmuch as the State was hopelessly Republican, thousands of Democrats have stayed at home. They would not go to the election and vote the Republican ticket, and they cared nothing about the success of the Democratic ticket. So one year ago, when Governor Bushnell was a candidate for governor, and one of the most popular Democrats in the State—a gentleman named in connection with the Presidential nomination; I refer to Governor Campbell—was his opponent; the latter was able to rally only 334,519 voters, while this year the Democratic candidate for President, as he was accepted in Ohio, was able to rally 473,462 voters. Why? Because the Democrats waked up. It was in my judgment an unfortunate awakening. [Laughter.] That is to say, the sound of the trumpet that called them from the tomb which they had occupied for so long a time was music that I certainly would not have believed they would have responded to. But they did respond; they responded with wonderful alacrity. And the fraud that appears to the benighted observation of the gentleman who has thus assailed the State of Ohio has come, in a large part at least, from the increased vote of the Democratic party itself.

Mr. JOHNSON of Indiana. Did any leading Democrats or leading Democratic papers of the State of Ohio complain that there had been fraud or illegality in the last election?

Mr. GROSVENOR. I was coming to that. I want now to state that the population of Ohio has very largely increased; and inasmuch as I have pointed out the county of Auglaize, where my friend and colleague on this floor [Mr. LAYTON] lives, I want to say that not only his county, but in all the counties of his Congressional district, where the great percentage of this increase took place, there has been an increase of population growing out of the development of the oil and natural-gas region in that section of Ohio.

Mr. LACEY. How much of this Democratic increase came from the Populist vote by reason of the fusion?

Mr. GROSVENOR. I will come to that. I hold in my hand a statement from the Chicago Tribune, which is quite as misleading, although not malicious, as is the statement of Governor Altgeld. Referring to what Altgeld has said, this paper proceeds to say that "the Republicans of Ohio made a very bad and unsuccessful campaign this year, inasmuch as we had 137,000 votes on one occasion, and 92,000 on another occasion, and this year fell away down to 52,000." This is one of the misleading statements that have tended in part to palliate the statement made by Altgeld. Now, the fact about it is that in 1895, when Governor Bushnell carried the State, as we call it, by 92,622 plurality, he carried the State by only 16,816 majority. Fifty-two thousand six hundred and seventy-five votes were polled for one Coxey. Mr. Chairman, I regret to have to make that acknowledgment. [Laughter.] But in a voting population of a million that is not so very bad. And I am proud to say that in the year 1896, to the best of my knowledge and belief, not five of those voters voted for anybody but William J. Bryan. There was an absolute fusion of those elements.

Now, again, there were 21,264 Prohibitionists. This year they mustered 5,469; nearly all of the balance of them voted for Bryan.

Mr. FITZGERALD. I should like to ask the gentleman a question.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. GROSVENOR] has expired.

Mr. GROSVENOR. I should like to occupy five minutes more.

Mr. WADSWORTH. The gentleman is aware that general debate is limited to one hour, but I yield him five minutes more.

Mr. GROSVENOR. Now, if my friend from Massachusetts [Mr. FITZGERALD] wishes to propound any question——

Mr. FITZGERALD. Will the gentleman state the vote per capita in 1892 and 1896 out in Ohio?

Mr. GROSVENOR. Will the gentleman tell me what the per capita in Ohio is?

Mr. FITZGERALD. I do not know.

Mr. GROSVENOR. Neither do I. [Laughter.] We have not had a census since 1890.

Mr. FITZGERALD. Will the gentleman answer upon the census of 1890?

Mr. GROSVENOR. We have passed seven years away from 1890; we have been growing with great rapidity.

Mr. FITZGERALD. Had not Ohio a census in 1895?

Mr. GROSVENOR. No; unfortunately not. We guess, though, fearfully. [Laughter.]

So, Mr. Chairman, instead of the Republican party having made a bad campaign, as alleged, we have lifted the majority of 16,816 up to 51,538 by a superior organization and an absolutely perfect fusion in the State. That was all I desired to say.

I might go a little further and refer to some of the personal characteristics of the gentleman to whom I have alluded, but I have nothing to do with that. My purpose was simply to vindicate the great State in which I live, and in which I have such profound pride, and to vindicate at the same time the honor, the wisdom, the integrity, and the shrewdness of the Democratic party in my State.

Mr. NORTHWAY. I hope my colleague will not forget to state that that charge is not seconded by any reputable paper in Ohio.

Mr. GROSVENOR. I thank my colleague for reminding me. I had temporarily forgotten it. It is only necessary to state, Mr. Chairman, that up to this time no reputable Democrat, nor has any Democratic newspaper in Ohio, so far as I have ever seen, repeated the language that Altgeld has repeated. No newspaper of any party has given the slightest countenance to the vicious falsehood.

So, Mr. Chairman, I am replying to nothing that comes from men who have knowledge of the facts, but only to that which comes from a man who hurls a slander upon the people of a great State without knowledge of what he is talking about. [Applause.]

Total vote cast for President, governor, and secretary of state at the Presidential and State elections from 1803 to 1895, inclusive.

Year.	Office.	Names of candidates.	Politics.	Number of votes each received.	Total vote cast.
1803	Governor	Edward Tiffin	Republican	4,564	4,565
1803 *	Secretary of state	Wm. Creighton, jr	do		
1804 †	President	Thomas Jefferson	do	2,593	3,213
		Charles C. Pinckney	Federalist	364	
		Scattering		256	
1805	Governor	Edward Tiffin	Republican	4,788	4,788
1807	do	Return J. Meigs, jr	Federalist	5,550	10,307
		Nathaniel Massie	Republican	4,757	
1808	President	James Madison	do		
		Charles C. Pinckney	Federalist		
		George Clinton	Republican		
1808	Governor	Samuel Huntington	do	7,293	16,291
		Thomas Worthington	do	5,601	
		Thomas Kirker	do	3,397	
1808	Secretary of state	Jeremiah McLene			
1810	Governor	Return J. Meigs, jr	Republican	9,924	17,655
		Thomas Worthington	do	7,731	
1812	President	James Madison	do	7,420	10,721
		De Witt Clinton	Federalist	3,301	
1812	Governor	Return J. Meigs, jr	do	11,859	19,762
		Thomas Scott	Republican	7,903	
1814	do	Thomas Worthington	do	15,879	22,050
		Othniel Looker	Federalist	6,171	
1816	President	James Monroe	Republican	3,326	3,919
		Rufus King	Federalist	593	
1816	Governor	Thomas Worthington	Republican	22,931	30,833
		James Dunlap	do	6,295	
		Ethan A. Brown	Federalist	1,607	
1818	do	do	Republican	30,194	38,269
		James Dunlap	do	8,075	
1820 ‡	President	James Monroe	Democrat	7,164	9,379
		John Q. Adams	Opposition	2,215	
1820	Governor	Ethan A. Brown	Democrat	34,836	48,860
		Jeremiah Morrow	do	9,426	
		William H. Harrison	do	4,348	
		Scattering		250	
1822	Governor	Jeremiah Morrow	Democrat	26,059	60,008
		Allen Trimble	Federalist	22,889	
		William W. Irvin	Democrat	11,060	
1824	President	Andrew Jackson	do	18,489	50,024
		John Q. Adams	Coalition	12,280	
		Wm. H. Crawford	Democrat		
		Henry Clay	do	19,255	
1824	Governor	Jeremiah Morrow	do	39,526	76,634
		Allen Trimble	National Republican	37,108	
1826	do	do	do	71,475	84,733
		John Bigger	Democrat	4,114	
		Alexander Campbell	Republican	4,765	
		Benjamin Tappan		4,192	
		Scattering		187	
1828	President	Andrew Jackson	Democrat	67,597	130,993
		John Q. Adams	National Republican	63,396	
1828	Governor	Allen Trimble	do	53,971	106,034
		John W. Campbell	Democrat	51,951	
		Scattering		112	

* From 1803 to 1850 the secretary of state was elected by the general assembly.

† The Democratic party of to-day claims lineal descent from the first Republican party, with President Jefferson as its founder. Authorities differ as to the date when the party dropped the name Republican and assumed that of Democrat, it being ascribed to various dates between 1805 and 1820.

‡ Political parties were disorganized at the time of the election of John Q. Adams. He claimed to be a Republican as Jefferson, but his doctrines were decidedly Federalistic. The opposition to his Administration took the name of Democrat and elected Jackson President in 1828.

Total vote cast for President, governor, and secretary of state at the Presidential and State elections from 1803 to 1895, inclusive—Continued.

Year.	Office.	Names of candidates.	Politics.	Number of votes each received.	Total votes cast.
1830	Governor	Duncan McArthur	National Republican	49,668	
		Robert Lucas	Democrat	49,186	
		Scattering		226	
					99,080
1831	Secretary of state	Moses H. Kirby			
1832	President	Andrew Jackson	Democrat	81,246	
		Henry Clay	National Republican	76,539	
		William Wirt	Anti-Mason	509	
		John Floyd	Nullifier		
					158,294
1832	Governor	Robert Lucas	Democrat	71,251	
		Darius Lyman	Whig	63,185	
		Scattering		33	
					134,469
1834	do	Robert Lucas	Democrat	70,738	
		James Findlay	Whig	67,414	
		Scattering		38	
					138,190
1835	Secretary of state	B. Hinkson			
1836	President	Martin Van Buren	Democrat	96,238	
		Wm. H. Harrison	Whig	104,958	
		H. L. White			
		Daniel Webster			
		W. P. Mangum			
					201,196
1836	Governor	Joseph Vance	Whig	92,204	
		Eli Baldwin	Democrat	86,158	
		Scattering		200	
					178,562
1836	Secretary of state	Carter B. Harlan			
1838	Governor	Wilson Shannon	Democrat	107,884	
		Joseph Vance	Whig	102,146	
		Scattering		7	
					210,037
1840	President	Wm. H. Harrison	Whig	148,157	
		Martin Van Buren	Democrat	124,782	
		James G. Birney	Liberty	903	
					273,842
1840	Governor	Thomas Corwin	Whig	145,442	
		Wilson Shannon	Democrat	129,312	
		Scattering		8	
					274,762
1840	Secretary of state	William Trevitt	Democrat		
1841	do	John Sloane			
1842	Governor	William Shannon	Democrat	119,774	
		Thomas Corwin	Whig	117,902	
		Leicester King	Abolitionist	5,134	
		Scattering		40	
					242,850
1844	President	James K. Polk	Democrat	149,061	
		Henry Clay	Whig	155,113	
		James G. Birney	Liberty	8,050	
					312,224
1844	Governor	Mordecai Bartley	Whig	146,333	
		David Todd	Democrat	145,062	
		Leicester King	Abolitionist	8,898	
		Scattering		11	
					300,304
1844	Secretary of state	Samuel Galloway			
1846	Governor	William Bebb	Whig	118,869	
		David Todd	Democrat	116,484	
		Samuel Lewis	Abolitionist	10,797	
		Scattering		46	
					246,196
1848	President	Zachary Taylor	Whig	138,359	
		Lewis Cass	Democrat	154,773	
		Martin Van Buren	Free Soil	35,347	
					328,479
1848	Governor	Seabury Ford	Whig	148,756	
		John B. Weller	Democrat	148,445	
		Scattering		742	
					297,943
1850	do	Reuben Wood	Democrat	133,093	
		William Johnston	Whig	121,105	
		Edward Smith	Abolitionist	13,747	
					267,945
1851	do	Reuben Wood	Democrat	145,654	
		Samuel F. Vinton	Whig	119,548	
		Samuel Lewis	Abolitionist	16,918	
		Scattering		62	
					282,182
1851	Secretary of state	Wm. Trevitt	Democrat	145,636	
		Earl Bill	Whig	120,256	
		Henry W. King	Free Soil	15,768	
					281,660
1852	President	Franklin Pierce	Democrat	168,933	
		Winfield Scott	Whig	152,523	
		John P. Hale	Free Soil	31,732	
					353,188
1853	Governor	William Medill	Democrat	147,663	
		Nelson Barrere	Whig	85,857	
		Samuel Lewis	Abolitionist	50,346	
					283,866
1853	Secretary of state	William Trevitt	Democrat	151,818	
		Nelson Van Vorhes	Whig	97,500	
		William Graham	Free Soil	33,518	
		Scattering		409	
					283,245
1855	Governor	Salmon P. Chase	Republican	146,770	
		William Medill	Democrat	131,019	
		Allen Trimble	American	24,276	
					302,065

Total vote cast for President, governor, and secretary of state at the Presidential and State elections from 1803 to 1895, inclusive—Continued.

Year.	Office.	Names of candidates.	Politics.	Number of votes each received.	Total vote cast.
1855	Secretary of state	James H. Baker	Republican and American	168,724	
		William Trevitt	Democrat	133,641	302,365
1856	President	James Buchanan	do	170,874	
		John C. Fremont	Republican	187,497	
		Millard Fillmore	American	28,126	386,497
1857	Governor	Salmon P. Chase	Republican	160,568	
		H. B. Payne	Democrat	159,065	
		P. Van Trump	American	10,272	329,905
1857	Secretary of state	Addison P. Russell	Republican	161,837	
		Jacob Reinhard	Democrat	159,421	
		C. C. Allen	American	10,381	
		Scattering		278	331,917
1859	Governor	William Dennison	Republican	184,557	
		Rufus P. Ranney	Democrat	171,226	355,783
1859	Secretary of state	Addison P. Russell	Republican	184,839	
		Jacob Reinhard	Democrat	170,400	355,239
1860	President	Abraham Lincoln	Republican	221,809	
		Stephen A. Douglas	Independent Democrat	187,421	
		John Bell	Constitutional Union	12,193	
		John C. Breckenridge	Democrat	11,303	
		Gerritt Smith	Abolitionist	136	432,862
1861	Governor	David Tod	Republican	206,997	
		Hugh J. Jewett	Democrat	151,774	
		Scattering		109	358,880
1861	Secretary of state	Benj. R. Cowan	Republican	207,352	
		William W. Armstrong	Democrat	151,912	
		Scattering		181	359,445
1862	do	William W. Armstrong	Democrat	184,315	
		Wilson S. Kennon	Republican	178,755	363,070
1863	Governor	John Brough	do	288,826	
		C. L. Vallandigham	Democrat	187,728	476,554
1864	President	Abraham Lincoln	Republican	265,654	
		George B. McClellan	Democrat	205,599	471,253
1864	Secretary of state	William Henry Smith	Republican	238,145	
		William W. Armstrong	Democrat	183,842	421,987
1865	Governor	Jacob D. Cox	Republican	223,642	
		George W. Morgan	Democrat	193,797	
		Scattering		360	417,799
1866	Secretary of state	William Henry Smith	Republican	256,302	
		Benjamin Le Fever	Democrat	213,606	469,908
1867	Governor	R. B. Hayes	Republican	243,605	
		A. G. Thurman	Democrat	240,622	484,227
1868	President	U. S. Grant	Republican	280,167	
		Horatio Seymour	Democrat	238,621	518,788
1868	Secretary of state	Isaac R. Sherwood	Republican	267,066	
		Thos. Hubbard	Democrat	249,682	516,748
1869	Governor	R. B. Hayes	Republican	236,082	
		G. H. Pendleton	Democrat	228,576	
		Samuel Scott	Prohibition	679	465,337
1870	Secretary of state	Isaac R. Sherwood	Republican	221,708	
		William Heisley	Democrat	205,018	
		Jay Odell	Prohibition	2,833	429,559
1871	Governor	Edward F. Noyes	Republican	238,273	
		George W. McCook	Democrat	218,105	
		Gideon T. Stewart	Prohibition	4,068	460,446
1872	President	U. S. Grant	Republican	281,852	
		Horace Greeley	Democrat and Liberal	244,321	
		James Black	Temperance	2,100	
		Charles O'Conor	Democrat	1,163	
		Scattering		162	529,598
1872	Secretary of state	Allen T. Wikoff	Republican	265,925	
		Aquila Wiley	Democrat	251,778	
		F. Schumacher	Prohibition	2,035	519,738
1873	Governor	Edward F. Noyes	Republican	213,837	
		William Allen	Democrat	214,654	
		Gideon T. Stewart	Prohibition	10,278	
		Isaac C. Collins		10,109	448,878
1874	Secretary of state	Allen T. Wikoff	Republican	221,204	
		William Bell, jr	Democrat	238,406	
		John R. Buchtel	Prohibition	7,815	467,425
1875	Governor	R. B. Hayes	Republican	297,817	
		William Allen	Democrat	292,273	
		Jay Odell	Prohibition	2,593	
		Scattering		17	592,700
1876	President	R. B. Hayes	Republican	330,698	
		Samuel J. Tilden	Democrat	323,182	
		G. Clay Smith	Prohibition	1,636	
		Peter Cooper	Greenback	3,057	
		Scattering		1,198	659,771

Total vote cast for President, governor, and secretary of state at the Presidential and State elections from 1803 to 1895, inclusive—Continued.

Year.	Office.	Names of candidates.	Politics.	Number of votes each received.	Total vote cast.
1876	Secretary of state	Milton Barnes	Republican	317,856	
		William Bell, jr	Democrat	311,220	
		E. S. Chapman	Prohibition	1,863	630,939
1877	Governor	William H. West	Republican	249,105	
		Richard M. Bishop	Democrat	271,625	
		Lewis H. Bond		12,489	
		Stephen Johnson		16,912	
		Henry A. Thompson	Prohibition	4,836	554,967
1878	Secretary of state	Milton Barnes	Republican	274,120	
		David R. Paige	Democrat	270,966	
		Andrew Roy	Greenback	38,332	
		Jeremiah N. Robinson	Prohibition	5,682	589,100
1879	Governor	Charles Foster	Republican	336,261	
		Thomas Ewing	Democrat	319,132	
		Gideon T. Stewart	Prohibition	4,145	
		A. Sanders Piatt	Greenback	9,072	
		John Hood		547	669,157
1880	President	James A. Garfield	Republican	375,048	
		Winfield S. Hancock	Democrat	340,821	
		James B. Weaver	Greenback	6,456	
		Neal Dow	Prohibition	2,616	
		Scattering		26	724,967
1880	Secretary of state	Charles Townsend	Republican	362,021	
		William Lang	Democrat	343,016	
		Charles A. Lloyd	Greenback	6,786	
		William H. Doan	Prohibition	2,815	
		Scattering		1,548	716,186
1881	Governor	Charles Foster	Republican	312,735	
		John W. Bookwalter	Democrat	288,426	
		Abraham R. Ludlow	Prohibition	16,597	
		John Seitz	Greenback	6,330	
		Scattering		138	624,226
1882	Secretary of state	Charles Townsend	Republican	297,759	
		James W. Newman	Democrat	316,874	
		F. Schumacher	Prohibition	12,202	
		George L. Hafer	Greenback	5,345	
		Scattering		2,915	635,095
1883	Governor	Joseph B. Foraker	Republican	347,164	
		George Hoadly	Democrat	359,693	
		F. Schumacher	Prohibition	8,362	
		Charles Jenkins	Greenback	2,937	
		Scattering		3,154	721,310
1884	President	James G. Blaine	Republican	400,082	
		Grover Cleveland	Democrat	368,280	
		John P. St. John	Prohibition	11,069	
		Benj. F. Butler	Union Labor	5,179	
		Scattering		2,549	787,159
1884	Secretary of state	James S. Robinson	Republican	391,597	
		James W. Newman	Democrat	380,355	
		Peter M. Harold	Union Labor	3,475	
		Evan J. Morris	Prohibition	8,007	
		Scattering		1,657	785,691
1885	Governor	Joseph B. Foraker	Republican	359,281	
		George Hoadly	Democrat	341,830	
		Adna B. Leonard	Prohibition	28,081	
		John W. Northrop	Greenback	2,001	
		Scattering		2,774	733,967
1886	Secretary of state	James S. Robinson	Republican	341,095	
		John McBride	Democrat	329,314	
		Henry R. Smith	Prohibition	28,982	
		Charles Bonsall	Greenback	2,010	
		Scattering		2,832	704,233
1887	Governor	Joseph B. Foraker	Republican	356,534	
		Thomas E. Powell	Democrat	333,205	
		John Seitz	Union Labor	24,711	
		Morris Sharp	Prohibition	29,700	
		Scattering		2,820	746,970
1888	President	Benjamin Harrison	Republican	416,054	
		Grover Cleveland	Democrat	396,455	
		Clinton B. Fiske	Prohibition	24,356	
		Alson I. Streeter	Union Labor	3,496	
		Scattering		1,580	844,941
1888	Secretary of state	Daniel J. Ryan	Republican	416,510	
		Boston G. Young	Democrat	395,522	
		Walter S. Payne	Prohibition	24,618	
		George F. Ebner	Union Labor	3,452	
		Scattering		1,839	841,941
1889	Governor	Joseph B. Foraker	Republican	368,551	
		James E. Campbell	Democrat	379,423	
		John B. Helwig	Prohibition	26,504	
		John H. Rhoads	Union Labor	1,048	
		Scattering		195	775,721
1890	Secretary of state	Daniel J. Ryan	Republican	363,548	
		Thaddeus E. Cromley	Democrat	352,579	
		Mel'thon C. Lockwood	Prohibition	23,837	
		Ezekiel T. Curtis	Union Labor	1,752	
		Scattering		470	742,186

Total vote cast for President, governor, and secretary of state at the Presidential and State elections from 1803 to 1895, inclusive—Continued.

Year.	Office.	Names of candidates.	Politics.	Number of votes each received.	Total vote cast.
1891	Governor	William McKinley, jr	Republican	386,739	
		James E. Campbell	Democrat	365,228	
		John J. Ashenhurst	Prohibition	20,190	
		John Seitz	People's	23,472	
		Scattering		2	
					795,631
1892	President	Benjamin Harrison	Republican	405,187	
		Grover Cleveland	Democrat	404,115	
		James B. Weaver	People's	14,850	
		John Bidwell	Prohibition	26,012	
		Scattering		11,461	
					861,625
1892	Secretary of state	Samuel M. Taylor	Republican	402,540	
		William A. Taylor	Democrat	401,451	
		Solon C. Thayer	People's	14,554	
		George L. Case	Prohibition	25,885	
		Scattering		11,946	
					861,625
1893	Governor	William McKinley	Republican	433,312	
		Lawrence T. Neal	Democrat	352,347	
		Gideon P. Macklin	Prohibition	22,406	
		Edward J. Bracken	People's	15,563	
					835,604
1894	Secretary of state	Samuel M. Taylor	Republican	413,989	
		Milton Turner	Democrat	276,902	
		Mark G. McCaslin	Prohibition	23,237	
		Charles R. Martin	People's	49,495	
		Scattering		1	
					776,819
1895	Governor	Asa S. Bushnell	Republican	427,141	
		James E. Campbell	Democrat	334,519	
		Jacob S. Coxey	People's	52,675	
		Seth H. Ellis	Prohibition	21,264	
		William Watkins	Socialist Labor	1,867	
		Scattering		3	
					846,996

Following is the vote by counties in Ohio from 1884 to 1895, inclusive:

Abstract of votes cast for secretary of state at the election held October 14, 1884, in the State of Ohio.

County.	James S. Robinson.	James W. Newman.	Peter M. Harold.	Evan J. Morris.	Scattering.
Adams	2,858	2,935		40	
Allen	3,265	4,518	22	38	
Ashland	2,588	3,348		90	
Ashtabula	6,959	2,645	195	299	
Athens	3,776	2,411	153	133	
Auglaize	1,938	3,950		6	
Belmont	6,196	5,954	39	81	
Brown	3,159	4,272	3	5	
Butler	3,981	6,887		37	
Carroll	2,285	1,691	126	55	
Champaign	4,122	3,103	5	78	
Clarke	7,282	5,319	31	337	
Clermont	4,335	4,263	63	33	1
Clinton	3,770	2,298		174	
Columbiana	6,772	4,599	419	96	2
Coshocton	2,793	3,497	3	24	
Crawford	2,707	4,920	10	79	
Cuyahoga	22,839	20,780	6	398	2
Darke	4,342	5,564	20	64	
Defiance	2,182	3,326	3	11	
Delaware	3,492	3,174	4	309	
Erie	3,359	4,262	32	56	
Fairfield	3,149	5,024		63	
Fayette	3,129	2,206	4	37	
Franklin	10,783	12,057	84	201	
Fulton	2,793	1,957	18	220	1
Gallia	3,665	2,360	1	43	
Geauga	2,746	867	19	175	
Greene	4,794	2,648	1	224	1
Guernsey	3,441	2,674	65	146	
Hamilton	37,230	34,722	188	146	
Hancock	3,269	3,645	26	48	
Hardin	3,795	3,425	1	67	
Harrison	2,763	2,122	6	95	1
Henry	1,860	3,247		20	
Highland	3,619	3,542	1	85	
Hocking	1,746	2,539	117	14	
Holmes	1,328	3,346		30	
Huron	4,553	3,380	22	253	
Jackson	3,406	2,721	19	70	
Jefferson	4,719	3,347	69	83	
Knox	3,595	3,602	10	145	
Lake	2,802	1,143	97	57	
Lawrence	4,704	3,306	1	28	
Licking	4,484	6,057	44	41	
Logan	3,846	2,653	6	139	
Lorain	5,336	3,202	1	302	
Lucas	8,203	7,866	42	108	
Madison	2,628	2,463		67	
Mahoning	5,827	4,681	202	83	
Marion	2,409	3,150		90	
Medina	3,402	2,187	37	116	
Meigs	4,131	2,650	6	104	
Mercer	1,677	3,915	3	17	
Miami	5,210	4,223	13	108	
Monroe	1,636	4,030		3	
Montgomery	10,971	11,640	17	94	1
Morgan	2,500	2,003		104	
Morrow	2,584	2,176	21	198	
Muskingum	5,874	5,867	36	69	
Noble	2,462	2,148	28	63	
Ottawa	1,484	2,957	3	11	
Paulding	2,138	2,202	1		
Perry	3,204	3,329	265	10	2
Pickaway	2,880	3,935		25	
Pike	1,759	2,388	9	10	
Portage	3,843	3,279	58	199	1
Preble	3,151	2,867		185	
Putnam	2,195	4,016	3	17	
Richland	3,968	5,238	1	118	
Ross	4,716	4,868	1	36	
Sandusky	3,123	3,790	20	58	
Scioto	4,019	3,297	25	3	1
Seneca	3,849	5,064	47	110	
Shelby	2,331	3,557	24	1	
Stark	8,074	8,296	218	219	
Summit	6,565	4,976	151	245	
Trumbull	6,285	3,140	76	278	
Tuscarawas	4,287	5,292	37	73	
Union	3,506	2,322	9	127	
Van Wert	3,048	3,011	1	9	
Vinton	1,750	1,938		4	
Warren	4,281	2,541		58	
Washington	4,800	4,714	31	57	
Wayne	4,546	4,921	21	110	
Williams	2,885	2,981	77	53	
Wood	4,517	3,883	69	150	
Wyandot	2,344	3,096	13	42	
Total	391,597	380,355	3,499	8,607	13

Abstract of votes cast for governor at the election held October 13, 1885.

County.	Joseph B. Foraker.	George Hoadly.	Adna B. Leonard.	John W. Northrop.	Pluralities.	
					Foraker.	Hoadly.
Adams	2,936	2,657	160		279	
Allen	2,956	3,919	237	22		963
Ashland	2,314	3,060	225			746
Ashtabula	6,262	2,390	728	91	3,872	
Athens	3,770	2,136	310	50	1,634	
Auglaize	1,770	3,518	59			1,748
Belmont	5,765	5,130	335	7	635	
Brown	2,726	3,399	339			673
Butler	3,477	6,080	307			2,663
Carroll	2,138	1,551	234	36	587	
Champaign	3,800	2,754	318	10	1,046	
Clarke	6,590	4,589	992	8	2,001	
Clermont	3,842	4,008	330			166
Clinton	3,554	2,145	358		1,409	
Columbiana	6,087	4,218	443	286	1,869	
Coshocton	2,616	3,307	137			691
Crawford	2,364	4,269	297	25		1,905
Cuyahoga	19,299	15,189	1,106	22	4,110	
Darke	3,900	5,033	298	7		1,133
Defiance	1,756	2,820	289	54		1,064
Delaware	3,179	2,915	616	5	264	

Abstract of votes cast for governor, etc., October 13, 1885—Continued.

County.	Joseph B. Foraker.	George Hoadly.	Adna B. Leonard.	John W. Northrop.	Pluralities.	
					Foraker.	Hoadly.
Erie	8,069	8,609	165	33	.....	540
Fairfield	3,038	4,570	239	1	.....	1,532
Fayette	2,950	1,955	297	.....	995	.....
Franklin	10,665	11,200	582	65	.....	535
Fulton	2,445	1,581	385	19	864	.....
Gallia	3,368	2,042	84	.....	1,326	.....
Geauga	2,595	752	291	6	1,843	.....
Greene	4,683	2,298	458	1	2,385	.....
Guernsey	3,098	2,375	587	.....	723	.....
Hamilton	34,050	34,696	1,374	1	.....	646
Hancock	2,800	3,283	388	24	.....	483
Hardin	3,408	3,341	401	.....	67	.....
Harrison	2,510	1,914	335	.....	596	.....
Henry	1,460	2,762	212	.....	.....	1,302
Highland	3,607	3,345	267	3	262	.....
Hocking	1,746	2,289	88	27	.....	543
Holmes	1,237	3,041	148	.....	.....	1,804
Huron	4,032	3,044	458	33	988	.....
Jackson	3,226	2,336	159	12	890	.....
Jefferson	4,421	2,657	353	3	1,764	.....
Knox	3,300	3,448	316	7	.....	148
Lake	2,502	971	195	61	1,531	.....
Lawrence	4,281	2,852	87	.....	1,429	.....
Licking	4,330	5,527	260	59	.....	1,197
Logan	3,676	2,392	353	7	1,284	.....
Lorain	4,812	2,653	686	8	2,159	.....
Lucas	7,080	6,894	428	14	186	.....
Madison	2,633	2,227	255	2	406	.....
Mahoning	4,752	4,002	518	153	750	.....
Marion	2,182	2,935	265	.....	.....	753
Medina	3,191	2,132	230	.....	1,059	.....
Meigs	3,752	2,316	175	.....	1,436	.....
Mercer	1,476	3,301	60	3	.....	1,825
Miami	4,763	3,891	475	9	872	.....
Monroe	1,375	3,247	33	.....	.....	1,872
Montgomery	10,722	11,235	362	7	.....	513
Morgan	2,415	1,885	188	1	530	.....
Morrow	2,329	2,079	344	39	250	.....
Muskingum	5,634	5,226	273	33	408	.....
Noble	2,335	2,053	123	37	282	.....
Ottawa	1,257	2,416	56	.....	.....	1,159
Paulding	2,028	2,037	140	1	.....	9
Perry	3,026	3,198	106	28	.....	172
Pickaway	2,813	3,577	165	.....	.....	764
Pike	1,714	2,033	84	13	.....	319
Portage	3,599	3,179	387	33	420	.....
Preble	2,917	2,684	327	.....	233	.....
Putnam	1,776	3,518	243	1	.....	1,742
Richland	3,824	5,000	341	.....	.....	1,176
Ross	4,688	4,357	180	1	331	.....
Sandusky	2,976	3,382	171	11	.....	406
Scioto	3,765	2,787	120	31	978	.....
Seneca	3,601	4,444	253	89	.....	843
Shelby	2,149	3,197	136	.....	.....	1,048
Stark	7,376	7,674	616	241	.....	298
Summit	5,869	4,361	638	37	1,508	.....
Trumbull	5,789	2,790	508	53	2,999	.....
Tuscarawas	3,905	4,618	256	10	.....	713
Union	3,336	2,230	263	4	1,106	.....
Van Wert	3,021	2,954	139	.....	67	.....
Vinton	1,703	1,717	38	.....	.....	14
Warren	3,807	2,363	251	.....	1,444	.....
Washington	4,465	4,145	216	35	320	.....
Wayne	3,866	4,449	632	9	.....	583
Williams	2,710	2,874	178	61	.....	164
Wood	4,176	3,517	376	37	659	.....
Wyandot	2,136	2,886	246	10	.....	750
Total	359,281	341,830	28,081	2,001	53,056	35,605
Net plurality	.....	.....	.....	.....	17,451	.....

Scattering vote: Cuyahoga County, 6; Geauga, 1; Preble, 9; Summit, 1.

Abstract of votes cast for secretary of state at the election held November 2, 1886.

County.	James S. Robinson.	John McBride.	Henry R. Smith.	Charles Bonsall.	Pluralities.	
					Robinson.	McBride.
Adams	2,599	2,427	215	.....	172	.....
Allen	2,392	3,617	169	67	.....	1,225
Ashland	2,177	2,725	236	.....	.....	548
Ashtabula	5,527	1,887	610	23	3,640	.....
Athens	3,738	2,040	372	20	1,698	.....
Auglaize	1,691	3,078	58	.....	.....	1,387
Belmont	5,751	5,424	545	1	327	.....
Brown	2,740	3,799	255	.....	.....	1,059
Butler	3,427	6,265	276	.....	.....	2,838
Carroll	1,978	1,511	200	80	467	.....
Champaign	3,471	2,530	346	.....	941	.....
Clarke	6,461	5,536	877	.....	925	.....
Clermont	3,692	3,980	294	9	.....	288
Clinton	3,444	2,011	357	.....	1,433	.....
Columbiana	5,390	3,813	497	356	1,577	.....
Coshocton	2,463	3,105	234	4	.....	642
Crawford	2,024	3,694	263	59	.....	1,670
Cuyahoga	18,474	17,412	1,016	14	1,062	.....
Darke	3,466	4,344	353	17	.....	878
Defiance	1,874	2,088	255	25	.....	1,214
Delaware	3,090	2,775	565	48	315	.....
Erie	3,367	3,686	105	17	.....	319
Fairfield	2,575	4,053	333	1	.....	1,478
Fayette	2,817	1,892	290	1	925	.....

Abstract of votes cast for secretary of state, etc., November 2, 1886—Continued.

County.	James S. Robinson.	John McBride.	Henry R. Smith.	Charles Bonsall.	Pluralities.	
					Robinson.	McBride.
Franklin	10,154	11,986	544	28	.....	1,832
Fulton	2,629	1,797	350	3	832	.....
Gallia	3,107	1,781	95	.....	1,326	.....
Geauga	2,191	564	329	6	1,627	.....
Greene	4,579	2,252	427	.....	2,327	.....
Guernsey	2,974	2,354	642	2	620	.....
Hamilton	32,803	28,657	712	.....	4,146	.....
Hancock	2,918	3,537	415	20	.....	619
Hardin	3,354	3,101	348	.....	253	.....
Harrison	2,293	1,707	405	4	586	.....
Henry	1,545	2,814	137	.....	.....	1,269
Highland	3,203	3,146	432	4	57	.....
Hocking	1,423	1,995	310	16	.....	572
Holmes	984	2,653	240	.....	.....	1,669
Huron	3,715	2,874	488	24	841	.....
Jackson	2,831	2,123	380	20	708	.....
Jefferson	4,097	2,640	432	1	1,457	.....
Knox	3,294	3,367	276	20	.....	73
Lake	2,038	664	193	73	1,374	.....
Lawrence	3,864	2,481	121	.....	1,383	.....
Licking	4,088	5,312	250	52	.....	1,224
Logan	3,663	2,281	281	3	1,382	.....
Lorain	4,391	2,420	696	8	1,971	.....
Lucas	7,942	7,574	299	.....	368	.....
Madison	2,404	2,099	310	2	305	.....
Mahoning	4,490	4,109	614	183	381	.....
Marion	2,142	2,728	255	1	.....	586
Medina	3,043	2,045	326	.....	998	.....
Meigs	3,686	2,220	203	.....	1,466	.....
Mercer	1,409	3,201	86	1	.....	1,792
Miami	4,407	3,500	505	32	907	.....
Monroe	1,502	3,697	77	.....	.....	2,195
Montgomery	10,556	11,187	464	17	.....	631
Morgan	2,376	1,791	187	.....	585	.....
Morrow	2,300	1,926	377	60	374	.....
Muskingum	5,412	5,206	331	37	206	.....
Noble	2,285	1,955	122	23	330	.....
Ottawa	1,379	2,624	24	.....	.....	1,245
Paulding	2,201	2,273	159	.....	.....	72
Perry	2,530	3,338	183	23	.....	808
Pickaway	2,628	3,360	234	.....	.....	732
Pike	1,617	1,879	100	13	.....	262
Portage	3,302	2,644	348	11	658	.....
Preble	2,938	2,644	354	.....	294	.....
Putnam	1,549	3,074	160	8	.....	1,525
Richland	3,576	4,608	293	.....	.....	1,032
Ross	4,534	4,121	243	.....	413	.....
Sandusky	2,805	3,520	133	9	.....	715
Scioto	3,373	2,544	131	36	829	.....
Seneca	3,154	4,074	238	102	.....	920
Shelby	1,750	2,810	183	.....	.....	1,060
Stark	6,759	7,490	710	198	.....	731
Summit	5,855	4,673	558	67	1,182	.....
Trumbull	4,672	2,214	681	48	2,458	.....
Tuscarawas	3,418	4,259	270	8	.....	841
Union	3,128	2,036	245	.....	1,092	.....
Van Wert	2,810	2,846	333	.....	.....	34
Vinton	1,667	1,880	38	.....	.....	213
Warren	3,822	2,383	258	.....	1,439	.....
Washington	4,470	4,380	256	26	94	.....
Wayne	3,640	4,193	644	3	.....	553
Williams	2,841	2,758	199	60	83	.....
Wood	4,104	3,685	285	42	419	.....
Wyandot	1,847	2,568	342	4	.....	721
Total	341,095	329,314	28,982	2,010	49,253	37,472
Net plurality	.....	.....	.....	.....	11,781	.....

Scattering vote: Cuyahoga County, 8; Greene, 1; Hamilton, 10; Knox, 1; Medina, 1; Meigs, 1, Portage, 4; Summit, 1; Union, 1. Total, 28.

Abstract of votes cast for governor at the election held November 8, 1887.

County.	Joseph B. Foraker.	Thomas E. Powell.	John Seitz.	Morris Sharp.	Pluralities.	
					Foraker.	Powell.
Adams	2,807	2,930	.....	152	.....	123
Allen	3,256	4,242	206	206	.....	986
Ashland	2,328	3,044	14	280	.....	716
Ashtabula	5,984	2,038	24	808	3,946	.....
Athens	3,775	2,012	210	367	1,763	.....
Auglaize	1,900	3,318	41	110	.....	1,418
Belmont	5,991	5,507	15	441	484	.....
Brown	2,610	3,712	4	286	.....	1,102
Butler	3,566	5,764	490	331	.....	2,198
Carroll	2,255	1,615	61	180	640	.....
Champaign	3,669	2,747	15	503	922	.....
Clarke	6,369	4,068	1,244	906	2,301	.....
Clermont	4,060	3,943	68	276	117	.....
Clinton	3,527	1,995	.....	345	1,532	.....
Columbiana	6,070	4,151	342	537	1,919	.....
Coshocton	2,622	3,406	.....	294	.....	784
Crawford	2,295	4,258	310	227	.....	1,963
Cuyahoga	18,467	15,386	2,830	736	3,081	.....
Darke	4,030	4,808	41	406	.....	778
Defiance	1,872	2,865	200	204	.....	993
Delaware	3,159	3,048	59	503	111	.....
Erie	3,165	3,650	41	147	.....	485
Fairfield	2,864	4,417	6	279	.....	1,553
Fayette	2,999	2,026	3	285	973	.....
Franklin	11,150	12,053	658	526	.....	903

Abstract of votes cast for governor November 8, 1887—Continued.

County.	Joseph B. Foraker.	Thomas E. Powell.	John Seitz.	Morris Sharp.	Pluralities.	
					Foraker.	Powell.
Fulton	2,605	1,862	2	349	743	
Gallia	3,444	2,122		121	1,322	
Geauga	2,324	700	15	299	1,624	
Greene	4,431	2,326	65	439	2,105	
Guernsey	3,204	2,456	77	615	748	
Hamilton	30,040	23,348	11,121	525	6,692	
Hancock	3,596	3,716	130	323		120
Hardin	3,445	3,274	16	332	171	
Harrison	2,438	1,535	5	442	603	
Henry	1,714	2,919	35	171		1,205
Highland	3,511	3,357	27	287	154	
Hocking	1,798	2,202	117	259		404
Holmes	1,133	3,166		258		2,033
Huron	3,908	2,815	129	403	1,093	
Jackson	2,964	1,971	602	310	993	
Jefferson	4,233	2,701	42	487	1,532	
Knox	3,298	3,289	98	316	9	
Lake	2,532	816	91	170	1,716	
Lawrence	4,188	2,855		238	1,333	
Licking	4,418	5,605	125	282		1,187
Logan	3,709	2,202	37	325	1,417	
Lorain	4,575	2,722	34	786	1,853	
Lucas	7,719	6,755	331	180	966	
Madison	2,463	2,164	13	326	299	
Mahoning	5,004	4,396	142	535	608	
Marion	2,276	3,173		307		897
Medina	3,061	2,097		358	964	
Meigs	3,572	2,055	28	303	1,517	
Mercer	1,522	3,436	12	122		1,914
Miami	4,624	3,371	291	597	1,253	
Monroe	1,487	3,619		83		2,132
Montgomery	11,030	11,304	990	543		274
Morgan	2,375	1,859	2	241	516	
Morrow	2,367	2,067	75	379	300	
Muskingum	5,551	5,577	50	480		29
Noble	2,433	2,133	53	124	300	
Ottawa	1,252	2,492	7	87		1,240
Paulding	2,509	2,607		186		98
Perry	3,133	3,138	155	209		5
Pickaway	2,801	3,715	5	226		914
Pike	1,728	2,043	28	128		315
Portage	3,415	2,826	158	374	589	
Preble	2,946	2,702	7	439	244	
Putnam	2,050	3,678	17	193		1,628
Richland	3,762	4,763	73	252		1,001
Ross	4,747	4,464	5	274	283	
Sandusky	2,803	3,484	153	174		681
Scioto	3,389	2,431	573	192	958	
Seneca	3,565	4,534	266	276		969
Shelby	2,192	3,316	3	146		1,124
Stark	7,595	7,962	442	644		367
Summit	5,625	4,122	736	563	1,503	
Trumbull	5,411	2,756	65	687	2,655	
Tuscarawas	4,012	4,959	165	330		947
Union	3,241	2,148	14	250	1,093	
Van Wert	3,126	3,186		333		60
Vinton	1,729	1,796	4	58		67
Warren	3,813	2,345		274	1,468	
Washington	4,607	4,313	36	280	294	
Wayne	3,920	4,608	14	585		688
Williams	2,838	2,896	85	219		58
Wood	4,421	3,674	54	382	747	
Wyandot	2,122	2,891	9	249		769
Total	356,534	333,205	24,711	29,700	58,454	35,125
Net plurality					23,329	

Abstract of votes cast for President at the election held November 6, 1888.

County.	Benjamin Harrison.	Grover Cleveland.	Clinton B. Fiske.	Alson J. Streeter.	Pluralities.	
					Harrison.	Cleveland.
Adams	2,870	3,022	123			152
Allen	3,761	5,123	240	34		1,362
Ashland	2,445	3,152	180	5		707
Ashtabula	7,164	2,675	758	34	4,489	
Athens	4,570	1,612	339	47	2,958	
Auglaize	2,212	3,928	82	1		1,716
Belmont	6,615	5,778	435	5	837	
Brown	3,055	4,237	169			1,182
Butler	4,143	7,454	262	57		3,311
Carroll	2,405	1,746	130	28	659	
Champaign	3,933	3,049	351	8	884	
Clark	7,128	5,860	761	13	1,268	
Clermont	4,097	4,180	207	21		83
Clinton	3,816	2,305	289		1,511	
Columbiana	7,700	5,154	473	163	2,546	
Coshocton	2,768	3,567	223			799
Crawford	2,681	5,085	185	34		2,404
Cuyahoga	25,994	23,949	719	384	2,045	
Darke	4,267	5,495	424	13		1,228
Defiance	2,245	3,567	176	42		1,322
Delaware	3,432	3,004	450	25	428	
Erie	3,721	4,322	119	17		601
Fairfield	3,058	4,846	220			1,788
Fayette	3,316	2,192	164	2	1,124	
Franklin	13,453	14,126	603	89		673
Fulton	2,901	1,997	288	20	904	
Gallia	3,651	2,216	86		1,435	
Geauga	2,712	843	216	6	1,869	

Abstract of votes cast for President November 6, 1888—Continued.

County.	Benjamin Harrison.	Grover Cleveland.	Clinton B. Fiske.	Alson J. Streeter.	Pluralities.	
					Harrison.	Cleveland.
Greene	4,893	2,682	353	2	2,211	
Guernsey	3,560	2,520	450	14	1,040	
Hamilton	41,507	37,661	470	953	3,846	
Hancock	4,634	4,539	351	33	95	
Hardin	3,611	3,339	331	8	272	
Harrison	2,763	1,927	335	5	836	
Henry	2,047	3,583	168	3		1,536
Highland	3,576	3,489	283	9	87	
Hocking	2,113	2,541	153	54		428
Holmes	1,241	3,388	180			2,147
Huron	4,392	3,438	356	46	954	
Jackson	3,570	2,628	249	205	942	
Jefferson	5,106	3,293	385	7	1,813	
Knox	3,588	3,528	248	7	60	
Lake	2,987	1,157	184	41	1,830	
Lawrence	4,713	3,068	135		1,645	
Licking	4,867	6,199	204	37		1,332
Logan	4,115	2,533	283	4	1,582	
Lorain	5,235	3,311	583	4	1,924	
Lucas	9,443	8,638	290	41	805	
Madison	2,708	2,376	255	1	332	
Mahoning	6,162	5,337	439	72	825	
Marion	2,521	3,297	274			776
Medina	3,333	2,181	224	1	1,152	
Meigs	3,989	2,413	195	6	1,576	
Mercer	1,841	4,146	134	14		2,305
Miami	5,312	4,258	426	20	1,054	
Monroe	1,621	3,886	74			2,265
Montgomery	12,491	13,142	431	20		651
Morgan	2,531	1,974	183	2	557	
Morrow	2,514	2,068	306	39	446	
Muskingum	6,234	5,884	337	20	350	
Noble	2,515	2,087	90	37	428	
Ottawa	1,730	3,065	43	4		1,335
Paulding	2,975	2,781	133	1	194	
Perry	3,528	3,474	145	30	54	
Pickaway	3,046	3,831	142			785
Pike	1,769	2,162	91	8		393
Portage	3,880	3,260	249	21	620	
Preble	3,157	2,966	312		191	
Putnam	2,355	4,261	169	20		1,906
Richland	4,188	5,198	246	12		1,010
Ross	4,942	4,584	217	4	358	
Sandusky	3,218	3,917	112	50		699
Scioto	4,070	3,075	156	96	995	
Seneca	4,165	5,232	213	58		1,067
Shelby	2,447	3,597	119	5		1,150
Stark	8,763	9,094	543	131		331
Summit	6,455	5,495	499	103	960	
Trumbull	6,299	3,177	573	34	3,122	
Tuscarawas	4,730	5,484	228	15		754
Union	3,468	2,224	219	14	1,244	
Van Wert	3,411	3,398	269	1	13	
Vinton	1,832	1,865	43	4		33
Warren	4,173	2,598	209	1	1,575	
Washington	4,921	4,446	218	19	475	
Wayne	4,161	4,888	448	10		127
Williams	3,071	2,977	172	48	94	
Wood	5,199	4,431	380	50	768	
Wyandot	2,256	2,981	177	4		725
Total	416,054	396,455	24,356	3,496	59,282	39,683
Plurality					19,599	

Abstract of votes cast for governor in 1889.

County.	Joseph B. Foraker.	James E. Campbell.	John B. Helwig.	John H. Rhodes.	Pluralities.	
					Foraker.	Campbell.
Adams	2,950	2,948	151		2	
Allen	3,319	4,788	327	31		1,469
Ashland	2,302	3,118	215			816
Ashtabula	6,164	2,160	710	6	4,004	
Athens	4,095	2,648	431	4	1,447	
Auglaize	1,846	3,824	114			1,978
Belmont	5,820	5,601	598	4	219	
Brown	2,777	4,132	183			1,355
Butler	4,044	7,619	239	10		3,575
Carroll	2,251	1,658	115	11	593	
Champaign	3,697	2,858	358	7	839	
Clarke	6,193	5,251	964		942	
Clermont	3,899	4,420	181	3		521
Clinton	3,607	2,270	353		1,337	
Columbiana	6,035	4,435	504	35	1,600	
Coshocton	2,594	3,402	238			808
Crawford	2,353	4,767	222	11		2,414
Cuyahoga	20,334	17,788	625	175	2,546	
Darke	3,760	5,090	503	4		1,330
Defiance	1,974	3,120	170			1,146
Delaware	3,335	3,017	508	15	318	
Erie	3,576	3,921	124	4		345
Fairfield	2,924	4,866	205			1,942
Fayette	3,029	2,137	289		892	
Franklin	12,338	14,596	580			2,258
Fulton	2,427	1,726	262		701	
Gallia	3,359	2,234	133		1,125	
Geauga	2,236	647	201	3	1,589	
Greene	4,460	2,571	410		1,889	
Guernsey	3,301	2,422	598		879	
Hamilton	33,550	40,803	392	162		7,253
Hancock	4,468	4,542	427	4		74

Abstract of votes cast for governor in 1889—Continued.

County.	Joseph B. Foraker.	James E. Campbell.	John B. Helwig.	John H. Rhodes.	Pluralities.	
					Foraker.	Campbell.
Hardin	3,435	3,418	296		17	
Harrison	2,584	1,884	328		700	
Henry	1,704	2,982	203			1,278
Highland	3,515	3,381	343		134	
Hocking	1,738	2,453	211	7		715
Holmes	1,162	3,072	176			1,910
Huron	3,845	2,964	368	2	881	
Jackson	3,044	2,590	251	156	454	
Jefferson	4,362	3,115	350	5	1,247	
Knox	3,407	3,497	269			90
Lake	2,540	953	181		1,587	
Lawrence	4,011	2,948	124		1,063	
Licking	4,435	5,935	284	82		1,500
Logan	3,692	2,465	349	3	1,227	
Lorain	4,686	2,608	520	1	2,078	
Lucas	7,904	7,250	280		654	
Madison	2,620	2,309	312		311	
Mahoning	5,845	4,906	321	43	439	
Marion	2,336	3,302	261			966
Medina	2,972	2,037	230		935	
Meigs	3,644	2,219	229		1,425	
Mercer	1,617	3,770	97	12		2,153
Miami	4,882	4,299	441	17	583	
Monroe	1,412	3,656	70			2,244
Montgomery	11,647	13,052	473			1,405
Morgan	2,424	1,958	218		466	
Morrow	2,368	2,070	333	19	298	
Muskingum	5,781	5,994	460	16		213
Noble	2,446	2,135	149		311	
Ottawa	1,315	2,713	76			1,398
Paulding	2,707	2,899	138			192
Perry	3,108	3,575	168	11		467
Pickaway	2,811	3,830	184			1,019
Pike	1,702	2,216	87	3		514
Portage	3,307	2,886	310	9	421	
Preble	3,019	2,920	341		99	
Putnam	2,181	3,889	180			1,708
Richland	3,701	5,080	301	5		1,379
Ross	4,638	4,359	252		279	
Sandusky	2,831	3,592	127	48		761
Scioto	3,670	2,981	199		689	
Seneca	3,858	4,978	241	14		1,120
Shelby	2,202	3,409	111			1,207
Stark	8,324	9,417	544	25		1,093
Summit	5,373	4,802	541	22	571	
Trumbull	5,247	2,529	645	25	2,718	
Tuscarawas	4,257	5,254	344	3		997
Union	3,240	2,145	271		1,095	
Van Wert	3,254	3,526	253	1		272
Vinton	1,061	1,369	68			308
Warren	3,790	2,667	202		1,123	
Washington	4,553	4,471	217	7	82	
Wayne	3,732	4,662	513	4		930
Williams	2,786	3,003	191	39		217
Wood	4,638	4,138	336	30	500	
Wyandot	2,071	2,912	207			841
Total	368,551	379,423	26,504	1,048	43,309	54,181
Plurality		10,872				10,872

Abstract of votes cast for secretary of state in 1890.

County.	Republican.	Democratic.	Prohibition.	Union Labor.	Scattering.	Pluralities.	
	Daniel J. Ryan.	Thaddeus E. Cromley.	M. C. Lockwood.	Ezekiel T. Curtis.		Ryan.	Cromley.
Adams	2,348	3,232	212				884
Allen	3,005	4,434	318	154			1,429
Ashland	2,048	2,902	153				854
Ashtabula	4,959	1,694	562	9	2	3,265	
Athens	3,267	1,770	366	3	1	1,497	
Auglaize	1,546	3,442	134				1,896
Belmont	5,897	5,370	568	1		527	
Brown	2,620	3,876	166				1,256
Butler	3,609	6,633	249				3,024
Carroll	2,295	1,608	104			687	
Champaign	3,674	2,636	303	8		1,038	
Clark	5,590	4,562	866			1,028	
Clermont	3,733	4,218	189				485
Clinton	3,404	2,056	288			1,348	
Columbiana	5,735	4,036	365			1,699	
Coshocton	2,288	3,219	228				931
Crawford	1,905	4,284	161	27			2,379
Cuyahoga	22,731	20,670	627	282		2,061	
Darke	3,698	4,930	472				1,232
Defiance	2,028	3,487	183				1,459
Delaware	3,138	2,741	461	74		397	
Erie	3,486	3,792	80				306
Fairfield	2,703	4,461	224				1,758
Fayette	2,811	1,881	247			930	
Franklin	11,846	12,515	500	1			669
Fulton	2,732	1,953	370			779	
Gallia	2,824	1,710	98			1,114	
Geauga	1,832	621	138		3	1,211	
Greene	3,911	2,304	362			1,067	
Guernsey	3,042	2,222	505			820	
Hamilton	38,091	29,562	845		457	8,529	
Hancock	5,000	4,674	372	13		326	

Abstract of votes cast for secretary of state in 1890—Continued.

County.	Republican.	Democratic.	Prohibition.	Union Labor.	Scattering.	Pluralities.	
	Daniel J. Ryan.	Thaddeus E. Cromley.	M. C. Lockwood.	Ezekiel T. Curtis.		Ryan.	Cromley.
Hardin	3,454	3,452	243			2	
Harrison	2,274	1,607	338			667	
Henry	1,964	3,333	113				1,369
Highland	3,240	3,146	338			94	
Hocking	1,586	2,218	164				632
Holmes	1,225	3,495	185				2,270
Huron	3,644	2,904	277			740	
Jackson	3,203	2,515	252	78		688	
Jefferson	3,775	2,434	307			1,341	
Knox	3,166	3,159	264	287		7	
Lake	2,197	755	137			1,442	
Lawrence	3,567	1,993	127			1,574	
Licking	3,977	5,251	253	21			1,274
Logan	3,366	1,951	296	279		1,415	
Lorain	4,085	2,340	408			1,745	
Lucas	8,891	7,360	272		1	1,531	
Madison	2,395	2,163	240			232	
Mahoning	5,943	4,630	274	27		1,313	
Marion	2,461	3,232	235				771
Medina	3,369	2,239	190			1,130	
Meigs	3,238	1,958	212			1,280	
Mercer	1,553	3,791	90	64			2,238
Miami	4,970	4,152	492			818	
Monroe	1,376	3,512	74				
Montgomery	11,499	12,608	643	63			1,109
Morgan	2,291	1,863	214	1		428	
Morrow	2,295	2,064	303	18		231	
Muskingum	5,542	5,590	334	8			48
Noble	2,359	1,983	148			376	
Ottawa	1,329	2,790	41				1,461
Paulding	2,529	2,997	74				468
Perry	3,323	3,292	153			31	
Pickaway	2,491	3,513	153				1,022
Pike	1,548	2,093	103				545
Portage	3,072	2,600	258			472	
Preble	2,854	2,733	308			121	
Putnam	1,866	3,530	214	4			1,664
Richland	3,507	4,726	200	5			1,219
Ross	4,370	4,240	283			130	
Sandusky	2,778	3,744	103	27			966
Scioto	3,896	2,443	145			1,453	
Seneca	4,112	5,031	240	119			919
Shelby	1,996	3,075	121	6			1,073
Stark	9,982	10,040	476				58
Summit	5,422	4,603	427	8		819	
Trumbull	4,548	2,067	565	2		2,481	
Tuscarawas	4,057	5,093	258				1,036
Union	3,131	2,114	253	80		1,017	
Van Wert	2,955	3,507	220	34			552
Vinton	1,673	1,831	52				158
Warren	3,458	2,228	180			1,230	
Washington	4,404	4,141	198			263	
Wayne	4,085	4,924	467	2	6		839
Williams	2,721	3,030	180	4			309
Wood	4,666	4,120	355	37		546	
Wyandot	2,074	2,881	171	6			807
Total	363,548	352,579	23,837	1,752	470	54,480	43,511

Abstract of votes cast for governor in 1891.

County.	Republican.	Democratic.	Prohibition.	People's.	Scattering.	Pluralities.	
	William McKinley, jr.	James E. Campbell.	John J. Ashenhurst.	John Seitz.		McKinley.	Campbell.
Adams	2,663	2,486	127	441		177	
Allen	3,620	4,632	262	551			1,012
Ashland	2,270	2,902	157	96			632
Ashtabula	6,224	2,422	541	234		3,802	
Athens	4,188	2,416	278	232		1,772	
Auglaize	2,100	3,589	96	443			1,489
Belmont	6,294	5,642	456	24		652	
Brown	2,702	3,609	88	424			907
Butler	4,235	7,501	174	132			3,266
Carroll	2,292	1,666	107	69		626	
Champaign	3,724	2,694	232	98		1,030	
Clark	5,789	4,725	609	327		1,064	
Clermont	3,723	3,837	131	171			114
Clinton	3,469	2,153	185	128		1,316	
Columbiana	7,113	5,112	464	325		2,001	
Coshocton	2,637	3,360	173	56			723
Crawford	2,346	4,400	122	428			2,054
Cuyahoga	24,562	23,188	756	1,745		1,374	
Darke	3,654	4,734	412	292			1,080
Defiance	1,905	2,676	121	798			771
Delaware	3,149	2,625	352	367		524	
Erie	3,761	3,760	69	245		1	
Fairfield	2,875	4,373	191	137			1,498
Fayette	2,894	1,971	152	189		923	
Franklin	13,257	14,273	429	330			1,016
Fulton	2,665	1,720	279	97		945	
Gallia	3,298	1,968	96	239		1,330	

Abstract of votes cast for governor in 1891—Continued.

County.	Republican.	Democratic.	Prohibition.	People's.	Scattering.	Pluralities.	
	William McKinley, jr.	James E. Campbell.	John J. Ashenhurst.	John Seitz.		McKinley.	Campbell.
Geauga	2,284	709	124	155	.....	1,575	.....
Greene	4,158	2,325	297	165	.....	1,833	.....
Guernsey	3,359	2,374	399	79	.....	985	.....
Hamilton	37,487	31,728	326	3,186	1	5,759	.....
Hancock	4,715	4,496	331	201	.....	219	.....
Hardin	3,558	3,144	200	279	.....	414	.....
Harrison	2,553	1,926	297	33	.....	627	.....
Henry	1,860	2,902	137	200	.....	.....	1,042
Highland	3,284	3,142	225	339	.....	142	.....
Hocking	1,898	2,257	171	168	.....	.....	359
Holmes	1,186	3,178	154	18	.....	.....	1,992
Huron	4,138	3,124	229	226	.....	1,014	.....
Jackson	3,276	2,538	211	199	.....	738	.....
Jefferson	4,651	3,249	316	50	.....	1,402	.....
Knox	3,250	3,218	214	382	.....	32	.....
Lake	2,837	1,118	126	46	.....	1,719	.....
Lawrence	4,067	2,691	124	93	.....	1,376	.....
Licking	4,412	5,290	176	281	.....	.....	878
Logan	3,718	2,221	207	293	.....	1,497	.....
Lorain	4,981	3,099	423	69	.....	1,882	.....
Lucas	9,879	8,493	237	160	.....	1,386	.....
Madison	2,533	2,185	174	39	.....	348	.....
Mahoning	5,604	5,177	241	269	.....	427	.....
Marion	2,395	3,219	163	104	.....	.....	824
Medina	3,203	2,111	166	71	.....	1,092	.....
Meigs	3,853	2,276	166	63	.....	1,577	.....
Mercer	1,502	3,109	49	831	.....	.....	1,607
Miami	4,788	4,010	344	268	.....	778	.....
Monroe	1,428	3,411	92	27	.....	.....	1,983
Montgomery	11,971	12,305	521	180	.....	.....	334
Morgan	2,386	1,966	182	41	.....	420	.....
Morrow	2,211	1,953	240	184	.....	258	.....
Muskingum	6,068	5,862	301	70	.....	206	.....
Noble	2,447	2,033	127	29	.....	414	.....
Ottawa	1,597	2,928	51	109	.....	.....	1,331
Paulding	2,868	2,756	106	61	.....	112	.....
Perry	3,214	3,285	151	147	.....	.....	71
Pickaway	2,767	3,571	150	34	.....	.....	804
Pike	1,584	1,765	64	308	.....	.....	181
Portage	3,208	2,820	235	461	.....	469	.....
Preble	2,930	2,769	283	37	.....	161	.....
Putnam	2,114	3,525	195	301	.....	.....	1,411
Richland	3,903	4,765	240	135	.....	.....	862
Ross	4,536	4,328	228	55	.....	208	.....
Sandusky	2,798	3,511	115	401	.....	.....	713
Scioto	3,937	2,936	119	76	.....	1,001	.....
Seneca	4,023	4,899	267	405	.....	.....	876
Shelby	2,044	3,016	100	284	.....	.....	972
Stark	9,465	9,627	407	377	.....	.....	162
Summit	5,566	5,046	411	845	.....	520	.....
Trumbull	5,722	2,999	461	188	.....	2,723	.....
Tuscarawas	4,557	5,099	195	334	.....	.....	542
Union	2,970	1,919	158	427	.....	1,051	.....
Van Wert	3,372	3,510	166	67	.....	.....	138
Vinton	1,609	1,601	52	27	.....	8	.....
Warren	3,640	2,392	140	79	.....	1,248	.....
Washington	4,799	4,301	158	74	.....	498	.....
Wayne	3,935	4,593	391	42	1	.....	658
Williams	2,720	2,542	150	521	.....	178	.....
Wood	5,339	4,570	324	179	.....	769	.....
Wyandot	2,083	2,873	124	82	.....	.....	790
Total	386,739	365,228	20,190	23,472	2	54,603	33,092
Plurality	21,511	.....	.....	.....	.....	21,511	.....

Abstract of votes cast for President in 1892.

County.	Republican.	Democratic.	People's.	Prohibition.	Pluralities.	
	Benjamin Harrison.	Grover Cleveland.	James B. Weaver.	John Bidwell.	Republican. Benj. Harrison.	Democratic. Grover Cleveland.
Adams	2,903	2,832	92	166	71	.....
Allen	3,579	4,945	369	392	.....	1,366
Ashland	2,256	3,042	43	211	.....	786
Ashtabula	6,419	2,769	239	671	3,650	.....
Athens	4,458	2,599	192	348	1,859	.....
Auglaize	2,113	3,774	259	127	.....	1,661
Belmont	6,329	6,123	115	542	206	.....
Brown	2,865	3,975	126	151	.....	1,110
Butler	4,636	7,834	108	244	.....	3,198
Carroll	2,261	1,677	104	147	584	.....
Champaign	3,708	2,791	77	295	917	.....
Clark	6,214	5,255	260	673	959	.....
Clermont	3,715	4,069	133	174	.....	354
Clinton	3,491	2,076	97	265	1,415	.....
Columbiana	7,232	5,573	360	751	1,659	.....
Coshocton	2,705	3,529	34	235	.....	824
Crawford	2,479	4,858	183	166	.....	2,379
Cuyahoga	26,657	29,543	1,017	1,197	.....	2,886
Darke	3,737	4,916	210	481	.....	1,179
Defiance	2,062	3,311	349	154	.....	1,249
Delaware	3,267	2,710	208	460	557	.....
Erie	3,979	4,195	125	117	.....	216
Fairfield	3,004	4,650	75	212	.....	1,646

Abstract of votes cast for President in 1892—Continued.

County.	Republican.	Democratic.	People's.	Prohibition.	Pluralities.	
	Benjamin Harrison.	Grover Cleveland.	James B. Weaver.	John Bidwell.	Republican. Benj. Harrison.	Democratic. Grover Cleveland.
Fayette	2,838	1,989	118	191	849	.....
Franklin	14,341	15,495	360	639	.....	1,154
Fulton	2,808	1,919	82	265	889	.....
Gallia	3,547	1,984	42	149	1,563	.....
Geauga	2,267	758	91	179	1,509	.....
Greene	4,210	2,442	95	380	1,768	.....
Guernsey	3,439	2,510	50	426	929	.....
Hamilton	41,963	38,392	1,101	584	3,571	.....
Hancock	4,280	4,931	155	427	.....	151
Hardin	3,515	3,483	125	244	32	.....
Harrison	2,541	2,032	28	323	509	.....
Henry	1,981	3,312	108	182	.....	1,331
Highland	3,496	3,153	180	285	343	.....
Hocking	2,034	2,522	139	188	.....	488
Holmes	1,152	3,151	19	185	.....	1,999
Huron	4,257	3,592	100	249	665	.....
Jackson	3,323	2,622	240	285	701	.....
Jefferson	4,793	3,493	153	557	1,300	.....
Knox	3,347	3,489	171	273	.....	142
Lake	2,846	1,158	78	197	1,688	.....
Lawrence	4,193	2,988	35	161	1,205	.....
Licking	4,619	6,038	155	193	.....	1,419
Logan	3,796	2,332	144	290	1,464	.....
Lorain	5,434	3,674	48	444	1,760	.....
Lucas	11,211	9,860	199	282	1,351	.....
Madison	2,594	2,292	32	175	302	.....
Mahoning	5,806	6,358	236	350	.....	552
Marion	2,477	3,282	42	251	.....	805
Medina	3,062	2,122	70	204	940	.....
Meigs	3,959	2,415	82	212	1,544	.....
Mercer	1,526	3,688	624	62	.....	2,162
Miami	5,110	4,271	197	391	839	.....
Monroe	1,630	3,838	27	110	.....	2,208
Montgomery	13,197	14,067	290	598	.....	870
Morgan	2,399	1,956	61	199	443	.....
Morrow	2,297	1,958	121	305	339	.....
Muskingum	6,123	6,230	161	360	.....	107
Noble	2,307	2,026	34	184	281	.....
Ottawa	1,588	2,943	40	49	.....	1,355
Paulding	2,900	2,997	81	123	.....	97
Perry	3,359	3,430	160	181	.....	71
Pickaway	2,953	3,759	21	152	.....	806
Pike	1,686	1,926	108	71	.....	240
Portage	3,310	2,053	191	324	357	.....
Preble	2,957	2,699	43	288	258	.....
Putnam	2,314	4,177	169	200	.....	1,863
Richland	3,994	5,398	111	293	.....	1,404
Ross	4,632	4,489	37	259	143	.....
Sandusky	2,960	3,774	284	157	.....	814
Scioto	4,268	3,181	67	123	1,087	.....
Seneca	4,195	5,378	252	285	.....	1,183
Shelby	2,062	3,244	132	124	.....	1,182
Stark	9,231	10,227	496	654	.....	996
Summit	6,322	6,499	343	447	.....	177
Trumbull	5,819	3,217	170	582	2,602	.....
Tuscarawas	4,746	5,715	232	302	.....	969
Union	3,001	2,055	230	245	946	.....
Van Wert	3,373	3,629	57	191	.....	256
Vinton	1,710	1,743	33	63	.....	33
Warren	3,807	2,400	67	179	1,407	.....
Washington	4,845	4,524	113	193	321	.....
Wayne	3,752	4,702	38	547	.....	950
Williams	2,745	2,583	314	228	162	.....
Wood	5,314	4,748	248	512	566	.....
Wyandot	2,057	2,857	55	142	.....	800
Total	405,187	404,115	14,850	26,012	46,510	45,438
Net plurality	1,072	.....	.....	.....	1,072	.....

Abstract of votes cast for governor in 1893.

County.	Republican.	Democratic.	Prohibition.	People's.	Pluralities.	
	William McKinley.	Lawrence T. Neal.	Gideon P. Macklin.	Edward J. Bracken.	Republican. William McKinley.	Democratic. Lawrence T. Neal.
Adams	3,096	2,959	123	38	137	.....
Allen	3,888	4,410	349	365	.....	522
Ashland	2,393	2,793	227	34	.....	400
Ashtabula	6,787	1,938	413	199	4,849	.....
Athens	4,550	2,084	405	304	2,466	.....
Auglaize	2,237	3,239	87	191	.....	1,002
Belmont	6,628	5,267	509	69	1,361	.....
Brown	2,849	3,679	150	69	.....	830
Butler	5,009	6,831	170	78	.....	1,822
Carroll	2,410	1,610	146	55	800	.....
Champaign	3,847	2,619	246	93	1,228	.....
Clark	6,408	4,262	602	383	2,146	.....
Clermont	3,886	4,112	192	91	.....	226
Clinton	3,693	1,964	224	74	1,729	.....
Columbiana	7,906	4,460	670	336	3,446	.....
Coshocton	2,946	3,441	203	40	.....	495
Crawford	2,678	4,110	150	224	.....	1,432
Cuyahoga	29,478	20,288	947	2,418	9,190	.....
Darke	3,868	4,281	363	210	.....	413

Abstract of votes cast for governor in 1893—Continued.

County.	Republican.	Democratic.	Prohibition.	People's.	Pluralities.	
					Republican.	Democratic.
	William McKinley.	Lawrence T. Neal.	Gideon P. Macklin.	Edward J. Bracken.	William McKinley.	Lawrence T. Neal.
Defiance	2,375	2,998	123	357		623
Delaware	3,490	2,526	333	183	964	
Erie	4,529	3,613	107	94	916	
Fairfield	3,123	4,414	172	30		1,291
Fayette	3,039	1,955	161	107	1,084	
Franklin	15,960	14,028	583	337	1,932	
Fulton	2,936	1,645	213	122	1,291	
Gallia	3,505	1,722	112	29	1,783	
Geauga	2,370	642	142	78	1,728	
Greene	4,461	2,266	309	85	2,195	
Guernsey	3,724	2,312	424	57	1,412	
Hamilton	42,277	31,394	449	748	10,883	
Hancock	4,785	4,096	363	265	689	
Hardin	3,742	3,361	233	95	381	
Harrison	2,700	1,848	280	17	852	
Henry	2,210	2,825	140	98		615
Highland	3,758	3,067	308	159	691	
Hocking	2,303	2,223	132	135	80	
Holmes	1,190	2,914	159	16		1,724
Huron	4,491	2,829	222	78	1,662	
Jackson	3,728	2,560	302	146	1,168	
Jefferson	4,976	2,546	468	121	2,430	
Knox	3,587	3,191	257	101	396	
Lake	3,022	951	126	34	2,071	
Lawrence	4,368	2,257	240	28	2,111	
Licking	4,985	5,368	170	178		383
Logan	3,955	1,971	219	112	1,984	
Lorain	5,658	2,700	316	33	2,958	
Lucas	11,904	8,014	229	311	3,890	
Madison	2,836	2,243	169	29	593	
Mahoning	6,738	5,649	302	178	1,089	
Marion	2,824	3,108	246	37		284
Medina	3,263	1,884	197	50	1,379	
Meigs	4,084	2,061	176	106	2,023	
Mercer	1,744	3,585	133	545		1,841
Miami	5,363	3,829	302	233	1,534	
Monroe	1,617	3,203	106	118		1,586
Montgomery	14,354	12,423	482	425	1,931	
Morgan	2,413	1,839	211	53	574	
Morrow	2,388	1,697	258	113	691	
Muskingum	6,544	5,809	339	91	735	
Noble	2,577	1,984	145	41	593	
Ottawa	1,677	2,516	57	29		839
Paulding	3,362	2,765	97	55	597	
Perry	3,741	3,264	178	222	477	
Pickaway	2,950	3,579	142	13		629
Pike	1,726	2,047	65	35		321
Portage	3,727	2,803	302	159	924	
Preble	3,056	2,602	251	30	454	
Putnam	2,412	3,533	107	192		1,121
Richland	4,280	4,494	232	167		214
Ross	5,040	4,381	186	4	659	
Sandusky	3,509	3,270	131	251	239	
Scioto	4,605	2,919	124	31	1,686	
Seneca	4,480	4,774	239	314		294
Shelby	2,158	2,930	102	158		772
Stark	10,318	9,472	501	718	846	
Summit	7,157	6,115	381	409	1,042	
Trumbull	6,557	2,567	447	129	3,990	
Tuscarawas	5,599	5,231	253	255	368	
Union	3,253	1,841	197	233	1,412	
Van Wert	3,699	3,504	193	30	195	
Vinton	1,790	1,638	77	13	152	
Warren	3,876	2,177	155	47	1,699	
Washington	5,103	4,003	186	68	1,100	
Wayne	3,889	4,476	485	42		587
Williams	3,101	2,694	151	238	407	
Wood	5,714	4,395	453	200	1,319	
Wyandot	2,110	2,460	120	77		350
Total	433,342	352,347	22,406	15,563	101,613	20,618
Plurality	80,995				80,995	

Abstract of votes cast for secretary of state in 1894.

County.	Republican.	Democratic.	Prohibition.	People's.	Pluralities.	
					Republican.	Democratic.
	Samuel M. Taylor.	Milton Turner.	Mark G. McCaslin.	Charles R. Martin.	Samuel M. Taylor.	Milton Turner.
Adams	2,978	2,670	154	109	308	
Allen	3,581	3,395	377	781	186	
Ashland	2,258	2,395	222	115		137
Ashtabula	5,744	921	372	897	4,823	
Athens	4,445	1,163	300	824	3,282	
Auglaize	2,354	2,931	78	222		577
Belmont	6,417	3,663	595	723	2,754	
Brown	2,735	3,213	135	129		478
Butler	5,334	7,503	141	331		2,169
Carroll	2,155	1,019	144	326	1,136	
Champaign	3,674	1,725	223	144	1,949	
Clark	5,393	2,295	527	902	3,098	
Clermont	3,733	3,268	172	156	465	
Clinton	3,369	1,282	208	166	2,087	
Columbiana	6,563	2,743	682	*2,206	3,820	

*Scattering, 1 vote.

Abstract of votes cast for secretary of state in 1894—Continued.

County.	Republican.	Democratic.	Prohibition.	People's.	Pluralities.	
					Republican.	Democratic.
	Samuel M. Taylor.	Milton Turner.	Mark G. McCaslin.	Charles R. Martin.	Samuel M. Taylor.	Milton Turner.
Coshocton	3,028	2,938	145	136	90	
Crawford	2,455	3,327	219	883		872
Cuyahoga	30,868	18,297	1,212	4,533	12,571	
Darke	3,899	4,329	381	337		430
Defiance	2,261	2,335	100	716		74
Delaware	3,220	1,851	394	384	1,369	
Erie	4,445	2,733	103	534	1,712	
Fairfield	3,036	4,036	187	200		1,000
Fayette	2,546	1,797	158	139	749	
Franklin	15,360	13,648	580	1,926	1,712	
Fulton	2,640	1,186	201	252	1,454	
Gallia	3,328	1,103	98	106	2,225	
Geauga	2,055	372	115	152	1,683	
Greene	3,960	1,247	342	240	2,713	
Guernsey	3,367	1,870	416	231	1,497	
Hamilton	42,877	20,839	527	4,227	22,038	
Hancock	4,592	3,415	426	636	1,177	
Hardin	3,750	2,386	252	301	1,364	
Harrison	2,685	1,558	257	104	1,127	
Henry	2,291	2,314	126	224		23
Highland	3,274	2,096	390	294	1,178	
Hocking	2,188	1,806	124	592	382	
Holmes	1,112	2,443	152	143		1,331
Huron	3,998	1,702	238	482	2,296	
Jackson	3,455	1,496	263	618	1,959	
Jefferson	4,893	1,902	459	400	2,991	
Knox	3,476	2,853	306	503	623	
Lake	2,619	474	109	112	2,145	
Lawrence	4,019	1,276	212	361	2,743	
Licking	5,074	4,955	138	362	113	
Logan	3,657	1,273	172	200	2,384	
Lorain	5,082	1,823	311	92	3,259	
Lucas	11,740	6,584	277	1,228	5,156	
Madison	2,505	1,722	177	57	783	
Mahoning	6,474	4,333	285	698	2,141	
Marion	2,686	2,900	297	129		214
Medina	2,851	1,006	218	232	1,845	
Meigs	3,936	1,244	148	585	2,692	
Mercer	1,437	3,002	106	621		1,565
Miami	4,719	2,788	367	508	1,931	
Monroe	1,520	2,393	93	247		873
Montgomery	14,240	12,078	373	1,072	2,162	
Morgan	2,396	1,333	175	266	1,005	
Morrow	2,254	1,369	273	208	885	
Muskingum	6,377	4,824	323	504	1,553	
Noble	2,374	1,515	168	179	859	
Ottawa	1,952	2,267	42	115		315
Paulding	3,277	2,522	89	161	755	
Perry	3,550	2,726	176	543	824	
Pickaway	2,958	3,271	213	47		313
Pike	1,884	1,547	70	58	337	
Portage	3,119	1,472	263	657	1,647	
Preble	3,047	2,668	267	62	379	
Putnam	2,547	3,126	183	263		579
Richland	4,289	4,412	228	496		123
Ross	5,101	3,786	180	48	1,315	
Sandusky	3,182	3,309	141	343		127
Scioto	4,229	1,526	128	253	2,703	
Seneca	4,289	4,113	264	685	176	
Shelby	2,194	2,420	118	234		226
Stark	8,896	5,061	789	4,093	3,835	
Summit	6,054	3,276	470	2,448	2,778	
Trumbull	5,678	1,312	374	201	4,366	
Tuscarawas	5,159	4,164	274	986	995	
Union	3,029	1,251	253	381	1,778	
Van Wert	3,505	2,956	198	71	549	
Vinton	1,924	1,338	71	87	586	
Warren	3,641	1,564	174	124	2,077	
Washington	4,900	2,723	189	288	2,177	
Wayne	3,907	3,781	508	559	126	
Williams	2,674	1,625	147	590	1,049	
Wood	5,233	3,436	589	388	1,797	
Wyandot	2,078	2,293	116	329		215
Total	413,988	276,902	23,237	49,495	148,727	11,641
Plurality	137,086				137,086	

Abstract of votes cast for governor in 1895.

County.	Republican.	Democratic.	People's.	Prohibition.	Socialist Labor.	Pluralities.	
						Republican.	Democratic.
	Asa S. Bushnell.	James E. Campbell.	Jabob S. Coxey.	Seth H. Ellis.	William Watkins.	Bushnell.	Campbell.
Adams	3,062	3,051	84	169		11	
Allen	4,040	4,424	810	381	8		384
Ashland	2,360	2,884	130	216	2		524
Ashtabula	5,893	1,111	973	372	*13	4,782	
Athens	4,529	1,641	480	269	93	2,888	
Auglaize	2,407	3,800	421	87	5		1,393
Belmont	6,496	4,981	271	493	12	1,515	
Brown	3,013	3,776	130	116	4		763
Butler	5,065	7,700	526	136	8		2,635
Carroll	2,210	1,186	425	127	6	1,024	
Champaign	3,876	2,570	427	283	3	1,306	

*Scattering, 1 vote.

Abstract of votes cast for governor in 1895—Continued.

County.	Republican.	Democratic.	People's.	Prohibition.	Socialist Labor.	Pluralities.	
						Republican.	Democratic.
	Asa S. Bushnell.	James E. Campbell.	Jacob S. Coxey.	Seth H. Ellis.	William Watkins.	Bushnell.	Campbell.
Clark	6,210	4,132	972	518	18	2,078	
Clermont	3,931	3,846	284	170	2	85	
Clinton	3,690	1,867	202	251	6	1,823	
Columbiana	6,606	3,116	1,637	544	43	3,490	
Coshocton	3,026	3,157	289	252	1		131
Crawford	2,557	4,395	535	154	5		1,838
Cuyahoga	28,869	18,091	2,817	774	535	10,778	
Darke	3,935	4,380	856	351	8		445
Defiance	1,925	2,520	1,453	103	13		595
Delaware	3,405	2,426	558	423	3	979	
Erie	4,434	3,066	668	100	35	1,368	
Fairfield	3,210	4,486	234	194	4		1,276
Fayette	3,003	1,829	398	156	3	1,177	
Franklin	16,808	17,049	896	465	21		241
Fulton	2,719	1,279	527	247	6	1,440	
Gallia	3,596	1,663	212	154	3	1,933	
Geauga	2,240	417	208	117	6	1,823	
Greene	4,499	2,181	425	343	8	2,318	
Guernsey	3,567	2,073	228	443	4	1,494	
Hamilton	45,670	34,003	1,256	285	219	11,667	
Hancock	4,413	3,608	986	457	15	805	
Hardin	3,874	3,065	513	274	9	809	
Harrison	2,629	1,544	298	227	3	1,085	
Henry	2,208	2,867	653	101	2		659
Highland	3,644	2,771	538	391	10	873	
Hocking	2,490	2,306	534	95	17	184	
Holmes	1,104	2,731	213	115	(*)		1,627
Huron	4,232	2,396	470	233	13	1,836	
Jackson	3,585	1,947	863	256	9	1,638	
Jefferson	4,686	2,229	308	414	4	2,457	
Knox	3,566	3,117	442	255	2	449	
Lake	2,900	695	136	92	7	2,205	
Lawrence	4,205	1,965	288	221	13	2,240	
Licking	5,090	5,557	508	164	4		467
Logan	3,967	1,746	605	174	10	2,221	
Lorain	5,456	2,364	259	300	10	3,092	
Lucas	11,964	7,062	1,107	249	126	4,902	
Madison	3,098	2,391	83	156	1	707	
Mahoning	6,129	5,006	311	228	15	1,123	
Marion	3,017	3,373	209	262	1		356
Medina	2,993	1,440	246	226		1,493	
Meigs	4,131	1,730	358	125	9	2,401	
Mercer	1,535	3,302	890	93	2		1,767
Miami	4,954	3,513	1,219	277	8	1,441	
Monroe	1,559	3,292	148	80	4		1,733
Montgomery	13,873	11,371	2,694	339	80	2,502	
Morgan	2,387	1,333	559	143	3	1,054	
Morrow	2,247	1,524	494	311	5	723	
Muskingum	6,702	5,763	426	293		939	
Noble	2,467	1,910	172	149	6	557	
Ottawa	1,908	2,702	133	27	6		794
Paulding	3,085	2,279	789	66	14	806	
Perry	3,633	2,980	753	173	57	653	
Pickaway	3,029	3,813	55	215	2		784
Pike	2,093	1,878	181	57		215	
Portage	3,311	1,846	757	264	10	1,465	
Preble	3,008	2,482	231	310	2	526	
Putnam	2,374	3,301	721	162	12		927
Richland	4,444	4,855	428	221	2		411
Ross	5,124	4,153	249	215	4	971	
Sandusky	3,272	3,331	577	160	12		59
Scioto	4,661	2,372	285	150	8	2,289	
Seneca	4,292	4,652	900	229	6		360
Shelby	2,251	3,171	493	99	9		920
Stark	9,599	7,498	2,488	524	118	2,101	
Summit	6,315	4,775	1,525	366	19	1,540	
Trumbull	6,129	*2,311	249	296	12	3,818	
Tuscarawas	5,118	4,471	1,447	192	42	647	
Union	3,105	1,695	801	229	4	1,410	
Van Wert	3,517	3,422	179	260	4	95	
Vinton	2,018	1,299	138	53	2	719	
Warren	3,814	2,176	169	199	6	1,638	
Washington	5,035	3,473	299	168	*6	1,562	
Wayne	3,851	4,346	559	457	13		495
Williams	2,749	1,881	1,199	122		868	
Wood	5,370	3,814	654	520	13	1,556	
Wyandot	2,137	2,525	414	137	2		388
Total	427,141	334,519	52,675	21,264	1,867	114,594	21,972
Plurality	92,622					92,622	

*Scattering, 1 vote.

Abstract of votes cast for secretary of state in 1896.

County.	Charles Kinney, Republican.	Chilton A. White, Democrat.	Samuel Rockhill, Prohibition.	Wesley C. Bates, National party.	Daniel W. Wallace, Socialist-Labor	Total vote.
Adams	3,339	3,240	35	39	2	6,684
Allen	4,946	6,337	33	142	7	11,393
Ashland	2,604	3,393	21	40		6,111
Ashtabula	8,534	3,731	160	80	4	12,779
Athens	5,426	3,256	70	54	48	8,918
Auglaize	2,900	4,899	14	23		7,936
Belmont	7,697	6,364	149	79	2	14,293
Brown	3,173	4,462	35	10	2	7,776
Butler	5,935	8,679	46	28	8	14,836

Abstract of votes cast for secretary of state in 1896—Continued.

County.	Charles Kinney, Republican.	Chilton A. White, Democrat.	Samuel Rockhill, Prohibition.	Wesley C. Bates, National party.	Daniel W. Wallace, Socialist-Labor.	Total vote.
Carroll	2,673	1,926	37	17		4,696
Champaign	4,312	3,374	55	42	3	7,859
Clark	7,672	6,297	78	115	9	13,849
Clermont	4,275	4,644	38	39		9,088
Clinton	4,146	2,621	55	40		6,916
Columbiana	9,472	6,512	252	40	21	16,518
Coshocton	3,342	3,949	47	22		7,410
Crawford	3,141	5,888	48	25	2	9,201
Cuyahoga	43,014	37,136	364	101	443	81,591
Darke	4,382	6,063	32	91		10,646
Defiance	2,426	4,145	19	19		6,754
Delaware	3,796	3,568	78	54	1	7,581
Erie	5,459	4,585	34	8	56	10,343
Fairfield	3,420	5,231	49	5		9,050
Fayette	3,363	2,708	24	22		6,180
Franklin	20,099	18,357	188	77	18	39,387
Fulton	3,218	2,419	30	45		5,794
Gallia	4,244	2,347	35	8		6,709
Geauga	2,807	1,238	33	10	3	4,139
Greene	5,282	2,960	113	56	3	8,528
Guernsey	4,328	3,198	144	51	1	7,742
Hamilton	57,331	38,117	154	14	188	97,545
Hancock	5,575	5,516	77	45	3	11,320
Hardin	4,279	4,220	33	77		8,679
Harrison	3,150	2,221	44	48	1	5,519
Henry	2,564	4,293	15	14	2	6,978
Highland	4,092	3,891	105	57	1	8,222
Hocking	2,729	3,155	14	24	6	5,984
Holmes	1,281	3,603	18	28		4,976
Huron	5,013	4,126	54	35		9,317
Jackson	4,439	3,752	27	41	2	8,362
Jefferson	6,200	3,800	136	58	1	10,297
Knox	3,773	4,015	30	40	2	7,925
Lake	3,745	1,665	41	2	2	5,528
Lawrence	5,403	3,022	21	45	2	8,557
Licking	5,579	6,569	74	8		12,381
Logan	4,709	3,070	55	38	1	7,990
Lorain	7,781	4,333	103	34	5	12,452
Lucas	16,666	13,998	96	28	60	31,165
Madison	3,318	2,723	35	26		6,153
Mahoning	8,464	6,764	101	25	3	15,575
Marion	3,427	3,978	32	68		7,577
Medina	3,538	2,535	32	23	1	6,220
Meigs	4,696	2,404	43	22	3	7,341
Mercer	1,987	4,763	22	14		6,869
Miami	6,037	5,323	29	44	2	11,627
Monroe	2,000	4,155	25	16	1	6,282
Montgomery	18,268	15,496	118	44	70	34,537
Morgan	2,526	2,345	30	25		4,969
Morrow	2,513	2,429	42	103	1	5,189
Muskingum	7,231	6,835	131	58	2	14,633
Noble	2,560	2,300	33	22		4,934
Ottawa	2,164	3,241	14	3		5,514
Paulding	3,577	3,626	16	6		7,304
Perry	3,993	4,071	44	29	23	8,286
Pickaway	3,376	4,150	56	24	2	7,649
Pike	2,235	2,121	12	14		4,431
Portage	4,062	3,936	53	25	3	8,209
Preble	3,299	3,202	40	79	3	6,623
Putnam	2,733	5,262	22	21	1	8,154
Richland	5,103	6,219		34	50	11,501
Ross	5,549	4,974	47	38		10,705
Sandusky	3,954	5,069	54	19	11	9,107
Scioto	5,496	3,634	42	13	3	9,296
Seneca	4,996	6,292	87	20	6	11,516
Shelby	2,483	3,920	30	27		6,541
Stark	12,026	11,243	155	37	63	23,782
Summit	8,565	7,935	98	46	30	16,674
Trumbull	7,848	3,750	108	74	9	11,962
Tuscarawas	6,238	6,849	41	28	21	13,289
Union	3,476	2,704	19	59		6,315
Van Wert	3,965	3,965	23	58	2	8,013
Vinton	2,038	1,892	20	7		3,934
Warren	4,371	2,740	31	31	2	7,277
Washington	5,937	5,122	56	20	1	11,317
Wayne	4,366	5,541	196	10	10	10,208
Williams	3,194	3,502	26	22		6,822
Wood	7,278	6,542	84	107	2	14,285
Wyandot	2,379	3,412	21	23		5,913
Total	525,000	473,462	5,469	3,382	1,234	1,020,107

Mr. BROMWELL. Mr. Chairman, the distinguished mathematician from Ohio, General GROSVENOR, has succeeded in "stealing some of the thunder" with which I expected to make a reply on this occasion to the slanders of Altgeld. I will only take a few moments of the time of the House to supplement what he has so well said.

I also have prepared a table giving a list of election returns from the State of Ohio since the Republican party put in nomination its first candidate for office, Salmon P. Chase, in 1855. In this table I show the total votes cast at each election; the increase or decrease year by year over the previous year's vote; the Republican plurality at each election, or the Democratic plurality, as the case may be; the Republican majority over all opposing candidates, and the opposition majority where it exceeds the Republican vote.

There is one feature which this table shows clearly, and to which I desire to call the attention of the committee in a general way, which has been alluded to by my colleague, General GROSVENOR;

Commencing with the year 1885 and running down to the year 1892, there was no election, either for governor, secretary of state, or President of the United States, in which the Republican party in the State of Ohio was not in the minority. These minorities ran from 9,000, which was the minority which Harrison received in 1888, up to 39,790, which was the amount of the majority of the opposition to the Republican candidate in 1892. I call attention to that fact to show what has taken place in Ohio since 1892. Commencing with the year 1893 William McKinley, as governor, had a plurality of 80,995 votes, and a clear majority of 31,080, as against 39,790 that the opposition exceeded the Republican majority in 1892. In 1894 the Republican majority had increased to 48,857. In 1895 Governor Bushnell received a plurality of 92,622 votes, and yet his majority was only 7,286. But in 1889, while Major McKinley had a plurality of only 47,497, yet he had a majority of 43,614.

Mr. HULL. Will the gentleman yield to me for a moment?

Mr. BROMWELL. Certainly.

Mr. HULL. Was the difference between the plurality which the gentleman has named and the majority the extent of the gold Democratic vote in Ohio?

Mr. BROMWELL. It was the Democratic vote and the coalition of all the elements with the gold Democratic party which had combined against the Republican ticket.

Mr. HULL. But the gentleman does not catch my question. The plurality was some 47,000?

Mr. BROMWELL. Yes; 47,497.

Mr. HULL. And the majority about 43,000?

Mr. BROMWELL. Yes; 43,614.

Mr. HULL. Now, what I wish to know is as to the difference between the majority and plurality. Did that measure the gold Democratic votes for their candidates?

Mr. BROMWELL. No; not entirely. There were others.

I call attention to these figures to show that Mr. McKinley, in the election in Ohio for President, has achieved as great a victory as was ever achieved by any Republican candidate, and the 137,000 that was given Taylor for secretary of state does not represent as much of a victory as the 43,000 majority given to Major McKinley at the last election. Now, Altgeld claims that because Ohio had increased its vote to over a million there were necessarily over 100,000 fraudulent votes cast. My colleague [Mr. GROSVENOR], in alluding to this, justly said the vote of the entire United States has increased. As a matter of fact, every State in this country, with the exception of seven, did increase its vote, and many of the States in far greater ratio than the vote of the State of Ohio was increased.

I have a second table, showing the popular vote for President in 1892, the vote in 1896, the increase or decrease in the vote of each State, and the per cent of increase or decrease. I shall not read all of these, but from this list I have taken seventeen, so as to include Ohio, and I will read to you the percentage of increase in the votes of these seventeen States, so that you may apply Mr. Altgeld's theory that because the vote of Ohio increased over 100,000, necessarily there must have been fraud in the election. Gentlemen of the States whose names I read can take it home to themselves, and see whether the increase in the votes of their States means, according to the same logic, a fraudulent vote.

I find that the vote of Colorado in 1892 was 93,842. In 1896 it was 189,687, an increase of 95,845, or, on the face of the returns, an increase of over 102 per cent. I have made inquiries from one of the Representatives of that State in this House as to what proportion of that increased vote was due to the female vote that was cast in this last election and was not cast in 1892. He informed me that about one-third of it was due to that cause. Allowing that one-third of that vote was due to the female suffrage of Colorado in 1896, it still leaves Colorado with an increase of over 31 per cent. The second State in the list is Idaho, which in 1892 cast 19,407 votes. In 1896 it cast 26,695 votes, an increase of 37.5 per cent. Now, without going into the details of all these votes, I will read you a list of these nineteen States, with the per cent of increase of votes.

Idaho, 37.5 per cent; Virginia, 35 per cent; Mississippi, 33.6 per cent; North Dakota, 31.2 per cent; Florida, 31 per cent; Colorado, 31 per cent; Kentucky, 30.8 per cent; Texas, 28.9 per cent; Minnesota, 27.8 per cent; Wyoming, 24.9 per cent; Illinois, 24.9 per cent; Missouri, 24.6 per cent; Oregon, 24 per cent; Wisconsin, 20.3 per cent; Tennessee, 19.6 per cent; Pennsylvania, 19.1 per cent; and, finally, Ohio, 18.7 per cent.

Now, if the reasoning of Mr. Altgeld is to hold good that because Ohio's increase was 18.7 per cent there were 100,000 fraudulent votes cast in the State of Ohio, what have you gentlemen whose States were carried by Bryan to say about them, with Virginia gaining 35 per cent, and Mississippi gaining 33.6 per cent, and Florida gaining 31 per cent, and so on down the line?

Now, in regard to the fluctuation in the vote of Ohio, we have our off years and we have our years when we turn out and vote.

Mr. WATSON of Ohio. Do you propose to hold the other side of the House responsible for what Governor Altgeld said?

Mr. BROMWELL. I do not; and I do not believe that one of them indorses what he has to say.

To illustrate these extreme fluctuations in the Ohio vote, I wish to call attention to the difference between the vote the year following a Presidential election and the vote in the following Presidential election, commencing with 1857 and running down to the present time. I shall not read this in full, but ask to have it printed in the RECORD. Between 1857 and 1860 there was a difference of 103,000 votes. That was away back before the war, when the population of Ohio was not much more than half what it is now. Between 1861 and 1864 there was a difference of 112,000 votes; between 1865 and 1868, a difference of 101,000; between 1869 and 1872, a difference of 64,000; between 1873 and 1876, a difference of 211,000, and in following years differences of 170,000, 163,000, and 173,000 are common variations in the vote of Ohio.

These facts also go to show whether or not Major McKinley carried the Republican vote of Ohio as it was expected he would do. Bryan's vote over Cleveland was only 74,432. Major McKinley's vote over Harrison was 122,758.

Mr. Chairman, I ask leave to print these tables in the RECORD as part of my remarks, only offering them as supplementary to the remarks made by my colleague, Mr. GROSVENOR.

The SPEAKER pro tempore. The gentleman asks unanimous consent to print certain tables in the RECORD. Is there objection?

There was no objection.

The tables are as follows:

Year.	Election.		Total vote cast.	Change in total vote.		Pluralities.		Majorities.	
	Highest candidate.	Office.		Increase.	Decrease.	Republican.	Democratic.	Republican.	Opposition.
1855	S. P. Chase	Governor	302,063	19,820		15,751			8,525
1856	J. C. Fremont	President	386,497	84,432		16,623			11,503
1857	S. P. Chase	Governor	329,905		56,592	1,503			8,769
1858	No election								
1859	William Dennison	Governor	355,783	25,878		13,331		13,331	
1860	A. Lincoln	President	432,862	77,079		34,388		10,756	
1861	David Tod	Governor	358,880		73,982	55,223		55,114	
1862	W. W. Armstrong	Secretary of state	363,070	4,190			5,560		5,560
1863	John Brough	Governor	476,554	113,484		101,098		101,098	
1864	A. Lincoln	President	471,253		5,301	60,055		60,055	
1865	J. D. Cox	Governor	417,799		53,454	29,845		29,475	
1866	W. H. Smith	Secretary of state	469,908	52,109		42,696		42,696	
1867	R. B. Hayes	Governor	484,227	14,319		2,983		2,983	
1868	U. S. Grant	President	518,788	34,561		41,546		41,546	
1869	R. B. Hayes	Governor	465,337		53,451	7,506		6,827	
1870	I. R. Sherwood	Secretary of state	429,559		35,778	16,690		13,857	
1871	E. F. Noyes	Governor	460,446	30,887		20,168		16,100	
1872	U. S. Grant	President	529,598	69,152		37,531		34,106	
1873	Wm. Allen	Governor	448,878		80,720		817		21,204
1874	Wm. Bell	Secretary of state	467,425	18,547			17,202		25,017
1875	R. B. Hayes	Governor	592,700	125,275		5,544		2,934	
1876	do	President	659,771	67,071		7,516		1,625	
1877	R. M. Bishop	Governor	554,967		4,804		22,520		56,757
1878	M. Barnes	Secretary of state	589,100	34,132		3,154			40,860
1879	Chas. Foster	Governor	669,157	80,057		17,129		3,365	
1880	J. A. Garfield	President	724,967	55,810		34,227		25,129	
1881	Chas. Foster	Governor	624,226		100,741	24,309		1,244	
1882	J. W. Newman	Secretary of state	635,095	10,869			19,115		39,577
1883	Geo. Hoadly	Governor	721,310	86,215			12,529		25,982
1884	J. G. Blaine	President	787,159	65,849		31,802		13,015	
1885	J. B. Foraker	Governor	733,967		53,192	17,451			15,405

Year.	Election.		Total vote cast.	Change in total vote.		Pluralities.		Majorities.	
	Highest candidate.	Office.		Increase.	Decrease.	Republican.	Democratic.	Republican.	Opposition.
1886	J. S. Robinson	Secretary of state	704,233		29,734	11,781			22,043
1887	J. B. Foraker	Governor	746,970	42,737		23,329			33,902
1888	B. Harrison	President	841,941	94,971		19,599			9,833
1889	J. E. Campbell	Governor	775,721		66,220		10,872		38,619
1890	D. J. Ryan	Secretary of state	742,186		33,535	10,969			15,000
1891	Wm. McKinley	Governor	795,631	53,445		21,511			22,153
1892	B. Harrison	President	850,164	54,533		1,072			39,790
1893	Wm. McKinley	Governor	835,604		14,560	80,995		31,080	
1894	S. M. Taylor	Secretary of state	779,119		56,485	137,086		48,857	
1895	A. S. Bushnell	Governor	846,996	67,877		92,622		7,286	
1896	Wm. McKinley	President	1,009,225	162,229		47,497		43,614	

Popular vote for President.

	1896.	1892.	Increase.	Decrease.	Per cent of increase or decrease.
Alabama	194,572	234,741		40,169	17.1
Arkansas	149,347	147,829	1,518		1.03
California	296,503	269,923	26,580		9.8
Colorado	189,687	93,842	95,845		*102.1
Connecticut	174,390	164,766	9,624		5.9
Delaware	31,460	37,242		5,782	15.5
Florida	46,461	35,461	4,000		31
Georgia	163,061	223,946		60,885	27.2
Idaho	26,695	19,407	7,288		37.5
Illinois	1,090,869	873,646	217,223		24.9
Indiana	637,135	554,013	83,122		15
Iowa	521,547	443,159	78,388		17.7
Kansas	336,134	324,887	11,247		3.5
Kentucky	445,775	340,848	104,927		30.8
Louisiana	101,046	114,485		13,439	11.7
Maine	118,593	116,414	2,179		1.9
Maryland	250,842	213,275	37,567		17.6
Massachusetts	401,568	391,028	10,540		2.7
Michigan	544,492	460,217	84,275		18.3
Minnesota	341,539	267,238	74,301		27.8
Mississippi	70,545	52,809	17,736		33.6
Missouri	674,019	540,860	133,159		24.6
Montana	52,279	44,315	7,964		17.9
Nebraska	222,953	200,206	22,747		11.3
Nevada	10,315	10,878		563	5.2
New Jersey	371,014	337,547	33,467		9.9
New Hampshire	83,670	89,328		5,658	6.3
New York	1,423,876	1,366,145	57,731		4.2
North Carolina	329,710	280,665	49,045		17.5
North Dakota	47,379	36,118	11,261		31.2
Ohio	1,009,225	850,299	158,926		18.7
Oregon	97,337	78,491	18,846		24
Pennsylvania	1,194,355	1,003,010	191,345		19.1
Rhode Island	54,785	53,188	1,597		3
South Carolina	68,507	70,444		1,537	2.2
South Dakota	82,918	70,618	12,310		17.4
Tennessee	320,090	267,503	52,587		19.6
Texas	544,786	422,448	122,338		28.9
Vermont	63,844	55,774	8,070		14.5
Virginia	394,664	292,252	192,412		35
Washington	93,096	87,969	5,127		5.1
West Virginia	199,221	171,071	28,150		16.4
Wisconsin	447,411	371,676	75,735		20.3
Wyoming	20,863	16,706	4,157		24.9
United States	13,818,365	12,110,636	1,707,729		14.1

*Or over 30 per cent.

States arranged according to percentage increase of popular vote for President in 1896 over vote of 1892.

Colorado	102.1	Wyoming	24.9
Idaho	37.5	Illinois	24.9
Virginia	35	Missouri	24.6
Mississippi	33.6	Oregon	24
North Dakota	31.2	Wisconsin	20.3
Florida	31	Tennessee	19.6
Kentucky	30.8	Pennsylvania	19.1
Texas	28.9	Ohio	18.7
Minnesota	27.8		

Comparison of votes in Ohio for President, showing Republican gains.

1892–1896	159,061	1872–1876	130,173
1888–1892	8,223	1868–1872	10,810
1884–1888	64,782	1864–1868	47,535
1880–1884	62,192	1860–1864	38,391
1876–1880	65,196	1856–1860	46,365

McKinley's vote over Harrison	122,758
Bryan's vote over Cleveland	74,432
McKinley's vote over Bushnell	100,804
Bryan's vote over Campbell	144,029

Comparison of votes for periods of four years.

1893–1896	173,621	1873–1876	210,893
1889–1892	74,443	1869–1872	64,231
1885–1888	107,974	1865–1868	100,989
1881–1884	162,933	1861–1864	112,373
1877–1880	170,000	1857–1860	102,957

The following extract from an editorial in the Cincinnati Commercial-Tribune is also submitted in this connection to show that Mr. Altgeld and others of his party, instead of criticising the legitimate increase in the vote of other States which gave McKinley his majorities, might well have addressed himself to a criticism of the inequality existing between the electoral votes of the silver States and of the four great sound-money States, New York, Pennsylvania, Illinois, and Ohio:

FIGURES WORTH STUDY.

The total popular vote cast at the recent election was 13,818,365, or a gain of no less than 1,708,355 over the 12,110,636 votes cast in 1892.

Of this phenomenal and hitherto unparalleled number of electors, the four preeminently great States of New York, Pennsylvania, Illinois, and Ohio furnished the following:

	Vote.	Electoral vote.
New York	1,358,485	36
Pennsylvania	1,193,508	32
Illinois	1,088,631	24
Ohio	1,020,107	23
Total	4,660,731	115

From this table it will be seen that these 4 States alone cast considerably more than one-third of the total vote of the nation, and at that ratio they are justly entitled to at least one-third of the total electoral vote of 447, which would be 149. They have, however, only 115 votes in the electoral college, or 32 less than the number to which their proportion of the total vote shows them to be entitled. Ohio alone cast 7.4 per cent of the total vote of the country, thus fairly entitling her to the same proportion of the electoral college, or 33 electoral votes. Yet she is only allowed 23, which is 10 less than the number her voting strength should give her.

The total vote cast for the Republican ticket was 7,078,461, and to this aggregate the four States here named contributed as follows:

New York	795,271
Pennsylvania	728,300
Illinois	607,130
Ohio	525,989
Total	2,656,690

From these figures it is also seen that this quartet of leaders among the Commonwealths of the Union gave not only one-third of the total Republican vote of the country, but 891,609 votes in excess of that proportion.

These are the only States which cast over 1,000,000 votes, and of the other States the one which approached the nearest to that figure was Missouri, with 674,018, or 346,089 votes less than were given in Ohio. Nor did any other State than these four cast more than half a million votes for the Republican ticket. Next to Ohio in the list in that respect comes Indiana, with 323,754 Republican ballots, which is less by 202,235 than the 525,989 given by this State.

Coming now to the consideration of some points of interest disclosed by an analysis of the free-silver Democratic vote, the following table, showing the total vote cast and the electoral college representation of these seventeen States carried by Bryan, will be of exceptional interest:

State.	Total vote.	Electoral vote.
Nevada	10,285	3
Florida	46,620	4
Idaho	29,697	3
Louisiana	101,046	8
Mississippi	69,513	9
Montana	54,170	3
South Carolina	68,938	9
South Dakota	82,369	4
Utah	80,514	3
Washington	93,583	4
Wyoming	21,086	3
Alabama	194,574	11
Arkansas	149,347	8
Georgia	157,230	13
Virginia	294,956	12
North Carolina	329,710	11
Tennessee	321,998	12
Total	2,105,636	120

Here, then, we have 17 States which give Bryan 120 electoral votes on a total vote of 2,105,636, though New York, Pennsylvania, Illinois, and Ohio, with their 4,660,731 ballots, have an electoral college strength of but 115 votes. Placed in a table for better comparison, the situation is this:

	Total vote.	Electoral vote.
4 Republican States	4,660,731	115
17 Democratic States	2,105,636	120

Obviously the States which are given 120 electoral votes on a total vote of 2,105,636, while 4 other States can only cast 115 electoral votes on a popular vote of 4,660,731, have a relative strength in the electoral college out of all proportion to that which they deserve. Ohio cast almost half as many votes as the 17 States above named, and with an electoral representation in proportion she should have 57 or 58 votes in the electoral college, whereas she is given but 23.

Similar comparisons could be made by the score, all demonstrating that under the present system such States as Ohio are deprived of the electoral strength to which they are entitled. For instance, let us consider the following table:

	Total vote.	Electoral vote.
Nevada	10,285	3
Florida	46,620	4
Mississippi	69,513	9
Wyoming	21,086	3
South Dakota	82,369	4
Total	229,873	23

Here we have 5 States carried by Bryan at the recent election whose aggregate vote was but 229,873, yet they have 23 electoral votes, the identical number allotted to Ohio. These 5 States have 1 electoral vote to every 10,000 popular votes cast. At the same rate Ohio should have 102 electoral votes instead of 23.

It is inevitable that in the not distant future this entire matter of the relative strength of the States, both in Congress and in the electoral college, must be taken up and readjusted upon fair and equitable lines.

Mr. WADSWORTH. Ohio having been clearly vindicated, I yield fifteen minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. I do not care to go into the question of the Ohio election or the Ohio population. The discussion has taken a wide range, which seems to make appropriate a little wider range. Therefore I shall claim the indulgence of the House on another branch. I might remark in passing that the gentleman from Ohio [Mr. BROMWELL] who last addressed the committee tried to devote himself to facts and figures as answer to some remarks of Governor Altgeld. The gentleman from the same State who preceded him [Mr. GROSVENOR] seemed to conclude that, the governor being absent and having no opportunity to reply to him, general, wholesale declamation upon the subject would be ample. As to the controversy between the late governor of the State of Illinois and the various distinguished Representatives of the State of Ohio, I have nothing to say. But I find in an editorial of the Post of this city, of the 20th of last November, some interesting remarks upon the election, a portion of which I will read:

The total population of Ohio, as estimated last year by the secretary of state, based upon the calculated increase over the census of 1890, is less than 4,000,000—to be specific, 3,825,000. The generally accepted theory, verified by statistics without number, is that the voters are to the population of any given State as 1 to 5. By that well-established rule the total vote of Ohio should have been 765,000. Ohio is a great State, however, for in 1895 it developed a total vote of 840,506—nearly 100,000 more than she was entitled to under the one-fifth rule. The campaign was tremendously exciting. It brought out, as they said at the time, every voter in the State. Some skeptical persons suggested, in fact, that it brought out a great many thousands of voters from other States. But this year the wonder grows. This year Ohio, responding to the clarion call of necessity, produces 259,494 more voters than it produced in 1895, when it astonished the world by its achievements in the voting line. Where in the name of reason did these 259,494 extra voters come from? Did Ohio increase in population 1,000,000 within a year, or does Ohio depart from the 1 to 5 rule, and show, instead of that, 1 to 3¾ as the proportion of her voters to her population?

Now, it may possibly be said in extenuation of the offense of Governor Altgeld, if it be an offense, that he might have read some such things as this in the newspapers. It may be, too, that the horrible example of Governor Altgeld, held up to scorn by the gentleman from the Athens district of Ohio, may have been productive, not only of the majority for Mr. McKinley, but also of the tremendous outpouring of the masses of both parties who registered their judgment and their will upon the subjects at issue. I know not how that is.

The gentleman [Mr. GROSVENOR] seems to believe that Altgeld made the platform adopted at Chicago last July. I have always been of the opinion that the representatives of the great Democratic party of this country made that platform, and in it expressed their views and those of a mighty constituency.

Mr. GROSVENOR. If the gentleman will permit, I did not say that Governor Altgeld made the platform. I said he demanded the introduction of certain planks of the platform; and if that is not true, some of the newspapers of Chicago misrepresented him.

Mr. DE ARMOND. The gentleman is probably just as far off in his way of putting it now as he was before. The assemblage gathered in Chicago upon that occasion was not one to approach with "demands." The only demand with that body of representatives was the demand, as they understood it, of their constituents. That was not a convention to be dominated by a single man. It was not a convention of which any man having any knowledge of it would feel that he could make a demand; it was not a convention that would respect the demand of any particular man or set of men. It was a convention gathered there to voice the dominent sentiment of a great party; and I am one of those who believe that it did voice it, voiced it thoroughly; and those who were not willing to be bound by that voice, those who did not believe in the platform there uttered, were left to take, as some of them did take, their votes and their influence outside of that party.

But the gentleman says Governor Altgeld demanded that this or that should go into the platform, and that this or that did, therefore, go into the platform. That certainly can not be said by anyone who has any knowledge of that assemblage. No man can say that who understood the purpose which characterized the men assembled there, who had any knowledge of the deep conviction that abided and yet abides in the hearts and in the souls of those back of them, those whom they represented. That is a misunderstanding of the whole matter. But I will not discuss that. Perhaps at some other time, perhaps in some other arena, possibly even in this arena on some other day, the gentleman lately governor of the State of Illinois may have an equal opportunity with the statesman of the Athens district of Ohio to discuss the question of what is the relative worth or the relative worthlessness of the criticism of the one or the other.

There is this thing about Governor Altgeld which friend and foe must admit and acknowledge—that he is open and bold, and that he makes his charges where there are people ready to meet them and to refute them, if they can; that he has at least the courage of his convictions. And, although overwhelmed with defeat as his party was in his State in the last election, he has behind him now in that State and in this nation, as the able and fearless exponent of principles dear to the hearts of the American people, millions of men who believe that he is honest and right, and who are grieved at his temporary political overthrow.

I was about to direct my attention to another matter. I make these remarks merely incidentally, as they are suggested by the remarks of the gentleman from Ohio [Mr. GROSVENOR] who first addressed the committee. There was issued from the Department of Agriculture recently one of those peculiar educational treatises which have so frequently emanated from that Department under its present management. This is The Farmers' Interest in Finance, a document bearing date of December 4, 1896, and with which we are recently favored, through the franking privilege. It purports to show that the people who supported Mr. Bryan in the last contest were comparatively poor in this world's goods, and ignorant. The gentleman who for the time being presides over the Department of Agriculture gives to his subordinate this direction for the preparation of this document:

In preparing this "useful information on subjects connected with agriculture," carefully collate from the work of the last national census such facts as may serve to bring out plainly the population, the agricultural wealth, and the intelligence, the manufacturing interests, and the investments of each State which at the recent election declared for the free coinage of silver at 16 to 1 or for the present gold standard.

In the pamphlet it is further stated:

The comparison in respect to illiteracy is confined to native whites, thus excluding the most illiterate classes of the population—the colored in the free-silver territory and the foreign born in the gold-standard territory.

Further on the pamphleteer says:

The gold-standard list includes one State—Kentucky—whose vote was so nearly an even balance that its decided position in either rank will perhaps be questioned. The inquiry may, therefore, arise, how the gold-standard average would be altered by omission of that State.

In this pamphlet of fifteen pages are some tables, designed to show, from the peculiar standpoint of the gentleman in charge of the Department of Agriculture, that illiteracy prevailed where the free-silver sentiment was largely in evidence, and that intelligence was the rule where the gold standard received the support of the largest number of the voters; that the savings were comparatively small where the free-silver sentiment was strong, and the people there comparatively poor, while in the regions where the gold standard was upheld by the votes of the people the savings were comparatively large and the people comparatively wealthy.

I suppose—if not known to Secretary Morton, it is known to everybody here—whatever else may be true about the late Presidential contest, it is beyond question that a large majority of the farmers of the United States, wisely or unwisely, rightfully or wrongfully, gave their support to the free-silver candidate for President, William Jennings Bryan. I suppose it is a matter of general information outside of that Department that in this large majority of the agricultural portion of the people of the United States there certainly was to be found a fair representation, not to say a marked predominance, of the intelligence of that great body of our useful citizens, the farming community. Poor many of them may be, but honest manhood is yet to be esteemed above filthy lucre.

Now, Mr. Chairman, what provocation or what excuse can be found for this man, at the head of a Department of this Government, supposed to be specially interested in the concerns of the agriculturists, supposed to understand something about their interests and their condition, what provocation, what excuse can be found for this man to scatter abroad over the land, by an

abuse of the printing and franking privilege, pamphlets which are a libel upon the population that he is supposed peculiarly to serve? That I can not imagine. As to which party was right or which party was wrong, that is a question for debate, and we fear not the issue. But why such a pamphlet should be put out by this Department, a travesty upon facts which are well known to the people generally—why such a pamphlet should be issued, with the apparent view of bringing ridicule upon communities a majority of whom voted for Mr. Bryan and were defeated in the late election, why that should be done no one can imagine unless he can fathom the remarkable mind of the gentleman who presides over the Department of Agriculture.

Mr. WILLIAM A. STONE. May I ask the gentleman a question?

Mr. DE ARMOND. Oh, yes.

Mr. WILLIAM A. STONE. The author of that pamphlet is not a Republican.

Mr. DE ARMOND. No, sir.

Mr. WILLIAM A. STONE. So that we are not responsible for him.

Mr. DE ARMOND. You are not responsible for him, and I can well understand that you are very much gratified that you are not responsible for him. [Laughter and applause.]

Again, Mr. Chairman, poor Kentucky has to be brought in here for a special slap. "The gold standard list includes one State, Kentucky, whose vote was so nearly an even balance that its position in either rank will perhaps be questioned." Kentucky, Democratic for generations, and finally brought into the other column by a scratch—Kentucky is to be ridiculed by this man from out in Nebraska, whose State went against his side, because, he says, illiteracy in Kentucky is considerable; his conclusion from his premises being, I suppose, that if illiteracy had prevailed there to a lesser extent the gold standard would have prevailed to a larger extent.

Mr. CLARDY. If the gentleman will take out 60,000 ignorant negro votes cast there, Kentucky's vote will be all right.

Mr. DE ARMOND. Another remarkable thing is this, that this gentleman, confining his investigations and his comparisons to the white population, loses sight of a most important fact. I suppose he knew—it may be that he never knew it, for some men never know facts that all other men do know [laughter] but he ought to know—that in States like Kentucky, aye, and in States like Ohio, the majority in favor of the gold standard could well be ascribed to the colored population, whose votes were cast for that ticket. This man, making his comparisons within the ranks of the Caucasians, loses sight entirely of the fact that if the suffrage had been confined to them, if only people of our own race and lineage had voted at the last election, the decision would have been the other way.

[Here the hammer fell.]

On motion of Mr. DOCKERY, by unanimous consent, the time of Mr. DE ARMOND was extended ten minutes.

Mr. DE ARMOND. But I presume we ought not to take this man seriously. [Laughter.] It would be wonderful that any other man in the position he occupies should, without cause, without provocation, without excuse, endeavor to cast ridicule and odium upon the very people for whose special interests he is supposed to care; but it is not so remarkable in the present Secretary of Agriculture. We ought not to be surprised at many things coming from there. Perhaps this pamphlet should be included in the list of things that ought not to surprise us, and ought not to challenge serious consideration. We might expect treatises of the most remarkable character from that Department, while presided over by that peculiar gentleman. We might expect him to furnish learned treatises upon The Woodchuck and its Availability for the Manufacture of Shingles; upon The Hedgehog and its Use for Fencing Purposes; upon The Acute Obtuseness of the Triangularificationableness of the Angleworm! [Laughter.] We might expect him to dilate upon The Admirable Capability of the Eye of the Potato for Looking into the Financial Question. [Laughter.] But when it comes to such things as this pamphlet, we are excusable for hardly expecting it.

It was said a good many years ago of a certain man in prominent position, "The Secretary stood alone; modern degeneracy had not reached him." History repeats itself—with variations. We may say now, The Secretary stands alone; modern degeneracy has not passed him. [Laughter.]

I do not know, but it seems to me, following the suggestion of my friend from Pennsylvania, that though the Republican party is not responsible for this Secretary of Agriculture, it certainly does owe him something. Though he may not have rendered you any really valuable service, he has manifested the disposition to do so. If the will is to be taken for the deed, you owe him considerable. Now, why can not you provide a place for him? Of course you will not keep him in his present position. That would not be thought of. Away back, a long time ago, it was the custom to have about the courts of kings a man something like him. There was a name, too, attached to this particular functionary. [Laughter.] But he was not known as a cabinet minister. I do not expect you people to have him about the court in any capacity. But why do you not find a place for him in the National Museum—not, of course, to point out the various attractions, the several curiosities and oddities—but why not find a place for him upon some shelf of the National Museum?

Mr. GROSVENOR. Will the gentleman yield to me one moment?

Mr. DE ARMOND. Certainly.

Mr. GROSVENOR. I understood the gentleman to intimate that perhaps my speech was unfair, because Mr. Altgeld could not reply in this forum. What special opportunity does my colleague propose the distinguished Secretary of Agriculture shall have to reply to his speech? [Laughter.]

Mr. DE ARMOND. Mr. Chairman, I can not imagine anything else than that, with his habit of speaking once every day (when he is here), and on a great many days speaking many times, the gentleman from Ohio will reply for him. [Laughter.]

Mr. Chairman, the suggestion that I made with regard to providing for this man of the Agricultural Department after the 4th of March next—after the chilly winds of March shall have blown him out—is, of course, entirely gratuitous. I submit it to my Republican friends for what it is worth. I hope they will take it into prayerful consideration. Why not devote part of a shelf in the National Museum to this curiosity of modern political life and modern political administration of the affairs of the Agricultural Department?

This man has the peculiarity of always talking when he is not writing, and always writing when he is not talking, and always doing both when he is not thinking. [Laughter.]

But, Mr. Chairman, I must not unduly detain the committee, and I probably can not close these desultory remarks any better than by quoting from what I know is a favorite poem with all of you—

> Full many a whim of purest ray serene
> The dark, unfathomed screeds of Morton bear;
> Full many a wheel is formed to whir unseen
> And waste its fleetness 'neath J. Sterling's hair.

[Loud laughter.]

The CHAIRMAN. The time for general debate has expired.

Mr. HULL. We have had so exhaustive an explanation of this bill in the general debate, I suggest to the chairman of the committee [Mr. WADSWORTH] that he now ask unanimous consent to report the bill back to the House with the recommendation that it pass. [Laughter.]

Several MEMBERS. Oh, no.

Mr. WADSWORTH. Mr. Chairman, if the Committee of the Whole will bear with me, I will not detain it more than a few minutes. I wish to state a few of the leading provisions of this bill.

The CHAIRMAN. The time for general debate is exhausted.

Mr. WADSWORTH. Then I ask unanimous consent.

The CHAIRMAN. The Committee of the Whole can not change the order of the House.

Mr. WADSWORTH. Then I will make my remarks after the Clerk has read the first paragraph of the bill.

The Clerk (proceeding to read the bill by paragraphs for amendment under the five-minute rule) read the following:

Be it enacted, etc., That the following sums be, and they are hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, in full compensation for the fiscal year ending June 30, 1898, for the purposes and objects hereinafter expressed, namely.

Mr. WADSWORTH. I move to amend by striking out the last word.

Mr. Chairman, the amount appropriated for the Department of Agriculture for the fiscal year ending June 30, 1897, was $3,255,532. The amount carried by the bill now under consideration is $3,152,752—a net decrease of $102,780. The amount appropriated for salaries under this Department for the fiscal year ending June 30, 1897, was $464,400. The amount provided by this bill for similar purposes for the fiscal ending June 30, 1898, is $468,690. The amount estimated for salaries for the year ending June 30, 1898, was $494,350. It will thus be seen that the bill carries $25,660 less than the amount of the estimate, while it is $4,290 above the appropriation for the current year. The actual increase, however, is only $1,300. The larger apparent increase has been caused by transferring from lump-sum appropriations to specific appropriations (according to the statutory rule) about $3,500 or $3,700.

The amount carried by this bill for miscellaneous purposes (including the Weather Bureau) is $107,070 less than the corresponding appropriations for last year. Under this head the bill apparently carries $73,000 more than the estimates; but that is because the Agricultural Department made no estimate for seeds, so that practically the appropriations are, as I said a moment ago, $107,070 less than those of last year. The salaries in the Weather

Bureau are decreased about $330. Otherwise the appropriations in this bill for that service are identical with those of last year.

The appropriation for the Bureau of Animal Industry is $25,000, which is an increase over last year, because of the growth of the work of that Bureau. It was rendered necessary by reason of the wonderful increase in the demand for inspection of meats going abroad, as well as meats intended for interstate commerce. The inspection on the starting of this Bureau, some three years ago, amounted to only 83,000 head, and has increased to the enormous figure of 23,000,000, including cattle, sheep, and hogs, in the last year. Otherwise the bill is practically the same as the bill of last year. There are other small changes, many of them of little material difference.

With this brief explanation, Mr. Chairman, I will be glad, under the five-minute rule, when we reach the bill by paragraphs, to further, if necessary, answer any questions that may occur to any gentleman with reference to changes in the bill.

I move that the committee now rise and report progress to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole House on the state of the Union, having had under consideration the Agricultural appropriation bill, had come to no resolution thereon.

PRODUCTION OF CASTOR BEANS.

Mr. STEELE. Mr. Speaker, I desire to ask unanimous consent to offer a resolution of inquiry addressed to one of the Departments.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the Secretary of Agriculture be, and is hereby, requested to inform the House how many bushels of castor beans have been produced in the United States each year since 1890, to 1896, inclusive; and how many bushels were exported each year within said period.

Mr. GROSVENOR. I would suggest to the gentleman from Indiana that the word "request" ought to be stricken out and the word "directed" inserted.

Mr. STEELE. I would like to do it, but find that I can not, within the rule.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BLUE. Mr. Speaker, permit me one moment. I would ask the gentleman if he would not include also an inquiry as to how many bushels have been imported in the same time?

Mr. STEELE. That is practically covered.

Mr. PAYNE. The statistics already show that.

The SPEAKER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

WEAR CRAWFORD.

Mr. JOHNSON of Indiana. Mr. Speaker, I desire to move the concurrence of the House in a Senate amendment to the bill (H. R. 514) to remove the charge of desertion from the military record of Wear Crawford, which bill is now, I think, on the Speaker's table.

The amendment, I will say, is merely a formal one in phraseology, to correct some tautology in the bill as it passed the House.

The SPEAKER. The Chair will state that this bill was presented to the House this morning, and on motion of the gentleman from Indiana [Mr. STEELE] was referred to the Committee on Military Affairs. The action of the House was afterwards vacated, and the bill was left on the Speaker's table.

Mr. DOCKERY. What is the effect of the bill?

Mr. JOHNSON of Indiana. The bill simply corrects a military record. It is a bill which passed the House and the Senate in the last term of Congress, but did not reach the President in time for his action.

It is a bill to remove a disability from a soldier charged with desertion. After the war was over, after all danger had passed, he had an encounter with an officer of another regiment when on outpost duty, and absented himself for fear of punishment. He was therefore marked as a deserter. That is all there is of it.

I hope there will be no objection to the adoption of the Senate amendment.

There being no objection, the Senate amendment was considered, and agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DE WITT, for one week, on account of important business.

To Mr. WANGER, for three days, on account of sickness.

REPRINT OF A BILL.

On motion of Mr. MEIKLEJOHN, a reprint was ordered of the bill S. 502.

And then, on motion of Mr. PAYNE (at 5 o'clock and 7 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Egyptian Levee, Mississippi River, in the county of Clark, State of Missouri—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Acting Attorney-General, amending certain estimates relating to the compensation of United States district attorneys—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, recommending an extra compensation for certain members of the commission detailed to conduct an examination of the fur-seal rookeries—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Crystal River, Florida—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Babylon Creek, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. MARSH, from the Committee on the Militia, to which was referred House bills Nos. 876, 2294, and 3361, reported in lieu thereof a bill (H. R. 10169) to promote the efficiency of the militia, accompanied by a report (No. 2667); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. PICKLER, from the Committee on Invalid Pensions:

The bill (H. R. 10075) granting a pension to Martin G. Sands. (Report No. 2661.)

The bill (S. 3141) entitled "An act granting a pension to Rachel Kern." (Report No. 2673.)

The bill (S. 877) entitled "An act granting an increase of pension to Oliver P. Silvey." (Report No. 2674.)

By Mr. THOMAS, from the Committee on Invalid Pensions:

The bill (H. R. 8185) granting a pension to Rowland C. Harmon. (Report No. 2662.)

The bill (S. 3059) entitled "An act granting a pension to William Soden." (Report No. 2687.)

The bill (S. 3445) entitled "An act to increase the pension of Capt. John H. Mullen." (Report No. 2688.)

By Mr. WOOD, from the Committee on Invalid Pensions:

The bill (S. 2949) entitled "An act granting an increase of pension to William H. H. Wright, of McPherson, Kans." (Report No. 2663.)

The bill (S. 3472) entitled "An act granting a pension to Laura Barnes." (Report No. 2690.)

By Mr. BAKER of Kansas, from the Committee on Pensions: The bill (H. R. 2963) to increase the pension of George W. D. Wade. (Report No. 2664.)

By Mr. STALLINGS, from the Committee on Pensions: The bill (H. R. 7772) to increase the pension of Theodore N. Cobia. (Report No. 2665.)

By Mr. MEIKLEJOHN, from the Committee on Indian Affairs: The bill (S. 915) entitled "An act for the relief of Sarah R. Dresser." (Report No. 2666.)

By Mr. BRUMM, from the Committee on Claims: The bill (H. R. 9985) for the relief of Oliver C. Bosbyshell, late superintendent United States mint at Philadelphia, Pa. (Report No. 2668.)

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (S. 1929) entitled "An act for the relief of William H. Crook." (Report No. 2669.)

By Mr. GIBSON, from the Committee on War Claims: The bill

(S. 19) entitled "An act for the relief of John L. Rhea, executor of Samuel Rhea, deceased, and John Anderson, administrator of Joseph R. Anderson, deceased." (Report No. 2670.)

By Mr. BUCK, from the Committee on War Claims: A resolution (No. 506) to refer the bill (H. R. 9307) for the relief of the heirs of Pierre Sauvé, together with all the accompanying papers, to the Court of Claims. Reported in lieu of House bill No. 9307. (Report No. 2671.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (S. 2912) entitled "An act increasing the pension of William C. Forsythe." (Report No. 2672.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 3361) entitled "An act granting a pension to Sarah R. Frary." (Report No. 2675.)

The bill (S. 3370) entitled "An act granting a pension to Emily E. Atherton." (Report No. 2676.)

The bill (H. R. 9521) granting an increase of pension to Edward Boyle. (Report No. 2689.)

By Mr. LOUDENSLAGER, from the Committee on Pensions: The bill (S. 2954) entitled "An act to increase the pension of Margaret Custer Calhoun." (Report No. 2677.)

The bill (S. 3252) entitled "An act to increase the pension of Esther Brown." (Report No. 2678.)

The bill (S. 2959) entitled "An act granting a pension to Mrs. Sarah Townsend." (Report No. 2679.)

The bill (S. 1551) entitled "An act granting a pension to Mrs. Selena McKay, of Suwanee County, Fla." (Report No. 2680.)

The bill (S. 947) entitled "An act granting a pension to Margaret Stone, widow of Benoni Stone, a soldier of Florida Seminole Indian war." (Report No. 2681.)

The bill (S. 2177) entitled "An act granting an increase of pension to Henry B. Conway." (Report No. 2682.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (H. R. 10040) granting an increase of pension to George W. Ferree. (Report No. 2683.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (S. 3177) entitled "An act granting a pension to Oscar A. Palmer." (Report No. 2684.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (S. 1647) entitled "An act to increase the pension of Clark W. Harrington, late sergeant of Company I, Ninety-third New York Infantry." (Report No. 2685.)

The bill (H. R. 4852) granting a pension to Allen Place. (Report No. 2686.)

By Mr. BLACK, from the Committee on Pensions: The bill (H. R. 1933) granting a pension to Mrs. Catherine G. Lee. (Report No. 2691.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 5622) conferring jurisdiction on the Court of Claims to rehear and render judgment in the case of William Donnelly and Patrick Egan; and the same was referred to the Committee on War Claims.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MEREDITH: A bill (H. R. 10168) to reduce the interest on arrearages of taxes due the District of Columbia prior to July 1, 1895—to the Committee on the District of Columbia.

By Mr. GILLETT of Massachusetts (by request): A bill (H. R. 10170) to relieve oppressed medical practitioners in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WATSON of Ohio: A bill (H. R. 10179) to establish a department of labor—to the Committee on Labor.

By Mr. SHERMAN: A resolution (House Res. No. 507) referring to the Court of Claims House bill No. 6168, for the relief of the heirs of John Clemson and John C. Cookson, deceased—to the Cmmittee on War Claims.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. APSLEY: A bill (H. R. 10171) to remove the charge of desertion now standing against Charles G. Brigham—to the Committee on Military Affairs.

By Mr. BURRELL: A bill (H. R. 10172) for the relief of Jacob T. Tolbert—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 10173) to remove the charge of desertion from John Kelly, late an enlisted man in the United States Navy—to the Committee on Naval Affairs.

Also, a bill (H. R. 10174) to remove the charge of desertion from the military record of John Scanlan—to the Committee on Military Affairs.

By Mr. HARDY: A bill (H. R. 10175) to pension Mrs. Martha Frank—to the Committee on Invalid Pensions.

By Mr. QUIGG: A bill (H. R. 10176) for the relief of James Eagan, late of Company G, Tenth New York Volunteer Infantry—to the Committee on Military Affairs.

By Mr. WELLINGTON: A bill (H. R. 10177) for the relief of David C. Winebrener for seizure and impressment of teams and loss of property by the military authorities of the United States—to the Committee on War Claims.

Also, a bill (H. R. 10178) for the relief of Francisco Perna—to the Committee on the District of Columbia.

By Mr. PHILLIPS: A bill (H. R. 10180) granting an increase of pension to De Witt C. Ayres, late of Company I, One hundred and second Regiment Pennsylvania Volunteers—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petition of Samuel G. Scott and others, of Philadelphia, Pa., praying for the passage of House bill No. 4566, and Senate bill No. 1675, prohibiting the transportation of obscene matter by any agency—to the Committee on Interstate and Foreign Commerce.

By Mr. BOUTELLE: Petition of Henry L. Mitchell, Princella A. Blake and 154 other citizens of Bangor, Me., in behalf of the passage of House bill No. 7864, an act to amend the immigration laws of the United States—to the Committee on Immigration and Naturalization.

By Mr. COUSINS: Resolutions adopted by the Commercial Exchange of Des Moines, Iowa, favoring a department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

By Mr. GIBSON: Papers relating to the claim of James P. Strother, of Washington County, Va.—to the Committee on War Claims.

By Mr. GRISWOLD: Petition of Arthur L. Bates and 42 other citizens of Meadville, Pa., and vicinity, protesting against the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. GROUT: Petition of the Woman's Christian Temperance Union of Addison County, Vt., Mrs. L. D. Dyer, president, favoring the passage of House bill No. 3203 and Senate bill No. 1498, to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petition of N. M. Scott, and 23 other citizens of Barton, Vt., protesting against the passage of the Sherman bill with respect to ticket brokers—to the Committee on Interstate and Foreign Commerce.

Also, resolutions adopted by the Vermont Dairymen's Association, in favor of the bill (H. R. 4349) to protect interstate and foreign commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. HENDERSON: Petition of W. H. Torbert and 118 business men, all citizens of Dubuque, Iowa, protesting against the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. KIEFER: Paper of Kuhles & Stock, cigar manufacturers, of St. Paul, Minn., asking a specific duty on cigar tobacco leaf—to the Committee on Ways and Means.

By Mr. LOUDENSLAGER: Petition of the Christian Citizenship Union, also petition of the Tabernacle Baptist Church, both of Camden, N. J., urging the passage of House bill No. 7441 and Senate bill No. 2846, for the prevention of gambling—to the Committee on the Judiciary.

Also, petition of the Christian Citizenship Union of Camden, N. J., praying for the passage of the Phillips bill (H. R. 6119)—to the Committee on Labor.

Also, petition of W. F. Rose, of Camden, N. J., for favorable action on House bill No. 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Swedesboro Grange, No. 5, Patrons of Husbandry, of Swedesboro, N. J., relative to Armenian outrages—to the Committee on Foreign Affairs.

By Mr. MADDOX: Memorial of the commissioners of the Choctaw Nation of Indians, as to the "leased district"—to the Committee on Indian Affairs.

By Mr. McRAE: Resolution of the Fort Smith Commercial League, protesting against the recognition of the independence of Cuba—to the Committee on Foreign Affairs.

Also, statement of Drs. J. H. Weaver, Josh Beasley, and A. L. Clark, to accompany House bill No. 6105, for the relief of Daniel J. Smith, a scout of the Indian war of 1836 and 1837—to the Committee on Pensions.

By Mr. PHILLIPS: Papers to accompany House bill granting an increase of pension to De Witt C. Ayres, of Company I, One hundred and second Pennsylvania Volunteers—to the Committee on Invalid Pensions.

By Mr. QUIGG: Paper to accompany House bill for the relief of James Eagan, of Company G, Tenth New York Infantry Volunteers—to the Committee on Military Affairs.

By Mr. SKINNER: Petition of the heirs of Elizabeth Gatling, deceased, late of Gates County, N. C., praying reference of her war claim to the Court of Claims under the Bowman Act—to the Committee on War Claims.

Also, petition of the heirs of Liddia Haslett, deceased, of Gates County, N. C., praying that her war claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

Also, petition of the heirs of Thomas M. Wiggins, deceased, late of Pitt County, N. C., praying reference of his war claim to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. SHUFORD: Petition of the heirs of Jacob Sheek, deceased, late of Davie County, N. C., praying reference of his war claim to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. WELLINGTON: Paper to accompany House bill for the relief of David C. Winebrener—to the Committee on War Claims.

SENATE.

FRIDAY, *January 29, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. HOAR, and by unanimous consent, the further reading was dispensed with.

CREDENTIALS.

The VICE-PRESIDENT presented the credentials of William E. Mason, chosen by the legislature of Illinois a Senator from that State for the term beginning March 4, 1897; which were read, and ordered to be filed.

Mr. HAWLEY presented the credentials of ORVILLE H. PLATT, chosen by the legislature of Connecticut a Senator from that State for the term beginning March 4, 1897; which were read, and ordered to be filed.

ANNUAL REPORT OF THE BELT RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Belt Railway Company of the District of Columbia; which was referred to the Committee on the District of Columbia, and ordered to be printed.

ADJOURNMENT TO MONDAY.

Mr. HALE. I move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. NELSON. On that I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GEAR (when his name was called). I am paired with the Senator from Georgia [Mr. GORDON].

The roll call having been concluded, the result was announced—yeas 40, nays 12; as follows:

YEAS—40.

Allen,	Carter,	Gray,	Proctor,
Bacon,	Chandler,	Hale,	Roach,
Baker,	Chilton,	Jones, Ark.	Sewell,
Bate,	Cockrell,	Lindsay,	Smith,
Berry,	Cullom,	McMillan,	Stewart,
Blackburn,	Faulkner,	Mills,	Thurston,
Blanchard,	Frye,	Mitchell, Wis.	Turpie,
Brown,	Gallinger,	Morrill,	Vilas,
Caffery,	Gibson,	Murphy,	Wetmore,
Call,	Gorman,	Platt,	Wilson.

NAYS—12.

Allison,	Clark,	Hoar,	Peffer,
Cameron,	Davis,	McBride,	Pettigrew,
Cannon,	Hawley,	Nelson,	Sherman.

NOT VOTING—37.

Aldrich,	Hansbrough,	Morgan,	Tillman,
Brice,	Harris,	Palmer,	Vest,
Burrows,	Hill,	Pasco,	Voorhees,
Butler,	Irby,	Perkins,	Walthall,
Daniel,	Jones, Nev.	Pritchard,	Warren,
Dubois,	Kyle,	Pugh,	White,
Elkins,	Lodge,	Quay,	Wolcott.
Gear,	Mantle,	Shoup,	
George,	Martin,	Squire,	
Gordon,	Mitchell, Oreg.	Teller,	

So the motion was agreed to.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a joint resolution of the legislature of Wyoming, praying for the examination and classification of mineral lands within the railroad land grants in that State; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

STATE OF WYOMING, OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Wyoming, ss:*

I, Charles W. Burdick, secretary of state of the State of Wyoming, do hereby certify that the annexed is a full, true, and correct copy of joint resolution No. 1, house of representatives, passed by the fourth legislature of the State of Wyoming.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 25th day of January, A. D. 1897.

[SEAL.] CHARLES W. BURDICK,
Secretary of State.

(Fourth legislature of the State of Wyoming.) Enrolled joint resolution No. 1, house of representatives, State of Wyoming.

Be it resolved by the senate and house of representatives of the State of Wyoming, That the Congress of the United States be memorialized as follows:

Whereas there is now pending before the Congress of the United States a measure known as the "California mineral lands bill," which has for its object the examination and classification of mineral lands within the railroad land grants in the State of California, and, as amended in the Senate, to include like lands in the State of Oregon; and

Whereas the State of Wyoming is situated under like circumstances, having large areas of mountainous lands within the Union Pacific Railroad land grant known to be mineral in character, and is entitled to the same consideration:

Be it therefore resolved, That we are desirous of securing legislation of like character for the State of Wyoming, and we hereby instruct our Senators and request our Representative in Congress to use all honorable means to secure the passage of the California mineral lands bill so amended as to include the State of Wyoming within its operation; and

Be it further resolved, That his excellency the governor of the State of Wyoming be, and he is hereby, requested to transmit to each of our Senators and to our Representative in Congress, to the President of the United States, and to the Senate and House of Representatives of the United States a copy of these resolutions.

GEORGE E. ABBOTT,
President of the Senate.
A. D. KELLEY,
Speaker of the House.

Approved January 22, A. D. 1897.

WILLIAM A. RICHARDS,
Governor.

Mr. SEWELL presented the petition of the president and professors of Princeton University, New Jersey, and of the professors of the Princeton Theological Seminary, New Jersey, praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, with the names, as follows:

To the Senate of the United States:

The undersigned respectfully represent that they, in common with great numbers of their fellow-citizens in all parts of our country, are extremely solicitous that the treaty of arbitration between the United States and Great Britain, which is now before the Senate, should be promptly ratified, and they earnestly request the honorable Senators from this State to do all in their power to bring about this result. Enlightened and Christian nations surely can and should settle their disputes by an appeal to reason instead of force, by a reference to duly authorized and properly constituted tribunals. Particularly these two great nations, bound together by such innumerable ties, should set the example to the world of providing for the peaceful adjustment of every controversy, and making the horrible arbitrament of war forever impossible between them. The provisions of the proposed treaty seem to us eminently judicious and wise; and we sincerely hope that no hesitation about minor, unimportant details which may be modified hereafter, if experience shall show it to be desirable, may unduly delay its ratification, and thus jeopard the establishment of the great principle involved.

W. Henry Green, Wm. M. Paxton, Benj. B. Warfield, George T. Purves, John De Witt, W. Brenton Greene, jr., Geerhardas Vos, Chalmers Martin, professors of Princeton Theological Seminary; Francis J. Patten, president of Princeton University; James O. Murray, dean of Princeton University; John T. Duffield, professor of mathematics; Charles W. Shields, professor of harmony of science and revealed religion; Henry Clay Cameron, professor of Greek (provided it is amended); Wm. A. Packard, professor of Latin; S. R. Winans, professor of Greek; H. B. Cornwall, professor of chemistry; W. M. Daniels, professor of political economy; John Grier Hibben, professor of logic; Henry B. Fine, professor of mathematics; Woodrow Wilson, professor of jurisprudence; Andrew F. West, professor of Latin; Jesse Benedict Carter, J. Mark Baldwin, William Libbey, John M. Brooks, Edmund T. Robbins, L. W. McCay, Herbert F. Sill, Ulric Dahlgren, George Madorkie, S. Stanhope Orris, J. S. Schanck, Geo. M. Priest, H. D. Thompson, C. F. W. McClure, Howard C. Warren, Alexander T. Ormond, J. Forsyth Crawford, J. H. Westcott, Theo. W. Hunt, W. F. Magie, C. H. Hinton, W. B. Harris, Chas. McMillan, W. B. Scott, H. F. Covington, C. A. Young, Taylor Reed, F. A. Waterman, Frederic C. Torrey, H. C. O. Huss, Walter M. Rankin, Edwin S. Lewis, William K. Prentice, Willard Humphreys, C. G. Rockwood, jr., Geo. M. Harper, H. S. S. Smith.

Mr. CAMERON. I present a petition signed by a number of the most prominent citizens of Philadelphia, praying for the prompt ratification of the pending arbitration treaty with Great Britain. I ask unanimous consent that the petition be printed in the RECORD.

There being no objection, the petition was referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, with the names, as follows:

To the honorable the Senate of the United States:

The undersigned citizens of Philadelphia desire respectfully to convey to your honorable body the universal prayer of the community for the prompt

ratification of the treaty with Great Britain providing for the arbitration of international questions when not settled by the ordinary process of diplomacy.

It has long been the loftiest distinction of our race that it has been foremost in emancipating man from the shackles of tradition and in leading him to a higher plane of thought and action. To us the less fortunate nations habitually look as the pioneers of progress, opening the path through which humanity can rise from the darkness and errors of the past to the destiny of a brighter future. In this progress there have been few steps more pregnant with possible good than the measure now before you. This is evidenced no less in the acclaim with which it has been welcomed by European populations, groaning under the burdens of militarism, than by the hostility of the organs of that militarism, which deprecate it as a shrewd move by the English-speaking peoples in an attempt to obtain the supremacy of the world. It is not for us to deny that the more the world is subjected to such influence the happier it will be for mankind, and it is only two nations, each in its own way serenely conscious of unconquerable strength, that can afford to set so noble an example to their overburdened neighbors.

The objections urged against the treaty, that it would expose us to disadvantage in various questions calling for settlement in the near future, would appear to the undersigned to be groundless. The measure is only tentative—limited in its period and scope. It does not preclude the possibility of war when national sovereignty or national honor is involved, but it prescribes delays which admit of the subsidence of passion and the exercise of reason. This offers a special advantage to a nation like ours, which refuses to be burdened with enormous permanent armaments, and which thus escapes the peril of attack while unprepared. Moreover, it reduces to a minimum the influence of one of the most fertile sources of international collision—the wounded vanity of statesmen worsted in diplomatic encounter and prompt to cover their failures by an appeal to the sensitiveness of national pride.

Representing as we do a great industrial community, we may be permitted to urge upon you that the immediate material advantage to result from ratification would alone justify your early favorable action. In this industrial age the interests of society are so vast and complex, and the suffering entailed by any derangement of the machinery of trade and commerce is so widespread and severe, that the averting of sudden war panics would in itself be an incalculable gain to the nation. Nor are such motives to be stigmatized as mercenary, for industrial prosperity signifies happiness and comfort to the mass of the population, while industrial distress brings want and misery. It is the duty of the highest statesmanship to guard the material interests of the people, and the people can be trusted at all times and in every emergency to vindicate the national honor.

For these and other reasons which will suggest themselves to you, the undersigned venture to express the hope that at an early day you will in your wisdom, set the seal of your approbation on a measure so beneficient in its purpose and so stimulating to the moral sense of mankind. You will thus, moreover, lead the way to further arrangements of a similar nature with other nations who are awaiting your action prior to opening negotiations for the purpose. Responsibility so great has rarely fallen to the lot of legislators, for in your hands now rests the decision whether the United States shall stand forth as the apostle of peace in a distracted world.

Charles C. Harrison; George F. Edmunds, of Vermont; William Butler, James P. Sterrett, Henry Green, Henry W. Williams, J. B. McCollison, James T. Mitchell, John Dean, D. Newlin Fell; Michael Arnold, resident judge common pleas No. 4; Charles N. Audenried, judge common pleas No. 4; James Guy Gordon, Peter A. B. Widener, W. L. Elkins, Thomas McKean, S. Weir Mitchell, John H. Converse, Samuel Dickson, W. W. Frazier, Clayton McMichael, John Bach McMaster, William Peppery, O. W. Whitaker, John G. Johnson, Henry C. Lea; Charles F. Warwick, mayor; T. K. Finletter, resident judge common pleas No. 3; Joseph C. Ferguson, William B. Hanna, W. N. Ashman, Robert N. Willson, M. R. Thayer; Charles B. McMichael, judge common pleas No. 3; F. Amédee Brégy, Clement B. Penrose, John C. Bullitt, Thomas Dolan, Charles W. Trotter, B. B. Comegys, George C. Thomas, E. T. Stotesbury, Charles Platt, Charlemagne Tower, jr., William White Wiltbank, Richard C. Dale, Hampton L. Corson, J. G. Rosengarten, Arthur B. Meigs, John B. Gest, Sam. R. Tripley, George Wharton Pepper, George K. Fisher, John Cadwalader, George W. Childs Drexel, Templeton S. Hutchinson, William Sellers, F. Fraley, Thomas Leaming, Craig Lippincott, W. M. McVicker, Robert M. Lewis, L. Clarke Davis, Richard Wood, Andrew Wheeler, A. J. Cassatt, I. M. DaCosta, Charles A. Brinley, Frank Thomson, George Proctor Bispham, Joseph S. Harris, Edwin S. Stuart, Ellis Yarnall, Francis Rawle, Arthur E. Newbold, Samuel Frederic Houston, Henry M. Dechert, David Scull, William H. Rhawn, Clement A. Griscom, Charles Hartshorn, R. Dale Benson, George S. Fullerton, C. Stuart Patterson, Israel W. Morris, Francis I. Gowen, Henry C. Townsend, James W. Paul, jr., Justus C. Strawbridge, William B. Gill, Edward Shippen, Jones Wister, George Philler, James May Duane, William M. Singerly, Silas W. Pettit, Sidney F. Tyler, C. H. Clark, J. Vaughn Merrick.

PHILADELPHIA, PA., *January 22, 1897.*

Mr. CAMERON presented a petition of the Philadelphia (Pa.) Maritime Exchange, praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented the memorial of W. D. Blackburn, publisher of the Free Press, of Mechanicsburg, Pa., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Migley Manufacturing Company, of E. Chriton & Co., of William A. Haines, of the Tygert-Allen Fertilizer Company, of Enoch Lewis, of Thomas Bray, of Alfred Clegg, of R. G. Lecomte, of Gara, McGinley & Co., and of Batchelor Bros., all in the city of Philadelphia, Pa., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GEAR presented a petition of the Congregational church of Keosauqua, Iowa, and a petition of the Davenport Business Men's Association, of Davenport, Iowa, praying for the ratification of the pending arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

Mr. HOAR presented a memorial of the Boston Plate Printers' Union, No. 3, of Boston, Mass., remonstrating against the passage of the so-called Chandler bill, to reduce the salaries of employees in the service of the Government; which was referred to the Committee on Appropriations.

He also presented petitions of the National Woman's Christian Temperance Union, Frances E. Willard, president; of the North Congregational Church, of Springfield, Mass., and of Edward A. Pennock and 11 other residents of the Ben Adhem House Social Settlement, of Boston, Mass., praying for the ratification of the pending arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

Mr. MITCHELL of Wisconsin. I present a petition of considerable weight, and I may say of width, also. It consists of some fifty letters from the most important business concerns in the city of Milwaukee, in favor of the passage of the Loud bill. They are original letters, and very strong letters; and they have been put together in such fashion that they can not be thrust into that legislative morgue, the pigeonhole. I trust they will be laid on the table of the Committee on Post-Offices and Post-Roads, and be read by the members with attention and benefit.

The petition was referred to the Committee on Post-Offices and Post-Roads, as follows:

The petition of the Wisconsin Marine and Fire Insurance Company Bank; of the Wisconsin National Bank; of the First National Bank; of the Milwaukee National Bank; of the Milwaukee Harvester Company; of the Plankinton Packing Company; of Kieckhefer Bros. Company; of the Northwestern Malleable Iron Company; of the Wellaner & Hoffmann Company; of the Straw & Ellsworth Manufacturing Company; of the H. Zoehrlant Leather Company; of the Bradley & Metcalf Company; of Beals, Torrey & Co.; of the F. Mayer Boot and Shoe Company; of Friend Bros. Clothing Company; of the Charles Baumbach Company; of the Jerman, Pflueger & Kuehinsted Company; of the Pabst Brewing Company; of the Val Blatz Brewing Company; of Albert Trostel & Sons; of the E. P. Allis Company; of the S. Birkenwall Company; of the William Becker Leather Company; of John B. A. Kerr & Sons; of the E. Sanderson Milling Company; of the Miller Manufacturing Company; of the Milwaukee Gas Light Company; of the Johnson Electric Service Company; of the O. L. Packard Machinery Company; of the Shadbolt & Boyd Iron Company; of Lindsay Bros.; of the Kalamazoo Knitting Company; of the Van Dyke Knitting Company; of the T. A. Chapman Company; of Landauer & Co.; of the James E. Patton Company; of the Filer & Stowell Company; of the Cribb Carriage Company; of Layton & Co.; of Mendel, Smith & Co.; of Inbusch Bros.; of Roundy, Peckham & Co.; of the Wilbur Lumber Company; of L. Bartlett & Son, and of the Gender & Paeschke Manufacturing Company, all in the city of Milwaukee, Wis.

Mr. FRYE. I present a petition of Naval Post, No. 400, of Philadelphia, Pa., praying for the enactment of legislation forbidding the beating of seamen upon our vessels by irresponsible and brutal officers, and abolishing all allotment and advance of wages except to parents, wife, or children. I move that the petition lie on the table, the bill covering the subject having been reported from the committee.

The motion was agreed to.

Mr. FRYE. I present a resolution unanimously adopted by the Society of the Sons of the American Revolution of the District of Columbia, in which it is—

Resolved, That the District of Columbia Society of the Sons of the American Revolution petition Congress that immediate action be taken to preserve the old ship *Constitution*, and for its transfer to a permanent abode in the capital city of these United States.

I move that the resolution be referred to the Committee on Naval Affairs.

The motion was agreed to.

Mr. NELSON presented a petition of the Chamber of Commerce of St. Paul, Minn., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of St. Paul, Minn., praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

Mr. CLARK. I present resolutions adopted at the twenty-seventh annual meeting of the National Board of Trade, held in Washington, D. C., January 26, 27, and 28, 1897, favoring the passage of the so-called Torrey bankruptcy bill. I move that the resolutions lie on the table, and that they be printed as a document.

The motion was agreed to.

Mr. SHERMAN presented a petition of the Board of Trade and Transportation, of Cincinnati, Ohio, praying for the passage of House bill No. 4566, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Board of Trade and Transportation of Cincinnati, Ohio, remonstrating against the passage of the so-called Bailey-George bankruptcy bill; which was ordered to lie on the table.

Mr. PALMER presented the petition of H. W. Everest, president of the State Teachers' Association and of the Southern Illinois State Normal University, of Carbondale, Ill., praying for the enactment of legislation to provide for the better equipment of the National Bureau of Education; which was referred to the Committee on Education and Labor.

Mr. GALLINGER presented the petition from George W. Buzzell, of the Methodist Episcopal Church, of Hudson, N. H., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. CULLOM. I present the petition of Haggard & Marcusson, of Chicago, Ill., praying for the passage of the so-called Loud bill, relating to second-class mail matter. I wish to state that a very large number of the most prominent business men of Chicago are anxious for the passage of that bill.

I move that the petition be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. CULLOM presented the memorial of J. P. Devlin, editor, of Chicago, Ill., remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

He also presented the petition of J. Seymour Curry, of Evanston, Ill., and a petition of the Methodist Episcopal Church, of Chicago, Ill., praying for the ratification of the pending arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

He also presented the petitions of the Falker & Stern Company, of Chicago; of Sweet, Dempster & Co., of Chicago; of I. S. Moore, of Galena; of H. Cohn & Son, of Chicago; of J. S. Stevens, of Peoria; of the Geneva Optical Company, of Chicago; of Grommes & Ullrich, of Chicago; of L. B. Mantonya & Co., of Chicago, and of Guthmann, Carpenter & Telling, of Chicago, all in the State of Illinois, praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Rock Island, Ill., praying that an appropriation be made for certain improvements in connection with the arsenal in that city; which was referred to the Committee on Appropriations.

Mr. BLANCHARD presented a petition of New Orleans Branch, No. 28, National Association of Post-Office Clerks, of New Orleans, La., praying for the passage of the so-called post office clerks' classification bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the New Orleans Stock Exchange, of New Orleans, La., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented the memorial of H. G. Goodwyn, publisher of the Chronicle, of Colfax, La., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Philadelphia, Pa., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE presented a petition of sundry residents of the Ben Adhem House Social Settlement, of Boston, Mass., and a petition of the Connecticut Valley Congregational Club of Massachusetts, praying for the ratification of the pending arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

Mr. SMITH presented the petition of Mrs. Cornelia Collins Hussey, of East Orange, N. J., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented the memorial of Joseph A. Dear, publisher of the Evening Journal, of Jersey City, N. J., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of H. B. Anthony, of Camden; of Mrs. Charles Keighley, of Vineland, and of the Woman's Christian Temperance Union of Vineland, all in the State of New Jersey, praying for the enactment of legislation to amend the postal laws relating to second-class mail matter, and also to prohibit the interstate transportation of obscene mail matter by any agency; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Jacob Stein, of the National Soldiers' Home of Virginia, late of Company A, Forty-sixth Regiment New York Volunteer Infantry, and of Company C, Fourteenth Regiment New Jersey Volunteer Infantry, praying for indemnification from the Government on account of hardships endured by him during his service in the late war; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (H. R. 6215) to increase the pension of Ambrose D. Manion, reported it without amendment, and submitted a report thereon.

Mr. CLARK, from the Committee on Patents, to whom was referred the bill (S. 3158) for the relief of the heirs at law of the late Duncan H. Campbell, reported it without amendment, and submitted a report thereon.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (H. R. 1168) to increase the pension of Josiah P. Hill, late of Company F, Eighty-first Regiment of Illinois Volunteers, in the war of the rebellion, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6166) granting a pension to Minnie Parker, widow of Col. and Bvt. Brig. Gen. Ely S. Parker, late of the United States Army, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (H. R. 2725) granting increase of pension to Henry Slaughter, reported it without amendment, and submitted a report thereon.

Mr. PALMER, from the Committee on Pensions, to whom was referred the bill (S. 617) granting an increase of pension to Mary E. Law, reported it without amendment.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (H. R. 4001) to reinstate William Waldrup on pension roll, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5061) to pension Ira Powers, of Henderson County, Tenn., reported it without amendment, and submitted a report thereon.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (H. R. 7821) granting a pension to Annie Schifirli, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported an amendment intended to be proposed to the sundry civil appropriation bill, the amendment providing for an appropriation to pay Frank P. Holmes for extra services as conductor of the Senate elevator from July 1, 1891, to January 31, 1892; and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

MRS. MARTHA FRANK.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 3612) granting a pension to Mrs. Martha Frank, to report it favorably without amendment. As this is a bill which proposes to pension an old lady in the State of Georgia, 102½ years old, I ask for its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place upon the pension roll the name of Mrs. Martha Frank, widow of William Frank, member of the company of Capt. John Little in the Indian war of 1818, and to allow her a pension rated at $8 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISS F. L. FAULKNER.

Mr. GALLINGER. A resolution was referred a few days ago to the Committee to Audit and Control the Contingent Expenses of the Senate which provided for the payment of one year's salary to the daughter of Chester R. Faulkner, late a messenger on the rolls of the Senate. The committee report a substitute for the resolution, the substitute providing for the payment of one-half year's salary, which is in accordance, I think, with the uniform custom of the Senate. I ask that the resolution reported as a substitute may be immediately considered.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Miss F. L. Faulkner, daughter of Chester R. Faulkner, deceased, late a messenger on the rolls of the Senate, a sum equal to six months' salary, at the rate per annum allowed by law to the messenger aforesaid, said sum to be considered as including funeral expenses and all other allowances.

REPORT OF TREASURER OF THE UNITED STATES.

Mr. HALE, from the Committee on Printing, reported the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That there be printed 2,000 additional copies of the annual report of the Treasurer of the United States for the fiscal year ended June 30, 1896, for the use of the Treasury Department.

BILLS INTRODUCED.

Mr. ALLEN introduced a bill (S. 3618) to prevent the overcapitalization of corporations, companies, and associations of persons doing an interstate carrying trade, and requiring the taking out of a license therefor in certain cases, and for other purposes; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. GORMAN introduced a bill (S. 3619) to reduce the interest on arrearages of taxes due the District of Columbia prior to July 1, 1895; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3620) for the relief of Joseph Prather, of the District of Columbia, for supplies and stores taken from him by the military forces of the United States for their use in said District during the war for the suppression of the rebellion; which was read twice by its title, and referred to the Committee on Claims.

Mr. BATE introduced a bill (S. 3621) for the relief of William Johnson, administrator of Thomas I. Johnson, deceased, of Fayette County, Tenn., as found due by the Court of Claims under the act of March 3, 1883; which was read twice by its title, and referred to the Committee on Claims.

INTERNATIONAL COURT OF ARBITRATION.

Mr. BACON introduced a joint resolution (S. R. 196) relative to the establishment of an international court of arbitration; which was read the first time by its title.

Mr. BACON. I ask that the joint resolution be read at length.

The joint resolution was read the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States of America deprecate war, and desire the maintenance of peace and friendship with all the world, and that this desire is not limited to their relations with any one nation, but extends to their relations with all the nations of the earth, whether the same be great or small, strong or weak.

Resolved further, That to the end that these relations of peace and amity now happily existing between them and all nations may be perpetually preserved, and that wars may be discouraged and as far as practicable made impossible, the United States favor the principle and practice of international arbitration for the settlement of all questions in difference between them and any other nation which they may fail to adjust by treaty or diplomatic negotiation.

Resolved further, That the United States do hereby avow it as their future policy and intention, whenever there shall arise any question in difference between them and any other nation which they may fail to adjust by treaty or diplomatic negotiation, that they shall and will, so far as they can consistently with the national honor and established national policies, agree with such other nation to submit such question in difference to the arbitrament and final decision of an international court of arbitration. Such court of arbitration shall, in the future as in the past, be constituted by agreement between the parties consenting thereto, with special reference and adaptation to the particular question in difference, and to the conditions then existing.

Resolved further, That the United States hereby invite all civilized nations to make a corresponding and reciprocal declaration, to the end that wars between nations may cease, and that a universal reign of peace may be inaugurated and perpetually maintained.

Mr. BACON. Mr. President, I do not propose in introducing these resolutions to submit any remarks relative thereto. I could not do so without in some measure trenching upon the subject of the pending treaty between this Government and Great Britain relative to international arbitration, which would be manifestly improper.

I simply desire to say, however, in order that attention may be called to this matter, that it must be apparent to all that such a declaration as is embodied in the resolutions, when made by Congress, which is the war-making power, must exert a much stronger influence in the prevention of war and in the encouragement of peace than can be possibly exerted by any treaty between this Government and any other one nation.

In the hope of an early report, in order that this matter which is now occupying the public mind may have a final determination by the present Congress, I ask that the joint resolution be referred to the Committee on Foreign Relations.

The VICE-PRESIDENT. The joint resolution will be referred to the Committee on Foreign Relations.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DAVIS. I submit an amendment intended to be proposed by me to the sundry civil appropriation bill, which I ask be referred to the Committee on Commerce and printed. I call the particular attention of the Senator from Maine [Mr. FRYE], the chairman of the committee, to the amendment. It provides for surveys and examinations of deep waterways and the routes thereof between the Great Lakes and Atlantic tide waters in the respects indicated by the report of the Deep Waterways Commission transmitted to Congress January 18, 1897, $150,000.

The VICE-PRESIDENT. The proposed amendment will be referred to the Committee on Commerce, and printed.

Mr. BAKER submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Health and National Quarantine, and ordered to be printed.

SALE OF PACIFIC RAILROADS.

Mr. ALLEN. I submit a concurrent resolution and ask that it be read.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That a master's, marshal, or any other judicial or execution sale of the properties of the Union Pacific and Kansas Pacific railroad companies, or either of them, without additional legislation by Congress, would not be binding on the Government of the United States, or conclude it of any legal or equitable right therein now possessed, unless such sale should be subsequently ratified by Congressional action.

Mr. ALLEN. Let the resolution be passed over, to be considered on the morning of the next legislative day.

The VICE-PRESIDENT. It will be so ordered.

INTERNATIONAL MONETARY CONFERENCE.

Mr. CHANDLER. I ask that Senate bill 3547 may be taken up for consideration.

Mr. PETTIGREW. Have we disposed of the morning business? I should like to know.

The VICE-PRESIDENT. The morning business has not been concluded. The Senator from New Hampshire addressed the Chair.

Mr. CHANDLER. I ask that Senate bill 3547 may be taken up.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent for the present consideration of a bill the title of which will be read.

The SECRETARY. A bill (S. 3547) to provide for the representation of the United States by commissioners in any international monetary conference hereafter to be called.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill, the pending question being on the amendment proposed by Mr. CANNON.

Mr. VILAS. Mr. President, I desire simply to express my opposition to this bill, not to engage in a fruitless debate. I shall mention but two or three points of objection, and them briefly.

In what it says, still more in its implications, the bill is worse than useless—it is highly vicious. It is another of the ambiguous and timid utterances, of the projects, illusory—perhaps it is not too much to say deceitful—by which those of our countrymen who put faith in the declarations of Congress, as guided by wisdom, are perversely taught misconception of the true principles of government, of finance, and commerce.

I do not charge that the scheme is not supported with sincerity, nor that in fact no conference is purposed to be held, or, if held, no practical result is anticipated—though for this there might be grounds of suspicion, as the Senator from California [Mr. WHITE] intimated yesterday. I take it rather as being what its words indicate, and there find it worse in effect than if merely insincere.

It proffers again to the public as sound and wise the theory that bimetallism, in the sense that a stable, practicable, and useful standard of value may be compounded of the two metals, gold and silver, both enjoying free and unlimited coinage at an arbitrary ratio, if only many nations will try it together instead of ours alone. In that it defies the teaching of history, the advice of experience and experienced men, and the deductions of sound reason.

No such bimetallism has ever existed in fact; in no country of the world does it exist now. Always and everywhere the concurrent unlimited coinage of the two metals, at any ratio, has resulted in the involuntary, unconscious, but inevitable fixation, for the time being, of one or the other metal as the standard, the vain though constant pursuit of an unattainable adjustment of relation between two different and contending standards at the same time by continual shifts of legislation, always accompanied by instability of values of the current coins, profitable only to money changers, but inflicting distress on business, and especial injury on those who depend on their labor for life and its enjoyments.

The pretense that any such system of bimetallism as created the standard out of both metals, so that the value of both became necessary components of it, has ever had existence in the world is overwhelmed by the most trustworthy historical researches and must be consigned to the limbo where the ghosts of witchcraft, astrology, demonology, and kindred superstitions have been driven by the advancing intelligence and wisdom of mankind.

It would matter little if it were granted to have once had some footing on earth, for it has none now. As I said, no country furnishes example of it. Some base their reckoning of business on silver coins; some on gold; but none on a bimetallic standard.

If such ever existed, then it has disappeared; and let him who would demand its resurrection confront the experienced progress of human intelligence.

In either aspect the pursuit of a bimetallic standard of such a character is as idle as would be human effort to divert the Gulf Stream or warm the climate of the poles.

But still more this bill implies to the public mind, and the inference is certain that such a standard of value is far better and more desirable than the present. It is complete acknowledgment of the fundamental assumption of the Bryan campaign that a gold standard of monetary measurement, however freely silver may be used within the sphere of its practical usefulness, is wrong, not right, a false, not a true, standard, the product of evil law, not of just and natural law, an injury done society by human error which can be in some way redressed, and therefore ought to be. And it fairly leads to the recent issue that but for the wicked resistance of other countries the grievous wrong might be righted and the woes of mankind, here and elsewhere, vastly alleviated. Sir, no wonder men listened to the siren tones that lured them toward this fancied blessing and said, "Let us try it alone, let us be free and independent, let us have the boon of prosperity, 'without the consent of any other nation on earth.'"

If they had been right in their basis, which this vicious and misleading bill now implies, they were right in this insistence, for it is assuredly a truth, sir, in my poor opinion, that any people under the sun may pursue alone the sound principles of finance, commerce, business, and good government, without any exception whatever of a single principle among all that rule those subjects, independently of other nations, and be gainers, not losers, by their faithful adherence to them. Not always to the full extent that cooperation with others would insure, but always to advantage and benefit far beyond any attainable by not pursuing them.

Why, then, if the free coinage of both metals at an arbitrary ratio be a principle of finance or commerce valuable to many nations together, is it not, like all sound principles of finance and commerce, helpful to the nation which pursues it alone? Sir, that appears to me a question which the average common sense of man does not find answered by the refinements and mysticism which proffer all the benefits of principle only to some hopeless application of it; and it can not be thus answered to any sound judgment. "The hills are green far away" is the sententious Irish saying that dispatches such fantastic theories.

And well may it be applied to this dream of international bimetallism. How many more conferences do we require to satisfy us of the futility, the fatuity, of all such attempts? How many times more must we be shown that the comity of nations does indeed forbid the world to laugh in our faces, but by no means suppresses their laughter in the sleeve? Of course, if the United States shall continue to be inspired by that sort of statesmanship which will try to keep an intelligent people from bothering politicians in their pursuit of place, by putting them off with the expectation of splendid results to come "in the sweet by and by" from a millennial concord of nations in financial affairs, why, just so long polite, courteous, and sympathizing politicians in the countries of Europe will gravely consent to light a council fire and have a "big talk" with the United States. It is for nations as for Indians, a rule of politeness. And we can undoubtedly again get together at Paris, Brussels, or some other pleasant capital a delightful assemblage of the brainiest and brightest financiers of Europe, who will listen with sedate faces and blink like wisdom-laden owls while our commissioners shall unfold again the glorious joys to the human race to spring from the free and unlimited coinage of silver at 16 to 1, with all the delectable tables of mathematical confectionery which attend the winsome argument. And after a sufficient number of days have been worn away in the rites and ceremonials of financial mysticism until greater bewilderment of mind becomes impossible, and after dinners, receptions, and social festivities have begun to pall, some one will quietly point out, like Mr. Forssell, of Sweden, at the last Brussels conference, that no such a thing as this fancied bimetallism can possibly be created because incapable of existence, and then it will gradually leak out that in point of fact the delegates from the countries where the arts of civilization have been most triumphant really were sent under instructions which practically forbid any definite agreement of any kind. And then, with many assurances of the profoundest mutual esteem, and the most distinguished mutual consideration, and the most delightful international love, they will adjourn to meet again when called together, an event that will never occur.

Three times the United States have caused this pretty play to be enacted—twice at Paris and once at Brussels—France once even joining us in the invitation to the others. And the truth is, the international farce does not please Americans longer. Perhaps they can all, or nearly all, be fooled part of the time, but the time for this foolery has passed.

We have a plain and easy path before us, and it opens to all the prosperity, and especially to all the relief from afflicting currency disorders, which any legislation can give. We know that mankind in the whole can not be made rich or prosperous by legislation. If any class is so enriched, it is at the cost of the masses.

That, then, is the true plan of law which establishes the equality of privilege and right to all without distinction, and leaves the prosperity of individuals to individual efforts. And that is the wisest law of currency which fixes a simple, stable, certain standard, with sufficient provision for a circulation based upon and immediately and everywhere redeemable in it, elastic, convenient, and safe, and then leaves men entirely alone to transact their business without fear of change in the standard.

The currency should be as easy to enjoy as the air we breathe, as natural in operation, as wholesome to business as the oxygen to life, and as little liable to meddlesome infection by law.

Sir, the people of the United States have the right to expect such legislation as shall give them a sound currency, under the instruction of the late election. If that supreme object shall be traded off for the gain of favored classes or sacrificed to cowardice, woe to them who shall be guilty of it.

Mr. STEWART. Mr. President, I do not rise to make a speech, but I can not refrain from tendering to the Senator from Wisconsin [Mr. VILAS] my sincere congratulations. He has pictured in graphic language what I have long felt to be a supreme folly. The application to foreign powers to regulate our domestic affairs has always seemed to me to be so preposterous that it ought not to receive a moment's consideration by any American.

There is another part of his argument which challenges my admiration, and that is his profound frankness in advocating the single gold standard. He undoubtedly believes that the United States can have no money unless it can obtain the commodity gold, which European monarchs and European capitalists have cornered and hold in their firm grasp; that if we have money at all we must obtain it upon such terms and conditions as the hoarders of gold dictate, whether it rob us of our property and reduce us to slavery or not.

Believing, as I do, that money is the creation of law, and that it is the duty of the Government to furnish a sufficient volume of money to enable the country to prosper and develop its resources, I view with astonishment any man who has conceived the idea that civilization must perish if the United States can not obtain the commodity gold upon which to stamp the will of its sovereign authority and use it for money. I say that his courage in this respect challenges my admiration. I never was one of those who doubted the sincerity of the great mass of mankind who held to the theory that the world was flat, though I deprecated their fanaticism for the persecutions they inflicted upon others who thought differently; nor did I doubt the piety of the divines of the Middle Ages who thought it was sacrilegious to adopt sanitary measures to preserve health, when all that was necessary, in their opinion, was faith. I have often thought and often compared the feeling of those who believed that the world was flat and those who believed that sanitary measures to preserve health were wicked with the unctuous and enthusiastic teachings from the White House and elsewhere, that all we needed to restore prosperity was confidence. They are very similar. The confidence that civilization can be preserved by gold alone, it seems to me, stands upon the same footing as the confidence that the world was flat or that sanitary precautions were wicked. As to those gentlemen who believe otherwise, who believe that the free coinage of silver would be a good thing, and want to apply to Europe for it, when we have been three times denied it, I may question their sincerity, but when a man believes that the world can be saved with gold alone, whether we have it or not, and honestly avows that belief, his courage in stating his convictions ought to make us commend him at least personally.

The folly, however, of believing that this civilization must perish for want of money unless we can get the commodity gold from those who have hoarded it is a burlesque on human reason and is a reflection on the intelligence of the age. If it were not for the misery that it entails, if this country were not suffering distress the like of which was never before known, it would be comical to listen to the arguments to show that money, which Aristotle declared more than two thousand years ago was the creation of law, existed in any commodity whatever.

You may say to me, "Why do you want to use the commodity of silver?" My reply is: Because there is more of it than there is of gold alone, and it will come nearer rescuing this civilization from inevitable destruction than one metal alone, and also because that remedy is within our reach. That is my reason for it. Six and a half million people have declared for it, and hundreds of thousands, aye millions, of others would have declared for it if money had not voted, if they had not been deceived by being persuaded that the United States must depend upon the will of the monarchs of Europe for our domestic laws. These people will be undeceived in the next campaign. The Republican party may devise every method of deception it pleases, but the stern realities

of misery are too great to deceive the people again, and everyone knows it.

I am willing the Republican party shall try any method they have and give us another object lesson of the contempt in which our efforts to get others to legislate for us is held by those to whom we apply. Let the American people feel the full force and degradation of applying to Europe to give laws to this country whereby this people can flourish.

Mr. PETTIGREW. Mr. President, I simply wish to record my protest against the passage of this measure; in the first place, because I believe that this country is capable of managing its own affairs without the assistance of any other nation on the globe. In the second place, I do not believe that we should longer be suppliants at the feet of the European nations, who are the chief beneficiaries of the appreciation of gold, they being our creditors, and that it is humiliating enough to have asked as often as we have for a conference on this subject; that if we can not do this alone, in other words, if we can not adopt the free and unlimited coinage of silver by ourselves and thus relieve our people from the depreciation of the value of their products, then we should do something that we can do alone. We should not longer appeal to the nations of Europe, who are the chief beneficiaries of the existing conditions, for their assistance for our relief.

I contend, Mr. President—at least I am of the opinion—that there is not a Senator on this floor who believes that a bimetallic agreement with the nations of Europe will result in the establishment of a ratio between 15 and 16 to 1, or even 16 to 1. I think there is no Senator who for a moment supposes that Great Britain will change her monetary system, and I can see no excuse whatever for the introduction of this bill, except the necessity of the Republican party to satisfy many hundred thousands of people who are advocates of silver and who voted the Republican ticket, perhaps believing that something would be done. That nothing will be done is established conclusively by the result of the conferences already held.

The first conference was held in 1867, at the invitation of France, and met at Paris on June 17, 1867. Eighteen of the principal European countries and the United States participated. They voted unanimously against the single silver standard, and every nation participating in that conference voted in favor of the single gold standard but the Netherlands, and they also voted to establish the 25-franc gold piece as an international coin.

The next conference met, at the invitation of the United States, at Paris August 16, 1878. Twelve countries were represented. Germany refused to send delegates. It was proposed by the United States, first, that it is not to be desired that silver shall be excluded from free coinage in Europe and the United States; second, that the use of both gold and silver as unlimited legal tender may be safely adopted by equalizing them at a ratio fixed by international agreement.

Then the convention resolved—what? Simply this, and nothing more: That the difference of opinion that had appeared excluded the adoption of a common ratio between the two metals, and then adjourned.

The next, or third, conference was called by France and the United States, and held in 1881, nineteen countries being represented. The delegate from Sweden said that they had better reaffirm the declaration of 1878, and the conference reaffirmed that declaration and adjourned never to meet again. That declaration of 1878 was that the differences of opinion which had appeared excluded the adoption of a common ratio between the two metals.

The next conference was held at Brussels in 1892. At that conference the United States proposed, not the free and unlimited coinage of silver at any ratio, but simply this: The United States had at first sent an invitation to Great Britain, asking that Government to join us in a convention to adopt both metals at a ratio to be agreed upon. Great Britain refused to accept the invitation to the conference to discuss the question of agreeing upon a ratio for the coinage of the two metals, but when we changed the invitation so as to provide for simply meeting and discussing the question of the enlarged use of silver Great Britain joined in the conference, and this was the programme of the United States in the conference of 1892.

> That in the opinion of this conference it is desirable that some measure should be found for increasing the use of silver in the currency systems of the nations.

That was all. No greater or broader resolution would be accepted by Great Britain, neither would she join us in a conference to discuss the question of the ratio. But what more? Mr. Wilson, a delegate from Great Britain, immediately said:

> Her Majesty's Government did not find it possible to accept an invitation conveyed in terms which might give rise to a misunderstanding by implying that the Government had some doubt as to the maintenance of the monetary system which had been in force in Great Britain since 1816.

Speaking for Sir Charles Fremantle and himself, he said:

> Our faith is that of the school of monometallism pure and simple. We do not admit that any other than the single gold standard would be applicable to our country.

Early in the session the leading delegate from Germany declared:

> Germany, being satisfied with its monetary system, has no intention of modifying its basis. * * * In view of the satisfactory monetary situation of the Empire, the Imperial Government has prescribed the most strict reserve for its delegates, who, in consequence, can not take part either in the discussion or in the vote upon the resolution presented by the delegates of the United States.

Germany in that conference then refused to discuss or vote one way or another upon a proposition simply for the enlarged use of silver.

Austria-Hungary, although represented in the conference, instructed their delegate to take no part in the conference, in its discussions or votes.

The delegate from the Netherlands declared—

> That Holland would not enter into a bimetallic union without the full and complete participation of England is a part of the formal instructions furnished us by our Government.

France made the same declaration practically, in fact absolutely the same declaration, that she would not participate in any agreement unless England joined.

The delegate from Sweden, Mr. Hans Forssell, said that—

> It would be premature to vote upon the resolution of the United States when the means were not known by which the use of silver as a monetary metal could be enlarged.

What probability was there to discuss with them the question of the ratio and the free and unlimited coinage of silver? He proposed to postpone the vote until a future meeting.

Mr. Lardy, delegate of Switzerland, made the following declaration:

> The Swiss Government hastened to accept the invitation of the President of the United States, guided by the same sentiments which caused Switzerland to be represented at the monetary conferences at Paris in 1878 and 1881.

Then he goes on to declare that they are satisfied with their money system and will not change it. Why should they not be? They owe nothing, and the world owes them; their situation is the same as that of England in that respect.

Prince Ouroussoff, delegate of Russia, expressed himself in the following terms:

> I must make the same reservations as others of our honorable colleagues. The Russian Government takes the most lively interest in the conference, and has therefore given instructions to its delegates to follow attentively the debates, but they may not vote upon proposals which have a definite character or involve practical resolutions.

Mr. Bengesco, delegate of Roumania, made the following declaration:

> The instructions of my Government not having arrived, I consider myself bound to make the same reserves as my honorable colleagues. I declare, therefore, that I can not take part in any discussion or in any vote upon the proposals which are submitted to us.

Mr. d'Antas, delegate of Portugal, joined in the reserves made by some of his colleagues, notably by the delegates of Austria, Russia, and Roumania; he recalled the fact that similar reserves had been made by the delegate of Portugal at the last monetary conference.

The delegate from Turkey made the same reservation—in fact, pretty nearly all of them did—simply declining even to discuss the question of enlarging the use of silver.

This convention adjourned to meet again at some future time, to be called again, some time within the then coming year, but it never reassembled. Afterwards the Congress of the United States passed a bill providing for nine delegates to a monetary conference whenever we could find anybody who would confer with us; and we were unable to find anyone who would join in a conference and who would talk with us about this question, and the law lapsed by limitation of time. Now it is proposed to have another conference with the same people after more than twenty-five years of constant effort in this direction. I say I will have no part in any effort in that direction. It is humiliating enough to read the history already made without increasing its pages by further humiliation.

Who is the chief beneficiary of the appreciation of gold? The gold-using nations of the world; not their producers, not their farmers, for farming in every gold-using nation to-day has ceased to pay a profit or even the expense of production; not their manufacturers, for their chief industry to-day in the line of manufactures is to create machinery to be shipped to Asiatic silver-using countries to produce the manufactured goods heretofore produced in England. The beneficiaries, then, are the rulers of those countries, the accumulators of the wealth produced by the toil of others. England buys of the world $750,000,000 worth of products more than she sells. How does she pay for them? She pays for them by interest upon the money the world owes her. If she can get two bushels of wheat for a dollar instead of one, she has doubled the comforts which her moneyed classes can buy with this interest money. Is she going to change that system? Not for one moment.

Mr. President, the figures in this direction ought to alarm the people of the United States. Go the world round, and there is not a single country with the gold standard where the producers of

wealth are prosperous. But there are silver-using nations that have made more progress in the last twenty years in the development of material resources, in the creation of wealth, than ever before. What fear, then, is there in our joining the nations of the world whose producers are prosperous, as we are a great nation of producers?

If the people of the United States had received in 1895 the same gold price for their products that they received in 1873 for what they exported to other countries, instead of $807,500,000 they would have received $1,769,000,000. If we had paid the same gold price for our imports in 1895 that we paid in 1873, we would have paid $1,152,000,000 instead of $731,900,000. In other words, Mr. President, the balance of trade, instead of being $75,000,000 in our favor, would have been $617,000,000 in our favor. These exports were principally farm products and raw material, and they declined in price so much more rapidly than manufactured products that the difference was enormously against us. If our people had had $617,000,000 in 1895 instead of $75,000,000, which was the balance of trade in our favor, we would have rapidly commenced the extinction of our foreign debt.

But let us see how this rule affects Great Britain. We lost by it nearly $550,000,000. Let us see how Great Britain fared? England exported in 1895 £226,000,000 in value of manufactured products. If she had received the same price in 1895 that she received, for instance, in 1894 the difference would have been £8,500,000. If she had paid the same price in 1895 that she paid in 1894 for her imports, the difference would have been £17,000,000. In other words, the decline in price from 1894 to 1895, the result of the appreciation of gold, made a difference in England's favor of $40,000,000, and the Statist, in commenting upon this subject, says that since 1873 the rapid decline in the value of farm products and raw materials, which are the articles that England has purchased, has made such an enormous difference in her favor that she can well afford to suffer the slight decline that has come to her manufactured products.

Mr. President, if we would bring prosperity to this country we must rescue the farmer of the country. To-day the cost of producing farm products is greater than the price in gold. It is a significant fact that if the grain crop of the United States in 1895 had brought the same price in gold that it brought in 1873, the farmers of this country would have received $900,000,000 more than they did. If the cotton crop had brought the same price in 1895 that it brought in 1873, the cotton raisers of this country would have received $350,000,000 more than they received for their crop, farm animals would have brought $250,000,000 more than they did, and the difference upon these four staple items alone would have been $1,500,000,000.

I call the attention of the manufacturers of the East to these facts and figures. If you would start your factories and your mills, you must restore prosperity to the purchasers of your manufactured articles. If the farmers of this country had received in 1895 $1,500,000,000 more than they did, it would have employed every idle man in the United States and started every mill. Can you secure this prosperity by increasing the tariff? What argument do you present to the farmer for a remedy; and until you rescue him, no other remedy is of avail. Oh, you say you will furnish a home market for farm products. Mr. President, we can not have a home market for farm products and a gold standard. That is absolutely impossible. We must pay $200,000,000 of interest abroad each year. We must pay $75,000,000, the expenses of travelers abroad. We must pay the doweries of the American girls who marry the decayed branches of royalty in Europe. These sums are paid with farm products. Eighty per cent of the exports are products of the farm, and the large proportion of the other 20 per cent are mineral, oil, and silver. If we have a home market for farm products, how are you going to pay these charges abroad, to say nothing about paying for our imports? You must do it by shipping gold, and therefore a home market for farm products and a gold standard are impossible unless Senators are willing to have a gold standard without any gold.

Therefore if we would remedy the evils under which we suffer, we must raise the value of silver by increasing its use, and decrease the value of gold by decreasing the demand for it. I contend that that can be done by the United States alone; that we can take not only all the available silver, but many hundreds of millions more and enlarge our volume of metallic money, to our great advantage. If we should fail to maintain the parity, what harm would come to us? If we should fail to maintain the parity, we would simply join the only nations whose producers are prosperous to-day. We would simply leave the ranks of those nations whose producers are in ruin and distress. Not an agricultural conference has met in Europe for years that has not attributed the decline of agriculture to the demonetization of silver.

If the people of the United States would absolutely discard the use of gold, withdraw the demand for that metal from 70,000,000 people, it would have the same effect upon the price of gold as the discovery of mines of hundreds of millions of dollars in value. Therefore, as debtors, it should be the policy of the United States to decrease the demand for gold, to throw what gold we have upon the European market, to refuse it currency as money in order to make it cheaper and easier to get. Suppose our gold should leave us. It would simply inflate the gold currency of Europe, and as we sell our surplus farm products in Europe, and as the inflation of the gold currency of Europe would raise prices in gold, or, in other words, require less of our grain and our cotton to secure the gold dollar, we would pay our European debt with less of the products of our toil. It seems to me that reason, good judgment, and common sense demand that the American people shall act for themselves. To longer trifle with the subject, to continue to be the laughingstock of the financiers of Europe, is too humiliating. I trust that the United States will rise in its might—and I believe the people will at the next election—and refuse longer to be a suppliant at the feet of the monarchies of Europe; that it will no longer beg the money changers of London for a chance to legislate for the interest of our own people.

Mr. ALLEN. Mr. President, I think it will be a serious mistake if the friends of monetary reform shall obstruct in the slightest degree the passage of the pending bill. I think our friends on the other side want us to obstruct it. The Senator from New Hampshire [Mr. CHANDLER] shakes his head at me, which is as much as to say that I am mistaken in my statement. I do not abate one jot or tittle of my belief in the doctrine that this country can never see prosperity until we have bimetallism and general monetary reform. But our Republican friends are coming into power, as a result of the recent election, on two arguments which they used last fall, to say nothing of the questionable means they employed in producing the result.

Those arguments were, first, that they were bimetallists and that they were the friends of silver. They wanted to coin silver, but they could not do it because Europe would not consent to it. If the people of this country would only give them power, when they came into the possession of the Government they would have international bimetallism: we would have an international coinage ratio, and gold and silver in the United States and in Europe would be money of equal value. Secondly, they said, "We will revise the present tariff act"—the present free-trade act, as they called it, which was a misnomer—"and will give the people a new tariff, which will protect the industries of the country and open the factories and bring about prosperity."

I think it would be a mistake on the part of the friends of silver and monetary reform in this Chamber or in the other branch of Congress to obstruct these gentlemen in the passage of these measures. I am so certain that an international agreement can not be reached, that the arguments used will fail, that I desire to see these gentlemen call upon Europe for a conference on the subject of money. I wish to witness, as I will witness if I live, their absolute humiliation and chagrin when she refuses to enter into a conference; and when she does that, the people of the United States will understand, as they do not understand now, that they have been deceived and hoodwinked again upon this subject, and that there never was any real purpose on the part of the Republican party to bring about monetary reform.

We have had six international monetary conferences since the close of the war. This will be the seventh, if this bill becomes a law and a conference is called. In every one of those conferences Europe has told us in plain terms that she would not agree to the free coinage of silver. In 1865, in Paris, at the very first conference, which was attended by the senior Senator from Ohio [Mr. SHERMAN] and by another delegate from this country, without debate and without examining the question in the slightest degree, the first thing the conference did was to resolve in favor of the single gold standard throughout the world. The subject was not agitated; the convention had barely met and organized when a resolution of that kind was introduced and passed, if I recollect aright, unanimously. In every conference from that time to this Europe has told us in language so plain that no man can mistake what she means that she will not agree to an international coin.

Mr. President, we have supplicated Europe upon this question to such an extent that it seems to me any self-respecting American citizen would feel ashamed to importune it any more. But two or three years ago we put upon one of the appropriation bills an amendment creating a commission of Senators and Representatives to meet the representatives of Europe in conference upon this subject. We have heard of no invitation from her from that time to this. Our friends upon the other side have sent one of the most brilliant of their number and one of the most brilliant and able members of the Senate to Europe to hunt up somebody to confer with, and we have not received a report yet that anybody in England or elsewhere is willing to confer with him or with us.

If we successfully obstruct the passage of the pending bill, then our Republican friends will go out to the country again and say, "Oh, the Populists and the Democrats and the free-silver Republicans and the Popocrats and all the combination in the Senate obstructed us, and we could not do anything. Just continue us

in power one Administration longer; give us full sway in the White House, as we have now, and in both branches of Congress, and we will show you that we will form a compact with Europe for international bimetallism, and that prosperity will come back to this country and abide with us." But if we do not obstruct the passage of the bill, and it does become a law, we will demonstrate to the world in less than eighteen months that the argument of international bimetallism is a pretense designed to deceive the voters of the country; that it is not in the power of the Republican party or any other party to bring about international bimetallism; and the people will not be deceived again by an argument of that kind.

Mr. President, so thoroughly am I convinced that the Republican party will be powerless to bring about prosperity to this country without domestic bimetallism and monetary reform that I wish to see our Republican friends come in here with a tariff measure of their own making. I desire to see protection from head to foot throughout the length and breadth and middle of the measure, and all through it. I desire to see them protect everything in the United States down to the point of the smallest gimlet that can be found—everything—and then I desire to see that tariff act bring to this country prosperity. We know it will not. If we give them the privilege of formulating their own laws on the subject of silver and the tariff, and they fail to bring prosperity to the country, as we believe they will fail, the arguments upon which they won the victory of 1896 will disappear and the people will repudiate the party before the incoming Administration has served out half its time.

I shall not vote for the passage of this bill; if I vote at all I shall vote against it, but I desire to see it become a law. My friend the Senator from Georgia [Mr. BACON] says to me I ought to vote for it. I will not vote for it, for it is wrong; it is a mere pretense, but I desire the pretense enacted into law, and I wish to see its companion piece make its appearance upon the surface as soon as possible, without any obstruction, so that we can demonstrate to the world that the hard times that are afflicting the people are due in no measure whatever to their refusal to engage in international bimetallism or to a lack of proper legislation upon the subject of the tariff.

Mr. WHITE. Will the Senator from Nebraska permit me to make an inquiry?

Mr. ALLEN. Certainly.

Mr. WHITE. Does not the Senator from Nebraska think that this bill is rather innocent than wrong?

Mr. ALLEN. Perhaps I should stand corrected upon that subject. It is not wrong. It is a useless thing; it is a work of supererogation. I am satisfied the Republicans upon the other side of the Chamber are hoping this minute that the bill will be obstructed by us.

Mr. CHANDLER. That is as unjust a suggestion, I will say to the Senator, as it would be for me to say that I think the Senator from Nebraska hopes that the effort to obtain international bimetallism will be defeated, in order to strengthen his political party. I do not think that kind of an argument ought to be brought into this discussion either way. We profess to be sincere, and the Senator ought to take our word for it, as we take his word for it when he says that he desires to see the free coinage of silver brought about in some appropriate way.

Mr. ALLEN. I am perfectly willing, of course, to accord to the Senator from New Hampshire and all Senators sincerity upon all great matters, but certain political conditions present themselves here of which I am satisfied Senators upon the other side of the Chamber would like to take advantage. I am satisfied that there are Senators upon the other side of the Chamber who are convinced that international bimetallism can not be brought about; that it is a mere chimera; that there is no hope of bringing it about. Therefore, they would rather have the responsibility for the defeat of this measure rest upon Democrats and free-silver Republicans and Populists than to have it rest upon their own party. That is what I mean when I say there is a lack of sincerity upon their part.

Mr. President, if prosperity can be brought about by means of international bimetallism, I am perfectly willing it shall come through that channel. I desire to see this country prosperous. I do not care whether it comes through raising taxes or international bimetallism, or by what means it comes. If we can only lift the pall of gloom that has settled over the country at this time, if we can only bring prosperity to the millions and millions of our people who are suffering, I wish to see that prosperity come, though it may utterly destroy the political party to which I belong. For these reasons I hope there will be no unnecessary obstruction to the passage of this measure.

Mr. CARTER. Mr. President, by whomsoever disputed, the fact remains that marked progress has been made toward the solution of this vexed coinage question during the past year. By common consent ambiguous phrases have been discarded; party policies and purposes have been clearly defined. Last November, by a vote which may be considered as substantially unanimous, the electors of the country pronounced in favor of bimetallism. On the question of the method to be employed to bring about the desired result the two great contending party forces divided. The party led by Mr. Bryan proposed to solve the problem by opening the mints of the United States to the free and unlimited coinage of gold and silver at the ratio of 16 ounces of silver to 1 ounce of gold. The party led by Mr. McKinley insisted that such action would merely transfer the Government from gold monometallism to silver monometallism, and that the transfer would involve disastrous consequences to the country. At the same time his party pledged its best endeavors to bring about bimetallism through an agreement for that purpose between this country and other leading commercial powers.

Mr. Bryan and his supporters contended, and they still contend, that the proposed international agreement was and is an impracticable scheme, a mere political subterfuge, adopted as a campaign expedient and never intended in good faith to serve any other than vote-getting purposes. Mr. McKinley received a majority of the popular vote, together with a majority in the electoral college, and on the 4th of March will become President of the Republic. Anticipating that event, members of his party in the Senate present this bill, and urge its passage at this time, in order to facilitate prompt action by the new Executive looking to the consummation of the pronounced party purpose on this coinage question. Senators who supported Mr. Bryan express sympathy with the alleged purpose, but proclaim an absolute want of faith in the means suggested for its accomplishment. They say that the contemplated international agreement is a mere vision, a shadow, a schoolboy's dream, the plaything of an hour; that, regardless of any effort we may make, the movement will be doomed to failure from its inception.

The Senator in charge of the bill [Mr. CHANDLER] does not share these evil forebodings. He has faith in the movement this bill is intended to initiate. He hopes and believes that this great problem may be brought to a happy solution along the line indicated. Many earnest Senators on this side of the Chamber share his faith, and I believe it is not extravagant to assert that 99 per cent of all citizens of the country earnestly supplement his hopes.

The bill was manifestly prepared to facilitate success. Words, phrases, or elements likely to embarrass progress were undoubtedly avoided with care. It must be borne in mind, in considering any amendment offered, that if this bill becomes a law it will be the basis of all diplomatic action and correspondence preliminary to the convening of delegates in a conference representing the several nations disposed to participate with us in an effort to settle this coinage question.

The act of Congress would be published in full in every capital in Christendom the morning after its passage, and it would thereafter at all times be considered as a part of the invitation of this Government to other nations to join in a monetary conference. It is obvious that language might be placed in the bill which would render acceptance of the contemplated invitation quite embarrassing to well-disposed or friendly nations.

I know it was the object of the framer of the bill to give to the President, on whom the burden of responsibility will largely rest, all needful authority, unhampered by needless conditions. At this point an amendment is presented by the Senator from Utah [Mr. CANNON] changing the well-considered phraseology of the bill, and requiring that the conference shall be held in Washington City. At the same time he insists that in any form the movement will certainly result in absolute failure.

Mr. CANNON. Will the Senator from Montana permit me?

Mr. CARTER. Certainly.

Mr. CANNON. I do not think the Senator desires to do me an injustice. Nowhere nor under any circumstances have I ever stated that a movement for an international agreement for bimetallism based upon proper action by this Government would be a failure.

Mr. CARTER. I am glad to have the Senator correct that point, because I certainly understood him to insist that this movement would not, in the nature of things, succeed. Do I now understand the Senator to say that he believes, if his amendment is adopted and made a part of the law of the land, it will, in and of itself, result in a full and complete solution and a satisfactory adjustment by international agreement?

Mr. CANNON. The Senator from Montana may understand me to say distinctly that if my amendment shall be embodied in the bill, the people of the United States will know, when we get through with this effort for an international agreement, whether it is possible or not. If we can not get an international agreement for bimetallism, the next best thing for the people of this country is to ascertain that we can not get it.

Mr. CARTER. Upon that we have no point of disagreement. Then, sir, from prospective failure there is no pretense that his proposed amendment can or will save us. The Senator in charge of the bill [Mr. CHANDLER] thinks the amendment proposed by

the Senator from Utah [Mr. CANNON] would greatly embarrass, if not prove fatal to, the objects of the measure.

In this dilemma I submit that the wise course for the Senator from Utah is to withdraw his amendment. Should his amendment prevail, he will have accepted responsibility where he predicts inevitable failure. It is better to be entirely frank about the matter. If the effort of the coming Administration to solve the vexed question ends in failure to secure an international agreement, an important result will have been achieved in demonstrating the futility of the scheme. But, sir, the political utility of the result will be measurably impaired if it can be truthfully said that the ardent friends of silver paved the way for the failure by declining to permit the advocates of international bimetallism to proceed according to the dictates of their own party policy. How can you hereafter justly charge the Administration with responsibility for failure or delinquency if by the record it appears you insisted that the Administration should act on the lines you prescribed or not act at all?

The question at issue is beyond phrases and synonyms. The country understands it. The question is, Can an international agreement be secured establishing bimetallism in this and other countries? The people demand a demonstration, an honest demonstration, on this question. The country will not accept the result if the movement is dominated by those who predict failure from the beginning. Inasmuch as the Senator from Utah has no confidence in success even with the amendment he offers, it occurs to me, since he disclaims, and properly so, responsibility, the wise and prudent course for him is to follow the lead of the Senator from Nevada [Mr. STEWART] by withdrawing his amendment.

It has been suggested by the eminent Senator from South Dakota [Mr. PETTIGREW] that repeated efforts have been made to secure international cooperation in the solution of this money question. That fact can not be gainsaid nor can it be denied; but I submit this observation in connection with the previous efforts made. Never at any time in the history of this Republic have the people, prior to the recent election, made a direct and unquestionable issue upon the methods of procedure and purposes to be accomplished. The American people have made in this respect a determined effort of their own, and during the next four years it will devolve upon the Administration to demonstrate its ability to bring about an agreement or to demonstrate to the country the fact that such an agreement can not be obtained. It is entitled, having this mighty weight of responsibility, to the cordial and friendly cooperation of those who would see silver remonetized by either national or international effort.

Mr. CANNON. Will the Chair kindly state the status of the question at the present moment?

The VICE-PRESIDENT. The pending question is upon the amendment submitted by the Senator from Utah [Mr. CANNON].

Mr. CANNON. Mr. President, after the correction which I made of the statement by the Senator from Montana [Mr. CARTER], I did not expect to hear him repeat it in other terms. Subsequently he avers that I have no confidence in the amendment which I have proposed to the pending measure and that I disclaim all responsibility for it. Neither assertion is correct, Mr. President. I have confidence to the full extent stated by me in correcting the former assertion of the Senator from Montana. I think that I have fully as much confidence in the proposed amendment as the mover of the bill has in his own measure, and fully as much confidence in this effort for international agreement as has the Senator from Montana, whose record has been so long and so well known on this question that I may practically claim to have occupied with him identically the same ground up to the convention of last June.

Mr. President, except for the tragic element which enters into the lives and fortunes of the American people under the gold standard, this movement and the new ethics asserted for it here would have the air of grotesqueness for the American people. This measure is supported by a caucus of a party whose commanding figures do not believe that so-called "fixity of value" of gold and silver can be accomplished by the legislation of one nation or the agreement of all nations. It is supported by the caucus of a party whose newspapers declare that we are on the gold standard now, the standard of "the most enlightened nations of the earth," and that it is folly to attempt international agreement—newspapers which ridicule the pledge to promote international agreement in the platform of their own party. It is supported by the caucus of a party whose financial pillars declare that ruin and national dishonor will follow further attempts in this direction.

I am willing to waive all that, however, and, as I stated, I am willing to vote for the bill. But, at the risk of shattering the sanctities of this place, I take the liberty of questioning the propriety of the new ethics which have been presented to us here for political action and for parliamentary practice.

Both the Senator from Nebraska and the Senator from Montana declare that it is our duty to submit this entire question to the party recently elected to power. If it has become the duty of a minority here or elsewhere in this Republic to allow a majority to work its own sweet will upon legislation, then the seats of the minority should be vacated in this Chamber. So soon as a President is elected, if his party shall have control of both branches of the National Legislature, all opposition to their purpose should cease; and then we would see destroyed the greatest guardianship which the rights of the people have had through the centuries—the watchfulness and the courage of a minority acting as a restraint or an impulsion upon the majority. The distinguished Senator from Indiana [Mr. TURPIE], whose remarks we listened to recently on the Maritime Canal Company, would under the same proposition owe it as a duty to his country and his constituency to allow the proponents of the Maritime Canal bill to pass it without an amendment and in their own form, because they have faith in it and he has not.

The VICE-PRESIDENT. The Senator from Utah will please suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. CHANDLER. I ask unanimous consent that the unfinished business may be temporarily laid aside to proceed with the consideration of the pending bill.

Mr. MORGAN. Before that request is put, I hope the Senator will give me a moment. I want to ask the unanimous consent of the Senate to name a day on which a vote can be taken on the Nicaragua Canal bill.

Mr. PETTIGREW. The Senator from Utah has not finished his remarks, and I ask unanimous consent that the pending order be laid aside temporarily until he concludes.

Mr. MORGAN. There will be perhaps no objection to that, but at the same time I want to ask the consent of the Senate now, before we act on that matter, to fix a day for voting on the Nicaragua Canal bill.

Mr. CHANDLER. I suggest that the Senator from Alabama allow the Senator from Utah to finish his remarks. Then——

Mr. PETTIGREW. It will take but a short time, I think.

The VICE-PRESIDENT. Does the Senator from New Hampshire withdraw his request?

Mr. CHANDLER. I withdraw the request.

The VICE-PRESIDENT. The Chair submits the request of the Senator from South Dakota that the pending order be laid aside temporarily in order that the Senator from Utah may conclude his remarks.

Mr. MORGAN. I have no objection to that.

The VICE-PRESIDENT. Is there objection? The Chair hears none. The Senator from Utah will proceed.

Mr. CANNON. Mr. President, if we shall adopt this plan on this question, the gravest which now confronts the American people, it will have become a precedent that men shall not even interpose to amend tariff laws, and if the Democracy, with a platform of tariff reform or free trade or tariff for revenue, shall some time come to the control of the Government, it will be the duty of those who do not believe that prosperity and success will attend upon the enactment of free-trade legislation here to withhold all objection thereto.

The statement by the distinguished Senator from New Hampshire [Mr. CHANDLER] that the friends of this measure have prepared it in precisely the form that they desire it to become a law, and that efforts to modify or amend would probably result only in its defeat, came to me as a great surprise. The Senator sat in this Chamber at a time not long distant when there was proposed here by the opposing party a tariff measure. The proponents of that bill declared that it would give freedom to American industry, greater prosperity to American homes. The believers in it, according to this doctrine, should have had permission to enact it precisely in the form in which it came from the House, if ratified by the majority then in the Senate. But the distinguished Senator from New Hampshire took it upon himself, in the interest of his fellow-citizens of this Republic, to offer numerous amendments thereto, as did other gentlemen. I question, sir, whether it is proper to assert, even for the sake of gaining political advantage, that the possession of power by any party in the Republic gives it the right to work its will without restraint, without amendment, without comment, or without correction.

Mr. CHANDLER. Will the Senator from Utah allow me a word?

Mr. CANNON. Certainly.

Mr. CHANDLER. I think the Senator has mistaken the point in his discussion of what he calls an ethical principle that has been asserted here. I did not notice that it was an ethical principle. The point is precisely what I shall state, not the one the Senator states now. The bill is proposed in a Senate a majority of whose members confessedly do not believe that there will come a successful result from an international agreement, and it can

not pass if, feeling that way, they choose to vote "no." In presenting the bill to the Senate under such circumstances we necessarily appeal to the generosity of those who do not believe there can be any successful result. Now, if they choose to vote it down, that is perfectly proper and legitimate. If, however, they do not choose to vote it down, they ought to show large consideration for the framers of the project and not undertake to load the project with amendments that may defeat its passage through Congress, and if it passes may defeat the object of the conference. I think I make my statement so the Senator will not do me, or any other Senator who has made that appeal, any injustice hereafter.

Mr. CANNON. Mr. President, I understand the Senator perfectly well, and I do not see any difference now between the position assumed by him and that which I asserted as having been assumed not only by himself in his original remarks on this bill, but by the Senator from Nebraska and the Senator from Montana. I do not understand, sir, that there has been any contention by the majority of this body that international agreement for bimetallism is an impossibility. The Senator from New Hampshire says that a majority of this Chamber is confessedly in favor of this measure.

Mr. CHANDLER. Excuse me. The Senator, unintentionally no doubt, misrepresents me. I did not say that a majority of the Chamber were not in favor of trying an international conference. I said that a majority of this Chamber had no faith that a successful result would ensue. The Senator from Georgia [Mr. BACON], I think, has little or no faith that bimetallism will be achieved, but still he thinks this bill ought to pass.

Mr. CANNON. Why, Mr. President, we are splitting hairs here. If men have no faith in a method, certainly they are not in favor of it. Sincere and conscientious men will not be in favor of a thing that they have no faith in. I recognize that a great many Senators here will undoubtedly vote for the bill in such form as it shall be when finally presented upon its passage, not necessarily because they have entire confidence in the success of the measure, but because they are willing that the party about to come into power shall be at liberty to make the attempt.

However, I do not think that we should be restricted in our right to insert such language in the bill as will make it effective and as will make it mandatory upon the President of the United States to call an international conference. It has been stated here repeatedly that the record of foreign conferences has been one of humiliation. If we must fawn forever at the feet of those who control the finances of the world, let us at least preserve self-respect and do it when we are their hosts and they are in our habitation, instead of doing it when we are their guests.

I believe the American people have the right to know the manner in which international conferences to secure bimetallism are conducted. I believe that the very fact stated by the Senator from New Hampshire that the Western Hemisphere is for bimetallism will have its effect upon the conferees whom Europe shall send. We saw not long since an illustration of the effect of locality. Last year there was held a convention in the city of Indianapolis at which was nominated the only gold-standard candidate for the Presidency of the United States. When the bankers of this country wanted to hold a conference in the interest of the gold standard, they promptly called it to meet at Indianapolis. The aroma of the former convention was still there. All men are affected by environment, and perhaps Europe's conferees at the conference, if held here, might be swayed advantageously.

It seems to me, sir, that if all else connected with the amendment which I have proposed shall be struck out, we should retain that provision which makes it mandatory upon the President of the United States to call the conference within ninety days after he shall have assumed his high office, and to appoint Washington as the place of the conference.

I presume, sir, since the introduction by the Senator from Georgia of the amendment which the Senator from New Hampshire says is satisfactory to him, that we can not get an amendment which will go to the length proposed by mine, but I shall insist upon a vote. Failing to carry my amendment, I shall vote for the amendment of the Senator from Georgia. Failing to get that, I shall be willing to vote for the bill in its original form, trusting that something better will come from this movement than has been predicted by those gentlemen who have absolutely no faith in attempts for an international conference.

Mr. CHANDLER. I now renew my request.

Mr. BACON. Will the Senator from New Hampshire permit me to ask that I may be indulged, say four or five minutes only?

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The Senator from Georgia asks unanimous consent——

Mr. MORGAN. I call for the regular order.

The PRESIDING OFFICER. The regular order is the unfinished business, which was laid before the Senate at 2 o'clock, and which was temporarily displaced at the request of the Senator from South Dakota [Mr. PETTIGREW].

Mr. CHANDLER. Now I ask that the unfinished business may be temporarily laid aside, in order that the consideration of Senate bill 3547 may be continued.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the unfinished business be temporarily laid aside, that the international conference bill may be proceeded with.

Mr. CHANDLER. I think Senate bill 3547 can be finished to-day, if the Senator from Alabama will allow it to go on. The Nicaragua Canal bill, I am sorry to say, can not be concluded to-day. I am ready to vote upon it, and, to propitiate the Senator from Alabama a little, I will say I am ready to vote for it now, but I think it could not be finished to-day, and that the international monetary conference bill could be completed, if the Senator would allow it to be proceeded with.

Mr. MORGAN. Can the Senator get an hour fixed for voting upon the international conference bill?

Mr. CHANDLER. I will ask that there may be a vote upon the bill at 2 o'clock on Monday.

Mr. WHITE and others. Let us vote to-day.

Mr. FRYE. Why can we not vote to-day?

Mr. CHANDLER. It is suggested by Senators that I am too liberal, as I usually am in such matters, and therefore I will modify my request by saying 4 o'clock this afternoon.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the Senate proceed to vote upon Senate bill 3547 and the amendments thereto at 4 o'clock this evening. Is there objection?

Mr. TURPIE. I object.

The PRESIDING OFFICER. The Senator from Indiana objects.

Mr. MORGAN. The Senator from New Hampshire will see that I am not left any option. I am obliged to insist upon my proposition.

Mr. TURPIE. I will withdraw my objection.

The PRESIDING OFFICER. The Senator from Indiana withdraws his objection. Is there objection to the request of the Senator from New Hampshire? The Chair hears none.

Mr. MORGAN. Now, so far as I am concerned, I consent that the regular order, the Nicaragua Canal bill, shall be laid aside until the vote is taken——

Mr. WHITE. That it shall be temporarily laid aside.

Mr. MORGAN. That it shall be temporarily laid aside until the vote is taken upon the pending measure, when it will be resumed without prejudice.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire that the unfinished business be temporarily laid aside, that the business which has been before the Senate may be completed? The Chair hears none, and it will be so ordered.

Mr. HOAR. I desire, if the Senator from Georgia will pardon me, to address an inquiry to the Senator from Alabama.

I am one of those, as I suppose the Senator knows very well, who have endeavored to follow him and his committee in regard to the very important and interesting measure which he has in charge, and I hope and expect to continue to do so. But the Senator must see that a Senate bill which has given rise to so much discussion here, and about which the action of other branches of the Government, both at this end of the Avenue and the other, would certainly be a subject of great anxiety to the friends of the bill hereafter, I suppose I trangress no propriety in saying, ought not to prevent the Senate from accomplishing any other legislative business. If eight or ten opponents of the bill, the Senate having made up its mind and having considered the matter for years, are to address the Senate, as is their right and their duty—I make no complaint of that—and then they have to be answered at equal length, answering arguments against the bill which have not made much impression on the majority of the Senate, there is great danger not only that the bill will fail, but that it will drag down all other legislation that anyone has any interest in with it.

For one, expressing my profoundest interest in the measure and my purpose to follow the Senator from Alabama with great fidelity as an able leader, I desire to appeal to him to ask the Senate to fix a time for the disposition of the bill. If that be objected to, then I desire to ask that Senator to propose at as early a day as possible that the Senate continue in session to-night, or to-morrow night, or Monday night. Perhaps it would not do to propose it at so late an hour to-day for to-night, as the Senate has not expected to continue in session, but I ask the Senator to propose to take up the bill and continue its consideration until it is disposed of.

I beg the Senator to excuse me if I have interfered improperly in this matter.

Mr. MORGAN. Not in the slightest degree. I wish to say this about it: I gave notice on the day before yesterday, on the intimation of the Senator from Massachusetts [Mr. HOAR], that I should ask the Senate on yesterday to sit this bill out. It was very

apparent, however, to Senators here that there was a necessity for an executive session, which was protracted until the hour of 4 o'clock in the afternoon. It was equally apparent at that hour that no progress of any value could be made upon the Nicaraguan Canal bill, and Senators all around appealed to me that they should be allowed to go to the Calendar and pass unobjected cases, which I think is an important duty that we owe to each other, and I yielded for that purpose. This morning there comes this very important international silver question, brought up in the morning hour and continued over until 2 o'clock. As an act of courtesy to the Senator from Utah [Mr. CANNON], I yielded the floor and asked that he might be permitted to finish his remarks. Then the Senator from New Hampshire [Mr. CHANDLER], thinking it was a great matter, which should be attended to—and it is—asked that the further consideration of the Nicaraguan Canal bill might be laid aside to let his bill come to a vote. I then proposed that he should name an hour for voting on the silver bill, and he named the hour of 4 o'clock, which I thought was a reasonable adjustment, and that we could then get that out of the way.

Mr. President, I never get as badly scolded for anything I do here as for those things which are exactly right, and when I do a thing that is exactly right I am always looking out for censure.

Mr. HOAR. All I have done was to ask the Senator to make this application, which I have no doubt he would like to do.

Mr. MORGAN. I gave notice, following up the intimation of the Senator from Massachusetts [Mr. HOAR], that immediately we take up this bill and proceed with the consideration of it, and if Senators will remain with me here, I will stay all night, if it be necessary, though I am not a young man now.

Mr. CULLOM (to Mr. MORGAN). First ask the Senate to fix a time for taking the final vote.

Mr. MORGAN. I was about to make that suggestion. I have frequently asked the Senate to fix an hour or a day for voting on the Nicaraguan bill. I will ask now that on Tuesday next—I think that is probably time enough for all debate necessary—at the hour of 4 o'clock we commence voting on the bill without further debate, except under the ten-minute rule on amendments, and continue until the bill is finished.

The PRESIDING OFFICER. The Senator from Alabama asks unanimous consent that at 4 o'clock on Tuesday the Senate proceed to vote upon the Nicaragua bill. Does the Chair understand the Senator to ask that the debate continue after 4 o'clock?

Mr. MORGAN. On amendments.

The PRESIDING OFFICER. And that at 4 o'clock on Tuesday amendments to the bill be debated under the ten-minute rule, and that the vote be taken at what hour?

Mr. MORGAN. That the vote be taken at 5 o'clock.

The PRESIDING OFFICER. And that the vote be taken at 5 o'clock upon the bill and amendments. Is there objection?

Mr. TURPIE. I object, Mr. President.

The PRESIDING OFFICER. The Senator from Indiana objects.

Mr. ALLISON. I trust now the Senator from Alabama will not give his notice to sit this bill out on Monday, but will postpone that also for a day. I trust that he will ask that the Senate begin the consideration of the bill on Monday immediately after the routine morning business. I think that at the conclusion of a short session there is an impediment in the transaction of business here by dividing our day into two parts. We have seen here the bill of the Senator from New Hampshire occupying a week after the routine morning business until 2 o'clock. Then we have seen two weeks occupied from that hour until 4 o'clock usually in the consideration of the important question which the Senator from Alabama has in charge. If we are to transact any business from now until the end of the session, we must begin after the routine morning business with whatever we have in hand and go on with it, certainly, until 6 o'clock every evening, and after an opportunity for reasonable debate, we must vote on it, whether we vote it up or vote it down. I hope also that we shall sit here nights.

Mr. MORGAN. I accept the suggestion of the Senator from Iowa with great satisfaction, and admit the validity and force of the suggestions he has made in support of his intimation to me. That Senator knows as much about the business of the Senate of the United States and of Congress as any man on this floor, and has been a long time intimately connected with it in the most important sense. I concur with him that the better way certainly is to commence at the conclusion of the routine morning business on Tuesday.

Mr. ALLISON. On Monday.

Mr. CULLOM. And follow it up until the matter is disposed of.

Mr. MORGAN. I will say on Monday; and I hope that the Senate will enable me to bring this subject to a vote at some reasonable hour after it shall have taken the subject up as I have now suggested. On Monday, at the conclusion of the routine morning business, I desire to advise Senators that I shall move to take up this bill with that view.

Mr. HOAR. I should like to give notice that immediately after the disposition of the Nicaraguan Canal bill I shall ask the Senate to proceed with the consideration of the unfinished business, which is the bankruptcy bill.

Mr. BACON obtained the floor.

Mr. FRYE. Will the Senator pardon me one moment?

Mr. BACON. Yes, sir.

Mr. FRYE. The Senator from Alabama gave notice that he would move to take the bill up immediately after the routine morning business on Monday. If he succeeded in having the bill taken up at that time, it would then be within the morning hour, where there is no such thing as unfinished business, and the bill would lose its place as unfinished business. I think the Senator ought to ask unanimous consent that the bill may be taken up immediately after the routine business on Monday morning, and that it shall not lose its position as unfinished business at 2 o'clock.

Mr. MORGAN. Perhaps I may modify the motion.

The PRESIDING OFFICER. The Chair will suggest that in his opinion the bill would not lose its position as unfinished business if taken up in the morning hour.

Mr. HOAR. What the Senator from Maine [Mr. FRYE] suggests has not been the custom.

Mr. ALDRICH. That has not been the custom of the Senate, I would suggest to the Senator from Maine.

Mr. FRYE. It has not been?

Mr. ALDRICH. No; I am sure of that.

Mr. FRYE. Then it is unnecessary. My own impression was that the bill would lose its place as the unfinished business by being taken up in the morning hour.

Mr. HOAR. I suppose no Senator, whatever he may think, will object when it is understood that the unfinished business, whatever it may be, is not to lose whatever rights it now has; and I wish it understood that this is to apply both to the Nicaraguan bill and the bankruptcy bill. That was understood.

Mr. TURPIE. I do not understand that the Senator from Alabama——

The PRESIDING OFFICER. The Senator from Indiana will please excuse the Chair.

Mr. TURPIE. Certainly.

The PRESIDING OFFICER. Does the Senator from Massachusetts desire the request he has made to be put to the Senate, for unanimous consent?

Mr. HOAR. I desire to have it understood; yes.

Mr. ALDRICH. That is the rule of the Senate.

Mr. HOAR. If that is the rule, I will not ask unanimous consent.

The PRESIDING OFFICER. The Chair simply rules in accordance with what is his judgment upon the subject.

Mr. TURPIE. Mr. President, I did not understand the honorable Senator from Alabama to ask unanimous consent to make the Nicaraguan Canal bill the unfinished business immediately after the conclusion of the routine morning business, but only to give notice that he will at that time move to take it up.

Mr. MORGAN. That is all.

Mr. TURPIE. Of course, I have no objection to that.

Mr. MORGAN. That is all I propose.

Mr. TURPIE. Mr. President, there was one expression in the remarks of the honorable Senator from Alabama which I intended to discuss, in which he said that all debate on this bill which would be necessary would be finished by such a time. I do not think it is possible at this time for any Senator to say as to when necessary debate will be finished. I do not think it is possible at this time for the Senator from Alabama to say when necessary debate should be finished upon this measure, nor when necessary debate would be finished on any measure which is pending before us.

I recollect some four or five years ago addressing the Senate on the subject of the cloture, in which an attempt was made to lay down the line at which resistance should cease by those who were opposed to a measure pending in this body. We are far from that line now. The true divisional line has not yet been reached. As soon as that trocha may have been reached, it will be time enough to talk about fixing an hour and a day for an ultimate vote upon the bill.

Mr. THURSTON. Mr. President, there are two resolutions which have been introduced by my colleague, the Senator from Nebraska [Mr. ALLEN], with respect to the foreclosure proceedings instituted by direction of the President against the Union Pacific Railway Company. I desire simply to give notice that I wish to speak on those resolutions before they are in any way disposed of or referred; but I have no desire to press for an opportunity to do so at any early day.

Mr. BACON. Mr. President, on yesterday I offered an amendment to the pending bill, which I ask may be read.

The PRESIDING OFFICER. The amendment proposed by the Senator from Georgia will be read.

The SECRETARY. It is proposed to insert as an additional section the following:

SEC. 2. That the President of the United States is hereby authorized, in the name of the Government of the United States, to call, in his discretion, such international conference, to assemble at such point as may be agreed upon.

Mr. BACON. Mr. President, I do not wish to be understood as expressing in that amendment all that I think ought to be provided in the pending bill. As an original proposition, I should very much prefer the amendment offered by the Senator from Utah [Mr. CANNON]; in other words, I think that the bill ought to provide definitely not only that this international conference may be called, but that it shall be called. But I recognize the fact that in order for this bill to accomplish anything, either directly or indirectly, it must be such a bill as the promoters and friends of it agree to. Therefore, my only object in offering the amendment is to make it sufficiently definite to put the responsibility for either the calling or the not calling of this proposed international conference upon the political party which seeks to promote it.

As stated on yesterday, the bill in its present form, without the amendments, while it may be susceptible to the construction which has been put upon it by the Senator from New Hampshire [Mr. CHANDLER], to the effect that it does already empower the President of the United States thus to call this conference—while this may be the proper construction, it is possible that there may be a difference of opinion upon it. The object of this amendment is simply to put that out of the pale of doubt or question.

I repeat, Mr. President, that if the Senators who favor the passage of this bill, and who seek to promote this international conference, would agree to it, I should very much prefer the amendment offered by the Senator from Utah; but I think it would be a mistake to impose upon the bill, even if we had the power to do so, any amendment to which they do not agree and on account of which amendment they may hereafter say that the bill failed of accomplishing its purpose.

The distinguished Senator who has charge of this bill has signified his acceptance of my amendment. Therefore it is the same, so far as the question of responsibility goes, as if it had been incorporated in the original draft of the bill.

I wish to say but one word with reference to the question of supporting this bill. There are those who have spoken to-day and on yesterday who agree with me on the general propositions relative to financial matters connected with coinage, but who are not disposed to give their support to this bill. The distinguished Senator from New Hampshire called the attention of the Senator from Utah to the fact that I was supporting the bill while I did not have faith in it, and to that the Senator from Utah responded that a Senator who did not have faith in the bill ought not to give it his support.

Mr. President, while I do not think there is any great probability of a successful issue in this attempt, I do recognize the fact that there is a possibility of such successful result; but even if I should be of the opinion that there is no possibility of success, I think that the bill ought to pass, for the reason that, whatever may be the opinion which I and others may have upon the question whether this matter of international bimetallism can be accomplished, there is no doubt about the fact that there are a great many people in the United States who are opposed to the single gold standard, who yet are standing upon the proposition that the only safe way to attempt bimetallism is through international agreement, and who believe that it is practicable to accomplish it through international agreement. They, like ourselves, are opposed to the single gold standard, and yet they do not cooperate with us because they think it ought to be done through the medium of an international agreement and not by independent action on the part of the United States Government.

Now, if those who have pledged themselves to promote international bimetallism are allowed to do it in their own way, if no impediments are thrown in the way, if, on the contrary, they are to the extent of our votes in support of the bill aided in their effort, one of two things must be demonstrated. It may be a success. If it is, I shall welcome it and be glad of it. If it is not a success, it will be forever an answer to the proposition that this Government ought not to proceed because it can be done in another way which is more practicable. For that reason I think the distinguished Senator from Utah is incorrect in his criticism when he says that one who has not faith in the success of the movement ought not to support the bill. On the contrary, I think all of us who favor bimetallism ought to support the bill, to give full opportunity to have the question tested in the fairest way, whether or not it can be done in this way.

I repeat, if it can be done in this way, although it will be an overthrow of the views which I have entertained, I shall be glad of the success. If it can be demonstrated that it can not be obtained in this way, then the road is open for the attempt more properly and successfully to be made in the way which I think this Government ought to proceed in the effort.

I do not desire, Mr. President, to follow the distinguished Senators in any discussion which has been had upon this subject as to whether or not it can be a success or will not be a success. I do not think that is a material question in the issue whether or not this bill should be voted for by those of us who are opposed to a single gold standard. For myself I shall vote for it, and I shall be very glad to see every other Senator who is opposed to the gold standard cast a like vote.

Mr. JONES of Arkansas. Mr. President, I agree to almost all that has been said by the Senator from Georgia [Mr. BACON]. I am a strong believer in bimetallism. I should be gratified beyond measure to have bimetallism accomplished by the concurrent consent of the great nations of the earth. I am one of those who have believed that it was impossible to get the nations of the world to agree to bimetallism for the present, and believing that the best interests of the people of the United States would be subserved by independent action if we could not procure concurrent action, I have favored independent action on the part of this Government.

I believe that hundreds of thousands of people in the recent election voted against the party to which I belong and for the other party because they had been made to believe that an international agreement was possible, and that the results which we all wanted could be brought about with less disturbance to business interests and with less danger to existing conditions by an international agreement than by our own independent action. The result of the election was against us. I believe that those people should have the opportunity to try the experiment, so as to determine whether or not an international agreement is feasible.

As was stated by the Senator from Montana [Mr. CARTER] a while ago, I regard the recent election as an almost unanimous declaration in favor of bimetallism. The method of procuring bimetallism seems to be the point of difference between the people of this country. Now, we are at a point when we are to determine whether or not we shall try the experiment, and whether or not international bimetallism is practical. I am in favor of allowing those who believe in that scheme to make a full and complete trial in their own way without any obstruction on our part. I confess that I have little faith in its success, but I feel that those who do believe in it ought to be allowed the fullest and freest liberty to do try it completely, so as to satisfy themselves and satisfy the people of this country who believe in bimetallism and yet who fear to take independent action on the part of the people of this country.

This scheme is not ours; we have not originated it; we do not believe it is the proper scheme for the solution of these difficulties; but there seems to be a large percentage of the people of this country who believe it, and, they believing it, I am in favor of their having a full and complete opportunity to try their plan. If it succeeds, I shall rejoice heartily with them. I believe the greatest question now challenging the attention of the civilized people in the world will have been settled and settled successfully if they can bring about an international agreement. If they fail in this, and they demonstrate that it is impracticable and impossible, then it seems to me that their failure will be a statement to the American people that we must either lie down before the powers of Europe and surrender our manhood absolutely, or that we shall assert ourselves as independent men and do that which the interests of our own country demand, and act for ourselves. It seems to me that the only question which can be presented which is likely to cause any difference of opinion amongst our people will have been swept out of the way, and that we shall have brought the pleadings down to plain and positive issue.

For this purpose and for this reason I agree with the Senator from Georgia [Mr. BACON] that the friends of this measure ought to have the absolute control of it. I shall not vote for a single amendment to their bill which they do not themselves accept. I do not propose to become in a measure responsible for it. I think, for instance, if there should be a majority of silver men in this Senate, and we should vote for the substitute proposed by the Senator from Utah [Mr. CANNON], we would at once become responsible for its enactment; it would then become our measure, and not the measure of the Republicans, not the measure of those who believe in international bimetallism, and we should be responsible for its failure in the event that it should fail. I propose to allow the responsibility to rest where it belongs, on those who believe in international bimetallism—those who believe it can be accomplished. Let us give them the fullest opportunity to try. If they succeed, I shall rejoice and bid them godspeed in their efforts to bring it about. I hope they may succeed, but I have very little faith in the effort.

Under these circumstances, I should be glad to see those who think as I do stand in the same attitude that I do toward this measure, and allow the friends of it to arrange it as they please and to put it in such shape as they choose. Let them pass it and take the responsibility for it if it should fail; and if it should succeed, as I have said, I will rejoice as much in their success as any of them.

Mr. SHOUP. Mr. President, it was not my intention to address

the Senate on the pending measure, but inasmuch as amendments have been offered by the Senator from Utah [Mr. CANNON] and the Senator from Nevada [Mr. STEWART], I must, in justice to myself and the constituency which I in part represent, explain my vote, which will be recorded in opposition to the proposed amendments and in favor of the pending bill.

It seems to me, Mr. President, that the authors of these amendments did not take into full consideration the fact that the President-elect was nominated after the adoption of a platform declaring, among other things, that:

We demand such an equitable tariff on foreign imports which come into competition with the American product as will not only furnish adequate revenue for the necessary expenses of the Government, but will protect American labor from degradation and the wage level of other lands. We are not pledged to any particular schedule. The question of rates is a practical question, to be governed by the conditions of the time and of production. The ruling and uncompromising principle is the protection and development of American labor and industries.

The platform also declared in favor of an international agreement with the leading commercial nations of the earth relating to the coinage of gold and silver. On these declarations of party principles the President was elected.

The measure presented by the Senator from New Hampshire [Mr. CHANDLER] was intended to give full authority to the President-elect to carry into effect the declaration relating to international bimetallism. I wish it distinctly understood that I have always been, and am now, an advocate of unrestricted coinage when it shall come before the Senate in a proper way, but not as a rider to any other important bill or measure, for remonetization is too important a subject to be considered in connection with other measures.

It is my opinion that these amendments are out of place at this time, inasmuch as the pending bill was intended to give the President authority to appoint commissioners to an international congress for the purpose of securing an agreement for international bimetallism. The President-elect is pledged by the Republican platform to exert his influence in accomplishing this result. Should he fail, it will then be proper for Congress to take action looking to the remonetization of silver.

Mr. President, it is not my intention to cast the slightest reflection upon the Senators who have offered the proposed amendments. I do not accuse them of bad faith, or of thwarting or trying to thwart the President-elect of the United States on the threshold of his Administration, but I believe that if these amendments should be adopted, such would be the result. The amendments are not in accord with the platform upon which he was elected, and I take it that he should have an opportunity, without being trammeled in any way, to carry into execution the declarations upon which he was elected.

I therefore sincerely hope that my friends the distinguished Senator from Nevada and the distinguished Senator from Utah will not insist upon the adoption of their amendments.

Mr. HOAR. Mr. President, I should like to say one or two words upon this matter, not to delay the vote. A good many Senators have spoken as if they think the possibility of an international arrangement for bimetallism is a mere chimera or dream, and have almost implied that those persons who propose to make the attempt are endeavoring to mislead somebody or cajole somebody or turn the attention of somebody away from what is practical in this matter. But I think those gentlemen fail to take into consideration one or two facts. There is no doubt whatever that a very large majority of the people of the civilized world are in favor of having what is known as the double standard—gold and silver—prevail. Look at the condition of public sentiment in the United States. There are a few worthy gentlemen who agree with what I understand is the opinion of my very able and industrious friend from Wisconsin [Mr. VILAS], which he has just announced. But the Democratic party and the Populist party, the supporters of Mr. Bryan, who are counted by millions in this country, believe that doctrine.

The Republican party, so far as it can be judged by its platform, has declared its belief in that doctrine, and has pledged itself to promote this result. There are a few exceptions, as I have said. There is the exception represented by my honorable friend the Senator from Wisconsin. Then there is my honorable friend the Senator from Nevada [Mr. STEWART], who says, if I understand him correctly, that he does not want foreign nations to agree to use silver as a money with us, and have it established for their benefit. He wants some money in this country, if I understand him correctly, which is so poor and cheap and miserable that even a Jap or a Chinaman will not touch it.

Mr. STEWART. I do not desire to have it so dear that an American can not get it, as it is now.

Mr. HOAR. The Americans have been getting it pretty well. The wage earners of this country have laid up what is represented by it, fifteen or sixteen hundred million dollars, in the savings banks, where they are not allowed to make a deposit of more than $500 at once or more than $1,500 in one name. The money power that the Senator talks about—the money power that carried the election last fall—was the money power of the men who earn it with their hands on farms and in factories, and who have laid it up as savings; and that money power is in favor of international bimetallism.

Mr. STEWART. Did nobody contribute to the election but laboring men?

Mr. HOAR. I do not want to yield.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield?

Mr. HOAR. A good many thinking men did, as well as laboring men who were thinking.

Mr. President, how is it in foreign nations? I had some exceptional and unusual means of learning something about the matter this last summer when I was abroad. I had the pleasure of a long conversation with the foremost bimetallist in France, M. Fougeirot, who last summer introduced into the French Assembly a resolution declaring that the present depressed condition of agriculture and manufactures and commerce in France was owing to the demonetization of silver, and pledging France to cooperate with other countries in its restoration. In the French Assembly when they introduce an important measure it is not introduced by one person alone, but very frequently the mover goes about and gets the signatures of the men who agree with him before it is presented, and that resolution bore the signatures, I think, of 367 out of 450 members; at any rate, between three-fifths and four-fifths of the Assembly. M. Melin, then and now the premier, made a speech in the French Assembly on that question in which he declared that when other countries would reestablish silver they would not have to wait for France.

Now, that is a pretty respectable addition. It is a pretty respectable capital to start with in getting this union among nations—the pledge of the party that carried this country in the last election to do it if they can, the pledge of the party who opposed them, except the Senator from Nevada, that gray-haired and hoary hermit who stands alone in this matter, that they would be glad to see it done and would help them in every way in their power, and the pledge of nearly four-fifths of the French Assembly. They have a bimetallic league that met, of which M. Melin was president, and of which his predecessor as prime minister is an honorary president. That bimetallic league represents among other persons delegations from every agricultural society in every province of France. Those agricultural societies in France are not merely associations of gentlemen devoted to fancy farming and stock raising. They are men who wield the political power and represent the political purpose of the farmers of France, now, as always, an irresistible power in shaping its policy; and with one accord, without exception, the representatives of those great French interests agree in saying that France is eager to unite with any other country.

Mr. LINDSAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Kentucky?

Mr. HOAR. Allow me to make this statement, and I will answer any question afterwards.

Now, we come to England. I know very well the power of that square mile in London where the accounts of the world are summed up and where England sits, where London sits, taking her toll upon the exchanges of the industries of mankind. After the great fire in 1660 the great English poet pictured the restoration of the city of London, and that picture is as true to-day as it was when it was first drawn:

More great than ever now, and more august,
Now glorified she from her fires doth rise,
Her widening streets on new foundations trust
And opening, into larger parts she flies.
Now, like a maiden queen, she doth behold
To her high turrets hourly suitors come,
The East with incense, and the West with gold,
Shall stand, like suppliants, to receive her doom.

Mr. STEWART. That is true.

Mr. HOAR. I agree with the Senator from Nevada. I do not mean to have the people of the United States stand up to be counted in that company.

But how is it on the question of international bimetallism in England? I had the opportunity of a full conversation with Mr. Balfour, the present leader of the House of Commons. His opinions are known. He has made them known by his signature to the great report twelve years ago by the commission of which he was chairman. He has made them known in public speeches in the House of Commons.

Mr. STEWART rose.

Mr. HOAR. I wish to conclude this statement. Then I will answer any question. I have a mental infirmity which makes it impossible for me to resume a thread which is broken off in that way, if the Senator will allow me.

Mr. STEWART. That is not the only mental infirmity.

Mr. HOAR. I have a good many. One of the disorders under

which I labor is in being three score and ten years old, of which I do not expect to be cured. If I were young, like my friend the Senator from Nevada, I would get along better.

That gentleman has made known in every way in which it can be made known his opinion in favor of the establishment of international bimetallism by the concurrence of the civilized and commercial nations. He has defended that opinion in the House of Commons against the brutal position of Mr. Gladstone and Sir William Harcourt.

Mr. STEWART. Let me ask the Senator right here——

Mr. HOAR. I do not want to be interrupted.

The PRESIDING OFFICER. The Senator from Massachusetts declines to yield.

Mr. HOAR. I decline to yield, if the Senator will pardon me. I will yield a little later on. I hope the Senator will not think it discourteous.

Mr. STEWART. I always yield to the Senator from Massachusetts.

Mr. HOAR. I know the Senator does.

Mr. STEWART. The Senator is making a statement in regard to a particular man, and I want to call his attention——

Mr. HOAR. I was present at a brilliant company in London, a lunch, and spoke of this conversation with Mr. Balfour. I said that I did not wish to repeat what he had said to me, because I did not think public men liked to have their opinions related at secondhand, and for that reason I do not repeat it here. They prefer to do it for themselves. When I said that, a gentleman, an eminent member of the cabinet of the present Government, there being two other members of the cabinet present, said, "Mr. HOAR, it is no secret that Mr. Balfour's opinions on this matter are those of a majority of Her Majesty's Government."

I am aware, as I said, of the difficulties. I suppose if Her Majesty's Government were to undertake to pledge England to complete international bimetallism next week, they would be overthrown by the power that dwells within the square mile in London, and they know it; and I suppose, with the other difficulties they have on their hands, they are not ready to do it. That, I concede, is a difficulty which may defeat this attempt—very possibly.

Now, how is it in Germany? I have in my hand a letter from one of the most eminent public men in Germany—a member of the Reichstag. I will not read the whole letter, and I will not give the name of the writer. The Senate will have to take what I say about it on my authority, therefore, and not on the authority of the writer himself. But he repeats and reaffirms this statement, which is in the second paragraph:

> Besides having a bimetallic majority in our parliament, we are also backed up by a majority in the Prussian cabinet; and though still obliged to cry, "Not without England as a full partner," I consider it not at all improbable that Germany may under certain circumstances join a bimetallic union even without England.
>
> Now, the appreciation of the currency question is growing, but to accomplish that means facing a great many more difficulties, and, worst of all, it would cause long delay and great danger to the supremacy of European civilization.

Then the writer makes some discussion about the personal qualities of the chancellor and the Emperor which it is not proper for me to read. But he goes on to express his opinion that Russia will be ready for this same union when the time comes, and he quotes a letter from a Russian friend of his, in which the latter says:

> If the present French Government play their cards well, I am sure that Russia would decide for bimetallism if at the same time the United States would adopt free silver and France contributed, too, in that direction. My fear in all these diplomatic negotiations is that the diplomatists in general have never studied the question and know nothing about it, etc.

I do not wish to be understood in saying this as expressing confidence that this consummation is at hand at all, but I wish to state that the time has come for another effort. I wish to state that this opinion in these four great nations, France, Germany, the United States, and England, saying nothing of Russia and of the smaller Latin nations or of the smaller nations on the north—some of whom, though not all, are eager to follow if France and Germany will take the lead—is growing. It will be stronger twelve months hence than it is now. It is stronger now than it was twelve months ago. And it is the opinion of a vast majority of the thinking men, of the men engaged in agriculture, of the men engaged in manufacture, and also of the scholars of the universities of mankind, whether this thing will be accomplished in three months or three years, it is coming, and coming to stay.

Now, Mr. President, I wish, while I am up, to say one word on another subject. Gentlemen in their debates here and in their discussions upon the stump use the word "banker" as if it were a term of opprobrium to be a banker, and as if to be engaged in the business of banking were a degrading occupation; as if a banker is a person who delights to plunder and bleed the poor and the laboring man, a man dealing in bullion and in stocks and speculating in the necessities of life, and desiring to foment financial and industrial troubles and excitements with a view of making his own harvest out of the operation. I saw a statement that during the last political campaign a political procession in which were two Senators of the United States had a banner or transparency with the inscription, "We will yet hang bankers in New York as they do horse thieves in Texas."

Mr. PETTIGREW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from South Dakota?

Mr. PETTIGREW. I should like to have the Senator state who the Senators were who rode in that procession.

Mr. HOAR. I do not propose to state who the Senators were. I saw the statement in the papers.

Mr. PETTIGREW. I will say further to the Senator that if any such banner was carried, it had above it that it was a quotation from Wendell Phillips. Those were his words, and it was a quotation from him.

Mr. HOAR. I dare say; and the Senator could find quotations from Wendell Phillips in which he called George Washington "that slaveholder," and other quotations from Wendell Phillips in which he said that "the Constitution of the United States was a covenant with death and an agreement with hell." I dare say. I do not care. I am talking about the indorsers and not the maker of that sentiment.

Mr. PETTIGREW. I should like to ask the Senator if he indorses the last quotation which he has just made?

Mr. HOAR. Not in the least. I do not put it on my banner, and I do not walk in a procession that bears it. Perhaps the Senator from South Dakota knows who the Senators were.

Mr. PETTIGREW. I do not.

Mr. HOAR. Mr. President, there never was a greater mistake on the face of the earth. Of course there are in commercial cities men, men of wealth, men who get hold of banks, who are swindlers, who are defaulters, who are speculators, who are schemers, who are oppressors, just as in great cities there are men who are robbers and pickpockets and thieves of another kind, not any the less respectable, I agree. But in the main the bankers of New England, of which section I speak, are as good and respectable a body of men as can be found in this country. The direction of our national banks is made up in this way. Generally there will be eight or nine directors. It is true in every single instance in my city of 100,000 inhabitants. Five or six of those directors will be men retired from business, elderly men, not men of large wealth usually, but the sort of men whom you would trust, if you were to die to-morrow and leave an infant daughter of 2 years old, with your estate as her trustee, and be sure that twenty or thirty years hence it would be there, every penny of it safely accounted for. They are the sort of men selected to settle estates, that men take advice of in their private affairs. They have no personal end, but merely spend their lives in that way. Then two or three of those directors usually belong to mercantile or manufacturing establishments for the sake of borrowing money of the banks. They borrow up to the limit. They are engaged perhaps in a wire company or a woolen mill or a large dry goods house. If it is a village bank, the head of the village factory will be one of the directors.

But they are all men who desire to borrow money at the lowest possible rate, not to pay large rates, and they are men to whom a financial or business disturbance or the throwing of men out of work is especially odious, because, if for no other reason, their business is destroyed or injured by it. That is the way the banking system of New England is carried on, and I appeal with entire confidence to every New England Senator within sound of my voice if I have not given a correct description of them.

Mr. HAWLEY. That is right.

Mr. FRYE. The Senator from Massachusetts ought to go one step further. There is an enormous sum in the savings banks of New England which belongs to the workingmen.

Mr. HOAR. I was coming to that within a moment. I was speaking of national banks.

Mr. FRYE. I wish to call the attention of the Senator to the fact that all of the directors work without any pay whatever in seeking to invest this money for the poor people.

Mr. HOAR. We have $466,000,000 in the savings banks of my State, banks in which you can deposit, I believe, but $500 at any one time, and where you can not ever deposit more than fifteen or sixteen hundred dollars. I am not sure whether it is fifteen or sixteen hundred dollars. That is immaterial. The depositors in those savings banks are the wage earners of the State and their wives and children. They are the men who do the work of the State on the farms, in the factories, in the machine shops, and in all other branches of labor, and the same kind of men, as my honorable friend the Senator from Maine so well says, who manage the other banks manage these. There have been some cases of banks plundered, and of one or two savings banks' treasurers who have been defaulters. But there is no way in which the management of the concern makes a dollar out of any speculation. A director in a national bank may have a little stock. It is very seldom that a director will have more than a few thousand dollars of stock in his bank.

Mr. HAWLEY. Scarcely any of our banks have any stock to be held.

Mr. HOAR. The savings banks have no stock at all, of course. They are merely depositories. These banks are strictly regulated by law, and they are visited and carefully examined by the savings banks commissioner on the part of the State, and in the case of national banks by the United States bank examiner on the part of the nation.

Mr. President, I wish to protest against this public sentiment which has grown up. They talk about some things that have been said in the East about the West. You never hear speakers on the hustings, on the stump, in addressing any public meeting in the New England States or anywhere else in the East use an expression of opprobrium about the West. They know that the interest of New England is a prosperous West and a prosperous South. They know that we are all in one boat. They know that the political power of this Government is passing, like the star of empire, westward, and they expect it. There has not been a measure since I have been in public life or since I have known public affairs, the homestead law or any other great measure, the laws for building those railroads, and opening the Western prairies, where we have not followed the statesmen of the Western States as our leaders.

We do not think you can establish silver by this country alone. We think you must have a money which will remain stable and fixed in its value as near as the lot of humanity will admit, and that for that purpose two metals are better than one. Most of us think so. We think that if you establish and undertake to have the silver of the world coined without limit in our mints you will drive out the gold by an inexorable law; that you will get one metal, and not two; that you will get a metal which in that case will be changeable and fluctuating, going up and down like the thermometer on an April day. We think, also, that you will not have as much money then as you have now when our gold is sent off to Europe. It does not at all follow because you have cheap, poor money that it will be plenty. You have to work to get it. I have known a good many men who had very cheap and nasty clothes, and yet they did not have a great many of them. Plenty, as long as civilized man has civilized tastes, is not the necessary accompaniment of cheapness, or worthlessness, or nastiness.

Now, Mr. President, I wish to protest against this public opinion which denounces not only the whole people of the section where I live, but the worthy people whom the workingmen of the section in which I live trust to manage their savings for them in this way.

I think these great delusions which are fomented upon the stump, and which we can not help, do infinite mischief to the people of this country, taken as a whole. They do especial mischief, Mr. President, to the people who believe them and act upon them and base their public conduct upon them.

A great preacher, half a century ago, uttered a truth which some of our friends who talk about the bankers of the East and the crime of 1873, I think, sooner or later, will have occasion to bring to their own hearts. He said, "When a whole people set themselves to believe a lie, God punishes them with complete success."

Mr. GALLINGER. Mr. President, as a Republican and as a Senator representing in part a State that cheerfully and willingly assented to the platform adopted at St. Louis, which pledged the Republican party to "promote" international bimetallism, I give my hearty support to the measure now under consideration. I am, however, forced to feel that there is no certainty of the success of this scheme. Indeed, I have very grave doubts that the adoption of this joint resolution will result in the purposes that its promoters have in view; and yet I am profoundly impressed with the feeling that it is the duty of the American people to honestly attempt to bring about this most desirable result.

In the discussion of this question I regret that those participating in it have not in every instance kept themselves to a strict consideration of the question that is now before the Senate. I confess that I was pained on yesterday as I listened to the distinguished Senator from Nevada [Mr. STEWART] make statements that in my opinion are not borne out by any facts which he can bring to the support of his assertions, and that are calculated to do great injustice and harm to the people of our country. I was astounded to hear the Senator from Nevada say, not for the first time in this Chamber, that there are five millions of American freemen to-day begging bread and suffering the tortures of hunger in the United States. I do not believe that any such condition as that exists; and I am here to say that, in my judgment, it is a libel upon the workingmen of the United States, and an assertion that ought to be rebuked during this discussion. I regretted likewise that the Senator from Nevada, not for the first time, felt it his duty to inform the people of this great country that the silver nations of the world are more prosperous than Great Britain or the United States.

Mr. STEWART. I never made that statement.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Nevada?

Mr. STEWART. I never made that statement. I said they were more prosperous than they ever had been in the history of those countries.

Mr. GALLINGER. I did not interrupt the Senator from Nevada, and if he will observe the courtesies of the Senate he will not interrupt me without my permission. The Senator will have an opportunity to reply.

Mr. STEWART. I will not.

Mr. GALLINGER. I have heard the Senator from Nevada time and time again give utterance to precisely the expressions that I have attributed to him, and I am surprised to have him enter a denial of the correctness of my statement. Let us see what the facts are. Turning to the RECORD of this morning, I find the following in the speech of the Senator bearing on this point:

> The universal prosperity of silver-standard countries, by reason of the difference of exchange, leads me to wish that the United States could have like opportunities.

If that does not justify the statements I have made concerning the utterances of the Senator from Nevada, in his own time he will have an opportunity to disabuse my mind and the minds of Senators on that point.

Mr. President, I take issue with the Senator from Nevada, I take issue with the advocates of the free and unlimited coinage of silver in their contention, which they made over and over again during the last national campaign, that the condition of the silver-standard countries is such that the people of the United States need have no fears of any disaster coming to this nation if we adopt the financial policies and laws of the silver countries.

I have on my desk a letter from a gentleman who has traveled extensively all over the world, a gentleman who has traveled in Europe, in Asia, and in South and Central America, and who, under date of October 15, wrote me concerning the condition of the people in the silver countries of South and Central America. I want to put his letter in the RECORD. He says:

> I herewith inclose you a memorandum of the population of the South American states—seventeen in all. There is a population of about 40,000,000 in these countries. Their currency is Mexican silver, and every one of those countries is bankrupt to-day. They have no credit in Europe or America. You could not sell the bonds of many of them for 12 cents on the dollar. The exchange for gold in some of the places is 300 to 400 per cent. I invested about $70,000 in Santo Domingo some eight years ago; to-day it is not worth $10,000. When my investment earns $2.30 in Mexican silver, I only get $1 in gold for it. I received last month $350 gold draft on New York, and my agent paid $775 (Mexican) for it. The Argentine Confederation is bankrupt; Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, Guatemala, are all bankrupt. Haiti is beyond being bankrupt. Honduras, Nicaragua, Paraguay, Peru, Santo Domingo, San Salvador, Uruguay, Venezuela, are all in a state of bankruptcy. Now, with these 40,000,000 of inhabitants, if they were to send $5,000,000 of bonds to Europe or the United States, they could not get 10 cents on the dollar for them. They have been made poor, first, because they manufacture nothing but what grows on the top of the ground; second, because they have no currency which the world has any confidence in. It is Mexican silver, and it is almost impossible for a man to do business in those countries on account of the depreciation in the currency. You buy a barrel of flour in New York for $3.50 and ship it out there—to Santo Domingo, for instance—and it sells for $18.50, Mexican.
>
> I here quote the prices of some of the goods on which they live there:
>
> Salt pork, 30 cents, Mexican, per pound.
> One pound C sugar (made there), 10 cents, Mexican.
> One barrel flour, $18.50, Mexican.
> One pound salt beef, 25 cents, Mexican.
> One pound ham, 50 cents, Mexican.
> One pound cheese, 50 cents, Mexican.
> One pound potatoes, 12½ cents, Mexican.
> One pound rice, 10 cents, Mexican.
> One pound onions, 20 cents, Mexican.
> One box (5 pounds) herrings, 50 cents, Mexican.
> One pound codfish, 15 to 20 cents.
> One tin coal oil (5 gallons), $3, Mexican.
>
> The workingmen earn from 80 cents to $1 a day; that is what I pay them. A man could only buy 2 pounds of cheese for a day's work, or 2 pounds of ham. It would take him eighteen and one-half days to earn a barrel of flour, if he got a dollar a day; and if we have free silver in this country, we will be just as bad off as they are. The price of our products would go up, and gold will stay just where it is. There is never any change in gold; it is always in the currency that is inflated by the speculators, and if we have a silver standard, as I said before, every man would have to pay twice as much for his goods and get the same wages he does now, and there would be nothing left but starvation. We do not know what poverty is in this country at all. We pay our people more wages than any other nation in the world, and they are better off than any other nation in the world. You may travel all over the world and look at the working people on Sundays and feast days, and you will find no people that dress as well as the working people in America. Compare the people at Atlantic City and the people at St. Clue on Sunday and you will see the difference. I trust our people will never vote to degrade themselves. Their franchise is the only thing they have left.

If the Senator from Nevada can extract any comfort from that exhibit of the condition of the silver countries to the south of us, he is welcome to it.

Mr. President, I do not care to go into an elaborate discussion of the gold standard or of free silver coinage. I do not think it is germane to the question that is now under consideration by the Senate. But during the last campaign we were treated in New England by Mr. George Fred Williams, the apostle of free silver coinage in our part of the country, to a picture of the prosperity, happiness, and contentment that prevail in the sister Republic of Mexico; and we were told over and over again that we need not fear to adopt a system of currency that would put us on a par with the people of Mexico.

I think I need not say that we are infinitely better off than the people of Mexico are to-day. Our relative condition is not a matter that ought to be dignified by debate in the Senate of the United States. When citizens of this great Republic point us to the prosperity of the people of Mexico, or South America, or Central America, or China, or Japan, or India, as a reason why we should adopt their notions on the currency question, it strikes me that it is an absurdity which is hardly worth mentioning in this debate.

During the four years of the Administration of President Harrison a citizen of my own State was accredited as minister plenipotentiary to a South American republic. Very recently that gentleman has told me that he paid in that silver country $2 a gallon for kerosene oil and $36 a barrel for American flour. What a paradise that is for the intelligent, self-respecting workingman of the United States! Is it not a wonder that every ship that sails from an American port to South America does not carry a cargo of intelligent, self-respecting American workingmen to a country where they can get kerosene oil for $2 a gallon and American flour for $36 a barrel? Yet this is the elysium that these gentlemen are picturing before our eyes, and this is the condition that they say we can with safety to our country and to our people fasten upon the people of the United States.

Mr. President, India and China are the great silver countries of the world. Two days ago an intelligent and highly educated physician from Calcutta presented letters of introduction to me. I talked with him an hour in my committee room, and during that conversation he said to me, "While your bricklayers in America get three or four dollars a day, the bricklayers in Calcutta and Bombay are working for 4 or 5 cents per day;" and then he added sententiously, "But they live very well on that."

Our money is worth about twice what money is in Calcutta and Bombay, and I do not want to see the time come when intelligent American workingmen and mechanics—men laying brick, constructing our great establishments and our homes—shall be compelled to work for 8 or 10 cents a day. If that is prosperity, it is the kind of prosperity that I do not want to see fastened upon the workingmen of the United States.

That is the condition of things as regards India. As for China, we have had to enact laws prohibiting the people of that great silver country from pouring by the thousands and tens of thousands into the United States to better their condition, to accumulate money here to be carried back to the land from whence they came.

Mr. President, that is the feast that the distinguished Senator from Nevada [Mr. STEWART] invites American workingmen to partake of. They refused in the last national election to follow the lead of the Senator from Nevada in that direction, and, in my judgment, they will continue to refuse to do so.

Mr. President, it may be that the effort which is being made to bring about a monetary conference in the hope that we may secure international bimetallism will fail. I trust it may not fail. I feel a profound desire that we may in some way secure the concurrence of the other great commercial nations of the world with ours in an honest attempt to rehabilitate silver and to have the two metals as standard money in this country and in the other great commercial nations of the world. If it should fail, then we shall again be compelled to face the great question, and it is a great question, that confronted us in the last campaign, namely, whether this country shall plant itself upon the gold standard alone, or whether we shall go to the free and unlimited coinage of silver.

I have myself no concealments upon this question. I have no hesitancy to declare my attitude that if international bimetallism does fail, while I respect profoundly the opinion of every honest man in this Republic who differs from me, I shall stand as an advocate and a defender of the gold standard as against the silver standard for the people of the United States.

Mr. President, this is all I care to say. I trust that the resolution may pass, as I have no doubt it will, and that an honest, earnest effort will be made by the incoming President of the United States to fully redeem the declaration that was placed, after careful and conscientious consideration, in the national platform of the great Republican party.

Mr. PEFFER. Mr. President, the people of the State that I have the honor to take part in representing are bimetallists. I think it is safe to say that 99 per cent of them believe in the use of both gold and silver as standard money. As to the methods for bringing about bimetallism now, as we do not enjoy it, our people are not agreed. I think a majority of our people are ready to risk the experiment of national bimetallism. They believe that the people of the United States, without the aid or encouragement or assistance of any other nation under the heavens, are competent in and of themselves to regulate their own monetary affairs in their own way. While that is true, a very large proportion of our people, nearly one-half of them—as much as 40 per cent, anyway—believe that it is not safe for us to return to the system that we had in vogue prior to 1853—not 1873, but 1853—without the aid and the concurrence of the great commercial nations of the world. And I think they are as conscientious in that belief as the rest of us are in ours.

Upon that issue very largely the great battle of 1896 was fought, the most remarkable political contest in many respects that we have ever had in this country. A majority of the people, and a very large majority of the people, after a protracted and animated and earnest discussion, gave it as their opinion that we ought to have the concurrence of other nations. The party which took that position gave to the country a promise that they would honestly and earnestly endeavor to promote international bimetallism, a condition of monetary affairs with which all bimetallists the world over will be satisfied, and perhaps they will be better satisfied with international bimetallism than with national bimetallism. The Republican party promised the country that with a trial of power they would not only attempt to procure international bimetallism, but that they would revise our tariff laws in such a manner as that, putting the two great policies together, the return tide of prosperity would come over the people, that business would be revived, that our people would be rendered happier, and that in every way the country would be benefited.

I believe the people of Kansas expect of their Senators upon this floor not to place any obstacles in the way of the passage of this bill. Personally, Senators all know that I have no confidence in the accomplishment of the object sought by the bill, and that I do not believe it would amount to anything if it were accomplished, for, speaking personally, I believe the same conditions that are bringing trouble upon the gold-standard countries to-day will eventually bring trouble upon the bimetallic-standard countries of the world. But leaving all that aside (I am simply giving the reason for the vote which I expect to cast), I think the people of Kansas with practical unanimity expect both of their Senators upon this floor to place no obstacle in the way of the passage of the bill, and if a yea-and-nay vote is taken upon its passage, I shall certainly vote for the bill.

Before leaving the floor, I wish to say to my good neighbor from Utah [Mr. CANNON] and my other good neighbor from Nevada [Mr. STEWART] that I hope they will not press their amendments. I do not want to assume any responsibility for any amendment of any character that is placed upon the bill. It is presented to us by gentlemen who have been named by members of their party represented here. It satisfied them. They say to us and to the country, "This is our measure; give us this, and it is a fulfillment, and we will regard it as a fulfillment, of our pledges during the campaign."

With that statement of the views of my people and my own personal views, I have not anything further to say, only that I hope the Senators will not press their amendment.

Mr. BLANCHARD. Mr. President, I am one of those who believe that this country of ours is great enough and broad enough and powerful enough to establish and maintain a monetary system of its own. Therefore, in the recent election I supported that candidate and that platform which declared for an American financial policy, the free, unlimited, and independent coinage of both gold and silver; the restoration of the monetary laws of the country back to where they were prior to 1873.

I understand bimetallism, as applied to practical finance, to mean a monetary system resting upon both metals as equal standards of value and money of final redemption, with free access to the mints at an agreed ratio. The result of the last election was the defeat of a purely American financial system, at least for the present. The Republican party, it is true, in its platform pledged itself to promote in every way in its power the restoration of bimetallism. No one believes that anything whatever will come out of that pledge. The American people are not fooled by it one whit. Enough votes were returned to sustain the candidate of that party and its platform, but we know by what methods that result was brought about. This, however, is not the place to go into the discussion of that question. Having, though, made that pledge, the effort to pass the pending measure appears to be an honest effort on the part of certain Republican Senators to initiate a movement for the establishment of international bimetallism, looking to the fulfillment of the pledge made.

Mr. President, I, for one, desire the establishment in this country of a bimetallic system of money, and whilst I should prefer that it be brought about in the way declared for at the Chicago Democratic national convention, I shall not stand upon methods. The recent election has destroyed all hope for the free, independent, and unlimited coinage of both metals for the next four years at least. If, then, all hope of having enacted into law the declarations of the Chicago platform must be put aside for four years, I am willing to support the present movement, which looks to the bringing about of bimetallism by international agreement.

We want the free coinage of gold and silver, and I am willing to take it via international agreement rather than not get it at all. But this effort at international agreement upon this important question is foredoomed to failure, in my belief. Like the other

three attempts in that direction, this is likely to result in nothing; but let us on this side throw no hindrance in the way of this effort to carry out in good faith the pledge of a great political party.

I do not believe that under the incoming Republican Administration we will have anything for the next four years in the way of a financial system except a continuation of the gold standard, with all of its ills, and added to it a high protective tariff law, likely to be enacted in the next few months. The prospect, therefore, before the American people for four years is gold monometallism and high protection. Let us see to what it will bring the country and the people.

The Republican party will come into power under a pledge the most dangerous for any political party to make, the pledge of the restoration and maintenance of general prosperity. I fear, Mr. President, that the conditions do not exist which justify the hope of the restoration and maintenance of general prosperity, nor do I believe it will come under the gold standard and high protection. The money question, outside of the questions which affect the eternal welfare of mankind, is the most important one that can engage the intellect of man. According as it may wisely or unwisely be settled, it affects every man, woman, and child living to-day, as well as generations yet unborn.

This movement, in charge of which is the Senator from New Hampshire [Mr. CHANDLER], is a movement which its advocates promise is a step forward toward changing the present monetary system of the country and of the world. However much I may believe that nothing will come of it, I consider it my duty to support the measure, and such is my purpose.

Mr. WHITE. Mr. President, I rise simply to say that as there is an amendment pending to the bill of the Senator from New Hampshire [Mr. CHANDLER], which amendment was introduced by the Senator from Utah [Mr. CANNON], and which expresses in appropriate phrase the principles which I think should control us, and as I find myself unable to vote for that amendment, I wish to briefly state my reasons for not doing so.

While I think that the amendment of the Senator from Utah would improve this bill, yet, holding as I do that the whole scheme must prove abortive, and knowing that the Republican party is responsible for this legislation and must be held responsible in the future, I am unwilling to make any change in the measure which does not meet the approval of those who have undertaken the enterprise. I do not wish to make the bill so virtuous that it can not be taken in and absorbed and approved by our political adversaries. I am aware that their capacity for bimetallism is somewhat limited, and I do not wish to give them more than that quantity which they themselves state they are in condition to absorb. [Laughter.]

The Senator from Utah has very properly spoken of his amendment, and has given many reasons to show that the pending bill is defective; but I submit that we ought not to interfere with our friends, but permit them to formulate a measure which, as they believe, will accomplish the beneficent result referred to; and if they fail, having designed the bill themselves, we can not be charged with obstruction.

On the other hand, if we attempt to alter or amend it in any material way, it will be said afterwards, in the event of failure, that we are responsible for that failure. Let them have their bill. I shall vote for it, and I hope that it will be successful. If I doubt it, it is because of the elements surrounding the case, which I do not think the Republican and Democratic parties combined could possibly overcome. I again submit that the amendment proposed by the Senator from Utah should be voted down, not because intrinsically it contains anything that is not true, but because, under the circumstances, it is impolitic and unwise to interfere with the pending measure.

Mr. ALLISON obtained the floor.

Mr. CHANDLER (at 3 o'clock and 50 minutes p. m.). Mr. President, I find that there are three or four Senators who desire to speak—so far as I can learn only three or four—and yet they can not get through by 4 o'clock. I am very anxious that the bill should be concluded this afternoon in accordance with the unanimous agreement, and if Senators are willing to stay here and dispose of the bill I will ask unanimous consent for an extension of the time for debate.

Several SENATORS. How long?

Mr. CHANDLER. Until half past 4 o'clock.

Mr. HAWLEY. And with five-minute speeches.

Mr. CHANDLER. I do not wish to cut off the Senator from Iowa.

Mr. ALLISON. I shall not want more than five minutes.

Mr. CHANDLER. I will ask for a general extension of the debate until half past 4 o'clock, with the understanding that the bill is to be voted upon at that time, and I hope Senators will stay here.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and it is so ordered.

Mr. ALLISON. I do not expect to occupy much time in this discussion; indeed, it was not my purpose to participate in it at all until I listened to some of the observations made on the other side both by those who oppose and those who favor the pending bill.

Mr. President, this Chamber seems to be divided, very much as the country is divided, into those who believe in the single gold standard because they think it is not possible to have a double standard and an equivalence of value between the two metals in circulation and those who believe it is wiser and better for us to have a single standard of silver. So I find the Senator from Nevada [Mr. STEWART] and the Senator from Wisconsin [Mr. VILAS] in loving accord opposing this measure, though I do not know but both those Senators will vote for it. I am not sure, however, as to that.

There are others who believe that the metallic money of the world consists of both gold and silver, that they have always consisted of these two metals, and that they are likely to continue to consist of them. They believe that the chief value of these metals is derived from their use as money and not from their use in the arts, and, therefore, if their use as money can be enlarged, or the use of either of them can be enlarged, it will bring their values nearer together.

The Senator from Wisconsin says the two metals have never circulated side by side. I shall not take the time to argue now that he is mistaken, but it is an historical fact that they practically circulated side by side for hundreds of years when the ratio of a given number of commercial nations was the same.

Those who believe in an international agreement on this subject of money are not abdicating, as the Senator from Louisiana [Mr. BLANCHARD] has just said, the power and independence of our nation, but they are making an honest endeavor to bring these two metals, now widely separated in their international value, nearer and nearer together, and they believe that can be done by their universal use. Those of us who believe in having a stable money in our own country, and who do not believe it is a wise thing for us to abandon our present standard and go to the single standard of silver, for which a large number of people voted at the last election, believe that it is wiser and better by practical and sensible methods, which have derived their value from experience, to see whether or not there are other commercial nations who will unite with us in an endeavor to secure the concurrent use of silver and gold without one being greater in value than the other in circulation.

This proposition is not new. It has been the established policy of the United States since 1878, by repeated acts of Congress and by repeated statements in platforms, and only departed from in a single instance by either of the great parties—at Chicago in 1896. Therefore we propose now to place within the power of the President of the United States, as we have many times before placed in his power, the money necessary to enable this Government to participate in any arrangement amongst the commercial nations whereby we can fix a ratio between the two metals and test whether hereafter, as heretofore, they will upon that agreed ratio circulate side by side. That is all we propose here, and we do not even need to do that except for the fact that we must place in the hands of the President of the United States the power to execute this purpose, which we have so often expressed and so often declared in our statutes and in our platforms.

The Senator from Wisconsin jeers at the idea that there is a possibility of securing concurrent action of the principal commercial nations of the world in this effort. He says that all the conferences we have heretofore had have been failures. They have been failures in a sense, it is true, and yet there has not been a single conference held which has not made progress in the development of what we call bimetallism in this country and in the world.

Mr. LINDSAY. I desire to ask the Senator from Iowa whether he regards the appropriation made by the act of March, 1895, as having lapsed, or whether the President may still utilize that appropriation?

Mr. ALLISON. I think, were we not to take this action, that possibly that appropriation of 1895 might be used, as the appropriation of 1892 possibly might be used.

But, Mr. President, being diverted from the suggestion I was about to make in response to the argument of the Senator from Wisconsin, I repeat that there has never been a conference which has not made progress as respects the concurrent use of both gold and silver; and I venture the assertion that, outside of the controlling portions of Great Britain and perhaps also the Scandinavian states, there is not a country in Europe that is not in favor of the effort which is proposed here and which will not support it and advocate it, excepting only Germany, which stands upon a pivot as to its parliamentary situation and as to the governing forces surrounding the Emperor of Germany. It is well known

that Austria will follow in the pathway of Germany in whatever she may say or do.

The Senator from South Dakota [Mr. PETTIGREW] took pains to make quotations from statements made by the delegates of certain European powers in the conference of 1892. It is well known by those who participated in that conference that Great Britain stood in the pathway, and Germany also, because then her Parliament or Reichstag had not expressed itself, as it has twice since, in favor of international bimetallism. So the situation now is not what it was in 1892, whether as to the Government of Germany, the Government of France, or even that of Great Britain. It is well known, as the Senator from Massachusetts [Mr. HOAR] has already stated, that all of the governing forces in France now favor bimetallism. Why? Because France and Belgium and Holland and Switzerland and Italy have in their circulation nearly $1,200,000,000 of silver money, which circulates there only as domestic money, on a par with gold, which is their standard of value. We have $600,000,000, or nearly so, of like money. Is it not the part of wisdom on the part of those countries to make our domestic money interchangeable without having behind it, as we have now and are obliged to have, the power of this Government to keep it on a par with gold? Should you take away that power, the silver money would no longer circulate, as it does circulate, on a parity with gold.

Mr. President, I do not advocate this policy because it is found in the platform adopted at St. Louis. I advocate it because I believe it is in the interest of the concurrent circulation of these two metals in the world and because it promotes the commercial interest of the world to minimize the difference in the power of exchange between great connecting trading countries. One or the other of those metals, so long as these conditions prevail, will be the paramount metal, and so long as it is the paramount metal the other will fluctuate up and down in the markets of the world. That is the situation to-day.

Mr. PETTIGREW. Will the Senator allow me just one moment?

Mr. ALLISON. As the Senator will see, I can not yield to him now.

Mr. PETTIGREW. I simply wish to correct a statement of the Senator.

Mr. ALLISON. The Senator can correct it afterwards. I may have made some error, but the statement is practically correct as I have made it.

Which of these two metals is to be paramount until we have the concurrent action of nations? It is that which is the standard of money in the nations having the chief trade of the world. Who are those nations? Are they China, Japan, or the South American States, some of them having a gold standard, some of them having a silver standard, and all of them upon a depreciated paper standard but one? Here lies Europe, with its silver and its gold, having the gold standard, with a trade twelve times as great as all the trade of all the silver countries combined. Therefore it is, unless we can minimize this difference in the value of these two metals in the exchanges of the world, this divergence will go on, and the people who have the silver money are those who will be most distressed in the exchanges which are necessary to be made.

Without reference to party platforms or party alliances here or there, can it be possible that the American people, growing as they are growing, in the commerce of the world, will not make whatever effort can be made to secure as nearly as possible the power of exchange among the nations which use silver and gold?

Mr. President, I shall vote for this measure.

Mr. GORMAN. Mr. President, I shall vote for the proposition presented by the distinguished Senator from New Hampshire [Mr. CHANDLER], and I think the country is to be congratulated upon the result of the debate upon this proposition to-day. With practical unanimity on the part of those who have spoken, it appears that the members of the Senate are in favor of making this earnest, honest effort to secure an international agreement. I shall vote for it, notwithstanding the fact that it gives power to the incoming President of the United States to appoint the commissioners to represent this Government in whatever conference may be held; I shall vote for it, as I have voted for all like propositions since I have been a member of the Senate, even the one of 1895, when Congress, making the provision for calling a conference, elected six of the commissioners, three by the House of Representatives and three by this body, leaving the present President of the United States to appoint a number of commissioners. The failure to carry out the law of Congress as expressed in that resolution, in my judgment, intensified the feeling of this country, certainly in the Democratic party, to such an extent that the extraordinary declarations of the Chicago convention were made.

I agree with the distinguished Senator from Massachusetts [Mr. HOAR] that a great majority of the people of this country are in favor of bimetallism. The American people will not very much longer, in my judgment, submit to a dalliance with this question, which does not bring about results, and which is not intended to bring about results. But viewing the condition of the country, which has been produced by various causes, not only by the difficulties regarding the circulating medium, but from others, we see that distress prevails from one end of the land to the other, which does not disappear, but which intensifies, until we stand to-day not as well off as we were one year ago. But for the fact that the great famine abroad has enabled our people to send their products hence, so that the balance of trade within the year is $300,000,000 in our favor, no man could tell what would occur during these winter months. The distress of others has saved us from a great calamity.

I will not impede by any act of mine any measure that will tend to create a better condition of affairs for our people under the next Administration. I prefer, because it is a mere matter of verbiage, that the party about to assume power shall deal with this question precisely as they deem best. The methods by which they may attain it, so far as concerns my vote, must be theirs. But having voted for the bill, as I shall, I wish to say to the other side that the great reforms which you have promised will not end with the passage of the pending bill. Nothing but results will satisfy the American people, and results which will better the condition as it stands to-day. A result must follow which will give sufficient revenue to the Government without imposing unjust burdens upon the masses of the people or give favoritism to a few. The structure, as to the ordinary currency of the country, which has been created not by Democratic policies, can not be permitted by the Republicans to remain as it is now, so that whenever there is a panic or a slight disturbance in business affairs runs upon banks and the Treasury will occur again.

Having come in power, you are entitled to have fair treatment upon those questions which affect the Treasury, as the matter now under consideration affects the whole structure. I, for one, do not intend to obstruct that policy unless it be made purely political by those on the other side of the Chamber. I can not afford as an American citizen and as a Senator having a vote here, representing in part a State, to fail to take into consideration the immense embarrassment under which our people are laboring. I will not even express the opinion that this measure will be a failure. My belief is that we have failed in the past because those in the executive branch who have had the management of our financial affairs have never had their heart in the matter. Our representatives have been embarrassed by the conviction on the part of those whom they met in conference that if there was a failure the American people would quietly submit to it, as we have. I desire to see this commission go abroad with the encouragement of both Republicans and Democrats, to say to the other nations of the world that we intend to have this question adjusted fairly and in the interest of the people.

I was gratified to hear the Senator from Massachusetts [Mr. HOAR], with all his learning, in his splendid speech to-day, say to the American Senate that the English Government, or a majority of that Government, is in favor of bimetallism. But he said that within a square mile in London there is power enough to prevent the achievement of a great act for the benefit of mankind; that they would overturn the English Government. Mr. President, within 1 mile of the city hall in New York there has been power enough to stay and stop the consummation of this question in the United States. Within the radius of a mile in the city of Paris there has been enough power to stay and stop the men who govern France. Let these representatives of the United States under the next Administration go abroad and say that no longer shall this power thus concentrated in three or four great cities throttle all the freemen of the world; but that if they do so on the other side, the American Republic will march along in the immediate future to relieve our people at home.

Mr. STEWART. Mr. President, two or three of my friends who have spoken have great difficulty in understanding what I say or in interpreting what I mean. The Senator from New Hampshire made a statement that I had said that the silver-standard countries are more prosperous than our own country. I never made any such statement. What I did say is true, that since the demonetization of silver and the difference of exchange forced by that demonetization the silver-standard countries had prospered more than they ever did before in history; and if there is anything true on earth, that is. The man who does not know that the silver-standard countries, having availed themselves of cheap silver, are reaping a rich reward is ignorant of current history.

The Senator from Massachusetts [Mr. HOAR] made some sport at my expense. He told us how nicely the aristocracy of Europe treated him and what kind things they said. We have had those reports for twenty years. There is no doubt that you can get honeyed words from those gentlemen. They are very polite. In alluding to Mr. Balfour he was unfortunate, however. Mr. Balfour understands this question as well as any man living. He is in sentiment a bimetallist. But a short time ago in Parliament

he conceded that it was impracticable, and he was unwilling to place the administration against the mile square in London. He is as much in dread of that as the Senators on this floor are in dread of the mile square in New York.

The Senator made another unfortunate allusion. He referred to the savings banks, and by implication let it be understood that they were contributors to the vast corruption fund which did a large part of the voting at the last election. I have heard it stated before that the very honest men whom he described contributed of the funds deposited in savings banks to swell the volume of the vast fund which voted in the last election. I did not believe it. If it is true, it speaks badly for their honesty. In regard to savings banks, I have this to say: It is true that $1,500,000,000 has been deposited by the laborers and others in the savings banks of the United States. Those $1,500,000,000 are invested in securities. It is not true that those securities are of the same value that they were when the investments were made. The savings banks are trembling on the brink of ruin. If the gold standard is maintained, they can not convert their securities into money and pay their depositors. I will not mention, as I could do, a large number of savings banks whose situation is very delicate, but I undertake to say that the gold standard, if pursued, will so depreciate the securities they hold that few if any of them can close up and pay their depositors. They can not convert the securities they hold into money, and in almost every city the savings banks are making every effort to prevent a run. In Chicago a few days ago they claimed that they availed themselves of the privilege of demanding the full notice allowed by law. That is the situation of the savings banks.

I did not think my friend the Senator from Iowa [Mr. ALLISON] really misunderstood my position. He said that I am in favor of the single silver standard. I am not in favor of confining the money to any particular commodity. I am in favor of restoring silver and using the two commodities, but if the two commodities are not enough, as they frequently have not been, I am in favor of our Government saving this civilization by the exercise of its sovereign power, which has been used in every emergency by every great government, to create money out of something else. As I said the other day, there is but one case in which metallic money was used in a great war. That was the case of Germany in the war with France, when she used silver. She remained on the silver basis throughout the war. If in a great emergency of war, when national existence and national life are at stake, governments have the inherent power to create a circulating medium which will save their existence, why is it necessary that in time of peace the people should be destroyed because there is not enough of any particular material? I believe the use of both metals will furnish a reasonable amount of material out of which to make money.

It is suggested that silver will be used altogether, and that I am a monometallist. What I ask is that the mints shall be opened to each, and that if silver does not come to the mints, let gold come. If gold does not come, let silver come. Let something come that will stand between the American people and the extinction of civilization. If the misery that now stalks abroad in the land does not appeal to the Senate, what will? The suffering is greater to-day than it ever was in war. I am called to account because I said 5,000,000 are out of employment and in want. My statement was no exaggeration. There are more than 5,000,000 people who are practically idle because enterprise is stopped, and those who work upon farms are toiling for comparatively nothing. Their farms have depreciated in value. Mortgages have been converted into deeds. Misery stalks abroad in the land, and I say under these circumstances it behooves the American Senate to inquire if there is no remedy in peace for unendurable calamities.

With this situation before us, with our people struggling to live, misery everywhere, we are going to Europe to ask a mile square in London if they have blood money enough; if they are satisfied to give us some of their gold; if they are satisfied to let us use some silver; if their greed to increase their hoards by increasing the purchasing power of money is satiated. That we must petition them for that it seems to me is the depth of humiliation and disgrace. Suppose during the war either side had left home and gone to Europe to get aid and comfort. Suppose they had applied to Europe for the right to make their own money. Everybody would have said they were unpatriotic. It is equally unpatriotic to-day to let millions starve and perish while we apply to Europe for relief.

I agree with the remarks of the Senator from California and with others who have said that it is our duty, as a matter of expedience, to allow the Republican party to make this fourth application to Europe for relief, because they have made many people believe that Europe has more regard for the people of the United States than has the Government of the United States for the people which placed it in power. Many have been misled to that extent. Let them try it again; and perhaps after twenty-four or twenty-five years of experiment a sufficient number of American people will have faith in their own Government and in the power of their own Government to save the people in this emergency. That being the case, let it go on. We can do nothing else. Let them have the spectacle, and I desire to have it presented in their own bill. I appeal to my friend, the Senator from Utah [Mr. CANNON], to withdraw his amendment. Let us put no obstruction in the way. Let them show to the world just what this thing is. Do not let us bear any of the responsibility of obstructing. We want the object lesson. One more object lesson will suffice, I am satisfied. With one more object lesson all the money in the savings banks in the United States, if you take it all out, will be insufficient to cast a majority vote in the next election.

Mr. HAWLEY. Mr. President——

Mr. CHANDLER. Will the Senator from Connecticut allow me? I ask unanimous consent that the time for a vote may be extended, so that the Senator from Connecticut [Mr. HAWLEY] and the Senator from Illinois [Mr. PALMER] may address the Senate.

Mr. WHITE. Will we have a vote this afternoon?

Mr. CHANDLER. Immediately thereafter.

The VICE-PRESIDENT. Is there objection?

Mr. MORGAN. I object.

The VICE-PRESIDENT. Objection is interposed to the request of the Senator from New Hampshire.

Mr. HAWLEY. I shall occupy the time of the Senate for but a very few moments. I am as anxious to come to a vote as is any other Senator.

The VICE-PRESIDENT. The Chair will state that the agreement was to take a vote at half past 4 o'clock. The Chair submits to the Senate the request of the Senator from New Hampshire that the time be extended in order that the Senator from Connecticut and the Senator from Illinois may address the Senate.

Mr. CHANDLER. I am very anxious to get the bill through to-night, but not so anxious but that I would like to have the Senator from Illinois as well as the Senator from Connecticut have a chance to make a speech. No other Senators have hitherto indicated a desire to speak. Those are the only ones who wish to speak, and I hope they may have an opportunity.

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from New Hampshire.

Mr. PALMER. I would prefer that the request be limited to an extension of time so as to permit the Senator from Connecticut to speak.

Mr. PETTIGREW. I shall object unless the time is extended so that all who choose to speak can do so.

Mr. CHANDLER. The Senator from South Dakota can object if he pleases.

Mr. GALLINGER and Mr. FRYE. Let us have a vote.

Mr. PETTIGREW. I shall not object if the time is extended so as to allow every Senator to speak who wishes to do so.

Mr. GALLINGER. I object to that.

Mr. CHANDLER. No other Senator has indicated a wish to speak until now.

Mr. HOAR. I suggest that if any other Senator now indicates a wish to speak the extension of time can be enlarged so as to include him. I understand that the Senator from Illinois [Mr. PALMER] withdraws his desire, so that no Senator has indicated a wish to speak except the Senator from Connecticut [Mr. HAWLEY].

The VICE-PRESIDENT. The Chair will submit to the Senate the request of the Senator from New Hampshire. Is there objection?

Mr. PETTIGREW. I object.

The VICE-PRESIDENT. Objection is interposed. The hour has arrived at which the Senate agreed to vote. The question is upon agreeing to the amendment submitted by the Senator from Utah [Mr. CANNON], which will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause down to and including the word "conference" in line 12, and insert:

That within ninety days after the 4th day of March, 1897, the President of the United States shall invite the leading commercial nations of the world to appoint representatives to an international monetary conference, to convene on or before October 1, 1897, at such place in the city of Washington as the President may designate; and also, within said ninety days after the 4th day of March, 1897, the President shall appoint five commissioners to represent the United States at such conference, the duty of which United States commissioners shall be to urge the adoption by said conference of a plan for the free and unlimited coinage of silver and gold at some ratio ranging between 15 to 1 and 16 to 1 by the nations represented at such conference.

Mr. CHANDLER. I hope the Senator from Utah will withdraw the amendment. I ask him in behalf of the friends of the original bill to withdraw it.

Mr. CANNON. I prefer to allow the amendment to be voted upon by the Senate.

Mr. CHANDLER. Then I move to lay the amendment upon the table.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from New Hampshire to lay on the table

the amendment submitted by the Senator from Utah [Mr. CANNON].

Mr. CANNON. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BERRY (when his name was called). I have a general pair with the Senator from Colorado [Mr. TELLER]. If he were here, I should vote "nay."

Mr. CAFFERY (when his name was called). I have a general pair with the Senator from Michigan [Mr. BURROWS], and therefore withhold my vote.

Mr. FAULKNER (when his name was called). I understand from the Senator from New Hampshire that my colleague [Mr. ELKINS], with whom I am paired, would vote "yea" on this question if he were present. I will therefore vote. I vote "yea."

Mr. GEAR (when his name was called). I have a general pair with the Senator from Georgia [Mr. GORDON]. If he were present, I should vote "yea."

Mr. LODGE (when his name was called). I have a general pair with the Senator from New York [Mr. HILL]. Not knowing how he would vote, I withhold my vote. If he were present, I should vote "yea."

Mr. MCBRIDE (when the name of Mr. MITCHELL of Oregon was called). My colleague is absent from the Chamber. He has a general pair with the senior Senator from Wisconsin [Mr. VILAS]. If my colleague were present, I have no doubt, believing that the bill in its present form would best promote the object intended to be attained by it, he would vote against the pending amendment and all proposed amendments to the bill.

Mr. MITCHELL of Wisconsin (when his name was called). I have a pair with the Senator from New Jersey [Mr. SEWELL]. I understand the Senator from New Jersey is opposed to the amendment, and I will therefore vote. I vote "yea."

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. GEAR (when Mr. MORRILL's name was called). The senior Senator from Vermont requested me to state that he has a general pair with the Senator from Tennessee [Mr. HARRIS].

Mr. NELSON (when his name was called). I am paired with the Senator from Missouri [Mr. VEST]. If he were present, I should vote "yea."

Mr. PALMER (when his name was called). I have a general pair with the Senator from North Dakota [Mr. HANSBROUGH]. I do not know how he would vote, and therefore withhold my vote.

Mr. SMITH (when his name was called). I have a general pair with the senior Senator from Idaho [Mr. DUBOIS]. If he were present, I should vote "yea."

Mr. VILAS (when his name was called). I am paired generally with the Senator from Oregon [Mr. MITCHELL]. I am informed by his colleague that he would be against the amendment. Therefore I shall vote in the affirmative upon this question. The Senator from Oregon would be in favor of the passage of the bill, while I would be against it. Upon this amendment I shall vote the same way in which he would if present. I vote "yea."

Mr. WILSON (when his name was called). I have a general pair with the junior Senator from Florida [Mr. PASCO], and I am not advised how he would vote upon this question. If he were present, I should vote "yea."

The roll call was concluded.

Mr. BLANCHARD. I have a general pair with the Senator from North Carolina [Mr. PRITCHARD] who is absent. The money question, however, was excepted from the operation of the pair. I understood from him that his sentiments upon that question are the same as my own, and under the circumstances I feel authorized to vote. I vote "yea."

Mr. BATE. My colleague [Mr. HARRIS], who is unable to be here this evening, is paired with the Senator from Vermont [Mr. MORRILL].

Mr. MCBRIDE. I have a general pair with the senior Senator from Mississippi [Mr. GEORGE]. I am informed by his colleague that if present he would vote in favor of the motion to lay on the table. I therefore feel at liberty to vote. I vote "yea."

The result was announced—yeas 41, nays 8; as follows:

YEAS—41.

Allison,	Faulkner,	Lindsay,	Stewart,
Bacon,	Frye,	McBride,	Thurston,
Baker,	Gallinger,	McMillan,	Tillman,
Blackburn,	Gibson,	Mills,	Turpie,
Blanchard,	Gorman,	Mitchell, Wis.	Vilas,
Brown,	Gray,	Murphy,	Walthall,
Cameron,	Hale,	Perkins,	Wetmore,
Carter,	Hawley,	Platt,	White.
Chandler,	Hoar,	Pugh,	
Cullom,	Jones, Ark.	Sherman,	
Davis,	Jones, Nev.	Shoup,	

NAYS—8.

Allen,	Butler,	Clark,	Pettigrew,
Bate,	Cannon,	Peffer,	Roach.

NOT VOTING—40.

Aldrich,	Elkins,	Mantle,	Quay,
Berry,	Gear,	Martin,	Sewell,
Brice,	George,	Mitchell, Oreg.	Smith,
Burrows,	Gordon,	Morgan,	Squire,
Caffery,	Hansbrough,	Morrill,	Teller,
Call,	Harris,	Nelson,	Vest,
Chilton,	Hill,	Palmer,	Voorhees,
Cockrell,	Irby,	Pasco,	Warren,
Daniel,	Kyle,	Pritchard,	Wilson,
Dubois,	Lodge,	Proctor,	Wolcott.

So the amendment was laid on the table.

The VICE-PRESIDENT. The question recurs upon the amendment of the Senator from Georgia [Mr. BACON]. The amendment will be stated.

The SECRETARY. Insert as an additional section:

SEC. 2. That the President of the United States is hereby authorized, in the name of the Government of the United States, to call, in his discretion, such international conference, to assemble at such point as may be agreed upon.

Mr. CHANDLER. I understood that the friends of the bill accepted that amendment when it was offered so far as they could do so.

The VICE-PRESIDENT. Is the amendment accepted without objection?

Mr. FRYE and others. Agreed.

The VICE-PRESIDENT. The amendment is agreed to without objection. The bill is still as in Committee of the Whole, and open to amendment. If there be no further amendment, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading.

Mr. COCKRELL. Let the third reading be in full.

The bill was read the third time, as follows:

Be it enacted, etc., That whenever after March 4, 1897, the President of the United States shall determine that the United States should be represented at any international conference called by the United States or any other country with a view to securing by international agreement a fixity of relative value between gold and silver as money by means of a common ratio between these metals, with free mintage at such ratio, he is hereby authorized to appoint five or more commissioners to such international conference; and for compensation of said commissioners, and for all reasonable expenses connected therewith, to be approved by the Secretary of State, including the proportion to be paid by the United States of the joint expenses of any such conference, the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated.

SEC. 2. That the President of the United States is hereby authorized, in the name of the Government of the United States, to call, in his discretion, such international conference to assemble at such point as may be agreed upon.

The VICE-PRESIDENT. The question is, Shall the bill pass as amended?

Mr. BATE. On that let us have the yeas and nays.

The yeas and nays were ordered.

Mr. THURSTON. I am compelled to leave the Chamber to take a train. I ask unanimous consent that my vote may be recorded in favor of the passage of the bill without waiting for the roll call.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. HALE. Let the name of the Senator from Nebraska be called.

The Secretary called the name of Mr. THURSTON, and he voted in the affirmative.

The VICE-PRESIDENT. The Secretary will call the roll on the passage of the bill.

The Secretary proceeded to call the roll.

Mr. BERRY (when his name was called). I have a general pair with the Senator from Colorado [Mr. TELLER]. I do not know how he would vote on the bill. I therefore withhold my vote.

Mr. CHANDLER. I desire to inform the Senator from Arkansas that I am authorized by the Senator from Colorado [Mr. TELLER] to pair him in favor of the bill.

Mr. BERRY. If the Senator from New Hampshire can get a pair for him, I hope he will do so.

Mr. CHANDLER. The Senator from Arkansas is at liberty to vote.

Mr. CAFFERY (when his name was called). I have a general pair with the Senator from Michigan [Mr. BURROWS]. Not knowing how he would vote, I withhold my vote.

Mr. FAULKNER (when his name was called). I am informed by the Senator from New Hampshire [Mr. CHANDLER] that my colleague [Mr. ELKINS], with whom I am paired, would vote in the affirmative on the passage of the bill. I will therefore vote. I vote "yea."

Mr. GEAR (when his name was called). I am informed that the Senator from Georgia [Mr. GORDON], with whom I have a general pair, would vote, if present, in favor of the bill. Therefore I will vote. I vote "yea."

Mr. LODGE (when his name was called). I have a general

pair with the Senator from New York [Mr. HILL]. If he were present, I should vote "yea."

Mr. MCBRIDE (when his name was called). I have a general pair with the Senator from Mississippi [Mr. GEORGE]. I am informed by his colleague that he would vote for the bill. I will therefore vote. I vote "yea."

Mr. MCBRIDE (when the name of Mr. MITCHELL of Oregon was called). I again announce the pair of my colleague [Mr. MITCHELL] with the Senator from Wisconsin [Mr. VILAS]. My colleague, if present, would vote "yea."

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL]. As we are of one mind on this question, I will vote. I vote "yea."

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. NELSON (when his name was called). I am paired with the Senator from Missouri [Mr. VEST], but I am authorized by his colleague to vote, and therefore I will vote "yea."

Mr. PALMER (when his name was called). I beg again to announce my pair with the Senator from North Dakota [Mr. HANSBROUGH]. I will withhold my vote.

Mr. SMITH (when his name was called). I have a general pair with the senior Senator from Idaho [Mr. DUBOIS].

Mr. VILAS (when his name was called). I have already announced my pair with the Senator from Oregon [Mr. MITCHELL], I suggest to the Senator from Massachusetts [Mr. LODGE] that we exchange our pairs so as to be enabled to vote.

Mr. LODGE. I agree very gladly to that arrangement.

Mr. VILAS. Very well; then let the Senator from Oregon [Mr. MITCHELL] stand paired with the Senator from New York [Mr. HILL]. I vote "nay."

The roll call was concluded.

Mr. CLARK. I wish to announce the absence of my colleague [Mr. WARREN] on account of severe illness, and that if present he would vote "yea."

Mr. WILSON. I again announce my pair with the Senator from Florida [Mr. PASCO]. If he were present, I should vote "yea."

Mr. LODGE. In view of the transfer which has just been made by the Senator from Wisconsin [Mr. VILAS], I desire to vote. I vote "yea."

Mr. BATE. I wish to announce that my colleague [Mr. HARRIS] is absent on account of indisposition, and is paired with the senior Senator from Vermont [Mr. MORRILL].

The result was announced—yeas 46, nays 4; as follows:

YEAS—46.

Bacon,	Cullom,	Jones, Ark.	Platt,
Baker,	Davis,	Jones, Nev.	Pugh,
Bate,	Faulkner,	Lindsay,	Sherman,
Blackburn,	Frye,	Lodge,	Shoup,
Blanchard,	Gallinger,	McBride,	Thurston,
Brown,	Gear,	McMillan,	Tillman,
Call,	Gibson,	Mills,	Turpie,
Cameron,	Gorman,	Mitchell, Wis.	Walthall,
Cannon,	Gray,	Murphy,	Wetmore,
Carter,	Hale,	Nelson,	White.
Chandler,	Hawley,	Peffer,	
Clark,	Hoar,	Perkins,	

NAYS—4.

Allen,	Pettigrew,	Roach,	Vilas.

NOT VOTING—39.

Aldrich,	Dubois,	Martin,	Smith,
Allison,	Elkins,	Mitchell, Oreg.	Squire,
Berry,	George,	Morgan,	Stewart,
Brice,	Gordon,	Morrill,	Teller,
Burrows,	Hansbrough,	Palmer,	Vest,
Butler,	Harris,	Pasco,	Voorhees,
Caffery,	Hill,	Pritchard,	Warren,
Chilton,	Irby,	Proctor,	Wilson,
Cockrell,	Kyle,	Quay,	Wolcott.
Daniel,	Mantle,	Sewell,	

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 3555) to amend an act entitled "An act granting to the Eastern Nebraska and Gulf Railway Company right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska," by extending the time for the construction of said railway, with an amendment in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 6902) granting a pension to Mrs. Mary A. Viel;

A bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes; and

A bill (H. R. 10085) for the relief of Elnora Shuman.

MARITIME CANAL COMPANY OF NICARAGUA.

Mr. MORGAN. I ask the Chair to lay before the Senate the regular order.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. MORGAN. Mr. President, I take the floor on the Nicaragua Canal bill this evening for the purpose of presenting to the Senate a report of the Select Committee on the Construction of the Nicaragua Canal, which sets forth a statement made by Hiram Hitchcock, of New York, president of the Maritime Canal Company, and which I will ask to have printed and laid on the table.

Mr. FRYE. And printed as a document?

Mr. MORGAN. And printed as a document, of course.

Mr. SHERMAN. We can not hear on this side of the Chamber.

The VICE-PRESIDENT. The Chair was unable to hear the remarks of the Senator from Alabama. The Senate will be in order.

Mr. MORGAN. I said that I took the floor this evening on the bill for the purpose of presenting a report of the Select Committee on the Construction of the Nicaragua Canal, which sets forth a statement of Mr. Hiram Hitchcock, of New York, president of the Maritime Canal Company, in reference to the present relations between the company and the States of Nicaragua and Costa Rica, and it is submitted without any comment on the part of the committee. I should like very much, as it is a matter of consequence to the Senate, that the report may be printed in the RECORD as well as in ordinary report form, unless there is objection to it.

Mr. SHERMAN. Let it be printed in the form of a document, because it is easier to read in that form than in the RECORD.

Mr. MORGAN. Yes; in the form of a document, and in the RECORD.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

STATEMENT OF MR. HIRAM HITCHCOCK, OF NEW YORK, PRESIDENT OF THE MARITIME CANAL COMPANY, OF NEW YORK, BEFORE THE SELECT COMMITTEE ON THE NICARAGUA CANAL OF THE UNITED STATES SENATE, ON THURSDAY, JANUARY 28, 1897.

The committee met at 10.30 a. m.

The CHAIRMAN. This meeting has been specially called to hear the statement of Mr. Hiram Hitchcock, president of the Maritime Canal Company of Nicaragua, who has been summoned by the committee to give the committee information with reference to the canal company.

I will first ask you, Mr. Hitchcock, what differences, if any, your company has had with the Governments of Nicaragua and Costa Rica in connection with the building of the canal?

Mr. HITCHCOCK. The same is true with regard to any substantial differences as was true when I was first called before the Senate Committee on Foreign Relations, June, 1890. I then said: "I may as well perhaps say, as you ask me the question, with reference to that, that there is no point of difference remaining unsettled between the company and Nicaragua at the present time. That leads me to say (without assuming to be able to give you gentlemen the least information on that point) that it is proper that you should know from us officially the relations which exist between us and Nicaragua, and in fact Central America generally. It is, as I said before, perhaps unnecessary to state these facts, but there are complicated questions. The rights to the San Juan River, the boundary questions between Nicaragua and Costa Rica, always come up when any question of transit across that Isthmus arises. You will find that under Tyler's Administration, in 1842, this matter was somewhat considered by Mr. Webster, and it has been before every Secretary of State in some aspect from that time to this. It involves the canal question. Now, the question of the respective rights in this particular route was supposed to have been settled under the treaty of limits between those two powers of 1858. Under that treaty, while Nicaragua owns the entire route, yet Costa Ricahas the right to navigation and has the right to be consulted.

"Now I come down to the point where it concerns this particular concession. The Nicaragua Canal Association, which was formed in 1886, set out early in 1887 to obtain a concession to build this canal. Nicaragua had the right to give this concession, and in it gave us the fullest freedom to locate the route; but for the reason that the treaty of 1858 gives to Costa Rica the right of navigation and that in the construction of the canal waters would be made to overflow Costa Rican territory, Costa Rica took the ground that Nicaragua should have recognized that treaty to the extent, at least, of obtaining the consent of Costa Rica to this concession. Nicaragua did not do that. We accepted the concession in good faith, believing Nicaragua had the absolute right to grant it. The first thing we encountered was a protest, thirty or forty days

thereafter, from Costa Rica, announcing that the concession was of no value because she had not been consulted. The Government of Nicaragua could have consulted her before, and have gone on and satisfied her for any damages which the overflow might do to her territory, but we were left to make terms with Costa Rica. We then, for six months, negotiated to obtain a concession from Costa Rica, when this was accomplished. Nicaragua immediately protested against our concession from Costa Rica. We assured Nicaragua that we had accepted the concession from Costa Rica simply in the nature of a quitclaim of any rights she might have; and when we formed our company and accepted the Costa Rica concession we accepted it only in so far as it did not conflict with the territorial rights and proprietary interests of the Republic of Nicaragua. Thus we were entirely open and frank in the whole transaction.

"Now, you will readily see that up to that point it was useless to talk about the sale of bonds with the protest of either Government pending. Then when the first expedition, sent out after the Maritime Company was organized, commenced work on the 3d of June, 1889, Nicaragua officially notified us that, while she would protest against our concession from Costa Rica, yet she would not go beyond protesting and would not interfere with the construction of the canal. But in July Nicaragua ordered the stopping of our work at Grey Town. We did not pay attention to that order, because she immediately modified it by saying that she would not regard the work as an official commencement of permanent work. The troubles continued and were fostered by parties from England, whose names I know, who wanted to have the 24th day of October arrive and the Government of Nicaragua not recognize that we had begun our work, so that our concession would lapse. On the 16th of September, 1889, the Government of Nicaragua notified us officially that if we did not confine ourselves within her limits, thereby ignoring any rights or claims of Costa Rica, she would not approve our surveys nor recognize the commencement of the work of construction, and that on the 24th of October she should consider our concession as having lapsed.

"This course of Nicaragua was so unjust that I went immediately to the Government here, through the State Department. I stated the case fully. Mr. Blaine met the question with great fairness and promptness, and immediately wired to the American minister at Central America (Mr. Mizner) to go to Nicaragua and say to the Nicaraguan Government that he was surprised at the report of the attitude of the Nicaraguan Government toward this company, and wished him to examine into the facts and report to the State Department here, and at the same time to assure the Government of Nicaragua that the Government of the United States would not remain passive and see the rights of its citizens threatened. That dispatch of Mr. Blaine had the desired effect. Mr. Mizner and Mr. Hall, our permanent agent there, arranged a plan by which Nicaragua could recede from her position with dignity, which was in the form of a joint declaration. On our part we agreed to go on and build the canal in good faith under the concession, and the Nicaraguan Government agreed to approve the surveys and work, so that the work of construction was recognized officially as commenced on the 8th of last October. I will submit copies of the telegrams between the President of Nicaragua and myself."

[Copy of telegram sent October 9, 1889.]

His Excellency PRESIDENT OF NICARAGUA, *Managua:*

Please accept my sincere congratulations upon the happy termination of all differences, and the company's assurance that it will vigorously prosecute the work of the canal in the interest of Nicaragua and the whole commercial world.

HIRAM HITCHCOCK,
President Maritime Canal Company of Nicaragua.

[Translation of telegram received from the President of Nicaragua in reply to ours of October 9.]

MANAGUA, *October 11, 1889.*

President of the Maritime Canal Company of Nicaragua:

I congratulate myself jointly with you upon the happy settlement of the canal question, and with the greatest satisfaction I offer the cordial assistance of my Government to the efforts of the company for the realization of this grand enterprise.

ROBERTO SACASA,
President of the Republic.

Mr. Hitchcock explained that this was mainly a repetition of his statement before the Committee on Foreign Relations June 5, 1890.

The CHAIRMAN. Mr. Hitchcock, will you please relate to the committee in detail your interview with Mr. Blaine just referred to?

Mr. HITCHCOCK. I have here a memorandum made at the time of a confidential interview with the Hon. James G. Blaine, Secretary of State, in Washington, on the 7th of May, 1889, at which were present ex-Chief Judge Charles P. Daly, Engineer A. G. Menocal, and myself. I stated to Mr. Blaine that the Maritime Canal Company of Nicaragua, chartered by Congress, had just been organized, and recited to him the history of the enterprise up to that time, including some of the numerous interests opposed to the construction of the canal, and that the opposition had in vain endeavored to induce President Cleveland not to sign the charter of the company. The last move of the enemies of the canal was to bring an ineffectual suit in New York to prevent our organizing under the charter of the United States.

Mr. Blaine gave us some valuable information with reference to the relations of the United States to the Central American States, and then said that the canal must be built and controlled by the United States, and he believed that more tonnage would pass through it in a short time after its construction than was passing through the Suez Canal. I suggested to Mr. Blaine that it might be proper for the Government to say to us that it expected us to faithfully comply with the charter and build the canal, and also state to the Governments of Nicaragua and Costa Rica that it would expect them to afford us every facility for building the canal under the respective concessions. Mr. Blaine then said:

I serve notice on you now that the Government does expect you to execute the charter faithfully and to build the canal, and if you do so you will have the Government with you. I will also cable the minister to Central America to go to Managua to look after our interests, and will send for the ministers to Nicaragua and Costa Rica and talk with them.

Our object in this conference was to determine the fact that we could go on with the work of building the canal and rely upon the support and protection of the United States, the power that had given us the charter, and we felt fully satisfied on that point.

I sent to Mr. Blaine, at his request, copies of all papers connected with the canal, beginning with the concessions.

I will say here that messages of congratulation on the organization of the company, May 7, were exchanged between President Carazo, of Nicaragua, and myself, as president of the Maritime Canal Company.

Not long after this, the Nicaraguan minister at Washington telegraphed his Government about the organization of the canal company, and said:

Costa Rica insists upon a director. If he remains, Nicaragua must recall its director. The company observes both concessions.

After our agent in Nicaragua had talked with President Carazo about this, the President instructed the minister in Washington to limit himself to protest and assured our agent that Nicaragua would not hinder the beginning of the work. On the strength of Mr. Blaine's request to keep him fully informed, I wrote him, June 21, 1889, stating that I had that day received a letter from the Hon. Henry C. Hall, former United States minister to Central America, who had become our agent at Central America, advising me by cable that Nicaragua proposed to stop our work, which had been going on since June 3, on the ground that our surveys had not yet been approved by her engineers. I then wrote:

Our surveys were long since completed, at great expense, and received the approval of our engineers and also of the able advisory board of five American engineers. Three months ago they were submitted to the two engineers appointed by the Government of Nicaragua.

And this obstruction to our work was, notwithstanding the letter of Minister Zavala to Minister Hall, on the 12th of October, 1888, in which Zavala says that the Government of Nicaragua—

Will not place any obstacles to the construction of the canal in accordance with her concession, but on the contrary will contribute with all those facilities within the power of the Government, anxious as it is to see the work carried on to a successful termination.

On the 16th of July, 1889, I went to Washington by request of the minister of Nicaragua, and at his request endeavored to allay any unpleasant feeling that existed between the Governments of Nicaragua and Costa Rica with reference to the canal concessions. He requesed me to confer with the minister of Costa Rica on that subject. When I reached the residence of the latter he was about sending for me, and showed me a telegram from the President of Costa Rica asking me, as president of the Maritime Canal Company, to obtain the mediation of the United States Government. The result of repeated conferences between us was a letter addressed by me July 18, 1889, as follows:

MARITIME CANAL COMPANY OF NICARAGUA,
New York, July 18, 1889.

DEAR SIR: The Maritime Canal Company of Nicaragua respectfully asks you to direct the American minister at Central America to say to the Governments of Nicaragua and Costa Rica that having learned of serious differences between those two Governments which affect the Maritime Canal Company of Nicaragua, the Government of the United States offers its mediation in regard to the same and requests the said Governments to give their resident ministers at Washington full powers to confer with the president of the Maritime Canal Company of Nicaragua as to those differences, and then with him to submit the same and all questions relating thereto to the President of the United States for his decision, which shall be final and binding upon each and all of the said parties.

Very respectfully,

HIRAM HITCHCOCK, *President.*

Hon. JAMES G. BLAINE,
Secretary of State.

This letter is approved by the ministers of those countries.

This letter, unfortunately, did not reach Mr. Blaine, who was absent from Washington, until some weeks afterwards.

On the 16th of September, 1889, I addressed Mr. Blaine the following letter:

MARITIME CANAL COMPANY OF NICARAGUA,
New York, September 16, 1889.

DEAR SIR: A crisis in the affairs of this company being at hand, it becomes necessary to submit the case, through you, to the Government of the United States, that we may be advised and protected. This is made easy on account of the great interest that you personally take in the enterprise, and the full liberty you have always given me to come to you. That we shall be protected through your wise aid and counsel I well know, and have known since your cordial assurances to that effect, in Washington, when I went out with Judge Daly and Chief Engineer Menocal, on the 7th of May, to announce the organization of the company under the charter granted by the United States. From that day we have felt and now feel that we can go in and build the canal and rely upon protection by the power that granted us a corporate existence.

I have formally asked in writing the friendly aid of the Government, as will appear from my communications to you of June 21 and July 18, and I am aware that you directed Minister Mizner to Managua, where he now is. I have also written you from time to time of the progress of our affairs.

In my last letter, of August 1, I strongly protested against the position taken by the Government of Nicaragua with reference to this company. On the 17th of August the Hon. Henry C. Hall, our agent at Nicaragua, was received very warmly by the new President, Dr. Sacaza, and had a most gratifying interview.

On the following day, August the 8th, Mr. Hall cabled me as follows:

"I have seen the President. He is favorably impressed with everything, and I have no doubt that matters can be settled in accordance with your wishes."

But on August 28 Mr. Hall wrote as follows:

"For a long time I have been convinced that there is some secret influence at work with the Nicaragua Government adverse to the company. This influence in my opinion is British. I do not say it comes direct from the British Government, but it comes from British capitalists who are anxious to get control of the enterprise. Mr. Climie tells me, as mentioned in a former letter, that the Blackman scheme could obtain all the capital it might need in London, and from what he let drop at the same time I am satisfied that his partner, Mr. Passmore, had conferred with Mr. Blackman in London, and that he (Climie) had conferred with him in New York. This influence has been more than ever apparent since the death of Mr. Carazo. I had counted upon Modesta Barrios as a friend of the enterprise to be relied upon. I now find him imbued with the same ideas that were entertained by Urtecho in regard to the Costa Rica contract, that is, that while that contract exists Nicaragua must not permit the commencement of canal work; and further, that if on the 24th of October next, the limit of time which they claim for the commencement of the work, the company shall not have released itself from Costa Rica, the Nicaragua Government shall then declare its concessions forfeited. And these views he says are those of his associates and of the President. A few days before Carazo's death, he (Barrios) expressed to me that the action of the Government in refusing to permit the commencement of canal con-truction was unjustifiable. What influence could have been brought to bear upon him since he became a member of the cabinet is more than I can imagine. The object of all this is clear to me. They hope to bring about a conflict between Costa Rica and the company, then Nicaragua will break with the company, and the latter will be left without the support of either. As matters now stand, Costa Rica is in honor bound not to permit that the canal shall fail through her contract with the company, nor that Nicaragua shall so contemptuously ignore it.

"President Bogram, of Honduras, has sent as commissioner to Nicaragua and Costa Rica Señor Manuel Colindres, one of the most prominent and able public men of that State.

"He expects to receive the same appointment from the President of Guatemala. His mission is solely in regard to the canal, in whose success both Presidents take great interest. I have had several conferences with him, and have given him all the information at my disposal. He considers the attitude of the Nicaragua Government wholly untenable. Before doing or saying anything to the Government, he will await the arrival of Mr. Mizner, so as to act in concert with him."

To-day Dr. Guzman notifies me, through Engineer Menocal, that he wishes me to call a meeting of the board of directors of this company (and which I have called for Thursday, the 19th), to present an important communication or ultimatum from his Government, the full nature of which I do not know, but one part of it is a demand that we shall break our contract with Costa Rica. The board will receive this official paper, and before acting upon it will undoubtedly appoint a committee to confer with you in this exigency.

I shall be glad to know by the bearer that you receive this and at what time and place it may be your pleasure to receive such committee. Dr. Guzman will insist on an immediate reply, which it is not likely we will be able to give without first having a conference with you.

I was in hopes, when you "served notice" on me personally, May 7, that the United States expected and required us to comply with our charter and build the canal—and also notified the ministers of Nicaragua and Costa Rica that the United States expected those two Governments would not obstruct, but would aid in the great work—that all danger of difficulty had passed; but it seems they have paid no attention to the warning. And the assurances of the company that it would faithfully carry out its concessions under its charter (which it has thus far done), and our presence there in force and quietly at work since June 3, has not been received by them in a proper spirit.

Very respectfully,

HIRAM HITCHCOCK.

Hon. JAMES G. BLAINE,
Secretary of State.

In this I inclosed the following memorandum:

MEMORANDUM CONCERNING THE COSTA RICA CONCESSION.

The following is from the opinion of the Hon. Jos. E. McDonald, one of the incorporators of this company and formerly counsel of the Republic of Nicaragua:

"The Menocal-Zeledon contract has been rendered necessary by the fact that at the time the Nicaragua concession was negotiated Nicaragua assumed that the treaty of 1858, between herself and Costa Rica, was not in force, and that after the President (then Cleveland) had declared it to be in force, and that the rights of Costa Rica (under Article VIII) to be consulted with respect to any canal grant across the territory of Nicaragua that involved the valley of the San Juan River was more than advisory, it has then become necessary for the company to negotiate with Costa Rica or to entirely disregard her rights under that treaty."

I will add what I have before stated to you, that Nicaragua herself wished the company to come to terms with Costa Rica, and the company regards the Costa Rica concession as merely in the nature of a quitclaim. And the Maritime Canal Company accepted this concession with the following reservations:

"It is hereby understood, however, that the said concession is accepted by the Maritime Canal Company of Nicaragua upon the condition that nothing therein contained shall be construed to affect the sovereign rights or propriety in interests of the Republic of Nicaragua so far as the same may have been established by the treaty of April 15, 1858, between the Governments of Nicaragua and Costa Rica."

To this Mr. Blaine sent the following reply:

Personal.]

BAR HARBOR, *September 17, 1889.*

MY DEAR SIR: I have your favor and the accompanying memoranda. I am sorry to hear of the impending difficulties in the way of the canal company. But I do not think that Nicaragua or Costa Rica or both together will deprive you of your rights.

I go hence on the 23d instant to Richfield, N. Y., to witness the marriage of my son on the 26th, thence to New York and Washington, reaching the latter on the 30th of September.

Very respectfully,

JAMES G. BLAINE.

HIRAM HITCHCOCK, Esq.

On the 23d of September, 1889, I met Mr. Blaine in Boston, by appointment, and was accompanied by Judge Daly and other gentlemen connected with the canal enterprise.

I stated to Mr. Blaine that we had received a communication from the Government of Nicaragua notifying the company that its concession would be forfeited October 24 unless the causes referred to in their ultimatum were removed—that is, unless we broke our contract with Costa Rica. He then carefully perused the papers submitted and asked what answer had been made, and was informed that the company had made no reply, but had appointed us as a committee to consult with him before replying to the communication.

After a full discussion of the matter, Mr. Blaine said:

The United States Government by granting to your company a Congressional charter practically guaranteed to give you such support as might be necessary for the protection of your rights. This obligation is not expressed in the charter, but exists just the same by implication. In other words, there is a moral obligation on the part of the Government to see that you have fair play. It would be absurd for the Government to incorporate you gentlemen for the purpose of doing a certain thing and then not to see that you are not deprived unjustly of your rights.

Mr. Blaine asked what rights were needed from Costa Rica, and Mr. Menocal showed him a plan of the canal route and pointed out to him how the dam at Ochoa would cause the flooding of the lands of Costa Rica.

After further discussion, Mr. Blaine wrote and read to us the following dispatch, which he caused to be sent to Nicaragua, addressed to Minister Mizner:

The United States Government learns with surprise of rumors of an attempt to impair or deprive the Maritime Canal Company of Nicaragua of its rights as embodied in the contract granted by Nicaragua to that country. The United States can not understand how a company chartered under its laws should be treated with injustice by Nicaragua. You will please ascertain whence these disquieting rumors have arisen and communicate with me as soon as possible. You will also leave a copy of this dispatch with the Nicaraguan secretary of foreign affairs. The United States Government can not remain passive when the rights of a corporation organized under its laws are threatened with injustice.

The result was that on the 9th of October Mr. Blaine sent me the following dispatch:

HITCHCOCK, *Fifth Avenue Hotel, New York:*

Mizner telegraphs "all difficulties settled. Papers executed in triplicate. This Government will retain one."

BLAINE.

Mr. Guzman telegraphed the same day:

Mr. HIRAM HITCHCOCK, *New York:*

I sincerely congratulate the company and yourself upon the good news received from Nicaragua.

H. GUZMAN.

The following messages were also sent October 9:

His Excellency PRESIDENT OF NICARAGUA, *Managua:*

Please accept my sincere congratulations upon the happy termination of all differences and the company's assurance that it will vigorously prosecute the work of the canal in the interest of Nicaragua and the whole commercial world.

HIRAM HITCHCOCK, *President.*

On the 11th of October the following dispatch was received:

PRESIDENT OF THE MARITIME CANAL COMPANY OF NICARAGUA:

I congratulate myself jointly with you upon the happy settlement of the canal question, and with the greatest satisfaction I offer the cordial assistance of my Government to the efforts of the company for the realization of this grand enterprise.

ROBERTO SACAZA,
President of the Republic.

On the 12th of November Mr. Hall, the agent of the company, cabled from Managua as follows:

The Government of Nicaragua has approved plans submitted by Chief Engineer Menocal for the Nicaraguan Canal, entrance at San Juan del Norte. They are satisfied perfectly.

The agreement referred to in Mr. Mizner's telegram to Mr. Blaine, as signed in triplicate, was a joint declaration that the company on its part would adhere strictly to the concession, acknowledging the jurisdiction of the Nicaraguan Government over the canal and its ports, and Nicaragua, on its part, revoked the orders prohibiting formal beginning of canal construction and approved the plans.

On the 18th of September, 1890, in a conference with Mr. Blaine, at Bar Harbor, we went over the entire canal situation, especially

considering the articles of noncompliance, which would cause a forfeiture of the concession. We agreed that the only remaining cause of forfeiture would be the failure to do work upon the canal to the amount of $2,000,000 on or before the 8th of October, 1890. I said to him that we had put much more than that into the work, and therefore no question should arise; but from the fact that we had had some misunderstandings with the Nicaraguan Government, I thought that I would take every precaution in the matter.

On the following day Mr. Blaine sent the following dispatch to Mr. Mizner at Central America:

Be at Managua from the 4th until the 10th of October. Witness the settlement of accounts between the Government of Nicaragua and the Nicaraguan Company and protect the rights and interests of this great American enterprise. If any question arises, you will act judiciously but firmly for the full protection of such rights and interests.

During the conversation reference was made to the various attacks of the enemies of the canal, referring particularly to the last one, the attempt to repeal our charter, and the admirable adverse report on that attempt which was made by Chairman Baker, of the Committee on Commerce of the House of Representatives, by the unanimous direction of the committee.

The Nicaraguan Government ascertained that more than $2,000,000 had been expended on the canal, and that therefore Article XLVII of the concession had been complied with; and later I received the following letter:

LEGACION DE NICARAGUA, *Washington, December 12, 1890.*

MY DEAR SIR: It affords me great pleasure to inform you that I am in receipt of a cablegram from His Excellency the President of Nicaragua, in which he directs me to inform you that Article XLVII of the concession has been fully and completely complied with.

In conveying this information to you, I desire to congratulate most heartily yourself and the other members of the Maritime Canal Company of Nicaragua for the success which so far has crowned the great enterprise. I remain, dear sir,

Very truly, yours, H. GUZMAN.

Mr. HIRAM HITCHCOCK,
President of the Maritime Canal Company of Nicaragua, New York.

As will be seen by Article LIII of the concession, this last act in fulfillment of Article XLVII rendered the concession nonforfeitable.

On the 22d of August, 1893, Minister Guzman received in Managua, from the minister of fomento, a full power of attorney, giving him authority to settle and compromise with the company, ad referendum, any and all differences or claims which may arise from the failure of the company to comply with any of the provisions of the concession. Dr. Guzman returned to the United States late in September, and was present at a meeting of the board of directors held November 2, 1893. The following is an extract from the minutes of said meeting:

The president asked Dr. Guzman whether, in view of his recent visit to Nicaragua, he had any information to present to the board. In reply, Dr. Guzman said that he wished to assure the company that the relations between the Government of Nicaragua and the company were of the most cordial nature, and that the Government was very desirous to aid the company in its work in every way possible; that his Government had given him full authority with reference to all matters connected with the canal, which authority he had exhibited to the president of the canal company, and he wished to assure the board that he should do everything in his power, both as minister and as member of the board, as well as an individual, to preserve the friendly relations between his Government and the company, and to promote the interests of the canal; and that when he failed to do that, he should insist upon resigning as the representative of his Government and as a member of this board; that he should do everything in his power in Washington this winter to secure cooperation of this Government in construction of the canal, and that if after a reasonable time such cooperation should be found not practicable, then he should advocate that his Government, in cooperation with the company, should go abroad for such financial assistance as might be found necessary to carry on the enterprise to completion.

I hereby certify that the foregoing is a correct copy.

THOMAS B. ATKINS,
Secretary and Treasurer.

Made January 28, 1897.

Since the said meeting of November 2, 1893, Dr. Guzman has repeatedly stated that it was his Government's intention to give the company all the time it needed to recover from the panic of 1893.

Soon after that we received notice of seizures of some of our property at Grey Town which we regarded as illegal, and I went to Washington with the papers bearing on the case and laid the matter before Secretary of State Gresham, and on the 23d of April, 1894, Mr. Gresham cabled Minister Baker at Central America as follows:

It is reported here that property of the Maritime Canal Company has been seized at Grey Town as the property of the construction company. Papers exhibited to me indicate that the seizure was unauthorized. You are expected to give the matter your attention, and to do what you consistently can for the protection of the property and rights of the canal company.

On May 10, 1894, I received the following letter:

A.

DEPARTMENT OF STATE, *Washington, May 9, 1894.*

DEAR SIR: I have just received a telegram from Minister Baker, saying he can do nothing in the canal matter without the assistance of an able lawyer who understands the Spanish language and practice; that matters are in the worst possible shape; that the canal property has been virtually confiscated and the concession attacked.

Yours, truly,

W. Q. GRESHAM.

HIRAM HITCHCOCK, Esq.,
New York City, N. Y.

On the 26th of April, 1894, I was surprised to receive a copy from Minister Guzman of a letter addressed by Señor Gamez, of the Nicaragua cabinet, misdirected to the agent of the Interoceanic Canal Company at Granada April 7, 1894, which was in effect a notification that Nicaragua regarded the company's concession as forfeited. At the same time some of the company's property was seized at Grey Town. The company then sought the protection of the power that created it—the United States—and the then honorable Secretary of State, the late Judge Gresham, reviewed the case, examined the concession, and arrived at the conclusion that there was no existing cause whatever for the forfeiture of the concession, and by his direction the United States minister at Managua cooperated with the general agent of the company, and the Government of Nicaragua withdrew the notice. And on the 2d of July, 1894, I received the following dispatch:

I have just received a telegram from Minister Baker, as follows:
"Gamez's letter forfeiting canal franchises withdrawn. All serene."

W. Q. GRESHAM.

I also received from Minister Guzman a copy of a cable from President Zelaya to him stating the same thing. On the 3d of January, 1895, Dr. Guzman was present at a meeting of the board of directors of the Maritime Canal Company, and I will read to you the following extract from the records of the meeting on that date:

Mr. Bryan asked for information as to the relations existing between the company and the Government of Nicaragua. Minister Guzman replied that they were of the most cordial nature; never were they so much so as at the present time; that the Government were most anxious to aid the company in the construction of the canal, and was ready to concede whatever might be necessary to insure success.

I hereby certify that the foregoing is a correct copy.

THOS. B. ATKINS,
Secretary and Treasurer.

Made January 28, 1897.

In the summer of 1895 the form of an agreement on the Tipitapa Canal question was discussed at Managua between the Government of Nicaragua and the general agent of the Maritime Canal Company, and then the Government sent a special representative, Señor Gamez, with our agent to New York, where the matter was further discussed and changes were made in the form of agreement. It was also agreed and understood that the question could rest without prejudice to either party for a year.

In the summer of 1896 the special agent came again to New York with the agent of the company, and on the 28th day of August, 1896, the consideration of the subject was further postponed until May, 1897.

On the 7th of July, 1896, the Hon. Lewis Baker, minister of the United States to Central America, wrote to me the following letter:

MANAGUA, *July 7, 1896.*

DEAR SIR: Mr. Christanto Medina, of Paris and Central America, remarked to me a few days ago that you and some of your confrères were uneasy lest this Government may take some steps to disturb or cast a shadow over the Maritime Canal concession; and he asked me my opinion as to such a probability.

I answered him promptly and with perfect assurance of the absolute correctness of my statement, that the Government of Nicaragua has no intention of doing anything of the kind. Mr. Medina fully agrees with me in this.

To you I will say, the fact is that the movement or threat made prior to the visit of General Macauley was nothing more nor less than a blackmailing scheme of a shrewd person, but he failed to find an accomplice in the General, and the threat was withdrawn in a legal and an honorable way.

Since that day the company has been in no danger whatever.

Further, I have had the positive assurance, and have had it several times repeated to me by the President, that nothing will be done by this Government to disturb the concession or to alarm its friends who are attempting to raise money for the prosecution of the work.

If both the Maritime Company and the Government of the United States show a desire to have the concession so changed as to permit the Government to build and control the canal, and therefore desire the time extended sufficiently to enable the latter to complete the work, I have the assurance of the President that such a change and extension would be readily agreed to by the Government of Nicaragua.

The fact is, since the Leon crowd have been completely banished, there is no longer any honest opposition to the canal.

I will say this for the President. Since the reorganization of the Government he is the undisputed master. He "sits at the head of the table." He is unselfishly in favor of the building of the canal by the present company, if it has the means, or by the United States Government.

I have satisfactory reasons for making this statement, and I am assured by Mr. Medina that his information accords with mine, as stated. This gentleman will be in New York soon, he informs me, and will no doubt see you.

No answer is required to this letter. It is written for the sole reason of giving you the assurances that are set forth in it. If they are worth nothing, they cost nothing.

Very truly, yours,

LEWIS BAKER.

H. HITCHCOCK, Esq., *New York.*

On the 23d of November, 1896, President Zelaya, of Nicaragua, wrote me as follows:

MANAGUA, *November 23, 1896.*

DEAR SIR: Your very esteemed letter of the 29th of October last, to which I have the pleasure to refer, reached me in due time.

By the contents of your letter I learn of the efforts made by you and by Mr. Wieser toward the organization of the works to build railroads in the country and also of coining, and which to you appear of feasible realization.

The country is at the present moment in very favorable conditions to undertake such enterprises, and offers to immigrants all sorts of guaranties.

I trust that, in conformity with your promise, as soon as the electoral campaign be over and confidence restored, you will kindly favor me with favorable reports in regard to the construction of the canal.

Once more I take pleasure in assuring you of my consideration and esteem, and please accept my thanks in the name of this Government for your wishes for the prosperity of the country over which it is my honor to preside.

I remain, respectfully, yours,

J. A. ZELAYA.

HIRAM HITCHCOCK, Esq.,
President the Maritime Canal Company of Nicaragua,
54 and 56 Broad street, New York.

I was consequently amazed to read in the CONGRESSIONAL RECORD of January 22, instant, the letter addressed by Minister Rodriguez to the Secretary of State, and by him transmitted to the Senate, as follows:

DEPARTMENT OF STATE, *Washington, January 22, 1897.*

SIR: In the matter of the various bills now pending in Congress looking to the construction of an interoceanic canal through Nicaragua, I have the honor to inclose herewith for the information of your committee a communication just received by me from the minister of the Greater Republic of Central America at this capital.

Respectfully, yours,

RICHARD OLNEY.

Hon. JOHN SHERMAN,
Chairman Committee on Foreign Relations, United States Senate.

—

LEGATION OF THE GREATER REPUBLIC OF CENTRAL AMERICA,
Washington, January 15, 1897.

The undersigned, envoy extraordinary and minister plenipotentiary of the Greater Republic of Central America, has the honor to address his excellency the Secretary of State, informing him that, as several bills relative to the construction of an interoceanic canal through Nicaragua have been for some time pending before both Houses of the American Congress, his Government recently instructed him to examine them, and to make, under certain conditions, suitable representations to his excellency the Secretary of State.

The undersigned has consequently examined said bills, which are five in number, to wit:

Three introduced in the House of Representatives—one by Mr. MAHON, December 3, 1895, another by Mr. DOOLITTLE, and the third by Mr. BARHAM, both the latter having been introduced December 6, 1895.

Two introduced in the Senate, one by Mr. PERKINS, December 30, 1895, and the other by Mr. MORGAN, June 1, 1896.

All these bills take it for granted, with minor differences of detail, that the American Government is to take an important part in the enterprise, and that it is to furnish the money necessary for the construction of the canal by the Maritime Canal Company of Nicaragua, whose constitution and organization they essentially modify.

Unfortunately, the undersigned observes that the provisions of these bills are at variance, both generally and in matters of detail, with the stipulations of the contract of April 24, 1887, between Nicaragua and the company aforesaid, from which contract the company derives its existence and which is the basis of its enterprise.

That contract stipulates, in its eighth article, that the concession therein provided for shall in no case be transferable to governments or to foreign public powers, and Article LIII provides that any contravention of this stipulation shall entail a forfeiture of the contract. As it can not be denied that the bills to which the undersigned has reference—although they do not expressly say so—effect that transfer most fully, making the Government of the United States of America the absolute owner of the enterprise and of the canal and its rights, the result to which they inevitably conduce is the forfeiture of the contract.

Article XLVII of that instrument provides that the company shall undertake, at its own expense, the final surveys of the ground and the location of the line of the canal by a commission of competent engineers, two of whom are to be appointed by the Government of Nicaragua, and the aforesaid Article LIII provides that a failure to comply with this stipulation shall entail the forfeiture of the concession. The bills, however, provide that the canal shall be constructed under the surveillance of the Department of Engineers of the Army of the United States of America, and according to its plans; and that three engineers shall be designated by the President for that purpose, who shall make the explorations and estimates. This provision likewise conduces to the forfeiture of the contract.

"The people of all nations shall be invited to contribute the necessary capital to the enterprise. * * *

"Of the capital with which the company shall organize, and which it proposes to distribute among the different countries interested in the enterprise, there shall be reserved at least five (5) per cent for the Central American Government and citizens that may desire to subscribe." These provisions of Article VII of the contract are antagonized by the bills, which distribute the capital of the enterprise among the United States of America, Nicaragua, Costa Rica, and the company.

"The capital stock of the final company shall be composed of shares, bonds, or obligations of any other kind, in such proportion as it may deem convenient." This is another provision of the ninth article. The bills, however, fix the amount of the capital stock in shares, of which they dispose in such a way that they are of no use for the work of the enterprise, as they ought to be, according to the intent of the contract. For the work of the enterprise the bills create bonds, which must thus be converted into capital stock or be left out of the contract. The undersigned need not here point out the infractions which the bills involve.

According to Article X of the contract, the board of directors is to be composed of persons at least one-half of whom shall be chosen—by the company, of course—from the promoters who may yet preserve their quality as such. The bills organize the board of directors with 11 members, 8 of whom are to be appointed by the President of the United States, in different capacities, 1 by Nicaragua, 1 by Costa Rica, and 1 by the canal company. The difference between this provision and the stipulation referred to could not be more marked than it is.

Among the benefits which Nicaragua reserves to herself, in consideration of the valuable privileges and rights which she surrenders, is 6 per cent of the shares, bonds, certificates, or such other obligations as the company may issue with a view to raising the capital. Now, notwithstanding the fact that the company has made several issues, it has not fulfilled this obligation; and as the bills say nothing on this particular point of shares, bonds, certificates, or other obligations which were to be issued and have not been issued in favor of Nicaragua, these securities would probably either be lost in the new form of the enterprise, or would be liable to troublesome and tedious litigation.

Two of the bills in question have already been reported by a committee, so that they may finally exclude the others; nothing, however, is established in them with regard to the shares that would belong to Nicaragua; and it might happen, owing to this, that Nicaragua would get none at all.

If the company were to issue a hundred or a hundred and fifty million dollars' worth of bonds in order to meet the cost of the work, which bonds, as I have already remarked, would have to be considered as capital or be left out of the contract, Nicaragua would be entitled to her 6 per cent in virtue of the stipulation above referred to; but the bills leave no door open to such a possibility, nor do they allow her any participation in the issue which is to be made in order to pay for the work already done.

The company, by Article XIV of the aforesaid contract, has contracted the solemn obligation to construct, at its own expense, within the term of three years, reckoned from the commencement of the work upon the interoceanic canal, a navigable canal between Lake Managua and the navigable part of the Tipitapa River, near Pasquier, of sufficient dimensions to admit of the free passage of vessels drawing 6 feet and of 150 feet in length. That term expired a long time ago, but the company, notwithstanding the most earnest solicitation, has made no pretense of meeting that obligation, or of definitely adjusting the compensation which it ought to pay in order to be discharged therefrom. The bills establish nothing on this other point, and Nicaragua's rights in this matter might thus be annulled in consequence of their silence.

By the plan involved in the new form which the bills devise for the enterprise, the present company is extinguished, and nothing remains of it, in its relations with the enterprise, save the shadow of a personality represented by a vote in a board of directors of eleven members; while in its relations with Nicaragua it may always claim full personality as the holder of the concession, although having none of the means necessary to enable it to meet its obligations.

Finally, it is to be observed that, while the bills contravene and set at naught stipulations of the contract, they do not state whether the remaining ones still remain in force or not, although among these latter there are very many which are of no great importance to Nicaragua in particular, and to Central America in general.

The undersigned is convinced of the good faith of the gentlemen who have introduced these bills in both Houses, and of those who advocate their passage; he takes, moreover, pleasure in stating that he recognizes these efforts as the result of the legitimate interest which they feel in behalf of the construction of an interoceanic canal, in which the confederation that he represents is quite as deeply interested. And, in calling attention to the serious objections enumerated, which would render these efforts nugatory, the only object that he has in view is to protect just rights which he thinks are menaced by the bills aforesaid.

It seems evident that the company is unable to raise money to fulfill its contract unless the United States of America furnish it therewith, and since that contract excludes the possibility of attaining that result, the undersigned, having been duly authorized to do so, proposes to his excellency the Secretary of State that the two Governments—relying upon the favorable disposition of the Government of the United States of America—shall come to a direct understanding on the subject, on the basis of the Zavala-Frelinghuysen treaty, with such modifications as may be agreed upon, and endeavoring to reach a just arrangement with the Maritime Canal Company of Nicaragua, so that it may renounce a concession whose conditions it is unable to fulfill.

The undersigned, in thus obeying the instructions of his Government, avails himself of this occasion to reiterate to his excellency Secretary Olney the assurances of his most distinguished consideration.

J. D. RODRIGUEZ.

His Excellency RICHARD OLNEY,
Secretary of State of the United States, etc.
Washington, D. C.

I replied to this letter on January 23, as follows:

THE MARITIME CANAL COMPANY OF NICARAGUA,
New York, January 23, 1897.

DEAR SIR: My attention has been called to the CONGRESSIONAL RECORD of January 22, containing a copy of a letter addressed by the minister of the Greater Republic of Central America at Washington to you, and transmitted by you to the Senate, in which the minister reflects upon the Maritime Canal Company of Nicaragua, a company chartered by the United States, and which company, in compliance with a provision of said charter, reports annually its transactions to the Government of the United States, through the Department of the Interior, and which holds concessions from the Governments of Nicaragua and Costa Rica, under which the construction of the Nicaragua Canal has been commenced and is to be completed.

It therefore becomes my duty to briefly call your attention to some of the statements contained in the minister's letter, and to note some omissions. Referring to certain bills before the Congress of the United States, he says that "the bills, however, provide that the canal shall be constructed under the surveillance of the Department of Engineers of the Army of the United States of America and according to its plans;" and adds, "this provision likewise conduces to the forfeiture of the contract." But he omits to inform you that the final surveys and the location of the line of the canal were made and concluded by a commission of engineers, in strict conformity with Article XLVII of the concession, and were formally accepted by the Government of Nicaragua on the 8th day of October, 1889.

He quotes from Article IX of the concession, "the people of all nations shall be invited to contribute the necessary capital to the enterprise," but omits the remainder of the sentence, namely, "and it shall be sufficient for the fulfillment of this requirement to publish an advertisement for thirty consecutive days in one of the principal daily papers of each of the cities New York, London, and Paris." He quotes further, "there shall be reserved at least 5 per cent for the Central American Governments and citizens that may desire to subscribe," but he omits to inform you that soon after its organization the company fully performed all these conditions of Article IX in the manner required therein.

Referring to the 6 per cent of shares that the concession obligates the company to issue to Nicaragua, the minister says the "company has not fulfilled its obligations." The fact is that the company issued this stock to Nicaragua on the 31st day of October, 1890, and notified that Government that the certificate was at its disposal, but the Government has not yet appointed an agent to receive the same as provided in Article L of the concession.

The minister states that the company has failed to meet its obligations to construct the Tipitapa Canal under the terms of Article XIV of the concession. As to this I will say that the surveys for the canal as described in Article XIV were made, and then the Government of Nicaragua asked for a deeper canal than the concessions provided for. Before a resurvey was completed a desire was expressed for a still deeper canal. Pending negotiations on this subject, and notwithstanding the fact that the Government had failed to place at the disposal of the company the lands required for the line of the canal, the Government issued a notice to the effect that it considered the canal concession forfeited. The company then sought the protection of the power that created it—the United States—and the then honorable Secretary of State, the late Judge Gresham, reviewed the case, examined the concession, and arrived at the conclusion that there was no existing cause whatever of forfeiture of the concession, and by his direction the United States minister at Managua cooperated with the general agent of the company, and the Government of Nicaragua withdrew the notice. Whether the Tipitapa Canal will be constructed, and of what dimensions, or whether compensation

will be made in lieu thereof, are matters still under negotiation, and any differences that may arise in the consideration thereof are not causes of forfeiture, but are to be settled by arbitration under Article LV of the concession.

While the honorable minister may not have intended any injustice to the company by his letter, yet he must be supposed to have made a careful study of the canal question, the concessions and the operations under them, and if so, his letter seems inexplicable.

It would appear from his letter that a contemplation of possible Congressional action in amending the charter of the Maritime Canal Company has interposed itself between him and the true relations existing between the Government of Nicaragua and Costa Rica and this company under the concessions.

In this connection it is pertinent to say that in an interview with the honorable minister since his arrival from Central America I alluded to the bills before Congress and stated to him in substance that they were generally believed to be the result of a strong desire on the part of the Congress to hasten the construction of this vitally important connection of the coast lines of this continent; and I added that, whatever the outcome might be, the Maritime Canal Company could accept of no measure that would be unjust to the powers from whom it received the concessions.

This letter of the minister is an attack upon the integrity of the Maritime Canal Company and its concessions, and on behalf of that company I ask the protection and aid of the Government of the United States in the defense and maintenance of its concessionary rights and its property.

Very respectfully,

HIRAM HITCHCOCK,
President of the Maritime Canal Company of Nicaragua.

Hon. RICHARD OLNEY,
Secretary of State.

The CHAIRMAN. Now, Mr. Hitchcock, do you know in what manner the passage of the bill by the Senate in January, 1895, was received by the minister of Nicaragua, then resident at this capital, and what expression he gave as to the happiness of the people and Government of Nicaragua over the passage of that bill, if any?

Mr. HITCHCOCK. In reply I will say that on the last day of January, 1895, I received the following letter from Minister Guzman:

WASHINGTON, *January 30, 1895.*

DEAR MR. HITCHCOCK: I am sorry you could not be here the day our bill passed the Senate, but I saw by your telegram that you were detained by a sad loss in your family.

I should have written you before this about the great victory, had I not been sick. I was taken with a bad attack of quinsy, and I only left my bed yesterday.

Please accept my congratulations for the success of the bill, and let me hear, as soon as possible, about your future plans. I am sure that my cablegram announcing the victory was received with joy in Nicaragua.

Very sincerely, yours,

H. GUZMAN.

Later I received a letter from the Hon. Lewis Baker, minister to Central America from the United States, written from San José, Costa Rica, on the 28th of January, 1895, saying:

I have a telegram from the general minister of Nicaragua this morning informing me that the canal-guaranty bill had passed the Senate. If this good news is confirmed, I shall fully expect the bill to pass the House. If this proves true, won't you do me the favor to cable me promptly, giving me the facts? On the statement of the Nicaragua minister, I have sent congratulatory messages to both the Nicaraguan and Costa Rican Governments.

The CHAIRMAN. From the fact that you had made a full statement of all your troubles with Nicaragua, if I may call them troubles, and that the Government of Nicaragua had expressed itself as being fully satisfied that all the terms of the concession had been complied with, and after receiving this letter from Mr. Baker, which you have just quoted, and after receiving the letter, which is above set out, from President Zelaya, and after receiving the letter from Mr. Guzman, which you have just quoted, did you have any suspicion or expectation that there was any real remaining difficulty or difference between your company and the Government of Nicaragua?

Mr. HITCHCOCK. I had not, except that the Tipitapa question was a matter that we were arranging for arbitration if necessary.

The CHAIRMAN. And that matter had been postponed for that purpose?

Mr. HITCHCOCK. That question had been postponed.

The CHAIRMAN. The Tipitapa Canal had no connection whatever with any right of forfeiture on the part of Nicaragua of the concession, and if there was any possible default on the part of the company, which I understand you to deny, the arrangement or settlement of that matter was entirely apart from your right to go on and build the main canal?

Mr. HITCHCOCK. Entirely apart.

The CHAIRMAN. Are you yet convinced, notwithstanding the protest of the minister from the Greater Republic of Central America, that Nicaragua is friendly to your company and desires to see the canal succeed?

Mr. HITCHCOCK. My belief is that President Zelaya and his present administration in Nicaragua are very friendly to the company and exceedingly desirous to have the canal completed, and I believe them to be desirous that the company shall be aided by the United States in order that the completion may be hastened.

The CHAIRMAN. Is there not a remaining jealousy or antagonism between Nicaragua and Costa Rica, growing out of old disputes, which has not been entirely quieted, and with which you have no concern, and may not that jealousy be at the bottom of the movement of the Greater Republic of Central America?

Mr. HITCHCOCK. That is quite possible, and may be more than that. It may be highly probable. But the company has but one object, and that is to carry out both its concessions from those Governments in the utmost good faith under the charter granted by the United States.

The CHAIRMAN. Has not your company put itself to a great deal of trouble, inconvenience, and expense in the effort to reconcile those two Governments with each other upon the subject of the construction of this canal?

Mr. HITCHCOCK. We have done our best in that direction frequently for the last ten years, as will be shown by what I have already stated before the committee.

The CHAIRMAN. It has been asserted that your company is bankrupt. Is that true?

Mr. HITCHCOCK. That is not true. The Maritime Canal Company of Nicaragua is and always has been entirely solvent, and has no outstanding debts we are not able to meet. Anyone making a different statement confuses the Maritime Canal Company with the construction company, which held a contract with the Maritime Canal Company to construct the canal, and which was obliged to suspend and go into liquidation in 1893. This latter fact is not surprising when it is remembered that during that period of great financial depression such vast corporations as the Erie Railroad, the Baltimore and Ohio, the Reading, and the Union Pacific were obliged to default on their obligations and to resort to reorganization of their companies.

HIRAM HITCHCOCK.

Mr. MORGAN. I wish to present one more paper, and then I will yield the floor. I received recently a letter, upon another topic entirely, from a gentleman in California, who is a very eminent man, a very learned lawyer, and was writing to me about some questions of law. In the course of his letter he presented a statement that I wish now to read:

In 1851-52 the late Commodore Van Derbilt (he always spelled it so himself) was at the head of a New York company organized to build such a canal, and at his instance I spent about a twelvemonth on the Isthmus as general agent of the company. Living right on the lake shore, and frequently moving up and down the river, I became, of course, familiar with the route and the whole situation. In fact, the first passenger steamer that ascended the river passed the Machuca Rapids with my foot on the safety valve and Mr. Van Derbilt at the helm, and I have gone the whole 125 miles of the river in a skiff.

That effort at interoceanic navigation seems now almost forgotten, but the way it came to be abandoned is worth recalling. The company relied on getting capital in England, and Van Derbilt and Joseph L. White (then lately a member of the House of Representatives from Indiana) went to London in the fall of 1851 and opened negotiations with the Barings for $26,000,000—the estimated cost of the work. They carried with them elaborate surveys, field notes, and estimates made by a Colonel Childs, a New York engineer of repute, who had made their surveys. I think Childs accompanied them himself for explanations. The project was laid before the Barings, who gave it close attention, and after a study of available statistics decided to take it up and finance the undertaking, if Colonel Childs's estimates could pass the scrutiny and win the approval of a board of English engineers, to whom they referred the question. The canal then projected was much smaller than that now contemplated, and was not expected to pass a ship drawing more than 13 feet of water (about 800 tons). I still have a tracing of Childs's map, and somewhere (though not now findable) of his detailed statements. After some weeks delay, during which the bankers were most gracious and pleasant, the English engineers reported favorably, and the Commodore believed the negotiation had been quite successful, but after another, though shorter delay, the aspect of things suddenly changed and the financial gentlemen having consulted with some Government officers and eminent merchants, etc., declined the whole negotiation. The Commodore gave expression to his emotions in his fashion, by a little genteel profanity, but White, who was very deeply interested, and more politic, sought the cause of the change in the views of the bankers, and after a little hesitation learned from them that on consultation with eminent authorities on the subject they had come to the conclusion that the canal if built as proposed would result in throwing the whole commerce of the Pacific into American hands, and they were naturally averse to embarking English capital in an enterprise likely to be destructive to English interests, by building up American commerce where England then enjoyed a monopoly. The justice of this excuse was undeniable, and the American negotiators returned, disappointed.

I yield the floor with the single remark that both of the Senators from California here know this gentleman, and if any Senator desires to inquire in respect to his character and standing, they can easily ascertain.

Mr. HOAR. I ask unanimous consent to lay aside the pending order informally to take up Senate bill 3588.

Mr. MORGAN. The Senator from Massachusetts does not seek to displace the pending measure?

Mr. HOAR. No.

Mr. FRYE. It is to be only informally laid aside.

The VICE-PRESIDENT. The Nicaragua Canal bill will be laid aside informally, if there be no objection.

THE LA ABRA AND WEIL CASES.

Mr. HOAR. I ask the Senate to proceed to the consideration of the bill (S. 3588) to insure a full bench in the Court of Claims for the hearing of the cases entitled "The United States against La Abra Silver Mining Company and others," and "The United States against Alice Weil and others." It is a measure which has already been read. The Senator from Wisconsin [Mr. VILAS] desired to examine it, and he will propose a slight amendment, which will take but a moment.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. VILAS. After the word "the," at the end of line 12, I move to insert the words "supreme court of the;" so that instead of reading "of any circuit or district court of the United States or of the District of Columbia" it will read "or of the supreme court of the District of Columbia." That practically gives definite expression to what I suppose is really intended.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

EASTERN NEBRASKA AND GULF RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3555) to amend an act entitled "An act granting to the Eastern Nebraska and Gulf Railway Company right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska," by extending the time for the construction of said railway.

The amendment was, in line 9, to strike out "four" and insert "three."

Mr. ALLEN. I move that the Senate concur in the amendment.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 6902) granting a pension to Mrs. Mary A. Viel; and

A bill (H. R. 10085) for the relief of Elnora Shuman.

The bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

SUBMARINE TELEGRAPH CABLE LINES.

Mr. FRYE. I ask unanimous consent for the present consideration of the bill (H. R. 9149) to regulate the establishment of submarine cable lines or systems in the United States.

The VICE-PRESIDENT. The bill will be read for information, subject to objection.

The bill was read.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. STEWART. I would rather that that bill should lie over.

Mr. FRYE. The bill has been reported favorably unanimously by both the Committee on Foreign Relations and the Committee on Commerce, and there is no opposition to it. The opposition which appeared perhaps a month ago has been withdrawn.

Mr. NELSON. I am opposed to that bill.

Mr. BLACKBURN. I am opposed to it, also.

Mr. NELSON. And I have no recollection of the bill having been considered in the Committee on Commerce at all.

The VICE-PRESIDENT. Objection is interposed to the consideration of the bill.

Mr. FRYE. It is on the Calendar as having been reported from the Committee on Commerce.

Mr. NELSON. I do not know how the bill got there.

Mr. FRYE. I am very much surprised. We gave hearings in the Committee on Commerce and invited everybody to appear before that committee who had anything to say about the bill, and only one company appeared and had a hearing.

Mr. STEWART. Under the circumstances, I think the bill had better lie over.

The VICE-PRESIDENT. Objection is interposed, and the bill will go over.

Mr. FRYE subsequently said: I desire to make a remark. I made a statement that the bill the consideration of which I had asked for had been reported by the Committee on Commerce without any objection. The Senator from Minnesota [Mr. NELSON] called my statement in question. I hold in my hand the printed report on the bill made by the Senator from West Virginia [Mr. ELKINS] to the United States Senate. The same bill was pending in the Committee on Foreign Relations, and by the instruction of the committee I reported it from the Committee on Foreign Relations, and it took the place of the other committee bill; and this is the one. I am not in the habit of making statements which I do not know to be true.

Mr. NELSON. I understood the Senator to say this was a bill which had been reported from the Committee on Commerce.

Mr. FRYE. It has been reported, and I hold the report in my hand.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 514) to remove the charge of desertion from the military record of Wear Crawford.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CURTIS of New York, Mr. GRIFFIN, and Mr. TYLER managers at the conference on the part of the House.

MINERAL OIL LANDS.

Mr. CLARK. I ask unanimous consent for the present consideration of the bill (S. 3551) to authorize the entry and patenting of lands containing petroleum and other mineral oils under the placer-mining laws of the United States.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that any person authorized to enter lands under the mining laws of the United States may enter and obtain patent to lands containing petroleum or other mineral oils, and chiefly valuable therefor, under the provisions of the laws relating to placer mineral claims; and further provides that lands containing such petroleum or other mineral oils which have heretofore been filed upon, claimed, or improved as mineral, but not yet patented, may be held and patented under the provisions of this act the same as if such filing, claim, or improvement were subsequent to the date of its passage.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MILITARY ACADEMY APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898.

Mr. PETTIGREW. I move that the Senate insist upon its amendments and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. PETTIGREW, Mr. PERKINS, and Mr. BRICE were appointed.

HARRIET F. HERRICK.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (S. 2859) granting an increase of pension to Harriet F. Herrick.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll, at $12 per month, the name of Harriet F. Herrick, of Beverly, State of Massachusetts, widow of Moses S. Herrick, deceased, late a member of Company E, Eighth Regiment Massachusetts Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SPECULATION IN CLAIMS AGAINST THE GOVERNMENT.

Mr. LINDSAY. I ask unanimous consent for the present consideration of the bill (H. R. 6834) to prevent the purchasing of or speculation in claims against the Federal Government by United States officers.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

The first amendment was, in section 1, line 10, after the word "purchase," to insert "at less than the full face value thereof;" in line 11, after the word "indirectly," to insert "any claim for fee, mileage, or expenses of;" in line 12, after the word "witness," to strike out "fee or claim, or the fee or claim of any;" in the same line, after the word "juror," to strike out "or the fee or claim of any;" in line 13, after the word "or," to strike out "the fee or claim," and in line 14, after the word "other," to strike out "person" and insert "officer of court;" so as to make the section read:

That it shall hereafter be unlawful for any United States marshal or deputy marshal, or any clerk or deputy clerk of any court of the United States or of any Territory thereof, or any United States attorney or assistant attorney, or any United States judge, or United States commissioner, or other person holding any office, employment, or position of trust or profit under the Government of the United States to purchase, at less than the full face value thereof, either directly or indirectly, any claim for fee, mileage, or expenses of any witness, juror, deputy marshal, or of any other officer of court whatsoever against the United States Government.

The amendment was agreed to.

The next amendment was, in section 2, line 1, after the word "shall," to strike out "be guilty of a violation of the first section of this bill shall be liable to an indictment by the grand jury of the United States," and insert "violate this act shall be deemed guilty of a misdemeanor;" in line 5, after the word "find," to strike out "in any sum of not less than fifty nor more than;" in line 6, before the word "five," to insert "not exceeding;" in the same line, before the word "dollars," to strike out "thousand" and insert "hundred;" and after the word "dollars" to strike out "and final judgment against the defendant shall ipso facto operate

as a removal of the person convicted and render his office or position vacant;" so as to make the section read:

SEC. 2. That any person who shall violate this act shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not exceeding $500.

The amendment was agreed to.

The next amendment was to strike out section 3, as follows:

SEC. 3. That all laws or parts of laws in conflict with this bill are hereby repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

TRAFFIC BRIDGE OVER THE OUACHITA RIVER.

Mr. BLANCHARD. I ask unanimous consent for the present consideration of House bill 6750. It is a bridge bill which has been favorably reported by the Committee on Commerce.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6750) to authorize the mayor and city council of Monroe and the police jury of the parish of Ouachita, La., to construct a traffic bridge across the Ouachita River opposite said city.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF RICHARD LAWSON.

Mr. BACON. I ask unanimous consent for the present consideration of the bill (S. 3239) for the relief of the estate of Richard Lawson.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the administrator de bonis non of the estate of Richard Lawson, late of Baltimore, Md., to sue in the United States Court of Claims for the said Lawson's individual interest as a partner in the late firm of John McFadon & Co., and also the late firm of William McFadon & Co., formerly of Baltimore, Md., on account of French spoliations committed prior to the year 1800, the court to pass upon the facts and law in the case and report the same to Congress.

Mr. PLATT. I do not understand that bill, Mr. President.

Mr. BACON. I have the report here.

Mr. PLATT. I should like some explanation of it.

Mr. BACON. It is simply in the nature of a bill to authorize a party to sue under the act of January 20, 1885, to establish the validity of a claim under the French spoliations act. He has been barred, not by his own neglect, but it was a case where the claim was that of a firm, and it turned out, pending the investigation, that the member of the firm in whose name the suit originally had been filed within the time limited by the act had prior to that time assigned his individual interest.

Mr. PLATT. The bill does not propose to create any additional liability in the French spoliation claims beyond that which the Senator has stated?

Mr. BACON. None whatever. It simply allows this man to avail himself of the act of 1885, from the provisions of which he is now barred.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. COCKRELL. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, February 1, 1897, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 29, 1897.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

ATLANTIC AND PACIFIC RAILROAD COMPANY.

Mr. POWERS. Mr. Speaker, I call up the conference report on the bill (S. 1832) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company.

The SPEAKER. The gentleman from Vermont calls up a conference report which the Clerk will read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1832) entitled "An act to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows:

In line 2 of said amendment numbered 1, and after the word "to" where it occurs the second time, insert the words "the United States;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: Strike out the word "not," in line 31 of the bill, and in place of the language stricken out by said amendment insert the words "except such as may have been incurred for wages or supplies in the operation of the property purchased;" and the House agree to the same.

That the Senate recede from its disagreement to the amendments of the House numbered 3 and 4, and agree to an amendment as follows: After the word "*Provided*," in line 32 of the bill, insert as follows:

"That the capital stock of the corporation herein authorized shall be divided into shares each of the par value of $100, and shall not exceed the amount of the funded debt existing and unpaid at the time of the decree of foreclosure: *Provided*, That additional stock for the purchase or construction of additional road, or for equipment or betterments, may be issued by the corporation upon the payment into its treasury therefor of the full par value thereof in cash, or in return for labor or property estimated at its actual value; but no such additional stock shall be issued by said corporation until such issue shall be approved by the Secretary of the Interior as actually representing money, labor, or property estimated at its actual value, at the full or par value of said issue of stock. The total stock issued under the provisions of this act shall not exceed $100,000,000."

And the House agree to the same.

That the House recede from its amendment numbered 5.

That the Senate recede from its disagreement to the amendment of the House numbered 6, and agree to the same with an amendment as follows:

"*Provided further*, That in case any uncompleted contracts for the purchase of land shall be pending at the time of such foreclosure sale, such new company shall, upon payment to it of any unpaid balance of purchase money for such land at the time provided in such contracts for the sale thereof, convey and release to the holders of such contracts all its title, interest, and estate in and to the land embraced in such contracts."

And after the word "company," in line 4 of said amendment numbered 6, insert the words "to any bona fide settler and occupant in a tract of 640 acres or less."

Also, strike out from line 7 of said amendment numbered 6 the words "said contracts for the sale of lands," and in lieu thereof insert the words "any such contract."

Also, after the word "of," in line 12 of said amendment, insert the word "any."

Also, strike out from line 12 of said amendment the word "contracts" and insert in lieu thereof the word "contract."

And the House agree to the same.

That the House recede from its amendment numbered 7.

H. HENRY POWERS,
GEO. P. HARRISON,
GROVE L. JOHNSON,
Managers on the part of the House.

DAVID B. HILL,
O. H. PLATT,
C. D. CLARK,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The amendment of the House numbered 1 seeks to subject the new corporation to all the obligations and duties to the United States imposed upon the original company by the charter of 1866. Hence the words "the United States" are added to the amendment by the conference committee to make such meaning clear and certain.

The amendment of the House numbered 2 would subject the purchasers to payment of all the unsecured indebtedness of the old corporation, whereas on foreclosure of mortgage such purchasers take no liability in respect thereto. The conference committee has imposed such liability to the extent of all obligations for wages and supplies incurred in the operation of the road legally chargeable against the old company.

The amendments of the House Nos. 3 and 4 are contradictory. Amendment No. 3 restricts the issue of additional stock to cash payment at par; amendment No. 4 provides for such issue on prior approval of the Secretary of the Interior in exchange for money, labor, or property estimated at its actual cost value. To harmonize this the language of each amendment has been embodied in one amendment wherein the issue of such stock is restricted to the actual value of the property when exchanged therefor, as ascertained by the Secretary of the Interior, regardless of its original and probable increased cost.

The amendment of the House No. 5, wherefrom the House conferees recommend that the House recede, requires the purchasers at foreclosure sale, and as a condition precedent to reorganization, to relinquish to the United States all interest in the lands granted the original company situate opposite road unconstructed at date of the forfeiture act approved July 6, 1886. The bill as passed by the Senate broadly protects all rights of the United States in this regard. The validity of the forfeiture act is now under submission before the United States Supreme Court in a case wherein the United States has been fully heard in argument. If that court sustains the validity of such forfeiture act, then these prospective purchasers could take no possible interest in such lands, and the amendment of the House would be unnecessary. Should the court decide that the grant was not so subject to forfeiture, then, as matter both of law and justice, the old company and these purchasers should not be foreclosed by present legislation. The bill as now framed carefully preserves all existing rights of the United States against both in this respect.

The amendment of the House numbered 6 requires the new company to protect the land warranties and contracts of the old. It is not clear that the amendment applies to executory land contracts whereon the purchaser has made partial payments, and language has been added so providing in terms.

With respect to executed land contracts, the conference committee believed that such liability should extend to actual settlers and occupants purchasing in tracts of 640 acres or less, following legislative precedent in this regard as illustrated by the general railroad land-grant forfeiture act of September 29, 1890, section 3 (26 Stat. L., 496), where the right is so protected to a maximum of 320 acres on payment to the United States of $1.25 per acre. Here the new company is required to recoup the purchaser for loss of title to the extent of 640 acres, but without any compensation therefor.

The amendment of the House numbered 7, wherefrom the House conferees recommend that the House recede, empowers the States wherein this railroad may now or hereafter extend to require the new company to become incorporated under the laws of each of such States.

This new company would be a Federal corporation. Congress has always retained control of such corporations, but left the property thereof to the operation of State laws of taxation, police power, and like subjects within State regulation and control. To reach this result no affirmative legislation is necessary in this act. Surrender of control over the corporate franchise,

if hereafter deemed wise by Congress, should be accomplished by general law applicable to all such Federal corporations and not extended to one only by special legislation.

H. HENRY POWERS,
GEO. P. HARRISON,
GROVE L. JOHNSON,
Conferees.

Mr. POWERS. Mr. Speaker, there are several amendments——

Mr. McRAE. If the gentleman will permit an interruption, I should like to know if we can have some understanding about the time to be allowed for debate.

Mr. POWERS. I am content that that should be so.

Mr. McRAE. What is the purpose of the gentleman as to calling the previous question?

Mr. POWERS. I have not called for it.

Mr. McRAE. How much time does the gentleman propose to give for debate?

Mr. POWERS. How much time do you want?

Mr. McRAE. I can not very well tell. I think we should have an hour.

Mr. POWERS. I am content that an arrangement shall be made for an hour's debate on each side.

The SPEAKER. Is there objection to the proposition that the debate shall cease at the end of two hours, one-half to be allotted to either side?

Mr. BARRETT. Mr. Speaker, there is a question involved in this report which probably does not interest the gentleman from Arkansas [Mr. McRAE], and if he is going to control the debate in opposition, it seems proper that some allowance should be made for my colleague from Massachusetts [Mr. MOODY].

The SPEAKER. There is no proposition to control the debate.

Mr. WADSWORTH. How much time do you ask for?

Mr. POWERS. An hour on a side.

Mr. WADSWORTH. I object to that.

Mr. TERRY. I will say to the gentleman from Vermont [Mr. POWERS], reserving my right to object——

Mr. DOCKERY. Why do you not let them finish the Agricultural appropriation bill?

Mr. TERRY. I will suggest to the gentleman from Vermont [Mr. POWERS] that this affects a number of States, and in the course of the debate a number of Representatives here will see that their constituents are affected by this matter. I would suggest that we have an hour and a half debate on each side.

Mr. POWERS. It is entirely immaterial to me, I will say to my friend, how much time is allotted. If the gentleman will make that request, I will accede to it.

Mr. TERRY. I ask that.

The SPEAKER. The gentleman asks unanimous consent that there be an hour and a half of debate on each side.

Mr. WADSWORTH. I object.

Mr. DOCKERY. Let him finish his Agricultural bill.

Mr. POWERS. Mr. Speaker, a parliamentary inquiry. If no arrangement is entered into, how much time do we have for the consideration of the bill?

The SPEAKER. The gentleman is in charge of the bill.

Mr. POWERS. And I have an hour's time.

The SPEAKER. An hour's time.

Mr. TERRY. What was the answer of the Chair?

The SPEAKER. The Chair said that the bill was in charge of the gentleman from Vermont [Mr. POWERS].

Mr. POWERS. I will endeavor to yield to my friend a reasonable share of the time.

The SPEAKER. The gentleman from Vermont [Mr. POWERS] is recognized.

Mr. POWERS. Mr. Speaker, this was a Senate bill which came to the House for its concurrence. The House passed seven different amendments to the Senate bill, and a conference committee was appointed to consider the disagreeing votes of the two Houses. That committee have made their report, and copies of it will be found on the desks of members. Some of these changes in the amendments adopted by the House are purely clerical in their character. Others are substantial. I assume that no gentleman has any objection to the adoption of such of the amendments as are clerical in their character. For instance, No. 1 reads:

But such new company shall be subject to all the obligations and duties to which said Atlantic and Pacific Railroad Company was subject under its charter or act of incorporation.

The conference committee have inserted after the word "duties" the words "to the United States," as that was the plain meaning of the amendment, doubtless, on the part of the gentleman who proposed it. I ask that that amendment be agreed to.

The SPEAKER. This is a conference report, and it is not divisible.

Mr. POWERS. Can it not be agreed to in detail?

The SPEAKER. This is a conference report, and as such it must be adopted as a whole or rejected as a whole.

Mr. POWERS. Very well, then, I will point out to the House that amendment No. 1 is simply adding the words "to the United States" after the word "duties," because in the original text the duties did not apply to anybody, and here they are specifically named.

The second amendment as adopted by the House reads:

But nothing in this act shall make such purchasers and their associates—

Alluding to the bondholders under this mortgage that are seeking this incorporation—

or such new corporation liable for any debt or claims or contracts of the old corporation not "expressly assumed in their contract of purchase at said judicial sale."

That is modified in the conference committee so as to read:

Strike out the word "not," in line 31 of the bill, and in place of the language stricken out by said amendment insert the words "except such as may have been employed for wages or supplies in the operation of the property purchased."

This is to make the new corporation liable for the debts of the old corporation that the old corporation incurred for supplies and wages in the operation of the property. Of course no gentleman would ask to have the mortgages made chargeable with any debts of the old corporation to which their mortgage was paramount. But it is a principle of equity jurisprudence announced by the Supreme Court of the United States and announced in various States that wages of employees and supplies that have been furnished for the operation of a road have an equitable preference over the rights of the bondholders; and we have made that certain by incorporating in it an express stipulation that it shall be so, although in my own judgment there was no necessity for it, because the rules of law already require it. I take it that no gentleman has any objection to that amendment.

Amendment No. 3 relates to the proposed issue of new stock. When this bill was pending in the House, this amendment was put on; but it is not explicit enough to protect the rights of the stockholders and the rights of the public. Therefore the committee of conference have given it a new draft, retaining the substance of the amendment, but putting it in more specific and explicit language to make it effectual to carry out the purpose. It reads:

That the capital stock of the corporation herein authorized shall be divided into shares each of the par value of $100, and shall not exceed the amount of the funded debt existing and unpaid at the time of the decree of foreclosure.

The conference committee have substituted for the word "mortgage" the word "funded;" so that it shall read, "shall not exceed the amount of the funded debt;" because it transpires that this corporation has both a mortgage debt eo nomine, and has, in addition, another mortgage that is specified in railroad nomenclature as funded debt. Now, the object of foreclosure is to foreclose the debt known and described as the mortgage debt and the debt known and described as the funding debt. So we use the generic term "funded" as covering both, rather than the specific term "mortgage" as used in the amendment, with the proviso—

That additional stock for the purchase or construction of additional road, or for equipment or betterments, may be issued by the corporation upon the payment into its treasury therefor of the full par value thereof in cash, or in return for labor or property estimated at its actual value; but no such additional stock shall be issued by said corporation until such issue shall be approved by the Secretary of the Interior—

And that it shall not exceed $100,000,000.

Mr. MOODY. Mr. Speaker, I should like to ask the gentleman a question, if he will yield. Do I understand the gentleman to state to the House that the limit imposed by the House amendment is not changed by the report of the conference committee?

Mr. POWERS. It is not changed, unless we quibble over the word "mortgage."

Mr. MOODY. I understand the gentleman to say, and I want to know whether I am right or not, that there were two mortgages—one designated as a mortgage debt, and the other as a funded debt—and that this mortgage debt eo nomine and the funded debt were both to be comprised in the foreclosure?

Mr. POWERS. Yes.

Mr. MOODY. If that is true, there is no difference in the effect of the House amendment and the conference report.

Mr. POWERS. Well, substantially none. The word "mortgage" is a term more specific than "funded." "Funded" is a generic term, and it covers both debts.

Mr. MOODY. Does it have the same effect?

Mr. POWERS. Precisely so, as I understand.

Mr. BARRETT. Will the gentleman allow me to state the difference of the effect?

The SPEAKER. Does the gentleman from Vermont yield?

Mr. POWERS. Well, I will allow the gentleman to state it when the time comes for him to debate. I will state my view, and if he wants to correct me in my grammar or in my legal proposition, he can do so.

Mr. BARRETT. I thought the gentleman from Vermont, the chairman of the committee making this conference report, would be very glad, as he seems disposed to be, to have all the information he can, that this matter go before the House at the same time.

Mr. POWERS. I should be thus happy, Mr. Speaker, but when

I am searching for information I prefer to choose my own instrumentalities.

Mr. MOODY. Will the gentleman yield for another question? This is a mere question.

The SPEAKER. Does the gentleman from Vermont yield?

Mr. POWERS. Certainly.

Mr. MOODY. I would like to ask the gentleman if, under this bill, together with the rights of succession to the powers of the corporation whose property is foreclosed, it will be possible for the reorganized company to issue not only the amount of stock which is named in this amendment, but also a corresponding amount of bonds, so that there shall be in existence at one time, in stock and in bonds together, just double the amount of the actual investment under these foreclosure proceedings? I ask for information.

Mr. POWERS. Mr. Speaker, the practical working of the proposition is this: The parties who now hold the mortgage bonds upon these railroads are permitted by this act to reorganize themselves into a corporation and to utilize their mortgage bonds in the shape of stock. That is to say, the holder of $1,000 in bonds may take ten shares of stock in the new corporation, converting his bonds into stock. That is the way the capital stock is made up. That is the way the capital stock is always made up in the reorganization of a railroad company by bondholders who reorganize and put in their mortgage bonds as stock and not as bonds. Now, the question of the gentleman from Massachusetts, as I understand him, is, Can not the corporation issue a new mortgage, equaling in amount the stock that will be provided for by this amendment? I say unhesitatingly they can. I say unhesitatingly they ought to have that right. If a corporation, after it is organized as a corporation, finds it necessary to issue a mortgage for proper purposes, it should have that right.

Mr. MOODY. Mr. Speaker, I will ask the gentleman what are "proper purposes?"

Mr. POWERS. Any purpose that the law recognizes as proper. I am sure my friend would not say—he is too good a lawyer to say—that a railroad corporation ought not to have the right to issue, under proper circumstances, a mortgage upon its property. It may become necessary for new construction; it may become necessary for any one of a dozen lawful purposes.

Mr. MOODY. Let me say to the gentleman from Vermont that I have no objection to the issuing of a mortgage for consideration; but I want to see very clearly that, on account of the same specific sum of money, there can not be in existence in the market two obligations of bonds and of stock, each representing the same money. Let me say further that it has been asserted to me—I know not with what truth—that the reorganization committee have advertised to the bondholders that under this reorganization they shall obtain not only new bonds in place of those they now hold, but an equal amount of stock in addition. I would like to ask the gentleman from Vermont if he has investigated that question and is ready to make a statement to the House in relation to it upon his own responsibility?

Mr. POWERS. I have not investigated that question. I have not chased down all the rumors that interested parties may have circulated with reference to this proposition. I tie myself down to the language of this bill and the language of this amendment. The language of this amendment is that they may issue stock not exceeding $100,000,000. The language of the bill is that the new company shall succeed to the original rights accorded under the franchise of the old company. Now, under the franchise of the old company they had no right to issue a mortgage except for a proper legal purpose.

Mr. BARRETT. Will the gentleman allow me time now to answer the question asked by my colleague?

Mr. POWERS. I must decline, Mr. Speaker, to have my time taken up by the gentleman from Massachusetts in answering questions asked by his colleague. If I do not answer them properly or satisfactorily, his colleague will doubtless apprise me of the fact.

This issue of stock is limited to $100,000,000. The amount of the funded debt provided for in this amendment aggregates about $40,000,000, and the additional stock is only to be issued with the consent and approval of the Secretary of the Interior, so I assume that it is sufficiently guarded to prevent the "watering" of stock or any abuse of that kind.

Amendment No. 5 was proposed by the gentleman from Illinois [Mr. COOKE] and the substance of it is that this company shall not take any right under this new charter except upon the condition precedent that it shall relinquish all its rights to the land grant that was given to the original company and which is covered by this mortgage now under process of foreclosure. In answer to that I have this to say: Congress has already passed an act providing for the forfeiture of unearned land grants made to different railroad corporations, and the question whether the land grant made to this old corporation comes within the operation of that act has been argued, only a week since, in the Supreme Court of the United States. A case was made up, and the United States have been fully heard in argument.

The question is ripe for decision by that court, and the decision is expected in the immediate future. If the court decides that these lands have been forfeited, then of course this new company can have no rights under this amendment. If, on the other hand, the courts decide that the lands are not forfeited, then this new company, upon every principle of right, upon every principle of justice, will be entitled to those lands. They were granted to the original company. They were mortgaged by that company, and the mortgagees ought not to be taken by the throat and told by the American Congress that unless they relinquish the rights given them by their mortgage they shall not be allowed to be incorporated under a law of Congress. No one can justify any such proposition.

Mr. COOKE of Illinois. Will the gentleman yield for a question?

Mr. POWERS. I will if the question is not too long.

Mr. COOKE of Illinois. Did not a committee of Congress in the first session of the Forty-ninth Congress make a report, after a thorough investigation of this whole subject of the forfeiture which should take place concerning these lands, and after the act of 1871, which this bill sets forth, gave the right to this company to mortgage its lands—did not that committee, after such examination, report the act of 1886, which was afterwards passed, declaring the forfeiture?

Mr. POWERS. My understanding, Mr. Speaker, is that Congress made inquiry into the various land grants that had been made to railroad companies—this, among others.

Mr. COOKE of Illinois. If the gentleman will allow me, I will call his attention to the particular report upon this particular land grant, Report No. 193, made February 3, 1886; and this report deals only with this land grant; it is a thorough and elaborate examination and discussion of the entire question as to whether any valid mortgage had been made upon this land grant under the act of 1871; and notwithstanding the act of 1871, the committee came to the conclusion that a forfeiture should be declared, and the House adopted their conclusion by the passage of the forfeiture act of 1886, which affected over 32,000,000 acres of land.

Mr. POWERS. I am not in controversy with the gentleman as to the proceedings taken by Congress, for I have already conceded that an act was passed declaring the forfeiture of these lands. What I am urging is that this is a legal question now pending before the courts; and I have confidence enough in our courts to say that we can fully trust the disposition of this question to them.

Now, what is the effect of this amendment? It provides that, no matter what the courts may decide about the legality of that forfeiture act, we ourselves insist that this company shall relinquish its claim to these lands; otherwise we deny them the rights accorded conditionally by the bill. Now, I think this is the wisest course. I think it is most in accord with the ordinary course of judicial proceeding, most in accord with the spirit of fairness which ought to influence legislators, that we should say, "If the court declares the act valid, then we are entitled to the rights we claim; if, on the other hand, they say that the forfeiture is invalid, we lose those rights."

Mr. COOKE of Illinois. Will the gentleman allow me a moment further? I call his attention to the title of this bill—"An act to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871." Then the bill goes on and uses this language:

> That whenever any mortgage made by the Atlantic and Pacific, etc., under and by virtue of acts of Congress is foreclosed, etc., and any sale of the road, equipment, lands, etc., the purchaser, etc., shall be entitled to hold and possess the franchises and property so sold, and to exercise, etc.

Now, I ask the gentleman to answer this question—whether this bill, if passed, would not operate as an enabling and enlarging act additional to the act of 1871 so as to validate still further by the action of this Congress the supposed right to mortgage those lands covered supposedly by the act of 1871—whether this bill does not directly recognize the construction of said act of 1871, which is claimed on the part of this railroad company, that they have the right to mortgage those lands perhaps in perpetuity?

Mr. POWERS. I did not yield for a speech, but I confess I am somewhat surprised to see an able lawyer stand up on the floor of the American Congress and insist that the title of a bill has anything to do with the body of it except to state in a general way the purpose of the act. The point of this proposed enactment is in these words:

> *Provided further*, That as a condition precedent to reorganization the purchasers of the railroad company and their successors shall relinquish in writing and convey to the United States by a proper deed, etc., all claim, right, title, and interest to all lands granted to the Atlantic and Pacific Railroad Company, etc.

My answer to the gentleman is that we have no right, as fair-minded men, to say to the mortgagees, "You shall not have any power to foreclose your mortgage, you shall not have your legal

rights in court unless you will relinquish a portion of the property that was conveyed to you by your contract of mortgage." I say that is a species of blackmail; and as long as that very identical question is pending in the Supreme Court, let that court determine the rights of these men, and let us not undertake to say in addition that these mortgagees shall have no rights even if the court says that they have.

Mr. COOKE of Illinois. May I ask the gentleman——

Mr. POWERS. I can not yield any further to the gentleman, because he interposes a stump speech when he undertakes to propose a question.

The sixth amendment adopted by the House provided that "in every case of failure of the title to any lands conveyed or contracted to be sold by said Atlantic and Pacific Railroad Company, any and all rights of such purchaser or his assigns," etc., shall be preserved. This language was not explicit enough to protect the rights of these settlers, and the conference committee has undertaken to make it more clear by changing the phraseology so that it shall read as follows:

Provided further, That in case any uncompleted contracts for the purchase of land shall be pending at the time of such foreclosure sale, such new company shall, upon payment to it of any unpaid balance of purchase money for such land at the time provided in such contracts for the sale thereof, convey and release to the holders of such contracts all its title, interest, and estate in and to the land embraced in such contracts.

And after the word "company," in line 4, insert:

To any bona fide settler and occupant, in a tract of 640 acres or less.

Now, under the usual limitation of bills of this character the rights of settlers have been guarded heretofore where they claimed no more than 320 acres. With reference to that we have a general statute on this subject, an act passed on the 29th of September, 1890 (26 Statutes at Large, page 496), where the right is so protected to a maximum of 320 acres only. We go further in this case, because the land is very poor, and in some cases the purchasers acquired as much as a whole quarter section; and so we extended the mantle of protection to double the amount to which it extended under the former statute.

Amendment No. 7 the committee of conference recommend that the House recede from. That amendment is in substance that the company shall take out its charter in each State through which it shall pass or through which the line runs. It runs through the Territories now substantially, and the amendment provides that when they become States they may then require this provision.

The answer to that proposition is that the company is a Federal corporation, and Congress has always retained control of such corporations, but has left the property of such company to the operation of the State law of taxation, police power, and like subjects, which are within State regulation and State control. It seems to the committee that we ought to follow the unanimous practice heretofore, and we are making a charter wherein we retain the control of the corporation in our own hands and not turn it over to the States through which it may pass.

Mr. MITCHELL. Will the gentleman from Vermont yield to me for a question?

Mr. POWERS. Certainly.

Mr. MITCHELL. I was not on the floor when the gentleman from Vermont explained the amendment of the House No. 2. I notice from the conference report that the Senate recedes from its disagreement to this amendment, which was passed on my motion, and agree to the same with an amendment. Am I to understand that this amendment strikes out from the original House bill the words:

Expressly assumed in the contract of purchase at such judicial sale.

Which were the words which I objected to, and leaves in the words which I have substituted therefor, namely:

Legal charge against said old corporation,

And inserts before said last words:

Except such as may have been incurred for wages and supplies in the operation of the property purchased—

So that the whole clause shall read as follows:

But nothing in this act shall make such purchasers and their associates or said new corporation liable for any debts or claims or contracts of the old corporation, except such as have been incurred for wages or supplies in the operation of the property purchased, legally chargeable against such old corporation.

Mr. POWERS. The words "legally chargeable against said old corporation" are retained. I do not know whether the gentleman has the copy of the bill before him that I have, but these words are in italics in the copy before me, and following that is the language "except such as may have been incurred for wages and supplies in the operation of the property purchased."

The purpose, I will state to my friend from New York, is this: We could not, with propriety, make the bondholders liable for debts which are an inferior lien of their own, and to guard against that we use the language referred to, "legally chargeable against said old corporation," and then put in a proviso leaving the wages chargeable to the new corporation. As I have already stated at the outset of my remarks, that would be the case whether we put that provision in or not.

Mr. MITCHELL. Then, as I understand it, the amendment recommended by the conference committee leaves the new company liable for debts of the old company for labor and supplies. If so, I have no objection to offer to the amendment of the conference committee.

Mr. POWERS. I now yield to the gentleman from Arkansas [Mr. TERRY]. How much time does the gentleman want?

Mr. TERRY. About fifteen minutes.

Mr. POWERS. I yield fifteen minutes to the gentleman, reserving the remainder of my time.

Mr. BARRETT. I wish to ask the gentleman from Arkansas if he will yield to me for a moment to ask the gentleman from Vermont a question?

Mr. TERRY. Certainly; but not to be taken out of my time.

Mr. BARRETT. I understood the gentleman to say that at the proper time he would allow me time to make some statement. I wish to ask if I may depend on that promise out of the gentleman's own time, or does he expect me to acquire the floor in my own right?

Mr. POWERS. I will endeavor to give the gentleman five minutes.

Mr. BARRETT. I will require more time than that.

Mr. POWERS. Well, I have promised to yield to my friend from Arkansas. I will yield to him first, and then several other gentlemen want to be heard.

Mr. BARRETT. I will ask the gentleman not to move the previous question until I have had an opportunity of being heard on this point.

The SPEAKER. The gentleman from Arkansas [Mr. TERRY] is recognized for fifteen minutes.

Mr. TERRY. Mr. Speaker, there are some very important matters in this conference report to which I want to direct the attention of the House to show why it should not be adopted.

This House made an amendment to the Senate bill which required the purchaser to pay all the debts legally chargeable against the old company. That amendment perhaps went too far. It went further than I should have asked the House to go. But the proposition of the conference committee does not go far enough. It only provides for the payment of debts for wages and supplies incurred in the operation of the road, but does not make any provision for debts and liabilities otherwise incurred in the operation of the road. Neither does it make any provision for liabilities on account of damages for injuries to persons and property. That should be provided for.

Gentlemen claim that to put in any debt that has been incurred or liability incurred since the mortgage is not right and proper. I take issue with gentlemen there. Every man who takes the bond of a railroad secured by a first mortgage takes it with the knowledge that that road has got to be run and operated, else the mortgage would amount to nothing. And as it must be run and operated, the bondholder takes it with the knowledge that there will be liabilities incurred for injuries to persons and property as well as for operating expenses and for wages of employees. Now, when a man takes a mortgage upon a ship upon the high seas, when he goes into admiralty to foreclose that mortgage, although there have been debts incurred since his mortgage, in the running of the ship, for injuries to persons and property, for wages and salvage, and so on, the court of admiralty requires that these claims come ahead of the mortgage, because, they say, "When you took your mortgage on this ship, of what account would she be to you unless she was to be run and operated for the purpose for which she was built? You must have known when you took your bottomry bonds or your mortgage that these liabilities would be incurred."

The tendency of modern legislation and of judicial opinion is to require bondholders, when they ask for the appointment of a receiver, to make it a condition precedent to the appointment of a receiver that the bondholders shall submit to the payment of all debts and liabilities of the kind that I have named. That has been decided over and over again. I want to call the attention of the House to such decisions of the Supreme Court and other Federal courts on this subject, and to show you that the committee are not correct when they say that it would be unjust and inequitable to put these unsecured liabilities ahead of the mortgage.

I now quote from the American Law Review, of March, 1896:

The tendency of legislation and of the judicial mind is to apply to railroads, so far as relates to debts and liabilities incurred in their operation, substantially the rule that obtains in admiralty, which gives to all such demands priority over a mortgage on the vessel.

Justice Miller, in the Clinton Bridge case, says:

I have shown that railways are now means of interstate commerce as well as steamboats. Their iron tracks, extending from ocean to ocean, are no more limited by political boundaries than are the rivers which rise in one State and flow through others to the sea. Over the former, propelled by one application of the motive power of steam, roll many cars, laden with the

products and fabrics of one section of the country for the supply of the wants of a distant section. Through the latter, propelled by another application of the same power, ply the steamers, laden in like manner, and discharging a like beneficent office. Where lies the difference between them? Why should not the power which regulates one extend to the control of the other? Where lies the difference between them in respect of the necessity and justice of the rule which makes the thing liable for the obligations which every bondholder knows when he takes his bond must be incurred in maintaining and operating it as an instrument of commerce?

Now, here is the copy of an order made by a Federal judge in appointing a receiver:

And it appearing to the court that the defendant company owes debts and has incurred liabilities to the residents and citizens of this district—

Now, I want to call your attention to the fact that you men who live in States through which this road runs are interested in this matter. The road does not run through my State, but there are thousands of debts due to the residents of your districts and of your State—

And it appearing to the court that the defendant company owes debts and has incurred liabilities to the residents and citizens of this district which the holders thereof could, without any interference with the legal or equitable rights of the complainant under the mortgage set out in the complaint, collect by proceedings at law from said defendant by seizing its rents, income, and earnings, and in other lawful modes, if not restrained from so doing by this court, and that it would be inequitable and unjust for the court to deny to said creditors and claimants their legal right to collect their several debts and demands by appointing a receiver to take and receive the earnings of said road during the pendency of this suit, as prayed for in the complainant's bill, without providing for the payment of such debts and liabilities: It is therefore declared that this order appointing the receiver herein is made upon this express condition, namely, that all debts, demands, and liabilities due or owing by the defendant company which were contracted, accrued, or were incurred in this district, or are due or owing to any residents of this district, for ticket and freight balances, or for work, labor, materials, machinery, fixtures, and supplies of every kind and character, done, performed, or furnished in the repair, equipment, operation, or extension of said road and its branches in this district, and all liabilities incurred by the said defendant company in the transportation of freight and passengers, including damages for injuries to employees or other persons, and to property, which have accrued or upon which suit has been brought or was pending or judgment rendered in this State, within twelve months last past; and all liabilities of said company to persons or corporations who have or may have become sureties for said company on stay or supersedeas bonds or cost bonds, or bonds in garnishment or other like proceedings, without regard to the date of said bonds, or whether such bonds were furnished in actions or proceedings pending in this district or elsewhere, together with all debts and liabilities which the said receiver may incur in operating said road, including claims for injuries to persons and property as aforesaid, are hereby declared to be preferential debts, and shall be paid by the receiver as the same shall accrue out of the earnings of the road, if practicable, or out of any funds in his hands applicable to that purpose; and if not sooner discharged, then the same shall be paid out of the proceeds of the sale of the said road, which shall not be discharged from the custody of this court until said debts and demands are paid.

Now, my friend from Vermont, when this matter was in the House here, very kindly consented to quite a number of amendments. I was surprised at his generosity; but I recollected that when he got into conference the bill could go through the usual course of shaking off all these amendments, and so it has.

Now it comes back here in a condition that there is no protection to a large number of men who have claims against this road. The only one they proposed to pay is wages and supplies in operation.

Mr. HARRISON. What character of claims do you refer to there and say they are not protected?

Mr. TERRY. I refer, sir, to liabilities for injuries to person and property; and if I had time, without trespassing upon the kindness of the gentleman in allowing me as much time as he has, I would read the various classes of indebtedness protected in the order appointing receivers already quoted from. Now, this road has been for years in the hands of a receiver, taking the earnings and the profits which the court says the claimant could have subjected to the payment of his debt; but having gone into the hands of a receiver, no man can make a debt out of the company. Now, if the judge did not do what he ought to have done, and protect these people when he made the order, then Congress ought to do it now, when they come to ask a favor at our hands. When they applied to the chancellor, it was his duty, when they asked him for the favor, to put this vast system of railroads in the hands of the court's officer; it was the chancellor's duty to protect the rights of the citizens; and when he did not do it, as he did not in this case, it is the duty of Congress to do it. Every man who lives in a State whose citizens have claims against this old company will, in my judgment, be recreant to his high duty here if he does not vote down this conference report, and make provision, by another conference, to protect these citizens of the United States that should be protected in their just claims.

Any time I have I yield back to the gentleman from Vermont.

Mr. POWERS. Mr. Speaker, I desire to know how much time remains.

The SPEAKER. The gentleman has eighteen minutes remaining.

Mr. POWERS. I yield five minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, this conference report substantially yields up every point made by the House in their amendments, and yields up every point without contest, without resistance, without explanation, and without reason. This bill ought to be sent back again to be reconsidered in conference, and the House amendments, or at least the more important of them, it seems to me, ought to be preserved. They ought to be insisted upon by the conference committee. The first proposition is one to relieve the Government from the litigation in regard to the land grant. On granting to this company a new charter, it is provided that it must relinquish to the Government that which is a subject of present litigation. The Government declared a forfeiture of the land granted coterminus with that part of the road not built in 1886. The company has since the forfeiture of the grant, and since the declaration of the forfeiture, constructed a portion of this road, and now claims it, notwithstanding the forfeiture. The House passed an amendment providing that if a new charter was given to the company it must relinquish this claim and relieve the Government from this litigation and relieve the country through which the road runs of the blight that this claim makes on the land, and to provide for opening it for settlement.

Next, the House provided that this Federal corporation in exercising its rights in any State or Territory must do so subject to the right of the State or Territory to require local incorporations. Heretofore Federal charters have had no such provision in them. They ought to have had. It has been a mistake not to insert some such provision in Federal charters heretofore. Now, we are granting a new charter to the company, and we are asked to abandon this provision, and the reason given by the conference report is because we did not require it before in charters of other railway companies. Well, have we not learned something about these United States corporations? Have we not learned that we made a mistake when we did not require such a corporation exercising its rights in any State or Territory to do so subject to the right of the States or Territories to require a local incorporation? Have we not learned from past experience that the States should be protected in such matters? The States are not bound to exercise the right proposed. If the corporations do not abuse their rights and privileges the States will not demand their subjection to local jurisdiction. But this will be a bond held over them to protect the States from abuse under the charter which we are about to grant to this corporation. Both of these amendments, it seems to me, ought to be maintained, and the committee, instead of abandoning them without a struggle, should have insisted to the last point for both of these provisions.

Mr. POWERS. I now yield five minutes to the gentleman from Alabama [Mr. HARRISON].

Mr. HARRISON. Mr. Speaker, the objections of the gentleman from Arkansas [Mr. TERRY] and of the gentleman from Iowa [Mr. LACEY], who last addressed the House, carry upon their face a plausibility that is attractive to those who are in favor of paying debts. I agree to that sentiment. I wish it were in the power of Congress to have the debts of this old company paid. But I desire to ask my friends from Iowa and from Arkansas not to confound the holders of these bonds with the old company that incurred the debt. This is merely an equitable question, one that has doubtless been settled by the court in this case, or, if it has not been settled, it will be, in adjudicating the questions involved in these foreclosure proceedings the rights of the different creditors of the old company.

Are we here now, by a quasi judicial enactment, to change the rights of these parties, and to say that notwithstanding the rights which the holders of these bonds have secured to themselves under the acts of Congress authorizing this company to make a mortgage and to go into the courts and have their rights adjudicated—are we now, by legislative enactment, to overrule the decision of the courts having jurisdiction in the matter? Yet that is the logical conclusion of the remarks of the gentleman from Iowa. The law, as I understand it, is not changed by the decision which has been referred to by the gentleman from Arkansas. I have never examined that particular decision, but I noticed the language of the court as the gentleman read it, and it was to the effect that the tendency of the courts is to protect the operating expenses of the railroad. The language of the amendment now before the House is "for labor and supplies." What else is necessary for the operating expenses? The gentleman from Arkansas read a decision confining it to operating expenses, but when I ask him what other character of claims he desired to incorporate beyond that, he could only name one class, to wit, damages for personal injuries. Now, is there a court in the United States that has ever held that a first mortgage on a railroad, or on any other property, is subordinate to any such a claim as that?

Mr. TERRY. In the order appointing a receiver, a portion of which I read, it is set forth, as I stated, that that order provides for all liabilities on account of injuries to both persons and property; and there are other things covered by it, as I can show the gentleman when I get the book back.

Mr. HARRISON. Well, I think I have stated correctly the

gentleman's answer to my question, and I take issue with him upon this being the law of the land. I do not believe that the courts of last resort of this country have held, or ever will hold, any such doctrine as that contended for by the gentleman from Arkansas, the effect of which would be that when a party makes a contract and takes a first-mortgage lien upon any property, whether a railroad or anything else, that lien shall be subordinated to claims arising out of the misconduct or malfeasance of employees of the mortgagor.

Now, Mr. Speaker, as I said in the beginning, it would delight me to make this old company pay all its debts, if I could; but I do not think it is right for Congress to come in and, by legislative enactment, undertake to change or overrule the decisions of the courts. I regard such legislation as a direct legislative interference with the courts of the country, and for that reason I think the conference report ought to be adopted.

Mr. CONNOLLY. May I ask the gentleman a question?

Mr. HARRISON. Yes, sir.

Mr. CONNOLLY. Suppose we refuse to pass this bill at all, will not the mortgagees have all the rights secured under their mortgage secured to them and all that they can possibly get under this legislation?

Mr. HARRISON. I think not. Without the right to operate the road it would be worth very little to them.

Mr. CONNOLLY. Can not they get that right by a charter from a State?

Mr. HARRISON. This road, I understand, runs principally through the Territories, so that they are obliged to come here for authority.

Mr. CONNOLLY. They knew that fact when they took the mortgage, did they not?

Mr. HARRISON. I suppose they did, and that they also bought these bonds under an implied contract with the Government that it would not refuse the usual remedy accorded purchasers, to wit, to be and exist as a corporation.

Mr. CONNOLLY. So that we are not interfering with any of their rights if we refuse to pass this bill?

Mr. HARRISON. I think we are.

Mr. POWERS. Mr. Speaker, I think I can answer the question the gentleman from Illinois propounds. He asks whether these mortgagees will not have the same rights if we refuse to pass this bill as if we pass it.

Mr. CONNOLLY. They will have all the rights under their contract.

Mr. POWERS. Not at all. It has been held in two instances by the Supreme Court of the United States that where a mortgage does not specifically convey the franchise to be a corporation the mortgagees can not be a corporation, and the object of this bill is simply to give these mortgagees that right.

Mr. CONNOLLY. They knew that was the law when they took their mortgage.

Mr. POWERS. No; everybody supposed the law was different at that time. The decision was a surprise to the legal profession; but the court has so held, and we have to subscribe to that doctrine.

Now, Mr. Speaker, the two contentions most urged here against this bill are, first, the contention urged by the gentleman from Iowa [Mr. LACEY], that we ought to exact of this company, as a condition precedent, that they relinquish all right to this land grant. That comes down to this plain proposition. I have a mortgage against a man upon his farm and I go into court to foreclose, and the court says to me: "Unless you surrender Blackacre"—when my mortgage covers both Blackacre and Whiteacre—"unless you surrender Blackacre we will not allow you your legal rights." It is levying a species of blackmail upon these gentlemen. These bondholders are innocent parties, who put their money into this mortgage; and the mortgage to-day is held largely by people holding trust funds, such as guardians, trustees, old women, and children, etc. It is proposed that we say to these parties, "You shall not have your rights in court unless you will relinquish a part of your claim to the real estate which was mortgaged to you." Is that right? Does the House of Representatives propose to establish a doctrine of that kind? I think not.

Secondly, the gentlemen says that we ought to permit the Territories through which this road runs to require the road, after they become States, to take out a State charter. What sense is there in that? This company is chartered by Congress. Congress will retain full control over their rights. Why, then, subject these innocent parties to the control of half a dozen different State organizations when they are trying to get out of this property the money which they, in the utmost good faith, invested in it?

Mr. Speaker, I ask for the previous question.

Mr. BARRETT. I understood the gentleman from Vermont to agree to yield to me some time.

Mr. POWERS. I agreed to yield the gentleman some time if we had it; but I understand our time is exhausted.

Mr. COOKE of Illinois. I hope the gentleman from Vermont will not ask for the previous question until I have been allowed to occupy a few minutes.

The SPEAKER. The gentleman from Vermont has six minutes remaining.

Mr. POWERS. Then I yield to the gentleman from Massachusetts [Mr. BARRETT] three minutes.

Mr. BARRETT. That is hardly fair. I ask the House to vote down the previous question and give us a chance to discuss this bill on its merits—not to try to "railroad" this bill through here for the benefit of stockjobbers. I ask the House to vote down the previous question, and let this matter be discussed. I have some facts that I want to bring out, and the gentleman is trying to prevent its being done.

The SPEAKER. The question is on the demand for the previous question.

The question being put, the previous question was not ordered.

The SPEAKER. The House refuses to order the previous question. The gentleman from Massachusetts [Mr. BARRETT] is entitled to the floor.

Mr. BARRETT. Mr. Speaker, when I asked the gentleman from Vermont to be allowed to answer the question asked in good faith by my colleague, it was because I had taken the pains to get some facts in reference to this matter which the House is entitled to know. Having been the one, when this matter was first presented in December to the House, to offer an amendment touching this pending subject, I thought I might be accorded the courtesy of occupying a little length of time in some observations on the amendment in dispute between the two Houses.

Now, I wish to confine my remarks, Mr. Speaker, to the part of this measure which refers to the issue of stock by this company.

I wish to say in the beginning that no railroad was ever constructed in this country whose history is so black with fraud and dishonor as the Atlantic and Pacific Railroad. No railroad was ever constructed in this country whose securities were issued in such amount and under such conditions as has attached to this corporation.

My friend and colleague [Mr. MOODY] offered an amendment when this matter was up before that the securities in the form of stock to be issued by this new corporation should be confined to the amount of the mortgage debt. This amendment was accepted by the committee and unanimously adopted. The gentleman from Vermont has reported an amendment in its place, which he says is merely verbal in its form, which limits the stock to be issued to the amount of the funded debt.

I want to make clear to the House the important difference between the amendment adopted by the House and that reported by the conference committee.

Now, what is the status of the Atlantic and Pacific Railroad? It is bankrupt, disgraced, dishonored, beyond the power of redemption. It pays no interest on its mortgage debt in any form whatever. It does not earn enough to do it. But the whole contention made here is that this matter of reorganization is to enable the innocent holders of those securities to be put on their feet and to reorganize the company.

The gentleman from Vermont, who has occupied a place on the supreme court of his State, has affected to cast ridicule on me because I tried to throw a little light on this question. Yet the gentleman from Vermont, either willfully or not—I prefer to assume not—has made a statement in this House which is absolutely void of any foundation.

Now, what does the gentleman from Vermont claim? He claims that the innocent holders of the securities of this road are entitled to an opportunity to reorganize, and that it would be "blackmail"—he charges this House with an attempt at "blackmail"—to put into this bill certain reasonable provisions.

What is the fact about this reorganization? The stockholders of this road are not considered one bit in this reorganization. The holders of these minor bonds and securities which the gentleman claims that he desires to protect are not considered in this bill. There are on this road—I speak solely of the part known as the "Western Division," commonly known as the Atlantic and Pacific—$16,000,000 of 4 per cent bonds which were issued to represent an equal number of old 6 per cent bonds. These are held in the hands of the reorganization committee. There are also $5,000,000 of second-mortgage bonds. There are $12,000,000 worth of income bonds, and there are $79,000,000 worth of stock. The bondholders' committee, representing this $16,000,000 of first-mortgage bonds, has already entered into an agreement with the Atchison, Topeka and Santa Fe Railroad to sell out the entire property, to it and transfer to it the first mortgage of $16,000,000 in return for a payment which amounts in cash at present value of securities to $10,600,000. The Atchison, Topeka and Santa Fe Railroad is to have, as soon as a few legal technicalities are complied with, the possession and control of this property for a payment of $10,600,000!

Now, my friend and colleague [Mr. MOODY] offered an amendment, when this bill was under consideration in the House, to the

effect that the new corporation should be confined in its gratuitous issue of stock to an amount equal to the mortgage debts. These amounts to $21,000,000.

But this conference report provides that the Atchison, Topeka and Santa Fe Railroad corporation, through whose conduct the constituents of the gentleman from Vermont and myself have lost millions and millions of dollars—the amendment provides that it should be allowed for $10,600,000 to keep alive a mortgage debt of $16,000,000, and to issue in addition stock to the extent of $33,000,000.

A good deal has been said about "innocent bondholders" in connection with this matter, and the gentleman from Vermont [Mr. POWERS] went into a very lengthy legal statement as to how bankrupt railroad properties reorganized. He has given us to infer that the whole of the mortgage indebtedness would be wiped out, and its place taken by the new issue of stock.

Now, let us see how the reorganization is to take place. This is the way: The whole amount of $16,000,000 outstanding first-mortgage bonds goes into the treasury of the Atchison, Topeka and Santa Fe Railroad; it is there kept alive, and that railroad—not the present stockholders of the Atlantic and Pacific, but the Atchison, Topeka and Santa Fe Railroad—under this act becomes the owner of the Atlantic and Pacific, and in return for $10,600,000, which it is required to pay in cash value, is to be allowed to issue $49,000,000 worth of securties.

Mr. Speaker, my friend from Massachusetts [Mr. MOODY] and myself have objected to that; and why?

In the first place, Massachusetts, whose legislation has blazed a path in almost every direction of legislative progress, has put on its statute books, to the great satisfaction of all of our people, a law that no railroad corporation shall issue securities except on full payment at their par value. In this bill, before it went to the conference committee, both Houses, by an order of each House, voted that no new stock should be issued after the reorganization is completed, except upon full compensation, either in money or service.

And yet the conference committee seeks to induce this House to recede from that position, so as to authorize an issue of stock amounting to $33,000,000 for no consideration whatever, equal in value to every dollar of stock hereafter issued for full value. It asks us to authorize the Atchison, Topeka and Santa Fe road to issue $49,000,000 of securities for a property for which it pays in present values not exceeding $10,600,000.

But my friend from Vermont says that this extra stock should be issued on the "funded debt," as it stands now on the Atlantic and Pacific Company. Let us see how that is. What is the funded debt? It includes, in addition to the "mortgage debt," $12,000,000 of income bonds, now selling in the market at 1 cent on the dollar. This amendment, proposed by the conference committee, is a proposition to issue for something that is without value to-day stock which the succeeding sections of the bill provide shall be hereafter not issued except on full payment at par value!

Now, the gentleman from Vermont says that this has nothing to do with the measure, that it is only a legal matter. He professes not to know, and evidently does not care, about the details of this reorganization. He wishes to leave it all to the people who are buying this road. He claims that it is a mere legal matter. Let us see whether it is. It is a question whether Congress now proposes to be a party to, and to authorize, and to stand back of one of the greatest stock-watering schemes ever put forward in any legislative body.

Mr. Speaker, how can we ask men who seek to mortgage worthless farms in the West for Eastern money, or for the purpose of procuring money for the transaction of business, or who use unwarranted methods to induce the loans of money—I say how can we expect them to be dumfounded and bring them to the light of day if we ourselves, by our legislation on this floor, shall authorize the Atchison, Topeka and Santa Fe Railroad Company to issue securities to the extent of $49,000,000 on property which cost them but $10,600,000 at present values?

Now, Mr. Speaker, the amendment offered by my friend from Massachusetts [Mr. MOODY], written in my presence and written hastily, would not, if he had known as much as we both of us know to-day, have been couched in exactly the form in which it is framed. We ought to have said:

That the Atchison, Topeka and Santa Fe Railroad Company, in acquiring the Atlantic and Pacific, shall issue no securities whatever except those which actually represent the cost to the Atchison, Topeka and Santa Fe Railroad of this property.

He, like myself and others, thought that the mortgage indebtedness would represent actual value, and put in the language that this issue should be limited to the amount of the mortgage. That amount now is $21,000,000, and if the House insists upon the amendment which has already been adopted with consent of the chairman of the committee, the gentleman from Vermont [Mr. POWERS], and without objection—if it shall simply insist on the amendment already adopted—it thereby authorizes the issue of $33,000,000 of securities for a property which will cost the purchaser ten millions.

I desire now to move that the House instruct its conferees to insist upon amendments 3 and 4, which are the amendments offered by the gentleman from Massachusetts [Mr. MOODY], and which have regard to the preventing of the wholesale issue of stock without proper consideration.

Mr. COOKE of Illinois. Also amendment No. 5, which relates to this enormous land grant.

Mr. LACEY. And No. 7.

Mr. MOODY. Just insist generally.

Mr. BARRETT. Mr. Speaker, I am on my feet to reply to the distinguished chairman of the committee [Mr. POWERS], when he said, in a rather supercilious tone, that when he wanted information on this subject of stock watering, he knew where to ask for it, and did not deign to ask me. I have not proposed to offer any amendment except that upon which I claim to be thoroughly versed, but, as I thoroughly sympathize with the amendment offered by my friends, and fearful lest another opportunity may be denied, by springing the previous question, to prevent this House from having ample opportunity to consider it, I include in my motion that the conferees be instructed to insist upon amendments numbered 5, 6, and 7, so that the motion, as I now make it, is that the conferees be instructed to insist upon amendments numbered 3, 4, 5, 6, and 7.

The SPEAKER. The question before the House is on agreeing or disagreeing to the conference report.

Mr. BARRETT. As I read the Manual, it is now in order to move to instruct the conferees to insist.

The SPEAKER. But the first question that must be disposed of is whether the House will agree to this conference report.

Mr. BARRETT. Mr. Speaker, I do not know as this comes out of my time, but to show that I did it thinking that I was within the rules of the House, I will read from the Manual, page 359.

Pending the consideration of the report of a conference committee, it is in order to instruct the conferees on the part of the House in respect to any matter in dispute between the Houses.

I may be wrong, but that is the basis on which I made my motion.

Now, Mr. Speaker, before I conclude I want to make one remark on this conference report; and I am perfectly well aware, Mr. Speaker, without being informed by any members who have served in this House longer than I, with what supreme ridicule any effort on the part of a new member who tries either to intelligently understand the business of the House or in a respectful way to represent what he believes to be the wishes of his constituents is received in some quarters.

These conference reports are among the most important matters which come before the House of Representatives. We go through a long discussion of a measure. Amendments are accepted by the member having the bill in charge. They are agreed to unanimously by the House of Representatives, and then we are told in the corridors with laughter and a sunny smile, "We will attend to that in conference."

This particular committee went into conference, and as has been suggested by the gentleman from Iowa [Mr. LACEY], without making any attempt to defend the propositions of the House, this committee comes in here with a conference report. when, no matter what may be their personal feelings on a measure, they are bound by their appointment as conferees, having the judgment and confidence of this House in their keeping, to insist upon and maintain the action of the branch which they represent.

These conference reports make the gist of important legislation which comes to this House. They are all important. How do they come in? Do they come in like other matters of legislation, ordered by the rules to be printed, and the report and the amendments thus brought formally before the attention of the House? I say no. They can be brought in here, under the rule, at any time after the reading of the Journal. No matter what other question may be under consideration, after the reading of the Journal a proposition to consider a conference report is in order. How are they generally made? They are brought in here with amendments numbered 1, 2, 3, 4, and so on, sometimes running into the scores.

In the disorder or inattention in this House it is said that "the conferees have yielded on Senate amendments 6, 8, and 12," for instance, and "the Senate conferees have agreed to amendments 9, 11, and 15 of the House." Very few members do or can know what are the points in issue. Then the previous question is moved. I say for one, having tried to give attention to the proceedings of this House, that it is almost impossible for a man sitting in his seat to understand what is the intention and purport of many of these conference committees. And then, in addition to that, we have tremendous power placed in the hands of the chairman of the committee, who monopolizes the floor on debate. To-day the chairman has attempted to prevent a gentleman who rose in his place and said that he has information to contribute on this special subject to be heard, by moving the previous question, so that no further discussion could be had. I want to say, Mr. Speaker,

that it is a parody on parliamentary performance, and that it is an insult to those who desire to vote right and also intelligently in this House. [Applause.]

When this bill came up, I took an interest in it by reason of the fact that the State of Massachusetts has committed itself against these stock-watering schemes. My friend and colleague [Mr. MOODY] also took an interest in it. I was anxious to see this conference report when made. At length I went to the chairman of the committee and asked him if it had been made. He said it had. I said, "Has it been printed?" and he said, "It is in my desk." I want to be perfectly fair to the gentleman. He took it from his desk and I had an opportunity to read it, and yesterday he said he would move to have it printed and this morning call it up as soon as the Journal had been approved. Now, I say, not being a lawyer, but after listening to the statements made by gentlemen on other features of the bill than the stock-issue amendments, as a member of this House, that any attempt to prevent honest and fair, and, if necessary, considerable discussion on this bill is an outrage and ought not to be condoned. The House evidently thought the same in refusing the previous question when asked.

Now, Mr. Speaker, I reserve the remainder of my time, asking, first, how much time I have left.

The SPEAKER. The gentleman has forty minutes.

Mr. BARRETT. I was about to ask, in no way to attempt to delay the proceedings, whether or not the Chair is of the opinion that a motion to instruct is not in order?

The SPEAKER. The matter before the House is on agreeing to the report of the committee of conference. Upon an examination of the authority cited by the gentleman from Massachusetts, that was a report of a disagreement; and it resulted, although the Chair has not examined the entire debate as yet (has not quite finished it)—it seems to have ended with a proposition for a new conference. The Chair would suggest to the gentleman from Massachusetts that the method by which the thing could be arrived at, which he is evidently aiming at, is by voting down, if the House sees fit, the conference report, and then ask for a new conference; and, before the conferees are appointed, make a motion to instruct them—if the House sees fit.

Mr. BARRETT. Well, Mr. Speaker, I of course acquiesce and agree in the proposition made by the Chair, but it seems to me that this proceeding was analogous to a motion to recommit with instructions.

The SPEAKER. The difficulty is that the conference committee has discharged its duty and has ceased.

Mr. BARRETT. If the Chair will pardon me, if the House should disagree to the report of the committee, it would thereby become deceased; but if the motion were made to recommit with instructions as a subsidiary motion preliminary to that, to keep it alive for the new conference as the House wished they should proceed as directed.

The SPEAKER. If the gentleman from Massachusetts can show authority upon that subject, the Chair would be glad to have it.

Mr. BARRETT. I simply put my motion, in order that it may instruct the committee.

Mr. POWERS. I yield to my colleague from Vermont five minutes.

Mr. GROUT. Mr. Speaker——

Mr. COOKE of Illinois. I rise to a point of order. The time of the gentleman from Vermont has expired. I submit that he can not yield to the gentleman.

The SPEAKER. The gentleman will state his point of order.

Mr. COOKE of Illinois. I submit——

Mr. BARRETT. I make the point of order. I would like——

The SPEAKER. The Chair has recognized the gentleman in front to state his point of order.

Mr. COOKE of Illinois. I make the point of order that the time of the gentleman from Vermont [Mr. POWERS] has expired, and that now the members in opposition have control of the time.

Mr. GROUT. But I addressed the Chair.

The SPEAKER. The gentleman from Massachusetts is in charge of the report now before the House, and the gentleman from Massachusetts has reserved his time, which leaves the matter open for the Chair to recognize some other gentleman if any gentleman addresses him. The gentleman from Vermont [Mr. GROUT] has done so.

Mr. BARRETT. The point of order I make, Mr. Speaker, is that the gentleman from Vermont [Mr. POWERS], having occupied an hour, can not occupy a further hour to the exclusion of any gentleman who has been recognized.

Mr. GROUT. Mr. Speaker, I addressed the Chair in my own right.

Mr. BARRETT. I beg the gentleman's pardon; I was referring to the other gentleman from Vermont.

The SPEAKER. The gentleman from Vermont [Mr. GROUT] is recognized.

Mr. GROUT. I do not insist upon being recognized now, Mr. Speaker, but I do wish to be heard for a few minutes on this subject. The gentleman from Illinois [Mr. COOKE] can proceed if he desires.

Mr. COOKE of Illinois. Mr. Speaker, the gentleman from Vermont [Mr. GROUT] kindly yielded to me, and I shall occupy only about ten minutes. I desire to say that when this matter was up before the House upon the Senate bill as it came over here the gentleman from Vermont [Mr. POWERS], speaking of these land grants, was hardly ingenuous. He spoke of the lands as having no value. He used these words, which will be found on page 180 of the RECORD:

> It became a part of the rights of that company to take those lands, but it turns out upon investigation that the lands are in the arid region; they are good for nothing.

Further on, when the House was about to vote upon amendment No. 5, which requires this company to recognize the forfeiture of the land grant and to stop its litigation with the Government concerning the title to those lands, the gentleman from Vermont said:

> Mr. Speaker, the Government of the United States has already instituted a suit to declare a forfeiture of these lands. A suit is now pending. It is being argued in the Supreme Court of the United States to-day, and it seems to me we should not undertake to blackmail this company as the condition upon which they shall have the right to organize into a corporation.

Almost immediately after the utterance of those words by the gentleman from Vermont the House, by a vote of 78 to 43, adopted the amendment.

Now, I submit as a lawyer that the bill which is before the House upon the conference report will operate, under its peculiar language, as an enlarging act, an enabling act. It will operate as a recognition of the claim which is made under the act of 1871 (by the terms of which latter act the company was authorized to mortgage its lands) in such a way as to carry out and give substantial grounds for the contention of this corporation and for the construction which it attempts to place upon the act of 1871. In other words, it recognizes that act, and it recognizes that construction of it which is contended for by the company. This bill begins in its title by saying that its purpose is—

> To define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company.

And it uses this further language:

> That whenever any mortgage made by the Atlantic and Pacific Railroad, under and by virtue of acts of Congress, is foreclosed.

Then, further down, it uses this language:

> The new company which shall have and shall be entitled to hold and possess the franchises and property so sold.

So that, Mr. Speaker, if the act of 1871 is subject to the construction that it would give the corporation the power to mortgage these lands notwithstanding the forfeiture act of 1886, then this legislation would maintain and validate everything that is claimed in behalf of this corporation.

Now, I desire to say that this is a large subject. The litigation concerning these land grants has been going on for many years. There have been suits brought in California concerning these grants, where the Southern Pacific Railroad Company have claimed to take the lands which did not pass to the Atlantic and Pacific Company, and there is litigation now pending that has come up from the supreme court of New Mexico concerning lands in New Mexico, notwithstanding the forfeiture act of 1886, which, as I have already indicated, was passed by the House of Representatives in the Forty-ninth Congress, at its first session, upon the report of the Committee on Public Lands, a report made by Mr. Cobb, which was filed February 3, 1886. That report very ably and exhaustively examined the whole question as to the validity, the scope, and the effect of the act of 1871, and, as a result of that investigation and that report, the House passed the forfeiture act of July 6, 1886; and I undertake to say that the main reason for that action was that the corporation had entirely neglected to conform to the charter of 1866, by which it was given this enormous land grant.

The land grant involved here is of enormous proportions, larger than any other grant ever made to a railroad company. I hold in my hand two plats which show the constructed portion and the lands earned up to the time of the passage of the act of 1886 and also the construction since that time. These plats show the lands that are in controversy in these multitudinous suits between the Government and the representatives of this company. Without taking up too much of the time of the House now, I will submit in my remarks a table showing the lands which will be forfeited if we insist upon this amendment No. 5. In the Indian Territory this corporation is making a claim to certain lands. I think myself that the claim is without any foundation whatever, but the corporation are making a claim for lands in the Indian Territory which, if their contention is right, would give them those lands as soon as the Indian titles shall have been extinguished by the treaties now in progress.

Mr. JOHNSON of Indiana. I should like to ask the gentleman one question.

Mr. COOKE of Illinois. I yield with pleasure.

Mr. JOHNSON of Indiana. What is the necessity of any legislation whatever at this time with respect to the subject-matter of this bill? Is there any urgent necessity for the passage of such a bill?

Mr. COOKE of Illinois. I am not urging the bill, Mr. Speaker.

Mr. JOHNSON of Indiana. I did not understand that the gentleman was urging the passage of the bill; but he is familiar with the situation, and I want to know whether in his opinion there is any urgent necessity for passing this kind of a bill now.

Mr. COOKE of Illinois. I rather think that the purchasers under the foreclosure ought to have a charter under proper restrictions; but I do not think that while they are getting such a charter from Congress, Congress should override important legislation which has been heretofore enacted with respect to these enormous land grants.

Mr. MOODY. Will the gentleman pardon me a question?

Mr. COOKE of Illinois. Certainly.

Mr. MOODY. Does not the gentleman think it would be better in granting a charter to these new corporators to grant one specifically, instead of doing so by reference to an old charter passed in 1866, when thought on this subject was in a very different stage of development from what it is to-day?

Mr. COOKE of Illinois. I thoroughly agree with my friend from Massachusetts [Mr. MOODY]. The peculiar language with which this bill starts out, and the peculiar language which it employs when it deals with any property rights to be acquired under these foreclosures, is at least of a most suspicious character, in the point of view that the language may lead to ambiguity and misconstruction—to different constructions in different courts. For this reason I believe it would be better, as the gentleman from Massachusetts suggests, that there should be a straight out-and-out charter in and of itself, containing within itself everything intended to be granted, and granting nothing not directly granted.

Mr. Speaker, I was about to say, concerning the extent of the land grants here involved, that in the Indian Territory there is involved, of granted lands and indemnity lands which would be forfeited if we insist upon this amendment No. 5, and which were forfeited under the act of 1886, the enormous amount of 20,800,000 acres. In the Territory of New Mexico, from the Texas line to Ysleta, a mileage of about 260 miles, the total amount of granted and indemnity lands which would thus be forfeited reaches 8,320,000 acres. In California the amount of lands, both granted and indemnity, reaches 12,073,600 acres, making a total of granted and indemnity lands of 41,193,600 acres, and this leaves to the purchasers under this mortgage and to the corporation all its rights to lands earned by the construction of the road within the terms of the act of 1886 and the act of 1871.

Now, Mr. Speaker, we can not shut our eyes to the enormous amount of litigation which is going on in this matter in the different States. Why, sir, in one case which has recently come up from the supreme court of New Mexico—I hold the transcript of the record in my hand—the court, in a very able decision, construing the act of 1871 and the act of 1886, together with the original grant of 1866, holds that the lands were properly, legally, and completely forfeited by the act of July 6, 1886. And, sir, I hold, as one member of this House, that we are only observing and performing our duty if we require this corporation to stop this litigation, to stop this contention which looks to the enlarging of the grant and the practical repeal of the forfeiture act—that the abandonment of such litigation shall be required by us as a condition precedent to giving this company a charter which shall last forever.

Mr. Speaker, I reserve the residue of my time.

Mr. GROUT addressed the Chair.

Mr. CANNON. I should like to ask my colleague [Mr. COOKE of Illinois] a question in his time.

Mr. COOKE of Illinois. I should be glad to answer any question.

Mr. BARRETT. Has the gentleman from Illinois [Mr. COOKE] exhausted the fifteen minutes which I yielded to him?

Mr. COOKE of Illinois. As I understand, I have been talking in my own time.

The SPEAKER. The Chair understood that the gentleman from Illinois [Mr. COOKE] was speaking in the time of the gentleman from Vermont [Mr. GROUT].

Mr. COOKE of Illinois. I did not wish to do so, but if that is the fact, I yield back to the gentleman any time I may have used.

Mr. GROUT. I yield to the gentleman from Illinois [Mr. COOKE] two minutes more in which to answer the question which his colleague [Mr. CANNON] desires to propound.

Mr. CANNON. Mr. Speaker, I have been reading this report to find out what is its effect. Section 5 of the bill, which it is proposed to strike out, provides as a condition precedent that this company shall relinquish any supposed right it may have to certain lands. Now, if I recollect aright, there was in 1886 an act of forfeiture passed as to all unearned portions of this land grant.

Mr. COOKE of Illinois. That is right; that act applied to all portions of the road not constructed up to that moment.

Mr. CANNON. Now, are we to understand that this railway company or its assignees claim lands that were earned, according to their contention, after the act of forfeiture?

Mr. COOKE of Illinois. Certainly; and the enormous extent of those lands I have already stated. They reach, of ungranted lands and indemnity lands, the amount of 41,000,000 acres and more.

Mr. CANNON. In other words, the time for construction of their road having expired and the act of forfeiture having been passed by Congress, they still went on and constructed additional road, and they now claim that they are entitled to the lands for such construction, notwithstanding the act of forfeiture?

Mr. COOKE of Illinois. That is what they claim. The lands so claimed run through the Indian Territory, run through New Mexico from the Texas line to Ysleta, and from the Needles over at the boundary of Arizona away up to San Francisco.

Now, I do not concede for a moment that they have any valid claim to lands in the Indian Territory or in California; but they claim such lands, as this record shows; and because they claim them, and because they have millions of dollars with which to conduct this kind of litigation in the face of Congress and its legislation, I propose, for my part, that they relinquish their claim to such lands which they never earned, because they never built the lines even within the terms of the act of 1871, let alone the act of 1866.

Mr. HARRISON. Will the gentleman allow me to ask him a question?

Mr. COOKE of Illinois. Certainly.

Mr. HARRISON. As I understand it, the philosophy of your argument is that the bondholders must suffer from the misconduct of the railroad company?

Mr. COOKE of Illinois. My argument was, Mr. Speaker, that we should give to these people all that the law authorizes them to receive by the broadest latitude of construction, but nothing more. We are not under any obligation to give them all they claim; let us give them what is their due.

Mr. GROUT. Mr. Speaker, the question concerning the right of this railroad to the land grant is now before the Supreme Court, has been argued, and for aught we know, the court has reached a conclusion, so that at this very moment all the rights of both the Government and of this corporation to this land are actually determined and only await announcement by the court.

Now, Mr. Speaker, I ask if it would not be better to take the judgment of the court rather than for us to undertake to decide this question on the fragmentary and partial information with which we are furnished.

Mr. COOKE of Illinois. I hold the records of all these transactions in my hands.

Mr. GROUT. I am quite willing to leave it to the Supreme Court of the United States, and that is where this conference report proposes to leave it.

When this bill passed the House, Mr. Speaker, I was, I must confess, astonished at some of the amendments that had been offered to it, many of which were put on the bill. Here, to begin with, was a grant of a charter by Congress to the Atlantic and Pacific Railway to construct a road. It granted to this company the power to mortgage the road under certain conditions. They did so, and sold the bonds; and the bondholders come before you now for the purpose of reorganization. They come because it turns out that instead of the mortgage when issued authorizing the road to be a corporation, in the hands of the bondholders, it fails to do so. Everybody supposed that it did. Lawyers would say offhand that authority to issue a mortgage would carry with it the right to be a corporation; but the Supreme Court in other cases where precisely the same language is used have held that it did not convey the right to be a corporation; and so, while the title is perfect in the bondholders, they can not organize into a corporation without this legislation. This is necessary for the preservation of their property rights.

My friend from Illinois [Mr. COOKE], in the course of his argument frankly stated that the company, in his judgment, is fairly entitled to its charter. So it is. There is no question about that. If Congress withholds it, it will be an injustice to the bondholders. They took the bonds with the expectation that they would be granted the right, or had been granted the right, of reorganization under them. And it is only by the discovery of a defect in the wording of the language of the law that the bondholders are not possessed of that right now.

But I was saying, Mr. Speaker, that I was somewhat astonished to see this bill loaded down with some of the amendments that were attached to it when it passed the House. But it went to the Senate, and that body nonconcurred in the House amendments,

and the matter went into conference; and now let us see just where the conference report leaves us, and see if, as fair men, we can sustain that report, or if, as fair men, we must insist that it be rejected. Let us look at it not alone as individuals, but in the light of Representatives, occupying the position we do here with reference to the interests of the whole people and for the purpose of preserving the consistency of our legislation.

In the first place, in the conference report—and I can not follow it in detail, for I have not had time to examine it thoroughly—but in the first place there is an amendment put on, as members of the House will perhaps recall, an amendment providing that all the debts assumed by the original management should be assumed and paid by this new company before they shall have a charter. This makes no exception. It puts on them debts which could not in law be charged to the bondholders. It provides for subsequent debts. Just think of the idea! Gentlemen of the House surely do not intend to go that far. It would be dishonorable, and every gentleman will say so when he comes to consider it fully and the effect of it. But the amendment was placed on the bill. What has the conference committee done with it? They said simply the amendment should be stricken out and the words inserted, "except such debts as may have been incurred for wages or supplies in the operation of the property purchased." That includes just those debts which in equity they would have to pay in reorganizing. The courts have generally decided that this class of debts should be paid, though it has not been uniformly so decided; but the courts lean that way, and we can safely stand on that provision, and this the conference committee has done.

Now, who will say this is unfair? Is it unjust? I leave it to any gentleman here who thinks of the matter for a moment. The amendment leaves a debt to be paid by the new company which the law and the decisions of the court would leave for them to pay, and we do not undertake to go beyond that. Could anything be fairer? What more can be fairly required of this corporation?

Mr. BOATNER. Will the gentleman yield for a question?

Mr. GROUT. Certainly.

Mr. BOATNER. Do I understand that this section 5, or proviso No. 5, is stricken out of the bill?

Mr. GROUT. With reference to the lands?

Mr. BOATNER. Yes.

Mr. GROUT. Certainly; because, as I have stated, in the first sentences I uttered, this matter is with the court. If the court says that this land grant is forfeited, it is gone. If the courts say it is not forfeited, then this company will have the rights which belong to it, and those rights will be determined by the court. Who will say he is afraid to leave this to the court?

Mr. BOATNER. Another question, if my friend will allow. If section 5 were retained in the bill and the company should refuse to make the conveyance which this calls for, would not that be a legislative admission on the part of Congress that the title to this property lies in the railroad?

Mr. GROUT. Oh, but the gentleman's position begs the whole question which is before the House now on the conference report. The report rightfully strikes out this section and leaves the matter where the court may leave it; and there, Mr. Speaker, is where we can safely leave it.

Now, the next point is on the watering of stock, concerning which my eloquent friend from Massachusetts [Mr. BARRETT] waxed eloquent. He calls this a stock-watering scheme. Now, I never saw this conference report until twenty minutes ago, and I have read it carefnlly to see how it provides for this alleged scheme. Let us see. This is what the conferees have agreed upon and what you are to pass upon:

> That the capital stock of the corporation herein authorized shall be divided into shares each of the par value of $100, and shall not exceed the amount of the funded debt existing and unpaid at the time of the decree of foreclosure.

This proposed amendment of the conference committee will allow stock to an amount only equal to the funded debt. It provides for the usual conservative rule that the stock shall not exceed the bonds.

Now what becomes of all the eloquence of my friend from Massachusetts [Mr. BARRETT]?

Mr. MOODY. Will the gentleman permit a question?

Mr. GROUT. Certainly.

Mr. MOODY. If I understand the report of the Railroad Commissioner aright, the funded debt of this corporation amounts to about $40,000,000.

Mr. GROUT. I do not know what it is. It does not matter what it is.

Mr. MOODY. When we are providing a limit for the issue of stock, does not the gentleman from Vermont think it is important for us to know what the limit is, and how it compares with the value of the property?

Mr. GROUT. They can not go beyond the funded debt. Here is the funded debt of the road which we are reorganizing, to which we are giving the rights of a corporation. And we say that we will not allow them to issue stock beyond the amount of the funded debt. From the very nature of the case we can not be exactly informed as to the value of the property.

Mr. MOODY. Mr. Speaker, I had not quite finished my question. Now, if it be true, as the report of the Commissioner of Railroads states, that the funded debt is about $40,000,000, and if it be also true, as my colleague from Massachusetts [Mr. BARRETT] stated to the House, that this whole property has been sold for somewhere in the neighborhood of ten millions, ought this Congress to authorize the reincorporation to issue stock to the amount of $40,000,000 for property which has just sold for about $10,000,000?

Mr. GROUT. Well, the proposition of the gentleman rests upon the two lame legs of the two suppositions of the two gentlemen from Massachusetts. It is all supposition.

Mr. MOODY. Oh, no, Mr. Speaker.

Mr. GROUT. Oh, yes, Mr. Speaker.

Mr. MOODY. I rested it on the truth of the report of the Railroad Commissioner on the one hand, and the truth of the statement of my colleague from Massachusetts [Mr. BARRETT] on the other, and I would like to ask the gentleman from Vermont [Mr. GROUT] whether these facts are true or not?

Mr. GROUT. Mr. Speaker, I do not know, and so far as what I am saying, it is not necessary to know. When I find my friend from Massachusetts [Mr. BARRETT] arraigning this conference report as a stock-watering scheme, and in the report find there is no ground whatever for that charge, then a question arises in my mind as to the correctness of the gentleman's statement that the property has been sold for $10,000,000. Now, suppose it has been sold for $10,000,000——

Mr. BARRETT. Mr. Speaker——

The SPEAKER. Does the gentleman from Vermont yield to the gentleman from Massachusetts [Mr. BARRETT]?

Mr. BARRETT. If the gentleman questions my statement, will he be kind enough to read this printed report?

Mr. GROUT. I have no time, Mr. Speaker; my time is limited.

But suppose it were true that that property has been sold for $10,000,000. It frequently happens that property is so situated that it has to be sold for far less than it is worth, and the bondholders of this road, encountering the strangely factious opposition which has disclosed itself in this House, in their attempt to obtain their legal rights might well ask themselves if they might not as well sell for anything they could get, no matter how little. This fact, if true, argues nothing. The conference report says the stock shall not exceed the amount of the funded debt, and when stock does not exceed the bonds it has always been considered a safe limitation on the issue of the stock, as I have always understood it.

Mr. HAINER of Nebraska. Will the gentleman permit me to ask him a question?

Mr. GROUT. Certainly.

Mr. HAINER of Nebraska. Is it not very important that we should know the value of this property that the stock is to be issued on? As I understand, a railroad bases the rate of its charges upon the capital. That ordinarily is regulated by the amount of stock; and therefore if they are to issue new stock under the new charter, should we not know the actual and true value of the property?

Mr. GROUT. In answer to the gentleman from Nebraska, I will state that of course stock should not be issued to a greater amount than the value of the property. That is correct theoretically. But how can we determine the value of the property except to rely on the judgment of the men who took these bonds, on which they paid out their money—$40,000,000? They may have been misled, but presumably not; and whether or not, we could not determine. This may, however, be noted, that there is not a syllable uttered by anyone in this debate indicating that they were misled, and we can only assume that they acted prudently. Now, this is the only evidence we have as to the value of the property.

Mr. Speaker, the other day a Pacific Railroad bill was before us showing an expenditure of several hundreds of millions of dollars, but here is a Pacific railway with a bonded debt of but $40,000,000. It looks to me like a reasonable and honest sum beside the debt of the other road. But I can not stop to argue this. Here is a fact: Investors have put their money into this road to the amount of $40,000,000, expecting, if it was not paid, they were to have the road.

Mr. HAINER of Nebraska. He has put his money in, and money and interest have gone by the foreclosure.

Mr. GROUT. Not so, sir. They are the ones that are foreclosing. The stock has gone and all the interests of the stockholders. But not that of the bondholders who are now asking to be reorganized under authority of the charter they are asking.

Mr. BARRETT. But under the foreclosure their representatives have purchased it at $10,000,000.

Mr. GROUT. Who purchased it?

Mr. BARRETT. The Atchison, Topeka and Santa Fe.

Mr. GROUT. I do not believe that anybody has purchased it; and I will state that my authority is my colleague, and he ought

to know. He says that it is not true that this road has been purchased by the Atchison, Topeka and Santa Fe road for $10,000,000.

Mr. TALBERT. Will the gentleman allow me to ask him a question?

Mr. GROUT. I will yield to the gentleman.

Mr. BARRETT. I trust the gentleman from South Carolina will permit me. The gentleman has made a statement concerning my statement.

Mr. GROUT. I will yield to a question.

Mr. BARRETT. Does the gentleman from Vermont now speaking say that my statement that an agreement had been entered into for the sale of this road to the Atchison, Topeka and Santa Fe is not true?

Mr. GROUT. I understood the gentleman to say it had been sold, but if he now says bargained to be sold, I say the road provided for in this bill certainly has not been bargained to be sold—only the Western Division, and that is not the road. It is only a portion of it.

Mr. POWERS. Will my colleague yield to me?

Mr. GROUT. I yield to my colleague, who was my authority.

Mr. POWERS. I say to the gentleman that no such agreement has been made, and that the paper that he reads from is only a notice to the holders of certificates of deposit, etc., to meet to-day in New York to consider a proposition of that kind.

Mr. GROUT. That is what I supposed was the fact.

Mr. BARRETT. I trust I may be permitted——

The SPEAKER. The gentleman from Vermont has the floor.

Mr. BARRETT. I think the gentleman will yield after a question of veracity is raised in this House.

Mr. GROUT. I yield to a question.

Mr. BARRETT. I wish to say, and I make the statement at the same time——

Mr. GROUT. I can not yield for the gentleman to make a statement in my time; but if the gentleman will take the floor in his own time I will accommodate him, provided I am allowed to resume the floor when the gentleman is through; but I can not yield to an explanation in my time, which is limited. But anything to accommodate——

Mr. BARRETT. I will attend to it.

Mr. TALBERT. I just want to ask the gentleman from Vermont a question.

Mr. GROUT. I yield to the gentleman.

Mr. TALBERT. I see, in reading the report of the committee here, that in July, 1886, there was passed what was known as the forfeiture act and that there is a case now pending in the court under that act, in which they have heard the arguments, but have not rendered their decision in the Supreme Court.

Mr. GROUT. That is right.

Mr. TALBERT. Is not this a proceeding in the dark, to consider this legislation before the decision has been rendered?

Mr. GROUT. That is just what I think, and I think it is just what all intelligent members will see.

Mr. TALBERT. I want to vote intelligently.

Mr. GROUT. I am obliged to the gentleman for mentioning that. It is right to the point.

Mr. COOKE of Illinois. Why not hold this bill until the court decides that case?

Mr. GROUT. No one knows when that decision will be handed down. And we are to adjourn in about thirty days. Is not the gentleman willing to trust the court? Mr. Speaker, I assert that the rights of all the security holders of this road are carefully and conscientiously preserved by this conference report. I notice signed to the report the name of a Senator, and while I know it is out of order to refer here to the action of the Senate, it is not out of order to refer to a citizen of the United States, on duty in another body, who stands very high in my estimation, and, I believe, in the estimation of all who know him—and thousands throughout the country do know him—I notice signed to this report the name of O. H. PLATT, a member of the Judiciary Committee of the Senate, and I want to tell this House that he is not the man to agree to any stock-watering scheme, such as the gentleman charges, nor to anything that is unjust or unfair, if he knows it, and he is intelligent enough to know it. So, saying nothing of our own conferees nor of the other Senate conferees, I am willing to follow where O. H. PLATT leads.

Mr. BARRETT. Mr. Speaker, I rise to a question of order. I make the point of order that it is improper on this floor to allude to the wish or the sentiment of a member of the other branch of this Congress as to a measure of legislation, except where it is a matter of record.

Mr. GROUT. It is a matter of record. We have his name here before us duly and understandingly signed to this conference report, and we will all be safe to follow him.

Mr. BARRETT. The gentleman stated that he knew personally that the Senator whom he named did not favor the amendment proposed by the House.

Mr. GROUT. Oh, the gentleman did not understand me, or else I did not understand myself. I made no such statement. I spoke of the character of this report and of one of the signers of it; I said that I noticed appended to this report the signature of O. H. PLATT, a man who does not believe in stock inflation or stock-watering performances; a man who knows what he is about, and who will not approve that sort of thing nor anything else that is unfair or unreasonable. That is what I said, and I felt that in saying it I was within the rules of the House.

Now, Mr. Speaker, another thing. The gentleman [Mr. BARRETT] has referred to how the Atchison and Topeka people had been "swindled" by the directors of that company. I declare that charge to be entirely without foundation. New England has been largely interested in the Atchison, Topeka and Santa Fe road from its very inception, and is now. The people of New England, including those of my own State, hold largely the stock and bonds of that road, and except for a few slight changes have held them through all the dark days that have come upon that great company. They are looking confidently for better days for that road, and I believe those days will come. I believe in the near future all the securities of that road will yield an income to the holders.

Mr. Speaker, never before have I heard it said anywhere that the stockholders had been swindled by the directors of that company. The management of that road undertook to find a way from Kansas City, a great competing point in the Southwest, to Chicago, a great competing point in the Northwest, they having an immense network of tracks extending over the entire area of the great State of Kansas, and south by one line to Galveston Bay and by another to the City of Mexico, and by another still—two others, in fact—to the Pacific Slope; and to connect these two great competing points they built an air line from Kansas City to Chicago at immense cost. Why, the terminal facilities in the city of Chicago alone cost over $11,000,000. In the fierce competition that is going on between the great railroads in the West and Southwest, the directors of this, the greatest system of them all, felt that a Chicago connection was necessary. It placed an immense burden of debt on this road, which, followed by the collapse of business, in which many a corporation, as well as many an individual, has gone down within the last four years, was too much for the earning capacity of the road, and it went into the hands of a receiver. But it is already on its feet again, and with returning prosperity will take a great place in the future railroad history of the country.

Mr. Speaker, so much for that. I want to say to the gentleman from Massachusetts that when he represents on this floor that the Atchison, Topeka and Santa Fe directors have been swindling the security holders of that company, he states something I never heard of before, and I believe he will find a thousand men in his own State of Massachusetts who will indignantly repudiate and deny the charge where he will find one man who will even so much as hint it.

Now, Mr. Speaker, reserving the balance of my time, I yield the floor.

Mr. BARRETT. Mr. Speaker, it is a grave thing when a member on this floor makes a statement for another member to rise in his place and deliberately assert that the statement made by the first member is untrue. When the first member asks the gentleman who denounces his statement as untrue if he has any knowledge on the subject and that gentleman blandly says he has not, that he simply relies upon some whispered statement that has been made to him, the matter is worthy of attention. Now, the gentleman from Vermont [Mr. GROUT] said that my statement that an agreement had been made to transfer this road to the Atchison and Topeka road was untrue. I simply state in reply that it is absolutely true, a fact known to all men who keep pace with the progress of railroad dealings in this country or who read what appears in the public press.

Mr. POWERS. Will the gentleman yield to me for a moment?

Mr. BARRETT. Certainly. I will do for the gentleman what he would not do for me. I will gladly yield.

Mr. POWERS. Oh, I yielded to you repeatedly. Now, Mr. Speaker, I ask the gentleman if the circular which he holds in his hand is not merely a notification of a meeting to be held on January 28 to consider certain propositions?

Mr. BARRETT. I will explain that before I get through, and I think the gentleman will be more than satisfied.

Mr. POWERS. I ask him if that is not the fact?

Mr. BARRETT. I will answer in my own way.

Mr. POWERS. And I ask the gentleman further if he has any information on the subject outside of that circular that he can give to the House?

Mr. BARRETT. Let me answer that in my own way. We all know how these railroads are reorganized. A reorganization committee is formed, in whose hands are placed all the securities, and authority is given to that committee in advance to make any arrangements they see fit which they think can get accepted. But this case goes further. These securities have been deposited

in the hands of two committees, one in New York and the other in Europe. This notice simply calls for a meeting in New York to ratify the agreement, as is shown by the statement in the circular; that—

The bondholders represented by the Amsterdam and Frankfort committees, amounting to $14,567,000 (more than seven-eighths of all the issue), at meetings just held, have approved the proposed sale and authorized the committee to consummate it.

That is to say, the thing is practically disposed of; and this meeting of a few scattered bondholders in New York is held pro forma in order to approve and ratify what has already been done by more than seven-eighths of the bondholders under this agreement.

Now, I am willing to have a fair and honest debate on any matter in which I venture to intrude myself; but I suggest that for a member of this House to get up and denounce another man as telling an untruth, and then, when asked if he had any basis for it, to say he had none except the statement made to him by another gentleman, and then for the other gentleman to come over here and for the first time scan the document from which I was giving my authority, and then, not reading it through and overlooking the vital and essential points of it, to confirm the statement that I have tried to deceive the House——

Mr. GROUT. Do you refer to me in saying that a gentleman asserted that you had stated what was not true?

Mr. BARRETT. You stated that it was not true. I asked you if you made that statement of your own knowledge, and you said you were so informed.

Mr. GROUT. Certainly; that is precisely what I said—that there was not any truth in the statement. That is right, as I understand.

Mr. BARRETT. But I have here the agreement for the sale.

Mr. GROUT. But it has not been consummated. Your statement was that the property had been sold for $10,000,000, as I understood it.

Mr. BARRETT. I said the agreement had been made to sell it. I will read it again, so that everyone may understand:

The bondholders represented by the Amsterdam and Frankfort committee, amounting to $14,567,000, at meetings just held have approved the proposed sale and authorized the committee to consummate it.

Mr. GROUT. That applies to only a part of this line, anyway.

Mr. BARRETT. Over seven-eighths.

Mr. GROUT. Only a part of it.

Mr. BARRETT. The courts have decided over and over again that where a large majority of the parties in interest agree to a proposed sale in a matter of this sort, it is valid and binding.

Mr. GROUT. The gentleman does not understand me. I say that it is only a part of the line that is to be conveyed, not the whole line.

Mr. BARRETT. Mr. Speaker, this matter ought to have been more fully explained to this House. Let me explain it. The bill applies to both parts of the line of the Atlantic and Pacific Railroad. But the only part of it at all worth considering is the so-called Western Division, which the gentleman from Vermont has so eloquently described as "spanning the continent." How does it "span the continent?" It is a miserable little piece of track which "spans the continent" to the exact length of 565 miles, a "spanning of the continent" that has hardly paid its operating expenses, much less any considerable return on the investment.

Now, Mr. Speaker, the gentleman from Vermont says that these people are entitled to a charter. I say that they are not. The Atchison, Topeka and Santa Fe Railroad Company has bought or is about to buy this property, so that this company will shortly cease to be an independent corporation; it ceases to be an independent line; it becomes just as much a part of the Atchison, Topeka and Santa Fe Railroad as all those other vast networks of tracks which that company has acquired at one time and another and merged into its system.

Mr. BOATNER. Will the gentleman yield for a question?

Mr. BARRETT. Certainly.

Mr. BOATNER. What advantage will the Atchison, Topeka and Santa Fe Railroad Company acquire by the passage of this bill granting this new charter? What additional advantages will this bill give that road?

Mr. BARRETT. I will explain that; I have been trying to explain it all the time. The Atchison, Topeka and Santa Fe Railroad Company are buying this property to-day in securities having a market value of $10,600,000. The bill now reported by the conference committee proposes to allow them to issue, as representing that value of $10,600,000, $16,000,000 in bonds and over $33,000,000 in stock; and the only contention made by us is that they shall not be allowed to issue any more securities than may be equivalent to the value of their road.

"But," says my distinguished friend, the second gentleman from Vermont who has spoken [Mr. GROUT], "how do we know what the value of this road is? How can we undertake to say what its value is?"

I answer: We do not undertake to say what is its value. We assume its value to be that which its own owners put upon it. They are selling it to the Atchison, Topeka and Santa Fe Railroad Company for $10,600,000. Under this sale the parties who have had the control of this property pass entirely out of the calculation; they cease to have anything to do with it; their equity disappears; they sell the property absolutely and without any reserve; it becomes the property of the Atchison, Topeka and Santa Fe Railroad Company.

Now, my friend has quoted from Mr. PLATT, a gentleman who represents the State of Connecticut in one branch of this Congress. I have as much respect for Mr. PLATT as any man on this floor; but when the gentleman from Vermont in charge of this bill has stated frankly that he did not know anything about this reorganization plan, it is not beyond the measure of belief that there may be other gentlemen in this House or in Congress, however wise in mind or great in ability and excellent in character, who may not have given to it that attention it requires in order to enable them to understand clearly the exact points involved.

Mr. POWERS. Does the gentleman say that I do not know anything of the matter?

Mr. BARRETT. My friend and colleague [Mr. MOODY] asked the gentleman a question, and the gentleman from Vermont, in response, said he knew nothing about it. I stated then that I had the information which would enable me to answer my colleague, and asked an opportunity of being permitted to present it to the House, but was refused by the gentleman from Vermont.

Mr. POWERS. That was in answer to the question as to the proposed sale. I did not know anything about it at that time. But since then I have been informed that there has been no sale effected whatever.

Mr. BARRETT. Mr. Speaker, it is one of the strange things of men versed in the law that they sometimes seek on technicalities to give impressions that things are not as they are. I have already read this statement of the Atlantic and Pacific reorganization committee, including leading financiers of Boston and of New York, giving the statement that the agreement has been made just as I have stated. This agreement has been ratified by the old first-mortgage bondholders.

Mr. TAWNEY. Will the gentleman permit me to ask him to what part of the road this would apply?

Mr. BARRETT. To all of the Atlantic and Pacific road that was ever operated as an independent property, 565 miles in length, starting practically from Santa Fe and running west and connecting with the Southern Pacific at the Needles, between Arizona and California. Besides this there is, under the charter, a branch line of 112 miles, operated by the St. Louis and San Francisco road, which never possessed an independent equipment, never had rolling stock, but was conducted and is to-day conducted as a part of the St. Louis and San Francisco road, an independent corporation, and does not come within hundreds of miles of touching any portion of the real Atlantic and Pacific road.

Mr. TAWNEY. Will you permit another question?

Mr. BARRETT. Certainly.

Mr. TAWNEY. Does that apply to the same road that the bill under consideration applies to?

Mr. BARRETT. Yes, sir.

Mr. TAWNEY. For the whole of it?

Mr. BARRETT. Absolutely. And I will say, also, that there is a contract now under consideration for the transfer of this 112 miles to the St. Louis and San Francisco road; and the committee state in their report——

Mr. TAWNEY (interrupting). I have read the report, if the gentleman will permit me, and it does not indicate that the contract of which the gentleman from Massachusetts has read extracts applies to all the roads to which the bill applies. Therefore the alleged purchase of the road for $10,000,000 would not be a correct statement as to all of the road, as I understand it.

Mr. BARRETT. The gentleman from Minnesota, and I am glad he made the statement, for I certainly do not desire to mislead the House in the smallest iota, is absolutely correct, but it applies to all of the Atlantic and Pacific road that has been ever talked of or suggested in this debate, which is the line running between the two points I have already mentioned.

Now, the amount of bonds outstanding is $16,000,000, the first-mortgage bonds; $5,000,000 of second mortgage, and $18,000,000 of income bonds. These apply only to the 565 miles. On the other division of 112 miles an entirely different set of bonds was issued, entirely outside of this calculation, and to which I have not alluded in this debate. Do I make myself clear?

Mr. TAWNEY. The gentleman conveyed the idea that $10,000,000 purchase money covered the whole road.

Mr. BARRETT. I conveyed, and sought to convey, the idea that the $10,600,000 covered every mile of the Atlantic and Pacific Railway on which there was a $16,000,000 first mortgage, a $5,000,000 second, and $12,000,000 income bonds. That is true.

Mr. BOATNER. Will the gentleman from Massachusetts allow me to ask him a question?

Mr. BARRETT. Certainly.

Mr. BOATNER. Does the gentleman understand the bill to be for the benefit of the bondholders and the stockholders of the Atlantic and Pacific road, or for the benefit of the purchasers of that property at foreclosure sale? And that is followed by another question: Do the purchasers represent the reorganization committee of the old company, or are they a separate and independent concern?

Mr. BARRETT. Mr. Speaker, I think I understand the gentleman's proposition; but in order to make it clear to the House I will explain it a little more fully than by direct categorical reply. The Atlantic and Pacific Railroad's first-mortgage bondholders have begun a suit in foreclosure, pending which they have agreed to sell the $16,000,000 of first-mortgage bonds of the Atlantic and Pacific to the Atchison, Topeka and Santa Fe Railroad, for which the Atchison, Topeka and Santa Fe Railroad agrees to pay in securities which are to-day worth about $10,600,000. Upon that transfer the Atchison, Topeka and Santa Fe Railroad is to complete the foreclosure proceedings, and as the holder of the $16,000,000 of first-mortgage bonds, which it has bought on the terms which I have indicated, is to become the sole and absolute possessor of the Atlantic and Pacific Railroad, about whose bondholders and stockholders we have heard so much here to-day.

The present stockholders and bondholders of the Atlantic and Pacific Railroad will not be affected one iota by this measure, because they have already agreed and directed their committee to proceed to the transfer of their property to the Atchison, Topeka and Santa Fe Railroad. Is the gentleman from Louisiana [Mr. BOATNER] satisfied?

Mr. BOATNER. Then I understand the object of the bill is to permit the Atchison, Topeka and Santa Fe Railroad to capitalize it at the amount of stock and bonds named in the bill, not to exceed the present bonded debt of the Atlantic and Pacific Railroad Company.

Mr. BARRETT. That is right.

Mr. BOATNER. With which, however, the purchasers have nothing to do.

Mr. BARRETT. I do not understand the last statement of the gentleman.

Mr. BOATNER. That is, that the present purchasers of the road have no interest in the present funded debt of the Atlantic and Pacific beyond paying the stipulated price.

Mr. BARRETT. Why, Mr. Speaker, they have all the interest in the world, because they buy the first mortgage in a block. They buy these sixteen millions of first-mortgage 4 per cent bonds and put them into their own treasury, and instead of paying the owners of them what some people might think they were worth, what do they pay? They pay them in 52½ per cent of their own bonds, worth to-day 85 cents on the dollar, and they pay them in 57½ per cent of their own preferred stock, worth to-day 25 cents on the dollar.

Why, Mr. Speaker, if there is any man, woman, or child who has ever honestly invested a dollar in the Atlantic and Pacific Railroad, he is getting out of it by this agreement, by which it is to be transferred to the Atchison, Topeka and Santa Fe Railroad Company, so small a part of what he has invested that I should be glad to do anything that would increase their returns. But whatever is done is not done for them. It is done for the Atchison, Topeka and Santa Fe Railroad, which is to become the owner of the first-mortgage bonds of the Atlantic and Pacific Railroad Company by the terms of the contract.

Mr. STEWART of New Jersey. Would not the effect of the acceptance of this conference report by the House wipe out the entire indebtedness of the Atlantic and Pacific Railroad, with the exception of the first-mortgage bonds?

Mr. BARRETT. The gentleman asks, Would not the acceptance of this report wipe out the entire indebtedness of the Atlantic and Pacific Railroad, except the first-mortgage bonds?

Yes, Mr. Speaker; all other forms of indebtedness are going to be wiped out. The road is going to be purchased under foreclosure proceedings brought about by the first-mortgage bondholders, and the holder of the first-mortgage bonds is the Atchison, Topeka and Santa Fe Railroad Company. By foreclosing on the bonds which it holds it will acquire the entire ownership of the Atlantic and Pacific Railroad, and having by that process taken away every vestige of value in the second mortgage and in the income bonds, so that they will not be worth literally the paper on which they are printed, having taken away from these securities every cent of value, the committee of conference propose to allow the Atchison, Topeka and Santa Fe Railroad to issue, in behalf of and representing securities which have thus been absolutely wiped out, some $23,000,000 of new stock.

To that we object, Mr. Speaker. Having wiped out by proceedings in foreclosure millions upon millions of securities, and having divested the legitimate owners of them of every vestige of value, we object to the Atchison, Topeka and Santa Fe Railroad Company being allowed to proceed to issue $23,000,000 of new securities to represent what has disappeared from existence.

Mr. HULICK. How much will be wiped out of the indebtedness which is now a lien on this road? In other words, what is the difference between the amount for which it is agreed to be sold and the amount of the outstanding liens and claims against it?

Mr. BARRETT. I will say, Mr. Speaker, although I am not a railroad man, and these are things that I have had to get in a very short period of study, that the first mortgage is $16,000,000, the second bond mortgage $5,000,000, and the outstanding receiver's debt certificates amount to some $1,200,000. In addition to that, there are some $30,000,000 of deferred interest accounts, and $79,000,000 of stock, which will be entirely eliminated; and $5,000,000 of second mortgage and $12,000,000 of income bonds which are altogether expunged from any human calculation.

Mr. BOATNER. Except the $10,600,000.

Mr. BARRETT (continuing). Except $10,600,000. They pay about $9,400,000 for the $16,000,000 of first-mortgage bonds; and $1,200,000 is to be paid to take up the receiver's certificates. As an actual fact, they only pay an actual cash value to the bondholders of about $9,400,000.

Mr. TRACEY. Will the gentleman yield to me for a question?

Mr. BARRETT. Certainly.

Mr. TRACEY. The people I represent are interested in the completion of this road. What effect may reasonably be expected to follow the rejection of the conference report and the restoration of the House amendments upon the completion of the road?

Mr. BARRETT. Mr. Speaker, I would like to ask first how much time I have left, because I have some things that I desire to cover before I get through. How much time have I remaining?

The SPEAKER. The gentleman has twenty minutes remaining.

Mr. BARRETT. In what way are the people interested in the completion of this road?

Mr. TRACEY. The Atlantic and Pacific begins at my town, the town in which I live.

Mr. BARRETT. Now, Mr. Speaker, I will say, in answer to the gentleman, that no human being that I know of can presage what will happen in railroad construction. But that division of the Atlantic and Pacific road has always been operated and controlled by the St. Louis and San Francisco road, which has recently been taken out of the hands of a receiver and placed in the hands of the security holders; and I have no doubt they will proceed to extend that road whenever they think it is possible to increase their business and to raise the necessary money to do it with.

Mr. TRACEY. But does not this proposition submitted as proposed in the House amendments affect the possibility of the company ever doing so?

Mr. BARRETT. Not at all. It simply says that they shall not issue any more watered stock and impose on credulous people, who have a right to believe when the Congress of the United States by deliberate enactment authorizes them to issue a certain amount of stock that it must contain some element of value. It is because we want to bring to the minds of the people of this country the belief that this Congress will not allow millions and millions of stock to be issued without full protection to stockholders that we insist upon this amendment.

Mr. TAWNEY. Will the gentleman allow me to ask him a question?

Mr. BARRETT. Certainly.

Mr. TAWNEY. Is there any class of bondholders and creditors that has not agreed to this reorganization plan adopted by the reorganization committee?

Mr. BARRETT. Mr. Speaker, that is a question I can not answer.

Mr. TAWNEY. I understand it is a fact that all the creditors, all the bondholders, as well as the certificate holders, have agreed to this plan of reorganization.

Mr. BARRETT. Why, Mr. Speaker, I assume they have, and I will tell you why. The Atlantic and Pacific has not paid interest on its bonded debt. It was paid for a term of years, I believe, under a contract with the St. Louis and San Francisco and Atchison roads. These poor bondholders of the Atlantic and Pacific can get nothing in any other way, and they are going to take this.

Mr. MURPHY of Arizona. Will the gentleman permit me to ask him one question?

Mr. BARRETT. Certainly.

Mr. MURPHY of Arizona. I would like to inquire what way the Atlantic and Pacific or the stockholders therein will be benefited and how can it pay at all in any shape or form unless the Atchison, Topeka and Santa Fe does absorb it?

Mr. BARRETT. I want the Atchison, Topeka and Santa Fe to absorb it, but I do not want them to have the right, which this bill in its original shape would give them, to issue $100,000,000 of stock at a par value of $100 per share, when you can go into the New York market and buy all of that stock you want at a quarter

of 1 per cent. I do not want the Congress of the United States to become a party to the issue of stock which represents no value whatever. I am simply contending for the proposition that the stock shall be issued, as nearly as may be, to represent actual value.

The gentleman from Vermont has inferred from what I said that the directors of the Atchison company had cheated the people of New England. Now, I want to say in regard to that—and it is a delicate subject—that it is the belief of many of the people of New England, who have invested hundreds of millions in Atchison securities, that contracts have been made by which the Atchison, Topeka and Santa Fe Railroad, which was at one time a solvent and splendid corporation, whose stock sold at $150 a share—it is the belief of those people that great reaches of railroad have been acquired and paid for by the issue of Atchison securities at prices far exceeding their actual value, or their present or prospective earning capacity. I know there have been expressions throughout the length and breadth of New England of the belief that the great expansions and extensions of the Atchison system, from a few hundred to many thousands of miles, have been made by the sale to that company, by persons concerned in its management, of properties which they owned and which they sold at prices far above their actual value. Other roads in the West have not shrunk in value as the Atchison has. Other railroads running from Chicago west have not shrunk in the same degree. They have suffered somewhat, but not to the same extent as the Atchison.

But, Mr. Speaker, what I said was in relation to the Atlantic and Pacific road, and I want to say about that that it was capitalized for $270,000 a mile, though it would not cost over $20,000 a mile to build it.

Now, to show what the capitalization of $270,000 a mile means, let me illustrate by comparison.

The Boston and Albany road is one of the most perfect railroads in the United States. It is a great road, laid with the most perfect rails, equipped with the most magnificent equipment in every respect, running through a very closely settled region, with all its stations and appointments of the highest order, and yet the Boston and Albany road, with all its expenditure for that splendid equipment, is capitalized at only $110,000 per mile.

Again, the Lake Shore road, running from Buffalo to Chicago, is regarded as one of the model railroads in the United States, and is often held up, both by our own people and by strangers who visit this country, as an illustration of what honesty and good judgment in railroad management can accomplish. It is a double-track road, thoroughly equipped in every respect. That road is capitalized, including stocks and bonds, at $86,000 a mile. Yet here is this Atlantic and Pacific road, which is laid with rails which, I am informed, have not been renewed for ten years, which has not a respectable depot on its whole line, which got its roadbed and right of way from the Government—this miserable apology for a railroad is capitalized at $270,000 a mile, and this bill as it originally came from the Senate, in spite of the close scrutiny which my friend from Vermont [Mr. GROUT] says must have been given to it there, that bill proposed to allow that that capitalization should not only be allowed to continue, but should continue under the patronage and indorsement of the Congress of the United States.

Now, Mr. Speaker, I have taken more time on this matter than I ever dreamed of taking. I wish simply to say in conclusion that the bondholders and the security holders of the Atlantic and Pacific road have nothing to do with this matter. They have already entered into, and are about to consummate, an absolute sale of their property to the Atchison, Topeka and Santa Fe Company.

All that we ask, in insisting on this amendment, which has been already accepted by the gentleman from Vermont in charge of this bill—all that we ask is that this House of Representatives, in chartering this road anew, and starting it out once more, shall limit it to issuing only such securities as are represented by the mortgage debt, which in itself will make $70,000 a mile, almost equal to the capitalization of the Lake Shore Railroad.

Now, Mr. Speaker, I have moved, subject to the vote to be taken before, that the House insist upon the amendment which it has already adopted, but after consultation with other gentlemen who agree with me on this subject, it seems to me best to say that if the House will vote to insist I shall then be ready to offer a resolution of instruction to the future conferees.

Mr. GROUT. I suppose the question is first on agreeing to the report.

Mr. BARRETT. If we do not agree to the report, we shall insist.

Mr. GROUT. Without instructions?

Mr. BARRETT. I simply say that, so far as I am concerned, the motion I made for instructions is not now pressed, but will be presented later.

The SPEAKER. With reference to the question of instructing a conference committee, the Chair desires to say that upon examining the case referred to in the Digest he finds that the statement of the Digest is not justified. The proper course of procedure in such a case as this is for the House first to vote upon agreeing to the report of the conference committee. If the report be disagreed to, then the House may insist upon its amendments and ask for a new conference; and pending the appointment of the conferees a motion may be made that they be instructed. The statement in the Digest is misleading.

Mr. BARRETT. I rise to a parliamentary inquiry. Does the Chair hold that the motion for the previous question having been voted down, it is now competent to move it again?

The SPEAKER. It is competent for the gentleman in charge of the report to make any motion that he sees fit.

Mr. GROUT. I desire to be heard further.

Mr. BARRETT. I do not desire to have the previous question ordered on my motion. I simply want to ask the gentleman on the other side whether some agreement can not be made in regard to a vote? A good many of us have remained here until it is now 3 o'clock, and some of us would like to know how long the debate is likely to continue.

Mr. POWERS. I do not care to prolong this discussion for any length of time; but I want to occupy a few moments in reply to the gentleman's attack on this bill, and then I will move the previous question, if nobody else desires to speak.

Mr. MCRAE addressed the Chair.

The SPEAKER. The gentleman from Arkansas [Mr. MCRAE] is recognized.

Mr. GROUT. Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has twenty-four minutes left.

Mr. MCRAE. Mr. Speaker, the three principal objections which I have heretofore urged against this bill have been, I think, very ably and fully covered by my colleague from Arkansas, Judge TERRY, by the gentleman from Massachusetts [Mr. BARRETT], by the gentleman from Illinois [Mr. COOKE], and by the gentleman from Iowa [Mr. LACEY], and I shall not now attempt to do more than to restate these objections in brief.

I do not believe that Congress should grant Federal charters at all. The exercise of such power was always of doubtful propriety and dangerous. The history of this road shows that Congress made a great blunder in granting it a charter. There is no necessity for the exercise of such power the second time in its behalf. The property rights of the mortgagees of this company can be maintained and protected by charters obtained from the States without coming to Congress, and, if necessary, Congress can give it the right of way through the Indian country. But when they come to us confessing that it is bankrupt, with a record showing that it has complied with not a single condition imposed upon it in the original grant, it is not only our right, but it is our solemn duty, in the first place, to see that the new company pays the debts which are due for labor, supplies, damages, and other debts incurred in connection with the operation of the road.

Second, that no benefit shall accrue by reason of the reorganization to the faithless stockholders who have wrecked the road. If the stock is worthless, it should not be recognized in the reorganization. The property is not worth more than one-fourth of the funded debt and not as much as the mortgage debts; and it is the duty of Congress to see that in authorizing stock no more shall be issued than the cash value of the property the company really owns. The House conferees have abandoned the House amendment in this regard.

Third, we should see to it that the settlers along the line of this road who want the land under the public-land laws are not further harassed by lawsuits and contests of a concern whose mismanagement and bankruptcy are so notorious and outrageous. We have the power to say to this company before we give it a new lease of life: "You must pay these debts and refund at the actual value of the road and give peace and quiet to the settlers and to the United States as well, so far as the lands in controversy are concerned, by releasing all claim, and thus make the forfeiture act of July 6, 1886, effectual."

More than ten years ago Congress, after due deliberation and extensive discussion, determined that a forfeiture should be declared. And yet for all that time the Government and the people along the line of this road have been defiantly told by this company that the forfeiture is worthless and that the lands belong to it, although no road has been constructed, and they have assumed to sell the lands. The conference report pretends to protect the settler. How? By compelling them to pay this faithless company and its assigns for lands the title to which was resumed in 1886. It is nothing less than an indirect method of yielding the claim of the United States and admitting the contention of the railroad company. It confirms the sales made by the company and puts settlers at its mercy.

I believe, Mr. Speaker, that the House fairly understands what this bill means, and that it will not pass it. It is an effort to rehabilitate a defunct corporation that does not deserve to live a day.

It will have the effect to continue litigation that ought never to have been commenced. It gives something to a lot of men who deserve nothing. If the bondholders are honest, invested their money in good faith, and shall purchase at foreclosure sale, then Congress, if it deems proper, may give them the right to reorganize. But until they have done that, and as long as they seek in collusion with the old stockholders of the concern to reorganize on a basis that contemplates the issue of watered stock, it is our duty to do nothing to aid them.

I hope the House will vote down the report, and that then we will instruct the conferees to insist upon the amendments of the House to the bill.

Mr. GROUT. I yield five minutes to the gentleman from Kansas [Mr. BLUE].

Mr. BLUE. Mr. Speaker, if I gather the substance of the argument of the gentleman from Massachusetts [Mr. BARRETT], his chief objection to the bill as it comes from the conference committee grows out of the fact that some of his constituents were so unfortunate as to lose some money in investments in Santa Fe stock. It is to be regretted that any portion of our people should be so unfortunate as to lose any investments they have made. But that happens everywhere among men who transact business. But because his constituents have lost some money is no reason why he should antagonize the measure at this time, when it is satisfactory, as I understand it, to all of the creditors who have claims against this corporation. There is no one here complaining that any creditor would be wronged by this settlement if this bill becomes a law. On the other hand, I understand that all of the creditors are entirely satisfied with the measure.

The people of Kansas, and they are interested in the operation of this road, are entirely satisfied with this proposition. The great corporation created under the laws of the State of Kansas, the Atchison, Topeka and Santa Fe Railroad Company, forming a large business factor in the transaction of all of the business of that great State, will operate this road if it can be purchased under the provisions of this act, and I apprehend will operate it successfully.

The provision authorizing the issuance of stock is a well-guarded measure. I call the attention of the House especially to it. It provides that—

> The capital stock of the corporation herein authorized shall be divided into shares each of the par value of $100, and shall not exceed the amount of the mortgage debt due and unpaid at the time of the decree of foreclosure: *Provided*, That additional stock and bonds may be issued by the corporation upon the payment into its treasury therefor the full par value thereof in cash. No stock shall be issued until the Secretary of the Interior shall approve its issue and certify that it is issued in conformity to the provisions of this act. The total stock issued under the provisions of this act shall not exceed $100,000,000.

I call the attention of the House to the fact that this is a well-guarded provision, so that investors, before they purchase, will have the assurance that labor, or money, or property has been given for the value of the stock.

I apprehend, also, Mr. Speaker, that a purchaser who takes stock buys it on the market of the country. It is no part of the business of the Government of this country to become the guardian of the business people of the nation as to what they shall purchase or what they shall not purchase. The purchaser of stock on on the market is like the purchaser of all other property—he takes his chances. The argument of the gentleman from Massachusetts is without merit or force.

Mr. STEWART of New Jersey. May I ask the gentleman a question?

Mr. BLUE. Yes, sir.

Mr. STEWART of New Jersey. Does the gentleman propose to say that the creditors of this road, or the people of this country, would support this measure that sanctions the further issue of stock at a par value of 100 cents on a dollar when it is quoted now in the market at less than 2 cents on the dollar?

Mr. BLUE. Ah! but the gentleman is mistaken. So far as that is concerned, I do not know at what price the stock of the old company is quoted. But the reorganization provides for the issuance of new stock, and the creditors of the company are satisfied to take it and pay cash, property, or labor therefor.

The old stock will doubtless be funded in new stock at its cash value. This idea that some gentlemen have that the cost of transportation to the parties who carry on traffic over a railroad—those residing along its line and who use it—that the cost of transportation of freight and passenger traffic is gauged by the extent of the bonded indebtedness and stock of the road is a mistaken one. It is no more true as a matter of fact that the cost of transportation is measured by the actual cost and indebtedness of the railroad than that wheat raised on lands which cost $100 an acre should rise in price proportionately above wheat raised on land that cost but $2.50 an acre. These are matters of competition among the railroads that run into competitive points like Kansas City, Chicago, New York, or the other great centers of trade in this nation. They are not controlled in their charges by the cost and indebtedness of the road, but by the law of supply and demand, and by the rules that govern in the competition of the world. So far as that is concerned, there is no argument in it; it falls to the ground.

This, Mr. Speaker, is a well-guarded measure. The opposition to it springs out of the belief that some one has in the past secured an undue advantage under a former enactment, and that he ought to be punished. These opponents seem to think that if he can not be punished, somebody else should be. Let us legislate, Mr. Speaker, from a higher standpoint. Let us meet the requirements of the people on this subject; let us do as we ought to do, regardless of any desire to punish any company or set of individuals.

The SPEAKER. The time of the gentleman has expired.

Mr. GROUT. I yield five minutes to the gentleman from Oklahoma [Mr. FLYNN].

Mr. FLYNN. Mr. Speaker, I realize, residing in the Territory where I do, that it is absolutely necessary for Congress to grant a Federal charter to the Central Division of this railroad. It is operated in the Indian Territory, and without the consent of Congress it can not extend or operate its road. I feel what the gentleman from Massachusetts [Mr. BARRETT] has said with reference to the bonding and the increase of stock, but I desire to call his attention to this fact: The people who live along these lines of railroads are not responsible for that. It is the people who live in his State of Massachusetts who are responsible for bonding the road and increasing the indebtedness to $270,000 a mile. This stock has been sold to servant girls in that State, and they are entirely wiped out if Congress does not at this time, or at some time, authorize a reorganization of this company.

Mr. BARRETT. Mr. Speaker——

Mr. FLYNN. I have but five minutes. It is not our fault if the New England States, and more especially the State of Massachusetts, watered this stock until all the servant girls in that country were bankrupted. Now, when honest men, interested in the development of this road, when settlers living along it, who can not afford to pay these interest charges on a bonded indebtedness of $270,000 a mile, come to Congress and ask the granting of this new charter, to see if something can be saved out of the wreck, I believe it should be granted to them.

Now, Mr. Speaker, with reference to what the gentleman from Arkansas [Mr. TERRY] said, I venture the assertion that this conference committee have gone further in this matter than any mortgagee taking possession of this property would have gone. They specify in this bill that the company shall be liable for the wages and supplies of operation of the road legally chargeable against the old company. As lawyers, you all know that there is no legal obligation with reference to those items that this company would be compelled to assume. With reference to the increase of the stock, all I have to say is that the gentleman from Massachusetts evidently desires to have stricken out the safeguard which the conference report retains, so that the stock can be again watered, and then repudiation charged to the people of the West who live along the road. The conference committee provide in their report that the stock shall be restricted to the actual value of the property when exchanged therefor. How? As ascertained by the Secretary of the Interior, regardless of the original and the probable increased cost. In other words, that a disinterested officer of the Government shall say what the value of the property is and the amount of stock which may be issued, prohibiting the New England gentlemen, as he presumes to call them, from again watering this stock up to $270,000 a mile.

With reference to the clause concerning the settlers along the line, the conference report amply protects the only men whom Congress is in reality morally bound to protect, and those are the poor settlers living along it who are trying to eke out an existence. What do the conferees say with reference to that?

> With respect to executed land contracts, the conference committee believed that such liability should extend to actual settlers and occupants purchasing in tracts of 640 acres or less.

In other words, the homestead settler on the 160 acres of land should be protected in the passage of this bill. Why should not these people be allowed to reorganize on an honest, fair basis, subject to the approval not of the stockholders or bondholders, but subject to the approval of the Secretary of the Interior.

This road, gentlemen, as a matter of fact, has two divisions, and without being operated by either the Frisco or the Atchison, Topeka and Santa Fe, it begins nowhere and ends nowhere. We in my section are interested in having the road extended 70 miles, in order to connect with other lines in Oklahoma Territory. They can not extend it, and can not reorganize and operate there without a Federal charter.

[Here the hammer fell.]

Mr. GROUT. Mr. Speaker, it seems to me that the point the House wants to keep in mind is that we as a body are under obligations to extend and make sure to the security holders of this road, the bondholders under the mortgage which we authorized, every right which they had good reason to expect when they took these securities. The gentleman from Oklahoma [Mr. FLYNN]

has stated a fact that makes it improper to remit this company to charters to be granted by the States. So the argument of the gentleman from Arkansas that this is bad policy is answered by the statement of the gentleman from Oklahoma. It is also answered by the further fact that Congress has a specific duty to perform in this particular railroad case, because it first chartered this company, and it should see that all the rights of all the security holders under that charter are suitably protected now.

Now, a word in reference to the remarks of the gentleman from Massachusetts [Mr. BARRETT], in which he arraigned me for having asserted that he had made an untrue statement on the floor. Let us see about it. He stated to the House as a fact that this road had been sold, as I understood it, though afterwards he changed the statement to the effect that arrangements had been made for its sale—and he may be correct in this—that it had been contracted for sale at $10,000,000. On looking into the facts, it appears that only one division of the road had been under negotiation. That is the Western Division. The Central Division, of equal or perhaps greater length and value—I am not acquainted with the mileage of the two divisions—is not at all included in that agreement. And yet the gentleman from Massachusetts [Mr. MOODY] assumed that to be the value of the road, and then with a statement of the amount of the funded debt, which is some forty million dollars, put to me the question he did as to the amount of stock that ought to be issued.

Mr. Speaker, it is now plain how utterly lame was his proposition, when it now appears that only one division of the road had been talked about for $10,000,000.

Mr. BARRETT. Will the gentleman allow me a question?

Mr. GROUT. Certainly; always.

Mr. BARRETT. The Western Division is that to which I alluded and the bonds and securities to which my colleague [Mr. MOODY] alluded. He alluded only to the securities which pertain to the road to which I had alluded

Mr. GROUT. He referred to the bonds of the road, and presumably the whole road, and the gentleman from Massachusetts [Mr. BARRETT] spoke of a sale of the road, and presumably the whole road, when it turns out that there has been no proposition for the sale of but the Western Division. Now, I will leave to gentlemen on the floor whether I was justified in saying that the gentleman's statement that the road had been sold for $10,000,000 was not true. And as to whether the gentleman said sold, or bargained to be sold, I will leave to the gentleman's colleague [Mr. MOODY], who stated in his question to me his understanding to the effect that the gentleman said the road had been sold for $10,000,000. Mr. MOODY seems to have understood the gentleman precisely as I did, that the road had been sold—not, as the gentleman now says, bargained to be sold.

Mr. BARRETT. Why, Mr. Speaker, will the gentleman allow me to correct that statement?

Mr. GROUT. Certainly.

Mr. BARRETT. He says at least only one-half.

Mr. GROUT. Only a division.

Mr. BARRETT. It is nearly six-sevenths.

Mr. GROUT. Well, I am differently informed.

Mr. BARRETT. Let the gentleman read the report of the Commissioner of Railroads.

Mr. GROUT. I can not stop for that now. The gentleman from Arkansas says that it should be disposed of in a way so that the rights of the landholders shall be preserved. Will gentlemen give their attention to the clause in the report which fully provides for this. It is as follows:

> That in case any uncompleted contract for the purchase of land shall be pending at the time of such foreclosure sale, such new company shall, upon payment to it of any unpaid balance of purchase money for such land at the time provided in such contracts for the sale thereof, convey and release to the holders of such contracts all its title, interest, and estate in and to the land embraced in such contracts.

What more for the protection of the landholders can the gentleman ask? There is, however, in the report of the conference committee a clause expressly extending this protection "to any bona fide settler and occupant on a tract of 640 acres of land or less," in the foregoing language, making certain its application to the occupant of a piece of land, however small, held under a grant from this railroad. How can the gentleman from Arkansas ask for more?

Mr. McRAE. Will the gentleman from Vermont allow me to ask him one question?

Mr. GROUT. Certainly.

Mr. McRAE. Does not that amendment in itself concede to the road the right to sell and make title to the very land in question, thereby confessing the contention of the railroad?

Mr. GROUT. But it compels, Mr. Speaker, the railroad to carry out the contract of the former corporation. That is what it does; no more and nothing less. Do we want to impose upon them any larger duty? I believe not.

Mr. McRAE. If my friend will allow me, my question is whether they have the right to sell it. It leaves them with the money which they get and takes title from them, which is denied by many of us.

Mr. GROUT. The gentleman is evidently proceeding on the supposition that this land grant should be forfeited.

Mr. McRAE. It has been forfeited.

Mr. GROUT. If the Supreme Court forfeits it, then nothing more can go to the road and the land grant fails, of course, because they have no right or title to convey. Now, as to another amendment that is in line 31 of the bill, in the early part of the report. The gentleman who moved that amendment has said upon the floor that this covers all he sought to cover in his amendment, which is to protect the wage earners and those furnishing supplies for the operation of the road.

Mr. Speaker, this bill has the approval of every security holder of this road. They are all satisfied with it, and it would seem upon the most careful examination that nobody is given any opportunity to practice mischief, unless he does it in spite of law. It preserves to those bondholders what they thought they had when they took the bonds, when they took the road, namely a corporate existence. That is all it confers. I hope, Mr. Speaker, that the report will be approved by the good judgment of the House, as I believe it will. How much time have I remaining?

The SPEAKER. The gentleman has six minutes remaining.

Mr. GROUT. I yield the balance of my time to my colleague [Mr. POWERS].

Mr. POWERS. Mr. Speaker, this bill has been very fully debated by the House, and I have now no doubt that members are anxious to get rid of it and to come to a vote. I wish in the brief time given me to simply review the provisions of this bill.

The bill has been carefully examined, not only by every party in interest in this property, and by the various security holders, but the conference committee of both Houses have taken two days' time in the careful examination of these various amendments, and putting them in shape so that they will carry out what they deem to be the good sense of the greatest numbers of the parties in interest of this railroad.

Now, what is the history of that road? In 1866, or thereabouts, the charter for the Atlantic and Pacific Railroad Company was granted. It started from the city of Springfield, in the State of Missouri, and ran through to the Pacific Ocean. It was fully supposed by the men in the management of the road at that time that the road could be built upon capital stock. They started in, but, like the best laid plans of men, they failed. They were obliged to come to Congress and get the right to issue a mortgage.

That was done in 1871. That mortgage right was granted to them. This mortgage in question that we are now dealing with was issued under the provisions of the act of 1871, to enable this company to push the enterprise toward the Pacific Ocean. But the money realized upon the sale of those bonds proved to be insufficient. This road, like many other struggling railroads in the infancy of their construction, was unable to complete its line. It went into the hands of other corporations. It was obliged to invoke their aid in order to complete the line, and so the road has been split up into two or three different sections. That portion of it running from Springfield, Mo., to Albuquerque, N. Mex., is under control of one corporation, the portion of the road from Albuquerque west for a certain distance is under another corporation, and thence on westward it is under still a third control.

The Atchison, Topeka and Santa Fe Railroad, a competing line running from about the same terminal points east and west, got control of a portion of this line, and that brings me to the proposition of the gentleman from Massachusetts [Mr. BARRETT], that the Atchison Company are interested in this road. They are interested in it. They have taken control of a section of it. They furnished the money. The bondholders' rights in the first mortgage have become insignificant in value. The first-mortgage bonds are selling in the market at a small fraction of their face value, and the Atchison, Topeka and Santa Fe Company are the only parties in the world that can take this line and push it along as it was originally designed. The people along the line of this road are clamoring for its completion.

This bill provides that the bondholders, or the purchasers from them, may organize into a corporation, may issue stock up to the amount of the funded debt of the original company, and additional stock, on a cash basis, subject to the approval of the Secretary of the Interior, for the purpose of completing the line. The gentleman from Oklahoma, the gentleman from New Mexico, all the gentlemen coming from the region of country interested in the road, are clamoring to have something done by Congress for the relief of the settlers along the line. The gentleman from Arkansas [Mr. TERRY] says that the rights of these settlers are being put in jeopardy. How are they being put in jeopardy? The bill provides that the rights of homesteaders along this line, up to the amount of an entire section of land—640 acres—shall be protected. If these settlers purchased from the old company, the new company is brought in to perform the contract. That provision covers nearly double the limitation ordinarily contained in

bills of this nature. I undertake to say there is not an act of Congress in the world in which it is provided that the rights of a settler to more than 320 acres—half a section of land—are protected under such circumstances. This bill goes far beyond that, and is most liberal in its provision for the benefit of homesteaders along this line.

Mr. McEWAN. Does not the approval of the Secretary of the Interior of the issue of stock apply only to the additional stock for new road and equipment? It does not refer at all to the stock to be issued to the amount of the funded debt.

Mr. POWERS. It does not refer to that. The bill gives the new corporation the right to issue stock up to the limit of the funded debt; and that is proper, because a share of stock, even though it sells for 10 cents on the dollar, is still counted as a share representing $100 face value. These parties simply get the right to issue new stock up to the amount of the original stock, whether it is good, bad, or indifferent. Is not that proper? It is further provided in this conference report that the rights of every wage earner and every man who has furnished supplies to the old company shall be recognized by the new company, and that he shall be paid. That is a provision of eminent justice to the poor settlers along the line, and to the section men and the others who have worked night and day to serve the traveling public.

Now, the proposition of the gentleman from Illinois [Mr. COOKE] is that the right to the land grant which was granted to the projectors of this enterprise by the original charter, and was by them mortgaged to these bondholders, shall be preserved, to the extent that the Supreme Court of the United States, upon a question now pending before it, shall determine.

Mr. McEWAN. One other question—and my vote will depend upon the gentleman's answer. I ask him to point out the provision in this conference report and in the bill by which the laborer is secured to be paid.

Mr. POWERS. If the gentleman has the conference report before him and will turn to page 6, about three-quarters of the way down the page, he will find this language:

Strike out the word "not," in line 31 of the bill, and in place of the language stricken out by the amendment insert the words "except such as may have been incurred for wages or supplies in the operation of the property purchased."

[Here the hammer fell.]

Mr. POWERS. Mr. Speaker, I ask unanimous consent for a moment more.

The SPEAKER. How much time does the gentleman desire?

Mr. POWERS. I will ask for ten minutes more.

The SPEAKER. The gentleman from Vermont asks unanimous consent that he be allowed ten minutes more. Is there objection?

Mr. BARRETT. I will not object, Mr. Speaker, provided the gentleman will allow ten minutes to anybody on this side who may desire to reply to him.

Mr. POWERS. I will make no objection to any request of that kind.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. POWERS. Now, then, Mr. Speaker, it seems to me that this House ought not to be taken off its feet by the clamor of the gentleman from Massachusetts, who, I suppose, represents some of the security holders in some enterprise antagonistic to the rights of these purchasers. I do not know whom he represents. He professes to be loaded down with information—information that there is some great rascality in this proposition. Now, I ask the good sense of this House to examine the proposition. Gentlemen on this floor are capable of judging for themselves whether the language of this bill, read carefully, read as sensible men would read language, carries anything in it that threatens the rights or the property interests of any body of people on the face of the earth. There is not a word susceptible of such construction.

But the gentleman comes here with his charges that there is "something rotten in Denmark." Has he proved anything of that kind? The man who gets up on the floor of this House and states that a proposition is loaded down with iniquity is bound to prove his proposition. How has the gentleman proved it? He has proved it, he says, by citing a circular letter addressed to the security holders of the Atchison, Topeka and Santa Fe Railroad Company in which they are invited to attend a meeting to be held in New York yesterday to confirm a proposition for the sale of the Atlantic and Pacific Railroad Company to the Atchison, Topeka and Santa Fe Company. Well, is there anything criminal about that? I put it to the good sense of every man here, is there anything criminal in the proposition of these poor bondholders who are struggling to get something out of the property in which they have buried their money by selling it out to a corporation that can buy and pay for it; and if they sell a bond of the par value of $100 for 5 cents, have we any right or obligation to inquire into it, provided they see in the sale something that probably will be a benefit to them?

That is the simple proposition made by the gentleman from Massachusetts, which he says shows "the African in the wood pile" in this transaction. There is no "African in the wood pile," so far as this committee is aware. We have prepared a bill here which on its face, in its letter, and in its spirit works out substantial justice and right to everybody interested in this property. And if anybody has come here representing any secret interest, if any Massachusetts interests are involved in this matter, they are not involved in the direction of the public good. As was suggested by the gentleman from Oklahoma, all the iniquity that has ever been practiced on the line of the Atlantic and Pacific Railroad dates from the city of Boston and its immediate environment. There is where the men live who wreck railroads. There is where the money comes from that creates all the rascality that the gentleman is scolding about. And, sir, it has been said many and many times that "it is a dirty bird that fouls its own nest." [Laughter and applause.]

Now, Mr. Speaker, I do not stand here to criticise the action of Massachusetts. Massachusetts has furnished too much talent, too much respectability, too much honor to the great Republic under which we live for me to undertake anything of that kind. She furnished two Presidents, the older and the younger Adams. But, Mr. Speaker, we are forced to admit that they are both dead. [Laughter.] She furnished to us the greatest lawyer, the greatest statesman, the most magnificent expounder of our organic law that ever lived—Daniel Webster. But, sad as it may seem, Daniel Webster is dead. [Laughter.] She furnished us the most classic, the most learned and erudite statesman that ever sat in the halls of Congress—Charles Sumner. But, alas! Charles Sumner is dead. [Laughter.] And we are to-day left only to bask in the sunshine of the gentleman from Massachusetts who has come here to Congress recently by a strong vote of his constituents to learn how to do right and practice righteousness in the ways of legislation. He is not content to go to work and try to accomplish something for the public good; but he stands here as a censor upon the doings of this body. Why, Mr. Speaker, I have the greatest respect for him and his abilities. I have known him for many years. He might be one of the most useful men on this floor, but the trouble with him is he assumes that there is nothing on this floor that is worth respecting. He came here to shed light. He knew that this was a chaos of darkness when he came. He was born, Mr. Speaker, to be a rose, with the destiny of blooming and blushing upon this floor, but his fate has been to wither and waste his beauty on a desert air. [Laughter and applause.]

Now, Mr. Speaker, I desire simply to have this House examine this bill on its merits. If the bill has in it the elements of intrinsic justice to these poor bondholders who have put their money into this property thinking they were going to make a good investment and get good returns and have been disappointed, do not turn them away from the doors of Congress under a provision that unless they will surrender a part of their mortgage security they shall have no right to reorganize. That is not a proposition that sensible men can ever present to an intelligent body for purposes of legislation.

This bill, as I have already said, Mr. Speaker, more than once, meets the approval of the security owners of this property. If it be opposed by anybody, it is opposed by some secret influence that has not shown itself upon the floor of the House. No interest has ever come before the committee having charge of the measure in either House to oppose it. It has been approved by everybody in interest. The people on the line of the road are longing to have the much-promised road to the Pacific completed; and notwithstanding that fact, men stand up here and scold about the security holders and other matters, and reflect sometimes severely upon gentlemen who do favor the bill, when their objections have nothing whatever to do with the road itself. The people all want the road constructed; and, as I have said, the security holders are all satisfied with this settlement. The basis of the agreement is made in justice, and works out justice to all. The bill is in accordance with precedents you have each one of you many and many a time on the floor of this House admitted by your action here.

Now, Mr. Speaker, unless some other gentleman desires to be heard further upon this question, I will ask the House to come to a vote upon it.

Mr. BARRETT. Mr. Speaker, when I had the temerity to rise in the House this morning I suggested to the House that some old and wise member of this body whose head is silvered over with gray, and whose legal reputation far outspans the narrow confines of his own State, would probably find something humorous in the position taken by those who did not agree with them on this particular question. I did not think, however, that that would be the case with my friend from Vermont [Mr. POWERS] or that humorous remarks were to come from him with reference to those who differed with him on this question, for I thought he at least would remember the delicacy of his position by reason of the fact that I submitted to him this very proposition when the matter was under discussion in the House on the 15th day of December

last, and he said then that it was entirely satisfactory to him. The amendment was submitted to him before it was presented to the House on the 15th day of December, and I repeat he said that he accepted it. So his argument to-day, Mr. Speaker, seems as if it must have come from some further conferences than those which he had on that occasion, and from some other source than gentlemen on this floor.

I propose before I get through to reply to the suggestions made by him. I do not believe in personalities on the floor of the House, but in view of the fact that the gentleman has seen proper to refer to me as being "interested" in the matter, I propose to draw a parallel which I think the gentleman will be able to understand. He has introduced personalities; I shall refer to them as slightly as possible.

I wish simply to say first that the only matter in which I am especially interested includes amendments 3 and 4. This road is about to pass, as I have already stated, into the hands of the Atchison, Topeka and Santa Fe road. In return for $10,600,000 this road—that is to say, the Atchison, Topeka and Santa Fe—will receive $16,000,000 of the first-mortgage bonds of the company, with the right to issue without consideration a large amount of stock. I took it for granted that the amendment which regulated that issue would receive the sanction of the chairman of the committee, since it had met his approval in December last. Various attempts have been made, Mr. Speaker, to obscure the issue that is presented to-day, but the fact remains the same, and the House must vote upon it.

Now, Mr. Speaker, my friend from Vermont has intimated to the House that I am actuated by motives other than those of the public good in my opposition to this scheme; in other words, that I am representing some security holders who are opposed to this transaction.

I can state to the House and to the gentleman that not a single security holder of any character or description or of any kind whatever has ever spoken to me on the subject. The only gentlemen up to to-day with whom I have conversed were my friend and colleague, Mr. MOODY, from Massachusetts, and my friend and associate, Judge POWERS, of Vermont, of the committee. My colleague, Mr. MOODY, and myself did, in December last, prepare and present the amendment to the gentleman from Vermont, and it was then accepted by him. Yesterday Mr. MOODY and I still further conferred on this subject, and we came to the conclusion that this change which had been made by the conference committee simply authorized an additional issue of $12,000,000 worth of stock, which represents no value whatever.

Now, if nobody ever came to me on this subject, why was I interested? I will tell you. I had the honor—and I esteem it a great honor—to serve in the legislature of Massachusetts, and in that body, while I was a member of it, we passed some very important legislation regulating security issues by corporations. It met not only with the approval of all the people of Massachusetts, but with the approval of all public writers everywhere. I have not, by coming here, forgotten the lessons that I learned there; and when I found pending here a proposition which in Massachusetts would be illegal and everywhere would be esteemed by most men as questionable, to authorize a corporation to issue millions upon millions of stock without any value whatever behind it, I took occasion, as I had a right to do, in spite of my being in my first term in Congress, to advocate an amendment regulating the matter.

Now, that is where my interest lies in this matter, and I defy any man whatever to prove in any way whatever that any person whatever, under any guise or form whatever, has ever spoken a single word or addressed a single communication to me on this subject, except my friend Mr. MOODY and my friend Judge POWERS.

I did this morning think it was rather strange that, having advocated an amendment which the gentleman from Vermont had then accepted, and he having now reported to emasculate it, he would not allow me a few moments for debate—which he tried to cut off by the previous question—to express my views on the subject. Surprised? No, I was not surprised. I have noticed since my arrival in this Congress that my friend from Vermont is chairman of the Committee on Pacific Railroads, and I have seen that, as chairman of that committee, no proposition, however unfavorable to the interests of the Government of the United States and however advantageous to the railroad corporations with which it has relations, has failed to receive his hearty and constant support.

Talk about my representing interested parties! Do you remember the debate that went on here a few weeks ago, when a proposition came up here which was called the Huntington funding bill? Have you forgotten that debate? Was not the grave statement made that that bill did not fairly protect the interests of the Government? And yet my friend from Vermont was the gentleman who reported it and the gentleman who advocated it. Did not the House reject it by an overwhelming majority? It hardly comes with good grace for the gentleman from Vermont to question the motives of a member who is advocating a policy formally adopted by his Commonwealth as against the advantage of a great railroad corporation.

He talks about Massachusetts men as having wrecked railroads. Why, Mr. Speaker, Massachusetts men are the last men to want to wreck railroads. Massachusetts men, by the hard work of their arms and heads, accumulate by industry and labor capital which they strive to invest, not to have it wrecked, but to have it protected, and Massachusetts men have been trying through all these hard times, by contributions and by surrender of interest and dividends, to protect and maintain what they have accumulated, and not in any way to strike down or to wreck. The corporation laws of Massachusetts, thoroughly imbued with the idea of making investments safe and permanent, are so perfect that they are the models of all the other Commonwealths of this country. In no States in the Union are property and the rights of the individual investors so carefully guarded from being wrecked as in the State of Massachusetts.

But how is it with the gentleman from Vermont? He alludes to me with withering sarcasm as having come here and withered away. I may have withered away. I never came here with very much to wither. I am still a young man, and I had no great reputation, except the reputation, if it may be called a reputation, of having served in my local legislature. I trust I shall never serve so long as to try to cover a bad case by an attempt at ridicule of a new member who is trying to do his duty. My friend came here with the record of a long term of service on the supreme bench of Vermont. What is the record of that court? Does it justify his attack on my State? Ask any honest man in New England who, led by false statements and interested assertions, invested his hard-earned money in the securities of the Central Vermont Railroad, and who has it taken from him by decisions which have never been approved by any other judicial tribunal on earth, what he thinks of Vermont railroad wrecking. To-day the Central Vermont Railroad, under the decisions of the supreme court of Vermont, is a synonym for all the quintessence of railroad wrecking. Let him indeed talk to me about Massachusetts men "wrecking railroads!"

Mr. GROUT. Will the gentleman yield?

Mr. BARRETT. I will get through, and then you can answer me. Yes; I will yield to my friend.

The SPEAKER. The gentleman from Massachusetts has the floor.

Mr. BARRETT. I said I was perfectly willing to yield.

Mr. GROUT. It seems to me that we had better not have the war of the States over again.

Mr. BARRETT. I did not inaugurate this war. The members of the House know that. The war was made by the gentleman's colleague upon Massachusetts men as being wreckers of railroads, and I say——

Mr. GROUT. It seems to me, further, it is out of order. I rise to a point of order.

The SPEAKER. One moment.

Mr. GROUT. That is, when a member is speaking in this House he can not put in question the dignity and integrity of the courts of any of the States.

Mr. BARRETT. This is not to come out of my time.

Mr. GROUT. I say that the gentleman has no right in this place to make a deliberate attack upon the judiciary of any State.

Mr. BARRETT. Why, Mr. Speaker——

Mr. GROUT. I repudiate what the gentleman says absolutely as false.

The SPEAKER. The gentleman from Vermont must confine himself to the point of order.

The Chair hardly thinks a member can be declared out of order on a question of that kind.

Mr. BARRETT. I do not object to the ridicule that has been heaped upon me and the comparison made with Daniel Webster and other great men of Massachusetts. It is not funny and not killing. But when the charge is made against Massachusetts of railroad wrecking—of Massachusetts, whose laws, whose courts, and whose people have always stood strong and steadfast against railroad wrecking—is dragged in here for the sake of producing prejudice in this House, I propose to have it understood that the greatest illustration of railroad wrecking known in all the annals of New England is the case of the Central Vermont Railroad, which, under a receivership conducted by the supreme court of Vermont, was about the biggest stench in the nostrils of honest men ever recorded in this country. Let anyone dispute that!

Mr. GROUT. I dispute it, Mr. Speaker. [Laughter.] It is false, and absolutely so. [Laughter.] Will the gentleman allow me to make a statement? [Cries of "Go on!" to Mr. BARRETT.]

Mr. BARRETT. I will allow the gentleman from Vermont time if I can have the same amount of time.

Mr. GROUT. Those decisions were rendered by a court which were elected annually until the recently changed constitution of the State. But since then they are biennially elected, and all the

judges of the supreme court were repeatedly reelected without opposition. I say that no decision such as stated by the gentleman could have been made by that court and not be challenged by the people of that State, and especially by their representatives, when the judges came up for reelection. The decisions of the supreme court in the Central Vermont Railroad matter are in accordance with the decisions in all the States. If those decisions had been a stench in the nostrils of all decent men, as stated by the gentleman, they could hardly be in accordance with decided cases in other States, and I assert that they are. I can not present in detail the facts and the law of those decisions, but an analysis of them would absolutely refute the statement of the gentleman; and it seems remarkable to me that he should impute dishonorable and dishonest motives to a judicial tribunal of any State.

Mr. BARRETT. Mr. Speaker, I impugn the motives of no tribunal. I said, when the gentleman from Vermont raised a question of railroad wrecking, that I referred to a fact that is known to all intelligent men in New England, that of all the railroad wrecks that were ever made through decisions, carried through series of years in the Supreme Court of the United States——

Several MEMBERS. Vermont.

Mr. BARRETT. Vermont. The greatest illustration was in the case of the Central Vermont Railroad, which for a period of twenty years dragged its slow length through legal meshes of complication, while the honest investors in that property were deprived of their investments by the men who managed it under the management of the supreme court. The road became known in that connection wherever railroad management or mismanagement was ever discussed. I do not question the legislature of Vermont; I impugn the motives of no member of that court; but I do say you can not go into Vermont and find one lawyer out of four who will not say that the record made in connection with the Central Railroad litigation was one in which the honest sons of the Green Mountain State had cause to blush.

Mr. GROUT. Will the gentleman permit a question? [Cries of "Go on!" to Mr. BARRETT.]

Mr. BARRETT. I will yield to the gentleman.

Mr. GROUT. Did the Vermont court make any decision from which an appeal would not lie to the Supreme Court of the United States?

Mr. BARRETT. Mr. Speaker, I am not a lawyer; I can not answer his question; but I know that the State of Vermont was agitated and torn so that families were rent asunder, all politics divided on railroad lines, and at times men were in fear of bodily violence because they dared to take issue with the railroad bosses of that period. Talk about the legislature of Vermont! I will say in all kindness that the majority of that body, I am afraid, when they elected judges and other officers, were not unmindful of the fact that the great railroad corporations were the parties who controlled the politics of the State. And that legislature, within my memory, refused to reelect a judge who had honored the supreme bench for years, simply because he had fallen under the displeasure of the railroads.

Mr. Speaker, I love Vermont. I lived there two years.

Mr. GROUT. The gentleman has a strange way of showing his love for Vermont. [Laughter.]

Mr. BARRETT. I repeat, Mr. Speaker, I love Vermont. I lived there for two years, and I would not say, unless provoked, a word in criticism of her. But I love Massachusetts better, and when you place Massachusetts and Vermont side by side, when you compare the judiciary of those two States, when you compare the record for railroad management of those States, when you contrast the records and the traditions of Vermont and of Massachusetts, let me say that it comes with very ill grace for any man from Vermont to attempt to throw mud upon Massachusetts, as my friend Mr. POWERS has done.

It would be an act of recreancy if any son of Massachusetts—even though he be so poor and unimportant as my friend from Vermont from his elevation of long service pictures me—it would be an act of recreancy did he not hold up his hand and raise his voice in humble eulogy of his State, whose judicial decisions have never been called in question, but rank in the minds of all lawyers with those of the Supreme Court of the United States, and whose legislation regarding the control of corporations is a beacon light to legislators here and elsewhere. [Applause.]

Mr. POWERS. Mr. Speaker, unless some gentleman desires to occupy further time, I will ask for the previous question.

The previous question was ordered.

The question being taken on agreeing to the conference report, the Speaker declared the ayes seemed to have it.

Several members called for a division.

Mr. BAILEY. Mr. Speaker, we shall save time by taking the yeas and nays at once. I ask for the yeas and nays.

The yeas and nays were ordered.

Pending the roll call,

Mr. BARRETT. Mr. Speaker, I wish to make a parliamentary inquiry which I want members to hear.

The SPEAKER. The gentleman will state it.

Mr. BARRETT. I want to ask the Speaker whether, if this report is rejected, it will not then be in order to move to instruct the committee in further conference to insist upon the amendments of the House?

The SPEAKER. It will be, if the House insists upon its amendments and asks for a conference. The Clerk will call the roll.

The question was taken; and there were—yeas 71, nays 142, not voting 142; as follows:

YEAS—71.

Apsley,	Fischer,	Kirkpatrick,	Sperry,
Arnold, R. I.	Foote,	Lefever,	Stone, C. W.
Avery,	Gillet, N. Y.	Leonard,	Stone, W. A.
Bartholdt,	Grosvenor,	Long,	Sulloway.
Belknap,	Grout,	Mahon,	Sulzer,
Bell, Tex.	Grow,	Miller, Kans.	Taft,
Bennett,	Halterman,	Miller, W. Va.	Tawney,
Blue,	Harrison,	Minor, Wis.	Tayler,
Brewster,	Hartman,	Mitchell,	Thomas,
Burton, Mo.	Henry, Conn.	Noonan,	Tracey,
Calderhead,	Hepburn,	Northway,	Van Voorhis,
Curtis, Kans.	Hill,	Patterson,	Wadsworth,
Curtis, N. Y.	Hubbard,	Payne,	Walker, Mass.
Daniels,	Hunter,	Powers,	Watson, Ohio
Ellis,	Hurley,	Quigg,	Wellington,
Evans,	Jenkins,	Russell, Conn.	Willis,
Fairchild,	Johnson, Cal.	Smith, Ill.	Wright.
Faris,	Kerr,	Southard,	

NAYS—142.

Abbott,	Doolittle,	Kyle,	Owens,
Allen, Miss.	Ellett,	Lacey,	Parker,
Anderson,	Erdman,	Latimer,	Perkins,
Andrews,	Fenton,	Lawson,	Pitney,
Atwood,	Foss,	Layton,	Robertson, La.
Bailey,	Gamble,	Leighty,	Royse,
Baker, Kans.	Gibson,	Lewis,	Sauerhering,
Baker, N. H.	Graff,	Linney,	Sayers,
Barham,	Griffin,	Linton,	Scranton,
Barrett,	Hager,	Little,	Shuford,
Bartlett, Ga.	Hainer, Nebr.	Livingston,	Skinner,
Bell, Colo.	Hall,	Low,	Snover,
Bishop,	Hardy,	Maddox,	Spalding,
Black,	Harris,	Martin,	Sparkman,
Bowers,	Hart,	McCall, Tenn.	Stallings,
Buck,	Hatch,	McCleary, Minn.	Steele,
Bull,	Hemenway,	McCormick,	Stewart, N. J.
Catchings,	Henderson,	McCreary, Ky.	Stewart, Wis.
Clardy,	Hendrick,	McCulloch,	Stokes,
Clark, Iowa	Henry, Ind.	McDearmon,	Strowd, N. C.
Codding,	Hilborn,	McEwan,	Talbert,
Colson,	Hitt,	McLachlan,	Tate,
Connolly,	Howard,	McLaurin,	Terry,
Cook, Wis.	Howe,	McRae,	Tracewell,
Cooke, Ill.	Howell,	Meiklejohn,	Tucker,
Cooper, Tex.	Hulick,	Mercer,	Tyler,
Cooper, Wis.	Huling,	Miles,	Updegraff,
Corliss,	Hull,	Milnes,	Van Horn,
Cox,	Hyde,	Mondell,	Washington,
Crisp,	Johnson, Ind.	Moody,	White,
Crowther,	Johnson, N. D.	Morse,	Wilson, S. C.
Culberson,	Jones,	Neil,	Wood,
Danford,	Kem,	Ogden,	Woodard,
De Armond,	Kiefer,	Otey,	Woodman.
Dinsmore,	Kleberg,	Otjen,	
Dolliver,	Knox,	Overstreet,	

NOT VOTING—142.

Acheson,	Crump,	Loud,	Russell, Ga.
Adams,	Cummings,	Loudenslager,	Settle,
Aitken,	Curtis, Iowa	Maguire,	Shafroth,
Aldrich, T. H.	Dalzell,	Mahany,	Shannon,
Aldrich, W. F.	Dayton,	Marsh,	Shaw,
Aldrich, Ill.	Denny,	McCall, Mass.	Sherman,
Allen, Utah	De Witt,	McClellan,	Simpkins,
Arnold, Pa.	Dingley,	McClure,	Smith, Mich.
Babcock,	Dockery,	McMillin,	Sorg,
Baker, Md.	Dovener,	Meredith,	Southwick,
Bankhead,	Draper,	Meyer,	Spencer,
Barney,	Eddy,	Milliken,	Stahle,
Bartlett, N. Y.	Fitzgerald,	Miner, N. Y.	Stephenson,
Beach,	Fletcher,	Money,	Strait,
Berry,	Fowler,	Moses,	Strode, Nebr.
Bingham,	Gardner,	Mozley,	Strong,
Boatner,	Gillett, Mass.	Murphy,	Swanson,
Boutelle,	Goodwyn,	Murray,	Thorp,
Broderick,	Griswold,	Newlands,	Towne,
Bromwell,	Hadley,	Odell.	Treloar.
Brosius,	Hanly,	Pearson,	Turner, Ga.
Brown,	Harmer,	Pendleton,	Turner, Va.
Brumm,	Heatwole,	Phillips,	Walker, Va.
Burrell,	Heiner, Pa.	Pickler,	Wanger,
Burton, Ohio	Hermann,	Poole,	Warner,
Cannon,	Hicks,	Price,	Watson, Ind.
Chickering,	Hooker,	Prince,	Wheeler,
Clark, Mo.	Hopkins,	Pugh,	Wilber,
Clarke, Ala.	Huff,	Raney,	Williams,
Cobb,	Hutcheson.	Ray,	Wilson, Idaho
Cockrell,	Joy,	Reeves,	Wilson, N. Y.
Coffin,	Kendall,	Reyburn,	Wilson, Ohio
Cooper, Fla.	Kulp,	Richardson,	Woomer,
Cousins,	Leisenring,	Rinaker,	Yoakum.
Cowen,	Lester,	Robinson, Pa.	
Crowley,	Lorimer,	Rusk,	

The following-named members were announced as paired until further notice:

Mr. WARNER with Mr. WILLIAMS.

Mr. DRAPER with Mr. COWEN.

Mr. SIMPKINS with Mr. FITZGERALD.

Mr. DOVENER with Mr. CLARKE of Alabama.

Mr. AITKEN with Mr. SORG.

Mr. HANLY with Mr. MOSES.
Mr. DINGLEY with Mr. MCMILLIN.
Mr. PICKLER with Mr. MINER of New York.
Mr. BINGHAM with Mr. DOCKERY.
Mr. HARMER with Mr. BANKHEAD.
For this day:
Mr. EDDY with Mr. RICHARDSON.
Mr. SMITH of Michigan with Mr. MCCLELLAN.
Mr. HEATWOLE with Mr. STRAIT.
Mr. HERMANN with Mr. DENNY.
Mr. WILLIAM F. ALDRICH with Mr. SHAW.
Mr. WATSON of Indiana with Mr. MEYER.
Mr. REYBURN with Mr. BERRY.
Mr. KULP with Mr. CUMMINGS.
Mr. LEISENRING with Mr. MAGUIRE.
Mr. CANNON with Mr. TURNER of Georgia.
Mr. HOPKINS with Mr. HUTCHESON.
Mr. WANGER with Mr. LESTER.
Mr. DALZELL with Mr. COBB.
Mr. GRISWOLD with Mr. SPENCER.
Mr. WILSON of New York with Mr. SWANSON.
Mr. MAHANY with Mr. BOATNER.
Mr. TRELOAR with Mr. KENDALL.
Mr. WILBER with Mr. MONEY.
Mr. WOOMER with Mr. RUSK.
Mr. CLARK of Missouri with Mr. WHEELER.
Mr. BURRELL with Mr. RUSSELL of Georgia.
Mr. MOZLEY with Mr. BLACK.
Mr. STEPHENSON with Mr. YOAKUM.
On this question:
Mr. BROMWELL with Mr. HICKS.

Mr. MCMILLIN. Mr. Speaker, I desire to withdraw my vote, as I find I am paired with the gentleman from Maine, Mr. DINGLEY.

Mr. HICKS. I am paired with the gentleman from Ohio, Mr. BROMWELL.

Mr. DOCKERY. I am paired with the gentleman from Pennsylvania, Mr. BINGHAM, and withdraw my vote. I wish to announce that if he were present, I would vote "no."

Mr. COX. I desire to inquire if my colleague, Mr. RICHARDSON, is paired on this vote?

The SPEAKER. The Chair is informed that he is paired.

The result of the vote was then announced as above recorded.

Mr. BARRETT. Mr. Speaker, I now move that the House insist on its amendment, and ask a further conference; and on that I demand the previous question.

The previous question was ordered.

The question was taken on the motion to insist and ask a further conference; and it was agreed to.

Mr. BARRETT. I now offer the following resolution of instructions.

Mr. THOMAS. I demand the regular order.

Mr. BARRETT. This is the regular order.

The SPEAKER. The Clerk will report the instructions offered by the gentleman from Massachusetts.

The Clerk read as follows:

Resolved, That in the opinion of the House its conferees on the bill S. 1832, "An act to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company," should insist on striking out Senate amendments Nos. 3, 4, 5, 6, and 7.

Mr. POWERS. I think, Mr. Speaker, the gentleman from Massachusetts has misconceived the scope of the report. I suppose he means to insist on the House amendments. These are House amendments stricken out by the Senate.

Mr. BARRETT. I did not draw the resolution myself, but supposed, from the source it came from, that it was right. But I will amend the resolution and offer it in the amended form.

The SPEAKER. The Clerk will read the resolution as amended.

The Clerk read as follows:

Resolved, That in the opinion of the House its conferees on Senate bill 1832, "An act to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company," should insist on the House amendments numbered 3, 4, 5, 6, 7.

Mr. TERRY. I offer the following amendment to the instructions proposed by the gentleman from Massachusetts:

The Clerk read as follows:

And the conferees on the part of the House are further instructed to insist upon a provision——

Mr. BARRETT. Mr. Speaker, I demand the previous question.

The SPEAKER. But the gentleman from Arkansas has offered an amendment, and was recognized for that purpose before the demand was made. The Clerk will report the amendment to the instructions.

Mr. BARRETT. But I called the previous question when I offered the resolution.

The SPEAKER. The gentleman did not move it in time.

Mr. BARRETT. I think the Chair misconceived my statement. I asked for the previous question when I first got up.

Mr. BAILEY. Mr. Speaker, I submit that the gentleman can not insist on a demand for the previous question that neither the Chair nor the House has heard.

The SPEAKER. The Chair did not hear the demand for the previous question.

Mr. BARRETT. I made the request, Mr. Speaker.

The SPEAKER. The Chair, of course, must take the word of the gentleman.

Mr. WILLIS. I can testify that the gentleman made the motion, for I heard it.

Mr. TERRY. The gentleman made the motion for the previous question on his motion that the House insist on its disagreement, and ask a further conference, but not on the other.

Mr. BARRETT. I made it on both, I am satisfied.

The SPEAKER. The matter is easy of correction. If the House desires further instruction, it can vote down the previous question.

The question was taken on ordering the previous question; and on a division there were—ayes 39, nays 82.

So the demand for the previous question was rejected.

Mr. TERRY. Now, Mr. Speaker, I offer the amendment I send to the desk as additional instructions to the conferees.

The Clerk read as follows:

The conferees on the part of the House are further instructed to insist upon a provision to secure the payment of all debts, demands, and liabilities which were due or owing by the old company which were contracted, accrued, or were incurred or are due or owing for tickets and freight balances, or for wages, work, labor, materials, machinery, fixtures, and supplies of every kind and character done, performed, or furnished in the repair, equipment, operation, or extension of said road and its branches, and all liabilities incurred by said old company in the transportation of freight and passengers, including damages for injuries to employees or other persons, and to property, which have accrued or upon which suit had been brought or was pending, or judgment rendered, within twelve months prior to the appointment of a receiver or receivers in the foreclosure proceeding or since the appointment of any such receiver.

Mr. TERRY. I suppose debate is in order.

The SPEAKER. Debate is in order.

Mr. TERRY. As this amendment is rather long, I wish to state its effect. It proposes to extend the provision of the bill so as to cover operating expenses, wages, material furnished, and work done, and also injuries to person or property, within twelve months prior to the appointment of a receiver. It does not go back of that; but it applies also to such claims arising since the appointment of a receiver.

The question being taken, the amendment was agreed to; there being—ayes 71, noes 38.

The SPEAKER. The question is now upon agreeing to the proposed instructions as amended.

The question was decided in the affirmative.

Mr. BARRETT. I move that the various votes taken on this question be reconsidered, and that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. CURTIS of New York. I am instructed by the Committee on Military Affairs to report back the Military Academy appropriation bill, with the amendments of the Senate. I am directed to ask that the amendments be nonconcurred in, and that we ask a conference with the Senate on the disagreeing votes of the two Houses.

The SPEAKER. The first question is on agreeing to the amendments of the Senate.

The amendments were disagreed to.

The SPEAKER. The question is now on the motion of the gentleman from New York [Mr. CURTIS] that a conference with the Senate be requested on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. CURTIS of New York, Mr. GRIFFIN, and Mr. TYLER as conferees on the part of the House.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the Agricultural appropriation bill.

Mr. THOMAS. I rise to a parliamentary inquiry. If the House should refuse to go into Committee of the Whole on the motion of the gentleman from New York [Mr. WADSWORTH], will not the unfinished business then be taken up under the regular order?

The SPEAKER. It will be.

Mr. THOMAS. I hope the motion of the gentleman from New York will be voted down.

The question being taken, there were—ayes 90, noes 52.

Mr. THOMAS. I call for the yeas and nays.

Several MEMBERS. Oh, no!

Mr. THOMAS. Very well; I withdraw the call.

So the motion of Mr. WADSWORTH was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. PAYNE in the chair) and resumed the consideration of the bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898.

The Clerk read the following:

DEPARTMENT OF AGRICULTURE.

Office of the Secretary: For compensation of Secretary of Agriculture, $8,000; Assistant Secretary of Agriculture, $4,500; chief clerk, who shall be superintendent of the Department buildings, $2,500; private secretary to the Secretary of Agriculture, $2,000; stenographer to the Secretary of Agriculture, $1,400; private secretary to the Assistant Secretary of Agriculture, $1,000; one appointment clerk, $2,000; one chief of Supply Division, $2,000; one telegraph and telephone operator, $1,200; one clerk class 4, $1,800; three clerks class 3, $4,800; four clerks class 2, $5,600; nine clerks class 1, $10,800; nine clerks at $1,000 each, $9,000; five clerks at $840 each, $4,200; one engineer, who shall be captain of the watch, $1,600; one fireman, who shall be steam fitter, $900; one assistant fireman, $720; one assistant fireman, $800; four night watchmen, at $720 each, $2,880; messengers, laborers, mechanics, four day watchmen, and charwomen, $19,000; in all, $87,100.

Mr. HARDY. Mr. Chairman, I move to amend by striking out the last word.

Yesterday distinguished Representatives from Ohio arose on this floor to defend that great State from certain attacks made upon Ohio and Indiana by the governor of Illinois, Mr. Altgeld. In the speech made by Mr. Altgeld he severely criticised the elections in Ohio and Indiana. But I do not believe that this is the place nor the time to "wash the dirty linen" of the politics of any State. I stand on this floor to defend Indiana if she needs defense, as Daniel Webster stood in the Senate to defend the State of Massachusetts. "I will enter upon no encomium upon Indiana. She needs none. There she is. Behold her! and judge for yourselves. There is her history. The world knows it by heart."

But, Mr. Chairman, with permission of the House, I desire to occupy the few moments allotted to me to say a few words upon the Cuban question.

Mr. Chairman, during the first session of this Congress a concurrent resolution was almost unanimously adopted by both Houses expressive of the sympathy of the Congress, as representatives of the American people, with the patriots of Cuba in the heroic struggle in which they were then, and still are, engaged in behalf of human liberty and the right of self-government. The sentiments expressed in that resolution received the indorsement of a very large majority of the citizens of the United States, and was only subjected to criticism because it was not a joint resolution and not stronger in expression. The people of this country have watched with deep interest the contest which has been waged in Cuba during the past two years between the patriots and their Spanish oppressors, and the demand of the people is almost unanimous that the time has now arrived for this Government to take such action as will stop the shedding of blood, stop the slaughterof the innocents by the Spanish barbarians, stop the devastation of the fair isle, and secure to Cuba the independence to which she is entitled by the laws of God, of justice, and humanity.

There can be no question about the justice of the Cuban revolution. Mr. Hazeltine, in the North American Review, in an able article, shows that taxation without representation is the Spanish policy of government in Cuba. At no time has the native Cuban representation in the Spanish Cortes, a body comprising 430 members, ever exceeded six, and has seldom exceeded three. With a population of 1,600,000, only 9.3 per cent of the population being Spaniards, the right of suffrage has been restricted to only 53,000 inhabitants of the island, or about 3 per cent of the population. While denied the right by the Spanish parliament to exercise any voice in the control of her own affairs, Cuba has become the "treasure island" of Spain, to be pillaged and robbed at will, which is done by the mother country imposing enormous budgets on the island.

In 1880 Spain commanded Cuba to furnish her $46,000,000 of revenue. In 1893 the budget was reduced to $26,000,000, but only because the island was unable to meet a greater exaction. In 1880 the deficit had reached $20,000,000; and all the deficits since 1878 amount to $100,000,000. With such management Cuba's debt has increased from $20,000,000 in 1868 to $190,000,000 when the present war broke out in 1895, and on the 31st of July, 1896, the debt was computed to have reached the fabulous sum of $290,000,000, and is to-day much greater. The interest on this debt imposes a burden of $9.79 on each inhabitant. Not a dollar of this enormous debt has been spent in Cuba to advance the work of improvement or civilization.

The salaries drawn from Cuba to pay the Spanish rulers of the island are shameless and almost incredible in extortion. The governor-general of Cuba is given a salary of $50,000 a year, besides a palace in Habana and a country house, servants, coaches, and a fund for secret expenses. The director-general receives a salary of $18,500 per annum. The archbishop of Santiago and the bishop of Habana get $18,000 each. The commander-general of the naval station has $16,393 a year. The general who is second in command upon the island and the president of the "Audiencia" receive $15,000 each; the governor of Habana and the secretary of the general government, $8,000. The major-general gets $7,500; brigadier-general, $4,500; the captains of the largest men-of-war receive $6,300; the captains of frigates, $4,560; the government clerks of the first class obtain $5,000 each, and those of the second class $4,000 each. All of these public functionaries receive, in addition to their salaries, free lodgings and domestic service paid by the state.

Under these officials is a multitude of minor employes, all munificently provided for. Employment by the Spanish Government in Cuba is far more lucrative than to be an officeholder under the United States Government at this capital. The minister of the colonies, who resides in Madrid, receives a salary of $96,800 a year, which is taken from the treasury of Cuba. Not only are these enormous salaries paid to the Spanish officials in Cuba, but the Cuban treasury has been plundered by the Spanish ministers time and time again. As recent as 1892 Minister Romero Robelodo took a million dollars belonging to the Cuban treasury from the vaults of the Bank of Spain and lent it to the Transatlantic Company, of which he was a stockholder. When threatened with prosecution, he replied that if prosecuted, all of his predecessors from every political party would have to sit beside him in the prisoner's dock. In 1890 it came to light, through a debate in the Cortes, that $6,500,000 had been abstracted from the Caja de Depositos, although the safe was locked with three keys, each of which was in possession of a different high Spanish official. It was learned at the same time, that through false vouchers for transportation and fictitious bills for provisions alleged to have been furnished during the ten years' war in Cuba, the Cuban treasury had been robbed of $22,811,000. Not one of these Spanish officials implicated in these robberies of the Cuban treasury has ever been punished.

The administration of law in Cuba is a terrible injustice. The lives and property of Cubans receive no protection from the Spanish Government even in times of peace. Personal safety is a delusion. While it is said that executions for political offenses up to the opening of the present rebellion had not taken place since 1878, yet it is well known that the Spanish Government has resorted to a simpler method of removing political offenders—by assassination. The attorneys-general and the presiding judges receive their instructions from the governor-general's office. Imprisonment without warrant and for an indefinite time is common.

No people yearning for liberty have had better cause than the Cubans of to-day. They have a hundred times more provocation than had the English colonies of America in 1775. The revolution has attained a measure of success that deserves to at least be recognized as belligerence. [Applause.] In two years the Cuban insurgents have overrun and continue to hold a greater portion of the island, while the Spanish control no considerable section of the island outside of the seaports and a few strongly fortified towns in the interior. The recognition of the Cubans as belligerents would be in strict conformity with the policy of our Government. James Monroe acted upon a principle propounded by himself when he declared that—

> As soon as the movement assumes such a steady and consistent form as to make the success of the province probable, the rights to which they were entitled by the law of nations as equal parties in a civil war have been extended to them.

Again, in a dispatch dated September 20, 1836, and addressed by Mr. Forsyth, Secretary of State, to the Mexican plenipotentiary in Washington, the habitual attitude of our Government toward Spanish-American revolutionists is thus defined:

> It is a well-known fact that the vessels of the South American provinces were admitted into the ports of the United States under their own or any other flags from the commencement of the revolution; and it is equally true that throughout the various civil contests that have taken place at different periods among the states which sprang from revolution the vessels of each of the contending parties have been alike permitted to enter the ports of this country. It has never been held necessary, as a preliminary to the extension of the rights of hospitality to either, that the chances of the war should be balanced and the probability of eventual success entertained. For this purpose it has been deemed sufficient that the party has declared its independence and was at the time actually maintaining it.

Another application of this principle was made in the case of Texas. The Texans declared their independence from Mexico on March 2, 1836. This was signed by but sixty men, of whom only two were of Mexican nationality. Nevertheless, just six months afterwards the United States recognized the belligerent rights of the Texans by proclaiming the neutrality of the United States in the contest between them and Mexico.

Why, in view of well-established precedents, should this Government longer hesitate to recognize the belligerency of Cuba? It can not be longer said that war does not exist on the island, because we admit the existence of war when our southern coast is patrolled by United States cruisers to stop the infraction of the neutrality laws. Until we recognize the existence of a state of war in Cuba we can not be neutral. Diplomats and American statesmen who are inspired in their opposition to recognition by the wines and cigars consumed while their legs cross under the mahogany of the Spanish minister can no longer make the people believe that Spain

is merely engaged in the pastime of chasing down "a few marauding bands of Cuban bandits." We must not forget that Spain has shipped to Cuba since March, 1895, a dozen great expeditions, aggregating nearly 150,000 troops, officered by over 10,000 skilled soldiers; also 170,000 magazine rifles, hundreds of pieces of field artillery, and over 75,000,000 cartridges. Besides, Weyler has under arms a "volunteer" corps, mostly Spaniards, of 50,000 residents of Cuba. The battle of Gettysburg presented no better evidence of the existence of war in our own fair land than does the presence of Weyler and his 200,000 soldiers in Cuba. War does exist in Cuba—terrible, cruel, relentless, bloody war—a war of oppression on the side of Spain against as brave and patriotic a people as ever wielded a sword in behalf of justice and human liberty.

Our commercial interests, the interests of humanity, the well-defined principles of the Monroe doctrine, and the patriotic desire that is found in the heart of every American citizen to see the dominion of Spain cease to exist on the Western Continent and the isles adjacent thereto demand that the great power of our Government be extended to the Cuban heroes who are struggling to establish upon their fair island home a government founded, like our own, upon principles of universal liberty. [Applause.]

In 1823 John Quincy Adams, then Secretary of State, in instructions to our minister at Madrid, said:

> Those islands, from their local position, are natural appendages of the North American continent, and one of them (Cuba), which is almost in sight of our shores, from a multitude of considerations, has become an object of trenscendent importance to the commercial and political interests of our Union. Its commanding position with reference to the Gulf of Mexico and the West Indian seas; the character of its population; its situation midway between our southern coasts and the Island of Santo Domingo; its safe and capacious harbor of the Habana, fronting a long line of our shores destitute of the same advantages; the nature of its productions and of its wants, furnishing the supplies and needing the returns of a commerce immensely profitable and mutually beneficial—all these things give it an importance in the sum of our national interests with which that of no other foreign territory can be compared, and little inferior to that which binds the different members of the Union together. Such, indeed, are between the interests of that island and of this country—the geographical, commercial, moral, and political relations—gathering in the process of time and even now verging to maturity, that, in looking forward to the probable course of events for the short period of half a century, it is scarcely possible to resist the conviction that the annexation of Cuba to our Republic will be indispensable to the continuance and integrity of the Union itself.

If for no other reason, humanity demands that blood should cease to flow in Cuba. The world knows well the character of the Spanish people; educated from infancy to the horrors and cruelties of the bull ring, they are a people of blood and treachery. In all the annals of history since the dawn of civilization, no nation laying any claim to enlightenment and Christianity has equaled Spain in its terrible and infamous record of brutality, rapine, and bloodshed. Its original possessions in the Western Hemisphere were obtained by conquest and lost by revolution. It was in Spain during the fifteenth century that the Tribunal of the Inquisition appointed by the Spanish Government commenced its terrible career under which tens of thousands of Christian men and women were condemned to the torture of the rack and the flames. It was under Spain in the sixteenth century that Pizarro, the conqueror of Peru, seized the Inca Atahualpa and treacherously put him to death, and whose career of blood and crime in Peru only ended with his own violent death. It was under Spain that the infamous Duke of Alva, prime minister and general of the Spanish army under Charles V, gained the victory of Muhlberg over John Frederick, elector of Saxony, in 1547, and had the elector condemned to death, which was only averted by the commutation of the sentence by the Emperor. When the Netherlands revolted against the tyrannies of Spain, it was this same Alva who was sent there with unlimited power, and who established the Bloody Council, over which he at first presided. This tribunal condemned all without distinction whose opinion appeared dubious or whose wealth excited jealousy. The present and the absent, the living and the dead, were subjected alike, and their property confiscated. Alva put to death on the scaffold the Counts of Egmont and Horn, and when he left Holland he boasted that he had executed 18,000 men besides those killed in battle.

Spain stands before the world to-day a nation of assassination, and the victims of her crimes in Europe, on the South American continent, and in the isles of the sea are as countless as the sands of the ocean. [Applause.] Spain is by instinct and by education a nation of bloodshed and brutality, where children are educated in the use of the dagger and stiletto before they learn their alphabets, and their Sabbath diversions are the orgies and cruelties of the bull ring.

Since the landing of Columbus in 1492, the Spanish nation has constantly and devilishly pursued a reign of rapine, ruin, and murder against the original inhabitants of this continent and the honest immigrants that sought these shores.

Four hundred years of robbery, torture, and assassination has been the rule of this cruel and unrelenting harlot of monarchy. Haiti, Santo Domingo, Mexico, Brazil, Chile, Peru, Florida, and calamitous Cuba have been despoiled of more than 30,000,000 of human beings, through the prison, the lash, the torch, the bloodhound, the sword, the matchlock, and the cannon of these pirates of the seas and bloodthirsty bullfighters of the land. The great and good Las Casas shows that more than 12,000,000 of Indians and negroes were destroyed in the space of thirty years by the ravenous freebooters from Spain in her early conquests on this continent, and this good priest appealed to Ferdinand and Isabella to put an end to the human slaughter, but without avail. From Cortez, Pizarro, Balboa, and Velasquez, down to the red-handed assassin, Weyler, a terrible track of smoldering ruins and murdered millions has been left in the wake of these Spanish fanatics and incarnate fiends.

Cortez and his warriors tore down and ruined the Aztec Empire, invading and destroying the blooming fields and dazzling halls of the Montezumas, and through treachery, greed, and murder roasted the Aztec king on a bed of live coals while plundering the palace of his ancestors. Pizarro and his religious renegades roasted and robbed the peaceful inhabitants of the Peruvian Empire, leaving a pillar of fire by night and a cloud by day to signalize the march of his conquering columns.

Velasquez desolated the fertile islands of the West Indies and Cuba, while other Spanish marauders and adventurers, in the name of God and Spain, killed and robbed the happy inhabitants of Florida and Louisiana.

With the crucifix in one hand and the sword of a tyrant in the other, the minions of this bastard monarchy nearly exterminated the original inhabitants of Central and South America, and all for sparkling silver and glittering gold to decorate and enlarge the churches, convents, monasteries, mansions, and palaces of Barcelona, Saville, Genoa, and Madrid. Here was truly "a crown of thorns and a cross of gold," the tortured getting the thorns and the tyrants getting the gold.

At home and abroad, throughout the world wherever the dominion of Spain has held sway, her record has been written in cruelty and blood.

The Spanish soldiery at home and abroad have never hesitated to snatch the sucking babe from its mother's breast, dash its brains out, and then outrage the shrieking mother; set fire to the wigwam of the Indian or the palace of the prince; imprison, starve, and garrote those who righteously struggle for liberty and will not bow in abject submission to the Spanish yoke. But the day of the Spanish dynasty is nearly over and she hastens to that setting sun that shall be for her eternal. [Applause.] She belongs to the bull-fighting, licentious race of the thirteenth and fourteenth centuries, and in the category of civilized nations of the nineteenth century there is no place for her. Her pride and poverty go hand in hand, and while putting on the airs of a Roderick and the prancing antics of a Bucephalus, she is only a poor imitation of Don Quixote and Rosinante.

Before the dawn of the twentieth century upon a progressive and enlightened world the power of Spain shall surely disappear from the American continent [applause], and in a short time she will be blotted from the map of Europe, torn to pieces by internal conflict, corruption, and conspiracy. The crimes she has committed for a thousand years cry to heaven for vengeance, and some modern Cæsar, Sulla, or Napoleon shall yet batter down her gates, towers, and battlements, and there shall cease to exist the most tyrannical, cruel, corrupt, and licentious monarchy that has ever disgraced the earth.

The foul treachery by which Antonio Maceo, that soldier of genius, the Sheridan of Cuba, was lured to his death is but in keeping with the Spanish idea of honorable warfare. Sweet to Spanish chivalry was the news of Maceo's assassination. The streets of Madrid, the Spanish capital, were aflame with bonfires glorifying the event. The treachery of Spain was sounded with praise; the Spanish minister to the United States congratulated his colleagues of the diplomatic corps over the death of this Cuban patriot. Weyler, the Spanish butcher, who has never fought a battle in honorable warfare, rides as a conqueror, a hero, through the streets of Habana, while men cheer, maidens sing songs of praise, and white-robed children scatter flowers to be crushed under his horse's feet.

Maceo is dead; slain as was Inca of Peru four centuries before; slain as was the gallant Colonel Crittenden and his fifty Kentuckians in 1851. Falling as a martyr to the cause of liberty, his blood, like the blood of other martyrs, will be the seed of the revolution; and the thousands that will rise to take his place, filled with a patriotism that can not be conquered by Spanish armies or overcome by Spanish treachery, will struggle on, guided by the hand of a just God, until the flag of free Cuba floats over the palace now occupied by the Captain-General of the island.

It is the right and duty of the American Congress to recognize the independence of Cuba, and the President of the United States must and will execute the law when it is constitutionally enacted. If he does not, there is a constitutional remedy ready at all times to meet just such cases. Cuba must and shall be free. The beautiful queen of the Antilles will soon rise from her crimson

couch, and, like Aurora, tripping o'er the mountain tops of morn, she shall walk the vales and hills of Pinar del Rio, and blossom into beauty as a new State in the Western Hemisphere, dedicated forever to liberty, and as she lifts her eyes to the north, may she ever behold the Star Spangled Banner waving her a warm welcome as the youngest child in the galaxy of American Republics. [Loud applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARDY. I ask unanimous consent for ten minutes more.

Mr. LIVINGSTON. Mr. Chairman——

The CHAIRMAN. The gentleman from Georgia——

Mr. WILLIAM A. STONE. If I can be recognized, I will yield my time to the gentleman from Indiana [Mr. HARDY].

Mr. TALBERT. I move that the gentleman from Indiana [Mr. HARDY] be allowed to make a few more remarks before he says anything. [Laughter.]

Mr. LIVINGSTON. I object.

The CHAIRMAN. The gentleman from Georgia is entitled to the floor.

Mr. HARDY. I ask the gentleman from Georgia [Mr. LIVINGSTON] to allow me ten minutes. If for no other reason——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARDY. I have asked unanimous consent for an extension.

Mr. TALBERT. I insist on my request that the gentleman be allowed to continue his remarks.

Mr. WILLIAM A. STONE. I ask unanimous consent that the gentleman be allowed to continue for five minutes.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WILLIAM A. STONE] asks unanimous consent that the gentleman from Indiana [Mr. HARDY] be allowed to continue for five minutes. Is there objection?

Mr. HOWE. Mr. Chairman, this talk is irrelevant and out of order. We are here to consider the Agricultural appropriation bill. I object.

The CHAIRMAN. Objection is made.

Mr. HARDY. Then I give notice that no bill shall go through this House by unanimous consent during this session. [Laughter.]

Mr. LIVINGSTON. Mr. Chairman, I want to bring to the attention of the gentleman in charge of this bill, for information, the language of the bill, beginning in line 18, on page 2:

Messengers, laborers, mechanics, four day watchmen, and charwomen, $19,000.

I understand, Mr. Chairman, that it is the fixed policy of Congress to make these appropriations specific. I find here, in the latter part of this paragraph which has just been concluded, the language which I have read. Now, Mr. Chairman, this appropriation of $19,000 for laborers and messengers is for the Secretary's office. The number of messengers or the number of laborers should be specified. It is a large sum of money to give to the Secretary's office indiscriminately and in bulk in this way, and I ask the gentleman in charge of the bill why it is appropriated in this form, when it has been so long the fixed policy of Congress to make specific appropriations? How many laborers does the Secretary want? How many messengers and how many charwomen does he want?

Mr. WADSWORTH. That sum represents the amount necessary to take care of the building.

Mr. LIVINGSTON. I want to ask the gentleman if he knows that to be true?

Mr. WADSWORTH. It is to include cleaning and the laborers around the building. The item of $20,000 was reduced to $19,000.

Mr. LIVINGSTON. I direct the gentleman's attention to the other paragraphs of the bill, which also contain appropriations for laborers and messengers.

Mr. WADSWORTH. Some of them are on the statutory rolls and some of them are not. This lump sum is used to cover emergencies.

Mr. LIVINGSTON. Do you not know, as chairman of the committee, how many laborers and messengers are necessary for the Secretary's office?

Mr. WADSWORTH. Not exactly; no.

Mr. LIVINGSTON. Does not the Secretary know?

Mr. WADSWORTH. I suppose he does. Sometimes he requires more and sometimes less, according to the exigencies of the occasion.

Mr. LIVINGSTON. Well, I want to say to the members of the committee that this is bad policy, to be appropriating money in bulk for messengers and laborers without knowing the number or the necessity for one or three or four or five.

Mr. WADSWORTH. I will say to the gentleman that this item is in exactly the same language as last year, and the year before that, and the year preceding that.

Mr. LIVINGSTON. I understand, but we might just as well improve as we grow older.

Mr. WADSWORTH. Well, that is for the House to say. The committee felt that that appropriation was not excessive. We have reduced it $1,000 from last year.

Mr. LIVINGSTON. Well, if the chairman of the committee thinks $19,000 is not excessive, I have nothing more to say.

Mr. HULL. I would like to suggest to my friend from Georgia another proposition, that after the 4th of March next we will have a Secretary of Agriculture whom my friend and others will have confidence in.

Mr. LIVINGSTON. Do you mean to say that this appropriation is intended for that purpose?

Mr. WADSWORTH. This is the opinion of the Secretary.

Mr. LIVINGSTON. There is no more necessity for it than before. You make mention of every kind of employee that you have now. I want to say that just such appropriations as this create a great many of the scandals that affect the offices in this Government. And here is the harm of it. A barber, or a carriage driver, or anybody can be brought in under this appropriation and can be put down as laborers and messengers and paid out of this $19,000. It is not the best way of appropriating this money, and I do not think it ought to be done.

The Clerk read as follows:

Division of Accounts and Disbursements: Chief of division and disbursing clerk, $2,500; one assistant chief of division, $2,000; one cashier, $1,800; two clerks class 3, $3,200; four clerks class 2, $5,600; one clerk class 1, $1,200; in all, $16,300.

Mr. DOCKERY. I reserve the point of order on that paragraph.

Mr. HARDY. I move to strike out the last word.

The CHAIRMAN. The gentleman from Indiana.

[Mr. HARDY addressed the committee. His remarks appear in another part of to-day's RECORD.]

The Clerk read as follows:

Division of Publications: Chief of division, $2,500; assistant chief of division, $1,800; one editorial clerk, $1,600; one proof reader and indexer, $1,400; two clerks (one of whom shall be a stenographer), $2,000; in all, $9,300.

Document section: One superintendent, $1,800; one clerk, $1,000; one chief folder, $1,000; one folder, $840; five folders, at $600 each, $3,000; four copyists, at $840 each, $3,360; in all, $11,000.

Mr. WADSWORTH. I offer the following substitute for the section:

The Clerk read as follows:

Strike out all between lines 5 and 18, inclusive, and substitute as follows:

"Division of Publications: Chief of division, $2,500; assistant chief of division, $1,800; one editorial clerk, $1,600; one proof reader and indexer, $1,400; two clerks (one of whom shall be a stenographer), $2,000.

"Document section: One assistant in charge, $1,800; one foreman, $1,400; one clerk, $1,000; one chief folder, $1,000; one folder, $840; four folders, at $600 each, $2,400; three copyists, at $840 each, $2,520; in all, $20,260."

Mr. BAILEY. I desire to reserve the point of order on that.

Mr. WADSWORTH. This is the same thing as before, and makes a saving of $40 in salary.

Mr. DOCKERY. I desire to ask the chairman of the committee why the requirement in this bill that does not appear in the current law that one of the clerks provided at $1,000 is required to be a stenographer? It seems to be new language and not in the current law.

Mr. WADSWORTH. That was put in at the request of the superintendent of that division. He said a clerk who could write shorthand would be useful. That calls for no increase of expense.

Mr. BAILEY. Mr. Chairman, I reserved the point of order merely to inquire if the amendment changed existing law.

Mr. WADSWORTH. None at all; and it is actually a saving of something in salaries. It is simply a recasting of the salaries; that is all.

The amendment was agreed to.

The Clerk read as follows:

Division of Statistics: One Statistician, who shall be chief of division, $3,000; one assistant statistician, $2,200; one clerk class 4, $1,800; three clerks class 3, $4,800; five clerks class 2, $7,000; five clerks class 1, $6,000; seven clerks at $1,000 each, $7,000; four clerks at $840 each, $3,360; in all, $35,160.

Mr. STEELE. Mr. Chairman, I desire to offer an amendment, to come in after the word "sixty," in line 2, page 4.

The Clerk read as follows:

Amend by inserting, after the word "sixty," in line 2, the word "one," and after the word "dollars," "eighty-seven cents: *Provided*, That the additional sum provided for by this amendment shall be immediately available, to enable the Department to supply the information asked for the use of the Committee on Ways and Means, House of Representatives."

Mr. WADSWORTH. I raise the point of order against that, Mr. Chairman.

Mr. STEELE. What is the point?

Mr. WADSWORTH. That is an increase of expenditures and changes existing law.

Mr. STEELE. It does not change existing law. I desire to call attention to the necessity for this small increase.

The CHAIRMAN. Does the gentleman reserve the point of order?

Mr. WADSWORTH. I reserve the point of order.
Mr. STEELE. I will have a letter read.
The Clerk read as follows:

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 21, 1897.

DEAR SIR: Will you please inform me how many bushels of castor beans have been raised in this country each fiscal year from 1876 to 1896, inclusive, and such other information as you can give me relative to the possibility of producing enough of these beans to supply the demands of the United States?
I am, yours, very respectfully,
GEO. W. STEELE.

Mr. HENRY A. ROBINSON,
Statistician, Department of Agriculture, Washington, D. C.

Mr. STEELE. The reply of the Statistician is embraced in the letter which I subsequently addressed to the Secretary of Agriculture, which I now ask to have read.
The letter was read, as follows:

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 25, 1897.

DEAR SIR: On the 21st instant I wrote to the Statistician of your Department as follows (quoting letter to Mr. Robinson, as above).
This morning I received from the Statistician a letter stating that "the clerical force and appropriation for this office are not sufficient to warrant me in making investigations in regard to any but the principal farm crops."
As a member of the Ways and Means Committee the information as indicated above is considered desirable, and it is hoped that the Secretary may be able to overcome the difficulties which seem to beset the Statistician in his Department.
I am, yours, very respectfully,
GEO. W. STEELE.

Hon. J. STERLING MORTON,
Secretary of Agriculture, Washington, D. C.

Mr. STEELE. I ask now to have read the letter which I received from the Secretary in reply.
The letter was read, as follows:

Subject: Investigations in regard to production of castor beans.

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., January 26, 1897.

SIR: In response to your letter of the 25th instant, in regard to making investigations in regard to the production of castor beans in the United States, I have to inform you that I have referred the matter to the Statistician of this Department, who states that he is very anxious to make an investigation bringing out the information desired by you, and also investigations relative to sugar, poultry, dairy products, fruits, hops, hemp, alfalfa, the canning industry, truck farming, and intensive farming; but as the clerical force of the Statistical Division of this Department are now taxed to their utmost capacity, it is impossible to undertake any of the above-mentioned investigations.
Respectfully,
J. STERLING MORTON,
Secretary.

Hon. GEORGE W. STEELE,
House of Representatives, Washington, D. C.

Mr. McMILLIN. What appropriation does the gentleman require?
Mr. STEELE. I think the amount will be about $1.87.
Mr. McMILLIN. Only $1.87?
Mr. STEELE. That is all.
Mr. McMILLIN. Then I would suggest to the gentleman, as he seems to think that the necessary expenditure will not be exorbitant, that the appropriations in this bill take effect only at the beginning of the next fiscal year, and as the Ways and Means Committee are now at work with such vigor upon a tariff bill to be considered by a future Congress——
Mr. STEELE. Mr. Chairman, I have not yielded to the gentleman for a speech.
Mr. McMILLIN. Very well, Mr. Chairman; I will not ask the gentleman to yield, but will make my speech when he gets through.
Mr. STEELE. I would state to the gentleman from Tennessee that I ask to have this appropriation made immediately available. [Laughter.] Now, Mr. Chairman, I had intended to say something severe about the action of the Secretary of Agriculture in refusing the Committee on Ways and Means this information, which it would take so little time or trouble to supply, and I might do so but for the castigation administered to him by the gentleman from Missouri [Mr. DE ARMOND] yesterday, although I must add that that castigation was administered for some of the public acts of the Secretary which most commend him to me. [Laughter.]
In the matter in question it would have taken the Secretary no longer to have supplied this important piece of information in relation to the production of castor beans than it took him to write this letter. It is a matter of importance, because if castor beans are not being produced in sufficient quantity for American consumption, the committee ought to be informed of it, so as not to impose an unnecessary duty upon the imported article; and the Secretary need not have taken more time to give the desired information than he consumed in giving us the information that he desires to make investigations as to sugar and poultry and intensive farming. For that reason I think the Secretary is open to criticism, and that is why I offer this amendment providing that he shall have as much money as I think will be really necessary to pay the expense of the work which he says he has not money to pay for.
Mr. McMILLIN. Mr. Chairman, I was seeking to get information concerning this question when my kind friend from Indiana [Mr. STEELE] suggested that he would not yield to me, and therefore I am compelled now to take a little of the time of the House, which I do reluctantly. I was proceeding to say when the gentleman cut me off that without some provision to make this appropriation immediately available the Committee on Ways and Means could not get the benefit of it until long after the tariff bill will have been framed; that, is if the majority of the committee proceed with that work with the industry and dexterity which they have manifested heretofore and which they seem inclined to continue.
Mr. STEELE. The gentleman overlooks the fact that I propose to make this appropriation immediately available. Besides, if necessary, I will advance the money to the Department myself. [Laughter.]
Mr. McMILLIN. I have not yielded to the gentleman from Indiana, but I will be more courteous than he was and will yield to him, if he desires. [Laughter.]
Mr. STEELE. And I will apologize for not having yielded to the gentleman from Tennessee. [Laughter.]
Mr. McMILLIN. I want to call the attention of the gentleman from Indiana to the fact that he and I were called upon to forego our Christmas turkey at home and stay here through the recess and make these investigations ourselves. Therefore instead of castigating the Secretary of Agriculture for not doing what the gentleman himself and I have failed to do, he might just as well have summoned somebody from the uttermost parts of the earth to testify in relation to castor beans, as has been done by the committee in so many other matters, and I think that even now if he will lay the matter before the chairman of the committee the chairman will have a hearing upon that subject and the gentleman from Indiana can have castor beans ad libitum and possibly ad nauseam. [Laughter.]
Mr. STEELE. Mr. Chairman, I fear the gentleman from Tennessee has taken the advantage of me, as I understand that he has been having his Christmas holidays since Christmas. [Laughter.]
Mr. McMILLIN. I had supposed from the very elegant—I will not mention the reason—but I had supposed that the gentleman from Indiana had been having his Christmas for some time past.
Mr. STEELE. The gentleman is right in that respect.
Mr. WADSWORTH. Mr. Chairman, I renew the point of order.
The CHAIRMAN. The Chair sustains the point of order.
The Clerk read as follows:

Division of Statistics: One statistician, who shall be chief of division, $3,000; one assistant statistician, $2,200; one clerk class 4, $1,800; three clerks class 3, $4,800; five clerks class 2, $7,000; five clerks class 1, $6,000; seven clerks at $1,000 each, $7,000; four clerks at $840 each, $3,360; in all, $35,160.

Mr. DOCKERY. Mr. Chairman, I make a point of order against that paragraph. This provision, from line 18 to line 25, inclusive, appears for the first time in the bill. I am advised, however, by the chairman in charge of the bill that these employees were on the force last year in the office of the Secretary, and that this is simply a rearrangement of the force and not an increase.
Mr. WADSWORTH. That is the fact.
Mr. DOCKERY. I withdraw the point of order.
Mr. TALBERT. Mr. Chairman, I desire to call the attention of the gentleman in charge of the bill to the fact that there is another head of "Experimental gardens and grounds" on page 12, and I suggest that the appropriations under this head ought to be concentrated under one heading.
Mr. WADSWORTH. I will say to the gentleman that the appropriation on page 12 is the lump sum, while the other is the salary list only.
The Clerk read as follows:

Library: One librarian, $1,800; one assistant librarian, $1,400; one cataloguer, $1,200; one cataloguer, $1,000; one clerk, $840; one messenger, $720; in all, $6,960.

Mr. DOCKERY. Mr. Chairman, I will reserve the point of order on that paragraph until I get some information in regard to it from the gentleman in charge of the bill.
Mr. WADSWORTH. Mr. Chairman, it is now very near 5 o'clock, and I move that the committee rise.
The motion was agreed to.
The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, from the Committee of the Whole, reported that they had had under consideration the bill H. R. 9961 (the Agricultural appropriation bill), and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:
A bill (S. 2308) providing for the purchase by the Government of the quarantine station at Portland, Me.;
A bill (S. 3603) to extend the time for the completion of the

St. Paul, Minneapolis and Manitoba Railway Company through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian reservations, in the State of Minnesota;

A bill (S. 3320) to provide a life-saving station at or near Point Arena, Mendocina County, in the State of California;

A bill (S. 3524) to remove doubts concerning the jurisdiction of district judges; and

A bill (S. 3613) granting a pension to Mary Macauley, widow of the late Brig. Gen. Daniel Macauley, United States Volunteers.

The message also announced that the Senate had passed with amendments a bill (H. R. 1256) for the relief of Henry A. Webb in which the concurrence of the House was requested.

The message also announced that the Senate had passed without amendment bills and a joint resolution of the following titles:

A bill (H. R. 9593) for the relief of W. H. Wade, late captain and acting regimental quartermaster Thirty-first Ohio Volunteers;

A bill (H. R. 939) for the relief of Cogswell & Co.:

A bill (H. R. 7781) to grant an American register for the barge *Black Diamond;*

A bill (H. R. 8298) relating to mortgages in the Indian Territory;

A bill (H. R. 9710) to authorize officers who served during the war of the rebellion in the Regular Army to bear the title and, on occasions of ceremony, wear the uniform of their highest rank;

A bill (H. R. 130) to carry out the findings of the Court of Claims in the case of Augustus P. Burditt;

A bill (H. R. 3500) to authorize the adjustment and settlement of accounts of John Y. Williams; and

Joint resolution (H. Res. 215) extending time for compliance by Eckington and Soldiers' Home Railway Company and the Belt Railway Company with provisions of section 1 of an act entitled an act to extend the routes of said railway companies, etc., approved June 10, 1896.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That there be printed 2,000 additional copies of the Annual Report of the Treasurer of the United States for the fiscal year ended June 30, 1896, for the use of the Treasury Department.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred as follows:

A bill (S. 2469) authorizing and directing the Secretary of the Interior to quitclaim and release unto Francis Hall and Juriah Hall and their heirs and assigns all the right, title, and interest of the United States in and to the east 20 feet front by the full depth of 100 feet of lot 2, in square 493, in the city of Washington, D. C., as laid down on the original plan or plat of said city—to the Committee on the District of Columbia.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. RINAKER, for to-night, on account of sickness.

To Mr. RUSSELL of Connecticut, for one day.

To Mr. VAN HORN, for to-night's session, on account of sickness.

To Mr. WILSON of New York, for three days, on account of sickness.

To Mr. HAINER of Nebraska, for the balance of the day.

To Mr. WATSON of Ohio, for to-night, on account of important business.

To Mr. TAFT, for the evening session, on account of important business.

To Mr. BROMWELL, for the evening session, on account of important business.

To Mr. FLETCHER, for one day, on account of illness.

To Mr. WHITE, for ten days, on account of important business.

To Mr. NOONAN, for one day, on account of sickness.

To Mr. TAYLER, for this evening, on account of public business.

To Mr. BARTHOLDT, for three days, on account of important business.

The House then, on motion of Mr. PAYNE, by unanimous consent (at 4 o'clock and 58 minutes), took a recess until 8 p. m.; the Speaker having designated Mr. LACEY to act as Speaker at the evening session.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., and was called to order by Mr. LACEY as Speaker pro tempore.

ORDER OF BUSINESS.

The SPEAKER pro tempore. The Clerk will read the rule under which the House meets this evening.

The Clerk read as follows:

The House shall, on each Friday at 5 o'clock p. m., take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. THOMAS. I move that the House resolve itself into Committee of the Whole to consider business on the Private Calendar in accordance with the rule just read.

Mr. MEREDITH. If the gentleman will kindly withhold that motion for a moment, I should like to ask unanimous consent to take up a bill to which I think there will be no objection.

Mr. THOMAS. I shall be willing to do that after the Committee of the Whole rises.

Mr. MEREDITH. The bill which I desire to bring up is a Senate bill which has been favorably reported upon in the House.

Mr. THOMAS. There is a great pressure to bring up bills by unanimous consent. I hope the gentleman will not urge this request at present, though I should very much like to accommodate him.

Mr. MEREDITH. I am obliged to my friend; and understanding his situation with respect to these matters, I withdraw my request for the present.

The question being taken on the motion of Mr. THOMAS, it was agreed to.

The House accordingly resolved itself into Committee of the Whole House (Mr. WELLINGTON in the chair).

The CHAIRMAN. The Clerk will read the first bill in order.

SILAS M. STEVENS.

Mr. DOCKERY. I desire to ask unanimous consent for the present consideration of a Senate bill; but I do not wish to have the request put until I have made a statement. The bill which I desire to bring up was introduced by Senator GALLINGER, of New Hampshire, chairman of the Senate Committee on Pensions. It is a bill in which he has a very great interest; and he earnestly desires its passage. He has extended courtesies to perhaps every member on this floor; and I hope that, in view of the fact that this bill comes from the Senate Committee on Pensions with this request from its chairman, there will be no objection to its present consideration.

The CHAIRMAN. The gentleman from Missouri [Mr. DOCKERY] asks unanimous consent for the present consideration of the bill which the Clerk will read.

The bill (S. 2931) granting an increase of pension to Silas M. Stevens was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Silas M. Stevens, late of the U. S. S. *Lackawanna*, and grant him a pension at the rate of $50 per month, in lieu of that he is now receiving.

Mr. ERDMAN. Pending the reading of the report, I reserve the right to object.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2931) granting an increase of pension to Silas M. Stevens, having carefully considered the facts in the case, respectfully report:

The claimant enlisted in the United States Navy October 19, 1862, and was discharged October 20, 1864, serving on the U. S. S. *Lackawanna*. He was wounded very severely at the battle of Mobile Bay, and was pensioned shortly after leaving the service for shell wound of head, of right side, shoulder and thigh, rheumatism, and resulting disease of heart. His pension was gradually increased to $30 per month, and on January 22, 1894, he made application for further increase, which was rejected.

The questions involved in this case are purely medical, there being scores of affidavits on file from reputable persons showing that claimant is confined to his bed most of the time, requiring the aid and attendance of another person. On that point there is no difference of opinion.

It is proper to say that at the time the rejection was made the claim was approved for the additional disability of disease of eyes, it being shown that iritis existed as a result of the rheumatic attacks for which claimant was in part pensioned.

February 20, 1894, one of his physicians certifies:

"At present the soldier is confined to his bed all the time, and has been more than three-fourths of the time during the last year, his disability being total and permanent."

March 13, 1894, another physician says:

"During the whole of my attendance he has needed constant assistance at the bedside, and has, in my best judgment, been confined to his bed at least seven-eighths of the time. In my opinion his disability is complete and permanent. From a history of claimant's case, and my knowledge of the man, I have no hesitancy in saying that his disabilities are the result of wounds and disease contracted while in the United States service and in strict line of duty."

A test examination was made by direction of the Pension Office, and the surgeon reports:

"This applicant has been confined to his bed a long time and is extremely weak and emaciated; think he is bedridden, and can't make much effort to move. * * *

"Applicant is wholly disabled for manual labor and requires frequent and periodical personal aid."

It appears that the claimant has six or more scars, from 2 to 3 inches in length, on different parts of his head and body caused by the bursting of a shell during the battle of Mobile, as before stated, and there is no doubt in the minds of your committee that his present helplessness is the result of his pensioned disabilities.

The bill passed the Senate in its present form, and we respectfully recommend its passage by the House.

There being no objection, the committee proceeded to the consideration of the bill, and the question being put, it was ordered to be laid aside to be reported favorably to the House.

Mr. DOCKERY. In behalf of the chairman of the Senate Committee on Pensions, I thank the House for the action it has so kindly taken.

ORDER OF BUSINESS.

Mr. MAHON. I desire to make a motion; and if the Committee of the Whole should vote it down, all right. I do not wish to consume very much time in my statement of the matter. I am in a position which enables me with propriety to make this proposition because its adoption will interfere with a bill of my own which would probably be reached to-night in regular order.

We have recently been passing a great many House bills granting pensions—I think somewhere in the neighborhood of 400 have passed. Now, the Senate has been very kind to the House, in passing our bills. Senator GALLINGER, whose bill has just been passed, has been, as the gentleman from Missouri has remarked, very courteous in these matters. When our bills are sent over there, they are taken up and passed; but when the Senate bills come here, they often remain a long time on the Calendar without being considered. Now, if we do not show some disposition to reciprocate in this matter and give due consideration to Senate bills, the chances are that House bills going over to the Senate may, as the session approaches its close, remain in the committee. I am in favor of extending proper courtesy to the Senate. I move, therefore, that this evening Senate bills alone be considered.

Mr. DANIELS. I object to that. I have been in attendance here every night, waiting for the consideration of bills in which I feel an interest. I see no reason why we should give any bill a special privilege.

Mr. MAHON. I am not asking a special privilege for any particular bill. I am proposing to consider this evening a certain class of bills.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MAHON] will please state his motion.

Mr. MAHON. It is that we consider this evening, in Committee of the Whole, Senate bills in their order upon the Calendar.

Mr. DANIELS. I object.

Mr. MAHON. The Committee of the Whole can control its own business.

Mr. BLUE. Before we vote upon this motion, I should like to know something as to the number of these bills upon our Calendar. I do not know any reason why we should give preference to Senate bills over House bills unless they are superior in merit. I hope the motion of the gentleman from Pennsylvania will not be adopted. It is a well-known fact that so far as the Senate is concerned, it can readily take care of all the bills that pass here. It is a smaller body than this; and its rules and practices are such that when a bill has passed this body there is never any difficulty under the rules in disposing of it there. The fact that they have passed some bills there in their way, and sent them here, does not necessarily require of the House to show that extreme courtesy of passing over their own bills and considering only those sent over from the Senate. And, Mr. Chairman, I not only oppose the motion at at this time, but shall insist upon it, and I do it not to be captious, but on principle.

I dislike very much indeed to oppose this motion, because I want to do what my friend from Pennsylvania, who offers the motion, desires; but it seems so manifestly unreasonable and at variance with the dignity of this body, that I must oppose it, and I trust the gentleman from Pennsylvania will not compel us to use extreme measures on this motion.

If anyone here has an extremely meritorious bill for some soldier, I am perfectly willing that it shall be taken up out of its regular order and considered; but I do oppose the adoption of this motion.

Mr. ERDMAN. Mr. Chairman, by looking at the Calendar of unfinished business it will be found that the House has taken pretty good care of the Senate bills. I find fourteen Senate bills on the Calendar of unfinished business; and we passed probably an equal number through the House the last time the unfinished business was considered. I suggest, therefore, that the Senate is not suffering at the hands of the House at all.

Mr. McRAE. Mr. Chairman, I believe we have already adopted a rule upon this subject; at least if we have not adopted a rule, it is a practice that has been observed at almost every meeting during the Congress that when a House bill is reached, if there is a like Senate bill upon the Calendar, it can be substituted, and hence in that way we have taken care of nearly all of the Senate bills that come over. It seems to me that that is enough to concede. If we adopt the proposed rule, you will find that Senate bills will be coming over here steadily because they are easily gotten through the Senate under its rules, and you will have the pension business of the House blocked by the consideration of such measures.

Mr. NORTHWAY. Let me ask the gentleman if it is not true that the Senate bills sent over will go to the foot of the Calendar, and fail or die with the session? If we send bills over to the Senate they will fail too for the same reason, and hence we will get no pensions at all, while if we pass the Senate bills now which have already been adopted by that body, it would take care at least of that much of the pension business that comes into our hands.

Mr. McRAE. If a bill goes through the Senate you will generally find that there is a House bill on the same subject, and if we take up the Senate bill it will be almost equivalent to passing a House bill, because in nearly every instance these bills are introduced in both bodies at the same time, and in that way a large number of the House bills can be taken care of.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Pennsylvania.

The question was taken; and the motion was rejected.

Mr. ANDREWS. Mr. Chairman, I offer the motion that I send to the desk.

The Clerk read as follows:

Ordered, That the roll be called in the usual order and each member, when his name is called, be permitted to call up one bill that is now on the Calendar and in order under the special rules for Friday night sessions, and which was introduced by him or one of the Senators from his State.

Mr. EVANS. Mr. Chairman, I raise the question of order on that motion.

The CHAIRMAN. The gentleman will state the point of order.

Mr. EVANS. I do not think we can change the rule of the House on this subject in that way.

The CHAIRMAN. What rule of the House does it change?

Mr. EVANS. The rule of the House under which we are operating to-night, which says that the bills shall be taken up on the Calendar in their order.

The CHAIRMAN. The Chair does not think so.

Mr. EVANS. Very well; I submit to the ruling of the Chair.

Mr. ERDMAN. Mr. Chairman, under an identical rule in the Fifty-third Congress we endeavored to proceed, and those whose names came early on the roll, those that were called, got their bills considered, and those whose names were lower down on the Calendar were left.

Mr. EVANS. And I observe that the gentleman who offered the resolution will come early on the list. [Laughter.]

Mr. ANDREWS. I introduced the resolution for the purpose of giving each member an opportunity of getting his bill through the House, those who attend these Friday night meetings, and who make up the meetings, so that they may get through the business that they have attended to so faithfully.

The question was taken on the motion of Mr. ANDREWS; and on a division (demanded by Mr. ERDMAN) there were—ayes 44, noes 22.

Mr. ERDMAN. No quorum.

The CHAIRMAN. The Chair will count the committee.

The Chairman, having counted the committee, announced the presence of 101 members.

So the motion of Mr. ANDREWS was agreed to.

The CHAIRMAN. The Clerk will call the roll.

The Clerk proceeded to call the roll.

RACHEL WADDELL.

Mr. ANDERSON. Mr. Speaker, I call up the bill (H. R. 9683) granting a pension to Rachel Waddell, of Newport, Tenn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place on the pension roll the name of Rachel Waddell, daughter of John Waddell, sergeant in Capt. William Cherry's company, Fourth Virginia Regiment of Foot, commanded by Cols. Robert Lawson and Thomas Elliott, Revolutionary war, at the rate of $20 per month, subject to the provisions and limitations of the general pension law.

The Committee on Pensions recommended an amendment as follows:

In line 8 strike out "twenty" and insert in lieu thereof "twelve."

Mr. ERDMAN. Mr. Chairman, let us have the report read.

The CHAIRMAN. The report will be read in the gentleman's time.

Mr. ERDMAN. Yes; and I reserve the balance of my time. I may want to say something.

The report (by Mr. LOUDENSLAGER) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9683) granting a pension to Rachel Waddell, have considered the same and report:

The claimant is the daughter of John Waddell, deceased, who is shown by the records of the War Department to have served as a sergeant in Capt. William Cherry's company, Fourth Virginia Regiment of Foot, commanded by Maj. Isaac Beall, and also commanded at different times by Cols. Robert Lawson and Thomas Elliott, Revolutionary war.

He was appointed June 10, 1776, to serve three years, and his name appears on the rolls for the period from April, 1777, to May, 1778.

The claimant, who is 70 years old, nearly totally blind, and dependent upon the charity of her friends for care and support, was never married. Her brothers and sisters are all dead.

The claimant's relationship to the soldier and all the facts relative to her physical and financial condition are fully attested under oath by old friends of the family who have known her for many years. One of the witnesses knew the soldier himself.

The passage of the bill is respectfully recommended with an amendment striking out the word "twenty," in line 8, and substituting therefor the word "twelve," so as to fix the rating at $12 per month.

Mr. TALBERT. Mr. Chairman, there was so much confusion in the Hall that no one has heard the reading of the report; at least, I could not hear it, and I should be glad if the gentleman in charge of the bill would make some explanation.

Mr. ANDERSON. Mr. Chairman, this is the daughter of a

Revolutionary soldier. She lives in my town, and I know her well. She is a very respectable old lady, 72 or 73 years of age, and almost totally blind. She has no means of subsistence whatever. She is now being supported by the charity of the town. This is a case of exceptional merit, and I trust that the bill will pass.

Mr. ERDMAN. Mr. Chairman, in regard to the rule that has just been adopted, I desire to say that heretofore I have prepared myself and looked over the cases, thirty or forty of them, each week, which would probably be reached at the Friday night session. I have collected the reports in each of the cases, in order that I might see what was in them and what was not in them, and what merit they possess. Under the rule that has been adopted it has become practically impossible for me to do anything at all. I want to give notice, therefore, that hereafter a quorum will have to be here before going into Committee of the Whole, and that if objections are made to requests for unanimous consent they will be made for the reason that I have no opportunity to examine these bills. I will place it purely on this ground.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

GEORGE W. FERREE.

Mr. ANDREWS. Mr. Chairman, I call up the bill (H. R. 10040) granting an increase of pension to George W. Ferree.

Mr. TALBERT. Mr. Chairman, I think the committee ought to be in order and pay attention to these bills, so that there will be no necessity for a second reading.

The CHAIRMAN. The committee will be in order. Members will please take their seats and cease conversation.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Ferree, late a private in Company E, Twenty-second, and first sergeant in Company E, Fifty-ninth, Regiments of Ohio Volunteer Infantry, and pay him a pension of $30 per month.

Mr. ANDREWS. Mr. Chairman, I ask that the report be read. It is brief.

The report (by Mr. ANDREWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10040) granting an increase of pension to George W. Ferree, having considered the same, report as follows:

The soldier enlisted September 23, 1861, and was honorably discharged November 1, 1864. He is now pensioned at $12 per month "for gunshot wounds of left hand and forearm, and for vertigo, result of sunstroke."

It appears that one of his applications for increase, although finally rejected, was submitted for admission for the following reasons:

"Rheumatism, palpitation of heart, sunstroke, partial paralysis of right side, impaired hearing of right ear, impaired vision of right eye, headache (vertigo, result of sunstroke), prostration, and general debility."

Affidavits of reputable physicians and others show that the vertigo, resulting from sunstroke received while in the service and in line of duty, has developed into frequent and very severe attacks of true epilepsy; that he is totally unable to perform any manual labor, and that he frequently requires the aid of a physician, his family, and friends.

Your committee therefore urgently recommend the passage of said bill at $30 per month.

Mr. ERDMAN. Mr. Chairman, I think we ought to have something more to show why this soldier is entitled to $30 a month, an amount above that received by tens of thousands of others similarly situated. This is a very brief report, and it endeavors to conceal, instead of setting forth sufficient facts to entitle this soldier to receive a pension of this magnitude under principles of justice and equity. I think we ought to have something more than is contained in this report to justify us in giving this large pension.

Mr. ANDREWS. I have nothing to add beyond the statements in the report. The facts are fully stated in the report and sustained by the evidence.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. EVANS. Mr. Chairman, I move that we rescind the resolution that was adopted on the motion of the gentleman from Nebraska [Mr. ANDREWS] and return to the regular rule.

The CHAIRMAN. The Chair thinks that such a motion is not in order at this time.

Mr. EVANS. If it is not in order to rescind it in Committee of the Whole, how was it in order to adopt it?

The CHAIRMAN. The Chair thinks it is not in order to make this motion at this time. [Cries of "Regular order!"]

Mr. EVANS. Then, Mr. Chairman, I move that instead of proceeding as we now are doing that we call up the bills on the Calendar.

The CHAIRMAN. Will the gentleman submit his motion in writing?

Mr. COLSON. Mr. Chairman, we have adopted a rule here, and some have been benefited by its operation this evening.

Mr. MILES. Some never will be.

Mr. COLSON. Now, it is unfair for the other members of this committee to rescind this order. I ask my colleague to withdraw his motion.

Mr. EVANS. I will not do it for this reason: On two Friday evenings I have come here with a bill at the head of the Calendar in which I am interested. To-night I am compelled to leave, and can not stay until my name is called. With my bill ahead of all others on the Calendar, I shall lose the opportunity to have it considered under this rule, without any fault of mine, for I have always attended the Friday night sessions. Now I am cut off from reaching the bill which, under the regular rule, would be the first one.

Mr. COLSON. The gentleman's name comes very early in the list of members.

Mr. THOMAS. I desire to call the attention of the gentleman from Kentucky to the fact that the House very courteously allowed him to have unanimous consent a week ago to call up a bill, and I hope that he will not block legislation.

Mr. COLSON. And once this week.

Mr. EVANS. I am not blocking legislation; I am simply trying to prevent legislation from being blocked on me.

Mr. THOMAS. Mr. Chairman, the gentleman has also had unanimous consent once this week.

Mr. EVANS. I want to say that by the gentleman's courtesy this bill was laid aside, because on the call of the regular order on last Tuesday I was too sick to be here, and it is that bill I have specially attended for two Friday nights to get it acted upon first. [Cries of "Regular order!"]

Mr. McRAE. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. McRAE. The point of order, Mr. Chairman, is that the motion made by the gentleman from Kentucky is in effect a motion to reconsider a vote already passed by the committee, and that is not in order in Committee of the Whole. You can not reconsider in Committee of the Whole. [Cries of "Regular order!"]

Mr. CURTIS of New York. Allow me to make a suggestion which will bring quiet to my friend and everybody else. [Cries of "Regular order!"] That is that the gentleman from Kentucky [Mr. EVANS] may have unanimous consent to call up his bill before he goes home.

Mr. WOODARD. I second that motion.

The CHAIRMAN. The gentleman from Kentucky will submit his motion in writing to the Chair.

Mr. EVANS. All I want this committee to understand is that I was at the head of the list to-night and that I am compelled to go away. I am the last man in this committee to attempt to block legislation. I was only entering a very humble, and I thought modest, protest against having business blocked on me under the circumstances. Now, that is the whole of it.

The CHAIRMAN. Will the gentleman from Kentucky submit his motion in writing? [Cries of "Regular order!"]

Mr. PARKER. I desire to make a further point of order. [Cries of "Call the roll!"] I make a point of order.

The CHAIRMAN. The committee will be in order.

Mr. COLSON. I rise to a point of order. The gentleman from Kentucky has not submitted his motion in writing.

Mr. PARKER. I desire to make the point of order that this committee can not set aside the order of the Calendar except by unanimous consent.

Mr. CROWTHER. That point of order has been ruled upon.

The CHAIRMAN. It is in order for the gentleman to move to change the rule that the committee has adopted, and if the gentleman will put his motion in writing it will be submitted.

Mr. TALBERT. To obviate all difficulty, I ask unanimous consent that the bill of the gentleman from Kentucky [Mr. EVANS] be allowed to come up, and then we can get rid of it and let him go home.

Several MEMBERS. I object.

The CHAIRMAN. The committee will be in order.

Mr. TALBERT. I ask unanimous consent that the bill of the gentleman from Kentucky be considered, and then we will get rid of it and go on our way rejoicing.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the bill referred to by the gentleman from Kentucky be considered now.

Several MEMBERS. I object.

Mr. MILNES. As the gentleman has had recognition in the last two weeks, I object.

Mr. TALBERT. It is too late. [Laughter.] Mr. Chairman, does not the objection come too late?

The CHAIRMAN. Objection is made, and the Clerk will call the roll.

WILLIAM N. WELLS.

Mr. ATWOOD (when his name was called). Mr. Chairman, I call up for consideration the bill (H. R. 6268) to increase the pension of William N. Wells.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and regulations of the general pension laws, the name of William N. Wells, late acting master, United States Navy, at the rate of $30 per month, in lieu of the pension now paid him.

Mr. MILES. Mr. Chairman, I call——

The CHAIRMAN. The gentleman from Massachusetts.

Mr. ATWOOD. The report is very short, and I ask that it be read.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6268) granting increase of pension to William N. Wells, having considered the facts presented, respectfully report as follows:

William N. Wells was appointed acting master of the United States Navy September 19, 1861, and faithfully served as such until October 26, 1865, when honorably discharged.

He filed an application for pension April 27, 1891, under act July 14, 1862, alleging that on April 18, 1864, during the engagement between the *Miami* and the rebel ram *Albemarle*, he was injured, receiving a right inguinal hernia, a scrotal hernia, injury to testicles and right thigh, causing varicose veins and loss of muscular power; also contracted malarial poisoning in service.

His claim was admitted October 31, 1895, for "malarial poisoning," at $5 per month from April 27, 1891; at $6 from March 21, 1895, and at $10 from August 5, 1895. The claim for other disabilities was rejected on ground of insufficient proof of origin in service, after special examination.

Several witnesses testified to claimant's falling down the hatchway of the vessel during the engagement referred to and incurring alleged rupture and other severe injuries; but on cross-examination by special examiner they admitted that they could not specify the particular injuries received, as they did not examine the parts injured.

The affidavit of Dennis Harrington, an officer of the vessel *Miami*, filed with the committee, says:

"That about 3 a. m., while engaged fighting the ironclad Confederate ram *Albemarle*, April 19, 1864, near Plymouth, N. C., William N. Wells received a severe injury in right side of his body (leg, hip, loin, and arm) by being thrown and falling down across the hatch combing by the companionway stairs, slipping outward, then down upon the lower deck and hatch combing of lower deck hatchway aft. It was a fall that seriously crippled him. I, being a commissioned officer of the same ship, was near him at the time of the incurrence of the injury, having charge of the fire-hose division. Claimant was senior officer of the ship and in command, Commander Flusser having been killed."

E. F. Hilferty also files affidavit of being an eyewitness to the occurrence.

The Boston (Mass.) board of surgeons rated claimant August 5, 1895, ten-eighteenths for malarial poisoning, six-eighteenths for disease of heart, four-eighteenths for varicose veins, four-eighteenths for hernia, right side, ten-eighteenths for scrotal hernia, and two-eighteenths for varicocele, and say: "In our opinion, entitled to full pension of his rank, $20;" and the same board, in certificate of examination of September 18, 1895, say: "He is permanently incapacitated for manual labor, by reason of malarial poisoning, heart disease, right inguinal and ventral hernia, left varicocele, and varicose veins."

In view of the difficulty of accurately establishing disabilities of this character by the usual proofs, your committee believe the claimant should be given the benefit of doubt, and therefore recommend the passage of the bill.

[Cries of "Vote!" "Vote!"]

The bill was ordered to be laid aside with a favorable recommendation.

ORDER OF BUSINESS.

Mr. LOUDENSLAGER. Mr. Chairman, I offer the following motion. [Cries of "Oh, no!"]

The Clerk read as follows:

Resolved, That bills be considered in the following order: The Clerk to call the first bill on the Calendar, announce the number of it, the Calendar number, and the name of the member who introduced it; and upon his failure to respond "Present," the bill to be passed without prejudice, and the next bill be called in the same way. This not to apply to Senate bills.

[Cries of "Withdraw it!"]

Mr. LOUDENSLAGER. Mr. Chairman, I desire to say to the members of the committee——

The CHAIRMAN. The question is upon the motion of the gentleman from New Jersey.

Mr. LOUDENSLAGER. I desire to say that this is a very equitable and just disposition to make.

Mr. BARRETT. Mr. Chairman, a question of order.

Mr. MILES. I rise to a question of order. There is so much disorder that we can not hear. I desire to give notice that if there can not be order nothing shall be done.

The CHAIRMAN. The point is made, and well made, that the committee is not in order. Gentlemen will please take their seats.

Mr. LOUDENSLAGER. Mr. Chairman, I desire to say that this is an equitable way for the Committee of the Whole to proceed in the consideration of bills on the Calendar. It takes them up in their regular order, and gives to those present a chance for the consideration of their bills on the Calendar, and it does not present that unfair proposition which is presented by the call of the roll method, whereby a member well up in alphabetical order on the list, although he may have a bill only third or fourth on the Calendar, is enabled to call up a bill which is at the foot of the Calendar.

Mr. GIBSON. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. GIBSON. I insist that the motion of the gentleman from New Jersey is not in order.

Mr. PITNEY. The point comes too late, Mr. Chairman. Debate has intervened.

Mr. LOUDENSLAGER. I should be glad to be heard on the point of order.

The CHAIRMAN. The gentleman from Tennessee is too late with his point of order, and the gentleman from New Jersey will proceed with his statement.

Mr. LOUDENSLAGER. I was saying, Mr. Chairman, that the plan proposed in my resolution is much more fair and equitable than that under which we are working. The present plan gives a member whose name happens to be well up on the list the privilege of calling up a bill which may be No. 1400 or No. 1500 on the Calendar, while at the same time he may have a bill that is third or fourth on the Calendar. I insist, sir, that in the interest of the old soldier and of legislation in his behalf, the Committee of the Whole ought to adopt this rule.

Several members addressed the Chair.

The question being taken on the resolution offered by Mr. LOUDENSLAGER, the Chairman declared that the noes seemed to have it.

Mr. LOUDENSLAGER and Mr. MILES asked for a division.

Several members again addressed the Chair, amid much confusion.

Mr. MILES. Mr. Chairman, I rise to a question of personal privilege.

The CHAIRMAN. The gentleman will state it.

Mr. MILES. I have several times addressed the Chair, and, although my voice is, perhaps, as loud as that of any gentleman in this Hall, I have been unable to attract his attention.

The CHAIRMAN. The Chair will state to the gentleman that he did not see him nor hear him, but the Chair is now prepared to hear the gentleman upon his point of personal privilege.

Mr. MILES. My point was that I was entitled to be heard. [Laughter.]

The CHAIRMAN. And the gentleman from Maryland has been heard. [Laughter.]

Mr. MILES. I called for a division on the last question, and if it is not too late, I ask for a division now.

The CHAIRMAN. A division is called for.

The committee divided; and there were—ayes 28, noes 74.

Mr. MILES. I demand tellers.

Tellers were refused, and the resolution of Mr. LOUDENSLAGER was rejected.

The CHAIRMAN. The Clerk will continue the call of the roll.

MRS. LAURA A. NELSON.

Mr. AVERY (when his name was called). Mr. Chairman, I call up the bill (S. 2126) granting an increase of pension to Mrs. Laura A. Nelson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $25 per month, the name of Laura A. Nelson, widow of the late Capt. Theodore Nelson, Company E, Twenty-sixth Michigan Infantry.

Mr. MILES. Let the report be read.

The report by (Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2126) granting an increase of pension to Mrs. Laura A. Nelson, having considered the same, refer to Senate Report No. 1048 for a statement of the facts and evidence in the case, and recommend the passage of the bill after being amended as follows:

Strike out the words "of the," following the name "Nelson," in line 6, and insert in lieu thereof the words "Company E."

Mr. ERDMAN. Mr. Chairman, let me ask what is the number of that bill on the House Calendar?

The CHAIRMAN. The Chair is informed that it is No. 1503 on the House Calendar.

Mr. ERDMAN. Has this bill ever been considered by the Committee on Invalid Pensions?

The CHAIRMAN. Evidently so, as the report has just been read.

Mr. ERDMAN. The report handed to me is the Senate report, not a House report.

Mr. AVERY. The House report is here.

The CHAIRMAN. The Chair will say to the gentleman from Pennsylvania that the House report is in the hands of the Clerk.

Mr. ERDMAN. I have a word to say about this bill, Mr. Chairman. It seems that the Commissioner of Pensions and the medical authorities found that the cancer of the stomach was not the result of the nasal catarrh. It seems to me that it would require very deep medical learning to determine that fact, and yet this House proposes to set itself up in this matter and say that the cancer of the stomach was the result of the nasal catarrh, and that the nasal catarrh was the result of service in the Army, and was therefore indirectly a disability contracted in the service.

Now, Mr. Chairman, the Committee on Invalid Pensions is in the habit of overruling all the decisions of the medical bureau and of the Pension Bureau for the last fifteen or twenty years, irrespective of the political character of the administrations that may have been in control. All that is necessary is for some member to appear here and press a claim and present one or two examinations of the pension board which are favorable, and the bill is

passed. I have given some little attention to this kind of legislation, and I desire to illustrate it by a case that I investigated recently. To that end, I will ask the Clerk to read, in my time, a report made by the Committee on Invalid Pensions, and I will follow that up with the true report of the case. I ask the Clerk to commence reading where I have made a pencil mark.

The Clerk read as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8451) granting an increase of pension to Samuel McConaughey, have considered the same, and report as follows:

The soldier enlisted August 22, 1861, and was honorably discharged June 17, 1865. The soldier's captain, F. S. Whiting, says:

"He (Samuel McConaughey) was a good soldier, of good habits, and a straightforward man."

Said soldier was pensioned under the general law at $8 per month, from February 8, 1890, for "disease of eyes and slight deafness of both ears," and at $12 per month under the law of June 27, 1890, from July 26, 1890. He is now 75 years of age, totally blind, poor, and permanently helpless, requiring constant attendance.

His application for increase of pension under the general law was rejected March 26, 1896, on the alleged ground that "alleged total loss of vision is due to senility and its results."

If the soldier's conceded blindness is due to his army service, he is entitled to $72 per month.

The allowance of his claim under the general law concedes that "disease of eyes" was of service origin. The evidence on file shows that said "disease of eyes" was permanent, progressive, and resulted in total blindness.

His captain, F. S. Whiting, testifies that the soldier's eyes became affected at Helena, Ark.; that they were treated by the regimental surgeon during the months of January, February, and March, 1863; that his eyes remained weak during the balance of his service, and that on a subsequent raid he wore a handkerchief to shield his eyes.

It is shown that his eyes were sound when he entered the service.

His brother, Thomas McConaughey, who was the soldier's bunkmate, testifies that the soldier's eyes became sore in the service, that they grew worse, and that total blindness ensued.

William Scott, a neighbor both before and after the war, and who knew him well, swears he was strong, robust, healthy, and free from disability at enlistment, but that on his return, and until 1870, he was "troubled with weak and inflamed eyes and was frequently disabled from work. * * * Can not name the specific disease, except weak and inflamed eyes."

Early in the seventies the soldier removed to Nebraska. The testimony is ample that his eyes continued to fail until about four years ago, when total blindness ensued.

J. H. Hines, special examiner, who was charged with the investigation of continuance of disease of eyes, reports, after examining numerous witnesses:

"While not particularly biased (the witnesses) in any way, yet the awful affliction of claimant could not but tinge their feelings with sympathy. The testimony clearly shows continuance of disease of eyes since 1871."

Mr. ERDMAN. Now, Mr. Chairman, to show how utterly deceptive that report is, I desire to have read a correct and true report prepared from evidence in the Pension Bureau.

The Clerk read as follows:

Samuel McConnaughty, late private Company M, Fourth Iowa Volunteer Cavalry, applied for pension under general law for disease of eyes. His declaration was filed February 8, 1890. He alleged that his "eyes became sore and inflamed and grew weak; and disease has become permanent. Claims pension on disease of eyes."

Capt. F. S. Whiting, of Company M, testifies that "during the months of January, February, and March, 1863, while in camp at Helena, Ark., Private McConnaughty was treated for sore eyes by Assistant Surgeon Dr. Robinson." He further says: "I have an impression that he had weak eyes during the balance of his term of service."

His brother, Thomas H. McConnaughty, testifies that his eyes were inflamed in 1864, and thinks he was suffering some weeks with his eyes; that "he recovered," and "had no more trouble with them in the service."

Henry Shreiver, a comrade, testifies that "the lids of his eyes looked inflamed."

Samuel V. Turner, a comrade, says "his eyes looked inflamed." (See report Special Examiner N. C. Phillips.)

The evidence of Dr. F. J. Greer shows that at the time of his first acquaintance with soldier in the fall of 1866, the claimant had "sore eyes;" that they were "much inflamed"—severe conjunctivitis—and not until between 1890 and 1894 did cataract affect vision. Claimant testifies that the right eye became blind from cataract about 1888, and was operated on by Dr. Allen, oculist, Omaha, Nebr., in 1892, and that he "did not lose the sight entirely of the left eye till the fall of 1893." The first medical examination was had September 10, 1890, which showed "complete opacity of lens of right eye and almost complete opacity of lens of left eye; vision, 3-50." "Eyeballs are congested and inflamed; lids very much inflamed, with tendency to granulations; lower lids thickened." Age of claimant, 69 years. The examination of March 14, 1894, gives age of claimant 72 years, and shows "complete opacity of cornea of right eye; lens has been extracted by an operation, and vision entirely gone." "There is no vision of left eye, as the result of cataract; opacity complete. The lids, both eyes, are inflamed, granulated, and very much thickened in lower lids; eyeballs somewhat inflamed. There is total blindness both eyes. Left eye has not been operated upon."

Examination December 18, 1895, shows the same condition of each eye.

On February 28, 1896, he was examined by an expert oculist, Dr. W. L. Dayton, Lincoln, Nebr., who says that there exists "slight ectropion of lower lids, both eyes, has both canaliculi slit up, has probably had stricture of nasal duct. Palpebral conjunctiva atrophied, cicatricial. Cornea both eyes clear. In left has had a large iridectomy done in upper segment. Right iris drawn up so there remains a total occlusion of pupil. This condition resulted from inflammation following extraction of cataract. Left lens cataractous, over mature, senile, good light perception, but no shadows." "Right lens, not able to see, owing to occlusion of pupil, absolutely no vision either eye."

He was granted a pension of $8 on June 8, 1895, to date from February 8, 1890, the date of filing claim, for disease of eyes, senile cataract excluded. This included the condition of the superficial structures, the sore eyes, inflamed lids and eyeballs, of service, the chronic conjunctivitis. It is neither claimed nor shown that soldier had any disease of the deeper structures while in service nor since discharge, until about 1888, when he first noticed that his vision was becoming impaired, and which he soon learned was due to a cataract forming in the right eye, to be followed by one in the left eye. Cataract is, as a rule, a disease of old age. It is never due to any disease of the superficial structures of the eye. There is nothing whatever but advanced age to account for the cataracts in this case, and they are characteristic of senile opacity of the lens.

The rate, as allowed, was fully commensurate with the degree of disability from pensioned cause, and the disability from senile cataracts was properly excluded.

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DISEASE OF EYES.

[Fuch's (1893), page 381.]

"Opacity of the lens, called cataract, may be situated in the lens itself or in the capsule."

1. Congenital cataract is caused by "either a disturbance of development or an intrauterine inflammation of the eye."

2. Senile cataract is by far the most frequent form of cataract.

"Indeed, it occurs very frequently in old people. * * *

"It usually does not make its appearance until after the fiftieth year of life, but is exceptionally observed in the years between 40 and 50."

Senile cataract always affects both eyes, but rarely at the same time, so that generally one eye is in advance of the other in respect to the development of its cataract.

Besides the congenital and senile, two other varieties of cataract are recognized—the traumatic and acquired.

The "traumatic cataract results from injury to the lens, either by the actual contact of the foreign body or by rupture of the capsule." (Fox & Gould, Philadelphia.)

All injuries which make an opening in the lens capsule result in opacity of the lens.

The opening of the capsule usually occurs through direct injury inflicted by means of a punctured or incised wound. Contusion of the eyeball also may cause opacity of the lens. (Fuchs, page 382.)

Acquired cataract—Occurring as result of other diseases.

Diabetic—Most frequent, mainly developed when the amount of sugar in the urine is high, and matures rapidly.

Disease of deeper structures of eye, in the posterior sections, such as choroiditis (particularly iridor choroiditis chronica), myopia of high degree, retinitis pigmentosa, detached retina, glaucoma. (Fuchs.)

Not from any inflammation of the superficial structures, such as inflammation of lids or mucous membrane of ball, conjunctivitis, commonly called "sore eyes."

Mr. ERDMAN. Now, sir, from a comparison of those reports it would appear that the medical authorities at the Pension Bureau know a little more about medicine than the Invalid Pensions Committee, and that the House would be very much safer in following the judgment of the medical authorities in the Pension Bureau than that of a committee of this House or the testimony of outsiders offered before the committee indiscriminately.

I cite that as an instance of the recklessness with which we overrule the Pension Bureau on technical questions. Whether the case under consideration now is a similar case or not, I can not tell. Under the rule in accordance with which business is now progressing, I have not had an opportunity to inform myself on that point. It may be that this is a meritorious case; or it may be entirely without merit. I shall try in future to inform myself on the cases that will come up for consideration on Friday nights, if they come up at all.

The CHAIRMAN. The question is on the amendments proposed by the committee.

Mr. AVERY. Mr. Chairman, I merely desire to state to this committee that the reports which have been read in the time of the gentleman from Pennsylvania are not reports made in the case now under consideration at all. The report first read is the report upon this case. The physicians whose testimony is there cited are among the most eminent in the profession in the United States. Professor Vaughn is known everywhere where medical science is known or taught throughout the country. With this statement, and with the assurance to the House that this is a meritorious case, I ask a vote upon it.

Mr. MILES. Mr. Chairman, I have only one thing to say about this bill and the report, and it is that I do not know anything about it. I do not believe there are half a dozen members present who do know anything about it. That is the difficulty I have about this bill. I wish to say in all candor that I have been trying to-night to do the very best I could to obstruct legislation. I have done so for the first time since I have been a member of this House. I have tried to do it in the interest of the public; I have tried to do it conscientiously. I do not believe that it is our duty as members of Congress to sit here and vote in this irregular way upon legislation about which, because of the rule of proceeding which has been adopted to-night, it is simply impossible for us to know anything.

The gentleman from New Jersey [Mr. LOUDENSLAGER] offered a while ago a very sensible resolution. Under that resolution, which was analogous to the regular rule of the House giving preference to members who are present over those who are absent, it would have been possible for us who have no special bills in which we are particularly interested to understand upon what we are voting. That resolution, however, which was so much more reasonable than the one under which we are now acting, did not meet the favor of the Committee of the Whole. Gentlemen here seem to think that members who have no bills to submit have no rights here; that Representatives who have no pension legislation to ask for are not entitled even to have an opportunity to understand and vote intelligently upon the measures coming before the House.

This is all I desire to say, Mr. Chairman. I wish I were more loquacious; I wish I could talk here about nothing for an hour; I should be very glad to do so, if thereby I could obstruct legislation and prevent this Committee of the Whole from passing bills about

which I do not believe any member here knows enough to vote intelligently.

The question being taken, the amendments of the committee were agreed to.

Mr. MILES. Mr. Chairman, I desire to move the adoption of the resolution which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Maryland is not in order. The question is upon laying aside the bill as amended to be reported to the House with a favorable recommendation.

The question was decided in the affirmative.

Mr. MEREDITH. Mr. Chairman, as the House seems to have gotten into a little snarl, I should like to make an attempt to pour oil upon the troubled waters. I ask unanimous consent to take up a bill——

Several members called for the regular order.

The CHAIRMAN. The Clerk will proceed with the call of the roll.

MICHAEL LOCHARD.

Mr. BAKER of Kansas (when his name was called). I call up the bill (H. R. 7627) granting an increase of pension to Michael Lochard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be authorized and directed to place upon the pension roll, subject to the limitations and provisions of the pension laws, the name of Michael Lochard, late a private in Company H, Third Regiment Ohio Cavalry, at the rate of $12 per month, in lieu of the pension he is now receiving.

Mr. ERDMAN. Mr. Chairman, we possibly might hear the report.

The CHAIRMAN. The gentleman from Pennsylvania desires to hear the report. The Clerk will read it.

Mr. ERDMAN. And I reserve the balance of my time.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7627) granting a pension of $12 per month to Michael Lochard, late private in Company H, Third Ohio Volunteer Cavalry, having examined and considered the facts presented, respectfully report:

Michael Lochard enlisted August 20, 1861, and was honorably discharged October 3, 1864.

He filed a claim for pension April 13, 1888, alleging measles in service, resulting in disease of lungs and heart, and an injury to back. His claim was admitted January 9, 1891, at $4 per month from April 13, 1888, for disease of lungs.

The board of examining surgeons at Osborne, Kans., March 1, 1890, rated him four-eighteenths for disease of lungs and four-eighteenths for lumbago, which diseases were fairly established by proof as due to army service.

He filed claim April 13, 1892, under act of June 27, 1890, for disease of lungs, disease of heart, sciatica, and general debility. This claim was rejected March 2, 1894, on the ground of "no ratable disability shown under act of June 27, 1890."

The board of examining surgeons at Stockton, Kans., December 2, 1891, rated him four-eighteenths for disease of lungs, six-eighteenths for disease of heart, and four-eighteenths for rheumatism and lumbago.

Two other boards examined him since, and find disease of lungs, disease of heart, and rheumatism or lumbago; and the last one finds chronic bronchial catarrh, and rheumatism affecting arms, shoulders, hips, back, and legs, and chronic diarrhea, but, under instructions, give no rating, but leave the impression that this man was rated too low.

Other testimony filed clearly shows this man suffers much from the disabilities alleged, and the committee unhesitatingly recommend the passage of the bill without amendment.

Mr. ERDMAN. Mr. Chairman, of course, from the brief examination of the report that I have been able to make it is not possible to say whether there is any merit in this bill or not. The gentleman from Kansas [Mr. BAKER] who made the report says there is merit in it. I have not been able to examine it for myself. The gentleman from Kansas belongs to that element in the Invalid Pensions Committee that is very favorable to the granting of pensions to all those who ask to be pensioned. Latterly I think he has become a little more conservative, but whether this report was made in his former or later condition I do not know.

Now, in casting around for the objects of the bounty of the Government we have exhausted pretty nearly all of the fields; but I have observed that in the Senate, in a bill numbered 1978, another class or category of people is found who are to be pensioners upon the Government's bounty, if that bill can be enacted into a law. I will read this remarkable bill, and I have no doubt that we are coming to it.

Be it enacted, etc., That all persons released from involuntary servitude, commonly called slaves, in pursuance of the proclamations of ex-President Abraham Lincoln, dated, respectively, September 22, 1862, and January 1, 1863, and in pursuance of amendments to the constitutions of the several States wherein slavery or involuntary servitude formerly existed, recognized by the Federal Constitution and laws of the United States, or by any law, proclamation, decree, or device whereby persons once held as slaves or involuntary subjects in consequence of race or color, or Federal or State recognition of involuntary servitude, except for the commission of crime, whereof the party shall have been duly convicted, shall be, and hereby are, made pensioners upon the bounty of the United States, and also such persons as may be charged by laws of consanguinity with the maintenance and support of freedmen who are unable by reason of age or disease to maintain themselves.

SEC. 2. That any person who may have been held as a slave or involuntary servant under and by reason of any law of the United States, or of either of the States of the United States, or in consequence of any device or custom prevailing within such States or the United States, except for the commission of crime whereof the party shall have been duly convicted, and who shall have been released from such servitude in manner before stated, and who shall at the date of the passage of this act have reached the age of 70 years, shall be entitled to and receive the sum of $500 from the Treasury of the United States, hereby authorized to be paid out of any moneys not otherwise appropriated, and to the sum of $15 per month during the residue of their natural lives. This provision shall apply to male and female freedmen alike; and all persons so released from servitude who shall be less than 70 years of age and of the age of 60 years or over shall be entitled to and receive the sum of $300 and also $12 per month until they shall reach the age of 70 years, when they shall be entitled to and receive the greater sum hereinbefore stated as a monthly payment; and all persons released from servitude as before stated who shall be less than 60 years old and of the age of 50 years or over shall be entitled to and receive the sum of $100 and also $8 per month until 60 years old, when they shall receive $12; and all persons released from servitude as before stated who shall be less than 50 years of age shall be entitled to receive $4 per month until 50 years old, when they shall receive $8; all moneys herein authorized to be paid shall be dispensed from the general funds of the Treasury not otherwise appropriated.

SEC. 3. That relations or others who may be charged with the support of aged or infirm persons released from involuntary servitude in manner aforesaid shall be entitled to and receive the monthly pension awarded to such aged or infirm persons in whole or in part upon showing, to the satisfaction of the Secretary of the Interior, that such support is afforded in a humane and becoming manner, the amount of such payment being under the control and direction of the Secretary aforesaid.

SEC. 4. That the Secretary of the Interior shall have power to prepare all needful rules and regulations for the carrying into effect of the provisions of this act according to the true intent and meaning thereof, and to designate proper officers or agents through whom freedmen and other persons may make application for payment and receive moneys authorized to be paid by the provisions of this act.

SEC. 5. That all needful rules and regulations for the carrying into effect of the provisions of this act shall be approved by Congress before the taking effect thereof.

SEC. 6. That the compensation of agents charged with the enforcement of this law shall be recommended by the Secretary of the Interior and approved by Congress.

SEC. 7. That this act shall take effect and be in force from and after the 1st day of January, A. D. 1891.

Now, Mr. Chairman, these people are as much entitled to pension as many of those we are putting on the rolls at the present time. The freedmen would be, in my judgment, as much entitled to pension as a gentleman who intended to go into the war, but never did. The ex-slave and the aged and infirm of that race are as much entitled to a pension as the servant girl and the "coffee cooler," to use the language of my distinguished friend from South Carolina [Mr. TALBERT]—much more entitled.

Now, I say, extend the bounty of the Government to some such objects as these, and not so much of it to the bounty jumpers, the deserters, the coffee coolers, and the like.

Mr. MILES. Mr. Chairman, I move that this bill be laid aside without prejudice, in order that those of us who have not had any opportunity of obtaining information about it may have a chance to look into its merits.

The CHAIRMAN. The gentleman asks unanimous consent——

Mr. MILES. No, sir; I make the motion.

The CHAIRMAN. That is out of order. You must have unanimous consent to do what you suggest.

Mr. MILES. Then I ask unanimous consent.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland that this bill be passed over without prejudice?

Mr. HOWE and others objected.

The CHAIRMAN. The question is on laying aside the bill with favorable recommendation.

The motion was agreed to.

SAMUEL C. TOWNE.

Mr. BAKER of New Hampshire (when his name was called). Mr. Chairman, I call up for present consideration the bill (S. 146) granting an increase of pension to Samuel C. Towne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel C. Towne, late of Company G, Eighth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month, in lieu of that he is now receiving.

Mr. BAKER of New Hampshire. I ask for the reading of the report.

Mr. MILES. I move that this bill be laid aside——

The CHAIRMAN. The gentleman from New Hampshire has the floor, and has requested the reading of the report.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill 146, having carefully considered the same, respectfully report:

Claimant was a member of Company G, Eighth Regiment New Hampshire Volunteer Infantry, serving from July 26, 1862, to June 10, 1865. He was pensioned for chronic diarrhea, piles, and injury to back, first receiving $4 per month, which was subsequently increased to $10. His necessities were such that he took advantage of the act of June 27, 1890, and was granted a pension under that act at the rate of $12 per month, which amount he is now drawing.

The pensionable disabilities have continued, and in addition soldier is practically blind, requiring some one to care for him. He is also in destitute circumstances.

There is medical testimony on file to the effect that the blindness resulted from the injury to the back. That is possible, but the proof is not conclusive on that point.

Being now pensioned at the maximum rate under the act of June 27, 1890, no increase can be secured through the regular channel, and hence an appeal is made to Congress.

The bill passed the Senate February 19, 1896. After a careful examination of the evidence, your committee are unanimously of the opinion that the bill should pass, and so recommend.

Mr. MILES. I respectfully submit, Mr. Chairman, that the motion I made, and which I now renew, that this bill be laid aside so that we may have an opportunity to investigate it, is in order. I make that motion.

The CHAIRMAN. The gentleman will state his motion.

Mr. MILES. That the bill be laid aside without prejudice, in order to have an opportunity to examine into it.

The CHAIRMAN. The gentleman asks unanimous consent——

Mr. MILES. No; I make the motion.

The CHAIRMAN. The gentleman from Maryland is out of order. He can not make a motion of that character.

Mr. MILES. Why can I not move that the bill be laid aside? I respectfully submit that the motion is in order, to lay the bill aside without prejudice.

The CHAIRMAN. The Chair would state to the gentleman from Maryland that in order that the bill should retain its place upon the Calendar there must be unanimous consent, and for the same reason there must be unanimous consent to displace it upon the Calendar.

The question is on laying the bill aside with a favorable recommendation.

The question was taken, and the committee divided, on the demand of Mr. MILES.

The CHAIRMAN (having counted the affirmative). Ninety-one members have voted in the affirmative.

Mr. MILES. No quorum, Mr. Chairman.

The CHAIRMAN. The gentleman can not make that point of order, because the vote has not been announced; he does not know whether there is a quorum or not. [Applause.]

The Chair sees one in the negative.

Mr. BARRETT. The Chair, I trust, will count gentlemen present and not voting.

The CHAIRMAN. Upon this question the yeas are 91, nays 1. The Chair will proceed to count the committee.

Mr. HOWE. No point of a quorum has been made.

The CHAIRMAN. The point not being made, the ayes have it, and the bill is laid aside to be reported to the House with a favorable recommendation.

Mr. MILES. I make the point of no quorum.

The CHAIRMAN. The gentleman is too late, and the Clerk will continue the call of the roll.

MARY O. H. STONEMAN.

Mr. BARHAM. Mr. Chairman, I call up the bill (S. 205) granting a pension to Mary O. H. Stoneman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary O. H. Stoneman, widow of the late George Stoneman, a major-general of the United States Volunteers in the late war for the Union, and pay her a pension from the passage of this act at the rate of $75 per month, in lieu of any other pension.

The Committee on Invalid Pensions recommended the following amendment:

In line 9 strike out "seventy-five" and insert in lieu thereof "thirty."

Mr. ERDMAN. Mr. Chairman, let us have the report read.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. ERDMAN] asks that the report be read. The Clerk will read it in his time.

The report (by Mr. ANDREWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 205) granting a pension of $75 per month to Mary O. H. Stoneman, widow of Maj. Gen. George H. Stoneman, having considered the same, respectfully report:

George H. Stoneman graduated from the United States Military Academy and was appointed second lieutenant of First Dragoons July 1, 1846; promoted through the various grades, and was commissioned colonel "for gallant and meritorious services at the battle of Fredericksburg, Va.;" appointed brigadier-general "for gallant and meritorious services in the capture of Charlotte, N. C.," and major-general March 13, 1865, "for gallant and meritorious services in the field during the war." He was appointed colonel of infantry February 9, 1891; retired February 24, 1891, and died September 5, 1894.

The committee recommend that the bill be amended by striking out the word "seventy-five," in line 9, and substituting the word "thirty" therefor, and that as amended the bill do pass.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

BENJAMIN L. NOLAN.

Mr. BARRETT. Mr. Chairman, I call up the bill (H. R. 3745) granting a pension to Benjamin L. Nolan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Benjamin L. Nolan, late of Company E, Fourth Regiment United States Cavalry, a pension at the rate of $— a month.

The Committee on Invalid Pensions recommended the following amendment:

In line 4, after the word "directed," strike out the balance of the bill and substitute therefor the following: "to place upon the pension roll, subject otherwise to the provisions and limitations of the pension laws, the name of Benjamin L. Nolan, late a private in Company D, Eighth Massachusetts Volunteer Infantry, and Troop G, Third United States Cavalry, and pay him a pension of $12 per month.

Mr. ERDMAN. Mr. Chairman, let us have the report.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. ERDMAN] requests that the report be read. The Clerk will read it in his time.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3745) granting a pension to Benjamin L. Nolan, having carefully considered the facts in the case, respectfully report:

Claimant served in Company D, Eighth Massachusetts Infantry, from September 11, 1862, to August 7, 1863; in Company A, Seventeenth Massachusetts Infantry, from January 14, 1864, to July 11, 1865; in Troop E, Fourth United States Cavalry, from November 11, 1865, to November 11, 1868; and in Troop G, Third United States Cavalry, from August 9, 1870, to August 9, 1875.

He filed an application under the general law, alleging disability resulting from a cut on the left hip. This claim was rejected May 4, 1893, on the ground that the wound was not incurred while in the line of duty.

The soldier also applied under the act of June 27, 1890, but was twice rejected on the ground of no ratable degree of disability.

The medical board which examined him last, October 6, 1895, gives the following rating: Wound of left hip, six-eighteenths; lumbago, four-eighteenths; eczema, eight-eighteenths; rheumatism, four-eighteenths; in all, twenty-two eighteenths. No vicious habits.

Your committee believe that the claimant is justly entitled to $12 per month under the act of June 27, 1890, and therefore respectfully recommend the passage of the bill with the following amendment:

In line 4, after the word "directed," strike out the balance of the bill and substitute therefor the following: "to place upon the pension roll, subject otherwise to the provisions and limitations of the pension laws, the name of Benjamin L. Nolan, late a private in Company D, Eighth Massachusetts Volunteer Infantry, and Troop G, Third United States Cavalry, and pay him a pension of $12 per month."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

ABNER ABERCROMBIE.

Mr. BARTLETT of Georgia. Mr. Chairman, I desire to call up the bill (H. R. 4076) for the relief of Abner Abercrombie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abner Abercrombie, of Monroe County, Ga., late a private in Captain Asheot's Company of Alabama Volunteers in the Indian war of 1838, at the rate of $12 per month.

The Committee on Pensions recommended an amendment, as follows:

Strike out the word "twelve," in line 9, and substitute therefor the word "eight;" so as to fix the rate of pension at $8 per month.

The CHAIRMAN. The question is on the amendment recommended by the committee.

Mr. ERDMAN. Let us have the report.

Mr. BARTLETT of Georgia. The gentleman from Pennsylvania [Mr. ERDMAN] calls for the reading of the report. The Clerk has it.

The CHAIRMAN. The gentleman calls for the reading of the report. The Clerk will read it in the time of the gentleman from Pennsylvania [Mr. ERDMAN].

Mr. BARTLETT of Georgia. He may read it in my time.

The report (by Mr. BLACK) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4076) entitled "A bill for the relief of Abner Abercrombie," beg leave to submit the following report, and recommend that said bill do pass with an amendment.

The muster roll of Capt. M. T. Ashurst's company of Alabama Volunteers reports the claimant enrolled May 11, 1836, at Mount Meigs, and discharged June 7, 1836, at Montgomery, Ala. The records show further that the company was ordered into the service by Governor C. C. Clay, and marched from Montgomery May 11, and were on duty in the Creek Nation until June 7, 1836, when they returned to Montgomery and were discharged. Mr. Abercrombie filed an application at the Pension Office under the Indian war act of July 27, 1892, but the same was rejected on the ground that his service was two days short of the time required by that act.

There seems, however, to be some question as to the correctness of this action in the light of the fact that the twenty-eight days expired while he was still in the Creek Nation, and it was not until after that that he was discharged at Montgomery, Ala.

The testimony of W. A. Worsham and W. C. Cleveland, citizens of Monroe County, Ga., shows that the claimant is about 78 years old, in feeble health, and entirely unable to do anything by which to earn a support for himself and his aged wife.

A similar bill was reported by your committee in the Fifty-third Congress, and passed the House, but failed in the Senate from lack of time to consider it before adjournment.

The following amendment is recommended:

Strike out the word "twelve," in line 9, and substitute therefor the word "eight;" so as to fix the rate of pension at $8 per month.

The amendment recommended by the committee was agreed to.

Mr. BARTLETT of Georgia. Mr. Chairman, I desire to correct a clerical error in the printed bill. The word "Asheot," in line 7, should be "Ashurst," and I ask that that correction be made.

The CHAIRMAN. If there be no objection, the correction will be made as indicated by the gentleman.

There was no objection.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

PATRICK CLABBY.

Mr. BELKNAP. Mr. Chairman, I call up the bill (H. R. 5499) for the relief of Patrick Clabby.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to remove the charge of desertion now on the records of the War Department against Patrick Clabby, late a private of Company I, Fifth Regiment Infantry, New York Volunteers, and grant him an honorable discharge.

Mr. TALBERT. Mr. Chairman, I ask that the report be read.

The report (by Mr. TRACEY) was read, as follows:

Your committee, to whom was referred the bill (H. R. 5499) to grant an honorable discharge to Patrick Clabby, late a private of Company I of the Fifth Regiment of New York Infantry Volunteers, having had the same under consideration, beg leave to report as follows:

Patrick Clabby was mustered into service as a private of Company I of the Fifth Regiment of New York Infantry on the 28th day of March, 1865, to serve one year. He rendered faithful service until July 31, 1865, when he is charged with desertion.

The testimony appears to show conclusively that claimant took sick and was given a pass on a United States transporting vessel to New York July 31; that he was absent at Glencoe Island about two weeks, until he was able to return, and that he did return to Harts Island, where he left his command, and found that his company and regiment had been mustered out of service.

Your committee therefore report the bill favorably and recommend that it do pass.

Mr. TALBERT. Mr. Chairman, it seems to me that this is a bill that should not be passed by the committee to-night. I am sorry that it has been brought up. It seems to me that there are other bills and more meritorious bills which might have been brought up to-night. I do not think this bill comes properly before the committee, anyway. As I understand it, this claimant has slept over his rights. I do not know anything about it, and have not learned anything from the short report. It may be that the gentleman advocating the bill has some further information, and may be able to say something which will satisfy me that it is a meritorious bill. But, as I understand the matter, he was not absent from his command after having been wounded or having been sick.

Mr. BELKNAP. I beg the gentleman's pardon.

Mr. TALBERT. I believe he did claim to have been sick, but it seems you have no evidence of that fact except the statement of the man himself.

As I understand it, several bills have been passed which allowed deserters to come in and have the charge of desertion removed. The first step in that direction, I believe, was a proclamation in 1862. A great many availed themselves of that proclamation of Mr. Lincoln. Then it seems to me there was an act passed in March, 1882, allowing those who had the charge of desertion standing against them to come in and file certain evidence before the War Department which, if satisfactory, gave the claimants an honorable discharge and allowed them, if otherwise entitled, to be placed upon the pension roll. But the law says that those who did not avail themselves of this opportunity within five years after the passage of the act should be forever barred. That act, I believe, was passed in 1882.

Then, again, in 1884 there was another act passed, opening the doors again and allowing all these men against whom a charge of desertion had been made to come in and produce satisfactory evidence before the War Department and still again have the charge of desertion removed. A great many availed themselves of that opportunity. There was a proviso in that law that those who did not avail themselves within five years afterwards were to be forever barred, and so on. The last act that I can find upon the books was passed in 1889, again opening the doors to those men against whom the charge of desertion had been made, and providing that if they could produce satisfactory evidence they could have the charge of desertion against them removed. Many of them availed themselves of the law, which they ought to have done. It was right and proper. But there was a proviso put in that law that those who did not avail themselves of that legislation within three years were to be forever barred. A great many came in and availed themselves of that law, which they ought to have done.

Now the limit has passed; they are barred by the statute of limitation, and it is not right for members here or elsewhere to continue to bring in such bills as this, for the removal of the charge of desertion against men, when there are a number of others, patriotic and brave soldiers, whose cases could be brought up here and they could be given pensions. I hope this committee to-night will sit down upon measures for the removal of charge of desertion, and not let them get in the way and block legislation against honest soldiers and brave soldiers who ought to be pensioned and who will get their pensions if these bills are kept in the background.

These are my views, which I submit without any feeling and without any prejudice against this man who deserted. I know nothing of his case except what I have heard read from the desk; but I submit that these men have had the chance time and again to have the charge of desertion removed, and I think that the time ought to be and ought to come sooner or later, according to the law, when the door should be closed at last against men who deserted their flag, unless they can show satisfactory reasons why the charge should be removed; and it seems to me that this man has had sufficient time. He has now slept on his rights from, I believe, 1889 to 1892, and slept on his rights for five long years, and now he comes here and gets in the way of some honest soldier who ought to have a pension. This is blocking legislation, I submit, and I hope that this committee will see to it to-night that it will put its foot down on this character of legislation. You can do as you like. I have said what I think about the matter, and if you see proper to pass it, why I have nothing further to say. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

Mr. TALBERT. I move that the committee report this bill to the House with the recommendation that it lie on the table.

The CHAIRMAN. The gentleman from South Carolina moves that the committee report the bill to the House with the recommendation that it do lie on the table.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. TALBERT. Division, Mr. Chairman.

The committee divided; and there were—ayes 15, noes 82.

Mr. TALBERT. I ask unanimous consent that it be passed without prejudice.

Mr. BELKNAP. I object.

Mr. TALBERT. I hope that request will be granted. This is the first time I have made such a request for some time in the committee.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the bill be passed over without prejudice.

Mr. FAIRCHILD. I object.

The bill was ordered to be laid aside with a favorable recommendation.

LAURA C. DODGE.

Mr. BISHOP (when his name was called). Mr. Chairman, I call up the bill (S. 2347) for the relief of Laura C. Dodge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed, subject to the provisions and limitations of the pension laws, to increase the pension of Laura C. Dodge, dependent widow of the late Capt. Frederick Laighton Dodge, United States Army, from $20 to $40 per month, said increase to take effect from and after the passage of this act.

The CHAIRMAN. The question is on the amendment recommended by the committee.

Mr. ERDMAN. Mr. Chairman, let us have the report read.

The CHAIRMAN. The Clerk will read the report in the time of the gentleman from Pennsylvania.

The report (by Mr. LOUDENSLAGER) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 2347) entitled "A bill for the relief of Laura C. Dodge," beg leave to submit the following report, and recommend that said bill do pass, with an amendment fixing the rate of pension at $30 per month:

This is a bill enacting that the pension of Laura C. Dodge, widow of the late Capt. Frederick L. Dodge, be increased to $40 per month.

The bill is accompanied by Senate Report No. 455, this session. That report (except so much of same as recommends a rating of $40 per month) is adopted by your committee as their report.

[Senate Report No. 455, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2347) granting a pension for the relief of Laura C. Dodge, have examined the same, and report:

The claimant under this bill is the widow of Capt. Frederick L. Dodge, whose volunteer military service is as follows:

Statement of the military service of Frederick L. Dodge, late private, Forty-fourth Massachusetts Militia, and first lieutenant, Eighteenth New Hampshire Infantry Volunteers.

Frederick L. Dodge was enrolled at Boston, Mass., August 20, 1862, and mustered into service September 12, 1862, as a private, Company F, Forty-fourth Massachusetts Militia (Infantry), to serve nine months, and was mustered out of service with his company, as a private, June 18, 1863, at Readville, Mass.

He is reported present on the company muster rolls from date of muster in to date of muster out.

Frederick L. Dodge was mustered into service at Concord, N. H., March 22, 1865, as first lieutenant Company I, Eighteenth New Hampshire Infantry Volunteers, to serve one year, and was mustered out with his company as first lieutenant July 29, 1865, at DeLancy House, District of Columbia.

He is reported present on the muster rolls of his company from date of muster in to date of muster out.

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

RECORD AND PENSION OFFICE,
War Department, January 4, 1895.

After retiring from the Volunteer Army soldier joined the Regular Army, his record in the Regular Army extending from 1867 to 1891.

The following report from the office of the Adjutant-General gives a detailed account of his services:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, January 3, 1895.

Statement of the military service of Frederick L. Dodge, late of the United States Army, compiled from the records of this office.

VOLUNTEER RECORD.

Private of Company F, Forty-fourth Massachusetts, August 29, 1862, to June 18, 1863; first lieutenant Eighteenth New Hampshire, March 22, 1865; honorably mustered out July 29, 1865.

REGULAR ARMY RECORD.

Second lieutenant Twenty-third Infantry, March 7, 1867; first lieutenant, January 22, 1873; regimental quartermaster, June 10, 1888, to June 22, 1889; captain, June 22, 1889; retired, April 18, 1891; died September 11, 1891.

SERVICE.

On duty at Fort Columbus, N. Y., June 12 to July 1, 1867; en route to and at Camp Warner, Oreg., to May 27, 1871; at Camp Harney, Oreg., to May 2, 1872; at Angel Island, California, to July 1, 1872; at Fort Whipple and at Camp Verde, Ariz., to October 8, 1874; en route to and at Omaha Barracks, Nebr., to May 9, 1876; at Fort Sidney, Nebr., to November 2, 1876; in the field in Wyoming, on the Powder River expedition against hostile Indians, to January 12, 1877; at Fort Leavenworth, Kans., to February 18, 1879; in the field in the Indian Territory to June 5, 1879; acting assistant quartermaster and acting commissary of subsistence at the United States Military Prison, Fort Leavenworth, Kans., to October 29, 1882; with regiment at Fort Craig, N. Mex., to June 1, 1884; at Fort Wayne, Mich., to August 16, 1889; sick at post to September 7, 1889; on sick leave to December 9, 1889; in the Government Hospital for the Insane, District of Columbia, to September 17, 1890; on sick leave to April 18, 1891, when he was retired. He was examined by a retiring board March 17, 1891, and the board found in his case as follows:

"That Capt. Frederick L. Dodge, Twenty-third Infantry, is incapacitated for active service by reason of Bright's disease of the kidneys; that the incapacity is permanent, and that it arose from causes incident to the service, viz, worry and overwork in the line of duty during the summer of 1889."

He died September 11, 1891, at Detroit, Mich.

J. C. GILMORE,
Assistant Adjutant-General.

After the war, in recognition of his services, he was commissioned a second lieutenant in the Regular Army, and was subsequently promoted to first lieutenant and captain.

He served in every part of the country, from New York to Oregon and Arizona, and endured the severest hardships of Indian warfare and frontier service. From time to time he filled nearly every position of responsibility and trust incident to his rank, until by overwork, long continued, he wrecked and ruined his health.

Mrs. Dodge shared the hardships and suffering of her husband in many of his campaigns. She is now a resident of Detroit, Mich., in very straitened circumstances, and appeals to Congress for relief. She is now receiving a pension of $20 per month, and asks that it be increased to $50.

In view of the long and distinguished services of Captain Dodge and the necessities of the widow, your committee recognize the case as one of special merit, and therefore recommend the passage of the bill, after being amended by striking out the word "fifty," in line 7, and substituting therefor the word "forty."

The amendment recommended by the committee was agreed to.

The question was taken on laying aside the bill as amended with a favorable recommendation; and the Chairman announced that the ayes seemed to have it.

Mr. MILES. Division, Mr. Chairman.

The committee divided; and there were—ayes 97, noes 0.

So the bill was laid aside with a favorable recommendation.

MRS. LUCY ALEXANDER PAYNE.

Mr. BLACK (when his name was called). Mr. Chairman, I call up the bill (S. 1501) granting an increase of pension to Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to put the name of Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry, on the pension roll at $50 per month, in lieu of the pension she is now receiving.

Mr. MILES. Let us have the report read, Mr. Chairman.

The CHAIRMAN. The report will be read in the time of the gentleman from Maryland.

The report (by Mr. COFFIN) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 1501) granting an increase of pension to Mrs. Lucy Alexander Payne, have considered the same and report:

The claimant in this case, Mrs. Lucy Alexander Payne, is the widow of Capt. J. Scott Payne, Fifth United States Cavalry, who graduated from the United States Military Academy and was appointed second lieutenant, Fifth Cavalry, June 18, 1866; promoted first lieutenant May 23, 1867; resigned September 12, 1868. Appointed second lieutenant, Sixth Cavalry, February 8, 1873, and first lieutenant September 8, 1874; promoted to captain June 4, 1875, and retired as of that rank April 24, 1886, on account of disability originating in the line of his duty.

Captain Payne's record is a very honorable one, and he rendered very brilliant and gallant service in the campaign against the Utes, especially in what is known as the Milk River fight, wherein the gallant Major Thornburgh lost his life. After the fall of Major Thornburgh the command devolved upon Captain Payne, who made a gallant and successful resistance against overwhelming numbers of Indians, bringing his command out of the dangerous position with great credit. He was particularly mentioned by his commanding officer for his conduct in this affair, and was recommended for promotion, which, for some reason, never came to him.

He was twice wounded during the fight referred to, and was a great sufferer before his death. His widow is now in feeble health, suffering from the strain brought on by her faithful attendance on her husband during his last illness. She is without means and dependent upon her pension for the support of herself and two minor children.

Captain Payne died December 19, 1895, from disease originating in the service, and his widow is now receiving the pension of $20 per month provided by the general law.

In view of the conspicuous and valuable service rendered to his country by the deceased officer, and in the light of the widow's invalid condition and pressing necessities, your committee recommend the passage of the bill, amended, however, by fixing the rate of pension at $30 per month.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

AMANDA M. WAY.

Mr. BLUE (when his name was called). Mr. Chairman, I call up the bill (H. R. 5898) granting a pension to Amanda M. Way, as army nurse.

Mr. MILES. Mr. Chairman——

The CHAIRMAN. The gentleman from Maryland.

Mr. MILES. I have nothing to say now, Mr. Chairman. I thought I was recognized.

The CHAIRMAN. The gentleman from Maryland will observe that before he spoke the Chair had recognized the gentleman from Kansas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Amanda M. Way, of Los Angeles, Cal., on the pension roll as army nurse, and pay her a pension at the rate of $25 a month from and after the passage of this act.

Mr. ERDMAN. Let the report be read, Mr. Chairman.

The report (by Mr. KIRKPATRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5898) granting a pension to Amanda M. Way, having carefully considered the same, respectfully report:

This claimant asks a pension by Congressional legislation on the ground of having served as a volunteer army nurse for a period of six months during the war of the rebellion.

She applied for a pension August 2, 1893, alleging service at Nashville and Murfreesboro, Tenn., also on the steamer *City Belle*, hospital boat, on the Mississippi River, and at Mound City, Kans.

Her claim was rejected on the ground of insufficient proof of appointment by proper authority and requisite length of service.

She sets forth in her affidavit that she tendered her services to the late Governor Oliver P. Morton, of Indiana, and was assigned to duty in the hospitals of Tennessee, transportation and subsistence being furnished upon requisition.

James F. Hibberd, M. D., testifies that he was surgeon in charge of hospital corps at Murfreesboro, Tenn., and that he knows of his own knowledge that claimant rendered efficient services under his direction, and that she was appointed to this duty by Governor Morton. He further testifies that this service began in January, 1863.

John W. Botkin, M. D., testifies that he was surgeon in charge of hospital corps on hospital steamer *City Belle* in June and July, 1863, and that claimant rendered efficient service as army nurse under his direction.

John B. Routh, late regimental quartermaster Twenty-sixth Indiana Volunteers, testifies that of his personal knowledge claimant was called upon by the late Governor Morton to look after the sick and wounded on the battlefields. He particularly remembers her valuable services at Vicksburg. He also testifies that she spent most of her time during the war in nursing soldiers.

Hon. Jeff. Fleming of Mound City, Kans., testifies to claimant's valuable services among the wounded at the battle of Mine Creek, Kansas, and in the hospital at Mound City, Kans., in October, 1864.

Robert Fleming, esq., testifies to the same services, and particularly mentions her work among the sick and wounded at Mound City, Kans.

While it is true that no record of her services appears, and doubtless her appointment was somewhat informal, yet the fact that she performed the services of an army nurse for a period of six months and more is clearly established, and in equity places the Government under obligations to recognize the same.

Claimant is 68 years of age, poor, and needy.

In view of all the facts, your committee recommend the passage of the bill, with an amendment striking out the word "twenty-five," in line 6, and inserting "twelve" in lieu thereof.

The amendment recommended in the last paragraph of the report was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MILES. Mr. Chairman, I move that the committee do now rise.

The question being taken on the motion of Mr. MILES, the Chairman declared that the noes seemed to have it.

A MEMBER. A division!

The CHAIRMAN. The gentleman from Maryland [Mr. MILES] demands a division.

Mr. MILES. The Chair is overcourteous to me now. I have made no demand for a division.

The CHAIRMAN. The Chair understood the gentleman from Maryland to demand a division, but is glad that he did not. The motion that the committee rise is lost.

CHARLES A. NAZRO.

Mr. BOWERS (when his name was called). Mr. Chairman, I call up the bill (H. R. 6671) for the relief of Charles A. Nazro.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Charles A. Nazro, a lieutenant in Companies F and L of the Twenty-sixth Illinois Infantry Volunteers in the war of rebellion, at the rate of $72 per month.

Mr. ERDMAN. Mr. Chairman, let the report be read.

The report (by Mr. ANDREWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6671) for the relief of Charles A. Nazro, report thereon as follows:

This officer served from August 29, 1861, to June 18, 1862, when he resigned on account of a wound causing entire loss of sight of one eye (left) and serious impairment of sight in the other. He is now pensioned at $17 per month for loss of left eye with deformity from pistol wound.

In addition to the entire loss of left eye, claimant has impairment of sight of right eye, which has been admitted by the medical officers of the Pension Bureau as a result of the loss of left eye. When the left eye was removed a piece of metal was found in the optic nerve which had been there since the wound was received, and which had been a constant source of nervous irritation, and caused serious impairment of his nervous system.

Besides the affection of eyes and practical loss of sight, he has rheumatism, which he swears he contracted in the service, and the evidence, which shows that he entered the service sound, and that he had a severe attack of inflammatory rheumatism very soon after leaving the service, too soon, in fact, to have had its origin anywhere except in the service, proves his assertion. He is now totally disabled and so nearly blind that if he uses his one eye for any length of time for reading it becomes inflamed and he is obliged to stay in a darkened room.

At his medical examination in 1891 he was rated seventeen-eighteenths for loss of left eye, and first grade for rheumatism and resulting heart disease. On February 20, 1896, he was found totally disabled, a terrible sufferer

from rheumatism, and unable to dress and undress himself without assistance. This committee are satisfied from the evidence that this officer's helpless and disabled condition is due to his army service, and therefore recommend the passage of the bill with the following amendment:

Before the word "lieutenant," in line 5, insert the word "first," and in same line strike out the words "in Companies F and L" and insert in lieu thereof the words "and quartermaster."

The CHAIRMAN. The question is on the amendments recommended by the committee.

Mr. ERDMAN. Mr. Chairman, I understand that the gentleman from California [Mr. BOWERS] has personal knowledge of this case, and I should be glad to hear his statement.

Mr. BOWERS. Mr. Chairman, the beneficiary of this bill is a neighbor of mine in California, and I am personally acquainted with his condition and circumstances. His left eye was shot out, and a piece of metal, as stated in the report, affected the optic nerve so that he is to-day, or was two months ago, when I left home, totally blind, totally helpless, and has to be taken care of like an infant. He probably can not live more than a short time. He and his people are poor and the neighbors have to help to support him, and the case seems to me a proper one for favorable action by this committee. I state these facts from personal knowledge.

The amendments recommended by the committee were adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN J. CROSS.

Mr. BURRELL (when his name was called). Mr. Chairman, I call up the bill (H. R. 2321) to increase the pension of John J. Cross.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of John J. Cross, late a member of Company H, Eighth Cavalry, Thirty-ninth Indiana Volunteers, from $8 to $35 per month, subject to the conditions and limitations of the Pension Bureau.

Mr. ERDMAN. Let the report be read.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2321) to increase the pension of John J. Cross, submit the following report:

John J. Cross enlisted August 28, 1861, in Company H, Thirty-ninth Indiana Volunteers. This regiment reenlisted and became the Eighth Indiana Cavalry. The soldier was honorably discharged June 30, 1865. He was captured at the battle of Bentonville and was confined in Libby Prison until April 2, 1865, where, from unwholesome food and privation, he contracted chronic diarrhea and disease of rectum, for which he was pensioned at $4 from August 31, 1883, and $6 from March 26, 1890, which was increased to $8 from September 9, 1891. Application for increase has been rejected.

He was in sound health on enlistment. Since 1880 he has been a confirmed epileptic. He is now totally incapacitated for manual labor. His last medical examination, May 17, 1893, shows that he is entitled to a pension of second grade—$30 per month—for chronic diarrhea and epilepsy and hemorrhoids.

Two hundred and forty-nine citizens petition for the increase of his pension. There is no question but that he is totally incapacitated for manual labor. There is considerable evidence that his epilepsy results from diseases contracted in the service for which he is now pensioned.

The committee are unable to say from this evidence that the epilepsy is actually the result of diseases contracted in the service, but as the soldier is conclusively shown by the evidence to have been sound on enlistment we can find no other cause. As he honorably served three years and ten months, and is now helpless, we recommend that the bill be amended by inserting the word "private" in lieu of "member," in fifth line, and striking out the word "five," in sixth line, so as to increase his pension to $30 per month.

The amendments recommended in the last paragraph of the report were adopted.

Mr. BURRELL. Mr. Chairman, I move to strike out the word "Bureau," at the end of the bill, and insert "law;" so as to read, "pension law."

Mr. ERDMAN. Mr. Chairman, I observe in the report that two hundred and odd citizens have petitioned for the granting of this pension, and that seems to be the chief reason why we are to grant the pension. Has it come to this, that instead of requiring the foundation for a pension to be laid, as is required in other cases, by sworn testimony, satisfactory testimony, we are going to abandon that rule and grant a pension upon the petition of a couple of hundred citizens? Let it go forth to the world that this Congress is willing to grant pensions upon the petition of citizens and not upon evidence, and we shall have plenty of that kind of work to do. I think it is a fair inference from this report that that is what we are asked to do in this case.

I should be glad to have had time to examine this report to ascertain whether there is any merit in this case, but there has been no time for that, and there is no opportunity under the peculiar system by which we are trying to rush bills through to-night. Gentlemen must therefore expect casual remarks and reflections upon these bills, and probably before they get through the House an opportunity may be presented to some gentlemen who have investigated these cases to look into them further.

The amendment of Mr. BURRELL was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ANDREW J. MOLDER.

Mr. BURTON of Missouri (when his name was called). I call up the bill (H. R. 6757) granting a pension to Andrew J. Malder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Malder, late a private in Capt. John Miser's Company, Hempstead County Arkansas Militia, and to pay him a pension of $12 per month from and after the passage of this act.

The amendments reported by the committee were read, as follows:

Strike out "subject to the provisions and limitations of the pension laws," in lines 4 and 5, and strike out all the printed bill after the word "month," in line 8; also amend by substituting the name "Molder" instead of "Malder;" and amend the title so as to read as follows: "A bill granting a pension to Andrew J. Molder."

Mr. ERDMAN. I desire that the report be read.

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6757) granting a pension to Andrew J. Molder, late private in Capt. John Miser's company, Hempstead County Arkansas Militia, having examined and considered the facts presented, respectfully report.

Claimant testifies that he enlisted in Capt. John Miser's company on or about November 1, 1863, and served until on or about April 1, 1864; that he was wounded in the left hip by gunshot in an action between Captain Miser's company and Capt. Buck Brown's guerrillas, near Pea Ridge, in Benton County, Ark., and that his company was at the time serving under orders of Col. Loren Harrison, of the First Arkansas Cavalry. The company was so depleted by killed and wounded in this action that it was never called into active service again.

Claimant's testimony is corroborated by J. S. Vansandt, who was a member of same company, and by J. H. Moore, who lived near Pea Ridge and who testifies to claimant being wounded near where he lived.

Dr. Joshua G. Morgan, of Barry County, Mo., testifies that claimant's disability is total from the gunshot wound of hip. The ball entered the lower part of hip and ranged upward, lodging in the groin, he having evidently been in a stooping position when the wound was received.

Applicant filed claim for pension March 18, 1892 (No. 1102622), which was rejected July 2, 1892, on the ground that claimant was not in the military service of the United States.

For many years the precedent has been followed of granting pensions to officers and soldiers of militia who received wounds or injuries in battle, it having always been regarded that a gunshot wound received in action was equivalent to muster in.

Your committee therefore recommend the passage of the bill, after being amended by striking out "subject to the provisions and limitations of the pension laws," in lines 4 and 5, and by striking out all the printed bill after the word "month," in line 8; also amend by substituting the name "Molder" instead of "Malder;" and amend the title so as to read as follows: "A bill granting a pension to Andrew J. Molder."

Mr. TALBERT. I do not know that I understood fully the facts from the reading of the report. It would seem that this man was never in the military service.

Mr. BURTON of Missouri. He was a member of a militia company which was called into actual service. He was wounded in battle, but he has been prevented from obtaining a pension because of the fact that he was never mustered into the service of the United States. It has always been the rule, I believe, under such circumstances, for this House to grant a pension.

Mr. TALBERT. There is no record of his company having been mustered into the service?

Mr. BURTON of Missouri. No record in the War Department, but there is plenty of outside testimony to that effect.

The amendments reported by the committee were adopted.

The bill as amended was laid aside to be reported favorably to the House.

MALACHI SALTERS.

Mr. CALDERHEAD (when his name was called). I call up the bill (H. R. 9319) granting a pension to Malachi Salters, a sergeant of Company F, Ninth Regiment Illinois Volunteer Cavalry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to place the name of Malachi Salters, late a sergeant of Company F, Ninth Regiment of Illinois Volunteer Cavalry, upon the pension roll of the United States and grant him a pension of $72 a month.

Mr. TALBERT. Let us hear the report.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9319) granting a pension to Malachi Salters, having carefully examined the papers in connection with the same, submit the following report:

Malachi Salters served in Company F, Ninth Illinois Cavalry, from October 7, 1861, to October 31, 1865, when he was discharged with the rank of sergeant. He also served in the war with Mexico. He is pensioned at $17 for rupture and rheumatism. The lieutenant commanding his company testifies that in the battle of Wyatt, Miss., his (claimant's) hearing was affected by the concussion of the cannon where he was stationed. He was sickly after that and was put on duty as company clerk, as he was not fit for any other duty. Five of his comrades testify to his deafness incurred at that time, and that he complained of injury to his eyes, and soon after that he had weak eyes, and that his eye trouble and impaired hearing continued until his discharge.

Upon examination by special agent of the Pension Bureau witnesses testify to his soundness prior to enlistment, and to existence of hernia and rheumatism, severe deafness, and injury to his sight on his return from the service. He has a bayonet wound received while in action. April 8, 1891, his examination rated him eight-eighteenths for hernia, twenty-two thirtieths for severe deafness, first grade for blindness, and ten-eighteenths for rheumatism.

One physician testifies that he found senile cataract of both eyes, and upon this the Pension Bureau rejects the blindness or disease of eyes, and notes that the blindness is due to age. Five witnesses testify to incurrence and continuance of deafness and disability of eyes from the time he received them in the service; yet the Pension Bureau rejects the deafness.

Claimant is 88 years old, and has been totally blind since 1890. His eyes are constantly inflamed; he is helpless with rheumatism. The testimony of three

physicians shows that his present physical condition is such that he should have a constant attendant in addition to his wife. He occasionally has attacks which render him unconscious. His entire property has not been of more value than $100 at any time within the last ten years. He is dependent on the charity of the Grand Army of the Republic post of his town, Clay Center, Kans. In view of the testimony of one lieutenant and several comrades to the incurrence of the eye and ear trouble, and the fact that he has continued to suffer from these troubles and is now totally disabled therefrom, your committee consider this a meritorious case. We therefore recommend the passage of the bill as amended.

Amend by striking out the word "seventy-two," in line 7, and inserting the word "fifty" in place thereof.

Amend the title so as to read: "Granting a pension to Malachi Salters."

The amendments reported by the committee were read, and agreed to, as follows:

Strike out the word "seventy-two," in line 7, and insert the word "fifty" in place thereof.

Amend the title so as to read: "A bill granting a pension to Malachi Salters."

The amendments were agreed to.

The bill as amended was laid aside to be reported favorably to the House.

ANNA G. VALK.

Mr. COFFIN (when his name was called). I call up the bill (H. R. 7055) increasing the pension of Anna G. Valk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of Anna G. Valk, widow of William W. Valk, late surgeon of the Fourth Maryland Volunteer Infantry, United States Volunteer Army, to the sum of $50 per month.

The amendments reported by the committee were read, as follows:

In line 6 insert the word "Volunteer" before the word "Infantry," and strike out the words "United States Volunteer Army."

In line 7 strike out the word "fifty" and insert in lieu thereof the word "forty."

Mr. ERDMAN. Let the report be read.

The report (by Mr. MILES) was read, as follows:

The Committee on Invalid Pensions, having considered the evidence relating to the bill (H. R. 7055) increasing the pension of Anna G. Valk, report:

William W. Valk served about four years and was honorably discharged as surgeon of the Fourth Maryland Volunteer Infantry. He never applied for pension. Had he even filed a claim his widow could have completed it and drawn the accrued pension from the date of his discharge, in 1865, to the date of his death, in 1879, as she has since established the fact that he died from disease of the lungs contracted in the service, and is now in receipt of a pension of $25 a month, total of rank of her husband as a surgeon. This is not enough to provide for her necessities, as she is now 61 years of age, and has dependent on her two young daughters. Her only income or means of support are her pension and the aid given by an older daughter.

The above facts are established by the evidence, and in view thereof it is believed that her pension should be increased, and to that end it is recommended that the bill pass, after being amended as follows:

In line 6 insert the word "Volunteer" before the word "Infantry," and strike out the words "United States Volunteer Army."

In line 7 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendments reported by the committee were agreed to.

The bill as amended was laid aside to be reported favorably to the House.

NANCY ROBERTS.

Mr. COLSON (when his name was called). I call up the bill (H. R. 8633) granting a pension to Nancy Roberts, of Manchester, Clay County, Ky.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of Nancy Roberts, widow of Jesse Roberts, late a private in Company A, Forty-ninth Kentucky Volunteer Infantry, on the pension roll at $20 per month.

The CHAIRMAN. The question is on laying this bill aside to be reported favorably to the House.

Mr. ERDMAN and Mr. MILES. Let us have the report.

The CHAIRMAN proceeded to put the question.

Mr. ERDMAN. The reading of the report was called for.

The CHAIRMAN. The point was not made in time.

The bill was laid aside to be reported favorably to the House.

WILLIAM EDWARDS.

Mr. COOK of Wisconsin (when his name was called). I call up the bill (H. R. 7333) granting a pension to William Edwards, Company D, Tenth Regiment Vermont Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Edwards, of Company D, Tenth Vermont Volunteer Infantry.

The amendments reported by the committee were read, as follows:

In lines 4 and 5 strike out "subject to the provisions and limitations of the pension laws."

At the end of the bill add, "and pay him a pension of $12 per month."

Mr. ERDMAN. Mr. Chairman, the gentlemen who were so anxious to change the usual rule, and whose names do not happen to begin with A, B, or C, can at this time of the night, when it is within three or four minutes of the time when the committee must rise and the House adjourn, see that the prediction I made before we went into this system was correct. They must feel that they have been "bunkoed" by it, just as I told them in the beginning they would be. I presume that on next Friday night it will be perfectly fair to commence the call of the roll where we leave off to-night.

Several MEMBERS. Certainly.

Mr. ERDMAN. And I want to say that if you want to do that, you should try to have at least 178 members present in order to do it.

Mr. THOMAS. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker pro tempore [Mr. LACEY] having resumed the chair, Mr. WELLINGTON reported that the Committee of the Whole House, having had under consideration the Private Calendar, had directed him to report with amendments and as so amended with favorable recommendation bills of the following numbers: House bills 9683, 3745, 4076, 5898, 6671, 2321, 6757, 9319, and 7055; and Senate bills of the following numbers: 2126, 205, 2347, 1501.

Also the following bills without amendments and with the recommendation that they do pass: House bills Nos. 10040, 6268, 7627, 5499, 8633; and Senate bills Nos. 2931 and 146.

Also that the committee had had under consideration the bill (H. R. 7333) granting a pension to William Edwards, and had come to no resolution thereon.

WILLIAM EDWARDS.

Mr. COOK of Wisconsin. Mr. Speaker, I ask unanimous consent that the bill (H. R. 7333) granting a pension to William Edwards, Company D, Tenth Regiment Vermont Volunteers, which was the unfinished business in the Committee of the Whole when the committee rose, be taken up and considered by the House at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There being no objection, the bill was considered, the amendment recommended by the Committee on Invalid Pensions was agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

And then (the hour of 10 o'clock and 30 minutes having arrived) the Speaker pro tempore under the rule declared the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Hillsboro Bay, Florida—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting a letter from the Chief of Engineers recommending the repeal of an act granting to the Birmingham, Mobile and Navy Cove Harbor Railway Company certain rights of way through Fort Morgan (Ala.) Military Reservation—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of the Interior recommending the payment of certain expenses incurred at the burial of the late Col. Paul F. Faison, United States Indian inspector—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of the Interior submitting an estimate of appropriation for the survey of the lands of the Chickasaw Nation—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the receiver of the Belt Railway Company of the District of Columbia, transmitting the report of the company for the year ending December 31, 1896, together with a list of the stockholders of the company—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting, with a favorable recommendation, a draft of a bill for the cession of the old light-house site at Hog Island, Virginia—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

By Mr. CUMMINGS, from the Committee on the Library, to

which was referred the bill of the House (H. R. 9898) for the erection of an equestrian statue of Maj. Gen. Henry W. Slocum in the city of Washington, D. C., reported the same without amendment, accompanied by a report (No. 2692); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ELLETT, from the Committee on Interstate and Foreign Commerce, submitted the views of the minority of said committee upon the bill (H. R. 10090) to amend the act entitled "An act to regulate commerce;" which said views (Report No. 2586, part 2) were referred to the House Calendar.

Mr. MEREDITH, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 9770) providing that the Potomac Flats shall be reserved and improved for park purposes under the name of the Potomac Park, reported the same without amendment, accompanied by a report (No. 2708); which said bill and report were referred to the House Calendar

By Mr. PRICE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 3303) entitled "An act to authorize the construction by the Kansas City, Shreveport and Gulf Railroad Company of a bridge across the Sabine River between the States of Louisiana and Texas," reported the same without amendment, accompanied by a report (No. 2717); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions:

The bill (S. 2375) entitled "An act granting an increase of pension to John G. Powers." (Report No. 2693.)

The bill (H. R. 6754) granting an increase of pension to Michael Scannell. (Report No. 2713.)

By Mr. CROWTHER, from the Committee on Invalid Pensions:

The bill (S. 3196) entitled "An act granting an increase of pension to George W. Walton." (Report No. 2694.)

The bill (H. R. 5507) for the relief of D. W. Snider. (Report No. 2714.)

By Mr. KERR, from the Committee on Invalid Pensions:

The bill (S. 2672) entitled "An act granting a pension to John J. Shockey." (Report No. 2695.)

The bill (S. 2992) entitled "An act granting a pension to Ellen O'Hara." (Report No. 2696.)

The bill (S. 2994) entitled "An act granting a pension to William G. Alspach." (Report No. 2697.)

The bill (S. 3190) entitled "An act granting a pension to Amos L. Hood." (Report No. 2698.)

The bill (S. 3103) entitled "An act granting a pension to Jesse O. Davy." (Report No. 2699.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions:

The bill (S. 3324) entitled "An act granting an increase of pension to Allen Buckner, of Baldwin, Kans." (Report No. 2700.)

The bill (S. 3339) entitled "An act granting a pension to Louise E. Perkins." (Report No. 2715.)

By Mr. LAYTON, from the Committee on Invalid Pensions:

The bill (S. 2097) entitled "An act granting an increase of pension to Joel M. Gibson." (Report No. 2701.)

The bill (S. 2908) entitled "An act granting a pension to Franklin Andrews." (Report No. 2702.)

The bill (S. 2993) entitled "An act granting a pension to Rebecca Gilbert." (Report No. 2703.)

The bill (S. 2995) entitled "An act granting a pension to James M. Dennison." (Report No. 2704.)

The bill (S. 3145) entitled "An act to increase the pension of William Hulsizer." (Report No. 2705.)

By Mr. THOMAS, from the Committee on Invalid Pensions:

The bill (H. R. 5619) granting a pension to Mary Bemus. (Report No. 2706.)

The bill (H. R. 1473) increasing the pension of Joseph McCune. (Report No. 2716.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (S. 2909) entitled "An act granting an increase of pension to Henry Schafer." (Report No. 2707.)

By Mr. COX, from the Committee on Claims:

The bill (S. 1582) entitled "An act to pay to the widow of the late Samuel F. Miller, a justice of the Supreme Court, a sum equal to the balance of his salary for the year in which he died." (Report No. 2709.)

The bill (H. R. 8284) authorizing the Secretary of the Treasury to pay the sum of $400 to Brownell & Co., Dayton, Ohio, on account of penalty erroneously imposed by the Light-House Board. (Report No. 2711.)

By Mr. SNOVER, from the Committee on Claims: The bill (S. 1122) entitled "An act for the relief of Sally Hardmond." (Report No. 2710.)

By Mr. BENNETT, from the Committee on Interstate and Foreign Commerce: The bill (H. R. 7270) to restore Lieut. Samuel Howard to his proper rank. (Report No. 2712.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MURPHY of Arizona: A bill (H. R. 10181) specifying the courts in which Indians shall be tried for offenses committed within the Territories of the United States—to the Committee on Indian Affairs.

By Mr. SWANSON: A bill (H. R. 10182) to confirm title to lots 13 and 14, in square 959, in Washington, D. C.—to the Committee on the District of Columbia.

By Mr. McCALL of Massachusetts (by request): A bill (H. R. 10183) to provide a uniform currency for the United States of America—to the Committee on Banking and Currency.

By Mr. ELLETT: A bill (H. R. 10184) to define and regulate fraternal and beneficiary orders in the District of Columbia—to the Committee on the District of Columbia.

By Mr. COOPER of Wisconsin: A joint resolution (H. Res. 240) concerning the construction of the public building at Racine, Wis.—to the Committee on Public Buildings and Grounds.

By Mr. HITT: A joint resolution (H. Res. 241) providing for the printing of the Consular Regulations of 1896—to the Committee on Printing.

By Mr. WILLIAM A. STONE: A resolution (House Res. No. 509) providing for occupation of the galleries at the counting of the electoral vote—to the Committee on Rules.

By Mr. MONDELL: A memorial of the State of Wyoming, concerning the California mineral land bill—to the Committee on the Public Lands.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. COLSON: A bill (H. R. 10185) granting an honorable discharge to John R. Alford—to the Committee on Military Affairs.

Also, a bill (H. R. 10186) granting a pension to Sarah Ann Phillips—to the Committee of Invalid Pensions.

Also, a bill (H. R. 10187) granting a pension to Mary J. Ellis, widow of Joel B. Ellis, Company H, Thirteenth Kentucky Cavalry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10188) granting a pension to Ibia Dicken—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10189) for the relief of Margaret E. Cole—to the Committee on Invalid Pensions.

By Mr. HUBBARD: A bill (H. R. 10190) to pay the findings of the Court of Claims in the case of William Strawhorn—to the Committee on War Claims.

By Mr. RUSK: A bill (H. R. 10191) granting a pension to Mrs. Elmina Creighton—to the Committee on Pensions.

By Mr. WOOD: A bill (H. R. 10192) granting a pension to Martha A. De Lamater—to the Committee on Pensions.

Also, a bill (H. R. 10193) granting a pension to Willis Brady—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARHAM: Memorial of the Humboldt Chamber of Commerce of Eureka, Cal., asking for a public building at Eureka, Cal.—to the Committee on Public Buildings and Grounds.

Also, memorial of the Humboldt Chamber of Commerce of Eureka, Cal., asking consideration of the Nicaragua Canal bill—to the Committee on Interstate and Foreign Commerce.

By Mr. CRISP: Resolution of the city council of Savannah, Ga., recommending that Fort Pulaski be repaired—to the Committee on Appropriations.

By Mr. CURTIS of Iowa: Petition of the dean of the University of Michigan; president of Muskingum College, Concord, Ohio; chancellor of Syracuse (N. Y.) University; president of Geneva College, Beaver Falls, Pa.; dean of General Theological Seminary, New York; president of University of California; president of Cornell University; president of Guilford (N. C.) College; bishop of Springfield, and bishop of Tennessee, for the passage of the bill for the prevention of cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Woman's Christian Temperance Union of Earlville, Iowa, urging the passage of Senate bill No. 2485, to protect the first day of the week as a day of rest in the District of Columbia—to the Committee on the Judiciary.

By Mr. GIBSON: Paper relating to the claim of John Brouder, of Loudon County, Tenn.—to the Committee on War Claims.

By Mr. GRAFF: Resolutions of the State Grange of Illinois, favorable to woman suffrage—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, resolutions of the State Grange of Illinois, favorable to rural mail delivery—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the State Grange of Illinois, in favor of postal savings banks—to the Committee on Banking and Currency.

Also, resolutions of George Yocum Post, No. 325, Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HOWELL: Petition of the Medical Society of New Jersey, protesting against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Eleventh Ward Republican Club, of Newark, N. J., urging the annexation of Cuba—to the Committee on Foreign Affairs.

Also, petition of the State Horticultural Society of New Jersey, opposing the free distribution of seeds as being unwise, unnecessary, and a wasteful expenditure of the public money—to the Committee on Agriculture.

Also, petition of the Board of Trade of Asbury Park, N. J., urging the passage of the Torrey bankruptcy bill—to the Committee on Banking and Currency.

By Mr. HURLEY: Petition of Jacob Muller, of Brooklyn, N. Y., for higher rate of duty on harness and saddlery—to the Committee on Ways and Means.

By Mr. KIEFER: Resolutions of Minneapolis Division, No. 117, Order of Railway Conductors, favoring the passage of the arbitration bill, the contempt-of-court bill, the Phillips commission bill, and the Sherman bill—to the Committee on Rules.

By Mr. LAYTON: Petition of George R. Beutel and 43 other citizens of Lima, Ohio, protesting against the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. LITTLE: Petition of Dr. W. O. Trott, Judge J. L. Wood, Hon. J. T. Gunter, and 292 other citizens of the Cherokee Nation, praying that the payment rolls of 1851 and 1852, of the Old Settlers and emigrants, be made the basis for the new rolls to be made by the Dawes Commission to the Five Civilized Tribes of Indians—to the Committee on Indian Affairs.

By Mr. McRAE: Sundry petitions of G. D. Smith, of Princeton, Ark.; M. R. White, of Portland, Ark.; W. W. Folsom, of Hope, Ark.; James Crook, of Wilton, Ark., and A. B. Bishop, of Locksburg, Ark., for favorable action on House bill No. 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. MILLER of West Virginia: Petition of F. S. Smith, A. B. White, and 86 other citizens of Parkersburg, W. Va., protesting against the passage of the Sherman bill—to the Committee on Interstate and Foreign Commerce.

Also, evidence in support of House bill No. 9990, for the relief of Absolom Maynard—to the Committee on Invalid Pensions.

By Mr. MOODY: Protest of 44 citizens of the State of Massachusetts, against the passage of the House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS: Petition of 54 citizens of Sioux City, in opposition to House bill No. 10090, known as the Sherman bill, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE: Petition of William Wiley and other citizens of Marion, Ind., also petition of Edwin E. Russell and other citizens of Kokomo, Ind., protesting against the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. STROWD of North Carolina: Petition of the heirs of Francis M. Hathcock, deceased, late of Wake County, N. C., praying reference of his war claim to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. TAYLER: Resolutions adopted at a mass meeting of citizens of Youngstown, Ohio, protesting against lynch law in the South—to the Committee on the Judiciary.

Also, petition of citizens of Canton, Ohio, protesting against the passage of the Sherman bill with respect to ticket brokers—to the Committee on Interstate and Foreign Commerce.

By Mr. VAN VOORHIS: Petition of D. W. Dye and other citizens of Marietta, Ohio, protesting against the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD: Petition of Martha A. De Lamater, of Crawford County, Ill., for an act granting her a pension—to the Committee on Invalid Pensions.

Also, petition of Willis Brady, of Coles and Cumberland counties, Ill., for a pension—to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 30, 1897.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

HENRY A. WEBB.

The SPEAKER laid before the House the bill (H. R. 1256) for the relief of Henry A. Webb, with a Senate amendment thereto.

The Senate amendment was read.

Mr. DOCKERY. I desire to ask the gentleman interested in this bill what change is made by the Senate amendment from the bill as it passed the House?

Mr. BULL. The Senate amendment reduces the amount.

Mr. DOCKERY. The amount of what?

Mr. BULL. Reduces the amount that the House bill calls for by $650.

Mr. DOCKERY. The Senate amendment does not describe the same bonds that the House bill describes?

Mr. BULL. It describes the same bonds, but simply reduces the total by the amount of the bonds that were redeemed at the Treasury.

Mr. DOCKERY. Reduces the indemnity bond?

Mr. BULL. Not the indemnity bond, but the amount of the bonds that were stolen, by the sum of $650. The indemnity bond remains double the amount just the same.

Mr. DOCKERY. It having been ascertained that the $650, the difference in the amount, had already been paid?

Mr. BULL. Yes.

Mr. DOCKERY. In all other respects, the description of the bonds is the same?

Mr. BULL. Is the same; yes.

Mr. DOCKERY. The same as carried in the original House bill?

Mr. BULL. Yes.

The SPEAKER. Does the gentleman move to concur in the Senate amendment?

Mr. BULL. Yes.

The Senate amendment was concurred in.

ERIE CANAL.

Mr. PERKINS. Mr. Speaker, I desire to present a resolution for the printing of a House document.

The resolution was read, as follows:

Resolved, That the report of Thomas W. Symons, Corps of Engineers, upon House bill No. 7775, Fifty-fourth Congress, first session, providing for widening the locks of the Erie Canal, in the State of New York, with the accompanying diagrams, be printed as a House document.

Mr. TERRY. I should like to ask the gentleman what is the estimated cost of this printing?

Mr. PERKINS. One hundred and eighty-five dollars.

The resolution was agreed to.

AGRICULTURAL APPROPRIATION BILL.

And then, on motion of Mr. WADSWORTH, the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898, with Mr. PAYNE in the chair.

The Clerk (resuming the reading of the bill) read as follows:

Salaries, Bureau of Animal Industry: One Chief of Bureau, $4,000; one assistant chief, $2,500; one chief clerk of Bureau, $2,000; one chief of inspection division, $2,500; one assistant chief of inspection division, $1,800; one chief of dairy division, $2,500; one assistant chief of dairy division, $1,800; one chief of pathological division, $2,500; one assistant in pathological division, $1,400; one assistant in pathological division, $840; one chief of biochemic division, $2,500; two assistants in biochemic division, at $1,400 each, $2,800; one assistant in biochemic laboratory, $720; one chief of miscellaneous division, $2,000; one zoologist, $2,250; two veterinary inspectors, at $1,800 each, $3,600; two veterinary inspectors, at $1,400 each, $2,800; one assistant at veterinary experiment station, $1,000; one clerk of class 4, $1,800; one clerk of class 3, $1,600; one clerk of class 2, $1,400; six clerks of class 1, $7,200; six clerks, at $1,000 each, $6,000; one clerk, $840; three firemen, at $720 each, $2,160; four messengers, at $720 each, $2,880; two skilled laborers, at $660 each, $1,320; for employment of artists, laborers, and charwomen, $5,000; in all, $69,710.

Mr. DOCKERY. Mr. Chairman, I desire to make points of order against the following provisions of the bill, because they are new legislation and also change existing law: In lines 9 and 10, page 7, the salary carried in the bill for the chief of the pathological division is $2,500. I desire to make a point of order against that, the existing law being $2,250. I desire to make a point of order against the provision allowing the assistant in the pathological division $1,400, the salary under the law being $1,200 only. I also desire to make a point of order against the provision creating the office of one assistant in the pathological division, $840, it being a new provision; also against the increase of salary of the chief of the biochemic division from $2,250 to $2,500; also against the increases of the salaries of two assistants in biochemic division to $1,400

each, the law allowing them only $1,200 each; also against the provision for one assistant in biochemic laboratory, $720, it being a new provision and not authorized by law; also against the increase of salary of the zoologist, in line 18, from $2,000 to $2,500.

Mr. WADSWORTH. Mr. Chairman, I perhaps must admit that the point of order raised by the gentleman is tenable. This question of salaries was very carefully considered by the Committee on Agriculture. The estimates provided for an increase of $25,660 in the salaries of the Agricultural Department, and yet the committee has seen fit only to recommend $2,270, giving all practically to the Bureau of Animal Industry. These men are scientific men, technical men, graduates of scientific schools, and not in any ordinary sense chiefs of divisions. In raising the salaries of these chiefs of divisions in the Bureau of Animal Industry we have simply put them on a par with the salaries paid in the other scientific bureaus of the Department. During the last six or seven years thirty-odd of these scientific men have been taken away from Government employ and procured employment at very much larger salaries in colleges and scientific schools. I do not say that the small increase of $250 will retain them here. I only want to say that these salaries are not in excess of the salaries paid in educational institutions throughout the country, and that can be said of very few salaries here in Washington.

Now, in connection with this subject, and particularly as to the Bureau of Animal Industry, I want again to call the attention of the committee to the wonderful increase of work in that department. In 1891 the inspections by this Bureau were only a total of 28,380 animals; in 1892 they increased to 2,809,440; in 1893 they increased to 4,885,633; in 1894 they increased to 12,944,056; in 1895 to 18,783,000; and in 1896 they increased to 23,775,779. So the committee can see the work of this Bureau has continually increased, and that, too, at a very fast rate.

I hope the gentleman from Missouri will withdraw that point of order.

The committee gave that subject very careful consideration and last year increased these salaries. The House approved of them, but the Senate struck them out. Now, in view of the fact that we have only raised the salaries $2,270, when the Department asked for $25,660, I do not think the committee can be charged with extravagance. I admit they are subject to a point of order if the gentleman insists; but I think this is a business proposition and that these men should be paid the salaries that we ask here for them.

Mr. DOCKERY. Mr. Chairman, in submitting the points of order, I do not desire to criticise the gentleman in charge of the bill or to criticise the general provisions of the bill. I have examined it, and the bill bears evidence of very careful preparation. It does credit to the accomplished chairman of the Committee on Agriculture; but upon the merits involved in this question, I only desire to suggest that, whatever action may be proper in the future in respect to these proposed increases of salaries, at the present at least it seems inopportune to increase them, the revenues for the present fiscal year already being inadequate by more than $45,000,000 to meet current expenses.

Then, I may add another thing, Mr. Chairman. The Senate struck out these proposed increases last year; and it being a very unusual and extraordinary action on the part of that body in the direction of economy and reform, I desire to encourage them in this direction——

Mr. WADSWORTH. I will state to the gentleman from Missouri that the bill carries $107,000 less than last year.

Mr. DOCKERY (continuing). And therefore must insist upon the point.

The CHAIRMAN. The Chair understands that the point of order is insisted upon. The Chair sustains the point of order.

Mr. WADSWORTH. Then I think the easier way will be to substitute the paragraph of last year's bill in toto for this. I move to strike out page 7, commencing at line 1, all that page to line 25, inclusive, and page 8 from line 1 to line 11, inclusive, and substitute the new matter which I send to the desk.

The Clerk read as follows:

Salaries, Bureau of Animal Industry: One chief of Bureau, $4,000; one assistant chief, $2,500; one chief clerk of Bureau, $2,000; one chief of inspection division, $2,500; one assistant chief of inspection division, $1,800; one chief of dairy division, $2,500; one assistant chief of dairy division, $1,800; one chief of pathological division, $2,250; one assistant in pathological division, $1,200; one assistant in pathological division, $840; one chief of biochemic division, $2,250; two assistants in biochemic division, at $1,200 each, $2,400; one assistant in biochemic laboratory, $720; one chief of miscellaneous division, $2,000; one zoologist, $2,000; two veterinary inspectors, at $1,800 each, $3,600; two veterinary inspectors, at $1,400 each, $2,800; one assistant at veterinary experiment station, $1,000; one clerk class 4, $1,800; one clerk class 3, $1,600; one clerk class 2, $1,400; five clerks class 1, $6,000; seven clerks, at $1,000 each, $7,000; one clerk, at $840; two firemen, at $720 each, $1,440; four messengers, at $720 each, $2,880; two skilled laborers, at $660 each, $1,320; for employment of artists, laborers, and charwomen, $5,000; in all, $97,440.

The amendment was agreed to.

Mr. WADSWORTH. In connection with what I have said in regard to the Bureau of Animal Industry, I would like to have printed a statement and tables showing the amount of exports of beef and meat during the last year. It is from the Statistical Bureau department.

There was no objection.

The statement of exports and the tables are as follows:

[Circular No. 17.]

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY.

EXPORTS OF ANIMALS AND THEIR PRODUCTS.

The course of the export trade in animals and their products during the past eight years forms a very interesting subject for study. The great gains in the exports of live animals have been with horses, mules, and sheep. With animal products a notable gain is seen in the case of fresh beef, mutton, oleo oil, hams, and sole leather. In 1889 the exports of horses were 3,748 head, and the average of the four years 1889 to 1892, inclusive, was 3,396. In 1896 the exports of horses reached 25,126, with an average for the four years 1893 to 1896, inclusive, of 11,831. The number of sheep exported in 1889 was 128,852, and the average for the four years 1889 to 1892 was 76,070. In 1896 the export of sheep reached the remarkable number of 491,565, and the average for the four years 1893 to 1896 was 266,736.

The exports of fresh beef have increased from 137,895,391 pounds in 1889 to 224,783,225 pounds in 1896. The average for the years 1889 to 1892 was 181,433,310 pounds, and for the years 1893 to 1896 it was 204,077,065 pounds. The exports of hams have steadily increased from 42,847,247 pounds in 1889 to 129,036,351 pounds in 1896. The exports of oleo oil increased from 28,102,534 pounds in 1889 to 103,276,756 pounds in 1896, and the average for the four years 1889 to 1892 was 67,033,342 pounds, as compared with an average of 104,652,723 pounds for the years 1893 to 1896. There has also been a considerable increase, about one-third, in the exports of sole leather during the last three years. The shipments of live cattle, bacon, canned and cured beef, lard, and pickled pork, while they have fluctuated from year to year, have not shown any very marked tendency to increase or decrease. Bacon and pickled pork have diminished somewhat, but the exports of lard have been larger for 1896 than for any other year of the series.

The exports in a few items have been considerably diminished during the eight years under consideration. Live hogs have fallen off from 45,128 in 1889 and 95,654 in 1891 to 21,049 in 1896. This is probably due to the risk attending the shipment of these animals and the greater profit derived from the exportation of their products. There was a continuous decrease in the shipments of tallow from 1890, when they reached 112,745,370 pounds, to 1895, when they were only 25,864,300 pounds. There has, however, been a recovery in this trade during the last year, the exports reaching 52,759,212 pounds. The exports of dairy products have not been satisfactory. The butter trade, which in 1890 reached 29,748,042 pounds, fell off to 5,598,812 pounds in 1895. Fortunately, much of this decrease was overcome in 1896, when 19,373,913 pounds were exported. The cheese exports show a continuous decline since 1890, when they reached 95,376,053 pounds. The quantity exported in 1896 was only 36,777,291 pounds.

In order to make clear the remarkably large proportion of our exported animals and animal products which are marketed in Great Britain, the figures have been tabulated for the total exports and for the exports to the United Kingdom:

Comparative statement of the exports of live cattle and beef products.

[From reports of Bureau of Statistics, Treasury Department.]

TO ALL COUNTRIES.

Fiscal year.	Cattle.	Beef.			Tallow.	Imitation butter.	Oleo oil.
		Fresh.	Canned.	Salted and other cured.			
	No.	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*
1889	205,786	137,895,391	51,025,254	55,200,435	77,844,555	2,192,047	28,102,534
1890	394,838	173,237,596	82,638,507	97,610,529	112,745,370	2,535,923	68,218,098
1891	374,679	194,045,638	109,585,727	91,908,812	111,689,251	1,936,743	80,231,035
1892	394,607	220,554,617	87,028,084	71,158,448	89,780,010	1,610,837	91,581,703
1893	287,094	206,294,724	79,089,493	59,322,883	61,819,153	3,479,322	113,939,363
1894	359,278	193,891,824	55,974,910	63,901,001	54,661,524	3,898,950	123,295,895
1895	331,722	191,338,487	64,102,263	63,294,998	25,834,300	10,100,897	78,098,878
1896	372,461	224,783,225	63,698,180	71,223,512	52,759,212	6,063,699	103,276,756

TO THE UNITED KINGDOM.

Fiscal year.	Cattle.	Beef.			Tallow.	Imitation butter.	Oleo oil.
		Fresh.	Canned.	Salted and other cured.			
	No.	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*
1889	193,167	137,286,553	37,333,528	31,881,728	34,858,526	79,410	1,003,549
1890	360,589	171,032,579	64,265,020	63,066,392	51,029,819	165,477	2,452,951
1891	345,797	192,456,458	80,246,787	47,469,568	52,970,476	5,448	2,460,200
1892	378,167	219,103,267	59,048,407	34,336,415	38,160,366	6,928	6,629,411
1893	280,996	205,911,093	57,089,367	26,613,602	24,603,744	12,192	5,502,077
1894	345,734	193,331,292	42,544,532	27,368,261	19,170,283	57,295	9,520,217
1895	305,068	190,736,186	40,310,196	28,720,804	4,784,782	1,193,259	6,809,688
1896	364,193	224,507,040	40,092,098	36,416,180	18,987,338	(*)	8,940,705

*Included with the oil.

Exports of horses, mules, sheep, mutton, dairy products, and leather (sole).

TO ALL COUNTRIES.

Fiscal year.	Horses.	Mules.	Sheep.	Mutton.	Dairy products.		Sole leather.
					Butter.	Cheese.	
	No.	*No.*	*No.*	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*
1889	3,748	2,980	128,852	296,220	15,504,978	84,999,828	35,558,945
1890	3,501	3,544	67,521	256,711	29,748,042	95,376,053	39,595,219
1891	3,110	2,184	60,947	199,395	15,187,114	82,133,876	37,501,278
1892	3,226	1,965	46,960	101,463	15,047,246	82,100,221	37,053,381
1893	2,967	1,634	37,260	108,214	8,920,107	81,350,923	33,570,037
1894	5,246	2,063	132,370	2,197,900	11,812,082	73,852,134	42,877,497
1895	13,984	2,515	405,748	591,449	5,598,812	60,448,421	45,364,349
1896	25,126	5,918	491,565	422,950	19,373,913	36,777,291	41,818,508

Exports of horses, mules, sheep, mutton, dairy products, etc.—Continued.

TO THE UNITED KINGDOM.

	No.	No.	No.	Pounds.	Pounds.	Pounds.	Pounds.
1889	283	.....	18,866	122,132	7,454,107	72,304,393	27,519,464
1890	229	.....	4,927	194,604	15,448,163	81,875,298	29,997,873
1891	379	.....	10,946	187,720	4,993,180	71,104,253	27,419,058
1892	467	8	3,584	51,251	5,915,185	70,201,769	28,819,708
1893	564	.....	58	46,551	3,869,649	69,845,314	25,655,464
1894	1,355	.....	79,786	2,087,527	5,493,704	61,459,757	34,574,232
1895	5,834	.....	335,882	320,491	868,815	48,286,660	36,764,480
1896	(*)	(*)	397,280	(*)	11,246,611	29,801,334	32,769,953

*Not given by countries.

Comparative statement of the exports of live hogs and hog products.

TO ALL COUNTRIES.

Fiscal year.	Hogs.	Hog products.				
		Bacon.	Hams.	Pork, fresh.	Pork, pickled.	Lard.
	No.	Pounds.	Pounds.	Pounds.	Pounds.	Pounds.
1889	45,128	357,377,399	42,847,247	22,794	64,110,845	318,242,990
1890	91,148	531,899,677	76,591,279	279,463	79,788,868	471,083,598
1891	95,654	514,675,557	84,410,108	818,875	81,317,364	498,343,927
1892	31,963	507,919,830	76,856,559	377,746	80,336,481	460,045,776
1893	27,375	391,758,175	82,178,154	912,644	52,459,722	365,693,501
1894	1,553	416,657,577	86,970,571	1,168,647	63,575,881	447,566,807
1895	7,130	452,549,976	105,494,123	818,581	58,266,893	474,895,274
1896	21,049	425,352,187	129,036,351	744,656	69,498,373	509,534,256
TO THE UNITED KINGDOM.						
1889	.....	299,891,556	34,866,806	.....	14,912,087	117,139,325
1890	1,102	450,466,037	64,878,007	.....	16,843,194	150,808,980
1891	.....	413,850,146	68,084,482	771,615	23,086,647	158,561,052
1892	1,044	402,091,132	56,340,665	334,200	15,362,173	124,952,485
1893	2,062	335,075,784	68,750,506	900,820	11,213,627	138,355,415
1894	.....	334,985,389	73,994,248	1,140,850	13,132,207	149,691,959
1895	60	346,210,100	89,800,462	751,640	14,268,862	184,251,911
1896	500	344,271,223	103,165,961	(*)	12,670,206	201,924,144

*Included with pickled.

Respectfully submitted.

D. E. SALMON,
Chief of Bureau of Animal Industry.

Approved.

J. STERLING MORTON,
Secretary.

WASHINGTON, D. C., *January 21, 1897.*

Mr. TALBERT. I call the attention of the gentleman from New York in charge of this bill to the provision, in lines 9 and 10, on page 8, "for employment of artists, laborers, and charwomen, $5,000." I ask the gentleman if he does not think it would be better to specify how many artists, how many laborers, and how many charwomen?

Mr. WADSWORTH. I will say to the gentleman that I think the Bureau ought to have some leeway in that respect. Certain contingencies might arise where it might become necessary to employ a larger or a less number.

Mr. TALBERT. Well, we might get another "modern curiosity" at the head of that Department, so I think it would be better to specify the details. [Laughter.]

Mr. WADSWORTH. Possibly so.

The Clerk read as follows:

Total salaries Department of Agriculture, $318,410.

Mr. WADSWORTH. I ask unanimous consent that the total be changed to correspond with the amendments adopted by the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. BAKER of New Hampshire. I object temporarily, Mr. Chairman. I wish to inquire of the gentleman in charge of the bill what is the object of this summing up of salaries here? It is no proper part of the bill, as it seems to me. The appropriations have all been summed up under each class or division, and it seems to me that this is unnecessary, and ought to be stricken out.

Mr. WADSWORTH. It is a custom which has prevailed for many years, and which is followed in this bill. It is simply a résumé of the salaries in the bill.

Mr. SAYERS. I would say to the gentleman from New Hampshire that that is for the purpose of facilitating the preparation of a tabular statement of the appropriations at the end of each session. The gentleman is doubtless aware that a resolution adopted many years ago requires the clerk of the House Committee on Appropriations and the clerk of the Senate Committee to jointly prepare a tabular statement of the contents of the appropriation bills, so that members and all other persons desiring to get the information may readily ascertain the amount that each bill carries.

Mr. BAKER of New Hampshire. But is not that found more properly in the report of the committee in each case than in the bill?

Mr. SAYERS. It ought to go into the bill also, because reports often get scattered and lost.

Mr. BAKER of New Hampshire. Well, I see no use of it in the bill, but I withdraw the objection.

The Clerk read as follows:

Collecting agricultural statistics, Division of Statistics: Collecting domestic and foreign agricultural statistics, compiling, writing, and illustrating statistical matter for monthly, annual, and special reports; special investigations and compilations; subscriptions to and purchase of statistical publications containing data for permanent comparative records, maps and charts, stationery supplies, blanks, blank books, circulars, paper, envelopes, postal cards, postage stamps, freight, and express charges, and necessary traveling expenses: *Provided*, That the monthly crop report issued on the 10th day of each month shall embrace a statement of the condition of the crops, by States, in the United States, with such explanations and comparisons with other months and years as may be useful for illustrating the above matter, and that it shall be submitted to and officially approved by the Secretary of Agriculture before being issued or published: *Provided also*, That $10,000 of the amount hereby appropriated, or so much thereof as the Secretary of Agriculture may deem necessary, may be expended in continuing the investigations concerning the feasibility of extending the demands of foreign markets for the agricultural products of the United States, and to secure as far as may be a change in the methods of supplying tobacco and other farm products to foreign countries, $110,000.

Mr. STEWART of New Jersey. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Strike out the words "with such explanations and comparisons with other months and years as may be useful for illustrating the above matter" and insert instead the words "with such explanations, comparisons, and information as may be useful for illustrating the above matter."

Mr. WADSWORTH. I make a point of order on that amendment, Mr. Chairman, until I hear the gentleman's explanation of it.

Mr. STEWART of New Jersey. In explanation of the amendment, I will state that the provision as it stands in the bill makes it mandatory upon the Secretary to make these comparisons by months and years. That may result in entirely unnecessary and redundant work. My amendment leaves it to the discretion of the Secretary to add such explanations and comparisons as in his judgment appear to be useful. Under the provision of the bill as it stands he might be required to reprint portions of his own former reports as well as the current report, thus increasing largely the cost of printing and adding a mass of useless printed matter to the burden of the country.

Mr. WADSWORTH. I have no objection to the amendment, Mr. Chairman.

The amendment was adopted.

Mr. BROMWELL. Mr. Chairman, I move to strike out the last word. When the distinguished gentleman from Missouri [Mr. DE ARMOND] on the first reading of this bill chose to make a severe criticism upon the Secretary of Agriculture for the publication of certain statistics showing the result of the last election, we on this side of the House naturally supposed that there would be some member of the party from which the honorable Secretary of Agriculture was appointed to make his defense, and the attempt of the distinguished gentleman from Missouri to throw the burden of the defense upon my colleague from Ohio [Mr. GROSVENOR] seems to have met with no response from that gentleman. It may be that the Democrats, the gentlemen on the other side of the House, feel in regard to this matter as Daniel Webster did about Massachusetts and as the distinguished gentleman from Indiana [Mr. HARDY] felt yesterday about his State—they may feel that the Secretary of Agriculture needs no defense at their hands.

If that is their view, I think I can fully coincide with them, and I shall not attempt to speak in his behalf in defense of all that he has done in the conduct of his Department so far as the publication of statistics is concerned; but as one who had frequent occasion to use those statistics during the campaign preceding the election, I do want to bear witness to the great value to the country at large of some of the statistical bulletins that have been issued by the Department of Agriculture. They came in very opportunely for correcting the fallacious theories and arguments of the free-silver men of this country in their attempt to convince the farmers that the prices of farm products followed the price of silver. In a bulletin issued, I think, about the middle of last July certain tables were printed showing the production of all the staple agricultural products of the country, with the average prices, for the last forty years.

Those tables showed two or three facts conclusively to every man who would make a careful examination of them, and to the farmer especially, who was being made the particular target of this argument of the silver men that his prosperity and the prices of his farm products followed the price of silver. It needed but a careful inspection of these tables to show conclusively certain facts. One of these was that almost invariably the law of supply and demand fixed the price of farm products. With a large crop of any particular production, the price was invariably low; with a small crop, the price was almost invariably high. And the few apparent exceptions to this rule only went to prove it, for the reason that in every case an explanation could be given for the variations from it.

There was another thing that these tables proved. They proved that the prices of no great staple in this country followed, for the last thirty or forty years, the prices of silver. When silver was going along at a level price, wheat and corn were jumping up and down with variations of 10, 15, or 20 cents, and sometimes even more, per bushel. They showed another thing. When wheat was going up, corn might be going down; when corn was going up, wheat might be going down; or they might be traveling along at pretty nearly a level price, while silver was going up or down upon an entirely different scale. The arguments that these facts would present to the farmer were, it seems to me, conclusive as showing that the prices of farm products did not follow the course of silver, for the reason that they did not agree with each other and none of them agreed with the variations in the prices of silver in its ups and downs.

Therefore, Mr. Chairman, if we consider this one bulletin alone issued by the Agricultural Department—if we consider the value to the country at large of these arguments——

The CHAIRMAN. The time of the gentleman from Ohio [Mr. BROMWELL] has expired.

Mr. BROMWELL. I ask time to conclude in a few sentences what I was saying.

The CHAIRMAN. How much additional time does the gentleman wish?

Mr. BROMWELL. Three minutes.

The CHAIRMAN. If there be no objection, the gentleman will be allowed to proceed for three minutes longer.

There was no objection.

Mr. BROMWELL. Mr. Chairman, if the Agricultural Department had done nothing else than furnish to the country at the critical time when they were presented the arguments that could be drawn from these tables based upon statistics gathered carefully year by year long before there was any free-silver agitation in this country—if the Agricultural Department had done nothing else than furnish these statistics for the purpose of opening the eyes of the farmers of this country to the fallacy of the free-silver argument, the expense incurred in the conduct of the Agricultural Department as a whole, and particularly this special department—the collection and the distribution of statistics—would be well repaid by the benefit that has accrued to the country at large.

Mr. MORSE. Will the gentleman allow a single suggestion?

Mr. BROMWELL. Yes, sir.

Mr. MORSE. I should be glad to have the gentleman supplement his remarks with the statement that the Commissioner of Agriculture in presenting these statistics made no deductions from them. He submitted simply the naked facts which the statistics themselves embodied, leaving the people to make their own conclusions.

Mr. BROMWELL. That is true, as I understand it.

Mr. BELL of Colorado. Mr. Chairman, it seems to me we ought to have some day set apart for these political debates. I remember very distinctly that members of the party in power in this House have taken recently at least four opportunities to make political speeches, when the speeches themselves had no application whatever to the pending subject, and the minority had no opportunity whatever to reply. We had a case of that kind the other day, when the gentleman from Indiana [Mr. JOHNSON] submitted his remarks on the banking and currency question. I know men on this floor who have repeatedly asked for an opportunity to reply to such arguments, but it has been denied them.

But, sir, coming down to the remarks just made by the gentleman from Ohio [Mr. BROMWELL], I wish to say that in my opinion every distinguished economist in the world, until the late Cleveland Administration, took the ground that the price of wheat did follow the price of silver under normal conditions. Sir Isaac Newton took that position in the first place when he was master of the mint of England. He called the attention of the English people to the fact that every time there was a divergence, however small, between the price of gold and the price of silver, according to the established ratio, that divergence was in favor of the India or other foreign wheat growers. That contention has gone on indefinitely. And I want to say now that in my opinion all of the best economists of Europe to-day claim that that is not only true as to wheat, but it is true as to other export products of the countries that use silver as full legal-tender money. A remarkable paper was produced in 1895 by a gentleman, Mr. Jamison, who was then established at Shanghai as consul-general of Great Britain, wherein he showed beyond question that this condition of things had existed from the days of Sir Isaac Newton, and had destroyed wheat growing in England and now threatens its manufactories.

Now, we know that in the last campaign our friends on the other side claimed that because wheat went up in price, while silver did not rise with it, the entire argument founded on this well-established law that I have just stated was refuted. Sir, there never was a well-informed man who made the argument that silver follows wheat; but every man who has studied this question prior to the late Cleveland Administration has contended at all times that wheat has followed silver when normal conditions were prevailing. But when there was a condition that was not normal, when there was a condition in India because of which wheat could not be exported, then there could not be such a condition. For instance, the only reason that the price of wheat followed the price of silver was that the importers into this competitive country from India and from the other silver-using countries sold their wheat calculated on what the result would buy in silver. When there was a panic or a wheat famine, the condition was abnormal, and therefore we had not the exportations from that country, and they could not export wheat, reduce the price in gold, take 50 cents per bushel in gold, and buy $1 worth of depreciated silver bullion, return to India, coin it into $1, and pay a dollar's worth of debt, insurance, taxes, etc., and therefore our wheat could and did rise independent of silver, as no competition existed from silver-using countries during this famine. This should prove, rather than disprove, our contention.

But now, Mr. Chairman, another thing I wish to say is that prior to the late Cleveland Administration in my opinion there was not a respectable political economist anywhere in the entire world who did not make the claim that the prices of all products were largely controlled by the amount of money in circulation, and if our friends will examine the reports from every country in the world, they will find this great economic truth established; if you will take the reports and hearings before the monetary commission in British India, you will find that the wheat raisers of that country went in a body and insisted that every time the divergence between gold and silver was increased that that moment the wheat crop of India brought a proportionately larger price, and they opposed the gold standard as a detriment to the Indian wheat grower. You will find it in the report of the Indian commission, which sets out very fully the facts.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BELL of Colorado. Mr. Chairman, I would like to have three or four minutes longer.

The CHAIRMAN. Without objection, the gentleman will proceed for three or four minutes longer.

There was no objection.

Mr. MORSE. Mr. Chairman, I wish to call the attention of the gentleman from Colorado to the fact that he did not make this statement, or his friends did not, during the last campaign. The statement then was that Mr. Hanna and the capitalists had combined to put up the price of wheat and put down the price of silver.

Mr. BELL of Colorado. I made the statement repeatedly in that campaign, and we all did in the portion of the country where I took part in the campaign, that is, that this divergence between gold and silver, just as stated in this report to which I have referred, was the real cause of the decline in prices here, and that wheat followed silver, not silver wheat.

Mr. MORSE. Then the Associated Press lied about your position.

Mr. BELL of Colorado. We made the argument from the beginning of that campaign, and all the time, that where there was a divergence between the price of gold and silver regarding the standard ratio that it became a divergence in favor of those countries that used silver, and that India, being a country that exported wheat in competition with this country, obtained the advantage of the existing conditions. Mr. Robert Fowler, ex-mayor of London, declared in 1886 that if they could keep a divergence between gold and silver, and if silver continued to depreciate, that India would soon control the wheat markets of the whole world. That has always been the contention of the English people, and it seems founded on common sense. We never contended that wheat followed silver in price, but we did contend that by reason of the divergence between gold and silver that when the price of silver bullion depreciated, say, 25 per cent, that the wheat shipped from India to Liverpool would sell for 25 per cent less than the gold price, and the sellers from silver-using countries would buy silver bullion and take it back to India and have it coined into rupees, recovering their reduction, which was actually the case until the mints of India were closed. The wheat growers from gold-using countries had to reduce their prices, but could not buy silver bullion and recover their reduction.

That was all we claimed on that point last fall and all we claim now.

Now, as to silver: In my opinion there is no real silver question. We have made it apparent long ago in this country that this is not, and can not be, a controversy between gold and silver, but a controversy between national money on the one hand and bank paper on the other; and that is the only controversy now agitating the moneyed classes.

Mr. MORSE. If the gentleman will permit me——

Mr. BELL of Colorado. Certainly.

Mr. MORSE. If I understand the position of the gentleman, it is that his party is opposed to all metallic bases for money, but that they want the issue of absolute fiat money.

Mr. BELL of Colorado. That is not true.

Mr. MORSE. Then your papers have misrepresented your position—they have lied about it.

Mr. BELL of Colorado. We are in favor of all the gold and all the silver that can be brought into the country from anywhere in the world, and in favor of having it coined, and then supplemented by a full legal-tender paper money, not to be redeemed by a forced redemption, but automatically redeemed whenever we can find enough gold and silver to take the place of the paper money issued; and we are in favor, as was contended by the early economic writers of the country—that is, that we ought to have so much money in circulation every minute as will bear such a proportion to the property in the country as will hold a firm level of prices. This is the doctrine of Mr. Calhoun and other real patriots. He contended that $1 in money to every $30 of property was about the right proportion, and that we ought to have real money and not bank paper. This is the Populist contention.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORSE. Mr. Chairman, I move to strike out the last word, for the purpose of suggesting a single thought to the gentleman who has just taken his seat [Mr. BELL of Colorado].

I have no speech to make, but only intend to call the attention of my friend to the fact that the "tribune of his party" at the other end of this building, Senator PEFFER, of Kansas, has introduced bills after bills there, as shown by Senator MORRILL, of Vermont, calling for more paper money than the entire circulation of all the civilized and semicivilized countries on the face of God's earth. His party, through their official organs, who have the right to speak for them, have declared over and over again their opposition to all metallic money, and in the late campaign only favored free coinage of silver as a step in the direction of irredeemable greenbacks or fiat money.

Mr. BELL of Colorado. If the gentleman will permit me, I wish to state that I remember a few years ago when a law was proposed, introduced by a Republican member here, to pay the rebel soldiers a pension. That was introduced by a Republican. Is that the doctrine of the Republican party? Does the gentleman feel bound by what any individual member of his party chooses to recommend?

Mr. MORSE. I think if any Republican ever introduced a bill of that character, he would hardly have made it payable in the money the gentleman recommends.

Mr. BELL of Colorado. It was introduced by a Republican member.

Mr. MORSE. I say I do not believe he would ever have proposed to pension them in fiat money.

Now, Mr. Chairman, I do not want the gentleman from Colorado [Mr. BELL] to misstate or misrepresent the attitude of his party in regard to currency. There is a gentleman who has risen to the position of Senator, and who has, in a public speech in this city, if I am not misinformed, stated that it was an entire fallacy and a wicked waste of labor to mine the gold and silver in the mountains, but that the true basis for our money should be that the greenbacks should be issued by the Government against the whole country, and that would take in the gold and silver in the mountains before it was mined. He might go a step further, and issue more money against the fish in the sea before they were caught. [Laughter.] Why, Mr. Chairman, there is absolutely no basis for the currency as proposed by the Populist party.

Now, in the course of another debate a definition of the Populist party was given on this floor. I want to offer a definition myself, and my definition is that in the view of the Populist party in this country, I say a good Populist holds that it is a crime to do a successful business, and it is a great crime to do a large and successful business. That party lives upon the disasters and misfortunes of the country. It lives upon famine and pestilence, and short crops, and poverty, and desolation, and misery; and the panacea for the ills of that party is a restoration, such as will occur on the 4th of March next, of the Republican party to the control of all branches of this Government, when we shall have a protective tariff that will give us an income to pay the running expenses of the Government; a protective tariff that will restore prosperity to the country and that will give us an income to carry on the great public works of our country.

Mr. MEREDITH. Will the gentleman allow me to ask him a question?

Mr. WADSWORTH. I rise to a point of order. I do not think the gentleman from Massachusetts [Mr. MORSE] is speaking to the paragraph under consideration.

Mr. MORSE. That is quite correct, Mr. Chairman.

The CHAIRMAN. The gentleman from Massachusetts [Mr. MORSE] will proceed in order.

Mr. MORSE. I confess judgment.

The CHAIRMAN. The gentleman from Massachusetts [Mr. MORSE], then, is out of order.

Mr. MORSE. I will try to proceed in order. My friend from Virginia [Mr. MEREDITH] wants to ask me a question.

Mr. MEREDITH. If all these good things are to come upon us through the return of the Republican party to power, why did the money slip from the Treasury under the last Administration?

Mr. MORSE. The last Administration, Mr. Chairman, turned over the Government to its successors with money in the Treasury and with an income sufficient for all expenses of the Government, and prior to the election of 1894 this country, under Republican control, was enjoying a prosperity unknown before in our history.

Mr. MEREDITH. The gentleman knows that the last Republican Administration left an empty Treasury.

The CHAIRMAN. The gentleman from Massachusetts is not in order.

Mr. SHAFROTH. I move to strike out the last three words.

The CHAIRMAN. The gentleman from Colorado.

Mr. SHAFROTH. Mr. Chairman, the gentleman from Ohio [Mr. BROMWELL] has stated that the rule of supply and demand is what controls the price of crops. No one ever denied such a proposition. The rule of supply and demand is universal, and knows no exception whatever; but the difficulty with the gentleman from Ohio is that while he recognizes the principle of supply and demand as applied to crops, he does not recognize it as applied to money. You can not have a shifting of the burdens that both gold and silver have hitherto borne upon gold alone without increasing the burden upon gold, increasing the demand for gold, and increasing its value. As gold is the measure of everything that it will buy, its increase in value means the decrease in price of all commodities.

Mr. WADSWORTH. I rise to the point of order that the gentleman is not speaking to the paragraph now pending.

The CHAIRMAN. The gentleman from New York [Mr. WADSWORTH] makes the point of order that the gentleman is not speaking to the paragraph.

Mr. SHAFROTH. I am speaking to the circular. There is before the committee the statement of the gentleman from Ohio [Mr. BROMWELL], and it seems to me an opportunity ought to be given to deny his statements.

The CHAIRMAN. The only discretion the Chair has is to enforce the rules of the House. The Chair thinks the question of silver is not involved at all in that paragraph.

Mr. HEPBURN. This is an agricultural bill, and the gentleman is plowing with his constituents. [Laughter.]

Mr. SHAFROTH. We propose to plow well and win.

The CHAIRMAN. The gentleman is out of order. The Clerk will read.

Mr. SWANSON. I rise to a parliamentary inquiry. As I understand, we are now in Committee of the Whole on the state of the Union, and in that committee great latitude is allowed in the discussion of anything that appertains to the good of the National Union. I think there are some precedents for that view. One is not confined entirely to the measure before the House, because it appertains to the whole state of the Union, as to whether we shall or shall not pass a particular bill.

The CHAIRMAN. The Chair hardly thinks that is a parliamentary inquiry. The Chair has ruled on the remarks of the gentleman from Colorado [Mr. SHAFROTH] that they are not in order under the paragraph of the bill which is under consideration.

Mr. SHAFROTH. I appeal from the decision of the Chair.

The CHAIRMAN. The Chair made his decision some time ago. However, the Chair will submit the question to the committee. The gentleman from Colorado [Mr. SHAFROTH] appeals from the decision of the Chair to the committee. The question is, Will the committee sustain the decision of the Chair? As many as are in favor will say "aye."

The affirmative vote was taken.

Mr. MOODY. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The committee is now deciding an appeal on a question of order.

Mr. MOODY. It was with reference to that appeal, so that I might vote intelligently, that I desire to make the inquiry. Do I understand the Chair to rule the reason that unlimited range of discussion, called for by the gentleman from Virginia, is not in order is because the bill is being considered under special order?

The CHAIRMAN. The Chair has made no ruling on the proposition made by the gentleman from Virginia. The committee is now discussing a particular item in an appropriation bill. Upon that the gentleman from Colorado arose and made a speech upon the question of silver, and other questions, which the committee heard. The point of order was made by the gentleman from New York [Mr. WADSWORTH] that the remarks of the gentleman from Colorado were not upon the subject-matter of the paragraph under consideration by the committee. Upon that the Chair held that the remarks were not in order. From that the gentleman from Colorado appeals, and the question is upon sustaining the decision of the Chair.

The question was taken; and the Chairman announced that the ayes seemed to have it.

Several MEMBERS. Division!

The committee divided; and there were—ayes 70, noes 40.

So the decision of the Chair was sustained.

The Clerk read as follows:

Grass and forage plant investigations, Division of Agrostology: Field and laboratory investigations relating to the natural history, geographical distribution, and uses of the various grasses and forage plants, and their adaptability to special soils and climates; establishment and maintenance of experimental grass stations; employment of local and special agents and assistants; collection of seeds, roots, and specimens for experimental cultivation and distribution; materials, tools, apparatus, supplies, and labor required in conducting experiments; freight and express charges and traveling expenses; the preparation of drawings and illustrations for special reports, and the preparation of illustrated circulars of information, bulletins, and monographic works on the forage plants and grasses of North America, $10,000.

Mr. TAWNEY. Mr. Chairman, I desire to offer an amendment, following after that paragraph.

The Clerk read as follows:

Amend by adding after line 15, page 14:

"Fiber investigations: To enable the Secretary of Agriculture to continue the investigations relating to textile fibers indigenous in or adapted to the United States, including their economic growth, cleansing, and decorticating, preparatory to manufacture; the testing machines and processes for said cleansing and decorticating; for the purchase of material for said tests; for the purchase of fiber plants and seeds for distribution, propagation, and experiment, and for the labor and expenses incident thereto; and for traveling expenses in connection with said duties, $5,000."

Mr. WADSWORTH. I reserve the point of order on the amendment.

Mr. TAWNEY. Mr. Chairman, I would like to know under what particular rule the point of order is reserved?

Mr. WADSWORTH. The point of order that I make is that it is an increase of expenditures and new legislation.

Mr. DOCKERY. And changes existing law.

Mr. WADSWORTH. And it changes existing law.

Mr. TAWNEY. Then I desire to say, with reference to its changing existing law, and with reference to its being new legislation, that this paragraph has been in the Agricultural appropriation bill every year since 1888. It is in the Agricultural appropriation bill now upon the statute book. It therefore does not change any existing law. It is not new legislation. The proposition is simply to drop from the Agricultural appropriation bill now under consideration an appropriation of $5,000 for investigation and experiment with respect to these various textile fibers, while the amendment I have sent to the Clerk's desk simply restores that appropriation. I submit, Mr. Chairman, that it is not, therefore, subject to the point of order made by the gentleman from New York. With reference to the merits of the proposition, I desire to say that I am advised by men in the State of Minnesota who are interested in the growth and development of the domestic fiber industry that they have received very material and valuable assistance in the growth and development of this industry from the information which they have obtained from the Agricultural Department as the result of these investigations.

I also desire to say, Mr. Chairman, that in my judgment the investigation with respect to our domestic fibers and the experiments that can be made and ought to be made will be of far more value and benefit to the agricultural classes of our country than many of the investigations which are authorized by the bill now pending.

Mr. DOCKERY. Will the gentleman allow me a question?

Mr. TAWNEY. Certainly.

Mr. DOCKERY. How long have these investigations been in operation?

Mr. TAWNEY. Since 1888. Every appropriation bill from that time down to 1896 has made provision for continuing these investigations, and it is now the law upon the statute book.

Mr. DOCKERY. And the investigation is made with a view of determining what question?

Mr. TAWNEY. Determining the adaptability of our soil and climate for the growth of various fibers and also to furnish information concerning the treatment of those fibers by farmers engaged in producing them.

Mr. DOCKERY. And after eight years' investigation, at an expenditure of $5,000 per annum, the Department has not been able to reach a judgment in respect to the matter?

Mr. TAWNEY. It is not a question of reaching a judgment in respect to these fibers, but in the judgment of the present Secretary of Agriculture the investigation has not justified the expenditure of this money, although the men who are engaged in raising and producing these fibers tell me that they have received very valuable aid and assistance from the information they have obtained as a result of the investigations that have been going on these past years in the Agricultural Department; and I will say that every Secretary of Agriculture since 1888 except the present Secretary has recommended this appropriation for the very reason that, in his judgment, he believed it to be of material benefit to the American people engaged in the growth and development of this industry.

Mr. DOCKERY. Can the gentleman state the items of this annual expenditure of $5,000?

Mr. TAWNEY. I can not.

Mr. WADSWORTH. I will give the committee that information in my time.

Mr. TAWNEY. I only know that the investigation has covered the whole subject of the production and treatment of these fibers. I know further that within the last year we have imported into this country foreign fibers to the amount of more than $4,000,000, and that we have imported of the products of these foreign fibers more than $30,000,000 worth. The development of this particular line of agriculture is a subject of vast interest to the farmers and producers of this country. There has recently been formed in the United States a National Domestic Fiber Association, composed of men in almost every State in the Union who are interested in the production and treatment of these domestic fibers, and their association is for the purpose of furthering their growth to the end that we may be able to produce more of the fibers we consume than we have done in the past. I think, therefore, it is but just to the people that they should have the benefit of scientific investigation with respect to the treatment of these fibers, so as to encourage the production at home of products we are now importing from abroad. I certainly think this investigation is of at least as much value to the country at large as several of the investigations which are authorized by this bill. For example, the botanical investigation, the entomological investigation, the pathological investigation, the biological survey, the forestry investigation, the soil investigation, the grass and forage plant investigation, and the nutrition investigation. All of these are authorized by this bill, and none of them, in my judgment, comes closer to the interests of the agriculturists of this country than the investigation in relation to the production and treatment of domestic fibers. I hope, therefore, that the committee will adopt the amendment I have offered. I do not believe that it is subject to the point of order made by the gentleman from New York, which is covered only by the second paragraph of Rule XXI, for the reason that the amendment does not change existing law nor increase expenditures.

The CHAIRMAN. As the Chair understands, the only clause of the rule under which this amendment would be in order would be the one which authorizes an appropriation for the continuation of a public work or object already in progress.

Mr. TAWNEY. This is for the continuation of a work already authorized by law.

The CHAIRMAN. A public work or object.

Mr. TAWNEY. Yes.

The CHAIRMAN. What constitutes a "public work or object already in progress" has received several interpretations by Chairmen of the Committee of the Whole on the state of the Union. It has been broadly held that the term "public work" contemplates a tangible object, like a building or a road, and not "duties in an Executive Department." The Chair is unable to say whether this amendment which the gentleman from Minnesota proposes applies to anything more than duties in an Executive Department. The object of it is to gather information, as the Chair understands.

Mr. TAWNEY. The amendment is to provide for the continuance of an investigation in relation to the production of certain articles, and I think it comes under the head of a public work already in progress. It is a work that the Department has been engaged in for a number of years.

The CHAIRMAN. But there is no tangible object like a public building or a road.

Mr. TAWNEY. I do not contend that this is a public building or a highway.

The CHAIRMAN. The Chair said no tangible object *like* a public building or a road. The gentleman's amendment seems to apply only to the duties of an Executive Department.

Mr. TAWNEY. It may be that the Chair is making a very fine distinction between a "public duty" and a "public work." The labor heretofore expended in this investigation certainly constitutes a work, and there can be no question about its being for the benefit of the public. The question whether it is like a road or a highway has no reference to the question whether it is a public work or not.

The CHAIRMAN. The Chair is only making the distinction that seems to have been made by former occupants of the chair in the Committee of the Whole. The term "public work" has been held to apply to some tangible object and not to a mere work or duty which is performed by a public officer.

Mr. DOCKERY. There is something tangible here—$5,000. [Laughter.]

Mr. TAWNEY. I think that an appropriation for the work authorized by this amendment is entitled to be considered by the Chair as a provision for a public work in progress just as much as an appropriation for a building or a public road or any other public work. The work which the Agricultural Department is directed by this amendment to continue is a work which the Department has been required in the past to perform, and the amendment simply contemplates that that work, in the interest of the public, shall be continued in the future as it has gone on in the past.

The CHAIRMAN. The difference between this object and a public work like a building or a road is that in the latter case the building or road is the tangible object, while this simply applies to a duty. Is there any tangible object that has been already accomplished or commenced under this appropriation?

Mr. TAWNEY. The result of the investigation is the tangible object that has been accomplished. People in my own State, and people in other States, have been benefited by that result just as much as they would be benefited by the partial completion of a public road or building, and reports showing the results of these investigations have been made from year to year and distributed among the people who are interested in the subject, for their guidance in the production and treatment of these fibers.

The CHAIRMAN. Has the Department ever established an experimental farm, or anything of that kind, for the purpose of raising these fibers? That would be a tangible object or work.

Mr. TAWNEY. I was informed the other day by Mr. Smith, the superintendent of the Botanic Garden, that he has been growing these various fibers under an appropriation heretofore made. He referred especially to jute and to ramie. These experiments have been going on under the direction of the Agricultural Department ever since 1888, the results being made known to the public in the report.

The CHAIRMAN. The experimentation in the Botanic Garden was done under the appropriation for the Botanic Garden, was it not?

Mr. TAWNEY. I am unable to state under what appropriation the work was done, but it was an experiment, under the direction of the Agricultural Department, as Mr. Smith informs me. I certainly fail to see wherein this amendment which I have offered changes existing law or increases the expenditure of money previously provided for.

Mr. BARRETT. May I offer a suggestion to the chairman of the Committee on Agriculture? Later on in this bill I find several paragraphs providing for investigations very similar to the one proposed by the gentleman from Minnesota, and if the Chair should hold that these investigations are not in order under the rule I shall take pleasure in making the point of order upon each one as it is reached, because I think that the gentleman from Minnesota is entitled to exactly the same consideration here that is given to the chairman of the Committee on Agriculture. I make this suggestion now for the benefit of the chairman of the Committee on Agriculture [Mr. WADSWORTH], because he may possibly desire to have some of these other provisions for investigations retained in the bill.

Mr. WADSWORTH. The gentleman is at liberty to raise a point of order against anything in the bill. I am not his guardian in any sense.

The CHAIRMAN. The remarks of the gentleman from Massachusetts [Mr. BARRETT], as the Chair understands, are addressed to the chairman of the Committee on Agriculture [Mr. WADSWORTH], not to the Chairman of the Committee of the Whole.

Mr. DOCKERY. I hope the Chair will decide this question uninfluenced by any threats or attempted intimidation. [Laughter.]

The CHAIRMAN. The Chair will endeavor to decide all these questions of order on their merits as they arise. The Chair thinks that this amendment is not in order under the rules, and therefore sustains the point of order.

Mr. TAWNEY. In view of the vast importance of this provision, I appeal from the decision of the Chair.

Mr. WADSWORTH. Pending that, will it be in order for me to make an explanation, not touching the point of order, but stating the reasons why the committee struck out this provision? Would that be in order?

The CHAIRMAN. The question of order is debatable on the appeal.

Mr. WADSWORTH. I do not want to debate the question of the appeal, but merely to state why this item was left out of the bill.

The CHAIRMAN. The question is, Shall the opinion of the Chair stand as the judgment of the committee?

The question being taken, there were—ayes 40, noes 23.

Mr. BARRETT. No quorum, Mr. Chairman.

The CHAIRMAN (after counting the members present). There are 114 members present—a quorum. The ayes have it. The decision of the Chair is sustained. The Clerk will read.

The Clerk (resuming the reading of the bill) read the following:

Agricultural experiment stations, Office of Experiment Stations: To carry into effect the provisions of an act approved March 2, 1887, entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," and to enforce the execution thereof, $750,000, $30,000 of which sum shall be payable upon the order of the Secretary of Agriculture, to enable him to carry out the provisions of section 3 of the said act of March 2, 1887; and the Secretary of Agriculture shall prescribe the form of the annual financial statement required by section 3 of said act of March 2, 1887, shall ascertain whether the expenditures under the appropriation hereby made are in accordance with the provisions of the said act, and shall make report thereon to Congress; and the Secretary of Agriculture is hereby authorized to employ such assistants, clerks, and other persons as he may deem necessary, and to incur such other expenses for office fixtures and supplies, stationery, traveling, freight, and express charges, illustration and publication of the Experiment Station Record, bulletins, and reports, as he may find essential in carrying out the objects of the above acts; and the sums apportioned to the several States shall be paid quarterly in advance. And the Secretary of Agriculture is hereby authorized to furnish, to such institutions or individuals as may care to buy it, copies of the card index of agricultural literature prepared by the Office of Experiment Stations, and charge for the same a price covering the additional expense involved in the preparation of these copies; and he is hereby authorized to apply the moneys received toward the expense of the preparation of the index.

Mr. BAKER of New Hampshire. I wish to raise a point of order on the clause just read, commencing with the word "and," in line 18, on page 15. Pending the point of order, I wish to ask the chairman of the Committee on Agriculture the purpose of this card index here referred to, and the form in which copies are to be furnished.

Mr. WADSWORTH. This provision is the same as that of the law of last year. It refers, I suppose, to the index of the libraries of these experimental stations, does it not?

Mr. BAKER of New Hampshire. I was trying to find that out myself.

Mr. WADSWORTH. I confess I am not positive as to the matter.

Mr. BAKER of New Hampshire. I do not see how a card index, according to the ordinary interpretation of those words, could be issued as provided.

Mr. WADSWORTH. The appropriation act for the current year provides:

And the Secretary of Agriculture is hereby authorized to furnish to such institutions or individuals as may care to buy it, copies of the card index of agricultural literature prepared by the office of experiment stations, and charge for the same a price covering the additional expense involved in the preparation of these copies, and he is hereby authorized to apply the moneys received toward the expense of the preparation of the index.

The law is mandatory that these indexes shall be prepared, and it is further provided that the money received for them shall be applied to pay the expense of preparing them.

Mr. BAKER of New Hampshire. The difficulty in my mind, Mr. Chairman, is not so much in the interpretation of the language here used as it is with regard to the manner in which the provision can be carried out. How are card indexes to be duplicated in this manner?

Mr. WADSWORTH. Well, that is a matter of detail. I confess I am not much of a librarian, and I do not know how these indexes are prepared. But the law for their preparation is mandatory, and the provision here in question provides merely that the proceeds shall be applied toward paying the expense of preparing them.

Mr. BAKER of New Hampshire. I do not get the information that I desired, but I withdraw the objection. [Laughter.]

The Clerk (resuming the reading of the bill) read as follows:

Nutrition investigations: To enable the Secretary of Agriculture to investigate and report upon the nutritive value of the various articles and commodities used for human food, with special suggestions of full, wholesome, and edible rations less wasteful and more economical than those in common use, $15,000; and the agricultural experiment stations are hereby authorized to cooperate with the Secretary of Agriculture in carrying out said investigations in such manner and to such extent as may be warranted by a due regard to the varying conditions and needs of the respective States and Territories, and as may be mutually agreed upon; and the Secretary of Agriculture is hereby authorized to require said stations to report to him the results of any such investigations which they may carry out, whether in cooperation with said Secretary of Agriculture or otherwise.

Mr. BARRETT. I raise a point of order on the provision last read, and I reserve that point pending the amendment which the gentleman from Minnesota [Mr. TAWNEY] is about to offer.

Mr. TAWNEY. Mr. Chairman, I desire to offer the amendment which I send to the desk.

The CHAIRMAN. The point of order raised by the gentleman from Massachusetts should be first disposed of.

Mr. BARRETT. I reserve that point of order until the gentleman from Minnesota shall have an opportunity to be heard.

The proposed amendment of Mr. TAWNEY was read, as follows:

After line 16, on page 16, insert the following:

"Fiber investigations: To enable the Secretary of Agriculture to continue the investigations relating to textile fibers indigenous in, or adapted to, the United States, including their economic growth, cleansing, and decorticating, preparatory to manufacture; the testing machines and processes for said cleansing and decorticating; for the purchase of material for said tests; for the purchase of fiber plants and seeds for distribution, propagation, and experiment, and for the labor and expenses incident thereto; and for traveling expenses in connection with said duties, $5,000."

Mr. WADSWORTH. I renew the point of order against the amendment offered by the gentleman from Minnesota.

Mr. TAWNEY. Now, Mr. Chairman, I desire to call the attention of the Chair to the language of this amendment, which I think comes clearly within the rule. In other words, I submit that it does provide for the continuation of a public work. The language of the amendment is:

To enable the Secretary of Agriculture to continue the investigations relating to textile fibers indigenous in, or adapted to, the United States, including

their economic growth, cleansing, and decorticating, preparatory to manufacture; the testing machines and processes for said cleansing and decorticating; for the purchase of material for said tests; for the purchase of fiber plants and seeds for distribution, propagation, and experiment, and for the labor and expenses incident thereto; and for traveling expenses in connection with said duties, $5,000.

Now, the labor and the expense incident to that work is merely a continuation of a public work which has been going on since 1888.

The CHAIRMAN. The Chair would like to ask the gentleman from Minnesota if he has before him the general law under which the Secretary of Agriculture is authorized to make the investigation? The Chair understands there is a general law on this subject.

Mr. TAWNEY. The paragraph I sent to the Chair is taken from the general law. The law now authorizes this work.

The CHAIRMAN. The gentleman means on an appropriation bill. The Chair means the general law upon the subject, if the gentleman can refer to it.

Mr. TAWNEY. I do not know that there is a general law on the subject other than the appropriation bill passed last session, although there may be.

The CHAIRMAN. The recollection of the Chair is that there is a general law, a section of the statutes, under which this expenditure is authorized.

Mr. TAWNEY. That may be, although I have not access to the law, nor have I examined it.

The CHAIRMAN. The Chair thinks perhaps some member of of the committee may be able to refer the Chair to the section.

Mr. HULICK. Mr. Chairman, I have a copy of the general law now in my hands; and if the gentleman from Minnesota wishes to refer to any portion of it, I will gladly surrender it to him.

Mr. TAWNEY. Mr. Chairman, I find section 526 of the Revised Statutes, on page 88, reads as follows:

The Commissioner of Agriculture shall procure and preserve all information concerning agriculture which he can obtain by means of books and correspondence, and by practical and scientific experiments, accurate records of which experiments shall be kept in his office, by the collection of statistics, and by any other appropriate means within his power; he shall collect new and valuable seeds and plants; he shall test, by cultivation, the value of such of them as may require such tests; shall propagate such as may be worthy of propagation, and shall distribute them among agriculturists.

Now, this is merely a continuation of the present law in respect to one particular item that is referred to in this general provision of the statutes; that is to say, the cultivation of domestic fibers.

The CHAIRMAN. The Chair will state that if the attention of the Chair had been called to the statute the gentleman has just read before ruling on the amendment when first presented, the ruling would have been different. The Chair thinks that clearly the statute authorizes the work suggested in the amendment, and therefore overrules the point of order and will submit the question to the committee.

Mr. WADSWORTH. The Chair, then, holds the amendment to be in order?

The CHAIRMAN. The Chair holds the amendment in order under the statute.

Mr. WADSWORTH. And the question is on the amendment?

Mr. BARRETT. One moment, Mr. Chairman. I have a point of order pending which has been reserved on the section. Inasmuch as I only reserved it to enable my friend from Minnesota to have the amendment which has been read acted upon by the committee, I withdraw the point of order, that result having been achieved.

The CHAIRMAN. The point of order having been withdrawn, the question is on agreeing to the amendment proposed by the gentleman from Minnesota.

Mr. WADSWORTH. Mr. Chairman, the Agricultural Committee last year had this item under investigation, and was very doubtful that it possessed any utility whatever. On further investigation the committee decided unanimously that it should not be put into the present bill.

This investigation was started, I may say, in 1888, the gentleman from Minnesota says, although the figures I have show that it was in 1892.

Mr. TAWNEY. Eighteen hundred and eighty-eight is the correct time.

Mr. WADSWORTH. However, that does not matter materially. It was started, whenever it was commenced, at $10,000 for that year. In 1893 it was immediately dropped to $5,000, which shows a little suspicion in the minds of the Congress at that time that it was not of very much value. In 1894, 1895, and 1896, it was retained at $5,000.

Now, that $5,000 is spent in this way: The chief of the division gets $2,000; the chief clerk gets a part; a lady clerk gets some of it, and these three are compelled to have a messenger to wait upon them at a salary of $900, making thus $4,700 of the total appropriation which is paid in salaries.

Now, the investigation proposed by the gentleman from Minnesota may have been of some value heretofore, but we have considered the subject very thoroughly in this country, and the question of raising fibers to-day is no longer an experimental one. It has been established that in the South we can raise ramie, and in certain sections of the Northwest they raise hemp for the seed, not for the fiber, while on the North Pacific Coast you can raise it also for the fiber.

But, Mr. Chairman, in every State of the Union there is an experimental station, and the committee claim that where experiments of this character are to be conducted they should be conducted at the experimental stations in the States where the article is to be raised and where the test of climate can be considered. What good, let me ask you, would it do down in the Botanic Garden here to raise some character of fibrous plant to be used in Wisconsin or in Dakota? It will be of no practical value; it would not demonstrate anything of value; and the committee therefore thought that experiments of this character should be conducted in the States, at the experimental stations, and for that reason we did not think it proper to make this appropriation.

Mr. BAKER of New Hampshire. Let me ask the gentleman in charge of the bill if the same remark would not be applicable to the culture of grass and forage plants and their investigation under the Division of Agrostology, as embodied in this bill on page 14?

Mr. WADSWORTH. I do not know but it would to a certain extent. I am frank to say to the gentleman that very many of these experiments are being duplicated all over the States in the different experimental stations. I do not deny that all this experimental work of the Government, generally speaking, ought to be reorganized and consolidated into one big bureau, so as to avoid this duplication of work.

Mr. TAWNEY. Why do you pick out this small item and make an exception of it?

Mr. WADSWORTH. We seek in this small matter to avoid this duplication of work by doing away with the fiber investigation, just as last year we did away with the irrigation investigation.

Mr. JOHNSON of North Dakota. Mr. Chairman, this is an item which has been in the Agricultural appropriation bill annually since 1888. While Mr. Rusk was Secretary of Agriculture we got it without any fight on the floor of the House. In the last two or three years we have had more or less debate, but anyhow——

Mr. WADSWORTH. I want to correct the gentleman in that respect. Last year there was no debate and no dispute. It was put in the bill and went through. Before that I can not say for certain.

Mr. JOHNSON of North Dakota. I accept the correction of the gentleman from New York, but hope the committee will not at the present time deprive the incoming Secretary of Agriculture of the opportunity to continue this investigation in case it shall be deemed wise. We are now importing 50,000 tons of fiber of a very coarse character for binding twine, and 150,000 tons of this low-grade fiber for gunnysacks and other similar stuff. We are burning on the Western prairies, just to get rid of it, a million tons of fiber every year, which, if our farmers and our fiber manufacturers only had a little assistance, a little more instruction, they could save.

Mr. WADSWORTH. May I ask the gentleman a question right there?

Mr. JOHNSON of North Dakota. Yes.

Mr. WADSWORTH. Are you not burning millions of bushels of corn also?

Mr. JOHNSON of North Dakota. No; that is a different thing.

Mr. WADSWORTH. You are not burning corn in Kansas and Nebraska?

Mr. JOHNSON of North Dakota. Oh, they are, where it is cheaper than coal.

Mr. WADSWORTH. You do not hold that the Agricultural Department should teach the people how to grow corn?

Mr. JOHNSON of North Dakota. That is a different thing. Flax straw is burned not for fuel, but just to get rid of it. I had a letter from Mr. Worden, the president of the National Fiber Association, only yesterday, and I think the gentleman from Minnesota [Mr. TAWNEY] has received one like it, in which he says that the progress they have made has been mainly due to following the instructions they have received from this branch of the Agricultural Department. Now, the fallacy which the chairman of the committee [Mr. WADSWORTH] reiterated, that you can not produce seed and at the same time save the fiber of our flax, is being disproved. As a matter of fact, we are raising flax and saving the seed and, to a small extent, the fiber also. Now, instead of sending our money to the Philippine Islands and to Yucatan for sisal and manila fiber, we should use our own flax fiber now going to waste. It is these little wastes that are going on on our farms that make the difference between success and failure. We have had an opportunity, with only this picayune assistance, to learn how to utilize this by-product which is now going to waste.

Mr. WADSWORTH. Is not that in support of the point I made a minute ago, that it is the duty of the agricultural experiment stations in the several States to develop the fact whether you can save both the seed and the fiber?

Mr. JOHNSON of North Dakota. In the State of Minnesota they have as good an experiment station as you have in the State of New York, and they have done the best they could; but they have no specialist, no expert such as we have here now in the Agricultural Department, who is particularly versed in this subject; hence their experiments have not been of much value in this particular direction.

Mr. BAKER of New Hampshire. I suggest that it is cheaper that this special investigation be carried on from one place and the instructions issued from that place to the several experiment stations than it is to carry on original investigations in forty-five different States.

Mr. JOHNSON of North Dakota. Certainly; nothing could be plainer than that.

Mr. WADSWORTH. But in the several States you suit the products to the soil and the climate. What you are able to raise here you may be unable to raise in New Hampshire. Soils and climates differ.

Mr. BAKER of New Hampshire. With a great many exceptions, that is true.

Mr. JOHNSON of North Dakota. We do not expect to get in the State experimental stations the collective instruction and scientific information which is issued from this Department at Washington. It is something we can not supply in the several States. I hope the House will not deny us this very small item, which we have been accustomed to getting in the Agricultural appropriation bill for many years, ever since we have had a Secretary of Agriculture.

Mr. WADSWORTH. Yes, Mr. Chairman, and the item will be put in the bill just so long as the House will consent to it, and this investigation will go on ad infinitum. I never saw one of them discontinued voluntarily in the world.

Mr. DOCKERY. Mr. Chairman, the gentleman from Minnesota [Mr. TAWNEY] seeks by this amendment to overturn the unanimous report of the Committee on Agriculture, and the explanation of the amendment is found in the statement which he makes that his constituents are interested in the growth of this fiber. I congratulate the constituents of my friend from Minnesota in having so able and so zealous a champion; but I am unwilling, as a taxpayer of the United States, to continue this contribution, which at last goes not to the benefit of the constituents of the gentleman from Minnesota, but to a salary roll amounting to $4,700.

Mr. TAWNEY. If the gentleman will permit me there.

Mr. DOCKERY (continuing). That is the cost of administration.

Mr. TAWNEY. Will you just permit me an inquiry there?

Mr. DOCKERY. Certainly.

Mr. TAWNEY. It is not alone the people of Minnesota that are interested in the result of these investigations, nor are we alone in our enjoyment of the accruing results of these investigations. The investigation before our committee within the last month has proven conclusively that almost every State of the Union is interested in the growth and in the development of this fiber industry, so that the benefit comes not to the people of Minnesota alone, but to the people of every State.

Mr. DOCKERY. Mr. Chairman, let me reply——

Mr. WADSWORTH. But can not that be best done in each of the experimental stations of the States?

Mr. TAWNEY. It can not be done in the forty-five different experimental stations of the States.

Mr. DOCKERY. The gentleman from Minnesota evidently did not understand the observation I made at the outset. I stated that this benefit did not go, after all, to the constituents of the gentleman from Minnesota, but it appears that it goes to four persons who are carried on a salary roll, thus costing the Government $4,700 out of $5,000 to administer this appropriation.

Mr. TAWNEY. What are they carried on that roll for?

Mr. DOCKERY. Now, I have not seen in my time here of fourteen years a more expensive administration of public affairs.

Mr. TAWNEY. What are they on that roll for?

Mr. DOCKERY. Will the gentleman allow me to make my statement, and then I will yield to him? I desire to make a connected statement, and when I was interrupted I was about to say that this was the most expensive item of administration of public money that has ever been called to my attention anywhere; and the wonder is that they did not take all the $5,000 for administration.

Mr. WADSWORTH. There was another item of $150 or $200 expended on labor.

Mr. DOCKERY. I was astonished to see that any part of the $5,000 got away. [Laughter.]

Mr. TAWNEY. Will the gentleman allow me to ask him a question there?

Mr. DOCKERY. Let me make my statement, and you can have your own time. It seems that I was in error somewhat, as the Bureau has in fact expended $4,850 of the $5,000 appropriated in the cost of administering this service of the Department of Agriculture.

Now, I am not surprised that the able and zealous gentleman from Minnesota should appear here in behalf of an appropriation, even if it be but $5,000, which goes to the benefit of his own constituents; but I submit that this is an appropriation for the benefit of four people carried on an enormously expensive salary roll in the Department of Agriculture. Now, what do you ask in your amendment? You want—

To enable the Secretary of Agriculture to continue the investigations relating to textile fibers indigenous in or adapted to the United States, including their economic growth, cleansing, etc.

Now, here is an investigation begun, according to your own statement, in 1888, to determine the extent to which these fibers could be cultivated in the United States; and yet, after eight years, with an expenditure originally of $10,000 a year, dropped the next year, I believe, to $5,000, and continued at $5,000, this Department, or at least the influences back of the appropriation, are not yet satisfied whether these fibers can be cultivated in the soil of the United States. Now, if it requires eight years, with an expenditure of perhaps $60,000 of the people's money, to enable them to reach no conclusion, I may ask the distinguished gentleman from Minnesota when he expects a judgment to be reached by this Department that will obviate the necessity of further expenditure? Now, this——

The CHAIRMAN. The time of the gentleman has expired.

Mr. DOCKERY. I should like to have five minutes longer.

There was no objection.

Mr. DOCKERY. This amendment provides also for the purchasing of—

Testing machines and processes for said cleansing and decorticating.

It seems that the only chance to purchase the testing machines under this amendment will be out of the $150 of unexpended balance that is not swept away by this salary roll. It also provides—

For the purchase of materials for said test.

These purchases must be made from this enormous balance of $150 left after these gentlemen shall have exhausted $4,850 of the appropriation on account of salaries. It also provides—

For the purchase of fiber plants and seeds for distribution, propagation, and experiments, and for the labor and expenses incident thereto.

This also must come from this affluent remainder of $150 left after this salary roll shall have satisfied its exorbitant demands.

Mr. Chairman, I regret that the gentleman from Massachusetts [Mr. BARRETT] did not carry out the threat he made a few minutes ago. If the other investigations authorized in the Agricultural bill are as costly in administration and as seemingly worthless in results as the one now under consideration, I have to regret that the gentleman did not adhere to his announced policy and make a point of order against each of the other investigations authorized in the bill.

Mr. TAWNEY. Mr. Chairman, the chief complaint of the gentleman from Missouri [Mr. DOCKERY] is that this appropriation in the past has been expended largely in the payment of salaries. I would like to know if the gentleman expects citizens to work for their Government without any compensation? The results of their labors and investigations have been made known to the people of the United States in the reports and bulletins which have been distributed to those who are interested in the production of these various textile fibers. The legitimate conclusion to be drawn from the argument of the gentleman from Missouri is that the appropriation has really been inadequate for an efficient and thorough investigation, and that a complete investigation would require the expenditure of a great deal more money. We have been able to secure in the past only $5,000 each year, but even with that limited sum results have been accomplished that have been of very material benefit to the people interested in the growth of these fibers.

The gentleman says that this investigation has been going on ever since 1888, and he asks: "When may we expect a final judgment?" Why, Mr. Chairman, this investigation, like nearly all others as they progress, opens up new fields wherein the investigation can be continued with profit to the people, and one reason why we are not now producing more of these fibers in this country is that our people are not familiar with the proper manner of treating them so as to make them available for the production of the various cloths and other products in which they are used at the present time; and as the result of that fact, we are importing an enormous quantity of fibers grown in foreign countries. An inquiry made by the Committee on Ways and Means only a short time ago, shows conclusively that these fibers can be grown in this country. Even jute, hitherto supposed to be exclusively the product of India, has been grown and can be grown, as Mr. Pierce,

of St. Louis, has testified, anywhere below Lexington, Mo., and he said he had seen fibers of that class growing there as high as 16 feet. The difficulty has been in the manner of treating them; and it is for that reason that gentlemen here representing States that are interested in the production of these fibers want to have this investigation continued, so as to obtain scientific information for the people as to the proper manner of treating these fibers and making them available for use in manufactures in place of the foreign fibers, which we are now importing in enormous quantities.

Mr. WADSWORTH. Mr. Chairman, the gentleman from Minnesota and myself do not differ as to the object to be attained; we simply differ as to the best method of attaining that object. I claim, and it is the opinion of the Committee on Agriculture, that the best way to attain that object is through the experimental stations of the different States, while the gentleman from Minnesota believes that the best way is by making this special appropriation.

Mr. TAWNEY. Mr. Chairman, in answer to that, I want to remind the committee that the gentleman from New Hampshire [Mr. BAKER] made a suggestion a few moments ago which I think conclusively disposes of the view taken by the gentleman from New York. The experimental stations in the States do not have the facilities for carrying on these investigations which the Agricultural Department has.

Mr. WADSWORTH. With an appropriation of $5,000?

Mr. TAWNEY. Even so. In the States we do not have access to the experts that the Government of the United States can command, and besides that, if an investigation conducted by the Agricultural Department can save to each of the forty-five States the expense of an independent investigation of this matter by each State, I say it is our duty to provide for such an investigation by the Department, especially so in view of the fact that we have begun this policy of making investigations. If we are going to make investigations of this kind at all, I am confident that we ought to include this fiber investigation, which, in my judgment, is of far more value to the farmers of this country than the botanical investigation, the entomological investigation, the nutrition investigation, or any of the others which are authorized by the bill as it stands.

Mr. BARRETT. Mr. Chairman, the gentleman from Missouri [Mr. DOCKERY] thought I had made a mistake in withdrawing my point of order against the paragraph to which the pending amendment applies. I wish to say that I made that point of order simply to direct the attention of this committee to what seems to me an inconsistency on the part of the Committee on Agriculture. Here comes the gentleman from Minnesota with a proposition which he makes in the interest of the agriculture of his part of the country——

A MEMBER. The agriculture of the whole country.

Mr. BARRETT. Here comes the gentleman from Minnesota with his proposition for an investigation relating to a special form of agriculture, and it is ruled out of order, yet the Committee on Agriculture have submitted a provision in this bill (which of course they would not do unless upon the belief that it was in order) which provides for an inquiry into human food, "edible rations," etc. That is to say, they are going to commission the Agricultural Department to go to the bottom of the ocean and decide what kind of fish are best for human consumption. They were going to make it a part of the duty of the Agricultural Department to consider how salt, a mineral, can best be used in matters of food. They are commissioning the Agricultural Department to do a thing with which properly it has no concern. At the same time they are raising a point of order against an amendment which has to do with a very great part of the agricultural interests of the United States. And in order that, if the point of order should be sustained, we might have a fair consideration, and reject similar propositions made by the committee, I reserved the point of order.

It seems to me that here, as in many other cases, an attempt is made to bring in things which are themselves out of order and at the same time to exclude amendments which ought to be passed upon on their merits. If by doing what I did I contributed in the smallest degree to enabling the amendment of the gentleman from Minnesota to be considered by the House, I am very glad that I took that step.

In regard to these other appropriations included in this bill, and to which the gentleman from Missouri objects, I agree with him fully. My opinion about the Agricultural Department is that which is probably entertained by seven-eighths of the members on this floor; but out of my sincere and heart-whole respect for the gentleman from New York [Mr. WADSWORTH], I will refrain from giving my views expression. [Laughter.]

The question being taken on the amendment of Mr. TAWNEY, there were, on a division (called for by Mr. WADSWORTH)—ayes 50, noes 23.

Mr. WADSWORTH. I call for tellers.

Tellers were not ordered, only 17 voting in favor thereof.

So the amendment of Mr. TAWNEY was adopted.

The Clerk read as follows:

Library, Department of Agriculture: Purchase of necessary books, periodicals, and papers, and for expenses incurred in completing imperfect series, and for library fixtures, shelving, library cards, and other material, $5,000.

Mr. DOCKERY. I move, pro forma, to strike out the last word, for the purpose of asking the gentleman in charge of this bill as to the necessity for an appropriation of $5,000 for purchasing books for the library of the Department of Agriculture. We appropriate only $4,000 annually for the purchase of books for the Congressional Library.

Mr. WADSWORTH. The library of the Agricultural Department is to-day probably one of the best technical libraries in the world. This appropriation of $5,000 is simply to keep it up—to provide it with the latest publications, to repair the shelves, to prepare library cards, pay postage, etc.

Mr. DOCKERY. Will the gentleman state the amount which was actually expended last year for the purchase of books for this library?

Mr. WADSWORTH. I have here a statement of the whole expenditure, but not an exact statement of the amount expended for books. I should say, however, that the bulk of the expenditure was for books.

The CHAIRMAN. In the absence of objection, the pro forma amendment will be regarded as withdrawn.

The Clerk read as follows:

Publications, Department of Agriculture, Division of Publications: For the preparation, printing, illustration, publication, indexing, and distribution of documents, bulletins, and reports, $65,000, of which sum $40,000 shall be available for the preparation and printing of farmers' bulletins, which shall be adapted to the interest of the people of the different sections of the country, an equal proportion of two-thirds of which shall be delivered to or sent out under the addressed franks furnished by Senators, Representatives, and Delegates in Congress: *Provided*, That the Secretary of Agriculture shall notify Senators and Representatives of the title and character of each such bulletin, and also of any other publication of the Department of Agriculture not sent to the folding rooms of the Senate and House, with the total number to which each Senator, Representative, and Delegate may be entitled for distribution; for the pay of artists, draftsmen, and engravers, and of proof readers and indexers when necessary; for the purchase of tools, instruments, and artist's material; for printing proofs, charts, and maps; for drawings, engravings, photographs, paintings, lithographs, other illustrations, and electrotypes, and for traveling expenses when necessary, $20,000; for labor, paper, envelopes, gum, twine, and other necessary materials, $5,000; in all, $65,000.

Mr. WADSWORTH. Mr. Chairman, there seems to be a misprint in this paragraph. I move to correct it by striking out "$20,000" in the third line from the last and inserting "twenty" before "five" in the next line to the last.

Mr. STEWART of New Jersey. I suggest also that after the word "necessary" we should strike out the semicolon and insert the word "and;" so as to read: "when necessary, and for labor," and so forth.

Mr. WADSWORTH. I accept the gentleman's suggestion.

The CHAIRMAN. In the absence of objection, the phraseology of the paragraph will be amended as suggested by the gentleman from New York.

There was no objection.

Mr. STEWART of New Jersey. I offer the amendment which I send to the desk.

Mr. STEELE. Before we proceed further with the bill, I desire consent to go back to the previous paragraph.

The CHAIRMAN. There is an amendment now pending, which the Clerk will read.

The amendment of Mr. STEWART of New Jersey was read, as follows:

In line 24, page 17, after the word "distribution," insert "and on the face of the envelope inclosing said bulletins shall be printed the title and character of each bulletin contained therein."

Mr. STEWART of New Jersey. The difficulty at present is, there being upon the envelope no printed description of its contents, we are obliged to destroy the envelope in order to ascertain what it contains.

Mr. WADSWORTH. That is a very proper amendment. I assent to it with pleasure on behalf of the committee.

The amendment of Mr. STEWART of New Jersey was agreed to.

Mr. STEELE. Mr. Chairman, I ask unanimous consent to return to the amendment inserted at the top of page 17, a provision enabling the Secretary of Agriculture to continue the investigations of the Department in reference to fibrous plants. I ask unanimous consent to recur to this amendment, and offer an additional amendment providing that not more than $3,000 of this sum shall be used for salaries.

Mr. WADSWORTH. Mr. Chairman, I accept the amendment with great pleasure.

Mr. STEELE. I desire to state that of the $5,000 heretofore appropriated, all of it, with the exception of $150, has been expended for salaries. Now, it seems to me that the present appropriation ought to be limited in that direction.

Mr. DOCKERY. I suggest to the gentleman from Indiana that

this administration has just been overwhelmingly approved by the committee.

Mr. STEELE. That may be; but I would ask the gentleman from Missouri if he does not think it would be wise for us to provide that this expenditure should be limited as I suggest?

Mr. DOCKERY. Certainly. If the money had gone for the purpose originally intended—to ascertain whether or not certain fibers can be raised to advantage in the United States—I should not have objected in the first instance; but, as a matter of fact, all of it went to pay salaries here in the city of Washington to employees of the Bureau, with the exception of about $150. But, as I have just suggested, that has been accepted and disposed of and ratified by an overwhelming approval of the committee.

Mr. STEELE. Well, that is a matter that I desire to cure by the amendment, and I hope the gentleman will not object.

Mr. DOCKERY. Certainly I shall not object.

The CHAIRMAN (Mr. HULL in the chair). The gentleman from Indiana asks unanimous consent to recur to the amendment inserted on page 17, and to insert a proviso that not more than $3,000 of the appropriation for the purpose contemplated shall be used for salaries. Is there objection?

Mr. HARTMAN. Mr. Chairman, I am not intending to interpose objection, but simply desire to call attention to the fact that the gentleman from Minnesota [Mr. TAWNEY] who opposed the original amendment has left the Chamber, and I think perhaps that during his absence this matter should be withheld.

Mr. STEELE. If the gentleman from Minnesota objects when he returns, I shall ask to have the action reconsidered.

The CHAIRMAN. Is there objection?

Mr. HARTMAN. I shall not object.

Mr. STEELE. Then I ask unanimous consent that the amendment I have suggested, "that not more than $3,000 of this sum shall be expended for salaries," shall be incorporated in the amendment already adopted.

There was no objection, and it was so ordered.

The Clerk read as follows:

Contingent expenses, Department of Agriculture: Stationery, purchase of blank books, twine, paper, gum, dry goods, soap, brushes, brooms, mats, oils, paints, glass, lumber, hardware, ice, fuel and lights, freight, express charges, advertising, telegraphing, purchasing supplies, and washing towels; the purchase, subsistence, and care of horses; the purchase and repair of harness; the purchase and repair of vehicles; expenses of sales of old material; payment of duties on imported articles, and the Department of Agriculture's proportionate share of the dispatch agent in New York, not to exceed $400; actual traveling expenses while on business of the Department, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, $20,000.

Mr. LIVINGSTON. Mr. Chairman, I rise to ask the gentleman a question.

Mr. MOODY. Mr. Chairman——

Mr. LIVINGSTON. I wish to ask the chairman of the committee what is the amount appropriated for the contingent expenses in the last appropriation bill?

Mr. WADSWORTH. I will state to the gentleman that there is a net decrease in this bill of $5,000. Last year the contingent expense was $25,000.

Mr. LIVINGSTON. How did you come to the conclusion that $5,000 ought to be deducted this year?

Mr. WADSWORTH. I went to the Department and looked over the vouchers and found an unexpended balance that satisfied me they could get along with this sum. They have not used the full amount of the appropriation heretofore.

Mr. LIVINGSTON. And you think that it is now none too large?

Mr. WADSWORTH. I think this is as much of a reduction as they can stand.

Mr. LIVINGSTON. I wanted to offer an amendment, if it met the approval of the gentleman, to make the amount $10,000.

Mr. WADSWORTH. I think that would be inadequate. I think the matter has been carefully considered and the money has been economically spent, and while there is an unexpended balance on hand there is no room, in my judgment, for a further decrease.

Mr. LIVINGSTON. What does the Secretary do with the unexpended balances of this appropriation?

Mr. WADSWORTH. The unexpended balance is returned into the Treasury.

Mr. LIVINGSTON. It does not go for salaries?

Mr. WADSWORTH. No, sir.

Mr. DOCKERY. I desire to ask the gentleman in charge of this bill if it would not be wise to accept the amendment "that horses and vehicles," in this paragraph, shall be used for "official purposes only." That proviso is carried in every other appropriation bill, but to my surprise I do not find it in this bill.

Mr. WADSWORTH. I have no objection to that amendment, although I do not think the use of such vehicles and horses is authorized in the Department, or that there is any abuse of the right to use them.

Mr. DOCKERY. Certainly not, and I am not intimating that there is. But this provision is carried in all of the other appropriation bills; in the legislative bill notably, which carries provisions for other horses and vehicles for the various Departments, and for the use of the heads of the Departments. So far as I know there is no abuse of the appropriation. I therefore do not wish it to be understood that I intimate that there is any abuse in this Department. But out of abundant caution I think it wise to incorporate such an amendment; and therefore, Mr. Chairman, I move to amend, in the third line, on page 20, by adding after the word "horses," the words "for official purposes only."

Mr. WADSWORTH. I accept that.

Mr. DOCKERY. Then, after that amendment is acted upon, I will offer another one, and then yield to my friend from Massachusetts [Mr. MOODY], who desires the floor.

The amendment proposed by Mr. DOCKERY was agreed to.

Mr. DOCKERY. In line 5, after the word "vehicles," I move the addition of the same words, "for official purposes only."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 20, line 5, after the word "vehicles," insert "for official purposes only."

Mr. WADSWORTH. I accept that amendment, Mr. Chairman.

The amendment was agreed to.

Mr. MOODY. Mr. Chairman, I should like to ask the gentleman from New York, the chairman of the committee, a question in regard to the paragraph which is just about to be read, in order that attention may be directed to it, because I understand that from another quarter some amendment is to be offered. This is one of the large appropriations in the bill—$120,000 for the distribution of seeds. The question I desire to ask of the chairman is what his personal opinion is as to the amount of benefit that is derived by the agricultural community from that large expenditure of money? I should be glad if he would inform the House what his opinion is, as a practical farmer, upon that question. [Laughter.]

Mr. WADSWORTH. Mr. Chairman, I do not care to interpose my personal opinion against the overwhelming sentiment of this House.

Mr. MOODY. Mr. Chairman, I will say to the gentleman that there is a good deal of sentiment which agrees with what I believe to be his personal views. I think those members who are not practical farmers are entitled to the opinions of those who are; and we shall be glad to get the views of the gentleman from New York [Mr. WADSWORTH] on the question.

Mr. WADSWORTH. I do not want to open the subject of seeds, but since the gentleman has asked me the question, I am not afraid to answer it. In my own humble opinion, the seeds should be distributed through the experimental stations, and not through the Secretary of Agriculture.

Mr. HULICK. Not through the members of Congress, either.

The Clerk (proceeding with the reading of the bill) read as follows:

Division of seeds, purchase and distribution of valuable seeds: For the purchase, propagation, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants, and expense of labor, transportation, paper, twine, gum, printing, postal cards, and all necessary material and repairs for putting up and distributing the same, and to be distributed in localities adapted to their culture, $120,000. And the Secretary of Agriculture is hereby authorized, empowered, directed, and required to expend the said sum in the purchase, propagation, and distribution of such valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants, and is authorized, empowered, directed, and required to expend not less than the sum of $100,000 in the purchase at public or private sale of valuable seeds, the best he can obtain, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated; and such seeds so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States.

Mr. BROMWELL. Mr. Chairman, I move to strike out the last word. This time, Mr. Chairman, I think I shall not make any remarks that will call for replies from any of the representatives of silver on this floor, as I shall confine myself strictly to the matters pertaining to this appropriation bill.

Mr. HULICK. One moment, if the gentleman from Ohio [Mr. BROMWELL] will yield. I have an amendment to offer to that section.

Mr. BROMWELL. Well, I have one that I want to offer further along, and I take this means——

Mr. HULICK. You have only made a formal amendment so far, to strike out the last word. I have an amendment.

The CHAIRMAN. Does the gentleman yield?

Mr. BROMWELL. I do not.

The CHAIRMAN. The gentleman from Ohio [Mr. BROMWELL] declines to yield to his colleague.

Mr. BROMWELL. Now, Mr. Chairman, I want to say at the beginning that I represent a district made up largely of the city of Cincinnati, and that the population of the district outside of the city amounts to about 25,000 or 30,000 people, a large portion of whom are engaged in agriculture. I think that this provision of the agricultural bill that pretends to appropriate money year after year for the distribution of so-called rare and valuable seeds

and plants is a perversion of the public money from the legitimate purpose for which it was originally intended when it was ingrafted into the Agricultural appropriation bill, for it has degenerated into the lowest form of patronage by the members of this House.

There is no question that the original provision of this bill, which provided for the purchase of rare and valuable plants and seeds, and for their dissemination, was a perfectly proper one. The farmers of one section of the country find that after propagating seeds of certain kinds for a time, they run out, become inferior in results, and that by exchanging seeds with other localities they can get better crops and better results in the production of the various grains and vegetables which they raise. There are many valuable plants grown in foreign countries having temperatures, soils, and surroundings similar to those of the United States, which can be introduced into this country with profit. Undoubtedly the intention of this provision of the bill was to give an opportunity for the exchange of the seeds of one portion of the country for those of another, and to introduce from foreign countries the seeds of valuable plants that were not indigenous to the United States. That has degenerated, Mr. Chairman, into a mere purchase of the commonest seeds that are raised in the various localities of the United States and the disposition of them in the same neighborhood in which they are produced. Previous to this year the seeds had been bought by the Agricultural Department, examined by them, put up into packages, and sent out. I understand that this year the seeds are bought in different localities and sent to the constituents of the members of this House from the seed merchant who is nearest to the district represented by the member.

Now, what is going to be the result? The seeds raised on one farm will be taken by the seed man in that locality, will be sold to the Government at a higher price than he could get from his neighbor, will go through the expensive process of being carried by mail, and finally will land on the adjoining farm as a rare and valuable seed.

Now, apart from any criticism that I have to make on this, I would like to see this whole provision thrown out of the bill, or, at any rate, relegated where it properly belongs, to the experiment stations. I am in favor of striking this provision out of this bill entirely. Assuming that this House is going to vote as it has heretofore, possibly, for a continuance of this evil, I have an amendment which I shall offer at the proper time, and which I will send up and have read in my time, and will offer it at the proper place, to correct some of the evils of the present distribution.

The Clerk read as follows:

Amend by inserting, after the word "represents," in line 19, page 22, the words:

"And in determining the number of packets of flower, vegetable, and other seeds, respectively, which shall be placed in the quota of each Senator, Representative, or Delegate, the Secretary shall be controlled by the written instructions filed with him by such member at any time prior to the 1st day of May each year, indicating the relative proportions of the flower, vegetable, and other seeds which said member desires in his quota. And the Secretary shall furnish to each such member either his entire quota or such part thereof as he may desire in sealed packets containing the names of seeds contained therein, printed upon the cover, together with a sufficient number of unsealed envelopes, with properly printed blank frank slips attached thereto for inclosing and mailing said seed packets. If any member shall fail to express his wish in regard to the various kinds of seeds to be apportioned in his quota before the 1st day of May, the Secretary may apportion the same to said member according to his own judgment. The provisions of this amendment shall apply to the distributions succeeding the 1st day of May, 1897."

Mr. BROMWELL. Now, Mr. Chairman——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROMWELL. I will speak to the amendment when I offer it.

Mr. WADSWORTH. I think the question is subject to a point of order.

Mr. BROMWELL. It is not offered yet.

Mr. WADSWORTH. I beg pardon.

Mr. HULICK. I offer the following amendment to the section.

The Clerk read as follows:

Insert, in line 15, page 20, after the word "seeds," the following:

"Such as are rare and uncommon in the country, or such as can be made more profitable by frequent changes from one part of our country to another."

Mr. HULICK. Mr. Chairman, I have copied the exact language of the law as it now is in regard to the character of the seeds, of the bulbs, and plants that the Secretary is required to purchase and distribute.

Mr. LIVINGSTON. May I suggest to the gentleman that the word "rare" was the very trouble that we had a year ago? The Secretary absolutely refused to purchase any seed ordered by the House.

Mr. HULICK. And the Secretary did right.

Mr. LIVINGSTON. But the House did not think so.

Mr. HULICK. But the law directed him to do that very thing.

Mr. LIVINGSTON. The law is changed now.

Mr. HULICK. This is the law as I am reading it now.

Mr. MOODY. Will the gentleman permit me? I understand the gentleman refers to section 527 of the Revised Statutes. That has been amended. It is not the law at present.

Mr. HULICK. It was changed in the appropriation bill last year.

Mr. LIVINGSTON. It was changed by a joint resolution passed by the two Houses.

Mr. HULICK. I do not understand that that statute is repealed, modified, or affected in any way by any statute since that enactment.

Mr. McRAE. I have the amendment here. The section has been amended so as to read as follows. Just read that.

Mr. MOODY. It has been amended.

Mr. HULICK. Is this in an appropriation bill?

Mr. McRAE. It is in the appropriation bill. It is an amendment of the section.

Mr. MOODY. It is the same provision that is in this appropriation bill.

Mr. McRAE. The word "rare" is not in it at all.

Mr. HULICK. It was not an amendment to the regular statute. I understand it was an amendment to the appropriation bill, and is not the law governing this matter.

Mr. McRAE. I proposed that amendment myself. It was a change of the law, and to make it read as directed there. It has become the law and is the permanent law.

Mr. HULICK. Well, all I have to say about its being the law is, I will read the section as it is claimed to have been adopted.

That section 527 of the Revised Statutes be amended so that it will read as follows:

"SEC. 527. The purchase and distribution of vegetable, field, and flower seeds, plants, shrubs, vines, bulbs, and cuttings shall be of the freshest and best obtainable varieties and adapted to general cultivation."

Mr. LIVINGSTON. That is just the language of the present bill.

Mr. HULICK. That is the language of the present bill, as I understand it. Now, I was not aware that that was incorporated in the general law. It was a part of the appropriation bill of last year.

Mr. LIVINGSTON. That is the law of the present bill.

The CHAIRMAN. The gentleman from Ohio has the floor.

Mr. HULICK. I will withdraw my amendment, as I now understand the statute.

The CHAIRMAN. The gentleman withdraws his amendment.

Mr. NORTHWAY. I would like to ask the chairman of the committee a question. On lines 18 and 19 I find this language.

Mr. WADSWORTH. What page?

Mr. NORTHWAY. Page 20.

To be distributed in localities adapted to their culture.

Is that the law now?

Mr. WADSWORTH. It is, sir.

Mr. NORTHWAY. Has the gentleman ever investigated to ascertain whether there has been any attempt made during the last two years to live up to the law in the distribution of seeds?

Mr. WADSWORTH. I have never heard any complaint that the law was not lived up to.

Mr. NORTHWAY. But is it not true that seeds are put up at remote points from members' homes, and members are not permitted to know what seeds they are getting, or whether they are fitted for their particular localities or not?

Mr. WADSWORTH. A certain number of vegetable seeds and a certain number of flower seeds are purchased at different points and distributed from those points.

Mr. NORTHWAY. But is there anybody who undertakes to ascertain whether they are adapted to the localities to which they are distributed?

Mr. LIVINGSTON. You have to trust the Department as to that.

Mr. NORTHWAY. So far as I am concerned, I am sure there has been no such attempt. Certain seeds distributed in my district last year were wholly unfit for the locality.

Mr. WADSWORTH. The seeds are contracted for at different points by the Department, and the seeds bought in each locality are distributed in that general locality; for example, seeds bought at Minneapolis are distributed in that section of country.

Mr. NORTHWAY. But the seedsman fixes them up to suit himself.

Mr. WILLIS. I understand that he receives instructions from headquarters.

Mr. WADSWORTH. I will say to the gentleman from Ohio that his remarks suggest one of the reasons why I believe in the local experimental stations.

Mr. NORTHWAY. But ought not the law as it stands to be lived up to by the Secretary of Agriculture?

Mr. WADSWORTH. Certainly. I can only say that the seeds sent to my district were satisfactory.

Mr. FLETCHER. And I can say that those that went to my

district were satisfactory, and the people want a lot more of them this year.

Mr. STEELE. Mr. Chairman, my farmer friend from Cincinnati [Mr. BROMWELL] complains about the character of the seeds that are furnished. If he has any more seeds that he desires to distribute, bad as they are, I should be glad to accept any portion of his quota that he may choose to give me.

Mr. BROMWELL. Mr. Chairman, if the gentleman desires to exchange his flower seeds for agricultural seeds, I will make the trade with him right now.

Mr. STEELE. We have a good many people of æsthetic tastes in Indiana, and we are not trading off our flower seeds, but I should be glad to accept any agricultural seeds that the gentleman has to spare. I look upon the distribution of seeds as one of the most useful functions performed by the Department.

But, Mr. Chairman, when it comes to giving information to Congress, the Department of Agriculture shows itself to be utterly incompetent. Take, for instance, castor beans, of which gentlemen have heard before. [Laughter.] On the 22d of January I had a communication from the Secretary of the Treasury, which was read to the House last evening, transmitting some information which the Statistical Bureau of the Treasury supplied as to the number of bushels of castor beans imported into this country. It is obvious, however, that in order to find out what the consumption was, it was necessary to ascertain what had been our own production. At the same time that I asked for information from the Treasury Department I addressed my inquiry to the Department of Agriculture. I was informed by the Statistician of that Department that for want of an appropriation for sufficient clerical force he was unable to supply the desired information. And now I want to call attention to the fact that, in reply to a resolution of the House, the Secretary of Agriculture says in respect to the information which a member of the Ways and Means Committee could not obtain on the ground that the Department had not sufficient clerical force that the Department is unable to furnish it because it has not got the information. I send to the desk a letter which I ask to have read.

The letter was read, as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., January 29, 1897.

SIR: It is impossible to comply with the resolution of the honorable House of Representatives passed January 28 requesting this Department "to inform the House how many bushels of castor beans have been produced in the United States each year since 1890 to 1896, inclusive, and how many bushels were exported each year within said period." The Statistical Division of the Agricultural Department has no data whence the desired information can be correctly collated. But it is respectfully suggested that the Chief of the Bureau of Statistics of the United States Treasury Department may probably supply such facts and figures relative to castor-oil beans as the honorable House of Representatives requires.

Very respectfully, yours,

J. STERLING MORTON, *Secretary.*

Hon. THOMAS BRACKETT REED,
Speaker of House of Representatives.

Mr. STEELE. I call attention to the fact that this great Department of our Government is not able to tell the House of Representatives what is our home production of so important an article as castor beans, an article on which a duty of 50 cents a bushel is paid and of which we imported into the United States last year 277,231 bushels.

Mr. DOCKERY. Are you going to reduce the duty under the next tariff bill?

Mr. STEELE. The tariff bill will be here for consideration in due time. [Laughter.] This letter of the Secretary is a confession on the part of the Department that it has no information on this important subject on which the House of Representatives has asked to be informed.

The Clerk read as follows:

SEC. 527. The purchase and distribution of vegetable, field, and flower seeds, plants, shrubs, vines, bulbs, and cuttings shall be of the freshest and best obtainable varieties and adapted to general cultivation.

Mr. MOODY. Mr. Chairman, I move to strike out that paragraph as it stands. I suppose everybody will agree that it ought to be stricken out. This morning I informed the gentleman from New York, the chairman of the committee in charge of the bill, that I intended to make the point of order against the paragraph that it changed existing law, but I learn from him that by the law of last year the statute was amended so as to read exactly as it does in this bill. Now, everybody will agree that it is entirely useless to continue to amend the statute year after year in the same way. It will only make confusion in the session laws, and I think that nobody will object to this being stricken out.

Mr. WADSWORTH. I am willing that it shall go out.

Mr. MOODY. Now that I am on my feet, Mr. Chairman, let me say that I heard with a good deal of pleasure some of the remarks of the gentleman from Ohio as to the distribution of seeds, but I confess I was not impressed with the magnitude of the reform which his amendment proposes, although I will not form a final judgment upon it until he shall have had an opportunity to explain it fully. Last year I made some remarks on this subject of the distribution of seeds. I do not propose to repeat them to-day, but I still entertain the views which I expressed last year, and while I am on the floor I wish to pay a passing word of respect to the biggest humbug of all the humbugs that we see here in Washington. [Laughter.] I am sure that very many members of the House share my views. I want to call attention again to the step, and the effect of the step, which was taken in the appropriation bill of last year. The law as it stood at that time provided for the purchase and distribution of seeds by the Department of Agriculture, confining it to "rare and uncommon seeds" and to such as "could be made more profitable by frequent changes from one part of our country to another."

Now, that was an intelligible ground of procedure—an intelligible ground upon which to appropriate money for the general benefit of agriculture. We have now departed from that, and we propose a distribution of "the freshest and best obtainable varieties of seeds adapted to general cultivation," and these are to be distributed per capita among the members of the House.

Mr. STEELE. Is not the gentleman aware that the Secretary of Agriculture has admitted that he was unable to make that law operative because he could not find any rare seeds?

Mr. MOODY. Mr. Chairman, in reply to the gentleman from Indiana [Mr. STEELE] I will say that if that statement was not true it is not entitled to respect; if it was true that the Secretary could no longer obtain any seeds which came within the spirit of the law (which had been on the statute book for so many years), then he ought to stop the distribution of seeds.

Mr. STEELE. Or we ought to have a new Secretary of Agriculture.

Mr. MOODY. Oh, the present Secretary of Agriculture ought not to be a burning issue. He has only about twenty days of active official life remaining, and then we shall have a Secretary with whom we can all sympathize. And I trust his view will accord with that of the present Secretary on one point—that is, as to the distribution of seeds.

One more word and I am done. After this subject was called to our attention last year, I took pains to converse with some of my own constituents who are engaged in agriculture—and I have a great many constituents who are so engaged, for some of the best farming land in the State of Massachusetts is within my district—and I found that without any exception, or perhaps I ought to say almost without an exception, they thought that this distribution of seeds was a waste of public money, a humbug, and a disgrace to the legislation of the Congress of the United States. I found this view joined in by the representative agricultural societies, not only of my own district, but of the State of Massachusetts. I believe that we make a mistake if we think that the farmers wish a continuance of an appropriation of this kind. We must not forget that in addition to the sum here appropriated it costs the Post-Office Department $100,000 to make the distribution.

I should be glad, Mr. Chairman, to vote for an appropriation of $120,000, the sum named in this bill, for the improvement of our methods of agriculture, for the distribution of seeds where they can be distributed with the effect of helping the general interests of agriculture throughout the country. But I am not willing to vote for the division of a few seeds among the members of this House to help them in this pitiful way among their constituency. Why, Mr. Chairman, after we passed the bill of last year I received, as I suppose other members of this House received, a letter from the contractor who furnished the Government with these seeds, telling me that he would sell me certain duplicate amounts of seeds if I desired them. I was not in the business of buying seeds, so I did not reply to the letter. But I made a rough calculation, and I found that, as nearly as I could understand, the quota which would be allotted to me or any other member of the House under this provision of law could be bought for about $90, so that all this appropriation, or a large part of this appropriation, of $120,000 is to allow me, as one member, to distribute $90 worth of seeds which my constituents can buy at any seed store in the land—to distribute $90 worth of seeds among 175,000 people.

Mr. MONDELL. I move to amend by striking out the last word.

The CHAIRMAN. There is an amendment already pending. Does the gentleman rise to oppose that amendment?

Mr. MONDELL. I move to strike out the last line.

Mr. Chairman, in connection with the passage of an Agricultural appropriation bill it may not be altogether improper to discuss briefly the condition of the agricultural classes of our nation. That there is widespread discontent among the agriculturists of our country, and that there is just cause for feelings of uneasiness and even alarm among the agriculturists in view of the depressed markets and low prices for their products, no one will deny. It is in the application of a remedy for this condition of things that men differ. During the heated campaign recently closed the opposing parties, with minor differences of details and

various local explanations, held in the main to two propositions; the one great party holding that agricultural depression and low prices was resultant upon the practical establishment and maintenance in this country and the world at large of the single gold standard of values, reducing the amount of money of final redemption, it was argued, to an extent that increased the purchasing power of each unit; the other great party more generally accounted for this condition by the argument of overproduction, or, perhaps we might say more truthfully, of underconsumption of agricultural products. The great increase in the world's output of agricultural staples, they argued, had the effect of lowering prices all over the world, while a system of tariff laws which had the effect of depriving a considerable portion of our population of employment at remunerative wages decreased to a vast extent the market at home for the products of the farm.

Now, I am of the opinion that not one, but both of these great causes are instrumental in bringing about the low price of agricultural products the world over. There can be no doubt in the mind of anyone who believes in the theory of a bimetallic monetary basis that the general adoption by the world of one metal as a monetary standard has some effect upon the general level of prices. In fact, I believe that even those who honestly believe that it is impossible to maintain an unvarying ratio between two metals with unlimited free coinage for both, who have studied the question carefully, will admit that the transition from the bimetallic standard, imperfect though it was, of twenty-five years ago to an absolute gold basis necessarily brought about a readjustment of values, their argument being that true bimetallism is impracticable and that the world will be vastly better off when we give up all attempts to maintain two metals as interchangeable standards of value, though there may be some loss to creditors in the transition. On the other hand, there is much force in the argument that improved methods and the opening of new fields, resulting in vastly increased production of agricultural staples, has, under the inevitable workings of the law of supply and demand, decreased the value of these staples as represented in monetary units, while the disastrous consequences of tariff changes by the increased importation of foreign goods, and the consequent closing of American mills and factories, have been demonstrated beyond the possibility of successful refutation by the vastly decreased consumption of agricultural staples in our own nation, and it is idle to attempt to account for the reduction in the consumption of wheat, corn, cotton, and wool by our people, amounting to hundreds of millions of dollars annually, on any other hypothesis except that the consumer has found his ability to purchase vastly curtailed by reason of an enormous reduction in the aggregate of wages paid in mills and factories consequent upon their entire suspension or reduction of working hours.

Mr. Chairman, at the beginning of the campaign which has just closed many Republicans believing in the theory of bimetallism, especially those dwelling west of the Missouri River, where bimetallic agitation has been most intense, found themselves confronted with a serious problem. The declaration of their party in its platform on this question, as it was interpreted by the people of their region—as, in fact, it was interpreted by many in the East to whom the party has owed nothing in the past and from whom, in my opinion, it can expect little in the carrying out of its principles and policies in the future—an interpretation that this declaration was really intended as an avowal of intention to perpetuate the single gold standard of values, subjected them to the misrepresentation of political enemies and the criticism of party allies. On the other hand, they were confronted by a declaration in the platform of the opposing party with a proposition on the financial question, radical as viewed separate and apart from the other declarations of that platform, and dangerous in the extreme when coupled with the other propositions therein set forth. Those Republicans who believe that it may be possible for this nation. alone and unsupported, to establish and maintain a stable bimetallic basis with a fixed ratio, must appreciate the tremendous character of the difficulties to be overcome in the inauguration and maintenance of such an independent system, and the far-reaching and disastrous consequences to all classes if an attempt toward such an establishment shall fail of the accomplishment of its purpose; that is, the establishment of a true bimetallic basis at a fixed ratio and with the two metals freely interchangeable.

Having in view these facts, many Republicans of this class in the West who have followed the standard of the party in years past viewed with alarm the declaration in the platform of the opposition on the financial question, especially coupled as it was with a declaration virtually in favor of free trade. We felt that if this nation alone can accomplish so stupendous an undertaking as the closing of the wide gap between the commercial value of the two metals now existing to an equality at the ratio proposed, at least we must avail ourselves of all of the agencies which tend to make us independent of foreign nations. To prate of independence in finance while favoring policies that would make us absolutely dependent and defenseless in trade, was, in the opinion of many Republican bimetallists, the sheerest hypocrisy and demagogism. To talk of this nation establishing and maintaining a system which greatly overvalued the silver of the world while advocating a policy of trade that reduces American exports and increases American imports, which nearly wipes out the vast trade balances in favor of this nation which have existed under proper tariff laws and compels us annually to go down into the coffers of the nation to pay hundreds of millions of annual interest charges, is equivalent to suggesting that an Atlantic liner may successfully cross the ocean without propeller or sails.

If we may as a nation, failing in an international agreement on this great question, initiate legislation looking to the establishment of true bimetallism, and even accomplish that, from my point of view, desirable result (and I believe that under proper conditions this may be accomplished), it will only be by using every weapon and every resource which our situation and national conditions have armed us with. To surrender the great principle of reciprocity whereby we may make it advantageous for a considerable number of the nations of the earth to join us in financial legislation; to surrender the great principle of protection to American labor and American industry, the operation of which renders us largely independent of foreign nations, and which, contradictory as the statement may seem, increases the balance of trade in our favor and brings to our shores the flood of yellow coin which the nations of Europe are seeking to hoard, and then to plunge, thus unarmed, into that most fierce and gigantic struggle, the battle of the standards, would be equivalent to an army charging a height bristling with hostile guns and bayonets and inaugurating that charge by throwing down all weapons offensive and defensive. To deprive ourselves of the armor and breastplate of reciprocity and the batteries of a protective tariff and then charge recklessly into what is admitted by those who favor independent bimetallism to be one of the most stupendous undertakings of history would be political suicide, lacking the halo of martyrdom, for it would not only mean ruin to those who led the charge, but irretrievable losses to millions of their fellow-countrymen.

But, Mr. Chairman, a considerable number of Republicans, honored in Republican councils, raised to their positions as much by Republican organizations as by their own worth, advocates in the past of all the great policies and principles of the Republican party, saw fit at the opening of the last great campaign to cross the Rubicon, not to engage the enemy, but to join his forces. These men must sacrifice many of those who had stood by them in their past history; sacrifice the organization which had defended them in the past, and, overlooking the conditions which I have briefly pointed out, and many others, ally themselves, at least temporarily, with the opposition. The motives of these men I have no disposition to impugn. They were largely from the region in which I dwell. Their personal friendship I value, and their honesty of purpose I acknowledge. But, Mr. Chairman, there is one feature of their action which I view in a different light from that in which it is viewed by some. Sincere in their convictions, no doubt, I can not bring myself to the acknowledgment of any extraordinary moral courage involved in their action. True, all men hesitate in sundering, even temporarily, ties which bind them to old associations. The tender cords of association and recollection bind them with a power that can not be appreciated until the breaking of those bonds sever them from party ties and party affiliations. But as for moral courage, it would have required vastly more to have braved the storm of denunciation of enemies and the infinitely more cutting sting of misrepresentation and covert suspicion of friends by remaining with their party than it required to break party ties. The opposition in the States from which these men hailed arrogated to themselves the claim of a holy and lofty patriotism, and in their self-laudation claimed the crusader's devotion to a holy cause, unactuated by selfish or unworthy motives. They temporarily lauded to the skies every man who left the Republican party, and enlarged to the seventh heaven the virtues of those who stood high in the councils of our party and left it to sit at the feet of the Gamaliels of the Populistic and Democratic creed. These men were loudly proclaimed as true, unselfish, devoted patriots, unaffected by any personal consideration, worthy of all praise, entitled to all recognition.

Alas, how have the scales fallen from the eyes of many of those Republicans who joined the ranks of the opposition in an honest belief, no doubt, that they were thereby best serving their country and their constituency! Nowhere in any of those States where the Republican organization was used to further the interest of the candidates of the Democratic and Populistic parties has there been aught but treachery and deceit practiced upon the Republicans who made it possible for these creatures to wield the weapons of their decapitation. Antenational convention pledges were carried out by the opposition certainly where there was no way in which they could be avoided, but wherever the silver Republicans had not the "immortal cinch" the cloven hoof of their late allies has

been exhibited and the forked tongue of venom, slander, and misrepresentation has been used to tear down from their high estate the men who helped them to win their victories. The wires bring from the State of Idaho the news of the defeat, by the Populist and Democratic legislators of that State, for the United States Senate, of a man who provided the men who defeated him with the weapons by means of which they accomplished his downfall. If there was any man in this broad land, from the standpoint of the Democratic-Populistic combination, who was entitled to the earnest, hearty, cordial, and sincere support of that combination, it was the very man whom they have but just defeated in his contest for a seat in the United States Senate.

It will be claimed in extenuation of the perfidy of the men who defeated DUBOIS that the Republican national committee was working against his reelection. Can any man wonder that the Republican national committee should work against the election of a man whom the Democratic national committee and every member thereof from the chairman down claimed to be moving heaven and earth to elect? And they who make this excuse in extenuation should remember that by so doing they are not only branding the members of the combination in the legislature who voted to defeat the election of a silver Republican to the Senate as guilty not only of the heinous crime of ingratitude, but open to a suspicion of exercising their high prerogatives influenced by a money consideration. Let it be remembered DUBOIS was defeated by the men of the silver combination belonging to the Populist and Democratic parties who held their position by virtue of the stand he took in the campaign.

FRED DUBOIS, whose eloquent tongue and active brain made him a power for the accomplishment of results for which the silver combination was made, was thrown down, unhorsed, defeated by the men he made in favor of a man professedly lacking in all the qualifications that would render him of service to the cause which these hypocrites claim to have at heart. The dispatches this morning bring us the news that the gentleman who succeeds him will go into the Democratic caucus of the Senate of the United States, and thus is the Republican State of Idaho turned over, boots, body, and breeches, to a minority representing less than 10 per cent of her total vote, and thus is the true animus of the campaign for personal aggrandizement under the guise of devotion to the silver cause fully and completely exposed to the execration of the nation.

[During the delivery of the foregoing remarks, when Mr. MONDELL'S five minutes had expired, Mr. BLUE asked unanimous consent that Mr. MONDELL'S time be extended; and there was no objection. When Mr. MONDELL'S second five minutes had expired, his time was further extended by unanimous consent, on motion of Mr. LIVINGSTON.]

The CHAIRMAN. The Chair understands that the pro forma amendment of the gentleman from Wyoming [Mr. MONDELL] is withdrawn. The question is now on the amendment of the gentleman from Massachusetts [Mr. MOODY].

Mr. MOODY. I understand that my amendment is assented to by the gentleman from New York, the chairman of the committee [Mr. WADSWORTH].

Mr. LIVINGSTON. I should like to ask the chairman of the committee [Mr. WADSWORTH] why this clause was inserted in the bill?

Mr. WADSWORTH. It is a repetition of the clause which was in the bill of last year except as to the amount.

Mr. LIVINGSTON. I so understood.

Mr. WADSWORTH. Does the gentleman understand that the clause which was inserted in the bill last year repealed the old law?

Mr. LIVINGSTON. Yes, sir. And upon that ground you are willing to let this go out?

Mr. WADSWORTH. Yes; it is repealed by the law of last year.

The question being taken on the amendment of Mr. MOODY, it was agreed to.

Mr. TALBERT. Mr. Chairman, I ask leave to offer the amendment I send to the desk. I will state that I intended to offer it at the end of line 13, but that line being stricken out, I offer it now to follow line 7 on page 21.

The Clerk read as follows:

And the Secretary of Agriculture is hereby directed and required to have delivered all seeds at the Department of Agriculture in Washington, and to send out the same to Members and Representatives from the seed department direct.

Mr. WADSWORTH. I reserve the point of order upon that amendment. It is new legislation, and involves an additional expenditure, but I will withhold it if the gentleman desires it.

Mr. LIVINGSTON. Let me suggest to the gentleman that the same point is embodied in the next paragraph, in line 29——

Mr. TALBERT. I think there is no line 29 on that page.

Mr. LIVINGSTON. Between lines 19 and 21, where it is provided that these seeds shall be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or will be directed and mailed by the Department upon their request.

Mr. TALBERT. But that does not make it specific enough.

Mr. LIVINGSTON. All of the seeds you are entitled to for distribution will be sent to you unless you order differently, under that provision.

Mr. WADSWORTH. The gentleman can order his seeds to be sent wherever he pleases. But the point of order is pending.

Mr. TALBERT. My object is to send these seeds first to the Department and reestablish the Seed Division in the Bureau as was established heretofore at that place.

Mr. LIVINGSTON. But I do not think the amendment of the gentleman covers that point.

Mr. WADSWORTH. I see no reason, Mr. Chairman, for the change proposed.

Mr. TALBERT. It is to prevent confusion in the distribution of seeds. We do not know now, when we send our orders to the Department, whether the slightest attention is paid to our requests. In the event of the adoption of this amendment we will know specifically whether the seeds are sent as we require them to be sent. If they are sent from the Department we can see the particular kinds of seeds also that are distributed and know whether they are suitable or otherwise.

Mr. WADSWORTH. This is a matter that should be left entirely to the Department. It can be best controlled there. If the gentleman from South Carolina wants the seeds sent to him, it is only necessary for him to so specify, and his request will be complied with.

Mr. TALBERT. But my object is first to have the seeds sent to the Department, where they can be put up in packages, and can be distributed from that point.

Mr. WADSWORTH. The effect would be to spend just that much more money in freight, and you would get that much less seed.

Mr. CLARDY. If the gentleman will permit, me the reason they were not so sent is that there is no place sufficiently large in the Department where these seeds can be received and properly handled.

Mr. TALBERT. That objection did not apply heretofore. There was ample room until this modern, advanced idea came up, and the places in the Bureau were abolished. My idea is to reestablish the Seed Division, and to give to that department the same number of clerks as heretofore, instead of putting this matter out in the hands of private individuals all through the country, and cutting ourselves off from all opportunity of knowing exactly what our constituents are getting when we give orders for seeds——

Mr. MOODY. Will the gentleman permit a question? I have in my hand a statement from the Department of Agriculture with reference to this very subject, and will read the exact text of the language it contains. It says:

The same amount of money secures now nearly 100 per cent more seed than under the ancient methods of buying in bulk and employing each year skilled labor to put the seeds in packages, which had to be furnished and printed at the Department.

So I do not see the advantage of changing back to the old system.

Mr. TALBERT. I do not mean to say that the seed are not sent out when the order is given. I do not mean to impugn the action of anybody. But we can not tell where the seed are sent or how they are sent or what are sent when our orders are delivered. We can not retain the proper supervision over the Bureau.

Mr. MOODY. And let me suggest further to the gentleman that under the old law and method of distribution the percentage of salaries to the total cost was 58, while the percentage of seed sent out in proportion to the total expenditure was but 42 per cent.

Mr. BAKER of New Hampshire. And let me suggest in this connection that the seeds sent out now are 100 per cent worse off than they were ever before.

Mr. WADSWORTH. Mr. Chairman, I deny that statement most positively. The seeds are just as good, if not better, than ever. In fact, I think the seeds distributed last year were the best that were ever distributed by the Department.

Mr. BAKER of New Hampshire. They were of inferior quality and not good in any sense of the word.

Mr. TALBERT. We had better keep the matter within our own hands, so that we can know exactly what we are doing. That is the object of the amendment.

Mr. WADSWORTH. Mr. Chairman, I think the present arrangement is the best that could be devised. It would be rather a dangerous experiment to change it now.

Mr. LIVINGSTON. I would suggest to the gentleman from South Carolina that if he expects action upon his amendment, it should go further, and provide that these seeds should be put up in packages for distribution.

Mr. TALBERT. That, of course, would be covered by the amendment. The Department would have to put them up, no matter how they receive them, in suitable packages for distribution.

Mr. WADSWORTH. Mr. Chairman, I made the point of order against the amendment.

The CHAIRMAN. What point of order does the gentleman make?

Mr. WADSWORTH. That it increases the expenditure and changes existing law.

The CHAIRMAN. Is there any law on the subject?

Mr. WADSWORTH. There is the law as it has been passed heretofore in the appropriation bills.

The CHAIRMAN. The Chair sustains the point of order.

Mr. TRACEY. I move to strike out the last word. I believe that this amendment ought to be adopted, and the reason I believe it can be stated in a very few words.

The CHAIRMAN. The Chair will state to the gentleman from Missouri that the amendment is not before the committee. The gentleman from New York [Mr. WADSWORTH] made a point of order against it, and the Chair sustained it.

Mr. TRACEY. I should like to be permitted to make the statement that I was going to make, because it is important, it seems to me, if this seed distribution is to go on, and I hope it will, as it ought to. I had my quota of field and garden seeds sent to my room for distribution, because I preferred it that way.

Mr. WADSWORTH. Last year?

Mr. TRACEY. No, I mean this year.

Mr. MORSE. You could not do it this year.

Mr. TRACEY. It was done this year. There was one sack of those seeds counted. There were 110 packages in the sack. I received 45 sacks, and they were all apparently equally filled. I should have had 8,000 packages of field and garden seeds. Count them up and you will see that instead of receiving 8,000 I received a little less than 5,000, assuming that the sacks averaged alike, and my own opinion is, in spite of the fact that a Government inspector is at these several places from which the seeds are shipped, that there is no counting done of the packages put into the sacks at all, that they are just shoveled up and dumped into the sacks, and when the sacks are apparently filled in that way they are tied up and shipped; so that instead of getting the seeds that we are entitled to, under the distribution, we get a little more than half of what we are entitled to. At least, that has been my experience.

Mr. WADSWORTH. I will say to the gentleman from Missouri that his statement is doubtless exactly true; but some of the sacks may have been delayed in the mail and will come to the gentleman eventually.

Mr. TAWNEY. Thirty more sacks may arrive.

Mr. TRACEY. I was informed by the Secretary of Agriculture that 45 sacks were my quota of field and garden seeds.

Mr. MORSE. And you got 45?

Mr. TRACEY. And I got 45.

Mr. WADSWORTH. I shall be very glad to make a statement of the matter at the Agricultural Department, because that sort of thing needs explanation.

Mr. McCLEARY of Minnesota. Did the gentleman count more than one sack?

Mr. TRACEY. No; they all seemed to be filled indiscriminately with large and small packages of field and garden seeds. We have sent out nearly all the sacks. They seemed to be all filled in about the same way.

Mr. LACEY. Did they have flower seeds in those sacks?

Mr. TRACEY. No; no flower seeds.

Mr. LACEY. The packages of flower seeds are very small, and yet they count up in the number of packages.

Mr. HAGER. Those would be in addition.

Mr. TRACEY. I am simply talking about the field and garden seeds.

Mr. LATIMER. Mr. Chairman, I want to say to the House, since the gentleman from Missouri [Mr. TRACEY] has mentioned the fact that he did not get his quota of seeds, that I wrote to the Department and received a letter stating that if I would send 500 franks I would get my quota of flower and tobacco seeds sent to me to my room. I sent 500 franks, and yesterday afternoon I received two sacks. One contained 71 packages of tobacco seed, and the other 377 packages of flower seeds. I have written to the Department to know why my full quota was not sent, and have not yet heard. I give the House this information, as this subject is up, and the gentleman states that he has been treated in the same way.

Mr. WADSWORTH. I think there has been some error in the mails, or some mistake of that kind. I will take pleasure in going to the Department and stating these facts, because it may lead them to correct the error and prevent future mistakes in the distribution of seeds. Where such a great number of packages are distributed, there will always be a certain number of mistakes made.

Mr. TRACEY. Of course I do not question the intention of the Department at all.

Mr. BROMWELL. I move to strike out the last two words. I wish to explain to the House the purpose of the amendment which I have offered. In the first place, the present system of distribution contains two very radical evils. One of these is that no member can know anything about the character of the seed that goes out in any one package, and it is utterly impossible for him to comply with the request of any constituent who wants particular seeds. These seeds are put in five small packages, inclosed in one manila wrapper or jacket, which is sealed. There is nothing on the outside of that wrapper to indicate the character of the seeds that are within.

Now, it is a mere lottery as to what anyone gets in that distribution. We send our franks to the Agricultural Department. The Department takes one of our franks and pastes it onto the first package that comes to hand, and that package goes out. Now, suppose a constituent of yours wants a particular kind of seeds. He is interested, we will say, in the raising of beets for beet sugar, and he writes to you and says: "I should like to have a package of beet seed sent to me." You send your frank over to the Agricultural Department, and they put it on a package, and it goes out to him, and that package sent him may contain corn, or castor beans, or something else for which your constituent has no earthly use.

Now, then——

Mr. FAIRCHILD. The gentleman must be mistaken about that, because the Department could not have had any castor-bean seeds under any circumstances, for we have their word for that.

Mr. BROMWELL. I do not know about that. But in the flower-seed distribution there is the same objection. Certain of your constituents may want particular kinds of flower seeds, and you can not tell what kind of flower seeds they are sending you, because they are sent out in sealed packages, and you have no means of knowing what they contain. Let me narrate a little experience I had last year in the distribution of flower seeds. I had the flower seeds of my quota sent to my room. I had a certain request for some particular seed. I wanted a particular class of flower seed. I opened over sixty packages of those flower seeds, and undertook to find these varieties of seed, and in all these packages there was either one or other of castor seed beans or sunflower. [Laughter.]

Mr. WILLIS. Both good.

Mr. BROMWELL. Both good in a way, for certain purposes, but not very ornamental in a flower garden.

A MEMBER. And not very rare.

Mr. STEELE. Certainly the Department did not send out castor-bean seeds, for they say they know nothing about them.

Mr. BROMWELL. That is all right; just the same I got them in the flower-seed distribution.

Mr. FAIRCHILD. This accounts for it, I will say to the gentleman from Indiana.

The CHAIRMAN. Does the gentleman yield?

Mr. BROMWELL. I do not. One object of my amendment is to provide a means by which you can know what seeds you are sending out. In the next place, it provides that if you do not want to send out 40,000 agricultural and field seeds and do want to send out more flower seeds that you can indicate to the Secretary of Agriculture the manner in which you want your quota apportioned. Gentlemen representing city districts do not want corn, wheat, castor beans, and things of that kind, but could find use for plenty of flower seeds. Gentlemen representing agricultural districts may be willing to do with less flower seeds and want more agricultural than flower seeds. Gentlemen representing tobacco-growing districts may be willing to part with radishes, lettuce, and other seeds in order to get tobacco seed. This amendment which I offered will permit you to say to the Secretary of Agriculture, "I want to distribute my quota as follows," and you indicate the kind of seeds that you want.

Now, there is some misunderstanding as to fixing that for the 1st day of May. That would not be the 1st day of May for this year's distribution. It would be on the 1st day of May that you indicated your wishes as to the distribution in the following season.

Mr. WADSWORTH. One year ahead?

Mr. BROMWELL. In June every year the Agricultural Department makes its contracts for seeds. Now, this lets the members say before the contracts are made, on the 1st day of May, what they want.

Mr. WADSWORTH. One year in advance?

Mr. BROMWELL. Do they not now engage the seeds six months in advance?

Mr. WADSWORTH. Is it this year?

Mr. BROMWELL. It is too late to make it for this year's distribution; but if you state your wishes to the Secretary of Agriculture, he knows what will be required in time for next year's distribution.

Now, another effect of this amendment is that if you want any of your seeds sent in unsealed packages, so as to see what you are distributing, or to pick out for some one person certain varieties that he wants, you are at liberty to do so. That is the sole purport of the amendment.

Mr. TALBERT. I would like to ask the gentleman a question.

Mr. BROMWELL. Yes, sir.

Mr. TALBERT. Unless these seeds are delivered here at the Department after being purchased, how can you carry out the plan that you propose?

Mr. BROMWELL. The law as it is now being carried out, under the distribution as now conducted, permits these seeds to be sent to you. The only difference between the present arrangement and the one I propose is that when they are sent to you they shall be sent in unsealed packages, so that you can see what you are getting.

Mr. TALBERT. Why not have them marked?

Mr. BROMWELL. This provides that they shall have printed on them the name of the seed contained.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORSE. I move to strike out the last three words; and I do that for the purpose of bringing the attention of the House to the wholesale stealing of our documents, maps, and everything else that has been carried on in this city ever since I have been here.

Mr. MOODY. By whom?

Mr. MORSE. I do not know by whom. For the benefit of the House I will state my experience. I will say, in justice to the present administration, that I think there is less stealing now than there was in previous Congresses. In the Fifty-first Congress I sent to the folding room the slips of my agricultural reports, to be there pasted upon the reports, and, having heard about this stealing, I sent to every postmaster in my district a statement of the number of agricultural reports I was sending to his office and asked him to report to me how many were received there. I got a report from, I think, every postmaster in my district except two or three, and it turned out that more than 33 per cent of those documents never reached the offices to which they were addressed. One of my colleagues told me that out of his quota of maps which he directed and sent from a post-office in this building, during the last Congress, fully one-third never reached their destination.

Now, Mr. Chairman, I think it is high time that the Congress of the United States made an exhaustive investigation into this business of stealing our public documents. [Applause.] In this city there are several stores where you can buy any kind of a Government publication you desire, and the question is, How do they get them and where do they get them? I think if you will probe this question to the bottom you will find that there is wholesale stealing of our documents and seeds carried on in this city. During the Fifty-second Congress I brought this matter to the attention of the then Postmaster-General, John Wanamaker—and a better or more efficient Postmaster-General this Government never had—and he said he would endeavor to make an investigation of the loss of the documents of which I complained. After that I think there was some improvement, but I found that of the documents that I left at the Shoreham Hotel to be sent away, only a percentage reached their destination; and it was my practice in dealing with valuable books, such as the ethnological publications and the book on Diseases of the Horse, to put them up in wrappers of such appearance that the exterior would not show the nature of the books, lest they should be stolen.

Now, sir, I repeat, it is high time that this rascally business of stealing our maps and books and documents should be investigated and measures taken to abolish this nuisance and outrage. As I have already said, it is of long standing, and it is rather less prevalent now than it has been in past years; but let us subject it to heroic treatment and put an end to it. [Applause.] To avoid this universal fear of having their books, seeds, and documents stolen members are compelled to register and pay for the same to get by the thieves who handle these documents in this city.

I have frequently taken the precaution to send to my home office in bulk, registered, all my agricultural and horse books, maps, etc., and mail them to individuals from my home office; and all reach the people in that way. But it is a shame that this is necessary to get by these robbers and scamps.

Mr. WADSWORTH. Mr. Chairman, I make the point of order against the amendment of the gentleman from Ohio.

Mr. BROMWELL. I have not offered it yet.

Mr. STEELE. Mr. Chairman, I move to strike out the last three words. We are informed by the Statistician of the Agricultural Department, in a letter which was read from the Clerk's desk yesterday, that that Department has not the funds necessary to employ the clerical help required to furnish information which is sought by an important committee of this House. A letter of similar character was written by the Secretary of Agriculture. Now, I want to ask the gentleman in charge of this bill if it provides a sufficient sum to enable that great Department of the Government to furnish desired and necessary information, such as it has failed to furnish in this case?

Mr. WADSWORTH. The committee believe that it does.

Mr. STEELE. Did not the committee last year give that Department more funds for clerical labor than it asked?

Mr. WADSWORTH. No.

Mr. STEELE. Did it give it all it asked?

Mr. WADSWORTH. I think not.

Mr. NORTHWAY. You are reducing the appropriation this year, so that we shall not get even so much information hereafter.

Mr. STEELE. Is the Department asking for less this year than last year?

Mr. WADSWORTH. No. Their estimate for salaries was a good deal larger, but we reduced it and gave what we thought sufficient to carry on the Department in a proper manner.

The Clerk read as follows:

An equal proportion of two-thirds of all seeds, bulbs, trees, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents or be directed and mailed by the Department upon their request; and the person receiving such seeds shall be requested to inform the Department of results of the experiments therewith: *Provided*, That all seeds, bulbs, plants, and cuttings herein allotted to Senators, Representatives, and Delegates in Congress for distribution remaining uncalled for on the 1st of May shall be distributed by the Secretary of Agriculture, giving preference to those persons whose names and addresses have been furnished by Senators and Representatives in Congress, and who have not before during the same season been supplied by the Department: *And provided also*, That the Secretary shall report, as provided in this act, the place, quantity, and price of seeds purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, propagation and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants: *Provided, however*, That the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents: *Provided also*, That the seeds allotted to the Senators and Representatives for distribution in the districts embraced within the twenty-fifth and thirty-second parallels of latitude shall be ready for delivery on the 10th day of January, or at the earliest practicable time thereafter.

Mr. BROMWELL (during the reading). Mr. Chairman, a parliamentary inquiry. The amendment which I desire to offer comes in after the word "represents," in line 19, page 22, and I desire to ask whether it shall be offered now or after a completion of the reading of the whole paragraph?

The CHAIRMAN. If it is an amendment to the paragraph, it should be offered after the reading of the paragraph is completed.

The Clerk resumed and concluded the reading of the paragraph, as above.

Mr. BROMWELL. I understand the chairman of the committee [Mr. WADSWORTH] proposes to raise a point of order on my amendment. I hope he will consent to reserve it till I have had an opportunity to explain the amendment.

Mr. WADSWORTH. I will do so.

Mr. BROMWELL. When the amendment has been read and thoroughly understood, I believe the gentleman will not press his point of order. The proposition involves no additional expenditure of money and is not new legislation. It is merely a direction as to the manner of distribution already provided for by law.

Mr. WADSWORTH. I will reserve the point of order.

The proposed amendment of Mr. BROMWELL was read, as follows:

Amend by inserting after the word "represents," in line 19, page 22, the words:

"And in determining the number of packets of flower, vegetable, and other seeds, respectively, which shall be placed in the quota of each Senator, Representative, or Delegate, the Secretary shall be controlled by the written instructions filed with him by such member at any time prior to the 1st day of May each year, indicating the relative proportions of the flower, vegetable, and other seeds which said member desires in his quota. And the Secretary shall furnish to each such member either his entire quota, or such part thereof as he may desire, in sealed packets containing the names of seeds contained therein printed upon the cover, together with a sufficient number of unsealed envelopes, with properly printed blank frank slips attached thereto, for inclosing and mailing said seed packets. If any member shall fail to express his wish in regard to the various kinds of seeds to be apportioned in his quota before the 1st day of May, the Secretary may apportion the same to said member according to his own judgment. The provisions of this amendment shall apply to the distributions succeeding the 1st day of May, 1897."

Mr. DOCKERY. It is understood that a point of order is reserved upon this amendment?

Mr. BROMWELL. It is.

Now, Mr. Chairman, to begin with, this amendment does not change the total quota of any member. Another section of the bill provides that the quota of all members shall be the same. The first provision of the amendment is to enable a member to select the kinds of seeds he wants included in his quota. A city member may select more flower seeds than an agricultural member. A member having a great many market gardeners in his district may select garden seeds. A member having a constituency that raises a great deal of tobacco may call for more tobacco seeds. So that the arrangement here proposed amounts to the same thing as the exchanges that take place every year between members. I have frequently found members who desired some of my agricultural seeds and were willing to give some of their flower seeds in exchange. This merely permits such exchanges to be made through the medium of the Department, and with a great deal less trouble than now attends the operation.

The second provision of the amendment enables members to know what seeds they are getting. As I explained that matter before, I will not dwell on it at any length now. But there is another reason why I think this amendment, so far as concerns the sending of unsealed packages, should be permitted to go into effect. At present there is no knowledge or certainty by members that they are getting the seeds they are supposed to get. Last year, as I before stated on this floor, I had the seeds supplied by the Department sent to my office for distribution. I opened them, and there were six varieties altogether among some forty or fifty packages. There were castor beans, sunflowers, nasturtiums, ipomœas, and one or two other varieties that I have forgotten. When I brought the matter to the attention of the seed merchant from whom the Department bought the seeds last year, he undertook—I have the correspondence with me, although I do not care to put it in the RECORD—he undertook to keep me from bringing the matter before the House by a downwright bribe of fifteen hundred additional packages of flower seeds.

Mr. McCORMICK. Who is the man?

Mr. BROMWELL. I refer to the firm of May & Co., of Minneapolis. The matter came about in this way: Before the seeds were distributed by the Government I had written to May & Co. in regard to the circular they had sent out stating that they were prepared to furnish additional flower seeds. I had written to them stating that I would like to buy 2,000 additional packages of flower seeds for distribution among my constituents. They sent me a rate of $6 a thousand for those seeds. I sent my check for $12, and ordered 2,000 flower-seed packages. In the meantime the Government quota had come to my office, and when I opened the packages I found the inferior kinds of seeds of which I have spoken. I immediately wrote to those gentlemen that I thought their seeds were a fraud upon the Government—that instead of being rare and valuable seeds, such as it would pay the Government to distribute, they were practically worthless.

Mr. MOODY. The gentleman will permit me to state that Congress repealed the provision requiring the distribution of rare and valuable seeds.

Mr. BROMWELL. I understand that. But the only excuse we can give for this distribution is that something valuable is supplied to our constituents. The very paragraph that we are now considering provides for "valuable" seeds. If the seeds sent out are not valuable, we are throwing our money away in buying and distributing them.

I wrote to those gentlemen, calling their attention to the matter, telling them that I thought they were perpetrating a fraud upon the Government, and countermanded my order for the additional 2,000 seeds. In the meantime, however, they had received my order, and before my countermand reached them had started 1,400 of the 2,000 seeds which I had ordered. Those seeds reached me about the time they got my countermand by letter. I opened those 1,400 seeds which I had asked should be sent in unsealed packages, and I found thirteen or fourteen varieties much finer than anything included in the Government distribution. Thinking that perhaps the balance of the order, 600 packages of seed that they had not sent, might be equally valuable, and willing to accept the seeds of the character they had sent, I withdrew the countermand of the original order and asked them, in a letter which I addressed to the firm, to send me the balance of the seed. Before the receipt of that letter, however, they had received the countermand, in which I had criticised the quality of the seed they had furnished. They then wrote me a letter in which they said that they never had intended to charge me a cent for the 1,400 packages of seed, but that I was to accept them "with the compliments of the firm."

Mr. NORTHWAY. Did they return your check?

Mr. BROMWELL. They did not return my check. They had deposited it before the letter was received, showing that it never was their intention to make me a present of the seed, as they claimed, but L. L. May & Co. sent their own check for the amount, on receipt of my letter, which check I returned, saying that I did not propose to accept from them the gift of 1,400 packages of seed, and asked them to send the other 600 packages, according to the original order, to complete the 2,000 packages which I had requested them to send. I returned them their check at the same time.

Mr. Chairman, the other seed came, in response to the order, and out of the additional 600 packages there were 93 different varieties. Now, if they were treating the Government as they were treating me, a private citizen ordering seed from them, there would probably have been no special occasion to make objection. But when they sent to me packages of seed, including castor beans and seeds of that character, to be used in the suburbs of the city of Cincinnati as "rare and valuable plants" [laughter]—and as a private purchaser they had sent me 93 different varieties in 600 packages—it looked as though there was some slight taint of fraud in the transaction.

What protection have the members of this House in this method of seed distribution against such frauds as that? You do not see the seeds yourself. You have no access to them. You send your franks to the Department; you give your orders for distribution, and they go out to your constituents, the franks being put on the first package that happens to be convenient; and let me tell you that there is more discontent and more dissatisfaction among the constituents of members in this matter of seed distribution than there is with reference to any public matter which the members of the House of Representatives have to deal.

Mr. NORTHWAY. Will my colleague permit me to ask in what way you make selections of rare seeds from those supplied by the Government?

Mr. BROMWELL (interrupting). I know what my colleague is going to ask, but I am satisfied that he can refer to experiences of his own in this connection that will be interesting to the House.

Mr. NORTHWAY. I shall do so before the debate closes.

Mr. BROMWELL. My only object is to make it practicable that good seeds shall be sent to our constituents—what they want and what will be of some service to them in their agricultural affairs.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROMWELL. I should like to have two or three minutes longer.

Mr. GIBSON. Mr. Chairman, I move that the gentleman be given such time as he wants.

Mr. BROMWELL. I only ask three minutes longer.

The CHAIRMAN. Without objection, the gentleman will proceed for three minutes.

There was no objection.

Mr. BROMWELL. Now, I made inquiry at the Department and found that they make contracts for seeds in June of each year for the following distribution. In order to know how many of each kind of seeds to order in their contract, it is necessary that they should know what each member will call for by the 1st of May. I have, therefore, inserted the restriction in the amendment that a member desiring specifically any particular kind of seed must give notice to the Secretary before the 1st of May, so that when the contracts are made in June he will know exactly what orders he has to fill and what kinds of seeds he must purchase.

This is the 1st of May, 1897, we will say, and is the limit of time within which members can get their seeds apportioned by selection for the next year's distribution——

Mr. TERRY. Let me interrupt the gentleman for a question. Does he mean the 1st of May preceding the year of distribution?

Mr. BROMWELL. That is the idea. The amendment is so worded as to apply to the next distribution succeeding the 1st of May.

I hope the amendment will prevail.

Mr. McCORMICK. Mr. Chairman, I move to strike out the last word.

The longer Congress has to do with the business of seed distribution the more intricate, the more trifling, and the more ridiculous it becomes. I had something to do with the Department of Agriculture at the beginning, and I remember that it was one of the provisions that only rare seeds and plants difficult to obtain in this country were to be distributed, coupled with the condition that they should be carefully and systematically cultivated and reports made to the Department as to success or failure in their culture. There was some reason for that: First, that they should be new to the country, and not to be purchased; and, secondly, that they should be proven by careful trial to be valuable. This understanding has been lost sight of. It belongs to the past.

Now we are engaged in distributing common seeds that can be bought anywhere for a few cents, and sending them out free and in direct competition with the regular seed growers of the country, furnishing coarse and cheap seeds that can be had in the smallest village in the land, and demanding no reports upon cultivation. The present Secretary of Agriculture told me last winter that the proportion of reports of results attained from experiments was so small as to be hardly worth mentioning. I think, in return for the millions of packages sent out, less than 1 in 10,000 was heard from in any way. In other words, the people do not attach sufficient value to these common seeds to acknowledge their receipt. The Government seed business becomes more and more of a farce every year, and the same may be said of the annual discussions upon this floor. I know that many members attach political importance to this gift of seeds to their constituents. I know that many country people expect to get the seeds from year to year; but they might as well expect to get farm implements or other things from the Government. The average farmer and the average gardener and householder in this country is willing and able to pay for seeds that he may need, and can make the best choice himself. I hope the time is not far distant when the Government distribution, if not discontinued, will be confined to rare varieties of seed according to the original intention, and the Department of Agriculture made useful in large

matters rather than devoted to petty rivalry with the great seed-growing interests of the country.

Mr. HILL. I offer the substitute for the pending amendment which I send to the Clerk's desk.

The Clerk read as follows:

Strike out all, beginning with line 13, on page 20, all of page 21, and all of page 22.

Mr. HILL. Mr. Chairman, I am not a farmer, and do not know of my own knowledge how much benefit this seed distribution is to the people of the United States. I think the amendment that I have offered will at least prove the heroic remedy that the gentleman from Massachusetts has asked for. I think it will remove all the defects of distribution which the gentleman from Ohio [Mr. BROMWELL] has talked about. I do not offer this amendment of my own motion, but the day before this session began a delegation of half a dozen farmers—very intelligent and cultivated men—called upon me and made two requests; first, that I would ask that the McKinley rates on farm products be restored; second, that I would vote against and ask for the entire repeal of the seed distribution carried on by the Government of the United States. In accordance with that request I offer this amendment. I do not propose for a moment to set up my judgment against that of those members of this House who have had longer experience than I have had. I propose simply to carry out in good faith the request that was made in good faith by a large club of farmers in the State of Connecticut, and so I ask for the adoption of the amendment.

Mr. NORTHWAY. Mr. Chairman, I am not particular whether seed distribution shall be abolished or not. I do not propose to discuss that matter to-day. If it is to continue, I favor the amendment offered by the gentleman from the Cincinnati district [Mr. BROMWELL]. One great difficulty with reference to this distribution can be overcome, if the Department, in letting the contracts and its other proceedings, is as particular as it ought to be. You may be sure that, while each member has received 8,000 packages of garden seeds to distribute this year, we are getting the cheapest and coarsest garden seeds that can possibly be found. There is no mistake about that. Now, I know, for I have seen the blanks on which they advertise for seeds, that the Department knows exactly all the kinds of seeds that are bid for, and the price of each kind, and it can select the rare and valuable seeds if it tries. If it selects the coarser and less valuable ones, it does so on purpose, and with deliberation.

Last year I had this experience with flower seeds: One member of my family has for some years raised a great many flowers, as is well known in the section of the State where I live. The result has been that during the last three or four years she has been applied to by her flower-loving friends for flower seeds, they knowing that she would know how to choose them. Last year I ordered to my room the flower seeds to which I was entitled under this distribution, and she opened consecutively 60 packages. In those 60 packages I think we found 5 different varieties. One was the very rare and recently discovered variety known as the zenia. Another was the next rarest to that, the bachelor button. [Laughter.] Another was the castor bean. In that way we found, I think, 5 different varieties in 60 packages, and we declined to send out any of them, for none of them were wanted. Most of my constituents had heard of these rare seeds before.

Now, when the Department bought such seeds, it knew what it was doing. It need never have bought any of them. It could have bought rare flower seeds if it had tried. The blanks were furnished me to be sent to a seed man in my district, and I saw that they were large blanks, and required that the letter should specify the kind of seeds and the price of each kind. So the Department knows precisely what it is buying. And he can buy the best and rarest garden seeds and rarest flower seeds we have in our country. I would rather have 10 packages of rare garden seeds and 10 packages of rare flower seeds than have 8,000 packages of nonsense. The Department knows precisely that it is buying this, that, or the other seed; and you will find the seeds sent out this year are the cheapest that have ever been sent out. The very fact that we are getting 8,000 packages is, I submit, evidence of that.

The Department of Agriculture has not been earnest about this business. They can buy the rarest garden and the rarest flower seeds that we grow in this country. Three years ago I sent certain of my constituents some garden seeds. Each package contained sweet corn. It is pronounced as the rarest sweet corn grown in that region, and every farmer and gardener goes all around to get some of that sweet corn, because it is of the rarest kind. Now, if they will buy that kind of seed and distribute it' I submit it will prove a blessing; but if they will distribute such seeds as they have been sending out in the last year it will only break down the system, because it is simply nonsense.

Mr. TERRY. Do you not think that the Secretary was trying to play a practical joke on the members?

Mr. NORTHWAY. I do not think the seed are rare, when we get 8,000 packages; and so I am in favor of the amendment offered by my colleague [Mr. BROMWELL].

Mr. WADSWORTH. I withdraw the point of order against the amendment offered by the gentleman from Ohio. It seems to be a personal matter with each member as to what they want in regard to these matters.

Mr. FAIRCHILD. I offer the following amendment:

The Clerk read as follows:

Commencing after the word "seeds," in line 14 of page 20, strike out all following, to include line 24 on page 22, and insert in place thereof as follows:

"For the purchase, propagation, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants, and expense of labor, transportation, paper, twine, gum, printing, postal cards, and all necessary material and repairs for putting up and distributing the same, $10,000: *Provided*, That the distribution of such seeds, bulbs, trees, shrubs, vines, cuttings, and plants shall be made under and by the direction of the Secretary of Agriculture and in accordance with the provisions of section 527 of the Revised Statutes, and shall be confined to the experiment stations and agricultural universities, colleges, schools, or societies of the several States and Territories, and only when such institutions have pledged themselves to make or procure to be made under their direction thorough experiments in the planting and cultivation of the same and to fully report the results of such experiments to the Secretary of Agriculture for the information of the Department of Agriculture."

Mr. FAIRCHILD. Mr. Chairman, although I indorse thoroughly that amendment, it is not my own amendment.

Mr. DOCKERY. I reserve the point of order on the amendment.

Mr. FAIRCHILD. My colleague [Mr. POOLE], who has been confined to his room——

The CHAIRMAN. The gentleman from Missouri reserves the point of order.

Mr. FAIRCHILD (continuing). For a week and more, had drafted that amendment, and this morning requested that I should offer it in his absence, and in doing so to submit the remarks which he would have made in support of the amendment if he had been present. In my time I send to the Clerk's desk and ask to have read the following.

The Clerk read as follows:

"Mr. Speaker, I propose the amendment which has been read in the interest of economy, and I believe it will, if adopted, be for the best interests of all the people concerned.

"The aggregate expense to be incurred for the purchase and distribution of seeds as provided for in the bill reported by the committee, including the cost of transportation by the Government, will not fall short of $240,000. If I believed that this vast expenditure was wise and would prove to be of corresponding benefit to the people, I would gladly support the bill as reported; but in my opinion the present system of buying common and well-known varieties of seeds and their free disposition to favored friends of members of Congress is a wasteful expenditure of the public money and of but little value to the farming community.

"This amendment seeks to carry out the spirit of section 527 of the Revised Statutes, which provides for the purchase of 'such seeds as are rare and uncommon to the country.' It has of late years been very difficult to procure for the purpose of testing their value in our climate many varieties of seeds or plants, and the money appropriated for this purpose by the Government has been expended in the purchase in open market of plants and seeds of common varieties, and these seeds and plants have in very many instances been distributed in the very localities where they were originally grown or purchased.

"The present system for the purchase and free distribution of seed, which it is proposed to continue by the bill as reported, is unsatisfactory for these, among other reasons:

"1. The cost is very great and comes upon all the people, while the benefits, if any, fall to the favored few.

"2. The distribution of common, well-known varieties of seed is a disappointment to the people who receive them and a cause of complaint to all who are not remembered by their Representative.

"3. The General Government enters into direct competition with its own citizens engaged in the pursuit of a legitimate and useful branch of industry, and our national policy of 'protection to home industries' is ignored and violated.

"The Secretary of Agriculture has called the attention of Congress to the fact that it is now impossible to find many new varieties of plants and seeds that give promise of being of value in this country, and the appropriation called for by this amendment will probably be amply sufficient to carry out the spirit and intent of the law providing for the purchase of seed.

"The General Government has no farm where experiments can be made to determine the value or adaptability of seeds or plants to this climate, and this amendment therefore makes provision for the conduct of such experiments at the experiment stations and agricultural schools and colleges in the various States and Territories, where experts can determine the value for that particular climate. New varieties of seed and plants found to be worthy of cultivation can then be distributed from these stations to the people of the State where they are situated. By this means seeds and plants suitable to the climate and of practical value to the people can be more wisely distributed and at slight expense.

"Many of the leading agricultural newspapers and societies have for years condemned the present vicious and extravagant system, and have exposed its utter failure to accomplish the benefits which it professes to insure to the agricultural classes. They demand its discontinuance, and I believe they voice the sentiment of a great majority of the people of this country. It is a farce that should no longer be played."

Mr. WADSWORTH. I move that debate upon the pending paragraph and amendments thereto be closed.

Mr. FAIRCHILD. I hope the gentleman will not make that motion while I have the floor.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MERCER. Mr. Chairman——

The CHAIRMAN. The gentleman from New York, the chairman of the committee, is recognized.

Mr. WADSWORTH. I make the motion that debate on the pending paragraph and all amendments thereto be closed.

Mr. MERCER. Before the gentleman insists upon that, I would ask if he will allow me to submit an amendment?

The CHAIRMAN. The amendment can be submitted after that.

Mr. WADSWORTH. It can be submitted after debate is closed.

The motion was agreed to.

Mr. MERCER. Now, Mr. Chairman, I submit the amendment which I send to the desk.

The Clerk read as follows:

On page 22, line 24, insert:
"*Provided*, That the Secretary of Agriculture first distribute to each Senator, Representative, and Delegate 6 chickens, 6 hogs, 6 cattle, and 6 horses, all thoroughbreds, and divided as to sex half and half."

[Laughter.]

Mr. WADSWORTH. I will accept that amendment. [Laughter.]

Mr. MERCER. I am satisfied, Mr. Chairman.

The CHAIRMAN. What was the suggestion of the gentleman from New York? Does the gentleman reserve the point of order?

Mr. WADSWORTH. I supposed that was offered as a joke.

Mr. MERCER. Well, Mr. Chairman, I hope the gentleman from New York will not characterize my amendment as a joke.

The CHAIRMAN. The Chair can not distinguish between jokes and other things.

Mr. STEELE. I make the point of order against it.

The CHAIRMAN. The gentleman from Indiana makes the point of order against the amendment. The Chair sustains the point of order. [Cries of "Regular order!"]

Mr. MERCER. If the Chair will allow me, and if the gentleman from Indiana will permit——

The CHAIRMAN. Does the gentleman desire to be heard on the point of order.

Mr. MERCER. Yes, sir: upon the point of order. [Laughter.]

Mr. STEELE. I make the point of order that the point of order has been decided.

Mr. MERCER. Oh, no; it has not.

The CHAIRMAN. The gentleman from Nebraska arises for the purpose of addressing the Chair on the point of order.

Mr. MERCER. Mr. Chairman, I dislike very much to have members upon the floor of this House designate an amendment that I may send to the Clerk's desk as a joke.

Now, the amendment which I sent to the Clerk's desk and which has just been read is not any more of a joke than the proceedings that have taken place upon the floor of this House all the afternoon in reference to seed distribution. There has been complaint after complaint and wrangle after wrangle about this package and that package of seeds. Some member finds that he gets the wrong seeds, or that he is two or three packages short, and he immediately enters complaint against the Agricultural Department and against the Government in general. [Laughter.]

Now, Mr. Chairman, speaking on the point of order, I have some farmers in my district [laughter] who are against this seed distribution, and they have come to the conclusion that if they can have seeds free of cost there is no reason why they should not have turkeys and horses and hogs and partridges [laughter]——

Mr. BARTLETT of Georgia. And hound pups.

Mr. MERCER. And hound pups. I accept the amendment. It seems to me, Mr. Chairman, that we are running into gross extravagance and are getting more and more demoralized in that respect every year. Take the matter of the distribution of documents. I understand we are spending in the neighborhood of $6,000,000 a year for distributing public documents, and my friend from Massachusetts [Mr. MORSE] says that half of them are stolen from us before we can get them distributed. [Laughter.] Now, Mr. Chairman, in all seriousness——

Mr. STEELE. And on the point of order.

Mr. MERCER. And on the point of order, as the gentleman from Indiana (who is seldom in order) suggests [laughter], I think we ought to adopt the amendment of the gentleman from Connecticut, and I now withdraw my amendment, which was offered as an argument in favor of its adoption. [Laughter and applause.]

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio [Mr. BROMWELL].

Mr. MCCLEARY of Minnesota. I ask that the amendment be again reported.

By unanimous consent, the amendment was again read.

The question being taken, the Chairman declared the ayes seemed to have it.

A division was asked for.

The House divided; and there were—ayes 71, noes 32.

So the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment of the gentleman from Connecticut [Mr. HILL], to strike out the whole paragraph, beginning at line 13, page 20, and including the whole of page 22.

The question being taken on the amendment, the Chairman declared that he was in doubt.

A division was asked for.

The committee divided; and there were—ayes 53, noes 55.

Mr. HILL. I ask for tellers.

Tellers were ordered; and the Chairman designated Mr. HILL and Mr. WADSWORTH.

The committee again divided; and the tellers reported—ayes 42, noes 70.

So the amendment was rejected. [Applause.]

The CHAIRMAN. The question now is on the amendment of the gentleman from New York [Mr. POOLE].

Several MEMBERS. Read it.

The amendment of Mr. POOLE was again read.

The question being taken on the amendment, the Chairman declared that the noes seemed to have it.

Mr. FAIRCHILD. I ask for a division.

The committee divided; and there were—ayes 11, noes 54.

So the amendment was rejected.

The Clerk read as follows:

Salaries, Weather Bureau: Office of Chief of Weather Bureau: One Chief of Bureau, $4,500; one professor of meteorology, $3,500; two professors of meteorology, at $3,000 each, for service in the city of Washington or elsewhere, as the exigencies of the Bureau may demand, $6,000; two professors of meteorology, at $2,500 each, for the service in the city of Washington or elsewhere, as the exigencies of the Bureau may demand, $5,000; three forecast officials, at $2,000 each, for service in the city of Washington or elsewhere, as the exigencies of the Bureau may demand, $6,000; one chief clerk (and executive officer), $2,500; three chiefs of division, at $2,000 each, $6,000; three clerks of class 4, $5,400; one property clerk, $1,600; five clerks of class 3, $8,000; fifteen clerks of class 2, $21,000; twenty-eight clerks of class 1, $33,600; thirteen clerks, at $1,000 each, $13,000; eight clerks, at $900 each, $7,200; one captain of the watch, $1,000; one engineer, $900; one instrument maker, $1,300; two assistant instrument makers, at $1,000 each, $2,000; six mechanics, at $840 each, $5,040; two firemen, at $720 each, $1,440; three watchmen, at $720 each, $2,160; three messengers, at $720 each, $2,160; eight messengers, at $600 each, $4,800; five laborers, at $660 each, $3,300; four laborers, at $480 each, $1,920; four charwomen, at $240 each, $960; total salaries Weather Bureau, $150,280.

Mr. DOCKERY. Mr. Chairman, I desire to raise the question of order against that part of the bill in lines 9 and 10, page 24, providing for "one professor of meteorology" at a salary of $3,500, for the reason that it is an increase of salary of $1,000. Also, against the proposed increase of the salary of the chief clerk from $2,250 to $2,500, and also against the new language in line 20, in parentheses, "and executive officer."

Mr. WADSWORTH. Mr. Chairman, I suppose the point of order will perhaps hold good, but I want to have read for the information of this committee a letter from Mr. Moore, the Chief of the Bureau.

The letter was read, as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF CHIEF OF WEATHER BUREAU,
Washington, D. C., December 17, 1896.

SIR: I respectfully recommend an increase of $500 each in the salaries of two of the oldest and most valuable professors on duty in the Weather Bureau. This would give me for a scientific staff one professor at $3,500, two at $3,000, and two at $2,500. I have with me one professor who laid the groundwork for the present weather charts twenty-five years ago, and who is recognized as probably the ablest man in air physics in this country, if not in the world. He is editor of my Monthly Weather Review, and while not being an executive officer, is recognized as an authority on technical problems in meteorological science. Another one of my staff has been with the service over twelve years, has devised and invented many of the automatically recording meteorological instruments. He is a scientist who, if employed by one of our leading universities, would command six to eight thousand dollars per annum. I wish one of these increases so that we may give him $3,000 per annum. After these promotions are made the scientific staff of the Weather Bureau still will be considerably less paid than that of the Geological Survey and other scientific departments of the Government.

I also recommend that one chief clerk, $2,250 per annum, be changed to one chief clerk and executive officer, at $2,500 per annum. Formerly there was an assistant chief at $3,000 and an executive officer at $2,500 and a chief clerk at $2,250, making a total salary for the officials executing the orders of the chief of $7,750 per annum. At the present time the chief clerk combines within himself the functions of all three of these officials. During the time when I was Acting Secretary for a considerable period last summer, and during my absence on inspection tours, he was acting chief of the Bureau, in regular succession as provided by the Revised Statutes. The Bureau has unhesitatingly recommended during the past two or three years the abolition of the offices of assistant chief and executive officer. The slight increase now asked and the slight modification in the title I believe will appeal to the good judgment of your committee.

To offset the increase referred to in the foregoing paragraph I recommend changes in original estimates, as follows:

Nine clerks, at $900, be reduced to 8 clerks, at $900; 1 captain of the watch, at $1,200, reduced to 1 captain of the watch, at $1,000; 5 laborers, at $480, be reduced to 4 laborers, at $480.

The total increase asked for from the original estimates, which, as you are aware, are the same as last year, is $1,250. The total decrease is $1,580, leaving a net reduction on original estimates of $330. If these changes are adopted, the total appropriation for the Weather Bureau will be $330 less than for last year.

It is also recommended that under the item "General expenses, Weather Bureau," after the words "for maintenance and repair of seacoast telegraph lines," the following words be inserted: "whose earnings may be applied to such maintenance and repair."

Until recently Weather Bureau employees on duty outside of the District of Columbia enjoyed all privileges with respect to annual leave and absence on account of personal sickness, with pay, as accrue to employees on duty within the District of Columbia, but following the opinion of the law officer the practice of granting these privileges to employees in the field was discontinued during the present year. It is therefore recommended that after the last word, "expenses," item "General Expenses of the Weather Bureau," the following be added:

"And all commissioned employees of the Weather Bureau on duty outside of the District of Columbia may be granted the same privileges with respect to absence from duty, with pay, on account of annual leave or personal sickness as now allowed employees of that Bureau stationed within the District of Columbia."

Very respectfully,

WILLIS L. MOORE,
Chief of Bureau.

Hon. JAMES W. WADSWORTH,
Chairman Committee on Agriculture,
House of Representatives, United States.

(By permission of the Secretary of Agriculture.)

Mr. WADSWORTH. Now, Mr. Chairman, in further defense of Mr. Moore, I want to say that when he took charge of this Bureau he succeeded in reducing the salaries in one year $27,000. Now, after another year's experience in the management of the Bureau, he suggests these changes, which bring about a further diminution in the salary list of $330. I only submit to the gentleman from Missouri that it is a very small——

Mr. DOCKERY. I suggest that the Chief of the Bureau can accomplish this result by dismissing a part of his force.

Mr. WADSWORTH. That may be so. Still, experience has taught him that this is the best way to manage the Bureau, and there is very little incentive to a man to perform his duty——

Mr. DOCKERY. I have quite as high a regard for the poor fellows who are carried on the roll at $700, $800, and $900 as I have for men who are now receiving $3,000 a year.

I wish to say, furthermore, that I do not make these points of order by way of criticism upon the gentleman or his committee, but, so far as I can do so by the interposition of points of order, I shall object to increases of the salaries of Federal officials until returning prosperity puts some increase of profits into the pockets of the people of this country.

The CHAIRMAN. The point of order is sustained.

Mr. WADSWORTH. In view of the action just taken in striking out a part of the pending paragraph, I think we had better strike out the whole paragraph and substitute the corresponding paragraph of the law of last year. I move, therefore, to strike out the paragraph and insert what I send to the desk, which is the paragraph of the act making appropriation for the Department of Agriculture for the current year.

The Clerk read as follows:

WEATHER BUREAU.

Salaries of the Weather Bureau: Office of Chief of Weather Bureau: One chief of Bureau, $4,500; two professors of meteorology, at $3,000 each, for service in the city of Washington, or elsewhere, as the exigencies of the Bureau may demand, $6,000; three professors of meteorology, at $2,500 each, for service in the city of Washington, or elsewhere, as the exigencies of the Bureau may demand, $7,500; three forecast officials, at $2,000 each, for service in the city of Washington, or elsewhere, as the exigencies of the Bureau may demand, $6,000; one chief clerk, $2,250; three chiefs of division, at $2,000 each, $6,000; three clerks of class 4, $5,400; one assistant chief of division of supplies, $1,600; five clerks class 3, $8,000; fifteen clerks class 2, $21,000; twenty-five clerks class 1, $30,000; fifteen clerks, at $1,000 each, $15,000; one telegraph operator in the city of Washington, or elsewhere, as the exigencies of the Bureau may demand, $1,000; six clerks, at $900 each, $5,400; three copyists or typewriters, at $840 each, $2,520; one copyist or typewriter, $720; one chief mechanician, $1,200; one captain of the watch, $1,200; one engineer, $900; one batteryman, $840; four skilled artisans, at $840 each, $3,360; two skilled mechanicions, at $840 each, $1,680; three assistant messengers, at $720 each, $2,160; two firemen, at $720 each, $1,440; three watchmen, at $720 each, $2,160; one carpenter, $840; five laborers, at $660 each, $3,300; eight messengers or laborers, at $600 each, $4,800; five messengers or laborers, at $450 each, $2,250; three charwomen, at $240 each, $720; for temporary employment of messengers and laborers as may be necessary in the office of the Chief of the Weather Bureau, $800; in all $150,540.

Mr. DOCKERY. That is the provision of the current law in reference to the Weather Bureau?

Mr. WADSWORTH. Yes, sir.

Mr. DOCKERY. I understand that its effect is simply to continue the force as provided in the current law?

Mr. WADSWORTH. That is it exactly.

Mr. DOCKERY. And it puts back this clerk that you proposed to eliminate by the provision reported by the committee.

Mr. WADSWORTH. Yes, sir.

Mr. PERKINS. I desire to submit that the point of order raised by the gentleman from Missouri, instead of putting more money into the pockets of the people, takes out $330.

Mr. STEELE. Oh, no.

Mr. DOCKERY. The chairman of the Committee on Agriculture having virtually conceded, in the provision which he reported and advocated, that there was no necessity for this clerk, that a clerk of this low class could be dispensed with, he proposed that the amount this clerk was receiving less $330 go toward giving increased compensation to this scientific officer. Now, having made the point of order against increasing the salaries of these officials, he proposes a continuance of the present law. I submit, however, to the chairman of the committee in all good faith that if this clerk was not necessary with the salary of the scientific officer at $3,500 (a thousand dollars increase over the current law), he is not necessary with the salary of that officer at $2,500. If this bill shall become a law in the form provided by the pending substitute, I want to put this responsibility for increase upon the Agricultural Committee.

Mr. PERKINS. The provision which has gone out on the point of order was drawn in accordance with the recommendation of the Chief of the Bureau, with the view of increasing the efficiency of the service at a reduced expense.

Mr. DOCKERY. Yes; but the reduction was accomplished by eliminating one of the clerks—I forget his salary—by dropping him from the salary roll. Now, I suggest to the chairman of the committee, with entire respect and in perfect good faith, and because the logic of the situation requires it, that in offering the provision of the existing law he should eliminate the clerk that he before proposed to dispense with, assuming that the committee was correct in the provision reported.

The question being taken on the amendment proposed by Mr. WADSWORTH, it was agreed to.

Mr. STEWART of New Jersey. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 23, page 25, after the word "dollars," insert the following:

"And the Chief of the Weather Bureau shall furnish to each Senator and Representative, by postal or letter, every evening, such meteorological information and forecasts as have been acquired by the Bureau during the preceding twenty-four hours."

Mr. WADSWORTH. I reserve a point of order upon the amendment.

Mr. STEWART of New Jersey. Mr. Chairman, there is no information so fleeting and fugitive in its utility as meteorological information; unless it is promptly accessible, it becomes useless. One way to make this information useful and get it into general distribution throughout the country is to have it furnished while fresh to Senators and Representatives.

Mr. WADSWORTH. I insist on my point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Salaries of one inspector, thirty local forecast officials, section directors, observers, operators, repairmen, messengers, laborers, and other necessary employees outside of the city of Washington.

All other expenses, itemized as follows: Maps, bulletins, and stationery for stations, and the maintenance of a printing office in the District of Columbia for printing the necessary circulars, weather maps, bulletins, and monthly weather reviews (including the hire of printers, lithographers, and other necessary working force); for traveling expenses; for freight and express charges; for instruments and shelters therefor; for telegraphing or telephoning reports and messages, the rates to be fixed by the Secretary of Agriculture by agreement with the companies performing the services; for rents and other incidental expenses of offices maintained as stations of observation; for maintenance and repair of seacoast telegraph lines, the earnings of which may be applied to such maintenance and repair; for river observations and reports; for storm and other signals; for cotton-region observations and reports; for corn and wheat observations and reports; for aerial observations and reports; for special observations and pay of observers of West Indian, Mexican, and Central American stations during the hurricane season; for supplies for climate and crop services; and for investigations on climatology, including assistance and all necessary expenses, $717,162.

Mr. WADSWORTH. Mr. Chairman, I move to make a correction in the paragraphs just read. There is a misprint there. The paragraph beginning "all other expenses, etc.," belongs to the first paragraph, and should be a part of it. I ask that the necessary correction be made.

The CHAIRMAN. Without objection, that will be done.

There was no objection, and it was so ordered.

Mr. DOCKERY. Mr. Chairman, against a portion of this paragraph I desire to raise the question of order.

Mr. MURPHY of Arizona. I have an amendment, Mr. Chairman, I wish to offer here.

The CHAIRMAN. The gentleman from Missouri has raised the question of order, which he will state.

Mr. DOCKERY. I make the point of order against portions of lines 8 and 9, on page 27, reading as follows:

The earnings of which may be applied to such maintenance and repair.

That is new legislation, and not warranted by existing law.

Mr. WADSWORTH. I will admit that it is new legislation, Mr. Chairman, but the committee regarded it as desirable and necessary.

Mr. DOCKERY. It is new legislation, and if I am not inaccurately advised it involves an expenditure of four or five thousand dollars, and in effect increases the appropriation to that amount.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MURPHY of Arizona. I now offer the amendment I send to the desk.

The Clerk read as follows:

After line 18, on page 27, insert the following:
"To establish and maintain a signal station at Flagstaff, Ariz., under the direction of the Chief of the Weather Bureau, $5,000," and in line 19 substitute "eighty-eight" for "eighty-three."

Mr. WADSWORTH. I will reserve the point of order until the gentleman from Arizona can be heard upon this amendment.

Mr. MURPHY of Arizona. Mr. Chairman, with reference to the amendment I have offered, I wish to say that an effort has been made for some time past to have a signal station established at Flagstaff, in Arizona. The reason given for the amendment is that there is no place in the entire mountain country, in this southwestern region, where warnings may be displayed of coming storms or forecasts made of existing meteorological conditions. That there is no better location for this purpose has been recognized by the establishment of an observatory in recent years at Flagstaff.

I am informed by the Weather Bureau that they have no appropriation available to establish a signal station there; but I think they recognize the importance of establishing one at the point indicated in the amendment.

I can not better, Mr. Chairman, indicate to the committee the importance of the location at which it is proposed to establish this station than by saying that these peaks at Flagstaff afford a view east into New Mexico, south into Old Mexico, west to the Pacific through a gap in the Coast Range, north to Nevada and Utah, and northeast to Pikes Peak. A station on Humphreys Peak, at Flagstaff, on the Frisco Range, where the amendment proposes to establish it, will be of vast interest and importance to the people of that region.

There is no place in the entire mountain country, and it is so conceded by all who are cognizant of the fact, better adapted than Flagstaff for a signal station, for warnings in case of coming storms, or for observations for the benefit of the whole country, and therefore I ask support for the amendment, which I hope will be adopted.

Mr. WADSWORTH. Mr. Chairman, I dislike very much to raise the question of order against the amendment of the gentleman from Arizona, for while I think there ought to be a station in that region, yet the appropriation will not allow it; but we have some information from Mr. Moore, that the Bureau has in view a new arrangement of all of these stations; and perhaps in that rearrangement he will have a signal station at the point he indicates. Hence I must insist on the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. WADSWORTH. I ask unanimous consent, Mr. Chairman, that the Clerk be directed to correct the footings of the bill to correspond with the various changes that have been made in Committee of the Whole.

The CHAIRMAN. It occurs to the Chair that the bill must be reported to the House immediately, and that these amendments ought to be prepared before the bill is reported.

Mr. WADSWORTH. It is merely a change of the footings, and can be done now or hereafter.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection, and it was so ordered.

Mr. DOCKERY. Mr. Chairman, I ask unanimous consent to return to line 7, on page 26, for the purpose of inserting what I regard as a necessary amendment at that point.

The CHAIRMAN. Is there objection to recurring to the section mentioned by the gentleman from Missouri?

There was no objection.

Mr. DOCKERY. Now, Mr. Chairman, I move to insert in line 7, on this page, after the word "horses," the words "for official purposes only."

Mr. WADSWORTH. That is similar to the amendments heretofore adopted in regard to the use of these horses?

Mr. DOCKERY. Yes, sir.

Mr. WADSWORTH. I have no objection to the amendment.

The amendment was agreed to.

And then, on motion of Mr. WADSWORTH, the committee rose; and the Speaker having resumed the chair, Mr. PAYNE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 9961) making appropriations for the Department of Agriculture for the nscal year ending June 30, 1898, and had directed him to report the same to the House with sundry amendments and with the recommendation that as amended the bill do pass.

Mr. WADSWORTH. Will it be necessary to ask unanimous consent that in the engrossing the Clerk be authorized to change the footings to correspond with the changes in the various items of the bill?

The SPEAKER. The Chair will put the request to the House, though he thinks that such clerical changes could be made by the Clerk. Without objection, the Clerk will be authorized to make those clerical changes.

There was no objection.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. WADSWORTH, a motion to reconsider the last vote was laid on the table.

APPOINTMENT OF CONFEREES.

The SPEAKER appointed as conferees on the bill S. 1832 Mr. POWERS, Mr. HARRISON, and Mr. JOHNSON of California.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WILSON of Idaho, for ten days, on account of important business.

To Mr. ODELL, for ten days, on account of important business.

To Mr. HULING, for one week, on account of sickness in his family.

ANN MARIA MEINHOFER.

Mr. SPALDING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8942) to pension Ann Maria Meinhoefer, widow of Lewis Meinhoefer, Company B, Forty-first New York Infantry. It will only take a minute.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Ann Maria Meinhoefer, widow of Lewis Meinhoefer, late a member of Company B, Forty-first New York Infantry, upon the pension roll and pay her a pension of $8 per month.

The Committee on Invalid Pensions recommended the following amendment:

In line 4, after the word "place," strike out the balance of the bill, and add: "upon the pension roll, subject otherwise to the provisions and limitations of the pension laws, the name of Ann Maria Meinhofer, widow of Louis Meinhofer, late a private in Company B, Forty-first New York Infantry, and pay her a pension of $12 per month."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALBERT. I should like to ask if that bill has been before the House at a Friday night session?

Mr. SPALDING. It has not. This woman is supported by a church, and has been for years. The only difficulty about her being pensioned under the general law is the fact that she can not produce, on account of the death of the witnesses, proof of the death of her first husband, who died fifty years ago. She was married to this soldier long before the war, her first husband having previously died, but she can not prove his death. Her brother was with him when he died, but her brother is dead, and the only proof she can offer of the death of her first husband is her own statement. She is supported by the German Lutheran church of the city of Monroe, Mich. She is 77 years of age.

Mr. TALBERT. I submit, Mr. Speaker, that there is a rule of the House requiring that all such bills shall go before the Committee of the Whole at the Friday night sessions.

Mr. SPALDING. That is true.

Mr. TALBERT. But as this seems to be a rather remarkable case, I do not care to interpose an objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The title of the bill was amended so as to read: "A bill granting a pension to Ann Maria Meinhofer."

On motion of Mr. SPALDING, a motion to reconsider the vote by which the bill was passed was laid on the table.

LIFE-SAVING STATION, GREAT BOARS HEAD, NEW HAMPSHIRE.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8356) to establish a life-saving station at or near Great Boars Head, on the coast of New Hampshire.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to establish a life-saving station at or near Great Boars Head, on the coast of New Hampshire.

Mr. DOCKERY. Does that bill simply authorize the establishment?

Mr. SULLOWAY. Yes.

Mr. DOCKERY. I will ask the gentleman from New Hampshire how this proposed light-house is classed?

The SPEAKER. It is not a light-house, but a life-saving station.

Mr. SULLOWAY. It is a life-saving station, and it is recommended by the Committee on Interstate and Foreign Commerce.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

By unanimous consent, the title of the bill was amended so as to read: "A bill to authorize the establishment of a life-saving station at or near Great Boars Head, on the coast of New Hampshire."

On motion of Mr. SULLOWAY, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3239) for the relief of the estate of Richard Lawson;

A bill (S. 3547) to provide for the representation of the United States by commissioners at any international monetary conference hereafter to be called;

A bill (S. 3551) to authorize the entry and patenting of lands containing petroleum and other mineral oils under the placer-mining laws of the United States;

A bill (S. 3588) to insure a full bench in the Court of Claims for the hearing of the cases entitled "The United States against La Abra Silver Mining Company" and others and "The United States against Alice Weil and others;" and

A bill (S. 3612) granting a pension to Mrs. Martha Frank.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 3555) to amend an act entitled "An act granting to the Eastern Nevraska and Gulf Railway Company right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska," by extending the time for the construction of said railway.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 2859) granting a pension to Harriet F. Herrick; and

A bill (H. R. 6750) to authorize the mayor and city council of Monroe and the police jury of the parish of Ouachita, La., to construct a traffic bridge across the Ouachita River opposite said city.

The message also announced that the Senate had passed the bill (H. R. 6834) to prevent the purchasing of or speculating in claims against the Federal Government by the United States officers with an amendment in which the concurrence of the House was requested.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PETTIGREW, Mr. PERKINS, and Mr. BRICE as the conferees on the part of the Senate.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 3555) to amend an act entitled "An act granting to the Eastern Nebraska and Gulf Railway Company right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska," by extending the time for the construction of said railway;

Joint resolution (H. Res. 215) extending the time for compliance by Eckington and Soldiers' Home Railway Company and the Belt Railway Company with provisions of section 1 of an act entitled "An act to extend the routes of said railway companies," etc., approved June 10, 1896;

A bill (H. R. 4363) to increase the pension of Joseph J. Hudson;

A bill (H. R. 6247) to grant a pension to Miss Jennie E. Moore;

A bill (H. R. 4853) for the relief of John Duncan;

A bill (H. R. 6143) for the relief of Peter Young;

A bill (H. R. 4872) to correct the military record of Homer C. McCusky;

A bill (H. R. 9593) for the relief of W. H. Wade, late captain and acting regimental quartermaster Thirty-first Ohio Volunteers;

A bill (H. R. 9710) to authorize officers who served during the war of the rebellion in the Regular Army to bear the title and, on occasions of ceremony, wear the uniform of their highest rank;

A bill (H. R. 8298) relating to mortgages in the Indian Territory;

A bill (H. R. 514) to remove the charge of desertion from the military record of Wear Crawford;

A bill (H. R. 3500) to authorize the adjustment and settlement of accounts of John Y. Williams.

A bill (H. R. 939) for the relief of Cogswell & Co.;

A bill (H. R. 7781) to provide an American register for the barge *Black Diamond*; and

A bill (H. R. 130) to carry out the findings of the Court of Claims in the case of Augustus P. Burditt.

SILAS M. STEVENS.

Mr. DOCKERY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2931) granting an increase of pension to Silas M. Stevens.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Silas M. Stevens, late of the U. S. S. *Lackawanna*, and grant him a pension at the rate of $50 per month, in lieu of that he is now receiving.

Mr. DOCKERY. Mr. Speaker, I will simply state that this bill was considered by unanimous consent at the evening session last evening, and comes to us with an urgent request from the chairman of the Senate Committee on Pensions that it should receive favorable consideration.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALBERT. Reserving the right to object, I will ask for the reading of the report.

Mr. DOCKERY. It was considered last evening.

Mr. TALBERT. I have no objection, as it has been considered in the Committee of the Whole.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. DOCKERY, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. PAYNE. Division!

Mr. STEELE. If we do not adjourn, there will be no more unanimous consents.

The House divided; and there were—ayes 17, noes 25.

So the House refused to adjourn.

Mr. PAYNE. I ask for the regular order.

The SPEAKER. The Chair thinks the regular order is the call of committees.

The Committees on Elections Nos. 1, 2, and 3 were called.

Mr. PAYNE. I move that the House do now adjourn.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. PAYNE. Division!

The House divided; and there were—ayes 38; noes 19.

So the motion was agreed to; and accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred, as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Morris J. Harris against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of Agriculture, replying to the House resolution of January 28, requesting information relating to the production and export of castor beans—to the Committee on Ways and Means, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CORLISS, from the Committee on Interstate and Foreign

Commerce, to which was referred sundry bills of the following titles, reported the same, accompanied by reports; which said bills and reports were referred to the Committee of the Whole House on the state of the Union, as follows, to wit:

WITHOUT AMENDMENT.

The bill (H. R. 4978) for the establishment of a light and fog-signal station on or near Hog Island Shoal, Narragansett Bay, Rhode Island. (Report No. 2719.)

The bill (H. R. 9949) to provide a life-saving station at or near Point Arena, Mendocino County, in the State of California. (Report No. 2720.)

The bill (S. 2782) entitled "An act to establish a life-saving station at or near Fort Gratiot, Mich." (Report No. 2722.)

WITH AMENDMENT.

The bill (S. 2906) entitled "An act for the establishment of a light-house at the pitch of Cape Fear River, near Wilmington, N. C." (Report No. 2721.)

The bill (H. R. 7778) establishing gas buoys in Lynn Harbor, Massachusetts. (Report No. 2726.)

The bill (H. R. 9703) to provide for light-houses and other aids to navigation. (Report No. 2727.)

The bill (H. R. 1969) making appropriation for a light and fog-signal station at or near terminus of what is known as the Straight Channel, in Maumee Bay, near Toledo, Ohio. (Report No. 2728.)

The bill (H. R. 8111) for establishing a fog-signal vessel at San Francisco Bar, California. (Report No. 2729.)

Mr. BURTON of Missouri, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 4808) to increase the efficiency of the postal service, reported the same with amendment, accompanied by a report (No. 2723); which said bill and report were referred to the House Calendar.

Mr. CATRON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 8042) authorizing and directing the distribution of certain cannon in the Territory of New Mexico abandoned by the Confederate forces, reported the same without amendment, accompanied by a report (No. 2725); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. HARDY, from the Committee on Pensions: The bill (S. 3491) entitled "An act granting an increase of pension to Capt. John W. Dodd." (Report No. 2724.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 7894) for the relief of Elizabeth P. Wethers, of Kansas City, Mo. (Report No. 2730.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (H. R. 82) granting a pension to Mrs. Millie Withington, mother of Lewis L. Fisher, deceased, late of Company E, Second Massachusetts Infantry Volunteers. (Report No. 2731.)

The bill (H. R. 9520) granting an increase of pension to John N. Bruse. (Report No. 2732.)

The bill (H. R. 9838) for the relief of Johanna C. Haft, widow of John Haft, private Company C, Forty-first Massachusetts Infantry. (Report No. 2733.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 6896) granting an increase of pension to Henry O. Briggs. (Report No. 2734.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. COX: A bill (H. R. 10194) for the relief of parties for property taken from them by military forces of the United States—to the Committee on War Claims.

By Mr. HENDERSON: A bill (H. R. 10195) to amend section 5498 of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. COOK of Wisconsin: A bill (H. R. 10198) donating condemned cannon and balls to J. P. Shepard Post—to the Committee on Naval Affairs.

By Mr. GIBSON: A bill (H. R. 10199) to secure the safe transmission of public documents—to the Committee on the PostOffice and Post-Roads.

By Mr. OTEY: A resolution (House Res. No. 570) requesting the Committee on the District of Columbia to inquire into the necessity of a flagman at New York avenue and Fourteenth street—to the Committee on the District of Columbia.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. COFFIN (by request): A bill (H. R. 10196) to pay the findings of the Court of Claims in the case of Henry Tolson, administrator of the estate of George W. Marriott, deceased—to the Committee on War Claims.

By Mr. WHEELER: A bill (H. R. 10197) for the relief of John W. Smart—to the Committee on War Claims.

By Mr. McMILLIN: A bill (H. R. 10200) for the relief of Willis Cornwall, of Tennessee—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAKER of New Hampshire: Petition of John J. Bartlett, secretary of the White Mountain Travelers' Association, and 115 others, protesting against the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BELL of Colorado: Resolutions adopted by the city council of Denver, Colo., in favor of the Cameron resolution and the recognition of the independence of Cuba—to the Committee on Foreign Affairs.

By Mr. CODDING: Statement to accompany House bill No. 6583, granting a pension to Charles Wells—to the Committee on Invalid Pensions.

By Mr. GAMBLE: Petition of the Christian and Congregational churches and of the Woman's Christian Temperance Union of Carthage, S. Dak., favoring the passage of House bill No. 3203, known as the Broderick bill, and Senate bill No. 1498—to the Committee on the Judiciary.

Also, petition of the Congregational and Christian churches and of the Woman's Christian Temperance Union of Carthage, S. Dak., praying for the passage of House bill No. 6119, known as the Phillips bill—to the Committee on Labor.

By Mr. GILLET of New York: Petition of 100 citizens of Addison, N. Y., protesting against the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HENDRICK: Petitions of the Methodist Episcopal Church, the Epworth League, and the Poplar Grove Baptist Church, all of Hickman, Ky., urging the passage of Senate bill No. 2485, to protect the first day of the week as a day of rest in the District of Columbia—to the Committee on the Judiciary.

By Mr. HENDERSON: Resolutions adopted at a public meeting in Des Moines, Iowa, urging action by the United States Government in respect to the Armenian troubles—to the Committee on Foreign Affairs.

By Mr. HILBORN: Resolution of the California Dairy Association, of San Francisco, Cal., asking consideration of the Nicaragua Canal bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HULICK: Resolution and petition of the Christian Endeavor Society of the First Presbyterian Church of Batavia, Ohio, protesting against the outrages committed upon American citizens by the Turkish Government, and for the protection of Armenians, expressing sympathy in their behalf—to the Committee on Foreign Affairs.

By Mr. KERR: Sundry petitions of F. S. Ozier and others, E. C. Stevens and others, and W. F. Kemmler and others, all of Mansfield, Ohio, protesting against the passage of the Sherman bill with respect to ticket brokers—to the Committee on Interstate and Foreign Commerce.

By Mr. LACEY: Petition of the Central Christian Church of Des Moines, Iowa, in relation to the persecution and outrages in Armenia—to the Committee on Foreign Affairs.

By Mr. LOUDENSLAGER: Resolution of the Newark Republican Club, of Newark, N. J., relative to the recognition of the independence of Cuba—to the Committee on Foreign Affairs.

By Mr. OVERSTREET: Petition of Fred Kimbley and 39 other citizens of the State of Indiana, protesting against the passage of the Sherman bill with respect to ticket brokers—to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES W. STONE: Memorial of H. N. Loud, in favor of the coinage of a universal standard dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. TAYLER: Petition of citizens of Youngstown, Ohio, protesting against the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD: Paper to accompany House bill No. 10192, granting a pension to Martha A. De Lamater, of Crawford County, Ill.—to the Committee on Invalid Pensions.

Also, paper to accompany House bill No. 10193, granting a pension to Willis Brady, of Coles and Cumberland counties, Ill.—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *February 1, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on motion of Mr. SHERMAN, and by unanimous consent, the further reading was dispensed with.

CREDENTIALS.

The VICE-PRESIDENT presented the credentials of William A. Harris, chosen by the legislature of Kansas a Senator from that State for the term beginning March 4, 1897; which were read, and ordered to be filed.

MILITIA FORCE OF THE UNITED STATES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, pursuant to the provisions of section 232, Revised Statutes, an abstract of the militia force of the United States for the year 1896, according to the latest returns received at the office of the Adjutant-General, United States Army; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

REPORT OF THE ECKINGTON AND SOLDIERS' HOME RAILWAY.

The VICE-PRESIDENT laid before the Senate the annual report of the Eckington and Soldiers' Home Railway Company of the District of Columbia; which was referred to the Committee on the District of Columbia, and ordered to be printed.

EXECUTIVE SESSION.

Mr. SHERMAN. I think it important to have a brief executive session. I therefore move that the Senate proceed to the consideration of executive business before the routine morning business is transacted.

Mr. CULLOM. Will not the Senator from Ohio wait until after the routine business?

Mr. SHERMAN. The executive session will take but a few moments. I hope the motion will be agreed to. We will take up the morning business afterwards.

Mr. CULLOM. I shall not resist the motion, but I think it best to go through with the routine business.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Ohio.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-seven minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 1256) for the relief of Henry A. Webb.

The message also announced that the House had passed the bill (S. 2931) granting an increase of pension to Silas M. Stevens.

The message further announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1897) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company; further insisted upon its amendments to the bill disagreed to by the Senate; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. POWERS, Mr. JOHNSON of California, and Mr. HARRISON managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 7333) granting a pension to William Edwards, Company D, Tenth Regiment Vermont Volunteers;

A bill (H. R. 8358) to authorize the establishment of a life-saving station at or near Great Boars Head, on the coast of New Hampshire;

A bill (H. R. 8942) granting a pension to Maria Meinhofer; and

A bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (S. 3555) to amend an act entitled "An act granting to the Eastern Nebraska and Gulf Railway Company right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska," by extending the time for the construction of said railway;

A bill (H. R. 130) to carry out the findings of the Court of Claims in the case of Augustus P. Burditt;

A bill (H. R. 514) to remove the charge of desertion from the military record of Wear Crawford;

A bill (H. R. 939) for the relief of Cogswell & Co.;

A bill (H. R. 3500) to authorize the adjustment and settlement of the accounts of John Y. Williams;

A bill (H. R. 4363) to increase the pension of Joseph J. Hudson;

A bill (H. R. 4853) for the relief of John Duncan;

A bill (H. R. 4872) to correct the military record of Homer C. McCusky;

A bill (H. R. 6143) for the relief of Peter Young;

A bill (H. R. 6247) to grant a pension to Miss Jennie E. Moore;

A bill (H. R. 7781) to provide an American register for the barge *Black Diamond;*

A bill (H. R. 8298) relating to mortgages in the Indian Territory;

A bill (H. R. 9593) for the relief of W. H. Wade, late captain and acting regimental quartermaster Thirty-first Ohio Volunteers;

A bill (H. R. 9710) to authorize officers who served during the war of the rebellion in the Regular Army to bear the title and, on occasions of ceremony, to wear the uniform of their highest rank; and

A joint resolution (H. Res. 215) extending the time for compliance by the Eckington and Soldiers' Home Railway Company and the Belt Railway Company with provisions of section 1 of an act entitled an act to extend the routes of said railway companies, etc., approved June 10, 1896.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Peace Association of Friends, of Philadelphia, Pa., praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Presbyterian Ministers' Association, of Washington, D. C., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building and grounds; to raise the age of protection for girls in the District of Columbia to 18 years, and also to prohibit interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on the District of Columbia.

Mr. CULLOM presented a memorial of the First Presbyterian Church, of Murphysboro, Ill., remonstrating against the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented petitions of the Union League of Chicago; of L. H. Thomas, of Evergreen Villa, Thomasville, and of J. E. Garvin, pastor of the First Cumberland Presbyterian Church, of Chicago, all in the State of Illinois, praying for the ratification of the pending arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

He also presented a memorial of sundry merchants and jobbers of Chicago, Ill., remonstrating against the present system of railway ticket brokerage; which was referred to the Committee on Interstate Commerce.

He also presented petitions of Morrison, Plummer & Co., of Chicago; of William Royd, of Evanston; of the North Chicago Association, of North Chicago; of the East Rockford Mantle Company, of East Rockford, and of the Northern Illinois Normal School and the Dixon Business College, of Dixon, all in the State of Illinois, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the J. E. Tilt Shoe Company, of Chicago; of the Gold Seal Oil Company, of Chicago; of the Heath & Milligan Manufacturing Company, of Chicago; of the Baird Clock Manufacturing Company, of Evanston; of T. Buettner & Co., of Chicago; of Hirsh, Elson & Co., of Chicago, and of J. G. Davis & Son, of Chicago, all in the State of Illinois, and the petition of the Amazon Hosiery Company, of Muskegon, Mich., praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Paris, Ill., praying for the passage of Senate bill No. 3557, granting a pension to Emma M. Elliott; which was referred to the Committee on Pensions.

Mr. PLATT. At the request of the commissioners of the Choctaw Nation of Indians, I present a memorial addressed to the Senate and House of Representatives by them, relating to the payment of money for what is called the leased district. I wish to state that in presenting the memorial I do not desire to be understood as committing myself to the matter which they pray for.

The VICE-PRESIDENT. The memorial will be referred to the Committee on Indian Affairs.

Mr. PLATT presented a resolution of the general assembly of Connecticut, praying for the ratification of the pending arbitration treaty with Great Britain; which was read, and referred to the Committee on Foreign Relations, as follows.

STATE OF CONNECTICUT,
OFFICE OF SECRETARY OF STATE.

General assembly, January session, A. D. 1897. Resolution concerning the proposed treaty between the United States and Great Britain.

Resolved by this assembly, That the general assembly heartily approves of the principle of arbitration between nations as embodied in the proposed treaty between the Governments of the United States and Great Britain, concerning the settlement by arbitration of difficulties which may arise between

said nations, and that the secretary be directed to forward a copy of this resolution to each of the Senators of this State at Washington.

House of representatives, January 21, 1897, rules suspended, passed, and transmitted.

Senate, January 21, concurs.

STATE OF CONNECTICUT, *ss:*

OFFICE OF SECRETARY.

I hereby certify that the foregoing is a true copy of record in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of said State at Hartford, this 28th day of January, A. D. 1897.

CHARLES PHELPS, *Secretary.*

Mr. PLATT presented the petition of J. M. Van Vleck, acting president of Wesleyan University, and sundry members of the Conversational Club of Middletown, Conn., praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Young Woman's Christian Temperance Union of South Norwalk, Conn., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Young Woman's Christian Temperance Union of South Norwalk, Conn., praying for the passage of Senate bill No. 2485, to further protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. LODGE presented a memorial of the Boston Plate Printers' Union, No. 3, of Boston, Mass., remonstrating against the enactment of legislation to reduce the wages of Government employees; which was referred to the Committee on Appropriations.

He also presented the petition of John W. Carter, of Beverly, Mass., and a petition of Seavey & Co., of Massachusetts, praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented a petition of the Protestant Episcopal clergymen of Boston, Mass., praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

Mr. MCMILLAN presented petitions of the Trumbull Avenue Presbyterian Church, of Detroit; of the French Baptist Church, of Detroit; of Frederick Burgess, of Detroit; of the Universalist Church of Our Father, of Detroit; of the Immanuel Presbyterian Church, of Detroit; of the Young Men's Christian Association of Detroit; of the Shiloh Baptist Church; of the Second Avenue Presbyterian Church; of the Second German Baptist Church; of the Immanuel Baptist Church; of the Fort Street Baptist Church, and of the Eighteenth Street Baptist Church, all in the State of Michigan, praying for the ratification of the pending arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

Mr. CAMERON presented the petition of Henry L. Child and sundry other citizens of Philadelphia; of Rev. John K. Murphy, pastor, and members of the congregation of St. Michael's Protestant Episcopal Church, of Germantown, and of Group Seven of the Pennsylvania Bankers' Association, of Warren, all in the State of Pennsylvania, praying for the ratification of the pending arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

He also presented a petition of Encampment No. 1, Union Veteran Legion, of Pittsburg, Pa., praying for the passage of House bill No. 8354, to adjust the pensions of maimed Union soldiers and sailors of the late war of the rebellion; which was referred to the Committee on Pensions.

He also presented petitions of Biddle Hardnonber, of Philadelphia; of William Wood & Co., of Philadelphia; of the Harrison Safety Boiler Works, of Philadelphia; of McIlvaine Bros., of Philadelphia; of Robert Hamilton & Son, of Philadelphia; of John T. Ellis & Co., of Philadelphia; of the Weeks & Smith Spice Company, of Philadelphia; of Dorey & Co., Limited, of Philadelphia; of John E. Hanifen & Co., of Philadelphia; of Andrew M. Shute, of Philadelphia; of William Steppacher Bros., of Philadelphia, and of Sam G. Scott and sundry other citizens of Philadelphia, all in the State of Pennsylvania, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BURROWS presented the petition of S. W. Harmon and 110 other citizens of Eaton County, Mich., praying for the enactment of a tariff law that will adequately protect the American farmer and the American laborer against foreign imports; which was referred to the Committee on Finance.

He also presented the memorial of Mrs. J. E. Weeks and 40 other citizens of Battle Creek, Mich., remonstrating against the passage of the so-called Sherman bill, providing for the abolishment of the present system of railway ticket brokerage; which was referred to the Committee on Interstate Commerce.

Mr. BURROWS. I present the petitions of Joseph H. King, jr., and 41 other citizens of New Castle; of Thomas Simpson and 27 other citizens of Camden; of George W. Marshall and 35 other citizens of the west election district of Milford Hundred, Kent county; of F. C. Wiswell and 59 other citizens of the Milford election district of Cedar Creek Hundred, Sussex county; of Frank Reedy and 22 other citizens of the east election district of Milford Hundred, Kent county; of Charles H. Sackett and 22 other citizens of Lincoln, Sussex County; of George W. Vantine and 20 other citizens of New Castle, and of William E. Cole and 9 other citizens of Little Creek, all in the State of Delaware, praying for the appointment of a joint commission to inquire into the political conditions existing in that State, averring that they are not those of a republican form of government as contemplated by the Constitution of the United States. I move that the petitions be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. GEAR presented a petition of the Woman's Christian Temperance Union of the Eighth district of Iowa, praying for the enactment of legislation for the relief of the suffering Armenians in Turkey; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Methodist Episcopal church of Corning, Iowa, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the Methodist Episcopal church of Corning, Iowa, praying for the enactment of legislation to raise the age of protection to girls to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Peace Association of Friends, of Philadelphia, Pa., praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

Mr. SEWELL presented the memorial of Christian Braun and 230 other citizens of Paterson, N. J., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Council No. 5, Junior Order United American Mechanics, of Mount Holly, N. J., praying for the enactment of legislation to relieve the Cubans in their struggle for freedom; which was ordered to lie on the table.

He also presented a petition of the New Jersey Christian Endeavor Union, of Newark, N. J., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the Orange Valley Congregational Church, of Orange, N. J., praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Sarsfield Club of Jersey City, N. J., remonstrating against the ratification of the pending treaty of arbitration with Great Britain; which was referred to the Committee on Foreign Relations.

He also presented petitions of the United African Methodist Episcopal Church, of Camden; of the First Presbyterian Church, of Camden; of the North Baptist Church, of Camden; of the Calvary Presbyterian Church, of Camden, and of the Methodist Episcopal church, of Camden, all in the State of New Jersey, praying for the passage of Senate bill No. 2485, to further protect the first day of the week as a day of rest in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. SHERMAN presented the petitions of John J. Perkins & Co., of Cincinnati; of the Ohio Wholesale Grocers' Association; of the Cincinnati Association of Wholesale Grocers; of Arnold & Morton, of Columbus; of the Hayden National Bank, of Columbus; of the Wholesale Grocers' Board, of Cleveland; of Weaver & Shulze, of Circleville; of Feilbach & Co., of Toledo; of the D. O. Fox Company, of Springfield; of Naughters, Kramer & Co., of Chillicothe; of Ulrick & Clues, of Columbus; of Babcock, Hurd & Co., of Cleveland; of the C. F. Wane Coffee Company, of Dayton; of the Harper & Cosgrove Company, of Zanesville; of Ford, Eaton & Co., of Cincinnati; of Isaac Eberly & Co., of Columbus; of the Moore Bros. Company, of Lima; of the Frechtling Wholesale Grocery Company, of Hamilton, and of Westerfield Bros., of Greenville, all in the State of Ohio, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of C. M. Goheen, M. D., publisher of the Union, of Continental, Ohio, remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Christian Endeavor Society of the Church of Christ, of Glenville, Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of Council No. 27, American Protective Association, of Cincinnati, Ohio, praying for the passage

of the so-called Cameron resolutions, relative to Cuba; which was ordered to lie on the table.

He also presented a memorial of the committee on judiciary and legal reform of the Cincinnati Bar Association, of Cincinnati, Ohio, remonstrating against the passage of the so-called Bailey-George bankruptcy bill; which was ordered to lie on the table.

Mr. PERKINS presented a petition of the Chamber of Commerce of Eureka, Cal., praying for the passage of the Nicaragua Canal bill; which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Eureka, Cal., praying that an appropriation be made for the erection of a public building at that place; which was referred to the Committee on Public Buildings and Grounds.

Mr. HOAR presented the petition of William Lawrence, Bishop of Massachusetts, and five other Protestant Episcopal clergymen of Boston, Mass., praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

He also presented a petition of the members of the bar of Muscogee, Ind. T., praying for the immediate appointment of an additional judge of the United States court for the Indian Territory; which was referred to the Committee on the Judiciary.

Mr. HALE presented the petition of J. F. Sprague and sundry other citizens of Monson, Me., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. JONES of Arkansas presented a petition of sundry citizens of the Choctaw Nation, praying that the treaty with that nation be ratified by Congress; which was referred to the Committee on Indian Affairs.

He also presented the memorial of W. W. Folsem, publisher of the Hope Gazette, of Hope, Ark., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Hope, Ark., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. TURPIE presented the petitions of R. P. Shanklin & Co., of Frankfort; of the John C. Groub Company, of Seymour; of the Wholesale Grocers' Association of Indiana; of J. C. Perry & Co., of Indianapolis; of Joseph Strong & Co., of Terre Haute; of W. M. Shafer & Co., of Frankfort; of Elmer E. Scott, of Madison; of E. G. Niklaus, of Madison; of Kramer & Sons, of La Porte; of the Parsons & Scoville Company and sundry other wholesale grocers of Evanston, all in the State of Indiana, and the petition of William T. Comstock, of New York City, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HILL presented a petition of the New York Board of Trade and Transportation, praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

Mr. GALLINGER presented petitions of the First Baptist Church, of Derry; of the First Methodist Episcopal Church, of Derry; of the First Church, of East Derry; of St. Luke's Methodist Episcopal Church, of Derry, and of the Baptist Grove Meeting Associations, of Laconia, all in the State of New Hampshire; a petition of the Baltimore Yearly Meeting of the Religious Society of Friends, of Baltimore, Md., and a petition of the Philadelphia Peace Association of Friends, of Philadelphia, Pa., praying for the ratification of the pending arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

Mr. NELSON presented a petition of the Board of Trade of Minneapolis, Minn., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. MITCHELL of Wisconsin presented resolutions adopted by the common council, bar association, and sundry citizens of West Superior, Wis., relative to the bill (H. R. 9752) amending the act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin; which were referred to the Committee on Commerce.

He also presented a petition of the Congregational Ministers' Association, of Milwaukee, Wis., praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

Mr. SMITH presented a petition of Washington Camp, No. 29, Patriotic Order Sons of America, of Merchantsville, N. J., praying for the passage of the so-called Cameron resolutions, relative to Cuba; which was ordered to lie on the table.

He also presented a petition of the town council of Stockton, N. J., praying Congress to take prompt action to stop the barbarities and inhumanities now being practiced on the people of Cuba by the Monarch of Spain; which was ordered to lie on the table.

He also presented petitions of the Evangelical Alliance for the United States; of the Congregational church of Paterson, N. J.; and of the Orange Valley Congregational Church, of Orange, N. J., praying for the ratification of the pending arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

FINDING LIST TO DOCUMENTS.

Mr. HALE. I present a paper prepared by Alonzo W. Church, librarian, and James M. Baker, assistant librarian, United States Senate, being a "Finding list to documents published by the Government." I move that the paper be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (H. R. 9345) to enable certain persons in the State of Mississippi to procure title to public lands, reported it without amendment, and submitted a report thereon.

Mr. PETTIGREW, from the Committee on Public Lands, to whom was referred the bill (H. R. 9709) to better define and regulate the rights of aliens to hold and own real estate in the Territories, asked to be discharged from its further consideration, and that it be referred to the Committee on Territories; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. 9499) authorizing and directing the Secretary of the Interior to sell certain lands to A. L. Williams, and for other purposes, reported it without amendment.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 29th ultimo, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 3602) to amend an act entitled "An act to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia," approved August 3, 1894, reported it without amendment.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 3556) granting a pension to Carlton W. Muzzy, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 1888) to further amend an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved the 3d day of March, A. D. 1893, reported it with an amendment, and submitted a report thereon.

Mr. CARTER, from the Committee on Public Lands, to whom was referred the amendment submitted by himself on the 28th ultimo, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. MORGAN, from the Committee on Foreign Relations, to whom was referred the amendment submitted by himself on the 22d ultimo, intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. ALLEN, from the Committee on Indian Affairs, submitted a report to accompany the amendment heretofore reported by him relative to the Santee Sioux Indians, of Nebraska, intended to be proposed to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

INTERSTATE COMMERCE COMMITTEE HEARING.

Mr. CULLOM. I ask that the usual number of copies of statements made before the Committee on Interstate Commerce last week relative to ticket brokerage be printed as a document for the use of the Senate.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

BILLS INTRODUCED.

Mr. PALMER introduced a bill (S. 3622) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough; which was read twice by its title.

Mr. PALMER. I wish that the bill may lie on the table. A similar bill has been before the Committee on Pensions several times, and has been reported favorably.

The VICE-PRESIDENT. In the absence of objection, the bill will lie on the table.

Mr. WALTHALL introduced a bill (S. 3624) for the relief of Anna Hunt, administratrix of George F. Hunt, late of Jefferson County, Miss., as found due by the Court of Claims under the act of March 3, 1883; which was read twice by its title, and referred to the Committee on Claims.

Mr. BLACKBURN introduced a bill (S. 3625) granting an increase of pension to Mrs. Alice Martin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CHILTON introduced a bill (S. 3626) for the relief of Calvin T. Hazelwood; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3627) to authorize the Corpus Christi and Padre Island Harbor Company to import free of duty certain materials for the construction of an outer harbor on the coast of Texas; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HOAR introduced a bill (S. 3628) to provide for the revision and codification of the criminal and penal laws of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 3629) to amend section 5498 of the Revised Statutes of the United States relating to the employment of counsel by the Attorney-General or a district attorney; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 3630) to consolidate the circuit and district courts of the United States; which was read twice by its title.

Mr. HOAR. I desire to state that this is a very important measure indeed, and that I introduce the bill not expecting action upon it during the present Congress, but only that the judges and the profession and the public generally may be aware of the proposal and may be heard from before another session.

I desire to state further that I have purposely omitted from the bill any arrangement about the clerks of the district courts, as the general subject of the clerks and their compensation will probably be dealt with in another measure at the next Congress.

The VICE-PRESIDENT. The bill will be referred to the Committee on the Judiciary.

Mr. PLATT introduced a bill (S. 3631) to amend section 4965 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Patents.

Mr. CHANDLER introduced a bill (S. 3632) granting an increase of pension to Harriet P. Dame; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3633) concerning retirements and promotions in the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. FRYE introduced a bill (S. 3634) for the establishment of a light-house and fog signal at a point north of the bell buoy near the broken part of the Pollock Rip Shoals, on the coast of Massachusetts; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CARTER introduced a bill (S. 3635) for the relief of certain citizens of Montana claiming the benefit of the homestead laws; which was read twice by its title, and referred to the Committee on Public Lands.

MRS. MARY GOULD CARR.

Mr. HILL introduced a bill (S. 3623) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased; which was read the first time by its title.

Mr. HILL. I ask that the bill be read in full.

The bill was read the second time at length, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased, at the rate of $75 per month.

Mr. HILL. A bill of which this is an exact copy passed the House of Representatives a long time ago, and it passed the Senate in December last. It was one of the bills which was presented to the President just previous to the holiday recess, which was a recess for a longer period than ten days. The President did not act upon the bill, but it was sent to the office of the Secretary of State as a dead bill, it being claimed that Congress had by its adjournment prevented action, and that therefore the bill had expired. I am inclined to doubt whether a mere recess, such as was then taken, was an adjournment within the meaning of the Constitution which would render the bill a dead bill. The question has never been tested in the courts, as I am advised, and this widow has not the money with which to test it. It is easier, as I think, to have the bill passed over again and sent to the President. I therefore ask that the bill may now have present consideration.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New York?

Mr. GALLINGER. I think the request of the Senator from New York is a very proper one. The bill reached the President two days before the late recess and it was held by the President that ten days having elapsed during such recess, it has the same bearing upon a bill as though it were passed upon the final adjournment of a Congress. I agree with the Senator from New York that that is a matter of very great doubt. I think I should take issue with the Executive; but it could only be tested in the courts, and the easiest way is to pass the bill again.

While I am on my feet, I will state that the Senator from Illinois [Mr. PALMER] reported a bill in favor of Mrs. Hough, which was passed at the same time as Mrs. Carr's bill, and which had the same fate. I hope the Senate will consider the bill the Senator from New York is interested in and then that it will likewise consider the bill that my distinguished friend from Illinois has just introduced, pensioning Mrs. Hough.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. CAROLINE A. HOUGH.

Mr. PALMER. I ask that the same course be taken with the bill to pension Mrs. Hough.

The VICE-PRESIDENT. The Senator from Illinois asks unanimous consent for the present consideration of a bill which will be read for information.

The bill (S. 3622) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough, was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby authorized and directed to place the name of Caroline A. Hough, widow of the late Brig. Gen. John Hough, upon the pension roll, subject to the provisions and limitations of the pension laws and grant her a pension of $50 per month, in lieu of the pension of $17 per month which she is now receiving.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BLACKBURN submitted an amendment intended to be proposed by him to the District appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. CLARK submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the Post-Office appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HILL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. BURROWS submitted an amendment intended to be proposed by him to the Post-Office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. HOAR submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. THURSTON submitted an amendment intended to be proposed by him to the Agricultural appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Agriculture and Forestry.

Mr. CALL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BURROWS submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was submitted to the Committee on Fisheries, and ordered to be printed.

EXPLORATION OF ALASKA.

Mr. STEWART submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to report to the Senate, at the earliest date possible, the progress and result of the Geological Survey exploration of Alaska during the season of 1896.

ELECTIONS IN DELAWARE.

Mr. CHANDLER submitted the following resolution; which was referred to the Committee on Privileges and Elections, and ordered to be printed:

Resolved, That the Committee on Privileges and Elections be directed to inquire into the facts and circumstances of the Presidential and State election held in the State of Delaware on the 3d of November, 1896, and particularly to ascertain whether or not on said day, or immediately before or after

said day, there existed for the benefit of the Democratic party, so called, in said State a plan and conspiracy on the part of many evil-minded persons, who determined, in case said election should appear to result in the choice of a Republican legislature, to so change such result by fraudulent practices as to make the legislature appear to be a Democratic body; and whether or not, as the result of said election, the candidates for Presidential electors of the Republican party were chosen, as well as a legislature a majority of whose members were Republicans; and whether or not the aforesaid plan and conspiracy was then and there carried out in the following manner: In Sussex County by a fraudulent and wrongful counting of the ballots cast therein, and in Kent County by changing the returns from the various hundreds and throwing out some of the returns and falsifying the vote of said county, so that in each of said counties the Republican members of the legislature who were actually chosen appeared to be defeated, and the Democratic candidates appeared to be elected; and whether or not, as the result of this plan and conspiracy, and the acts done in pursuance thereof, the legislature of Delaware, composed by law of thirty members, a majority of whom in truth and in fact were Republicans, was fraudulently and wrongfully changed into a legislature a majority of which appeared to be Democrats, which, at the time fixed by law for the assembling of the legislature of the State, met at the capitol in Dover, and excluding the lawfully elected Republicans, proceeded to act as the legislature of said State, and to pass and promulgate laws, and to elect a United States Senator; and said committee is also directed to consider whether or not the legislature thus organized was or is entitled to be recognized as the lawful legislature of the State, or its acts and proceedings to be treated as valid by the Government of the United States, or its election of a United States Senator to be recognized as valid by the Senate; and, further, whether there is a government of said State now organized conforming to the clause in the national Constitution which provides that the United States shall guarantee to each State a republican form of government, and, if not, what action ought to be taken by Congress to enforce said guaranty; said committee to make said inquiry by full committee or through subcommittees, as it may deem expedient, and to have power to send for persons and papers, and to sit during the sessions of the Senate in Washington or in Delaware, and to make report by bill or otherwise, and to have its expenses paid from the contingent fund of the Senate.

Mr. CHANDLER submitted the affidavit of George W. Roberts, of Delaware, together with an article from the State Sentinel, of Dover, Del., on "Democratic revolution;" which was referred to the Committee on Privileges and Elections, and ordered to be printed.

AMBROSE D. MANION.

Mr. NELSON. I ask unanimous consent to call up the bill (H. R. 6215) to increase the pension of Ambrose D. Manion.

Mr. COCKRELL. Was the bill just reported this morning?

Mr. NELSON. No, sir; it was reported last week.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to increase the pension of Ambrose D. Manion, late of Company K, Fifth Kentucky Infantry, from $30 per month to $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IMPRISONMENT OF JULES SANGUILLY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

I transmit herewith, in response to a resolution of the Senate of the 6th ultimo, a report from the Secretary of State, accompanied by copies of correspondence concerning the arrest, imprisonment, trial, and condemnation to perpetual imprisonment in chains of Jules Sanguilly, a citizen of the United States, by the authorities of Spain in Cuba.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 1, 1897.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 7333) granting a pension to William Edwards, Company D, Tenth Regiment Vermont Volunteers; and

A bill (H. R. 8942) granting a pension to Ann Maria Meinhofer.

The bill (H. R. 8356) to establish a life-saving station at or near Great Boars Head, on the coast of New Hampshire, was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898, was read twice by its title, and referred to the Committee on Appropriations.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. PETTIGREW submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7 and 8.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, and 6; and agree to the same.

R. F. PETTIGREW,
GEORGE C. PERKINS,
Managers on the part of the Senate.
N. M. CURTIS,
M. GRIFFIN,
D. G. TYLER,
Managers on the part of the House.

Mr. COCKRELL. What were the points in disagreement upon which the Senate conferees receded?

Mr. PETTIGREW. The House agreed to all of the amendments of the Senate but two, and as to those amendments the Senate conferees receded. Those two amendments were, first, an increase of $15,000 to put in a filter, and second, an increase of the total amount to correspond with the increase for putting in a filter. The Senate conferees receded from the amendment increasing the appropriation for that purpose from $25,000 to $40,000. The House agreed to all the other amendments. I ask that the report be adopted.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 666) to amend section 4829 of the United States Revised Statutes concerning surgeons, assistant surgeons, and other medical officers of the National Home for Disabled Volunteer Soldiers;

A bill (S. 1083) for the relief of George H. Plant, of the District of Columbia;

A bill (S. 1675) to prevent the carrying of obscene literature and articles designed for indecent and immoral use from one State or Territory into another State or Territory;

A bill (S. 3303) to authorize the construction by the Kansas City, Shreveport and Gulf Railroad Company of a bridge across the Sabine River between the States of Louisiana and Texas;

A bill (S. 3313) for the relief of John N. Quackenbush, late a commander in the United States Navy;

A bill (S. 3401) to amend the act entitled "An act to authorize the construction of a bridge across the Missouri River at or near the city of Lexington, Mo.," approved July 26, 1894; and

A bill (S. 3551) to authorize the entry and patenting of lands containing petroleum and other mineral oils under the placer-mining laws of the United States.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 3719) to provide for appointment by brevet of active or retired officers of the United States Army.

The message further announced that the House insisted upon its amendment to the bill (S. 2139) granting an increase of pension to Annie E. Nolan, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WOOD, Mr. KIRKPATRICK, and Mr. BAKER of Kansas managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6834) to prevent the purchasing of or speculating in claims against the Federal Government by United States officers; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GILLETT of Massachusetts, Mr. BURTON of Missouri, and Mr. HENDRICK managers at the conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 1948) to grant a pension to Uriah Andricks, Fifty-fourth Illinois Volunteer Infantry; in which it requested the concurrence of the Senate.

THE INAUGURAL CEREMONIES.

Mr. BACON. Some three weeks ago, by direction of the Committee on the District of Columbia, I reported a joint resolution looking to the authorization of the Secretary of War to give such permits to the executive committee on inaugural ceremonies as he might see fit in the use of the reservations and public spaces in the city. The joint resolution has been brought before the Senate three times, and has been postponed each time at the request of some Senator that he might have an opportunity to look further into it. It is a matter of some importance that we should determine at as early a date as possible what authority should be granted to this committee in order that they may know how to make arrangements in accordance therewith. I therefore ask that the Senate will consent to the present consideration of House joint resolution 214.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. Res. 214) authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in the city of Washington on the occasion of the inauguration of the President-elect on March, 4, 1897, etc.

The VICE-PRESIDENT. The joint resolution has heretofore been read at length, and the amendment reported from the Committee on the District of Columbia has been read. The question is on agreeing to the amendment.

Mr. CHANDLER. I desire to ask the Senator from Georgia whether the joint resolution gives any power to the Commissioners to tear up the pavements of Washington and lay electric-light conduits?

Mr. BACON. The provision the Senator inquires about is

guarded. On the second page of the joint resolution it is provided further—

That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions of this resolution are enforced, that all needful precautions are taken for the protection of the public, and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized.

Mr. CHANDLER. Suppose the Commissioners do not do that. Suppose the Commissioners do not execute this law. The streets then will have been torn up and remain.

Mr. BACON. As I understand it, all laws with reference to the city of Washington, so far as they relate to the streets, are within the executive powers of the Commissioners, and we must look to them for the proper execution of the laws. The objection suggested by the Senator from New Hampshire would apply to any other power which was sought to be reposed in them for execution.

Mr. CHANDLER. I grant that it would, but the Commissioners act strangely in some particulars. I have examined the joint resolution; I do not see any objection to it on the face of it; I think it is properly guarded; but I feel no certainty that the Commissioners under this law will not grant permits to the Potomac Electric Company or the United States Electric Company or some other company to tear up the pavements and lay conduits. Now, suppose they do that; that the company which has the permit granted goes on and tears up the pavement; that there is an application made to one judge to restrain the company, and the judge refuses to grant the injunction. I ask the Senator whether this would give the Commissioners power to tear up the streets?

Mr. BACON. I understand the purport of the Senator's inquiry to be whether the authority granted might not be so used as to grant to one of the electric-light companies here the power to establish certain connections by tearing up the streets which they otherwise would not have. Is that it?

Mr. CHANDLER. It is.

Mr. BACON. If the Senator will read the joint resolution, he will see that it looks solely to the temporary use of streets, and that no such construction could be put upon it without an absolute violation of every rule of construction. The Senator will observe that all the wires are to be removed within a certain time. Certainly there could be no object in giving to either of the electric-light companies the right to tear up streets for the purpose of making connections which they proposed to utilize thereafter. Under this law they will have to be removed within five days, I think. They have to be removed by March 5, the day after, but I will state in this connection that I want to amend that and make it March 6.

Mr. CHANDLER. The Senator is mistaken in supposing that they could not remain after that time. They have a much longer time in which to remove them.

Mr. BACON. Oh, yes; within ten days after, so far as some of them are concerned.

Mr. MCMILLAN. I can state to the Senator from New Hampshire that the provisions of the joint resolution are copied from the joint resolution of four years ago, almost word for word, and it is a mere temporary obstruction of the streets. I am quite sure there is no objection to the Commissioners or anybody else tearing up the streets for such a purpose. The object is to enable the inaugural committee to make arrangement for temporary lights. I do not think there can be any objection to tearing up the streets for the purpose.

Mr. HALE. If I do not interrupt the Senator from New Hampshire, I will state that I do not find in the statute of four years ago any such provisions authorizing the breaking up of the streets or stretching wires overhead, as the Senator from Michigan has referred to. Four years ago, under the act approved January 26, 1893, Congress passed a simple, customary act giving the Secretary of War authority "to grant permits to the executive committee on inaugural ceremonies for the use of any reservations or other public spaces in the city of Washington," on the occasion of the inauguration of the President on the 4th of March following, "which, in his opinion, will inflict no serious or permanent injury upon such reservations or public spaces; and the Commissioners of the District of Columbia may designate for such and other purposes such streets, avenues, and sidewalks in the District as they may deem proper and necessary therefor." That was a simple act giving authority to the Secretary of War over the general subject. The House of Representatives passed that act, word for word, four years ago—the customary act. It did not put in any of the provisions to which the Senator from New Hampshire has called the attention of the Senate, only putting in a proviso:

That all stands or platforms that may be erected on the public spaces aforesaid shall be under the supervision of the said executive committee and in accordance with plans and designs to be approved by the Architect of the Capitol, the Commissioner of Public Buildings and Grounds, and the building inspector of the District of Columbia.

So the House in reporting this resolution went to the extent of not lodging any further authority in the Commissioners, but in restricting it, and providing that the discretion should be given not to the Commissioners, but to the Architect of the Capitol, the Commissioner of Public Buildings and Grounds, and the building inspector of the District of Columbia, and they left it there, substantially the act of four years ago, under which the inaugural ceremonies have been heretofore conducted, but the Committee on the District of Columbia has gone much further than that, and has introduced subsequent sections which are found in the joint resolution, which raise the question——

Mr. MCMILLAN. If the Senator will allow me, I think that the laws passed four years ago came in at different times. The House of Representatives at this session sent over the first part of the pending joint resolution, and we have added to it the provisions of previous acts so as to embody in one act all that is necessary in regard to the subject.

Mr. HALE. I have been reading from the act approved January 26, 1893.

Mr. MCMILLAN. But there are several other acts which were subsequently passed for the inauguration in 1893.

Mr. HALE. If there were subsequent acts, I have not found them, but I have found this act, and it appears to cover the ground. What troubles me about it is not simply the authority given to the Commissioners to break up the streets and to leave the city in a disfigured and deformed condition, for that has already been done; but I predict that when the 4th of March comes, this city will be found in a deformed and disfigured condition, so far as its streets go, such as has never before been seen here on the occasion of the 4th of March inaugural ceremonies. Citizens who come here from all parts of the country and who do not wish to be confined to Pennsylvania avenue, where the parade marches, but wish to drive over the city—which belongs to the entire country—will be found confronting such a condition, which has been brought about by the conduct of the Commissioners, as is disgraceful; and the city will be an offense in the nostrils of the people who come here, and who ought to find the city ready to welcome them in its best dress.

That being the case, and as we are likely to be confronted with just that condition, with a cold turn of weather upon us now, and continuing for weeks, quite likely only relenting and growing mild in the last days of February, nobody who sees what has been going on here this winter can have any doubt as to what this city will present for the admiring citizens of the country who come here for the purpose of enjoying and admiring. That having been done through the obstinacy and wrong-headedness of the Commissioners—some Senators and others are inclined to visit it with stronger terms than that, and believe there is something at the bottom worse than that; but I only use this measured phrase of obstinacy and wrong-headedness—I do not want, without knowing where I am going and without knowing what the precedent is, to give any more power to the Commissioners to break up the streets and pavements and add to the disfiguration of the city, and I do not want to give them the power to stretch overhead wires. The word used here is to "stretch" wires. I do not know what is the purpose of that—setting aside the laying of concealed and covered wires which may not be dangerous—the stretching of electric wires overhead in the discretion of anybody, with the great crowd of people who will be here, a hundred thousand it may be, may result in great danger; it may be a very risky thing. In the spirit of inquiry, I should like the Senator from Georgia to tell me what the committee considered might be done under that provision? Is it going to give to the Commissioners the authority to stretch overhead wires in every direction, the breaking of a single one of which might be attended with the loss of life, or the sagging and contact of which with a human body might result in death? Has the committee considered that? Is it prepared to risk that, and is there anything in the precedents which would justify conferring such power as is contained in the joint resolution?

Mr. MCMILLAN. Will the Senator allow me?

The VICE-PRESIDENT. Does the Senator yield to the Senator from Michigan?

Mr. HALE. I yield to the Senator.

Mr. MCMILLAN. I will state that the object of this joint resolution is to enable the inaugural committee to extend wires from the Pension building, where the inaugural ball is to be held, to the points necessary for telegraph purposes, and for the purpose of illuminating Pennsylvania avenue. There is no intention of doing anything more than that, and I do not think the joint resolution gives the Commissioners any more power.

Mr. HALE. There is no limitation in the provision of the joint resolution. The language is:

That the Commissioners of the District of Columbia are hereby authorized to permit the committee on illumination of the citizens' executive committee for the inaugural ceremonies, March, 1897, to stretch suitable conductors, with sufficient supports, wherever necessary, for the purpose of effecting the said illumination.

Mr. MCMILLAN. That is all that is intended.

Mr. HALE. I do not know that, and that is why I make inquiries. I do not discern any limitation. I do not know but what under this provision dangerous overhead wires may be stretched everywhere, in the discretion of the Commissioners, and that the people coming here visiting these reservations or climbing these

steps may find themselves in a trap, with danger and risk to life and limb before them.

One purpose I had in rising—lacking confidence that would lead me to lodge any more power with the District Commissioners, to begin with—was that I wanted the District Committee to tell the Senate just what will be the scope and effect of this authority, which seems to be a large one, given in the provision.

Mr. BACON. It is unfortunate if the consideration of this resolution is to be in any manner connected with considerations as to what has occurred under other powers granted to the District Commissioners relative to the extension of electric wires, debates upon which we have recently had in this Chamber. Of course, if the position taken by the distinguished Senator from Maine [Mr. HALE] is correct, that no overhead wires are to be allowed, then that will cut off that branch of the authority proposed to be given under the joint resolution. If, on the other hand, there are to be any overhead wires, it is impossible to designate with exact accuracy where they are to go and what limit ought to be put upon them. Something must be left in the discretion of somebody, and who is to exercise that discretion other than the District Commissioners, or who can better exercise it than they I am sure I am at loss to suggest.

Now, I want to suggest to the Senate, in response to the inquiry made by the Senator from New Hampshire [Mr. CHANDLER] and also in response to the remarks made by the Senator from Maine [Mr. HALE], that there is nothing in this joint resolution which possibly contemplates the tearing up of the streets for the purpose of laying any of these wires. The whole authorization is for the stretching of overhead wires. There is no express authority given to tear up the streets; and the only thing which is in the joint resolution in relation to that is a provision that if in the stretching of overhead wires there is any damage done to the streets or to the pavements, it must be, within a certain time and in a certain way, replaced without expense to the District.

Mr. GALLINGER. Will the Senator yield to me a moment?

Mr. BACON. Certainly.

Mr. GALLINGER. I should like to ask the Senator from Georgia if this joint resolution is sufficiently guarded so that if the Commissioners of the District of Columbia should see fit to make a contract with an electric-light company which has not conduits, it would enable them to furnish this lighting by overhead wires? I ask whether this joint resolution is sufficiently guarded so as to prevent the Commissioners from doing that and permitting any company with which they may contract for lighting to lay conduits for that purpose?

Mr. BACON. To lay underground conduits?

Mr. GALLINGER. Yes, sir.

Mr. BACON. I should say undoubtedly there is no such authority in this joint resolution—none whatever. The whole authority is to stretch overhead wires.

Mr. GALLINGER. The difficulty in my mind arises from this fact, Mr. President, that in the matter of lighting our public squares or reservations the District Commissioners made a contract with a company that had not conduits, and they have permitted that company to proceed and tear up our streets for 7 or 8 miles for the purpose of getting connections. They tore up the streets for 3 miles in one instance before they came to the first light they were to furnish, and the Commissioners are giving permits at the present time to that very company.

What I want to guard in this joint resolution is that the Commissioners shall make contracts with a company or companies which have connections underground at the present time, so that the lighting that is contemplated in the joint resolution can be procured. If that point is well guarded, I certainly have no objection to the passage of the joint resolution.

Mr. BACON. There is nothing in the joint resolution about the laying of any conduits whatever; there is no contemplated laying of conduits, and there is not a line in the joint resolution which can be so construed.

Mr. GALLINGER. I hope the Senator will put in such a provision.

Mr. HALE. Insert, in line 5 of section 2, after the word "suitable," the word "overhead."

Mr. GALLINGER. That will do.

Mr. BACON. I have no objection to that.

Mr. LODGE. I should like to ask the Senator from Georgia a question. I have not examined the joint resolution with any care, but I should like to ask the Senator whether it in any way involves the subject-matter of controversy which has arisen here over the resolution introduced by the Senator from Missouri [Mr. COCKRELL]?

Mr. BACON. In no possible manner whatsoever, sir.

Mr. CHANDLER. The Senator from Georgia, I think, is mistaken about that. My colleague [Mr. GALLINGER] put the point, suppose under this law the Commissioners authorized one electric light to be erected at the end of the bridge over the Eastern Branch, and then, to extend to that light, authorized an underground conduit to be built from Georgetown to the Eastern Branch in order to get there, arguing that it is impliedly necessary to carry out the original provisions of the act?

Mr. BACON. This joint resolution does not give to the Commissioners the right or power to authorize any company to do anything. It simply gives the Commissioners the right to authorize the executive committee in charge of the inaugural ceremonies to do it—nothing else. It does not authorize any contracts with anybody.

Mr. CHANDLER. Suppose they say the procession may go over the Eastern Branch and there ought to be a light there, why can not the Potomac Company or the United States Electric Light Company be authorized to tear up the pavements and dig a ditch from Georgetown to the Eastern Branch?

Mr. BACON. That can not be done, because there is not a sentence, a word, or a letter in the joint resolution which would authorize the Commissioners to give any authorization of any kind whatever to either of those electric-light companies. It is confined to overhead wires; and the authority is simply given to the executive committee to do certain things. They are the persons who are to stretch the wires.

Mr. GRAY. May I ask the Senator from Georgia to indicate in what respect more authority is being given in this joint resolution, which has been reported from the District Committee, in regard to the inaugural ceremonies, than has been heretofore given in similar cases?

Mr. BACON. There is no substantial difference whatever between this joint resolution and the act read by the Senator from Maine [Mr. HALE]. They are substantially the same. It does not embrace all the provisions of previous legislation, but it is substantially the same legislation.

Mr. GRAY. Is there anything in addition to what has been heretofore granted to the committees having these matters in charge?

Mr. BACON. Nothing. They are substantially the same.

Mr. GRAY. I should be opposed to making any enlargement of the power heretofore given in such cases to those having the inaugural ceremonies in charge.

Mr. BACON. This joint resolution does not give any enlarged authority. If Senators will permit me a moment, it is simply a question in which the other side of the Chamber, I presume, is somewhat interested, and if they are not, but to the contrary, we will acquiesce in whatever they prefer in the matter. It is a simple question whether or not on the 4th of March there shall be suitable illumination in this city, whether there shall be suitable facilities for telegraph offices at all points along the line of march, and other places where they are needed, or whether they shall be denied. That is a simple question.

Mr. MILLS. I want to ask the Senator from Georgia whether he thinks that if in the inauguration ceremonies any of these wires should break, there would be any danger to life from such an accident?

Mr. BACON. The Senator is now asking me a question upon electrical science. I understand that in the first stages of electricity all of the wires were over head and that all cities had them over head, but they have been considered safer under ground, and as there is less obstruction in various ways from underground wires, they have all been put under ground. But it is an absolute necessity, if this town is to be illuminated on that occasion, that there shall be overhead wires temporarily stretched. If the Senate thinks they can not be made safe, of course the Senate will not agree that they shall be erected; but, as I said a moment since, the Senate must determine, so far as it can determine this question, whether there shall be an illumination, and if so, overhead wires are the only practical way in which it can be accomplished.

Mr. HALE. Let me suggest to the Senator——

Mr. BATE. I wish to ask a question.

Mr. BACON. I yield to the Senator from Maine.

Mr. HALE. I am only going to suggest an amendment. After the word "suitable," in line 5 of section 2, to insert the word "overhead."

Mr. BACON. I have already agreed to that.

Mr. HALE. In the same section, where the language is "to stretch suitable conductors with sufficient supports wherever necessary," I move to insert after the word "necessary" the words "and in the nearest practicable connection with the present supply of light." So that under this amendment there would not be, as might otherwise be claimed, authority to bring lines of overhead wires clear from Georgetown to the Eastern Branch, but that the overhead wires which are to furnish the illuminating light shall make the nearest practicable connection possible with the present supply of light.

Mr. BACON. I am perfectly willing to agree to that amendment.

Mr. GRAY. May I ask the Senator whether in the illumination that is contemplated by this joint resolution it will be necessary to resort to any extensive erection of new poles all over the city?

Mr. HALE. I do not know.

Mr. GRAY. If the amendment is agreed to, it will obviate that, as I understand.

Mr. HALE. My amendment is to prevent just that, so that they will be obliged to tap the supply of light at the nearest possible point. The city will not then be additionally disfigured by long lines of poles being stretched all over it.

Mr. BACON. I think there will be no objection to that amendment.

Mr. HILL. I should like to hear the amendment read.

The VICE-PRESIDENT. The amendment to the amendment of the committee will be stated.

Mr. HALE. Does the Senator from Georgia accept the amendment?

Mr. BACON. I think that will be agreeable; but the Senator from New York [Mr. HILL] desires to have the amendment read.

Mr. HILL. I should prefer to have it read.

The VICE-PRESIDENT. The amendment submitted by the Senator from Maine will be stated from the desk.

The SECRETARY. In line 5 of section 2, after the word "suitable," it is proposed to insert "overhead;" so as to read:

That the Commissioners of the District of Columbia are hereby authorized to permit the committee on illumination of the citizens' executive committee for the inaugural ceremonies, March, 1897, to stretch suitable overhead conductors, with sufficient supports, wherever necessary, for the purpose of effecting the said illumination.

The amendment to the amendment was agreed to.

Mr. HALE. Then after the word "necessary," in line 6, I move to insert "and in the nearest practicable connection with the present supply of light."

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Maine to the amendment of the committee.

Mr. HALE. Mr. President, I have offered these amendments not in the spirit of interference with the inaugural ceremonies—because I wish them to be successful; it will be a great occasion in Washington and for the people of the United States, and every proper action we can take here in that direction I think ought to be taken—but we have had experience enough with the overriding of law and authority and with the aggressive seizing of power on the part of the District Commissioners to make us wary in dealing with them; and my purpose is not by any means or in any way to give them authority to creep in here or to intrude themselves to go far beyond what is the intention of Congress.

Mr. GALLINGER. Has that amendment been adopted?

The VICE-PRESIDENT. The last amendment proposed by the Senator from Maine has not yet been adopted.

Mr. BATE. I desired a moment ago to make an inquiry of the Senator from Georgia. I wish to ask whether, during the previous inaugural ceremonies which have been held in this city, it has been customary to have illuminations of the kind proposed by the pending joint resolution?

Mr. BACON. The distinguished Senator from Tennessee has been in a much better position to judge of that than I.

Mr. BATE. I thought the Senator, being a member of the District Committee, would have all the information upon the subject.

Mr. BACON. My impression is that the city has been illuminated on such occasions.

Mr. BATE. The Senator is on the committee, and I supposed was familiar with the subject, and hence the question which I proposed, whether the city had been so illuminated heretofore.

Mr. BACON. I understand from my recollection and reading of these acts—and I have carefully compared them with the pending joint resolution—that they were substantially the same as this.

I move to strike out the word "fifth," in line 8 of section 2, and insert "sixth."

Mr. HALE. Has my amendment been adopted?

Mr. BACON. It has not yet been acted upon by the Senate.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Maine to the amendment of the committee. The amendment to the amendment will be stated.

The SECRETARY. In section 2, line 6, after the word "necessary," it is proposed to insert "and in the nearest practicable connection with the present supply of light."

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question now is on the amendment submitted by the Senator from Georgia [Mr. BACON], which will be stated.

The SECRETARY. In section 2, line 8, after the word "March," it is proposed to strike out "fifth" and insert "sixth;" so as to read:

Provided, That the said conductors shall not be used for the conveying of electrical currents after March 6, 1897.

Mr. BACON. I am informed by the managers on the part of the executive committee that there are some festivities which will probably require the use of these electric currents until the 6th of March, and they have asked me to have that change made in the joint resolution.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Georgia to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. GALLINGER. I offer an amendment to come in at the close of section 2, to follow the words "District of Columbia," in these words:

Provided further, That the construction of additional underground conduits is specifically prohibited under the provisions of this act.

Mr. HALE. That is right.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from New Hampshire to the amendment of the committee.

Mr. HILL. Will the Senator please explain what he understands by that amendment?

Mr. GALLINGER. I think that I have not been so unfortunate in the use of language as to offer an amendment which is not readily understandable by any Senator. The amendment provides that for the purpose of these overhead illuminations no further underground conduits shall be laid. That is precisely what the amendment says and precisely what it means. In other words, we have 5 or 6 or 7 miles of streets torn up at the present time, done under a condition of things such as never existed in this city before, at a season of the year when it has never been permitted before, and, in my judgment, in violation of law, and I do not want to see any further streets torn up between now and the 4th day of March for the purpose of this inaugural illumination. That is all the amendment contemplates; it is what it says; and I hope it will be adopted.

Mr. HILL. When this joint resolution was introduced and was about to pass, all at once there came a universal anxiety in regard to the protection of the streets of the city of Washington. It was not because Senators were not desirous of making the inauguration a success, for they have manifested over and over again that they were, and that they wanted all the illumination possible, and they wanted the inauguration to be a grand success, in which desire every good citizen joins them; but it has been postponed from time to time in order that Senators might understand these provisions. I do not know now that there is any special objection to the amendments which have been proposed, but I desire to inquire of the distinguished Senator from Georgia whether he understands, under the provisions of this joint resolution, whether this additional electrical lighting is to be by subways or overhead wires, that the status quo will be restored after the inauguration ceremonies have been concluded?

Mr. BACON. I think that is the distinct provision in the joint resolution.

Mr. HILL. If that be so, I care very little about the provisions of the joint resolution. I do not want to anticipate a contest which has been waged for some time in regard to the general subject of electric lighting. My anxiety in regard to the streets does not depend upon whether a particular existing company is given the electric lighting or not. The amendment of the Senator from Maine enables connections to be made with the lines of the nearest company, which, in the main, of course, means the United States Electric Lighting Company, but I suppose when that is effected there will not be such intense anxiety in regard to the streets. I am not sure but that the amendment is entirely proper.

Mr. HALE. Will the Senator allow me?

Mr. HILL. Yes.

Mr. HALE. I have not the least knowledge where these different companies have their wires located. My amendment says nothing about the nearest companies. It says the "nearest supply of light," and whichever company that is will have the benefit of that provision. What I want is to cut short this stretching of wires and putting up of posts, and to compel the supply to be taken from the nearest supply of lights, whichever company has it. I have no doubt the amendment of the Senator from New Hampshire [Mr. GALLINGER] ought to pass, unless underneath the Commissioners are lying in wait furtively upon some grant of power that nobody suspects. If they are, then somebody ought to object to the amendment of the Senator from New Hampshire; but unless they are, nobody can object to his amendment.

Mr. HILL. Mr. President, I am willing to accept the statement of the Senator, but I ask the Secretary to read the amendment again for my information.

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. At the end of section 2 it is proposed to insert:

Provided further, That the construction of additional underground conduits is specifically prohibited under the provisions of this act.

Mr. HILL. Will not the words "under the provisions of this act" hereafter prevent any subways being laid from the moment this joint resolution becomes a law?

Mr. GALLINGER. This is a temporary act, and the operations of the act expire, I take it, on the 10th day of March next.

Mr. HALE. Put in the words "for the purposes of this act."

Mr. GALLINGER. I have no objection to that.

Mr. HILL. That is a different proposition. That is all right.

Mr. GALLINGER. It does not change the amendment a particle; but I have no objection to it being modified in that way.

Mr. HILL. It might otherwise mean something else.

The VICE-PRESIDENT. The amendment of the Senator from New Hampshire as modified by the Senator from New York will be stated from the desk.

The SECRETARY. It is proposed to amend the amendment so as to make it read:

Provided further, That for the purposes of this act the construction of additional underground conduits is specifically prohibited.

Mr. GALLINGER. That is entirely satisfactory, Mr. President, and it is precisely what I meant to reach.

Mr. HILL. I think that covers the point I raised, and I am inclined to think the amendment of the Senator from Maine [Mr. HALE], whereby the connections are to be made with the nearest lighting plant, or the nearest supply, is all right. Therefore, so far as I am concerned, I make no opposition to the joint resolution. The ball can go on, Mr. President. [Laughter.]

Mr. CHANDLER. Before the joint resolution is voted upon, I desire to apologize to the Senator from Georgia [Mr. BACON] for seeming to delay him in the execution of what is a worthy and beneficent and proper purpose. I did so through fear that the provisions of this resolution might be taken advantage of improperly.

Last summer I made particular inquiry as to the effect of amendments reported by the Committee on Appropriations to the District of Columbia appropriation bill, and was informed by the members of that committee that they had so legislated that the streets of this city could not be torn up by more than one electric-light company. I went away feeling certain of that, if I felt certain of anything, last summer. Coming back here in December, and having occasion to go over to Georgetown, I found the pavements torn up and a ditch there.

I walk a little unsteadily myself at times, as possibly other Senators do, and I do not want to see any more ditches dug in this city than are necessary, even for the purpose of placing electric-light conduits therein. A little later, coming down Fifteenth street, there was a ditch there. Going up New York avenue, there was a ditch there; and, as I had occasion to say in the Senate the other day, one of the finest concrete pavements that I have ever known laid was being torn to pieces by the pickaxes of the workmen. That thing has been going on all this session, and the Senator from New York has been talking all the present session on the subject now before the Senate. This very morning, coming through Judiciary Square, there was another ditch open, unfilled. In front of the Executive Mansion there has been a tearing up of pavements and the digging of a ditch; and it has all happened either in direct disobedience of a law of Congress or else in repudiation of the assurances that were given to me by members of the Appropriations Committee of this body.

There is nothing I can see in the proposed law which gives any undue authority to the Commissioners, but there was as much power, in my judgment, for them to lay conduits, permanent conduits, in the streets of this city under it, as it read before the amendment of my colleague was adopted, as there was to dig up the streets in the manner I have described and lay conduits under the law of last summer.

Mr. HILL. Mr. President, another Richmond in the field. The question which the Senator from New Hampshire has been discussing was debated about a week ago, and it is not really involved here. I do not know that the Senate is responsible for any misinformation which was furnished by any committee of this body to the distinguished Senator from New Hampshire, and upon the faith of which he left town last summer and left this city to its fate. If he had remained here and looked after the interests of the city instead of leaving it to go to the bow wows, perhaps the city might have been better off. I have possibly suggested here that my friend objects to some of these ditches because he rides a bicycle, and therefore does not want to be interfered with.

There will be ample time to discuss the great subject of the lighting of this city and the whole electric question when it shall appear in its proper shape. I do not propose to anticipate it. I was a little anxious, as I see our friends on the other side were, that nothing should be placed in the joint resolution that would intrench monopoly more than it is intrenched in this city. But in the inauguration ceremonies I have not as much interest, of course, as has the distinguished Senator from New Hampshire. I noticed, however, a little restlessness on the other side every time it is suggested that it shall be made a success. The poor boys from West Point were not permitted to come here, because they would get their feet wet, and it might injure them, and interfere with their studies, their Greek and Latin. All at once there was intense anxiety upon the part of some for fear that injury might be done to the West Point boys. The people of the country would have been delighted to see them parade the streets here.

When this usual and ordinary joint resolution was presented by the distinguished Senator from Georgia [Mr. BACON] substantially as was done four years ago, all at once there was intense anxiety that the illumination business should be looked after. I can not account for all of these things. They are perhaps natural, under the circumstances. It was a strange coincidence that when two or three Senators upon the other side, who are known to be warm friends of the President-elect, were urging that the boys from West Point might be permitted to come here, others whose sympathies before the nomination were known to be elsewhere were very violently opposed to it. By a close vote the boys are not to come, although I believe the Secretary of War and the President still have a right, and I hope they will exercise it, to send them here, that the country may see the cadets of that school, which costs about a half million dollars a year to support. I hope they will be here, notwithstanding the opposition of the Senate to their coming.

Mr. President, I have said this much merely upon the general subject involved, and in answer to my friend the Senator from New Hampshire, to differ with whom I always regret very much. When the real monopoly question is before the Senate properly, then I shall very cheerfully join in the discussion with my friend the Senator from New Hampshire.

Mr. CHANDLER. I should not say another word if the Senator from New York——

Mr. HILL. I would not, then.

Mr. CHANDLER. If the Senator from New York had not implied that I am sometimes guilty of neglect of duty, and that I am not sufficiently active concerning public questions, leaving the city last summer perhaps before I ought to have done so. I repel that suggestion. I keep as busy as I can and attend to as many things as I can, but I am utterly unable to keep up with my friend the Senator from New York.

Mr. STEWART. I should like to have the amendment to the amendment read.

The VICE-PRESIDENT. The amendment to the amendment will again be stated.

The SECRETARY. It is proposed to insert at the end of line 22, on page 3, the following additional proviso:

Provided further, That for the purposes of this act the construction of additional underground conduits is specifically prohibited.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. MILLS. Mr. President, I have nothing to say about the electrical question. I have been here a number of times and have witnessed the inauguration of a number of Presidents, and I think this measure pursues the line that has been adopted all along of obstructing the streets, of granting to favorites the parks which belong to the entire people of the United States, enabling certain favored persons, in order to make revenue which they ought to contribute from their own pockets to the inauguration fund, to obstruct the view from windows and doors, all of which do not legitimately belong to the Government of the United States, but are rights belonging to the citizens of the District which the Government usurps to grant for a moneyed consideration to certain beneficiaries.

I do not see why the citizens of the United States who wish to witness the great pageant that occurs here every four years should not have a right to stand on the streets. They come here and crowd the streets by hundreds of thousands, and yet on every public square from here to the White House, on every reservation, these obstructions are erected by authority of Congress, the privileges being sold out for revenue to the committees who have charge of the inauguration ceremonies. They obstruct the view from houses, and they obstruct the view from the streets. I believe the streets and parks belong in common to all the people, and that they ought to be permitted to enjoy them. My objection to the joint resolution goes to its very foundation, and I hope that some time we will stop the business of selling the public highways and parks of the District to individuals, and that we will permit the entire body of the people to enjoy the rights to which they are entitled.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

MARITIME CANAL COMPANY OF NICARAGUA.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 3247.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3247) to amend an act entitled "An act

to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. MORGAN. I desire to ask the unanimous consent of the Senate that to-morrow at 4 o'clock a vote may be taken on the bill and all pending amendments.

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from Alabama, that at 4 o'clock to-morrow a vote may be taken upon the pending bill and amendments.

Mr. VILAS. I beg to state that I understand there are several Senators who wish to present their views on this subject. The stage of debate has not yet been reached when, in our opinion, unanimous consent for a vote can fairly be asked.

Mr. MORGAN. Objection being made, I hope the gentlemen will go on and make their arguments upon the bill.

Mr. HALE. Suppose the Senator from Alabama makes a proposition to extend it a day. It is very important——

Mr. WHITE. I suggest even three days.

Mr. HALE. This is Monday. What was the Senator's suggestion—for a vote on Tuesday?

Mr. MORGAN. Yes.

Mr. HALE. Suppose the Senator, to give ample space, makes the suggestion that on Thursday at 4 o'clock we shall vote.

Mr. MORGAN. Very well.

Mr. HALE. That gives three full days.

Mr. CULLOM. That certainly ought to be time enough.

Mr. HALE. Suppose the Senator from Alabama asks that on Thursday at 4 o'clock a vote be taken upon the bill and pending amendments. That is practically four days.

Mr. MORGAN. I will make the request as stated by the Senator from Maine.

Mr. VILAS. I simply desire to state that the space of time which shall be consumed by the opponents of this measure they feel they are entitled to consider themselves, and that it ought not to be farmed out to them by the friends of the measure at this time. Objection will be interposed to any request at this stage of the debate for unanimous consent to fix a time for taking a vote.

Mr. HALE. I suppose the Senator from Wisconsin realizes how immense from this time to the 4th of March will be the pressure upon us of other matters of business, increasing every week. There will be less pressure this week than next week; there will be less pressure next week than the week after. The greatest pressure will be in the last few weeks.

Now, it seems to me we are not likely to be able to give much time to the pending matter after this week. Then there is the bankruptcy bill, which comes next, and in which there is great public interest; there are the Hawaiian cable and other matters of great importance, and it does seem to me, while I do not wish in any way to constrain the Senator in his action, who is opposed to this measure, that if we can agree upon any time which will give everybody an opportunity to debate it it will help other matters. I take it that debating and the making of speeches upon the bill will be largely monopolized by those opposed to the measure. I am in favor of the Nicaraguan Canal bill, but I do not wish to make a speech. I would rather take a vote. If the Senator can agree upon any time it will help other business. It will help the minds of Senators who are interested in other measures, so that they may know when they will come up. If the Senator can agree to any time, I appeal to him to give us an opportunity to fix a time.

Mr. LODGE. I should like to make an inquiry. I thought that when the Senate adjourned the other day the yeas and nays had been ordered on the motion to recommit the bill? In that case, nothing is in order but the calling of the roll, I take it.

The VICE-PRESIDENT. The yeas and nays were not ordered, the Chair is advised.

Mr. LODGE. They were not ordered? I thought they had been ordered.

Mr. HOAR. I should like to reenforce the appeal of the Senator from Maine [Mr. HALE] to my honorable friend the Senator from Wisconsin [Mr. VILAS]. Everybody knows his zeal, his diligence, and his ability. I suppose it is not out of place, as the Senator's term of office is growing to a close, to say that both in committee and on the floor of the Senate there is no single member of this body who has more faithfully, ably, to the satisfaction and respect and regard of his associates, done his duty than the Senator from Wisconsin. But the refusal, after a measure has been so long discussed, to allow a time to be fixed for a vote does not hurt the bill at all, because it has the right of way; and of course if a majority of the Senate choose to insist upon a vote on it, it will be voted upon during the present Congress, because I do not suppose anybody would take the responsibility of killing the appropriation bills. If they do, there will be another session pretty soon to pass them.

But what it does is to kill every other measure that stands behind it, which have been diligently perfected, which the public desire to have considered, and to which Senators have given their best pains and efforts to perfect and get ready. So to say, after this measure has been before the Senate for three or four weeks, we will not agree that at the end of four days there shall be a vote is simply to say we will not let any other measure come up. It will not hurt this bill one particle. It will not give any advantage to its opponents or do any injury to its friends, but it will kill other matters. I hope the Senator from Wisconsin will not object.

Mr. WHITE. I desire to state, supplementing observations already made, that from a considerable investigation I do not believe the friends of this measure, of whom I am one, intend to consume much time in its discussion. Personally I had intended to go over the matter and perhaps in detail, but desiring a vote, feeling that friendship toward the measure is better evidenced by abstention from elaborate discussion, the end of the session being so near, I think there will not be very elaborate discussion on behalf of the friends of the measure. Of course there will be some remarks. If it were possible for Senators who oppose it to agree upon any time for a vote it would undoubtedly be desirable to do so. Of course no one criticises them for failing to do so, but it would certainly be acceptable, if it were possible, to agree upon some day.

Mr. DAVIS. Mr. President, I wish to add the expression of my own approval to the considerations submitted by the Senator from Massachusetts [Mr. HOAR], not in a general way, but upon a special ground. From the West and Northwest has gone up a demand for the early consideration of the bankruptcy bill which ought to be heeded. There is a vast deal of complaint not justified, I think, because of the delay in the consideration of that measure. It comes from multitudes of people of business energy and capacity, whose affairs are in such condition that their personal efforts can not be turned into the channels of business. It is an important element in any return to prosperity in this country that that vigorous talent and business ability shall be emancipated so as to lend a hand to a return to prosperity and the resumption of general business.

I appeal to my friend the Senator from Wisconsin [Mr. VILAS] and others of his way of thinking to join with us in agreeing upon a day when a vote upon this measure can be taken, for I assure Senators that I am not now speaking for any one particular locality in this country, but am giving the tone of multitudes of letters received from almost everywhere praying for the immediate consideration, or as soon as possible, by the Senate of the bankruptcy bill.

Mr. DANIEL. Mr. President, the situation of this case, the Nicaragua Canal, is such that those who oppose the bill in its present shape are not able to consent to a particular time for taking a vote on the measure. I beg leave to call the attention of Senators who have appealed to others to set a time to the fact that a good deal of new matter has recently been introduced into the consideration of this measure, matter introduced diplomatically by a foreign minister, and matter in reply thereto, which was submitted to the Senate but very recently and during the course of this debate.

The friends of the measure have already commenced to change the structure of their bill and to provide an amendment or amendments to meet the shifting condition of affairs. For one, I hope to offer some amendments to the bill, and I expect to offer them. I have heard other Senators say that they expect to offer amendments to the bill, and I anticipate offering an amendment to the amendment which the Senator from Alabama [Mr. MORGAN] has submitted to the bill. There are other Senators besides the Senator from Wisconsin who have not yet spoken upon the bill and who desire to address the Senate concerning it. One of them, the Senator from Louisiana [Mr. CAFFERY], who I understand is not well, is absent to-day.

I also call the attention of the Senate to the fact that the friends of the measure have already occupied many times more time than has been occupied by the opponents. Indeed, sir, very few speeches have been made and very little time has been consumed so far by the opponents of a measure which involves the expenditure initially of $100,000,000 and has a perspective of expenditure of many million dollars beyond. I have never known of any measure approximating in magnitude, in importance, and in far-reaching consequences what the pending bill contemplates that has been so little considered pro and con in its detail in the Senate. I join with the Senator from Minnesota [Mr. DAVIS] in saying that I hope no impediments will be put to the consideration of the bankrupt bill. In the present attitude of the Nicaraguan Canal bill, with the grave objections which have been uttered against it from quarters which are deserving of respect, with the divided sentiment with which that bill is contemplated, I do not think it ought to be urged with whip and spur before the Senate. I believe there are many Senators here to-day, who have a general feeling in favor of the bill and who consider it simply as a Nicaraguan Canal bill and who, being in favor of the canal, are in favor of any bill that looks toward its construction, who, had they the time and opportunity to scan and analyze, and fully comprehend the details of

this bill, would say it ought to be reshaped and entirely remolded before it is put upon its passage in the Senate.

There is another reason why this measure ought not to be urged upon the Senate in any hasty fashion or by any attempt at this juncture to force a vote upon a particular day. At this stage of the session Senators are not masters of their own time. They are engaged upon committees night and day, which have in hand the current and instant business of the Senate, business which can not be postponed, appropriation bills involving millions and hundreds of millions of dollars, details of legislation which exact their present attention. They can not withdraw themselves from those insistent duties which now compel their attendance and attention to go into the details of sifting and considering this momentous and important legislation. It is not consistent with the fitness of things that such a measure should be urged before the Senate in any hasty or peremptory fashion. The world will not suffer and is not suffering because of the canal bill being postponed a month or two months or six months or a year. It is not of those exigent things that appeals to Congress to act upon it, and to act upon it now.

It has been upon the tapis for three hundred years, in one shape or another, in the attention of nations. The conditions of the diplomatic relations between the United States and other countries affected by the bill are in an unsettled and in a very dubious state. There are treaties with Nicaragua, treaties with Great Britain——

Mr. CULLOM. Will the Senator from Virginia allow me to say a word?

Mr. DANIEL. I will allow the Senator from Illinois to interrupt me for a question.

Mr. CULLOM. I merely wish to make a remark. It seems very evident that we are not going to get an agreement for a time to vote upon the bill now, and I therefore suggest that we proceed to the consideration of the measure instead of debating the question whether we can fix a day.

Mr. DANIEL. I will be very glad to entertain the Senator's suggestion in a few moments.

Meantime, sir, as I was observing—and my remarks are apropos to the discussion of the bill—we should take into consideration the condition of Congress, the condition of the country, the condition of the Senate, pending measures before the Senate in the nature of a treaty and existing treaties with foreign nations, a protest made by the minister of a foreign nation, all of which combine and concentrate their influences in objection to any hasty or imperious consideration of this measure.

While it may be said that it has been before one Congress and another, while it may be said that the Senate has passed favorably upon it in one form and another, it has never been considered under such conditions as are presented now. It has never been considered under the shadow of a respectful protest sent to us by the minister of a foreign state. It is true that that protest was somewhat irregularly laid before the Senate. It was a communication from that foreign minister to the Secretary of State. The irregularity was not upon his part. There was no message from the President of the United States accompanying that protest; there was no communication from the Secretary of State expounding the Government's view of the relation created by that protest; but a mere naked protest, a communication to the Secretary of State, was in an irregular and side-long fashion interjected into the Senate without the default of that minister and without explanations or expositions from the executive department of our Government. Therefore, Senators had for themselves to study out what was the effect of that communication. They were not advised or prompted, nor have they had any light shed upon it by the executive department of the Government. And we do not know from any intimation or from any view of the Executive or from any statement accompanying this document what may be the views of the executive department concerning this matter. It may be that all our labors here at this session would be in vain if we were to withdraw ourselves from the pressing legislation that demands our attention and bestow our attention upon the canal. There is nothing from the executive department, however delicate, from which we may draw implications and inferences as to what its position would be.

So, Mr. President, in the present condition of affairs, I ask the gentlemen who are so anxious about the condition of the people, who say there is a public outcry for the passage of a bankruptcy bill, to heed their constituents and move to take up the bankruptcy bill and proceed to deal with a measure in which our own immediate constituents are so much concerned. Sir, the millions of people in this country who have been wrecked, ruined, prostrated, and almost destroyed by those peculiar brands of prosperity which have been served out to them under recent systems of legislation are much more interested in trying to reestablish themselves in business and join the industrial throng who are trying to build up in this country than they are in some ill-considered and but poorly digested scheme, as I conceive, to spend $100,000,000 of money that does not exist and must be wrung out of them by taxation to build a canal in a foreign state, which as soon as it is built will become a highway of the world at the use of the very British brethren whom it is said we should be in rivalry with to get hold of it. The very moment that the canal is built, by treaty between Great Britain and Nicaragua, Great Britain is to have the advantages on the canal of the most favored nation. However much you may favor the United States in the bill, however much our negotiators with Nicaragua may incline to favor the United States in their treaty of cession or in any provision in their charter or in any inclination of partiality to us, the moment that partiality is extended, the moment that favor is granted, Great Britain has a treaty with Nicaragua that grants it to her upon identically the same terms; and yet, Mr. President, we are urged to expedite the passage of the pending bill in order to obtain some visionary and undefined advantage over Great Britain.

Mr. PERKINS. Mr. President, I simply desire to supplement that which has been so well stated by my colleague [Mr. WHITE]. The friends of this measure merely desire an expression from the Congress of the United States as to whether they favor the passage of the pending measure. For twenty years or more, in some form or other, it has been before Congress. During the past three years, in which time I have had the honor to occupy a seat upon this floor, the measure has been before us. It has been discussed in all of its various phases, and at this session I have, for one, remained silent as a friend of the measure, hoping by doing so that its opponents, after having presented all of their objections, would be willing to give us a vote upon the question.

It is a measure of great importance not only to the whole country, but especially so to the 3,000 miles of coast bordering on the Pacific Ocean. California, Washington, and Oregon, through their respective legislatures, by joint resolution, and through their different commercial organizations, have, as well as Alaska, by petition, again and again memorialized Congress to vote upon the measure. Only two weeks ago in San Francisco, the great metropolis of the West, the great commercial city of the Western empire, there assembled a mass meeting of 10,000 representative citizens, and they passed resolutions in favor of the measure, after setting forth in a preamble the great advantages which they believed would accrue to this country, and especially to the Pacific Coast, by its passage.

I have data and figures which I should like to present to the Senate showing why, from a commercial point of view, I believe the canal would be worth to the United States three times, aye, ten times, its estimated cost; but I forbear inflicting the Senate with the figures and with such an argument, because every Senator upon this floor has well weighed the question in his own mind and is ready to-day to vote in accordance with his judgment and with his own convictions of his duty to his country and this great measure of national importance.

I wish, however, to say a word in answer to the distinguished Senator from Virginia [Mr. DANIEL]. I want to say parenthetically that Virginia, Georgia, the Carolinas, and all the States upon the Gulf of Mexico would profit by the building of the canal quite as much as the great States on the Pacific Ocean or the States of New England. They have inexhaustible mines of iron and great mineral wealth, and they would find a market for it in the West. They would find it by manufacturing rails and sending them to Russia, where they are now constructing one of the great railroads of the world.

I wish to say that the United States will have an advantage in this canal that England or no other country can have unless our present navigation laws are repealed. We have on the Atlantic Ocean from Maine to the Gulf 2,500 miles of coast line, while on the Pacific Ocean from San Diego up, with 800 miles on the coast of California, and with the coast of Oregon, Washington, and Alaska we have nearly 4,000 miles bordering on the ocean. No foreign ship, no vessel flying a foreign flag, can engage in this coasting trade. That commerce belongs alone to our own people, to our own country, and therefore our vessels will take the product of Virginia, they will take the coal from their inexhaustible coal fields, and find a market for it on the Pacific Coast. It will be transported in American vessels manned by Americans. That is one of the great advantages which will accrue to the United States over that of any other country.

Mr. President, the opposition to the pending measure has surely been presented with all legal acumen, with all ingenuity and shrewdness, by the legal gentlemen from Indiana, Wisconsin, and Virginia. It has been presented in all of its most offensive phases, if I may use the term, by which it could be made objectionable to our friends representing the interior States of the country. If there has been a weak spot they have probed it. If there has been anything in the bill that they could so present, upon which there was a shadow of doubt, it has been presented to us with the most specious argument possible to convince us laymen that it is not a wise measure for Congress to pass. But the distinguished Senator from Alabama [Mr. MORGAN], who in his great learning,

his legal ability, his zeal and persistency in whatever he undertakes, in whatever he advocates, with his conviction of right and duty to his constituents and his country, has, I think, substantially answered every objection that has been presented.

Now we come to you and say, give us the opportunity, give the Senators upon this floor the privilege of voting upon the measure. Each one is the custodian of his own conscience. Each one is responsible to his constituents and to our whole country for his act here. While I claim to be guided by patriotic and honest motives, although perhaps mistaken in some of my views, I cheerfully concede to those who differ from me that they are equally as honest and equally as conscientious and patriotic as I. But let us vote, and whatever the majority vote may be, every one of us will bow in acquiescence to the will of the majority when so expressed.

Mr. GALLINGER. I inquire what is the question before the Senate?

The PRESIDING OFFICER (Mr. SEWELL in the chair). The question before the Senate is on the recommittal of the bill to the committee.

Mr. HOAR. I thought there was a question of unanimous consent.

Mr. GALLINGER. I do not so understand.

Mr. STEWART. Oh, no; the bill is before the Senate.

The PRESIDING OFFICER. The pending question is on the recommittal of the bill to the Special Committee on the Nicaragua Canal.

Mr. STEWART. Mr. President, I hope the bill will not be recommitted. We have spent many years in trying to do something, and the present condition surrounding the canal project, it seems to me, makes it important to have some affirmative action. To recommit the bill would look too much like an abandonment of the scheme altogether, and I think if we should do that we would be very sorry. I think we ought to pass the bill.

With regard to giving way to the bankruptcy bill, there is no doubt that there is great necessity for a voluntary bankruptcy act, and one could be passed without debate; but if it should be accompanied by an involuntary bankruptcy feature it would be the greatest calamity that could happen to this country at the present time. Whatever may have been the cause of the depression, it will not be denied that many thousands of enterprising business men are unable to convert their assets into money and meet their obligations. That condition is almost universal. Almost everyone is behind in payments. I am not willing to place those people at the mercy of their creditors. There is no danger that the creditors will force a person really insolvent into bankruptcy. That they will not do, because there are not assets enough to divide; but the temptation to collect a debt through the instrumentality of the bankruptcy law and destroy a man's property when there is enough to pay all the creditors is very great, and it would be indulged in to an extent that would prove alarming.

I have had some experience with bankruptcy laws. I have observed their operation for a good many years. Every one has been repealed in pursuance of the most urgent demand of the people. Very soon around the bankruptcy courts, around the commissioners connected with the administration of the law, there congregates an army of lawyers' strikers, and it so disgusts the community that they petition for the repeal of the law. If the bill passes there will be petitions here for its repeal in less than six months, and particularly if we join with it involuntary bankruptcy and make a general war upon the creditors, we shall add to the difficulty which already exists.

Now, I think it is about time for a year of jubilee to those who are really insolvent, and we should pass a voluntary bankruptcy law this year. If that does not fill the courts enough, if there is any necessity to amend it so as to extend its operations at the next session, very well. You can pass the measure that is most needed now without debate, but if you accompany it with an involuntary bankruptcy law, which, in my opinion, in the present condition of the country, would be a scourge and would produce more distress than the act could possibly do good, then we shall have to resist it, and it would probably take as much time to pass such a measure and agree upon its terms as would be left of the present session, independent of the time required for the appropriation bills.

I hope that those having charge of the bankruptcy bill will not present anything more at this session than the voluntary portion of that measure. You can get that, and when that is in operation, if more is needed to accomplish the purpose, you can easily amend it by adding to it an involuntary provision. I hope there will not be pressed upon the Senate at the present session an involuntary bankruptcy law.

Mr. CAFFERY. Mr. President, it is not to be supposed or not to be taken for granted that the opponents of the pending bill are opponents of the scheme to connect the Pacific and the Atlantic oceans by an interoceanic canal. When a similar bill was before this body, I took occasion to say that, while I was in favor of connecting the two oceans by a canal, I was opposed to the instrumentality of connection by and through such a bill.

Since that period grave complications have surrounded the question. The minister plenipotentiary of the Greater Republic of Central America has made a protest which has gotten before this body involving considerations of great moment, in my opinion. The main point in the protest of the minister is that an article of the treaty of cession, as it is called, prohibiting foreign governments from taking control of the canal, is violated by this bill, After the protest was read, and after an argument was made on the protest by the Senator from Virginia [Mr. DANIEL], the Senator from Alabama [Mr. MORGAN] attempted to amend the bill in certain particulars so as to obviate the objections or the protests made by the minister from the Greater Republic of Central America.

In view of the serious character of the protest, in view of the possible complications between the United States and the Government of Nicaragua arising out of the protest and the facts surrounding the protest, it occurs to me that the bill ought to be discussed with the greatest deliberation and care. Moreover, the report of the Ludlow commission throws such a flood of light upon all the engineering problems surrounding the building of the canal and gives facts and data so utterly opposed to the finding of the chief engineer of the canal, Mr. Menocal, that in my opinion the Senate of the United States ought to take due care and wisely deliberate before it adopts this bill for a canal to be constructed upon the plan of the chief engineer of the Maritime Canal Company of Nicaragua.

All these considerations are such as to warrant the gravest and the most deliberate discussion of the bill.

Mr. President, while I sympathize with the people of the Pacific Slope in their desire to have such a water communication as will compete with the railroads, or a water communication that will answer the ends of their commerce, I think it is better to make haste slowly. I think that undue and precipitate action in adopting an ill-considered bill, or a bill that will not effect their purposes, will produce more delay and more embarrassment to them than if they now wisely consider, patiently consider, industriously consider the terms of the pending bill to see whether the bill will accomplish the purposes which they have in view. I do not think it will. While I am in deep sympathy with the people of the Pacific Slope and desire to accord them, so far as the Government of the United States may, the privilege of water communication between their country and the Atlantic, I do not think that it will advance their purpose by undertaking to pass the bill in its present shape.

Therefore, I coincide with the Senator from Virginia in the appeal he has made for such careful deliberation of the bill as will insure, first, the building of the canal, and second, all the rights of the United States; and as incidental to those rights, and as incidental to the proper attitude of the United States, care should be taken lest by passing the bill in its present form we antagonize the Republic of Nicaragua and violate concessions under which the present company is undertaking to construct the canal.

Mr. VILAS. Mr. President, the remarks which have been made by the friends of the bill, and the appeal which has been addressed to those who oppose it, require some observations to be made before entering upon its discussion on the merits.

This project for a canal across the Isthmus at some point has been a historical dream almost from the very hour when Balboa—first of Europeans—gazed upon the unknown waters of the Pacific seas from the mountain tops of the Isthmus. The United States have always testified their interest in the great scheme. The people of this country have been challenged to its consideration in every way which could engage them or appeal to their imagination. That the United States should give countenance and favor to the project for the construction of the canal has been pressed in various forms and ways upon the people. Political conventions have expressed themselves in favor of a Nicaraguan canal, or an isthmian canal more generally, and within the last three Congresses there has been much debate and much effort made otherwise to bring to the public mind every suggestion, every argument, every feature of statistical information which could win it public favor.

Speeches, reports of committees, various newspaper presentations of the subject, all have been put before the country, and they have almost altogether, with two or three very notable exceptions, been favorable to the scheme, with little of the argument in opposition presented. The Senator from Indiana [Mr. TURPIE] has done great service, not only in his speech a few days since, but in the Fifty-third Congress, on this subject. The Senator from Minnesota [Mr. DAVIS] challenged attention to the great risk which would be undertaken in a most admirable and beautiful speech, such as he always makes. The Senator from Florida [Mr. PASCO] also presented a powerful argument against it, and introduced in the Fifty-third Congress a measure which was so obviously

just and proper that it was adopted instead of the bill and became the law for a commission of examination. But, with the exceptions named, and some others, perhaps, which for the moment I do not recall, the argument of years in Congress in every various form in which it could be presented has been put before the people to enlist their sympathy with this project and to engage their patriotism in support of it.

Indeed, sir, it is a thing which appeals to the imagination of any man; and this particular project is especially charming. One pictures ships—the ships of the world—in the mind's eye climbing the mountain sides to an elevation of 110 feet above the level of the sea, and then, passing to and fro as upon a thread in mid-air, descending again into the great deep upon the other side. It indeed presents a project captivating to the mind. But the proposition with which we have to deal has not been by any means argued to the people of the United States. Few of them realize that it stands not now upon the old lines of public policy settled by the wise men of this country during the last sixty years, but is a new scheme—a scheme which proposes that the United States alone shall load upon the overburdened shoulders of its taxpayers the entire cost, all the risks, and all the responsibilities, financially and internationally, which are involved.

That proposal was not originally presented by this Maritime Canal Company. It has worked itself into the present form step by step, with gradual encroachment, until at last we are presented with the simple proposition that we will pay directly in bonds to this company four million and a half dollars for the privilege of building the canal at our own cost, besides $7,000,000 more in the paid-up stock of the company.

Sir. the kindly favor of the people of the United States to this general project is by no means, in my judgment, one which they would yield to the proposal we now have under discussion. And I beg to say that after all this array of argument, after all the speeches that have been made here through years in favor of the general plan and circulated among the people, it is not unfair, it is not ungenerous opposition on the part of those who oppose this scheme to insist upon looking at it as now before us face to face and considering all that it involves as matter of national public policy as well as of cost and expediency.

It seems to me that this demand for an immediate vote now pressed upon the opponents of the bill is peculiarly an unreasonable one in view of the time and the circumstances under which this bill is now brought forward. It will be remembered that the result of the brief discussion in the Fifty-third Congress was to send an inquiry to a board of engineers to report whether, first, the scheme proposed was feasible at all at any cost; and, next, what would be the probable cost. The board was created, money was appropriated, and they entered upon their duties. There was the chance for the friends of this scheme to have silenced their enemies. If it had the merit which had been claimed for it, might we not have expected that those merits would have been exhibited by that report? But what happened? That board reported with promptness. Commissioned in the early part of the year 1895, with diligent labor it visited the scene, collected all the information within reach, gathered by previous surveys, by observations and examinations, and on the 31st of October it filed with the Secretary of State its report.

Sir, the friends of this measure, I have grounds for belief, knew pretty soon what that report was. They seem to have been struck breathless. Well they might have been. We could not learn its details for a little while. It was through the public press that gradually, toward the end of that year, after Congress had assembled, it began to be known that the report of that board of engineers had condemned this project as one already ripe for execution so completely that had it been made to a board of directors of any corporation in the United States there would have been an end of the project at once, unless, after careful and particular further examination, the difficulties which the board presented, and which seemed almost insuperable, could be surmounted by engineering skill.

The friends of the bill did not yet ask for the publication of the report. By and by, however, nearly two months after Congress had assembled, in the long session of this Congress, a resolution was addressed to the President, requesting a copy of that report, which was promptly sent forward, I believe transmitted on the 7th of February, 1896. There it lay on the table of the Speaker undisturbed until the 4th of March, 1896, when it was referred to a committee and ordered to be printed. That report, so strong seemed to be the control which the friends of the scheme exerted for the subject, was not then printed, with its large addenda and appendices and tables and maps and illustrations. We looked for them. The report came half fledged before Congress, and for the first time I have just been enabled to obtain the other part of the report, this large document [exhibiting], bearing the imprint of the Government Printing Office, under date of 1897, this present year.

Sir, hearings were had by a committee in another body, which have been printed, and which are accessible to us, in which it would seem as if that board, composed of one of the best engineers of the Army, another of the Navy, and another illustrious in this country for his great works of engineering skill, was simply subjected to cross-examination with a view to possibly discredit the public service which they had rendered in patriotic fidelity to the obligation assumed by their acceptance of the appointment.

Then, at the last session of this Congress, when there was ample time for the discussion of this great measure, why was it not brought forward? A day or two—I think not so much as a week—before the adjournment of that session, this bill was reported. We all remember that the last long session of Congress was an unusually short long session. There was little of special importance to engage the body beyond the appropriation bills and political speeches, and they were perhaps less in number than are usually made anticipatory of a coming Presidential campaign. This bill might easily have been debated then, but, as I said, it came before this body only as the time for its adjournment was nigh. Since then we have had a Presidential election, absorbing to a very great degree in its nature, obliterating and sweeping from mind many of the matters which before were prominent in our attention. Now, this measure is brought in here at this short session of Congress, and demand to suspend all their opposition is made upon those who feel a public duty resting upon them to resist it, in order that its friends may hurry the scheme through.

In what can it be supposed that this plan has been so much improved by merely waiting, as that now we shall rush it into execution in defiance of that report of the board of engineers which we ourselves invoked because its perilous character was so fully exhibited in advance? Yet it was a week ago last Thursday that the Senator from Indiana concluded his remarks upon this bill, somewhat in advance of the expectation of those who were intending to join him in resistance to it; and when a little time was asked, only until another day, for the collection of papers necessary to discussion, we had the insinuation given against us that our purpose was only to filibuster; it was denied that we should proceed to debate, and appeals were made at once for an immediate vote on the bill.

Mr. TURPIE. Mr. President, I suggest that there is not a quorum of the Senate present.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Daniel,	McBride,	Roach,
Allen,	Davis,	McMillan,	Sewell,
Allison,	Faulkner,	Mantle,	Sherman,
Bacon,	Frye,	Martin,	Smith,
Bate,	Gallinger,	Mills,	Stewart,
Blackburn,	Gear,	Mitchell, Wis.	Teller,
Blanchard,	Gibson,	Morgan,	Thurston,
Burrows,	Gray,	Morrill,	Tillman,
Caffery,	Hale,	Murphy,	Turpie,
Call,	Hansbrough,	Pasco,	Vilas,
Cameron,	Hawley,	Peffer,	Walthall,
Cannon,	Hoar,	Perkins,	Wetmore,
Chilton,	Irby,	Pettigrew,	White,
Clark,	Jones, Ark.	Platt,	Wilson.
Cullom,	Jones, Nev.	Pugh,	

The PRESIDING OFFICER. Fifty-nine Senators having answered to their names, a quorum is present. The Senator from Wisconsin is entitled to the floor.

Mr. VILAS. Mr. President, as I was remarking, after but a single speech had been made in opposition to the measure, so long ago as a week preceding last Thursday it was attempted to deny to the opponents of the bill privilege to discuss it further; and yet, sir, although seven legislative days have been passed since that time, the opponents of this measure have secured opportunity to enjoy but one. The Senator from Virginia [Mr. DANIEL] on Tuesday of last week—if I remember the date correctly—made a speech, which engaged the attention of the Senate by its strength and eloquence. Two full days have been consumed in speeches by the chairman of the select committee. Sir, I do not complain of it. Very necessary indeed was it that the bill should have defense; very necessary indeed was it that the friends of the bill should be rallied again, if possible, to the support of a scheme which had been justly condemned, as this measure was, to immediate reconsideration in the proper legislative way by committees, if not for immediate and entire suspension, until proper diplomatic representations had been made between our Department of Foreign Affairs and the Government which had interposed its dignified and respectful objections to this measure.

The Senator from Alabama tells us, indeed, that the people are in a high state of feverish excitement to have this bill passed, and he denounces upon those who have ventured opposition the thunderbolts to flash from the sky of public wrath. I venture to differ with him in respect to the judgment of the people on this subject. I dare to think he is mistaken, and if I believed he was correct, then, indeed, I would feel a double duty incumbent on all those

who entertain the opinions I do to challenge that public judgment by renewed discussion, knowing or believing that they did not understand the subject who thus so flippantly would cast the United States under such a mountain weight of difficulty in defiance of its historical policy.

I wish to say to my very greatly esteemed friend the Senator from Massachusetts [Mr. HOAR] and to the Senator from Maine [Mr. HALE], with whom I enjoy the utmost cordiality and kindness, who have with other Senators upon this floor, including my good friend the Senator from California [Mr. WHITE], appealed to me to withhold objection and permit a vote to be taken, that I think they ought to recognize the sense of great public duty which those who oppose this measure conceive demands of them to present the arguments against it in full, elaborately, and abundantly until its entire nature and character shall be exhibited from one part to the other. Not one of us, my distinguished friend on the left [Mr. CAFFERY], our generous and chivalrous coadjutor from Virginia [Mr. DANIEL], the learned and powerful Senator from Indiana [Mr. TURPIE], would interpose objection to any request which justly appealed to our courtesy, or for any personal consideration that could be shown to the men who occupy so high place in the Senate and in the country's estimation. But the duty which rests upon us is not of a personal character. It carries no personal reasons with it. It is a public duty which we can no more avoid or shun than we could sacrifice manliness, patriotic love, or desire for the glory and welfare of our country.

Nor, sir, is there any occasion or need for this course, and I wish that the Senators who made this appeal would reflect upon that. Our venerable friend the Senator from Ohio [Mr. SHERMAN], who is to be the chief character in the Cabinet of the next Administration, though he himself has repeatedly reported this bill or some bill, not this one exactly, though he has made elaborate reports in favor of engaging in the project, has now told you plainly that no incorporated company can be intrusted to build the canal. He speaks with foreknowledge of the diplomatic duties which will devolve upon the next Administration in respect perhaps to this very project, and with forecast of the difficulties which will ensue. He told us other things still more important to the just consideration of the appeal which is made to us here to-day. He told us what many hope, that this bill can not in any case pass the present Congress, because it has yet to go to the House of Representatives, and I suppose he felt himself able to assure us what would be the result of its consideration in that body, and I fervently trust he is right. But, sir, with what cogency, with what effect, can either our sense of duty or our courtesy be addressed by Senators to yield and permit a reckless and inconsiderate vote to pass the bill before its character is known, when we are to receive in another House the rebuke for our precipitancy?

If, under such circumstances, we are here obstructing public measures by insisting upon debate of this scheme, is it not singular that that obstruction be not instantly removed? I am not desirous, much as I have studied and labored over this project, of engaging the attention of the Senate to declare my views, except only if the passage of this measure is to be demanded, I feel I ought to resist it by every means of fair debate until its character can be brought home to the knowledge of those who favor it, and especially to the minds of the people of this country. I shall readily yield the floor at any moment to proceed to the consideration of any other measure which, as the Senator from Massachusetts [Mr. HOAR] says, is urgently pressing for our legislative attention. Let them, therefore, who stand here in the attitude of declaring that the work which we are doing in reference to this bill is pure futility, the mere expression of sentiment on the part of the Senate, not even the first step to the enactment of a bill which will become a law, remove the obstruction to other important legislation if they will. I protest that no appeal is justly addressable to us who desire to argue it.

Mr. President, I shall make one or two other observations before I undertake the discussion of the bill.

Mr. TELLER. Would it interrupt the Senator from Wisconsin if I were to ask him a question?

Mr. VILAS. No, sir.

Mr. TELLER. I should like to ask the Senator, if he is going to address himself to this subject, to give us some information upon a point as to which I have been unable to get information. I have been out of the city for a week, and perhaps it has been discussed here. I should like to know something about the cost of the canal. I am quite well aware that there is difference of opinion between the engineers of the old company and those of the Government. It is not a very large difference, I believe—seventy or eighty million dollars, or some trifling amount like that. I should like to know whether the Senator can assure me that even the sum which has been fixed will build the canal. I have been informed by very good engineers that, taking even the Government engineers' estimate, it will not complete the canal.

I have taken some interest in this matter for several years, and if the Senator is going to address himself to this question, I wish, if he can, that he would give us some idea as to what the canal is to cost; if he can not, I hope some Senator who is in favor of the bill will do so. I do not want to interrupt the Senator now, however. I thought perhaps it would suggest to him to take up the point and give us some information upon it.

Mr. VILAS. I intend at a point in the course of my discussion to draw attention to that subject. It will not take long to present it. But at this juncture I should prefer not to divert my argument to enter upon it.

Mr. TELLER. I did not mean to ask the Senator from Wisconsin to do it now, but at some time in his argument I wish he would give us his view as to the cost of the canal, if he can.

Mr. VILAS. I shall do it somewhat fully, and I will therefore postpone it.

I wish to make one other observation. The Senator from Alabama [Mr. MORGAN], very much to my surprise, the other day when I made a motion to recommit the bill, because I wished to relieve the Senate, in response to such suggestions as had been most ably made by the Senator from Maine [Mr. HALE] and the Senator from Massachusetts [Mr. HOAR] and others, spoke of it as if it were a personal affront. No man could be more surprised than I by the suggestion.

If there be in any conceivable way such a thing as affront in a proper and parliamentary motion against a bill, especially like this, which seems to me peculiarly a subject for recommittal, if we can judge by the constant repetition of amendments to it by the very distinguished and honorable Senator himself, if there be anything to warrant the idea of offense, I would prefer that the motion should be withdrawn. I stand ready at any moment, if that be possible, to ask leave of the Senate to withdraw it. That Senator is greatly my senior in years and in service in the Senate. Nor do I in any wise assume to put my feeble powers in competition with his. But while I have only the warmest personal kindness toward him, and will show him every personal courtesy and every official courtesy, yet when we stand upon this floor we are in the contemplation of the Constitution of the United States equal members of this body, I not less than he an ambassador from one of the sovereign States of this Union, and no less is it mine than his duty to exert my powers, feeble and insufficient though they are, to present all such arguments, all such views as may be entertained by me as a Senator, in reference to whatever subject may come before the Senate.

I shall continue to do it in the same spirit of personal and fraternal regard, but with no withholding of anything that appears to me necessary either to say or to do in opposition to this measure. I trust that the assurance which I give now may be accepted for everything that shall be said in the course of the discussion to which I shall have the honor to ask the Senate to listen.

That Senator said of himself and this company which stands as the first great beneficiary of the bill:

> I have been studious and diligent about it; I have been faithful and honest, and there is not a spot on the escutcheon of the Maritime Canal Company or anybody else connected with this business. It is perfectly pure and clean and free, and I would despise it if it had any stain upon it at all.

I accept every word of it, and accredit that honorable and distinguished Senator with entire ignorance of the bill in any other respect than as it appeals to him from the standpoint of a mode of promoting what appears to his imagination as a great international project which the United States ought to assume and carry forward. But the rest of us must be at liberty to look at the Maritime Canal Company with the eyes which we have, and to judge of the measure proposed with the judgments which we possess. If we see in it a "job," we shall be at liberty even to characterize it as it is to us, and to do so with no sort of reflection, express or implied, upon the Senator from Alabama, and without, directly or indirectly, in any way whatever impugning his high personal character, credit, or honor.

I regret, sir, that the Senator sees fit so freely to indulge in personal antagonism to everybody—not in the Senate, I mean, but out of it—who seems to differ with his judgment upon the bill. He was severe in his arraignment of the distinguished and amiable gentleman who represents a country whose dignity we ought to regard even almost as our own—the Greater Republic of Central America. He was severe and vigorous in his criticism upon the chairman of the Board of Engineers, whose report has been so complete a demonstration of the unwisdom of this measure. But I trust that it may be possible for us to proceed with the debate upon the pending bill without in any wise being thought for a moment to contravene any obligation of personal kindness and courtesy which we should show, and which we most warmly desire to show, to the distinguished and honorable Senator whose heart is so much engaged in this scheme.

Mr. President, I desire, as my first proposition, to assert, and to cause it to be understood in its full import, that the present proposal is not one of Government favor and countenance to the Nicaraguan Canal. It is not even the creation of a corporation of the United States to execute that work. That has already been

done, most improvidently done, as I shall try to show. But this bill is nothing less than the proposal that the United States Government itself shall assume the entire undertaking, furnish every dollar of its cost, become its owner and proprietor, and, with all it implies, take upon its own shoulders all the charges, risks, and responsibilities, and the chances not only of success or failure in work, but of international complications and entangling alliances, of vexatious controversies, and possibly of war.

Now, let us observe the truth of this through a careful, but as speedy, analysis of the bill as I can make. The bill declares, first—

That the capital stock of the Maritime Canal Company of Nicaragua shall consist of 1,000,000 shares of $100 each, and shall be nonassessable, and no more than this number of shares shall be issued except by the consent of Congress.

That strange declaration is that the capital stock of this enterprise shall not furnish a cent of capital.

The second section of the bill is definitive:

That the words "the Nicaragua Canal," whenever used in this act, or the act to which this is an amendment, shall be held to include all real and personal property and franchises, railroads, piers, channels, dams, locks, embankments, and other works necessary for or incidental to the construction, equipment, maintenance, and operation of the said interoceanic canal, etc.

The third section comes to the point:

That if the Maritime Canal Company of Nicaragua shall within one year from the passage of this act show to the satisfaction of the Secretary of the Treasury that all the stock of the Maritime Canal Company of Nicaragua heretofore subscribed for or issued, except that heretofore issued to the Republics of Nicaragua and Costa Rica, has been called in, returned to, and canceled by the treasurer of the company, or that satisfactory arrangements have been made for the return and cancellation of said stock, and that all bonds issued by said company and obligations to deliver bonds have been redeemed and canceled or that satisfactory arrangements have been made for their redemption and cancellation, and that all liabilities of the said company have been satisfied, and all contracts and agreements heretofore made by said company, including all contracts with the Nicaragua Canal Construction Company, have been canceled, or that provision has been made for the satisfaction and cancellation of said liabilities and contracts—

I do not pause, notwithstanding the emphasis I give to some of these words, to comment upon their extraordinary character, but only to point out the result of this section on my proposition—

the Secretary of the Treasury shall, in behalf of the United States, subscribe for 700,000 shares of the capital stock of said company—

Which is declared to be nonassessable, whatever the subscription may be—

and said company shall thereupon issue to the said Secretary of the Treasury of the United States 700,000 shares of the capital stock of said company herein provided for, to be deposited with the Treasurer of the United States—

Seven-tenths of the whole, and of course a complete controlling interest so far as this nonassessable and purely fictitious capital stock represents the corporation—

which stock shall be issued in consideration of the guaranty by the United States of the bonds of said company hereinafter provided for, and shall be regarded as fully paid and nonassessable. In addition thereto, 70,000 shares of nonassessable capital stock of said Maritime Canal Company of Nicaragua shall be issued and delivered to such person or persons as may be designated by those stockholders of the said company whose stock has been surrendered and canceled, as hereinbefore required.

Mr. SMITH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from New Jersey?

Mr. VILAS. With pleasure.

Mr. SMITH. I desire to ask the Senator from Wisconsin if he knows whether the members of the Maritime Canal Company are citizens of the United States?

Mr. VILAS. I do not. I am not aware what the fact is in reference to their citizenship.

Mr. MORGAN. They are all citizens of the United States.

Mr. VILAS. I only know in reference to that point that the concession upon which the company was really created requires that the stock shall be offered to the people of other nations, and that 5 per cent shall be reserved for the inhabitants of Central America.

Mr. MORGAN. I will say to the Senator from New Jersey that they are all citizens of the United States except as to Nicaragua and Costa Rica.

Mr. VILAS. I should be glad to ask the distinguished chairman of the special committee if he can point to any part of the reports or hearings or testimony taken which states the facts with reference to the citizenship of the company or with reference to the money expended and other things of that kind?

Mr. MORGAN. Every one of the reports that has been made, except the report I made last Friday, contains a statement as to the citizenship of the parties and the expenditures involved. A detailed statement is given in a great many of the reports of the expenditures. Then, the president of the Maritime Canal Company every year has submitted under oath to the Secretary of the Interior a full statement of the whole operations from the first organization of the company down to the present time.

Mr. VILAS. Has that statement ever been laid before the Senate in any way, so as to be printed?

Mr. MORGAN. Oh, yes.

Mr. VILAS. Or is it in any printed form? I should like to know where to get it.

Mr. MORGAN. It is in printed form, and can be obtained in the document room, and is also in these reports.

Mr. WHITE. I will state to the Senator from Wisconsin that, so far as the Secretary of the Interior is concerned, he will find it in his report, filed recently.

Mr. VILAS. It will be observed how significant the third section is in support of the proposition which I made, since it places the entire control of the capital stock of the company in the United States by giving them seven-tenths of all of it.

I next draw attention to section 8 in respect to this point, which further provides—

That the United States hereby reserves the right to purchase the stock issued as hereinbefore provided for, other than that issued to the United States and the States of Nicaragua and Costa Rica, at any time, at such sum as may be agreed upon by the Secretary of the Treasury and the said stockholders, which sum shall in no event exceed the par value of said stock, together with 3 per cent per annum thereon from the date of its issue to the opening of the Nicaragua Canal to commerce. No dividend upon said stock shall ever be made by said directors except from the net earnings of said corporation.

Costa Rica is entitled to 1¼ per cent, Nicaragua to 6 per cent, of the capital stock under the concession made by those two States—$7,500,000 at par value—of the $100,000,000 of stock. The United States, then, by this act, forbids the sale of the remaining $22,500,000, of which $7,000,000 in amount is bestowed upon the stockholders of the Maritime Canal Company, as now existing, for the surrender of their stock.

Mr. MORGAN. If the Senator will allow me to interrupt, I will state that those are not the facts. The concession from Nicaragua, and also from Costa Rica, provides for the issue of the original stock, and Nicaragua is entitled to $6,000,000.

Mr. VILAS. Six million dollars to Nicaragua and one and a half million dollars to Costa Rica.

Mr. MORGAN. And $6,000,000 to the promoters of the Maritime Canal Company.

Mr. VILAS. I am not raising any point there.

Mr. MORGAN. Now, these gentlemen in this bill gave up that $6,000,000 of stock.

Mr. VILAS. I am not at this point raising an inquiry into the wisdom of this trade or its expediency. I am simply pointing out that while the bill does leave $22,500,000 of stock in other hands than the United States, yet it prohibits that stock from being sold, reserving to the United States the right of being the sole purchaser of it, thus absolutely putting our grasp upon every dollar of the stock of that company, nominal though it may be, which is not vested in Nicaragua and Costa Rica.

Mr. MORGAN. That is admitted.

Mr. VILAS. There can not be much doubt about that from the terms of the bill.

Mr. MORGAN. That is the purpose.

Mr. VILAS. Now let us turn to section 4, and see what is provided. After the stock is thus taken care of in these two sections, we come next to the following, in the fourth section:

That upon the issuance and delivery of the stock and bonds provided for in sections 3 and 7 of this act the places of the directors of the Maritime Canal Company of Nicaragua, except such as represent the States of Nicaragua and Costa Rica—

One for each of these stockholders—

shall become vacant. The board of directors of the Maritime Canal Company of Nicaragua shall consist of eleven directors—

I have forgotten whether that changes the number.

Mr. TURPIE. Yes, sir; it was fifteen.

Mr. VILAS. Formerly fifteen. Section 4 proceeds—

one to be appointed by Costa Rica, one by Nicaragua, and one by the stockholders of the Maritime Canal Company other than the said Governments, and eight to be appointed by the President of the United States, by and with the advice and consent of the Senate, and removable by the President of the United States for cause. In case of a vacancy in the membership of directors appointed by the President the same shall be filled, etc.

And then follows a provision prohibiting a director from being interested in the stock or otherwise pecuniarily in the company, and other provisions in respect to their character.

Thus the control of the direction of the company is entirely withdrawn from the directors now in office and a new board is substituted, to be appointed in the way in which the Constitution of the United States provides for the appointment of officers of the United States.

Let us now take the next section. Section 5 provides that these directors shall classify themselves into three classes, by lot, to hold, respectively, for two, four, and six years, etc., and that 6 of the 11 directors, of whom 5 at least must be directors appointed by the President, shall constitute a quorum for the transaction of business, thereby again guaranteeing to the States of Costa Rica and Nicaragua and to the stockholders of the alleged stock, the twenty-two and one-half million dollars, that they shall have no voice in the board of directors except for argument's sake and so far as they can persuade the Government directors to yield to them.

Mr. MORGAN. I will say to the Senator, if he will allow me, that the concession provides that Nicaragua shall have one director and Costa Rica one director, and if the company went to

Great Britain to get their money they would be limited by the same restrictions.

Mr. VILAS. I recognize that perfectly, and at a proper time, when I reach that stage of the discussion, I shall point out that those concessions provide a great many other things which are ruthlessly trampled upon by this bill and disregarded, and, in respect to this particular feature of it, that those concessions stipulate not for a nonassessable and worthless representative of nothing, but for an actual share in the true contribution of creative and constructive capital in whatever form of stock, bonds, securities, or otherwise that capital should be actually put into the enterprise. Now, it appears that the United States is crawling into the skin of this corporation.

The sixth section provides the compensation of the directors and other officers, etc., and directs the duty of examination by them and their report.

The seventh section, appropriately placed about the middle of the bill, in my mind is the section which represents the mouse in the meal. It provides—

That as soon as practicable after the passage of this act an account shall be stated with the Maritime Canal Company of Nicaragua, which shall include all necessary and proper expenditures which have been made or incurred by said company or for its account by its agents since the 3d day of June, 1889, in and about the construction of said canal, or in any way incident thereto, or connected therewith, including all railroad and telegraph lines built by the said company, and all administration and promotion expenses. The amount of said expenditures shall be ascertained and determined by a commission consisting of two members, one of whom shall be appointed by the President of the United States, and the other by the stockholders of the Maritime Canal Company of Nicaragua, whose stock is to be surrendered, as hereinbefore provided; and in case the said commissioners should fail to agree upon the amount of said expenditures, they shall select some third person as arbitrator, whose decision in the matter shall be final. For the reimbursement of said expenditures so ascertained, and in liquidation of the amount thereof, including interest thereon, there shall be issued and delivered to the person or persons selected by the stockholders of said Maritime Canal Company of Nicaragua, whose stock has been surrendered and canceled as provided for in secton 3 of this act—

The same beneficiaries, it will be observed, to whom, for the same reason, $7,000,000 of the capital stock was previously assigned—

bonds of said company in an amount equal at their par value to the sum of such expenditures so ascertained, which sum shall not in any event exceed $4,500,000 and the interest thereon. Said bonds so to be issued shall have the guaranty of the United States indorsed thereon, as provided in section 10 of this act, and the acceptance of the same shall be in full satisfaction of all claims against the United States or the Maritime Canal Company of Nicaragua.

Mr. President, I shall by and by have occasion to draw attention to the fact that that section is the one absolute section in the bill. Whatever becomes of all the rest of it, that section takes effect by the passage of the bill. We may never, if we should have a good board of directors, engage even in the construction of this already discredited route; we may never be able to realize the least particle of right under the concession of Nicaragua; but whatever we get or do not get, the stockholders of the Maritime Canal Company obtain $4,500,000 of bonds, and so much more as the interest on their expenditures amounts to up to the time.

I shall not pause now to discuss the question whether the United States ought to exert the great power of Congress to force upon this poor and weak corporation the acceptance of this proposal to take their all for four million and a half dollars and interest nor any of the questions of expediency involved in it. I simply call attention to the fact that that section, supplementing the section in regard to the stock, completely crushes out and extinguishes the entire interest of those people who had stock in that canal and leaves the United States supreme in its control.

Mr. CAFFERY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to an interruption by the Senator from Louisiana?

Mr. VILAS. Certainly.

Mr. CAFFERY. I simply desire to ask the Senator from Wisconsin whether the interest stipulated to be paid to the stockholders of the old company by this bill is to be paid upon the amount of their expenses, whatever they may be, or upon the gross amount of $4,500,000 as the largest amount the United States is to pay?

Mr. VILAS. I think there can be no occasion for any misconstruction. The language is:

For the reimbursement of said expenditures so ascertained, and in liquidation of the amount thereof, including interest thereon.

The bonds shall be delivered equally at par value not to exceed $4,500,000 and the interest.

Mr. CAFFERY. So if the expenditures are in excess of $4,500,000, interest will be paid upon the sums in excess?

Mr. VILAS. That is the way I interpret the bill.

Mr. MORGAN. If I may be allowed to make a statement, the Senator from Wisconsin understands the bill, I believe, from what he says, as providing for interest upon the sum of $4,500,000?

Mr. VILAS. For interest on all their expenditures.

Mr. MORGAN. To the amount of $4,500,000—that they are entitled to interest on that sum?

Mr. VILAS. Yes, sir.

Mr. MORGAN. I do not so understand the bill. Interest was due under the sum of $4,500,000 upon whatever sum the expenditures have been, so as to raise it not beyond $4,500,000. Now, another point——

Mr. VILAS. If the Senator will permit me at that point, I should like to ask him what, then, is the significance of the words in the third line on page 7, "and the interest thereon," the second mention of interest?

Mr. MORGAN. That is the interest on the sum expended up to $4,500,000.

Mr. VILAS. No; but these words follow the declaration that the bonds shall not exceed $4,500,000 "and the interest thereon."

Mr. MORGAN. That means, and was intended to mean, the interest on the sum expended by them under the sum of $4,500,000, which is the outside limit of all that they can ever receive.

Mr. VILAS. But that is explicitly provided for previously.

Mr. MORGAN. Now, the Senator says that feature of the bill goes into effect immediately on the passage of the bill.

Mr. VILAS. And the acceptance of the company.

Mr. MORGAN. None of the bill goes into effect except upon the acceptance of the company. It does not become a legislative act because this is an amendment to an existing law, and its validity and efficiency and effect depend upon its acceptance by the Maritime Canal Company under the conditions prescribed in the bill.

Mr. VILAS. At some proper time in the course of this discussion I shall submit to the distinguished Senator from Alabama whether he thinks the only salvation to the United States of this money, if we pass this bill, will lie in the conscience of the Maritime Canal Company——

Mr. MORGAN. Not by any means.

Mr. VILAS. It certainly will not lie in their interest, for the property they possess at this date, judging from what has been shown both by the engineers and from other sources of information, can hardly be estimated to be worth $500,000.

Mr. MORGAN. If the Senator will allow me, the company can sell a million acres of land and also the concession, which is their property and not ours. This whole measure is a mere proposition to them that we are willing to make a certain deal with them. If they do not accept it there is nothing in it.

Mr. TURPIE. I will remark that the company has no lands and will have none until the canal is completed. The title of the land is in the two Republics that made the concession and the treaty of cession expires on the 24th day of April next.

Mr. VILAS. I was about to observe that the title to the lands is, like everything else in respect to it except the personal property, machinery, etc., dependent wholly upon the maintenance of the concession and the completion of the canal.

Mr. MORGAN. We propose to complete the canal. That is what we are trying to do. But it does not depend upon that. There is a fee-simple title conveyed by these concessions, and I do not suppose the Senator from Wisconsin will be found here, if the bill is defeated, trying to rob the concessionaires of that million acres of land in favor of Nicaragua.

Mr. VILAS. I hope I should be found in no place and at no time trying to rob anybody, and I assure the Senator that among those whom I feel, in my capacity as a Senator here, I am most bound to defend from robbery are the taxpayers of the United States.

Mr. President, at some time in the course of the discussion I intend to speak upon the character of this section 7, but I am only alluding to it now for the purpose of showing the completeness of the proposition that the United States alone are to undertake this canal.

Section 8 I have already mentioned. Section 9 steps in next and recognizes that the whole capital stock is of no value; that $4,500,000 of bonds will have no effect toward construction, and it reads:

That to secure the means to construct and complete said canal, and to meet the expenditures made on account thereof, the said Maritime Canal Company of Nicaragua is hereby authorized to issue coupon or registered bonds, or both, of the said company, in denominations of not less than $50 nor more than $1,000, to an amount not exceeding $100,000,000, to be dated on the 1st day of July, 1896, to be payable on the 1st day of July, 1926, but redeemable at the pleasure of the United States at any time after the 1st day of July, 1906, at par, with interest at the rate of 3 per cent per annum, payable quarterly on the 1st days of October, January, April, and July of each year, from the delivery of the bonds to said company by the Secretary of the Treasury from time to time as by this act required: *Provided*, That the President of the United States may at any time suspend the issue of said bonds until Congress, being informed by him of the reasons for such suspension, shall otherwise direct. And said bonds shall be secured by a first mortgage on its property and rights of property now existing or hereafter acquired, of all kinds and descriptions, real, personal, and mixed, of all franchises and rights of the said company, including its rights and franchise to be a corporation. Such mortgage shall contain a provision for a sinking fund sufficient for the payment of said bonds at maturity in accordance with the provisions of section 12 of this act. Such mortgage shall be so framed as to be valid as a first lien under the laws of Nicaragua and Costa Rica.

The United States is then to become the maker of a mortgage, the guarantor of a mortgage, and is to go off into Costa Rica and Nicaragua to discover the terms in which its liability shall be safely declared. And it is the property of this concern that we

think so much of and hear so much about that is to be mortgaged and subjected to the jurisdiction of the courts in Nicaragua and Costa Rica. The United States, which can be sued only by their own consent, file here this stipulation to confer a jurisdiction against them upon the courts of Nicaragua and Costa Rica, and the Attorney-General is then directed to see to it that the mortgage is sufficient; and provision is then made for its execution in triplicate and record.

Section 10 then provides how the mortgage bonds shall be printed by the United States, and this very deft and shrewd phrase is introduced to show that we are to be saved from that expense:

At the expense of said Maritime Canal Company of Nicaragua.

And provision is made for the form of the bonds. Then comes this declaration:

Before the issue of said bonds by the Secretary of the Treasury he shall cause to be engraved and printed and duly executed on each of said bonds the guaranty of the United States, in the words and figures following, to wit: "The United States of America guarantees to the lawful holder of this bond the payment by the Maritime Canal Company of Nicaragua of the principal of said bond and the interest thereon as it accrues." And the Secretary of the Treasury is hereby authorized and directed, if the interest on said bonds as it becomes due is not paid into the Treasury of the United States by the Maritime Canal Company of Nicaragua, to pay the same, and the sum required for that purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Thus by that section every dollar that is to be contributed to the construction of that canal or its completion is to be provided by the United States.

Section 11 directs the Maritime Canal Company of Nicaragua to pay the money into the Treasury to pay the interest on these mortgage bonds.

Mr. President, who is it who is thus to pay the interest into the Treasury of the United States? The United States Government itself, for it is the only stockholder. Where is the interest money to come from so that the canal company can pay it into the Treasury of the United States? From the sale of the bonds guaranteed by the United States, the only source in the world from which a dollar can be derived by that Maritime Canal Company, every dollar of that subscribed capital stock being nonassessable. Until the canal is built, nobody knows how many years hence, that declaration is simply a pretense.

Mr. MILLS. After the expenditure of the $70,000,000 which are expected to be realized from the sale of the bonds, suppose there should require to be more money raised, more capital with which to finish this work, where is that money to come from?

Mr. VILAS. Mr. President, the poor stockholders who own the stock of that company, the United States, that is to say, would probably be obliged to appeal to Congress to issue another $100,000,000 of bonds.

Mr. MILLS. That is it exactly.

Mr. VILAS. And I should be gratified if I could be assured that the repetition of that process would stop before we reached $500,000,000, if we actually complete the work.

Section 12 is another ingenious section to express the idea of this independent entity, called the Maritime Canal Company, into which the United States has thrust itself, until all else there is of true life is expelled from its being. Let us look at it:

SEC. 12. That for all sums that the United States may pay upon the principal or interest of said bonds under their said guaranty the United States shall be subrogated to all rights and liens under the said mortgage which the holders of said bonds or any of them would have had in respect thereof if the same had remained unpaid by the Maritime Canal Company of Nicaragua and had not been paid by the United States under their guaranty.

That is to say, the same right to enforce collection against itself that the holders of the bonds would have. The maker and the guarantor being the same person, the guarantor reserves to himself the right to enforce upon himself as the maker the privileges which would be enjoyed if they were different persons by the law of subrogation.

But until the expiration of five years after the said canal shall be put in operation, and so long as, during said five years, the canal shall be in operation and remain under the control of the Maritime Canal Company of Nicaragua, this subrogated lien and right of the United States as aforesaid shall not be enforced by foreclosure.

Then provision is made for a foreclosure of the mortgage, which I shall not weary the Senate by reading.

I want to turn to one other section in support of the proposition with which I set out the reading of this bill:

SEC. 13. That the said canal shall be constructed under the supervision and according to the plans and specifications prepared by the Engineer Department of the United States Army.

The Army of the United States is directed to become the servitor of this corporation. The rights reserved by the States of Costa Rica and Nicaragua, making the concession in the stipulation how the engineering work should be done, are brushed away as if they were of no consequence.

The President of the United States, upon the recommendation of the Chief of the Engineer Corps of the United States Army, shall detail three competent engineers from the War Department to enter regularly the service of the Maritime Canal Company, and said engineers shall select one of their number as chief engineer, and thereafter shall detail such additional number as may be required from time to time by the board of directors for the construction of said canal, provided the same can be done without detriment to the public service.

Then provision is made for the chief engineer, his duties, salary, etc., and authority given to the President to appoint a board of three civil engineers to inspect the route, etc., and make recommendations.

Mr. GRAY. And $200,000 appropriated for that.

Mr. VILAS. And $200,000 appropriated for that, as the Senator from Delaware [Mr. GRAY] very pertinently suggests.

Provision is then made for representation in the board of directors, and a limitation put upon the corporation as to the issue of any more mortgages, as of course they could not do, being wholly made the creature of Congress; and there is a direction that the bonds shall not be sold for less than their par value. That is the bill.

It will be observed that in every particular of importance there can be no qualification to the proposition with which I set out, that the United States undertake everything whatever in respect to this canal at this stage, undertake its risks of construction, the mischances of all the surveys hitherto made, all the perils of international complications and quarrel.

Why should the United States Government, if we are to do that thing, undertake thus to invest itself with a false guise? Why should the United States Government put on a mask when it sets forth before the world to perform this great contribution to the progress of civilization? Sir, masks always mean deceit. What is the purpose concealed under this subterfuge? Is it to gain from the State of Nicaragua the advantages of the concession which this company bought from that State? Nicaragua stands before us with open hands, with the kindest expression of national good will, the desire to unite with us in the construction of that canal. From the time when government began to exist in that territory it has been seeking in its feebleness the strong hand of capital and aid sufficient to construct this canal. The very objection filed by its minister, Mr. Rodriguez, proffers at once to the United States immediate negotiation to effect that result. We are in no need to try to cheat Nicaragua, we need wear no false mask in order to deceive her as to the character in which we present ourselves on her soil to do this great work.

Who, then, do we aim at? Is it that enemy who lurks behind every bush whenever any project of international consequence arises; that enemy which threatens us from Halifax, from Jamaica, from the islands of the Pacific; that old, constant, dreaded nightmare of America, as some men would have us to believe—is it England? Why do we wish to cheat England? Why do we wish to pretend to England that it is not the United States which is about to build this canal, but the Maritime Canal Company of Nicaragua, a concessionaire of the poor States of Nicaragua and Costa Rica? I shall have occasion to point out, perhaps, why that idea may be entertained by some. It may be that it is thought that in that way we can violate with impunity the international obligations which we contracted by the Clayton-Bulwer treaty; but if so, sir, there is as little necessity for that as there is for any other course of deceit.

I can conceive of but one other possible motive that can actuate the disposition to put a sham cover on the kindly countenance of our great Republic when it shall step beyond the boundaries of its own territory, and that is that there may be some pretext of excuse for bestowing upon this corporation, whose concession expires on the 27th day of April next, the four millions and a half of bonds and the seven millions of nonassessable capital stock. If there be any other reason in the world why we should pretend to be what we are not; why the United States should crawl into the skin of a corporation of its own creating; why, instead of going forth in our sovereign capacity to do our duty among the nations of the earth, we should go there as the poor creature and subject of Nicaragua, with no other right but that which had been conceded to a corporation dealing with and purchasing a concession from that State, I am unable to see.

Now, Mr. President, I come to the next point. I will pass from the trivial—I mean only comparatively speaking—the mere insignificant details connected with this enterprise, to the greater question, Should the United States proceed to undertake that canal, and, if so, for what reasons and in what manner?

The distinguished and honorable Senator from Alabama argued to us at great length—no; I should not say that, but at some length and with some particularity—that this project would be one that would yield great profits; that it would be, indeed, a splendid investment of our millions, an investment from which for a period of ninety-nine, and possibly one hundred and ninety-eight, years we might derive annual compensation that would, perhaps, be a consolation and comfort to the taxpayers of the United States. The expectation of profit as a matter of probability may very well be left where the eloquent and cogent Senator from Indiana has left it, for, as he said, at least two-thirds of a century the project,

after having engaged the attention of the great promoters and capitalists of the earth, has stood blacklisted, under taboo, with nobody to consider it even as worthy of investment.

Sir, it is almost difficult to maintain a sobriety of consideration when one reflects on the report of the board of engineers, which I shall have occasion to discuss at a little later stage, upon the history of government subsidies in general and especially upon the experience of France at Panama. Think of our Pacific railroads as an investment of a profitable character for the United States! Think of the $240,000,000 which have scratched the dirt and sunk out of sight on that isthmus where the savings of France found their burial place! It may be that a keen imagination can spread the morning sky of this project with golden hues, but it certainly requires an imagination as happy, a temperament as sanguine, a composure as serene to carry men through poverty as have become famous in the distinguished promoter and projector of America—Colonel Sellers.

Whence is the profit to come out of an enterprise which can not but cost unknown millions, when the best engineers dare not declare they know yet how it can be safely built? But, sir, I need spend no time upon that subject. I must, of course, do the honorable Senator from Alabama the justice to recognize what I am sure he must have intended, not the presentation of a reason why the United States should enter upon this project, in that it would prove profitable, but only a sort of balm to our fears while engaging the moneys of the United States in so vast a scheme. It can require no discussion before this body to establish the proposition that the United States can not engage in an enterprise for the purpose of making money. The United States have no such function of government. Our Constitution has delegated to the Federal Union only certain limited powers within its sphere of action, and no one of those is to raise taxes or borrow money for the purpose of making profitable investments in foreign lands. If, then, anybody indulges in the theory, the rosy hallucination that golden showers will follow the possession of stock in this canal company, let him at least acknowledge that that expectation furnishes nothing in the nature of argument why the United States should undertake this scheme.

But another argument is presented, and presented seriously. It is claimed that the canal is necessary to the defense of the United States against her enemies; that we should enter upon this grand scheme out of a military necessity for it pressing upon us. High sounding words about the national defense are inserted occasionally in resolutions procured from some assemblage. Such resolutions are easily to be procured and are commonly passed inconsiderately. We had one presented the other day signed by four gentlemen as a committee, I believe, of the National Board of Trade, in which they declared to this body, constituted as it is, presumably, at least, made up of men of intelligence, such as the Constitution contemplated would occupy these seats—they declared to us that this canal should be built because it would "afford incalculable advantages to the Government in the event of a foreign war." Sir, they will be incalculable, indeed, for they will be exceedingly difficult to discern or realize. I think such a declaration as that is not creditable to any body who pretends to understand the relations which such a canal would bear to the American public.

Sir, I think Senators will recognize, with reflection upon this subject, that the canal is more likely to be an element of weakness than of strength, were we to have a foreign war with any power possessed of great naval strength; and I do not believe that even this committee of the National Board of Trade would feel their knees knock together much at the peril of the United States if engaged in war with a country that possessed no naval strength. It can only be as against the former that we need "incalculable advantages" in this canal.

Without arguing which it should be at this stage, it is obvious that the canal must be either neutralized as to all the world, like the Suez Canal, so that all vessels of war as well as of peaceful commerce may pass it in time of war as well as in time of peace, or else the canal must be under the exclusive control of the United States, at least in time of war. Suppose the first case—that the canal is neutralized. Then what do we find? We shall have created a waterway of intercommunication between the Atlantic and the Pacific by which our western coasts are exposed to the naval strength of Europe, against which now they are defended by Cape Horn. That point was seen by a Secretary of State in 1882, and Mr. Frelinghuysen, in his dispatch to our minister to England, drew his attention to the peril in time of war to which such a canal would expose our Western coasts. I read from his dispatch of May 8, 1882:

> A canal across the Isthmus for vessels of all dimensions and every character, under possible conditions hereinafter referred to, would affect this Republic in its trade and commerce; would expose our western coast to attack, destroy our isolation, oblige us to improve our defenses and to increase our Navy, and possibly compel us, contrary to our traditions, to take an active interest in the affairs of European nations.

Well put, so far as it relates to the question of military advantage to be derived from it in case of neutralization, so as to be available to ships of war. In that event, the dreaded menace to our peace which the Senator from Alabama has so often apprehended will be greatly facilitated, when there shall set forth again the—

> ——mariners of England,
> * * * * *
> Whose flag has braved, a thousand years,
> The battle and the breeze!

I suppose he would contend, therefore, for the other course, and that if the canal were to be built it must be assumed that, being built by us, it shall be under our exclusive control. What does that mean? It means that we shall either shut out vessels of war in time of war or that we shall exercise the right to shut out not only vessels of war, but vessels of peace also in time of peace. Let us assume that our exclusive control takes the form most favorable to this contention; that the United States simply claims the right to shut out from the canal vessels of war in time of war with us. Then where are we with our military and naval advantages in the canal? We have established a great work at immense cost which any enemy, almost, can destroy. The report of the engineers speaks to that point.

Mr. DANIEL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wiconsin yield to the Senator from Virginia?

Mr. VILAS. Certainly.

Mr. DANIEL. Would the Senator yield to a motion to go into executive session? I desire to make that motion.

Mr. VILAS. If the Senator from Virginia will withhold the motion for a few moments, I shall be glad.

Mr. DANIEL. With pleasure. I do not desire to interrupt the Senator. I thought he had probably reached a point where it would be agreeable to him to yield.

Mr. VILAS. I will yield to the Senator for that purpose in a few moments.

I read from the report of the Board of Engineers, page 50, just a brief clause now, to this point:

> It is proper to note the multiplied points at which the canal would be exposed to injury after construction—

Mr. GRAY. What report is that from?

Mr. VILAS. From the report of the Board of Engineers.

Mr. GRAY. Is it a recent report?

Mr. VILAS. It is the report of the board which we sent there in 1895—

> and the comparative facility with which a breach could be made at any point on the long line of embankments, if, for any reason, military or malicious, it should be intended to destroy the canal navigation until the breach could be closed.

Sir, we should be obliged to put on the line of the canal great fortifications. We should be obliged to maintain navies at both the ocean ports, at either terminal. We should be obliged in time of war to keep an army there patrolling the route of the canal all the time. Otherwise we should be at the mercy not only of the naval powers of Europe, but even of the poor—I speak only of them with reference to their military strength—feeble powers of Central America. This Republic, which for a hundred years has feared no enemy, would, powerful as it has become, be, with that canal, in a condition of almost puerile weakness, so far as that is concerned. There would be our vulnerable point. There our millions and hundreds of millions would be obliged to go to maintain fortifications and naval defenses and to support armies and powers in case of war. There this great and powerful nation would find the fatal spot which, like the heel of Achilles, exposed its tremendous strength to the dart of the feeblest enemy. That, sir, is what folly can do for a great nation. That, sir, is what a board of trade knows about the "incalculable advantages" for military defense of an isthmian canal.

Mr. WHITE. Will the Senator from Wisconsin permit me to make an inquiry?

Mr. VILAS. With pleasure.

Mr. WHITE. Is not the argument which the Senator is now making directed against the construction of any canal under any auspices or at any time?

Mr. GRAY. As a military defense of the United States.

Mr. VILAS. No, sir; and when I resume my discussion I will point out how I think that great work of civilization should be constructed and how the United States should be the glorious leader to its consummation.

Mr. GRAY. I suppose, if the Senator from Wisconsin will allow me, that he will contend that any canal to fulfill the objects and purposes which are proclaimed for it must be a work of peace, and that it is idle to talk about it as a part of the machinery of war.

Mr. VILAS. Precisely. I intend to point that out when I pretty soon reach that part of the discussion. But I am dealing

with it now only in respect to this pretended argument in its favor of military advantage to be derived from it. It is a simple demonstration which no man can gainsay that if we allow the vessels of our enemies to pass it as a neutral waterway in time of war, as I shall show we are bound to do, then we expose our Western coasts to an enemy against which they are now perfectly defended, and if, on the other hand, we maintain an exclusive control and undertake to shut out vessels of war in time of war, we have exposed ourselves to all the weakness which I have in the last few minutes pointed out.

But I wish to ask, What is the supposed theory of utility by which the canal can be made a valuable auxiliary to our national defense? It can be no more than that we can pass our ships of war more readily from the Atlantic coast to the Pacific, or the other way. That is all. But why do we wish to pass them? Do we need to send ships of war to our Pacific coast to defend it? Sir, against what enemy? There is the guaranty of nature for our safety. Three thousand miles of a vast wilderness of water, yea 5,000 miles, lie there defending our coasts.

Mr. MILLS. Will the Senator from Wisconsin yield for a moment?

Mr. VILAS. Certainly.

Mr. MILLS. Does the Senator prefer to go on further to-night, or would he yield to a motion to adjourn? I suppose he must be fatigued by this time.

Mr. VILAS. The Senator from Virginia [Mr. DANIEL] desires to make a motion for an executive session. I promised to give way to him for that purpose.

Mr. MILLS. I wish to consult the Senator's convenience about it.

Mr. DANIEL. So do I.

Mr. VILAS. I shall not go further to-night, although there are a few more observations which I desire to make in reference to the point on which I was speaking.

Mr. DANIEL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifty minutes spent in executive session the doors were reopened, and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 2, 1897, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 1, 1897.

PROMOTIONS IN THE ARMY.

Adjutant-General's Department.

Capt. William Harding Carter, Sixth Cavalry, to be assistant adjutant-general with the rank of major, January 29, 1897, vice Wilson, deceased.

Capt. Thomas Henry Barry, First Infantry, to be assistant adjutant-general with the rank of major, January 29, 1897, vice Babcock, promoted.

Pay Department.

Capt. John Lapham Bullis, Twenty-fourth Infantry, to be paymaster with the rank of major, January 29, 1897, vice Bates, promoted.

Subsistence Department.

First Lieut. George Burwell Davis, Fourth Infantry, to be commissary of subsistence with the rank of captain, January 29, 1897, vice Osgood, promoted.

Lieut. Col. Samuel Tobey Cushing, assistant commissary-general of subsistence, to be assistant commissary-general of subsistence with the rank of colonel, January 26, 1897, vice Sullivan, who vacated on accepting commission as commissary-general of subsistence.

Maj. Charles Patrick Eagan, commissary of subsistence, to be assistant commissary-general of subsistence with the rank of lieutenant-colonel, January 26, 1897, vice Cushing, promoted.

Capt. Henry Brown Osgood, commissary of subsistence, to be commissary of subsistence with the rank of major, January 26, 1897, vice Eagan, promoted.

Post chaplain.

S. Henry Bell, of Pennsylvania, to be post chaplain in the United States Army, vice Blaine, deceased.

Corps of Engineers.

Col. John M. Wilson, Corps of Engineers, to be Chief of Engineers with the rank of brigadier-general, February 1, 1897, vice Craighill, retired from active service.

Infantry arm.

Lieut. Col. Charles Augustus Wikoff, Nineteenth Infantry, to be colonel, January 28, 1897, vice Casey, Twenty-second Infantry, retired from active service.

Maj. Charles Crook Hood, Seventh Infantry, to be lieutenant-colonel, January 28, 1897, vice Wikoff, Nineteenth Infantry, promoted.

Capt. Constant Williams, Seventh Infantry, to be major, January 28, 1897, vice Hood, Seventh Infantry, promoted.

INTERSTATE COMMERCE COMMISSIONER.

Martin A. Knapp, of New York, to be an Interstate Commerce Commissioner; a reappointment.

UNITED STATES CONSUL.

Frederick W. Kickbusch, jr., of Wisconsin, to be consul of the United States at Stettin, Germany, vice Frederick W. Kickbusch, resigned.

UNITED STATES DISTRICT ATTORNEY.

Henry E. Davis, of the District of Columbia, to be attorney of the United States for the District of Columbia, vice Arthur A. Birney, whose term expires February 6, 1897.

UNITED STATES DISTRICT JUDGE.

William H. Munger, of Nebraska, to be United States district judge for the district of Nebraska, the nomination of William D. McHugh having been withdrawn.

WITHDRAWAL.

Executive nomination withdrawn February 1, 1897.

William D. McHugh, to be United States district judge for the district of Nebraska, which was delivered to the Senate on December 8, 1896.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 1, 1897.

COLLECTOR OF INTERNAL REVENUE.

Wayman Crow McCreery, of Missouri, to be collector of internal revenue for the first district of Missouri.

PROMOTIONS IN THE NAVY.

Commander Joseph B. Coghlan, to be a captain.

Lieut. Commander William I. Moore, to be a commander.

P. A. Engineer William N. Little, to be a chief engineer.

Asst. Engineer Cleland N. Offley, to be a passed assistant engineer.

POSTMASTERS.

Mary Kirtley, to be postmaster at Salmon, in the county of Lemhi and State of Idaho.

Nehemiah Jennings, to be postmaster at Southport, in the county of Fairfield and State of Connecticut.

Gilbert S. Benham, to be postmaster at Hamden, in the county of New Haven and State of Connecticut.

Rufus K. Sanders, to be postmaster at Saltville, in the county of Smyth and State of Virginia.

Elizabeth C. Adams, to be postmaster at Radford, in the county of Montgomery and State of Virginia.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 1, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Saturday last was read and approved.

PURCHASE OF OR SPECULATION IN GOVERNMENT CLAIMS.

The SPEAKER laid before the House the bill (H. R. 6834) to prevent the purchasing of or speculating in claims against the Government by United States officers, with Senate amendments.

The bill and amendments were read.

The SPEAKER. The question is on agreeing to the Senate amendments.

Mr. DOCKERY. Mr. Speaker, that is a very important bill. I desire to know if the Judiciary Committee have examined the Senate amendments. It seemed to be an exactly proper measure as it left the House.

The SPEAKER. Has the gentleman any motion to make?

Mr. DOCKERY. I desire to know if the amendments of the Senate have been called to the attention of the chairman of the Committee on the Judiciary. I see the gentleman is present; and I would be glad that it lie on the Speaker's table until the gentleman can examine it. It seems the Senate has made some very important amendments.

Mr. HENDERSON. I did not understand the gentleman from Missouri.

Mr. DOCKERY. My inquiry was whether or not you had examined the amendments of the Senate to the bill prohibiting the purchase of fees by United States officers?

Mr. HENDERSON. I have not. The Senate amendments have not been before our committee.

Mr. DOCKERY. There are a number of important amendments.

Mr. HENDERSON. The gentleman from Kentucky [Mr. HENDRICK] introduced the bill, and the gentleman from Massachusetts [Mr. GILLETT] had charge of it. The amendments of the Senate have not been before us. I suggest, Mr. Speaker, that it lie on the table for the present, until I can have time to look at the amendments.

The SPEAKER. Without objection, the bill will remain on the Speaker's table.

There was no objection.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will call the committees.

The committees were called.

Mr. CHARLES W. STONE (when the Committee on Coinage, Weights, and Measures was called). Mr. Speaker, I ask that the Committee on Coinage, Weights, and Measures be passed without prejudice.

There was no objection, and it was so ordered.

Mr. BRODERICK. Mr. Speaker, when the Committee on the Judiciary was just called, I happened not to have a bill that I wanted to call up. I ask that the committee be again called.

The SPEAKER. Without objection, the Committee on the Judiciary will again be called.

There was no objection.

SENATE BILLS AND RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and resolution were taken from the Speaker's table and referred as follows:

A bill (S. 3551) to authorize the entry and patenting of lands containing petroleum and other mineral oils under the placer-mining laws of the United States—to the Committee on Public Lands.

A bill (S. 3588) to insure a full bench in the Court of Claims for the hearing of the cases entitled "The United States against La Abra Silver Mining Company and others" and "The United States against Alice Weil and others"—to the Committee on the Judiciary.

A bill (S. 3612) granting a pension to Mrs. Martha Frank—to the Committee on Pensions.

A bill (S. 3613) granting a pension to Mary M. Macauley, widow of the late Brig. Gen. Daniel Macauley, United States Volunteers—to the Committee on Invalid Pensions.

A bill (S. 2308) providing for the purchase by the Government of the quarantine station at Portland, Me.—to the Committee on Military Affairs.

A bill (S. 3524) to remove doubts concerning the jurisdiction of district judges—to the Committee on the Judiciary.

A bill (S. 3603) to extend the time for the completion of the St. Paul, Minneapolis and Manitoba Railway Company through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian reservations in the State of Minnesota—to the Committee on Indian Affairs.

Concurrent resolution:

Resolved by the Senate (the House of Representatives concurring), That there be printed 2,000 additional copies of the annual report of the Treasurer of the United States for the fiscal year ended June 30, 1896, for the use of the Treasury Department—

To the Committee on Printing.

UNITED STATES COURTS IN UTAH.

Mr. BRODERICK. Mr. Speaker, I desire to call up the bill (S. 2037) providing times and places for holding terms of United States courts in Utah.

The bill was read, as follows:

Be it enacted, etc., That the circuit court of the United States in and for the State of Utah shall be held at the time and place provided by law for holding the United States district court in and for said State.

SEC. 2. That for the purpose of holding terms of the district court, said district shall be divided into two divisions, to be known as the northern and central divisions. The counties of Weber, Davis, Morgan, Rich, Cache, and Boxelder shall constitute the northern division, the court for which shall be held at the city of Ogden; and all remaining counties of the said State shall constitute the central division, the court for which shall be held at the city of Salt Lake.

SEC. 3. That all civil suits not of a local character which shall be brought in the district or circuit courts of the United States for the district of Utah, in either of said divisions, against a single defendant, or where all the defendants reside in the same division of said district, shall be brought in the division in which the defendant or defendants reside, or where the cause of action arose, or if there are two or more defendants residing in different divisions, such suit may be brought in either division; and all mesne and final process subject to the provisions of this act issued in either of said divisions may be served and executed in either or both of said divisions.

All issues of fact in civil causes triable in any of the said courts shall be tried in the division where the defendant, or one of the defendants, reside, or where the cause of action arose, unless by consent of both parties the case shall be removed to some other division.

SEC. 4. That the clerks of the circuit and district courts for said district shall each appoint a deputy clerk at each of the places where their respective courts are required to be held in the divisions of the district, except in the division in which such clerk shall himself reside, each of which deputies shall, in the absence of the clerk, exercise all the powers and perform all the duties of the clerk within the division for which he shall be appointed: *Provided*, That the appointment of such deputies shall be approved by the court for which they shall have been respectively appointed, and may be annulled by such court at its pleasure; and the clerks shall be responsible for the official acts and negligence of all such deputies.

SEC. 5. That the terms of the district court for the district of the State of Utah shall be held at the city of Salt Lake, beginning on the first Monday of May and the first Monday of December in each year, and at the city of Ogden, beginning on the first Monday of March and the first Monday of September of each year; and all suits, prosecutions, process, recognizances, bail bonds, and other things pending in or returnable to said court are hereby transferred to and shall be made returnable to and have force in the said respective terms in this act provided, in the same manner and with the same effect as they would have had had said place of holding been designated in the original act.

SEC. 6. That no action, suit, proceeding, information, indictment, recognizance, bail bond, or other process in either of said courts shall abate or be rendered invalid by reason of the change of time in the holding of the terms of said courts, but the same shall be deemed to be returnable to, pending, and triable at the terms herein provided for.

The amendments were read, as follows:

In section 3, lines 6 and 7, strike out the words "or where the cause of action arose;" and in lines 14 and 15 strike out the words "or where the cause of action arose."

The SPEAKER. The question is on agreeing to the amendments to the Senate bill.

The amendments were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BRODERICK, a motion to reconsider the vote by which the bill was passed was laid on the table.

SUPPRESSION OF TICKET "SCALPING," ETC.

Mr. SHERMAN. By direction of the Committee on Interstate and Foreign Commerce, I call up the bill (H. R. 10090) to amend an act entitled "An act to regulate commerce."

The bill was read.

Mr. QUIGG. May I inquire of my colleague [Mr. SHERMAN] whether this is the so-called "antiscalpers' bill?"

Mr. SHERMAN. This bill comes from the Committee on Interstate and Foreign Commerce, and is known as the "antiscalpers' bill."

Mr. WILLIAM A. STONE. May I ask the gentleman a question?

Mr. SHERMAN. Certainly.

Mr. WILLIAM A. STONE. Has the committee directed that this bill be called up at this particular time?

Mr. SHERMAN. The committee directed that the bill be called up in the morning hour. This is the first time the committee has been called in the morning hour since the direction was given.

Mr. TERRY. I should like to suggest to the gentleman in charge of this bill that it is a very important measure, and it would be best that some time be set for its consideration, so that all may know when it is to come up. It should not come up here like a "jack-in-a-box."

Mr. SHERMAN. I will very gladly enter into an arrangement for the bill to be called up at some future time and have sufficient time assigned for the fullest discussion. I have no desire to curtail debate.

Mr. WILLIAM A. STONE. I raise the question of consideration on the bill.

The question being taken, Will the House consider the bill? it was decided in the negative—ayes 35, noes 88.

So the House refused to consider the bill.

BRIDGE ACROSS TENNESSEE RIVER NEAR CHATTANOOGA.

Mr. PATTERSON. By direction of the Committee on Interstate and Foreign Commerce, I call up the bill which I send to the desk.

The bill (H. R. 9799) to amend an act entitled "An act to authorize the Chattanooga Western Railway Company to construct a bridge across the Tennessee River near Chattanooga," giving the said company more time in which to begin and complete said bridge, was read, as follows:

Be it enacted, etc., That section 5 of an act entitled "An act to authorize the Chattanooga Western Railway Company to construct a bridge across the Tennessee River near Chattanooga," approved January 27, 1894, be, and the same is hereby, amended to read as follows:

"SEC. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved; and any alterations or changes that may be required by Congress in the bridge constructed under this act, or its entire removal, shall be made by the corporation owning or controlling the same at its own expense. Furthermore, if the construction of said bridge shall not be commenced before January 1, 1898, and completed before January 1, 1901, all privileges conferred hereby and this act shall become null and void."

Mr. PATTERSON. I ask that the report be read.

The report (by Mr. FLETCHER) was read, as follows:

The Committee on Interstate and Foreign Commerce have had under consideration House bill 9799, Fifty-fourth Congress, second session, being a bill to amend an act entitled "An act to authorize the Chattanooga Western Railway Company to construct a bridge across the Tennessee River near Chattanooga," giving the said company more time in which to complete said bridge. Under date of January 9, 1897, the War Department reported on the same, saying: "No objection is known to the passage of the bill by Congress so far as the interests of navigation are concerned." This report is herewith attached.

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C., January 9, 1897.

SIR: I have the honor to acknowledge the reference to this office of a letter, dated the 7th instant, from the Committee on Interstate and Foreign Commerce of the House of Representatives, inclosing for the views of the War Department thereon House bill 9799, Fifty-fourth Congress, second session, "A bill to amend an act entitled 'An act to authorize the Chattanooga Western Railway Company to construct a bridge across the Tennessee River near Chattanooga,' giving the said company more time in which to begin and complete said bridge," and in returning the same I beg to say that no objection is known to the passage of the bill by Congress so far as the interests of navigation are concerned.

Very respectfully, your obedient servant,

A. MACKENZIE,
Acting Chief of Engineers.

Hon. DANIEL S. LAMONT,
Secretary of War.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. PATTERSON, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS THE MISSOURI NEAR LEXINGTON, MO.

Mr. SHERMAN. Mr. Chairman, I have another bill which I am directed by the Committee on Interstate and Foreign Commerce to call up.

The bill (S. 3401) to amend the act entitled "An act to authorize the construction of a bridge across the Missouri River at or near the city of Lexington, Mo.," approved July 26, 1894, was read, as follows:

Be it enacted, etc., That the act entitled "An act to authorize the construction of a bridge across the Missouri River at or near the city of Lexington, Mo.," approved July 26, 1894, be, and the same is hereby, amended so as to extend the time for the commencement of the construction of said bridge to one year and its completion to three years from the approval of this act.

Mr. SHERMAN. This bill merely extends the time within which this bridge may be constructed. The original act was in the usual form of bridge bills. The committee has unanimously reported in favor of the passage of this bill.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS THE COLUMBIA RIVER, WASHINGTON.

Mr. SHERMAN. I am also directed to call up the bill (H. R. 9736) authorizing the construction of a bridge across the Columbia River, in the State of Washington.

The bill was read.

The amendment reported by the committee, to insert, after the word "Secretary," in line 8 of section 2, the words "of War," was read, and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS ALABAMA RIVER, NEAR MONTGOMERY.

Mr. SHERMAN. By instruction of the Committee on Interstate and Foreign Commerce, I also call up the bill (H. R. 9101) to amend an act entitled "An act to authorize the Montgomery Bridge Company to construct and maintain a bridge across the Alabama River near the city of Montgomery, Ala.," approved March 1, 1893.

The bill was read, as follows:

Be it enacted, etc., That section 6 of an act approved March 1, 1893, to authorize the Montgomery Bridge Company to construct and maintain a bridge across the Alabama River near Montgomery, Ala., be, and is hereby, amended to read as follows:

"SEC. 6. That all telephone and telegraph companies shall be granted equal rights and privileges in the construction and operation of their lines across said bridge; and if actual construction of the bridge herein authorized shall not be commenced within one year from March 1, 1896, and be completed within three years from same date, the rights and privileges hereby granted shall cease and be determined."

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

TO PREVENT TRANSMISSION OF OBSCENE LITERATURE, ETC.

Mr. ALDRICH of Illinois. Mr. Speaker, on behalf of the Committee on Interstate and Foreign Commerce, I call up the bill S. 1675.

The bill was read, as follows:

Be it enacted, etc., That it shall be unlawful for any person to deposit with any express company or other common carrier for carriage from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia any obscene, lewd, or lascivious book, pamphlet, picture, paper, letter, writing, print, or other matter of indecent character, or any article or thing designed or intended for the prevention of conception or procuring of abortion, or any written or printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, how, or of whom, or by what means any of the hereinbefore mentioned articles, matters, or things may be obtained or made; and any person who shall knowingly deposit, or cause to be deposited, with any express company or other common carrier for carriage from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or who shall take from such express company or other common carrier with intent to sell, distribute, or circulate any matter or thing herein forbidden to be deposited for carriage, shall for each offense, upon conviction thereof, be fined not more than $5,000 or imprisoned at hard labor not more than five years, or both, at the discretion of the court.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. ALDRICH of Illinois, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS SABINE RIVER BETWEEN LOUISIANA AND TEXAS.

Mr. BENNETT. Mr. Speaker, on behalf of the Committee on Interstate and Foreign Commerce, I call up the bill (S. 3303) to authorize the construction by the Kansas City, Shreveport and Gulf Railroad Company of a bridge across the Sabine River between the States of Louisiana and Texas.

The bill was read.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BENNETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE MONONGAHELA.

Mr. BENNETT. On behalf of the same committee, I call up the bill (H. R. 9168) to authorize the construction of a bridge over the Monongahela River from the city of McKeesport to the township of Mifflin, Allegheny County, Pa.

The bill was read.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BENNETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

SPECULATING IN CLAIMS AGAINST THE GOVERNMENT.

Mr. HENDERSON. Mr. Speaker, the Committee on the Judiciary was passed temporarily. I now ask, on behalf of that committee, that the House take up the bill (H. R. 6834) to prevent the purchasing of or speculating in claims against the Federal Government by United States officers, nonconcur in the Senate amendments, and ask for a committee of conference.

There was no objection, and it was so ordered.

The SPEAKER appointed as conferees on the part of the House Mr. GILLETT of Massachusetts, Mr. BURTON of Missouri, and Mr. HENDRICK.

APPOINTMENTS BY BREVET.

Mr. HULL (when the Committee on Military Affairs was called). Mr. Speaker, I call up the bill (H. R. 3719) to provide for appointment by brevet of active or retired officers of the United States Army.

The Clerk proceeded to read the bill.

Mr. HULL (during the reading). Mr. Speaker, this is simply a question of concurring in a Senate amendment.

Mr. DOCKERY. Let us have the bill read, Mr. Speaker.

The bill was read, as follows:

Be it enacted, etc., That all officers of the Regular Army of the United States, active or retired, who served in the volunteer forces during the late war, shall receive a brevet in the Regular Army equal to the highest rank held or the highest brevet received in the said volunteer forces and be commissioned accordingly as of the date of such brevet: *Provided*, That they have not already received a brevet of equal or higher grade in the Regular Army.

The amendment of the Senate was read, as follows:

Line 5, strike out "shall" and insert "may, at the discretion of the President."

Mr. DOCKERY. Mr. Speaker, I would be glad if the gentleman would explain this bill for the benefit of an untutored civilian, who is not familiar with military matters.

Mr. HULL. Mr. Speaker, the original bill simply provided for giving officers now in the Army the brevet rank which they had in the volunteer service, allowing them to wear the uniform on ceremonial occasions, and so on. The bill as it passed the House made it imperative on the President to give them this rank, but the Senate amendment leaves it discretionary with the President.

Mr. DOCKERY. Does it involve any expenditure of public money?

Mr. HULL. None whatever.

Mr. MCMILLIN. Does it involve, in case of death, any additional pension?

Mr. HULL. Not at all. We do not pension on brevet rank.

The amendment of the Senate was concurred in.

ROCK ISLAND BRIDGE.

Mr. HULL. Mr. Speaker, on behalf of the Committee on Military Affairs, I call up the bill (H. R. 9775) to repeal so much of chapter 189 of the Statutes of the United States of America, passed at the third session of the Fifty-third Congress, and approved March 2, 1895, as requires that the lower portion of the Rock Island Bridge shall not be occupied by any street railway company without paying a reasonable rent therefor.

The bill was read, as follows:

Be it enacted, etc., That the proviso in "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes," approved March 2, 1895, being chapter 189 of

the Statutes of the United States of America, passed at the third session of the Fifty-third Congress, and which proviso is in the appropriation for the Rock Island Bridge, in the following words: "*Provided further*, That the Secretary of War shall not, under the act 'to empower the Secretary of War to permit the establishment, under certain conditions, of a horse railway upon and over the island of Rock Island, and the bridges erected by the United States connecting the cities of Davenport and Rock Island therewith,' approved March 3, 1885, permit the lower section of said bridge to be occupied by any street railway without paying a reasonable rent therefor," be, and the same is hereby, repealed.

An amendment recommended by the committee was read, as follows:

Strike out the word "repealed," in line 20, and add the following:
"Amended by adding after the final words, 'paying a reasonable rent therefor,' the following words, 'unless said company, in lieu of such rent, shall furnish and deliver at the electric motor on the draw of the bridge the necessary and proper electric power for operating the draw, to the satisfaction of the Secretary of War,'" so long as said company occupies or uses said bridge for railway purposes.

Mr. BLUE. Mr. Speaker, I would like to have some explanation of that bill. It seems to me that it ought to have come from the Committee on Interstate and Foreign Commerce. That part of it which pertains to the bridge certainly ought to have been referred to that committee. The other part might legitimately, I suppose, have been referred to the Committee on Military Affairs. If I caught the purport of the bill correctly from the reading, it is to allow this street railway company to occupy a portion of the bridge without compensation, changing what has been the law heretofore, requiring them to pay for the privilege of using this bridge. Without some explanation, I feel bound to object to the bill, and coming from the committee that it does, it seems to me that it is out of order.

Mr. HULL. Mr. Speaker, the Rock Island Bridge is entirely under the control of the War Department, and the gentleman is mistaken in his statement that this bill allows the street railway company to use the bridge without compensation. The bridge, I repeat, is under the control of the War Department. The original act provided that the rental to be paid by the company should be agreed upon by the Secretary of War and the street railway company. That rental was fixed at $2,400 a year, but the Secretary and the company, after consultation, have mutually agreed that it will be better for both parties if the company shall be required to furnish the power for operating the draw. The War Department estimates that it will cost the Government $3,600 a year to operate it as an independent piece of machinery. It is arranged for operation by electricity, and the street railway company, having abundant power, can draw off enough to operate the draw without any great expense to themselves, while at the same time there will be a marked saving to the Government. The amendment proposed by the committee was submitted by the War Department, providing that this street railway company, as long as they use the bridge, shall furnish the power to operate the draw. The Government, of course, has the machinery there and a man to take care of it, but it will have to put in a dynamo to manufacture the power unless some such arrangement as this can be made. Therefore this provision of the bill, while it does make a saving for the railway company, makes at the same time a saving to the Government.

Mr. DOCKERY. What is the rental now paid by the street-railway company?

Mr. HULL. They have never paid any. Under the old law they used this bridge free, just as it was used by wagons. This lower part of the bridge is free, and wagons, teams, foot passengers, and traffic generally are permitted to go free; but the act establishing a new bridge provided that the railroad company should pay certain rental for the use of the bridge.

Mr. DOCKERY. How much?

Mr. HULL (continuing). And the amendment is recommended by General Flagler and the Secretary of War as being highly advantageous to the Government and strictly fair to the street railway company.

Mr. DOCKERY. Did I understand the gentleman to state that they pay a rental fixed at $2,400 a year?

Mr. HULL. That was the amount fixed by the Secretary of War; but they pay nothing, as a matter of fact, now.

Mr. DOCKERY. But there is a provision in the sundry civil bill which you are seeking to repeal which requires that payment. Now, what is the amount contemplated in the bill for that purpose?

Mr. HULL. As I have stated, there is a cash rental of $2,400; but the Department has thought it better for the Government to have the railroad company furnish the power at all times to operate the draw of the bridge than to pay the cash rental; that it would be for the benefit of the Government to adopt that course.

Mr. DOCKERY. And you estimate the expenditure for that purpose at $3,600?

Mr. HULL. That is what it would cost the Government.

Mr. DOCKERY. What would it cost the street railway?

Mr. HULL. Well, they have their plant necessarily; and it is estimated that it will not cost them so much as that. Of course, it will not cost them as much as it will cost the Government, because the Government will have to establish a new plant, furnish dynamos, and other necessary machinery to operate the draw, so that this arrangement will be a decided saving to the Government.

Mr. MILES. Does this proposition meet the approval of the Secretary of War?

Mr. HULL. Yes, sir; and of General Flagler and the Ordnance Department generally, which has charge of this matter.

Mr. DOCKERY. I understand that the gentleman from Illinois [Mr. CANNON] has looked into this matter, and is satisfied with it.

Mr. CANNON. I think it is probably the best that can be done.

Mr. BLUE. I would like to know whether or not the responsibility of maintaining the draw is cast upon the company in lieu of the rental.

Mr. HULL. The Government has control at all times, but the responsibility of furnishing the power is thrown upon the company.

Mr. BLUE. By this bill?

Mr. HULL. Yes, sir; the amendment of the committee makes it imperative upon the company to furnish the power at all times to operate the draw.

Mr. DOCKERY. Mr. Speaker, I understand the gentleman from Illinois [Mr. CANNON], the chairman of the Committee on Appropriations, has looked into this matter and is satisfied with it, and perhaps it is the best that can be done in the interest of the Government. It seems, however, from the figures presented by the chairman, to inure largely to the benefit of the street railway company.

Mr. CANNON. I think a word will explain the matter, if the gentleman will yield to me.

Mr. HULL. I will yield to the gentleman from Illinois.

Mr. CANNON. I think I can cover the condition in a single remark.

Prior to the erection of the new bridge at Rock Island, which by agreement is to be constructed and maintained half and half by the railway company and the Government, and which was originally constructed three-fifths by the railway and two-fifths by the Government, under legislation the railroad company passed over the bridge free of all rent. That was the condition with reference to the old bridge; and the new bridge was constructed, and it was provided in the appropriation that the Secretary of War should fix a rental for the use of the bridge by the street railway company plying between Rock Island and Davenport, and the rental was fixed at $2,400.

Now the street railway company kicks, the common council kicks, all the people kick, because, they say, "It is a free bridge, and everybody else has a right to use it, why should it not also be free to the railway company?" In this condition the railway company says, "We can not afford to pay the rent you demand and comply with certain other obligations that have to be performed, but we will furnish you the power, that is worth $3,600, to operate the draw continually." The Chief of Ordnance says that this will be for the interest of the Government; that it will cost the Government at least that or more to furnish the power. The amount it will cost this company therefor is $1,200 more than the rental, according to this statement, and it seems to me that it amounts to practically a fair trade; because if we do not accept the proposition, if it is not arranged in this manner, an effort will undoubtedly be made, and there may be some possibility of succeeding in time, to secure the free right of the company to the use of the bridge anyway by striking out the provision of the last appropriation bill bearing upon the question. So that I expect the best thing is to allow the bill to pass in its present form.

Mr. HULL. Mr. Speaker, I call for a vote.

The question being taken on the amendment, it was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

SALES IN SUBSISTENCE DEPARTMENT OF THE ARMY.

Mr. HULL. Mr. Speaker, I call up the bill (H. R. 6352) to simplify the system of making sales in the Subsistence Department to officers and enlisted men of the Army.

The bill was read, as follows:

Be it enacted, etc., That sections 1299 and 1300 of the Revised Statutes of the United States be, and the same are hereby, repealed, and that section 1144 of those statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 1144. The officers of the Subsistence Department shall procure and keep for sale to officers and enlisted men, at cost prices for cash, such articles as may from time to time be designated by the Secretary of War: *Provided*, That sales of such stores on credit shall be made only to officers and enlisted men who have not been regularly paid, or who are in the field where it is impracticable to procure funds, and to recruits during their first month of enlistment, the amounts due therefor to be charged on the pay accounts of officers and on the muster and pay rolls of enlisted men next after the date of purchase and deducted from the payments made upon such pay accounts or muster and pay rolls by the Pay Department."

Mr. DOCKERY. I ask for a brief explanation.

Mr. HULL. Do you want the report read?

Mr. DOCKERY. I think the gentleman ought to make a brief explanation.

The SPEAKER. The question is on the third reading of the bill.

Mr. DOCKERY. I think the House is entitled to at least a brief explanation of all these bills.

Mr. HULL. The only change this makes in existing law is in regard to furnishing unlimited credit to officers and men at these posts. This bill provides for extending credit to men who have not been paid, but cuts off credit to those who have been paid regularly, and lets them pay their bills as they go along. The bill is recommended by the Subsistence Department, as it simplifies accounts, and will work to the advantage of both the soldiers and the department, preventing a soldier getting in debt beyond what he should. It is simply to prevent the Government from carrying soldiers from month to month, when they are regularly paid, and provides for carrying them where they are not regularly paid, so that this works no hardship if the paymaster does not get around regularly.

Mr. BLUE. It makes no increase?

Mr. HULL. It makes no increase.

Mr. TERRY. What section of the law is repealed?

Mr. HULL. Section 1144.

Mr. TERRY. What does section 1144 relate to?

Mr. HULL. The sale of supplies from the quartermaster's supplies, to enlisted men and officers.

Mr. TERRY. This is a bill in the interest of the men and not in the interest of the sutlers?

Mr. HULL. It has nothing to do with the sutlers. It relates to the sale of Government supplies from the Subsistence Department, and it is recommended by the general in charge of that department.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

PROTECTION OF NATIONAL MILITARY PARKS.

Mr. HULL. Mr. Speaker, I desire to call up the bill (H. R. 7320) to prevent trespassing upon and providing for the protection of the Chickamauga and Chattanooga National Military Park.

The bill was read, as follows:

Be it enacted, etc., That every person who willfully destroys, mutilates, defaces, injures, or removes any monument, statue, marker, guidepost, or other structure, or who willfully destroys, cuts, breaks, injures, or removes any tree, shrub, or plant within the limits of the Chickamauga and Chattanooga National Park shall be deemed guilty of a misdemeanor, punishable by a fine of not less than $10 nor more than $1,000 for each monument, statue, marker, guidepost, or other structure, tree, shrub, or plant destroyed, defaced, injured, cut, or removed, or by imprisonment for not less than fifteen days and not more than one year, or by both fine and imprisonment.

SEC. 2. That every person who shall trespass upon the Chickamauga and Chattanooga National Park for the purpose of hunting or shooting, or who shall hunt any kind of game thereon with gun or dog, or shall set trap or net or other device whatsoever thereon for the purpose of hunting or catching game of any kind, shall be guilty of a misdemeanor, punishable by a fine of not less than fifty or more than one thousand dollars or by imprisonment for not less than five days or more than thirty days, or by both fine and imprisonment.

SEC. 3. That the superintendent or any guardian of such park is authorized to arrest forthwith any person engaged or who may have been engaged in committing any misdemeanor named in this act, and shall bring such person before any United States commissioner or judge of any district or circuit court of the United States within either of the districts within which the park is situated, and in the district within which the misdemeanor has been committed, for the purpose of holding him to answer for such misdemeanor, and then and there shall make complaint in due form.

SEC. 4. That the superintendent or any guardian or police officer of the Chickamauga and Chattanooga National Park may, under such regulations as have been or may be established by the park commissioners, approved by the Secretary of War, take up estrays of animals found anywhere on the grounds or the roads within the limits of said park and shall impound the same. At any time within five days after the impounding of any estrays the same may be delivered to the owners upon the payment of $5 for each animal impounded. If more than one person claim ownership of an impounded animal within such five days, then the park superintendent shall take affidavits of all such persons, and such other testimony as may be offered as to ownership, and upon hearing such he shall decide and deliver the animal or animals to the party apparently best entitled to possession of the same. The fines collected upon the delivery of impounded animals to the owners shall become part of a fund out of which to pay the expenses of impounding such estrays, and an account of the collection and expenditure of such fines shall be annually made to the Secretary of War. If an animal or animals impounded be not returned to the owners thereof, as provided for herein, within five days, then the same shall be sold by the superintendent or assistant superintendent of the park, at public auction, and shall be delivered to the highest bidder upon paying over the amounts so bid to the superintendent or assistant superintendent. When such money has been paid, such purchaser shall become the owner of the animal or animals so purchased, which must then be removed from the park. All moneys paid over to the superintendent or assistant superintendent under such sales shall be turned into and become part of the impounding fund herein provided for.

SEC. 5. That any person to whom land lying within the Chickamauga and Chattanooga National Park may have been leased, who refuses to give up possession of the same to the United States after the termination of said lease, and after possession has been demanded for the United States by any park commissioner or the park superintendent, or any person retaining possession of land lying within the boundary of said park which he or she may have sold to the United States for park purposes and have received payment therefor, after possession of the same has been demanded for the United States by any park commissioner or the park superintendent, shall be guilty of trespass, and is liable to a penalty of not less than $100 or more than $1,000. And it shall be lawful for the park employees, by force, to eject such person from the land so held and from the park.

The Committee on Military Affairs recommended the following amendments:

In the title strike out the words "the Chickamauga and Chattanooga," and after the word "Park" add the letter "s."

In line 7, page 1, strike out the words "the Chickamauga and Chattanooga" and insert the word "any," and after the word "Park" add the letter "s."

In line 2, page 2, section 2, strike out the words "the Chickamauga and Chattanooga" and insert the word "any," and after the word "Park" add the letter "s."

Strike out all of section 4, and in section 5, page 4, line 2, strike out the words "the Chickamauga and Chattanooga" and insert the word "any," and after the word "Park" add the letter "s."

Mr. COX. I desire to ask the gentleman from Iowa one question before he proceeds. The bill seems to confer on the guardian of the park the power to arrest, and it does not confine him to the inside of the park. Now, I call your attention to this. If it is confined to the inside of the park, that is all right; but does not the gentleman think the bill confers power outside of the park?

Mr. HULL. The bill was prepared by the commissioners of the park, and we have amended it as we think it should be amended to deprive anyone of power outside of the park. We have made several amendments.

Mr. COX. I do not think the bill says that.

Mr. HULL. The keeper of the park has no jurisdiction outside of the park, and I can not see how he can go outside of the park to perform any duty whatever. I do not believe he has any power to act outside of the park.

Mr. COX. It would do no harm to put in an amendment which would make that certain.

Mr. HULL. If you desire to offer an amendment making that positive and imperative, I shall not object to it. My opinion of it is that the power ceases at the boundary of the park.

Mr. HENDERSON. That is right. These powers are conferred upon him within his jurisdiction.

Mr. COX. Of course that is the regular rule. He has no jurisdiction outside of that, and we do not want to confer jurisdiction beyond the park.

Mr. HENDERSON. The bill treats and discusses him as the superintendent of the park, and only gives him powers as such.

Mr. COX. I think the amendment I suggest should be put in the bill.

Mr. HULL. I think the bill is all right. We went over it with the commissioners, and eliminated a great many provisions that we thought should be eliminated, which conferred extra jurisdiction. The bill confines him entirely to the park, and the passage of the bill is necessary in order to preserve the parks.

Mr. MADDOX. I desire to ask the gentleman from Iowa a question. The park is in my district, and I want to know if this fourth section is stricken out of the bill?

Mr. HULL. I ask the Clerk to report that part of the amendments reported.

The committee amendments were again reported.

Mr. HULL. The fourth section is stricken out. It is all right. I call for a vote on the amendments.

Mr. MADDOX. Mr. Speaker, I understand that section 4 of the original bill was stricken out.

Mr. HULL. Section 4 of the original bill is stricken out.

Mr. HENDERSON. And what was No. 5 is now marked No 4.

Mr. MADDOX. All right.

The SPEAKER. The question is on agreeing to the amendments.

Mr. TERRY. I would like to suggest to the gentleman in charge of the bill that the minimum punishment for hunting is too high. You have got it not less than $50. Some fellow might stray in there with an old flint-lock musket and be caught hunting.

Mr. HULL. The line is well established, so that no man can stray in there.

Mr. TERRY. Have you a wire fence around it?

Mr. HULL. When the monuments are there, the line is very well established.

Mr. TERRY. Mr. Speaker, I desire to suggest an amendment. The minimum punishment is too large, especially if a fellow should happen to go in there hunting. This is 10 miles square. It has no inclosure, and some innocent country fellow might get in there with a flint-lock gun and shoot a squirrel, and you punish him by inflicting a fine on him of $50. Leave it to the courts.

Mr. HULL. Had we not better adopt the committee amendments, and then you can offer an amendment?

Mr. TERRY. I do not know. I came over and talked to you, but could not get any consideration, and I thought I had better talk to the House.

Mr. HULL. That is not an amendment to the committee amendment, but an amendment to the bill.

Mr. TERRY. I wanted to get you to agree to strike out that $50 and say not to exceed $1,000.

Mr. HULL. I do not think I could agree to it. Of course, if the House should choose to make that amendment I will accept it.

Mr. TERRY. I move to amend, then, Mr. Speaker.

The SPEAKER. The question is on agreeing to the amendments proposed by the committee.

The amendments recommended by the committee were agreed to.

Mr. TERRY. Now, Mr. Speaker, that the amendments of the committee are disposed of, I move to strike out "fifty" as the minimum amount of the fine and amend the bill so as to read that it shall not exceed a thousand dollars, wherever it occurs.

Mr. HULL. There is a wide range between $50 and $1,000, and if no minimum is fixed the court will go over $50 all the time.

Mr. TERRY. I think the court will be able to fix a minimum.

Mr. DOCKERY. In the penal statutes that have been enacted in recent years the minimum has been stricken out and the maximum given, so as to leave the court discretion in the matter.

Mr. HULL. I have no objection; but I have no authority from the committee to accept it.

Mr. TERRY. Mr. Speaker, the chairman of the committee says he has no objection.

Mr. HULL. I understand, Mr. Speaker, that the amendment is to strike out the minimum, and simply leave the maximum of not to exceed $1,000.

Mr. TERRY. That is it. I think that is the way that these statutes should be. That is the tendency of the age. Put it that way all the way through.

Mr. MADDOX. That is the statute of Georgia.

The SPEAKER. The gentleman will submit his amendment.

Mr. TERRY. My specific amendment is to strike out "fifty;" so as to read "not exceeding a thousand" in the section where "fifty" occurs for hunting.

The Clerk read as follows:

On page 2, line 7, strike out "not less than fifty;" so as to read "punishment by a fine not more than $1,000."

Mr. MADDOX. That is right.

The amendment was agreed to.

Mr. MADDOX. I also move to amend section 4, line 13, in old section 5.

Mr. HULL. You must remember that section 4 of the original bill is out entirely.

Mr. MADDOX. This is section 4 of this bill, and I move to strike out the words "hundred dollars."

The Clerk read as follows:

Page 4, line 12, strike out the words "less than $100 or," so as to read, "liable to a penalty of not more than $1,000."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The amendment to the title was agreed to.

On motion of Mr. HULL, a motion to reconsider the vote by which the bill was passed was laid on the table.

SECTION 4829, REVISED STATUTES.

Mr. HULL. Mr. Speaker, I call up the bill (S. 666) to amend section 4829 of the United States Revised Statutes, concerning surgeons, assistant surgeons, and other medical officers of the National Home for Disabled Volunteer Soldiers.

The bill was read, as follows:

Be it enacted, etc., That section 4829 of the Revised Statutes of the United States be amended by the addition of the following words: "*Provided*, That surgeons, assistant surgeons, and other medical officers of the National Home for Disabled Volunteer Soldiers, and the several branches thereof, may be appointed from others than those who have been disabled in the military service of the United States."

Mr. McMILLIN. Does this change the compensation at all?

Mr. HULL. No, sir.

Mr. McMILLIN. It simply opens the field to those who have not heretofore been eligible?

Mr. HULL. That is all. It simply enlarges the field from which selections can be made.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONGRESSIONAL MEDAL OF HONOR.

Mr. HULL. Mr. Speaker, I yield to the gentleman from New York [Mr. McCLELLAN].

Mr. McCLELLAN. Mr. Speaker, by direction of the Committee on Military Affairs, I call up the bill (H. R. 9822) for the recognition of officers of the Army to whom the Congressional medal of honor has been awarded.

The bill was read, as follows:

Be it enacted, etc., That officers of the Army to whom medals of honor have been awarded in the name of Congress, under the joint resolution approved July 12, 1862, or the act approved March 3, 1863, shall be designated upon each published register of the Army of the United States by the letters M. H., which shall be borne immediately after the names of said officers where arranged in said register according to departments, corps, regiments, and the retired list.

Mr. HENDERSON. What do the letters "M. H." stand for?

Mr. McCLELLAN. Medal of honor.

Mr. HENDERSON. I thought they might stand for "Mark Hanna." [Laughter.]

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. McCLELLAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. HULL. Mr. Speaker, I yield now to the gentleman from New Jersey.

Mr. PARKER. Mr. Speaker, by direction of the Committee on Military Affairs, I call up the bill (H. R. 8890) as to medals of honor.

The bill was read, as follows:

Be it enacted, etc., That the President may present medals of honor not only to such officers, noncommissioned officers, and privates as have most distinguished themselves in action, but to any persons who have been attached to the Army and performing service therewith and who have distinguished themselves by conspicuous bravery and military service in action.

Mr. McMILLIN. Mr. Speaker, I will ask the gentleman whether any estimate is presented in the report as to the number of individuals to whom this legislation will apply?

Mr. PARKER. Mr. Speaker, a surgeon in the Army, a Dr. Nagle, had a special bill brought in providing for the presentation to him of a medal of honor upon the ground, which he undertook to establish by evidence, that on a certain occasion he had taken command of a battalion, or of several companies of troops, and had fought them with efficiency and bravery, but that the Secretary of War had held that he had no right to give the recognition of a medal of honor to any person who was not regularly enlisted in the service, this doctor having been only a contract surgeon. Under the circumstances, the committee did not think it proper that they, or this House, should assume the power of the Secretary of War to determine in any particular case whether a man should have a medal of honor or not, while they did think that if a man had been attached to the Army and serving with it, whether under contract or otherwise, and had been distinguished by conspicuous bravery in action, he ought not to be deprived of the right to receive a medal of honor merely by the fact that he had not been definitely enlisted in the Army when the service was rendered.

Mr. McMILLIN. But by this proposed legislation you put upon the Secretary of War the probability of having to consider a very large number of claims to this distinction. Now, does not the gentleman think that if the facts in this case are as he has stated them, it would be better for the committee to recommend the granting of a medal to this particular officer than to entail upon the War Department the amount of labor that will be entailed by passing this general bill?

Mr. PARKER. No, sir. It seemed to the committee that the distinction of a medal of honor, which is granted now by the Department with great care and upon the record, should not be lowered by permitting individuals to procure special separate acts of Congress granting the honor.

Mr. McMILLIN. But by this bill you allow the medal to be given under a general statute to men who never determined to enlist in the service.

Mr. PARKER. We do that only where they were actually attached to the Army and performed service there.

Mr. McMILLIN. What kind of attachment and what length of service do you require?

Mr. PARKER. It seemed to us that if a man had been in any kind of service in the Army and, while he was not bound to fight, had distinguished himself in battle by conspicuous bravery, by services that would be distinguished if performed by a man who had regularly enlisted, he would be better entitled to the medal of honor than a man who had simply done his duty.

Mr. McMILLIN. But heretofore, as I understand it, the medal of honor has been granted only to those who have manifested a willingness to take "pot luck" with the Government, to enter the service and stand or fall with it.

Mr. PARKER. The medal of honor has been granted heretofore only to officers regularly in the service who were bound to do their best, and if in any case a man who was not regularly enlisted performed the same kind of distinguished service, it seemed to the committee that recognition ought to be granted to him, not by single act of Congress, but by the Department, because we do not believe in Congressional recognitions in such matters, which usually amount to very little.

Mr. McCLELLAN. If the gentleman will permit me, the rule of the War Department heretofore has been to give the medal of honor only to those officers and enlisted men who most distinguished themselves in action by acts of individual bravery outside the line of their ordinary duty.

Mr. HULL. And I would suggest this further idea, that the War Department will be a great deal more conservative in granting medals of honor than the Congress of the United States would

be if we once set the precedent of granting such medals to individuals by special bills. I think, therefore, that in the interest of the men who are to come after us on this floor, it is well for us to establish a tribunal, and say to the people who claim to be entitled to such distinctions: "You can go to the Department, and if you can show that you performed sufficiently distinguished services, you can get this medal there." We all know that it is an easy matter for members and for the friends of an applicant to make a fair showing before Congress, and I am sure that a great many more men will receive such distinctions if we establish the rule of granting them here to individuals than if we leave the whole matter to the War Department.

Mr. McCLELLAN. Certainly.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. McCLELLAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. HULL. That is all the business, Mr. Speaker, that our committee desires to call up now.

PASSED ASSISTANT SURGEONS, UNITED STATES NAVY.

Mr. HULICK (when the Committee on Naval Affairs was called). I am directed by the Committee on Naval Affairs to call up the bill which I send to the desk.

The bill (S. 1296) to commission passed assistant surgeons in the United States Navy and to provide for their examination preliminary to their promotion to the grade of surgeon was read, as follows:

Be it enacted, etc., That passed assistant surgeons now borne upon the Navy Register shall be commissioned as such by the President, such commissions to bear the dates upon which said passed assistant surgeons, respectively, received their appointments as such; and hereafter assistant surgeons shall be regularly promoted and commissioned as passed assistant surgeons, and passed assistant surgeons as surgeons, subject to such examinations as may be prescribed by the Secretary of the Navy: *Provided, however*, That no examination of passed assistant surgeons shall be ordered until the expiration of six months from the passage of this act, during which time promotions shall be made as now provided by law.

Mr. DOCKERY and Mr. McMILLIN. Is this bill on the House Calendar?

Mr. HULICK. It is.

Mr. McMILLIN. It strikes me that the bill belongs properly to the Calendar of the Committee of the Whole on the state of the Union, though I can not decide positively whether such is the fact until I hear the report. If the bill carries any additional emoluments, which a casual reading would seem to imply, then it certainly must be considered in Committee of the Whole under the rules.

Mr. HULICK. This bill does not carry any increase of pay or emolument. It merely recognizes the rank of passed assistant surgeon and authorizes and directs the President to grant commissions in that rank. At present such commissions are not issued. It is proposed by the bill that commissions be issued, based upon an examination. At present a person serving as assistant surgeon may be promoted to the rank of passed assistant surgeon without an examination. The Secretary of the Navy thinks it important for the good of the service that an examination, physical and professional, should be required—that no one shall be promoted to and commissioned as a passed assistant surgeon or surgeon until the prescribed examination has been successfully passed. The object of this bill is to authorize and direct such an examination before the granting of a commission.

Mr. McMILLIN. The bill will not entitle these officers to any additional pay?

Mr. HULICK. The bill does not affect their pay or their rank in any way. The Secretary of the Navy believes it proper for the good of the service that this examination be required.

Mr. McMILLIN. What compensation do these officers now receive?

Mr. HULICK. I am not advised as to that; but the compensation will not be in any wise affected by the passage of this bill.

Mr. McMILLIN. Is the gentleman sure that there is no increase of compensation after the passage of the examination?

Mr. HULICK. No increase whatever except what would accrue under the present law without an examination. The object of the bill is simply to require an examination as a preliminary step to advancement from the grade of assistant surgeon to that of passed assistant surgeon, or from passed assistant surgeon to surgeon. A man may serve fifteen years or more before passing from one grade to another, and may in the meantime become physically or mentally unable to satisfactorily perform the duties of the next higher grade, and hence the necessity of an examination.

Mr. McMILLIN. Is the bill recommended by the Secretary of the Navy?

Mr. HULICK. It is; also by the Surgeon-General.

Mr. McMILLIN. Will the gentleman have the report read or incorporated in the RECORD?

Mr. HULICK. I call for the reading of the report for the information of the House.

The report (by Mr. HALL) was read, as follows:

The Committee on Naval Affairs, to whom was referred Senate bill No. 1296, report it back with the recommendation that it be passed; and the committee hereby adopts the Senate report on said bill, which is as follows:

The Committee on Naval Affairs, to whom was referred the above Senate bill, report it back with the recommendation that it be passed.

The bill has the approval of the honorable Secretary of the Navy, who states in an official communication to this committee that its adoption will tend to promote the efficiency of the Medical Corps of the Navy. The bill has also the support of the Surgeon-General of the Navy, who states that the defective system acting so injuriously to the interests of the Naval Medical Corps should be remedied as soon as possible.

The bill provides for examinations for promotion, which are deemed by the Secretary of War essential to the efficiency of the Naval Medical Corps. Applicants for the position of assistant surgeon are obliged now to pass a rigid examination, and in about three years after entering service they are subjected to a second, previous to admittance to the rank of passed assistants. They are not subjected to another examination for a period which averages thirty-one years, including promotion, and no effort is made to ascertain their physical, mental, or professional qualifications for advancement until they come up for promotion to the grade of medical inspector.

There seems to be no good reason why medical officers should not be regularly commissioned on reaching the grade of passed assistant surgeons, and be required to show their fitness for advancement to the grade of surgeon. The bill herewith presented provides for the establishment of the grade of passed assistant surgeon and for the examination of officers in such grade before their promotion to that of surgeon.

The Surgeon-General of the Navy, in his annual reports for the past three years, has set forth arguments and facts relating to the necessity for the examination of passed assistant surgeons preliminary to their promotion to the grade of surgeon. He states that under existing laws passed assistant surgeons are not commissioned and are not required to pass the usual physical and professional examinations prior to their promotion to the grade of surgeon. This, he says, is most harmful to the Medical Corps and to the service at large.

Passed assistant surgeons, under the present law, remain in that grade for a period not less than fifteen years, and then without either professional or physical examination are promoted to surgeon, in which rank they remain fully as long before they are examined for the next grade of medical inspector.

The Surgeon-General therefore recommends that all assistant surgeons, when examined and found qualified for promotion to the grade of passed assistant surgeon, be commissioned in that grade, and be required to pass a further examination prior to promotion to the grade of surgeon.

The bill herewith returned provides for such examination and commission, and as it is clearly in the interest of the medical service of the Navy, your committee recommend that it be passed.

Mr. HULICK. There is evidently a mistake in that part of the report which states that the bill provides for the establishment of a new grade. That is an error.

Mr. McMILLIN. I observed that there seems to be contemplated the establishment of a grade to which the officer is to pass by reason of this examination. Now, if the gentleman can show that there is no increase of pay contemplated upon the establishment of that grade or passing to that grade, then the bill is in order for consideration during this hour; otherwise it is not. If the gentleman is not prepared to show that, he does not show that the bill comes within the rule.

Mr. HULICK. I did not prepare this report. It was prepared, under the direction of the committee, by the gentleman from Missouri [Mr. HALL].

Mr. McMILLIN. Will the gentleman object to having the bill go over until some future day which may be suggested (reserving whatever rights may now exist), in order that we may ascertain whether there is to be any increase of emoluments upon the establishment of this grade?

Mr. HULICK. I can state to the gentleman that there is to be no such increase of emoluments, and it is not the intention to establish a new grade, as can easily be seen by reading the bill.

Mr. McMILLIN. I understood the gentleman to say that he did not know what the pay of officers of this grade is.

Mr. HULICK. I did not present this report. I called the attention of the gentleman from Missouri [Mr. HALL], who prepared the report, to the fact that there was the mistake to which I have referred. The bill itself provides merely that the assistant surgeons shall pass to a grade already established, and passed assistant surgeons to that of surgeon, upon examination.

Mr. McMILLIN. Would the gentleman object to allowing the bill to go over until to-morrow?

Mr. HULICK. Oh, no, not at all, if there is any serious objection to immediate action.

Mr. McMILLIN. I suggest that the bill ought to be fully understood before final action is taken upon it. We ought to know exactly what its effect is to be if passed.

Mr. HULICK. The only effect will be to require the examination of passed assistant surgeons before they advance to the rank of surgeon. As stated in the report, a passed assistant surgeon is required to remain in that grade at least fifteen years before being entitled to promotion to the rank of surgeon. At present no examination is required as a prerequisite to such promotion. In some cases an officer may serve in the subordinate rank as long as thirty years before coming up for promotion. During that time he may become physically or mentally disqualified for passing to the higher grade. The object of the bill is merely to require an examination without affecting in any way the grade or the pay. The bill requires this examination, and upon this examination it requires the President to commission this class of assistant and passed assistant surgeons as they are promoted.

Mr. McMILLIN. I will ask consent to let this go over——

Mr. HULICK. But if the gentleman insists, I will not object to letting it go over until to-morrow.

Mr. McMILLIN. Let it go over until the day after to-morrow, so that I can have an opportunity of conferring with the Secretary of the Navy with reference to it. I suggest to the gentleman that he withdraw the bill temporarily.

Mr. HULICK. I will withdraw the bill until Wednesday.

The SPEAKER. The Chair will suggest to the gentleman from Ohio that if he withdraws the bill he can present it again when the committees are called.

Mr. HULICK. I do not care to consent, Mr. Speaker, if this is to be longer delayed. It is a matter that should have been acted upon some time ago.

Mr. McMILLIN. I have only a desire to get the information from the Navy Department, and no purpose of delaying the bill. I want to ascertain exactly the additional expense to the Government.

Mr. HULICK. It does not in any wise affect the pay, so far as that is concerned. I prefer not to pass it over unless, of course, the gentleman insists, in which case I will accommodate him.

Mr. McMILLIN. I think there will be no difficulty in reaching the bill hereafter, as the Speaker suggests there will be another call of the committee undoubtedly.

Mr. HULICK. I will not object, as the gentleman seems to insist upon the point.

The SPEAKER. The gentleman withdraws the bill; and the Clerk will resume the call of committees.

ORDER OF BUSINESS.

Mr. LACEY (when the Committee on the Public Lands was called). Mr. Speaker, the Committee on the Public Lands have no bill on the House Calendar, but there is, we find, a somewhat urgent bill presented from Louisiana by the gentleman from that State [Mr. ROBERTSON], which is on the Union Calendar and ought to be acted upon. If admissible, I would ask consent to take that up.

The SPEAKER. The Chair thinks it would only make confusion if unanimous consents are presented on the call of the committees, when there is no reason for the action any more than at any other time. The Chair thinks it is better not to interrupt the call in that manner.

Mr. LACEY. Very well, Mr. Speaker.

The Clerk resumed the call of committees.

The Committee on Claims was called.

Mr. BARNEY. Mr. Speaker, I call up for present consideration the bill (S. 1929) for the relief of William H. Crook.

The SPEAKER. The Chair is informed that this bill is on the Private Calendar. This call only considers bills in order on the House Calendar.

Mr. BARNEY. I supposed when the committee was called, it would be in order to take up a bill on either of these Calendars.

The SPEAKER. It would not.

Mr. McMILLIN. I take it, from the caption of the bill, that it is a bill requiring an appropriation or involving an expenditure. In that event it is not in order.

Mr. BARNEY. I will withdraw the bill.

JOHN N. QUACKENBUSH.

Mr. EVANS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3313) for the relief of John N. Quackenbush, late commander, United States Navy.

The bill was read, as follows:

Be it enacted, etc., That the provisions of law regulating appointments in the Navy by promotion in the line, and limiting the number of commanders to be appointed in the United States naval service, are hereby suspended for the purpose of this act only, and only so far as they affect John N. Quackenbush; and the President of the United States is hereby authorized, in the exercise of his discretion and judgment, to nominate and, by and with the advice and consent of the Senate, to appoint said John N. Quackenbush, late a commander in the Navy of the United States, to the same grade and rank of commander in the United States Navy as of the date of August 1, 1883, and to place him on the retired list of the Navy, as of the date of June 1, 1895: *Provided*, That he shall receive no pay or emoluments except from the date of such reappointment.

Mr. DOCKERY. Mr. Speaker, I ask for a second on that motion.

Mr. HENDERSON. I ask that a second be considered as ordered.

There was no objection.

Mr. EVANS. Mr. Speaker, I will yield as much time as he may desire to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, this bill permits a very tardy act of justice to be done to this officer. Some four or five times it has received the favorable action of the House. I think on three occasions, certainly twice, it has passed and gone to the President in the last days, or last hours, of the Congress, and has been lost in the general shuffle incident to those hours.

This officer, Commander Quackenbush, was court-martialed more than twenty years ago, and one of the very last acts of President Grant was to commute the punishment, which was, by order of the court, dismissal from the service, to ten years' suspension from rank and pay. That time expired in 1882, I think; but by a mistake, clearly shown to be a mistake, in the Navy Department the place of the officer had been filled in the service, so that when the term of punishment had expired it was not possible for the Navy Department to restore him.

Now, he has been trying since 1884 to have this double punishment which is now being inflicted upon him terminated. This bill proposes to do that. It is a just and proper measure which ought to receive the support of every member of this House, and I hope it will. I know that at least four times the House has acted favorably upon this measure.

Mr. DOCKERY. I am opposed to the passage of this bill; but I shall not enter into the details, which have been heretofore given in full to members of this House.

This bill passed at the last session, after a very full and exhaustive examination of the reasons for and against it. I do not propose to revive that contention by any presentation of facts or arguments, at this time, but will simply content myself with voting against the bill, as I do not think it ought to pass.

Mr. EVANS. I do not myself think that there is any necessity for any further discussion of the bill, because the House has fully considered it, and, by an almost unanimous yea-and-nay vote, passed upon its merits at the last session.

Mr. CONNOLLY. Will the gentleman allow me to ask him a question?

Mr. EVANS. Yes.

Mr. CONNOLLY. How many times was this officer court-martialed?

Mr. EVANS. He was court-martialed once, to my knowledge. That is the thing that we are concerned with now.

Mr. CONNOLLY. Do you not know that he was court-martialed more than once, or was just once?

Mr. EVANS. He may have been court-martialed one other time; I am not sure.

Mr. CONNOLLY. What was the offense?

Mr. EVANS. The offense of which he was convicted in 1874 was being drunk.

Mr. CONNOLLY. How many times was he convicted of that?

Mr. EVANS. I do not know. Certainly once, and only once so far as I know or believe.

Mr. CONNOLLY. What was the other court-martial for?

Mr. EVANS. I can not tell that, if indeed he was ever court-martialed before. He was only placed upon waiting orders the other time.

Mr. CONNOLLY. It seems to me this is pressing this matter to a very hasty vote, to ask that this man be restored to the rolls when his comrades in the Navy convicted him of unfitness to serve, and he was tried more than once by them and convicted more than once. It seems to me it is rather a suppression of the facts here to ask a vote so hastily. I have not had an opportunity to read the report this winter, but I remember reading it last winter, and it is a very outrageous chapter to bring before Representatives here and ask them to restore that man to the service that he disgraced repeatedly from the beginning of his career, even, as I remember, while he was a student at Annapolis.

Mr. EVANS. I was about to say all these matters have been passed upon in the fullest manner by Judiciary Committee after Judiciary Committee and by this House after an elaborate discussion. I do not desire to enter into any further discussion of it now, but only to remind the House of these facts. The bill would have doubtless become a law at the last session but for the fact that it did not reach the President in time for him to consider it. Whether that is so or not, this House has expressed itself upon it, and I am sure, from a pretty accurate knowledge of the indisputable facts in the case, that the House acted correctly and justly. For that reason, if nobody else desires to speak, I call for a vote.

Mr. HENDERSON. If the gentleman will yield to me for a moment, I want to say just a word about this bill. It is legislation that I would have been averse to but for the fact that General Grant gave it careful examination. This officer's only fault, getting a little too enthusiastic among his brother officers, is a fault of course unknown to all of us, and yet from reading and from observation of others we can make some allowance for it. General Grant looked the matter up and concluded that he had inflicted punishment enough. This man is to-day far advanced in years, with two lovely daughters, without means, and I think one-tenth of the good women of this District are knocking at our doors and our hearts to have this action taken. But for a mere mistake it would have been done without asking. The matter was considered by our committee, and after being considered twice no dissenting voice was heard in the committee.

Mr. HULICK. What was that "mere mistake"?

Mr. HENDERSON. Taking a little too much Budweiser. That was his mistake. I sincerely hope our hearts will be open to the appeal on behalf of this gentleman.

Mr. HULICK. I will ask if he has been "enthusiastic" at any time since then?

Mr. HENDERSON. Not to my knowledge.

And then (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

ANNIE E. NOLAN.

Mr. THOMAS. Mr. Speaker, I have a privileged report on the bill S. 2129. I want it referred to a committee of conference, and I ask the Clerk to read the report of the committee.

The Clerk read as follows:

The Committee on Invalid Pensions, to whom was referred the request of the Senate for a conference on the disagreeing votes of the two Houses on the bill (S. 2129) granting an increase of pension to Annie E. Nolan, report the same back to the House with the recommendation that the House insist on its amendment and agree to the conference asked by the Senate.

The SPEAKER. The Clerk will report the bill and the action of the Senate and House.

The bill was read.

The Senate disagreed to the amendment of the House, and asked for a conference on the disagreeing votes of the two Houses.

The SPEAKER. The gentleman moves that the House insist on its amendment and agree to the conference requested.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. WOOD, Mr. KIRKPATRICK, and Mr. BAKER of Kansas.

STEAM-VESSEL INSPECTORS.

Mr. PAYNE. Mr. Speaker, I ask that the Committee on Merchant Marine and Fisheries be discharged from the further consideration of the bill which I send to the desk, and I move to suspend the rules and pass the bill.

The Clerk read as follows:

A bill (H. R. 1067) to amend "An act to amend 'An act to amend section 4400 of Title LII of the Revised Statutes of the United States, concerning the regulations of steam vessels,' approved August 7, 1882;" and also to amend section 4414, Title LII, of the Revised Statutes, "Regulation of steam vessels."

The bill was read, as follows:

Be it enacted, etc., That "An act to amend 'An act to amend section 4400 of Title LII of the Revised Statutes of the United States, concerning the regulation of steam vessels,' approved August 7, 1882;" and also to amend section 4414, Title LII, of the Revised Statutes, "Regulation of steam vessels," approved March 1, 1895, the last paragraph of section 2, page 899, Supplement to Revised Statutes, volume 2, be amended so that it will read as follows:

"Every inspector provided for in this or the preceding sections of this title shall be paid his actual and reasonable traveling expenses or mileage, at the rate of 5 cents a mile, incurred in the performance of his duties, together with his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as shall be given by the Secretary of the Treasury."

Mr. DOCKERY. I demand a second.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from New York asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

Mr. PAYNE. Mr. Speaker, this bill is introduced at the suggestion of the Secretary of the Treasury, contained in a letter which was printed as House Document No. 53; and the purpose of the bill is to save the Treasury a sum of $22,000 a year. Of course that is a novel proposition, but yet I hope it is not so startling but that the House will pass the bill. The law of 1871 provided that these inspectors should receive their traveling expenses at the rate of 10 cents per mile. The law of 1874, a general law incorporated in an appropriation bill, provided that no such expenses should be allowed beyond the actual traveling expenses of each officer of the Government; and we lived along under that law from 1874 down to 1895, when Congress passed the act mentioned in the title, increasing the salaries generally of all steamboat inspectors, and at the same time allowing them traveling expenses at the rate of 8 cents per mile. Under that law, for the last two years, but particularly in 1895, the Treasury Department paid the sum of $57,000 for traveling expenses at 8 cents per mile. The actual traveling expenses were only $35,000. So that the Treasury paid more than $22,000 to these inspectors in excess of their actual expenses; on an average $190 apiece to each inspector; or, in other words, this provision—it may be called a "joker"—in the law gave inspectors $190 increase in salary beyond that provided in the schedule of salaries in the bill. Now the Secretary suggests that instead of 8 cents a mile they be allowed 5 cents a mile, which, he says, will cover their actual traveling expenses, and will save $22,000 a year to the Treasury; and in the condition of the Treasury I thought that perhaps this little leak ought to be stopped, and that the House might be prevailed upon to pass the bill. I ask for a vote. The letter is by Secretary Carlisle.

Mr. GROSVENOR. I desire to make a few remarks——

Mr. DOCKERY. In opposition?

Mr. GROSVENOR. In regard to this bill. What does the gentleman from Missouri say?

Mr. DOCKERY. I believe I am recognized in charge of the opposition. I desire to yield the gentleman some time.

Mr. GROSVENOR. In opposition? I am in favor of the bill.

Mr. DOCKERY. Well, how much time do you want?

Mr. GROSVENOR. About two minutes.

Mr. PAYNE. I will yield the gentleman time.

Mr. GROSVENOR. I am delighted, Mr. Speaker, that there are so many evidences of the intense desire on the part of the outgoing Administration for economy in the curtailment of fees and salaries of the officers of the Government. I regret only that the heads of Departments were not able to discover some of these difficulties some years ago. This very distinguished Secretary of the Treasury did not find out that somebody was getting too much traveling expenses until it appeared to him within a short time.

Mr. PAYNE. I will yield to the gentleman some time if he will permit me for a moment. I think I ought to state that this letter was dated 22d of May, 1896, being a communication to the Speaker of the House, and referred to the first year under the law of 1895. The letter had been overlooked, so that the Secretary of the Treasury is not to blame for this bill. The letter was referred to the Committee on Merchant Marine and Fisheries. I overlooked the letter myself, and I only introduced the bill to the House when my attention was again called to the matter a short while ago.

Mr. GROSVENOR. Very well; I am glad to hear it. This was not the subject that I wanted to speak upon, however.

Mr. DOCKERY. Evidently not.

Mr. PAYNE. I felt it incumbent upon me to make this statement.

Mr. GROSVENOR. I want to congratulate the country that the distinguished Secretary of State, in charge of a Department of the Government that was turned over, absolutely assaulted, rifled, and looted by the spoilsman of Massachusetts, the president of the Massachusetts Civil-Service Association, who came here, and in a period of sixty days turned out of office 80 per cent of the whole incumbents and filled the offices with unfamed, unexamined, and, in nine cases out of ten, incompetent men.

Then the State Department did not discover that the fees of those gentlemen, thus turned loose upon inoffensive foreign countries [laughter], were too large until within the last few months the distinguished Secretary of State has found out that the fees and emoluments of the consuls and consular agents of the Government abroad are entirely too high, and has issued an order, which will go into effect shortly after the 4th of March, if it has not already, absolutely depriving those officers of even respectable compensation. I am delighted that a streak of economy has appeared in that direction, but it would have been much more consonant with a just appreciation of the necessities of the Government if it had shown itself about three and a half years ago.

Mr. MCMILLIN. I presume my friend from Ohio is more rejoiced at this streak of economy because he has little hope of any such streaks at any day in the future. [Laughter.]

Mr. GROSVENOR. Well, Mr. Speaker, I hope that if we do have any such streak it will be an intelligent streak. [Laughter.]

Mr. MCMILLIN. It is likely to be a well-oiled streak.

Mr. PAYNE. Mr. Speaker, if debate is exhausted, I ask for a vote.

Mr. DOCKERY. The gentleman from California [Mr. LOUD] desires to be heard.

Mr. LOUD. Mr. Speaker, I wish to ask the gentleman in charge of the bill whether it would not be better in his opinion to fix this rate of 5 cents per mile as a maximum? Why should we pay 5 cents a mile for transportation when it costs only 2½ or 3 cents a mile?

Mr. PAYNE. In that I have followed the suggestion of the Secretary of the Treasury, who says that this will about cover the actual expenses. Five cents a mile will amount to within a few hundred dollars of the amount that was actually expended in 1895.

Mr. LOUD. The traveling of these officials is generally confined to short distances, is it not?

Mr. PAYNE. It is; but sometimes their stay at a place is prolonged, and this will help to pay their hotel expenses.

Mr. MCMILLIN. As the officer has to swear to his expenses, anyway, what is the objection to providing that he shall be allowed not exceeding 5 cents a mile, so that if the actual expense in any case is less than that, the Government will get the benefit of the saving?

Mr. LOUD. This provision for 5 cents a mile relates only to traveling expenses, and does not include hotel bills. It is my opinion that the act which the gentleman from New York referred to would have allowed the Department to cut down these expenses, because I think it simply fixed a maximum rate.

Mr. DOCKERY. Mr. Speaker, I do not think the suggestion of the gentleman from California would meet the situation. Whenever you fix a maximum rate, in some way or other the expense always reaches that point.

Mr. LOUD. Well, they are bound to reach it any way under the bill as it stands; so, even if the gentleman from Tennessee is right, we should be no worse off.

Mr. PAYNE. Mr. Speaker, I have no objection to striking out the 5 cents a mile, so as to provide that the actual traveling expenses shall be paid in all cases.

Mr. LOUD. Oh, I think there should be a limit.

Mr. PAYNE. Striking out the 5 cents a mile and allowing

actual expenses would put them on a par with other Government officials in this respect.

Mr. DOCKERY. That is a substantial, tangible amendment, and I hope the bill will be amended in that way.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent to strike out the words "at the rate of 5 cents per mile," so that the allowance will be for actual traveling expenses.

Mr. LOUD. I hope the gentleman will consider that for a moment.

Mr. PAYNE. I make that request, and if the gentleman from California sees fit to object, he can do so.

Mr. LOUD. I think if the gentleman will consider the question for a moment he will see that that would be opening a very dangerous door. I think there should be a maximum rate. Every other Department of the Government has a limitation fixed.

Mr. PAYNE. I think the gentleman is mistaken. The law of 1894 fixes no limitation but actual expenses.

Mr. MCMILLIN. Does not the gentleman from New York think that the amendment I suggested to him a moment ago would cover the case? The reports show that this is above the amount required to meet these expenses. Now, if he will put that as the maximum rate and let these officials go up to that, but not beyond it, he will close the door which the gentleman from California thinks so dangerous.

Mr. PAYNE. The Secretary of the Treasury, in his letter, said that in some rare instances actual expenses exceed 5 cents a mile. That happens in cases where the distance traveled is short and where the official is compelled to stay at a hotel for a number of days.

Mr. LOUD. I do not think it was ever contemplated that the Government should pay the hotel bills of these officials.

Mr. PAYNE. The Government pays the hotel bills of all its officials who travel on official duty. It does that under the law of 1874.

Mr. WILLIAM A. STONE. Mr. Speaker, I call attention to the fact that at the last session we passed a bill known as the salary bill to regulate the compensations of marshals and district attorneys, and that bill provided for paying actual expenses. The tendency has been to abandon the old mileage system and pay the actual expenses of officials.

Mr. DOCKERY. That is correct. And I think that proposition is better for the further reason that whenever you fix the maximum an account is always rendered for the full amount.

Mr. MCMILLIN. Well, I think the gentleman from New York had better make it for actual expenses.

Mr. PAYNE. Mr. Speaker, I ask for a vote on the bill.

Mr. MCMILLIN. The gentleman understands, of course, that I do not object to his putting the bill in the way he desires. What I suggested was only by way of suggestion.

Mr. PAYNE. Mr. Speaker, I ask to modify the bill by striking out the words "at the rate of 5 cents per mile."

Mr. LOUD. I shall have to object to that, Mr. Speaker. I would rather have the bill as it stands.

Mr. PAYNE. I ask for a vote, then, on the original proposition.

The question being taken, the motion to suspend the rules and pass the bill was agreed to, two-thirds voting in favor thereof.

EXTENSION OF TIME TO SETTLERS.

Mr. ELLIS. I move to suspend the rules and pass the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 9493) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes," approved September 29, 1890, and the several acts amendatory thereof.

Be it enacted, etc., That section 3 of an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes," approved September 29, 1890, and the several acts amendatory thereof, be, and the same is, amended so as to extend the time within which persons entitled to purchase lands forfeited by said act shall be permitted to purchase the same in the quantities and upon the terms provided in said section at any time prior to January 1, 1899: *Provided*, That nothing herein contained shall be so construed as to interfere with any adverse claim that may have attached to the lands or any part thereof.

The SPEAKER. The question is on seconding the motion to suspend the rules.

Mr. PAYNE. In order that an explanation of the bill may be made, I ask unanimous consent that a second may be considered as ordered.

There being no objection, the motion to suspend the rules was seconded.

Mr. ELLIS. Mr. Speaker, the only change proposed to be made by this bill in the existing law is to insert "1899" instead of "1897." By the act of September 29, 1890, the unearned lands of the Northern Pacific Railroad grant from the town of Walulla, in the State of Washington, to Portland, Oreg., were forfeited; and, by the provisions of that act, persons who had settled upon those lands under license from or contract with the railroad company were permitted to buy the land thus settled upon in tracts not to exceed 320 acres each. The time within which this might be done has been heretofore extended to January 1, 1897; but by reason of the extreme hard times and the failure of crops, this land being principally located in eastern Oregon, where there has been a partial failure of crops during the past two or three years, some of those settlers have, by reason of the facts given, been unable to meet the requirements of the law. They are now living on the land, having established their homes there. Under the provisions of the act heretofore passed and the amendments to the same they were to pay the Government $1.25 per acre for the land. But for the reasons I have just stated they have been in some cases unable to do this.

On the 31st of December last, upon the recommendation of the Commissioner of the General Land Office, the Acting Secretary of the Interior suspended all entries on the land coming within the provisions of this act until Congress should have time to act. In other words, those officers considered it so important in the furtherance of equity and justice that the rights of these settlers be preserved that they made an order withholding the lands from entry until Congress might have time to legislate on the subject. The officers named have given the pending measure their hearty approval in a letter which is made a part of the report. They say it is a measure of substantial justice, and it has the unanimous support of the Committee on the Public Lands.

There are comparatively few cases which this bill will reach. Almost all the persons who were permitted under the provisions of law to make these purchases have done so, as they had no assurance that there would be any act passed for their relief. The order to which I have referred, suspending entries on this land, was made on the very last day on which the purchase could be consummated. As appears by communications which I have received from home, these settlers have in some instances paid as as high as 22 per cent interest and commission in order to raise money to make their payments to the Government. Those men who have not made their payments have failed to do so because they were absolutely unable by any honorable means to procure the money. This bill proposes merely that they be permitted to complete within the next two years the purchase of the lands on which they have established their homes for years past. If this legislation be passed, the Government will receive $1.25 per acre for the land. If the extension is denied, the land will be thrown back on the market as part of the public domain, to be taken up under existing laws. There are persons in the vicinity of these lands who are hoping that this bill may not pass in order that they may "jump" the claims of the unfortunate settlers who, by reason of the want of funds, have been unable to complete their purchases. The "jumper" would then come into possession of all the improvements on the land without paying anything for them, and the settler would lose his land and the Government would lose its $1.25 per acre, which will be paid by these settlers if the two years' extension as proposed be granted.

Mr. MCMILLIN. If I correctly understand, this bill does not propose to remit any part of the price the Government is to get for this land.

Mr. ELLIS. Not one cent.

Mr. MCMILLIN. The bill merely postpones for two years the payments which were required to be made not later than January, 1897.

Mr. ELLIS. That is the effect of it. It gives the present occupants the opportunity to complete the purchase of the land at $1.25 per acre rather than allow it to revert to the Government for occupancy under existing laws.

Mr. LACEY. The bill as reported proposed to include certain amendments which had been made to the original act. Are those amendments embraced in the bill as proposed to be passed under a suspension of the rules?

Mr. ELLIS. I was about to meet that point. I ask unanimous consent to correct the bill by inserting in line 11, after the word "section," the words "and the amendments thereto."

The SPEAKER. The proposed correction will be reported.

The Clerk read as follows:

After the word "section," in line 11, insert "and the amendments thereto."

The SPEAKER. In the absence of objection, the proposed correction will be made.

There was no objection.

Mr. MCMILLIN. I will not ask that time be occupied in reading the report; but I hope that the gentleman from Oregon [Mr. ELLIS] will embody in his remarks the recommendations of the Secretary of the Interior and the Commissioner of the General Land Office in favor of the passage of this bill.

Mr. ELLIS. I will do so, and submit the report of the Committee on the Public Lands, which contains the recommendations referred to by the gentleman from Tennessee [Mr. MCMILLIN]:

The Committee on the Public Lands, to whom was referred House bill 9493, having had the same under consideration, respectfully report:

That by virtue of the third section of the act heretofore mentioned those persons who had contracts with or licenses from the Northern Pacific Railroad Company, made prior to the forfeiture of its grant by the act of September 29, 1890, were permitted to purchase said lands held by virtue of said contracts and licenses, providing the persons so holding such lands had made settlement of or resided upon the lands so claimed, by paying therefor the

sum of $1.25 per acre for any land so settled or resided upon, the number of acres in no case to exceed 320.

By virtue of said act and the acts amendatory thereof, the time in which parties were entitled to purchase said lands expired on January 1, 1897.

On December 31, 1896, the Acting Secretary of the Interior, upon the recommendation of the Commissioner of the General Land Office, issued an order withholding all lands covered by the provisions of said act from entry or in any way being disposed of until such time as Congress should act in the premises.

Owing to the late date of the issuance of said order, all those entitled to purchase under said act who could possibly procure the means made purchases.

Those who would be the beneficiaries of the bill now pending are comparatively few, and have been prevented from completing title to the land settled upon by reason of the failure of crops and the general stringency of the times.

Should this bill fail to pass, all persons who would receive a direct benefit by reason of the same becoming a law will be compelled to lose the land they have hitherto held under laws existing prior to January 1, 1897, together with all the improvements placed upon the same. In every instance the parties claiming the right to purchase have placed valuable improvements upon the land, and would be obliged to lose the same should this bill fail to pass. Most cases covered by the provisions of this measure are of persons of small means, who were by reason of their poverty utterly unable to avail themselves of the benefits of the laws heretofore passed.

By the passage of this bill the Government will also be benefited, as it will receive the sum of $1.25 for every acre disposed of under the same. The failure to pass the bill will deprive the Government of said amount, and the land can only be disposed of under existing laws.

In view of the opinion of the Department, submitted herewith and made a part of this report, it is the unanimous opinion of the Committee on the Public Lands that the passage of the said bill will give a much-needed relief to those who will be the beneficiaries, while the failure to pass the same will leave them entirely helpless.

Your committee therefore recommend that the bill do pass.

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DEPARTMENT OF THE INTERIOR,
Washington, January 19, 1897.

SIR: In reply to your note of the 13th instant, inclosing for my consideration and such suggestions as I might think proper with relation thereto, H. R. 9493 "To amend an act entitled 'An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes,' approved September 29, 1890, and the several acts amendatory thereof," I have to say that the report of the assistant commissioner of the General Land Office, inclosed herewith, sets forth all the facts relative to the legislation heretofore had on the subject-matter of this bill. It also sets forth the fact of the action of this Department on December 31, 1896, directing the local officers at Vancouver and Walla Walla, in Washington, and The Dalles and Lagrande, in Oregon, to reserve all lands granted in said districts from any disposition except to receive applications and money tendered by persons protected by said section 3, pending the action proposed in this bill.

As the purpose of the legislation proposed seems to be for the relief of actual settlers and purchasers of the lands referred to in the bill, I have no objection to urge against its passage.

Very respectfully,

D. R. FRANCIS, *Secretary.*

Hon. JOHN F. LACEY,
Chairman Committee on the Public Lands, House of Representatives.

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DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 14, 1897.

SIR: I have the honor to acknowledge the receipt, by your reference for report in duplicate and return of papers, of a letter from Hon. JOHN F. LACEY, chairman of the Committee on the Public Lands, United States House of Representatives, submitting for your opinion and suggestion, to aid the committee in its consideration, a bill for the amendment of section 3 of the railroad forfeiture act of September 29, 1890, and the several acts amendatory thereof.

The bill provides for the extension of time within which persons entitled to purchase lands forfeited by said act shall be permitted to purchase the same, in quantities and upon the terms provided in said section, at any time prior to January 1, 1899.

In reply, I have the honor to state that section 3 of said act of September 29, 1890 (25 Stat., 496), which granted the purchasers under its provisions two years from its passage, was first amended by the act of February 18, 1891 (26 Stat., 764), which provided that said period begin to run from the date of promulgation of the Commissioner of the General Land Office of the instructions to the local officers for their direction in the disposition of the lands, and not from the date of the passage of said act.

By the act of December 12, 1893 (28 Stat., 15), the period allowed such purchasers was extended to January 1, 1897, with a proviso that such extension should not "be so construed as to interfere with any adverse claim that may have attached to the lands or any part thereof."

A further amendment was made by the act of January 23, 1896 (29 Stat., 4), which made no further extension of the time of purchase.

At the request of Hon. William R. Ellis, of Oregon, this office, with the approval of Hon. William H. Sims, Acting Secretary of the Interior, on December 31, 1896, by telegram to the local officers at Vancouver and Walla Walla, Wash., and The Dalles and Lagrande, Oreg., reserved all lands claimed in said districts under said third section from any disposition, except to receive applications and money tendered by persons protected by said section pending the action proposed in this bill.

The purpose of the bill seems proper, and I have the honor to recommend its passage.

The bill and accompanying letter are herewith returned.

Very respectfully,

E. F. BEST,
Assistant Commissioner.

The SECRETARY OF THE INTERIOR.

The question being taken on the motion to suspend the rules and pass the bill as modified, it was agreed to, two-thirds voting in favor thereof.

GEORGE H. PLANT.

Mr. SWANSON. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1083) for the relief of George H. Plant, of the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to George H. Plant, of the District of Columbia, out of any money in the Treasury not otherwise appropriated, the sum of $5,216.85, the same being the amount found to be due to him by the Court of Claims for losses and damages sustained by him by reason of a collision between the U. S. S. *Gettysburg* and the steamboat *Lady of the Lake*, on the Potomac River, and to be received by him in full satisfaction of all claims and demands in consequence of said collision.

Mr. PAYNE. Mr. Speaker, I demand a second.

Mr. SWANSON. I ask unanimous consent that the second be considered as ordered.

There was no objection.

Mr. PAYNE. I only wish, Mr. Speaker, to say a single word to the House in reference to this matter.

I objected to this bill the other day, and the objection was based on the ground that the owner or commander of the steamer, *Lady of the Lake* I think is the name of the vessel, seemed to be at fault just as much as the officer in command of the U. S. S. *Gettysburg*. And I think the reading of the report, which I have made since, fully bears out the suggestion. I was mistaken about the law of admiralty. It is different from the law of the road in such cases as this, and the negligence on the part of the party injured is not a bar to recovery, but the damage is divided between the parties who are at fault; that is, the party who causes the damage on the one side and the party who contributes to the damage by his own negligence on the other.

I think the bill ought, probably, to pass, but at a lower rate than that proposed. While I think the claim is a good one against the Government, and one that ought to be paid, still I am inclined to think that the beneficiaries should receive only one-half of the amount that is recommended here. I believe the claim is a good one to that extent.

Mr. SWANSON. Mr. Speaker, the gentleman from California [Mr. LOUD] was the first member who reported this bill to the House from the Committee on Claims, and his report has been subsequently adopted in the report now before the House, drawn by Mr. DENNY.

I would like to say, in connection with this claim, that it grew out of an accident on the Potomac, a collision between a war ship belonging to the United States Government and the *Lady of the Lake*, a vessel belonging to Mr. Plant, who is the beneficiary under the pending bill. Under the rules governing navigation on the Potomac River, ships are required to keep to the right; but in the same rule it is provided that a ship which is, for instance, coming up the river on the left, by blowing a signal of two whistles, can notify a vessel coming in the opposite direction that it desires to keep on that same side.

In the present case the *Lady of the Lake* was coming up the river on the left or the Virginia side of the river, and met the U. S. S. *Gettysburg* going down the river on the same side. The rules require a steamer going down on the left side of the river when signaled, as the *Lady of the Lake* signaled the United States steamer, to answer by two blasts of the steam whistle, which meant that it accepted the offer so made and would allow the steamer coming up to continue on its course. The *Lady of the Lake* then came on up the river, governed by the rules of the road, and acting under the assumption that the war vessel would observe the agreement thus made. After going some distance, for some cause the Government steamer tried to change to the other side, and blew a blast on its steam whistle, indicating to the *Lady of the Lake* that it desired to go on the other side. The *Lady of the Lake* promptly responded that it would not change; and it could not make the change desired by the *Gettysburg* by reason of the proximity of the two vessels, which made it impossible, according to the testimony, for the *Lady of the Lake* to cross the bows of the other steamer and take the other side. The collision therefore came by reason of the action of the *Gettysburg* in endeavoring to change its course after it had been agreed upon and accepted by the other vessel, and this bill is simply to pay the loss sustained by the *Lady of the Lake* on account of the collision and injury caused by the Government vessel under the facts stated.

Then a naval board was appointed by the Secretary of the Navy to ascertain who was at fault on account of the collision. That naval board was the board referred to by my friend from New York [Mr. PAYNE] when this matter was up before. The members of the board stated that while technically there was some blame which might be laid on the pilot of the *Lady of the Lake*, yet under the law governing the movements of steamers upon the river she was not responsible for the accident. And you can readily see, Mr. Speaker, that it was impossible, after the Government steamer had accepted the signals of the *Lady of the Lake* indicating the course that she would pursue, to shift that course and change it when the vessels were close together; and for that reason the *Lady of the Lake* could not revoke the acceptance of the first signal made by the *Gettysburg*.

But the most important investigation of all in connection with this collision, where a United States steamer was concerned, was made by the board of local inspectors of steamers in Baltimore who were appointed to investigate the case, and their findings are set out in the report of the committee signed by James D. Lowry and William O. Saville, in which they exonerate the *Lady of the Lake* entirely, and state that the accident was not the fault of the owners of the *Lady of the Lake* at all.

Then, subsequently, with the findings of the inspectors, showing that the *Lady of the Lake* was not to blame—first the findings of the naval board and then the findings of the board of inspectors—a bill was brought here and was sought to be passed. An objection was urged, and it went to the Court of Claims, for the purpose of establishing the right of this party to recover. That court found the facts as stated, and the findings are set forth fully in the report, showing that the Government was responsible for the injury and that these people are entitled to recover the same.

The amount that was appropriated is simply the money that was spent in getting the boat in good condition and the loss that was sustained while she was undergoing repairs, as computed from an average of years. Now, three departments of this Government, commissioned under the law to ascertain the fault and cause of this accident, have all concurred in saying that the *Lady of the Lake* was not at all at fault, but that the Government's vessel was entirely at fault, and that this amount should be recovered.

I yield the balance of my time to the gentleman from California [Mr. LOUD].

Mr. HULICK. This amount is made up of the actual damages to the vessel, and the damages that accrued by loss of services of the vessel while she was undergoing repairs. Now, what was the amount of actual damage to the vessel, and what was the amount that was charged up for loss of services?

Mr. SWANSON. There was a bill introduced here which included estimated damages.

Mr. LOUD. Consequential damages.

Mr. SWANSON. But this bill only gives the actual damages as ascertained by the court.

Mr. HULICK. I understood the gentleman to say that it consisted of actual damages to the vessel——

Mr. SWANSON. That is right.

Mr. HULICK. And also damages sustained by the owner because of the loss of use of the vessel. Now, what is the amount of actual damages to the vessel, and what is the amount of damages for loss of service?

Mr. SWANSON. The court finds the cost of the repairs to be $2,216.85, and the actual loss of earnings while undergoing repairs to be $3,000. That is the finding of the Court of Claims. These sums aggregate $5,216.85, and that is what the court recommends. The gentleman from California [Mr. LOUD] is better acquainted with this matter than I am, and any time that I have I yield to him.

Mr. LOUD. I think the gentleman is getting along very well, and probably I would defeat the bill if I should get in.

And then (two-thirds voting in favor thereof) the rules were suspended and the bill passed.

JOSEPH E. VANTINE.

Mr. WILLIS. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 7969) to increase the pension of Joseph E. Vantine.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Joseph E. Vantine, late first-class fireman on the U. S. S. *Richmond*, United States Navy, on the pension roll at the rate of $72 per month, in lieu of his present pension.

Mr. WILLIS. I ask for the reading of the report.

The SPEAKER. There will be no debate unless a second is demanded.

Mr. WILLIAM A. STONE. Mr. Speaker, I demand a second, and I ask unanimous consent that a second be considered as ordered.

There was no objection.

The report (by Mr. MILES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7969) to increase the pension of Joseph E. Vantine, late first-class fireman on the U. S. S. *Richmond*, United States Navy, having carefully examined and fully considered the facts presented, respectfully report:

Joseph E. Vantine enlisted in the United States Navy May 19, 1857, as second-class fireman on the U. S. S. *Minnesota;* promoted to first-class fireman May 26, 1857, and served as such to June 10, 1859, when discharged.

He reenlisted as first-class fireman July 13, 1861, and served on the *North Carolina* to July 27, 1861; on the *Richmond* from July 28, 1861, to August 29, 1864; on the *Princeton* from August 30, 1864, to September 9, 1864, when honorably discharged.

Joseph E. Vantine was the first man to suggest the use of chain cables hung over the sides of vessels for protection from the enemy's missiles, and the efficiency of the device was demonstrated by Commodore Farragut's squadron on the Lower Mississippi in April, 1862, in the passage of Forts Jackson and St. Phillip, and the encounter with the Confederate ram, and it resulted in the capture of New Orleans, La. This chain armor was used afterwards on board the *Kearsarge* in her capture of the *Alabama*.

In the attack on Fort Hudson, La., March 14, 1863, a shot from the enemy's guns struck the boilers of the *Richmond*, and the fire room and other parts of the vessel were filled with steam, when he, under great difficulties, drew the fires from under the boilers and prevented them from exploding, thus saving the ship and perhaps many lives. While this was being done he became exhausted from the heat and cooking steam and had to be relieved every few moments, until by his persistent intrepidity and assiduous efforts the grand work was accomplished. For this heroic act he received special complimentary mention in the Admiral's report, and was afterwards presented with a bronze "medal of honor," by act of Congress.

Joseph E. Vantine is now pensioned at $12 per month under the act of June 27, 1890, for injury to back and disease of rectum.

The proof submitted to your committee shows that claimant received an injury to his back about July, 1861, while removing a part of an iron ventilator from the port coal bunker of his vessel, and that this injury was enhanced and the disability aggravated by the arduous work at Port Hudson, La., in March, 1863, and the disability has increased with his advancing years; and that he had a stroke of apoplexy August 6, 1895, and is now suffering with complete paralysis of the right side and entire loss of the power of speech; and that he is now totally and permanently helpless, and, his physician says, "will probably never be any better." He has three minor children and his wife, entirely dependent, and with no income except his small pension; and he is now in such condition as to require the care and attention of another person.

In view of the testimony, from which it is reasonable to conclude that his paralysis is a result of his naval service, and in view of his gallant and meritorious service, your committee earnestly recommend the passage of the bill without amendment.

Mr. LOUD. Mr. Speaker, I would like to know how much this bill carries?

Mr. WILLIS. This bill carries $72 a month, which the law would allow to this man provided this disability could be shown to be of service origin. They claim not to be able to exactly show that this man incurred this disability in the service. He is a wreck. He has been going down since his discharge from the Navy. He is now a paralytic, and has to have the attention of one person all the time, and sometimes two persons. He is old and poor, and unless we help him he is, in a sense, hopeless. Senator GRAY is perfectly conversant with this case. His brother-in-law, Dr. Black, is this man's physician. I have taken the pains to go down to his home and ascertain the facts. He has been a brave servitor of the Government. Congress gave him a bronze medal, but that is a very hard and dry and unyielding substance, and will neither be a supplement to his larder nor to his wardrobe. He will not live long. He will probably be dead within a year, and you will have only to pay his pension for that time.

Mr. LOUD. That is a very full answer. I want to say to the gentleman and the House that so far as I am concerned, I would be willing to waive all doubt that might exist in the minds of any gentlemen as to whether this gallant sailor received his present disability in the service; but, Mr. Speaker, we are attempting by the passage of this bill to correct the pages of history, which I rather regret. History has handed down to us the statement, which has gone broadcast over the world, that Admiral Farragut conceived the idea of putting these chains around this vessel, and we have admired his brilliancy for having conceived that idea. Now, while I would not object to the $72 a month, I do not think we should at this late day, in an act of Congress and in a report, seek to change a condition of history about which there is at least some doubt. I think the gentleman will admit the force of that himself. This is an endeavor here by an act of Congress to take away the credit from a very gallant officer——

Mr. WILLIS. I beg your pardon. We take nothing away from Admiral Farragut.

Mr. LOUD. The credit of having first adopted this method of protecting a vessel of war. Of course Farragut has crossed over to the other side, and, as the gentleman suggests, can not lose anything; but still it blasts many a hope and many a kindly and patriotic feeling toward Admiral Farragut which I think his memory should be allowed to retain so long as this generation may exist.

Mr. WILLIS. Mr. Speaker, I think the gentleman is hypercritical. I know of no page of history which attributes the first suggestion of hanging chain armor over a vessel to Admiral Farragut.

Mr. LOUD. This report says this man was the first.

Mr. WILLIS. This report says that this suggestion was made by this man to him. But that does not touch the merits of the question. The question is whether this man's present physical condition may be attributable to his service in the Navy. If so, if we could satisfy the Pension Bureau that this was so, then they would immediately give him $72. They are anxious to do it. They feel that it is a genuine case; but they walk along the line of technicalities so close that it absolutely reminds one of the numberless mistakes that have been made by the physicians from the time of Æsculapins to the present.

Mr. LOUD. Why do you not give the man a pension on the merits of his case without seeking to change existing history.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill?

The question was taken; and in the opinion of the Chair, two-thirds having voted in favor of the bill, the rules were suspended and the bill was passed.

TO REPEAL TIMBER-CULTURE LAWS.

Mr. GAMBLE. Mr. Speaker, I move that the rules be suspended and the bill S. 3328 be passed.

The Clerk read as follows:

A bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes."

Be it enacted, etc., That section 6 of an act entitled "An act to repeal the timber-culture laws, and for other purposes," on page 1098, United States Statutes at Large, Fifty-first Congress, volume 26, be amended so as to read as follows:

"SEC. 6. That section 2301 of the Revised Statutes be amended so as to read as follows:

"SEC. 2301. Nothing in this chapter shall be so construed as to prevent any person who shall hereafter avail himself of the benefits of section 2289 from

paying the minimum price for the quantity of land so entered at any time after the expiration of fourteen calendar months from the date of such entry and obtaining a patent therefor, upon making proof of settlement and of residence and cultivation, for such period of fourteen months; and the provisions of this section as to making proof and obtaining patent after fourteen months' residence shall apply to the lands embraced in the ceded portion of the Sioux Reservation in North Dakota, South Dakota, and Nebraska, opened for settlement under the provisions of the act of March 2, 1889, and no other payment shall be required of any person who has heretofore or may hereafter make entry of said lands than is required by the provisions of the act of March 2, 1889, opening said lands to settlement.'"

Mr. LACEY. Mr. Speaker, I ask for a second.

Mr. GAMBLE. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

Mr. LOUD. I would like to ask the gentleman if he is satisfied it is so guarded as not to include anything outside of what is mentioned?

Mr. GAMBLE. Yes, sir. There is no question but what it simply includes the land within the Great Sioux Reservation. Most of these lands are in the State of South Dakota, and the bill passed the Senate simply covering the lands within the State of South Dakota, but the amendments proposed also include the lands of the reservation in the States of North Dakota and Nebraska, because the Great Sioux Reservation projects slightly into both of those States. I can state to the gentleman that under the act of 1889, by which the Great Sioux Reservation was opened, the lands were opened to settlement under the homestead law. Settlers were required to pay $1.25 an acre for the land when they filed on it within three years from the date of the ratification of the treaty opening the same. The next two years it was 75 cents, and after that 50 cents per acre. There was no right to commute given under the original act. That law was amended in 1891, giving the settlers the right to commute, and pay the amount the Government was to compensate the Indians for these lands under the treaty. By a recent ruling of the Interior Department, in case the settlers commuted, they were not only required to pay the amount for the land provided by the act of 1889 opening the reservation, but in addition the $1.25 under the old law. It was never intended, Mr. Speaker, under the treaty or the act ratifying the same, that the settlers should be obliged to pay any more for the lands than $1.25, 75 cents, or 50 cents per acre, as the treaty and original act contemplated.

Mr. LOUD. I want to say to the gentleman that I do not know that I am opposed to the bill, because I am not familiar with that section. Neither do I know that there can be any objection to extending it to the rest of the country; but I am rather of the impression, from the reading of the bill, that unless you insert the word "only" you are going to make this apply to all the country. I ask the gentleman's attention to that especially.

Mr. GAMBLE. I would simply reply to the gentleman that it can apply to this reservation alone by the express provisions of the section to which this act is an amendment, and such is the opinion of the Assistant Commissioner of the Land Office, whose report on this bill goes with it, and I will ask to have the report and the letter of the Assistant Commissioner made a part of my remarks.

The report and letter are as follows:

The Committee on the Public Lands, to whom was referred the bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes," have had the same under consideration and report it back with the following amendments:

After the word "in," in line 21, insert "North Dakota;" and after the word "Dakota," in line 21, insert "and Nebraska."

And recommend the passage of the bill as amended.

By act of Congress in 1889 a large portion of the Sioux Reservation in South Dakota, North Dakota, and Nebraska was opened up to settlement under the homestead law, but the bill required five years' residence before final proof could be made, and then the settler was obliged to pay the Indian price for the land. In 1891 Congress passed an act which provided that the settler should commute after fourteen months' residence, and under this provision many settlers did commute after fourteen months' residence and paid the Indian price for the land, borrowing money and giving security upon the same. Some patents were issued.

In June, 1896, the Secretary of the Interior ruled that where the settler commuted after fourteen months' residence he must not only pay the Indian price for the land, but $1.25 per acre in addition thereto, and he has suspended the proof now pending in his Department.

The object of this bill is to relieve these settlers from the payment of this additional $1.25 per acre. It will be impossible for them to pay it. They can not borrow money on the land, as no one will loan that amount upon it. These lands are arid lands, and only valuable for grazing, and it is a mistake to offer them for settlement under the homestead law. However, the people who are occupying them are engaged in grazing, and a limited population can be sustained in this way.

To require this additional payment of $1.25 per acre will simply compel the people now residing upon these lands to abandon them, and when once abandoned it is doubtful if they will again be occupied. There were 8,500,000 acres of this reservation opened up to settlement in 1889, and up to the present time less than one-tenth of the area, or less than 800,000 acres, has been taken by settlers.

The report of the Commissioner of the General Land Office, herewith attached, is made a part of this report.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., December 9, 1896.

SIR: I have the honor to acknowledge the receipt of your letter of December 5, 1896, requesting information as to the ruling requiring homestead settlers on lands formerly embraced in Indian reservations to pay the Government for the land in addition to the payment required for the benefit of the Indians, as you desire to have the law amended, if an amendment is required, for the relief of the homestead settlers.

In reply I have to state that the only requirement of the nature indicated pertains to the lands formerly embraced in the Great Sioux Reservation, in the States of North Dakota, South Dakota, and Nebraska.

These lands were open to settlement and entry under the provisions of the act of March 2, 1889 (25 Stat. L., 888). Said act provides that the lands—

"Shall be disposed of by the United States to actual settlers only, under the provisions of the homestead law (except section 2301 thereof) and under the laws relating to town sites: *Provided*, That each settler under and in accordance with the provisions of said homestead acts shall pay to the United States for the land so taken by him, in addition to the fees provided by law, the sum of $1.25 per acre for all lands disposed of within the first three years after the taking effect of this act, and the sum of 75 cents per acre for all lands disposed of within the next two years following thereafter, and 50 cents per acre for the residue of the lands then undisposed of, and shall be entitled to a patent therefor according to said homestead laws, and after the full payment of said sums."

It will be noticed that under said act no commutation of homestead entries was permissible.

Section 6 of the act of March 3, 1891 (26 Stat. L., 1095), which amended section 2301, United States Revised Statutes, relating to commutation of homestead entries, provided:

"And the provisions of this section shall apply to lands on the ceded portions of the Sioux Reservation by act approved March 2, 1889, in South Dakota, but shall not relieve said settlers from any payments now required by law."

Under date of May 13, 1896 (22 L. D., 550), the honorable Secretary, having under consideration the application of the State of South Dakota "for 5 per cent of the net proceeds of sales of lands within the boundaries of what is known as the opened portion of the Great Sioux Reservation," held that the provision of section 6 of the act of March 3, 1891 (supra), "clearly recognizes the trust character of the payments originally required of entrymen of Sioux lands, and means that when such entrymen so elect they may commute, after the time named, by paying the minimum price for the land, in addition to the payments required under the act of 1889."

In view of the honorable Secretary's decision, the district land officers having jurisdiction over the Sioux lands were instructed by letter C of June 23, 1896, to collect from parties applying to commute homesteads for said lands $1.25 per acre in addition to the payments required under the act of March 2, 1889 (supra), and similar action was taken on all cases pending in this office unpatented.

Homestead settlers who make ordinary five-year proof are not affected by said ruling, which applies only to commuted homestead entries.

Very respectfully,

E. F. BEST, *Assistant Commissioner.*

Hon. R. F. PETTIGREW,
United States Senate.

Mr. LOUD. I notice that the reading of the bill does not say that it shall apply to that section only.

Mr. GAMBLE. It unquestionably applies to that section only, because in its terms it is limited to the Great Sioux Reservation, in South Dakota, and the committee amends the act by including also the remainder of the reservation within the States of North Dakota and Nebraska. The act can not by any possible construction be extended so as to include other lands in addition to those specifically mentioned and brought within the provisions of the act.

Mr. LACEY. Let me call the attention of the gentleman to the fact that this ruling was not made until 1896, and from 1889 down until 1896 the amount paid to the Indians was accepted by the Department in full payment in commutation, and patents issued accordingly. But unquestionably a strict construction of the act of 1889 requires that $1.25 shall be paid in addition to the Indian price. That construction having been adopted, the bill becomes necessary simply to give to the settlers who commuted prior to 1896 the same benefits as to those who commuted after that time. When this construction was adopted, it was a construction undoubtedly right according to the strict letter of the law. But that never was the intention of Congress—to require that the $1.25 should be paid, and in addition thereto the Indian price.

Mr. LOUD. The gentleman is of course fully aware that "strict construction" varies very materially in different minds. The gentleman might assume to be strict construction what another man might regard as very lax construction. Why not make the bill specific by inserting the word "only," so there can be no possibility of misconstruction?

Mr. GAMBLE. Mr. Speaker, in compliance with the suggestion of the gentleman from California, I ask consent that the bill be amended by inserting the word "only" after the word "apply," in line 19, on page 2. I ask also that the amendments proposed by the committee be agreed to.

Mr. KEM. Do those amendments contemplate embracing the whole reservation?

Mr. GAMBLE. Yes, sir. The amendments were recommended with the object in view that all the lands within the reservation would be brought within its provisions. In the first instance it applied only to South Dakota, but it has been amended so as to cover Nebraska and North Dakota.

The SPEAKER. The gentleman from South Dakota [Mr. GAMBLE] asks consent to modify the bill as he has suggested.

There was no objection, and it was so ordered.

The rules were suspended and the bill was passed.

FORT LYON MILITARY RESERVATION.

Mr. SHAFROTH. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 4985) to authorize the Secretary of the Interior to convey to the State of Colorado, and so forth.

The bill was read, as follows:

Be it enacted, etc., That there is hereby granted to the State of Colorado the right to occupy, improve, and control, for the purposes of a soldiers' home, to be established and maintained thereon by said State, the Fort Lyon Military Reservation, to include the buildings located thereon, on condition that said State shall, within three years, establish such home, at which provision shall be made for the care and maintenance of officers, soldiers, sailors, and marines who have served in the Army, Navy, or Marine Corps of the United States, their dependent parents, widows, or orphans, and under such rules and regulations as said State may provide: *Provided*, That the United States reserves to itself the fee and the right forever to resume possession and dispose of the said lands whenever it shall appear that the State of Colorado has ceased to use the same for such public purpose.

Mr. DOCKERY. Mr. Speaker, I demand a second.

Mr. SHAFROTH. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

There was no objection, and it was so ordered.

Mr. SHAFROTH. Mr. Speaker, this bill is to authorize the State of Colorado to occupy, for the purposes of a soldiers' home, an abandoned military reservation. No soldiers have been quartered there for twelve or thirteen years. There is no possibility that the Government will ever again need the reservation for military purposes, and it has been turned over from the War Department to the Interior Department. On the back of the report will be found a letter from the Interior Department, stating that part of this reservation (which consisted originally of some 5,000 acres) has been thrown open to homestead settlement, only the part on which the buildings stand being reserved.

Mr. DOCKERY. How many acres are in that?

Mr. SHAFROTH. Over 500 acres, a little short of a section. The buildings are going to wreck. The Government has an officer there in charge of them, at an expense of $1,000 a year; but the windows are being knocked out, the roofs are leaking, and the buildings are naturally decaying, not having been occupied for twelve or thirteen years. There is at present a soldiers' home, maintained by the State of Colorado at the State expense, at a town called Montevista. There are a number of buildings there which have been erected by the State; but it has been found that the location is not a good one for a soldiers' home on account of the altitude, which is perhaps seven or eight thousand feet above the sea level. The old soldiers find that the atmosphere affects their nervous systems and they become unwell and discontented. Fort Lyon is on the Arkansas River, about 3,500 feet above the level of the sea, and is well adapted for such a home. As I have already said, there is no use to which the Government can put those buildings, there being no longer any occasion to use them for military purposes.

Mr. STEELE. You ask these buildings for a State home, as I understand?

Mr. SHAFROTH. Yes, sir; for a home to be maintained at State expense.

Mr. DOCKERY. What is the value of this land?

Mr. SHAFROTH. Probably not over $5 an acre.

Mr. DOCKERY. And there are about 557 acres?

Mr. SHAFROTH. Yes; there are some buildings upon the land that would make it worth considerable if they could be used for any useful purpose.

Mr. DOCKERY. What is the probable value of the land, including the buildings?

Mr. SHAFROTH. If you put it up at public auction you probably could not get $10,000 for the land and buildings, although the buildings cost, I think, some $46,000. They probably would not bring the cost of moving them off the land.

Mr. DOCKERY. What assurance have we that, in the event of this bill passing, the State will locate a soldiers' home there?

Mr. SHAFROTH. There has been a general request for it. The gentleman will observe also that we do not ask for title to the land, but only for the use of it and the buildings.

Mr. DOCKERY. Has the legislature taken any action toward the erection of a home there?

Mr. BELL of Colorado. I will say to the gentleman from Missouri that both houses of the legislature have petitioned for the passage of this bill and every State officer.

Mr. DOCKERY. Is there any precedent for this proposed action by the Government?

Mr. SHAFROTH. Yes; I think there are quite a number of precedents, though the reservations have generally been ceded for school purposes. This land is not near any city and is of no particular value. There is no water right attached to it which would give it a special value.

Mr. DOCKERY. Is this bill approved by the Secretary of the Interior?

Mr. SHAFROTH. The Commissioner of the General Land Office favors it, although he says it is not the province of the Interior Department to indicate to Congress what disposition shall be made of the public lands.

Mr. DOCKERY. Has the Secretary of the Interior been consulted in regard to it?

Mr. SHAFROTH. Yes; there is a letter written by the Commissioner of the General Land Office, in which he gives the history of this reservation——

Mr. DOCKERY. But does the Secretary of the Interior approve it?

Mr. SHAFROTH. Yes; in the same manner. They approved it so far as they approve any of these bills. They do not formally approve any measures of this kind. They say it is for Congress to determine what should be done with these lands. Here is the language of the Department:

This office does not feel called upon to express an opinion as to the propriety of the proposed legislation, as it is a matter wholly within the discretion and subject to the legislation of Congress.

Mr. DOCKERY. Has either the Secretary of War or the General of the Army expressed himself on this proposition?

Mr. SHAFROTH. It having been found that this land was not needed for military purposes, the War Department turned it over to the Interior Department. The reservation originally embraced some 5,000 acres, all of which, except the part on which the Government buildings were situated, was thrown open to homestead entry. The bill affects only that part of the land on which the buildings are situated. If the property at any time should not be used as a soldiers' home, the title will revert to the Government.

Mr. MILNES. Has the legislature of Colorado expressed any desire with reference to this matter?

Mr. SHAFROTH. There is a petition here signed by all the members of the legislature. It is not in the shape of an official act.

Mr. MILNES. I should suppose that if the State wanted this land, the legislature would have passed some formal resolution on the subject.

Mr. SHAFROTH. A memorial, as I have just stated, has been sent here requesting that the land be ceded for the purpose contemplated. Every officer of the State concurs in this request.

The question being taken, the motion to suspend the rules and pass the bill was agreed to, two-thirds voting in favor thereof.

IMPROVEMENT OF EASTCHESTER CREEK, NEW YORK.

Mr. FAIRCHILD. I move to suspend the rules and pass the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 10012) relating to the improvement of Eastchester Creek, State of New York.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized, in his discretion, to expend the whole or any portion of any appropriation heretofore made for the improvement of Eastchester Creek, in the State of New York, in accordance with the surveys and report for such improvement, upon that portion of the improvement included in recent surveys extending the improvement to the head of tide water.

Mr. FAIRCHILD. I ask that the report be read.

Mr. DOCKERY. Let a second be first ordered on the motion to suspend the rules.

Mr. FAIRCHILD. I ask unanimous consent that a second be considered as ordered.

Mr. JOHNSON of California. I object.

The SPEAKER. The gentleman from Missouri [Mr. DOCKERY] and the gentleman from New York [Mr. FAIRCHILD] will act as tellers.

Mr. BLUE. Before the vote is taken, I should like to hear an explanation, in order that I may vote intelligently.

The SPEAKER. Debate is not in order until a second has been ordered on the motion to suspend the rules.

Mr. JOHNSON of California. I withdraw my objection. My object was merely to hear the report read.

The SPEAKER. Under the present order of procedure, it is necessary that a second be ordered on the motion to suspend the rules, if debate is desired. Is there objection to the request that a second be considered as ordered? The Chair hears none.

Mr. FAIRCHILD. Mr. Speaker, the report in this case is short, and it explains this matter in a nutshell. I ask that it be read.

The report (by Mr. HOOKER) was read, as follows:

The Committee on Rivers and Harbors, to whom was referred the bill (H. R. 10012) relating to the improvement of Eastchester Creek, State of New York, having had the same under consideration, report the same back and recommend that the bill do pass.

The improvement of the stream to which this bill relates has been in progress for many years, and numerous appropriations have been made therefor. The river and harbor bill passed at the first session of this Congress appropriated $12,000 to continue improvement in accordance with the report of the Chief of Engineers. A provision was also included in the river and harbor bill for additional surveys to extend the improvement to the head of tide water, a distance of about 2,000 feet. Such survey has been made. The proposed extension will carry the improvement to one of the main thoroughfares of Mount Vernon, a city of more than 20,000 population, and into the heart of the territory the improvement is designed to benefit.

The purpose of the present bill is to enable the Secretary of War to use his discretion whether it be advisable to expend any portion of the former appropriation upon that part of the improvement embraced in new surveys. It makes no additional appropriation.

Your committee are of the opinion that the Secretary of War should not be forced to expend all of the twelve-thousand-dollar appropriation upon a specified portion of the work in case he should deem it in the interest of economy or advisable to expend it upon the whole improvement.

Your committee therefore feel justified in recommending favorable action on the bill.

Mr. DOCKERY. I wish to inquire of the gentleman from New York whether this proposition has the approval of the Secretary of War?

Mr. FAIRCHILD. I do not know that the proposition has either his approval or his disapproval. There has been a survey made.

Mr. DOCKERY. Has this been submitted to the Secretary of War?

Mr. FAIRCHILD. This bill?

Mr. DOCKERY. Yes, sir.

Mr. FAIRCHILD. I do not know that the bill itself has been submitted to the Secretary of War. But all that the bill provides for having done is to be subject to the discretion of that officer.

Mr. DOCKERY. Has the matter been submitted to the Chief of Engineers?

Mr. FAIRCHILD. Not the bill itself. Surveys have been made and reported upon by the Engineer Department.

Mr. DOCKERY. Who is responsible, then, for the suggestion contained in the bill?

Mr. FAIRCHILD. Members of the Board of Trade and other citizens of Mount Vernon, a city of 20,000 population. I will add that I also, residing in that same locality, am responsible for the suggestion.

The appropriation of $12,000 was made in last year's river and harbor bill. Although the report speaks of extending this improvement an additional distance of about 2,000 feet, my opinion is that the distance may be less than 2,000 feet. The question is simply whether the money already appropriated shall be expended in deepening the improvement already made, or in extending the improvement this additional 2,000 feet, which would bring it into the heart of the section to be benefited, reaching a main highway of the city of Mount Vernon.

Mr. DOCKERY. The proposition which the gentleman seeks to change by the bill under consideration was approved, I assume, by the Secretary of War, the Chief of Engineers, and the Committee on Rivers and Harbors.

Mr. FAIRCHILD. That is right.

Mr. DOCKERY. Now, that proposition having received the approval of the Department and of the proper committee of this House, the gentleman proposes to change its terms by a bill which has not been submitted to the Secretary of War or to the Chief of Engineers or to the Committee on Rivers and Harbors.

Mr. FAIRCHILD. It has been submitted to the Committee on Rivers and Harbors and favorably reported. The report has just been read. The provisions of the bill can not be carried out except with the consent of the Secretary of War and the Chief of Engineers.

Mr. DOCKERY. Is the bill approved by the Committee on Rivers and Harbors?

Mr. FAIRCHILD. It is.

Mr. DOCKERY. Unanimously?

Mr. FAIRCHILD. Unanimously.

Mr. DOCKERY. Did that committee seek any information from the War Department?

Mr. FAIRCHILD. I am not here to answer for the committee. I can not tell what they did in the matter.

Mr. BLUE. Mr. Speaker, if I caught the reading of that bill correctly, it seeks to make available not only this appropriation particularly, but any appropriation and all appropriations for this purpose.

Mr. FAIRCHILD. No. I beg the gentleman's pardon; he misapprehended the reading of the bill.

Mr. BLUE. I would like to have that bill read in my own time to see what it does seek to accomplish.

The bill was again read.

Mr. FAIRCHILD. The gentleman will observe that the bill refers to appropriations heretofore made.

Mr. BLUE. That is precisely the objection that I have made. It includes all of the appropriations. It might reach not only the $12,000 suggested by the gentleman from New York as being made last year, but any other appropriation heretofore made.

Mr. FAIRCHILD. If the gentleman from Kansas will permit me, I will say, for his information, that there is only one appropriation heretofore made and unexpended for this improvement, and that is the $12,000 made last year.

Mr. BLUE. If the gentleman from New York is certain of that, it would be a good explanation, of course.

Mr. FAIRCHILD. I will say again that the "gentleman from New York" is certain; that improvement is in his own town and adjoining city, where he has resided for a number of years, and he knows all about it.

Mr. BLUE. I wish to say further, Mr. Speaker, that I desire to give my approval to the remarks of the gentleman from Missouri [Mr. DOCKERY] with reference to this method of legislation. I regard it as very objectionable. Here is an appropriation made by the recent river and harbor bill, and this bill now pending seeks to set aside that appropriation—to divert it, to change its character to a certain extent as to the work to be done. If this is to be tolerated, and especially when it appears that it has not been submitted to the proper authority for approval, it seems to me that we are opening the door to very much vicious legislation in that direction. This bill itself may be all right. I know nothing to the contrary. But it is bad policy, in my judgment, and it is a precedent that we ought not to establish. Therefore I think it ought not to pass.

Mr. CANNON. With the consent of the gentleman from New York, I would like to ask him a question.

Mr. FAIRCHILD. Certainly.

Mr. CANNON. This is a new survey, I believe, upon which the gentleman seeks to apply, in the discretion of the Secretary of War, an appropriation already made. Now, what is the work to cost under the new survey when it is completed?

Mr. FAIRCHILD. I will say that I am not able to answer that question in figures, but I can make a statement in regard to the work which I think will not only satisfy the gentleman from Illinois, but also the gentleman from Kansas [Mr. BLUE] and the gentleman from Missouri [Mr. DOCKERY] as well.

Mr. CANNON. What I wished to know was whether or not we are in a great scheme, because they come quite often enough in passing river and harbor bills, but whether, on a single scheme, where we are not embarrassed by "log rolling," we are not entering upon an exceedingly large expenditure without exactly knowing what we are doing.

Mr. FAIRCHILD. I would like to answer the gentleman from Illinois in this way: The Hutcheson River, or, as it is officially named in the report of the Chief of Engineers, Eastchester Creek, is a river emptying into Pelham Bay and Long Island Sound just to the south of the city of Mount Vernon, in Westchester County, N. Y. The improvements heretofore made in Hutcheson River have carried an improved channel up to just the southerly boundary of the city of Mount Vernon, or the northerly boundary of the city of New York. The character of the improvement, so far as it has been carried on, has been dredging through marshy lands, without rock or other obstructions, and is the simplest and cheapest kind of work of this character; and the improvement, so far as completed, reaches within about 2,000 feet, or possibly less, of the main highway of the city of Mount Vernon, and only to the southerly portion of the city of Mount Vernon.

Now, if this bill is not passed, the $12,000 heretofore appropriated would be expended in further dredging the channel below the northerly portion of the present improvement, where it is not so necessary, because the channel there is now sufficient for traffic, although it is not in the very best condition, whereas if the improvement be extended the additional 2,000 feet it would make a safe and suitable channel along the whole line of the improvement, reaching up to a main highway of the city of Mount Vernon.

Mr. CANNON. Does the gentleman know what the additional survey is estimated to cost?

Mr. FAIRCHILD. No, sir.

Mr. CANNON. The gentleman does not know whether it is $10,000 or $50,000?

Mr. FAIRCHILD. I do not suppose the additional work will cost to exceed $5,000, and I make that statement with some personal knowledge and experience of the conditions existing, and of the cost of such work.

Mr. CANNON. Now, will my friend allow me one other question? Is this a river and harbor improvement for navigation, or is it an improvement that is merely local to the town of Mount Vernon to give them drainage, or something of that kind, at the expense of the Federal Treasury?

Mr. FAIRCHILD. It is a river and harbor improvement for the purpose of navigation, and will bring building material and other material used in the city, by this route, to a population of about 35,000 people, including the 20,000 in Mount Vernon and the additional population to the east.

Mount Vernon not only at present contains a population of 20,000, but its growth has been, is, and promises to be unprecedented and wonderful. Within a few years it has developed from a village of about 9,000 to the present city of 20,000 population. Located at the northerly border of New York City, at the first station on the New Haven Railroad from the Grand Central Depot, and with the rapid-transit service of the Harlem Railroad and an electric railway to the city of New York, giving additional facilities to the commuters, situated upon high and undulating ground in a section made historical by the Revolutionary armies, and itself having a history connected with the name of Horace Greeley, one of its founders, with well-paved avenues made beautiful by perfect arbors of trees whose overhanging branches meet, this city has attracted some of the best of New York City's population, and has lacked only in the disadvantage of being an inland city, with the consequent greater cost of building and other materials. The harbor improvements completed have already attracted a line of freight steamers in competition with the higher rates of the railways, and the improvements now under way and

contemplated by this bill will make Mount Vernon an important seaboard town.

Mr. CANNON. You have got it now within 1,500 feet of where you propose to extend it.

Mr. FAIRCHILD. We have got it now at the southerly point of Mount Vernon, at a locality requiring a longer haul to the rapidly growing portion of the city, and in part reached by going through private land, whereas this additional improvement will bring it to a main highway of the locality.

Mr. CANNON. Does the additional improvement look to the condemnation of land by the United States?

Mr. FAIRCHILD. It does not, and I can say of my own knowledge that so far as the straightening of the stream is concerned, in accordance with the surveys which have been made, the land through which it goes will be given to the United States in exactly the same manner as was done in straightening the stream below.

Mr. BLUE. Will the gentleman from New York permit me to ask him a question? If I understand correctly, the chief purpose of this legislation is to change the course of the stream that is to be improved, applying the $12,000 above the point to which it would apply under the general bill. Am I correct about that?

Mr. FAIRCHILD. You are correct. I would state this——

Mr. BLUE. Let me ask you another question. By diverting this $12,000 to another place, it will leave the improvement below that point, as you say, in a rather unsatisfactory condition, will it not, under the general appropriation made by the bill heretofore passed for the purpose of deepening and improving that part of the stream?

Mr. FAIRCHILD. No, I did not say that; and the answer that I was about to make to the gentleman's first question will answer both questions. The appropriations that have heretofore been expended have improved that channel to the point to which it has been improved, to a certain depth. So far as that depth is concerned, it is entirely completed, so that it is used for navigation by the steamers coming up to the dock at that point. This appropriation, if not expended for the purpose of continuing that channel at the same depth for this additional 1,500 to 2,000 feet, to the main highway, would simply be expended in deepening still further a portion of the channel that has already been deepened.

Mr. STEELE. If you are certain that this land will be given to the Government, why do you not make it a provision in this bill that it shall be given?

Mr. FAIRCHILD. That would be unobjectionable; but I will say to the gentleman from Indiana [Mr. STEELE] that this whole matter is referred by the bill to the discretion of the Secretary of War, so that if in his discretion it would be more economical and advisable in this coming year to expend a portion of the money on this additional portion of the improvement instead of on the old portion of the work, then, and only then, it shall be done.

Mr. DOCKERY. Why did you not take the opinion of the Chief of Engineers on this bill?

Mr. FAIRCHILD. The bill itself leaves it entirely discretionary with the Secretary of War and the Chief of Engineers, who will have to be communicated with before this additional work is done. I will say further that the moment it was communicated to me that the surveys had been completed, owing to the short time remaining in this short session, the bill was immediately drafted and the matter submitted to the Committee on Rivers and Harbors.

Mr. DOCKERY. Mr. Speaker, I desire to add only a word. This bill is in perfect harmony with the policy which seems to have received the approval of this House for the last two years, and that is to utterly ignore the fact that we have a Chief of Engineers whose recommendations ought to be considered in connection with river and harbor works.

In the last river and harbor bill there were items appropriating $1,453,000 against which this officer had reported as being absolutely unworthy. There were $10,696,000 of items in that bill on which the Chief of Engineers had made no report whatever.

Now, then, I suggest that the time has come when this House and when Congress ought to call a halt on this line of legislation. It may be that in the $10,696,000 carried in the last river and harbor bill those projects were among the most worthy. The fact remains, however, that there was no opinion expressed by the Chief of Engineers either for or against them. It is, however, known that there was $1,453,000 carried in the bill for items which the Chief of Engineers had declared to be unworthy.

Now, then, Mr. Speaker, I want to make a public announcement, because of the fact that at the last session of Congress gentlemen came in here with repeated resolutions calling upon the Secretary of War for estimates of cost in respect to certain public works. At the time I did not comprehend the full significance of those resolutions. I want to give notice to gentlemen now that if like resolutions are to be offered in the future, and unanimous consent asked for their consideration, they must carry with them a request that the Secretary of War report on the proposed projects as to their worthiness or unworthiness.

Now, as to this particular bill, it seems to be a small matter—only $12,000 involved. I am not sure whether it inaugurates a work that involves large expenditures by the Treasury. I know nothing of that. The gentleman in charge of the bill is no doubt entirely sincere in his statement that it does not, but I do think that the Chief of Engineers is entitled to respectful treatment from this House, which should call upon him for a report upon the merits of this bill.

Mr. FAIRCHILD. I would like to ask the gentleman from Missouri if it is any disrespect to the Chief of Engineers to refuse to ask his consent to accord him permission to do as he pleases?

Mr. DOCKERY. Well, it may not be discourtesy, but it is much more satisfactory to the House to have his opinion upon the matter before we are called upon to legislate. That is what he is there for. He is paid a salary to pass upon this and other like questions, and it seems to me that it is an oversight on the part of the gentleman in charge of the bill not to have called upon the Chief of Engineers for his opinion in respect to the legislation.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill?

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. FAIRCHILD. Division, Mr. Speaker.

The House divided; and there were—ayes 40, noes 15.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

ALBERT AUGUSTINE.

Mr. LACEY. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 1021) granting relief to the heirs of Albert Augustine for property taken for the Cayuse war.

The bill was read, as follows:

Be it enacted, etc., That there is hereby appropriated, out of any moneys not otherwise appropriated, the sum of $350, to be paid to the heirs of Albert Augustine, of Rose Hill, Iowa, for property taken for use of the United States Army in the Cayuse war, in 1847 and 1848.

The SPEAKER. Is a second demanded?

Mr. MILNES. I ask for a second.

Mr. LACEY. I ask that a second be considered as ordered.

The SPEAKER. The gentleman from Iowa asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

Mr. LACEY. Mr. Speaker, I think a word or two in explanation would be satisfactory to the House. In the Cayuse war possession was taken of cattle, ox teams, horses, cows, and other animals to be used in that war. A commission was appointed immediately after the war to take a list of the property thus taken, and to report it for payment to the Secretary of War. This particular claim was not presented until after the discharge of the commission, when the commission's time expired, and this old man failed to get his claim presented in time. It has been hanging ever since. The claim was an old one, and it is a small one.

Mr. MILNES. How long was the commission in existence?

Mr. LACEY. For several years. This man came back to Iowa, but he was unaware of the existence of the commission until it had expired by limitation. The case is simply this: They took his ox teams, six or eight yoke of cattle, and his cows, and killed them and fed them to the soldiers. The matter has been investigated by the committee and evidence has been furnished of the facts.

Mr. PAYNE. How long ago was this?

Mr. LACEY. This was in the Cayuse war.

Mr. PAYNE. When was the Cayuse war? [Laughter.]

Mr. LACEY. Mr. Speaker, this is not a fit occasion for enlightening the gentleman as to the history of the United States. [Laughter.]

Mr. PAYNE. Was it before 1847?

Mr. LACEY. It was about 1847–48; it was an Indian war.

Mr. PAYNE. Fifty years ago.

Mr. DOCKERY. What is the amount involved?

Mr. LACEY. Three hundred and fifty dollars.

Mr. DOCKERY. Too small.

Mr. LACEY. Yes, it is small.

The SPEAKER. The question is upon suspending the rules and passing the bill with the amendment as read.

The question being taken, the Speaker declared the ayes seemed to have it.

Mr. HARRIS. I ask for a division.

The House divided; and there were—ayes 49, noes 4.

So (two-thirds having voted in the affirmative) the rules were suspended and the bill was passed.

PATENTING OF PETROLEUM LANDS.

Mr. MONDELL. Mr. Speaker, I move to suspend the rules and pass the bill which I send to the desk, H. R. 9983, to authorize

the entry and patenting of lands containing petroleum and other mineral oils under the placer-mining laws of the United States.

The bill was read, as follows:

Be it enacted, etc., That any person authorized to enter lands under the mining laws of the United States may enter and obtain patent to lands containing petroleum or other mineral oils, and chiefly valuable therefor, under the provisions of the laws relating to placer mineral claims: *Provided*, That lands containing such petroleum or other mineral oils which have heretofore been filed upon, claimed, or improved as mineral, but not yet patented, may be held and patented under the provisions of this act the same as if such filing, claim, or improvement were subsequent to the date of the passage hereof.

Mr. PAYNE. Mr. Speaker, I demand a second.

Mr. MONDELL. I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. PAYNE. I trust the gentleman from Wyoming will explain this bill.

Mr. MONDELL. Mr. Speaker, I ask that the report be read in explanation of the bill.

The report (by Mr. MEIKLEJOHN) was read, as follows:

The Committee on the Public Lands, having had under consideration House bill 9983, report the same back with the recommendation that it do pass.

Public lands containing petroleum and other mineral oils have been held and patented under the placer-mining acts of the United States for many years past. In 1 Land Decisions, page 560, Mr. TELLER, then Secretary of the Interior, said that minerals so found "subjected the tract to the operation of the mining laws, as has been held under other rulings with respect to * * * petroleum * * * and other substances under like conditions."

The first patent issued by the Government under the placer-mining acts for lands containing petroleum was in the Los Angeles district, in California, mineral entry No. 18, March 22, 1880. Other entries have been made and patents issued since that time on lands containing petroleum in several of the public-land States, notably in the States of California and Wyoming.

The first ruling in the matter was that contained in the letter of instructions written by Commissioner Burdett to the United States surveyor-general of California, January 30, 1875, and was to the effect that petroleum-bearing lands were enterable under the mineral-land laws. (Copp's Land Owner, volume 1, page 179; Copp's Mineral Lands, second edition, page 160.) Another letter to the same effect was written by Commissioner McFarland, March 31, 1882. (Copp's Land Owner, volume 9, page 51.) Under these rulings and in view of the uniform practice of the Land Department for many years, considerable quantities of lands have been filed upon, held, and improved for the purpose of developing oils in various of the public-land States, and in many instances large sums of money have been expended in such development.

Under a decision of the Secretary of the Interior, dated August 27, 1896, in the case of mineral entry No. 140, Los Angeles district, California, the Secretary held that lands containing oils could not be patented under the placer-mining acts, for the reason that the acts did not originally contemplate the extension of their provisions to lands of this character. It has never been held by any authority that the provisions of the placer acts were not adequate to meet the conditions surrounding the development of mineral oils. The effect of the above-cited decision of August 27, 1896, is to preclude the possibility of obtaining title to lands containing oils, and as there are large areas of such lands in various of the public-land States, and as upon these lands in many instances large expenditures have already been made, and as it is manifestly for the public good that there should be some provision whereby these lands may be held and patented, the committee believe this bill should pass.

The honorable Commissioner of the General Land Office, to whom the bill was referred, states that there is urgent necessity for some legislation on this subject, and in this view the Secretary of the Interior concurs. The bill simply provides by legislation for procedure in the entry and patenting of these lands along the lines that have been pursued in the past under the decisions of the General Land Office, so that there is no departure whatever from the procedure in the past for the development and acquirement of such properties.

While it is quite probable, as recited by the honorable Secretary of the Interior in his decision of August 27, 1896, the provisions of the placer acts were not originally intended to extend to lands containing mineral oils, the legislators at that time, possibly, having in mind only metalliferous minerals, and the existence of petroleums on the public lands being at that time not generally known, it is nevertheless true that the provisions of these acts are calculated to aid in the development and purchase of lands of this character, and their provisions having been extended to such lands in the past, under rulings of the Department well understood, it is entirely proper that the provisions of these acts shall now be extended so as to embrace oil-bearing lands.

Mr. MONDELL. Mr. Speaker, the bill extends the provisions of the placer-mining law to oil-bearing lands as, until last August, they had been applied for seventeen years under the order of the Department.

Mr. STEELE. This bill is intended to change the rule, is it?

Mr. MONDELL. They made a new ruling last August, and this bill is for the purpose of returning to the rule which prevailed for seventeen years previous to that time. During all that period the Department held that the provisions of the placer-mining act were applicable to these oil lands, but they changed that rule last August.

Mr. LACEY. Let me say to the gentleman that at present there is no method provided by law for acquiring title to oil lands; but, by a construction of the Department, the placer-mining act was held to be applicable to such lands up to a recent period, when the rule was changed by the Department.

Mr. STEELE. The mining of oil is a very expensive operation.

Mr. LACEY. Certainly. The work is done by boring and drilling, but the principles applying to the acquisition of title to such lands are the same as those involved in the placer-mining law.

Mr. WILLIAM A. STONE. As I understand it, the purpose of this bill is simply to extend to oil lands the same laws that apply now to mineral lands.

Mr. LACEY. No; it is to apply the provisions of the placer-mining law to the acquisition of title to public lands where they are valuable for oil. There being no method pointed out by the statute, the Department adopted that method and followed it for a great many years, but now they have changed the rule.

Mr. WILLIAM A. STONE. What are the provisions of the placer act?

Mr. MONDELL. It would take some time to state them in full, but I will say to the gentleman that for seventeen years these mineral-oil lands were held and patented under the provisions of the placer-mining law. Then the Commissioner decided that the original intent of that law was not that it should apply to lands of this character and that there ought to be legislation on the subject; not that the law was not adequate and applicable in itself to this character of land, but that the original intent was not to extend it to such lands and that there ought to be legislation. This bill was drawn to meet that difficulty, and the Commissioner of the General Land Office has approved it.

Mr. STEELE. Does it apply only to public lands?

Mr. MONDELL. Yes.

Mr. PAYNE. Will this bill, if passed, be a benefit to the development of oil lands?

Mr. MONDELL. Under the ruling of last August there is no way by which we can obtain title to oil lands in the West, and this bill is intended to prescribe a way; and it prescribes the same procedure under which the business was done for years, until the Department changed its ruling.

Mr. WILLIAM A. STONE. In other words, I understand the gentleman to say that there is no method by which to-day a person can acquire title to Government lands containing petroleum.

Mr. MONDELL. That is correct.

Mr. WILLIAM A. STONE. Can he not buy it?

Mr. MONDELL. Not since last August.

Now, Mr. Speaker, I ask unanimous consent that the Senate bill (S. 3551), which is exactly the same, be substituted for the House bill.

There was no objection.

The rules were then suspended and the Senate bill was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898.

The message also announced that the Senate had passed without amendment the bill (H. R. 6215) to increase the pension of Ambrose D. Manion.

The message also announced that the Senate had passed joint resolution (H. Res. 214) authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations on public space in the city of Washington on the occasion of the inauguration of the President-elect on March 4, 1897, etc., with amendments in which the concurrence of the House was requested.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 6750) to authorize the mayor and city council of Monroe and the police jury of the parish of Ouachita, La., to construct a traffic bridge across the Ouachita River opposite said city;

A bill (H. R. 1256) for the relief of Henry A. Webb; and

A bill (H. R. 2859) granting a pension to Harriet F. Herrick.

PRIVATE LAND CLAIMS IN LOUISIANA.

Mr. ROBERTSON of Louisiana. I move to suspend the rules and pass, with the amendments reported by the Committee on Public Lands, the bill which I send to the desk.

The Clerk read as follows:

A bill (S. 1624) to quiet title and possession with respect to certain unconfirmed and located private land claims in the State of Louisiana.

Be it enacted, etc., That all the right, title, and interest of the United States in and to the lands situate in the State of Louisiana, known as the located but unconfirmed private land claims therein, aggregating about 80,000 acres, and specifically described in the list or tabular statement accompanying report, dated February 19, 1880, made by the surveyor-general of Louisiana to the Commissioner of the General Land Office, under a resolution of the United States Senate of December 2, 1879, and which report and list were communicated to the Senate by the Secretary of the Interior on March 8, 1880, as Senate Executive Document No. 111, Forty-sixth Congress, second session, shall be, and the same are hereby, directed to be granted, released, and relinquished by the United States in fee simple, to the respective owners of the equitable titles thereto, and to their respective heirs and assigns forever, as fully and completely, in every respect whatever, as could be done by patents issued therefor according to law.

SEC. 2. That nothing contained in this act shall in any manner abridge, divest, impair, injure, or prejudice any valid right, title, or interest of any person or persons in or to any portion or part of the lands mentioned in said first section, the true intent of this act being to relinquish and abandon, grant, give, and concede any and all right, interest, and estate, in law or equity, which the United States is or is supposed to be entitled to in said lands in

favor of all persons, estates, firms, or corporations who would be the true and lawful owners of the same under the laws of Louisiana, including the laws of prescription, in the absence of the said interest and estate of the United States.

SEC. 3. That the Department of the Interior shall cause patents to issue for such lands, and such patents shall issue in the name of the original claimant as appears in the list or schedule aforesaid, and when issued shall be held to be for the use and benefit of the true and lawful owners, as provided in sections 1 and 2 of this act.

Mr. LACEY. I demand a second on the motion to suspend the rules.

Mr. ROBERTSON of Louisiana. I ask unanimous consent that a second be considered as ordered.

There being no objection, the motion to suspend the rules was seconded.

[Mr. ROBERTSON of Louisiana addressed the House. See Appendix.]

The question being taken, the motion to suspend the rules and pass the bill was agreed to, two-thirds voting in favor thereof.

PIER-HEAD LIGHT, SOUTH MILWAUKEE, WIS.

Mr. OTJEN. I move to suspend the rules and pass the bill (S. 733) authorizing the establishment of a pier-head light at or near South Milwaukee, in the State of Wisconsin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to establish a pier-head light at or near South Milwaukee, in the State of Wisconsin, at a cost not to exceed $5,000.

The SPEAKER. The question is on seconding the motion to suspend the rules.

Mr. OTJEN. I ask unanimous consent that a second be considered as ordered.

There being no objection, the motion to suspend the rules was seconded.

Mr. WILLIAM A. STONE. What will be the expense of this work?

Mr. OTJEN. This bill provides no appropriation at all, but allows the establishment of the light station at a cost not exceeding $5,000.

This bill has passed the Senate, is recommended by the Committee on Interstate and Foreign Commerce, and I have a letter from the Light-House Board saying that it is urgently necessary.

Mr. DOCKERY. Let that letter be read.

The letter was read, as follows:

TREASURY DEPARTMENT,
OFFICE OF THE LIGHT-HOUSE BOARD,
Washington, January 27, 1897.

SIR: In compliance with your verbal request for further statement as to the necessity for the proposed South Milwaukee light station, Wisconsin, which is recommended in the estimates recently submitted to Congress, the board has the honor to state that in compiling the estimates for new works only those were included which the board decided after careful investigation were urgently required by the demands of commerce in the various districts. These new works thus determined upon were arranged for each district as nearly as practicable in the order of their necessity. It will be noted that of the six new "fixed aids" recommended for the Ninth district, which comprises Lake Michigan and Green Bay, the South Milwaukee light was placed third in order of necessity. The bill in question is inclosed herewith.

Respectfully, yours,

JOHN MILLIS,
Captain, Corps of Engineers, U. S. A., Engineer Secretary.

Hon. THEOBOLD OTJEN, M. C.,
House of Representatives, Washington, D. C.

The SPEAKER. The question is on suspending the rules and passing the bill.

The motion was agreed to, two-thirds voting in favor thereof.

T. J. PITZER.

Mr. COLSON. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 4842) for the relief of T. J. Pitzer, with an amendment which is indicated in the bill.

The SPEAKER. The bill as proposed to be amended by the gentleman and passed under a suspension of the rules will be read.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, directed to pay to the heirs or legal representatives of T. J. Pitzer, of Barbourville, Ky., out of any moneys in the Treasury not otherwise appropriated, the sum of $400, for mules taken from him and used for the public service during the late civil war.

Mr. DOCKERY. I ask a second, Mr. Speaker, on the motion of the gentleman from Kentucky.

Mr. WILLIAM A. STONE. I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. DOCKERY. Now let us have an explanation of this bill.

Mr. COLSON. I ask for the reading of the report, which is perhaps the best explanation of the bill that can be made.

The report (by Mr. PUGH) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 4842) for the relief of T. J. Pitzer, report as follows:

The facts out of which this bill for relief arises will be found stated in House report from the Committee on War Claims of the Forty-ninth Congress, a copy of which is hereto appended and made a part of this report.

Your committee adopt the said report as their own, and recommend that the bill referred to them do pass.

[House Report No. 1625, Forty-ninth Congress, first session.]

The claimant, Thomas J. Pitzer, of Knox County, Ky., brings this claim for $400, the price of two good mules taken from him in 1864, at or near Barbourville, Ky. The proof is conclusive that claimant was a loyal citizen, and it is equally as well shown that the two mules were taken and used by the Army of the United States. The witnesses differ a little as to the value of the mules, one witness fixing the value at $150 each, and the other at $200 each. The committee fix the value at the sum of $200 each, making $400 for the two, and this sum they recommend be paid claimant. The committee think there is nothing in the statement of the agent of the Quartermaster-General that claimant purchased these mules from some men residing in a State in insurrection, there being absolutely nothing in the record to show any collusion or bad faith in any part of the transaction.

The committee are of the opinion that the claim should be allowed, and therefore recommend that the bill do pass.

Mr. PAYNE. I would like to inquire of the gentleman from Kentucky what evidence the committee had in the Forty-ninth Congress that these mules were not purchased from some one in the Confederate States who was engaged in the rebellion?

Mr. COLSON. Well, Mr. Speaker, the committee had sufficient information to warrant them in making the report which has just been read. It is entirely satisfactory to the committee, and I suppose the House will be willing to accept the report of the committee based on their own investigation of facts. I know the party who is interested in the bill, and I am aware of the fact that it is a meritorious measure and ought to be passed.

Mr. CANNON. Let me ask the gentleman why the claim was not paid years ago?

Mr. COLSON. Simply because the Government refused to pass on the bill.

Mr. CANNON. Well, there have been many chances to have it paid.

Mr. COLSON. Well, you know yourself that there are thousands of bills, meritorious bills, that can not pass through the House.

Mr. CANNON. Yes; that may be as to a bill; but is it not true that the Quartermaster-General, under the general law, was authorized to settle all claims for a period of ten or twelve years?

Mr. COLSON. Yes; that is probably true.

Mr. CANNON. And a number of them were so settled, and a limitation was fixed upon their presentation.

I will ask the gentleman if this claim was ever presented to the Quartermaster-General?

Mr. COLSON. I think not.

Mr. CANNON. Has the gentleman knowledge of the facts?

Mr. COLSON. I am quite sure it never was.

Mr. CANNON. Then it must be barred.

Mr. COLSON. I think not. At all events, it is within the power of Congress.

Mr. CANNON. Oh, yes; we may appropriate for any possible purpose on earth.

Mr. COLSON. And it is sometimes done.

Mr. CANNON. Well, I do not say that we can not. But I am asking if there has been any action taken upon this by the parties heretofore? Now, if these parties have lost their right to compensation by neglect to avail themselves of their rights under the law, why, it is their own fault.

Mr. COLSON. I think not. We have the right to grant them relief, and, Mr. Speaker, we ought to do it in good conscience. The Government secured these mules, which the owner had just bought and paid for. They were worth what the bill calls for, and I certainly would not plead limitation on an honest debt. I do not think the Government ought to.

Mr. CANNON. Oh, well; I know it is ungracious to resist the payment of a little claim of $400—it looks so small. But what are the facts, and what are the effects of it after you do pass it? In a case of this kind, where property is taken by the Army for the use of the Army, in the first place they took a voucher for it, or had some evidence if not paid for at the time, and if they were not paid then, as I understand it, under the act of Congress it was provided that everybody might present his claim and submit it to the proper authorities for action.

Mr. COX. In the Court of Claims?

Mr. CANNON. Well, they might go to the Court of Claims; but they were not put to that trouble. They were settled, as I understand it, by the Quartermaster-General. That was away back about the time of the close of the war, or shortly after. The law authorized the Quartermaster-General to settle the claims, and then finally an act was passed that all claims must be presented within a certain time, and great quantities of claims were presented and allowed, while many others were presented and disallowed.

Now, if the gentleman can state that he has examined, and that this claim was never presented, why then it would be for Congress to say whether they would appropriate for it, notwithstanding it is barred by the statute.

Mr. COLSON. The gentleman well understands that there were

a good many persons who had meritorious claims who were not allowed their rights under the law.

Mr. CANNON. I never heard of any. Now, what I want to know is whether this is one of that kind.

Mr. COLSON. Well, I should say it was.

Mr. CANNON. Has the gentleman any knowledge of that matter?

Mr. COLSON. I have knowledge of the fact that it is a meritorious claim, and I think they did not apply to the Quartermaster's Department.

Mr. CANNON. Then it never has been acted upon by the Government?

Mr. COLSON. It never has been acted upon.

Mr. BOATNER. The Committee on Claims gave it a very thorough investigation.

Mr. COLSON. Yes; we investigate all claims thoroughly.

Mr. HUNTER. The agent of the Department did examine that claim.

Mr. COLSON. I think not.

Mr. DOCKERY. There seems to have been some grave question, indeed, as to the value of the mules, and the doubt seems to have been resolved against the Government.

Mr. HUNTER. The claim has been examined.

Mr. COX. Examined by whom?

Mr. HUNTER. By the agent of the Quartermaster-General.

Mr. LOUD. I hope the gentleman will not allow this claim to pass simply because it is small.

Mr. COLSON. I now remember that the question involved was the claim that the party bought the mules from a person who resided in a State that was in insurrection, and therefore some doubt was thrown on the claim.

Mr. CANNON. So that the gentleman was in error——

Mr. COLSON. Yes.

Mr. CANNON. About this claim never having been submitted to the Quartermaster-General. Now—

The committee think——

Mr. COLSON. That report which the gentleman has is a former report.

Mr. CANNON (reading):

The committee think there is nothing in the statement of the agent of the Quartermaster-General that claimant purchased these mules from some mee residing in a State in insurrection, there being absolutely nothing in the record to show any collusion or bad faith in any part of the transaction.

Now, it does seem that we are authorized to suppose that these parties were vigilant, that they preferred their claims before the Quartermaster-General, that the agent of the Quartermaster-General, as the law directed, reported and found that these claimants purchased these mules from parties residing in a State in insurrection, and therefore rejected the claim, as they properly ought to have done.

Mr. PAYNE. I want to ask the gentleman another question. I want to ask him whether $200 is not a very high price for a mule?

Mr. CANNON. Oh, I do not know; I think mules, especially Kentucky mules, away back at the time of the war, were worth $200 apiece.

Mr. COLSON. The testimony shows that this gentleman paid that much money for the mules, and I submit to this House whether, in equity and good conscience, this bill ought not to be paid.

Mr. BOATNER. Was there any law against buying mules from people in insurrection?

Mr. CANNON. Oh, well, gentlemen understand what the legislation was.

Mr. COLSON. I do not want to understand the gentleman from Illinois [Mr. CANNON] as objecting to paying for anything which the Government received and put to its own use. The Government took this property, used it for its own purposes, and now this party comes here and seeks relief. He had purchased these mules. They belonged to him. It is a question for this House to say whether he ought not to be reimbursed.

Mr. HOPKINS. Let us take a vote on it. I think you are entitled to a vote.

Mr. WILLIAM A. STONE. These were Kentucky mules, and not Indiana mules. [Laughter.]

Mr. COLSON. I should not come here and present this claim if I did not believe it to be meritorious.

Mr. CANNON. Now, I am authorized from the statement in this report which I have read, to infer that this claim was presented to the Quartermaster-General and adjudicated under the law.

Mr. COLSON. And rejected on a mere technicality.

Mr. CANNON. And rejected. Now, as it was rejected, that is the end of it, unless Congress intervenes and gives it life.

Mr. BOATNER. Does not the gentleman from Illinois think that the Quartermaster-General made an error?

Mr. CANNON. Now, the gentleman asks Congress to intervene and give it life. Upon what information? Upon the bare statement of the committee, of which he says he is a member, back in the Forty-ninth Congress, that they think the Quartermaster-General was mistaken.

Mr. LOUD. That is a bad Congress, too.

Mr. CANNON. My friend knew so little about it himself that but a few minutes ago he thought it had not been presented to that Department.

Mr. COLSON. That slipped my memory. I have been familiar with the facts.

Mr. CANNON. Well, now, this is a matter of $400. I do not care whether the House passes it or not; but I do say that I have no doubt there are millions of dollars of just as worthy claims as this that have been rejected by the Quartermaster-General.

Mr. COLSON. This gentleman has been here with this bill before, and it is not his fault that Congress has not given him relief.

Mr. HULICK. On what ground was this claim rejected by the Quartermaster-General?

Mr. COLSON. On some technicality.

Mr. HULICK. What was it?

Mr. COLSON. That some party from whom he purchased the mules seems to have resided in a State that was in insurrection.

Mr. BAILEY. We would like to hear what the gentleman is saying.

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. DOCKERY. Mr. Speaker, I have some of my time left, and I desire to yield as much as may be necessary to the gentleman from California.

Mr. LOUD. Mr. Speaker, I am much surprised that a case of this character, involving so great a principle as it does, should occupy the time of this House and that we should occupy the time of the House in rejecting a case that had been adjudicated in days gone by, or that such a case could have got the eye of the Speaker. Now, the gentleman from Illinois [Mr. CANNON] seems apparently willing to act upon this case, because it involves but $400. But is it not just as important, let me ask the gentleman from Illinois, to resist it with all the means in his power as chairman of the Committee on Appropriations, who as such is supposed to look after ruthless attempts to appropriate public money by this body, by every means in his power, as though it carried $400,000? Why, if this bill passed, Mr. Speaker, we have added but another precedent to a line that has been established, and the principle made come here to-morrow. If we have a case perhaps of $800 or $8,000, it would be claimed that this House has already established a precedent in passing bills of this character.

Now, while it may seem, perhaps, a waste of time to many gentlemen who have cases that they would like to have passed this afternoon to take up the time of this body to save to the Government the small sum of $400, yet I feel myself mean enough, if you feel inclined to express it in that way, to resist this claim as strongly as I would if it carried $4,000,000. The claim should not be paid; it has not a spark of equity or justice in it from beginning to end; and I appeal to the judgment of any man on the floor of this House—I even appeal to the judgment of the gentleman who presents it to know if he will apply the rule he invokes in this case to another one in some other district of the country? I hope the House will most emphatically, by an emphatic vote, defeat the passage of this bill, small as it is in amount.

Mr. COLSON. Mr. Chairman, the gentleman from California refers to the principle involved. I regret to consume the time of the House and the time that has been consumed in the consideration of this measure; but so far as the principle involved in this bill is concerned, I agree with him that it is just as important as if the bill carried $4,000,000; and the Government is under as much obligation to pay this $400 that the bill carries as it would be to pay $4,000,000 due to somebody else. It would be under as much obligation to pass the bill if it carried $4,000,000 as it is a bill carrying only $400. You talk about the principle involved. The Government took the property. The owner of the property was powerless to prevent the Government from taking it. And now the question is whether this Congress will sit here and say that this great Government of the United States should not pay a poor man for the two mules which it took from him the sum of $400 that he demands when he shows he paid that for the mules. That is the only question I submit to this House. The gentleman from California is a constitutional objector. He objects to these measures regardless of the right of the thing. I do not believe that this House will support the objections of the gentleman from California.

Mr. DOCKERY. Mr. Speaker, the gentleman from California needs no defense at my hands. His splendid record as a Representative is his best defense. So far as the criticism which has just been laid at his door—a "constitutional objector"—I may say that I commend him most heartily and fully for the consistent course he has pursued in this House in attempting to defend the Treasury

of the United States from unwarranted assaults. I remember to have read a few days since an interview with a distinguished public official in which, by way of explaining the fact that the expenditures of the Government were constantly increasing, he stated that in the organization of the House and the Senate there were no committees clothed with the express duty and power of defending the Treasury.

I recognize the fact that to a certain extent our organization is defective in that respect, and I am willing to stand here, even though it involves odium, to uphold the efforts of the gentleman from Illinois [Mr. CANNON] and the gentleman from California [Mr. LOUD] in defense of the Treasury when gentlemen seek to pass bills calling for the expenditure of public money for musty old claims that ought never to have been presented to this House. We need an organization, Mr. Speaker, to speak for the taxpayers of the United States. Under the unwritten law and custom, the chairman of the Committee on Appropriations is perhaps the only one that can stand in the way of these unwarranted expenditures without risk of incurring the odium that may be involved in the idea expressed by the gentleman from Kentucky.

This bill has had its day in court. As to amount, it involves, to be sure, only $400; but in principle it involves very much more than that. If we are to go back and disturb the settlements made heretofore of questions growing out of the war, then I can present from Missouri, from my own district, hundreds and thousands of claims just as worthy, just as equitable, just as honest as the one now presented by the gentleman from Kentucky. I hope that the gentleman from Illinois [Mr. CANNON] and the gentleman from California [Mr. LOUD] will not be deterred by the criticism which has fallen from the lips of the gentleman from Kentucky, but will stand in the future, as they have stood in the past, against all these bills involving expenditure of the people's money where it is not necessary for the honest, frugal administration of governmental affairs.

Mr. HULICK. Does the gentleman mean that he is opposed to these bills whether they are right or not?

Mr. DOCKERY. No, sir. I am in favor of all bills that are right; but this bill comes here tainted with suspicion.

Mr. COLSON. I deny that. The gentleman does not dispute the fact that the Government took this property?

Mr. DOCKERY. In the first place, Mr. Speaker, these were very high-priced mules. [Laughter.] There is a doubt as to the value of the mules, and the doubt, as in all these cases, is resolved against the Government. One witness testified that they were worth perhaps $150 apiece, and another that they were worth $200, and thereupon the committee proceeded to allow $200 apiece. Then, from a statement in the report we are authorized to infer that there was a question raised as to whether or not these mules were not purchased in an insurrectionary district. I do not know what the facts were, and this House does not and can not know what the facts were, and that only illustrates still more strikingly the absurdity of going back and, by special legislation, ripping up settlements made by authorized tribunals in the years immediately succeeding the war. As I understand it, the Quartermaster-General was authorized to settle all claims of this character. This claim was presented to him; it had its day in court; it was rejected, and now, more than thirty years after the war, it is attempted to be put through here by a special act. I hope the House will vote down this bill.

Mr. McCALL of Tennessee. Mr. Speaker——

The SPEAKER. The gentleman from Kentucky [Mr. COLSON] is entitled to five minutes more.

Mr. COLSON. I yield my time to the gentleman from Tennessee [Mr. MCCALL].

Mr. McCALL of Tennessee. I thank the gentleman from Kentucky. In my short experience as a member of Congress I have at all times endeavored to speak in favor of reasonable economy and have voted that way, but I have observed that claims against the Government of a certain class, coming from a certain section of the country, invariably excite an interest and an opposition which is to me remarkable and astonishing. Why, sir, it seems to me from my brief experience here that if a claim against the Government has the merit of being a large one it may pass, but if it has the misfortune of covering but a small amount, then, however meritorious it may be, it is sure to meet with determined opposition. My distinguished friend from Missouri [Mr. DOCKERY] is always an economist, but why he should find such a great principle involved in this bill as to call forth this animated discussion I do not understand, unless it be upon the ground that it is wrong to pay a loyal man who lived in the South for property taken from him by the Government during the war.

Now, sir, on that question I want to repeat what I said on a former occasion on this floor, that if there is any class of men in this country who deserve just consideration at the hands of this Government, in my opinion it is the loyal men of the South, the men of Kentucky, of Tennessee, of all the border States, as well as farther south. [Applause.] That is my sincere belief, and I do not understand why it is that these little claims, coming from that section, are always found to involve such important principles and to be so objectionable. The loyal men in those States were subjected to ostracism, to corporal punishment, sometimes to death, at the hands of those who surrounded them, and yet they stood faithful to the Union. Such a man lived, say, in Kentucky or in Tennessee, where at one time the armies of the South would drive back the Union troops and would devastate and destroy his property, and then the Union Army would again sweep over the same territory, drive back the Southern army, and in their turn would devastate and destroy.

Such a man comes here saying, "I was a Union man; you took my mules, for which I paid $200 each; you ought to pay me for them." But the Government says to him, "Your claim is too old; why have you not had it paid before?" The answer is to be found in the obstacles such as I have witnessed to-day thrown in the path of men urging these just claims. In conclusion, Mr. Speaker, I believe that these claims of loyal men of the South against the Government for property taken to maintain the armies of the Union when they were surrounded by enemies in that country should receive respectful consideration and prompt payment at the hands of the Congress of the country. [Applause.]

The question being taken on the motion to suspend the rules and pass the bill, there were on a division (called for by Mr. DOCKERY)—ayes 68, noes 37.

So (two-thirds not voting in the affirmative) the rules were not suspended.

ORDER OF BUSINESS.

Mr. HITT. I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of appropriation bills, with the view of taking up the consular and diplomatic appropriation bill. Pending this motion, I should like to make an agreement with my friend on the opposite side [Mr. MCCREARY of Kentucky] as to the time to be occupied in general debate. I do not desire myself more than five or ten minutes. This is a purely business bill, as to which there is no dissent whatever.

Mr. McCREARY of Kentucky. This bill is almost exactly identical with the consular and diplomatic appropriation bill passed at the last session. I know of no necessity for any extended debate.

Mr. HITT. Shall we say ten minutes?

Mr. McCREARY of Kentucky. I think not exceeding ten minutes will be sufficient.

Mr. HITT. Then I make that proposition a part of my former motion.

Mr. CURTIS of New York. I desire to present a conference report.

The SPEAKER. Pending the motion of the gentleman from Illinois [Mr. HITT], the gentleman from New York [Mr. CURTIS] submits a conference report, which will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7 and 8.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, and 6; and the Senate agree to the same.

N. M. CURTIS,
M. GRIFFIN,
D. G. TYLER,
Managers on the part of the House.

R. F. PETTIGREW,
GEORGE C. PERKINS,
Managers on the part of the Senate.

The SPEAKER. The question is on agreeing to the conference report.

Mr. STEELE. We should like to hear some explanation of it.

Mr. RICHARDSON. There ought to be a written statement accompanying the report.

The SPEAKER. Does the gentleman from Tennessee [Mr. RICHARDSON] make the objection that there is no written statement from the House conferees?

Mr. RICHARDSON. I think there ought to be a statement of some kind.

Mr. CURTIS of New York. I can explain the matter in a few minutes.

Mr. RICHARDSON. I do not object to the gentleman submitting an oral statement.

Mr. CURTIS of New York. I think I can make a statement in a few moments which will be acceptable.

Mr. BAILEY. I think that on a general appropriation bill the requirement of the rule ought to be adhered to, and I feel disposed to insist upon it.

The SPEAKER. The gentleman from Texas [Mr. BAILEY] makes the point that the conference report can not be received in the absence of a written statement of the House conferees, as required by the rules. The Chair sustains the point.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. HITT. I now renew my motion.

The SPEAKER. The gentleman from Illinois [Mr. HITT] moves that the House resolve itself into Committee of the Whole for the consideration of general appropriation bills. Pending that motion, he moves that general debate in Committee of the Whole on the consular and diplomatic appropriation bill be limited to ten minutes. The question is on agreeing to the motion for a limitation of general debate.

The motion was agreed to.

The qestion being then taken on the motion to go into Committee of the Whole on the state of the Union, it was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. PAYNE in the chair, and proceeded to the consideration of the bill (H. R. 10134) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1898.

Mr. HITT. Mr. Chairman, before proceeding with the general debate, I move that the formal reading of the bill be dispensed with.

The CHAIRMAN. In the absence of objection, the first reading of the bill will be dispensed with.

There was no objection.

Mr. HITT. Mr. Chairman, this bill makes provision for the foreign service of the United States; and in doing so it repeats largely the existing law. The amount which the bill proposes to appropriate is $1,676,908.76. The Secretary of State in his estimate, transmitted by the Secretary of the Treasury, estimated for nearly $400,000 more than this sum. But owing to the provision in the twenty-first rule of the House, forbidding the committee to report any appropriation not authorized by existing law, we were not at liberty to report in this bill those large expenditures. The principal one was $350,000 for the world's fair at Paris in 1900. There was another for an art exposition at Munich, $20,000. These and other propositions submitted, we were prohibited by the rules from incorporating in the bill.

There is an increase of $33,350 in the amount which the bill appropriates over the amount provided in the law of last year. That, however, is not in fact $33,000 of additional expenditure by the Government or additional charge upon the Treasury. It is larger than the amount appropriated in this particular bill last year simply because we have, at the request of the Secretary of State, inserted in the bill a provision which was formerly in the sundry civil appropriation bill for the survey of the water boundary between the United States and Mexico, and a provision for the international prison congress.

There is also, Mr. Chairman, an apparent increase in the bill of about $10,000 in the salaries paid to consuls, but instead of that being an increase of expenditure, or an increased charge upon the Treasury, it is retrenchment; it is a compliance with a law which requires the Secretary, in the estimates, and impliedly requires the committee, to provide in salaries for the offices where the fees are such large sums that it is deemed better to pay salaries and turn the fees into the Treasury. In these newly salaried consulates, to the amount of about $10,000—or, to be exact, $9,500 in new salaries and one increase of $500—the fees paid are $12,936.50; and the retrenchment in fact by the apparent increase will be, in exact numbers, $3,436.50.

That explains the apparent increase of $33,000 above the law of last year, and I may say generally, as to the bill, that while the sum seems a large one, a considerable part of it is in the nature of provision against possibilities or contingencies which may not arise rather than a provision for certain expenditures. For instance, $5,000 of the appropriation in one of its paragraphs, fees and costs in extradition cases, is an appropriation that will all be reimbursed by foreign countries who reclaim their criminals in this country. Of the $5,000 to bring home our criminals, a large part is reimbursed by the States where the offenses are against State laws, but not where the offenses are against the Federal laws. With reference to the neutrality-act item of $8,000, only one-half of that appropriation is sometimes expended; we have cut it down from the $10,000 formerly appropriated to $8,000. An emergency fund is provided which may be needed or may not be needed. But whether it be expended or not expended, it ought to be there, ready and available for use if required.

So, too, with reference to the fund for the protection and relief of seamen, which in certain cases in the past was all required and in other years has involved far less expenditure. For this fund $50,000 has been heretofore appropriated.

These and similar items, Mr. Chairman, make up about $100,000 of the bill, which will probably not be all expended.

So, too, with reference to the $28,000 which is provided for the Bureau of American Republics. We pay that out as an actual expenditure, but $12,000 is to be reimbursed to us by the other Governments, parties to the agreement and controlling the Bureau jointly with us. Our portion is about $16,000.

There is no substantial increase, except contingent allowance for clerks at consulates, an increase of $5,000; contingent expenses of foreign missions, an increase of $5,000.

Generally the bill is similar to that which the House has so often considered and accepted.

I yield to the gentleman from Kentucky the remainder of the time.

Mr. HENDERSON. Before the gentleman from Illinois takes his seat, I would like to ask a question for my personal information. I see it stated that portions of the foreign service are under the civil-service law, and it does not appear in the report of the Civil Service Commission what the officers are. Can the chairman of the committee throw light upon that point for the information of the House or for my own information?

Mr. HITT. I have a letter here from the Assistant Secretary of State in my hands, which I will quote.

DEPARTMENT OF STATE, *Washington*, ——, *189—*.

SIR: In reply to your letter of ——, I would state that, under the Executive order of September 20, 1895, vacancies in consulates or commercial agencies the salary of which is not more than $2,500 or less than $1,000, or the official fees of which do not exceed the former or fall below the latter sum, will hereafter be filled by the appointment of either: (1) Persons holding positions under the Department of State; (2) persons having previously served under the Department; or (3) from among persons who, having furnished the customary evidence of character, responsibility, and capacity, and having been thereupon selected by the President for examination, have been found upon such examination to be qualified for the position.

Applications for offices falling within the above limits should be addressed to the Secretary of State, the name of the vacancy applied for being indicated, as well as the special qualifications for such office of the applicant, and this application should be accompanied by such indorsements as to applicant's character, responsibility, and capacity as he may be able to furnish.

W. W. ROCKHILL,
Assistant Secretary.

I may state, as a matter of information, that of the nominations so made by the President, I am informed that more than a majority have been rejected by the examination adopted.

I will insert also in the RECORD with my remarks, for the information of members, the circular statement of the Department, the letter of the Secretary of State to the President of September 17, 1895; the Executive order of President Cleveland of September 20, 1895; the order of the Secretary of State of September 23, 1895; and Assistant Secretary Rockhill's letter, all bearing upon this subject.

They are as follows:

EXAMINATIONS FOR THE CONSULAR SERVICE.

By an Executive order, dated September 20, 1895, the President of the United States directed that thereafter any vacancy in a consulate or commercial agency with an annual salary or compensation from official fees of not more than $2,500 nor less than $1,000 should be filled by transfer or promotion from some other position under the Department of State of a character tending to qualify the incumbent for the position to be filled; by the appointment of a person not under the Department of State, but having previously served thereunder to its satisfaction in a capacity tending to qualify him for the position to be filled; or by the appointment of a person who, having been selected by the President for examination, is found, upon such examination, to be qualified for the position. Posts which pay less than $1,000 being usually filled by selection from residents of the locality, it was not deemed practicable to put them under the new system. Excluding these places, numbering 71 at present, and also the places above $2,500, numbering 53, the number of consular positions within the scope of the order is 196. But as the consular officers who receive less compensation than $1,000 are paid by fees, and these fluctuate and will probably increase with the return of improved business conditions, the number of places that may be included in the new system of appointments is, as yet, undetermined. For this reason, an attempt to give a list of places accessible under the Executive order would be misleading.

LETTER OF THE SECRETARY OF STATE.

The action of the President was based upon a communication from the Secretary of State, as follows:

The President:

SIR: Complaints of the consular service of the United States, of the incompetency of consuls, and of the injurious consequences to great public interests, are not infrequently brought to the notice of the Department, sometimes by direct communication, but more commonly through the medium of the public press. That they are not always well founded is clear, and instances are by no means rare in which interested parties indulge in the severest condemnation of officials whose only fault has been a proper adherence to the line of their legitimate duties. Merchants or others who demand that public functions shall be ignored or exceeded for the promotion of particular and private ends ought to find themselves disappointed, and if they are, may be expected to rail without stint at the officer who has refused to be their tool. Nevertheless, the consular office is of great importance in its relation to the commercial interests of the country (every consul should, so far as practicable, be chosen for his special fitness for the particular position in which he is to serve), and it can not be denied that while complaints against consuls are in some cases unwarranted, there are only too many others which can not be so regarded.

It is contended by boards of trade, chambers of commerce, and other like bodies all over the country that if our consular service were what it should be and our consuls were officials chosen for their fitness for the duties to be discharged by them, the results to the trade and commerce of the country would be of the most favorable character. The contention seems reasonable in itself, and is supported by the practice and experience of Great Britain and other European countries. Congress has, to some extent, recognized its justness by the statutes providing for consular pupils and consular clerks to be appointed upon satisfactory evidence of qualification, derived through examinations or otherwise. By the act of 1864, these officials, originally limited to twenty-five in number and called consular pupils, are designated as consular clerks and limited to thirteen in number, and are not to be removed from office except for cause stated to Congress in writing. It is pertinent to note also, in this connection, that at the last session of Congress bills to improve the consular service, by securing competency and fitness in its officers, were introduced into the Senate by representatives of both political parties. It is the executive branch of the Government, however, which might be expected to be most strongly impressed with the defects of our consular service, and by which appropriate measures for removing them would most naturally be initiated.

Hence it is not surprising to find that in 1866 the Department of State promulgated an order requiring all applicants for consulates to present themselves for examination at the Department. Neither the original order nor

any copy of it can now be found. But the board of examiners, consisting of the Second Assistant Secretary of State, the examiner of claims, and the officer in charge of the consular division, met, organized, and held examinations under the order, and out of 9 applicants approved 7 as satisfactory. The other 2 were held not to be qualified, one because lacking in knowledge of foreign languages, the other because of general incompetency. It does not appear that more than one examination was held under this order of 1866, and the next step taken in the same direction seems to have been by an Executive order of April 16, 1872. How much was done under this regulation is not clear, and at all events it was soon superseded by the Executive order of March 14, 1873. This order, made like that of April 16, 1872, under the civil-service act of March 3, 1871, and during the life of the commission organized under that statute, is as follows: "Vacancies occurring in any grade of consulates or clerkships in the Department may be filled either by transfer from some other grade or service, clerical, consular, or diplomatic under the Department of State, or by the appointment of some person who has previously served under the Department of State to its satisfaction, or by the appointment of some person who has made application to the Secretary of State with proper certificates of character, responsibility, and capacity, in the manner provided for applications for consulates of which the annual compensation is more than $1,000 and less than $3,000, and who has, on examination, been found qualified for the position."

Under this order, an examination board was organized by the Secretary of State, consisting of three officials serving in the State Department at Washington. A general regulation was also adopted, by which, upon a consulate becoming vacant, notice in writing in a form prescribed by the Secretary of State was sent to applicants for consulships.

This notice stated in substance that the vacancy had occurred; that the applicant was to attend for examination at the State Department on the day named; that, in addition to the usual subjects, he would be examined upon the third and eleventh chapters of the first volume of Kent's Commentaries, and upon the "Regulations for the consular service of the United States;" that reasonable time would be given an applicant to familiarize himself with such "regulations," copies of which could be had for 80 cents, and that before such examination the applicant must file with the Department a paper certifying to his honesty, trustworthiness, good repute, steady habits, and capacity to perform the duties of a consul, and signed either by a person personally known to the Secretary of State or by some person with means of information vouched for by one personally known to the Secretary of State. Conformably to these regulations made under the Executive order of March 14, 1873, quite a number of persons were examined during the years 1873 and 1874. The examinations were conducted through questions and answers in writing, and the examination papers are still on file in the Department. The system thus generally described is said to have worked well in practice, and to have both improved the consular service and relieved the Department of much embarrassment. It was, nevertheless, short lived, and though the necessary connection between the two things is not obvious, it *seems to have* been given up simultaneously with the relinquishment of its functions by the Civil Service Commission of 1871, a relinquishment brought about by the refusal of Congress to make any appropriations for that branch of the service.

The civil-service act of 1871, now in force as section 1753 of the Revised Statutes, authorizes the President "to prescribe such regulations for the admission of persons into the civil service of the United States as may best promote the efficiency thereof, and ascertain the fitness of each candidate in respect to age, health, character, knowledge, and ability for the branch of service into which he seeks to enter; and for this purpose he may employ suitable persons to conduct such inquiries, and may prescribe their duties and establish regulations for the conduct of persons who may receive appointments in the civil service." It may be that these statutory provisions can not be so utilized as to bring about that complete reform and improvement of the consular service which are universally conceded to be desirable. It may be that costly and elaborate machinery of the character provided by the Senate bills already referred to will be found necessary to that end. But, even if that be so, it is still to be remembered that the provisions of those bills have not yet been enacted by Congress and may never be, and that meanwhile it can do no harm, and may do much good, to make a thorough trial of the efficiency of such regulations as are authorized by section 1753 of the Revised Statutes. I therefore venture to recommend the adoption of an executive order in the terms of a paper which is hereto appended, marked B. It differs in detail, rather than in principle, from the other executive orders already referred to. It assumes that consuls may properly be chosen from two classes of persons without examination, namely, from persons already in the service of the State Department or from persons formerly in its service, and who in each case have not only satisfactory records of service, but of service tending to qualify them for the duties of consul. It requires all other persons, being first selected as eligible for examination upon the ordinary proofs of competency and good character, to submit themselves to an examination designed to test their aptitude and fitness for the special functions of the consular office. Thus, on the one hand, the appointing power is left at liberty to avail itself of whatever special capacity and fitness for the consular office actual service has demonstrated to exist. On the other hand, by reserving to itself the designation of the persons eligible for examination, the appointing power protects itself to some extent at least from the errors sure to follow from absolute reliance upon purely academic tests of fitness. Finally, it should be borne in mind that the order now recommended is in no sense final or exhaustive. Experience will doubtless prove in what respects it may be amended or enlarged to the advantage of the public interest. But meanwhile it may surely be claimed for it that it will be at least a step in the right direction, and a step to be judged of not by the advance it itself makes, but by the advance it may rightly be expected to inevitably lead to.

The incumbents of such consular offices as are scarcely inferior in dignity and importance to that of minister must, it is believed, continue to be selected as heretofore at the personal discretion and upon the personal responsibility of the Executive. It is to be borne in mind, too, that there are a large number of such offices, the emoluments of which are less than $1,000—the lowest salary attached by law to any consular position—which are paid only by fees, and which, as a rule, must be filled from the residents of the particular locality where the office is established. The annexed order, therefore, does not apply to either of these classes. On the other hand, it does in terms apply to commercial agents, so called, officers with functions to all intents and purposes the same as consuls, and thus embraces within its operation nearly three-fourths of the whole number of consular and quasi-consular offices of such rank and yielding such compensation as to be desired and sought for by citizens resident within the United States.

Very respectfully,

RICHARD OLNEY.

SEPTEMBER 17, 1895.

EXECUTIVE ORDER.

It being of great importance that the consuls and commercial agents of the United States shall possess the proper qualifications for their respective positions, to be ascertained either through a satisfactory record of previous actual service under the Department of State or through an appropriate examination:

It is hereby ordered that any vacancy in a consulate or commercial agency now or hereafter existing, the salary of which is not more than $2,500 nor less than $1,000, or the compensation of which, if derived from official fees, exclusive of notarial and other unofficial receipts, does not exceed $2,500 nor fall below $1,000, shall be filled (*a*) by a transfer or promotion from some other position under the Department of State of a character tending to qualify the incumbent for the position to be filled; or (*b*) by appointment of a person not under the Department of State, but having previously served thereunder to its satisfaction in a capacity tending to qualify him for the position to be filled; or (*c*) by the appointment of a person who, having furnished the customary evidence of character, responsibility, and capacity, and being thereupon selected by the President for examination, is found upon such examination to be qualified for the position.

For the purposes of this order notarial and unofficial fees shall not be regarded, but the compensation of a consulate or commercial agency shall be ascertained, if the office is salaried, by reference to the last preceding appropriation act, and if the office is not salaried, by reference to the returns of official fees for the last preceding fiscal year.

The examination hereinbefore provided for shall be by a board of three persons designated by the Secretary of State, who shall also prescribe the subjects to which such examinations shall relate and the general mode of conducting the same by the board.

A vacancy in a consulate will be filled at discretion only when a suitable appointment can not be made in any of the modes indicated in the second paragraph of this order.

GROVER CLEVELAND.

EXECUTIVE MANSION, *September 20, 1895.*

ORDER OF THE SECRETARY OF STATE.

In pursuance of the Executive order of September 20, 1895, the Third Assistant Secretary of State, the Solicitor of the State Department, and the Chief of the Consular Bureau, or the persons for the time being respectively discharging the duties of said offices, are hereby constituted a board, whose duty it shall be, by appropriate examination, to determine the qualifications for the respective positions of persons selected for such examination by the President and applying for such consulates and commercial agencies as are included within the scope of said order. Vacancies occurring in said board, or such changes in the membership thereof as experience may prove to be desirable, will be dealt with by additional regulations as occasion may require.

The examination herein provided for shall be held from time to time at the State Department in Washington, upon such notice to candidates as shall give them reasonable opportunity to attend for the purpose in question.

Such examinations shall be by questions and answers in writing, unless for special reasons the board consider it desirable in any particular case to conduct an examination viva voce, in which case, however, a stenographer shall be present and shall report all the proceedings.

The subjects to which an examination shall relate shall be:

(1) General education, knowledge of languages, business training and experience.

(2) The country in which the consul or commercial agent is to reside, its government, chief magistrate, geographical features, principal cities, chief production, and its commercial intercourse and relations with the United States.

(3) The exequatur, its nature and use.

(4) Functions of a consul or commercial agent as compared with those of a vice-consul or consular agent; relation of former to latter, also to the United States minister or ambassador at the capital of the country.

(5) Duties of a consul or commercial agent as regards:

(*a*) Correspondence with the State Deparment and the form thereof.
(*b*) Passports, granting and visaing.
(*c*) United States merchant vessels in a foreign port, and their crews, whether seeking discharge, deserting, or destitute.
(*d*) Wrecks within the jurisdiction.
(*e*) Wrongs to United States citizens within jurisdiction.
(*f*) Invoices.
(*g*) Official fees and accounts.

(6) Treaties between the United States and the foreign country.

(7) Relations of ambassador and minister to laws of the country to which they are accredited, as compared with those of consul or commercial agent to those of the countries where they reside.

(8) Acts of ambassador or minister, how far binding upon his country.

(9) Diplomatic, judicial, and commercial functions of consuls or commercial agents.

(10) Piracy, what it is and where punishable.

(11) Consular Regulations of the United States, copy of which (to be returned to the Department) will be supplied to each candidate upon application.

(12) Such other subject or subjects as the board may deem important and appropriate in any particular case.

The examining board is authorized to issue such notices and to make all such rules as they may deem necessary to accomplish the objects of this regulation, and immediately upon the conclusion of such examination will make to the Secretary of State a report in writing, stating whether in their judgment the candidate is or is not qualified for the particular position applied for, and if the decision is adverse to the candidate, also briefly summarizing the grounds of such decision.

RICHARD OLNEY,
Secretary of State.

SEPTEMBER 23, 1895.

CIRCULAR TO APPLICANTS.

DEPARTMENT OF STATE, *Washington*, ——, *189—*.

SIR: In reply to your letter of ——, I would state that, under the executive order of September 20, 1895, vacancies in consulates or commercial agencies the salary of which is not more than $2,500 or less than $1,000, or the official fees of which do not exceed the former or fall below the latter sum, will hereafter be filled by the appointment of either: (1) Persons holding positions under the Department of State; (2) persons having previously served under the Department; or (3) from among persons who, having furnished the customary evidence of character, responsibility, and capacity, and having been thereupon selected by the President for examination, have been found upon such examination to be qualified for the position.

Applications for offices falling within the above limits should be addressed to the Secretary of State, the name of the vacancy applied for being indicated, as well as the special qualifications for such office of the applicant, and this application should be accompanied by such indorsements as to applicant's character, responsibility, and capacity as he may be able to furnish.

When the President shall have decided to fill any vacancy occurring among the consular offices in the above-mentioned classes, such candidates for it belonging to the third class as shall have been selected by him after examination of their applications and indorsements will be notified of the date of the examination and of the subjects on which said examination will bear, and they will also be supplied with such other papers as the examining board shall deem necesaary for their guidance.

I am, sir, your obedient servant,

W. W. ROCKHILL,
Third Assistant Secretary.

Mr. HENDERSON. Is this a board of the State Department or of the Civil Service Commission?

Mr. HITT. It is a board appointed by the Secretary of State.

Mr. HENDERSON. It is not done under the civil-service law?

Mr. HITT. It is not under the act of 1883, commonly called the civil-service law. It is done under the act of 1871.

Mr. WILLIAM A. STONE. Do these requirements apply to all consular and diplomatic appointments?

Mr. HITT. All of twenty-five hundred dollars and under which are over $1,000.

Mr. McCREARY of Kentucky. Mr. Chairman, in the brief time that is allowed I wish to say that I served on the subcommittee with the distinguished chairman of the Committee on Foreign Affairs [Mr. HITT] and it is hardly necessary for me to add very much to what he has said; but I desire to say that this bill was carefully prepared, and that in its details it is substantially the same as the diplomatic and consular appropriation bill that was passed last year. The increase which has been made was absolutely necessary. The Secretary of State recommended certain increases that were not made. They were not allowed by the rules of the House of Representatives. The estimates that were sent to us by the Secretary of the Treasury amounted to $405,620 more than the amount which we have appropriated. It can be said, also, in favor of this bill that the appropriations for the consular and diplomatic service are smaller than in any other of the general appropriation bills. It is also a fact that we receive about $1,000,000 from our consular service, which, when subtracted from the whole amount of this bill, $1,676,908.76, leaves only about $600,000 as the cost of our diplomatic and consular service for one year. This bill carries a net increase of $33,000 over the last bill, and every increase that has been made was deemed by the Committee on Foreign Affairs to be absolutely essential.

Mr. TURNER of Georgia. Will the gentleman from Kentucky [Mr. McCREARY] inform us whether the present bill continues our relation as it has hitherto stood to the Samoan Islands? Are we by this bill contributing to the support of the Samoan Government or the maintenance of a government in that country?

Mr. McCREARY of Kentucky. Mr. Chairman, there was a treaty entered into some years ago known as the Berlin treaty. The United States, England, and Germany were represented in the negotiation of that treaty. It was a tripartite agreement. One of the gentlemen who represented the United States was our distinguished friend, Hon. William Walter Phelps, who served in Congress several terms and was afterwards minister to Germany. Under that treaty, I would say to my friend from Georgia [Mr. TURNER], England, Germany, and the United States were each to pay a portion of the expense of maintaining the King of Samoa and a chief justice, and other expenses if deemed necessary by the parties to the treaty. Every year since that treaty was made Congress has appropriated a small amount of money to pay the part due from the United States, and England and Germany have also paid their respective portions.

The CHAIRMAN. The time for general debate, by order of the House, has expired. The Clerk will read.

Mr. TURNER of Georgia. I ask unanimous consent that the gentleman from Kentucky [Mr. McCREARY] be allowed to complete this interesting chronicle.

The CHAIRMAN. The Chair hardly thinks that can be done after the House has ordered the debate closed, but the Chair will suggest that the moment a paragraph is read debate under the five-minute rule will be in order.

Mr. McCREARY of Kentucky. I will say to my friend from Georgia that after the reading of the bill is commenced I shall be glad to give him further information, if desired.

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and they are hereby, severally appropriated, in full compensation for the diplomatic and consular service for the fiscal year ending June 30, 1898, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, namely:

Mr. TURNER of Georgia. Mr. Chairman, I move to strike out the last word, in order to elicit from my friend from Kentucky [Mr. McCREARY] this very interesting information of which I am in pursuit. I have not forgotten the story of this treaty. I have never, however, been able to reconcile it with my judgment as to the duty of this Government in its relations to foreign peoples, and have never been able to feel that we were occupying exactly the attitude which was most consistent with the spirit of our institutions in this Samoan affair. The gentleman from Kentucky [Mr. McCREARY] has no doubt correctly recited the inception of this affair, but according to my recollection the President or Secretary of State, or both, have inveighed against the continuance of this state of things. I think sometimes that they stated in their annual reports that they have in vain called the attention of Congress to it. If such is the case, I should like to know why this state of things is still continued, and I yield to the gentleman from Kentucky [Mr. McCREARY] for that purpose.

Mr. McCREARY of Kentucky. Mr. Chairman, the amount of the appropriation to pay our part under the Berlin treaty to which I have referred is no new matter in this House. It has been called up repeatedly, and I have said in this House repeatedly when the diplomatic and consular appropriation bill was under consideration that I did not approve of that part of the treaty which required the United States to assist in maintaining a king on the throne of Samoa. It is not necessary for me to repeat it, for I do not approve of it now. But here is a solemn treaty obligation, entered into between the United States, Germany, and England, and subsequently ratified by the Senate, which has that power under the Constitution; and Congress has been making an appropriation every year since that ratification in about this language:

PROTECTING INTERESTS OF THE UNITED STATES IN THE SAMOAN ISLANDS.

For the execution of the obligations of the United States and the protection of the interests and property of the United States in the Samoan Islands, under any existing treaty with the Government of said islands and with the Governments of Germany and Great Britain, $6,000, to be expended under the direction of the President.

The proper way to be relieved of the necessity for making the appropriation now criticised is by negotiations between our Government and the Governments of Germany and Great Britain abrogating the treaty, or by the passage of an act of Congress annulling that part of the treaty requiring the appropriation to be made.

Mr. HENDERSON. What is the $6,000 expended for?

Mr. McCREARY of Kentucky. It is, under the treaty, our part to help pay the expenses of the King and the chief justice, and for the benefit of American interests.

Mr. HITT. It is the judge's salary and the expenses of the court.

Mr. McCLELLAN. And the chief justice is an American.

Mr. McCREARY of Kentucky. He was originally an Englishman; but the chief justice is now an American.

Mr. WILLIAM A. STONE. Is the King under the civil service? [Laughter.]

Mr. McMILLIN. This matter, as stated by the gentleman from Georgia, has been called to the attention of Congress heretofore. It has been commented on in this House, and for one I suppose there is no chance to break through this appropriation bill and prevent this appropriation; but I do not believe that it is consistent with our duties as Representatives nor is it a proper discharge of the duty we owe to our Government to tax the people of the United States for the purpose of paying the salary of any king in the world nor the expenses of any kingly government. I have never favored it and never shall.

Mr. WILLIAM A. STONE. May I ask if this King is under the same protection of the civil-service laws as the rest? [Laughter.]

Mr. McMILLIN. I did not catch the inquiry of the gentleman.

Mr. BAILEY. He is still looking after the offices.

Mr. MORSE. He wants to know if the King is under civil-service rules.

Mr. McMILLIN. The payment of the King was started by a rule that ought never to have been adopted by this country.

Mr. HITT. But the gentleman will agree with me that this is a treaty obligation, and it does not lie in the House to set aside a treaty obligation.

Mr. McMILLIN. But Congress can repeal it, and the House can refuse to appropriate, and ought to do so. It is as un-American as anything can be. If the principle is right to pay tribute of $6,000, it may not be wrong to contribute $6,000,000. The principle is the same in a small amount as in a large one. This thing has been called to the attention of the House time and time again, and there ought to be no let up by this House until it is gotten rid of in some way. I am not saying this by way of reflection upon the gentlemen who have framed this bill. They have framed it in accordance with what they considered were treaty obligations, but there ought to be nothing in the bill to force this Government to contribute to the support of a king.

Mr. MORSE. Not even the Queen of the Sandwich Islands?

Mr. McMILLIN. Not even anybody.

Mr. McCREARY of Kentucky. Mr. Chairman, this treaty was made during the Administration of Mr. Harrison——

Mr. McMILLIN. That is correct; and we rebelled against it.

Mr. McCREARY of Kentucky (continuing). In 1890. My friend from Georgia wanted to know the time. It was in 1890, during the Administration of President Harrison.

Mr. LEWIS. Was it made then, or ratified?

Mr. McCREARY of Kentucky. It was made in 1890, when our friend Mr. Phelps and others went to Berlin, and ratified shortly afterwards by the Senate of the United States.

The CHAIRMAN. The pro forma amendment will be considered as withdrawn.

The Clerk read as follows:

CLERK HIRE AT LEGATIONS.

Clerk hire at the legation to Spain, $1,200.

Mr. HITT. Mr. Chairman, I move to strike out lines 9, 10, and 11, which provide $1,200 for clerk hire to the legation to Spain. The reason is that in the paragraph following there is a provision

for $110,000 for contingent expenses of foreign missions, and among those you will see one item, in line 18, for clerk hire. The provision of a clerk at Madrid was put in many years ago, and the reason given for it was that in consequence of dispensing with the consul-general at that point it was supposed that there would be a good deal of work thrown on the legation. It is a very bad precedent to appropriate a specific sum of money for clerk hire, and when it is necessary it can be had from the following section, where we have made provision for clerk hire.

Mr. BAILEY. I would like to inquire of the gentleman if the Department allows generally in the larger legations $1,200, or does it come under the general provisions?

Mr. HITT. In the larger legations it will be $600, $800, or $900, and rarely $1,200, except where there is a deficiency in clerks in some particular way. Of course, I can not go into all the details.

Mr. BAILEY. That is satisfactory.

Mr. HITT. The report of the Auditor for the State and other Departments, pages 20 to 33, gives the amount allotted to every legation in the circle of our service.

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection.

Mr. HITT. I offered that amendment after consultation with the State Department.

The Clerk read as follows:

PROTECTING INTERESTS OF THE UNITED STATES IN THE SAMOAN ISLANDS.

For the execution of the obligations of the United States and the protection of the interests and property of the United States in the Samoan Islands, under any existing treaty with the Government of said islands and with the Governments of Germany and Great Britain, $6,000, to be expended under the direction of the President.

Mr. MCMILLIN. Mr. Chairman, I move to strike out the paragraph just read. The committee having already been told of the nature of this appropriation and notified of it, I do not propose to take up time with further argument of the question. It strikes me that the statement of it already made is sufficient.

Mr. HITT. Mr. Chairman, as the question has already been covered by the discussion, I will not make any reply to the gentleman except to say that this provision is in the form presented by the Secretary of State, as the better way to get at the object, if a change of policy is desired, is by negotiation, rather than by disregarding the treaty.

Mr. WASHINGTON. I will ask the gentleman from Illinois whether this provision is not in pursuance of existing treaties?

Mr. HITT. It is in fulfillment of existing treaties.

The question being taken on the motion of Mr. MCMILLIN, the amendment was rejected.

Mr. WILLIAM A. STONE. Mr. Chairman, I would like to ask the gentleman from Illinois how long he proposes to go on this evening? It is now after 5 o'clock.

Mr. HITT. We can finish reading the bill in ten or twenty minutes, I think.

Mr. PEARSON. Mr. Chairman, I do not think that is likely, because a number of us here desire to get some information, and I am sure that more than ten minutes will be required to impart it, even at the rapid rate of speaking which characterizes the gentleman from Illinois.

Mr. HITT. Well, let us proceed with the bill until the point is reached on which the gentleman desires information.

The Clerk read as follows:

Consul-general at Habana, $6,000;
Consuls-general at London, Paris, and Rio de Janeiro, at $5,000 each, $15,000.

Mr. LACEY. Mr. Chairman, at this point I would like to have the chairman of the committee impart some of the information that has been spoken of here. I notice that the consuls-general at London, Paris, and Rio de Janeiro get $5,000 each by this bill. Now, we see it frequently published in the papers that the consul-generalship at London is worth from $25,000 to $30,000 a year; and I would like the chairman of the committee to explain to us how it happens that on a salary of $5,000 a year that office can be worth $25,000; whether it arises from the appropriation by the consul-general of the fees; and if so, whether the law should not be amended so as to provide that the salary in each case shall indicate the actual amount of the compensation of the office.

Mr. DOCKERY. Mr. Chairman, I think we had better proceed with this in the morning.

Mr. HITT. I will answer this question, and then the committee can rise. Fees have for many years been collected at these consulates, both notarial or unofficial and fees for the administration of the oath attached to invoices, which, by the English law, was not permitted to be administered by a foreigner. The consul made a private contract with a British subject close at hand at a salary, who administered the oaths and collected the fees, which really went to the consul. The amount collected for that kind of service sometimes piled up a large sum. Protests and complaints by merchants and others were made against the system. That has been in great part stopped. Then there is also a body of notarial fees, collected for acknowledging deeds, taking affidavits, making wills, etc., for which formerly no rates were fixed, and the receipts were large. The rates recently fixed are much lower than those which used to be charged. There had been a good deal of complaint by American citizens about fees of several pounds or guineas in Great Britain, and about fees of hundreds of francs for some services on the Continent—a few minutes' work—in the consulates. That has been changed, and the scale of fees for notarial services is fixed and required to be kept publicly shown. It is a scale that the Secretary can change if, after the 4th of March next, the fees are found to be too low. They are, in fact, far below the charges that have usually been made.

Mr. LACEY. Why should they not be covered into the Treasury?

Mr. HITT. The reason is that they are, in some respects, at least, for voluntary service. They are fees for services rendered to Americans—men or women—who require them while traveling abroad. They are not strictly official duties, but more like the work of a notary or lawyer, although rendered valid by the consular seal. The truth is that the American is attracted to the consulate by the fact that the consul is clothed with official character and therefore not, like a foreign lawyer unknown to him or anyone else that he might employ outside, possibly irresponsible. The advertisement of a consul by his title brings the American traveler to him, and the service done the American generally goes from him after having paid a good fee. The notarial fees and the notarial services are all voluntary. Such services ought to be paid for and paid to the men who render them. The Government has no claim for them.

Mr. GROSVENOR. I wish to ask the gentleman how long this abuse has been going on?

Mr. HITT. I suppose it runs back to a period that, measured by the political life of individuals, might be considered antiquity. [Laughter.]

Mr. GROSVENOR. And the distinguished head of the State Department, now that he is going out of office with his civil-service crowd, has just discovered the fact.

Mr. HITT. I may say, Mr. Chairman, that I have mentioned the existence of these usages several times on the floor of this House in the last fifteen years, and have several times tried to have measures adopted that would correct them. The attention of the House has been often called to the subject, and many attempts have been made to apply remedies. I think this is rather a tardy awakening on the part of the Executive.

Mr. DOCKERY. Do I understand that the abuse has now been corrected?

Mr. HITT. I can not tell what will be the operation of the rules just promulgated, but I think there will be an improvement—that is, as to irregular fees.

Mr. DOCKERY. Do the rules contemplate the covering of those fees into the Treasury?

Mr. HITT. Not at all.

Mr. DOCKERY. In what line, then, does the reform manifest itself?

Mr. HITT. It manifests itself in the protection given to American citizens against being required to pay inordinate fees for small services. The service, however, being a voluntary service, it is right that the officers should keep the fee, whatever it may be.

Mr. DOCKERY. But the service is rendered in the time of the United States—time for which the consul receives his salary, is it not?

Mr. HITT. It is; but the time of our consular officers is not very severely tried by strict duties. I have known consuls to devote days to the work asked for by American citizens on their private business, in lawsuits, for instance, taking depositions.

Mr. LACEY. And the service is asked for and rendered by virtue of his office.

Mr. PEARSON. Mr. Chairman, I would like to have the chairman of the committee in charge of this bill state, if he can, what will be the reduction in the compensation of these different officers under the new order. I have endeavored to procure that information myself, but have been unsuccessful. I have no doubt, however, that the diplomatic chairman of the committee has been able to acquire it, and if he will now impart it, I am sure it will be valuable.

Mr. HITT. The answer to that question depends altogether upon one's skill in guessing. There are no available sources of accurate information. No high-paid consul is zealous to proclaim the amount of his income from all sources. No consul cares to state in detail all the services that he has rendered in the way of giving legal advice or certifying papers or aiding his countrymen at their request in what are really their private interests.

Mr. GROSVENOR. If I am wrong about this matter, I want to be set right. I will ask the gentleman whether the operation of the new order will not be this: An American citizen in a foreign country who is compelled to employ the services of a native notary public or other public officer will not be charged the extravagant fees that we are all familiar with for such services, while if one of the citizens of that country requires the official act of the American consul, he can secure it at the meager rates charged in the

District of Columbia. If that be so, it seems to me we are making a very strong effort to distinguish between the value of the services of our own citizens and that which our citizens are compelled to pay for the services of citizens of foreign countries.

Mr. HITT. I can not answer as to the rate which would be paid to an officer of the foreign country. By an act of Congress these officers of the United States in the consular and diplomatic service are given notarial powers. Documents authenticated by them can be used immediately, without other intervention, in the courts at home. Therefore an American naturally goes at once to the American consul when he has an affidavit to make which is to be used in a lawsuit at home or a deed to be executed and acknowledged. Those fees have heretofore been without any special limitation or regulation. They are not fees that regard foreigners; and I do not think foreigners could have occasion to pay those fees.

The new list of fees chargeable by consuls for various forms of notarial service is, I understand, taken from the laws of the District of Columbia. But the reason, as I understand, for making those fees no higher than they are here is that the man abroad who affixes the seal is already under a salary as an officer of the Government of the United States, whereas the man to whom you go in the District of Columbia with a deed, an affidavit, or other documents for verification or acknowledgment, is a man who gets no salary, but supports himself and receives no pay from the Government.

Mr. GROSVENOR. But have not the committees of this House, in preparing legislation with reference to the salary or compensation of consuls, always taken into account the fact that they could earn other fees than those denominated official fees?

Mr. HITT. To answer that question truly, I must say that they have not or but partially. There are only a few posts in the world where the notarial fees amount to a considerable sum, say $2,500 and upward; and at a few they have been very large. The difference between the receipts at those few points and at others near at hand is astonishing, as between London and Manchester, where they are not one-tenth as great. In Paris I have known them, from information that I have reason to believe was true, to run up to $15,000 in a single year, in addition to the salary allowed the consul by law. In London they have been at one time more than that. In places of resort by Americans in Italy, like Genoa, Venice, and Milan, where it is supposed the great stream of American travel passes, and where you would suppose the nonofficial fees would be very large, they are insignificant. In Germany they are generally small. Even in that great center, Berlin, the sums received for this work last year were not considerable—only a little above $3,000, I am told. Except in the few great cities these notarial fees are so small it would surprise gentlemen who remember the comparative importance of those consulates as commercial posts; for instance, Chemnitz, Plauen, Mayence. Very few Americans are residents in Europe except at a few cities. The two great American colonies are at London and Paris. And then, of course, there are mercantile interests at Liverpool, Hamburg, Hongkong, Marseilles, and similar posts, and a small colony of business Americans at each.

Mr. DOCKERY. As this bill will not be voted upon to-night, but is to go over until to-morrow, I suggest, for the consideration of the eminent chairman of the Committee on Foreign Affairs [Mr. HITT], the preparation of a legislative provision which would cover into the Treasury of the United States the fees received by these consuls in excess of their compensation as fixed by law.

Mr. HITT. I do not know that I understand the gentleman perfectly.

Mr. DOCKERY. I suggest that some provision ought to be carried on this bill to cover into the Treasury the fees earned by these consuls in addition to their salary.

Mr. McCREARY of Kentucky. I suggest to the gentleman from Missouri [Mr. DOCKERY] that if an amendment of that kind is to be prepared, he should prepare it himself. If he will take the pains to read the annual report of the Auditor for the State and other Departments he will find there published the amount of fees collected.

Now, while I am up, I wish to say a word in response to the gentleman from Ohio [Mr. GROSVENOR]. He made an inquiry this morning and again this afternoon in regard to a recent order issued by the State Department which I understood him to claim reduces the amounts that consuls are to receive hereafter, and he also asked this evening whether, in preparing this appropriation bill, we did not, when fixing the salaries of the consuls, take into account the amounts which they would collect in the way of fees. I have been a member of the Committee on Foreign Affairs for twelve years, and I want to say to him that when fixing the salaries of consuls in a bill of this kind I have never estimated what those gentlemen would receive in fees. A salary of $5,000 per annum is allowed to the consul at Paris and also to the consul at London. Efficient men can be obtained at that salary. The order which has been issued by the State Department is, as I understand, for the purpose of correcting certain abuses connected with the administration of consular positions. As the chairman of the committee said a while ago, this is an abuse which has been going on for a number of years. Various efforts have been made to correct this abuse, and I think that instead of criticising the Secretary of State for trying to correct it he ought to be applauded for his efforts in that direction.

Mr. DOCKERY. I am not criticising the Secretary. I am in accord with him in his efforts to correct this abuse.

Mr. McCREARY of Kentucky. I approve his action. I think he deserves praise instead of censure.

There are, Mr. Chairman, only a few places where large amounts are reported to be collected by consuls in fees. When consuls collect large fees, outside of the regular fees, there is no report made of the amount collected. We have no means of ascertaining how much the consuls at Paris, or London, or Liverpool make per annum in this way. It is impossible to get the information, but there is a report issued, as I said before, by the Auditor for the State and other Departments, which shows the fees which are reported by the various consuls, and which go into the Treasury of the United States.

[Here the hammer fell.]

Mr. HITT. If the Clerk will conclude the reading of the paragraph, I will move that the committee rise.

The Clerk resumed and continued the reading to and including line 3 of page 13.

Mr. HITT. Mr. Chairman, I move that the committee now rise and report progress.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole House on the state of the Union having had under consideration the bill H. R. 10134, had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. PAYNE. I move that the House do now adjourn.

Mr. TUCKER. Will the gentleman withhold that for a moment to permit me to ask unanimous consent?

Mr. PAYNE. I will withdraw the motion temporarily.

MRS. CATHERINE E. LEE.

Mr. TUCKER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 1933) granting a pension to Mrs. Catherine E. Lee.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, and pay her a pension at the rate of $12 per month, the name of Mrs. Catherine G. Lee, the daughter of William Rosser, a soldier of the Revolutionary war from the State of Virginia.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSVENOR. I would like to inquire of the gentleman who this Mr. William Rosser is?

Mr. TUCKER. He was a soldier in the Revolutionary war.

Mr. GROSVENOR. He himself was a soldier?

Mr. TUCKER. Yes, sir.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, and ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. TUCKER, a motion to reconsider the last vote was laid on the table.

Mr. PAYNE. Mr. Speaker, I now renew the motion that the House adjourn.

The SPEAKER. Pending the motion, the Chair will submit some personal requests of members.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SPENCER, for five days, on account of important business.

To Mr. BURTON of Missouri, for one day, on account of sickness.

The motion of Mr. PAYNE was then agreed to; and accordingly (at 5 o'clock and 22 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of S. D. Holland, administrator of Archibald Holland, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the receiver of the Eckington and Soldiers' Home Railway Company, transmitting the report for 1896, together with a list of the stockholders of the company—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting

a copy of a communication from the Attorney-General, submitting an estimate of appropriation for stationery—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of War, submitting an estimate of appropriation for Rock Island Arsenal water power—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a supplemental report in answer to the resolution of the House of June 5, 1896, relating to changes in the force of employees of the Treasury Department—to the Committee on Reform in the Civil Service, and ordered to be printed.

A letter from the Secretary of War, transmitting an abstract of the militia force of the United States for the year 1896—to the Committee on the Militia, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. BARNEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9494) concerning certain homestead lands in Florida, reported the same with amendment, accompanied by a report (No. 2743); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions:

The bill (H. R. 8302) granting an increase of pension to A. V. Bloodgood. (Report No. 2735.)

The bill (H. R. 7335) to place John J. Brewer on pension roll, soldier, late war. (Report No. 2736.)

By Mr. CROWTHER, from the Committee on Invalid Pensions:

The bill (H. R. 9763) granting an increase of pension to John H. Laney. (Report No. 2737.)

The bill (H. R. 7789) granting a pension to George R. Grubaugh. (Report No. 2738.)

The bill (H. R. 2958) granting an increase of pension to Bushrod W. Musselman. (Report No. 2739.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (H. R. 8765) to pension Jacob Sherman. (Report No. 2740.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions:

The bill (H. R. 3928) for the relief of Ellen Wright, hospital nurse. (Report No. 2741.)

The bill (H. R. 10118) granting an increase of pension to Frederick W. Lamb. (Report No. 2745.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 10193) granting a pension to Willis Brady. (Report No. 2742.)

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (H. R. 3942) reimbursing T. F. McGourin, late postmaster at De Funiak Springs, Fla. (Report No. 2746.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. AVERY: A bill (H. R. 10201) authorizing the funding of indebtedness in the Territories of the United States—to the Committee on the Territories.

By Mr. LACEY: A bill (H. R. 10202) defining the jurisdiction of the United States circuit courts in cases brought for the infringement of letters patent—to the Committee on Patents.

By Mr. EVANS: A bill (H. R. 10203) to amend section 40 of "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, so as to authorize the sale of forfeited domestic smoking opium to the highest bidder—to the Committee on Ways and Means.

By Mr. ATWOOD: A bill (H. R. 10204) to grant pensions for service in the Army, Navy, or Marine Corps of the United States—to the Committee on Invalid Pensions.

By Mr. MURPHY of Arizona: A resolution (House Res. No. 511) of inquiry relative to the treaty with the Navajo Indians, entered into June 1, 1868—to the Committee on Indian Affairs.

By Mr. SHERMAN: A resolution (House Res. No. 512) requesting the Secretary of War and Secretary of the Navy to furnish to the House copies of all reports, papers, and documents on file in their Departments showing reasons for the adoption of certain ammunition and rifles—to the Committee on Military Affairs.

By Mr. WILLIS: A memorial of the legislature of the State of Delaware, praying a recount of the votes cast at the last general election in the State of Delaware—to the Committee on Election of President, Vice-President, and Representatives in Congress.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ALLEN of Mississippi: A bill (H. R. 10205) for the relief of M. G. Cumby—to the Committee on War Claims.

By Mr. BOATNER: A bill (H. R. 10206) for the relief of Mrs. Martha E. Templeton and Mrs. Emma T. Wood—to the Committee on War Claims.

By Mr. KULP: A bill (H. R. 10207) for the relief of Francis M. Lott—to the Committee on Invalid Pensions.

By Mr. MADDOX: A bill (H. R. 10208) to pay the findings of the Court of Claims in the case of Charles W. Morris, administrator of William Morris, deceased—to the Committee on War Claims.

By Mr. NOONAN: A bill (H. R. 10209) for the relief of Henry Rachan—to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 10210) to authorize the Secretary of War to convey certain Government land to the city of Waukegan, Ill.—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH of Illinois: Petition of C. A. Marquess and other citizens of Chicago, Ill., protesting against the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Iowa: Petition of the Business Men's Association, of Fort Madison, Iowa, in favor of the bill to establish the department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: Petition of sundry citizens of Allegheny County, Pa., protesting against the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Encampment No. 1, Union Veteran Legion, of Pittsburg, Pa., in favor of bill to pension maimed soldiers and sailors—to the Committee on Invalid Pensions.

By Mr. FENTON: Petition of Samuel S. Reese, administrator of Silas Reese, for the payment of a claim—to the Committee on War Claims.

By Mr. GROUT: Petition of Harry A. Holton and 35 other citizens of White River Junction, Vt., protesting against the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petition of Mrs. Fanny A. Drew, president of the Woman's Christian Temperance Union of Caledonia County, Vt., urging the passage of Senate bill No. 2485, to protect the first day of the week as a day of rest in the District of Columbia—to the Committee on the Judiciary.

By Mr. HARRIS: Petition of H. L. Wenner, Rush Abbott, and 150 other citizens of Tiffin, Ohio, protesting against the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HENDERSON: Petition of the members of the bar of Muscogee, Ind. T., favoring legislation for the appointment of an additional judge of the United States court in the Indian Territory—to the Committee on the Judiciary.

Also, petition of W. H. Torbert and 118 business men, all citizens of Dubuque, Iowa, protesting against the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HEPBURN: Petition of the Disciples' Church, of Corning, Iowa, asking the passage of a bill to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petition of the Disciples' Church, of Corning, Iowa, favoring the passage of a bill forbidding the sale of intoxicating liquors in any Government building—to the Committee on Alcoholic Liquor Traffic.

By Mr. HULL: Resolutions of the Woman's Christian Temperance Union of Des Moines, Iowa, in regard to Armenian outrages—to the Committee on Foreign Affairs.

By Mr. JOHNSON of California: Petition of 375 citizens of Tuolumne County, Cal., asking that certain portions of the Yosemite National Park be excluded therefrom—to the Committee on the Public Lands.

By Mr. KIEFER: Petition of E. A. Drew and other citizens of St. Paul, Minn., protesting against the passage of House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the St. Paul Chamber of Commerce, favoring a bankruptcy bill—to the Committee on the Judiciary.

Also, resolution of the Minnesota State Forestry Association, for the protection of timber preserves—to the Committee on the Public Lands.

By Mr. KULP: Petition of Mrs. Mary Van Houten and 61 other ladies of Bloomsburg, Pa., for the passage of an act relating to the

share of the widow in the estate of her deceased husband dying intestate, etc.—to the Committee on the Judiciary.

By Mr. OVERSTREET: Petition of the Santa Clara Wine Company and 11 citizens of Indianapolis, Ind., in opposition to House bill No. 10090, known as the Sherman bill, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. PRINCE: Eighteen petitions of numerous citizens of Moline and Rock Island, State of Illinois, asking relief relative to charges of toll for street railway crossing the Rock Island Bridge—to the Committee on Military Affairs.

By Mr. SHERMAN: Resolutions adopted by the National Board of Trade, in session at Washington, D. C., January 26, 1897, advocating the passage of House bill No. 10090, known as "anti-scalpers' bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. STAHLE: Petition of Star Castle, No. 141, Ancient Order Knights of the Mystic Chain, of York, Pa., praying for some action toward recognizing the Cuban patriots in their struggle for independence—to the Committee on Foreign Affairs.

By Mr. CHARLES W. STONE. Memorial of the Fraternal Mystic Circle, of Philadelphia, Pa., favoring the passage of House bill No. 10108, regulating fraternal beneficiary societies—to the Committee on the Judiciary.

Also, memorial of Francis S. Harrington as to a composite coinage of gold and silver—to the Committee on Coinage, Weights, and Measures.

Also, protest of 75 citizens of McKean County, Pa., against the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. STRONG: Petition of Harvey C. White and 145 other citizens of Findlay, Ohio; also petition of 36 citizens of Delaware, Ohio, protesting against the passage of the Sherman bill with respect to ticket brokers—to the Committee on Interstate and Foreign Commerce.

By Mr. WILSON of Ohio: Petition of J. W. Morris and 96 other citizens of Miami County, Ohio, protesting against the passage of the Sherman bill with respect to ticket brokers—to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, *February 2, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. MILLS, and by unanimous consent, the further reading was dispensed with.

REPORT OF THE METROPOLITAN RAILROAD COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Metropolitan Railroad Company for the year ended December 31, 1896; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

HOUSE BILL REFERRED.

The bill (H. R. 1948) to grant a pension to Uriah Andricks, Fifty-fourth Illinois Volunteer Infantry, was read twice by its title, and referred to the Committee on Pensions.

CREDENTIALS.

Mr. ROACH presented the credentials of HENRY C. HANSBROUGH, chosen by the legislature of North Dakota a Senator from that State for the term beginning March 4, 1897; which were read, and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. CLARK presented a joint resolution of the Fourth legislature of Wyoming, praying for the recognition of the Republic of Cuba by the United States Government; which was read, and ordered to lie on the table, as follows:

STATE OF WYOMING, OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Wyoming, ss:*

I, Charles W. Burdick, secretary of state of the State of Wyoming, do hereby certify that the annexed is a full, true, and correct copy of enrolled joint resolution No. 3, house of representatives, State of Wyoming, passed by the Fourth legislature of the State of Wyoming.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 29th day of January, A. D. 1897.

CHARLES W. BURDICK,
Secretary of State.

(Fourth legislature of the State of Wyoming. Enrolled joint resolution No. 3, house of representatives, State of Wyoming.)

A joint resolution in relation to the recognition of the Republic of Cuba by the United States Government.

Whereas the people of the State of Wyoming are in full sympathy with the efforts of the people of any community to establish a form of free government for the regulation of their own affairs; and

Whereas the people of this State have viewed with deep interest the struggle for independence now being carried on by the inhabitants of the Island of Cuba; and

Whereas we believe that the interests of humanity require friendly and encouraging action on the part of the Government of the United States: Therefore

Be it resolved by the Fourth legislature of the State of Wyoming, That the Hon. CLARENCE D. CLARK and the Hon. FRANCIS E. WARREN, Senators in Congress from this State, and the Hon. FRANK W. MONDELL, Representative in Congress from this State, and each of them, be, and they are hereby, requested by voice and vote to aid in the passage of any resolution which will tend to secure to the people of Cuba belligerent rights as revolutionists or their independence as a republic.

GEORGE E. ABBOTT,
President of the Senate.
A. D. KELLEY,
Speaker of the House.

Approved January 27, A. D. 1897.

WM. A. RICHARDS, *Governor.*

Mr. LODGE presented the petition of S. A. White, of Boston, Mass., and the petition of Robert B. Baird, of Boston, Mass., praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented a memorial of 25 citizens of Lowell, Mass., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of 63 members of the Young People's Society of Christian Endeavor of the Union Congregational Church, of Medford, Mass., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the Atlantic Coast Seamen's Union, of Boston, Mass., praying that the section of House bill No. 6399 relating to allotment of seamen's wages, and also the imprisonment clause, be stricken out; which was ordered to lie on the table.

Mr. PEFFER presented a petition of the Baltimore Yearly Meeting of the Religious Society of Friends, of Baltimore, Md., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. MURPHY presented a petition of sundry citizens of Blue Mountain Lake, N. Y., praying for the enactment of legislation recognizing the independence of Cuba; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Watervliet, N. Y., and a petition of the Mount Washington Church, of New York City, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented the petition of Leon H. Hough, editor of the Saturday Herald, of Hornellsville, N. Y., and a petition of sundry citizens of New York City, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry druggists and chemists of New York City, of the drug-trade section of the New York Board of Trade and Transportation, and of sundry citizens of New York City, praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

Mr. ALLEN presented a petition of sundry citizens and business men of Caney, Kans., praying for the adoption of the report submitted by the Committee on Indian Affairs upon the affairs of the Osage Indian Reservation; which was referred to the Committee on Indian Affairs.

He also presented the petition of W. L. Hand and sundry other citizens of Kearney, Nebr., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HOAR presented the petition of Endicott Peabody and 11 other citizens of Massachusetts, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the petition of James B. Connor and 30 other citizens of Delaware, praying Congress to appoint a joint commission to inquire into the political conditions in that State, averring that they are not those of a republican form of government as contemplated by the Constitution of the United States; which was referred to the Committee on Privileges and Elections.

Mr. SHERMAN presented the petition of J. S. Bonham, pastor, and the officers of the Church of Christ, of Fayette, Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. CULLOM presented sundry letters, in the form of petitions, from A. Reed & Co., of Chicago; from the National Malleable Castings Company, and the Chicago Malleable Iron Works, of Chicago, in the State of Illinois; and from the New York Yearly Meeting of the Religious Society of Friends (Orthodox), praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented sundry letters, in the form of petitions, from Sutliff & Co., of Bloomington; from Brown, Wheeler & Brown, of Springfield; from Whitney, Christenson & Bullock, of Chicago; from S. E. Seger's Sons, of Quincy; from the Channon-Emery Stove Company, of Quincy, and from sundry jewelers of Chicago,

all in the State of Illinois, praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented the memorial of L. T. Ragan, of Chicago, Ill., remonstrating against the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the memorial of A. Sumerlin, of Mattoon, Ill., and the memorial of Dr. O. Gunther, of Chicago, Ill., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry letters, in the form of petitions, from the Young Men's Christian Association of Paris, and from the Acme Spring Bed Company, of Chicago, in the State of Illinois, and of William T. Comstock, of New York City, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Rock Island Lumber and Manufacturing Company, of Rock Island; of O. F. Price, of Galesburg; of Phillip D. Armour, of Chicago; of F. L. Wilkins, of Chicago; of L. Y. Sherman, of Macomb; of F. A. Murdock, of Springfield; of Henry Greenebaum, of Chicago; of W. E. Taylor, of Monmouth; of Howard Knowles, of Peoria; of R. J. Grier, of Monmouth; of W. T. Davis, of Chicago; of Martin Kingman, of Peoria; of James Logan, of Cincinnati, and of E. F. Leonard, of Peoria, all in the State of Illinois; and petitions of the National Educational Association, of Winona, Minn.; of the Christian Endeavor Convention of Boston, Mass.; of Charles R. Skinner, State superintendent of public instruction, of Albany, N. Y.; of sundry merchants and jobbers of St. Louis, Mo., and of William Donaldson & Co. and sundry other business firms of St. Paul, Minn., praying for the enactment of legislation prohibiting the present system of railway ticket brokerage; which were referred to the Committee on Interstate Commerce.

Mr. CARTER presented a petition of sundry citizens of Valley and Dawson counties, Mont., praying for the enactment of legislation to open the abandoned Fort Buford Military Reservation to entry under the public-land laws; which was referred to the Committee on Public Lands.

Mr. BURROWS. I present the petitions of J. V. McCommons and 34 other citizens of Wyoming, Kent County; of J. D. Simmons and 33 other citizens of Farmington, Kent County; of Daniel Bellman and 19 other citizens of Camden, Kent County; of Adam Wilson and 43 other colored citizens of Dover, Kent County; of W. G. Hartnett and 38 other citizens of Dover, Kent County; of Harry B. Lyons and 123 other citizens of Kent County, all in the State of Delaware, praying for the appointment of a joint commission to inquire into the political conditions existing in that State, averring that they are not those of a republican form of government as contemplated by the Constitution of the United States. I move that the petitions be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. McMILLAN presented a petition of the Park Congregational Church, of Grand Rapids, Mich., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of the members and friends of the Woman's Christian Temperance Union of Benzonia, Mich., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the petition of Rev. Gerrit Huyser, of Brighton, Mich., and of 97 other citizens of Michigan, praying for the enactment of legislation for the protection of American missionaries in the Turkish Empire, and also to secure speedy and adequate reparation for the wanton outrages perpetrated upon the persons and property of such missionaries; which was referred to the Committee on Foreign Relations.

Mr. JONES of Arkansas presented a petition of sundry citizens of Sebastian County, Ark., praying for the enactment of legislation for the relief of the Cubans in their struggle for freedom; which was ordered to lie on the table.

Mr. GEAR presented a petition of the Woman's Christian Temperance Union, the Queen Esther Society, the Up-to-Date Club, and the Ladies' Aid Society of the Christian Church, of Bridgewater, Iowa, praying for the enactment of legislation raising the age of protection for girls to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union, the Queen Esther Society, the Up-to-Date Club, and the Ladies' Aid Society of the Christian Church, of Bridgewater, Iowa, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which was ordered to lie on the table.

Mr. COCKRELL presented a memorial of the Kansas City Press Club, of Kansas City, Mo., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. TURPIE presented the petition of A. H. Perfect & Co., of Fort Wayne, Ind., and the petition of J. Zinsmeister & Bro., of New Albany, Ind., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Philadelphia Peace Association of Friends, of Philadelphia, Pa.; of the New York Yearly Meeting of the Religious Society of Friends (Orthodox), and of the Baltimore Yearly Meeting of the Religious Society of Friends, of Baltimore, Md., praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

Mr. FRYE presented the memorial of L. B. Sweet and 28 other citizens of Bath, Me., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Charles E. Adams, secretary of the Board of Trade of Searsport, Me., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PASCO presented the memorial of H. W. Johnson, editor of the Times, of Apalachicola, Fla., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CAMERON presented the petition of Stephen F. W. Lisman & Son, of Philadelphia, Pa., and a petition of Stackpole Bros., publishers of the Lewistown Gazette, of Lewistown, Pa., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented a petition of the Haven Woman's Christian Temperance Union, of Portsmouth, N. H., praying for the enactment of legislation authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital, and also to punish the carnal and unlawful knowing of any female under the age of 18 years; which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 3264) to increase the pension of Mrs. Virginia E. Turtle, of the District of Columbia, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3166) granting a pension to George B. Merchant, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7349) to pension Lewellyn D. King, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3481) granting a pension to James L. Wing, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1394) granting an increase of pension to Mrs. E. S. Kelly, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4841) granting a pension to Mellisa Adams, widow of Silas Adams, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2674) granting a pension to Levi R. Long, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1061) granting pensions to Gray's Battalion of Arkansas Volunteers, reported it without amendment, and submitted a report thereon.

He also, from the Committee on the District of Columbia, to whom was referred the bill (S. 2986) authorizing the Commissioners of the District of Columbia to accept the bequest of the late Peter Von Essen for the use of the public white schools of that portion of said District formerly known as Georgetown, reported it with amendments, and submitted a report thereon.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (S. 3509) to increase the pension of Gen. James W. McMillan, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1064) for the relief of Henry F. Thornton, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5068) to grant a pension to Jane Cunningham, widow of James Cunningham, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6902) granting a pension to Mrs. Mary A. Viel, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 994) for the relief of Henry F. Thornton, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (H. R. 3937) granting a pension to Miriam V. Kenney, widow of Samuel W. Kenney, reported it with an amendment, and submitted a report thereon.

Mr. CANNON, from the Committee on Pensions, to whom was referred the bill (S. 1302) granting a pension to Thomas Madden, reported it with amendments, and submitted a report thereon.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (H. R. 10085) for the relief of Elnora Shuman, reported it without amendment, and submitted a report thereon.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (S. 3350) granting a pension to Susan A. Paddock, reported it with an amendment, and submitted a report thereon.

Mr. ALDRICH. I am directed by a majority of the Committee on Finance, to whom was referred the bill (H. R. 8582) to allow the bottling of distilled spirits in bond, to report it with sundry amendments.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. ROACH, from the Committee on Pensions, to whom was referred the bill (H. R. 6234) to restore the name of James R. Pack to the pension roll, reported it without amendment, and submitted a report thereon.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom was referred the amendment submitted by himself on the 22d ultimo, intended to be proposed to the Indian appropriation bill, reported favorably thereon, and moved that it be printed and referred to the Committee on Appropriations, with the accompanying report; which was agreed to.

Mr. PALMER, from the Committee on Pensions, to whom was referred the bill (S. 3124) granting an increase of pension to Isabella H. Silvey, widow of Lieut. Col. William Silvey, deceased, reported it with an amendment, and submitted a report thereon.

BULLETIN ON THE COTTON PLANT.

Mr. GORMAN. From the Committee on Printing I report back a House concurrent resolution with sundry amendments, and I ask for its present consideration.

The concurrent resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring). That there be printed and bound in cloth 6,000 additional copies of Bulletin No. 33, United States Department of Agriculture, entitled The Cotton Plant: Its History, Botany, Chemistry, Culture, Enemies, and Uses; of which 2,000 copies shall be for the use of the Senate and 4,000 copies for the use of the House of Representatives.

The amendments of the Committee on Printing were, in line 3, before the word "thousand," to strike out "six" and insert "seven;" in line 7 to strike out "two" and insert "one," and after the word "thousand" to insert "two hundred;" in line 7 to strike out "four thousand" and insert "two thousand four hundred;" and at the end of the resolution to insert "and three thousand four hundred for the use of the Department of Agriculture;" so as to make the concurrent resolution read:

Resolved by the House of Representatives (the Senate concurring). That there be printed and bound in cloth 7,000 additional copies of Bulletin No. 33, United States Department of Agriculture, entitled The Cotton Plant: Its History, Botany, Chemistry, Culture, Enemies, and Uses; of which 1,200 copies shall be for the use of the Senate and 2,400 copies for the use of the House of Representatives, and 3,400 for the use of the Department of Agriculture.

Mr. MILLS. I have no objection to the consideration of the resolution, but let it be read as amended.

Mr. SHERMAN. I ask to have the resolution read as amended.

The concurrent resolution was read as proposed to be amended; and the Senate, by unanimous consent, proceeded to its consideration.

Mr. MILLS. I think we ought to have more copies of this document. The amendment seems to cut down the number of copies to be given to the Senate and to give them to the Department of Agriculture. Requests for such documents usually come to the Senate and House. We shall be annoyed by letters when the supply of copies is exhausted, and we would have to have more printed. I would rather have the first number proposed for the Senate. My people are writing to me already for it.

Mr. GORMAN. The Senate passed a resolution and sent it to the House to print 20,000 copies of this bulletin, 6,000 for the Senate, 12,000 for the House of Representatives, and 2,000 for the Department of Agriculture. The House refused to concur and sent us a resolution providing for the printing of only 6,000 copies. We have amended it so as to make the number 7,000.

Mr. MILLS. How many copies for the Senate?

Mr. GORMAN. For the Senate 1,200, and for the House 2,400, and 3,400 for the Department. Let the resolution lie on the table if the Senator from Texas objects.

Mr. MILLS. I shall not object. I will let the committee go on with it. I would rather take the number proposed than nothing.

The amendments were agreed to.

The concurrent resolution as amended was agreed to.

BILLS INTRODUCED.

Mr. MILLS introduced a bill (S. 3636) to increase the pension of the soldiers and sailors of the war of 1812; which was read twice by its title.

Mr. MILLS. This is a bill proposing to increase the pension of the 12 survivors of the war of 1812 to $30 a month. There are only 12 of them, and their ages range from 104 years, the oldest, to 93 years, the youngest. I ask the Committee on Pensions to act on the bill promptly.

The VICE-PRESIDENT. The bill will be referred, with the accompanying paper, to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 3637) to authorize Maj. Gen. Alexander McD. McCook, United States Army, retired, and Capt. George Percival Scriven, United States Army, to accept medals presented to them by the Russian Government; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Foreign Relations.

He also introduced a bill (S. 3638) for the relief of John Ward; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3639) for the relief of David Gibson, of Cincinnati, Ohio; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. LINDSAY introduced a bill (S. 3640) granting a pension to Cassius M. Clay, sr., a citizen of Kentucky and a major-general in the Army of the United States in the war of the rebellion; which was read twice by its title, and referred to the Committee on Pensions.

Mr. THURSTON introduced a bill (S. 3641) authorizing the funding of indebtedness in the Territories of the United States; which was read twice by its title, and referred to the Committee on Territories.

Mr. CULLOM introduced a bill (S. 3642) for the erection of a public building at the city of Elgin, Ill.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Buildings and Grounds.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PERKINS submitted an amendment intended to be proposed by him to the District appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. McMILLAN submitted two amendments intended to be proposed by him to the District appropriation bill; which were referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. SHOUP submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. MITCHELL of Wisconsin submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the District appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CARTER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Privileges and Elections, and ordered to be printed.

KILLING OF M. F. LOPEZ.

Mr. LODGE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State be requested to send to the Senate any information that he may have in regard to the killing by Spanish soldiers of the son of M. F. Lopez, an American citizen, at Sagua la Grande, in Cuba, and any report or letter from the American consul at that point relating to the subject.

SYSTEM OF BIMETALLISM.

Mr. CHANDLER submitted the following resolution; which was read:

Resolved, That it is the sense of the Senate that the United States should not permanently acquiesce in the single gold standard, and that the efforts of the Government in all its branches should be steadily directed to secure and maintain the use of silver as well as gold as standard money, with the free coinage of both, under a system of bimetallism to be established through international agreement or with such safeguards of legislation as will insure

the parity in value of the two metals at a fixed ratio, furnish a sufficient volume of metallic money, and give immunity to the world of trade from violent fluctuations in exchange.

Mr. CHANDLER. I shall ask that the resolution be placed upon the table Calendar, in order that at an early day I may call it up and submit a few remarks thereon, which I hope may be in striking contrast to the speeches on Friday last by the gold monometallist, the Senator from Wisconsin [Mr. VILAS], and the silver monometallist, the Senator from South Dakota [Mr. PETTIGREW], who from opposite extremes joined hands in voting against the bill providing for another international bimetallic conference.

The VICE-PRESIDENT. The resolution will be placed on the table Calendar.

SALE OF LIQUORS IN CAPITOL BUILDING.

Mr. MORRILL. I ask for the present consideration of the bill (H. R. 7033) to prohibit the sale of intoxicating liquors in the Capitol building, and for other purposes.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill.

Mr. MORRILL. I think there is a great misapprehension on the part of the public in relation to there being any saloons kept at either end of the Capitol, but it will save us a large amount of correspondence to have this bill acted upon. I may say that it is possible, of course, for Senators to order a bottle of wine or a glass of spirits in the Senate restaurant, but it is a very rare occurrence. However, the House having passed this bill, and deeming it necessary, I hope it will be passed.

Mr. HILL. When was the bill reported? I ask for information.

Mr. MORRILL. The bill was reported some days ago.

Mr. COCKRELL. January 28.

Mr. MORRILL. It is on the Calendar.

The VICE-PRESIDENT. The Chair is advised that the bill was reported on the 28th of January.

Mr. HILL. I was not present at that date, and I was not aware until this moment that the bill had been reported. I desire to examine the bill, and I trust the Senator from Vermont will not press it this morning. I want to look at its provisions more carefully than I could do by hearing it discussed.

The VICE-PRESIDENT. Objection being interposed, the bill will go over.

ORDER OF BUSINESS.

Mr. BERRY. I ask unanimous consent to call up House bill 1061, reported from the Committee on Pensions this morning. I intended to ask for its consideration when it was reported, but I was absent from the Chamber at the moment. It is a bill relating to some soldiers of the Mexican war who should have been placed upon the pension rolls years ago. Some of the same class were placed upon the pension rolls; others were left off by reason of a ruling afterwards made by the Commissioner of Pensions. It is a bill in regard to Gray's Battalion, reported by the Senator from New Hampshire [Mr. GALLINGER] this morning. There is no objection to the bill in any form, and I should like to have it put on its passage.

Mr. HOAR. I should like to inquire if the routine morning business is over.

The VICE-PRESIDENT. The morning business has not yet been concluded.

Mr. HOAR. I understood that when that was done the Nicaragua Canal bill was to be taken up.

Mr. BERRY. I understood that the morning business was concluded. The Senator from Vermont was recognized to call up a bill.

The VICE-PRESIDENT. The Chair had not so announced.

Mr. BERRY. I hope the Senator will not object to this bill. It will take but a moment.

The VICE-PRESIDENT. The Chair will submit the request of the Senator from Arkansas to the Senate. The Senator from Arkansas asks unanimous consent for the present consideration of a bill which will be read for information.

Mr. HOAR. I object to any unanimous consent until the routine morning business is over. When that is over, which I suppose will be in about two minutes, if the Senator shall renew his request, and he proves to be right in saying that the bill will only take two or three minutes, I shall not object to its consideration.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 738) authorizing the establishment of a pier head at or near South Milwaukee, in the State of Wisconsin.

The message also announced that the House had passed the following bills with amendments in which the concurrence of the Senate was requested:

A bill (S. 1624) to quiet title and possession with respect to certain unconfirmed and located private land claims in the State of Louisiana;

A bill (S. 2037) to provide times and places for holding terms of United States courts in Utah; and

A bill (S. 3328) to repeal the timber-culture laws, and for other purposes.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1021) granting relief to the heirs of Albert Augustine for property taken for the Cayuse war;

A bill (H. R. 1933) granting a pension to Mrs. Catherine G. Lee;

A bill (H. R. 4985) to permit a part of the Fort Lyon Military Reservation to be occupied, improved, and controlled for a soldiers' home by the State of Colorado;

A bill (H. R. 6352) to simplify the system of making sales in the Subsistence Department to officers and enlisted men of the Army;

A bill (H. R. 7320) to prevent trespassing upon and providing for the protection of national military parks;

A bill (H. R. 7969) to increase the pension of Joseph E. Vantine;

A bill (H. R. 8890) as to medals of honor;

A bill (H. R. 9101) to amend an act entitled "An act to authorize the Montgomery Bridge Company to construct and maintain a bridge across the Alabama River near the city of Montgomery, Ala.," approved March 1, 1893;

A bill (H. R. 9168) to authorize the construction of a bridge over the Monongahela River from the city of McKeesport to the township of Mifflin, Allegheny County, Pa.;

A bill (H. R. 9493) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes," approved September 29, 1890, and the several acts amendatory thereof;

A bill (H. R. 9736) authorizing the construction of a bridge across the Columbia River in the State of Washington;

A bill (H. R. 9775) to amend so much of chapter 189 of the Statutes of the United States of America, passed at the third session of the Fifty-third Congress, and approved March 2, 1895, as requires that the lower portion of the Rock Island Bridge shall not be occupied by any street railway company without paying a reasonable rent therefor;

A bill (H. R. 9799) to amend an act entitled "An act to authorize the Chattanooga Western Railway Company to construct a bridge across the Tennessee River near Chattanooga," giving the said company more time in which to begin and complete said bridge;

A bill (H. R. 9822) for the recognition of officers of the Army to whom the Congressional medal of honor has been awarded;

A bill (H. R. 10012) relating to the improvement of Eastchester Creek, State of New York; and

A bill (H. R. 10067) to amend "An act to amend 'An act to amend section 4400 of Title LII of the Revised Statutes of the United States, concerning the regulation of steam vessels,' approved August 7, 1882," and also to amend section 4414, Title LII, of the Revised Statutes, "Regulation of steam vessels."

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 1256) for the relief of Henry A. Webb;

A bill (H. R. 2859) granting a pension to Harriet F. Herrick; and

A bill (H. R. 6750) to authorize the mayor and city council of Monroe and the police jury of the parish of Ouachita, La., to construct a traffic bridge across the Ouachita River opposite said city.

SEAL ISLANDS OF ALASKA.

Mr. PETTIGREW. There is a matter on the table that I wish disposed of this morning, and it will take but a few moments.

On the 5th of January a resolution was passed by the Senate calling on the Secretary of the Treasury to report with regard to the destruction of the seals upon the seal islands of Alaska and the revenue of the Government derived therefrom. The report was received on the 23d of January, and it was printed and now lies on the table.

It appears from this report that since 1892 we have received no revenue whatever from the seal islands. It seems to me it is time that the matter should be disposed of in some way by the Senate. Under the conditions of the award made by the Paris Tribunal we preserve a zone 60 miles wide around those islands within which during certain months of the year seals should not be killed. It now appears that the seals feed upon the fish banks outside of this circle, and that the Canadians or any persons who choose to do so are allowed to go there and kill the seals at any time. The result is, according to this report, that last year 27,000 seals starved to death whose mothers had been butchered at sea by Canadian poachers.

A bill has passed the House of Representatives which will dispose of this whole matter. It provides that if England will not make proper provisions for preserving these seals and this seal life, then the United States shall kill all the seals that land upon those islands and stop this barbarous——

Mr. HOAR. Mr. President, I rise to a question of order. I desire to interpose to my friend what I have just interposed to the

Senator from Arkansas. I promised that in two minutes I would yield to him, and I do not see that I can very well consent——

Mr. PETTIGREW. I shall be very glad to yield if I am out of order. I suppose that I am not. The matter is upon the table.

The VICE-PRESIDENT. The Chair lays before the Senate as a part of the morning business a resolution coming over from a previous day.

Mr. TELLER. I rise to morning business. I do not want to interfere with the Senator from South Dakota, who, I understand, has the floor, but I wish to submit a report.

The VICE-PRESIDENT. The Chair recognizes the Senator from Colorado.

YELLOWSTONE NATIONAL PARK.

Mr. TELLER. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 1654) to amend an act entitled "An act to protect the birds and animals in the Yellowstone National Park, and to punish crimes in said park, and for other purposes," to report it without amendment, and to submit a written report thereon.

I wanted to ask the Senate to consider the bill at the present time because it will take only a moment, but I do not like to interfere with the two or three Senators who seem to be entitled to the floor. However, if there is no objection, I will send the bill to the desk to be read, and ask that it be considered now. It will take only a moment, I think.

Mr. PETTIGREW. I should like to ask for information whether the matter on the table to which I have called attention is in order after disposing of the routine morning business.

The VICE-PRESIDENT. The Chair will state that the morning business has not yet been concluded. When that is concluded, the Chair will entertain the motion of the Senator from South Dakota. The Senator from Colorado asks unanimous consent for the present consideration of a bill which will be read for information.

The Secretary read Senate bill 1654.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CLARK. I could not exactly catch the provisions of the bill from the reading, and I should like to know from the Senator from Colorado exactly what it proposes.

Mr. TELLER. The bill proposes to confer concurrent jurisdiction on the United States courts of Wyoming and Montana, a part of the park being in one State and a part in the other.

Mr. CLARK. Is there a distinction made as to the place in which offenses over which either of the States has jurisdiction shall be tried? In other words, are the Montana courts given jurisdiction of offenses committed in Wyoming?

Mr. TELLER. If the Senator does not want to have the bill considered now, I, of course, will let it go over. I think the bill (and that I think is its merit) confers concurrent jurisdiction, no matter which court gets jurisdiction of the case first.

Mr. CLARK. I ask the Senator to let the bill go over a day, that I may examine it.

Mr. TELLER. I am willing to let it go over. I hope the Senator from Wyoming will examine it, and if he has any suggestions to present in the way of amendments that he will be ready to present them.

Mr. CLARK. I will examine it.

Mr. TELLER. I send up the report, which I ask may be printed.

The VICE-PRESIDENT. The bill will be placed on the Calendar, and the report will be printed under the rule.

SALE OF PACIFIC RAILROADS.

Mr. ALLEN. I ask for the regular order.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution of the Senator from Nebraska [Mr. ALLEN], coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. ALLEN on the 29th ultimo, as follows:

Resolved by the Senate (the House of Representatives concurring), That a master's, marshal, or any other judicial or execution sale of the properties of the Union Pacific and Kansas Pacific railroad companies, or either of them, without additional legislation by Congress, would not be binding on the Government of the United States, or conclude it of any legal or equitable right therein now possessed, unless such sale should be subsequently ratified by Congressional action.

Mr. GEAR. I should like to hear the resolution read again.

The Secretary again read the resolution.

Mr. GEAR. Unless the Senator wants——

Mr. ALLEN. Mr. President, just a moment. There is another resolution, a Senate resolution, pending before the Senate and unacted upon, on which my colleague [Mr. THURSTON] desires to be heard. I do not know, but possibly he desires to be heard on both resolutions. I am not informed as to that matter, but as he is absent this morning, I will ask consent that the two resolutions be passed over, retaining their place until to-morrow morning.

The VICE-PRESIDENT. In the absence of objection, it is so ordered.

GRAY'S BATTALION OF ARKANSAS VOLUNTEERS.

Mr. LODGE. If the morning business is concluded, I desire to call up the conference report on the immigration bill.

Mr. BERRY. I thought it was understood that when the morning business was concluded I would be recognized.

Mr. LODGE. I will not interfere with the Senator from Arkansas.

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from Arkansas for the present consideration of the bill (H. R. 1061) granting pensions to Gray's Battalion of Arkansas Volunteers. The bill will be read for information.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the names of all of the honorably discharged surviving officers and enlisted men of Gray's Battalion of Arkansas Volunteers, raised under the act of Congress of May 13, 1846, for service during the war with Mexico, and the names of surviving widows of such officers and enlisted men, subject to the limitations and regulations of the pension laws of the United States for pensioning the survivors of the war with Mexico.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SPECULATION IN CLAIMS AGAINST THE GOVERNMENT.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 6834) to prevent the purchasing of or speculation in claims against the Federal Government by United States officers, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. LINDSAY. I move that the Senate insist upon its amendments disagreed to by the House of Representatives and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. HOAR, Mr. VILAS, and Mr. LINDSAY were appointed.

PROPOSED RESTRICTION OF IMMIGRATION.

Mr. LODGE. I now call up the conference report on the immigration bill.

The VICE-PRESIDENT. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment to the bill H. R. 7864, "An act to amend the immigration laws of the United States," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment, and agree to the House bill with amendments as follows:

Strike out in the first section all after the words "admission to the United States the following" and insert the following:

"All persons physically capable and over 16 years of age who can not read and write the English language or the language of their native or resident country; but a person not so able to read and write who is over 50 years of age and is the parent or grandparent of a qualified immigrant over 21 years of age and capable of supporting such parent or grandparent may accompany such immigrant, or such a parent or grandparent may be sent for and come to join the family of a child or grandchild over 21 years of age, similarly qualified and capable."

Strike out the present section 2 and insert a new section, as follows:

"SEC. 2. For the purpose of testing the ability of the immigrant to read and write, as required by the foregoing section, the inspection officers shall be furnished with copies of the Constitution of the United States, printed on numbered uniform pasteboard slips, each containing not less than 20 nor more than 25 words of said language, and the immigrant may designate the language in which he prefers the test shall be made. Each immigrant shall be required to draw one of said slips from the box and read, and afterwards write out, in full view of the immigration officers, the words printed thereon. Each slip shall be returned to the box immediately after the test is finished, and the contents of the box shall be shaken up by an inspection officer before another drawing is made. No immigrant failing to read and write out the slip thus drawn by him shall be admitted, but he shall be returned to the country from which he came at the expense of the steamship or railroad company which brought him, as now provided by law. The inspection officers shall keep in each box at all times a full number of said printed pasteboard slips, and in the case of each excluded immigrant shall keep a certified memorandum of the number of the slip which the said immigrant failed to read or copy out in writing. If in any case from any unavoidable cause the foregoing slips are not at hand for use, the inspection officers shall carefully and thoroughly test the ability of the immigrant to read and write, using the most appropriate and available means at their command; and shall state fully in writing the reasons why the slips are lacking, and describe the substitute method adopted for testing the ability of the immigrant."

Strike out the present section 3 and insert a new section, as follows:

"SEC. 3. That the provisions of the act of March 3, 1893, to facilitate the enforcement of the immigration and contract-labor laws, shall apply to the persons mentioned in section 1 of this act."

Strike out present sections 4, 5, and 6, and insert as follows:

"SEC. 4. That it shall hereafter be unlawful for any male alien, who has not in good faith made his declaration before the proper court of his intention to become a citizen of the United States, to be employed on any public works of the United States, or to come regularly or habitually into the United States by land or water for the purpose of engaging in any mechanical trade or manual labor, for wages or salary, returning from time to time to a foreign country.

"SEC. 5. That it shall be unlawful for any person, partnership, company, or corporation knowingly to employ any alien coming into the United States in violation of the next preceding section of this act: *Provided*, That the provisions of this act shall not apply to the employment of sailors, deck hands, or other employees of vessels, or railroad train hands, such as conductors,

engineers, brakemen, firemen, or baggagemen, whose duties require them to pass over the frontier to reach the termini of their runs, or to boatmen or guides on the lakes and rivers on the northern border of the United States.

"SEC. 6. That any violation of the provisions of sections 4 and 5 of this act by any alien or citizen shall be deemed a misdemeanor, punishable by a fine not exceeding $500, or by imprisonment for the term of not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That all persons convicted of a violation of section 4 of this act shall be deported to the country whence they came.

"SEC. 7. That notwithstanding the provisions of this or any other existing law, the Secretary of the Treasury may permit aliens to enter this country for the purpose of teaching new arts or industries under such rules and regulations as he may provide."

Add a new section, as follows:

"SEC. 8. That this act shall not apply to persons arriving in the United States from any port or place in the Island of Cuba, during the continuance of the present disorders there, who have heretofore been inhabitants of that island."

Insert a new section, as follows:

"SEC. 9. That any alien who shall, in violation of this act, or any other existing law, secure entry into the United States without inspection or examination, or through mistake, misrepresentation, collusion, deception, or fraud, may be taken into custody by the properly authorized immigration officers within thirty days after the facts become known to them; and such alien, upon a special inquiry at the most convenient place, conducted according to section 5 of the immigration act of March 3, 1893, shall be dealt with as provided by law for alien immigrants upon their first arrival."

Strike out the present section 7 and insert as follows:

"SEC. 10. That this act shall take effect July 1, 1897."

HENRY CABOT LODGE,
WM. E. CHANDLER,
CHAS. J. FAULKNER,
Managers on the part of the Senate.

L. DANFORD,
STANYARNE WILSON,
Managers on the part of the House.

Mr. HILL. Mr. President, will the distinguished Senator from Massachusetts [Mr. LODGE], a member of the conference committee, please explain to the Senate wherein the bill as now presented by the conference report differs from the bill as it passed the Senate? It is quite difficult for me to understand precisely what the difference is, for I have not had time to examine the question.

Mr. GIBSON. Mr. President——

Mr. HILL. If I interfere with the Senator from Maryland I will withdraw my suggestion.

The VICE-PRESIDENT. The Senator from Maryland [Mr. GIBSON] is entitled to the floor.

Mr. GIBSON. Mr. President, I desire to make a point of order upon the report of the committee of conference on the bill (H. R. 7864) to amend the immigration laws of the United States. The point of order which I make is that the conferees have transcended their authority and have added to the text of a clause in the bill which had been agreed to by both Houses of Congress, and they have, in addition thereto, further transcended their prerogative in having introduced new matter in the shape of three or four sections which has the unusual distinction of not having had a prior passage through either House. As I understand, the province and prerogative of conferees is to resolve the disagreeing votes of the two Houses. If that can not be done, it is the duty of the conferees to so report and to either ask for a further conference or to have the House to which the report is made recommit with instructions. Instead of that procedure, however, on the part of this committee, they have undertaken to legislate for the Senate and for the House of Representatives without giving the Senate or the House of Representatives the opportunity to determine, each for itself, with reference to that legislation. This report, therefore, not only violates a rule of the Senate, but violates the plainest rules of general parliamentary law.

Mr. LODGE. Will the Senator from Maryland allow me to ask him a question simply for my own information?

Mr. GIBSON. Certainly.

Mr. LODGE. Will he kindly point out what new sections we have added which were not before us in the bill?

Mr. GIBSON. I will do so. I was proceeding to state the grounds of this point of order, and to verify the point of order in stating the new legislation, referring to that which has been added, as I primarily remarked.

On the 21st of May, 1896, the House of Representatives presented to the Senate a bill (H. R. 7864) to amend the immigration laws of the United States.

Mr. LODGE. If the Senator will allow me, all I wanted was simply the sections which he specified were newly added. I did not mean to draw him into a review of the bill.

Mr. GIBSON. If the Senator from Massachusetts will allow me to proceed, I prefer to proceed in my own way.

Mr. LODGE. Certainly. I only wanted the Senator to furnish me the information for which I asked.

Mr. GIBSON. If I shall not have furnished the information before I have concluded, I shall be very glad to answer any question which the Senator may propound.

What is known as the House bill provided for an amendment of the immigration laws of the United States heretofore enacted by adding to the class of aliens to be excluded from admission to the United States all persons between 16 and 60 years of age who can not both read and write the English language or some other language. I will advert to that part of the report by way of illustration of the point which I shall proceed to make.

Later, in February, 1896, the Senate passed an immigration bill, substituting the Senate bill for the House bill to which I have just adverted. In the Senate bill there was a provision, in respect to the class of aliens to be excluded, providing that "all persons over 14 years of age who can not read and write the language of their native country or some other language" should be substituted for the provision of the House bill making the limit of age 16 years.

There was a further provision in the Senate bill which was substituted for the House bill for the purpose of testing the ability of immigrants to read and write. There was no such test of illiteracy in the House bill. In the Senate bill was the first time in the history of the amending of the immigration laws that the Senate provided a test of illiteracy for the qualification of alien immigrants. That illiteracy test, as I have just suggested, with reference to testing the ability of each immigrant, was as follows:

The inspection officers shall be furnished with copies of the Constitution of the United States, printed on numbered uniform pasteboard slips, each containing five lines of said Constitution printed in the various languages of the immigrants in double small pica type.

Then followed a further provision with reference to the keeping of boxes so as to conceal from view the slips to be read by the immigrant.

The Senate bill was amended by striking out the 14-year limit and applying 16 years as the limit. There was added an amendment, offered by the Senator from Alabama [Mr. MORGAN], that refugees from Cuba should be admitted into the United States without being subjected to the illiteracy test to which other alien immigrants were to be subjected.

That bill was passed by the Senate. Upon the passage of that bill a conference was asked by the Senator from Massachusetts [Mr. LODGE] and the conferees on the part of the Senate were duly appointed, and also conferees were appointed on the part of the House. The result of that conference is, as I have stated in my point of order, that the conferees, instead of determining the differences between the Senate bill and the House bill, reporting that they had agreed and reporting the sections agreed upon, or reporting that the House had adhered and the Senate had receded or that the Senate had adhered and the House had receded, and presenting the result of that conference in the shape of a perfected bill which had before that time been passed upon by both Houses, have not done so; but, on the contrary, they sought—I speak it reverently—to accomplish by indirection what the Senate of the United States and the House of Representatives had expressly determined against.

I now come to the points of difference to which the Senator from Massachusetts has called my attention. The conference report presents a very different immigration bill from that passed upon by the Senate and passed upon by the House of Representatives. Let us see whether I am correct or whether I am incorrect in that statement.

In the very first section of the conference report—and here is the suggestion I made—the conferees have added to what had already been agreed upon by both Houses. The Senate and the House had agreed upon the age limit; the Senate and the House had agreed as to the character of the reading and writing test; the Senate and the House had agreed that all persons over 16 years of age who can not read and write the language of their native country or some other language, except in the case of aged persons not able to read and write at all—a grandparent—should be admitted. The House had agreed that all male persons between 16 and 60 years of age who can not both read and write the English language or some other language should be excluded. The House and the Senate practically agreed to these conditions in this connection; yet we find the conferees in their wisdom, in the plenitude of the authority which it seems that they have arrogated to themselves or not—which remains to be seen—have added to and have changed what the House of Representatives and the Senate have suggested, without the House and the Senate having passed upon that question. They have provided that:

All persons physically capable and over 16 years of age who can not read and write the English language or the language of their native or resident country.

Here is a provision to which I call the attention of the Senator from Massachusetts in answer to his inquiry made of me a moment since as to where a change has been made by the conferees.

The object of the immigration bill as passed by the Senate, and as passed by the House of Representatives, was to admit immigrants who could conform to the educational test. The conferees have gone outside of the authority with which they were invested by their respective Houses, and have added what the House and the Senate never before passed upon, and that is the prohibition entirely and absolutely of a class of immigrants who would have been admitted under the Senate bill and under the House bill. The explanation of that is to be found in the fact that there are thousands of immigrants eligible under the House bill and under the Senate bill who are ineligible under the conference report

because of the fact that they have not a resident country and can not speak the language of their native country. Those are Russian Jews, the Slavs, the Hungarians, Mennonites, and thousands more of the different classes of immigrants that I might mention, who are intended to be admitted under the bill passed by both Houses, who are excluded by the conference report. I hope that point is clear, Mr. President.

I come to the other provisions where the conferees further transcended their authority. Under the bill substituted by the Senate for the House bill there was a provision that a man who could pass the illiteracy test should be permitted to send for his wife, if he had left her behind, or, if she had accompanied him and was illiterate herself, that she was admissible if he was; and yet, transcending the plain proposition on the part of the Senate and on the part of the House of Representatives, the conferees in their report have added to what the House of Representatives and the Senate had agreed upon by undertaking to separate man and wife and to commend the alien immigrant to the society of his grandfather rather than to that of his wife. They have excluded the wife and admitted the grandfather. The House of Representatives and the Senate passed no such bill, and yet the conferees, seeking by indirection, as I charge here, rather than by express legislation, have altered it by adding to what has been agreed upon by both Houses.

I come to the second proposition, as to the further point of order which I make in this connection, and that is that they more arrogantly—and I do not use the word reverently, either, in this connection—have sought to do by indirection what has never been undertaken by either House of Congress, and that was to add new sections to a bill.

Mr. GRAY. May I ask the Senator from Maryland for information regarding the point which he is making, whether I understood him correctly to say that, under the bill as it passed both the House and Senate, the illiterate wife might come in with the literate husband?

Mr. GIBSON. Yes, sir.

Mr. GRAY. And that under the bill as reported from the conference committee the illiterate wife is excluded?

Mr. GIBSON. She is.

Mr. GRAY. So that the literate husband alone may come?

Mr. GIBSON. The literate husband may come in, absolutely separating man and wife; and I pause in this connection to suggest that there have been times in the history of this fair land of ours when the separation of husband and wife in the days of slavery in the Southern States, by having the husband sold across the border, was inveighed against nowhere more strongly than by the representatives of the State from which the Senator who is one of the conferees comes—the State of Massachusetts—and yet in this enlightened period of our country's history, the separation, not of humble negroes who are in the relation of husband and wife, but of those of the same race as the Senator from Massachusetts, humble and alien though they may be, are to be separated, not by mere imaginary lines, the borders between States, but by oceans which roll 3,000 miles between them. The Senate never contemplated such a proposition as that sought to be brought in here by the conference committee.

The new section, Mr. President, to which the Senator from Massachusetts directs my attention in the conference report I will now proceed to refer to:

The committee of conference on the disagreeing votes of the two Houses on the amendment to the bill (H. R. 7864), "An act to amend the immigration laws of the United States," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment, and agree to the House bill with amendments as follows.

Those amendments are to strike out in the first section all after the words "admission to the United States" and to insert the following:

All persons physically capable and over 16 years of age who can not read and write the English language or the language of their native or resident country.

That was the section to which I have before adverted, and I will not discuss it further. That was one of the recommendations of the committee of conference to which I have already referred. Then the committee report to strike out the present section 2 and insert a new section, as follows, confessedly a new section.

Mr. LODGE. What is that new section?

Mr. GIBSON. I read from the conference report.

Mr. LODGE. But what is the section?

Mr. GIBSON. Section 2.

Mr. LODGE. Is that not, as a matter of fact, the test which passed the Senate?

Mr. GIBSON. No, sir.

Mr. LODGE. What is section 2 in the conference report?

Mr. GIBSON. Section 2 changes the bill as it passed the Senate from the ability to read five lines of the Constitution to the ability to read from twenty to twenty-five words of the Constitution of the United States.

Mr. LODGE. That is, it reduces the test. That is very true.

Mr. GIBSON. It is a change, but I suppose the Senator will argue that it is germane to the general proposition.

Mr. LODGE. I ask the Senator was not that section before the conference committee?

Mr. GIBSON. It was not before the Senate nor before the House of Representatives.

Mr. LODGE. It was not before the House, but it was before the Senate. It is our section, modified by the House conferees.

Mr. GIBSON. The Senator from Massachusetts shall have full opportunity to present his view of the case——

Mr. LODGE. I shall.

Mr. GIBSON. Without any let or hindrance from the Senator from Maryland.

Mr. President, I pass from the second section with the statement I have already made in this connection, and proceed to consider section 3. The language of the report of the committee of conference is to strike out section 3 and insert a new section, which is as follows:

SEC. 3. That the provisions of the act of March 3, 1893, to facilitate the enforcement of the immigration and contract-labor laws, shall apply to the persons mentioned in section 1 of this act.

This new section was never in the Senate bill and was never considered by the Senate.

I pass from that view of the case with the simple suggestion that the committee of conference has reported that as a new section, although I do not know——

Mr. CHANDLER. Will the Senator allow me?

Mr. GIBSON. For a question.

Mr. CHANDLER. Yes, sir.

Mr. GIBSON. I yield for a question.

Mr. CHANDLER. The Senator is usually very accurate, but this section is in the very language of the bill as it came from the other House.

Mr. GIBSON. I do not propose to comment upon it further than to suggest that the committee of conference have reported it as a new section.

Mr. CHANDLER. It is not a new section, but simply a change of number. It is the exact section of the House bill.

Mr. GIBSON. I am not going to dwell on that feature of the point of order which I desire to make.

Mr. CHANDLER. Does the Senator deny that a committee of conference can change the numbering of the sections of a bill?

Mr. GIBSON. Oh, no.

Mr. CHANDLER. That is all they have done in this case.

Mr. GIBSON. The report of the committee of conference proceeds:

Strike out present sections 4, 5, and 6 and insert as follows:

"SEC. 4. That it shall hereafter be unlawful for any male alien who has not in good faith made his declaration before the proper court of his intention to become a citizen of the United States"—

Here the conferees, after the House and Senate had agreed upon a bill to admit alien immigrants coming in under the provisions of the illiteracy test, have added thereto that such alien must first declare—

His intention to become a citizen of the United States, to be employed on any public works of the United States, or to come regularly or habitually into the United States by land or water for the purpose of engaging in any mechanical trade or manual labor, for wages or salary, returning from time to time to a foreign country.

Requiring in this new section that the "regularly and habitually" coming to the United States shall be determined by the courts as to what constitutes "regularly and habitually coming into the United States by land or water." In other words, it provides against what is known as "birds of passage" in the character of immigrants. Neither the Senate nor the House of Representatives had ever passed such a feature of this section; it had never been presented before the Senate or the House, and its presence here is due entirely to the report of the committee of conference.

Section 9 has been changed also by the committee of conference from that section of the House bill providing for violations of the act, and words have been inserted and clauses have been inserted in the section which were not in the section as contemplated by the Senate and by the House of Representatives.

Contenting myself, Mr. President, with pointing out, not in detail at this time, but generalizing and indicating at the same time in this general statement and verifying the point of order which I have made, I shall proceed now to argue whether or not the point of order is well taken.

Interference by committees of conference, Mr. President, from the very foundation of the institution of the Congress of the United States has been frowned upon as vicious and bad in its inception and in its consequences, and such a suggestion as a part of the unwritten law, and the written law as well, has so impressed itself upon committees of conference that there has rarely been a violation of that practice by such committees.

In the Forty-sixth Congress, as reported in the CONGRESSIONAL RECORD, pages 4044, 4045, and 4047, a point of order was made against a resolution by a Representative, now a distinguished member of the Senate, the Senator from Texas [Mr. MILLS], who,

in the House of Representatives, submitted a resolution "that the conferees on the part of the House on the legislative, executive, and judicial appropriation bill be, and are hereby, instructed to fix the salaries of the employees of the House," etc. Mr. Springer made the point of order that it was not in order to instruct the committee at that time, and the further point of order that the portion of the bill which the resolution proposed should be opened to consideration by the conference committee had been settled by the two Houses and should not be made the subject of conference. The Speaker, Mr. Randall, held that it was not within the power of a committee of conference to change a paragraph which had been agreed to by both Houses of Congress, for the reason that the conference was only on the disagreeing votes of the two Houses, which necessarily excluded from their consideration any matter agreed upon by the two Houses. Mr. MILLS modified his resolution so as to meet this objection, but the further point of order was made by Mr. Robinson that the resolution as modified proposed to instruct the conferees to change what the two Houses had agreed upon, and was not in order. The Speaker sustained the point of order, and the resolution as modified was not received. The Speaker, Mr. Randall, decided that it was not in order to instruct the committee of conference to consider a subject on which both Houses had agreed.

I have further references to decisions in the Thirtieth Congress, in the Thirty-eighth Congress, and in the Fortieth Congress bearing upon the same point. I will not weary the Senate by reading them, but they can be verified by the CONGRESSIONAL RECORD, which I have at my desk, if the point should be disputed. But I proceed to call the attention of the Senate to a very strong case reported in the CONGRESSIONAL RECORD in the Forty-second Congress, first session. In the Congress to which I have referred, when Mr. Colfax was speaker, if I am not mistaken, and if he was not I shall be glad to be corrected, Judge Holman, then a member of Congress, raised a point of order on a conference report upon an appropriation bill. He said in the point of order that the committee of conference was not authorized to consider matters which have never been incorporated in Senate amendments nor brought before the House.

There are—

He said—

incorporated in this report two propositions which, so far as I am informed, have never been before the House or Senate; one is the provision making appropriations for the Sutro tunnel, and the other the provision for the Agricultural Department. I submit that these matters—

Judge Holman further said—

were never referred to the committee of conference at all.

Not referred to the committee of conference at all, because they had not been considered by either House of Congress.

Mr. Dawes, who was afterwards a member of this distinguished body, said:

Mr. Speaker, I do not understand the rule to be so broad as the gentleman from Indiana [Mr. Holman] states it.

The Speaker, Mr. Colfax, replied:

The rule is as broad as the gentleman from Indiana states it.

Mr. Wood, following the line of Judge Holman's point of order which he had so tersely stated, adds by way of inquiry:

There is nothing in the bill referring to that subject in any way; and the committee of conference has no right to consider anything not in disagreement between the two Houses.

Mr. Dawes suggested, by way of reconciling the apparent discrepancy in the two statements, that the Sutro tunnel mentioned in the appropriation bill and the Carson City mint covered the whole ground, that there was a connection between the two, when Mr. Brooks, of New York, said "the Sutro tunnel and the Carson City mint are a considerable distance apart. It seems to me," as he added, "that it requires a very long string to attach one to the other."

The House refused to pass the appropriation, and the Senate never consented at all, presenting absolutely a parallel case to the one now before the Senate.

Judge Holman, following his first suggestion, said:

I object not so much to the appropriation as to the principle involved. It is to the introduction into conference reports of entirely new legislation by conference committees to which I object.

Then Mr. Garfield, afterwards a member of this body and President of the United States, said:

Will not the effect at least be this: That hereafter, when anybody wants anything to be put through, he will endeavor to get it introduced in such a delicate situation as this, so as to secure favorable action upon it?

That is, to have a report upon it by a conference committee, asking no legislation at the hands of the Senate or the House. Mr. Garfield said that would be all he would have to do if the principle should not be maintained that was contended for in this instance under the point of order. There would be no use for the Senate or for the House of Representatives. All a man would have to do would be to get a report from the committee of conference. All that would be necessary would be to have them report a subject never passed upon in either House. This absolutely and unqualifiedly has been done in this instance. If the rule is to be adopted that the conference report shall be accepted and received as representing the views of the House and the Senate, then do away hereafter with the tedious processes oftentimes of legislation which have had to be resorted to in Congress.

The question of order raised by Judge Holman was submitted to the House and sustained by a vote of yeas 82, nays 33. Then the Speaker added, by way of emphasizing the vote, that the conference report must be sustained or rejected as a whole, which is important in this connection.

Mr. Randall then suggested:

I think the House should put its foot down and say that a conference committee has not a right to insert original matter in the bill.

Mr. Fernando Wood, of New York, concluding the debate, said:

I desire to be understood clearly in this matter. I thought this an opportune occasion for us to make a determination in regard to this improper procedure. I regarded no question as more important for the consideration of this House than that which forbids the introduction of new legislation in reports of committees of conference.

That, Mr. President, is one of the strongest cases. There is another instance, where the House had under consideration the report of the committee of conference on the Army appropriation bill. Mr. Fernando Wood raised the question of order on the report, whether it was competent for a committee of conference between the two Houses to put into the bill any other subjects-matter than the subjects-matter considered by one of the Houses in connection with the bill. Mr. Blaine, the Speaker, said that if the facts were as the gentleman from New York, Mr. Wood, supposed, the point of order would be made very clear. He then went on to discriminate, pointing out that some features of the bill did not present themselves as being exactly as Mr. Wood stated. But he enunciated the rule as being broad enough, and not only broad enough, but as embracing in every instance the substance of the point of order which had been submitted.

Now, Mr. President, there is another decision in this connection on the same point. The Speaker decided in a case in the Forty-sixth Congress, third session, that a resolution was not in order to submit to a conference committee any subject not originally committed to them. There is another decision on the same point, emphasizing, in the decision by Mr. Blaine, a decision which had been previously rendered, to which I have adverted. The Speaker decided that it was not in order to instruct the conferees on the legislative, executive, and judicial appropriation bill on a subject not submitted to them or in disagreement between the two Houses.

That is all I propose to submit in the line of decisions in the House of Representatives, but I will conclude my presentation of the point of order with a decision in the Senate on this question. It is to be found in the CONGRESSIONAL RECORD for the Fiftieth Congress, first session.

This was an instance of an appropriation bill, where the committee of conference had added an item of $15,000 which in the judgment of the committee was proper to be added, but without authority from the Senate or the House of Representatives to make this appropriation. It was not contemplated in the reference of the bill to the committee; it was never thought of, and yet the committee of conference said that they found, after the bill had been committed to the committee of conference, although not contemplated originally by the Senate and the House, that it was proper to insert the item of $15,000. Let us see what Judge Edmunds says, and the point of order which he made in that connection:

I make the point of order that this report is irregular in changing the text of a clause that had already been agreed upon by the two Houses. It has been stated by the chairman of our conference with great candor that the conferees have changed the text of the bill in points and in respects that both Houses had already agreed upon, and where nothing was left open for action by the committees of conference.

They said so, and gave a reason why it was proper that the item of $15,000 should be reported as a part of the bill. Senator Plumb, who had charge of the conference report, argued against the point of order. The President pro tempore, Senator Ingalls, passed upon the point of order in the following language:

The Chair has no doubt upon the question of order, arising not under the rules of the Senate, but under general parliamentary law, that committees of conference can not alter a part of the bill to which both Houses have agreed. So if the report shows that upon a proposition or amendment to which both Houses had agreed, and which therefore was not left open, the conferees added words—

Added "words," not whole sections, not whole clauses, not paragraphs, but "words," simply, to what had been agreed upon by both Houses they had no business to do it—

it would not be according to the general parliamentary practice. The Chair thinks, however, that it is for the Senate to decide whether they will or will not agree to the report of the committee of conference.

The Senate did decide it. The vote is given, deciding the point of order as well taken.

After the President pro tempore, Mr. Ingalls, had said, "The

Chair submits the question whether the report is in order," Judge Edmunds further said:

I do not need to go into any discussion with the Chair, because that is a right the Chair has, and the Chair's views are clear and perfectly correct; but I wish to take the judgment of the Senate upon it as a precedent—

"As a precedent," and that precedent has never been departed from from that day to this save in the instance which is now under consideration—

and if the judgment of the Senate corresponds with the clear parliamentary law and the clear safety that we ought to guard in respect to these bills, I shall then, if I may, waive my point of order.

Calling attention to the strict regard which ought to be had to preserving the character of conference reports.

Then the Senator from Florida [Mr. CALL], who was one of the members of the conference committee at the time, argued against the views which Judge Edmunds maintained, and said the point of order was not well taken. Judge Edmunds in conclusion said:

The Senator is mistaken. The committee of conference has made no report asking unanimous consent.

The Senator from Florida [Mr. CALL] argued that the point of order was not well taken because the conference committee had come into the Senate and asked unanimous consent to put in the $15,000 appropriation, and it was conceded that if unanimous consent had been asked it would have been accorded, so evident was the commendable purpose for which the appropriation was asked. With these facts staring the Senate in the face, and with the suggestions so tersely presented by the Senator from Florida [Mr. CALL], it was denied. Judge Edmunds added:

The Senator is mistaken. The committee of conference has made no report asking unanimous consent. It has only stated in its report, when you take the report and read the bill with it, that it has changed a part of the bill that both Houses had already agreed upon. Then the Senator making the report asked unanimous consent, stating, with the candor which characterizes him, that they had transgressed the rule, and therefore unanimous consent was necessary. I made the point of order in order to test the sense of the Senate, the first time it has been called to such a question for five or six years. It was then called to it, and the report was declined to be received, and the conferees left that part out in order that the Senate might not in the Journal appear to have recognized this irregularity, and then, as far as I am concerned, it will be waived.

The PRESIDENT pro tempore. The question recurs upon the point of order raised by the Senator from Vermont [Mr. Edmunds] upon the report of the committee of conference, whether, having changed an amendment that had been agreed to by both Houses, the report of the committee is in order. Senators in the affirmative will say "aye;" the negative, "no." [Putting the question.] The noes appear to have it. The noes have it.

Now, Mr. President, having stated the point of order, and, in my judgment, having verified it by the authorities to which I have referred, I respectfully submit it.

Mr. LODGE. Mr. President, I shall waste very little time over the point of order. The powers of conference committees have been the subject of a great deal of debate first and last in both Houses. The principles in regard to them are pretty well established, and if the Senator from Maryland [Mr. GIBSON] had given as much attention to reading the House and Senate bills which were before the conference committee as he has to the extracts which he has read so fluently and so eloquently to the Senate, I think he would have been less disturbed about our exceeding our powers in this instance.

We have seen, not once, but many times, a tariff bill which has passed both Houses go into a conference and come out a new bill in all its essential provisions, and the action was defended and sustained on the ground which has been mentioned in several of the extracts furnished us by the Senator from Maryland—that the subject-matter of the bill was all before the conference for any changes they desired to make. The entire subject-matter of the restriction of immigration by an illiteracy test was before the committee of conference, and so also there was before the committee of conference the entire subject of the exclusion of aliens who come habitually to this country and return to another, taking up no residence here. That was embodied in what is known as the Corliss amendment, which, as part of the House bill, was before the committee.

Mr. President, the differences between the two Houses in regard to the first section were differences of phraseology. They were differences of terms, and the terms which result from the conference represent the compromise between the two Houses, which it is the object of a conference committee to bring about. There is nothing in the conference report in the way of subject-matter that was not absolutely before the conference committee.

Mr. GORMAN. Will the Senator from Massachusetts permit me to ask him a question, or would he prefer to go on?

Mr. LODGE. Certainly, I will yield. I shall be very glad to hear what the Senator from Maryland has to say.

Mr. GORMAN. I wish to ask the chairman of the committee of conference on the part of the Senate whether it is not a fact that they have changed by the conference report a material provision of the bill that was acted upon by both Houses of Congress?

Mr. LODGE. I shall be glad to have the Senator point it out.

Mr. GORMAN. As the bill came to us from the House, in the first section, line 7, it provides that "all male persons between 16 and 60 years of age who can not both read and write the English language or some other language" shall be excluded. The Senate considered that clause and adopted the language that "all persons over 16 years of age who can not read and write the language of their native country or some other language" shall be excluded, using the same phrase that was in the bill as passed by the House, and then making a specific provision as to "wife," which was really included in the word "male" in the seventh line of the bill as passed by the House. The conferees have changed those two important provisions as agreed upon by the Houses.

Mr. LODGE. I am surprised that the Senator from Maryland, with his great experience in conference committees, should ask me that question. The word "male" was put in in the House. It was omitted in the Senate. The language of the House bill, "the English language or some other language," differed entirely from the Senate bill, which was "native country or some other language." Between those conflicting phrases we arrived at the compromise phrase; but I will say to the Senator from Maryland that the phrase "resident country." which makes the change, was put in at the suggestion of the gentleman on the conference who takes the same view of the subject that he does. It was put in to liberalize the bill, and in that respect, let me say, I think the committee acted absolutely within their power. The whole subject-matter of the restriction of immigration by an illiteracy test was before them.

Mr. GORMAN. No; but on the point I make I should like to hear the Senator from Massachusetts, for in my experience here I have never known of a change so radical made in a conference report. Both Houses of Congress have agreed that the persons coming to us shall speak the language of their native country, or adopted country, or some other language. The clause "some other language" was put in by both Houses of Congress to cover a great number of desirable people who come to this country. The conference committee changed that language, adopted by both Houses, which is material to the bill; and I suggest to the Senator from Massachusetts that I do not believe he can find a single instance in the case of conference reports where a material subject was changed by a conference report after having been agreed to by both Houses.

Mr. LODGE. I can not agree with the Senator from Maryland on that point. I think the conference committee acted very well within the powers of conference committees. I never have heard it suggested that when a subject was thrown into conference, with clauses directed to accomplish the same end in both bills, but varying in form, it was not within the power of the conference committee to take those two propositions from the different Houses and put them into a new draft by way of compromise on which the two Houses could agree.

Mr. GRAY. Will it interrupt the Senator from Massachusetts to ask him a question in the course of his argument?

Mr. LODGE. Certainly not.

Mr. GRAY. I should like to know whether the effect of the change made by the conference committee in the language of the bill as passed by both Houses would have the effect attributed to it by the junior Senator from Maryland—to prohibit the immigration absolutely of a large class of persons who, by the text of the bill framed in each House, would have been admitted upon the reading and writing test?

Mr. LODGE. I will say to the Senator from Delaware that I was coming to that in a moment.

Mr. GRAY. Very well. I do not want to anticipate the Senator.

Mr. LODGE. I simply wanted to pass very briefly over the technical objection that had been made, and then I intend to discuss the merits of the report and take up the specific point which the Senator has now offered.

Mr. GRAY. The reason I asked was because if that were so it would seem to apply to what the Senator calls the technical objection that is being made, to wit, whether the conference report has added any substantially new legislation to what has been passed upon by either House.

Mr. HILL. Will the Senator from Massachusetts permit me to make a suggestion right there?

Mr. LODGE. Certainly.

Mr. HILL. I make it simply for the purpose of elucidating this matter, if I can. The House provision, as I understand it, originally was that all male persons over 16 years of age who can not read and write the language of their native country——

Mr. LODGE. No; I beg the Senator's pardon. The House provision applied to all male persons between 16 and 60 years of age.

Mr. HILL. I am stating it simply as to the ages. It applied to all male persons of certain ages who can not read and write the language of their native country or some other language. That was a distinct proposition of itself, rather independent of all that followed. Then the Senate comes in and strikes out the word "male" and changes the ages, but leaves the rest of it exactly as it was. Now, when the only question at issue was the question of male persons and the age, can the conference committee come in

and strike out the words "or some other language" and insert an entirely new provision, namely, of the resident country? That is the point involved.

Mr. LODGE. The Senator will observe that the language provisions are not the same in the two bills. The words "some other language" are in both bills, but the provision in regard to language, over which, in my judgment, the conference committee had complete jurisdiction as part of the subject-matter of the conference, was in one bill "the English or some other language," in the other bill "the native country or some other language." The only portion that was the same in both were the words "some other language." That point I will explain when I come to it. I did not want to be interrupted on what I was saying about the question of order with a question on the merits of the bill; but I think the change in that sentence in regard to the language provision opened the clause entirely to the conference committee to act upon and to put in a completely new draft if they so saw fit, because it was different in both Houses. If you separate the language provision from the provisions as to age and sex——

Mr. HILL. If the Senator has the bill as passed by the House before him, I wish he would read——

Mr. LODGE. I have the bill before me.

Mr. HILL. Will you read those four or five lines?

Mr. LODGE. The clause reads as follows:

All male persons between 16 and 60 years of age who can not read and write the English language or some other language.

The Senate differed on the word "male." They left it out in the bill as passed by the Senate. The Senate differed as to the age. They applied the provision to all persons over 16 years of age, putting no age limit. That threw the whole question of the sex and the age upon two amendments into conference. In the same way the difference between "English language" and "native country," in my judgment, opened that line to amendment in conference.

But I put it on the broader ground, which is that the whole subject-matter of the restriction of immigration by an illiteracy test was open to the action of the conference committee, and that the conference committee has not only not gone beyond its powers, but it has not gone so far as many conference committees go and have a right to go.

Mr. President, I do not desire to dwell further on the question of the point of order.

Mr. HILL. Right there, if I do not annoy the Senator, let me call attention to section 9.

Mr. LODGE. Not at all.

Mr. HILL. Section 9 of the conference committee bill, if I may so speak of it, makes an entirely new provision. To what is that germane?

Mr. LODGE. That section was put in without objection on the part of the conferees of either House, with the understanding that it was absolutely necessary for carrying out the preceding sections. It is not in the least essential to the principle or subject-matter of the bill, except as a method for providing against fraud practiced under the law. That is all. It is in its nature a penal section; that is all.

Mr. HILL. The mere fact, of course, that it was agreed to by the conference without objection does not change it.

Mr. LODGE. No; I did not mean to make that point.

Mr. HILL. It strikes me that section 9 is clearly outside of the province of the conference committee. It may be a very proper limit or it may not be. I will submit my views upon that question later. That is all I desire to say.

Mr. LODGE. I understand the Senator's point. I did not mean that the question whether the conference committee agreed to or did not agree to this section among themselves was of any consequence to the argument. It was put in by the conference committee because it seemed absolutely necessary to carry out the other sections as they had been made, and they deemed it within their power to do that.

Mr. HILL. The Senator will permit me to say that I am inclined to think, from a hasty examination of it now, that he is right as to his contention in regard to the amendment which the Senator from Maryland calls attention to; but I do think that section 9 and a portion of another section are entirely foreign to the questions involved in the conference.

Mr. LODGE. I do not in the least deny that section 9 is a new section. It is the only new section in the bill, I will say.

Mr. GRAY. While the Senator has before him——

Mr. LODGE. Let me finish my statement.

Mr. GRAY. I beg pardon.

Mr. LODGE. We regarded it, as I have stated, merely as a necessary part of the bill—that is, that it was absolutely essential to have some method provided to give sanction and enforcement to the provisions in the bill. It connected itself principally with the Corliss amendment, so called, which was a House provision which the Senate struck out entirely, as the Senator will remember. When the Senate conferees receded and accepted that provision in a modified form, they thought it necessary to add this in the nature of an amendment to the Corliss amendment, in order to secure its being properly carried out if it was to go upon the bill. I think, although it is strictly speaking a new section, that it is perfectly within the powers of the conference committee engaged in perfecting that legislation.

Mr. HILL. It is a new section and a new subject-matter.

Mr. LODGE. I differ with the Senator about its being new subject-matter. I think it is absolutely a part of the subject-matter of the Corliss amendment, which the Senator will remember was entirely before the committee, although the Senate had stricken it out; as a part of the House bill, it of course was before the committee.

The VICE-PRESIDENT. The Senator from Massachusetts will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

Mr. LODGE. I trust I may be permitted to finish what I am saying. I hope the Senator from Alabama [Mr. MORGAN] will allow me to do so.

Mr. MORGAN. Let the unfinished business be laid before the Senate.

The SECRETARY. A bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. MORGAN. The question which is before the Senate is a question of privilege which I have no right, of course, to displace in virtue of any objection that I might see proper to make to it. The Senator from Massachusetts desires to go on.

Mr. NELSON. What is the Senator's request?

Mr. MORGAN. In view of the anxiety of his colleague to force the bankruptcy bill to a hearing, of course he must do so. I have no right to object.

Mr. LODGE. I will say to the Senator from Alabama that if he will allow me to finish the remarks that I am now making I shall certainly not press the conference report against his bill, the great importance of which I appreciate, and also that it is now blocking a great deal of other important legislation in the Senate; but I should like, as I have started, to finish what I have to say on the bill.

Mr. MORGAN. It is not a matter of allowance addressed to me at all. I have no right to object; but I would not, if I had the privilege of objecting, be so discourteous as to decline to yield.

Mr. LODGE. The Senator, I think, has a right to object. I think his bill comes up as the unfinished business.

Mr. CHANDLER. The conference report is privileged.

Mr. HILL. I hardly want to acquiesce in the propriety of that suggestion. The conference report, like everything else, is subject to the decision of the Senate.

Mr. LODGE. Of course, everything is subject to it.

Mr. HILL. The Senator from Alabama has really a strict right to go ahead.

Mr. LODGE. Everything is subject to the question of consideration, but I do not want to interfere with the Nicaragua Canal bill. If the Senator from Alabama will allow me to finish what I have to say, which will take but a few moments, I shall be much indebted to him.

Mr. CHANDLER. Will the Senator from Massachusetts allow me a word on this precise point?

Mr. LODGE. Certainly.

Mr. CHANDLER. I do not wish to interrupt the Senator from Alabama if he has a suggestion to make about going on. I understand, however, that the conference report is a privileged question, and I do not understand the Senator from Massachusetts to surrender its privilege.

Mr. LODGE. I do not surrender its privilege at all, but I do not wish to use it to shut out the Nicaragua Canal bill.

Mr. CHANDLER. The Senator was not distinctly understood on that point. He means for the time being.

Mr. LODGE. For the time being, of course.

Mr. CHANDLER. I wish to say a word in reference to section 9, with the permission of the Senator from Massachusetts.

Mr. LODGE. Certainly.

Mr. CHANDLER. I do not think any Senator will contend that a conference committee can not insert a proper penal clause. They get together and confer as to the immigration prohibition of one kind and another, and when they have adjusted all differences between them they insert an appropriate penal clause punishing offenses against the act, which takes the place of a prior penal clause that was before the conference committee. I understand that that is entirely within the province of a conference committee, and that the proposition can not possibly be gainsaid according to any principle of parliamentary law of which I ever heard.

The VICE-PRESIDENT. The Chair understood the Senator from Minnesota to rise for a parliamentary inquiry.

Mr. NELSON. Mr. President, I rise for the purpose of objecting to any delay in this matter, and having either the immigration

bill, the Nicaragua bill, or any other bill to take up the time of the bankruptcy bill.

If the Senate will bear with me a few moments, I wish to make a brief statement that I was not permitted to make the other day. The country during the last four years has been in the midst of the hardest and most distressing times we have had in the memory of the oldest citizen. The people need help. There are three modes, in three directions in which we can help them by means of legislation, as I conceive. One is through tariff legislation; another through currency legislation; and the third by the enactment of a suitable bankruptcy law.

As to the two first methods, that of tariff and that of currency legislation, we can not proceed at this session. That kind of legislation moves on party lines and involves party questions, and it is hopeless to attempt to do anything in that direction at this time and under these conditions. But the subject-matter of bankruptcy legislation is not a party question. It is a matter that goes to relieve all the people of this country. It is a practical question. The people of this country in their distressed condition to-day care little about the question of Cuba; they care little about the Nicaragua Canal; they care little about an Hawaiian cable; they care very little whether a few Canadians come across the line and work on this side of the line without declaring their intention to become citizens. But the people of this country who have been financially wrecked and stranded in the midst of these hard times come before the American Congress and they ask this measure of relief at the present time that those who have been unfortunate, that those who are unable to pay their debts, shall not be handicapped and loaded down with millstones around their necks, but shall have such legislation at this time as will give them a clearance and an opportunity to start in the world anew, and thus recuperate themselves and their surroundings, instead of remaining inert under the shadows of the debts which overhang them.

Mr. President, in the midst of these hard times there is no occasion to put more vigorous or stronger and more drastic weapons in the hands of the creditors. We do not need at this particular time any such remedial legislation.

Mr. HILL. Mr. President, I rise to a question of order. Did the Senator from Massachusetts yield the floor or did he not?

The VICE-PRESIDENT. The Chair did not understand the Senator from Massachusetts to yield the floor.

Mr. HILL. I call for the regular order.

The VICE-PRESIDENT. The Chair understood the Senator from Minnesota to rise to a parliamentary inquiry.

Mr. NELSON. I shall be through in a moment.

Mr. LODGE. The Chair recognized the Senator from Minnesota to make a point of order, which I understand he is making.

Mr. HILL. It is too brief.

Mr. NELSON. I am making my point of order.

The VICE-PRESIDENT. The Chair is listening to the Senator.

Mr. NELSON. I was about to say that in the midst of these hard times to arm and equip the creditors with a further weapon of collecting their debts is wholly unnecessary. They have our existing State laws and our Federal laws for the collection of their debts. What the people want now first of all, in the midst of these hard times and in this emergency, is a voluntary bankruptcy law which will enable them to start life anew and to build themselves up again. In most cases men upon whom better fortunes shine under such conditions will be disposed to treat the debts of which they have obtained technical legal acquittance as debts of honor, and will be ready to pay them, and will have the requisite means for that purpose at their command.

Mr. President, if the present Congress expires without passing suitable bankruptcy legislation, the people of this country will feel that when they have asked for bread we have given them a stone. I trust that neither Cuba, nor the Nicaragua Canal, nor the Hawaiian cable, nor this matter of regulating immigration, will stand in the way of this question of relief that is demanded by the people in the shape of bankruptcy legislation. Every mail and every day I get letters and telegrams on this subject.

These bankruptcy bills were reported last March, if I remember aright. They have been on the Calendar ever since. We have not more than a month left of this Congress, and I trust that we will all unite in giving the people the necessary relief in the way of bankruptcy legislation.

In what I have said I do not in any manner intend to reflect in the least upon the action of the committee that has the matter in charge. I have simply voiced the sentiment, the crying demand, the earnest prayer, of my people. I heard a remark the other day, made as a suggestion to the chairman of the Judiciary Committee——

Mr. HILL. I make the point of order, Mr. President.

Mr. NELSON. I hope the Senator from New York will have patience. We have been very patient with him. We have listened to him by the hour upon District of Columbia affairs.

Mr. MORGAN. I rise to a point of order.

Mr. NELSON. The Senator from Maine the other day made the statement that the chairman of the Judiciary Committee——

Mr. MORGAN. I rise to a point of order, and insist upon an opportunity to state it.

The VICE-PRESIDENT. The Chair will state to the Senator from Minnesota that his remarks were being made by the unanimous consent of the Senate, and objection being interposed at this time, the Chair is compelled to sustain the point of order.

Mr. NELSON. Very well, then; I will come to the point of order, Mr. President. [Laughter.] Will the Senator from Massachusetts yield to me on the point of order?

Mr. LODGE. The Senator can make a parliamentary point of order at any time without requesting me to yield. I had the floor to finish some remarks. The Senator rose to a point of order and he has been making a speech on the bankruptcy bill, in which I am in entire sympathy, but I shall be very much obliged if he will allow me to conclude what I wish to say.

Mr. NELSON. Will the Senator allow me one minute more? Then I will cease.

Mr. LODGE. Certainly.

Mr. NELSON. I was about to say, and with that I will close, that the Senator from Maine insinuated the other day that the steering committee had not given the proposed bankruptcy legislation the right of way. Mr. President, there is a steering committee bigger than the six or eight Senators who meet in the Marble Room. It is the steering committee of the American people who come here and demand this legislation, and I trust nobody will allow it to be side tracked at this session of Congress.

This is my point of order, Mr. President. [Laughter.]

The VICE-PRESIDENT. The Chair sustains the point of order. The Senator from Massachusetts will proceed.

Mr. LODGE. Now that the Senator from Minnesota has concluded the statement of his point of order, I will continue with the remarks that I started to make.

I do not agree with the Senator from Minnesota that this is a petty measure. Great as is the interest which I feel in the bankruptcy bill, and anxious as I am to see it pass, I think a question which affects the citizenship and the labor of the United States is quite as important as the question as to how the American people shall collect their debts. The importance of this measure, to my mind, is very great, as great as any measure in its future effects that can come before Congress.

I wish to call the attention of the Senate, without any reference now to the technical objections that have been raised to the conference report, to the substance of that report.

The first two sections include the illiteracy test and the method of applying that test. The rest of the bill is the Corliss amendment, so called. That amendment, as it came to the Senate, seemed to your Committee on Immigration impracticable and likely to lead to great hardship and injustice in the form in which it was put. They had grave doubts as to whether it could be put in a practicable form or not. They struck it out, and the Senate agreed with them in that amendment.

Of course the entire body of the Corliss amendment was then open to consideration in the conference committee, and the committee devoted many hours to the consideration of this amendment and of the principles which it involved. The House members were very reluctant to yield upon it, and the Senate members were equally unwilling to recede. At last they agreed upon the form which is now presented in the report, which we felt would reach in some measure the evils which now exist, and, at the same time, would not lead to any injustice.

There are two points involved in the Corliss amendment. They are all in the first section of that amendment, which in this bill is section 4, although section 3 is a part of the Corliss amendment simply in a changed order. Section 4 contains the whole substance of the amendment. The rest of the clauses are merely the exceptions to the effect of the law and the methods by which it shall be carried out.

There seems to have been a widely spread idea that the Corliss amendment was aimed simply at the small number of aliens who come over the border from Canada to work in some of our northernmost States. That is not at all its main purpose. It has a much wider scope and intention than that. It provides, in the first place, that only citizens of the United States, or those who shall have declared their intention of becoming citizens in the ordinary legal method, shall be employed on the public works of the United States. I have been informed by an inspector of immigration on the Lakes that in one day in last December $4,000 were paid in wages by one firm of contractors to aliens and $2,700 by another. I use that merely as an example of the evil which it is proposed to reach.

I believe, Mr. President, that the money taken from the taxpayers of the country and paid out by the Government should be paid back to the taxpayers and not to those who bear no part of the burdens and have no share in the citizenship of the United States. The public money, when it is spent, should be spent among

the people who furnish that public money. I do not believe that that is a proposition that can be successfully controverted.

The other proposition embodied in section 4, which has the substance of the Corliss amendment, is that persons who make a practice of coming back and forth to this country, who come here for a few months, earn their wages at lower rates than ours, and then leave the country, taking their money with them, shall, if it can be proved to be habitual, be prevented from doing so, and that corporations, railroads, etc., shall be prevented from employing them.

Mr. HAWLEY. Will the Senator allow me to ask him a question?

Mr. LODGE. Certainly.

Mr. HAWLEY. When the aliens go back with their pockets full of the money they earn here, do they not leave behind them the work they have done? They do not steal the money.

Mr. LODGE. I will take that up in a moment.

These men are employed here; they come to the country, as I have said, and go out of it, contributing nothing to its support; paying no taxes, and carrying with them the money they have earned. The work to which the Senator from Connecticut [Mr. HAWLEY] refers, in my judgment, can be as well done by American citizens and taxpayers as by aliens.

Mr. HILL rose.

Mr. LODGE. I should like to go on if the Senator will permit me——

Mr. HILL. The Senator is speaking very ably in favor of this amendment.

Mr. LODGE. I am speaking of the Corliss amendment, if the Senator will allow me to conclude.

Mr. HILL. I want to add that I have not heard any objection made to that particular amendment by anyone in the Senate.

Mr. LODGE. I know; but if the Senator will permit me, I should like to state the view of the committee and what it has reported, which I am trying to do in my own way.

Mr. HILL. The Senator can take his own course; I wish him to do so; but I was simply going to call attention to the fact that I have heard no opposition to that amendment.

Mr. LODGE. I admit that, but I think it only proper that the chairman of the committee of conference on a conference report should be permitted to state to the Senate exactly what the conferees have done, and exactly what the meaning of their bill is; and thus I have come to the second part of the Corliss amendment, which relates to the general employment of aliens in the United States.

Unless Senators have investigated that question, I do not believe they realize how great that evil is. The coming over the Canadian border is as nothing. If you will turn to the report of one of the Commissioners of Immigration, who went abroad when that Commission was sent to Europe some years ago, you will find that in one year the number of returning immigrants, in 1889, for example, was 111,000. There are thousands of men, chiefly from Italy, some from Poland, who come here, work on different kinds of work during the summer, and go back in the autumn to their own countries, carrying their wages with them. They buy return tickets at a very low price. I have seen it estimated in different reports from the Department that the number of these coming and returning laborers from Italy alone has risen as high as 30,000, and seldom falls below 10,000. Every dollar they earn they take out of the country. They come here and live in the poorest way. Let me read just a brief extract from one of our consuls, Dr. Starkloff, at Bremen. He says:

> I have already reason to suspect that a great many people, especially Bohemians, Polanders, and Hungarians, are engaged under contract by mining companies, mostly of Pennsylvania. Since I have taken charge of this consulate I have noticed that these people are shipped for the United States in the spring and return in the autumn. I have recognized the same faces, especially those of the men under whose supervision they seem to travel. These people do not handle any money, nor do they answer any questions to strangers, no matter in what language they are addressed. They seem to follow their leader blindly. There is but one woman to each crew of 12 or 18 men, who, as I am informed, works and cooks for such at their place of destination in the United States.

By that means the contract-labor laws which we have placed upon our statute book have been made an absolute nullity. These men come in that way in the spring and return in the autumn. It is a great evil. It is the very evil that the contract-labor laws, which no man would think of repealing, were aimed to cure and which they have totally failed to remedy.

Mr. President, I think the same principle which applies to the employment of aliens on public works applies to the employment of aliens in this way. These "birds of passage," as they are called, take just so much labor, and at lower rates, from the citizens of the United States, who pay taxes and contribute to the support of the Government. When we are told that we have 2,000,000 unemployed, it seems to me that charity, and justice also, certainly in that case, should begin at home.

I pass to the remaining part of the bill. Section 2 the Senator from Maryland [Mr. GIBSON] described as a new section, where we had gone beyond our powers, although it is the exact section which passed the Senate. The House bill had no such section, and the whole section was open to the consideration of the conferees. There was only one change of importance made in it, and that was the change to which the Senator from Maryland alluded. In that change we reduced the amount that these immigrants were required to read, and the Senator from Maryland seems to think that that is an objection to the clause. I shall not dwell upon that clause. It has been agreed to by both Houses, and it has not been seriously contested, that if we are to have an illiteracy test, this method of applying the test, which has had long trial in some of our States, is a fair and proper means of doing it.

Now, I come to the first paragraph upon which the contest has chiefly turned. What we desire in the language clause, which has been especially discussed, was to get a provision which would admit anybody who could read or write any living language. We could think of no better phrase than the one "native or resident country." The proposition that the German Mennonites, or the natives of Liefland and Courland, the German provinces of Russia, or the French of Alsace and Lorraine could not be admitted to this country because in the one case they could not read Russian and in the other case they could not read or write German is perfectly idle. They speak the language of the country where they reside. That is the interpretation intended by the committee, and that is why the enlargement was made.

We have been told—and I received a letter from a gentleman whom I understand is the agent of the Hirsch fund, which is engaged in transporting Russian Jews to the United States—that this clause discriminated against the Russian Jews. It was not the intention of the committee to discriminate against any race or any creed. But I have been informed that that clause affects them because they read and write Hebrew and no other language. I have been informed since that the language which they write and read is not the pure Hebrew, but a species of dialect or patois, which I think would come within the phrase of "a resident country;" but the only class of people who by any ingenuity of interpretation can be brought under that are people who can read and write no language but a dead language, and I think the number of persons who can read and write Latin or ancient Greek, or who understand the Egyptian hieroglyphs, or who are able to read or write the language of the Old Testament, and who nevertheless can read or write no other tongue, is so small that it is hardly necessary to warp our legislation in order to cover their case.

Now I come to what has been considered——

Mr. HILL. Will the Senator allow me a moment?

Mr. LODGE. Certainly.

Mr. HILL. Does the Senator understand that the words in the amendment "or resident country" are an enlargement or a restriction of the language previously used, "or some other language"?

Mr. LODGE. We understood that we were enlarging it and making it in the safest way. We wanted to get it fair, so that anybody who spoke a living tongue known in any province, or any country, any place where the resident dialect or patois, whatever it was, could come in.

Mr. HILL. If that was the idea, if you wished to take that broad, liberal view which you now say you did, why did you not put it "or some other language"? That would have been clear.

Mr. LODGE. Because it appeared to the committee that this was clearer and better than putting it in that way.

Mr. HILL. I do not see how that is.

Mr. LODGE. If the Senator from New York will kindly let me finish, I will say merely that I have tried to discuss the point as I understand it. I only wish to add in conclusion, on the point that has been raised, that there are seventeen languages spoken in the Empire of Austria-Hungary. Only two are official. No one thought for one moment of excluding the other fifteen. If this patois or dialect of the Russian Jews is spoken among them in Russia, I take it they could come in under it as the language of their "resident country."

The other portion of the bill, which undoubtedly was open to change in regard to the sexes and in regard to the exceptions to exclusion, was all before the committee, because the House provision and the Senate provision did not in the least agree. The object of the conference was to find some just and equitable rule which would be fair to all alike and produce as little hardship as possible. They decided that between the ages of 16 and 50 it was possible for any man or woman, if he or she really desired to come to the United States, to learn to read and write. Therefore they put that very moderate limit, neither very low in the one case nor very high in the other, within which they assumed that any man or woman who desired to come here would be able to read and write or to learn to do so. Those over 50 and under 16 they treated as physically incapable; that is, they could come in without the illiteracy test.

Senators have pointed to the fact that the clause inserted in the

Senate which was not inserted in the House of Representatives, providing that a husband could bring his wife, has gone from the bill, and that therefore great hardship and cruelty have been inflicted. Mr. President, that contention rests on no foundation whatever, if Senators will give this matter their full consideration. The immigrants who come to this country come here voluntarily. There are many men who come here now who leave their wives behind. Is the United States responsible for that separation of a family? We do not ask them to separate; we do not bid them to come here.

The Senator from Maryland attempted to draw a parallel between the immigrant from Europe and the slave of the old times. Mr. President, in those times the slave was taken by force, wrested from his home, dragged here under the protection of our laws, torn from wife and children in Africa, and separated again from them when he made his new ties here. We drag no immigrants from Europe. They come here because they wish to.

This discussion starts, in my mind, on a very false premise. It is not the right of anyone to come to the United States. It is a privilege which we accord. This country in which we live to-day is the country of every American citizen, no matter what his race origin, who is to-day, at this moment, and at this hour a citizen of the United States, helping in its burdens, paying its taxes, ready to fight for its flag. Those men, those American citizens, own this country to-day. It is for them to say who shall come and who shall stay out. The immigrant does not come here by right; he comes here because we allow him to come; and we may make any restrictions on his coming that we please. We have no right to inflict unjust and cruel hardships upon him, but we do not separate a husband from his wife or a wife from her husband by this legislation; we exclude nobody under this law which is so attacked. We simply say to everyone between the ages of 16 and 50, "If you want to come to the United States, you are of an age when you can learn to read and write." We say, "Before you come, you shall learn in some language to read the Constitution of the country where you expect to live, and to sign your own name to the oath of allegiance which you mean to take."

Mr. HILL. Will the Senator allow me a moment?

Mr. LODGE. I should like to finish my argument, if the Senator will permit me.

Mr. HILL. I want to thoroughly understand this bill. The general provisions may be all right enough, but under the Senate bill, which was carefully framed, the immigrant could bring his wife with him, could he not?

Mr. LODGE. If the Senator will only allow me to finish my argument, I will answer any question he chooses to put to me after I get through; but I should like to finish what I desire to say.

Mr. HILL. I only want to understand——

Mr. LODGE. Mr. President, I decline to be interrupted.

Mr. HILL. I wish to understand this point——

The VICE-PRESIDENT. The Senator from Massachusetts has the floor.

Mr. LODGE. Mr. President, I think I have the right to proceed in my own way, and have asked in every possible way to be allowed to do so. I will answer any question if I can only be permitted to make my argument in my own way, and then reply to suggestions subsequently.

The VICE-PRESIDENT. The Senator from Massachusetts declines to be interrupted.

Mr. LODGE. We changed the exception, and for this obvious reason, that the exception only made the thing worse. We said in the Senate amendment that the husband who can read and write could bring in his illiterate wife, but there was no provision in case the wife could read and write and the husband was illiterate. If it is cruel to separate the husband from the wife, it is equally cruel to separate the wife from the husband. You must make both exceptions; then you must except the brothers and sisters; then you must except the children over 16; and then you must go on and except all the relations, until there is absolutely nobody excluded who has a family tie of any kind.

As I was saying, this coming is voluntary, entirely voluntary. There is nothing to prevent a man having his wife come with him or come after him because she can not read and write at the time. She can learn to read and write, as he can. Surely it is not a heavy price to pay for citizenship in the United States.

Then, Mr. President, still further as to this matter of the separation of families, I want to call the attention of the Senate to this practical consideration. Last year over 75,000 people who admitted they could not read and write came into the United States. Does anyone suppose for one moment that the steamship companies, charitable organizations as we know they are, are going to bring 75,000 illiterate immigrants to this country for the pleasure of having it discovered at Ellis Island that they are illiterate, and then taking them back again? Anyone who has studied this question of immigration, Mr. President, knows that this law will be enforced on the other side. The steamship companies will not knowingly bring anyone who is obnoxious to the provisions of this bill; there will be none of these heartrending separations which have been so strongly depicted; and if you begin to make exceptions there will be no end. The only way is to make some fair, equitable, general rule as to the age within which people can reasonably be expected to learn to read and write, and then if they do not come to the United States, or if they separate from their husbands or their wives rather than do so, it is because they are not willing to learn to read and write, and we are no more responsible by our legislation for such separations than we are responsible to-day. No man need separate himself from his wife, no wife need separate herself from her husband, so far as the United States laws are concerned. We do not make, cause, or suggest any separation; we only seek a fair law which provides for the illiteracy test as the test for admitting immigrants to this country. This cry about the separation of husbands and wives is a purely sentimental one got up to defeat the bill, and has no foundation in fact.

Mr. President, the immigration that it is proposed to limit last year amounted to 343,000 persons—the population of a large city, and a population equal to that of many of our States. Where did they go? About 80,000 of them went out into the West to go on the land and to become farmers and help build up that new country. The rest, some 260,000, I think, dropped right down here on the Atlantic Coast in our great cities, chiefly in New York, in Massachusetts, and in Pennsylvania. The class of immigrants that our brethren in the West receive on their prairies, on their fertile lands, is the class of immigrants that any people might be glad to receive. They do not see that class that comes and settles down in our great Eastern cities.

I have referred already, Mr. President, to the unemployed in the United States. The other day in New York, when that snowstorm came, they called for additional men to shovel the snow from the streets; they asked for 200 men, and 2,000 human beings fought and struggled in front of the door of the man who gave out these work tickets to get one day's work in shoveling snow. And every immigrant that you bring into this country adds to that struggling mob of men who will fight to get a dollar and a half, earned by the hardest manual labor; and yet we are invited to add to it and to add to it, not even to sift it or restrict it.

Mr. President, where does this opposition that has sprung up with such violence come from? I said, when I spoke here before, that the opposition, so far as it was formidable, emanated from the steamship companies. Here and there, of course, there have been gentlemen in both Houses, like my friend the Senator from Maryland, whose study of the subject and whose knowledge of the statistics has led him to different conclusions on this subject from myself, and he has argued the question of principle which appeals so strongly to him in opposition to this measure with his accustomed acuteness and ability. I do not, in what I am about to say, make the slightest reference to any Senator. What I refer to is the outside opposition which has sprung up lately. It came, as I said it would come, from the steamship companies. Perhaps I ought to say it comes from one steamship company. I do not suppose that any of the steamship or the railroad companies are particularly favorable to this legislation. They look more at passenger receipts, I am afraid, than at the effect on the quality of American citizenship or American boats or American labor of an unrestricted immigration; but the company that we have heard from is the North German Lloyd.

The immigration that is affected by this illiteracy test comes from Bohemia, from Poland, from Hungary, from Russia, from Italy. Its great ports of exit are Bremen and Hamburg and Genoa and Naples. To all those points go the steamers of the North German Lloyd or of the Hamburg Line, which is practically the same thing. I understand they have a pooling agreement. Those lines are the two affected. We have heard no cry from the Thingvalla Line, which brings the Scandinavians to this country, because this bill will not exclude a single Scandinavian. We have heard of but little opposition from the great lines running to England, because the mass of their passengers are not affected by the illiteracy test. Half of 1 per cent from Scandinavia, less than 2 per cent from Germany, less than 5 per cent from the United Kingdom, less than 9 per cent from Ireland are unable to read and write. Where the immigration comes from that is affected by the illiteracy test, there we find the steamship company in active and violent opposition.

I printed a short time ago a telegram which had been sent me from Milbank, in South Dakota, by a gentleman known to the Senator from that State, and favorably known in South Dakota. That telegram was as follows:

To F. W. A. POPPIE, *Milbank, S. Dak.:*

Immigration bill comes up in House Wednesday. Wire your Congressman, our expense, protesting against proposed exclusion, and requesting bill be defeated, informing him that vote in favor means defeat next election.

(Signed) CLAUSSENIUS & CO.,
North German Lloyd Agents in Chicago.

Then they came out with the statement in reply to my publication of that telegram, saying that they were acting as individuals

and not as the agents of the steamship company. Last Saturday I received in my mail a printed circular, which these individuals have been sending out. It is addressed "to agents," to other individuals with no interest in the company.

CHICAGO, *January 25, 1897.*

To Agents:

The immigration bill, which is intended to materially restrict immigration, comes up for final disposition in the House of Representatives, Washington, D. C., on Wednesday, 27th instant.

It is quite clear that immigration will really be restricted almost to the extent of total exclusion of immigrants should the bill become a law, and every effort should therefore be made to insure the defeat of the bill.

You are indirectly interested in the defeat of the bill as much as we are, and we would respectfully ask you to wire your Representative in Congress immediately upon receipt of this to vote against the bill, informing him that the measure virtually means exclusion, and that his vote in favor of same will mean repudiation by his constituents and his defeat at the next election.

Trusting that you will not fail to give this matter your prompt attention,

We are, yours, respectfully,

H. CLAUSSENIUS & CO.

And with it went this little slip:

Wire your Representative fully and let us know cost of telegram, and we will promptly refund amount to you.

Mr. President, here is a great company, a foreign corporation, subsidized by a foreign government, not only with its agents in this Capitol, as they were the other day when the bill was up in the House, but telegraphing far and wide throughout the United States to all their agents to send in threatening dispatches to members of Congress called upon to vote upon that bill. To every newspaper in which they have an advertisement they sent another telegram, and the hand of that company has been felt in this business ever since it looked as if the bill would get upon the statute book. You can see it to-day in the newspapers. Here is the report that the President has given it out that he means to veto the bill. Mr. President, no President of the United States would think of giving authority to anybody to say or of saying himself that he intended either to veto or to sign a bill before he had considered it and before it had been sent to him in a perfected state for his consideration. That paragraph comes from the same source as those telegrams. It does not predict the action of the President, for we know that the President will give this measure careful judicial consideration when it comes before him. It means that this same company will carry the raid which they began on Congress from the Capitol even to the White House.

I am not one of those who has ever indulged in the somewhat fashionable exercise of denouncing trusts, monopolies, syndicates, and corporations. I am not so dull that I can not see in those questions grave dangers, but I do not believe they can be met by loose denunciation or vague invective. I think, sir, they require the calmest consideration, the greatest wisdom, and the most intelligent action of which the Congress of the United States and the President acting with them are capable. But when I see a great corporation like this, a foreign corporation, subsidized by a foreign government, coming into the Capitol with threats to members of Congress, using all the great enginery of its agents and all the great enginery of its advertising and everything that a great corporation has, coming here, I say, to take Representatives or Senators by the throat and say to them: "We will beat you," then I say that here is a case where your corporate influence is bad, and where you can meet it practically and efficiently. Strike it down.

We have heard about trusts, syndicates, monopolies, and corporations on the stump, in resolutions, and in all kinds of bills which have been offered here. Yes; we have heard them denounced in Presidential messages within two months, and yet here is one of them now right in the Capitol to-day—its agents, I have no doubt, within sound of my voice—trying to choke off legislation of the United States which, whatever its merits or its defects, should be dealt with only on public grounds, only with a view to the quality of American citizenship and the rights and opportunities of American labor. The question how many passengers an ocean steamship line shall carry or what dividends it shall declare are of no importance in comparison with such a question as this.

Such, Mr. President, has been the nature of the opposition. I have alluded to it because it has been flagrant, objectionable in the highest degree, and when I see this company coming forward prating about the misery of separating families, and reflect on the humanity shown by some of its officers and men on the occasion of a great disaster, it seems to me that the less they say about humanity to others the better.

Mr. HILL. Mr. President——

Mr. LODGE. I have not quite finished. I desire to say a few more words.

Mr. HILL. I wish to ask the Senator a question before he closes, and I will avail myself of his kindness to do so.

Mr. LODGE. I shall be very glad to yield.

It is represented that our citizens of German extraction are hostile to the bill. A German steamship company is hostile. I think our fellow-citizens of German extraction who are not in the least affected by the bill as immigrants have yet to show their hostility. I have the petitions of a half dozen labor organizations of New York, every member of which is of German birth or nationality, and they have unanimously asked for the passage of the bill and sometimes for much severer measures.

Mr. President, those of us who have been studying this question, as the Senator from New Hampshire [Mr. CHANDLER] and I at least have done for the last eight or ten years, have tried to bring forward a measure which would commend itself to the good sense and to the humanity of the people of the United States in mitigating a great and pressing evil. We have been urged to put on a heavy capitation tax—a rough, indiscriminate method of restriction which we have put aside. Demands with which many of us have sympathized have been pressed upon us with a view to get us absolutely to limit immigration to 50,000 or 100,000. Those petitions are on your table to-day. Some ask for absolute prohibition. Some ask for a limitation to 100,000 or 50,000. They come from organized labor, but unorganized labor feels the same way. Workingmen have awakened to the plain fact that every additional immigrant is another competitor in the terribly overcrowded ranks of the unemployed.

We have sought to get a test which should be fair and which should not only restrict but should also sift and discriminate. It was one of the early settlers of this country, from which this great nation of States has grown, who said, "God sifted a whole nation to plant these colonies in the wilderness." Surely it is not too much to sift now the hordes that pour out of every European steamship unsifted, uncounted, unchecked, into the great port of New York. That is all we ask, and the test we offer to apply is the test of reading and writing. Is that an un-American test? Mr. President, this is the country of the public school. We look upon education as the foundation stone of the Republic, and all we ask in this test is that the people shall read and write in some living language. It is an American test. It is a fair test. Surely there is nothing in it tyrannical, un-American, or wrong. It was the greatest genius among men who said, three hundred years ago, "Ignorance is the curse of God; knowledge the wing with which we fly to heaven." That is all we propose in this bill. We have brought it here after long and careful consideration. We have sought to make it just to all, to immigrants and to citizens alike. But we have felt it to be our duty to regard, first and before all, the welfare of the United States and the interest of American citizens who live at this day and at this moment within her borders.

Mr. President, this, in my judgment, is a great and useful measuse. It is a part of a policy more important, I venture to say, than what we can hope for from tariff or currency or bankruptcy bills. I think it involves matters that lie at the very root of American civilization. It has grown out of a change in the character of our immigration within the last ten or fifteen years. The races that built up this country come in diminishing numbers. New races, utterly alien, come in ever-increasing numbers. What we now seek to accomplish by the pending bill is to sift this immigration and restrict it, to choose among those immigrants. I believe it to be, as I have said, a great and useful measure. I ask only that we shall have a vote upon it in the Senate. It has been discussed in every stage, both in the House and in the Senate, on conference report, and in every other way. I want a vote upon it. I do not want to see it smothered in the midst of parliamentary delays and obstructions. If the bill passes, as I believe it will pass, the Senate at least will have done its duty in dealing with this great question, as the House has already done. If it fails, so be it. I shall bow in good part to the will of the majority. But it will come and come again, be well assured. I know how the feeling of labor is growing in this country. I know they see the competition increasing with them every day, for every immigrant is another of the unemployed. They will ask stronger measures than this, and then, like many postponed reforms, it will come, when it does come, with a thoroughness which perhaps will make many persons regret their opposition to this bill.

If the Senate votes it down, so be it; but if the bill fails at any point or in any stage, no matter who opposes it here or who has opposed it elsewhere—I make no reflections, of course, on any of those gentlemen; I appreciate the sincerity of their motives and the depth of their principle—but I repeat, wherever the bill meets defeat, if it should meet defeat, it will be taken throughout this country after what has happened as the victory of a corporation upon a great question of public policy. It can be taken as nothing else. That is the mischief of this corporate interference here. That is why I have dwelt upon it, not as an argument for the bill, but because I wish to denounce it from my place in the Senate as improper, unbecoming, and dangerous. It leads to that conclusion in the popular mind. If the bill fails, it will make people believe once again that corporate influences are all powerful in Washington. It will add another item to the long account that is being summed up against corporate influences. It will add another charge in the reckoning which may come upon us if greater wisdom is not shown, a reckoning to which I for one look forward with the deepest dread. I want to see such a reckoning avoided

and escaped. I want these evils met as they can be met by the Congress of the United States, and I want to see this open, flagrant, corporate influence in this case rebuked now, as it deserves, when it enters the Capitol of the United States.

Mr. HILL. Mr. President——

Mr. MORGAN. Mr. President, I ask that the unfinished business may be proceeded with.

The VICE-PRESIDENT. The Senator from New York addressed the Chair.

Mr. LODGE. The Senator from New York desires to ask me a question. I will very gladly answer it if I can.

Mr. MORGAN. If it leads to debate, I think it will be a violation of the courtesies of the Senate. I do not want to cut off the Senator from New York from asking a question or saying a word or two, but I hope debate will not be indulged in.

Mr. HILL. I wish to take only a few moments.

Mr. MORGAN. Senators have said, although I think perhaps the point is not well taken, that I had a right to object at 2 o'clock to the discussion going on. I did not object, because the report has not been received by the Senate. It was a question of order, which was elaborately argued by the Senator from Maryland [Mr. GIBSON], and I thought it was but due, inasmuch as the President of the Senate was called upon to decide the question of order, that the Senator from Massachusetts [Mr. LODGE] should have an opportunity to reply upon that question. Instead of that we have had a speech, an argument, an oration, and I must say an able one, too. But it is a wrongful abuse of the courtesy of the Senate, and I will not consent that it shall go on further. I should like very much indeed to indulge the Senator from New York in discussing further this matter, but he will recognize my duty in the premises.

Mr. HILL. I am very grateful to the Senator from Alabama, who undoubtedly desires to accommodate me. I simply wish to say that I trust the great corporate influences about which we have heard so much will not interfere, but that the whole matter may go over until to-morrow, when I shall take occasion to make a few remarks, not in regard to the immigration question generally, but with respect to the particular point wherein it is claimed that the conference committee have virtually reported several entirely new and distinct features which have not heretofore been discussed.

Mr. MORGAN. I ask that the unfinished business be laid before the Senate.

Mr. ALDRICH. It is already before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business.

Mr. ALDRICH. The unfinished business has been laid before the Senate. I do not desire to have any precedent raised about the question as to what has been before the Senate.

The VICE-PRESIDENT. The Chair was simply reminding the Senate that that is the business before the body. At the hour of 2 o'clock the unfinished business was laid before the Senate, and was laid aside temporarily at the suggestion of the Senator from Massachusetts.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 1933) granting a pension to Mrs. Catherine G. Lee; and

A bill (H. R. 7969) to increase the pension of Joseph E. Vantine.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 4985) to permit a part of the Fort Lyon Military Reservation to be occupied, improved, and controlled for a soldiers' home by the State of Colorado;

A bill (H. R. 6352) to simplify the system of making sales in the Subsistence Department to officers and enlisted men of the Army;

A bill (H. R. 7320) to prevent trespassing upon and providing for the protection of national military parks;

A bill (H. R. 8890) as to medals of honor; and

A bill (H. R. 9822) for the recognition of officers of the Army to whom the Congressional medal of honor has been awarded.

The following bills were severally read twice by their titles, and referred the Committee on Commerce:

A bill (H. R. 9101) to amend an act entitled "An act to authorize the Montgomery Bridge Company to construct and maintain a bridge across the Alabama River near the city of Montgomery, Ala.," approved March 1, 1893;

A bill (H. R. 9168) to authorize the construction of a bridge over the Monongahela River from the city of McKeesport to the township of Mifflin, Allegheny County, Pa.;

A bill (H. R. 9736) authorizing the construction of a bridge across the Columbia River, in the State of Washington;

A bill (H. R. 9775) to amend so much of chapter 189 of the Statutes of the United States of America, passed at the third session of the Fifty-third Congress, and approved March 2, 1895, as requires that the lower portion of the Rock Island Bridge shall not be occupied by any street railway company without paying a reasonable rent therefor;

A bill (H. R. 9799) to amend an act entitled "An act to authorize the Chattanooga Western Railway Company to construct a bridge across the Tennessee River near Chattanooga," giving the said company more time in which to begin and complete said bridge;

A bill (H. R. 10012) relating to the improvement of Eastchester Creek, State of New York; and

A bill (H. R. 10067) to amend "An act to amend 'An act to amend section 4400 of Title LII of the Revised Statutes of the United States, concerning the regulation of steam vessels,' approved August 7, 1882," and also to amend section 4414, Title LII, of the Revised Statutes, "Regulation of steam vessels."

The bill (H. R. 1021) granting relief to the heirs of Albert Augustine for property taken for the Cayuse war, was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 9493) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes," approved September 29, 1890, and the several acts amendatory thereof, was read twice by its title, and referred to the Committee on Public Lands.

SIOUX RESERVATION IN SOUTH DAKOTA.

The PRESIDING OFFICER (Mr. CHILTON in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes;" which were, on page 2, line 19, after the word "apply," to insert "only;" on page 2, line 21, after the word "in," to insert "North Dakota;" and on page 2, line 21, after the words "South Dakota," to insert "and Nebraska."

Mr. PETTIGREW. I move that the Senate concur in the amendments made by the House of Representatives to the bill.

The motion was agreed to.

MARITIME CANAL COMPANY OF NICARAGUA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

The VICE-PRESIDENT. The Senator from Wisconsin [Mr. VILAS] is entitled to the floor.

Mr. HOAR. I desire, before the Senator from Wisconsin proceeds, to ask him if he thinks, as representing the opposition to this bill, that there will ever be a time when its opponents will consent to a vote in season to allow any other business, except appropriation bills, to be done at the present session?

Mr. VILAS. I hardly think I can be called upon to speculate in respect to the opinions of other gentlemen. When the debate which the opponents of the bill intend to offer shall have been concluded, I have no idea they will offer any other opposition to it.

Mr. HOAR. The Senator will pardon me. With entire deference, I do not gather a great deal of meaning from his answer. Of course it is within the power of any five or ten gentlemen in this body to say in regard to any measure, "It shall be debated so that a vote never can be taken upon it." Of course if they were asked the question, they would not answer in that way, but they would say, "When the debate is concluded there is no doubt there will be a vote."

But I ask the Senator, as knowing the purposes of the gentlemen who agree with him, and of whom he is in some sense if not the leader one of the leaders. I am very much interested in other legislation. I desire, in reference to that other legislation, to know whether he believes (I do not ask him to speculate, but he must know from intercourse with his associates) it is their intention to get through debating the pending bill in time so that any other legislation can be taken up at the present session of Congress?

Mr. VILAS. I have no doubt that it depends simply upon the time when we shall get through with our discussion. There are a number of gentlemen to speak upon the bill yet in opposition to it, as I am told. How much time they will consume I can not undertake to say. For myself, I can say that when I shall have addressed to the Senate the fair and proper arguments which I think this very important measure demands I shall have no desire to occupy any more time, and I will in no way put an obstruction to a vote.

Mr. HOAR. Then I understand the Senator to say, in answer to my inquiry, that he is not willing to say from any knowledge he has that he believes debate in opposition to the measure will be ended in time for any other legislation?

Mr. VILAS. I do not know how the Senator may understand what I have said. As to my belief on the subject, I am unable to declare a belief until I have heard something further as to what

the debate will be in opposition. I know there are several gentlemen to speak, and I do not propose to abridge them by an expression of belief or in any wise to interfere with their proper discussion.

Mr. TELLER. Will the Senator from Wisconsin yield to me for a moment? I desire to offer an amendment to the pending bill, which I should like to have read.

The PRESIDING OFFICER (Mr. CHILTON in the chair). The amendment will be read.

The SECRETARY. It is proposed to insert the following as additional sections:

SEC. —. The bonds hereinbefore mentioned shall not be guaranteed and no money shall be expended in the construction of the canal until a survey has been made by a competent board of engineers, to be appointed by the President of the United States, and a complete plan prepared for the entire work, and such plan shall be approved by the President of the United States.

SEC. —. Should it appear from the report of said board of engineers that the cost of said canal will be more than $150,000,000, the President shall reject the plan, and the bonds herein provided for shall not be guaranteed, and the Government of the United States shall not assume any liability in the construction of said canal.

Mr. TELLER. Will the Senator from Wisconsin yield to me for a moment further?

Mr. VILAS. Certainly.

Mr. TELLER. I should like to say, after the statement made by the Senator from Massachusetts [Mr. HOAR], that I intend to avail myself of the Senatorial privilege which I have to discuss this question, and I am not to be disturbed by anything the Senator may suggest which indicates that he thinks there is unnecessary delay in the matter. This is a question which has been before the Senate for a number of years. It is a very important question, whether we shall build the canal; and if so, how we shall build. It is a question which has attracted the attention of the engineers of the world. It is a question to which I myself for many years have given a good deal of attention. I insisted upon this floor years ago that there were no data which would justify either the Government of the United States or any body of capitalists in taking up and building the canal; that there are not sufficient data to know what it will cost. In fact, there are not sufficient data before the Senate and the country to-day to know whether it is a feasible project at all from an engineering standpoint.

We have the report of the Board of Government Engineers, which I intend to take up, and I think if I can get the attention of the Senate I will establish the fact that the Board of Engineers have declared and pointed out specifically the lack of knowledge on our part that renders it criminal, absolutely criminal, for the Senate to vote to put a dollar into it until it shall be known, first, if it is feasible, and second, what it is going to cost. There is not a man in the Senate who, after he has read that report, can say within $100,000,000 what the canal is going to cost. The difference between the company which has exploited the project so far and the Government engineers as to the expense is, roughly stated, something like $70,000,000, if I recollect aright; or more than that, in fact. The engineers tell us that there are not sufficient data for them to make their calculations; that they made them upon such data as they could get. Here and there they tell you is another obstacle, in reference to which they have been unable to make any calculation as to how much it will cost. When that calculation is made it must be added to the cost they have already estimated. I do not believe the Senate, when the case is presented—as it will be presented—will be willing to enter upon this crusade of expenditure without sufficient data. I propose myself to present this matter to the Senate if it takes all day, or two days. I shall not be deterred from doing it.

If the canal is ever to be built, it ought to be built by the Government of the United States, and it ought to be built in such a way and in such a manner as to be of value to us and to the world. No man living can say upon what plan this company, if authorized to make the expenditure under the pending bill, propose to build it. Nobody can tell even how big the locks are to be, whether they are to be big enough to take in the ships of the present day, or the ships that are to be built much larger in the future.

Mr. President, the opposition to the pending bill is not simply a trifling one. It is founded upon good ground, and if the Senator from Massachusetts is in favor of the measure he will do well to address himself to the defense of the bill, and not to a criticism of those who may not agree with him.

Mr. HOAR. Mr. President, the Senator from Colorado will do well to understand what I say before he criticises it. I have made no criticism of anyone. I have not said anything about anyone, except that in the interest of other legislation I asked the Senator from Wisconsin if he was able to say now if we have got far enough for him to believe that this debate would be ended in time for other legislation. I made no comment on anyone, no criticism on anyone, no attack on anyone.

The trouble with my honorable friend from Colorado is that when he gets excited, as he does very often indeed (and he is the most excitable of human creatures, perhaps, with the possible exception of myself), he thinks that other people are saying something in opposition to him, and goes off at half-cock without knowing what they say.

Mr. TELLER. I expressed my opinion about the bill.

Mr. HOAR. Nobody is objecting to that; it is a very sensible and excellent opinion in many respects; but I shall look with some curiosity for the answer to it. I have not criticised the Senator, or the opponents of the bill, or anyone. I have asked when they thought the debate would get through. I think the Senator from Colorado, in the midst of his great public avocations, may possibly find himself inclined to resign some time the position of guardian over me. He never was selected by me for that purpose.

Mr. TELLER. Mr. President, I have no desire to be the guardian of the Senator from Massachusetts, and I could not be if I did desire it.

Now, I did not mean to be offensive to the Senator from Massachusetts. I thought the Senator did what, in my experience in the Senate (which is not quite as long as his, although I came here before he did), I never heard before. I never heard that kind of a question addressed to any Senator here. If it had been addressed to me, I know, quick as I am to resent things, as he said, I should have felt that it was not exactly the thing to do. I felt then, and I think the Senate will bear me out in the impression, that in that particular there was at least an intimation on the part of the Senator that this debate was intended purposely for delay. If the Senator from Wisconsin did not so understand it, he at least acted so in his reply. If the Senator did not mean that, I shall recall everything that I have said, which I am sure could not have been very offensive, except that I thought if the Senator was in favor of the bill he should address himself to the defense of the bill. That I still insist he should do. I should like to hear the Senator. It would delight me to have the Senator take up that report and stand before the American people and tell the American people whether, with the lack of knowledge the commission say this company have, he thinks we ought to go into an expenditure of $150,000,000 or $200,000,000. It would delight me if the Senator would do that.

If the Senator thinks my remarks were discourteous, I shall certainly withdraw them. He can have them even stricken out of the RECORD if it is desirable that he should do so. I did not intend to be discourteous, and usually I am not discourteous, although, of course, I confess I am somewhat sensitive about attacks, especially when it comes to a discussion in the Senate on a question involving a couple of hundred million dollars. It seems to me that we ought to have plenty of time, and that there ought to be no criticism, either open or covert, as to the delay until at least there is an apparent purpose in the delay.

Here is a bill which has been before the Senate only a few days, and there are at least, I think, a dozen Senators who are opposed to it who propose to be heard against it. I do not think that we can be charged with any unnecessary delay. The Senator says to me he does not charge it, but I certainly thought the intimation was——

Mr. HOAR. Will the Senator pardon me?

Mr. TELLER. Certainly.

Mr. HOAR. I think the Senator from Wisconsin perfectly understands what I desire. He certainly manifested no feeling of sensitiveness about it. I am in favor of the bill, but I am in favor of it because I am in favor of the general principle of the bill and because it has been very carefully considered by the gentlemen to whom it was committed. I am not familiar with its details, and never should think of addressing the Senate in regard to the matter of the details.

I have very unfortunately the charge of another important measure which is on the docket coming after the pending bill, and I am interested in several other measures. I wanted to know with reference to that important measure what in the judgment of the Senator from Wisconsin would be likely to be the time taken by the pending bill, whether there was any chance of getting that up, looking at it with a view of preparing myself as well as I can to be ready to deal with it when it comes up. I had no thought of anything except to look out for the interest of that other bill; for if this debate is to go on for some time, there will have to be a test question between continuing the present debate and taking up that bill which the Senator from Minnesota [Mr. NELSON] has so earnestly urged. I do not want to make a motion to lay aside the Nicaragua Canal bill, which I favor, and unnecessarily to be put in apparent antagonism with my views and all the friends or the leading friends of this measure; but the time will have to come at some period, unless we can agree on a time to take a vote on the pending bill, and that is what I had in mind.

Mr. TELLER. Very good.

Mr. HOAR. I confined my question mainly to the Senator from Wisconsin, who, I think, understood what I was after when I put the question.

Mr. TELLER. I do not think I need make any further apology to the Senator from Massachusetts. I have accepted his statement. If there is any blame it can rest upon me. The Senator

says he is not acquainted with this subject. I do not think he is if he is in favor of the bill. Mr. President, I am, and I have been for a number of years. I am competent to pass upon these questions by my education and by my tastes. I have given to this question a good deal of attention, and I have said again and again here that from an engineering standpoint there was no evidence before the Senate that would justify us in attempting to build that canal.

I desire to address myself to that question, and that question only, and if takes some little time to do it I propose to do it. We are not pressing the bill. We are not the people who are obstructing legislation by presenting the bill to the Senate. It is the friends of the bill who are obstructing it. I have no particular feeling against the people who want the bill passed. If the company have got into trouble, I have no objection to the Government of the United States taking the canal off of their hands, whenever it shall be determined that we want to construct the canal ourselves. If it shall be thought best and that we ought to pay the company for what they have expended and to take this work upon ourselves I do not know that I should object very much, but I do not want, then, that the canal shall be commenced without sufficient data. In my judgment upon the plan of the company it would be an absolute failure, and could never be completed with satisfaction; and that is the opinion of men who have given the subject close attention as engineers, and on whose judgment I rely.

So believing, I should think that I did not do my duty to the American people if I should sit still and see the bill become a law. I am acting upon my judgment as a Senator, as the Senator is acting upon his, with the difference that he says he follows the committee. I do not choose to follow the committee, because I do not believe that the reports before the Senate show that the committee have such data. They could not have any greater data than the company have. Unless this board falsifies the facts, it is established that the company had not the very essential knowledge of conditions there to justify the commencement of the dams and embankments, to determine their size, or anything else connected with them.

Mr. HOAR. I desire to ask the Senator from Wisconsin, with his great courtesy, to allow me to put a question to the Senator from Alabama. I desire to ask the Senator from Alabama if he would be willing at some day in the future, say to-morrow, or the day after to-morrow, or even as late as next Monday, to lay the bill aside informally, if a final vote is not reached, with a view of taking up the bankruptcy bill for a day or two?

Mr. MORGAN. Mr. President, the pending bill was brought forward at the request of some of the ablest and most prominent Senators of this body by me at a time when I did not desire to bring it forward. Those gentlemen who favor the canal have been for a long number of years engaged in its consideration, and both of the great political parties of this country have avowed their friendship for it and their desire to have it built. There is no doubt about the sentiment of the American people. The working people and all other classes, but more particularly the industrial classes, desire to have the canal built. The American mind is not made up, can not be made up, to the conclusion that we are to abandon this plan. There are very few Americans who desire to see the plan abandoned. I do not mean the precise plan of construction, but I mean the cutting of the canal through Nicaragua. There are some railroad men who, inconsiderately and foolishly, object to it, work against it, conspire in every way how to break it down, thinking that thereby they are going to increase their own income. They seem to be given to feathering their own nests with downy linings, regardless of the plumage of the great eagle that soars over them. They seem to have no respect for that bird at all when they get a downy place and sit upon a nest to hatch their young in and raise their progeny. They are the men, and the only men in the United States, who have combined in opposition to the bill.

The bill has been under the consideration of at least 150 of the best lawyers of the United States, members of Congress. If you will count the committees of the Senate that have passed upon the bill, and consider their composition; if you will count the committees of the House, and if you will observe the remarkable care that they have taken of every detail of the bill, it will surprise anybody that a man should venture to get up on this floor and state that any part of the bill had never received faithful and able consideration.

As to the engineering projects that are contained in the bill, they commenced with Mr. Childs's survey under Vanderbilt forty-five or fifty years ago, and they have come down regularly. Three surveys have been made, paid for by the Government of the United States, and they have been laid before the various committees. Another survey has been made at very great expense and with great care by the Maritime Canal Company, in which they have paid out their money; and they received a statement, not from one engineer, but from the board of five additional engineers, the best that the country affords, to show the entire practicability of it, and that it would not cost more than $83,000,000.

Then we sent a board of commissioners out there, who went at a hop, skip, and a jump over it, who did not have time to investigate it at all, who did not have the money with which to investigate it. We only put up here on the part of Congress $20,000, and the Maritime Company supplemented it with another $20,000 to clear the way, that they might have a full opportunity to investigate it. They laid all their engineering plans and data of every kind before them. They spent three months in the investigation of that data, and then they came in with a proposition that $135,000,000 would certainly build the canal, after putting on the most extravagant allowances that they could conceive of, and that the scheme was thoroughly practicable. They stated it a dozen times before the committee of the House. The House investigated the subject and sent its investigation here. The House bill was reported here to the Senate without the change of a word in it, so that the two Houses are perfectly in harmony through their committees in the presentation of the bill.

I thought while the Senator from Colorado was reading his amendment that if that honorable, sagacious, wise, and learned Senator had only taken the pains to compare his amendment with the bill he would have found that the whole of it was covered in the bill. The construction of the canal can not proceed until the President of the United States has appointed three engineers of the Army, who have examined it and have reported to him upon its feasibility. One hundred and fifty thousand dollars, I think, is the sum for a preliminary survey. I am willing to make it $300,000, if that is what the engineers want to spend, for it seems to be the big thing now to get an engineering grab out of it. That is the milk in the cocoanut about that report. I am willing to spend, if the Senator from Colorado is willing, $300,000 in making a preliminary survey. The President of the United States is to be thoroughly informed about the plan, the location, the feasibility, the practicability, and all that, before he can put the canal under construction.

Then what? Then we must appoint a board of engineers to supervise, to control the working of the plan after it has been adopted, without any sort of disturbance from the company. They have no right to interfere with him.

Who is the company they are talking about? The men who have spent their money there, under the arrangement proposed, if we choose to accept it, will have 7 per cent of voting power in that company. The United States will have 70 per cent—just ten times more power. Nicaragua will have 1½ per cent, and Costa Rica has 1 per cent of voting power in the company after it has been reorganized under the provisions of the act, if they accept it. If they do not accept it, it amounts to nothing.

I am perfectly willing to put into the law a provision that if the cost of it exceeds $150,000,000, or the estimates made by the Army engineers, the President shall suspend all operations until Congress shall further direct. The committee made all the calculation, on which this report is based, upon $150,000,000, although I feel as conscious as I could be of any fact, and as a nonprofessional man could feel about a matter of the kind, that it will never cost $80,000,000 to build it. It can not cost it unless it is one of the Government extravagances in which money is thrown to the winds whenever they get a chance at a job. If we can get any control of the engineers and hold them down so that they will not enrich themselves and all their posterity by the loot that they will get out of this work, we can build it for $83,000,000 beyond a question.

Now, sir, if I were to do what the Senator from Massachusetts asks me to do—withdraw the bill—what would be left here in front of us? I call your attention to it. What would be left in front of us? A vortex, in which there would be involved more trouble and danger to the people of the United States than any question that has come up since the civil war. What is that? The Senator from Wisconsin the other evening let drop the remark, I think, that this concession expires in April next. That is not the fact. That is the Nicaraguan view of the question recently put up, but Nicaragua herself has never contended for it.

Mr. VILAS. This was explicitly declared, I will say to the Senator, in the eighth article.

Mr. MORGAN. I understand that the Senator from Wisconsin takes that side of the question every time. He takes the Nicaraguan side against our people. Let him do it if he wants to. But that question has been settled by agreement not merely between Nicaragua and the company, but between the Government of Nicaragua and the Government of the United States, and so Mr. Blaine and so Mr. Gresham have declared. It was settled under the supervision of a minister of the Government of the United States, who went there and looked at it and witnessed the settlement. Now the Senator gets up and takes the Nicaraguan side of it, and says the concession will be forfeited next April.

Mr. VILAS. I will thank the Senator from Alabama if he will kindly refer me to the evidence of that statement.

Mr. MORGAN. The last report I made here last Friday shows it beyond question. There it is in print and in the Senator's hands.

Mr. VILAS. Last Friday?

Mr. MORGAN. Yes, sir, last Friday; and the Senator is astonished. It seems he has not read it. He is willing to get up here and take the Nicaraguan side of the question and make observations about the rights of our people that destroy them absolutely——

Mr. VILAS. I wish to say that I have read that report, but I saw in it nothing of that kind.

Mr. MORGAN. If the Senator will read it again, he will see it.

Now, Mr. President, I said if I were to withdraw the bill a vortex is opened here, and that honorable and grave Senator who sits in front of me, whose ability we all acknowledge and whose patriotism no man doubts, would have more on his hands than if he were a Talleyrand and a Metternich combined to get along with after I withdraw the bill. What is it? It is that the American Congress have abandoned the rights that our people have got under their own legislation. Read Mr. Blaine's dispatch in the report that I presented on last Friday, and you will see what view an American statesman took of this matter. You will see how an American Secretary of State who felt like he was an American handled this question in favor of our own people. They came here and asked us for a charter. On what authority did they ask it? The express language of the concession. The concessions required them to go to some other country and form a company of construction. They named New York City as the home of the corporation of construction. They came and asked us and we chartered them, and in chartering them we put restrictions upon Nicaragua and Costa Rica and everybody else concerned in it of the most rigid character.

After we had done that, the company organized, Nicaragua, being present in that company by her minister in the organization, accepting it through and through. That company has gone on, and its president, under the law, has been required to make, and has made annually, a report under oath of the whole situation. Diplomatic correspondence, interchange of notes of various kinds have taken place here until it would shame an American statesman to deny that we had acquired rights in this way as to the Government of Nicaragua that she must enforce. She can not be permitted, with honor to this country and with justice to our own people, to change her attitude; and the very moment that I should withdraw this bill, with the consent of the Senate, we should have abandoned the whole of that ground, and the Senator from Ohio who is to be the Secretary of State of the incoming Administration would find himself in what has been described by Mr. Blaine as a controversy with a half dozen little republics in Central America. Suppose I should add my humble opinion that in that controversy the same thing would occur time and again which occurred heretofore—that is to say, that they would demand money from any government that they undertook to treat with for the purpose of fixing the contract. How many times have they made concessions and forfeited them just as often as they could do it? Every time they got something in advance for a concession they forfeited the concession, got the money into their treasury, and never paid it back. Now, to say the least of it, they have got $150,000 in gold from this company; they have got a large number of improvements of a very valuable kind there; they have got surveys that they want. Whether the Senator from Colorado thinks they are of any account or not, they have cost an enormous amount of money, and Nicaragua wants them. She will get all of those. She will snap her fingers in your face and say she will not treat with you. Then what are you going to do? Send your guns down there and capture her? Are you going to have a war?

Mr. TELLER. She will treat with us.

Mr. MORGAN. No; she will not treat with us. She can not treat with us upon the proposition she has made, because President Cleveland, when he first came into office—the honorable Senator from Wisconsin being one of his advisers at the time, one of his Cabinet—choked to death this very treaty.

Mr. TELLER. They will make another treaty.

Mr. VILAS. They have proffered another.

Mr. MORGAN. Yes; $4,000,000 more. Then what will the Senator do? He has changed his mind so that he will now vote for such a treaty, when he and the President he was with at that time snatched it out of the hands of the Senate and refused to allow us to vote on it.

Mr. President, there are things here in regard to which the lapse of time has sometimes brought gentlemen in utter conflict with themselves. There can be no harm in our passing this bill even if the House of Representatives does not pass it, or if it should never go into execution; but, on the contrary, there is a demand for the passage of it that is absolutely insuperable, unless we intend to yield the whole question of the canal. Pass this bill through the Senate, and what will come then? The same congratulations which came from Nicaragua two years ago, when we passed a similar bill through the Senate, only a bill less favorable to Nicaragua than this. There came a flame of electric telegrams congratulating the country—both countries—upon the passage of that very bill two years ago. They are set forth in the report.

I have had occasion here to do a thing that I dislike very much to do, and that is to make statements before this body upon testimony that I know of, but that I am under constraint about saying anything about. All of us often get into that condition. I have asserted here that British emissaries have been at work from the time this was started down to this very date trying to interrupt and prevent this canal from being built. They think that if they can drive the Senate of the United States away from its duty in passing a bill affirming the right of this company, whether that bill becomes a law or not, then they have got us in a condition where they can handle us very easily through their refusal to negotiate treaties with us of a fair description, and through that minority vote of a third of the Senate which they think they can always rely upon to defeat any measure of this kind.

We have now got this matter before the legislative tribunal of the country in a form that the Senate of the United States can express its convictions, if it can not do any more, and I should as soon have those convictions expressed in a resolution as in a bill for the purposes of the diplomatic situation. But, sir, I am not going to yield upon that proposition until some man shows me the way out. We have not got any advantages at the present time, but we have certain very important rights included in this programme, and I am for insisting upon those rights and for strengthening the hands of the next Secretary of State, so that he can go to Nicaragua and say: "Do you expect that we are going to yield the rights of those American citizens at your will and at your behest when the Senate of the United States has twice passed upon this question and affirmed those rights?" The way, Mr. President, to get into trouble is to simply invite it, particularly when you are dealing with a number of very small nations, who notoriously are engaged continually in raids upon each other.

Now, we are paying great attention to what Nicaragua has said. What has Costa Rica said about it? Costa Rica is just as important a factor in this canal as Nicaragua; her rights are identical with those of Nicaragua. It is very true that after Nicaragua had remedied the infirmity in her title and we negotiated with her and paid her the money, it then became evident, on a decision as to the boundary line made by our own President, that we were bound to get a concession from Costa Rica, or else the whole scheme would fail. We went to Costa Rica and put the concession in the very words of the concession granted by Nicaragua; and when Costa Rica came in—Nicaragua knowing it and consenting to it—with her minister to take a seat on the board of directors, Nicaragua objected. That raised another row, and she declared that the concession had been forfeited because Costa Rica had come into it and had done that which Nicaragua was bound in honor to do herself—secure the rights and privileges of the San Juan River where Nicaragua and Costa Rica had a joint right of navigation.

They refused to take their seat in the board at first. The company's president and both the minister from Costa Rica and the minister from Nicaragua came finally and took their seats in the board, and as an oath of office was required, both those ministers took the oath of office in behalf of their Governments. Then there came more telegrams, more congratulations exchanged between these two Governments. "Everything is now serene"—that is the language of one of them. All difficulties were removed. So they have gone on from time to time, until finally there springs up a new sort of mushroom republic called a diet. Three States get together and form a diet, each of them insisting and contending, and representing to our Government also, that they are perfectly independent of each other, but they have submitted their diplomatic affairs into the hands of a common minister. I should like to know what that minister of these three Republics—Honduras and Salvador being two of them—has got to do with our contracts with Nicaragua? Are our contracts with Nicaragua to be vacated, avoided, and annulled at the demand and behest of these other two Republics who have nothing to do with them? But that is the effort. Not only is that the effort, but it does not stop there. Their point is to take Costa Rica and rub her out—one of those little tempestuous arrangements that arise in that little teapot down there, and the storm seems to be big enough just to disconcert the Senate of the United States—that is all; and it comes in here when a bill is about to get on its passage.

I have not any idea that the Government at Nicaragua has ever intrusted to any minister the right to disengage her from a contract which she has made with American citizens; but if she has, she can not do it, and has no right to do it. We are not here for the purpose of seeing our citizens robbed at pleasure by any government, great or small; it is not what we are trying to do here, and if the Senate of the United States will take a vote on this

bill, if they will adopt this bill even with the amendments which the honorable Senator from Colorado [Mr. TELLER] wants to put into it, they will save this question and save this canal from ruin.

If I should, upon the request of some of the ablest and oldest members of this body, yield this measure, with all of its vast public significance, then, Mr. President, I should have the odium of cowardice and treachery both upon my soul. You do not expect me to do it; surely, I will not do it. I do not care what it is that stands in the way of it; I did not bring it into contact with anybody's bill or anybody's measure. I offered it because the time was lapsing and the honorable Senator from Wisconsin [Mr. VILAS] said it was only until April within which we have got to act, and, having stated that, I am compelled to believe that the Senator from Wisconsin would be very glad to see that day in April arrive before this bill passes.

Mr. VILAS. Mr. President——

Mr. STEWART. Will the Senator from Wisconsin allow me to make a remark before he proceeds?

Mr. VILAS. Certainly.

Mr. STEWART. I wish to call the attention of the Senator from Massachusetts [Mr. HOAR] to something he can do which will facilitate the passage of the bankrupt bill, which would probably avoid the necessity of any test vote.

I believe that every Senator present is in favor of a voluntary bankruptcy bill. The necessity for it is obvious; nobody doubts that at all; but there are many Senators and many judicious people in the country who are opposed to an involuntary bankruptcy law at this time. In the present depression in the country it is impossible for business men and others to meet their obligations promptly on account of the difficulty of converting their assets into money. An involuntary bankruptcy law will open a field for putting people into bankruptcy at a time when it would destroy many men who would otherwise pull through when times get better, if they ever do.

I know it is said that you can have provision to prevent fraud, and all that, but the fact of putting a man into bankruptcy destroys his property, and the desire of those who have a little money to buy property cheaply may be a motive to proceed, whether they ought properly to do so or not. At all events, you place thousands and hundreds of thousands of good men at the mercy of those who might and probably would take advantage of them. All creditors are not bad men, but there are business men who can not meet their obligations on account of the scarcity of money, who can not convert their property into money, go into bankruptcy, and gratify the greed of those who want to buy their property and have it sold for a small price. If this thing commences, there will be a vast amount of property sold under the hammer, with nobody to buy it, and there will be more harm done, I believe, by an involuntary bankruptcy law at this time than there would be if we should do nothing.

If it becomes important at the next session, if times change, and an involuntary bankruptcy law is desired, such a law as we may now pass can be amended, and we can promptly pass a law which will give relief to those who are bankrupts; but let the matter stand until times change and do not pass such a provision at a time when it would amount to universal confiscation, as it seems to me it would under existing circumstances.

I have observed the operation of bankruptcy laws for many years and labored very hard to get the last bankruptcy act passed; but it had not been in operation six months before petitions came in for its repeal. Congress modified the law and continued to make modifications, but still the petitions came for its repeal, and it was finally removed from the statute book. The same was true of the bankruptcy law of 1842, and the same has been true of all bankruptcy laws, that when they go into operation much scandal grows out of the business and many unworthy men collect around it and form cliques to secure and divide among themselves other men's property.

I suggest that we should not go any further at this time than to do what is absolutely necessary for present relief, because if we do every provision of the bill must be discussed and it will occupy more time than can be given it owing to the consideration of the appropriation and other necessary bills, even if the Nicaraguan Canal bill were out of the way. I hope the Senator will devote his time to eliminating the repulsive features of the present bankruptcy law.

Mr. ALLEN. I should like to ask the Senator from Nevada a question, and it is this: Whether the Senator sees any connection between the parties behind this involuntary bankruptcy bill and those behind the present financial policy?

Mr. STEWART. Well, those behind the present financial policy in this country, it is true, have all the money, and if the property of the country were put up for sale they are the only persons who would be able to purchase. Whether they will be influenced by such considerations or not, others, who are as good judges of human nature as I am, must draw their own conclusions.

Mr. VILAS. Mr. President——

Mr. TELLER. I ask the Senator from Wisconsin to yield to me for a moment.

Mr. VILAS. Certainly.

Mr. TELLER. Do I understand the Senator from Alabama [Mr. MORGAN] to say that the amendment I offered was included in the bill? I suppose this is the language to which the Senator refers:

That the President of the United States may, and is hereby authorized, in his discretion, at any time after the passage of this act, to appoint a board of three civil engineers.

Is that the provision?

Mr. MORGAN. That is not all of it.

Mr. TELLER. I will read all of it, then.

The members of which shall be selected from civil life.

Is not that the language?

Mr. MORGAN. No.

Mr. TELLER. Will the Senator tell me where it is, then?

Mr. MORGAN. I thought the Senator was familiar with the bill.

Mr. TELLER. I do not find anything imperative on the President, nothing mandatory; I find nothing here but discretionary power on the part of the President. What I desire by my amendment is that the President shall not guarantee these bonds, shall not take any steps to incur any liability on the part of the United States until it is determined what the canal will cost. It will cost $150,000,000, as some think. If that is not so, I have misunderstood the provision. I think there is nothing in the bill which will prohibit the President from going on if he sees fit to go on.

I do not wish to interrupt the Senator who has the floor, except to say that, so far as I am concerned, I have not seen the English influence of which the Senator from Alabama speaks. I am not myself particularly amenable to English influence, and I do not know that I am very much amenable to any other influence upon questions of this kind which I have been considering a long time. Nobody has approached me on the subject. I am not now contending that we should not build the canal, and am not now contending that these people have not a concession there that we are obliged to take care of if we build the canal. I am not antagonizing that. What I am complaining of in this bill is that, without sufficient data, without sufficient information, without knowing how this canal shall be built, we are to be committed to an expenditure of from $66,000,000, according to the company's statement, $135,000,000 according to the engineers' statement, and according to my impression from two hundred million to two hundred and fifty million dollars.

There is too much difference of opinion between the engineers of this company and the engineers whom we sent out; there is too much difference of opinion between the engineers who have studied this question and those who have been in control of this company to justify us in taking up the work and going on with it. Nobody, as I said before, knows whether, if we pass this bill, the company will commence to build the canal upon their plan or upon the plan of the Ludlow engineers, or upon what plan it will be built. There is the whole trouble in this matter. What I desire, and what I think is a prudent and proper amendment, is that before anything shall be done there shall be a careful examination.

The Senator from Alabama says this commission ran over the ground. The commissioners themselves say they did. They say they went over the ground with great haste and in a very unsatisfactory manner, The commission show, with all the maps, with all these data before them, that this company did not have certain data, without which I say here no private corporation which ever expected to complete a work of this kind would ever have undertaken. The idea is preposterous that a corporation should begin to build a dam more than 100 feet high without knowing what was the foundation upon which it was to be built when they made their estimates, that they should provide a waterway for 40,000 cubic feet per second when this board of engineers says that 150,000 feet will pass the weir in a second.

Mr. President, success is impossible under such circumstances. That is why I want to take up this report, and I want to show, not that this commission is right, but I desire to show that this company has not got and never has had the data that common engineering skill and common engineering prudence would require they should have before they expended a dollar. If they have any concession that is valuable the United States must pay for it. I am not contending as to the $4,000,000 which is proposed to be paid to them, for that is a bagatelle and amounts to nothing. The question is, Are we ready now to commit ourselves to a scheme which will cost $80,000,000, as the Senator says, and which the board say will cost $135,000,000? That is the question which I desire to present at some time. I do not desire, however, to interfere with anything else. If this bill is to be pressed, we must be heard on our side. That is all we shall ask. I am willing to say for myself that, after I have got through—I have no concern whether other people get through or not—I shall have no desire

to delay the bill, but I certainly do not intend that this bill shall pass without at least putting on record my objections to it, which I think are not technical but fundamental.

Mr. CARTER. I submit two proposed amendments to the pending bill which I ask may be printed, so that the Senate may know their import.

Mr. MORGAN. Let them be read.

The PRESIDING OFFICER. The amendments will be read.

The Secretary read as follows:

Amend section 3 by striking out in lines 12 and 13 the words "or that satisfactory arrangements have been made for the return and cancellation of said stock," and by striking out of lines 15 and 16 the words "or that satisfactory arrangements have been made for their redemption and cancellation;" by striking out from lines 20, 21, and 22 the words "or that provision has been made for the satisfaction and cancellation of said liabilities and contracts;" so that the section when amended shall be as follows:

"SEC. 3. That if the Maritime Canal Company of Nicaragua shall, within one year from the passage of this act, show to the satisfaction of the Secretary of the Treasury that all the stock of the Maritime Canal Company of Nicaragua heretofore subscribed for or issued, except that heretofore issued to the Republics of Nicaragua and Costa Rica, has been called in, returned to, and canceled by the treasurer of the company, and that all bonds issued by said company and obligations to deliver bonds have been redeemed and canceled, and that all liabilities of the said company have been satisfied, and all contracts and agreements heretofore made by said company, including all contracts with the Nicaragua Canal Construction Company, have been canceled, the Secretary of the Treasury shall, on behalf of the United States, subscribe for 700,000 shares of the capital stock of said company, and said company shall thereupon issue to the said Secretary of the Treasury of the United States 700,000 shares of the capital stock of said company herein provided for, to be deposited with the Treasurer of the United States, which stock shall be issued in consideration of the guaranty by the United States of the bonds of said company hereinafter provided for, and shall be regarded as fully paid and nonassessable. In addition thereto 70,000 shares of nonassessable capital stock of said Maritime Canal Company of Nicaragua shall be issued and delivered to such person or persons as may be designated by those stockholders of the said company whose stock has been surrendered and canceled, as hereinbefore required."

Amend the bill entitled "A bill to amend the act entitled 'An act to incorporate the Maritime Canal Company of Nicaragua,'" approved February 20, 1889, by striking out section 7.

The PRESIDING OFFICER. The amendments will be printed.

Mr. VILAS. Mr. President, before proceeding with the discussion to-day, I wish to offer and have read a substitute which I intend to propose to this bill after I have reached the proper stage in the discussion to indicate the views which this substitute would represent in the legislation. I ask to have it read now and printed.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That a commission of five persons, one from the Corps of Engineers of the Army, one from the Engineers of the Navy, and three other citizens of the United States, all to be appointed by the President, by and with the advice and consent of the Senate, is hereby created, to be known as the Interoceanic Canal Commission; that the compensation of said board shall be fixed by the President, not to exceed $500 per month to each, including such pay as the engineers so selected are receiving for the time they are employed, from the Government. And the said board, under such arrangements and regulations as shall be made by the Secretary of State, with the approval of the President of the United States, shall, the necessary permission therefor having been previously obtained from the Governments of the respective countries interested, visit and personally inspect the several lines or routes projected, or which may seem to said board to be sufficiently practicable to demand an inquiry, for an interoceanic canal to connect the Atlantic and Pacific oceans, and shall make or cause to be made all needful surveys, examinations, observations, and inquiries necessary to enable them to determine which is the most feasible, practicable, and economical route for the construction of a canal, and which, upon all the considerations entering into the subject, is, in their opinion, the most eligible, together with their reasons therefor; and also to make a report in reference to such route, of plans, profiles, sections, prisms, and specifications for its various parts, requisite to the construction and entire completion in a satisfactory manner of a canal sufficient to transport the vessels of all countries between said oceans, and also particular and complete estimates in full detail of the probable cost of such work upon the line or route so selected; and also to make such surveys, examinations, observations, and estimates of other lines or routes considered as competitive as may be necessary to distinguish and discriminate as compared with the same the eligibility of the route recommended.

For the purpose of securing the permission aforesaid, the President of the United States is authorized to make such negotiations with the Governments of the several countries whose territory may be embraced in a portion of any of said canal routes as to him shall seem advisable.

And for the purposes hereof there is hereby appropriated $1,000,000, to be immediately available.

Mr. VILAS. Mr. President, before I notice some other things which have been said here to-day, I want to call attention to the very direct statement which was made by the distinguished and honorable Senator from Alabama [Mr. MORGAN] in regard to what he put into the RECORD last Friday. The Senator from Alabama has a favorite way of supposing that the opponents of his measures do not even know what the documents contain of which they speak, and is very ready to aver that they can not have understood or read them.

I said, sir, that the forty-eighth article of the concession provides for the expiration of the concession by its own terms of limitation, unless Nicaragua should grant an extension, on the 23d or 24th day of April next—I think it is one of those days of April, depending upon which day shall be considered the date from which the ten years run.

The Senator from Alabama thereupon very directly stated that this report showed that it had been already provided for, and that there was no right in Nicaragua to claim anything under the article. I thought I had read that report. I have reviewed it, and there is not a word in it that I am able to discover which relates to the forty-eighth article of the concession. I ask the Senator from Alabama to point out what it is in that report which he conceives in any manner affects that article. I recognize the fact that there was in the transactions between the company and Nicaragua and in the correspondence between our State Department and its officials and theirs, and in the declarations which some of the Nicaraguan officials have made, a relinquishment perhaps of the right to forfeit for some of the articles, but there is not one word in it which relates to the forty-eighth article that I have been able to discover. If there is, I should be glad to have it pointed out

Mr. MORGAN. Does the Senator from Wisconsin desire that I shall point it out now?

Mr. VILAS. At the Senator's convenience, because I intend to discuss the point. I should like to know what there is that relates to it.

Mr. MORGAN. If the Senator will refer to the first statement made by the president of the Maritime Canal Company in June, 1890, to the Committee on Foreign Relations, when that committee called him before them——

Mr. VILAS. Is the Senator about to read from the report of last Friday?

Mr. MORGAN. Yes. If the Senator will notice the statement when the committee called him before them and examined him about this matter in executive session, he will find that the Government of Nicaragua would not consent that the work had been begun in accordance with the concession. Finally, after Mr. Blaine's intervention, it did consent that the concession as to the time of the beginning of the work had been entirely complied with. That postponed, necessarily, the time of the completion of the work from the date of the agreement, making it ten years in all. Eight years from that day would make it until the 23d day of next April, and ten years would bring it to the 23d of April, 1899. Mr. Blaine sent what Mr. Baker calls a very perpendicular sort of dispatch on that subject in these words:

The United States Government learns with surprise of rumors of an attempt to impair or deprive the Maritime Canal Company of Nicaragua of its rights as embodied in the contract granted by Nicaragua to that company. The United States can not understand how a company chartered under its laws should be treated with injustice by Nicaragua. You will please ascertain whence these disquieting rumors have arisen and communicate with me as soon as possible. You will also leave a copy of this dispatch with the Nicaraguan secretary of foreign affairs. The United States Government can not remain passive when the rights of a corporation organized under its laws are threatened with injustice.

That is the very point in issue at that time. Then afterwards Mr. Blaine telegraphed to Mr. Hitchcock as follows:

HITCHCOCK, *Fifth Avenue Hotel, New York:*

Mizner telegraphs: "All difficulties settled. Papers executed in triplicate. This Government will retain one."

BLAINE.

Guzman, the minister to this Government, on the same day telegraphed to Mr. Hitchcock:

Mr. HIRAM HITCHCOCK, *New York:*

I sincerely congratulate the company and yourself upon the good news received from Nicaragua.

H. GUZMAN.

Then Mr. Hitchcock, upon that day, sent to the President a dispatch:

His Excellency PRESIDENT OF NICARAGUA, *Managua:*

Please accept my sincere congratulations upon the happy termination of all differences and the company's assurance that it will vigorously prosecute the work of the canal in the interest of Nicaragua and the whole commercial world.

HIRAM HITCHCOCK, *President.*

On the 11th of October the following dispatch was received by the president of the Maritime Canal Company of Nicaragua:

I congratulate myself jointly with you upon the happy settlement of the canal question, and with the greatest satisfaction I offer the cordial assistance of my Government to the efforts of the company for the realization of this grand enterprise.

Now, those are a part of the dispatches, which show exactly the time and the circumstances surrounding this recognition of the right of the company as having been established under the concession, proceeding for the full period of eight years from that time to complete the canal.

Mr. VILAS. It is as I supposed it was. All that relates to the forty-eighth article is a mere argument which the Senator from Alabama adduces from other things entirely, but which probably would be considered to have no just relation whatever to the article in question—the forty-eighth. I will speak of that by and by.

Mr. President, I am sorry the Senator from Massachusetts [Mr. HOAR] is not present for the moment, for I should like to call his attention to an inference which Senators might very properly draw from the question he put to me to-day. Yesterday more than an hour was taken out of the time which I might have enjoyed in the discussion of the bill by a similar question, and by proposing to the opponents of the bill to fix a time for a vote in every form in which ingenuity could suggest it, and by following it with various talk and discussion; and to-day, when another measure had occupied the attention of the Senate until nearly or quite 3 o'clock, we had a right to expect that we could go on with the discussion of the pending bill. Then comes this question about the time the discussion is to occupy, and an hour and twenty minutes have been consumed in consequent debate, mainly by the friends of the bill. I called attention to the fact yesterday that it was a week ago last Thursday when I first solicited the privilege of being heard, and that I had not been able to be heard since; and it would seem as though, if there were a charge of filibustering, to use a very harsh word, which first fell from the lips of the Senator from Alabama [Mr. MORGAN] on that day, Thursday a week, it ought to be aimed at those who would seem to be filibustering to prevent a fair discussion by the opponents of the bill.

We are ready to take up any other measure. We are not standing in the way of any other measure. We are only opposing this measure. If the Senate wishes to take up any other measure, we are willing. No opponent of the bill has ever made an objection to its being laid aside informally at any time, so that if anything else was desired to be presented to the Senate it could be; and yet, with the fact stated to the Senate by the distinguished Senator from Ohio [Mr. SHERMAN], who is to be the premier of the next Administration, that the bill can not become a law at this session of Congress, and that therefore everything we do here is uselessly done, except as it is the expression of the Senate's opinion, it is insisted that the bill shall be kept before the Senate while the other legislation which is of consequence, vastly greater consequence than the mere passage by the Senate of this bill could be, shall lose the opportunity of consideration. Let the fault, if that be fault, abide where it belongs, not with us.

I trust, sir, that it will not be continually insisted, day after day, when the opponents of the bill desire respectfully to urge their objections against it, that we shall have these questions put, insinuating or seeming to insinuate to the public that an unworthy motive governs our desire to debate it. I saw it stated this morning in a newspaper to which I have been in the habit of looking for correct reports of the proceedings of Congress that the remarks which I submitted to the Senate yesterday were intended to consume time, whereas there was not a Senator who listened to them who did not know that they were addressed pertinently and properly to the bill before us.

Now, sir, I propose to continue the discussion, and to pursue the line of argument upon which I entered yesterday. Let me recall for one moment summarily that I had pointed out that the bill, aside from buying out the stock of the present Maritime Company, proposed to put the United States into that corporation, and not in its sovereign capacity, but in a fictitious corporate capacity, to proceed to construct at its own cost and risk the canal as an enterprise of its own, pure and simple. Then I entered upon a consideration of the reasons which were proffered to us why the United States should assume that great undertaking, and I was considering, at the time when we went into executive session, the argument that it should be built as a military auxiliary to the national defense. I think I had shown that neither in a state of neutralization in time of war nor in a state of exclusive control by the United States in time of war—and one or the other of those conditions is practically inevitable—could the canal be a source of strength, but in either case would be a source of weakness, considered from a military standpoint.

I then asked—and at that point the Senate chose to go into executive session—what was the theory of the utility of the canal as a military auxiliary entertained by the friends of the bill. It is obvious at once that it consists in a single feature—that our ships of war might pass to and fro between the eastern and the western coasts.

Mr. TELLER. How about the war ships of other nations?

Mr. VILAS. As I argued yesterday, they must pass if the canal is neutralized; and if it is not neutralized, it becomes a far greater element of weakness in our hands. But I was considering simply the question of utility to us.

Why do we care to pass our ships of war between the Atlantic and the Pacific coasts? For the defense of the Pacific coast or the defense of the Atlantic coast? The Pacific coast, as I was saying at the conclusion yesterday afternoon, is already defended by nature far better than by ships of war. There lie the immense leagues of the ocean wastes, and who on this floor can conceive that any enemy likely to imperil the United States in her dominion of the Pacific Slope can cross that great sea, justly named the Pacific, because it is impossible that humanity should engage in practical warfare across the space which it occupies?

Sir, let us turn for a moment to the Atlantic coast. Where are our enemies to assail us on the Atlantic coast? To do it they must cross 3,000 miles of sea. I have heard the distinguished Senator from Alabama, when under the dominion of that fear of England which he sometimes illustrates by speeches on the floor, speak, and I believe I use the very word he adopted, of a cordon of outposts which England is gradually establishing in terrible menace to our safety, beginning with Halifax and the eastern shores of Canada on our northeast, thence to Jamaica on our southeast, and to Honduras, and then threatening to take the Sandwich Islands, and thus at last enveloping the United States in a very surrounding of imminent peril. But, sir, I do not fail to recall that more than one hundred years ago, when we were but three millions in number and had neither ships nor armies, this people, with their stout hearts, were able not only to begin a war with England for their independence, but to achieve it under the help of Divine Providence. I do not forget that since that time they again declared war upon that, the greatest naval power of the world, and that even upon the great sea, where our brave men encountered their immense naval establishments, we had the honor of such glorious victories as that won by Hull and that won by Porter, and of such a glorious defeat as Lawrence sank to death in achieving.

From that time to this, what has been our peril of war with any European power? Now, not with three million, as during our war of independence, nor eight or ten million, as in the next war, but with 75,000,000 people in thriving industry over this continent from ocean to ocean, with works of civilization such as no other equal surface of the world has ever before seen to such an extent in like time, with as many miles of railroad binding us together as all the rest of the world besides possesses substantially, is it necessary for us to begin to tremble and shiver lest some enemy come across the sea to threaten our safety?

What has been the history of armadas? The most notable effort that was ever made to invade a foreign land by ocean was when Spain undertook to seize the fair realm of the virgin Queen of England, and that colossal naval array, sent with such circumstances of apparent power as to threaten, seemingly, the absolute doom of that solitary island, was dissipated by tempests and the ships of England. Afterwards, sir, the greatest genius of war who has ever, perhaps, contended against England, no farther distant from her than across the English Channel, looked upon that island with the eye of one fertile in military resources, and could find no way by which he could dare to launch a naval expedition with promise of success, and though he marshaled his armies at Cologne, and though he built ships for a long time, yet when the hour of practicable trial came he never attempted it. What have we to fear that should make us now go abroad to the isthmus that separates the northern and southern continents of America to build a canal to defend the United States from attack?

Sir, we have a great deal of this sort of bugaboo. It has been a favorite argument with some who are interested in building up a navy for us, and some who are interested in spending millions upon fortifications along our coast, as if we could fortify seven or eight thousand miles of seacoast in any better way than by the stout hearts of the men who will defend this country should anybody ever dare to invade it with hostile purpose.

We have nothing to guide us to safety better than an honorable, a wise, a humane, and a generous policy of national intercourse. Let us deal with even approximate fairness with the nations of the earth and we encounter no risk of armed controversy with any of them. Indeed, we have had every evidence that they will bear much before they will resent an attempt of the United States to encroach upon their rights, or even to injure their sensibilities. Whoever else may be deluded by this proposal, his is indeed and in truth a delusion; who thinks we ought to build a canal as a military auxiliary, he is fitted, it seems to me, for the ranks of those who fear the doom of earth by fire is nigh, and might well enlist under Lieutenant Totten.

But, sir, there is one consideration which justifies a serious, careful, and painstaking examination, for it possesses great force to favor the Government's entertainment of the project of this canal, and that consideration is that it may afford sufficient advantages to ships of commerce to warrant its cost, and that no private concern, no corporation, will or can build it. That has been tested sufficiently. The enthusiasts of sixty years past who have dreamed of this project and have fancied it a thing capable of construction and useful to build have always awaked from their dreams under the cooler and more sedate application of financial common sense.

Now, sir, is there justification for the United States to undertake this work in the fact, or the probability, that the commerce of this country will be sufficient to warrant it? If there be, that is

the basis on which we should enter upon it. We should construct the canal, having made proper international arrangements, precisely as we built the locks at St. Marie, or as we dredged the St. Clair River, in order that commerce shall be benefited adequately, so that immediately the citizens of our country will receive gains, some a hundredfold and some mayhap tenfold, which on the whole will redound to the general advantage of all.

I propose to ask a few moments of the Senate to consider what the commerce is that will be benefited by the canal. I shall not affirm anything of my own information. I shall take the statistics which the committee have furnished. Let us look at it in the light which they cast over it.

On page 136 of the report which was submitted to the Fifty-first Congress by the Committee on Foreign Relations is a table of "Commerce subject to the attraction of the canal." I shall ask the privilege of inserting in the RECORD at this point this table, although I will not now trouble the Senate to hear it read, being able to indicate the general features of it sufficiently otherwise.

The PRESIDING OFFICER. The Chair hears no objection, and it is so ordered.

The table is as follows:

TABLE OF COMMERCE SUBJECT TO THE ATTRACTION OF THE CANAL.

[To be divided into three classes: Class 1, entirely tributary; class 2, largely tributary; class 3, partially tributary.]

Commerce of the places named, exports and imports.

Reference.	Class.	Countries.	Amount.
		With Great Britain:	
S. Y. B., 111	2	Hongkong, 114° east from Greenwich.	$20,508,000
S. Y. B., 235	2	New South Wales	83,932,800
S. Y. B., 261	2	Queensland	23,655,480
S. Y. B., 268	2	South Australia	24,998,480
S. Y. B., 286	2	Victoria	73,006,350
S. Y. B., 292	2	Western Australia	3,380,850
S. Y. B., 253	2	New Zealand	44,564,000
S. Y. B., 275	2	Tasmania	3,608,010
S. Y. B., 776	2	Java	22,358,760
S. Y. B., 944	2	Philippine Islands	14,304,690
S. Y. B., 416	2	China	54,157,057
S. Y. B., 715	2	Japan	37,403,580
S. Y. B., 452	1	Ecuador	2,489,910
S. Y. B., 809	1	Peru	15,245,870
S. Y. B., 387	1	Bolivia	1,267,830
S. Y. B., 406	2	Chile	62,437,161
S. Y. B., 78	2	Central America	10,412,250
		With France:	
S. Y. B., 515	2	New Caledonia	1,565,812
S. Y. B., 715	2	Japan	17,761,441
S. Y. B., 406	2	Chile	7,857,430
		With Germany:	
S. Y. B., 546	2	Australia	8,129,000
S. Y. B., 715	2	Japan	6,878,462
S. Y. B., 403	2	Chile	14,098,930
S. Y. B., 577	2	Hamburg with Australia	(*)
S. Y. B., 416	3	China with Germany, France, etc.	18,283,315
S. Y. B., 944	3	Spain with Philippine Islands	4,123,000
S. Y. B., 379	1	Belgium with Peru	6,440,995
S. Y. B., 762	3	Netherlands with Dutch East Indies.	66,080,000
		With United States (Atlantic ports, chiefly New York; Pacific ports, chiefly San Francisco):	
C. & N., 40	2	British East Indies, Atlantic ports.	22,765,825
C. & N., 49	3	British East Indies, Pacific ports.	1,432,041
C. & N., 39	2	French East Indies, Atlantic ports.	319,427
C. & N., 40	2	Dutch East Indies, Atlantic ports.	7,042,412
C. & N., 40	1	Hongkong, Atlantic ports	2,113,021
C. & N., 41	3	Hongkong, Pacific ports	3,050,556
C. & N., 39	1	China, Atlantic ports	12,484,334
C. & N., 39	3	China, Pacific ports	6,932,940
C. & N., 42	1	Japan, Atlantic ports	10,038,673
C. & N., 43	3	Japan, Pacific ports	9,380,330
C. & N., 40	1	British Australia, Atlantic ports	13,279,825
C. & N., 41	3	British Australia, Pacific ports	5,040,316
C. & N., 42	1	Philippine Islands, Atlantic ports.	8,719,069
C. & N., 43	3	Philippine Islands, Pacific ports.	2,053,660
C. & N., 42	1	Hawaii, Atlantic ports	197,619
C. & N., 43	3	Hawaii, Pacific ports	16,025,780
C. & N., 32	1	Chile	4,814,625
C. & N., 34	1	Ecuador	1,331,370
C. & N., 26	1	Peru	1,024,497
C. & N., 22 and 24	2	Central America (Nicaragua, Costa Rica, and Salvador).	5,170,980
		Pacific ports of the United States with—	
C. & N., 5	1	Belgium	837,840
C. & N., 7	1	France	5,632,359
C. & N., 7	1	Germany	1,136,506
C. & N., 6-10	1	Great Britain	33,944,476
C. & N., 30	1	Cuba	535,111
C. & N., 33	1	Brazil	166,012
		Total	825,110,167

* Value, not reported; weight, 65,300,000 kilos, say about 65,300 tons.

Mr. VILAS. The table sets forth, after a considerable preliminary discussion of the sources and value of its statistics, the figures which indicate the amount in total of the commerce which would pass through that canal, or which would be subject to the attraction of the canal, as the phrase is; that is to say, that would be liable to pass through it: First, with Great Britain and her various dependencies and the foreign countries with which she trades. Next with France and her dependencies. Then with Germany and the countries with which she trades, including some islands in the Pacific seas that belong to her; and finally with the trade of the United States with foreign countries that would pass to and from Atlantic or Pacific ports.

The total of the entire commerce that is said to be liable to enjoy that canal is given at $825,110,167. Of that commerce this table shows that of Great Britain directly to aggregate $498,421,678; of France, $27,184,683; of Germany, $124,033,702; of the United States, $175,470,104; aggregating the total named.

Thus, according to the table, the United States will, in the opinion of the friends of the pending measure, enjoy for its commerce only about one-fifth of the commercial advantages which it will have provided at immense risk and immense cost. Its commerce, so depicted in the most favorable manner by the friends of the bill, will be but a little over 21 per cent of all which share the canal. Nay, sir, less than that, for it will be seen, when particular attention is given to the statement, that of the commerce reckoned as belonging to the United States the greater part is commerce between the United States and foreign countries, so that one-half of it may as fairly be said to be the commerce of foreign countries as of the United States. Probably a just deduction from that table would indicate that the United States would not enjoy above 12 to 15 per cent at the utmost of the commercial advantages which it shall have thus provided entirely alone. It would be well, also, to reflect upon the fact, in that connection, that by reason of our navigation laws the far greater part of our foreign commerce is transported in foreign bottoms.

Now, sir, on the other hand, take Great Britain. The share in the commercial advantages to be provided by that canal which Great Britain will enjoy is nearly five-eighths. When we consider her interest in the commerce, reckoned as transacted with the United States, it is still more than five-eighths; most probably it would be three-fourths.

Next comes Germany. The share of Germany according to that table will be 15 per cent and upward, lacking only 6 per cent of an equality with that of the United States, even according to the figures shown by the committee.

Now, I know that sometimes we hear much said of the great advantage which may be derived to our commerce passing between Atlantic and Pacific ports. In 1880 a very interesting and instructive book was printed by the United States containing figures on this subject made up by the then Chief of the Bureau of Statistics, Mr. Nimmo, and he shows that the quantity of commerce passing between the Atlantic and the Pacific coasts by water has been constantly growing less. He gives a total of the value of the commodities shipped from New York to San Francisco and from San Francisco to New York via Panama each year from 1868 to 1879, inclusive, and it diminished in total aggregate from $70,000,000 in 1869 to less than $5,000,000 in 1879. The entire value of the commerce which sought water transit with the aid of the Panama Railroad fell to a point only about one-sixteenth of what it was ten years preceding. What has been the subsequent fall, I am unable to state.

*Value of commodities shipped from New York to San Francisco and from San Francisco to New York via Panama each year from 1869 to 1879, inclusive.**

Year ended June 30—	Shipped from New York to San Francisco.	Shipped from San Francisco to New York.	Total.
1869	$50,015,994	†$20,186,035	$70,202,029
1870	15,334,945	3,259,310	18,594,255
1871	9,391,607	2,161,106	11,552,713
1872	6,739,563	3,086,874	9,826,437
1873	3,042,617	3,667,107	6,709,724
1874	7,049,821	1,752,653	8,802,474
1875	6,057,202	2,382,928	8,440,130
1876	4,470,594	1,983,261	6,453,855
1877	3,398,864	2,205,979	5,604,843
1878	3,976,358	3,211,245	7,187,603
1879	2,781,065	2,166,690	4,947,755

* The Union and Central Pacific railroads were completed so as to admit of trade across the continent May 10, 1869.

† Including $16,141,882 gold and silver coin and bullion.

So with reference to the passengers, Mr. Nimmo gives another table in which he shows that though in 1868 the transportation of passengers numbered by the Panama route between New York and San Francisco 38,000, it had fallen in 1879 to 4,500.

Number of passengers carried by the Pacific Mail Steamship Company in both directions between San Francisco and Panama each year from 1860 to 1879, inclusive.

[Prepared by the agency of the Pacific Mail Steamship Company at San Francisco.]

Calendar year.	From San Francisco to Panama.	From Panama to San Francisco.	Total.
1860	9,780	(*)	
1861	8,281	(*)	
1862	6,586	18,523	25,109
1863	7,075	20,188	27,263
1864	9,187	20,118	29,305
1865	13,991	14,524	28,575
1866	11,895	16,338	28,233
1867	9,951	19,476	29,427
1868	13,837	24,247	38,084
1869	7,650	19,203	26,853
1870	7,717	6,007	13,724
1871	5,170	1,953	7,123
1872	4,304	3,543	7,907
1873	2,827	5,485	8,312
1874	3,393	9,865	13,258
1875	2,210	9,227	11,437
1876	1,941	4,447	6,388
1877	2,049	4,098	6,147
1878	1,884	3,008	4,892
1879	1,573	2,923	4,496

*Records lost.

Well, sir, we know something of the reason why. Since 1868 the Pacific railroads have been in active operation. We have a very pertinent illustration in the history of traffic since those roads were built of the probable value of a line of vessels between the Atlantic and Pacific coasts.

On the tables of Senators will be found Document No. 52 of this very session, submitted by the Secretary of the Interior to the Senate, in which is given copies of the various contracts made by the Pacific railroads with the Panama Steamship Company whereby whatever competition that line afforded for the relief of the shippers of articles of merchandise to and fro was entirely extinguished, and for which the Union Pacific paid them in the course of a few years nearly $2,000,000, and the Central Pacific over $2,200,000.

That illustrates the probable benefit from our expending two or three hundred million dollars to establish a line of water communication between the Atlantic and the Pacific ports.

Mr. TURPIE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. VILAS. Certainly.

Mr. TURPIE. I suggest that there is not a quorum of the Senate present.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Chilton,	Hawley,	Pugh,
Allison,	Clark,	Hoar,	Roach,
Bacon,	Cockrell,	Lindsay,	Shoup,
Baker,	Cullom,	Lodge,	Smith,
Bate,	Daniel,	McMillan,	Stewart,
Berry,	Davis,	Mantle,	Vilas,
Blackburn,	Frye,	Mills,	Walthall,
Blanchard,	Gallinger,	Morgan,	Wetmore,
Caffery,	Gibson,	Pasco,	White.
Cannon,	Gorman,	Peffer,	
Carter,	Gray,	Perkins,	
Chandler,	Hansbrough,	Pettigrew,	

The PRESIDING OFFICER. The call of the roll shows 45 Senators present. There is a quorum present. The Senator from Wisconsin will proceed.

Mr. VILAS. Mr. President, on the point I was discussing I wish also to interpose——

Mr. MILLS. Will the Senator yield to a motion to adjourn?

Mr. VILAS. I will.

Mr. MILLS. I move that the Senate adjourn.

Mr. ALDRICH. I hope the Senator from Wisconsin will be allowed to proceed. I know his anxiety to get on with his speech, and I hope he will not be interrupted by the Senator from Texas.

Mr. MILLS. This is one of the worst days of the season; it is going to be a very bad night; we shall have to go home after awhile, and some of us are very old.

Mr. ALDRICH. But I trust the Senator has some regard for the feelings of the Senator from Wisconsin, who has been on the floor and is anxious to proceed.

Mr. MILLS. I have consulted the Senator from Wisconsin. I renew my motion that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 3, 1897, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 2, 1897.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

On motion of Mr. HITT, the House resolved itself into Committee of the Whole on the state of the Union, Mr. PAYNE in the chair, and proceeded to the further consideration of the bill (H. R. 10134) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1898.

Mr. HITT. I give notice that further on I shall ask to go back to line 5, on page 13, and to change the word "seven" to "five." It is not now in order to do that, because it is a footing, and it will not be the correct footing if an amendment which I shall offer further on is adopted.

The Clerk (proceeding with the reading of the bill) read as follows:

CLASS IV.

At $2,500 per annum.

Mr. PEARSON. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amend by striking out, in line 24, the words "two thousand five hundred" and inserting "two thousand nine hundred and thirty-three."

Also, by striking out all of Schedule C, class 7.

The CHAIRMAN. Class VII has not yet been reached.

Mr. MCCREARY of Kentucky. I reserve a point of order on that amendment.

Mr. PEARSON. If the gentleman will withhold the point of order, I will state that this amendment of mine is necessarily a compound amendment, because I anticipated the point of order. The effect of the amendment will not be to increase the appropriation, but rather to reduce it, but it will distribute the appropriation in such a way as to give these consuls in class 4 a more adequate salary, and it will have the effect of simply abolishing all of the salaries in class 7.

Mr. HITT. Will the gentleman state his amendment? I could not hear it.

Mr. PEARSON. The amendment is practically to abolish all of these salaries in Class VII, and to add the amount of those salaries, pro rata, to the salaries in class 4, the $2,500 salaries.

Mr. HITT. To increase the $2,500 salaries and to omit the whole of Class VII?

Mr. PEARSON. And to omit the other. I desire to say, Mr. Chairman, that my main purpose is to do away altogether with Class VII, not only because those salaries are inadequate to pay an American consul so that he can live with comfort to himself and with credit to this Government, but mainly because those consuls are allowed to engage in trade; and I do not believe that it should be one of the purposes of this Government to send its citizens abroad to acquire information for their individual benefit, rather than for the benefit of the American people at large. They ought either to be paid adequate salaries or their salaries ought to be abolished. I can speak with some knowledge on this point, and with some feeling, because I endeavored in my younger days to serve this Government, and I found that, although a bachelor and rather economical, I could not possibly live on $1,500 a year, even paid in gold, and I know that these men who are paid $1,000 a year are either incompetent, or else they are transacting business on their own account and doing no good to the public service.

Mr. HITT. Touching the last point, the abolishing of all salaries of $1,000, the gentleman has not stated how he would have those officers compensated. Would it be by fees?

Mr. PEARSON. Under the regulations of the State Department they could be compensated by fees; and if the chairman will notice, there are three of these places where the fees exceed $1,000, and those are perhaps places where some good could be accomplished. In other places——

Mr. HITT. In one of those places the consul is salaried at $1,000, and he gets nearly as much more in fees.

Mr. PEARSON. Exactly so.

Mr. HITT. He is now getting that.

Mr. PEARSON. I understand that. There are three places where the fees exceed $1,000.

Mr. HITT. And the consul keeps the fees.

Mr. PEARSON. Certainly. And I wish that they were all paid as much as $2,500 a year. I think the representatives of this Government should be paid definite, well-known salaries, and nothing else; that all the fees received should be covered into the Treasury, so that a man would know exactly what to expect.

Mr. Chairman, I forgot to state in this connection that if this

amendment of mine should escape that threatened point of order, it will have the effect of lifting 30 of these consuls out of the order which has lately been promulgated by the Secretary of State, and that instead of having 30 free-silver and free-trade Democrats in office for life, we shall at least have an opportunity here and there to put in a Republican and a protectionist.

Mr. HITT. Before the gentleman makes his point of order, I will say just a word on the point the gentleman raises as to the barriers to removal or conditions of appointment depending on an order. That order can be rescinded at any time or modified. Similar orders have been issued before, that is, on such subjects, and in a degree, though not in the exact sense now given. With the change of the personnel in the State Department it may, it is not unlikely, be somewhat modified, because men do not always take the same view. It is not a law we are talking of, nor a provision of the Constitution. Further, on the question of notarial fees and whether they should be considered in fixing the pay of a consul, I was asked a question on yesterday by the gentleman from Missouri not present at this moment. It is quite probable that in adjusting the service and its methods, in the changes that will be initiated, when they will come to be considered and perfected by those soon to be in charge, there will be a consideration of the notarial fees in determining the compensation of consuls. That ought to be done; but at the present time I do not know just what the fees are. The rule or scale establishing them has just been promulgated. I have here in the State Department register the notarial fees reported in 1894–95; but there is no certainty what will be the amount next year under the new scale, and I am willing to trust the wise discretion of those to be in charge of that Department for the suggestion of a proper measure.

Mr. PEARSON. Will the gentleman allow me?

Mr. MILES. Will the gentleman allow me to ask him a question?

Mr. PEARSON. There has been a new schedule or tariff of official fees promulgated by the State Department?

Mr. HITT. No.

Mr. PEARSON. I am somewhat in the dark myself, and I desire to say, in justice——

Mr. HITT. There is a new tariff, if the gentleman will permit me, promulgated, directed to be publicly exhibited in every consulate, of the notarial fees—not the official fees which go into the Treasury. It is for the first time promulgated; but as to the regular fees, they are about as they have always been.

Mr. MILES. Will the gentleman allow me a question?

Mr. PEARSON. If the gentleman will allow me, I am necessarily in the dark upon this question, because my application to the State Department for information on this point has been met by a declaration of this kind from the Assistant Secretary:

DEPARTMENT OF STATE, *Washington, January 30, 1897.*

SIR: In response to your letter of the 28th instant, I have the honor to inform you that the supply of the volume of the Consular Regulations allowed by law is not more than sufficient for the needs of the Department and of the consular corps, but Congress has been asked to provide for the printing of a large number of copies, to be sold to the commercial classes and others interested.

I have the honor to be, sir, your obedient servant,

W. W. ROCKHILL,
Assistant Secretary.

Hon. RICHMOND PEARSON,
House of Representatives, Washington, D. C.

I presume that the words "commercial classes and others interested" refer to our humble selves. The suggestion is blandly made that, if we furnish the money for publication, the Secretary of State will graciously sell the book to us and others interested. At any rate, I have only for a moment been able to glance at that book, by the kindness of the chairman of the committee, and in that I find a new tariff of fees.

Mr. HITT. Of notarial fees?

Mr. PEARSON. Of notarial and official fees.

Mr. HITT. I have not made a comparison in detail of the schedule of official fees now issued and that in the old edition of the Consular Regulations. The official fees go to the Government anyhow, except in the small consulates without salaries, which are paid only by fees.

Mr. PEARSON. I think the gentleman will find there is a new schedule of fees altogether.

Mr. HITT. There has been a reduction in amount of receipts from the fee for the oath, which has been nearly abolished.

Mr. MILES. As I understood from the gentleman from North Carolina, it was that those who are occupying these consular positions were subject to the general provisions of the civil-service law.

Mr. HITT. They are not under the civil-service act.

Mr. MILES. But these men are designated by the President, and then afterwards, in pursuance of his order, they are subjected to an examination.

Mr. HITT. That is the fact.

Mr. McCREARY of Kentucky. Mr. Chairman, I would ask the Clerk to read the proposed amendment offered by the gentleman from North Carolina.

The amendment was again reported.

Mr. McCREARY of Kentucky. Mr. Chairman, I made the point of order against the amendment because it changes existing law, and is therefore in opposition to the second section of Rule XXI. But before I discuss the point of order, I desire to refer to some statements made by the gentleman from North Carolina. I do not desire to misrepresent him; but my opinion is that the gentleman seeks by this amendment to take Class IV out of the scope and meaning of the Executive order issued from the State Department in regard to consuls and commercial agents.

Mr. STEELE. Does not the gentleman think he ought to?

Mr. McCREARY of Kentucky. The salaries of consuls in Class IV have been for many years $2,500 per annum. Now, an order has been issued by the State Department, in pursuance of the Executive order, which some persons think will keep certain consuls in office, and it seems that some of our friends in this House wince.

We have had a civil-service law for a number of years. We had a civil-service law when I came to Congress twelve years ago. That law was passed by a Republican Congress, and was approved by a Republican President. The scope of the civil-service law has been extended from time to time by Republican Presidents, but now, when a Democratic President extends the scope of that law, or when he seeks to enforce a statute which has been in force since 1871, and under which the order referred to was made, there seems to be "weeping and wailing and gnashing of teeth." I do not see any more ground for sorrow or indignation now because the civil-service law is somewhat extended by the President than there was a few years ago, when it was extended to embrace all the railway postal clerks, several thousands in number. I know that when I first came to Congress I was occasionally notified by the Postmaster-General, or by the chief of the Railway Mail Service, that I could select a postal clerk, but I have received no such notice within the last four years.

Mr. STEELE. May I ask the gentleman a question? What is your opinion of the civil-service law as a whole?

Mr. McCREARY of Kentucky. Mr. Chairman, I did not vote for the civil-service law. I was not in Congress when it was passed. There might be a civil-service law framed that I might not disapprove as much as I do the present civil-service law.

Mr. STEELE. That is my opinion of it.

Mr. McCREARY of Kentucky. But I want to say to my friend from Indiana [Mr. STEELE] that the extension made under the Executive order referred to was not made under the general civil-service law, but was made under an act of Congress passed March 3, 1871, which I will read:

Vacancies occurring in any grade of consulates or clerkships in the Departments may be filled either by transfer from some other grade of service, clerical, consular, or diplomatic, under the Department of State, or by the appointment of some person who has previously served under the Department of State to its satisfaction, or by the appointment of some person who has made application to the Secretary of State, with proper certificates of character, responsibility, and capacity in the manner provided for applications for consulates of which the annual compensation is more than $1,000 and less than $3,000, and who has, on examination, been found qualified for the position.

That is the statute under which the order was made, and my friend from North Carolina [Mr. PEARSON] in offering this amendment fixing the salaries at $2,999 each has simply sought to evade the Executive order. The object of the amendment, it seems, is to open the way for good places for gentlemen who desire to be consuls and who are friends of members of Congress.

Now, as this order has been made, and as there are good men in these offices, I see no reason why we should not try the order for a while. I will say, however, to the gentleman from North Carolina that this is not the first time that the President of the United States has attempted to put the consulates under the civil service. In 1866 the Department of State promulgated an order requiring all applicants for consulships to present themselves at the Department for examination. Again, in 1873, there was an Executive order issued under the act of 1871, but it was short-lived.

In order that our Republican friends may fully understand the law regulating appointments in the consular service, I call attention to section 1753 of the Revised Statutes of the United States, which authorizes the President—

To prescribe such regulations for the admission of persons into the civil service of the United States as may best promote the efficiency thereof, and ascertain the fitness of each candidate in respect to age, health, character, knowledge, and ability, for the branch of service into which he seeks to enter; and for this purpose he may employ suitable persons to conduct such inquiries, and may prescribe their duties and establish regulations for the conduct of persons who may receive appointments in the civil service.

Mr. PEARSON. Is it not a fact that all those now in class 4 had not any qualification except their Democracy?

Mr. McCREARY of Kentucky. No, sir; that is not a fact. I assert here that the consular force now in the service will compare favorably with, if they do not excel, the Republican consuls that were in the service during the four years preceding Mr. Cleveland's accession to office; and the gentleman is very much mistaken when he implies that no other qualification is required except being a Democrat.

Mr. PEARSON. My point is that they were not required to pass any examination.

Mr. McCREARY of Kentucky. They were not required to be examined before they went into the service, and neither were the eight or ten thousand male and female clerks then in the Departments at Washington required to be examined when the civil-service law went into effect.

Mr. DOCKERY. Will the gentleman permit me to correct him? Instead of eight or ten thousand there were about 18,000 male and female clerks.

Mr. McCREARY of Kentucky. I accept the correction. When the Republican party passed the civil-service law, the clerks then in office were not required to be examined, but now, when we come here and simply ask to have continued in the service consuls to the number of 196—for that is the whole number embraced within the scope of the order—gentlemen hold up their hands in horror. When, as against 18,000 clerks thus retained in office by the Republicans, we ask for the retention of 196 consular officers, our friends on the other side become furiously excited and begin to fret and grieve over the promulgation of the President's order.

The CHAIRMAN. The time of the gentleman has expired, unless he desires to discuss the point of order.

Mr. HITT. Does the gentleman make the point of order?

Mr. McCREARY of Kentucky. I make the point of order on the amendment offered by the gentleman from North Carolina [Mr. PEARSON]. It changes existing law.

Mr. GROSVENOR. Will the gentleman from Kentucky allow me to correct him in a matter of some importance? I wish to call his attention to a fact which seems to me to entirely contradict his principal statement. He says, as I understand him, that President Harrison extended the civil-service order over some 18,000 offices. The exact facts are that President Harrison, during his four years, extended the civil-service law over 6,890 offices, and that President Cleveland has already extended it over 40,371, and is now trying to extend it over more than 30,000 others.

Mr. McCREARY of Kentucky. The gentleman from Ohio corroborates the statement I made. I said that Mr. Harrison, as President, had extended the civil-service law over thousands of offices, and the gentleman admits it. Now, the President of the United States has promulgated an order simply doing that which the Republican President had previously done and Republican Congresses had authorized, and gentlemen on the other side are indignant.

Mr. GROSVENOR. I am not talking about that. I am correcting your figures.

Mr. McCREARY of Kentucky. You simply corroborate what I have said.

Mr. GROSVENOR. There is a slight difference between 8,000 and 18,000, but that is about as nearly accurate——

Mr. McCREARY of Kentucky. If the gentleman would come a little closer, I could hear what he is saying, and he might hear what I am saying.

Mr. GROSVENOR. The gentleman said 18,000.

Mr. McCREARY of Kentucky. I said there were 18,000 in the Departments in Washington.

Mr. GROSVENOR. I say 8,000, and I defy contradiction.

The CHAIRMAN. The Chair is ready to decide the point of order.

Mr. DOCKERY. I am not familiar with the controversy which is going on just now, but as I passed through the Hall a few moments since I heard the gentleman from Kentucky [Mr. McCREARY] state that there were 8,000 or 10,000 clerks in the Departments at Washington. I wish to say that according to a census of the Departments taken May 24, 1893, by a joint commission authorized to investigate the various Departments, there were then, in exact numbers, 17,599 persons employed in the Departments.

Mr. HITT. That included messengers, laborers, etc.

Mr. DOCKERY. Oh, yes.

Mr. McCREARY of Kentucky. I stated that there were about 10,000 clerks and other persons employed in the Departments, and the gentleman from Missouri interrupted me and said there were 18,000. But the point I wanted to make was that when the civil-service law was passed the incumbency of those persons was not interrupted nor were they required to be examined.

The CHAIRMAN. The Chair is ready to decide the point of order.

Mr. ADAMS rose.

The CHAIRMAN. The Chair does not desire to hear any further discussion on the point of order. After that is disposed of, any gentleman will be recognized who wishes to discuss the amendment. As the Chair understands, these salaries are fixed by law at $2,500. The amendment proposes to increase them to $3,900 in round numbers. That would be a change of the existing law for the year; and the Chair sustains the point of order as to that part of the amendment. As to the other part of the amendment, which applies to Schedule C, Class VII, that part of the amendment will not be in order until we reach the paragraph to which it applies.

Mr. PEARSON. Will the latter part of the amendment, which proposes to strike out all of Schedule C, Class VII, be in order as a separate proposition?

The CHAIRMAN. After that paragraph is read the Chair will recognize the gentleman from North Carolina [Mr. PEARSON] to offer any amendment, and then any point of order which may be raised will be decided. The point of order applicable to the amendment to the pending paragraph is sustained. The Clerk will read.

The Clerk (resuming the reading of the bill) read the following:

Mexico: Consul at Paso del Norte.

Mr. HITT. I move to amend by striking out "Paso del Norte" and inserting "Ciudad Juarez," which is the correct name.

The amendment was agreed to.

The Clerk (resuming the reading of the bill) read the following:

Consuls at Horgen and Zurich.

Mr. HITT. I move to amend by striking out the words "Horgen and," and also the letter "s" at the end of the word "consuls." The clause will then read "Consul at Zurich." The reason for this change is that the consulate at Horgen is not deemed necessary on account of the change in the amount of business. It was once a feed agency; then this consulate, which had for a long time a rising business, was finally made a salaried office. Horgen is only 12 miles from Zurich, and it could be an agency of the Zurich office. Under the arrangement proposed the pay at Horgen will be the fees, amounting to about $800, and the office there will be dependent upon the office at Zurich.

The Clerk (resuming the reading of the bill) read as follows:

Mexico: Consuls at Matamoras, Progreso, and Nogales.

Mr. HITT. I move to amend the spelling by striking out the last "a" in Matamoras and inserting "o."

The amendment was agreed to.

The Clerk read as follows:

SCHEDULE C.

CLASS VII.

At $1,000 per annum:
Belgium: Consul at Ghent.
France and French Dominions: Consul at Nantes.
Germany: Consul at Stettin.
Great Britain and British Dominions: Consuls at Gaspe Basin (Canada), Sierra Leone (West Africa), and Windsor (Nova Scotia).
Haiti: Consul at Cape Haitien.
Honduras: Consul at Utilla and Truxillo (to reside at Utilla).
Italy: Consul at Turin.
Netherlands: Consul at Batavia.
Portuguese Dominions: Consul at Lourenço Marquez (Africa).
Society Islands: Consul at Tahiti.
Sweden and Norway: Consul at Christiania.

Mr. PEARSON. I move to amend by striking out Schedule C, Class VII, as just read.

Mr. McCREARY of Kentucky. Upon that amendment I make the point of order which I have already indicated.

The CHAIRMAN. The gentleman will state it.

Mr. McCREARY of Kentucky. Mr. Chairman, the amendment proposed by the gentleman from North Carolina changes existing law. We have embodied in our laws, at the present time, a provision providing for the consulates at the various places named in clause 7, Schedule C; and these officials are now on duty and receiving the compensation fixed by law. It is a part of the existing law.

The gentleman from North Carolina proposes to modify that law—to strike it from the bill altogether; to make no provision for the salary, and hence to abolish these consulates. Therefore the proposition to strike from the bill the whole provision embodied in this clause—Schedule C, Class VII—is a change of existing law.

The CHAIRMAN. The Chair will state to the gentleman from Kentucky that he does not think this proposition changes existing law. It is not a change of existing law simply to refuse to make an appropriation. It does not abolish the office, but only fails to provide a salary for it. It does not abolish the salary, although it makes no provision for the payment of it. The Chair thinks, therefore, that the point of order is not well taken and overrules it.

Mr. PEARSON. Mr. Chairman, if I may be allowed now to address myself for a few moments to the merits of the amendment. The effect of the adoption of the amendment will be to abolish the consulates named in this schedule, "C." And, by the way, they are not American citizens, as a rule. An American citizen can not possibly live decently in a foreign country on a salary of $1,000 a year. In fact, he can not reach his post of duty, unless he goes in the steerage, or possibly he may succeed in "beating" his way there. But the salary and allowance would not enable him to reach his destination traveling first class. The allowance is not sufficient to pay his traveling expenses and maintenance while there. The effect of the amendment would be, therefore, to strike out this class altogether.

By reason of the meagerness of the salary allowed, as I have

said, American citizens can not fill the position of consuls at these thirteen little places; and, as a matter of fact, they are nearly all held by foreigners, as the names will show. If gentlemen will take the trouble to look at the Register of the Department of State they will find that there are 520 names of persons in the consular service of the United States who are foreigners. I am opposed to that idea, Mr. Chairman, and I think the House is opposed to it. If we must pay our consuls, let us send them as Great Britain does, send competent men and pay a sufficient salary for the service, and at the same time make them subject to promotion for efficiency in their work.

I find that the lowest salary paid by France to its consuls is $2,400 a year, and this runs up all the way to $8,000 in intermediate grades. I also find that Great Britain pays a compensation ranging from $5,000 to $12,500, and there is no country on the civilized earth that expects one of its citizens to go abroad and live on a meager pittance of $1,000 a year except ours. It is an insult to a man to propose it.

I trust, therefore, the amendment will prevail. It will leave three of these places in better position than they are now. The consul at Ghent will become consular agent there under the supervision of the consul at Antwerp. The fees there last year were $1,812, which is more than the salary of the consul. The consul at Stettin will get a little over $1,000, and perhaps the consul at Christiania, the only other important place, will have somewhat larger compensation.

But my point is that we should not allow these men, our consuls, who represent the United States, to compete in trade as merchants in opposition to our American citizens whom they are sent abroad to serve.

Mr. McCREARY of Kentucky. Mr. Chairman, I omitted a point I desired to present when I was interrupted, and I hope the Chair will excuse me for a moment while I make the statement that I had intended to make before I got through discussing the question of order.

The effect of the amendment offered by the gentleman from North Carolina to do away with the appointment of consuls in Class VII is, I think, to change existing law. These consuls are now paid $1,000 per annum, and if the amendment prevails and becomes a law the consuls at these various places will be paid in fees; that is, the consul at Ghent, instead of getting $1,000, which he now receives, will get $2,500; and that was the reason I claimed that this was a change of existing law.

Mr. HITT. He gets $2,068 now.

Mr. McCREARY of Kentucky. He is in the $1,000 class.

Mr. HITT. Yes; but he gets $1,068 in fees.

Mr. McCREARY of Kentucky. But the whole amount of fees, as shown in the report of the Auditor for the State and other Departments, amounts to $3,415, and the consul in Ghent will receive an amount if the amendment passes different from the amount he is now receiving.

Mr. PEARSON. Mr. Chairman, I make the question of order——

The CHAIRMAN. The Chair has already ruled on the question.

Mr. McCREARY of Kentucky. I only wanted to call the attention of the Chair to it. I am not going to appeal from the ruling.

Responding to the statement of the gentleman from North Carolina, and the effect of the amendment if it shall be enacted into a law, I state that long years of trial and experience have proved that it is best to have consuls in Class VII, embracing as it does some twelve or fifteen consulates, receive a salary of $1,000 a year each, to be paid together with certain fees referred to by the gentleman from Illinois [Mr. HITT].

In the bill under consideration there are eight consulates which have been reported which, recommended by the Secretary of State, are to be changed from feed to salaried posts. Some of them will be reached by this proposed amendment. I do not believe, Mr. Chairman, that there ought to be any change made in the existing law. I think those consulates which we have placed in Class VII, and to which we allow a salary of $1,000, should remain there. Of course it is evident that my friend from North Carolina [Mr. PEARSON] desires to have Class VII stricken out, because it is now embraced in the Executive order. He no doubt desires that he and some of his associates may have an opportunity to have their friends appointed to consulates named in Class VII.

Mr. PEARSON. Will the gentleman allow me to say that we would not have any such offices as those, any of us?

Mr. McCREARY of Kentucky. You have just been told that they are worth $2,000 a year, and you have many constituents who would like $2,000 places.

Mr. PEARSON. They would not take the responsibility of those $1,000 places.

Mr. McCREARY of Kentucky. If the gentleman from North Carolina [Mr. PEARSON] desires that the order issued a few days ago, to which many references have been made, should be set aside, it can be done by the Executive; and if the gentleman from North Carolina [Mr. PEARSON] desires that there should be a change, he can apply to the next President. I hope, therefore, that this House will not change the existing law.

Mr. HULICK. What is the opinion of the gentleman, if this amendment should prevail, as to the effect it will have upon our commercial interests?

Mr. McCREARY of Kentucky. I believe, and I have no doubt that my friend [Mr. HITT], who has been on the Committee on Foreign Affairs with me for many years, will agree with me, at those places some of the consuls now get a thousand dollars and a certain part of the fees. If the amendment prevails, then the amount they will receive will be very insignificant at some places, and in the interests of commerce, I think those consulates should remain as they are.

Mr. PEARSON. Will the gentleman allow me one question?

Mr. McCREARY of Kentucky. Yes.

Mr. PEARSON. I should like to have the opinion of the gentleman from Kentucky as to whether he believes that an American consul ought to be allowed to engage in trade?

Mr. McCREARY of Kentucky. If I had the power, Mr. Chairman, I would, as far as possible, change the law so that every consul would receive only a salary and the fees collected by consuls be paid into the Treasury, and the object of the law for years has been to increase the number of salaried consuls and reduce the number of feed consuls. In this very bill under consideration to-day, we take eight consulates out of the feed list and put them on the salaried list, and yet my friend from North Carolina [Mr. PEARSON] now seeks to put about fifteen or sixteen more back into the feed list. That is the object of the amendment.

Mr. DOCKERY. Mr. Chairman, simply to preserve the truth of history, and not with a view of influencing the vote on this amendment, I desire to call attention to the fact that on the 24th of May, 1893, under the then existing law, there were 17,599 persons authorized to be employed in the various Departments of the Government service at Washington, of which number 11,667 were males and 5,637 females. Five thousand six hundred and ten had relatives in the public service. Four thousand one hundred and fifty-one had 1 relative each, 1,037 had 2 relatives each, 279 had 3 relatives each, 96 had 4 relatives each, 37 had 5 relatives each, 10 had 6 relatives each, 4 had 7 relatives each, 5 had 8 relatives each, and 2 had 9 relatives each. This makes a total, as heretofore stated, of 5,610 persons who had relatives in the public service. Eight thousand and twenty-seven were subject to competitive civil-service examination, and of the whole 17,599 persons authorized to be employed only 3,265 had entered the public service under the provisions of the civil-service law requiring an examination.

Mr. McCREARY of Kentucky. Leaving how many who were not examined in order to obtain positions in the Departments?

Mr. DOCKERY. At that time 17,599 persons were authorized to be employed in the various Departments of the public service——

Mr. McCREARY of Kentucky. And how many had been examined?

Mr. DOCKERY. And of that number only 3,265 had entered the public service under the civil-service law, and after examination.

Mr. HITT. Mr. Chairman, I should be glad to have a vote, and I will only remark before the vote is taken that the spirit of the gentleman who moves the amendment is one with which I heartily sympathize. An appointment to an office at the end of the earth, on a salary of $1,000, is scarcely more than an indignity. Many of these appointees are foreigners, but not a foreigner is in our service at any place where an American can be found who will do the work—not one. A Secretary of State who would appoint such men or a member of Congress who would recommend such a man when a fit American can be found is himself unfit for American citizenship.

But if the salaries are taken from them they will have only the fees. They are very small. And then these officers will be allowed, as now, to go into trade, when they may verify their own invoices. I regret that the spirit that suggested the amendment can not be carried out, but the amendment ought not to be adopted, for, bad as the system is, it is better than nothing.

Mr. McCREARY of Kentucky. I did not hear the statement of my colleague.

The CHAIRMAN. The gentleman has yielded to the gentleman from Ohio.

Mr. GROSVENOR. I would like to ask the gentleman from Illinois whether it is not a fact that at this time, and for many years past, there are a large number of vice-consuls or consular agents who are not citizens of this country, but are citizens of other countries?

Mr. HITT. The larger part of them, I think, are citizens or subjects of other governments.

Mr. GROSVENOR. Is it not a fact that if the Government of the United States would pay a reasonable compensation these offices could all be filled by American citizens?

Mr. HITT. The objection to that, however, should be stated.

The fees are so small and the duties so trivial that it is not fair to charge the people of the United States with a salary to keep a man in office in a city where the commerce with this country is so small that the invoice fees would bring in a revenue of but $20; there are agencies where there are not a dozen invoices in three months. Yet it is an accommodation to have some one there to do the business when necessary. The consul or consul-general at the principal post finds some respectable person in the small place willing to act as consular agent, some man of good character, who is willing to transact that business for Americans who go there. Men of high standing will sometimes do this for the sake of the official character it gives and the name consul on their cards. It gives a certain prestige in foreign countries, and in that way good business men are found who will accept a petty consular agency; but where the revenues are only $20 a year we can not afford to give a man a salary of $1,500. The gentleman from Ohio, and I also, would resist such an imposition on the taxpayers.

Mr. DOCKERY. I am in favor of the gentleman's bill and against the amendment.

Mr. McCREARY of Kentucky. My colleague made a statement concerning the amendment offered by the gentleman from North Carolina. I want to ask him whether he opposes that amendment or was in favor of it?

Mr. HITT. I sympathize with the motive of the gentleman who protested against a commission being given to an American citizen under those circumstances, but not with the amendment.

Mr. McCREARY of Kentucky. And you are opposed to the amendment?

Mr. HITT. I am opposed to the amendment, and I trust it will be voted down.

The CHAIRMAN. The question is on the adoption of the amendment.

Mr. GROSVENOR. I move to strike out the last word.

Mr. Chairman, I want to state my judgment, and I am willing to yield my judgment to that of the distinguished chairman of the committee generally, but I think if he will examine the question as to these consular agents, who, he says, are better than nothing, he would decide, as I have decided long ago, that we would be better off without them. Now, it is not a mere matter of speculation with me. I had a commission in 1891 which directed me to call upon these gentlemen, by correspondence or in person, with the hope of promoting the great exhibition at Chicago. I addressed myself to every consular agent in Europe. I received answers which I filed with my report and a large number of my letters. These letters were requests to cooperate with the consuls in the promotion of American interests. Nineteen out of twenty of them discouraged all action, and they were often actively engaged in doing everything in their power to prevent the contribution of exhibits by England and by foreign competitors with our exhibitors here. They were the organized enmity to the Chicago Exposition. They had the narrow-minded provincialism that was exhibited in one or two cities of Europe, and they were a positive detriment, so far as that enterprise was concerned, in a very large number of cases. Therefore I believe that to give these men any sort of authority by the United States is to simply give them a power and prestige generally used against the business interests of this country.

Mr. PEARSON. Will the gentleman from Ohio answer a question which I feel very much at heart? That is, to the matter of allowing this class, only thirteen of them, to engage in trade while they hold a commission of the United States as consul. Does not he believe that they ought not to be able to go into competition with their fellows?

Mr. GROSVENOR. If gentlemen will go to one or two localities in Europe that I can indicate, they will very promptly agree with the gentleman from North Carolina.

Mr. HITT. But in the cases that would be covered by the paragraphs sought to be stricken out, the offices deprived of salaries would fall back to fees, amounting in some cases to only about $250 or $300 a year. In such cases it would be impossible to get Americans to go there, and the only thing we can do is to try to get some capable man, even a foreigner, to accept the position. The complaint of the gentleman from Ohio that these foreigners do not sympathize with American interests and American institutions is simply a complaint against human nature and international feeling all around the world. You can not expect a Frenchman or German to sympathize with our interests or our industries as against those of his own country. Where it is deemed necessary to be represented in this way, we take the best instruments we can get. What more can the Department do?

Mr. FOOTE. Are these positions now filled by Americans?

Mr. HITT. Some of them are.

Mr. PEARSON. Ten are filled by foreigners and three by Americans.

Mr. HITT. When an American does take one of these places, he is nearly always some American who is already residing and doing business in the place.

Mr. FOOTE. Do they receive now only a thousand dollars a year and no fees?

Mr. HITT. They get the notarial fees, and they are allowed to continue in private business. They are nearly always merchants.

Mr. QUIGG. Would the evil of which the gentleman from North Carolina complains be cured by striking out this section?

Mr. HITT. Not at all.

Mr. QUIGG. So far as that is concerned, they could go on competing with Americans, could they not?

Mr. HITT. They could.

Mr. QUIGG. I do not agree with some gentlemen as to the magnitude of the evil, but in any case I do not see how it is to be cured by this amendment.

Mr. HITT. The evil I admit. It is unquestionable.

Mr. QUIGG. But how would it be cured by striking out this section?

Mr. PEARSON. I will say to the gentleman from New York that this amendment would simply prevent the degradation of the name of an American consul. We should no longer have an American consul, so called, trading in his own interest and against the interests of the country he represents. Our representative would be a consular agent, subject to the supervision of the nearest consul. There are 212 consuls on our roll. Great Britain has only 145, and France has less than 100. We can easily afford to strike down these 13, 10 of whom are foreigners and the others unable to support themselves.

The formal amendment was withdrawn.

The amendment of Mr. PEARSON was rejected.

The Clerk read as follows:

Beirut, $480.
Ciudad Porfirio Diaz, $640.
Paso del Norte, $640.

Mr. HITT. Mr. Chairman, I desire to offer an amendment at that point.

The amendment was read, as follows:

On page 23, line 12, strike out "Paso del Norte" and insert "Ciudad Juarez."

The amendment was agreed to.

The Clerk read as follows:

RELIEF AND PROTECTION OF AMERICAN SEAMEN.

Relief and protection of American seamen in foreign countries, and shipwrecked American seamen in the Territory of Alaska, or so much thereof as may be necessary, $50,000.

Mr. KIEFER. Mr. Chairman, I desire to offer an amendment.

The amendment was read, as follows:

That the Secretary of the Treasury be, and he is hereby, directed to pay to Mrs. Harriet D. Newson, widow of Thomas M. Newson, late United States consul at Malaga, a sum of money equal to one year's salary of said consul, together with the sum of $197, which was collected from the estate of the said Thomas Newson by the Government of the United States after his death.

SEC. 2. That the money so appropriated shall be paid in the same manner as in other cases where the surviving widows of foreign representatives of the United States who have died while so representing the United States.

Mr. HITT. Is that offered as an amendment to this bill?

Mr. KIEFER. Yes, sir.

Mr. HITT. It is subject to the point of order.

Mr. KIEFER. Well, Mr. Chairman, I have in my hands a bill that has passed the Senate, with the accompanying report, and I ask to have the report read in order to show the merits of this amendment.

Mr. HITT. But on the face of it the amendment is obviously out of order. I make the point of order that it is entirely new legislation and does not belong in this bill.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HITT. I will say to the gentleman that his amendment would more properly appear in the deficiency bill. This bill, if he will read the title, is to provide for the consular and diplomatic service of the United States "for the fiscal year ending June 30, 1898," and of course the item in his amendment does not come within that period.

Mr. KIEFER. Will the gentleman kindly inform me how it is possible for this widow, who is very much in need, to procure the amount that seems to be due to her?

Mr. HITT. If it is a sum that could be paid out of the fund of $5,000 provided in this bill under section 1749, Revised Statutes, which would give pay for the time of transit home, it could be settled at the State Department. If not, and if it is a claim for a larger sum, it ought to come up here as a claim and be considered and passed upon, as has often been done in such cases. But if it is to be offered as an amendment to an appropriation bill, it would more properly go in the deficiency bill.

The Clerk resumed and concluded the reading of the bill, the following being the last paragraph read:

INTERNATIONAL BUREAU OF AMERICAN REPUBLICS.

Commercial Bureau of American Republics, $28,000: *Provided*, That any moneys received from sale of the Bureau publications, from rents, or other

sources shall be paid into the Treasury as a credit in addition to the appropriation, and may be drawn therefrom upon requisitions of the Secretary of State for the purpose of meeting the expenses of the Bureau.

Mr. HITT. I ask unanimous consent that we go back for the purpose of correcting a footing in line 5, page 13.

The CHAIRMAN. The amendment proposed by the gentleman from Illinois, for which he asks unanimous consent, will be read.

The Clerk read as follows:

In line 5, page 13, strike out "seven" and insert "five;" so as to read "$425,000."

There being no objection, the amendment was agreed to.

Mr. HITT. I wish also to correct the footing at the end of the bill. The figures now printed, "$1,676,908.76," should read "$1,673,708.76."

Mr. LIVINGSTON. Before that request is acted upon, I desire to offer an amendment to the paragraph last read—the closing paragraph of the bill. That paragraph referring to the International Bureau of American Republics appropriates $28,000 in addition to the money received from the sale of the publications of the Bureau. I wish to ask whether that is the intention—to give this Bureau an appropriation of $28,000 and also the proceeds of the sales of all their publications?

Mr. HITT. It is. The five directors who control this Bureau are the representative of the United States (who is the president) and the ministers from Brazil, Argentina, and two other Republics. We pay in the first instance the whole expense of the Bureau out of this $28,000. The expense is then apportioned to the different countries on the basis of population, in accordance with an international agreement made years ago. In this way $12,000 is handed back to us, so that, in fact, we pay only $16,000. If, in addition, the Bureau receives any money from the sale of its publications or from the rents of a part of its building (there was a small income received from that source at one time, but I think there is none now) these additional items help to support and enlarge the Bureau.

Mr. LIVINGSTON. As I understand, this Bureau is self-sustaining.

Mr. HITT. The money received from the sale of publications contributes toward sustaining it, but would not be sufficient to sustain it alone. The income from that source is increasing.

Mr. LIVINGSTON. Did not the Bureau a year or two ago inform the committee that if we would give this appropriation of $28,000 no further appropriation would be asked, upon the ground that the Bureau had become self-sustaining?

Mr. HITT. No; they asked to have the law modified so that they might engage in the business of publishing and selling bulletins and books. We gave them that privilege two years ago, but it was not intended that the Bureau should be turned into a purely money-making institution.

These different Governments wished to contribute to the support of the Bureau, and they expected us also to contribute, according to the agreement. The directors wanted to develop the work of the Bureau, so that it might, by some means, aid in paying its own way. So provision was made for selling these bulletins, which have yielded considerable revenue, and also for subletting so much of the premises as they did not require. These things tended to help the Bureau in partly sustaining itself and making it stronger, the directors of the Bureau, the representatives of these different countries, being desirous of extending its scope and work.

Mr. LIVINGSTON. The language in this bill to which I call the gentleman's particular attention is the following:

That any moneys received from sale of the Bureau publications, from rents, or other sources shall be paid into the Treasury as a credit in addition to the appropriation—

Observe the language, "in addition to the appropriation"—

and may be drawn therefrom upon requisitions of the Secretary of State for the purpose of meeting the expenses of the Bureau.

So that, as I understand, the money received from the sale of the publications of the Bureau can be drawn out and used for the purposes of the Bureau, in addition to the $28,000 appropriated.

Mr. HITT. That is what is intended. We did not expect to get more than $28,000 from the different Governments altogether; but the directors of the Bureau wished to enlarge its work, which would usefully employ a larger revenue.

Mr. LIVINGSTON. What will be the amount of money derived from other sources than the appropriation?

Mr. HITT. I think it would run from $5,000 to $8,000, as heretofore. This year I believe it is somewhat larger. That money is employed at once and returned to the Bureau for the purpose of collecting and sending out information and enlarging the sphere of usefulness of the Bureau.

Mr. LIVINGSTON. How are the salaries paid?

Mr. HITT. Out of the $28,000 appropriated by the Government.

Mr. LIVINGSTON. What are they? Who knows what they are?

Mr. HITT. Here is the printed report of the directors, covering all of the particulars to which the gentleman refers. Anyone desiring the information can obtain it without difficulty by examining the report. The largest single item of expenditure is, of course, the pay of the directors, clerks, translators, and employees, all the way through. Then the printing bill is large; and the postage bill is considerable, because of the fact that they are not allowed the use of a frank. They must pay postage on all matter.

Mr. LIVINGSTON. Are they not willing to make it independent or self-sustaining, without reliance upon the Government for support? I understand that once or twice they have made a suggestion to that effect.

Mr. HITT. Oh, there have been some theorists in connection with the matter who have made that suggestion, but it did not materialize.

Mr. McCREARY of Kentucky. If the gentleman from Georgia will allow a suggestion.

Mr. LIVINGSTON. Certainly.

Mr. McCREARY of Kentucky. That can not be done by the action of our Government alone. This Bureau of American Republics, I will state to the gentleman, is the offspring of the Pan-American Congress, and under an agreement then made, which was ratified by the various countries south of us, each one of these Republics pays so much per annum for the support of the Bureau of American Republics, and as the United States is one party, we can not now take separate action. It would not be acting properly or in harmony with our own agreement to undertake to abolish it at this time.

Mr. LIVINGSTON. It seems that this is a very doubtful way of making an appropriation for such a purpose, and one that we ought not to commit ourselves to.

Mr. HITT. I would state to the gentleman that this is done pursuant to a treaty or agreement with the other powers.

The CHAIRMAN. The Chair understands that the amendment of the gentleman from Illinois, proposing to reduce the footing of the bill, refers to two lines at the end of the bill which do not seem to be a part of it, but only an appended note.

Mr. HITT. There is usually permission given to correct the footings to correspond with the amendments made by the House.

I will withdraw the motion, and move that the committee now rise and report the bill, with amendments, to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole House on the state of the Union having had under consideration the bill H. R. 10134, had directed him to report the same to the House with certain amendments, and as so amended recommend that it do pass.

Mr. HITT. Mr. Speaker, I ask the adoption of the amendments in a single vote, because I do not think a separate vote is required on any of them.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HITT, a motion to reconsider the last vote was laid on the table.

INAUGURATION OF THE PRESIDENT-ELECT.

The SPEAKER. The Chair will lay before the House a House resolution with Senate amendments, which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. Res. 214) authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in city of Washington on the occasion of the inauguration of the President-elect on March 4, 1897, etc.

The Senate amendments were read at length.

Mr. BLUE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLUE. How does this come up now?

Mr. RICHARDSON. It is impossible to hear what is going on, Mr. Speaker.

The SPEAKER. The gentleman from Kansas asks how this bill comes up now. The Chair was about to reply that it is business on the Speaker's table from the Senate.

Mr. RICHARDSON. Is this a House bill with Senate amendments?

The SPEAKER. A House bill with Senate amendments.

Mr. RICHARDSON. May I ask if it has been considered by the District Committee? I refer to the amendments.

The SPEAKER. They have not been considered, as far as the Chair is aware.

Mr. RICHARDSON It is now laid before the House for the action of the House on the amendments?

The SPEAKER. For the action of the House. It can be referred to the committee if desired.

Mr. PITNEY. I move that it be referred to the Committee on the District of Columbia.

The motion was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

On motion of Mr. GROUT, the House resolved itself into the Committee of the Whole on the state of the Union, with Mr. PAYNE in the chair, for the consideration of the bill (H. R. 10167) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes.

Pending the motion,

Mr. MCMILLIN said: Mr. Speaker, a parliamentary inquiry. Were points of order reserved on the bill?

The SPEAKER. The Chair thinks they were.

Mr. PITNEY. They were reserved.

Mr. PAYNE having taken the chair,

Mr. GROUT said: Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

There was no objection.

Mr. GROUT. Mr. Chairman, in submitting this bill, I will occupy but a very little of the time of the House, and that only for the purpose of giving a summary of the amounts appropriated, with some reference to the purposes for which those amounts are appropriated, and also of the limitations in the bill.

The estimates for the fiscal year 1898, exclusive of the water department and of the highway act, were $8,495,787.38. This bill carries for these purposes, that is, the general purposes of the District government, $5,642,856.93, which is $2,852,930.45 less than the amount estimated. One-half of this sum is to come out of the public revenues and one-half out of the District revenues.

There is also an appropriation of $16,000 in the bill—which is $10,000 more than was asked by the Commissioners, the $10,000 being given for the cost of advertising and certain court expenses to be incurred in carrying out the permanent-highway act—which is to be paid wholly out of the District revenues, according to the provisions of that act. There is also an appropriation in the bill of $137,954.13 for the water department, which comes wholly out of the water revenues.

There was estimated for the water department $190,829.90. The amount recommended in this bill is accordingly $55,540.29 less than the sum estimated.

In this connection, I will say that the sum of $104,788.24 is appropriated out of these water revenues for the liquidation of the last installment of the debt created by the Lydecker tunnel (so called). This completely extinguishes that debt and leaves Congress free to consider anew the question whether it will take up the work of completing that tunnel, or whether it will take some other means of supplying the District with an adequate quantity of water. It is unquestionably a necessity in the District at the present time, and had the proposed work on the Lydecker scheme or any other scheme been submitted in the estimates, it would have been considered by the committee; but it was not so submitted, and for the time being the committee thought best to turn that matter aside, although they are conscious that it is a matter that can not be long delayed. It must have early attention at the hands of Congress.

Mr. MCMILLIN. Right there, if the gentleman will allow me, I will suggest that I think we ought to proceed with great care in the adoption of that tunnel. When it was originally under construction there was a charge of neglect of proper precautions and fraud in its construction, and a joint committee of the Senate and House were authorized to investigate and report. Upon a thorough investigation we found that tunnel in very bad condition, in such condition that it was cheaper and better to put in the pipes that were necessary to give the then desired supply of water than it was to undertake to complete the tunnel. Any committee that will have the water pumped out of that tunnel, and will go through it, will find that it is very questionable whether the Government ought ever to complete it.

Mr. GROUT. Mr. Chairman, of course the gentleman must have understood that no appropriation was proposed in this bill on that subject.

Mr. MCMILLIN. I so understood, and I only made the remark to go with the comment made by the gentleman from Vermont [Mr. GROUT] concerning the matter.

Mr. GROUT. This matter was thought not to be sufficiently ripe to be dealt with now; but I feel justified in saying that Congress will neglect its duty to this city if it fails at some early day to make further provision for a fuller water supply, especially to the higher places in the District.

Since the failure of the Lydecker tunnel scheme there has been appropriated the sum of $470,059.87 toward what has been known as the high-service water system in this District, a system by which water was to be forced by means of engines to a higher level than it would flow to by gravity or from the pressure from the reservoir. That was estimated to cost about $600,000. There is an indefinite appropriation in this bill out of the water revenues, such as remain after the debt of the Lydecker tunnel is liquidated, to apply further upon this service, which is still in progress, but which when completed will not adequately supply the city with water, for the reason that a sufficient quantity can not now come in the entry mains from the reservoir above Georgetown for a full supply of the city. But, as I say, this whole matter is deferred until some other time.

The total estimates for this bill are $8,686,616.38. The total of this bill for all purposes is $5,780,811.06, leaving the bill $2,905,805.32 less than the estimates.

The last District bill, Mr. Chairman, carried $5,900,319.48. It was the largest bill ever passed for the expenses of the District of Columbia by quite a margin. The exact figures I have now forgotten. It was far less in amount than many thought it ought to be, and especially than many residents of the city of Washington thought it ought to be. That, however, I need not comment upon. The committee then did the best they could as to the amount, and they have done the best they can now in their attempt to carve out of the revenues of the District and the general revenues a sufficient sum for the current demands of the District of Columbia.

The committee would have been glad to have made some of the allowances larger, but could not see their way clear to do so. There are certain departments which the committee felt that they must not neglect, and especially schools, sewers, and streets—the sewers to make ready for the greater water supply that will be provided later to carry off the waste and débris of the city, thus preserving the public health; the schools, that we may not be behind in providing instruction for the young.

We have provided for two new schoolhouses in this bill, completely new, and for completing two others contracted for under authority given in the last bill. We have submitted in this bill for the action of the House $30,000 for rebuilding and enlarging the Industrial Home School. Gentlemen will remember it was provided in the last appropriation bill that this school should surrender its corporate rights before receiving any part of the appropriation in that bill. Since then the corporation has transferred entirely and completely all its corporate rights to the Government. The school was all the time on Government ground and occupying Government buildings, viz, the old almshouse of Georgetown. Nevertheless, it was a private corporation, and as such managed its own affairs in its own way. This is now wholly a public institution. It is housed in the building known as the old almshouse in Georgetown, built over one hundred years ago and now in a dilapidated, run-down condition, with much of the plaster fallen off, and leaking badly, with the windows loose and the floors badly worn; besides it has not sufficient room to accommodate anything like the whole number of homeless boys and girls in the District. Accordingly, an appropriation of $30,000 is made now for rebuilding this home, and it will just about double the capacity of the school.

Now, I want to say, Mr. Chairman, in connection with the enlargement of this school, just a word as to what the future policy of Congress ought to be toward this children's home, which seeks more particularly to give its inmates an industrial education—an education, of course, in a literary sense to some extent, but principally an industrial education—just what young men and women need to fit them for the battle of life. When this school is completed for the accommodation of all that class in the District, it will relieve the subsidized institutions which now care for them, and they are three in number.

Mr. MORSE. Will the gentleman yield to me? I ask for a minute or two of his time.

Mr. GROUT. I prefer not to yield for remarks.

Mr. MORSE. I want to ask a question, and then, Mr. Chairman, in the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes, that we passed last year, on page 21, a paragraph declared the policy of the Government hereafter——

Mr. GROUT. Oh, yes; I know about that. Now, if the gentleman will suspend for a moment, I can not go into that subject now. I will come to that after a little, and I will then give the gentleman a chance for any question he chooses to ask, and give him also any time he may want for debate.

Mr. MORSE. I thought that while the gentleman was on the subject of charities that was pertinent. It is an inquiry as to the attitude of this bill toward those charities.

Mr. GROUT. I assure the gentleman I will speak of that when I come to the subject of "charities." I have the word "charities" written on my slip here and will not fail to speak of that subject and explain how the bill leaves those institutions before I close.

Mr. MORSE. Will the gentleman allow this provision of last year to be read from the Clerk's desk, in order that it may accompany his remarks and make them more comprehensive?

Mr. GROUT. I say, when we reach that subject I will be very glad to yield to the gentleman for that purpose.

What I want to say, Mr. Chairman, is that this Industrial Home School, if developed and enlarged as it can be and as it ought to be, will provide for the children now provided for in three private

and sectarian institutions that have heretofore received appropriations from the Government in the District. That is St. John's Parish School, an Episcopal institution; St. Rose Industrial School, a Catholic institution for girls, and St. Joseph Industrial School, another Catholic institution for boys. Speaking my own individual sentiments, I will say I would make this appropriation double the amount, to be expended at once for the enlargement of this school beyond what the $30,000 will accomplish; but that is the amount the bill recommends, and it is all I am commissioned by the committee to present.

Now, as to the sewers, there is an appropriation of $375,000 in cash, and a contract authorizing $335,000 more, which you will see makes about three-quarters of a million dollars for sewers.

The bill carries an appropriation of $110,000 for a site for a hospital for contagious diseases, of which the city stands so much in need. We have also provided for one new fire engine, in addition to those now in use in the District. The last bill also carried a provision for a fire engine, making two provided for by the present Congress.

Now, with reference to the charities to which the gentleman from Massachusetts [Mr. MORSE] has referred, it will be seen by turning to page 37 of the bill that the committee has appropriated a lump sum for charitable work which is equal to the exact amount given to the subsidized institutions last year, and have put the expenditure of this money under the control of the District Commissioners. The point which the gentleman from Massachusetts [Mr. MORSE] desires to call attention to in the law enacted last year was considered by the committee, and it was thought by the majority that this expenditure would have to be made in accordance with that law, and the committee have reported the bill in this form with the professed understanding on their part that the money is to be expended in accordance with the provision of the bill of last year which the gentleman from Massachusetts asks to have read, and for the reading of which I will now yield to him.

Mr. MORSE. Mr. Chairman, I send to the desk and ask to have read the provision in the bill of last year on this subject, in order that it may be incorporated in the remarks of the gentleman from Vermont at this point.

The Clerk read as follows:

> And it is hereby declared to be the policy of the Government of the United States to make no appropriation of money or property for the purpose of founding, maintaining, or aiding by payment for services, expenses, or otherwise any church or religious denomination, or any institution or society which is under sectarian or ecclesiastical control; and it is hereby enacted that, from and after the 30th day of June, 1897, no money appropriated for charitable purposes in the District of Columbia, shall be paid to any church or religious denomination, or to any institution or society which is under sectarian or ecclesiastical control.

Mr. MORSE. Now, Mr. Chairman, do I understand the gentleman from Vermont to say that that provision in the law of last year applies to the expenditure of the money carried in this bill under the head of "charities"?

Mr. GROUT. Mr. Chairman, I certainly understand that provision to be permanent law. I think there is no question about that. I have stated that the majority of the committee thought that provision would control the expenditure of this money and that there could be no fair question about that. I did not, however, say that I thought this latter proposition was entirely beyond question. What view the Commissioners might take of it no one can be sure. This question has arisen in the mind of the gentleman from Massachusetts, and may suggest itself to others. The committee, however—a majority of them—thought that this provision would control this expenditure.

Mr. MORSE. Then would the gentleman object to such an amendment as would make that point very clear?

Mr. GROUT. Mr. Chairman, that is a fair question, and to it I shall have to say in reply that personally I would not object to such an amendment; and since the gentleman brings this point before the Committee of the Whole, I feel at liberty to state, in fact feel compelled to state, that I did not myself concur with the majority in the opinion that it was so entirely beyond question that a reference to the enactment in the last appropriation, as controlling the expenditure, would not be wise and prudent; although I did not hesitate to say that it should control, and that if the question were adjudicated by the courts in all probability it would be held to control. I thought, however, that in order to make the matter perfectly plain, there ought to be a reference in this bill to the enactment in the last bill; and I made an express reservation in the committee of the right to favor an amendment to that effect if one should be offered. But I want to say here that I have not stated till now that fact to anyone outside the committee, not to any living soul; but I did say in the committee that if such an amendment were offered here, I should not object to it, but must be left free to favor it.

Mr. MORSE. I think, Mr. Chairman, that at the proper time we will see that such an amendment is offered, so as to make the matter very clear. I concur in the opinion of the gentleman from Vermont that the provision in the bill of last year has all the binding force and effect of law, and that the Commissioners would be guilty of an outrage if they should disregard the expressed will of Congress in that respect. We fought that battle out here last year after days of controversy, and it should be regarded as settled.

Mr. GROUT. When the bill is open for amendment, of course there will be opportunity to present any proper amendments.

Mr. RAY. Mr. Chairman, I desire to ask the gentleman from Vermont whether the provision to which he has referred is contained in the appropriation bill of last year?

Mr. GROUT. It is.

Mr. RAY. Then how could it have any force and effect in the case of a new appropriation made in a bill passed this year?

Mr. GROUT. There is the chance for a question about the matter, but the act of last year contains the language, "It is hereby enacted," and so has the distinctive language of permanent law.

Mr. MORSE. Declared to be the policy of the Government.

Mr. GROUT. The language is, "It is hereby enacted" that no money appropriated for charities shall be paid to institutions of a certain class after a certain time, and it was thought by the majority of the committee that that placed the matter beyond question.

Mr. RAY. I do not think there can be any question about it at all. The provision being simply contained in the appropriation bill which was enacted for one year, applied simply to the use of the money appropriated by that bill, and could have no force or effect in controlling the use of money appropriated by a new bill not containing such a provision.

Mr. CANNON. That is an extraordinary statement for the best lawyer on the Judiciary Committee to make, that there can be no legislation on an appropriation bill.

Mr. RAY. I have not said that. I thank the gentleman for his compliment, but I made no such claim. I do say that when we put a clause into an appropriation bill appropriating money for a single year, it would be held by any court in Christendom to apply only to the use of that particular money.

Mr. PITNEY. Unless it says otherwise.

Mr. RAY. Unless it said otherwise.

Mr. PITNEY. And it does say otherwise.

Mr. RAY. It would be construed, I say, by any court not to be a permanent law, but to apply simply to the use of the money appropriated in that bill, and I do not think the gentleman from Illinois, the chairman of the Committee on Appropriations, would claim the contrary.

Mr. DOCKERY. Mr. Chairman, in order to save time, I wish to suggest that I am sure the debate on this question would not proceed further on the point made by the gentleman from New York if he would read the provision of the statute, because he is a good lawyer and he certainly would not maintain any such ground.

Mr. BLUE. Mr. Chairman, this matter has been injected into the general explanation of the bill in such a way as perhaps to unsettle the minds of some members in regard to the force and effect of the provision which has been referred to. I apprehend it is a well-known fact that a provision may go upon an appropriation bill and may become permanent law, and that is just this case. It enacts and makes permanent law what the settled policy of this Government shall hereafter be upon this subject of charities in the District of Columbia.

If the gentleman from New York [Mr. RAY] had read the provisions carefully, he would not have made the statement he has made. It may as well be said at this point that to put the provision again into the appropriation bill would be simply to adopt the illogical assumption that what has become permanent law must be reenacted from year to year in order to make plain what the intention of the lawmaking power is. I apprehend that no well-informed and efficient lawyer would make any such suggestion. There is no more necessity for reenacting this provision on the present appropriation bill than for reenacting any other part of the permanent law of the United States.

It has been intimated that the omission of this provision might be construed as an implied repeal. But courts do not favor repeals by implication. It would be a violation of the rules for interpreting statutes to hold that the omission of this provision after it has become permanent law would repeal it.

The rule that we have here is a very pointed and well-defined one—that there shall not be placed upon an appropriation bill any provision which changes existing law. Under that rule, if properly and rigidly enforced, no such provision as this could have been put on the District appropriation bill. But it seems this provision was put on the bill in conference; and when it came here from a conference committee no point of order could be taken against it. In this way it became permanent law, and there is absolutely no necessity for reenacting it.

Mr. DOCKERY. I suggest to the gentleman from Vermont [Mr. GROUT] that this debate be deferred——

Mr. RAY rose.

Mr. GROUT. I yield to the gentleman from New York [Mr. RAY].

Mr. RAY. Mr. Chairman, I had no intention when I rose to

excite any particular debate. My object was only that we might have a fair understanding on this subject. The gentleman from Illinois did me the courtesy to suggest that I know a little something about the law. The gentleman from Kansas [Mr. BLUE] does me the still higher courtesy of suggesting that I do not know anything. [Laughter.] And I presume he knows all about it. He says and says that no well-informed lawyer would make such a suggestion as I made.

Mr. Chairman, in the simple suggestion that I desired to make my object was that no gentleman on the floor of the House should be misled. Of course it is quite possible for us to put into an appropriation bill—and sometimes we do so—something that becomes, by force of the language used, permanent law; and then it is binding until repealed. Again, the language put into an appropriation bill and the connection of that language may show that the provision applies simply and only to the appropriations then and there made.

Now, the mere fact in the present case that the committee saw fit to object to putting the language used last year in the present bill shows that some of them at least believe that it is best to omit it and leave this an open question for the construction of the courts hereafter. If this House is in favor of having this provision in the law, why not say so by an amendment that will make it absolutely certain.

Mr. PITNEY. The gentleman has misunderstood the position of the committee; but I will pass that point for the moment. The question being whether a given provision in an appropriation bill is or is not a part of the permanent law, and supposing that the language in question is not to take effect until after the expiration of the year for which the appropriations are made, has the gentleman any doubt whether such a provision is permanent law? The fact is that this is a provision which is not to take effect until the 1st of July, 1897. Therefore it can not by any stretch of construction be construed as limited to the appropriations in the bill containing the provision.

Mr. RAY. Now, Mr. Chairman, that is mere assertion.

Mr. PITNEY. That is the language of the law.

Mr. RAY. Oh, no; the gentleman has not recited any law nor has he recited the language of any law. He has merely recited what he believes to be a proper construction or interpretation of the law.

Mr. PITNEY. I am reciting the exact language of the provision in question, that it takes effect the 1st day of July, 1897.

Mr. RAY. So far as that goes, the gentleman may be correct that the provision is to take effect at a given time. But that does not bind or conclude this Congress, and it does not have any force in the interpretation of the law. When we come to an appropriation bill we must take the language contained in it, and when we undertake to say whether or not it is affected by the appropriation bill of last year we must take that law as it reads; and if that law is fairly open to the construction that it is intended as an independent enactment, and is not to apply solely and alone to the appropriation as then made, then it would be a permanent enactment.

Mr. PITNEY. The provision was not intended to be limited to that appropriation bill at all.

Mr. RAY. There is the question.

Mr. PITNEY. There is no question about it. Let the gentleman read the language of the act.

Mr. RAY. I do not care to open now the discussion of this question, and I will not. I did not rise for any such purpose. It would divert the gentleman having charge of this bill from the proper and orderly consideration of the bill. I simply rose to make a suggestion in order that this matter might come up at a future time in the debate. But I desire now to say, Mr. Chairman, that my only purpose was to call attention to this feature, and to suggest that this matter be dropped until we reach that portion of the bill where the consideration of the question will necessarily arise under the five-minute rule.

Mr. GROUT. If the gentleman from New York has concluded, I will call his attention to the provision of the law of last year, and I think he will see that it has all the characteristics and peculiarities of a permanent law. This is the language of the provision that was embodied in the appropriation bill of last year:

> And it is hereby declared that it is the policy of the Government of the United States to make no appropriation of money or property for the purpose of founding, maintaining, or aiding, by payment for services, expenses, or otherwise, of any church, religious denominations, or any institution or society which is under sectarian or ecclesiastical control—

Now here is the language that gives significance to the enactment—

> and it is hereby enacted that on and after the 30th day of June, 1897, no money appropriated for charitable purposes in the District of Columbia shall be paid to any church or religious denominations, or to any institution or society which is under sectarian or ecclesiastical control.

So I think the gentleman from New York will see that the language is a little more specific than he supposed. It has the essential earmarks of a permanent enactment. It was not a mere limitation upon the appropriation made in that particular bill, but it is a provision that applies to the policy to be pursued by the Government in reference to these matters hereafter, and refers to future appropriations, and not to the one then made.

Nevertheless, sir, we are considering an appropriation bill now, and what that may mean when it becomes a law is an entirely different question. It is a question by itself whether it may not so modify this provision—for the two must be read together—that those who are called upon to administer the law may be in doubt about it.

I will say in reply to the gentleman from Kansas [Mr. BLUE] that no one in the committee proposed, nor is it suggested here, to reenact the provision in the appropriation bill of last year, but only to refer to it in this act as the law under which the disbursement of this money for charities is to be made.

That is all I have heard proposed by anyone; and it can certainly do no harm, and it will make certain what all would accomplish, namely, not to repeal or annul, but to keep on the statute book the enactment in the last bill and observe its provisions.

But, Mr. Chairman, that will be a proper matter to be discussed when the bill is read for debate and amendment under the five-minute rule, and when this particular provision is reached. It is, however, it seems to me, proper to discuss that matter now in general debate, if any gentleman desires to do so, and so far as I am concerned I do not propose to cut off such debate.

Now, as to further general debate, I will say that my colleague on the committee from New Jersey [Mr. PITNEY], a member of the subcommittee, desires to be heard, and unless there is some proposition to limit the debate, we will let it run for the present at the pleasure of the committee.

I reserve the remainder of my time.

Mr. PITNEY. Mr. Chairman——

Mr. JOHNSON of California. Before the gentleman from New Jersey proceeds, will he permit me to ask a question?

Mr. PITNEY. Certainly.

Mr. JOHNSON of California. I will be much obliged if the gentleman in the course of his remarks will call attention to and explain the reason why the committee have cut down the appropriation for the public schools.

Mr. PITNEY. I will say to the gentleman from California that I prefer any inquiries of that character should be deferred until we reach the provisions of the bill in its consideration, or the gentleman may take the floor in his own right for the general debate hereafter. I shall address myself to a different part of the bill.

Mr. GROUT. If the gentleman from New Jersey will permit me, I will say to the inquiry of the gentleman from California that the amount appropriated for schools is not cut down, but is actually larger than it was last year. The estimates submitted by the Commissioners have been reduced by the bill, but that is not the standard. The Commissioners estimate what they want, and if we were to follow their estimates implicitly, as the gentleman's question implies that we should, this bill would carry nearly three millions of dollars more than it does now; in fact, would carry more than the revenues of the District would meet for the year 1898. It would have carried an appropriation that would have frightened you all, and frightened the Commissioners, too. The Commissioners do not fail to ask enough, and they get what in the judgment of Congress ought to be given.

Mr. DOCKERY. Mr. Chairman, I desire to suggest to the gentleman from New Jersey [Mr. PITNEY] and others interested in this bill the propriety of deferring by agreement the general debate in respect to charities until we reach the paragraph relating to that subject. It seems to me we can have a more orderly, effective, and intelligent discussion by pursuing that policy which has frequently been pursued—deferring the discussion of this paragraph until we reach it in the bill.

Mr. GROUT. Mr. Chairman, since that suggestion is made, I ask unanimous consent that general debate concerning the paragraph relating to charities be deferred until we reach that paragraph in reading the bill. Will the gentleman fix the time now, or leave it to be fixed then?

Mr. DOCKERY. I think that could be very well left open.

Mr. MORSE. Would it be under the five-minute rule?

Mr. GROUT. No; general debate. It seems to me, Mr. Chairman, we ought now to agree on some time that should then be devoted to general debate.

Mr. DOCKERY. Well, I would suggest not to exceed an hour on a side.

Mr. GROUT. I think that is a fair proposition.

Mr. HENDERSON. I think thirty minutes on a side will be plenty. We spent a great deal of time on this subject in the last session, and I think we are pretty well posted on it.

Mr. DOCKERY. I am willing, as far as I am concerned. We should still have an opportunity for debate under the five-minute rule after general debate is concluded.

Mr. HENDERSON. Oh, yes.

Mr. GROUT. Unless some gentleman wants more time, I ask unanimous consent that general debate on this paragraph be deferred until it is reached in the reading of the bill, and that then it be limited to thirty minutes on a side.

The CHAIRMAN. Unanimous consent is asked that general debate on the paragraph relating to charities be postponed until that paragraph is reached in the reading of the bill, and that the general debate shall then be limited to thirty minutes on a side. Is there objection?

There was no objection.

Mr. PITNEY. Mr. Chairman, the remarks which I shall submit to the committee at this time will be in the line of a justification and vindication—I will not say defense—of the Commissioners of the District of Columbia with regard to their action in providing for the electric-lighting service of this District for the current fiscal year.

Gentlemen of the committee will remember that when the District appropriation bill was reported to the House a year ago, statements were made in general debate concerning the investigations of the subcommittee having charge of the making up of the bill relative to the cost of the electric-lighting service and what that cost ought to be, and gentlemen will remember that the Committee on Appropriations reported a provision requiring expressly that the Commissioners of the District should let the electric lighting to competition, and providing that subway privileges should be given to the successful competitor. That last provision was struck out on a point of order, and other provisions were subsequently put in as the result of a conference between committees of the Senate and of the House, and finally the perfected bill passed both Houses in the form in which it now stands upon the statute book. It is doubtless also within the knowledge of members of the House that the Commissioners of the District, under the terms of that appropriation act, advertised for proposals for the electric-lighting service of the District; that in response to those advertisements they received proposals; that they let a contract to a new company, a competitor of the old established company; that litigation has ensued since that time; that that litigation has been decided in favor of the action taken by the Commissioners, and that they have thereupon proceeded to make a contract and to give permits for the construction of underground conduits to contain electric wires to serve the purposes of the public electric lighting.

Since the excavations were commenced for these underground conduits, the newspapers have at frequent intervals contained sensational reports, criticising the action of the Commissioners and denouncing them in unmeasured terms, and suggestions have been made that the President ought to remove them and that Congress ought to impeach them. They have been charged with violations of the law; they have been charged with a wanton exercise of the discretion reposed in them by law, and have been charged with almost everything except the performance of their duty.

Now, my position as one of the subcommittee which had charge of these investigations has given me certain information on the points involved, and has given me some knowledge of the law, which does not seem to be possessed by the representatives of the newspapers, or by some members of Congress who have submitted to be interviewed for the newspapers. I therefore desire to take some time in explaining what the Commissioners have done and why they have done it, and to say that in my opinion, instead of being properly subject to adverse criticism, they are entitled to the praise of Congress and of the people of this District for carrying out their plain duty under the law and for using the powers reposed in them to introduce competition into the electric-lighting service of this District, from motives of economy and from motives which tend to the public welfare.

Gentlemen will remember that at the time the appropriation bill was reported last year attention was called to the fact that under laws already existing, and under the appropriation bill as we reported it, it was unlawful to light the public electric lights of the city by means of overhead wires. The language of the appropriation bill then reported and of all appropriation bills during a series of years was that the public lighting should be done by means of underground wires, and at the same time the gross amount allowed in that appropriation bill, as first reported and as afterwards enacted into law, and the prices limited for payment for each electric light showed that it was the intention of Congress to authorize and direct the Commissioners to extend the public electric-lighting service.

It became necessary for them to provide for additional electric lights not theretofore allowed, and under the law it was necessary for them to light them by means of underground wires. Gentlemen may also remember that in the sundry civil appropriation act for the current fiscal year a provision was made for the lighting of some public parks in this city not previously lighted by electricity, and it was provided that it should be done by means of underground wires; and it was known——

Mr. BAKER of New Hampshire. Does the gentleman care to be interrupted now?

Mr. PITNEY. Not unless the gentleman is afraid he will forget the point he desires to inquire about; but I will yield, provided the gentleman does not take up too much of my time.

Mr. BAKER of New Hampshire. I propose to ask the gentleman in what part of the law that provides for an extension of electric lighting as distinguished from gas light is that particular appropriation carried? It provided for the diminution of the price of both gas and electric lights, but it did not provide for an extension of electric lighting as distinguished from gas lighting. Did it?

Mr. PITNEY. The gentleman is quite in error. I will call his attention to the language in a moment. I will premise that in the annual appropriation bills for this District for several years this language was contained, in respect to electric arc lighting, viz, for "maintaining existing service and necessary extensions of such service;" and that language, "existing service," taken in connection with the other language and other provisions of the law, was held by the then existing electric light company as supporting its claim to a monopoly of the public and private lighting in this city. Therefore, one year ago, in making up this bill, your Committee on Appropriations, desiring to do away with the existing monopoly and introduce competition into the service of electric lighting, changed the language of the appropriation bill. As gentlemen will remember, in general debate on the appropriation bill, I called attention to that change in the language. We left out the words "for maintaining existing service," and put into the bill this language:

For electric arc lighting, including necessary inspection, in those streets now lighted with electric arc lights in the city of Washington, and for necessary extensions of such service, $43,600.

Mr. BAKER of New Hampshire. Then, if the gentleman pleases, it was simply left to the judgment of the Commissioners, as you will maintain, I presume, as to the ratio to be lighted by electric light or by gas. Is that the gentleman's contention?

Mr. PITNEY. Not at all. The bill also contained a provision appropriating a certain amount of money for gas and other illuminating material, and the presumption was that the Commissioners were to expend it all. They did recommend a much larger amount, and we gave them only a part of their recommendation. It was submitted by them that the public service required such and such extensions. We cut down the appropriation below the amount they recommended, but we still increased the appropriation above what previous laws had given. It was saying that Congress gave so much of their recommendation and a plain direction to the Commissioners that they should proceed to expend that much money in lighting the city, should use so much in gas lighting and other material and so much in electric arc lighting. In addition to giving the appropriation of $50,000 for electric arc lights and for necessary extensions, Congress limited the amount to be paid to 30 cents each per night for electric arc lights.

Now, what was done in the appropriations previous to that time? The appropriation for the fiscal year which expired on the 30th of June, 1896, for electric arc lighting was $47,600, and the limit permitted for each lamp per night was 40 cents; and with that appropriation the Commissioners had maintained 338 arc lights at 37.42 cents per night, amounting to about $136.50 per year, which for the 338 lights amounted to $46,164; and the little overplus of about $1,400 or $1,500 was used by the Commissioners for the inspection and maintenance of the lights. Then Congress at its last session appropriated $50,000 for the fiscal year 1897, and limited the price to 30 cents per night, which makes $109.50 per year for each lamp, so that the appropriation at that price would pay for 456 lights, an increase of 118 lights, or more than one-third of the whole service over and above the lights theretofore maintained. Now, the Commissioners advertised for proposals, and they were able to increase the service even more than the limit price would do, because they knew before they advertised, and they were well assured when the proposals came in, that the limit price would not be reached, that they could get proposals at a lower price, and so they did, and they managed to make contracts for 472 electric-light arc lamps instead of 378, an increase of 134.

Further, the Commissioners of the District, when they appeared before the subcommittee of the House Committee on Appropriations a year ago with their recommendations for the lighting service for the fiscal year 1897, laid before the subcommittee a schedule of the streets they proposed to light with the increased appropriation. That schedule may be found by any gentleman who will refer to page 177 of the hearings of last year. It showed that the Commissioners desired to light the rapid-transit electric lines on which the cars are now traveling at a very high rate of speed, and on which they will hereafter travel, I presume, at the rate of 12 miles an hour. The Commissioners specified the streets and parts of streets they desired to light, and we allowed them sufficient money to provide for a part of that schedule, but not the whole of it. The Commissioners, using the money that we did allow them, advertised for the very same streets and parts of streets that were named in the schedule they had submitted to the Committee on Appropriations.

Now, Mr. Chairman, it is no new thing for the Commissioners to advertise for proposals for electric lighting or gas lighting. They have been doing it for years, inviting competitors to come into this field and relieve the people of this District and the Government from paying exorbitant rates for the service. They had not only been doing that, but they had been required by three separate acts of Congress to do it.

Mr. BAKER of New Hampshire. Will the gentleman allow a question there?

Mr. PITNEY. Yes.

Mr. BAKER of New Hampshire. If the Commissioners were required in that manner to advertise, as the law now provides that there shall not be more than so much paid for the service, why could they not have just as well gone on with the old company as, by their direct action, to raise a new company to cut up streets where the conduits of the old company were already laid?

Mr. PITNEY. The gentleman has asked me three or four questions at once, but I want to answer them all, and if I do not, I ask him to call my attention to the fact. The Commissioners are required, under the organic act of the District, to advertise for proposals for any public work costing more than $1,000, and they have done so for years without any more express provision of law; and the judge of the supreme court of the District, who has recently decided this electric-lighting litigation, has held that that provision bound them to advertise for this very service now in question. But, more than that, in the appropriation bills for the years 1890, 1891, and 1894—the intervening period between 1891 and 1894 having been covered by a three-years contract, so that advertisement would have been absurd, there being no new contracts to be made—in the three years I have named the appropriation bills specifically required the Commissioners to advertise for both gas and electric lighting, and specifically declared that they were not to be limited to any one system, and in one case, that of the act for the fiscal year 1894, the law specifically declared that they were not to be limited to any one company. The Commissioners have followed regularly that very proper practice of inviting proposals. But the gentleman from New Hampshire says: "Invite proposals, but take them only from one company!"

How absurd that would be, Mr. Chairman, to invite proposals under a law that says, "You are not to be restricted to any one company or any one system," and to sweep out of the way all proposals unless they come from this dear and cherished monopoly! I will tell the gentleman, further, why the Commissioners did not accept proposals from the United States Electric Lighting Company, which seems to be so sacred in this District. It was because that company would not submit any proposals, but wrote to the Commissioners protesting against their action, saying that they had no right to take that action, and also because that company then went into court and tried to get an injunction against the Commissioners, prohibiting them from contracting under the plain and express provision of the appropriation bill, which required that extensions of service be made according to the judgment of the Commissioners and within a limit as to cost.

But the fact is that that old company has been given the benefit of the doubt by the Commissioners instead of being unjustly discriminated against, as is claimed, for they are now supplying under a temporary arrangement a large number of lights (324) at $109.50 per lamp per year, although the new company has offered to do the same lighting at $100 per lamp per year.

Mr. BAKER of New Hampshire. Will the gentleman permit me a moment? I care nothing for the old company or the new company——

Mr. PITNEY. I am very glad to hear it.

Mr. BAKER of New Hampshire. The question here is, What is best for the city and for the people of the District of Columbia? If the line of the gentleman's argument should be carried out, would it not require all the streets to be dug up again for the benefit of some new gas company that may be formed?

Several MEMBERS. That would be a good thing.

Mr. PITNEY. That might be a very good thing, as gentlemen suggest; but I will come to that point in a moment. The cases are not parallel. Let me say to the gentleman, however, that this District has been afflicted with a gas monopoly for so long a time that I do not know when it began—some time before the war, I believe. The people who have suffered under that monopoly have tried to get rid of it. Congress, at their instance, has put in the appropriation bills, at least in the three years I have mentioned, a provision commanding the Commissioners to invite proposals to see if they could not get rid of this gas monopoly. But that gas monopoly has its pipes in every street of the city. Practically, they have already occupied the ground. Perhaps a competitor could not make any headway against them unless it had the right to occupy the same streets already occupied by the existing monopoly. But with the electric lighting of the city the case is different. This old company, so called, although it has existed in this District since 1883, although it has been favored by acts of Congress and by appropriations, although it has been in the enjoyment of a practical monopoly, though not a legal one, yet it has not exercised enterprise to a reasonable degree; it has not extended its lighting system so as to cover any material part of the District up to the present time; it has not introduced new improvements. It has not reduced the price of lighting, except under compulsion, and hardly then. The field is open. We can authorize a new company to come in and get within striking distance of the old company without unduly disturbing the sacred asphalt pavements of Washington. The fact is that the privilege granted to this new company for lighting the city of Washington east of Rock Creek does not cover one foot of the streets now lighted by the United States Company, and for which the United States Company has the subways necessary to do the lighting.

Mr. BAKER of New Hampshire. Is it not true that the United States Company—if that is the old company—I do not know which is the old and which is the new, and I care less—but is it not true that the old company has conduits already laid in the streets here; that they have asked authority from the Commissioners to put their wires in those conduits, and can not get that authority?

Mr. PITNEY. The gentleman is wrong; and he is very wide of the question now under discussion. I do not care to follow him in that line of remark.

Mr. BAKER of New Hampshire. I want to get at the facts.

Mr. PITNEY. If the gentleman will bring up that matter later, I will answer him so far as I have information. But the point, as suggested by the gentleman's former inquiry, is whether the Commissioners have not allowed a great lot of subways to be laid unnecessarily. I answer, absolutely not a foot. Every inch of public lighting that has been let by the District Commissioners to the new company is in streets or avenues, or parts of streets or avenues, where the United States Company has not any subways or conduits underground, nor any overhead wires. That is the truth, whatever the gentleman may think. And there is no conduit now being constructed by the new company under these permits in any streets where the United States Company has any subways, excepting only two blocks on New York avenue and two short blocks on Pennsylvania avenue along Lafayette Square, where, however, the new subway is on the opposite side of the broad avenue from the old subway, and in these places the conduits are paralleled because it is necessary that the new company should be allowed to get from its power station to its lighting territory.

Moreover, the United States Company would have been obliged to construct just as many conduits as the Potomac Company is now under permit to construct if the United States Company had been successful in its proposals—except only as to a distance of less than 2 miles necessary to reach the center of the city from the plant of the new company west of Rock Creek—a distance of 1.8 miles, according to the certificate of the Commissioners. All this cry about digging up the sacred soil, and all that sort of thing, is intended to blind the eyes of members of Congress and other persons concerned as to the real issue.

I will say further, however, to the gentleman from New Hampshire that with regard to so much of the conduits or subways now under construction by the new company as are intended for lighting the public parks, notably Lincoln Park on East Capitol street, the Commissioners had nothing in the world to do with authorizing the construction of those subways, except to carry out a duty which the court had held devolved upon them. Those parks are lighted by the Secretary of War under a provision in the sundry civil appropriation law, after the publication of an advertisement and the receipt of proposals by him from both companies. The United States Company did bid for the lighting of the parks, and in so bidding that company admitted the right of the Secretary of War to ask for bids and admitted the propriety of the competition. If the United States Company had been successful, it would have been obliged to lay a part of the same subways and of the same conduits that the Potomac Company is now laying for that service.

Moreover, there are some subways now being constructed where there are no lights to be put along the line of the subways. That is true; but they are being constructed under permits which limit them to streets and avenues which the Commissioners have recommended to Congress as streets and avenues that should be lighted because they follow the lines of the rapid-transit street railroad companies. I may say that the Commissioners recommended the electric lighting of those same avenues and streets before the Potomac Company was ever heard of; it is no new recommendation. I repeat, the subways, so far as they go where no lights are now allowed, are placed on streets and avenues upon which the Commissioners have been recommending repeatedly, since the rapid-transit lines were projected, the introduction of electric lights. So there is absolutely no unnecessary construction of conduits.

I do not pose here as the special champion of the Commissioners of the District of Columbia. I have not been asked by them, or by anybody else, to stand here and explain this matter or champion their cause on the floor of the House. But I have seen them accused of actions of which I think they are absolutely guiltless. I have heard them accused of misconduct concerning their course

in reference to these matters. I have seen them libeled and vilified for carrying out what they believed to be the plain letter of the law. And because they have no opportunity for a hearing in this presence, I propose to explain the matter according to the facts, according to the law, and according to my understanding of the needs of the case.

Let us see, then, for a moment how it was with the United States Electric Lighting Company. This old company claimed and still claims a monopoly of the electric lighting within the limits of the District of Columbia. It began to light a few streets with electric arc lamps under the provisions of the bill making appropriations for the fiscal year 1887, and by the end of that year they had a very large amount of overhead wires stretched in the city of Washington which were dangerous to life and property; and there was an outcry on the part of the people, and consequent action taken by Congress, which required the wires to be put under the ground. In the appropriation bill which passed on the 18th day of July, 1888, it was enacted that from and after the 15th day of September of that year the Commissioners should grant no further permits for overhead construction of wires. So that since then it has been unlawful for any electric-light company to stretch a foot of wire in the streets of Washington, except I think—and there may be even no exceptions—where it was necessary to reach a house from where the wires terminated in an alley. I will not be sure, however, about the exception.

Mr. BAKER of New Hampshire. Before the gentleman proceeds to the next point, I would like to ask him a question. If I understand this matter correctly, the old company, the United States Company, as the gentleman calls it, would have been required to lay its conduit to Lincoln Park, for a distance of two blocks, while the Potomac Company had to build several miles of conduit.

Mr. PITNEY. The gentleman is absolutely and entirely incorrect in his statement. The truth is quite otherwise.

Mr. BAKER of New Hampshire. I understand that to be a fact.

Mr. PITNEY. The gentleman is quite mistaken in his understanding.

Mr. BAKER of New Hampshire. I think the facts are that this company had to lay conduits for two blocks only, while the other company had to go several miles.

Mr. PITNEY. The gentleman does not know the facts evidently. The United States Company has no conduits within two blocks of the Lincoln Park, or anywhere near that.

Mr. BAKER of New Hampshire. How near is the nearest part of the line to the park?

Mr. PITNEY. The nearest, I think, is at the Capitol.

Mr. BAKER of New Hampshire. Oh, no.

Mr. PITNEY. But, whether that be so or not, I am standing here to vindicate the action of the Commissioners, who had nothing whatever to do with the contract for lighting Lincoln Park. The Secretary of War made that contract, and the company having the contract applied to the Commissioners for a permit, and then another company got out an injunction against the Commissioners, restraining them from granting the permit, and after a hearing the injunction was dissolved, and the court held that it was right for the Commissioners to grant the permit.

Mr. BAKER of New Hampshire. Can the gentleman inform us whether the Secretary of War is the owner of any stock in the Potomac Company?

Mr. PITNEY. I have no acquaintance with the Secretary of War and no knowledge of his holdings. I have no stock myself in any electric-light or any other company in the District of Columbia, and, so far as my action is concerned, it is without any personal interest whatever in this regard.

Now, let us see how this monopoly grew up. I say that by the act of July 18, 1888, the Commissioners were prohibited from giving any further permit for the stringing of overhead wires. There were overhead wires already in existence at that time, and that act did not expressly require the taking of them down, and therefore the company which had already erected these wires was privileged to use them and enjoy the benefits of them for lighting purposes in the streets of the city. In the annual appropriation bill for the fiscal year 1890 the public lighting was authorized only by underground wires. This provision inured to the benefit of the United States Company. Again, by a provision in the appropriation bill for 1892, additional conduits were prohibited beyond an aggregate of 5 miles until report should be made by the subway commissioners, appointed pursuant to the act of August 6, 1890, or until April 1, 1892, if that report should not have been made by that date. This again prevented competition before and after that date, although not evidently so intended, while by the construction of the law which has been adopted, by way of giving the benefit of the doubt to the company already in the field, permits have been given to the United States Company for subways since April 1, 1892.

And that brings me to the inquiry made a moment ago by the gentleman from New Hampshire [Mr. BAKER] and which I then declined to answer, as to whether recently the United States Company have not applied to the Commissioners for underground permits and been refused.

Mr. BAKER of New Hampshire. No; that was not exactly my question. My question is whether, in conduits already laid, they have not been denied the privilege of laying their wires.

Mr. PITNEY. Absolutely no, according to my information.

Mr. BAKER of New Hampshire. My best information is that they have.

Mr. PITNEY. Very well; I will tell you what has happened. The United States Company, while enjoying these special privileges which it had managed to get by construction of the appropriation bills, has applied repeatedly to the Commissioners of the District to put overhead wires underground, has obtained this permission, has constructed the conduits, and then has put new wires in the conduits, leaving the overhead wires where they were, and leaving them in use. Having got permits to construct subways for the avowed purpose of putting those very wires underground, it has used the subways for another purpose, in fraud of the permits granted to them by the Commissioners.

Mr. BAKER of New Hampshire. Would there be any objection to putting newer and better wires down there instead of the old wires?

Mr. PITNEY. Not if they removed the old wires; but they did not remove the overhead wires, and do not claim to have done it.

Mr. BAKER of New Hampshire. The Commissioners ought to make them do it, then.

Mr. PITNEY. The representative of the United States Company appeared before our subcommittee two weeks ago and said the Commissioners did not have any right to make them take these overhead wires down.

Now, I say it is not true that the Commissioners refused any proper permit for subway construction to the United States Company until that company went into court and managed to get a decision from the court a year ago which was construed to mean that the Commissioners did not have any right to grant such permits.

Mr. BAKER of New Hampshire. The gentleman a few moments ago extolled the court when they found the other way. Now, it seems to me his language is very peculiar when he says that the company "managed" to get a decision. I do not understand such a thing as that is capable of performance in the courts of the District of Columbia.

Mr. PITNEY. I absolutely disclaim any intention of casting any reflection on the court.

Mr. BAKER of New Hampshire. Very well.

Mr. PITNEY. If my language admitted of such construction, I withdraw it. The fact is, that the decision to which I referred, which was announced on the 1st day of February, 1896, by Judge Bingham, proceeded on a different line from what I understood it to proceed upon. I remember very well that the gentleman from New Hampshire [Mr. BAKER] now interrogating me paraded that decision before us, not the opinion, but the fact of the decision having been made, as a conclusive answer to a contention that I was making on the floor in Committee of the Whole on that day. My contention was to the effect that Congress had the right to authorize these appropriations, and that that carried with it the incidental right to put the wires underground. The gentleman quoted the decision against me. In point of fact, the decision was on an entirely different point, and did not touch that point at all. The decision prevented them from laying down subways for private consumers. I understood it to prevent them from laying down subways for public lighting. Subsequently, and about the 1st or 10th of December, 1896, the express point having been raised, was decided by Judge Cole, of the supreme court of the District, in accordance with the contention that I made on the 1st of February of last year, which I repeated subsequently, and which I made at the commencement of my present remarks, namely, that the authorization of expenditures for extensions of electric-lighting service, which also required that those extensions should be by underground wires, carried with it the implied authority to the District Commissioners to give permits for subway construction. But the decision of February 1, 1896, was laid hold upon as the basis of a claim for monopoly, and I will say that that claim was partly based on the language that I have already referred to, contained in the annual appropriation bills for a number of years, "maintaining existing service and necessary extensions."

Your Committee on Appropriations last year struck out that language, so that we now provide service simply for those streets where the service is now maintained and the necessary extension of that service. However, all the legislation for years—that is, previous to the appropriation bill of a year ago—was such as to give a virtual though not a legal or express monopoly to this electric-light company, and if these several blind and "fragmental statutes," as they have been called, had been framed for the very purpose of perpetuating the sole control of that company in the

District, while keeping Congress in the dark as to the situation and as to the purpose and effect of the laws, they could not have been better devised.

But I say again that in this year's appropriation for the maintenance of the service and the extension of the service we provided that it must be done by underground wires. The Commissioners therefore had no option but to make a contract which must carry with it the permission to build the underground conduits. The question as to whether they violated the law is, it seems to me, too plain for debate. At any rate, the question has been fully litigated in the courts and adjudicated by a court of competent jurisdiction, and it has been decided that the Commissioners not only did not do a wrong thing but did their plain duty under the appropriation bill.

But the claim is often heard here, and the gentleman from New Hampshire has made it in my hearing, that the policy of Congress is not to allow competition, but to establish and maintain these monopolies, and to regulate the rates and charges of the monopolies.

Mr. BAKER of New Hampshire. I beg the gentleman's pardon. I am not in favor of any monopoly whatever. My contention and purpose are that the Commissioners should be required to exercise such ordinary diligence and supervision as would justify them in extending the lights, and whatever company may have the special territory under contract, it is not right that they, in pursuance of any of their discretionary powers, should go so far as to pick out one company and give it a permit to tear up the streets for miles when another company could have rendered the same service and not have disturbed the streets for more than a couple of blocks.

Mr. PITNEY. In reply to the gentleman, I will say that I have already shown that the Commissioners have not exercised any discretion in the direction of increasing the subways. They have exercised their discretion in the direction of giving service to the United States Company where it was qualified to fulfill the service, and they are paying them a little more money for it. They are paying them $109.50 per lamp per year when they had an offer of $100 per lamp, and that on 324 lamps. The gentleman from New Hampshire has forgotten that the organic law of the District provides that in all matters in excess of $1,000 the Commissioners shall advertise for bids; and while it gives the Commissioners the right to reject all bids, it does not give them the right to reject one bid and take another that is higher. If they do not reject all bids, they are absolutely required to accept the lowest bid; and Judge Cole has held, and it is not disputed by the representatives of the United States Company, that that provision was binding upon the Commissioners of the District with reference to this very contract, and therefore it is not a question of giving it to this company or to that company. But so far as my personal feeling is concerned, if the Commissioners had any discretion they might better authorize the tearing up of a few blocks more of the sacred pavements of Washington, in order to break up this controlling monopoly that has been here for so many years. It has not held itself under the laws, as I will show to the gentleman later——

Mr. BAKER of New Hampshire. I wish to say that the District Commissioners and the heads of every Executive Department of this Government have exercised their authority time and again, even where lower bids were offered, to refuse the bid of the lower bidders because they had not the proper facilities for carrying out their bids.

Mr. PITNEY. This is not a question of whether they should have rejected the lower bid. They accepted the only bid. It is not a question of taking this bid out from other bids. The Potomac Company were the only bidders. The gentleman is misinformed and does not know the simplest facts concerning the controversy. I have here a copy of a letter from the United States Electric Lighting Company to the Commissioners of the District, dated June 26, 1896, in which the company expressly declined to enter into any competition. They never made a bid for any of the District lighting, and where they now render any service it is done under a temporary arrangement and without any security being given for the faithful performance of the service.

Mr. BAKER of New Hampshire. Have they ever declined to furnish the service at the reduced rates?

Mr. PITNEY. Again the gentleman is misinformed in the matter——

Mr. BAKER of New Hampshire. They would not accept a given amount.

Mr. PITNEY. Very well; that is a very different question—the prescribed amount.

Mr. BAKER of New Hampshire. And they have not asked to be paid more.

Mr. PITNEY. Of course they would know enough about the law to know that it would do no good to ask for more, but they have asked to be paid the very last penny, when another company can make plenty of money by charging $10 or $20 a lamp less per year.

But it is claimed—and if the gentleman from New Hampshire does not claim it I am glad to hear the disavowal from his lips—it is claimed that we have adopted a sort of Congressional policy of monopoly for the District of Columbia, to which I may answer that if Congress has adopted that policy it is time for Congress to depart from it, because the people of this District and the public Treasury have suffered a great deal by reason of the policy of monopoly, so far as it has been pursued here, and Congress has shown a very proper disposition to get rid of it, and has manifested that disposition in the appropriation bills that I have already referred to for the years 1890, 1891, and 1894, in which they expressly commanded the District Commissioners to invite proposals, and that from different companies.

With regard to gaslighting there is a monopoly. With regard to telephones there is a monopoly, and it is partly a matter of necessity, because the company which controls the telephone patents will not license more than one company in a given territory, and it is necessary, also, perhaps, from the fact that every telephone user wants to be in communication with every other telephone user, and that can be done only by having a single central telephone station.

With regard to street railroads, there is absolutely no such policy. We have here, I think, half a dozen street railroad companies, and while the lines do not run on the same streets, except for a block or two here and there where it is necessary, just as these subways will run for a block or two on the same routes, the railroads do parallel each other, and they do compete in rates, in speed, in improvements, in accommodations, in everything that the patrons of the roads are interested in.

With regard to electric lighting, there has been no policy of monopoly inaugurated. In the first place, there is no express grant of any monopoly, and Judge Cole, in his recent decision, points out and lays stress upon the very significant fact that during all the years when, as the old company claims, a monopoly was given to it by Congress, the name of the company is nowhere mentioned in the appropriation acts. No monopoly has been given, and the practice of the Commissioners of advertising for electric lighting has been almost constant, and has been known to Congress all the time. The subway investigation that has been in progress from 1890, seeking to get some system of subways to be used by all the companies on paying rental to the public, is an evidence that the policy of Congress is against monopoly in these matters.

But there is another reason which ought to have some influence in deciding the question whether it is good policy to allow a single company to control. The gentleman from New Hampshire asked awhile ago whether this United States Electric Lighting Company had not tried to put its wires underground. If he will listen now to what I say, I will enlighten him on that subject. It is claimed at the present time by the official representative of the United States Electric Lighting Company that when the prohibitory act of 1888 was passed they had 250 to 400 miles of overhead wires in the District of Columbia. The claim is so widely in divergence not only from the facts as they appear from the official record, but from the statement of the same representative and of the counsel of the same company before the same subcommittee at another time, that I am unable to believe that a mere mistake of statement has been made. A year ago, and again this year, the statement was made that instead of 250 or 400 miles of overhead wires, as they now claim, they had in 1888 only 50 miles of overhead wires. But even this was a gross exaggeration.

What is the fact? I happen to have with me a copy of an official publication of Congress entitled Senate Miscellaneous Document No. 15, second session Fiftieth Congress, which contains a report of the Engineer Commissioner of the District of Columbia to Congress on the subject of removing electric-light wires and placing them underground. That report contains a statement by the Engineer Commissioner of the quantity of overhead and underground wires of every company in the District in the fall of the year 1888, just after the prohibitory law was passed. On page 18 of that report is a table, made up in part from information furnished by the company, which shows that at that time the United States Electric Lighting Company had but 4 miles of conduits underground, and in those conduits but 16 miles of wire, and that the company had only 10 miles of overhead wires. They now claim to have had 50 miles; and when more convenient they have claimed 250 to 400 miles. The official record shows that at that time they had but 10 miles; and that does not mean miles of streets; it means 10 miles of individual wires. The table shows this, and, besides, if you will turn to the map entitled "Plate 3," appended to this same report, you will find the mileage of streets covered by the underground and overhead construction of the United States Electric Lighting Company laid down in blue and red, respectively. On applying the scale to the red lines, which show the overhead construction, you will see that the mileage of streets covered by the overhead construction at that time was but 4 miles; and on those 4 miles of streets they had 10 miles of wire.

What is the fact to-day? Since that time the Commissioners

have had no power to grant authority for a single mile of overhead construction, and not a single mile has been lawfully constructed. But the fact is that to-day, instead of there being 4 miles of streets covered by the overhead electric-light wires of the United States Company, they have 8 miles of streets covered by them; and instead of 10 miles of wires involved in overhead construction, there are now 60 miles of overhead electric-light wires maintained by that company. At the very least, 50 miles of those wires were erected and are now kept up in violation of law.

Mr. BAKER of New Hampshire. Will the gentleman explain how that was done?

Mr. PITNEY. They did it in the night, without permit.

Mr. BAKER of New Hampshire. Why did not the Commissioners compel the company to take down those overhead wires?

Mr. PITNEY. The discovery has only been made since this controversy was raised. And I desire here and now to praise the Commissioners for having instituted a suit in court to require that company to take down those unlawful wires. But when they begin to take down the wires, you will find sensational headlines in the newspapers, and the champions of this dear old monopoly will be rising up all over Washington and denouncing the Commissioners for depriving citizens of their electric lights.

I say again that neither this company nor any other company that has the full control in a matter of this sort can be trusted to care for the public interests. And it is very remarkable that when an inquiry is on foot before a committee of either branch of Congress, if there is anything in it that can form a basis of criticism against the Commissioners, the newspapers will have great headlines, and sensational language will be used about it. But when a serious charge is made against the United States Company, showing that they are trying to use the power of a venal press to coerce the Commissioners and Congress into working their will, the newspapers do not say a word about it.

On the 7th of January, 1897, when this matter of electric subways was under investigation by a Senate committee, the president of the competing company laid before that committee a written statement showing upon good evidence that within six months previous to the 1st of December, 1896, the United States Electric Lighting Company had paid to a certain newspaper in the city of Washington $18,000 for 18,000 lines of reading matter to advance its interests before Congress. The offer was made to this new little company to go into some arrangement of that sort, but the offer was declined. In order, however, to draw out the manager of the newspaper, the president of the company appointed an interview at a prominent bank in this city and had a stenographer behind a screen, and had also present prominent citizens whose integrity could not be questioned. And there the proposition was made by that newspaper manager to sell them for $10,000 the use of the columns of the newspaper to influence Congress to give them the legislation that they wanted in opposition to this old company. At the same interview the statement was repeated that the old company had paid to the newspaper $18,000 for publishing 18,000 lines of matter in opposition to the new company.

Mr. PEARSON. Would the gentleman be willing to name that paper, or would it be indiscreet?

Mr. PITNEY. The Washington Times. And since the name of the newspaper has thus been brought out, I want to say that I understand that since the date in question the control of the newspaper has passed into other hands. I am not now attacking the newspaper as at present owned. But so far as I am aware, no denial of that charge has been made by the United States Electric Lighting Company, and, so far as I am aware, no denial of the charge has been made by the newspaper or by any newspaper. I understand that a disavowal has been put in; and the present proprietor says mellifluously that he is not concerned in the old quarrels of the former management. But I do not understand it is denied that the United States Electric Lighting Company has paid that newspaper $18,000 for having articles printed that would conduce to its sole control of the electric lighting of this city.

I can tell the gentleman something more. At the close of the last session of this Congress, while I had the honor of serving as one of the conferees on the District appropriation bill, it was brought to our attention by a distinguished citizen (and it was not news to me) that under what was understood to be the decision of Judge Bingham the new company would be absolutely unable to string a single wire in the District unless relief should be given by an amendment to be ingrafted upon that bill by means of the conference report; and this Senator, the senior Senator from Tennessee—there is no secrecy about his name—appealed to the conferees to put on that bill by way of amendment a clause which would give the Potomac Lighting Company the power to maintain its system in little Georgetown, west of Rock Creek, for the purpose of private lighting, they having, as was claimed, no power at that time to do it. I undertook to look into this matter, to investigate it; and while I did not tell anybody that I was going to introduce that amendment, it was known that I was considering the matter, and that it might be brought up on a certain Monday, the 8th day of June.

I was called upon either on Saturday or Sunday, and which day it was I can not now recall, by a man who was my friend, and who gave me warning in a friendly way, from information he had received, that if I dared to put anything into the bill then pending that would interfere in the slightest degree with the United States Electric Lighting Company, I would be attacked in the Washington Times. On Monday I offered the amendment on the floor of the House, which, after full discussion, was adopted by a vote of 178 in the affirmative to 1 in the negative, and on the following day the Washington Times contained two long articles, covering some three or four columns of its space, devoted largely to a personal attack on me for having had, as they doubtless considered it, the audacity to offer an amendment that interfered with the sole control of the United States Company.

Mr. MORSE. It did not hurt you.

Mr. POWERS. Did not that fact, let me ask the gentleman, contribute largely to your election in a close district?

Mr. PITNEY. I think not at all. I knew perfectly well the motive underlying it. The purpose was to contribute to my defeat. These men knew that my district was a close district at best, a district that was usually Democratic. This article was sent into my district with the hope that it would contribute to my defeat.

I did not attach much importance, Mr. Chairman, to that proceeding then, and I do not propose to do so now. I relied for my justification simply upon the merits of the proposition, upon the fact that the amendment—that the proposition—met the approval of this House by an enormous majority, and I relied upon the language of my distinguished friend and colleague from Missouri [Mr. DOCKERY] who praised me in the debate and commended the amendment as conducive to the public interests.

Mr. POWERS. But did not this attack upon you, as a matter of fact, contribute to your success in that election?

Mr. PITNEY. Well, something did; I do not know what it was.

Mr. ANDREWS. Votes.

Mr. PITNEY. Now, I should like to go a little further in this matter, but it seems hardly necessary. I thought then that I should like to make a personal explanation. I actually sought to gain the floor at the time for the purpose of making a personal statement with reference to the matter; but the House was very busy in the closing work of the session and I was extremely busy in conference committee, and I had no opportunity to take the floor.

But the important question now, Mr. Chairman, is not whether the newspaper told some falsehoods about me. The question is, who paid for the publication of them? I think there is no doubt that the United States Electric Lighting Company paid for it. I will not dignify the articles in question by going into them in detail. That, I think, is unnecessary. I shall not dignify them except to say that they were absolutely and entirely without foundation or excuse so far as I am concerned. The same articles, I may say in passing, attacked also the distinguished gentleman from Pennsylvania [Mr. DALZELL], who then happened to be in the Speaker's chair, and this attack was just as absolutely without foundation as in my case. All I am concerned in now, therefore, beyond a mere denial, is to make plain, if I can, the danger that lies in giving to any company a control, or a chance to claim control, of so important and valuable a matter as the exclusive privilege of lighting in the District of Columbia.

I presume the same subsidized newspaper, from that time to this—for I do not have the privilege of reading the Washington Times, except very rarely—they may have used the opportunity all last summer and fall to continue their attacks upon me. I have no doubt that the Washington Times has vilified and maligned the Commissioners during that whole period—at $1 a line; has denounced the Potomac Company during the same time—at $1 a line; has no doubt impugned the motives of the Secretary of War for his action in the premises—at $1 a line; and I know that in the latter part of November or early in December, Mr. George Truesdell, one of the Commissioners of the District, was charged with being personally and pecuniarily interested in the public work—at $1 a line; and I may say in passing that the then manager of that newspaper is now under indictment for libel in that particular case.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DOCKERY. I ask unanimous consent that my colleague may proceed——

Mr. PITNEY. I only want five minutes longer——

Mr. DOCKERY. I ask that my colleague have five minutes longer.

There was no objection.

Mr. PITNEY. But, Mr. Chairman, the old company claims to be a home company. It says the people here are interested in it; that it is one of their pets. Well, in point of fact, it is a West

Virginia corporation, not organized or incorporated under the laws of the District of Columbia, although the laws are open to such incorporation. But it avoids taking a charter here, for that would subject it to local taxation and judicial control in the District, both as a going concern and as to its assets in case of insolvency. The competing company, on the contrary, is a District company, locally controlled and taxed. But the United States Company seem to think that outsiders ought not to come in here, and they treat this city of Washington as if it belonged to some favored few. My view of it, Mr. Chairman, is that the city of Washington is the people's city, and that all the people of the country ought to have an equal opportunity to come in here with their capital, their enterprise, and their wealth, and aid in beautifying and building up and benefiting the city. The theory of the free-corporation law is that wherever any number of persons are willing to embark a given amount of capital in a given enterprise, they ought to have the right to do it in the form of a corporation, the same as they would have a right to do in the form of a partnership, subject to proper limitations and restrictions and control, set forth in the laws for that purpose. That kind of a charter the competing company has taken out. That kind of a charter the old monopoly has refused to take out.

I want to say in all frankness that one year ago, as a member of the subcommittee, I had some hesitation in recommending a provision that would require the building of additional subways for the purpose of lighting the streets. Since then my investigation of the matter, my knowledge of the facts and the law, have convinced me that it is the only way of dealing with this electric-lighting question; and passing entirely by—for it is entirely aside—the question as to whether we shall have public subways, owned and controlled by the municipality and rented out, I say that until we get them there is no way of securing good service and cheap service for the public and for the citizen except by having some such competition as this.

Kill it off, if you choose. Drive the competing company out of existence, as you would do if you followed the line of argument that is laid down for you, and you then give notice to all the world that nobody's money is desired to come in here if it infringes upon any concern which happens already to be owned by the favored few.

Competition in electric lighting is necessary as to price. That is a matter of history. This old company charged 60 cents a night, and said that they could not do it for less. Congress at last compelled them to come down to 50 cents, and they said they could not do it for less. But the moment that a new competitor appeared on the horizon, the United States Company said before our committee, last year, that they would do it for 28 cents a night, amounting to $100 a year; and then, when the provision which we had put in expressly providing for competition was knocked out on a point of order urged by the gentleman from New Hampshire [Mr. BAKER], and the danger of competition became less, when next the Senate put in its amendment that struck out the provision expressly requiring the Commissioners to advertise for bids, when the old monopoly thought its grip was going to be renewed upon the electric lighting, immediately an amendment was put on the bill raising the price from 28 cents—as the House left it—to 40 cents, the then existing price. But finally, as a result of conference, it was reduced to 30 cents; and now the old company say, "We can not do it for 30 cents; there is no money in it; but we are obliged to submit." The new company say they can do it at a profit for 28 cents. I should want to look at the books of the old company and find out what the cost of electric lighting is. I should want to know how much of the $18,000 and other sums spent for like purposes has been charged to the electric-lighting account. I should want to know whether they have used half of the appropriation for subsidizing the newspapers and the other half for paying for the light.

Competition would be beneficial also to private consumers, not only as to price, but as to extension of the lines. This old company has been in this District, with all this control that it has had—accidental control, and not intentional—it has been here for fourteen years, and yet that company is lighting a comparatively small section of the city. Whether there is an understanding between them and the gaslight fellows, that they shall not tread too much upon their preserves, I do not know; but the new company is a new enterprise—I have not a bit of interest in it, any more than I have in the other, I do not know who the stockholders are, any more than the gentleman from New Hampshire [Mr. BAKER] does—and I say it should be our policy to encourage that kind of an enterprise in coming here.

Competition has proved beneficial with regard to the character of the subway construction. These subways of the old company have provision for only one or two wires or at the most six wires, and on their own showing they are unsuited for the work that they have to do and have not sufficient capacity to take the overhead wires which the company are now maintaining, either lawfully or unlawfully; whereas the new subways are built on the most approved plan, and are certified by the Commissioners to be in exact accordance with the report of the experts who have been investigating the matter; so that if municipal subways are adopted we can take these very subways, either by condemnation or otherwise.

Competition is necessary in order to give improved processes of manufacture. It appeared in our hearings last year that since this old plant was introduced the manufacturing processes have been so improved as to furnish electric light and permit it to be manufactured for a fraction—I do not know exactly how much, but say one-half—of the former cost.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PITNEY. I would like about ten minutes more.

Mr. GROUT. I ask that the time of my colleague be extended until he shall complete his remarks.

The CHAIRMAN. The gentleman from Vermont asks that the time of the gentleman from New Jersey may be extended until he completes his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. PITNEY. But now what is the trouble with some people? The supposition is that "our friends" are in the United States Company. I have received a letter myself—I do not say that there is any impropriety in it; it has no effect upon me—I have received a letter from the counsel of the United States Electric Light Company asking me to be easy with them, because my friends are stockholders in the United States Electric Company and because the stock is largely held in the banks as collateral security for loans. And so it appears that a large portion of the loanable capital of the banks of this city is tied up in the stock of the United States Electric Light Company, and therefore each lender has quite a little motive in seeing that the domain of the old company is not trenched upon by the new company. I do not know what friends of mine are interested in the United States Electric Light Company. The counsel of the company does not furnish me a list of their names, and hence I can not communicate with them. I have no knowledge of the management of this company or why it is improperly trying to influence Congress, but I will say to my friends who are in that company, if they are responsible for it, that they are engaged in a very discreditable business. [Applause.] The sooner they change the management of that company and the policy it has adopted toward Congress and toward the Commissioners the better.

Now, I do not want to spend any further time on this matter; but there is one other thing that I ought to go into. That is, the claim that the action of the Commissioners in granting a subway permit to any other company than the United States Company is a violation of some understanding that is stated to have been arrived at at the time when the District bill was in conference last year. That is a subject which I ought to know something about if it is true.

Mr. GROSVENOR. Some verbal or private agreement?

Mr. PITNEY. Yes; some verbal or private agreement. Well, if so, the parties to it would be whom? Would it be the United States Company, or the Potomac Company, or the Senate conferees, or the House conferees, or the Commissioners?

I am speaking at the present time, Mr. Chairman, in vindication, as I said at the outset, of the action of the Commissioners in this matter. I want to say that so far as I remember, subject to correction by the recollection of some other member of the committee, the Commissioners of the District were not consulted at all in regard to the conference report so far as it affected electric lighting.

Was there an understanding on the part of the Potomac Company? Why, the representatives of the Potomac Company came before the committee of conference and simply said: "We are in this fix; we are in this trouble. We will accept anything that you will give us at your hands." They did not agree that because the bill had been amended in conference so as to authorize them to do private and public lighting west of Rock Creek they would not avail themselves of any rights to bid for public lighting east of Rock Creek.

The United States Company, did they have any understanding in this matter? From seeing what had been the effect of the provisions in former appropriation bills, were they satisfied that they were going to get all this work? Did they expect that by the express enactment giving to the Potomac Company a charter west of Rock Creek it would by implication be debarred from competing with the United States Company for the public lighting east of Rock Creek? The United States Company may have had such an understanding. If so, they were caught in their own snare, and, like the fox who said, "This is a trap; I'll lightly come and lightly go," they perhaps were "caught by the light, fantastic toe."

So far as the House conferees are concerned, and I think I can speak for my colleagues as representatives of this House, standing in advocacy of the views of this House and knowing that the views of this House were against monopoly in that or any other

similar matter, we did not intend to consent expressly or impliedly to any perpetuation of the control of a monopolistic company. But the company may have understood it so. I think possibly there may have been a misunderstanding on the part of some persons. They may have misunderstood the effect of the previous decision of Judge Bingham. They may have supposed that that was meant to prevent permits for public lighting. If so, that was their mistake. The fact is, the opinion did not touch the question of public lighting. It went simply to prevent the extension of lines for private lighting.

But the law is upon the statute book, as you will find it. There is such an expenditure for public lighting, calling for such a number of lamps, authorizing that to be spent not for maintaining existing service, but for maintaining service in streets where service then existed and for necessary extensions. And inasmuch as there was an obligation to light only by subways, it followed that it could not be done in any other way than by granting subway permits to the party with whom the contract was to be made.

Mr. STEWART of New Jersey. If my colleague will permit me, with reference to the letter of the counsel of the United States Company, does not my colleague think it proper that that letter should be given for publication in the RECORD? For I believe, and I think he believes, that these men in high places who attempt unduly to influence legislation should not go unwhipped of justice. I think the letter of the counsel should be given for publication in the RECORD.

Mr. PITNEY. I have no objection to that; but I will state for myself that I am not so easily influenced that a letter of that sort would have the slightest effect on either my official or my private conduct.

Mr. STEWART of New Jersey. I know that as well as anybody can know it, but my object in making the suggestion is that the writer of that letter may be punished.

Mr. PITNEY. Oh, I do not think the letter contained anything that would render the writer punishable. It did contain an intimation that "my friends" were interested in the United States Electric Lighting Company. That may be true. If so, I have served notice on them to the best of my ability as to my opinion of the conduct of that company.

The following is the letter:

WASHINGTON, D. C., *January 21, 1897.*

MY DEAR PITNEY: A letter similar to the following was sent by Col. A. T. Britton, representing the United States Electric Lighting Company, to Hon. W. W. GROUT on the 18th instant, and I have taken the liberty of reproducing the most of it, and send it to you in this form, simply requesting, as a friend, that you will carefully read it and weigh the statements therein contained—which, I can assure you, are borne out by the facts in the case. I know you are familiar with this matter, and that it may be a work of supererogation for me to rehearse what this letter contains, and may be regarded as somewhat presumptuous on my part, inasmuch as I have just been employed by the United States Electric Lighting Company—owing to Mr. Britton's severe illness, which precludes the possibility of his acting further in the matter at present:

"The United States Electric Lighting Company is purely a local institution. Not more than 3 per cent of its stock is owned outside of the citizens of Washington. It commenced in 1884 with a small capital of $54,000, and when electric lighting and power were entirely experimental, and when royalties and excessive charges for plant absorbed everything. For years its operation was dead loss, and when it was beginning to be remunerative Congress forbade further extension of its overhead wires and compelled it to construct underground conduits. That system was then wholly untried, and experts contended that it could not be made a success. Nevertheless, the company loyally obeyed the will of Congress, and made a success of its underground work. It has gradually taken down all its wires, except about 4 miles in the aggregate, and would have had those under ground by this time if the Commissioners had not refused the necessary permits. The company has spent $1,300,000 upon its plant and underground work, and until 1896 has paid 8 per cent dividends and no surplus. In 1896 it was forced to reduce its dividends to 6 per cent. That is all the present profit in its operations, both public and private. Naturally, as a local institution, its stock has gradually been purchased by our citizens, until it is (except 3 per cent) wholly owned by individuals and estates resident here. Its stock has been a favorite collateral in our banks and trust companies, and it is probably fair to say that in the aggregate at least $500,000 have been and are to-day loaned upon it by our various financial institutions. You can readily understand how large a percentage of our local capital is invested in this institution when I say that the aggregate capital of all our national banks and trust companies only equals $8,500,000. Many of your warmest friends here are deeply interested in the continued prosperity of this company, and would exceedingly regret to see you unadvisedly aid in impairing its standing, or in lending your strong support to its competitor.

"The Potomac Electric Light and Power Company is a corporation of very recent creation, and almost wholly owned outside of the District. Captain Crosby, formerly of the United States Engineer Corps, and his partner, Lieb, together with certain New York parties, whose names they decline to disclose, the Cramps, of Philadelphia, and Mr. F. C. Stevens, of this city, constitute the company. The Cramps furnished the electrical machinery in the Georgetown power house, upon which there is still due them $120,000, for which notes were given but not paid at maturity. To recover that indebtedness constitutes the interest of the Cramps, who are not believed to be taking any further active part in the operations of the company. Pretty much all the money being expended now, and for some time past, is supposed to be advanced by Mr. Stevens. This company first secured possession of the Georgetown and Tennallytown Railroad by purchase of a bare majority of the stock at very low figures, part of which was paid for, and part wholly bought upon credit and never since paid for. It then secured possession of the Bethesda road, connecting at the District line with the first-named road, by purchasing a note of $13,000 secured by mortgage upon the Bethesda road and property, and by buying up a judgment lien of $6,000. Then it secured foreclosure of the Bethesda road, and bought it in at the foreclosure sale. Prior to that time, to operate the Georgetown and Tennallytown, the Bethesda and the Glen Echo roads, the power had been supplied on contract with the Georgetown and Tennallytown road from its power house, which was amply able to do the work. Having got possession of above two roads, these new owners have operated them in a most unsatisfactory way. Their cars are filthy and full of disease; their roadbed and equipment has not been kept up, and the operation is so poor that one never knows when he starts upon a trip whether he will reach the end of the route or not. Then, in total disregard of the rights of their mortgages, the power has been transferred to a new plant, in which the railroad has no interest and entirely removed from its line. It is situated upon a tract south of the canal, and near the Aqueduct Bridge. The ground is leased, and, as aforestated, the machinery thereon has not been paid for. It was undoubtedly the expectation of Crosby and Lieb (Potomac Company) to utilize their plant to supply to the three railroad companies above named, and to the Metropolitan, and to the Capital Traction Company, and to all other parties desiring electric power, even including the United States Electric Lighting Company. Their theory was that a naked manufacturer of the power, backed by a purely modern plant, could make and deliver the fluid at much less cost than parties to whose business its manufacture was only an incident. Crosby and Lieb did not realize their expectations. The large railroad companies declined to consider a plan which would leave the operation of their roads in the hands and at the mercy of an outside corporation.

"Thereupon, and to try to find some way to utilize their plant, Crosby and Lieb turned their attention, with the aid of the District Commissioners, to getting into the territory of the United States Electric Lighting Company for purposes of both public and private lighting and power. It is beyond question that the House Appropriation Committee in the District bill, reported by you in February, 1896, intended to authorize that competition, so far as the public lighting was concerned; but it is equally beyond question that, after five different conferences, the Senate declined to accept that provision, and that finally a compromise was adopted which gave a limited authority to the Potomac Company to extend its overhead poles and conduits west of Rock Creek only; and to the United States Company authority to extend its conduits east of Rock Creek, and as far north as Mount Pleasant, Washington, and Columbia Heights.

"I do not intend to weary you with any analysis of all the things which have since been done by way of litigation, contracts, permits, or wild scramble to open the public highways in the dead of winter. The Cockrell resolution does not affect, nor attempt to affect, anything done before the date of its approval. It simply prohibits after its enactment further opening of the streets by any company, except in case of public necessity, within prescribed limits, and at discretion of the Commissioners, until Congress has acted definitely upon the general subway proposition. Unless stopped by further legislation, the Commissioners can quite as lawfully continue to make contracts, and to parallel existing conduits, and to tear up street after street without limit, and it is that sort of thing which this resolution will stop, and which it ought to stop.

"Of course, the idea of competition in a general way in the affairs of life strikes one as the correct thing. But is it so in relation to the use of either the surface or the subsurface of the streets of a city by these quasi corporations? Except in cases of necessary outlet for a few squares in the center of a city, you restrict the use of a street to one railroad, and even discountenance new lines on parallel streets, rather requiring extensions by existing companies. You have for fifty years restricted one gas company to the west of Rock Creek and another to the east of Rock Creek, and so on with similar corporate uses of the public streets for other purposes. The policy, and the wise policy, of Congress has always been to retain with an iron grip the regulation of these corporations, but to forbid their duplication. You have regulated their equipment, determined their motive power, fixed their charges, etc.; but you have thus regulated one company, rather than to have stimulated the growth and competition of speculative rivals, who simply tore up the sidewalks and roadways, poisoned the public health, and inconvenienced everybody in their wild scramble for a freeze out or a sell out.

"Consider for a moment the necessary result of a general authority for competition between these two electric-lighting companies. It will be a struggle for existence. The present contract of the Potomac Company expires next June, and most of that contract year will have expired before the company will be in position to light a lamp. The gross pay under their contract for a whole year is only $12,500, and they can not complete in time to earn more than three or four thousand dollars at the most. The net of that sum will clearly not pay them for putting down more than $100,000 of underground work; and they must necessarily expect to find a future profit of competition everywhere with the United States Company in both public and private lighting. Then it comes to this, that on June 30 next, and similarly each other year thereafter, these two companies must bid against each other for the public lighting, and all through each year, from day to day, for private lighting. One will get it this year, the other will get it next year. One gets A's house or store this month, the other offers greater inducements and gets it the next month. Each will be willing to do it for less and for less, finally for nothing, and then with a chromo. Is there any good to public interest out of this wild and unbusinesslike competition? Streets constantly torn up, public health impaired, everybody inconvenienced, and finally one or the other company goes into bankruptcy or sells out, consolidation occurs, and the public is left to pay a fair profit upon the cost of the duplicate plant. These are not imaginary results. They have been experienced over and over again in the cities of this country, and the public has always finally paid the bills and endured all the annoyances.

"I hope that you will give this subject careful consideration. I have said before that your friends are interested in the success of the United States Electric Lighting Company. I do not for a moment imagine that this fact would in the slightest degree influence your legislative action against your clear judgment as to the requirements of public interest; but in a case where all other things are not only equal, but where the preponderance of equities is clearly with the United States Electric Company, such consideration may properly have weight with you. We do not have many local stocks or bonds, and we naturally feel that when it comes to lighting our own houses, stores, and streets, we ought to be permitted to do so with our own local company, equipped with our own moneys, rather than to be forcibly turned over to a set of outside speculators."

The only thing I would add to the foregoing is that it seems to me a totally unnecessary and wanton defacement of the beautiful streets of this city, without any adequate return to the people, inasmuch as it is absolutely the province and within the power of your committee to fix the rate for electric lighting which must be observed by this company, and it is entirely competent for you to fix as low a rate as could possibly be obtained as the result of healthy competition or any other kind of competition that would not result in the ruination of both companies, and that is not "good public policy."

Sincerely, W. W. DUDLEY.

Hon. MAHLON PITNEY,
1524 Eighteenth street NW., City.

Now, Mr. Chairman, I give fair notice that the appropriation bill reported here contains an increased appropriation for electric lighting; that it contains a limitation of cost to 25 cents per light

per night, and that that increased appropriation and that limit of cost will provide for a large additional number of lights which are to be put upon streets that are not now lighted by electricity, I want to say also, and I think the House will agree with me, that it will be the duty of the Commissioners of this District to pursue the same line of conduct as last year, and to invite proposals for this work in obedience to the organic law. Whether they have discretion to accept proposals from one company or from another company, as the case may be, is another question; but I suppose it to be their duty to accept the proposals of the lowest bidder. Returning again to the recommendations of the Commissioners, last year they submitted to us a schedule which designated certain streets to be lighted by electric lights, and, generally speaking, those were the streets occupied by the lines of rapid transit. This year they have submitted a schedule of the same streets, with a few others, and if we accept their recommendations, it will be their duty, as I understand it, to provide for the completion of that service.

The appropriation of this year will take care of the Metropolitan north-and-south line. Last year they recommended us to take care of the east-and-west line also. The appropriation was not sufficient for all, but I understand they are going to take care of a part of the streets on which that rapid-transit system runs. I think the Commissioners ought to advertise for proposals, and I hope that when they do advertise there will be no misunderstanding on the part of anybody as to the law under which they do it.

I have said thus much, Mr. Chairman, in explanation of the law and of the facts which led the Commissioners to advertise and to grant contracts, in pursuance of the decision of the court, which sustained their action in advertising, and said it was lawful and proper for them to give permits not only for the lights for the District of Columbia provided for in this bill, but for the lights in the public parks provided for in the sundry civil bill.

I think that so much was due to the Commissioners. They have been denounced and abused and vilified, and not one-tenth of the statements contained in the newspapers and made elsewhere about them have been founded upon facts. The facts are as I have stated them.

Mr. BAKER of New Hampshire. Mr. Chairman, I wish to address the committee for some five minutes.

Mr. GROUT. I yield the gentleman five minutes.

Mr. BAKER of New Hampshire. Mr. Chairman, we have listened to a very peculiar statement and argument from the gentleman from New Jersey [Mr. PITNEY]. I presume that nine-tenths of us do not care anything about the particular complaints he has aired before us. In our minds there is no purpose to favor one company or another. I do not suppose there are three people in this House who know a single stockholder in either of these electric-lighting companies. It is to be noted, however, that one company has been subjected to vituperation and the other to compliment. I do not care which has received the compliment or which has received the vituperation.

The question for the members of this House is over and above all that. It is the question of the service which is rendered to the people of the District of Columbia; the question whether or not the pavements of this city have been cut up and rendered less valuable by giving the service to this new company, which, the gentleman says, is a competing company; and whether the people of the District and the people in the District have not been put to great inconvenience, loss, and danger by the cutting up of these new pavements. These are the questions to which we should devote ourselves in considering this proposition. No one, I suppose, has ever found any fault with the Commissioners for permitting either company to extend its line in the proper order in which those lines would naturally be extended.

The complaint has come because the one company has been given privileges and powers over and beyond those of the other company. The complaint has come because the one company, having already its underground conduits laid in the streets, has not been permitted to run wires through those conduits. The complaint has come because when conduits have been laid and wires laid in them by one company, the other company has been given powers which naturally would have gone to the company having already its wires laid, and, I presume, vice versa. But in any event, I do not understand that this House or the Commissioners, or any person connected with either company, can justify the digging up of miles of concrete pavement to permit one company to render a service which the other could have rendered without being obliged to disturb the pavements for over three blocks; and all this when this House, by power which it has exercised for years and years, controls the limit of price at which electric lighting shall be furnished. If the limit of last year was not low enough, it is within the power and the policy of this House to make it low enough. I do not care how low you go, if you do not destroy the lighting. For these reasons one company or the other company is or ought to be as good to this House, to the Commissioners, and to the people of the District of Columbia as the other. Personally I do not know, so far as I am aware, one stockholder in either company, except one individual, and I have not seen him or heard from him for over a year.

But there is general complaint from one end of this city to the other—not in the newspapers alone, but from all the people—that the Commissioners have committed an outrage upon the people of the District in exercising the power which they have exercised in this city. And I take it that the newspapers of this city have done nothing in the world except to voice the sentiments of the people of the District. If the gentleman knows of their being bribed in one connection or another, I have no objection to his airing it upon this floor or anywhere else. I have no such knowledge. But it is generally understood in this city that there was a trade by which certain public lighting and certain electric companies were turned over to another company; that it was done in pursuance of an understanding which has culminated in the digging up of the streets, as I have suggested. That is what is complained of. And whether the Commissioners have been in it or whether they have not been in it, is not a matter that concerns me except so far as I would criticise any man, whether a Commissioner or not, who is false to his pledge.

Mr. PITNEY. I understood the gentleman from New Hampshire [Mr. BAKER] to intimate that the Commissioners had some interest in what is known as the competing company. I only want to say that the subcommittee of the Committee on Appropriations took pains to make some inquiry a year ago in reference to that matter, because a rumor of that sort had been suggested, and the result of our inquiry was that the charge was shown to be absolutely without foundation. It was shown that the Commissioners, or any of them, had no interest whatever in the Potomac Electric Lighting Company. I wish to say this in justice to the Commissioners.

Mr. BAKER of New Hampshire. I do not know whether they have any direct pecuniary interest in the Potomac Electric Lighting Company or whether they have not. But I do know that if they had such pecuniary interest in the Potomac Electric Lighting Company, they could not have been any more subservient to its interests than they have been.

[Here the hammer fell.]

Mr. GROUT. If no gentleman desires to be heard further——

Mr. MAHON. I should like to occupy a few minutes.

Mr. GROUT. How long a time does the gentleman want?

Mr. MAHON. About ten minutes.

Mr. GROUT. I yield the gentleman ten minutes.

Mr. MAHON. Mr. Chairman, what the gentleman from New Jersey [Mr. PITNEY] says may be true, and what the gentleman from New Hampshire [Mr. BAKER] says may be true, about these competing companies. But I want to say that in the part of this city where I have resided during the last four years the streets have been constantly dug up, in season and out of season. I believe the time has come in the history of this city when Congress should take into its own hands the business of lighting the streets and parks, as well as furnishing water to the people of the District. I believe that the city of Washington, under the control of this Congress, ought to put in its own plant for lighting the streets and the parks. I believe that this city should establish and maintain its own waterworks. I stand ready to vote in favor of ousting all these corporations that are undertaking to do this kind of work for the citizens of the District.

This city is not like other cities. This is a city of parks. I am satisfied we can light this city at one-half the expense now incurred by doing the work through these corporations. And these magnificent streets, which have been laid out at a cost of millions of dollars, should be under the absolute control of the city, and when once they have been dug up and conduits laid for the conveyance of electric lights, that should be an end of the matter.

The legislature of my own State, Pennsylvania, passed some years ago an act authorizing municipalities to put in their own plants for electric lighting and for supplying water. In pursuance of the authority thus given, the city in which I reside owns its own electric-lighting plant; it owns its own waterworks. We can furnish arc lights to the citizens there at their residences and in the great stores for $42 a year. We can furnish them at one-half the cost which has to be paid in other cities. And we light our city free. All because we make the light ourselves and furnish it for commercial purposes and on a commercial basis.

We furnish the very best water also in the State. The city gets its water free of all charge. The water taken by our citizens and the light furnished them by the city meet all of the expense of carrying on the waterworks and the lighting establishment, and gives the city free both its light and water.

Now, if you are going to let this company in, and tear up the streets, all right. I know nothing about either the Potomac Company or the United States Company. I do not take any stock one way or the other. They are all "tarred with the same stick," and they are all after a franchise; all want this monopoly. But we ought to stop, Mr. Chairman, this everlasting digging up of the

streets of this city. Have you given a new company the right to come in and tear up the streets? When will the streets be let alone? When may we walk through the streets and find them not dug up in some place or another by this eternal operation?

Mr. PITNEY. I will say to the gentleman that for my own part I would not trust any company as a monopoly. I would not intrust any such interest to the control of any one company, unchecked by competition, as far as the interests of the city are concerned. I have no desire, as far as I am individually concerned, to give them a monopoly.

Some years ago we passed a law providing for a report on the conduit system for a subway for all of these electric wires. That matter has been before the committee for a long time, and no satisfactory report has been made, but it is progressing, and we have gone far enough to know that it will cost from $3,000,000 to $5,000,000. Congress has so far not seen fit to authorize such an expenditure.

Mr. MAHON. I want to give my friend from New Jersey a little bit of information that comes from a man who is slightly older than he is, as to the way these corporations work. He may go on with this system, and what will be the result? He will find both of these corporations sleeping in the same bed, and covered by the same blanket, within a very few years. That is generally the history of their transactions.

Mr. GROUT. Mr. Chairman, if no further debate is desired, I ask for the reading of the bill by paragraphs.

The Clerk proceeded to read the bill, and read as follows:

For assessor's office: For assessor, $3,500; three assistant assessors, at $3,000 each; two assistant assessors, at $1,600 each; two clerks, at $1,400 each; three clerks, at $1,200 each; draftsman, $1,200; three clerks, at $1,000 each; assistant or clerk, $900; clerk in charge of records, $1,000; clerk to board of assistant assessors, $1,200; clerk, $900; license clerk, $1,200; inspector of licenses, $1,200; messenger and driver for board of assistant assessors, $900; in all, $33,300.

Mr. HENDERSON. I move to strike out the last word for the purpose of asking if this is a change in the existing law.

Mr. GROUT. You refer to the personnel of the office?

Mr. HENDERSON. Yes.

Mr. GROUT. No; no change whatever.

Mr. HENDERSON. I withdraw the amendment.

The Clerk read as follows:

Street sweeping office: For superintendent, $1,800; assistant superintendent and clerk, $1,600; clerk, $900; chief inspector of streets, $1,200; three inspectors, at $1,200 each; ten inspectors, at $1,100 each; three assistant inspectors, at $800 each; foreman of public dumps, $900; messenger and driver, $600; in all, $24,000.

Mr. HEPBURN. Mr. Chairman, I move to strike out the last word for the purpose of making an inquiry of the gentleman in charge of this bill.

I would like to ask the necessity of this number of twenty-two employees, at a cost of $24,000, simply to inspect the work, as I understand it, of street sweeping, for which there is a total appropriation of more than $100,000?

Here is for inspection and superintending a sum nearly or fully 20 per cent of the whole cost of the work done. It seems as if the appropriation of "bread to sack" was exceedingly small, and I would like to have an explanation from the chairman as to the necessity for this large expenditure in this regard.

Mr. GROUT. Is it the size of the inspecting force that the gentleman objects to, or the smallness of the appropriation?

Mr. HEPBURN. The objection is as to the diversity between the two.

Mr. GROUT. Well, I will say that this provision was for the first time put on in the last bill, these officials being placed upon a salary at that time. Previously they had been paid in a lump sum for the work, but the same force has been employed for years in the work. It requires careful and thorough inspection, and if the proposition of some can be carried into effect—that is, the doing of the work by day labor instead of under contract—the force will have to be still further increased.

In the last appropriation bill these persons specified here were given the same pay in the shape of a salary that was paid to them before in the lump sum, and that amount was deducted from the general appropriation. But they are carried in the bill in the same form now as last year.

The committee are not informed that the work is overinspected. On the contrary, there was a year ago, as I remember it, an application for a larger number to be put on salary. I do not recollect that any claim was made before the committee that this force could be decreased. If other gentlemen on the committee had such information I would be very glad to yield to them for a statement. But no such information came to me.

Mr. PITNEY. They wanted an increase of salary.

Mr. GROUT. Yes; they wanted an increase of salary, as the gentleman from New Jersey suggests; there is no doubt about that.

Mr. HEPBURN. Mr. Chairman, the committee will observe that this paragraph makes provision for the pay of employees in the street-sweeping force. I take it for granted that their duties are confined solely to the sweeping of the streets. If you turn to page 16 of the bill, you will find an appropriation there for sprinkling, sweeping, and cleaning: "For sprinkling, sweeping, and cleaning the streets, avenues, alleys, and surburban streets, $130,500," and "for cleaning snow and ice from cross walks and gutters, etc., under the act approved March 2, 1895, $1,000." All that this work of cleaning the streets amounts to is, in its total, $131,000. Now, in order to see that that work is properly done, that that money is properly expended, the sum of $24,000 is paid to officers who have surveillance of the matter. It does look to me as if there was a very marked disproportion, that it is better to have some other contractor who will do the duty properly without this expensive watching.

Mr. NORTHWAY. The gentleman will observe that while the words "street cleaning" occur above there, they very likely are misleading, for it says: "Chief inspector of streets." I take it that does not mean inspection of sweeping alone, but inspection of all street matters.

Mr. PITNEY. I will say to the gentleman from Ohio [Mr. NORTHWAY] that he is mistaken about that.

Mr. HEPBURN. It must apply to cleaning the streets.

Mr. NORTHWAY. Then the language is misleading.

Mr. HEPBURN. Because we have already read the paragraph that provides for general superintendence. That is in the engineer's office, and in that there are fifty-nine comparatively high-priced officers. This, I think, refers solely to seeing to it that the contract of the street sweeper is properly attended to.

Mr. GROSVENOR. I will suggest to the gentleman that the police force might give a little attention to that.

Mr. HEPBURN. I think there might be other methods. This is certainly a very extravagant one.

Mr. PITNEY. There is some street sweeping that is not done by the contractor. There is a street force which is engaged in the work of sweeping by day labor, although this is perhaps only experimental. The Commissioners deemed that it would probably be more suitable, because the contractor only goes over the streets at night, and the day laborers can work in the daytime without interfering with traffic.

Mr. HEPBURN. This appropriation is expended, is it not, in supervising the sweeping of the streets?

Mr. PITNEY. It is the office work of the street-sweeping department, and I will say to the gentleman that previous to the now current appropriation bill the salaried force was paid out of the lump appropriated for cleaning the streets; but by reason, I think, of a Senate amendment, placed on the bill last year, which is the current law, there was a special appropriation for the payment of the force, leaving the whole amount appropriated for the sweeping of the streets to be available for that work itself, irrespective of supervision. I will say to the gentleman that if he will find out a way to reduce this item we shall be with him.

Mr. HEPBURN. If the gentleman will permit me, I will move to strike out the words in the eighth and ninth lines, "three inspectors, at $1,200 each." And then I will move, later on, to strike out the word "ten," in the ninth line, and insert "five." If, before the bill gets through Congress, the Commissioners can satisfy the committee, or the conference committee, which will undoubtedly have charge of this bill, that this large number of high-priced inspectors is necessary, of course there will be no objection to the item being restored.

Mr. PITNEY. Mr. Chairman, the gentleman is aware that the conference committee would have no jurisdiction over the matter unless it were made the subject of a Senate amendment. I suggest that the motion be deferred, and the debate on it be deferred until the close of the bill, so that we may have an opportunity to inquire.

Mr. HEPBURN. Then I withdraw the pro forma amendment.

The CHAIRMAN. Does the Chair understand that the gentleman's amendment is pending?

Mr. HEPBURN. The amendment may be pending, if you please; yes.

The CHAIRMAN. The request is that this paragraph be passed over, to be referred to later, with the gentleman's amendment pending. Is there objection?

There was no objection.

The Clerk (proceeding with the reading of the bill) read as follows:

Board of examiners, steam engineers: For compensation for board of examiners of steam engineers in the District of Columbia, three, at $300 each, $900.

Mr. DOCKERY. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

That chapter 87, page 664, of volume 28, Statutes at Large of the United States, be, and the same is hereby, repealed.

Mr. DOCKERY. Mr. Chairman, in my judgment, that is a very wise amendment.

Mr. RICHARDSON. Mr. Chairman, I will reserve a point of order until I know what this is. The gentleman is repealing a statute, and I do not know what it is.

Mr. DOCKERY. The act of February 13, 1895, authorized contractors to be paid what are called "board rates," notwithstanding they may have contracted to do public work at a less rate. The sum involved in that legislation, in claims already filed against the District of Columbia, amounts to $753,526.75, and the interest thereon will probably carry the amount up to $1,300,000.

Mr. MEREDITH. Do you offer this as an amendment?

Mr. DOCKERY. Yes, to repeal it. This is in the interest of the taxpayers of the District.

Mr. MEREDITH. I make the point of order that it is new legislation. The gentleman is seeking to repeal the statute, as I understand it.

Mr. DOCKERY. The gentleman does not want to raise the point of order, I hope.

Mr. MEREDITH. Yes; I make the point of order that it is new legislation.

Mr. DOCKERY. I say now, Mr. Chairman, there never was a law placed upon the statute books of this country more inequitable and unjust than the act of February 13, 1895, which is sought to be repealed. The act gives to certain contractors under the old board of public works what were called "board rates," when they themselves had agreed to accept compensation at lower rates. Now, then, this act was passed, as I understand, without the indorsement of the Commissioners of the District, and we seek to repeal it, in harmony with their views, and in harmony with the views of the auditor of the District.

Mr. MEREDITH. The gentleman is mistaken. I understand the Commissioners recommended its passage. It has been passed, and these people, if they are justly due anything from the Government, ought to be paid. The Commissioners held the view that it was a proper act when it was passed.

Mr. DOCKERY. The gentleman is mistaken.

Mr. MEREDITH. No; I am not mistaken.

Mr. DOCKERY. We will get the act.

Mr. MEREDITH. The point of order I made is well taken.

Mr. DOCKERY. Certainly, Mr. Chairman, I concede that the point of order is well taken; but I insist that the gentleman from Virginia ought not to raise this question of order until he has given it a thorough examination, because I am satisfied from the statement which has just fallen from the gentleman's lips that he is not fully advised as to the facts.

Mr. MEREDITH. If my friend will permit me, I will make the statement to him that I believe I remember the facts thoroughly. I have examined into it, and if these people are justly due certain sums by the Government of the United States, and if the people of Washington are owing them, they ought to be paid, and they ought to have an opportunity to go into the courts to ascertain what is due. The gentleman is seeking by the amendment to cut them off, and the Government is undertaking to do a dishonest act. I will oppose that as vigorously as I can.

The CHAIRMAN. The Chair is ready to rule on the question of order. The point of order is sustained.

Mr. DOCKERY. I simply wanted to explain the circumstances under which this bill was passed.

The CHAIRMAN. The Chair will recognize the gentleman from Missouri.

Mr. DOCKERY. Very well; this is not the last of this amendment, and I desire to be heard. I move to strike out the last word.

Mr. MEREDITH. I think the Chair has sustained the point of order.

Mr. DOCKERY. Yes, sir; I concede that the point of order is well taken. There is no contention between the gentleman from Virginia and myself on that question.

The act of February 13, 1895, as it passed the House, provided that these claimants should have the right to go into the Court of Claims and should be allowed such prices as are reasonable, just, and equitable. The bill as amended by the Senate changed that provision and required that the court shall allow the rates established and paid by the board of public works. The board of public works in 1874 was of unsavory memory and unenviable reputation. Their acts, I may say, are largely responsible for the fact that the people of this District were deprived of local self-government. This board did not let contracts for public works to the lowest bidder, as the law now requires.

The work was apportioned out to various contractors. Now, then, under that system, to illustrate, my friend from Texas [Mr. SAYERS] might have secured a contract to do certain work for $100,000, a contract just, equitable, and fair, which he consented and agreed to. Subsequently this board of public works came in and established what they called "board rates."

Mr. Chairman, under these "board rates" $150,000 might have been allowed for the same work, work which Governor SAYERS agreed to perform for $100,000. Under the administration of the law which is sought to be repealed the gentleman from Texas can secure an allowance of $50,000 additional, the difference between the contract price and "board rates."

Mr. Chairman, this bill involves, as heretofore stated, according to the report of the auditor of this District, claims already filed aggregating $753,526.75, which, with interest, now amount to $1,300,000.

I can not believe that my friend from Virginia, whom I know to be an able and efficient Representative, will, after examination, insist upon the point of order.

Mr. SAYERS. Mr. Chairman, I wish to say a few words as to the passage of the bill referred to by the gentleman from Missouri [Mr. DOCKERY], and which was reported from the Committee on the District of Columbia. In the last Congress Mr. Cobb, of Alabama, who, I believe, was a member of the Committee on the District of Columbia, asked unanimous consent for its consideration. I objected and held the bill up for several days, but finally Mr. Cobb came to me and assured me that the bill to which I had objected had received the indorsement and approval of the Commissioners of the District.

Now, I desire to acquit Mr. Cobb of all blame in this matter, for I believe him now and I believed him then to be an honest man, incapable of knowingly doing a wrong thing. Upon his statement, I withdrew objection to the bill. After it had passed, however, I was informed by the auditor of the District of Columbia that instead of the bill involving an expenditure of $30,000 or $40,000, it involved an amount probably exceeding a million dollars. I said to the auditor, "Why, then, did the Commissioners of the District indorse and recommend the bill?" He assured me they had not done so, but that they had indorsed and recommended a different bill, which had been introduced, but not the one that had passed. Thereupon I went to see the President to get him to veto the bill, but I found that he had approved it under the supposition that it had been indorsed and recommended by the Commissioners of the District.

My judgment is that the amendment proposed by the gentleman from Missouri ought to be put upon the pending bill, because the House in the last Congress would never have passed the bill, nor would I ever have waived my objection so as to enable it to come before the House, if I had not been assured in the most positive terms that it did not involve an expenditure of over $30,000 or $40,000, and that it had received the indorsement and approval of the Commissioners. That is the way, as I remember it, this bill passed the House in the last Congress, and I do think my friend from Virginia ought, under the circumstances, to withdraw his point of order and allow the House to consider the amendment.

Mr. NORTHWAY. Do not the very facts which the gentleman has just stated in relation to how this bill was put through the House suggest that we ought not again to legislate hastily in the matter in any direction? Ought we not to have a bill introduced for the repeal of this act, referred to the proper committee, and reported upon by that committee before we take action?

Mr. SAYERS. My impression is that such a bill has been introduced and sent to the District Committee.

Mr. RICHARDSON. I do not think, Mr. Chairman, that any such bill is pending before the District Committee.

Mr. SAYERS. I know nothing about the matter myself, and only what I have heard from the auditor of the District of Columbia.

Mr. MEREDITH. Mr. Chairman, the discussion of ancient history here, after the point of order has been sustained, can be of no moment. The only point of objection which the gentleman presents to the bill seems to be based upon the fact that the amount which is probably owing to these people is much larger than was supposed at the time of the passage of the bill. Now, if it was right to pass the bill for a smaller amount, the fact that the amount is found to be greater than the gentleman supposed it to be does not change the principle at all. If it was right to pass this bill for a less amount, the fact that the amount due turns out to be more than the auditor of the District or the District Commissioners thought to be due does not change the principle. The principle still holds good, that if the money was due to these people they ought to be paid.

Mr. SAYERS. That is not the only point involved in this case. There is also the point that the bill was passed through the House upon the supposition that it had received the approval of the Commissioners of the District, whereas, in fact, it was another bill and not this one that had received their indorsement.

Mr. MEREDITH. I do not know whether that be true or not, Mr. Chairman, but this I do know to be true, that these people can not get one cent unless they prove their claim, and if they can prove that this District or this Government owes them money, whether $1 or many thousands of dollars, in good conscience they ought to be paid. They will have to present and prove their claim before they can get anything, and if they have been kept out of their money for thirty years the criticism of the board of public works, which comes from my friend from Missouri [Mr. DOCKERY], can have no weight in a question of this kind. The real question that presents itself to me is, Is this money due to these people? If it is, the Government, as it expects its citizens to be honest, ought to be honest itself in paying what it owes to its citizens.

Mr. PITNEY. The gentleman from Virginia is mistaken in two or three points. In the first place, it is not true that the only objection to the act rests upon the fact that it was passed by reason of the gentleman from Texas [Mr. SAYERS] having been misled. The act of 1895 in itself has no merits. It is not true that it was ever recommended in its present form by the Commissioners. The Commissioners recommended, or rather they acquiesced in, the passage of the original bill, but the bill that was really passed was a substitute, striking out all after the enacting clause and striking out every guaranty that the original Senate bill contained for any really equitable ascertianment of the amount that might be found due on these contracts.

It is not a question whether these men can recover fair amounst or not. The act as passed requires the Court of Claims to reopen this case, and to give these men the "board rates," and this in spite of the fact that it has been adjudicated over and over again that they were not entitled to board rates, either under their contracts or by reason of any equitable consideration. I will read for the information of the committee the bill as the Commissioners were willing to have it passed. It provided that the court should allow the claims "so far as the prices allowed and paid were reasonable, just, and equitable," and that a rehearing might be had, provided a motion should be made within ninety days after the approval of this act; "and no rehearing shall be granted upon any other point."

The substitute struck out those guaranties, and provided that there should be a rehearing whether the "board rates" had been claimed in the original claim or not, and that the contractor should have judgment for the board rates, whether there was anything in his contract or in the equities of the case to entitle him to the board rates or not.

Mr. HENDERSON. What were these claims?

Mr. PITNEY. I will explain to the gentleman.

Mr. GROSVENOR. This is very interesting.

Mr. PITNEY. I have taken some pains to investigate this matter, because the auditor of the District comes and pleads with the Committee on Appropriations to grant this relief to the Treasury. The claims involved aggregate, with interest, $1,400,000.

Mr. TALBERT. If the amounts are due they ought to be paid.

Mr. PITNEY. There is not a particle of merit in any one of these claims. There is not one of them that is less than twenty-three years old; there is not one of them that has not already had its day in court; there is not one of them that has not been passed upon by an auditing board and by the Court of Claims, and a finding had upon it. The present proposition is to reopen those old claims.

Mr. HENDERSON. What kind of claims are they?

Mr. PITNEY. I will give the gentleman that information.

An act passed February 21, 1871, organized the District government, providing for a governor and a legislative assembly. Under that act we had a governor. Gentlemen may remember something of the history. Section 15 of that organic act prohibited the legislative assembly from granting or authorizing any extra compensation to any contractor over and above the terms of his written contract. By an act passed in 1874 the previous form of District government was abolished, and a government by commissioners was established. Subsequently the act of June 11, 1878—what is now known as the "organic act"—took the place of the act of 1874. Every one of these claims originated during the period between 1871 and the date of the passage of the act of 1874. During the interim there was under the then form of government what was known as a board of public works, to which was given control of the improvement of the city, with power to make contracts.

That board did make hundreds of contracts. They were in writing, and were signed by the parties who were to do the work. After the contracts were made, in many instances—in other instances, before the making of the contracts—the board placed on its minute book a resolution that 30 cents per cubic yard should be allowed for excavation, we will say, and $6.50 per cubic yard for the construction of mason work. Those were, in fact, two of the resolutions. But before the 30-cent rate was fixed some contractors had agreed to do certain work for 20 cents per cubic foot for excavation; and before the $6.50 rate had been fixed for building masonry, some contractors had agreed to do such work for $5 per cubic yard. Those claims are involved here.

Again, after those rates had been fixed—after the board had said that 30 cents was a fair price—and I will admit that for any work done without written agreement, without the measure of compensation being prescribed in the contract, that might be taken as a reasonable rate because it had been fixed by public resolution; yet, in the light of that announcement written on the minute book, that 30 cents per cubic yard was a fair rate, in the face of that resolution, contractors came and agreed to do the work for 20 cents—one-third less than the board rate. They entered into this agreement by reason of special circumstances connected with the character and convenience of the work, etc.

[Here the hammer fell.]

Mr. DOCKERY. I ask that the gentleman be allowed to proceed.

Mr. HENDERSON. I move to strike out the last word, and will yield my time to the gentleman from New Jersey [Mr. PITNEY].

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from New Jersey be extended for five minutes.

Mr. SAYERS. We want to hear this whole explanation.

The CHAIRMAN. The Chair hears no objection.

Mr. PITNEY. Under the act of 1874—that is, under the new government—there was an auditing board established to audit these very claims, and that board proceeded to do the work. During the following six years they audited and adjusted hundreds of these claims, and the money was paid. Then, inasmuch as after the passage of the act of 1878 there were still large numbers of claims remaining unadjusted, Congress passed the act of 1880, of which, I believe, I have a copy here, but it is not necessary to read it. It conferred jurisdiction on the Court of Claims to examine claims against the District of Columbia arising out of contracts made by the board of public works or by the Commissioners; that is, by the board of public works from 1871 to 1874 and by the Commissioners subsequently to 1874, including these claims. The claims now in question all arose during the operations of the board of public works, are based on what is known as the "board rates," and originated prior to 1874.

Under the act of 1880, 398, suits were brought in cases where contracts had been made and on prices varying in amount, and in almost every case those suits were tried and adjudicated and disposed of.

Mr. HENDERSON. And the parties held to their contracts?

Mr. PITNEY. The parties were held to their contracts in some cases, but equitable considerations were allowed to intervene in others. The auditing board and the court itself gave potency to such considerations where they seemed just. In some cases judgments were rendered against the contractors; in some cases their claims were allowed, and in some cases counterclaims were set up on the part of the District for overpayment to contractors by reason of these advanced rates in violation of the law. For in many cases, in spite of the law prohibiting rates in excess of the contract price, the work had been paid for at board rates in express violation of the statute, and it was regarded by the court as a claim on the part of the District against the contractor; and the District was allowed to set this claim up in the hearings. Judgments for $382,000 principal and $164,000 interest were rendered, and were settled under the organic act by delivery to the judgment creditors of the 3.65 bonds.

Now, the act of 1895 was introduced for the purpose of providing for the reopening of these old claims against the District, and it conferred jurisdiction on the Court of Claims for that purpose. And I am not now finding fault with the Commissioners for recommending it in the original form.

Mr. SAYERS. May I ask the gentleman what committee reported the bill?

Mr. PITNEY. It was reported by the District Committee in the Senate.

Mr. NORTHWAY. Was that bill, as reported in the Senate, recommended by the Commissioners?

Mr. PITNEY. Not at all. They did not recommend that bill. The bill they did recommend is as different from this as day is from night. This is the original bill of the Senate.

It provides:

That in the adjudication of claims heretofore brought under the provisions of the act entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes," approved the 16th of June, 1880, no sum in excess of the sum named in the written contract allowed by the late board of public works or the late board of audit of said District, and paid to said claimants for work done or materials furnished for said District, at the rates established and allowed by said board of public works and known as "board rates," shall be pleaded or allowed as a set-off or counterclaim—

That is to say, that if he was paid the value that must be allowed—

against any claim for work done or materials provided for said District, so far as the prices allowed and paid were reasonable, just, and equitable.

That was intended to allow the contractor the board rate if there were reasonable grounds for such allowance; but it does not compel the court to allow it when the man agreed for a different amount of compensation and accepted it.

And in all cases where such set-off or counterclaim has been allowed against such claim, in cases heretofore brought as aforesaid, the claimant shall in such cases be entitled to a rehearing of his case: *Provided*, That a motion therefor shall be made within ninety days after the approval of this act, and no rehearing shall be had or granted upon any other point.

Now, the amendment struck out all of the bill after the enacting clause and put in this language:

That in the adjudication of claims brought under the provisions of an act entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of

Claims to hear the same, and for other purposes," approved the 16th of June, 1880 (21 Statutes at Large, page 284), the Court of Claims shall allow the rates established and paid by the board of public works—

Whether reasonable or not, or whether equitable or not—

and whenever said rates have not been allowed—

Whether claimed or not—and men did not always claim them—

the claimant or his personal representative shall be entitled, on motion made within sixty days after the passage of this act, to a new trial of such cause.

That is, whether the claim was made or not, or whether the contractor demanded such allowance or not, this was construed to mean that they could have a retrial on the question of the board rates, and also on any and all other questions, however fully litigated and justly settled on the previous trial.

Mr. NORTHWAY. If that is a correct history of the situation—and I doubt not that it is absolutely correct, because the gentleman makes the statement—why did the Commissioners recommend what they did recommend?

Mr. PITNEY. The bill that the Commissioners recommended would not have done any damage, for it would have simply allowed the Court of Claims to make inquiry into the reasonableness of the compensation to be allowed to these contractors, and to grant them a rehearing on that point only.

Mr. NORTHWAY. They ought not to have done that.

Mr. PITNEY. Very well; but this is so much worse that the other is trifling in comparison. Now, let me give you some few samples: Here is the case of Peter P. Little, administrator of Michael Shiner. Shiner, on the 16th and 20th days of September, 1871, made two contracts in writing, by the terms of which he was to receive 20 cents per cubic yard for the grading of Eleventh street east from Pennsylvania avenue to H street north. By the contracts it was stipulated that the work should be commenced on or before the 21st and 25th days, respectively, of September, 1871. It was also provided that unless the work was suspended by order of the officers of the District it should be completed within ninety days from the date fixed for its commencement. There was a contract binding him to complete it at 20 cents per cubic yard before the 1st day of January, 1872. He was behindhand in the doing of the work, but he did it and accepted compensation at 20 cents per cubic yard. On the 8th of January, 1872, after the contract was made and after it ought to have been completed, the board of public works made the following order:

"*Ordered*, That the prices of grading be fixed at 30 cents per cubic yard, including hauling, etc."

This order was not made until the month following the date fixed by the contract for the completion of the work.

Mr. HENDERSON. Did that refer to that particular contract?

Mr. PITNEY. No; it did not say so.

Mr. HENDERSON. It was general.

Mr. PITNEY. If there was any honesty in the resolution, it did not refer to that contract. It simply meant that where no other price was stipulated, where work was employed to be done at a reasonable price, this should be deemed a reasonable price. It was not on its face an abrogation of that contract.

Mr. HENDERSON. Is there any light on the reasons that led the board to this action?

Mr. PITNEY. Oh, the scandals were very great, I will say to the gentleman.

Mr. HENDERSON. Were any new requirements placed on the contractors or anything of that sort?

Mr. PITNEY. No new requirements whatever. The scandals were very great, and resulted in piling up $20,000,000 of indebtedness upon this District, and this was a part of the occasion of it.

Now, let me give you another instance. Here was a case where two contractors agreed to grade—and I hope the gentleman from Iowa [Mr. HENDERSON] will listen to this.

Mr. HENDERSON. I have heard enough to satisfy me.

Mr. PITNEY. A contractor agreed to do certain grading at 20 cents a cubic yard, including hauling. Thereafter, when a measurement was made, he was allowed payment at the rate of 30 cents per cubic yard, notwithstanding his contract. He also was allowed for hauling away material, in addition to the price for grading, 15 cents a yard for 30,640 cubic yards of earth. He receipted for this amount in full on the 2d of June, 1873. Afterwards, when the board of public works had ceased to exist, on September 23, 1875, he presented to the board of audit a claim for additional compensation for depositing this earth in the canal. The board of audit were induced to allow him 15 cents per cubic yard for earth deposited in the canal, in addition to the price for hauling.

Now, I say that in law, in decency, and in equity the District of Columbia should set that up as a counterclaim against any other claim arising on the part of the same contractors, and the courts have so decided. This act that we are now proposing to repeal says that a man, although he never claimed it before, shall have a rehearing, and the court shall allow him the board rates, whether he ever claimed them or expected to get them or not, however fraudulent and however unlawful they may have been. Now, I could give you a dozen such instances, but this is a sample.

Mr. HENDERSON. That is enough.

Mr. PITNEY. This act went through in the closing hours of the Fifty-third Congress, under a total misapprehension on the part of my distinguished friend from Texas [Mr. SAYERS].

Mr. SAYERS. Not only a misapprehension but misinformation.

Mr. PITNEY. Which I attribute to a misapprehension on the part of the gentleman from Alabama who is absent, and I would not insinuate anything else.

Mr. TALBERT. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. TALBERT. As I understand it, the gentleman from Missouri [Mr. DOCKERY] offered an amendment to a paragraph of this bill. The gentleman from Virginia [Mr. MEREDITH] raised the point of order that it was new legislation, and the Chair sustained that point of order, ruling it out, and yet, as I understand it, gentlemen are still discussing that amendment.

Mr. SAYERS. It is by unanimous consent.

The CHAIRMAN. The gentleman from New Jersey is discussing a motion to strike out the last word.

Mr. TALBERT. I did not understand that. I thought he was still discussing the amendment of the gentleman from Missouri [Mr. DOCKERY].

Mr. PITNEY. Now, I will close by saying that these claims now pending are claims in which the law compels the court to allow a certain measure of compensation, although the contractor deliberately agreed to take a less compensation, and got his contract at a lower rate and accepted payment on that basis. It gives a rehearing upon the whole case, although other points may have been and were adjudicated contrary to the contractor, after a full and fair hearing. It gives him the board rates, whether he ever claimed them or not. It involves claims aggregating at the present time, with interest, $1,400,000, every one of which claims arose before 1874, and every one of which has been heretofore heard and determined in an equitable jurisdiction.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HENDERSON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments House concurrent resolution relative to printing and binding 6,000 additional copies of Bulletin No. 33, United States Department of Agriculture, entitled The Cotton Plant, etc.; in which the concurrence of the House was requested.

The message also announced that the Senate had passed without amendment the bill (H. R. 1061) granting pensions to Gray's Battalion of Arkansas Volunteers.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3622) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough; and

A bill (S. 3623) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee again resumed its session.

Mr. RICHARDSON. Mr. Chairman, I move to strike out the last word, in order that I may say a word upon this amendment, for I raised the point of order. In raising it I did so not because I felt any particular interest in the matter myself, but because of the fact that the gentleman from Virginia had a moment ago stated to me he would raise the point of order, and his attention not being called at the time, I raised the point of order for him.

Mr. Chairman, if this law which the amendment of the gentleman from Missouri [Mr. DOCKERY] proposes to repeal is so exceedingly objectionable, offensive, and improper as we would be led to believe by the remarks of the gentlemen, members of the Appropriations Committee, who have preceded me, it seems to me the attention of the Committee on the District of Columbia, which has jurisdiction and charge of a repealing measure, should have been called to it. There has been no bill introduced, so far as I am at present informed, during this Congress, or at any time since it was ascertained that this law was so offensive, to repeal it; and if the officers of the District government have gone before the Committee on Appropriations and made their complaints against this law, they simply went to the wrong place, because under the rules of the House the Committee on Appropriations can not originate provisions repealing this law, and they should have gone to the District Committee.

Mr. PITNEY. If the gentleman will permit me to interrupt him, it was stated before us, on the part of the Commissioners of the District of Columbia, that a recommendation and request was sent a considerable time ago to the Committee on the District

of Columbia of the House and to the Committee on the District of Columbia of the Senate concerning this bill, and that no action or suggestion of any action has been taken by them during this session.

Mr. RICHARDSON. In reply to the gentleman, I will say that it is not customary for simple recommendations to be sent by the District Commissioners to the District Committee. When they desire to call the attention of the committee to any matter, they prepare a bill and send it to the committee, or some member of the House, and it is introduced and then referred to the District Committee.

Mr. PITNEY. I give the gentleman notice that I will this evening or to-morrow introduce such a bill and call his particular attention to it.

Mr. RICHARDSON. I am very much obliged to the gentleman, but I inform him that he need not call my special attention to it. I imagine when the bill is introduced it will receive proper attention. The Commissioners, and no other person representing the District government, so far as I am informed, has been before the Committee on the District of Columbia in connection with this law. A great many bills are introduced and referred to the committee that are never fully considered by the committee, as we all know. The District Committee, however, has not ignored any bill repealing the law complained of. They have not acted adversely on any such bill, nor considered any such bill during the present session of Congress that I know of. I want to say, Mr. Chairman, that I do not think it is proper under our rules to have a motion made here, as this is now, to repeal a section of law of the Revised Statutes, or the Statutes at Large in this case, without having it considered by some committee of this House. This is an unsafe way to legislate, and is forbidden by the rules, and it will result, if we follow it up, in as much unwisdom as it seems that we were guilty of in the enactment of the law which we did pass. It is in the interest of good order and sound legislation that I insist that the repealing measure should be referred to the proper committee and be properly considered.

Mr. SAYERS. I will ask the gentleman if this bill which was passed was not reported favorably by the Committee on the District of Columbia?

Mr. RICHARDSON. Why, I take it that the point the gentleman makes is true, and that it was reported by the gentleman from Alabama, Mr. Cobb, who was a very careful legislator, as we all know, an able lawyer, and a conscientious member of the District Committee and of this House.

Mr. SAYERS. Certainly.

Mr. RICHARDSON. And if a mistake was made, the proper way to correct it would be to have a bill introduced and have it properly referred to the District Committee, have it considered and acted upon first in committee, and then here. We have no difficulty in getting measures from the Committee on the District of Columbia considered in this Congress. We have a day every two weeks, and up to this time this House has been exceedingly generous and kind to the District Committee. We have been able to have all our measures considered, if not passed. I speak for the Committee on the District of Columbia in saying that they endeavor to pay attention to all bills that are introduced and referred to that committee; and if any member of this House will introduce a bill repealing this law we will give the subject full and fair consideration.

I do not know whether all the facts have been stated by gentlemen of the Appropriations Committee who have spoken. We all know this, Mr. Chairman, that there is an effort by them to cut down appropriations. That may be commendable, to save a dollar. We all know that the members of the Committee on Appropriations are exceedingly zealous to see that side of the question, and they do not always see the other side, as suggested by my friend from Virginia [Mr. MEREDITH]. It seems to me that the best way would be to have this bill considered by the District Committee, where both sides can be heard; and if this law should be repealed, I have no doubt the District Committee will report the repealing bill, and next Monday it can be considered, and if the law is objectionable, as it is stated to be, it can be gotten rid of.

Mr. DOCKERY. Mr. Chairman, I desire to say a word. It is only within the last two or three days that this matter was brought to my attention. I examined it, in connection with the gentleman from New Jersey [Mr. PITNEY], and determined, to my own satisfaction at least, that there was no reason why the law should not be repealed; but, on the contrary, every reason why it should be repealed forthwith. After reaching that judgment, the accomplished clerk of the House Committee on Appropriations prepared, at my request, an amendment which I have offered. That amendment has gone out on a point of order, and we will try to find some other way to reach the question, so that the House shall have an opportunity to vote upon it at an early day.

Mr. SAYERS. They will be a long time getting their money.

ORDER OF BUSINESS.

Mr. GROUT. Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. PAYNE, from the Committee of the Whole House on the state of the Union, reported that they had had under consideration the bill H. R. 10167, the District of Columbia appropriation bill, and had come to no resolution thereon.

COUNTING THE ELECTORAL VOTE.

Mr. HENDERSON. Mr. Chairman, I rise to present a privileged report from the Committee on Rules.

The report was read, as follows:

Resolved, That on Wednesday, February 10, the whole of the gallery, except that which is designated as Executive, diplomatic, and reporters' galleries, and two sections of the east end of the public gallery, shall be reserved for the use of the families of Senators, Members of the House of Representatives, Delegates, and their visitors.

The Doorkeeper shall strictly enforce this order.

The Speaker shall issue to each Senator, Member of the House of Representatives, and Delegate two cards of admission, and only persons holding these cards shall be admitted.

Mr. HENDERSON. I ask for the previous question on the resolution.

The previous question was ordered, and the resolution was adopted.

Mr. HENDERSON. I also present another privileged report, which I send to the desk.

I demand the previous question, Mr. Speaker.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the concurrent resolution.

Mr. HENDERSON. I reserve my time, Mr. Speaker.

The report was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 10th day of February, 1897, at 1 o'clock in the afternoon, pursuant to the requirement of the Constitution and laws relating to the election of President and Vice-President of the United States, and the President of the Senate shall be the presiding officer; that two persons be appointed tellers on the part of the Senate and two on the part of the House of Representatives to make a list of the votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the vote and the persons elected to the two Houses assembled as aforesaid, which shall be deemed a declaration of the persons elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

Mr. GROSVENOR. Mr. Speaker, the election of President and Vice-President of the United States is always, in this Republic, under all circumstances, a matter of momentous consequence and importance to the people and to the perpetuity of the Government itself. Never in time of peace, perhaps, has a question arisen along the line of our historical pathway that has made more unpleasant feeling in the minds of American citizens than did the controversy that grew out of the unfortunate complication in the electoral count of 1876–77. It has not been very important, however, hitherto that some gentleman or some set of gentlemen have raised doubts as to how certain States of the Union may have actually voted. Going back in the history of our country, I find that it was claimed by a most distinguished editor, as long ago as 1844, that certain States of the Union voted one way and were certified the other; but most of the talk of that character has grown out of exceptional facts and circumstances, has been attributed largely to partisan zeal in the midst of partisan conflict, and has ultimately passed away.

I hold in my hand, however, a document published by very high authority, a document known as Senate Document No. 56, in which it is claimed, and purports to be shown with whatever force is given to the showing by the publication of this document by the Senate of the United States, that at the last election, in sixteen States of this Union, a vast body of illegal voters were admitted to the polls and a vast amount of illegal voting took place, enough to have changed the entire result of the election. I have looked into this subject-matter very carefully and have had prepared by a most capable gentleman certain tables which I have here and the contents of which I desire to state to the House in a very few words. There is not a partisan suggestion in them. There is simply a review of the votes given by every State in the Union as compared with the census returns of men above voting age in 1890.

I have taken a great deal of pains with these tables—I say "I," but the work has been accomplished in large part by more skillful hands than mine. I have gone into a complete analysis of the votes cast in the several States, only four of which cast more votes than there were men of voting age in 1890. I may say that there were four States of the Union—Iowa, West Virginia, Indiana, and Illinois.

A MEMBER. Ohio.

Mr. GROSVENOR. Not at all. Iowa, West Virginia, Indiana, and Illinois. Ohio did not vote within 5,000 of her voting strength, as returned by the census of 1890. I do not care to be led aside in that way.

Mr. MEREDITH. Will the gentleman allow me one question?

Mr. GROSVENOR. Yes, sir.

Mr. MEREDITH. I suppose the object of the gentleman is that the minds of those who are to witness the Presidential count may be prepared for the result.

Mr. GROSVENOR. I am placing in enduring form (if I can have the opportunity) a complete showing of the vote of the country, upon a nonpartisan basis, as given to each of the candidates for President, as given by the agricultural States, as given by the manufacturing States, and as given by the New England States. And I pledge my word that there is nothing here——

Mr. MEREDITH. Does it go into the question of the money expended?

Mr. GROSVENOR. That would be partisan. [Laughter.]

Mr. Speaker, I ask unanimous consent that upon my statement that these documents contain no reflection upon any party or any party management or any candidate I may be permitted to publish with my remarks these tables and statements.

The SPEAKER. The gentleman asks unanimous consent to publish certain tables with his remarks. Is there objection?

Mr. PERKINS. I should like to ask whether these documents will occupy more pages of the CONGRESSIONAL RECORD than those figures which were submitted the other day?

Mr. GROSVENOR. Oh, no; they do not amount to one-fourth or one-tenth part as much, so far as the figures go.

Mr. PERKINS. I do not propose to object.

Mr. TERRY. We had the RECORD almost filled the other day with statistics of this kind.

Mr. GROSVENOR. Those related only to the vote of a single State that had been specially assailed.

Mr. RICHARDSON. If the gentleman will accept a suggestion, I suggest that instead of his printing these figures as a part of his remarks—to which I shall not object—they be printed as a document. The document to which he referred in his opening remarks is a document of the Senate. If it is desired that these figures be preserved in permanent form, so as to be valuable for reference, the object will be much better accomplished by printing them in document form than by simply printing them in the RECORD.

Mr. GROSVENOR. I should have no objection to printing these figures in the form suggested, but certainly if they are valuable—and I would have no hesitation in submitting that question to the judgment of the gentleman from Tennessee himself——

Mr. RICHARDSON. I accept the gentleman's statement on that point.

Mr. GROSVENOR. They will be much more accessible to the general public in the CONGRESSIONAL RECORD than in a document, which will be laid away in the document room.

Mr. RICHARDSON. I question that very much. I think they will be more accessible as a document, because they can then be put on file and can be had at any time. In my opinion, the RECORD would be about as good a place to hide them as any that could be found.

Mr. GROSVENOR. If after the matter appears in print the gentleman should find that it ought not to be hidden in the RECORD, he can then make a motion to print it in document form.

Mr. TERRY. I think it ought to accompany Agricultural Bulletin No. 3. [Laughter.]

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. MAGUIRE. I do not care to object. If this document has actually been prepared by the gentleman from Ohio, and is really nonpartisan, I think it should be printed wherever the gentleman asks to have it printed. [Laughter.]

The SPEAKER. The Chair hears no objection; and the request of the gentleman from Ohio is granted.

Mr. GROSVENOR. I am indebted for the tables and comparisons which will follow to Mr. O. P. Austin, a newspaper man of remarkable ability in the line of investigation and compilation such as follows.

The Senate document is as follows:

	Vote returned.	Maximum legitimate vote.	Fraudulent excess.	For McKinley.	For Bryan.	Majority.	Harrison.	Cleveland and Weaver.
Uncontested sure States.								
Massachusetts	401,368	418,000	----------	278,796	105,711	173,085	202,814	180,017
New York	1,423,219	1,500,000	----------	819,836	551,369	268,469	609,459	671,459
New Jersey	371,014	377,200	----------	221,367	133,675	87,692	156,068	172,011
Pennsylvania	1,188,354	1,094,400	94,000	728,300	427,127	301,172	516,011	460,978
Virginia	294,653	315,000	----------	135,294	154,785	19,491	113,256	176,251
Arkansas	147,615	216,000	----------	37,512	110,103	72,600	46,974	98,665
Uncontested doubtful States.								
Nebraska	223,267	223,500	----------	102,564	115,624	13,060	87,213	108,077
Kansas	333,911	350,000	----------	158,541	171,810	13,269	157,241	163,111
Washington	92,435	98,400	----------	39,153	51,646	12,493	36,460	48,898
Successes of Mark Hanna.								
Maryland	240,866	232,152	8,700	136,978	104,745	32,231	92,736	114,663
West Virginia	198,221	189,875	8,300	104,414	92,927	11,487	80,293	88,632
Ohio	1,011,576	920,000	94,500	527,945	478,547	49,400	405,187	418,967
Michigan	544,278	514,528	29,700	293,327	237,251	56,076	222,708	222,088
Indiana	637,284	597,600	39,700	323,719	305,771	17,948	255,615	284,948
Illinois	1,091,166	954,000	137,000	607,130	466,703	140,427	399,288	448,487
Kentucky	445,934	402,600	43,300	218,171	217,890	281	135,441	198,961
Iowa	521,551	444,000	77,500	289,293	223,741	74,552	219,688	216,871
Wisconsin	448,106	416,650	31,400	269,135	185,528	104,607	187,244	170,791
Minnesota	341,539	328,440	12,100	193,501	139,626	53,875	122,736	130,977
Oregon	96,846	89,600	7,200	48,711	46,739	1,972	35,002	41,208
California	294,000	272,000	22,000	146,588	144,776	1,812	118,174	143,485
Failures of Mark Hanna.								
Tennessee	321,999	291,600	30,400	148,774	168,176	20,600	99,973	160,100
Missouri	674,726	633,600	41,100	304,940	363,652	58,712	226,824	309,224
Texas	540,000	493,800	46,100	164,886	368,299	203,413	74,475	338,836

The figures, it will be seen, amount to a charge made in an official document that there was a "fraudulent excess" of votes in the States of Pennsylvania, Maryland, West Virginia, Ohio, Michigan, Indiana, Illinois, Kentucky, Iowa, Wisconsin, Minnesota, Oregon, California, Tennessee, Missouri, and Texas in the recent election, aggregating about 750,000 votes. From whence came the alleged facts? I do not know. I do not believe that any Senator has given the sanction of his own statement to this compilation, but it is interesting, in view of this official publication and the legitimate inference that might be drawn therefrom, to examine the figures with some care. The States in which the charges are made that there was "fraudulent excess" of votes cast, and the excess of votes in each case, are as follows:

Pennsylvania	94,000	Iowa	77,500
Maryland	8,700	Wisconsin	31,400
West Virginia	8,300	Minnesota	12,100
Ohio	94,500	Oregon	7,200
Michigan	29,700	California	22,000
Indiana	39,700	Tennessee	30,400
Illinois	137,000	Missouri	41,100
Kentucky	43,300	Texas	46,100

Let us see how this will bear scrutiny and investigation. The United States census of the year 1890 gives the total number of males in each State above 21 years of age, or, as it is usually called, the voting age. It is reasonable to assume that in every one of these States there has been a very considerable increase in population, and consequently in the voting population, in the six years since the census was taken. Take Pennsylvania, for instance. Her population increased 22.77 per cent in the decade from 1880 to 1890, and it is reasonable to assume that it increased 15 per cent from June, 1890, to November, 1896, and that the voting population would increase in about the same proportion. Pennsylvania's voting population according to the census was in 1890, 1,461,869. The actual vote of the State in 1896 was 1,188,354. Thus it will be observed that the vote of 1896 was 273,515 below the number of males above 21 years of age in the State in 1890. If the population of Pennsylvania has increased since 1890 at the rate which it increased between 1880 and 1890, the male population above 21 years of age in November, 1896, must have been 1,680,000, or practically a half million greater than the number of votes actually cast. Yet this official statement charges that the vote which amounted to 1,188,354 was 94,000 in "fraudulent excess."

Take the State of Maryland as another instance. The vote cast according to the official document was 240,866. The total number of males of voting age in Maryland in 1890 was 270,738, or 30,000

greater than the number of votes cast in 1896; yet the charge is made that there was a "fraudulent excess" of votes amounting to 8,700.

In Ohio the charge is that the "fraudulent excess" of votes was 94,500. Let us see. Ohio, according to these figures, gave 1,011,576 votes. There were in Ohio, in 1890, according to the census, 1,016,464 males of voting age, or more than 5,000 in excess of the number of votes cast in 1896. Ohio increased her population 14.83 per cent in the decade from 1880 to 1890, and it is reasonable to assume that, with the great prosperity which has attended her development of manufactories in the natural-gas region in the past few years, the increase of population from 1890 to 1896 has been, at a very low estimate, 10 per cent, which would bring the male population of 21 years and upward to 1,117,000, or 106,000 in excess of the number of votes cast.

In Indiana and Illinois the total number of votes cast in 1896 slightly exceeds the total number of males above 21 years of age shown by the census of 1890 in those States. In Illinois the excess of votes in 1896 above those of voting age in 1890 in that State is less than 19,000. Illinois gained in population in the decade from 1880 to 1890 24.32 per cent. In view of the great number of people drawn to Chicago during the World's Fair period, many of whom remained there, it is reasonable to suppose that the rate of gain since 1890 has been quite as rapid and that the increase of population and in the number of persons of voting age is fully 16 per cent. This would bring the number of males of voting age in the State up to 1,243,000, or 232,000 in excess of the number of votes actually cast. In Indiana the increase of population has been much more rapid, probably, than in Illinois, because of the wonderful development of the natural gas region of that State, where industries have been extremely active and prosperous even while there was depression and absolute inactivity in nearly all other parts of the country. The total male population of Indiana above 21 years of age in 1890 was 595,066, but with the phenomenal growth of population which it has had since that time it has probably increased 100,000, so that there is every reason to believe that the total number of voters in the State was in 1896 nearly or quite 700,000, while the total number of votes cast was only 637,284.

It is unnecessary to pursue in detail the investigation of the relation of the votes cast to the voting population in all the States charged with a "fraudulent excess" of votes in this official paper. The following table gives the number of males of voting age in each of the States in question in 1890, and beside it the number of votes cast in 1896. When it is remembered that the natural growth of population in these States in the six years since the census of 1890 is from 10 to 15 per cent, it will be seen that in no case was the vote actually cast in 1896 nearly as large as the number of males over the age of 21 years which must have been in these States on November 3, 1896.

Table showing the number of males of voting age in 1890 and the number of votes cast in 1896.

State.	Males above 21 years of age in 1890.	Votes cast in 1896.
Pennsylvania	1,461,869	1,188,354
Maryland	270,738	240,866
West Virginia	181,400	198,221
Ohio	1,016,464	1,011,576
Michigan	617,455	544,278
Indiana	595,066	637,284
Illinois	1,072,663	1,091,166
Kentucky	450,792	445,934
Iowa	520,332	521,551
Wisconsin	461,722	448,106
Minnesota	376,036	341,539
Oregon	111,744	96,846
California	462,289	294,000
Tennessee	402,476	321,999
Missouri	705,718	674,726
Texas	535,942	540,000

The student of the above table should bear in mind constantly that it is entirely proper to add from 10 to 15 per cent to the figures of the first column in order to obtain approximately the number of male persons of voting age in the States in question at the time of the vote on November 3, 1896.

There is another way of looking at it. Apparently the assumption is made that the number of votes to which each State is entitled is based in some way upon the number of votes cast in 1892, for in this table of charges the figures of the election of 1892 are included and compared with those of 1896. But if you take the trouble to examine the figures of the Presidential elections during the past twenty years, you will find that the vote of 1892 was the lightest, in proportion to the population, that has been cast in a Presidential election for many years—perhaps the lightest at any time since the close of the war.

Certainly the percentage of gain in the total vote in 1892 over the preceding Presidential election is lighter than has been the case in any Presidential election since 1872. The following table gives the number of votes cast in each Presidential election since 1868, the increase in the number of votes, and the percentage of increase.

Table showing the total vote cast in each Presidential election since 1868, the gain in the number of votes in each election, and the percentage of gain in the number of votes cast.

Year.	Total vote cast.	Gain over preceding Presidential election.	Per cent of gain.
1872	6,466,165	741,479	12.9
1876	8,412,733	1,946,568	30.1
1880	9,209,406	796,673	9.4
1884	10,044,985	835,579	9.1
1888	11,380,860	1,335,875	13.3
1892	12,059,351	678,491	5.9
1896	13,951,283	1,891,932	15.6

It will be seen by a study of the above table that the vote of 1892 was an unusually light one, being a gain of but 5.9 per cent over that of the preceding Presidential election. This is the lowest gain made at any time in the quarter of a century which this table covers. The vote of 1892 was evidently the lightest, in proportion to the voting population, that has been given within the period in question.

It would not be surprising, therefore, if the increase in 1896, compared with 1892, should be an unusually large one, especially in view of the fact that the interest in the election was more intense than was perhaps ever felt before, at least in the memory of the present generation. An examination of the percentage column, however, will show that the actual increase over 1890 was only 15.6 per cent, while in 1876 the increase over the preceding Presidential election was 30.1 per cent, and the increase in 1888 over that in 1884 was 13.3 per cent—nearly as much as 1896, on which occasion the interest in the campaign was unusually great and the efforts to rally every vote by both sides were exceptional. A study of this table will show to those who examine it that it can not be successfully charged that the total vote of the nation in 1896 was excessive or out of proportion in its increase, especially when it is remembered that the vote of 1892 was unusually light, and that the percentage of gain is estimated upon that light vote.

In order to give, however, those who assume an excessive vote in certain States the full advantage of every fact, let us examine the votes in the States of which complaint is made and compare them with the vote of 1892, confessedly a light vote. Pennsylvania increased her vote in 1896, 18.4 per cent as compared with the vote of 1892, and it is said that there was a "fraudulent excess" of 94,000 in Pennsylvania's vote. No complaint, however, is made of the fact that the State of Montana, which was as earnest for the free coinage of silver as was Pennsylvania against it, increased her vote 21.9 per cent.

Indiana increased her vote 14.7 per cent in 1896 as compared with 1892, yet no complaint is made of the fact that South Dakota increased her vote 17.1 per cent, nor does this document refer to the fact that Indiana in the election of 1876, when she went Democratic, increased her vote 26.3 per cent. Iowa increased her vote 17.6 per cent, and it is charged that 77,500 "fraudulent excess" of votes were cast, but no comment is made of the fact that North Carolina increased her vote 17.8 per cent, nor is reference made to the fact that Iowa in 1876 increased her vote 35 per cent.

California increased her vote 9.1 per cent in 1896 as compared with 1892, and the charge is made that 22,000 "fraudulent excess" of votes were cast; but no reference is made to the fact that the State of Nebraska increased her vote 11.1 per cent in the same election.

Maryland increased her vote 12.9 per cent in 1896 as compared with 1892, and although the charge is made that a "fraudulent excess" of 8,700 votes was cast, no objection is made to the fact that ten States giving their votes to the Populist-Democratic candidate increased their votes in a much greater ratio than did Maryland, nor is the fact referred to that Maryland herself in 1888, when she went Democratic, gained 13.5 per cent over her own Presidential vote in the preceding election.

Ohio, of which complaint is made as casting 94,500 "fraudulent excess" of votes, increased her vote 19.1 per cent in 1896 over 1892; yet the fact is contemplated with entire calmness that Wyoming, a State as ardently for the free coinage of silver as was Ohio against it, increased her vote 25.8 per cent in the same election.

It is also said that Minnesota cast 12,100 "fraudulent excess" of votes in the election of 1896, but no attention is called to the fact that Minnesota's vote in 1896 was actually 8.9 per cent less than her own vote in the Presidential election of 1892. Her vote in 1892 was 374,807, and that of 1896 341,539, a falling off of 33,000 votes; but as 107,000 of the votes of 1892 were cast by the Union

Labor party, which afterwards merged with the Populists, no complaint is made of the vote of 1892, which was a gain of 42.1 per cent over that of 1888, while the 1888 vote was a gain of 38.4 per cent over that of 1882.

Illinois increased her vote in 1896 24.9 per cent over 1892, and the charge is made of a "fraudulent excess" of votes amounting to 137,000. Yet no complaint is made over the fact that Mississippi increased her vote 31.9 per cent, or that Florida increased her vote 30.5 per cent in 1896, as compared with 1892, nor the fact that Illinois also gained 25.8 per cent in 1876. The highest percentage of gain of any State in which these charges are made of "fraudulent excess" of votes was in Kentucky, where the gain was 31.1 per cent as compared with 1892, and the "fraudulent excess" charged is 43,300. But no one offers any objection whatever to the fact that Idaho increased her vote in 1896 52.5 per cent as compared with 1892, nor do we hear that Kentucky herself gained 36.1 per cent in the year 1876 and 24.7 per cent in 1888, and also it is not stated that Nebraska gained 50.7 per cent in 1888.

It may be interesting to see some of these figures side by side, as follows:

Table showing the percentage of gain in 1896, compared with 1892, in votes cast in Presidential election.

State.	Republican gain.	State.	Democratic gain.
	Per cent.		Per cent.
California	9.1	Nebraska	11.1
Maryland	12.9	South Dakota	17.1
Indiana	14.7	North Carolina	17.8
West Virginia	16.3	Tennessee	20.2
Iowa	17.6	Montana	21.9
Michigan	18.8	Wyoming	25.8
Ohio	19.1	Missouri	24.8
Wisconsin	20.4	Florida	30.5
Illinois	24.9	Mississippi	31.9
Kentucky	30.1	Idaho	52.5

It will be seen by the above table that if Congress were to enter upon an investigation of the vote in the recent election, it would be well enough for it to inquire into the Democratic States as well as those which gave their electoral votes to McKinley, since in many of them the increase over the last preceding election was very much greater than was the gain in the Republican States in which fraud is charged.

The following tables, prepared with great care, show the percentage of the total vote given to the Republican candidate in each of the last four national elections. By this term is meant the election for President in a Presidential year and members of Congress in the other years named. They will repay a careful study by every student of the political questions of the day and of the disposition of the American voters with reference to the great questions now before them. In the first table is given a full list of the States, alphabetically arranged, showing the percentage of the total vote given to Republican candidates in each of the national elections since and including 1890. In the tables which follow, the States are grouped according to the occupation of their people and their geographical location, the same figures as to percentage of total votes given to Republican candidates being presented.

It is also to be observed that in the footnotes accompanying each table the "percentage of the total vote cast" is given; also the "average number of votes for each elector" and the "percentage of electors for McKinley." It is proper to explain that the term "total vote" relates to the total number of persons above 21 years of age shown by the census of 1890; also that the term "average number of votes for each elector" is intended to draw attention to the fact that in certain sections of the country a much larger number of votes is required to obtain an elector than in other sections. For instance, in the agricultural States there is an average of but 1 elector for 36,371 votes cast, while in the mining States 1 elector is obtained for each 19,741 votes cast. The term "percentage of electors for McKinley" is intended to show the proportion of the total number of electors of each section which was given to the Republican candidate. It will be observed that the agricultural States gave 78 per cent of their electors to McKinley; that the border Southern States gave 100 of their electoral votes to McKinley, and that the manufacturing States also gave all of their electors to the Republican candidate. It is also interesting to observe that in the agricultural and border Southern States, owing to the intense interest felt in the campaign, 95 per cent of the total male population above 21 years of age, as shown in 1890, voted; that in the manufacturing States, where Republican success was practically assured, the vote was but 76 per cent; that in the extreme Southern States, where Democratic success was certain, the vote was but 65 per cent, and in the mining States, where the Democratic ticket was clearly certain of election, the vote was but 64 per cent.

Table showing the percentage of the total vote in each State given to the Republican candidates in each national election since and including 1890.

State.	1890.	1892.	1894.	1896.	State.	1890.	1892.	1894.	1896.
Alabama	30	4	2	28	Nebraska	34	43	49	46
Arkansas	30	31	19	25	Nevada	55	26	27	19
California	51	43	41	49	New Hampshire	48	51	57	69
Colorado	51	41	50	14	New Jersey	45	46	55	59
Connecticut	47	47	55	63	New York	40	45	55	57
Delaware	49	48	51	51	North Carolina	41	36	25	47
Florida	33	.....	.....	24	North Dakota	58	48	55	55
Georgia	19	21	.....	37	Ohio	49	47	54	53
Idaho	56	44	43	21	Oregon	55	45	47	50
Illinois	46	45	52	56	Pennsylvania	51	51	61	61
Indiana	46	46	51	51	Rhode Island	45	50	58	68
Iowa	47	49	55	55	South Carolina	19	19	22	13
Kansas	42	48	51	48	South Dakota	44	49	53	48
Kentucky	27	39	45	49	Tennessee	41	37	38	46
Louisiana	17	.....	19	21	Texas	18	19	13	30
Maine	56	54	64	68	Utah	.....	33	51	17
Maryland	43	43	44	54	Virginia	33	38	41	46
Massachusetts	47	51	58	69	Vermont	68	68	76	80
Michigan	45	49	57	56	Washington	53	41	46	42
Minnesota	41	32	53	56	West Virginia	46	46	53	52
Mississippi	22	3	1	8	Wisconsin	42	45	54	60
Missouri	42	42	46	45	Wyoming	59	51	52	48
Montana	49	43	47	19					

Table showing the percentage of the total vote given to the Republican candidates in each of the agricultural States in each national election since and including 1890.

State.	1890.	1892.	1894.	1896.	State.	1890.	1892.	1894.	1896.
California	51	43	41	49	Missouri	42	42	46	45
Illinois	46	45	52	56	Nebraska	34	43	49	46
Indiana	46	46	51	52	North Dakota	58	48	55	55
Iowa	47	49	55	55	Ohio	49	47	54	53
Kansas	42	48	51	48	Oregon	55	45	47	50
Michigan	45	49	57	56	South Dakota	44	49	52	48
Minnesota	41	32	53	56	Wisconsin	42	45	54	60

Total voting population in 1890*	6,787,738
Total vote in 1896	6,437,664
Percentage of total vote cast	95
Average number of votes for each elector	36,371
Percentage of electors for McKinley	78

Table showing the percentage of the total vote given to the Republican candidates in each of the manufacturing States in each national election since and including 1890.

State.	1890.	1892.	1894.	1896.	State.	1890.	1892.	1894.	1896.
Connecticut	47	47	55	63	New York	40	45	55	58
Maine	56	54	64	68	Pennsylvania	51	51	61	61
Massachusetts	47	51	68	69	Rhode Island	45	50	58	67
New Hampshire	48	51	67	68	Vermont	68	68	76	80
New Jersey	45	46	55	59					

Total voting population 1890*	5,055,229
Total vote 1896	3,841,199
Percentage of total vote cast	76
Average number of votes for each elector	32,880
Percentage of electors for McKinley	100

Table showing the percentage of the total vote given to the Republican candidates in each of the border Southern States in each national election since and including 1890.

State.	1890.	1892.	1894.	1896.	State.	1890.	1892.	1894.	1896.
Delaware	49	48	51	54	West Virginia	46	46	53	53
Maryland	43	43	44	54	Kentucky	27	39	45	49

Total voting population 1890*	950,489
Total vote 1896	911,460
Percentage of total vote cast	95
Average number of votes for each elector	30,381
Percentage of electors for McKinley	100

*These figures compare the vote of 1896 with the census figures of 1890, showing the number of males above 21 years of age.

Table showing the percentage of the total vote given to the Republican candidates in each of the extreme Southern States in each national election since and including 1890.

State.	1890.	1892.	1894.	1896.	State.	1890.	1892.	1894.	1896.
Alabama	30	4	2	27	North Carolina	41	36	25	46
Arkansas	38	21	19	25	South Carolina	19	19	22	13
Florida	38	.....	.....	24	Texas	18	19	13	32
Georgia	19	21	.....	37	Tennessee	41	37	38	46
Louisiana	17	.....	19	22	Virginia	33	38	41	46
Mississippi	22	3	1	7					

These States contain three-fourths of the colored voters of the United States.

Total voting population 1890*	3,480,775
Total vote 1896	2,253,578
Percentage of total vote cast	65
Average number of votes for each elector	20,121
Percentage of electors for McKinley	0

Table showing the percentage of the total vote given to the Republican candidates in each of the mining States in each national election since and including 1890.

States.	1890.	1892.	1894.	1896.	States.	1890.	1892.	1894.	1896.
Colorado	51	54	50	13	Utah	.....	33	51	16
Idaho	56	44	43	27	Washington	53	41	46	42
Montana	49	43	47	19	Wyoming	59	51	42	43
Nevada	55	26	27	18					

Total voting population 1890*	709,241
Total vote 1890	454,699
Percentage of total vote cast	64
Average number of votes for each elector	19,741
Percentage of electors for McKinley	0

*These figures compare the vote of 1896 with the census figures of 1890, showing the number of males above 21 years of age.

Table showing by industrial and geographical groups the percentage of electors given to McKinley, the percentage of voters who voted, and the average number of voters (of all parties) represented by an elector.*

Groups.	Percentage of electors for McKinley.	Percentage of total votes cast.	Average number of votes for each elector.
Agricultural States	78	95	36,371
Manufacturing States	100	76	32,830
Border Southern States	100	95	30,381
Extreme Southern States	0	65	20,191
Mining States	0	64	19,741

Table grouping the States giving their electoral votes to McKinley and Bryan, respectively, and showing the average number of inhabitants (of all parties) represented by each electoral vote.

	Number of States.	Population of group in 1890.	Electors chosen.	Population represented by an elector.
McKinley States	23	39,624,035	271	146,214
Bryan States	22	22,492,776	176	127,799

A careful perusal of the foregoing statement will satisfy the mind of any loyal American who loves his country and is jealous of her name that the election of 1896 was a fair election, honestly conducted, and properly reported.

Mr. HENDERSON. I now demand a vote.

The question being taken on the adoption of the resolution, it was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 6834) to prevent the purchasing of or speculating in claims against the Federal Government by United States officers disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOAR, Mr. VILAS, and Mr. LINDSAY as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes."

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 3313) for the relief of John N. Quackenbush, late a commander in the United States Navy;

A bill (S. 666) to amend section 4829 of the United States Revised Statutes, concerning surgeons, assistant surgeons, and other medical officers of the National Home for Disabled Volunteer Soldiers;

A bill (S. 3551) to authorize the entry and patenting of lands containing petroleum and other mineral oils under the placer-mining laws of the United States;

A bill (S. 1675) to prevent the carrying of obscene literature and articles designed for indecent and immoral use from one State or Territory into another State or Territory;

A bill (S. 1083) for the relief of George H. Plant, of the District of Columbia;

A bill (S. 3401) to amend the act entitled "An act to authorize the construction of a bridge across the Missouri River at or near the city of Lexington, Mo.," approved July 26, 1894;

A bill (S. 3303) to authorize the construction by the Kansas City, Shreveport and Gulf Railroad Company of a bridge across the Sabine River between the States of Louisiana and Texas;

A bill (S. 2931) granting an increase of pension to Silas M. Stevens;

A bill (H. R. 3719) to provide for appointment by brevet of active or retired officers of the United States Army; and

A bill (H. R. 6215) to increase the pension of Ambrose D. Manion.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, the bill (S. 3547) to provide for the representation of the United States by commissioners at any international monetary conference hereafter to be called was taken from the Speaker's table and referred to the Committee on Ways and Means.

INAUGURAL CEREMONIES.

Mr. RICHARDSON. Mr. Speaker, House resolution No. 214 was referred this morning with the amendments of the Senate to the Committee on the District of Columbia. The members of that committee have examined the amendments and think that the resolution as amended by the Senate ought to pass.

The Clerk proceeded to read the following joint resolution:

Joint resolution (H. Res. 214) authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in city of Washington on the occasion of the inauguration of the President-elect on March 4, 1897, etc.

Resolved by the Senate and House of Representatives, etc., That the Secretary of War is hereby authorized to grant permits to the executive committee on inaugural ceremonies for the use of any reservations or other public spaces in the city of Washington on the occasion of the inauguration of the President-elect on the 4th day of March, 1897, which, in his opinion, will inflict no serious or permanent injuries upon such reservations or public spaces or statuary thereon; and the Commissioners of the District of Columbia may designate for such and other purposes on the occasion aforesaid such streets, avenues, and sidewalks in said city of Washington as they may deem proper and necessary: *Provided, however*, That all stands or platforms that may be erected on the public spaces aforesaid shall be under the supervision of the said executive committee and in accordance with plans and designs to be approved by the Architect of the Capitol, the Commissioner of Public Buildings and Grounds, and the building inspector of the District of Columbia.

SEC. 2. That the Commissioners of the District of Columbia are hereby authorized to permit the committee on illumination of the citizens' executive committee for the inaugural ceremonies, March, 1897, to stretch suitable overhead conductors, with sufficient supports, wherever necessary, and in the nearest practicable connection with the present supply of light, for the purpose of effecting the said illumination: *Provided*, That the said conductors shall not be used for the conveying of electrical currents after March 6, 1897, and shall, with their supports, be fully and entirely removed from the streets and avenues of the said city of Washington on or before March 15, 1897: *Provided further*, That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions of this resolution are enforced, that all needful precautions are taken for the protection of the public, and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: *Provided further*, That no expense or damage on account of or due to the stretching, operation, or removing of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia: *Provided further*, That for the purposes of this act the construction of additional underground conduits is specifically prohibited.

SEC. 3. That $8,200, or as much thereof as may be necessary, payable from any money in the Treasury not otherwise appropriated and from the revenues of the District of Columbia, in equal parts, is hereby appropriated to enable the Commissioners of the District of Columbia to maintain public order and protect life and property in said District from the 28th of February to the 9th of March, 1897, both inclusive. Said Commissioners are hereby authorized and directed to make all reasonable regulations necessary to secure such preservation of public order and protection of life and property, and fixing fares by public conveyances during said period. Any person violating any of such regulations shall be liable for each such offense to a fine not to exceed $100 in the police court of said District, and in default of payment thereof to imprisonment in the workhouse of said District for not longer than sixty days.

SEC. 4. That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to the committee on inaugural ceremonies such ensigns, flags, etc. (except battle flags), that are not now in use and may be suitable and proper for decoration and may be spared without detriment to the public service; such flags to be used by said committee under such regulations and restrictions as may be prescribed by the said Secretaries, or either of them, in decorating the fronts of public buildings and other places on the line of march between the Capitol and the Executive Mansion, and the interior of the reception hall: *Provided*, That the said committee shall indemnify the said Departments, or either of them, for any loss or damage to such flags not necessarily incident to such use.

SEC. 5. That the Commissioners of the District of Columbia be, and they are hereby, authorized to permit the Western Union Telegraph Company to extend overhead wires into the Pension Building and to such points along the line of parade as shall be deemed by the chief marshal convenient for use in connection with the parade and other inaugural purposes, the said wires to be taken down within ten days after the conclusion of the ceremonies on the 4th day of March, A. D. 1897.

Mr. RICHARDSON (before the reading was concluded). The resolution, with the amendments of the Senate, was read this morning; and unless it is particularly desired, I presume there is no necessity for a rereading.

The resolution and the amendments refer simply to arrangements for the inaugural ceremonies—the policing of the city and the preservation of life and property during the eight or ten days preceding and following those ceremonies. Provision is also made for lighting the Pension Office during the night of the inaugural ball, also for the construction of certain stands on public reservations. All the arrangements are to be under the direction and supervision of the District Commissioners. I think the resolution

as amended ought to pass. We are assured by gentlemen in charge of the inaugural ceremonies that there is very great necessity for its passage at once, inasmuch as contracts are being suspended until legislation of this character can be had.

Mr. HARTMAN. Will the gentleman allow me to ask him a question?

Mr. RICHARDSON. Certainly.

Mr. HARTMAN. Does this resolution provide for a separate stand for the convenience of Senators and Representatives and their families?

Mr. RICHARDSON. No, sir; it provides that these stands are to be constructed under the direction of the District Commissioners, but it does not provide for any use of them by Members or Senators.

Mr. HARTMAN. Is there any provision for a separate stand for Senators and Representatives?

Mr. RICHARDSON. None that I know of.

Mr. HARTMAN. Would the gentleman be willing to accept an amendment to that effect?

Mr. RICHARDSON. Well, we could not very well amend this bill now. There may be a separate resolution introduced for that purpose, if the gentleman desires it.

Mr. HARTMAN. I would not like to interfere with the passage of this resolution, but would be glad if this appropriation were made for the erection of a stand for the convenience of Senators and Representatives.

Mr. RICHARDSON. If the gentleman will introduce a resolution, the committee will give it careful consideration and make prompt report upon it. But this being a House resolution with Senate amendments, my motion is to concur in the Senate amendments.

Mr. HEPBURN. I would like to ask if there is a provision in the resolution that interferes in any way with or disturbs the present controversy between the electric-light companies?

Mr. RICHARDSON. None whatever.

Mr. HEPBURN. Nothing that bears on that question?

Mr. RICHARDSON. No, sir; nothing for either company. And it provides that this work shall be taken down and removed within ten days after the inauguration.

Mr. DOCKERY. I was about to make the suggestion, in response to the inquiry of the gentleman, that this resolution provides, as he will find, that for this purpose the construction of any additional underground conduits is expressly prohibited.

Mr. HEPBURN. Then there is no provision that affects or touches this controversy?

Mr. RICHARDSON. No, sir; none whatever. I submitted it to the gentleman from New Jersey [Mr. PITNEY] and have read it carefully myself, and am sure there is no such provision in it.

The SPEAKER. Is there objection to the present consideration of the Senate amendments?

There being no objection, the Senate amendments were considered, and agreed to.

On motion of Mr. RICHARDSON, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS SULPHUR RIVER.

Mr. HEPBURN. Mr. Speaker, I desire to submit a conference report.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1722) to approve and ratify the construction of a bridge across the Sulphur River in the State of Arkansas, by the Texarkana and Fort Smith Railway Company, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment, and agree to the bill as passed the Senate.

W. P. HEPBURN,
ANDREW PRICE,
Managers on the part of the House.

KNUTE NELSON,
J. H. BERRY,
Managers on the part of the Senate.

The statement furnished by the House conferees is as follows:

The House of Representatives amended S. 1722 by adding the fifth section. This action was undoubtedly the result of inadvertence. The general purpose of the bill was to validate the construction of a bridge across the Sulphur River in the State of Arkansas by the Texarkana and Fort Smith Railway Company. The bridge has been already completed, and is in daily use. The amendment of the House in the form of a fifth section simply provided for the commencement of the work of construction within one year, and its completion within three years from date of approval. The above amendment is entirely unnecessary, and the committee therefore recommend that the House recede from its amendment and agree to the passage of the Senate bill.

W. P. HEPBURN,
Conferee on the part of the House.

Mr. HEPBURN. This is a bill, Mr. Speaker, to ratify and approve the construction of a bridge across the Sulphur River, a small stream down in Arkansas. That was the whole purpose of the bill. The bridge had already been constructed, on some authority or assumed authority by the Secretary of War, and the bill of the Senate, to which the conference report applies, was intended to validate that construction. By inadvertence of some kind or by some person, an additional section was added to the bill in the form of an amendment providing, as usual in such bills, that the construction should be begun within one and completed within three years. It was unnecessary, and ought not to have been there. It was an oversight, as the bridge is already constructed, and the amendment of the Senate was to strike that out, in which the committee concurred.

The conference report was agreed to.

ORDER OF BUSINESS.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. Pending the motion to adjourn, the Chair will submit some personal requests of members.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. COBB, for this day, on account of sickness.

To Mr. HICKS, for three days, on account of important business.

To Mr. CLARDY, indefinitely, on account of sickness.

To Mr. CUMMINGS, on account of sickness.

The motion of Mr. PAYNE was then agreed to; and accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the president of the Board of Commissioners of the District of Columbia, transmitting the report of the Capital Railway for the year ending December 31, 1896, together with a list of the stockholders of the company—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Acting Chief of Engineers, report of examination of Clearwater Harbor, Florida—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Acting Chief of Engineers, report of examination of harbor at Cedar Keys, Fla.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Acting Chief of Engineers, report of examination of the inside passage from Puntarasa to Charlotte Harbor, Florida—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Acting Chief of Engineers, report of examination of Orange River, Florida—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Acting Chief of Engineers, report of examination of Jupiter Inlet, Florida—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Acting Chief of Engineers, report of examination and survey of New York Harbor from the Narrows to the sea, with a view of obtaining a channel 35 feet deep at mean low-water mark, and 1,000 to 2,000 feet wide—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Acting Chief of Engineers, report of examination and survey of the west side of the Mississippi River near Hannibal, Mo.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting a letter from the Acting Chief of Engineers, together with a report concerning the commerce passing through the canals at Sault Ste. Marie during the season of 1896—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting estimates of appropriations required by the several Departments of the Government to complete the service for the year 1897 and prior years, and for the postal service—to the Committee on Appropriations, and ordered to be printed.

A letter from the president of the Metropolitan Railroad Company of the District of Columbia, transmitting a statement of the receipts and disbursements for the eighteen months ending December 31, 1896, together with a list of the stockholders of the company—to the Committee on the District of Columbia, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2237) entitled "An act providing for the appointment of a guardian for pensioners in certain cases in the District of Columbia," reported the same without amendment, accompanied by a report (No. 2769); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BUCK, from the Committee on War Claims:

The bill (H. R. 10212) for the relief of Mrs. Martha E. Templeton and Mrs. Emma T. Wood. Reported in lieu of House bill No. 10206. (Report No. 2747.)

A resolution (House Res. No. 519) to refer the bill (H. R. 10151) for the relief of Mrs. Matilda M. Fairex, administratrix of Daniel Fairex, deceased, together with all accompanying papers, to the Court of Claims. Reported in lieu of House bill No. 10151. (Report No. 2767.)

By Mr. COOPER of Texas, from the Committee on War Claims:

The bill (H. R. 1373) for the relief of L. D. Sugg. (Report No. 2748.)

The bill (S. 514) entitled "An act for the relief of Warren Hall." (Report No. 2749.)

By Mr. GIBSON, from the Committee on War Claims:

A resolution (House Res. No. 513) to refer the claim of John Bronder, of Loudon County, Tenn., to the Court of Claims. Reported in lieu of a petition for relief of said John Bronder. (Report No. 2750.)

The bill (S. 1623) entitled "An act for the relief of Cumberland Female College, of McMinnville, Tenn." (Report No. 2751.)

By Mr. HURLEY, from the Committee on War Claims: The bill (H. R. 10161) for the relief of the heirs of Catharine Gillin. (Report No. 2752.)

By Mr. LESTER, from the Committee on War Claims: A resolution (House Res. No. 514) to refer to the Court of Claims, together with all accompanying papers, the bill (H. R. 633) for the relief of the estate of Charles Labell. Reported in lieu of said bill. (Report No. 2753.)

By Mr. OTJEN, from the Committee on War Claims:

The bill (H. R. 8393) for the relief of Mark Guyton. (Report No. 2754.)

The bill (S. 2538) entitled "An act for the relief of the Portland Company, of Portland, Me." (Report No. 2755.)

The bill (H. R. 7659) for the relief of the owners and occupants of Camp Tyler, in Cook County, Ill. (Report No. 2756.)

By Mr. PUGH, from the Committee on War Claims:

A resolution (House Res. No. 515) to refer the bill (H. R. 960) for the relief of A. T. Sands, together with all accompanying papers, to the Court of Claims. Reported in lieu of House bill No. 960. (Report No. 2757.)

A resolution (House Res. No. 516) to refer the bill (H. R. 3299) for the relief of C. S. Lobdell, of Parkersburg, Iowa, together with all accompanying papers, to the Court of Claims. Reported in lieu of House bill No. 3299. (Report No. 2758.)

A resolution (House Res. No. 517) to refer the bill (H. R. 5615) for the relief of the legal representatives of Nathaniel and William Offutt, deceased, late of the parish of St. Martin, La., together with all accompanying papers, to the Court of Claims. Reported in lieu of House bill No. 5615. (Report No. 2759.)

A resolution (House Res. No. 518) to refer the bill (H. R. 3879) for the relief of the legal representatives of Patrick Elliott, deceased, to the Court of Claims. Reported in lieu of House bill No. 3879. (Report No. 2760.)

By Mr. GILLETT of Massachusetts, from the Committee on the Judiciary:

The bill (H. R. 10102) to remove the political disabilities of Col. William E. Simms. (Report No. 2762.)

The bill (S. 2746) entitled "An act to remove the political disabilities of Col. John Taylor Wood. (Report No. 2766.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (S. 3329) entitled "An act to increase the pension of George W. Smith, late a captain, Seventh Regiment New Jersey Infantry Volunteers." (Report No. 2763.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 6972) granting an increase of pension to David J. Neuman. (Report No. 2764.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 8422) granting a pension to John W. Hartley. (Report No. 2765.)

By Mr. MILES, from the Committee on Invalid Pensions: The bill (S. 3319) entitled "An act to increase the pension of Alice DeK. Shattuck, widow of Lucius H. Shattuck." (Report No. 2768.)

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. COOPER of Texas, from the Committee on War Claims, reported adversely (Report No. 2761) the bill (H. R. 9550) for the relief of Mrs. Margaret Hagan, widow of John C. Hagan; which said bill and report were laid on the table.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. NEILL: A bill (H. R. 10211) to reorganize the judicial districts of Arkansas, and for other purposes—to the Committee on the Judiciary.

By Mr. BAKER of Kansas: A bill (H. R. 10213) selling to the State of Kansas part of the abandoned Fort Hays Military Reservation in said State, for the purpose of establishing western branches of the Kansas Agricultural College, and of the Kansas State Normal College thereon, and for a public park—to the Committee on the Public Lands.

By Mr. SCRANTON (by request): A bill (H. R. 10214) authorizing the funding of indebtedness in the Territories of the United States—to the Committee on the Territories.

By Mr. HYDE (by request): A bill (H. R. 10215) to define and regulate fraternal beneficiary orders or associations in the District of Columbia, and all North American Territories—to the Committee on the District of Columbia.

By Mr. HATCH: A bill (H. R. 10216) to amend "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents"—to the Committee on Invalid Pensions.

By Mr. DOCKERY: A resolution (House Res. No. 520) making a certain amendment in order on an appropriation bill—to the Committee on Rules.

By Mr. CHARLES W. STONE: A joint resolution (H. Res. 242) authorizing the Secretary of the Treasury to make experiments to determine the best material for minor coinage, and to submit to Congress new designs for coins—to the Committee on Coinage, Weights, and Measures.

By Mr. FARIS: A memorial of the legislature of the State of Indiana, in favor of the passage of an amendment to the civil-service law restoring all soldiers discharged without charges and exempting them from civil-service examinations for positions in the Government service—to the Committee on Reform in the Civil Service.

Also, a memorial of the legislature of the State of Indiana, in favor of the passage of Senate bill 3058—to the Committee on the Post-Office and Post-Roads.

Also, a memorial of the legislature of the State of Indiana, in favor of the establishment of a national military park at Vicksburg—to the Committee on Military Affairs.

Also, a memorial of the legislature of the State of Indiana, praying passage of House bill No. 3273, relative to employees and clerks in the postal service—to the Committee on the Post-Office and Post-Roads.

By Mr. JOHNSON of North Dakota: A memorial of the legislature of the State of North Dakota, asking Congress to grant land in aid of a school of forestry in said State of North Dakota—to the Committee on the Public Lands.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BEACH: A bill (H. R. 10217) to relieve Henry Kolliker from the charge of desertion—to the Committee on Military Affairs.

By Mr. SMITH of Illinois: A bill (H. R. 10218) for the relief of Thomas J. Lynch—to the Committee on Military Affairs.

By Mr. STAHLE: A bill (H. R. 10219) to increase the pension of Charles C. Bunty, late of Company C, Two hundred and second Regiment Pennsylvania Volunteers, in the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 10220) granting a pension to Charles H. Allen—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of Thomas M. Carnegie Post,

No. 625, Department of Pennsylvania, Grand Army of the Republic, urging the passage of House bill No. 9209, for service pension—to the Committee on Invalid Pensions.

Also, resolutions of Encampment No. 1, Union Veteran Legion, of Pittsburg, Pa., indorsing House bill No. 8354, to adjust the pensions of maimed Union soldiers and sailors of the late war of the rebellion—to the Committee on Invalid Pensions.

By Mr. ADAMS: Petition of citizens of Philadelphia, Pa., favoring the passage of House bill fixing the standard of weights and measures according to the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. AVERY: Petition of the Michigan Maple Lumber Company, of Traverse City, Mich., in favor of a duty of $2 per thousand on maple lumber—to the Committee on Ways and Means.

By Mr. BREWSTER: Petition of Curtis Wheeler and 55 other business firms of Rochester, N. Y., favoring the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, protest of citizens of Rochester, N. Y., against the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN: Petition of 19 business firms of Chattanooga, Tenn., favoring the passage of House bill No. 10090, known as "antiscalping bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. BULL: Petition of the Woman's Christian Temperance Union of Rhode Island, Mary A. Babcock, president, favoring the passage of the Shannon bill (H. R. 9515) to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Rhode Island, favoring the passage of House bill No. 7441, prohibiting the transmission of gambling matter by telegraph—to the Committee on the Judiciary.

By Mr. CROWLEY: Petition of 300 citizens of the Tenth Congressional district of Texas, protesting against the passage of the Sherman bill with respect to ticket brokers—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of Iowa: Resolutions of the Iowa State Horticultural Society, of Des Moines, Iowa, in favor of the passage of House bill No. 119, for the protection of the forests of the United States—to the Committee on the Public Lands.

Also, petition of the presidents of the Society for the Prevention of Cruelty to Animals, of Hackensack, N. J.; Norfolk, Va.; Morristown, N. J.; Mount Holly, N. J.; Syracuse, N. Y.; Ravenna, Ohio; Poughkeepsie, N. Y.; Augusta, Ga.; Portland, Me.; Indianapolis, Ind.; Port Huron, Mich.; Chattanooga, Tenn., and Jacksonville, Ill., for the humane regulation of vivisection in the District of Columbia—to the Committee on the District of Columbia.

Also, resolutions of the Eighth Iowa district Woman's Christian Temperance Union, of Des Moines, Iowa, in relation to the persecution and outrages in Armenia—to the Committee on Foreign Affairs.

By Mr. FARIS: Petition of W. N. Kramer and 41 other citizens of Terre Haute, Ind., protesting against the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. GROSVENOR: Petition of the publisher of the Valley Register, of Nelsonville, Ohio, for favorable action on House bill No. 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HENDERSON: Petition of 101 business firms of Dubuque, Iowa, advocating the passage of House bill No. 10090, known as "antiscalpers bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. HEPBURN: Petitions of the Woman's Christian Temperance Union, Queen Esther Society, Women's Up-to-Date Club, and Ladies' Aid Society, of the Christian Church, all of Bridgewater, Iowa, asking the passage of a bill to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union, the Queen Esther Society, the Up-to-Date Club, and the Ladies' Aid Society of the Christian Church, all of Bridgewater, Iowa, favoring the passage of a bill forbidding the sale of intoxicating liquors in any Government building—to the Committee on Alcoholic Liquor Traffic.

By Mr. HILBORN: Proceedings of the tariff conference held at San Francisco, Cal., January 7, 8, and 9, 1897, containing proposed tariff legislation and indicating its effect upon the State of California—to the Committee on Ways and Means.

By Mr. McCLEARY of Minnesota: Paper of M. N. Goss, of St. Paul, Minn., secretary of St. Paul Division of Railway Conductors, favoring the passage of House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. MORSE: Petition of the Woman's Christian Temperance Union and the Women's Missionary Society of Washington, Iowa; also petition of the United Brethren church, of Letts, Iowa, favoring the passage of a bill prohibiting the sale of liquors in any Government building—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Woman's Christian Temperance Union of Albion, Iowa, praying for the passage of House bill No. 3203 and Senate bill No. 1498, to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

By Mr. OVERSTREET: Petition of W. Q. Irwin and 20 other citizens of the State of Indiana, protesting against the passage of the Sherman bill with respect to ticket brokers—to the Committee on Interstate and Foreign Commerce.

By Mr. STAHLE: Resolutions of Captain Colwell Post, No. 201, Grand Army of the Republic, praying for the passage of the per diem pension bill—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for increase of pension to Charles C. Bunty, late of Company C, Two hundred and second Pennsylvania Volunteers—to the Committee on Invalid Pensions.

By Mr. TYLER: Petition of the heirs of William G. Webber, deceased, late of Norfolk, Va., praying reference of his war claim to the Court of Claims under the Bowman Act—to the Committee on War Claims.

Also, petition of the heirs of Susan Booth, deceased, late of Nansemond County, Va., praying that her war claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

SENATE.

WEDNESDAY, *February 3, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. DAVIS, and by unanimous consent, the further reading was dispensed with.

EXPLORATION OF ALASKA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 1st instant, a letter from the Director of the Geological Survey on the progress and result of the Geological Survey exploration of Alaska during the season of 1896; which, with the accompanying papers, was referred to the Committee on Mines and Mining, and ordered to be printed.

AGRICULTURAL COLLEGES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a report of the disbursements for the fiscal year ending June 30, 1897, made in the States and Territories under the provisions of "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of Congress approved July 2, 1862," approved August 30, 1890, as required by section 5 of that act; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1722) to approve and ratify the construction of a bridge across the Sulphur River, in the State of Arkansas, by the Texarkana and Fort Smith Railway Company.

The message also announced that the House had agreed to the amendments of the Senate to the joint resolution (H. Res. 214) authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in the city of Washington on the occasion of the inauguration of the President-elect on March 4, 1897, etc.

The message further announced that the House had passed a bill (H. R. 10134) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1898; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution providing for the counting of the electoral vote for President and Vice-President of the United States, in the Hall of the House of Representatives, on Wednesday, the 10th day of February, 1897, at 1 o'clock in the afternoon; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 666) to amend section 4829 of the United States Revised Statutes, concerning surgeons, assistant surgeons, and other medical officers of the National Home for Disabled Volunteers;

A bill (S. 738) authorizing the establishment of a pier-head light at or near South Milwaukee, in the State of Wisconsin;

A bill (S. 1083) for the relief of George H. Plant, of the District of Columbia;

A bill (S. 1675) to prevent the carrying of obscene literature for indecent and immoral use from one State or Territory into another State or Territory;

A bill (S. 2931) granting an increase of pension to Silas M. Stevens;

A bill (S. 3303) to authorize the construction by the Kansas City, Shreveport and Gulf Railroad Company of a bridge across the Sabine River, between the States of Louisiana and Texas;

A bill (S. 3313) for the relief of John N. Quackenbush, late a commander in the United States Navy;

A bill (S. 3328) to amend an act entitled "An act to repeal timber-culture laws, and for other purposes;"

A bill (S. 3401) to amend an act entitled "An act to authorize the construction of a bridge across the Missouri River at or near the city of Lexington, Mo.," approved July 26, 1894;

A bill (S. 3551) to authorize the entry and patenting of lands containing petroleum and other mineral oils under the placer-mining laws of the United States;

A bill (H. R. 3719) to provide for appointment by brevet of active or retired officers of the United States Army; and

A bill (H. R. 6215) to increase the pension of Ambrose D. Manion.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a petition of Storer Post, No. 1, Grand Army of the Republic, Department of New Hampshire, of Portsmouth, N. H., praying for the renewal and preservation of the U. S. frigate *Constitution*, and that it be transferred to the national capital as a patriotic trophy and permanent naval museum; which was referred to the Committee on Naval Affairs.

He also presented a petition of the New Hampshire Christian Endeavor Union, of Claremont, N. H., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the Union Young People's Society of Christian Endeavor of North Weare, N. H., and the petition of L. H. Osborne, of North Weare, N. H., praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Plymouth, N. H., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of H. Gilliss, publisher of the Hanover, of Hanover, N. H., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MANTLE presented the memorials of N. Y. Hoss, publisher of the Silver State; of E. G. Proutt, publisher of the Montana Churchman, of Deer Lodge; of Oliver M. Holmes, publisher of the Great Falls News; of Waldemar Stein, publisher of the Montana Herald, of Great Falls; of L. A. Robertson, publisher of the Sentinel, of Boulder City; of C. E. Mitchell, publisher of the Democrat, of Missoula, and of Local Assembly, No. 1222, Knights of Labor, of Lewiston, all in the State of Montana, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of G. W. Jenkins, Amos Buck, Chris. Hightower, and sundry other citizens of Montana, praying for the adoption of the proposed amendment to the Constitution of the United States recognizing the Deity; which were referred to the Committee on the Judiciary.

He also presented the petitions of E. M. Williamson, M. R. Griffin, William H. Kennedy, and sundry other citizens of Great Falls, Mont., praying for the passage of House bill No. 6851, in aid of the Wilberforce University, located in Greene County, Ohio; which were referred to the Committee on Education and Labor.

Mr. MORRILL presented a petition of the Methodist Episcopal church of Montpelier, Vt., and a petition of the Garden Memorial Presbyterian Church, of Anacostia, D. C., praying for the enactment of legislation prohibiting the sale of intoxicating liquor in the Capitol building; which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Woodstock, Vt., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BATE presented the petitions of William T. Comstock, publisher of the Architecture Building, of New York City; of M. H. Clark, secretary of the Tobacco Board of Trade of Clarksville, Tenn.; of the Trades League of Philadelphia, Pa., and of the Merchants' Exchange of Memphis, Tenn., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of Merritt & Ewing, of Lewisburg, Tenn., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. LINDSAY presented a petition of sundry citizens of Louisville, Ky., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HOAR presented a memorial of sundry citizens of Webster, Mass., and a memorial of sundry citizens of Hingham, Mass., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry sailors and their friends assembled at the Sailors' Home, Charlestown, Mass., remonstrating against the passage of the so-called seaman's bill with the amendments thereto as reported from the Committee on Commerce; which was ordered to lie on the table.

He also presented a petition of the East Baltimore Station, Methodist Protestant Church, of Baltimore, Md., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. HOAR. I present a petition of the National Convention of Clothing Manufacturers, a representative body, praying for the passage of the so-called Torrey bankruptcy bill. It is a very brief petition, and I move that it lie on the table and be printed as a document.

The motion was agreed to.

Mr. SHERMAN presented the petitions of M. M. Sullivan, editor of the Journal, of Middletown; of J. A. Gulley, publisher of the Valley Register, of Nelsonville; of George W. Barren, publisher of the News-Herald, of Hillsboro; of Walter Hartpence, publisher of the News, of Harrison; of the Paddock Overmeyer Company, of Columbus; of Ford & Willett, publishers of the Enterprise, of Montpelier; of E. C. Lampon, publisher of the Jefferson Gazette, of Jefferson; of J. I. Brittain, publisher of the Reveille Echo, of East Palestine, and of B. Daunemiller & Sons, of Canton, all in the State of Ohio, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. ROACH presented a petition of the legislature of North Dakota, praying Congress to grant 30,000 acres of land in aid of the school of forestry in that State; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION.

For a memorial to Congress for the granting of 30,000 acres of land in aid of the school of forestry of the State of North Dakota.

Be it resolved by the house of representatives (the senate concurring), That a copy of the following memorial, signed by the speaker of the house, and president of the senate, and attested by the chief clerk of the house and secretary of the senate, be sent to the Hons. HENRY C. HANSBROUGH and WILLIAM N. ROACH, representing this State in the Senate of the United States, and Hon. MARTIN N. JOHNSON, representing this State in the House of Representatives of the Congress of the United States, who are hereby respectfully requested to present the following memorial in the respective Houses to which they belong, and to urge the passage of an act of Congress in accordance with such memorial, to wit:

To the honorable the Congress of the United States:

The people of the State of North Dakota, in legislative assembly convened, respectfully represent that whereas it has heretofore been the policy of the Federal Government to lend all encouragement possible in the establishment and maintenance of such schools as will be conducive to the dissemination of knowledge that will aid in the upbuilding of the several States; and

Whereas Congress, recognizing the great good to be accomplished by the granting of public lands in aid of the establishment and maintenance of schools of learning, did grant, by the terms of the enabling act, which provided for the formation of the State of North Dakota, South Dakota, Montana, and Washington, certain lands for the establishment and maintenance of agricultural colleges and other schools and institutions; and

Whereas one of the most needed schools for the State of North Dakota is a school of forestry, which has been established and located by the State of North Dakota at Bottineau, Bottineau County, in said State; and

Whereas the Congress of the United States, in the passage of the enabling act aforesaid, granted to the State of South Dakota 120,000 acres of land for the use and support of an agricultural college in said State, and granted to the State of North Dakota for the same purpose only 90,000 acres of land; and

Whereas a school of forestry will be of great benefit to the entire Northwestern States: Therefore,

The people of the State of North Dakota do respectfully petition your honorable body to grant to the State of North Dakota 30,000 acres of land (being the number of acres of land heretofore granted to the State of South Dakota in excess of that granted to the State of North Dakota for the establishment of agricultural colleges in such States), for the use and support of the school of forestry of the State of North Dakota, located at Bottineau, Bottineau County, N. Dak.

E. A. WILLIAMS,
Speaker of the House.

Attest:
H. E. LAVAYEA,
Chief Clerk.

J. M. DEVINE,
President of the Senate.

Attest:
J. C. GILL,
Secretary of the Senate.

Mr. SEWELL presented memorials of the Central Woman's Christian Temperance Union, of Camden; of the Union Methodist

Episcopal Church, of Camden; of the Tabernacle Methodist Episcopal Church, of Camden; of the Linden Baptist Church, of Camden; of the Wiley Methodist Episcopal Church, of Camden; of the Wynn Memorial Baptist Church, of Camden; of the Emanuel Baptist Church, of Camden; of the North Baptist Church, of Camden; of the Third Baptist Church, of Camden; of the First Methodist Episcopal Church, of Camden; of the Broadway Methodist Episcopal Church, of Camden; of the First Baptist Church, of Camden; and the memorial of Rev. Thomas Tyack and 32 members of the Young People's Christian Endeavor Society of the Hightstown Presbyterian Church, of Hightstown, all in the State of New Jersey, remonstrating against the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a petition of the Wynn Memorial Baptist Church, of Camden, N. J., praying for the passage of Senate bill No. 2485, to further protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. PASCO presented the memorial of Fred. L. Robertson, editor of the Hernando News-Register, of Brooksville, Fla., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SMITH presented a petition of Brotherhood Union, Jackson Circle, No. 4, of Camden, N. J., praying for the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which was ordered to lie on the table.

He also presented a memorial of the Sarsfield Club, of Jersey City, N. J., remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of Monmouth Grange, No. 92, Patrons of Husbandry, of Freehold, N. J., praying for the restoration of the McKinley rates concerning all farm products; which was referred to the Committee on Finance.

Mr. CULLOM presented petitions, in the form of letters, from Dr. Henry Lyman, of Chicago; Robert L. Hughes, of Chicago, and J. F. Laubender, of Chicago, all in the State of Illinois, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Vermont, Ill., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the memorials of C. A. Stuck, publisher of the Odell Gazette and Reporter, of Odell; of Justin V. Beatty, publisher of the Nunda Herald, of Nunda, and of Bryce P. Smith, publisher of the Moweaqua Call-Mail, of Moweaqua, all in the State of Illinois, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of New York, praying for the passage of Senate bill No. 3545, to prevent the sale of railroad tickets by unauthorized persons; which were referred to the Committee on Interstate Commerce.

Mr. PROCTOR presented a petition of the Woman's Christian Temperance Union of Salisbury, Vt., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of South Londonderry, Vt., and a petition of the Christian Endeavor Society of North Bennington, Vt., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

Mr. TURPIE presented the petition of Clifford Thomson, vice-president of the Spectator Company, of New York, N. Y., and the petition of E. Bierhaus & Sons, of Vincennes, Ind., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GEAR presented a petition of members of the Methodist Episcopal Church of Washington, D. C., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. GORDON. I present telegraphic communications, in the nature of petitions, from Hon. W. Y. Atkinson, governor of the State of Georgia; Hon. Hoke Smith, ex-Secretary of the Interior, and sundry bankers and business men of Atlanta, Columbus, and Rome, Ga., praying for the enactment of legislation prohibiting the present system of railway-ticket brokerage. I move that the communications be referred to the Committee on Interstate Commerce.

The motion was agreed to.

Mr. GORDON presented a petition of the Ministers' Union, of Macon, Ga., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. CAMERON presented a petition of the Philadelphia Board of Trade, of Philadelphia, Pa., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. BRICE presented the memorials of S. M. Jones and other officers of the National Malleable Castings Company, of Toledo; of the Eberhard Manufacturing Company, of Cleveland; of Charles F. Thwing, president of the Western Reserve University, of Oberlin; of the Men's Club and the Presbyterian church of Ada, all in the State of Ohio, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented the petitions of L. O. Whitcomb, of Toledo; of the officers of the North Lucas Christian Endeavor Union; of Henrietta L. Moore, on behalf of the Woman's Christian Temperance Union of Sylvania; of the Woman's Christian Temperance Union of Oberlin; of the Christian Endeavor Society of Plymouth; of the Christian Endeavor Society of Cleveland; of the Nonpartisan Woman's Christian Temperance Union of Mansfield; of the faculty of Oberlin College, Oberlin; of J. S. Fitterer, of Butler; of Rev. James Brand, pastor of the First Congregational Church of Oberlin; of the First Baptist Church of Oberlin; of the Young Peoples' Society of Christian Endeavor of the First Presbyterian Church of Toledo; of the Christian Endeavor Society of the Church of Christ, of Glenville; of Charles L. France, of Toledo, representing 75,000 young people, members of the Ohio Christian Endeavor Union, and of Mrs. Ellen J. Phinney in behalf of the Nonpartisan National Woman's Christian Temperance Union of Cleveland, all in the State of Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented the memorial of Edward Colston, on behalf of the committee on judiciary and legal reform of the Cincinnati Bar Association, of Cincinnati, Ohio, and a memorial of the Cincinnati Board of Trade and Transportation, of Cincinnati, Ohio, remonstrating against the passage of the so-called Bailey-George bankruptcy bill; which were ordered to lie on the table.

He also presented the petition of Henrietta L. Moore, on behalf of the Woman's Christian Temperance Union of the State of Ohio, praying for the ratification of the pending arbitration treaty with Great Britain; and also for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of 22 business firms and citizens of Cincinnati, Ohio, remonstrating against the enactment of legislation to destroy the present system of railway-ticket brokerage; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of 29 citizens of Akron, Ohio, remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Alexis Cope, secretary of the Ohio State University, of Columbus, Ohio, praying for the appointment of a director of the scientific bureaus of the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Dayton Ministerial Association, of Dayton, Ohio, remonstrating against the appropriation of public moneys for sectarian purposes; which was referred to the Committee on Education and Labor.

He also presented the petition of Mrs. Esther T. Silver, of Cleveland, Ohio, praying for the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of Cincinnati Council, No. 24, American Protective Association, of Cincinnati, Ohio, praying for the passage of the so-called Cameron resolution relating to Cuba; which was ordered to lie on the table.

He also presented petitions of the Ohio Wholesale Grocers' Association Company, of Cincinnati; of John L. Perkins & Co., of Cincinnati; of Feilbath & Co., of Toledo; of Hildreth & Barber, of Akron; of the Cleveland Wholesale Grocers' Board, of Cleveland; of the publishers of the Ohio Farmer, of Cleveland; of Weaver & Shulze, of Circleville; of E. P. Breckenridge, of Toledo; of the Cincinnati Board of Trade and Transportation, of Cincinnati; of Walter Hartpence, publisher of the News, of Harrison; of E. C. Lamping, publisher of the Jefferson Gazette, of Jefferson; of the Paddock-Overmyer Company, of Toledo; of J. I. Brittain, publisher of the Reveille-Echo, of East Palestine; of George W. Barrere, publisher of the News-Herald, of Hillsboro; of R. Dannemiller & Sons, of Canton; of Westerfield Bros., wholesale grocers, of Greenville; of Babcock, Hurd & Co., of Cleveland; of Ulrick & Cline, of Columbus; of the D. O. Fox Company, of Springfield; of Vaughters, Kramer & Co., wholesale grocers, of Chillicothe; of

the Frechtling Wholesale Grocery Company, of Hamilton; of the Harper & Cosgrave Company, wholesale grocers, of Zanesville; of M. B. Gilbert & Co., wholesale grocers, of Portsmouth; of the Moore Bros. Company, wholesale grocers, of Lima; of Ford, Eaton & Co., wholesale grocers, of Cincinnati; of the F. Ware Coffee Company, of Dayton; of Isaac Eberly & Co., wholesale grocers, of Columbus; of the Yost Manufacturing Company, of Toledo, and of A. M. Damarin, of Portsmouth, all in the State of Ohio, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HANSBROUGH presented a concurrent resolution of the legislature of North Dakota, praying Congress to grant 30,000 acres of land in aid of the school of forestry in that State; which was referred to the Committee on Public Lands.

He also presented a petition of the members of the Methodist Episcopal Church of Drayton, N. Dak., praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. DAVIS, from the Committee on Foreign Relations, reported an amendment intended to be proposed to the diplomatic and consular appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (H. R. 7333) granting a pension to William Edwards, Company D, Tenth Regiment Vermont Volunteers, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 1948) to grant a pension to Uriah Andricks, Fifty-fourth Illinois Volunteer Infantry, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6236) to grant a pension to Mrs. Helen A. Funkhouser, reported it without amendment, and submitted a report thereon.

Mr. ROACH, from the Committee on Pensions, to whom was referred the bill (H. R. 7115) granting a pension to James Warbrook, reported it without amendment, and submitted a report thereon.

Mr. CARTER, from the Committee on Interstate Commerce, to whom was referred the bill (S. 3590) to limit the effect of the regulation of commerce between the several States and with foreign countries in certain cases, reported it with amendments.

Mr. TILLMAN, from the Committee on Public Lands, to whom was referred the bill (S. 635) for the relief of Albert E. Redstone, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Agriculture and Forestry, to whom was referred the amendment submitted by Mr. THURSTON on the 1st instant, intended to be proposed to the Agricultural appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

ACCEPTANCE OF MEDALS.

Mr. SHERMAN. I am directed by the Committee on Foreign Relations, to whom was referred the bill (S. 3637) to authorize Maj. Gen. Alexander McD. McCook, United States Army, retired, and Capt. George Percival Scriven, United States Army, to accept medals presented to them by the Russian Government, to report it without amendment. I ask for the immediate consideration of the bill by the Senate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. NELSON introduced a bill (S. 3643) relating to the writ of mandamus from the United States court in reference to certain land contests; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 3644) relative to the entry of public lands in cases where prior entry has been canceled for fraud; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MORGAN introduced a bill (S. 3645) to correct the military record of James P. McGee; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. SEWELL introduced a bill (S. 3646) granting an increase of pension to Elisha M. Luckett; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 3647) for the erection of a public building at the city of East St. Louis, Ill.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. McMILLAN introduced a bill (S. 3648) for the prevention of smoke in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BACON introduced a bill (S. 3649) to increase the pension of Elizabeth Wellons; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BATE introduced a bill (S. 3650) granting the right of way through the Chickamauga and Chattanooga National Park; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GEAR submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. FRYE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill, the amendment proposing to appropriate $100,000 to be expended by the Secretary of War for the improvement of the entrance of Pearl Harbor, Hawaiian Islands, according to the report of Rear-Admiral J. G. Walker; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. HILL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

ELECTION LAWS IN THE DIFFERENT STATES.

Mr. GALLINGER. On the 26th of January last I presented a table showing the provisions of the election laws in the different States, which was ordered printed as a document. There are numerous calls for the document, in one instance a call for a large number of copies, and I ask unanimous consent that the document may be reprinted to the number of 500.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

BARZILLA C. HUDSON.

Mr. TURPIE. I ask unanimous consent for the present consideration of the bill (H. R. 2253) for the relief of Barzilla C. Hudson. I will state that a similar bill passed both Houses at the last session.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to remove the charge of desertion from the military record of Barzilla C. Hudson, late of Battery D, Fourth United States Artillery, and to grant him an honorable discharge to date May 26, 1865.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

A. L. WILLIAMS.

Mr. THURSTON. I ask unanimous consent for the present consideration of the bill (H. R. 9499) authorizing and directing the Secretary of the Interior to sell certain lands to A. L. Williams, and for other purposes. It is a House bill which has been favorably reported by the committees of both Houses, and it ought to be passed.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Interior to sell at $1.25 per acre, to A. L. Williams, the southeast quarter of the southeast quarter and lot 5 of section 9, township 14 south, range 68 west, sixth principal meridian, in the county of El Paso, Colo.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. HOAR. I rise to a parliamentary inquiry. What is the pending order of business?

The VICE-PRESIDENT. Concurrent or other resolutions are in order.

Mr. HOAR. I object to unanimous consent being given to take up any special measure until the regular morning business is over.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 30th ultimo approved and signed the following acts:

An act (S. 350) granting an increase of pension to George C. Abbey;

An act (S. 1291) granting an increase of pension to Celeste A. Boughton, widow of Bvt. Brig. Gen. Horace Boughton;

An act (S. 1505) granting an increase of pension to Rufus H. Paine;

An act (S. 1511) granting a pension to Mrs. Jane Stewart Whiting;

An act (S. 1888) granting an increase of pension to William T. Walker; and

An act (S. 3381) granting pension to Lena D. Smith.

The message also announced that the President of the United States had on the 1st instant approved and signed the act (S. 3525) to provide for an examination and survey of a water route from the mouth of the jetties at the city of Galveston, Tex., through the ship channel and up Buffalo Bayou to the city of Houston, Tex.

BILLS BECOME LAWS.

The message further announced that the bill (S. 1741) to authorize the Muskogee, Oklahoma and Western Railroad Company to construct and operate a line of railway through Oklahoma and the Indian Territory, and for other purposes, was presented to the President January 18, 1897, and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, has become a law without his approval.

The message also announced that the bill (S. 1320) to confirm the title to certain lands in William Morgan and Harrison Moore, and to require the issue of patents therefor, was presented to the President January 21, 1897, and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, has become a law without his approval.

HOUSE BILL REFERRED.

The bill (H. R. 10134) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1898, was read twice by its title, and referred to the Committee on Appropriations.

PACIFIC RAILROADS.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Nebraska [Mr. ALLEN], coming over from a previous day. The resolution will be stated.

The SECRETARY. A resolution instructing the Committee on Pacific Railroads to inquire and report to the Senate whether the executive department has, by existing law, authority to foreclose the Government mortgage or lien on the Union Pacific and Kansas Pacific railroads, etc.

Mr. THURSTON addressed the Senate. After having spoken for some time,

The VICE-PRESIDENT. The Senator from Nebraska will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 3247.

Mr. ALLEN. I hope my colleague will be permitted to continue his discussion of the resolutions.

Mr. LODGE. I want to say one word before that is agreed to. I have not pressed the conference report on the immigration bill this morning because I knew the Senator from Nebraska [Mr. THURSTON] desired to speak; nor is it my intention to oppose the Senator from Alabama [Mr. MORGAN] with the unfinished business. The conference report is in its last stage, and I desire to give notice that to-morrow, after the call for the reports of committees, bills, concurrent and other resolutions, etc., I shall ask the Senate to go on with the consideration of the report. I shall call it up as a privileged matter and ask the Senate to proceed with it, in order to reach a decision as soon as possible.

Mr. ALLEN. I ask unanimous consent that the unfinished business be informally laid aside that my colleague may proceed.

The VICE-PRESIDENT. The Senator from Nebraska asks unanimous consent that the unfinished business be laid aside temporarily, in order that his colleague may proceed with his remarks.

Mr. ALDRICH. I think that had better be done in the morning hour.

Mr. WHITE. Unless the Senator from Nebraska would very much like to continue his remarks now, I suggest that the resolution go over.

Mr. THURSTON. No; I do not care to take up further time this morning.

Mr. WHITE. I think the resolution had better go over, then.

Mr. ALLEN. I do not know what my colleague wants to do, but it is important that the resolutions should be disposed of. Of course passing them over from morning to morning brings the termination of the present Congress nearer and may make it impossible to do anything with them.

Mr. THURSTON. I should like the morning hour to continue my presentation of this matter.

[Mr. THURSTON'S speech will be published entire after it shall have been concluded.]

Mr. ALDRICH. It seems to me the matter has already been effectually disposed of so far as the present is concerned, and I think the future will take care of itself.

Mr. LODGE. I understand the resolution goes to the Calendar. Does it not, Mr. President?

Mr. ALDRICH. I ask for the regular order.

The VICE-PRESIDENT. Objection is interposed to the request of the Senator from Nebraska [Mr. ALLEN].

Mr. ALLEN. If the Senator from Rhode Island wants to insist on a technicality, I desire to say to him now that he will gain nothing by it.

Mr. ALDRICH. I am not making——

Mr. ALLEN. So far as I am concerned, I propose to discuss this question, and discuss it thoroughly, when the proper time comes. If I do not discuss it on this resolution, I will discuss it upon a facsimile of it, or upon some bill.

Mr. ALDRICH. I do not object to anything, except to taking up the time.

Mr. LODGE. I am perfectly willing that the Senator shall, as is his right, discuss the resolution at any time he sees fit.

Mr. ALLEN. The Senator from Rhode Island knows there is not the slightest purpose to do anything at the present Congress. Then let it be understood by both sides of the Chamber that nothing is to be done except to pass the appropriation bills. Here is the bankruptcy bill that is in the last stages of consumption. The Nicaraguan Canal bill is about ready to be nailed up and put in its coffin. There is no purpose to determine anything at the present Congress. Now, why not discuss this resolution and let it go to the committee, and let us have the information, so that it can be used at the opening of another session of Congress?

Mr. GEAR. I will state to the Senator from Nebraska that as soon as the immigration conference report and the Nicaragua Canal bill and the bankruptcy bill are disposed of, and I give notice now, I am going to call up the bill providing for the settlement of the debts of the Pacific railroads.

Mr. ALLEN. Then the Senator had better fix about the first Monday in December next to call up the bill.

Mr. GEAR. That is a matter of opinion. I am advised by gentlemen in charge of the bankruptcy bill that they will give way at a proper time in the consideration of that measure to allow me to call up the railroad bill.

Mr. ALLEN. I do not doubt that at all.

Mr. GEAR. I do not think the resolution will be prejudiced by a delay of a day or two, and I hope the Senator from Nebraska will not press it unduly.

Mr. MORGAN. I call for the regular order.

Mr. ALLEN. I ask that the resolutions be passed over, and that they be taken up to-morrow morning during the morning hour.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Nebraska?

Mr. ALLISON. What is the request?

Mr. ALLEN. That the resolutions which have been discussed be passed over until to-morrow morning, to be taken up in the morning hour.

Mr. ALDRICH. The Senator from Massachusetts [Mr. LODGE] has given notice that he will call up the conference report to-morrow morning.

Mr. LODGE. I have already given notice that I shall to-morrow morning feel it incumbent to call up the conference report on the immigration bill, which is privileged, and which ought to be disposed of. It is in its last stage, and I think we ought to reach a vote on that measure. I am certain the Senator from Nebraska would not mind postponing his remarks in order to give us a chance to finish the immigration bill.

Mr. ALLEN. That does not necessarily interfere with the Senator from Massachusetts. I am perfectly willing when the resolutions come up, if the Senator's bill is so much more important than the resolutions, to give way to him, but I want the resolutions in a shape where they can be disposed of, and where it will not be necessary for me to duplicate them and introduce them over again.

Mr. LODGE. Oh, certainly not.

The VICE-PRESIDENT. The Chair submits the request of the Senator from Nebraska to the Senate. Is there objection?

Mr. ALDRICH. As I understand the request, it is that the resolutions shall retain their place without prejudice.

Mr. ALLEN. Yes, sir.

Mr. ALDRICH. I have no objection to that, of course.

The VICE-PRESIDENT. The Chair hears no objection, and it is so ordered.

MARITIME CANAL COMPANY OF NICARAGUA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. MORGAN. The Senator from Colorado [Mr. TELLER] yesterday offered two amendments to the pending bill. I rise for the purpose of stating that he and I have agreed on the form of those amendments and I accept them.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). Does the Senator from Alabama desire to have the amendments accepted by him read?

Mr. MORGAN. They were read yesterday, except that there is a change in form.

Mr. DANIEL. I ask that they be read.

The PRESIDING OFFICER. The amendments will be read.

The Secretary read as follows:

Insert as additional sections the following:

"SEC. —. That the bonds hereinbefore mentioned shall not be guaranteed, and no money shall be expended in the construction of the canal until a survey has been made by a competent board of engineers, to be appointed by the President of the United States, and a complete plan prepared for the entire work, and such plan shall be approved by the President of the United States.

"SEC. —. That should it appear from the report of said board of engineers that the cost of said canal will be more than $150,000,000, the President shall report the plan to Congress. The bonds herein provided for shall not be guaranteed, and the Government of the United States shall not assume any liability in the construction of said canal unless Congress shall otherwise direct."

Mr. VILAS. Mr. President, I had proceeded to consider two of the reasons which have been suggested why the United States should undertake alone this work, and I think I satisfactorily showed that the theory that the Government could undertake it as an investment of money for profit is entirely indefensible. I think also the argument against the idea that the canal should be constructed by us as a military auxiliary is entirely satisfactory, and that upon that basis we can not for a moment entertain the proposition.

The third proposition, upon which alone there may rest a seeming force to move our judgment toward this project, that our commercial interests demand it, I partly discussed yesterday, and in the course of my remarks I submitted tables showing the commercial advantages which the committee proffer to the Senate as probable to arise from this waterway, and by their own tables I demonstrated that Great Britain would enjoy five-eighths of the commerce of that canal; perhaps, estimating it more closely, six-eighths or three-fourths; that the United States would enjoy not more than one-fifth by their own exposition of probabilities; and that Germany had about 15 per cent, or very nearly as much as the United States, of interest in its construction.

Now, sir, when we look at those most important facts, does not the question seem a very pertinent one to the Congress of the United States, Why should this nation alone and at its own cost undertake an enterprise in which our interest, by every just measure of it, in comparison with other nations, is so small? Why should we not proffer to the world at large, especially, I mean, to the great commercial countries who send their ships abroad upon the ocean—Germany, France, and particularly England—a readiness on our part to unite with them in such measures as would secure for the world this great communication between the oceans? But why should we not say to them, "You are more interested in it than we, far more; the obligation, so far as it can be a national obligation at all, to create this great work of civilization for the benefit of commerce is an obligation incumbent upon England and Germany as much and more, especially more upon England, than upon the United States?" Why should we do this thing alone from which Great Britain is to derive three times the gain which we can possibly expect?

Sir, even Nicaragua perfectly comprehended this idea and this theory upon which that canal was to be constructed, and carefully stipulated in the articles of this very concession by which we are to undertake, if this bill be adopted, to construct the canal for such a recognition of the interest of the world. Let me read from the second article:

The canal shall be of sufficient dimensions for the free and commodious passage of vessels of the same size as the large steamers used for ocean navigation in Europe and America.

And from Article IV:

The duration of the present privilege shall be for ninety-nine (99) years, to be counted from the day the canal shall be opened to universal traffic.

And then the sixth article, which provides:

The Government of the Republic declares, during the term of this concession, the ports at each extremity of the canal, and the canal itself, from sea to sea, to be neutral, and that consequently the transit through the canal in case of war between two powers or between one or more and Nicaragua shall not be interrupted for such cause; and that merchant vessels and individuals of all nations of the world may freely enter the ports and pass through the canal without molestation or detention.

In general, all vessels may pass through the canal freely, without distinction, exclusion, or preference of persons or nationality, provided they pay the dues and observe the regulations established by the grantee company for the use of the said canal and its dependencies. The transit of foreign troops and vessels of war will be subjected to the prescriptions relating to the same established by treaties between Nicaragua and other powers or by international law. But entrance to the canal will be rigorously prohibited to vessels of war of such powers as may be at war with Nicaragua or with any other of the Central American Republics.

Nicaragua will endeavor to obtain from the powers that are to guarantee the neutrality that in the treaties that shall be made for that purpose they shall agree also to guarantee a zone of land parallel to the canal and also a maritime zone in both oceans, the dimensions of which will be determined in such treaties.

Those three articles of the concession demonstrate that Nicaragua contemplated that this company, which had not then been chartered by the United States, but which was a company dealing directly with the State of Nicaragua and in no manner under liability, as it was thought, to become the creature of any foreign government, against which they expressly stipulated, should procure subscriptions to its stock in the capitals of the world, manifesting as perfectly as words can the clear view of that country that the obligation to build this canal, growing out of the advantages which would ensue to commerce from it, was an obligation which rested not on any one country, but upon those countries and peoples of the world whose commerce is to derive the advantages which may be expected to ensue from it.

Why, I say, sir, should the United States, in the face of these facts, that its commercial interest is not more than one-fifth—not one-fifth—that of this and the other nations, England, Germany, and France, in this canal—why should the United States undertake alone all the burden and charge of the enterprise? For what reason should we go forth quixotically to do the work of the world in the construction of the Nicaraguan Canal?

Sir, we have heard one answer to this idea, and but one. There has been a deft phrase proffered to the Senate, and often falling from the lips of the distinguished and able chairman of the special committee—a sentence which, I think, was first delivered to Congress over the signature of President Hayes—that "the policy of this country is a canal under American control." Unless that be a sound declaration, I have never heard any reason given to warrant this extravagant volunteering on the part of the United States to do a work only for the benefit of other commercial nations who must derive far more gain from it than we.

It is most important, then, that we examine this alleged policy of the United States. I declare, sir, in the beginning that the assertion of policy is untrue as matter of history; it is unsound in statesmanship or common sense. There is no such American policy; there never has been.

Sir, we are apt in our self-sufficiency, casting a view over some project which captivates the mind, to fancy that our vision and understanding far outstrip the men who have lived before us in the world, and it would often seem when this matter has been under debate as if there never had been before anybody to whom we could allow compass of mind or imagination adequate to an understanding of this question; but if we look into the records of the past, we shall find that the subject of an isthmian canal to connect the Atlantic and Pacific oceans is no novelty; we shall find that minds as able as any this country ever produced have grasped it with perfect understanding; and I think it will be easy to demonstrate that, so far from the great men of this country having ever considered such a policy as this to be the true policy of America, they took a far more generous, a far wider, and broader view; and I propose to ask the attention of the Senate for a few moments to some of the points of history in respect to this important question.

Mr. TURPIE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. VILAS. Certainly.

Mr. TURPIE. I suggest that there is not a quorum of the Senate present in the Chamber.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Faulkner,	Mills,	Shoup,
Bacon,	Gallinger,	Mitchell, Wis.	Smith,
Bate,	Gear,	Morgan,	Stewart,
Berry,	Gordon,	Morrill,	Thurston,
Blackburn,	Gorman,	Nelson,	Tillman,
Blanchard,	Gray,	Palmer,	Turpie,
Caffery,	Hawley,	Pasco,	Vilas,
Call,	Hoar,	Peffer,	Walthall,
Cannon,	Irby,	Perkins,	Wetmore,
Chandler,	Jones, Nev.	Pettigrew,	White,
Chilton,	Lindsay,	Pritchard,	Wilson.
Cockrell,	McMillan,	Roach,	
Cullom,	Mantle,	Sewell,	
Dubois,	Martin,	Sherman,	

The PRESIDING OFFICER. Fifty-three Senators having answered to their names, a quorum of the Senate is present. The Chair recognizes the Senator from Wisconsin.

Mr. VILAS. Mr. President, after the successful revolt of the Spanish colonies on this continent from their mother country and the establishment of a number of new republics, it will be remembered by Senators that there was an invitation issued by the Republics of Colombia, of Mexico, and Central America to the United States, among others, to join in a congress to be held in 1826 at Panama, to consider together the great interests of the Western World under the guidance of liberty. The United States accepted that invitation, as it had from the beginning of their movement toward independence testified the liveliest sympathy in their purposes and expectations; and an American, who, whatever may have been the differences and political controversies in his time, will now be recognized as entitled to a degree unsurpassed by any other of our illustrious countrymen to the name of a great American,

Henry Clay, was our Secretary of State. He said then, in his instructions to the plenipotentiary sent by the United States to that congress at Panama, some things upon the subject of an isthmian canal that was but one of the possible topics of debate in that approaching congress, and the instructions which he gave to the envoys covered a great stretch of ground of a different character. I shall read, however, a few words from what he said to those ministers in respect to this possible topic of consideration, an isthmian canal. I read from those instructions as they are found in the Appendix to the fifth volume of the Congressional Debates, on page 47:

A cut or canal for purposes of navigation, somewhere through the isthmus that connects the two Americas, to unite the Pacific and Atlantic oceans, will form a proper subject of consideration at the Congress. That object, if it should ever be accomplished, will be interesting, in a greater or less degree, to all parts of the world. But to this continent will probably accrue the largest amount of benefit from its execution; and to Colombia, Mexico, the Central Republic, Peru, and the United States, more than to any other of the American nations. What is to redound to the advantage of all America should be effected by common means and united exertions, and should not be left to the separate and unassisted efforts of any one power.

Then, after some further discussion, he proceeds to this point, to which I particularly invite attention—the point of the American policy:

If the work should ever be executed so as to admit of the passage of sea vessels from ocean to ocean, the benefits of it ought not to be exclusively appropriated to any one nation, but should be extended to all parts of the globe upon the payment of a just compensation or reasonable tolls. What is most desirable at present is to possess the data necessary to form a correct judgment of the practicability and the probable expense of the undertaking on the routes which offer the greatest facilities.

Thus, in effect, in what is the earliest official deliverance of this country on this subject, the true policy of the United States was foreshadowed that a canal joining those two oceans must necessarily be not the exclusive property or devoted to the exclusive use of any power, but be rightfully enjoyed by the commerce of all the world.

A few years afterwards, in 1835, the subject came up for debate in this Senate what was the true policy of the United States in respect to such a canal, and enjoyed discussion by such men as Daniel Webster, John Forsyth, and John M. Clayton, and the Senate came to a resolution upon it. I will read that resolution. On the 3d of March, 1835, in executive session:

Resolved, That the President of the United States be respectfully requested to consider the expediency of opening negotiations with the governments of other nations, and particularly with the Governments of Central America and New Granada, for the purpose of effectually protecting, by suitable treaty stipulations with them, such individuals or companies as may undertake to open a communication between the Atlantic and Pacific oceans, by the construction of a ship canal across the isthmus which connects North and South America, and of securing forever, by such stipulations, the free and equal right of navigating such canal to all such nations, on the payment of such reasonable tolls as may be established to compensate the capitalists who may engage in such undertaking and complete the work.

Thus, upon debate in this body, the ideas of Mr. Clay as Secretary of State found acceptance here, and the policy of this country was declared that as it was for all nations, so should all nations take part by common accord and universal agreement in guaranteeing forever the use of that waterway to mankind.

I have heard the distinguished chairman of the special committee speak also as if by the card of the sentiments of another illustrious American, Andrew Jackson, as if he were one who would have most readily put away anything but the idea of exclusiveness. I shall next draw your attention to his opinions on that subject as they were stated to the Senate by Mr. Clayton in 1853. I read from a speech by that great Senator which was delivered in the special session of the Senate in the Thirty-second Congress. It is found in the Appendix to volume 27 of the Globe, page 251. Mr. Clayton says:

I introduced the resolution—

Which I have read—

just eighteen years ago last Friday, and on the next day Congress adjourned, and John Forsyth entered upon the duties of Secretary of State, under the Administration of President Jackson. The suggestion contained in the resolution met with a warm and hearty approval from the President, and on the 1st day of May, 1835, Charles Biddle was charged with the duty of making inquiries, with a view to enable the Executive to comply with it. Mr. Forsyth's instructions to Mr. Biddle directed him to proceed by the most direct route to Lake Nicaragua, to explore the contemplated communication by canal or railroad in that quarter, for which purpose every facility was granted to Mr. Biddle. He was afterwards directed to proceed to examine the Panama route and such other points on the Atlantic side of the isthmus as would probably be fixed on for the termination of a road. I was anxious at the time that William Ratcliff, the former consul at Chagres, who had devoted much of his life to the examination of the subject, should receive the appointment. But, unfortunately, he was no politician. Mr. Biddle disobeyed his instructions—never visited Nicaragua; and after having procured from the Government of New Granada an exclusive grant of the right of way across the Isthmus of Panama, vesting in citizens of the United States the monopoly of the route, in direct opposition to the resolution of the Senate, he returned home, and then for the first time fully informed Mr. Forsyth that it "appeared to him unnecessary at present to enter into negotiations with foreign nations upon the subject."

His idea of an exclusive grant to our citizens of the right of way was in accordance with the opinion of Mr. Hise, subsequently appointed by Mr. Polk. Both negotiated for a monopoly of the passage in our own citizens. But there was this difference between them: That the grant negotiated by Mr. Biddle provided that two-thirds of the stock created by it should be "the property of Charles Biddle and such citizens of the United States as he might associate with him, the office of the company to be in Philadelphia, and all installments to be paid there, and the number of directors to be in the same proportion as the quantity of stock." President Jackson was highly displeased with the result; and Mr. Forsyth, on the 23d of September, 1836, immediately after ascertaining the facts, in a dispatch to Robert B. McAfee, our chargé d'affaires at Bogota, disavowed and censured the whole proceeding, and directed him "to disclaim all connection with the project on the part of this Government, to prevent any misunderstanding with the Government of New Granada." The whole object of the Senate and the President was thus frustrated by the incompetency of the agent. President Jackson shortly after went out of office.

So much for the opinions of that great American on the question of the alleged policy of the United States of exclusive control of the canal.

The subject came up again in Congress in 1839, in the House of Representatives, and I read from Report No. 322, made at the third session of the Twenty-fifth Congress by Mr. Mercer, from the Committee on Roads and Canals, upon the subject of a canal from the Atlantic to the Pacific. But to spare the time of the Senate, after calling attention to the report, I shall read only the resolution which they proposed to the House:

Resolved, That the President of the United States be requested to consider the expediency of opening or continuing negotiations with the governments of other nations, and particularly with those the territorial jurisdiction of which comprehends the Isthmus of Panama, and to which the United States have accredited ministers or agents, for the purpose of ascertaining the practicability of effecting a communication between the Atlantic and Pacific oceans, by the construction of a ship canal across the Isthmus; and of securing forever, by suitable treaty stipulations, the free and equal right of navigating such canal to all nations, on the payment of reasonable tolls.

Thus stood the declaration of policy by the foreign office and the two Houses so far as any had been made until the time when a treaty was made between this country and Granada in 1847, and the question of the true American policy here presented was then directly involved in that convention; and that convention, as is well known, recognized and proceeded upon the idea of the neutrality to all mankind of any route of traffic upon the Isthmus.

Sir, I wish to read the message of the President of the United States submitting that treaty to the Senate, in order that it may be seen how perfectly this question of policy was then comprehended.

Mr. MORGAN. What is the date, if you please?

Mr. VILAS. The 10th of February, 1847.

To the Senate of the United States:

I transmit to the Senate, for their advice with regard to its ratification, "A general treaty of peace, amity, navigation, and commerce, between the United States of America and the Republic of New Granada," concluded at Bogota on the 12th of December last, by Benjamin A. Bidlack, chargé d'affaires of the United States, on their part, and by Manuel Maria Mallarino, secretary of state and foreign relations, on the part of that Republic.

It will be perceived by the thirty-fifth article of this treaty that New Granada proposes to guarantee to the Government and citizens of the United States the right of passage across the Isthmus of Panama, over the natural roads and over any canal or railroad which may be constructed to unite the two seas, on condition that the United States shall make a similar guaranty to New Granada of the neutrality of this portion of her territory and her sovereignty over the same.

The reasons which caused the insertion of this important stipulation in the treaty will be fully made known to the Senate by the accompanying documents. From these it will appear that our chargé d'affaires acted in this particular upon his own responsibility and without instructions. Under such circumstances it became my duty to decide whether I would submit the treaty to the Senate; and after mature consideration I have determined to adopt this course.

The importance of the concession to the commercial and political interests of the United States can not easily be overrated. The route by the Isthmus of Panama is the shortest between the two oceans; and from the information herewith communicated, it would seem to be the most practicable for a railroad or canal.

The vast advantages to our commerce which would result from such a communication, not only with the west coast of America, but with Asia and the islands of the Pacific, are too obvious to require any detail. Such a passage would relieve us from a long and dangerous navigat on of more than 9,000 miles around Cape Horn and render our communication with our own possessions on the northwest coast of America comparatively easy and speedy.

The communication across the Isthmus has attracted the attention of the Government of the United States ever since the independence of the South American Republics. On the 3d of March, 1835, a resolution passed the Senate in the following words:

"*Resolved*, That the President of the United States be respectfully requested to consider the expediency of opening negotiations with the Governments of other nations, and particularly with the Governments of Central America and New Granada, for the purpose of effectually protecting, by suitable treaty stipulations with them, such individuals or companies as may undertake to open a communication between the Atlantic and Pacific oceans by the construction of a ship canal across the Isthmus which connects North and South America; and of securing forever, by such stipulations, the free and equal right of navigating such canal to all such nations on the payment of such reasonable tolls as may be established to compensate the capitalists who may engage in such undertaking and complete the work."

No person can be more deeply sensible than myself of the danger of entangling alliances with any foreign nation. That we should avoid such alliances has become a maxim of our policy, consecrated by the most venerated names which adorn our history, and sanctioned by the unanimous voice of the American people. Our own experience has taught us the wisdom of this maxim in the only instance—that of the guaranty to France of her American possessions—in which we have ever entered into such an alliance. If, therefore, the very peculiar circumstances of the present case do not greatly impair, if not altogether destroy, the force of this objection, then we ought not to enter into the stipulation, whatever may be its advantages. The general considerations which have induced me to transmit the treaty to the Senate, for their advice, may be summed up in the following particulars:

1. The treaty does not propose to guarantee a territory to a foreign nation in which the United States will have no common interest with that nation.

On the contrary, we are more deeply and directly interested in the subject of this guaranty than New Granada herself or any other country.

2. The guaranty does not extend to the territories of New Granada generally, but is confined to the single province of the Isthmus of Panama, where we shall acquire by the treaty a common and coextensive right of passage with herself.

3. It will constitute no alliance for any political object, but for a purely commercial purpose, in which all the navigating nations of the world have a common interest.

4. In entering into the mutual guaranties proposed by the thirty-fifth article of the treaty, neither the Government of New Granada nor that of the United States has any narrow or exclusive views. The ultimate object, as presented by the Senate of the United States in their resolution, to which I have already referred, is to secure to all nations the free and equal right of passage over the isthmus. If the United States, as the chief of the American nations, should first become a party to this guaranty, it can not be doubted—indeed, it is confidently expected by the Government of New Granada—that similar guaranties will be given to that Republic by Great Britain and France. Should the proposition thus tendered be rejected, we may deprive the United States of the just influence which its acceptance might secure to them, and confer the glory and benefits of being first among the nations in concluding such an arrangement upon the Government either of Great Britain or France. That either of these Governments would embrace the offer can not well be doubted, because there does not appear to be any other effectual means of securing to all nations the advantages of this important passage but the guaranty of great commercial powers that the isthmus shall be neutral territory. The interests of the world at stake are so important that the security of this passage between the two oceans can not be suffered to depend upon the wars and revolutions which may arise among different nations.

Besides, such a guaranty is almost indispensable to the construction of a railroad or canal across the territory. Neither sovereign states nor individuals would expend their capital in the construction of the expensive works without some such security for their investments.

The guaranty of the sovereignty of New Granada over the isthmus is a natural consequence of the guaranty of this neutrality, and there does not seem to be any other practicable mode of securing neutrality of this territory. New Granada would not consent to yield up this province in order that it might become a neutral state; and if she could, it is not sufficiently populous or wealthy to establish and maintain an independent sovereignty. But a civil government must exist there, in order to protect the works which shall be constructed. New Granada is a power which will not excite the jealousy of any nation. If Great Britain, France, or the United States held the sovereignty over the isthmus, other nations might apprehend that, in case of war, the Government would close up the passage against the enemy; but no such fears can ever be entertained in regard to New Granada.

The vote on that treaty was 29 for ratification to but 7 opposed.

Mr. TURPIE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. VILAS. With pleasure.

Mr. TURPIE. I have been very much interested with the statement of the research which the Senator from Wisconsin has made into the international arrangements regarding an isthmian canal, and I hope the Senator from Wisconsin, who has devoted so much time and ability to the research, will still continue in it. I feel also extreme anxiety that the friends of the pending measure should have the opportunity of hearing the honorable Senator upon that subject. I therefore suggest that there is not a quorum of the Senate in the Chamber.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Cullom,	Lindsay,	Pugh,
Allen,	Daniel,	Lodge,	Roach,
Bacon,	Faulkner,	McBride,	Sewell,
Baker,	Gallinger,	McMillin,	Sherman,
Bate,	Gordon,	Martin,	Smith,
Blackburn,	Gray,	Mills,	Stewart,
Blanchard,	Hale,	Morgan,	Thurston,
Brice,	Hawley,	Morrill,	Tillman.
Brown,	Hill,	Murphy,	Turpie,
Burrows,	Hoar,	Palmer,	Vilas.
Cameron,	Irby,	Pasco,	Walthall,
Carter,	Jones, Ark.	Peffer,	Wilson.
Chilton,	Jones, Nev.	Perkins,	

The PRESIDING OFFICER. Fifty-one Senators having answered to their names, a quorum of the Senate is present.

Mr. VILAS. That treaty has remained in force from that day to this, and under it the United States have guaranteed Granada in the integrity of her territory. Granada has since taken a new form and is now embraced within the United States of Colombia, but the obligation resulting from the adoption of that policy is as it was then agreed to be.

We have seen how, from the very first mention of this canal in the foreign office, the real policy and the true policy of the United States was declared by the greatest Americans. At last, sir, when one of them occupied the post of Secretary of State, there arose a necessity for a particular consideration of what course should be taken by the United States with reference to the possible claims of England, and then the ideas of the resolution of the Senate were carried into execution, and the policy of the United States in respect to an isthmian canal was enacted by the treaty making power of the United States into the paramount law of this land by the Clayton-Bulwer treaty of 1850.

When we talk of what is the policy of the United States, why do we not turn at once to that explicit written law which is obligatory upon this country not only as an engagement with a great foreign nation, but as the law of the land, binding upon our citizens, a written expression of agreement internationally and of law here which has never been abrogated, and which in my opinion is just as much in force to-day as it was on the day when ratifications were exchanged?

Let me read what the Governments of the United States and Great Britain settled by that treaty as declaratory, historically and legally, of the policy of the United States upon the point under discussion:

ARTICLE I.

The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal; agreeing that neither will ever erect or maintain any fortifications commanding the same or in the vicinity thereof, or occupy, or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America; nor will either make use of any protection which either affords or may afford, or any alliance which either has or may have, to or with any State or people, for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito Coast, or any port of Central America, or of assuming or exercising dominion over the same; nor will the United States or Great Britain take advantage of any intimacy, or use any alliance, connection, or influence that either may possess with any State or government through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one, any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other.

Then observe Article III:

In order to secure the construction of the said canal, the contracting parties engage that if any such canal shall be undertaken upon fair and equitable terms by any parties having the authority of the local government or governments through whose territory the same may pass, then the persons employed in making the said canal and their property used or to be used for that object shall be protected, from the commencement of the said canal to its completion, by the Governments of the United States and Great Britain, from unjust detention, confiscation, seizure, or any violence whatsoever.

And the fourth article:

The contracting parties will use whatever influence they respectively exercise with any state, states, or governments, possessing or claiming to possess any jurisdiction or right over the territory which the said canal shall traverse, or which shall be near the waters applicable thereto, in order to induce such states or governments to facilitate the construction of the said canal by every means in their power. And furthermore, the United States and Great Britain agree to use their good offices, wherever or however it may be most expedient, in order to procure the establishment of two free ports, one at each end of the said canal.

And particularly observe Article VI, which I wish to add at this point:

The contracting parties in this convention engage to invite every state with which both or either have friendly intercourse to enter into stipulations with them similar to those which they have entered into with each other, to the end that all other states may share in the honor and advantage of having contributed to a work of such general interest and importance as the canal herein contemplated. And the contracting parties likewise agree that each shall enter into treaty stipulations with such of the Central American states as they may deem advisable for the purpose of more effectually carrying out the great design of this convention, namely, that of constructing and maintaining the said canal as a ship communication between the two oceans for the benefit of mankind, on equal terms to all, and of protecting the same; and they also agree that the good offices of either shall be employed, when requested by the other, in aiding and assisting the negotiation of such treaty stipulations; and should any differences arise as to right or property over the territory through which the said canal shall pass between the states or governments of Central America, and such differences should in any way impede or obstruct the execution of said canal, the Governments of the United States and Great Britain will use their good offices to settle such differences in the manner best suited to promote the interests of the said canal and to strengthen the bonds of friendship and alliance which exist between the contracting parties.

Mr. TURPIE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. VILAS. Certainly.

Mr. TURPIE. Before the honorable Senator leaves the text of the treaty I should like to inquire of him the date of the Clayton-Bulwer treaty.

Mr. VILAS. It is April 19, 1850.

Mr. TURPIE. I should like also to inquire of the honorable Senator whether the treaty does not contain a limitation of the time.

Mr. VILAS. None whatever, and I shall by and by call attention to that with particularity.

Mr. TURPIE. It has been represented here that it had a limitation.

Mr. VILAS. I shall call attention to that presently.

When we are talking of an American policy, let us remember that the Clayton-Bulwer treaty was the direct and natural consummation of every consideration of the question of policy which had ever preceded it and had found expression in Congress or with any of the great officials of the United States. And, sir, that treaty was eagerly ratified by the Senate of the United States. When the distinguished and honorable chairman of the special committee again recapitulates to us the names of the persons of character and distinction in this country who are connected with the project of the Maritime Canal Company, let me ask him to recall the names of the men who sat in this Senate when that policy of the United States was declared and enacted into law. Here were then such Americans as Daniel Webster, Henry Clay, Stephen A. Douglas, Dickinson and Seward from New York, Benton

from Missouri, Salmon P. Chase and Thomas Ewing of Ohio, Houston of Texas, Cass of Michigan, Hunter and Mason of Virginia, Clemens and King from Alabama, Hannibal Hamlin of Maine, Hale of New Hampshire, and Dayton of New Jersey. No Senate that ever convened had probably greater or even so great an average of illustrious, able, and powerful men; none were ever better fitted to declare what true Americanism should be in our treatment of other countries.

Sir, this question was not misunderstood. We do not come to its consideration as men who have had opened to our vision a scope of perception, and who possess a power of understanding so much greater than was enjoyed by our fathers. It was thoroughly comprehended; it was distinctly looked in the face; and this agreement was made in order that there might be established an American policy which should contemplate, as America ought always to contemplate, with generous grasp, the fraternity of interests of all mankind.

Let me note on the question of policy, upon this particular question of exclusiveness or neutrality, Article II, which I did not read:

Vessels of the United States or Great Britain traversing the said canal shall, in case of war between the contracting parties, be exempted from blockade, detention, or capture by either of the belligerents; and this provision shall extend to such a distance from the two ends of the said canal as may hereafter be found expedient to establish.

Note, sir, that in that engagement for neutrality the most advanced ideas which have since found as concerns the Suez Canal acceptance from all the great powers of the earth but Russia were incorporated, namely, that even though Great Britain and the United States were at war, their vessels of war should there pass to and fro at peace, although the moment they were loosed from the protected zone their guns might open upon one another in hostile conflict.

Mr. MILLS. Mr. President, I suggest the want of a quorum.

The PRESIDING OFFICER. The Senator from Texas having suggested the want of a quorum, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Chandler,	Jones, Ark.	Pasco,
Bacon,	Chilton,	Jones, Nev.	Peffer,
Bate,	Cullom,	Lindsay,	Perkins,
Berry,	Daniel,	McBride,	Roach,
Blackburn,	Davis,	McMillan,	Sewell,
Blanchard,	Faulkner,	Mantle,	Sherman,
Burrows,	Gallinger,	Martin,	Stewart,
Caffery,	Gear,	Mills,	Thurston,
Call,	Gordon,	Morgan,	Tillman,
Cameron,	Hale,	Morrill,	Vilas,
Cannon,	Hawley,	Murphy,	Walthall.
Carter,	Hoar,	Palmer,	

The PRESIDING OFFICER. Forty-seven Senators having answered to their names, a quorum of the Senate is present. The Senator from Wisconsin will proceed.

Mr. VILAS. Mr. President, I wish next to emphasize the clearness with which this policy was understood and foreseen by drawing attention to the fifth article of that treaty:

The contracting parties further engage that when the said canal shall have been completed they will protect it from interruption, seizure, or unjust confiscation, and that they will guarantee the neutrality thereof, so that the said canal may forever be open and free and the capital invested therein secure. Nevertheless, the Governments of the United States and Great Britain, in according their protection to the construction of the said canal and guaranteeing its neutrality and security when completed, always understand that this protection and guarantee are granted conditionally, and may be withdrawn by both Governments or either Government, if both Governments or either Government should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon as are contrary to the spirit and intention of this convention, either by making unfair discriminations in favor of the commerce of one of the contracting parties over the commerce of the other or by imposing oppressive exactions or unreasonable tolls upon passengers, vessels, goods, wares, merchandise, or other articles.

So, in Article VIII they declare the general principle:

The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other state which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

There stands not only our solemn international contract; there stands the law, obligatory upon us as well as upon other citizens of the United States. It may be, sir (as I intimated in the discussion the other day might be one of the conceivable theories upon which we were to crawl into the hide of this corporation instead of going out in our own sovereign capacity), that Great Britain will wink at our being there as a corporation instead of a sovereignty, under the dominion of Nicaragua, if we can put ourselves into that humiliating attitude; and recognizing, as she can not help but recognize, the enormous superiority of advantages which will accrue to her from the construction of this canal over what the United States may receive, she may permit us to spend our money and build this great work for mankind without objection or protest.

Sir, I doubt it. I am not one of those who believe that that would be her course. She has had yet no opportunity to protest. Great Britain perfectly understands that no stage of progress has yet been reached in the consideration of this subject by the United States which would warrant her foreign office in saying to us, "You are going beyond your engagement." She will wait until we shall have resolved upon, perhaps begun, a step in contravention of the obligation we have assumed to her. I should expect that at that time she will protest, and, sir, when she protests, we shall heed it. Whatever we may enact into law at the solicitation of the Maritime Canal Company for their relief, when our great engagement with England is brought home to us, we shall respect it. The people of this country will not break their solemn promise to any nation on earth.

Mr. MORGAN. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Alabama?

Mr. VILAS. Assuredly; with pleasure.

Mr. MORGAN. I wish to ask the Senator, as he is commenting upon the treaty, whether he thinks that the Democratic platform adopted in 1856 is in violation of the Clayton-Bulwer treaty?

Mr. PUGH. I hope my colleague will read it.

Mr. MORGAN. I will read only two clauses of it:

2. *Resolved*, That our geographical and political position with reference to the other states of this continent, no less than the interest of our commerce and the development of our growing power, requires that we should hold as sacred the principles involved in the Monroe doctrine; their bearing and import admit of no misconstruction; they should be applied with unbending rigidity.

3. *Resolved*, That the great highway which nature, as well as the assent of the States most immediately interested in its maintenance, has marked out for a free communication between the Atlantic and the Pacific oceans constitutes one of the most important achievements realized by the spirit of modern times and the unconquerable energy of our people. That result should be secured by a timely and efficient exertion of the control which we have the right to claim over it, and no power on earth should be suffered to impede or clog its progress by any interference with the relations it may suit our policy to establish between our Government and the governments of the states within whose dominions it lies. We can under no circumstance surrender our preponderance in the adjustment of all questions arising out of it.

I merely wanted to inquire whether the Senator thought that exposition of Democratic doctrine made in 1856 was in conflict with the Clayton-Bulwer treaty?

Mr. VILAS. The sentiment is in contravention of the Clayton-Bulwer treaty; it is not Democratic sentiment, nor any part of the policy of the Democratic party. It is not a breach, as the Senator first asked me, of the Clayton-Bulwer treaty, for the reason that every idle expression introduced into party platforms or adopted by boards of trade does not infringe our solemn obligations with foreign nations.

Mr. MORGAN. But the Senator fails to remember that the platform on which Mr. Cleveland was first nominated for the Presidency had a similar provision in it in favor of the building of the Nicaraguan Canal, and under that platform the Senator took office at the hands of the Democratic party.

Mr. VILAS. I have participated in making those platforms, and I know as well as many another man in this Chamber that such resolutions as those in regard to the Nicaraguan Canal are put in after nights have been spent in wrestling over great questions which have caused differences among the zealous men of a party, and are put in without the least consideration. To illustrate how utterly wanting in political significance they are, I will call the attention of the distinguished Senator from Alabama to the fact that the Republican convention put such a provision into their platform also, under similar circumstances and at like solicitation, most probably of agents or somebody scheming to press upon the Congress of the United States in the end a subsidy for their benefit. They are utterly without binding obligation upon the persons who vote for the candidates of the party, who follow its banner and profess its general principles, and they are utterly without significance as to our relations with foreign countries.

Mr. MORGAN. Then I am glad that I never was a member of one of those conventions.

Mr. VILAS. Well, Mr. President, perhaps if the Senator had been a member of a convention and had sat sometimes for forty-eight hours in continual wrestling upon the committee on resolutions until his strength was nearly gone, he would understand how much easier it is in the dawning light of morning to let a Nicaraguan Canal resolution go in than to fight any longer upon trivialities.

Mr. MORGAN. I would still hope I should come out of that convention an honest man.

Mr. VILAS. I hope the Senator from Alabama does not for a moment suppose that anybody would impute to him a probable change of character by going to a convention, or that any apprehension he might lose it is the reason that he has never been a member.

Mr. HOAR. I should like to ask my friend from Wisconsin if in his experience he has not sometimes helped to nominate a candidate for the Presidency in the same way?

Mr. VILAS. Never, to my knowledge. Candidates are sometimes nominated under excitement, but in no convention in which I ever participated was a candidate nominated whom I did not cordially support and favor, except one.

Now, sir, suppose we shall proceed to construct that canal—and I have pointed out carefully in the beginning that the proposal of this bill is that the United States shall do the entire business—suppose when we do enact it into law—if that monstrous thing were ever to happen—that Great Britain should say to us, "We hold your solemn covenant that neither of us will ever obtain or maintain any exclusive control, that neither shall ever put a fortification on that coast, that we shall join together that this canal shall be open to our ships of war as well as yours, even though it is with you we are engaged in war,"—if she points out to us the numerous particulars in which our separate undertaking would be a violation of this treaty, with what answer shall she be answered?

Sir, this question stares us in the face; it has lain before this project all the time, and the committee which first reported in 1891 a bill looking to the United States coming into such relations to this canal company, though in many respects a different bill from this, undertook to deal with this question. They undertook to tell us why the United States might break both the letter and the spirit of her solemn engagement; and what were the reasons? I will not do the committee the injustice to even state them myself, but will give them and the Senate the benefit of their exact language in presenting them. Their first reason is that the treaty was obsolete, or, as it should be interpreted, not now, in their opinion, agreeable to our interests. Here is their language:

We think it can be justly affirmed that the convention of 1850 has become obsolete, for the convention was based upon the idea of an immediate prosecution of the enterprise of creating this great international water highway, and that neither Government would be found, so far as it regarded the particular question, apart from other considerations, to consider its stipulations as longer binding.

Not only this consideration is to be taken into view, for the course of events in the enterprise and operations of nations has changed entirely the grand commercial situation of the world. The Suez Canal has been constructed, and the Government of Great Britain has become in substance and effect its dominant and controlling proprietor, thus securing to that Government in a very large degree the control of the east and west commerce of the world between the southern and eastern shores of Asia and the whole of Europe, and to a considerable degree the eastern shores of the United States and the other American Republics.

We think it may be safely affirmed that had the Government of Great Britain, in 1850, been in possession of the Suez Canal, the United States would never have consented that any canal across the American isthmus should be under the joint control of Great Britain and the United States or under any other European control. In this respect, therefore, the immediate declarations and engagements of 1850 between the two Governments in regard to an isthmian canal have become entirely inapplicable, and justly entitle the United States to give its separate aid and encouragement to the construction of such a canal.

That is the proposition, that it has become obsolete, because the particular enterprise which it then had in view has failed. It will be observed that, instead of the Clayton-Bulwer treaty mentioning any particular enterprise, it took great pains to avoid the mention of a particular enterprise, and it begins by declaring in the preliminary clause:

The United States of America and Her Britannic Majesty, being desirous of consolidating the relations of amity which so happily subsist between them, by setting forth and fixing in a convention their views and intentions with reference to any means of communication by ship canal which may be constructed between the Atlantic and Pacific oceans by the way of the river San Juan de Nicaragua and either or both of the lakes of Nicaragua or Managua, to any port or place on the Pacific Ocean, etc.

Then follow the articles. The first article is that neither the one nor the other Government will ever obtain or maintain for itself, etc., agreeing that neither will ever erect, etc., using like words from the beginning to the end of that treaty—and I need not spend more time to point them out—to testify the solemn purpose of both those Governments to fix forever, so long as their good faith could be relied upon to observe and execute their engagements, the absolute neutrality of that canal. For us to pretend that any agreement becomes obsolete for the reason that our interests change, when the terms of that engagement were that it should abide forever, without our taking any steps to denounce that treaty or bring it to any termination within our power, is simply to say that a treaty is binding upon us when we conceive that its provisions are pleasant and agreeable and favorable, and loses its obligation whenever our interests cease to follow. That is the theory of the obsoleteness which the committee maintains of this obligation of the agreement which we have entered into with Great Britain.

Let me illustrate by another thing touching that point the observation I made a little while ago, that it often transpires that our wisdom is not nearly so great as in our self-sufficiency it may appear to us to be; for, so far from its being true that the United States has now for the first time observed a new condition of things in respect to the Suez Canal, I will show to the Senate that long before the Clayton-Bulwer treaty was enacted the entire contemplation of the Suez Canal had been laid before our Government in one of the ablest dispatches that ever came into the office of the Secretary of State—the dispatch of Mr. Wheaton in 1845. I can not justly claim the time of the Senate to read the entire dispatch, but I will take occasion to say that if any Senator will snatch from the laborious duties that press upon him time enough to peruse that document, he will find high gratification in observing that not only was the isthmian canal between the Atlantic and Pacific oceans then under consideration, with a full perception of its character and its influences, but so also was the Suez Canal, and both were taken into view together. It was no new thing subsequently turned out upon the world to alter our relations with Great Britain under our covenant with her, as the committee seem to think.

I will just read a few words from the beginning of that dispatch. It is one of the most interesting discussions of the whole subject of canals from almost the beginning of time, and especially as to their political effects and relations, which has ever fallen under my eye, and does infinite credit to the intelligence and ability of that long-deceased minister to Berlin. He writes from Berlin December 17, 1845, to Mr. Buchanan, then Secretary of State, as follows:

SIR: The application of steam power to facilitate the social and commercial intercourse between the different quarters of the globe has recently acquired a vastly increased importance, as connected with other great changes which may certainly be anticipated as about to take place in respect to the channels of that intercourse. The object of this dispatch is to present to the Department some views which have occurred to me respecting this subject as being of paramount importance to the commercial and political interests of the United States, and to the future prospects of human improvement in every quarter of the globe.

The principal revolutions which are believed to be impending in the communications between the continents of the Old and the New World are the following:

First. The reopening of the ancient water communication between Europe and the East Indies by Egypt and the Red Sea, which must inevitably result either from the permanent establishment of the new Mohammedan dynasty, founded on the banks of the Nile, or from the future colonization of Egypt by some European nation.

Second. The opening a new route from the United and Europe to the East Indies by the construction of a ship canal between the Atlantic and Pacific oceans, across some part of the isthmus which connects the two continents of North and South America.

The improvement of both these communications by the above-mentioned means would encircle the globe with a continued line of navigation, carried on by steam power, throughout the Northern Hemisphere, between the equator and the parallel of the fortieth degree of north latitude, thus avoiding, in the passage both from west to east and from east to west, the immense detour caused by the projection of the two great promontories by which the continents of Africa and America are terminated in the Southern Hemisphere. The vast importance of both these routes to the world in general is self-evident, and the peculiar importance of the second to the United States in particular will not be in any degree diminished by the increased facilities which the reconstruction of the ancient water communications between the Red Sea and Mediterranean would give to the commercial intercourse between Europe and Asia.

Sir, that is but a step into that interesting dispatch which I shall not take the time of the Senate further to read; but I submit it shows at once that this idea which seems to be almost flippantly put into this report, that because Great Britain has since, as this report mistakenly says, become the controller of the Suez Canal, therefore the interests of the United States no longer run in accordance with the engagement which was then made. That engagement was made with this dispatch of Mr. Wheaton in the office of the Secretary of State; it was made by Mr. Clayton, who in his speech in the Senate spoke in high terms of that dispatch of Mr. Wheaton, who knew all the interesting information which it contained, and the broad-minded, statesmanlike views in regard to the water communications of the earth which it set forth.

But the proposition of fact upon which the committee based the theory that our interests have become so different from what they were when we made the treaty, therefore we can call it obsolete, is a mistake. The distinguished chairman of the special committee himself is aware of the fact that it is a mistake. Instead of Great Britain owning a majority of the stock of the Suez Canal, she owns but one-fifth of it, and though of all the nations of the earth the greatest in interest in that canal, her contribution of money to its construction was but by the purchase of one-fifth of the stock after the canal was constructed.

She did another thing, the same thing that she has done with the United States with reference to the isthmian canal. She guaranteed forever the neutrality of it, as I shall presently show, and thus, by that fact, this theory of obsoleteness, which the committee proffers as a reason for disregard of our engagements, that by express terms was to last forever is entirely done away with; for if that canal is as much open to us as to England; if England has no rights there which any other nation on earth, our own as others, may not enjoy; if no ship of hers has even precedence of

advantage of ours in those waters, by what right can we say that we shall disregard our engagement that the same thing shall be true of the isthmian canal when it shall have been constructed?

Sir, let us look at the second reason proffered by the committee as to why the Clayton-Bulwer treaty should be regarded as no longer obligatory; and I read again from the language of the committee in order that there may be no misconception.

Mr. MORGAN. From what report does the Senator read?

Mr. VILAS. I am reading from the report of the Committee on Foreign Relations made on the 10th of January, 1891; renewed in the Fifty-second Congress on the 22d of December, 1892; and, if I am not mistaken, appended to some report which the distinguished chairman of the select committee has at some time made, but I do not say that I am right in respect to that.

Mr. MORGAN. The report of the committee which is now in charge of the bill does not go upon the ground which the Senator states, that the Clayton-Bulwer treaty is obsolete, but that both Great Britain and the United States are estopped by the fact that they each have a treaty from Nicaragua in identical terms authorizing the construction of this canal.

Mr. VILAS. Can the Senator point that out in any of his reports?

Mr. MORGAN. Yes, sir; the last report contains quite an extensive argument upon that proposition.

Mr. VILAS. I will deal with this other argument now, for this was the one the Committee on Foreign Relations put forward as their best argument why the Clayton-Bulwer treaty might be disregarded.

Mr. MORGAN. That report was made by the Senator from Ohio [Mr. SHERMAN].

Mr. VILAS. Well, it was the report of the Committee on Foreign Relations submitted by the Senator from Ohio as chairman of that committee, I believe.

Mr. MORGAN. I suppose the Senator from Ohio would adhere to it yet. I do not know.

Mr. VILAS. Then it is necessary to discuss this reason, which I am about to do. I am very glad, however, and I thank the Senator from Alabama for his courteous acknowledgment that the argument which I have made in respect to the point that the Clayton-Bulwer treaty is obsolete seems to have force in his mind, because he says he has not put any reason for a disregard of it upon that basis.

The next reason given by the Committee on Foreign Relations is:

> One of the provisions of the convention of 1850 most important to the United States and to the preservation of the republican governments on this continent was that which declared that neither party to the convention should "occupy or fortify or colonize or assume to exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America."
>
> At that time the "settlement" of British subjects, as it was called, at the Belize, on the coast of Central America, was of the smallest dimensions, and had no substance or form of a territorial dominion. British woodcutters were there under an ancient Spanish license of timber cutting, and nothing more. These settlers in a country not belonging to the British Crown had, off and on, attempted to form a kind of local government for preserving order among themselves, and, after going through various phases, had reached a point, in 1850, of some local magistrates and an imperial superintendent, merely and clearly for the purpose of preserving internal order among the English adventurers engaged in the lumber trade in that foreign country.
>
> This was substantially the condition of things when the convention of 1850 was entered into.

Now, observe the point upon which they hold the treaty invalid:

> The next step taken, after the convention of 1850, was in 1853—

Only three years—

> when a legislative assembly was constituted to manage the affairs of the settlement. This was followed by a convention between Great Britain and Guatemala in 1859 for the establishment of the boundaries between what the treaty chose to call "Her Britannic Majesty's settlement and possessions in the bay of Honduras" and the territories of Guatemala. The country, or the largest part of it, belonged to Guatemala as the successor to all the sovereign territorial rights of Spain in that region; but by this treaty that which was before a licensed industrial establishment became instantly a possession of the British Crown.
>
> The settlement government continued until 1862, when the settlement was declared a colony of the British Crown and a regular colonial establishment was set on foot; and so from that time to this the form and substance of a regular colonial government as a part of Her Majesty's dominions has continued. It is understood that its geographical dominion has been vastly enlarged from the licensed wood-cutting limitations and boundaries that existed in 1850. All this has taken place systematically and persistently, notwithstanding the declaration of Her Majesty's Government that it should not "colonize or assume or exercise any dominion over * * * the Mosquito Coast or any part of Central America."
>
> If these proceedings of Her Majesty's Government, in respect of one of the most important subjects of the convention and in absolute opposition to it, do not discharge the United States from all and every of their declarations and engagements stated in that convention, it is impossible to conceive what could.
>
> In view of all these considerations, the committee is of opinion that the United States is at present under no obligation, measured either by the terms of the convention, the principles of public law, or good morals, to refrain from promoting, in any way that it may deem best for its just interests, the construction of this canal, without regard to anything contained in the convention of 1850.

That, sir, is the statement, and the whole of it, in the words of the committee. It consists simply in this, that in 1853 Great Britain broke her engagement that she would not colonize in Costa Rica, Nicaragua, and the Mosquito Coast, or Central America. Suppose she did break it; that is to say, that she did not keep the engagement on her part. What, then, was our right? Is there any person read in international law who will say that that alone avoided the treaty? Sir, it gave us the right of electing to avoid it. If it were all true—and I will presently show that there is not a particle of foundation for it—as stated in that report, then it invested this Government only with the right to avoid the treaty. It became voidable at our election, not void. We had still a right to say, "This treaty is obligatory, and we hold you to account for this breach of it and every other breach which you may hereafter make." That is the doctrine and principle of international law which governs a question of the kind.

But, sir, was there any violation by Great Britain? Let me call your attention first to the fact that directly after that treaty was made, when the two plenipotentiaries were to exchange ratifications of it, they exchanged notes with one another lest there should be misunderstanding on this very point, and Sir Henry L. Bulwer made this declaration at the Department of State June 29, 1850, prior to the exchange of ratifications:

> In proceeding to the exchange of the ratifications of the convention, signed at Washington on the 19th of April, 1850, between Her Britannic Majesty and the United States of America, relative to the establishment of a communication by ship canal between the Atlantic and Pacific oceans:
>
> The undersigned, Her Britannic Majesty's plenipotentiary, has received Her Majesty's instructions to declare that Her Majesty does not understand the engagements of that convention to apply to Her Majesty's settlement at Honduras, or to its dependencies.
>
> Her Majesty's ratification of the said convention is exchanged under the explicit declaration above mentioned.
>
> Done at Washington the 29th day of June, 1850.
>
> H. L. BULWER.

Upon it was written:

> The within declaration of Sir H. L. Bulwer was received by me on the 29th day of June, 1850. In reply I wrote him my note of the 4th of July, acknowledging that I understood British Honduras was not embraced in the treaty of the 19th day of April last, but at the same time carefully declining to affirm or deny the British title in their settlement or its alleged dependencies. After signing my note last night, I delivered it to Sir Henry, and we immediately proceeded, without any further or other action, to exchange the ratifications of said treaty. [The blank in the declaration was never filled up.] The consent of the Senate to the declaration was not required, and the treaty was ratified as it stood when it was made.
>
> JOHN M. CLAYTON.

Mr. Clayton was then Secretary of State.

Let me show in one word, without stopping to go into elaborate argument, that the reason why the British occupation of Balize or Honduras was not within the Clayton-Bulwer treaty as understood by either of those plenipotentiaries who negotiated it, is that at that time Balize was not a part of Central America, and nobody pretends that it is on the Mosquito Coast. It was neither Nicaragua, Costa Rica, Mosquito Coast, nor a part of Central America. In that speech of Mr. Clayton, which he made in 1853, and to which I acknowledge my indebtedness for much of the information I have mentioned here, Mr. Clayton demonstrates by various evidence in the completest manner that the British Honduras was no part of Central America.

Mr. HOAR. I desire to ask the Senator from Wisconsin if the exchange of opinions by the plenipotentiaries was communicated to the Senate before the action of the Senate?

Mr. VILAS. As I have said, it was not. They were simply notes expressive of the understanding of the two plenipotentiaries that the British Honduras was not within the terms of the treaty.

Mr. HOAR. I understand that. Of course it is a very important and grave document; but I wish to know whether or not the Senate was aware of that understanding. Is there anything to show that the Senate participated in the understanding?

Mr. VILAS. As I have already explained, the understanding was subsequent to the Senate's ratification.

Mr. HOAR. That is what I desire to ask about.

Mr. VILAS. It took place upon the exchange of ratifications, and necessarily, therefore, it was after the Senate had acted. The Senate acted with great promptness upon the treaty.

Mr. CHILTON. Will the Senator from Wisconsin pardon me for a question?

Mr. VILAS. Certainly.

Mr. CHILTON. Is it not true that it was contended by the United States that the Mosquito Coast and also some islands, which were mentioned and claimed by Great Britain afterwards, did not fall within the exception which was made by the British ambassador at the time of the exchange of ratifications?

Mr. VILAS. As to some of it, that is true. It was contended and claimed by some of our officials that the Honduras was within the terms as well, and that, though excepted by those notes of the plenipotentiaries, they could not be operative upon the treaty. There might be serious discussion about that still, sir, if it were not for another fact which I am about to mention, and that is that after we had made these contentions Great Britain receded and yielded the point in respect to her possessions that were complained of.

Let me now draw attention to some information on that subject. I will read from a message by President Buchanan, who had taken ground against Great Britain upon some of these points. In his

fourth annual message, of 1860, he uses the language which I will quote and simply adopt, without further collection of evidence, as a complete and controlling proof of the existence of the fact upon which I am predicating this feature of my argument.

Mr. LINDSAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Kentucky?

Mr. VILAS. With pleasure.

Mr. LINDSAY. I suggest the absence of a quorum.

Mr. VILAS. I hope the Senator will not do that.

The PRESIDING OFFICER. The Senator from Kentucky suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Cullom,	McBride,	Roach,
Allen,	Daniel,	McMillan,	Shoup,
Bacon,	Faulkner,	Mantle,	Smith,
Baker,	Gallinger,	Martin,	Stewart,
Berry,	Gray,	Mills,	Thurston,
Blanchard,	Hale,	Morgan,	Tillman,
Brice,	Hansbrough,	Palmer,	Turpie,
Caffery,	Hawley,	Pasco,	Vilas,
Call,	Hoar,	Peffer,	Walthall.
Chilton,	Irby,	Perkins,	
Cockrell,	Lindsay,	Pugh,	

The PRESIDING OFFICER. Forty-two Senators have answered to their names. A quorum of the Senate is not present.

Mr. ALDRICH. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. GRAY. I move that the Senate adjourn.

Mr. HOAR. I hope the Senator from Delaware will not insist upon his motion.

The PRESIDING OFFICER. Pending the motion of the Senator from Rhode Island, the Senator from Delaware moves that the Senate adjourn. The question is on agreeing to the motion of the Senator from Delaware.

Mr. HOAR and Mr. ALDRICH called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. BERRY (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT].

Mr. BLANCHARD (when his name was called). I am paired with the Senator from North Carolina [Mr. PRITCHARD]. If he were in his seat, I should vote "nay."

Mr. CALL (when his name was called). I am paired with the Senator from Vermont [Mr. PROCTOR]. I do not know how he would vote if present.

Mr. HILL (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. LODGE].

Mr. MCMILLAN (when his name was called). I announce my pair with the Senator from Kentucky [Mr. BLACKBURN].

Mr. SMITH (when his name was called). I am paired with the Senator from Idaho [Mr. DUBOIS].

Mr. VILAS (when his name was called). I have a general pair with the Senator from Oregon [Mr. MITCHELL], and therefore withhold my vote.

Mr. WALTHALL (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. PASCO. I wish to announce my pair with the Senator from Washington [Mr. WILSON].

Mr. CAFFERY. I have a general pair with the Senator from Michigan [Mr. BURROWS]. Not seeing him in his seat, I withhold my vote.

Mr. CHILTON. I was requested to announce that the Senator from Tennessee [Mr. BATE], who is absent, is paired with the Senator from Utah [Mr. BROWN].

Mr. BACON (after having voted in the affirmative). I have a general pair with the junior Senator from Rhode Island [Mr. WETMORE]. As he is not here, I withdraw my vote.

Mr. SHOUP (after having voted in the negative). I have a general pair with the senior Senator from California [Mr. WHITE], but as I am informed that, if present, he would vote as I have voted, I will allow my vote to stand.

The result was announced—yeas 12, nays 25; as follows:

YEAS—12.

Allen,	Daniel,	Lindsay,	Palmer,
Baker,	Gray,	Martin,	Thurston,
Cockrell,	Jones, Ark.	Mills,	Tillman.

NAYS—25.

Aldrich,	Hale,	Morgan,	Sewell,
Allison,	Hansbrough,	Nelson,	Shoup,
Chilton,	Hawley,	Peffer,	Stewart,
Cullom,	Hoar,	Perkins,	Teller.
Faulkner,	Irby,	Pettigrew,	
Frye,	McBride,	Pugh,	
Gallinger,	Mantle,	Roach,	

NOT VOTING—52.

Bacon,	Carter.	Jones, Nev.	Sherman,
Bate,	Chandler,	Kyle,	Smith,
Berry,	Clark,	Lodge,	Squire,
Blackburn,	Davis,	McMillan,	Turpie,
Blanchard,	Dubois,	Mitchell, Oreg.	Vest,
Brice,	Elkins,	Mitchell, Wis.	Vilas,
Brown,	Gear,	Morrill,	Voorhees,
Burrows,	George,	Murphy,	Walthall,
Butler,	Gibson,	Pasco,	Warren.
Caffery,	Gordon,	Platt,	Wetmore,
Call,	Gorman,	Pritchard,	White,
Cameron,	Harris,	Proctor,	Wilson,
Cannon,	Hill,	Quay,	Wolcott.

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question recurs upon the motion of the Senator from Rhode Island that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. ALDRICH. I withdraw the motion, as it is evident there is a quorum present. I ask that there may be a call of the Senate, the yeas and nays having disclosed the fact that there is no quorum.

The PRESIDING OFFICER. The roll call having developed the absence of a quorum, the Chair will direct a call of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Cullom,	McMillan,	Roach,
Allen,	Davis,	Mantle,	Sewell,
Allison,	Faulkner,	Martin,	Shoup,
Bacon,	Frye,	Mills,	Smith,
Baker,	Gallinger,	Mitchell, Wis.	Stewart,
Berry,	Gray,	Morgan,	Teller,
Blanchard,	Hale,	Nelson,	Thurston,
Brice,	Hansbrough,	Palmer,	Tillman,
Burrows,	Hawley,	Pasco,	Vilas,
Caffery,	Hoar,	Peffer,	Walthall,
Call,	Irby,	Perkins,	White.
Chilton,	Lindsay,	Pettigrew,	
Cockrell,	McBride,	Pugh,	

The PRESIDING OFFICER. Fifty Senators having answered to their names, a quorum of the Senate is present. The Chair will ask the indulgence of the Senator from Wisconsin that he may lay before the Senate a resolution from the House of Representatives.

Mr. VILAS. Certainly.

COUNT OF ELECTORAL VOTES.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution of the House of Representatives; which was read:

Resolved by the House of Representatives (the Senate concurring). That the two Houses of Congress shall assemble in the Hall of the House of Representatives, on Wednesday, the 10th day of February, 1897, at 1 o'clock in the afternoon, pursuant to the requirement of the Constitution and laws relating to the election of President and Vice-President of the United States, and the President of the Senate shall be the presiding officer; that two persons be appointed tellers on the part of the Senate and two on the part of the House of Representatives to make a list of the votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the vote and the persons elected to the two Houses assembled as aforesaid, which shall be deemed a declaration of the persons elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

Mr. HOAR. That is a precise copy of the resolution adopted four years ago and eight years ago, and I presume in previous years on like occasions. I ask the Senate to concur in it.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of the concurrent resolution of the House of Representatives. Is there objection? The Chair hears none, and the concurrent resolution is before the Senate.

Mr. TURPIE. Mr. President, I concur entirely with the resolution of the House of Representatives with the exception of the declaration of the election of President. The Constitution provides in express terms that the person receiving a majority shall be the President; it does not provide for any announcement by the Houses. The words in the resolution, as far as they relate to the declaration of the election of President, are words of supererogation; they are not sustained by any words in the Constitution of the United States, and they are not sustained by any precedent in the action of Congress.

Mr. MILLS. The Houses refused it in 1877.

Mr. TURPIE. They have always refused it. There is no power to declare it, but it is declared by the Constitution that the person receiving the majority shall be the President of the United States.

Mr. HOAR. That objection was taken by, I think, the Senator from Vermont, Mr. Edmunds, eight years ago. It was considered, and I think the Senate almost unanimously agreed to abide by this language. At any rate, it is the customary language. I have the Journal here containing a resolution of which this is a copy.

Mr. COCKRELL. Is the resolution in the same language that was used eight and four years ago?

Mr. HOAR. It is in the same language. I have the Journal here. It has been carefully compared not only by me, but by the Journal Clerk at the desk.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

On motion of Mr. HOAR, it was

Ordered, That the tellers on the part of the Senate authorized by the concurrent resolution of the two Houses relating to the counting of the electoral votes for President and Vice-President of the United States be appointed by the Vice-President.

REPRINTING OF A DOCUMENT.

The PRESIDING OFFICER. The Senator from Wisconsin will proceed.

Mr. TELLER. Will the Senator from Wisconsin yield to me?

Mr. VILAS. Certainly.

Mr. TELLER. I wish to ask that House Document No. 279, first session Fifty-fourth Congress, which is the report of the special board sent to examine the Nicaragua Canal, may be reprinted. I have, I am assured, the last copy that can be obtained at the document room, and there is quite a demand for it. I therefore ask that it may be reprinted.

Mr. COCKRELL. Reprinted for the use of the Senate?

Mr. TELLER. For the use of the Senate.

The PRESIDING OFFICER. The Senator from Colorado asks that the usual number of copies be reprinted of the report of the commissioners sent to examine the Nicaragua Canal, being House Document No. 279, Fifty-fourth Congress, first session.

Mr. VILAS. I should like to ask the Senator from Colorado if this is a part of it? [Exhibiting.]

Mr. TELLER. It is; but it contains a good many other things, and there is a demand for this special report. I have one of those myself.

Mr. VILAS. This document has only just been printed.

Mr. TELLER. I do not care about the maps.

Mr. COCKRELL. Let the order for printing be without maps, because with the maps it would cost over $500.

Mr. TELLER. That printing would be expensive. What I ask, however, will be inexpensive.

The PRESIDING OFFICER. The motion of the Senator from Colorado, the Chair understands, does not include the reprinting of the maps.

Mr. TELLER. Not the reprinting of the maps.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Colorado? The Chair hears none, and it is so ordered.

MARITIME CANAL COMPANY OF NICARAGUA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

The PRESIDING OFFICER. The Senator from Wisconsin will proceed.

Mr. VILAS. Mr. President, let me recall attention to the fact that, when interrupted by the concurrent resolution and other procedure a few minutes ago, I was pointing out that the reason given by the Committee on Foreign Relations to sustain their proposition that the Clayton-Bulwer treaty is not obligatory, dependent upon their assertion that the British Government had violated that treaty by retaining a protectorate over what was claimed to be a part of the Mosquito Coast of Central America, had lost whatever efficacy it ever might have possessed because of the fact that, after all the discussion between our Government and Great Britain in respect to the interpretation of the treaty, Great Britain had receded and surrendered the disputed claim of protectorate, which I purpose to show by an extract from the message of President Buchanan to Congress in 1860, for which convenient proof I am indebted to my learned friend from Virginia [Mr. DANIEL]:

Our relations with Great Britain are of the most friendly character. Since the commencement of my Administration the two dangerous questions arising from the Clayton and Bulwer treaty, and from the right of search claimed by the British Government, have been amicably and honorably adjusted.

The discordant constructions of the Clayton and Bulwer treaty between the two Governments, which at different periods of the discussion bore a threatening aspect, have resulted in a final settlement entirely satisfactory to this Government. In my last annual message I informed Congress that the British Government had not then "completed treaty arrangements with the Republics of Honduras and Nicaragua in pursuance of the understanding between the two Governments. It is, nevertheless, confidently expected that this good work will ere long be accomplished." This confident expectation has since been fulfilled. Her Britannic Majesty concluded a treaty with Honduras on the 28th November, 1859, and with Nicaragua on the 28th August, 1860, relinquishing the Mosquito protectorate. Besides, by the former, the Bay Islands are recognized as a part of the Republic of Honduras. It may be observed that the stipulations of these treaties conform in every important particular to the amendments adopted by the Senate of the United States to the treaty concluded at London on the 17th October, 1856, between the two Governments. It will be recollected that this treaty was rejected by the British Government because of its objection to the just and important amendment of the Senate to the article relating to Ruatan and the other islands in the Bay of Honduras.—*President Buchanan*, fourth annual message, 1860.

Thus, Mr. President, we have the solemn declaration to Congress in 1860 by the President of the United States that the very facts alleged to have taken place in 1853, and upon which the committee base their objection to the Clayton-Bulwer treaty, had been entirely obliterated so far as they might furnish a foundation of objection; and the United States not only had not exercised its right to claim an avoidance of the treaty by reason of the alleged breach of it on the part of Great Britain, but had maintained it, and finally Great Britain had receded from the particular obnoxious fact upon which the complaint had been based. And thus the treaty was left not even longer voidable, because nobody can pretend that unless the right of election was exercised while the cause of offense continued, the right of election departed from us when, at our own remonstrance, the cause of offense was withdrawn.

Mr. President, I wish to allude to another thing. I am indebted to my friend the Senator from Louisiana [Mr. CAFFERY] for another convenient statement. He put in my hand a moment ago a reference to the dispatch from Mr. Cass, when Secretary of State, to Lord Napier, in November, 1858, and in reading this paragraph I am returning to the other point of objection to the treaty, that it was obsolete, as claimed by the Committee on Foreign Relations, because of the fact that it related to a particular project by a particular concern, a proposition which I think I have already sufficiently demolished by showing that so far from relating to a particular project it was by its words, employed ex industria to convey that meaning, directed to any possible route of communication between the seas over the Isthmus, and to continue not for the term of any particular project, but forever.

In this connection I recall again the eighth article of that treaty in order that I may point out, although I have once read it, some significant words. The eighth article of that treaty, as will be remembered, was:

The Governments of the United States and Great Britain having not only desired, in entering into this convention to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection by treaty stipulations to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, etc.

When it was proposed on the part of Great Britain to entertain negotiations for an abrogation of it or a change of it, Mr. Cass said in 1858, at the very time when we were contending over the question of interpretation whether the Balize was within its terms or not:

While the declared object of that convention had reference to the construction of a ship canal, by the way of San Juan and the lakes of Nicaragua and Managua, from the Atlantic to the Pacific Ocean, yet it avowed none the less plainly a general principle in reference to all practicable communications across the Isthmus, and laid down a distinct policy by which the practical operation of this principle was likely to be kept free from all embarrassment.

Mr. GRAY. The Senator is reading from Mr. Cass?

Mr. VILAS. I am reading from Mr. Cass's dispatch. He proceeds:

The principle was that the interoceanic routes should remain under the sovereignty of the states through which they ran, and be neutral and free to all nations alike. The policy was that in order to prevent any government outside of those states from obtaining undue control or influence over those interoceanic transits no such nation should "erect or maintain any fortifications commanding the same, or in vicinity thereof, or should occupy or fortify or colonize or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America."

Mr. MITCHELL of Wisconsin. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Wisconsin suggests the want of a quorum. The Secretary will call the roll.

The Secretary proceeded to call the roll, and called the name of Mr. ALDRICH.

Mr. DANIEL. I move that the Senate adjourn.

The PRESIDING OFFICER. Pending the roll call and before an answer to the call, the Senator from Virginia moves that the Senate adjourn.

Mr. ALDRICH. I call for the yeas and nays.

Mr. HOAR. I suggest that an adjournment can not be moved until after the call.

The PRESIDING OFFICER. The Chair will hold that a motion to adjourn is always in order, whether a quorum is present or not, and therefore it is not necessary to call the roll to ascertain the presence of a quorum.

Mr. HOAR. I understand, if the Chair will pardon me, that when the want of a quorum is suggested, by the rule the roll must be called, and while the Senate is executing its order a motion to adjourn can not be entertained. You can not move to adjourn in the middle of a call of the yeas and nays, or in the middle of the execution of any other order of the Senate.

The PRESIDING OFFICER. The Chair would hold that if the Secretary had proceeded to call the roll and the first name had been answered to, that then the motion would be too late.

Mr. MORGAN. I ask unanimous consent——

Mr. ALDRICH. I ask that the vote on the motion to adjourn be taken by the yeas and nays.

The PRESIDING OFFICER. The Chair can not entertain any business, not even a request for unanimous consent, until after

the suggestion of a want of a quorum has been acted upon. The question is on the motion to adjourn.

Mr. DANIEL. The roll call had begun, but no one had answered.

The PRESIDING OFFICER. The Chair so ruled, and therefore the motion of the Senator from Virginia is in order.

The question is on the motion of the Senator from Virginia that the Senate do now adjourn, upon which the Senator from Rhode Island demands the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BERRY (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT].

Mr. MCMILLAN (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. MANTLE (when his name was called). I am paired with the Senator from Virginia [Mr. MARTIN].

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON]. In his absence I withhold my vote.

Mr. VILAS (when his name was called). I will for the day announce my general pair with the Senator from Oregon [Mr. MITCHELL].

Mr. WALTHALL (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. CAMERON]. I ask that this announcement may apply to all the votes during the day.

The roll call was concluded.

Mr. BACON (after having voted in the affirmative). I have a general pair with the junior Senator from Rhode Island [Mr. WETMORE]. As he has not voted, I withdraw my vote.

The result was announced—yeas 17, nays 24; as follows:

YEAS—17.

Allen,	Gray,	Palmer,	Thurston,
Caffery,	Hill,	Pettigrew,	Turpie.
Chilton,	Lindsay,	Roach,	
Cockrell,	Mills,	Smith,	
Daniel,	Mitchell, Wis.	Teller,	

NAYS—24.

Aldrich,	Dubois,	Hoar,	Pugh,
Allison,	Faulkner,	Lodge,	Sewell,
Brice,	Frye,	McBride,	Sherman,
Burrows,	Gallinger,	Morgan,	Shoup,
Cullom,	Hansbrough,	Peffer,	Stewart,
Davis,	Hawley,	Perkins,	White.

NOT VOTING—48.

Bacon,	Chandler,	Jones, Nev.	Proctor,
Baker,	Clark,	Kyle,	Quay,
Bate,	Elkins,	McMillan,	Squire,
Berry,	Gear,	Mantle,	Tillman,
Blackburn,	George,	Martin,	Vest,
Blanchard,	Gibson,	Mitchell, Oreg.	Vilas,
Brown,	Gordon,	Morrill,	Voorhees,
Butler,	Gorman,	Murphy,	Walthall,
Call,	Hale,	Nelson,	Warren,
Cameron,	Harris,	Pasco,	Wetmore,
Cannon,	Irby,	Platt,	Wilson,
Carter,	Jones, Ark.	Pritchard,	Wolcott.

So the Senate refused to adjourn.

The PRESIDING OFFICER. A quorum not appearing on the vote, the Secretary will call the roll of the Senate.

The Secretary called the roll, and the following Senators responded to their names:

Aldrich,	Cullom,	Lodge,	Sewell,
Allen,	Daniel,	McBride,	Sherman,
Allison,	Davis,	Mantle,	Shoup,
Bacon,	Dubois,	Morgan,	Teller,
Baker,	Faulkner,	Palmer,	Thurston,
Berry,	Frye,	Pasco,	Vilas,
Brice,	Gallinger,	Peffer,	Walthall,
Burrows,	Gray,	Perkins,	White.
Caffery,	Hansbrough,	Pettigrew,	
Carter,	Hawley,	Pugh,	
Cockrell,	Hoar,	Roach,	

The PRESIDING OFFICER. Forty-one Senators have answered to their names. A quorum of the Senate is not present.

Mr. ALDRICH. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. ALLEN. I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Rhode Island moves that the Sergeant-at-Arms be directed to request the attendance of absent Senators, pending which the Senator from Nebraska moves that the Senate adjourn. The question is on the motion of the Senator from Nebraska.

The motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Rhode Island that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant-at-Arms will execute the order of the Senate.

Mr. SEWELL. Pending the execution of the order, I move that the Senate proceed to the consideration of executive business.

Mr. ALDRICH. That can not be done.

The PRESIDING OFFICER. There being no quorum, no motion can be entertained except a motion to adjourn.

Mr. ALDRICH. I am not sure whether it would be in order to ask that the Senator from Wisconsin [Mr. VILAS] might be allowed to continue his speech.

Mr. COCKRELL. That would not be in order.

Mr. ALDRICH. I am very sorry to see the Senator from Wisconsin cut off in this untimely way. [Laughter.]

The PRESIDING OFFICER. The Chair will state that, pending the execution of the order of the Senate by the Sergeant-at-Arms, nothing is in order but a motion to adjourn.

Mr. VILAS. What was the request of the Senator from Rhode Island [Mr. ALDRICH]?

The PRESIDING OFFICER. The motion of the Senator from Rhode Island was to direct the Sergeant-at-Arms to request the attendance of absent Senators.

Mr. VILAS. I understood that the Senator from Rhode Island desired that I should have leave to proceed. I should like to engage him long enough in hearing what there is in objection to the pending bill to assure him that he would not vote for it——

Mr. GALLINGER. I rise to a point of order.

The PRESIDING OFFICER. The Chair will state that, pending the execution of the order of the Senate, nothing can be done, and no motion can be entertained except a motion to adjourn.

After some little delay,

Mr. CULLOM. May I inquire what is before the Senate, Mr. President?

The PRESIDING OFFICER. Nothing is before the Senate except the execution of the order of the Senate, and no motion is in order except a motion to adjourn.

Mr. CULLOM. I think I shall make that motion pretty soon. [Laughter.]

Mr. LINDSAY entered the Chamber and answered to his name.

Mr. HOAR. I inquire how many are lacking of a quorum, Mr. President?

The PRESIDING OFFICER. The Senate lacks three of a quorum.

Mr. LINDSAY. I move that the Senate adjourn.

Mr. ALDRICH. It is very evident that we shall not get a quorum to-night, so I have no objection to the motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kentucky.

The motion was agreed to; and (at 5 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 4, 1897, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 3, 1897.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

PRINTING OF AGRICULTURAL BULLETIN ON THE COTTON PLANT.

The SPEAKER laid before the House a concurrent resolution providing for the printing of additional copies of Bulletin No. 33, United States Department of Agriculture, entitled The Cotton Plant: Its History, etc., with a Senate amendment thereto.

The Senate amendment was concurred in.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes;" and

A bill (S. 738) authorizing the establishment of a pier-head light at or near South Milwaukee, in the State of Wisconsin.

PRINTING OF CONSULAR REGULATIONS, 1896.

Mr. PERKINS. Mr. Speaker, I ask for the present consideration of House joint resolution 241, providing for the printing of the Consular Regulations of 1896.

The joint resolution was read, as follows:

Resolved, etc., That there be printed for the use of the members of the two Houses of Congress 1,000 copies of the Consular Regulations of 1896, and 500 copies of the same to be delivered to the Superintendent of Documents, to be sold by him at their cost of printing.

The report (by Mr. PERKINS) was read, as follows:

Your Committee on Printing, having had under consideration House joint resolution No. 241, "Providing for the printing of the Consular Regulations of 1896," report the following substitute for the same and recommend that the substitute be agreed to:

"Joint resolution providing for the printing of the Consular Regulations of 1896.

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That there be printed of the Consular Regulations of 1896 1,400 copies, 300 copies for the use of the Senate, 600 copies for

the use of the House of Representatives, and 500 copies to be delivered to the Superintendent of Documents for sale."

The Secretary of State recommends this action, stating that there is a demand for these volumes on the part of members of Congress, merchants, and applicants for consular positions, which can not be supplied by the Department, as the Department has merely enough copies for its own use and for distribution to the consular and diplomatic officers and to members of the diplomatic corps in Washington.

The Public Printer estimates the cost of printing under this resolution at $1,050.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. PERKINS. Mr. Speaker, I call attention to the substitute.

Mr. CANNON. How many copies are provided for in the substitute?

Mr. PERKINS. Fourteen hundred.

Mr. CANNON. I move to make it 3,000.

Mr. PERKINS. Mr. Speaker, the Secretary of State has only requested 1,000. That is his recommendation, and the committee made it 1,400, giving the Senate 300 copies, the House 600, and 500 copies to be placed with the Superintendent of Documents for sale. The committee has no information of any larger number being required.

Mr. CANNON. I move to strike out "1,400" and insert "3,000," and if the gentleman will give me a minute, I will tell him why.

Mr. PERKINS. Certainly.

Mr. CANNON. I have seen a copy of this book. The work has been very thoroughly done, and I understand, now that the type is set up, the cost of printing will be very slight. I will ask the gentleman how much the printing of the 1,400 copies will cost?

Mr. PERKINS. The cost for the printing of 1,400 copies will be $1,050.

Mr. CANNON. That is less than a dollar a volume, about 75 or 80 cents. Now, 1,400 copies of the Consular Regulations is a very small number. It seems to me that 3,000 would be a small number for the use of the House and Senate. I want to say to my friend that this is one book that a great many people are inquiring about, and I think the people of the United States are more able to pay this trifling expense than are the respective members of Congress to purchase the volumes to send to worthy people who ask for them.

Mr. TERRY. Do you not know that this will get you into a heap of trouble?

Mr. CANNON. I think very likely that this is about all that most of the gentlemen who are inquiring about it will get.

Mr. TERRY. I suggest to the gentleman that every one of your people who gets a copy of the book will find an office in it, and then begin to write to you about it.

Mr. PERKINS. Mr. Speaker, the resolution introduced by the gentleman from Illinois, chairman of the Committee on Foreign Affairs [Mr. HITT], calls for 1,000 copies. So far as I am concerned, I have no objection to the House increasing this number, if it so desires. The gentleman in making his amendment should state how he desires this additional number of copies distributed.

Mr. CANNON. I want all the increase to go to the House and Senate.

Mr. PERKINS. It will have to be stated in the resolution.

Mr. CANNON. Precisely. Let us first adopt this amendment, and then I will trust to my friend to fix the other.

Mr. PERKINS. How many additional copies does the gentleman suggest?

Mr. CANNON. Three thousand copies altogether.

Mr. PERKINS. Say you make it 1,500 additional. That will be 500 for the Senate and 1,000 for the House.

Mr. CANNON. That is satisfactory to me.

The SPEAKER. Will the gentleman from Illinois state his amendment?

Mr. PERKINS. I ask that the substitute be read, Mr. Speaker.

The Clerk read as follows:

Resolved, etc., That there be printed of the Consular Regulations of 1896 1,400 copies, 300 copies for the use of the Senate, 600 copies for the use of the House of Representatives, and 500 copies to be delivered to the Superintendent of Documents for sale.

Mr. PERKINS. The gentleman from Illinois, as I understand, desires to strike out "three hundred for the use of the Senate" and insert "eight hundred," and strike out "six hundred for the use of the House" and insert "sixteen hundred."

Mr. CANNON. That is satisfactory.

The SPEAKER. The Clerk will report the amendment.

Mr. PERKINS. That will increase the whole number to 2,900.

The Clerk read as follows:

In line 2 strike out the word "fourteen" and insert the words "twenty-nine;" so as to read, "twenty-nine hundred copies;" and strike out "three" and insert "eight," and strike out "six" and insert "sixteen."

The amendments were agreed to.

The substitute as amended was agreed to.

The joint resolution as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. PERKINS, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

ANNIE E. NOLAN.

Mr. WOOD. Mr. Speaker, I present a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill S. 2129, "An act granting an increase of pension to Annie E. Nolan," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted insert $40; and the House agree to the same.

BENSON WOOD,
S. S. KIRKPATRICK,
Managers on the part of the House.

J. H. GALLINGER,
JNO. L. MITCHELL,
Managers on the part of the Senate.

The statement is as follows:

The managers on the part of the House of Representatives make the following statement upon the disagreeing votes of the two Houses:

The bill as originally passed the Senate carried a pension of $50 per month. This was reduced by the action of the House to $25. The effect of the conference report is to give the beneficiary a pension of $40 per month.

The managers on the part of the House have been led to make this concession from the fact that the soldier died of disease contracted in the service after an honorable career of over thirty-one years. He entered the Regular Army as a private, and by good conduct was promoted through the several grades to that of major of the Third United States Cavalry.

BENSON WOOD,
S. S. KIRKPATRICK,
Managers on the part of the House.

Mr. WOOD. Mr. Speaker, I move that the conference report be agreed to.

The motion was agreed to.

CONTESTED-ELECTION CASE—CORNETT VS. SWANSON.

Mr. MCCALL of Massachusetts. Mr. Speaker, several days ago my colleague upon the Committee on Elections No. 3 gave notice of his desire to call up to-day the contested-election case of Cornett against Swanson, from the Fifth district of Virginia; and notice having been given, and there being a general understanding that it is to come up, I now call up that case for consideration.

The SPEAKER. The Clerk will report the resolutions of the committee.

The Clerk read as follows:

Resolved, That George W. Cornett was not elected a Representative to the Fifty-fourth Congress of the United States from the Fifth district of Virginia.

Resolved, That Claude A. Swanson was duly elected a Representative to the Fifty-fourth Congress of the United States from the Fifth district of Virginia, and is entitled to his seat.

Mr. THOMAS. Mr. Speaker, I offer the minority resolution as a substitute.

The SPEAKER. The Clerk will report the minority resolution.

The Clerk read as follows:

Resolved, That neither Claude A. Swanson nor George W. Cornett was elected a member of the House of Representatives from the Fifth Congressional district of Virginia for the Fifty-fourth Congress of the United States, and that neither of them is entitled to the seat.

The SPEAKER. The question is on agreeing to the substitute.

Mr. MCCALL of Massachusetts. Mr. Speaker, I will say just one word to the House at this moment in order to state precisely what the issue is. The record shows that the contestee was elected by about 2,300 majority over the contestant. The contestant attacked about 12 precincts out of 144 in the district. If we exclude every one of those precincts that are attacked, it still leaves the contestee elected by something over 1,500 majority. There is no way possible in mathematics by which it can be figured out that the contestant has a majority, and his case is abandoned; and the case presented to the House to-day, or which will be presented by my friend from Michigan [Mr. THOMAS], my colleague upon the committee, is this: He claims that the election law of Virginia is unconstitutional, and therefore there was no valid election, and that the sitting member is not entitled to sit here. That question I shall not take the time of the House to discuss now, except simply to say that the House has already seated two members in contests who were elected under the same law, and that the rest of the delegation from Virginia who sit here uncontested sit here under that law. I think it may be well, perhaps, to have stated more particularly the questions of fact raised by the record. I will yield to my colleague from Virginia upon the committee [Mr. JONES], who prepared the report of the majority, for a statement of the facts in the case. Otherwise, I reserve my time.

Mr. MCCALL of Tennessee. Will the gentleman yield to me for a question?

Mr. MCCALL of Massachusetts. Certainly.

Mr. MCCALL of Tennessee. Do I understand the gentleman to state that, excluding all the precincts that are attacked in the district, it still leaves the contestee a majority of 1,500?

Mr. MCCALL of Massachusetts. The gentleman has a correct understanding. Excluding every one of the precincts concerning which any evidence whatever is adduced, it still leaves the contestee with a plurality of 1,539 votes. I now yield to my colleague.

Mr. JONES. Mr. Speaker, in presenting to the House the views of the majority of the committee which examined and reported this case, I shall not attempt to go to any considerable length into a discussion of the numerous legal and constitutional questions which are raised in the briefs of counsel and which are elaborately argued in the report of the minority. It is enough to say to the House now that the contestant in this case assails the election law under which this election was held. Assails it in the first place because, as it is alleged, the secrecy of the ballot, which is secured to the voter by the constitution of Virginia, is invaded by this law, and that in addition thereto numbers of voters qualified under the constitution of Virginia to vote were hindered and prevented from voting by those who conducted the election under this law.

As has already been stated to the House by my distinguished colleague on the committee, the gentleman from Massachusetts [Mr. MCCALL], this election law has stood the test of a decision of the supreme court of the State of Virginia. As has also been stated to the House, every member of this House from Virginia holds his seat upon this floor under a law which is now for the first time assailed. Already this House has seated my colleague, Mr. THORP, from the Fourth Virginia district, thereby declaring that the election law of Virginia is both constitutional and valid. Already this House, in the case of Yost *vs.* Tucker, has decided that my colleague, Mr. TUCKER, is entitled to a seat upon this floor. If, Mr. Speaker, the then election law of Virginia was unconstitutional, if the law under which this election was held was fraudulent, invalid, and inoperative, as is maintained in the minority report, then, as a matter of fact, neither my colleague, General WALKER, from the Ninth district, nor myself, nor any other Representative from Virginia is entitled to a seat upon this floor.

The committee, however, have found in their examination of this case that even if the provisions of the Virginia election law which are assailed in the report of the minority are invalid, inoperative, and unconstitutional, as they are alleged to be—even in that event, they would have no difficulty in finding that the contestee, Mr. Swanson, was legally elected, and therefore entitled to retain his seat.

Mr. STEWART of New Jersey. May I ask the gentleman whether the courts of Virginia have declared the election law to be unconstitutional?

Mr. JONES. On the contrary, the supreme court of Virginia, by a unanimous decision, has declared that this election law is constitutional; and let me say further to the gentleman that the objection urged by the contestant to this law is that it is obnoxious to certain provisions of the constitution of the State of Virginia, not of the Federal Constitution. Mr. Speaker, I repeat, the committee, after carefully investigating all these legal and constitutional questions, have come to the deliberate conclusion that even if those provisions of the election law which are assailed were inoperative and unconstitutional, there would still remain enough of the law under which the election was held to leave no question as to the fairness and legality of the contestee's election.

The Fifth Congressional district of the State of Virginia is composed of 7 counties and 2 cities. In that district there are 144 election precincts, and the evidence which has been taken in this case applies to and affects only 12 of those 144 precincts. The notice of contest only informs the contestee that the vote in 5 of these 144 precincts will be drawn in question. The committee has carefully gone into the vote in each one of these 12 precincts as to which any testimony has been taken, although as to 7 of them no notice was given in the notice of contest, and we have found that, giving to the contestant the full benefit of every claim set up by him, either in his notice of contest or in the briefs of counsel, he still lacks more than 1,500 votes of enough to elect him. The first precinct assailed in the notice of contest is the Third Ward of the city of Danville. In that city there are three wards.

The third is the only one with reference to which any testimony has been taken, and nearly one-half of the record in this case is taken up with testimony bearing upon and related to that particular precinct. I may say, by way of preface, that this precinct is known to be the largest Democratic precinct in the Fifth Congressional district. It embraces within its limits the resident portion of the city of Danville, and within that precinct the wealthiest and most intelligent people of the city reside. There are in that precinct, upon the poll books, as this record discloses, 280 more white voters than there are colored voters, and it is established by the testimony of the witnesses for the contestant that in this precinct the white people as a rule vote the Democratic ticket, and the colored people as a rule vote the Republican ticket. According to the returns of the commissioners of election, although the white voters outnumber the colored voters by 280, the contestee's majority in this precinct was only 228.

Now, without going into this mass of testimony, which, as I have said, covers nearly one-half of the record in this case, I will merely state that the committee in dealing with this case, and knowing that it would make no difference as to the result, have thrown out this entire precinct and taken from Mr. Swanson every one of his majority in the largest Democratic precinct in the Fifth Congressional district. Mr. Swanson's returned majority is 2,333. Subtracting from that his majority of 228 at this precinct will leave him still 2,105 majority.

The next precinct attacked by the contestant in the notice of contest is that of Design, in the county of Pittsylvania. The contestant claims in his notice of contest that this precinct should be thrown out, because there were not provided by the election officers sufficient booths to accommodate all those offering to vote. If we grant this claim without going into an analysis of the testimony, because, as I have already said, to make this admission does not affect the result in this case—if we concede, merely for the sake of argument, that the contention of the contestant is a just one and disfranchise every legal voter at this precinct, the result would simply be to take from Mr. Swanson 52 additional votes, which would still leave him a majority of 2,053.

The third precinct assailed in the notice of contest is that of Stokesland, also in the county of Pittsylvania. There were rejected at that precinct for certain imperfections and irregularities 111 ballots. But the contestant claims in his brief that a certain witness of his proved that there were 157 votes cast for him in that precinct. This would hardly be regarded as convincing testimony by anybody in the face of the official returns. It would therefore be showing the greatest liberality toward the contestant if we had said that every one of those 111 votes which were rejected on account of imperfect marking ought to have been counted for the contestant. But we go further than that, and we give to him, in order to show the absurdity of his claim, the 157 votes which one of his witnesses says ought to have been counted for him. To do this will leave the contestee still a majority of 1,896.

The fourth precinct mentioned in the contestant's notice is that of Dry Fork, in Pittsylvania County. The contestant claims that a list of those who said they voted for him was kept at this precinct, and that he was entitled to 65 votes, and not 43, as the returns gave him. He also claims that the contestee actually received 46, instead of 68 votes returned for him. Concede this to be true—allow both claims—and he would be entitled to 44 additional votes. Deduct those 44 votes, and the contestee still has a majority of 1,852.

The fifth and last precinct as to which there is any mention or charge in the notice of contest is that of Martinsville, in the county of Henry. As to this precinct there is considerable testimony; but the contestant fails to state what he claims is due him at this precinct, or what disposition the committee or this House ought to make of the vote of the precinct. There were rejected as illegal at this precinct 38 votes. The contestant's majority at the precinct was 40. If we were to give to him every one of those rejected votes, it would be all that he could claim; but inasmuch as it would be more favorable to him to throw out the entire poll, we do that, and instead of deducting 38 votes from the contestee's majority we deduct 40, leaving the majority of the contestee 1,812.

I have now briefly gone over the 5 precincts that are mentioned in the notice of contest. There are 7 other precincts, not mentioned in the notice of contest, but as to which testimony was taken. I will take up each one of those precincts one by one. Let us first take Young's precinct, in Franklin County. There the contestee's majority was 7. The contestant failed to make in his brief any specific claim as to this precinct. The best claim that could be made for him from his testimony is to deduct 2 votes from Swanson and to give Cornett 28, making a difference of 30. If we threw out the whole precinct, it would take only 7 votes from Swanson. As it would be more favorable to the contestant to give him the 30 additional votes, the committee in its computation have given them to him, and therefore I deduct them from the contestee's majority. To do this will leave the contestee a majority of 1,782.

Rocky Mount is another precinct concerning which testimony was taken, although not mentioned in the notice. The returned vote for the contestee at that precinct was 241; that for the contestant, 147; rejected ballots, 38. The most advantageous thing for the contestant being to throw out this precinct, instead of counting for him the 38 rejected ballots, we throw it out, and thus take from the contestee's majority 94, leaving his majority 1,688. In that county, containing 19 precincts, these are the only 2 precincts concerning which any testimony at all was taken.

The next precinct is Stuart's, in the county of Patrick. The white registered voters in that county numbered 2,459; the colored voters, only 340. There are witnesses for the contestant who

swear that there was no fraud or unfairness in the election anywhere in this county. No specific claim is made by the contestant in his brief as to this precinct. The contestee's majority there was 32, and there were rejected 20 votes. In our computation we throw out the entire precinct; and though the contestant himself does not ask for it, we take those 32 votes from the contestee, leaving him still 1,656 majority over the contestant.

Ridgeway precinct, Henry County, is also drawn in question by reason of certain testimony having been taken in regard to it. The contestant makes no specific claim as to this precinct. The contestee's vote at this precinct was 152, the contestant's 105, giving the contestee a majority of 47. The committee, without going into the evidence in regard to this precinct, and with the sole purpose of showing that the contestant has no case according to his own showing, throw out this poll and take this majority away from the contestee. It will leave him 1,609 majority.

At Scotts Tanyard precinct the contestant's vote was 73 and the contestee's 48. The contestant's majority at this precinct was 25, the rejected ballots 15. There was no specific claim made as to this precinct by the contestant, but to throw out the poll would be to take from him 25 votes. So, instead of throwing out the poll in this case, as the committee has done in the other cases where the contestee had the majority, we have counted every rejected vote for the contestant. This would reduce the contestee's majority to 1,594. But lest it should be thought that on account of the alleged misconduct of the constable at this precinct more than that should be done for the contestant, we have concluded to give the contestant every vote he received, and every ballot which was rejected but not counted, no matter for whom intended, and to take from Swanson, the contestee, every single vote that was cast for him at this precinct. When we have done this, there is still left to Swanson a majority of 1,546.

Jacksonville precinct, Floyd County, is the next precinct drawn in question. This is the only precinct in that county concerning which there is any testimony. The contestant fails to specify in his brief what he claims as to this precinct, and the committee was left in doubt as to what he desired it should do.

One Sowder, a lawyer and a Republican, testifies that 42 ballots were rejected, and all the witnesses agree that 26 of them were illegal; and it was found that of the 16 that it was thought should be counted, 3 were for Swanson and 13 for Cornett, the contestant. If the difference between 3 and 13 of the ballots rejected, namely 10, is added to the contestant's vote, the contestee would still have a majority of 1,536.

At Independence precinct, in Grayson County, testimony was also taken, and this is the last of the 12 with reference to which any testimony whatever was taken. At this precinct the judges rejected 30 ballots. In this number only 4 votes could have been affected, as shown by the testimony. We have deducted these 4 votes from the contestant's majority and leave him still a clear majority of 1,532 votes over the contestant, after counting and allowing every single claim that is made on his part either in notice of contest or in briefs of counsel and after giving him the benefit of all doubts. The committee did not believe, and I do not believe, that any of these claims were established.

Now, Mr. Speaker, I desire to call the attention of the House to another matter that may be deemed of some importance by some members of this body. In the last contested-election case from Virginia determined by this House a great deal of discussion was had and a great deal said about ballots rejected on account of improper marking. In the county of Carroll no testimony was taken affecting a single vote; but there is a certificate in the record from the county clerk of that county which merely shows that there were rejected as improperly marked 124 ballots in that county. There were cast in that county 2,568 votes, so that according to this certificate less than 5 per cent of the total vote polled in the county of Carroll was rejected on account of improper marking. There is no claim in the notice of contest, there is no evidence taken to show that one single one of these rejected votes was improperly rejected. There is simply that isolated fact in the record that there were that many rejected votes. Take every one of these votes and give them to the contestant, and, as I have already shown, it would not materially affect the contestee's majority.

A great deal was also said in that contested-election case from Virginia to which I have just alluded in regard to the alternation of the names upon the ballots which where used at the election. In two of the counties in this district—the counties of Henry and Grayson—the names on the ballots were alternated. In Henry County there were rejected 177 ballots, and in Grayson County the judges rejected 103 ballots, or a fraction over 7 per cent of the vote polled in the one county and a fraction over 4 per cent in the other. If the entire polls of the two counties be rejected—if instead of counting these rejected ballots for contestant this House should deem it proper on account of the alternation of names to declare the election invalid in these two counties and thus deprive thousands of voters of their right to have their legal votes counted—the result would not affect the contestee but to the extent of 126 votes, because the majority of the contestee in one county was 48 and in the other 78.

But, Mr. Speaker, I have already shown that in one of these counties, that of Henry, the 74 votes which were rejected at Ridgeway and the 15 at Scotts Tan Yard have been already counted for contestant. So, also, contestant has been given the benefit of the 38 votes rejected at Martinsville, in the same county.

From the figures which I have thus given the House it must be apparent to every member that if the entire polls of the two counties where the names upon the ballots were alternated were thrown out and disregarded, the contestee would still have remaining between 1,300 and 1,400 uncontested and unassailed majority.

Now, Mr. Speaker, it is not seriously contended on the part of the contestant that he received a majority of the legal votes in this district. It is not asserted in any brief. On the contrary, it is admitted in the briefs that the contestant has not made any tabulated statement showing that he was elected, and that he bases his claim that Mr. Swanson should be unseated upon the sole ground that the Virginia election law is unconstitutional. He does not ask to be given a seat on this floor. He does not claim to have been legally elected. The report of the minority of the committee does not make any such claim for him, and the resolutions which that minority have offered, as a substitute, simply declare that there was no election in the district. It seems to me, sir, that at this late date in the Fifty-fourth Congress, when scarcely a month of its life remains, this House will scarcely be guilty of the injustice and the inconsistency of declaring a law unconstitutional when it has upheld the validity of that law upon three former occasions.

Mr. Speaker, I do not believe this House will thus stultify itself. If this law is unconstitutional now, it was equally so when this House seated one member elected under it and confirmed the title to their seats of two other members. What could possibly be gained by such a course? Between now and the 4th day of March this district would remain unrepresented on this floor. It would be impossible to hold a special election in this limited time, and to send here another Representative from this district. No good could be accomplished by declaring that this election was invalid, and that the law of Virginia under which it was held was unconstitutional.

I may add, Mr. Speaker, in this connection, that the Walton law, under which this election was held, was tried for the first time in this election in 1894. I may also add that since that time those features of that law which have been most vigorously assailed in this case have been altered or repealed by a subsequent act of our legislature. The law now being considered by this House is not the present election law of Virginia, so that in no sense could any good be accomplished by declaring that law to be unconstitutional.

Mr. Speaker, this district is not a Republican district, as some people count Southern districts. This is a white district. There are more than twice as many white voters in this district than there are colored voters. For twenty-two years prior to this election, with only the exception of one Congress, this district has been represented by a Democrat, and the vote which my colleague, the contestee [Mr. Swanson], received at the election which preceded this, and before the enactment of the Walton law, resulted in a larger majority for him than he received at the election which we are now considering. So it seems to me that no argument can be advanced by anybody which would justify this body declaring this law unconstitutional.

I have already said, Mr. Speaker, that I would not go into any extended discussion of the law of this case. It is the Virginia constitution which this law is supposed to be obnoxious to. The highest judicial tribunal in my State has declared that it violates no provision of that State constitution, and this House will not undertake, I think, to override that decision, which I hold to be sound and just in every particular. It would be a useless consumption of time for me to undertake to read to this House the numerous authorities bearing upon this subject, and which hold that the decisions of a supreme court of a State interpreting and construing the laws of that State should be respected by every other tribunal in our land. For the sake of the argument, and because it was the easiest way to dispose of the contestant's pretensions and claims in this case, we have allowed him everything and more than he claimed. Let it be distinctly understood, however, that the committee does not believe that the testimony in this case warrants this computation we have made, and which has only been made in order to show how utterly groundless is the claim that the contestant makes to a seat in this House.

With this brief opening, I leave the case in the hands of my colleagues upon the committee.

Mr. THOMAS. Mr. Speaker, four questions arise upon the record in this case to which the attention of the House will be called in order.

The first is as to the sufficiency of the notice of contest; the second is as to the right of appeal to this House; the third is as to

the validity of the Virginia election law known as the Walton law; and the fourth is the effect of its operation upon the elective franchise as known to our system of popular Government.

Before entering upon the discussion of this case it will be well to take a comprehensive view of the election law of Virginia, called the Walton law, with which we are to deal.

For this purpose I will recapitulate the summary contained in the minority report (Report 1473, part 2), which not only brings out the salient features of the law, but throws much light upon the evident intent which led to its adoption and the obvious effect of its operation.

It is claimed by its supporters to be an adaptation of the Australian system. This in itself at first is enough to recommend the law; but upon examination it will be found to be a strange adaptation and the source of great danger. It has been said there is nothing more dangerous than a half truth It has enough of right in it to allure and attract and enough of wrong to deceive and ruin.

The Walton law of Virginia is in the nature of one of these half truths. It has adopted the form of the Australian ballot, but stripped it of its essential features and destroyed its spirit and life. For example, the necessary complexity of a single ballot which must contain all the names of the various candidates is guarded against in other States, such as Pennsylvania, New York, Ohio, Massachusetts, New Hampshire, Kentucky, Vermont, and Maryland, where wholesome restraints are provided against a long list of needless candidates. By the Walton law any number of names can be placed on the ballot, and as was done in this election, names which appeared to be the same, but which slightly differed in spelling were placed on the ballot. Other States provide such safeguards against fraud as results from requiring that the several political parties shall be represented among the election officers. Under the Walton law they may all belong to one party, as they did in this election. In other States provisions are made for acquainting all voters with the form and substance of the ballot by requiring it to be published in the newspapers and posted at the voting precincts on and before the day of the election. By the Walton law this is not only prohibited, but the two or three officials who print and have the custody of the ballot are prohibited by penal enactments from exposing them or from divulging their contents. In other States the names of the several candidates must be placed on the ballot in a certain order well known to the public and in plain roman type. By the Walton law they may, as was done in this election, print the names in six different orders and in the confusing type of the German text.

In other States separate booths for every fifty and at least for every hundred voters must be provided. By the Walton law there need be but one booth for hundreds of voters, so that it might be a physical impossibility for all to vote, as was true in some precincts at this election.

In other States the illiterate elector is qualified to vote because every customary avenue of knowledge is open to him and the assistance of his friends, neighbors, and educated children is available. Under the Walton law all these avenues of knowledge are closed and the illiterate voter disqualified by being deprived of the assistance of any friend of his choice.

In other States the mode of election is such that every man is satisfied that his ballot is cast for the candidates of his choice. Under the Walton law the illiterate man casts a vote prepared by a political enemy, with nothing to satisfy him that it was not cast for the man he desired to defeat.

In other States no man but the voter can know for whom he voted and his ballot is absolutely secret. Under the Walton law he must tell a special constable, even if he be a political adversary, whom he intends to vote for, and must either reveal the secrecy of his ballot or be disfranchised, whereby it clearly appears that the Walton law repels men from the ballot box.

Now, our contention is that this law disqualifies every illiterate voter by compelling him to vote through another person; that it destroys the secrecy of the ballot by compelling the voter to disclose the name of his candidate, and that it repels and discourages citizens from voting by making it possible for the political party which conducts the election to appropriate the illiterate vote to its own use.

The first question raised in this case by the contestee is as to the sufficiency of the notice.

The notice is, in substance, as follows:

First. That the operation of the law known as the Walton election law, under which said election was held, was unjust, fraudulent, and illegal, in that no ballots nor samples thereof, nor information nor advice as to contents and the position and order of names thereon, was given or published, or allowed by said law to be given or published, to any elector in said district, but contestant alleges the fact to be that said ballots were kept in the secret and exclusive possession of said officers of said election, consisting of three judges and special constable, sworn to secrecy as to the contents of the same, and that each elector was compelled, after entering a private apartment or booth, to only use in voting a ballot in form as aforesaid by said judges furnished; and in expressing a choice for said candidates were required to draw a horizontal line covering at least three-fourths of the printed names of three of the candidates, leaving unmarked the name of the candidate for whom elector desired to vote, and that every voter unable to read, or physically incompetent to prepare his ballot, was thus compelled and required to call upon the special constable to aid in preparing the same; and that the said special constable appointed in every precinct in said district was a Democrat and member of contestee's party, and supporting contestee in said election.

Second. That there were four names of candidates for Congress, including the names of contestee and contestant, on all tickets used in voting at said election, all of said names being printed, as required by law, on the same piece of paper, and that the Democratic authorities and supporters of contestee having sole charge of and direction of printing of said ballots, wrongfully, fraudulently, unlawfully printed and directed and caused to be printed the name of contestant in alternate and various positions on said tickets used at each voting precinct in said Congressional district; that is to say, contestant's name was, as aforesaid, arranged and printed on said ballots first and second and third and fourth, in relation to the names of the said other contestants, by reason of which the said contestant was unable to assist and instruct as to the true position of his name on said tickets, all voters not able to read desiring to vote for said contestant, whereby said electors were unlawfully deprived of the exercise of their lawful franchise and contestant deprived of 500 ballots, more or less, meant to be cast for contestant by such illiterate voters; and that the same were unlawfully manipulated and cast or procured to be cast and counted for contestee.

Third. That the officers required by law to appoint the judges of election and special constable in the cities of Danville and Neapolis and Pittsylvania County were furnished by the chairman of the Republican committee of said county with a list of orderly and discreet Republican electors, being of the different political faith of that of contestee, and who favored the election of contestant, and were requested by said chairman and required by the laws of said State to select one or more of said electors to act in said trusts, but contestant alleges the fact to be that the said appointing authorities wrongfully and unlawfully neglected and failed and refused so to do, that is to say, such authorities with intent to prevent a free ballot and an honest count in said election, appointed in the several voting precincts in said places only 5 of said electors, and that the remaining 163 of said officers so appointed were of the same political party as contestee and in favor of contestee's election, and that at 34 out of 42 voting places in said precincts there were so appointed either a postmaster or a Federal revenue officer, or both, said Federal officials owing their respective positions to the patronage and procurance of contestee.

Fourth. That one of the judges of election at Design precinct, in Pittsylvania County, appointed as aforesaid, was at the time of appointment and at the time of said election under indictment in a Federal court for alleged fraud and violation of the election laws of Virginia, of all which the said appointing authorities were fully advised.

That, in addition to the above, said notice contains twelve other specifications relating to insufficiency in number of booths, to the invasion of voting precinct by crowds, to the destroying of ballots, to the rejection of Republican witnesses to the count, to frauds of special constables, to the manipulation of ballots, to the counting of fraudulent votes, to limiting the hours of voting, to bribery, and to the invasion of the booths.

That this notice is abundantly sufficient to raise the question as to the constitutionality of the law there can be no doubt. Certainly the simple statement of the point without any specification whatever would be enough to apprise the contestee of the nature of the issue he would be called upon to try.

As to allegations of fraud practiced at the election and growing out of the operation of the law, the particularity of the specifications would depend upon the nature of the fraud. If, for example, the evidence of fraud was in the possession of an adverse party whose interests would be to hinder and obscure investigation, then a general charge would suffice; whereas in other cases more specific charges might be necessary.

THE RIGHT OF APPEAL.

The next question in order relates to the right of the House of Representatives to inquire into the validity of the Walton law.

It is apparent from what has been said that a system has been adopted by the legislature of Virginia by which a large body of her citizens are disfranchised, or, what is worse, compelled to vote through another person known as the vote fixer, with no possible means of verifying the vote so cast; that such a system necessarily repels the voters from the ballot box, destroys the secrecy of the ballot, and disqualifies every illiterate voter by withholding from him the ordinary means of knowledge.

It now remains to be stated that an attempt is being made by the contestee to overawe the House of Representatives and silence criticism and close the doors of investigation by reenforcing this law with a decision of the supreme court of Virginia affirming its constitutionality.

As to the political rights of American citizens, let me say the House of Representatives is preeminently the people's tribunal. It is familiarly known as the popular branch of the Government. In its representative character it is very near the people. It not only has original jurisdiction as to the right of a person to a seat in its Hall, but is also a tribunal of last resort. The most that could be claimed for the supreme court of Virginia in any case would be a concurrent jurisdiction. But after all the election law of a State has a twofold relation—first, as it applies to the State officials, and second, as it applies to the United States officials. It would seem, therefore, that the supreme court of a State would have exclusive jurisdiction as to the election of State officers and that the House of Representatives would have exclusive jurisdiction as to the election of its members, and that there is really no concurrent jurisdiction between them. If this be true, then the decision of neither would be a plea in bar to the other.

But let us suppose the jurisdiction concurrent, and apply the

rule by which one court is governed by the decision of another in judicial practice.

It is contended that the decision of the supreme court of Virginia in the case of Pearsons et al. *vs.* Board of Supervisors, etc., having upheld the Walton law, the House of Representatives is concluded thereby.

The contestee says:

> The committee might have had some difficulties confronting it but for the fact that recently the supreme court of appeals of Virginia, the highest court in the State, has passed upon this question after full argument and by a unanimous court.

I have therefore carefully examined the case cited for two reasons, first, to ascertain whether the supreme court of Virginia has legally passed upon the question, and secondly, whether the question is of such vital national interest as to challenge the attention of the House of Representatives whether the State court has passed upon it or not. It appears that a suit in chancery was commenced, that the bill was taken as confessed in the lower court, that there was no appearance or opposition by the defendant, and on the hearing the case was dismissed for want of jurisdiction; and from this judgment the petitioners appealed to the supreme court, which in turn refused the appeal for the reason, as they state, that the petitioners had a plain and adequate remedy at law under section 836 of the Code of Virginia, without resorting to the court of chancery.

While, therefore, the existence of this suit was of short duration and barren of real results, a trifling incident, which at first appeared of no significance, unexpectedly assumed gigantic proportions. That incident was the excuse which the petitioners set forth in their bill for trying to collect a common-law debt in the court of chancery, namely, that the election law of Virginia, called the Walton law, was unconstitutional. The court, with a judicial penetration worthy of its exalted position, perceived that the reference to the Walton law was wholly irrelevant to the case; but still desiring for some reason to deal with this question, made this explanation, as follows:

> Accompanying the petition is a brief filed by counsel for petitioners, in which the many interesting questions of law arising upon the record are thoroughly discussed. We feel, therefore, that upon the part of the petitioners at least we are in possession of all the means of information which would be accessible to us were the appeal allowed and the case set down for argument. We feel, too, that the questions presented are of the utmost interest to every citizen of the State. We are upon the eve of an election in which many important offices are to be filled, and it is much to be desired that all uncertainty as to the law under which these elections are to be conducted should be removed, and it is therefore a matter of congratulation that the plaintiffs have, in presenting their case to us, thrown sufficient light upon it to enable us to dispose of it without delay and with entire confidence.

At the close of their decision the court further said:

> If, however, we had come to a different conclusion as to the constitutional questions involved in the record which accompanies the petition in this case, we should still be obliged to refuse the appeal asked for, as the plaintiff had a plain and adequate remedy at law under section 836 of the Code of Virginia without resorting to a bill in chancery. For the foregoing reasons we deny the appeal asked for by the petitioners.

It therefore appears from the statement of the court itself that it had no jurisdiction in the case over either the process or the subject-matter; that the constitutional question did not grow out of the petition, but out of a brief that accompanied the petition; that but one side of the case was presented and discussed, and that the case was never set down for argument. The further statement that "the plaintiffs have thrown sufficient light upon the case to enable us to dispose of the case with entire confidence" is a frank confession by the court that the above grounds for assuming jurisdiction of the question might not be perfectly satisfactory to everybody when the magnitude of the question involved should be realized, and that a criticising public might need the further assurance from them that they were not acting in total darkness.

Mr. JONES. May I ask the gentleman a question?

Mr. THOMAS. Certainly.

Mr. JONES. Does the gentleman mean to assert that from the opinion of the court of appeals it is apparent that this constitutional question was raised in the argument of counsel, and was not raised in the bill and in the petition?

Mr. THOMAS. I stated very clearly what the court said. The court said that they acted in confidence because of the presentation made in the brief.

Mr. JONES. I understood the gentleman to use this language:

> It therefore appears from the statement of the court itself that it had no jurisdiction in the case over either the process or the subject-matter; that the constitutional question did not grow out of the petition, but out of a brief that accompanied the petition.

Mr. THOMAS. I mean to say that, certainly.

Mr. JONES. Is it not a fact that the bill in chancery of which you have spoken raises this constitutional question? Is it not a fact that the petition of which you have spoken raises this question and assigns eleven different reasons why this law is unconstitutional?

Mr. THOMAS. If the gentleman will be patient, I will reach that in a moment.

Mr. JONES. I ask the gentleman if that is not the fact; if the petition does not set forth eleven distinct grounds?

Mr. THOMAS. I will come to that.

In addition to this lack of authority of the court, I would call attention to some facts which tend to show that the case was to some extent a collusive one, a fact which in itself, if true, would invalidate the judgment. The plaintiff is said to have had a bill to collect for work and labor against Brunswick County, for which he had a plain statutory remedy. Instead of pursuing this course he did the extraordinary and singular thing of filing a bill in chancery. The lower court immediately dismissed the case for want of jurisdiction. It is not clear from the record but that this was on the motion of the plaintiff himself, for it appears that the defendant paid no attention to the case; that the bill was taken as confessed, and that then the court, on its own motion or that of the plaintiff, dismissed the bill; that the plaintiff then, instead of bringing his suit in the proper court, appeals to the supreme court. In the supreme court the defendant again takes no part in the case. What is most remarkable is that in all of this proceeding the plaintiff is ostensibly an enemy of this Walton law, seeking to have it declared null and void. So far as this record goes the Walton law had not a friend in all Virginia. As a matter of common knowledge, at least four contested-election cases were pending in the State, all depending on the validity of the Walton law. But this humble laborer, trying to collect his bill for work and labor, had neither the help of the contestants nor the opposition of the contestees. And when the plaintiff succeeds finally in persuading the court to defeat him, he seems perfectly resigned and satisfied, enters no motion for a rehearing, pays the costs in both courts, and utterly disappears.

In Black's Treatise on Judgments, volume 2, section 699, it is stated:

> In order to make a valid judgment the suit must not be collusive or simulated; there must be a real interest, a real argument, a real prosecution, a real defense, and a real decision.

In Elliott's Appellate Proceedings, page 101, it is said:

> If the court is satisfied that the question presented is not actually in controversy, but that the case is brought merely to obtain the decision of the court on an abstract or hypothetical question, the appeal will not be entertained.

I would also call attention to the fact, clearly admitted by the court in their decision, that the question of the constitutionality of the Walton law was wholly immaterial to the case before them.

In Black on Judgments, volume 2, section 611, it is stated that—

> A point that comes up incidentally and is not necessary to the disposition of the case is obiter dictum and not entitled to the weight of precedent.

Such decisions are declared to be without the force of adjudication. (17 S. & R. Penn., 292.) A want of jurisdiction makes a judgment a nullity, and it may be so treated by any court in any proceeding, direct or collateral. (Wade et al. *vs.* Hancock, 76 Va., 620.)

We are, therefore, of the opinion, in view of the magnitude of the question, involving the political rights of more than 100,000 of the voters of Virginia, the irregular character of the suit, the strange and one-sided manner in which it was conducted and the suddenness with which it was abandoned, the irrelevancy of the Walton law to the controversy, and because the constitutional rights of American citizens are directly involved, that the House of Representatives may inquire into the validity of the Walton election law of Virginia in this case.

The next question in order is: Is the election law of Virginia, known as the Walton law, valid?

(*a*) The constitution of Virginia, Article III, section 1, provides that every male citizen of the United States 21 years old, residing in the State, is entitled to vote; and section 2 of the same article provides that all elections shall be by ballot. It is clear, therefore, that every illiterate elector in Virginia had a constitutional right to vote by ballot on the 6th of November, 1894.

(*b*) The vote by ballot ex vi termini implies a secret ballot. The secrecy of the ballot is a right which inheres in the voter, and of which he can not, against his will, be lawfully deprived. "All devices by which party managers are able to distinguish ballots and determine whether an elector is voting for particular persons are opposed to the spirit of the constitution." (6 Am. & Eng. Ency. of Law, page 343.)

> The right to vote in this manner has usually been considered an important and valuable safeguard—

Says Chief Justice Denio—

> of the humblest citizen against the influence which wealth and station might be supposed to exercise. (People *vs.* Pease, 27 N. Y., 81.)

A statute which requires the placing of a number of the ballot on the poll book opposite the voter's name and a corresponding number on the back of the voter's ballot is unconstitutional as a violation of the right of secrecy. (Williams *vs.* Stein, 38 Ind., 39.)

Courts have gone so far as to hold that a witness in a judicial proceeding can not be compelled to disclose for whom he voted. Public policy requires the veil of secrecy to be impenetrable, unless

the voter himself voluntarily determines to lift it. (Cooley's Const. Limitations, pages 604–606.)

In the present case one of the witnesses, Mr. John H. Johnson, ex-mayor of the city of Danville, testifies:

I have heard hundreds of good citizens of this town, both merchants and mechanics, say they would not support the Democratic party if they could live and make a support for their families against the heavy pressure that would be brought against them by party leaders. It is a known fact that the Democratic party had what is known as the "black list" in Danville, and when you were put upon that list you could not get any employment. I have had men come to me and tell me that if I expected to live in Danville I had better affiliate with the Democratic party.

So it will be seen that the necessity for a secret ballot would seem to be as essential in Virginia as it was in Indiana at the time of the decision we have cited above.

(c) The Walton law invades and destroys the right of secret voting.

No one will deny this. The supreme court of Virginia in their dictum admit it when they say:

A man unable to read must in the nature of things so far compromise the secrecy of his ballot as to invoke and obtain the aid of others in the preparation of his ballot.

Now, I am unable to see that it is or ever has been necessary for the illiterate voter of Virginia to compromise the secrecy of his ballot by invoking the aid of others in the preparation of it. That the aid of others to some extent under any possible system will be necessary to the illiterate voter is admitted, but not to the extent of compromising the secrecy of his ballot. Let us examine this question very carefully, for it lies very near the core of the controversy. How was it under the old election law? Under that law each party had separate ballots. Having determined which party to support, all the preparation necessary was to secure the right ballot. This every illiterate voter could do by relying upon any friend of his choice, a neighbor, an educated son or daughter, or a well-known member of his own party. But even then his informant could not know what ballot he finally voted. How is it under the new law? Separate ballots are abolished, and the names of rival candidates are all placed on one piece of paper. The law provides that this paper shall contain only the names of the different candidates with the title of each office, and on the back the official seal, to prevent forgery. The order in which the names are to be printed is not provided for. This one fact is veiled in secrecy, and made absolutely inaccessible by official oaths and penal enactments. Since all rival candidates are on the same ticket, it becomes necessary for each voter to know where on the ballot the name of his candidate is placed. This law provides that the voter shall not know this fact until he is shut out from the world in a secluded booth 40 feet away from any spectator, and that it shall be a crime for anyone, by either word, sign, or gesture, to give him any information, and that in this situation he is given a ticket just two and one-half minutes before he is required to vote it.

If the law stopped here, it would disfranchise every voter who could not read, and there would be no question of its unconstitutionality, but it goes one step further and offers the voter one single opportunity for gaining a knowledge of this one essential fact, viz, where to find the name of his candidate. It provides that he may ask one man, but no other, and he is designated as a special constable. This man may be a stranger or may belong to the party which the voter desires to defeat, or the voter may know him personally and have no confidence in him; there is no witness in sight or hearing, he has no means of knowing whether the information is right or wrong, no way of correcting an error, mistake, or fraud, and can never know by any means that would satisfy the heart or conscience of any rational man whether he voted for or against his own candidate. But this is not the worst of it. Before he can gain even this unsatisfactory assistance he is compelled to compromise the secrecy of his ballot by informing the constable who he intends to vote for. When the transaction is ended, the illiterate voter is sure of but one fact, and that is that he has revealed the nature of the vote he intended to cast to one he did not wish to make a confidant of. What wonder, then, that the record contains such evidence as the following:

W. H. Hale, 32 years old, an agent and operator (record, page 14):

Q. What effect did the operation of the Walton election law have upon the voter; whether or not a free and unrestrained ballot as the Constitution guarantees to every voter, or a tendency to deter, hinder, prevent, and keep away from the polls on election day, thus being afraid their ballots would be unfairly counted or illegally cast?

A. I think the effect was to keep a great many voters away from the polls, believing that their votes would not be counted as cast when in the hands of a special constable. This opinion is based upon conversation with people throughout the country.

L. W. Morgan, 44 years of age, a farmer (record, page 19):

Q. Was the operation of the election law such as to deter and prevent men from voting?

A. As a matter of fact, a great many did not vote at certain precincts in the county, notably, at Dickenson precinct, urging as a reason want of confidence in the special officer of election. I refer to the illiterate voters.

L. S. Thomas, 36 years old, student at law (record, page 39):

I think a number of voters failed to appear at the election because of the new law.

Dennis Hairston, colored, 60 years old (record, page 40):

Q. Did you vote at last election for Congressman?

A. No, sir. * * *

Q. Weren't you advised by some of your Republican friends not to vote?

A. No, sir; they wanted me to vote, but I couldn't see how I could vote and be justified in it, voting through some other man.

Q. Did you ever vote unless you were told by some one how you voted?

A. I had some friends out I could rely upon to show my ticket from one to another and be satisfied.

George L. Gravely, 36 years old, lawyer (record, page 49):

Q. Please state the effect of the Walton law upon the illiterate voters of your section in reference to deterring them from voting under the operation of said law.

A. I think from conversations which I had with Republican voters that the Walton law had the effect of deterring a great number of illiterate voters of that party from voting at the late Congressional election.

In marked contrast with this Walton law, which purports to be an adaptation of the Australian system, is the adaptation of the same system in the State of Michigan. Every reasonable precaution is taken to guard against fraud and to secure the rights of citizens to a free and untrammeled ballot. To do so they have exactly reversed that feature of the law we have been considering. Instead of suppressing the knowledge of the place on ballots for each candidate, it is provided that an enlarged copy of the official ballot shall be displayed at voting precincts before the time and at the election for the purpose of educating the voters and instructing them how to prepare their ballots. If such facilities for instructing voters are only reasonable and proper in a State where not more than 4 per cent of the voters are illiterate, can less facilities and opportunities be regarded as reasonable in a State where every third voter can neither read nor write?

The supreme court of Virginia in their dictum confess that the whole question of the legality of the election law turns upon its reasonableness.

This law, therefore, which compels a voter to enter the voting precinct ignorant of every fact essential to be known, and but for which he would be qualified to cast a free, independent, and secret ballot, disqualifies the voter and is null and void.

The voter must know where on the ballot the names of his candidates are. If he is permitted to gain this knowledge by ordinary means, he can cast an independent and secret ballot. If he is compelled to seek this information from a single individual against his will, the freedom and secrecy of the ballot is destroyed.

I feel warranted, therefore, in the conclusion that where the organic law of a State confers the right to vote by secret ballot, any mode of election provided by the legislature must, to be valid, provide methods of voting which are within the capacity of those thus enfranchised.

A mode of election which compels such an elector to reveal to anyone the nature of his ballot would defeat such a constitution. Under the Walton law only those electors who can read can cast a secret ballot. Therefore the Walton law defeats the constitution by disfranchising those who can not read.

PARTISANSHIP UNDER THE WALTON LAW.

Another test of the unreasonableness of the Walton law in providing this mode of election is the arbitrary power it gives to the party in ascendency. Interpreted in the light of the recent election, with 110,000 illiterate voters in the State, every one of whom must cast his vote through a special officer appointed by the party in power, and who knows the character of every ballot before it is cast, it is morally certain that while human nature remains as it is the party in power can never be defeated at the polls. It is a truth of history that power never voluntarily abdicates. A just law, it has been said, is one that makes it easy to do right and hard to do wrong. Indeed, by this standard the Walton law, which surrounds the constable with temptation, clothes him with arbitrary power, and shields him from exposure, is unjust. The two leading parties of Virginia are the Democratic and the Republican. The party in power is Democratic. So far as the evidence goes in this case, there was not a single Republican special constable appointed in the district. We call attention to the moral impossibility for any partisan, through whom a large proportion of the votes are to be cast, to act without bias. He can never be indifferent to the fact that his appointment was not an accident. Passion never rises higher than during a political campaign. Men are willing to risk their lives for success. Carriages are pressed into service and invalids are taken from their beds in inclement weather and driven miles away to the voting precinct. The value of a single vote is emphasized by every tongue, and men are reminded that Jefferson was made President by a single vote. Let us, in imagination, visit the polls at the supreme moment of an election in Virginia under the Walton law.

The storm has been gathering for weeks and months, and now its unruly waters break like a sea around the ballot box. Crowds of men, those who have voted and those who are eager to vote, gather like a raging tempest. In the center of this maelstrom

stands the special constable, the one central figure. The spot he occupies is the Gibraltar of the situation. The path of every illiterate voter leads up to him. Between the elector and the ballot box stands this omnipotent sentinel, and the first word of challenge is, "Who do you intend to vote for?" If he refuses to answer, he can go no farther, and he is disfranchised. If he answers, and votes, he can never know whether his vote was for or against his own candidate. In truth, he has not voted, but another has. If any mistake is made, it can never be corrected; if any fraud is practiced, it can never be detected; for the same law that compels the voter to divulge his secret secludes both him and his confessor from the eyes of the world, and leaves them alone while the clumsy hand of the bewildered man blindly executes the will of his master. One hundred and ten thousand Virginia voters depend upon the competency, integrity, and honor of the special constable, and above all upon his strength of character to be unmoved by his irresistible surroundings. But we are not left alone to the imagination, or rather to the obvious import of the law, however clear its light may be, for we can go to the Virginia polls in person and view the workings of this law in the light of the evidence in this case.

The evidence will show—

1. That the "special constable" tried to influence voters.

2. That persons who voted were not sure for whom they had voted.

3. That the constable failed to perform his duty.

4. That many would not vote because they had to vote through another man.

5. That the constable marked ballots so they would be thrown out.

6. That the constables and boards were Democrats.

J. A. Burnett, of Patrick County, 31 years of age, a farmer (record, page 26):

Q. Did anyone try to influence you to vote in the last election?

A. On the last election here I walked up and got my ticket to vote and came out with it and was looking at the ticket for or against the amendment to the constitution, and while I was fixing it he (the special constable) took the other one and filled it out for Swanson without asking me anything about it, and offered it back to me to vote, and I asked him why he had fixed my ticket. His answer was, that he thought I voted the Democratic ticket. I turned and walked back to Dr. Via and asked him for another ticket.

Q. Why do you suppose the constable or vote fixer thus treated you, if you knew?

A. Well, I suppose it was because he thought I could not read or write.

Steve Anderson, says 58 or 59 years, long in there somewhere; live over here this side the standpipe, this side of Henry Cousins (record, page 46):

4. Q. Did you vote in the election between Cornett and Swanson last fall? If so, where did you vote?

A. I did; in Martinsville here at the precinct.

5. Q. For whom did you intend to vote?

A. Mr. Cornett.

6. Q. Did you actually vote for him?

A. I don't know whether I voted for him or not; I didn't know which was his name and the other two candidates; and the man that gave me the ticket I told him that my aim was to vote for Mr. Cornett, and I asked him to mark out the other two candidates' names, and he marked out two, and I put my finger and asked him whose name was that, and he said it was Mr. Cornett's. I told him he was the one I was going to vote for, and that was one of the names; and he said he misunderstood me, and he says: "Take that ticket and carry it back and get you another," and I done so. Well, I asked him then to mark out all of the names there but Mr. Cornett's. There was some other gentleman back at the ballot box says: "Let him do his own marking; you has no right to mark out for no one." And I says: "Show me Mr. Cornett's name and I will mark out the others." And he says: "Do your own marking." Well, I done so, but who I voted for I can not tell for certain.

Wall Starling, 73 years old (record, page 47):

2 Q. Did you vote at the election for Congressman last fall? If so, where? And go on and tell where you voted and just what occurred to you at the election.

A. Yes, sir; here at the court-house; I went in; Mr. Dyer he told me to go to Mr. Penn Watson and git my ticket, and Mr. Penn Watson gave me two and said, "Which one will you take?" and he handed me one to carry back, and say, "See, talk fast, Uncle Wall; you haven't got long to stay," and where he put the ticket I can't tell; I told him I wanted to vote a Republican ticket out and out.

3 Q. Did anyone mark any names of the candidates on the ticket?

A. Not as I knows of.

4 Q. Did you see anyone mark on it after it came into your sight?

A. Nor, sir.

5 Q. Did you mark out any of the names on the ticket?

A. Nor, sir.

6 Q. Did you hand it back to the judges without any of the names on it being marked out?

A. Had no names marked at all.

Riley Parker (record, page 48):

RILEY PARKER, being duly sworn, deposes and says:

Examined by ATTORNEY FOR CONTESTANT:

1 Q. Your age and where do you live?

A. About 59 years old, and live in Martinsville, Va.

2 Q. Can you read and write?

A. No, sir.

3 Q. Where are you a registered voter?

A. At Martinsville, Henry County, Va.

4 Q. Did you vote at the election for Congressman last fall, November 6, 1894?

A. No, sir.

5 Q. Why not?

A. I was not here; I went to hauling wood in the morning, and as I come on back I met several of them colored—Dennis Haiston was one that I knowed; they was a telling me how they was a voting; kept on hauling all day, till the evening I went up to where they went into the court-house—the door—and Sam Travis was there. I asked him what way did he vote; he said it was Mr. Dyer was there, and I says, "Well, did you know how you voted?" He says, "Nor, I didn't, I didn't." I spoke to him, "Come on and less go down, cause I can't read, and I ain't satisfied to vote that way."

6. Q. What was it that made you dissatisfied with that way of voting?

A. Well, I couldn't read, and I didn't know whether they would mark out the right one or not.

7 Q. For whom did you wish to vote?

A. Cornett.

W. P. Adkins, 53 years old, a carpenter (record, pages 90, 91, and 63). All the officers of election at Dry Ford precinct were Democrats. They used for a ballot box an old cigar box. The number of votes polled was 111.

Q. How many voted for Cornett?

A. There were 64 men came to me and asked me to set their names down, that they had voted for Cornett, which with myself made 65. I file the list, Exhibit Adkins.

(Answer is objected to as being hearsay and not competent to contradict the election returns, by contestee.)

280 Q. Please state how it was you came to keep this tally sheet.

(Objected to as irrelevant by same.)

A. The Republicans in that vicinity had become dissatisfied at the returns from that precinct; they didn't think they were getting justice, and came to me and asked me to keep account of all Republican votes that day. I would not put a man's name down until he voted. I told them to go and vote and come and tell me, and I put their names down as they told me.

(Answer objected to as hearsay, and otherwise illegal, by same.)

281 Q. What majority and for whom were the returns from that precinct by the judges of election?

(Objected to; the best evidence is a duly authenticated copy from the returns, by same.)

A. I have seen an official copy of the poll books; they gave Swanson 68 and Cornett 43; that gives Swanson a majority of 25 votes.

(Answer objected to by same.)

"Exhibit Adkins," referred to above (see record, page 63):

EXHIBIT ADKINS.

1. W. T. Adkins.	23. R. T. Stowe.	45. Ben Hacket.
2. J. W. Elliott.	24. Dock Price.	46. John D. Carter.
3. H. J. Richerson.	25. Joseph Terry.	47. Daniel Carter.
4. B. L. Hutcherson.	26. Daniel Medly.	48. Thos. Carter.
5. C. H. Price.	27. Thomas Carter.	49. George L. Hardy.
6. Joseph Motley.	28. Wash Carter.	50. William Lipford.
7. W. C. Fowler.	29. Junious Jiggets.	51. Edward Scot.
8. W. A. Wells.	30. George Tapley.	52. Fountain Cardwell.
9. W. B. Dickson.	31. Albert Jones.	53. Robt. Coalman.
10. Robert Carter.	32. Bidney Lipford.	54. Isaac Easly.
11. Frank Coles.	33. W. H. Echolds.	55. William Tunstal.
12. James Carter.	34. Dock Shelton.	56. Oliver Rison.
13. Ugene Dickson.	35. John W. Hardy.	57. Granvil Hutchings.
14. William Jefferson.	36. William Jones.	58. G. S. Dickerson.
15. Green Thompson.	37. Thomas Elliott.	59. Charles Walton.
16. Samuel Adams.	38. W. C. Elliott.	60. Joseph Carter.
17. Albert Jones.	39. J. A. Fowler.	61. Harrison Lipford.
18. Clopton Carter.	40. J. W. Hutcherson.	62. G. W. Johnson.
19. George Younger.	41. Coalman T. Barker.	63. W. R. Adams.
20. Cahill Waller.	42. Jas. B. Hardy.	64. Charles Hutchings.
21. Joseph Carter.	43. Jessie Hutchings.	65. William Carter.
22. A. J. Hardy.	44. D. A. Herndon.	

B. L. Hutchinson, 49 years old, a farmer (record, page 92):

303 Q. Where and for whom did you vote at the November election, 1894?

A. At Dry Fork; for Cornett.

304 Q. Examine Exhibit "Adkins" I now hand you, and state whether or not the men whose names appear on that tally sheet you saw approach Mr. Adkins and request him to take down their names, they having voted for G. W. Cornett.

(Objected to as asking for hearsay and not pertinent to any issue here.)

A. Yes; they are correct. I saw them when they came to him. I was standing by his side.

305 Q. For whom did these men tell Mr. Adkins they voted?

(Same objection.)

A. They told him they voted for Mr. Cornett. I know all these men, and can call them when I see them face to face, except one or two colored men.

(Answer objected to by contestee.)

307 Q. Please state whether it was the request of a great number of Republicans of Dry Fork precinct that a list of names should be kept of the Republicans voting for G. W. Cornett, by Mr. Adkins, they fearing that they would be defrauded of their ballots, and that they would be counted contrary to the way they were cast.

(Objected to as asking for hearsay, and immaterial to any matter in issue, and otherwise illegal, by contestee.)

A. Yes, sir; he was so requested.

B. W. Jackson, 70 years old, minister of the gospel (record, pages 94 and 95):

333 Q. What position, if any, did you hold at the election, November, 1894, at the Stokesland precinct?

A. I was one of the judges.

334 Q. How many ballots were thrown out as being improperly marked at that precinct?

A. About 159; that's what I counted.

335 Q. Please state how these rejected ballots were marked and whose names were marked, if you know.

A. The charge was that they wasn't marked over three-fourths of the name; the names marked or scratched were Mr. Swanson, Mr. Hale, and Mr. Shelton.

336 Q. Was Cornett's name left unmarked on about all of these ballots?

A. Yes; on every one.

337 Q. What was done with these ballots thus rejected?

A. They were destroyed.

338 Q. At whose request?

A. At the instance of the other two judges. I asked them not to do it.

339 Q. Why did you not want it done?

A. The reason I didn't want them destroyed at once, because the constable marked them all, and I thought he ought to be held responsible, and I told them we might need them for reference.

340 Q. What were the politics of the officers of election at that precinct?

A. Two of the judges were Democrats and all the other officers of the election were Democrats except me.

341 Q. Who is the registrar, and his politics, at Stokesland precinct?

A. Mr. Paul Chatelin; a Democrat.

W. T. Thomas; aged, 31; farmer (record, page 96):

369 Q. Did you vote at the November election, 1894? If so, for whom and where?

A. I did; for Cornett, at Design.

370 Q. State whether or not anyone tried to influence you in casting your vote then and there.

A. As I went to the polls to vote Mr. Eperson asked me who I wanted to vote for. I told him Mr. Cornett. He (the constable) asked me did I want him to scratch for me. I told him yes, and when he scratched he scratched all the names off the ticket except Swanson's, and he (the constable) handed me my ticket. I looked at it and I found he didn't scratch it right. He left Mr. Swanson on there instead of Mr. Cornett; and I says, "I want you to correct this," and he took it and looked at it and said, "Oh, yes; I will correct it," and tore it in two and put it down on the ground under his foot. I tried to pick it up to show the people I was not mistaken in what he tried to do. He said, "You can't carry any tickets out from here," and he gave me another ticket.

R. E. Keen, aged 36, floor manager in tobacco factory (record, page 97):

383 Q. State the politics of all the officers, including judges, constable, and clerks of the election at that precinct at November election, 1894.

A. Democrats.

384 Q. Did you vote at that precinct at that election?

A. Yes, sir.

385 Q. Was T. H. McDearman a judge at that precinct at that election?

A. Yes, sir.

386 Q. Is he the same T. H. McDearman who stands indicted in the United States district court in Danville, Va., for frauds in previous elections?

A. Yes, sir.

387 Q. Go on and tell the manner fully in which the election at Design precinct at November, 1894, was conducted.

A. That morning myself and T. H. McDearman stretched a line 40 feet from the poll; that all had to go over that line to vote. After about three-quarters of an hour the white people goes around the house and come to the poll. I called the constable's attention to it; as the line was struck I thought it was right that white and colored both should divide by that line. Sometimes there was 4 and 5 at the polls. He, the constable, then marks the tickets wrong. I called his attention to the fact that they were wrong. He then told me that he could not mark them. I then told him if he would allow me I would scratch them in his presence and give every voter a ticket which he wanted. The constable says he would go in the house and see the judges; he left and came back and said all was willing but T. H. McDearman. I then told him that the majority, I thought, ruled. He, the constable, says to me that T. H. McDearman was the boss over them. He, the constable, also stated that the tickets which he marked wrong were through mistake. I then told the constable that I was afraid his mistakes had been going on all day; and at night when the poll was closed I was called in the house to see the ballots counted and we found 38 tickets folded two together, making 76. I also asked T. H. McDearman what objection did he have in my marking the tickets. He said, "None." I then told him that the constable said that he objected. He then spoke in the house, in the presence of the other judges, that it was a "damned lie;" that there was nothing said about me marking tickets to him; so far as he cared "he didn't give a damn who marked, Swanson would go to Congress."

388 Q. How many colored men voted there that day, and how many white men?

A. One hundred and seventy-nine colored and 123 white.

389 Q. In whose favor was the majority of ballots returned there that day?

A. In Swanson's; 52 majority over Cornett.

390 Q. For whom did the colored voters at that precinct vote that day, and how do you know?

A. For Cornett; they would call for Cornett as soon as they got over the line, and when they voted they told me so, and I put it down.

391 Q. Did all the colored men get to vote that day that were there?

A. Yes, sir; I think so.

From the contestee's evidence we note the following:

Walter Coles, jr., chairman of the electoral board of Pittsylvania County (record, page 118):

1 Q. State who compose the electoral board of Pittsylvania County.

A. Walter Coles, jr., chairman; J. H. Bolanz, secretary, and G. W. Ramsey.

2 Q. What are their political affiliations?

A. I am a Democrat; the others are both Democrats, also.

3 Q. In appointing judges of election, how many Democrats were appointed at a precinct?

A. We aimed to appoint two at each precinct. In many cases we did not know what the politics of the ones appointed were. We also took some names from the lists furnished us by the Republicans and Populists, and afterwards found that they were Democrats.

4 Q. What was the political faith of the constables appointed at each precinct?

A. They were Democrats.

J. H. Bolanz, a member of the electoral board, says (record, page 119):

Q. What was the political faith of the constables appointed for each precinct to act at said election?

A. Democratic, with the exception of about eight.

What the political faith of those eight was he does not state.

George W. Ramsey, a member of the electoral board, says (record, page 120):

Q. What was the political faith of the constables appointed at each precinct?

A. I can not tell you.

John G. Friend, member of the electoral board of the city of Danville (record, page 126):

Q. What was the political faith of the electoral board of the city of Danville which appointed officers to hold the election on the 6th of November, 1894?

A. Democrats.

Q. What was the political faith of the special constables appointed for the several wards at said election?

A. Democrats.

J. T. Orgain (record, page 131) says two of the judges were Democrats and the other, Mr. Johnson, belongs to the negro party, and that the special constable was a Democrat.

B. F. Jefferson, member of the electoral board of Neapolis (record, page 144):

Q. What was the political faith of the electoral board who appointed judges and special constables for the city of Neapolis?

A. They were sound, pure Democrats.

And, lastly, to close his proofs, the contestee brings one Moore, apparently the only special constable in the entire district who was willing to place himself in a position to be cross-examined.

J. E. Moore, aged 30, a special constable (record, page 145):

Q. Please state whether or not you refused or failed in any way, so far as you know, to help any illiterate voter who asked for your assistance.

A. In every case I discharged my duties in accordance with the law.

In addition to the above, Mr. Young says (record, page 10):

Twenty-seven ballots were thrown out in my precinct because they were blotted in folding.

Mr. Hale says (record, page 14):

Every constable in my county was a strong Democrat.

Mr. Morgan says (record, page 19):

It was the general belief that the Walton law was intended to keep the present party in power.

C. H. Ross, chairman of the county Democrats, says (record, page 27):

Most constables were Democrats; some had no politics.

Mr. Sowder (record, page 107) says:

Forty-two ballots were not counted because they had other marks than the lines.

Mr. Speaker, it is the policy of this Republic to extend and encourage the use of the elective franchise. Any law that deters, discourages, and hinders its use is destructive of the democratic principles of government. The Walton law, by clothing an officer of election with arbitrary power, by destroying the secrecy of the ballot, and by establishing a qualification in contravention of the constitution of the State, can not be upheld and enforced without the most serious consequences to our free institutions. A law which enables an officer to mislead voters, to falsely prepare ballots, to change the vote of a whole precinct, and to know the contents of ballots before they are cast is too dangerous to be upheld and too destructive to constitutional rights to be tolerated in American statute books.

By comparing the Walton election law with the law which it was intended to supersede, it will be observed that the supreme object of the new law had reference to the illiterate voters. It is true the law by its terms applied alike to the literate and illiterate, but in its application and effect it was radically different. The two laws were alike in veiling with profound secrecy the order in which the names of candidates were placed on the ballot; they were alike in providing the booth where the elector was to prepare his ballot; they were alike in limiting the time for voting to two minutes and a half, and they were alike in permitting the voter to deposit his ballot in the presence of the judges. Had all the voters been literate, there would have been no distinction as to parties in the application of the later law. But each ballot contained the names of all the rival candidates, and this new feature made it necessary for each voter to know where on the list the name of his candidate was to be found. Every educated voter acquired this knowledge by simply reading his ballot; every illiterate voter was helpless in the presence of a sudden necessity. The law which created this necessity compelled the illiterate voter to surrender his constitutional right to cast a secret ballot or be disfranchised.

What created this necessity? If it was the ignorance of the man, then it was his misfortune, of which he had no right to complain. But it did not exist under the old law; therefore it was not his ignorance, but the operation of the law which created the necessity, and this destroyed a constitutional right. The old election law permitted each political party to have a separate ballot containing only the names of its party candidates. Every illiterate elector could provide himself with one of these ballots before the day of election; could counsel with any person or friend he chose with reference to it, and finally cast a vote which he had every reason to believe expressed his political wish and which at least was absolutely secret. If he voted the ballot without change, he had the assurance that it was for the party of his choice. If he made any changes on the ticket, he had the satisfaction of knowing that in its preparation he had admitted no one to his confidence except the friends he was willing to trust.

Let us, then, consider in what manner this Walton law made it necessary for a legal voter to divulge to a stranger the name of the candidate for whom he desired to vote. It was done by withholding from him a fact the knowledge of which could have done no possible harm; a fact which every voter in Virginia had a right to know before he entered the voting booth; a fact which every illiterate voter must know in order to cast an intelligent and secret ballot; a fact which in Michigan and in other States is by law

posted in public places for the information of all voters, namely, the locality of every candidate on the official ballot. Why did Virginia withhold from her voters this essential information? Was it to guard against forgery? There were other means more effective than this which invaded no man's rights.

The quality and size of the paper and type, the art of lithographing, and, above all, the official seal, which by this law was stamped on the back of each official ballot, rendered successful forgery impossible.

There could have been but one reason for this provision, and that was to have the illiterate voter bound hand and foot and cast into the hands of a partisan official who was clothed with the power to do with his vote as he saw fit. The Virginia court, in their dictum, say with great plausibility:

> The general scheme of the law is to secure the independence of the voter by secluding him within an isolated booth, surrounded by a neutral zone, within which none may enter save those charged with conducting the election. * * * The object is to relieve the voter from influences inimical to a free and deliberate exercise of the right of suffrage, to free him from all solicitation and annoyance, and to leave him a perfectly free agent to vote as to him seems best.

The question which this reasoning inevitably suggests in every mind is, How would this zone of neutrality, this ideal seclusion, this refuge of independence, have been disturbed if the voter carried with him into the voting booth a knowledge of the order of the names on the ballot? This, we think, would be a difficult question for either the legislature or supreme court of Virginia to answer. On the other hand, it would have increased his security by destroying even the constable's excuse for entering, and it certainly would have enveloped the zone of neutrality in an atmosphere of independence.

We are therefore of the opinion that this law is unreasonable, and therefore unconstitutional, because it withholds from the voter a timely and necessary knowledge of the arrangement of the names of candidates on a mixed and consolidated ballot.

The illiterate voters of the State were intelligent enough to prepare their own ballots if they were left with the ordinary means of learning for themselves where the names of their candidates were on the official ballot. The effect of the law was to deprive them of this right. Certainly the ability to count and understand numbers well enough to buy and sell and make change in business, which the illiterate universally possess in this land, is not a qualification to be ignored, and can not be made unavailable by a State legislature. A just law should always supplement and assist, but never hinder and defeat a citizen.

That this law is calculated to disqualify the illiterate citizen is manifest in the recent election, and is made plain by the evidence in this case.

W. L. Penn, aged 60 years, and member of the electoral board of Henry County, testifies (record, pages 41 and 42):

> I superintended the printing of the tickets for Henry County; some of Swanson's friends suggested it would be better to print the names of the candidates on the ticket in varied and alternate positions. They thought it would be preferable in order that the voters might not get them by rote. Swanson's friends suggested to have the tickets printed this way to me individually when I went to have the tickets printed.

Ed. H. Davis, printer and publisher of the Grayson Gazette (record, page 110), says:

Q. State whether you set the type and made up the form from which the tickets were printed under the supervision of the electoral board of Grayson County, which said tickets were used in Grayson County in the election held the 6th day of November, 1894, for Congressman, Fifth district of Virginia.

A. I did.

Q. Please state how many candidates' names were printed on said tickets, the order in which they were printed, and describe said tickets fully.

A. Four names: C. A. Swanson, G. W. Cornett, G. W. B. Hale, and —— Shelton. I can't give the order in which they came on the tickets, but they were not all in the same order.

Q. In how many different forms were said tickets printed?

A. I set six different forms, and the names were alternate in each form; that is, as I now remember it, the names did not come in the same order on any of said six forms.

Q. How many tickets were printed for Grayson County?

A. Five thousand.

Q. Then, as I understand it, there were about 833 tickets on which the names of the candidates appeared in the same order, and six lots of tickets of about that number; is that correct?

A. The statement is correct except that the different forms were not kept separate after being printed.

Q Were they or not mixed up before being distributed to the different precincts of the county so as to include in the lot for each precinct tickets of the six different forms?

A. They were. The six different forms of tickets were printed on a single sheet at a time, and after all the tickets were printed they were counted out in sheets for each precinct, and then cut separate, making the required number of tickets for each precinct.

Q. By whose direction or by what authority did you set up and print said tickets in six different forms?

A. I don't know; the chairman of the board, E. F. S. Cox, was present and knew that they were being printed in six different forms. I also read a letter from the secretary of the Commonwealth to the chairman of the board, giving to said chairman the names of the candidates for Congress, from which letter I gathered that there was no special form required by law for said tickets.

Q. How came you, then, to set up and print said tickets in different forms with the names of the candidates in alternate positions thereon?

A. I had been told that it could be done, and I wanted to set six forms anyway, and really did not notice which names came first on the different forms.

Q. Who had told you this?

A. G. C. Porterfield, for one; I don't now remember any others certainly.

Q. According to your best recollection at the present time, who else suggested it to you?

A. I think perhaps J. A. Dickey did.

Q. What position did he at that time hold in the Democratic party of Grayson County?

A. County chairman.

Q. Was not G. C. Porterfield at that time editor of the Grayson Gazette, and a warm supporter of C. A. Swanson, the Democratic nominee at said election?

A. He was.

Q. Was it or not from the information obtained from the reading of the letter from the secretary of the Commonwealth or by the direction of the electoral board that caused you to set up six different forms for printing the tickets?

A. I can not say that it was either; if the chairman had directed me to change them I would have done so.

Q. You having decided to set up six different forms, why did you not set them all alike?

A. As I said before, I had gathered from what I had heard that it did not make any difference, and I did not try to get them alike.

Q. From this information received, did you or not set up these different forms suggested to you by C. A. Swanson's supporters in order that he might profit by the same?

A. If there could be any profit derived from it, I did, but I could not see that there would be any in it.

J. A. Dickey, merchant, Democratic chairman for Grayson County (record, page 111):

Q. For what reason was it that the tickets printed for use at said election in this county had the names of the four candidates for Congressman in varied and alternate positions thereon?

A. I thought if there was any advantage in it that the Democrats would be gainers by it, and I did not suppose there was any law against printing the tickets as stated.

John C. Taylor, aged 51 years, farmer (record, page 112), lives in Grayson County:

Q. For whom did you vote at said election?

A. I voted for Geo. W. Cornett.

Q. What was the position of his name on the ticket you voted?

A. Last, or at the bottom.

Q. Did you advise any illiterate voter after you voted as to the place Cornett's name occupied on the ticket and instruct him to mark his ticket according to the position you found the names on the ticket you voted?

A. I told Bob and Dave Day how my ticket was, and that if the tickets were all alike for them to mark out the three top ones—that Cornett's name was at the bottom.

Q. For whom did they wish to vote?

A. They said they wanted to vote for Cornett.

Q. At that time did you know that the names on the tickets varied?

A. I did not.

John H. Carrico, aged 25, law student, of Independence, Grayson County (record, page 113):

Q. State whether or not you have read and studied the Walton election law.

A. I have.

Q. Taking into consideration that all the constables appointed were Democrats, under the operation of the Walton law, under which the Congressional election in 1894 was held, could an illiterate Republican vote intelligently without letting the Democratic constable know for whom he voted?

A. Don't think he could.

Q. What is the politics of the electoral board of Grayson County?

A. Democratic.

Q. What is the political faith of the special constables appointed by that board for this county?

A. They are all Democrats that I know, and I know all but two.

Q. For whom did you vote at the election on November 6, 1894, and what position did his name occupy on the ticket?

A. For G. W. Cornett, and his name was third on the ticket.

Q. Please state whether or not you advised illiterate voters that they would find G. W. Cornett's name third on the ticket.

A. I did.

L. S. Thomas, judge of election, Henry County (record, page 37):

5 Q. State the order in which the names of the candidates occurred on the tickets furnished by the judges to the electors at said precinct under the terms of the law under which the election was held, known as the Walton law.

A. Mr. Swanson's name appeared first; I don't recall the order in which the others appeared.

6 Q. State whether the names of the other three candidates appeared in regular order on the ticket, or did they appear in alternate and varied positions?

A. On many of the tickets they were in regular order, and on many they alternated and appeared in irregular order.

J. B. Dunn, judge of election, Henry County (record, page 41):

4 Q. What was the vote polled at your precinct, and what counted?

A. Three hundred and forty-five was polled and 74 thrown out.

5 Q. State whether the names of the candidates appeared in regular order on all the tickets handed out to electors at that place on that date, or did the names appear in varied and alternate positions? Please describe the tickets fully in that respect.

A. The names were irregular on the tickets; they all didn't occupy the same position on the ticket.

6 Q. Please describe the tickets that were not counted, and declared invalid by the judges.

A. They was marked different ways; scratched different ways.

7 Q. How did the vote at that precinct stand in reference to the different candidates? Please give the number counted for each of the different candidates.

A. I disremember the exact number of each candidate's tickets. I think there was over 200 for Swanson and a hundred and some odd for Cornett, and a few for each of the other two candidates.

8 Q. Prior to this, had that precinct usually given Republican or Democratic majority; which?

A. It had usually given a majority for the Republicans, I think.

9 Q. What was the cause, then, of a majority being returned for the Democratic candidate at the last election; to what do you attribute the same?

A. I don't know as I know.
10 Q. State whether the result would have been the same had the vote been taken under the old law?
A. I don't think it would.
11 Q. Who was the loser at that precinct by the operation of the Walton law at the last election?
A. If it was left for me to decide, I should say Cornett was the loser.

Mr. Speaker, it is evident that the secrecy attending the printing and sealed distribution of the ballots would have been valueless if the order of the names had been uniform, for any man who voted first in the morning could communicate his knowledge to all succeeding voters. Every illiterate colored man in Virginia could learn in five minutes how to prepare his own ballot if he knew the number of his candidate on the list. But the Walton law meant that he should not know this fact, and the Democratic party in power meant to make it absolutely unknowable by mixing up the names in different order. A very natural question arises, Why this anxiety? The only rational answer is, To drive the illiterate voter to the special constable.

This law is a new departure in American legislation. The Australian ballot system, of which the Walton law is claimed to be an adaptation, had for its object, first, to secure the secrecy of the ballot; second, to secure a free and untrammeled vote; and third, to secure a correct return of the ballots cast; and in all of the States of the Union, from Michigan, which was the first, to Pennsylvania, which is the last to adopt the system, it has invariably been regarded as essential, in placing all candidates on one ballot, to afford electors unusual facilities and advantages to learn before the election the exact order of the names on the ballot. Some States require that the names shall be printed in alphabetical order; some that the candidate of the party having the largest majority in the preceding election shall come first, and so on through the list, and that this ballot shall be published in two newspapers of opposing parties. Can it be possible that the opposite of what is essential in all other States can be deemed reasonable in the State of Virginia? And since the nation at large is interested in these State election laws, not only so far as the members of this House are concerned, but in the executive branch, which is to be chosen by electors who are voted for by the people, it becomes of momentous importance to the nation that all forms of election laws should be just and reasonable.

One fact must be kept constantly in mind in this discussion, and that is, the right of secrecy in voting is as much a constitutional right as the right to vote itself. Therefore an election law which trenches upon one is as void as though it trenched upon the other. Suppose a law provided that the ballot box should be kept in a room into which no man should enter but the judge of election, and that when the voter handed in his ballot the judge was to immediately retire and deposit the ballot, out of the presence of the voter; this would certainly be unconstitutional as infringing upon the right of the voter to personally cast his ballot. This personal right can not be limited or qualified. So it is with reference to the right of secrecy. The moment it is communicated to one person it is no longer a secret. The right is destroyed as completely as though it was communicated to a hundred or a thousand. It is a secret only while it is locked in the chamber of a man's own consciousness. Before the law a secret admits of no degree of comparison. As Judge Cooley has said, the right of secrecy is an impenetrable veil which can not be raised save by the voter himself.

But it is said that the illiterate voter must confide his secret to some one. This is not true. The difficulty with this proposition is that it assumes that because a man is compelled to ask for information concerning his ballot that he necessarily discloses the contents of the ballot. It would not in law raise even a presumption that because I inquired about a ticket I therefore voted it.

The SPEAKER pro tempore (Mr. LACEY). The time of the gentleman has expired.

Mr. MCCALL of Massachusetts. Mr. Speaker, I understand that my colleague has nearly concluded his remarks. I ask unanimous consent that he may have leave to finish them.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent that the gentleman from Michigan may be allowed to conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. THOMAS. Mr. Speaker, but suppose an illiterate man was obliged to disclose the secret of his ballot in order to vote, is it a matter of indifference whether he selects the confidant or whether the law appoints one? Is this true of any of the secrets which the law in its mercy permits a man to keep or bestow between husband and wife, physician and patient, or lawyer and client? If it is, then the right of secrecy which is intended to nurture confidence and insure protection is indeed a snare and a delusion. No; the right to keep or bestow a secret is a personal prerogative. It is an inalienable right for which there is no substitute and no equivalent. Divorced from the will of man, it can have no existence. No oath of another is sacred enough to guard it; no bond strong enough to indemnify it. To say it shall be surrendered to a constable is to destroy it.

THE EFFECT OF THE UNCONSTITUTIONAL PROVISIONS OF THE WALTON LAW.

It is claimed that the unconstitutionality of certain provisions of the Walton law are not so essential as to invalidate the election.

Let us consider the essentiality of these provisions. In the first place, every illiterate voter is directly affected by them, for every one, without a single exception, is compelled to vote through another person appointed by this law.

According to the United States census of 1890 there were 378,000 voters in Virginia, of which 247,000 are white and 138,000 are colored. Of the colored voters 57 per cent, or more than one-half, are illiterate, and of the white voters 14 per cent, or about one-seventh, are illiterate, making in round numbers not less than 110,000, or about one-third, of the voters of Virginia who are illiterate. By this law every one of these voters is kept in total ignorance of the character of the ballot until two and one-half minutes before he is required to deposit it, and during these two and a half minutes he is shut out from all communication with the world, with no possible means of preparing his ballot save through the assistance of one person appointed by the law, and who may or may not be trustworthy, in the opinion of the voter, and who was in every instance, as disclosed by the evidence in this case, a political enemy, whose information and assistance no man living can assail or impeach or in any manner inquire into.

And yet we are told this is not essential, and is immaterial. Perhaps some gentleman will be kind enough to inform us what provisions of the law are essential.

But we are told that testimony in this case was taken only in 12 out of the entire 144 precincts of the district, and that although the injustice of the law is shown in these 12 precincts, the presumption must be that in the remaining 132 precincts the election was fairly conducted and that the unimpeached returns must be taken as conclusive. This will not do. In the first place, it appears that the election in all the precincts was conducted under the same law which worked the injustice in the precincts which were investigated.

In the next place, this evidence was taken not in one only, but in five out of the entire seven counties of the district.

In the third place, the object of this testimony was not to impeach the returns, but to show the inherent character and nullity of the law.

For these reasons the presumption which arises is that what is known to have happened in one precinct happened in all, since like causes produce like results. Moreover, it is a safe inference in every department of human investigation from a part of a homogeneous whole to infer the nature of the whole.

And yet we repeat what we have already said, the object of the evidence was to show the nature and workings of the law and its inherent nullity, not to impeach the election of actual fraud.

Mr. STEWART of New Jersey. Will the gentleman permit me to ask him a question?

Mr. THOMAS. Certainly.

Mr. STEWART of New Jersey. Does the gentleman think that it is within the purview of the House of Representatives to set aside the statute of a State on the ground that it is unconstitutional when the courts of that State have decided that it is constitutional?

Mr. THOMAS. I have so argued in my remarks. I am satisfied in my mind that I am right that they have the right; in fact, not only the right, but it is their duty.

Mr. Speaker, I champion to-day the cause of 100,000 Virginia voters, bound hand and foot in political bondage, with no outlook or hope for the future. If my contention shall fail, a republican form of government will cease to exist in Virginia.

Startling as this statement is, it is but half the truth, for if voters can be disfranchised in one State with impunity, they may be disfranchised in all States, and thus a destructive precedent may overthrow liberty itself.

If a mode of election can be contrived that will embarrass and disqualify one class of voters, then it is possible for some mode of election to be devised that will disqualify any class to whom the Constitution has extended the right of suffrage.

It was well that this contest should take place on Virginia soil. Here where the first English settlement in America was planted; here where a Henry sounded the first notes of liberty; here where the author of the Declaration of Independence lived and died; where Washington and Lee were born, the former to exemplify the love for a nation, the other to exemplify the love for a State, and both to exemplify their devotion to the cause of mankind and to a republican form of government.

It is well, I say, that on the historic soil of the Old Dominion State this new and novel and portentous issue in the cause of popular government should be fought and settled.

Perhaps no State of inferior rank would have attempted this master stroke of ingenuity to establish the supremacy of a minority. Nor would I directly or even by innuendo disparage this minority. If it were possible for me to believe in the supremacy of any minority, it would be in the illustrious descendants of the pioneers of civil liberty who have for centuries made the banks of

the James, the Rappahannock, the Shenandoah, and the Potomac sacred to home, to Christianity, to liberty, and to civilization.

But my faith is pledged for humanity, not for heredity.

The morning light is breaking not for the few, but for the many. The humblest descendant of the menial slave who was never blessed with a surname is to-day invested with the royal title of manhood and bears in his right hand the scepter of sovereignty. The new order may and doubtless does embarrass some. Traditions commend the past and apprehensions overcast the future. But standing in the midst of these new conditions it is not hard to perceive the inevitable trend of evolution. A wise statesmanship must be content to shape and direct, not to destroy that which is irresistible.

He, therefore, who stands by the least of American electors stands by the greatest. In the defense of the whole no part will be neglected or injured.

It would have been both an honor and a pleasure to have presented my report as the judgment of the majority of the committee. Such a hope might naturally have been indulged in in view of the history, principles, and traditions of the Republican party. It was this party which presided over the infancy of the New South, that was instrumental in shaping its organic laws, and is to-day rewarded by that universal evidence of prosperity which spreads from the Ohio to the Gulf and from the Atlantic to the Rio Grande.

When responsibility is once assumed, there is no safe point for cessation or abandonment.

The Committee on Elections No. 3 is composed of 9 members, 6 Republicans and 3 Democrats. When the vote was taken in the committee, the majority was composed of the 3 Democrats and 2 Republicans. Mr. JONES, a Democratic member from Virginia, prepared the majority report.

Mr. STEWART of New Jersey. Will the gentleman permit me another question?

Mr. THOMAS. Certainly.

Mr. STEWART of New Jersey. I will ask the gentleman, if the argument he has made were followed out, would not such a policy destroy a republican form of government? Is it not a matter that the judiciary are to decide whether the election law of a State is constitutional, and after it has been ascertained and decided by the judiciary, can the gentleman cite a precedent in former Congresses that this House, either expressly or impliedly, declared the law of a State unconstitutional that had been declared constitutional by the State courts?

Mr. THOMAS. If the gentleman had shown me the courtesy to follow my remarks, he would have gone over this ground with me. I have hardly time to go back over it at the present time.

Mr. JENKINS. I desire to ask the gentleman a question——

Mr. THOMAS. I am nearly through.

Mr. JENKINS. And that is, by virtue of what right does he appear upon the floor here speaking in reference to the private matters that took place in the committee? And inasmuch as the gentleman has seen fit to mention me by name, I desire to say that he entirely and totally misrepresents me.

Mr. THOMAS. Well, Mr. Speaker, it is not a private matter. In the first place, the report of the minority is signed by three Republican members. It goes without saying, that all the rest of the committee assent to the majority report. If this was a secret, why, I beg the gentleman's pardon. I supposed that was a matter of general notoriety and was perfectly proper.

That this report is acquiesced in by all the Democratic members may be pardonable, but it is a matter of regret that prominent Republicans, whose political education and local environments would naturally have led them to espouse the cause of the weak and illiterate, have not been able to see through the thin gauze of Democratic methods which has persuaded them to array themselves against the disfranchised thousands of the State of Virginia. Massachusetts and Pennsylvania, as well as Michigan, were among the first to place in the hands of the emancipated South the ballot of American freemen; and Massachusetts and Pennsylvania and Michigan should be the last to stand unmoved when artful diplomacy seeks by indirection to do that which if directly attempted would arouse universal indignation.

For Michigan let me say that when 90,000 of her sons bore the Union flag through the valleys and over the mountains of the South, when, on the march and in the field and in the hospital, they sorely needed a friend, the friend of the hour, the one who could be trusted even with life itself, who often took the place of brother and sister and father and mother, was the emancipated slave. [Applause.]

And standing here to-day, the least of her Representatives in this House, I voice the sentiments of her people, Democratic and Republican alike, when I say that in the struggle for a free ballot between the voters of Virginia and the political machine that disfranchises them Michigan is for the inviolability of the ballot.

A secret ballot is the palladium of civil liberty. It gives to suffrage at once its glory and its power. Around it gathers the peace and security of society. Before it opens the grand perspective of our elective system. The Walton law of Virginia is the first legislative attempt to invade and overthrow it. Let it be the last. [Loud applause.]

Mr. GIBSON. Mr. Speaker, I rise not for the purpose of participating in the particular matters involved in the controversy arising out of the present contested-election case, but to advert briefly to some remarks from the gentleman from Massachusetts [Mr. MCCALL] while discussing the case of Yost against Tucker a few days ago. On that occasion the gentleman said:

> We have for years here attempted to build up the Republican party in the South by seating this man and that man and by patronage; and the result is that they display their chief vitality and strength in our national Republican conventions, where they generally appear with as many different delegations as there are candidates for the Presidency. I say, what the Republicans of the South now need is to be treated upon robust principles. They have been coddled to the point of destruction.

Now, Mr. Speaker, in the first place, allow me to say that there is nothing in the record of the case of Yost against Tucker that called for these animadversions upon the Republicans of the South. There was no excuse and no provocation for this assault. In that very case the Republicans of the South seemed to divide somewhat, one of the Republicans from the State of Maryland [Mr. COFFIN] having voted for the majority report to deny a seat to Mr. Yost, the contestant. The fact is, upon all these contested-election cases from the South, the Southern Republicans have divided more or less, and in at least one case a number of them refused to vote, not being satisfied that the Southern Republican contestant was entitled to the seat. We do not come here like a clan, ready always to vote for the Southern Republican contestant, right or wrong. We have displayed a large amount of liberality and impartiality in voting upon these Southern contested-election cases, as an examination of the record will attest. The Republicans of the South want no "coddling." They want no partiality. They want no special favors. All they want is to have justice done them. [Applause on the Republican side.]

I am grateful for the argument made by the gentleman from Michigan [Mr. THOMAS] who has just taken his seat, because he has portrayed to this House the perils, the difficulties, the obstructions, and the hindrances through which a Republican of the South must pass before he has a chance to deposit in the ballot box the verdict of his heart upon a political contest pending. In many cases it is a surrender of social privileges; in many cases it means probable bankruptcy in his business; in some cases it means danger of bodily injury; and in almost all cases it means a frown from those who stand highest in social and business circles; and yet, in spite of all these things, in spite of adverse surroundings, in spite of business dangers, in spite of social proscription, in spite of ostracism, the Republican party has held to its organization in the Southern States; and in the election just gone by we have rolled up an increase in the Republican vote greater than in several other sections of our country, as some figures which I will now read will demonstrate:

	Republican vote (1896).	Republican vote (1892).	Republican gain.	Per cent of gain.
Kentucky	218,171	135,441	82,730	61
Maryland	136,959	92,736	44,223	47
Missouri	304,940	226,918	78,022	34
North Carolina	155,222	100,342	54,880	54
Tennessee	148,773	100,331	48,442	48
Virginia	135,368	113,262	22,106	19
West Virginia	104,414	80,293	24,121	30
Total	1,203,847	849,323	354,524	*41

* Average, 41 per cent.

Consider these figures, Mr. Speaker. In Kentucky, a gain of over 82,000; in Maryland, a gain of over 44,000; in Missouri, a gain of over 78,000; in North Carolina, a gain of over 54,000; in my own State of Tennessee, a gain of over 48,000; in Virginia, a gain of over 22,000, and in West Virginia, a gain of over 24,000—a total gain in these seven States of 354,000, more than one-third of a million, and all in four years. [Applause.] And in the contest last fall, Mr. Speaker, the Republicans of the South in many places had nothing to sustain them except their devotion to principle. The general tendency in the South was to believe that there was something in the suggestion that we needed more money.

The gospel of free silver was proclaimed on the hilltops and in the valleys, on the right hand and on the left, and many a Republican in the South, thousands and thousands of them, had some indefinite misgiving that there might be something in the gospel of free silver; but they preferred to plant themselves upon the Republican platform and rely upon the Republican party and Republican doctrines, believing the Republican party to be the business man's party and the patriot's party and the only party

able to bring prosperity to the people of the United States through legitimate business channels. [Loud applause on the Republican side.] And it took the heroism of a hero; it took the faith of a saint, and it took the nerve of a martyr in many portions of the South to vote the Republican ticket on the 3d day of last November. And after we have fought these battles, after we have incurred these dangers, after we have encountered these obstacles—after all this, to be told upon the floor of the Congress of the United States that we want to be "coddled" like a puling baby in the arms of its nurse! I hurl back that word as an insult to the Republican party of the South [applause], and I am glad to know, Mr. Speaker, that the Republicans of no part of our country, North, East, or West, sympathize with the sneer or the contumely conveyed in that word "coddled."

Mr. Speaker, all that the Republicans of the South want is a fair show. That is all we ask, and when it is once given us, whether as the result of the evolution of right or as the result in part of the action of the Congress of the United States in properly dealing with these contested-election cases, when once we are given a free ballot and a fair count in those States of the South where they are denied, you may rest assured that every State in the South will roll up a Republican majority. [Applause.] For, Mr. Speaker, I say here in my place this day there is not a State south of Mason and Dixon's line that would not to-morrow give a pronounced Republican majority if every male citizen within its borders over 21 years of age were allowed to go freely to the ballot box and deposit his ballot for the choice of his heart and have his ballot counted exactly as it is cast. [Applause.] And yet we are told that the Republicans of the South want to be "coddled!"

After we have made our fight, after we have overcome obstacles which you men of the North and you men of the East and you men of the West know nothing about; obstacles of which the election laws of Virginia as they have been laid before you this day are but a small sample—after we have overcome these obstacles, after we have fought the good fight and kept the faith, when we come here expecting the crown of glory, we are told that all we want is to be "coddled;" and that the time has arrived when the Republicans of the South need to be treated upon "robust principles!" What is meant by "robust principles" I do not know, Mr. Speaker, unless the gentleman means to serve notice upon us that in the future whenever a Republican from the South contests a seat on this floor, he is to be kicked out by the Committee on Elections. I suppose that is what is meant by treating us on "robust principles," and I am free to admit that those are very robust principles. [Laughter.]

Mr. Speaker, it was said of Aristides of old, who was banished by the Athenians, not because of any offense of his own, but because people had grown tired of hearing him called "The Just," that as he passed out through the gates of Athens he raised his hands to heaven and prayed to the gods that Greece might never need the help of his strong right arm. So, sir, I pray here to-day that the Republicans of the East, and the Republicans of the North, and the Republicans of the West may never need the help of the Republicans of the South. I hope, gentlemen, you will always be strong enough to maintain a majority in the Congress of the United States, and to keep a man of your choice in the White House at the other end of the Avenue. But as Greece did require the aid of Aristides in the dark days of her national danger, so I say to you men who talk about "coddling" the Republicans of the South, that the day may come when you will turn your hands toward the Republicans of the South and cry, like Cæsar of old, "Save us, or we perish!" [Applause.]

Mr. Speaker, was I recognized for the full hour?

The SPEAKER pro tempore (Mr. PAYNE). The gentleman was recognized for twenty minutes.

Mr. GIBSON. I repeat, Mr. Speaker, all that we Republicans of the South ask is justice. Now I want to give this House a sample of the sort of justice that is accorded us here. Two or three days ago we had before this body two claims. One was called a Cayuse claim, a claim for $350 compensation for the killing of some cattle by our troops in the year 1847, fifty years ago, out in the Indian country. That claim was fifty years old, but it was the claim of an Iowa man and that was enough; it was paid. As soon as the Iowa gentleman had taken his seat, having got his claim allowed, a Kentucky member here, my friend from the Eleventh district of Kentucky, rose and presented a Kentucky claim for two mules that had done service in the Union Army, for these identical mules are shown by the record to have been used in the Union Army during the war for the suppression of the rebellion. The owner claimed compensation for those two mules that the Union troops had taken for their own purposes, had taken to assist them in putting down the rebellion, but he was denied payment, and yet these two mules had helped to save our country. That is a sample of how the Republicans of the South are being "coddled."

Mr. LEWIS. Yes; that is a sample.

Mr. GIBSON. Yes, sir; that is a small sample of it. Again, the Court of Claims has passed upon a hundred and more claims by due process of law, and decided that that number of persons living south of Mason and Dixon's line are each entitled to be paid the amount of his claim, but we have been unable, either during this Congress or during the last Congress, to call up a single one of those claims, much less the whole of them, and have it paid. And yet, Mr. Speaker, on the events which gave rise to those claims was based the salvation of our country, because I say here, and I say it knowingly, that had it not been for the Union men of the South, the rebellion would never have been suppressed. It was their strong arms, their heroism, their faith in their country, their valor on the battlefield, that turned the scales of victory.

The Union armies could never have subsisted in the South in some of the most perilous periods of the war had it not been for the provisions and the forage that the Union people of the South voluntarily poured into the Union camps to support the men and feed the horses and save the army from being forced to retreat to the Ohio River for subsistence and forage. And yet, notwithstanding the sacrifices we have made, notwithstanding the patriotism displayed, notwithstanding the heroism exhibited, we have had pitiful and scant justice on this floor. And when a Republican out of many (for nearly all the men seated at the last session were Populists)—when a Republican comes here asking to be seated, we are told he is to be dealt with "on robust principles," and that the mere asking of the right to a seat is asking to be taken up into the arms of this House and "coddled" like a baby in its swaddling clothes.

Now, Mr. Speaker, let me allude to the vote in the Yost case. There were 119 Republicans voting to seat Mr. Yost and only 53 Republicans voted against seating him, the balance of the votes against him being Democratic. The Republicans in favor of Mr. Yost were more than 2 to 1. And that very fact—the fact that a large majority of the Republicans of this House were in favor of seating Mr. Yost—satisfies me that the gentleman from Massachusetts, when he spoke of "robust principles" and "coddling," did not represent the Republican majority in this House. I am glad to know it. I will take that fact home with me to my people, and when they ask me what was said about "coddling"—what was said about treating the Republicans of the South on "robust principles"—I shall be able to stand up and say to them: "My friends, that was the utterance of a man who was not backed by the Republican majority in the House of Representatives. He was not sustained. One hundred and nineteen Republicans voted against him and only 53 Republicans voted with him."

In his speech the gentleman referred to the Hall of Ulysses. He says that the slaughter of the Democratic Congressmen at the last session reminded him of the slaughter of the lovers of Penelope. Now, that was a remark not at all complimentary to our Democratic colleagues here, because the lovers of Penelope were wrongfully in that house. They had no right to be in that house. They were trespassers there.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GIBSON. I ask for five minutes longer.

Mr. McCALL of Tennessee. I ask unanimous consent that my colleague be allowed five minutes more.

There was no objection.

Mr. GIBSON. The lovers of Penelope had no right in the Hall of Ulysses. They were there as interlopers; they were there as trespassers; they were there devouring the substance of the grand old hero then wandering on sea and wandering on land, fighting the stars in their courses, and with the fates arrayed against him. And so, when the gentleman speaks of their slaughter, he speaks of the slaughter of men who were in the wrong. And his simile is not at all complimentary to the Democratic members on this floor. The lovers of Penelope ought to have been slaughtered according to the ethics of those rude times. And so the man that comes here to take a seat to which he is not justly entitled—I care not whether he be Republican or whether he be Democrat—should be denied that seat. But I say this to Republican members here: That whenever a Republican in a Presidential election in any of the Southern States comes within a thousand votes of a majority, it is absolutely certain that if a fair election had been held and a fair count of the result made he would have had a thousand majority. [Derisive laughter on the Democratic side.] There is no question about that.

Mr. MEREDITH. I deny it.

Mr. GIBSON. Of course you deny it. That is part of your platform.

Mr. MEREDITH. The gentleman when he makes that statement knows it is not true.

Mr. GIBSON. I know it is true.

Mr. MEREDITH. I deny it.

Mr. GIBSON. You are paid to deny it. You are sent here for the purpose of denying it.

Mr. MEREDITH. That is absolutely false.

Mr. GIBSON. Your State and every one of these negro States—I would not live in one of them. So far as I am concerned, I want to say here that I represent a white constituency. There are only about 4,300 colored voters in my whole Congressional district. I represent one county that has only seven colored voters born in it. I am proud of the constituency I represent. And I ask nothing for it. We are able to take care of ourselves. I was sent here by a majority of 18,664.

Mr. MEREDITH. God help the majority, then!

Mr. GIBSON. In every section of the South where the whites are in a majority, there the Republicans are in a majority. [Applause on the Republican side.] It is only by the infamous Democratic election laws that the negro vote is turned against the party of their choice. [Applause on the Republican side.] And when ever that negro vote is voted as the Constitution of our country intended it should be, and as Republican liberty requires it to be, then Democratic domination in the South will have come forever to an end. [Applause.] And then we shall no more have men rising on the floor here and saying they deny it. Those men will be left forever in the rear, and so far in the rear that the most improved telescope will be utterly unable to discover their existence politically. [Applause.]

Now, Mr. Speaker, having been given this opportunity to represent the views and the condition of the Republicans of the South, thanking the House for its courtesy in extending my time, I bring my remarks to an end. [Applause.]

Mr. MCCALL of Massachusetts. Mr. Speaker, I would like to inquire how much time is remaining to me?

The SPEAKER pro tempore (Mr. PAYNE). The gentleman has fifty-seven minutes remaining.

Mr. MCCALL of Massachusetts. I yield twenty minutes to my colleague on the committee, the gentleman from Wisconsin.

Mr. JENKINS. Mr. Speaker, as a member of the Committee on Elections, reporting the case now pending before the House, it will be my duty in the brief time allotted to me to present simply the facts in the case. I have not time, in the twenty minutes accorded me, to go into any extended or detailed inquiry into the validity of the claims presented by the gentleman from Tennessee [Mr. GIBSON] who has just taken his seat, but shall confine myself to the great question as to whether or not the gentleman whose seat is contested on this floor is entitled to retain that seat. That is the question before us. And therefore I shall be compelled to confine myself to the law and evidence in the case that is now pending. Because the House has to consider this matter, it is sitting in a judicial capacity; and it ought to determine this question in a judicial manner. The ordinary questions of politics, the rights and wrongs of the Republicans of the South, or any other people, ought not, it seems to me, to be intruded here, where we are sitting as judges to determine correctly a grave constitutional question.

Now, Mr. Speaker, when we look at the facts before the committee, we find that the contestee in this case comes to the House with a certificate of election based upon a plurality of 2,333. The gentlemen who make the minority report hunted long and faithfully in order to find some fraud, or other means, by which to oust the contestee from his seat. But after diligent search it was impossible for them to find any element of fraud in connection with the matter, and so they reversed their prior course and reported to the House that the law of the State of Virginia, under which the contestee holds the seat, is unconstitutional, and therefore that there was no election.

Now, I think, sir, that the House should be most thoroughly advised as to its own record on this identical question, because it has established during this Congress, and notably at the last session, a large number of precedents that certainly ought to be considered as the rule of the House in determining another case of the same character.

As far as the facts are concerned immediately connected with the election, it seems that there are 144 election precincts in this Congressional district. In only 12 of these precincts was any testimony taken, and there are only 5 of the precincts referred to in their notice of contest. But we took proof with reference to 7. Now, sir, if we throw out every one of these precincts, conceding that the votes therein cast were fraudulent and ought not to be counted, still the contestee would hold his seat by a plurality of over 1,600 votes; and it seems to me that this is a very important matter, and that the House should thoroughly understand it.

If I understood my colleague on the committee, the gentleman from Michigan [Mr. THOMAS], he said that there were four cases from Virginia already pending, and all depending on the validity of this law, and he further followed up the statement by another statement, wherein he said that the law of Virginia was unreasonable—he did not say that the law of Virginia was unconstitutional, but that the law was unreasonable—and therefore on account of its unreasonableness it was unconstitutional.

Now, as a lawyer, I can not subscribe to such a doctrine as that, that because the law is unreasonable it is therefore necessarily unconstitutional. It does not follow by any means. If the law is unconstitutional, it is because it violates one provision of the Constitution. In the language of the learned and labored argument read here by the gentleman from Michigan this morning, which is based practically upon his minority report of the case, he nowhere cited a single provision of the Constitution in order that the House might determine judicially whether the law of Virginia is in violation of the Constitution or not.

But, Mr. Speaker, I call the attention of the House to the precedents established by this House itself upon this identical question. Assuming, for the sake of argument, that the law of Virginia is unconstitutional, there is not a single particle of evidence here, sir, that anyone was deprived of his right by reason of the unconstitutionality of the law, but everybody there seems to be proceeding on the theory that it was a valid law, and that an election was held under it, and everybody there was permitted to participate in that election. I call the attention of the House particularly to the fact that in the resolution offered here there is no evidence that any man was complaining of the unconstitutionality of the law, or that he was denied any right by reason of its unconstitutionality; but, on the contrary, that everyone who was an elector of the State was permitted to exercise his political right. Therefore I say that you will not find in the record appended to the case anything to show that any elector of the State of Virginia was deprived of his legal right by reason of that law. It therefore was a de facto election.

Now our contention is, and was in the committee, as a matter of law——

Mr. STEWART of New Jersey. Will the gentleman allow me to ask him a question?

Mr. JENKINS. Certainly.

Mr. STEWART of New Jersey. Is it not a well-established principle of law that the de facto officer holds his office until the de jure officer shall have been duly appointed and qualified?

Mr. JENKINS. I so understand it; that would be my view of the law.

Now, I want to say, Mr. Speaker, that in this long, learned, and elaborate report submitted by the minority and in the long speech read here by the gentleman from Michigan [Mr. THOMAS] there was no claim made that the contestant in this case has a majority. There is no suggestion that an elector was denied the right to vote or that there was any fraud. No such charge was made, nor is there any claim that for any reason the contestant is entitled to his seat or that, if the law had been constitutional, a different result would have been reached.

Now, Mr. Speaker, at the last session of this Congress there were 9 cases decided by this House and at this session 2 cases decided by this House—11 in all—where this constitutional question was raised, and this House subscribed to the doctrine that, even conceding the law to be unconstitutional, yet if an election was held under that law—a de facto election, as I have said—then the contestant was not entitled to his seat by virtue of the unconstitutionality of that law, but that he must go further, and show by competent evidence that in fact enough electors were deprived of their legal rights by virtue of the unconstitutionality of the law to change the result.

Now, those cases arose in three of the States of this Union. There was the case of Thorp *vs.* McKenney, a case arising under this very same law. There were twenty-two pages of the report in that case, and not a single word was said therein against the law. There was the celebrated case of Yost *vs.* Tucker, to which reference has been made, in which case there were thirty-eight pages of report; but not a single word was said against this law. Then, again, there was the case of Hoge *vs.* Otey. Now, Mr. Speaker, it seems to me that these gentlemen are very inconsistent in coming before this House to-day and saying that the contestee is not entitled to retain his seat on account of the unconstitutionality of this law, when in three prior cases these same gentlemen have reported in favor of one party or the other holding his seat, and maintaining that that law was valid.

Now, it is begging the question to say that the constitutional question was not raised in those cases. That is a question for this House to determine without any allegation whatever, because, if a gentleman can not retain his seat in this House on the bare fact that he is holding it here under a law that is unconstitutional, then of course that gentleman is not entitled to membership in this House, and it would be the duty of the House on its own motion to exclude him. Therefore, we can not dodge this question by saying that that question was not particularly called to the attention of the House.

Mr. STEWART of New Jersey. Will the gentleman yield for one more question?

Mr. JENKINS. Yes.

Mr. STEWART of New Jersey. Does not Judge Bigelow lay

down in his work on estoppel the doctrine that where two persons participate in an election, both are estopped from denying the validity of the law under which the election is held?

Mr. JENKINS. If my friend from New Jersey says that that is the rule, I will accept it as correct. I am not familiar with Bigelow on election cases. I would admit it if I knew it to be the fact; but at the same time I call the attention of the House particularly to the report that was made in the Mississippi cases. This same committee had three cases before it from the State of Mississippi, and my learned friend from Michigan [Mr. THOMAS] subscribed to the majority report. I want to invite the careful attention of the House to the report that was made in all three of those cases. A part of the report, as I take it from the case of Newman *vs.* Spencer, reads as follows:

> As the committee is of the opinion that a decision that the constitution of the State of Mississippi was invalid would not necessarily deprive the State of representation in Congress, it does not attempt to decide that question, and in the absence of any testimony on behalf of the contestant it recommends the adoption of the following resolutions.

Which resolutions were in favor of the contestee.

Now, Mr. Speaker, that doctrine was correctly set forth that in the absence of evidence the fact that the law was unconstitutional would not affect the case.

Those Mississippi cases were followed by four cases from the State of South Carolina. Let me call the attention of the House to the statement that in all four of those cases the committee, as shown by their reports, were unanimous in favor of the unconstitutionality of the law; and yet, upon the recommendation of that committee, three gentlemen were seated under that unconstitutional law. Therefore I say that it is too late for this House at this time to turn down and reverse all of those precedents and to hold that, on account of the unconstitutionality of the law, the contestee is not entitled to his seat.

Now, Mr. Speaker, there was one thing suggested here this morning by a question asked by the gentleman from New Jersey [Mr. STEWART] which is very important here for our consideration. It is the identical doctrine that was so bitterly opposed by the gentleman from Michigan [Mr. THOMAS], when he spent so much time in attacking the supreme court of the State of Virginia; that is, the doctrine that we are bound by the decision of the supreme court of Virginia upon the constitutionality of this law. The attention of the House in other cases has been called to authorities sustaining that position. Now, I was a little surprised at the language used and the position taken by my learned colleague on the committee [Mr. THOMAS], because, if I understood him correctly—and I do not desire to misquote him—he terribly misrepresents the supreme court of the State of Virginia, and misrepresents the facts in that case. If I understood him, he said that it was an action for the collection of a debt, and though, in response to a question addressed to him by the gentleman from Virginia [Mr. JONES], he said that before he got through he would state whether or not the constitutional question was raised by the pleadings, I do not remember that he said anything further on the subject; but I did understand him, as far as his argument went, to say that that action was brought by a person in the State of Virginia for the purpose of collecting a debt, and that it was a collusive action, and that the plaintiff disappeared from the court soon after the bill was taken as confessed in the court below.

Now, I want to say, Mr. Speaker, that those statements, if I understood them correctly, are not correct. I have that case in my hand, and I have very carefully considered it. I want to say that as far as that case is concerned it was an action brought directly by electors of the State of Virginia for the express purpose of testing the constitutionality of that law, and that was really the only question that was involved in that case. I think that that case was well decided.

Now, it is stated, Mr. Speaker, in the opening of the case, and referred to by the judge who read the opinion, that the case was brought by electors of Virginia for the purpose of preventing the proper officers from doing certain duties in regard to that law. It seems that there were some things done under the law by some of the election officers of the State of Virginia, and that they applied for payment for their services; that orders were drawn and they were going to be delivered, and the case was brought by these electors to prevent the payment of these orders. The supreme court, I think, properly held that they had not proven an equitable action, and their remedy was later on. The constitutionality of the law was directly raised in the case, and that necessarily, for they pleaded specially that the law was unconstitutional; and that they had no right to create any liability under a law which was unconstitutional. The court held that this very law which is attacked by the minority of this committee was unconstitutional; and now I think it is a very unfair thing to come before this House and say that the plaintiff dropped out of the case. He did not drop out of the case until after the supreme court had passed upon it, and it would naturally follow for one to drop out of a case then. But when his case was decided by the court below he took steps to have the case passed upon by the supreme court of the State of Virginia. He could do nothing more. He did all he could to bring it to the attention of the court, and in a very elaborate and learned argument the question of the constitutionality of the law was presented to the court, and, as I said, the court unanimously held that the law was constitutional. Therefore I say, Mr. Speaker, that we are absolutely bound by that law, and to look also to the decisions of this House, this House having decided in this Congress eleven separate cases, that even admitting that the law is unconstitutional, it does not affect a member's right to a seat.

We are asked now to reverse that action and hold contrary to all these precedents overwhelmingly created in this House, and to say that this gentleman is not entitled to his seat because that law is unconstitutional.

If that is correct, Mr. Speaker, there is not one of the gentlemen sitting upon this floor to-day from the State of Virginia entitled to his seat in this House. If this House can go so far as to exclude the contestee from his seat, it is their plain duty to go further—because we take judicial notice of this case—and exclude the other nine members upon the ground that they have no right to sit here in this House. It seems to me that we would be occupying a very inconsistent position to say that this one gentleman is not entitled to a seat here because the law is unconstitutional, and that the other gentlemen should be entitled to their seats.

Now, Mr. Speaker, I want to go further and say that I do not believe that there is any lawyer upon this floor who will carefully examine this law who will say for a moment that the law is unconstitutional. It merely provides that in the case of an illiterate voter a constable appointed for the express purpose, and who takes an oath to properly discharge his duties, shall point out to the illiterate voter and mark for him as asked the names on his ticket. But that does not disclose for whom he wants to vote. Now, it seems to me it is not sufficient to say that it is unconstitutional. As a lawyer, after careful examination, I agree with the chairman of this committee that this provision of the law of the State of Virginia is not unconstitutional, but it is constitutional, Mr. Speaker, and we are backed up in that opinion by the decision of the supreme court of the State of Virginia, the only proper tribunal to pass upon that question.

But, Mr. Speaker, I am informed by a creditable gentleman who has examined the law of the State of Michigan that they have a law somewhat similar there. I am told by this same gentleman that the law of the State of Michigan does not provide that the election officers shall be divided between the two political parties, or appointed from the two political parties, but that the law is silent in reference to that, leaving it, as under the law of Virginia, for them to select them from any one party that they see fit; but there is still further in that law a provision that the illiterate must call upon two gentlemen of opposite politics——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MILNES. I would like to say to the gentleman who has just taken his seat that the law of Michigan does provide for a nonpartisan board.

Mr. THOMAS. I yield fifteen minutes to the gentleman from Tennessee.

Mr. MCCALL of Tennessee. Mr. Speaker, as I understand the case before the House, the Committee on Elections is unanimous in reporting that there are but 12 precincts attacked by the contestant, and that, eliminating those 12 districts from the election returns entirely, the contestee is still elected by something like 1,500 majority. That being so, it removes the question of fact from the consideration of the House, and the only question left to be determined is, Shall the sitting member be continued in his seat or shall he be ousted? As I understand from the discussion, the only way to oust the sitting member would be to hold that the election laws of the State of Virginia are unconstitutional.

Now, sir, I do not intend to go into the question of the constitutionality of the election laws of the State of Virginia, nor to discuss the pending case at length one way or the other, but rather to speak of election laws in a general way and for a few moments only. Within the last eight years the election laws in all or nearly all the States have been modified and changed in the name of "reform," and the Australian ballot system is the one that has been most generally adopted by the Northern, the Western, and the Eastern States. Those States have adopted the Australian ballot law almost in its purity, while the Southern States, under guise of adopting the Australian ballot law, have given us a system of election law that is for the most part a corruption of the Australian system. They have twisted and modified that system until now it is with difficulty that a man who is not educated can vote at all in the South. I have arisen on this occasion merely to ask unanimous consent to have printed in the RECORD

as a part of my remarks a tabulated statement of the election laws of the several States of the Union, tabulated only a few days ago by an ex-member of this body, Hon. John C. Houk, of Tennessee. This statement gives the election laws of every State in the Union, and shows that they are all framed more or less after the Australian ballot system. The Virginia law which applies in the pending case is given here among the others, and I now ask consent to print this tabulated statement in the RECORD.

There was no objection, and it was so ordered.

Mr. MCCALL of Tennessee. I thank the House. I believe members will find this statement a treasury of information clearly and intelligently arranged and correct in the main. I will not detain the House longer, but will yield the remainder of my time back to the gentleman from Michigan [Mr. THOMAS].

The statement presented by Mr. MCCALL of Tennessee is as follows:

Table showing the provisions of the election laws in the different States.

[Compiled by John C. Houk.]

State.	Prepayment of poll tax.	Registration.	Official ballot.	Party column or group.	Politics opposite candidate.	Party emblem.	One mark for straight ticket.
NEW ENGLAND.							
Maine	No	Limited	General	Column	No	No	Yes.
New Hampshire	No	No	do	Group for electors	Yes	No	Electors only.
Vermont	No	No	do	Column	Yes	No	Yes.
Massachusetts	No	General	do	Group for electors	All except electors	No	Electors only.
Rhode Island	No	Limited to persons not paying a tax.	do	do	do	No	Do.
Connecticut	No	General	do	Official ballot each party.		No	
MIDDLE.							
New York	No	General	General, except for schools.	Column	No	Yes	Yes.
New Jersey	No	do	General	Official ballot each party.		No	
Pennsylvania	Yes; State or county tax.	General, but avoidable.	do	Column	No	No	Yes.
Delaware	Yes; county tax	General	do	do	No	Yes	Yes.
Ohio	No	Limited	do	do	No	Yes	Yes.
Indiana	No	No	do	do	Yes	Yes	Yes.
Illinois	No	Limited	General, except for schools.	do	No	No	Yes.
Michigan	No	General	General	do	No	Yes	Yes.
Wisconsin	No	Limited	do	do	No, except individual nominations.	No	Yes.
WESTERN.							
Minnesota	No	General	General	Group for electors	Yes	No	No.
Iowa	No	Limited	General, except for schools.	Column	No	No	Yes.
Missouri	No	do	General	do	No	No	No.
Kansas	No	do	do	do	No	No	No.
Nebraska	No	do	do	Group for electors	Yes	No	No.
South Dakota	No	No	General except for schools.	Column	No	No	Yes.
North Dakota	No	Limited	General	do	No	No	No.
Montana	No	General	General except for schools.	do	No	No	Yes.
Wyoming	No	do	General	Group for electors	Yes	No	No.
Colorado	No	General except for schools.	do	Column	Yes	Yes	Yes.
Utah	No	General	do	Group for electors	Yes	Yes	Yes.
Idaho	No	do	do	Column	No	No	No.
Washington	No	Limited	General except for schools.	Group for electors	Yes	No	Yes.
Oregon	No, except for schools.	No	General	do	Yes	No	No.
Nevada	No	General	do	do	Yes	No	No.
California	No	do	do	Column	Yes	No	No.
SOUTHERN.							
Maryland	No	General	General	Column	No	Yes	Yes.
Virginia	No	do	do	Group for electors	No	No	No.
West Virginia	No	General, but avoidable.	do	Column	No	No	No.
Kentucky	No	Limited	do	do	No	Yes	Yes.
Tennessee	Yes	do	Limited	Group for electors	No	No	No.
North Carolina	No	General	Unofficial ballot for each party.			Optional	Do not mark.
South Carolina	All polls due	do	Unofficial (2½ by 5 inches).			No	Do.
Georgia	All taxes since 1878	do	Unofficial ballot for each party.			No	Do.
Florida	Yes	do	General	No	No	No	No.
Alabama	No	do	do	No	No	No	No.
Mississippi	All taxes for two years.	do	do	No	No	No	No.
Louisiana	No	do	do	Group for electors	All except electors	No	No.
Texas	No	Limited	Limited	Column	No	No	No.
Arkansas	Yes	No	General	No	Yes	No	No.

State.	Vote by scratch or X.	Mark each name voted.	Poll-tax receipt or registration certificate presented.	Instruction or sample ballot.	Voter assisted.	Primary laws.
NEW ENGLAND.						
Maine	X	Optional	Neither	Both	If can not read, etc	Limited.
New Hampshire	X	Except for electors	do	do	do	Do.
Vermont	X	Optional	do	do	If "physically or mentally," etc	Do.
Massachusetts	X (stamp)	Except for electors	do	do	If physically disabled, etc	Yes.
Rhode Island	X	do	do	do	If can not read, etc	No.
Connecticut	Do not mark except to scratch.	Scratch those not voted.	do	Official ballot given out.	Only to envelope tickets	Yes.
MIDDLE.						
New York	X	Optional	Neither	Both	If illiterate, etc	Yes.
New Jersey	Do not mark except to scratch.	Scratch those not voted.	do	do	If physically disabled, etc	Yes.

Table showing the provisions of the election laws in the different States—Continued.

State.	Vote by scratch or X.	Mark each name voted.	Poll-tax receipt or registration certificate presented.	Instruction or sample ballot.	Voter assisted.	Primary laws.
MIDDLE—cont'd.						
Pennsylvania	X	Optional	Neither	Both	For "any disability"	Yes.
Delaware	X (stamp)	do	Tax receipt	do	If can not read, etc	Limited.
Ohio	X	do	Neither	do	If physically disabled, etc	Yes.
Indiana	X (stamp)	do	do	do	If can not read, etc	Yes.
Illinois	X	do	do	do	do	Yes.
Michigan	X (stamp)	do	do	do	do	Yes.
Wisconsin	X	do	do	do	do	Yes.
WESTERN.						
Minnesota	X	Yes	Neither	Both	If can not read, etc	Yes.
Iowa	X	Optional	do	do	do	Limited.
Missouri	Scratch	Scratch those not voted.	do	Instructions	do	Yes.
Kansas	X	Yes	do	Both	do	Limited.
Nebraska	X	Yes	do	do	do	Yes.
South Dakota	X	Optional	do	do	do	Yes.
North Dakota	X	Yes	do	do	do	Yes.
Montana	X	Optional	do	do	If physically disabled, etc	Yes.
Wyoming	X	Yes	do	do	If can not read, etc	Yes.
Colorado	X	Optional	do	do	do	Limited.
Utah	X	do	do	do	do	Do.
Idaho	X	Yes	do	do	If physically disabled, etc	Do.
Washington	X	Optional	do	Full instructions	If can not read, etc	Yes.
Oregon	X	Yes	do	Both	do	Yes.
Nevada	X	Yes	do	do	If physically disabled, etc	Yes.
California	X (stamp)	Yes	do	do	If can not read, etc	Yes.
SOUTHERN.						
Maryland	X (indelible pencil)	Optional	Neither	Both	If can not read, etc	Limited.
Virginia	Scratch	Scratch those not voted.	do	Neither	do	No.
West Virginia	do	do	do	Both	do	No.
Kentucky	X	Optional	do	do	do	Yes.
Tennessee	X	Yes	Both	Instructions	If physically disabled, etc	Limited.
North Carolina		No	Neither	Unnecessary	Unnecessary	No.
South Carolina			Both	do	do	Yes.
Georgia		No		do	do	
Florida	X	Yes	Neither	Instructions	If blind or disabled	Limited.
Alabama	X	Yes	do	Neither	If can not read, etc	
Mississippi	X	Yes	Proves payment taxes.	Instructions	do	Yes.
Louisiana	Obliteration by stamp.	Yes	Registration certificate.	do	If physically disabled, etc	Limited.
Texas	Scratch	Yes	do	Candidates can print	If can not read, etc	No.
Arkansas	do	Scratch those not voted.	Neither	Full instructions	do	Limited.

EXPLANATION.

The foregoing table has been carefully compiled, mainly from pamphlets containing the election laws furnished by the respective secretaries of state.

Every State in the Union, except Rhode Island, Georgia, Alabama, Mississippi, and Tennessee, has published its election laws in special form. On some few points the general statutes or codes of States have been consulted, and questions have been propounded to and answered by secretaries of state through the mail.

While it is not insisted that the tabulation is perfect, it is claimed to be substantially correct, so far as it goes, most of it having been verified with special care.

The tabulation has been arranged by grand divisions, so as to more readily show, as far as they may be indicated by the table, the development of the election laws in each general section of the country.

The election laws of each State have, with just or unjust intention, been materially amended, almost without exception, since 1888, the year what is known as the "Australian law" began to gain permanent foothold in this country. Michigan led the way in the direction of the Australian system in the United States.

The table shows about 585 points in relation to the election laws of the various States, or about 13 points for each State.

1. In the column headed "Prepayment of poll tax" is indicated what States require prepayment before a voter can vote.

2. In the column headed "Registration" the word "general" means that registration prevails throughout the State, while the word "limited" means that registration is confined to certain counties or cities.

3. In the column headed "Official ballot," the word "general" means that the ballot is printed by the State or county, throughout the State, while the word "limited" means that the State or county prints the ballot only in certain counties.

4. In the column headed "Party column or group," the word "column" means that the ballot contains a column for each party, in which only the names of the candidates of a certain party are printed. The words "group for electors" mean that only the electors are arranged by party groups, while all other candidates for all other positions are arranged, irrespective of party, under the name of the office.

5. In the column headed "Politics opposite candidate," it is shown whether the politics of each candidate is printed opposite his name on the ballot.

6. In the column headed "Party emblem" is indicated whether the law authorizes or permits one column or ballot to be distinguished from another by a party device or emblem.

7. In the column marked "One mark for straight ticket" is indicated whether the voter can vote for each candidate for each office on a certain party ticket by making a single mark at the head of his party column or elsewhere on the ballot.

8. In the column headed "Vote by scratch or X" is indicated whether the voter votes by scratching out the name of the candidate he desires not to vote for, or whether he votes by marking an X opposite the name of each man he votes for.

9. In the column headed "Mark each name voted" is indicated whether the voter shall mark each name voted for (or scratch each name not voted for)—the word "optional," wherever it appears in that column, meaning that the voter can either mark each name or vote for all candidates of a given party by a single mark (X).

10. In the column headed "Poll-tax receipt or registration certificate presented" is indicated whether the voter shall present either or both at the polls before voting. In the same column the words "proves payment taxes" mean that the voter must furnish the judges with satisfactory evidence that he has paid his taxes.

11. In the column headed "Instructions or sample ballot" is indicated whether official printed instructions are furnished before or during the balloting, or whether the law authorizes or permits the posting or distribution among the electors of a sample ballot before or during the voting. In the same column the words "official ballot given out" mean that the State or county distributes official ballots among the voters before the election.

12. In the column headed "Voter assisted" is indicated under what circumstances the voter can receive assistance in voting, and what States in effect have an educational qualification.

13. In the column headed "Primary laws" the word "yes" means that the State has laws regulating primary elections and conventions, at least to the extent of prescribing penalties for committing fraud in the same, etc., while the word "limited" means that the State only goes so far as to prescribe the manner of certifying to the officials printing the ballots the names of the nominees, etc., as in Tennessee.

MISCELLANEOUS.

(*a*) In the "Registration" column the words "general, but voidable" mean that registration is required throughout the State, but that no elector can be deprived of his vote by reason of not being registered if he presents himself at the polls and proves that he is otherwise qualified, etc.

(*b*) In the "Official ballot" column the words "Unofficial ballot for each party" mean that each party prints its own ballots throughout the State, limited by the law in certain cases only as to size and color, etc., as in Tennessee, with respect to the "uniform" ballot.

(*c*) In the column headed "Party column or group" the words "Official ballot for each party" mean that the State either prints a separate ballot marked on the back "Official ballot" for each party, or furnishes blank ballots stamped on the back "Official ballot" to the committees or candidates of each party, by them to be completed by printing the names of the candidates of their party on the face of the official blanks.

(*d*) In the column "Vote by scratch or X" the words opposite Louisiana, "Obliteration by stamp," mean that an elector votes by obliterating with a rubber stamp a circular white spot in the black square put to the right of the name of each candidate. The name of a candidate preceding a white spot that is not marked or blotted out is not voted for. In the same column, where the word "Stamp" appears in parenthesis, the authorities of the State or county furnish a stamp and ink pad, which the voter must use in marking his ballot.

(*e*) Wherever the word "unnecessary" occurs in the table, its use can be accounted for by the fact that the ballot is unofficial and is furnished by the respective party committees.

(*f*) In Connecticut and New Jersey only, the elector votes by placing his ballot in an envelope. This was once done in Massachusetts.

(*g*) Of the New England States, Massachusetts has a constitutional provision that the voter shall read and write before he can vote, unless he was a voter prior to 1857, and Connecticut by her constitution requires that an elector shall read.

(*h*) Of the Southern States, South Carolina's constitution requires that

the voter shall be able to read or construe the constitution in 1898, and the constitution of Mississippi has the same provision, which is now in effect.

(*i*) The constitution of Ohio prohibits the requirement to prepay a poll tax.

(*j*) The constitution of Arkansas prohibits registration.

(*k*) In South Dakota registration is optional with the counties, but none of the counties have adopted it.

(*l*) In Oregon registration was declared unconstitutional ten years ago.

(*m*) In South Carolina the voter has to either pay "all" polls due or all taxes on $300 or more of property before he can vote.

Mr. McCALL of Massachusetts. Does the gentleman from Michigan desire to consume his time now?

Mr. THOMAS. No, sir.

Mr. McCALL of Massachusetts. Mr. Speaker, I regret very much that the discussion of this question should have departed from the facts presented to the House in the record. I think it is necessary, if we desire to do justice in these cases, that we should decide each one absolutely upon its own merits. If we decide each time as best we may upon the record which is presented, even then we shall sometimes go wrong; but if we decide upon general principles or upon our ideas of what should be done for the party here or there, we shall rarely go right.

I do not care to follow the gentleman from Tennessee [Mr. GIBSON] in the course of his remarks, but I will say that I do not propose to let his noisy intrusion into this debate put me in a false position. I said nothing in the speech to which he alluded which can fairly bear the construction which he puts upon it, although I entered upon that portion of my argument as my time was expiring and could only express myself very imperfectly. I think that the time has come for us to cease to divide the people of the North, or of the South, or of any part of this country into sheep and goats. I think that where you divide men into large masses upon whatever issue, whether it relates to the tariff, or to the free coinage of silver, or to the single gold standard, those masses of people will average about equally in honesty. Certainly neither will have a monopoly of that article. We have been decorating the Southern Democrats with every vice that deforms human nature, and we have at the same time been unjust to the Southern Republican, have almost deified him and put him in a place where no mortal should stand. I believe that, take the Southern Democrats and Southern Republicans as a whole, they are not either greatly worse or greatly better than each other. I simply ask for the Southern Republicans that they shall have the same treatment as people in other parts of the country, and that we shall no longer make them the inmates of a hothouse and subject them to the application of special theories and special principles which we apply to nobody else.

Mr. LEWIS. Will the gentleman yield for a question?

Mr. McCALL of Massachusetts. I will yield for a question.

Mr. LEWIS. The gentleman from Massachusetts, in his speech on the Yost-Tucker case, used this language:

> Now, Mr. Speaker, I think we ought at this late day to do justice by the people of Virginia. We have for years here attempted to build up the Republican party in the South by seating this man and that man and by patronage; and the result is that they display their chief vitality and strength in our national Republican conventions, where they generally appear with as many different delegations as there are candidates for the Presidency.

I desire to ask the gentleman from Massachusetts if he intended, by that language, to embrace the Republicans of the State of Kentucky?

Mr. McCALL of Massachusetts. Mr. Speaker, I do not intend that language to apply to the Republicans of Kentucky, as it has been quoted and misapplied to the people of the whole South. For that matter, I had no thought of Kentucky.

Mr. LEWIS. I simply desire to say, Mr. Speaker, with the permission of the gentleman from Massachusetts, that I know of no contest by Kentucky Republicans in any Republican national convention except in one district in 1880. I am the only Republican who ever represented the district I have now the honor to represent on this floor, and I want to state that this is the only office I ever held, and I state further that I was not assisted to that office by any patronage or by any "coddling" whatever. I was sent here by the people of that district, and I tried to do my duty as their Representative.

Mr. Speaker, I have seen a disposition upon this floor to assume that Southern Republicans are inferior in respectability or in social standing to Democrats. My ancestors before me, sir, were Virginians, but they have always been loyal. [Applause.] And if the men in Kentucky who fought the battles of the country when the country needed their support, if the men in Kentucky who in 1861 decided that Kentucky should stay in the Union and not go out of it—and my people were among them—if those men are not as good and as respectable and as honorable and as much entitled to consideration by the nation as any other people in Kentucky, or elsewhere, I have never been conscious of it and never will be. [Applause.] And I want to say to the gentleman from Massachusetts, further, that they are men who never have been "coddled" by the people of Massachusetts, or by any other people. They have never asked to be coddled, and they can take care of themselves without coddling. [Laughter and applause.]

Mr. McCALL of Massachusetts. Mr. Speaker, I do not dispute a single word that the gentleman from Kentucky has said here, although I did not yield for a speech, but what I said will apply exactly to this case. I believe that if you will trust the Republicans of the South to act as a party and to act from the strength of the innate principles of the party, instead of taking them under a guardianship which is insulting to them, they will grow stronger and achieve a better standing before the country than they have had heretofore. What the Republicans of certain portions, at least, of the South need is justice. And I am glad to say, Mr. Speaker, that during the last half dozen years when they have been little embarrassed by the treatment to which I have referred, when they have breathed the free and fostering air of our institutions, they have grown greatly in strength, as the statistics of the gentleman from Tennessee so amply show.

I do not know as the word coddling has an adjudicated meaning, but I say this particular case will illustrate what I meant by "coddling" the Republicans of the South. Examine the proposition made here by the gentleman from Michigan. Here is a district of 160,000 people, casting about 22,000 votes for Representatives in Congress at an election when no other officer was to be chosen, when that office alone was to be filled. I say that vote for that population at an election for a single office is as great as we would have in a district in Massachusetts with an equal population.

Now, the contestant has appeared here and has alleged certain things against that election. We examine the record. We find that in only 12 precincts in the 144 precincts of that district has he introduced a particle of evidence.

Mr. THOMAS rose.

Mr. McCALL of Massachusetts. I have yielded for one speech already——

Mr. THOMAS. I wish only to call the gentleman's attention to the fact that I stated very explicitly that this evidence was taken in five out of the seven counties of the district: that the evidence was taken for the purpose of showing the inherently wrong quality of the law itself, and not for the purpose of impeaching the returns by showing fraud. I desire to have the House understand that explicitly. And it is begging the question to say that only 12 out of the 144 precincts were investigated. The remarks of the gentleman from Virginia [Mr. JONES] admitted fraud in every one of them. The statement I have made has not been controverted. The gentleman from Wisconsin [Mr. JENKINS] conceded the same thing.

Mr. McCALL of Massachusetts. I can not yield further. The gentleman has already occupied an hour and a half of the time of the House. But I say the contestant who assailed this election has produced evidence as to only twelve precincts; and I do not believe that the evidence would justify the rejection of two of those precincts. I do not believe that either the gentleman from Virginia or the gentleman from Wisconsin has admitted fraud.

The gentleman from Michigan now says that those precincts were taken as samples. I never before knew that theory to be applied to the decision of a contested-election case—that when the contestant fails in making out his case, he may take two or three precincts of the district and say that they are to be accepted as samples of the whole district. It seems to me that is a novel method of procedure.

Now, Mr. Speaker, to return to my proposition. There were only twelve precincts here that were assailed. I do not believe the evidence would justify the exclusion of two of them. But you may reject the whole twelve; and the contestee still stands here elected by 1,539 majority.

At this point the gentleman from Michigan proposes to do what I call "coddling." He proposes to apply to the Republicans of the South a principle that he would never apply in the Northern States. He says that this election law, solemnly adopted by the legislature of Virginia, is unconstitutional; that, the law being unconstitutional, there can be no valid election held under it, and therefore upon that ground alone (for the whole argument of the gentleman is based upon it) the gentleman from Virginia [Mr. Swanson] must be taken from his seat. Now, let us look at the argument. In the first place, if that law was unconstitutional as to the contestee, it was unconstitutional as to the other three parties in contested-election cases which this House by vote has already seated. It is unconstitutional as to the six members from that State who are here without any contest. And it is an extraordinary proposition at this day—thirty days before the close of the session—that we shall throw this gentleman out upon an argument or assumption which would turn out the whole Virginia delegation.

Furthermore, this law has been passed upon by the highest judicial tribunal in the State of Virginia. That tribunal has unanimously held that the law is constitutional. The gentleman from Michigan proposes, in violation of all the precedents, to have this House sit here as a supreme court of appeals, overrule the court of appeals of Virginia, and declare that the law is unconstitutional.

Now, the cases are very clear upon this point. I will read first from McCrary on Elections a statement of the law which every lawyer will recognize as elementary. He says:

The House of Representatives of the United States in construing a State law will follow the construction given it by the authorities of the State whose duty it is to construe and execute it. When a given construction has been adopted and acted upon by the State authorities, the Federal Government should abide by and follow it.

And the same doctrine is laid down in many cases. I do not believe that any authority to the contrary can be found anywhere.

The American and English Encyclopedia of Law, quoting a recent case, says:

The House when adjudicating upon any matter affecting the seats of its members must be governed by the laws of the State in which the election was held upon questions of the qualifications of the voters; and where there is no act of Congress providing for the method of conducting the election the House is compelled to follow the State law upon that subject. It follows as a necessary conclusion, as the courts of a State are the proper tribunals to construe its statutes, that when the highest court of a State has given a construction to a provision of the State constitution or statute, such construction should be followed by any other tribunal called upon to pass upon the same question.

Mr. HENDERSON. Will the gentleman yield for a question?

Mr. McCALL of Massachusetts. With pleasure.

Mr. HENDERSON. Has the unconstitutionality of the election laws of Virginia necessarily to be held as established in order to seat the contestant?

Mr. McCALL of Massachusetts. Why, it is admitted that the contestant has no case. It is not claimed that he has any case in the report of the minority, and they only allege the unconstitutionality of the law——

Mr. HENDERSON. You mean that no claim is set up by those representing him?

Mr. McCALL of Massachusetts. No claim is set up by those representing him that he has a right to a seat here, and no resolution is reported to seat him.

Mr. HENDERSON. Unless the election laws are held to be unconstitutional, then the sitting member is entitled to the seat, as I understand the gentleman?

Mr. McCALL of Massachusetts. There is no question of that. But there is no report which provides that the contestant was elected. The antagonistic proposition is that the election laws of Virginia are unconstitutional, and therefore that no valid election was held, and that being the allegation, the minority provide in their resolution that the sitting member shall be unseated. That is the proposition advocated by the gentleman from Michigan [Mr. THOMAS].

Mr. HENDERSON. And, as I understand the gentleman, it is admitted that the constitutionality of the election law of the State of Virginia has been settled by the decision of the supreme court of the State?

Mr. GROSVENOR. That question is in dispute as to whether it was or not.

Mr. McCALL of Massachusetts. I hear it suggested, Mr. Speaker, that, as a matter of fact, there is a dispute on the question as to whether the supreme court of the State of Virginia held the law to be constitutional. I will suggest to the gentleman and to the members of the House the nature of the dispute, in order that they may determine this question for themselves. It seems to me that it is even more ridiculous than the contention that the House ought to find that the laws are unconstitutional if the supreme court of the State held them to be constitutional.

Here is the entire decision: The case came before the supreme court of Virginia on an appeal, and the court took jurisdiction of the case and pronounced an opinion upon it, though the gentleman from Michigan [Mr. THOMAS] declares that the supreme court did not have jurisdiction, and therefore that the decision has no binding weight, force, or effect.

Mr. HENDERSON. Was the question fully in issue with reference to the jurisdictional point?

Mr. McCALL of Massachusetts. I will read just what the record discloses on that point, and the gentleman can determine for himself. I read from the decision:

The plaintiff further alleges that the act under which these expenses were incurred—

That is, with reference to certain expenses incurred in the operation of the election law of the State—

is unconstitutional and void, and that they can not therefore be paid under the general county levy.

The bill states many particulars in which it is supposed that the act is repugnant to the Constitution of the United States and to that of the State of Virginia.

The decision then goes on to cite eleven grounds of unconstitutionality.

It then proceeds:

The petition alleges "that the said act is unconstitutional and void; that the costs of conducting the said election, incurred by putting in operation the provisions of the said act, are illegal charges upon the county levy, and the payment thereof should be enjoined; and that the said decree of the circuit court is erroneous for the following reasons, which reasons are assigned as errors in the said decree"—

Mr. NORTHWAY. Is the gentleman reading from the syllabus of the decision?

Mr. McCALL of Massachusetts. I am reading from the decision itself of the court. The court further said:

Accompanying the petition is a brief filed by counsel for petitioners, in which the many interesting questions of law arising upon the record are thoroughly discussed. We feel, therefore, that upon the part of the petitioners at least we are in possession of all the means of information which would be accessible to us were the appeal allowed and the case set down for argument. We feel, too, that the questions presented are of the utmost interest to every citizen of the State. We are upon the eve of an election in which many important offices are to be filled, and it is much to be desired that all uncertainty as to the law under which these elections are to be conducted should be removed, and it is therefore a matter of congratulation that the plaintiffs have, in presenting their case to us, thrown sufficient light upon it to enable us to dispose of it without delay and with entire confidence.

And the court goes on and expressly considers the question of constitutionality.

Further on it says:

The vote by ballot ex vi termini implies a secret ballot. The secrecy of the ballot is a right which inheres in the voter and of which he can not, against his will, be lawfully deprived. It must be, however, in some degree subordinate to the right to vote by ballot, of which it is but a part; and the main object, which is the right to vote, must not be defeated by a too rigid observance of the incidental right, which is that of secrecy. A blind man, or a man unable to read, must, in the nature of things, so far compromise the secrecy of his ballot as to invoke and obtain the aid of others in the preparation of his ballot; but as it would be a violation of confidence, were he to seek of a friend assistance on such an occasion, for that friend to betray the secret and disclose the vote, so it is a violation not only of confidence but of official duty for the constable to lift the veil of secrecy, which should be impenetrable, and violate the confidence which the law requires the voter to repose in him. The oath of office of the constable binds him to the performance of the duties imposed upon him not only by statute but by the constitution.

I trust that gentlemen who listened to the argument of the gentleman from Michigan will apply the reasoning of the court to that argument. The court then proceeds to hold, as plainly and as unequivocally as any court in the world has ever held anything, that the so-called Walton election law was constitutional. But the gentleman says they might have dismissed the case on another ground, and that the court says they might. That is true. The court says that it might have dismissed it on another ground. But it considered it on this point, and gave a direct opinion with reference to it. I will read the clause, in order to put the whole question before the House to which the gentleman alludes:

If, however, we had come to a different conclusion as to the constitutional questions involved in the record which accompanies the petition in the case, we should still be obliged to refuse the bill asked for, as the plaintiffs have an adequate and complete remedy at law.

But the court clearly took jurisdiction. It clearly passed on the validity of the laws, and it distinctly held that those laws were valid; and I would say to my friend from Ohio [Mr. GROSVENOR] that one of the most famous judicial decisions ever rendered in this country, the so-called Dred Scott decision, was rendered in a case in which the court held that the court below had absolutely no jurisdiction and to which it could not have remanded that case for a further trial.

Mr. GROSVENOR. I thought the days of Dred Scott decisions had gone by.

Mr. McCALL of Massachusetts. Yes; but no one questions that the decision was rendered.

Mr. STEWART of New Jersey. In the face of that decision of the supreme court of Virginia, if this House should decide otherwise, would it not be in effect to deny to that State a republican form of government?

Mr. McCALL of Massachusetts. If this House should decide that those laws were unconstitutional, it would directly overrule the laws that were held by the highest judicial tribunal in Virginia to be constitutional.

Mr. STEWART of New Jersey. And would deny to that State a republican form of government.

Mr. McCALL of Massachusetts. I think so, and I think it would be revolutionary. I want to say further that I think it would hold unconstitutional the laws of a majority of the States in this Union.

If I remember correctly, the constitution of Michigan provides for an election by ballot, and on the reasoning of the gentleman from Michigan [Mr. THOMAS], ex vi termini, the word "ballot" means a secret ballot; and if there is any provision in that law which requires that any voter should disclose to anyone the name of the person for whom he desires to vote, then the law of Michigan is contrary to the constitution of Michigan, as much as the law of Virginia is contrary to the constitution of Virginia. Illiterate voters, men who are mentally or physically blind and unable to prepare their ballots, under the Michigan law have to be assisted by sworn officers of the law. I think you will find this provision in the constitutions of many States, that there shall be an election by ballot, and under every Australian system which we have in this country, so far as I am aware, there is a provision for some public officer aiding a man who can not see, who is physically or educationally unable to cast his vote.

Mr. JONES. If my friend will allow me, I will say that I hold in my hand the election law of the State of Michigan, and it provides that an illiterate voter or a blind voter who can not prepare his ballot shall disclose his wish to an inspector who is appointed for that purpose by the board. He does it in the presence of a

challenger, but he must disclose it to this inspector and have it prepared by him.

Mr. MILNES. He does it in the presence of two challengers, one from his own party.

Mr. McCALL of Massachusetts. He may have two, if he wants.

Mr. MILNES. He must have two.

Mr. McCALL of Massachusetts. If my friend will not consume my time, I will say that precisely the same principle is involved, no matter if another challenger is present. The man is compelled to disclose the name of the person or persons for whom he desires to vote to a sworn officer of the law, and that infringes on the secrecy of the ballot; and if the reasoning of the gentleman from Michigan [Mr. THOMAS] is correct with regard to this case, then the election law of his own State is absolutely unconstitutional. So I say the gentleman proposes a course for Virginia which he would apply to no Northern State. The word "coddling," which so disturbs the sensibilities of gentlemen, is a feeble term. It is a rank outrage, and you never can establish a party upon such injustice.

Now, Mr. Speaker, I think I have presented this case as clearly as I can to the House. If we are to respect this law, there is absolutely no doubt that the contestee was elected by at least 1,500 majority. The only way in which you can disturb him in his seat is to overrule the solemn adjudication of the highest court in Virginia, and hold that that law is unconstitutional, and thereby adopt a principle which would make unconstitutional the election laws of many other States in this country.

This is the last case coming from this committee, I am glad to say——

Mr. GROSVENOR. So am I.

Mr. McCALL of Massachusetts. These are not agreeable cases. I should be very glad to decide, with my friend from Ohio [Mr. GROSVENOR], uniformly in favor of Republicans; but I would say that if the gentleman desires to get somebody who is going to violate the law, and to seat men here who were not elected, then he will have to get some one else than myself to do it. We have, as he has said, had fifteen cases before us, and it is said we have only decided in favor of three Republicans.

Mr. GROSVENOR. Two.

Mr. McCALL of Massachusetts. Well, then, two, if you will have it so. I do not care how bad the record is made out.

Mr. GROSVENOR. It could not be much worse.

Mr. McCALL of Massachusetts. But in one of those cases the vote of one side was in round numbers 40,000, and on the other side it was only a few hundred. In at least three others there was no evidence taken. In some cases the pleadings were not even complete. And I venture to say that any lawyer, carefully looking at those records, would not find that there were more than four, or at the most five, cases that were fairly contestable, in which Republicans were interested, and out of those five three Democrats have been unseated. The total record of this House is twelve Democrats unseated, which is a record difficult to parallel.

Mr. HARDY. May I ask the gentleman a question for information?

Mr. McCALL of Massachusetts. Yes.

Mr. HARDY. I ask the gentleman as a lawyer if he maintains that the State of Virginia or any State of this Union has the right to enact election laws relating to the election of members of Congress, and, under a construction of those election laws by the supreme courts of those States as to the constitutionality of those laws, can in any manner impair or abrogate the right of this House under the Constitution to judge of the election, qualifications, and returns of its own members?

Mr. McCALL of Massachusetts. In the absence of a Federal statute, of course Virginia must enact election laws. The question here is whether this particular law is unconstitutional. I believe that the House will say that it is constitutional as a matter of its own construction, and I believe further in this general principle of law, that when a State supreme court has passed upon the validity of a State statute, this House will ordinarily follow its construction.

Mr. Speaker, I do not question the power of this House to decide differently, although I question its right; we have the absolute power, the same as the Supreme Court of the United States has the absolute power to decide any question that comes before it wrongly and in violation of law. We have the giant's strength, but I say we should not use it as a giant does.

Mr. HARDY. But will the gentleman permit me to add: Is it not a fact that there being a great many contested-election cases filed, and about one-third of this House being Democrats, the Speaker, in his wisdom, thought it necessary to have three Election Committees; therefore he appointed one for the benefit of the Democrats, and named the gentleman from Massachusetts very appropriately as the chairman of that committee? [Laughter.]

Mr. McCALL of Massachusetts. Well, Mr. Speaker, I do not think that question deserves any attention. The gentleman is evidently in a judicial frame of mind and will doubtless vote upon this question in that way. [Laughter.] I demand the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the substitute, which the Clerk will report.

The Clerk read as follows:

Resolved, That neither Claude A. Swanson nor George W. Cornett was elected a member of the House of Representatives from the Fifth Congressional district of Virginia for the Fifty-fourth Congress of the United States, and that neither of them is entitled to the seat.

Mr. THOMAS. On that I demand the yeas and nays, Mr. Speaker.

The question was taken on ordering the yeas and nays.

The SPEAKER pro tempore. On this question the ayes are 21, the noes 127—not a sufficient number, and the yeas and nays are refused.

The question was then taken on the substitute; and it was rejected.

The SPEAKER pro tempore. The question now recurs on the resolutions reported by the majority of the committee, which the Clerk will report.

The resolutions were read, as follows:

Resolved, That George W. Cornett was not elected a Representative to the Fifty-fourth Congress of the United States from the Fifth district of Virginia.

Resolved, That Claude A. Swanson was duly elected a Representative to the Fifty-fourth Congress of the United States from the Fifth district of Virginia, and is entitled to his seat.

The resolutions were agreed to.

On motion of Mr. McCALL of Massachusetts, a motion to reconsider the vote by which the resolutions were agreed to was laid on the table.

CLAIMS AGAINST THE DISTRICT OF COLUMBIA.

Mr. HENDERSON. Mr. Speaker, I submit a privileged report from the Committee on Rules:

Resolved, That it shall be in order to offer and consider as an amendment to the bill (H. R. 10167) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes, the following:

"That the act approved February 13, 1895, entitled 'An act to amend an act entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction upon the Court of Claims to hear the same, and for other purposes," approved June 16, 1880,' be, and the same is hereby, repealed.

"And all proceedings pending shall be vacated, and no judgment heretofore rendered in pursuance of said act shall be paid."

Which amendment shall be subject to amendment under the rules of the House.

Mr. HENDERSON. I demand the previous question.

The previous question was ordered.

Mr. HENDERSON. Mr. Speaker, this rule has relation to a matter which came up in discussion last night on the District of Columbia appropriation bill. The Committee on Rules have heard patiently considerable discussion this morning on the subject, and felt it to be their duty to bring in a rule making the proposed amendment in order—that is to say, that the House may take it up and discuss it, and determine whether they want to adopt the amendment. It is not to be understood by reason of our bringing in this rule and permitting the amendment to be in order that it is any indication from the Committee on Rules as to what the final action of the House may be. Of course, we do not attempt to trench upon the prerogatives of the body of which we are individual members; but we have heard enough to satisfy us that it was our duty to bring it before this House, so that it may be considered as an amendment to the appropriation bill for the District of Columbia. You will observe, also, that the rule provides that if this amendment is offered to the District of Columbia appropriation bill, it will still be subject to amendment under the rules of the House, so that the House can then deal with it as they think proper, voting for it, or voting it down, as suggested by my friend from Ohio [Mr. NORTHWAY]. With this explanation, I reserve the balance of my time.

Mr. McRAE. Before the gentleman takes his seat, will he tell us what it is that he wants to repeal? He tells us the effect of the rule, but in this part of the Hall we have not understood what the law is that he wants to repeal.

Mr. HENDERSON. The resolution can be reported again in the gentleman's time, if he desires. I do not want it reported again in my time, as it has been read once.

Mr. McRAE. I have no time.

Mr. MEREDITH. Mr. Speaker, I desire that the House shall understand what they are called upon to do in this matter. I undertake to say that by the report just presented it is proposed that the House shall reverse itself and change a rule which has been in vogue not only in this Congress, but through all the different Congresses as far as my memory goes back, and for how many years more I do not know. There is a rule of the House, well defined and well established, which prohibits upon an appropriation bill any amendment making new legislation. In the discussion yesterday on the bill making appropriations for the District of

Columbia an amendment was offered proposing to repeal a law which was passed by the Fifty-third Congress. That amendment was held to be out of order, and this new rule is brought in for the purpose of carrying out the ideas of some gentlemen of the Committee on Appropriations in respect to the repeal of that law.

Now, sir, the rule just brought in by the gentleman from Iowa not only changes a rule which has been in existence and operation here for years and years, it not only calls upon this House to reverse itself in that respect, but it does it for the simple purpose of repealing a law which some gentlemen at least think was a just and proper law, which should have been passed as it was passed by the Fifty-third Congress. Certain gentlemen here have seen fit to take into their own hands the keeping of the conscience of this House, and they propose to run this rule through in order to secure in this summary way the repeal of a law which these gentlemen who constitute themselves the guardians of this Government think ought to be repealed.

Now, let us see exactly where we stand and what we are doing. In the discussion which took place yesterday gentlemen were pleased to say that the act to which I have referred, and which was passed by the Fifty-third Congress, was not proper, and ought not to have been passed; that the bill which was passed on that occasion was not a bill that had been approved or authorized by the District Commissioners. In answer to that, Mr. Speaker, let me say that the Commissioners of the District of Columbia do not make the laws of this country. The lawmaking power is the Senate and House of Representatives, the Congress of the United States, and the act complained of, which passed in the Fifty-third Congress, was the act of the lawmaking power of this country.

As to the question whether it was a proper law or not, I will say to my friends who are insisting upon this rule that there is before the Committee on the District of Columbia a resolution in relation to this very subject, which will be passed upon by that committee to-morrow morning. When it was suggested that that resolution should be passed upon to-day I myself, for the purpose of getting such information about this matter as could be had, asked that there might be a hearing on the subject before the committee to-morrow morning, so that gentlemen interested in it might have an opportunity to come before the committee and explain it. I had supposed that that would satisfy the Committee on Rules; that when they were informed that the Committee on the District of Columbia, which properly has jurisdiction over matters of this kind, had before it a resolution looking to the repeal of this law, and when they learned that it was determined by the Committee on the District of Columbia that the question should be passed upon to-morrow and reported for action by the House on the next District day—I had supposed, I say, that when they had that information the Committee on Rules would have been satisfied, and I think they ought to have been satisfied, and ought to have waited to see what would be done by the District Committee, having jurisdiction of the matter.

Mr. Speaker, I am opposed to the repeal of any law in this hurried way, by a special rule which may be brought in at any moment to permit the tacking on to an appropriation bill of a repeal of any act upon the statute book. I undertake to say, sir, that if it has ever been done before it has been seldom. The principle of it is vicious. This proposition ought to be considered by the proper committee having jurisdiction of the matter, and I repeat, for the information of the House, that the committee having jurisdiction over the subject, the District Committee, has now before it a resolution in relation to the repeal of this law, which resolution the committee will act upon to-morrow.

Mr. Speaker, a good deal was said on yesterday to prejudice the minds of members of this House in order that they might be the more easily dragooned into the repeal of an act which stands upon our statute books. It was stated that the amount involved would be perhaps a million or over a million dollars. I understand, sir, that some of the objections which were made by gentlemen on yesterday to that law are not correct, and I understand, furthermore, that a statement will be made before the Committee on the District of Columbia to-morrow which will justify the passage of that law by the Fifty-third Congress and will show that gentlemen are incorrect in their statements here and have been misinformed as to the facts. For these reasons, Mr. Speaker, I do ask that the House proceed in this matter in an orderly and legitimate way. The subject being before the proper committee now, should be considered and reported upon by that committee before gentlemen seek to run through this repeal under a special rule which reverses the order of business in this House and the precedents of this House for many sessions of Congress.

I now yield two minutes to the gentleman from Tennessee [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, on yesterday, when this proposition was offered as an amendment to the District of Columbia appropriation bill, I did not think it ought to be adopted. It was an effort to repeal by an amendment on a general appropriation bill an act passed in the Fifty-third Congress. I was not familiar then, and I am not now familiar, with the merits of that act, passed by the Fifty-third Congress, but I did not believe that the rules of this House ought to be violated by an effort to put a repealing act upon a general appropriation bill by way of amendment. For that reason I thought yesterday that the rules ought to be observed and the point of order sustained, and it was sustained. In the Fifty-second and Fifty-third Congresses the so-called obnoxious measure could have been repealed on the appropriation bill, as its repeal would reduce expenditures, etc. But under the rules of this Congress such amendment is not in order.

Now, the Committee on Rules propose to change the rules of the House so that it shall be in order to move the repeal of that general law on a general appropriation bill. That is the object of the present resolution. Mr. Speaker, I yesterday made the statement that no effort had been made, so far as I knew, to have the appropriate committee (that is, the Committee on the District of Columbia) consider the repealing resolution or measure. I stated the truth. I did not know at that time that any bill had been introduced or was pending before that committee contemplating the repeal of the obnoxious measure, so called, passed in the Fifty-third Congress. I was mistaken, however, when I created the impression, if I did create it, that such a measure had not been introduced. As a matter of fact, last summer or last spring such a bill was introduced, and it has been pending for some time before the District Committee—how long I can not now undertake to state. But the main statement which I made is true—that neither the District Commissioners nor the assessor of the District, nor any other person speaking for the District government, has sought to have the attention of the District Committee called to this repealing measure.

Mr. Speaker, it seems to me—and I say this in the absence of the chairman of the Committee on the District of Columbia, who, I think, would say it if he were here, because he told me this morning that he would—that it is not treating the District Committee fairly to come in here now and oust them of the jurisdiction to consider further this measure which they are considering, and which, as stated by the gentleman from Virginia, they have had a special call to consider, notice having been given to the District Commissioners, the parties in interest, the gentlemen representing these claims, and other persons, to appear before the committee to-morrow morning for a full hearing. It seems to me it is treating that committee rather cavalierly—it is treating them with more or less disrespect—to oust them of jurisdiction of a matter which under the rules belongs exclusively to that committee. If the House sees fit to do it, all right.

I have not had time to examine the merits of the proposition, and I do not say I favor payment of the claims referred to. The bill which was passed in the Fifty-third Congress was in charge of a Representative from Alabama, Judge Cobb, a careful legislator.

Now, gentlemen come here and undertake to override the rules of the House, which do not permit this repealing matter to be ingrafted upon an appropriation bill. They undertake to provide by a special rule that it shall be in order to make this repeal on an appropriation bill. It seems to me, Mr. Speaker, that they ought to have waited at least until the District Committee had declined or refused in some way to bring about the relief which these gentlemen so earnestly seek. It may be right to grant the relief, but I think it ought to come in the regular way. We ought to have given the District Committee—which has jurisdiction of this measure, which has entered upon its consideration, and has given notice of a hearing to-morrow morning—an opportunity to complete its hearing and report all the facts to this House.

I undertake to say, Mr. Speaker, that in a few moments after this resolution is agreed to (if it should be adopted) the House will go i to Committee of the Whole on the state of the Union; will take up this general appropriation bill; immediately the gentleman from Missouri or some other gentleman will propose this amendment, and we shall be called upon to vote upon it without the information that this House is entitled to have in considering a measure of this importance. It occurs to me that the orderly way to transact this business would be to let the District Committee report upon it; and I say without hesitation I do believe that if these claims are unjust and ought not to be paid the District Committee to-morrow morning will agree upon such a report and submit all the information to the House.

[Here the hammer fell.]

Mr. POWERS. Will the gentleman from Tennessee [Mr. RICHARDSON] yield for a question?

Mr. RICHARDSON. My time has expired.

Mr. POWERS. I ask unanimous consent that the gentleman may have two minutes more.

Mr. DOCKERY. And let there be two minutes extension on the other side.

Mr. HENDERSON. Whatever additional time may be given to that side, I shall ask be given also to this.

Mr. STEELE. I think the rules provide enough time. I object.

Mr. MEREDITH. I reserve the balance of my time.

The SPEAKER. The gentleman from Virginia [Mr. MEREDITH] has eight minutes left.

Mr. HENDERSON. I yield four minutes to the gentleman from Tennessee [Mr. MCMILLIN].

Mr. MCMILLIN. Mr. Speaker, let me state the situation in which the House finds itself. Under the old rule of the House—section 3 of Rule XXI—it would have been in order on an appropriation bill to offer an amendment reducing the expenditures of the Government or cutting down appropriations. That clause of the rule has been left out of the present code of rules.

Now, it turns out that two years ago there was passed, upon the statement that the probable obligations to be incurred by the Government thereunder would be about $75,000, a bill under which there have been banked up before the Court of Claims claims to the amount of $1,400,000. Those claims arose in this way: Under the régime existing here from 1870 to 1874, known as the Shepherd régime, the old board of public works undertook to go beyond the contracts of the parties and to give larger amounts for excavating and improving the streets of this city than the written contracts called for. The bill I have just mentioned provided that parties who had been contracted with at rates beyond the contracts which they had originally entered into might go before the Court of Claims and establish their claims. As I have stated, the amount which those claims would probably reach was placed at $75,000. It turns out that the claims amount to over $1,000,000. How much of this would be allowed by the court we can not know now.

Now, the only question involved here—and one upon which the Committee on Rules is unanimous—was, Shall the House of Representatives have an opportunity, by means of an amendment to be proposed to the District appropriation bill, to consider whether it will go on with the payment of these claims or whether it will say that the action taken in the Fifty-third Congress on this subject was injudicious? I will not go into a discussion of the merits of these claims at present. Whatever my individual notions may be upon it I will reserve. Let the House determine that question for itself. But the question now presented involves the freedom of the House to act. Will you give to the House jurisdiction? Will you let the House have an opportunity to repeal this law if, in the opinion of the majority, it ought to be repealed? In this resolution we fix no limitation upon debate; we fix no time for a vote. We propose no hampering rules under which this question is to be considered. But we say, let the House have an opportunity to consider an amendment on this subject which, under the old rules of the House, it could have considered. This and nothing more. If the House concludes to consider an amendment providing for a repeal or change of the law named, that proposition will be subject to amendment, and the entire subject can be treated.

I might state that I think it was always wise to allow amendments on appropriation bills which authorized reductions of expenditures or retrenchment of the amounts carried by the bill. This rule simply applies that principle to this District bill. So far as I am concerned individually, I am in favor of the fullest liberty in the House with regard to such matters. I have always thought, and I believe now, that the House is able to take care of itself if it is only allowed to act and is let alone.

In reference to the remarks of my colleague from Tennessee [Mr. RICHARDSON], I wish to say simply this: That the bill referred to by him, now pending before the District Committee, was never moved in until to-day, and that committee propose now to consider to-morrow a proposition that has been pending before them for many months. And I wish to say further, Mr. Speaker, that the Committee on Rules heard every element for and against the measure that wanted to come before them this morning. We had a session lasting for half an hour or an hour at first, and afterwards another session lasting for an hour, where all of these elements had an opportunity of being heard. All suggestions with regard to the question were heard, and the committee determined, without expressing any opinion as to what the House of Representatives ought to do in the premises or as to the merits of the proposition, to give the House an opportunity to do what it sees fit to do in the consideration of this matter as an amendment to the pending bill. If the House wants to act, this is the only way that it can act, for in no other way can it be brought to the consideration of the House and legislation had upon it during the present session, in my opinion. If an independent bill is reported, I think it will be buried on the Calendar, without a chance for final passage to the statute book.

[Here the hammer fell.]

Mr. HENDERSON. I yield now three minutes to the gentleman from Texas [Mr. SAYERS].

Mr. SAYERS. Mr. Speaker, I wish to say that I heartily concur in the pending motion for the adoption of the resolution reported from the Committee on Rules.

Referring to the plea of the gentleman from Tennessee [Mr. RICHARDSON], that the Committee on the District of Columbia ought to have time to consider the matter, I will call his attention to the fact that a joint resolution was presented to the House on the 15th day of December last, and referred to the committee of which he is a member—the Committee on the District of Columbia—asking the Congress to do the very same thing that is provided for in the amendment to be submitted to the District appropriation bill, and is covered by the resolution before the House.

From the 15th day of December, Mr. Speaker, until now, the Committee on the District of Columbia, with every opportunity before them to consider that resolution, have taken no action whatever respecting it; and yet the House is asked by the gentleman from Tennessee [Mr. RICHARDSON], at this late stage in the session, when it will be manifestly almost impossible to get an independent measure through Congress, to delay action and that nothing be done except through the Committee on the District of Columbia. But, sir, let me ask, how was the bill which we desire to repeal passed in the last Congress? It passed the House through a misconception of its provisions in consequence of misinformation to the House. I happened, Mr. Speaker, to be present when the bill was called up and unanimous consent asked for its consideration. I objected to its consideration. I was then assured by the gentleman in charge of the bill, and by others, that only thirty or forty thousand dollars was involved in it, and further that the measure had the approbation of the Commissioners of the District of Columbia. I am now assured by these Commissioners that they never gave their approbation to the measure, but to one that was essentially and entirely different.

This resolution, if adopted, will afford to the House the most ample opportunity to consider the amendment to be offered by the gentleman from Missouri [Mr. DOCKERY]. The gentleman in charge of the bill will allow the utmost latitude of discussion, and if the gentleman from Tennessee [Mr. RICHARDSON] or the gentleman from Virginia [Mr. MEREDITH] can show any reason why it should not be incorporated in the appropriation bill, the House will undoubtedly give it due weight.

Mr. RICHARDSON. I have not undertaken to say that these claims are well founded; I do not know. That was not the point of my objection.

Mr. SAYERS. But I find the gentleman contending for further time, and for an opportunity to have the bill considered by the Committee on the District of Columbia, and thus apparently for delay.

Mr. RICHARDSON. Not at all. It can be reported to-morrow morning.

Mr. SAYERS. I repeat, Mr. Speaker, if he can show any reason why the amendment should not be incorporated upon the pending appropriation bill, I take it the House will hear the reason, and if it be a valid one, will refuse the adoption of the amendment.

[Here the hammer fell.]

Mr. MEREDITH. Mr. Speaker, I do not desire or propose to follow the example of my friend from Texas [Mr. SAYERS] in his criticism of any committee of this House. If I desired to do so, I should simply say that the Committee on Appropriations, in my judgment, have seen fit year after year and session after session to constitute themselves the custodians and guardians of this Government against the interests, whatever they may be, right or wrong, of every citizen of the United States who has a claim against the Government. It is a fact well known, sir, to all, and one that I have observed since I have been a member of this body, that if the Government can by any pretext prevent the payment of any claim of any of its citizens, it can find a strong and faithful ally in the Committee on Appropriations to carry out that intention without any reference to the justice of the claim.

There is but one set of people paid by the Government promptly, and that is the employees. There is another set just as deserving, possibly more so, to whom the Government has been indebted for years and years, and they have been knocking year after year and session after session at the doors of Congress, but have been prevented by the gentlemen on the Appropriations Committee from recovering that which is justly due to them, and has been due for generations. It is in line with this idea that the Committee on Appropriations have to-day, by their instigation, secured the bringing in of this rule from the Committee on Rules for the purpose of speedily repealing a law which, in my judgment, gives some of the people of this city, and of the outlying country, men who believe that they have just claims against the Government, an opportunity of having those claims adjudicated, passed upon, and determined by the courts appointed by the Government to ascertain whether they are right or whether they are wrong.

Now, I ask this House, in common fairness, if there is any injustice toward the Government in allowing these people who have claims against the Government to have them considered by a court appointed by the Government to determine as to their equity, and as to whether they are just or not. That is the milk in the cocoanut. That is the whole thing.

I understand, Mr. Speaker, that this act was passed with the understanding on the part of my friend from Texas [Mr. SAYERS]

that only about $75,000 or $80,000 was involved. I undertake to say that if it was right to pass this act by which people having claims amounting to seventy-five or eighty thousand dollars could have their claims adjudicated in the courts, the principle is the same, even though it may turn out that a larger amount is involved. These people are entitled to have their claims adjudicated, although they may exceed that sum.

Now, Mr. Speaker, I understand that contracts were made for work under the old régime in the District government, and I understand that the board of audit fixed the rates for which these people were to perform the labor and to carry out their contracts. In many cases the contractors abandoned their contracts before that was done, but by an agreement with the District government they resumed their work and many of them have since been paid. But there are a number who claim, under the rate fixed by the government in this city, that they are justly entitled to certain sums of money from the Government, and I understand that that bill was passed for the purpose of giving these people an opportunity to go into the courts and have their rights determined.

I understand further, Mr. Speaker, that the Government of the United States has been assessed at what were known as board rates, that citizens have been assessed at board rates, and that any man owning a piece of property along a certain street which was improved had to pay into the treasury of the city these board rates; in other words, has been compelled to pay to the city gove nment for the work done in reference to his premises the very amounts which were fixed by this board of audit. After they have received the money from the taxpayers and from the Government, these gentlemen come forward and say that by reason of the fact that these claims are old and stale the claimants ought not to have an opportunity of doing what the law which was passed in the last Congress gives them the right to do—that is, to have their claims passed upon and the question determined as to whether there is anything due to them or not.

Now, Mr. Speaker, I understand that these claims do not amount to that vast sum of $1,400,000; that many suits were brought, but that many of these claims have been dismissed; that about 12 per cent of them have been sustained by the courts, and therefore, upon a reasonable estimate, there will not be more than $200,000 involved. But whether the amount be small or whether it be large, the only thing which this law gives these claimants the right to do is to go into the courts; and every man ought to have the right to go into court and have the merits of his claim determined. That is the reason why I have contended that the committee having jurisdiction over this matter should hear statements concerning this matter.

Mr. BAKER of New Hampshire. Will the gentleman allow me to ask him a question?

Mr. MEREDITH. Yes.

Mr. BAKER of New Hampshire. Under this statute, can claims be filed now?

Mr. MEREDITH. I am not advised as to that, and it is for this reason, among others, that the Committee on the District of Columbia are seeking light. We want to ascertain from the people who know the facts what is the condition of affairs with reference to these claims.

Mr. BAKER of New Hampshire. If the gentleman will allow me, I will say that I have just examined the statute, and that under it every single one of these claims must have been filed within sixty days from the date of the passage of the act, and tnat, therefore, every case has been filed that can be filed under the statute.

Mr. MEREDITH. That is a greater reason why it should not be repealed.

Mr. WILLIAM A. STONE. May I ask the gentleman a question?

Mr. MEREDITH. Yes.

Mr. WILLIAM A. STONE. Is there any dispute about the fact alleged by the gentleman from Texas [Mr. SAYERS], that this bill was passed under the allegation that there was not over $25,000 or $30,000 in claims that would be affected?

Mr. MEREDITH. I think he said $75,000 or $80,000. I do not know whether——

Mr. SAYERS. No; $30,000 or $40,000.

Mr. MEREDITH. Mr. Speaker, I will answer my friend frankly that I do not know; but I insist in all fairness, and I appeal to gentlemen in all frankness and in all fairness, that, whether the amount be $25,000 or whether it be $1,400,000, the principle is not altered.

[Here the hammer fell.]

Mr. HENDERSON. Mr. Speaker, I yield three minutes to the gentleman from New Jersey [Mr. PITNEY].

Mr. PITNEY. Mr. Speaker, the rules of this House prevent any amendment being offered to an appropriation bill changing existing law, if objected to by any member of the House, and if this rule is to be changed it can only be done by adopting a resolution reported by the Committee on Rules. The Committee on Rules, in their discretion, report such a resolution only in urgent cases. I undertake to say, sir, that this is an urgent case. The report of the Committee on Rules shows that they consider it an urgent case. They consider it an urgent case, not necessarily for the passage of a bill, but for consideration by the House in Committee of the Whole of a bill to repeal this statute which was put upon the statute book in the closing days of the Fifty-third Congress, without consideration and without debate, without an understanding of the bill even by the gentleman who had it in charge.

The gentleman from Virginia [Mr. MEREDITH] says that this act of 1895 is intended only to give these claimants a day in court and an opportunity to get their fair demands.

Mr. Speaker, every one of these men has had day after day in court. They have had an opportunity for a hearing, have had a hearing before the board of audit, and have had a hearing before the Court of Claims under the act of 1880, and every one of them has availed himself of his opportunity. The effect of the act of 1895 is limited to those who did have those hearings, is limited to those who have accepted pay for their work and who are now claiming pay at rates over and above the lawful rates allowed by the contracts which they themselves signed, in pursuance of which they did the work, and in pursuance of which they accepted pay and signed receipts for it.

But the gentleman says the District Committee want to have an opportunity for investigation, and that it is ignorant of the merits of these claims. Why, Mr. Speaker, in the second session of the Fifty-third Congress the gentleman from Virginia himself, who is a member of that committee, introduced a bill—House bill 3134—to reopen these old, dead, and rotten claims, and to refer them to the Court of Claims, which had already considered and decided every one of them, or at least had decided every disputed point, so that those suits which had not been brought to a hearing were abandoned and dismissed by the claimants themselves. And what became of the bill? That bill, as it appears, contained at least some guaranties that the claimants should not be paid more than what was justly and equitably their due. The bill was referred to the District Commissioners for their report, and they made a report in writing, which I have before me. It was embodied in full in the House committee's report. The District Commissioners submitted to the House a substitute for the measure introduced by the gentleman from Virginia.

Mr. MEREDITH. A Senate bill.

Mr. PITNEY. No; a House bill. The Commissioners sent with it a letter saying they had looked into the bill H. R. 3134 and that they found it needed safeguards in certain directions; that it ought not to permit a rehearing except upon certain points. With the consent of the gentleman, I will embody that part of the report in my remarks:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, June 14, 1894.

DEAR SIR: The Commissioners have the honor to make the following report on the general subject of H. R. bill 2501, "for the relief of James Walsh and others," and H. R. bill 3134, "to amend an act entitled 'An act to provide for the settlement of all outstanding claims against the District of Columbia and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes,'" which were transmitted to them, at your instance, for their views thereon.

After having given a number of hearings to representatives of the parties interested in the legislation intended by these bills, and a full consideration of the subject, the Commissioners have embodied their conclusions in a substitute bill, which they herewith submit and recommend for enactment.

The proposed substitute contemplates relief in cases only which have already been filed under said act, in which set-offs against claimants for the difference between the rates specified in their written contracts and rates paid them were ordered by the Court of Claims, or the cases withdrawn by claimants in anticipation of such allowance. It would enable that court to do justice to such claimants by making exemption from such counter claim in cases where the prices allowed and paid were "reasonable, just, and equitable," regardless of informalities.

The history of these claims is substantially as follows, etc.

The SPEAKER. The time of the gentleman has expired.

Mr. PITNEY. I ask for one minute more.

Mr. HENDERSON. I yield the gentleman one minute more.

Mr. PITNEY. The Senate committee to which the Commissioners' substitute was referred reported in place of it a substitute bill of their own, striking out every guaranty that the Commissioners recommended and commanding the Court of Claims to give unlawful compensation to these contractors who had once accepted their pay in full. The report of the Senate committee contained what purported to be a copy of the Commissioners' letter, but left out the part which I have quoted, wherein the Commissioners asked for these safeguards.

Mr. MEREDITH. Who did it?

Mr. PITNEY. It was done in preparing the report of the Senate committee. I do not blame any Senator, for I do not know that it was done intentionally.

Mr. MEREDITH. I understood the gentleman to say that I had done it.

Mr. PITNEY. Oh, no. But, as I was saying, the Senate substitute, which afterwards passed both Houses and became a law, left out every guaranty, and made it mandatory upon the Court of Claims to allow to these people the "board rates," although they

were always more than and sometimes two or three times as much as they were entitled to.

The SPEAKER. The time of the gentleman has expired.

Mr. HENDERSON. I yield one minute to the gentleman who introduced the resolution, the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. Mr. Speaker, the unanimous report submitted by the Committee on Rules upon the proposition now pending simply gives the opportunity to this House to determine whether or not it will repeal a bill under which about $1,300,000 of unworthy claims are to be imposed upon the taxpayers of this District and of the United States.

This proposition involves no discourtesy to the Committee on the District of Columbia. It simply looks to speedy and effective action, recognizing that at this late hour in the session it is impossible to pass a separate and independent remedial measure. Mr. Speaker, the act the repeal of which the House will be called upon to consider, in the event the report of the Committee on Rules is adopted, was reported adversely to this body in the Fifty-first Congress by the gentleman from Ohio, Mr. BURTON, and in the Fifty-second Congress it was reported to the Senate unfavorably by Senator MCMILLAN——

Mr. PITNEY. A much less harmful bill.

Mr. DOCKERY. That is true, and I may say, in the moment of my time remaining, and after an experience of fourteen years on this floor, that in my judgment no more unjust and inequitable claims have ever challenged the attention of this House or of the American Congress.

Mr. HENDERSON. I yield the remainder of my time to the gentleman from Texas [Mr. BAILEY], a member of the Committee on Rules.

Mr. BAILEY. Mr. Speaker, the method of procedure proposed by the Committee on Rules is not unprecedented, but I am very frank to say to the House that it is unusual. It is so unusual, indeed, that I would not consent to it except to meet some unusual situation. The only way to certainly protect this District from the payment of claims which are grossly unjust is the adoption of this resolution, and an emergency like that, it seems to me, amply justifies this rather extraordinary procedure.

Mr. Speaker, it has been said that the act which it is sought to repeal was passed under a misapprehension, and I feel absolutely certain that that is true. It was presented to the House by Judge Cobb, of Alabama, than whom a more honest man never occupied a seat on this floor; and the colloquy which took place between him and my colleague from Texas [Mr. SAYERS] plainly discloses the fact that Judge Cobb had been imposed upon by somebody. The whole colloquy reveals the fact that he was not advised as to the character of these claims. The bill was passed by unanimous consent, whereas I undertake to say that if the House had been familiar with the character of the claims the bill would have been defeated by an almost unanimous vote. So far as I am concerned, I never in my life was more certain of the iniquity and injustice of a set of claims than I am in this case.

Mr. MEREDITH. One word——

Mr. BAILEY. I can not yield. I have but a moment in which to complete my statement. I feel so confident, Mr. Speaker, that the District of Columbia ought to be protected against the payment of these claims, and that this is the only way to effectually protect it, that I am not only willing, but I am anxious to resort to even this unusual proceeding.

Mr. MEREDITH. Without hearing the other side?

Mr. BAILEY. We heard the other side in the Committee on Rules before we ever consented to this report.

Mr. PITNEY. And we can hear its advocates on the floor of the House.

The resolution was adopted.

On motion of Mr. HENDERSON, a motion to reconsider the vote by which the resolution was adopted was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 2253) for the relief of Barzilla C. Hudson; and

A bill (H. R. 9499) authorizing and directing the Secretary of the Interior to sell certain lands to A. L. Williams, and for other purposes.

The message also announced that the Senate had passed the bill (S. 3637) to authorize Maj. Gen. Alexander McD. McCook, United States Army, retired, and Capt. George Percival Scriven, United States Army, to accept medals presented to them by the Russian Government; in which the concurrence of the House was requested.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

Joint resolution (H. Res. 214) authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in city of Washington on the occasion of the inauguration of the President-elect on March 4, 1897, etc.; and

A bill (H. R. 1061) granting pensions to Gray's Battalion of Arkansas Volunteers.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GAMBLE, for five days, on account of important business.

To Mr. WASHINGTON, for ten days, on account of important business.

To Mr. DOOLITTLE, for one week, on account of sickness.

To Mr. MONEY, indefinitely, on account of sickness.

To Mr. BROMWELL, for the remainder of the week, on account of sickness.

The House then, on motion of Mr. HENDERSON (at 4 o'clock and 30 minutes), adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Acting Chief of Engineers, report of examination and survey of Rahway River, New Jersey—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Acting Chief of Engineers, report of examination and survey of Missisquoi River, Vermont—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Acting Chief of Engineers, report of examination and survey of Ship Island Harbor, in the Mississippi Sound—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 10133) to amend an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes," reported the same without amendment, accompanied by a report (No. 2773); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KLEBERG, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 824) entitled "An act to require patents to be issued to land actually settled under the act entitled 'An act to provide for the armed occupation and settlement of the unsettled part of the peninsula of Florida,' approved August 4, 1842," reported the same with amendment, accompanied by a report (No. 2774); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MILNES, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 10108) regulating fraternal beneficiary societies, orders, or associations in the District of Columbia, reported the same without amendment, accompanied by a report (No. 2784); which said bill and report were referred to the House Calendar.

Mr. EVANS, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 10203) to amend section 40 of "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, so as to authorize the sale of forfeited domestic smoking opium to the highest bidder, reported the same with amendment, accompanied by a report (No. 2785); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BROMWELL, from the Committee on Pensions: The bill (H. R. 1742) granting a pension to Elizabeth M. Tumy. (Report No. 2772.)

By Mr. BLACK, from the Committee on Pensions: The bill (H. R. 1380) to pension Sarah Wharton, a daughter of a deceased Revolutionary veteran. (Report No. 2775.)

By Mr. ANDERSON, from the Committee on Invalid Pensions:

The bill (H. R. 5298) granting a pension to certain East Tennesseeans engaged in the secret service of the United States during the war of the rebellion. (Report No. 2776.)

The bill (H. R. 7291) granting an increase of pension to Rosa Karger. (Report No. 2777.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (S. 1538) entitled "An act granting a pension to Joseph M. Waddell." (Report No. 2778.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 7591) granting an increase of pension to Lovenia Bayles. (Report No. 2779.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (H. R. 9880) granting an increase of pension to Charles W. Brown. (Report No. 2780.)

The bill (H. R. 9522) granting an increase of pension to Isaac B. Vail. (Report No. 2781.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (S. 2975) entitled "An act granting a pension to John Amrein." (Report No. 2782.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HARRISON: A bill (H. R. 10221) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned—to the Committee on Pacific Railroads.

By Mr. STEWART of Wisconsin: A bill (H. R. 10222) to better protect the lives and property of persons against the violence of mobs—to the Committee on the Judiciary.

By Mr. FAIRCHILD: A bill (H. R. 10223) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights—to the Committee on Patents.

By Mr. TRUMAN H. ALDRICH: A bill (H. R. 10224) to provide for the appointment and compensation of a district judge for the northern district of Alabama—to the Committee on the Judiciary.

By Mr. TRACEY: A bill (H. R. 10225) to authorize the Secretary of War to detail a regiment of artillery, a regiment of infantry, and a regiment of cavalry to take part in the Wilson Creek reunion—to the Committee on Military Affairs.

By Mr. SOUTHARD: A joint resolution (H. Res. 244) for printing the Annotated Laws Relating to Pensions, with a Treatise on Practice in Pension Cases, by Frank E. Anderson—to the Committee on Printing.

By Mr. LOUDENSLAGER: A resolution (House Res. No. 522) for the relief of Frank E. Wanser and John W. Herndon—to the Committee on Accounts.

By Mr. SHERMAN: A resolution (House Res. No. 523) fixing February 16 for the consideration of House bill 10090—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. FISCHER: A bill (H. R. 10226) granting an increase of pension to George A. Reade—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 10227) granting pension to Milton Iserman, of Thirty-third New Jersey Volunteers (unasigned)—to the Committee on Invalid Pensions.

By Mr. KNOX: A bill (H. R. 10228) granting a pension to Benjamin F. Moulton—to the Committee on Invalid Pensions.

By Mr. LEWIS: A bill (H. R. 10229) granting a pension to Anna B. Lewis—to the Committee on Invalid Pensions.

By Mr. PICKLER: A bill (H. R. 10230) granting an increase of pension to Simon Price—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10231) granting an increase of pension to Francis Shaeffer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10232) granting an increase of pension to Cornelius Rappleyea—to the Committee on Invalid Pensions.

By Mr. RINAKER: A bill (H. R. 10233) to remove the charge of desertion from the record of Charles E. Roberts—to the Committee on Military Affairs.

By Mr. TATE: A bill (H. R. 10234) to pension Cathrine Moon—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of Duncan Post, No. 165, Grand Army of the Republic, of Dunbar, Pa., approving of House bill No. 9209, for a per diem pension—to the Committee on Invalid Pensions.

By Mr. ARNOLD of Rhode Island: Petition of the Woman's Christian Temperance Union of Rhode Island, Mary A. Babcock, president, for the humane regulation of vivisection in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BRODERICK: Petitions of Dr. G. S. Williams and 3,000 other citizens of the United States, praying for the enactment of the House bill to raise the age of protection for girls in the District of Columbia to 18 years—to the Committee on the Judiciary.

By Mr. CLARK of Iowa: Petition of the Iowa Horticultural Society, favoring the passage of House bill No. 119, for the protection of the forests of the United States—to the Committee on the Public Lands.

By Mr. HATCH: Petition of residents of Porter County, Ind., for the increase of the pensions of soldiers' widows, to accompany House bill No. 10216—to the Committee on Invalid Pensions.

By Mr. HENDERSON: Resolution of the State Horticultural Society of Iowa, favoring the passage of House bill No. 119, for the protection of the forests of the United States—to the Committee on the Public Lands.

By Mr. HENRY of Connecticut: Petition of the Woman's Christian Temperance Union of Plantsville, Conn., representing 40 members, urging the passage of Senate bill No. 2485, recognizing Sunday as a day of rest in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HILL: Petition of the Woman's Christian Temperance Union of Fairfield County, Conn., urging the passage of House bill No. 7441 and Senate bill No. 2846, for the prevention of gambling—to the Committee on Interstate and Foreign Commerce.

By Mr. JOY: Petition of Joseph Weber and others, of St. Louis, Mo., for a correction of their military record—to the Committee on Military Affairs.

Also, petition of T. S. Bowman, publisher, relating to postal rates on trade papers—to the Committee on the Post-Office and Post-Roads.

By Mr. LACEY: Resolutions of the Iowa State Horticultural Society, of Des Moines, Iowa, in favor of the passage of House bill No. 119, for the protection of the forests of the United States—to the Committee on the Public Lands.

By Mr. MILES: Letter of Rev. Wilbur F. Crafts, superintendent of the Reform Bureau, Washington, D. C., urging the passage of sundry bills for the promotion of morality in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MILLER of West Virginia: Petition of D. E. Abbott, E. M. Campbell, and 32 other citizens of Huntington, W. Va., protesting against the passage of the Sherman bill with respect to ticket brokers—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Illinois: Resolutions adopted at a mass meeting of citizens of Metropolis, Ill., January 15, 1897, in behalf of the Cuban insurgents and favoring their independence—to the Committee on Foreign Affairs.

By Mr. STAHLE: Petition of Corporal Skelly Post, No. 9, Grand Army of the Republic, of Gettysburg, Pa., praying for the passage of the Pickler pension bill—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *February 4, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

PRIVATE LAND CLAIMS IN LOUISIANA.

The VICE-PRESIDENT laid before the Senate the amendments of the House to the bill (S. 1624) to quiet title and possession with respect to certain unconfirmed and located private land claims in the State of Louisiana. The amendments were, on page 2, line 18, to strike out "as hereafter directed;" and to strike out all of section 3, down to and including all of section 9, on page 6, and in lieu thereof insert:

SEC. 3. That the Department of the Interior shall cause patents to issue for such lands, and such patents shall issue in the name of the original claimant as appears in the list or schedule aforesaid, and when issued shall be held to be for the use and benefit of the true and lawful owners, as provided in sections 1 and 2 of this act.

Mr. BLANCHARD. I move the concurrence of the Senate in the House amendments.

The motion was agreed to.

COURTS IN UTAH.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2037) to provide times and places for holding terms of United States courts in Utah.

Mr. HOAR. I move that the Senate nonconcur in the amendments of the House of Representatives and ask for a committee of conference.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. HOAR, Mr. VILAS, and Mr. CANNON were appointed.

CREDENTIALS.

Mr. ELKINS presented the credentials of JETER C. PRITCHARD, chosen by the legislature of North Carolina a Senator from that State for the term beginning March 4, 1897; which were read and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2129) granting an increase of pension to Annie E. Nolan.

The message also announced that the House had agreed to the amendments of the Senate to the concurrent resolution of the House to print and bind 6,000 additional copies of Bulletin No. 33, Department of Agriculture, entitled The Cotton Plant, etc.

The message further announced that the House had passed a joint resolution (H. Res. 243) providing for the printing of the Consular Regulations of 1896; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. 1061) granting pensions to Gray's Battalion of Arkansas Volunteers; and

A joint resolution (H. Res. 214) authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in the city of Washington on the occasion of the inauguration of the President-elect on March 4, 1897, etc.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of sundry American citizens, officers of Polish-American organizations and representatives of the Polish-American press of the United States, praying Congress to amend the bill purporting to regulate the immigration of foreigners into the United States so that it will not exclude the Poles, whose country was confiscated by Russia, Germany, and Austria one hundred years ago, from admission to the United States; which was ordered to lie on the table.

Mr. GALLINGER. I present a petition of the Methodist Episcopal Church of Plymouth, N. H., somewhat numerously signed, in favor of the ratification of the arbitration treaty between this country and Great Britain, accompanied by a letter from the pastor of the church, in which he expresses the hope that my colleague and myself will not descend to a narrow partisanship in the consideration of such an important matter, concerning not only the continuance of peaceful relations between two great nations, but also of great weight in preserving peace among the nations of the earth.

Mr. President, speaking for myself, and I think I can equally speak for my colleague, there is not any danger, I think, of our descending to narrow partisanship in connection with this most important matter.

The VICE-PRESIDENT. The petition will lie on the table.

Mr. GALLINGER presented the petition of F. W. Prindle, publisher of the Granite State News, of Wolfeboro, N. H., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GRAY. I present a petition of the Clerical Brotherhood of Delaware, composed of Bishop Leighton Coleman and the clergymen of the diocese of the Episcopal Church of Delaware, praying for the ratification of the pending arbitration treaty with Great Britain. I move that the petition lie on the table.

The motion was agreed to.

Mr. TURPIE presented petitions of sundry citizens of East Chicago, Flora, and Columbia City, all in the State of Indiana, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter, and also for the passage of House bill No. 838, to reduce letter postage to 1 cent per half ounce; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of Charles H. Fish, of Washington, Ind., and a memorial of sundry citizens of Washington, Ind., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the congregation of Plymouth Church, Indianapolis, Ind., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. PEFFER presented a petition of the Methodist Preachers' Association of Kansas City, Mo., and Kansas City, Kans., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. CLARK presented the petition of N. S. Bristol and 44 other citizens of Wyoming, praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. BAKER presented the petition of Otis L. Atherton and 116 other citizens of Kansas, praying for the passage of a uniform bankruptcy law for the relief of insolvent debtors; which was ordered to lie on the table.

Mr. MCMILLAN presented a petition of Division No. 192, Order of Railway Conductors, of East Saginaw, Mich, praying for the passage of Senate bill No. 3545, to prevent the sale of railroad tickets by unauthorized persons; which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Escanaba, Mich., and a petition of sundry citizens of Morenci, Mich., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter, and also for the passage of House bill No. 838, to reduce letter postage to 1 cent per half ounce; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BURROWS. I present the petitions of R. E. Wallace and 85 other citizens of Kent County; of Charles H. Atkins and 37 other citizens of Milton, Sussex County; of Ephraim J. West and 39 other citizens of Dagsboro, Sussex County, and of E. R. Williams and 22 other citizens of Bowen, Kent County, all in the State of Delaware, praying for the appointment of a joint commission to inquire into the political conditions existing in that State, averring that they are not those of a republican form of government as contemplated by the Constitution of the United States. I move that the petitions be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. CAMERON presented a petition of the Philadelphia Board of Trade, and a petition of the National Board of Trade, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

Mr. CULLOM presented a memorial of the Woman's Christian Temperance Union of Decatur, Ill., remonstrating against the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a memorial of Plate Printer's Union, No. 4, of Chicago, Ill., remonstrating against the enactment of legislation reducing the pay of employees and officials of the Government; which was referred to the Committee on Civil Service and Retrenchment.

He also presented the petitions of Edward S. Ely, of Chicago, Ill.; of Edwin M. Fulcher, of Chicago, Ill., and of C. A. Highfield and 15 other citizens of Waterman, Ill., and of the faculty of the Northwestern University Law School, of Chicago, Ill., praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Paris, Ill., and the memorial of A. H. Smith, of Earlville, Ill., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Upham & Gordon, of Quincy, Ill., praying for the passage of the so-called Torrey bankruptcy bill, and remonstrating against the passage of the so-called Bailey-George bankruptcy bill; which was ordered to lie on the table.

He also presented the petition of Thomas H. Haley, of Chicago, Ill., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented petitions of the Order of Railway Conductors, Division No. 97, of Roodhouse, Ill.; of the Merchants' Association, of Boston, Mass.; of A. B. Stone and sundry other citizens of the State of New York; of C. E. Patterson and sundry other citizens of the State of New York; of W. J. Arnall and sundry other publishers of New York City, and of F. E. Briggs and sundry other citizens of the State of New York, praying for the passage of Senate bill No. 3545, to prevent the sale of railroad tickets by unauthorized persons; which were referred to the Committee on Interstate Commerce.

He also presented sundry petitions of citizens of Bowen, Amboy, Chicago, Hampshire, Lagrange, Palatine, Pinckneyville,

Quincy, Raymond, Richmond, and Sheldon, all in the State of Illinois, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter, and also for the passage of House bill No. 838, to reduce letter postage to 1 cent per half ounce; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of 84 members of the Young People's Society of Christian Endeavor, Epworth League, of Richmond, Me., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the memorial of J. E. Jewett and 50 other citizens of North Vassalboro, Me., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of H. A. Shorey, publisher of the Bridgeton News, of Bridgeton, Me., and the petition of the Enterprise Publishing Company, C. F. Mann, president, publisher of the Lisbon Falls Enterprise, of Lisbon Falls, Me., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GEAR presented a petition of Ottumwa Division, No. 216, Order of Railway Conductors, of Ottumwa, Iowa, praying for the passage of Senate bill No. 3545, to prevent the sale of railroad tickets by unauthorized persons; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Board of Trade of Baltimore, Md., and a petition of the Board of Trade of Philadelphia, Pa., praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Nashua, Monroe, Yearing, Anamosa, and Marion, all in the State of Iowa, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter, and also for the passage of House bill No. 838, to reduce letter postage to 1 cent per half ounce; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Young People's Society of Christian Endeavor of the First Westminster Church, of Keokuk, Iowa; of 800 members of the Society of Christian Endeavor of Dallas County, Iowa; of the Christian Endeavor Society of Oakgrove, Iowa, and of the First Presbyterian Church, of Corning, Iowa, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a petition of the First Presbyterian Church, of Corning, Iowa, praying for the enactment of legislation raising the age of protection to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

Mr. SEWELL presented a memorial of sundry citizens of Allentown, N. J., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of George W. Day, publisher of the Weekly Call, of Dunellen; of the Board of Trade of Camden, and of James S. Yard & Son, publishers of the Monmouth Democrat, of Freehold, all in the State of New Jersey, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Kaighn Avenue Methodist Episcopal Church, of Camden; of the United African Methodist Episcopal Church, of Camden; of the Calvary Presbyterian Church, of Camden; of the Centenary Methodist Episcopal Church, of Camden, and of the Wiley Methodist Episcopal Church, of Camden, all in the State of New Jersey, praying for the enactment of legislation to prohibit interstate gambling by telegraph, telephone, or otherwise; which were referred to the Committee on Interstate Commerce.

Mr. COCKRELL. I present a petition to Congress praying for favorable action on House bill No. 4566, to amend the postal laws relating to second-class mail matter, introduced by Mr. LOUD of California; also praying for favorable action on House bill No. 838, to reduce letter postage to 1 cent per half ounce, introduced by Mr. SMITH of Illinois; also praying for legislation making it the duty of the Post-Office Department to require the publication of actual paid circulation of certain newspapers and periodicals in cases where advertising frauds are evidently being perpetrated on the business public by false representations made in newspapers, directories, or otherwise. The petition is signed by citizens of Wheeling, in Livingston County, Mo., and is sent to me by the secretary, I believe, of the Credit Company of Chicago, Ill. It is one of those patent petitions gotten up in printed form and sent out all over the United States to be signed and returned. I move that the petition be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. COCKRELL. I present a petition of the members of the bar of Muscogee and of the northern district of the Indian Territory, praying for the appointment of an additional judge in that Territory. The petition is accompanied by a letter of Judge Springer. I move that the petition and letter be referred to the Committee on the Judiciary, and trust that prompt action will be taken upon the matter.

The motion was agreed to.

Mr. COCKRELL. I present a petition of sundry citizens of Memphis, Scotland County, Mo., praying for the passage of the bill prohibiting the sale of intoxicating liquor in the Capitol building or grounds. That bill has been reported from the committee and is now on the Calendar, and I move that the petition lie on the table.

The motion was agreed to.

Mr. WALTHALL presented a petition of sundry citizens of Biloxi, Miss., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLISON presented a petition of members of the Christian Endeavor Society of Muscatine, Iowa, praying for the enactment of legislation to abolish the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Seymour, Iowa, remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the eighth district of the Union Christian Temperance Union, of Des Moines, Iowa, praying that steps be taken to secure satisfaction for damages to American citizens by the outrages in Turkey, etc.; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Philadelphia Board of Trade, and a petition of the National Board of Trade, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a petition of the State Horticultural Society of Iowa, praying for the passage of House bill No. 119, to protect and administer public forest reservations; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. HAWLEY presented the memorial of E. W. Bidwell and 29 other citizens of Unionville, Conn., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BACON presented a petition of the Ministers' Union of Macon, Ga., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented petitions of sundry bankers and business men of Macon; of H. A. Jenkins, speaker of the house of representatives, of Atlanta; of J. M. Terrell, attorney-general of Georgia; of sundry bankers and business men of Columbus; of T. M. Trammell, chairman of the Georgia railway commission, and of sundry bankers and business men of Atlanta, all in the State of Georgia, praying for the passage of Senate bill No. 3545, to prevent the sale of railroad tickets by unauthorized persons; which were referred to the Committee on Interstate Commerce.

Mr. BRICE presented a petition of the faculty and students of the University of Wooster and sundry citizens of Wooster, Ohio, and a petition of 49 citizens of Waynesville, Ohio, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a memorial of 16 citizens of Forest, Ohio, remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of 13 citizens of Oberlin, Ohio, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter, and also for the passage of House bill No. 838, to reduce letter postage to 1 cent per half ounce; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Frank Geiger, publisher of the Herald, of Mendon, Ohio, and the petition of A. C. Buss, publisher of the New Bremen Sun, of New Bremen, Ohio, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-roads.

He also presented a memorial of Bohm Bros. & Co., of Cincinnati, Ohio, remonstrating against the passage of the so-called Bailey-George bankruptcy bill and praying for the passage of the

so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a memorial of the Cincinnati Credit Men's Association, of Cincinnati, Ohio, remonstrating against the passage of the so-called Bailey-George bankruptcy bill; which was ordered to lie on the table.

He also presented the memorials of A. B. Voorhees; of Voorhees, Miller & Co.; of Louis Stix & Co.; of Stewart Shillito, and of the National Lead Company, of Cincinnati, Ohio, remonstrating against the passage of the so-called Bailey-George bankruptcy bill; which were ordered to lie on the table.

Mr. MORGAN presented the petition of E. H. Anderson, publisher of the Utah Mirror, of Utah, Ala., and the petition of George R. Cather, publisher of the Southern Ægis, of Ashville, Ala., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Utah, Ala., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HOAR presented a petition of sundry citizens of Massachusetts, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Board of Trade of North Adams; of the Oil Trade Association of Boston, and of Julia J. Irvine and 157 others, teachers and students of Wellesley College, all in the State of Massachusetts, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

Mr. LODGE presented a petition of the Oil Trade Association of Boston, Mass., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a memorial of the sailors of Charlestown, Mass., remonstrating against the proposed amendments to the so-called seamen's bill in regard to corporal punishment; which was ordered to lie on the table.

He also presented petitions of the Northampton Board of Trade, of Northampton; of Charles S. Parker, publisher of the Advocate, of Arlington; of Pratt & Pratt, publishers of the Bee, of Braintree, and of William E. Brigham, publisher of the Somerville Citizen, of Somerville, all in the State of Massachusetts, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Barnstable, Mass., and a memorial of sundry citizens of Reading, Mass., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GORDON presented a petition of sundry business men of Columbus, Ga., praying for the passage of Senate bill No. 3545, to prevent the sale of railroad tickets by unauthorized persons; which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom was referred the bill (S. 3396) to authorize and direct the Secretary of the Treasury to pay the moneys herein specified to the respective bands of Chippewa Indians in the State of Minnesota according to their respective rights and interests, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 9863) to extend and amend an act entitled "An act to grant the right of way to the Kansas, Oklahoma Central and Southwestern Railway Company through the Indian Territory and Oklahoma Territory, and for other purposes," approved December 21, 1893, reported it without amendment.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (H. R. 8356) to authorize the establishment of a life-saving station at or near Great Boars Head, on the coast of New Hampshire, reported it without amendment.

He also, from the same committee, to whom was recommitted the bill (H. R. 9752) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River, between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River, between the States of Minnesota and Wisconsin," reported it without amendment.

Mr. BURROWS, from the Committee on Claims, to whom was referred the amendment submitted by Mr. COCKRELL on the 28th ultimo intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 27th ultimo intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 1733) for the relief of Capt. W. J. Kountz, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3500) for the relief of Stewart & Co., A. P. H. Stewart, agent, reported it without amendment, and submitted a report thereon.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (H. R. 9775) to amend so much of chapter 189 of the Statutes of the United States of America, passed at the third session of the Fifty-third Congress, and approved March 2, 1895, as requires that the lower portion of the Rock Island bridge shall not be occupied by any street railway company without paying a reasonable rent therefor, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 10067) to amend "An act to amend 'An act to amend section 4400 of Title LII of the Revised Statutes of the United States, concerning the regulation of steam vessels,' approved August 7, 1882," and also to amend section 4414, Title LII, of the Revised Statutes, "Regulation of steam vessels," reported it without amendment.

Mr. COCKRELL. On February 2, day before yesterday, I submitted an amendment intended to be proposed to the sundry civil appropriation bill, and supposed that I had it referred to the Committee on Military Affairs. It appears from the printed amendment that it was referred to the Committee on Appropriations. I move that the Committee on Appropriations be discharged from the further consideration of the amendment and that it be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. COCKRELL. I am instructed by the Committee on Military Affairs to report back the amendment favorably, with a written report, and I ask that it be referred to the Committee on Appropriations.

The VICE-PRESIDENT. It will be so ordered.

Mr. ALLEN, from the Committee on Indian Affairs, to whom was referred the amendment submitted by himself on the 25th ultimo, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying report, referred to the Committee on Appropriations; which was agreed to.

Mr. McBRIDE, from the Committee on Commerce, to whom was referred the bill (H. R. 9799) to amend an act entitled "An act to authorize the Chattanooga Western Railway Company to construct a bridge across the Tennessee River near Chattanooga," giving the said company more time in which to begin and complete said bridge, reported it without amendment.

Mr. WHITE, from the Committee on Commerce, to whom was referred the bill (H. R. 10012) relating to the improvement of Eastchester Creek, State of New York, reported it without amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Fisheries, to whom was referred the amendment submitted by Mr. GALLINGER on the 1st instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 5532) to increase the pension of Josephine Glover, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7969) to increase the pension of Joseph E. Vantine, reported it without amendment, and submitted a report thereon.

Mr. PASCO, from the Committee on Commerce, to whom the subject was referred, submitted a report, accompanied by a bill (S. 3651) to provide for an investigation of the obstruction of the navigable waters of Florida, Louisiana, and other South Atlantic and Gulf States by the aquatic plant known as the water hyacinth, and for other purposes; which was read twice by its title.

Mr. SHOUP, from the Committee on Indian Affairs, to whom was referred the amendment submitted by himself on the 2d instant intended to be proposed to the Indian appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. CAMERON, from the Committee on Naval Affairs, to whom was referred the bill (S. 3368) to authorize the President of the United States to appoint and confer the rank of first lieutenant of

marines upon the leader of the United States Marine Band, reported it without amendment.

He also, from the same committee, reported the amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BRICE, from the Committee on Pensions, to whom was referred the bill (S. 3144) granting a pension to Samuel Shaffer, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2910) granting a pension to Mrs. Essie E. Powell, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 355) granting a pension to Rhoda A. Van Niman, reported it with an amendment, and submitted a report thereon.

Mr. CHANDLER, from the Committee on Naval Affairs, to whom was referred the amendment submitted by Mr. WETMORE on the 26th ultimo intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. HAWLEY. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 4985) to permit a part of the Fort Lyon Military Reservation to be occupied, improved, and controlled for a soldiers' home by the State of Colorado, to ask to be excused from its further consideration. That reservation has been turned over to the Interior Department, and the bill belongs to the Committee on Public Lands.

The report was agreed to.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 3561) to grant a right of way through the Fort Spokane Military Reservation, in the State of Washington, to the St. Paul, Minneapolis and Manitoba Railway Company, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3715) for the relief of Capt. W. J. Kountz, asked that the committee be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

HIRAM T. CORUM AND SILAS W. DAVIS.

Mr. PETTIGREW. I am directed by the Committee on Indian Affairs, to whom was referred the bill (H. R. 8886) for the relief of Hiram T. Corum and Silas W. Davis, of Oregon, to report it favorably without amendment, and I ask consent for its immediate consideration.

Mr. HOAR. I should like to have the object of the bill stated.

Mr. PETTIGREW. I will say to the Senator that this is a bill which passed the House, the amount of the claim being $300 for seed wheat and potatoes furnished the Indians at the Warm Springs Indian Agency in Oregon.

Mr. HOAR. Very well.

Mr. PETTIGREW. The claim has been audited and allowed by the Department, and the reason why it was not paid was——

Mr. MILLS and others. All right.

Mr. PETTIGREW. Because the fund out of which it was to be paid had been covered back into the Treasury.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SILAS P. KELLER.

Mr. BLANCHARD. I hold in my hand a bill (S. 361) for the relief of Silas P. Keller. The bill passed the Senate, went to the House, and that body amended it in one particular only, by striking out the word "Indians" and writing in "Indian band." With that amendment the bill was referred to the Committee on Indian Affairs. I am instructed by that committee to report it back favorably and recommend the concurrence of the Senate in the House amendment.

Mr. FAULKNER. I ask unanimous consent that the Senate now concur in the amendment.

The VICE-PRESIDENT. The amendment of the House of Representatives will be stated.

The SECRETARY. In line 6, strike out the word "Indians" where it occurs the second time and insert "Indian band."

The amendment was concurred in.

IMPROVEMENT OF WATERWAY IN ALABAMA.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the joint resolution (S. R. 191) relative to the improvement of the waterway between Birmingham, Ala., and the Black Warrior River, to report it with an amendment, I call the attention of the Senator from Alabama [Mr. MORGAN] to the joint resolution.

Mr. MORGAN. I ask unanimous consent for the present consideration of the joint resolution.

The VICE-PRESIDENT. It will be read for information.

The Secretary read the joint resolution; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was to strike out section 2 and insert:

SEC. 2. That the cost of such survey shall be defrayed from the unexpended balance of the funds heretofore appropriated for the improvement of the Black Warrior River from Tuscaloosa to Daniels Creek.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

SURVIVORS OF THE WAR OF 1812.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 3636) to increase the pension of the soldiers and sailors of the war of 1812, to report it favorably with an amendment. I desire to call the attention of the senior Senator from Texas to this bill. The Senator from Texas intended to ask for its consideration when reported. I will state to the Senator that I have reported favorably the bill in which he is interested concerning the increase of pensions to the survivors of the war of 1812.

Mr. MILLS. I hope the chairman of the Committee on Pensions will make some statement about the bill to the Senate.

Mr. GALLINGER. In behalf of the Senator from Texas I ask unanimous consent for the present consideration of the bill. I will simply state that from a letter on file and included in the report, written by the Commissioner of Pensions, it appears that there are 12 survivors of the war of 1812. Eighteen months ago ago there were 21. The survivors range from 90 to 104 years of age, and in the natural order of things the last one will soon pass away. The bill proposes to increase the pensions of these 12 old men from $12 to $30 a month, and I trust it will be done.

Mr. MILLS. I will state in addition that there is only one of them in Texas, a very old blind man, who has to be led about wherever he goes, and is dependent upon other people for help. I trust we will for the next year or two take care of the old heroes of the war of 1812. They are rapidly passing away, and in a very few years none will be left.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Pensions was to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pensions of all surviving soldiers and sailors of the war of 1812 to $30 per month in lieu of the pensions they are now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SULPHUR RIVER BRIDGE.

Mr. NELSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1722) to approve and ratify the construction of a bridge across the Sulphur River, in the State of Arkansas, by the Texarkana and Fort Smith Railway Company, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments, and agree to the bill as it passed the Senate.

KNUTE NELSON,
J. H. BERRY,
Managers on the part of the Senate.
W. P. HEPBURN,
ANDREW PRICE,
Managers on the part of the House.

The report was concurred in.

DAVID GIBSON.

Mr. SHERMAN. I move that the Committee on Naval Affairs be discharged from the further consideration of the bill (S. 3639) for the relief of David Gibson, of Cincinnati, Ohio, and that it be referred to the Committee on Claims.

The motion was agreed to.

SALE OF LIQUORS IN CAPITOL BUILDING.

Mr. MORRILL. I ask unanimous consent to call up the bill (H. R. 7083) to prohibit the sale of intoxicating liquors in the Capitol building, and for other purposes. I will state that the Senator from New York [Mr. HILL] has examined the bill and has withdrawn his objection thereto. Therefore I ask for its present consideration.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HILL. I do not desire to object to the present consideration of the bill, at least not at this time, but I wish to enter a

motion, on which I shall say a few words, to commit the bill to the Committee on Rules. Has the bill been read through?

Mr. MORRILL. It has been read heretofore.

Mr. HALE. If the bill gives rise to any debate whatever, I object to its being considered now, while the routine business is going on.

Mr. MORRILL. The routine business is through, I understand.

Mr. GALLINGER and others. It is not through.

The VICE-PRESIDENT. The introduction of bills and joint resolutions is in order.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 3652) to establish a department of public health; which was read twice by its title.

Mr. GALLINGER. I will state that the bill is recommended by the Pan-American Medical Congress which recently convened in the City of Mexico. In introducing the bill I do not necessarily give my assent to it, but simply present it, so that it may be given consideration by the Committee on Public Health and National Quarantine. I move that the bill be referred to that committee.

The motion was agreed to.

Mr. GALLINGER. In the same connection I present a report of the committee of the Pan-American Medical Congress on the department of public health for the United States. They recommend the enactment of national and State laws which are very comprehensive in regard to matters of health, and which are included in this report.

I noticed the other day that President Cleveland, in addressing a medical association, suggested that if we went on improving medical matters as we had been doing of late years the only exit from this world to the next would be through the medium of old age. It occurs to me that if all the laws were enacted relating to health that the Pan-American Medical Congress has suggested in this document no man would ever be able to reach mature manhood, because we would be hampered by so many medical restrictions that we would die in self-defense. I move that the paper be referred to the Committee on Public Health and National Quarantine, and that it be printed as a document.

The motion was agreed to.

Mr. GEAR introduced a bill (S. 3653) to create the sixth judicial district in the Territory of New Mexico, the appointment of an additional associate justice of the supreme court of the Territory of New Mexico, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. COCKRELL introduced a bill (S. 3654) granting an increase of pension to Juliet Gregory; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BACON introduced a bill (S. 3655) to restore Mrs. Elizabeth T. Anderson to the pension roll; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CALL introduced a bill (S. 3656) to admit the foreign-built steamer *Soledad* to American registry; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. HILL (by request) introduced a bill (S. 3657) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights; which was read twice by its title, and referred to the Committee on Patents.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MANTLE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. GORDON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Education and Labor, and ordered to be printed.

Mr. McBRIDE submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. McMILLAN submitted three amendments intended to be proposed by him to the District appropriation bill; which were referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. WHITE submitted two amendments intended to be proposed by him to the naval appropriation bill; which were referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. VILAS submitted an amendment intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BACON submitted an amendment intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. FRYE submitted an amendment intended to be proposed by him to the diplomatic and consular appropriation bill; which, with the accompanying paper, was referred to the Committee on Commerce, and ordered to be printed.

Mr. HAWLEY submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. NELSON submitted an amendment intended to be proposed by him to the bill (H. R. 8110) to establish a uniform law on the subject of bankruptcy throughout the United States; which was ordered to lie on the table and be printed.

SECOND-CLASS MAIL MATTER.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the bill (H. R. 4566) to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 243) providing for the printing of the Consular Regulations of 1896 was read twice by its title, and referred to the Committee on Printing.

ACCOMMODATIONS FOR THE GEOLOGICAL SURVEY.

Mr. BAKER (for Mr. DAVIS) submitted the following resolution; which was referred to the Committee on Mines and Mining:

Whereas the mining and quarrying interests of the country demand recognition by the Government;

Whereas the establishment of a well-equipped museum of practical geology will be of great assistance to both the producer and consumer of mining and quarry products;

Whereas the Geological Survey is occupying inadequate quarters at a large annual rental:

Resolved, That the Committee on Mines and Mining be instructed to examine and report on the best method for providing proper accommodations for the Geological Survey and for a museum of practical geology.

PACIFIC RAILROADS.

Mr. MORRILL. I move to take up House bill 7083, to which I have already referred.

The VICE-PRESIDENT. The Senator from Vermont asks unanimous consent for the present consideration of a bill which will be read by title.

Mr. MORRILL. No; I make a motion to take it up at the present time.

The VICE-PRESIDENT. The Chair will entertain the motion when the morning business is concluded. The Chair lays before the Senate, as a part of the morning business, the resolution of the Senator from Nebraska [Mr. ALLEN], coming over from a previous day. The resolution will be stated.

The SECRETARY. A resolution instructing the Committee on Pacific Railroads to inquire and report to the Senate whether the executive department has, by existing law, authority to foreclose the Government mortgage or lien on the Union Pacific and Kansas Pacific railroads, etc.

Mr. MORRILL. The Senator from Nebraska [Mr. ALLEN] kindly consents that I may call up the bill for action this morning.

The VICE-PRESIDENT. The Senate will be in order. The Senator from Vermont is recognized.

SALE OF LIQUORS IN CAPITOL BUILDING.

Mr. MORRILL. I call up House bill 7083, to which I have already referred.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill (H. R. 7083) to prohibit the sale of intoxicating liquors in the Capitol building, and for other purposes.

Mr. MILLS. I desire to know if it is the intention of the Senator from Vermont to press that bill for consideration or to refer it?

Mr. MORRILL. It has already been referred and reported. I call it up for immediate action.

Mr. MILLS. I object to its consideration.

The VICE-PRESIDENT. Objection is interposed to the present consideration of the bill.

Mr. MORRILL. I move that the Senate proceed to the consideration of the bill.

The VICE-PRESIDENT. The Chair submits to the Senate the motion of the Senator from Vermont.

Mr. MORRILL. Mr. President, I wish merely to say that I want a direct vote upon this bill. I would not like to have it sidetracked by a motion to refer it to any committee. Undoubtedly the public are under a great misapprehension as to a saloon being

at either end of the Capitol building, but there is an opportunity for visitors here to obtain ardent spirits and wines. This morning I had a letter from a gentleman of the city here stating that he recently noticed a visitor coming out from one end of the Capitol drunk.

As this bill has passed the other House, if they want it I think the Senate should not object to it. I hope that there will be no delay on the part of the Senate by a long discussion or anything of the kind, but that we shall have a vote and pass the bill. If there is a majority against it, let it be so recorded.

Mr. HILL. Mr. President, I myself did not object to the present consideration of this measure, and I had previously informed the Senator from Vermont that I should not. If the bill is before the Senate for any proper purpose, then I desire to make a motion to commit the bill to the Committee on Rules.

Mr. MILLS. But it is not before the Senate. I have objected to its consideration, and it can only be brought before the Senate by a vote.

The VICE-PRESIDENT. The Chair will state the condition of the bill. The Senator from Vermont asked unanimous consent for its present consideration. An objection was interposed, when the Senator from Vermont entered a motion to proceed to the consideration of the bill.

Mr. MILLS. That motion is not debatable.

The VICE-PRESIDENT. That motion is pending. The debate thus far has been proceeding by unanimous consent.

Mr. BLACKBURN. Mr. President, I simply desire to say a few words in all deference, because no member of this Chamber fails in deference to the Senator from Vermont. The bill is not before the Senate, but there is a motion to bring it before the Senate, made by the Senator from Vermont, and I do not intend to oppose it. I am perfectly willing to allow the bill to come before the Senate, but I want to serve notice now that in my judgment it will not be properly before the Senate coming from the committee that the Senator from Vermont represents.

This bill, under every application of a rule, under every precedent known, should have been sent to the Committee on Rules. What the Committee on Public Buildings and Grounds has to do with this bill passes human comprehension. The bill relates directly to the culinary establishment of the Senate, and what the Committee on Public Buildings and Grounds has to do with the kitchen I am not informed. The Committee on Rules is charged with everything involved in the measure. The reference of the bill to the Committee on Public Buildings and Grounds seems to have been an omission upon the part of the Senate. I am sure that the venerable Senator himself will not claim jurisdiction for his committee of a question like this. It is a question for the Committee on Rules to determine, and whenever the bill shall be brought before the Senate—and I repeat I have no objection to its coming here—I shall support the motion of the Senator from New York to commit it to the only committee of the Senate that has any proper jurisdiction of the matter.

Mr. SHERMAN. Mr. President, I wish to say a few words about this matter. It seems to me that my friend from Kentucky is wrong. A Committee on Rules means only a committee in regard to the mode and method of conducting the business of the Senate, nothing less and nothing beyond.

Mr. BLACKBURN. May I ask the Senator from Ohio a question?

Mr. SHERMAN. Certainly.

Mr. BLACKBURN. Is not every committee room in the Senate wing under the exclusive jurisdiction of the Committee on Rules, and does not every order that governs and controls the Senate wing of the Capitol building come from the Committee on Rules?

Mr. SHERMAN. All the Committee on Rules have to do is to devise rules to govern this body and regulate its procedure, and also to provide for the various committees of the body and assign different places for them. It is a mere technical objection that is made. The bill was without objection referred to the Committee on Public Buildings and Grounds. It relates to the use of a public building. The question is, Shall we allow any portion of this great public building to be devoted to the sale of spirituous liquors? That is all there is about it.

Upon the subject there is a general feeling throughout the country. I believe it is founded upon false ideas, because I believe there are no such irregularities practiced in this building as are alleged. I believe that they do not exist. I know myself that liquors are not sold anything like what is supposed in the various petitions sent to us. But at the same time we ought to meet this popular objection that comes to every Senator in the body. I have letters by the score and petitions by the score asking us to pass this bill upon the ground, the false ground, the foolish ground, that there is liquor sold here as at an ordinary bar. No such thing as that occurs.

But if there is any abuse of the kind, I think myself that every Senator here ought to be willing to defer to the general public opinion of the country that this building is no place where liquor should be sold or drunk or used. If people want liquor they can go outside anywhere in the city of Washington and get whisky or any kind of drink they want; but it does seem to me that it is only a fair deference to the opinion of good people in this country that here in this building liquor should be neither bought nor sold, nor used to any extent.

I hope therefore that this bill will be passed, which was reported by my honorable friend, the Nestor of this body, and who asks us to pass it. I think we ought to give him the vote to pass the bill, and not bother him with technical questions about rules or as to what particular committee the bill ought to have been sent, instead of to the committee of which he is chairman.

Mr. ALDRICH. Mr. President, I am not especially anxious, as a member of the Committee on Rules, to consider this question, but it must be very evident to the Senate from the remarks of the Senator from Ohio that he has not recently read the rules of the Senate. Clause 2 of Rule XXXIV reads as follows:

> It shall be the duty of the Committee on Rules to make all rules and regulations respecting such parts of the Capitol, its passages and galleries, including the restaurant, as are or may be set apart for the use of the Senate and its officers, to be enforced under the direction of the Presiding Officer.

Ever since I have been a member of the Senate the Committee on Rules has had control and charge of the Senate wing of the Capitol and the rules regulating the restaurant have been adopted by that committee, and it never has before been questioned during my service in the Senate. The keeper of the restaurant is appointed by the Committee on Rules and discharges his duties under the direction of the Committee on Rules.

While I am on my feet, I perhaps ought to say that there is a great misapprehension apparently in the public mind regarding this question, caused, I have no doubt whatever, by statements emanating from the Capitol itself and sent to various temperance organizations throughout the country as to what is the condition of affairs here in the Capitol. The Senate has now a rule of its own, and has had for a long time, prohibiting the sale of intoxicating liquors in the Senate wing of the Capitol building. If the House of Representatives desires to adopt a similar rule, it is certainly within its power to do it. If there are abuses existing in the House wing of the Capitol, that body certainly could look up the matter and apply the proper remedy. But so far as I am aware——

Mr. GALLINGER. I rise to a point of order, Mr. President.

The VICE-PRESIDENT. The Senator from New Hampshire will state his point of order.

Mr. GALLINGER. I make the point of order that a motion to proceed to the consideration of a bill is not debatable.

The VICE-PRESIDENT. Objection being interposed, the Chair will submit the motion of the Senator from Vermont [Mr. MORRILL] to the Senate, that the Senate proceed to the consideration of the bill indicated by him, which has been read from the desk.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7083) to prohibit the sale of intoxicating liquors in the Capitol building, and for other purposes.

Mr. HILL. I move to refer the bill to the Committee on Rules.

The distinguished Senator from Ohio [Mr. SHERMAN] says that technically, and therefore properly, this bill should have been referred to the Committee on Rules. There is no doubt about that proposition. When the bill passed the House of Representatives and was brought to the Senate, my attention had been called to it. It was hailed as a triumph of reform (!), and I was naturally looking after a reform measure. It was not referred to the Committee on Public Buildings and Grounds on motion, but was referred in the ordinary course of business and inadvertently to that committee. I was watching it, but at the time it was referred I did not happen to be present. If any Senator had then suggested to the Chair that the bill properly belonged to the Committee on Rules, unquestionably it would have gone to that committee. There is no doubt about that whatever. It is a question for the kitchen, not for the garden; it is a question for the caterer, not a question for the general superintendent of grounds; it is a question for the kitchen committee—if I may use that expression, with all due respect to the Rules Committee—rather than for the committee which has charge of all the grounds around this Capitol. Therefore we are strictly right, and it is no disrespect to the Committee on Public Buildings and Grounds to question their jurisdiction of this matter. As a question of propriety, the bill ought to go to the Committee on Rules.

In addition to the rule which the Senator from Rhode Island [Mr. ALDRICH] called to the attention of the Senate, I call attention to Rule X of the "Rules for the regulation of the Senate wing," where there are some provisions applicable to this question, declaring that the restaurant shall be under the control of the

Committee on Rules and providing that certain things shall be done, all of which are to be under the direction of that committee. The rule concludes with this extensive and broad clause:

The management of the restaurant and all matters connected therewith shall at all times be subject to such further directions as the Committee on Rules may give.

The whole jurisdiction of the management of the internal affairs of the Senate restaurant belongs to the Committee on Rules, and therefore the motion I have made is perfectly legitimate and proper, and the bill ought to go to that committee.

Mr. President, I do not intend to discuss at any length the merits of the bill, because they are not now properly before the Senate, but I am in receipt of letters, as other Senators are, from people living way up in the North, some in my own State, calling my attention to the abomination of a bar, so called, existing here in the Capitol. Such letters have no effect upon me. There is no bar, as such, maintained here in the Capitol. There is a House restaurant and there is a Senate restaurant. The public should know that we are obliged to come here in the forenoon to attend our various committee meetings, and that we are obliged to take one meal here in the Capitol every day, and our visitors, our guests, our witnesses, and employees are obliged to get some meals here in the Capitol building, naturally so and appropriately so, and it is a question, therefore, for the Committee on Rules as to what extent and in what manner the restaurant shall be conducted.

The rules already provide upon this subject that "spirituous" liquors shall not be sold, furnished, or kept in the restaurant. It is a question of construction as to the effect of that provision. Does it mean that in this Capitol, where Senators are obliged to take one meal a day in order to transact the public business, no Senator shall have a glass of wine or a glass of beer? The language is:

No spirituous liquors shall be sold, furnished, or kept in the restaurant.

It is for the Committee on Rules to interpret this provision; it is for the Committee on Rules to give direction to the caterer in the Capitol and to regulate this whole business. It is not a subject to be dealt with by a penal statute. What is the sense of our providing a penal statute that if our servant in this Capitol, subject to our removal, violates this act, he shall be fined $500 and shall be guilty of a misdemeanor, when all we have to do is to remove him? Have we not the courage to remove him; or must we pass a statute to punish our servant, our hired man, our own employee? No, Mr. President; it is a silly statute which is proposed; it is an unwise statute; it is an unnecessary statute. The wisdom of this action is very questionable.

I have received some letters on this subject, and I only desire to read one. I trust I am not to be influenced by such letters. The gentleman who writes me—and this is from my own State, too—says:

Senator DAVID B. HILL, *Washington, D. C.:*

DEAR SIR: I see in the newspapers that a bill prohibiting saloons in our National Capitol has been passed by the House with only 7 dissenting votes.

So much the worse for the House.

I hope that you will not only vote for this measure when it comes before the Senate, but also use your influence in the meanwhile to secure its passage and thereby raise the standard of our national honor.

[Laughter.]

Is our national honor to depend upon the fact whether we take a glass of ale or beer with one of our meals? We heard a great deal flippantly said during the recent campaign about national honor. Every time an æsthetic question or a mere question of finance, or a question of the regulation of our meals arises, some good, but misguided citizen starts the question of the national honor. Of course, you can not more effectually touch an American than when you appeal to his sense of respect for the national honor. No, there is no question of national honor involved in this proposed legislation. We say that this legislation is unnecessary. In truth and in fact there is no drunkenness in this Capitol. I have never seen in the corridors or anywhere in this Capitol a drunken man. I have not been around looking for them particularly, but I have gone in and out of the halls and corridors of this Capitol, I have been in the committee rooms, I have been all around it—not so much in the House of Representatives, but still I occasionally go over there—and I say here for the benefit of those agitators up North, in my own State and elsewhere, that it is a libel upon Congress to say that there are "saloons" maintained here in the Capitol, in the proper sense of that term, and that drunkenness prevails here. It does not.

I am not speaking so much for myself upon this question, Mr. President, because I can get along without anything to drink, except cold water, but it is a question of principle which is involved; it is a question of right; it is a question of decency; it is a question of propriety which is involved here.

I recollect we had this same question in New York when I was chief executive of that State. We had a large capitol and a large legislature, and the legislature authorized a restaurant. I suppose that probably the keeper of the restaurant sold some beer and ale, and possibly occasionally a glass of wine with the meals to our legislators. Immediately certain active, pestiferous men, anxious to regulate the morals of other people, started a crusade, crying, "What, a saloon in the capitol of the Empire State! A State disgrace." They raised again the question of honor—State honor.

I recollect I had some experience with the legislature. It first passed a law to provide that there should not be any selling of any spirituous or malt liquors, ale, wine, or beer in the capitol; and then, in order to make it perfect, they said "in any public building belonging to the State." They sent that bill to me as the chief executive. I vetoed the bill upon the broad ground that it was useless and unnecessary legislation, and upon the further ground that not only would it prohibit any drinking in the capitol, but in the executive mansion it would prevent the governor of the State on state occasions from treating his guests to a glass of wine, because that was a "public building belonging to the State;" it would prevent our soldier boys in the Soldiers' Home from having a glass of beer; it would prevent the wardens of the prisons, public officials, giving a glass of wine, or of ale, or of beer to a single guest. My veto of that bill was unanimously sustained.

Next year the legislature passed another bill. The height of the ambition of some people is to raid a restaurant in the interests of the public honor and in the interest of the public morals, which at that time were said to be involved. They are busybodies meddling with other people's business. The next bill struck out the broad provision covering all the public buildings of the State and applied only to the capitol. Then, with that fatality which often attaches to that kind of legislation—they were going to make it broad, they were not going to put in anything that could be evaded, and therefore they said there should not be sold or given away any intoxicating liquors, wines, ales, or "any other beverage containing alcoholic ingredients." They sent that bill to me, and I referred it to the State chemist to have an analysis made as to what drinks contain alcoholic ingredients. He reported that lemonade, pop, cider, small beer, ginger ale, and all the well-known and well-recognized temperance drinks contained some alcoholic ingredients; and in the interests of temperance I vetoed that bill. [Laughter.]

Mr. President, that ended the raid upon the "State saloon" kept in the capitol, kept there even under a Democratic administration, and that alleged saloon is to-day in full blast under the administration now in possession of the Empire State, and those people, instead of directing their attention to the capitol at Albany, are firing upon us letter after letter and petition after petition about the terrible disgrace that is going on here in this Capitol. Senators and Members of the House of Representatives may sometimes take a glass of beer, or a glass of ale, or a glass of wine with their meals in our restaurant, but it is very rarely that that even is done. I think that the right to have it should be protected; I think the right to have it with one's meals, if one wants it, should be accorded us. Can not we trust ourselves? Have the American people lost confidence in their Representatives and Senators that they can not trust them on the question of eating their meals? Mr. President, there is no wholesale or retail selling over bars here. The whole matter is exaggerated. There is nothing to it. This talk is simply for the purpose of getting up an agitation.

I have been diverted into making these remarks when the real question now involved is that arising on my motion, and nothing else. Where does this bill belong? Has there been any hearing before the Committee on Public Buildings and Grounds? I think not. Have the Committee on Rules been asked to appear before that committee to state the existing regulations? I think not. I have not seen it in the newspapers anywhere, and they usually keep track of such things. Has the keeper of the restaurant been called before the committee to state how the matter is now regulated? I think not. Is there a report accompanying the bill giving any reasons for this action? No.

In justice to ourselves, in justice to public decency, would it not be well, when a favorable report or any report is made in regard to this bill, to have a written report stating just what is done here, just what is tolerated, so as to show how senseless these cries are? I think it would be well to have such a report as part of our archives, and then let the people living hundreds of miles away from here, who are lying awake nights because they think there is some wrong being perpetrated in regard to the taking of something intoxicating with our meals, be pacified; and let them understand that there is nothing in all this clamor.

My motion to refer ought to prevail; it ought to prevail substantially by unanimous consent. This bill, concededly improperly referred in the first place, should be referred to the Committee on Rules. Let us trust that committee, who have charge of the matter under the rules of the Senate. That is where this bill should be referred.

Mr. CHILTON. Mr. President, I did not intend to say anything about this matter, but I shall vote for the bill and vote

against its reference now to the Committee on Rules. It seems to me that this is a very simple question. It is not a question of prohibition. I myself am an antiprohibitionist. It is not a question of teetotalism. I myself am not a teetotaler. I make no pretensions in either direction. The bill involves no theories regarding governmental interference with private property; but it involves alone the management of a public building. It is not even a question as to the abstinence or nonabstinence of United States Senators; for United States Senators are not the only persons who have admission to this building, and the House and Senate restaurants are open to every visitor. Crowds of persons of every age, sex, and condition come to this Capitol. Every day hundreds of ladies from different parts of the Union throng the precincts of this great building.

I shall vote for this bill just as I should vote for one protecting a schoolhouse or protecting a church or protecting any other special building from the supposed evil of the use of intoxicating liquors.

Sir, it has been said that there is a rule of this Senate which forbids the sale or use of intoxicating liquors in this building. If so, it is the first time I ever heard of it. I have personal knowledge that, if such be the rule, it is violated constantly.

I do not expect any extraordinary results from the passage of this bill. It is not expected that any great revolution in the morals of Senators, or in the morals of the people, will be created by it; but it is a deference which we ought to extend to the views of a large portion of our people, who think that the public buildings of the country, at least, ought to be protected from the annoyances of the liquor traffic. I think they are right to that extent.

It is only a few steps to places where gentlemen can buy intoxicating liquors if they desire. This bill does not involve anything except possibly a matter of convenience, and on account of the numbers who come here, women and children and people of that kind, I think this bill ought to pass.

It is not a complex proposition, which needs to be considered time and again by any committee of this body. It is simply a bill to prohibit the sale of intoxicating liquors in this Capitol and on the public grounds surrounding this building. Why should that question be considered by a committee so seriously and so long? I see no reason for it, sir. It is now before us. Perhaps in the first place it might have been referred to the Committee on Rules; but it was not so referred—it went to another committee. I am not much of a stickler anyway regarding the jurisdiction of these committees. They are but auxiliary to the business of this Senate. This bill has come back to the Senate, reported favorably by the Committee on Public Buildings and Grounds. Everybody understands it, and we can dispose of it in fifteen minutes. I think we ought to take a vote without further delay.

Mr. MORRILL. I merely desire to say in regard to the reference of this bill to the Committee on Public Buildings and Grounds that I had no part in sending it to that committee. I do not know who had. So far as I am concerned, in moving it at the present time, it is by mere accident. On account of the chairman of the Committee on Public Buildings and Grounds, the Senator from Pennsylvania [Mr. QUAY] being absent, it simply devolved on me as a duty to present the bill, and I felt it incumbent upon me to discharge that duty. Therefore I shall ask a vote on the question of reference.

The VICE-PRESIDENT. The question is on the motion of the Senator from New York [Mr. HILL] to refer the bill to the Committee on Rules.

Mr. PEFFER. Mr. President, just a word before the Chair puts the question.

The VICE-PRESIDENT. The Chair recognizes the Senator from Kansas.

Mr. PEFFER. Mr. President, I conceive that the sensitiveness of Senators to get rid of this bill is undue. The Committee on Rules has a certain jurisdiction conferred upon it, but that does not oust the jurisdiction of the Congress; it does not do away with the jurisdiction of the Legislature of the United States. This is a public building belonging to the people of this country. The Committee on Rules of the Senate is the medium through which the Congress of the United States exercises jurisdiction by way of enforcing rules in this body; and surely the jurisdiction of the Committee on Rules of the Senate does not extend beyond the enforcement of order and the enforcement of rules established by the Senate. It does not extend to the House wing; it does not extend to the grounds outside of this building. What the Committee on Rules is expected to do is to enforce whatever the Senate or the Congress may determine ought to be enforced.

Now, there is a standing rule of this body, I understand—I think I have read it—which prohibits, or pretends to prohibit, the sale of liquor in the Senate restaurant. I think that is true. But here comes along a proposition to pass a bill. Congress, exercising its jurisdiction over one of its public buildings, proposes to probibit the sale of intoxicating liquors in the Capitol building of the United States, in the Capitol Grounds, and in other public buildings of the District of Columbia; it is a bill general in its character so far as jurisdiction over the District of Columbia is concerned; and it seems to me that it is futile, almost childish, if that is a parliamentary term, for Senators to insist that a bill of this character must go to the Committee on Rules and have the opinion of that committee before the Senate can take jurisdiction or before Congress can take jurisdiction. It is preposterous to begin with. Who supposes we should ever have any report from the Committee on Rules with respect to this measure?

What rule of the body is there, what act of Congress is there, what rule of parliamentary procedure is there, that we are required to refer any of our bills to a committee? One of our rules, the third paragraph of Rule XIV, provides:

> No bill or joint resolution shall be committed or amended until it shall have been twice read, after which it may be referred to a committee.

There is no rule requiring that a bill or joint resolution shall be referred to a committee except by a vote of the Senate. I remember a short time ago that after discussing a joint resolution, which had been read twice, I asked that it might be placed on the Calendar, and the Senator from New York [Mr. HILL] objected to that proceeding and desired to have it referred to a committee. Simply to accommodate that Senator, who has always been so respectful and courteous to me, I yielded to him; but there is nothing in the rules of the Senate which requires a bill to go to any committee. When a question comes before the Senate in which the people of the United States in large proportion are interested, not only quiescently and receptively, but actively, and while petitions are coming in here by the hundred day after day, week after week, month after month, session after session, and year after year, asking for such legislation as this—when such a question comes face to face with the American Senate, it seems to me we ought to be willing to accord that much to the temperance sentiment of the United States and to the Christian sentiment of the United States. This is a Christian country, Mr. President. Our people are a moral people, and whenever they are brought face to face with a question of this kind, they are invariably upon the right side of it. Here in the Capitol building, where the laws of the country are made, where the strongest and best men of the country are presumed to be sent by a wise and considerate constituency, we are asked not to prohibit men and women from drinking their liquors when they want to, not asked that men and women shall be prohibited from having beer or wine or whisky or gin at their meals when they desire, but that no intoxicating liquors shall be sold in the Capitol building of the United States of America.

I hope, Mr. President, that this motion to refer will be defeated, and that, like men, as well as like Senators, we shall meet this question face to face.

The VICE-PRESIDENT. The question is on the motion of the Senator from New York [Mr. HILL] to refer the bill to the Committee on Rules.

Mr. MORRILL. I ask for the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. CHANDLER. I should like to ask the Senator from Vermont whether he is prepared to amend the bill?

Mr. MORRILL. I have no objection to amending it.

Mr. CHANDLER. If the Senator is not prepared to amend it, I shall vote to refer it, for the very simple reason that I always vote for the restriction of the sale of intoxicating liquors. I am willing to vote to prohibit the sale of intoxicating liquors within the Capitol building or on the Capitol Grounds, but I can not vote for the bill in its present language. I wish sometimes that our temperance reformers would consult lawyers before they draw bills to make crimes. The language of the bill is:

> That hereafter it shall be unlawful * * * to sell, dispense, or otherwise dispose of intoxicating liquors of any kind, or any compound or preparation thereof, either in the Capitol building or upon any part of the public grounds.

Now, what does "dispense intoxicating liquors" mean? What does "dispose of intoxicating liquors" mean? There are three objectionable acts. There is the sale of liquor; there is the giving away of liquor, and there is the drinking of liquor, and a bill which makes it a penal offense to do a thing in the Capitol building should be specific. A bill that authorizes the constables of Washington to come up here and take individuals from the Capitol and take them before the police court of the District of Columbia should be specific.

If we mean to punish the selling of liquor, let us say so. If we mean to punish the giving away of liquor, let us say so. If we mean to punish the drinking of liquor, let us say so. Or, if we mean that no medical prescription with liquor in it, and certainly a medical prescription calling for alcohol as an ingredient is covered by the language, "any compound or preparation thereof," shall, under any circumstances, be administered within the precincts of the Capitol without its being a crime, then let it be so stated in the bill. But do not let us have, under the guise of temperance reform or as impedimenta upon a wise law to exclude the sale

of liquor from the Capitol, a badly drawn bill voted upon which does not mean what we say, for I do not believe it is the intention or desire of Senators that under no imaginable circumstances shall a physician's prescription which contains alcohol be given or used in this building. The only physician on this floor is my respected colleague, the Senator from New Hampshire [Mr. GALLINGER], and if any of us should be taken sick to-day and he were called upon to prescribe for us on this floor, he would be guilty of a crime if he put any alcohol in the prescription.

In all seriousness, Mr. President, it seems to me that the Senator from Vermont, representing the Committee on Public Buildings and Grounds, or possibly the able Committee on Finance, or if not either of those committees, then the Committee on Rules, ought to take this bill and make it a bill which does what it professes to do, what its framers want it to do—prohibit the sale of liquor within the Capitol and the Capitol Grounds—and then I will vote for it, but I will not stultify myself by voting for it in this shape.

Mr. GALLINGER. I suggest to my colleague that if he were to call upon me for a prescription and I should write one, I would not send him to the chef of the restaurant, the Sergeant-at-Arms, or the keeper of the restaurant, but to a licensed pharmacist to fill his prescription.

Mr. CHANDLER. The Senator does me an injustice. Would the Senator, if anyone should be taken sick in the Capitol, have him wait to have a restorative drop administered until he sends out to the nearest drug store? I do not believe that the Senator, any more than myself, wants to make it a crime to administer, within the limits of the Capitol, a physician's prescription with alcohol in it.

Mr. GALLINGER. I merely suggest to my colleague, in addition, that in my opinion the average United States Senator, even though he comes from the prohibition State of New Hampshire, if he wants a restorative drop, will not find it necessary to go to a physician to get it.

Mr. GRAY. Mr. President, I have been in doubt as to how my vote should be cast upon this important bill, but the observations of the senior Senator from New Hampshire [Mr. CHANDLER] have caused me to reflect, and the picture that has risen in my mind upon his suggestion of what might be the possible state of affairs in the Senate if the bill should be adopted as a part of the law has decided me to vote against the bill. That picture would be of this kind: At noon hour there would be a string of Senators passing in front of the seat of the junior Senator from New Hampshire [Mr. GALLINGER], each one receiving his little billet-doux that authorized him to partake of that liquid refreshment which could not be partaken of without such authorization, and I do not believe that the annoyance to which the Senator from New Hampshire would be subjected should be considered for a moment in view of the importance of the exigency.

The VICE-PRESIDENT. The question is on agreeing to the motion to refer the bill to the Committee on Rules, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. BURROWS (when his name was called.) I am paired with the senior Senator from Louisiana [Mr. CAFFERY].

Mr. CALL (when his name was called). I am paired with the Senator from Vermont [Mr. PROCTOR]. I do not know how he would vote, and therefore withhold my vote.

Mr. McBRIDE (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. GEORGE]. If he were present, I should vote "nay."

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. If he were present, I should vote "nay."

Mr. MORRILL (when his name was called). I am paired generally with the senior Senator from Tennessee [Mr. HARRIS]. I take the liberty of transferring my pair to the Senator from Connecticut [Mr. PLATT], and I will therefore vote. I vote "nay."

Mr. SMITH (when his name was called). I have a general pair with the senior Senator from Idaho [Mr. DUBOIS]. If he were present, I should vote "yea."

Mr. VILAS (when his name was called). I have a general pair with the Senator from Oregon [Mr. MITCHELL]. I do not know how he would vote on this question. I should like to ask his colleague if he is able to inform me?

Mr. McBRIDE. I will say to the Senator from Wisconsin that I am not informed as to how my colleague would vote on this question.

Mr. VILAS. I will therefore withhold my vote.

The roll call was concluded.

Mr. BERRY. I am paired generally with the Senator from Connecticut [Mr. PLATT]. I do not know how he would vote on this question——

Mr. BLACKBURN. The pair has been transferred, I will say to the Senator from Arkansas.

Mr. BERRY. Then I will vote. I vote "nay."

Mr. MORRILL (after having voted in the negative). I withdraw my vote, as I understand the Senator from Connecticut [Mr. PLATT] is otherwise paired.

Mr. BERRY. Is the Senator from Connecticut paired with any other Senator?

Mr. HAWLEY. My colleague is paired with the Senator from Arkansas who is speaking.

Mr. BERRY. Very well. The Senator from Connecticut is paired with me.

Mr. HAWLEY. Did not the Senator from Arkansas so understand it?

Mr. BERRY (after having voted in the negative). He is paired with me. I withdraw my vote. I would vote "nay" if he were present.

Mr. MORRILL. I have withdrawn my vote.

Mr. BERRY. If my pair has been transferred, I have not been informed in regard to it. Does the Senator from Connecticut know how his colleague would vote?

Mr. HAWLEY. He would vote "nay," I have no doubt.

Mr. BERRY. If the Senator is sure of that, I will cast my vote.

Mr. HAWLEY. I have no doubt about it.

Mr. BERRY. Then I will vote "nay."

Mr. BLACKBURN. I should like to have the authority for that statement.

Mr. BERRY. I withdraw my vote, if any question is raised about it.

Mr. MORRILL. I have withdrawn my vote, as I understand the Senator from Connecticut [Mr. PLATT] is paired. I am paired with the Senator from Tennessee [Mr. HARRIS].

Mr. PASCO. I wish to state that the Senator from Connecticut [Mr. PLATT] asked me to see that he was paired, and I had arranged the matter with the Senator from Vermont [Mr. MORRILL], supposing it was in accordance with his views.

Mr. BATE (after having voted in the negative). I have a general pair with the Senator from Utah [Mr. BROWN]. He gives me liberty upon motions like the pending one, not political in their nature, to vote as I please. I have voted "nay," and I will let my vote stand, but I desired to explain it.

Mr. BACON (after having voted in the affirmative). I am paired generally with the junior Senator from Rhode Island [Mr. WETMORE]. I am informed by his colleague that if he were present he would vote in the affirmative. Therefore I will allow my vote to stand, although the junior Senator from Rhode Island is absent.

Mr. BERRY. The Senator from Florida [Mr. PASCO] has announced that he arranged another pair for the Senator from Connecticut [Mr. PLATT] by his direction, and I therefore vote "nay."

Mr. ALDRICH. The Senator from Connecticut [Mr. PLATT] informed me before he went away that he was paired with the Senator from Arkansas [Mr. BERRY]. I think he so understands it.

Mr. PASCO. He very likely made the arrangement after he saw me, then, and I will withdraw the action I have taken.

Mr. COCKRELL (to Mr. PASCO). You have a right to pair the Senator from Connecticut with any other Senator. That right is always exercised in the Senate, and it has never before been denied.

Mr. TELLER. Let it stand.

Mr. PASCO. I think it is a matter which his colleague ought to determine.

Mr. COCKRELL. Let it stand.

Mr. BERRY. I wish it specifically understood how it is. I desire to keep faith with the Senator from Connecticut. If he authorized the Senator from Florida [Mr. PASCO] to arrange a pair for him with another Senator, I want to let my vote stand. If he is not otherwise paired, I will withdraw my vote and announce that I would vote "nay" if he were present.

Mr. HAWLEY. There is no doubt that the absent Senator from Connecticut considers himself paired with the Senator from Arkansas. He told me so distinctly not long before he left town.

Mr. SHERMAN. How would he vote on this question?

Mr. HAWLEY. I only know his general principles on that question. I do not know how he would vote on the motion to refer.

Mr. BERRY. In view of the statement made by the colleague of the Senator from Connecticut, I withdraw my vote. I want to observe the pair.

Mr. FAULKNER (after having voted in the affirmative). I have already voted, but I am paired with the Senator from West Virginia [Mr. ELKINS], and in order to enable my vote to stand, I transfer my pair to the Senator from Indiana [Mr. VOORHEES].

Mr. BLANCHARD (after having voted in the negative). I have already cast my vote, but I observe that the Senator from North Carolina [Mr. PRITCHARD], with whom I have a general pair, has not voted. I ask leave to withdraw my vote.

Mr. SMITH. I transfer my pair with the senior Senator from Idaho [Mr. DUBOIS] to the Senator from South Carolina [Mr. IRBY], and wish to vote. I vote "yea."

Mr. NELSON. I am paired with the Senator from Missouri

[Mr. VEST]. I transfer my pair to the Senator from North Carolina [Mr. PRITCHARD], and vote "nay." I understand that that Senator has not voted.

Mr. BLANCHARD. The Senator from Minnesota [Mr. NELSON] being paired with the Senator from Missouri [Mr. VEST] who is absent, and I being paired with the Senator from North Carolina [Mr. PRITCHARD], we have arranged to transfer our pairs, which pairs the Senator from North Carolina [Mr. PRITCHARD], with whom I am paired, with the Senator from Missouri [Mr. VEST], with whom the Senator from Minnesota [Mr. NELSON] is paired. That permits the Senator from Minnesota and me to vote.

Mr. ALDRICH. Does the Senator from Louisiana know how either of the Senators who are absent would vote?

Mr. GALLINGER. A half dozen transfers have been made on the other side without any question——

Mr. BLANCHARD. I ask, under the transfer of pairs, that my name be called. I vote "nay."

Mr. ALDRICH. I suggest that two absent Senators are being paired, without knowing how either would vote upon this question, and the Senator is getting two votes against this proposition. It is not a matter of any consequence to me, but it is obvious that if the two absent Senators should happen to vote the same way, they would lose their votes by this arrangement.

Mr. GALLINGER. I suggest, in response to the Senator from Rhode Island [Mr. ALDRICH], that at least a half dozen pairs have been made with Senators upon the other side whose opinions could not have been known.

Mr. BLACKBURN. Right here I protest against transfers of pairs with absent Senators unless some Senator in his place will state how the absent Senator would vote if present.

Mr. CULLOM and Mr. SHERMAN. That is right.

Mr. BLACKBURN. I protest against counting any votes so cast.

Mr. NELSON (after having voted in the negative). If any objection is made to the transfer, I am willing to withdraw my vote. I do not want to have any question about it.

The VICE-PRESIDENT. Does the Chair understand the Senator from Minnesota to withdraw his vote?

Mr. NELSON. I withdraw my vote.

The VICE-PRESIDENT. It will be so noted.

Mr. BLANCHARD (after having voted in the negative). It is a very common occurrence in the Senate of the United States for one Senator to transfer his pair, but since the Senator from Minnesota [Mr. NELSON] has withdrawn his vote, it forces me to do the same. I ask leave to withdraw my vote. I stand paired with the Senator from North Carolina [Mr. PRITCHARD]. If he were present, I should vote "nay."

The result was announced—yeas 27, nays 30; as follows:

YEAS—27.

Aldrich,	Chandler,	Hill,	Palmer,
Bacon,	Faulkner,	McMillan,	Smith,
Blackburn,	Gibson,	Mantle,	Tillman,
Brice,	Gorman,	Martin,	Turpie,
Cameron,	Gray,	Mills,	Walthall,
Cannon,	Hale,	Mitchell, Wis.	White.
Carter,	Hawley,	Murphy,	

NAYS—30.

Allen,	Davis,	Lindsay,	Sewell,
Allison,	Frye,	Lodge,	Sherman,
Baker,	Gallinger,	Pasco,	Stewart,
Bate,	Gear,	Peffer,	Teller,
Chilton,	Gordon,	Perkins,	Thurston,
Clark,	Hansbrough,	Pettigrew,	Wilson.
Cockrell,	Hoar,	Pugh,	
Cullom,	Jones, Nev.	Roach,	

NOT VOTING—32.

Berry,	Dubois,	Mitchell, Oreg.	Shoup,
Blanchard,	Elkins,	Morgan,	Squire,
Brown,	George,	Morrill,	Vest,
Burrows,	Harris,	Nelson,	Vilas,
Butler,	Irby,	Platt,	Voorhees,
Caffery,	Jones, Ark.	Pritchard,	Warren,
Call,	Kyle,	Proctor,	Wetmore,
Daniel,	McBride,	Quay,	Wolcott.

So the motion to refer was rejected.

Mr. HILL. Mr. President, this great moral (!) question is now clearly before the Senate. It will be in order now for Senators who have voted for prohibition to proceed to their lunches and take a glass of beer. The theory upon which this bill is framed, if it has any theory at all, is a most vicious one. It would not be parliamentary for me to say that it is a cowardly bill, and therefore I do not say it. I would not say that "conscience does make cowards of us all." Neither would I say that an alleged public opinion makes cowards of us all.

There is not a single Senator here who does not know that drinks are to be obtained in the Capitol hereafter as they have been heretofore, and it is expected. But we are to satisfy our consciences, we are to satisfy an alleged public opinion, by putting a very strict law upon the statute book and then do as we please as to obeying and enforcing it.

Mr. President, I am opposed to that sort of proceeding. I am opposed to that sort of hypocrisy. I am opposed to that sort of legislation. I am opposed to the proceedings which are witnessed in some States where strict prohibition laws are passed to satisfy an alleged public sentiment, and the laws not enforced and not intended to be enforced. And men go to bed and sleep easy after they have passed those bills.

Mr. President, what is the situation presented here? Who sells liquor in the Capitol? Nobody except the caterer of either the Senate or the House of Representatives. You are not legislating for anybody around the corner of the grounds. There are no places that sell liquor there. You are not legislating for committee rooms. Nobody sells there.

Nobody pretends that there has ever been any liquor sold there. The only sort of pretense is that in the restaurants of the two Houses Senators in getting their dinners, or guests who visit the Capitol occasionally, may purchase liquors with their meals. That is all. To stop it, what do you propose to do? The manly thing, the proper thing, would be to summon before the appropriate committee the caterer and ask him, "By what right do you violate—if it is a violation—the rules of the Senate?" and dismiss him. Oh, no. Where is the Senator who proposes to do that? If Senators are so wrought up over this question, filled with this sentiment, filled with this narrowness that seems to prevail, are they going to carry out their conscientious convictions by proceeding to make a complaint against the caterers? No. Nobody will do it. Not a man around this circle proposes to do it. It seems that they prefer that we should pass a strict statute that the caterer shall be arrested; that the caterer shall be fined; that the caterer shall be punished—unloading everything on our servant.

Mr. President, with all due respect to Senators, I say it is hypocrisy. I say it is unwise and vicious legislation, because it is not proposed to meet the difficulty. In the first place, no matter what committee reported the bill (that question has been disposed of), the Senate has seen fit to decide that the provisions of the rules that give jurisdiction to the Committee on Rules to dispose of this question do not mean anything. They have seen fit to decide that the Committee on Public Buildings and Grounds has jurisdiction of this question, properly so, and I bow with all due respect to the decision of the Senate. There is something about this question that seems to impel Senators to ride over rules. The distinguished Senator from Vermont [Mr. MORRILL] seems to be crouching for fear of a great cyclone of public opinion which he can not resist. A Senator who can not stand up in an emergency in reference to a foolish, silly, unjust clamor ought not to take refuge in passing a statute to expose his own servant to prosecution, and protecting himself.

Mr. President, what are the rules of this body? What has been intended to be done?

"No spirituous liquors shall be sold, furnished, or kept in the restaurant," is the language of the Senate rule.

That does not exclude malt liquors. It never was intended to—never since these old moss-covered rules were first enacted. It was always expected that you could take beer—malt liquors—with your meals or otherwise. Who objects to it? Is there a great moral question involved? It is ridiculous, absurd, preposterous.

Let me analyze the argument of my good temperance friend from Texas. He says the Capitol belongs to the people of the country. That is true. The District belongs to the people of the country. This little 10 miles square—not exactly square after all, but they call it square—belongs to the country. Upon the same principle we ought to have a prohibition District. How prohibition would diminish the crowds on inauguration day, for which we have made such great preparations! I heard it argued a year or two ago that there should be no liquor sold in the District of Columbia. Some people propose to set the District apart as the model town of the country; put in force here prohibition laws, the narrow prohibition laws under which they fine people in some States three or four thousand dollars and send them to prison for a violation of the excise or prohibition laws. Before this debate is over I will send for that case in the State of Vermont, decided afterwards by the Supreme Court a few years ago. I have no sort of respect for a public sentiment that sanctions such laws.

A man living in New York State sent over into Vermont to be sold a few kegs of beer by the express company under a C. O. D. receipt, and the express company collected the money and forwarded it to New York. It was claimed that this was a violation of the excise laws of prohibition Vermont. Not supposing it was—supposing it to be permitted by the interstate-commerce laws—not supposing he had violated any law, a citizen of my State went on a Fourth of July celebration, I think, to celebrate over in Vermont, and they arrested him under an indictment which had been found there. The authorities from Vermont proceeded to try him, convicted him, sentenced him to pay a fine of a certain amount—I believe about a thousand dollars—and if the fine (the precise amount I do not now recollect) was not paid it would keep him in the penitentiary for thirty or forty years for a violation of the excise laws

or the prohibition laws of the State of Vermont. Perhaps Senators would like to have some such laws in this District, so that we should have a model government. Murder in some States is nothing compared with a violation of excise laws. I recollect what occurred after the case had gone to the Supreme Court of the United States. I will get the volume, for I want to read the opinion of Justice Field. Although I think he dissented, while the other judges held that possibly the conviction would have to be sustained under the theory of State rights, yet he denounced such a decision as an outrage upon the individual liberty of the citizen, and declared such a sentence to be unworthy of an American court. Justice Field expressed his opinion of such sort of laws. Murder is respectable compared to the violation of the excise laws. Burglaries amount to nothing. All sorts of crime are nothing compared with the selling or taking of drinks contrary to the excise laws or contrary to the prohibition laws of some States.

Mr. President, I am opposed to such scrt of narrow legislation. I believe in the personal liberty of the citizen. I believe in the right of a man to drink and eat and wear whatsoever he pleases, subject only to such reasonable regulations as the welfare of the whole community may demand. All else is tyranny; all else is oppression; all further is an exhibition of intermeddling unworthy of an American legislator.

Your rules, your written rules, never contemplated but that you could sell lager beer. But now, by this statute, you propose to prevent ale and you propose to prevent beer being sold or drunk. I am not so certain but that under some constructions your proposed statute would prevent cider from being sold.

Dispose of intoxicating liquors of any kind, or any compound or preparation thereof—

In cider there are ingredients of alcohol—

or any compound or preparation thereof.

I am prepared to say, as a lawyer, if the Senator from New Hampshire [Mr. GALLINGER], the physician of this body, should prescribe for a sick Senator here by giving him a glass of wine, under the terms of the bill, if it should become a law, he could be successfully prosecuted and fined $500. The very words "otherwise dispense" are used. That prevents a dispensary—prevents a liquor prescription. They do not propose to have Senators taken sick. Senators must always be well. They put in the very words to stop a prescription of any kind of liquor for a Senator.

Mr. President, this is ridiculous legislation; it is unnecessary and puritanical legislation. It comes from where? From this District. Who is demanding it here? Nobody especially. This District can kick up a muss as quick as any 10 miles square in the United States that I know of, but nobody especially here is demanding it. Where are they? Why, people are sending letters, telegrams, and petitions here, people who have never visited the capital in their lives and never expect to. They are the people who are lying awake nights, always for fear of the Pope. There are lots of them all over the country. They begin to talk to you when you meet them in some rural portions of our country and tell you about what a fearful thing the power of the Pope is. The next time you meet other people they begin to tell you about the great dangers to the American people because lager beer is sold in the saloons of the Capitol. The saloons of the Capitol! What rubbish!

Mr. President, you propose to make it a crime "to sell, dispense, or otherwise dispose of."

I have listened with great attention to the remarks of the junior Senator from New Hampshire, who, although a Prohibitionist as he is, tinctured with prohibition, brought up with prohibition, covered all over with prohibition sentiment inground in him, yet says he can not vote for this proposed legislation. He has some sense, and a good deal of sense. When he says he can not support the measure, hailing from a prohibition State, I think that Senators who represent liberal communities, noted for their liberal views, certainly should stop long enough to criticise the bill; they should stop long enough to examine it; they should stop long enough to see whether it expresses their real sentiments or not.

Pass the bill if you can, if you wish to do so, but what prevents a constable of the District of Columbia from walking in here and seizing the person of the venerable Senator from Vermont on a charge of violating this law and taking him to the police court of the District of Columbia? You have in this measure surrendered the privileges guaranteed to you by your Constitution, granted to you by the common law, granted to you by what is called parliamentary rule, namely, the exemption of the person of Senators from arrest. Your parliamentary exemption privilege is gone.

What a fine spectacle it would be some morning when my distinguished friend from Indiana [Mr. TURPIE], at some time in the distant future, on the Nicaraguan Canal bill, shall suggest the absence of a quorum, to discover that half of the Senators are in the police court for a violation of the excise law. You are exempt now. There is no law that can take you upon any sort of charge from this Chamber when you are engaged in legislation—your persons are sacred—but you propose to pass a law that enables the constable of this city, in the interest of public morality (!), to deplete the Senate, to do away with your majority, and virtually dissolve your Congress—a power never before surrendered by legislators, by members of Parliament, or any other body possessing the same powers that we possess. Even in cases of treason and felony and breaches of the peace the privileges of members of Parliament extend, and the same rule applies to us. They could not take us for treason out of this body, they could not take us for felony, they could not take us for a breach of the peace. But it is proposed that they can take us from here for a violation of the excise law of the District. Of course the reason for the exemption is that you could break up a majority of Parliament or a majority of Congress under false pretenses.

Mr. MILLS. You could in that way deprive the people of any community of the right of representation.

Mr. HILL. There are a dozen reasons upon which this personal privilege of Senators has been sustained from the foundation of the Government, but we must surrender it because of the great moral (!) pressure away back a hundred, two hundred, a thousand miles from here.

Mr. President, this sort of unreasonable legislation will not answer. It has not been well conceived, as I said in my opening remarks. Who drew this bill? Nobody knows. What lawyer is responsible for it here? What Senator has given us an exposition of what you can do under it? There is no report accompanying it. It was drawn up, possibly, by some society somewhere or other whose members have very vague and crude notions of law.

Mr. President, beyond all this is the hypocrisy involved in this sort of thing. The remedy is in our own hands. If we want to accomplish what we pretend we do, it is easy enough to pass a resolution here instructing the Committee on Rules to dismiss the keeper of your restaurant. That is one way to proceed. Oh, no; nobody proposes to do it, but by this sort of legislation it is proposed to escape responsibility for ourselves.

I care nothing personally about this question. Whether I am ever here or not in the future (and I do not expect to be here), your restaurant will keep on just the same; and when I shall visit my fellow-Senators in the years to come, to pay you a friendly visit, this same old restaurant will be in full blast as now. I would rather state frankly what we intend. You intend that matters shall continue as they are. This statute, if enforced at all, will be enforced against your servant. It will not remedy the evil. This same question was raised years ago. I have read of it in the reports of the proceedings of Congress. It always results in the same way. A spasmodic effort was made to do something, and in the end it resulted in nothing. It failed because it ought to fail.

Now, I oppose this measure, not that I ever took a drink of liquor in this Capitol, or ever expect to do so, but I oppose it from principle. It is said the people will be contaminated if they come here. Why, on all your public thoroughfares, on your lines of conveyance, on your palace cars, they sell wines and ales. They sell wine and ale and beer on your steamboats. They sell them in your hotels. They sell them in your restaurants, at your depots, throughout the country. Why draw the line here, except that there is a clamor for it upon the part of men who do not stop to think what they demand?

The VICE-PRESIDENT. The Senator from New York will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 3247.

Mr. GALLINGER. I rise to a question of privilege and present a conference report.

The VICE-PRESIDENT. The Senator from New Hampshire is recognized for that purpose.

ANNIE E. NOLAN.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 2129) granting an increase of pension to Annie E. Nolan, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted insert "$40;" and the House agree to the same.

J. H. GALLINGER,
JNO. L. MITCHELL,
Managers on the part of the Senate.

BENSON WOOD,
S. S. KIRKPATRICK,
Managers on the part of the House.

The report was concurred in.

PACIFIC RAILROADS.

Mr. LODGE. I rise to a privileged question. I desire to go on with the consideration of the conference report upon the immigration bill.

Mr. ALLEN. I wish the Senator from Massachusetts would yield to me merely that I may make a request.

Mr. LODGE. Certainly.

Mr. ALLEN. I ask that the resolutions I submitted relative to the Pacific railroads may be passed over without losing their place.

The VICE-PRESIDENT. In the absence of objection, it is so ordered.

Mr. THURSTON. If the Senator from Massachusetts will excuse me a moment, in connection with the Pacific railroad resolutions, which are to go over by unanimous consent, I give notice that I shall ask unanimous consent to-morrow morning immediately after the transaction of the routine business to continue my remarks upon the resolutions. I should like to complete what I have to say without a greater intermission between parts of my remarks.

GASPAR BETANCOURT.

Mr. MORGAN. I desire to offer a resolution on which I will ask unanimous consent that present action may be taken.

The VICE-PRESIDENT. The resolution will be read for information.

The Secretary read the resolution, as follows:

Resolved, That the President is requested, if it is not, in his opinion, incompatible with the public interest, to inform the Senate whether Gaspar Betancourt, a citizen of the United States, is held in prison by the Spanish authorities in Cuba, and the grounds of the arrest and detention.

And that he will also inform the Senate whether the release of said Betancourt has been demanded, and when and how often such demand has been repeated, and what answer has been made to the same.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. HOAR. I should like, if the Senator from Alabama would have no objection, to have the resolution first go to the Committee on Foreign Relations, and I will state my reason. I am quite sure the Senator would not move any such resolution without grave reasons, and my reason relates rather to a general policy and not at all to this particular resolution.

A practice has grown up in the Senate, when complaints come of the treatment of our citizens abroad, to move resolutions of this kind of inquiry and to pass them as a matter of course. I happen to know that in one very important instance the State Department had nearly effected the release of an American citizen abroad when a resolution of inquiry passed by the Senate disturbed the foreign government, thinking that they seemed to be yielding to some menace, and prevented the accomplishment of what otherwise would have been done.

I am sure that what I say does not apply in the least to the pending resolution; but it seems to me, unless there be some very pressing exigency, these matters which relate to diplomacy should always go to the committee of which the Senator is so distinguished a member, and that the committee should have an opportunity of some formal inquiry of the Department of State before public action is taken by the Senate.

I will not interpose an objection to the resolution, but I thought it proper to make this observation, for I am sure that sometimes such resolutions have disturbed the action which was going on to a successful issue.

Mr. MORGAN. If I should be required to state the sources of my information about this business, they would not be in the slightest degree discredited by the Senate of the United States. I do not believe that I am permitted to give the name of the gentleman who has made to me a very important communication on this subject, which included a statement that this old gentleman, who is seventy-odd years of age, who has been twenty-five years of his life in New Orleans, and is a merchant there, has been arrested and committed to prison. The Government of the United States, through its consul-general, has made three or four demands for his release and also for information in respect to the grounds of the accusation, etc., but he is intercommunicado; that is, they will not allow anyone to approach him at all to find out what he was arrested for or what condition he is in.

I thought it was my duty to present the resolution in this form, leaving it to the President of the United States to give us the information according to his judgment as to whether it would be injurious to the public service. If such arrests have been made, I desire to call attention to the fact that we have a statute, the number of which is 2001 in the Revised Statutes, which requires the President of the United States, of his own motion, in cases of the kind suggested in the resolution, to give immediate information to the Congress of the United States. I have two or three times called attention to that statute and predicated resolutions upon it. I tried to get information in regard to the *Competitor* affair more than a year ago based upon that statute. It is simply a dead letter on the law book; that is all of it. The object, of course, in communicating such information to Congress is disclosed in the latter clause of the statute, which prohibits the President of the United States from using any force for the purpose of releasing a person thus imprisoned, as that would amount to an act of war, and requires him to make presentation immediately of all the facts to Congress, so that the war-making power of this country may determine what its duty is.

I am conscious of the fact that that statute has affirmed in favor of Congress the proposition that it is the sole war-making power, and I think it is the duty of every Senator here who has information he believes to be correct upon a case of this kind, finding that the Executive does not act, does not refer the facts to us, makes no mention of it at all, to offer his resolutions in order to gain that information and, if possible, get the executive branch of the Government to move in the direction of discharging its ordinary statutory duty in the matter. That is the reason why I moved the resolution.

I can only say that the gentleman who made this communication to me is a man of very high character, a citizen of New Orleans, and I have no doubt but that his statement is true. If the Senate thinks it best to refer the resolution, of course let it go to the Committee on Foreign Relations. At the same time, there is a great deal of suffering going on now upon the part of American citizens, some at Ceuta, some at Habana, some in the fortress at Cabanas, some at Pine Island, some at various other places. A great many Americans are suffering unjustly and suffering torture under the Spanish persecutions in Cuba. I am a little restive about it, and very desirous to be somewhat active in bringing this subject to public attention, and especially to the attention of the Executive.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

PROPOSED RESTRICTION OF IMMIGRATION.

Mr. LODGE. I desire to call up now the conference report on the immigration bill. I do not wish, as the Senator from Alabama knows, to do anything to interfere with the consideration of the Nicaragua Canal bill, but this measure being in its last stage, I am very anxious to dispose of it at the earliest possible moment. Of course it does not displace the unfinished business, as it is a conference report; and I am in hopes that we may be able to get action upon it very soon and get it out of the way not only of the Nicaragua Canal bill, but of all the business of the Senate.

Mr. MORGAN. Mr. President, I know that the Senator from Massachusetts will occupy probably but a few moments of the attention of the Senate on the conference report, and I therefore ask unanimous consent that the regular order be laid aside informally for the purpose of enabling the Senator to have that subject taken up and disposed of.

The VICE-PRESIDENT. Is there objection?

Mr. MILLS. If it requires unanimous consent, as I am opposed to the bill, I can not give it.

Mr. LODGE. It does not require unanimous consent. I will say a conference report is privileged.

Mr. MILLS. A conference report is privileged in the other House, both to be presented and considered; but I am informed that in this body it is different—that it is only privileged for presentation.

Mr. LODGE. A conference report is a privileged one, and I move to take it up.

Mr. CHANDLER. I want to again utter my protest against the idea being entertained for a moment that a conference report loses its privilege at any stage or under any circumstances.

Mr. HALE. It never has in the business of the Senate, that I know of, been considered that a conference report is not privileged until it is completed; otherwise we should be unable to do business in the last thirty days of a session.

Mr. DANIEL. After such a report is taken up it is privileged.

Mr. HALE. Yes.

Mr. CHANDLER. I understand the Senator from Alabama, [Mr. MORGAN] to be willing that the conference report shall be taken up without regard to this question; but that must not be taken as an admission that a conference report can ever cease to be a question of privilege.

Mr. LODGE. Of course a conference report can not lose its privilege; but I do not desire to bring about an argument as to the very large question of privileged reports. There is no question in my mind that you can not divest the question of its privilege at any time. The Senator from Alabama in charge of the bill which is the unfinished business made no objection, and I supposed it was not necessary to go to a vote upon it.

Mr. MILLS. Do I understand that the Senator from Massachusetts wishes the Senate to recommit the report?

Mr. LODGE. I may desire to recommit it or not, but I am not at liberty to say at present.

The VICE-PRESIDENT. The Chair understands that objection is interposed to unanimous consent.

Mr. LODGE. I think the objection has been withdrawn, Mr. President.

The VICE-PRESIDENT. The Chair did not so understand.

Mr. LODGE. I understood the Senator from Texas [Mr. MILLS] to withdraw the objection.

The VICE-PRESIDENT. The Chair will again submit the

question. Is there objection to the request of the Senator from Massachusetts?

Mr. LODGE. I made no request for unanimous consent. The request was made by the Senator from Alabama [Mr. MORGAN].

The VICE-PRESIDENT. Is there objection to the request of the Senator from Alabama?

Mr. VILAS. What is the request, Mr. President?

The VICE-PRESIDENT. Will the Senator from Alabama please restate his request?

Mr. MORGAN. I asked unanimous consent that the regular order pending before the Senate, the Nicaraguan Canal bill, might be laid aside informally without prejudice, to enable the Senator from Massachusetts to call up and have disposed of the conference report on the immigration bill, I understanding that he intended to be very brief about it.

The VICE-PRESIDENT. Does the Chair understand the Senator from Texas to object to the request?

Mr. MILLS. I do.

The VICE-PRESIDENT. Objection is interposed.

Mr. LODGE. Then I move to take up the conference report.

The VICE-PRESIDENT. The question is on the motion of the Senator from Massachusetts, to proceed to the consideration of the report of the committee of conference on the bill (H. R. 7864) to amend the immigration laws of the United States.

Mr. GORMAN. If that motion succeeds, Mr. President, do I understand that it will displace the regular order, the Nicaraguan Canal bill?

The VICE-PRESIDENT. The Chair understands that for the time being it would.

Mr. LODGE. It would during its own consideration, of course; but it would not displace it as the unfinished business. A conference report can not do that, because it can be moved to be taken up at any time.

Mr. GORMAN. That is the very question I raise now with the Chair, and we ought to have it decided at this time. I differ very decidedly with the Senator from Massachusetts, and I raise the point, so as to have the decision of the Chair upon it.

Mr. LODGE. If I may be heard on that point of order——

Mr. HOAR. That point of order does not come up now, but will come up after the measure in charge of my colleague is up.

Mr. GORMAN. I submit the point to the decision of the Chair, whether, if the motion of the Senator from Massachusetts be adopted, it will displace the regular order?

Mr. LODGE. May I be heard upon that point of order, if the Senator from Maryland is through?

The VICE-PRESIDENT. The Chair will hear the Senator.

Mr. LODGE. Of course, if we take up the conference report now, while we are considering it this afternoon we are not considering the Nicaraguan bill, that is obvious; but in the sense that the Senator makes the question, I suppose it is as well known to him as it is to me that a privileged matter like a conference report, if it is not finished to-day, does not displace the unfinished business to-morrow, because, being a privileged matter, it can always come up on motion, and a motion is always in order to take it up. It would not put an end to the unfinished business. You can not, as I understand, make a conference report the unfinished business of the Senate because you can move at any time to take it up.

Mr. CHANDLER. So that it does not displace the Nicaraguan bill.

Mr. LODGE. It does not displace that bill from its position as unfinished business.

Mr. CHANDLER. As would a motion to proceed to the consideration of another bill.

Mr. LODGE. It does not displace that bill from its position as would the adoption of a motion to proceed to the consideration of another bill, as the Senator from New Hampshire suggests.

Mr. HALE. Put it in another way. A conference report being a privileged matter, and this report having been presented yesterday and considered as a privileged matter, it did not then displace the unfinished business. To-day, it having gone over, the Senator from Massachusetts in charge of the report makes his privileged motion to proceed to its consideration, and it will no more displace the unfinished business to-day, Mr. President, than did the presentation of the report yesterday—it is only for the time being, like a motion to proceed to the consideration of executive business or whatever it may be. It is in the nature of privileged matter, not coming within the ordinary business of the Senate.

Mr. ALDRICH. It seems to me if the rule is read in regard to confe ence reports it may elucidate this whole question. I ask that the rule may be read from the desk.

Mr. GORMAN. If the Senator will permit me for a moment, I think the Senator from Massachusetts, if he will examine the rule, upon a moment's reflection, will understand that a conference report is privileged to be made at any time without displacing the current business; but, after being made and laid upon the table, if a motion is subsequently made and adopted to proceed to its consideration it displaces whatever is then pending in the Senate.

Mr. ALDRICH. I think the Senator from Maryland is wrong in regard to that.

Mr. GORMAN. Here is the rule.

Mr. STEWART. Let us hear the rule.

Mr. GORMAN. The rule is as follows:

> The presentation of reports of committees of conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

So that it takes a motion to consider a conference report.

Mr. ALDRICH. I beg the Senator's pardon.

Mr. GORMAN. I wish to say——

Mr. ALDRICH. I think I have the floor, Mr. President, have I not?

Mr. GORMAN. I do not know how the Senator obtained the floor. The Chair recognized me.

The VICE-PRESIDENT. The Chair will state that the Senator from Maryland addressed the Chair, and yielded to another Senator, who subsequently addressed the Chair.

Mr. GORMAN. I will yield to the Senator if he is desirous to be heard at this time, as he is chairman of the Committee on Rules.

Mr. ALDRICH. All I was about to say was that it requires no motion at all to take up a conference report. I think the trouble is in regard to the technical method in which this matter has been approached. The Senator from Massachusetts having the conference report in charge can undoubtedly at any time call it up for consideration. If objection is raised and the question is put to the Senate by the presiding officer, "Will the Senate proceed to the consideration of the conference report?" it is not a motion to displace the unfinished business or to make the conference report the unfinished business. It is simply a particular method prescribed by the rules to get a privileged question before the Senate.

Mr. LODGE. That is the whole thing, Mr. President. I called up the report as a privileged matter.

The VICE-PRESIDENT. The Chair will state the status of this motion as the Chair understands it. The request of the Senator from Alabama [Mr. MORGAN] for unanimous consent was denied. The Senator from Massachusetts [Mr. LODGE] then entered a motion to proceed to the consideration of the conference report. That is the pending motion now before the Senate. A question is raised as to the effect of that motion upon what is known as the unfinished business, being the Nicaraguan Canal bill.

Mr. ALDRICH. If the Senator from Massachusetts, instead of making the motion, had asked the Senate to proceed to the consideration of the report——

Mr. LODGE. That is precisely what I at first did.

Mr. ALDRICH. Then, as a matter of course, the Senate would have proceeded with it unless objection was raised. If objection is raised, then it is the duty of the presiding officer, without any motion on the subject——

The VICE-PRESIDENT. The Chair so understands, and the Chair has so stated, and that is now the pending motion. The Chair, of course, will hear any remarks Senators desire to make. The Senator from Maryland [Mr. GORMAN] was recognized.

Mr. GORMAN. I do not desire to say anything further, but simply to again read Rule XXVII, which is as follows:

> The presentation of reports of committees of conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

The conference report was made about a week ago. It came here as a privileged report, was received by the Senate, and at the suggestion, I take it, of the chairman of the committee, went over and was printed. Two or three days afterwards it was called up for consideration in the morning hour, and at the expiration of the morning hour it went over because the Senate had an unfinished matter before it, the Nicaragua Canal bill, which displaced the conference report at 2 o'clock day before yesterday, after discussion. Now it is lying upon the table precisely as all other matters are lying there, to be taken up on motion, not as a matter of right—it has passed that stage—and the motion is made after 2 o'clock to proceed to the consideration of the subject. I desire only to be informed of the opinion of the Chair, and I submit it to the Chair whether, if that motion prevails, it does not permanently dispose of the Nicaraguan Canal bill, unless the Senate afterwards take it up by a vote. I contend that it does.

The VICE-PRESIDENT. The Chair will determine that question when it arises. The question is upon the motion of the Senator from Massachusetts.

Mr. GIBSON. I ask what is the motion before the Senate, Mr. President?

The VICE-PRESIDENT. The motion of the Senator from Massachusetts [Mr. LODGE] to proceed to the consideration of the conference report on the immigration bill.

Mr. LODGE. My motion was to take up the conference report.

The question of consideration is raised, to be determined, I suppose, without debate.

Mr. GIBSON. I object.

Mr. LODGE. The Senator can not do that.

The VICE-PRESIDENT. The question is on the motion of the Senator from Massachusetts.

Mr. VILAS. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BERRY (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT]. Otherwise I should vote "yea."

Mr. GEAR (when his name was called). I have a general pair with the Senator from Georgia [Mr. GORDON]. If he were present, I should vote "yea."

Mr. VILAS (when his name was called). I have a general pair with the Senator from Oregon [Mr. MITCHELL], which I transfer to the Senator from Kentucky [Mr. LINDSAY], and vote "nay."

The roll call was concluded.

Mr. TURPIE. I ask whether the Senator from Minnesota [Mr. DAVIS], with whom I am paired, has voted?

The PRESIDING OFFICER. The Chair is advised that the Senator from Minnesota has not voted.

Mr. TURPIE. Then I withhold my vote for the present.

Mr. BATE. I ask if the Senator from Utah [Mr. BROWN] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. BATE. Then I withdraw my vote, as I am paired with that Senator.

Mr. BLANCHARD. I desire to inquire if the Senator from North Carolina [Mr. PRITCHARD] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. BLANCHARD. I am paired with that Senator, and therefore withhold my vote.

Mr. MCBRIDE. I am paired with the Senator from Mississippi [Mr. GEORGE]. If he were present, I should vote "yea."

Mr. MCMILLAN (after having voted in the affirmative). Has the Senator from Kentucky [Mr. BLACKBURN] voted?

The VICE-PRESIDENT. He has not.

Mr. MCMILLAN. I am paired with that Senator, and withdraw my vote.

Mr. BACON. I have a general pair with the Senator from Rhode Island [Mr. WETMORE]. He being absent, I withhold my vote.

Mr. CALL. I am paired with the Senator from Vermont [Mr. PROCTOR]. Not knowing how he would vote, I withhold my vote.

Mr. NELSON. I am paired with the Senator from Missouri [Mr. VEST], but I transfer that pair to the Senator from Washington [Mr. WILSON] and vote "yea."

Mr. PASCO. That arrangement has been made with myself and the Senator from Minnesota. So the Senator from Washington [Mr. WILSON] will stand paired with the Senator from Missouri [Mr. VEST], which will enable the Senator from Minnesota and myself to vote, as the Senator from Minnesota has already done. I vote "nay."

The result was announced—yeas 35, nays 13; as follows:

YEAS—35.

Aldrich,	Chilton,	Hawley,	Sewell,
Allison,	Clark,	Hoar,	Sherman,
Baker,	Cullom,	Lodge,	Shoup,
Brice,	Daniel,	Mantle,	Stewart,
Burrows,	Faulkner,	Martin,	Teller,
Cameron,	Frye,	Nelson,	Thurston,
Cannon,	Gallinger,	Peffer,	Tillman,
Carter,	Hale,	Perkins,	Walthall.
Chandler,	Hansbrough,	Pettigrew,	

NAYS—13.

Allen,	Gorman,	Pasco,	White.
Caffery,	Mills,	Pugh,	
Cockrell,	Mitchell, Wis.	Roach,	
Gibson,	Morgan,	Vilas,	

NOT VOTING—41.

Bacon,	Gear,	McBride,	Squire,
Bate,	George,	McMillan,	Turpie,
Berry,	Gordon,	Mitchell, Oreg.	Vest.
Blackburn,	Gray,	Morrill,	Voorhees,
Blanchard,	Harris,	Murphy,	Warren,
Brown,	Hill,	Palmer,	Wetmore,
Butler,	Irby,	Platt,	Wilson,
Call,	Jones, Ark.	Pritchard,	Wolcott.
Davis,	Jones, Nev.	Proctor,	
Dubois,	Kyle,	Quay,	
Elkins,	Lindsay,	Smith,	

So the motion was agreed to; and the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. 7864) to amend the immigration laws of the United States.

Mr. HILL. Mr. President, as a member of the Committee on Immigration, I assented to the report of the original bill. I voted for the bill when it passed the Senate. I am in favor of a reasonable restriction of immigration. The bill, however, has been changed in two particulars by the conference committee, to which I object. Those two particulars are, first, the provision which substantially excludes the wife although the husband is a competent immigrant; and, second, the provision which substitutes the words "resident country" instead of the words "or any other language." In my opinion, the bill ought to be changed in those particulars, and I appeal to my friend the Senator from Massachusetts [Mr. LODGE] to allow the bill to be recommitted to the committee of conference, without further objection on his part, in order that those two changes may be made. If that can be done, I think the bill ought to meet the approval of the Senate; at least, so far as I am concerned, I shall have no further objection to it.

Mr. CHANDLER. Will the Senator from New York allow me to ask him a question?

Mr. HILL. Certainly.

Mr. CHANDLER. The Senator from New York is a member of the Committee on Immigration, and was chairman of the committee in the last Congress. I ask whether or not he did not assent to the original provision of the bill by which the illiteracy test was applied to males and females alike?

Mr. HILL. I did not sign the report. I told the Senator from Massachusetts he might make the report and I would not dissent from it. That particular point involved was not, however, called to my attention.

Mr. CHANDLER. Did the Senator, after the vote of the Senate was taken by which the provision was made as to the wife, feel that the conference committee ought not to have interfered with that provision?

Mr. HILL. That is my idea.

Mr. CHANDLER. Mr. President, I wish to be allowed to say a word, if the Senator will permit me.

Mr. HILL. Certainly.

Mr. CHANDLER. The subject of restricting immigration commenced by the organization of immigration committees in the two Houses some eight years ago. It was soon found to be a subject of delicacy to secure the passage of laws restricting immigration. There was always the danger that the subject would run into party politics, and the moment any immigration bill was suggested that seemed likely to encounter party opposition, of course that bill was doomed, because no one party could pass an immigration bill.

What has been the result of these eight years of agitation? Simply this: There have been passed two administration bills, the act of March 3, 1891, and the act of March 3, 1893. They have made the administration of the existing exclusions of immigrants more strict and rigid, but have not added to the existing exclusions except in one particular, and that a nominal one. In one of the two laws the word "polygamists" was added, but, with that exception, the existing laws do not exclude any class of immigrants that was not excluded eight years ago when these committees were constituted and the agitation upon this subject began. The reason is that everybody who has investigated the subject, everybody who has taken part in framing legislation on the subject, has felt that it was necessary to have substantial unanimity in order to put any law upon this subject upon the statute book. So that we now, for the first time, approach the question of adding to the existing exclusion, and public sentiment and the efforts of the advocates of legislation have been directed toward an illiteracy test.

Mr. President, I realize now, as I have during the period of which I have spoken, that it is very desirable that there shall be substantial unanimity upon this question. I think, upon a review of the whole subject, in order to secure some approach to that unanimity, the chairman of the committee should assent to the objections of the Senator from New York, who was formerly the chairman of the committee, who has taken part in the deliberations of the committee, and who is entitled to have some regard paid to his judgment upon this question, and allow the report to be recommitted, so that the words "or some other language" may take the place of "the language of the native or resident country," and so that I may be allowed an opportunity, against my serious judgment on this question, to assent to the retention in the clause proposing a new exclusion of the word "wife," so that an illiterate wife may accompany her husband or be sent for by her husband, provided that husband is a qualified immigrant. I join in the request that the Senator from New York makes.

Mr. LODGE. Mr. President, the two objections which have been made to the conference report by the Senator from New York are obviously the two objections around which all the serious opposition to the bill, both in the House of Representatives and in the Senate, assemble. To myself one of them seems to involve a forced interpretation of the language of the bill, and the other I do not regard as an improvement of the bill—in fact, I am opposed to it; but I have no desire to endanger the legislation by involving it in needless opposition and delays on one or two points which are not absolutely vital. I am still more anxious that this conference report, which I am obliged by my position and by the stage which

it has reached in legislation to press, should not be where it is going to block other important measures and add to the confusion now existing in regard to them.

I do not wish to be unreasonable, although I feel very strongly on the subject, and I will consent to the proposition made by the Senator from New York, and will move that the Senate nonconcur in the report of the conference committee and ask for a further conference with the House of Representatives.

Mr. GIBSON. Do I understand that the proposition of the Senator from Massachusetts to withdraw the conference report involves a request for recommittal?

Mr. LODGE. The Senator does not understand that at all. I have moved to nonconcur in the conference report and ask for a further conference.

Mr. GIBSON. Then, impliedly, as I understand it, that does involve a recommittal of the conference report to the committee.

Mr. LODGE. Of course it does. It involves asking the other House for a new conference. We can not refer it to a conference committee. We can only ask the other House to agree to another conference.

Mr. CHANDLER. In other words, if the Senator from Maryland will allow me, we are on his side just for the moment. We are with him just now.

Mr. GIBSON. I prefer to be the judge as to how far that is the case. I submit an amendment to what I conceive to be the recommittal of the conference report, and that amendment is that the report shall be recommitted with instructions.

Mr. SHERMAN. You can not instruct the conferees, if it is to be a free conference.

Mr. GIBSON. I am ready to suggest what those instructions shall be.

Mr. SHERMAN. It seems to me that if we are to have a free conference we can not instruct the conferees. There must be a free conference between the two Houses. If one House undertakes to instruct its conferees, it would not be a free conference. That is the difference between a free conference and a limited one.

Mr. GIBSON. With the most profound respect for the Senator from Ohio, for whom I have the highest regard, I am obliged to differ with the views he has suggested in reference to a free conference. The free conference applies to the first conference between the two Houses, where a free conference is absolutely required. If the conferees should subsequently report to the House that they had not a free conference, or if the conferees should report to the Senate the result of the conference, which results in a point of order being made upon the report, and in the face of the point of order the committee voluntarily withdraws the report and necessarily asks that it be recommitted to the conference whence it came, it is different. Therefore the suggestion as to a free conference applies in the first instance, and has not the power and effect, I respectfully suggest, that the Senator from Ohio has stated.

Mr. SHERMAN. I think there is nothing clearer in the ordinary course of legislation. Either House asks for a conference. It is always a free conference, because if the Senate should limit its conferees it would not be a free conference. The House might and would, according to the ordinary course, decline to enter into a conference which is not free and open. It is true that we may instruct our conferees to insist upon certain amendments, but those and all others must be submitted to the House on a free conference. We can not limit the action of the conferees except by expressing our opinion upon a particular subject-matter.

Mr. GIBSON. I will not insist upon the point which I have made in this connection, save to impress upon the Senate the views which I originally had in suggesting it.

Mr. SHERMAN. I wish to say also to the Senator from Maryland that I agree with him in many respects, and was not at all prepared, as I stated to the chairman of the committee, to vote for the report of the committee of conference. But if there is to be another conference, it ought to be free and unlimited.

Mr. GIBSON. I accept the suggestion of the Senator from Ohio, and waive any further suggestions.

Mr. PASCO. Mr. President, when the bill was first presented to the Senate, I was unable to vote for it. I was opposed to it until the amendment which was originally suggested by the Senator from New Jersey [Mr. SEWELL] was agreed to. I then gave it my support, and I regretted very much when the conference report came in with that amendment omitted. It is the amendment which appears on page 9 of the text in the bill before us, in the following language:

> All persons over 16 years of age who can not read and write the language of their native country or some other language; but an admissible immigrant over such age of 16 years may bring in with him or send for his wife or parent or grandparent or minor child or grandchild notwithstanding the inability of such relative to read and write as aforesaid.

If that clause had not been put into the original bill, I am satisfied it could not have passed in the Senate. It was understood when the Senator in charge of the bill accepted this amendment that the committee would stand by it, and it was a disappointment to the friends of the amendment when the conference report came in without it. It is a great hardship, as has already been suggested by the Senator from Maryland, that an immigrant coming into one of our ports with a wife or minor child over the age of 16 years who can not read and write should be obliged to leave his wife or child and come in by himself, and it is a very poor consolation to him to know that he can bring his illiterate grandfather along, although he is obliged to leave his wife and his child to be sent back to their former residence deprived of his protection. Before the bill is recommitted I hope it will be clearly understood that the original clause or one like it is to be put back into the bill. I should have been glad if the course suggested by the Senator from Maryland had been adopted, and the instruction given to the committee to restore the omitted provision to admit the illiterate wife and minor children of an admissible immigrant. But although he has not insisted upon his motion, I trust that when the bill comes back again to the Senate this clause will be restored, and that an immigrant who comes into the country possessed of the proper qualifications will not be obliged to leave part of his family to be shipped back on some returning vessel in case they do not understand how to read and write.

That is all I have to say in reference to the matter. I trust the committee of conference will fully restore this provision. If it does, I shall then be willing to vote for the bill, but I can not vote for it in the shape in which it stands before the Senate.

Mr. GORMAN. Mr. President, I wish to say a few words in addition to what the Senator from Florida [Mr. PASCO] has so well stated about its provisions to the Senators who have charge of this measure. I understand perfectly that it is very desirable to have some restriction upon immigration, and to a fair bill I would have no serious objection. The bill as it passed the Senate was not altogether satisfactory to me, but in the main I made no special objection to it. When, however, the conference committee undertook to change, as they did change, for the first time since I have had the honor of a seat upon this floor, the provisions that had been agreed to by both Houses of Congress, which were material, which went to the very substance of the bill itself, in my judgment they exceeded their authority. When they added to it a new section which had never been considered by either House, they went way beyond the authority of a conference committee.

When objection was raised to the conference report upon these material grounds, and for these reasons alone, so far as I am concerned, the distinguished chairman of the committee, in a very warm and ill-tempered speech, defending his report, made statements that he ought not to have made upon this floor. He said that, with the exception of one or two gentlemen who have considered the question, the opposition to the bill was from a corporation.

Mr. LODGE. I said the outside opposition, and I am glad to repeat it.

Mr. GORMAN. What does the Senator mean by "outside opposition?"

Mr. LODGE. Outside of these Chambers.

Mr. GORMAN. What has that to do with the attitude of any Senator on this floor in the consideration of this question?

Mr. LODGE. I can not conceive that outside pressure would influence any Senator, Mr. President.

Mr. GORMAN. The Senator from Massachusetts should be the last to make such a speech as was made upon that occasion. He intended to convey the impression to the country that the opposition here is from steamship companies, from one great concern especially, a German line of steamers. If the Senator did not intend to convey that impression, then I do not know what the English language means. Mr. President, if the bill goes back to a conference again, to the same committee or with a chairman who believes that the demand for the insertion of a provision to permit a wife, an ignorant wife of a man, to come in, as was agreed to by both Houses in substance, is backed up only by one great steamship company, I fear the next conference.

What I desire to say to the Senator from Massachusetts now is that unless the bill as it comes from the conference next time has the provision in it as it passed the other House, applying only to males, or the provision as the bill passed the Senate, admitting the wife as well as the grandparents, the antagonism will be to the end of this session, for there is a great principle involved. It would be a great hardship if the bill passed in that shape, and it will not prevent opposition because a member on the other side of this Chamber talks about the influences of corporations and steamship companies.

If the House of Representatives will agree to the bill substantially as it passed here and as they passed it, then I shall have no serious opposition to it. But I would not be content to send it back to the conferees with such a statement as that made by the chairman of the conference committee, without making this statement at least, Mr. President.

Mr. LODGE. Mr. President, I certainly did not speak in any ill temper whatever when I spoke the other day; and I find on looking at my remarks, which I have not looked at since they were delivered, that, as I supposed, I took the utmost pains to say that no opposition in this Chamber or in the other House of Congress was included in what I had to say about corporate influence. But I did say that corporate influence was exerted against the bill, and I repeat it, and, what is more, I proved it by the telegrams of the great corporation. I have never seen such circulars used before; I have never seen such telegrams used before, and I call it an utterly improper interference on the part of that corporation. They have used all their machinery to arouse feeling outside, and in telegrams and circulars, which I have had printed, they have threatened Congressmen with defeat. I do not mean to say they influenced a human being, but they have made the threats with the intention of influencing them.

Of course, no one in this Chamber would be influenced by a corporation, but that does not make it any better that a corporation comes here with its threatening telegrams and its threatening circulars, telling members of the other House that they will be defeated if they vote in a certain way. I cast no reflection on anybody in either House. I had no right to do so, even if I had desired, and I had no desire to do it.

But I stand by every word that I said about that corporate influence. I produced on this floor the proofs of what that corporation has been trying to do. I published them in the newspapers before I spoke. Then I said that I thought such an exhibition of corporate influence and such attempts on the part of a corporation to influence members of the House or the Senate by threats in that way were something greatly to be deprecated. By that opinion I stand, and I am perfectly willing to leave it to the judgment of our constituents and of the voters of this country whether that sort of corporate influence is desirable or decent.

Mr. CHANDLER. Will the Senator from Massachusetts read the last clause in the telegram, to have telegrams sent to members of Congress?

Mr. LODGE. It says:

Wire your Congressman, our expense, protesting against proposed exclusion and requesting bill be defeated, informing him that vote in favor means defeat next election.

Mr. CHANDLER. That means necessarily his own defeat at the polls?

Mr. LODGE. Of course. It is signed "Claussenius & Co., North German Lloyd agents in Chicago." All I did was to speak against that corporate influence, and I know that no Senator would agree with me more cordially than the Senator from Maryland in that objection to attempts of corporate influence to threaten Representatives or Senators.

Mr. GORMAN. Mr. President, I am delighted to have the Senator from Massachusetts raise his voice against corporate influence to control Congress. I hope he will often in the next year raise his voice in Congress against the power of corporations in attempting to take from the people just rights or to impose upon them greater burdens of taxation or to give to corporations greater power to make money through the national banks and other mediums through which they act. I am glad to see the Senator from Massachusetts fearing the result that is to follow from corporate influence.

The country has just passed through a scene where corporate wealth and corporate power probably controlled. At least, it was the balance of power which selected our rulers in this country for the next four years. I am delighted that the structure which has been built up and used is now beginning to trouble gentlemen on the other side of the Chamber. When, however, you invoke it, when you bring it in here simply because there is an attempt to vote down a conference report which excludes the honest wife of an honest immigrant merely because she can not read the Constitution of the United States in some language, and tell us that this foreign corporation is at the door of Congress throttling Senators and Members, and that it is the power which is standing up for these poor women, the wives of these immigrants, the Senator from Massachusetts will permit me to say it is begging the question. It has nothing to do with it. The number of immigrants, the women we propose to let in, who would come upon the North German Lloyd steamers would be insignificant. You can not hide behind the corporation this shameless attempt to prevent a man from bringing his wife with him to this country. No picture of corporations, which is distasteful to every man on this side of the Chamber, and would be, I have no doubt, on the other side, so far as the attempt to influence legislation is concerned, can deter us from doing our duty in preventing a committee from violating the rules of this body and the general parliamentary law by excluding from the bill two features which both Houses have agreed to.

The Senator from Massachusetts ought to know that the German Lloyd Company and all the other steamship companies have no special influence on this side of the Chamber. I could quote to the Senator the statements of members of his own party who frankly admit that but for the influence of the German Lloyd Company and the balance of the steamship companies and the corporations and the immigrants of the very class whom it is proposed to exclude, your party would now be in the minority. Of the votes of Americans, the Democratic party stands representing very much more than half, almost two-thirds. It was the Germans scattered from Maine to the Pacific and this class of voters whom you now propose to exclude who gave you your majorities in all the States of the West which you carried, and nearly all of the States in the East. The understanding, growing out of political emergencies, with that large body of American citizens who are intensely American demanded some restriction in immigration, that the mechanics of this country could be more thoroughly protected hereafter. And yet under the provisions of this bill there is not to be excluded a single man of genius or a mechanic of any ability.

There is no relief to the industrial people of this country even under the bill as it stands, except for the laborers who go into the cotton fields in the South and in the trenches to work on railroads and canals, the most subordinate positions in the country. There is no relief in this bill, as it passed the Senate or the other House or as it is proposed to be amended by the committee, which amounts to anything. A blacksmith, or a mason, or a machinist, or a man in nearly any of the other trades can read and write. It is relief only to that class who, as I say, are downtrodden, who have not had the opportunity and never will have to learn anything on the other side, and who would come here to perform the most menial service. But in enabling them to come in, or whoever does come in, what we contend for and what I trust the committee of conference will take note of when they come to consider the matter again, is that the provision which excludes women, which makes war upon an honest but unfortunately an ignorant wife, can not pass through the Senate at this session. It ought not to pass it at any time. The conference committee must take notice that they have no right to frame a bill by adding a section that was never considered by either House of Congress.

The Senator from Massachusetts has had the matter long under consideration. The bill has been long under consideration in both Houses of Congress. If it was not a perfect bill, one which could be executed, it is the fault of both Houses. It is a misfortune, possibly. But the committee of conference had no right to add to it another section that had never been submitted here for discussion, that we had not been permitted to look at, which, coming under the rule as it does as to conference committees, could not be amended, for there is no vote but one to concur in the report or to send it back. The report can not be amended. It must be voted on as a whole, and hence the strict rule which prohibits you from putting new matter in a bill in conference or changing materially the matters that have been considered by both Houses and a determination reached.

Now, that is all I desire to say, reserving careful consideration of the report when it comes back hereafter.

Mr. GRAY. May I ask the Senator from Maryland before he takes his seat, as he is a good parliamentarian, whether a vote to recommit the bill to the conference committee does not carry with it impliedly an instruction to insist upon the Senate amendment? If it does not, that ought to be incorporated in the language of the resolution for recommittal.

Mr. GORMAN. Of course, very much depends upon the conferees. It is very seldom that a case ever arises in the Senate when the conferees do not desire to carry out the will of the body, and I have never known a contested case where the conferees were not selected with a view to carrying out the will of the Senate. They ought to adhere to it, but not to the extent of preventing an agreement. Some gentleman who is favorable to the position of the House he is to represent ought to be on the conference committee, as a matter of course. I do not believe that it goes to the extent——

Mr. HOAR. I rise to a question of order, if the Senator from Maryland will pardon me. What is the pending question?

The VICE-PRESIDENT. The pending question is on agreeing to the motion of the Senator from Massachusetts [Mr. LODGE] to nonconcur in the report of the committee of conference and ask for a further conference,

Mr. HOAR. The Senator from Maryland has spoken of it always as a motion to recommit, which, I understand, is not the pending motion. That motion would not have been in order.

Mr. GRAY. It is practically that.

Mr. GORMAN. I understand the Senator from Massachusetts says it is not a motion to recommit. Practically it is that. It means that. The bill goes back to the same conferees.

Mr. FRYE. The proper motion would be that the Senate nonconcur in the report of the committee, insist upon its amendments, and ask for a further conference.

Mr. HOAR. That motion has been made.

Mr. LODGE. That is the precise motion which I made.

Mr. GORMAN. I understand the Senator from Massachusetts [Mr. LODGE] made that motion.

Mr. LODGE. Precisely.

The VICE-PRESIDENT. That is the pending motion, upon which the Senator from Maryland addressed the Chair.

Mr. CHANDLER. Mr. President, there are two extraordinary things in the speech of the Senator from Maryland. There is no need, I will say to the Senator from Delaware, of any instructions to this conference committee. They have been instructed by the Senator from Maryland, who has notified the Senate and the country that if the bill comes back from the conference and does not suit him, every method is to be resorted to to prevent its passage.

Mr. GORMAN. I did not make any such statement.

Mr. CHANDLER. We understand what that means. That means that this conference——

Mr. GORMAN. I want to stop the Senator right there to say that I made no such statement.

Mr. CHANDLER. The language of the Senator will be read in the RECORD.

Mr. GORMAN. Yes; it can be read at any time.

Mr. CHANDLER. The Senator's statement was something like this, that all means would be resorted to to prevent the passage of the bill, which I understood to mean then, and I understand it now to mean, that filibustering methods will be resorted to to defeat the conference report if it does not come back here to suit the Senator from Maryland. If he did not mean that, of course he will disclaim that meaning; but I certainly so understood it. I say that was an extraordinary speech for the Senator from Maryland to make upon a measure of this kind, the conferees of which have been endeavoring to so arrange it, to so amend it, as to make it acceptable to the great bulk of Senators upon this floor and to the great mass of the members of the House of Representatives.

Mr. President, there is another extraordinary thing in the speech of the Senator from Maryland. He has made the first political speech that has ever been made in the Senate in the discussion of the immigration question. So far as I know, there has not been an attempt in all these years to introduce party politics into the subject. I supposed that the Senator from Maryland was as desirous, as I supposed the distinguished Senator from New York, a member of the Committee on Immigration, former chairman of the Committee on Immigration, was desirous, of framing a bill which, in accordance with the platforms of the two parties, the Senator's party and my party, should limit and restrict the growing evil of injurious immigration. No; the Senator is not content with that, and he has gone on here and has undertaken to introduce a political discussion at this time, a discussion which will be entirely fit when a tariff bill comes to be considered, or when any question that ought to be brought into politics or can by human device be brought into politics is under discussion in this Chamber. The Senator is the first to try to take advantage of the pendency of a bill of this kind, which the friends of the measure and the friends of the country are trying to put into shape, if they possibly can, so as to obviate all objections and secure unanimity in its passage.

The Senator from Maryland undertakes to drag party politics into the discussion of the subject. I regret that the Senator has done that. I regret that the falling fortunes of the Senator's party have required him, in his opinion, to seek to take a political advantage of the pendency of a beneficent bill of this kind, which has nothing partisan in it, which has had everything eliminated from it which by any possibility could give either party an advantage or have a party argument made to rest upon it.

The Senator has taken advantage of the pendency of this bill to renew political discussions. Mr. President, I deprecate it. I shall be glad to discuss with the Senator, when the next report comes in, the question whether the conference committee has exceeded its authority. I trust when that report is made the Senators on both sides of the Chamber will refrain from an attempt to introduce political questions in connection with immigration, because if they are introduced all attempts to restrict the undesirable immigration and to protect the laborers of this country will come to naught.

Mr. CARTER. Mr. President, I voted for this bill as it passed the Senate, and I hope it may be put in such form in conference as to merit my vote again. I do not now wish to present any instructions to the committee of conference, nor do I rise to hinder or delay action; but I do desire to call attention to one peculiarity of the bill as presented by the conferees, which seems to me very seriously objectionable.

It will be observed that section 3 of the bill as it passed the House and section 4 of the bill as adopted by the conference committee are practically identical sections. Section 3 was stricken out by the Senate from the House bill, and is embodied neither in principle nor in phraseology in any form in the Senate bill. That section provides, if agreed to—

> That it shall hereafter be unlawful for any male alien who has not in good faith made his declaration before the proper court of his intention to become a citizen of the United States to be employed on any public works of the United States, or to come regularly or habitually into the United States by land or water for the purpose of engaging in any mechanical trade or manual labor, for wages or salary, returning from time to time to a foreign country.

This provision of the bill was manifestly intended to apply in practice to citizens of the Dominion of Canada. It must be borne in mind that the entire population of Canada does not exceed 5,000,000 souls. The population of the United States equals about 70,000,000 to-day. There are fifty citizens of the United States engaged in useful and lucrative business occupations in the Dominion of Canada to one Canadian finding employment within the limits of the United States.

Mr. LODGE. Will the Senator from Montana let me ask him a question on that point?

Mr. CARTER. Certainly.

Mr. LODGE. I understand the Senator to say, then, that there is fifty times the opportunity in Canada for employment that there is in the United States?

Mr. CARTER. The proportion of population being considered, I say that there are fifty citizens out of our 70,000,000 employed in Canada where there is one citizen out of the 5,000,000 Canadians employed on this side of the line.

Mr. LODGE. There is more of opportunity to get employment in Canada than there is here?

Mr. CARTER. There is a broader country undeveloped in Canada than there is in the United States, and we have over 70,000,000 as against their 5,000,000. We have an aggressive and progressive people in invading an undeveloped country all over this continent; we have an irrepressible population. West of the main range of the Rocky Mountains, in the Kootenai country and all through that vast, magnificent mining region, extending thence to the Pacific Ocean, there must be to-day of the citizens of Montana alone fully 10,000 miners engaged in useful work, making good wages in that country. Those people are treated with the same consideration which is accorded a resident of Canada or a citizen or subject of Great Britain. They are required to take out a miner's license, for which they pay the usual fee, and no discrimination in that behalf is made against a citizen of the United States. On the other hand, there are a few individuals on the Eastern coast who come down from Canada every year to chop wood in winter and to pick hops, possibly, in the summer season. If we incorporate this proposed section in the law, we will constrain the Dominion of Canada or the local parliament of British Columbia to initiate retaliatory legislation. We invite it; we put them upon their manhood to enact it as an ordinary vindication of common self-respect. I do not wish any measure to be incorporated in this or any other law which will justify the Dominion of Canada in resorting to drastic measures to drive the laborers of the State I have the honor in part to represent out of the lucrative employment they find at the present time in British Columbia.

I think this part of the proposed act should be stricken out in conference. I do not wish to indulge in any threat or menace if such action should not obtain, but I express the sincere hope that the conference committee will take into consideration the injurious effects that would follow the retention of this particular feature of the measure as it now stands.

The VICE-PRESIDENT. The question is on the motion of the Senator from Massachusetts [Mr. LODGE].

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. LODGE, Mr. CHANDLER, and Mr. FAULKNER were appointed.

MARITIME CANAL COMPANY OF NICARAGUA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. VILAS. Mr. President, at the time when the Senate adjourned last night I had considered the two reasons which were given by the Committee on Foreign Relations to sustain their opinion that the Clayton-Bulwer treaty is no longer of obligation upon the United States.

A third reason was suggested by the Senator from Alabama [Mr. MORGAN], the distinguished chairman of the select committee, to the effect, as I understand it, that because this country independently and Great Britain independently had made treaties with Nicaragua since the Clayton-Bulwer treaty was ratified, therefore the Clayton-Bulwer treaty was no longer obligatory upon us.

It will be recognized at once that any treaty which the United States could have made independently with Nicaragua could in no manner discharge the obligation which the United States had assumed and contracted to observe by the Clayton-Bulwer treaty with England. If, then, there is any force whatever in the suggestion of the Senator from Alabama, it must find that force in the terms of a treaty made by England with Nicaragua to which we

could rightfully take exception. If any such treaty as would operate to discharge the United States from her obligation to Great Britain has been made by England with Nicaragua, I should like to have it pointed out and the terms of it submitted, so that we could form a judgment upon it with due consideration. But no such treaty is brought before us, and never in any other report or argument which I have been able to find, in which this subject has been in anywise considered, has any such point been taken against the validity and binding obligation of the Clayton-Bulwer treaty upon us.

The language used in the report made to this Congress by the select committee I will read, in order that it may appear from those words that evidently no such contention can be successfully maintained. Indeed, I would not have supposed that it would have been urged from what the report says, or that it was intended to mean that.

The question as to the Clayton-Bulwer treaty—

I read from page 12 of the report made at the first session of the present Congress, Senate Report No. 1109—

in its relation to this canal, whether it exists or is liable to revocation or denunciation for any cause, can not prevent either of the treaty powers from the enjoyment of rights acquired from Nicaragua by later treaties, both Governments having affirmed by unequivocal acts in obtaining such rights that each had the separate right to secure them by treaty with Nicaragua.

An inquiry into the questions, if there are any, as to the rights of the two Governments under the Clayton-Bulwer treaty is entirely apart from the rights of each country under their respective treaties with Nicaragua, which were concluded at a later period.

Mr. President, if the theory of invalidity is to be based upon the assertion that because the United States have made a separate treaty with Nicaragua, then the proposition would be simply that we could discharge our obligation to Great Britain under the Clayton-Bulwer treaty by making a treaty with some other country in violation of it. If there be anything which Great Britain has done to discharge our obligation to that country under the Clayton-Bulwer treaty, then that action of that Government should be presented to us. Though we might by some treaty with another power break our treaty with Great Britain, we could not release ourselves from its obligation. The point is so obvious that it hardly needs discussion.

But, sir, I suppose the transaction to which the Senator from Alabama alludes was one which took place prior to the time when the President of the United States, Mr. Buchanan, by his message of December, 1860, advised the Congress that the complaints which had been urged against Great Britain had been removed by her action. So that, so far as that is concerned, there is and can be nothing in the point that we could now dismiss ourselves from the undertakings into which we had entered because of the action of Great Britain then.

But, sir, I wish to call attention to one other fact which is in complete denial, in utter extinction, of any right on our part to say that the Clayton-Bulwer treaty is either voidable or has become avoided altogether. We have, long since the time when these supposed acts of infringement took place, insisted upon the Clayton-Bulwer treaty in communication with Great Britain, and claimed its binding obligation upon that country. I will point to but two or three dispatches which fix our acknowledgment of the validity of the Clayton-Bulwer treaty beyond all reasonable doubt or contradiction. I call attention, first, to the dispatch of our Secretary of State, Mr. Fish, to our minister to England, General Schenck, under date of the 26th of April, 1873, which will be found in the document called "Correspondence in relation to the proposed interoceanic canal between the Atlantic and Pacific oceans, the Clayton-Bulwer treaty and the Monroe doctrine." The document is not numbered except as it is declared to be a "Reprint of Senate Executive Documents No. 112, Forty-sixth Congress, second session; No. 194, Forty-seventh Congress, first session; and No. 26, Forty-eighth Congress, first session."

Mr. GRAY. When was it reprinted?

Mr. VILAS. It was reprinted in 1885. That dispatch, of which I will only read the beginning and conclusion, directed our minister to England as follows:

DEPARTMENT OF STATE, *Washington, April 26, 1873.*

SIR: You are aware that a main object of the Clayton-Bulwer treaty, so called, of the 19th of April, 1850, was to provide against obstruction by either party to a ship canal to the Pacific through Nicaragua. A work of that kind was then deemed specially necessary and desirable for us, as California had recently been acquired, the only practicable way to which was across the Isthmus of Panama or around Cape Horn. For some time previously to date of that instrument, and especially during the considerable period when the United States were without a diplomatic representative in Central America, it seemed to be the policy of the British Government to avail itself of what was called its protectorate of the King of Mosquitos to wrest from Nicaragua that part of its territory claimed on behalf of that Indian chief, including, of course, the mouths of the San Juan River, by the way of which it was supposed the proposed ship canal must pass. The Clayton-Bulwer treaty effectually checked this pretension. It also, in terms, forbade either party to occupy or fortify in any part of Central America. The British Government, probably actuated by an apprehension that this stipulation might be construed against their claims at Balize, Honduras, instructed Sir H. L. Bulwer to make the declaration of 29th of June, 1850, when the ratifications were to be exchanged, to the effect that they did not understand the engagements of the convention to apply to Balize and its dependencies. In a note to Sir Henry of the 4th of July, 1850, Mr. Clayton acknowledged that it was not the purpose of the convention to apply to Balize and its dependencies.

Then follows other discussion of that treaty and of certain points of objection to supposed recent action of Great Britain, which I shall not weary the Senate by reading, but I note the concluding part. Speaking of the representations of a minister of Guatemala here, Mr. Dardon, Mr. Fish directs the minister to England, first, to ascertain the correctness of the representations of Mr. Dardon as to the cause of the discontinuance of the demarcation of the boundary complained of, and then adds this instruction:

If the statement of that gentleman should prove to be correct, you will then formally remonstrate against any trespass by British subjects, with the connivance of their Government, upon the territory of Guatemala as an infringement of the Clayton-Bulwer treaty which will be very unacceptable in this country.

I am, etc.,

HAMILTON FISH.

But we have a much more recent acknowledgment of the validity of the Clayton-Bulwer treaty. There have been several in the course of our correspondence. On the 19th of November, 1881, Mr. Blaine, being then our Secretary of State, addressed Mr. Lowell, our minister to England, in a dispatch which will be found as No. 338 of the communications with Great Britain in the document called Foreign Relations, volume 1, of 1881 and 1882. In that dispatch Mr. Blaine called attention to the increase of our interests in that region as rendering some change necessary in the terms of our treaty with Great Britain, called the Clayton-Bulwer treaty. He says in the early part:

The respect due to Her Majesty's Government demands that the objections to the perpetuity of the convention of 1850, as it now exists, should be stated with directness and with entire frankness; and among the most salient and palpable of these is the fact that the operation of the treaty practically concedes to Great Britain the control of whatever canal may be constructed.

Then he proceeds to further discussion, which I do not wish to take up time——

Mr. HOAR. When was that?

Mr. VILAS. That was November 19, 1881.

Now let me turn to what Mr. Blaine desired with reference to this treaty in a later part of the same dispatch:

It is earnestly hoped by the President that the considerations now presented will have due weight and influence with Her Majesty's Government, and that the modifications of the treaty desired by the United States will be conceded in the same friendly spirit in which they are asked.

The following is a summary of the changes necessary to meet the views of this Government:

First. Every part of the treaty which forbids the United States fortifying the canal and holding the political control of it in conjunction with the country in which it is located to be canceled.

Second. Every part of the treaty in which Great Britain and the United States agree to make no acquisition of territory in Central America to remain in full force.

I forbear to read the argument added to that second proposition.

Third. The United States will not object to maintaining the clause looking to the establishment of a free port at each end of whatever canal may be constructed, if England desires it to be retained.

Fourth. The clause in which the two Governments agree to make treaty stipulations for a joint protectorate of whatever railway or canal might be constructed at Tehuantepec or Panama has never been perfected. No treaty stipulations for the proposed end have been suggested by either party, although citizens of the United States long since constructed a railway at Panama and are now engaged in the same work at Tehuantepec. It is a fair presumption, in the judgment of the President, that this provision should be regarded as obsolete by the nonaction and common consent of the two Governments.

Fifth—

And the most important of all to our present discussion—

Fifth. The clause defining the distance from either end of the canal where in time of war captures might be made by either belligerent on the high seas, was left incomplete and the distance was never determined. In the judgment of the President, speaking in the interest of peaceful commerce, this distance should be made as liberal as possible, and might, with advantage, as a question relating to the high seas and common to all nations, be a matter of stipulation between the great powers of the world.

In the concluding paragraph, after expressing the points of change that were desired, the minister was instructed to acquaint Lord Granville with the purpose of the United States, etc., in his own way.

Sir, just think of that dispatch, were we to answer Great Britain, if she insisted upon the obligation of the Clayton-Bulwer treaty, that it was in 1853 practically abrogated, or that it had become obsolete, or that anything she has done has operated to discharge the United States from the obligations assumed by it! Is it not so obvious that no Senator in this Senate could pretend such a thing for a moment, after such insistence upon that treaty long posterior to the events spoken of as affecting its obligation, and when our minister to England was instructed by this Government to insist upon its terms to restrain and prevent some action of England, and when again, eight years later, our minister was instructed to lay before England a proposition for some modification of it? Is it possible that any Senator here could pretend for a moment that were our dealings with a great power, or with any state, whether great or small, of such a nature as that the United States could be less than dishonored if we did not recognize our obligation?

In another dispatch on the 29th of November from the Secretary

of State, Mr. Blaine, to our minister, Mr. Lowell, in which he referred to the former and made some further discussion in regard to it, he speaks thus of this treaty of which we have been talking as if it were of no account as concerns this bill:

In perusing—

Says Mr. Blaine—

the voluminous correspondence, unprinted as well as that printed and submitted at the time to Congress and to Parliament, I am more than ever struck by the elastic character of the Clayton-Bulwer treaty, and the admirable purpose it has served as an ultimate recourse on the part of either Government to check apprehended designs in Central America on the part of the other, although all the while it was frankly admitted on both sides that the engagements of the treaty were misunderstandingly entered into, imperfectly comprehended, contradictorily interpreted, and mutually vexatious. I am, as I must confess, strengthened in this impression by the circumstance that in his response to my dispatch of the 24th of June last, Earl Granville takes the ground that the position of Great Britain and the United States toward the projected Panama Canal is determined by the Clayton-Bulwer treaty.

I do not need to read more to illustrate the point.

Mr. President, let us pause a moment to sum up the evidences in respect to the declared policy of the United States upon the subject of this canal. I showed upon yesterday that from the first moment when it became a matter of official discussion in our Department of State the statesmanlike, wise, and farseeing policy of a complete neutralization of that canal was foreshadowed by Mr. Clay. From that time on, by resolution adopted in the Senate, by report of committee in the House, by message of the President of the United States transmitting the treaty of Granada, which was based upon a similar policy, and promptly ratified, and finally by the negotiation and ratification of the Clayton-Bulwer treaty, every line of official action by executive and legislative departments of the Government had declared our policy to be one of neutralization in war as in peace of that canal.

Sir, let us go a step further. I wish to consider next whether this policy is not so obviously the right policy that if now, for the first time, we were to consider what should be adopted to guide our national action, we should not be driven by force of reason to the same conclusion which has found continuing expression in all our public action.

Let us see, sir, what is this theory that by a taking phrase has been laid down to the people of America for our true national line of action, as "an American canal under American control." What is meant by "American control?" Does it mean control of that canal exclusively by the United States, or in such conjunction with the state upon whose territory it shall be built as that practically the dominance of the United States is complete and the exclusiveness as much hers as if she owned the territory? If so, sir, what is the significance of that control? Is it that we shall say whether vessels of other countries shall pass through the canal between the two oceans at our pleasure? That question has two branches. First, as it relates to the ships of commerce in time of peace or of war—not the ships of belligerents—and, second, as it relates to ships of war either in time of peace or in time of war.

Suppose the first, and that we were to enact this bill by which the United States Government incorporates itself, and in a corporate capacity goes forth under this concession from the State of Nicaragua to build that canal, and then as owner or proprietary, with the assent of Nicaragua, denies to the vessels of commerce of other nations of the world the right to pass through on payment of the fixed tolls. Mr. President, think of the posture in which that would place the canal toward England and Germany and France, whose commercial vessels seek to use it in order to escape the long and stormy passage around Cape Horn. They would deal with Nicaragua. The United States would not be there as a sovereign, but as a corporation. Nicaragua is the sovereign upon whose territory this junction of the oceans will have been built. England would say to Nicaragua: "The United States enjoy the right to pass their ships at will through that canal on payment of tolls. Are we to exist with you under the least-favored-nation arrangement?" Would not England, Germany, France, all the naval powers of the world, say to Nicaragua at once: "You will hold no exclusive control over the waters of that strait which has been moved northward from the Straits of Magellan;" and their representation would be so potential, so absolutely irresistible, that Nicaragua would in an instant recognize the obligation to treat those countries as she treats the United States.

More than that, Mr. President, this very concession, under which it is suggested to us that we should go there to build a canal as a corporation, provides for the very thing, as I read to the Senate on yesterday, and by the terms of that concession it would be necessary for this poor Government of ours, in its corporate capacity, to admit the vessels of other nations to pass on payment of the tolls.

Mr. TURPIE. Mr. President, I suggest that there is no quorum present.

The PRESIDING OFFICER (Mr. THURSTON in the chair). The Senator from Indiana raises the question as to the presence of a quorum. The Secretary will call the roll of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Faulkner,	Mantle,	Smith,
Bacon,	Gallinger,	Martin,	Stewart,
Baker,	Gibson,	Mills,	Teller,
Bate,	Gordon,	Morgan,	Thurston,
Berry,	Gray,	Palmer,	Tillman,
Blanchard,	Hawley,	Pasco,	Turpie,
Caffery,	Hill,	Peffer,	Vilas,
Carter,	Hoar,	Perkins,	Walthall,
Chandler,	Jones, Ark.	Pugh,	White,
Chilton,	Lindsay,	Roach,	Wilson.
Clark,	McBride,	Sewell,	
Cullom,	McMillan,	Shoup,	

Mr. BATE. The name of my colleague [Mr. HARRIS] has been frequently called during the various roll calls which have been had. I wish to state that my colleague is sick and unable to attend the sessions of the Senate. I desire to have that fact recorded.

The PRESIDING OFFICER. Forty-six Senators having answered to their names, a quorum of the Senate is present.

Mr. VILAS. Mr. President, suppose another theory of our control of vessels of commerce. Is it meant that the United States can fix different rates of toll for the vessels of different nations? How long, think you, sir, would England, Germany, France, the nations of the earth who send their ships abroad, permit Nicaragua to allow her corporation to charge one toll for the passage of an English, German, French, or other ship through that canal and a lesser toll for the passage of a ship of the United States? How long, think you, would they tolerate the Republic of Nicaragua in discrimination against their commerce on the high seas in order to throw an advantage to the United States? How long, if either we undertook to exclude—we in our corporate capacity, I mean—the vessels of other nations or to impose discriminating tolls upon them, would it be before the guns of England resounded on the coast of Central America? We saw but a little while ago how quick she was to seize upon a port there for indemnity because merely some injury had been done to one of her citizens by officials of that State. And if those powers were to unite in such demand upon Nicaragua, is it then that the United States would show herself in her sovereign capacity and come out of the skin of the corporation to say, "Lo, here is the ally of Nicaragua"? How should this Government then appear? Not after the old fable of the ass braying in the lion's skin, nor perhaps as the lion roaring in the ass's skin, but to the eye of the world it would probably seem the ass was there in his own proper person and apparel. It is obvious at once that to establish that canal in this manner or to assert that control over it would be to invite war with the nations of the earth. Our country would tolerate no such injury. If any nation undertook so to deal with the United States in respect to such a waterway as that, it would be the signal of war unless the pretension were withdrawn.

Let us think of it for another moment, to put it on the lower plane. How would the United States derive these golden showers of dividends if it were to exclude the vessels of commerce of other nations from passing through the canal? The theory of the distinguished chairman of the select committee is that great gains can be derived by the corporation which shall build the canal from the tonnage dues it will levy upon the vessels of other countries. No, sir; if we refuse to them the right to pass; not if we put discriminating duties upon them, for they would not pass. It could only be made useful if it were perfectly certain that whenever any vessel of commerce put into Grey Town or Brito its right of passage through the canal was assuredly foreknown, because its voyage must have been directed with reference to that expectation. It is hardly open to question then for an instant. I do not believe that any man upon this floor can argue that the United States as a corporation, Nicaragua as a sovereign, or Nicaragua and the United States in alliance could maintain exclusiveness in that canal.

But let us pass to the other branch. How would it be in case of war? Could Nicaragua or the Maritime Canal Company of Nicaragua undertake to maintain the canal on a different footing from that which has been adopted by the civilized nations of the earth with others? What is demanded in respect to such a water with reference to a state of war? That question has been presented to Europe. It has been presented to the United States with reference to this very canal, and, as I showed by the Clayton-Bulwer treaty, there stands now our explicit agreement obliging us to permit England to send her vessels of war through the canal at her will, even though we were her antagonist, and the accompanying and supplementary engagement that we will endeavor with her to extend a similar arrangement to the other powers of Europe. Unless that were done in every war that might occur, in which the vessels of either belligerent were excluded from the canal, the fact would constitute at once a provocation to destroy it. If the vessels of one belligerent should enjoy it while the vessels of another were excluded, at once the canal becomes the scene of hostile conflict. All that has been fully considered by the statesmen of Europe in a similar case—the Suez Canal. They have had these

questions before them and they have met them in that broad, strong, understanding way in which the great men of the world look upon questions of this kind.

I shall show the story in a very clear and direct narration given in an interesting article a year or two ago by Mr. Woolsey. I read from the Yale Review of November, 1895, an account of the way in which the Suez Canal was built, and how the great powers of Europe have dealt with its use:

The Suez Canal was dug by a French company under a concession from the Khedive of 1856, confirmed by the Sultan, his suzerain. Article XIV of this concession embodied a formal declaration that the canal should be always open as a neutral passageway to merchant ships of every nationality. But this was clearly insufficient, for Egypt, even with the possible backing of Turkey, was too weak to make the declaration good. A much stronger guaranty was needed for its effectiveness. Moreover, nothing prevented Turkey, in case of war, from blocking the canal, or even breaking it. The world's commerce was not guaranteed against the guarantor. For the security of this commerce a European concert was needed. What shape should this take?

Twenty years before a spade was struck into the sands of Suez, Prince Metternich had answered this question. In 1838 Mohammed Ali had asked his opinion in regard to a Suez Canal project, and received this reply: That if he wished to secure the accomplishment of his plan he should look to a neutralization of the canal by a European treaty. On this line the solution of the problem has been worked out, not without difficulties. The first step was taken in 1873. At Constantinople, in December of that year, was signed an agreement that the Suez Canal should be open to transports and ships of war of all signatories alike. Accepted by Turkey and the canal company, this act was acceded to by nearly all the European powers, including Russia. Thus the principle of European control was initiated.

In 1877 came the war between Russia and Turkey. It was of the greatest importance to commerce that the canal should be free from its operations. To this end Great Britain issued a declaration that any attempt to blockade the canal or its approaches would be regarded as a menace to India and an injury to the commerce of the world, which would compel the abandonment of British neutrality. This threat drew from Prince Gortschakoff the announcement that Russia desired neither to interrupt nor threaten the canal's navigation; but, on the contrary, considered it an international enterprise affecting the world's commerce, which must remain free from all attack.

The Arabi outbreak in 1882 threatened the security of the canal still more seriously, and proved even more forcibly the insufficiency of a merely Egyptian guaranty—the necessity of European control. France timidly declined the responsibilities of joint occupation, and thereby lost her share in the dual control. Great Britain shelled the insurgents out of Alexandria, occupied the canal as a base, and defeated Arabi's forces, acting throughout at the request of the Khedive. Her subsequent occupation of Egypt, without the urgent solicitation of the Khedive, is another matter having a bearing upon the protection of the canal, but not upon its international status. It was induced rather by the English ownership of Egyptian bonds and by the threatening rise of a fanatical invader out of the deserts. By those who are always suspicious of England's good faith, her renunciation of sole control of the canal while occupying Egypt is a fact to be pondered.

Nor did the purchase of canal shares by the British Government give it additional political rights.

Let me remark that the ownership of all the shares of the Maritime Canal Company would give the United States no political rights.

Were the Emperor of Germany to own a thousand square miles of land in Texas, it would none the less be subject solely to the sovereignty and jurisdiction of the State and the nation. So in the Suez Canal the jurisdiction of the sovereign was not qualified by English financial control. The relations of state and corporation were laid down by the concession—

As they would be here—

under which the English Government enjoyed rights in common with other shareholders. And this would be true in our own case were the United States to lend its credit to a Nicaragua canal. Rights in the line of management would be gained thereby, but the political status would not be affected.

In the case of Suez this status was not yet definitely and satisfactorily determined. By force of circumstances Great Britain has assumed, single handed, responsibilities which properly belonged to Europe and which she desired Europe to assume. An invitation to the powers with this end in view in 1883 remained unaccepted for two years. Then, in 1885, a commission representing ten States met in Paris to draw up for consideration an international act, which should offer a definite form of control capable of guaranteeing at all times and for all powers the free use of the Suez Canal.

This was the basis upon which was built up the convention of Constantinople of 1887. Its conditions are briefly these:

The Suez Canal shall forever be free and open, in time of war as well as in times of peace, to the vessels, whether merchantmen or men-of-war, of all nations.

Neither it nor its approaches to the distance of 3 marine miles shall ever be blockaded.

The canal itself, the various works connected with it, and the Sweetwater Canal, which furnishes its fresh water supply, shall ever be inviolable.

No act of war shall take place upon it, though belligerent ships may be using it, and a twenty-four hour's interval shall elapse between the departure of hostile ships from either terminal.

No troops or material of war shall be landed along it, and no ships of a belligerent shall be stationed in its ports, but neutral states may maintain not to exceed two ships of war each for its protection.

When, in the opinion of the representatives of the powers in Egypt, the security of the canal is threatened, the Government of the Khedive shall first be called upon for its protection. Failing this, the Porte shall have the duty of treaty execution laid upon it, and if Turkey should prove unequal to the task the signatory powers shall act in concert with her.

No permanent fortifications are permitted.

No contracting power shall enjoy special territorial or commercial advantages in it.

The sovereignty shall reside, as before, in Turkey.

The accession of as many powers as possible shall be secured to this treaty.

These stipulations have been agreed to by Austria, France, Great Britain, Germany, Holland, Italy, Spain, and possibly others. Russia and Turkey held aloof, but in 1888 Turkey yielded to pressure and acceded. The present status of the Suez Canal, therefore, is that of neutrality guaranteed and protected by the leading powers of Europe with the exception of Russia.

That is what statesmanship has provided for the first of the two great waterways which Mr. Wheaton foresaw in his dispatch of 1845 were to be built between the equator and 40° north latitude, so as to enable a passage round the world of ships of commerce or of war; and that policy which we have agreed to execute with Great Britain, and which the countries of Europe have established with reference to the Suez Canal, is inevitably to become the governing policy of an isthmian canal, if ever one shall be constructed, wherever it may be, between the waters of the Pacific and the Atlantic oceans. There must be neutralization complete, and in addition to it sufficient zones of adjacent ocean water on the Pacific side and on the Gulf side to guarantee and insure the impossibility that a hostile naval conflict could occur at any point where it might put in jeopardy the continuance of the canal.

Mr. LINDSAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Kentucky having suggested the absence of a quorum, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Chandler,	McBride,	Shoup,
Allen,	Chilton,	McMillan,	Smith,
Allison,	Clark,	Martin,	Stewart,
Bacon,	Cockrell,	Morgan,	Teller,
Baker,	Cullom,	Nelson,	Thurston,
Bate,	Davis,	Pasco,	Tillman,
Berry,	Faulkner,	Peffer,	Turpie,
Blanchard,	Gordon,	Perkins,	Vilas,
Burrows,	Hawley,	Pettigrew,	Walthall,
Caffery,	Hill,	Pugh,	White.
Call,	Hoar,	Roach,	
Cannon,	Jones, Ark.	Sewell,	
Carter,	Lindsay,	Sherman,	

The PRESIDING OFFICER. Forty-nine Senators having answered to their names, a quorum of the Senate is present.

Mr. VILAS. If I am right in the views which I have just presented, and to which but for the time I have engaged the attention of the Senate I should be glad to urge other reasons to impress them more firmly, then it follows that the isthmian canal between the waters which bound our continent must be like the canal which leads from the Mediterranean to the seas of India, an open, free canal, which all the powers of the earth will join to give the same right of passage through that nature has given to the straits of Magellan or of Gibraltar. With that conclusion there dissipated at once all this froth and spume gathered about the idea of an American canal under American control, words which appeal to a petty, seeming selfishness of patriotism, but can bear no scrutiny when subjected to the just view of reason, of science, of the enlightenment that guides and rules the progress of humanity.

Sir, canals are instruments of commerce, and the project of this canal is to me most alluring and delightful, because it is another harbinger of peace. Commerce can not exist with war. It is a constant antagonist of war. It must have law, justice, fairness, and all the guaranties which advance humanity in order to its prosperity. Never has Christianity had an ally such as commerce has been; and commerce is now a necessity to the life of man on the globe. We can not dispense with it; we can not cripple it. The breath of a rumor of war is like a lightning blast upon the great avenues of trade and business. Let but the dread story sound of a mere threat of war, and suffering follows through the thousand ramifications of business down to the homes and hearthstones of the meekest and the poorest of the land.

The distinguished and honorable Senator who is in charge of the pending bill has intimated to us that there is something wrapped up in it which is antagonistic to the treaty of arbitration.

Mr. HAWLEY. I should like to make a suggestion to the distinguished Senator.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Connecticut?

Mr. VILAS. With great pleasure.

Mr. HAWLEY. The Senator says that commerce and war are inconsistent. It would seem to be so, but I hold in my hand a book entitled The Expansion of England, by J. R. Seeley, a professor of modern history at Cambridge, in which he says:

It seems to me to be the principal characteristic of this phase of England that she is at once commercial and warlike. A commonplace is current about the natural connection between commerce and peace.

But he goes on to say that this is the law:

The law, namely, of the intimate interdependence of war and trade, so that throughout that period—

A century or so—

trade leads naturally to war and war fosters trade.

* * * * * * *

England, indeed, grew ever more warlike at that time as she grew more commercial.

She made war for the sake of getting a chance to sell things. She wants a treaty of peace now.

Mr. VILAS. I shall indulge the Senator from Connecticut in reading that observation from Professor Seeley, and spend no time in regard to it.

You propose war to England with a power fit to cope with her and see whether commerce is antagonistic to war.

Mr. HAWLEY. But, begging pardon, most of her wars are with small people, and generally end by her taking possession.

Mr. VILAS. Precisely. She does not have war. The wars that the Senator talks about are such as would be the effort of a mouse under the paw of a lion.

Mr. HAWLEY. I know that she fights weak people frequently, but she has had more than forty wars in less than fifty years, mostly, however, with weak people.

Mr. VILAS. I do not desire to make any observations here that might carry an injurious import to another country, but, sir, think you that the commercial interests of England will tolerate a war with a power like the United States unless the degradation of avoiding it was such as of itself to be more perilous to her trade? The man who argues in this day and generation that war is the acolyte of commerce has but a pitiful and insignificant conception of the great agencies which are carrying forward the evolution of man upon this globe. No, sir; so far from the distinguished Senator from Alabama being justified in the intimation that there can be anything hostile in that great treaty of peace to the interests of the project of an isthmian canal there could be nothing that would be more advantageous to it, nothing more conducive to its construction or to its effecting the great purposes for which it should be created.

We ought to rejoice in the promise which such an engagement, putting a discontinuance to war on earth, gives to such projects as this for the enlargement of the great instruments of commerce and peace. And it is a strange misconception, in my poor judgment, sir, that the United States can, in any aspect of consideration, find their interests, their prosperity, the promotion of the happiness of their people in any other course than that which shall keep our country where for a century she has been—the noble leader in the great movement of liberty and enlightenment and human advancement traveling around the globe.

Now, sir, let me pause to review for a moment the effect of the arguments which I have been making.

Mr. BACON. Mr. President, I suggest the absence of a quorum.

Mr. VILAS. I hope the Senator from Georgia will not raise that point now.

The PRESIDING OFFICER (Mr. CANNON in the chair). The absence of a quorum having been suggested, the Secretary will call the roll.

Mr. BACON. I will state that I am perfectly willing to remain here as long as a quorum is present; but I do not think half of the body ought to be required to remain here when the rest are away.

Mr. VILAS. I shall detain the Senate but a very few moments.

Mr. BACON. Very well; I will withdraw the suggestion.

The PRESIDING OFFICER. The Senator from Georgia can not withdraw it. The absence of a quorum having been suggested, the roll must be called.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Chandler,	Hoar,	Roach,
Allen,	Chilton,	Lindsay,	Sewell,
Allison,	Clark,	McBride,	Sherman,
Bacon,	Cockrell,	McMillan,	Shoup,
Bate,	Cullom,	Mantle,	Stewart,
Berry,	Davis,	Martin,	Teller,
Blanchard,	Faulkner,	Morgan,	Thurston,
Brice,	Frye,	Nelson,	Vilas,
Butler,	Gallinger,	Pasco,	Walthall,
Caffery,	Gordon,	Peffer,	White.
Call,	Hale,	Perkins,	
Cannon,	Hawley,	Pettigrew,	
Carter,	Hill,	Pugh,	

The PRESIDING OFFICER. Forty-nine Senators having answered to their names, a quorum of the Senate is present. The Senator from Wisconsin will proceed.

Mr. HILL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from New York?

Mr. VILAS. For what purpose?

Mr. HILL. I rose to suggest an executive session.

Mr. VILAS. Will the Senator from New York give me about ten minutes before submitting such a motion?

Mr. HILL. Very well; I will not make the motion now.

Mr. VILAS. Mr. President, I think I have demonstrated by the argument submitted, first, that the United States is under binding, unescapable obligation of good faith to Great Britain to provide for a guaranty with her of neutrality in war and peace, to vessels of war as well as of peace at all times, if this canal should be constructed. Further, I have shown that without that guaranty we should be simply one step short of what we must seek for the canal in any case; that it must be a neutral water, a part of the oceans which it will connect, with all the rights and privileges of an ocean strait, and with the guaranty of the great powers of the earth for the preservation of peace there forever and, as such, to be welcomed, as the world welcomes the Suez Canal, as a spot on earth where by common consent of man war can no more be waged, whatever the fury of hostile nations.

If that be so, then there is a complete demolition of the supposed answer, and the only plausible answer ever offered, to the demand that they should build this canal whose commercial interests are to receive the benefits of it. This canal ought to have for its sponsors and controllers, and as well for its constructors, the great nations of the earth whose commerce shall pass through it.

Now, sir, a word or two with reference to what the duty of the United States is in view of these considerations.

First, let me say that I acknowledge without hesitancy the desirability of that canal to the human race. I acknowledge its desirability to the United States, albeit our share of expectation from it must be so much less than that of other nations of the world, as our commerce is at present, at least, existing.

I shall answer now the suggestion frequently made by the distinguished chairman of the select committee to the objectors to this particular scheme, "What will you do for this canal?" Sir, I conceive the United States have a high duty in reference to it. I acknowledge that duty. It is not, sir, to shoulder upon our citizens all the cost, at all the risk, of the canal, to take all the chances of war and trouble that may flow from it, but it is that same duty which nature seems to have assigned to the United States among the kingdoms of the earth. It is the duty of leadership.

It belongs to us, sir, to take the flag in our hands, but as a messenger of peace, good will, commercial prosperity, and increased welfare. As such a leader in this great enterprise we have some things to consider. First, it is due to the other nations of the earth—a debt of mutual intercourse which was recognized in the Clayton-Bulwer treaty—that we do not declare absolutely all the law and methods that shall govern this project, but proffer to them the open hand of fair conference, invite their reasonable suggestions, and unite with them in reasonable provision for its construction and maintenance. And, sir, as a leader among the nations of the earth, I conceive that it belongs to us to do what I have proposed in the amendment offered as a substitute for the bill, not to go on with a half-understood, perilous, uncertain project which every business man must condemn when asked to engage in it, but to begin as any wise man begins when he intends to invite capital to contribute effort to a great scheme; to begin by acquiring the accurate and sufficient information which will enable an intelligent determination as to the probabilities of the proposed project and the availability of the plan upon which it should be executed.

We have seen by the report of the commission which we sent there to examine this scheme of the Maritime Canal Company of Nicaragua that, from one end to the other of it, it is utterly untrustworthy. That board of intelligent, patriotic engineers has declared that there should be no such thing as work upon that plan until observations and examinations and surveys and borings should determine the safety of the proposed works. They have negatived by their professional advice the possibility of the construction of one of the great dams which is the key to the whole canal project. They say that the La Flor Dam can not be built as it is projected, and as to the other at the other end of the 154 miles of elevated water, the Ochoa Dam, they say upon the evidence before them it is probably untrustworthy, at least it is so insufficiently demonstrated as to be unworthy of the expenditure of money upon it until further examination shall have enabled the perfection of the plan and warranted trust in it.

What is the first duty of the United States? It is to make the most thorough, adequate, and careful survey of all the routes which may be available for an isthmian canal, to prepare a plan for the construction of a canal upon that route which shall in the end be deemed most eligible, a plan which does carry with it all the evidence of engineering skill, of completeness of examination, thoroughness of observation, to justify the United States in laying it before the world as fit to base an invitation to the nations of the earth to share in the project.

When that shall have been done, or when, in the course of the work to attain it, it can be seen that that thing will be accomplished, and that we shall be enabled to present to mankind proof, reasonably satisfactory, of the eligibility of the best route, and a plan, with details complete, and specifications elaborately and safely drawn up for the execution of it, then our next step should be to confer with Great Britain, in accordance with our treaty obligations, observing the good faith which ought to bind the United States after entry into an engagement; to confer with Germany, whose interests are equal to ours; to confer with France, who is herself greatly interested in the canal, and our ancient ally and friend, as well as imitator in republican pursuit of liberty. We should confer with those nations of the earth in the grand way of a sovereign, fit as the United States are fit, in strength, in power, in intelligence, in their aspiration for the

freedom and happiness of mankind, and seek to establish that canal upon such a foundation as that peace will bless it forever as a great agency of commerce flowing around the globe.

At the same time, and as part of it, our negotiation should extend not with cruel epithets and harsh expletives whenever they choose to assert the dignity that belongs to them not less than to greater governments. Next, our intercourse should embrace with kindliness, with generous favor, with the manliness of the great, the republics of Central America, and in concert with them and the commercial nations of the earth, the leadership of the United States may establish that canal, and never, I believe, in any other way can it be created. Peradventure, it may then seem fitting for the United States, if we shall find constitutional authority for it, even to construct the canal, but I believe the true course—that is my own opinion, both as a matter of constitutional obligation and of highest wisdom and expediency—will be for all commercial nations to unite so as to attract, under the security of their protection, the necessary capital for its construction and operation.

Mr. WHITE. Will it interrupt the Senator if I ask him a question?

Mr. VILAS. It will not.

Mr. WHITE. Do I understand the sum and substance of the Senator's argument to be that he does not favor the plan proposed in the Frelinghuysen-Zavala treaty, that he does not consider it feasible?

Mr. VILAS. I do not consider the Frelinghuysen-Zavala treaty such an arrangement for the execution of this work as the United States ought to undertake, but I would, if I had not already occupied so much time, set forth why, and distinguish easily, as I think I could, the true method of procedure from that which governed the terms of that treaty. However, at this hour I shall not detain the Senate longer with that consideration.

Mr. HILL. Mr. President, I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield for the motion of the Senator from New York?

Mr. VILAS. In one moment. I should like to add just one idea before that motion is made, and that is that the plan which I have suggested—rather the general idea which I have suggested—is not one which will delay the consummation of this great project. In my judgment, it will forward it. For more than two hundred years these half-fledged schemes have been under consideration, until, as the distinguished Senator from Indiana [Mr. TURPIE] has said, the project for a canal on Lake Nicaragua is "blacklisted by the capitalists of the world." There have been twenty concessions given by the Government there which have failed. This is the fourth American concession. Americans have been trying it for eighty years. Here have been ten wasted by this very company in futile pretense of promotion of the project. If we want speed, let us remember the old maxim that slow haste quickest reaches its goal.

I shall not ask the Senator from New York to longer delay the motion he wishes to make.

EXECUTIVE SESSION.

Mr. HILL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and nineteen minutes spent in executive session the doors were reopened, and (at 6 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 5, 1897, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 4, 1897.

PROMOTIONS IN THE NAVY.

Maj. Robert. W. Huntington, to be a lieutenant-colonel in the Marine Corps, from the 2d day of February, 1897, vice Lieut. Col. McLane Tilton, retired.

Capt. Charles F. Williams, to be a major in the Marine Corps, from the 2d day of February, 1897, vice Maj. Robert W. Huntington, promoted.

First Lieut. Harry K. White, to be a captain in the Marine Corps, from the 2d day of February, 1897 (subject to the examinations required by law), vice Capt. Charles F. Williams, promoted.

Second Lieut. Elisha Theall, to be a first lieutenant in the Marine Corps, from the 2d day of February, 1897 (subject to the examinations required by law), vice First Lieut. Harry K. White, promoted.

REGISTER OF LAND OFFICE.

Benjamin F. Shaw, of Vancouver, Wash., to be register of the land office at Vancouver, Wash., vice George H. Stevenson, resigned.

POSTMASTERS.

David C. Hyer, to be postmaster at Susanville, in the county of Lassen and State of California, in the place of Noble S. McKinsey, whose commission expired July 29, 1896.

A. C. Wood, to be postmaster at Suisun City, in the county of Solano and State of California, in the place of Asa Crocker, whose commission expired December 14, 1896.

Anna R. Moses, to be postmaster at Carrollton, in the county of Carroll and State of Georgia, in the place of Richard N. Moses, deceased.

A. J. Brundage, to be postmaster at Nora Springs, in the county of Floyd and State of Iowa, in the place of George E. Moore, whose commission expired January 7, 1897.

John M. Topper, to be postmaster at Colfax, in the county of Jasper and State of Iowa, in the place of Mrs. Adella V. Weaver, whose commission expires February 18, 1897.

Lester D. Watrous, to be postmaster at Burlington, in the county of Coffey and State of Kansas, in the place of Ebenezer M. Lockwood, removed.

Leonard G. Babcock, to be postmaster at Lexington, in the county of Middlesex and State of Massachusetts, in the place of Leonard G. Babcock, whose commission expired January 7, 1897.

Abial H. Chase, to be postmaster at Concord Junction, in the county of Middlesex and State of Massachusetts, in the place of Loring N. Fowler, whose commission expires February 6, 1897.

Henry J. Dunn, to be postmaster at Medfield, in the county of Norfolk and State of Massachusetts, in the place of Frank R. Moore, removed.

Charles J. McGurk, to be postmaster at New Bedford, in the county of Bristol and State of Massachusetts, in the place of Charles S. Ashley, resigned.

J. O. Billings, to be postmaster at Fergus Falls, in the county of Ottertail and State of Minnesota, in the place of Justus Pickit, whose commission expires February 6, 1897.

Smith M. Dockstader, to be postmaster at Canby, in the county of Yellow Medicine and State of Minnesota, in the place of Morgan E. Westcott, whose commission expired January 5, 1897.

Albert P. McIntyre, to be postmaster at Warren, in the county of Marshall and State of Minnesota, in the place of A. R. Gordon, removed.

Alexander S. Gillespie, to be postmaster at Glendive, in the county of Dawson and State of Montana, in the place of Hubert C. Clancy, removed.

John G. Cobler, to be postmaster at Everett, in the county of Butler and State of Pennsylvania, in the place of John B. Tobias, whose commission expired February 1, 1897.

Joseph E. McCabe, to be postmaster at Beaver Falls, in the county of Beaver and State of Pennsylvania, in the place of Harry F. Hawkins, whose commission expires February 6, 1897.

Miss Ada L. Davis, to be postmaster at Pilot Point, in the county of Denton and State of Texas, in the place of David A. Wellborn, whose commission expired January 13, 1897.

Susie P. Hyman, to be postmaster at Stephenville, in the county of Erath and State of Texas, in the place of Susie P. Hyman, whose commission expired December 17, 1895.

Jessie L. Reese, to be postmaster at Velasco, in the county of Brazoria and the State of Texas, in the place of Henry W. Chinn, resigned.

John J. Conway, to be postmaster at Harpers Ferry, in the county of Jefferson and State of West Virginia, in the place of C. B. Wentzell, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 4, 1897.

CONSUL.

John F. Valls, of Louisiana, to be consul of the United States at Matamoras, Mexico.

APPOINTMENT IN THE ARMY.

Post chaplain.

S. Henry Bell, of Pennsylvania, to be post chaplain in the United States Army.

PROMOTIONS IN THE ARMY.

Adjutant-General's Department.

Lieut. Col. Michael Vincent Sheridan, assistant adjutant-general, to be assistant adjutant-general with the rank of colonel.

Maj. John Breckinridge Babcock, assistant adjutant-general, to be assistant adjutant-general with the rank of lieutenant-colonel.

Medical Department.

Capt. John Monro Banister, assistant surgeon, to be surgeon with the rank of major.

Subsistence Department.

Lieut. Col. Samuel Tobey Cushing, assistant commissary-general of subsistence, to be assistant commissary-general of subsistence with the rank of colonel.

Maj. Charles Patrick Eagan, commissary of subsistence, to be assistant commissary-general of subsistence with the rank of lieutenant-colonel.

Capt. Henry Brown Osgood, commissary of subsistence, to be commissary of subsistence with the rank of major.

Corps of Engineers.

Col. John M. Wilson, Corps of Engineers, to be Chief of Engineers with the rank of brigadier-general.

Infantry arm.

Lieut. Col. Charles Augustus Wikoff, Nineteenth Infantry, to be colonel.

Maj. Charles Crook Hood, Seventh Infantry, to be lieutenant-colonel.

Capt. Constant Williams, Seventh Infantry, to be major.

Adjutant-General's Department.

Capt. William Harding Carter, Sixth Cavalry, to be assistant adjutant-general with the rank of major.

Capt. Thomas Henry Barry, First Infantry, to be assistant adjutant-general with the rank of major.

Subsistence Department.

First Lieut. George Burwell Davis, Fourth Infantry, to be commissary of subsistence with the rank of captain.

Pay Department.

Capt. John Lapham Bullis, Twenty-fourth Infantry, to be paymaster with the rank of major.

POSTMASTERS.

C. E. Dingle, to be postmaster at Woodland, in the county of Yolo and State of California.

Benjamin L. Williams, to be postmaster at West Orange, in the county of Essex and State of New Jersey.

John J. Conway, to be postmaster at Harpers Ferry, in the county of Jefferson and State of West Virginia.

Watson S. Menefee, to be postmaster at Union Springs, in the county of Bullock and State of Alabama.

Walter D. Harris, to be postmaster at Olneyville, in the county of Providence and State of Rhode Island.

D. H. Lafferty, jr., to be postmaster at Sanger, in the county of Fresno and State of California.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 4, 1897.*

The House met at 12 o'clock m.

Rev. JAMES J. DOLLIVER, of Iowa, offered the following prayer:

O Lord, our Lord, how excellent is Thy name in all the earth! Thou makest the outgoings of the morning and of the evening to rejoice. Thou art high and lifted up; worshiped by angels and all the host of Heaven. What can feeble dust and ashes do, on this Thy footstool, at a remote distance from Thee, for our salvation, without Thy help?

Draw very near to us and bless us. Prepare us for the duties and the labors of the day upon which we have entered.

May we exalt Thy glory in all we say and all we do, and live with reference to eternity. Bless our land and our country, the land we love the best. May our liberties, civil and religious, be still perpetuated, and the God of our fathers still reign over us.

Bless the President of the United States, the outgoing and the incoming President. Bless the Congress of the United States, all these men in their honorable positions; and may they so labor to promote the interests of this glorious country that at last they may meet the Divine approval of "Well done, good and faithful servant."

Bless the poor and the needy, the oppressed and distressed, the fatherless and the widow; and hasten the time when our world shall become a mountain of holiness, blooming all over with the trees of righteousness.

Bless and save us, for Christ's sake. Amen.

The Journal of the proceedings of yesterday was read and approved.

LIGHT-HOUSE, ORIENT POINT, LONG ISLAND, NEW YORK.

Mr. MCCORMICK. Mr. Speaker, I ask unanimous consent for the consideration of the bill (H. R. 853) providing for the erection of a light-house at Orient Point, Long Island, New York, and for the proper lighting of the entrances to Greenport and Sag Harbor, and the west shore of Shelter Island.

The bill was read, as follows:

Be it enacted, etc., That the Light-House Board is hereby authorized and directed to erect a light-house at the site of the beacon heretofore existing at Orient Point, or Oyster Pond Reef, on the west side of Plum Gut, at the entrance of Long Island Sound, in the State of New York, and the said Board shall also erect beacon lights or gas buoys at the following points in the county of Suffolk, N. Y.:

First. On Hay Beach Point, Shelter Island.

Second. At the end of the Greenport breakwater, Greenport.

Third. On Conklings Point, about 2 miles west of Greenport.

Fourth. On Rocky or Stearns Point, on Shelter Island.

Fifth. On Hallocks or Paradise Point, on Great Hog Neck, opposite Shelter Island.

Sixth. On Tyndalls Point or Clarks Point, north of Sag Harbor.

Seventh. On the shoal south of West Neck Harbor, on Shelter Island.

Eighth. On the shoal about three-fourths of a mile north of the Sag Harbor wharf, Long Island.

SEC. 2. That the sum of $85,000, to be available immediately, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of constructing and placing the foregoing light-house, beacons, and buoys.

Mr. MCCORMICK. Mr. Speaker, I ask leave to substitute for the bill just read the one which I send to the desk.

The proposed substitute was read, as follows:

Amend the bill by striking out all after the enacting clause and inserting as follows:

"That the Light-House Board is hereby authorized and directed to erect a light-house with fog signal at the site of the beacon heretofore standing at Orient Point, or Oyster Point Reef, on the west side of Plum Gut, at the entrance to Long Island Sound, in the State of New York: *Provided*, That the cost of such light-house and its equipment shall not exceed the sum of $30,000."

Mr. BLUE. Mr. Speaker, I would like to hear the report on this bill.

Mr. MCCORMICK. Mr. Speaker, I send to the Clerk's desk and ask to have read the report of the Committee on Interstate and Foreign Commerce.

The report (by Mr. CORLISS) was read, as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 853) providing for the erection of a light-house at Orient Point, Long Island, New York, and for the proper lighting of the entrances to Greenport and Sag Harbor and the west shoal of Shelter Island, report the same back with an amendment, and recommend that the bill thus amended do pass.

The correspondence from the Department herewith submitted shows the necessity for the proposed legislation.

The committee recommend to amend by striking out all of section 2.

TREASURY DEPARTMENT, *Washington, D. C., February 15, 1896.*

SIR: The letter from your committee of January 6, 1896, inclosing House bill No. 853, providing for the erection of a light-house at Orient Point, Long Island, New York, and for the proper lighting of the entrance to Greenport and Sag Harbor and the west shoal of Shelter Island, and asking suggestions touching the merits of the bill and the propriety of its passage, has been received.

This matter was referred to the Light-House Board, which has replied that it recommends the establishment of a light-house and steam whistle at Orient Point or Oyster Pond Reef, at the entrance of Plum Gut, Long Island, and gas beacons on eight points or shoals on the course to Greenport Harbor, and thence to Sag Harbor.

Respectfully, yours,

S. WIKE, *Acting Secretary.*

CHAIRMAN COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
House of Representatives.

Mr. MCCORMICK. Mr. Speaker, the bill H. R. 853 was favorably reported from the Committee on Interstate and Foreign Commerce, and has been upon the Calendar since the 3d of March, 1896.

On the 29th day of April last, I asked unanimous consent for its consideration, and after an exciting debate, wholly unlooked for, and covering the whole range of national expenditures, objection was made by the gentleman from California [Mr. LOUD] to the provision in the bill for gas buoys. He insisted that it was unnecessary, as buoys, if needed, could be provided by the Light-House Board from the general fund for that purpose. I declined to withdraw the provision until I had time for consultation with the Board. I now, by the consent of the committee, present a substitute for the bill, which asks simply for a light-house with fog signal, with the restriction that the total cost of the light-house and equipment shall not exceed $30,000. I also send to the desk a letter from the Light-House Board stating that if the classification formerly made by the Board were still in use this light would be defined as "indispensable."

The letter was read, as follows:

TREASURY DEPARTMENT, *Washington, D. C., May 11, 1896.*

SIR: Your letter of May 11, 1896, asking that the Light-House Board classify the proposed light-house at Orient Point, Long Island, N. Y., has been received.

In reply, I have the honor to state that the practice of classifying proposed light stations as "indispensable," "necessary," and "desirable," is no longer followed. Had this classification still been in use, Orient Point light and fog-signal station would have been classed as "indispensable."

Respectfully, yours,

S. WIKE, *Acting Secretary.*

Hon. R. C. MCCORMICK, M. C.,
House of Representatives, Washington, D. C.

There being no objection, the House proceeded to the consideration of the bill.

The SPEAKER. The question is on the amendment offered in the nature of a substitute.

The amendment was agreed to.

Mr. DOCKERY. I was under the impression that the gentleman offered a new bill as a substitute for the original bill.

The SPEAKER. The amendment just agreed to was the substitute.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The SPEAKER. Without objection, the title of the bill will be amended so as to conform to the recommendation of the committee.

There was no objection.

On motion of Mr. McCORMICK, a motion to reconsider the vote by which the bill was passed was laid on the table.

HUDSON RESERVOIR AND CANAL COMPANY.

Mr. MURPHY of Arizona. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 9029) to grant to the Hudson Reservoir and Canal Company the right of way through the Gila River Indian Reservation was read, as follows:

Be it enacted, etc., That the Hudson Reservoir and Canal Company, a corporation created and existing under and by virtue of the laws of the Territory of Arizona, be, and the said corporation is hereby, authorized and empowered to locate, construct, own, maintain, and operate its main line of canal through and across the Indian reservation situated in the Territory of Arizona, known as the Gila River Reservation, occupied by the Pima, Maricopa, and Sacaton Indians, from a point on the northerly line of said reservation, running thence by the most practicable route to the southerly line of said reservation, and to construct, own, maintain, and operate such aqueducts, flumes, siphons, bridges, and other structures as may be necessary for the conveyance of water where the same can not be conveyed in the canal itself, and the development, utilization, and transmission of any power derived from the water so carried.

SEC. 2. That a right of way 50 feet in width on each side of said main canal is hereby granted to said Hudson Reservoir and Canal Company: *Provided*, That no part of the lands granted shall be used except in such manner and for such purposes only as shall be reasonably necessary for the construction and convenient operation of said canal and said other structures; but when any portion thereof shall cease to be so used, such portion shall revert to the tribe or tribes of Indians from which the same shall have been taken, or, in case they shall have ceased to occupy the same, to the United States: *And provided further*, That when any such lands shall be taken for the purposes aforesaid the consent of the occupants thereof shall be obtained in a manner satisfactory to the President of the United States.

SEC. 3. That before said canal or other structures shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian tribes through which the same may be constructed, full compensation shall be made to such occupants for all property taken or damage done by reason of the construction of such canal or other structures, the amount of such compensation to be ascertained and determined in such manner as the Secretary of the Interior may direct, and to be subject to his final approval.

SEC. 4. That said company shall cause maps showing the route of its located line through said Indian reservation to be filed in the office of the Secretary of the Interior, and that said location shall be approved by the Secretary of the Interior before any grading or construction upon any section or part of said located line shall be begun: *Provided*, That said canal and other structures be located and constructed with a due regard for the rights of the Indians and especially so as not to interfere with their irrigating ditches.

SEC. 5. That the officers, servants, and employees of said company necessary to the construction, maintenance, management, and operation of the structures hereby authorized shall be allowed to reside while so engaged upon the lands herein granted, but subject to the provisions of the Indian intercourse laws, and such rules and regulations as may be established by the Secretary of the Interior in accordance with the said intercourse laws.

SEC. 6. That said company shall have the right to survey and locate its canal immediately after the passage of this act.

SEC. 7. That in connection with the said canal and its appurtenances said company shall have the right to erect, maintain, and use a telegraph or telephone line, or both, and other appliances reasonably necessary or convenient for the construction, maintenance, and operation of the said canal and its appurtenances, but only within and upon the limits of the right of way hereby granted.

SEC. 8. That the said Hudson Reservoir and Canal Company shall accept this right of way upon the express condition, binding upon itself, its successors, and assigns, that they will neither aid, advise, nor assist in any effort looking toward changing or extinguishing the present tenure of the Indians in their lands, and will not attempt to secure from the Indian tribes any further grant of land or its occupancy than is hereinbefore provided.

SEC. 9. That Congress may at any time amend, alter, add to, or repeal this act.

SEC. 10. That this act shall be in force from its passage.

The amendment reported by the Committee on Indian Affairs was read, as follows:

At the end of section 8 insert the following:

Provided, That the rights herein granted are upon the express condition that the grantee thereof, its successors or assigns, shall at all times during the continuance of the grant furnish the Indians located under its canal along said right of way with water sufficient for all domestic and agricultural purposes and purposes of irrigation on such just and reasonable terms and under such rules and regulations as shall be prescribed by the Secretary of the Interior.

Mr. DOCKERY. Let us have the report read.

Mr. McMILLIN. I should like the gentleman from Arizona [Mr. MURPHY] to state whether this bill has been submitted to the Secretary of the Interior.

Mr. MURPHY of Arizona. The amendment which has been reported by the committee in connection with this bill was suggested by the Interior Department. The Secretary of the Interior has recommended that with this amendment the bill be passed. I ask that the report be read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McMILLIN. The gentleman from Arizona has indicated his willingness to have the report read, which I ask may be done, reserving the right to object.

The report (by Mr. FLYNN) was read, as follows:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 9029) to grant to the Hudson Reservoir and Canal Company the right of way through the Gila River Indian Reservation, having had the same under consideration, make the following report:

The grantee, the Hudson Reservoir and Canal Company, proposes to construct a storage reservoir in the Tonto Basin, in Arizona, for the purpose of impounding and storing the surplus and flood waters of the drainage basin of the upper Salt River, the same to be used in irrigating the Salt River and Gila valleys. To utilize all the waters of this reservoir the grantee finds it advisable to construct an irrigating canal across the Gila River Indian Reservation, so as to reach the public lands south thereof. This canal will likewise be available, under proper arrangement, for a supply of water to the Indians on the reservation for irrigation purposes—a fact of much importance. This reservation is known as an "Executive order" reservation, but the honorable Secretary of the Interior holds that the act of March 3, 1891, granting to reservoirs the right of way over the public lands, does not apply to this reservation; hence the necessity of this bill.

The committee having referred the bill to the honorable Secretary of the Interior for his opinion thereof, with a request that he make suggestions as to any desirable amendment, the honorable Secretary has transmitted to this committee, with his approval, a recommendation of the honorable Commissioner of Indian Affairs that the bill be amended by inserting at the end of section 8 the following proviso:

"*Provided*, That the rights herein granted are upon the express condition that the grantee thereof, its successors or assigns, shall at all times during the continuance of the grant furnish the Indians located under its canal along said right of way with water sufficient for all domestic and agricultural purposes and purposes of irrigation on such just and reasonable terms and under such rules and regulations as shall be prescribed by the Secretary of the Interior."

The committee recommend that the bill be amended as suggested, by the insertion of the said proviso, and that it do pass.

The correspondence on the subject had with the Department of the Interior is appended.

Mr. DOCKERY. How much land does this convey?

Mr. MURPHY of Arizona. No land except the right of way.

Mr. DOCKERY. What is the width of the right of way?

Mr. MURPHY of Arizona. I think the bill states it. I do not remember the exact width—25 feet, I think.

Mr. DOCKERY. The bill as proposed to be amended has the approval of the Secretary of the Interior?

Mr. MURPHY of Arizona. Yes, sir.

Mr. DOCKERY. In the event that the land should cease to be used for this purpose, it will revert to the United States?

Mr. MURPHY of Arizona. Yes, sir.

There being no objection, the House proceeded to the consideration of the bill.

The amendment reported by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BLUE, a motion to reconsider the last vote was laid on the table.

ELIZABETH WELLONS.

Mr. CRISP. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 8898) to increase the pension of Elizabeth Wellons was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Elizabeth Wellons, widow of a soldier of the war of 1812, from $12 per month to $20 per month.

Mr. CRISP. Mr. Speaker, this bill has been favorably reported from the Committee of the Whole House on the state of the Union. My anxiety to have it passed at once is because the beneficiary is a lady 82 years old, and because, this being a House bill, it must go through the Senate before she can receive what the bill proposes to grant her. The Committee on Pensions has carefully considered the measure and unanimously recommend that it become a law. As shown by the report, Mrs. Wellons is dependent upon her pension for a livelihood. She can not live very long, for she is very old and feeble. There are very few pensioners of the war of 1812, and they are fast passing away. I sincerely hope no one will object to the present consideration of this bill. It is most meritorious.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CRISP, a motion to reconsider the last vote was laid on the table.

CHRISTOPHER ELLIS.

Mr. FLETCHER. I ask unanimous consent for the immediate consideration of the Senate bill which I send to the desk.

The bill (S. 895) for the relief of Christopher Ellis was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to remove the charge of desertion and grant an honorable discharge in the case of Christopher Ellis, who was a machinist in the United States Navy, and who is charged with having deserted from the U. S. S. *Nipsic* February 7, 1872.

Mr. ERDMAN. Has this bill been considered in the Committee of the Whole House?

Mr. FLETCHER. It has not been; but it is a Senate bill, and its passage is unanimously recommended by the Committee on Naval Affairs. This is the bill which I showed to the gentleman yesterday morning.

Mr. ERDMAN. Let us hear the report.

Mr. FLETCHER. I will state that the bill has been favorably reported upon by the Secretary of the Navy.

The Clerk proceeded to read the report, but was interrupted by Mr. ERDMAN, who said: I withdraw the demand for the reading of the report. I know about this case.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. FLETCHER, a motion to reconsider the last vote was laid on the table.

LIFE-SAVING STATION, POINT ARENA, CALIFORNIA.

Several members addressed the Chair.

The SPEAKER. The Chair recognizes the gentleman from California [Mr. BARHAM], who desires to bring up a public bill.

Mr. BARHAM. I ask the immediate consideration of the bill which I send to the Clerk.

The bill (S. 3320) to provide a life-saving station at or near Point Arena, Mendocino County, in the State of California, was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to establish a life-saving station at or near Point Arena, Mendocino County, in the State of California.

Mr. DOCKERY. Let us have the report read.

The report (by Mr. NELSON) was read, as follows:

This bill was referred by your committee to the Treasury Department, by whom it was referred to the Superintendent of the Life-Saving Service, who has made a favorable report thereon, which is hereto appended. In view of the facts stated in this report, it is evident that a life-saving station is urgently needed at the point proposed in the bill.

Your committee therefore recommend the passage of the bill.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., January 14, 1897.

SIR: I have the honor to acknowledge the receipt, by your reference of the 10th ultimo, of bill S. 3320, "to provide a life-saving station at or near Point Arena, Mendocino County, in the State of California," and asking for suggestions touching its merits and the propriety of its passage.

In reply I have to state that the matter was referred to the General Superintendent of the Life-Saving Service for report, which has been received, and is herewith transmitted with my concurrence.

Respectfully, yours,

S. WIKE, *Acting Secretary.*

The CHAIRMAN COMMITTEE ON COMMERCE,
United States Senate.

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TREASURY DEPARTMENT,
OFFICE GENERAL SUPERINTENDENT LIFE-SAVING SERVICE,
Washington, D. C., January 14, 1897.

SIR: I have the honor to acknowledge your reference of bill S. 3320, "to provide a life-saving station at or near Point Arena, Mendocino County, in the State of California," forwarded by the Committee on Commerce of the Senate for suggestions touching the merits of the bill and the propriety of its passage.

Point Arena is not far from midway between the two nearest life-saving stations—the Humboldt Bay station on the north and the Point Reyes station on the south, which are nearly 200 miles apart—and is the most dangerous place upon this stretch of coast. The dangers are chiefly due to the fact that the point is the extreme western limit of land, and vessels sailing along the coast having to change their courses off this headland—approach it to bring the land in sight by day or the light located upon it by night—and are in danger of being brought within the influence of the strong inshore current and the heavy swells which prevail there.

The records of this office show that since the year 1886 twelve disasters have occurred in this immediate vicinity, in which fifteen lives were lost and property to the amount of $436,800 out of $485,600 involved, seven of the vessels being total losses.

The interests of commerce and humanity would be subserved by the passage of the bill.

Respectfully, yours,

S. I. KIMBALL,
General Superintendent.

The SECRETARY OF THE TREASURY.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DOCKERY. What amount of expense will the construction of this proposed life-saving station involve?

Mr. BARHAM. I am informed by the gentleman who reported the bill to the House that the estimated expense is $5,000.

Mr. MILES. Does the bill simply authorize the construction of this life-saving station?

Mr. BARHAM. Yes; it simply authorizes its construction.

Mr. DOCKERY. I shall not object; but I think hereafter in these matters there ought to be some specific estimate as to the amount of expense involved.

Mr. BLUE. Is the estimate included as part of the report?

Mr. BARHAM. No, sir; but it is in the report of the Secretary of the Treasury.

Mr. LOUD. This simply authorizes the establishment of the life-saving station at that point. We appropriate each year a certain amount of money for this purpose, which is handled by the Superintendent of the Life-Saving Service, and it is at his option whether he shall establish the station or not.

Mr. BLUE. But if the authorization is made, you may be very sure that the expenditure will be incurred.

Is there a report from the Light-House Commissioner here?

Mr. LOUD. This is not a light-house matter. It is a life-saving station.

Mr. BLUE. All right.

There being no objection, the Senate bill was considered, read three times, and passed.

On motion of Mr. BARHAM, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. GROUT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the District of Columbia appropriation bill.

Mr. PAYNE. I wish the gentleman would defer that motion to enable me to call up a bill on the Speaker's table.

Mr. GROUT. At the request of the gentleman from New York, I will withdraw the motion temporarily.

MRS. MARY GOULD CARR.

Mr. PAYNE. Mr. Speaker, I would like to call up from the Speaker's table and ask the House to consider at this time the bill (S. 3623) granting a pension to Mrs. Mary Gould Carr, the widow of the late Brigadier and Brevet Major General Carr, United States Volunteers, deceased.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read at length.

Mr. PAYNE. I would like to say in regard to this bill that a similar one was passed by both the House and Senate at the last session of Congress, and was sent to the President; but the President held the bill during the recess and until the expiration of ten days after the recess had commenced. In other words, it suffered what is called a "pocket veto."

This bill is precisely the same as that which passed the Senate and the House last year. It has now passed the Senate and comes here for our action. Of course the Committee on Invalid Pensions has examined the bill and reported favorably upon it. It has been through the House in Committee of the Whole on the Private Calendar, and has been reported favorably to the House, and passed the House by an emphatic vote.

Mr. HULL. Let me ask the gentleman if the Committee on Invalid Pensions did not report this bill at $50 a month?

Mr. PAYNE. My impression is that the committee reported the bill at $75 a month, and that the House reduced it to $50 per month. It went to the Senate, and the Senate refused to concur in the House amendment, and a committee of conference examined the amendment and reported it back to the House, recommending $75 a month, which report was adopted.

Mr. MILES. My recollection is that the Committee on Invalid Pensions recommended, in the first instance, $75 per month.

Mr. McCLELLAN. That is correct.

Mr. PAYNE. My impression is that it is so reported.

Mr. HULICK. Will the gentleman allow a question?

Mr. PAYNE. Certainly.

Mr. HULICK. This is to pension the widow of a private soldier, I believe?

Mr. PAYNE. No, sir.

Mr. HULICK. Is it for a general officer?

Mr. PAYNE. It is.

Mr. HULICK. Then I think we ought to do something for the widows of general officers. Of course the privates have no right to expect anything. I might illustrate by saying that a few days ago I got recognition from the Speaker to offer a bill in behalf of a private soldier, but the gentleman from New York objected.

Mr. PAYNE. I did not object; the gentleman is mistaken.

Mr. HULICK. I beg pardon, then; I was under the impression that the gentleman had objected.

Mr. PAYNE. I did not object.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLUE. If I understand the parliamentary status of this matter, it will be subject to amendment if the House considers it?

Mr. PAYNE. I will state to the gentleman that I will yield to him to make a motion to amend the bill if he desires to do it, if the House shall take it up for consideration at this time.

Mr. BLUE. With that understanding, I shall not object.

There being no objection, the bill was considered.

Mr. BLUE. Now, Mr. Speaker——

Mr. PAYNE. I yield to the gentleman from Kansas.

Mr. BLUE. Now, I move to amend the bill by making it read $50 per month, instead of $75 a month.

Mr. PAYNE. Mr. Speaker, in regard to that I wish only to say that the House has already considered that very question, and after debate concluded that $75 a month was the correct figure. I hope the bill will be allowed to pass just as it comes from the Senate and as the House fixed the amount after full consideration. I trust, therefore, that the amendment will not prevail.

If the gentleman from Kansas desires to be heard on his amendment, I will yield to him.

Mr. BLUE. I do desire to be heard.

Mr. PAYNE. I yield to the gentleman.

Mr. BLUE. Mr. Speaker, I desire to say in reply to that that if the House made a mistake that is no reason why they should not correct the mistake. These pensions, it seems to me, are all excessive. The full amount to be granted, unless it be an exceptional case, ought never to exceed $50 a month, and this is not an exceptional case. Fifty dollars is amply sufficient, and this disposition to make exceptions in favor of the widows of general officers, and in favor of general officers themselves, is what breeds discontent among the people of the United States, and is one of the important factors in bringing about socialistic conditions everywhere throughout the land. There is no good reason for these large pensions to widows and to general officers, and I trust the House will avail itself of this opportunity to correct the mistake heretofore made by agreeing to this amendment.

Mr. MCMILLIN. Mr. Speaker, I have some memory of this case, and if my memory serves me correctly this is the status, that the injuries from which the officer finally died were not received in the service. On the contrary, after he left the service he was for a long time a prominent official and able to discharge public duties at a high compensation in the service of his State.

This is not one of the cases where the soldier was killed in battle or where he received his injuries from which he finally died in battle, or was so disabled by his war service as to prevent him from earning a livelihood after the close of the war. If I remember, also, it is one of those cases that was recommended by the House at a smaller rate than was finally agreed upon. I will not be so positive about that, but my recollection is that it went to the Senate, that the Senate increased the amount, and that the conference committee did what is generally done by conference committees in these cases, gave the highest amount, and then the bill died in the hands of the Executive.

Mr. PAYNE. Mr. Speaker, General Carr was one of the most gallant officers in the war and saw a great deal of hard service. He received injuries in the service for which he was afterwards pensioned, but he did not receive in the service the injury from which he died. He died from the effects of cancer. He died a poor man, and left his widow at an advanced age. It is true he held civil office. He was, at three different times, elected secretary of state of the State of New York, and was elected when no one else upon his ticket was elected, because of the high esteem in which he was held, not only by members of his own party, but by members of the Democratic party.

Mr. MCMILLIN. Will the gentleman permit me to ask him a question?

Mr. PAYNE. Yes.

Mr. MCMILLIN. What is the compensation which is given to that officer in New York?

Mr. PAYNE. The compensation now, I think, is $5,000 a year. I think it was less than that at the time that General Carr held it, but I would not be positive about that. I know what the compensation is now.

Now, in regard to this case, it is as meritorious as cases which Congress has heretofore passed at $75 a month, not excluding the case of the general from Kansas, which the gentleman from Kansas [Mr. BLUE] saw fit to advocate at that rate.

Mr. MILES. Is this the war widow of General Carr?

Mr. PAYNE. Certainly; he married her in 1845, and Mrs. Carr herself served during the war as a volunteer nurse, for which service she never received a dollar of pay. The case is certainly a meritorious one, and I hope that the House will not cut down the pension after having on a previous occasion, by an overwhelming majority, voted that the pension should be $75 a month.

Mr. HULL. Will the gentleman yield for a question?

Mr. PAYNE. Yes.

Mr. HULL. When the bill was before the House as an original proposition, is it not true that, after discussion, the House cut it down to $50 a month?

Mr. PAYNE. I think the House cut it down to $50 a month, but not after much discussion, as I remember.

Mr. HULL. My recollection is that there was a very full discussion.

Mr. PAYNE. This widow is an old lady, some 76 years of age at the present time; and after full discussion, on a later occasion, the full House, by an overwhelming vote, fixed the rate at $75 a month.

Mr. HULL. Was not that on a conference report, which carries a great deal of weight with it?

Mr. PAYNE. It was on a conference report, and the same weight ought to attach to the conference report to-day that attached to it when it was presented before.

I move the previous question on the bill and amendment.

The previous question was ordered.

The SPEAKER. The question is on the amendment of the gentleman from Kansas [Mr. BLUE], which the Clerk will report.

The Clerk read as follows:

In line 7 strike out the words "seventy-five," and insert the word "fifty."

The question was taken; and on a division (demanded by Mr. PAYNE) there were—ayes 88, noes 65.

Accordingly the amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY W. KEEFFE.

Mr. THOMAS. Mr. Speaker, I present a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill S. 905, "An act granting a pension to Mary W. Keeffe," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted, insert "$25;" and the House agree to the same.

HENRY F. THOMAS,
GEO. C. CROWTHER,
F. C. LAYTON.
Managers on the part of the House.

FRANK J. CANNON,
GEO. L. SHOUP,
Managers on the part of the Senate.

Mr. THOMAS. Mr. Speaker, I move the adoption of the report of the committee of conference.

Mr. HULL. Mr. Speaker, what is this bill? There is no statement.

Mr. THOMAS. The report of the conference committee was read.

Mr. HULL. Have you got a statement?

Mr. THOMAS. This is simply an amendment.

Mr. HULL. There has to be a statement of the House conferees.

Mr. THOMAS. This bill originally called for $40 a month. That is reduced to $25 a month, and agreed to in conference.

Mr. LOUD. Mr. Speaker, I would ask if there is a statement accompanying the conference report?

The SPEAKER. There is no statement.

Mr. LOUD. I think it is a dangerous precedent to pass these bills without a statement accompanying the report.

The SPEAKER. The gentleman makes the point of order that there is no statement. The Chair sustains the point of order.

CAROLINE A. HOUGH.

Mr. WOOD. Mr. Speaker, I desire to ask unanimous consent to call up the bill (H. R. 2604) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough. It is in the same condition precisely as the bill of Mrs. Carr, which you have just passed in the House. It is the bill of a widow of a soldier, a war widow. The soldier entered the service as a private and was promoted up as far as brigadier-general and chief of staff of an army corps, and died of wounds received in the service. I ask unanimous consent to call it up.

Mr. BLUE. How much is it to give her?

Mr. WOOD. Fifty dollars a month. It is for the widow of Gen. John Hough.

Mr. BLUE. What was the rank?

Mr. WOOD. Brevet brigadier-general.

Mr. MILES. Will the gentleman allow me to ask him a question?

The SPEAKER. Is there objection to the present consideration of the bill, which will be reported?

Mr. MILNES. I suggest that the bill be read before consent is given.

Mr. GROUT. Mr. Speaker, I renew my motion that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the District appropriation bill.

The motion was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. PAYNE in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10167.

The Clerk read as follows:

To enable the Commissioners to have the plats of subdivisions of the various squares or tracts of land in Washington County photolithographed, $1,986.

Mr. GROUT. Mr. Chairman, I wish to submit an amendment to that paragraph. I have not the draft ready at this moment, and will ask to have the paragraph passed for the time being.

There was no objection, and it was so ordered.

The Clerk read as follows:

For special repairs to market houses, $1,500.

Mr. DOCKERY. Mr. Chairman, under the permission of the House, given yesterday, upon the report of the Committee on Rules, I offer the following amendment.

The Clerk read as follows:

That the act approved February 13, 1895, entitled "An act to amend an act entitled 'An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction upon the Court of Claims to hear the same, and for other purposes,' approved June 16, 1880," be, and the same is hereby, repealed, and all proceedings pending shall be vacated and on judgment heretofore rendered in pursuance of said act shall be paid.

Mr. MEREDITH. I want to understand whether there is to be discussion over this matter or not.

Mr. DOCKERY. Go ahead.

Mr. MEREDITH. Mr. Chairman, I entered my protest on yesterday——

Mr. HULICK. I ask where that comes in?

Mr. DOCKERY. It comes in on page 11, after line 2.

Mr. MEREDITH. I was about to say, Mr. Chairman, I entered my protest yesterday against legislation of this kind; and I very well understand this morning I would be leading a forlorn hope to oppose it after what was done yesterday by the Committee on Rules. I say I appreciate that any opposition now would be simply leading a forlorn hope. The House under a misapprehension of facts have made up their minds that this amendment shall be passed, and that a law which was passed by the Fifty-third Congress shall be repealed by the passage of this amendment. I stated yesterday evening that the Committee on the District of Columbia, which are being criticised by some gentlemen, had this matter before them; and I state here to-day for the first time, I knew yesterday that a resolution which was first discussed and about which a hearing had been granted, had been introduced and sent to the committee. It reached the committee on the 15th of December, and the House adjourned on the 22d of December. It was about three weeks after that before any work was done. I simply make that statement, Mr. Chairman, to put the Committee on the District of Columbia in its proper light before this House, and to show that they have not been negligent in their duty.

I say, further, that since the resolution was called to the attention of that committee, which was yesterday, the committee has been engaged in hearing gentlemen interested in that matter who have come before the committee, and we consumed the entire time; in fact, twenty minutes after the House adjourned we were still hearing those gentlemen, and I undertake to say, Mr. Chairman, that if this House could have heard the statements of gentlemen who are interested in this question, both for the Government and in the interest of the people whose cases are now being determined by the Court of Claims, they would halt in this proceeding, because they would see that gentlemen who have discussed this measure on the floor and who have sought to run through this repeal in this hurried manner, have been misinformed as to the merits of these cases.

Mr. Chairman, if I correctly understand from the statements of its advocates and from the statements of the advocates of its repeal, the District Commissioners and their officials, including the law officer of the District government, the gentlemen employed by the Commissioners to fight these cases in the Court of Claims—if I understand them correctly, this law was passed for the purpose of letting a set of claimants have adjudicated by the Court of Claims their rights under contracts which were made with the old form of District government and extended by the Commissioners when the form of government was changed, and which were known as the "extended contracts," most of them being of that character.

Objections have been urged that these claims are "stale," but, Mr. Chairman, according to the statements of the gentlemen who have appeared before the District committee, these parties have reason to complain that the Government has withheld from them what is actually, equitably, and justly due them. It is stated that these contracts were made with the old form of city government, and that afterwards a board was organized which fixed the rates of compensation, and it is in evidence before the District committee that those rates were advertised to the world, and that contracts were entered into by parties who signed them in blank, with the understanding that they were to be filled out at the board rates.

Now, if it is urged that the board rates were greater than the rates at which persons first took contracts, I urge as a set-off that when the old government found itself unable to carry on the work and pay the contractors in money, it made an arrangement with them by which they were to be paid in 3.65 bonds, which were worth upon the market as low as 50 cents on the dollar, and if the board fixed rates higher than had previously been contracted for, it was a separate and distinct understanding and agreement with the parties engaged in the work that they were not to be paid in money, but were to be paid in bonds worth about 50 cents on the dollar.

Further, Mr. Chairman, I am informed this morning that many of the contractors—nearly all of them, indeed—failed and were ruined by the contracts which they had entered into with the District government. The Commissioners were before the committee this morning—the law officer of the District was before the committee, and also a representative of these claimants. It was stated here yesterday by a gentleman, a member of the Committee on Rules, that they had had a full hearing and investigation of this matter by that committee. I put the question to my friend from Texas [Mr. BAILEY], and he said that they had had a full hearing.

Now, Mr. Chairman, I am informed by a gentleman who stands as high in this community as any man, a gentleman who stands as high as any man who treads this earth, that he, on his way to his office yesterday, was informed for the first time that this matter was coming up before the Committee on Rules, and that, without any opportunity of going and getting his papers or collecting the necessary information to convince the chairman of the service of the same——

Mr. BAILEY. Mr. Chairman, the gentleman might have saved himself the trouble of misstating what I said if he had looked at the RECORD. I did not say that we had heard the matter fully; I said that we had heard it.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. DOCKERY. Mr. Chairman, I ask unanimous consent that the gentleman from Virginia be allowed to proceed for five minutes longer.

There was no objection, and it was so ordered.

Mr. MEREDITH. Mr. Chairman, I accept the explanation of the gentleman from Texas, and if I used the word "fully," I did not mean to misrepresent him. I understood him to say yesterday that the committee had heard this matter, and, as I have just said, a gentleman made a statement this morning that he was on his way from his office, and that, without the opportunity of going fully into this measure, he had been called to appear before the committee.

Now, I repeat, I know I lead but a forlorn hope in this case, but I believe that I am right in principle, and it is a matter of supreme indifference to me whether this House shall stand by me or not, or whether a single gentleman here will agree with my view. Believing that I am right, if every man here should vote against me, I shall still regard it as a duty to enter my solemn protest against this repeal being rushed through in such a manner and in such a way as is here proposed upon a rule brought in by the Committee on Rules. I say to my friend from Texas, who is a member of that committee, that this is a dangerous precedent.

I say that when Congress has passed a law and that law has received the sanction of the President of the United States and stands upon the statute books of the country, it is a dangerous precedent to let the Committee on Rules, or any other committee, come in here and change our regular methods of procedure, and, by a simple amendment upon an appropriation bill, in this extraordinary way, repeal a law which was passed by a previous Congress and signed by the President. From the testimony which was given before our committee, I am satisfied that if anything should be done about this act now there might perhaps be a modification of any provisions of it which work hardship to the Government, and if gentlemen of the House would acquaint themselves with the facts, and the evidence which establishes those facts, while they might be willing to modify the rule so as to protect the Government's interest in every conceivable way, I do not believe they would go to the extent that they are asked to go here and crush down these people who are right in their charges against the Government—some of them admitted to be right by the District Commissioners—because whatever may have been said about the bill, the Commissioners, when they wrote to the District Committee in reference to the bill then pending before the committee a letter, every line and syllable of which was printed in the report made by Judge ABBOTT, practically agreed that there were outstanding claims against the District government which should be paid; and I do protest, Mr. Chairman, against this law being changed in the manner suggested in the amendment of the gentleman from Missouri.

I do not desire to detain the House. I am satisfied that many gentlemen of the House concluded yesterday, acting under a misapprehension, that this law should be changed, let the consequences be what they may. I believe that the majority of the House will do this; but they will do it, Mr. Chairman, against my protest, if it is the only protest made in this body.

Mr. GROUT. Of course, the proposition before us to repeal upon an appropriation bill an act already upon the statute books

is unusual, and it has seemed to members of the committee, as it seems certainly very clear to me, that there ought to be larger liberty for debate than can be had under the ordinary five-minute restriction. Requesting the attention of the gentleman from Virginia [Mr. MEREDITH], who seems specially to represent the opposite view of this question, I will ask him what time will be accepted by that side as reasonable for the discussion of this proposition?

Mr. MEREDITH. Suppose you say fifteen minutes.

Mr. McEWAN. Say twenty minutes. I want five minutes.

Mr. MEREDITH. Well, twenty minutes.

Mr. GROUT. The committee has no desire to suppress discussion.

Mr. RICHARDSON. I think half an hour ought to be allowed on each side.

Mr. DOCKERY. Say half an hour on each side for general debate.

Mr. GROUT. Then, Mr. Chairman, I ask unanimous consent that the amendment proposing to repeal the act of the former Congress be further discussed (without taking account of what has already been said) for one hour, thirty minutes to a side; the gentleman from Virginia [Mr. MEREDITH] to control the time against the amendment, and the chairman of the subcommittee or the member in charge of the bill to control the time on the other side.

Mr. PITNEY. I do not think this debate ought to be limited to even one hour. It has been charged or insinuated here that it was proposed to put this amendment through without adequate discussion or a proper understanding of the measure. Although I think I understand the proposition pretty well, I have no doubt that there are many members who do not. I think we ought not to limit the discussion to an hour. Let the opponents of the proposition have all the time they want.

Mr. GROUT. It was the proposition of the other side that the debate be limited to an hour. I think we ought not to act on this question with any unseemly haste. It is really a serious proposition. If the original bill when passed had been deliberately acted on by the House, which it seems was not the case, I should be opposed (however much I might be inclined to repeal that bill) to considering the proposition for its repeal on an appropriation bill. But I am entirely satisfied from my knowledge of these claims that the law ought to be repealed. So I am ready to act upon it with very little discussion. But my acquaintance with the matter extends over a longer time than that of some other gentlemen. I feel that there ought to be the amplest discussion of this proposition, because the repeal of existing law in this way is a practice that ought not to be followed every day. We should not proceed with unseemly haste. What does the gentleman from New Jersey [Mr. PITNEY] suggest as the limit of time?

Mr. PITNEY. My only purpose was to give the advocates of these claims and the opponents of the amendment the fullest opportunity to explain themselves. I submit the suggestion that an hour be allowed on each side.

Mr. HENDERSON. What say those gentlemen who are opposed to the adoption of the amendment? What do they want?

Mr. MEREDITH. I think half an hour on a side will be satisfactory.

Mr. SAYERS. Those who favor the adoption of the amendment offered by the gentleman from Missouri will want an hour for the purpose of fully explaining the character of this measure.

Mr. PITNEY. I think so, too.

Mr. HENDERSON. Well, I ask that an hour be allowed to those who oppose the amendment and an hour to those who favor it. Let there be full discussion.

Mr. DOCKERY. I shall not object, although I hardly think so much time will be necessary.

The CHAIRMAN. It is proposed that the discussion on the pending amendment be limited to two hours, one hour on each side.

Mr. RICHARDSON. Before that request is acted on, I wish to say only a word. As one member of the District Committee, I hardly feel prepared to discuss this question as fully as it ought to be discussed; and for that reason I consented to the short limit of thirty minutes, asking only ten minutes for myself. We had a hearing in the District Committee this morning on this proposition, lasting about two hours, but the subject was not exhausted. Therefore I say the members of the District Committee are not all prepared to speak. If the House wants to cut down the discussion to thirty minutes, or to an hour, I shall be content, confining myself to ten minutes; and then when the District Committee shall report a measure, as I think they will, with reference to this matter we can discuss the question more fully. For myself I think that one hour will be enough. But if the committee wishes to extend the time to two hours, I will consent to that.

Mr. HENDERSON. Mr. Chairman, has not the proposition for two hours been agreed to?

The CHAIRMAN. Unanimous consent is asked that debate on the pending amendment be limited to two hours, one hour to be controlled by the gentleman from Vermont [Mr. GROUT] and one hour by the gentleman from Virginia [Mr. MEREDITH]. Is there objection? The Chair hears none, and it is so ordered.

Mr. DOCKERY. I understand, then, that the vote on this proposition will be taken about 3 o'clock.

Mr. RICHARDSON. You mean that members will absent themselves in the meantime. [Laughter.]

Mr. DOCKERY. No; but I do not want the members to go away under a misapprehension, or a misunderstanding as to when the vote will take place.

The CHAIRMAN. The debate, by order of the committee, is limited to two hours, one of which will be controlled by the gentleman from Vermont [Mr. GROUT] and the other by the gentleman from Virginia [Mr. MEREDITH]. The Chair recognizes the gentleman from Vermont.

Mr. GROUT. I yield twenty minutes to the gentleman from Texas [Mr. SAYERS].

Mr. SAYERS. Mr. Chairman, in order that the House may thoroughly understand the manner in which the law which is sought to be repealed by the amendment to this appropriation bill passed the House, I will send to the Clerk's desk the CONGRESSIONAL RECORD of the Fifty-third Congress, third session, and ask to have read on pages 1738 and 1785 the marked portions bearing upon this question.

The Clerk read as follows:

[From the RECORD of February 4, 1895.]

SETTLEMENT OF OUTSTANDING CLAIMS AGAINST THE DISTRICT OF COLUMBIA.

The Speaker laid before the House the bill (S. 2165) to amend an act entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes," approved June 16, 1880.

Mr. COBB of Alabama. Mr. Speaker, I ask unanimous consent for the present consideration of this bill.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of the bill, which the Clerk will report, after which the Chair will ask if there be objection.

The bill was read at length.

Mr. SAYERS. I would like to have an explanation of that bill.

The SPEAKER. Without objection, the gentleman will make a short explanation of the bill.

Mr. COBB of Alabama. This bill is intended to adjust certain claims now pending against the District of Columbia. These claims originated in this way: During the period of time when the board of public works had charge of improvements in the District of Columbia they established what were known as "board rates," under which these improvements were made. There were a great number of contracts made under this arrangement.

Mr. SAYERS. Mr. Speaker, is this bill before the House by unanimous consent?

The SPEAKER. The gentleman is asking unanimous consent that it be considered.

Mr. SAYERS. I ask the gentleman to let it lie over for a day or two until I can look into it. Otherwise I shall be compelled to object.

Mr. COBB of Alabama. There is no appropriation made.

Mr. SAYERS. That makes no difference. It probably will entail on the Government a very heavy expenditure.

Mr. COBB of Alabama. I have no objection to letting it lie on the Speaker's table.

Mr. SAYERS. No. Withdraw it for the present.

The SPEAKER. This is a bill which the Chair has laid before the House for reference.

Mr. SAYERS. Then I object to its present consideration, Mr. Speaker.

Mr. COBB of Alabama. Would the gentleman be satisfied if the bill should lie on the Speaker's table for the present until I can get an opportunity to examine it, and should then be again laid before the House, so that I may have an opportunity to get the Senate bill passed, if possible? Can not the Chair retain it on the Speaker's table?

The SPEAKER. With the consent of the House, the Chair will do so with pleasure.

Mr. COBB of Alabama. Then I ask unanimous consent that that course be taken.

The SPEAKER. The gentleman from Alabama asks unanimous consent that this bill lie on the Speaker's table for a few days.

There was no objection, and it was so ordered.

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[From the RECORD of February 5, 1895.]

SETTLEMENT OF CLAIMS AGAINST THE DISTRICT OF COLUMBIA.

The Speaker again laid before the House the bill (S. 2165) to amend an act entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes," approved June 16, 1880.

Mr. COBB of Alabama. Mr. Speaker, I ask unanimous consent for the present consideration of this bill. The bill was laid before the House yesterday, and was allowed to lie on the table so as to permit the gentleman from Texas [Mr. SAYERS] to have an opportunity to look into it. He has done so.

The SPEAKER. The bill will again be reported.

Mr. SAYERS. Let us have an explanation of the bill to the House.

The bill was read, as follows:

"*Be it enacted, etc.*, That in the adjudication of claims brought under the provisions of the act entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes," approved the 16th of June, 1880 (21 Statutes at Large, page 284), the Court of Claims shall allow the rates established and paid by the board of public works; and whenever said rates have not been allowed the claimant or his personal representative shall be entitled, on motion made within sixty days after the passage of this act, to a new trial of such cause."

Mr. SAYERS. Let us have an explanation of the bill.

Mr. COBB of Alabama. When the board of audit, which was the board which succeeded to the board of public works in the District of Columbia, and to whom was referred quite a number of claims pending against the District, expired by limitation, there were many of these claims that were unadjusted and were referred to the Court of Claims. The law required that these contracts made under the board of public works should be made in writing; but as matter of fact that law was not obeyed. A great many

of the contractors are persons who did work and performed service by oral contracts with the board of public works. It came to pass in time that the Congress of the United States proposed to make some investigation into these matters, and it was thought desirable then that the contracts should be put in writing.

It was left with the clerk of the board to draw up the contracts in proper form for signature by these persons who had been employed by the board of public works. In some instances he made a mistake as to the rate of pay these parties were entitled to. Therefore, when they went before the Court of Claims, although they showed that the contract was different from that stated in the written instrument, the court held the parties to their contract as expressed in the writing, and refused to allow all proof of what the real contract was. Now, the object of this bill is simply to allow these parties to go back to the Court of Claims and recover such amount as they actually contracted to receive from the board of public works.

Mr. SAYERS. Does that bill contain any appropriation?

Mr. COBB of Alabama. It contains no appropriation. The appropriation has heretofore been made to pay them by act of Congress, and certain bonds were authorized to be issued; and those bonds are held in the Treasury for the payment of these claims.

I ask for a vote.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. SAYERS. Mr. Chairman, this fully explains to the committee, so far as the RECORD shows, what transpired in the House when the bill was passed. I had the assurance of Judge Cobb, of Alabama, that at the most this bill would involve an expenditure of only thirty or forty thousand dollars; and also that it had received the approval and indorsement of the Commissioners of the District of Columbia. Having received that assurance from him, and the explanation made by him that it would involve but a limited amount, I withdrew my objection to the unanimous consent asked.

Now, I wish to call the attention of this committee especially to the explanation given by Judge Cobb, and to show how widely at variance it is from the facts as they have developed under the enforcement of the law. Judge Cobb says:

> The object of this bill is simply to allow these parties to go back to the Court of Claims and recover such amount as they actually contracted to receive from the board of public works.

This was the statement of the gentleman in charge of the bill, that the only effect of the bill would be to allow these parties to go back to the Court of Claims for the purpose of recovering such amounts as they had actually contracted to receive from the board of public works. If I understood the gentleman from New Jersey [Mr. PITNEY] correctly on yesterday, and I believe the day before, when speaking upon this subject, he said that these contracts called for a certain amount of expenditure, and that the object of this law and the result of its enforcement would be to enable parties interested to go outside of their positive contracts and obtain the higher prices for their labor and material that had been allowed by the board of public works to other contractors. That the men who were to be the beneficiaries of the law, having received payment from the Government according to their contract, which had been actually entered into for the performance of the work, had given their receipts and thereby discharged the Government from all obligations for further payment on account of the service rendered. It does seem to me, if the statement by the gentleman from New Jersey [Mr. PITNEY] be true—and I have no doubt whatever that it is true, because the gentleman would not have otherwise made it——

Mr. RICHARDSON. Will the gentleman allow an interruption just there?

Mr. SAYERS. Certainly.

Mr. RICHARDSON. I do not think the gentleman from New Jersey stated that that condition applied to all persons holding claims of this character.

Mr. SAYERS. I can not recall the number of claims specified, if they were specified——

Mr. RICHARDSON (continuing). It applies to some, undoubtedly, but not to all.

Mr. SAYERS. But I have been informed, Mr. Chairman, that under the operation of this law parties have been enabled to secure judgments utterly at variance with the explanation of the provisions of the law as given by Mr. Cobb, of Alabama, on the occasion to which I have referred. I would never have consented that the bill should come before the House for consideration by unanimous consent if I had thought for a moment that any other interpretation of the law would be given to it except as stated when the bill was presented by the gentleman from Alabama, in whom I had then, and have now, the greatest confidence.

But there is something more connected with the matter. It was stated to me by the gentleman from Alabama that this special bill had received the indorsement and approval of the Commissioners of the District of Columbia. He so believed. Taking the report of the Senate upon this bill, which assumed to quote verbatim et literatim the letter of the Commissioners, and upon which Mr. Cobb made probably that statement, it was literally true. But the committee will find during the course of this debate that, for some cause or other, and by some hand or another, the vital and essential portions of the letter of the Commissioners had been stricken out. All the safeguards the Commissioners recommended to be attached to the bill to protect the Government were omitted.

Mr. RICHARDSON. Will the gentleman allow another interruption? I know my friend would not desire to create a wrong impression.

Mr. SAYERS. Certainly not.

Mr. RICHARDSON. That entire letter is printed in the report of his colleague, Judge ABBOTT, who made the report on the bill. The entire letter to which he refers is there quoted, and the gentleman's colleague is present who will verify that statement.

Mr. SAYERS. I do not refer——

Mr. RICHARDSON (continuing). And that is the only letter of the Commissioners. The gentleman is laboring under a mistake in the statement he makes.

Mr. SAYERS. I think the gentleman is referring to another subject. Does the gentleman seek to controvert the statement I have made in regard to the report from the Senate?

Mr. RICHARDSON. No.

Mr. SAYERS. What then?

Mr. RICHARDSON. I say that a part of the letter only was printed in the report of the Senate, but the entire letter was submitted to this House in the report of the gentleman from Texas [Mr. ABBOTT].

Mr. SAYERS. I am referring to the letter that was incorporated as a part of the Senate report.

Mr. RICHARDSON. What I mean to say is——

Mr. SAYERS. And that was what may have deceived Judge Cobb.

Mr. RICHARDSON. There is no difference between us, except that the Senate report did not contain the whole letter; but the entire letter of the Commissioners was submitted in the report of the gentleman from Texas [Mr. ABBOTT] to this House, so that there was no advantage taken of the House, and I know my friend would not want to create the impression that a part of the letter was suppressed for any bad effect, because the entire letter was submitted by the gentleman from Texas [Mr. ABBOTT] in his report on this bill.

Mr. SAYERS. I am stating to the committee, as I believe, the grounds on which the House permitted the bill to pass and to become law; first, that the expenditure would not involve over $30,000 or $40,000; second, that it had received the approval of the Commissioners of the District of Columbia, and lastly, that the proper interpretation of the bill was given by the gentleman from Alabama, Mr. Cobb.

I repeat that the amendment offered by the gentleman from Missouri [Mr. DOCKERY] should be adopted. There should be no mere suspension of this very objectionable law, but this House should put the seal of its condemnation, not only on the measure itself, but also on the manner in which it was passed through the House.

Now, Mr. Chairman, I will yield the remainder of my time, if I have any, back to the gentleman from Vermont [Mr. GROUT].

The CHAIRMAN. The gentleman has five minutes remaining.

Mr. GROUT. Now, will the other side occupy the floor?

Mr. RICHARDSON. Mr. Chairman, in the brief time that I shall occupy the floor, I shall not assert that all of these claims should be paid. If my friend from Texas [Mr. SAYERS] will listen to me for a moment or two, I think we shall not disagree.

It seems that the object contemplated in the act passed in the Fifty-third Congress was a good one, and the District Commissioners recommended it. There is no controversy about that.

Mr. SAYERS. No; they did not recommend it. Does the gentleman mean to say that the Commissioners recommended the bill which was passed by the House?

Mr. RICHARDSON. No; I did not say anything of the kind.

Mr. HULICK. I understood the gentleman to make that declaration, that it was on the approval of the Commissioners.

Mr. RICHARDSON. I did not say that. I said that the object had in view in the legislation was a good one, and that the District Commissioners recommended the object in view, at first, which was the passage of a bill which would authorize persons holding these claims to go to the Court of Claims and ascertain if anything was justly due to them.

Mr. HULICK. But let us understand. They did not recommend this specific act.

Mr. RICHARDSON. Well, I have not said so, and I do not say so.

Mr. HULICK. I want the committee to understand that.

Mr. RICHARDSON. I say they did not recommend this act, and I hope I may be understood. They did not recommend this act, but they favored the object of the legislation, which was the submission of some of these claims to the Court of Claims, that there might be an ascertainment if there was anything fairly due to the claimants. That is what they favored, and they say so this morning.

Now, Mr. Chairman, I want to say that this morning the Committee on the District of Columbia had before it the two Commissioners of the District, the president of the Board, Mr. Ross, and Mr. Truesdell, and the auditor of the District, and one or two other officers representing the District, and two Assistant Attorneys-General of the United States, representing the Government of the United States, and also had the gentleman whose name has been mentioned here, Mr. Hemphill, as the attorney representing some of these claims. Now, we listened for two hours to the debate pro and con, endeavoring to get at the real facts in respect to these claims. The hearing was not completed when the time came for us to come upon the floor of this House at 12 o'clock.

It is an intricate question, Mr. Chairman, and while it is intricate it is easy to understand; but there is difficulty in the position of my friend from Texas [Mr. SAYERS], and of my friend from Missouri [Mr. DOCKERY], and of my friend from New Jersey [Mr. PITNEY], who are conscientious legislators, seeking to do right in this case, and to prevent the Government from being robbed. The difficulty with them is that they combine and bring together the just claims—and there are some of these claims which are just—with the unmeritorious claims which are presented. Now, what we ought to do as legislators, if we can, is to provide some remedy by which those having honest claims can get to the Court of Claims and get them allowed, and the dishonest ones be rejected.

I am frank to say that the bill which we are now considering, and which we are seeking to repeal, goes too far. It does provide on its face, absolutely, that the Court of Claims shall allow "the board rates" in every case. I did not think it was subject to that construction. The gentleman from Texas [Mr. ABBOTT] who made the report upon it did not think possibly that the law which was passed would admit of that construction. But the Court of Claims has placed that construction upon it, and has held that it has no discretion and that it must allow the entire sum fixed by what is known as "the board rates;" and that, not having any discretion, it must allow all of these claims, and therefore gentlemen have now come forward, as suggested by the gentleman from Texas [Mr. SAYERS]—who have been paid, as they once thought, in full, and paid as the Government supposed, in full, and for which they executed their receipts in full, but not as much as "board rates"—have now come in under this act and presented new claims, based on the language of this act, and they say that they are arbitrarily to be allowed "the board rates," because this act, passed in the Fifty-third Congress, says so.

I tried to state that yesterday, and I am trying to state it here this morning. What does the committee find? It finds these facts developed this morning. You are going to repeal the law. And when you do so, what do you do? You shut out meritorious claims, but you also shut out those which the District Commissioners admit are equitable and just and some of which ought to be paid. Are you going to do that? You will if you pass this amendment. You say, "Oh, well, let the meritorious ones go, in order to get rid of the unmeritorious claims." I do not think we ought to legislate in that way. I do not think that the amendment ought to pass. I think that the Committee on the District of Columbia ought to report a bill repealing this act, and substituting in place of it a proper bill; and that is one that will allow these parties that admittedly have just claims to present them to the Court of Claims, under proper restrictions, and have them adjudicated properly and fairly. Is there anybody who objects to that? If so, I have offended him. I do not think we ought to go to the broad extent of absolutely and unconditionally repealing this act.

Mr. MILES. What is the difficulty about your committee doing that after this law has been repealed?

Mr. RICHARDSON. It can be done that way. I suppose we will go on with the hearings; but I am speaking about the real situation. I say that the better way is to let the Committee on the District of Columbia report upon it. A bill was introduced in December for the repeal of this act, and our attention was called to it by the District Commissioners in a pro forma way. Gentlemen must remember that it is not possible for the District Committee to consider more than one-third or half of the measures that are presented to them. We take them up in order and dispose of them in a business way under our efficient chairman, and if it had been specially called to our attention we would have taken it up, as we are in the habit of taking up bills that our attention is especially directed to. I do not think that this committee or this House ought to repeal this bill that will shut off persons who have meritorious claims from having them adjudicated in the Court of Claims. Now, the gentleman from Texas [Mr. SAYERS] says that he was misled by the gentleman from Alabama, Mr. Cobb, unintentionally. We would all exonerate Judge Cobb, and I know my friend would.

Mr. DOCKERY. He did.

Mr. RICHARDSON. He did so. I said he would do it. Judge ABBOTT, of Texas, a member of the committee, made the report. Judge Cobb did not make the report, but it was made by the gentleman from Texas [Mr. ABBOTT]. Judge Cobb simply had charge of the bill on the floor. My friend from Texas [Mr. SAYERS] says that Judge Cobb misled him in stating that the claims were only $30,000 or $40,000. I may be mistaken in the hasty reading of the statement of Judge Cobb. I do not think he intimated that. If the gentleman from Texas is on the floor, will he look at it?

Mr. DOCKERY. He is not in the House at this time.

Mr. RICHARDSON. Here is what Judge Cobb said. I have read it hastily. Will my friend from Missouri look at it here. [Offering the RECORD.] I do not think Judge Cobb said that.

Mr. DOCKERY. I do not think the gentleman from Texas [Mr. SAYERS] assumed that he made that remark on the floor.

Mr. RICHARDSON. That may be. I was about to say that Judge Cobb may have made a remark to him off the floor about that. But be that as it may, it does not reach the merits of the question. The statement made by the gentleman, Mr. Hemphill, who presented it to the District Committee, was that the claims would amount to $70,000 or $75,000; and his attention being called to that this morning, he stated it was that amount, and not $1,400,000, as claimed by my friend from New Jersey [Mr. PITNEY]. Mr. Hemphill very promptly stated, in reply to the question, that the proper and just claims, which he supposed would be all that would be presented, would be about $70,000 or $75,000. But he said that other parties, taking advantage of this act, have rushed in and have filed claims amounting to a million and a quarter.

Mr. PITNEY. Will the gentleman permit me one moment?

Mr. RICHARDSON. Certainly.

Mr. PITNEY. Will the gentleman inquire of Mr. Hemphill whether he was not before the Committee on Rules yesterday morning, accompanied by a client of his for whom a single judgment has been rendered by the Court of Claims for $122,000, which is now under appeal simply on the question of interest, and this for only one of these claims?

Mr. MILNES. That question was up this morning in the committee, and I never heard any statement of any such judgment. The referees in one case had rendered a decision in favor of one claimant for $70,000, and not $122,000.

Mr. RICHARDSON. The suggestion of the gentleman from Michigan is——

Mr. MILNES. There was no judgment rendered.

Mr. PITNEY. If the gentleman will pardon me, my statement was made that there was a judgment, and the auditor of the District is in the gallery and he can be called to the lobby if necessary to satisfy members upon the question of fact as to whether a judgment has been rendered. An appeal is now pending, and the principal point relied upon by the appellant is simply a question of interest, but there is no doubt that a judgment has been rendered by the Court of Claims.

Mr. MILNES. The gentleman is mistaken. The United States attorney of this government says there has been no such judgment rendered. The referee in this case has recommended that this party be paid $70,000.

Mr. PITNEY. Plus interest.

Mr. MILNES. And the question of interest is now before the Supreme Court of the United States.

Mr. MAHON. I hope they will make them pay it.

Mr. RICHARDSON. It may be, Mr. Chairman, that both these gentlemen are correct. I am not sure but there has been a judgment rendered in one case, as suggested by the gentleman from New Jersey [Mr. PITNEY], for $70,000; at any rate, for an amount considerably larger than Mr. Hemphill thought these claims would amount to.

Mr. BABCOCK. If the gentleman will permit me, the auditor stated this morning that the total amount for which judgment was rendered was $81,660.

Mr. GROUT. Were the names of the parties in whose favor those judgments were given stated before your committee?

Mr. BABCOCK. No, sir.

Mr. MILNES. That is to say, out of over $400,000 claims passed upon, four-fifths were dismissed entirely.

Mr. PITNEY. No; only twenty-six were dismissed.

Mr. MILNES. Four-fifths of the claims considered by the court were dismissed. Claims amounting to over $400,000 were acted upon, and over four-fifths were dismissed, and out of that total of over $400,000 judgment was given for some $80,000.

Mr. PITNEY. I make my statement upon the authority of the auditor, and upon the authority of the auditor's official report to the Commissioners, which I have before me, that these claims which were pending on the 11th of January, 1897, after dismissing those to which the gentleman refers, amounted, with interest, to about $1,400,000.

Mr. RICHARDSON. The gentleman is correct about that. Claims have been piled up amounting to about $1,400,000.

Mr. MILNES. The attorney for the United States said to the

District Committee this morning that in the greater part of these cases now pending the claims were for the difference between the par value of the 3.65 bonds in which payment had been made and the amount the bonds actually sold for, and that the court had already decided that that difference could not be considered, so that those cases, or a very large part of them, have gone by the board.

Mr. RICHARDSON. I was about to state that. Claims of the kind described by the gentleman from Michigan have gone out of the count entirely, but such claims had been piled up and are counted in making up this total.

Mr. DOCKERY. When I take the floor, I will state in my time the items of the cases now on the docket remaining unadjudicated. They amount to $851,440.52 without interest.

Mr. RICHARDSON. There is no controversy about that.

Mr. DOCKERY. Mr. Chairman, the gentleman from Texas is now in the Hall, and I will ask the gentleman from Tennessee to repeat what he said a while ago about the statement of the gentleman from Texas as to what had been said to him by Judge Cobb about the amount of these claims.

Mr. RICHARDSON. What I said was that I did not think the gentleman from Texas would be able to find in Judge Cobb's remarks in the RECORD any statement that the claims under that proposed legislation would amount to only thirty or forty thousand dollars.

Mr. SAYERS. I never claimed that. What I said was that Judge Cobb told me, and that others interested in the passage of the bills told me, that these claims would not amount to more than that.

Mr. RICHARDSON. I have no doubt the gentleman is correct in his statement. Mr. Chairman, there is no controversy but that these claims have piled up to the amount of $1,400,000. There is no controversy either but that, under the law prescribed by the Court of Claims, 70 per cent of all those claims will be eliminated. That was stated this morning before the Committee on the District by gentlemen for and by gentlemen against these claims. Therefore the whole amount which will go before the court will not exceed three or four hundred thousand dollars, and the court can reject such of the claims included in that amount as it finds to be improper. Whether the court will do right or not I do not know. I assume that it will, and I believe it will. But some portions of these claims it can not reject under the present law because that law says that the court shall allow "board rates," which we do not think ought to be allowed, and which probably the court will not think ought to be allowed, but the law is mandatory. For that reason I think that instead of striking the law absolutely from the statute book it should be so modified and limited as to give the court some discretion in its finding and not direct it arbitrarily to make a certain finding.

The trouble with the pending proposition is that this Committee of the Whole is not in a condition to act with full knowledge upon this question. In the Committee on the District we spent two hours this morning listening to both sides—and that is the only way to get at the facts; to hear both sides face to face. I believe that in an hour longer the committee could have reported a measure which would be absolutely satisfactory to the District Commissioners, who are guarding the interests of the people of this District and of the United States as well as honest and efficient men can guard them. The Commissioners are seeking to do right; the District Committee is seeking to do right. I believe this Committee of the Whole House on the state of the Union wishes to do right about this matter, but unfortunately I am not in a position to give them all the facts. I wish I were, but there are some facts in the case that I do not understand myself, because our hearing was cut off arbitrarily by the meeting of the House.

Mr. MILES. After all, however, can any injustice come from the repeal of the existing law?

Mr. RICHARDSON. Yes; the denial of a hearing to persons whose claims are admitted to be just.

Mr. PITNEY. They are not admitted to be just.

Mr. MILES. But I assume that the District Committee will go on and discharge its duty to these claimants, and when it finds, as the gentleman thinks it has found, that the existing law is wrong, that committee will probably propose an amendment.

Mr. RICHARDSON. We probably could amend the law so as to make it satisfactory. I say frankly, however, that if, after full investigation, I should change my opinion, I would not be in favor of any modification; but I think there ought to be a full hearing before we are called upon to undo what has been done by a previous Congress. I think the law might well be modified; I think it goes too far; but at the same time I do think that some of these claims are meritorious, and that an opportunity for the consideration of them ought to be given.

Now, it seems to me it would have been better to let the District of Columbia Committee formulate a proper measure, giving relief to these parties who have honest claims, and have it considered under the rules of the House. I agree with the gentleman from Vermont [Mr. GROUT], who says that this method of legislation is one that we ought not to enter upon hastily. It is not a kind of legislation that we ought to encourage, one evidence of which is that the rules of this House, adopted by a majority of its members, prohibit us from considering measures of this kind in this way. In the last Congress, if I may so say, and in the Fifty-second Congress, the rules of this House permitted this kind of legislation. But in this Congress the majority in its wisdom said, "It is not right thus to consider this kind of legislation;" therefore they put in the rules a provision that we should not do so. The consequence of waiving the rule in the present case is, as members must see, to precipitate a discussion here upon a question on which there has been no full hearing. I know that my friend from Texas, and other members, did have a partial hearing before the Committee on Rules yesterday morning. That committee had before them the attorney, Mr. Hemphill, who, I understand, was before the Committee on the District of Columbia two years ago, when the bill now in question was passed. But this morning, as I have stated, the Committee on the District of Columbia had before them the District Commissioners; they had before them two assistant United States district attorneys; they had before them other attorneys, officers of the District of Columbia—wide-awake and honest—sincerely endeavoring to serve the interests of the District and of the people of the United States. It seems to me we ought to have been allowed to complete that hearing before action is taken by the House. This is all I have to say, Mr. Chairman. I surrender the remainder of my time to the gentleman from Virginia [Mr. MEREDITH], who yielded it to me.

Mr. GROUT. Will some gentleman on the other side now occupy further time?

Mr. MEREDITH. We prefer to wait until somebody else has been heard, if it be agreeable to gentlemen on that side.

Mr. GROUT. Does the gentleman from Missouri [Mr. DOCKERY] wish to proceed now?

Mr. DOCKERY. No. I wish to be heard for five minutes at the close of the discussion.

Mr. GROUT. I yield five minutes to the gentleman from Ohio [Mr. HULICK].

Mr. HULICK. Mr. Chairman, this matter can be determined upon some very simple propositions of law, and I think if they are properly understood this Committee of the Whole can have no hesitancy in voting in favor of this amendment.

The act of 1880 conferred upon the Court of Claims legal and equitable jurisdiction with reference to these claims. The act of 1895, which it is now proposed to repeal, limited the jurisdiction of that court so that in rendering judgment it could not exercise equitable jurisdiction, but must obey the mandates of the statute, thereby accomplishing injustice to the Government through judgments of the court amounting to over $851,000. All this trouble has grown out of the act of 1895. Let me read a part of the language of that act:

> The Court of Claims shall allow the rates established and paid by the board of public works; and whenever said rates have not been allowed, the claimant, or his personal representative, shall be entitled, on motion made within sixty days after the passage of this act, to a new trial in such cases.

Under that provision judgments to the amount of over $800,000 were rendered in conformity to the provisions of the statute, the Court of Claims being forbidden to go into the equities of the case. Parties whose claims had once been determined under the act of 1880 came in there with additional claims and obtained under the act of 1895 judgments which helped to swell this amount of $800,000. When in answer to those claims the attorney representing the Government said, "You are estopped now from coming in and claiming judgment at the hands of this court," the court was obliged to say, "No; our hands are tied." Thus, notwithstanding these claims had been adjudicated before the proper tribunal under the act of 1880, these same parties came into the Court of Claims under the act of 1895 and obtained judgment, in spite of the defense that they had under their written contracts agreed to receive a less amount for their services than they were claiming. In this way these claims, amounting to $800,000, have been recognized, and the present perplexity and trouble have arisen.

Mr. MILNES. Will the gentleman state in what form these men were paid?

Mr. HULICK. They were paid under the act of 1880 in 3.65 bonds.

Mr. MILNES. What were those bonds worth at the time?

Mr. HULICK. That does not make any difference. They entered into their contract under that statute——

Mr. MILNES. The statute did not provide that they should be paid in 3.65 bonds worth 50 cents on the dollar, did it?

Mr. HULICK. The act provided that they should be paid in these 3.65 bonds. Those were the express terms of the statute, which time will not permit me to read.

Mr. PITNEY. It has already been conceded, as I understand, that the value of those 3.65 bonds could not be taken into consideration even under the act of 1895.

Mr. HULICK. No one has made any such claim.

Mr. MILNES. So I understand; yet in equity——

Mr. HULICK. It does not lie in the mouths of these people to talk about equity when they are proceeding under this act of 1895, which says that the Court of Claims shall not inquire into the equity of the claims presented, but must proceed upon the fact simply that these claimants have not been allowed for the difference between the price as fixed in their contracts and the price fixed by resolution of the board; in other words, upon that fact being made evident to the satisfaction of the court, that court must listen to their claims and give them judgment for the difference.

For instance, there was one claim of this kind: A maintaining wall extending some two or three miles was built by a contractor who agreed to do the work for $5 per square yard, or whatever the rate may have been. He was paid the price stipulated in the contract. But after the enactment of this act of 1895, he commences his proceeding in the Court of Claims, and notwithstanding his written contract he obtains judgment for $1.50 in addition to the $5 he had already received under his contract. This is the way the hands of the court were tied, and the way in which those $800,000 of judgments were swelled up.

Mr. BAKER of New Hampshire. Will the gentleman yield for a question?

Mr. HULICK. Certainly.

Mr. BAKER of New Hampshire. It has been stated that judgments have been rendered under the act of 1895 for the amount of $81,000. That, I believe, is the correct amount.

Mr. DOCKERY. The judgments are $81.000 in round numbers; but there are claims aggregating $851,000, for interest and so on, pending.

Mr. BAKER of New Hampshire. Claims already filed?

Mr. DOCKERY. Yes.

Mr. HULICK. But, Mr. Chairman, instead of there being that amount rendered as judgments by the court, there would not have been 75 per cent of that amount if it had not been for the passage of the act of 1895, practically compelling the court to render judgment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HULICK. I should like to proceed for a little while longer.

Mr. GROUT. I will yield five minutes more to the gentleman from Ohio.

Mr. MEREDITH. I would like to ask the gentleman one question before he proceeds. The case you have referred to has gone up, as I understand it, on appeal on the part of the attorney representing the Government?

Mr. HULICK. Yes, sir.

Mr. MEREDITH. And he makes the point that we can not vary from the written terms of the contract. And further, if I understand this matter correctly, he claims that it has not yet been decided as to the constitutionality of the proceedings, which will be inquired into.

Now, let me ask the gentleman if it is his judgment that a law would be constitutional that permits variations in a written contract at the will of either party?

Mr. HULICK. Emphatically no; and I think every lawyer here who has ever given any consideration to the subject would make that same declaration. It is in direct violation of a principle that we all recognize for the Government to undertake to change or vary the terms of a contract after it had been entered into. And this matter has gone up to the court of appeals from a decision rendered by the lower court. But would any gentleman say on that appeal that any court of this country would decide differently from what the District court has already decided? They say that it is imperative that they should decide as they did, and the question goes up on the appeal, not only as to the constitutionality of the law, but as regards the question of interest——

Mr. POWERS. If the gentleman will permit an interruption, I understand him to say that judgments have been rendered to the extent of some $800,000?

Mr. HULICK. No, sir; $81,000, I think.

Mr. POWERS. And the indebtedness, if it be an indebtedness, was against the District of Columbia before the act of union in 1878, was it not?

Mr. HULICK. It grew out of a contract that had been determined by the court, and otherwise, between the Government and the claimants themselves, under the provisions of the act of 1895.

Mr. MEREDITH. But the contracts were extended by the Commissioners, and in that way jurisdiction was obtained.

Mr. HULICK. They were extended by the Commissioners of the District, that is true.

Mr. PITNEY. Oh, no; not all of them.

Mr. HULICK. No, not all of them; but a great many were. Those claims that had been incorporated in the judgment were extended by the Commissioners, and under the extension, under the act of 1895, they get the claims taken up, and then they come in and claim a judgment for the difference in money adjudicated and settled the case where the parties had received 3.65 bonds under the act of 1880, and sold the bonds for less than par.

Mr. POWERS. I understand the point the gentleman is making. My inquiry was whether it would not result in landing upon the Government of the United States one-half of an old debt contracted by the District and due from the District before the act of union was passed?

Mr. HULICK. I do not know whether it was one-half or not, but it is a considerable sum. And the claims have not only been "landed," as the gentleman says, if the act remains in force, but hundreds of thousands of dollars more will be involved, as we understood in the hearings before the committee this morning that some $1,400,000 were involved in this question.

Mr. POWERS. And the people of the United States will have to pay one-half of the total amount allowed?

Mr. HULICK. The Government will have to pay its one-half, of course.

Mr. MILNES. What! Out of the 3.65 bonds?

Mr. MEREDITH. If the gentleman will permit me, the citizens of the District have already paid their amount. The property owners have been assessed, and they paid at what are known as "board rates."

Mr. HULICK. Now, Mr. Chairman, the gentleman from Tennessee says not to repeal this law. We have a resolution before the Committee on the District of Columbia considering this very matter. But let us settle this thing before the adjournment of Congress. It is late now in the session. Let us act now and untie the hands of the court, and if we desire to modify or amend it, giving the court equitable jurisdiction in the premises, that can be done.

This act was passed without the approval of the Commissioners, as they told me no longer ago than this morning. It does not meet their approval, and did not meet it at the time it was enacted, but, on the contrary, it met their entire condemnation. They say that not only the District, but the Government is legally swindled out of a great amount of money if the bill remains on the statute books, and it ought to be repealed at this moment by the House.

I yield back to the gentleman the remainder of the time.

Mr. GROUT. How much time have I remaining?

The CHAIRMAN. The gentleman has thirty-five minutes remaining.

Mr. GROUT. Will gentlemen on the other side occupy some time now?

Mr. MEREDITH. I yield such time to the gentleman from Texas [Mr. ABBOTT] as he may desire to occupy.

Mr. ABBOTT. Mr. Chairman, it happened to be my good fortune or bad fortune to report this bill from the Committee on the District of Columbia to this House in the Fifty-third Congress. I was simply the mouthpiece of the committee. The bill was under discussion there at several sessions of the committee, and after it had been agreed to—I believe unanimously by the committee—I was instructed to make the report. I made that report.

When that bill came up for consideration in the House I was not present. Circumstances had compelled me to return to my home in Texas, and I was not here during the debate on the passage of that bill. I do not know what took place on the floor of the House, and simply know that I acted on behalf of the committee in making the report.

The report is too long to be read in the short time that I have, but I founded every statement in that report upon a letter from the District Commissioners, which is printed in company with my report. That letter is here. It is signed by John W. Ross, District Commissioner, and addressed to the Hon. John T. Heard, chairman of the Committee on the District of Columbia, and dated June 14, 1894.

The report simply reiterates and restates the facts and the legislation of Congress upon the subject of these claims against the Government.

Mr. HULICK. Will the gentleman allow me?

Mr. ABBOTT. Yes.

Mr. HULICK. I want to set myself straight. I made the declaration here that this act was enacted without the approval of the Commissioners. Now, the gentleman states that this report was based upon a letter from the Commissioners.

Mr. ABBOTT. Yes.

Mr. HULICK. Approving it?

Mr. ABBOTT. Yes.

Mr. HULICK. Now, one of the Commissioners told me this morning that that was not all of the letter that was written by the Commissioners to the committee, but that a portion of it was left out; or if it was not that letter, it was some letter upon which the committee acted.

Mr. ABBOTT. There may have been another letter.

Mr. SHANNON. That is the Senate report which he refers to.

Mr. ABBOTT. I will simply say that the whole of this letter is printed, the District Commissioners to the contrary notwithstanding. But I will corroborate the gentleman thus far——

Mr. PITNEY. Will the gentleman permit me to make an inquiry?

Mr. ABBOTT. Certainly.

Mr. PITNEY. The point is this, if the gentleman will permit: Since he reported this bill in the Fifty-third Congress, I should like to call his attention to this fact, that the letter of the Commissioners to Mr. Heard, dated June 14, 1894, was in response to a reference by the committee to the Commissioners of House bill 3134, which had been introduced by the gentleman from Virginia [Mr. MEREDITH].

Mr. ABBOTT. Yes.

Mr. PITNEY. The Commissioners, in the letter published there, say that they returned a substitute bill containing certain safeguards that the Meredith bill did not contain.

Mr. ABBOTT. Yes, certainly; and I want to say to the gentleman right now that I hold that bill in my hand. He is anticipating me.

Mr. PITNEY. Will you permit me to ask you a question?

Mr. ABBOTT. Yes, but not to make a speech.

Mr. PITNEY. I can not ask my question until I state the facts.

Mr. ABBOTT. I can not yield my time.

Mr. PITNEY. Very well; I will wait until I have my own time, and I hope the gentleman will remain here until the end of the discussion, so that he may be present when I have the floor.

Mr. ABBOTT. Very well. I want to state, Mr. Chairman, that I hold in my hand the substitute bill offered by the Commissioners and the bill which I was instructed to report.

Mr. ABBOTT, from the Committee on the District of Columbia, reported the following bill in lieu of H. R. 7453.

Now, if my friend will give me his attention, that is the bill which the Commissioners brought here.

Mr. PITNEY. No. 7453 was?

Mr. ABBOTT. No. 7453 was. That is the bill that they brought here.

Mr. PITNEY. Yes.

Mr. ABBOTT. And that is the bill they asked us to pass.

Mr. PITNEY. Yes; because it contained certain safeguards mentioned in their letter.

Mr. ABBOTT. Well, I have the bill here and will read it for the benefit of the committee.

Mr. PITNEY. Why did not the committee report that bill, instead of reporting another bill which left out every safeguard?

Mr. ABBOTT. I do not concur with you. Now, if the committee will give me their attention, I will read the bill which the Commissioners themselves presented to us, and which they asked us to pass, and then in lieu of that the Committee on the District of Columbia directed me to recommend this bill.

The bill which the Commissioners prepared and requested our committee to pass and to present to this House is as follows:

That in the adjudication of claims heretofore brought under the provisions of the act entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes," approved the 16th of June, 1880—

I want my friend to listen to the provisions of this bill, so that he will understand the reasons why we reported a different bill—

no sum in excess of the sum named in the written contract allowed by the late board of public works or the late board of audit of said District, and paid to said claimants for work done or materials furnished for said District at the rates established and allowed by said board of public works and known as "board rates"—

I want you gentlemen to listen—

and known as "board rates," shall be pleaded or allowed as a set-off or counterclaim against any claim for work done or materials provided for said District so far as the prices allowed and paid were reasonable, just, and equitable. And in all cases where such set-off or counterclaim has been allowed against such claim, in cases heretofore brought as aforesaid, the claimant shall in such cases be entitled to a rehearing of his case.

In the bill we not only provided to cut off these counterclaims, but prevented the board of audit and the Court of Claims from allowing a greater sum than that which had been allowed heretofore. We not only approved the bill, but we thought that under the provision in the District Committee bill they could come in here and before Congress and before the Court of Claims, and although they had been allowed "board rates" they might in addition thereto make claims in addition to the contract price and in addition to the "board rates;" and therefore we did cut that provision out of the bill. We did right; and neither the District Commissioners nor any member of the House can defend the measure the District Commissioners presented to us to pass.

Now, I want, for one, to say that since I have had the honor to be a member of that committee I have not been governed by the District Commissioners. They are not the representatives of the people of this great nation. I have always been willing to hear their suggestions. I have always been willing to listen to their advice, because they are more familiar with the details of this city government than I am; but I have not surrendered to them the right to legislate for this country or the District of Columbia. I do not intend to surrender that right to them. I have never yet passed or voted for a bill in the committee that I did not ask and seek their advice and their counsel, but when I have to surrender the position I occupy as a representative of the people in order to listen to the District Commissioners, and say that I am but the mouthpiece of that concern, I want to repudiate the idea, and I do it here.

I want to say that if you will examine the report which I made in that case, and which is founded absolutely upon the report and upon the letter of Commissioner Ross, you will find I restated the facts substantially as he gave them in that letter. I gave further the history of the legislation upon this subject, showing that in 1871, when the board of public works was created in this District, when this District was given a governor and a legislature—and subsequently the Congress of the United States in its wisdom repealed that form of government for the District and assumed control of it—these contracts had been made by the board of public works with hundreds and hundreds of contractors here who were improving and beautifying the streets of this grand city to an extent which Congress thought was extravagant, and therefore they took their jurisdiction and power away from them and confided it to Congress. These contracts were unexecuted. These contracts which had been made by the board of public works had not been executed at the time of this change in the government of the District of Columbia. What was to be done? Most of these contracts were renewed by the District Commissioners themselves, and many of these contracts were entirely new.

Let me call your attention to another fact—that during the existence of the board of public works the contract system had been altered more than once, and changes in the amount allowed for the improvement upon the streets of this city had been made. These contractors had to comply with the requirements of that board of public works, because they had the contractors directly in their power. Many of these contracts are shown not only by the evidence before the committee, but fully shown in the report which I made, to have been signed in blank. Hundreds and hundreds of these contracts that were made for the improvement of the city were signed by the contractors in blank, and in many cases the clerks never filled out the provision of the contract, but they were turned over under the change of government without any act upon the part of the board of public works or upon the part of anybody else representing the Government or the District of Columbia. The question then came up as to what terms of settlement should be made. Existing contracts were outstanding. There was no measure of damages provided for in the contracts, because they were not existing legal contracts; yet many of these men went on fulfilling the undertakings they had entered into with the board of public works. When the change of government came about, their contracts were not renewed, and the question was, how should the rights of those parties be settled?

Now, the bill which the committee reported and which became a law provided substantially that those contractors should be settled with at the rates which had obtained here under the old régime. The committee modified the bill so as to secure to the parties who had performed services for the District the same compensation which all others had received under the contract system. This is the sum and substance of that bill.

Mr. HULICK. Let me ask the gentleman a question. Would the gentleman insist for a moment that if he had known the interpretation that was going to be given to that act by the Court of Claims he would have reported it?

Mr. ABBOTT. I will say to the gentleman that I would not have reported it. I do not believe that the Court of Claims has given to that law the proper interpretation. I stand on the floor as a lawyer—and I have been one all my life—and say to you, sir, that I do not concur in the judgment of the Court of Claims on that question; but the right of appeal exists, and if the Supreme Court of the United States ever passes upon the question, I predict that it will not uphold the decision of the Court of Claims.

Mr. HULICK. But the gentleman recognizes the principle that as long as that decision stands it is the law?

Mr. ABBOTT. No; because it is appealed from now. It is already suspended by an appeal. Every man has the right to appeal, and as long as that right exists there is nothing settled.

Mr. HULICK. But many of the cases are not in court.

Mr. ABBOTT. Well, if they are not in court, that is their fault, not mine. But to hold that the courts in any civilized land would set aside a written contract, where the parties are bound by the terms of the contract according to every principle of law—to hold that the court would set aside the contract and construe a statute to the benefit or to the detriment of a claimant, is not law and never will be law, and no court of respectability will ever sanction that view.

Mr. HULICK. I think the gentleman is right about that. But when there is a question raised about the meaning of the law, ought not we to make it so plain that there will be no question about the interpretation of it?

Mr. ABBOTT. I will answer my friend in this way: I would not make it plain by such a proceeding as this—by an amendment

on an appropriation bill. I would come up like a man and face the question.

[Here the hammer fell.]

Mr. GROUT. Mr. Chairman, I yield ten minutes to the gentleman from New Jersey [Mr. PITNEY].

Mr. PITNEY. Mr. Chairman, I would like to have unanimous consent that I may occupy fifteen minutes.

Mr. RICHARDSON. I shall not object, provided we can have an understanding that if any gentleman on the other side desires five minutes additional time he shall have it.

Mr. PITNEY. There will be no objection to that.

There was no objection, and it was so ordered.

Mr. PITNEY. Mr. Chairman, I see the gentleman from Tennessee [Mr. RICHARDSON] and the gentleman from Texas [Mr. ABBOTT] both present, and I hope they will do me the honor to remain until I have concluded my remarks.

I want to say to the gentleman from Texas [Mr. ABBOTT] who has just taken his seat, that I have a very high admiration for his innocence, because, after all his years of life, after all his years of service in this House, after all his experience as a lawyer, he is not able to detect a gross fraud when it is right under his nose. [Laughter.]

The gentleman says the contracts were signed in blank. That is true. The gentleman says they were not signed until some time after the agreements were made. That is true. When were they signed? The work in question was done without the scratch of a pen upon paper; done in violation of a statute which rendered it absolutely unlawful to have work done in that way, and after the work was done and paid for at unlawful and fraudulent rates, when the joint Congressional investigating committee, headed by Senator ALLISON, commenced its investigation of these affairs in the year 1874, they called on "Boss" Shepherd to furnish copies of all these contracts. No such contracts had been made in writing, and the clerks in the departments of the District government were set to work scudding about the District to find these fraudulent jobbers who had fattened off the District treasury, to get them to sign contracts which should show an apparent compliance with the law, years after the work had been fully performed.

Mr. ABBOTT. Mr. Chairman——

Mr. PITNEY. Before the gentleman interrupts me, let me give him the evidence of that.

Mr. ABBOTT. I do not require any evidence; I know that to be true.

Mr. PITNEY. I hope you do. If you do not, you have forgotten it, because I have the evidence of it here in a printed report headed by your name.

Mr. ABBOTT. Admitting those facts, I now ask you this question: If this labor was performed without a written contract, although the law required a written contract, are you willing for that reason to deprive men of the quantum meruit that they would be entitled to? Are you willing to deny them justice?

Mr. PITNEY. Everyone of them has had his quantum meruit. They had their legal remedy on their contracts.

Mr. MILNES. What remedy did they have?

Mr. PITNEY. They had a right of action under the original law against the District government, a legal right of action in the Supreme Court. But they were not satisfied with their legal right of action, and the act of 1874 was passed to create a board of audit, and it provided that they should have these same remedies which the gentleman from Michigan [Mr. MILNES] says they are now claiming. They were not only given these remedies by the act, but they have had them. They have had their suits in court; they have had their judgments; they have had their money.

Mr. MILNES rose.

Mr. PITNEY. I will not yield to an inquiry on the point which the gentleman wishes to bring up—the payment in bonds instead of money—until I get to it. My time is short, and I want to answer the gentleman from Texas [Mr. ABBOTT].

That gentleman in his own report—Report 1659 of the Fifty-third Congress, third session—shows, I say, his entire innocence of the affairs of this world and his entire ignorance that the unsavory Shepherd régime ever existed in the city of Washington, because he says—I do not know who prepared it for him——

Mr. ABBOTT. I will say to my friend that the report does not show my ignorance on that point; the report does show the existence of "the Shepherd régime." The gentleman, in the statement he now makes, shows his ignorance of what the report contains.

Mr. PITNEY. Not at all——

Mr. ABBOTT. It would so appear, at any rate.

Mr. PITNEY. I am going on to remind the gentleman of what the report contains:

> In a large number of cases where "board rates" were allowed, the modification of the contract was made in writing, in conformity with the statute which required all such contracts to be in writing.

That modification was made after the work was done, and was unlawful—absolutely prohibited by the organic act of 1871. Yet those men have been paid. They have received the "board rates," and are not among the class to be benefited by the act of 1895. But here is what the gentleman was getting at:

> On account of the large number of contracts in existence and the immense proportions of the improvements in progress, all these contracts were not made in due form, and after the work had progressed two or three years Congress, becoming dissatisfied with the extensive outlay of money, proposed an investigation. When this became known, the contract clerks in the office of the board of public works sought out a number of the contractors and had them sign contracts in blank to be filled out at the office at the regular "board rates."

Yes; irrespective of whether that had been the understanding between the parties or not; in spite of the fact that the understanding was contrary to that; in spite of the fact that those men had taken work at prices below the board rates——

Mr. ABBOTT. Does the gentleman deny that the statement he has just read is a correct statement? Is not that a correct statement?

Mr. PITNEY. I am reading the language and explaining it.

Mr. ABBOTT. I ask whether it is not correct?

Mr. PITNEY. Yes; and something more is correct. The statement itself discloses the condition of rottenness that now calls peremptorily for the repeal of the act of 1895. It says:

> Through mistake upon the part of the clerks in the said office there were inserted in some of the contracts rates which had prevailed before the "board rates" were finally established in place of the regular "board rates," under which these parties and all others doing similar work were carrying out their contracts, and in accordance with which they had been paid from time to time certain proportions of the amounts due to them.

What does that really show? It shows that the "board rates" were simply fraudulent increases of compensation in violation of law, the rates being increased from time to time without any consideration paid by the contractors, and that the alleged contracts were mere fictions and shams, made out years after the work had been done and the money paid; and the clerks who made out those contracts, for the purpose of dodging a Congressional investigation, could not in their hurry make the fictitious contracts agree with any of the surrounding evidence. The gentleman's report proceeds:

> These contracts were in printed form upon several separate sheets of paper, and were intended to be filled out with the regular "board rates."

This was long after the work was done and paid for.

> As a matter of fact, only the last sheet of these contracts was ever presented to or signed by the contractor, and even this was not done until two years after the contract had actually been made and the work begun, and in some cases after the work was finished.

Yes; and as a matter of fact, not merely was the last sheet only presented to or signed by the contractor, but no sheet at all was ever presented to or signed by any person or officer who had the power under the law to bind the District government.

What is the history of this matter? Let me go over it a little. The gentleman from Tennessee [Mr. RICHARDSON]—and I hope he is present——

Mr. RICHARDSON. I am present.

Mr. PITNEY. The gentleman from Tennessee said that he only wanted to provide for just claims. I answer him—and the evidence upon the statute books will sustain me—that there is not a bit of justice, of equity, or of decency in any one of these claims.

Mr. MEREDITH. That statement is contrary to the opinion of the Commissioners.

Mr. PITNEY. It is not contrary to the opinion of the Commissioners.

Mr. RICHARDSON. I ask my friend to yield a moment. I know that he does not intend——

Mr. PITNEY. Mr. Chairman, how much time have I remaining? When I learn that I will decide about yielding.

Mr. RICHARDSON. I am not prepared to name any claim that is just, but I will state——

The CHAIRMAN. The gentleman from New Jersey [Mr. PITNEY] has five minutes remaining.

Mr. PITNEY. I can not yield unless the gentleman will name some claim that is just.

Mr. RICHARDSON. I am not prepared to do that, because I do not know the name of a single claimant; but I will say——

Mr. PITNEY. I will yield to the gentleman, if the House will indulge me with a few minutes' extension of my time.

Mr. RICHARDSON. I think it will do so. The gentleman makes a statement which I think is entirely too broad, because the District Commissioners in their statement this morning conceded that some of these claims might be just. I think that is conceded.

Mr. PITNEY. I did not hear their statement this morning, but I have read the written statement of the Commissioners, dated June 14, 1894, and it does not so show to my mind. Mr. Commissioner Truesdell appeared before the Committee on Rules yesterday and said he had never made that admission.

Mr. RICHARDSON. He has so testified before the committee this morning.

Mr. MEREDITH. He made that admission this morning.

Mr. PITNEY. Mr. Commissioner Truesdell is simply a public official, acting according to the best of his judgment——

Mr. RICHARDSON. I believe that.

Mr. PITNEY. And when Mr. Commissioner Truesdell and Mr. Commissioner Ross sent that letter of June 14, 1894, assenting to this more innocent form of bill, they were unaware that the matter had been investigated by committees of Congress and two adverse reports made after full examination and hearing of evidence.

Mr. RICHARDSON. I want to do justice to the Commissioners. I want to say that the Commissioners stated this morning, in direct reply to my question, that while some of these claims might be just, and but for the piling up of the enormous amount of claims, many of which are unjust, the present law might properly be continued in force, yet, in view of all the circumstances, they would not now repeat the recommendation which they made in favor of the passage of any bill giving them relief.

Mr. PITNEY. I was going to say—and I thank the gentleman for his frankness—that the Commissioners now state that so far as they made any recommendation it was based upon a complete misapprehension, and they now recommend the absolute and unconditional repeal of the act of 1895.

Mr. BOATNER. Will the gentleman from New Jersey allow me to ask him a question for information?

Mr. PITNEY. Certainly.

Mr. BOATNER. In the opinion of the gentleman from New Jersey, does the existing law provide for the payment of claims that are not just or legal?

Mr. PITNEY. Yes, sir. The law puts an iron rule upon the Court of Claims, and makes it mandatory upon the court to do iniquity. It says that these men shall be allowed "board rates," whether board rates were in contemplation of the parties at the time they entered into the agreement and did the work or not.

Mr. BOATNER. You mean to say that it compels the Court of Claims to pay a rate different from the rate fixed in the contract?

Mr. PITNEY. Absolutely so. And I am glad to have the gentleman from Louisiana aroused to the importance and the iniquity of the thing. I am going on to show that every man connected with the matter had his legal remedy, that every man had his equitable remedy, and every man has had his pay according to the terms of the contract, and many of them at rates over and above the contract rates. That occurred in this manner: That in case one man received a higher rate or a different rate from that paid to the others, and was placed on a different footing, then the men who had not been able to get such preferred rates would come in and make a claim for the difference between the amount of compensation they had received and the amount paid to the other contractors, and in many cases these claims were allowed and paid.

Mr. BOATNER. Does the proposed amendment provide a right of suit for whatever may be due to such parties?

Mr. PITNEY. There is nothing due, and I am coming to that point shortly, and hope the gentleman will give me his attention. I trust the committee will pardon me if I have occasion to repeat a little of what I stated on the day before yesterday, when this matter was pending.

The organic act—the original organic act of 1871—expressly provided, by section 15, as follows:

That the legislative assembly shall never grant or authorize extra compensation, fee, or allowance to any public officer, agent, servant, or contractor after service has been rendered or a contract made, nor authorize the payment of any claim or part thereof hereafter created against the District under any contract or agreement made without express authority of law; and all such unauthorized agreements or contracts shall be null and void.

Mr. RICHARDSON. What is that the gentleman is reading from?

Mr. PITNEY. I am reading from section 15 of the act of February 21, 1871, the original organic act.

Section 37 of the same act provided for the creation of the board of public works, and provided that said board—

Shall have entire control of, and make all regulations which they shall deem necessary for keeping in repair, the streets, avenues, alleys, and sewers of the city, and all other works which may be intrusted to their charge by the legislative assembly or Congress.

It also declared that—

All contracts made by the said board of public works shall be in writing, and shall be signed by the parties making the same, and a copy thereof shall be filed in the office of the secretary of the District.

And said board of public works shall have no power to make contracts to bind said District to the payment of any sums of money except in pursuance of appropriations made by law, and not until such appropriations shall have been made.

Now, Mr. Chairman, the legislative assembly of the District of Columbia, under that act, appropriated $4,000,000 for street improvements and other public works, and, in spite of the limitation of the law, the fraudulent contractors and jobbers, in and out of office, went ahead and made improvements for which they claimed $18,872,565.76, or more than $12,000,000 beyond the appropriation of $4,000,000. This had the effect of saddling on the District a debt of $20,000,000, largely for this unlawful work.

Mr. BOATNER. Does the gentleman mean to state that an act of Congress has been passed which directed or commanded the Court of Claims to give judgment for those parties at a certain rate, regardless of the amount of the contract?

Mr. PITNEY. Absolutely and unquestionably so. That is the simple case. It is astounding, I know, but it is true, and we are here now seeking to repeal it. I do hope that the committee will be unanimous in its vote upon this question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PITNEY. I ask an extension of ten minutes longer.

The CHAIRMAN. Is there objection to the extension of time requested by the gentleman from New Jersey?

There was no objection.

Mr. MEREDITH. I suppose of course there will be an equal extension of time on this side?

Mr. PITNEY. Certainly; there will be no objection to that.

Now, Mr. Chairman, why were some of the contracts not in writing? Why was it that in violation of the express letter of the law some of these contracts were not in writing? On September 1, 1871, the board of public works advertised for bids, and they got bids for the public works, but did not award a single contract to the lowest bidder; not one. They wiped out all bids at one sitting, and authorized certain favorite contractors to go on and do the work, stating to them—I do not know the words used—"Come around in a few days and we will fix it up under a special contract." And even these very contracts, although in violation of the principle as well as the letter of the law, were held lawful in and of themselves when executed, and the work was performed under them and the money paid.

But next, the contractors wanted compensation over and above the contract rate, on the ground that the board of works had passed a resolution to pay some one in excess of the contract, or had actually paid some other fellow more than they had received for doing the same work; and these claims were allowed, because the claimants established what they called a "customary payment," and hence a "board rate." But in many cases there were no contracts made in writing at all. This was in violation of the law, of course. They went on and did the work, and the board of public works, or some of its members, caused to be entered upon the minute book resolutions raising the price all over the city, irrespective of whether the workmen required it or ought to have it, or whether it was just or not, a sweeping resolution, for instance, "that the price of excavation shall be 30 cents per yard." They raised it again from time to time, and there is not an instance on record where they reduced the rate. But the customary board rate is now claimed, and is held by the Court of Claims, under this mandatory act of 1895, to be the highest rate that was allowed for any similar work.

But how did these resolutions come upon the minutes? I read one of them to the House day before yesterday, and I have now alluded to its substance. The Allison investigation showed that there seldom or never was a legally held meeting of the board of public works, with minutes lawfully entered and approved. The testimony of the clerk who kept the minutes was given before the Allison investigating committee, and he says he simply entered the minutes according to the understanding of members of the board of public works as to what ought to be done. There never was such a honeycomb of iniquity in any city in the Union as that.

Well, but these contractors, having done the work, had a right to sue the District on their contracts, written or oral. If oral, then they were in violation of the law; but even so, after the work was accepted by any lawful authority, they could recover the quantum meruit; that is, what it was reasonably worth. They availed themselves of that. But it was not necessary for them to do so, because during that time the officials were in sympathy with the contractors and paid them not only what their contracts allowed, but paid them more.

The gentleman from Mississippi [Mr. WILLIAMS], who I see is honoring me with his attention, was perhaps not present on the day before yesterday, when I gave that little sample case, out of the numbers that are to be found here in the books, where a man solemnly agreed in writing to do certain grading, including hauling, at 20 cents per cubic yard. Afterwards the board of public works passed a resolution that grading should be paid for at the rate of 30 cents per cubic yard. He went and got the 30 cents, notwithstanding his contract. Afterwards they passed a resolution or established a "custom" that hauling should be paid for at 15 cents a yard.

Mr. PEARSON. Extra?

Mr. PITNEY. They did not say extra, but he collected it extra—15 cents per cubic yard for hauling 30,000 cubic yards. He receipted for this in full June 2, 1873; and more than two years afterwards, after the board of public works had expired, and the work had been done and paid for and receipted for, he came before the board of audit, created under the act of 1874—to which I shall further refer—and claimed and received pay at the rate of 15 cents a cubic yard for the same dirt, because he had dumped his carts and let the dirt fall into the canal at the end of his haul. That man's claim is justified by the act of 1895.

Now, I say that originally these contractors, all of them, had their legal remedy in the supreme court of the District against the District government. But they did not want that. What they wanted was an equitable remedy. The law gave it to them, not only once, but twice. The act of June 20, 1874, was passed creating, by section 6, a board of audit "to examine and audit for settlement all the unfunded or floating debt of the District," including the following:

Fourthly, claims existing or hereafter created, for which no evidence of indebtedness has been issued, arising out of contracts, written or oral, made by the board of public works.

That validated every one of those oral contracts, according to the proof by parol evidence, of the agreement actually made.

Fifthly, claims for which no evidence of indebtedness has been issued, arising out of contracts, written or oral, made by or on behalf of the District of Columbia.

That is, contracts subsequent to the abolishment of the board of public works. The claimants have therefore been given their day before the board of audit for these claims, whether they were in writing, according to the original act, or whether they were oral, in violation of the original act. They have had these claims allowed under that act, every one of them.

But gentlemen say these men were paid in the 3.65 bonds, and that they were worth less than par. Gentlemen of the committee, the act of 1874 was a pure gratuity to these men, and coupled with it was the condition that they should take the pay for these judgments, or the amount ascertained by the board of audit, in the 3.65 bonds. But the very same statute contained this clause:

And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations, as contemplated in this act, and by causing to be levied upon the property within said District such taxes as will provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking fund for the payment of the principal thereof at maturity.

The bonds they took were backed by the credit of the United States Government, and to all intents and purposes were at least as good, if not better, than payment in the legal-tender money of the United States at that time in use.

Under that provision hundreds of these claims—indeed, all of them—were reopened and settled at the equitable price, because it did not restrict the contractors to their legal remedy, and the men went forth from the board of audit with their money or their bonds.

But still they appealed for further relief, and not being satisfied to go into the lawful tribunal, the supreme court of the District, they persuaded Congress to pass the act of 1880, enacting—

That the jurisdiction of the Court of Claims is hereby extended to, and it shall have original legal and equitable jurisdiction of, all claims now existing against the District of Columbia arising out of contracts made by the late board of public works, and extensions thereof made by the Commissioners of the District of Columbia, and such claims as have arisen out of contracts made by the District Commissioners since the passage of the act of June 20, 1874, and of all claims for work done by the order or direction of the said Commissioners and accepted by them for the use, purposes, or benefit of the said District of Columbia, and prior to the 14th day of March, 1876.

This act provided that these judgments of the Court of Claims should be paid in the same 3.65 bonds; but in the meantime the act of 1878 had been passed—the present organic act—whereby the United States Government assumed those bonds and made them as good as gold, so that I have no doubt that in 1880 they sold at par. The act of 1880 was a pure gratuity to these men. Every one of them has availed himself of the benefit of it, for the act of 1895, which we are now proposing to repeal, by its terms applies only to the men who had such claims adjudicated in the Court of Claims under the act of 1880.

Now, complaint is made that we are legislating on an appropriation bill. I undertake to say, gentlemen, that not in one case in a hundred where an act is passed by this House is there one-half so full an understanding of it by members as we have of this proposed amendment at the present time. The gentlemen of the Committee on the District of Columbia seem to be a little touched because the amendment was suggested by members of the Appropriations Committee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PITNEY. May I have five minutes more?

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent that his time be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. PITNEY. On the 16th of December, 1896, the gentleman from Tennessee [Mr. RICHARDSON] says, a joint resolution to suspend the act of 1895 was sent to the District of Columbia Committee by the District Commissioners, and shortly afterwards they sent to the committee an urgent letter in its favor. An urgent recommendation for the absolute repeal of the act is contained in the latest report of the auditor of the District of Columbia, made, it is true, to the Commissioners, but printed with their report and referred by them to Congress. I should suppose it ought to be examined, and has been examined, by those gentlemen who are in charge of the interests of the District of Columbia as members of that committee.

In the auditor's report for 1896, on page 4, early in the little report, which a man could read in a few minutes, is this language:

I feel constrained to invite your attention to the act of February 13, 1895, providing for the payment to contractors under the late board of public works of the difference between the rates stipulated in their contracts and the schedule of prices afterwards adopted and known as "board rates," which is singularly lacking in precautions for safeguarding the interests of the Government. The Commissioners are familiar with its history, and will doubtless recall their own earnest but unavailing efforts to engraft upon it, while on its way through Congress, such restrictions as, had they been enacted, would have lessened its power for evil and left no occasion for the criticism which I feel impelled by a sense of duty now to make.

In that report, Mr. Chairman, the auditor called attention to two of the most flagrant cases out of all the old "jobs" which have been presented here under the guise of claims. I will print them in the RECORD, without consuming the time of the House to read them.

As justifying this criticism, I mention two cases in point:

During its incumbency the board of public works fixed the price and from time to time apportioned the work to be done among the various contractors of the city instead of letting to the lowest bidder, as the law now requires. On one of these occasions, it is said, a contractor for a certain class of improvements, not satisfied with his allotment, represented that, having a more extensive plant and greatly superior facilities, he could afford to work lower than his competitors, and agreed that if the board, instead of parceling the work among them, would give it all to him in one large contract, he would willingly take less than "board rates." This offer was accepted and the work given to him on his own terms, but years afterwards he set up a claim for the difference between his contract prices and "board rates." The Court of Claims decided against him in 1887, holding as follows:

"The court orders, adjudges, and decrees that the contract between the claimant and the defendant referred to in claimant's petition * * * correctly and truly sets forth the understanding and intention of the parties, and has not by accident, inadvertence, mistake, or clerical error failed to set forth the same, and ought not to be reformed."

In the light of these facts it may seem incredible, and yet it is true, that this contractor now claims the difference between the prices he agreed to take and "board rates," and the referee appointed by the court has recently allowed him $70,272.50, amounting, with interest, to nearly $122,000, because the act of February 13, 1895, requires that in adjudicating claims which were prosecuted under the act of June 16, 1880, the Court of Claims shall allow "board rates."

The second case is that of a contractor who, having completed his work, received a full and final settlement therefor, but years afterwards, averring that the certificates in which he was paid were sold by him at less than their face value, he brought suit under the act of June 16, 1880, to recover the difference. The court held that as the sale was his own voluntary act, he, and not the District, must lose the discount. The question of "board rates" did not enter into the case at all, for the reason that the contractor had received his quittance long before their establishment. Because, however, the act of February 13, 1895, declares that "board rates" shall be allowed to all contractors who sued under the act of June 16, 1880, this contractor now, regardless of the fact that his suit had no relation whatever to those rates, sets up a claim therefor, and has been awarded by the referee $8,664.19, amounting, with interest, to nearly $15,900, and constituting an absolute gratuity for which no justification exists outside the technicalities of this unique statute.

* * * * * * *

When this act was under consideration, Congress was advised that the claimants were few in number, and the amount involved about $70,000, but the docket of the Court of Claims shows 98 petitioners, whose claims aggregate $753,526.75, amounting with interest to $1,300,000. These figures are startling, but they are also official, and bring us face to face with an issue that must soon be met. For myself I do not hesitate to say that the only proper solution of the question is the prompt and unconditional repeal of the law.

But, again, the gentleman says that the Committee on the District of Columbia do not know the circumstances of these claims. Why, I called attention yesterday to the fact that the gentleman from Virginia [Mr. MEREDITH], a member of the committee, introduced a bill in the Fifty-third Congress in one form and had it referred to the Commissioners, who reported it back with their letter of June 14, 1894, acquiescing, perhaps, in the passage of some bill, but submitting safeguards which were absolutely necessary to protect the public interests. Yet the gentleman from Texas [Mr. ABBOTT] who recently spoke reported from the Committee on the District of Columbia an entirely different bill, not only taking away all the safeguards, but making it mandatory upon the Court of Claims to do an inequitable thing.

Yet now they say that the matter was entirely unknown to the gentlemen of the Committee on the District of Columbia. How, then, did it happen that the day before yesterday, when my friend the distinguished gentleman from Missouri [Mr. DOCKERY] moved his amendment, the gentleman from Tennessee [Mr. RICHARDSON] was quickly on his feet, before the gentleman from Missouri had given one word of explanation of the purpose of the amendment, to interpose the point of order? He did not do it by accident, or by way of mere precaution, but he did it because the gentleman from Virginia [Mr. MEREDITH] had intended to do it, and was temporarily absent. So the gentleman from Tennessee himself explained it, in his remarks subsequently on the same day.

If they did not know anything about the claims, why did they not know something about them after all this time? Is it because they are so busy and so overburdened with work in the Committee on the District of Columbia that they are unable to take up and consider so urgent a case as this?

Mr. MEREDITH. I have been out and have just come in, and did not catch what the gentleman said about "the gentleman from Virginia." Will you please repeat it?

Mr. PITNEY. I said that although the gentlemen of the District of Columbia Committee seem to be unaware of the merits or demerits of the proposition, they were careful to have a point of order opposed against the proposition.

Mr. MEREDITH. I am responsible for the point of order, Mr. Chairman, and do not seek to shirk any responsibility in the matter.

Mr. PITNEY. Very well; I am glad the gentleman has the courage of his convictions.

Mr. MEREDITH. I have that here or elsewhere.

Mr. PITNEY. Now, I have said enough. Gentlemen, it may be I show too much heat upon this question. But it seems to me that this is a matter which ought to arouse a little heat; and I am not going to apologize for the earnest interest I have taken in it. Gentlemen criticise the Committee on Appropriations for the interest they take in such matters, and sneeringly say that we seem to consider ourselves the special guardians of the public Treasury.

Mr. Chairman, it is not a pleasant thing for the Committee on Appropriations to do. Do gentlemen suppose that it is any pleasure for us? The gentleman is very much mistaken if he thinks it is a pleasant duty to stand here and have to protest against such things as this.

Mr. RICHARDSON. Will the gentleman yield to me for a moment?

The CHAIRMAN. The time of the gentleman has expired.

Mr. RICHARDSON. I believe we have a little time upon this side, and I would like the gentleman to yield me a minute.

Mr. MEREDITH. I yield the gentleman a minute.

Mr. RICHARDSON. The gentleman from New Jersey [Mr. PITNEY] has made the insinuation, not a direct charge, that I was not frank when I said that I had not heard of this matter until the motion was made by the gentleman from Missouri [Mr. DOCKERY] to repeal this bill by this amendment. I stated to the Chair I had not heard of it until a moment before, when the gentleman from Virginia [Mr. MEREDITH] called my attention to it. Now, does the gentleman mean to say that I was not entirely frank in that statement?

Mr. PITNEY. I do not think my language is such as to admit of that construction. I said that the point of order was not made accidentally, by way of general precaution, but was made at the request of the gentleman from Virginia.

Mr. RICHARDSON. I stated that I had not heard of it until that moment.

Mr. PITNEY. So I stated, on your authority.

Mr. RICHARDSON. Then the gentleman makes no insinuation to the contrary?

Mr. PITNEY. None at all.

Mr. MEREDITH. Mr. Chairman, I will say to the gentleman from New Jersey that I take the responsibility of making this point of order. I want to deal with the House frankly and honestly, and any criticism that the gentleman from New Jersey has to make upon me I am willing to hear, either in this Hall or elsewhere. I have acted in perfect good faith with the House, and when I stated this morning that the Committee on the District of Columbia was investigating this subject and that I had not known of it until yesterday, I stated the exact fact. I have been perfectly frank with the gentleman from New Jersey and with the House, and any insinuations to the contrary are utterly without foundation.

Mr. PITNEY. Mr. Chairman, I have made no insinuation of any lack of frankness on the part of the gentleman from Virginia. I have simply given the gentleman credit for the utmost vigilance in attempting to prevent the repeal of this law.

Mr. MEREDITH. And I give the gentleman from New Jersey credit for the utmost vigilance in appearing here, not as a lawmaker, but as an advocate for the repeal of this law.

Mr. PITNEY. For my position in advocacy of that repeal I do not apologize. If I have done anything in this House to be proud of, it is that, and I do not take it back, and I never will. [Applause.]

Mr. MEREDITH. I do not ask the gentleman to take it back. I am proud of the position I have taken in this matter, because I think I am right, and I do the gentleman from New Jersey the justice of believing that he thinks he is right. Now I yield to the gentleman from Michigan [Mr. MILNES].

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives, on Wednesday, the 10th day of February, 1897, at 1 o'clock in the afternoon, pursuant to the requirement of the Constitution and laws relating to the election of President and Vice-President of the United States, and the President of the Senate shall be the presiding officer; that two persons be appointed tellers on the part of the Senate and two on the part of the House of Representatives to make a list of the votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the vote and the persons elected to the two Houses assembled as aforesaid, which shall be deemed a declaration of the persons elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

The message also announced that the Senate had passed without amendment the bill (H. R. 8886) for the relief of Hiram T. Corum and Silas W. Davis, of Oregon.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2129) granting an increase of pension to Annie E. Nolan.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 1722) to approve and ratify the construction of a bridge across the Sulphur River, in the State of Arkansas, by the Texarkana and Fort Smith Railway Company.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

A bill (S. 1624) to quiet title and possession with respect to certain unconfirmed and located private land claims in the State of Louisiana; and

A bill (S. 361) for the relief of Silas P. Keller.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee again resumed its session.

Mr. MILNES. Mr. Chairman, I am in full sympathy with what this amendment is trying to do—that is, to protect the Treasury of the United States of America—but I do believe that this is a contemptible way to do it. I believe that if the Committee on Appropriations had devoted one hundredth part of the time they have occupied upon this floor in discussing this measure to bringing it to the attention of the Committee on the District of Columbia, a resolution would have been reported by that committee months ago, and would have passed here by unanimous consent, settling the whole question. Together with the gentleman from Tennessee [Mr. RICHARDSON], as a member of the Committee on the District of Columbia, I never heard of this matter until it came up upon this floor. It is true that there was a resolution in our committee providing for the repeal of this law, but, like scores of other resolutions and bills, it never was considered or reached by the committee, because, as every gentleman knows, a great many bills and resolutions are never reached unless they are called up by somebody who desires to have them considered and passed. That is true of the Committee on the District of Columbia, and I presume that the same is true of almost every committee in this House.

Now, as to what the gentleman from New Jersey has said with regard to the old board which controlled the District of Columbia previous to 1874, I think he has probably stated the truth. I believe, Mr. Chairman, that much worse things could be said of them than anything the gentleman from New Jersey has said. They were a board that did business outside of the law, but, because the board did that is surely no reason why innocent men who performed work for the District of Columbia should not be paid for their work. I desire now to call attention to a fact——

Mr. BOATNER. Will the gentleman permit a question right there?

Mr. MILNES. Yes, sir.

Mr. BOATNER. It has been said by the gentleman from New Jersey that if this law be repealed there will still be, as there was before the law was enacted, an ample remedy in the courts of the District for the enforcement of any legal or equitable claims that may exist against the District government. Does the gentleman from Michigan concur in that view?

Mr. MILNES. I will come to that in a moment. These men had the right to go into court on certain contracts said to have been signed by them, but those contracts were signed in blank and the men were working under another provision, made by a resolution of the board of control.

Mr. PITNEY. Does not the gentleman remember that so far as those contracts were signed in blank they were signed years after the work was done, and that the oral contracts were validated by the act of 1874.

Mr. MILNES. I do not know when those contracts were signed; but, as I was saying when interrupted, I know that worse things might have been said of that old board than anything that has been said by the gentleman from New Jersey, because I remember that during the period of their power that board took a hundred men, in the dead of the night, and tore down a public market in the District of Columbia which was occupied by three or four hundred market men, who had paid their ground rent and paid their license fees. I remember that between daylight and dark that building was absolutely pulled down and every dollar's worth of property in it was destroyed. Yea, not only was property destroyed, but two men were killed. All that was done, and yet from that day to this not a single dollar has ever been paid to the

men who suffered the destruction of their property, and my friend from New Jersey might say that they, too, had a right to go into court.

But what are the facts as we understand them? As I said a moment ago, I never heard of this case until yesterday. But, although the law required this board to let this work by contract, they went on outside of the law and let it without any contracts. They passed a resolution which declared a certain price for removing dirt; they passed a resolution fixing a price for certain kinds of mason work. Then they went on and employed these men to do this work. Under these resolutions, and without any contract, these men went on in the performance of that work. But when Congress came to investigate the transactions of this board, what then happened? This old board of public works immediately began to "hustle around"—began to place contracts before these men who were doing the work——

Mr. PITNEY. Who had done the work.

Mr. MILNES. Who had done some of the work—not all of it—not even any very great portion of it. But the board said to these men, "We have got into a hole; you must sign these contracts." And they did sign those contracts in blank; and when those contracts were filled out, they were filled out not at the board rates——

Mr. BOATNER. At this point will the gentleman permit a question? Did these contractors, the parties who did the work for the District, have an adequate remedy in any court of the District for the enforcement of whatever rights they may have had?

Mr. MILNES. Yes; under the contracts which they had signed in blank and which had been filled out at rates other than those which they understood they were to receive.

Mr. BOATNER. If they did have an adequate remedy, and if that remedy still exists, what hardship or injustice is done to them by the repeal of a law which directs a decree in their favor for an amount different from what they contracted to receive?

Mr. MILNES. I said that these men went on and did the work under resolutions passed by the board of public works fixing prices—for instance, 30 cents per yard for removing dirt—and without any contract whatever. They were obliged afterwards to come in and sign contracts in blank. And when those contracts were filled out, instead of being filled out at 30 cents per yard for removing dirt, they were filled out at 20 cents per yard.

Mr. HULICK. Is it not true that they not only had the right to go into court originally, but that most of these claimants did go into court and have their rights adjudicated, and that their claims were paid out in bonds, as provided by the statute of 1880?

Mr. MILNES. Paid at the rate which appeared in contracts which they had signed in blank and which were filled out at a different figure from that at which they undertook to do the work.

Mr. PITNEY. The gentleman is mistaken about that entirely.

Mr. MILNES. That is the information which the committee got this morning.

Mr. HULICK. Is it not true that the parties did go into court and have their rights adjudicated, and that now the act of 1895, which is sought to be repealed——

Mr. MILNES. I can not yield for so long a question. The gentleman has had his own time.

Mr. BOATNER. I am asking my question for information.

Mr. MILNES. I say to the gentleman from Louisiana that these parties did have the right to go into court, and that some of them did so; but, as I understand from information which we received this morning in committee, they were held strictly to the written contracts which had been signed by them in blank.

Mr. BOATNER. Does the gentleman state that those contracts were filled up for less amounts than those at which the work had been undertaken?

Mr. MILNES. That is the information of the Committee on the District of Columbia. Whether that be true or not I do not know; but that is the information that we were allowed to get in the short time that we were permitted to investigate the question this morning. We have had only a couple of hours to investigate the whole question.

Mr. SMITH of Michigan. Was settlement made, so far as made at all, upon the basis of the contract figure?

Mr. MILNES. At the contract figure in those contracts which were signed in blank.

Mr. SMITH of Michigan. Then are not the parties estopped from repudiating the figure stipulated in the contract, unless they repudiate the contract altogether?

Mr. MILNES. That would have been so if this act had not been passed by Congress.

Mr. SMITH of Michigan. They have the right to collect damages upon the quantum meruit.

Mr. MILNES. They have a right under existing law to go before the Court of Claims and collect the difference between the price named in the written contract and the price fixed by the resolution of the board of public works.

Mr. SMITH of Michigan. Then is not the court the proper place for them?

Mr. MILNES. Certainly it is. But it is now proposed to repeal that law. That is what we are fighting over.

Mr. SMITH of Michigan. They have had their day in court.

Mr. MILNES. It is proposed here by an amendment to an appropriation bill to repeal the law allowing them to recover this difference. This amendment not only attempts to repeal the existing law on this subject, but it goes further and says:

And no judgments heretofore rendered in pursuance of said act shall be paid.

It proposes not only to repeal the law and say you shall not go before the Court of Claims any more, but it goes even further than that and says that any judgment heretofore rendered by the Court of Claims shall not be paid, no matter how just the claim may be.

Much has been said, Mr. Chairman, of the enormity of the amount of the claims involved. But I contend, sir, here, that if a claim is a just one, if the Government owes the claimant, if the debt is justly due, no matter how much the amount, it makes no shade of difference. The principle established by the House is simply this: Is the claim just and proper? Does the Government owe the man a certain sum? If it does owe him, it should be paid, just as any honest man would pay his own individual debts.

Again, the claims are not so enormous as the gentleman from New Jersey would leave us to understand. It is true that about $800,000 in round figures have been presented. Over $400,000 of these have been adjudicated by the Court of Claims, and out of that $400,000 more than four-fifths have been rejected and dismissed by the court, leaving only about $80,000 allowed. Of the $400,000 now before the court, as stated by the attorneys of the United States before the Committee of the District of Columbia to-day, a very large proportion is for the difference in the price of the bonds in which the contractors were paid and the prices at which they were compelled to be sold—that is, the difference between their selling price and their par value. But the courts have decided this question, that that can not be taken into consideration, and that dismisses a large amount of the pending claims.

Under the law as it stands, I am opposed to it; and, if I could do nothing better, I would vote for the entire repeal of the law. But in my judgment it should not be repealed in this way. In my judgment it should be amended, and with such safeguards thrown around it as will protect the United States of America and do justice to every individual citizen.

Mr. MEREDITH. Will the gentleman from Vermont proceed now to consume the remainder of his time?

Mr. GROUT. We propose to close the debate on this side. If the gentlemen wish to occupy further time, I hope they will proceed now.

Mr. MEREDITH. I will yield three minutes to the gentleman from Texas [Mr. ABBOTT].

Mr. ABBOTT. Mr. Chairman, I would not rise to address the committee again but for the fact that the gentleman from New Jersey [Mr. PITNEY], when occupying the floor a few moments ago, saw proper to accuse the District Committee, and myself especially, of being extremely innocent and entirely ignorant in regard to the affairs of the District and the affairs of the country as involved in the pending proposition. Of course I regard such charges as they should be regarded, coming from the source they do. I hurl back to the gentleman the statement that his stupidity is so intense that he can not comprehend or understand the report I made in this case. He took it for granted that I was relating in the report I made to this Congress my views of the controversy, when I was simply stating the facts—simply reiterating that which had been stated by the Commissioners of the District of Columbia. He took it for granted, as he could not discriminate between the recitation of the facts and my own position, that I was giving in the report my own views.

I want to say to the committee and to the gentleman that I was not responsible for the legislation which gave rise to these claims. I was not then a member of Congress. I was not responsible for any of that legislation; and the gentleman attributed to me ignorance because I simply recited the facts of the legislation that had been had in the past.

He recites facts for which, and I do not make the assertion in any offensive sense, his party was responsible and not mine. I was not responsible, I repeat, for any of this legislation that led to the causes which gave rise to these claims, and these claims, whether they are just or unjust, do not present a question for me to pass upon.

On the strength of the report of the District Commissioners, the committee—not I, but the committee—substituted a bill which resulted in the legislation of 1895, and I was requested by the chairman to make the report. That is my whole connection with the matter; and the stupidity of the gentleman from New Jersey could not comprehend the position I occupied as a mere member of the committee, reporting the action of the committee upon the proposition, and not undertaking in any way to state my own

views upon it, which has induced him to assert that I was acting from innocence or ignorance of the fact.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MEREDITH. I will yield to the gentleman another minute.

Mr. ABBOTT. Clear out your own mind; remove the clouds that hover over your own mind like a pall; clear them away and let the bright sunshine of God Almighty enter that brain once, and I will be satisfied.

Mr. MEREDITH. I yield three minutes to the gentleman from New Jersey [Mr. McEWAN].

Mr. McEWAN. Mr. Chairman, I desire to amend the pending resolution by striking out the words in the next to the last paragraph, as follows:

And no judgment heretofore rendered in pursuance of said act shall be paid.

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from New Jersey.

The amendment was again reported.

Mr. McEWAN. Mr. Chairman, conceding all that has been said about the iniquity of these claims, I yet say that the most important part of this discussion has not been referred to at all. To allow these words to remain in this resolution is to make a conflict between the legislative and the judicial branches of this Government. The amount involved is but $70,000, as I am told; only that amount has gone to judgment; and it seems to me that we might very well strike out those words in order to avoid starting on a road that will ultimately bring the legislative branch into conflict with the judicial. There is no justification whatever for doing this. It will end in allowing the legislative branch to coerce the judiciary. From the foundation of the Government to the present time I know of no action in any legislative body such as that which is sought to be accomplished here. The proper way, probably, is to pass this entire resolution with the exception of those words. I expected that some of the great constitutional lawyers of this body would dwell upon the importance of striking out these words. I do beseech you all not to start upon this path. Think well before you make this conflict between coordinate branches of the Government.

Mr. PITNEY. If the gentleman will recall the history of the case, he will remember that there is no conflict between the legislative and judicial branches of the Government. The same Court of Claims has given its decree that there is neither law nor justice nor equity in these claims. That court would not have given a different decree if Congress had not arbitrarily commanded them to do injustice. Now, we ought to wipe out the whole thing.

Mr. McEWAN. Mr. Chairman, I not care to discuss any branch of this matter at all except the one that here is a conflict between the legislative and the judicial officers of this Government, and that should not be. I see a gentleman for whom I have the greatest respect shaking his head, but I tell you this is the beginning of the time when the legislature can coerce the judiciary. We ought to have those words stricken out.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MEREDITH. I ask unanimous consent that the gentleman be allowed five minutes more time.

Mr. McEWAN. I have said all that I want to say. I merely want to urge the point that this is very dangerous legislation, and I want to go on record as protesting against it.

Mr. MEREDITH. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has one minute remaining.

Mr. MEREDITH. Mr. Chairman, I wish to say to my friend from New Jersey [Mr. PITNEY], who has talked about my connection with this case, that I assume the responsibility. I made the objection to the amendment which was offered, and if the gentleman is proud of his position, I am also proud of the position that I have taken here, because I believe that I am right; and I want to say to the gentleman—who I see is throwing kisses at me now, so that I can not say what I intended to say—that I consider that the committee to which I belong have acted in good faith, and with as much honesty and as much sincerity as the committee to which the gentleman belongs, who has, I must say in conclusion, appeared here as the advocate and not as the lawmaker, in my judgment.

Mr. GROUT. Mr. Chairman, I have had some knowledge of these claims for the last twelve years. I was assigned to duty on the Committee on the District of Columbia in the Forty-ninth Congress, and served on that committee through that Congress, the Fiftieth, and the Fifty-first. In the Fifty-first I had the honor to be chairman of that committee. In the Forty-ninth Congress these claims were presented. They reappeared in the Fiftieth Congress and in the Fifty-first. The District Committee of the Fifty-first Congress took especial pains to investigate these claims. I presume they had been before the committee prior to the Forty-ninth Congress, but there had been no report by the committee before the Fifty-first.

There is a subcommittee of that committee known as the judiciary subcommittee, which is ordinarily composed of the chairman and one Republican and one Democrat. Mr. THEODORE E. BURTON, the gentleman who then represented the Cleveland district of Ohio, and who now represents that district—and I am sorry he is not present—was the Republican member of that subcommittee with the chairman. These claims went to that subcommittee, and it was decided, after a thorough investigation, to report against them. It seems by the letter of the auditor, dated May 29, 1892, that as early as January 16, 1890, he was called upon by that subcommittee for information concerning these claims, which was furnished by the Commissioners. But not being satisfied with that report, there being only a rough estimate of the total amount, on the 9th day of January, 1891, the Commissioners were called upon by that committee for a specific statement of the names of the persons and companies with which the contracts were made and the amount claimed by each.

The auditor furnished a statement to the committee, under date of January 9, returning the reply on the same day. In that he made an estimate of $57,070 as the amount called for by all claimants, giving a list of their names, which I will not stop to read. But it seems this was not all that the committee had heard of. The committee in their report, written by the gentleman from Ohio [Mr. BURTON], which is printed in the volume of Reports of the House of Representatives for the second session of the Fifty-first Congress, say that other claims still have come to their knowledge. I remember the Committee on the District of Columbia in the Fifty-first Congress were satisfied that the District office did not have full information as to the number of claimants nor the amount claimed. We, at all events, decided to report against them, and determined to present the matter fully and exhaustively to the House.

The gentleman from Ohio [Mr. BURTON] was authorized to draw the report. In doing so, he recited by name the different claimants named in the bill. There were eight of them in that bill, but it seems from the report that there were outside a large number asking for a general bill, so that they might be included also. All the claims named in the bill are carefully reviewed in the report. One was in favor of Andrew Gleeson. He was the first in the list. I can not stop to read the full report, but his claim was found by the committee to be utterly without equity or justice. Nevertheless, I find in the list of judgments already rendered under the law which this amendment proposes to repeal, one in favor of Andrew Gleeson for $7,695.

I will ask at the close of my remarks to have this report printed in full; and will now stop to read from it only here and there a sentence. In that report in the Fifty-first Congress the committee said:

The second claim, that of Peter P. Little, administrator of Michael Shiner, against the District of Columbia, seems to us to have no possible basis of equity.

That report shows that it had been rejected by the Court of Claims; and this was the language used by Chief Justice Drake in delivering the opinion:

We are not able to discover any foundation for such a claim. Every fact in the case is against it. The grading was all done before claimant's contracts were canceled, and at a time when there was not the least ground for claiming it to have been done under any other contracts.

The order of January 22, 1872, increasing the rates for grading, was not retrospective in its operation; did not refer to contracts previously entered into on other rates; did not mention Shiner or his contracts.

As I say, the Court of Claims had rejected this claim in the foregoing very strong language, and yet I see in this list of judgments already rendered Peter Little is allowed $1,275.80 under the provision in the law of 1895 directing the court to allow the board rates.

I also find in this report of the District Committee in the Fifty-first Congress a description of the claims of Owen O'Hara, Frank H. Finley, William Schooler, John J. Shipman, and of one Lipscomb, whose Christian name does not appear in the report, and on turning to the list of claimants now before the Court of Claims under this law I find all these names pushing in that court for this arbitrary allowance of 30 cents per yard, though their contract was to do the work for 20 cents per yard.

Mr. Chairman, let it be remembered that these men have all once had their day in court; all had a chance to establish their claims and recover every cent they were entitled to under their contracts. This was expressly so declared in Gleeson's case by Chief Justice Drake, and the others are precisely like this one.

But now, under this law of 1895, directing the court to allow 30 cents a yard for grading, these men reappear before the Court of Claims, and two of them have actually obtained judgments for considerable sums.

Now, let me refer for a moment to three certain letters of the auditor. There is in his last letter, the one of May, 1892, a revision of his former statements as to number of claimants and amount claimed. He says those statements were made upon the authority of a trusted clerk in his office of the name of Donovan,

I think; that he trusted implicitly on him for the information, he having been long familiar with them. But in this letter of May, 1892, to the Senate committee, he says he wishes entirely to recall those former statements as not being correct. Those former letters were the ones he sent the District Committee in the Fifty-first Congress. In this letter of the auditor in 1892 he refers to the Burton report as an exhaustive presentation of the matter, and Mr. MCMILLAN, in reporting against these claims in the Senate in the Fifty-second Congress, incorporates the Burton report into his as the substantial ground for disallowing them.

Mr. Chairman, I said at the outset that I would not be in favor of repealing an act of Congress upon an appropriation bill if I were not entirely satisfied that the act ought never to have been passed in the first place. In this case the act certainly never ought to have been passed. Another point, Mr. Chairman, is that it was not fully considered by the House when it was passed. It went through in one of those peaceful, but active hours when the courtesy of unanimous consent prevails and all are happy but those who fail of recognition. We are told that "Senatorial courtesy" exists at the other end of the Capitol, and when "unanimous consents" are on in this Hall, Representative courtesy prevails here, and we do not generally inquire very carefully as to the merits of the measures presented. It seems that in this case the gentleman from Texas, Governor SAYERS, thought there might be something amiss in the bill and inquired about it, but was quieted by the replies he received. The bill was passed in my absence. If I had been present, I am quite certain that I should have recognized these old claims which the District Committee in the Fifty-first Congress had tried to bury, and supposed they had buried beyond resurrection. I feel sure if I had been present, I should have recognized these old acquaintances, though it is true no names were given in the bill of 1895.

Mr. Chairman, it is said that the District Commissioners recommended the bill that became a law in 1895. I have been allowed to see a copy of the bill which they did approve and their letter of recommendation sent to the committee in the Fifty-third Congress. In that letter the Commissioners do not expressly recommend any bill. They say they send a draft of a bill, and that if it is passed these claims can be settled, and that no appropriation to pay them will be necessary, because they will settle themselves by certain offsets that should be allowed against them, which I have no time to describe in full.

Mr. WATSON. May I ask the gentleman a question?

Mr. GROUT. Yes, sir.

Mr. WATSON. I understand you to say now that in your opinion the bill which passed the Fifty-third Congress, and under which suits were brought and judgments obtained in the Court of Claims, was an absolute fraud upon the Congress of the country.

Mr. GROUT. No; I do not mean to say that anybody intended to practice fraud. The District Committee has a world of work to perform, as I know from my own experience as a member of it.

The members of that committee can not examine every proposition as fully as they would desire. I am not imputing any dishonorable motives or acts to the District Committee, but it was evidently a mistake for them to report that bill. To-day I asked the gentleman from Texas [Mr. ABBOTT] who reported the bill whether he would have reported it if he had had knowledge of the report of the District Committee in the Fifty-first Congress, and he said frankly he would not. Why, Mr. Chairman, if the gentlemen of the committee had had that report before them, I know they would never have reported the bill that it is now proposed to repeal. I am sure they would not, for it would have set them to looking into the matter, and I believe investigation would have decided them against it.

Mr. WATSON. Another question. Suppose, now, that under that law which was passed by the Fifty-third Congress some man went into court and obtained a judgment, a meritorious one——

Mr. GROUT (interposing). I do not think any of them were meritorious—not intrinsically meritorious—but of course, under the law of 1895, they had at least a legal standing.

Mr. PITNEY. All the meritorious claims had been adjudicated before and paid.

Mr. GROUT. I want to say, Mr. Chairman, that in the light of the full history of these claims there is not a meritorious one among them; not one. It has been said the Commissioners recommended them as proper to be allowed. That claim is fully disposed of by the Commissioners in their letter to the Senate, dated February 4, 1893, upon which Senator FAULKNER'S report was made, and which has been seen here on the floor by certain members. They say in that letter:

> With reference to your inquiry whether, in the judgment of the Commissioners, the proposed legislation should be enacted, the Commissioners have to state that if the equities are considered some careful remedial legislation might be proper. At law the claimants have had their day in court and been defeated.

That is the strongest recommendation of the Commissioners that I have been able to find. And everbody knows that it will never answer to go back and dig up stale claims which have either been adjudicated or at least have had opportunity for adjudication, and then talk about the equities of such a proceeding.

Mr. WATSON. Now, let me finish my question.

Mr. GROUT. Certainly.

Mr. WATSON. When interrupted, I was about to put this question: Suppose that under the act passed by the Fifty-third Congress judgments had been obtained, meritorious ones; does the gentleman think that we now ought to provide in this bill that those judgments shall not be paid?

Mr. GROUT. If they were really meritorious judgments, of course not; but the trouble is they are not meritorious judgments——

Mr. WATSON. One other question. There is a large number——

Mr. GROUT. Will the gentleman let me answer his question?

Mr. WATSON. You have answered it.

Mr. GROUT. No, sir.

Mr. WATSON. You have answered it satisfactorily to me.

Mr. GROUT. Mr. Chairman, I deny that a single meritorious judgment has been rendered under this act. If you take the act as a just and proper one, some of the judgments rendered under it might be considered as meritorious under the act. The trouble is not so much with the judgments as with the act under which they are rendered. These claimants all had their day in court, all had an opportunity to appear and present their claims to the Court of Claims and to the board of audit and to have every equitable right there considered, and they failed to present them, or, when they were presented, the decision was against them. Then they got a law passed—the law of 1895—which gave them a right of action where they had no right before. Now, who can fairly talk about a meritorious judgment under such a law? Both the law and the judgment are tainted with injustice—injustice to the people who have to pay judgments that had no cause of action on which to rest until one was created by statute twenty-four years after any just and meritorious cause of action could have accrued.

Mr. BOATNER. Does this amendment propose to invalidate judgments already rendered by the Court of Claims?

A MEMBER. As I understand it, it does; and says, practically, we will not pay any of the judgments that have been rendered under it.

Mr. BAILEY. Let me say to the gentleman it does not. It simply vacates pending proceedings, recognizing the distinction between a proceeding and a judgment.

A MEMBER. Is not that the same thing?

Mr. BAILEY. It may have the same effect practically, but Congress has no power to invalidate a judgment of a court.

Mr. BOATNER. My next question is this: Is it the opinion of the gentleman that we can lawfully and rightfully destroy the legal effect of any judgment which has been rendered in accordance with law?

Mr. MEREDITH. This amendment undertakes to do that.

Mr. GROUT. If the amendment is unconstitutional, the court will, of course, have authority to set aside the act to the extent of its interference with the judgments. The repeal of this law would not in strict terms invalidate the judgment, but it would provide authority for refusing to appropriate the public money in payment of it. There has already been $63,000 paid on these claims, and I think it high time further payment should be stopped. Sixty-three thousand dollars already paid, and how much lies beyond no man can tell. The auditor in his letter of 1892 to the Commissioners, to be sent to the Senate committee, said very prudently that he would not undertake to venture upon that field of wild conjecture. He had trusted his accountant and clerk to do so and had twice confidingly signed estimates which he found utterly unreliable and which he then recalled, saying, "No one knows what it will amount to." He then made a personal examination of these claims and became satisfied that they had no merit and ought not to be paid, as expressly stated in that letter.

Now, Mr. Chairman, I desire to yield five minutes to the gentleman from Missouri [Mr. DOCKERY] to close the debate.

Mr. BOATNER. Before the gentleman takes his seat, I trust he will answer this question, which I am asking for information, because I want to understand what the real effect of this proposed legislation is. Is it proposed by this legislation to deny to parties who have obtained judgments under the law the remedies which that law gave them? In other words, does this amendment propose to operate retroactively and to invalidate judgments which have been rendered in accordance with the provisions of existing law?

Mr. GROUT. I have already answered the gentleman as fully as I can. I call for the reading of the amendment, which will best explain the matter. That will show that we do not propose to make any further payments on the judgments rendered under that law.

The Clerk read as follows:

> That the act approved February 13, 1895, entitled "An act to amend an act entitled 'An act to provide for the settlement of all outstanding claims

against the District of Columbia, and conferring jurisdiction upon the Court of Claims to hear the same, and for other purposes,' approved June 16, 1880," be, and the same is hereby, repealed.

And all proceedings pending shall be vacated, and no judgment heretofore rendered in pursuance of said act shall be paid.

The CHAIRMAN. The gentleman from Missouri [Mr. DOCKERY] is entitled to the floor for five minutes.

Mr. DOCKERY. Mr. Chairman, this question has been so thoroughly and ably discussed that I do not propose to detain the Committee of the Whole——

Mr. MEREDITH. Before the gentleman from Missouri proceeds further, I ask unanimous consent that the gentleman from Louisiana [Mr. BOATNER] be allowed to occupy the floor for two or three minutes.

Objection was made.

Mr. DOCKERY. I was about to say, Mr. Chairman, that this matter has been so fully discussed that I am persuaded the House is in possession of all the material facts, and therefore I shall not detain members by any extended remarks. After all, this is a very simple proposition. I am not a lawyer, but I think I can comprehend the issue. Certain contractors under the board of public works in 1874 agreed to do certain work for the city of Washington. They entered into contracts in writing; they performed the work, and they were paid in full pursuant to the terms of their contracts. Subsequently the board of public works provided that contractors should be allowed what were called "board rates," notwithstanding they had entered into contracts in writing with the city to perform the service at lower rates.

Now, then, Mr. Chairman, the effect of the act of the last Congress was to give to these contractors a sum estimated at $1,400,000, being the difference between the contract price and the "board rates." The contractors had contracted with the city at certain rates. The "board rates," as a pure gratuity, gave to these contractors, in most cases, higher rates. The law which the present amendment seeks to repeal allows the Court of Claims no discretion. The language of the act of February 13, 1895, is mandatory, and compels the court to allow the contractors "board rates;" and in doing this it involves the city, as heretofore stated, in an additional liability estimated at about $1,400,000.

Mr. WATSON of Ohio. Will the gentleman state, if he knows, in what way the board was influenced to do that? What information has the gentleman on that subject?

Mr. DOCKERY. My information is a matter of history. Corruption was rampant here at that time; scandals were prevalent. A Congressional investigation developed the fact that improper influences in the main secured the allowance of "board rates," and substantially the entire administration of the city was tainted with suspicion.

Mr. BOATNER. Will the gentleman yield a moment? Admitting all that has been said—that these judgments did not represent any real indebtedness—where does the gentleman find any authority to invalidate by an act of Congress judgments which have been rendered by a competent court, pursuant to law, and which have passed into the domain of property? How can we declare that the District of Columbia shall not pay those judgments without directing and commanding the District to commit an act of repudiation?

Mr. DOCKERY. In answer to that question, Mr. Chairman, I desire to say, from the standpoint of a layman, not being learned in the law, that by this amendment we propose not only to repeal the law, but forbid the payment of judgments, because they were obtained under a mandatory statute which, in effect at least, is fraudulent.

If it is right—and I may say if it is equitable—to pay the judgments, then all the claims that are pending should, in equity and fair dealing, be paid.

Mr. BOATNER. It is not a question of equity, but a question of absolute legal right.

Mr. DOCKERY. Well, the gentleman must discuss that issue with the lawyers. I speak now only from the standpoint of a layman.

Mr. ABBOTT. Will the gentleman yield to me for an inquiry?

Mr. DOCKERY. Certainly.

Mr. ABBOTT. I ask the gentleman—he says this is a mandatory law—on what does he base that opinion? I say to him that every case that has been passed upon by the Court of Claims is now under appeal.

Mr. DOCKERY. But the language of the law is absolutely mandatory.

Mr. ABBOTT. It has not been passed upon.

Mr. DOCKERY. Mr. Chairman, in my judgment, there is not a meritorious case pending before the court, and there could not be, because the claims in every instance are based on the difference between the contract price and "board rates." The contractors entered into an agreement with the District to perform the service at certain rates, and there can be no justice in permitting them to go before the Court of Claims and secure additional compensation over and above the contract price.

Mr. MILNES. I am amazed at the statement made by the gentleman from Missouri in regard to these claims.

Mr. DOCKERY. What is the gentleman's suggestion?

Mr. MILNES. I would ask the gentleman this question: Does he make the statement that if these claims, or judgments, are paid, then that all claims now pending of this character should be paid? Does not the gentleman know that four-fifths of the claims that the court acted upon were rejected?

Mr. STEELE. Then they are not pending.

Mr. DOCKERY. I do not know it. I am advised by a statement of the auditor of the District, which I will incorporate at this point in my remarks——

Mr. MILNES. The attorney of the District said it was so.

Mr. DOCKERY (continuing). I am advised that on January 11, 1897, there were pending $851,844.53 of claims, exclusive of the interest claimed upon these amounts. So that if the claims are allowed—the court is compelled to allow board rates under the act of February 13, 1895—the interest and principal combined will swell the aggregate to about $1,400,000.

I insert at this point a complete tabular exhibit of these claims, prepared by Auditor Petty:

Cases standing for trial under the act of February 13, 1895.

No.	Claimant.	Amount.	Interest.	Judgment.
3	Frank H. Finley (Thos. A. Brown)	$8,814.80	$7,185.50	----------
5	J. V. W. Vandenburgh	24,980.82	20,059.58	----------
20	Steep & Follansbee	300.00	240.00	(*)
21	Gallaher, Loane & Co	7,500.00	6,113.75	----------
24	Owen O'Hare	11,595.26	9,452.06	----------
25	Ann E. Smith	9,840.96	7,872.76	----------
32	Matthew J. Laughlin	3,139.82	2,292.00	(†)
33	do	3,139.82	2,418.60	$3,139.82
34	do			
41	Andrew Gleeson	7,695.00	5,927.46	7,695.00
45	Campbell & Eslin	3,682.68	2,822.77	----------
46	Wm. H. Adams	103,774.80	84,593.78	(*)
47	Elias E. Barnes	31,754.57	24,339.87	----------
48	Chas. H. Moulton	7,566.38	6,075.80	----------
49	Albert McIntosh	2,787.90	2,274.84	----------
51	Thomas W. Steep	1,345.73	1,031.50	879.78
58	George Semmes	10,728.76	8,000.00	----------
59	James A. Nelson	450.49	407.22	----------
68	Henry Birch	6,967.86	5,680.00	----------
69	Birch & Fletcher	20,000.00	16,303.33	----------
70	William Fletcher	20,000.00	16,303.33	----------
72	Wm. H. Adams	23,496.00	18,422.00	(*)
73	Chas. E. Creecy	6,514.62	5,129.95	(*)
75	James Alman	217.96	159.63	217.96
78	William Schooler	5,090.13	4,149.30	----------
84	J. K. Murphy (Morris Murphy)	2,126.00	1,733.04	----------
88	Thos. Betts	4,344.53 4,921.44	3,900.00	----------
90	Neal T. Murray	3,312.66	2,369.88	3,312.66
96	William Dayton	3,877.66	3,053.24	----------
97	James Finnegan	5,000.00	3,750.00	----------
98	Charles Stewart	3,773.64	3,018.91	1,005.18
99	Jonathan Taylor	11,581.68	9,440.97	----------
100	do	11,932.20	9,385.76	(*)
101	Patrick Brennan	11,647.37	9,494.57	----------
103	Geo. Neitzey	4,480.12	3,651.94	----------
104	Wm. M. Ritchie	6,000.00	4,800.00	3,877.66
106	Richard Rothwell	369.87	301.50	369.87
108	Lewis Filbert	68,918.99		----------
114	Geo. W. Goodall	16,161.34	12,929.07	(*)
122	John J. Shipman	90,539.48	71,443.41	----------
125	Dennis McNamara	253.53	189.56	253.53
127	Job Barnard	4,226.28	3,381.02	2,127.21
128	Isaiah Stewart	739.20	589.56	(*)
135	Walsh & Gleeson	7,282.70	5,936.42	----------
136	O'Hare, Himber & Groat	7,569.98	6,170.70	----------
142	Patrick Doyle	219.98	156.45	219.98
144	Mary A. Gibbons	1,068.07	854.45	----------
146	William H. Adams	42,500.00	34,000.00	----------
150	Samuel J. Ritchie	9,372.14	7,023.09	5,339.30 4,769.85
155	Geo. H. Boston	2,196.45	1,790.46	----------
162	Dan'l H. Connelly	2,327.91	1,862.32	2,027.01
167	Sam'l C. Wroe	3,489.80	2,802.36	----------
169	John M. Carusi	757.13	605.70	(*)
170	Wm. Becket	409.80	334.10	----------
177	Dillard & Moulton	440.19	342.82	----------
179	Bartlett & Williams	92,223.63	75,177.57	----------
180	Andrew Lipscomb	12,513.12	9,705.51	----------
183	Danl. A. Connolly	5,000.00	4,075.83	----------
184	Wm. Hussey	1,239.94	1,015.95	(*)
185	Birch & Fletcher	2,000.00	1,600.00	----------
186	Wm. E. Vermillion	3,561.26	2,849.00	(*)
187	William Hussey	1,374.02	1,099.21	(†)
188	Fletcher & Birch	5,000.00	3,650.00	----------
201	Henry P. Saunders	450.49	367.16	----------
207	Thomas Kirby	9,129.02	6,997.41	----------
214	Old Dominion Granite Co	1,820.55	1,365.39	1,293.50
219	Thomas Kirby	4,480.52	3,219.25	4,480.52
224	Jos. T. H. Hall	12,341.25	9,873.00	8,664.19
231	John B. Davis	20,000.00	16,303.00	----------
232	John Lyons	2,000.00	1,630.30	----------
239	Ann M. Stafford	20,000.00	16,303.00	----------
241	Thomas Lucas	19,553.51	15,939.30	----------
242	Geo. Follansbee	18,507.21	15,086.39	----------
245	Allen Chappell	130.04	104.03	(*)
255	Thomas Joyce	2,479.35	1,819.35	2,479.35
270	Childs & Neville	1,000.00	815.16	(*)

*Dismissed. †Dismissed; judgment for defendant.

Cases standing for trial under the act of February 13, 1895—Continued.

No.	Claimant.	Amount.	Interest.	Judgment.
282	Hugh McGinniss	$770.17	$618.20	
280	Downman & Green	10,100.00	8,080.00	$1,250.76
292	Theodore Sheckels	6,932.15	5,545.72	7,306.25
295	Vandenburgh & Crawford	882.17	719.13	
295	John F. Acker			
303	Henry Birch	10,000.00	8,151.00	
305	Wm. Dickson (consolidated 161, 223, 309)	7,123.80	5,699.04	1,386.30
324	J. V. W. Vandenburgh			
334	Himber & Stetson	6,200.00	5,054.03	
351	Chas. H. Moulton	28.50	23.22	
352	Peter P. Little	2,403.00	1,800.00	1,275.80
359	Cranford & Hoffman	7,362.60	5,410.04	7,362.60
366	William Fletcher	10,000.00	8,151.00	
367	Jonathan Taylor	1,000.00	800.00	
371	William Murdock	3,797.62	3,037.61	(*)
375	Columbus J. Eslin	50,000.00	40,000.00	4,841.26
388	James Nelson	4,395.22	3,582.61	
389	do	10,052.16	8,174.10	
63	Himber & Groat	2,000.00	1,600.00	
80	Delaware Hudnell	10,345.08	8,276.04	
(82)	Stephen Talty	14,861.34	11,889.07	
109	John B. Wickersham	3,110.24	2,488.19	
251 252 253	Johanna McNamara	6,185.42	5,395.02	6,085.42
263	Silas Merchant	2,942.00	2,353.60	
275	Geo. W. Goodal	144.93	115.94	
335	Stephen Talty	50,000.00	40,000.00	
358	Allen C. Clark	104.69	83.75	
372	E. E. Barnes & Co			
374	Chas. H. Moulton			
352	Peter P. Little			(†)
	Total	1,041,535.47	828,609.45	81,660.76

*Dismissed. †Second trial; judgment for defendant.

In addition to these cases, there are three or four cases in which the amounts are not definitely stated, but which, by reference to the original cases, would be in the neighborhood of $300,000. The cases which have already gone to judgment embrace some $250,000 of claims, although judgments were for a little in excess of $81,660.76.

108 cases amount to		$1,041,535.47
Interest on same		828,609.45
Total principal and interest		1,870,144.92
January 11, 1897. Amount of claims filed		1,041,535.47
Dismissed	$174,807.57	
Judgments	81,660.76	
Disallowed in claims where judgments were rendered	25,038.26	
		281,506.59
Balance to be tried		760,028.88
Add general docket, to be tried		91,815.65
On docket January 11, 1897		851,844.53

Cases remanded to general docket and still pending.

No.	Claimant.	Amount.
22	Joseph Smolinski	$5,617.42
63	Himber & Groat	2,000.00
74	Robert M. Johnson	15,184.48
76	Robert S. Hulse	199.66
93	Samuel Barber	9,000.00
132	W. H. Brainard	6,250.09
164	Patrick Crowley	2,258.94
203	Andrew Gleeson	3,000.00
278	Sperry, Ritchie & Co	6,873.00
283	T. E. Brown	8,178.48
284	John S. Baldwin	35,253.58
335	Stephen Talty	50,000.00
	Total	143,815.65

Statement of cases dismissed.

20	Steep & Follansbee	$800.00
29	Lawrence Cavanaugh	988.00
46	Wm. H. Adams	103,774.80
72	William H. Adams	23,496.00
73	Chas. E. Creecey	6,514.62
82	Stephen Talty	14,861.34
100	Jonathan Taylor	11,932.20
109	John B. Wickersham	3,110.24
114	Geo. W. Goodal	16,161.34
128	Isaiah Stewart	739.20
159	James R. Cole	5,518.27
169	John M. Carusi	757.13
184	William Hussey	1,269.94
186	Wm. E. Vermillion	3,561.26
187	William Hussey	1,374.02
245	Allen Chappel	130.04
259	John Brennan	374.21
260	Isaac P. Childs	600.00
263	Silas Merchant	2,942.00
270	Childs & Neville	1,000.00
371	Wm. C. Murdock	3,797.62
352	Peter P. Little	*2,403.00
	Total	205,604.63

*Second trial; judgment for defendant.

Now, Mr. Chairman, in conclusion, let me say that I do not care whether the amount involved is fourteen hundred thousand dollars or $10,000. There is no equity, there is no justice, and no fair dealing in allowing any of these unworthy claims, and the House ought to support the amendment which repeals the law and prohibits further payment of judgments.

[Here the hammer fell.]

The CHAIRMAN. The time for debate has expired under the order of the committee, and the question is on the amendment to the amendment proposed by the gentleman from New Jersey [Mr. MCEWAN], which the Clerk will report.

The Clerk read as follows:

Strike out the following words, "and no judgment heretofore rendered in pursuance of said act shall be paid."

Mr. PITNEY. That amendment should be voted down by the committee, if we are to adopt the amendment of the gentleman from Missouri.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will now report the amendment proposed by the gentleman from Missouri [Mr. DOCKERY].

The Clerk read as follows:

Insert on page 11, after line 2, the following:

"That the act approved February 13, 1895, entitled 'An act to amend an act entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction upon the Court of Claims to hear the same, and for other purposes," approved June 16, 1880,' be, and the same is hereby, repealed; and all proceedings pending shall be vacated and no judgment heretofore rendered in pursuance of said act shall be paid."

The amendment was agreed to.

Mr. GROUT. Mr. Chairman, when we passed the preceding paragraph I asked the privilege of returning to it, and I will do so now, for the purpose of offering a substitute for the provision incorporated in the bill at that point.

I send to the desk an amendment, which I ask to have adopted.

The Clerk read as follows:

Strike out, commencing with line 22, up to and including line 25, on page 10, and insert:

"To enable the Commissioners to have the numerical books for the city of Washington and county photolithographed, $1,986, to be immediately available."

The amendment was agreed to.

The Clerk (proceeding with the reading of the bill) read as follows:

For work on streets and avenues named in Appendix "Bb," Book of Estimates, 1898, $100,000, to be expended in the discretion of the Commissioners upon streets and avenues specified in the schedules named in said appendix and in the aggregate for each schedule as stated herein, namely:

Georgetown schedule: Nine thousand one hundred and sixty-six dollars.

Mr. BAKER of New Hampshire. Mr. Chairman, I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out in lines 15 and 16, page 12, the words "nine thousand one hundred and sixty-six" and insert "forty thousand five hundred."

Mr. BAKER of New Hampshire. Mr. Chairman, the purpose of this amendment is to make it conform more nearly to the estimates of the Commissioners of the District of Columbia. The Commissioners have certified to the House thirteen different streets for improvement in the old city of Georgetown, and have asked $55,000 for the purpose of making these improvements. I have offered an amendment which provides only $40,500, which is exactly the amount this bill provides on page 16 for the improvement of three streets only, in the country. Those three streets in the country will accommodate perhaps 500 people, not more than that, and in the city of Georgetown, which, according to this bill, is to receive only $9,000 in appropriations for this purpose, there are some 10,000 inhabitants. More than this, the amount given in the bill, $9,166, can not be made up in any way from the schedule submitted by the Commissioners. It is not the amount necessary to improve one street, two streets, three streets, or any other number of streets, and the same remark applies to all the other schedules mentioned on this page. For instance, in the northwest section the Commissioners estimate for four items, aggregating $170,500; in the southwest section they estimate for sixteen items, aggregating $82,000; in the southeast section for twenty items, aggregating $130,000, and in the northeast section for eighteen items, aggregating $155,400. In all of these cases little more than one-tenth of the amount which the Commissioners have asked for is granted by this bill, an amount which is entirely inadequate.

The whole amount as provided in this bill is not one-third of the amount carried by the bill last year. In fact these items are so meager that the whole appropriation might as well be omitted as to grant these miserable small items. Then, again, there are two provisions on this page and the following page providing how this money shall be expended. The first one, in lines 12 and 13, says that it is—

To be expended in the discretion of the Commissioners upon streets and avenues specified in the schedules named in said appendix and in the aggregate for each schedule as stated herein, namely.

Mark you, to be expended in the discretion of the Commissioners. But there is a proviso at the bottom of the page covering every one of these proposed appropriations, which says:

Provided, That the streets and avenues shall be contracted for in the order in which they appear in said schedules, and be completed in such order as nearly as practicable.

Now, it is impossible for the Commissioners to use the discretion which is granted to them at the top of this page and still be bound by the requirements of the bill itself, if they have any discretion at all.

Then, again, as I have said, these items that are proposed to be appropriated for are such items that it is impossible to complete any one of the works for which the Commissioners have asked an appropriation. The whole amount is entirely inadequate. As I said, it is only about one-third of the amount carried by the last appropriation bill. It is entirely unsatisfactory to the people of the District of Columbia, and is in marked contrast with the appropriation to which I call the attention of the committee in relation to three streets up in the northwest section, where the entire property is owned by about three people, or very few owners at least; while in the city of Georgetown some 10,000 people will be benefited, as against a few dozen in the other section.

Mr. GROUT. Mr. Chairman, I have only a word to say in reference to this matter. The Commissioners estimated $600,000 for improvements and repairs of streets. The committee thought they could allow but $100,000, and they have apportioned pro rata to these different schedules, the Georgetown schedule, the northwest section schedule, the southwest section schedule, the southeast section schedule, and the northeast section schedule, according to the sums estimated for those schedules respectively by the Commissioners. As to the discretion of the Commissioners, I will say there is a list of streets prepared in the order of their importance, that list having been submitted by the Commissioners. This money is to be expended on the streets in the order given in the list as nearly as practicable.

Mr. BAKER of New Hampshire. Will the gentleman yield for a question?

Mr. GROUT. Certainly.

Mr. BAKER of New Hampshire. How can you justify the appropriation, on page 16, of $40,500 for the improvement of three streets, and grant only $9,000 for the improvement of all the streets in the city of Georgetown?

Mr. GROUT. What streets does the gentleman refer to?

Mr. BAKER of New Hampshire. I refer to the following items, to be found at the top of page 16:

For paving Connecticut avenue and Columbia road between Florida avenue and Eighteenth street extended, $36,000: *Provided*, That the owners thereof shall dedicate the spaces for widening said Columbia road within the limits named, for conformity with the recorded plans of highway extensions;

For grading, regulating, and paving Roanoke street from Thirteenth street to Fourteenth street, $4,500; in all, $40,500.

Mr. GROUT. Well, that is new work, Mr. Chairman, and it necessarily requires much money to complete it. The amount allowed is less than the estimate, as I remember it, or certainly not more. It was thought by the committee that the work on these streets could be entered upon. The amount which the gentleman refers to is simply for improvements and repairs. That is all. A very different thing from building new streets.

Mr. BAKER of New Hampshire. A very different thing, Mr. Chairman; but, notwithstanding all that, there are twenty streets in Georgetown unimproved to one on the Hill, on which this $40,500 is to be expended.

Mr. GROUT. I did not yield for a speech. The gentleman has time in which to submit his remarks.

Mr. HEPBURN. Mr. Chairman, I want to call the attention of the chairman of the committee to the proviso in line 25 of page 12, in connection with the four preceding paragraphs, for instance, "northeast section schedule, $25,900." The proviso reads:

Provided, That the streets and avenues shall be contracted for in the order in which they appear in said schedules, and be completed in such order as nearly as practicable.

Referring to that schedule, I find in the northeast section a list of some twenty or more streets for which there are estimates; but the two streets first named require an appropriation amounting to $32,000, and here is a total of appropriations provided of $25,900, not a sufficient sum to provide for the work of two of those streets. Now, at that rate, if this proviso is to be continued, and if this method is to be continued, it will be at least six years before the last street already in the schedule of the Commissioners can receive attention. I submit that that is not a wise provision in the bill.

Mr. GROUT. Mr. Chairman, I will say to the gentleman from Iowa that hereafter we hope to be able to appropriate larger sums for the improvement and repair of streets. This is all the committee could carve out of the revenues for this bill, and with the increased speed with which, it is hoped, we may hereafter provide for these streets, the streets the gentleman has in mind may be reached inside of six years. I hope that they will be, as I believe they ought to be.

Mr. BAKER of New Hampshire. Will the gentleman yield to me for a question?

Mr. GROUT. Certainly.

Mr. BAKER of New Hampshire. What reason exists now why there can not be more than one-third of the amount appropriated last year in regard to this matter?

Mr. GROUT. I think this is about the same sum the committee brought into the House last year. Wait till we are through with the Senate.

Mr. BAKER of New Hampshire. That is all very true; and I hope that when we get through the Senate we will get back to the old figures.

Mr. GROUT. Just a word, so that there may not be a misunderstanding about the provision for the improvement of streets. In my opening remarks upon this bill I called attention to the large expenditure for sewers—amounting to almost three-quarters of a million of dollars. Everything which it seems necessary to be done in this city can not be done in a single bill. The committee have thought it better to make ample provision for the sewers, which looked to the health of the city, and that if anything must suffer it better be streets; and proceeding upon that principle, they reduced considerably, as you have seen, the estimates of the Commissioners in regard to street improvements and repairs.

Mr. HENDERSON. Will the gentleman allow me to ask him a question?

Mr. GROUT. Certainly.

Mr. HENDERSON. What is the total amount estimated for by the Commissioners in Georgetown and the four sections?

Mr. GROUT. For the four sections they call for $600,000, and for Georgetown $55,000.

Mr. HENDERSON. So they estimate for half a million?

Mr. GROUT. More than half a million; $600,000 for street improvements in the four sections.

Mr. HENDERSON. The committee felt that all they could do in the present condition of the revenues was to give $100,000?

Mr. GROUT. We think we have done the best we could, under all the circumstances, for repair of streets. We were asked to enter upon many new projects, but selected only two—the two said by the Commissioners to be the most urgent.

Mr. HENDERSON. One further question, if the chairman has it in mind. What are the estimated revenues for the District for the next fiscal year? You may have stated it in your report; and what amount is covered and carried in this bill?

Mr. GROUT. The total estimated revenues for the year 1898 is $3,359,858.33. The total amount carried by this bill is $5,642,856.93, one-half to come out of the District revenues——

Mr. HENDERSON. Making $2,500,000 or $3,000,000 less than the estimated revenues?

Mr. GROUT. A little over $500,000 will be left in the District revenues by this bill as it stands now——

Mr. HENDERSON. Leaving half a million for the Senate?

Mr. GROUT. That is right.

Mr. HENDERSON. It strikes me the committee are acting with wisdom in the matter, from our experience in the past.

Mr. BAKER of New Hampshire. Can the gentleman tell us how far that is changed from preceding years?

Mr. GROUT. What?

Mr. BAKER of New Hampshire. The revenues. Are they less or more; and if so, how much?

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GROUT. This whole subject is presented on page 43 of the bill. The revenues for 1897 were $3,225,081.56, about $100,000 less than for 1898.

Mr. BAKER of New Hampshire. And, Mr. Chairman, these estimated revenues show an annual increase. For 1895 they were $3,469,740.51; for 1896 they were $3,061,688.96; for 1897, $3,225,081.56, and for 1898, $3,359,858.33. So that they go on increasing each year; and as the United States duplicates these almost entirely, in the face of that the committee come in here with a meager appropriation of $100,000 for all the streets inside of the city and for one-half of them, for a little bit of a section, just outside of the city, where some favored people happen to own property.

Mr. GROUT. The gentleman wants to make good that statement, of course, and he will have an opportunity to do so before the bill is concluded.

Mr. HENDERSON. I move to strike out the last word, and I desire to say briefly, in reply to the gentleman from New Hampshire, that while the people outside of the boundary have been heavy taxpayers for many years and have never yet had their proportionate share of the appropriations for improvements, I am glad that the committee have begun to give attention to the taxpayers outside of the city boundary, and to give them fair recognition as taxpayers in this District.

Mr. PITNEY. And the allowances that we are making are on streets built at private expense in a large measure.

Mr. GROUT. I move to strike out the last word. The gentleman complains about this bill. It is really the largest ever reported to the House from the Committee on Appropriations. It is larger than the bill of last year by some $300,000.

Mr. BAKER of New Hampshire. But the gentleman will admit that it is not larger in these items.

The amendment was rejected.

The Clerk read as follows:

For paving Connecticut avenue and Columbia road, between Florida avenue and Eighteenth street extended, $36,000: *Provided*, That the owners thereof shall dedicate the spaces for widening said Columbia road within the limits named, for conformity with the recorded plans of highway extensions.

Mr. BAKER of New Hampshire. Mr. Chairman, in the interest of economy, I move to strike out, before the word "thousand," in line 3, page 16, the words "thirty-six," and insert "ten," so that it will read "$10,000," etc. The provision in the bill grants for two streets several hundred dollars more than it grants for the whole city of Georgetown. It seems to me that this amendment must, by its fairness and justice, commend itself to every member of the House.

The amendment was rejected.

The Clerk read as follows:

Bathing beach: For the care and repair of the public bathing beach on the Potomac River, in the District of Columbia, $1,000.

Mr. TALBERT. Mr. Chairman, I move to strike out, on page 18, the paragraph beginning with line 13 and ending with the line 15. I see no use in this expenditure for the purpose of keeping in repair this bathing beach. It seems to me to be utter nonsense, and I hope the paragraph will be stricken out.

The amendment was rejected.

For sixty-one teachers at $400 each; in all, $761,100:

Mr. BAKER of New Hampshire. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

After line 24, page 21, insert: "For the establishment and maintenance of free kindergartens in the District of Columbia under the control of trustees and superintendent of public schools, $10,000."

Mr. DOCKERY. Mr. Chairman, I reserve the point of order on that.

Mr. BAKER of New Hampshire. Mr. Chairman, the purpose of this amendment is evident upon its face. In these modern times it has come to be a necessity in public school education to start with the kindergarten. I think it will be admitted by the gentleman from Missouri [Mr. DOCKERY] and by every gentleman here present that the best educators of our land favor these primary institutions. This amendment is intended merely to make a commencement in the District of Columbia under the proper authorities. Heretofore these institutions have been conducted as private schools, and families in this city and in this District who should have been served by the public schools have been compelled to spend their own money for the education of their little children. This amendment, if adopted, will enable the trustees and superintendents to make a commencement in this line and to give the system a fair trial and report upon it next year, so that, having expended only the sum of $10,000 for this purpose, the committee can receive from them a full report as to the necessity or the advisability of continuing the appropriation.

Mr. Chairman, the amendment does not seem to me to be subject to the point of order, because it is in line with appropriations in this bill and is simply an additional item for the support of such other teachers as the amount appropriated will justify the employment of. I hope the gentleman in charge of the bill will accept the amendment, as he knows that it is very deeply in the interest of the poorer people of the District, even of those who live in the slums. This is a start in the right direction. It is advocated by nearly all the women of the District who are engaged in charitable work, and I trust it will pass.

Mr. GROUT. Speaking for the committee, I must say I can not accept the amendment.

Mr. BAKER of New Hampshire. Have you any objection to it?

Mr. GROUT. Yes; I have this objection: The committee, some of them at least, thought that possibly at another time we might appropriate for schools of this kind. At some future time it may be wise to provide the kindergarten as a department of our public school system, for the benefit of children below the age of 6 (which I believe is the age at which children are admitted to the public schools, though I am told that rule is not always enforced)—the committee, I say, thought that at some future time it might be advisable to establish these small children's schools. But it seems to me it ought to be postponed until some future time, when prosperity shall have returned and everybody will feel a little freer to expend the money which we shall then have in the Treasury, instead of appropriating, as now, that which we have not in the Treasury. This object was estimated for by the Commissioners of the District, but the committee thought it wise to postpone it; I can not, therefore, accept this amendment.

Mr. HEPBURN. It may be that this sum is too large, and that so much as $10,000 ought not to be appropriated at this time for this purpose, but it does seem to me that we ought to begin this branch of education now. It is the very foundation of our system. I have known of a number of kindergarten schools in Washington maintained by private charity. There is one that I have heard spoken of as a model of its kind, the expenses of which are borne by one lady in this city. There is a multitude of little ones from 4 to 6 years of age who can not get into the public schools and who might be cared for in these kindergarten schools and might receive great benefit from them. Other cities are taking steps in this direction, and this city ought not to be behind. This subject has received the careful attention of the Commissioners of the District. The establishment of these schools meets their approval, and I think it meets the approval, individually, of a large majority of the Committee that have reported this bill. They have seen fit, for economical reasons, to withhold their favorable official action, but I hope the House will take the responsibility of starting this work, if not with $10,000, with $5,000, or an amount sufficient to make a beginning.

Mr. BLUE. Mr. Chairman, so far as this work is to be regarded as an experiment, it would seem that an appropriation of money for the purpose at this time is wholly impracticable.

I think it is usually conceded everywhere throughout this country—in the larger cities at least—that it is meritorious. The whole effect of this proposition is to make an appropriation for the purpose of experimenting. Kindergarten schools have gone beyond the experimental stage. Their usefulness and efficiency are recognized throughout the nation. When the Treasury is in better condition—when times are more propitious—this House will doubtless make an appropriation, not to experiment in this matter, but to carry out some general plan upon the subject. At this time, with the Treasury in its depleted condition, it would be bad policy to make an appropriation for the purpose suggested by the amendment.

Mr. NORTHWAY. Did I or did I not read some time in December last that the President and the Secretary of the Treasury said that we did not need any more revenue; that we had $128,000,000 of surplus in the Treasury?

Mr. BLUE. Yes, Mr. Chairman; but the gentleman from Missouri [Mr. DOCKERY], who is usually very cautious and prudent in protecting the Treasury, remarked that that was a borrowed surplus. That is not the kind of surplus that gentlemen on this side favor. It is not the kind that we expect to use in dealing fully and sometimes even charitably with the necessities of this District. When a surplus shall have reached the Treasury in the regular way, by taxation—a surplus that will be maintained without borrowing and without selling bonds—it will be time enough to venture upon these additional educational propositions. Mr. Chairman, the committee at the present time have treated with extreme liberality the educational institutions of this District. They have provided in this bill for 2 new schools and for 36 additional teachers. The District ought to be satisfied. I do not understand that the parties having in charge the educational institutions of this District and answerable for them are pressing this matter. It is more a question of sentiment now than one of absolute necessity. We have done what we could consistently with proper economy. In this bill we have sought in every way to give to the District the most liberal appropriations that the condition of the Treasury would permit. I hope the amendment will not prevail.

Mr. KIEFER. Will the gentleman state just what amount of money is now claimed by the United States Treasurer to be in the Treasury?

Mr. BLUE. I do not remember the exact amount. I did not examine the report this morning. But so far as that is concerned, I suppose that one hundred millions of the amount there is for a special purpose; and the Treasury, even upon the reports of the present Secretary, is not showing any very healthy condition, unless it has changed materially within the last few days.

The CHAIRMAN. Does the gentleman from Missouri [Mr. DOCKERY] insist on the point of order?

Mr. DOCKERY. No.

The question being taken, the amendment was rejected.

Mr. BAKER of New Hampshire. I now renew the amendment, with $5,000 inserted instead of $10,000.

The CHAIRMAN. The Clerk will read the amendment as now submitted.

The Clerk read as follows:

Insert after line 24, page 1, the following:
"For the establishment and maintenance of free kindergartens in the District of Columbia, under the control of the trustees and superintendent of the public schools, $5,000."

Mr. BAKER of New Hampshire. Mr. Chairman, I propose to say merely a word in reply to the remarks of the gentleman from Kansas [Mr. BLUE]. Nowhere in this country, and certainly nowhere in Europe, are kindergartens any longer experiments, unless such may be the case in the State of Kansas. They are well known in the District of Columbia; they are well known everywhere, and the trustees of the public schools——

Mr. BLUE. That is just what I stated. I stated that they were no longer an experiment.

Mr. BAKER of New Hampshire. I understood the gentleman to say that they were.

Mr. BLUE. No, sir.

Mr. BAKER of New Hampshire. Then I stand corrected so far as the gentleman's remarks are concerned, and will include Kansas in the statement that kindergartens are nowhere an experiment.

I was about to say that the trustees and superintendent of the schools in the District of Columbia are ready now to take hold of these kindergartens and put such number of them as the appropriation may justify in immediate use in Washington, Georgetown, and the surrounding country. There is no way in which the poor children of this city can be kept out of the streets and out of pollution so easily and so cheaply and with so much benefit to themselves as by the establishment of kindergartens. I hope that this small appropriation of $5,000 will be allowed for that purpose.

The question being taken, the amendment of Mr. BAKER of New Hampshire was rejected.

The Clerk read as follows:

For constructing second story, and for heating plant of school building at Congress Heights, to be immediately available, $12,000.

Mr. BLUE. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 13, page 25, insert:
"For purchase of additional ground and for additional building of two rooms, near line of Connecticut avenue, south of Chevy Chase Circle, to be immediately available, $8,000."

Mr. BLUE. Mr. Chairman, I present this amendment on behalf of the Subcommittee on Appropriations because it was overlooked in part, there having been an appropriation made in the former bill for a two-room building in the locality named. The committee regarded it as economical that this amendment be adopted at this time, so that a building may be constructed of this capacity to meet the demands in that vicinity. I ask that the amendment be adopted.

The question being taken, the amendment of Mr. BLUE was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DOLLIVER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 2037) to provide times and places for holding terms of United States courts in Utah, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOAR, Mr. VILAS, and Mr. CANNON as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7864) to amend the immigration laws of the United States, had further insisted upon its amendments, asked a further conference with the House on the bill and amendments, and had appointed Mr. LODGE, Mr. CHANDLER, and Mr. FAULKNER as the conferees on the part of the Senate.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The Clerk read as follows:

Increase fire department: For one new engine, $4,200;
For one hose carriage, $900;
For house, lot, and furniture for one engine company, to be located in Anacostia, $16,200; in all, $21,300.

Mr. RICHARDSON. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman in charge of this bill a question. If I understand it correctly, it provides for the purchase of one new fire engine?

Mr. GROUT. Yes.

Mr. RICHARDSON. One engine, at a cost of $4,200.

Now, Mr. Chairman, that, I take it, is not a sufficient increase for the needs of this city. I think instead of providing for one new engine there ought to be a provision for at least five. I have recently seen a statement made by the chief of the fire department of the city of Washington alleging that the number of engines in this city is not sufficient and that the facilities for fighting fires are not adequate. If I am not mistaken, in that statement it is shown that in every other city in the United States—possibly not in all of them, but nearly all—of a population equal to that of the city of Washington, they have at least five engines more than we have in service here. If I do not mistake, we have but ten engines in service.

I will ask the chairman if that is not so? I believe there is no other city in the United States having a population equal to this city that has less than fifteen, and some as high as twenty engines.

Mr. GROUT. I am not able, just at the moment, to state the exact number of engines, but will give the gentleman the information in a few minutes.

Mr. RICHARDSON. I understand that to be the number; but I will not pretend to be accurate or exact. It is, however, somewhere in that neighborhood. I am accurate, though, in the statement that we have at least five engines less than any other city of the size of the city of Washington; and the statement is made by the chief of the fire department of the city that the number is totally inadequate for the service required.

I think the Government of the United States ought to have in this the capital city of the nation the most efficient fire department that can be found anywhere in the United States. I think we ought not to be economical in this particular respect beyond proper limits; and I hope the gentleman will not resist an amendment which I shall offer, increasing the number to five instead of one. We ought to have five additional engines provided.

The statement to which I have referred was made a few weeks ago as the result of a very disastrous fire which occurred (I refer to the statement of the chief of the fire department) near the Government Printing Office, when a large lumber mill and considerable property were destroyed, and during the time the fire was in progress a general alarm was sounded for a fire at some other point, the exact location of which I do not now recall. He said that his opportunity for fighting a fire was greatly hampered, limited, and impaired because of the want of a sufficient number of fire engines, and suggested that there ought to be at least five more added to the service here.

I move, therefore, Mr. Chairman, in the paragraph now pending, to strike out "one" and insert "five," so as to increase the purchase of fire engines to five, and increase the sum of the appropriation to correspond.

Mr. GROUT. Mr. Chairman, there is a good fire department in this city, and I think the House will take judicial notice of the fact that fires are well and thoroughly handled here. The unsurpassed streets and their paving in the city of Washington furnish facilities for engines assembling at a fire which are furnished by no other city in the world, according to population and area. We therefore really need fewer engines, because the streets are so wide and so little occupied by traffic and travel that the engines can go and do go at breakneck speed to a fire. Really, there is no city in the world where the assembling of the fire force on an alarm is so thrilling as in this city. And for the reasons stated I say we have a good fire department. And now a word as to the number of engines. Turning to a letter written to the committee by the chief engineer of the fire department, it seems that there are 12 engines in the city, 10 in service and 2 in reserve; 13 hose carriages, 10 in service, 2 in reserve; 2 fuel wagons in service; 2 supply wagons in service; 5 trucks, 4 in service and 1 in reserve; 1 chemical engine, capacity 160 gallons, in service; 1 chemical engine, capacity 170 gallons, in service; 1 buggy for the use of the engineer of the fire department, and so on.

The committee wanted full information, so that we might deal fairly with the fire department, and called upon the chief for these particulars. They are furnished in a letter found on page 101 of the hearings.

Let me also call your attention to the steady increase in the expense of the fire department in this city, which is fairly commensurate with its needs. In 1893 we appropriated $36,320 for its increase; in 1894, $2,640; in 1895 we appropriated $42,720; in 1896, $68,000; in 1897, $51,700, and the amount carried in this bill is a further increase of $21,300.

This engine that the bill provides for is supposed to take the place of some old engine in the populous part of the city, which older engine will go to Anacostia, there to be housed in the place provided for by this paragraph of the bill.

A new hose carriage was deemed necessary, and that has been provided, at $900. The situation at Anacostia is peculiar. The fire department can only reach it by the bridges across the river, and the bulk of the suburb is reached only by the Navy-Yard Bridge. There is a draw in that bridge. It is an old and weak bridge, across which a fire engine could not be taken at full speed, and if the draw were up not at all without perhaps dangerous delay. To meet the necessities of that growing suburb it was thought by the committee that this fire engine might well be provided, a large new one being purchased for the city of Washington to take the place of one of less capacity to be moved to Anacostia.

Now, I say, Mr. Chairman, that fairly liberal provision has been made by this bill for the fire department.

Mr. RICHARDSON. I will not insist on the amendment if the committee do not consent. I wish to ask the gentleman if he has the annual report of the Commissioners, and if that report itself does not include a request of the chief of the fire department for additional service, and if the Commissioners themselves have not recommended that additional facilities be afforded by an increase in the number of engines? I will state to the gentleman that I cut out of a newspaper a letter, which I have no doubt was authentic, from the chief of the fire department, in which he states that it is absolutely necessary, in order that he may render efficient service in fighting these fires, that he have an additional number of engines; and my impression is that he said he had appealed to Congress to give him additional engines.

Mr. GROUT. Mr. Chairman, I infer that the gentleman has been visiting with the chief engineer of the fire department.

Mr. RICHARDSON. No; I will say to the gentleman that I have not been visiting him. I do not know him, and never saw him in my life.

Mr. GROUT. The gentleman asks me if we have the report of the Commissioners here. It is not before me. It is true the Commissioners asked for additional engines. Last year we provided for two new engines, and this year we have provided in this bill the men to man those engines, twenty in number; and next year we shall have to provide ten additional men for this new engine, when the house is completed for it and the engine in it.

[Here the hammer fell.]

Mr. RICHARDSON. If the gentleman will not agree to the amendment, I shall not insist on it, and I withdraw it.

And then, on motion of Mr. GROUT, the committee rose; and the Speaker having resumed the chair, Mr. PAYNE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10167) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 2353) for the relief of Barzilla C. Hudson;

A bill (S. 1624) to quiet title and possession with respect to certain unconfirmed and located private land claims in the State of Louisiana;

A bill (S. 1722) to approve and ratify the construction of a bridge across the Sulphur River, in the State of Arkansas, by the Texarkana and Fort Smith Railway Company;

A bill (S. 2129) granting an increase of pension to Annie E. Nolan;

A bill (S. 361) for the relief of Silas P. Keller; and

A bill (H. R. 9499) authorizing and directing the Secretary of the Interior to sell certain lands to A. L. Williams, and for other purposes.

RESTRICTION OF IMMIGRATION.

Mr. DANFORD. Mr. Speaker, the immigration bill is on the Speaker's table. I move that the House insist upon its disagreement to the amendments of the Senate, and agree to the further conference requested by the Senate.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. DANFORD, Mr. WILSON of South Carolina, and Mr. BARTHOLDT.

MARY W. KEEFFE.

Mr. THOMAS. Mr. Speaker, I present the conference report which I send to the Clerk's desk.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill S. 905, "An act granting a pension to Mary W. Keeffe," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted, insert $25; and the House agree to the same.

HENRY F. THOMAS,
GEO. C. CROWTHER,
F. C. LAYTON,
Managers on the part of the House.

FRANK J. CANNON,
GEO. L. SHOUP,
Managers on the part of the Senate.

The statement of the conferees on the part of the House was read, as follows:

The managers on the part of the House make the following statement upon the disagreeing votes of the two Houses:

As passed by the Senate, the bill carried $30 per month, which sum the House reduced to $20. The effect of the conference report is to grant the beneficiary $25 per month, being in the nature of a compromise, the Senate making a concession of $5 and the House conceding a like amount.

The soldier died of disabilities contracted in the line of duty, and the beneficiary named in the bill is now drawing a pension of $20 per month.

HENRY F. THOMAS,
GEO. C. CROWTHER,
F. C. LAYTON,
Managers of the conference on the part of the House.

The conference report was agreed to.

ADELAIDE MORRIS.

Mr. THOMAS. I also present another conference report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill S. 757, "An act granting an increase of pension to Adelaide Morris," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted, insert $35; and the House agree to the same.

HENRY F. THOMAS,
GEO. C. CROWTHER,
F. C. LAYTON,
Managers on the part of the House.

J. H. GALLINGER,
W. N. ROACH,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House make the following statement upon the disagreeing votes of the two Houses:

As it passed the Senate the bill carried $50 per month, which was reduced to $25 by the House. The effect of the conference report is to grant the beneficiary $35 per month, a concession of $15 by the Senate and $10 by the House.

The managers on the part of the House have been led to make this concession because the soldier had a very gallant record, particularly distinguishing himself at the battle of Antietam, on which account he was given the rank of brevet captain, though but 19 years of age. He was in many battles, and after the close of the war participated in the Indian campaigns. He died from disabilities contracted and incurred in the line of duty.

HENRY F. THOMAS,
GEO. C. CROWTHER,
F. C. LAYTON,
Managers of the conference on the part of the House.

The conference report was agreed to.

MARION M'KIBBEN.

Mr. THOMAS. Mr. Speaker, I present another conference report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill S. 684, "An act granting an increase of pension to Marion McKibben," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

HENRY F. THOMAS,
GEO. C. CROWTHER,
F. C. LAYTON,
Managers on the part of the House.

J. H. GALLINGER,
GEO. L. SHOUP,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House make the following statement upon the disagreeing votes of the two Houses:

As it passed the Senate the bill carried $50 per month, which was reduced by the House to $40. The effect of the conference report is to recede from the House amendment and grant the beneficiary $50 per month.

The managers on the part of the House have been led to make this concession because of the unusually long and gallant services of the soldier. He served during the war with Mexico, and was several times promoted for gallant conduct during the late war. He rose to the rank of brevet brigadier-general, and died from disabilities contracted in the line of duty. The beneficiary named in the bill is now receiving $30 per month under the general law.

HENRY F. THOMAS,
GEO. C. CROWTHER,
F. C. LAYTON,
Managers of the conference on the part of the House.

The conference report was agreed to.

CAROLINE A. HOUGH.

Mr. WOOD. Mr. Speaker, I ask unanimous consent to take up the bill (S. 3622) that was under consideration when the House went into Committee of the Whole.

The Clerk read as follows:

A bill (S. 3622) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough.

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place the name of Caroline A. Hough, widow of the late Brig. Gen. John Hough, upon the pension roll, subject to the provisions and limitations of the pension laws, and grant her a pension of $50 per month, in lieu of the pension of $17 per month which she is now receiving.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ERDMAN. Mr. Speaker, I should like to know something about this. I ask for the reading of the report, reserving the right to object.

Mr. WOOD. This bill has already passed the House and passed the Senate. It was considered in Committee of the Whole. It was not signed, having reached the President just a short time before the recess. I hope the gentleman will not object. It is in precisely the same condition as the bill of Mrs. Carr.

Mr. ERDMAN. I would like to know something about the bill. I know nothing about it.

Mr. WOOD. I can make a statement concerning the bill, if that would be satisfactory.

Mr. MILES. Is this one of the cases that was considered or not considered last Friday night in Committee of the Whole?

Mr. WOOD. It was considered by Committee of the Whole and in the House, and passed.

Mr. MILES. But not last Friday night?

Mr. WOOD. It was not passed last Friday night. It was passed in December. It passed both branches.

The SPEAKER. The gentleman means that the original bill, which failed to be signed by the President, was passed, and this is identical with that bill.

Mr. WOOD. This is identical.

The SPEAKER. It is identical with the original bill; but not this bill.

Mr. WOOD. But a bill identically like it. There would be no good purpose in referring it to the Committee on Invalid Pensions and having it considered in the Committee of the Whole. It has been before both and has been well considered. It is in precisely the same condition as the bill of Mrs. Carr, and it ought to pass. The beneficiary is a very worthy and very feeble old lady. The service of this officer was distinguished; and I hope the House will consent to its being taken up and passed.

Mr. BLUE. This is only for $50?

Mr. WOOD. That is all.

Mr. BLUE. The same as the other?

Mr. WOOD. The same as the other.

Mr. BAILEY. This bill has not been considered in Committee of the Whole?

Mr. WOOD. A bill precisely like this has.

Mr. PAYNE. A bill exactly like this one passed last session both the House and the Senate, and went to the President just before the recess, and the ten days expired during the recess.

Mr. BAILEY. My question was, if *this* bill had been considered in the Committee of the Whole?

Mr. PAYNE. This bill has not been, but one that is precisely like it went to the President and failed to be signed. This bill has passed the Senate and came from the Senate over here, so that the same subject-matter has been considered in Committee of the Whole.

Mr. BAILEY. But my question referred to this particular bill.

Mr. PAYNE. This particular numbered bill has not been considered; but I want to say to the gentleman that a bill under precisely the same circumstances passed this House this morning by unanimous consent.

Mr. BAILEY. This House has gone absolutely mad on the pension question.

The SPEAKER. Is there objection?

Mr. RICHARDSON. I want to ask the gentleman why this woman can not be pensioned under the law?

Mr. WOOD. She is pensioned under the general law at $17 a month.

Mr. RICHARDSON. That is all she is entitled to under the law?

Mr. WOOD. She is pensioned at the rate of $17 a month, that being based on the rank her husband had at the time when the wound was received. That would be the highest rate that she could get at the Pension Bureau.

Mr. MILES. His rank was such that she could get no more?

Mr. WOOD. His rank at the time was such she could get no more.

Mr. CROWTHER. Mr. Speaker, the Chair asked the question of the gentleman from Illinois, whether or not this was the identical bill that had passed the House previously and had failed to receive the signature of the President. I will say in explanation that the bill that passed the House in December last called for $50 per month, and the Senate has repassed the bill. The original bill having failed to become a law at the figure that has been agreed upon as the amount that should be allowed to the widows of general officers of the Army, $50 per month, this bill proposes to give the beneficiary that amount.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. WOOD, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FARIS, for four days, on account of important business.

To Mr. MILES, for two days, on account of important business.

To Mr. MARTIN, for five days, on account of sickness in his family.

Mr. PAYNE. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a communication from the Postmaster-General, submitting an estimate of appropriation to meet the expenses of the Congress of the Universal Postal Union—to the Committee on Appropriations, and ordered to be printed.

A letter from the Attorney-General, transmitting a list of certain judgments rendered against the Government by the circuit and district courts of the United States, for which the records have been received at the Department since May 22, 1896—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a list of the disbursements for the fiscal year ending June 30, 1897, under the act for the endowment of colleges for the teaching of agriculture and the mechanic arts—to the Committee on Agriculture, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. EDDY, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 3603) entitled "An act to extend the time for the completion of the St. Paul, Minneapolis and Manitoba Railway Company through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian reservations, in the State of Minnesota," reported the same without amendment, accompanied by a report (No. 2787); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HILBORN, from the Committee on Naval Affairs, to which was referred House resolution No. 505, reported in lieu thereof a resolution (House Res. No. 525) requesting the Secretary of the Navy to furnish certain information to the House relative to promotions of meritorious warrant officers of the Navy, accompanied by a report (No. 2788); which said bill and report were referred to the House Calendar.

Mr. QUIGG, from the Committee on the Library, to which was referred the bill of the House (H. R. 10079) for the erection of a monument to Peter Charles L'Enfant in the city of Washington, D. C., reported the same without amendment, accompanied by a report (No. 2789); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BOWERS, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9607) to amend an act to permit the use of the right of way through public lands for tramroads, canals, and reservoirs, and for other purposes, reported the same with amendment, accompanied by a report (No. 2790); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CURTIS, of Iowa, from the Committee on the District of Columbia, to which was referred sundry bills of the House, reported the same, accompanied by reports; which said bills and reports were referred to the House Calendar, as follows, to wit:

WITH AMENDMENT.

The bill (H. R. 9842) relating to the adulteration of foods and drugs in the District of Columbia. (Report No. 2791.)

WITHOUT AMENDMENT.

The bill (H. R. 9976) to punish the impersonation of inspectors of the health and other departments of the District of Columbia. (Report No. 2792.)

The bill (H. R. 9821) authorizing the Commissioners of the District of Columbia to charge a fee for the issuance of transcripts from the records of the health department. (Report No. 2793.)

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 10122) to amend an act entitled "An act to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia," passed August 3, 1894, reported the same without amendment, accompanied by a report (No. 2802); which said bill and report were referred to the House Calendar.

Mr. FISCHER, from the Committee on Indian Affairs, to which was referred the resolution of the House (No. 511) requesting of the Secretary of the Interior certain information relative to the enforcement of the treaty or agreement with the Navajo Indians, entered into June 1, 1868, reported the same without amendment, accompanied by a report (No. 2803); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. ANDREWS, from the Committee on Invalid Pensions:

The bill (S. 950) entitled "An act granting increase of pension to Franklin C. Plantz." (Report No. 2794.)

The bill (S. 2702) entitled "An act granting an increase of pension to Samuel A. Smith." (Report No. 2795.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 5424) granting a pension to Robert A. McKee. (Report No. 2796.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions: The bill (S. 3613) entitled "An act granting a pension to

Mary M. Macauley, widow of the late Brig. Gen. Daniel Macauley, United States Volunteers. (Report No. 2797.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (H. R. 9788) granting a pension to Bethiah H. Rollins. (Report No. 2798.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (H. R. 4954) to grant Mary Chamberlin, of Chelsea, Vt., a pension. (Report No. 2799.)

The bill (H. R. 9552) granting an increase of pension to Joseph Monteith. (Report No. 2800.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 9915) granting a pension to Sarah F. Smith. (Report No. 2801.)

By Mr. LOUDENSLAGER, from the Committee on Pensions: The bill (S. 3408) entitled "An act granting a pension to Ann King, widow of Samuel King, deceased." (Report No. 2804.)

The bill (S. 3612) entitled "An act granting a pension to Mrs. Martha Frank." (Report No. 2805.)

By Mr. COLSON, from the Committee on Pensions:

The bill (H. R. 4472) for the relief of Isaac Whitenberg, of Bledsoe County, Tenn. (Report No. 2806.)

The bill (H. R. 5326) to grant a pension to Sarah A. Blazer. (Report No. 2807.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CHARLES W. STONE: A bill (H. R. 10235) to fix the rate of pension of sailors and soldiers in certain cases—to the Committee on Invalid Pensions.

By Mr. PATTERSON: A bill (H. R. 10236) to amend section 4440 of the Revised Statutes, authorizing the licensing of mates on river and ocean steamers—to the Committee on the Merchant Marine and Fisheries.

By Mr. CULBERSON: A bill (H. R. 10237) authorizing the judge of the eastern district of Texas to hold special terms of the courts—to the Committee on the Judiciary.

By Mr. LIVINGSTON: A bill (H. R. 10238) to amend the act of July 16, 1894, providing for the entry to the second class of mail matter of periodical publications—to the Committee on the Post-Office and Post-Roads.

By Mr. HITT: A bill (H. R. 10239) to authorize Lieut. Commander Raymond P. Rodgers, United States Navy, to accept the medal presented to him by the Russian Government—to the Committee on Foreign Affairs.

Also, a bill (H. R. 10240) to authorize Maj. Gen. Alexander McD. McCook, United States Army, retired, and Capt. George Percival Scriven, United States Army, to accept medals presented to them by the Russian Government—to the Committee on Foreign Affairs.

By Mr. CORLISS: A joint resolution (H. Res. 245) proposing an amendment to the Constitution providing for the election of Members of the House of Representatives of the United States every four years—to the Committee on the Judiciary.

By Mr. BARTLETT of Georgia: A joint resolution (H. Res. 246) to print additional copies of Messages and Papers of Presidents—to the Committee on Printing.

By Mr. BENNETT: A joint resolution (H. Res. 247) directing the Secretary of War to submit estimates for work upon Wallabout Channel, New York—to the Committee on Rivers and Harbors.

By Mr. HICKS: A concurrent resolution (House Con. Res. No. 69) providing for the printing of additional copies of the report of the Assistant Secretary of the Interior, 1896—to the Committee on Printing.

By Mr. HILBORN: A memorial of the legislature of the State of California, favoring the establishment of a republican form of government in the Hawaiian Islands—to the Committee on Foreign Affairs.

By Mr. MONDELL: A memorial of the legislature of the State of Wyoming, favoring the passage of any resolutions which will tend to secure to the people of Cuba belligerent rights as revolutionists or their independence as a republic—to the Committee on Foreign Affairs.

By Mr. JOHNSON of California: A memorial of the legislature of the State of California, relative to the establishment of a republican form of government in the Hawaiian Islands—to the Committee on Foreign Affairs.

By Mr. CRUMP: A memorial of the legislature of the State of Michigan, in favor of the passage of House bill No. 4339, to establish a military park at Vicksburg, Miss.—to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BULL: A bill (H. R. 10241) granting an increase of pension to Mrs. Margaret F. Joyce, widow of William H. Joyce, late a captain in Company F, Seventh Regiment Rhode Island Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: A bill (H. R. 10242) granting a pension to Louisa Pasquet—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 10243) for the relief of Edward W. Coberly—to the Committee on Military Affairs.

Also, a bill (H. R. 10244) granting an increase of pension to Sarah M. Hadley—to the Committee on Invalid Pensions.

By Mr. MCCLELLAN (by request): A bill (H. R. 10245) to increase the pension of Margaret Madden—to the Committee on Invalid Pensions.

By Mr. WELLINGTON: A bill (H. R. 10246) to pay the findings of the Court of Claims in the case of Frederick C. Grosh, administrator of Lewis Grosh—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BROWN: Papers to accompany House bill No. 4472, for the relief Isaac Whitenberg, of Bledsoe County, Tenn.—to the Committee on Pensions.

By Mr. CONNOLLY: Protest of J. C. Klaholt and 145 other business men of Springfield, Ill., against the passage of the Sherman bill with respect to ticket brokers—to the Committee on Interstate and Foreign Commerce.

By Mr. COUSINS: Resolutions of the Iowa State Horticultural Society, of Des Moines, Iowa, in favor of the passage of House bill No. 119, for the protection of the forests of the United States—to the Committee on the Public Lands.

Also, resolutions of the Woman's Christian Temperance Union, of Albion, Iowa, protesting against the passage of the bill to establish a bureau of military education, etc.—to the Committee on Military Affairs.

By Mr. CRUMP: Petition of H. L. Foote and 104 other citizens of Bay City, Mich., protesting against the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HART: Resolutions of Lafayette Post, No. 217, Grand Army of the Republic, of Easton, Pa., approving of House bill No. 9209, for a per diem pension—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: Petition of O. W. Stephens, Charles N. Bellamy, and 19 others, in opposition to House bill No. 10090, known as the Sherman bill, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HENDERSON: Petition of C. L. Rundell and 10 other soldiers of Earlville, Iowa, in favor of the passage of House bill No. 9209, for a service pension to all honorably discharged soldiers of the late war—to the Committee on Invalid Pensions.

Also, paper from Branch No. 257, of the National Association of Letter Carriers, of Dubuque, Iowa, favoring the passage of the letter-carriers' bill—to the Committee on Rules.

Also, paper from President King, of Cornell College, Mount Vernon, Iowa, favoring increased provisions for the Bureau of Education—to the Committee on Appropriations.

By Mr. HEPBURN: Petition of the First Presbyterian Church, of Corning, Iowa, asking the passage of a bill to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petition of the First Presbyterian Church, of Corning, Iowa, favoring the passage of a bill forbidding the sale of intoxicating liquors in any Government building—to the Committee on Alcoholic Liquor Traffic.

Also, petitions of A. F. Shapleigh Hardware Company and others, of St. Louis, Mo.; the Minneapolis Dry Goods Company and others, of St. Paul, Minn.; Charles R. Skinner, president of the National Educational Association, Albany, N. Y.; J. W. Baer, secretary Christian Endeavor Society; F. B. Wilkins, secretary Baptist Young People's Union; Irwin Sherpard, secretary National Educational Association; J. D. Lang, second vice-president West Shore Railroad, and A. B. Hepburn, of New York City, favoring the passage of House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of North Dakota: Petition of the Methodist Episcopal church, of Drayton, N. Dak., praying for the enactment of the House bill to raise the age of protection for girls in the District of Columbia to 18 years—to the Committee on the Judiciary.

By Mr. LEONARD: Petition of citizens of Elkland, Pa., protesting against the passage of House bill No. 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. LITTLE (by request): Memorial by J. B. Jackson and G. W. Dukes, delegates from the Choctaw Nation, and E. N. Wright, member of the commission of Choctaws to treat with the Dawes Commission, asking for a modification of the late agreement—to the Committee on Indian Affairs.

By Mr. LIVINGSTON: Sundry petitions from various cities in the State of Georgia, favoring the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. MEYER: Petition of J. C. Morris and others of New Orleans, La., favoring the passage of House bill No. 10090, known as "antiscalping bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON: Papers relating to the claim of John Christie—to the Committee on War Claims.

Also, papers relating to the claim of Eliza Piggott—to the Committee on War Claims.

By Mr. SHERMAN: Sundry petitions of American Merchants' Manufacturing Company, of Chicago, Ill.; F. E. Briggs and others, of New York City; Brewer & Lanlefter and others, of Griffin, Ga.; W. L. Dawson, president of Shepard Bank, and others, of Opelika, Ala., in favor of the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Illinois: Resolutions of the Mississippi Valley Cottonwood Association, to restore the tariff on lumber—to the Committee on Ways and Means.

By Mr. CHARLES W. STONE: Petition of members of Branch No. 293 of the National Association of Letter Carriers, in favor of the bill to classify and fix the salaries of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. TRACEWELL: Papers in support of House bill No. 3519, relating to the claim of John R. Watson, of Harrison County, Ind.—to the Committee on Pensions.

By Mr. UPDEGRAFF: Petition of the members of the bar of Muscogee, Ind. T., favoring the passage of Senate bill No. 3513, authorizing an additional judge for the Indian Territory—to the Committee on the Judiciary.

Also, petitions of L. J. Palda, of Elgin, Iowa, and Dimmick & Wrate, of Mason City, Iowa, for a uniform specific rate on imported leaf tobacco—to the Committee on Ways and Means.

Also, petition of the Iowa Seed Company, of Des Moines, Iowa, in relation to House bill No. 9532, regulating the sale of agricultural seeds—to the Committee on Agriculture.

Also, petition of the Iowa Horticultural Society, favoring the passage of House bill No. 119, for the protection of the forests of the United States—to the Committee on the Public Lands.

Also, petition of G. F. McFarlan, of State Center, Iowa, for the passage of the bill raising the age of consent, and the bill for the prevention of gambling—to the Committee on the District of Columbia.

By Mr. WELLINGTON: Petition of citizens of the State of Maryland, asking the appropriation of money to pay depositors who lost by the failure of the Freedman's Bank, July, 1874—to the Committee on Appropriations.

Also, petition of the heirs of W. Stone, deceased, late of Frederick County, Md., praying reference of his war claim to the Court of Claims under the Bowman Act—to the Committee on War Claims.

SENATE.

FRIDAY, *February 5, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. DAVIS, and by unanimous consent, the further reading was dispensed with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 895) for the relief of Christopher Ellis;

A bill (S. 3320) to provide a life-saving station at or near Point Arena, Mendocino County, in the State of California; and

A bill (S. 3622) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 684) granting an increase of pension to Marion McKibben.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 757) granting an increase of pension to Adelaide Morris.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 905) granting a pension to Mary W. Keeffe.

The message also announced that the House further insisted upon its disagreement to the amendments of the Senate to the bill (H. R. 7864) to amend the immigration laws of the United States, agrees to a further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DANFORD, Mr. WILSON of South Carolina, and Mr. BARTHOLDT managers at the conference on the part of the House.

The message also announced that the House had passed the bill (S. 3623) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased, with an amendment in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 853) providing for the erection of a light-house at Orient Point, Long Island, New York;

A bill (H. R. 8898) to increase the pension of Elizabeth Wellons; and

A bill (H. R. 9029) to grant to the Hudson Reservoir and Canal Company the right of way through the Gila River Indian Reservation.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 361) for the relief of Silas P. Keller;

A bill (S. 1624) to quiet title and possession with respect to certain unconfirmed and located private land claims in the State of Louisiana;

A bill (H. R. 9499) authorizing and directing the Secretary of the Interior to sell certain lands to A. L. Williams, and for other purposes;

A bill (S. 1722) to approve and ratify the construction of a bridge across the Sulphur River, in the State of Arkansas, by the Texarkana and Fort Smith Railway Company;

A bill (S. 2129) granting an increase of pension to Annie E. Nolan; and

A bill (S. 2253) for the relief of Barzilla C. Hudson.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the legislature of South Dakota, praying that Fort Meade, in that State, be made a permanent military reservation; which was read, and referred to the Committee on Military Affairs, as follows:

OFFICE OF SECRETARY OF STATE, *Pierre, S. Dak.*

A joint resolution and memorial requesting the Congress of the United States to make Fort Meade a permanent military reservation.

Be it resolved by the senate of the State of South Dakota (the house of representatives concurring), Whereas there is but one military post of any importance within the State of South Dakota, to wit, Fort Meade, located in Meade County, S. Dak., in the eastern part of the Black Hills, adjacent to the Sioux Indian Reservation in this State, and with rapid railroad connection to the Crow Indian Reservation in Montana, which said post is conceded by the military authorities to excel all other Western posts as a strategic point, and has now permanent features, to wit, a large brick hospital and a permanent connection with the water system of Sturgis, S. Dak.: and

Whereas the Federal Government has allotted lands to the Indians and by other acts has made the several Sioux Indian reservations apparently permanent in their character, we deem it necessary for the protection of the people of the western part of this State that such military post should be made permanent: Therefore,

Be it resolved, That we favor and hereby urge the Congress of the United States, by statute if necessary, to make said Fort Meade a permanent military post; and

Be it further resolved, That we request the Senators and Representatives from this State in Congress to use their best endeavors to accomplish this result.

[Indorsed.]

A joint resolution and memorial requesting the Congress of the United States to make Fort Meade a permanent military reservation.

DANIEL T. HINDMAN,
President of the Senate.

Attest:
T. M. SIMMONS,
Secretary of the Senate.

JOHN COLVIN,
Speaker of the House.

Attest:
JONAS H. LIEN,
Chief Clerk.

I hereby certify that the herein joint resolution and memorial originated in the senate and was known in the senate as senate joint resolution No. 7.

T. M. SIMMONS,
Secretary of the Senate.

Received at the office of the secretary of state this 30th day of January, A. D. 1897, at 3.30 p. m.

WILLIAM H. RODDLE,
Secretary of State.

UNITED STATES OF AMERICA,
State of South Dakota, Secretary's Office:

I, William H. Roddle, secretary of state of the State of South Dakota, do hereby certify that the attached instrument of writing is a true and correct copy of a joint resolution and memorial requesting the Congress of the United States to make Fort Meade a permanent military reservation, as the same appears on file in this office, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota, at Pierre, this 1st day of February, 1897.

WILLIAM H. RODDLE,
Secretary of State.

The VICE-PRESIDENT presented a petition of the legislature of South Dakota, praying for the enactment of a free-homestead

law; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

OFFICE OF SECRETARY OF STATE, *Pierre, S. Dak.*

A joint resolution memorializing Congress for a free-homestead law.

Be it resolved by the house of representatives (the senate concurring), That the legislature of South Dakota hereby petition and memorialize the Congress of the United States to enact a law, as speedily as possible, permitting settlers upon Government lands in this State to make final proof upon their homestead claims and acquire title thereto without the payment of any specific price per acre, as required under the present law. The demand for such a law has been emphasized in the various platforms of the political parties of this State and of this nation, and is the universal wish of the people.

The settler who endures the hardships and privations necessary to make settlement upon and improve 160 acres of unbroken prairie, being, as a rule, poor and without means, pays enough for the land by the toil and sacrifice he must make, without the payment of the price exacted by the Government under the present law.

And for the passage of such a law your memorialists will ever pray.

Approved this 29th day of January, A. D. 1897, at 2.30 p. m.

ANDREW E. LEE, *Governor.*

[Indorsed.]

A joint resolution and memorial memorializing Congress for a free-homestead law.

JOHN COLVIN,
Speaker of the House.

Attest:
JONAS H. LIEN, *Chief Clerk.*

DANIEL T. HINDMAN,
President of the Senate.

Attest:
T. M. SIMMONS,
Secretary of the Senate.

I hereby certify that the within resolution originated in the house of representatives and was known as house joint resolution No. 7.

JONAS H. LIEN,
Chief Clerk of the House.

Received at the executive office this 28th day of January, A. D. 1897, at 4.40 p. m.

ANDREW E. LEE, *Governor.*

STATE OF SOUTH DAKOTA, OFFICE SECRETARY OF STATE.

Filed January 29, 1897, 2.30 p. m.

PHILIP LAWRENCE,
Assistant Secretary of State.

UNITED STATES OF AMERICA,
State of South Dakota, Secretary's Office:

I, William H. Roddle, secretary of state of the State of South Dakota, do hereby certify that the attached instrument of writing is a true and correct copy of a joint resolution memorializing Congress for a free homestead law, as the same appears on file in this office, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota, at Pierre, this 1st day of February, 1897.

WM. H. RODDLE, *Secretary of State.*

The VICE-PRESIDENT presented a memorial of the Napper-Tandy Club, of New York City, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the petition of T. L. Cockrell, publisher of the Alexandria Times, of Alexandria, Va., and the petition of Edward Frey, publisher of the Long Island Freie Presse, of College Point, Long Island, N. Y., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HALE presented the memorial of Alfred R. Hall and 16 other citizens of Oakland, Me., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Maine Woman's Christian Temperance Union, of Portland, Me., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a memorial of the Napper-Tandy Club, of New York City, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. CULLOM presented sundry petitions of citizens of Knoxville and Sycamore, in the State of Illinois, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Woodstock and Cobden, in the State of Illinois, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Commercial Club of Chicago; of the Warder, Bushnell & Glessner Company, of Chicago, and of E. E. Witt, of Kappa, all in the State of Illinois, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented sundry petitions of citizens of Chicago, Oakland, and Evanston, all in the State of Illinois, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of New York, praying for the passage of Senate bill No. 3545, to prevent the sale of railroad tickets by unauthorized persons; which were referred to the Committee on Interstate Commerce.

He also presented a memorial of the Napper-Tandy Club, of New York City, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. SHERMAN presented a petition of the Christian Endeavor Union of Mansfield, Ohio, and a petition of the Christian Endeavor Society of the Memorial Presbyterian Church, of Dayton, Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Ohio, praying for the defeat of any measure which may cause the destruction of the ticket-brokerage business; which was referred to the Committee on Interstate Commerce.

He also presented sundry memorials of citizens of London, Bellaire, Lisbon, St. Marys, and Ottawa, all in the State of Ohio, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of Dr. C. M. Goheen, publisher of the Union, of Continental; of W. J. McMurray, publisher of the Auglaize Republican, of Wapakoneta; of Sam Knesthardt, publisher of the Ottawa County Zeitung, of Port Clinton; of W. H. Althoff, publisher of the News-Democrat, of Port Clinton; of H. E. Soule, editor of the Vinton County Republican, of McArthur; of the C. L. Bailey Grocery Company of Marietta; of the Ohio Wholesale Grocers' Association Company, of Columbus; of the Board of Trade of Columbus, and of A. C. Buss, publisher of the New Bremen Sun, of New Bremen, all in the State of Ohio, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLEN presented the memorial of Ernest F. Werner, publisher of the Herald, of Crab Orchard, Nebr., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Western Nebraska Wool Growers' Association, of Willey, Nebr., praying for the enactment of a tariff schedule on wool such as has been asked for by that association; which was referred to the Committee on Finance.

He also presented a petition of the members of the First Presbyterian Church, of Auburn, Nebr., and a petition of the members of the First Congregational Church, of Crawford, Nebr., praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

Mr. HAWLEY presented the memorial of Joseph Mills and 27 other citizens of Westport, Conn., and the memorial of George S. Fuller and 22 other citizens of North Canaan, Conn., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. WALTHALL presented a memorial of sundry citizens of Canton, Miss., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of P. K. Mayers, publisher of the Pascagoula Democrat-Star, of Scranton, Miss., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. NELSON. I present a brief paper prepared by Mr. Daniel Pennie, of Minnesota, giving practical hints for the preservation of the forests of that State. I move that the paper be referred to the Committee on Forest Reservations and the Protection of Game.

The motion was agreed to.

Mr. NELSON presented a petition of sundry lumbermen of Duluth, Minn., praying for the restoration of the tariff on lumber; which was referred to the Committee on Finance.

He also presented petitions of the legislature of Minnesota, of the Presbyterian churches of Rushford and Fremont, and of the First Unitarian Church, of Duluth, all in the State of Minnesota, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Fergus Falls, Minn., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of A. F. Gosslee and sundry other citizens of Tracy, of A. W. Freeman and sundry other citizens of Adrian, and of J. W. Bleevett and sundry other citizens of Detroit City, all in the State of Minnesota, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented a petition, in the form of a letter, from Sarah P. Nichols, superintendent of the department of peace and arbitration of the New Hampshire Woman's Christian Temperance Union, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. DAVIS presented a petition of the legislature of the State of Minnesota, praying for the ratification of the pending arbitration treaty with Great Britain; which was read and ordered to lie on the table, as follows:

ST. PAUL, *January 28, 1897.*

SIR: I have the honor to transmit to you the following concurrent resolution of the senate and house of representatives of the State of Minnesota.

S. A. LANGUM,
Secretary of the Senate.

Hon. C. K. DAVIS,
United States Senate, Washington, D. C.

RESOLUTION.

Whereas there is now pending before the Senate of the United States for ratification a treaty between Great Britain and the United States, providing for the arbitration of differences which otherwise might result in war between the two countries; and

Whereas, believing that war, independent of the sacrifice of invaluable human lives, is a great burden to the people and should be avoided when possible to do so without the sacrifice of national honor: Therefore,

Resolved by the senate of Minnesota (the house of representatives concurring), That we favor the general principle of international arbitration, and commend its adoption by our Government as a wise and humane method of settling international disputes, and we believe it is a step in the direction of a higher civilization and a broader statesmanship which reflected credit upon the United States as a nation: *Provided*, That this is not to be considered as an indorsement of the arbitration treaty pending before the United States Senate, and that matter is left to the discretion of our Senators.

Resolved further, That this treaty should not be concurred in unless territorial questions involved in the Monroe doctrine are expressly excepted therefrom.

Resolved, That the secretary of the senate is hereby instructed to forward copies of this preamble and resolution to Senators DAVIS and NELSON at Washington.

Mr. DAVIS presented a petition of the Board of Trade of Minneapolis, Minn., praying for the enactment of a bankruptcy law; which was ordered to lie on the table.

He also presented a petition of the minister and trustees of the First Unitarian Church, of Duluth, Minn., praying for the ratification without amendment of the treaty of arbitration between the United States and Great Britain; which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Hastings, Minn., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of St. Paul, Minn., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. TILLMAN presented a memorial of sundry citizens of South Carolina, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of G. M. Harman, publisher of the Lex Dispatch, of Lex, S. C., and the petition of Frank Carter, publisher of the Times, of Lake City, S. C., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. WHITE presented a petition of sundry citizens of Los Angeles and San Bernardino counties, Cal., praying that the placer and quartz mines within the San Gabriel and San Bernardino Government preserves be opened to settlement; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented the petition of James M. Brown and sundry other citizens of Placerville, Cal., and the petition of J. A. Cook and sundry other citizens of San Jacinto, Cal., praying for the passage of the so-called Loud bill, relating to second-class mail matter, and for the passage of House bill No. 838, to reduce letter postage to 1 cent per half ounce; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CAMERON presented a memorial, in the form of resolutions, adopted by the Commercial Travelers' Protective Association of Pittsburg, Pa., remonstrating against the passage of Senate bill No. 3545, to prohibit the sale of railroad tickets by unauthorized persons; which was referred to the Committee on Interstate Commerce.

He also presented sundry memorials of citizens of Erie, Wrightsville, Carlisle, and Weatherly, all in the State of Pennsylvania, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Samuel J. Randall Council, No. 448, Junior Order United American Mechanics, of Reading, Pa., and a petition of Star Castle Lodge, No. 141, Ancient Order Knights of the Mystic Shrine, of York, Pa., praying for the passage of the so-called Cameron resolution, in relation to Cuba; which were ordered to lie on the table.

He also presented the petitions of John M. Miller & Son, of Philadelphia; of Lippincott, Johnson & Co., of Philadelphia; of William R. Nicholson; of Nye & Tredick, of Philadelphia; of David Camek & Co., of Philadelphia; of Bodenstein & Kuemmerle, of Philadelphia; of Strousethanhauser & Co., of Philadelphia; of Joseph May and other citizens, of Philadelphia; of Thomas Walstenholme Sons & Co., of Philadelphia; of the Board of Trade of Bradford; of R. B. McKee, publisher of the Journal, of Freeport; of the Blizzard Publishing Company; of Benjamin F. Haines, publisher of the Wayne Independent, of Holmesdale; of George W. Brown, publisher of the Wayne Times, of Wayne; of P. F. Murphy, of Philadelphia; of the Enterprise Publishing Company, of Cambridgeboro; of J. B. McFadden, publisher of the Leader-Courier, of Osceola Mills; of P. C. Boyle, publisher of the Oil City Derrick, of Oil City; of Joseph Parker, publisher of the Daily Leader and Weekly Telegraph, of Corry, and of the Master Builders' Exchange of Philadelphia, all in the State of Pennsylvania, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Washington County, Pa., praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia; to prohibit the sale of intoxicating liquors in the Capitol building; for a Sunday-rest law for the District of Columbia, and remonstrating against interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on the District of Columbia.

Mr. MORRILL presented the petition of Cook & Humphrey, publishers of the Poultney Journal, of Poultney, Vt., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HOAR presented the memorial of Charles M. H. Scott and 27 other citizens of Millers Falls, Mass., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Rev. Inman L. Willcox and 34 other ministers, members of the Worcester (Mass.) Central Association of Congregational Ministers, of Massachusetts, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. MCMILLAN presented a petition of sundry citizens of Dryden, Mich., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter, and for the passage of House bill No. 838, to reduce letter postage to 1 cent per half ounce; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BRICE presented the memorial of F. C. Moore and sundry other citizens of Ashtabula, Ohio, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Ohio Wholesale Grocers' Association Company, of Columbus, Ohio; of the Board of Trade of Columbus, Ohio; of H. E. Soule, editor of the Vinton County Republican, of McArthur, Ohio; of W. H. Allholf, publisher of the News-Democrat, of Port Clinton, Ohio, and of Sam Kresthardt, publisher of the Ottawa County Zeitung, of Port Clinton, Ohio, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorials of William H. Baldwin, secretary of the Ohio Steel Company, of Youngstown, Ohio; of Mrs. Abigail J. Hadley, State superintendent of the department of peace and arbitration, of Clarksville, Ohio, and of the congregation of the Pilgrim Church, of Cleveland, Ohio, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented the petition of Bert P. McKee, vice-president of the Christian Endeavor Society of the First Baptist Church, of Toledo, Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. WETMORE presented a petition of the Woman's Christian Temperance Union of Rhode Island, praying for the passage of Senate bill No. 1552, to provide for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

Mr. MITCHELL of Wisconsin presented the memorial of G. F. Lyons and sundry other citizens of Wisconsin, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Fox River Valley Division, No. 373, Order of Railway Conductors, of Green Bay, Wis., praying for the passage of Senate bill No. 3545, to prevent the sale of railroad tickets by unauthorized persons; which was referred to the Committee on Interstate Commerce.

Mr. TURPIE presented the memorial of E. V. Johnston, of Alexandria, Ind., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented two petitions of Bierhaus Bros., of Vincennes, Ind., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. SEWELL presented a petition of the Woman's Christian Temperance Union of Tuckerton, N. J., praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented petitions of the Eighth Street Methodist Episcopal Church, of Camden, N. J.; of the Second Presbyterian Church, of Camden, N. J., and of the Mount Zion Baptist Church, of Camden, N. J., praying for the passage of House bill No. 7083, prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on table.

He also presented petitions of the Wynn Baptist Church, of Camden; of the First Presbyterian Church, of Camden; of the Mount Zion Baptist Church, of Camden, and of the North Baptist Church, of Camden, all in the State of New Jersey, praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which were referred to the Committee on Interstate Commerce.

Mr. LODGE presented a petition of the Boston Druggists' Association, of Boston, Mass., praying for the appointment of a tariff commission to whom tariff matters shall be referred and reported on before any action by Congress is taken; which was referred to the Committee on Finance.

He also presented the petition of W. H. Twombly & Sons, publishers of the Chronicle, of Rendig, Mass., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the New York Central Labor Union, indorsed by the New York Protective Labor Union, remonstrating against any attempt by steamship companies to defeat the bill to restrict immigration; which was ordered to lie on the table.

Mr. GORDON presented the petition of R. M. Martin, publisher of the Liberty County Herald, of Hinesville, Ga., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PETTIGREW presented a petition of the legislature of South Dakota, praying that Fort Meade, in that State, be made a permanent military reservation; which was referred to the Committee on Military Affairs.

He also presented a petition of the legislature of South Dakota, praying for the enactment of a free-homestead law; which was referred to the Committee on Public Lands.

He also presented a memorial of sundry citizens of Sioux Falls, S. Dak., remonstrating against the enactment of legislation to divide the southern division of the district of South Dakota and to establish a place for the holding of the district and circuit court of the United States at the city of Yankton; which was referred to the Committee on the Judiciary.

Mr. JONES of Arkansas presented a memorial of the delegates of the Choctaw Nation, remonstrating against the ratification of the treaty made and entered into at Muscogee, Ind. T., on the 18th day of December, 1896, and praying for the adoption of certain modifications to that treaty; which was referred to the Committee on Indian Affairs.

Mr. GEAR presented a petition of the Epworth League of the Chatham Square Methodist Episcopal Church, of Keokuk, Iowa, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a memorial of the Napper-Tandy Club of New York City, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. BURROWS presented the petition of M. Louis Ferris and 30 other members of the Christian Endeavor Society of the First Congregational Church, of Saginaw, East Side, Mich., and the petition of E. C. Worriner and 11 others, teachers in the high school of Saginaw, East Side, Mich., praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented the petitions of E. T. Orr, president of the Agricultural Press League of Pittsburg, Pa.; of J. E. Dennie, publisher of the Hillsdale County Gazette, of Jonesville, Mich.; of Scarritt & Stuenvald, publishers of the Post, of Hudson, Mich.; of Edwin W. Mason, publisher of the Lapeer County Enterprise, of Otter Lake, Mich.; of E. T. Kellogg, publisher of the Durand Express, of Durand, Mich.; of C. F. Lawrence, publisher of the Grove City Telephone, of Grove City, Pa.; of James Slocum, publisher of the Oakland County Advertiser, of Holly, Mich.; of L. E. Buell, State secretary of the Young Men's Christian Association of Alabama, of Birmingham, Ala.; of William T. Comstock, publisher of Architecture and Building, of New York City; of Willard F. Levings, general secretary of the Young Men's Christian Association, of Paris, Ill.; of Cobbs & Mitchell, of Cadillac, Mich., and of Rev. J. M. Barkley, pastor of the Forest Avenue Presbyterian Church, of Detroit, Mich., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. McBRIDE presented a petition of sundry citizens of Corvallis, Oreg., praying for the enactment of legislation amending the postal laws relating to second-class mail matter, and to reduce letter postage to 1 cent per half ounce; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. JONES of Arkansas presented the memorial of John F. Brown, principal chief of the Seminole Nation, Indian Territory, remonstrating against the passage of Senate bill No. 3544, to secure to the citizen Indians in the Indian Territory the equal use of their tribal lands and to extend the jurisdiction of the United States courts therein, and for other purposes; which was referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the joint resolution (S. R. 174) to suspend the operation of an act approved February 13, 1895, entitled "An act to amend an act entitled 'An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes,' approved June 16, 1880," reported it without amendment.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 3589) regulating fraternal beneficiary societies, orders, or associations in the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom were referred two amendments submitted by himself on the 4th instant intended to be proposed to the District appropriation bill, reported favorably thereon, and moved that they be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. MANTLE, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by Mr. PETTIGREW December 14, 1896, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 3517) to provide for the purchase of a site and the erection of a public building thereon at Evanston, in the State of Wyoming, reported it without amendment, and submitted a report thereon.

Mr. THURSTON, from the Select Committee on International Expositions, to whom was referred the bill (S. 3489) to amend an act entitled "An act to authorize and encourage the holding of a transmississippi and international exposition at the city of Omaha, in the State of Nebraska, in the year 1898," approved June 10, 1896, to repeal certain portions thereof, and for other purposes, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by Mr. ALLEN December 9, 1896, intended to be proposed to the general deficiency appropriation bill, the amendment providing for carrying out the provisions of the act to encourage the holding of a transmississippi international exposition in 1898, submitted a report thereon, which, with the accompanying amendment, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CHANDLER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 5473) concerning delivery of letters in towns, villages, and other places where no free delivery exists, reported it without amendment, and submitted a report thereon.

CONSULAR REGULATIONS.

Mr. HALE. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. Res. 243) providing for the printing of the Consular Regulations of 1896, to report it without amendment, and I ask that it be put on its passage.

There being no objection, the joint resolution was considered as in Committee of the Whole. It proposes to print 2,900 copies, 800 copies for the use of the Senate, 1,600 copies for the use of the House of Representatives, and 500 copies to be delivered to the Superintendent of Documents for sale.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES STEWART.

Mr. SHERMAN. I should like to have passed a little bill, the bill (H. R. 897) for the relief of James Stewart. It will take but a moment. It is a House bill favorably reported.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COCKRELL. Is the bill on the Calendar?

The VICE-PRESIDENT. The bill is on the Calendar.

Mr. SHERMAN. There is a brief report which will explain the whole matter. It is simply the case of an old soldier who desires to sue in the Court of Claims for what he claims to be due him. It simply gives him authority to sue.

Mr. COCKRELL. Let the report be read.

The VICE-PRESIDENT. The report will be read.

The Secretary read the report submitted by Mr. BURROWS January 20, 1897, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 897) for the relief of James Stewart, have examined the same and submit the following report thereon:

This claim received favorable reports from the Committee on Military Affairs of the Senate and the Committee on War Claims of the House during the Fifty-third Congress, and was passed by both Houses, but failed to become a law on account of its reaching the President too late to receive his signature.

It has been favorably reported by the Committee on War Claims in the Fifty-fourth Congress, which report your committee adopt as part of their report, and recommend the passage of the bill.

The report referred to is as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 897) for the relief of James Stewart, submit the following report:

This claim was presented in the Fifty-third Congress, and was favorably reported upon by the Committee on War Claims of the House and the Committee on Military Affairs of the Senate, to whom it was referred.

After a careful investigation of the facts involved, your committee adopt the report of the Fifty-third Congress, a copy thereof being hereto attached and made a part of this report.

Your committee report back the bill and recommend its passage.

—

[Senate Report No. 970, Fifty-third Congress, third session.]

The principle upon which this bill is based has been repeatedly established in cases to which this one pertains, particularly in the case of Captain Pullman, and in an omnibus bill, now on the Calendar, for the relief of many officers designated by name.

The claim is for longevity pay on account of length of service, being one additional ration for each five years of service.

The present bill merely allows Captain Stewart to bring suit in the Court of Claims.

The report of the House committee is hereto appended.

The passage of the bill is recommended.

—

[House Report No. 426, Fifty-third Congress, second session.]

The Committee on War Claims, to whom was referred the bill (H. R. 5224) for the relief of James Stewart, report:

James Stewart served continuously as an enlisted man in the United States Regular Army from October 29, 1851, to November 15, 1861, when he was commissioned second lieutenant in the Fourth Artillery, United States Army, and served as a commissioned officer in the United States Army from then till June 18, 1878. During the time he served as such commissioned officer the following provisions of law were, respectively, in force:

"That every commissioned officer of the line or staff, exclusive of general officers, shall be entitled to receive one additional ration per diem for every five years he may have served or shall serve in the Army of the United States. (5 Stat. L., section 15, page 258, act of July 5, 1838.)

"There shall be allowed and paid to each commissioned officer below the rank of brigadier-general, including chaplains and others having assimilated rank or pay, 10 per cent of their current yearly pay for each term of five years of service." (Act of July 15, 1870, now section 1262 of the Revised Statutes.)

He was paid for his services in the said interval of time from November 15, 1861, to June 18, 1878, merely what other officers of his grade were generally paid; and he was paid or allowed nothing whatever in this interval of time on account of his said prior length of service in the United States Army as an enlisted man. For this reason he alleges he was short paid for his services rendered during the said interval of time from November 15, 1861, to June 18, 1878, partially in the suppression of the late rebellion, and requests the passage of this bill, the sole object of which is to remove any statutable limitation bar that exists, or may exist, to prevent the Court of Claims from hearing and determining his demand in the premises as if it accrued within six years.

The commutation value or price thus put in controversy of the one additional ration per diem for every five years of prior service computes to about the sum of $1,200, and your committee, having fully considered the matter, can see no reason why the question involved should not be heard and determined, as this officer requests, in the Court of Claims.

The committee recommend that the bill do pass.

Mr. COCKRELL. I suggest a little amendment which the House will doubtless concur in, and with that I have no objection to the bill. In line 6, after the word "wages," I move to insert "alleged to have been;" so as to read "wages alleged to have been earned." I do not want any admission that he has earned wages for the time he is calling for pay.

Mr. SHERMAN. I have no objection to the amendment except that it might create delay in the House.

Mr. COCKRELL. There will be no trouble. The House will concur in the amendment as soon as the bill goes back.

Mr. SHERMAN. Very well, if the Senator thinks so.

Mr. COCKRELL. I move to insert those words in the sixth line; so as to read "wages alleged to have been earned by him."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SENATOR FROM DELAWARE.

Mr. GRAY. I rise to a privileged question, Mr. President, and ask leave to present the credentials of Richard R. Kenney as a Senator from the State of Delaware.

The VICE-PRESIDENT. The credentials will be read.

The Secretary read as follows:

STATE OF DELAWARE, EXECUTIVE DEPARTMENT.

To the President of the Senate of the United States:

This is to certify that on the 19th day of January, in the year of our Lord 1897, Richard R. Kenney was duly elected by the legislature of Delaware a Senator to represent said State in the Senate of the United States to fill a vacancy existing in the representation of said State for the term ending the 3d day of March, A. D. 1901.

Witness his excellency our governor, Ebe W. Tunnell, and our seal hereunto affixed at Dover this 21st day of January, in the year of our Lord 1897, and of the independence of the United States of America the one hundred and twenty-first.

EBE W. TUNNELL.

By the governor:
WM. H. BRYCE,
Secretary of State.

The VICE-PRESIDENT. The credentials will be filed.

Mr. CHANDLER. I ask the Senator from Delaware what action he proposes, if any, to have taken at this time?

Mr. GRAY. I was about to state, and will now state, that Mr. Kenney is present and ready to be sworn in. I ask that the oath may be administered to him.

Mr. CHANDLER. Before the Senator-elect is sworn in, I desire to make a brief statement.

I shall not object to his being sworn in upon those credentials; but I believe that the vacancy in this body should be filled by Henry A. Du Pont, who was lawfully elected and ought to be here according to law and justice, as I understand the case. If, however, Mr. Du Pont is not entitled to the seat, I believe that the legislature of Delaware which chose Mr. Kenney was a legislative body fraudulently created and not entitled to elect a Senator.

These matters, Mr. President, will doubtless be brought before the Senate in due time in contest of the right of Mr. Kenney to retain his seat in this body.

Mr. HOAR. Mr. President, I desire to make a brief statement also before the Senate admits this gentleman to a seat.

At the last session of the Senate, the Senate determined by a majority of one, I think (I was not present when the final vote took place, being absent in consequence of illness), that Mr. Henry A. Du Pont was not entitled to a seat in the Senate. The result necessarily involved in that determination was the decision of the Senate that a vacancy existed from the State of Delaware.

I suppose it is unnecessary to say that I dissented from the opinion on which that vote of the Senate was based. The question was whether the acting governor, formerly speaker of the senate and formerly a member of the senate, was disqualified from voting under the Delaware constitution by his accepting and entering upon the then vacant office of governor. I thought then and think now that it was just such an act of usurped authority when he undertook to vote as it would have been if President Johnson or President Arthur had come back to the Senate here and undertaken to preside as Vice-President and to give a casting vote on some important question. I never have changed that opinion, and I have no great doubt about it. But the Senate adjudged otherwise.

The Senate is made by the Constitution the judge of the election and qualification of its members, and its judgment is just as binding in law, in all constitutional vigor and potency, when it is rendered by one majority as it is when it is unanimous. I remember very well what I think was one of the most admirable public utterances of the late James G. Blaine. The year after his own party had nearly lost the State government by an attempted fraud and usurpation on the part of their antagonists there was a contested election, that party then being in power. It was very close, and Mr. Blaine declared that one majority for Plaisted was as good as a thousand in entitling Mr. Blaine's opponent, Governor Plaisted, to the seat.

Now, what was the effect of that judgment of the Senate? It seems to me that it was the same as a judgment of a court would have been fixing the rights of parties. It may be undoubtedly reviewed for newly-discovered evidence; it may undoubtedly be vacated for an error in the record, as if we should discover that one or two Senators who were recorded as voting one way in fact voted another way. I suppose it could be vacated if it should turn out, to use an illustration that some one else made in my hearing recently, that that governor, when it was supposed he voted in the Delaware legislature, was falsely impersonated by some one else and

was not there at all. But, although parliamentary proceedings differ in form from those of courts, the great rule on which the safety of all human property and transactions depend, established in courts of justice, ought in substance to govern us here.

There has been an application on the part of Mr. Du Pont—whom I respect personally, whom I eagerly desire should have a seat in this body, and who I think ought to have had one on the merits of his case—to reopen that case. No newly-discovered evidence is suggested; no fraud or mistake is suggested. The reopening of the case would merely be a reconsideration of a question of constitutional law which this great constitutional court has decided once. That is all he asks, and that is all he would obtain if his prayer for a reopening of the case were granted.

That petition was referred to the Committee on Privileges and Elections, and after a very able and interesting argument in favor of Mr. Du Pont by Mr. Garland, late Attorney-General—and it is not necessary to say that any argument that gentleman makes will be able and interesting—the committee unanimously decided this morning that there had been an adjudication by the Senate and that nothing further remained to be done. It was unanimously decided with the exception of one member, who was not prepared to determine what was his duty at the particular time.

Mr. President, I propose to act upon that doctrine. I think it is very important for constitutional government, very important to the dignity and authority of the Senate, very important for the peace of the country that we should stand by these principles.

It is a very unpleasant thing to me that Mr. Du Pont is not to take his seat, and that some one else is to take it But it would be a very bad thing for every citizen of this country unless the Senate of the United States could act and could be known to act upon great questions where right and righteousness are involved in pursuance of a law other and higher than its own desire.

If it be true that Mr. Du Pont was not legally elected, or if it be true that that question has been settled by a judgment of the Senate, it follows that there is a vacancy, and that there was a vacancy at the time of the alleged election of Mr. Kenney, in the office of Senator from the State of Delaware; and there being a vacancy under the Constitution and statute of the United States, the credential in due form, signed by the executive of that State, gives the gentleman who now applies for the seat a prima facie title to the seat, subject, as has been suggested by my honorable friend from New Hampshire, to reexamination on the merits hereafter, if that reexamination shall be desired.

I therefore assent to the request of the Senator from Delaware that the oath be administered.

Mr. TELLER. I should like to ask the Senator, before he sits down, whether in this case the committee have filed a written report?

Mr. HOAR. I will state that the committee came to that conclusion this morning, and it will take some little time to prepare a report.

Mr. TELLER. The committee will present a report?

Mr. HOAR. I have been instructed as acting chairman to prepare and present a written report. Of course I could not have it ready now. It will be filed in a week or two.

Mr. TELLER. All I want to say is that I thought we ought to have a report from the committee, and that it ought to be filed.

Mr. HOAR. There will be such a report.

Mr. GRAY. Mr. Kenney, whose credentials have just been read in the hearing of the Senate, is present in the Chamber and ready to take the oath of office.

The VICE-PRESIDENT. In the absence of objection, the Senator-elect will come forward and receive the oath of office.

Mr. Kenney was escorted to the Vice-President's desk by Mr. GRAY, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

BILLS INTRODUCED.

Mr. ALLEN introduced a bill (S. 3658) granting an increase of pension to Alexander Swallow, of Platte County, Nebr.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3659) to remove the charge of desertion from the name of Thomas Blackburn, of Keith County, Nebr.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. MCMILLAN (by request) introduced a bill (S. 3660) designating the national patriotic song; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Library.

Mr. BACON introduced a bill (S. 3661) for the relief of Abner Abercrombie; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BAKER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. TURPIE (by request) submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. MANTLE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. CANNON submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 3d instant approved and signed the act (S. 1128) granting a pension to Isabella Morrow.

PACIFIC RAILROADS.

The VICE-PRESIDENT. The Chair lays before the Senate, as a part of the morning business, the resolution of the Senator from Nebraska [Mr. ALLEN], coming over from a previous day. The resolution will be stated.

The SECRETARY. A resolution instructing the Committee on Pacific Railroads to inquire and report to the Senate whether the executive department has, by existing law, authority to foreclose the Government mortgage or lien on the Union Pacific and Kansas Pacific railroads, etc.

Mr. THURSTON. Mr. President——

Mr. MORRILL. I hope the Senator will allow me to move that the Senate shall proceed to the consideration of House bill 7083.

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Vermont?

Mr. THURSTON. Day before yesterday I had partially addressed myself to the pending resolution. I should like very much to go on this morning.

Mr. MORRILL. I think the bill will not take many minutes, but I do not know whether it will or not. I very much desire to have it disposed of.

Mr. THURSTON. I should like to yield to the Senator from Vermont, but yesterday morning his bill took the entire time, and I have every reason to believe that it will take the time of several morning hours if it is again placed before the Senate. However, if the matter can be disposed of without consuming any considerable time, I have not the slightest objection. I am very anxious to go on this morning with my discussion of the resolution.

Mr. MORRILL. I understand that there will be an amendment offered to the bill, and I hope it will be taken up now.

The VICE-PRESIDENT. The Senator from Nebraska having yielded the floor, the Chair recognizes the Senator from Vermont, who moves that the Senate proceed to the consideration of the bill indicated by him.

Mr. HILL. What is the motion, Mr. President?

The VICE-PRESIDENT. The question is on the motion of the Senator from Vermont to proceed to the consideration of the bill (H. R. 7083) to prohibit the sale of intoxicating liquors in the Capitol building, and for other purposes.

Mr. HILL. That bill will take considerable debate, Mr. President. I understood that yesterday the Senator from Nebraska gave notice that he would ask to be heard upon the resolution this morning. I informed several Senators to that effect, and we did not expect the bill to come up to-day. In fact, I left at home my papers in relation to the bill. Still I think I could make a few brief remarks on the question. A large number of amendments are to be offered by several Senators, which will lead to a discussion and a lengthy debate. The Senate is pretty closely divided, I should judge from the vote, on the bill, and to take it up now and crowd out the Senator from Nebraska is hardly a proper thing, I think.

Mr. MORRILL. I suppose the Senator from New York could take the floor and occupy it from now until the 4th of March, but I hardly think he will be disposed to do that. Therefore I prefer to have the bill brought before the Senate and amended, and passed, if possible.

The VICE-PRESIDENT. The Chair will submit to the Senate the motion.

Mr. HILL. Does the Senator from Vermont make the motion now?

The VICE-PRESIDENT. The motion is pending.

Mr. HILL. Is not the resolution a part of the morning business?

The VICE-PRESIDENT. It is a part of the morning business.

Mr. HILL. Then, Mr. President——

The VICE-PRESIDENT. The Chair will state that the Chair laid before the Senate the resolution of the Senator from Nebraska on the right of the Chair coming over from a previous day, and upon the resolution the Senator from Nebraska on the left of the Chair was entitled to the floor. The Senator from Nebraska has yielded the floor.

Mr. HILL. The morning business is here. The Senator from Nebraska can not give way the morning business. It is properly here.

Mr. BERRY. The motion is in order, nevertheless.

The VICE-PRESIDENT. It is a matter for the Senate to determine. The Chair will submit to the Senate the motion of the Senator from Vermont.

Mr. HILL. The Senator from Nebraska can himself, of course, give away his right to speak, but the resolution is here as a part of the routine morning business coming over, and any other Senator has a right to speak on that morning business.

The VICE-PRESIDENT. Unquestionably that is correct.

Mr. HILL. Then I raise the point of order——

Mr. THURSTON. Mr. President, I think I made a very explicit statement that I would yield to the Senator from Vermont if the matter that he desired I should yield for would not lead to debate and consume time. I did express a very earnest desire to proceed with my remarks during the morning hour to-day. I am in the middle of what I believe to be an important discussion, and I should like very much to conclude. I have not sought opportunities to occupy the time of the Senate during this session. It is the first matter that I have undertaken to speak upon at any length.

Mr. MORRILL. I will no longer press the bill, out of consideration for the Senator from Nebraska, who desires to finish his speech. I think he ought to have an opportunity to conclude what he has to say.

The VICE-PRESIDENT. The Senator from Nebraska is recognized upon the pending resolution.

CONSIDERATION OF PENSION BILLS, ETC.

Mr. GALLINGER. The Senator from Nebraska kindly yields for me to make a request. At least a score of Senators have been urging me to ask consideration for the few pension bills on the Calendar. I ask unanimous consent that at the hour of 4.30 o'clock this afternoon the Senate proceed to the consideration of the pension Calendar.

The VICE-PRESIDENT. Is there objection?

Mr. MILLS. What is the request?

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that at the hour of 4.30 to-day the Calendar of pension bills be taken up and considered by the Senate.

Mr. MILLS. Unobjected cases?

Mr. GALLINGER. Unobjected cases.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire?

Mr. DANIEL. I should like to hear the request again, please. Is it for unobjected bills?

Mr. GALLINGER. Unobjected bills on the pension Calendar. I will say to the Senator from Virginia that I have made this request at the suggestion of at least a score of Senators, mostly on his side of the Chamber.

Mr. DANIEL. I beg leave to say that I have no objection at all, but I should be glad if unobjected bills of another class, House bills, might also be taken up. There are a number of them. There will be no difficulty about passing the pension bills.

Mr. GALLINGER. It will take only a few minutes to clear the pension Calendar.

Mr. DANIEL. Very well. I ask leave to add to the Senator's request, that unobjected House bills may then be taken up.

Mr. GALLINGER. On the general Calendar?

Mr. DANIEL. Yes, sir.

Mr. GALLINGER. That they shall follow the consideration of the pension bills?

Mr. DANIEL. Yes, sir.

Mr. GALLINGER. I have no objection.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire and the Senator from Virginia?

Mr. HILL. What is the precise request?

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that at 4.30 to-day unobjected pension bills be taken from the Calendar for consideration, to which the Senator from Virginia adds a request that House bills, as the Chair understood, be then considered.

Mr. GALLINGER. After the pension Calendar has been cleared.

The VICE-PRESIDENT. After the pension bills have been considered.

Mr. GALLINGER. Unobjected cases on the general Calendar.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

PACIFIC RAILROADS.

The Senate resumed the consideration of the resolution submitted by Mr. ALLEN January 28, 1897, instructing the Committee on Pacific Railroads to inquire and report to the Senate whether the executive department has, by existing law, authority to foreclose the Government mortgage or lien on the Union Pacific and Kansas Pacific Railroads, etc.

Mr. THURSTON resumed the speech begun by him on Wednesday. After having spoken for some time,

The PRESIDING OFFICER (Mr. PASCO in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 3247.

Mr. CAFFERY. Mr. President——

Mr. THURSTON. I ask that the pending resolutions may go over without prejudice, and I give notice that to-morrow morning, after the usual routine business, I shall ask unanimous consent to continue the discussion.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Nebraska? If there is no objection, the resolutions will go over without prejudice, as requested by the Senator from Nebraska.

[Mr. THURSTON's speech will be published entire after it shall have been concluded.]

ADELAIDE MORRIS.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 737) granting an increase of pension to Adelaide Morris, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows:

In lieu of the amount proposed to be inserted, insert "$35;" and the House agree to the same.

J. H. GALLINGER,
W. N. ROACH,
Managers on the part of the Senate.
HENRY F. THOMAS,
GEO. C. CROWTHER,
F. C. LAYTON,
Managers on the part of the House.

The report was concurred in.

MARION M'KIBBEN.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 684) granting an increase of pension to Marion McKibben, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

And the House recedes from its amendment.

J. H. GALLINGER,
GEORGE L. SHOUP,
Managers on the part of the Senate.
HENRY F. THOMAS,
GEO. C. CROWTHER,
F. C. LAYTON,
Managers on the part of the House.

The report was concurred in.

MARY W. KEEFFE.

Mr. CANNON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 905) granting a pension to Mary W. Keeffe, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted, insert "$25;" and the House agree to the same.

FRANK J. CANNON,
GEO. L. SHOUP,
Managers on the part of the Senate.
HENRY F. THOMAS,
GEO. C. CROWTHER,
F. C. LAYTON,
Managers on the part of the House.

The report was concurred in.

HOUSE BILLS REFERRED.

The bill (H. R. 853) providing for the erection of a light-house at Orient Point, Long Island, New York, was read twice by its title, and referred to the Committee on Commerce.

The bill (S. 8896) to increase the pension of Elizabeth Wellons, was read twice by its title, and referred to the Committee on Pensions.

HUDSON RESERVOIR AND CANAL COMPANY.

The bill (H. R. 9029) to grant to the Hudson Reservoir and Canal Company the right of way through the Gila River Indian Reservation was read twice by its title.

Mr. PETTIGREW. A bill exactly like this one in words and terms has been reported to the Senate by the Committee on Indian Affairs, and is upon our Calendar. I ask unanimous consent that the House bill be substituted on our Calendar for the bill reported by the Senate committee, that immediate consideration be given to the House bill, and that the Senate bill be indefinitely postponed.

The PRESIDING OFFICER. The Senator from South Dakota asks that the bill which has just come from the House of Representatives, to which he has referred, be substituted for the Senate bill of the same language, and that it be now considered, temporarily suspending the unfinished business. Is there objection?

Mr. MORGAN. I object to any temporary suspension of the unfinished business.

The PRESIDING OFFICER. Objection is made to the request of the Senator from South Dakota.

Mr. PETTIGREW. Then I will ask, not that the bill be considered, but that it be substituted upon the Calendar for Senate bill 3167, as it is the same as the Senate bill which has been reported unanimously from the Committee on Indian Affairs.

The PRESIDING OFFICER. Is there objection? The Chair hears none. It will be so substituted, and the bill (S. 3167) to grant to the Hudson Reservoir and Canal Company of Arizona the right of way through the Gila River Indian Reservation will be indefinitely postponed.

WORLD'S COLUMBIAN COMMISSION REPORT.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read, and, on motion of Mr. SEWELL, referred to the Committee on Printing, and ordered to be printed:

To the Senate and House of Representatives:

The World's Columbian Commission has delivered to me certain documents and exhibits which they desire should constitute the final report required by section 12 of the act of Congress passed April 25, 1890, providing for the celebration of the four hundredth anniversary of the discovery of America, and the holding of an international exhibition in the city of Chicago.

The documents referred to embrace the reports of the president and secretary of the Commission and a report of the executive committee on awards, with exhibits relating to the same. They are contained in five boxes of considerable size, which, instead of actually transmitting with this communication, I have deposited in the State Department subject to the action and direction of the Congress.

I am informed that the Director-General of the Exposition has made a report directly to the Congress and that no report of the lady managers has yet been made.

The selection of such part of the material mentioned as may be considered necessary to constitute a final exhibit of the action of the Commission and the results of the Exposition is submitted to the discretion of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 5, 1897.*

MRS. MARY GOULD CARR.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3623) granting a pension to Mrs. Mary Gould Carr, the widow of the late Brigadier and Brevet Major General Carr, United States Volunteers, deceased.

The amendment was, in line 7, before the word "dollars," to strike out "seventy-five" and insert "fifty."

Mr. GALLINGER. The bill passed both Houses of Congress prior to the late holiday recess, at $75 per month, and was sent to the President of the United States. It is held that the bill failed to become a law because of the fact that the recess intervened. The Senate again passed the bill at $75, but the House, in its wisdom, has reduced the amount to $50, notwithstanding they had passed the bill previously at $75 a month. I move that the Senate nonconcur in the amendment made by the House of Representatives, and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. HILL, and Mr. SHOUP were appointed.

ORDER OF BUSINESS.

The PRESIDING OFFICER. The Senator from Louisiana [Mr. CAFFERY] is recognized as entitled to the floor on the unfinished business.

Mr. DANIEL. Will the Senator from Louisiana yield to me a moment?

Mr. CAFFERY. Yes, sir.

Mr. DANIEL. I desire to move to proceed to the consideration of the bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States. This bill has already passed the House. If it can get the consideration of the Senate at this time, it is hoped that before the session ends——

Mr. MORGAN. I object to any debate on the motion.

Mr. DANIEL. Let me finish my sentence.

Mr. MORGAN. No; I object to any debate.

Mr. HILL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested, and the roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Clark,	McBride,	Pugh,
Allen,	Cockrell,	McMillan,	Roach,
Allison,	Daniel,	Mantle,	Sewell,
Bacon,	Faulkner,	Martin,	Sherman,
Bate,	Gallinger,	Mills,	Shoup,
Berry,	Gear,	Mitchell, Wis.	Smith,
Brice,	Gordon,	Morgan,	Stewart,
Burrows,	Gray,	Morrill,	Teller,
Caffery,	Hale,	Murphy,	Tillman,
Call,	Hansbrough,	Nelson,	Turpie,
Cameron,	Hawley,	Palmer,	Vilas,
Cannon,	Hill,	Pasco,	Walthall,
Carter,	Hoar,	Peffer,	Wetmore,
Chandler,	Jones, Ark.	Perkins,	White,
Chilton,	Lindsay,	Pettigrew,	Wilson.

The PRESIDING OFFICER. Sixty Senators have answered to their names; a quorum is present, and the motion made by the Senator from Virginia will be entertained.

Mr. DANIEL. I beg leave to withdraw my motion. There is a disposition to move later to take up the bill, when I hope it will pass. I therefore withdraw the motion for the present.

The PRESIDING OFFICER. The motion is withdrawn.

MARITIME CANAL COMPANY OF NICARAGUA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. DANIEL. I ask that there may be incorporated in the RECORD a letter addressed to me by Lieut. Col. William Ludlow, Corps of Engineers, United States Army, who was at the head of the Board of Engineers appointed by the President to survey the line of the Nicaragua Canal.

I only desire to say in reference to the letter that I quoted from the remarks of Colonel Ludlow in a statement made before the House committee that had the Nicaragua Canal bill in charge. It was a statement that the Board of Engineers, of which he was a member, constituted, without exception, the only engineers who had ever gone over the entire route. My distinguished friend the Senator from Alabama [Mr. MORGAN] quoted a part of the testimony that appears in the report of the select committee that reported this bill in response, and made remarks from which the inference might be drawn that Colonel Ludlow was inaccurate in his statement. I have not replied to the statements made by the Senator from Alabama, but I desire to call attention to the fact that the letter which I submit seems to furnish a very sufficient reply to that element of controversy.

The PRESIDING OFFICER. In the absence of objection, the letter will be incorporated in the RECORD.

The letter is as follows:

LIGHT-HOUSE ESTABLISHMENT, GENERAL DEPOT,
OFFICE OF ENGINEER, THIRD DISTRICT,
Tompkinsville, N. Y., January 29, 1897.

DEAR SIR: I have but to-day the opportunity to read in the CONGRESSIONAL RECORD the discussion in the Senate on Wednesday relative to the Nicaragua Canal bill.

Referring to my statement to the House committee in May last, that the late United States Nicaragua Canal board were the only engineers who have ever been over the entire route as laid down, and to Senator MORGAN'S quotations from Mr. Menocal's testimony before the House committee in opposition to that statement, I beg to invite your attention to Mr. Menocal's final admission before the committee that, as a matter of fact, he had not been over the San Francisco embankment line as located through the hills between Ochoa and the East Divide, and also had not been over the line of the San Carlos Ridge embankments since either of these important lines had been laid down, thereby confirming in categorical terms the fact stated by me to the committee, and which Mr. Menocal at an earlier stage sought to deny.

The statements to which I refer are found on page 357, lines 14 and 15 and 26 and 27 of Senate Document No. 315.

These admissions by Mr. Menocal, occurring almost at the close of the hearing, doubtless escaped the attention of Senator MORGAN, but not that of the committee to which they were made.

I may be permitted to add a few words as to the nature of the investigation and report made by the late canal board.

We were forty-two days in Nicaragua, and with the exception of a single day taken for the trip to the capital, to pay our respects to the Nicaraguan Government, in recognition of the numerous official courtesies shown us, we were constantly on and about the canal route and actively engaged in the study of its physics and conditions. We went carefully over the entire route from ocean to ocean, making a study of every material feature. Important surveys were made and vital data obtained for our better information and to supplement the deficiencies in the company's data. The report shows this.

We then proceeded to Costa Rica and to Colombia to examine the physics and conditions of the railroad and canal work in those two States and examine the effects of climate and rainfall. We then returned to New York and devoted three months to a thorough exploration of the engineering data and material that were contained in the company's records.

Our report, therefore, represents three months of arduous and persistent investigation on the Isthmus and three months more of still more difficult and laborious exploration and study of the entire mass of the company's data in New York.

In formulating our report in comformity with the act of Congress, it was inevitable that we should note and correct the errors and deficiencies in the company's project, which was the special task intrusted to us.

While omissions and shortcomings had to be stated and corrections made, the report itself was prepared as a conscientious, painstaking, impersonal, and conservative statement of facts, which we are confident will commend itself to the judgment of all professional engineers of standing and capacity as an intelligent and faithful contribution to the solution of the problem, when they shall have had an opportunity to study it. In its entirety and with the maps and other data necessary for an understanding of it, it has not yet been available for distribution.

It was sought before the House committee to offset the effect of our technical discussion and conclusions, based upon a thorough study of all the materials available, and a laborious and widespread search for outside information, by a fallacious attempt to show that the investigation was trifling; that but fourteen days were spent in or near the canal route; that our study of the subject was entirely superficial, and that therefore our opinions and judgment were destitute of weight or value.

This was Mr. Menocal's task before the committee, in his endeavor to meet the statements in our report of the numerous errors, omissions, and misstatements made by him in his official papers that in fact constituted the company's project, and in a futile endeavor to substantiate the fallacious and misleading estimates of cost to which the enterprise has been committed. The attempt resulted in seriously prejudicing the enterprise itself and hampering the endeavors of its legitimate advocates to secure action by Congress.

Incidentally it has had another result, which the members of the board particularly deplore—of putting us in a seeming attitude of antagonism to the success of a project which every one of us was heartily and unqualifiedly in favor of as an engineering matter of world-wide interest and commanding importance.

This position is one which we strongly object to, but which is the logical result of an unwise and insincere endeavor to break the force of our professional criticisms of Mr. Menocal's engineering work, which in effect does not

constitute a valid or defensible project, and is hopelessly defective in several vital particulars, and which is a single and unfortunate aspect only of a grand engineering enterprise in which the American people and American engineers are deeply interested, but which no one can wish to further upon deceptive and fallacious data either of construction or estimate.

With reference to the estimated cost of the work as stated in our very moderate and conservative schedule, it is proper to say that the proffers and statements that have been made by responsible contractors, and which have been quoted as substantiating the entirely inadequate estimates by Mr. Menocal, do in very fact fully sustain and confirm the estimates as prepared and submitted by the board pursuant to the duty imposed upon it by Congress, and with a full consciousness of its responsibility, both individual and official.

All of which is susceptible of ready and conclusive demonstration.

Your obedient servant,

WILLIAM LUDLOW,
Lieutenant-Colonel, Corps of Engineers, United States Army.

Senator JOHN W. DANIEL,
United States Senate, Washington, D. C.

Mr. ALLEN. Mr. President, I do not underestimate the importance of the construction of the Nicaraguan Canal. That the agricultural and commercial interests of the country demand it I do not think can be successfully denied. By cutting a channel 168 miles long, the Atlantic and Pacific oceans will be brought together and 10,000 miles of ocean voyage around the Horn will be saved to our ocean carrying trade. But the Government should own and control it, and should not, by subvention or in any other manner, pledge the credit of the nation to a private corporation for money with which to carry on the work, thus taking upon itself responsibility for the success or failure of a private enterprise. It is quite safe to say that the construction of the canal, before it will have become completed and made perfect, will cost in round numbers $300,000,000, and the experience of the people in granting aid to the Pacific railway systems by means of bonds affords a valuable lesson we must not now ignore.

Nor will the financial condition of our country admit of entering upon this colossal undertaking at this time. The people were never in worse financial plight than at this moment. All business is at a standstill. Within the last four years the value of property has fallen 50 per cent. There is poverty and bankruptcy in the land, and suicide following as a sequence. Conditions are constantly growing harder, and it would be as unwise as it would be unpatriotic to now tax the people and the resources of the country to secure money to build this canal; and for the time being, at least, it must be laid aside.

The first and most imperative duty for us to perform is to determine on a definite financial policy; one that will increase the resources of the people, energize business in all directions, restore confidence—of which we have heard so much in recent months—and after this has been accomplished we can well afford to turn our attention to the dazzling and important enterprise of building and owning the Nicaraguan Canal.

I will not, for one, vote for the issuance of bonds in any form, or for anything. We have reached the limit; the country has become bond crazy and bond weary, and no form of property, except gold and bonds, is at par at this time. We must retrace our steps speedily and conscientiously if we would not engulf our country in lasting ruin and bring our people to a condition of perpetual poverty.

Mr. CAFFERY. Mr. President, after the distinguished and honorable Senators from Indiana [Mr. TURPIE], from Wisconsin [Mr. VILAS], and from Virginia [Mr. DANIEL] have reaped so bountiful a harvest of logic, of eloquence, and of exhaustive analysis in regard to the provisions of the pending bill, there may be perhaps left but a few sheaves for me to garner or to glean of argument or statement in regard to the bill.

Mr. President, when the minister plenipotentiary of the Greater Republic of Central America, through the Secretary of State, communicated to this body his protest against the pending bill it occurred to me that then and there we should have called a halt. That protest was virtually directed to the Government of the United States acting through its legislative branch so as to affect the rights of Nicaragua, one of the States of this Greater Republic which this minister plenipotentiary represents. That protest set out in effect that some of the vital provisions of the cession under which the Maritime Canal Company of Nicaragua had the right to construct this canal were violated and impinged upon; and inasmuch as in my opinion the United States represents the Maritime Canal Company of Nicaragua in all of its rights, and stands in lieu of that company so far as the cession from Nicaragua and Costa Rica is concerned, I thought that virtually this protest was directed to the proceeding in the legislative branch of this Government, and I thought that the courtesy and amity and good-fellowship that ought to obtain, and does obtain, among civilized nations would indicate to us the propriety of treating that protest with all deference and due consideration; but, in spite of that protest, courteous, dignified, couched in the most polite and diplomatic language, we are proceeding to consider this bill, affecting as it is alleged the vital interests of Nicaragua, as if it were not made.

I think that an investigation of the provisions of the bill will justify the averment set up in this protest of Mr. Rodriguez, the minister plenipotentiary of the Greater Republic of Central America; and in the course of my argument I shall attempt to make that point plain.

In the consideration of this bill very important and grave considerations present themselves to the Senate of the United States. The first question presented is as to the constitutionality of the bill in two aspects; the second question is as to whether or not this bill affects, injuriously and detrimentally to the interests of Nicaragua, the concessions under which the canal in question is to be constructed; the third question, and one of great moment, is whether or not this bill does not affect and violate the provisions of the Clayton-Bulwer treaty; and a fourth, a most important material question, is whether or not the bill does not contemplate the construction of the canal on a plan impracticable, unsafe, and uncertain.

In every direction this bill presents difficulties of a very serious character, and it will not do to hurry through a measure of this importance without the gravest and calmest deliberation. Any bill which involves $100,000,000 as a subsidy, whether by way of guaranty of the bonds of the subsidized company or by a direct subsidy, will necessarily gather to its support very powerful influences. All the difficulties in the way are brushed aside as mere cobwebs, and a rosy picture of connecting the Pacific and the Atlantic oceans, captivating to the imagination, deluding to the judgment, is presented to the Senate of the United States as a set-off, as an argument, against the exceeding great difficulties presented by the provisions of this bill.

Those of us, Mr. President, who oppose this bill do not do so in any captious spirit. We do not oppose this bill because we do not desire these great oceans to be linked together by the artificial work of this Government; we do not do so because we do not desire the Pacific Coast to be linked to the Atlantic, and the interchange of products between those two portions of our country to be made at the lowest possible cost of transportation; we do not do so because we think in the nature of things this route is impracticable; but we do so because we think that $100,000,000, to be derived by taxation from the people, will be recklessly squandered if appropriated according to the provisions of this bill; the concession violated; the Clayton-Bulwer treaty set aside.

Sir, personally—and I believe I can voice the judgment of all those of us who oppose this bill—I am most earnestly in favor of the construction of an interoceanic waterway between the Pacific and the Atlantic at or about the locality where this canal is proposed to be constructed; but a work of this magnitude, the most colossal, gigantic piece of civil engineering which was ever heard of in the world, encountering difficulties which nowhere else exist even in its mechanical and engineering aspects, requires at our hands a very patient and industrious investigation.

Mr. President, what are the points made by Mr. Rodriguez in regard to the provisions of these bills—this bill, if you choose—especially as affecting the concessions of Nicaragua to the original Construction Company? There were three companies. They are or were all composed of the same individuals. The original concessions of 1887 were made to a voluntary association of individuals, called the Canal Association of Nicaragua. That association transferred over its concessions, obtained by and through Mr. Menocal, to the Nicaragua Canal Construction Company, a corporation of the State of Colorado. That corporation in due time transferred its rights, derived by the original concessionaire, to the present Maritime Canal Company of Nicaragua, incorporated under an act of Congress. So we have a chain of title as thus stated.

Going back to the protest, I will read what Mr. Rodriguez says, under date of January 15, 1897:

The undersigned, envoy extraordinary and minister plenipotentiary of the Greater Republic of Central America, has the honor to address His Excellency the Secretary of State, informing him that, as several bills relative to the construction of an interoceanic canal through Nicaragua have been for some time pending before both Houses of the American Congress, his Government recently instructed him to examine them and to make, under certain conditions, suitable representations to His Excellency the Secretary of State.

The undersigned has consequently examined said bills, which are five in number, to wit:

Three introduced in the House of Representatives, one by Mr. MAHON, December 3, 1895, another by Mr. DOOLITTLE, and the third by Mr. BARHAM, both the latter having been introduced December 6, 1895.

Two introduced in the Senate, one by Mr. PERKINS, December 30, 1895, and the other by Mr. MORGAN, June 1, 1896.

All these bills take it for granted, with minor differences of detail, that the American Government is to take an important part in the enterprise, and that it is to furnish the money necessary for the construction of the canal by the Maritime Canal Company of Nicaragua, whose constitution and organization they essentially modify.

Unfortunately, the undersigned observes that the provisions of these bills are at variance, both generally and in matters of detail, with the stipulations of the contract of April 24, 1887, between Nicaragua and the company aforesaid, from which contract the company derives its existence, and which is the basis of its enterprise.

That contract stipulates in its eighth article that the concession therein provided for shall in no case be transferable to governments or to foreign public powers, and Article LIII provides that any contravention of this stipulation shall entail a forfeiture of the contract. As it can not be denied that the bills to which the undersigned has reference—although they do not expressly say so—effect that transfer most fully, making the Government of the United

States of America the absolute owner of the enterprise and of the canal and its rights, the result to which they inevitably conduce is the forfeiture of the contract.

Mr. President, that is as clear and as lucid a statement of the case against this bill as anyone can possibly make. Under the eighth article of the treaty of cession, referred to in the protest, he says the concessionaire company or association is absolutely inhibited from transferring over their franchises and rights and immunities, which they enjoy under the cession, to any foreign power whatever. What does this bill provide? It provides that 70 per cent of the stock shall be held by the United States. It provides that the majority of the directors shall be appointed by the President of the United States, by and with the advice and consent of the Senate of the United States. There could be no higher evidence of the character in which this bill is viewed by its drafters as a governmental enterprise than by appointing these directors as officers of the United States, to be confirmed by the Senate of the United States.

No one can conceive of any greater ownership of a corporation than to own the majority of its stock. But, Mr. President, besides stipulating for seven-tenths of the stock to be held by the United States, there is in one of the sections of this bill, to which I need not refer particularly now, a right upon the part of the United States to have a mortgage upon the canal and all its appliances and appurtenances, and that this mortgage shall be executed and foreclosed by the Attorney-General without the necessity of resorting to judicial proceedings before a court. Here is a majority of the stock held, here is a mortgage given to indemnify the United States on its guaranty of these bonds which covers the whole canal and all its franchises. It goes without saying, Mr. President, that if this enterprise were pushed to completion and this canal were finally constructed this mortgage would have to be foreclosed and that the property would fall into the hands of the United States, if such were permitted, or if such could be done under the terms of the stipulations between Nicaragua and the original concessionaires.

So here we have the full indicia of ownership; we have the whole panoply of a full-armed and complete authority and jurisdiction on the part of the United States over this canal. The United States, to all intents and purposes, according to the provisions of this bill, is the owner of the Nicaraguan Canal to be constructed. Can there be two opinions, therefore, as to whether the provisions of the bill are antagonistic to and in violation of the prohibition contained in the cessions from Nicaragua, that no foreign power can ever have the ownership of this canal by transfer?

Why, Mr. President, the mere formality of a transfer is set aside in this bill. What is the use of going through the empty formality of a transfer? Take it out of hand, gobble it all up, do not wait for any cession from the Maritime Canal Company of Nicaragua, but just simply by a bill envelop the canal and take all its franchises. Can anybody say, in the teeth of these cessions, in the teeth of the provisions of this bill, which are diametrically and clearly opposed to the cession, that the United States has not by undertaking to pass this bill, put itself in an attitude of violating the contracts between Nicaragua and the original concessionaires?

It was entirely proper, entirely just, in accordance with the rights of Nicaragua, in accordance with diplomatic usage, that the minister of Nicaragua should make this courteous protest against the action of the United States as contemplated in this bill. Wherefore, then, was it that this minister was arraigned before this Senate as misrepresenting Nicaragua?

I was charmed, Mr. President, by the expressions which fell from the lips of the venerable Senator from Ohio [Mr. SHERMAN], who is soon to be the first dignitary in the Cabinet of the incoming Administration. I was glad to hear fall from his lips those conservative words, which look toward maintaining the entente cordiale that ought to exist between the United States and this weak Republic to the south of us.

He said as follows:

> The minister of the Greater Republic of Central America sends us a friendly message; he delivers it to the proper authority, the Secretary of State. The President has acknowledged him as the minister plenipotentiary from those powers; he communicates in due form with the Secretary of State, and that statement made by him has all the marks of friendship and of honesty. There is no such sign about it as my friend the Senator from Alabama thinks there is. I see nothing in the communication but what is friendly. The minister himself says that the work can not be completed by the corporation, but that it must be completed, if at all, by the United States of America, and he comes here and submits the matter to us. The communication came in the ordinary course of business transactions. It came to me as the chairman of the Committee on Foreign Relations from the Secretary of State, and the very first thing I did was to show it to the Senator from Alabama, because, having charge of this bill, I felt he ought to know about it. We consulted and talked about it, and the Senator made no objection at all to the communication, so far as I could see, but advised that it be presented to the Senate. It was right that it should be presented in open session; it did not relate to any matter of foreign negotiation; it was not executive business; it was simply in relation to a bill pending before us and under debate, and therefore, although I disliked very much the aspect of it and some of the minister's objections to the bill, I considered it my duty to present it here in open session, and it was properly here. The considerations therein stated by the minister of the Greater Republic of Central America ought to have been treated with kindness and forbearance; it ought to have been and was printed and considered in our debates.
>
> But my honorable friend drew England into the controversy; and whenever there is a bugaboo to be presented, England is brought before us. The Senate of the United States does not fear England or any other power, and the people of the United States do not fear England. We have had two wars with England, long since past, and I hope that war with England will never occur again. The two nations ought never to fight each other. They ought always to be friendly. Great Britain is more and more following the example of the American people of having a government for the people, of the people, and by the people, and I believe the time is not far distant when the people of Great Britain will be as free as we are. In many of their late proceedings they have been approaching nearer and nearer to the rule of the people in their country, and, but for the Irish question, I have no doubt that they would approach much nearer. That, however, is a question that we have not to deal with.
>
> I think, under all the circumstances, although I will vote for this bill in any form in which it is likely to be presented—I think the better course for my honorable friend to pursue would be to allow the bill to rest. It can not pass during the present session of Congress. Everybody knows, without going into details, that even if the bill should pass the Senate, in all probability it would not be taken up in the House of Representatives. It can be taken up and considered at the next Congress whenever it shall meet.
>
> I would not take advantage of the company which have undertaken to build this canal. I would pay back to them every dollar they have expended in advance for improvements made in the harbor, in the towns adjoining the canal, and in all parts of the work.
>
> I should be very glad to see another treaty made between Nicaragua and the United States which would provide for the completion of the canal, something that would be acceptable to the United States Government, and that we should proceed to deal with that canal precisely as we have dealt with the great canal upon Lake Superior and the other public works of our country.

Now, Mr. President, I consider that statement of the distinguished Senator from Ohio as embodying not only a correct perception of the proper course to be pursued in a matter of that sort, highly honorable to him in relation to the exalted position which he is to assume, but as embodying other statements and other facts equally pertinent to the consideration of the provisions of this bill. I am very glad to hear the honorable Senator say that all this talk about the interference of England, about the sinister designs of England, about her land-grabbing and canal-grabbing capacity, upon any and every occasion, is altogether extraneous, altogether out of place in any proper issue before the Senate of the United States.

Let the matter be tariff, the English free traders are at work. Let the matter be finances, the English goldbugs are at work. Let the matter be whether or not a company ought to be subsidized by the United States to the enormous extent of $100,000,000 without any sort of guaranty, England is at work. I am very glad to see that the honorable and distinguished Senator from Ohio has got on a plane of thought and feeling elevated above all such petty arguments and considerations.

Another statement that he made in the extract from his speech, which I have quoted has with me, and it always had with me, very great weight and consideration as connected with this enterprise, and that is that it ought to be constructed under another cession from Nicaragua on the lines of the Zavala-Frelinghuysen treaty, and that it ought to be constructed by the Government, if it is constructed at all, and not by and through the intervention of a private corporation. I am very glad to be in accord with the distinguished Senator on this ground, and I yield to him my hearty thanks for the dignified manner in which he stated that he did not think the representations of the minister plenipotentiary of a nation with which we are at peace ought to be treated in other than the most kindly and courteous manner.

Mr. President, I have said that the terms of the cession of Nicaragua to the original canal association were violated by the provisions of this bill providing for the holding by the United States of a majority of the stock, and providing for the foreclosure of a mortgage which would, if foreclosed, inevitably bring to the United States the full ownership of this property, for they necessarily would be at the foreclosure sale the purchaser of the property mortgaged. In order to cover not only the defects in the bill in regard to the inhibition of transferring the franchises of the canal company to a foreign power, but in all other respects where the bill violates the provisions of the cession from Nicaragua, the distinguished Senator from Alabama has offered a number of amendments. The amendments are in the shape of additional sections to his amended bill, and I will read section 18:

> That of the $100,000,000 of capital herein provided for, at least 5 per cent shall be reserved for Central American Governments and citizens that may desire to subscribe for the same within a time to be fixed by the Maritime Canal Company of Nicaragua.
>
> That there shall be delivered to the States of Nicaragua and Costa Rica such portions of the securities authorized to be issued by the provisions of this act as they, or either of them, are entitled to receive by virtue of the concessions now existing from such States, or either of them, to said Maritime Canal Company of Nicaragua.
>
> Nothing in this act contained shall be construed as empowering the Maritime Canal Company of Nicaragua to accept any rights or privileges or to do any act or thing inconsistent with the terms of the concessions made to it by the Nicaraguan Government or the Government of Costa Rica; and the Government of the United States admits the right of Nicaragua and Costa Rica to interpose any objections to the acceptance of this act by the Maritime Canal Company of Nicaragua which they, or either of them, may deem just, subject to the right of the United States to participate in the examination, discussion, and settlement of such objections by diplomatic correspondence or by arbitration under the provisions of the concessions made by said Governments to said company, if that method of settlement is preferred by said Governments.

If there were any proof needed beyond the terms of the original

bill to show that the United States has absorbed the Maritime Canal Company, that that company has virtually disappeared and the great Government of the United States is substituted for it, it is these amendments. They direct that the company shall do so and so. In the first place, they direct that 5 per cent of the securities provided for shall be allowed to be subscribed for by the citizens of Nicaragua and Costa Rica. That is an obligation on the part of the Maritime Canal Company. Not only has the United States absorbed all the power and privileges and franchises of this corporation, but it now comes in as a custodian, as a guardian, as a tutor of the company, and directs what it shall do. It takes virtual control not only of the original franchises of the canal but of the Maritime Canal Company itself in what it ought to do.

In trying to escape from the attack of Minister Rodriguez that a certain percentage of the securities which Nicaragua and Costa Rica were entitled to had not been given to them or they had not been permitted to subscribe to them by the Maritime Canal Company, the United States comes in and assumes to do that, and in trying to escape from the attack of the minister in this regard in the matter of the violation of the cession on the part of this company in respect to the stock, it does what? It falls into the other violation, and a greater violation, of assuming absolute control, absolute dictation, absolute ownership not only of the canal, but of the Maritime Company itself. The honorable Senator from Alabama was between Scylla and Charybdis. When he dodged or attempted to dodge or to evade the force of this attack in regard to certain provisions, he fell into its hands in regard to the more vital and important attack made as to the ownership by the United States of the franchises of the canal. There shall be delivered from the United States to the States of Nicaragua and Costa Rica such portions of the securities authorized to be issued by the provisions of this act. It is mandatory, authoritative; the language of a dictator; the language of a powerful government. What right has the United States to intervene as a Government between Nicaragua and a party with whom she has contracted for the construction of the canal?

When the United States intervenes in this manner in this authoritative way, the United States becomes amenable, becomes directly liable to the charge of ownership and possession which the minister makes against the United States in this first and most vital attack that he has made. Sir, we are proceeding as if neither Nicaragua nor the Maritime Canal Company, for that matter, had any rights in the matter. Either one of two things in regard to this matter is true. Either the United States is proceeding in the matter with its full power and force, or it is merely giving advice. If the United States is proceeding with full authority and power and force, compelling obedience to what it says, then the United States is not only the owner of the franchises of the canal company, but the dictator to Nicaragua and the Maritime Canal Company alike, and this amendment very kindly says that if any matters of difference between Nicaragua and the Maritime Canal Company of Nicaragua arise and are submitted to arbitration under a certain article of the cessions, the United States will come in, and, if Nicaragua or either of the parties prefers it, she will act as arbitrator and she will undertake to carry on the diplomatic intercourse as a nation.

There can be and there has not been any answer to the charge of Minister Rodriguez that the bill violates the provisions of the cession from Nicaragua to this company when that cession says that no transfer of the franchises and the canal shall be made to a foreign government. Right here I can stop and give a good reason why Nicaragua made this stipulation. In reading the articles of this cession or agreement one is struck with the sedulous care that Nicaragua takes to neutralize the canal. One is struck with the sedulous care that it takes even with regard to itself, for it is stipulated that the shares or securities, in whatsoever shape they may be, that Nicaragua is to receive in consideration of the cession are to be nontransferable by herself. She stipulates that she herself will not put it into the power of a foreign government, so far as she is concerned, and so far as her shares in the enterprise go, to have any control over the canal. It is not necessary to point out at the present moment the particular article in which the statement is made that Nicaragua herself shall not transfer her shares. Later on in the discourse, if occasion demands, I will refer to it.

Mr. President, these cessions provide that the books shall be open for the subscription of stock in the enterprise, so that all people and all nations may participate in the construction of this great work, and in other provisions Nicaragua guarantees that the canal, so far as she is concerned, so far as her jurisdiction goes, shall be neutralized. I have referred to one particular, but there are other clauses and stipulations of the cessions which point in the same direction. The neutrality of the canal was amply provided for and securely guarded in the clause which prohibits the transfer of the canal and its franchises to a foreign government. That was evidently put in there for the purpose of making the canal a grand international waterway. It was put in there for the purpose of preventing any powerful nation or any combination of nations from taking exclusive control and jurisdiction of the great waterway, and in the teeth of this safeguard, which the prudence and wisdom of Nicaragua dictated, the pending bill provides for the virtually exclusive ownership and control of the canal by the Government of the United States. And I consider that the most vital point in this enterprise.

I was instructed and impressed with the powerful argument made by the Senator from Wisconsin [Mr. VILAS] yesterday in regard to the absolute necessity for the neutrality of the canal. I believe it is an international necessity that the canal shall be neutralized, and I believe that this very important inhibition against a transfer of the canal to a foreign power was placed in there by Nicaragua with a full view and apprehension of the great necessity that the great waterway, opening the secrets of the straits, a great waterway which ought not to be embarrassed or impeded in any way by the exclusive control of any nation, should be absolutely neutral, absolutely free to every nation, to every ship that sails the oceans.

Right at the inception of this argument we are met with an insuperable objection, one that I think is absolutely condemnatory of the bill and absolutely destructive of its provisions. No one can read the provisions of the bill and come from the reading of them without saying that not only are the provisions designed, but they effectually accomplish the work of transferring the cession from Nicaragua to construct the canal from the Maritime Canal Company to the United States.

This minister goes on, after referring to the first vital point, to allude to Article XLVII of the cessions, as to which I will frankly say I do not entirely agree in the criticisms of the representative from Nicaragua, and he says:

> Article XLVII of that instrument provides that the company shall undertake, at its own expense, the final surveys of the ground and the location of the line of the canal by a commission of competent engineers, two of whom are to be appointed by the Government of Nicaragua, and the aforesaid Article LIII provides that a failure to comply with this stipulation shall entail the forfeiture of the concession. The bills, however, provide that the canal shall be constructed under the surveillance of the Department of Engineers of the Army of the United States of America, and according to its plans; and that three engineers shall be designated by the President for that purpose, who shall make the explorations and estimates. This provision likewise conduces to the forfeiture of the contract.

There have been a great many surveys of the canal. The chief engineer of the company purports to have made, I think, two exhaustive surveys. The first survey of the route, so far as it appears in any statement of an authoritative character, was made by a celebrated and competent engineer in 1851, for the benefit of Mr. Cornelius Vanderbilt, who at that time contemplated making a waterway across the Isthmus for the benefit of his California trade. Mr. Menocal made, under the direction of the United States, a survey of this route in 1885. He again made a survey in 1889. He purports to have made other surveys or continual surveys in the interim between 1889 and 1890. But, sir, it occurs to me that while the bill provides for the surveillance by the United States Engineer Corps of the construction of the canal, it does not provide for the survey and location of the route. If the survey and location of the route has not been made, the canal company has no standing in court at all. It is stated by and on behalf of the Maritime Canal Company that a full plan and profile map and drawings of the survey of 1889, made by Mr. Menocal, have been deposited with the Nicaraguan authorities, in compliance with this provision of the concession.

Sir, it is one of two things. If no survey has been made, if the statements of the Maritime Canal Company and Mr. Menocal are not true, we are wasting our breath in talking about this enterprise. But I rather suppose that the minister of the Greater Republic of Central America, representing Nicaragua, has made a mistake between the survey of the route and the survey that is necessary in the construction of that route by a corps of engineers.

However that may be, that is a point which might have been condoned by the Nicaraguan Government by acquiescence. These bills have been pending for a long time. The report of the engineers has been made public. The report of the survey is authentic so far as anything can be made authentic of a character of this kind. It has the stamp of being official. It has been published by the Secretary of the Interior according to the provisions of the original bill, and I rather think this point, although it appears upon its face to have some merit, is not very strong.

Then the minister goes on and says:

> The people of all nations shall be invited to contribute—

Quoting from the concessions—

> The people of all nations shall be invited to contribute the necessary capital to the enterprise.
>
> Of the capital with which the company shall organize, and which it proposes to distribute among the different countries interested in the enterprise, there shall be reserved at least 5 per cent for the Central American Government and citizens that may desire to subscribe.

Who shall reserve them? The Maritime Canal Company of Nicaragua, not the United States. The Maritime Canal Company of Nicaragua has not reserved the 5 per cent stipulated to be reserved in this clause of the article of the concession; and in that

particular I think the criticism of the minister of the Greater Republic of Central America is well made. They have no right to look to the United States for the performance of the contract upon the part of the Maritime Canal Company holding these concessions by transfer. They must look to the company bound, legally bound, to them, with whom they contracted either directly or indirectly. They contracted with the officers of this company, and as a matter of course this company taking the concession takes all the obligations of the original concessionaires. Here is an obligation that has not been complied with. Here is a reservation of 5 per cent of the stock that would have to be made, and they have distributed the stock in utter disregard of this stipulation.

Mr. DANIEL. Will the Senator from Louisiana allow me to ask him a question?

Mr. CAFFERY. Certainly.

Mr. DANIEL. I beg leave to ask the Senator if he has discovered in any of the documents the charter of the Nicaragua Canal Association or the resolution or action of that body transferring their concession from Nicaragua to the Maritime Canal Company? If he will allow me to explain my question, it will be observed that the concession of Nicaragua is to Mr. Menocal, as representing the Nicaragua Canal Association, but I have not been able to discover in the documents which are laid before us any charter of the Nicaragua Canal Association, or to deduce title by any finding of the documents or resolutions of that association to the Maritime Canal Company.

Mr. CAFFERY. I will answer the Senator from Virginia by stating that I have never seen, although I have diligently searched, any written transfer or any other transfer from the original company or association to the Nicaragua Canal Construction Company, and from that company to the present company; but I have seen in the testimony of the then president of the Maritime Canal Company of Nicaragua, taken before a House committee and lately published in a House document, in the oral testimony of the then president, who was Mr. Hitchcock, that the original association had transferred over its franchises to the Canal Construction Company, and that the Canal Construction Company had, by a resolution of its board, which I did not see, transferred here all its rights to the present company. That is all I know about it. But I have seen nowhere any transfer of an authentic or a private character.

Now, how does the amendment of the bill get over this criticism of the minister of the Greater Republic of Central America?

"The capital stock of the final company shall be composed of shares, bonds, or obligations of any other kind, in such proportion as it may deem convenient."

This is another provision of the ninth article. The bills, however, fix the amount of the capital stock in shares, of which they dispose in such a way that they are of no use for the work of the enterprise, as they ought to be, according to the intent of the contract. For the work of the enterprise the bills create bonds, which must thus be converted into capital stock or be left out of the contract. The undersigned need not here point out the infractions which the bills involve.

This criticism is well directed. The article referred to mentions provision for the capital stock of this enterprise which may be used in the construction of the canal, and the provisions of the bill transfer the stock over to the United States, to Costa Rica, to Nicaragua, to such persons as may be indicated by the Maritime Canal Company, and to no others. They make distribution. There is no provision whatever in the pending bill to distribute any of these bonds to Nicaragua. The bill contemplates that the construction of the canal shall be by the proceeds derived from the sale of bonds. Not one single one of these bonds is to be given to Nicaragua. Now, sir, what are the plain directions of this contract?

The capital stock of the final company shall be composed of shares, bonds, or obligations of any other kind, in such proportion as it may deem convenient. The issue and transfer of these obligations shall be exempt from stamp dues and from any other imposts or taxes established, or that may be hereafter established, in the Republic.

Of the capital with which the company shall organize, and which it proposes to distribute among the different countries interested in the enterprise, there shall be reserved at least 5 per cent for the Central American Governments and citizens that may desire to subscribe.

What do you call the capital of this company? What is the capital that is to be used in the construction of this canal? Ordinarily, when a joint stock company is organized, the loans of money are made upon a pledge of stock, or upon such other securities as the company may possess or may derive, but the stock issued to the United States, the stock distributed around by the provisions of the bill, is to be nonassessable. That is not the capital stock. That represents nothing. No money can be raised on it, nor can the canal be constructed out of it.

As the minister says, when this per cent is stipulated for all the shares, bonds, stock, or other securities that the company has, what does it mean? The Senator from Alabama the other day said that if there were five different sorts of securities, and you have got 6 per cent of each one of the securities, you have 30 per cent of the whole, when under the concession you were entitled to only 6 per cent. Is that true? Nicaragua ought to have, under the terms of the concession, 6 per cent of all the stock, shares, bonds, or obligations, of whatever character they may be. Where is the 6 per cent of the bonds? The company takes the whole $100,000,000 of bonds, sells the bonds with the guaranty of the United States on them, and uses that money for the construction of the canal. The canal is, at the lowest estimate ever put upon it, to cost over $100,000,000. That is the lowest estimate ever put upon it by impartial men. In the matter of the estimates of Mr. Menocal, I have to take them with many grains of allowance. He has estimated too much; he has estimated too often; and his estimates differ from one another too much to be the foundation of any clear judgment as to the cost of the construction of this canal.

But be that as it may, sir, 6 per cent of the bonds, the capital with which the company is to construct this work, is to be set over to the Republic of Nicaragua. Has it been done? Does not the bill in terms almost provide that it shall not be done? When these bonds are to be delivered over to the Maritime Canal Company they do not make a solitary provision for the transfer of one of them to the Republic of Nicaragua.

And what about these amendments? Can the Government of the United States coerce the Maritime Canal Company? The bonds of the United States will be given to the company with the guaranty of the United States on them. They will dispose of the bonds at not less than par. I suppose they will go to a premium. They ought to go as high as bonds sold to get gold to replenish the Treasury. They ought to go to 117; they ought to go higher. When these bonds get into the possession of the Maritime Canal Company, unless it is acknowledged here and now in the course of this debate that the United States and the Maritime Canal Company are one and the same, that the United States has absorbed and swallowed up and digested the Maritime Canal Company of Nicaragua, then there is no guarantee whatever that the stipulation made in the contract with Nicaragua, the original concessionaire, will be carried out and performed.

It is hard enough, Mr. President, for the United States to comply with its own contracts. It is rather a novel departure from the ordinary course of affairs and business relations of the United States that she will not only guarantee the bonds of a private corporation, but that she will undertake stipulations in regard to the performance of the duty of that corporation and its legal liabilities in every quarter and in every direction, in every shape and form that they may take. We not only come in and guarantee these bonds, but here is an amendment proposed by the Senator from Alabama which undertakes in a mild, pleasant kind of a way, in a persuasive kind of a way, to make the Maritime Canal Company of Nicaragua do its duty in regard to transferring these bonds; but I see no power that the United States could exercise in this regard except the power of main force—the main force which is talked of here in the concessions later on in regard to another matter. I see no power by and on behalf of the United States except a persuasive power, an advisory power, to compel the performance of the stipulation between the United States and the original concessionaires. So if that point is well taken and the canal company has violated this provision, in the language of the minister, this violation conduces to the forfeiture of this contract.

Here is a criticism which I think, taken in connection with the surveys and estimates of the chief engineer of that company, has great weight and significance. I think it will disclose very clearly in such a way that even the most devoted adherent to the construction of the canal under and according to the terms of the bill will halt a while before he will give his vote for the passage of the pending measure:

The company, by Article XIV of the aforesaid contract, has contracted the solemn obligation to construct at its own expense within the term of three years, reckoned from the commencement of the work upon the interoceanic canal, a navigable canal between Lake Managua and the navigable part of the Tipitapa River, near Pasquier, of sufficient dimensions to admit of the free passage of vessels drawing 6 feet and of 150 feet in length.

Mr. President, there has been no estimate made for the construction of the canal here referred to. It has been entirely disregarded. In the report of the Ludlow commission it is not adverted to. Mr. Menocal himself fails to state in his estimate what the canal will cost. It is made a very important part of the concession from Nicaragua to the original company and association. Managua is the capital city of that Republic. In the construction of this great work that Republic took care that its capital city should be in direct water communication with the canal to be constructed, and therefore it was that this provision was inserted. No one can say it is not of vital importance and necessity, in view of the construction and completion of this canal, that this city of Managua, which I am told is a very beautiful city, should not be in direct communication with it.

The three years have long since passed. Not a single effort has been made even in the direction of estimating the cost of this enterprise, and the minister from Central America draws the attention of the United States to the fact that in this important

particular concerning his Government, concerning the Government of Nicaragua, the canal company has failed in the performance of its duty.

Mr. President, when such a statement as that is made, when it is made one of the conditions upon which the existence of this contract of cession depends, I ask, Does it become the Senate of the United States to be undertaking to pass a bill, or even to discuss a bill, which looks toward the construction of a work the time for the completion of which depends upon the performance of such a stipulation as this, and the stipulation has not been performed? Are we, as a nation self-respecting, honoring other nations and claiming their honor in return, claiming to be irreproachable in all of our obligations of an international character—are we to take up this violated treaty of cession—call it a treaty—are we to take up a contract violated in almost every important part, and undertake its execution by our own instrumentality, by our own great power and resources, in the face of a protest of this kind and in face of a violation of this kind? It occurs to me that the Senator from Ohio was entirely correct and met the decencies and proprieties of the situation when he said we ought to stop.

Mr. CARTER. Mr. President, I suggest the want of a quorum in the Senate.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Chilton,	Lodge,	Pugh,
Allen,	Clark,	McMillan,	Sherman,
Bacon,	Cullom,	Mantle,	Shoup,
Bate,	Faulkner,	Martin,	Thurston,
Berry,	Gallinger,	Morgan,	Tillman,
Blanchard,	Gear,	Morrill,	Turpie,
Burrows,	Gordon,	Murphy,	Vilas,
Butler,	Gorman,	Nelson,	Walthall,
Caffery,	Hawley,	Palmer,	Wetmore,
Cannon,	Hill,	Pasco,	White.
Carter,	Hoar,	Peffer,	
Chandler,	Lindsay,	Perkins,	

The PRESIDING OFFICER. Forty-six Senators have answered to their names. A quorum of the Senate is present. The Senator from Louisiana will proceed.

Mr. CAFFERY. Mr. President, there are two other points to which the minister of the Greater Republic of Central America has directed the attention of the Senate. This bill provides for 11 directors, 8 of whom are to be appointed by the President of the United States, by and with the consent of the Senate. He says that in the concessions there is a stipulation that 6 of the directors of the company to be formed for the construction of this canal shall be taken from the promoters, and that this provision has been set aside by the pending bill. Upon the face of the bill his criticism is correct. The President is allowed unlimited discretion as to the selection of the directors; he is not to be bound by these cessions; in fact, the bill itself utterly ignores the cessions. The President is, therefore, to take these directors from any body of men or from any locality in the United States that he sees fit. This is made by the minister a very serious criticism.

What the particular purpose or motive of Nicaragua may have been in inserting this provision I am not aware; but here is the provision. I understood the Senator from Alabama to say that a provision of like character was in the cession from Costa Rica, but that the cession from Costa Rica only made provision that the first board should be chosen from the promoters; that this cession from Costa Rica had some sort of effect, I believe he stated, upon the subsequent cession from Nicaragua, and that Nicaragua was presumed to have intended that these promotors should only form the directorate for the first board. But, at all events, it is upon the face of the papers in the cession from Nicaragua that the directorate for the canal, for the company of execution, which is this Maritime Canal Company, shall be taken largely from the promoters, six of the directors, and that provision has been ignored, has been evaded, has been set aside, as if it did not exist.

Every single one of these stipulations of Nicaragua in this cession is to be observed to the letter. It can not be set up that this, that, or the other condition or stipulation made by Nicaragua in her own behalf, for her own purposes, should be considered immaterial. We are not to sit in judgment upon the motives of a State in the matter of her concessions. We are not to say that it is immaterial to inquire whether a canal construction company would be better off with a directorate taken from the promoters rather than from a body of citizens of the United States. That is not the question. The question is, Did Nicaragua insert in her concession such a clause as that, and has that clause been observed? If it has not been observed, it is a cause of forfeiture of the contract.

Mr. TURPIE. Will the Senator from Louisiana allow me to ask him a question?

Mr. CAFFERY. Certainly.

Mr. TURPIE. I regard the clause inserted in respect to the appointment of promoters to be in addition to the clause preventing the transfer to foreign governments. I ask the opinion of the honorable Senator on that point. I wish to know whether he does not think that this section in the original treaty of cession is provided in addition to and in aid of that section which prevents the transfer of these rights to any foreign government or public state?

I regard the provisions respecting the conditions of the cession in relation to the promoters to be in aid of that, and to prevent also perpetually the transfer of it from the original promoters for all time, keeping it in the hands of the corporators, and preventing it from going into the hands of any government or public state.

Mr. CAFFERY. I am very much obliged to my friend for the suggestion he has made. It is very pertinent, and it lays down the very motive, in my opinion, of the Republic of Nicaragua in requiring that at least six of this board of directors should be the promoters of the canal company.

Mr. MORGAN. What would be the state of affairs fifty years from now, when all the promoters may be dead?

Mr. CAFFERY. Well, I find that in this world it is as much as we can do to take care of the present. In matters that can regulate themselves in fifty years, or as to what may occur in fifty years, I do not think we should concern ourselves. Some of these gentlemen may be then octogenarians, or they may live one hundred and fifty years, for aught I know; but whether they do or not, this is a stipulation in præsenti; it relates to the present; it relates to the formation of this board of directors. Therefore, so far as the limits of human life are concerned in this generation of living men now, the Republic of Nicaragua has taken care that these franchises shall not be transferred to a foreign country by this clause. What may occur in the future I do not know; but it is to be hoped that the purposes of Nicaragua in this requirement will be followed out in future boards if this canal is ever to be built. It is to be hoped that any future directorate which may be appointed in after times will be appointed in pursuance of the same spirit which prompted Nicaragua to require that six of the directorate of this company should be taken from the promoters.

But there is another stipulation in my opinion of equal moment. It is a stipulation of time. It is stated that from and after the date of these cessions, some time in April, 1887, in ten years after the date of the cession if the canal were not completed then the cessions lapsed and the grant fell. I understood, in a colloquy which occurred between the honorable Senator from Alabama [Mr. MORGAN] and my friend from Wisconsin [Mr. VILAS] when he was addressing the Senate on this question, that the honorable Senator from Alabama said that the time of the limit of ten years was extended two years; that instead of commencing from April, 1887, the ten years commenced from October, 1889.

It is stated by the chief engineer of this canal company that it can not be possibly constructed under six years. If the United States, in view of this time limit, which will expire before the six years run out, undertook to construct this canal, and about the time they have it half completed, or nearly completed, the Republic of Nicaragua were to demand a compliance with this forfeiture condition, how would the United States answer it? The Republic of Nicaragua has filed its protest, which was sent to the Secretary of State and communicated by him to the chairman of the Committee on Foreign Relations, who communicated it to the Senate. We go on to construct this canal in the teeth of the protest; and whether the construction of the Senator from Alabama is correct or not, whether the time limit of ten years commences to run from April, 1887, or October, 1889, taking into consideration that this canal can not be finished under six years, the protest is equally fatal to any attempt on the part of the United States to undertake its construction. Nay, more, Mr. President, it would be infinitely wiser to do nothing in the matter of the construction of this canal, to spend no money upon it, than to undertake its completion and to lose our money when we were half through with it.

Could we by "main force," spoken of in this time limit, disregard the rights of Nicaragua in the premises and undertake to hold the canal? I think not. I do not predicate the action of the United States upon any resort to force or violence of any kind.

In the testimony delivered before the select committee of the House of Representatives, called the Interstate and Foreign Commerce Committee of the House, it was stated that this time limit would not give opportunity to build the canal if the financial panic of 1893 was not considered a matter of "main force." It is prudently and wisely stipulated in connection with this time limit that if matters of "main force" intervene, the time of the intervention of this force shall not be calculated in the ten years' limit; but who ever heard of a financial panic being a matter of "main force?" Financial panics have occurred in this country at various periods. Did anybody undertake before to hold that an industrial depression or a financial panic was a matter of "main force?" A matter of main force is some physical violence that can not be resisted. It does not refer to the silent but powerful action of economic forces. Whether the panic of 1893 was due to the demonetization of silver,

as our silver friends urge, or whether it was due purely to industrial causes, no one can say that there was any consideration of any element of "main force" or physical obstacle.

Sir, the very terms of this concession stipulate only for "main force," and it would be exceedingly strange for the ingenious gentlemen who stand behind this great enterprise to interpolate as "main force" a mere matter of the silent, powerful, unseen action of economic forces. Financial panics have nothing to do with it. We had a panic in 1837, when we had too much money; we had a panic in 1857—we had too much speculation; we had a panic in 1873—we had too much speculation; we had a panic in 1893—some say we had too much money and some say too little, but there was no question of "main force."

Mr. MORGAN. Where does the Senator find the statement about main force?

Mr. CAFFERY. In the time-limit stipulation.

Mr. MORGAN. In what article?

Mr. VILAS. The forty-eighth article.

Mr. MORGAN. I should be glad if the Senator would read it.

Mr. CAFFERY. I will read it. It is as follows:

A term of ten years is also granted to the company for the construction, completion, and opening of the canal for maritime navigation. However, should events of main force arise, duly justified and sufficient to impede the regular progress of the works during the period of the said ten years, an extension shall be granted equal in duration to the time that may have been lost by such delays.

Here is another part of the article which I did not advert to:

If, at the expiration of the ten years aforesaid, the works should not be completed so as to have the maritime communication between the two oceans opened, in consideration of the great capital the company may have invested in the enterprise, and of the good will and ability it may have shown, and the difficulties encountered, the Republic binds itself to concede a new extension.

"In consideration of the great capital the company may have invested in the enterprise." Here is an enterprise, which their own engineer states will cost $65,000,000, that the consulting board of engineers in New York called the Bogart board, called in to supervise the estimates made by Mr. Menocal, placed at $87,000,000. The estimates made by the Ludlow commission are one hundred and thirty-three and a half million dollars, or thereabouts, and here is a company which has constructed this canal to an extent and to an outlay the present value of which is estimated at about $500,000. According to their own testimony they have not spent on this canal over $3,000,000, and we have now, here in 1897, the term of this contract to expire in April next, with a mile and a half of canal constructed, with a railroad with rotten ties and grown over with weeds, bramble, and wild cane, the cars of which are propelled by poles, the harbor that they attempted to dredge out filled up—here is the great capital invested and the great work done, in consideration of which the State of Nicaragua says they may concede an extension of time.

Mr. VILAS. The Ludlow board says it is three-quarters of a mile.

Mr. CAFFERY. I think it is stated by the engineer of the company that they dug a mile and a half of the canal on the sea level; but that canal was to be dug, I remind my friend the Senator from Wisconsin, to the depth of 28 feet, and it is only 17 feet. It has not been done much more than half. You may call it, if you please, three-quarters of a mile, because it is a mile and a half half done. I do not believe that the Maritime Canal Company, as modest as it is, as coy as it is, would have the audacity to say that in consideration of the great capital invested they ought to have an extension of time from the Republic of Nicaragua.

The canal company started out with a great many rosy anticipations. They have constantly said that they were not applying to Congress; and the other day, in the discussion of a part of this subject, I heard the venerable and honorable Senator from Ohio [Mr. SHERMAN] say that we had run after the Maritime Canal Company, or we had sought them. Oh, sir, what an elusive company it is that we can only catch with $100,000,000 of bonds! They do protest too much. They are a little too coy. They have never asked the United States for anything, they say, and whatever is given is thrust upon them as an unsought gift by the United States.

When it comes to the time limit, can anybody say, when the facts are so well known and established, when there has been comparatively nothing done in the construction of the canal, that there can be any extension of time granted upon the part of Nicaragua? No, sir; it can not be said. If, therefore, there is no ground for an extension in consideration of the great capital invested and the great works constructed or the good will and ability that this company has displayed, would it not be the height of folly upon the part of the United States to embark on an enterprise to sink twenty, thirty, forty, fifty—a hundred million dollars—to have it swallowed up by a forfeiture legally demandable under the terms of the time-limit concession? I think there is no sort of doubt on that question.

Mr. President, I stated a while ago that the Republic of Nicaragua has in terms stipulated for the neutrality of the canal. I argued that the stipulations in other respects warranted the conclusion that the main purpose of Nicaragua in making these reservations in her behalf was the neutrality of the canal. I will read Article VI.

Mr. NELSON. Will the Senator from Louisiana yield to me?

Mr. CAFFERY. Certainly.

DULUTH AND WINNIPEG RAILROAD COMPANY.

Mr. NELSON. I ask unanimous consent for the present consideration of the joint resolution (S. R. 121) to amend an act granting to the Duluth and Winnipeg Railroad Company a right of way through the Chippewa and White Earth reservations, in the State of Minnesota. It is a local matter, and will provoke no debate.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The Senator from Minnesota asks unanimous consent that the unfinished business may be temporarily laid aside, and that the Senate proceed to the consideration of the joint resolution indicated. Is there objection?

Mr. MORGAN. At the hour of half past 4 the Senate has consented, I believe, to take up all unobjected matters, and it is very near that time now.

The PRESIDING OFFICER. The agreement, the Chair will state, is to consider House bills and House joint resolutions.

Mr. NELSON. I will say to the Senator from Alabama that this is a local matter, and will provoke no discussion.

Mr. MORGAN. I will not object.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on Indian Affairs with amendments, in line 9, after the word "five," to insert "and inserting the words 'or its legal successor, the Duluth, Superior and Western Railroad Company;'" and in line 13, after the word "company," to insert "or its legal successor, the Duluth, Superior and Western Railroad Company;" so as to make the joint resolution read:

That section 5 of an act entitled "An act granting to the Duluth and Winnipeg Railroad Company a right of way through the Chippewa and White Earth Indian reservations in the State of Minnesota," approved August 27, 1894, be, and the same is hereby, amended by striking out the word "three" and inserting the word "five," and inserting the words "or its legal successor, the Duluth, Superior and Western Railroad Company," so that the bill will read:

"SEC. 5. That the right herein granted shall be forfeited by said company or its legal successor, the Duluth, Superior and Western Railroad Company, unless the road shall be constructed through the said reservations within five years after the passage of this act."

The amendments were agreed to.

Mr. VILAS. The purport of the joint resolution is simply to extend the time two years.

Mr. NELSON. To extend the time for building a road through an Indian reservation.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

TENNESSEE RIVER BRIDGE AT CHATTANOOGA.

Mr. BATE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Tennessee?

Mr. CAFFERY. Certainly.

Mr. BATE. I ask permission of the Senate to call up the bill (H. R. 9799) to amend an act entitled "An act to authorize the Chattanooga Western Railway Company to construct a bridge across the Tennessee River near Chattanooga," giving the said company more time in which to begin and complete said bridge. It will lead to no debate. It merely extends the time within which a railroad may build a bridge. It is a bill similar to the joint resolution just passed.

Mr. MORGAN. It is a House bill?

Mr. BATE. Yes, sir; and it will take but a moment.

Mr. MORGAN. House bills will be the regular order at half past 4.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM B. ISAACS & CO.

Mr. DANIEL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Virginia?

Mr. CAFFERY. Certainly.

Mr. DANIEL. I ask the courtesy of the Senate to call up and put on its passage the bill (H. R. 1524) to execute the findings of the Court of Claims in the matter of William B. Isaacs & Co. It is a bill which, according to my recollection, was objected to the day when unobjected bills were called up, because it would have

given rise to debate, perhaps. I do not think there can be any substantial objection to the bill. I ask that it may now be taken up.

Mr. COCKRELL. The bill is included in the unanimous-consent agreement for half after 4.

Mr. DANIEL. I did not advert to that fact. If there is objection, I will let it go until then. It might be briefer to pass it now.

The PRESIDING OFFICER. The Senator from Virginia asks unanimous consent that the unfinished business may be temporarily laid aside and that the bill he has indicated may be considered. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CULLOM. I wish the Senator from Virginia would explain the bill.

Mr. DANIEL. After the war certain banks in Virginia sent their coin to the town of Washington, in Georgia. About $100,000 in gold was among their assets. The Union generals commanding in the South and in Virginia had given to the claimants protection and safe conduct of their money from Washington to the city of Richmond, and en route about the sum named was taken possession of by the Federal troops, and it was covered into the Treasury. A controversy afterwards arose as to the ownership of the coin. Congress passed a joint resolution directing the Court of Claims to ascertain and report who were the owners of the coin in question. They reported that the bank, whose assignees the claimants are—

Was the equitable owner of a part of the fund in the Treasury proportionate to the amount which it contributed thereto, such proportionate part being the sum of $16,987.88. The claim therefor and the right of property therein passed to and is now owned by the claimants in this suit, who are equitably entitled to the same.

The remainder of the fund, being the sum of $78,276.40, is the property of the United States, the title never having passed to said banks and the claimants not having derived any claim or title in and through said judicial proceedings.

Mr. CULLOM. How do William B. Isaacs & Co. happen to be the beneficiaries?

Mr. DANIEL. They are the assignees of the bank.

Mr. CULLOM. Does the Senator know what they paid for the assets?

Mr. DANIEL. No, I do not. I was once upon the Committee on Claims, and I think I drew the original report in the case and had the matter submitted to the Court of Claims. I know the firm very well. I know the members of it. They are very highly reputable people of the city of Richmond, and my impression is that the bank was sold out after the war, and the assets were probably sold at public auction. The money that goes to the United States Government was money which had probably been deposited, if my memory is correct, by the State government of Virginia, and the idea of the court, no doubt, was that it was the money of an enemy. I presume that was it. The court does not say. There is no claimant for the rest of the $100,000. But this money was under the safe conduct of the United States.

Mr. CULLOM. Has all the money been turned into the Treasury?

Mr. DANIEL. All of it has been turned into the Treasury.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. DANIEL. I move that the bill (S. 2058) to execute the findings of the Court of Claims in the matter of William B. Isaacs & Co. be indefinitely postponed.

The motion was agreed to.

CONSIDERATION OF PENSION BILLS.

The PRESIDING OFFICER. The hour of half past 4 having arrived, under the unanimous consent given by the Senate the Calendar of pension cases will be called. The first pension case on the Calendar will be stated.

Mr. CARTER. I ask the Senator from New Hampshire to yield for the consideration of a Senate bill the passage of which is important, in view of certain legislative proceedings pending in Colorado.

Mr. GALLINGER. I will yield for that purpose, if no one else objects, but then I shall insist upon proceeding under the agreement.

Mr. COCKRELL. I insist upon the regular order.

Mr. GALLINGER. That settles it.

Mr. COCKRELL. We have a unanimous-consent agreement, and we can not afford to set it aside. Wait until we get through.

Mr. TELLER (to Mr. CARTER). Withdraw it.

Mr. CARTER. I withdraw the request.

The PRESIDING OFFICER. The first pension case on the Calendar will be stated.

FRANCES M. ROBERTS.

The bill (H. R. 3494) granting a pension to Frances M. Roberts was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 5, after the name "Roberts," to insert "daughter of Levi M. Roberts, express rider in the war of 1812;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of said Frances M. Roberts, daughter of Levi M. Roberts, express rider in the war of 1812, upon the pension roll and pay to her the sum of $8 per month.

Mr. MITCHELL of Wisconsin. I move a mere verbal amendment to the amendment.

The PRESIDING OFFICER (Mr. PASCO in the chair). The amendment will be stated.

The SECRETARY. In line 4, strike out the word "said" before the words "Frances M. Roberts," and in line 5, after the word "Roberts," where it occurs the first time, insert the words "sick and destitute;" so as to read:

Frances M. Roberts, sick and destitute daughter of Levi M. Roberts, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The Committee on Pensions reported an amendment to strike out the preamble; which was agreed to.

MILTON T. BEDFORD.

The bill (S. 3191) granting a pension to Milton T. Bedford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Milton T. Bedford, late of Company B, One hundred and fifty-first Regiment Ohio National Guard Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 146) granting an increase of pension to Samuel C. Towne;

A bill (S. 638) granting an increase of pension to John Nichols;

A bill (S. 1017) granting a pension to Robert Kiracofe;

A bill (S. 1310) granting an increase of pension to Shubael Gould;

A bill (S. 1311) granting an increase of pension to Dudley F. Brown;

A bill (S. 1356) to increase the pension of Elizabeth L. Larrabee, widow of Col. C. H. Larrabee, late of the Twenty-fourth Regiment of Wisconsin Volunteers;

A bill (S. 1787) granting a pension to Nancy T. Duncklee;

A bill (S. 1949) granting an additional pension to Capt. Bradbury W. Hight; and

A bill (S. 2133) granting a pension to Mary E. Ely.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898.

The message further announced that the House had passed a bill (H. R. 5764) granting an increase of pension to Elizabeth D. Marthon; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 8886) for the relief of Hiram T. Corum and Silas W. Davis, of Oregon, and it was thereupon signed by the Vice-President.

WILSON S. HULSE.

The bill (S. 2752) granting a pension to Wilson S. Hulse was announced as next in order on the Calendar.

Mr. GALLINGER. I move that the bill be indefinitely postponed, and in this connection I wish to put on record a simple statement. The case is now under consideration in the Pension Bureau, and it is a rule of the pension committees of Congress not to consider cases that are under investigation by the Pension Department or that have not been rejected there.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Hampshire that the bill be indefinitely postponed.

The motion was agreed to.

LEMUEL J. ESSEX.

The bill (H. R. 2985) granting an increase of pension to Lemuel J. Essex was considered as in Committee of the Whole. It proposes to pension Lemuel J. Essex, late of Company B, Eighty-seventh Indiana Infantry, at the rate of $24 per month, in lieu of the pension that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD C. ENRIGHT.

The bill (H. R. 6539) to increase the pension of Richard C. Enright was considered as in Committee of the Whole. It proposes to pension Richard C. Enright, late colonel of the Sixty-third New York Volunteer Infantry, at the rate of $30 per month, in lieu of the pension now being paid to him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES L. M'KINNEY.

The bill (H. R. 3688) to pension James L. McKinney for services in Oregon Indian wars was considered as in Committee of the Whole. It proposes to pension James L. McKinney, of Capt. W. W. Chapman's Company I, Second Regiment Oregon Mounted Volunteers, at the rate of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL GILES.

The bill (H. R. 3939) to pension Daniel Giles for services in Oregon Indian wars was considered as in Committee of the Whole. It proposes to pension Daniel Giles, of Capt. Samuel Gordon's Company H, Oregon Volunteers, and thereafter also in Capt. Edward Sheffield's Company A, of said volunteers, at the rate of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. MARY A. FREEMAN.

The bill (H. R. 2189) granting a pension to Mrs. Mary A. Freeman was considered as in Committee of the Whole. It proposes to pension Mrs. Mary A. Freeman, widow of Andrew V. Pritchard, late a private in Company H, Second Regiment Pennsylvania Volunteers, Mexican war, at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY S. HIGGINS.

The bill (H. R. 4099) to increase the pension of Mary S. Higgins was considered as in Committee of the Whole. It proposes to pension Mary S. Higgins, widow of Jacob Higgins, who was a Mexican veteran of Pennsylvania and colonel of the One hundred and twenty-fifth Pennsylvania Volunteer Infantry and the Twenty-second Pennsylvania Volunteer Cavalry in the war of the rebellion, at the rate of $30 per month, in lieu of the pension she now receives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAURETTA L. PRINCE.

The bill (H. R. 2620) granting a pension to Lauretta L. Prince was considered as in Committee of the Whole. It proposes to pension, at $20 per month, Lauretta L. Prince, dependent daughter of Henry Prince, late a private in Company D, One hundred and forty-third Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES H. TWOMEY.

The bill (H. R. 2257) to increase the pension of Charles H. Twomey, was considered as in Committee of the Whole. It proposes to place the name of Charles H. Twomey, late a private of Company H, One hundred and thirty-ninth Regiment Indiana Infantry Volunteers, upon the pension roll, and to pay to him a pension of $30 per month in lieu of any pension that may now be paid him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. MARTHA L. BOHANNON.

The bill (S. 2576) granting a pension to Mrs. Martha L. Bohannon, of Lynchburg, Va., was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha L. Bohannon, widow of Private Miles R. Bohannon, of Capt. E. W. Paul's battalion of Missouri Volunteers in the Mexican war, at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEWIS KEISER.

The bill (H. R. 7740) granting an increase of pension to Lewis Keiser was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Lewis Keiser, late a private of Company B, Ninety-third Regiment Illinois Infantry Volunteers, at $72 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUISE A. RICE.

The bill (S. 3584) granting a pension to Louise A. Rice, widow of Bvt. Maj. Gen. Samuel A. Rice, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the name "Rice," to strike out the letter "A" and insert the letter "M;" and in line 8, before the word "dollars," to strike out "seventy-five" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louise M. Rice, widow of Brig. Gen. and Bvt. Maj. Gen. Samuel A. Rice, at the rate of $50 per month, in lieu of the pension of $30 per month she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title of the bill was amended so as to read: "A bill granting a pension to Louise M. Rice, widow of Bvt. Maj. Gen. Samuel A. Rice."

CLARA L. NICHOLS.

The bill (H. R. 6528) to increase the pension of Clara L. Nichols, widow of Bvt. Maj. Gen. W. A. Nichols, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "dollars," to strike out "seventy-five" and insert "fifty;" and in line 9, before the word "dollars," to strike out "seventy-five" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the pension of Clara L. Nichols, widow of the late Bvt. Maj. Gen. W. A. Nichols, of the United States Army, be, and it is hereby, increased from $30 per month to $50 per month, and the Secretary of the Interior is hereby authorized and directed to place the name of the said Clara L. Nichols upon the pension roll at the rate of $50 per month, subject to the provisions of existing pension laws.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOSIAH P. HILL.

The bill (H. R. 1168) to increase the pension of Josiah P. Hill, late of Company F, Eighty-first Regiment of Illinois Volunteers, in the war of the rebellion, was considered as in Committee of the Whole. It proposes to increase the pension of Josiah P. Hill, late of Company F, Eighty-first Regiment of Illinois Volunteers, in the war of the rebellion, to $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY SLAUGHTER.

The bill (H. R. 2725) granting increase of pension to Henry Slaughter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Slaughter, late private in Company A, Fourteenth Regiment of Indiana Volunteer Infantry, and to pay him a pension of $24 per month, in lieu of the pension he now receives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. LAW.

The bill (S. 617) granting an increase of pension to Mary E. Law was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Law, widow of Capt. Richard Law, United States Navy, at $50 per month.

Mr. COCKRELL. Is that the usual rate for the widows of naval captains?

Mr. GALLINGER. The usual rate, I will say to the Senator, is $30 for captains in the Navy. The Senator from Indiana [Mr. VOORHEES] introduced the bill, but I do not find a written report. I presumed one had been filed, but I fail to find it. Perhaps a written report was not made. There was some good reason for the increase in the minds of the committee. Perhaps the Senator from Indiana will make a statement about it.

Mr. COCKRELL. I am not objecting. I simply wanted to know what is the rule.

Mr. GALLINGER. It is an increase beyond the usual rate, I will say to the Senator.

Mr. COCKRELL. Of course it is not beyond the legal rate?

Mr. GALLINGER. Oh, no; it is not beyond the legal increase.

Mr. COCKRELL. It is not such an increase for the widow of a captain in the Navy as has never been made before?

Mr. GALLINGER. Not at all; there are various precedents for it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MINNIE PARKER.

The bill (H. R. 6166) granting a pension to Minnie Parker, widow of Col. and Bvt. Brig. Gen. Ely S. Parker, late of the United States Army, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Minnie Parker, widow of Col. and Bvt. Brig. Gen. Ely S. Parker, late of the United States Army, and to pay her a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM WALDRUP.

The bill (H. R. 4001) to reinstate William Waldrup on the pension roll was considered as in Committee of the Whole. It proposes to reinstate William Waldrup, of Maddox, Tenn., late of Company F, Sixth Regiment Tennessee Cavalry, on the pension roll of the United States at the rate he was drawing when dropped from the roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IRA POWERS.

The bill (H. R. 5061) to pension Ira Powers, of Henderson County, Tenn., was considered as in Committee of the Whole. It proposes to place the name of Ira Powers, late of Company A, Seventh Tennessee Cavalry, of Henderson County, Tenn., on the pension roll of the United States, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNIE SCHIFIRLI.

The bill (H. R. 7821) granting a pension to Annie Schifirli was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Annie Schifirli, widow of John E. Schifirli, late private Company M, First Regiment United States Reserve Corps, Missouri Volunteer Infantry, and to pay her a pension of $20 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CARLTON W. MUZZY.

The bill (S. 3556) granting a pension to Carlton W. Muzzy was considered as in Committee of the Whole. It proposes to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carlton W. Muzzy, landsman, U. S. S. *Minnesota*, and to pay him a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase pension to Carlton W. Muzzy."

MRS. VIRGINIA E. TURTLE.

The bill (H. R. 3264) to increase the pension of Mrs. Virginia E. Turtle, of the District of Columbia, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mrs. Virginia E. Turtle, of Washington, D. C., widow of Maj. Thomas Turtle, Corps of Engineers, United States Army, and to pay her a pension of $40 per month, the same be in lieu of the pension now drawn by her.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE B. MERCHANT.

The bill (H. R. 3166) granting a pension to George B. Merchant was considered as in Committee of the Whole. It proposes to place upon the pension roll George B. Merchant, late sergeant Company K, Fourth Ohio Volunteer Infantry, and to pay him a pension of $72 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWELLYN D. KING.

The bill (H. R. 7349) to pension Lewellyn D. King was considered as in Committee of the Whole. It proposes to place upon the pension roll of the United States the name of Lewellyn D. King, late a private in Company E, Eighty-first New York Volunteers, and to pay him a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES L. WING.

The bill (H. R. 3481) granting a pension to James L. Wing was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 5, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $20 per month, James L. Wing, of Mount Vernon, Ohio, late private Company G, Forty-third Regiment Ohio Volunteer Infantry.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MRS. E. S. KELLY.

The bill (S. 1394) granting an increase of pension to Mrs. E. S. Kelly was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mrs. E. S. Kelly, widow of James R. Kelly, late a captain in the Third Artillery, United States Army, on the pension roll at the rate of $30 per month, in lieu of the rate of pension she now receives.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MELLISA ADAMS.

The bill (H. R. 4841) granting a pension to Mellisa Adams, widow of Silas Adams, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of Mellisa Adams, of Liberty, Casey County, Ky., widow of Silas Adams, deceased, late colonel of the First Kentucky Cavalry, and pay her a pension of $12 per month.

Mr. GALLINGER. I will state that that amendment on the part of the committee was made under a misapprehension, and I trust it will be rejected and the bill allowed to stand as it passed the other House.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEVI R. LONG.

The bill (S. 2674) granting a pension to Levi R. Long was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi R. Long, late private of Company I, Seventeenth Regiment Pennsylvania Volunteer Cavalry, at the rate of $40 per month, in lieu of the pension which he now receives.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEN. JAMES W. M'MILLAN.

The bill (S. 3509) to increase the pension of Gen. James. W. McMillan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Infantry," to insert "and brevet major-general, United States Volunteers;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to place the name of Gen. James W. McMillan, colonel of the Twenty-first Indiana Volunteer Infantry and brevet major-general, United States Volunteers, upon the pension roll, and allow and pay him a pension of $50 a month in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY F. THORNTON.

The bill (H. R. 1064) for the relief of Henry F. Thornton was considered as in Committee of the Whole. It proposes to issue to Henry F. Thornton, late of First Virginia Volunteers in Mexican war, a certificate of pension of $16 per month, in lieu of the certificate now held by him as a survivor of that war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JANE CUNNINGHAM.

The bill (H. R. 5068) to grant pension to Jane Cunningham, widow of James Cunningham, was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Jane Cunningham, widow of James Cunningham, late of Company B, Seventh Wisconsin Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. MARY A. VIEL.

The bill (H. R. 6902) granting a pension to Mrs. Mary A. Viel was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "twenty-five" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Mrs. Mary A. Viel, formerly widow of Maj. W. D. Sanger, of the Fifty-fifth Regiment Illinois Volunteers, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MIRIAM V. KENNEY.

The bill (H. R. 3937) granting a pension to Miriam V. Kenney, widow of Samuel W. Kenney, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 3, before the word "dollars," to strike out "twenty-five" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That a pension of $12 per month be, and the same is hereby, granted to Mrs. Miriam V. Kenney, widow of Samuel W. Kenney, during the term of her natural life.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

THOMAS MADDEN.

The bill (S. 1302) granting a pension to Thomas Madden was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 4, after the word "roll," to strike out "subject to the provisions and limitations of the pension laws" and insert "at the rate of $8 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $8 per month, the name of Thomas Madden, late of Company H, Thirty-second New York Volunteer Infantry.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELNORA SHUMAN.

The bill (H. R. 10085) for the relief of Elnora Shuman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elnora Shuman, widow of John Shuman, deceased, and foster mother of W. E. Shuman, late of Company K, One hundred and seventh Regiment Pennsylvania Infantry Volunteers, and James F. Shuman, late of Company D, Eleventh Regiment Pennsylvania Cavalry Volunteers, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN A. PADDOCK.

The bill (S. 3350) granting a pension to Susan A. Paddock was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Susan A. Paddock, widow of Joseph W. Paddock, late a major and assistant adjutant-general of volunteers, First Division, Fifteenth Army Corps, and pay her at the rate of $25 dollars per month.

The amendment was agreed to.

The bill was reported to the senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES R. PACK.

The bill (H. R. 6234) to restore the name of James R. Pack to the pension roll was considered as in Committee of the Whole. It proposes to restore to the pension roll of the United States the name of James R. Pack, who was a private in Company D, of the Webster County (Missouri) Home Guards, and acting assistant surgeon of the United States Army, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISABELLA H. SILVEY.

The bill (S. 3124) granting an increase of pension to Isabella H. Silvey, widow of Lieut. Col. William Silvey, deceased, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions of the pension laws, the name of Isabella H. Silvey, widow of William Silvey, deceased, late of the United States Army, and pay her a pension at the rate of $40 per month, in lieu of the pension she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM EDWARDS.

The bill (H. R. 7333) granting a pension to William Edwards, Company D, Tenth Regiment Vermont Volunteers, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Edwards, of Company D, Tenth Vermont Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

URIAH ANDRICKS.

The bill (H. R. 1948) to grant a pension to Uriah Andricks, Fifty-fourth Illinois Volunteer Infantry, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Uriah Andricks, late private of Company H, Fifty-fourth Illinois Volunteer Infantry, at $14 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. HELEN A. FUNKHOUSER.

The bill (H. R. 6236) to grant a pension to Mrs. Helen A. Funkhouser was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mrs. Helen A. Funkhouser, widow of John J. Funkhouser, late colonel, Ninety-eighth Regiment Illinois Volunteer Infantry, and to pay her a pension of $30 per month.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from New Hampshire to the fact that the Calendar suggests that there is an amendment to the bill. The Chair is informed that there is nothing in the report to indicate an amendment.

Mr. GALLINGER. No; there is no amendment proposed by the committee to the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES WARBROOK.

The bill (H. R. 7115) granting a pension to James Warbrook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Warbrook, late private in Company K, One hundred and twenty-seventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPHINE GLOVER.

The bill (H. R. 5532) to increase the pension of Josephine Glover was considered as in Committee of the Whole. It proposes to increase the pension of Josephine Glover, widow of Capt. E. V. Glover, Company A, Thirty-fourth New Jersey Volunteers, and to pay her a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL SHAFFER.

The bill (S. 3144) granting a pension to Samuel Shaffer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the name "Shaffer," to insert "late a private in Company D, Third Ohio Infantry Volunteers, and pay

him a pension of $20 a month, in lieu of the pension he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Shaffer, late a private in Company D, Third Ohio Infantry Volunteers, and pay him a pension of $20 a month, in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ESSIE E. POWELL.

The bill (S. 2910) granting a pension to Mrs. Essie E. Powell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Essie E. Powell, widow of William A. Powell, captain Company G, One hundred and twenty-fourth Ohio Volunteer Infantry, at the rate of $20 per month, in lieu of any pension she may now receive.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RHODA A. VAN NIMAN.

The bill (S. 355) granting a pension to Rhoda A. Van Niman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Volunteers," to insert "and pay her a pension at the rate of $12 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rhoda A. Van Niman, widow of Enoch I. Van Niman, late of Company F, Forty-second Regiment Ohio Volunteers, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH E. VANTINE.

The bill (H. R. 7969) to increase the pension of Joseph E. Vantine was considered as in Committee of the Whole. It proposes to place the name of Joseph E. Vantine, late first-class fireman on the U. S. S. *Richmond*, United States Navy, on the pension roll at $72 per month, in lieu of his present pension.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE BILL REFERRED.

The bill (H. R. 5764) granting an increase of pension to Elizabeth A. Marthon was read twice by its title, and referred to the Committee on Pensions.

ORDER OF BUSINESS.

Mr. CULLOM. Mr. President——

Mr. COCKRELL. I call for the regular order, according to the agreement.

Mr. CULLOM. What was the agreement?

Mr. COCKRELL. To take up unobjected House bills favorably reported.

Mr. CULLOM. I rose to call up an unobjected House bill.

Mr. COCKRELL. Then the bill will be reached in its order.

Mr. CULLOM. It is away back in the first part of the Calendar.

Mr. COCKRELL. We shall soon run through with the House bills. There are only a few cases.

Mr. CULLOM. I have been trying to get the bill passed for a month.

Mr. COCKRELL. I must insist on the agreement.

Mr. CULLOM. It comes within the agreement, if there is no objection to the bill.

Mr. COCKRELL. We can not set aside the agreement.

The PRESIDING OFFICER. Unobjected House bills on the Calendar will now be considered.

Mr. COCKRELL. And Order of Business 1192, House bill 7469, is the first case on the Calendar.

Mr. PETTIGREW. I will state that the first case on the Calendar is Order of Business 1184, House bill 9029, the Senate bill having been indefinitely postponed to-day and the House bill put in its place upon the Calendar.

Mr. COCKRELL. Very well; let that bill be proceeded with.

HUDSON RESERVOIR AND CANAL COMPANY.

The bill (H. R. 9029) to grant to the Hudson Reservoir and Canal Company the right of way through the Gila River Indian Reservation was announced as the first bill in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. ALLISON. I suggest one amendment, which is that the last section, which says "that this act shall be in force from its passage," should be striken out. I move to strike out that section.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out section 10, as follows:

SEC. 10. That this act shall be in force from its passage.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

REMOVAL OF SNOW AND ICE IN THE DISTRICT.

The bill (H. R. 7469) for the removal of snow and ice from the sidewalks, cross walks, and gutters in the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

Mr. MCMILLAN. I move wherever the word "owner" occurs in the bill that the word "agent" be inserted after it.

Mr. CULLOM. That is right.

The PRESIDING OFFICER. The amendments will be stated.

The SECRETARY. In section 1, line 3, after the word "owner," it is proposed to insert "agent;" in line 11, after the word "owner," to insert "agent;" and in line 12, after the word "owner," to insert "agent;" so as to make the section read:

That the owner, agent, or tenant of each house or other building or lot or lots of ground in the cities of Washington and Georgetown, and in such other part or parts of the District of Columbia as the Commissioners of said District shall from time to time designate, shall, within the first four hours of daylight after every fall of snow, cause the same to be removed entirely from off the paved sidewalks opposite each house, building, lot, or land under the penalty of $1 for each lot for every such neglect, to be paid by the said owner, agent, or tenant; and such owner, agent, or tenant shall, under a like penalty, within five days after a notice to do so by the Commissioners, clean off and remove, or cause to be cleaned off and removed, all dirt, sand, gravel, or other refuse matter that may fall or be washed upon any paved sidewalk, roadway, or alley inside the cities of Washington and Georgetown, and in such other part or parts of the District of Columbia as the Commissioners of said District shall from time to time designate.

The amendments were agreed to.

Mr. COCKRELL. The same amendment should be made in section 2 and the following sections.

Mr. MCMILLAN. I desire the amendment to be inserted wherever in the bill the word "owner" occurs.

The PRESIDING OFFICER. The amendments will be stated.

The SECRETARY. In section 2, line 2, after the word "owners," it is proposed to insert "agent;" and in line 11, after the word "owner," to insert "agent;" so as to make the section read:

SEC. 2. That in case the sidewalks are covered with ice the owner, agent, or tenant of any building, lot, or lots of ground in the cities of Washington and Georgetown, and in such other part or parts of the District of Columbia as the Commissioners of the said District shall from time to time designate, shall promptly cause the paved sidewalks or paved portions of the sidewalk opposite his, her, or their premises to be strewn with ashes, sand, sawdust, or some other suitable substance that will insure or contribute to the safety of pedestrians, under the penalty of $1 for each lot for every neglect, to be paid by the said owner, agent, or tenant.

The amendments were agreed to.

The PRESIDING OFFICER. The remaining amendments will be stated.

The SECRETARY. In section 3, line 1, after the word "owner," it is proposed to insert "agent;" and in line 10, after the word "owner," to insert "agent;" so as to make the section read:

SEC. 3. That in case the owner, agent, or tenant of any house, lot, building, or land shall neglect to comply with any of the provisions of the preceding sections of this act, it shall be the duty of the Commissioners of the District of Columbia to cause the removal of snow and ice, or any dirt, sand, or gravel from all paved sidewalks and alleys in the cities of Washington and Georgetown, and in such other part or parts of the District of Columbia as the Commissioners of said District shall from time to time designate, wherever there has been a failure on the part of the owner, agent, or tenant as aforesaid to remove the same; and the cost of such removal, by order and under the direction of the said Commissioners, shall be assessed as a tax against the property to which the sidewalks in question belong, for the purposes of this act, and the said tax so assessed shall be carried to the regular tax roll of the District aforesaid, and shall be collected in the manner provided for the collection of other taxes.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MCMILLAN. I move that the Senate insist upon its amendments and ask for a conference with the House of Representatives.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to

appoint the conferees on the part of the Senate; and Mr. MCMILLAN, Mr. FAULKNER, and Mr. BAKER were appointed.

DISTRICT TAX-SALE CERTIFICATES.

The bill (H. R. 3610) for the relief of holders of certain District of Columbia tax-sale certificates, and for other purposes, was announced as next in order.

Mr. COCKRELL. That is quite a lengthy bill, and may lead to some discussion. Let it be passed over temporarily.

Mr. FAULKNER. I hope the Senator will not object to that bill.

Mr. COCKRELL. Let it be passed over temporarily. I want to examine it.

Mr. FAULKNER. I have been sitting here all evening waiting to answer any question which might be asked in relation to that bill, which has been indorsed by all the officials of the District of Columbia.

The PRESIDING OFFICER. Does the Senator from Missouri insist upon his objection?

Mr. COCKRELL. I made the objection once, and I have not withdrawn it, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

H. C. HERNDON.

The bill (H. R. 3787) for the relief of H. C. Herndon was considered as in Committee of the Whole. It proposes to pay $204.30 to H. C. Herndon, of Catlettsburg, Ky., for the loss of a registered package containing that sum which he had placed in the post-office at Webbville, Ky., as deputy collector of internal revenue, on November 24, 1892, addressed to Thomas C. McDowell, collector for seventh internal revenue district of Kentucky, and which was stolen from the said post-office on the night of the 24th of November, 1892.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REORGANIZATION OF NORTHERN PACIFIC RAILROAD COMPANY.

The joint resolution (H. Res. 190) to facilitate the reorganization of the Northern Pacific Railroad Company; to secure to actual settlers the right to purchase at a price not exceeding $2.50 per acre the agricultural lands within its grant, and to prohibit said company or any successor company from giving, by consolidation, sale, or other corporate action, control of its railroad to any corporation, company, person, or association of persons owning, operating, or controlling a parallel or competing railroad, was announced as next in order.

Mr. COCKRELL. Let that be passed over without losing its place.

The PRESIDING OFFICER. The joint resolution will be passed over.

IMPROVEMENT OF PUBLIC ROADS.

The joint resolution (H. Res. 194) extending the scope of the investigations by the Agricultural Department in the matter of the improvement of public roads was announced as next in order.

Mr. COCKRELL. Let that joint resolution be passed over.

The PRESIDING OFFICER. The joint resolution will be passed over.

ARKANSAS RIVER BRIDGE.

The bill (H. R. 5482) authorizing the Cleveland Bridge Company to construct a bridge across the Arkansas River between Pawnee County, Okla., and the Osage Indian Reservation was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TONNAGE TAX.

The bill (H. R. 2672) concerning tonnage tax was announced as next in order.

Mr. COCKRELL. Let that bill be passed over without losing its place, the Senator reporting it not being present.

The PRESIDING OFFICER. It will be so ordered.

AMERICAN REGISTER FOR BARK VILA.

The bill (H. R. 6776) to provide an American register for the bark *Vila* was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMERICAN REGISTER FOR BARK E. C. MOWATT.

The bill (H. R. 9734) to provide an American register for the bark *E. C. Mowatt*, of Philadelphia, Pa., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

METROPOLITAN RAILROAD COMPANY.

The bill (H. R. 9647) to authorize the extension of the lines of the Metropolitan Railroad Company, of the District of Columbia, was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments, in line 17, before the words "as will provide," to strike out "bonds" and insert "capital stock;" and in line 18, after the word "such," to strike out "bonds" and insert "stock;" so as to make the bill read:

Be it enacted, etc., That the Metropolitan Railroad Company be, and it is hereby, authorized to extend the lines of its underground electric railroad from the intersection of Connecticut and Florida avenues northward along Columbia road to a point on the west line of Eighteenth street extended: *Provided*, That the said extension be completed within six months from the date of the passage of this act, and the said company is hereby authorized and empowered to increase its capital stock for the purpose of making and equipping the extension of its route authorized by this act, but the amount of the capital stock so to be issued as aforesaid shall not exceed the cost of the making and equipment of the extension herein provided for: *Provided further*, That the Metropolitan Railroad Company is hereby authorized to issue such an additional amount of capital stock as will provide for the conversion into such stock of its outstanding certificates of indebtedness, amounting to $250,000, heretofore issued for the completion and equipment of its road.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BRIDGES ACROSS RED RIVER OF THE NORTH.

The bill (H. R. 8814) to authorize the construction by the Duluth and North Dakota Railroad Company of two bridges across the Red River of the North, between the States of Minnesota and North Dakota, was considered as in Committee of the Whole.

Mr. CARTER. I wish to inquire if anyone knows of any navigation on the Red River of the North by steam craft or any other sort of vessel?

Mr. COCKRELL. The Senator from Minnesota [Mr. NELSON] can probably tell. There is no doubt but what the bill is all right.

Mr. NELSON. There are steamboats regularly plying every summer from Grand Forks to Winnipeg, and even up to Moorhead, up the Red Lake River, to and through Red Lake. There is quite a bit of navigation there. This bill has been indorsed by the War Department, and is intended to protect navigation.

Mr. CARTER. I have no objection to the bill. I only desired to know whether it was necessary.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGE ACROSS THE MONONGAHELA RIVER.

The bill (H. R. 9841) to amend an act authorizing the West Braddock Bridge Company to construct a bridge over the Monongahela River from the borough of Rankin to Mifflin Township was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMERICAN REGISTER FOR THE BARK CERES.

The bill (H. R. 8190) to provide an American register for the bark *Ceres* was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETER COOK.

The bill (H. R. 2741) for the relief of Peter Cook, of Arkansas, was considered as in Committee of the Whole. It proposes to pay to Peter Cook, of Lonoke County, Ark., $904, being the amount found by the Court of Claims to be due to him for stores and supplies taken and used by the Federal Army during the late war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RAILROAD COMPANIES IN THE INDIAN TERRITORY.

The bill (H. R. 8850) to amend an act passed at the first session of the Fifty-fourth Congress, entitled "An act to grant to railroad companies in Indian Territory additional power to secure depot grounds and to correct alignments," was considered as in Committee of the Whole. The bill was reported from the Committee on Indian Affairs with an amendment, to add at the end of the bill the following additional proviso:

And provided further, That the right to add to, alter, amend, or repeal this act is hereby expressly reserved to Congress or to any State which may hereafter be established in the Territory through which the lines of said railroad companies are constructed.

The amendment was agreed to.

Mr. BERRY. I offer an amendment to the bill.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 28, after the word "stations," it is proposed to insert:

Provided further, That any railroad company which shall avail itself of the privileges of this act shall not charge more than 3 cents per mile for carrying each passenger through said Indian Territory.

Mr. CHILTON. I shall vote for the amendment if it is insisted upon. The bill was reported from the Committee on Indian Affairs. I will ask that it may be passed over until I can communicate to the gentlemen who have the management of the bill the fact that such an amendment is pending.

Mr. BERRY. Before the bill goes over, I wish to say a few words, if the Senator from Texas will permit me.

Mr. CHILTON. Certainly.

Mr. BERRY. I desire to state that all the railroads which pass through the territory of the Five Civilized Tribes are allowed to charge only 3 cents a mile with the exception of the Missouri, Kansas and Texas. That road was granted its charter many years ago, and there was no provision of the kind inserted in the original act granting it the right of way through that Territory. All the charters which have since been granted to various railroads have contained provisions that the roads shall not charge a passenger more than 3 cents a mile. The result is that the Missouri, Kansas and Texas charges 3 cents a mile in Missouri and Texas, but the moment it strikes the Indian Territory it charges the inhabitants and citizens there and all persons who pass through the Territory on its road 5 cents a mile.

It is an injustice to those people, and it ought to be remedied. The railroads come here and ask additional privileges of Congress, and I think when they are asking them, they ought to be required to be placed upon the same footing with all other railroads in the Territory.

Mr. CHILTON. There is a great deal of force in what the Senator from Arkansas says. The Missouri, Kansas and Texas Railroad has an attorney in this city, and I will ask that the bill may be passed over, in order that I may communicate to him the fact that such an amendment has been offered.

The PRESIDING OFFICER. The amendment offered by the gentleman from Arkansas will be considered as pending, and the bill will go over.

SUBMARINE CABLE LINES.

The bill (H. R. 9149) to regulate the establishment of submarine telegraph cable lines or systems in the United States was announced as the next business in order on the Calendar.

Mr. WALTHALL. I think two Senators objected to the consideration of the bill the other day. The Senator from Minnesota was one, I think, and the Senator from Kentucky [Mr. BLACKBURN] the other.

Mr. CULLOM. Let the bill go over.

Mr. ALLISON. It can go over without prejudice.

Mr. WALTHALL. I do not object.

Mr. ALLISON. It had better go over.

Mr. CULLOM. The Senator from Maine [Mr. FRYE], who is interested in the bill, is not present.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

GEORGE W. WATSON.

The bill (H. R. 4279) to cure the title to certain real estate in the District of Columbia was considered as in Committee of the Whole. It provides that the United States shall quitclaim and release in favor of George W. Watson, his heirs and assigns, any and all claim or title which it has in lots 7 and 8, in square 996, in Washington, D. C.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGE ACROSS THE EASTERN BRANCH IN THE DISTRICT.

The bill (H. R. 8010) to authorize a survey for construction of a bridge across the Eastern Branch of the Potomac River in line with Massachusetts avenue extended eastward was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REVISION OF PATENT LAWS.

The bill (H. R. 3014) revising and amending the statutes relating to patents was announced as the next business in order on the Calendar.

Mr. COCKRELL. The Senator who reported the bill not being present, I ask that it may be passed over.

The PRESIDING OFFICER. The bill will go over.

ADAM HAND.

The bill (H. R. 7906) to grant an honorable discharge to Adam Hand as first lieutenant of Company B, One hundred and eighty-fourth Regiment Pennsylvania Infantry Volunteers, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALE OF LIQUORS IN CAPITOL BUILDING.

The bill (H. R. 7083) to prohibit the sale of intoxicating liquors in the Capitol building, and for other purposes, was announced as the next business in order on the Calendar.

Mr. HILL. I fear some Senators may desire to debate the bill.

The PRESIDING OFFICER. The bill will be passed over, under the objection of the Senator from New York.

JOHN LONG.

The bill (H. R. 9666) to correct and amend the military record of John Long, late private Company H, Thirty-first Regiment Missouri Volunteers, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That John Long, who was duly enlisted and rendered service as a private in Company H, Thirty-first Regiment of Missouri Volunteers, shall be held and considered to have been mustered into the military service of the United States as a private of said company and regiment on the 22d day of August, 1862, to have served continuously as such private in said service until the 30th day of November, 1862, and to have been honorably discharged, on the date hereinbefore last named, on account of disabilities incurred while in line of duty in said service, company, and regiment, and that the Secretary of War be, and he is hereby, authorized and directed to issue to said Long a certificate of discharge in accordance with the terms of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment wss ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

SETTLERS ON PUBLIC LANDS IN MISSISSIPPI.

The bill (H. R. 9345) to enable certain persons in the State of Mississippi to procure title to public lands was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments. The first amendment was, in line 9, after the word "right," to strike out—

of entry for one year from the passage of this act, either under the homestead law or by purchase at private entry, at $1.25 per acre; and the fact that persons affected by this act have heretofore made entry of lands under any law or laws shall not work a disqualification to make entry as herein provided.

And insert:

For one year from the passage of this act to enter under the homestead laws of the United States not exceeding 160 acres of the lands so purchased by them from the State of Mississippi and to purchase not exceeding 160 acres additional of such lands at $1.25 per acre, or, if they elect not to avail themselves of the homestead law, to purchase 320 acres of such land: *Provided, however*, That this act shall not affect the rights of homestead claimants who, between the 16th day of February, 1895, and the 27th day of May, 1896, made settlements and entries or filed with the local land officers applications to enter in good faith, under the homestead laws, any of the lands included in the provisions of this act not occupied or actually and substantially improved by such purchasers from the State.

So as to read:

That all persons who, prior to January 19, 1895, purchased in good faith from the State of Mississippi any lands within the 6 miles or granted limits of the Mobile and Ohio Railroad, and which lands were included in approved swamp-land list No. 7, Augusta series, their heirs or assigns, shall have the preference right for one year from the passage of this act to enter under the homestead laws of the United States not exceeding 160 acres of the lands so purchased by them from the State of Mississippi, etc.

The amendment was agreed to.

The next amendment was to add, as a new section:

SEC. 2. That all persons who have legally purchased any of the lands aforesaid at tax sales shall be considered assigns within the meaning of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BILLS PASSED OVER.

The bill (H. R. 1888) to further amend an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved March 3, 1893, was the next in order on the Calendar.

Mr. TURPIE. I move that the Senate adjourn.

Mr. COCKRELL. I suggest to the Senator to wait a few moments before moving an adjournment.

Mr. ALLISON. I hope the Senator from Indiana will withdraw his motion for a moment. There are only two or three unobjected House bills left on the Calendar, and I think we can dispose of them.

Mr. CHANDLER. It is understood that the next bill is to go over.

The PRESIDING OFFICER. Does the Senator from Indiana withdraw his motion?

Mr. TURPIE. I do.

The PRESIDING OFFICER. The motion is withdrawn.

The bill (H. R. 8582) to allow the bottling of distilled spirits in bond was announced as the next business in order on the Calendar.

Mr. COCKRELL. We do not want to consider the bottling bill to-night.

Mr. CULLOM. I object to its consideration at this time. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

KANSAS, OKLAHOMA CENTRAL AND SOUTHWESTERN RAILWAY.

The bill (H. R. 9863) to extend and amend an act entitled "An act to grant the right of way to the Kansas, Oklahoma Central and Southwestern Railway Company through the Indian Territory and Oklahoma Territory, and for other purposes," approved December 21, 1893, was considered as in Committee of the Whole.

Mr. CULLOM. This seems to be a very long bill and somewhat important, and I suggest that it go over.

Mr. BAKER. It is a very important bill, and I hope the Senator from Illinois will withdraw his objection.

Mr. CULLOM. Very well.

The PRESIDING OFFICER. The Senator from Illinois withdraws his objection.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIFE-SAVING STATION AT GREAT BOARS HEAD, NEW HAMPSHIRE.

The bill (H. R. 8356) to authorize the establishment of a life-saving station at or near Great Boars Head, on the coast of New Hampshire, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ST. LOUIS RIVER BRIDGE.

The bill (H. R. 9752) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin," was announced as the next business in order on the Calendar.

Mr. NELSON. The Senator from Wisconsin is opposed to the bill, and I agreed not to call it up in his absence. Let it be passed over.

The PRESIDING OFFICER. The bill will be passed over.

ROCK ISLAND BRIDGE.

The bill (H. R. 9775) to amend so much of chapter 189 of the Statutes of the United States of America, passed at the third session of the Fifty-third Congress, and approved March 2, 1895, as requires that the lower portion of the Rock Island Bridge shall not be occupied by any street railway company without paying a reasonable rent therefor was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PAY OF INSPECTORS OF STEAM VESSELS.

Mr. CARTER. I suggest that the next two bills on the Calendar, House bill 10067 and House bill 9790, go over. They seem to be important matters.

Mr. NELSON. House bill 10067 is a very short bill, reported from the Committee on Commerce. I wish the Senator would allow it to be proceeded with.

Mr. CARTER. I have no especial objection to the bill.

The PRESIDING OFFICER. Is the objection withdrawn?

Mr. CARTER. I withdraw the objection.

The bill (H. R. 10067) to amend "An act to amend 'An act to amend section 4400 of Title LII of the Revised Statutes of the United States, concerning the regulation of steam vessels,' approved August 7, 1882;" and also to amend section 4414, Title LII, of the Revised Statutes, "Regulation of steam vessels," was considered as in Committee of the Whole. It proposes to amend the last paragraph of section 2, page 399, Supplement to Revised Statutes, volume 2, so as to read:

Every inspector provided for in this or the preceding sections of this title shall be paid his actual and reasonable traveling expenses or mileage, at the rate of 5 cents a mile, incurred in the performance of his duties, together with his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as shall be given by the Secretary of the Treasury.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IMPROVEMENT OF EASTCHESTER CREEK, NEW YORK.

The bill (H. R. 10012) relating to the improvement of Eastchester Creek, State of New York, was considered as in Committee of the Whole. It authorizes the Secretary of War to expend the whole or any portion of any appropriation heretofore made for the improvement of Eastchester Creek, in the State of New York, in accordance with the surveys and report for such improvement, upon that portion of the improvement included in recent surveys extending the improvement to the head of tide water.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOLDIERS' HOME IN COLORADO.

Mr. CARTER. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 4985) to permit a part of the Fort Lyon Military Reservation to be occupied, improved, and controlled for a soldiers' home by the State of Colorado, to report it without amendment, and I ask unanimous consent for its present consideration. The bill is unanimously reported from the committee.

Mr. TELLER. The bill was first referred to the Committee on Military Affairs and reported back from that committee and sent to the Committee on Public Lands, and it is now reported favorably. I hope it will be put on its passage.

The PRESIDING OFFICER. The bill will be read for information.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. TURPIE. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 4 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 6, 1897, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 5, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

CLAIMS AGAINST THE DISTRICT OF COLUMBIA.

Mr. GROUT. Mr. Speaker, I spoke yesterday of having a report, which was made by the Committee on the District of Columbia in the Fifty-first Congress, printed in the RECORD, and I supposed from what I said that it would be printed this morning, although I did not make a formal request to that effect. I now do so; and accompany that request with notice that to-morrow morning, immediately after the reading of the Journal, I shall move to go into Committee of the Whole for further consideration of the District appropriation bill.

Mr. RICHARDSON. Mr. Speaker, I could not hear the gentleman's request.

The SPEAKER. The gentleman from Vermont asks unanimous consent to have printed in the RECORD a report made by the Committee on the District of Columbia in the Fifty-first Congress, with regard to the claims which were under discussion in Committee of the Whole yesterday. Is there objection?

Mr. RICHARDSON. I do not object to printing that report as a document, but I do object to encumbering the RECORD with it.

The SPEAKER. Objection is made.

BENOIT VS. BOATNER.

Mr. JOHNSON of Indiana. Mr. Speaker, I desire to submit to the House the report of the Committee on Elections No. 2, in the case of Alexis Benoit *vs.* Charles J. Boatner. The report is unanimous, and I will not call it up for consideration at the present time.

The SPEAKER. The report will be printed and placed on the House Calendar.

Mr. BAILEY. Mr. Speaker, I desire to say in reference to that case that the chairman of the Committee on Elections No. 2 notified me that a meeting of the committee was to be held for the adoption of the report, and I intended to be present, but overlooked it. I have not had an opportunity to examine the report, but knowing that I agree in the conclusions, I merely reserve the right, if I find I do not assent to any of the statements made, to say so.

Mr. JOHNSON of Indiana. I suppose there is no objection to that; at least, not upon my part. The gentleman says that he was notified to attend the meeting.

Mr. BAILEY. I was notified.

Mr. JOHNSON of Indiana. One other gentleman of the minority was notified of the meeting and appeared, and another member, the gentleman from California [Mr. MAGUIRE] came to the committee room and suggested that the report be made to-day, and that he could hereafter dissent from the reasoning if he cared to do so.

Mr. BAILEY. I perfectly understood that it was to be made at this time.

HOPKINS VS. KENDALL.

Mr. DANIELS. Mr. Speaker, I desire to submit a report on the contested-election case of Hopkins *vs.* Kendall, from the State of Kentucky. Seven members agree in this report. Two desire to make a minority report, and ask to be allowed until Wednesday next to file their views.

Mr. ROYSE. That is correct, Mr. Speaker. We expect to be able to file the views of the minority by Wednesday.

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. ROYSE]?

There was no objection, and it was so ordered.

Mr. DANIELS. Mr. Speaker. I ask that the report be printed.

The SPEAKER. Without objection, the report will be printed and referred to the House Calendar.

Mr. ROYSE. I ask that the views of the minority also, when filed, be printed.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. THOMAS. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is the unfinished business which has passed through the Committee of the Whole. The Clerk will read the first bill.

GEORGE L. BENNER.

The first unfinished business on the Calendar was the bill (H. R. 6841) granting a pension to George L. Benner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of George L. Benner and grant him a pension because of a fracture of right thigh, received during the civil war while said Benner was an employee of the Quartermaster's Department; said pension to be rated according to the degree of disability existing as the result of said injury.

Mr. THOMAS. Mr. Speaker, I move the previous question on the bill to its passage.

Mr. MCMILLIN. Mr. Speaker, I will ask the gentleman from Michigan if he has any objection to having the report in that case read to the House before he demands the previous question? This seems to be a bill to pension a civil employee.

The SPEAKER. It is a proposition to pension a civilian.

Mr. THOMAS. Very well, Mr. Speaker. Pending the motion for the previous question, I ask that the report be read.

The report (by Mr. MILES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6841) entitled "A bill granting a pension to George L. Benner," beg leave to submit the following report, and recommend that said bill do pass without amendment:

This is a bill enacting that the Secretary of the Interior be authorized and directed to place upon the pension roll the name of George L. Benner and grant him a pension because of a fracture of the right thigh, received during the civil war while said Benner was an employee of the Quartermaster's Department, to be rated according to the degree of disability existing as the result of said injury.

George L. Benner was a teamster during the war of the rebellion, employed by the United States under Captain Dana, United States Army, an assistant quartermaster; also under a wagon master named Lyles, and was accidentally injured while performing his duties by being caught between the front wheel of an army wagon and a tree, about November 7, 1861, incurring a fracture of the right thigh.

Dr. N. S. Lincoln, surgeon of quartermaster's hospital, testified February 28, 1896, that George L. Benner was admitted to the quartermaster's hospital, under his (Dr. Lincoln's) charge, on the 7th of November, 1861, on account of a bad fracture of the thigh; that he suffered severely many weeks, and has never completely recovered from the effects of the injury.

Dr. James T. Young, medical assistant, quartermaster's hospital, testifies (February 29, 1896) that George L. Benner was admitted to the quartermaster's hospital November 7, 1861, with a fracture of the thigh, and that he was discharged therefrom in March, 1862. He has never recovered from the effects of the injury. The fracture was treated by Dr. N. S. Lincoln with Dr. Young's assistance.

Your committee believe the bill is meritorious, and precedents having been set by previous action of Congress in pensioning the employees in Quartermaster's Department for injuries received in line of duty, earnestly recommend the passage of the bill without amendment.

Mr. TERRY. Mr. Speaker, I hope that the House will understand fully the proposition involved in this bill. There may have been cases in which a civilian employee of this Government during the late war, in an emergency, took a musket in his hands, went into the fight, and was wounded by some weapon of war, but if I understand the report just read, this man received no such honorable wound as that. From all that is disclosed here, this man may have been jammed against a tree by an obstreperous mule. And now it is proposed to put him upon a roll which should be a roll of honor. I trust that this House, with a due regard for men who bear upon their persons honorable wounds, will not go into the business of pensioning civil employees of this Government. I desire that the House shall understand the nature of this case.

Mr. DOCKERY. Is it understood that this bill proposes to pension a civil employee of the Quartermaster's Department?

Mr. TERRY. This man seems to have been a teamster, and according to the report, as I caught the reading, he was shoved up against a tree, and thereby suffered injuries. On this account it is proposed to put him upon the pension roll, where properly only soldiers belong.

I have always said to my people in regard to pensions that my attitude was this: If our side—and in so speaking I mean the Southern side—had won, we would have pensioned all our soldiers who were disabled through honorable wounds or incurred disabilities in the line of duty; and that therefore no Southern man ought ever to object to that being done on the Union side. But I do protest that the roll of our American soldiery should not have put upon it a man who presents no better claim than is presented here. I will only add that if this bill be pressed I shall ask for the yeas and nays upon the proposition.

Mr. MCMILLIN. Mr. Speaker, I called for the reading of this report because I saw from the bill that it proposed a new departure as to the pension list—that it proposed to place upon the list of pensioners a civil employee of the Government. I have nothing to say as to the arduous work of one who was engaged in the class of labor that this man performed during the war. But we have always drawn a distinction between the man who, having enlisted, took his life in his hands, his gun on his shoulder, and incurred the dangers of battle, and the man who preferred to go into the civil service of the Government and took employment there without incurring the dangers of military life. I believe that to depart from that distinction now is not wise, and for many reasons. In the first place, there was not in the civil service the same care taken in keeping up the list of persons rendering service, in looking after them, and ascertaining how any injuries received may have been incurred. In regard to these civil employees, we have in general no proper means of ascertaining whether a man who acted as a teamster or a laborer did anything more than simply take his pay, exercising at the end of the month his right to leave that employment if he chose.

I do not care to speak at length against this measure. It strikes me it is so obviously wrong that to mention the nature of the claim is sufficient to defeat it. I know how ready the people of the United States are to give the benefit of the doubt in favor of the soldier wherever injuries have been received. But we have a civil list embracing over 100,000 employees, including our postmasters and all others, and I think we ought not to enter either now or hereafter on the policy of pensioning civil employees.

Mr. STEELE. The gentleman is probably not aware that we have already entered on that policy. We have in some cases pensioned telegraph operators. I do not think there is any justification whatever for such pensions. Civil employees of the Government receive higher pay than an ordinary soldier, yet they take no risk whatever. By entering upon a policy of this kind we endanger the pension roll.

Mr. MCMILLIN. I agree fully with the remarks of the gentleman from Indiana [Mr. STEELE]. If we have departed in any instance from the sound principle on this question, the more quickly we decline to extend the pension list in this way the better.

Mr. STEELE. I hope this bill will not receive favorable consideration from the soldiers of this House.

Several MEMBERS. Let us vote the bill down.

Mr. ERDMAN. I move that the bill lie on the table.

The motion was agreed to.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. CURTIS of New York. I rise to call up the conference report on the disagreeing votes of the two Houses upon the Military Academy appropriation bill.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7 and 8.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, and 6, and agree to the same.

N. M. CURTIS,
M. GRIFFIN,
D. G. TYLER,
Managers on the part of the House.

R. F. PETTIGREW,
GEO. C. PERKINS,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The Senate amendments numbered 1, 2, 3, and 6 merely effect immaterial changes in the phraseology of the bill, and neither increase nor diminish the amount of the appropriations.

Senate amendment numbered 4 increases the appropriation specified in the House bill $5,000. Senate amendment numbered 7, from which it is recommended in the report that the Senate recede, proposed to increase the amount appropriated by the House bill $15,000. Amendments numbered 5 and 8 were designed to state the total appropriations for certain purposes to correspond with the increases proposed by amendments numbered 4 and 7.

Accordingly the bill will, in case the conference report be adopted, appropriate $5,000 more than the House bill and $15,000 less than the amount proposed by the Senate amendment.

The changes effected by the Senate amendments, to which it is recommended the House agree, are in detail as follows:

No. 1: On page 3, line 23, strike out "six" and insert "one sergeant and five."

No. 2: On page 4, line 1, strike out "six" and insert "two corporals and four;" so as to make the clause read as follows:

"For pay of the Military Academy Band: One sergeant and five enlisted

musicians, at $34 per month, $2,448; two corporals and four enlisted musicians, at $20 per month, $1,440; twelve enlisted musicians, at $17 per month, $2,448; additional pay for length of service, $1,164; clothing on discharge, $240; retained pay on discharge, $90."

No. 3: On page 4, line 10, strike out "fourteen" and insert "one corporal and thirteen;" so as to make the clause read as follows:

"For pay of field musicians: One sergeant, $216; one corporal and thirteen privates, $2,184; additional pay for length of service, $84; clothing on discharge, $120; retained pay on discharge, $30."

No. 4: On page 16, after line 11, insert "for the purchase of one Maxim semiautomatic 3-pounder quick-firing gun mounted on field carriage complete, and ammunition therefor, $5,000."

No. 5: On page 16, line 15, strike out "sixty-eight" and insert "seventy-three;" so that the clause will read as follows:

"In all, for current and ordinary expenses, $73,502.50." This amendment merely changes the aggregate amount for the expenses mentioned to cover the increase of $5,000 for the Maxim gun.

No. 6: On page 19, lines 16, 17, and 18, reading as follows: "Total for Military Academy, $392,328.83" are stricken out.

The paragraph thus eliminated merely stated the aggregate of the appropriations made by the preceding provisions of the bill, and hence is of no practical consequence.

The foregoing are the amendments in detail to which it is recommended the House agree.

Amendments numbered 7 and 8, from which it is recommended the Senate recede, were respectively designed to effect the following changes, viz:

No. 7: To add $15,000 to the amount proposed to be appropriated by the House in lines, 18, 19, 20, and 21 on page 23: "For constructing a set of filter beds and connecting the same with the new reservoir and otherwise purifying the water, including all necessary appurtenances, to be immediately available," thus increasing the original amount named in the bill to $40,000, in lieu of $25,000, as adopted by the House.

This item will be retained at $25,000, if the report be adopted.

No. 8: On page 24, line 12, the Senate amendment proposed to strike out "eighty-two" and insert in lieu thereof "ninety-seven;" so that the paragraph would read: "In all, for public buildings and grounds, $97,244," in place of $82,244.

It is recommended in the report that the Senate recede from this amendment, and hence the amount remains as fixed by the House, viz, $82,244.

N. M. CURTIS,
M. GRIFFIN,
D. G. TYLER,
House Conferees.

Mr. McCLELLAN. As I understand, this conference report makes an increase of $5,000 over the amount of the bill as passed by the House?

Mr. CURTIS of New York. Yes, sir; and a decrease of $15,000 upon the bill as amended by the Senate.

Mr. McCLELLAN. The additional $5,000 is for the Maxim gun?

Mr. CURTIS of New York. Yes, sir.

The conference report was agreed to.

On motion of Mr. CURTIS of New York, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. THOMAS. I ask that the next bill on the Calendar of unfinished business—Calendar number, 18—be passed over without prejudice, and that we proceed to the next bill.

There was no objection.

EMILY M. TYLER.

The next unfinished business on the Calendar was the bill (H. R. 6560) to increase the pension of Emily M. Tyler.

The bill was read.

The SPEAKER. This bill was reported from the Committee of the Whole House with an amendment.

Mr. CROWTHER. Mr. Speaker, I offer an amendment to the amendment fixing the amount at $50, instead of $75.

Mr. TALBERT. Mr. Speaker, I ask that the pending amendment be read.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 7, strike out "75," and insert "50;" so as to read "at the rate of $50 per month."

Mr. TALBERT. I understand that that is the pending amendment, to strike out "seventy-five" and insert "fifty."

The SPEAKER. That is the amendment to the amendment proposed by the gentleman from Missouri, which is the pending motion.

Mr. BLUE. Mr. Speaker, this bill is precisely the same in amount (as it will stand if amended) as the bill which we passed on yesterday, which was changed from $75 to $50 a month.

I do not care to discuss it, but trust the House will stand by its action of yesterday, and sustain the amendment.

The question being taken, the amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

IRA H. SWEATT.

Mr. THOMAS. Mr. Speaker, I ask that the bill we just passed over on the Calendar of unfinished business, the bill (H. R. 1323) for the relief of Ira H. Sweatt, be now taken up for consideration. I asked that it be passed over a few moments ago under the impression that the gentleman from Maryland [Mr. MILES] who is now absent desired to be heard upon it. I have been informed, however, that he does not care to be heard, and ask that it be taken up and disposed of.

The SPEAKER. Without objection, the bill will be now considered.

There was no objection.

The amendment reported from the Committee of the Whole was agreed to.

Mr. THOMAS. I ask that the report be also read in connection with the bill.

The report (by Mr. POOLE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1323) providing for the payment of a pension already granted to Ira H. Sweatt, of Company I, Thirteenth New Hampshire Volunteers, submit the following report:

Ira H. Sweatt enlisted January 1, 1864, and was discharged December 19, 1865. On September 10, 1870, he applied for a pension, alleging that while in front of Petersburg, Va., in July, 1864, he contracted dumb ague and malarial fever, and that as the result he had lost the use of both legs and his right arm, and that he could not walk with crutches. The pension was allowed, and he was granted a pension at the rate of $8 a month from the date of his discharge, in 1865, to May 10, 1871, and $20 a month from that date to June 3, 1872, and $24 a month thereafter.

On the 30th of June, 1882, he was dropped from the rolls on the ground that the disability for which pension was granted was not contracted in line of duty, but while absent without leave.

On July 25, 1890, Ira H. Sweatt made application for a pension under the act of June 27, 1890, alleging paralysis, which pension was allowed October 19, 1892, at $12 per month, from date of the application, with a proviso that all payments under that certificate should be withheld until the Government could be reimbursed for all payments made under the first certificate.

The evidence examined by your committee shows that Ira H. Sweatt twice appealed to the Secretary of the Interior against the order dropping him from the roll, but without success. The present disability of the claimant is beyond dispute, and is acknowledged by the Pension Bureau in granting him the largest amount of pension provided for under the act of 1890; but the trouble is that while the pension certificate says that he shall receive $12 per month, all payments will be withheld until in all probability this man will be in his grave.

The committee are satisfied that the claimant has no resources; is absolutely helpless; that all moneys heretofore received by him as a pension (and which he claims he was honestly entitled to) have been expended in his support. In view of the facts set forth, the complete paralysis of the claimant, his poverty, and present age, your committee believe that justice will be done by passing this bill that provides that the pension granted Ira H. Sweatt by certificate dated October, 1892, be continued, and they recommend the passage of the bill, with an amendment striking out all of the printed bill after the word "Volunteers," in line 5, and in place thereof inserting "a pension of $12 per month from the passage of this act, under certificate No. 121863, issued October 27, 1892, and no part of it shall be retained by any authority to reimburse the Government for any pension heretofore paid."

Mr. ERDMAN. Mr. Speaker, General Bussey took action with reference to this bill, and what he thought of it and what he said I would like to have the House understand. I therefore ask to have read a communication from him on the subject, which I send to the desk.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., January 19, 1897.

Hon. JOSHUA W. MILES,
House of Representatives.

DEAR SIR: In response to your request of the 18th instant, I have the honor to state that Ira Sweatt, late private Company I, Thirteenth Regiment New Hampshire Volunteer Infantry, pensioned by certificate No. 121863, is shown to have enlisted January 1, 1864, and served until September, 1864, when he was admitted to hospital at Point of Rocks, Md., for treatment for "fever," and was furloughed October 31, 1864. He never returned to his company, but was mustered out on an individual muster-out roll dated Boston, Mass., December 19, 1865, having been absent, sick, when regiment was mustered out.

He was pensioned in 1873 at $8 per month from December 20, 1865; $20 per month from May 10, 1871, and $24 per month from June 4, 1872.

His name was dropped from the roll December 3, 1882, on the ground that the disability for which he was pensioned, viz, paralysis of both legs and right arm, was not contracted in line of duty, but while absent without leave.

He made an appeal to the Secretary of the Interior in 1884, but the action of this Bureau was affirmed by the Secretary in the following language:

"Although the appellant has a hospital record of 'fever' in 1864, the evidence is not sufficient to show that he was permanently affected thereby. On the other hand, the weight of evidence tends to show that his present disability was incurred while in Canada, absent from his command without authority."

He entered a second appeal in September, 1890, and under date of October 2, 1890, Assistant Secretary Bussey affirmed the action of the Bureau in this language:

"From the appellant's own statements to the special examiner, it appears that soon after he arrived home on furlough he went to Canada, and never returned to his command nor to the Army, and was reported absent when his regiment was mustered out."

It is shown from the evidence procured by the special examiner in Canada that appellant, when he first came to that country, worked upon a farm, receiving the usual wages and performed the usual amount of labor required of men in that business.

That while in Canada he took a contract to put in water pipes, and worked at the same until his health failed, when he procured another to complete the contract; that some time in July, 1865, he was digging a grave, when he was overcome by the heat, and sat down upon the ground and took cold, and was immediately taken sick, and the next day called in a physician; that when he recovered from such sickness he was partially paralyzed. Some of his neighbors say he had a sunstroke while digging the grave referred to. "In my opinion, the evidence clearly shows that the appellant's present disability is not due to his army service, but was contracted while laying pipe and digging a grave in Canada, while he was absent without leave, and your action in refusing to restore him to the pension rolls is approved and adhered to, and the appeal is dismissed."

In the statement made by the claimant to the special examiner in September, 1881, he admitted that he went to Canada about a week after he returned to Colebrook, N. H., on his furlough, and remained there doing work for several persons until he was taken down sick with a fever; but he claimed that he had not been well a day from the time he left the Army; that the first he ever noticed any trouble with his limbs was early in the summer of 1865, while still in Canada.

Mr. DOCKERY. I hope, Mr. Speaker, that there is no disposition to press that bill after the report which has just been read.

Mr. HULL. If the gentleman in charge of the bill has anything to say in its favor, I would like to hear some reason given why the House should pass it.

Mr. KNOX. Mr. Speaker, I dislike very much to take up the time of the House on that bill, having already, on two separate occasions, at considerable length, gone into a discussion of the case with gentlemen who opposed the bill in the Committee of the Whole.

The report read was taken from the remarks of my friend from Maryland [Mr. MILES], who opposed the bill in the Committee of the Whole, and afterwards before the House at an evening session.

Mr. LOUD. Will the gentleman deny that this report which has been read is a report from the Department?

Mr. KNOX. Not at all.

Mr. LOUD. Then it can not be a part of the remarks of the gentleman from Maryland.

Mr. KNOX. Not at all. It was read by him in connection with his remarks, as a communication from the office.

Mr. LOUD. But it is the Secretary's report?

Mr. KNOX. Certainly. The suggestion I made was that it was read at the Friday night meeting in the remarks of the gentleman from Maryland, and was placed before the House at that time.

This bill, Mr. Speaker, presents as meritorious a pension case as has ever been presented in this House, and if it is now passed, very scanty justice only will be done to the pensioner. He stands to-day on the rolls of the Pension Office for $12 per month, and this bill simply directs and authorizes the payment of the pension which the office itself, after a full investigation, in 1892 granted to him, in lieu of a pension of a larger amount which I think they have unjustly deprived him of. This pensioner in 1892 was granted a pension of $12 per month.

Mr. McCLELLAN. Was he not pensioned under the act of June 27, 1890, under the general law, and in 1892?

Mr. KNOX. He was.

Mr. McCLELLAN. And under that law in 1892?

Mr. KNOX. I am going on to state the fact that he had a pension under the act of 1890 and 1892. When he went with the certificate to receive the small pension, he was told to call around some time after he had paid back the three or four thousand dollars he had already received from the Government, some thirty or forty years, if he could secure that privilege from the abode of shades, and receive the pension the Government had granted to him. Why did they not pay him his $12 a month, as they had granted him the pension? It was upon the following ground: This man is totally disabled, paralyzed in both legs. He could not cross this Hall in five minutes. One arm is entirely paralyzed. He has not the full use of the other arm. He has not a dollar in the world. He enlisted and served for almost one year. He then was taken sick, and these facts are not denied by anybody. He was taken sick with fever and dumb ague before Petersburg. He went to the hospital. The testimony is full and uncontradicted as to what his disease was, that it was malaria and dumb ague.

After he had recovered sufficiently to travel he went to his home by permission. He went to Colebrook, N. H. Where is Colebrook? That, Mr. Speaker, is the source of the charge that he went to Canada, which is sought to be used to do an injustice to this man. Colebrook is on the line between New Hampshire and Canada. When he went to the Army, he left his wife with his brother-in-law, who resided just this side of the line in New Hampshire. His brother-in-law, before he returned, had taken a farm in Canada, just across the line. The town of Eaton, which adjoins Colebrook, is just across the line in Canada, and all this talk about his going to Canada and doing some work there is based upon that. It is the same as a man living in Washington doing some work in Alexandria.

His testimony, which is corroborated by the physicians, is that he never recovered sufficiently to return to the Army, and that is what is meant by his being absent without leave. He says that he never recovered from that disease, and the testimony is full on that point, that he was not able to go back. As far as it was known in the Army at the time, he was absent without leave; but I submit to the gentleman from Missouri [Mr. DOCKERY] that subsequent to this, when the facts were investigated, this man was honorably discharged, and he stands with a perfectly clear record. He was not put down as a deserter, but when it was seen that he had not recovered, and was not able to return to the Army, he received an honorable discharge. While at home he was taken sick in the summer with paralysis of both legs and paralysis of his arm.

Now, he claimed that that paralysis resulted from the fever and dumb ague contracted at Petersburg, and I will say to the gentleman that every physician who examined him so testified. The pension examiners, every one of them, and other physicians without exception, testify that this man is a hopeless wreck, solely on account of the disease contracted in the Army while before Petersburg, and I wish to say further that, on a subsequent investigation, every physician who has examined this man, from that time until now, has said that he is a helpless wreck, solely on account of the disease that he contracted in the trenches before Petersburg. What did the Government do with him? He applied for a pension in 1872. He was granted one in 1873, allowing him $8 per month, and then running up to $24 per month, the amount allowed to a man totally disabled. He drew that pension for about ten years, until 1882. Then somebody wrote a letter to the Pension Office, saying that somebody else told him that Ira H. Sweatt did not contract his disease in the Army, but contracted it while he was in Canada, without leave. Now, I have explained what the "without leave" means, and I have explained what being in Canada means.

Thereupon the Pension Office sent a detective, as I call him, or somebody, to look up the facts. Now, the testimony was very conflicting. Look over this report. It contains the statement that this man contracted his disease while laying a pipe, while digging a grave, while digging a well, and while out in the hay field. Now, which was he doing? Was he digging a grave or was he trying to pipe somebody to the other world? All four of the grounds which I have mentioned are testified to by these witnesses.

Mr. ERDMAN. How do you get over the admission to the pension examiner?

Mr. KNOX. Will you kindly indicate to me what admission you mean?

Mr. ERDMAN. As set forth in the report just read, he admitted that he contracted these disabilities in the way there stated.

Mr. KNOX. I get over it in precisely this way: That the man never admitted any such thing, and the evidence in the Pension Office is not to that effect. The admission was that he never was paralyzed until he had returned to his home, and that we fully admit; but it is a contemptible misapplication of testimony to say that this man, after he had sworn that he was paralyzed, after he had sworn that he was a well man when he went into the Army, then admitted that he never had had any disease previous to being in Canada.

Mr. ERDMAN. Do you challenge the accuracy of the report from the Bureau as read?

Mr. KNOX. I challenge the inference. I make no charges against anybody, but I challenge the inference that is drawn from it. I say it is unfair, when a private detective goes to this man and asks him if he had paralysis previous to being in Canada, to have him report that the man contracted his disability somewhere else than in the Army.

Mr. ERDMAN. It is not an inference; it is an admission that I would like to have explained.

Mr. KNOX. Of what? He had never admitted except to the extent that I say—that he never had paralysis except in Canada.

Mr. ERDMAN. The report of the Pension Bureau says that he admitted that he had contracted the disability in the manner specified.

Mr. KNOX. What disability?

Mr. ERDMAN. The fever and ague.

Mr. KNOX. No, no—paralysis; and every particle of medical testimony was that the paralysis resulted, and naturally resulted, from the disease which he contracted before Petersburg. Now, when this man found that his pension was taken away from him, he took other evidence. He had the evidence of every physician of Lowell, where he resided, who examined him; and every man who knew him testified that he was a well man when he went into the Army.

Mr. SPALDING. Will the gentleman allow me to ask him a question?

Mr. KNOX. Certainly.

Mr. SPALDING. This is a soldier who has an honorable discharge?

Mr. KNOX. Yes, sir.

Mr. SPALDING. And he is drawing a pension of $12 a month?

Mr. KNOX. That is the rate at which he is on the roll.

Mr. SPALDING. That is the rate at which he is on the roll. He has a certificate; and the only question is whether the Government will allow him to draw that until he has repaid what he drew at a higher rate, and it would run that way until after he died, and that is where the pinch comes.

Mr. KNOX. I am only asking that he be allowed to draw the amount for which he is on the roll.

Mr. SPALDING. There is no question as to whether he went to Canada or not, nor as to his drawing a pension of $12 a month.

Mr. STEELE. However, it may be stated that he received his honorable discharge long since the war, under a provision of law allowing him to make certain proof.

Mr. MILNES. He was discharged in 1865.

Mr. STEELE. His discharge was dated 1865, but procured along in 1880.

Mr. KNOX. No, no; the discharge——

Mr. STEELE. His discharge was given him in 1880, after the law had passed——

Mr. KNOX. Oh, no.

Mr. STEELE. To enable him to get a discharge.

Mr. SPALDING. You are mistaken.

Mr. STEELE. I do not think so.

Mr. KNOX. It is not true. The Pension Office decided that the man was not entitled to the large rate of pension which he had. He failed to get it restored at that amount, and he has lost that pension. I am not here claiming it, although I could make a very strong case before this House or before the Committee on Invalid Pensions in favor of restoring him to that rate. But I give it up. I let it go. I simply ask that this man may be paid at the rate at which he is borne on the roll, so that he may receive it during the few more years he has to live. He is left a helpless cripple. The Pension Office says he can not be paid until he shall have repaid the money which he thus received. Now, that practice of making a soldier repay money which has been received upon a pension erroneously granted is very doubtful in its legal authority. The furthest extent that it has been carried by the decisions of the Department of the Interior is this: That where a pension has been granted through fraud of the pensioner or through a mistake of fact by the Pension Office, then that the amount formerly taken may be set off against the pension which he receives.

Now, no fraud has been found in this case. Fraud is never presumed against anybody. There is no finding of fraud in the Pension Office against this man. What is the mistake of fact? Not a mistake of collateral fact; not a mistake in one of a number of facts that come before the findings of the Pension Office, but a mistake in some material fact upon which the pension rests—for instance, pensioning a man as major when his real rank turns out to have been only that of captain; pensioning a woman for a minor child when it appears on looking again at the fact that the child was of age. It is only these grounds on which the pension can be set off.

Now, Mr. Speaker, I conclude these remarks by saying that there is not a particle of evidence in this case that this man is obnoxious to either of these two grounds; and I am willing to rest this case upon the simple proposition and submit it to every lawyer in the House that with no finding of fraud on the part of this man, with no mistake of material fact, it is not only unjust, but it is illegal, to deprive him of the pension the Government has already granted him. [Applause.]

Mr. LOUD. Mr. Speaker, I would like to offer one or two suggestions in regard to this case. This pensioner's case has been twice adjudicated by Republican administrations.

Mr. KNOX. Not the facts of the case, but that he should not receive a pension of $12 a month.

Mr. LOUD (continuing). Once, in 1884, permit me to say, the pensioner was stricken from the rolls of the Pension Office. Again he made application, after 1890, under, I believe, one of the most liberal pension administrations that this country ever had. He was placed on the roll—at what rate? At the rate of $12 per month, under the act of 1890. Now, then, under that Republican administration, they emphatically stated, so far as they could, that this pensioner's disability was not the result of his service. What we have, so far as the evidence is concerned, from the Executive Departments is conclusive. I would take the testimony of the Pension Department, at least when it is under a Republican Executive, as readily as I would take the ex parte statement of the gentleman from Massachusetts. Now, I do not object to placing this man upon the pension roll, but I do object to singling out individuals and making exceptions. The House has established an unwritten code of its own, and I wish to quote here certain language which was used on the floor yesterday to show what position the House assumes in pension cases. The gentleman from Missouri [Mr. CROWTHER] said, speaking of the Hough case:

> The original bill having failed to become a law at the figure that has been agreed upon as the amount that should be allowed to the widows of general officers of the Army, $50 per month, this bill proposes to give the beneficiary that amount.

Now, I think it would be much more becoming this House, instead of having an unwritten law or an agreement applicable to special classes of cases and accepted by unanimous or by almost unanimous consent, if members would have the manhood of their convictions and would say by law that the widows of general officers shall receive $50 a month without discrimination. Why not enact into law what you say day after day is the policy that you follow in your pension committees?

Mr. Speaker, as regards this case, I venture to say there are five or ten thousand individuals in the country who have obtained pensions by fraud, and the amounts paid them under such conditions are being deducted from them now. If that is right in those cases, it is right in all, and should be carried out uniformly. If it is wrong, if by general consent of this House you propose to revise your pension laws, then, I repeat, have the manhood of your convictions and say that any pensioner, having obtained a pension or an increase of pension by fraud and having been restored to the rolls, shall not suffer a deduction. Do that, instead of forcing men to come here and appeal for special bills. If it is right to withhold pension money obtained by fraud from one, it is right to withhold it from everyone else. These are my objections to this bill. I do not approve and I never can approve of this system of special legislation by which a great representative body like this has an unwritten law or rule for those who appeal to it through its pension committees, giving them higher rates of pension than they would receive under the general law. If you desire to give to the widows of officers $50 a month, enact that into statute, and do not attempt to do it by an unwritten law. If you do not desire to deduct money obtained by pensioners by fraud, then enact that policy into law and make it applicable to everybody.

Mr. THOMAS. Mr. Speaker, I move the previous question on the bill to its passage.

The previous question was ordered.

The amendment was adopted.

The question being on ordering the bill to be engrossed and read a third time, there were—ayes 83, noes 35.

Mr. ERDMAN. Mr. Speaker, let us have the yeas and nays.

The yeas and nays were refused, only 21 members voting therefor.

The bill was read a third time.

The question being on the passage,

Mr. ERDMAN. Mr. Speaker, I demand the reading of the engrossed copy of the bill.

The SPEAKER. The Chair is informed that the Clerk has not the engrossed copy in his possession. The Clerk will report the next bill.

ISAAC HOLBROOK.

The next unfinished business on the Calendar was the bill (H. R. 2396) granting a pension to Isaac Holbrook.

The bill was read.

Mr. THOMAS. Mr. Speaker, I move the previous question on the bill to its passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MARGARET KIRKPATRICK.

The next unfinished business on the Calendar was the bill (H. R. 6099) granting a pension to Margaret Kirkpatrick.

The bill was read.

Mr. THOMAS. Mr. Speaker, I demand the previous question on the bill to its passage.

Mr. RICHARDSON. Mr. Speaker, I trust the gentleman will not insist on having this bill passed without a word of debate. It appears to be a bill to pension a nurse.

Mr. THOMAS. If the gentleman desires, I am perfectly willing that the report shall be read.

Mr. RICHARDSON. I should like to hear the report.

Mr. THOMAS. Very well. Mr. Speaker, I ask that the report be read.

The report (by Mr. BAKER of Kansas) was read, as follows:

> The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6099) granting a pension to Margaret Kirkpatrick, beg leave to submit the following report:
>
> The Pension Office records show that Margaret Vincent served and was paid as matron of the post hospital at Macon, Mo., from November 1, 1864, to April 6, 1865, five months and six days; and that service was of a character and under authority recognized by the War Department and recognized by the Pension Office as pensionable under the act of August 5, 1892, provided it were six months in duration. The service of which there is record commenced November 1, 1864, and lacks twenty-four days of the six months prescribed, but the evidence shows that her service as nurse really commenced in the summer of 1864 and was of sufficient length to bring her within the law if her earlier service had been rendered under authority recognized by the War Department.
>
> An affidavit of Surg. A. B. Castle, of the post hospital at Macon, Mo., on file in the Pension Office, shows that Margaret Vincent was employed as nurse and matron in that hospital from some time in the summer of 1864 until the spring of 1865, but he can not give the precise dates. While this perhaps does not meet the technical requirements of the law, it does show that the claimant actually rendered more than six months' service as nurse and matron in a United States post hospital.
>
> The evidence shows that the claimant is over 62 years of age, is unable to earn a support by reason of age and physical infirmity, and has no means or income from any source.
>
> The passage of the bill is recommended.

Mr. THOMAS. Now, Mr. Speaker, I demand the previous question on the bill to its passage.

The previous question was ordered.

The amendments were adopted.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills and joint resolutions of the following titles:

On January 28, 1897:

An act (H. R. 9901) to detach the county of Audrain from the western district of Missouri and to attach the same to the eastern district of said State of Missouri; and

An act (H. R. 2941) granting increase of pension to Alfred P. Buss.

On January 30, 1897:

An act (H. R. 9865) extending the time for the completion of the bridge across the East River, between the city of New York and Long Island, now in course of construction, as authorized by the act of Congress approved March 3, 1887;

An act (H. R. 7255) authorizing the establishment of a life-saving station on the coast of Maryland;

An act (H. R. 8551) to establish railroad bridges across the Cumberland and Tennessee rivers in Kentucky;

An act (H. R. 8413) to confirm certain cash entries of public lands;

An act (H. R. 1882) for the relief of John Ruhm, sr., Nashville, Tenn.;

An act (H. R. 280) to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes; and

Joint resolution (H. Res. 152) to authorize the Secretary of the Interior to use Fort Bidwell for an Indian training school.

On February 1, 1897:

An act (H. R. 9935) to authorize the construction of a bridge across the Rio Grande River at El Paso, in the State of Texas;

An act (H. R. 2618) granting an honorable discharge to Andrew V. Sende;

An act (H. R. 505) for the relief of Rev. Edwin Warriner;

An act (H. R. 2048) for the relief of Rufus Betz;

An act (H. R. 5127) for the relief of Abraham O. Waucop;

An act (H. R. 3671) to remove the charge of desertion from the military record of Anthony O'Grady, alias John Davis; and

An act (H. R. 5610) for the relief of George T. Stevens, assistant surgeon Seventy-seventh New York Volunteers.

On February 2, 1897:

An act (H. R. 6546) granting a pension to Samuel Holliday;

An act (H. R. 6556) granting a pension to Jacob Brown;

An act (H. R. 8683) granting a pension to Frederick Lierman;

An act (H. R. 5938) for the relief of Pricilla R. Burns;

An act (H. R. 4410) to increase the pension of Elise Blenker from $30 to $50; and

An act (H. R. 4298) granting an increase of pension to Annie Thompson.

On February 3, 1897:

An act (H. R. 130) to carry out the findings of the Court of Claims in the case of Augustus P. Burditt;

An act (H. R. 5855) granting a pension to Emily Elliott;

An act (H. R. 8053) granting a pension to Alice Gard;

An act (H. R. 2231) for the relief of Bluford Reeder;

An act (H. R. 6282) to increase the pension of Alexander McBride;

An act (H. R. 6900) increasing the pension of Mary T. Young;

An act (H. R. 1171) to pension Hannah Yazell;

An act (H. R. 8289) relating to mortgages in the Indian Territory; and

Joint resolution (H. Res. 215) extending time for compliance by Eckington and Soldiers' Home Railway Company and the Belt Railway Company with provisions of section 1 of an act entitled "An act to extend the routes of said railway companies," etc., approved June 10, 1896.

On February 4, 1897:

An act (H. R. 7781) to provide an American register for the barge *Black Diamond;*

An act (H. R. 9710) to authorize officers who served during the war of the rebellion in the Regular Army to bear the title and, on occasions of ceremony, wear the uniform of their highest rank;

An act (H. R. 6483) granting an increase of pension to Thomas D. Walker;

An act (H. R. 7212) to increase the pension of Melita E. White;

An act (H. R. 4853) for the relief of John Duncan;

An act (H. R. 9306) granting a pension to Amanda Woodcock; and

An act (H. R. 717) granting a pension to Mary Ann Lafferty.

THE WORLD'S COLUMBIAN COMMISSION.

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

The World's Columbian Commission has delivered to me certain documents and exhibits which they desire should constitute the final report required by section 12 of the act of Congress passed April 25, 1890, providing for the celebration of the four hundredth anniversary of the discovery of America and the holding of an international exhibition in the city of Chicago.

The documents referred to embrace the reports of the president and secretary of the Commission, and a report of the executive committee on awards, with exhibits relating to the same. They are contained in five boxes of considerable size, which, instead of actually transmitting with this communication, I have deposited in the State Department subject to the action and direction of the Congress.

I am informed that the director-general of the exposition has made a report directly to the Congress, and that no report of the lady managers has yet been made.

The selection of such part of the material mentioned as may be considered necessary to constitute a final exhibit of the action of the commission and the result of the exposition is submitted to the discretion of the Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 5, 1897.*

ANNIE M. ERMER.

The next unfinished business on the Calendar was the bill (H. R. 9095) granting a pension to Annie M. Ermer.

The bill was read.

The amendments reported from the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ELLA HATFIELD.

The next unfinished business on the Calendar was the bill (H. R. 1066) granting a pension to Ella Hatfield.

The bill was read.

Mr. THOMAS. I ask the previous question on the bill to its passage.

Mr. ERDMAN. I hope the gentleman will allow the report to be read.

The report (as already published) was read.

The previous question was ordered.

The amendment reported by the Committee of the Whole House was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The SPEAKER. Without objection, the proposed amendment to the title will be considered as agreed to.

There was no objection.

EDWARD C. SPOFFORD.

The next unfinished business on the Calendar was the bill (H. R. 6730) granting a pension to Edward C. Spofford.

The bill was read.

The amendment reported from the Committee of the Whole House was read.

Mr. THOMAS. I ask the previous question on the bill to its passage.

The previous question was ordered.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

HANNAH E. RODGERS.

The next unfinished business on the Calendar was the bill (H. R. 1832) granting a pension to Hannah E. Rodgers.

The bill, with the amendment reported by the Committee of the Whole House, was read.

Mr. LOUDENSLAGER. I move the previous question on the bill to its passage.

The previous question was ordered.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed, there being on a division—ayes 35, noes 1.

JAMES CHARLES CRAMER.

The next unfinished business on the Calendar was the bill (H. R. 3714) removing the charge of desertion from the military record of James Charles Cramer.

Mr. THOMAS. I move that this bill lie on the table, in accordance with the recommendation of the Committee of the Whole House.

The motion was agreed to.

JULIA D. BEEBE.

The next unfinished business on the Calendar was the bill (H. R. 6915) granting a pension to Julia D. Beebe, widow of Frank D. Beebe, late assistant surgeon, One hundred and fifty-seventh Regiment New York Volunteers.

The bill, with the amendment reported by the Committee of the Whole House, was read.

Mr. THOMAS. I call for the previous question on the bill to its passage.

The previous question was ordered.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The SPEAKER. In the absence of objection, the proposed amendment to the title will be agreed to.

There was no objection.

SHUBAEL GOULD.

The next unfinished business on the Calendar was the bill (S. 1310) granting an increase of pension to Shubael Gould.

The bill was read.

Mr. McMILLIN. Let us have the report read.

The report (as already published) was read.

Mr. THOMAS. I move the previous question on the bill to its passage.

The previous question was ordered.

The bill was ordered to a third reading, read the third time, and passed.

JOHN NICHOLS.

The next unfinished business on the Calendar was the bill (S. 638) granting an increase of pension to John Nichols.

The bill was read.

Mr. THOMAS. I move the previous question on the bill to its passage.

Mr. McMILLIN. Has the gentleman any objection to the reading of the report?

Mr. THOMAS. Pending the call for the previous question, I ask that the report be read.

The report (as already published) was read.

Mr. TALBERT. I wish to ask the gentleman, in regard to this bill, why it is that this soldier could not have applied to the Pension Bureau in the regular way and obtained a pension? His disabilities seem to have been ratable, and there would have been no difficulty in his making application in the regular way and obtaining possibly a higher rate of pension than this bill proposes to allow. According to the statement of the report, the man is wholly incapacitated for manual labor.

Mr. THOMAS. Mr. Speaker, all I know of this case is embodied in the report of the committee. It seems that this soldier did apply at the Pension Department, and was refused a pension. He was shot through the shoulder, and his arm was perfectly disabled, although he did not lose the arm. Had he lost it entirely, he would receive the pension of $36 a month; and the report, in consequence of his condition, finds that he is entitled to the same amount that he would have been entitled to had it been a total loss of the arm.

I demand the previous question.

The previous question was ordered, under the operation of which the bill was read three times, and passed.

GEORGE B. CUSTER.

The next unfinished business on the Calendar of was the bill (S. 1806) granting a pension to George B. Custer, late sergeant Company H, Seventy-third Regiment Indiana Volunteer Infantry, reported from the Committee of the Whole with amendments.

Mr. THOMAS. I move the previous question on the adoption of the amendments and passage of the bill.

Mr. TALBERT. I would like to hear the report read in this case.

Mr. THOMAS. I will say to the gentleman from South Carolina that the report is quite a lengthy one, and perhaps I can make a statement that will obviate the reading.

This man was a soldier in the Mexican war, as well as in the late war. The bill does not carry much, considering the disabled condition of the man and the services he rendered. I hope the gentleman will not insist upon the reading of the report.

Mr. TALBERT. I make no objection, on the statement of the gentleman.

The previous question was ordered, under the operation of which the amendments were agreed to; and the bill as amended was read three times, and passed.

The title of the bill was amended to conform to the amendments recommended by the Committee of the Whole.

HENRY MACKRILL.

The next unfinished business on the Calendar was the bill (H. R. 3690) restoring a pension to Henry Mackvill, alias Henry Mackey, reported from the Committee of the Whole with amendments.

Mr. THOMAS. I demand the previous question on the bill and amendments.

Mr. DOCKERY. I ask that the report in that case be read.

Mr. THOMAS. I will withdraw the demand until the report is read.

Mr. DOCKERY. I hope the House will give its attention to the reading of the report in this case.

The report (by Mr. KIRKPATRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3690) granting a pension to Henry Mackrill, alias Henry Mackey, late landsman in the United States Navy, having carefully considered all the facts and circumstances presented, respectfully report as follows:

The Auditor for the Navy Department says:

"Henry Mackrill, landsman, enlisted at the naval station at Chicago, and was entered on the rolls of the *Princeton* January 23, 1864, and served to March 3, 1864; on the *Ticonderoga* to May 4, 1865, as landsman; on the *Princeton* as ordinary seaman to May 11, 1865, and was discharged from the *Sabine* as ordinary seaman August 3, 1865. The rolls do not show anything in reference to his being a Confederate prisoner or having served in the Confederate army."

The War Department records show:

"Henry Mackrill, private, Company D, Ninth Mississippi Infantry, C. S. A., enlisted April 11, 1862, at Vicksburg, Miss., for three years, and is reported on rolls to August 31, 1863, 'present.' October 31, 1863, 'absent, sick since October 20, 1863, by order Surgeon Williams.' December 31, 1863, 'absent, missing in action since day after Missionary Ridge, November 25, 1863. Reported as deserter.' Name not found on rolls of later date. Nature of disability not stated. Prisoner of war records show Henry Mackeral, Company D, Ninth Mississippi Infantry, captured at Chickamauga, Tenn., November 26, 1863. Confined at Rock Island, Ill., December 13, 1863, where he enlisted in the United States Navy, and sent to naval rendezvous, Camp Douglas, Ill., January 25, 1864."

Claimant alleges that at breaking out of the war he was a British subject and engaged in cutting wood on the Lower Mississippi; that the floods washed his wood away, and it was impracticable to get any work or even anything to eat unless he enlisted, and under the pressure of his surroundings he enlisted in the Confederate States army, intending to get away at first opportunity, which came at battle of Mission Ridge, when he and eight others surrendered to one Union soldier.

When he enlisted in the United States Navy he asked to have his name put on rolls as "Henry Mackey," for fear that he might be taken prisoner; but this was not done. After the war he was known as Henry Mackey; had the legislature of Indiana change his name to Henry Mackey; became a naturalized citizen under that name, and has been known as Henry Mackey ever since.

He applied for pension under act of June 27, 1890 (filed July 4, 1890), and again May 9, 1891, and with the latter an affidavit stating his prior Confederate service. His pension was allowed October 2, 1891, at $12 per month from July 25, 1890, for "catarrh, disease of rectum, kidneys, and eyes."

He was dropped from the rolls for "disloyalty" September 23, 1895, under authority of section 4716, Revised Statutes, having voluntarily aided or abetted the rebellion against the authority of the United States.

There is no question in this case but that the applicant is disabled for performing manual labor. The board of examining surgeons at Delhi, Ind., July 15, 1891, rated him four-eighteenths for nervous debility, six-eighteenths for post-nasal catarrh, two-eighteenths for disease of eyes, four-eighteenths for kidneys, and four-eighteenths for piles, and his disabilities have progressed since then.

The construction of the act of June 27, 1890, which prevailed several months without objection, while the Congress which enacted it was still in session, that ninety days' service and an honorable discharge, without regard to previous loyalty, were the prerequisites to a pensionable status under that act, gave this sailor a pension, to which your committee believe he was justly entitled, he having faithfully served more than one and one-half years and being honorably discharged.

Your committee therefore recommend the passage of the bill with the following amendments:

Strike out the words "or reinstate" in line 4; substitute the name "Mackrill" for "Mackvill" in line 5; strike out the word "fifteen" in line 7 and insert "twelve" in lieu thereof, and strike out all after the word "month" in line 8.

Also, amend the title of bill so as to read: "Granting a pension to Henry Mackrill, alias Henry Mackey."

Mr. DOCKERY. Mr. Speaker, I want the House to understand that this is a bill to pension a gentleman of divers, sundry, and innumerable aliases——

Mr. LOUD. And services.

Mr. DOCKERY. And services, as suggested by my friend from California; a soldier of fortune, a British subject, who voluntarily served, as shown by the report, on both sides during the late struggle, having served more than a year and a half in the Confederate army and then deserted. I simply want to challenge the attention of our friends on the other side to the conditions presented by this case, to know whether or not it is their purpose to enter upon this line of pensions.

This gentleman was a British subject who served, as I have stated, in the Confederate army, having voluntarily entered it, and basely betrayed the cause, according to the report, and then for a brief time served in the Army of the Union. He now comes to Congress and asks a pension of $12 per month.

It seems to me, Mr. Speaker, that the case is wholly without merit, and the House ought not to pass it.

I move that the bill be laid upon the table.

Mr. THOMAS. I yield to the gentleman from Indiana [Mr. HATCH].

Mr. DOCKERY. The motion is not debatable; but I will withdraw it temporarily.

Mr. HATCH. Mr. Speaker, I simply wish to state for the information of the House that this man came from England just before the beginning of the war, and was at work on the Lower Mississippi cutting wood when the war broke out. It soon became a question whether he should enlist in the Confederate army or starve. He had to enlist, and served a little over a year. At the first opportunity he deserted to the Union Army, and served a year and a half on a Union gunboat. Afterwards he became naturalized and made application for a pension under the act of 1890, which was granted.

Under the construction put on the law by a Republican administration, he received a pension and drew that for five years. At the time he made the application for pension he also made an affidavit that he had been in the Confederate army, which affidavit is on record. He is identified in the Department; he has a record; he served a year and a half as a gallant Union soldier, and he is disabled to the extent specified in the report. I know the man well; he is a good citizen; I know his condition, and that he is

disabled as shown in the report. He drew a pension, as I say, under a Republican administration of the office, but was deprived of it a little over a year ago by the present Democratic administration.

I am not standing here, sir, for the purpose of asking a pension for a Confederate soldier, but a pension for a Union soldier, a man who served a year and a half in the Army, and is entitled to a pension as much as any other man who ever served in it and was disabled to the extent that he is disabled.

Mr. THOMAS. Mr. Speaker, in behalf of the committee, I desire to say that under previous administrations prior service in the Confederate army did not bar applicants for pensions, if those applicants had a status under the law of subsequent service of ninety days and an honorable discharge from the Union Army. Upon that basis the committee passed upon this bill and restored this pension of $12 a month.

Mr. LOUD. I should like to ask the gentleman if he assumes that the proper interpretation of the present law would give this applicant a pension?

Mr. THOMAS. Yes.

Mr. LOUD. Well, then, if the Executive Departments are failing to properly administer the law, would it not be well for us to remind them of it in some way, so that they can apply it to everybody alike?

Mr. THOMAS. Certainly; but the condition is this: It has been decided in both ways by the Department, and under this administration this pension was taken from this man who was already drawing it. The House has already passed on this question, on what is known as the Pickler bill.

Mr. WILLIAMS. How long did this fellow serve in the Confederacy?

Mr. DOCKERY. A year and a half.

Mr. THOMAS. The committee looked over the facts, and based their report upon them. I ask for the previous question.

Mr. LOUD. It does not seem to me——

The SPEAKER. The gentleman from Michigan [Mr. THOMAS] asks for the previous question.

Mr. THOMAS. I am perfectly willing that the gentleman from California [Mr. LOUD] be heard.

Mr. LOUD. Of course, if this House intends to pension every person who served in the Union Army, regardless of service in the Confederate army, why let him go to the Pension Office and get his pension; but if we have a law which is interpreted in such a manner that this man is not entitled to a pension, I do not think this Congress ought to review it.

As the gentleman from Missouri [Mr. DOCKERY] aptly stated, this man is a soldier of fortune, or a citizen of fortune, or a fellow of fortune, whatever you may term him. He is what we used to term in the Army—and you who were there know well what it means—a floater, liable to turn up anywhere where it was safe to be. I suppose very likely that was the gentleman's record in the Confederate army. He says that eight of them surrendered to one Union soldier. He says further that he enlisted with the firm determination to get away as soon as he could. Yet it took him a year and seven or eight months to get away from the Confederate army. Then he went into the Navy—on the rivers, I suppose. None of his record is given here. Some gentleman says he has a very gallant and meritorious record in the Navy. I never have known a committee yet, when they could dig up, from any possible recess, any gallantry or meritorious service that a man, even in his wildest moments, might have imagined that he rendered to his country, or any other, to fail to set forth the service in their report. I tell you, Mr. Speaker, when an applicant comes to this body to receive its beneficence his case appears in at least the best possible form in which he can draw it up.

This applicant was a Confederate soldier. Probably he served in the Confederacy until he got tired. I am willing to admit that. He enlisted in the Navy, went onto a ship, and probably could not get away. That was a good, safe place for a man who desired to desert. If this soldier is entitled to any pension, he ought to receive a double pension. You ought to do equity and pension him for his service in the Confederacy and then pension him for his service in the Union Army, because he really is entitled to two pensions under the two services he has rendered to different portions of the United States.

Then this gentleman, as well as having several services, has several names. His name is Macrill and Mackeral, which is the name of a fish——

Mr. DOCKERY. Well, if he is willing to accept a pension under the name of "Mackeral," I have no objection. [Laughter.]

Mr. LOUD. And again, his name appears as Mackey. He has three names and two services, but nothing that I believe should entitle him to the consideration of this body. I should like to know why he should receive any pension. I should like to have any gentleman show to this House why a man who voluntarily entered the Confederate service and served a year and six or seven months should be entitled to a special act of the greatest legislative body, as we often term it, on the face of the earth.

Mr. WILLIAMS. Mr. Speaker——

Mr. THOMAS. I ask for the previous question.

Mr. DOCKERY. I move to lay the bill on the table.

The question was taken on the motion to lay the bill on the table; and on a division (demanded by Mr. THOMAS) there were—ayes 48, noes 31.

Accordingly the bill was laid on the table.

PETER J. CLAASSEN.

The next unfinished business on the Calendar was the bill (H. R. 2221) granting an increase of pension to Peter J. Claassen.

The bill was read.

Mr. THOMAS. I move that the bill lie on the table.

The motion was agreed to.

MARY FORWARD.

The next unfinished business on the Calendar was the bill (H. R. 4930) granting a pension to Mary Forward.

The bill was read.

The amendments recommended by the Committee of the Whole were read.

Mr. TALBERT. I ask for the reading of the report in this case, Mr. Speaker.

The report (by Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4930) granting a pension to Mary Forward, respectfully report:

This claimant was married December 24, 1855, to Charles Branch, who served in Company I, Tenth Veteran Reserve Corps, and who died March 24, 1865. She was pensioned as his widow until October 7, 1866, when she was again married, this time to Joseph Forward, who died December 22, 1891. The claimant is now old, disabled, and needy. She was the wife of the soldier during the war, and cared for their three children during his absence in the service.

In view of these facts your committee are of opinion that this woman should not be left to suffer in her age and decrepitude. In consequence of her remarriage the Government was relieved from the payment of about $2,300, the amount she would have received as pension from date of her remarriage to the present time had she not remarried.

Your committee are of opinion that she should be again pensioned, and recommend the passage of the bill with an amendment striking out the words "of Allegan, Mich.," and inserting in lieu thereof the words "formerly the."

Mr. TALBERT. Mr. Speaker, here is a case presenting a claim for pension to which the beneficiary is clearly not entitled under the law. She asked for a pension under the act of June 27, 1890, and she was not married to this soldier until in July, 1891. The law especially says that the widow must have been married to the soldier prior to the passage of the act of June 27, 1890, before she is entitled. So that she is clearly not entitled to a pension under a strict construction of the law. Again, she has remarried. She is a remarried widow; and the law expressly says that a widow who remarries voluntarily relinquishes all her right, title, and claim to pension. I submit that we should not, in direct violation of the plain letter of the law, grant this claim. I move that it lie on the table.

Mr. THOMAS. Mr. Speaker, the lady whom this bill proposes to pension is the war widow of a soldier. It is true that she afterwards married, and it is also true that the Government from that marriage has been saved something over $2,000. I know this woman personally. She is aged and dependent, and as she was the war widow, remaining at home and taking care of a large family of children while her husband was in the war, I think it is nothing but just that this bill should pass. That is all I desire to say, and I move the previous question on the bill to its passage.

Mr. LOUD. One of these statements is incorrect. There is a great discrepancy between the statement of the gentleman from Michigan and that of the gentleman from South Carolina.

Mr. TALBERT. She was the widow of a soldier, and received a pension up to the time of her remarriage.

Mr. THOMAS. Up to the time of her remarriage, after the death of her first husband, she did receive a pension.

Mr. TALBERT. But when she remarried she relinquished her right to a pension under the law; and, then, she was not married to this soldier until July, 1891, and the law expressly states that the marriage must have taken place prior to the passage of the act of 1890. It is alleged also by the gentleman that this lady is poor, needy, and deserving. That is no doubt true. But is that any reason why this House should grant the claim of a woman for a pension? There are hundreds and thousands of others who are poor and needy, just as much so as this woman.

Mr. LOUD. There seems to be a great discrepancy between the statements of the gentleman from South Carolina and the gentleman from Michigan. I understand the gentleman from South Carolina to say that this woman did not marry this soldier until after 1890, and then the gentleman from Michigan——

Mr. THOMAS. The second marriage——

Mr. LOUD (continuing). Says that the second marriage was in July, 1891.

Mr. THOMAS. Oh, no. Her second marriage was prior to that, many years—in 1866.

Mr. TALBERT. I understand she remarried——

Mr. THOMAS. She married the soldier in 1855.

Mr. TALBERT. I am not speaking of that marriage. I am speaking of the second marriage. I understand she has been drawing a pension as the widow of her first husband up to the time of her remarriage. Then she claims pension——

Mr. THOMAS. The second husband died in 1891.

Mr. TALBERT. Then she remarried a year after the passage of the act in 1890. I think it is so stated in the report.

Mr. LOUD. These are very material statements. I will state to the gentleman from Michigan the statement as I understand it. This widow did not marry the soldier on account of whose service she claims a pension until after 1890. That is the statement.

Mr. THOMAS. That is not true.

Mr. LOUD. These statements should be corrected.

Mr. TALBERT. The report shows that. I will ask that the report be again read.

Mr. THOMAS. The report is short; let it be read again to the House.

The report was again read.

During the reading of the report,

Mr. THOMAS said: I think that is all that is necessary.

Mr. TALBERT. I was mistaken. I took the date 1891 to be the date of her remarriage. Anyhow, she is a remarried widow. It is a little better case than I thought it was, but still I do not think it is a meritorious case.

Mr. THOMAS. I thank the gentleman for his first statement. I demand the previous question on the bill to its passage, Mr. Speaker.

The previous question was ordered; and under the operation thereof the amendments recommended by the Committee of the Whole were agreed to, and the bill as amended was ordered to be engrossed for a third reading.

Mr. TALBERT. I demand the reading of the engrossed copy.

The SPEAKER. The gentleman demands the engrossed copy, and that not being present, the bill will go over.

ELIZABETH A. MARTHON.

The next unfinished business on the Calendar was the bill (H. R. 5764) granting a pension to Elizabeth A. Marthon.

The bill was read.

Mr. MCMILLIN. Mr. Speaker, I ask that the report in that case be read.

The report (by Mr. HALTERMAN) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5764) entitled "A bill granting a pension to Elizabeth D. Marthon," beg leave to submit the following report, and recommended that said bill do pass with amendments:

The claimant is the widow of Joseph Marthon, late a lieutenant-commander, United States Navy, whose service began as a seaman September 30, 1861. He was subsequently promoted through the several grades to the rank of acting master, which he held when honorably discharged December 31, 1865. He was reappointed acting master April 19, 1866, and was subsequently promoted for valuable and meritorious service, until he finally attained the rank of lieutenant-commander July 1, 1882. His death occurred while still on the active list, and from causes originating in the service, at Shanghai, China, November 19, 1891, and his widow is now receiving the pension of $30 per month allowed by the general laws to the widows of lieutenant-commanders who die from causes of service origin.

The following statement of Hon. S. L. MILLIKEN, member of Congress, shows the facts upon which your committee bases its favorable recommendation:

WASHINGTON, D. C., *March 9, 1896.*

Mrs. Marthon is a native of Belfast, Me., the city in which I reside. I have known her since she was a girl, and knew her family, which was one of the prominent old families of Belfast. I knew her husband, Lieut. Commander Joseph Marthon, when he was alive. Since his death the little property which he left has suffered such losses that she is dependent almost entirely upon her pension for the support of herself and her husband's mother and maiden sister, also.

S. L. MILLIKEN, *Member of Congress.*

The following amendments to the bill are recommended:

Change the title so as to read: "A bill granting an increase of pension to Elizabeth D. Marthon;" and strike out the initial "A." where it appears in claimant's name in the body of the bill and substitute therefor the initial "D.;" also strike out the word "seventy-five," in line 6, and substitute therefor the word "fifty," so as to fix the rating at $50 per month.

Mr. LOUDENSLAGER. Mr. Speaker, I demand the previous question upon the bill to its passage.

The previous question was ordered.

The amendments reported from the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

HANS JOHNSON.

The next unfinished business on the Calendar was the bill (S. 1495) granting a pension to Hans Johnson.

The bill was read.

Mr. THOMAS. Mr. Speaker, I move the previous question upon the bill to its passage.

The previous question was ordered.

Mr. MCMILLIN. Mr. Speaker, I ask that the report be read.

The report (by Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1495) granting a pension to Hans Johnson, adopt as their own the annexed Senate report, and recommend the passage of the bill.

[Senate Report No. 173, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1495) granting a pension to Hans Johnson, have had the same under consideration and report:

Hans Johnson, late corporal of Company I, Twenty-seventh Regiment Iowa Infantry, enlisted August 15, 1862, and was honorably discharged by reason of surgeon's certificate of disability June 14, 1865, at Montgomery, Ala. The claimant has drawn a pension, in sums varying from $5.33½ a month to $8, from the date of his discharge to July 28, 1890, when his application under the dependent pension law of June 27, 1890, was approved by the Pension Bureau at $12 a month for disease of the eyes and gunshot wound of the right thigh.

The testimony in the claim, too voluminous for detailed presentation, is clear and ample as to the following facts: That Johnson was a sound man when he entered the service, and continued so until attacked by dysentery, and the incurrence of the gunshot wound in his thigh, and the disease of the eyes which developed while in the service.

These facts are substantiated by the affidavits of the captain of his company, who enlisted him, and of the comrades who served with him, as well as by the surgeon's certificate of disability on which he was discharged. Since the war the continuance and increase of his disabilities are testified to by twelve physicians of the best repute, residing in the claimant's city and county, and covering all the years between 1868 to 1896, such physicians having either attended him professionally or certified to his condition as members of pension examination boards. His disabilities since the war and their progressive character are also testified to by the claimant's neighbors and associates, among whom is the name of ex-Governor Lucius F. Hubbard. The Hon. C. K. DAVIS, Senator, has also stated to the committee his personal tribute to the high character of the claimant, and of the progress of his disabilities within his observation. The sum of all this testimony is that the disease of the eyes now amounts practically to total blindness; or, in the language of N. Juell, M. D., of the claimant's city, Red Wing, Minn.:

"N. Juell, being duly sworn, on oath says that he is a duly licensed and practicing physician in the said State and residing at the city of Red Wing, in said State; that he has examined the eyes of Hans Johnson (late of Company I, Twenty-seventh Iowa Regiment Volunteers), and that he finds a central atrophic coroido-retinitis involving both eyes; the central field of vision is entirely obliterated, so that he can not see the sun. In the marginal field he can see objects when placed in a strong light, but not sufficiently clear to count his fingers; as a consequence he is almost totally blind, and has to guide himself with a stick when walking. The disease is gradually progressing."

This affidavit is dated January 7, 1896, and represents the claimant's present condition. It is a condition of utter helplessness, and entitles the claimant to a substantial increase beyond that which he is now receiving.

Your committee therefore approve the bill and recommend its passage, after being amended by striking out the word "seventy-two," in line 8, and substituting therefor the word "fifty."

The amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

ROBERT KIRACOFE.

The next unfinished business on the Calendar was the bill (S. 1017) granting a pension to Robert Kiracofe.

The bill was read.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ELLEN DAY.

The next unfinished business on the Calendar was the bill (H. R. 6803) granting a pension to Ellen Day, stepmother of Albert L. Day.

The bill was read.

Mr. TALBERT. Mr. Speaker, I ask to have the report in that case read.

The report (by Mr. LAYTON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6803) granting a pension to Ellen Day, stepmother of Albert L. Day, having carefully considered the same, report as follows:

The soldier, Albert L. Day, enlisted and was duly enrolled as a private of Company I, First Regiment Ohio Volunteer Infantry, April 20, 1861, and was killed in battle at Cedar Mountain August 9, 1862. He was never married.

The claimant, Ellen Day, was duly married to Berry Day, the father of said soldier, on the 17th day of August, 1847, at which time the said soldier was but 18 months old. From this time until the day of his enlistment she always treated him with the utmost kindness, the same as if he was her own son, and he always exhibited the greatest fondness and affection for her.

Said Berry Day, the father of said soldier, filed an application for pension as the dependent father June 17, 1885, but his claim was rejected March 1, 1886, on the ground of nondependence. Subsequently, by special act of Congress approved June 4, 1888, he was granted a pension of $8 per month, which he continued to draw until his death, which occurred April 19, 1889.

The claimant never remarried. She is now aged and without any property whatever. She is in feeble health and has no income except what she is able to make by sewing for others. The foregoing facts are fully shown by the official records and the sworn testimony of persons having personal knowledge of the facts.

Your committee is therefore of the opinion that this stepmother should, in the spirit of the pension laws granting pensions to mothers of soldiers, be regarded and treated as the mother of said soldier, Albert L. Day, and does therefore recommend the passage of the bill, with the following amendment:

Insert after the name "Ellen Day," in the fifth line thereof, the word "dependent."

Mr. TALBERT. Mr. Speaker, I want to call the attention of the House to the fact that this is another violation of the law. There is no law for pensioning stepmothers.

Mr. BROMWELL. Mr. Speaker, in response to the gentleman from South Carolina, I will say that this is not the first instance of the House granting a pension to a foster mother or a stepmother. In the present session of this Congress the Senate has passed a bill for the relief of Mary T. Young——

Mr. TALBERT. Oh, the Senate will do anything.

Mr. BROMWELL. But this was a House bill which was passed here at the last session, granting a pension of $12 a month to a

dependent foster mother. Now, the facts in this case, as shown by the report, are these: The mother of this boy married the father when the child was only 18 months old. She had the care of him all through his infancy and until he grew to be a lad of 15 years of age, when he went into the Army. Within a year after entering the service he was killed. The husband had no other children. He himself afterwards, by the action of Congress, drew a pension of $8 a month. He left his widow without any support whatever and without any other children, either of her own or of his, to whom to look for aid. This boy was, to all intents and purposes, the same as her own child.

Mr. McMILLIN. I call the gentleman's attention to the fact that the report shows that the father was not dependent upon the son, and that it took a special act of Congress to get him on the pension roll.

Mr. BROMWELL. That is true. By the action of Congress he was granted a pension of $8 a month. Now, Mr. Speaker, this bill is in the line of several precedents that have been set by Congress, the case is a just and proper one, and I ask for the previous question on the bill to its passage.

Mr. ERDMAN. Will the gentleman permit me to ask him a question?

Mr. BROMWELL. Certainly.

Mr. ERDMAN. Does not the gentleman think that every other stepmother similarly situated ought to be pensioned?

Mr. BROMWELL. I most certainly do.

Mr. ERDMAN. And does not the gentleman think that pensioning one and leaving the others unpensioned is an injustice to them?

Mr. BROMWELL. I should be in favor of granting a pension in every similar case, where it is shown that the woman is old and dependent, and that she took care of the child, clothed him, tended him in his infancy and in his tender years as a mother would have done. In all such cases, I say, the dependent foster mother has the same claim upon the beneficence of this Government as if she had been the actual mother of the deceased soldier.

Mr. ERDMAN. But does not the gentleman think that picking out a case here and there to the exclusion of others is an injustice to the others?

Mr. BROMWELL. It is not if the others as they come are treated in the same way.

The amendment reported from the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed and read a third time.

Mr. TALBERT. Mr. Speaker, I demand the reading of the engrossed copy of the bill.

The SPEAKER. The Chair is informed that the engrossed copy is not at the desk, and the Clerk will report the title of the next bill.

MAJ. GEN. JULIUS H. STAHEL.

The next unfinished business on the Calendar was the bill (S. 1694) to increase the pension of Maj. Gen. Julius H. Stahel.

The bill was read.

Mr. THOMAS. Mr. Speaker, I move the previous question on the bill to its passage, but pending that, I will yield to the gentleman from Kansas [Mr. BLUE].

Mr. BLUE. Mr. Speaker, I move to strike out the words "one hundred" and insert in lieu thereof "fifty;" so as to make the pension $50 per month.

The SPEAKER. The Clerk will report the amendment of the gentleman from Kansas. The Chair understands that the previous question is moved, subject to this amendment?

Mr. THOMAS. Yes, sir.

The amendment was read.

Mr. BLUE. I wish merely to say that this House within the last few days has fixed the pension of Mrs. General Carr at $50 a month; of Mrs. General Hough at $50; of Mrs. General Tyler at $50; and also, as the gentleman from Oregon suggests, the pension of Mrs. Morrow at the same rate. I hope the House will adhere to the rule which it has thus established, and not increase this pension beyond $50.

The question being taken, the previous question was ordered on the bill to its passage.

The SPEAKER. The question is now on agreeing to the amendment of the gentleman from Kansas [Mr. BLUE].

Mr. THOMAS. This is a pension to the general himself—not a pension to his widow. The cases mentioned by the gentleman from Kansas are cases of widows' pensions. General Stahel is now receiving a pension of $50 a month.

Mr. BLUE. And he has been in the public service a long time.

The question being taken, the amendment was agreed to; there being—ayes 46, noes 8.

The bill was then ordered to a third reading, read the third time, and passed; there being on a division (called for by Mr. TALBERT)—ayes 45, noes 1.

The SPEAKER. In the absence of objection, House bill No. 4534, identical in its provisions with the bill just passed, will be laid on the table.

There was no objection.

BETSEY J. WEBBER.

The next unfinished business on the Calendar was the bill (S. 178) granting a pension to Betsey J. Webber.

The bill, with the amendments reported by the Committee of the Whole, was read.

The amendment was agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

RICHARD WILCOXTON.

The next unfinished business on the Calendar was the bill (H. R. 4901) to pension Richard Wilcoxton for services in the late war.

The bill and the amendments reported from the Committee of the Whole House were read.

Mr. THOMAS. I move the previous question on the bill to its passage.

The previous question was ordered.

Mr. GROSVENOR. I should like to hear the report read in this case.

The SPEAKER. The report may be read by unanimous consent.

There being no objection, the report (as already published) was read.

Mr. GROSVENOR. Mr. Speaker, I believe debate on this question is cut off by the previous question, unless I am entitled to fifteen minutes under the rule. I do not want to occupy that much time. I believe, however, this bill may have been debated in the Committee of the Whole.

The SPEAKER. It is understood to have been debated in the Committee of the Whole.

Mr. GROSVENOR. I ask unanimous consent that the gentleman in charge of the bill may explain to the House upon what grounds it is necessary to have a special act passed to pension this soldier, as it has been found that his disabilities are sufficient to entitle him to a pension under the existing general law.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. GROSVENOR]? The Chair hears none.

Mr. GROSVENOR. I do not want to discuss this question myself——

Mr. THOMAS. The gentleman from Ohio [Mr. KERR] made the report in this case; and I suppose he is familiar with the facts. I am not.

Mr. KERR. Mr. Speaker, I do not understand exactly the foundation of the objection of the gentleman from Ohio to this bill.

Mr. GROSVENOR. The report shows that this soldier had made an application under the old law; and while it was pending he made application under the new law. No disability was discovered which under this law entitled him to relief. It appears that then, upon an examination under the old law, disabilities were disclosed sufficient to entitle him to a pension of $12 a month. Now, I ask why is it necessary that a special act should be passed for his relief?

Mr. KERR. Let me explain to the gentleman the ground on which the Committee on Invalid Pensions founded their decision. This soldier had applied to the Pension Office for pension under the law of 1890, and had been rejected upon the ground that some medical board had decided that he had no disability. He then prepared an application under the old law for service disability, and that application was pending at the time this bill was introduced in the House. After that time he was examined on application for pension under the old law, and the medical board found him to be disabled and entitled to a full rating under the law of 1890.

The only question before the Committee on Pensions was, therefore, whether they should send this soldier back to the office and there make his application under the law of 1890, or whether it should do simple justice, inasmuch as the bill was pending, and make a favorable recommendation of $12 a month. That was the only question about it. He is entitled to a pension, there is no doubt of the fact; and it was simply whether we would allow it in this expeditious manner or send him back. I believe the committee were unanimous in the recommendation.

Mr. GROUT. Would it be necessary to make another application under the act of 1890?

Mr. ANDREWS. Yes; under the rules of the Department.

Mr. KERR. He had made application under that law, the law of 1890, and was rejected. Afterwards, as I have said, on an application under the old law, it appeared on examination that he was disabled and entitled to the pension.

Mr. WOOD. Mr. Speaker, I ask a vote.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The title of the bill was amended to conform to the amendments reported from the Committee of the Whole.

JAMES EGANSON.

The next unfinished business on the Calendar was the bill (H. R. 7451) for the relief of James Eganson, of Henderson, Ky.

The bill was read at length.

Mr. TALBERT. I ask for the reading of the report.

The report was read at length.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MRS. ELIZABETH T. ANDERSON.

The next unfinished business on the Calendar was the bill (H. R. 7121) to restore Mrs. Elizabeth T. Anderson to the pension roll, reported from the Committee of the Whole with amendments.

The amendments were read and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CRISP, a motion to reconsider the last vote was laid on the table.

CONTESTED-ELECTION CASE—BEATTIE VS. PRICE.

Mr. TAYLER. Mr. Speaker, by instructions of the Committee on Elections No. 2, I report the findings of the committee in the contested-election case of Taylor Beattie *vs.* Andrew Price, from Louisiana, and ask that it be printed and appropriately referred.

The SPEAKER. The report will be placed upon the House Calendar, and printed.

Mr. JOHNSON of Indiana. Mr. Speaker, in that case I desire to present a brief statement of the views of the minority, and ask to have it printed with the report of the Committee.

There was no objection, and it was so ordered.

FRANCIS M. ROSS.

The next unfinished business on the Calendar was the bill (H. R. 5986) granting pension relief to Francis M. Ross, reported from the Committee of the Whole with amendments.

The bill was considered, the amendment recommended by the committee was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The title of the bill was amended to conform to the amendments reported from the Committee of the Whole.

JOHN BEAIRD.

The next unfinished business on the Calendar was the bill (H. R. 7457) granting an increase of pension to John Beaird, reported from the Committee of the Whole with an amendment.

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ALPHONSO O. DRAKE.

The next unfinished business on the Calendar was the bill (H. R. 7205) granting a pension to Alphonso O. Drake, late a private in Company E, Second Regiment Rhode Island Volunteers, reported from the Committee of the Whole with amendments.

Mr. WOOD. Mr. Speaker, I move the following amendment to the amendments recommended by the committee:

The Clerk read as follows:

Strike out the word "twelve" in line 8 and insert the word "twenty;" and add the words "in lieu of the pension he is now receiving."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The title of the bill was amended to conform to the amendment reported from the Committee of the Whole.

NANCY T. DUNCKLEE.

The next unfinished business on the Calendar was the bill (S. 1787) granting a pension to Nancy T. Duncklee.

The bill was ordered to a third reading; and being read the third time, it was passed.

DUDLEY F. BROWN.

The next unfinished business on the Calendar was the bill (S. 1311) granting an increase of pension to Dudley F. Brown.

The bill was read, ordered to a third reading, and accordingly read the third time, and passed.

DAVID N. THOMPSON.

The next unfinished business on the Calendar was the bill (H. R. 6765) to increase the pension of David N. Thompson.

The bill and the amendment recommended by the Committee of the Whole were read.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and it was accordingly read the third time, and passed.

CAROLINE WILKINSON.

The next unfinished business on the Calendar was the bill (H. R. 1513) granting a pension to Caroline Wilkinson.

The bill was read.

Mr. SPALDING. Let us have the report, Mr. Speaker.

The SPEAKER. The Clerk will read the report.

The report (by Mr. LOUDENSLAGER) was read, as follows:

The Committtee on Pensions, to whom was referred the bill (H. R. 1513) entitled "A bill granting a pension to Caroline Wilkinson," beg leave to submit the following report, and recommend that said bill do pass without amendment:

The claimant is the daughter of John Spears, who served as a private for fifteen months in the regiment commanded by Colonel Goode, Virginia Line, war of the Revolution. The service is a matter of record, and he was a pensioner on account of same until his death, in 1842. His widow, Susanna Spears, was also a pensioner until her death.

Mrs. Wilkinson, the claimant, is a widow, 75 years old, in indigent circumstances, and dependent upon others for support.

The relationship of the claimant to the soldier is shown by the sworn statements of John S. Sims, William Phaup, and other aged citizens of Chesterfield County, Va.

The claimant resides at Pilkinton, Chesterfield County, Va.

There are several precedents for the proposed legislation, and in view of the claimant's great age and dependent circumstances, your committee believe that such precedents may very properly be followed in this case.

The SPEAKER. How old would the father of this beneficiary be if he were now alive?

Mr. COFFIN. Mr. Speaker, I ask that this bill go over without prejudice?

The SPEAKER. The gentleman asks that the bill go over without prejudice. Without objection, it will be so ordered.

There was no objection.

CAPT. BRADBURY W. HIGHT.

The next unfinished business on the Calendar was the bill (S. 1949) granting an additional pension to Capt. Bradbury W. Hight.

The bill was read, ordered to a third reading, and accordingly read the third time, and passed.

MARY E. ELY.

The next unfinished business on the Calendar was the bill (S. 2133) granting a pension to Mary E. Ely.

The bill was read, ordered to a third reading, and accordingly read the third time, and passed.

NETTIE A. CHEEKS.

The next unfinished business on the Calendar was the bill (S. 2913) granting an increase of pension to Nettie A. Cheeks.

The bill and the amendment recommended by the Committee of the Whole were read.

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

JESSE DURNELL.

The next unfinished business on the Calendar was the bill (H. R. 3108) to grant a pension to Jesse Durnell, late second-class pilot on gunboat *Lexington* and transferred to gunboat *Marmora*.

The bill and the amendment recommended by the Committee of the Whole were read.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. WOOD, the title of the bill was amended as recommended by the committee.

ELIZABETH L. LARRABEE.

The next unfinished business on the Calendar was the bill (S. 1356) to increase the pension of Elizabeth L. Larrabee, widow of Col. C. H. Larrabee, late of the Twenty-fourth Regiment of Wisconsin Volunteers.

The bill was read, ordered to a third reading, and accordingly read the third time, and passed.

WILLIAM G. BUCK.

The next unfinished business on the Calendar was the bill (H. R. 8388) for the relief of William G. Buck.

The bill was read, and ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

DANIEL E. DE CLUTE.

The next unfinished business on the Calendar was the bill (H. R. 9689) for the relief of Daniel E. De Clute.

The bill and the amendments recommended by the Committee of the Whole were read.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MARIA SOMERLAT.

The next unfinished business on the Calendar was the bill (S. 1323) granting a pension to Maria Somerlat, widow of Valentine Somerlat.

The bill and the amendment recommended by the Committee of the Whole were read.

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

FRANCES P. TRUMBULL.

The next unfinished business on the Calendar was the bill (H. R. 5435) for the relief of Frances P. Trumbull, widow of Mathew M. Trumbull.

The bill and the amendments recommended by the Committee of the Whole were read.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

RACHEL WADDELL.

The next unfinished business on the Calendar was the bill (H. R. 9683) granting a pension to Rachel Waddell, of Newport, Tenn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place on the pension roll the name of Rachel Waddell, daughter of John Waddell, sergeant in Capt. William Cherry's company, Fourth Virginia Regiment of Foot, commanded by Cols. Robert Lawson and Thomas Elliott, Revolutionary war, at the rate of $20 per month, subject to the provisions and limitations of the general pension law.

The amendment recommended by the Committee of the Whole was read, as follows:

Strike out the word "twenty," in line 8, and substitute therefor the word "twelve," so as to fix the rating at $12 per month.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the bill be laid aside without prejudice.

Mr. ANDERSON. Mr. Speaker, there is no doubt about this being the widow of a Revolutionary soldier, nor is there any doubt of its being a meritorious case. She is an old woman, about 73 years of age. This House has passed a number of bills of this character, and I trust this bill will pass and not be laid aside.

Mr. LOUDENSLAGER. Mr. Speaker, I desire to correct the gentleman in one statement, and that is that this is not the widow of a Revolutionary soldier, but she is the daughter of a Revolutionary soldier.

The SPEAKER. How old is this beneficiary?

Mr. ANDERSON. I think the record shows she is about 71 or 72 years of age.

Mr. LOUDENSLAGER. She is 70 years old.

Mr. ANDERSON. Seventy years old.

The SPEAKER. How old would the father have been if he were alive?

Mr. DALZELL. When did this Revolutionary soldier cease to take care of this daughter.

Mr. ANDERSON. There is no doubt of this being a Revolutionary soldier. He was wounded at Kings Mountain. There are affidavits showing his service.

Mr. JOHNSON of Indiana. This is extending the pensioning power of the Government down to the lineal descendants of Revolutionary soldiers pretty far.

Mr. LOUDENSLAGER. This is simply following the precedents of the Fifty-third Congress in this Congress by the passage of numerous bills of this character, all of which I believe are wrong in principle. The precedent has been established, but in my judgment it should be overruled; and if any pension of this character is to be given it should be under a general law. It is best not to take up and defeat this bill at the present time, and I think it is impossible to pass a general bill, but I think that we ought to lay these bills aside for the present and until the House is ready to act advisedly on the whole question; because I do not believe it is the purpose or the policy of this House or the duty of this Government to pension the daughters, the granddaughters, the great-granddaughters, and the great great-granddaughters of any who may have been in the service of the Government. It is wrong in principle. As a member of the committee, I have fought the passage of these bills until the precedent has been established, and the consequence of fighting them seems to be simply to select a few and pension those, and leave the others out; so that they have brought it down to a specified amount of $12 a month and proof of the record of the soldier, and have left the House itself to judge whether it was wise to pass it. The question has never been raised.

Mr. JOHNSON of Indiana. Certainly this would appear to be a good opportunity to overturn a bad precedent.

Mr. LOUDENSLAGER. I do not know why this particular beneficiary should be singled out as the object of opposition. I appreciate the fact suggested that it may be very much more meritorious and very much better than others, and that is why I think we should pass a general law on the subject if there are to be pensions of this kind granted.

Mr. ANDERSON. Will the gentleman yield to me for a question?

Mr. LOUDENSLAGER. With pleasure.

Mr. ANDERSON. Is it not a fact that the record shows that this is a meritorious case, if any of these cases ought to pass?

Mr. LOUDENSLAGER. It is, perhaps, as meritorious as many others of this kind.

Mr. ANDERSON. This old lady is 70 years of age. She is now supported by the charity of her neighbors. We have a number of precedents of cases like this.

The SPEAKER. The gentleman from New Jersey asks that the bill be laid aside without prejudice. Is there objection? [After a pause.] The Chair hears none.

GEORGE W. FERREE.

The next unfinished business on the Calendar was the bill (H. R. 10040) granting an increase of pension to George W. Ferree.

The bill was ordered to be engrossed for a third reading.

Mr. ERDMAN. I demand the reading of the engrossed copy of this bill.

Mr. ANDREWS. Mr. Speaker, I hope the gentleman will withdraw that demand. This is a very urgent case, and I earnestly hope it will pass; and, while the engrossed copy will only delay the passage of the bill a short time, I hope the gentleman will withdraw his objection.

Mr. ERDMAN. I withdraw the demand in this case.

The bill was accordingly engrossed, read a third time, and passed.

HANNAH E. RODGERS.

Mr. DALZELL. Mr. Speaker, in view of the action just taken by the House with reference to the last Revolutionary widow bill, I move to reconsider the vote by which a bill was passed a little while ago in the case of Hannah E. Rodgers (H. R. 1832), so that it may be put in the same category with the others that are being passed over.

The SPEAKER. Without objection, the vote in regard to that bill will be reconsidered, the action of the House vacated, and the bill will take its place on the Calendar. [After a pause.] The Chair hears no objection.

WILLIAM N. WELLS.

The next unfinished business on the Calendar was the bill (H. R. 6268) to increase the pension of William N. Wells.

The bill was read.

The bill was ordered to be engrossed and read a third time.

Mr. ERDMAN. Mr. Speaker, I demand the reading of the engrossed copy of the bill.

The SPEAKER. The Clerk has not the engrossed copy in his possession, and the bill will go over.

MRS. LAURA A. NELSON.

The next unfinished business on the Calendar was the bill (S. 2126) granting a pension to Mrs. Laura A. Nelson.

The bill was read.

The amendments from the Committee of the Whole were adopted.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MICHAEL LOCHARD.

The next unfinished business on the Calendar was the bill (H. R. 7627) granting a pension to Michael Lochard.

The bill was read.

The bill was ordered to be engrossed and read a third time.

Mr. ERDMAN. Mr. Speaker, I demand the reading of the engrossed copy of the bill.

The SPEAKER. The engrossed copy is not at the desk. The bill will go over.

SAMUEL C. TOWNE.

The next unfinished business on the Calendar was the bill (S. 146) granting an increase of pension to Samuel C. Towne.

The bill was read.

Mr. TALBERT. Mr. Speaker, I ask for the reading of the report.

The report was read.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY O. H. STONEMAN.

The next unfinished business on the Calendar was the bill (S. 205) granting a pension to Mary O. H. Stoneman.

The bill was read.

An amendment reported from the Committee of the Whole was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

BENJAMIN L. NOLAN.

The next unfinished business on the Calendar was the bill (H. R. 3745) granting a pension to Benjamin L. Nolan.

The bill was read.

An amendment reported from the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ABNER ABERCROMBIE.

The next unfinished business on the Calendar was the bill (H. R. 4076) for the relief of Abner Abercrombie.

The bill was read.

The amendments reported from the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BARTLETT of Georgia, a motion to reconsider the vote by which the bill was passed was laid on the table.

PATRICK CLABBY.

The next unfinished business on the Calendar was the bill (H. R. 5499) for the relief of Patrick Clabby.

The bill was read.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

LAURA C. DODGE.

The next unfinished business on the Calendar was the bill (S. 2347) for the relief of Laura C. Dodge.

The bill was read.

The amendments reported from the Committee of the Whole were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

MRS. LUCY ALEXANDER PAYNE.

The next unfinished business on the Calendar was the bill (S. 1501) to increase the pension of Mrs. Lucy Alexander Payne.

The bill was read.

Mr. TALBERT. Mr. Speaker, I would like to hear the report in that case.

The report (by Mr. COFFIN) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 1501) granting an increase of pension to Mrs. Lucy Alexander Payne, have considered the same, and report:

The claimant in this case, Mrs. Lucy Alexander Payne, is the widow of Capt. J. Scott Payne, Fifth United States Cavalry, who graduated from the United States Military Academy and was appointed second lieutenant, Fifth Cavalry, June 18, 1866; promoted first lieutenant May 23, 1867; resigned September 12, 1868. Appointed second lieutenant, Sixth Cavalry, February 3, 1873, and first lieutenant September 8, 1874. Promoted to captain June 4, 1875, and retired as of that rank April 24, 1886, on account of disability originating in the line of his duty.

Captain Payne's record is a very honorable one, and he rendered very brilliant and gallant service in the campaign against the Utes, especially in what is known as the Milk River fight, wherein the gallant Major Thornburgh lost his life. After the fall of Major Thornburgh the command devolved upon Captain Payne, who made a gallant and successful resistance against overwhelming numbers of Indians, bringing his command out of the dangerous position with great credit. He was particularly mentioned by his commanding officer for his conduct in this affair, and was recommended for promotion, which, for some reason, never came to him.

He was twice wounded during the fight referred to, and was a great sufferer before his death. His widow is now in feeble health, suffering from the strain brought on by her faithful attendance on her husband during his last illness. She is without means and dependent upon her pension for the support of herself and two minor children.

Captain Payne died December 19, 1895, from disease originating in the service, and his widow is now receiving the pension of $20 per month provided by the general law.

In view of the conspicuous and valuable service rendered to his country by the deceased officer, and in the light of the widow's invalid condition and pressing necessities, your committee recommend the passage of the bill, amended, however, by fixing the rate of pension at $30 per month.

Mr. LOUDENSLAGER. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The amendments were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

AMANDA M. WAY.

The next unfinished business on the Calendar was the bill (H. R. 5898) granting a pension to Amanda M. Way as army nurse.

The bill was read.

Mr. TALBERT. Mr. Speaker, let us hear the report.

The report was read in part.

Mr. TALBERT (during the reading). Mr. Speaker, I do not insist on the further reading of the report. I simply wanted to know whether this nurse had served the time required by law, and I am satisfied.

An amendment reported from the Committee of the Whole was agreed to.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

CHARLES A. NAZRO.

The next unfinished business on the Calendar was the bill (H. R. 6671) for the relief of Charles A. Nazro.

The bill was read.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JOHN J. CROSS.

The next unfinished business on the Calendar was the bill (H. R. 2321) to increase the pension of John J. Cross.

The bill was read.

The amendments reported from the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

Mr. ERDMAN. Mr. Speaker, I demand the reading of the engrossed copy of the bill.

The SPEAKER. The Chair is informed that the Clerk has not the engrossed copy in his possession. The bill will go over.

ANDREW J. MALDER.

The next unfinished business on the Calendar was the bill (H. R. 6757) granting a pension to Andrew J. Malder.

The bill, with the amendments reported from the Committee of the Whole House, was read.

Mr. TALBERT. I should like to have the report read in this case.

The report (as already published) was read.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The SPEAKER. Without objection, the amendment proposed to the title will be agreed to.

There was no objection.

MALACHI SALTERS.

The next unfinished business on the Calendar was the bill (H. R. 9319) granting a pension to Malachi Salters, a sergeant of Company F, Ninth Regiment Illinois Volunteer Cavalry.

The bill and the amendment reported from the Committee of the Whole House were read.

Mr. TALBERT. Let us hear the report.

The report (as already published) was read.

The SPEAKER. The question is on agreeing to the amendment.

Mr. LOUD. Mr. Speaker, upon this bill or some other I desire to occupy a moment or two in order to submit a suggestion. I wish to call attention to a case on which this House has already passed, and on which, of course, no further action can be taken at present. But I wish to bring the subject to the attention of the Committee on Invalid Pensions, which, as I know, aims at all times to deal out equal and exact justice to all pensioners.

In a case which the House has just passed, the widow of the late General Stoneman is an applicant for a pension, and that bill, in accordance with the recommendation of the committee, fixes the pension at $30 a month. Yesterday there was brought up for consideration here a bill to pension the widow of General Carr. The Senate had passed the bill at $100 a month; the House passed it at $50 a month. Of course, we know that in the "shuffle" that pension will come out at the rate of $75. The members of the Committee on Invalid Pensions have repeatedly stated that they think the widows of general officers should receive pensions at the rate of $50 a month. That seems to be the generally expressed sentiment.

Now, permit me to say that General Stoneman was as gallant a soldier as any person whose case has ever come before this body for consideration; and while I do not appear here as the advocate of large pensions, while I would not, if I had been present, have offered an amendment to that bill to make the pension $50, yet I want to call the attention of the committee to the fact that if they want to do equity in these cases, then when this bill gets into conference the same measure of justice should be extended to the widow of General Stoneman that has been extended to the widow of many a general officer of whom none of us ever heard.

It was my fortune, Mr. Speaker, to serve under General Stoneman. As many of you remember, he was not during the war an ordinary brigadier-general, commanding a brigade, but he had intrusted to him separate commands of great importance. He served with great distinction during the war in the Army of the Potomac, and subsequently he was sent to the West.

Now, when that case goes into conference, I hope—I do not state this as a request on my own part, but submit it as a matter of equal justice—I hope the members of that committee who may be on the conference committee will see fit to equalize these pensions along the whole line.

General Stoneman, it is true, was at one time the Democratic governor of the State which I have the honor in part to represent on this floor. I hope that fact had no influence whatever in prompting the committee to reduce the pension of his widow to $30 a month. I repeat the hope that the conference committee may mete out to this woman the same measure of justice that is meted out to others.

Mr. THOMAS. I wish to say to the gentleman from California [Mr. LOUD] that I indorse every word he has said. While there was some disagreement in our committee on this subject, I was personally in favor of amending the bill referred to so as to give Mrs. Stoneman a pension of $50 a month. I knew General Stoneman in the same relation as did the gentleman from California, having served under his command; and I hope the conference committee will, as suggested by the gentleman from California, fix this pension at $50.

Mr. LOUD. I am satisfied that if the House understands the case it will sustain that position.

The question being taken on the amendment, it was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ENROLLED BILL SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (H. R. 8886) for the relief of Hiram T. Corum and Silas W. Davis, of Oregon; when the Speaker signed the same.

ANNA G. VALK.

The next unfinished business on the Calendar was the bill (H. R. 7055) increasing the pension of Anna G. Valk, reported from the Committee of the Whole with amendments.

The amendments were read.

Mr. ERDMAN. Mr. Speaker, I would like some gentleman to explain something of this bill, and tell us why the widow of a surgeon in the Army is to have $40 a month, nearly what the widow of a brigadier-general gets. If there is any reason for it, I should like to know it, for it does not appear in the report; and why this large pension is granted I have no means of ascertaining.

I move to strike out "forty" and insert "twenty" in the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. ANDREWS. I am informed, Mr. Speaker, that the beneficiary of this bill is receiving now a pension of $25 a month. The amendment makes this bill $20 a month.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

NANCY ROBERTS.

The next unfinished business on the Calendar was the bill (H. R. 8633) granting a pension to Nancy Roberts, of Manchester, Clay County, Ky.

Mr. SPALDING. I ask for the reading of the report in that case.

The report was read at length.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

RECONSIDERATION.

On motion of Mr. THOMAS, a motion to reconsider the several votes taken was laid on the table.

QUESTION OF PRIVILEGE.

Mr. WILLIS. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. WILLIS. During the debate on last Monday on the bill for the relief of Joseph E. Vantine, a bill having been presented for the increase of his pension, it seemed to me, from the remarks of the gentleman from California [Mr. LOUD], that a sort of insinuation was dropped that for the sake of getting my bill through the House I was willing to pervert the facts of history.

The report on that bill asserted that Joseph Vantine was the first one who ever suggested the use of chain armor over the sides of a ship to protect it from the missiles of the enemy. The gentleman from California rose and said that that honor belonged to Admiral Farragut. Now, I wish to read to the House a letter from Admiral Farragut which I think will explain itself. He says:

Mr. Moore—

Meaning Chief Engineer John W. Moore—

is the gentleman whom I mentioned in my official letter as the originator of the cladding of ships with chain cables, and has always been spoken of by his commander as a man of great merit, both in and out of his profession.

D. G. FARRAGUT.

In order to set myself right, I would refer the House to pages 322 and 323 of Bennett's Steam Navy of the United States, which gives a pretty full history of this affair. This is an able volume, which is considered authority, and which I have in my desk, so that any gentleman can refer to it who is pleased to take the trouble.

Mr. John W. Moore, chief engineer, reported to Admiral Farragut, or suggested to him, the use of chain cables to protect ships from the missiles of the enemy. The officers of the *Richmond* claim that the idea originated on that ship, and that Assistant Engineer Eben Hoyt suggested the idea in the first instance to Mr. Moore; and the same officers claimed that Joe Vantine, the man whose name was embodied in the bill I offered in the House, was the first to suggest it to Eben Hoyt.

One thing is certain, Mr. Speaker, that Admiral Farragut did not claim the honor, and those who honor his history have never claimed it for him.

Mr. DOCKERY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. DOCKERY. I do not desire to raise any question of order, but simply to call the attention of the gentleman from Delaware to the fact that the gentleman from California [Mr. LOUD] is not now present.

Mr. WILLIS. Well, he was present five minutes ago. What am I to do? Cork up and hush? [Laughter.] It is not my business to keep him here. I do not intend to say anything to traduce the character of Mr. LOUD, or to reflect upon him in any manner whatever. It is a matter of contest between the gentleman from California [Mr. LOUD] and myself as to the facts of history, that is all. I do not want to appear before this House as adopting a subterfuge, and thereby perverting the facts of history for the sake of getting a pension bill through here, for anybody. The man who suspects me of anything like that, does not know his man, that is all. [Laughter and applause.]

What I want to say is this, Mr. Speaker: My feelings, my sentiments, are so much involved in a matter of this kind that I wish it known that I would be the last man in this world to tear a single leaf from the laurel crown which binds the brow of that great naval officer, Admiral Farragut. He needs no defense from me. He needs no apology or defense from the gentleman from California [Mr. LOUD]. In his lifetime and after he had passed away from this scene of action neither he nor his friends demanded that his fame should be plastered over with the veneering of any man's achievements. He was great in himself. His fame is secure, his name is immortal, and I glory in it, and I glory in the ladder by which he climbed to fame. I would decorate every rung of that ladder with oriflamme of victory, and when he had ascended to the apex I would stand and shout while they crowned him before the eyes of an admiring world. But, sir, if I knew the man that built the ladder I would bow in homage before him, and when he died I would cover his grave with flowers and bedew it with the tears of holy devotion.

Sir, what I protest against is the seeming disposition to deny to the humble and obscure the honor which justly belongs to them. I am reminded of a little story in ancient history which you and I have both read. There was once a great general who was a leper, and not a great many miles away was a certain prophet, dwelling in the hills of Samaria. In the household of this great general there was a slave Jewess, a little maiden who sympathized with the sufferings of her lord, who went to her mistress and suggested that if her master would only go down to Samaria and appeal to that great prophet he would be healed of his leprosy. The wife suggested it to her husband and persuaded him to go down. He went, and the prophet came to the door and told him to go and wash in the Jordan, which he did and was healed.

Now, if the gentleman from California [Mr. LOUD] had had the writing of that story he would have covered the prophet and the general with glory, and with grudging forgetfulness would have put out of sight the little slave Jewess, who started the wheels to turning and brought prophet and general together. I am not one of that kind. [Applause and laughter.] I want it remembered that God in His great wisdom and power sometimes chooses the weak things of the earth to confound the mighty, and the things that are not to bring to naught the things that are.

Let not ambition mock their useful toil,
Their homely joys, their destiny obscure;
Nor grandeur hear with a disdainful smile
The short and simple annals of the poor.

[Applause.]

I assert here to-day that the first suggestion for chain armor for ships of war came out of the fire hole of the ship *Richmond*, and the first lips that uttered it were the lips of old Joe Vantine. [Applause.]

Mr. THOMAS. I move, Mr. Speaker, that the House take a recess until 8 o'clock this evening.

LEAVE OF ABSENCE.

Pending the announcement of the vote, leave of absence was granted as follows:

To Mr. PITNEY, for this evening's session, on account of important business.

To Mr. VAN HORN, for this evening, on account of sickness.

To Mr. WILBER, indefinitely, on account of sickness.

To Mr. STAHLE, indefinitely, on account of sickness.

To Mr. COBB, for this day, on account of sickness.

To Mr. GILLET of New York, for four days, on account of important business.

To Mr. LINNEY, for three days, on account of important business.

To Mr. CODDING, for four days, on account of important business.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, on motion of Mr. RUSK, leave was granted to withdraw from the files of the House the petition filed with the bill to grant a pension to H. Frederick Fisher, a soldier in the Mexican war, there being no adverse report on said bill.

The motion of Mr. THOMAS was agreed to; and accordingly (at 8 o'clock and 54 minutes p. m.) the House took a recess until 8 o'clock p. m., the Speaker announcing that the evening session would be devoted to the consideration of business in order at Friday evening sessions under the rule, and that the gentleman from New York, Mr. PAYNE, would occupy the chair as Speaker pro tempore.

EVENING SESSION.

The recess having expired, the House was called to order at 8 o'clock p. m. by Mr. PAYNE as Speaker pro tempore.

The SPEAKER pro tempore. The Clerk will report the rule.

The Clerk read as follows:

The House shall, on each Friday at 5 o'clock p. m., take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. THOMAS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House to consider bills on the Private Calendar under the rule.

Mr. LOUDENSLAGER. Pending that, I offer the following resolution:

The Clerk read as follows:

Resolved, That House bills be considered in the following order: The Clerk to call the first bill on the Calendar, announce the number of it, the Calendar number, and the name of the member who introduced it, and upon his failure to respond "Present," the bill to be passed without prejudice and the next bill to be called in the same way; Senate bills to be called in regular order as they appear on the Calendar.

The motion was agreed to.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Michigan.

COL. JOHN TAYLOR WOOD.

Mr. TERRY. Mr. Speaker, pending that, I would state that I have a bill here for the removal of the political disabilities of a grandson of old Zachary Taylor, and the chairman of the Committee on the Judiciary instructed me to take the first chance to call it up in the House. I ask unanimous consent for the present consideration of the bill. It will take but a moment.

The Clerk read as follows:

A bill (S. 2746) to remove the political disabilities of Col. John Taylor Wood.

Be it enacted, etc. (*two-thirds of each House concurring therein*), That all political disabilities imposed by the third section of the fourteenth amendment of the Constitution of the United States be, and the same are hereby, removed from Col. John Taylor Wood.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed, two-thirds voting in favor thereof.

ORDER OF BUSINESS.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Michigan that the House resolve itself into Committee of the Whole House.

The question was taken; and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. LACEY in the chair.

Mr. WATSON of Ohio. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WATSON of Ohio. I want unanimous consent to consider a bill.

The CHAIRMAN. That is not in order. The Clerk will report the first bill.

Mr. WATSON of Ohio. Let me make a statement to the House. [Cries of "Regular order!"]

The CHAIRMAN. The committee is doing business under a special order of the House. The House has directed the order of the business.

MARY L. TWEDDLE.

The first business on the Private Calendar was the bill (H. R. 5793) granting a pension to Mary L. Tweddle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll of the United States the name of Mrs. Mary L. Tweddle, widow of William Tweddle, late captain of Company K, Tenth Kentucky Volunteers, and to pay her a pension, subject to the provisions and limitations of the general pension laws.

Mr. EVANS. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. ERDMAN. I desire that the report be read.

The CHAIRMAN. The report will be read in the time of the gentleman from Pennsylvania.

The report (by Mr. ANDERSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5793) granting a pension to Mary L. Tweddle, submit the following report:

William Tweddle, the husband of this petitioner, served as captain of Company K, Tenth Kentucky Volunteer Infantry, from November 2, 1861, until August 7, 1862, when his resignation, tendered by reason of having contracted rheumatism, affecting the back and lower extremities, was accepted.

He was pensioned by the Pension Office at the rate of $5 per month from discharge; $15 from May 13, 1882, and $20 from March 24, 1886, on account of lumbago and chronic diarrhea, and, as will be seen by the foregoing rates, his disability gradually increased until he was allowed the total of his rank as a captain.

He died August 22, 1892, of congestion of the brain.

The petitioner applied to the Pension Bureau for a pension under the general laws, furnishing medical testimony that Captain Tweddle's death was due to the lumbago or rheumatism for which he was pensioned, and also the certificate of the board of health, made upon the return of the attending physician, showing that the primary cause of death was congestion of the brain and the remote cause rheumatism and diarrhea, but the claim was rejected in the Pension Bureau upon the ground that it was not shown from a medical standpoint that the cause of death was due to the disabilities for which this officer was pensioned.

Both the officer and the petitioner had been previously married, and the fact of death of the former consorts was duly shown in evidence on file in the Pension Office.

The petitioner married the officer on January 5, 1891, and consequently can have no status for pension under the act of June 27, 1890, which act requires that a widow of a soldier shall have been married to such soldier prior to the passage of such act.

The medical testimony furnished by Drs. Mannakee and Muncaster, of this city, physicians of high standing, shows that the congestion of brain was no doubt a result of the heart trouble from which the officer had suffered as a result of the rheumatism, which for a period had only affected the lumbar muscles, but became general thereafter.

Medical authorities admit that congestion of the brain, the result of impeded return of the blood from the head, may be caused by impediments within the circulation, such as disease of heart.

While the connection of the death cause with the pensioned disabilities may not have been sufficiently shown by the testimony of the attending physicians, your committee believe that the case from all its surroundings is such a one as to present equitable features, and do recommend that the bill be passed.

The petitioner is old and dependent upon the assistance of friends and a daughter, who is hardly able to assist her by reason of having a large family of her own to support.

Mr. EVANS. I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

ANTON ERNST.

The next business on the Private Calendar was the bill (H. R. 8075) to remove the charge of desertion from the military record of Anton Ernst.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of Anton Ernst, late of Company K, Second Maryland Infantry, and to grant him an honorable discharge, to date as of October 15, 1862.

Mr. GRIFFIN. Mr. Chairman, that is not my bill; but I introduced the bill.

Mr. PAYNE. I suggest that the Clerk call the title of the bill, and that a member may move that the bill be considered, otherwise that the bill be passed. I think that will be correct under the order. [Cries of "Oh no!"]

Mr. HULICK. Let the Clerk read the name of the member who introduced the bill.

Mr. FLETCHER. A parliamentary inquiry. I want to know what becomes of the Senate bills that come from our Senators.

The CHAIRMAN. The Clerk will report the order again to the committee, as a number of members have come in since the order was adopted.

The order was again read.

The CHAIRMAN. The Chair will state to the gentleman from Wisconsin that the bill appears to have been introduced by him. Does he desire to have it passed without prejudice?

Mr. GRIFFIN. I ask, Mr. Chairman, that the bill be considered.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of Anton Ernst, late of Company K, Second Maryland Infantry, and to grant him an honorable discharge, to date as of October 15, 1862.

Mr. MCCLELLAN. I ask that the report of the Committee on Military Affairs be read.

The report (by Mr. GRIFFIN) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 4300) for the relief of Regina Ernst, having had the same under consideration, would report thereon as follows:

It appears that Regina Ernst is the widow of Anton Ernst, who, according to the report of the War Department, was enrolled September 5, 1861, as a private in Company K, Second Regiment Maryland Infantry, to serve three years, and appears to have served faithfully until August 31, 1862. The muster roll for September and October, 1862, reports him "Deserted from October 15, 1862." He never rejoined his company, although he owed service to September 5, 1864. The medical records furnish no information concerning him. In applying for a removal of the charge of desertion from the record by the War Department, Regina Ernst, on June 22, 1891, testified that in 1862, when she brought her husband home from the Army "under a furlough," he was an invalid, suffering from asthma, heart affection, and the effects of the hardships of the service; that he was never thereafter in a fit condition to return

to the Army, and was an invalid on her hands for ten years after she brought him home, she having to support him during that time by her daily toil.

Under date of June 22, 1891, Comrade Boettger testified that he was second lieutenant of Ernst's company; that the said Ernst was a good, brave soldier, and never showed the slightest disposition to shirk his duty, always doing it manfully, and further corroborated so much of the widow's testimony as went to show that the soldier was suffering from a severe illness and was taken home "under a furlough."

On July 7, 1891, Angeline Wennig and Wendelin Kessler testified that they saw the soldier when he was brought home from the Army; that he was in very bad condition and seemed to be suffering from asthma and lung trouble, being hardly able to get his breath at all; that they were his neighbors and saw him frequently, and that he was never able to return to the service, being almost entirely helpless.

Philip Engerd, Daniel Cooper, and John Luber, on July 18, 1890, testified that they were members of the Second Maryland Infantry; that Ernst became very sick in the service, having a bad cough and difficulty in catching his breath—a wheezing way of breathing that was extremely noticeable on account of his unusual height; that his efforts to breathe caused him to bend over in a peculiar manner, and that he continued in this way "until discharge."

John Gerhard, on September 9, 1890, declared under oath that he served with Ernst, who, during the latter part of his service, suffered from a severe hacking cough and cold, brought on by exposure in the service.

George Lintenberger, on July 16, 1891, testified that he served with Ernst, and corroborates the statement of Gerhard.

John Luber again, on July 17, 1891, corroborates the statements, substantially, of the witnesses Angeline Wennig and Wendelin Kessler.

On August 29, 1891, Boettger, who also testified on June 22, 1891, stated, in reply to a letter from the War Department, that after the battle of Antietam, Md., September 17, 1862, when the regiment was encamped at Pleasant Valley, Ernst received a pass from First Lieut. F. W. Heck, then commanding the company, to go through the lines, he remembering the incident distinctly on account of the soldier's sickness. He further stated that he was not able to "diagnose fully" the nature of the soldier's ailment, but was impressed at the time with the fact that he was a very sick man; that he seemed to be suffering from asthma, lung affection, and general debility.

In reply to a letter addressed by the War Department to Louis Fleckenstein, late a lieutenant of Ernst's company, he stated, under date of September 5, 1891, that at and after the time said Ernst is shown by the records to have deserted he was an able-bodied man, and that he was charged with desertion according to the rules and discipline of war.

On July 17, 1891, Regina Ernst again testified that her husband was a well man before his enlistment; that he was taken very ill while in the service and sent for her; that he was suffering from asthma in a bad form and had treated himself, using anything that was suggested to him, hoping to obtain relief; that after he went home he was treated by affiant with "home remedies," as it was thought that a physician "would not be of much use;" that the spells would come on suddenly, and he would suffer terribly; that he had no intention of deserting, and had he been able would have returned to the service, but was not fit for any work after he went home, and that it was impossible for her to furnish medical testimony.

Hannibald Gutman and Henry Freund testified, under date of October 12, 1891, that this soldier was completely incapacitated from performing the duties of a soldier from the time he arrived home until the day of his death, in October, 1875, and that his wife supported him during this time; that Ernst was in good health when he enlisted, but was in wretched health after his return from the Army.

On October 18, 1893, Regina Ernst, then being 62 years of age, made an affidavit, which has been presented to your committee, wherein she stated that after the battle of Sharpsburg, or Antietam, she went to the battlefield to see her husband, who had been sick, but participated in the engagement, and that he carried the company colors; that when she got to the camp, about September 20, 1862, she found her husband very poorly, so she went to Captain Seedsburg and got a pass to go home, and her husband was so much worse next day that Lieutenant Heck went to the captain and talked to him, and the captain told Heck to give a furlough to her husband, with a pass for eight days, which he did, and then said if he was no better at the end of eight days tell him to stay till sent for; that she and her husband came to their home in Baltimore. When his eight days' furlough expired he was no better, nor did he ever get much better; that his disease soon developed into a severe case of asthma, and he never was able to go but a few blocks from their home or to do any work, and for twelve years was an invalid, and died of the disability in 1876: that he never did desert in any way, but came away with his furlough, accompanied by her, and with full consent and knowledge of his superior officers, and never was able to go back or do any duty again during the remainder of his life.

On September 15, 1894, Wanobatl Gutman, John H. Hoeck, and John Luber each testified of their personal knowledge that Anton Ernst was treated by one Dr. Troutman for several years after said Ernst returned home in September, 1862, until the death of Dr. Troutman, and corroborates the statement of the widow as to her husband's ill condition of health until his death, and the witness Gutman also corroborates the widow as to the fact that she supported her husband and family by her own labors until the time of his death.

Your committee, after a careful review of the testimony, has arrived at the conclusion that the failure of the soldier Anton Ernst to return to his command and serve out the term of his enlistment and receive an honorable discharge was due to his serious illness, which so disabled him as to render him incapable of returning to his regiment.

All the sworn testimony supports this conclusion, and the only statement which militates against the same is the one made by Louis Fleckenstein, late a lieutenant of Ernst's company, which is not, in the report of the War Department, stated to have been under oath, and hence your committee are unwilling that such statement should outweigh all the sworn statements supporting the conclusion at which the committee has arrived. It appears to your committee that the soldier left his command by permission, and hence no intention of deserting existed at that time, and during the remainder of the term of his enlistment his condition was such as to excuse him from returning to his command.

Your committee therefore submit the following as a substitute bill, and recommend that the same do pass:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of Anton Ernst, late of Company K, Second Maryland Infantry, and to grant him an honorable discharge, to date as of October 15, 1862."

Mr. McCLELLAN. May I ask my colleague on the committee a question? Is the captain who is referred to in this report dead?

Mr. GRIFFIN. I did not hear the gentleman.

Mr. McCLELLAN. Is the captain who is referred to in that report dead? A comrade says that that captain told the husband of the claimant, the beneficiary in this bill, to go home for eight days, and that if he was not better, to stay until sent for. Now, there is nothing to show this from any of the company's officers. Is the captain dead? If he is living, it would be a very simple thing to get an affidavit from him. Nothing appears here from the officers of the company.

Mr. GRIFFIN. As this is a favorable report, there is no question, from the habits and custom of the committee, to believe other than that it is a meritorious case. I think the very points which the gentleman from New York calls attention to were abundantly covered by the proof in this case. It will be observed that there are a number of affidavits, and the points to which reference is made are material, and the committee came to the conclusion that a favorable report should be made. I think the report was drawn a long time ago, and I have no personal recollection respecting it. I am satisfied that the question was abundantly supported by proof.

Mr. McCLELLAN. If my colleague is satisfied, that is sufficient, as I know he investigates all cases before his subcommittee very carefully.

Mr. GRIFFIN. I am satisfied.

The bill was ordered to be laid aside with a favorable recommendation.

HARRIET M. KNOWLTON.

The next business on the Private Calendar was the bill (S. 719) to restore a pension to Harriet M. Knowlton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet M. Knowlton, widow of the late Major Knowlton, of the Twenty-ninth Maine Volunteer Infantry, at the rate of $25 per month.

Mr. ERDMAN. Mr. Chairman, let us have the report read.

The report (by Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 719) to restore a pension to Harriet M. Knowlton, adopt as their own the attached Senate report (No. 194) and report the bill back with the recommendation that it do pass.

SENATE REPORT.

The claimant in this case, Harriet M. Knowlton, widow of Major Knowlton, of the Twenty-ninth Maine Volunteer Infantry, asks to be restored to the pension rolls, and supports her claim by the following statement of facts: Harriet M. Knowlton, married at Lewiston, Me., on January 29, 1854, to William Knowlton, who was afterwards major of the Twenty-ninth Regiment Infantry, Maine Volunteers, and was killed at the head of his regiment September 19, 1864.

Mrs. Knowlton received a widow's pension of $25 per month until her second marriage, to Albin B. Stinchfield in November, 1867. On May 25, 1889, she obtained a divorce from said Stinchfield on the ground of desertion, he having left her and not having furnished her any support for more than twelve years. The judgment and decree of divorce authorized her to take and resume her former name of Harriet M. Knowlton. Mrs. Knowlton is now in her sixty-fourth year, and her only means of support is by nursing, which employment has furnished her only support for the past twelve years.

The statement as to the divorce is fully and properly proved, as is shown by a certificate from C. B. Terrell, clerk of the district court, which shows that the case was placed on the calendar May 25, 1889, at special term, and that it came on for trial the same time, and judgment was rendered in her behalf that plaintiff resume her former name of Harriet M. Knowlton.

In view of the honorable record of her former husband, his gallant services during the war, and his death while in active service at the head of his regiment, and the fact that she was in receipt of a pension after his death and prior to her second marriage, and ample proof of her release from her second husband by the divorce proceedings, and the further fact that she is now poor and unable to earn a full living, the committee therefore deem it proper that she be restored to the rolls and granted a pension of $25 per month, and that the bill be passed.

Mr. McCLEARY of Minnesota. Mr. Chairman, I move that that bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

PETER ANDERSON.

The next business on the Private Calendar was the bill (H. R. 2035) granting an increase of pension to Peter Anderson, of Strong City, Kans.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Peter Anderson, of Strong City, Kans., late of Company C, Sixtieth United States Colored Infantry, and pay him a pension of $50 per month, in lieu of the pension now received by him, said increase of pension to be paid subject to the provisions and limitations of the pension laws.

Mr. ERDMAN. Mr. Chairman, let us have the report read.

The report (by Mr. KIRKPATRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2035) granting an increase of pension to Peter Anderson, of Strong City, Kans., submit the following report:

Peter Anderson, for whom an increase of pension is asked by this bill, is now drawing a pension of $12 a month. It is shown by the records of the War Department that he served in Company C, Sixtieth United States Colored Infantry.

It is shown by the affidavits on file that while working in a stone quarry at Ottawa, Kans., July 18, 1887, by a premature blast he lost both his arms—one at the elbow and the other above it. He has no means of support but his pension and what he receives from selling apples at trains. He carries the apples in a basket suspended from his shoulders by a strap. He has a large family depending on him for support, and frequently is compelled to ask the county for aid.

He is a sober, honest, trustworthy colored man of good moral character. In view of his condition and his service, we recommend the passage of the bill with the following amendment:

In line 7 strike out the word "fifty" and insert in lieu thereof the word "thirty."

Mr. THOMAS. Mr. Chairman, it is very necessary that some formal amendment be made in this bill in order to perfect it, and I offer them for that purpose.

The amendments were read, as follows:

Line 4, strike out "increase the pension" and insert "place upon the pension roll, subject otherwise to the provisions and regulations of the pension laws."

Line 5, strike out "Strong City, Kans."

Line 5, after the word "late," insert "private."

Line 8, strike out all after the word "him."

Amend the title so as to read: "A bill granting an increase of pension to Peter Anderson."

Mr. ERDMAN. Mr. Chairman, it seems to me that this is a bill that ought not to be reported favorably by this committee. The applicant is receiving now $12 a month. Twenty-two years after the war he lost his arms by a premature explosion. There is no pretext anywhere that that was the result in any way of disability incurred in the service. It was simply a misfortune, and if this poor unfortunate man can not get along in the world it is the duty of the community in which he resides to take care of him. It is not the duty of the American nation, and it is not to the credit of that community that they let him come here to ask the charity of the nation. I move that this bill be laid on the table.

Mr. McCLELLAN. Will the gentleman who introduced this bill [Mr. CURTIS of Kansas] let me ask him a question?

Mr. CURTIS of Kansas. Certainly.

Mr. McCLELLAN. Is there any claim made that this disability is the result directly or indirectly of the man's service in the Army?

Mr. CURTIS of Kansas. None whatever; but there are quite a number of precedents for bills of this character. We have passed half a dozen of them in this Congress.

Mr. McCLELLAN. I do not doubt that. I am asking simply for information. It appears, then, Mr. Chairman, that this is pure gratuity.

The question was taken on the motion of Mr. ERDMAN, to lay the bill on the table; and the Chairman declared that the noes seemed to have it.

Mr. ERDMAN. I ask for a division.

The committee divided; and there were—ayes 9, noes 84.

The amendment recommended in the last paragraph of the report was adopted.

The amendments offered by Mr. THOMAS were then agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WASHINGTON BAKER.

The next business on the Private Calendar was the bill (H. R. 4517) granting a pension to Washington Baker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $72 per month, subject to the provisions and limitations of the pension laws, the name of Washington Baker, of Girard, Kans., late of Company H, Eighty-sixth Regiment of Indiana Volunteer Infantry.

Mr. ERDMAN. Let us have the report read.

The report (by Mr. KIRKPATRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4517) granting a pension to Washington Baker, having had the same under consideration, report as follows:

The soldier, Washington Baker, was late a private in Company H, Eighty-sixth Regiment Indiana Volunteer Infantry, and was en rolled on the 11th day of August, 1862, and discharged January 6, 1865. The soldier is now drawing a pension of $12 a month under act of 1890. His claim for pension under act of June 14, 1862, was rejected for the reason, as alleged, that the soldier's disability (that of total blindness) was not due to his military service; that his eyes were defective when he entered the Army. The soldier alleges that at Murfreesboro, Tenn., in the month of January, 1863, he contracted a severe cold, resulting in pneumonia, followed by a diseased condition of the eyes. He also alleges that subsequently, while in an engagement soon thereafter, he was standing behind a brick chimney and firing therefrom, when a cannon ball passed through the chimney, filling his eyes with sand and lime dust, which added very much to their already diseased condition.

These allegations are abundantly supported by his comrades, two of these testifying that they were with him in the hospital at the time of the diseased condition of his eyes and subsequently, and that he was compelled to wear goggles a great portion of the time. The testimony, which is voluminous, satisfies your committee beyond question that the claimant's eyes at the time he entered the service were perfectly sound and free from disease, and remained in that condition until he contracted pneumonia, and that subsequent to that time his eyes were continually in a diseased condition. The disease progressed until the eyeballs were swollen and protruded from the lids of the eyes; and while in this condition the claimant was working in his field and received an injury to one of his eyes by a cornstalk, but did not regard the matter as serious and continued his work for a day or so. Soon thereafter he was forced to abandon the same and send for a doctor. His physician, on examining his eye, found it filled with pus, and, there being no hope of restoring it, decided to remove it for the purpose of saving the other eye. This was done. The other eye improved apparently for some time, but again grew worse, until the ball burst, leaving the claimant totally blind.

Your committee believe, from the testimony on file in the Pension Office, and in fact the physician who removed the eye gave it as his opinon, that the injury received to the eye in the cornfield was due to its swollen and inflamed condition and the inability of the claimant to see objects, and that the accident would not have occurred had the claimant's eyes been sound; that the loss of claimant's eyes is directly traceable to his army service, and that no fair-minded man can read the testimony and reach a different conclusion. Your committee therefore report the bill back to the House with the recommendation that it do pass.

Mr. THOMAS. Mr. Chairman, some formal amendments are required to perfect this bill also, and I send them to the desk.

The amendments were read, as follows:

In line 7, strike out the words "of Girard, Kans."

In line 7, after the word "late," insert "a private."

Mr. ERDMAN. Mr. Chairman, in this case the applicant lost his eye by its coming in contact with a cornstalk many years after the war. The principle here is in line with that involved in the last bill—the principle of pensioning, not for disabilities contracted in the service, but for injuries incurred long after the war. It is quite apparent, from the recommendation of bills of this character, that the committee is willing this evening to let anything and everything go through.

Mr. McCLELLAN. Will my colleague on the committee, the gentleman from Kansas [Mr. KIRKPATRICK], answer a question?

Mr. KIRKPATRICK. Certainly.

Mr. McCLELLAN. Is it not a fact that the present Commissioner of Pensions has recently held that when a soldier was accepted during the war, the Government is estopped from setting up the defense that he was unsound at the time he entered the service? Has not the present Commissioner modified the former rule in that respect?

Mr. KIRKPATRICK. I do not know. That has not been the rule heretofore.

Mr. McCLELLAN. It was not the rule under the previous Commissioner, but my impression is that the present Commissioner has modified the rule in that way.

Mr. KIRKPATRICK. I do not know about that, but he ought to have done so.

Mr. McCLELLAN. He ought not to have done so, but he has.

Mr. TALBERT. Mr. Chairman, in addition to what has been said by the gentleman from Pennsylvania [Mr. ERDMAN], I desire to call attention to the fact that under the management of the Pension Bureau the regularly organized board of examiners in that Bureau, sworn officers, have found that this soldier's disability of total blindness is not due to his military service, but that his eyes were defective when he entered the Army. Further down, as stated by the gentleman from Pennsylvania, the fact is set forth that this man was plowing in his field one day, when his eye was struck by a cornstalk, which injured his eyesight still more. He was not in the Army at that time, of course.

Mr. STEWART of New Jersey. Will the gentleman permit a question?

Mr. TALBERT. Yes, sir.

Mr. STEWART of New Jersey. The Government took this man and put him into the Army. Even if he had defective sight, they accepted him to fight for his country, and, with his defective sight, he served three years, I believe.

Mr. TALBERT. I do not dispute that.

Mr. STEWART of New Jersey. In view of that fact, is there any equity in denying him relief now that he is totally disabled?

Mr. TALBERT. That is another question entirely, which I am not now discussing.

Mr. McCLELLAN (to Mr. TALBERT). The question of the gentleman from New Jersey is in line with the plank in the platform adopted at Chicago last summer. [Laughter.]

Mr. TALBERT. Oh, well, the gentleman knows, I guess, that that platform was made to get in on, and not to stand on afterwards. [Laughter.] But, Mr. Chairman, as I was saying, there is a regularly organized medical board in the Pension Bureau, composed of sworn officers, who find, under the responsibility of their oaths, that this man's disability can not be traced to service origin. That is not gainsaid. That is the record of the Pension Department. Again, it is shown by the man's own evidence that his eyes were further injured by being struck by a cornstalk, and the physician who examined him gives it as his opinion—does not swear to it, does not even certify to it—merely gives it as his opinion that the injury done by the cornstalk was owing to the swollen and inflamed condition of the eye at the time.

Now, it seems to me that any statements which should influence the committee to vote for a claim of this kind ought to be backed up by sworn evidence, and should not be the mere ipse dixit of any man, especially when that testimony is used to rebut the finding of a sworn court specially organized to examine these matters and find the facts upon oath. I have given you the finding of the medical board of the Pension Office, and that is contradicted only by the mere statement of, you may say, a layman, not a Government officer at all. It does seem to me that that is insufficient evidence to justify the passage of this claim. These are my views, and I feel it my duty to state them and to enter my protest against the passage of this claim.

Mr. KIRKPATRICK. One word, Mr. Chairman. The testimony on file in the Invalid Pensions Committee room abundantly

shows that this man's sight was sound when he entered the Army. There is no sort of question in my mind that this disability was incurred originally in the service, and no man can read the testimony and doubt that fact.

The amendments proposed by Mr. THOMAS were adopted.

The question being taken on laying the bill aside with a favorable recommendation, the Chairman declared that the ayes seemed to have it.

Mr. TALBERT. I ask for a division.

The committee divided; and there were—ayes 82, noes 2.

So the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN M. LAUGHLIN.

The next business on the Private Calendar was the bill (H. R. 7688) for the relief of John M. Laughlin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Laughlin, late a private of Lieut. George Melick's detachment, Twentieth Regiment Ohio Volunteer Infantry, and pay him a pension of $20 per month.

The amendment reported by the committee was read, as follows:

At the end of the bill strike out the words "and pay him a pension of $20 per month."

Mr. ERDMAN. Let us have the report read.

The report (by Mr. LAYTON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7688) for the relief of John M. Laughlin, having carefully considered the same, respectfully submit the following report:

Said soldier duly enlisted and was duly enrolled, examined, and sworn in as a private of Lieut. George Melick's detachment, Twentieth Regiment Ohio Volunteers, on the 1st day of October, 1862, at Columbus, Ohio, and actually served as such soldier in said detachment until the 31st day of January, 1863, when he was discharged at Cairo, Ill., by reason of surgeon's certificate of disability, and a certificate of honorable discharge was duly issued and delivered to him. No records of the actual muster of said soldier can be found.

The records of the Auditor for the Treasury Department state that the soldier, John M. Laughlin, was paid from enlistment, October 1, 1862, Sidney, Ohio, to discharge, January 31, 1863, Cairo, Ill., four months; and twenty-one days' travel; 420 miles travel from place of discharge home. He received $71.44 on account of the aforesaid service.

Said soldier never reenlisted.

On the 23d day of January, 1865, this soldier was granted a pension of $2.66 per month, commencing from January 31, 1863, the date of his discharge (certificate 37290), by reason of aphonia, complicated with chronic bronchitis, contracted in the service. He continued to draw this pension until the 4th of March, 1867, when he voluntarily relinquished the same and returned his pension certificate and blank voucher to the Pension Bureau. Soldier states he did so because he had partially recovered from his disabilities, and because of the smallness of the pension allowed him.

On the 22d day of October, 1890, said soldier filed an application for the restoration of his pension and increase of same, and also an application under the act of June 27, 1890. Both of these claims were rejected on the 13th day of April, 1893, on the grounds that the records of the War Department fail to show that the name of said soldier is borne on the rolls of any company of the Twentieth Ohio Volunteer Infantry. The Commissioner of Pensions further states to said soldier, as a further cause for the rejection of his claim, as follows:

"There being no record of your muster in, you can not be recognized as having been properly in the service of the United States."

All of the foregoing facts are clearly shown by the official records and sworn testimony now on file in the Pension Office.

Inasmuch, therefore, as said soldier was duly enlisted and enrolled, and actually served as such soldier for four months, and received an honorable discharge, your committee are clearly of the opinion that he is justly and equitably entitled to a pensionable status the same as if he had been actually mustered, and do therefore recommend the passage of the bill with the following amendment:

Strike out the words "and pay him a pension of $20 per month."

Mr. TALBERT. Mr. Chairman, it appears that the records of the War Department do not show that this soldier was ever in the Army. But there is another record showing that he was in the Army and rendered good service.

The records of the Auditor of the Treasury Department state that the soldier, John M. Laughlin, was paid from enlistment, October 1, 1862, Sidney, Ohio, to discharge, January 31, 1863, Cairo, Ill., four months; and twenty-one days' travel; 420 miles travel from place of discharge home. He received $71.44 on account of the aforesaid service.

It thus appears that this man rendered service and was paid therefor; so that the technical objection that his service does not appear in the records of the War Department ought not to defeat what appears to be a just claim.

Mr. MCCLELLAN. I call my friend's attention to the fact that this soldier, as it appears, was honorably discharged, and that the State from which he came was Ohio.

Mr. TALBERT. Yes, he was honorably discharged; and although the records of the War Department do not show that he was ever mustered in, yet the fact is shown otherwise that he was mustered in and rendered service; that he was once granted a pension, which he surrendered because he had recovered from the disability, thus showing that he is an honest and upright man. I think this is a just claim and should receive the favorable consideration of this committee. This is one of those honest claims which I think ought to be granted. It appears that the man can not obtain a pension by going to the Pension Bureau—that the only place where he can obtain justice is this House. I am in favor of the bill because it is proper and right; and a bill of this kind is the only method by which the soldier can receive the relief to which he is entitled. I hope the bill will pass.

Mr. MEREDITH. Will the gentleman let me ask him a question?

Mr. TALBERT. I hope the gentleman from Virginia will sit down and let this just bill pass before the man dies.

Mr. MEREDITH. I wanted to ask my friend a question.

Mr. TALBERT. I will answer the gentleman's question if I can, though some people can ask questions which others can not answer.

Mr. MEREDITH. Did my friend observe that the gentleman who introduced this bill is the one who makes the report in its favor? What does my friend think of that?

Mr. TALBERT. The records of the Auditor for the Treasury Department show that this soldier rendered service and was paid for it; and even if the report was written by the gentleman who introduced the bill, that gentleman is an honorable and distinguished member of this House, who would not report anything that he did not believe to be true and right. I am willing to vote for the bill upon his responsibility.

The amendment was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

HENRY O. HYRE.

The next business on the Private Colendar was the bill (H. R. 7079) to increase the pension of Henry O. Hyre.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Henry O. Hyre, late a private in Battery E, First West Virginia Light Artillery, from and after the passage of this act, a pension at the rate of $20 per month, in lieu of the pension now allowed to him.

The amendment reported by the committee was read, as follows:

Strike out, in line 6, the word "twenty" and insert in lieu thereof the word "twelve."

Mr. ERDMAN. I ask for the reading of the report.

The report (by Mr. LAYTON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7079) to increase the pension of Henry O. Hyre, having carefully considered the evidence, report as follows:

This soldier enlisted as a private in Battery E, West Virginia Volunteer Light Artillery, August 4, 1862, and was honorably discharged June 28, 1865. He is now drawing a pension of $6 per month under act of June 27, 1890. He filed in 1884 an application under the general law, which was rejected in January, 1896, on the ground of claimant's inability to prove origin in service of alleged injury of left knee, chronic diarrhea, piles, rheumatism, and disease of heart, and of no ratable disability from alleged injury of left ankle and deafness since filing claim. This action, rejecting the claim under the general law, appears to have been proper, but it appears from the evidence that claimant is entitled to a higher rate under the act of June 27, 1890, than he is now receiving.

The examining board at Lima, Ohio, under date of March 13, 1895, concluded the report of their examination of him as follows:

"This claimant is disabled in a degree equivalent to the loss of a leg at the knee."

M. L. Johnston, M. D., of Harrod, Ohio, in affidavit dated February 5, 1896, testifies that he has known claimant eleven years; has known him to have nasal catarrh and deafness of left ear; has treated him for same. He also has rheumatism, heart disease, and chronic diarrhea; knows this by observation and examination as neighbor and physician. He is not able to do any amount of manual labor. His wife has been bedridden for five years.

Under date of February 7, 1896, J. H. Huntley, M. D., of Lima, Ohio, testifies to treatment of the claimant, describes his disabilities, and concludes:

"I consider his disability for manual labor total. He is both an invalid and a cripple. He has no property or means of support."

In the opinion of your committee, the condition described warrants an allowance of $12 per month under act of June 27, 1890, and they therefore recommend that the bill be amended by striking out the word "twenty," in line 6, and inserting in lieu thereof the word "twelve," and that as amended the bill do pass.

The amendment was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

SOLOMON KLINE.

The next business on the Private Calendar was the bill (H. R. 7073) to increase the pension of Solomon Kline.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Solomon Kline, late of Company I, Forty-sixth Indiana Infantry, upon the pension roll at the rate of $50 per month from and after the passage of this act.

The amendment reported by the committee was read, as follows:

Strike out all after the word "month," in line 6, and insert "in lieu of the pension which he is now receiving."

Mr. ERDMAN. Let us hear the report.

The report (by Mr. LAYTON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7073) to increase the pension of Solomon Kline, having thoroughly examined the evidence on file, beg leave to report:

Solomon Kline enlisted in Company I, Forty-sixth Indiana Volunteer Infantry, November 30, 1861, and was discharged therefrom October 7, 1863, on surgeon's certificate of disability. The medical records show that he was treated for malarial fever from October 16 to October 23, and from December 11 to December 28, 1862; that he was wounded at Champion Hill, Miss., May 16, 1863, and was treated May 16, 1863, for gunshot wound, severe, flesh, of both thighs; again June 10 to 13, 1863, gunshot, left thigh, and June 14 to July 10, 1863, gunshot wound of thigh.

The certificate of disability on which he was discharged shows that the surgeon found him incapable of performing the duties of a soldier because of gunshot wound of both hips, the ball entering the middle of the left natis, passing obliquely to the right and front, passing through the pelvis, and coming out on the front of the right thigh 2 inches below the inferior anterior spinous process of the ileum; not able for field duty, and not physically suitable to enter or reenlist in the Invalid Corps; disability total; paralysis of right limb.

Affidavits recently filed with this committee show condition as follows:

Mrs. A. Sperling testifies that she has seen Kline almost daily, and his condition is such that he is confined to the house and needs attendance most of the time.

Charles J. Brindley testifies that he has known Kline ten years, and that he is now and has been confined to his house for the greater portion of five years, and that he requires the assistance of another person, by reason of gunshot wound in both hips, and that when he is around the house has always needed crutches to walk with.

Dr. L. A. Bassett, of Swanton, Ohio, testifies that he has known claimant about twenty years; that he is totally unable to do any manual labor whatever, and is confined to the house, unable to dress or get along without assistance most of the time, on account of gunshot wound in hip, paralyzing one limb, rendering it useless.

This man is now pensioned at $30 per month for gunshot wound of both hips and chronic diarrhea and resulting disease of rectum. He was examined August 7, 1895, at Wauseon, Ohio, by the board of United States examining surgeons in a claim for increase, and in their report they say:

"He is evidently unable to walk without crutch and cane; * * * evidently needs the assistance of another person part of the time. In our judgment this claimant is permanently disabled for the performance of any manual labor, and requires the frequent and periodical, though not regular and constant, personal aid and attendance of another person."

In spite of this report of the local examining board, the claim for increase was rejected on the ground that the claimant was receiving the full amount to which entitled for the disabilities for which pensioned.

Your committee are of opinion that this report of the Wauseon (Ohio) board, corroborated as it is by the testimony of the claimant's near neighbors, who see him every day, and by that of his physician, who knows his condition from personal observation and treatment, shows that he requires the frequent and periodical aid and attendance of another person, and that he is therefore entitled under the law to the rate of $50 per month; and they recommend the passage of the bill with an amendment striking out all after the word "month," in line 6, and adding "in lieu of the pension which he is now receiving."

Mr. TALBERT. This is another bill introduced by the same patriotic and distinguished gentleman [Mr. LAYTON]. It appears that the claim is supported by certain affidavits which are recited in the report. In addition to these affidavits we have a certificate from the examining board of the Pension Bureau which states that the soldier "is evidently unable to walk without crutch and cane—evidently needs the assistance of another person part of the time." I think this is a highly meritorious claim. It should be passed without objection.

The amendment was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

WILLIAM C. ESTILL.

The next business on the Private Calendar was the bill (H. R. 6497) granting a pension to William C. Estill.

Mr. CONNOLLY. I ask that House bill No. 4184 (No. 989 on the Calendar) be substituted for the bill just called, and that the bill just reached be substituted on the Calendar for the one I desire to call up.

Mr. STEELE. I object.

Mr. CONNOLLY. I hope the gentleman will not object. This arrangement does not postpone any bill in which any other gentleman is interested. I am simply asking that one bill take the place of the other. This arrangement will not interfere with the rights of any gentleman.

Mr. STEELE. I withdraw my objection.

Mr. CONNOLLY. I ask unanimous consent for the arrangement I have just stated.

The CHAIRMAN. It is the opinion of the Chair that would not be in order under the special rule.

Mr. CONNOLLY. This arrangement does not postpone any other bill or interfere with the rights of any other member.

The CHAIRMAN. In the opinion of the Chair the order of the House under which the Committee of the Whole is acting can not be changed in Committee of the Whole.

Mr. CONNOLLY. Can it not be done by unanimous consent? The proposition is simply that one bill be put in the place of another.

The CHAIRMAN. The Chair thinks that, as the House has directed the Committee of the Whole in regard to the order of business to be pursued this evening, that order must be followed. When the gentleman first made the request the Chair understood that it was the same beneficiary in each bill, but now ascertains that it is an entirely different bill.

Mr. CONNOLLY. Can we not as well take up No. 989 on the Calendar by unanimous consent as to make the order we have made about the manner of calling them up?

Mr. HICKS. I object.

The CHAIRMAN. Objection is made, and the Clerk will proceed with the reading of the bill.

The bill was read, as follows:

Be it enacted, etc., That William C. Estill, disabled and dependent son of the late William J. Estill, deceased, who was captain of Company F, Twenty-eighth Illinois Volunteers, and a private in Company A, Sixteenth United States Infantry, in the Mexican war, be, and he is hereby, granted a pension at the rate of $12 a month, payable quarterly as other pensions.

Mr. ERDMAN. Let the report be read.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6497) granting a pension to William C. Estill, submit the following report:

William C. Estill is the disabled son of William J. Estill, late captain Company F, Twenty-eighth Illinois Volunteers. He is 34 years of age. By reason of the premature discharge of a cannon at Petersburg, Ill., in 1868, at a public celebration, he lost both arms at elbow and his right eye. He has to be fed and waited on by an attendant. He has no property or means whatever, and no relatives able to support him. He is dependent on charity.

Petitioner's father, William J. Estill, was a private in Company A, Sixteenth United States Infantry, in the Mexican war. He was wounded in the battle of Shiloh so severely as to compel his discharge on or about June 10, 1863. For this wound he was pensioned up to the time of his death, in 1891. Petitioner's mother died in 1874.

Petitioner's great-grandfather, William Estill, was a soldier in the Revolutionary war from the State of New Jersey.

His grandfather, William Estill, was a soldier in the war of 1812, in Captain Gooden's Company, Kentucky Militia, and drew a pension under law of 1871, certificate No. 9346.

His uncle, Isaac Estill, was a soldier in the Mexican war, Company F, Fourth United States Infantry, also lieutenant, Company F, Twenty-eighth Illinois Volunteers. Was wounded in battle of Hatchie, Tenn., and died at Bolivar, Tenn., in December, 1862.

His uncle, David F. Estill, was a soldier in Company K, One hundred and fourteenth Illinois Volunteers, and died in the service at Camp Sherman, Miss., in 1863.

His uncle, Samuel Estill, was captain Company K, One hundred and fourteenth Illinois Volunteers, in the war of the rebellion.

His father, William J. Estill, was a soldier in both the Mexican war and the war of the rebellion, as above shown.

The above facts appear from the petition of claimant, and the affidavits of Hon. T. W. McNeely, a member of this House from 1869 to 1873, and P. S. Scott, both of whom have lived at Petersburg for periods of fifty and thirty-eight years, respectively, and who have personal knowledge of the facts.

Petitioner has no pensionable status. He was over 16 years of age at the time of his father's death.

On the above facts the committee recommend the passage of the bill.

Mr. THOMAS. Mr. Chairman, I wish to offer an amendment in order to perfect this bill. It is hardly in shape as it reads now, and the amendment would be virtually a substitute for the bill.

The CHAIRMAN. The Clerk will report the proposed substitute.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior be, and is hereby, authorized to place upon the pension roll, subject otherwise to the provisions and limitations of the pension laws, the name of William C. Estill, permanently helpless son of William J. Estill, late private in Company A, Sixteenth United States Infantry Volunteers, and pay him a pension of $12 per month."

Mr. ERDMAN. Mr. Chairman, this is a bill that ought to be laid upon the table. There is no justification whatever for its passage.

The report gives the genealogy of the applicant. It appears that his great-grandfather was a soldier, his grandfather was a soldier, his uncle and another uncle, and still another were soldiers; his father, too, and possibly his cousins, his sisters, and his aunts, were nurses in the war. But that is the only reason assigned for pensioning him. He never was in the Army, never was in the war; he is only 34 years old——

Mr. MEREDITH. He was not born when the war was going on.

Mr. ERDMAN. He lost his arms by an explosion of a cannon, firing a celebration——

Mr. STEELE. Does the gentleman say that the records show that this man never was a soldier?

Mr. ERDMAN. Why, he is only 34 years old now.

Mr. MEREDITH. Of course he could hardly have been in the Army at that early age.

Mr. ERDMAN. Mr. Chairman, I have come across an article in the Forum of May, 1893, on the "Anomalies of our private pension system," that I think would be of benefit, if the House would hear it read. If the House, however, prefers to have it in the RECORD, I shall not object; otherwise I will read it.

The CHAIRMAN. If there be no objection, the gentleman will be permitted to print the article in connection with his remarks.

There was no objection.

The article in question is as follows:

[The Forum, May, 1893.]

ANOMALIES OF OUR PRIVATE PENSION SYSTEM.

There are two distinct methods of granting pensions in the United States. Through the medium of the Pension Bureau, by virtue of a complex system of general laws, the growth of a century, the adjudication of pension claims goes forward ceaselessly, and at the present time 2,000 employees of

that Bureau dispose of about 1,000 original and increase claims a day. Congress has equipped this great machine and, aside from annual supplies of fuel, gives it only occasional attention.

To this great mill, grinding not slowly, nor, indeed, exceeding fine, the granting of pensions by special act of Congress bears only remote relation. To secure a special act, the person who for any reason whatsoever surmises that he may be able to obtain a benefit not afforded by the general laws seeks to secure the introduction by a member of Congress of a private bill for his relief. The basis of his application may be the fact that his claim has been rejected by the Pension Bureau, or that for some technical rather than material reason he can not secure a pension under the general laws. It may be that he already receives a pension at a rate less than he conceives desirable or that, because of conspicuous services, he aspires to an extraordinary rate. Be the pretext what it may, such bill is referred to a committee, by whom it is considered and reported to the House or Senate, favorably or adversely, or permitted to expire with the Congress. If reported favorably, passed by the House of Representatives and the Senate, and signed by the President, such bill becomes a law, and the party named therein, and he alone, is benefited thereby.

Formerly the initial step was not usually, as now, the introduction of a bill setting forth the action proposed, but the presentation of a petition for relief, which was referred to a committee for consideration. If their decision was favorable, a bill suited to the case was reported by the committee; if adverse, a resolution was submitted suggesting that "the petitioner have leave to withdraw his petition," a privilege by no means so valuable in effect as benignant in expression.

The early reports of the Committees on Pensions show that the stalwart statesmen of the past were called upon to deal with the same perplexing and sometimes trivial problems as are their successors of the present. In April, 1818, the Senate Committee on Pensions reported on a petition setting forth that the petitioner "in June last, while firing a salute in honor of the President of the United States, who was passing in a steamboat," lost both his arms, and therefore asked to be pensioned. The committee, however, "resolved that the prayer of the petitioner ought not to be granted." In January, 1820, the Senate committee stated that "the pension list already amounts to between three and four millions of dollars, and the committee can not believe it expedient at this time to open the doors to a new and very numerous class of applicants" (referring to those persons who had not served the requisite nine months in the military establishment), and that they found it "impossible to extend pecuniary reward to all who deserve well of their country." The same committee recommended that a petitioner who, while serving under General St. Clair in 1791, had been "wounded slightly in the little finger," should have "leave to withdraw his petition."

Many so-called petitions for pension are still received by each Congress, but they are not usually in such form as to receive or merit careful consideration. A statement signed by admiring neighbors, setting forth the personal virtues of the applicant, does not raise any presumption that he is entitled to a pension. On the other hand, the indiscriminate introduction of private bills, which, however little the member may intend it, bear his constructive indorsement and implied certificate that in his opinion each represents a meritorious claim, is an unmixed evil.

It is not to be supposed that these bills are all introduced by members of Congress with a full knowledge of the facts or an expectation that they will become laws. On the contrary, it is unfortunately the exception when a member has any definite knowledge of the circumstances of the case which he, in a measure, makes his own by the introduction of the bill. It is easier to hand such a bill to the Clerk when requested than to investigate the merits of the matter; and thus the records of Congress are needlessly cumbered, the files are inordinately burdened, the labors of committees are enormously augmented, and many deserving cases are crowded to the rear by less worthy but more aggressive claimants. Not only do members present bills without deliberation or investigation, but they have fallen into a custom of culling out early in each Congress all the bills introduced by themselves in the previous Congress which failed of passage, and of again introducing them as a matter of course, without inquiry as to whether the conditions remain such as to justify it.

This custom has resulted in the introduction in one day by one member of as many as seventy private pension bills. In the Fifty-second Congress an energetic Western member introduced a bill to pension a widow, and zealously sought a favorable report from the Committee on Invalid Pensions, who on investigation found that precisely the same bill, introduced by the same member, had passed the Fifty-first Congress, and that the beneficiary thereof had been in comfortable receipt of her pension for more than a year. In 1892 a very prominent Southern member introduced a bill to restore pension to a soldier's widow. Inquiry developed the fact that an exact duplicate of this bill had become a law in February, 1891, and that the intervening year had been spent by the Pension Bureau in a fruitless endeavor to ascertain her post-office address, in order that the pension might be paid to her. The member, being made acquainted with these facts and asked for information as to the whereabouts of the beneficiary, blushingly admitted that he did not know her and had no recollection of the matter; and this is why the pension granted by the Fifty-first Congress to Sarah A. Phelps still awaits a claimant!

The remedy for this evil lies in a change of rules, already in contemplation by members of the Fifty-third Congress, so as to prohibit the introduction of private pension bills and the needless printing and expense attending them, and requiring that all such claims be presented by petition only, which petition shall be referred to the proper committee for consideration. This petition should be not a numerously signed, indefinite, and irrelevant statement, but the sworn affidavit of the petitioner, setting forth specifically the grounds on which the claim to relief is based, and supported by the properly executed testimony of disinterested parties. If the facts presented in any case warrant favorable action, the committee should then report a bill in proper form and clearly worded, calculated to afford an adequate relief and not liable to misconstruction by the Pension Bureau.

The number of private pension bills introduced in recent Congresses is truly enormous. In the Fifty-first Congress the total number was 6,499, the Senate furnishing 1,545 and the House 4,954. Of the bills originating in the House 4,098 were referred to the Committee on Invalid Pensions, which has jurisdiction of all matters relating to pensions growing out of the late war, and 856 to the Committee on Pensions, having jurisdiction of bills relating to the Revolutionary war, the war of 1812, the war with Mexico, the various Indian wars, and to service in the Regular Army or Navy prior to or subsequent to the war of the rebellion. Of these six and a half thousand bills exactly fourteen hundred were enacted into laws. The methods of recent Congresses in dealing with these great numbers of private pension bills will appear from a brief table prepared from the dockets of the House Committee on Invalid Pensions. This table shows that in the Forty-eighth Congress (1883-1885) 2,783 bills were received, 555 were favorably and 448 adversely reported, and 1,780 were not acted on. In the Forty-ninth Congress (1885-1887) the proportions were 4,357, 768, 610, and 2,979; in the Fiftieth Congress (1887-1889), 4,295, 1,134, 263, and 2,898; in the Fifty-first Congress (1889-1891), 4,098, 853, 96, and 3,149. In the Fifty-second Congress (1891-1893) 2,100 bills were received; 227 were favorably and 30 adversely reported. Of that Congress it can not be said, as of those preceding, that the bills not reported were not acted on, for the reason that this committee in the Fifty-second Congress made an effort to give some consideration to all the private bills coming before them, and they have left a docket record of the merits or demerits of fully 90 per cent of the 2,100 received.

These figures show a very striking and increasing disinclination to take the responsibility of making adverse reports; but it should be borne in mind that while only 96 adverse reports were made in the Fifty-first Congress, the passage of 3,149 bills was quite as effectually prevented by refusing or failing to report them as if they had been reported adversely, and the same is proportionately true of the action of other Congresses.

It is obvious that in these five Congresses it was a physical impossibility to consider fully all these bills and that the time consumed in their consideration must have resulted in detriment to interests of a public and general character, and, furthermore, that the consideration given to such bills as were reported could not possibly have been so thorough as to import such infallibility in the conclusions as to justify the President's signature without examination.

The object of the special-act pension is, in theory at least, to give relief in such exceptional and meritorious cases as, for some good reason, technical or perhaps unique, the general laws do not include in their beneficent scope. That this is the theory of special acts is clearly indicated by a joint resolution of Congress approved May 29, 1830, as follows:

"*Resolved*, That the heads of departments who may severally be charged with the administration of the pension laws of the United States of America be, and they hereby are, respectively directed and required, as soon as may be after the opening of each session of Congress, to present to the Senate and House of Representatives a several list of such persons, whether Revolutionary, invalid, or otherwise, as shall have made application for pension or an increase of pension, and as, in their opinion, ought to be placed on the pension roll or otherwise provided for, and for doing which they have not sufficient power or authority, with the names and residences of such persons, the capacity in which they served, the degree of relief proposed, and a brief statement of the grounds thereof, to the end that Congress may consider the same."

To assume, however, that this resolution, which is still in force, gave rise to the custom of granting pensions by special act would be as erroneous as to suppose that it is responsible for the numerous private acts which have emanated from recent Congresses. That such is not the case is shown by the fact that while nearly 4,000 private pension bills were introduced in the Fifty-second Congress, only two cases were received from the Secretary of the Interior, in pursuance of the resolution quoted, recommending that relief be granted by special act, while two others were received suggesting the repeal of former special acts on the ground that they were secured by fraud.

The private pension act is coexistent with our constitutional Government. The First Congress enacted 22 such measures, of which the very first, the prototype of nearly 7,000 which have followed, was enacted June 4, 1790, granting an annuity of $2,500 during life, commencing January 1, 1790, "in order to make full and adequate compensation to Frederick William de Steuben for the sacrifices and eminent services made and rendered to the United States during the late war." It will be remembered that Baron Steuben had come to America in 1777 and volunteered his services without stipulation as to reward, and had served as inspector-general of the Army with rank of major-general, introducing and perfecting the discipline of the Army; and his services were so conspicuous and their value was so much appreciated that as early as April, 1784, a resolution to pay him the sum of $45,000 was considered in the Continental Congress, but defeated, as were sundry subsequent propositions of a similar nature.

In this First Congress there were also allowed to Sarah, widow of Major-General Earl-of-Sterling, who had died in the service of the United States, a sum equal to the half pay of a major-general for seven years, and to Frances E., daughter of Lieut. Col. John Laurens, a sum equal to seven years' half pay of a lieutenant-colonel. This latter action had been recommended by a resolution of the Continental Congress as early as March 1, 1785. In the private pensions allowed by the First Congress the prevailing rate a month was $5, with some as low as $2, these corresponding to the rates in vogue under the Continental Congress. Three reasons for the very early ingrafting of this feature of private-pension acts upon our legislative system are here suggested:

First. The exceptional occasion growing out of the then recent war of the Revolution for acknowledging and rewarding the distinguished and often gratuitous services of citizens, and more especially of titled foreigners who had fought in the American armies.

Second. The absence of any adequate system of general pension laws.

Third. The very moderate rates of pension which had been granted under the provisions adopted by the late Congress. The Continental Congress made provision on August 26, 1776, for half-pay pensions for life to soldiers and sailors for loss of limbs and other disabilities. In August, 1780, provision was made for the payment for seven years of half-pay pensions to the widows and minor children of such officers as had died or should thereafter die in the military service of the United States, and in April, 1782, it was resolved that sick and wounded soldiers should be discharged and should receive a pension of $5 a month in lieu of all pay and emoluments.

These provisions had not, of course, the force of statute law, as the body that was responsible for them had no means of raising revenue or of enforcing its resolutions; but the first Congress under the Constitution hastened to assume responsibility for the payment by the United States from March 4, 1789, of such pensions as had been formerly granted and paid by the several States in pursuance of acts of the late Congress. But it was not until March 23, 1792, that general pension legislation of any considerable scope was enacted, and this provided that the applicant for pension should present his evidence to the circuit court of the district where he resided, which court should determine the rate of pension to be allowed, and should certify the case to the Secretary of War, who should place the name on the pension roll. In less than one year (on February 28, 1793) a large portion of this act was repealed on the ground that it had been "found by experience inadequate to prevent the admission of improper claims to invalid pensions," and provision was then made for taking evidence in invalid claims by the judge of the district, or by three persons commissioned for that purpose by the judge, and for the examination of the applicant by two physicians appointed by the judge; for the transmission of the claims and evidence to the Secretary of War, to be compared with the records of his office, and then reported to Congress for such action as might seem proper.

From this date, it is interesting to note, the Secretary of War was vested with no authority to place any name on the pension roll without first submitting each particular case to Congress for its action, and this prevailed until the last day of the Fifteenth Congress, when the Secretary of War was empowered to place on the rolls, without reporting the same to Congress, the names of such persons as were found entitled under existing laws. During this interval of twenty-six years, from 1793 to 1819, all pensions granted were allowed by what was, in form, a special act of Congress, each pensioner being mentioned by name and his rate being fixed by the act. As the reasons heretofore cited account for the introduction of the "special act," so do these

twenty-six years of personal and individual legislation account for its thorough intrenchment in our legislative system.*

The more important general pension laws were enacted in 1793, 1806, 1813, 1818, 1832, 1838, 1862, 1871, 1887, and 1890. A comparison of these dates with the table of special acts discloses no possible relation of cause and effect. It is to be expected, perhaps, that the number of special acts should increase rather than decrease with increasing population and increasing numbers of beneficiaries under the general laws, for many a person is prompted to seek a pension or increase of pension either under the general laws or by special act, less by a positive sense of legal title and desert or of injustice suffered than by a comparison of his own status with that of some one who is in receipt of something which he has not. The prevailing formula in applications for increase is that the "rate is not proportionate to that received by other persons for similar disabilities," and it is probable that there would be more contentment among the pensioners if a uniform, even though small, rate of pension were allowed to all than with the present innumerable recognized rates, varying from $1 to $100 a month.

Herein lies the chief argument against the allowance of pension or increase of pension by special act, as well as the reason for the enormously increasing demand for that species of benefaction. The special act is, of necessity, personal, discriminating, and partial, and as such provokes a feeling of resentment in the minds of those who, equally deserving, have not the acquaintance, the influence, or the knowledge of "ways and means" requisite to secure similar benefits. Probably the most meritorious cases have not received the promptest attention in the private legislation of the past; and as merit is proverbially modest, the most deserving perhaps never come to the attention of Congress at all, and hence the feeling which is unquestionably growing among the soldiers and worthy beneficiaries of the general pension laws especially, that every increase of pension allowed by special act of Congress is a mark of personal favoritism and an unjust discrimination against every pensioner who is not so fortunate as to have his cause espoused by some influential man.

One interesting fact appears from the table given in the footnote, namely, that during the late war, and to some extent during the war of 1812, the granting of special pensions was noticeably reduced. From 1811 to 1815, covering the period of the war of 1812, there were only 3 special acts; from 1861 to 1863, only 15, and from 1863 to 1865, only 29, to be followed at once by 139 and 292. During these great crises the attention of Congress was necessarily centered on matters of public interest to the exclusion of those personal and private. Can it be that private legislation is a form of mischief found for idle hands to do?

An extreme position on any disputed question is likely to prove untenable, and here it must be admitted that there is a legitimate, but limited, field for the allowance of pension by special act. The statement that all rules have their exceptions is true, though trite, and it is obvious that no general law could be framed which would invariably give relief to the deserving and exclude the unworthy. Recognizing this fact, after an experience of nearly forty years, Congress passed the joint resolution of May 29, 1830, already quoted, in order that the worthy persons excluded might, in a systematic manner, be brought to the attention of Congress, rather than that the claimant's whim or failure of satiety should transfer the adjudication of his claim for pension from the proper bureau to a most inadequate tribunal. That the proper field of the special act is a limited one may well be assumed from the fact that the first twenty Congresses, legislating for those who had borne the hardships of two great wars, enacted only 107, an average of 5 for each Congress. The next twenty Congresses show an average of 80. For the next ten Congresses the average is 489. What is the cause of this enormous increase? Is it that the general laws for this period were mean and niggardly or strict and technical, so that few could get their deserts through the regular channels and many were thus forced to appeal to Congress? Let the 489,725 pensioners on the rolls on June 20, 1889, following the adjournment of the Fiftieth Congress, answer. And what shall we say of the 1,400 bills passed by the Fifty-first Congress, about three times the average of the ten preceding Congresses, and that, too, in face of the fact that before its legislative days had half expired the act of June 27, 1890, had become a law, extending to hundreds of thousands by general enactment new or additional benefits?

Were the provisions of the general laws from June 27, 1890, to the close of the Fifty-first Congress so circumscribed that worthy claimants by the thousand were forced to seek relief through other channels? Let the 676,160 pensioners on the rolls on June 30, 1891, together with the 876,068 names on the rolls on June 30, 1892, and the $165,000,000 appropriated by the last Congress for the ensuing year be the answer.

Existing laws are so ample that one may well wonder what kinds of pension claims are presented in these private bills; what meritorious service done or what peculiar hardships undergone the claimants urge to justify the benefits invoked. Of 2,100 bills before the Committee on Invalid Pensions in the Fifty-second Congress, 332 asked for increase of pension to soldiers already pensioned; 320 were to pension civilian employees and others not regularly mustered into the military service of the United States; 146 contained no sufficient data to identify the claims in the Pension Bureau; 131 sought to interfere with claims not yet adjudicated by the Pension Bureau; 117 were erroneously referred to that committee; 110 were to grant pensions to soldiers' mothers not pensionable under the general laws; 104 to grant pensions to women who had by remarriage forfeited the pension once granted them as widows; 102 to increase the pension of widows already pensioned. Besides these, there were bills for army nurses, stepmothers, stepfathers, foster mothers, children over 16 years of age, soldiers who had deserted, women not legally married to soldiers, women who had been divorced from their soldier husbands, soldiers who had served less than ninety days, and soldiers not disabled from any cause.

In two instances where a bill was introduced to pension the supposed widow of a soldier who had long since disappeared and long been mourned as dead, it was discovered that the elusive consort was still living and had applied for pension, and his post-office address was accordingly furnished to his erstwhile disconsolate widow!

THOMAS FLETCHER DENNIS.

* Following is a list of special pension acts of the various Congresses from the First to the Fifty-second, excluding, of course, those above referred to, pensioning by name those persons whose claims were certified by the Secretary of War:

Congress.	Years.	Number.	Congress.	Years.	Number.
I	1789-91	22	XXVIII	1843-45	37
II	1791-93	15	XXIX	1845-47	77
III	1793-95	2	XXX	1847-49	97
IV	1795-97	.....	XXXI	1849-51	31
V	1797-99	1	XXXII	1851-53	58
VI	1799-1801	.....	XXXIII	1853-55	103
VII	1801-03	.....	XXXIV	1855-57	75
VIII	1803-05	5	XXXV	1857-59	62
IX	1805-07	1	XXXVI	1859-61	49
X	1807-09	.....	XXXVII	1861-63	15
XI	1809-11	.....	XXXVIII	1863-65	29
XII	1811-13	2	XXXIX	1865-67	139
XIII	1813-15	1	XL	1867-69	292
XIV	1815-17	7	XLI	1869-71	84
XV	1817-19	8	XLII	1871-73	177
XVI	1819-21	2	XLIII	1873-75	178
XVII	1821-23	1	XLIV	1875-77	97
XVIII	1823-25	12	XLV	1877-79	229
XIX	1825-27	24	XLVI	1879-81	95
XX	1827-29	4	XLVII	1881-83	194
XXI	1829-31	214	XLVIII	1883-85	512
XXII	1831-33	39	XLIX	1885-87	798
XXIII	1833-35	78	L	1887-89	1,027
XXIV	1835-37	116	LI	1889-91	1,400
XXV	1837-39	74	LII	1891-93	211
XXVI	1839-41	23			
XXVII	1841-43	97	Total		6,814

Mr. CONNOLLY. Mr. Chairman, it is because of the facts which have been stated that I asked permission to postpone the consideration of that bill on the Calendar and take up a bill for one who had been actually in service, but the gentleman from Indiana [Mr. STEELE] and the gentleman from Pennsylvania [Mr. HICKS] objected.

Mr. STEELE. As we had a perfect right to do.

Mr. CONNOLLY. As you had a perfect right to do. You have always a right to be discourteous.

Mr. STEELE. And some people always seem to have a right to grumble without cause.

Mr. MEREDITH. I want the House to understand what they are doing in legislation of this character. It does seem to me, and I speak seriously, that the House can not understand the position in which we are placing ourselves by undertaking to adopt such a measure as this.

I am not here to oppose pension legislation; I am not here to oppose the granting of a pension to any man who was injured in the service of his country; but we have just passed a bill to increase the pension of a man who was hurt twenty years and more after the war, and almost the very next bill that comes up is to grant a pension to a man who was not born until after the war was over, and upon no other ground in the world, as shown by the report, than the fact that his ancestors had been soldiers.

Now, Mr. Chairman, if these are just and sufficient grounds upon which to give a man a pension, there is not a man in the House who is not entitled to a pension; and it is an absurdity to my mind, when we are the custodians of the people's money, and represent the Government, that we should, upon such frivolous pretexts, pay out that money to special beneficiaries or to any man simply and solely because his grandfather or his great-grandfather or his uncles had been soldiers in the Revolutionary war or the war of 1812. It is an absurdity, I repeat; and I desire to call the attention of the House to the fact, and let it go to the country, that we are coming here on Friday nights to pass bills of this character—bills which are an outrage upon the people.

There are bills, I have no doubt, on the Calendar that are strictly meritorious and which present an equitable right to a pension—bills for the relief of people who saw service, and were injured in the service of the country, and I have never raised my hand or my voice against one of them. But, Mr. Chairman, when we come to pension people who were not born until after the late unpleasantness, who have no claim upon the Government except the fact that their ancestors were soldiers in the war of the Revolution and in the war of 1812, it seems to me every right-thinking man in this House will come to the conclusion that we should call a halt on bills of that kind.

Now, Mr. Chairman, so far as I am concerned, it does not matter a particle whether this bill is passed or not. I merely desire to call the attention of this House to this class of bills, and it seems to me that they ought to meet with the condemnation of this body.

Mr. HULICK. I should like to ask the gentleman from Illinois what kind of a celebration it was that this man was attending when he met with this accident?

Mr. CONNOLLY. Well, a Democratic celebration over a Democratic victory.

Mr. SPALDING. Mr. Chairman, I raise the point of order that this bill does not come within the rule of the House.

The CHAIRMAN. Will the gentleman state the point of order?

Mr. SPALDING. That it does not come within the rule for Friday night sessions, granting pensions to soldiers or removing charges of desertion. This man was not a soldier, and consequently this bill can not come up at this time.

The CHAIRMAN. The point of order is overruled.

Mr. TALBERT. Mr. Chairman——

Mr. CONNOLLY. Mr. Chairman, inasmuch as I introduced this bill for a constituent of mine who is a party friend of the gentleman from Virginia [Mr. MEREDITH]——

Mr. MEREDITH. That does not change the principle at all.

Mr. CONNOLLY. I want to say that while he insists there is

no ground at all for the passage of pension bills of this kind, I have a recollection that not many days ago the gentleman from Virginia [Mr. MEREDITH] voted for a pension to a daughter of a Revolutionary soldier. She had never been in the Army.

Mr. ELLIS. And was born long after the war.

Mr. CONNOLLY. She was born long after the Revolutionary war closed, but she lived in Virginia, and therefore I presume she ought to be a pensioner. [Laughter.] Now, Mr. Chairman, if this man's father had died one day before the boy was 16 years of age, he would have been entitled to a pension of $12 a month, but he did not die at that time. The lead that was fired into his body, which kept him an invalid for years, enabled him to draw a pension out of which he maintained this helpless crippled son for twenty years. That father finally succumbed to the lead that was fired into him, but, unfortunately for the boy, the latter had passed his sixteenth birthday, and hence, under our general pension law, the father lived a little too long to enable the son to draw a pension.

Now, I protest that the gentleman from Virginia [Mr. MEREDITH], who is ready to vote for pensions for the sons and daughters of Revolutionary soldiers, if they live in Virginia, although those sons and daughters were born long after the Revolutionary war, ought not to come here now and attempt to throw contempt on a son of the war of the rebellion, because, forsooth, his father died a little too late to enable the boy to come and get a pension under the general law. His father was a soldier, and a good one. He served both in the war of the rebellion and in the war with Mexico. His grandfather fought in all the wars which the country had during the time he was on earth, and his great-grandfather did, too; but this boy, who was maintained by his father for years out of the little pension that he drew, upon the death of the father became a charge upon kinsmen who were as poor as he, and unable to maintain him at all. It is for reasons of this kind that I introduced this bill here, believing that he had as good a right to be maintained now for the remaining years of his crippled life as the grandson or granddaughter of a Revolutionary soldier should now be maintained by the Government. Hence, I protest against the attempt to sneer this case out of court on the part of the gentleman from Virginia [Mr. MEREDITH], because, forsooth, this man does not live in the State that once was the mother of Presidents, but which ceased bearing long ago. [Laughter.]

Mr. MEREDITH. Mr. Chairman, the little fling which the gentleman makes at old Virginia needs no reply from me. I would say to him that the people of Virginia appreciate and honor her Presidents of the past; but we appreciate another fact, Mr. Chairman. The time has not yet come when Virginians can again hold that position—although she has many sons who would worthily fill that exalted station—because the very unpleasantness to which my friend has alluded has caused party lines to be so strictly drawn that it would be impossible for any man who deserves the name of man and who lives in that grand old State to obtain sufficient votes to elect him to that high office until the feeling to which my friend has alluded is dispelled by time.

My friend says that I have attempted to sneer this case out of court. He is mistaken. It is a matter of supreme indifference to me whether this House grants this pension or not. It is a case which perhaps ought to appeal to the sympathies of this House as it appeals to mine. But, sir, we stand here as Representatives, to do justice to the Government as well as to the unfortunate citizens of the country. In reference to the statement made by my friend that I voted recently to pension the daughter of a Revolutionary soldier, I want to say to him that I may have done so, although I have no recollection of the case; but if I did, I followed a precedent which has been established in the past; and if the gentleman will turn to the statutes he will find that a goodly number of the daughters of the Revolution have been pensioned. If there was one such beneficiary from Virginia who received my vote in the present Congress, although I have now no knowledge of the case, I was simply following a precedent which had been already set, and I am sure that my friend has just such cases in his own State.

If there is any cause why this young man should be pensioned, I say we have a right to pension thousands and tens of thousands of people who have been unfortunate, whose ancestors were in the Revolutionary war or the war of 1812. It is not a question of sentiment, but a question which addresses itself to the sound discretion of this House and of the country that by our votes we are to say whether we are to be controlled by sympathy and by the eloquence of the gentlemen, or whether we are to be guided by what seems to be honest and just to the Government and to the people, as well as by the rules of common sense. [Cries of "Vote!" "Vote!"]

Mr. BLUE. Mr. Chairman, I want to say a word about this, and only one. This is the establishment of a principle that I do not believe has ever been practiced in the pension legislation of this nation. We have pensioned the imbecile children of soldiers of the late war; but this is not an imbecile. This is a child that lost his arms years after the war. He is now only 34 years of age, and if this is to be used as a precedent, there will be no end of this matter of pensioning. I heartily concur in the opinion of the distinguished gentlemen here that this whole business of pensioning the granddaughters of soldiers of the Revolution is infamous and bad.

There is no principle of pensioning upon which it can be based. I stand here now to say to this House that I am ready to vote at any time to repeal every bill of this kind. [Applause.] It is wrong in principle, and if it is to be followed up, the time will soon come when the pension rolls of this nation will be so enormous that the people will rise up and destroy it and do great wrong to meritorious pensioners. And so, Mr. Chairman, I do not wish to make any motion in this case. I very much dislike to antagonize this measure, coming from the gentleman from Illinois [Mr. CONNOLLY], whom I respect so much; but this is wrong in principle, and the bill ought to be beaten.

Mr. AVERY. Will the gentleman answer a question?

Mr. BLUE. Yes, sir.

Mr. AVERY. Upon what theory does the law pension the imbecile child of a soldier?

Mr. BLUE. The theory, as I understand it, is this: That the imbecile child is not able to support itself.

Mr. AVERY. That is very true. Is not the same theory true of the infirm child, absolutely incapable?

Mr. BLUE. That may be so. But, if the gentleman will permit, if this is to be established and followed as a rule, every time the child of a soldier of the late war loses his arm, or loses a hand, or is seriously maimed, in principle it follows on the same line that this House would be bound by its action to give him a pension. And I am not ready to open the door that wide, and shall vote against this bill.

Mr. AVERY. You would confine it to the imbecile, and not give relief to the helpless.

Mr. TALBERT. Mr. Chairman, I do not propose to make any speech about this pension. I can not speak like the gentleman from Virginia [Mr. MEREDITH] or the distinguished gentleman from Illinois; but I want to call the attention of the committee to some of the reasons why this claimant should be entitled to a pension, and see if they are based upon justice, right, and principle. I think certainly that must be a joke attempted to be played upon the Committee of the Whole to-night. Certainly the distinguished gentleman from Illinois [Mr. CONNOLLY], with his open, honest face can not be in earnest in his advocacy of this claim. He is certainly not looking at it in the proper light, if he is in earnest in the advocacy of this claim. If so, I must say he certainly is laboring under a tremendous optical delusion, if he looks at it seriously. Now, what are some of the reasons why you are asked by the committee here to grant this claim? In the first place the report says:

> By reason of a premature discharge of a cannon at Petersburg, Ill., * * * he lost both arms at elbow.

Has this Government anything in the world to do with that? Was not that after the war was over? Was he in the service of the United States? Another reason is:

> His father, William J. Estill, was a private in Company A, Sixteenth United States Infantry, in the Mexican war.

Possibly you can find a number of others who had just as distinguished fathers as this gentleman had. So that seems to me to be no reason for pensioning this man. The report goes on to say that his great-grandfather, William F. Estill, was a soldier in the Revolutionary war from the State of New Jersey. Well, what of that? That has nothing in the world to do with the question of this committee recommending this claim. It is totally irrelevant. It does not touch the question at all, and it is no reason whatever why this man should receive a pension. There is no sense in it, there is no decency in it, there is no justice in it, there is no principle in it.

Another reason assigned is that his uncle was a soldier in the Mexican war and another uncle was a soldier in another war! I am astonished that the committee has not gone on to speak of his aunts and his cousins—his first and second and third cousins—has not told us where they are all "at," and brought them in as extra and additional reasons why this man should receive a pension at the hands of the United States Government. [Laughter.] I am astonished, Mr. Chairman, that the Committee on Invalid Pensions, composed as it is of able and distinguished men, should bring such a claim in here, and I am glad that the name of the distinguished gentleman from Ohio [Mr. LAYTON] is not attached to this report, and I can not believe that he is going to vote for this bill. [Laughter.]

Here is what the committee say after what I have already quoted: "Petitioner has no pensionable status whatever." That amounts to saying that he is not entitled to a pension under any conditions or under any circumstances. That is what this committee themselves say, and yet they recommend that this man be given a pension!

Again, they say that he was over 16 years of age at the time of

his father's death, thus putting him in another aspect entirely outside the pale of the law, which provides that no child over the age of 16 shall be pensioned unless an imbecile or an idiot. This man is not an imbecile; this man is not an idiot. He is disabled, it is true, and all such pitiful objects have my sympathy. They ought to be dealt with and cared for—ought to be put into some poor-house and taken proper care of—but it is not right or proper that the Government of the United States should be asked to provide for them.

Mr. Chairman, it is not the pitiful little sum that would be given in this case that I am opposing; it is the principle—the precedent that you would establish, by which you would open the flood gates so that thousands of others just as needy and just as deserving would be coming here and asking pensions upon the same plea. I can not believe, Mr. Chairman, that this committee will seriously consider this case. I hope the claim will not be granted. I move that the bill be reported to the House with the recommendation that it do lie on the table.

Mr. HICKS. Mr. Chairman, I desire to say a word on this bill. I trust that my friend from Illinois [Mr. CONNOLLY] will not insist upon its passage. I dislike to take up the time of the committee, but I really think that if we pass this bill, we take a step that we shall regret hereafter.

Mr. CONNOLLY. I am glad to see the House think of making a halt somewhere, even if I have to suffer by it. [Laughter.]

Mr. HICKS. This man has no pensionable status.

Mr. CONNOLLY. No; if he had, he would not be here asking a pension by special bill.

Mr. HICKS. I can pick out a large number of worthy persons in my district, children of honorably discharged soldiers, who are crippled for life by reason of disabilities or accidents incurred since the war, and if we pass this bill, I really think we shall take a step in the wrong direction, which will excite the attention of the country and invite disapproval. I believe in a pension for every honorably discharged soldier, and for the widow of every such soldier who is unable to earn a livelihood.

Mr. CONNOLLY. Or for the imbecile child of a soldier?

Mr. HICKS. Or for the imbecile child of a soldier.

Mr. CONNOLLY. Or for the daughter of a Revolutionary soldier?

Mr. HICKS. Or for the daughter of a Revolutionary soldier.

Mr. CONNOLLY. Or for a soldier of the war of 1812? [Laughter.]

Mr. HICKS. I will even agree with my friend on that proposition, but when we undertake to pension the child of a soldier for a disability resulting from some infirmity contracted since the war, or from some accident, we are certainly setting a precedent that will come to plague us in the future. It is a new departure, as has just been remarked by the gentleman from Washington [Mr. HYDE].

Mr. CONNOLLY. Does not the gentleman know that we have passed a half dozen bills of this kind in this very Congress?

Mr. HICKS. If we have I do not remember them. I certainly would not have voted for them had I known their character, and I trust that this bill will be voted down. If we passed the bills, as stated by the gentleman, the principle suggested in this bill is wrong, and we can not afford to establish a precedent such as is proposed by the pending measure.

The question being taken on the motion of Mr. TALBERT that the bill be laid on the table, the Chairman declared the ayes seemed to have it.

Mr. CONNOLLY. I ask for a division.

The committee divided; and there were—ayes 80, noes 23.

So the motion was agreed to; and the bill was laid on the table.

GEORGE F. MILLER.

The next business on the Private Calendar was the bill (H. R. 2153) to amend the military record of George F. Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to amend the record of George F. Miller, who enlisted under the name of George F. Young on the 10th day of May, 1861, in Company G, Seventy-first Regiment New York Volunteers, and that an honorable discharge be granted.

Mr. TYLER. Mr. Chairman, I ask that the report be read.

The report (by Mr. TYLER) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2153) to amend the military record of George F. Miller, after careful consideration, report the same back to the House with the recommendation that it do pass.

It appears from the records of the War Department that this soldier, under the name of George F. Young, jr., enlisted at the age of 14, on the 9th day of May, 1861, as a private in Company G, Second Regiment Excelsior Brigade, subsequently designated Company G, Seventy-first New York Infantry Volunteers, and was mustered into service June 28, 1861, to serve three years. It appeared that he served faithfully until March 18, 1862, when he is reported deserted. From the evidence of comrades corroborating the statement under oath of the applicant it further appears that the said George F. Miller, while stationed with his regiment at Sandy Point, Maryland, in March, 1862, was placed on the sick list because of an injury or sprain to his ankle received while at drill in the line of duty, and so remained until May 2, 1862, when his regiment was ordered to the peninsula of Virginia. The said Miller was then sent home as unfit for duty, where he remained until the close of the war.

The soldier further states that his furlough and discharge were to follow on his return home, but this was never done. The testimony further shows that Miller was never fit for duty again at any time prior to the expiration of his term of enlistment; that, indeed, he has always been a sufferer more or less from the injury received and is still at times forced to use a crutch or cane.

The committee believe that there is nothing in this soldier's record to show that he intended to desert, but that he was prevented from completing his term of enlistment by reason of disability contracted in the service. The extreme youth of the soldier alone, being a mere child of 14 years when he entered the military service, ought of itself to relieve him of the stigma resting on his name. His present reputation as a citizen is excellent.

The committee, in view of all the facts of this case, recommend the passage of the bill for his relief with this amendment:

Line 8, after the word "granted," insert "*Provided*, That no pay, bounty, or other allowance shall become payable by reason of the passage of this act."

The amendment was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

NATHAN MITCHELL.

The next business on the Private Calendar was the bill (H. R. 5612) granting a pension to Nathan Mitchell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll the name of Nathan Mitchell, a soldier in the Mexican war, at the rate of $8 per month.

Mr. ERDMAN. Let us have the report read.

The report (by Mr. HARDY) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5612) entitled "A bill granting a pension to Nathan Mitchell," beg leave to submit the following report, and recommend that said bill do pass without amendment.

The claimant's statement as to his service is as follows:

In the spring of 1846 he accompanied General Taylor's army from Corpus Christi, Tex., to the Rio Grande, in the capacity of forage master, under Major McRea, United States quartermaster, and that soon after this he was appointed as secretary and interpreter (he being conversant with the Spanish language) to Colonel Cross, of the Quartermaster's Department, and served with him until the Colonel was assassinated by the Mexicans. About that time he was mustered into the service as a private in Capt. Sam H. Walker's company of scouts, specially ordered into service by General Taylor, and he served as a member of said company until it was merged into Hays's regiment Texas Mounted Volunteers.

When the army left the fort on the Rio Grande he was specially ordered by General Taylor to remain as interpreter to Major Brown, the commander of the fort. On May 1, 1846, the enemy began a bombardment of the fort, and Major Brown at once ordered every man unattached to the army then in the fort to organize into a company and assist in the defense of the garrison. Of this company the claimant was elected captain, and with it participated under arms in the defense of Fort Brown (so named in honor of the gallant commander, who was killed during the engagement) during the eight days' bombardment which followed.

The claimant further states that upon the relief of the garrison by General Taylor the company disbanded and the members thereof returned to their former duties.

Mr. Mitchell made application for a pension under the Mexican war service pension act of January 29, 1887, but the same was rejected because of the inability of the War Department to find a record of the service as a soldier, although the Pension Bureau had, in 1857, issued a land warrant to the claimant upon his furnishing incontestible proof of his service as above set forth.

Among the papers on file is a letter of F. V. Britton, late an officer in the United States Army, dated Rancho near Corpus Christi, Tex., January 7, 1859, in which he certifies that Mr. Mitchell was reported to him (Britton) at Fort Brown as having been placed in command of all unattached teamsters, convalescents, etc., for service in the defense of the fort, and that he (Mitchell) served faithfully in battle as well as in every other situation his duties to the Government placed him.

Gen. D. E. Twiggs, late of the Army, also certifies, under date of December 18, 1858, to the fact of claimant's participation in the defense of Fort Brown. There is other evidence of the service, including the following certificate:

"The undersigned, formerly an assistant surgeon, United States Army, and veteran of the Mexican war, certifies that he served with the garrison in defense of Fort Brown in 1846, and was personally well acquainted with Mr. Nathan Mitchell, who remained with the garrison when the army under General Taylor marched to Point Isabel. Mr. Mitchell was given by Major Brown the command of a squad of civilians, employees of various departments of the Army, and unquestionably rendered as brave and efficient service in the defense of the fort as any of the other members of the garrison, for which reason I do not hesitate to declare that he has as clear a right to receive a Mexican war pension as any of the veterans who are now enjoying one.

"GRAYSON M. PREVOST.

"FACABECAS, *March 4, 1896.*"

The testimony shows that Mr. Mitchell is now 78 years old and totally blind. He has some interest in Texas lands, but nothing that produces an income, and he stands in need of the relief provided by the bill.

The bill was laid aside to be reported favorably to the House.

MRS. JULIA JONES DUNCAN.

The next business on the Private Calendar was the bill (S. 1975) granting a pension to Mrs. Julia Jones Duncan, widow of Bvt. Maj. Gen. Samuel A. Duncan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the general pension laws, the name of Mrs. Julia Jones Duncan, widow of Bvt. Maj. Gen. Samuel A. Duncan, at the rate of $50 per month.

The bill was laid aside to be reported favorably to the House.

WESLEY A. PLETCHER.

The next business on the Private Calendar was the bill (H. R. 5183) granting an increase of pension to Wesley A. Pletcher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to pay to Wesley A. Pletcher, late of Company K, One hundred and sixty-first Regiment of Ohio Volunteers, a pension of $30 per month from the passage of this bill, in lieu of the pension now drawn by him of $8 per month under certificate 562227.

Mr. ERDMAN. Let us hear the report.

The report (by Mr. KIRKPATRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5183) granting an increase of pension to Wesley A. Pletcher, having carefully examined and fully considered all the facts presented in this case, respectfully report as follows:

Wesley A. Pletcher enlisted May 2, 1864, as private in Company K, One hundred and sixty-first Ohio Volunteer Infantry, and was honorably discharged September 2, 1864. He filed claim for pension February 24, 1880, alleging that at Martinsburg, W. Va., July 15, 1864, he was attacked with sunstroke which resulted in heart disease and asthma. The claim was rejected July 24, 1885, on the ground of no record of any disability in service and no evidence of origin in service. He filed claim under act of June 27, 1890, on July 28, 1890, for sunstroke, asthma, heart disease, and paralysis of right arm. Claim was admitted March 26, 1891, at $12 per month for "paralysis and disease of heart."

The claimant furnished testimony of soundness at enlistment, and the testimony of Michael D. Pletcher, his half-brother, who was a comrade, and who testifies to being an eyewitness to claimant receiving sunstroke while working in the trenches near Martinsburg, W. Va., on or about June 11, 1864, and that he fell down in the ditch, and affiant and others lifted him out and took him to a shade tree; that after a while he got better and went to quarters; that affiant lived on same farm with him up to 1876, and knows that he suffered from pain in his head and pain in his heart, and when walking had sick spells and was short of breath, and from discharge to 1876 was fully three-fourths disabled for manual labor.

Claimant says Dr. Kennedy, who treated him from discharge to 1878, is dead, and that Dr. Raines, who treated him up to 1884, then went to California, and he is unable to secure the medical testimony required, or that of other comrades or officers.

Claimant is wholly disabled for performing any kind of manual labor. The board of surgeons at Fowler, Ind., February 13, 1891, rated him eighteen-eighteenths for paralysis, eighteen-eighteenths for enlarged heart, and one eighteenth for asthma. They report paralysis of both sides, most marked in arms and vocal organs; applicant unable to talk, except a few words, so as to be understood, and is unable to use his hands to help himself; heart enlarged, area of dullness increased 1½ inches, sounds irregular, and impulse weak.

In view of his deplorable condition, your committee recommend the passage of the bill, with an amendment striking out all after the word "month," in line 6, and inserting in lieu thereof "in lieu of the pension now drawn by him."

Mr. TALBERT. I should like some explanation in regard to this bill, either from the gentleman who introduced it or from the gentleman who reported it. The report states, "The claimant furnished testimony of soundness up to his enlistment." What kind of testimony was that? Was it sworn testimony?

Mr. HANLY. It was sworn testimony, as I understand.

Mr. TALBERT. Further on, the report says: "The claimant is wholly disabled from performing any kind of manual labor." What kind of evidence is produced to show that fact? Is it some unsworn statement of somebody, or is it sworn testimony?

Mr. HANLY. That fact was established by affidavit. I will add that I know this man myself. I know he is in a deplorable condition. I know that the facts are in truth as set forth in the report.

Mr. TALBERT. The report states: "Dr. Raines, who treated him (the applicant for pension) up to 1884, then went to California, and he is unable to secure the medical testimony required or that of other comrades or officers." There seems to be some contradiction here.

Mr. HANLY. He was unable to furnish the medical testimony.

Mr. TALBERT. But I understood the gentleman to say the testimony had been sworn to.

Mr. HANLY. The testimony as to his present condition has been sworn to; it is in the form of affidavits.

Mr. TALBERT. That is the evidence, I understand, which goes to establish that the disability was of service origin. The pension first granted to the claimant was $12 a month for paralysis and disease of the heart. But he now seeks an increase of pension; and I am anxious to know upon what kind of evidence he bases this claim. Apparently, as he states, he is unable to produce the necessary testimony. I do not think an increase of pension should be granted upon any mere informal statement. Now, if the gentleman knows of his own knowledge that this man is disabled from the performance of manual labor, I have nothing to say.

Mr. HANLY. I know of my own knowledge his exact condition, and it is established by testimony piled mountains high.

Mr. TALBERT. That is satisfactory to me.

The question being taken, the amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ALBERT BROWN.

The next business on the Private Calendar was the bill (H. R. 7647) granting a pension of $30 per month to Albert Brown, late of Company D, One hundred and Fourteenth Regiment New York Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll of the United States the name of Albert Brown, late of Company D, One hundred and fourteenth Regiment New York Volunteers, at the rate of $30 per month, in lieu of the pension he is now receiving.

Mr. ERDMAN. Let us have the report in that case.

The report (by Mr. POOLE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7647) granting a pension to Albert Brown, late of Company D, One hundred and fourteenth New York Volunteers, submit the following:

Albert Brown enlisted in Company D, One hundred and fourteenth New York Volunteers, August 13, 1862, and was discharged June 17, 1865. The records and the evidence on file show that he was wounded in both thighs, the ball remaining in the right thigh; also in the hand and in the mouth, knocking out a part of his teeth, in battle while in the service. He is now pensioned at $12 per month for wound of both thighs and wound of mouth. Application for increase for same and resulting broken health was rejected February 21, 1896.

In an affidavit dated November 9, 1894, D. D. Chase, M. D., says:

"He has known claimant for twenty-five years; that in September, 1869, he examined claimant at biennial examination as examining surgeon for pensions. He was pensioned for and was suffering from gunshot wound of left and right thighs. A minie ball had passed through middle of left thigh from outside, leaving inner surface a little below middle, passing into right thigh at junction of middle and lower thirds, inner surface. The ball struck femur, lodging, and evidently gravitating subsequently into popliteal space and remaining. There was a discharging wound 2½ inches, about 1 inch outside perpendicular line to popliteal space, leading to the ball, which was firmly impacted. The open wound was discharging offensive pus.

"In September, 1871, soldier again appeared for examination. The conditions were not materially changed, except that pus was now excoriating the wound and lameness and debility of soldier aggravated. About May or June, 1872, affiant was solicited to extract the ball. By applying compressed sponges repeatedly, by August, 1872, was enabled to seize the ball, which was extracted at opening above referred to. The ball showed pieces or spiculæ of bone, and was split about one-half its diameter and presented three parts, upon which were the spiculæ of bone. Affiant kept the wound open and treated cavity with carbolized solutions, and pronounced wound healed permanently by December, 1872; but Brown did not entirely recover health, and affiant has seen him at least once each year since then and always found him in poor health, which was attributed by affiant to the disability accompanying the long continuance of ball in thigh and its resultant discharges."

The foregoing affidavit clearly shows the condition of this soldier from discharge to 1872 and at intervals ever since. He is now totally disabled for manual labor, and from the affidavit quoted and other medical and lay testimony, your committee are satisfied that such inability to labor is due to the wounds which he received in the service and their results, and therefore they recommend the passage of the bill.

Mr. POOLE. In line 7, Mr. Chairman, I move to amend the bill by striking out the words "at the rate," and insert "and pay him a pension." Also amend the title to read: "A bill granting an increase of pension to Albert Brown."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. HELEN A. DE RUSSY.

The next business on the Private Calendar was the bill (H. R. 6159) to increase the pension of Mrs. Helen A. De Russy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Helen A. De Russy, of Washington, D. C., widow of Col. Rene E. De Russy, Corps of Engineers and brevet brigadier-general, United States Army, and pay her a pension of $100 per month, the same to be in lieu of the pension now drawn by her.

The Committee on Invalid Pensions recommend the adoption of the following amendment:

Strike out, in line 9, the words "one hundred" and insert "fifty;" so that it will read "50 per month."

The amendment was agreed to.

The bill as amended was laid aside, to be reported to the House with a favorable recommendation.

GROTIUS N. UDELL.

The next business on the Private Calendar was the bill (H. R. 3605) granting a pension to Grotius N. Udell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Grotius N. Udell, late of Company B, Sixth Regiment Iowa Infantry, and pay him a pension of $50 per month from and after the passage of this act, in lieu of the pension he is now receiving, for total inability to perform manual labor.

Mr. ERDMAN. I ask for the reading of the report.

The report (by Mr. ANDREWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3605) granting a pension to Grotius N. Udell, late a private in Company D, Sixth Iowa Volunteer Infantry, having carefully examined all the facts and circumstances in evidence, submit the following report:

Soldier served from July 17, 1860, until January 5, 1863. He filed claim and was pensioned from January 6, 1863, at $8 per month, for seven gunshot wounds in right shoulder, right lung and arm, and results. His pension was increased to $18 per month from April 15, 1874, and increased to $24 a month from March 3, 1883, and increased to $36 a month commencing September 7, 1892. His claim for $50 a month was rejected January 23, 1896, for failure to show a degree of disability which would entitle him to $50 a month.

The evidence shows that the injuries from which the claimant suffers were received at the battle of Shiloh April 6, 1862.

Drs. John W. Webb, A. W. Coleman, and W. A. Boyden, reputable citizens and excellent physicians of Denver, Colo., testify that claimant is totally disabled and helpless, and that he requires the constant attention of one person; and the board of examining surgeons, under date of September 7, 1892, say, after describing the wounds: "The claimant is so disabled from his three gunshot wounds and other injuries described as to be incapacitated for any manual labor. He requires the aid of another person in feeding and dressing himself. He requires frequent and periodical, though not regular and constant, aid and attendance of another person, and we recommend a rating of $50 intermediate between first and second grade."

In view of all the facts, we believe him entitled to a pension of $50 per month. We therefore recommend that the bill be amended by inserting the

word "private" between the words "late" and "of," in line 6, and by striking out the words "from and after the passage of this act," in line 8, and by striking out all words after the word "receiving," in the ninth line of said bill, and as so amended that the bill do pass.

The amendments recommended by the committee were agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELIZA CRAIG HECKMAN.

The next business on the Private Calendar was the bill (S. 1816) granting a pension to Eliza Craig Heckman, widow of Brig. Gen. Charles A. Heckman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Eliza Craig Heckman, widow of Brig. Gen. Charles A. Heckman, on the pension roll at the rate of $50 per month.

Mr. ERDMAN. I call for the reading of the report.

The report (by Mr. MCCLELLAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1816) granting a pension to Eliza Craig Heckman, widow of Brig. Gen. Charles A. Heckman, having carefully examined and fully considered all the facts presented, respectfully adopt the report of the Senate Committee on Pensions as its own, and earnestly recommend the passage of the bill.

The report of the Senate Committee on Pensions is as follows:

[Senate Report No. 416, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1816) granting a pension to Eliza Craig Heckman, widow of Brig. Gen. Charles A. Heckman, having had the same under consideration, submit the following report thereon:

General Heckman entered the service as major in the Ninth Regiment New Jersey Volunteers, was promoted through the several grades to brigadier-general, and commanded a brigade or a division subsequently during the larger part of the war. His military record, as reported by the War Department, is appended hereto.

When the Mexican war broke out General Heckman, then a young man of 24, raised a company and was elected lieutenant, but was afterwards appointed an officer in Company H, First United States Voltigeurs, and took part in all the battles in General Scott's campaign from Vera Cruz to the City of Mexico. At the conclusion of the war he made his home in Phillipsburg, N. J., but returned afterwards to Easton, where he became captain of a militia company known as "The National Grays," which became one of the most noted companies in Pennsylvania.

When President Lincoln made his first call for 75,000 men, Captain Heckman took his command to Harrisburg, and it was mustered in as Company D, First Pennsylvania Volunteers.

He afterwards became major of the Ninth New Jersey Regiment and shortly lieutenant-colonel, and led the regiment at the battles of Roanoke Island and Newbern, after which he became colonel. He was appointed a brigadier-general in November, 1862, for signal ability and meritorious services.

General Heckman died on January 24, 1896, having been in ill health for some years, and was in straitened circumstances, so that his widow is left without any support. The General's death was hastened on account of a painful operation he recently underwent for a wound he received in battle. His widow is 66 years of age, and quite unable to provide by her own efforts for her maintenance.

In view of the brilliant record made by General Heckman in two wars, and the almost destitute circumstances of his widow, your committee are unanimously of opinion that the bill should pass, and accordingly report it back to the Senate with a favorable recommendation.

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, December 14, 1895.

SIR: Referring to your letter of the 12th instant, received yesterday, addressed to the Adjutant-General of the Army and by him forwarded to this office, to which the subject pertains, in which letter you request to be furnished with the military record of Charles A. Heckman, late brigadier-general of volunteers, for the use of the Senate Committee on Pensions in connection with Senate bill No. 707, I have the honor to inform you that the official records show as follows:

Charles A. Heckman is regarded by this Department as having been mustered into service as major Ninth New Jersey Infantry Volunteers to date September 26, 1861, to serve three years; was mustered in as lieutenant-colonel to date October 8, 1861, and is regarded as having been mustered in as colonel, same regiment, to date February 10, 1862.

He appears to have served with his regiment until December 24, 1862, when he was appointed brigadier-general of volunteers, to rank from November 29, 1862. He accepted the appointment December 27, 1862; was immediately assigned to the command of a brigade, and continued on duty commensurate with his rank until May 16, 1864, when he was captured at the battle of Drewry Bluff, Va. He remained a prisoner of war in the hands of the enemy, being confined at Richmond, Va., Macon, Ga., and Charleston, S. C., respectively, until August 3, 1864, when he was paroled and directed to repair to his home at Phillipsburg, N. J., to await orders.

He was again assigned to duty commensurate with his rank September 17, 1864, and continued on such duty until March 23, 1865, when he was ordered to proceed to his place of residence, thence to report by letter to the Adjutant-General of the Army.

He was honorably discharged the service in special orders from this Department to date May 25, 1865, on tender of resignation.

Very respectfully,

F. C. AINSWORTH,
Colonel, U. S. A., Chief Record and Pension Office.

Hon. JOHN M. PALMER,
United States Senate.

The bill was laid aside to be reported to the House with a favorable recommendation.

BENJAMIN F. YOUNG.

The next business on the Private Calendar was the bill (H. R. 2395) granting a pension to Benjamin F. Young, late a private of Company G, First Regiment Ohio Volunteer Cavalry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Young, late a private in Company G, First Regiment Ohio Volunteer Cavalry.

Mr. ERDMAN. I call for the reading of the report.

The report (by Mr. LAYTON) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2395) granting a pension to Benjamin F. Young, late private Company G, First Ohio Volunteer Cavalry, having carefully examined and considered all the facts and circumstances presented, respectfully report as follows:

Benjamin F. Young enlisted September 30, 1861, as private in Company G, First Ohio Cavalry Volunteers, and faithfully served until January 4, 1864, when he reenlisted in same company and was given a veteran forlough for thirty days, but was taken sick at home and was reported "absent sick" on the muster roll of March and April, and afterwards discharged by special order of Department of Ohio, to take effect February 4, 1864.

He applied for pension May 4, 1876, for "rheumatism, from which he has lost his kneecap, some of the bones of his feet and bones of his head." His claim was rejected August 24, 1876, on the ground that his disability was not contracted in line of duty.

He filed a claim under act of June 27, 1890, on July 17, 1890, alleging rheumatism, disease of heart, and scrofula. This was rejected February 27, 1891, on the ground that all disabilities alleged are due to vicious habits.

He appealed to the Secretary of the Interior on both claims, who affirmed the decision of rejection September 6, 1894, saying:

"The preponderance of the evidence is in favor of the view that appellant's disability is due to vicious habits."

Your committee examined all the evidence in the claim and is truly surprised at the unwarranted decision. The testimony of comrades shows he contracted rheumatism in service in Tennessee in November, 1863. His attending physician, Dr. E. B. Fee, of Georgetown, Ohio, testified that he commenced treating him February 16, 1864, and continued treatment until September 23, 1864, and occasionally prescribed for him since; that he "treated him for syphilis and gonorrheal rheumatism, and that he is now suffering (June 12, 1876) from necrosis of the bones of the head and face and other parts of the body."

The same physician filed affidavits September 10, 1880, and April 15, 1882, in both of which he contradicts his former testimony and says his "books" and "notes" say he treated him for "chronic rheumatism." He also wrote a letter to the Commissioner and says his former affidavit was a mistake, and that he made it when he did not have access to his books, and says: "In examining my books I find that I did not treat him for syphilis, but chronic rheumatism," and asks the Commissioner, "Can you not correct the error?"

The board of surgeons at Hillsboro, Ohio, examined him April 2, 1884, and after describing his symptoms say:

"The skin of arms, legs, and hands, as also other parts, the conjunctiva and throat, all indicate to us, as above described, the result of latent syphilis."

Opposed to this, the only testimony tending to show vicious habits and immoral disease, are the sworn affidavits of eleven reputable physicians, who testify that after careful examination they are unable to find any indications that claimant suffered from the immoral disease mentioned, and some of them testify from personal knowledge that he never had it. Dr. R. B. Fee testifies that his father, Dr. E. B. Fee, was mistaken in his first diagnosis and affidavit, and so stated publicly and had made affidavit to that effect; and affiant states most positively that claimant never had the disease referred to. The board of examining surgeons at Georgetown, Ohio, December 18, 1889, say:

"The scaly-skin disease, in our opinion, may be psoriasis and not sequela of syphilis. The differential diagnosis between syphiloderma and psoriasis would incline to psoriasis. The ulcers may have been strumous. The loss of vomer and the blotches could be due to other causes than syphilis. It is quite probable that the disability was incurred in the service, as he claims, and that it has not been prolonged or aggravated by vicious habits."

The testimony shows clearly that applicant was of a scrofulous diathesis, that his mother, two sisters, and four brothers were more or less scrofulous from infancy, and some of them almost blind at times, and (eliminating Dr. E. B. Fee's first affidavit, which he tried to eliminate by two subsequent affidavits and a personal letter) there remains not a scintilla of proof but that claimant's present deplorable condition could arise from rheumatism and scrofula, and your committee believe it did, and that a great injustice has been done this soldier.

We submit as an appendix the decision of the Secretary of the Interior, believing that any fair-minded reader will arrive at our conclusion.

Your committee therefore earnestly recommend the passage of the bill with an amendment, adding, after the word "cavalry," in line 7, the words "and pay him a pension of $30 per month."

APPENDIX.

DEPARTMENT OF THE INTERIOR,
Washington, September 6, 1894.

[Docket 21720. Appeal in the pension claim of Benjamin F. Young, Company G, First Ohio Cavalry, No. 218776. Rejection affirmed. The preponderance of the evidence is in favor of the view that appellant's disability is due to vicious habits.]

SIR: Benjamin F. Young was enrolled and mustered into the service on the 30th of September, 1861. He reenlisted January 4, 1864. On the roll for March and April, 1864, he is reported absent sick at Cincinnati, Ohio. A special order directed his discharge to date from February 4, 1864, as he was absent from that date without proper authority.

On the 4th of May, 1876, he filed an application for pension in which he alleged that while in the line of duty in the service he contracted rheumatism from which he had lost his kneecap and some of the bones of his feet and head.

On the 17th of July, 1890, he filed an application for pension under the act of June 27, 1890, in which he alleged disability from rheumatism, disease of the heart, and scrofula. His claim under the act of June 27, 1890, was rejected on the ground that his disability is due to vicious habits. The claim under former laws was rejected in August, 1876, on the ground that the disability was not contracted in the line of duty. From the action rejecting both claims an appeal is taken.

Applicant testified that he could not present the testimony of the regimental surgeon or a commissioned officer of his company, as he could not ascertain the whereabouts of any one of them. He presented the testimony of a member of Company G and two members of Company H, First Ohio Cavalry, with a view to prove that he contracted rheumatism in November, 1863.

Dr. E. B. Fee, of Georgetown, Ohio, testified July 12, 1876, that Benjamin F. Young came under his charge February 16, 1864, and that he had prescribed for him occasionally since that time. Affiant treated him for syphilis and gonorrheal rheumatism. He is now suffering from necrosis of the bones of the head and face and other portions of the body. His disease appears to be steadily marching onward with periods of amelioration and aggravation.

Dr. E. B. Fee, in an affidavit made on the 15th of April, 1882, stated that he knew the applicant from childhood. "After he veteranized he was furloughed and returned home. I was called to see him on the 16th of February, 1864. My notes say that he had gonorrhea and rheumatism. I think the gonorrhea was perhaps produced from continued horseback exercise, thereby bruising the urethra which resulted in urethral discharge. I continued to treat him to

September 23, inclusive, during which time he had ostitis of the os frontis, malar bone, humerus, ulna, carpus, metacarpus, and phalanges of both arms and hands. He lost a portion of all these bones and all of some of them. I have treated him occasionally since, of which I have no data, because I considered my treatment gratuitous."

Dr. W. A. Bivins testified, October 7, 1889, that to the best of his recollection he had known Benjamin F. Young since January or February, 1864, at which time he was called to render him medical aid. He was severely afflicted with rheumatism, principally of the large joints, but many of the smaller joints were also affected. He is afflicted with scrofula, for which affiant has given him medicine several times. A very careful examination did not reveal any evidence of syphilis. Affiant can not give dates of treatment, for the reason that he never kept any account against applicant and has to rely altogether on his memory.

Dr. Thomas Robinson testified, November 27, 1888, that about 1869 he treated Benjamin F. Young for some scrofula sores on the scalp and arm. There was nothing of a syphilitic nature about him at that time, or before, or since, that affiant had any knowledge of. He has had rheumatism since 1869, and is yet troubled with the effects of the same, but affiant did not treat him for that disease.

Dr. Robert B. McCall, in his testimony taken October 14, 1889, after describing the scars on the applicant's forehead, on the radial border, and anterior surface of right forearm, and on the right arm at outer border of deltoid muscle, says he is not prepared to state the precise character of the ulceration which produced these lesions.

Dr. M. Stoup testified, December 28, 1891, that he had examined B. F. Young and found him affected with rheumatism and scrofula. He had known him for thirty years and never knew him to be affected with syphilis.

Dr. M. W. Hayes testified, January 5, 1891, that he had examined Benjamin F. Young and found him suffering from scrofula and rheumatism. He found no indication of syphilis.

Dr. J. B. McClain testified, October 2, 1892, that he had on that day examined Benjamin F. Young and found him to be of scrofulous diathesis and laboring under articular rheumatism and disease of the heart. He found nothing to indicate that he ever had syphilis.

Dr. W. J. Snofe testified, October 14, 1892, that he had known Benjamin F. Young more than forty-five years. Said Young is suffering from chronic articular rheumatism and cardiac disease and scrofula. The former diseases resulted from exposure in the Army; the scrofula is hereditary. He was intimately acquainted with said Young when he came from the Army, and knows that he was not affected with syphilis.

Dr. C. H. Mathews testified, May 15, 1893, that he had recently examined Benjamin F. Young and found him suffering from chronic rheumatism, scrofula, and disease of heart. Said Young's disabilities are not the result of vicious habits, but of hard labor and exposure.

Dr. S. Guthrie testified, November 24, 1888, that he had examined claimant and found him afflicted with chronic rheumatism, affecting his whole body. He states that he found no evidence of "any immoral disease."

The board of surgeons at Hillsboro, Ohio, in their certificate of medical examination, made April 2, 1884, state:

"We have very carefully examined this man, and find two small cicatrices on frontal region of scalp, adherent, the bony structure having been involved. Also find a large, depressed, and contracted cicatrix, 3 inches long, 2 inches above the right knee joint, the osseous structure of the femur having been involved in ulceration, leaving some deformity, but no loss of patella, as alleged. We find the metatarsal bone of second toe of right foot has a loss of a portion of bony structure by ulceration, and there is eversion of the large toes of each foot and deformity. He has also cicatrices on each forearm, depressed, adherent, contracted, producing some deformity of wrists and hands. The skin of arms, legs, and hands, as also other parts, the conjunctiva and throat, all indicate to us, as above described, the results of latent syphilis. He acknowledges to us that these sores occurred some several years after his discharge."

The board of surgeons at Georgetown, Ohio, in their certificate of December 18, 1889, describe eschars from abscesses and ulcers on various parts of the body, and copper-colored or liver-brown stains or blotches upon the skin. They say "the vomer is absent." They state:

"Applicant has strumous family history. The scaly skin disease, in our opinion, may be psoriasis and not sequela of syphilis. The differential diagnosis between syphiloderma and psoriasis would incline to psoriasis. The loss of vomer and the blotches could be due to other cause than syphilis."

Dr. E. B. Fee, in a letter to the Commissioner of Pensions, dated December 12, 1883, stated:

"In relation to Benjamin F. Young, a private of Seventh Ohio Volunteer Cavalry. If I said in my affidavit that his disease was gonorrheal rheumatism, I think I was mistaken. My affidavit was made when I did not have access to my books. In examining my books I find that I did not treat him for syphilis, but for chronic rheumatism. My impression is that in my affidavit I said gonorrheal rheumatism. If I did, my memory was at fault, for my books show chronic rheumatism. I have this day examined my books and they say chronic rheumatism, and my treatment was for that disease. If I did him a wrong, can you not correct it?"

The statement in this letter is not sworn to, and is therefore not of sufficient weight to controvert the testimony to which it refers, given more than seven years before.

Under the circumstances of this case, the evidence is not sufficient to show that the disability on account of which pension was claimed was contracted in the line of duty in the service. The preponderance of the evidence is that it is due to vicious habits.

The action rejecting the claim under the act of June 27, 1890, and that under former laws is therefore affirmed.

Very respectfully,

JNO. M. REYNOLDS,
Assistant Secretary.

The COMMISSIONER OF PENSIONS.

Mr. TALBERT. Mr. Chairman, I move that this bill be reported to the House with the recommendation that it lie on the table. It is an outrageous bill. I do not care to discuss it. The reading of the report is sufficient to show the character of the bill. I make that motion.

The question was taken on the motion of Mr. TALBERT, and on a division there were—ayes 10, noes 49.

Mr. TALBERT. No quorum.

The CHAIRMAN (having counted the committee). One hundred and ten members are present, a quorum.

So the motion was rejected.

The question recurring on the amendment of the committee, on a division (demanded by Mr. TALBERT) there were—ayes 74, noes 2.

Mr. TALBERT. No quorum.

The CHAIRMAN. The Chair overrules the point of order, a quorum being present.

So the amendment was adopted.

The question recurring on the motion to lay aside the bill with a favorable recommendation, on a division (demanded by Mr. TALBERT) there were—ayes 72, noes 3.

Mr. TALBERT. I make the point of no quorum.

The CHAIRMAN. The Chair overrules the point, a quorum being present.

So the bill was laid aside to be reported to the House with a favorable recommendation.

CATHARINE HARRIS.

The next business on the Private Calendar was the bill (H. R. 6922) to pension Catharine Harris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the general pension laws, the name of Catharine Harris, as the mother of Mathias Harris, late of Company I, Seventeenth Ohio Volunteer Infantry.

The Committee on Invalid Pensions recommended the following amendment:

In line 6, between the words "the" and "mother," insert the word "dependent;" and insert after the word "Infantry," in line 7, the following: "and pay her a pension of $12 per month."

Mr. ERDMAN. Mr. Chairman, let us have the report in this case.

The report (by Mr. KERR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6922) to pension Catharine Harris, submit the following report:

The facts show that the soldier, Mathias Harris, was a private in Company I, Seventeenth Ohio Volunteer Infantry, served his time, and was honorably discharged at Columbus, Ohio, with his regiment. He was given Government transportation to his home, and when a few miles out of Columbus on his way home a railroad accident occurred, and he, with another member of the company, was killed and several others injured.

Catharine Harris is the mother of soldier, destitute, and a widow. She is a very old woman, and has no relative upon whom she can depend for support.

The committee are of the opinion that the case comes within the spirit of the pension laws. While the soldier was discharged, he had not yet reached his home and was still to all intents and purposes in service when he was killed.

The committee recommend the passage of the bill with the following amendments, viz:

In line 6, between the words "the" and "mother," insert the word "dependent," and insert after the word "Infantry," in line 7, the following: "and pay her a pension of $12 per month."

Mr. ERDMAN. Mr. Chairman, I should like to know whether this soldier left a widow. Does the gentleman in charge of the bill know whether he left a widow?

Mr. WATSON of Ohio. I am not able to state more than the report says, but I should like to address the committee later with reference to the merits of this bill.

Mr. KERR. This bill was introduced by the gentleman from Ohio [Mr. WATSON], but I reported it from the committee. There is no direct evidence that I recollect on the question raised by the gentleman from Pennsylvania; but this fact appeared in the evidence, that he was a very young man—I think between 19 and 20 years old. He had been in the Army for two or three years before that time, and was killed on his way home. The presumption is that he was not married.

Mr. WATSON of Ohio. Mr. Chairman, I wish to address the House for a moment on this bill. It recalls an incident which occurred more than thirty years ago. One of my brothers had just returned from the war, after the declaration of peace. Almost the first thing he said to us was that the pleasure of getting home was greatly marred by a sad accident which had occurred a few miles from the city of Columbus, in which two of his comrades had lost their lives and in which he came very near losing his. He spoke with deep feeling of the brave boys who had been with him through the war, who had followed Sherman to the sea and through the Carolinas, who had taken part in the great, grand review, and who were a part of the mighty hosts who had established the perpetuity of the Union and whose martial tread as they swept down the Avenue had shaken this Capitol, and whose lives went out almost in the shadow of their homes. It was a touching story and impressed me deeply.

Mr. Chairman, the pensioner in this case is the mother of one of those soldiers who lost their lives in that unfortunate accident, almost in the embrace of their loved ones, and when I introduced this bill I thought how strange it was that I should play a part in the tragedy I had heard of so long ago. I hope, sir, this bill will pass this House without a dissenting vote.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recomendation.

EDWARD VUNK.

The next business on the Private Calendar was the bill (H. R. 3842) to increase the pension of Edward Vunk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to increase the pension of Edward Vunk, formerly a member of Company D, Twelfth Regiment Wisconsin Infantry, to $50 per month, in lieu of the pension now paid him; said increase to take effect on and after March 1, 1896.

The Committee on Invalid Pensions recommended the following amendments:

In line 6, strike out the word "fifty" and insert in lieu thereof "forty-five," and strike out all after the word "him" in line 7.

The amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ZOLMAN TYRRELL.

The next business on the Private Calendar was the bill (H. R. 4539) granting a pension to Zolman Tyrrell, imbecile son of Lewis R. Tyrrell, late Company A, First New York Engineers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Zolman Tyrrell, imbecile son of Lewis R. Tyrrell, late Company A, First New York Engineers, on the pension roll and pay him a pension of $50 per month.

The Committee on Invalid Pensions recommended the following amendments:

In line 5, strike out the word "imbecile" and insert in lieu thereof the word "idiotic."

In line 7, strike out the word "fifty" and insert in lieu thereof the word "twenty."

Add, after the word "month," in line 7, the words "to be paid to a duly appointed guardian."

Strike out section 2.

Strike out all of the title after the word "Tyrrell."

Mr. ERDMAN. Mr. Chairman, let us have the report.

Mr. RAY. Mr. Chairman, would it be in order to amend the amendment?

The CHAIRMAN. That motion would be in order.

Mr. RAY. Under the laws of the State of New York, idiots, instead of having guardians to take care of their estates, have what we call committees, and I therefore move to insert, after the word "guardian," in the amendment to line 8, the words "or committee."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 8, after the word "guardian," add the words "or committee."

The CHAIRMAN. The question is on the amendment to the amendment.

Mr. ERDMAN. Let us have the report read.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. ERDMAN] is recognized and asks for the reading of the report.

The report (by Mr. POOLE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4539) granting a pension to Zolman Tyrrell, having had the same under consideration, report as follows:

Lewis R. Tyrrell, father of the beneficiary of this bill, served from September 1, 1864, to July 3, 1865, when he was honorably discharged. He applied for pension and was pensioned under the general law for hemorrhoids following typhoid fever, and was receiving $12 per month in 1894, when he died, leaving neither widow nor minor child. It is probable that his death was due to causes arising in the service, though it is not shown; and no one has pensionable status under existing law on account of his service.

The son, Zolman Tyrrell, is now 35 years of age, is utterly helpless, can not speak a word, can not dress or feed himself, and is idiotic, his idiocy having been caused by spasms in infancy. He has no property, no income, and is dependent on and supported by a brother who works by the day for his living and is not able to care for this helpless son of a soldier. This is a meritorious bill, and the committee recommend that it do pass with the following amendments:

In line 5 strike out the word "imbecile" and insert in lieu thereof the word "idiotic."

In line 7 strike out the word "fifty" and insert in lieu thereof the word "twenty."

Add after the word "month," in line 7, the words "to be paid to a duly appointed guardian."

Strike out section 2.

Strike out all of the title after the word "Tyrrell."

The amendment to the amendment was agreed to.

The amendments as amended were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

CAROLINE A. GROSHON.

The next business on the Private Calendar was the bill (H. R. 7489) granting a pension to Caroline A. Groshon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline A. Groshon, daughter of William Groshon, late a private in Captain Messeroe's company of New York Militia in the United States service, and pay her a pension of $8 per month from the 14th day of October, 1885, in lieu of the pension which her late mother, Catharine Groshon, was entitled to and received under the act of Congress approved February 14, 1871.

The Committee on Pensions recommended the following amendments:

Strike out the word "Messeroe's," in line 7, and substitute therefor the word "Missine's;" insert after the word "service," in line 8, the words "in the war of 1812;" strike out all after the word "month" in line 9.

The amendments recommended by the committee were agreed to.

Mr. CONNOLLY. Mr. Chairman, I should like to hear the report in that case read.

The report (by Mr. HOWE) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 7489) entitled "A bill granting a pension to Caroline A. Groshon," beg leave to submit the following report, and recommend that said bill do pass, with amendments.

The claimant is the unmarried daughter of William Groshon, who served from September 2, 1814, to December 3, 1814, in Captain Missine's company of New York Volunters in the war of 1812.

Miss Groshon swears that she was born January 19, 1827, and that she is the only surviving child of the soldier. She further swears that she is dependent entirely upon her daily labor for support, and that her mother, the soldier's widow, who was a pensioner, died October 14, 1885.

The claimant's allegations are fully corroborated by the affidavits of J. W. Hatsey and A. B. Russell, citizens of New York City, who have known her for more than thirty years.

There are several precedents for the proposed legislation, and the House has at this session passed a bill granting a pension to an old and needy daughter of a soldier of the war of 1812.

The following amendments are recommended: Strike out the word "Messeroe's," in line 7, and substitute therefor the word "Missine's;" insert after the word "service." in line 8, the words "in the war of 1812;" strike out all after the word "month" in line 9.

Mr. CONNOLLY. Mr. Chairman, I hope the committee will be consistent for one night at least. This bill is precisely on all fours with the one we were talking about some time ago, concerning which the gentleman from Virginia [Mr. MEREDITH] and my excellent friend from Kansas [Mr. BLUE] boiled over with indignation, that the House should be passing that kind of pension bills. Here is a woman born fifteen years after the close of the war in which her father served.

Mr. LOUDENSLAGER. Mr. Chairman, I should like to ask unanimous consent that this bill lie over without prejudice, which was the action taken by the House to-day in all bills of this character.

Mr. FAIRCHILD. Well, Mr. Chairman——

Mr. CONNOLLY. Mr. Chairman, I move that this bill be reported to the House with the recommendation that it lie on the table.

Mr. MEREDITH. Mr. Chairman, consistency is a jewel. My friend [Mr. CONNOLLY] was advocating a similar bill a while ago, but now he wants us to be consistent and vote this down. I am willing to vote with him to satisfy him. He says "the gentleman from Virginia [Mr. MEREDITH] was boiling over." He is mistaken about that.

Mr. CONNOLLY. It was the gentleman from Kansas [Mr. BLUE] who boiled over.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois [Mr. CONNOLLY] that the bill be reported to the House with the recommendation that it do lie on the table.

Mr. LOUDENSLAGER. I hope the Chair will put my request first.

Mr. FAIRCHILD. Mr. Chairman, I hope this bill will receive the favorable consideration of this committee. This is a bill that I refused to introduce in the House until I had first personally investigated the matter, both as to the merits of the case and also as to the precedents in such cases.

Mr. CONNOLLY. That was my fix, too.

Mr. FAIRCHILD. So far as the merits of the case are concerned, this lady is an elderly maiden lady, gray haired, without many years to live, living alone, with no means of support, in poverty, and is the sole surviving daughter of an officer of the war of 1812 with a great record.

Mr. BLUE. Will the gentleman permit me a question?

Mr. FAIRCHILD. One moment and I will. As to precedents: Before introducing this bill I discovered that there were numerous precedents for passing bills pensioning the daughters of soldiers of the war of 1812.

Mr. THOMAS. I move that the committee rise.

Mr. FAIRCHILD. One moment. It is not 10.30, and there is already a resolution before the committee. It will not take one moment to vote upon this bill.

Mr. CONNOLLY. I insist upon my motion that the bill be reported with the recommendation that it lie on the table.

The motion of Mr. THOMAS was agreed to.

The committee accordingly rose; and Mr. PAYNE having resumed the chair as Speaker pro tempore, Mr. LACEY, Chairman of the Committee of the Whole House, reported that that committee had had under consideration sundry House bills, part of which were reported back with amendments, and part without amendments. With amendments—the bills H. R. 2035, H. R. 4517, H. R. 7688, H. R. 7079, H. R. 7073, H. R. 2153, H. R. 5183, H. R. 7647, H. R. 6159, H. R. 3605, H. R. 2395, H. R. 6922, H. R. 3842, and H. R. 4539. Without amendments—the bills H. R. 5793, H. R. 8075, S. 719, H. R. 5612, S. 1975, S. 7816. To lie on the table—the bill H. R. 6497; and also the bill H. R. 7489 without any resolution thereon.

Mr. THOMAS. I move that the House do now adjourn.

The SPEAKER pro tempore. The hour of 10 o'clock and 30 minutes p. m. having arrived, the House stands adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting supplementary estimates of deficiencies in appropriations, was taken from the Speaker's table and referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MERCER, from the Committee on Public Buildings and Grounds, to which was referred bills of the House of the following titles, reported the same without amendment, accompanied by reports, which said bills and reports were referred to the Committee of the Whole House on the state of the Union, as follows, to wit:

The bill (H. R. 10008) to improve and remodel the old post-office building and erect a bonded warehouse upon the grounds of the United States located at the corner of Larned and Griswold streets, in the city of Detroit, Mich. (Report No. 2810.)

The bill (H. R. 10091) to repeal sections 2 and 3 of an act entitled "An act to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich.," approved March 2, 1885. (Report No. 2811.)

Mr. DRAPER, from the Committee on Patents, to which was referred the bill of the House (H. R. 10223) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights, reported the same with amendment, accompanied by a report (No. 2813); which said bill and report were referred to the House Calendar.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the joint resolution of the House (H. Res. 226) granting a life-saving medal to Daniel E. Lynn, of Port Huron, Mich., reported the same without amendment, accompanied by a report (No. 2814); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JOY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 2487) entitled "An act providing for the establishment of a quarantine station at or near Astoria, Oreg.," reported the same without amendment, accompanied by a report (No. 2815); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 10124) for the relief of James Y. Lilley—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 10175) to pension Mrs. Martha Frank—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

Evidence to accompany House bill No. 10192, granting a pension to Martha A. De Lamater—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. RUSK: A bill (H. R. 10247) authorizing and directing the Commissioner of Navigation to cause the steamer *Lonaconing* to be registered as a vessel of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. STEWART of Wisconsin: A bill (H. R. 10248) providing for the disposition of certain lands in Minnesota which have been or may be damaged by the United States in the construction of dams and reservoirs in aid of navigation, and for other purposes—to the Committee on Indian Affairs.

By Mr. GILLETT of Massachusetts: A bill (H. R. 10249) to regulate interstate transportation of property owned or manufactured by unlawful combinations—to the Committee on the Judiciary.

By Mr. BURTON of Missouri: A bill (H. R. 10250) to authorize the appointment of an additional judge of the United States court in the Indian Territory, and for other purposes—to the Committee on the Judiciary.

By Mr. MEREDITH: A bill (H. R. 10251) to regulate the service and fix the hours of labor for persons employed as policemen in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HARTMAN: A joint resolution (H. Res. 248) appropriating $500 for the erection of a stand for the accommodation of Senators and Representatives and their families on March 4, 1897—to the Committee on Appropriations.

By Mr. HULL: A joint resolution (H. Res. 249) for appointment of a member of Board of Managers for Disabled Volunteer Soldiers—to the Committee on Military Affairs.

By Mr. OTJEN: A memorial of the legislature of the State of Wisconsin, asking the passage of House bill No. 4339, relative to the establishment of a military park at Vicksburg, Miss.—to the Committee on Military Affairs.

By Mr. JENKINS: A memorial of the legislature of the State of Wisconsin, in favor of the passage of House bill No. 4339—to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BAKER of New Hampshire: A bill (H. R. 10252) for the relief of Verona E. Pollock—to the Committee on Claims.

By Mr. HULL: A bill (H. R. 10253) granting pension to Elam Allen, late of Company E, Thirty-third Iowa Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. McCLURE: A bill (H. R. 10254) to increase the pension of Catharine McClain—to the Committee on Invalid Pensions.

By Mr. McEWAN: A bill (H. R. 10255) to remove the charge of desertion from the military record of Edward Johnston, of Harrison, N. J., and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. McRAE: A bill (H. R. 10256) for the relief of J. H. Langston—to the Committee on War Claims.

By Mr. MILLIKEN: A bill (H. R. 10257) to remove the charge of desertion against William Katon—to the Committee on Military Affairs.

By Mr. PAYNE: A bill (H. R. 10258) granting a pension to Susan McElwain—to the Committee on Invalid Pensions.

PIONSETIT, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ARNOLD of Rhode Island: Petition of the Young People's Union and the Epworth League of Wickford, R. I., praying for the enactment of the House bill to raise the age of protection for girls in the District of Columbia to 18 years—to the Committee on the Judiciary.

Also, petition of the Young People's Union and the Epworth League of Wickford, R. I., urging the passage of House bill No. 7441, prohibiting the transmission of gambling matter by telegraph or other agency—to the Committee on Interstate and Foreign Commerce.

By Mr. BREWSTER: Communications from Gen. James S. Graham and other citizens of Rochester, N. Y., in favor of the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BROMWELL: Petition of S. Rosenberger & Son, of Cincinnati, Ohio, concerning tariff on tobacco—to the Committee on Ways and Means.

Also, letters of Joseph S. Peeble's Sons, of Cincinnati, Ohio, and of the Live Oak Distillery Company, of Cincinnati, Ohio, concerning amendments of tariff and internal-revenue duty on whisky—to the Committee on Ways and Means.

Also, resolutions of the Cincinnati Board of Trade, concerning the Torrey bankruptcy bill—to the Committee on the Judiciary.

Also, resolutions of Cincinnati Council, No. 24, American Protective Association, concerning Cuban independence—to the Committee on Foreign Affairs.

By Mr. DALZELL: Resolutions of General Alex. Hays Post, No. 3, and of Colonel James H. Childs Post, No. 230, Grand Army of the Republic, of Pittsburg, Pa., approving of House bill No. 9209, for a per diem pension—to the Committee on Invalid Pensions.

By Mr. FOSS: Petition of the Evanston Press Company, Evanston, Ill., favoring House bill No. 4566, to amend the postal laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HAGER: Petition of F. M. Hoskins and 18 others, of Menlo, Iowa, favoring the passage of House bill No. 9209, for a per diem pension—to the Committee on Invalid Pensions.

By Mr. HENDRICK: Sundry petitions of the Baptist church of Hickman, Ky.; the Baptist church of Poplar Grove, Ky.; the Epworth League, Methodist Episcopal church, St. Paul Episcopal Church, Woman's Christian Temperance Union, Young Woman's Christian Temperance Union, and of the Christian Church, all of Hickman, Ky., urging the passage of House bill No. 7441 and Senate bill No. 2846, to prevent interstate gambling by telegraph, mail, or express—to the Committee on Interstate and Foreign Commerce.

By Mr. HENRY of Connecticut: Petition of the Woman's Christian Temperance Union of Plantsville, Conn., urging the passage of House bill No. 6119, known as the Phillips bill—to the Committee on Labor.

By Mr. HEPBURN: Sundry petitions of E. H. Lockwood and other citizens of Irvington, N. Y.; Frank R. Webb and others, of Yonkers, N. Y.; J. B. Joseph and others, of Peekskill, N. Y.; C. Copum and others, of Poughkeepsie, N. Y.; W. J. Wood and others, of Garrison, N. Y.; George E. Bonteeon and others, of Duchess Junction, N. Y.; William Ross and others, of Hastings upon Hudson, N. Y.; E. H. Penson and others, of Hudson, N. Y.; Rev. J. E. Crane and others, of Schodack Landing, N. Y.; W. W. Hoit and others, of Albany, N. Y.; W. E. Philbrook and others, of New York City; W. J. McKean and others, of Dobbs Ferry; H. D. Hunted and others, of Brooklyn, N. Y.; R. L. Calkins and others, of Yonkers, N. Y.; J. W. Burdett and others, of New York City; Charles J. Lanig and others, of New York City; C. A. Ewing and others, of Tarrytown and other cities of the State of New York; E. E. Patterson and others, of New York and other cities of the State of New York; W. J. McKlee and others, of New York City; C. W. Henry and others, of North Farmington, N. Y.; William Johnson and others, of Sing Sing, N. Y.; also letters of Charles R. C. Kinnert, of Albany, N. Y.; Dennis Courneen, of Lima, N. Y., and Beverly K. Moore, secretary of the Merchants' Association of Boston, Mass., recommending the passage of House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HILBORN: Resolutions of the Chamber of Commerce of Sacramento, Cal., relating to a tariff upon imports of fresh and table grapes—to the Committee on Ways and Means.

Also, paper relating to the beet-sugar industry—to the Committee on Ways and Means.

By Mr. HITT: Petitions of F. S. Greenleaf, of Savanna, Ill., and of J. W. Clinton, of Polo, Ill., favoring the passage of House bill No. 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUDENSLAGER: Petition of the Woman's Christian Temperance Union of Salem, N. J., comprising 100 members, asking the passage of a bill to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

By Mr. McCALL of Massachusetts: Petition of George W. White and 85 others, of Winchester, Mass., praying for Government control of the Pacific railroads—to the Committee on Pacific Railroads.

Also, petition of the New England Sabbath Protective League, urging the passage of Senate bill No. 2485, recognizing Sunday as a day of rest in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Charles S. Parker, of Arlington, Mass.; also of citizens of Somerville, Mass., favoring the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McCLEARY of Minnesota: Petition of C. F. Lieberg and other fourth-class postmasters of Yellow Medicine County, Minn., favoring the passage of House bills Nos. 3343 and 3351, known as the Cummings and Hardy bills—to the Committee on the Post-Office and Post-Roads.

By Mr. McLAURIN: Petition of E. W. Nolley, of Conway, S. C., favoring the passage of House bill No. 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. MILLIKEN: Petition of William Katon, of Company C, Twenty-ninth Regiment Maine Volunteers, to remove the charge of desertion against him—to the Committee on Military Affairs.

By Mr. PAYNE: Petition of Susan McElwain, of Wayne County, N. Y., for increase of pension—to the Committee on Invalid Pensions.

By Mr. RUSK: Petition of the Maryland Historical Society, of Baltimore, Md., for the removal and preservation of the frigate *Constitution*—to the Committee on Naval Affairs.

By Mr. SNOVER: Petition of Edwin W. Mason, of Otter Creek, Mich., favoring the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SOUTHARD: Petition of Sam. Knesthardt, of Port Clinton, Ohio, favoring the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. STEWART of Wisconsin: Resolutions of the Wisconsin National Guard, relative to the use of the American flag—to the Committee on the Judiciary.

Also, resolutions of the common council of the city of Superior, Wis., indorsing resolutions adopted by the bar association of the city, and mass meeting, relative to certain amendments to the Duluth and Superior Bridge law now pending in Congress—to the Committee on Interstate and Foreign Commerce.

By Mr. WANGER: Resolution of H. Clay Beatty Post, No. 73, Grand Army of the Republic, of Bristol, Pa., in favor of the passage of House bill No. 9209, for a service pension to all honorably discharged soldiers of the late war—to the Committee on Invalid Pensions.

Also, resolutions of Colonel Edwin Schall Post, Camp No. 92, Division of Pennsylvania, Sons of Veterans, U. S. A., of Lansdale, Pa., urging the immediate recognition of Cuba as an independent nation, declaring their conviction of the justice of the war in which the Cuban patriots are engaged and of its early success, and that all Grand Army posts, camps of Sons of Veterans, and business men of the United States use their influence toward checking the slaughter of innocent Americans and Cubans, now the daily exercise of the Spanish army—to the Committee on Foreign Affairs.

SENATE.

SATURDAY, *February 6, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. HOAR, and by unanimous consent, the further reading was dispensed with.

COUNTING OF ELECTORAL VOTE.

The VICE-PRESIDENT appointed Mr. BLACKBURN and Mr. LODGE as tellers on the part of the Senate under the concurrent resolution providing for the appointment of tellers at the counting of the electoral vote for President and Vice-President of the United States.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 2746) to remove the political disabilities of Col. John Taylor Wood.

The message also announced that the House had passed the following bills, with amendments in which it requested the concurrence of the Senate:

A bill (S. 178) granting a pension to Betsey J. Webber;

A bill (S. 205) granting a pension to Mary O. H. Stoneman;

A bill (H. R. 1323) granting a pension to Maria Somerlat, widow of Valentine Somerlat;

A bill (S. 1495) granting a pension to Hans Johnson;

A bill (S. 1501) granting an increase of pension to Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry;

A bill (S. 1694) to increase the pension of Maj. Gen. Julius H. Stahel;

A bill (S. 1806) granting a pension to George B. Custer, late sergeant of Company H, Seventy-third Regiment Indiana Volunteer Infantry;

A bill (S. 2126) granting an increase of pension to Mrs. Laura A. Nelson;

A bill (S. 2347) for the relief of Laura C. Dodge; and

A bill (S. 2913) granting an increase of pension to Nettie A. Cheeks.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1066) granting a pension to Ella Hatfield;

A bill (H. R. 1095) granting a pension to Annie M. Ermer;

A bill (H. R. 2321) to increase the pension of John J. Cross;

A bill (H. R. 2396) granting a pension to Isaac Holbrook, late private in Company G, One hundred and twenty-first Regiment Ohio Volunteer Infantry;

A bill (H. R. 3108) to grant a pension to Jesse Durnell, late second-class pilot on gunboat *Lexington;*

A bill (H. R. 3745) granting a pension to Benjamin L. Nolan;

A bill (H. R. 4076) for the relief of Abner Abercrombie;

A bill (H. R. 4901) to pension Richard Wilcoxton;

A bill (H. R. 5435) to increase the pension of Frances P. Trumbull, widow of Matthew M. Trumbull;

A bill (H. R. 5499) for the relief of Patrick Clabby;

A bill (H. R. 5898) granting a pension to Amanda M. Way, an army nurse;

A bill (H. R. 5986) granting a pension to Francis M. Ross;

A bill (H. R. 6099) granting a pension to Margaret Kirkpatrick;

A bill (H. R. 6560) to increase the pension of Emily M. Tyler;

A bill (H. R. 6671) for the relief of Charles A. Nazro;

A bill (H. R. 6730) granting a pension to Edward C. Spofford;

A bill (H. R. 6757) granting a pension to Andrew J. Molder;

A bill (H. R. 6765) to increase the pension of David N. Thompson;

A bill (H. R. 6803) granting a pension to Ellen Day, stepmother of Albert L. Day;

A bill (H. R. 6915) granting a pension to Julia D. Beebe;

A bill (H. R. 7055) increasing the pension of Anna G. Valk;

A bill (H. R. 7121) to restore Mrs. Elizabeth T. Anderson to the pension roll;

A bill (H. R. 7205) granting a pension to Alphonso G. Drake;
A bill (H. R. 7451) for the relief of James Eganson, of Henderson, Ky.;
A bill (H. R. 7457) granting an increase of pension to John Beaird;
A bill (H. R. 7627) granting an increase of pension to Michael Lochard;
A bill (H. R. 8388) for the relief of William G. Buck;
A bill (H. R. 8633) granting a pension to Nancy Roberts, of Manchester, Clay County, Ky.;
A bill (H. R. 9319) granting a pension to Malachi Salters;
A bill (H. R. 9689) for the relief of Daniel E. De Clute; and
A bill (H. R. 10040) granting an increase of pension to George W. Ferree.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:
A bill (S. 146) granting an increase of pension to Samuel C. Towne;
A bill (S. 638) granting an increase of pension to John Nichols;
A bill (S. 684) granting an increase of pension to Marion McKibben;
A bill (S. 757) granting an increase of pension to Adelaide Morris;
A bill (S. 895) for the relief of Christopher Ellis;
A bill (S. 905) granting a pension to Mary W. Keeffe;
A bill (S. 1017) granting a pension to Robert Kiracofe;
A bill (S. 1310) granting an increase of pension to Shubael Gould;
A bill (S. 1311) granting an increase of pension to Dudley F. Brown;
A bill (S. 1356) to increase the pension of Elizabeth L. Larrabee, widow of Col. C. H. Larrabee, late of the Twenty-fourth Regiment of Wisconsin Volunteers;
A bill (S. 1787) granting a pension to Nancy T. Duncklee;
A bill (S. 1949) granting an additional pension to Capt. Bradbury W. Hight;
A bill (S. 2133) granting a pension to Mary E. Ely;
A bill (S. 3320) to provide a life-saving station at or near Point Arena, Mendocino County, in the State of California;
A bill (S. 3622) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough; and
A bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the legislature of Michigan, remonstrating against the passage of House bill No. 10090, for the purpose of abolishing ticket brokerage; which was referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
Lansing, Mich., February 2, 1897.

Mr. Gillam offered the following:
Whereas a bill has been introduced in the National House of Representatives, known as H. R. 10090, for the purpose of abolishing ticket brokers, and entitled "A bill to amend the act entitled 'An act to regulate commerce;'" and
Whereas the provisions of this proposed act, if carried into effect, would not only wipe out ticket brokerage, but deny to every citizen the right to dispose of his own property in the open market respecting railroad transportation, and in case of such disposal would be branded a felon, punishable by fine and imprisonment; and
Whereas the passage of such a bill or act would, in effect, be in violation of the recognized rights of the people, and is, in effect, a grab at the public purse for the benefit of railroad corporations and to the injury of the traveling public: Therefore,
Be it resolved by the house of representatives of the State of Michigan, That we denounce the measure as unjust and one that tends rather to protect corporate interests than to benefit or in any manner favor the rights and privileges of the mass of American citizens; and
Be it further resolved, That we recommend to our representatives in Congress that they use all honorable means in their power to defeat any such measure; and
Be it further resolved, That a copy of these resolutions be forwarded to our representatives in Washington, to the Speaker of the House, President of the Senate, to the President of the United States, and to the chairman of the Interstate Commerce Commission.
Which was adopted.

WILLIAM D. GORDON,
Speaker of the House of Representatives.
LEWIS M. MILLER, *Clerk.*

The VICE-PRESIDENT presented a petition of the American Anti-Saloon League, of Washington, D. C., praying that in case certain Indian reservations within the bounds of the United States are opened to white settlement, a law be enacted prohibiting the carrying on of the liquor traffic within the limits of these reservations; which was referred to the Committee on Indian Affairs.

Mr. VILAS presented a petition of the legislature of Wisconsin, praying for the passage of House bill No. 4339, to establish a national military park to commemorate the campaign, siege, and defense of Vicksburg; which was read, and referred to the Committee on Military Affairs, as follows:

UNITED STATES OF AMERICA, STATE OF WISCONSIN.

Joint resolution No. 4, S, asking the members representing the State of Wisconsin in the Congress of the United States to vote in favor of bill H. R. 4339.

Whereas there is now pending in Congress a bill (H. R. 4339) to establish a national military park to commemorate the campaign, siege, and defense of Vicksburg; and
Whereas the operations that culminated almost simultaneously at Gettysburg and Vicksburg in July, 1863, not only mark the turning point in the war of the rebellion, but also constitute one of the great epochs in the history of our country, and should both be commemorated in the most impressive and enduring manner possible; and
Whereas the establishment of a national military park at Vicksburg will be a most fitting and appropriate monument to the great commander whose genius planned these operations and directed them to a successful issue; and
Whereas the State of Wisconsin has an especial interest in this bill for the reason that of her gallant soldiers 11 regiments of infantry, 2 of cavalry, and 3 batteries of artillery participated in the operations it is intended to commemorate: Therefore,
The legislature of the State of Wisconsin, by this concurrent resolution, asks that the above-named bill (H. R. 4339) be passed during this session of Congress, and requests the Senators and members of the House of Representatives in Congress from Wisconsin to labor earnestly for its passage; and the secretary of state is hereby directed to send a copy of this resolution to the Senators and members of the House of Representatives from Wisconsin, to the Hon. THOMAS B. REED, Speaker of the House of Representatives, and to the Hon. JOHN A. F. HULL, chairman of the House Committee on Military Affairs.

L. W. THAYER,
President of the Senate.
G. A. BUCKSTAFF,
Speaker of the Assembly.

Given under my hand and official seal at the capitol in the city of Madison this —— day of February, A. D. 1897.

HENRY CASSON,
Secretary of State.

Mr. TURPIE presented a memorial of the Napper-Tandy Club of New York City, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of the Third Christian Church, of Indianapolis, Ind., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of sundry American citizens, officers of Polish-American organizations, and representatives of the Polish-American press of the United States, praying Congress to amend the bill purporting to regulate the immigration of foreigners into the United States so that it will not exclude the Poles from admission to the United States; which was ordered to lie on the table.

He also presented the petitions of J. M. Baker, publisher of the Commercial, of Columbia City; of L. L. Burke, publisher of the American, of Brookville; of Reub Williams & Sons, publishers of the Daily Times and Weekly Northern Indianian, of Warsaw; of H. A. Strohm, publisher of the Newton County Enterprise, of Kentland; of G. R. Harmant, publisher of the Clarion, of Princeton; of A. A. Holmes, publisher of the Union, of Sullivan; of O. B. Hass, publisher of the Sullivan Times, of Sullivan, and of M. C. Garber, secretary and treasurer of the Courier Company, of Madison, all in the State of Indiana, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CHILTON presented a memorial of sundry citizens of West Dallas, Tex., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. LINDSAY presented sundry petitions of citizens of Providence, Newport, Millersburg, Vanceburg, and Bardwell, all in the State of Kentucky, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter, and also for the passage of House bill No. 838, to reduce letter postage to 1 cent per half ounce; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Paducah, Ky., and a memorial of sundry citizens of Burgin, Ky., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Woman's Christian Temperance Union of Hickman; of members of the St. Paul Episcopal Church, of Hickman; of members of the Christian Church of Hickman; of members of the Baptist Church of Hickman, and of the Young Woman's Christian Temperance Union of Hickman, all in the State of Kentucky, praying for the passage of the so-called Shannon bill, raising the age of consent to 18 years in the District of Columbia and Territories; which were referred to the Committee on the District of Columbia.

Mr. CALL. By request, I present correspondence between the

Cherokee and Dawes commissions, signed by S. H. Mayes, principal chief, and G. W. Benge and W. W. Hastings, Cherokee delegates, relative to an erroneous impression as to the unwillingness of the Cherokee Nation of Indians to enter into negotiations with a commission appointed on the part of the Government of the United States, etc. I move that the paper be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. MILLS presented a memorial of sundry citizens of Victoria, Tex., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GEAR presented the memorial of E. S. Lawrence and 26 other citizens of Des Moines, Iowa, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Charles E. Sinclair, publisher of the Britt News, of Britt, Iowa, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Young People's Christian Union of the United Presbyterian Church, of Keokuk, Iowa, and a petition of the Woman's Christian Temperance Union of Bridgewater, Iowa, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a memorial of the Master Car Builders' Association, remonstrating against the adoption of a metric system of weights and measures; which was referred to the Committee on Finance.

Mr. CAMERON presented the petition of Hon. Robert E. Pattison and other prominent citizens of Philadelphia, Pa., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of the National Board of Trade, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SHERMAN presented a memorial of sundry citizens of Columbus, Ohio, remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Reflector Publishing Company, of Payne, Ohio, and the petition of E. S. Arnold, publisher of the Dunkirk Standard, of Dunkirk, Ohio, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. DAVIS presented the memorial of C. H. Draper and sundry other citizens of Minnesota, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Board of Trade of Spring Valley, Minn., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the congregations of the Presbyterian churches of Rushford and Fremont, in the State of Minnesota, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. BURROWS. I present a memorial of the legislature of Michigan, remonstrating against the passage of House bill 10090, for the purpose of abolishing ticket brokerage; which I ask be referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD.

The VICE-PRESIDENT. The Chair has presented a similar memorial, which was ordered to be printed in the RECORD.

Mr. BURROWS. Very well.

The VICE-PRESIDENT. The memorial will be referred to the Committee on Interstate Commerce.

Mr. McMILLAN presented the memorial of John F. Sughrow and 32 other citizens of Detroit, Mich., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BAKER presented the petitions of R. M. Chilcott, publisher of the Times, of Wamego; and of sundry citizens of Onogg, Kansas City, and Wakeeney, all in the State of Kansas, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter, and also for the passage of House bill No. 838, to reduce letter postage to 1 cent per half ounce; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BLANCHARD. I present a memorial of 350 residents of the Cherokee Nation, in the Indian Territory, relative to the rolls of citizenship of the Five Civilized Tribes in that Territory, and indorsing and sustaining the report of the Dawes Commission. I move that the memorial be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. BLANCHARD presented the memorial of Charles S. Miles and 20 other citizens of Alexandria, La., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Chamber of Commerce of Fergus Falls, Minn., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry bankers, merchants, manufacturers, and representatives of commercial interests of New Orleans, La., praying for the enactment of legislation prohibiting the sale of railroad tickets by unauthorized persons; which was referred to the Committee on Interstate Commerce.

Mr. SMITH presented the petition of James D. Flynn, publisher of the Register, of Bordentown, N. J., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the State board of health of New Jersey, remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

Mr. HOAR presented the petition of C. J. McPherson, publisher of the Tribune, of South Framingham, Mass., and the petition of W. H. Trumbly & Sons, publishers of the Chronicle, of Reading, Mass., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HALE presented the memorial of E. W. Wallace and 79 other citizens of Millbridge, Me., and a memorial of 26 citizens of Oldtown, Me., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. WALTHALL presented the petition of N. P. Bonney, publisher of the Summit Sentinel, of Summit, Miss., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE presented the petition of C. J. McPherson, publisher of the Tribune, of South Framingham, Mass., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Yearly Meeting of Friends of New England, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. HAWLEY presented a petition of the Christian Endeavor Union of Bridgeport, Conn., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Plantsville, Conn., praying for the passage of Senate bill No. 2485, to further protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Plantsville, Conn., praying for the passage of the so-called Phillips bill, providing for the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which was ordered to lie on the table.

Mr. PASCO presented the petitions of Fred S. Hodges and 20 other citizens of Madison, of W. Jackson and 9 other citizens of Fort Meade, of L. L. J. Nieuwenkamp and 20 other citizens of Lakeland, and of J. N. Hooker and 12 other citizens of Bartow, all in the State of Florida, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter, and also for the passage of House bill No. 838, to reduce letter postage to 1 cent per half ounce; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented resolutions adopted by the First Congregational Church of Tampa, Fla., favoring the principle of international arbitration and requesting that it may receive the earnest and favorable attention of the Senate; which were ordered to lie on the table.

Mr. COCKRELL presented the petitions of W. E. Crow, publisher of the Facts, of De Soto; of F. W. Rauchenstein, publisher of the St. Louis County Watchman, of Clayton; of J. M. Wright,

publisher of the Ray County Republican, of Richmond; of W. B. Cochran, publisher of the Daily News, of Aurora; of W. B. Cochran, publisher of the Weekly Argus, of Aurora; of W. S. St. Clair and W. B. Boynton, publishers of the Sentinel, of Lockwood; of J. E. McKesson, publisher of the Republican, of Lebanon; of the National Board of Trade and of G. K. Wathney, publisher of the Republican Pilot, of Maysville, all in the State of Missouri, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of Mrs. Judge Fryer, president of the local Woman's Christian Temperance Union; of Mrs. Mary T. Evans, president of the County Woman's Christian Temperance Union; of Dr. Joe Graves, president of the Young People's Society of Christian Endeavor of Kingsville, Mo.; of the township Sunday-school convention of Green, Mo., signed by James A. Kerr, president, and Ross McCleary, secretary; and of the faculty and students of Central College, in convention assembled, February 1, 1897, of Fayette, Mo., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Kings City, Mo., praying for the enactment of legislation raising the age of protection to 18 years in the District of Columbia and the Territories, for the enactment of a Sunday-rest law for the District of Columbia; and remonstrating against interstate gambling by telegraph, telephone, or otherwise; and prohibiting the sale of liquor in the Capitol building; which was ordered to lie on the table.

Mr. CULLOM presented the petitions of Fred. E. Harding, of Springfield, Ill.; of E. D. Sweeney, of Rock Island, Ill.; of F. C. Donald, chairman of the mass meeting of the general passenger and ticket agents in the territory east of Chicago and St. Louis and north of the Ohio and Potomac rivers, held at Buffalo, N. Y.; of W. F. Hynes, representing the Brotherhoods of Railway Engineers, Firemen, Conductors, Trainmen, and Telegraphers, of Washington, D. C.; of J. F. Hayes and 68 other citizens of New York, and of James Heming and 117 other citizens of New York and New Jersey, praying for the passage of Senate bill No. 3545, prohibiting the sale of railroad tickets by unauthorized persons; which were referred to the Committee on Interstate Commerce.

He also presented the petitions of John Lynch and sundry other citizens of New York, praying for the passage of Senate bill No. 3545, prohibiting the sale of railroad tickets by unauthorized persons; which were referred to the Committee on Interstate Commerce.

He also presented the memorials of J. J. Starke, of Momence; of John Edmonds, editor of the Courier, of Lincoln; of A. W. Glessner, president of the Galena Gazette, of Galena; of sundry citizens of Momence, Peoria, Waverly, and Metropolis, all in the State of Illinois, remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Brighton, Ill., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the petitions of B. G. Whitehead, publisher of the Casey Gleaner, of Casey; of John Ruf, publisher of the Union Banner, of Carlyle, and of J. W. Clinton, publisher of the Ogle County Press, of Polo, all in the State of Illinois, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of W. M. Hoyt, president of the W. M. Hoyt Company, wholesale grocers, of Chicago; of Lapp & Flersham, of Chicago, and of the Irwin Paper Company, of Quincy, all in the State of Illinois, praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented the petition of G. W. Minier, of Minier, Ill., and the petition of Elizabeth G. Halsey and sundry other members of the Coterie Club, of Lake Forest, Ill., praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

Mr. JONES of Arkansas. I present a memorial of the Creek delegates in relation to their rejection of the agreement submitted to them by the Dawes Commission. I move that the memorial, together with the appendix, be printed as a document, and referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. WETMORE presented the memorial of George W. Foster and sundry other citizens of Westerly, R. I., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE. From the Committee on Appropriations I report back the bill (H. R. 10134) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1898, with sundry amendments, and a written report accompanying it, which I ask may be printed. I give notice that I shall try to call the bill up on Monday.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

ORDER OF BUSINESS.

Mr. HALE. At the suggestion of several Senators, I wish to make a proposition about the order of business to-day.

The Senator from Nebraska [Mr. THURSTON] has announced that he desires to continue his remarks, beginning at the close of the routine morning business to-day. At 3 o'clock to-day the Senate has ordered that memorial resolutions in relation to a late Representative from Massachusetts shall be taken up.

I ask unanimous consent that upon the conclusion of the remarks of the Senator from Nebraska the Senate proceed to take up the Calendar under Rule VIII and consider unobjected cases until the hour of 3 o'clock arrives. That will give us one of the last opportunities of finishing the unobjected cases upon the Calendar.

Mr. HOAR. The order of business not to be disturbed otherwise, but to remain the same as now?

Mr. HALE. Such an arrangement would not of course in any way disturb the order of business.

Mr. WHITE. Is it the design of the Senator from Maine that the order of which he speaks shall proceed at once? I make the inquiry, as I wish to offer a resolution which I think will not be objected to.

Mr. HALE. No; I bring it in now because I was on the floor. The routine morning business will go on, and when that is completed I understand the Senator from Nebraska will take the floor. All there is in my proposition is that the time which elapses after the Senator from Nebraska shall have concluded and 3 o'clock shall be devoted to the consideration of unobjected cases on the Calendar under Rule VIII.

Mr. TELLER. Including Senate bills?

Mr. HALE. Including Senate bills. Nothing but House cases were considered yesterday.

Mr. TELLER. I wish to suggest to the Senator from Maine that there is not much use at this period of the session in passing Senate bills. There are some House bills which have been passed over that were not really objected to; but in some cases bills were passed over because the Senators who had them in charge were not present. Some of us would like to call up a bill on the Calendar that would not be reached to-day in regular order.

Mr. FAULKNER. I understand that under the suggestion of the Senator from Maine all those cases will come up, unless objected to when reached.

Mr. HALE. My proposition covers all bills on the Calendar.

Mr. FAULKNER. Both House bills and Senate bills.

Mr. HALE. The remnant of House bills unfinished yesterday, and the Senate bills also.

Mr. TELLER. Is it the intention that we shall begin at the commencement of the Calendar?

Mr. HALE. At the commencement.

Mr. TELLER. And take up all unobjected cases?

Mr. HALE. All unobjected cases.

Mr. TELLER. Having gone some distance on the Calendar, I do not understand that the Senator means we shall commence where we left off yesterday.

Mr. ALLISON. We went through it yesterday.

Mr. TELLER. But we are to go back to the beginning of the Calendar and commence there?

Mr. HALE. Precisely.

Mr. TELLER. If that is the understanding, the order is entirely acceptable to me.

Mr. HALE. We can clear up a dozen or perhaps twenty cases, or more, and I do not know of anything else that it is desired shall be brought forward.

Mr. FAULKNER. I suggest to the Senator from Maine that there might be a misunderstanding there. Some cases have been passed over under Rule VIII, and others under Rule IX. Of course when one of the cases passed over under Rule IX is reached, a Senator who desires to call it up will be allowed to do so. It is not the intention, I understand, to start in on the Calendar where we left off yesterday.

Mr. ALLISON. We finished the Calendar yesterday.

Mr. FAULKNER. No; we finished the Calendar only as to the House bills.

Mr. ALLISON. Very well; but we went through with the Calendar yesterday as to the House bills. Therefore we will commence with the Calendar at the beginning, under Rule VIII.

Mr. HALE. Under Rule VIII?

Mr. FAULKNER. That is right; under Rule VIII.

Mr. HALE. Is that in order, Mr. President?

The VICE-PRESIDENT. The Chair will submit——

Mr. TILLMAN. I should like to have the attention of the Senator from Maine. I have an important bill in charge affecting the interests of our State, especially at this time, and of all the States. I do not think it will excite any debate; I hope it will not, and I desire an opportunity to call it up and see whether we can pass it or not. Of course, I will consent to anything which will expedite the business of the Senate.

Mr. HALE. The Senator understands, of course, that there are a good many Senators who have bills in charge that they desire to call up. This proposition of mine can not go through unless everyone consents. The object is to avoid being thrown into a scramble as to who shall get the floor, when the result would be that not much could be done. I have simply made the proposition in the interest of doing the most business during the time at our disposal.

Mr. WHITE. I ask the Senator from Maine whether it will be understood also that the Nicaragua Canal bill goes over until Monday as the unfinished business?

Mr. HALE. The Nicaragua Canal bill will undoubtedly be laid before the Senate at 2 o'clock as the unfinished business, and then it will be temporarily laid aside.

Mr. TILLMAN. I ask the Senator from Maine to please give me the benefit of his experience here. I am a new member, and I do not know exactly how to work this thing. I want to get my bill up and see whether it will create a fight or not, and if it does we can discuss it for a while, or a majority can lay it aside.

Mr. HALE. I do not know where the Senator's bill is on the Calendar. When we reach it, if it is not objected to, it will be considered and passed. If objected to, it will go over and come up again, holding its place on the Calendar. I do not know where the Senator's bill is; I do not know what it is; but he loses no right, I will say, in this agreement to take up the cases in their order.

Mr. TILLMAN. What am I to understand by the expiration of the routine business? Is it that as soon as we get through with the presentation of petitions and memorials, resolutions, etc., the Senator from Nebraska will continue his speech, and when he gets through then we shall go to the Calendar?

Mr. HALE. That is it, until 3 o'clock, when the memorial resolutions will be taken up. It is utilizing the time the Senator from Nebraska leaves to the Senate; that is all.

Mr. BATE. Mr. President, while I do not object to the agreement proposed, it does seem to me it is a very great hardship upon some of the cases that are back on the Calendar. We called over the docket under Rule VIII, and some cases went over which are important and full of merit. When a Senator objects to a bill, it is laid aside. We ought to have some rule by which we would have a right to give every case a trial when we reach it. We pass those simply which are not objected to. The most important cases, of course, are those which are controverted, yet such a proceeding shelves them all and puts them out of the way for this session. I want to call the attention of the Senator to the fact that I have some bills in charge, and other Senators have bills in charge that they desire shall be heard, and although there may be objection to the measures, let us test the merits and give the bills a day in court, and see whether the Senate will pass them or not.

Mr. HALE. I do not desire to take any more time. My proposition can not be entertained unless every Senator here thinks it is best to proceed in this way. If any Senator objects, that is the end of it.

The VICE-PRESIDENT. The Chair will submit to the Senate the request of the Senator from Maine. Is there objection?

Mr. VILAS. I ask that the request be stated by the Chair, so that the Senate may understand it.

The VICE-PRESIDENT. The Senator from Maine will please restate his request.

Mr. HALE. It is that for to-day the Senate shall proceed with the Calendar on the conclusion of the remarks of the Senator from Nebraska, who, I understand, proposes to take the floor after the routine morning business is completed to conclude his remarks.

Mr. ALLEN. I suggest to the Senator from Maine that probably my colleague will desire to occupy the attention of the Senate after the morning hour.

Mr. HALE. Undoubtedly. My proposition gives him all the range that he desires. Whenever he closes, the order will apply. I will state my request, Mr. President. It is that at the conclusion of the remarks of the Senator from Nebraska the Senate shall proceed to consider the Calendar under Rule VIII—unobjected cases.

Mr. TILLMAN. Will the Senator permit me to ask him whether we are to begin at the back of the Calendar or at the front at the point reached under Rule VIII when last under consideration?

Mr. HALE. We will begin at the beginning of the Calendar under Rule VIII.

Mr. TILLMAN. In other words, you propose to go back over all that straw that has been thrashed and passed over on objection, and leave us who have our bills at the tail without the opportunity to pass them that others have had to pass their bills.

Mr. ALLISON. Allow me to make a suggestion to the Senator from Maine, and then I think we will know specifically what we are doing. There are certain bills which were passed over without prejudice under Rule VIII, beginning on page 4. I suggest to the Senator from Maine that in his request for unanimous consent he propose that we begin on page 4 of the Calendar, which covers all the cases under Rule VIII which have been passed over without prejudice.

Mr. HALE. That is where I propose we shall begin.

Mr. ALLISON. As the Senator will observe, there are two points under Rule VIII on the Calendar. If that is what he proposes, then I hope it will be made clear.

Mr. BATE. If those cases were objected to, I suppose the same objection will obtain when they are again reached, and it would simply be, as was said by the Senator from South Carolina, thrashing over old straw. It seems to me that as we go along every case ought to have a status, and that we ought to have a right to try it on its merits and the justice of it in some way. The session is nearly at a close; of course the appropriation bills will soon be pressed; and, as I said, many cases will be shelved, some of which have merit in them.

Mr. TILLMAN. It seems to me, to give a homely illustration, that you are passing around the plate twice to some before you get to others at all. I should like to begin, say, on page 14, and go on through to the end, and then go back to the beginning and come down again. Then all will have an equal advantage, and nobody will feel that it is not perfectly fair.

Mr. HALE. I think the best way is for me to withdraw the proposition, and let the Senate go on under its rules. Perhaps later in the day we can agree upon something of this kind, but I withdraw the proposition for the present.

The VICE-PRESIDENT. Reports of standing and select committees are in order.

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 3549) to authorize the Chesapeake Beach Railway Company, of Maryland, to extend its line into and within the District of Columbia, reported it with amendments.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the amendment submitted by himself on the 2d instant, providing for the purchase of Analostan Island, intended to be proposed to the District appropriation bill, reported it with amendments, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom was referred the bill (S. 3385) to refer certain claims for Indian depredations to the Court of Claims, reported it without amendment.

Mr. BURROWS. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 3715) for the relief of Capt. W. J. Kountz, to report it without amendment.

I will state that a Senate bill for the relief of the party named was favorably reported by the Committee on Claims on the 4th instant. When the House bill reached the Senate, it was referred to the Committee on Military Affairs. Subsequently that committee was discharged from the further consideration of the House bill and it was referred to the Committee on Claims. I shall be glad to have the House bill take the place of the Senate bill on the Calendar, which is Order of Business 1532, being the bill (S. 1733) for the relief of Capt. W. J. Kountz.

The VICE-PRESIDENT. In the absence of objection, that order will be made.

Mr. BURROWS. To complete the record, I move that the Senate bill be indefinitely postponed.

The motion was ageed to.

BILLS INTRODUCED.

Mr. LINDSAY introduced a bill (S. 3662) for the establishment of a light and fog-signal station near Homer, Kachemak Bay, Cook Inlet, Alaska; which was read twice by its title, and referred to the Committee on Commerce.

Mr. ROACH introduced a bill (S. 3663) to grant public lands to the State of North Dakota for the use and maintenance of the School of Forestry of that State; which was read twice by its title, and referred to the Committee on Forest Reservations and the Protection of Game.

Mr. CALL introduced a bill (S. 3664) to provide an American register for the steamer *Jacksonville;* which was read twice by its title, and referred to the Committee on Commerce.

Mr. JONES of Arkansas introduced a bill (S. 3665) for the relief of Daniel T. Tollett; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a joint resolution (S. R. 197) providing for the printing of the report of the Joint Committee of Congress upon the Ceremonials at the Celebration of the One hundredth Anniversary of the Laying of the Corner Stone of the Capitol of the United States; which was read twice by its title, and referred to the Committee on Printing.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. McMILLAN submitted two amendments intended to be proposed by him to the District appropriation bill; which were referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. ALLEN submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. MITCHELL of Wisconsin submitted an amendment intended to be proposed by him to the District appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

THE BOTANIC GARDENS, ETC.

Mr. HOAR. I move that House Report No. 385, Forty-sixth Congress, third session, be reprinted for the use of the Senate. It is a brief report proposing new arrangements in regard to the Botanic Gardens, etc. I am not prepared to express any opinion as to the merits of the proposition advanced, but it is an interesting report and it ought to be in the possession of the Senate. The copy that I hold in my hand is, I understand, the last one to be obtained.

The motion was agreed to.

BONDED WAREHOUSES.

Mr. WHITE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate whether an order has been issued discontinuing general bonded warehouses established under the provisions of the act of Congress of August 24, 1894; and if so, the authority and reasons for the issuance of such order.

ACCEPTANCE OF GIFTS BY OFFICERS.

Mr. ALLEN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Military Affairs be, and they are hereby, directed to inquire and report if it is lawful for an officer of the Regular Army of the United States, while holding his official position and receiving compensation from the Government therefor, to receive from private citizens valuable presents in compensation for services performed by him in the line of duty; and if so, the said committee be, and they are hereby, directed to report to the Senate a bill prohibiting the acceptance of such a gift during the time such officer is in the actual service of the Government.

WATERWAYS FROM THE GREAT LAKES.

Mr. VILAS submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed in addition to the usual number 5,000 copies of the message of the President of January 18, 1897, and of the report of the Commissioners appointed under the act of March 2, 1895, to inquire into deep waterways between the Great Lakes and the Atlantic Ocean accompanying the same, of which 2,000 shall be for the use of the Senate, 2,500 for the use of the House, and 500 for the use of the Commissioners.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1323) for the relief of Ira H. Sweatt; and

A bill (H. R. 4930) granting a pension to Mary Forward.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 8190) to provide an American register for the bark *Ceres;* and it was thereupon signed by the Vice-President.

PACIFIC RAILROADS.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Nebraska [Mr. ALLEN], coming over from a previous day. The resolution will be stated.

The SECRETARY. A resolution instructing the Committee on Pacific Railroads to inquire and report to the Senate whether the executive department has by existing law authority to foreclose the Government mortgage or lien on the Union Pacific and Kansas Pacific railroads, etc.

The VICE-PRESIDENT. The junior Senator from Nebraska [Mr. THURSTON] is entitled to the floor.

Mr. ALLEN. Before my colleague begins his remarks, I should like to ask that at the conclusion of his remarks the resolutions be passed over, retaining their place, that I may address the Senate upon the subject on Monday.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. THURSTON resumed the speech begun by him on Wednesday. After having spoken for some time,

The PRESIDING OFFICER (Mr. BACON in the chair). The Senator from Nebraska will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. ALDRICH. I suggest——

Mr. VILAS. I ask that the unfinished business be informally laid aside to enable the Senator from Nebraska to conclude his remarks.

Mr. ALDRICH. That is the request I was about to make.

The PRESIDING OFFICER. Is there objection?

Mr. MORGAN. I object.

The PRESIDING OFFICER. The Senator from Alabama objects to laying aside the unfinished business.

Mr. MORRILL. I suggest the lack of a quorum.

The PRESIDING OFFICER. The Senator from Vermont suggests the lack of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Cullom,	Martin,	Sherman,
Allen,	Daniel,	Mills,	Shoup,
Allison,	Gallinger,	Morgan,	Stewart,
Bacon,	Gear,	Morrill,	Teller,
Bate,	Gibson,	Nelson,	Thurston,
Berry,	Gorman,	Pasco,	Tillman,
Blanchard,	Hale,	Peffer,	Turpie,
Butler,	Hawley,	Perkins,	Vest,
Call,	Hill,	Pettigrew,	Vilas.
Cameron,	Lindsay,	Platt,	Walthall,
Chilton,	McBride,	Pugh,	Wetmore.
Cockrell,	Mantle,	Roach,	

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. A quorum of the Senate is present. The Senator from Louisiana [Mr. CAFFERY] is entitled to the floor on the unfinished business.

Mr. CAFFERY. Mr. President——

Mr. HILL. I was going to ask, with the permission of the Senator from Louisiana, whether the Senator from Nebraska would not like to continue his remarks.

Mr. THURSTON. I would have preferred to have concluded this morning, but I understood objection was made.

Mr. HILL. I hope that objection will be withdrawn so as to allow the Senator from Nebraska to complete his remarks.

Mr. MORGAN. I am entirely willing that the Senate shall consider the Calendar of business, but I am unwilling that any Senator shall occupy five days arguing a question in order to defeat it.

The PRESIDING OFFICER. The Senator from Alabama objects.

Mr. HILL. I move that the Senate adjourn.

Mr. WHITE. If the Senator from New York will permit me, I think it was the unanimous consent this morning that after the Nicaragua Canal bill had been informally laid aside we might go to the Calendar.

Mr. HALE. That proposition was withdrawn.

Mr. ALDRICH. Three o'clock has been fixed as the time when the resolutions of the House will be called up for the purpose of delivering eulogies upon a deceased Representative.

Mr. HILL. There seems to be a universal desire that my motion should be withdrawn, and I will withdraw it.

The PRESIDING OFFICER. The Senator from New York withdraws the motion to adjourn.

Mr. MORGAN. I have no objection to laying aside the Nicaragua Canal bill informally if the Senator from Louisiana does not object.

Mr. CAFFERY. I do not object.

Mr. MORGAN. Let it be laid aside without prejudice, so that the Senate may go on with the Calendar. I understood that was agreed to under some general arrangement this morning.

Mr. WHITE. It was withdrawn.

The PRESIDING OFFICER. The objection is withdrawn, and the Senator from Nebraska will proceed.

Mr. MORGAN. The Chair did not understand me, I am sure.

The PRESIDING OFFICER. The Chair misunderstood the Senator from Alabama.

Mr. MORGAN. I said I was willing to lay aside temporarily the Nicaragua Canal bill, in order that the Senate might proceed to consider the Calendar.

The PRESIDING OFFICER. The Chair misunderstood the Senator from Alabama.

Mr. ALLEN. I want to appeal to the Senator from Alabama to withdraw his objection. My colleague will be able to close his remarks in the course of half an hour or so.

Mr. THURSTON. I will not ask leave to go on at the present time. The Senator from Alabama objects.

The PRESIDING OFFICER. The Chair does not understand——

Mr. THURSTON. I give notice now that I shall ask unanimous consent to proceed on Monday morning, immediately after the expiration of the routine business.

Mr. HILL. I ask unanimous consent that the two pending resolutions go over without prejudice.

Mr. MORGAN. I object to that.

Mr. HILL. That does not affect the unfinished business.

Mr. ALLEN. That consent was given this morning.

Mr. THURSTON. I also wish to suggest——

The PRESIDING OFFICER. The Senator from Nebraska will suspend a moment. The Senator from New York asks unanimous consent——

Mr. HILL. The Senator from Nebraska [Mr. ALLEN] says that consent was given this morning, and so I withdraw the request.

Mr. ALLEN. Consent was given this morning.

Mr. THURSTON. I wish to suggest that I have refrained from claiming the attention of the Senate for this entire session, except with respect to this one matter. I have patiently sat and listened to arguments that seemed unending and unceasing at times when an objection might have been interposed. I now suggest that the same courtesy I have extended to others I shall ask for myself on future occasions, and as I receive it so shall I give it.

[Mr. THURSTON's speech will be published entire after it shall have been concluded.]

CONSIDERATION OF BILLS ON THE CALENDAR.

Mr. ALDRICH. I suggest that we take up the Calendar under Rule VIII, the Senator from Alabama having consented to lay aside the unfinished business temporarily, as I understood him.

Mr. MORGAN. For that purpose.

Mr. ALDRICH. For that purpose.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. HOAR. Before the Senate proceeds with the Calendar, I desire to make a motion which I think will be very much for the convenience of the Senate. It is that our Calendar, which contains a list of subjects on the table, the unfinished business, special orders, etc., shall also have added to it a list of all the bills that are in conference, so that a Senator can find where a particular matter is by a glance at the Calendar. I make that motion.

The PRESIDING OFFICER. Is there objection to the motion? The Chair hears none, and it will be so ordered.

Mr. ALDRICH. I suggest that we commence at the point left off when the Calendar was last under consideration.

The PRESIDING OFFICER. The Calendar will be proceeded with; but the Chair will first lay before the Senate bills from the House of Representatives.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 1066) granting a pension to Ella Hatfield;

A bill (H. R. 1095) granting a pension to Annie M. Ermer;

A bill (H. R. 1323) for the relief of Ira H. Sweatt;

A bill (H. R. 2321) to increase the pension of John J. Cross;

A bill (H. R. 2396) granting a pension to Isaac Holbrook, late private in Company G, One hundred and twenty-first Regiment Ohio Volunteer Infantry;

A bill (H. R. 3108) to grant a pension to Jesse Durnell, late second-class pilot on gunboat *Lexington;*

A bill (H. R. 3745) granting a pension to Benjamin L. Nolan;

A bill (H. R. 4076) for the relief of Abner Abercrombie;

A bill (H. R. 4901) to pension Richard Wilcoxton;

A bill (H. R. 4930) granting a pension to Mary Forward;

A bill (H. R. 5435) to increase the pension of Frances P. Trumbull, widow of Matthew M. Trumbull;

A bill (H. R. 5499) for the relief of Patrick Clabby;

A bill (H. R. 5898) granting a pension to Amanda M. Way, an army nurse;

A bill (H. R. 5986) granting a pension to Francis M. Rose;

A bill (H. R. 6099) granting a pension to Margaret Kirkpatrick;

A bill (H. R. 6560) to increase the pension of Emily M. Tyler;

A bill (H. R. 6671) for the relief of Charles A. Nazro;

A bill (H. R. 6730) granting a pension to Edward C. Spofford;

A bill (H. R. 6757) granting a pension to Andrew J. Molder;

A bill (H. R. 6765) to increase the pension of David N. Thompson;

A bill (H. R. 6803) granting a pension to Ellen Day, stepmother of Albert L. Day;

A bill (H. R. 6915) granting a pension to Julia D. Beebe;

A bill (H. R. 7055) increasing the pension of Anna G. Valk;

A bill (H. R. 7121) to restore Mrs. Elizabeth T. Anderson to the pension roll;

A bill (H. R. 7205) granting a pension to Alphonso G. Drake;

A bill (H. R. 7451) for the relief of James Eganson, of Henderson, Ky.;

A bill (H. R. 7457) granting an increase of pension to John Beaird;

A bill (H. R. 7627) granting an increase of pension to Michael Lochard;

A bill (H. R. 8388) for the relief of William G. Buck;

A bill (H. R. 8633) granting a pension to Nancy Roberts, of Manchester, Clay County, Ky.;

A bill (H. R. 9319) granting a pension to Malachi Salters;

A bill (H. R. 9689) for the relief of Daniel E. De Clute; and

A bill (H. R. 10040) granting an increase of pension to George W. Ferree.

The bill (H. R. 5499) for the relief of Patrick Clabby was read twice by its title, and referred to the Committee on Military Affairs.

BETSEY J. WEBBER.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 178) granting a pension to Betsey J. Webber.

The amendment was in line 6, after the word "Webber" where it occurs the first time, to insert the word "dependent;" so as to read:

Betsey J. Webber, dependent mother of Otis Webber, jr.

Mr. GALLINGER. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

MARIA SOMERLAT.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1323) granting a pension to Mary Somerlat, widow of Valentine Somerlat.

The amendment was, in line 8, before the word "dollars," to strike out "eight" and insert "twelve."

Mr. GALLINGER. I move that the Senate concur in the amendment.

The motion was agreed to.

HANS JOHNSON.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1495) granting a pension to Hans Johnson.

The amendments were, in line 8, after the word "Johnson," to insert the words "a pension;" and to amend the title so as to read: "An act granting an increase of pension to Hans Johnson."

Mr. GALLINGER. I move that those amendments be concurred in.

The motion was agreed to.

MRS. LAURA A. NELSON.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2126) granting a pension to Mrs. Laura A. Nelson.

The amendment was, in line 6, to strike out the words "of the" where they occur the second time and in lieu thereof to insert "Company E."

Mr. GALLINGER. I move that the Senate concur in the amendment.

The motion was agreed to.

LAURA C. DODGE.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2347) for the relief of Laura C. Dodge.

The amendment was, in line 7, before the word "dollars," to strike out "forty" and insert "thirty."

Mr. GALLINGER. I move concurrence in that amendment.

The motion was agreed to.

NETTIE A. CHEEKS.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2913) granting an increase of pension to Nettie A. Cheeks.

The amendment was, in line 5, to strike out the letter "O" and insert the letter "C."

Mr. GALLINGER. I move that the Senate concur in the amendment.

The motion was agreed to.

MAJ. GEN. JULIUS H. STAHEL.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1694) to increase the pension of Maj. Gen. Julius H. Stahel.

The amendment was, in line 6, before the word "dollars," to strike out "one hundred" and insert "fifty."

Mr. GALLINGER. I move that the Senate nonconcur in the amendment made by the House of Representatives, and that a conference be requested on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. PALMER, and Mr. PRITCHARD were appointed.

MARY O. H. STONEMAN.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 205) granting a pension to Mary O. H. Stoneman.

The amendment was, in line 9, before the word "dollars," to strike out "seventy-five" and insert "thirty."

Mr. GALLINGER. I move that the Senate nonconcur in the amendment, and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. SHOUP, Mr. MITCHELL of Wisconsin, and Mr. CANNON were appointed.

GEORGE B. CUSTER.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1806) granting a pension to George B. Custer, late sergeant Company H, Seventy-third Regiment Indiana Volunteer Infantry.

The amendments were, in line 7, beginning with the word "month," to strike out all down to and including the word "date," in line 9, and to insert "in lieu of the pension he is now receiving;" and to amend the title so as to read: "An act granting an increase of pension to George B. Custer."

Mr. ROACH. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

MRS. LUCY ALEXANDER PAYNE.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1501) granting an increase of pension to Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry.

The amendment of the House of Representatives was, in line 6, before the word "dollars," to strike out "fifty" and insert "thirty."

Mr. ROACH. I move that the Senate nonconcur in the House amendment and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. ROACH, Mr. HANSBROUGH, and Mr. PEFFER were appointed.

The PRESIDING OFFICER. The Calendar will be proceeded with under the agreement.

MOBILE MARINE DOCK COMPANY.

The bill (S. 1968) for the relief of the Mobile Marine Dock Company was announced as the first in order on the Calendar; and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to the Mobile Marine Dock Company, or to its authorized agent or attorney, $86,202.65, in full payment for the use and occupation of and damage to property taken of that company from April 16 to November 15, 1865, inclusive.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN LOUISIANA.

The bill (S. 1178) conveying to Rafael Seguro, of Iberia Parish, La., the right, title, and interest of the United States in and to certain lands in said parish of Iberia, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ECKINGTON AND SOLDIERS' HOME RAILWAY.

The joint resolution (S. R. 151) relating to motive power on the Eckington and Soldiers' Home Railway, the Belt Railway, and the Maryland and Washington Railway companies was announced as next in order.

Mr. GALLINGER. I am very sure that we legislated on that subject a few days ago, and I ask that the joint resolution go over. I think I am not mistaken about the matter.

The PRESIDING OFFICER (Mr. HILL in the chair). The joint resolution goes over.

Mr. GALLINGER subsequently said: At my suggestion, the joint resolution (S. R. 151) relating to motive power on the Eckington and Soldiers' Home Railway, the Belt Railway, and the Maryland and Washington Railway companies was laid over. I said I thought the Senate had legislated on the subject, which I find to be true. I desire to move the indefinite postponement of the joint resolution.

The PRESIDING OFFICER. Without objection, the joint resolution will be indefinitely postponed.

DISABLED VOLUNTEER SOLDIERS' HOME AT HOT SPRINGS, S. DAK.

The bill (S. 2791) for the establishment, control, operation, and maintenance of the Northern Branch of the National Home for Disabled Volunteer Soldiers, at Hot Springs, in the State of South Dakota, was considered as in Committee of the Whole.

The PRESIDING OFFICER. The bill has heretofore been read.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT TAX-SALE CERTIFICATES.

The bill (H. R. 3610) for the relief of holders of certain District of Columbia tax-sale certificates, and for other purposes, was announced as next in order.

Mr. ALDRICH. The Senator from West Virginia [Mr. FAULKNER], who reported that bill, is not in the Chamber, and I suggest that it go over without losing its place.

The PRESIDING OFFICER. The bill will be passed over.

COMMODORE WILLIAM P. M'CANN.

The bill (S. 1350) to make Commodore William P. McCann, of the Navy, a rear-admiral on the retired list was considered as in Committee of the Whole. It proposes to transfer Commodore William P. McCann, United States Navy, from the retired list of commodores to the retired list of rear-admirals from May 4, 1892, the date of his retirement in his present rank.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUBMARINE TELEGRAPH CABLE LINES.

The bill (S. 3010) relating to the landing of any new submarine telegraph cable line or system in this country was announced as next in order.

Mr. ALDRICH. Let that go over, Mr. President.

The PRESIDING OFFICER. The bill will go over.

PAINTING OF THE FRIEZE IN CAPITOL ROTUNDA.

The joint resolution (S. R. 152) appropriating $6,000 for completing the painting of the frieze in the Rotunda of the United States Capitol was announced as next in order.

Mr. WALTHALL. Let that joint resolution go over, Mr. President.

The PRESIDING OFFICER. The joint resolution will be passed over.

MARITIME CANAL COMPANY OF NORTH AMERICA.

The bill (S. 3049) to incorporate the Maritime Canal Company of North America, and for other purposes, was announced as next in order.

Mr. NELSON. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

SALARIES OF SKILLED WORKMEN IN THE GOVERNMENT PRINTING OFFICE.

The bill (S. 3243) regulating the salaries of printers, bookbinders, and other skilled workmen employed in the Government Printing Office was announced as next in order.

Mr. ALDRICH. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

DANIEL DRAWBAUGH.

The bill (S. 1453) for the relief of Daniel Drawbaugh was announced as next in order.

Mr. ALDRICH. That bill had better go over.

The PRESIDING OFFICER. The bill will be passed over.

SALES IN SUBSISTENCE DEPARTMENT.

The bill (S. 2009) to simplify the system of making sales in the Subsistence Department to officers and enlisted men of the Army was announced as next in order.

Mr. COCKRELL. The Senator reporting that bill is not present, and the matter has been heard again in the Committee on Military Affairs. I think the bill had better be passed over for the present, without losing its place on the Calendar.

The PRESIDING OFFICER. The bill will be passed over.

EFFICIENCY OF THE MILITIA.

The bill (S. 2849) to promote the efficiency of the militia was announced as next in order.

Mr. COCKRELL. Let that be passed over without prejudice.

The PRESIDING OFFICER. It will be so ordered.

REGULATIONS FOR PREVENTING COLLISIONS AT SEA.

The bill (S. 3244) to amend an act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea," was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAPTURE OF THE COMPETITOR.

The Senate proceeded to consider the resolution submitted by Mr. MORGAN June 3, 1896, relative to the capture of a vessel of the United States called the *Competitor* by a Spanish ship of war.

The PRESIDING OFFICER. This resolution has been heretofore read at length. The question is on the passage of the resolution.

The resolution was agreed to.

JOHN A. FAIRFAX.

The bill (S. 1604) for the relief of John A. Fairfax, of the District of Columbia, was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with amendments.

The first amendment was, in line 4, after the word "pay," to strike out "out of any money in the Treasury not otherwise appropriated;" so as to read:

That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to John A. Fairfax, of the District of Columbia, $502, being the amount found due the said Fairfax by the Court of Claims of the United States April 9, 1894, from the United States, for work and labor in building roads and streets in said District under the late board of public works therein, the said sum to be taken and accepted by the said claimant as in full for said services.

The amendment was agreed to.

The next amendment was to add at the end of the bill the following:

Provided, That the said sum shall be paid from the unexpended balance of the amount appropriated by the act approved June 20, 1878, entitled "An act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes," to pay the workingmen employed in the public improvements under the late board of public works of the District of Columbia, or the contractors of the same.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REORGANIZATION OF THE LINE OF THE ARMY.

The bill (S. 2202) to reorganize the line of the Army, etc., was announced as next in order.

Mr. COCKRELL. Let that be passed over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

PEACE MONUMENT AT APPOMATTOX.

The bill (S. 3251) to procure a site and erect a peace monument at Appomattox was announced as next in order.

Mr. WALTHALL. Let that go over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

IMPROVEMENT OF PUBLIC ROADS.

The joint resolution (S. R. 157) extending the scope of the investigations by the Agricultural Department in the matter of the improvement of public roads was announced as next in order.

The PRESIDING OFFICER. The Chair calls attention to the fact that on the next page, Order of Business 1257, seems to be a joint resolution of the same character and scope as the one which has just been read, which was rejected, and afterwards reconsidered and placed on the Calendar.

Mr. WALTHALL. The Senator who reported that joint resolution is absent, and I think it had better go over.

The PRESIDING OFFICER. The joint resolution will go over without prejudice.

INDIAN DEPREDATION CLAIMS.

The bill (S 2726) to amend an act entitled "An act to provide for the adjustment and payment of claims arising from Indian depredations," approved March 3, 1891, was announced as next in order.

The Secretary proceeded to read the bill; and, after reading some time, was interrupted by

Mr. WALTHALL. Let that go over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

Mr. MILLS. It seems to me that as we have begun to consider the bill it is too late now to enter an objection.

Mr. COCKRELL. It has never been so held. It has always been held that an objection may be made at any time.

Mr. PETTIGREW. This is a bill of considerable importance, and has been on the Calendar some time. I hope the Senator will not object to it.

Mr. MILLS. It is a bill in which the people of Texas are considerably interested.

Mr. COCKRELL. I must protest that when a Senator makes objection to the consideration of a bill, time shall not be consumed by other Senators in begging that he withdraw the objection. I take it for granted that no Senator makes an objection unless he has a reason for having a bill passed over. I know when I make an objection it will stand, and I certainly hope the time of the Senate will not be consumed in this way.

Mr. MILLS. But there is a time within which an objection should be made, and that is when the bill is first called up, before the Senate proceeds to its consideration, and not afterwards.

Mr. COCKRELL. The rule is that the objection can be made at any time during the consideration of a bill, and when objection is made, the bill must go over. That has been the rule from time immemorial.

Mr. HOAR. I hope the Senator from Missouri will not insist on so strict and harsh a rule as that, for sometimes a very just and humane measure may be objected to under a misapprehension, which would cause it to be dismissed without a hearing, when a word of explanation would cause the objection to be withdrawn.

Mr. WALTHALL. I made the objection, Mr. President. This is a very important measure, and the Senator who reported it is not in the Chamber. I insist upon the objection, if it is not too late, and I do not think that it is.

Mr. PETTIGREW. I should like to ask if, under the unanimous-consent rule, it is proper to move to take up a bill which has been objected to?

The PRESIDING OFFICER. The Chair understands that it is not.

Mr. MILLS. No; we are proceeding under a unanimous-consent agreement.

The PRESIDING OFFICER. The bill will be passed over.

MARY A. SWIFT.

The bill (S. 2071) for the relief of Mary A. Swift was considered as in Committee of the Whole. It appropriates $12,000 for the relief of Mary A. Swift, widow of the late John F. Swift, envoy extraordinary and minister plenipotentiary to Japan, that being the salary allowed by law for one year.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INDEFINITELY POSTPONED.

Mr. COCKRELL. I move that the next two bills on the Calendar be indefinitely postponed, as there is a general law covering the question involved in those bills.

The PRESIDING OFFICER. The titles of the bills will be stated.

The SECRETARY. A bill (S. 3257) donating condemned cannon and cannon balls to the Idaho Soldiers' Home, Boise City, Idaho; and

A bill (S. 3234) donating condemned cannon and cannon balls to the Ohio Soldiers and Sailors' Home, Erie County, Ohio.

The PRESIDING OFFICER. The bills the titles of which have just been read will be indefinitely postponed, in the absence of objection.

REORGANIZATION OF NORTHERN PACIFIC RAILROAD COMPANY.

The joint resolution (H. Res. 190) to facilitate the reorganization of the Northern Pacific Railroad Company; to secure to actual settlers the right to purchase at a price not exceeding $2.50 per acre the agricultural lands within its grant, and to prohibit said company or any successor company from giving by consolidation, sale, or other corporate action control of its railroad to any corporation, company, person, or association of persons owning, operating, or controlling a parallel or competing railroad was announced as next in order.

Mr. COCKRELL. That joint resolution has never been referred to any committee of the Senate. Let it be passed over for the present.

The PRESIDING OFFICER. The joint resolution will be passed over.

IMPROVEMENT OF PUBLIC ROADS.

A joint resolution (H. Res. 194) extending the scope of the investigations by the Agricultural Department in the matter of the improvement of public roads was announced as next in order.

The PRESIDING OFFICER. The joint resolution will be passed over under the objection raised to the Senate joint resolution on the same subject.

HOME FOR AGED AND INFIRM COLORED PEOPLE.

The bill (S. 3227) to provide a home for aged and infirm colored people was announced as next in order.

Mr. COCKRELL. The Senator from Maryland [Mr. GORMAN] at one time made objection to that bill. I do not know whether he has any objection to it now or not, but I have sent for him.

Mr. VILAS. The Senator from California [Mr. PERKINS], who reported the bill, is not here.

The PRESIDING OFFICER. The bill will be passed over.

TONNAGE TAX.

The bill (H. R. 2672) concerning tonnage tax, was announced as next in order.

Mr. BERRY. I think the Senator from Missouri [Mr. VEST] is opposed to that bill. I do not see him in the Chamber, and, therefore, on his behalf, I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

INDEPENDENCE OF CUBA.

The joint resolution (S. R. 163) acknowledging the independence of Cuba was announced as next in order.

Mr. VILAS and Mr. GEAR. Let that go over.

Mr. MORGAN. I move to proceed to the consideration of that joint resolution, notwithstanding the objection.

Mr. COCKRELL. That is not in order. I hope the Senator will not undertake to violate the agreement which was made, which was that we should consider unobjected cases only.

Mr. MORGAN. I did not so understand the agreement.

Mr. COCKRELL. That was the express agreement.

Mr. MORGAN. No, sir. I consented on this floor to consider the Calendar. I had my eyes open and looking at the subject when I consented that we should consider the Calendar. We are on it now, and I move to consider that joint resolution notwithstanding the objection.

The PRESIDING OFFICER. If the accuracy of the statement of the Senator from Missouri is challenged, the Chair will have to ask the reporter to read precisely what was the agreement. The Senate has been acting thus far only in the consideration of unobjected cases.

Mr. MORGAN. I remember very distinctly, Mr. President, that when the question was put I waived the bill that was then under consideration, that it might be laid aside informally for the purpose of proceeding with the Calendar.

Mr. HOAR. The Senator from Alabama is not heard on this side of the Chamber.

Mr. MORGAN. I asked that the Nicaraguan Canal bill might be laid aside informally for the purpose of proceeding with the Calendar. There can be no doubt about that.

Mr. COCKRELL. The unanimous-consent agreement was made earlier in the day, as I understand.

Mr. MILLS. That was refused.

Mr. COCKRELL. Let the question on the motion of the Senator from Alabama be put to a vote.

The PRESIDING OFFICER. The Chair was first endeavoring to ascertain whether the motion was in order.

Mr. COCKRELL. I make no point of order on it.

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. ALDRICH] was understood to make the last suggestion about proceeding with the consideration of the Calendar. The Chair asks the Senator to state his recollection of the request he made.

Mr. ALDRICH. The Nicaraguan Canal bill having been laid aside informally for the purpose, I asked the Senate to proceed to the consideration of the Calendar under Rule VIII.

The PRESIDING OFFICER. Did the Senator limit his request to unobjected cases?

Mr. ALDRICH. I think I stated "unobjected cases." Of course it included that. It was my intention that only unobjected cases should be considered.

Mr. MORGAN. But you did not say so.

Mr. COCKRELL. Let us take a vote on the motion.

Mr. ALDRICH. Certainly proceeding under Rule VIII means considering unobjected cases.

The PRESIDING OFFICER. The Chair will rule as it has been construed all along up to this time, that it was the consideration of unobjected cases that was meant when unanimous consent was asked; and as the Senator from Rhode Island states that was his idea, the Chair feels compelled to rule that the motion of the Senator from Alabama is not now in order.

Mr. MORGAN. May I be allowed, by unanimous consent, to say a word?

The PRESIDING OFFICER. The Chair will hear the Senator, if there be no objection.

Mr. MORGAN. I do not wish to force this joint resolution on the consideration of the Senate when it appears the Senate is so thin; but I want it understood that whenever the joint resolution comes in contact with the Senate I am going to insist upon its consideration, and I do not intend, so far as my privileges and powers as a Senator are concerned, to give way to anything at all, if I can get the question of Cuba considered.

I now submit to the ruling of the Chair, of course.

The PRESIDING OFFICER. The joint resolution will be passed over.

ST. JOHNS RIVER, FLORIDA.

The joint resolution (S. R. 165) relating to the St. Johns River, Florida, and bar at the entrance to the river, was considered as in Committee of the Whole. It directs the Chief of Engineers, United States Army, to report to Congress without delay an estimate of the cost of improving the St. Johns River, Florida, for seagoing steamers from its mouth to Palatka and for river steamboats from Palatka to Lake Winder, and above that point as far as practicable to give transportation to the level now being desired on the highest levees of the river; also to report an estimate of the amount of money necessary for immediate expenditure for the prevention of the channels made by the jetties over the St. Johns Bar at the mouth of the river from closing up or diminishing in the depth of water, and also the amount necessary for obtaining a depth of 30 feet of water over the bar at the mouth of the river.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE S. SIMON.

The bill (S. 2588) for the relief of George S. Simon was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 8, after the date "1864," to strike out "amounting at that date to about $8,000;" so as to make the bill read:

Be it enacted, etc., That the Court of Claims is hereby empowered to hear and adjudicate the claim of George S. Simon, of Darke County, Ohio, for goods and merchandise taken from his store at Versailles, Darke County, Ohio, and used or destroyed by the United States troops on the 13th day of January, A. D. 1864.

The amendment was agreed to.

Mr. MILLS. If it be in order to have the report of the committee read, I ask that it be read.

Mr. GALLINGER. Oh, yes; that is in order.

Mr. ALLEN. I can state to the Senator the facts in the case. Some Pennsylvania troops on their return home, and before they were discharged, stopped in the town of Versailles. Whilst there they looted the store owned by this man Simon, destroying and carrying away goods to the amount of several thousand dollars. He now desires to go to the Court of Claims to see whether he has a just and equitable claim against the Government. There is no appropriation or anything of that kind in the bill. It is simply to permit him to go to the Court of Claims under the Bowman Act.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS FOR STORES AND SUPPLIES.

The bill (S. 2433) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, was announced as next in order.

Mr. ALDRICH. Let that go over.

The PRESIDING OFFICER. The bill will go over without prejudice.

CAPT. WILLIAM N. TISDALL.

The bill (S. 1427) to provide for promoting Capt. William N. Tisdall, United States Army, now on the retired list, to the rank of major, was announced as next in order.

Mr. ALLEN. I see that the chairman of the Committee on Military Affairs is not here, and not knowing what particular merit there may be in a special act to promote this gentleman, I think the bill ought to go over.

The PRESIDING OFFICER. The bill will go over without prejudice.

PORTRAIT OF DANIEL D. TOMPKINS.

The bill (S. 1499) to purchase a portrait of Daniel D. Tompkins, late Vice-President of the United States, painted by Jarvis in 1812, was announced as next in order.

Mr. WETMORE. I ask that that bill may go over without prejudice.

The PRESIDING OFFICER. It will be so ordered.

ELECTRIC SUBWAYS IN THE DISTRICT.

The joint resolution (S. R. 187) relating to the laying of electric subways in the District of Columbia was announced as next in order.

Mr. ALLEN. Let that go over.

The PRESIDING OFFICER. The joint resolution will go over without prejudice.

TERM OF OFFICE OF POSTMASTERS.

The bill (S. 3514) to regulate the term of office of postmasters was announced as next in order.

Mr. ALDRICH and Mr. GEAR. Let that go over.

The PRESIDING OFFICER. The bill will go over without prejudice.

PUBLIC BUILDING AT JOPLIN, MO.

The bill (S. 3481) to provide for the purchase of a site and the erection of a public building thereon at Joplin, in the State of Missouri, was announced as next in order.

The bill was read.

Mr. MILLS. Is there a report accompanying the bill? If there is, I should like to have it read. I desire to know whether there is a court at that place.

The PRESIDING OFFICER. There is no report.

Mr. MILLS. The Senator from Missouri [Mr. VEST] who reported the bill is not present. It seems to me he ought to be here and tell us something about it; about the size of the city, and whether there is a court there. I object to the bill for the present.

The PRESIDING OFFICER. The bill will go over without prejudice.

Mr. MILLS subsequently said: I desire to withdraw the objection which I made a while ago to the bill which was passed over for the erection of a public building at Joplin, Mo. I take it for granted that the Senator from Missouri [Mr. VEST] who is not present knows all about it, and while there is no written report, I will withdraw my objection. The bill has been read.

The PRESIDING OFFICER. The objection is withdrawn.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF MAIL SERVICE.

The bill (S. 1811) to extend the uses of the mail service was considered as in Committee of the Whole.

The bill was reported from the Committee on Post-Offices and Post-Roads with amendments.

The first amendment was, in section 1, line 12, after the word "deliver," to insert:

And the Postmaster-General may, in his discretion, test the practical operation of this act in such one or more cities as he may select before extending it generally throughout the country, and if the result be unfavorable suspend its operation altogether.

So as to make the section read:

That it shall be lawful for the postal cards and envelopes, with coupons attached, as patented and now or hereafter owned by the United States Economic Postage Association or its successors, a corporation created under and by the laws of the State of West Virginia, to be carried in the mails of the United States, under such rules and regulations as may be prescribed by the Postmaster-General, and the postage thereon, at the regular postal-card and letter rates, paid on presentation of the coupons from the said cards and envelopes when detached at the office of delivery; and the Postmaster-General may, in his discretion, test the practical operation of this act in such one or more cities as he may select before extending it generally throughout the country, and if the result be unfavorable suspend its operation altogether.

The amendment was agreed to.

The next amendment was, in section 2, line 6, after the word "dollars," to insert:

Or such larger sum as the Postmaster-General shall in the beginning or from time to time prescribe.

So as to read:

That before the said cards and envelopes shall be so carried through the mails the said association shall enter into a bond to the United States, with corporate or other sufficient security, to be approved in form and sufficiency by the Postmaster-General, in the sum of $100,000, or such larger sum as the Postmaster-General shall in the beginning or from time to time prescribe, conditioned for the redemption in cash when presented of each and every one of said coupons taken from cards and envelopes at the office of delivery.

Mr. ALLEN. I think the bill calls for an explanation from the Senator who reported it.

Mr. VILAS. This is a plan to enable persons to send out letters and provide for a reply for the convenience of tradesmen. It has been recommended by the Post-Office Department, examined by the committee, and the committee believe it is an experiment which the Post-Office Department ought to make with a view to facilitating the use of the postal service by tradesmen and merchants. Great care has been taken to guard the Department against the slightest risk in respect to the experiment. It is all left to the discretion of the Postmaster-General, and it so provided that he may, if he choose, try it in only one city in the country. I believe that the proposed act will prove a successful experiment and greatly facilitate the use of the mails.

Mr. ALDRICH. Mr. President——

Mr. VILAS. Of course, if we are to go into an elaborate discussion of the bill, it would take some time.

Mr. ALDRICH. I should like to have the report read.

Mr. VILAS. If the Senator from Rhode Island desires to have the report read, I suggest that it will be more convenient to have the House report read, because it sets forth the merits of the bill with illustrations. Instead of repeating it and reprinting it, our committee thought it best simply to refer to the House report with a general statement such as I have made from the floor.

Mr. ALLEN. I should like to ask the Senator from Wisconsin one or two questions. As I gathered from the reading of the bill, it provides that a particular corporation may have the privilege of manufacturing and sending out these cards.

Mr. VILAS. Let me say to the Senator from Nebraska that that is because it is a patented device belonging to this corporation. The bill provides explicitly that the United States shall under no circumstances pay anything for royalty or for the patent.

Mr. ALLEN. I understand that very well.

Mr. VILAS. It is the only way in which the plan can be made available at all.

Mr. ALLEN. But why give to a particular individual or a particular corporation a right that you do not extend to all other corporations or persons?

Mr. VILAS. Because they have already secured, under other laws, the patent. We do not interfere with that at all. We leave it where it is.

Mr. ALLEN. There ought to be in the same bill provision that other persons or corporations having similar patents may have the like privilege.

Mr. VILAS. But there is no other patent of that kind.

Mr. ALLEN. There may be.

Mr. VILAS. Then, if there should be, it should be opened at once. There is no difficulty on that score, I am sure. The Senator will see, if he will look at it.

Mr. ALLEN. It is so manifestly unfair to have special legislation in favor of one particular corporation in this respect that I shall object to the present consideration of the bill.

Mr. VILAS. The Senator objects on that ground.

The PRESIDING OFFICER. The bill will go over.

PAYMASTER JAMES E. TOLFREE, UNITED STATES NAVY.

The bill (S. 3492) for the relief of Paymaster James E. Tolfree, United States Navy, was considered as in Committee of the Whole. It proposes to pay to James E. Tolfree, paymaster, United States Navy, $4,000, in full for all losses of both Government and personal property incurred by him by reason of the destruction by fire of the Windsor House, at Yokohama, Japan, February 8, 1886.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOME FOR AGED AND INFIRM COLORED PEOPLE.

Mr. PERKINS. I was in a committee room when the bill (S. 3227) to provide a home for aged and infirm colored people was temporarily passed over. The committee unanimously reported in favor it, and I think if the report of the committee is read to the Senate the bill will meet with no objection.

Mr. CHANDLER. I will say to the Senator from California that there is no time to have the report read now. I wish he would let me get up a bill.

Mr. PERKINS. If the Senator from New Hampshire does not object to the bill, we will not consume any time.

Mr. CHANDLER. I shall not object, but we will not have time to have the report read.

Mr. PERKINS. The bill has been read, and its passage would please a great many people who are interested in a very just measure. However, I will not talk any more.

The PRESIDING OFFICER. Is there objection to the request of the Senator from California?

Mr. ALLEN. I call for the regular order.

The PRESIDING OFFICER. The regular order is demanded.

DISTRICT WATER SUPPLY.

Mr. CHANDLER. I ask the Senate to go back to Order of Business 717, being the bill (S. 1823) to amend an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes."

The PRESIDING OFFICER. The Senator from New Hampshire asks that the Senate go back to the bill he has indicated. Is there objection?

Mr. CHANDLER. I suppose that is in the regular order.

Mr. PERKINS. I supposed my request was in the regular order.

Mr. CHANDLER. I thought so.

Mr. PERKINS. I should like to have the Senator from Nebraska——

The PRESIDING OFFICER. The Chair will be obliged to hold that where a bill has been passed over it requires unanimous consent to return to it and take it up.

Mr. CHANDLER. Where did the execution of the order begin? Did it take in Order of Business 717?

The PRESIDING OFFICER. The Senate began on page 14 of the Calendar, Order of Business 1186, being the bill (S. 1968) for the relief of the Mobile Marine Dock Company, and is proceeding in order.

Mr. CHANDLER. How did the Senate happen to begin with Order of Business 1186?

Mr. COCKRELL. There is where we left off the last time we had the Calendar up.

Mr. ALDRICH. There is where we left off.

The PRESIDING OFFICER. The regular order having been demanded, the next case on the Calendar will be announced.

PAY CLERK CHARLES BLAKE, UNITED STATES NAVY.

The bill (S. 3493) for the relief of Pay Clerk Charles Blake, United States Navy, was considered as in Committee of the Whole. It proposes to pay to Charles Blake, pay clerk, United States Navy, $700, in full of all losses of personal property incurred by him by reason of the destruction by fire of the Windsor House, Yokohama, Japan, February 8, 1886.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONTINENTAL FIRE INSURANCE COMPANY.

The bill (S. 567) for the relief of the Continental Fire Insurance Company and others was announced as the next business in order on the Calendar.

Mr. ALDRICH. Let the bill go over.

The PRESIDING OFFICER. The bill will go over without prejudice.

EULOGIES ON THE LATE REPRESENTATIVE COGSWELL.

The PRESIDING OFFICER. The hour of 3 o'clock having arrived, the Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES, *April 18, 1896.*

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. WILLIAM COGSWELL, late a Representative from the State of Massachusetts.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public

servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be instructed to communicate a copy of these resolutions to the family of the deceased.

Mr. LODGE. I submit the resolutions which I send to the desk.

The resolutions were read, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. WILLIAM COGSWELL, late a Representative from the State of Massachusetts.

Resolved, That the business of the Senate be now suspended in order that fitting tribute may be paid to his memory.

Resolved, That a copy of these resolutions be transmitted by the Secretary of the Senate to the family of the deceased; and that as a further mark of respect the Senate will, at the conclusion of these ceremonies, stand adjourned.

The PRESIDING OFFICER. The resolutions are before the Senate.

Mr. HOAR. Mr. President, Gen. WILLIAM COGSWELL, member-elect from the old Essex district of Massachusetts, one of the bravest and ablest soldiers she ever sent into battle, a statesman who had been gaining and growing in a large national fame for four terms in the House of Representatives, until it had been expected that by the general desire of the House he would have been assigned the place which carries with it the leadership of that body on the floor, died in Washington, May 22, 1895. He raised and commanded one of the first companies—he thought the very first—enlisted in the country for the war. He was in many battles, was with Sherman in the march to the sea, was three times wounded, and came home a general when the war ended. He was beloved by his soldiers, and had the confidence and affection of General Sherman.

The detail of this brilliant service, as of the lesser but important work which he did for his native Commonwealth in many other honorable places of trust, has been stated in the other House, especially in the admirable eulogy by his successor. Those proceedings will be printed with ours. So I need not repeat them here.

Mr. President, what I have said already would seem to be enough. To have been loved and trusted by as noble a constituency as ever made a part of a free people; to have been of the very first and of the very last in the great struggle for the country's life; to have gained a foremost place in that great Assembly which now as ever represents what is best and most trustworthy in American character; to have steadily grown in power and in honor until the boy who offered his life for his country at 22 was borne to his grave amid the lamentations of a whole people who honored him as one of the foremost among the statesmen of America in America's best and greatest day, would seem to make the language of ordinary eulogy alike ridiculous and superfluous.

One or two traits I will speak of for which General COGSWELL was specially remarkable: He was an example of what we so often find to be true, that the bravest men are the gentlest and most affectionate in their own households. He was a lover of home, of wife, of family, of children. The men who loved him best, where everybody knew him, were his near neighbors, and his townsmen, and the people of his district.

He was a man who grew constantly. The faults which he had when his public service began wore off and disappeared with life's discipline and experience. His intellectual powers developed and strengthened from year to year; so you could almost see the difference from year to year in the quality of his work and speech. When he entered the House of Representatives he was an able man. When he died, six years after, he was a great man. He had laid aside weaknesses and infirmities; he had burst and outgrown limitations; he had put under his feet faults and bad habits; so that if his life had been spared we should have looked upon him as one of our brightest and most shining models of what is excellent both in public and in private character. I think in these days, when there is so much well-founded and so much ill-founded criticism of the public life in this country, that it is well to point out to the people what an intellectual and what a moral education is service in these Halls for the men, and they are the large majority, who perform that public service faithfully to the best of their ability.

I believe I have been longer in continuous national legislative service in this country than any other man, with the single exception of my honored and venerable friend the senior Senator from Vermont. I declare as the result of my observation that the character of our national legislators is, on the whole, growing better from year to year and from generation to generation. Life in Washington is becoming purer and sweeter and simpler.

General COGSWELL grew in the confidence and esteem of his constituency. He was nominated by a majority of 1 and elected by a plurality only, being in a minority of near 1,400 of the total vote. At his last election he was nominated by acclamation and chosen by a majority in his district of 8,600 over all competitors, having a majority in every town, city, and ward in his entire district. He grew also, as I have said, in the love and affection of his associates.

He was as brave a man as ever went into battle. When his commanding officer had given him an order, there was no occasion for any further anxiety if the order was one which could be executed by human courage and skill. The men under his command felt sure that he would lead them in the path of glory, and, if any man could lead them in that path, in the path to victory.

He was a stanch friend, a trusty companion, and a wise counselor; a dauntless and unflinching champion of any cause in which he enlisted. If I were to sum up his quality by a single word, it would by the word manliness.

General COGSWELL had some very original and racy qualities of intellect and character. They were disclosed to his friends and companions more freely as he grew older. He was a man who mellowed with years. But yet his peculiarities remained. He had a certain gruff independence and originality which made every man like to know what he was thinking of and to listen to what he would say. He had a gift of pithy, sententious speech, a shrewd common sense, and sharp wit. He was a man whom Dr. Johnson would have liked for a companion. While he grew kindlier as he grew older, and was tolerant of human infirmities and liked men when he came to know them well, he was a good hater, and was especially impatient of cant and affectation and pomposity and the varnish and veneering of behavior.

Mr. President, my words of praise will seem feeble to those who have heard or who shall read the eloquent tributes of my colleagues in this and the other House. They will seem poor and inadequate as an expression of the feeling of the Commonwealth for the brave son she has lost and of the great constituency who mourn for their loved and honored Representative. He sleeps in her holy Pilgrim soil with the great men who for nearly three hundred years have adorned her annals. Massachusetts has given to the service of the country her full share of patriots, of benefactors, of statesmen, of orators, of poets, and of sages. It is no time for boasting when we are mourning for our dead. Certainly I would arrogate for Massachusetts no superiority of merit, especially in the presence of the representatives of the great Commonwealth of Virginia. And still it almost seems as if we might say of the little State what one of her poets said of our mother England—

> One-half her soil has walked the rest,
> In heroes, martyrs, sages.

To that honorable company WILLIAM COGSWELL is gathered. The men who loved him and whom he loved have laid him to sleep within the limits of old Essex, where Winthrop landed, where Endicott dwelt, where Putnam was born, where Whittier sang, where Dane and Cutler planned the great ordinance of 1787, which stands with the Declaration and the Constitution as one of three great title deeds of American liberty, and where the sailors put to sea for the great sea fights of the war of 1812.

General COGSWELL'S services in civil life alone would have given him a high place in the grateful memory of the people. But it is as a soldier that his countrymen will remember him, and it is as a soldier that he would wish to be remembered. Whatever may be said by the philosopher, the moralist, or the preacher, the instincts of the greater portion of mankind still lead them to award the highest meed of admiration to the military character. Even when the most selfish of human passions, the love of power, or the love of fame is the stimulant of the soldier's career, he must at least be ready for the supreme sacrifice—the willingness to give his life, if need be, for the object he is pursuing. The great apostle of the Gentiles, in his loftiest passages, illustrates the highest Christian character by comparing it to that of the soldier. And surely, when the end is unselfish, when the love of country or the desire to save her life by giving his own has entire mastery of the soul, when all the ends he aims at are his country's, his God's, and truth's, all mankind are agreed to award to the good soldier a glory which it bestows nowhere else.

Mr. President, more than the full allotted time of a generation has passed since the splendid youth of 1861 sprang at the call of their country to the defense of Washington. Men have reached mature middle life who were born since the sound was heard of the first shot at Fort Sumter. The great majority of the soldiers of the great war for the Union have gone. Their eyes will never again flash with triumph as they follow the flag to victory, or kindle with affection when they gaze on comrades' faces. Their ears are cold in death—

> They list no more the tuck of drum,
> No more the trumpet hear.

They will never again answer to the general's summons, to the thunder of the captains, and the shouting. They sleep with the great leaders—with Grant, and Sherman, and Sheridan, with Devens, and Hooker, and Shaw.

The majority have gone. The few survivors who remain with us are entering upon an honored old age, crowned with the love of their countrymen. But their fame and honor shall abide. It shall abide when the walls of this Capitol shall have crumbled, eternal and imperishable as the liberty they loved and the Union they saved.

Mr. MILLS. Mr. President, I knew General COGSWELL as a member of the House of Representatives, where it was my fortune to serve with him several years. He was a gentleman of the highest character, modest and retiring in his disposition, and kind and courteous in his intercourse with his fellows. While he was well informed on all the subjects which come before Congress for consideration, he very rarely took part in the debates of the body. He was not a ready debater. He shrank from the arena. He had no taste for the controversial part of the consideration of subjects. He left that for others who were better adapted to it and whose tastes inclined them to share in the intellectual combat. He had his convictions, the result of intelligent consideration, and by them his conduct was controlled.

It takes nothing from the character of General COGSWELL to say that he was not a skilled and ready debater. This is not a faculty which can be acquired by labor, however intense and long continued. It is a gift of the Creator, and one that does not always accompany the mind of man, however largely it may be stored with knowledge. Its absence does not mean that character is wanting in moral force, or that intelligence is destitute of usefulness. Every day's experience proves to the contrary. Many of the greatest statesmen whom this country has ever produced were conspicuously deficient in the power of debate. The author of the Declaration of Independence immortalized himself with his pen. No man of his day possessed such power to arouse the world through the point of his pen as he. Yet when that great instrument was assailed in the Continental Congress by men whose names did not outlive their generation, he was utterly powerless to defend it. Benjamin Franklin was confessedly one of the greatest philosophers of the Revolutionary era and a very accomplished diplomat, but he could not debate a proposition like Hamilton or Adams. Nor was he a match for men below them in the gifts of debate. Andrew Jackson was strong with the pen and still stronger with the sword, and notwithstanding the fact that he was a trained lawyer and of ability enough to grace the supreme bench of his State, to represent her in the Senate of the United States, and to preside over the destinies of the nation, yet he could not debate. When he was in the Senate of the United States, during the Administration of the elder Adams, the Vice-President who presided over that body, and who was conscious enough of his own deficiency in that respect, formed a very unfavorable opinion of the man who, in after years, proved himself the great general, and as President of the United States so indelibly stamped his opinions on public questions on the minds of the people of the Republic.

To know General COGSWELL one had to be in close contact with him socially. In the committee room or in the abandon of social conversation at the fireside he showed himself the man of intelligence and thought. He could not be drawn into a heated controversy about anything. His whole nature was averse to it. He was not born for storms, but for sunshine. He was affable, gentle, and kind. His convictions and conduct were the product of reason, not of passion. In his intercourse with his fellows he sought to do right to them and to deserve right from them, and when he finished his career I do not suppose he left an enemy on the earth. His was, indeed, a massive, a splendid character. It stood out like a monumental stone, not adorned by fretted work, but plain, clean, powerful, and ponderous as it rested on its imperturbable base. Everywhere in the world of humanity character stands for a certain quantity of force—a force that is not perceptible to the sight or tangible to the touch. But it is a force nevertheless. It exists and exerts itself beyond the sphere of sensuous cognition. The elements in the character of an upright man impress themselves upon the moral and intellectual world just as light, heat, and moisture do upon the material world. They are among the silent forces which quicken with life the latent germs and cause them to grow and mature and bring forth their harvests in their season.

Such was the character of the distinguished son of Massachusetts around whose bier we are gathered to-day. I have spoken of him as he appeared to me, the representative of his people in the councils of the nation. But there was another theater where he appeared as an actor in the earlier days of his life. He was his country's soldier in a great war where hundreds of thousands gave their lives for the land they loved. To one who has borne arms in such a war, who has seen and felt all which that one word means, it would be more acceptable that almost all the other virtues he possessed should be forgotten than that crowning virtue of true manhood. He was a brave soldier, an intelligent officer and leader, tried on many fields and measuring up to the duties of every station which he was appointed to fill. His record as a soldier gave Massachusetts just cause to be proud of him, and imposes upon her the duty of cherishing his memory and carving his name in the list of those who in peace and war have made her name immortal.

In the conflict of which I have spoken he and I were on opposite sides. Each fought for the cause he loved. Each fought with those among whom he was born—he for Massachusetts and I for Texas. For four long and troubled years our armies were striking at each other's lives and the lives of the governments whose standards they bore. The arbitrament of the sword declared the United States victor and the Confederate States vanquished—that the Union of the States should be an indissoluble union, and that each citizen should be a member of the great commonwealth of States as it was established by a common ancestry. The wise counsels that dominated the policy of the conquerors soon restored fraternity, and a union of "hearts and hands" as well as of "lakes and lands." Soon Union and Confederate soldiers met and mingled in the national councils, and soon the estranged people were brought together and mingled in peace and patriotic devotion in all the relations of private life. Having by the consent of our people been sent to the House of Representatives, we met here as friends, not as foes, and began our labors for the advancement of our country, each in the way he thought wisest and best. As intimately as I knew him, I never heard him speak of his military career until I met him one evening at a lecture delivered on the battle of Missionary Ridge, which was some years after he had been elected to Congress. When the lecture was over some questions were asked about certain commands that took part in the battle, and during the colloquy I learned that we had been confronting each other from Chattanooga to Atlanta. That campaign has gone into history, and those who shared in it are rapidly passing away. Most of them, like General COGSWELL, have stacked arms on this side the river, and have crossed over and are now "resting under the shade of the trees." Those of us whom the roster has designated for duty with the rear guard are still on the march, and soon shall reach the rendezvous on the farther bank of the shining river, where the blue jacket and the gray are both faded into white, and where Grant and Lee, and Jackson and Sheridan, and Thomas and Hood, and Burnside and Johnston, and the thousands whom they led, are standing round the same bivouac fires, citizens of the same great commonwealth and soldiers in the armies of the Prince of Peace.

Mr. HAWLEY. Mr. President, I am glad to give my testimony to the excellencies of Gen. WILLIAM COGSWELL. The addresses made in the other House and the one made by the senior Senator from Massachusetts, however, leave very little to be said by anyone. There are some bare facts, and the facts that I venture to mention of his life alone are a sufficient eulogy.

His descent was that which we in New England think is honorable. From a Puritan who landed in a shipwreck on the coast of Maine in 1635, in the fifth generation that family illustrated the character of the people who had a belief, recognized a duty, and never flinched from it. Eight brothers of the Cogswell name were in the Revolutionary war, their aggregate service counting thirty-eight years. We may judge from that where the young man was likely to go when the long roll sounded. He enlisted as soon as he heard of the trouble of a Massachusetts regiment in the streets of Baltimore.

He was a gentleman of education, and had entered upon a professional life, but he dropped everything. He enlisted April 19, 1861. He became a captain of the Second Massachusetts Infantry on the 25th of May. We may be assisted in estimating the character of the man by looking at the history of his regiment. At Cedar Mountain it lost 35 per cent of its force; at Antietam, 25 per cent; at Chancellorsville, 33 per cent of those who were in action; at Gettysburg, 44 per cent of all who entered into that great battle. During the war that regiment on its rolls bore the names of 843 soldiers killed, injured, and disabled in action or by accident or disease.

On the 25th of September, 1862, he was detailed to duty as a major. He was made lieutenant-colonel shortly afterwards, on the 23d of October. He became a colonel of his regiment in June, 1863, at the age of 24. His regiment reenlisted in December, 1863, becoming the Second Regiment of Massachusetts Veteran Volunteers. During the furlough of thirty days to which they became entitled, he took the remnant of the regiment to Massachusetts. Of the 1,046 who had left Boston thirty months before, 222 returned. When they were welcomed by Governor Andrew, General COGSWELL felicitously replied:

> When I say to your excellency that these men, with the experience they have had, with the hardships, sufferings, and dangers that they have seen and dared, have reenlisted, I have said enough for a lifetime in their praise.

He was in the famous Atlanta campaign. He was put in command of Atlanta for a time, and to this day he is remembered with kindliness and respect in that region.

In April, 1865, when Sherman was about closing his great campaign, General COGSWELL was wounded at Averysboro, N. C. The second day after that he was again wounded, the third wound he received in the war. The last two, though more or less painful, did not keep him from continuing on duty.

In civil life he was adequate to every task imposed upon him,

and the good will of his constituency is shown by the fact that, coming from the war, he was three times elected mayor; he was once a senator of his State; he was five times a representative in the Massachusetts assembly; he was five times elected to Congress, and had his life not been cut off untimely he would probably have continued in the public service, even to a great old age. He was elected, as has been stated, to the present Congress by a majority of over 8,000, but the plurality was 10,000.

While General COGSWELL was a stanch Republican and commanded the respect of everybody having a creed and living up to it, he was a generous friend of his Southern brethren, as is shown by a short and eloquent speech that he delivered in the House when Georgia was asking Federal aid for an exposition which she was about to hold.

In the private relations of life he was without a fault. In public life he was a man of absolute integrity. He was diligent, faithful, honorable, lovable. He was emphatically a patriot, a soldier, and a gentleman.

The tribute to his character paid by his colleagues in the two Houses of Congress from East, West, North, and South abound in the strongest terms of respect, friendship, and sorrow. It was a very noble life. There never was a duty that he did not fully discharge. There never was a place which he did not fill with a fidelity and a capacity more than satisfactory to his constituents and all others who knew him.

The bare facts of his life, I say, are a sufficient eulogy. His fellow-citizens and neighbors of Washington remember him with more than affection. Massachusetts will honor him from generation to generation.

Mr. BLANCHARD. Mr. President, I esteemed Gen. WILLIAM COGSWELL too highly to permit this occasion to pass without adding my own testimonial, however brief, to his worth as a man and his value as a citizen. My acquaintance with him was not a long one, but I knew him well. This acquaintanceship with him began when he entered the House of Representatives of the Congress of the United States. I served with him as a member of the House of the Fiftieth, Fifty-first, Fifty-second, and Fifty-third Congresses, and during the two years of the Fiftieth Congress he was associated with me in membership upon the Committee on Rivers and Harbors of that body. This association led to close acquaintanceship, aye, to more than that, to good will, high esteem, and a friendship which existed up to the time of his death.

General COGSWELL was a high type of a man. His disposition was genial, his manner and address courteous and attractive, his presence magnetic. The qualities of his heart indicated the broad-minded, liberal, philanthropic, sympathetic man; while the qualities of his mind denoted high capacity, the constituent parts of which are discernment, clearness of intellectual vision, analytical power, and strength of grasp of a question. In the consideration of questions that came before him for decision or action he was at once fair and just, accurate and able.

Mr. President, the Commonwealth of Massachusetts has been represented in the two Houses of Congress by many sons who have honored her trust and shed luster upon her name. The great Webster stands out like an Eiffel Tower or Washington Monument in American history, while over the names of the Adamses, Winthrop, Rufus Choate, Charles Sumner, Edward Everett, and others, the student of American biography loves to linger. Some of her sons who figure in contemporaneous history are most worthy of honorable mention in this regard.

But while paying this tribute to the statesmanship of the Bay State, it may be said with equal truth that not all of her public men have always been tolerant of judgment of the opinions and actions of other men. Too often have we seen the reverse. But this can not be said of him whose life and character form the theme which now occupies the attention of the Senate. General COGSWELL was a man whose opinions, while strong and forceful, were tempered with a just regard for and consideration of the opinions of others. He was tolerant of judgment. Bigotry had no place in his make-up or composition. He believed that good could come out, and does come out, of "every Nazareth" in the land, whether it be situated in the Northern or Southern, Eastern or Western portion of this great country of ours. His heart was broad and catholic in its sentiment. It embraced the whole of this country and included in a common brotherhood all who bore the insignia of his country's citizenship.

A gallant soldier in the war between the States, who won rank in arms and distinction in the field, General COGSWELL exemplified in his career after the war the truth of the maxim that "Peace hath her victories no less renowned than war." He won civic victories as great as those he had achieved as a soldier. He served his State with distinction in both houses of her legislature, and as one of her Representatives in Congress he occupied an enviable position among the legislators of his time.

Mr. GALLINGER. Mr. President, on occasions like this we are forcibly reminded of the fact that—

Man's home is in the grave!
Here dwell the multitude.

Death is an inseparable condition of life—inexorable and sure. It has been said that there is nothing so momentous, so imminent, so certain, so universal. "It is appointed unto men once to die." There is no exemption, no reprieve, for "dust to dust" was the sentence pronounced on all humanity.

Earth to earth, and dust to dust!
Here the evil and the just,
Here the youthful and the old,
Here the fearful and the b old,
Here the matron and the maid,
In one silent bed are laid;
Here the vassal and the king
Side by side lie withering;
Here the sword and scepter rust—
Earth to earth, and dust to dust!

We are here to-day to speak loving words of eulogy to the memory of a friend and associate. WILLIAM COGSWELL impressed me as a man of broad sympathies, profound convictions, and generous impulses. He was genial, kind, companionable, and sincere. Brave and fearless on the field of battle, he was in private life as gentle as a woman and as sweet as a child. If he ever did a mean thing, those of us who associated with him in the other House of Congress knew it not. He was a strong debater, a tireless worker, and an indomitable antagonist, but he was always a fair and open opponent. The idol of his city and his district, he enjoyed in the House of Representatives the distinction of being one of the most popular men of that body. On leading committees and charged with grave duties, he was always equal to the requirements of the position, acquitting himself with distinguished ability and with an integrity and fidelity questioned by none. His record is one of conspicuous merit, without a spot or blemish to mar its symmetry or cloud its horizon.

General COGSWELL was withal a man of intense earnestness. How well I remember him at the Republican national convention of 1892, in the city of Minneapolis. In the contest before that convention he differed from some of us, but no arguments or entreaties moved him in the least. Early and late he sought the accomplishment of his purpose, and when finally the candidate of his choice was nominated, he resumed his wonted composure, as though nothing unusual had engaged his attention. He had made a great fight and had won a conspicuous victory, but in the moment of triumph humility rather than pride possessed him. That was like the man. An earnest opponent, but never a bitter or revengeful antagonist.

Others have told the story of General COGSWELL'S career as soldier, civilian, and legislator. That I need not repeat. It is sufficient for me to recall him as a friend and an associate in the service of the Government. I knew him well, and to know him well was to admire and love him. Large-hearted, generous, and sympathetic, his companionship was an inspiration and his friendship a benediction. Through all the weary months of his sickness and suffering my heart went out to him in sympathy and affection. At last death came as a respite, and the soul of this great and good man took its flight to the abode of the blessed, where suffering, sorrow, and death are unknown.

He passed away gently and quietly, and joined the majority on the shores of the Great Beyond.

But why should we mourn for our departed friend, for is not death a necessary result, to be welcomed rather than repelled after the strifes and toils and struggles of a busy and eventful life? Let us, as we contemplate death, adopt the words of Addison:

When I look upon the tombs of the great, every emotion of envy dies in me; when I read the epitaphs of the beautiful, every inordinate desire goes out; when I meet with the grief of parents upon a tombstone, my heart melts with compassion; when I see the tomb of the parents themselves, I consider the vanity of grieving for those whom we must quickly follow; when I see kings lying by those who deposed them, when I consider rival wits placed side by side, or the holy men that divided the world with their contests and disputes, I reflect with sorrow and astonishment on the little competitions, factions, and debates of mankind; when I read the several dates of the tombs, of some that died yesterday and some six hundred years ago, I consider that great day when we shall all of us be contemporaries and make our appearance together.

Mr. President, I bring to the memory of my friend a tender and loving tribute. The place he so well filled on earth is forever vacant, but I believe that his earnest spirit is enjoying the delights, the joys, and the labors of a better world than this. This belief reconciles one to death, and prepares our minds for the great change that awaits us all. On the grave of the distinguished dead I would plant sweetest flowers, and in my heart of hearts cherish his memory in loving kindness and tenderest affection. A good man left the world when WILLIAM COGSWELL died, and the world was the better because he lived in it. Let us, in appreciation of his virtues, emulate his example, and strive to so live that it can be said of us, when the end comes, that we left behind us a legacy of good deeds and of honorable achievement.

Mr. LODGE. Mr. President, he who comes last in a field where so many eloquent speakers have reaped can only hope to glean among the already garnered sheaves. Coming from the same county, a friend of many years, I can not, however, fail to express the affection I felt for the distinguished man to whose memory we do honor to-day. To that memory I wish to pay my tribute and recall once more the deeds and honors of a distinguished life.

WILLIAM COGSWELL was born at Bradford, Mass., on the 23d of August, 1838. The family were of English origin and came to this country in 1635. Family history records that John Cogswell, the first of the name in the New World, was wrecked with his wife and eight children on the Maine coast. Notwithstanding this disastrous termination of a perilous voyage, the family found their way to the town of Ipswich, in Essex County, Mass., and there settled. WILLIAM COGSWELL was the seventh in descent from John Cogswell, the original Puritan settler. The family appears to have been a prominent one in England, where they owned and conducted woolen mills through successive generations; and the American branch soon made themselves felt in the neighborhood in which they dwelt. The grandfather of General COGSWELL rose to be chief medical officer in the Continental Army and seven of his brothers likewise served their country in various capacities in the war of the Revolution. Dr. George Cogswell, the father of WILLIAM COGSWELL, is a well-known man, and was one of the founders of the Republican party. In 1860 he was a delegate to the convention which nominated Abraham Lincoln. His life has been a long and eminently useful one, and he is still living, at an advanced age, at the family home in Bradford. His wife, who was a Miss Abigail Parker, died when her son was only about 7 years of age.

WILLIAM COGSWELL'S early education was secured at various academies in Massachusetts and New Hampshire. He was a pupil of the Atkinson Academy, Atkinson, N. H.; Phillips Academy, Andover, Mass., and Kimball's Union Academy, Meriden, N. H. In 1855 he entered Dartmouth College. His collegiate training, however, was brief, and in 1856 and 1857 he became a sailor before the mast, visiting in this way many of the principal ports of the world. Returning to his native State, he entered the Harvard Law School for a course of study, and on September 8, 1860, was admitted to practice at the Essex County bar. His first legal experience was obtained in the office of William D. Northend, who is an eminent lawyer, and a little later, in April, 1861, he opened an office for himself. COGSWELL was at this time 22 years of age, and the exciting events of that period were little calculated to hold the young lawyer at his desk. The drudgery of professional toil would hardly commend itself to a man who came of a race of soldiers when the land was filled with rumors of war. During the winter which preceded the inauguration of Lincoln he enlisted in a local militia organization and entered with enthusiasm upon the performance of his military duties. In a statement which he left can be found an accurate and a concise history of the brilliant military career of which this enlistment in a militia company was the beginning. The attack of the mob on the Sixth Massachusetts in the streets of Baltimore roused the heart and conscience of the loyal North. Within twenty-four hours from the time when the news first reached Salem, young COGSWELL had recruited a full company of 100 men. His office was turned into a recruiting station, and it is worthy of remark that so successful was the work of enlistment that the company was, if not the first, one of the very first raised in the country for the war. The work of organization went on rapidly, and in the May following Captain COGSWELL'S company became Company C of Gordon's famous Second Massachusetts. On an occasion like this it is impossible to do more than allude briefly to some of the leading incidents of a military career filled with deeds of conspicuous gallantry. In the winter and spring of 1861–62 COGSWELL was attached to Banks's command in the Shenandoah Valley, and on several occasions opposed an effectual resistance to Jackson's operations in that region. After the battle of Antietam, where his company and regiment were engaged all day with signal success, COGSWELL was promoted to be lieutenant-colonel of the regiment. In this battle he was slightly wounded, but he quickly recovered sufficiently to be able to lead an expedition under the cover of darkness across the river into Virginia, which ended in the capture of a band of guerrillas and in the death of their notorious captain, Burk. COGSWELL participated at the head of his regiment in the bloody conflict at Chancellorsville. On the second day of the engagement he was wounded severely in the left arm. This obliged him to retire from the field of battle, and he was unable to rejoin his regiment until after the battle of Gettysburg. In the following month of June he was made colonel of the regiment, being at that time but 24 years of age. His next conspicuous service was in connection with the draft riots in New York City. The discharge of this duty called for unusual coolness and discretion, but COGSWELL proved equal to the emergency. When comparative quiet had been restored, the regiment rejoined the Army of the Potomac, and a little later became a part of the Army of the Cumberland. His most conspicuous service, however, was probably rendered before Atlanta. He was actively engaged in the campaign which resulted in the evacuation of Atlanta, and was mentioned for distinguished conduct at the battle of Resaca. When Sherman entered the city, on September 3, 1864, one of his first acts was to make Colonel COGSWELL post commander, a position which he held until the 17th of November, when the Union Army began its famous march to the sea. It is worth remembrance here that when, thirty years later, the people of Georgia were asking for national aid for the Atlanta Exposition, they found no more effective advocate than the former military commander of Atlanta, then serving his native State with distinction in the halls of Congress. Both in the Appropriations Committee, of which he was a member, and on the floor of the House, General COGSWELL did zealous service for the city which he left a heap of smoldering ruins in November, 1864. Shortly after the fall of Atlanta, on December 12, 1864, Colonel COGSWELL was brevetted brigadier-general, and just a month later was assigned to the command of the Third Division of the Twentieth Army Corps. This command he continued to hold until he was mustered out of the service in July, 1865. In one of the last engagements of the war, at the battle of Averysboro in April, 1865, General COGSWELL was wounded for the third time. The injury did not prove serious, however, but the one received at Chancellorsville continued to harass him until the end of his life.

With the close of the war General COGSWELL returned to Salem and to the practice of the law. Two years later he was elected mayor of Salem, and served three years in that capacity. In 1873 and 1874 he was again mayor. From the time he was first summoned to public office he never for a moment forfeited the confidence of his adopted city. Five times he represented it in the Massachusetts house of representatives, and during the years 1885–86 was State senator. In 1876 he was made inspector-general of fish for the State of Massachusetts, a post he continued to enjoy until he was elected to the Fiftieth Congress in 1886 from the old Essex district. He was reelected to the Fifty-first, Fifty-second, Fifty-third, and Fifty-fourth Congresses. His committee assignments were varied and important. He served, among others, on Appropriations, Rivers and Harbors, and the District of Columbia. His work on Appropriations and Rivers and Harbors was most exacting, but he discharged it with unusual ability and fidelity.

In the fall of 1894 he was selected by the Republican State committee to preside over the convention of that year. His speech had been prepared and had been given out to the newspapers in accordance with custom. There had been no intimation of declining health, and the report, which was first given out on the morning of the convention, that he could not preside over its deliberations, came, therefore, as a painful surprise to his friends and the public generally. His indisposition was at first thought to be but temporary, but it soon became evident as the campaign progressed that he was stricken with an incurable malady. In the November election his constituents rallied to pay him one last tribute of affection and regard. The plurality he received was the largest given any candidate for Congress in Massachusetts that year. When Congress convened for the short session in December, he was unable to take his seat, but in a few weeks he insisted on coming on to Washington to resume his public duties. Attendance upon the sessions of the House, however, only aggravated his malady, and he soon afterwards journeyed southward to Jamaica, in a vain search for health. But the skill of physicians and the loving and tender care of wife and friends were alike hopeless. He succeeded in getting as far as Washington on his return journey, and here, after lingering for a number of weeks, he died on the 22d of May, 1895.

Such in bare cold outline are the incidents of an honorable and distinguished life. But there is much more than this to be said. He was not only a good soldier, who rose at a very early age to a high command, but he was conspicuous for personal gallantry. He had a warm and impetuous temperament that carried him to the front of battle in his youth and which gave him the energy and the power which marked his career in later life. We speak of him here in the Capitol as the soldier and the public man, and it is not fitting perhaps to go further. Yet to those of us who knew him well and whose affection he possessed, the qualities of mind and heart which made him beloved by his constituents and which endeared him to those nearest to him are very present. He was a loyal friend and a frank and open foe. He was warm-hearted and affectionate, vigorous in speech, and full of sympathy and humor. He had strong convictions and was always earnest in expressing them. He showed a strength of will and a power of self-control which commanded the admiration of everyone who understood the manner in which he had displayed these fine and manly qualities. Those who were associated with him in Congress understood and appreciated his high value as a public servant and grieved for his death because it was the loss of a companion and friend. The State which he had represented, the famous county and the old Puritan town which he had served so long, mourned with deep and genuine sorrow when he was brought back to his last resting place in the land where his people had lived for seven generations, and which he loved with all the strength of his heart.

If we reckon length of life by the number of days, that of General COGSWELL was short indeed, but if we take for our measure the words of Stevenson that "to the bold and the busy life is always long," then this life, whose end we mourn to-day, was far longer than that of many which outrun the psalmist's span. It was filled with work which any man might have been proud of, with deeds which not only brought fame and honor to the doer, but which served country and State in the day of battle and in the time of peace. What he did may have fallen short of what he desired to do, as is always the case with strong men of action. The outward rewards that he received, distinguished as they were, may well have seemed to him, as they certainly often did to others, not always to equal the deserts. But now that the book is closed and the last account made up, we can fairly say that he had, whatever else might have been lacking, the best of all rewards—the consciousness that he had played a man's part in the life of his time, and left a memory which his children and his children's children will reverence and cherish. He not only served with distinction in public life, performing with faithful diligence arduous duties, many of which brought no compensation except the knowledge of duty done, but he also served his country on the great field of the civil war. In that mighty trial he had had his share. What an opportunity it was to men like COGSWELL, who tasted it to the full! With such a life as his in that war time, I always think of the splendid and familiar lines of Scott, in which we may find the secret of the great romancer's life and art:

Sound, sound the clarion! fill the fife!
To all the sensual world proclaim,
One crowded hour of glorious life
Is worth an age without a name.

It was given to a man like COGSWELL to be able to say this, and I think we may well ask ourselves whether any man who can say it of himself truthfully has much need to desire more.

The PRESIDING OFFICER. The question is on the adoption of the resolutions which have been read.

The resolutions were unanimously agreed to; and (at 4 o'clock and 3 minutes p. m.) the Senate adjourned until Monday, February 8, 1897, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 6, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

ENGROSSED BILLS PASSED.

The SPEAKER. On the following bills the reading of the engrossed copy was demanded, and the previous question having been ordered, the Clerk will read the engrossed bills.

The Clerk read as follows:

A bill (H. R. 4930) granting a pension to Mary Forward.

The bill was read at length.

The SPEAKER. The question is on the passage.

The question was taken, and the bill was passed.

The Clerk read as follows:

A bill (H. R. 1323) for the relief of Ira H. Sweatt.

The bill was read at length.

The SPEAKER. The question is on the passage.

The question was taken, and the bill was passed.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GROUT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the District appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. PAYNE in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 10167.

Mr. RICHARDSON. I desire to renew the amendment which I offered the other evening and withdrew just at the conclusion of the day's labor.

The CHAIRMAN. The Clerk will report the amendment.

Mr. RICHARDSON. It was to strike out "one" and insert "five."

The Clerk read as follows:

Page 29, line 1, strike out "one" and insert "five;" so as to read "for five new engines."

Mr. GROUT. Mr. Speaker, we have passed that paragraph, have we not?

Mr. RICHARDSON. If you will refer to the RECORD, you will find that just as I withdrew my amendment the gentleman from Vermont [Mr. GROUT] moved that the committee rise, and there were no further steps taken. That will be found in the RECORD on page 1552.

Mr. GROUT. The reading of the paragraph for the increase of the fire department was finished reading, and the reading of the bill this morning would be resumed after that paragraph.

The CHAIRMAN. What page of the RECORD does the gentleman refer to?

Mr. RICHARDSON. Page 1552. I call the attention of the Chair to the top of the page, first column. The Chair will find that immediately, as I withdrew my motion, it reads: "And then, on motion of Mr. GROUT, the committee rose." That was immediately after I withdrew my amendment. I did not have the report of the District Commissioners at the time and I did not have the interview to which I referred. I have them now, and I desire briefly to call attention to those matters. If you refer to the RECORD, you will find that the statement is as I have made it, at the top of page 1552, first column.

Mr. GROUT. Mr. Chairman, I would like to inquire where the Clerk understands the reading is to begin this morning. I do not know what the RECORD may show, but my recollection is that the reading ended at telegraphs and telephones——

The CHAIRMAN. The last reading seems to be on page 1551.

Mr. RICHARDSON. At the top of page 1552 of the RECORD the Chair will see the action of the committee.

The CHAIRMAN. The Clerk had concluded the reading of line 6 of that page, and then the gentleman from Tennessee offered his amendment, and no point was made against it at that time. After some discussion, the gentleman from Tennessee withdrew his amendment, and then the gentleman from Vermont moved that the committee rise. The Chair thinks that the gentleman can renew the amendment this morning if he desires to do so.

Mr. RICHARDSON. I desire to renew the amendment, Mr. Chairman, for the purpose of calling the attention of the Committee of the Whole to the recommendation of the District Commissioners. I mentioned it the other afternoon, but did not have the report of the Commissioners.

The CHAIRMAN. The Chair, however, finds on reading page 1551 that the amendment offered by the gentleman from Tennessee was simply a pro forma amendment, and not this amendment, and the amendment was to line 7 and not line 1.

Mr. RICHARDSON. The amendment I offered, the real amendment, was to strike out "one," before the word "new," and insert "five."

Mr. GROUT. But, Mr. Chairman, as I understood it, that amendment was made to line 1 in page 29 of the bill. Then, after that, discussion was continued upon a motion to strike out the last word, and the Clerk read down to "Telegraph and telephone service."

The CHAIRMAN. The Chair will entertain the amendment.

Mr. RICHARDSON. Now, Mr. Chairman, I ask the Clerk to read the extract from the Commissioners' report which I have marked.

The Clerk read the extract, as follows:

THE FIRE DEPARTMENT.

During the fiscal year 1896 the engine house on M street, between New Jersey avenue and First street NW., for the use of Truck D, was completed, and the engine house on D street, between Thirteenth and Fourteenth streets NW., was nearly completed.

With the growth and development of the city and the populous suburbs an equivalent extension of the fire service becomes indispensable. The recent report of the assessor of the District of Columbia, modified by more recent information from United States officers, shows that the value of buildings in the District aggregates about $190,241,921. Of this amount, buildings of the value of $108,528,100 are owned by the United States of America. For the protection of all this vast investment in buildings from destruction or injury by fire the entire equipment of the fire department of the District consists of 10 fire engines, 4 hook and ladder companies, and 2 chemical-engine companies.

The Commissioners have appended to their estimate of appropriations for the fiscal year 1898 a table showing the population of the principal cities of the Union and the equipment of each of said cities for protection against fire. Of these cities, San Francisco, Cleveland, Buffalo, and Pittsburg approximate the District in population. The other cities named in the following table do not equal in population the District:

City.	Population.	Engine companies.	Hook and ladders.	Chemical engines.	Members.
San Francisco	298,997	19	6	7	404
Pittsburg	263,312	19	6	2	239
Cleveland	261,353	25	9	4	287
Buffalo	255,664	23	9	4	245
New Orleans	242,039	25	8	9	273
Detroit	205,876	20	10	6	300
Milwakuee	204,468	15	7	7	253
Minneapolis	164,730	18	5	8	266
St. Paul	133,156	13	10	8	199
Washington (estimated)	280,000	10	4	2	169

It not unfrequently happens that when a general alarm has called the entire fire department to one section of the city other fires have occurred in parts of the District remote from the scene of the first alarm, and it may well be expected that such a concurrence of fires may exist as to divide the available resources of the department so as to render it, as it now consists, incapable of meeting the demands upon it. A better equipment of the District fire department is, therefore, imperatively demanded by the commonsense precautions which would govern any business man in regard to his own affairs.

Mr. RICHARDSON. Mr. Chairman, I desire to call attention to the fact that several other cities of above 200,000 population have as many as 20 fire engines, while Washington, with a population of 280,000, has only 10. The additional one which this gives will make the total number 11. I call attention further to the statement of the Commissioners in their report, that "it not unfrequently happens that when a general alarm has called the entire fire department to one section of the city other fires have occurred in parts of the District remote from the scene of the first alarm, and it may well be expected that such a concurrence of fires may exist as to divide the available resources of the department so as to render it, as it now exists, incapable of meeting the demands upon it."

I certainly think, Mr. Chairman, that with that statement of the Commissioners before us, we ought to pass an amendment giving 5 additional engines. If we do that, Washington will then have only 15 engines, while the city of New Orleans, with a population of 242,000, has 25, and Detroit, with a population of 205,000, has 20.

[Here the hammer fell.]

Mr. RICHARDSON. I would like to have five minutes more.

There was no objection, and it was so ordered.

Mr. RICHARDSON. In this connection, I desire to have read from the Clerk's desk the interview with Chief Parris on this subject which I referred to the other day. It was published in the Star of December 20, 1896, just a day or two after the big fire which destroyed the lumber yard down near the Government Printing Office.

The interview was read, as follows:

That the facilities of the fire department of this city are wholly inadequate to cope with a conflagration of any size is readily recognized upon a comparison of the force of the department in this city and the forces in other cities of the same size throughout the country. The danger from a number of fires breaking out at the same time is especially great from this cause, and it is safe to say that the city is constantly placed at great risk because of the very limited facilities that Congress has given to the fire department.

Chief Parris, of the fire department, talked at some length to-day to a Star reporter regarding the lack of facilities with which he is supplied to cope with fires that may break out in the city.

"Take the cities of Cincinnati, San Francisco, Cleveland, Buffalo, Pittsburg, and New Orleans," said Mr. Parris, "and compare the force of the fire departments there with the force in this city. The population of these cities range from 242,000 to 298,000, while the population of this city is placed at 230,000, which is a very low estimate and probably considerably below what the actual figures should be.

"Our fire department consists of 169 members, with 10 engine companies, 4 hook and ladder companies, and 2 chemicals, and there are 1,757 fire plugs scattered throughout the city. Comparing this force with other cities, we find that we have scarcely more than half the facilities that are given elsewhere to cope with fires.

"In New Orleans, for instance, where the population is 242,000, there are 25 engine companies, 8 hook and ladder companies, and 9 chemicals, with 273 men on the force. In Pittsburg, with a population of 263,000, there are 19 engine companies, 6 hook and ladder companies, 2 chemicals, and 239 men. In Buffalo, with a population of 255,000, there are 23 engine companies, 9 hook and ladder companies, 4 chemicals, with the additional facilities of 1 water tower and 1 fire boat, with 245 men. Cleveland, Ohio, has a population of 261,000, yet its fire department consists of 287 men, organized in 25 engine companies, 9 hook and ladder companies, 4 chemicals, and 2 fire boats. San Francisco, with a population of 298,000, has a fire department organized into 19 engine companies, 6 hook and ladder companies, 7 chemicals, with 1 water tower and 1 fire boat, and with a total force of 404 men. Cincinnati has a population of 296,000, and it has 26 engine companies, 10 hook and ladder companies, 3 chemicals, and 298 men in the department.

POOR SHOWING FOR WASHINGTON.

"This is a very poor showing for a city like Washington, where the improvements are exceedingly costly and where, if a destructive fire should break out, there is possibility of tremendous loss of property. Now, take the cities that are much smaller than is Washington. Detroit, Mich., with a population of only 205,000, has a fire department with 300 men, organized in 20 engine companies, 10 hook and ladder companies, 6 chemicals, with 1 water tower and 1 fire boat. This force is about twice as strong as that in Washington, where the population exceeds Detroit's fully 25,000. There is Milwaukee, with a population of only 204,000, yet they have 15 engine companies, 7 hook and ladder companies, 7 chemicals, with 1 water tower and 1 fire boat, and 253 men. Even Minneapolis, with only 164,000 population, has a fire department nearly twice as strong as that existing in Washington. It has 18 engine companies, 5 hook and ladder companies, 8 chemicals, and 266 men. St. Paul, with only 133,000 population, but little more than one-half the population of Washington, has a force of 30 more men than we have, organized in 13 engine companies, 10 hook and ladder companies, and 8 chemicals. Kansas City, with but 132,000 population, has 18 engine companies, 5 hook and ladder companies, with 1 water tower. Even Indianapolis, with but 105,000 population, considerably less than one-half of the population of this city, has a larger fire department than have we. That city has 14 engine companies, 4 hook and ladder companies, and 3 chemicals. I think that these facts are strong enough to indicate a pressing demand for additional facilities for the fire department of this city without comment.

NO RESERVE FORCE.

"Should a very large fire occur and a general alarm be sent in," continued Mr. Parris, "there would be no reserve force to protect the lives and property of citizens left wholly unprotected by the necessity of calling out all the companies to one fire. This was demonstrated last evening. While the fire at the Rink was burning another alarm was sounded, and the one engine not in use was sent out on the Brentwood road. It would have been exceedingly unfortunate if another fire had broken out at that time, because I do not see how we could have sent anything to it.

"Another forcible example of this condition was had at a recent fire on Louisiana avenue and B street, between Ninth and Tenth streets. It will be remembered that a large fire started there about 8 o'clock in the evening, and in less than ten minutes it had spread to such proportions that it was absolutely necessary to call upon the entire fire department to subdue the flames. The fire occurred immediately after a severe electric storm, and had another fire started in another section of the city it would have been necessary to send aid from this fire. As it was, with the entire department doing service at this fire, we experienced the greatest difficulty in confining the flames, and not until twenty-three buildings had been completely gutted was the fire gotten under control. Had there been ten more companies at that fire, they could have been used to the best advantage.

DANGERS THAT THREATEN.

"The great success we have had in handling this department seems to have led some of our legislators to believe that it is impossible for a fire to get away from us in this city. This is far from the case. At any time, with our present limited force, we are liable to sustain losses that would partially paralyze the business of the city. In addition to the property owned by the people of this city, we have to contend with the many public buildings and their valuable contents, which are being increased year by year. Another thing of much importance to us, which makes the handling of fires in this day a hazardous and perilous undertaking, is the manner in which business and dwelling houses are erected. Houses are erected in rows after rows, and instead of being two stories, as in former times, they go up four, five, and six stories in height.

"In my estimates I have asked Congress to give us an engine company to be located in Anacostia, and one in the section bounded by Eighth and Tenth and D and E streets NW. There are over 1,100 buildings in Anacostia, scattered over 1 square mile and inhabited by 6,000 persons, and this does not include the churches, schools, and outbuildings, yet this suburban town is without any protection from fire whatever. An engine company is located on North Carolina avenue between Sixth and Seventh streets SE., and that is the nearest company to that suburb, which is 1¼ miles from the nearest fire-alarm box. Then there is the St. Elizabeth Asylum for the Insane and the German Orphan Asylum, which receive but slight protection from our department. The bridge across the Eastern Branch at Eleventh street can not always be depended upon, and it is easy to see that if a fire should break out in Anacostia much damage might be done before a company could reach it.

"The business portion of our city is constantly increasing, and there is great necessity for another fire company in the center of the city. The buildings going up are larger and more costly than have ever been erected and are stocked with valuable inflammable goods.

"While this is what I have asked for, because we have to be pretty modest in making requests of Congress, I think there should be a very material increase in the strength of our fire department before the people of this city can feel perfectly safe. We are far behind other cities in the strength of our department, and I hope we will not wait to learn this fact by any experiences in addition to those we have had. This question should awaken the people and cause them to work hard in order to give this city proper fire protection."

During the reading of the extract the time of Mr. RICHARDSON expired; and, on motion of Mr. PITNEY, it was extended to permit the reading to be completed.

Mr. GROUT. Mr. Chairman, just a word with reference to this amendment. I stated the other day that the fire department of this city could not properly be compared with that of other cities because of the much greater facilities which the streets here afford for the assembling of the forces of the department. Washington is unparalleled in that respect.

Now, I ask the gentleman from Tennessee if he intends to follow this amendment with another, making an appropriation of $100,000 at least, to provide houses and hose carriages to accompany these five new engines which he wants us to give. That should follow logically, and also a provision for manning those engines, which would increase the fire force to the number of 20 men for every 2 engines, and would call for a further large appropriation. I want to ask him, also, why he persists in saying that there are but 10 fire engines in this city, when I informed him on Saturday, and if he had looked at the hearings before the committee he could have learned for himself, that there are 12 engines in the city of Washington—10 in service and 2 in reserve—and this bill carries an appropriation for manning the 2 additional engines provided for last year, which will make the number in service 12. Not only that, but this bill provides for still another engine, making a total of 13. Last year the Commissioners estimated for 3 new fire engines. The committee gave them 2, and we are now providing for manning those engines, so as to make them effective. They have asked for 2 new engines in this year's estimate, and only 2. Why, sir, the gentleman outruns the estimate of the Commissioners. The Commissioners asked for only 2 new engines. We have given them 1. We thought that under the present circumstances they would be able to get along with what we proposed to allow them. I believe that the fire department in this city is really much better provided for than certain other departments are. I hope we shall vote down this amendment without further discussion.

Mr. RICHARDSON. Mr. Chairman, the gentleman from Vermont asks why——

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. RICHARDSON. I move, then, to amend the amendment by striking out the last word. The gentleman asks why I persist in the proposition I have submitted on this subject. I do so because the District Commissioners in their annual report for the year ending June 30, 1896—the last report we have from them—put down the number of engines at 10; hook and ladders, 4; chemical engines, 2. Now, I grant that, counting the chemical engines, we have 12. But I have asked the committee to make a comparison of the equipment of the fire department of this District with that of other cities. Detroit, for instance, with 205,000 population, against 280,000 in Washington, has 20 engines and 6 chemical engines, making 26. I did not count the chemical engines in referring before to the city of Detroit.

Mr. GROUT. And we do not count the chemical engines in making the 12. There are 12 fire engines——

Mr. RICHARDSON. The District Commissioners in their report say——

Mr. GROUT. But have I not told the gentleman that the

Commissioners report 10 fire companies, and this bill provides for two additional companies to man two other engines.

Mr. RICHARDSON. Let it be conceded, then, that there are 12 fire engines here, as against 20 in the city of Detroit. I am informed at this moment by a gentleman on my left that in a little town of Georgia, with 30,000 inhabitants, they have 4 engines. Then, again, Minneapolis, with 164,000 people, has 18 engines.

But, Mr. Chairman, passing over that matter, I call attention to the statement of the chief of the fire department of this city, who says that the facilities for fighting fires here are utterly inadequate and that he can not with the present equipment successfully fight the fires that are likely to occur. He refers to the immense loss of hundreds of thousands of dollars' worth of property in the late fire at or near the Center Market. He refers also to the fire at the Lansburgh establishment, about the first of the year, and the fire at the lumber yard, which I have already mentioned, about the 19th or 20th of December. The District Commissioners say that they need more engines; the chief of the fire department says that they need more engines. These official statements are what govern me in my action.

The gentleman said the other day in his closing remarks that perhaps I had visited with the chief of the fire department. I want to say that I do not know that gentleman. If I have ever seen him in my life, it was when he was passing rapidly in his buggy, chasing a fire.

But regardless of any such question as that, I have read the report of the District Commissioners. I have read in an evening paper, the Star, the striking and startling interview with the chief of the fire department, saying that he has not the proper facilities for fighting fires, and having seen also the statement that in almost all the cities of the Union of anything like a population equal to Washington the facilities for fighting fires are almost twice as great as they are in this city, it occurred to me that the Government of the United States, owning $200,000,000 worth of property in this city in public buildings, ought to make a better arrangement for fighting fires than now exists. That is the reason I offered the amendment. I do not personally know any man connected with the fire department, nor do I own any property in Washington that can burn. I have no personal interest in this matter in the world. I am simply urging that we should heed the demands of the District Commissioners for additional facilities for extinguishing fires.

If the gentleman asks me what I would do in the way of manning the five additional engines, I reply that I presume the Committee on Appropriations could report an appropriation of $100,000, if that amount were required, to provide for this extra expense. There is no difficulty about that. If it requires $100,000 of additional appropriation in order to give Washington City the best and most efficient fire department in the United States, I think Congress ought to make such an appropriation. I believe we ought not to hesitate a moment in taking proper measures to make the fire department of this, the capital city of the nation, the most efficient in the country. The idea of permitting a little city like Detroit, with one-third less population than the city of Washington, to have better facilities for the extinguishment of fires is, it seems to me, neither right nor reasonable.

Mr. GROUT. I wish to say a word, and only a word, in reply to the gentleman from Tennessee [Mr. RICHARDSON]. The gentleman has referred to the extent of the fire department in the city of Detroit. I believe that if we had full information on that subject it would be found that there are in that city more old and second or third class engines than in the city of Washington. The engines on duty here are good engines.

Mr. CORLISS rose.

The CHAIRMAN. Does the gentleman from Vermont [Mr. GROUT] yield to the gentleman from Michigan [Mr. CORLISS]?

Mr. GROUT. Yes, sir; for a question.

Mr. CORLISS. Mr. Chairman, I can not sit here and allow the city of Detroit——

Mr. GROUT. Wait a moment. I did not yield for a speech. The gentleman can make his speech in his own time if he has something to tell us about the engines in the city of Detroit. I do not claim to have any knowledge as to the engines in the older cities of this country. But the city of Washington having attained its present proportions mainly within the last few years, the engines here are probably of more modern construction than they are generally in the older cities. Without having any personal knowledge on the subject, I venture to affirm that in the older cities of the country the engines will not compare in efficiency with those in this city to-day. Now, then, the gentleman says he would have $100,000 provided for manning the engines. But $100,000 would not do it, I can tell him.

Mr. RICHARDSON. I say whatever is necessary.

Mr. GROUT. But $100,000 will be entirely insufficient. And then there is an increase in the fire force to be provided for; and the engines and all will cost over $200,000. Why, the Commissioners ask for only two; and yet the gentleman in his extravagance proposes five new fire engines.

Mr. RICHARDSON. Let me ask the gentleman a question. Do not you appropriate, or propose to appropriate, $4,200 to buy the new engine?

Mr. GROUT. Certainly.

Mr. RICHARDSON. Then how is it that five would cost as much as $200,000? They would cost only $20,000.

Mr. GROUT. If I said that would be the cost of the engines, of course it is a mistake. I intended to refer to the entire expenditure. I say that it will cost over $200,000 to meet the entire expense of the amendment—the increase of the department, the purchase of the engines, and the preparation of houses, the hose carriages, and so on.

Mr. RICHARDSON. The expense of providing the engines would be only $20,000.

Mr. GROUT. Yes; but to equip and serve them would very materially increase the expense. You must have engine houses, costing not less than $100,000; the engines, new hose carriages, and the help to man the increase; in all, surely over $200,000.

Now, if I really thought that the House was seriously contemplating agreeing to this amendment, I would submit a statement of the estimated receipts and expenditures, showing the total revenues of the District for the coming year, and would show where we would be left if even the estimates of this bill were carried into effect. And yet the gentleman proposes to run far beyond them. It seems to me unnecessary, however, to discuss the proposition. Members generally know that we have got a reasonably large and very efficient fire department here. It is sufficient to meet all the requirements of the city at the present time. It should be increased, as it is being increased by the bill, as occasion warrants, for the purpose of meeting in a reasonable way the growth of the city. Beyond that it should not be increased, not even on the fancied necessities of the chief engineer of the fire department. You never knew of a commander of an army who did not want more men, whether he was to fight a great battle or not. So it is with the chiefs of the fire departments. They want, necessarily, more engines and men. It is in the very nature of things the province of the head of a department like this to magnify his own work and ask for more, so as to increase the size of his force; but it becomes necessary for prudent men—and I hope the House will exercise prudence in dealing with this matter—to consider the matter and appropriate according to what the reasonable wants of the city require.

Mr. CANNON. Will the gentleman allow a question?

Mr. GROUT. Certainly.

Mr. CANNON. Am I correct in supposing that the estimates as they come to Congress provide for but two new engines, and that the committee recommend one?

Mr. GROUT. That is correct, sir.

Mr. CANNON. And this amendment proposes five new engines?

Mr. GROUT. Yes, sir.

Mr. CANNON. Well, why not vote it down?

Mr. GROUT. We are going to do so.

Mr. RICHARDSON. I would ask the gentleman who has just come on the floor, and who is the protector of the Treasury, if he heard the argument that was submitted in favor of increasing this to five engines?

Mr. CANNON. Mr. Chairman, when we meet the estimates of the District Commissioners, and sufficiently, it strikes me that it is not the part of wisdom to go far beyond that point.

Mr. RICHARDSON. The Commissioners ask for more engines. Does the gentleman understand that they say the fire department in its present form is inefficient; and that the chief of the fire department says he has not enough force?

Mr. CANNON. The committee deals only with official sayings.

Mr. RICHARDSON. This is an official saying. It is in the annual report of the Commissioners.

Mr. CANNON. But it is not in the estimates. That is the point that we are to consider.

Mr. RICHARDSON. But it is in the reports.

Mr. CANNON. Oh, well, there are reports and reports, prayers and sermons——

Mr. RICHARDSON. The gentleman evidently does not know what is in the report.

Mr. CANNON. Oh, well, we have the estimates to show what is required. There is no official estimate submitted for this work.

[Here the hammer fell.]

Mr. RICHARDSON. I will withdraw the pro forma amendment.

Mr. CORLISS. I move to strike out the last word.

The CHAIRMAN. That is, to the amendment pending.

Mr. DOCKERY. I hope my friend from Michigan will be permitted to rise to a question of privilege. [Laughter.]

Mr. RICHARDSON. I have withdrawn the amendment I have offered.

The CHAIRMAN. The Chair then recognizes the gentleman from Michigan.

Mr. CORLISS. Mr. Chairman, it seems to me that the discussion here has developed a considerable degree of ignorance on the

part of the members of the District Committee with reference to the subject-matter now under consideration, and in their ignorance they have attempted to slander and belittle the fair name of my city.

Mr. MEREDITH. You refer now to the Appropriations Committee, not the District Committee.

Mr. CORLISS (continuing). The gentleman from Tennessee refers to my city as the "little city of Detroit" having but "two-thirds the population of the capital city." The gentleman from Vermont [Mr. GROUT] refers to the fire department of Detroit as composed of a lot of "old and broken-down engines."

Now, Mr. Chairman, I want to say to the House and to these gentlemen that the beautiful city of Detroit surpasses in population the capital city of the nation, surpasses in beauty and grandeur in every way this city, and it is managed at an expense to the people of less than one-half of the money that is expended in the District of Columbia. [Applause.] I want to say that the city of Washington, in all of its departments, in my judgment, needs to be investigated by this House. The fire department of my city surpasses in every possible way the fire department of Washington, and I think it is maintained at half the expense. The city of Detroit is lighted by a plant which costs but one-quarter as much per light as is paid in this city.

Mr. RICHARDSON. Will my friend yield for a question?

Mr. CORLISS. Certainly.

Mr. RICHARDSON. The gentleman says that the city of Detroit is maintained at a much less expense. I will ask him if the fire department of the city of Detroit does not cost about $1,000,000 a year?

Mr. CORLISS. It does not, Mr. Chairman.

Mr. RICHARDSON. How much?

Mr. CORLISS. It costs less than half a million.

Mr. RICHARDSON. Does not the last census show that it is a city of only about 200,000 inhabitants?

Mr. CORLISS. It has greatly increased in population since that time. It has the most efficient fire department of any city in this Union, and its equipment is perfect. I want to say that there has not been a large fire in that city for many years, because of the efficiency of that department, maintained at a much less expense than the fire departments of most cities in the Union. I hope that the committee, in considering measures for this District, will take into consideration many other improvements, which, it seems to me, are manifestly necessary in this city.

Mr. POWERS. Will the gentleman yield?

Mr. CORLISS. I will if my time can be extended.

Mr. POWERS. I understand that your city has been under the administration of Governor Pingree.

Mr. CORLISS. It has been under the administration of a reform mayor who is now a reform governor, and I want to say to you that, while eccentric in many things, he has done that for the people of the city of Detroit for which they have honored him repeatedly by overwhelming majorities.

Mr. POWERS. Could his services be procured in Washington?

Mr. CORLISS. I think they might, and I think with benefit to the people of the District. [Laughter and applause.]

Mr. HULL. Will the gentleman yield for a question?

Mr. CORLISS. Certainly.

Mr. HULL. I should like to ask if you have any statistics as to the amount of potatoes raised in Detroit?

Mr. CORLISS. Yes; and I have no doubt that the gentleman and other members have received the statistics of the Pingree potato patch for the last year, an industry which gave employment and food to thousands of people, and such an industry as should be developed in every section of our land while we are under the present unfortunate Administration, which has driven people into want, idleness, and misery. [Applause on the Republican side.]

Mr. MEREDITH. Are these potatoes raised in the streets of Detroit?

The CHAIRMAN. The time of the gentleman has expired. Does the gentleman withdraw the pro forma amendment?

Mr. CORLISS. Yes.

The CHAIRMAN. The question is on the amendment of the gentleman from Tennessee [Mr. RICHARDSON].

Mr. RICHARDSON. I should like to have it stated from the desk.

The Clerk read as follows:

On page 29, in line 1, strike out the word "one" and insert "five."

The amendment was rejected.

The Clerk (proceeding with the reading of the bill) read as follows:

TELEGRAPH AND TELEPHONE SERVICE.

For superintendent, $1,600; electrician, $1,200; 3 telegraph operators, at $1,000 each; 3 telephone operators, at $900 each; expert repairman, $960; 2 repairmen, at $720 each; 2 laborers, at $400 each; in all, $10,800.

For general supplies, repairs, new batteries and battery supplies, telephone rental and purchase, wire for extension of the telegraph and telephone service, repairs of lines and instruments, purchase of poles, tools, insulators, brackets, pins, hardware, cross arms, ice, record books, stationery, printing, purchase of harness, washing, blacksmithing, forage, extra labor, new boxes, and other necessary items, $11,000.

Mr. BAKER of New Hampshire. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Insert, after the word "dollars," in line 23, page 29, the following:

"That hereafter it shall be unlawful for any person or any telephone company doing business in the District of Columbia to charge or receive more than $50 per annum for the use of a telephone on a separate wire; $40 for each telephone, there being not more than two on a wire; $30 for each telephone, there being not more than three on a wire, and $25 for each telephone, there being four or more on the same wire."

Mr. RICHARDSON. Mr. Chairman, I think that changes existing law, and I make that point of order against it.

Mr. BAKER of New Hampshire. It was admitted in the last bill.

The CHAIRMAN. Does the gentleman from Tennessee [Mr. RICHARDSON] make the point of order?

Mr. RICHARDSON. I do.

The CHAIRMAN. Does the gentleman from New Hampshire [Mr. BAKER] desire to be heard on the point of order?

Mr. BAKER of New Hampshire. I presume it is subject to the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk (proceeding with the reading of the bill) read as follows:

Writs of lunacy: To defray the expenses attending the execution of writs de lunatico inquirendo and commitments thereunder, in all cases of indigent insane persons committed or sought to be committed to the Government Hospital for the Insane by order of the executive authority of the District of Columbia, under the provisions of the act approved March 3, 1877, $2,000.

Mr. CORLISS. Mr. Chairman, my attention was occupied at the time when the preceding paragraph was reached. I ask unanimous consent to make a motion to strike out the clause at the top of page 31, line 2.

The CHAIRMAN. The gentleman from Michigan [Mr. CORLISS] asks to return to line 2, page 31, for the purpose of offering an amendment.

Mr. GROUT. I do not think we had better go back at this time.

The CHAIRMAN. The gentleman from Vermont objects; and the Clerk will read.

The Clerk read as follows:

FOR CHARITIES.

For the relief and care of the poor and destitute, and for such charitable and reformatory work, and such care and medical and surgical treatment of poor and destitute patients in the District of Columbia as have been heretofore usually provided for by direct appropriations to private institutions, and as the District Commissioners may deem necessary, the sum of $94,700, to be expended under the direction of said Commissioners, either under contract with responsible and competent persons or institutions or by employing for the purpose the public institutions or agencies of said District, where practicable: *Provided*, That no such contract shall extend beyond the 30th day of June, 1898, and that no payment shall be made under any such contract except for service actually rendered, for which compensation shall be provided in said contract; and that said Commissioners shall report to Congress on or before the first Monday of December in each year a detailed statement of their expenditures theretofore made under this appropriation, and of all contracts made by them hereunder, giving the names of the persons and institutions contracted with, and stating what further expenditures will be required thereunder.

For the Columbia Hospital for Women and Lying-in Asylum, maintenance, $20,000.

For the Freedmen's Hospital and Asylum, as follows:

For subsistence, $22,500;

For salaries and compensation of superintendent, who shall reside at the hospital, not to exceed $3,000; assistant superintendent, $900 (this position to be filled by a nonmedical graduate or student); five internes, at $120 each; superintendent of nurses, clerk, engineer, matron, nurses, laundresses, cooks, teamsters, watchmen, and laborers, $16,000;

For rent of hospital buildings and grounds, $4,000;

For fuel and light, clothing, bedding, forage, transportation, medicine and medical and surgical supplies, surgical instruments, electric lights, repairs, furniture, and other absolutely necessary expenses, $11,500;

In all, $54,000.

Mr. MORSE. Mr. Chairman——

The CHAIRMAN. The gentleman from Massachusetts.

Mr. GROUT. I ask unanimous consent that this paragragh—because this is the one to which amendment has been proposed and on which some discussion may arise—be passed until the reading of the bill be finished.

The CHAIRMAN. The gentleman from Massachusetts desires to offer an amendment to the paragraph. That amendment can be offered.

Mr. DOCKERY. But the gentleman from Vermont desires to pass the entire paragraph and return to it after the completion of the reading of the bill.

Mr. MORSE. I desire to offer an amendment.

Mr. GROUT. There is no objection to offering the amendment now, and then let the paragraph go by with the amendment pending.

Mr. DOCKERY. The amendment will keep.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 38, at the end of line 6, insert:

"*Provided further*, That the sum hereby appropriated shall be expended under the conditions and limitations imposed in the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year 1897, page 411, volume 29, Statutes at Large of the United States."

Mr. MORSE. I do not desire to discuss the amendment at this time, but simply say that this amendment reaffirms existing law.

Mr. GROUT. I ask unanimous consent, Mr. Chairman, that this paragraph, with the amendment, be passed over until we complete the reading of the bill, and then we will return and consider it.

The CHAIRMAN. The gentleman from Vermont asks unanimous consent that the amendment be passed over for the present. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Reform School for Girls: Superintendent, $1,000; treasurer, $300; matron, $600; two teachers, at $480 each; overseer, $720; engineer, $480; night watchman, $365; laborer, $300; in all, $4,725;

For groceries, provisions, fuel, soap, oil, lamps, candles, clothing, shoes, forage, horseshoeing, medicine, medical attendance, hack hire, freight, furniture, beds, bedding, sewing machines, fixtures, books, horses, stationery, vehicles, harness, cows, stables, sheds, fences, repairs, and other necessary items, $6,000;

In all, $10,725.

Mr. HAINER of Nebraska. Mr. Chairman, I move to strike out the last word, for the purpose of eliciting some information from the gentleman in charge of the bill. I find there is here an appropriation for this school of $10,725. I understand, also, there are only 21 inmates in that school, 3 of whom are upward of 20 years of age. There seems to be 9 persons to take care of that small number of girls that are supposed to be undergoing the process of reformation.

Mr. HENDERSON. This is for the Reform School for Girls of the District.

Mr. HAINER of Nebraska. Yes; and I also understand that while there is a capacity for 27, yet only colored girls are admitted. It does seem to me this appropriation is quite extravagant, and I would like to have information from the gentleman showing the necessity for this large force in connection with this institution. Mr. Chairman, the expense of this institution exceeds the cost of such institutions as Vassar, Wellesley, Smith, and other first-class boarding schools of the highest character in the United States. For board, lodging, and tuition in the highest collegiate courses the cost in those institutions is only $400 per capita, while here, saying nothing of the cost of the buildings and repairs, the per capita cost is over $500. Certainly this is an extraordinary state of facts, which requires some explanation from the gentleman in charge of the bill.

Mr. GROUT. Mr. Chairman, I hardly see the force of the comparison by the gentleman of this school with Vassar and other equally fine boarding schools. This is a boarding school of a compulsory order that requires gratings on the windows and a police force to guard it. It is true there is a large expense per capita incurred for the number of inmates in this institution. That is a fact. It ought to be obviated; and this is the way to obviate it: To increase the capacity of the institution, because the force that is there now is requisite for the number of inmates, and it would be quite sufficient for a larger number if the building were completed as the Commissioners estimate. This ought really to be done; and by an appropriation of $50,000 the capacity of the institution would be increased so that the expenses per capita would be largely reduced. It would provide then for 100 inmates, and the per capita cost would be just about cut in two.

Mr. HAINER of Nebraska. If the gentleman will allow me, before passing from that, I will say they are not utilizing the capacity they now have. You have a capacity for 27 inmates, while there are only 20 or 21 inmates, and 3 of those are upward of 20 years of age, and have been there ever since the institution was started.

Mr. GROUT. I would like to know the source of the gentleman's information. The president of the institution was before the Committee on Appropriations on the investigation of the matter and urged this enlargement and a reduction of the consequent per capita expense. He said the number of inmates is 27. He was before the committee only a few days ago.

Mr. HAINER of Nebraska. I think the gentleman will hardly find that given in the report. The capacity is 27. I am credibly informed that there are only 21 inmates, and of these 3 are upward of 20 years of age.

Mr. GROUT. Then, Mr. Chairman, one further thought in connection with this. A committee is investigating this whole subject of charities, and it is thought we may get light from them as to what it is wise to do. The gentleman says that only colored girls are put in this institution. There is no legal prohibition against white girls being placed there. It is only a question of some official discrimination on the part of the court in sending these girls to this school, while some other institutions in the city are allowed to care for white girls. The institution is open to white and colored alike, and when it is enlarged as is proposed, by the addition of a wing to cost $50,000, there will be room for a ward that will be separated from the colored portion of the building, so as to satisfy the fastidious taste of the women who may be sent there or of those who are interested in them and in the administration of the law.

Mr. HAINER of Nebraska. Will the gentleman explain the necessity for a treasurer and for two teachers to take care of these few girls, and also the necessity of an engineer and overseer in addition to a laborer? There are too many officers and salaried people for a small institution which cares for only colored girls.

Mr. GROUT. We must have an engineer whether there are 20 or 200 inmates in the building. We must have a matron and an entire outfit, and the gentleman knows it. Mr. Chairman, the gentleman has made no motion, and unless he desires to do so, I shall ask that the Clerk proceed with the reading of the bill.

Mr. HAINER of Nebraska. Mr. Chairman, I withdraw the formal amendment, and move to strike out, in line 5, the words "treasurer, $300."

Mr. HENDERSON. Mr. Chairman, I rise to oppose the amendment. I feel sure that the gentleman offering it has not looked sufficiently into this matter. I introduced the bill establishing this school. The school is still in its infancy, and I believe it to be one of the best institutions in the District of Columbia. Before it was created we had a reform school for boys, but none for girls, and when girls, for petty crimes or for other causes, were brought before the courts, they had to be sent to the common workhouse, where they were surrounded by every kind of evil influence. I remember visiting the workhouse with a subcommittee of the Committee on Appropriations, and when Mr. Breckinridge (now our minister at St. Petersburg) and I went through the building we were greeted from behind the bars with the most brutal and loathsome remarks from the low creatures who were imprisoned there.

That condition existed until the civilization of the District cried out for a reform school for girls, and I introduced the bill at the instance of that element in this District, and, after one or two sessions, it was passed. Efforts have been made before to cripple this school, but never in this House, and I am sure that no such effort would be made here now if my friend from Nebraska had considered the delicacy of the blow that he was about to strike. There is no discrimination in the school against any class of women, but I am sorry to say that it so happens that colored girls are those who appear most frequently in the courts and who have to be sent to the reform school. I have visited this school. The last time I visited it there were thirty-four inmates, a number greater than the capacity of the school. It is not merely a prison, but a school. They teach the girls industrial work. I have been all through the building and I have seen them teaching the girls to make dresses, simple garments, and to do other such work.

Mr. HAINER of Nebraska. Does the gentleman speak from information?

Mr. HENDERSON. I speak from personal knowledge, having been in the school.

Mr. HAINER of Nebraska. I want to say to the gentleman that only a few days ago I talked with one of the teachers, and there is no teaching of that kind being done there.

Mr. HENDERSON. I speak whereof I personally know. I have not been there for two years.

A MEMBER. Where is this school situated?

Mr. HENDERSON. Above Georgetown, on the road to the Great Falls. After great trouble we found a Government reservation there, which was appropriated for the purpose. I have visited the school and I have seen the sewing machines at work, the girls sitting in rows and being taught to sew, and they are also taught to read and write. Those girls are taken from the purlieus of sin and crime, and are surrounded by the influences of Christian civilization in this school, and if gentlemen striking at these institutions in the District would personally visit them and see what orphans and unfortunate girls are having done for them there, they would go slow before proposing to strike a blow at any of these institutions.

This school is still in its infancy, and we ought to be giving it greater facilities instead of less. The establishment of this school was a move in the direction of the Government taking charge of this work. It is not in any sense a private institution. It is under Government supervision, and I hope to see the time when the Government will take charge of all the unfortunates in this community, and when public money will be appropriated only to institutions belonging to the Government and controlled by it. Give us more money for these institutions. You have got to equip them properly in order to secure efficiency. A treasurer for this school is needed. The salary is petty. This lady is the widow of Mr. Mills, the real founder of the institution, who died only within a year. This woman, carrying in her heart the inspiration of her husband for good, works for a petty compensation and devotes her heart and her life to this work. I never saw her but once, when she was brought and introduced to me by some Christian women of the District. I regret that the committee has not seen fit to recommend an appropriation for increased facilities for this school. There is not an officer of the institution who can be spared, and I want to see the time come, as soon as the condition of the Treasury will permit, when a hundred girls can be sent

there and cared for by those who would lift up humanity and not allow it to go into the purlieus of the slums or of the common prisons of our city.

Mr. BAKER of New Hampshire. Is the ownership of this property in the United States?

Mr. HENDERSON. Yes, sir, it is; and the whole thing (unless the direction has been changed—the gentleman in charge of the bill is more familiar with the facts than I am now) is under the charge of the Attorney-General's Office.

Mr. GROUT. No; the institution is in charge of the Interior Department.

Mr. HENDERSON. It is under the Interior Department, as the gentleman from Vermont now informs me.

Mr. DOCKERY. The amendment proposed by the gentleman from Nebraska [Mr. HAINER] does not raise any question as to the usefulness of this institution.

Mr. HAINER of Nebraska. Of course not.

Mr. DOCKERY. The amendment simply proposes to strike out the provision for a new office which this bill proposes to create. The proposition here is to pay a salary of $300 for disbursing a little more than $9,000. This disbursement, as I understand, has been made heretofore by the District Commissioners.

I will not pursue this matter further, because I understand the pressure in favor of this appropriation. But I do not think the appropriation for this salary is a proper one to be made. The expenditure is too large for the service rendered. I believe that the appropriations we make for institutions in this District should go to the benefit of the people for whom they are intended, and not be expended along the lines of an expensive administration.

Now, I do not think this institution is successful. I am in sympathy, however, with the object which was in view in the introduction of the bill creating this school. I shall not support any motion to cripple the institution at this time, inasmuch as it is understood that this, with similar questions, will be reviewed by a joint commission of Congress. By means of such an examination we may be able to arrive at some conclusion in respect to this and other institutions so as to enlarge the scope of their operations, while at the same time decreasing the cost of administration. Hence, I repeat, I shall not at this time support any proposition to cripple the institution.

But the office which the amendment of the gentleman from Nebraska seeks to strike out is entirely new. The amount to be disbursed by this treasurer is about $9,000. Heretofore the disbursement has been made, I believe, by the Commissioners of the District.

Mr. GROUT. I wish to correct the statement of my colleague on the committee, the gentleman from Missouri [Mr. DOCKERY], that this office is wholly new. Let me remind him that the deficiency bill of last year carried an appropriation for the payment of this salary to the amount of $600. That appropriation was made on the ground that this woman had a vested right in this salary. She had been appointed by the Commissioners to discharge this duty.

I said a moment ago that this institution was under the charge of the Interior Department. I was wrong in that statement. It is under the control of the Commissioners of the District. The officers of the institution desire that it be placed under the control of the Attorney-General along with the other reformatory institutions of the District.

But this woman is rendering this service under appointment of the Commissioners of the District, and she is entitled to the salary. The law creating the institution expressly authorizes the appointment of the officer. This lady holds the appointment. In the District bill a year ago an appropriation for this salary was refused; but in the deficiency bill we properly made the amount good. The present bill cuts down this salary from $600 to $300. I repeat, that the office is not new, as this House a year ago appropriated $600 for the payment of this lady. In my opinion, she is entitled to that sum, which was in fact the compensation stipulated between herself and the Commissioners. I think she has a legal right to that amount; I believe she could go into the Court of Claims and recover it. The incidents which I have stated will remind the gentleman from Missouri that this appropriation is not wholly new.

Mr. DOCKERY. The gentleman in charge of this bill [Mr. GROUT] is correct in the statement he has just made. I had forgotten that an appropriation for this salary was made in the deficiency bill of last year. At the same time the appropriation, if made at all, should have been carried in the District appropriation bill.

Mr. GROUT. One word more. I admit that the expenditure for the support of this institution is large in comparison with the small number of persons cared for. The trouble is that the institution is not as large as it ought to be. It is held back in its work by a refusal of adequate appropriations for buildings. There is where the trouble lies. Enlarge this institution so that it will accommodate 100 persons, as an appropriation of $50,000 would enable it to do, and then the proportion of expense would be reduced nearly one-half.

A MEMBER. Why did you not propose such an appropriation?

Mr. GROUT. I have brought in this bill as the representative of the opinion of the committee. Since the matter has been brought before the House, however, I will say that personally I resolutely favored in the committee an appropriation of $50,000; but I was voted down. I shall not now propose an increase of the appropriation. But when a proposition is presented to cut out this salary, I am simply astonished. I can not believe such a proposition would have been offered if the facts had been fully in possession of the gentleman offering the amendment.

Mr. HAINER of Nebraska. Mr. Chairman, my purpose in proposing this amendment was to call attention to a very vital fact connected with this matter of charities. I especially invite the attention of the gentleman from Iowa [Mr. HENDERSON], who, with his big heart bubbling over with sentiment (too often at the expense of practical judgment), has gone wide of the mark.

The fact is, there has grown up in the District of Columbia a custom of ladies (of both sexes, dilettante very largely) gossiping over their little cups of tea and organizing societies to dispense so-called charity at the expense of the Government. They organize themselves into boards of high-sounding names, but whose power and effectiveness for the accomplishment of good are very small indeed; and practically the bulk of the evidences of it we have in connection with carefully prearranged visits to the particular institution by some influential and big-hearted Congressman like the gentleman from Iowa.

Here we have in this institution twenty-one girls—all of them colored. No white girl is permitted to remain in the institution. The white girls are sent to other institutions, also thus far in large part sustained by the Government. I have already called the attention of the committee to the fact that three of these inmates are more than 20 years of age. Just think of it; keeping them there at this expenditure! Children may well be taken for reformation, but is it a wise or even proper expenditure of money to keep them at $500 per annum after they are full grown and over 20 years of age? Do not the facts tend at least to prove that a few inmates are kept to maintain a useless force in positions? It seems to me one might well say the institution is for the purpose of supplying places, and not for the purpose of reforming erring children. The administrative features of this school are most in need of reformation. Where is the practical judgment of gentlemen?

Now, as to the expense of keeping up that school. We buy the property, keep it in repair, and appropriate $10,000 and over annually for its maintenance, or an amount equal to an expenditure of $500 per annum for each inmate; and of that we expend $4,725 for the administrative branch of the school. Do you not see that the District of Columbia has gone mad on this board management?

This tender-hearted lady, the treasurer, "who bears in her heart the mighty work," sits in her comfortable parlor in the city of Washington, doing what? Simply signing checks. Does she audit the accounts presented to her? Not one of them. That is done by others. When the accounts come in, she simply charges herself with the gross appropriation of $10,000, and then signs the checks for the payment of the various expenditures that have been incurred, and for that duty is appropriated the sum of $300 as a salary, and the gentleman from Vermont in charge of the bill wants to make it $600. Her work is perfunctory. The institution has no more need of a salaried treasurer than a wagon has for five wheels.

Now, I know that the treasurer of this institution is doing just about as much work as the average treasurer on the various boards of these institutions in Washington. We ought to abolish all of these little subboards and put the entire matter in the hands of some special board, to take charge of all the charitable institutions of the District and make them capable of accomplishing the great good so eloquently described by the gentleman from Iowa a few moments ago.

Mr. Chairman, this appropriation accomplishes nothing: it is simply wasting the money of the District and of the United States in pretending to accomplish something that is not accomplished in fact. This is not a reform institution in the real sense of the term. It is an inefficient attempt, well meant, doubtless, to do a needed work; but nothing worth mentioning will come of this and kindred efforts until the entire subject of the charities of the District is reorganized and put upon a solid, businesslike, and sensible foundation.

Now, having said this much, I have accomplished all that I desired to accomplish. I withdraw my amendment, hoping that the committee which will investigate the entire subject of charities, under the legislation already had, will have their attention directed especially to the abuses, which, in my judgment, have grown up, and in their wisdom present some proper remedy which will provide the necessary correction; and that, too, in the near future.

The Clerk read as follows:

That the joint select committee, authorized by the act making appropriations for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, to make inquiry and report concerning the charities and reformatory institutions of the District of Columbia, are hereby continued during the Fifty-fifth Congress, with all the powers and duties imposed upon them by said act. And any vacancies which may occur in the membership of said committee by expiration of service or otherwise of any Senator shall be filled by appointment by the presiding officer of the Senate, and any vacancies which may occur by reason of the expiration of service of any House members of said committee shall be filled by appointment to be made by the Speaker of the present House of Representatives from members-elect to the House of Representatives of the Fifty-fifth Congress; and any vacancies which may occur by reason of death or resignation of any House member shall be filled by appointment to be made by the Speaker of the House of Representatives for the time being; and said committee shall have authority to sit during the recess, and shall make report as soon as practicable after the beginning of the first session of the—

Mr. STEWART of New Jersey. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

On page 41, in the fourteenth line, after the last word in said line, amend by adding:

"And the said committee shall pursue such inquiries with diligence and expedition, to the end that a full and complete report may be prepared at the opening of the Fifty-fifth Congress."

Mr. STEWART of New Jersey. Mr. Chairman, I understand that the joint committee appointed at the close of the last session of Congress has held no meetings and have done absolutely nothing in pursuance of the inquiry intrusted to them under order of the Congress; and to the end that the work of the committee shall be of utility, it is absolutely necessary that they shall pursue their inquiries with diligence and dispatch.

The amendment I have proposed imposes upon them the mandatory duty of pursuing the investigation with such energy and diligence that the matter which is intrusted to them may be prepared and ready for consideration at the opening of the Fifty-fifth Congress.

Mr. PITNEY. Mr. Chairman, I will not complain of the motive of that amendment, but simply desire to say, being one of the members of the joint commission selected for the purpose of making the investigation referred to, that the reason why nothing has been done up to this time is this: The provision of law which established the commission was passed on the last day, I think, of the first session of the Fifty-fourth Congress. It provided for the appointment of a joint commission consisting of three Senators and three Members of the House of Representatives. The Vice-President made the selection of the three Senators after the Senate had adjourned for that session. The senior Senator of the three declined to enter upon the discharge of the duties of the commission, and therefore the Senate committee could not organize. and of course the joint committee could not organize.

Since the opening of the present session the vacancy referred to has been filled and the joint committee has organized and is ready now to proceed with the investigation contemplated. But it would be a perfect farce, Mr. Chairman, to adopt an amendment requiring them to make a report on that investigation at the opening of the Fifty-fifth Congress.

Mr. DOCKERY. You mean in the event of an extra session of that Congress?

Mr. PITNEY. I am taking it for granted that there will be an extra session, for I do not know of any suggestion from any responsible quarter which would seem to controvert that idea.

Mr. STEWART of New Jersey. Well, make it for the regular session.

Mr. PITNEY. But the amendment does not say so.

Mr. STEWART of New Jersey. I will modify the amendment——

Mr. PITNEY. I have the floor at present.

I will say, Mr. Chairman, that the joint committee have organized and are ready to carry out the duties assigned to them under the law, and for the purpose of enabling them to do so, the provision is carried in the present bill, which has been read and adopted, to fill the vacancy on the House side, occasioned, I regret to say, by reason of the failure of our friend from Kansas [Mr. BLUE] to be reelected. But we do not like to be put under peremptory orders, when the committee have not been guilty of delay or negligence in the matter. I hope the amendment will be voted down.

Mr. STEWART of New Jersey. Mr. Chairman, I am not complaining about the committee appointed by this House. I know that there is no member more diligent than my colleague [Mr. PITNEY] and the fault lay with the committee appointed by the Senate. I ask to modify the amendment, so that it will read:

At the opening of the regular session of the Fifty-fifth Congress.

Mr. DOCKERY. Let me suggest to the gentleman from New Jersey [Mr. STEWART] that the provision would be unwise, because if we are to have an extra session of Congress, which seems to be generally conceded, I assume that this joint committee would proceed with its work with all due diligence, and probably be able to report to the Fifty-fifth Congress in extra session.

Mr. STEWART of New Jersey. I will leave the amendment as it is.

Mr. GROUT. I would suggest that the amendment, as the gentleman proposes it, would really defer the report, because the language of the bill, as it now reads, is:

And shall make report as soon as practicable after the beginning of the first session of the Fifty-fifth Congress.

Mr. STEWART of New Jersey. I will leave the amendment as I originally offered it.

Mr. PITNEY. I hope the amendment will be voted down.

Mr. DOCKERY. Let the amendment be reported as it is now offered. Has it been modified in any way?

The CHAIRMAN. The Chair understands that the gentleman withdrew his modification.

Mr. DOCKERY. I would be glad to have the amendment reported as it now stands.

The amendment as originally offered was again read.

Mr. PITNEY. Mr. Chairman, this amendment having been referred to as "the amendment of the gentleman from New Jersey," I wish it understood that I am not the member who offered it. I am opposed to it, and hope it will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. STEWART].

The amendment was rejected.

The Clerk resumed and completed the reading of the bill.

Mr. DOCKERY. Mr. Chairman, I offer the following amendment, to come in as section 3 of the bill.

The Clerk read as follows:

That hereafter the United States Electric Light Company, or any other electric-light company doing business in the District of Columbia, shall not charge or collect from the United States or any other consumer of electric arc or incandescent lights, or electricity for power, prices exceeding 75 per cent of the prices charged for such lights and power on the 1st day of January, 1897, in the said District of Columbia.

Mr. PITNEY. What is the percentage of reduction?

Mr. DOCKERY. It provides for a reduction of rates to 75 per cent of what they were on the 1st day of January, 1897.

Mr. PITNEY. That applies to private consumers as well as public?

Mr. DOCKERY. It does. This is in the interest of the people.

Mr. PITNEY. It applies to private consumers, does it?

Mr. DOCKERY. It does.

Mr. PITNEY. Throughout the District?

Mr. DOCKERY. Certainly.

Mr. PITNEY. It applies to all companies?

Mr. DOCKERY. It does.

Mr. PITNEY. That is all right. I am in favor of the amendment.

Mr. BLUE. Let me suggest to the gentleman from Missouri [Mr. DOCKERY] that there may be some question as to whether that would reach a company that was not in business, and not therefore charging consumers anything on the 1st day of January. If we wish to adopt this amendment, let us put it in such form that it will catch them all.

Mr. PITNEY. I think the gentleman from Missouri [Mr. DOCKERY] will accept the modification of the amendment which I now suggest. I ask the Clerk to read the amendment as modified.

The Clerk read as follows:

That hereafter no electric-light company doing business in the District of Columbia shall charge or collect from the United States or any other consumer of electric arc or incandescent lights, or electricity for power, prices exceeding 75 per cent of the prices charged for such lights and power on the 1st day of January, 1897, in the said District of Columbia.

Mr. DOCKERY. Mr. Chairman, I do not want to lose any parliamentary advantage, but I will accept the amendment to the amendment offered by the gentleman from New Jersey [Mr. PITNEY]. We have been making some reduction in electric lighting for the benefit of the Government, and we ought to make a corresponding reduction now for the benefit of the people of this District.

Mr. PITNEY. The amendment in the form in which it is now offered is satisfactory to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. I accept it.

The CHAIRMAN. The question is on agreeing to the amendment as modified.

The amendment was agreed to.

The CHAIRMAN. This completes the reading of the bill.

Mr. GROUT. Mr. Chairman, the paragraph on page 7 of the bill, relating to street sweeping, was passed for the time being at the request of the gentleman from Iowa [Mr. HEPBURN], whom I do not see present now. But there is one other paragraph which has been passed which we can recur to, on page 37, relating to charities.

Mr. MORSE. Will the gentleman yield to me for a few minutes, that I may explain my amendment?

Mr. GROUT. Wait just a moment.

The CHAIRMAN. The gentleman from Vermont desires to recur to pages 37 and 38, on the subject of charities.

Mr. GROUT. I yield to the gentleman from Massachusetts.

Mr. MORSE. Mr. Chairman, I ask that the amendment which I have offered to this section may be read.

The Clerk read as follows:

On page 38, at the end of line 6, insert:

"*Provided further*, That the sum hereby appropriated shall be expended under the conditions and limitations imposed in the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year 1897, page 411, volume 29, Statutes at Large United States."

Mr. MORSE. Mr. Chairman, I will say for the information of the House that this amendment simply reaffirms the existing law; but in order that there may be no mistake or misunderstanding about it, it is desirable to take the matter out of the domain of construction and make the prohibition and use of any money appropriated by this bill for sectarian charities clear and positive. That matter was fought out here last year, and I believe fought to a successful issue, and I believe and hope that the appropriation of public money for sectarian charities will never be again raised or entertained. Such use of public money is against the genius of our institutions that divorce church and state and against public policy. As I understand, Mr. Chairman, the gentleman in charge of the bill offers no objection to this amendment, I do not think I shall take the time of the House any further.

Mr. BLUE. Mr. Chairman, at this time it is not my purpose to object to this amendment or to raise a point of order; but I wish to say in this connection that in my opinion there is no more necessity for this than there is for a fifth wheel to a wagon. It is mere surplusage, is an incumbrance to this bill, and necessarily in that respect it is vicious in its character. It is not entitled even to the respect to say that it is placed there in the abundance of caution. If that were true, then it would be necessary, practically, in legislation upon appropriation bills to continue this upon every measure to which there might be objection made. These provisions that have become permanent law can not be considered as applying to the appropriation of last year alone, because by their very terms they show that they are for all time, for the future, declaring what shall be and what is the settled policy of this Government, and further providing in regard to future appropriations. Hence I say that this is not only mere surplusage, but it is bad in its character, and ought not to go upon this bill. Still, for the purpose of avoiding discussion on this bill, I will not make any question upon it.

Mr. GROUT. The gentleman says he does not object. I do not object, and I hope we may have a vote upon it without further discussion.

The question was taken; and the amendment was agreed to.

Mr. GROUT. Now, Mr. Chairman, on page 7 there was a paragraph passed over. The gentleman from Iowa [Mr. HEPBURN] does not seem to be present. I will submit, in that connection, to be printed in the RECORD, a letter from the superintendent of the street-sweeping department, which will explain the matter fully, and with which I think the gentleman from Iowa will be entirely satisfied when he sees it.

Mr. MORSE. I ask the gentleman from Vermont to yield to me for the purpose of making a request to have the section of the law of last year printed in the RECORD. I ask unanimous consent that I may print, in connection with my remarks, a quotation from the law of last year—a single paragraph.

The CHAIRMAN. The gentleman from Vermont asks unanimous consent that the matter that he sends to the Clerk's desk may be printed in the RECORD in connection with the paragraph on page 7. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

STREET AND ALLEY CLEANING DEPARTMENT,
DISTRICT OF COLUMBIA,
Washington, February 5, 1897.

SIR: I have the honor to report, in reference to the proposed reduction in the number of inspectors in this service, that to reduce to the extent proposed would be false economy and simply in the interest of the contractors. There are four inspectors in charge of cleaning the paved streets and avenues, and every one of them is needed. Each day or night when work is done we sweep about 55 miles of streets, or an area of about 1,400,000 square yards. There are 17 machines, divided usually into four gangs. Can that work be properly looked after by less than two men, who must necessarily travel not less than 30 miles each during a day or night? They not only note the sweeping, but all obstructions, barricades, etc., in order to make the proper deductions. There are 50 hoe and broom men, divided into 8 gangs, and 36 carts, into 9 gangs. These are at work in various sections of the city covered by that particular route. Can this work be looked after as it should be by any less than 2 more men? The cost of inspection for this branch of the work is about 6¼ per cent. That is to say, we pay out on this contract about $85,000 annually, and inspection costs $5,900—including pay for horse keeping. I earnestly request that no reduction be made on this branch of the force, as the present men not only earn their pay, but save the District annually all they are paid.

I have four gangs of laborers, one for each of the four sections of the city, cleaning the unimproved streets, keeping the gutters clean, free of weeds and grass, and attending to all complaints in their respective sections. Would it be economy to work these men without some one in charge to lay out the work for them and see that they rendered a day's service? Rather than reduce their numbers it would be better to stop the work entirely if there is not to be direct supervision over each gang. The territory these gangs cover is large; for instance, the southeast gang, all that portion of the city south of Maryland avenue east, to the river on the south, east to the boundary, and west to First east.

The northeast gang, all north of Maryland avenue, east to the boundary, and west to Seventh street road as far as Whitney avenue, including Le Droit Park and West Eckington. The southwest gang, all south of Pennsylvania avenue to the river, east to New Jersey avenue, and west to Thirty-sixth street, including Anacostia. The northwest gang, all north of R street to Columbia road, east to Seventh street road, and west to Thirty-sixth street, including Washington Heights and a portion of Mount Pleasant. Could any one man properly supervise more than one of these sections? A fifth gang has all the cobble and rubble paved streets in the city, that are so rough and broken that they can not be machine swept—amounting to about 270,000 square yards. This work is scattered from Georgetown to the Navy-Yard, and from the river to the boundary. It would seem that one inspector was needed upon this work.

There is one gang engaged on unimproved alley work, cleaning away the filth that so naturally finds its way to those out of the way places. The area of these alleys is about 260,000 square yards and scattered throughout the entire city, many of them small shafts and arms that receive all the refuse that can not well be thrown into the improved alleys adjacent. We get round once in about eight days, averaging about 36,000 yards per day. Eight men and 2 horses and carts do this work, at a cost of $11.47 per day. Inspection costs $6, or 50 per cent—1 inspector and assistant. That seems pretty high, but how can it be avoided; can the gang be permitted to roam at will? To get round and to expedite the work, a couple or three men, with a horse and cart, are often detached to catch up the small shafts, etc. Without this thorough inspection the work would be slighted and many of the worst places left untouched.

The improved alleys are in charge of 3 inspectors; the area of these alleys is about 602,000 square yards, divided into 18 routes, 3 cleaned each day; average area each route, about 33,500 yards; work done under contract, 40.9 cents per 1,000 yards; cost of work per day, about $44; inspection, including pay allowed for horses, about $12.18, or 28 per cent of cost. Without reflection, this looks high; but in what other way can the work be properly supervised? The three separate routes require separate inspection; without such inspection it is hardly supposable that the contractor's men would clean them as they should be, or clean them all. Pennsylvania avenue and other streets, now cleaned under a patrol system during the day, cost for work $22 per day. Inspection costs $8, about 37 per cent, there being 1 inspector in charge, with 2 assistants.

With every desire to conduct the work as economically as possible, I can not spare one of these inspectors. Work of this kind must be watched closely by competent and efficient men or else the work will be slighted and contractors often paid for work they did not do. The work in this city is beyond question done much cheaper, and I believe as a whole much better, than in any other city. The percentage for inspection is not a correct guide in this case. If the work cost more to do it, it would not take any more inspectors, but the percentage of cost for supervision would be less. The average cost of supervision is 20 per cent, including pay for horses. I think it much better to pay good prices for inspection than to pay contractors for bad work.

Respectfully,

A. G. MCKENSIE,
Superintendent Street and Alley Department.

Gen. WILLIAM W. GROUT,
Chairman Subcommittee District of Columbia Appropriations.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that a paragraph of the law of last year may be printed in the RECORD in connection with his remarks. Is there objection?

Mr. HOWARD. I object, Mr. Chairman.

Mr. MORSE. Since the gentleman from Alabama [Mr. HOWARD] objects, I think the gentleman from Vermont will allow me to read it in my own time, and I will thus get it in the RECORD. I ask the gentleman to give me a minute to read this paragraph.

Mr. GROUT. Yes; I yield a minute to the gentleman.

Mr. MORSE. I ask the Clerk to read the paragraph I send to the desk, and to which I referred in my remarks as passed in connection with the District bill of last year and reaffirmed by the amendment I offered a few moments since and which the House has adopted.

The Clerk read as follows:

And it is hereby declared to be the policy of the Government of the United States to make no appropriation of money or property for the purpose of founding, maintaining, or aiding by payment for services, expenses, or otherwise, any church or religious denomination, or any institution or society which is under sectarian or ecclesiastical control; and it is hereby enacted that, from and after the 30th day of June, 1897, no money appropriated for charitable purposes in the District of Columbia shall be paid to any church or religious denomination, or to any institution or society which is under sectarian or ecclesiastical control.

Mr. GROUT. Mr. Chairman, I ask unanimous consent that the report of the Fifty-first Congress upon these old claims against the District be printed in the RECORD, in explanation and justification of the amendment added yesterday to the bill repealing the law under which they are being allowed.

The CHAIRMAN. The gentleman from Vermont asks unanimous consent that the report made in the Fifty-first Congress in reference to the statute repealed by this bill be printed in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The report is as follows:

[House Report No. 3727, Fifty-first Congress, second session.]

The Committee on the District of Columbia, to which was referred Senate bill 3061, would respectfully report:

This bill seeks to refer to the Court of Claims, for rehearing, ten claims against the District of Columbia. The claimants did work and furnished materials for divers public improvements in this city, under contracts made with the board of public works, which was established by the act of 1871 (16 U. S. Stats., 419 et seq.). Under this act the board had control, in accordance with the provisions set forth in the statutes, of improvements of the streets, avenues, etc., in the District of Columbia, and the making of contracts therefor.

These claims are based upon different grounds. Some of the claimants contend that work was done by them under oral contracts, or which was necessary for the completion of improvements specified in written agreements, but not included therein; and although this work resulted in a substantial benefit to the city, their claims were denied by the Court of Claims because their contracts were not in writing, in accordance with section 37 of the statute referred to. Others claim that they received a price for the work done lower than certain so-called board rates which had been fixed by the board as a fair payment for the different kinds of improvements made. Others aver that conclusive proof was brought forward on their behalf, showing them entitled to larger compensation than they received, but that this proof was disregarded by the Court of Claims.

Numerous cases besides those included in this bill have been recently brought to the attention of the committee, the owners of which allege that they have similar valid claims against the District and that their names should be included in this bill, or a general bill be substituted for it, by which all persons who had contracts with the board of public works, under which claims exist similar to those of the parties referred to, can be again heard by the Court of Claims.

The auditor of the District of Columbia, in a list prepared, estimates the amount of these claims at $116,000, but large amounts of additional claims not included in the list have been brought to the attention of the committee.

Nearly all of these claimants brought suit in the Court of Claims under the act of June 16, 1880 (21 U. S. Stats., 284), by which it was provided that persons having claims against the District of Columbia should have the right, within six months from the passage of the act, to bring suit in the Court of Claims. The act further provided that unless suit was brought within that time claims arising from transactions with the board of public works should be forever barred. In some of these cases decisions were rendered. In most of the decisions a small balance was found due to the claimants, which they accepted. In others the suits, although brought, were never pressed to trial, but were dismissed by the claimants on the ground, as it is now alleged, that the Court of Claims had, in similar cases, made adverse decisions, and that the further prosecution of these suits would have been useless. It is, however, maintained by the claimants, and this point is important in its bearing upon the merits of this bill, that in later decisions the Court of Claims reversed its former rulings and made decisions the principles of which would, if applied to these claims, have compelled their payment.

These claims arise under contracts made and performed in the years 1871, 1872, and 1873. It will be conceded that unless it appears that material injustice has been done to the claimants by the rulings of the Court of Claims, these controversies should not again be submitted to the court.

In order to ascertain the merits of this question, members of the committee have given considerable time to the arguments of counsel on behalf of the claimants, and have examined the printed records of testimony in all of these cases but one, which was not furnished by counsel.

The first claim, that of James W. Walsh and Andrew Gleeson, is for the removal of the material constituting the old pavement or sidewalk on East Capitol street, between the Capitol Grounds and Lincoln Square. Walsh and Gleeson made a written contract, under date of July 3, 1872, by which they were to make the grade and lay the foot pavement along the street referred to, between First and Eleventh streets east; also, to make the parking, and set the curb at the line of the roadway. In order to do this it was necessary to take up and haul away a large amount of material included within the limits of the proposed improvement, which had been used for pavement, curbstone, etc. No question of board rates can arise in this claim, except in fixing the rate of compensation to which they are entitled, if they are entitled to any.

The contractors wish to present to the Court of Claims their demand for the removal of the old material which had to be displaced in order to complete the improvement described in their contract. The contract has been presented to the committee and is somewhat voluminous, including a large amount of printed matter in which the blanks are not filled. It is, however, distinctly stated in the contract "that the said parties of the second part (namely, Walsh and Gleeson) shall receive the following prices as full compensation for furnishing all the materials and labor which may be required in the prosecution of the whole of the work to be done under this agreement, and in all respects completing the same."

Then follow the prices for the grading and other work.

While there is some ambiguity as to the meaning of the contract, arising from the number of provisions included in it which do not seem to have been fully considered at the time, we think this provision is sweeping, and precludes all compensation for the claim for the removal of the old material.

One of the claimants, in a deposition taken on the 7th of May, 1881, admits that this material was in his way and he could not have complied with his contract without removing it. It does not appear that any demand was made for compensation for the removal until years after the work was done and pay had been accepted, in which no compensation was made for taking away the old material. In reply to the contention that the Court of Claims in later cases allowed pay for the carting away of this old material, we think the claimants are in error. In two or three cases, which were intrusted to referees to find the facts and the law, such compensation was allowed, but the court merely confirmed the referees' report, apparently without any consideration of the legal principles involved in it. Also in one or two cases settlements made by the board of public works and the board of audit, in which a similar allowance was made, were not interfered with; but whenever the question was presented to the court and argued, the decision was against any such allowance.

The claimants are equally in error in asserting a uniform rule of the board of public works making allowance for such work. In an order upon this subject, issued January 25, 1873, we find the following:

JANUARY 25, 1873.

SIR: Referring to the letter of R. C. Phillips, esq., late chief engineer, asking whether accounts for taking up materials, such as pavements, curb, etc., preparatory to laying new work or constructing sewers, etc., are generally to be accepted as proper charges against the board, and stating that some accounts of this nature have already been paid; and in reference also to your indorsement on said letter, stating that the practice of allowing for removing old material obtained in August last, and expressing the opinion that for all such work done since that time, and which can be clearly established, this allowance will have to be paid, but not on any such work done prior to that date, and that in future the practice should be stopped altogether, I have to instruct you to stop this practice entirely. Those claims that have already been paid must of course stand; but you will allow no more accounts of this description, whether the work was done prior or subsequent to the date referred to.

By order of the board.

CHARLES S. JOHNSON,
Assistant Secretary.

Hon. A. CLUSS,
Engineer in Charge.

The claimants voluntarily dismissed their suit in 1884. Their intention at that time clearly was to abandon their claim. It would be carrying the right to prosecute claims against the District too far to give again the right to litigate a claim after it is barred by the statute of limitations when the claimants, anticipating the decision would be adverse to them, declined to further prosecute; this, too, when, if the decision had been against them, they would have still retained the right of appeal to a higher court. If they have suffered injustice, it was because of their own omission to take advantage of the provisions of the statute by which the rights of all parties were carefully guarded.

The second claim, that of Peter P. Little, administrator of Michael Shiner, against the District of Columbia, seems to us to have no possible basis of equity. The claimant intestate on the 16th and 20th days of September, 1871, made two contracts in writing, by the terms of which he was to receive 20 cents per cubic yard for the grading of Eleventh street east from Pennsylvania avenue to H street north. By the contracts it was stipulated that the work should be commenced on or before the 21st and 25th days, respectively, of September, 1871. It was also provided that unless the work was suspended by order of the officers of the District it should be completed within ninety days from the date fixed for its commencement. Of the work required to be done by this contract, 6,833 cubic yards were finished before the 8th day of January, 1872, and 12,758 cubic yards after January 8, 1872. For the work done after January 8, 1872, it is claimed 30 cents per cubic yard should be paid, because on the 22d of January, 1872, the board of public works made the following order:

"*Ordered*, That the prices of grading be fixed at 30 cents per cubic yard, including hauling, etc."

This order was not made until the month following the date fixed by the contract for the completion of the work.

It is alleged that on the 6th of September, 1872, Mr. Shiner received a note from the assistant secretary of the board directing him to cancel his two contracts and to prepare a new one dated after the adoption of prices under the above order and in accordance therewith. This contract, however, it seems, was never made. We can hardly understand the conduct of a board an officer of which would invite a contractor to cancel subsisting contracts and invite him to prepare a new one dated months after the work was to have been finished under his agreement, and in which a much higher price was to be paid. What was the reason for this very material advance in price we are not informed, but it can not be denied that if the price of grading had been diminished the contractor would have received the benefit of his contract, which, by this change, would be a favorable one. We can see no reason for the application of a different rule when the price had been increased. This case was carefully considered by the Court of Claims, and in the opinion Chief Justice Drake says:

"We are not able to discover any foundation for such a claim. Every fact in the case is against it. The grading was all done before claimant's contracts were canceled, and at a time when there was not the least ground for claiming it to have been done under any other contracts. The order of January 22, 1872, increasing the rates for grading, was not retrospective in its operation; did not refer to contracts previously entered into on other rates; did not mention Shiner or his contracts."

The claim of Owen O'Hara is based upon an alleged error in the measurement of the excavation in sewer trenches. This case was fully considered by the Court of Claims and a decision rendered adverse to the claimants. In this case, also, a balance was found due to O'Hara, which he accepted, presumably in full settlement of all his claims.

The case of Frank H. Finley and T. A. Brown, his assignee, presents a question of the validity of the action of the Court of Claims in detaining on final settlement certain overpayments by the board of audit. Finley made his contracts for grading at 20 cents per cubic yard. Thereafter, when a measurement was made, he was allowed payment at the rate of 30 cents per cubic yard, notwithstanding his contract. He also was allowed for hauling away material, in addition to the price for grading, 15 cents a yard for 30,640 cubic yards of earth. He receipted for this amount in full on the 2d of June, 1873. Afterwards, when the board of public works had ceased to exist, on September 23, 1875, he presented to the board of audit a claim for additional compensation for depositing this earth in the canal. The board of audit were induced to allow him 15 cents per cubic yard for earth deposited in the canal in addition to the price for hauling.

On this subject the Court of Claims say:

"The claim was also presented long after the authority of the board to receive claims had expired, and its action thereon was ultra vires, and voidable, if not void. Besides, the claim had no foundation in fact. The board of public works never did agree to pay 15 cents or any other price for depositing earth in the canal, the hauling of which they were to pay for according to distance hauled. Such an agreement was not expressed in any of the writings or facts set forth in the findings, and it is not to be presumed, so closely would it border upon absurdity. When a contractor agrees to excavate earth and haul it away, and prices are expressly fixed for the excavation and for the haul, it is hardly to be conceived that it could be understood that he was to have extra compensation for emptying his carts. And yet such was Finley's claim, and the board of audit fell into the mistake of accepting it."

On trial of the case in the Court of Claims this erroneous payment was set up by the District as a counterclaim. The court, on full consideration of the facts and circumstances, allowed the counterclaim and gave to Brown, the assignee of Finley, a judgment for the balance found due on all his accounts, namely, $2,422.71.

Upon another claim made by Finley for extra sewer work, the Court of Claims say:

"On the 13th of June, 1874, the board of public works stated a final account with Finley for sewer work on K street, under contract No. 795, allowing him the increased prices named in the extension of June 9, 1874, and the previous correspondence upon which it was founded. (First finding.) This showed the amount due him to be $14,395.02.

"Of this sum the board of public works paid him part, and he receipted on the back of the account without objection to the prices. After that board was abolished the board of audit paid him the balance, and he receipted for the same on the account 'in full settlement of the above-stated claims.'

"Finley never claimed anything more, but by some means, not explained, the board of audit, without any demand or presentation of claim by him, allowed to Finley $1,741.66 for extra excavation, on account of quicksands and other matters, upon an old bill which somebody other than Finley had exhumed from the archives of the board of public works, and which had been compromised, settled, and abandoned long before the board of audit came into existence. The facts about that old bill seem to be these:

"In April, 1874, he had sent his claim for extras to the board of public works. Soon afterwards, on the 23d of May following, he wrote to the board, appealing for better rates of compensation than his contract specified, on account of the difficulties that beset him in accomplishing the work. The board took into consideration his appeal and the bill for extras which he had presented, and they very largely increased the prices for work under his contract, No. 795. These prices were allowed for all work included in the final settlement, and were intended to cover all the items of the bill which the board of audit afterwards allowed, and were a discharge and satisfaction thereof. Finley so understood it, for he never thereafter claimed the same as due him, and never presented any such demand to the board of audit. He

took the money not because it was due him, nor because he had set up any claim to it, but merely for the reason that the board had mistakenly allowed it to him. It was, in fact, forced upon him.

"It would be a perversion of justice, when he comes into court and asks for a final settlement of his accounts and for payment of the balance due him, if he could retain money of the District thus wrongfully obtained from it. We can not do otherwise than hold that the allowance and payment being made in mistake of fact, the defendant may set up the same against Finley by way of counterclaim."

We see no possible reason why these claims should be opened at this late day. Indeed, if either party was the sufferer by the adjustment of the accounts, we think it was the District, rather than Finley or his assignee.

The claim of William Schooler, as originally filed in the Court of Claims on the 20th of September, 1880, was for the removal of old material and excavation. The rules which should govern in determining the validity of this claim have been already sufficiently set forth in the mention heretofore made of other claims in which similar demands are made. It is true that he now in a petition filed with the committee lays claim to higher compensation for work done under his contracts. No mention whatever of any additional compensation being due him was made in his petition filed more than ten years ago. There does not seem to be any merit in this claim.

The claim of Patrick Brennan was for damages suffered in the construction of work at the intersection of T and Eighteenth streets. It was claimed by him that, notwithstanding his contract made him responsible for all damages from the action of the "elements," the refusal of the engineer in charge of the work to allow him to put in a culvert caused him damage to the amount of $2,508.44. He demanded this amount because of alleged arbitrary interference of the engineer. It was proved that by the engineer's refusal he was not prevented from adopting such measures of precaution as might have avoided the loss. He also presents other claims to the committee, which were set forth in a suit brought in the Court of Claims in 1880, but were abandoned by him on trial of the case. The Court of Claims gave him a judgment for the amount due him on his accounts, namely, $1,495.56, with interest from June 1, 1875. He received this sum, and we regard that as a full settlement of all his claims.

The claim of John J. Shipman was tried with a degree of thoroughness seldom exhibited in lawsuits. A very large amount of testimony was taken, and the court elaborately reviewed the facts and law pertaining to the claim. The claimant filed his original petition, and later filed two separate amendments thereto, and his case was carefully presented by counsel; so that evidently nothing was left undone to secure the full compensation due to him. Allowances were made by the Court of Claims on counterclaims by the District for certain overpayments which were probably mistakes of fact made by the board of public works or the board of audit in measurements. There is no reason which would apply in favor of a reopening of this case which would not apply to any lawsuit thoroughly tried, carefully examined, and decided ten years ago.

The claim of Lipscomb, administrator of Eslin, is for an alleged overcharge made by the officers of the District for certain material furnished to Eslin and used by him in performing his contracts. It is maintained that Eslin was charged 75 cents per yard for a quantity of blue rock, when the charge should have been 75 cents per load, each load containing about 3 yards. Payment was received by Eslin's attorney on a basis of 75 cents per yard, and no complaint made, nor does it appear that the decedent during his lifetime objected to the adjustment of his accounts on that basis. An effort was made during the trial to establish by testimony that the rate charged in other cases was 75 cents per load. We think this effort signally failed.

Three witnesses were examined, two of whom testified that 75 cents per yard was charged, and the other 75 cents per load; but, aside from the comparative credibility of the witnesses, the memoranda taken at the time decidedly favored the price of 75 cents per yard. It appears that the price allowed for paving was $1.50 per yard when the contractor furnished both the labor and material, and 75 cents per yard when the District furnished the material. This would leave the difference between the two 75 cents per yard for material, and would apparently establish that as the price charged in transactions between the District and contractors.

Several general considerations seem to be conclusive of the merits of these claims. First, every one of the claimants had opportunity to obtain his just dues. The work was done under the supervision of the board of public works. Later the statute of June 20, 1874, created a board of audit, composed of the First and Second Comptrollers of the Treasury, aided by skillful accountants, and directed that they should promptly investigate and settle these similar claims. Afterwards, in 1880, the statute referred to was passed, giving the right within six months to bring suit in the Court of Claims and providing that claims not presented during that time should be forever barred. In this statute the right of appeal to the Supreme Court of the United States was also given. In most of the claims included in this bill a judgment was entered in favor of the plaintiffs, which they accepted, and in several cases the judgment specified that unless the claimants accepted the amount named therein judgment should be entered against them. In these cases the amount was accepted. The aim of the two statutes creating the board of audit and giving the jurisdiction to the Court of Claims is manifest. It was to adjust and finally dispose of transactions which had been marked by an unusual degree of looseness and haste.

There is nowhere any evidence of any lack of vigilance on the part of claimants in asserting their claims, or of unwillingness on the part of the tribunals in question to give to them all their just dues; second, there is not such a preponderance of evidence in favor of the claimants in any of the cases as to justify a court to reopen the case, even if the application for a new trial or rehearing had been made at the time; third, all the objections which apply to the reopening of controversies and the investigation of transactions long remote apply with special force to these cases. It would now be practically impossible for any court to examine these claims and ascertain their merits with that degree of accuracy which was possible at the time jurisdiction was given to the board of audit and the Court of Claims. In making a defense the District of Columbia would be subjected to a very great disadvantage, as not only have the officers having the matter in charge been changed for the most part, but the form of government has also been changed.

The contention of the claimants is that they should have the most favorable terms in making settlement which were granted to any parties making contracts with the District, so that even if a material mistake were made, and too much was allowed to anyone, everyone should have the same advantage in obtaining compensation. This intention is clearly set forth in a bill introduced in the Forty-eighth Congress (H. R. 7489), in which section 2 provides that—

"Whenever the board of public works or the Commissioners of said District by general orders or rules have fixed or established higher or increased prices or rates for work or labor performed or material furnished under such written or oral contracts than the price mentioned, such higher rates shall be deemed and taken to be the rates of compensation applicable to said contract, with like effect as if inserted therein."

We can not approve a bill which seeks to ignore the written contracts made by the parties, and gives the option of claiming a higher rate of compensation for the work than that for which it was agreed to be done. The decisions indicate that the Court of Claims examined these cases with care and marked ability, and if there is any evidence of insufficient consideration it is rather in the cases which the claimants seek to establish as precedents than in the decisions upon the claims in controversy.

The committee accordingly recommend that Senate bill 3061, together with House bill 2448, which is of similar import, be laid on the table.

Mr. GROUT. Now, Mr. Chairman, I believe the bill is completed. I move that the committee rise and report the bill to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10167) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes, and had directed him to report the bill back to the House with sundry amendments and with the recommendation that as amended the bill do pass.

The SPEAKER. The question is on agreeing to the amendments.

Mr. GROUT. Mr. Speaker, I move the previous question on the amendments and the bill to its passage.

The previous question was ordered, and under the operation thereof the amendments recommended by the Committee of the Whole were agreed to, and the bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. GROUT, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills and joint resolution of the following titles:

Joint resolution (H. Res. 243) providing for the printing of the Consular Regulations of 1896;

A bill (H. R. 9799) to amend an act entitled "An act to authorize the Chattanooga Western Railway Company to construct a bridge across the Tennessee River near Chattanooga;"

A bill (H. R. 1524) to execute the findings of the Court of Claims in the matter of William B. Isaacs & Co.;

A bill (H. R. 2985) granting an increase of pension to Lemuel J. Essex;

A bill (H. R. 6539) to increase the pension of Richard C. Enright;

A bill (H. R. 3688) to pension James L. McKinney for services in Oregon Indian wars;

A bill (H. R. 3939) to pension Daniel Giles for services in Oregon Indian wars;

A bill (H. R. 2189) granting a pension to Mrs. Mary A. Freeman;

A bill (H. R. 4099) to increase the pension of Mary S. Higgins;

A bill (H. R. 2620) granting a pension to Lauretta L. Prince;

A bill (H. R. 2257) to increase the pension of Charles H. Twomey;

A bill (H. R. 7740) granting an increase of pension to Lewis Keiser;

A bill (H. R. 1168) to increase the pension of Joseph P. Hill, late of Company F, Eighty-first Regiment of Illinois Volunteers, in the war of the rebellion;

A bill (H. R. 2725) granting increase of pension to Henry Slaughter;

A bill (H. R. 6166) granting a pension to Minnie Parker, widow of Col. and Bvt. Brig. Gen. Ely S. Parker, late of the United States Army;

A bill (H. R. 4001) to reinstate William Waldrup on the pension roll;

A bill (H. R. 5061) to pension Ira Powers, of Henderson County, Tenn.;

A bill (H. R. 7821) granting a pension to Annie Schifirli;

A bill (H. R. 3264) to increase the pension of Mrs. Virginia E. Turtle, of the District of Columbia;

A bill (H. R. 3166) granting a pension to George B. Merchant;

A bill (H. R. 7349) to pension Lewellyn D. King;

A bill (H. R. 4841) granting a pension to Mellisa Adams, widow of Silas Adams;

A bill (H. R. 1064) for the relief of Henry F. Thornton;

A bill (H. R. 5068) to grant pension to Jane Cunningham, widow of James Cunningham;

A bill (H. R. 10085) for the relief of Elnora Shuman;

A bill (H. R. 6234) to restore the name of James R. Pack to the pension roll;

A bill (H. R. 7333) granting a pension to William Edwards, Company D, Tenth Regiment Vermont Volunteers;

A bill (H. R. 1948) to grant a pension to Uriah Andricks, Fifty-fourth Illinois Volunteer Infantry;

A bill (H. R. 6236) to grant a pension to Mrs. Helen A. Funkhouser;

A bill (H. R. 7115) granting a pension to James Warbrook;
A bill (H. R. 5532) to increase the pension of Josephine Glover;
A bill (H. R. 7969) to increase the pension of Joseph E. Vantine;
A bill (H. R. 3787) for the relief of H. C. Herndon;
A bill (H. R. 5482) authorizing the Cleveland Bridge Company to construct a bridge across the Arkansas River;
A bill (H. R. 6776) to provide an American register for the bark *Vila;*
A bill (H. R. 8814) to authorize the construction by the Duluth and North Dakota Railroad Company of two bridges across the Red River of the North, between the States of Minnesota and North Dakota;
A bill (H. R. 9841) to amend an act authorizing the West Braddock Bridge Company to construct a bridge over the Monongahela River from the borough of Rankin to Mifflin Township;
A bill (H. R. 9734) to provide an American register for the bark *E. C. Mowatt*, of Philadelphia, Pa.;
A bill (H. R. 8190) to provide an American register for the bark *Ceres;*
A bill (H. R. 2741) for the relief of Peter Cook, of Arkansas;
A bill (H. R. 4279) to cure the title to certain real estate in the District of Columbia;
A bill (H. R. 8010) to authorize a survey for construction of a bridge across the Eastern Branch of the Potomac River, in line with Massachusetts avenue extended eastward;
A bill (H. R. 7906) to grant an honorable discharge to Adam Hand as first lieutenant of Company B, One hundred and eighty-fourth Regiment Pennsylvania Infantry Volunteers;
A bill (H. R. 9863) to extend and amend an act entitled "An act to grant the right of way to the Kansas, Oklahoma Central and Southwestern Railway Company through the Indian Territory and Oklahoma Territory, and for other purposes;"
A bill (H. R. 8356) to authorize the establishment of a life-saving station at or near Great Boars Head, on the coast of New Hampshire;
A bill (H. R. 9775) to repeal so much of chapter 189 of the Statutes of the United States of America, passed at the third session of the Fifty-third Congress, and approved March 2, 1895, as requires that the lower portion of the Rock Island Bridge shall not be occupied by any street railway company without paying a reasonable rent therefor;
A bill (H. R. 10067) to amend "An act to amend 'An act to amend section 4400 of Title LII of the Revised Statutes of the United States, concerning the regulation of steam vessels,' approved August 7, 1882;" and also to amend section 4414, Title LII, of the Revised Statutes, "Regulation of steam vessels:"
A bill (H. R. 10012) relating to the improvement of Eastchester Creek, State of New York; and
A bill (H. R. 4985) to permit a part of the Fort Lyon Military Reservation to be occupied, improved, and controlled for a Soldiers' Home by the State of Colorado.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 3623) granting a pension to Mrs. Mary Gould Carr, the widow of the late Brigadier and Brevet Major General Carr, United States Volunteers, deceased, asked a conference with the House on the disagreeing votes of the two Houses, and had appointed Mr. GALLINGER, Mr. HILL, and Mr. SHOUP as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to bills of the following titles:
A bill (S. 757) granting an increase of pension to Adelaide Morris;
A bill (S. 684) granting an increase of pension to Marion McKibben; and
A bill (S. 905) granting a pension to Mary W. Keeffe.

The message also announced that the Senate had passed with amendments the bill (H. R. 7469) for the removal of snow and ice from the sidewalks, crosswalks, and gutters in the District of Columbia, and for other purposes, asked a conference with the House on the bill and amendments, and had appointed Mr. MCMILLAN, Mr. FAULKNER, and Mr. BAKER as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments bills of the following titles in which the concurrence of the House was requested:
A bill (H. R. 897) for the relief of James Stewart;
A bill (H. R. 3494) granting a pension to Frances M. Roberts;
A bill (H. R. 6528) to increase the pension of Clara L. Nichols, widow of Bvt. Maj. Gen. W. A. Nichols;
A bill (H. R. 3481) granting a pension to James L. Wing;
A bill (H. R. 6902) granting a pension to Mrs. Mary A. Viel;
A bill (H. R. 3937) granting a pension to Miriam V. Kenney widow of Samuel W. Kenney;
A bill (H. R. 9029) to grant to the Hudson Reservoir and Canal Company the right of way through the Gila River Indian Reservation;
A bill (H. R. 9666) to correct and amend the military record of John Long, late private Company H, Thirty-first Regiment Missouri Volunteers; and
A bill (H. R. 9345) to enable certain persons in the State of Mississippi to procure title to public lands.

The message also announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House was requested:
Joint resolution (S. R. 121) to amend an act granting to the Duluth and Winnepeg Railroad Company a right of way through the Chippewa and White Earth reservations, in the State of Minnesota;
A bill (S. 3191) granting a pension to Milton T. Bedford;
A bill (S. 2576) granting a pension to Mrs. Martha L. Bohannon, of Lynchburg, Va.;
A bill (S. 3584) granting a pension to Louise A. Rice, widow of Bvt. Maj. Gen. Samuel A. Rice;
A bill (S. 617) granting an increase of pension to Mary E. Law;
A bill (S. 3556) granting a pension to Carlton W. Muzzy;
A bill (S. 1394) granting an increase of pension to Mrs. E. S. Kelly;
A bill (S. 2674) granting a pension to Levi R. Long;
A bill (S. 3509) to increase the pension of Gen. James W. McMillan;
A bill (S. 1302) granting a pension to Thomas Madden;
A bill (S. 3350) granting a pension to Susan A. Paddock;
Joint resolution (S. R. 191) relative to the improvement of the waterway between Birmingham, Ala., and the Black Warrior River.
A bill (S. 3124) granting an increase of pension to Isabella H. Silvey, widow of Lieut. Col. William Silvey, deceased;
A bill (S. 3144) granting a pension to Samuel Shaffer;
A bill (S. 2910) granting a pension to Mrs. Essie E. Powell;
A bill (S. 355) granting a pension to Rhoda A. Van Niman; and
A bill (S. 3636) to increase the pension of the soldiers and sailors of the war of 1812.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred as follows:
A bill (S. 3191) granting a pension to Milton T. Bedford—to the Committee on Invalid Pensions.
A bill (S. 2576) granting a pension to Mrs. Martha L. Bohannon, of Lynchburg, Va.—to the Committee on Pensions.
A bill (S. 2674) granting a pension to Levi R. Long—to the Committee on Invalid Pensions.
A bill (S. 3509) to increase the pension of Gen. James W. McMillan—to the Committee on Invalid Pensions.
A bill (S. 3350) granting a pension to Susan A. Paddock—to the Committee on Invalid Pensions.
A bill (S. 1302) granting a pension to Thomas Madden—to the Committee on Invalid Pensions.
A bill (S. 2910) granting a pension to Mrs. Essie E. Powell—to the Committee on Invalid Pensions.
A bill (S. 3144) granting a pension to Samuel Shaffer—to the Committee on Invalid Pensions.
A bill (S. 355) granting a pension to Rhoda A. Van Niman—to the Committee on Invalid Pensions.
A bill (S. 3636) to increase the pension of the soldiers and sailors of the war of 1812—to the Committee on Pensions.
Joint resolution (S. R. 121) to amend an act granting to the Duluth and Winnipeg Railroad Company a right of way through the Chippewa and White Earth reservations, in the State of Minnesota—to the Committee on Indian Affairs.
Joint resolution (S. R. 191) relative to the improvement of the waterway between Birmingham, Ala., and the Black Warrior River—to the Committee on Rivers and Harbors.
A bill (S. 3239) for the relief of the estate of Richard Lawson—to the Committee on War Claims.

JAMES STEWART.

The SPEAKER laid before the House the bill (H. R. 897) for the relief of James Stewart, with an amendment of the Senate thereto.

Mr. CANNON. Mr. Speaker, I would be glad if some gentleman would tell us what there is in this bill.

The SPEAKER. The bill can be referred to a committee, if that is the will of the House.

Mr. CANNON. I move that it be referred.

Mr. MAHON. Mr. Speaker, I move that the House concur in the Senate amendment, which is a mere correction of the phraseology of the bill.

Mr. BROMWELL. Mr. Speaker, I understand that the gentleman from Illinois [Mr. CANNON] has moved to refer this bill to a committee. I hope that will not be done, because the Senate amendment is merely formal. The bill as it went to the Senate from this body contained the words "for wages he has earned."

The Senate amended that so as to read, "for wages which he is alleged to have earned."

Mr. CANNON. What are the facts about the bill?

Mr. BROMWELL. It is the Stewart case that passed through the House a short time ago. The gentleman from Illinois took part in the debate upon it. It is a longevity pay claim. The bill passed the House and went to the Senate containing the language I have stated, and the Senate has amended it so as to read, "for wages which he is alleged to have earned." It is a merely formal amendment.

Mr. CANNON. Well, Mr. Speaker, I made my fight against that bill with as much vigor as I could command when it was under consideration here, but the House passed the bill, and I have nothing further to say.

The SPEAKER. Does the gentleman withdraw his motion to refer the bill to a committee?

Mr. CANNON. I withdraw the motion..

The Senate amendment was concurred in.

ORDER OF BUSINESS.

Mr. POWERS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. POWERS. I rise to ask unanimous consent for the consideration of a bill.

The SPEAKER. The Chair desires to dispose of the public business which is on the Speaker's table.

HUDSON RESERVOIR AND CANAL COMPANY.

The SPEAKER laid before the House the bill (H. R. 9029) to grant to the Hudson Reservoir and Canal Company a right of way through the Gila Indian Reservation, with an amendment of the Senate thereto.

Mr. MURPHY of Arizona. Mr. Speaker, I move that the House concur in the Senate amendment.

Mr. McMILLIN. Mr. Speaker, I understand that this is a bill which was up for consideration in the early part of this week, when the statement was made that it had been recommended by the Secretary of the Interior.

Mr. MURPHY of Arizona. It is.

Mr. TERRY. What effect does the Senate amendment have?

Mr. MURPHY of Arizona. The Senate amendment strikes out section 10, providing that "the provisions of this act shall be in force from its passage." The Senate evidently regarded that as surplusage.

The amendment of the Senate was concurred in.

REMOVAL OF SNOW AND ICE IN THE DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the bill (H. R. 7469) providing for the removal of snow and ice from the sidewalks, cross walks, and gutters of the District of Columbia, and for other purposes, with amendments of the Senate thereto.

Mr. RICHARDSON. Mr. Speaker, I do not see the gentleman from Wisconsin [Mr. BABCOCK], the chairman of the Committee on the District of Columbia, in his seat, but I think he wishes to have that bill referred to his committee, and I move that it be so referred.

The motion was agreed to; and the bill was referred to the Committee on the District of Columbia.

MRS. MARY A. VIEL.

The SPEAKER also laid before the House the bill (H. R. 6902) granting a pension to Mrs. Mary A. Viel, with an amendment of the Senate thereto, reducing the pension from $25 to $12 per month.

The amendment was concurred in.

CLARA L. NICHOLS.

The SPEAKER also laid before the House the bill (H. R. 6528) to increase the pension of Clara L. Nichols, with an amendment of the Senate striking out $75 and inserting $50, making the pension at the rate of $50 per month.

The amendment was concurred in.

MIRIAM V. KENNEY.

The SPEAKER also laid before the House the bill (H. R. 3927) granting a pension to Miriam V. Kenney, with an amendment striking out $25 and inserting $12, making the pension at the rate of $12 per month.

Mr. LOUD. Mr. Speaker, I would like to inquire if the reading clerk is not making some mistake. Is the Senate really reducing these pensions? [Laughter.]

The SPEAKER. The Chair is informed that the Clerk is reading correctly. [Laughter.]

Mr. LOUD. It seems impossible.

The SPEAKER. Well, it may seem so.

Mr. BLUE. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to; and the amendment was concurred in.

FRANCES M. ROBERTS.

The SPEAKER also laid before the House the bill (H. R. 3494) granting a pension to Frances M. Roberts, with an amendment of the Senate thereto.

On motion of Mr. OTJEN, the Senate amendment was concurred in.

JAMES L. WING.

The SPEAKER laid before the House the bill (H. R. 3481) granting a pension to James L. Wing, with an amendment of the Senate.

The amendment of the Senate striking out "thirty" and inserting "twenty," to make the rate of pension $20 a month, was read.

Mr. BLUE. I move that the amendment of the Senate be concurred in.

The motion was agreed to.

JOHN LONG.

The SPEAKER also laid before the House, with an amendment of the Senate, the bill (H. R. 9666) to correct and amend the military record of John Long, late private Company H, Thirty-first Regiment Missouri Volunteers.

The amendment of the Senate was read.

Mr. STEELE. Is not this a case where the House bill provided that the amendment of the soldier's military record should carry no additional pay or emolument?

Mr. LOUD. Let us have the House bill read.

The bill as passed by the House was read.

Mr. TRACEY. I move that the amendment of the Senate be concurred in.

The motion was agreed to.

TITLE TO PUBLIC LANDS IN MISSISSIPPI.

The SPEAKER also laid before the House, with amendments of the Senate, the bill (H. R. 9345) to enable certain persons in the State of Mississippi to procure title to public lands.

The amendment of the Senate was read.

Mr. LACEY. I move the reference of this bill, with the amendments of the Senate, to the Committee on Public Lands. These amendments are very voluminous, and we have had no opportunity to examine them.

Mr. KYLE rose.

Mr. LACEY. If the gentleman from Mississippi [Mr. KYLE] prefers it, the bill might, by unanimous consent, remain on the Speaker's table until the amendments can be examined.

The SPEAKER. The gentleman from Iowa moves that the bill, with the amendments of the Senate, be referred to the Committee on Public Lands.

Mr. KYLE. Mr. Speaker, my colleague [Mr. WILLIAMS], who introduced this bill, is not present just now. I ask unanimous consent that the bill be allowed to remain on the Speaker's table.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that the bill, with the amendments, be permitted to remain on the Speaker's table. Is there objection? The Chair hears none.

MRS. MARY GOULD CARR.

The SPEAKER laid before the House the bill (S. 3623) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased; which was read.

The SPEAKER. This bill has been returned from the Senate with the amendment of the House nonconcurred in, and the request of that body for a conference.

The amendment of the House striking out $75 and inserting $50 as the amount of the proposed pension was read.

Mr. PAYNE. I move that the House insist on its amendment and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. CROWTHER, Mr. THOMAS, and Mr. LAYTON as conferees on the part of the House.

FRANCES M. ROBERTS.

Mr. BLUE. Mr. Speaker, a few moments ago the House agreed to an amendment of the Senate to a bill pensioning the dependent daughter of a soldier of the war of 1812—House bill 3494, to pension Frances M. Roberts. When the amendment was concurred in, I did not catch fully its purport. I desire to make a motion to reconsider the vote by which the House concurred in that amendment.

The motion to reconsider was agreed to.

Mr. BLUE. I now move that the bill, with the amendment of the Senate, be referred to the Committee on Invalid Pensions.

The motion was agreed to.

Mr. PAYNE. I move to reconsider the several votes by which bills on the Speaker's table have been disposed of, and also move that the motion to reconsider be laid on the table.

The motion was agreed to.

TERMS OF UNITED STATES COURTS IN UTAH.

The SPEAKER laid before the House the bill (S. 2037) to provide times and places for holding terms of United States courts in Utah; which was read.

The SPEAKER. This bill, having been amended by the House,

has been returned from the Senate with the amendment disagreed to and a request for a conference.

The amendment of the Senate was read.

Mr. HENDERSON. I move that the House insist on its amendment and agree to the conference asked.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. BRODERICK, Mr. BURTON of Missouri, and Mr. BAILEY as conferees on the part of the House.

ORDER OF BUSINESS.

Several members addressed the Chair.

The SPEAKER. The Chair recognizes the gentleman from Kentucky [Mr. EVANS], who wishes to bring up a matter of public business.

Mr. LOUD. I do not desire to disturb any arrangement which may have been made, but I call for the regular order.

Mr. EVANS. I desire to call up a privileged report.

The SPEAKER. This is the regular order.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 8190) to provide an American register for the bark *Ceres;*

A bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898;

A bill (S. 1356) to increase the pension of Elizabeth L. Larrabee, widow of Col. C. H. Larrabee, late of the Twenty-fourth Regiment of Wisconsin Volunteers;

A bill (S. 638) granting an increase of pension to John Nichols;

A bill (S. 1017) granting a pension to Robert Kiracofe;

A bill (S. 1310) granting an increase of pension to Shubael Gould;

A bill (S. 1311) granting an increase of pension to Dudley F. Brown;

A bill (S. 3622) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough;

A bill (S. 895) for the relief of Christopher Ellis;

A bill (S. 3320) to provide a life-saving station at or near Point Arena, Mendocino County, in the State of California;

A bill (S. 146) granting an increase of pension to Samuel C. Towne;

A bill (S. 905) granting a pension to Mary W. Keeffe;

A bill (S. 757) granting an increase of pension to Adelaide Morris;

A bill (S. 684) granting an increase of pension to Marion McKibben;

A bill (S. 2133) granting a pension to Mary E. Ely;

A bill (S. 1949) granting an additional pension to Capt. Bradbury W. Hight; and

A bill (S. 1787) granting a pension to Nancy T. Duncklee.

SALE OF FORFEITED OPIUM.

Mr. EVANS. Mr. Speaker, I desire to call up for present consideration a report from the Committee on Ways and Means on the bill (H. R. 10203) to amend section 40 of "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, so as to authorize the sale of forfeited domestic smoking opium to the highest bidder.

The SPEAKER. The bill will be read.

The Clerk read as follows:

Be it enacted, etc., That section 40 of an act entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, be amended by adding at the end of said section the words "and may be sold to the highest bidder."

The Committee on Ways and Means recommend the adoption of the following amendment:

Add to the bill: "Pursuant to the provisions of section 3460, Revised Statutes, if not valued as therein provided at over $500; but if valued at more than $500, the sale shall be made pursuant to the judgment of the court in the proceedings for condemnation or forfeiture."

The SPEAKER. This is a bill, the Chair will state, that is before the Committee of the Whole House on the state of the Union.

Mr. EVANS. I think if the report is read there will be no objection to its consideration in the House as in Committee of the Whole.

Mr. DOCKERY. Is it a unanimous report from the committee?

Mr. EVANS. It is the unanimous report of the committee.

The SPEAKER. If there be no objection, the bill will be considered in the House as in Committee of the Whole.

There was no objection.

The report (by Mr. EVANS) was read, as follows:

The Committee on Ways and Means, having carefully considered the bill (H. R. 10203) to amend section 40 of the act of October 1, 1890, to reduce the revenue, etc., recommend that the same be passed when amended by adding thereto the words following, viz:

"Pursuant to the provisions of section 3460, Revised Statutes, if not valued as therein provided at over $500, but if valued at more than $500 the sale shall be made pursuant to the judgment of the court in the proceedings for condemnation or forfeiture."

They do so upon the recommendation of the Secretary of the Treasury and the Acting Commissioner of Internal Revenue in the letters which are appended, as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., January 21, 1897.

SIR: I have the honor to transmit herewith a copy of a letter from the Acting Commissioner of Internal Revenue, dated the 18th instant, stating the embarrassment under which that office labors from the absence of specific statutory authority permitting the sale by a collector of internal revenue, to the highest bidder, of forfeited domestic prepared smoking opium, similar to the authority given collectors of customs by sections 3074 and 3077, Revised Statutes, in the case of imported smoking opium or other goods seized as forfeitable under the customs laws.

As a remedy the Acting Commissioner suggests an amendment of section 40 of the act of October 1, 1890 (26 Stat. L., 621), relating to opium, by the addition of the words "and may be sold to the highest bidder."

I respectfully recommend the passage of the proposed amendment.

Respectfully, yours,

W. E. CURTIS, *Acting Secretary.*

Hon. NELSON DINGLEY,
Chairman Committee on Ways and Means,
House of Representatives, Washington, D. C.

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TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., January 18, 1897.

SIR: Your attention is called to an embarrassment under which this office labors from the absence of specific statutory authority permitting the sale by a collector of internal revenue, to the highest bidder, of forfeited domestic prepared smoking opium, similar to the authority given collectors of customs by sections 3074 and 3077, Revised Statutes, in the case of imported smoking opium or other goods seized as forfeitable under the customs laws.

Under section 3334, Revised Statutes, amended, and other sections, goods taxable under the internal-revenue laws, sold by order of court or by the collector, under warrant of distraint or under section 3460, Revised Statutes, are required to be sold subject to tax. Usually in the case of spirits, tobacco, cigars, etc., the sale can be effected for an amount at least equal to the tax. In the case of domestic smoking opium, however, the tax of $10 per pound is prohibitory of such sale. The duty on imported smoking opium being but $6 per pound, it is impossible to sell the domestic article for $10.

Crude opium is on the free list, and it was no doubt anticipated, when the internal-revenue tax of $10 was imposed on domestic smoking opium, that there would be some lawful production of the domestic manufactured article. Such has proved, however, not to be the case. Not a single lawful manufactory of domestic smoking opinion has ever been established, nor an ounce of the article produced. The unstamped smoking opium seized (on the Pacific Coast almost exclusively) is said often to be made from a small portion of the foreign article mixed with yen she, or the ashes of opium from pipes. It is of course inferior, but this office understands that it might, notwithstanding, be usually depended upon to sell for $3 or more per pound.

There are now in the hands of Collector Welburn several thousand 5 tael cans of domestic smoking opium liable to forfeiture, if it could be disposed of under the law. There is no specific authority for destroying it in case it will not bring a price equal to the tax. And it would seem that it would not be good policy to require such destruction. Its discovery and seizure have been attended with considerable expense which it is desirable should be reimbursed out of the proceeds. In my opinion no valid objection can be urged to a specific provision of law authorizing the sale of such property to the highest bidder in view of the situation. The goods so sold will not take the place of lawfully manufactured domestic smoking opium, there being none.

I therefore suggest that an act of Congress be sought amending section 40 of the act of October 1, 1890, relating to opium, by the addition of the words "and may be sold to the highest bidder."

If such amendment should be enacted by Congress, it would be practicable to use the opium stamps heretofore prepared (none of which have ever been used) with a proper indorsement across the face of each stamp used upon a box of forfeited opium by the collector, showing the facts and date of the forfeiture, sale, etc.

Respectfully, yours,

G. W. WILSON,
Acting Commissioner.

THE SECRETARY OF THE TREASURY.

The SPEAKER. The question is on agreeing to the amendment recommended by the Committee on Ways and Means.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. EVANS, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. JOHNSON of Indiana. Mr. Speaker——

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent——

The SPEAKER. The regular order has been called for, which is the call of committees for report. The Clerk will proceed with the call.

The Committee on Elections No. 2 was called.

Mr. JOHNSON of Indiana. Mr. Speaker, I ask unanimous consent to take up and consider at this time in the House, as in Committee of the Whole House, the Report No. 1974, reported from Committee on Elections No. 2——

Mr. MCMILLIN. Will the gentleman indicate the nature of the report?

Mr. JOHNSON of Indiana. It is a bill to repeal the statutory limitation of $2,000 allowed to contestants and contestees in election cases.

Mr. SAYERS. Mr. Speaker, let us have that bill read.

Mr. LOUD. This is on the Union Calendar?

Mr. PAYNE. If it is on the Union Calendar, it will require unanimous consent.

Mr. LOUD. Then, Mr. Speaker, I insist on the regular order.

Mr. SAYERS. I object to its consideration.

Mr. JOHNSON of Indiana. I ask that the gentleman from Texas will hear the reading of the report.

Mr. McMILLIN. I ask for the reading of the bill first, and then we can have the report, reserving the right to object.

Mr. LOUD. The Speaker has uniformly suggested that during the call of committees for reports we should confine ourselves to the consideration of measures on the House Calendar, and has invariably suggested to members who asked unanimous consent that it was not desirable to interrupt that order.

The SPEAKER. The Chair understands this is not a proposition to interrupt the order. The Chair understood the gentleman from Indiana to rise before the call of committees was commenced. The Chair, of course, does not like to interrupt either the business on the Speaker's table or the call of committees. But between them, as this is a matter of public business, the Chair thought it might be submitted to the House if there was no objection.

Mr. JOHNSON of Indiana. I had risen, Mr. Speaker, before the call of committees was commenced.

Mr. SAYERS. Well, Mr. Speaker, I object to the consideration of the bill.

The SPEAKER. Objection is made, and it could only be considered now by unanimous consent.

DISTRIBUTION OF THE RECORD.

Mr. RICHARDSON. Mr. Speaker, I desire to submit a report from the Committee on Printing, which I think is privileged.

The SPEAKER. The gentleman submits a privileged report.

Mr. RICHARDSON. It relates to the RECORD, and I think is privileged.

The SPEAKER. The Clerk will report the matter presented by the gentleman from Tennessee.

The Clerk read as follows:

Joint resolution (H. Res. 237) to furnish the daily CONGRESSIONAL RECORD to members of the press, etc.

The resolution was read, as follows:

Resolved, etc., That the Public Printer be, and is hereby, authorized and directed to supply to each newspaper correspondent whose name appears in the Congressional Directory, and who makes application therefor, one copy of the daily CONGRESSIONAL RECORD, the same to be sent to the office address of each member of the press, or elsewhere in the city of Washington, as he may direct.

Mr. RICHARDSON. Mr. Speaker, this is a proposition to furnish a copy of the RECORD to the paper or papers represented by the newspaper men in the gallery here.

The SPEAKER. The Chair does not think this is privileged, but will submit the matter to the House. Is there objection?

Mr. RICHARDSON. It relates to the RECORD, and I thought it was privileged.

Mr. LOUD. If it is not privileged, I hope the gentleman will allow it to go over.

Mr. RICHARDSON. It is quite late in the session, as the gentleman knows, and if any action on this is to be taken at all, it should be taken promptly.

Mr. LOUD. That is true, but it will break the rule that we have adopted with reference to unanimous consents. If it is given in one case it would have to be given in other cases, and I feel called upon to object.

Mr. RICHARDSON. Will you hear my statement?

The SPEAKER. The Chair will hear the gentleman from Tennessee on the question of privilege.

Mr. RICHARDSON. It must be in the nature of a privileged matter, because it refers to the publication of the RECORD. But I ask its present consideration.

Mr. LOUD (continuing). I think there should be no exceptions, I will state to the gentleman from Tennessee, in unanimous consents. If it be granted to the gentleman from Tennessee, it should be granted to all other gentlemen who desire it. If it is extended to one, it should be extended to all. I think we had better proceed with the regular order first, and then go on with unanimous consents afterwards.

Mr. RICHARDSON. I only want to say a word, then. I think this is a privileged report.

The SPEAKER. If the gentleman will state his ground, the Chair will be glad to hear it. The Chair had the impression that these reports were privileged when they related to printing to be done for the members.

Mr. RICHARDSON. When they relate to printing for the two Houses or for either House or for the members, but not under that provision of the rules, Mr. Speaker. I think it is privileged under the provision of the rules that matters relating to the proceedings of the House, to the integrity of those proceedings, and questions of that kind, are privileged. This resolution relates to the printing of the daily RECORD of the proceedings of the House, and my idea was that inasmuch as the resolution disposed of the daily RECORD, directed where it should be sent, it would be in order for the House to decide at any time when presented.

The SPEAKER. The Chair hardly thinks it could come up as a question of privilege, but the Chair will recognize the gentleman later, as the objection is only as to the time. The Clerk will call the committees.

The Committee on Military Affairs was called.

Mr. HULL. Mr. Speaker——

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 2 o'clock and 43 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior, submitting an estimate of appropriation to pay the Chesapeake and Ohio Railroad for the transportation of Indian pupils—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting, together with the papers in the case, an additional claim under the act of July 4, 1864, and calling attention to sundry other claims transmitted—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a further reply to the House resolution of June 6, 1896, in relation to the payment of certain State bonds and stocks now belonging to the United States, under the provisions of the Indian appropriation act of August 15, 1894, with documents accompanying—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting schedules of claims amounting to $114,876.81, allowed by officers of the Treasury Department under appropriations which have been exhausted—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. RICHARDSON, from the Committee on the District of Columbia, to which was referred bills of the following titles, reported the same with amendment, accompanied by a report; which said bills and reports were referred to the House Calendar, as follows, to wit:

The bill (H. R. 10121) to compel street railway companies in the District of Columbia to remove abandoned tracks, and for other purposes. (Report No. 2816.)

The bill (H. R. 9470) to incorporate the Washington and Gettysburg Railway Company. (Report No. 2817.)

Mr. PERKINS, from the Committee on Printing, to which was referred the concurrent resolution of the House (House Con. Res. No. 66) to print the chronological list of battles, reported the same without amendment, accompanied by a report (No. 2818); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHANNON, from the Committee on the District of Columbia, to which was referred a bill and joint resolutions of the following titles, reported the same, accompanied by reports; which said bill, joint resolutions, and reports were referred to the House Calendar, as follows:

The joint resolution (S. R. 158) to amend an act to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes. (Report No. 2819.)

The bill (H. R. 10038) to regulate the sale of poisons in the District of Columbia. (Report No. 2820.)

The joint resolution (S. R. 148) for the relief of farmers and truckmen in the city of Washington, D. C. (Report No. 2821.)

Mr. CATRON, from the Committee on Private Land Claims, to which was referred the bill of the House (H. R. 9926) to authorize the United States Court of Private Land Claims to hear, try, and determine the issues as to the extent and boundaries of the Las Animas grant, reported the same with amendment, accompanied by a report (No. 2825); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MILNES, from the Committee on the District of Columbia, to which was referred the joint resolution of the House (H. Res. 212) to suspend the operation of an act approved February 13, 1895, entitled "An act to amend an act entitled 'An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes,' approved June 16, 1880," reported the same without amendment, accompanied by a report (No. 2826); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 5927) granting a pension to Henry A. Thoburn, of Newport, Ky. (Report No. 2822.)

The bill (H. R. 10125) for the relief of Mrs. Mary A. Dennis. (Report No. 2823.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 8596) granting a pension to William Washburn. (Report No. 2824.)

By Mr. DENNY, from the Committee on Claims:

The bill (H. R. 984) for the relief of the administrators of Isaac P. Tice, deceased, and others. (Report No. 2827.)

The bill (H. R. 9849) for the relief of J. R. Eggleston, of Hinds County, Miss. (Report No. 2828.)

The bill (S. 1336) entitled "An act for the relief of John Mellifont and Ellen Riordon." (Report No. 2832.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (H. R. 9918) to pension George E. Welles, late colonel Sixty-eighth Ohio Volunteer Infantry. (Report No. 2829.)

By Mr. GRAFF, from the Committee on Claims: The bill (H. R. 2362) for the relief of Miss Eliza A. White. (Report No. 2830.)

By Mr. COX, from the Committee on Claims: The bill (S. 6) entitled "An act for the relief of P. S. Corbett." (Report No. 2831.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. TATE (by request): A bill (H. R. 10259) to provide for the construction of a macadamized roadway from the town of Fort Gibson, Ind. T., to the United States national cemetery near Fort Gibson—to the Committee on Military Affairs.

By Mr. RICHARDSON: A bill (H. R. 10260) requiring all partnerships doing business in the District of Columbia to record with the recorder of deeds of said District the full name of each member composing the firm, etc.—to the Committee on the District of Columbia.

By Mr. CANNON: A bill (H. R. 10267) to provide for the location and erection of a branch home for disabled volunteer soldiers—to the Committee on Military Affairs.

By Mr. BABCOCK: A memorial of the legislature of the State of Wisconsin, in favor of the passage of House bill No. 4339, to establish a national military park at Vicksburg, Miss.—to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XVII, private bills of the following titles were presented and referred as follows:

By Mr. McCREARY of Kentucky: A bill (H. R. 10261) for the benefit of H. S. Brannaman—to the Committee on Military Affairs.

By Mr. NOONAN: A bill (H. R. 10262) for relief of Calvin Johnson, late first lieutenant Company D, Forty-second Missouri Infantry Volunteers—to the Committee on Military Affairs.

By Mr. WHEELER: A bill (H. R. 10263) for the relief of Jacob A. Paulk, of Lauderdale County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 10264) for the relief of the estate of W. W. McCrary, deceased, late of Madison County, Ala.—to the Committee on War Claims.

By Mr. WILLIS: A bill (H. R. 10265) for the correction of the military record of Capt. Joseph H. Richards—to the Committee on Military Affairs.

By Mr. DALZELL: A bill (H. R. 10266) for the relief of William L. Jones, of Pittsburg, Pa., and others—to the Committee on Appropriations.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH of Illinois: Petition of B. A. Hathaway and 153 others, doing business at the Union Stock Yards, at Chicago, Ill., protesting against the passage of the Sherman bill, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BAKER of New Hampshire: Memorial of Storer Post, No. 1, Grand Army of the Republic, Department of New Hampshire, praying for the renewal and preservation of the U. S. frigate *Constitution*—to the Committee on Naval Affairs.

By Mr. BELKNAP: Petition of C. W. Baker, C. H. Gentry, R. C. Edwards, and other citizens of Chicago, Ill., protesting against the passage of the Sherman bill, with respect to ticket brokers—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of Iowa: Petition of the Iowa State legislation board, Order of Railway Conductors, of Clinton, Iowa, favoring the passage of House bill No. 10090, known as "antiscalping bill"—to the Committee on Interstate and Foreign Commerce.

Also, petition of John Nicola and 15 other citizens of Nichols, Iowa, urging the passage of House bill No. 9209, for service pension—to the Committee on Invalid Pensions.

Also, resolutions of Master Car Builders' Association, opposing the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. CURTIS of Kansas (by request): Correspondence between the Cherokee tribe of Indians and the Dawes Commission—to the Committee on Indian Affairs.

Also (by request), memorial of the Seminole Nation of Indians in regard to House bill No. 7907 and Senate bill No. 3544, to secure to the citizen Indians in the Indian Territory the equal use of their tribal lands, and for other purposes—to the Committee on Indian Affairs.

By Mr. DANIELS: Petition of E. G. Reisterer, of Tonawanda, N. Y., praying for the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSS: Sundry petitions of W. J. Candlish, Percival Steel, Leo Austrian, N. M. Platke, F. F. Gazzolo, Sigmund Zeisler, C. H. Gentry, Arnold Tripp, National India Rubber Company, Prussing Cider Company, Kahn Bros., Monituck Silk Company, Cahn, Wampold & Co., and 138 other business firms and private individuals of Chicago, Ill., protesting against the passage of the Sherman bill, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. GROUT: Memorial of Mrs. Fannie A. Drew, of St. Johnsbury, Vt., president of the Woman's Christian Temperance Union of Caledonia County, Vt.; also memorial of Mrs. L. D. Dyer, of Salisbury, Vt., president of the Woman's Christian Temperance Union of Addison County, Vt., favoring the passage of House bill No. 7441, for the prevention of gambling by telegraph, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of Mrs. L. D. Dyer, of Salisbury, Vt., president of the Woman's Christian Temperance Union of Addison County, Vt., praying for the passage of House bill No. 6119, known as the Phillips bill—to the Committee on Labor.

Also, petition of L. E. Humphrey, of Brattleboro, Vt., corresponding secretary of the Rutland County Woman's Christian Temperance Union, favoring the passage of the McMillan bill (S. 2485)—to the Committee on the District of Columbia.

Also, petition of W. T. King and 68 others of St. Johnsbury, Vt., protesting against the passage of the Sherman bill, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HENDERSON: Resolutions of Master Car Builders' Association of Cedar Rapids, Iowa, in opposition to the compulsory use of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. HENRY of Connecticut: Petition of the Woman's Christian Temperance Union of Plantsville, Conn., representing 40 members, favoring the passage of House bill No. 7441, prohibiting the transmission of gambling matter by telegraph—to the Committee on Interstate and Foreign Commerce.

By Mr. HEPBURN: Sundry petitions of C. W. Fisk, of Tilly Foster, N. Y.; H. L. Weed and 110 others, of Copake Iron Works, N. Y.; W. G. Monk, Henry Hitter, and others, of Fayetteville and Minoa, N. Y.; D. J. Churchill and 15 others, of Greenway, N. Y.; W. Y. Wilson and 11 others, of Geneva, N. Y.; George W. Higgins and 15 others, of Montclair, N. J.; Daniel Kent and 11 others, of Paterson, N. J.; A. E. Tregott and 9 others, of Tupper Lake, N. Y.; Frank A. Smith, of Seneca Falls, N. Y.; Charles E. Sinclair and 9 others, of Conestoga, N. Y.; A. Kelsey, of Alexander, N. Y.; Daniel Sweeney, of Attica, N. Y., and 14 others; John L. Benjamin and 12 others, of New York City; Thomas N. Harvey and 24 others, of Brooklyn, N. Y.; J. M. Cummings and others, of Hyde Park, N. Y.; G. B. Smith and others, of Cold Spring, N. Y.; M. J. Whalen and others, of Millertown, N. Y.; E. H. Sturgis and other citizens of New York City; E. J. Miller and others, of Tonawanda, N. Y.; W. C. Hoytt and others, of Yonkers, N. Y.; Levi Brownell and others, of Northville, N. Y.; J. Carroll and 20 others, of Williams Bridge, N. Y.; Gilbert W. Hoff and 22 others, of Croton, N. Y.; C. F. Campbell, of Verona, N. Y.; C. O. Baker, jr., and 21 others, of New York City; George T. Higgins and others, of Broomville, N. Y.; Joseph R. Fournils and others, of New York City and Bedford Park, N. Y.; W. C. Phelps and 9 others, of Fordham, N. Y.; H. E. Brown and 23 others of Kings Bridge, N. Y.; Willis A. Ganong and 9 others, of

Lake Mahopec, N. Y.; Edwin R. Coles and 11 others, of Yonkers, N. Y.; T. P. Wheeler and 9 others, of Mount Vernon, N. Y.; Albert K. Haynes and others, of Pauling, N. Y.; W. Deacon and 8 others, of Mount Kisco, N. Y.; J. D. Beckwith and 21 others, of Fort Plain, N. Y.; R. A. Ferguson and others, of Niagara Falls, N. Y.; W. H. Winants and 60 other merchants and jobbers, of Kansas City, Mo., and the Kansas City Transportation Bureau, praying for the passage of House bill No. 10090, known as the "antiscalpers bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. JENKINS: Protest of F. B. Gregg and 20 other citizens of West Superior, Wis., against the passage of the Sherman bill, with respect to ticket brokers—to the Committee on Interstate and Foreign Commerce.

By Mr. LITTLE: Memorial and resolutions of Pontotoc County Alliance, No. 90, Indian Territory, praying for the formation of a government for the Five Tribes of Indians—to the Committee on Indian Affairs.

By Mr. LOUDENSLAGER: Petition of the Woman's Christian Temperance Union of Woodbury, N. J., praying for the passage of House bill No. 9515, to raise the age of protection for girls to 18 years in the District of Columbia—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Woodbury, N. J., urging the passage of the bills for the prevention of gambling (H. R. 7446 and S. 2847)—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Christian Temperance Union of Woodbury, N. J., favoring the passage of a bill prohibiting the sale of liquors in any Government building (H. R. 7083)—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Woman's Christian Temperance Union of Woodbury, N. J., favoring the passage of House bill No. 9676 and Senate bill No. 2485, protesting against Sunday traffic in the District of Columbia—to the Committee on the District of Columbia.

By Mr. McCREARY of Kentucky: Papers to accompany House bill for the relief of H. S. Brannaman, of Company D, Forty-ninth Regiment Kentucky Volunteer Infantry—to the Committee on Military Affairs.

By Mr. McDEARMON: Sundry petitions of R. W. Barton, Elias Wallis, Robert Holmes, Joseph C. Cooper, E. N. Pierce, and J. F. Peck, all of Gibson County, Tenn.; James Cronan, William Warren, and Eliza McWhirter, administratrix of Charles E. McWhirter, late of Crockett County, Tenn., asking reference of their war claims to the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

By Mr. MEYER: Petition of J. C. Morris, G. W. Nott, George Q. Whitney, President Wright, and others, of New Orleans, La., recommending the passage of House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. PATTERSON: Sundry petitions of Nathaniel C. Comstock, Jane Carrol, Patrick Sherry, Samuel J. Stailey, Milton P. Smith, Effie Brown, Mary A. Behr, and James A. Orr, all of Shelby County, Tenn.; of Lewis Beadley, Willim Simpson, and James McMinn, all of Hawkins County, Tenn.; of Thomas B. Clifton and John Vaughn, of Hardeman County, Tenn.; of G. T. Tate, of McNairy County, Tenn.; and of Alex M. Owen, of Tipton County, Tenn., asking reference of their war claims to the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

By Mr. RICHARDSON: Sundry petitions of Lewis Parker, Ruth Owensby, Narcissa Guy, Malinda E. McGill, Henry N. Godloe, Robert D. Block, and Henry V. Savage, all of Cannon County, Tenn.; Thomas Barley, and Eli Barnes, of Lincoln County, Tenn.; John G. Anthony, Miles Bagant, John R. Speas, and Robert H. Harvey, all of Lawrence County, Tenn.; W. G. F. Underwood and Thomas Bryan, of Madison County, Tenn.; James M. Smith, of Hardin County, Tenn.; Jesse Taylor, of Perry County, Tenn.; Stephen Easton, of Decatur County, Tenn.; J. W. Croon, of Henderson County, Tenn.; Sarah Dunlap, William B. Pelant, John C. Bentley, Martin G. Williams, John Renfro, Herman M. Franklin, J. J. Shat (administrator of Margaret Kirnes, deceased), James W. Tooley, John Humes, and Mary J. Mitchell, all of Lincoln County, Tenn., and William G. McCall and Susan A. Snow, both of Giles County, Tenn., asking reference of their war claims to the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

By Mr. SHERMAN: Petition of I. F. Hayes and others, of New York City; also petition of W. F. Hynes, representing the Brotherhoods of Locomotive Engineers, Locomotive Firemen, and Railway Trainmen, and Orders of Railway Conductors and Railway Telegraphers, favoring the passage of the Sherman bill, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. TYLER: Petition of Ross I. Leary, of Franklin, Pa., favoring the passage of House bill No. 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WADSWORTH: Petition of P. C. Van Gelder, of Lima, N. Y., favoring the bill H. R. 4566, known as the Loud bill, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of North Tonawanda and Niagara Falls, N. Y., favoring the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

SENATE.

MONDAY, *February 8, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on motion of Mr. DAVIS, and by unanimous consent, the further reading was dispensed with.

CREDENTIALS.

The VICE-PRESIDENT presented the credentials of GEORGE GRAHAM VEST, chosen by the legislature of Missouri a Senator from that State for the term beginning March 4, 1897; which were read and ordered to be filed.

MONUMENT TO GEORGE WASHINGTON.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting a letter from Col. John M. Wilson, Corps of Engineers, United States Army, dated January 28, 1897, reporting the completion of the work with which he has been intrusted, concerning the erection of the monument to mark the birthplace of Gen. George Washington at Wakefield, Va.; which, with the accompanying paper, was referred to the Committee on the Library, and ordered to be printed.

LINCOLN MEMORIAL ASSOCIATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from the Memorial Association of the District of Columbia, Chief Justice Melville W. Fuller, president, relative to the house, No. 516 Tenth street NW., in which Abraham Lincoln died, and requesting that the sum of $5,000 be appropriated for the care and maintenance of the building, and for the appointment of a custodian, and that the building be placed in the charge of that association; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

GRAIN RATES AT MISSOURI RIVER POINTS.

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting, in response to a resolution of the 18th ultimo, the oral testimony taken by that Commission in the investigation of grain rates at Missouri River points; which, with the accompanying papers, was referred to the Committee on Interstate Commerce, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 897) for the relief of James Stewart;

A bill (H. R. 3481) granting a pension to James L. Wing;

A bill (H. R. 3937) granting a pension to Miriam V. Kenney, widow of Samuel W. Kenney;

A bill (H. R. 6528) to increase the pension of Clara L. Nichols, widow of Bvt. Maj. Gen. W. A. Nichols;

A bill (H. R. 6902) granting a pension to Mrs. Mary A. Viel;

A bill (H. R. 9029) to grant to the Hudson Reservoir and Canal Company the right of way through the Gila River Indian Reservation; and

A bill (H. R. 9666) to correct and amend the military record of John Long, late private Company H, Thirty-first Regiment Missouri Volunteers.

The message also announced that the House insisted upon its amendments to the bill (S. 2037) to provide times and places for holding terms of United States courts in Utah, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BRODERICK, Mr. BURTON of Missouri, and Mr. BAILEY managers at the conference on the part of the House.

The message further announced that the House insisted upon its amendment to the bill (S. 3623) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CROWTHER, Mr. THOMAS, and Mr. LAYTON managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 10167) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes; and

A bill (H. R. 10203) to amend section 40 of "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, so as to authorize the sale of forfeited domestic smoking opium to the highest bidder.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented resolutions adopted at a convention of the National Defense Association, held at Tampa, Fla., January 20, 1897, favoring the enactment of the so-called Lamont bill, providing for a reorganization of the Army of the United States; which were referred to the Committee on Military Affairs.

Mr. SHERMAN presented a memorial of sundry citizens of Shawnee, Ohio, and a memorial of sundry citizens of Amesville, Ohio, remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Delaware Peace Society, of Wilmington, Del., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. McMILLAN presented a petition of 242 residents of Fenton, Genesee County, Mich.; a petition of the Christian Endeavor Society of the First Congregational Church of Laingsburg, Mich., and a petition of the Woman's Christian Temperance Union of Worcester, Mass., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a memorial of Park Davis & Co., manufacturing chemists, of Detroit, Mich., remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

He also presented the petition of Mrs. Belle C. Bowley, State superintendent of the Loyal Temperance Union, of Wyandotte, Mich., praying for the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

He also presented the petition of J. W. Babson, president, and other members of the East Washington Citizens' Association, of the District of Columbia, praying that the Library of Congress be opened to the public from 9 a. m. to 10 p. m., Sundays and legal holidays excepted; which was referred to the Committee on the Library.

He also presented a petition of the Woman's Christian Temperance Union of Worcester, Mass., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Worcester, Mass., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Worcester, Mass., praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented petitions of Rev. John J. Carman, representing the Ministers' Conference, of Sault Ste. Marie, Mich.; of E. C. Warriner, principal, and 17 teachers of the high school of Saginaw East Side; of the Froebel Study Club, of Grand Rapids, Mich., and of the Literary Club of St. Louis, Mich., praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented petitions of E. L. Bates, publisher of the News, of Pentwater; of Edwin W. Mason, publisher of the Lapeer County Enterprise, of Otter Lake; of Scarritt & Sternewold, publishers of the Post, of Hudson; of E. T. Kellogg, publisher of the Durand Express, of Durand; of Frank S. Neal, publisher of the Record, of Northville, and of Axel G. Burman, publisher of the Michigan Advance, of Cadillac, all in the State of Michigan, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of Eugene H. Swain and 17 other citizens of Bad Axe; of J. T. Crosby and 23 other citizens of Milford, and of D. Swinton and 26 other citizens of Saginaw, all in the State of Michigan, remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. DAVIS presented a petition of the legislature of Minnesota, praying for the passage of House bill No. 4339, to establish a national military park at Vicksburg, Miss.; which was read, and referred to the Committee on Military Affairs, as follows:

A joint resolution memorializing the Congress of the United States to establish a new national military park at Vicksburg, Miss.

Whereas there is now pending in Congress a bill (H. R. 4339) to establish a national military park to commemorate the campaign, siege, and defense of Vicksburg; and

Whereas the operations that culminated almost simultaneously at Gettysburg and Vicksburg in July, 1863, not only mark the turning point in the war of the rebellion, but also constitute one of the greatest epochs in the history of our country, and should both be commemorated in the most impressive and enduring manner possible; and

Whereas the establishment of a national military park at Vicksburg will be a most fitting and appropriate monument to the great commander whose genius planned these operations and directed them to a successful issue; and

Whereas the State of Minnesota has an especial interest in this bill for the reason that of her gallant soldiers three regiments of infantry and one battery of artillery participated in the operations it is intended to commemorate: Therefore

The legislature of the State of Minnesota, by this concurrent resolution, asks that the above-named bill (H. R. 4339) be passed during this session of Congress, and requests the Senators and Members of the House of Representatives in Congress from Minnesota to labor earnestly for its passage; and the secretary of state is hereby directed to send a copy of this resolution to the Senators and Members of the House of Representatives from Minnesota; to the Hon. THOMAS B. REED, Speaker of the House of Representatives, and to the Hon. JOHN A. T. HULL, chairman of the House Committee on Military Affairs.

J. D. JONES,
Speaker of the House of Representatives.
JOHN L. GIBBS,
President of the Senate.

Approved this 5th day of February, 1897.

D. M. CLOUGH, *Governor.*

STATE OF MINNESOTA, *Department of State:*

I, Albert Berg, secretary of state of the State of Minnesota, do hereby certify that I have compared the annexed copy with the original act in my office, H. R. No. 59, a joint resolution memorializing Congress to establish a new national military park at Vicksburg, Miss., duly approved February 5, 1897, and that said copy is a true and correct transcript of said original act and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State, at the capitol in St. Paul, this 5th day of February, A. D. 1897.

ALBERT BERG,
Secretary of State.

Mr. PETTIGREW presented a petition of the Woman's Christian Temperance Union of the Congregational and Christian churches of Carthage, S. Dak., praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of the Congregational and Christian churches of Carthage, S. Dak., praying for the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which was ordered to lie on the table.

Mr. CAMERON presented a memorial of the Philadelphia Maritime Exchange, of Philadelphia, Pa., remonstrating against the passage of Senate bill 3232, known as the discriminating-duty bill; which was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

THE PHILADELPHIA MARITIME EXCHANGE.

Protest against the passage of the bill (S. 3232) known as discriminating-duty bill.

To the honorable the Senate of the United States:

The Philadelphia Maritime Exchange respectfully and most earnestly memorialize your honorable body against the passage of a certain bill, to wit, S. 3232, known as the discriminating-duty bill.

This bill provides that a duty of 10 per cent ad valorem, in addition to the duties now imposed by law, shall be levied on all goods imported in ships not of the United States, and that any and all clauses in existing treaties in contravention thereto be abrogated and repealed.

In the opinion of the Philadelphia Maritime Exchange the provisions of this bill, if enacted into law, would be disastrous to American shipping, and, instead of having the effect sought to be accomplished, would destroy rather than build up the American merchant marine. The discriminating duty would encourage importations into the United States by rail, and thus not only build up foreign lines running to Canadian and Mexican ports, but also, by shutting out foreign steamers at San Francisco, drive traffic from the American transcontinental railways to the Canadian Pacific Railway.

The abrogation of some thirty-seven treaties with foreign nations, for it is reasonable to assume that no government would consent to strike out one section and allow the balance of the treaty to remain in force, would disrupt our trade relations with the maritime powers of the world, and the disastrous effect of such disturbance can not be overestimated. Should foreign governments retaliate, which seems not unlikely, by putting a tax, say, of 10 per cent on all goods imported into their countries in vessels of the United States, the loss on outward cargoes, now carried by American vessels, would more than offset the gain on any probable amount of homeward cargo, as it is well known that the most profitable freights to the shipowner are the eastward, and not the westward ones. Many steamers come to this country in ballast, depending entirely upon the eastward-bound cargo for their voyage earnings.

The protection sought to be given to the American shipowner by the proposed tax of 10 per cent on the value of the merchandise carried would be most unequally distributed. On a cargo of iron ore the tax would amount to about 20 per cent of the freight, while on a cargo of sugar or tobacco it would be fully 300 per cent; on corn it would be 50 per cent; on provisions, 200 per cent, and so on, discriminating between shipowners in the first instance to the extent of giving fifteen times as much protection to one as to the other. In high-valued merchandise, such as silks, etc., this unjust discrimination would be still more appalling.

For reasons set forth, the Philadelphia Maritime Exchange believes that the proposed legislation would inure to the detriment of American shipowners and work harm to American commerce, and therefore most earnestly petitions your honorable body against the passage of bill S. 3232.

By order of the board of directors.

GEO. E. EARNSHAW, *President.*

Attest:

W. S. HARWOOD, *Secretary.*

PHILADELPHIA, *February 3, 1897.*

Mr. CAMERON presented a petition of the Woman's Christian Temperance Union of West Chester, Pa., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of Bucks Quarterly Meeting of Friends, of Newtown, Pa., and a petition of the Christian Endeavor Society of the Presbyterian Church of Claysville, Pa., praying for the passage of House bill No. 7083, prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a petition of Sedgwick Post, No. 42, Department of Pennsylvania, Grand Army of the Republic, of Lebanon, Pa., and a petition of Lieutenant S. C. Potts Post, No. 62, Department of Pennsylvania, Grand Army of the Republic, of Altoona, Pa., praying for the passage of House bill No. 9209, granting a service pension to all honorably discharged officers and enlisted men of the war of the rebellion; which were referred to the Committee on Pensions.

He also presented the memorial of Mrs. C. Frank and sundry other citizens of Erie, Pa., and the memorial of George S. Owens and sundry other citizens of Greensburg, Pa., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Fink & Stockberger, publishers of the Advance, of Latrobe; of Pooley Bros., of Philadelphia; of Charles H. Fischer, of Philadelphia, and of the National Board of Trade of Philadelphia, all in the State of Pennsylvania, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Young People's Society of Christian Endeavor of Claysville; of Robert McLaughlin and sundry other citizens of Allegheny County; of the Philanthropic Labor of Bucks Quarterly Meeting of Friends, of Newtown; of Charles H. Brown and sundry other citizens of Pittsburg; of the Methodist Episcopal Preachers' Meeting of Pittsburg; of Charles E. St. John and sundry other citizens of Allegheny County; of William J. Skillman, of Philadelphia; of the Conference of Baptist Ministers of Philadelphia; of the faculty and students of the Moravian Seminary and College for Women, of Bethlehem, all in the State of Pennsylvania, and of the Thomas Davis Club, of New York, N. Y., praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented the petition of John A. McCann and sundry other citizens of Newcastle Hundred, Newcastle County, Del., praying for the appointment by Congress of a joint commission to inquire into the existing political conditions in Delaware; which was referred to the Committee on Privileges and Elections.

Mr. GEAR presented a petition of the Young People's Society of Christian Endeavor of the Congregational Church of Keokuk, Iowa, and a petition of 58 members of the Young People's Society of Christian Endeavor of Troy, N. Y., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented the petitions of C. J. Wonser, publisher of the Tama Herald, of Tama; of J. H. Pearson, publisher of the Clipper, of Ainsworth; of J. C. Adams, publisher of the Howard County Times, of Cresco; of S. L. Lewis, publisher of the Patriot, of Chariton; of S. W. Young, publisher of the Herald, of Henderson, and of D. W. Butts, publisher of the Independent, of Little Sioux, all in the State of Iowa, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Montezuma, Iowa, and a memorial of sundry citizens of Hedrick, Iowa, remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. SEWELL presented a memorial of the board of health of New Jersey, remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

He also presented the petition of James D. Flynn, publisher of the Register, of Bordentown, N. J., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of Richard Hering and 27 other citizens of South River, N. J., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Woodbury, N. J., and a petition of the Woman's Christian Temperance Union of Brigantine, N. J., praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; which were referred to the Committee on the District of Columbia.

He also presented petitions of the Woman's Christian Temperance Union of Woodbury; of members of the Second Presbyterian Church, of Camden; of members of the Ferry Avenue Methodist Episcopal Church, of Camden; of members of the Seventh Baptist Church, of Camden; of members of the Linden Baptist Church, of Camden, and of members of the Emmanuel Baptist Church, of Camden, all in the State of New Jersey, praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Woman's Christian Temperance Union of Woodbury; of members of the Seventh Baptist Church, of Camden; of members of the Centenary Methodist Episcopal Church, of Camden, and of members of the Kaighn Avenue Methodist Episcopal Church, of Camden, all in the State of New Jersey, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance Union of Woodbury; of members of the Second Presbyterian Church, of Camden; of members of the Kaighn Avenue Methodist Episcopal Church, of Camden, and of the Woman's Christian Temperance Union of Burlington County, all in the State of New Jersey, praying for the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented a petition of the Christian Citizenship Union of Camden, N. J., and a petition of the Woman's Christian Temperance Union of Burlington County, N. J., praying for the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which were ordered to lie on the table.

Mr. PEFFER presented the petition of R. M. Chilcott, publisher of the Times, of Wamego; of Matt. Thomson, publisher of the Signal, of Alma; of Clinton J. Moore, publisher of the Oketo Herald, of Oketo; of W. D. Wilkinson, publisher of the Advocate, of Ellsworth, all in the State of Kansas, and a petition of the M. T. Richardson Company, of New York City, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Christian Endeavor Union of the Pilgrim Congregational Church, of Paola, Kans., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the petition of Rev. Christian Krehbiel, elder, and sundry other members of the First Mennonite Church of Halstead, Kans., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. LODGE presented a petition of the First Congregational Church of Hyde Park, Mass., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of members of the Bar Association of Boston, Mass., praying for the ratification of the pending arbitration treaty with Great Britain without amendment; which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Salem, Mass., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Thomas Davis Club, of New York City, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. BURROWS presented petitions of the First Baptist Church of Detroit, of the Ministers' Conference of Sault Ste. Marie, and of members of the St. Louis Literary Club, of St. Louis, all in the State of Michigan, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a petition of sundry Christian Endeavorers and Temperance Workers of Richmond, Mich., praying for the enactment of legislation prohibiting the sale of intoxicating

liquors in the Capitol building; which was ordered to lie on the table.

He also presented the petitions of L. X. Goulet & Son, publishers of the Osceola County Democrat, of Reed City; of Byron C. Armstrong, publisher of the Vidette, of Homer; of Charles F. Gee, publisher of the Imlay City Times and Dryden Review, of Imlay City; of E. L. Bates, publisher of the News, of Pentwater; of A. B. Smith, publisher of the Leader, of Milan; of Mrs. L. T. Tuttle, on behalf of 100 representative women of Lapeer; of Axel G. Burman, publisher of the Michigan Advance, of Cadillac; of J. Howard Edwards, proprietor of the Colon Express, of Colon; of Lee E. Palmer, publisher of the Copemish Courier, of Copemish, all in the State of Michigan, and a petition of the Fergus Falls Chamber of Commerce, of Fergus Falls, Minn., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BURROWS. I present the petitions of J. T. Stevens and 30 other citizens of Lockwood, Kent County; of E. R. Sipple and 26 other citizens of Clayton, Kent County; of William H. Moore and 27 other citizens of Kenton, Kent County; of John Moore and 14 other citizens of Cheswold, Kent County, and of F. A. Raynard and 27 other colored citizens of Kent County, all in the State of Delaware, praying for the appointment of a joint commission to inquire into the political conditions existing in that State, averring that they are not those of a republican form of government as contemplated by the Constitution of the United States. I move that the petitions be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. NELSON presented a petition of the Minnesota State Woman's Christian Temperance Union, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the Minneapolis Methodist Preachers' Meeting, of Minneapolis, Minn., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of sundry publishers of Minneapolis and St. Paul, in the State of Minnesota, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the legislature of Minnesota, praying for the enactment of legislation to establish a new national military park at Vicksburg, Miss.; which was referred to the Committee on Military Affairs.

Mr. THURSTON presented a petition of the Commercial Club, of Omaha, Nebr., praying for the passage of House bill No. 10090, to amend the interstate-commerce law, providing for the redemption by common carriers of unused tickets; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Young People's Society of Home and Foreign Missions of the Plymouth Congregational Church, of Lincoln, Nebr., praying for the passage of Senate bill No. 2485, to protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Young People's Society of Home and Foreign Missions of the Plymouth Congregational Church, of Lincoln, Nebr., praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Young People's Society of Home and Foreign Missions of the Plymouth Congregational Church, of Lincoln, Nebr., praying for the passage of Senate bill No. 2846, prohibiting interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

He also presented the petitions of Charles K. Ott, publisher of the Burt County Herald, of Tekamah; of J. D. Stein & Son, publishers of the Daily and Weekly Journal, of Superior; of H. H. Campbell, publisher of the Osceola Record, of Osceola, and of J. C. Newsom, publisher of the Republican, of North Bend, all in the State of Nebraska, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of George A. Howe and sundry other citizens of York, of W. H. Sheppard and sundry other citizens of Rising City, and of Capt. A. Pearson and sundry other citizens of Pawnee City, all in the State of Nebraska, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HALE presented the petition of Rev. Judson B. Bryant, pastor of the Baptist church, and 68 other members of the Baptist Christian Endeavor Society of Wayne, Me., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. MITCHELL of Wisconsin. I present a petition of the legislature of Wisconsin, praying for the passage of House bill No. 4339, to establish a national military park to commemorate the campaign, siege, and defense of Vicksburg. A copy of this joint resolution was presented by my colleague [Mr. VILAS] on Saturday last and was read at the desk. I move that the copy I now present be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. MITCHELL of Wisconsin presented petitions of Carl Fehlandt, publisher of the Zeitung, of Fort Washington; of H. L. Brome, publisher of the Darlington Journal; of C. N. Johnson, publisher of the Advocate, of Merrill; of H. E. Zimmermann, publisher of the Standard-Democrat, of Burlington, and of J. H. Waggoner, publisher of the Oconto County Reporter, of Oconto, all in the State of Wisconsin, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLEN presented the petition of P. H. Barry, adjutant-general of the Nebraska National Guard, of Lincoln, Nebr., praying for the enactment of legislation for the relief of Miles F. Durkee, late private of Company B, First Battalion Twelfth United States Infantry, from the charge of desertion; which was referred to the Committee on Military Affairs.

He also presented a petition of the Commercial Club of Omaha, Nebr., praying for the passage of House bill No. 10090, to amend the interstate-commerce law, providing for the redemption by common carriers of unused tickets; which was referred to the Committee on Interstate Commerce.

He also presented the memorial of E. S. Cloyer and sundry other citizens of Schuyler, Nebr., and the memorial of J. C. Barnes and sundry other citizens of Dawson County, Nebr., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of W. S. Brown and sundry other citizens of Hamilton County, Iowa, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of the officers of the Polish-American organizations and representatives of the Polish-American press of the United States, praying that the immigration bill be so amended as to admit Poles into the United States; which was ordered to lie on the table.

He also presented the petition of Robert Kittle, of Fremont, Nebr., praying for the passage of Senate bill No. 3273, for the relief of the Samburn Town Site Company, of Fremont; which was referred to the Committee on Public Lands.

He also presented the petition of Bigheart, ex-chief of the Osage Indians, of Pawhuska, Ind. T., praying that the Indian appropriation bill be so amended as to repeal that portion of the clause granting citizenship to the Osage Indians; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Commercial Club of Lincoln, Nebr.; the petition of Harpoolsky, publisher of the Pritel Lidu, of Wilber, Nebr., and the petition of J. D. Stern & Son, publishers of the Daily and Weekly Journal, of Superior, Nebr., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. VILAS presented a petition of the Wisconsin Cranberry Growers' Association, praying that the European cranberry be included in our next tariff schedule, and that a reciprocity trade with Canada be opened up by a treaty providing for the importation of our berries free into that country; which was referred to the Committee on Finance.

Mr. VEST presented a petition of the Engineers' Club of St. Louis, Mo., praying for the adoption of an amendment to section 2 of House bill No. 9492, so as to provide for surveys, examination, and investigations, topographical, hydrographical, and hydrometrical, from Cubitts Gap to the Gulf of Mexico, with a view to selecting the best route for improvement as a deep-water channel and the best form of construction thereof; which was referred to the Committee on Commerce.

Mr. PALMER presented a memorial of the College Chronicle, of Waperville, Ill., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Peoria County Pomona Grange, of Dunlap, Ill., praying for the establishment of Government postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Palestine News, of Palestine, Ill., and the petition of Cad Allard, publisher of the Evening Star

and Star of the West, of Beardstown, Ill., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLISON presented the petitions of the publishers of the Howard County Times, of Casco; the Times, of Vinton; the Britt News, of Britt; the Eureka, of Anomora; the Times, of Kingsley; the Montgomery County Call, of Stanton; the Independent, of Humboldt; the Independent, of Little Sioux; the Tama Herald, of Tama; the Osceola County Tribune, of Sibley; the Herald, of Henderson, and the Patriot, of Chariton, all in the State of Iowa, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Commercial Club, of Omaha, Nebr., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of American citizens, members of Polish-American organizations and representatives of the Polish-American press, praying for the adoption of certain amendments to the immigration bill as passed by the House before final action is taken upon the bill by the Senate; which was ordered to lie on the table.

He also presented a petition of Clinton Division, No. 33, Order of Railway Conductors, of Clinton, Iowa, praying for the passage of the so-called antiscalping bill; which was referred to the Committee on Interstate Commerce.

He also presented sundry memorials of citizens of Waterloo, Oakland, and Belmont, all in the State of Iowa, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. TILLMAN presented a petition of the legislature of South Carolina, praying Congress to recognize the independence of Cuba; which was ordered to lie on the table, and to be printed in the RECORD, as follows:

A CONCURRENT RESOLUTION.

Whereas it is proper that this State, founded in revolution and owing its liberties to the devotion and sacrifices of rebels against foreign and royal rule, should declare itself upon the struggle of an American people for relief from oppressions far greater than those against which Marion, Sumter, and Rutledge contended:

Resolved by the house of representatives (the senate concurring), 1. That the general assembly of South Carolina expresses its hearty sympathy with the people of Cuba in their gallant contest for independence.

2. That in the opinion of this body the successful maintenance of the cause of the republic for two years, resulting in its present practical control of the entire island outside of the heavily garrisoned cities and towns, warrants its recognition as a sovereign power, holding the territory it claims and administering its government.

3. That copies of these resolutions be forwarded to the Senators and Representatives of South Carolina in Congress.

LEGISLATIVE DEPARTMENT, HOUSE OF REPRESENTATIVES,
Columbia, S. C., January 23, 1897.

SIR: I have the honor herewith to transmit to you the inclosed concurrent resolution adopted by the general assembly of South Carolina at its present session.

Very respectfully,
J. W. GRAY,
Clerk of the House.

Hon. B. R. TILLMAN,
Senate Chamber, Washington, D. C.

Mr. PASCO presented the memorial of Charles H. Walton, editor of the Indian River Advocate, of Titusville, Fla., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented a petition of the senior and junior branches of the Christian Endeavor societies of Marlboro and Troy, and of the Epworth League and the Young People's Union of Marlboro, all in the State of New Hampshire, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a memorial of the Woman's Christian Temperance Union of Portsmouth, N. H., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

Mr. WALTHALL presented the petitions of M. C. Haynie, publisher of the Brooksville Pioneer; of J. J. Haynie, manager of the East Mississippi Tribune, and of M. C. Haynie, publisher of the Mashulaville Gazette, all in the State of Mississippi, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL. I present sundry petitions of citizens of Missouri in favor of the passage of the Loud bill. They are all in the usual stereotyped, printed form, with one or two signatures to each. I move that the petitions be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. COCKRELL. I also present a memorial quite numerously signed remonstrating against the passage of the Loud bill. It is the memorial of W. A. Russell, Samuel E. Thompson, and others, of Tarkio, Atchison County, Mo. I move that the memorial be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. COCKRELL. I also present a petition of Ozark Division, No. 30, Order of Railway Conductors, of Springfield, Mo., in favor of Senate bill 3544, amendatory to an act entitled "An act to regulate commerce," approved February 4, 1887, and the several acts amendatory thereof. I move that the petition be referred to the Committee on Interstate Commerce.

The motion was agreed to.

Mr. MILLS presented a petition of the Woman's Christian Temperance Union of Denison, Tex., praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

Mr. MURPHY presented petitions of sundry members of the Methodist Episcopal church, of Albany; of the Association of the Methodist Episcopal Ministers of Rochester, and of sundry citizens of Keeseville, all in the State of New York, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Sag Harbor, N. Y., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Woman's Christian Temperance Union of Lakewood; of M. J. Madigan, editor of the Catholic News, of New York City; of Victor Dworsak, editor of the Katholisches Volksblatt, of New York; of publisher of the Catholic News, of New York; of the Catholic News Publishing Company, of New York; of William T. Comstock, publisher of Architecture and Building, of New York; of W. E. Churchill, publisher of the Republican, of Weedsport; of Thomas J. Blain, publisher of the Enterprise, of Port Chester; of George F. Darrow, publisher of the Advance, of Ogdensburg; of Judson Howden, publisher of the Observer, of Fillmore; of J. R. McCormick, publisher of Giddes-Solway Mail, of Solway; of James L. Taylor, publisher of the Dobbs Ferry Register, of Dobbs Ferry; of the Brewers' Journal, of New York City; of F. W. Shepperd, publisher of the Contract News, Fire and Water, etc., of New York City; of the New York Lumber Trade Journal; of M. T. Richardson & Co., publishers of the Boots and Shoes Weekly, the Blacksmith and Wheelwright, and the Amateur Sportsman, of New York; of W. J. Johnston, publisher of the Electrical World, of New York City; of Walter B. Sheppard, publisher of the Democrat, of Penn Yan; of E. M. Lansing, publisher of the Weekly News, of Chester; of J. E. Seward, publisher of the Coal Trade Journal, of New York; of David Williams, publisher of the Iron Age, of New York, and of G. Harry Abbott, publisher of the Cloak and Suit Review, of New York, all in the State of New York, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CAFFERY presented sundry petitions of citizens of New Orleans, La., praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

Mr. ALDRICH presented a petition of the Rhode Island Woman's Christian Temperance Union, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie onthe table.

He also presented a petition of the Pawtucket Business Men's Association, of Pawtucket, R. I., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Hope, R. I., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Baptist Young People's Union and the Epworth League, of Wickford, R. I., and a petition of the Woman's Christian Temperance Union of Rhode Island, praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; which were referred to the Committee on the District of Columbia.

He also presented a petition of the Baptist Young People's Union and the Epworth League, of Wickford, R. I., and a petition of the Woman's Christian Temperance Union of Rhode Island, praying for the appointment of an impartial, nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which were ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance Union, of Rhode Island, and the Epworth League and the Baptist Young People's Union of Wickford, R. I., praying for the

enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Epworth League and the Baptist Young People's Union of Wickford, R. I.; of the Woman's Christian Temperance Union of Rhode Island, and a petition of the Baltimore Yearly Meeting of Friends, of Baltimore, Md., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the District of Columbia; which were ordered to lie on the table.

Mr. GRAY presented a petition of the Delaware Peace Society, of Wilmington, Del., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. HAWLEY presented the petition of Mrs. A. H. Hurd and other members of the Literary Club of New Haven, Conn., favoring the arbitration treaty; which was ordered to lie on the table.

He also presented the memorial of O. B. Morgan and 26 other citizens of Stamford, Conn., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of 65 members of the Woman's Christian Temperance Union of Stonington, Conn., praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Pawcatuck, Conn., and a petition of the Woman's Christian Temperance Union of Plantsville, Conn., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which were referred to the Committee on Interstate Commerce.

Mr. BAKER presented the petitions of Clinton J. Moore, publisher of the Oketo Herald, of Oketo; of Matt. Thomson, publisher of the Signal, of Alma; of F. E. Young, publisher of the Western News, of Stockton; of J. M. Cavaness, publisher of the Chitopa Advance, of Chitopa; of W. D. Wilkerson, publisher of the Advocate, of Elmwood; of I. J. C. Guy, proprietor of the Syracuse Republican, and of W. D. Guarom, publisher of the Republican, of Paota, all in the State of Kansas, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Cherryvale, Kans., and a memorial of sundry citizens of Cawker City, Kans., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorials of J. K. Morgan, publisher of the Register, of Neodesha; of Arthur Copper, publisher of the Mail and Breeze, of Topeka; of L. S. Roby, publisher of the Kansas Endeavorer, of Topeka; of N. H. Harmon, C. B. Harmon, and J. P. Zimmerman, publishers of Farmers' Vindicator, of Valley Falls; of W. P. Morrison, publisher of Central Kansas Democrat, of Sterling; of F. W. Arnold, publisher of Empire, of Alton; of Mark Cromwell, editor and publisher of Cromwell's Kansas Mirror, of Kansas City; of George Harman, publisher of the Times, of Oskaloosa; of J. W. Somers, publisher of the New Era, of Spring Hill; of A. F. McCarty, publisher of the Enterprise, of Elsmore; of the Southwestern Farmer Company, publishers of the Southwestern Farmer and American Horticulturist, of Wichita; of C. B. Walker, publisher of Educational Echo, of Norton; of H. J. and C. A. Calnan, publishers of the Courier, of Fairview; of Galen R. Hickok, publisher of the Globe, of Wellsville; of Levi L. Alrich, publisher of Public Record, of Cawker City; of O. O. Outcalt, publisher of the Burlington Courier, of Burlington; of Frank H. McIvor, editor of the Sentinel, of Hoxin; of D. E. Sanders, publisher of the Normal Journal, of Fort Scott; of T. B. Murdock, publisher of Daily and Weekly Republican, of El Dorado; of James M. Jones, publisher of the Seneca News, of Seneca; of C. G. Price, publisher of Severyite, of Severy; of C. E. Moore, publisher of the Republican, of Cherryvale; of H. W. Young, publisher of Star and Kansan, of Independence; of Sanford Topping, publisher of Assembly Herald, of Ottawa; of Ed. F. Haberlein, publisher of Game and Shooting, of McPherson, and of George C. Armstrong, publisher of the Republican, of Moline, all in the State of Kansas, remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented a petition of the Channon-Emery Stove Company, of Quincy, Ill., and a petition of Nichols & Sinnock, of Quincy, Ill., praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented the memorial of Walter J. Miller, publisher of the College Chronicle, of Naperville, Ill., and the memorial of E. G. Metlack, of Red Bud, Ill., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Rockford, Ill., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of Peoria County Pomona Grange, No. 33, of Peoria, Ill., praying for the establishment of postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Modern Woodmen of America, of Greenville, Ill., and a petition of the Order of the Supreme Tribe of Ben Hur, of Crawfordsville, Ind., praying for the passage of the so-called Linton bill, regulating fraternal beneficiary societies; which were ordered to lie on the table.

He also presented a memorial of the Thomas Davis Club, of New York City, N. Y., remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented petitions of the Presbytery of Chicago; of the pupils of the Brookfield district school, of Lasalle County, and of sundry citizens of Monmouth and Wheaton, all in the State of Illinois, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented the petitions of R. S. Russell, publisher of the Leader, of Kirkwood, Ill.; of Cad Allard, publisher of the Evening Star, of Beardstown, Ill.; of the Galena Gazette, A. W. Glessner, president; of C. A. Whitney, publisher of the Suburban News, of Lagrange, Ill.; of B. J. Beardsley, publisher of the Telephone, of Princeville, Ill.; of H. W. Jones, publisher of the Independent, of Ipara, Ill.; of John R. Marshall, publisher of the Kendall County Record, of Yorkville, Ill.; of A. W. Ambrose, editor of the Palestine News, of Palestine, Ill., and of H. S. Rich & Co., publishers of the Western Brewer, of Chicago, Ill., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of Edward Snyder and sundry other citizens of Urbana, Ill., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of O. R. Brouse, editor of the Golden Censer, of Rockford, Ill., praying for the adoption of certain amendments to the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of C. E. Brown and sundry other citizens of Bloomington, Ill., praying for the enactment of legislation reclassifying railway postal clerks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Woman's Christian Temperance Union of Odell, Ill., praying for the passage of the so-called Loud bill, relating to second-class mail matter; for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories, and for the enactment of legislation regulating the sale of intoxicating liquors in the District of Columbia; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Maysville, Ill., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. BLANCHARD presented the petitions of W. G. Kentzel, publisher of the St. Tammany Farmer, of Covington; of H. A. Garrett, publisher of the Tensas Gazette; of I. Jaupt, and of Wilbur H. Kramer, publisher of the St. Mary Optic, of Patterson, all in the State of Louisiana, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Erin, Tenn., and a petition of the Young People's Society of Christian Endeavor of Troy, N. Y., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

Mr. HOAR presented the petition of C. O. Prescott and sundry other citizens of Milton, Mass., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a memorial of sundry citizens of East Brookfield, Mass., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. MCMILLAN, from the Committee on the District of Columbia, to whom were referred the two amendments submitted by himself on the 2d and 4th instants, intended to be proposed to the

District appropriation bill, reported favorably thereon, and moved that they be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 9101) to amend an act entitled "An act to authorize the Montgomery Bridge Company to construct and maintain a bridge across the Alabama River near the city of Montgomery, Ala.," approved March 1, 1893, reported it without amendment.

Mr. MANTLE, from the Committee on Indian Affairs, to whom was referred the amendment submitted by Mr. CANNON on the 5th instant, intended to be proposed to the Indian appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. THURSTON, from the Select Committee on International Expositions, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

COURTS IN TEXAS—VETO MESSAGE.

Mr. DANIEL. I am instructed by the Committee on the Judiciary, to whom were referred the bill (H. R. 9469) to constitute a new division of the eastern judicial district of Texas, and to provide for holding the terms of court at Beaumont, Tex., and for the appointment of a clerk for said court, and the objections of the President thereto, to report it back with the recommendation that the bill do pass, the objections of the President to the contrary notwithstanding. I submit a written report thereon. It is a privileged matter, and I ask that the question be now taken.

Mr. MILLS. It is a question of privilege, and I ask that it may be submitted to the Senate.

The VICE-PRESIDENT. The question is, Shall the bill pass——

Mr. GALLINGER. I should like to hear the veto message read.

The VICE-PRESIDENT. The Chair will first state the question. Shall the bill now pass, the objections of the President to the contrary notwithstanding? The bill and message will be read at length.

The Secretary read the bill.

The VICE-PRESIDENT. The message of the President will be read at length.

The Secretary read as follows:

To the House of Representatives:

I return herewith without my approval House bill No. 9469, entitled "An act to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court."

It appears that terms of court are now held at four different places within the eastern judicial district of Texas, and that parties having business in the courts are not seriously inconvenienced under present arrangements.

Both the Federal judge and district attorney in this district express themselves in opposition to the bill as unnecessary and an interruption to the transaction of the large volume of business now pending and constantly coming before the court.

I have before me certificates of the clerks of the present divisions of the courts showing that during the last five years the counties which it is proposed shall constitute the new division have contributed but forty-two cases to the calendars of the court.

Conclusive proof is also before me that the additional terms of court provided for in this bill would so interfere with the terms already appointed in the existing divisions that the proper administration of the civil as well as the criminal law would be impracticable.

The criminal docket of the terms held at Paris is so large that under present arrangements and with the utmost industry trials can not now be as promptly disposed of as the ends of justice require. This condition would be further aggravated if terms of the court should be held at Beaumont on the dates proposed in this bill, since they are fixed at such times as to necessarily curtail the period now devoted to the Paris terms.

On the grounds stated, and because I am unable to discover how the public interests can possibly be promoted by the proposed legislation, I am constrained to withhold my approval of the bill under consideration.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 14, 1897.*

Mr. MILLS. Let the report be read. There is a report submitted by the Senate Committee on the Judiciary.

The VICE-PRESIDENT. The report will be read.

The Secretary read the report this day submitted by Mr. DANIEL, as follows:

The Committee on the Judiciary have had under consideration House bill 9469, "To constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court," and report the same to the Senate with the recommendation that it do pass, the objections of the President to the contrary notwithstanding.

This bill was passed by the House of Representatives after a unanimous report in its favor by the Judiciary Committee of that body. It was sent to the Senate and referred to the Judiciary Committee, from which it was reported favorably and passed the Senate. It was then presented to the President for his approval and returned to the House with objections. It was again referred to the Judiciary Committee of the House for reconsideration; and having been reconsidered, was again reported favorably, and the House on reconsideration passed the bill by the constitutional majority of two-thirds. It again came to the Senate with the objections of the President, and was again referred to the Judiciary Committee of the Senate for reconsideration; and the committee report that they have carefully considered the objections of the President and report the bill back to the Senate with the recommendation that it do pass, the objections of the President to the contrary notwithstanding. Beaumont, the point at which the court is to be held, is in the southeastern part of the State. It is in the eastern judicial district of Texas. There are now four places of holding courts in that district—one at Paris, on the northern border of the State; one at Jefferson, on the eastern border in the northern part of the district; one at Tyler, in the central portion of the north half of the district, and one at Galveston, in the southwestern part of the district. There are nine counties of the district where process is now returnable to Galveston, and the persons who may be required to attend that court—from most of them—must go through Beaumont to reach Galveston either by land or water. Two of the eleven counties are returnable to Tyler under existing law, and they would be accommodated by the change proposed. The committee believe that, among other considerations, the convenience of the people who are compelled to attend the courts, either as parties, witnesses, or jurors, ought be to consulted, and while it may be true that up to the present time there has not been a large amount of litigation arising in the counties made returnable to Beaumont, it would be a convenience to the people of those counties. Besides, within a few years there has grown up a very considerable industry at Beaumont and in its vicinity. The removing of obstructions to the navigation of Sabine Pass has opened a way to market for the product of the immense pineries of southeast Texas, and that section of the State is increasing in population and wealth as a consequence of the improvement of its commercial facilities. The people in the locality of Beaumont who now have to attend court must go either to Tyler or Galveston. The first is 175 miles and the other 135 miles distant. There can be none, or a very trifling additional expense incurred, and the committee think that the convenience of the people interested outweighs the objections interposed by the President.

Mr. MILLS. Mr. President, I wish to have the attention of the Senate for a few moments, and for only a few moments. I will state that this is a bill authorizing the judge of the eastern district of Texas to hold a term of court at Beaumont. The bill when introduced in the House of Representatives was referred to the Judiciary Committee, indorsed by that committee, reported to the House, and passed by the House of Representatives. It was sent here. It was referred to the Judiciary Committee of this body, and was reported favorably by the Judiciary Committee. It passed this body, and was sent to the President.

The President returned the bill to the House of Representatives with his objections. The House referred his objections and the bill again to the Committee on the Judiciary of that body. The bill was reconsidered with the President's objections, reported back favorably, and notwithstanding those objections the House by the constitutional majority passed the bill. It was again sent to the Senate, and the Senate referred it again to its Judiciary Committee for reconsideration. The Senate Judiciary Committee this morning, after having reconsidered it, report it back with the recommendation that the bill should pass, notwithstanding the President's objections.

Mr. President, the burden of the President's objection is that the judge of the court, the marshal, the district attorney, and the clerk are opposed to the bill. When I first came to Congress, twenty-four years ago, there were three Federal courts in the State of Texas, with 274,000 square miles of territory in the State. I began to ask Congress to pass bills to distribute the courts, to place them nearer to the people. I think in every single instance where I and the other Representatives of Texas asked that that should be done we met the opposition of the judge, the marshal, the district attorney, and the clerk, who think that their convenience ought to be consulted instead of the convenience of the people. It is strange to me that the President does not consult the fifteen members sent here by Texas, thirteen in the other branch and two in this, but consults alone the interests of the people of Texas as they are represented to him by the judge, the district attorney, the marshal, and the clerk.

I hope that the Senate will pass the bill.

Mr. HOAR. Mr. President, I think the Senator from Texas does great injustice to the President in stating that the President's reason for opposition to the bill is that the judge, the district attorney, and the clerk do not like it. The President's reason for opposition to the bill is a very strong one indeed. It is that in the district where the court is to be held there have been but forty-two cases in five years for decision in the United States court. I think that is a good, strong, honest reason, which ought to be considered, and considering it as a good, strong, honest reason, I propose to support the bill, and why? I propose to support the bill because, while there is not a great deal of business, there is a rapidly growing community where there must be a great deal more. There are important railroads now starting; there are business interests arising under United States laws, and there are controversies likely to come up there of importance, where the impartiality which the Constitution secures in the interests of citizens of the different States ought to be preserved.

I think also, as the Senator from Texas has said has been his own action, that it is very important indeed, as a matter of public policy, that the United States courts should be multiplied within reasonable bounds; that they should be brought close to the people. I understand (the Senator from Texas will correct me if I am wrong) that the nearest place to this town where a United States court is now held is about 130 miles off.

Mr. MILLS. One hundred and thirty-five miles.

Mr. HOAR. It is 135 miles off.

Mr. MILLS. And the next one is 175 miles.

Mr. HOAR. Now, it is not wise to compel persons charged with small offenses, it is not wise to compel persons who are accused of violating patents, it is not wise to compel persons who,

if we have a bankruptcy law, will be interested in bankrupt estates, to have to travel that distance from their homes to get justice. The United States ought, within reasonable limits, to carry its justice to every man's door, as we carry the mails to every man's door.

The prejudice against the great constitutional power and the prejudice against the great constitutional rights created by the United States Constitution in many quarters and in many parts of the country, when you come to find out its origin, arises from the fact that the people do not like to be dragged for justice, especially by their antagonists, over great spaces to places that are strange to them. The United States ought to have its trials in the vicinage.

And so, not sharing the objection of the Senator from Texas to the President's reasons, I think the President's reasons are outweighed by better and stronger reasons on the other side, and I shall earnestly support the bill.

Mr. MILLS. The Senator from Massachusetts has supported what I said. The President did make his objections to the bill because the judge was opposed to it, because the marshal was opposed to it, because the district attorney was opposed to it, and because the clerk was opposed to it; and he did add the additional reason which the Senator from Massachusetts speaks of. But the Senator from Massachusetts has shown that he knows more about that part of the country than the President, and that the President's objection was not a very strong one.

I hope we shall have a vote.

Mr. HOAR. I do not want to take the time of the Senate, but my only reason for rising was because I thought it was fair that the fact as to the small number of cases there should be understood by the Senate, and that the Senate should understand that in spite of it there were good reasons for the passage of the bill.

The VICE-PRESIDENT. Shall the bill pass, the objections of the President to the contrary notwithstanding? The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from Vermont [Mr. PROCTOR]. Understanding that he would vote "yea" on this bill, I will vote. I vote "yea."

Mr. FAULKNER (when his name was called). I am paired with my colleague, the Senator from West Virginia [Mr. ELKINS]. I do not know how he would vote if present, and therefore I withhold my vote.

Mr. GEAR (when his name was called). I have a general pair with the Senator from Georgia [Mr. GORDON], and withhold my vote.

Mr. MORRILL (when his name was called). I am paired with the senior Senator from Tennessee [Mr. HARRIS], and therefore withhold my vote.

Mr. SHOUP (when his name was called). I am paired with the senior Senator from California [Mr. WHITE]. As he is absent from the Chamber, I withhold my vote.

Mr. VILAS (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL]. Not knowing how he would vote, I withhold my own.

The roll call was concluded.

Mr. CALL (after having voted in the affirmative). As I have no direct information as to how the Senator from Vermont [Mr. PROCTOR] would vote if present, I withdraw my vote.

The result was announced—yeas 57, nay 1; as follows:

YEAS—57.

Aldrich,	Cockrell,	Mantle,	Sewell,
Allen,	Cullom,	Martin,	Sherman,
Allison,	Daniel,	Mills,	Stewart,
Bacon,	Davis,	Mitchell, Wis.	Teller,
Baker,	Gallinger,	Morgan,	Thurston,
Bate,	Gibson,	Murphy,	Tillman,
Berry,	Gray,	Nelson,	Turpie,
Blackburn,	Hansbrough,	Palmer,	Vest,
Brown,	Hawley,	Pasco,	Voorhees,
Burrows,	Hill,	Peffer,	Walthall,
Cameron,	Hoar,	Perkins,	Wetmore,
Carter,	Jones, Ark.	Pettigrew,	Wilson.
Chandler,	Lodge,	Pugh,	
Chilton,	McBride,	Quay,	
Clark,	McMillan,	Roach,	

NAY—1.

Caffery.

NOT VOTING—32.

Blanchard,	Frye,	Jones, Nev.	Proctor,
Brice,	Gear,	Kenney,	Shoup,
Butler,	George,	Kyle,	Smith,
Call,	Gordon,	Lindsay,	Squire,
Cannon,	Gorman,	Mitchell, Oreg.	Vilas,
Dubois,	Hale,	Morrill,	Warren,
Elkins,	Harris,	Platt,	White,
Faulkner,	Irby,	Pritchard,	Wolcott.

The VICE-PRESIDENT. The bill is passed, two-thirds of the Senators present having voted in the affirmative.

UNITED STATES ATTORNEY FOR THE DISTRICT OF COLUMBIA.

Mr. HOAR. I am directed by the Committee on the Judiciary to report a bill to remove doubts as to the power of the supreme court of the District of Columbia to provide for a vacancy in the office of attorney of the United States for the District of Columbia, for which I ask immediate consideration.

The bill (S. 3666) to remove doubts as to the power of the supreme court of the District of Columbia to provide for a vacancy in the office of attorney of the United States for the District of Columbia was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That in case of a vacancy in the office of attorney of the United States for the District of Columbia the supreme court of said District may fill the same, and the person appointed by said court shall serve until an appointment is made by the President and the appointee is duly qualified, and no longer.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARTESIAN WATERS OF THE DAKOTAS.

Mr. HALE, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. PETTIGREW on the 23d ultimo, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 2,000 additional copies of an extract from the Seventeenth Annual Report of the United States Geological Survey, entitled "Preliminary report on artesian waters of a portion of the Dakotas," for distribution by the Geological Survey.

EMPLOYMENT OF STENOGRAPHER.

Mr. GALLINGER. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate to report back with an amendment a resolution submitted by the Senator from Illinois [Mr. CULLOM] on January 12, 1897, and I ask unanimous consent for its consideration at this time.

By unanimous consent, the Senate proceeded to consider the following resolution:

Resolved, That the stenographer reporting the hearings before the Committee on Interstate Commerce under the resolution of the Senate of December 9, 1896, and also the hearings pending before the Committee on the Census, be paid out of the contingent fund of the Senate.

The amendment was, in line 4, after the date "1896," to insert "and in relation to bills pending before said committee."

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED.

Mr. CALL (by request) introduced a bill (S. 3667) to enable individual bondholders to increase the volume of national-bank notes of a special form, without charge, and for other purposes; which was read twice by its title, and referred to the Committee on Finance.

Mr. GEAR introduced a bill (S. 3668) granting an increase of pension to Maj. John H. Geurkee; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 3669) relating to the landing of foreign submarine telegraph cables within the United States; which was read twice by its title, and referred to the Committee on Commerce.

Mr. McMILLAN introduced a bill (S. 3670) to increase the pension of Mrs. Elizabeth S. Roberts, widow of the late Gen. Benjamin S. Roberts, United States Army; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 3671) to provide for the purchase of a site and the erection of a public building thereon at Pekin, in the State of Illinois; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Buildings and Grounds.

Mr. COCKRELL introduced a bill (S. 3672) granting a pension to John Deming; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ROACH (by request) submitted an amendment intended to be proposed to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. QUAY submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

METROPOLITAN RAILROAD COMPANY.

On motion by Mr. COCKRELL, it was

Ordered, That the Secretary request the House of Representatives to return to the Senate the bill (H. R. 9647) to authorize the extension of the lines of the Metropolitan Railroad Company, of the District of Columbia.

INVESTIGATION BY JUDICIARY COMMITTEE.

Mr. HOAR submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the Judiciary, or any subcommittee thereof, be authorized in the case of Charles F. Amidon to send for persons and papers, to administer oaths, and to employ a stenographer; and that the expenses thus incurred be paid out of the contingent fund of the Senate, on vouchers approved by the chairman of said committee.

FOREIGN RELATIONS, 1896.

Mr. HALE submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate of the United States (the House of Representatives concurring), That there be printed and bound in red cloth 1,000 copies of Foreign Relations, 1896, including the last annual message of the President of the United States and the last annual report of the Secretary of State, for the use of the Department of State.

RECALL OF A BILL FROM THE PRESIDENT.

Mr. TILLMAN. I ask unanimous consent for the consideration at this time of the bill (S. 3590) to limit the effect of the regulation of commerce between the several States and with foreign countries in certain cases.

Mr. PETTIGREW. I rise to morning business. I have a concurrent resolution to offer.

The VICE-PRESIDENT. The Senator from South Carolina submitted a request, which the Chair will state.

Mr. PETTIGREW. Before that is done, I wish to submit a concurrent resolution, which I ask to have considered at this time.

The VICE-PRESIDENT. The concurrent resolution submitted by the Senator from South Dakota will be read.

The Secretary read as follows:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate Senate bill No. 3328, entitled "An act to amend an act entitled 'An act to repeal the timber-culture laws, and for other purposes.'"

The VICE-PRESIDENT. Is there objection to the present consideration of the concurrent resolution?

Mr. HILL. What is the ground for that resolution, Mr. President?

Mr. PETTIGREW. The resolution refers to a bill which has passed both Houses and gone to the President, but which contains an error which I think will defeat the purpose of the bill. I therefore offer the resolution for the purpose of recalling the bill and correcting the error.

Mr. HILL. I simply suggest to the Senate whether it is customary to recall a bill from the President of the United States for the correction of a substantial error. An error of engrossment is one thing, but an error of fact or the amendment of a bill is an entirely different thing. What is the exact fact in this case?

Mr. PETTIGREW. It is customary, I am informed by the older members of the Senate, to pass such resolutions, and it has been done very many times, both for the purpose of amending a bill and correcting an error in its enrollment.

Mr. HILL. I, of course, will bow with respect to the statement of the Senator, if he is correctly informed, but I was not aware that it had been customary in the Congress of the United States to ask for the recalling of a bill sent to the President and in his hands for approval or disapproval, in order to have the bill amended, but it has been customary, where it was alleged that an error had been made in the enrollment of a bill, to ask to have it returned, simply to correct the error of enrollment.

Mr. HOAR. If the Senator will pardon me, I think he will find that there is a rule of the Senate on the subject, and that the resolution is in accordance with the custom.

Mr. HILL. Can the Senator refer me to the rule?

Mr. SHERMAN. There can be no doubt of the power of the House which has originated a bill to recall it from the President at any time before he has actually approved or disapproved it.

Mr. CULLOM. For any reason.

Mr. SHERMAN. I have known several cases of that kind where, in the enrollment or in the preparation of a bill for the President, some mistake had been made by inadvertence. It is certainly within the power of the Senate to recall a bill originating in this body.

Mr. HILL. As to any mistake in enrollment, any mistake in printing, any mistake per se, I agree with the Senator. The only query I start is whether, when there is an allegation of a mistake of that character, it is proper to recall a bill from the President of the United States in order to amend it in the matter of substance. If that is so——

Mr. SHERMAN. That is not only so, but when a bill has been recalled motions to bring it back to the condition in which it was when reported from the committee are usually put—motions to reconsider the vote by which the bill was ordered to a third reading and passed and all the other motions which are proper in the ordinary course of procedure on a bill, until we reach the stage when it is open to amendment.

Mr. HILL. Will the Senator from Massachusetts call my attention to the rule to which he has just referred?

Mr. HOAR. I find I was wrong about the rule.

Mr. HILL. Is not the Senator from Massachusetts also wrong as to the fact?

Mr. HOAR. I find the rule applies only to bills sent to the House of Representatives, and not to bills sent to the President. I was wrong in my recollection of the rule.

Mr. HILL. I have no doubt that it would be a very agreeable practice at times, and very beneficial in order to prevent a veto to recall a bill, and the President in the last stages of a session, if a bill could be amended, might desire to approve it; but I am not aware that it has been the practice of the Congress of the United States to recall a bill once sent under the Constitution to the President of the United States simply and solely for the purpose of amending it in a matter of substance, and not to correct an enrollment, a typographical error, or anything of that kind; and I suggest the question as to the power of Congress to do it. If there is no rule providing for the recall of a bill for amendment, it can not be done, it strikes me.

Mr. ALLISON. I suggest to the Senator from South Dakota to let the resolution go over.

Mr. PETTIGREW. I am perfectly willing that the resolution shall lie on the table until the Senator from New York has gained the information he desires upon this very important subject.

The VICE-PRESIDENT. The resolution will go over.

PRESIDENTIAL APPROVALS.

A message from the President of the United States by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 4th instant approved and signed the act (S. 878) granting a pension to Jared S. Chamberlain.

The message also announced that the President of the United States had on the 6th instant approved and signed the following acts:

An act (S. 738) authorizing the establishment of a pier-head light at or near South Milwaukee, in the State of Wisconsin; and

An act (S. 3555) to amend an act entitled "An act granting to the Eastern Nebraska and Gulf Railway Company right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska," by extending the time for the construction of said railway.

BILL BECOME A LAW.

The message further announced that the bill (S. 1682) granting an increase of pension to Mrs. Sarah B. Leet, having been presented to the President on January 26, 1897, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.

INTERSTATE REGULATIONS CONCERNING LIQUORS.

Mr. TILLMAN. I now renew my request for unanimous consent that the Senate proceed to the consideration of the bill (S. 3590) to limit the effect of the regulation of commerce between the several States and with foreign countries in certain cases.

Mr. SHERMAN. Pending that request, I rise to submit a privileged motion.

The VICE-PRESIDENT. Objection being interposed to the request of the Senator from South Carolina, the bill will go over.

HOUSE BILLS REFERRED.

The bill (H. R. 10167) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The bill (H. R. 10203) to amend section 40 of an act to reduce the revenue and equalize duties on imports, and for other purposes, approved October 1, 1890, so as to authorize the sale of forfeited domestic smoking opium to the highest bidder, was read twice by its title, and referred to the Committee on Finance.

PASSPORT REGULATIONS.

The VICE-PRESIDENT laid before the Senate a message from the President of the United States; which was read, referred to the Committee on Printing, and ordered to be printed, as follows:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State and accompanying reports from diplomatic and consular officers of the United

States on the passport regulations of foreign countries. In view of the evident value of the information contained in these reports, especially to American citizens going abroad and sojourning or traveling in foreign lands, I approve the recommendation of the Secretary that Congress authorize the printing of a special edition of 3,000 copies of the work, to be distributed by the Department of State as indicated in the Secretary's report.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 8, 1897.

CIVIL SERVICE COMMISSION REPORT.

The VICE-PRESIDENT laid before the Senate a message from the President of the United States; which was read, and ordered to lie on the table and to be printed, as follows:

To the Senate and House of Representatives:

I herewith submit the Thirteenth Annual Report of the Civil Service Commission, containing a detailed statement of its important work, and exhibiting the present condition of the classified service of the Government.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 8, 1897.*

NOTE.—The report accompanying this message has been sent to the House of Representatives.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After four hours and twenty minutes spent in executive session the doors were reopened, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 9, 1897, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 8, 1897.

PROMOTIONS IN THE ARMY.

Infantry arm.

Lieut. Col. Edward Moale, Third Infantry, to be colonel, February 4, 1897, vice Crofton, Fifteenth Infantry, retired from active service.

Maj. Francis Edmond Lacey, Seventeenth Infantry, to be lieutenant-colonel, February 4, 1897, vice Moale, Third Infantry, promoted.

Capt. Augustus Whittemore Corliss, Eighth Infantry, to be major, February 4, 1897, vice Lacey, Seventeenth Infantry, promoted.

WITHDRAWAL.

Executive nomination withdrawn February 8, 1897.

Jacob P. Criss, to be postmaster at New Wilmington, Lawrence County, in the State of Pennsylvania. Information has been received of the decease of Mr. Criss on the 2d instant.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 8, 1897.

ASSISTANT ATTORNEY-GENERAL.

Isaac H. Lionberger, of Missouri, to be Assistant Attorney-General.

POSTMASTERS.

James A. Boyd, to be postmaster at Lancaster, in the county of Dallas and State of Texas.

Albert J. Smith, to be postmaster at Northville, in the county of Fulton and State of New York.

John R. Mackessy, to be postmaster at Waverley, in the county of Middlesex and State of Massachusetts.

Henry G. Ellsworth, to be postmaster at Barron, in the county of Barron and State of Wisconsin.

Edward F. Douglass, to be postmaster at Dysart, in the county of Tama and State of Iowa.

James R. Crowe, to be postmaster at Sheffield, in the county of Colbert and State of Alabama.

James Rennil, to be postmaster at Pauls Valley, in Chickasaw Nation County, Ind. T.

W. J. Semmons, to be postmaster at Primghar, in the county of O'Brien and State of Iowa.

Stephen C. Maynard, to be postmaster at Grand Junction, in the county of Green and State of Iowa.

E. Duke Naven, to be postmaster at Laporte City, in the county of Blackhawk and State of Iowa.

John M. Topper, to be postmaster at Colfax, in the county of Jasper and State of Iowa.

Alexander Devine, to be postmaster at Anaconda, in the county of Deerlodge and State of Montana.

Clara L. Lawyer, to be postmaster at Belt, in the county of Cascade and State of Montana.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 8, 1897.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Saturday last was read and approved.

COPIES OF ELECTORAL CERTIFICATES.

The SPEAKER laid before the House letters from the Secretary of State, transmitting, in accordance with the provisions of the act of Congress approved February 3, 1887, copies in full of certificates of the ascertainment of the electors appointed in the following States: Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Iowa, Indiana, Illinois, Kentucky (two certificates), Kansas, Massachusetts, Missouri, Maryland, Minnesota, Montana, Michigan, Maine, North Carolina, Nevada, New York, New Hampshire, New Jersey, Nebraska, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, Wyoming, West Virginia, and Wisconsin.

The SPEAKER. Without objection, these documents will remain on the Speaker's table, as that seems to be the only accessible point.

Mr. TERRY. Mr. Speaker, I will inquire if that is the usual course.

The SPEAKER. The Chair thinks it is the usual course. The Chair supposes that the object of the copies is comparison, as one set is sent to the Senate and one set to the House.

CHANGE OF REFERENCE.

The SPEAKER announced that the Committee on Invalid Pensions would be discharged from the further consideration of the bill S. 3004, and that it would be referred to the Committee on Pensions.

ADMINISTRATION OF THE PENSION LAWS.

Mr. PERKINS. Mr. Speaker, on behalf of the Committee on Printing, I ask for the present consideration of House concurrent resolution No. 69.

The resolution was read by the Clerk, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed in pamphlet form, for the use of the Department of the Interior, 3,000 additional copies of the report of the Assistant Secretary for 1896, relative to the administration of the pension laws.

The SPEAKER. Is there objection to the present consideration of the concurrent resolution?

There was no objection.

The resolution was agreed to.

NAVAJO INDIANS.

Mr. MURPHY of Arizona. Mr. Speaker——

The SPEAKER. The gentleman from Arizona [Mr. MURPHY] has a privileged report.

The Clerk read as follows:

Resolved, That the Secretary of the Interior be, and is hereby, requested to inform the House of Representatives what action is being taken, or has been taken, if any, to enforce the terms of the treaty or agreement with the Navajo Indians, entered into June 1, 1868, under which treaty or agreement said Indians are required to remain within the limits of their reservation.

The report (by Mr. FISCHER) was read, as follows:

The Committee on Indian Affairs, to whom was referred House resolution No. 511, after having had the same under consideration, report back said resolution and recommend it be adopted.

The resolution was agreed to.

On motion of Mr. LOUD, a motion to reconsider the last vote was laid on the table.

CUBAN INSURRECTION.

Mr. TALBERT. Mr. Speaker, I ask that a resolution of the legislature of the State of South Carolina, which I send to the desk, may be read, placed in the RECORD, and referred to the Committee on Foreign Affairs.

The SPEAKER. The Chair understands that this is not a resolution addressed to Congress.

Mr. TALBERT. It is a resolution adopted by the legislature of South Carolina, and I will ask to have read the letter of the clerk of the house transmitting it, which will explain itself. I ask that the letter and resolution be read.

The SPEAKER. That can be done by unanimous consent.

Mr. PAYNE. What is the request?

The SPEAKER. It is a request to read a resolution directed to the Representatives of the State of South Carolina.

Mr. PAYNE. I object.

Mr. TALBERT. In regard to the Cuban insurrection.

Mr. BABCOCK. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Wisconsin, chairman of the Committee on the District of Columbia, demands the regular order.

Mr. TALBERT. I ask to have it referred to the Committee on Foreign Affairs and printed in the RECORD.

The SPEAKER. Without objection, it will be referred to the Committee on Foreign Affairs.

There was no objection.

Mr. TALBERT. I ask unanimous consent that it be printed in the RECORD also.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that the resolution be printed in the RECORD. Is there objection?

Mr. PAYNE. I object, Mr. Speaker.

The SPEAKER. Objection is made.

FRATERNAL BENEFICIARY SOCIETIES IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up for consideration the bill (H. R. 10108) regulating fraternal beneficiary societies, orders, or associations in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That a fraternal beneficiary association is hereby declared to be a corporation, society, or voluntary association, formed or organized and carried on for the sole benefit of its members and their beneficiaries, and not for profit, having a lodge system, with ritualistic form of work and representative form of government, making provision for the payment of benefits in case of death. Each such association may make provision for the payment of benefits in case of sickness, temporary or permanent physical disability, either as the result of disease, accident, or old age: *Provided*, That the period in life at which payment of physical disability benefits on account of old age commences shall not be under 70 years, subject to their compliance with its laws. The fund from which the payment of such benefits shall be made, and the fund from which the expenses of such association shall be defrayed, shall be derived from assessments or dues collected from its members. Payment of death benefits shall be to the families, heirs, blood relatives, affianced husband, or affianced wife of, or to persons dependent upon the member. Such associations shall be governed by this act, and shall be exempt from the provisions of insurance laws of the United States relating to the District of Columbia, and no law hereafter passed shall apply to them unless they be expressly designated therein.

SEC. 2. That all such associations coming within the description as set forth in section 1 of this act, organized under the laws of the United States relating to said District, or any State, province, or Territory, and now doing business in said District, may continue such business: *Provided*, That they hereafter comply with the provisions of this act, regulating annual reports and the designation of the assessor of said District as the person upon whom process may be served as hereinafter provided.

SEC. 3. That any such association coming within the description as set forth in section 1 of this act, organized under the law of any State, province, or Territory, and not now doing business in said District, shall be admitted to do business within said District when it shall have filed with the assessor a duly certified copy of its charter and articles of association, and a copy of its constitution and laws, certified to by its secretary or corresponding officer, together with an appointment of the assessor of said District as the person upon whom process may be served as hereinafter provided: *Provided*, That such association shall be shown to be authorized to do business in the State, province, or Territory in which it is incorporated or organized, in case the laws of such State, province, or Territory shall provide for such authorization; and in case the laws of such State, province, or Territory do not provide for any formal authorization to do business on the part of any such association, then such association shall be shown to be conducting its business in accordance with the provisions of this act; for which purpose the assessor may personally, or by some person to be designated by him, examine into the condition, affairs, character, and business methods, accounts, books, and investments of such association at its home office; which examination shall be at the expense of such association, and shall be made within thirty days after demand therefor; and the expense of such examination shall be limited to $50.

SEC. 4. That every such association doing business in said District shall, on or before the 1st day of March of each year, make and file with the assessor of said District a report of its affairs and operations during the year ending on the 31st day of December immediately preceding, which annual report shall be in lieu of all other reports required by any other law. Such report shall be upon blank forms to be provided by the assessor, or may be printed in pamphlet form, and shall be verified under oath by the duly authorized officers of such association, and shall be published, or the substance thereof, in the annual report of the assessor, under a separate part entitled "Fraternal beneficiary associations," and shall contain answers to the following questions:

First. Number of certificates issued during the year or members admitted?

Second. Amount of indemnity effected thereby?

Third. Number of losses or benefit liabilities incurred?

Fourth. Number of losses or benefit liabilities paid?

Fifth. The amount received from each assessment for the year?

Sixth. Total amount paid members, beneficiaries, legal representatives, or heirs?

Seventh. Number and kind of claims for which assessments have been made?

Eighth. Number and kind of claims compromised or resisted, and brief statement of reasons?

Ninth. Does association charge annual or other periodical dues or admission fees?

Tenth. How much on each $1,000, annually or per capita, as the case may be?

Eleventh. Total amount received, from what source, and the disposition thereof?

Twelfth. Total amount of salaries paid to officers?

Thirteenth. Does association guarantee in its certificates fixed amounts to be paid, regardless of amount realized from assessments, dues, admission fees, and donations?

Fourteenth. If so, state amount guaranteed and the security of such guaranty.

Fifteenth. Has the association a reserve or emergency fund?

Sixteenth. If so, how is it created, and for what purpose, the amount thereof, and how invested?

Seventeenth. Has the association more than one class?

Eighteenth. If so, how many, and the amount of indemnity in each case?

Nineteenth. Number of members in each class?

Twentieth. If voluntary, so state, and give date of organization.

Twenty-first. If organized under the laws of said District, under what law and at what time, giving chapter and year, and date of passage of the act?

Twenty-second. If organized under the laws of any State, province, or Territory, state such fact and the date of organization, giving chapter and year, and date of passage of the act.

Twenty-third. Number of certificates of beneficiary membership lapsed during the year?

Twenty-fourth. Number in force at beginning and end of year; if more than one class, number in each class?

Twenty-fifth. Names and addresses of its president, secretary, and treasurer, or corresponding officers?

The assessor is authorized and empowered to address any additional inquiries to any such association in relation to its doings or condition, or to any other matter connected with its transactions relative to the business contemplated by this act, and such officers of such association as the assessor may require shall promptly reply in writing, under oath, to all such inquiries.

SEC. 5. That each such association now doing or hereafter admitted to do business within said District, and not having its principal office within said District, and not being organized under the laws of the United States relating to said District, shall appoint, in writing, the assessor and his successors in office to be its true and lawful attorney, upon whom all lawful process in any action or proceeding against it may be served, and in such writing shall agree that any lawful process against it which is served on said attorney shall be of the same legal force and validity as if served upon the association, and that the authority shall continue in force so long as any liability remains outstanding in said District. Copies of such certificate certified by said assessor shall be deemed sufficient evidence thereof, and shall be admitted in evidence with the same force and effect as the original thereof might be admitted. Service upon such attorney shall be deemed sufficient service upon such association. When legal process against such association is served upon said assessor, he shall immediately notify the association of such service by letter, prepaid and directed to its secretary or corresponding officer, and shall, within two days after such service, forward in the same manner a copy of the process served on him to such officer. The plaintiff in such process so served shall pay to the assessor at the time of such service a fee of $3, which shall be recovered by him as a part of the taxable costs, if he prevails in his suit. The assessor shall keep a record of all processes served upon him, which record shall show the day and hour when such service was made.

SEC. 6. That the assessor of said District shall, upon the application of any association having the right to do business within said District, as provided by this act, issue to such association a permit in writing, authorizing such association to do business within said District, for which certificate and all proceedings in connection therewith such association shall pay the said assessor the fee of $5.

SEC. 7. That any nine or more persons, at least one-third of whom shall be residents of the District of Columbia, being desirous of forming a fraternal beneficiary society, order, or association for the purpose set forth in section 1 of this act, may associate themselves together and effect such organization as hereinafter prescribed, and not otherwise. Such persons shall make, sign, and acknowledge, before any officer authorized to take the acknowledgment of deeds in this District, and file in the office of recorder of deeds of said District, a certificate or declaration in writing, to be recorded in a book kept for that purpose and open to public inspection, in which shall be stated the name or title by which said institution shall be known to law; the mode and manner in which the corporate powers granted by this act are to be exercised; the name and official title of the officers, trustees, representatives, or other persons, by whatever name or title designated, who are to have and exercise the general control and management of its affairs; the place of doing business defined; the limit as to age of applicants for beneficiary membership, which shall not exceed 55 years, and that medical examinations are required of applicants for life benefits, together with the sworn statement by three of said corporators that at least 100 persons, eligible under the proposed laws of such society, order, or association to membership therein, have in good faith made application in writing for membership. The recorder of deeds, upon the filing of said declaration, shall deliver to such society, order, or association a certified copy of the papers so filed and recorded in his office, together with a certificate to such association, order, or society, stating that the provisions of this act relative to incorporation have been complied with and that said society, order, or association becomes thereby authorized to carry on the work of a fraternal beneficiary society. Upon filing the certificate or declaration, as aforesaid, the persons who shall have signed and acknowledged the same and their successors and associates shall, by the provisions of this act, be a body politic and corporate by the name and style stated in the certificate, and by that name and style shall have perpetual succession, and may have and use a common seal, and the same may alter and change at pleasure, and may make and alter at times or from time to time such laws, not inconsistent with the Constitution of the United States or the laws in force in said District, as they may deem necessary for the government of said association. And they and their successors, by their corporate name, shall, in law, be capable of creating, maintaining, and disbursing a reserve or emergency fund, in accordance with its laws, and of taking, receiving, purchasing, and holding real and personal estate necessary for the purpose of said society, and may let, place out at interest, or sell and convey the same, as may seem most beneficial for said association. The association shall elect from its members trustees, directors, or managers, by whatever title known in its laws, at such time and place and in such manner as may be specified in its laws, who shall have the control and management of the affairs and funds of said association, a majority of whom shall be a quorum for the transaction of business; and whenever any vacancy shall happen among such trustees, directors, or managers, by death, resignation, or otherwise, such vacancy shall be filled in such manner as shall be provided by the laws of said association.

SEC. 8. That the officers, trustees, directors, or governing body of any existing fraternal beneficiary society may, by conforming to the requirements of the several provisions of this act, reincorporate themselves or continue their existing corporate powers under this act, or change their name, stating in their certificate the original name of such corporation as well as their new name assumed, and all the property and effects of such existing corporation shall vest in and belong to the corporation so reincorporated or continued.

SEC. 9. That any subordinate body of any fraternal beneficiary society, order, or association incorporated under the provisions of this act, or of any such society, order, or association now doing business or may hereafter be admitted to do business in this District under this act, where the laws of the governing body of said society, order, or association do not prohibit the incorporation of their subordinate bodies, may become a body corporate in the manner following: At some regular meeting of such subordinate body a resolution, expressing the desire of such subordinate body to be incorporated and directing its officers to perfect such incorporation, shall be submitted to a vote of the members present, and if two-thirds of the members present and voting therefor, the president and secretary of such subordinate body, or the officer holding relative offices therein, shall prepare articles of association under their hands and the seal of such subordinate body, setting forth, first, the number of members of such subordinate body then in good standing; second, the name by which said subordinate body is known; third, the date of its organization and the period for which it is to be incorporated, not exceeding thirty years. A copy of such articles of association shall be filed with the recorder of deeds, and shall by him be recorded, together with the affidavit hereafter named, in a book to be kept for that purpose. On the execution of said articles of association, and before the filing thereof with the recorder, the secretary of such subordinate body shall annex thereto his

affidavit stating that he is a member in good standing in such subordinate body and occupies the position of secretary, or the office corresponding therewith, therein, and that the resolution, a copy of which shall be set forth at length, was regularly passed at a regular meeting of said subordinate body and received the vote of two-thirds of the members present and voting, and that, to the best of his knowledge and belief, the statements made in the articles of association are true, and that such subordinate body is organized and acting under the laws of its respective society, order, or association, giving the name by which such society, order, or association is incorporated. When the foregoing requirements are complied with, such subordinate body shall be a body corporate by the name expressed in such articles, and by that name shall be a person in law capable of suing and being sued in the courts and taking and holding property of every kind the same as natural persons, and a copy of said articles of association, duly certified to by the recorder of deeds, in whose possession they are, shall be prima facie evidence in all courts and places of the existence and the due incorporation of such subordinate body.

SEC. 10. That no contract with any such association shall be valid when there is a contract, agreement, or understanding between the member and the beneficiary that the beneficiary, or any person for him, shall pay such member's assessments and dues, or either of them.

SEC. 11. That the money or other benefit, charity, relief, or aid to be paid, provided, or rendered by any association authorized to do business under this act shall not be liable to attachment by trustee, garnishee, or other process, and shall not be seized, taken, appropriated, or applied by any legal or equitable process, or by operation of law, to pay any debt or liability of a certificate holder or of any beneficiary named in a certificate, or any person who may have any right thereunder.

SEC. 12. That any such association organized under the laws of said District may provide for the meetings of its legislative or governing body in any State, Province, or Territory wherein such association shall have subordinate bodies, and all business transacted at such meetings shall be valid in all respects, as if such meetings were held within said District; and where the laws of any such association provide for the election of its officers by votes to be cast in its subordinate bodies, the votes so cast in its subordinate bodies in any State, Province, or Territory shall be valid, as if cast within said District.

SEC. 13. That any person, officer, member, or examining physician who shall knowingly or willfully make any false or fraudulent statement or representation in or with reference to any application for membership or for the purpose of obtaining any money or benefit in any association transacting business under this act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than $100 nor more than $500, or imprisonment in the United States jail in said District for not less than thirty days or more than one year, or both, in the discretion of the court; and any person who shall willfully make a false statement of any material fact or thing in a sworn statement as to the death or disability of a certificate holder in any such association for the purpose of procuring payment of a benefit named in the certificate of such holder, and any person who shall willfully make any false statement in any verified report or declaration under oath required or authorized by this act, shall be guilty of perjury, and shall be proceeded against and punished as provided by the statutes of the United States in relation to the crime of perjury.

SEC. 14. That any such association refusing or neglecting to make the report as provided in this act shall be excluded from doing business within said District. Said assessor must, within sixty days after failure to make such report, or in case any such association shall exceed its powers, or shall conduct its business fraudulently, or shall fail to comply with any of the provisions of this act, give notice in writing to the attorney for said district, who shall immediately commence an action against such association to enjoin the same from carrying on any business. And no injunction against any such association shall be granted by any court except on application by the attorney for said district at the request of the assessor. No association so enjoined shall have authority to continue business until such report shall be made, or overt act or violations complained of shall have been corrected, nor until the costs of such action be paid by it: *Provided*, That the court shall find that such association was in default, as charged, whereupon the assessor shall reinstate such association, and not until then shall such association be allowed to again do business in said District. Any officer, agent, or person acting for any association or subordinate body thereof, within said District, while such association shall be so enjoined or prohibited from doing business pursuant to this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than $25 nor more than $200, or by imprisonment in said jail not less than thirty days nor more than one year, or by both such fine and imprisonment, in the discretion of the court.

SEC. 15. That any person who shall act within said District as an officer, agent, or otherwise for any association which shall have failed, neglected, or refused to comply with, or shall have violated any of the provisions of this act, or shall have failed or neglected to procure from the assessor a proper certificate of authority to transact business as provided for by this act, shall be subject to the penalty provided in the last preceding section for the misdemeanor therein specified.

SEC. 16. That nothing in this act shall be construed to apply to any corporation, society, or association carrying on the business of life, health, casualty, or accident insurance for profit or gain, and shall only apply to fraternal beneficiary societies, orders, or associations as defined by section 1, and nothing in this act contained shall be construed to affect any grand or subordinate lodge or branch of any such fraternal beneficiary societies, order, or association which limits its certificate holders to a particular religious denomination or to the employees of a particular town or city, designated firm, business house, or corporation, nor the grand or subordinate lodges of the Independent Order of Odd Fellows, nor any grand, subordinate lodge, or other body of Free and Accepted Masons, nor the grand or any subordinate lodge of the Knights of Pythias, or similar orders, associations, or societies that do not have as their principal object the issuance of benefit certificates of membership in case of death or the payment of sick, funeral, or death benefits exceeding in amount $100.

SEC. 17. That the provisions of this act shall not extend to nor apply to any association or individual who shall, in the certificate filed with the recorder of deeds, use or specify a name or style the same as that of any previously existing incorporated body in the District of Columbia.

SEC. 18. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. BABCOCK. Mr. Speaker, I yield to the gentleman from Michigan [Mr. MILNES] who reported this bill.

Mr. MILNES. Mr. Speaker, this is quite a lengthy bill, and is a bill to regulate and define the duties and powers of fraternal beneficiary societies doing business within the District of Columbia. It defines how such organizations shall be formed and their powers. This, or a similar law to this, has already been adopted in the States of Michigan, Illinois, and Iowa and with some slight variations in the States of New York, Massachusetts, Wisconsin, and Minnesota. It is asked for by over forty of the leading beneficiary societies of the United States of America. I understand it is exactly similar to laws already upon the statute books of the States of Michigan, Illinois, and Iowa. Unless some debate is asked upon the bill, I shall ask for the previous question.

Mr. BAKER of New Hampshire. Mr. Speaker, I would like to ask the gentleman from Michigan a question. On the top of page 5 the tenth question to be submitted by the assessor is as follows:

How much on each $1,000, annually or per capita, as the case may be.

The question in itself does not seem to be complete. I presume it refers to the preceding question. If that is what is intended, I think the words "if so" should be put in before the word "how." I repeat the question in itself does not seem to be complete.

Mr. MILNES. I think the words "if so" would be very proper there, and the committee will accept that amendment if the gentleman desires to offer it.

The SPEAKER pro tempore (Mr. PAYNE). The Clerk will report the amendment.

Mr. BAKER of New Hampshire. I move, Mr. Speaker, to insert at the top of page 5, line 29, after the word "tenth," the words "If so."

The Clerk read as follows:

Page 5, line 29, after the word "tenth," insert the words "If so."

Mr. MILNES. That is entirely satisfactory, Mr. Speaker.

The amendment was agreed to.

Mr. BAKER of New Hampshire. Then, Mr. Speaker, on page 6 I find that there is a requirement that each of these associations shall appoint the assessor of the District of Columbia its attorney. That seems to be a very peculiar provision—that the association shall appoint as their attorney the officer who, by the bill, is to supervise them and to see that they exercise their various duties under the bill.

Mr. MILNES. I would like to say to the gentleman that that officer is named simply for the purpose of having some person upon whom process can be served, and the District Commissioners designated the assessor as the proper person for that purpose.

Mr. BAKER of New Hampshire. I think the general statutes of the States and of the United States in this regard generally require that the company shall designate an attorney and report his name and residence to the officer. It seems to me to be much more advisable than the way it is in this bill. I simply make this suggestion to the committee.

Mr. MILNES. The duties of the assessor as the attorney of the company are expressly limited. He has nothing to do with the process except to notify the grand secretary of the society. That is about the only duty it requires him to perform as attorney.

Mr. BAKER of New Hampshire. I do not insist upon anything in that regard. Then, on page 14, in lines 10, 11, 12, and 13, there is this provision:

And no injunction against any such association shall be granted by any court except on application by the attorney for said District, at the request of the assessor.

Mr. MILNES. On what page is that?

Mr. BAKER of New Hampshire. On page 14, lines 10, 11, 12, and 13. It seems to me that is a provision which would work injustice. Supposing two-thirds of the members of the beneficiary association should serve an injunction——

Mr. MILNES. The gentleman must be mistaken about the page and line. I can not find any such language in the bill I have before me.

Mr. BAKER of New Hampshire. Look at the bottom of page 14, in section 14, where it says:

And no injunction against any such association shall be granted by any court except on application by the attorney for said District, at the request of the assessor.

Now, suppose that two-thirds of a beneficiary association should have just cause for getting an injunction, and the assessor or some of his friends should happen to belong to the other one-third, and he should therefore refuse to make the request, this bill by its terms would in that way work an injustice.

Mr. Speaker, I move to strike out the words which I have just quoted, beginning on line 10 and ending on line 13, on the fourteenth page of the bill.

Mr. MILNES. Let me suggest to the gentleman from New Hampshire whether it would not be better to amend it so as to read in this way: "And an injunction against any such company shall be granted by any court on application by the attorney for said District."

Mr. BAKER of New Hampshire. Well, I will leave it to the gentleman to frame the amendment.

Mr. MILNES. Mr. Speaker, I move to strike out, in section 14, page 14, line 10, the word "no," and insert the word "an;" so as to make the sentence read: "And an injunction against any such association shall be granted by any court," etc.

Mr. RICHARDSON. Mr. Chairman, I suggest to the gentleman that the provision amended in that way would not make good sense. The amendment would interfere with the sense of

the paragraph, as the gentleman will see if he reads it through. The bill says now: "And no injunction against any such association shall be granted by any court except on application by the attorney for said District, at the request of the assessor;" and it seems to me that there ought to be no objection to the language as it stands.

Mr. BAKER of New Hampshire. As the provision stands in the bill, it takes away the right of each member of any of these associations to have legal process, and that does not seem to be a proper thing to do.

Mr. RICHARDSON. That provision is in the interest of all persons who may have benefit certificates, and it is not to be supposed for one moment that an officer of the District, the assessor, for instance, designated by the District Commissioners, will be partial in the administration of the law in connection with these fraternal societies. I do not see any objection whatever to the text of the bill as it stands.

Mr. MILNES. Mr. Chairman, I do not think there will be any difficulty in administering the law as the statute now reads. The assessor's duties are specifically prescribed. He is an officer who stands between the corporation and the beneficiaries.

Mr. BAKER of New Hampshire. Yes; and as this bill reads he stands between the officers of the association and its members. This provision as it stands takes away a legal right to which each member of such associations is certainly justly entitled. That seems to be wrong.

Mr. MILNES. Well, I do not think there would be any trouble in getting the permission of the assessor of the District, an officer who would be entirely disinterested.

Mr. BAKER of New Hampshire. It is very true that he may be disinterested, but very frequently officers who are entirely disinterested neglect the performance of their duties, and this provision says that an injunction shall not be granted except upon the affirmative action of the assessor; that is, upon his request to the attorney of the District.

Mr. RICHARDSON. I submit to the gentleman from New Hampshire that if any public officer refuses to do his duty the remedy is perfectly plain; it is simply to get a writ of mandamus to compel him to do his duty. The gentleman is assuming that an officer of the District is going to fail to do his duty. He can make the same objection to all laws and regulations prescribing the duties of public officers if he will assume in each case that public officers will not do their duty. I assume that this officer will do his duty; but if he does not, then, as I have said, a writ of mandamus will lie to compel him to do it, and such a writ can be issued on the application of any party in interest.

Mr. MILNES. Furthermore, the assessor, being entirely disinterested, would have no object in refusing.

Mr. BAKER of New Hampshire. But this bill goes beyond the point made by the gentleman from Tennessee, which applies in ordinary matters. The gentleman says a mandamus may issue to require the assessor to request the attorney to apply for an injunction. That is, if this bill should become a law and the assessor should neglect or should refuse to request an injunction, the complaining member must first apply for a mandamus and have a hearing upon that application, and then, if he succeeds in that, he must proceed to apply for an injunction, a right to which he is entitled as a citizen of the United States without having to encounter such obstacles.

Mr. RICHARDSON. The point of this provision is that the assessor must request the attorney of the District to take this action. The object is evidently to prevent vexatious litigation, and if it becomes the duty of the assessor to ask the attorney to apply for an injunction and he refuses to make that request, then a writ of mandamus will lie, at the instance of any party in interest, to compel him to do his duty. That is all there is in it.

Mr. BAKER of New Hampshire. But it puts upon a man's hands two lawsuits to get his rights, when he should be able to get them by one.

Mr. RICHARDSON. The gentleman is assuming that the man is not going to do his duty. I am assuming that he will. I do not think there ever will be the necessity for a mandamus.

Mr. MILNES. Let me ask the gentleman from New Hampshire whether he would be satisfied with an amendment making the bill read in this way:

An injunction against any such association may be granted by any court on application by the attorney for said District at the request of the assessor.

Mr. BAKER of New Hampshire. Well, I will accept that.

Mr. MILNES. I think that would obviate entirely the objection raised by the gentleman from New Hampshire. Mr. Chairman, I move the amendment which I send to the desk.

The Clerk read as follows:

In line 10 of section 14 strike out the words "and no" and insert the word "an;" in line 11 strike out "shall" and insert "may;" in the same line strike out the word "except;" so as to make the clause read:

"An injunction against any such association may be granted by any court on application by the attorney for said District at the request of the assessor.'

The amendment was agreed to.

Mr. BAKER of New Hampshire. I should be glad if the gentleman in charge of this bill would explain section 17. What purpose is it intended to accomplish?

Mr. MILNES. The section to which the gentleman refers reads as follows:

SEC. 17. That the provisions of this act shall not extend to nor apply to any association or individual who shall, in the certificate filed with the recorder of deeds, use or specify a name or style the same as that of any previously existing incorporated body in the District of Columbia.

I suppose, Mr. Chairman, the object is to prevent the duplication of corporate names and to insure that corporations already incorporated and doing business in the District of Columbia shall not be disturbed in their rights by this act.

Mr. BAKER of New Hampshire. That purpose is an entirely proper one; but it seems to me that this section would not accomplish it. It does not prohibit any company from adopting a corporate name already in use, but it says that if any company should do so the provisions of this bill shall not apply to them; in other words, they would be entirely outside the laws. I suggest to the gentleman that this section needs considerable amendment.

Mr. MILNES. They would not be outside the law, because the corporation would be left in existence as it is now.

Mr. BAKER of New Hampshire. That is very true; but the second corporation—the one assuming the name of an existing corporation, a name which it ought not to be permitted to use—would find itself, under the language of this section, entirely outside the provisions of this bill. Consequently such a company would go scot-free from the requirements herein provided. I suggest to the gentleman in charge of the bill that there should be some amendment to improve this defective phraseology.

Mr. MILNES. As I understand, if such a company should be formed it would have no standing whatever in the District; it would be entirely outside of the law, and it could not do business in the District.

Mr. BAKER of New Hampshire. That could not be so, because there is now no law to prevent it from doing business. The only law which would prevent such a company from doing business is the pending bill.

Mr. MILNES. But in the case supposed the new company would not comply with the provisions of this bill.

Mr. MILLER of Kansas. There is another matter to which I wish to direct the attention of the gentleman from Michigan [Mr. MILNES]. I ask his attention to the language in line 20 of page 2, "affianced husband or affianced wife." This language occurs in the recital of the beneficiaries under a policy which may be taken out under this act. Now, I wish to inquire of the gentleman whether he does not think that this language might lead to very great difficulty in determining who should have the benefit of a policy? What would be the status of an affianced husband or an affianced wife under this provision, supposing that the deceased should leave a father or mother, or brothers and sisters? Would all these parties share alike?

Mr. MILNES. I suppose that by this language the parties referred to are intended to be made beneficiaries.

Mr. MILLER of Kansas. But suppose the deceased party who was insured should leave no affianced wife or affianced husband. Does the gentleman think that this language is clear enough to indicate who would be the beneficiaries in such a case? Would that matter depend upon the statements of the persons themselves?

Mr. MILNES. I think that it would depend altogether upon the language of the certificate. The persons named in the certificate would be the beneficiaries, and no others.

Mr. MILLER of Kansas. But the bill does not so provide, does it?

Mr. MILNES. It provides that the claim for the death benefits shall be made by these persons named.

Mr. MILLER of Kansas. Suppose that the father should be named in the certificate, and at the time of the insured party's death the father had died, then would the affianced husband or wife be entitled along with the other heirs to the benefits of the policy?

Mr. MILNES. I do not think so, unless so specified in the certificate.

Mr. MILLER of Kansas. But in the event that the person mentioned in the certificate is dead, the insurance must go to the heirs or legal representatives, or some other person. Why would not the affianced husband or wife, as the case may be, become the beneficiary under this provision of this bill? That is the point.

Mr. MILNES. They would not be the beneficiaries unless the other heirs were dead.

Mr. MILLER of Kansas. But the point is that the bill itself in this provision puts them in precisely the same category and makes them successors to the insurance.

Mr. MILNES. I will state to the gentleman from Kansas that this is precisely the same provision that is found in the laws of several of the States of the Union, notably in the State of Michigan, the State of Illinois, the State of Iowa, and several other States, upon this subject.

Mr. PITNEY. What is the provision in the exact terms as appears in the bill? Let us hear the provision read.

Mr. MILLER of Kansas. It is suggested that I read the provision as it appears in the bill. It is as follows:

The fund from which the payment of such benefits shall be made, and the fund from which the expenses of such association shall be defrayed, shall be derived from assessments or dues collected from its members. Payment of death benefits shall be to the families, heirs, blood relatives, affianced husband, or affianced wife of, or to persons dependent upon the member.

Now, all of these persons mentioned in this paragraph of the bill are placed in the same order, and all would be entitled to participate in the benefits, provided that the person named in the policy was actually dead.

Mr. MILNES. I think the gentleman will find on a close examination that this covers precisely the ground that is sought to be covered by these associations in such matters.

Mr. RICHARDSON. If I understand the language——

Mr. MILNES (continuing). And this is the shape that these associations desire the provision to be placed in.

Mr. RICHARDSON. As I understand the language, Mr. Speaker, in the limitation placed here, it would provide that the beneficiary would be any one of that class named——

Mr. MILNES. Precisely.

Mr. PITNEY. But if the beneficiary is not of that class?

Mr. RICHARDSON (continuing). And is simply a limitation upon a class of persons who shall have the benefit of the policy or certificate. That is to say, it is practically a provision against what may be termed speculative insurance. But the classes of persons who can have the benefit of the policy or certificate are expressly named in this provision, that is to say, the family, the heirs, blood relatives, affianced husband or affianced wife, or to persons dependent upon the member. And any of these persons would become beneficiaries under the provision of this section.

Mr. MILNES. That is the intention.

Mr. RICHARDSON. But of course that would not deny to the person holding the beneficiary certificate the right to name any person or persons of this class or in this class who should have the benefit of the policy.

Mr. PITNEY. Ought not the bill to provide in terms who shall have the benefit if the person named as beneficiary dies before making such disposition of it?

Mr. AITKEN. As a rule, this is regulated by the by-laws of the association itself. These fraternal associations all provide in their laws who shall take if the beneficiary named dies before the insured. But the member is compelled to name some one in the first instance who is entitled to be a beneficiary under the law.

Mr. PITNEY. But should it not prescribe some one who shall become the beneficiary in direct succession in the event of the death of the party who takes out the certificate?

Mr. AITKEN. It provides, as a rule, that it shall go in the rotation named in the law. But they are required to name some person in the first instance, because otherwise it might be in the nature of a speculative insurance.

Mr. PITNEY. But unless the act enables the association to specify to whom the benefit shall go in the event of the death of the original beneficiary, ought there not to be some fixed rule to determine that question of succession?

Mr. AITKEN. They have a right to provide and do provide for that under their laws.

Mr. PITNEY. How?

Mr. BARHAM. The charters of the associations authorize them to provide by-laws for such contingencies.

Mr. AITKEN. The laws of the association would enable it to do that; but of course they can not go outside of the law that limits this provision.

Mr. RICHARDSON. Besides, Mr. Speaker, this provision is now in the shape as recommended by the fraternal congress which is composed of forty-two of these organizations. They were united in this particular measure, and I can not see that it would work injustice or injury to anybody. I hope it will not be amended in this respect.

Mr. MILNES. As stated by the gentleman from Tennessee, it is exactly in the shape provided by these associations themselves, and there is no danger of working any harm to them. Besides, these associations number some 1,600,000 persons, and they have agreed on this particular provision.

If there be no further question, I ask the previous question.

The previous question was ordered, under the operation of which the bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. MILNES, a motion to reconsider the last vote was laid on the table.

PUNISHMENT FOR IMPERSONATION OF CERTAIN OFFICERS.

Mr. BABCOCK. Mr. Speaker, I call up the bill (H. R. 9976) to punish the impersonation of inspectors of the health and other departments of the District of Columbia.

The bill was read as follows:

Be it enacted, etc., That it shall be unlawful for any person in the District of Columbia to falsely represent himself or herself as being an inspector of the health department of said District, or an inspector of any department of the District government; and any person so offending shall be deemed guilty of a misdemeanor, and on conviction in the police court of said District shall be punished by a fine of not less than $10 nor more than $50 for the first offense, and for each subsequent offense by a fine of not less than $50 nor more than $100, or imprisonment in the jail of the District not exceeding six months, or both, in the discretion of the court.

Mr. CURTIS of Iowa. Mr. Speaker, let the report be read.

The SPEAKER pro tempore. The report will be read in the time of the gentleman from Iowa [Mr. CURTIS].

The report (by Mr. CURTIS of Iowa) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 9976) to punish the impersonation of inspectors of the health and other departments of the District of Columbia, having had the same under consideration, beg leave to report the same to the House, with the recommendation that the bill do pass without amendment.

The bill makes the impersonation of inspectors of the District a misdemeanor, punishable by a maximum fine of $50 and a minimum fine of $10, and providing severer penalties in the way of fines or imprisonment, or both, for subsequent offenses.

The bill is recommended by the health department of the District and by the Commissioners.

The need for such legislation has frequently been demonstrated, recently in a case where a veterinary surgeon represented himself to a certain dairyman as the official veterinarian of the health department, examined the cattle on the premises and charged a fee therefor, which he collected.

Mr. BABCOCK. Mr. Speaker, I ask for a vote.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

TRANSCRIPTS FROM RECORDS OF HEALTH DEPARTMENT, DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up the bill (H. R. 9821) authorizing the Commissioners of the District of Columbia to charge a fee for the issuance of transcripts from the records of the health department.

The bill was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to collect a fee of 50 cents, to be paid to the collector of taxes, for each transcript from the records of births, deaths, and marriages in the health department of said District: *Provided*, That no one transcript shall be made so as to apply to more than one birth, death, or marriage: *And provided further*, That no fee shall be charged for transcripts furnished the various Departments of the United States Government for official purposes.

SEC. 2. That this act shall take effect thirty days after its passage.

Mr. DOCKERY. I should like to ask the gentleman from Wisconsin [Mr. BABCOCK] if the fees carried in this bill are covered into the Treasury?

Mr. BABCOCK. Yes.

Mr. BAKER of New Hampshire. I should like to ask the gentleman in charge of the bill if the fee of 50 cents does not seem exorbitant? These transcripts are made out on printed blanks. They do not, ordinarily, occupy the attention of a clerk for ten minutes. There are a great many of them issued for purposes that are semipublic, and it seems to me that 25 cents ought to be ample.

Mr. CURTIS of Iowa. Mr. Speaker, the sum of 50 cents was recommended by the health officer, approved by the Commissioners of the District of Columbia, and accepted by the Committee on the District of Columbia as the proper amount. The Commissioners in their letter fully set forth the advisability of this legislation, and if any gentleman desires to hear the letter read it may be read by the Clerk.

Mr. BAKER of New Hampshire. There is no doubt about the advisability of the legislation. The only question is as to the exorbitance of the fees which we are called upon to authorize.

Mr. BABCOCK. I call for a vote on the bill.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

IMMIGRATION BILL.

Mr. DANFORD. Mr. Speaker, I desire to present a conference report on the immigration bill.

The Clerk began the reading of the conference report on the bill (H. R. 7864) to amend the immigration laws of the United States.

Mr. RICHARDSON. I hope the gentleman will not insist upon considering the conference report at this time. He has the floor at all times, and the Committee on the District of Columbia have the floor only to-day.

Mr. DANFORD. Upon the suggestion of the gentleman, I am entirely willing to yield.

The SPEAKER pro tempore. Does the gentleman withdraw the report?

Mr. DANFORD. I withdraw the report for the present.

Mr. RICHARDSON. It is privileged and can come in at any time.

Mr. DANFORD. I will call up the conference report immediately after the Committee on the District of Columbia surrender the floor.

GRACELAND CEMETERY.

Mr. BABCOCK. Mr. Speaker, I call up the bill (H. R. 10122) to amend an act entitled "An act to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia," passed August 3, 1894.

The bill was read, as follows:

Be it enacted, etc., That section 2 of the act entitled "An act to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia," passed August 3, 1894, is hereby amended as follows:

"The said board of officers are hereby authorized and empowered to convey the said property by mortgage or deed of trust to secure a loan, which they are hereby authorized to make, at such time and at such rate of interest as may be practicable, not exceeding 6 per cent per annum, which money so raised shall be used by them for the purposes of carrying out the provisions of the said act, and for which they shall be accountable as for other moneys coming into their hands as such officers under the said act."

Mr. BABCOCK. Mr. Speaker, this bill simply authorizes the cemetery association to borrow money and to mortgage their property for the purpose of removing the bodies now interred there. They have exhausted all of their means and still have some 6,000 bodies to remove. They have no other way of getting the money to do it.

Mr. DOCKERY. Is the bill approved by the District Commissioners?

Mr. BABCOCK. Oh, yes. There is a long report here in favor of it.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

POTOMAC FLATS RESERVATION.

Mr. BABCOCK. Mr. Speaker, I ask for the consideration of the bill (H. R. 9770) providing that the Potomac Flats shall be reserved and improved for park purposes under the name of the Potomac Park.

The bill was read, as follows:

Be it enacted, etc., That the entire area known as the Potomac Flats, in the District of Columbia, and now being reclaimed, together with the tidal reservoirs, be, and the same are hereby, made and declared a public park, under the name of the Potomac Park, and to be forever held and used as a park for the recreation and pleasure of the people.

Mr. DOCKERY. I make the point of order that that bill must be considered in Committee of the Whole.

Mr. BABCOCK. Mr. Speaker, if the point of order is sustained by the Chair, I suggest that the bill be laid aside. It has not been put on the Union Calendar.

Mr. DOCKERY. It disposes of public lands.

Mr. BABCOCK. Oh, no; it is just to change the name.

Mr. DOCKERY. Oh, well, Mr. Speaker, it dedicates certain land within the District of Columbia for use as a park.

Mr. RICHARDSON. Oh, no; if the gentleman will read the bill, it says:

That the entire area known as the Potomac Flats, in the District of Columbia, and now being reclaimed, together with the tidal reservoirs, be, and the same are hereby, made and declared a public park, under the name of the Potomac Park, and to be forever held and used as a park for the recreation and pleasure of the people.

Mr. BLUE. That is a dedication of it.

Mr. RICHARDSON. It is not a dedication of it.

Mr. DOCKERY. It is a dedication of public property in the District to park uses. The Government has spent several million dollars in the reclamation of these flats, and now it is proposed to give them away.

Mr. RICHARDSON. It is to be kept from being used for anything else.

The SPEAKER pro tempore. In the opinion of the Chair, the bill is subject to the point of order. The Chair understands that the gentleman from Wisconsin withdraws the bill for the present.

Mr. BABCOCK. I withdraw it for the present.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

A bill (S. 178) granting a pension to Betsey J. Webber;

A bill (S. 1323) granting a pension to Mary Somerlat, widow of Valentine Somerlat;

A bill (S. 1495) granting a pension to Hans Johnson;

A bill (S. 2126) granting a pension to Mrs. Laura A. Nelson;

A bill (S. 2347) for the relief of Laura C. Dodge;

A bill (S. 2913) granting an increase of pension to Nettie A. Cheeks; and

A bill (S. 1806) granting a pension to George B. Custer, late sergeant Company H, Seventy-third Regiment Indiana Volunteer Infantry.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 1694) to increase the pension of Maj. Gen. Julius H. Stahel, asked a conference with the House on the bill and amendments, and had appointed Mr. GALLINGER, Mr. PALMER, and Mr. PRITCHARD as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 205) granting a pension to Mary O. H. Stoneman, asked a conference with the House on the bill and amendments, and had appointed Mr. SHOUP, Mr. MITCHELL of Wisconsin, and Mr. CANNON as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendments of the House to the bill (S. 1501) granting an increase of pension to Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry, asked a conference with the House on the bill and amendments, and had appointed Mr. ROACH, Mr. HANSBROUGH, and Mr. PEFFER as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 1968) for the relief of the Mobile Marine Dock Company;

A bill (S. 2791) for the establishment, control, operation, and maintenance of the Northern Branch of the National Home for Disabled Volunteer Soldiers at Hot Springs, in the State of South Dakota;

A bill (S. 1350) to make Commodore William P. McCann, of the Navy, a rear-admiral on the retired list;

A bill (S. 3244) to amend an act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea;"

A bill (S. 2071) for the relief of Mary A. Swift;

A joint resolution (S. R. 165) relating to the St. Johns River, Florida, and bar at the entrance to the river;

A bill (S. 3481) to provide for the purchase of a site and the erection of a public building thereon at Joplin, in the State of Missouri;

A bill (S. 3492) for the relief of Paymaster James E. Tolfree, United States Navy;

A bill (S. 3493) for the relief of Pay Clerk Charles Blake, United States Navy;

A bill (S. 1604) for the relief of John A. Fairfax, of the District of Columbia;

A bill (S. 2588) for the relief of George S. Simon; and

A bill (S. 1178) conveying to Rafael Seguro, of Iberia Parish, La., the right, title, and interest of the United States in and to certain lands in said parish of Iberia.

The message also announced that the Senate had passed with amendments the bill (H. R. 9647) to authorize the extension of the lines of the Metropolitan Railroad Company, of the District of Columbia, in which the concurrence of the House was requested.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That there be printed 2,000 additional copies of an extract from the Seventeenth Annual Report of the United States Geological Survey, entitled "Preliminary report on artesian waters of a portion of the Dakotas," for distribution by the Geological Survey.

The message also announced that the President of the Senate had appointed Mr. BLACKBURN and Mr. LODGE tellers on the part of the Senate, authorized by the concurrent resolution relating to the counting of the electoral votes for President and Vice-President of the United States.

The message also announced that the Senate, having reconsidered the bill (returned by the President without his approval) (H. R. 9469) to constitute a new division of the eastern judicial district of Texas and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court, had repassed the same, two-thirds voting in favor thereof.

RELIEF OF FARMERS AND TRUCKMEN.

Mr. BABCOCK. Mr. Speaker, I present for consideration the Senate joint resolution (S. R. 148) for the relief of farmers and truckmen in the city of Washington, D. C.

The joint resolution was read, as follows:

Resolved, etc., That the provisions of the ordinance of the city of Washington approved May 27, 1857, requiring the clerks of the several markets to lay off and mark in convenient spaces the several pavements adjoining and bordering on the market squares, which spaces may be used for the sale or exposure for sale of vegetables or other country produce, and extending the powers of the clerks to 15 feet of the streets, measuring from the curb line on which said squares front, shall apply to the south front of Center Market, and to the clerk of the said market; that the law passed in 1871 by the District legislative assembly exempting from license "persons bringing marketing to the District" shall be and remain in full force; and that the said ordinance and law shall be applicable to farmers and truckmen raising produce doing business on the north side of B street north along the south front of the Center Market in said city of Washington.

Mr. SHANNON. Mr. Speaker, I ask for the reading of the report which accompanies the joint resolution.

The report (by Mr. SHANNON) was read, as follows:

The Committee on the District of Columbia, to whom was referred the resolution (S. R. 148) for the relief of farmers and truckmen in the city of Washington, after carefully considering the same, beg leave to submit the following report:

The original cause of this measure was the action taken by the District Commissioners in November, 1895, when they sought, by an order issued to

the superintendent of the Metropolitan police, to forcibly remove the farmers, gardeners, and truckmen from the north side of B street north, between Seventh and Ninth streets west—a place where on market days they had always been allowed to bring "produce of their own raising" and station their wagons, backing them up to the curb, and making sales from both the wagons and the sidewalk.

This privilege the farmers have always enjoyed without paying any license fee whatever, upon the theory, evidently, that they were rendering to the community an important public service and should be encouraged in it.

The custom, it appears, is an ancient one, having existed since the establishment of public markets in this city; that is, since the beginning of the present century. Being, therefore, so to speak, a part of the common law of the District, it is not surprising that the farmers themselves had come to look upon it as somewhat in the nature of a vested right, and that they vigorously resisted the attempt of the Commissioners to deprive them of it.

As numerously signed petitions by the patrons of the market and the farmers and gardeners had been presented to the Commissioners, asking that the order be rescinded, and as the Commissioners in their report made no reference to these petitions, your committee thought it advisable to give the farmers a special hearing, at which they might freely express their sentiments in regard to the matter. Of this they eagerly availed themselves, and 75 persons of both sexes attended the hearing, giving their testimony as to the old-time privilege they had so long enjoyed, and protesting against the order of removal, which they claimed would, if carried out, practically deprive them "of their only means of livelihood." Representatives of the Washington Market Company were also heard, since they claimed that the threatened order of eviction would impair the completeness of their market, and so injure, if it did not seriously cripple, their business. The Commissioners also were heard several times upon the subject, and their statements and explanations had full and careful consideration.

Thus, after a thorough investigation and inquiry into the matter, your committee are of the opinion that the action of the Commissioners in ordering the removal of the farmers and gardeners from the place where they had been so long and so satisfactorily serving their patrons, and with so much advantage to themselves, was not only unjust, but very impolitic and ill advised.

The committee therefore report favorably S. R. 148, for the relief of farmers and truckmen in the city of Washington, D. C., and unanimously recommend that it do pass, with, however, the following amendments:

Strike out, in line 12, the words "the clerk of the said market," and insert in lieu thereof the words "a clerk who may be designated by the Commissioners of the District of Columbia."

Amend by adding at the end of the resolution the following:

"*Provided*, That nothing in this resolution shall be construed as extending the boundaries of the grounds occupied by the Washington Market Company beyond the limits defined in the charter of said company, or as affecting the issues in any pending litigation in the courts of the District of Columbia: *And provided further*, That no charge, license fee, or assessment of any kind for occupancy of a space on a market day and the evening previous thereto shall be levied upon any farmer or producer of vegetables or provisions bringing the same to market, except 10 cents for a single team and 15 cents for a double team; nor shall any fine or fee be assessed or punishment imposed upon any farmer or producer for selling at any time within the District during market hours any article of provision or vegetables grown or produced by him and sound and fit for use."

Mr. SHANNON. Mr. Speaker, the views of the committee, expressed in the report just read, of the action taken by the Commissioners in November, 1895, do not materially differ from those expressed in the report of the Senate District Committee. Their report concludes as follows:

After full and careful consideration of the subject, and a visit of a subcommittee, during market hours, to the locality in question, your committee do not deem it necessary to discuss the matters more especially in litigation between the District and the Washington Market Company. From the evidence before us we are satisfied that the usage in the District of Columbia of allowing farmers and gardeners selling produce of their own raising to sell without license or license fee during market hours, at or near the markets, from wagons backed up to the sidewalks, is too ancient to be disturbed without better reasons than appear in the present case; also, that there is no existing necessity for the expulsion of these classes from B street north, between Seventh and Ninth streets. We recommend, therefore, the adoption by Congress of the accompanying joint resolution, S. R. 148, "For the relief of farmers and truckmen in the city of Washington, D. C."

While thus in accord with the general purpose and object of the resolution, and after hearing the District Commissioners several times upon the subject, since they claimed that no hearing had been granted them elsewhere, your committee were of opinion that the resolution ought to be amended.

For instance, the ordinance of 1857, referred to in the resolution, was passed at a time when every market in this city was a public market. Of the seven markets now existing three only are public markets, and the other four are private markets—the Washington Market being one of them. It was considered of doubtful propriety to give to the clerk of a private company or corporation powers that were originally intended to be executed only by an official of the municipality. Hence the amendment suggested in line 12 makes that portion of the ordinance cited apply to "a clerk who may be designated by the Commissioners of the District of Columbia."

One of the provisos also suggested by way of amendment appeared necessary to your committee in view of the litigation now pending between the Washington Market Company and the District, while another proviso is suggested as a further protection to the farmers, by which they shall only be charged a reasonable fee, to cover the necessary expense of policing, sweeping, and cleaning up the sidewalk and street after the market is closed.

With these explanations of the report submitted by the committee, I now move the previous question.

Mr. BLUE. I trust that that will not be done until a further opportunity for debate is given.

Mr. SHANNON. I withdraw my motion.

Mr. BLUE. I desire to be heard a moment on this matter.

Mr. SHANNON. I yield to my friend from Kansas.

Mr. BLUE. This seems to be an effort, Mr. Speaker, to restore a very ancient custom in this city. The Commissioners have been clothed with power to make and execute proper sanitary regulations within the limits of this capital. Under a wise discretion they made such regulations as have been adopted by them for the better protection of the streets and the cleanliness of the city. This resolution is intended to override the regulations of the Commissioners, simply because there existed here an ancient and hoary custom which gave to them who produced vegetables and other wares of that character the right to stall room which occupied a part of the streets of the city. As I recall this matter, when it was before the Subcommittee on Appropriations, the custom carried with it a demand for the farmers to clear away the débris that was left by them in the sale of their wares at their expense. Out of that regulation had grown up an abuse to the effect that they used some of the parties who were required to clean the market place in the discharge of a duty that had been thrust upon them, and paid those employees of the District for that duty of also clearing the streets which they had left littered and obstructed.

The whole business is irregular. It is unworthy of the sanitary conditions of this city, and it appears to me that this resolution is simply in the interest of those who desire to sell their wares upon the streets. It has sprung from the plea that they have made and the prayer that they have offered urging that this abuse might be restored. I am not able to gather from this resolution as I have heard it read whether these parties are required to pay into the Treasury the fees that are charged or not. If they are not, they should be placed there, if the resolution is to become a law. But I trust the House, interested in the cleanliness, sanitary condition, and welfare of this great city, will vote down this proposition. If those producers of these commodities desire to sell them upon the market, that is all right. Let them be sold under civilized, modernized, and liberalized regulations. There are too many things already in the laws of the District that have no other claim on earth than that they are hoary and ancient. There are too many relics of bygone days in the laws upon the statutes of this District. I am told that there are some laws upon the statute books of this District that fix the fines in some misdemeanors to be paid in tobacco. This is a new enactment to revive a custom as old and as effete as that.

Mr. MILNES. It is a custom that now prevails and always has prevailed.

Mr. BLUE. It is a custom, as I understand, which does not now prevail and has not prevailed since the regulations made by the Commissioners. If it does prevail, what is the necessity of this resolution?

Mr. MILNES. Let me ask the gentleman from Kansas if he does not know now that these people have been allowed to stand there all this time, do stand there now, and have from time immemorial?

Mr. BLUE. I do not so understand it. They have been removed to another place. If such is not the case, Mr. Speaker, there is no necessity for the resolution, so far as they are concerned, and the only purpose it can have is to extend still further this ancient custom to other portions of the sidewalk. I may be mistaken, but if I remember the action of the Commissioners correctly, they had taken steps to abrogate this custom, and if that has not been done, it certainly is what I understood to be the wish of the Commissioners at the time when they were before the Subcommittee on Appropriations.

Mr. MILNES. That is correct.

Mr. BLUE. This resolution appears to be chiefly in the interest of the revival and extension of an effete custom in this great metropolitan city, in which we all delight so much and take so much pride, and I trust that we shall not permit the revival of a custom that belongs to a past condition of things when this country was half slave and half free.

Mr. DOCKERY. Mr. Speaker, I confess that I have not been able so far to understand just what this joint resolution proposes, and I desire to ask the gentleman from Kansas what is intended to be accomplished by it.

Mr. BLUE. I have merely heard it read here, but from what I gathered from the reading I understand that this resolution attempts to override a regulation adopted by the Commissioners and to revive and extend this effete custom to other portions of the sidewalk north of Market Square.

Mr. STEELE. May I ask the gentleman a question for information? My understanding is that the Commissioners have sought to move the people who bring in country products to another part of the city, so that persons going to the city market will be compelled to go also to the place, the ultimate object being to establish another market on a Government reservation. That is my understanding, and I shall be glad if the gentleman from Kansas will tell me whether it is correct.

Mr. BLUE. The gentleman from New York [Mr. SHANNON] has charge of this matter, and can probably answer the gentleman's question.

Mr. SHANNON. Mr. Speaker, with the permission of the House, I will make a brief statement in reply to my friend the gentleman from Kansas, who says that this joint resolution proposes the revival of a hoary custom that has too long prevailed and should in his opinion be discontinued. I would say to the gentleman that the joint resolution does not propose the revival of any custom whatever; it simply provides for the continuance of a custom which has prevailed in this city during the whole of the present century, and under the conditions and for the reasons mentioned in the report of the committee.

Mr. BLUE. Is it not true that the Commissioners have sought to regulate that custom, and that you are seeking by this joint resolution to modify their regulation?

Mr. SHANNON. I was about to state briefly the history of this matter. On November 2, 1895, the Commissioners of the District issued an order to the superintendent of the Metropolitan police instructing him to move the farmers and truckmen from the place which they had always occupied to another point farther west. Immediately there were protests from the farmers and others, and finally, upon the opening of Congress in December, 1895, the matter was referred to this House by a resolution introduced by the gentleman from Michigan [Mr. LINTON]. The Committee on the District of Columbia were instructed to investigate the matter and to report by bill or otherwise. At the same time a similar resolution was introduced in another place and a report by resolution made thereon. That resolution is now under consideration by the House.

The conclusion reached by our committee after hearing the Commissioners, the farmers, and all parties who were in any wise interested in the matter, was that the order for the removal of the farmers which the Commissioners had issued was unjust, impolitic, and ill advised. The same conclusion was reached by the Senate committee, and I may say that there is nothing in what the gentleman from Kansas has said that would seem to affect that point.

As to the necessity of securing proper sanitary conditions, the proviso that the committee propose to insert at the close of the joint resolution by way of amendment is for the very purpose of securing such conditions, and therefore, for my part, Mr. Speaker, I am unable to discover on what ground the opposition of the gentleman from Kansas is based. We simply propose to continue a state of things which has existed here for years to the manifest advantage of the farmers and of the patrons of the market, and which the District Commissioners themselves now have no disposition to alter, for they distinctly stated before your committee that, in view of what had occurred, they should not insist upon the enforcement of their order. The joint resolution, therefore, seems to be satisfactory to all concerned, and I trust the gentleman will withdraw his opposition.

Mr. BLUE. Is it not true that this business obstructs the streets at certain hours of the day?

Mr. SHANNON. No, sir. A subcommittee was appointed to go there and inquire into that very question, and there is no obstruction or congestion of traffic at these hours, none whatever, because the work of the market is over at 11 o'clock. This whole measure refers to the south front of Center Market, on B street north, between Seventh and Ninth, a locality where the farmers have been accustomed to go almost from time immemorial to sell their products. As I have already said, the custom has existed for a great many years, and it has also the sanction of the laws of 1871. It seems to me, Mr. Speaker, that this House ought to be the last body to do anything to restrict these small farmers, gardeners, and truckmen in their opportunities for gaining a livelihood, especially in this city.

Mr. GROSVENOR. Will the gentleman allow me a question? Is it not a fact that if these farmers were driven to seek places in the market house, it would be impossible for them to find accommodations there because the market house is now crowded to its utmost capacity? And does not this licensing of farmers to sell on the outside lessen the pressure for accommodations in the market house?

Mr. SHANNON. I will say in reply to my distinguished friend from Ohio [Mr. GROSVENOR] that this does not refer to the interior of the market; that is occupied by stalls.

Mr. GROSVENOR. So I understand; but the gentleman does not understand me. My proposition is that if these farmers were driven from the places they now occupy, they would have no other places to go and would practically be driven out altogether.

Mr. SHANNON. Quite right; but the proposition was to remove them to another point farther west.

Mr. GROSVENOR. Is it not a fact that the rentals of market stalls are so high that many dealers who wish to dispose of the products of their farms in a small way would find it impossible to pay those rentals if they were required to do so?

Mr. SHANNON. Those are very just considerations.

Mr. BLUE. Mr. Chairman, in conclusion, let me say that while the gentleman from New York [Mr. SHANNON] has given some light upon certain phases of this matter, I am utterly at a loss to understand why this resolution is necessary if the law of 1871, in connection with the custom which has grown up, is ample. If that is the fact, this resolution would seem to be mere surplusage, unless the Commissioners still refuse to rescind the order they have heretofore made in reference to this business. If the object of this resolution is to abrogate the order of the Commissioners and direct their action in this matter, it appears to me it would be much wiser to leave the responsibility with the men who have been chosen to perform the executive duty of governing the city than it would be for Congress to undertake to regulate matters about which members in general can know but little. What the gentleman states proves either that there is some need for a resolution overriding the action of the Commissioners, or that there is no sufficient law upon the statute books to authorize what it is sought to accomplish. In either view, the matter is one appealing to this House for examination and careful consideration.

I have not gathered from the statements of the gentleman from New York where these people now sell their wares. I have a recollection of what the evidence before the Appropriations Committee showed.

The argument made by the gentleman from Ohio [Mr. GROSVENOR] falls short of the mark. If the disposition of these wares by these people in the manner in which it has been carried on is not in the interest of good government and proper sanitary regulations—if it disturbs the proper arrangements, the good government, the cleanliness of this city—then it is no argument to come here after the existence of this custom for nearly a century and say that the stalls in the market house cost too much, and that the sidewalks, the approaches to the market house, should be devoted to the use of people who pay practically no license for such use, and whose operations are prejudicial to the welfare, the cleanliness, the beauty, and the good government of the city.

Mr. DOCKERY. Mr. Chairman, I wish to indorse the position of the gentleman from Kansas [Mr. BLUE]. I do not know whether the Commissioners are right in respect to this controversy, or whether the Committee on the District of Columbia is right. But I believe it to be unwise, and a mistake on the part of Congress at any time to attempt to exercise administrative functions. And that is what is proposed by this legislation.

Now, it may be that the judgment of the Committee on the District of Columbia and of this body is superior to that of the Commissioners of the District; but the fact is that by this resolution, as stated so ably by the gentleman from Kansas [Mr. BLUE], you are raising solely and purely an administrative question—a question which ought to be left to the discretion of the Commissioners of the District.

Mr. HULICK. Will the gentleman allow me a question?

Mr. DOCKERY. Certainly.

Mr. HULICK. Is it not the special object of this bill to confer jurisdiction upon the Commissioners as to the appointment of the clerk who shall assign these places to these farmers?

Mr. DOCKERY. That brings up another issue.

Mr. HULICK. That is the point; there is where the trouble has originated between the farmers and the market people.

Mr. DOCKERY. That brings me to the second proposition. I am obliged to the gentleman for the interruption. Possibly the committee is right; I do not say that it is not right; but by the enactment of this legislation we not only seek to exercise administrative functions, but also to create a new office.

Mr. HULICK. No, sir.

Mr. DOCKERY. You provide for a clerk to be appointed by the Commissioners; and my friend from Colorado [Mr. SHAFROTH] has an amendment prepared, I understand, which he will offer in due time—I see by the smile on his face that he is intending to do so——

Mr. SHAFROTH. The gentleman is right.

Mr. DOCKERY. An amendment providing that the salary of this official shall not exceed $1,000. So that the proposition is that we shall perform executive functions and at the same time create a new office, the salary of which, if the amendment of my friend from Colorado prevails, will not exceed $1,000.

Mr. BABCOCK. The gentleman is mistaken. It is not proposed to create any new office. The duty to be performed by this officer may not occupy more than one hour in the whole year. The Commissioners can designate a policeman or any other existing officer to perform the duty.

Mr. DOCKERY. If the chairman of the committee [Mr. BABCOCK] is right, I am clearly in error. It seems to me that a new office was to be created, and I knew that my friend from Colorado had an amendment prepared to limit the salary. But, Mr. Speaker, the fact remains, and that is really the grave defect, that Congress by joint resolution is going to take upon itself executive duties which ought not to be done. We ought not, Mr. Speaker, to do that even if we knew that we were absolutely right and the Commissioners were in error, because the remedy lies with the executive department and not with the Congress.

Mr. BLUE. Mr. Speaker, a moment more and I will yield the floor.

Mr. MILLER of Kansas. Will my colleague allow me a moment?

Mr. BLUE. I will yield for a question.

Mr. MILLER of Kansas. I wish to ask, Mr. Speaker, whether it is not a strange condition of affairs that my colleague from Kansas [Mr. BLUE], who is a lawyer, and the gentleman from Missouri [Mr. DOCKERY], who is a doctor, should assume to instruct the House as to what ought to be done to the farmers surrounding the capital? Now, I have understood that there were a great many farmers of the farmers in Washington, but this is the first time I have ever understood that there were real, genuine farmers here, and I submit to the House if there are any such, they should have every advantage that is possible accorded to them, and if they wish to use the streets around the capital for the display of their products, they ought to be permitted to do so. As a representative of the farmers, I claim and insist that this bill should go through.

Mr. BLUE. Mr. Speaker, I am very much obliged to my colleague from Kansas for the suggestion that he has made in reference to the gentleman from Missouri [Mr. DOCKERY] and myself. Coming from the great metropolis of Kansas City, Kans., a Representative of the State of Kansas, and being a lawyer, he is doubtless qualified to speak on this subject. [Laughter.]

But I have no other purpose, so far as I am individually concerned, than simply to see that this legislation is thoroughly understood by the House. The gentleman from Missouri has well stated the condition. He is right, in my judgment, about it, as he is so many times when it comes to questions of this character.

I wish to say further, Mr. Speaker, in this connection, that the very fact that this is a resolution, instead of a bill, is in itself an argument going in the direction of indicating that it was thought best to give instructions by this character of legislation rather than the establishment of some permanent provision of law.

Mr. BABCOCK. You think it is suspicious on its face?

Mr. BLUE. Well, the gentleman suggests—and he is from the committee that framed the resolution—that it is suspicious on its face. Perhaps he ought to know; it comes from his committee. I have not said so; I have not charged anything of the kind. I did not say that it was a suspicious circumstance. But it is the usual form of legislation, if it is designed to redress a wrong or establish something that is good law for the upholding of right, or providing for a condition with reference to which the legislative power must take action—the regular way for the accomplishment of such legislation is by a bill, and not by a resolution, unless there is some hasty and inconsiderate action to be taken.

Mr. MILNES. What is the difference and effect between a joint resolution and a bill?

Mr. BLUE. Oh, I understand that the effect of their operation is the same. Practically the same thing is accomplished. But it has been the practice, as I understand it—I am new here and not so old as some other gentlemen in this business—but it has been the practice where a matter is to be accomplished in the way of a direction to an executive officer, in the correction of an irregularity, in the expression of a legislative policy, or something of that character, to accomplish it largely by resolution and not take the regular and orderly way of a bill. Of course, a resolution has the same effect, but it is not the practical way of legislation.

Mr. WILLIAM A. STONE. Will the gentleman yield for a question?

Mr. BLUE. Certainly.

Mr. WILLIAM A. STONE. I simply want to derive information in reference to this matter, and I know the gentleman from Kansas has given it very much consideration.

Mr. BLUE. No; I have not given it full consideration. [Laughter.]

Mr. WILLIAM A. STONE. I supposed that I was asking a question of some one who had information. But, as I understand it, in the resolution, or under the legislation heretofore adopted in 1857, an ordinance was passed permitting hucksters, so called—small farmers—to bring vegetables, chickens, and produce of various kinds to the city for sale, and they were permitted to occupy certain defined spaces, and parts of the sidewalks in some places, for the display of their wares, for which privilege they paid 10 cents for a single wagon and 15 cents for a double, and were allowed to sell their wares on the sidewalk. The people who desired to purchase direct from the farmers could do so, while at the same time the farmer paid only this small amount, paying no market tax, did not have to hire a stall, and did not even have to use a counter. In 1895 the Commissioners made an order to vacate the sidewalks, driving the farmers away from the stands they had theretofore been allowed to occupy. The object of this provision is simply to restore the old conditions, as I understand it.

Mr. BLUE. In reply to the gentleman from Pennsylvania, who suggested that I had given a great deal of consideration to this matter, I can only say that I have about the same opportunity as other members on the floor to give these questions careful study. We all know what our opportunities in that regard are—that they are very limited when the measures do not come from the committees upon which we serve. I have sought to understand the questions that are presented here in the restricted opportunity given.

I have somewhat the same view as the gentleman from Pennsylvania, as he has stated it, and I think it will be found that that at least is the essence of the measure, going a little further and directing the Commissioners to do that which will bring back this antiquated condition after the Commissioners have taken certain steps, as I stated, to change or modify it for the better government of the city, and that is all I have to say with reference to the matter.

I am simply speaking upon this question from the standpoint of what I regard to be proper legislation. I think it ought to be very carefully considered, and that we ought to have appropriate legislation in a matter involving so much, as far as the interests of the city of Washington are concerned.

Mr. SHAFROTH. Mr. Speaker, I have heard the discussion concerning this bill, but it seems to me that there is one important element which has not been considered. I take it that the real intention of this bill is to provide competition in the sale of market produce, so that the people who desire to buy food can have an opportunity of purchasing the same from the farmers direct, and so that the farmers can sell their products without having to pay a large amount for stall rent. In other words, it authorizes the purchase of food from the producer direct, and thus saves the large amount that usually goes to the middleman.

Now, Mr. Speaker, I think the bill is clearly in the interest of the people. The farmer raises his produce and brings it here, and he has a right to have a market for it. The privilege of selling from his wagon on the street adjoining the Center Market has been enjoyed by him for years. For a limited time he has been deprived of that right. It is a matter of justice to him that the right should be restored, and a matter of economy to the people of the District. There can not be any question of sanitary regulation in this matter. I am informed by the Committee on the District of Columbia that the Commissioners are perfectly content with this bill. It is true that it requires a clerk to provide where these farmers' wagons shall stand, but that, as has been explained by the gentleman from New York [Mr. SHANNON], is simply to prevent the clerk of the market, which is a private market, from placing these farmers in a disadvantageous position.

Mr. BABCOCK. This simply takes from the clerks of the private market the control over a certain space in the street and puts it under the control of a clerk to be designated by the District Commissioners.

Mr. SHAFROTH. The present arrangement has a tendency to place these farmers at a disadvantage in the location which they occupy. For that reason, some disinterested person, to be designated by the Commissioners, is the proper one to do it. It seems to me that it is nothing but fairness and justice to these farmers, and at the same time it is a proper measure of economy in the interest of the people who buy food. It prevents combinations to raise prices in the market, and the bill should be passed.

Mr. WILLIAM A. STONE. Then you think this resolution is favorable to the farmers?

Mr. SHAFROTH. Yes, I do.

Mr. McCORMICK. The gentleman from Kansas [Mr. BLUE] should be the last man on the floor to interfere with the time-honored rights of the farmers of this District and vicinity. I had no idea that he, the representative of farmers, would take such a position at any time. He talks about an "antiquated practice." It may be ancient, but, at the same time, it is honorable and advantageous to the people. Nor is it so much out of fashion as the gentleman thinks, for in the city of New York and in the city of Brooklyn it is to-day largely followed, and the custom is liked by the people. The farmers are permitted to come into the cities with their wagons and to sell in certain streets, and to stay for a number of hours. Many people in those cities are in the habit of buying directly from the wagons, and the practice is greatly favored, as the vegetables and fruits are bought at first hands, without paying tribute to middlemen. Let the honest and worthy farmers have the privileges in Washington which they have so long enjoyed and seldom, if ever, abused.

Mr. SHANNON. And in all the great cities of the Union the farmers have the same consideration.

Mr. McCORMICK. Yes; in all the great as well as in the smaller cities of the United States. Hundreds of wagons enter New York City and Brooklyn from my own district, and are at the markets early in the morning. They furnish supplies which are known to be fresh and good in every particular.

This practice of selling from wagons has been followed in this District for a great many years, as the gentleman says; but that is no reason why it should be abolished now. It is a good custom,

and the District Commissioners have found that the people do not want it prohibited. The farmers occupy the streets for but a few hours, and do no harm. If the streets are soiled in any way, they can be quickly cleaned. I repeat, the coming of the farmers is a good thing and in the interest of the people of Washington.

Mr. SHANNON. Mr. Speaker, there are many more friends of the farmer here who desire to speak on the question, and perhaps they should be allowed to be heard before the discussion is closed. I yield to the gentleman from Massachusetts [Mr. MORSE].

Mr. MORSE. Mr. Speaker, the attitude of my friend from Kansas [Mr. BLUE] makes me think of a minstrel show which I once attended. One of the minstrels came out in the rôle of a lecturer, and proposed to give an address on "Civil-service reform and the currency." After announcing his subject he said that he perceived that the audience did not know anything about the subject, and he did not either, and therefore he would bring his address to a close. [Laughter.] Now, my friend from Kansas [Mr. BLUE], when asked if he had considered this question, said he had not, and I was fain to come to the same conclusion after listening to his speech. [Laughter.]

Mr. Speaker, we have in this city the strangest anomaly known in all human history. Here is a city of 250,000 or 300,000 inhabitants, the capital of a great Republic, and yet the inhabitants of this city do not have the opportunity to vote, and they have no voice in the management of their own municipal affairs.

The gentleman from Missouri [Mr. DOCKERY] says this matter should not be considered by Congress, because it is a matter of administration.

Now, suppose the Commissioners of the District should fail to administer the affairs of this District as the people wish them to do. For instance, suppose there is such a lax enforcement of the liquor law [laughter] in this city that practically it amounts to free rum, and the residents of this city, who have the welfare of this city at heart, who have the welfare of young men, reformed men, who are exposed to temptation, at heart, are not satisfied with the administration of the Commissioners of the District, what do they do then? They come here to Congress and to the Committee of the District of Columbia and ask that this law may be made more stringent; they ask that the law may be made operative, and may be so amended as to be enforced, and thus protect the people of this city from the awful saloon curse.

Well, now, the Commissioners of this District have made an odious and offensive ruling in regard to these market men, and I am for the market men, because, for one thing, they do bring fresh butter here. They do not make prepared soap grease, called oleomargarine, and bring it into competition with butter. As they have no other method of redress, I submit it is unfair, as the gentleman from Missouri [Mr. DOCKERY] suggests, to deny them the privilege of coming before the different Congresses and the committee of this House to make known their wrongs and grievances and to ask for redress, as they have in this matter. I submit there ought to be some different provision for the government of this city, and I hope that Congress and wise statesmanship will in the fullness of time devise a different and better method for the government of this city than asking Congress to sit here as a common council or a board of aldermen two days in the month for this one city of many in this great country, neglecting the affairs of 60,000,000 people for the little affair of regulating city matters, such as the markets of the city. It is beneath the dignity of the House of Representatives to legislate upon such trivial and unimportant matters. But while existing conditions prevail, while these people have no other redress, no other appeal from the decisions of the Commissioners of the District, I submit that it is unfair to deny to these men this relief. The Commissioners have made an odious rule or regulation in regard to these farmers. It is a grievance to them, and it is injurious to the people of the District, who desire competition, in order, as my friend from the other side said, that they may buy as cheaply as possible; and so I trust the House will see its way clear to adopt this very just and reasonable bill which has been brought in here by the Committee on the District of Columbia.

Mr. SHANNON. I move the previous question on the bill and amendments.

The previous question was ordered, and under the operation thereof the amendments recommended by the committee were agreed to, and the joint resolution as amended was ordered to a third reading; and it was read the third time, and passed.

On motion of Mr. SHANNON, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

SALE OF POISONS IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill (H. R. 10038) to regulate the sale of poisons in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That it shall be unlawful for any person except a registered pharmacist, or under the personal supervision of such, from and after the passage of this act, to retail any poisons enumerated in Schedules A and B, as follows, to wit:

Schedule A: Arsenic and its preparations, corrosive sublimate, white precipitate, red precipitate, biniodide of mercury, cyanide of potassium, hydrocyanic acid, strychnine, and all other poisonous vegetable alkaloids and their salts; essential oil of bitter almonds, opium and its preparations, except paregoric when sold in quantities of not more than 1 ounce.

Schedule B: Aconite, belladonna, colchicum, conium, nux vomica, henbane, savin, ergot, cotton root, cantharides, creosote, digitalis, and their pharmaceutical preparations, croton oil, chloroform, chloral hydrate, sulphate of zinc, mineral acids, carbolic acid, and oxalic acid.

Nor without first labeling the vial, box, or paper containing the poison with its name, the word "poison," and the name and place of business of the seller. Nor shall it be lawful for any registered pharmacist, or his assistants, to sell or deliver any poison enumerated in Schedules A and B, unless, upon due inquiry, it be found that the purchaser is aware of its poisonous character, and represents that it is to be used for a legitimate purpose. Nor shall it be lawful for any registered pharmacist or his assistants to sell any poison included in Schedule A without first placing said poison in a three-cornered container, and before delivering the same to the purchaser, causing an entry to be made in a book kept for that purpose, stating the date of the sale, the name and address of the purchaser, the name and quantity of the poison sold, the purpose for which it is represented by the purchaser to be required, and the name of the dispenser; such book to be always open for inspection by the proper authorities, and to be preserved for reference for at least five years. The provisions of this section shall not apply to the dispensing of poisons upon the prescriptions of practitioners of medicine, except as provided for in the following clause: That it shall not be lawful for a registered pharmacist or his assistants to compound or dispense more than once a prescription containing opium, morphine, cocaine, or chloral, when such prescription has written or printed upon its face the words "not to be repeated."

SEC. 2. That any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be fined not less than $5 nor more than $100, in the discretion of the court, for each and every offense.

Mr. SHANNON. Mr. Speaker, I call for the reading of the report which accompanies this bill.

The report (by Mr. SHANNON) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 10038) to regulate the sale of poisons in the District of Columbia, respectfully submit the following report:

The chief object of this bill is to limit to registered pharmacies the sale of poisons, and thus prohibit their sale by irresponsible parties to the detriment of the public at large, especially of innocent people, and also prohibit their sale to evil and designing persons for improper uses.

In requiring that the poisons shall be sold in a three-cornered container the aim is to distinguish the poison in such a manner as will protect the handler from making mistakes in administering the same to innocent people, which so frequently happens. The mere grasp of a three-cornered container will warn the handler of the poisonous and dangerous, if not fatal, properties of these drugs, and so protect him from the impending mistake.

It is thought that while this simple device may not always prevent mistakes, it will accomplish much toward that result.

Another object of the bill relates to the protection of innocent people from the formation of the opium, morphine, cocaine, and chloral habits. Sometimes a person who has experienced the beneficial effects of these drugs, as prescribed by physicians, will seek to have the prescription repeated without the consent or knowledge of the physician, and without any suspicion on the part of the pharmacist that it is to be used improperly; and this method will be continued—the prescription being repeated again and again without the suspicion or knowledge of either pharmacist or physician—until the habit has been so firmly established that it can no longer be concealed and the person has become the incurable victim of some one of these habits.

While it is not contended that this legislation will arrest the formation of such habits, it is believed that it will go far in protecting many well-meaning and innocent people from such danger.

As House bill 10038 thus appears to be a measure solely in the interest of good health and good morals, the committee, after careful consideration, favorably report the same, and unanimously recommend that it do pass with the following amendments:

In section 1, line 21, strike out the words "and place of business of the seller" and insert in lieu thereof the words "of the owner of the pharmacy and the address of the place where sold."

In section 1, line 27, strike out the word "reistered" and insert in lieu thereof the word "registered."

In section 1, line 38, strike out the words "practitioners of medicine" and insert in lieu thereof the words "persons authorized by law to practice medicine and surgery in the District of Columbia."

Mr. SHANNON. Mr. Speaker, the main features of this bill, and almost the very words in which it is expressed, are similar to those in section 13 of the existing law, approved June 15, 1878, regulating the practice of pharmacy in the District of Columbia. Where the bill proposes to change the present law is in requiring that certain poisons shall be dispensed in characteristic containers, so as to prevent the disastrous effects which too often result from an accidental administration of poisons.

The bill also forbids the unauthorized repetition of prescriptions containing certain specified drugs, with a view to diminishing somewhat existing facilities for acquiring the drug habit.

As the bill originated with the Medical Society of the District of Columbia, and is approved by the District Commissioners, the committee recommend its passage by the House, with the amendments suggested in the report.

The first amendment seeks to indicate with more definiteness the authorized seller of poisons; the second amendment is merely the correction of a typographical error, and the third amendment is suggested in view of a possible doubt as to who is a practitioner of medicine in the District of Columbia, inasmuch as certain persons authorized by law to practice medicine are not actively engaged in their profession.

With this explanation of the bill, I will now move the previous question, unless some gentleman desires to make an inquiry or suggestion regarding the measure.

Mr. BAKER of New Hampshire. Mr. Speaker, I want to make

an inquiry, and possibly to offer an amendment. I wish to ask the gentleman in charge of the bill how, under Schedule B, the ordinary homeopathic pharmacists of the city can sell their medicines that have heretofore been sold without harm to anybody and without criticism? Has the gentleman given attention to that matter?

Mr. SHANNON. I will have to ask the gentleman to specify more definitely what he refers to in the schedule?

Mr. BAKER of New Hampshire. I refer principally to aconite, belladonna, colchicum, and nux vomica. These are well-known homeopathic remedies, and are sold either in liquid or as absorbed by pellets, and are generally used by the community. In the quantities in which they are sold they are not in the least degree poisonous; on the other hand, they are held by hundreds of people to be the best kind of medicine, and it does not seem that the bill should include such sales as those which I have mentioned. I wish to ask the gentleman what his construction of the bill is in that particular?

Mr. SHANNON. In reply to the gentleman, I will say that while it may seem to him important that the exceptions he mentions be incorporated in the bill, it is proper and right for me to state for the information of the House that this bill came before the committee with the distinct understanding that it had been carefully prepared by competent parties; that it originated with the Medical Society of the District of Columbia, and had the approval and recommendation of the District Commissioners. Under these circumstances your committee have given it as careful consideration as we could. We regret, of course, that the membership of our committee does not include gentlemen who, like the distinguished gentleman from Missouri [Mr. DOCKERY] or the gentleman from Michigan [Mr. THOMAS], have the advantage of special professional knowledge of the subject, but I can assure the gentleman from New Hampshire that the bill has had the careful consideration and approval of the medical profession of the District of Columbia.

Mr. BAKER of New Hampshire. Mr. Speaker, it is unquestionably true that this bill is recommended by one school of medicine in the District of Columbia, and so far as it applies to these preparations as used by that old school—as it is popularly known—I presume no one objects to the provisions of the bill. But there is another school of medicine which should not be forgotten in this legislation, and in order to cure the defect which I have suggested I send to the Clerk's desk an amendment which I think the gentleman in charge of the bill will accept.

The amendment was read, as follows:

After the word "medicine," in line 2, page 2, insert "all articles enumerated in Schedule B, under the strength of 'mother tinctures,' as usually prepared and sold in any homeopathic pharmacy."

Mr. BABCOCK. Mr. Speaker, that amendment is entirely useless. I desire to inform the gentleman from New Hampshire that, as I understand, the Homeopathic Society have fully considered both measures that are brought before the House by the committee to-day, and are not only in favor of this bill, but also of the pharmacy bill. We have taken their amendments as suggested and added them to the pharmacy bill.

Mr. BAKER of New Hampshire. Well, is there any objection to this amendment?

Mr. BABCOCK. Yes.

Mr. BAKER of New Hampshire. Why?

Mr. BABCOCK. I object to any amendment where a bill has been carefully prepared by the health officer, agreed upon by the Medical Society, and approved by the Commissioners of the District and by the committee. There are two branches of homeopaths here, who do not agree with each other, and——

Mr. BAKER of New Hampshire. Who have been before the committee representing the Homeopathic Society?

Mr. BABCOCK. I can not tell the gentleman's name, but he represented the society, and we took his amendment and incorporated it in the pharmacy bill. Now, Mr. Speaker, after a measure has been carefully prepared—has been gone over and approved by the medical societies, by the health officer of the District, by the Commissioners of the District, and by the committee—I think it is very dangerous to accept any amendment that is offered in this way unless there is a great and obvious necessity for it.

Mr. MEREDITH. Mr. Reddington, representing the Homeopathic Society, agreed to the bill.

Mr. MCCORMICK. Mr. Speaker, I introduced this bill, and the very point raised by the gentleman from New Hampshire was made to me. A few days ago I went to medical gentlemen who aided me in the preparation of a bill, and they told me that they had the hearty cooperation of the Homeopathic Society. My information is that at every step in the progress of this bill the homeopathic physicians of this District have been consulted as much as those who belong to other schools of medicine.

Mr. BAKER of New Hampshire. But, Mr. Speaker, there are two grades of strength of these preparations—the grade known to the United States Pharmacopœia and the grade of strength known and used by the homeopathists. There is no distinction made between them in this bill, and the purpose of the amendment I have offered is to permit these homeopathic pharmacies, against whom there never has been any complaint, and probably never will be, in relation to the sale of the articles included in Schedule B, to go on doing business as they do it now. Certainly there can be no objection to the amendment, either as matter of fact or as matter of principle, and it is not necessary that this bill should pass without amendment, while it *is* necessary that it should be so perfect that it will not interfere with the rights of these people who are doing business in the District of Columbia or of those who wish to deal with the pharmacies where these inoffensive articles are sold. The amendment is offered in entire good faith, for the purpose of making the bill better and stronger than it now is, and to protect the rights of people who do not believe in the old school of medicine.

Mr. BABCOCK. Mr. Speaker, I think the amendment is entirely unnecessary, and I hope it will be voted down. I ask for a vote.

The question being taken on the amendment of Mr. BAKER of New Hampshire, it was rejected.

Mr. MORSE. Mr. Speaker, on page 2, line 18, after the words "oxalic acid," I move to amend by adding "any prescription containing over 2 per cent of alcohol."

Mr. RICHARDSON. What per cent?

Mr. MORSE. Two per cent.

Mr. RICHARDSON. Would not that include cologne?

Mr. MORSE. Wait till you hear me. [Laughter.] Mr. Chairman, chemistry ranks alcohol among the deadly poisons. This bill recites the names of poisons. Why should it not include alcohol? Alcohol is the fruitful source of pauperism, crime, insanity, disease, and death. It is a matter susceptible of proof that in our country, in consequence of the use of the poison alcohol, over 60,000 men annually go down to drunkards' graves. Five hundred ghastly suicides are annually committed in consequence of alcohol; 500 murders are annually committed; 100,000 men crowd our almshouses and swell our taxes in consequence of alcohol. I do not see, therefore, any reason why the committee should not consent to my amendment.

Alcohol is a poisonous, dangerous drink. It is the devil's own drink. Of all the engines the devil ever invented to destroy the bodies and souls of men and the peace of families, alcohol beats them all. I believe not a few of the appalling suicides which have recently taken place under the very shadow of this Capitol are directly traceable to the poison known as alcohol in some one of its various forms. Surely, Mr. Chairman, alcohol is a poison, a deadly poison, a brain poison that turns man into a beast and a brute, a criminal, a murderer, and a suicide. It should be labeled "Poison!" and its sale interdicted. It should certainly be included in this bill with these other poisons.

Without occupying further the time of the House, I trust the committee will consent to my amendment and include in the bill preparations containing over 2 per cent of alcohol.

Mr. DALZELL. Does not almost everything that comes out of a drug store in the shape of tinctures, etc., contain at least 2 per cent of alcohol? The amendment would cover, for instance, as a gentleman here suggests, cologne.

Mr. PITNEY. I move to amend the amendment of the gentleman from Massachusetts [Mr. MORSE] by adding at the end of it these words: "And any of the compound known as MORSE'S RISING SUN STOVE POLISH." [Laughter.]

Mr. MORSE. Mr. Chairman, I desire to be heard upon the amendment to the amendment. Seriously, my friend from New Jersey [Mr. PITNEY] knows that it is against the parliamentary usage of any deliberative body on the face of the earth to refer to the private business of any member. I submit therefore that the amendment offered by the gentleman——

Mr. RICHARDSON. Is it any more out of order to refer to the private business of manufacturing stove polish than to that of manufacturing and selling alcohol?

Mr. MORSE. The gentleman from Tennessee [Mr. RICHARDSON] is not serious in his inquiry. [Laughter.] I am sure that my friend from New Jersey [Mr. PITNEY] on a little reflection will see that, seriously, his amendment is in exceeding bad taste; and certainly it is very improper for a gentleman to offer such an amendment on this floor. I will say for the benefit of the gentleman from New Jersey that I do not think he needs any blacking. I think, in the light of this amendment, he had better spend his money for whitewash and soap. [Laughter.]

Mr. PITNEY. I really think the gentleman from Massachusetts ought to accept this amendment. I presume that the compound named in my amendment is poisonous. And whether it is so or not, it is an article of manufacture the sale of which the gentleman from Massachusetts [Mr. MORSE] is largely interested in promoting; and he ought to give me a commission upon all sales of the article in the District of Columbia which may be made by reason of the advertisement which this amendment will give.

Mr. MILLER of Kansas. I should like to ask the gentleman a question. As various evils are spoken of as following the sale of alcoholic liquor, does the gentleman think that that line of business has anything to do with creating the people called "cranks?"

Mr. PITNEY. I do not know what the effect of stove polish may be.

Mr. SHANNON. I move the previous question.

The previous question was ordered.

Mr. PITNEY. In view of the sensitive nature of my friend from Massachusetts, I will withdraw my amendment.

The SPEAKER pro tempore. By unanimous consent, the amendment of the gentleman from New Jersey will be withdrawn.

The question being taken on the amendment of Mr. MORSE, it was rejected.

The question recurring on the amendments of the committee, they were adopted.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SHANNON, a motion to reconsider the last vote was laid on the table.

ADULTERATION OF FOODS AND DRUGS.

Mr. BABCOCK. I desire to call up the bill (H. R. 9842) relating to the adulteration of foods and drugs in the District of Columbia.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no person shall, within the District of Columbia, by himself or by his servant or agent, or as the servant or agent of any other person, sell, exchange, or deliver, or have in his custody or possession with the intent to sell or exchange, or expose or offer for sale or exchange, any article of food or drug which is adulterated within the meaning of this act; and the courts shall construe the provisions of this act liberally, so as to prevent the mischief intended to be guarded against.

SEC. 2. That the term "drug," as used in this act, shall include all medicines for external or internal use, antiseptics, disinfectants, and cosmetics. The term "food," as used herein, shall include confectionery, condiments, and all articles used for food or drink by man.

SEC. 3. That an article shall be deemed to be adulterated within the meaning of this act:

(a) In the case of drugs: First, if, when sold under or by a name recognized in the United States Pharmacopœia, it differs from the standard of strength, quality, or purity laid down therein; second, if, when sold under or by a name not recognized in the United States Pharmacopœia, but which is found in some other pharmacopœia or other standard work or materia medica, it differs from the strength, quality, or purity laid down in such work; third, if, when sold as a patented medicine, compounded drug, or mixture, it is not composed of all of the ingredients advertised or printed or written on the bottles, wrappers, or labels of or on or with the patented medicine, compounded drug, or mixture.

(b) In the case of food: First, if any substance or substances have been mixed with it so as to reduce or lower or injuriously affect its quality or strength; second, if an inferior or cheaper substance or substances have been substituted wholly or in part for it; third, if any valuable constituent has been wholly or in part abstracted from it; fourth, if it is an imitation of or is sold under the name of another article; fifth, if it consists wholly or in part of a deceased, decomposed, putrid, or rotten animal or vegetable substance, whether manufactured or not; sixth, if it is colored, coated, polished, or powdered whereby damage is concealed, or if it is made to appear better or of greater value than it really is; seventh, if it contains any added poisonous ingredient or any ingredient which may render it injurious to the health of a person consuming it; eighth, in the case of milk, if it contains less than 3½ per cent of fat, less than 9 per cent of solids not fat, and contains more than 87½ per cent of water; ninth, in the case of butter or cheese, if it is not made exclusively from milk or cream, or both, with or without common salt; the butter, if it contains more than 12 per cent of water, more than 5 per cent of salt, and less than 83 per cent of fat; tenth, in the case of coffee, if it is not composed entirely of the seed of the *Caffea arabica;* eleventh, in the case of lard, if it is not made exclusively from the rendered fat of the hog; twelfth, in the case of tea, if it is not composed entirely of the genuine leaf of the tea plant not exhausted; thirteenth, in the case of all kinds of vinegar, if it contains an acidity equivalent to the presence of less than 4 per cent of absolute acetic acid; and cider vinegar, if it is not made from the legitimate product of pure apple juice and contains less than 1.5 per cent of total solids; fourteenth, in the case of cider, if it is not made from the legitimate product of pure apple juice and free from salicylic acid or other preservatives; fifteenth, in the case of glucose, if it contains less than five one-hundredths per cent of ash; sixteenth, in the case of flour, if it is not composed entirely of ground wheat, free from bran, perfectly white or having a faint yellow tinge, and contains more than six-tenths per cent of ash, less than 10.5 per cent of albuminoids, and more than 12 per cent of moisture; seventeenth, in the case of bread, if there is any addition of alum, sulphate of copper, borax, or sulphate of zinc, and contains more than 31 per cent of moisture, more than 2 per cent of ash, and less than 6.25 per cent of albuminoids; eighteenth, in the case of olive oil, if it is not made exclusively from the olive berry (*Olea europœa*), and its specific gravity at 15.5° centigrade (60° Fahrenheit), "actual density" to be not more than .917 nor less than .914: *Provided*, That an offense shall not be deemed to be committed under this section in the following cases, that is to say, first, where the order calls for an article of food or drug inferior to such standard or where such difference is made known or so appears to the purchaser at the time of such sale; second, where the article of food or drug is mixed with any matter or ingredient not injurious to health and not intended fraudulently to increase its bulk, weight, or measure or conceal its inferior quality if at the time such article is delivered to the purchaser it is made known to him that such article of food or drug is so mixed; third, where the standard of strength or purity concerning any drug has been raised since the issue of the last edition of the United States Pharmacopœia.

SEC. 4. That it shall be the duty of the health officer of the District of Columbia, under the direction of the Commissioners of said District, to adopt such measures as may be necessary to facilitate the enforcement hereof, and prepare rules and regulations with regard to the proper method of collecting and examining drugs and articles of food in said District.

SEC. 5. That it shall be the duty of every inspector to investigate a complaint for a violation of any of the provisions of this act on the information of any person who lays before him satisfactory evidence by which to substantiate such complaint.

SEC. 6. That every person offering for sale or delivering to any purchaser any drug or article of food included in the provisions of this act shall furnish to any analyst or other officer or agent of the health department who shall apply to him for the purpose and shall tender him the value of the same a sample sufficient for the purpose of analysis of any such drug or article of food which is in his possession.

SEC. 7. That in all cases where any drug or article of food shall be taken as a sample to be examined and analyzed, such analysis shall be done in the presence of the owner or his agent, if he so requests, and the person making the analysis shall reserve a portion of the sample, which shall be sealed, and in case of a complaint the reserved portion alleged to be adulterated shall, upon application, be delivered to the defendant or his attorney.

SEC. 8. That no person shall hinder, obstruct, or in any way interfere with any inspector, analyst, or other person of the health department in the performance of his duty in carrying out the provisions of this act.

SEC. 9. That all prosecutions under this act shall be in the police court of said District, on information brought in the name of the District of Columbia, and on its behalf, and any person or persons violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than $5 nor more than $100.

SEC. 10. That all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed.

The amendments reported by the Committee on the District of Columbia were read, as follows:

Section 2, line 5, add after the word "man," the following:
"and if there be more than one quality of any article of food or drug known by the same name the best quality thereof shall be furnished to the purchaser, unless he otherwise requests at the time of making such purchase, or unless he be notified at such time of the inferior quality of the article delivered."

Section 3, line 6, strike out the word "therein" and insert "in the edition thereof at the time official."

Section 3, line 10, strike out the words "in such work" and insert "therein."

Section 3, line 14, after the word "mixture," insert the words:
"*Provided*, That if the defendant in any prosecution in respect to the sale of any such patented medicine, compounded drug, or mixture shall prove to the satisfaction of the court that he had purchased the article in question as the same in nature, substance, and quality as that demanded of him by the purchaser, and with a written warranty to that effect; that he had no reason to believe at the time when he sold it that the article was otherwise; and that he sold it in the same state as when he purchased it, he shall be discharged from the prosecution."

Section 3, line 48, strike out the word "and" and insert "in the case of wines and fruit juices, if not made from the legitimate product of the pure fruit, as represented, and in the case of cider, wines, fruit juices, and malt liquors, if not."

Section 3, line 52, after the word "of" and before "flour," insert "wheaten."

Section 3, line 57, insert after the word "bread" and before "if" "(which term shall be held to mean wheaten bread unless otherwise specified)."

Section 7, lines 3 and 4, strike out the following: "such analyses shall be done in the presence of the owner or his agent, if he so requests and."

Section 7, line 6, insert after the word "sealed" and before the word "and" the following: "for a period of thirty days from the time of taking such sample."

Section 10, line 2, after the word "repealed," insert:
"*Provided*, That nothing in this act contained shall be construed as modifying or repealing any of the provisions of 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine,' approved August 2, 1886, or of 'An act defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of filled cheese,' approved June 6, 1896."

Mr. CURTIS of Iowa. Mr. Speaker, this bill may, perhaps, be considered the most important in the interest of the public health that has yet been presented by the District Committee. It relates wholly to the adulteration of foods and drugs in the District of Columbia. It is of vital importance to the public health. It seeks to prevent the perpetration of frauds, and at the same time to protect the honest producer and dealer as well as the consumer. The bill may be considered as amendatory or supplementary to "An act to prevent the manufacture or sale of adulterated foods or drugs in the District of Columbia," approved March 12, 1888. The sections of that act chiefly affected by this bill are those numbered, respectively, 11, 12, and 16. Section 11 reads as follows:

That the analysis provided for in this act shall be under the control of the Commissioner of Internal Revenue, under such rules and regulations as may be prescribed by the Secretary of the Treasury.

Under the authority of this section the Secretary of the Treasury has promulgated certain regulations concerning the analysis of foods and drugs in the District of Columbia, which are set forth at length in "Series 7, No. 15, Revised," entitled "Regulations concerning analysis of foods and drugs in the District of Columbia." Under these regulations the responsibility of making the analysis is placed upon the health department by this language:

The chemist of the health department of the District of Columbia, or such person as shall be lawfully acting in that capacity, is hereby designated as the analyst contemplated by section 12 of this act.

But neither by the act itself nor by the regulations is any particular officer charged with the enforcement of the legal obligations established by the act. Any private party may, as a matter of course, make the complaint and set the machinery of the law in motion; but by reason of the complications surrounding the law prosecutions, I am informed, by private parties have—I think I am warranted in saying—not been made to any extent under that law.

Now, to what extent the adulteration of food and drugs is practiced in this District it is impossible for me to state definitely from the fact that owing to the comparatively small force of men at the command of the health department it has been impossible to make the necessary investigations to determine that fact. All

of the investigations have thus far been made under the supervision of the health officer. The present law has been practically a dead letter until quite recently, when investigations were commenced under the supervision of the health department, and the investigations were made, I am informed, by Mr. J. D. Hurd, the District chemist. A part of the results attained by him I will refer to now for the information of the House. Of 37 samples of vinegar which were examined by him, 24 were found to be adulterated, the percentage of adulteration being 64.8; evaporated cream, 2 samples examined, both of them adulterated 100 per cent; olive oil, 10 samples tested, 6 adulterated to the extent of 60 per cent; precipitated sulphur, 8 samples, 2 adulterated to the extent of 25 per cent; cream of tartar, 7 samples examined, 2 adulterated 28.5 per cent; cider, 2 samples, both adulterated up to 100 per cent; mince meat, 1 sample only analyzed, adulterated 100 per cent; smoked sausage, 1 sample examined, adulterated to the extent of 100 per cent.

I am advised that out of 40 grocery stores 36 were selling acetic vinegar, even below the standard of that kind, for pure cider vinegar. Fifteen stores were found to be selling cotton-seed oil for pure olive oil, and of 4 candy stores 4 were selling a composition of brick dust for chocolate drops.

Now, under the prosecutions instituted by the health officer the court, I am informed, disregarded the so-called "standard" laid down by the Commissioner of Internal Revenue, supposed to have been established, as I have stated, and in these cases determined the question of adulteration solely on the testimony submitted. I can not state definitely to the House the reason given by the court. But I believe I am correct in stating that the making of the regulations, so far as they were intended to fix the standard, was held to be unauthorized by the court.

This bill, as will be seen, definitely fixes the standard of strength and purity of drugs and other articles. It also fixes the responsibility for its enforcement, which the present act does not do, by placing the same upon the health officer of the District of Columbia instead of on the Commissioner of Internal Revenue, as is the case under the present law. Its provisions, I may say, will not inflict, as far as I am informed, any hardships upon those engaged in the sale of food or drugs, since the standard to be fixed follows very closely those previously established by the Secretary of the Treasury under the present law. Where there is a variation, the standard has almost invariably been reduced, there being but few cases where the standard has been raised.

Now, in the case of food articles, patent medicines, drugs, etc., an effort has been made to prevent, as far as practicable, the common practice of selling an article under a fraudulent name. Provision is made, however, to enable the dealer who is found to have been innocently made a party to the fraud to protect himself against liability.

It is represented that a large majority of the States have laws in conformity with the one here suggested; but Ohio, New York, and Massachusetts were taken as examples, and I am informed by the authorities that this proposed law follows very closely the Massachusetts law, which is considered by the authorities to be as nearly perfect as possible.

I believe this legislation to be absolutely essential in the interests of the public health and for the protection of the people against all species of fraud in which the people are powerless to protect themselves. It is more important and dangerous because of its results, not alone in the loss of money, but the possible loss of life or great injury to the public health.

I may say, Mr. Speaker, that this bill has been unqualifiedly indorsed by the prominent physicians of the District of Columbia. I have here the indorsement of Dr. George M. Kober, in a personal letter to myself, the chairman of the committee on public health, Civic Center (Good Government Club), District of Columbia. He says:

1819 Q STREET NW., *Washington, D. C., February 5, 1897.*

HONORED SIR: I have carefully examined H. R. 9842, a bill relating to the adulteration of foods and drugs in the District of Columbia, and trust that this timely and much-needed measure in the interest of public health may become a law.

Respectfully,

GEO. M. KOBER, M. D.,
Chairman Committee on Public Health,
Civic Center (Good Government Club).

HON. GEORGE M. CURTIS,
Committee on the District of Columbia.

I also have a personal letter from Dr. Samuel C. Busey, who signs himself president of the Medical Society of the District of Columbia, indorsing this bill in very strong terms. I will consume a little of the time of the House in reading this letter, so that it may appear in the RECORD.

Dr. Busey says:

1545 I STREET NW., *Washington, D. C., February 6, 1897.*

SIR: I have the honor to acknowledge the receipt of bill H. R. 9842, entitled a bill relating to the adulteration of foods and drugs in the District of Columbia. I have given the bill careful consideration, and it meets with my unqualified approval, because no single measure relating to the District of Columbia during the present session of Congress will go further toward promoting public health than this bill in question. After a professional experience of over forty-eight years, I am rejoiced to think that the importance of pure drugs is about to be emphasized by an effective law, and it needs no argument of mine to indicate that any legislation which is aimed to correct the adulteration of food would be incomplete without dealing with the question of adulterated drugs, as there is more danger to life and health from the latter than from adulterated food.

Every practitioner of medicine must recall instances of untoward effects of certain drugs due to poisonous impurities, and every physician has time and again been disappointed in his remedial efforts, simply because some unscrupulous dealer has placed an adulterated article on the market. In spite of these sad experiences, it is a fact that the first movement toward securing comprehensive legislation against the adulteration of foods and drugs in this country was made only in 1881 by three States, viz, New Jersey, New York, and Michigan, followed in 1882 by the States of Massachusetts and Louisiana. Other States have doubtless enacted similar laws, but the limited time at my disposal will not permit a more extended search for authorities. The actual work in the enforcement of the law in the State of New York commenced in the summer of 1882. Of the first 119 samples of food submitted to the public analyst of the State board of health for examination 50 were found adulterated, while of 75 samples of drugs, 32 were adulterated. In December, 1882, prosecutions were commenced in 24 cases for violations of the law. These included 17 cases for selling cream of tartar adulterated with terra alba, starch, etc., to the extent of from 37 per cent to 95 per cent; 2 cases of coffee adulterations with chicory and burnt pease; 4 cases of mustard adulterations with from 40 per cent to 71 per cent of flour, and 1 of precipitated sulphur containing 30 per cent of sulphate of lime.

The records of the chemical laboratory of the health department of this city reveals the existence of fraudulent adulterations of many articles of food, and the records of the police court show the total inadequacy of the present ordinance on the subject.

Assuming that the vital importance of pure and unadulterated drugs of a given standard of strength and quality is self-evident, I beg to refer to section 3, line 25, and believe the instances of prosecutions cited from the State of New York sufficiently illustrate the importance of a law which prevents the admixture with food stuff of any substance so as to reduce or lower or injuriously affect its quality or strength. The necessity for the second, third, and fourth provisions, in lines 27 to 31, is apparent from the fact that ground coffee as found in the stores is not infrequently sophisticated with the grounds of coffee previously used, the roasted root of chicory, acorns, rye or barley, carrots, sunflower seeds, caramel. Artificial coffee beans have been made of clay, dough, or extract of chicory colored to imitate the natural bean, while tea is adulterated with leaves of various plants, such as willow and poplar leaves or tea leaves which have already been exhausted, and then dried, mixed with gum, and rolled up. The fifth provision, on line 31, so far as it relates to putrid or rotten animal or vegetable substance needs no special comment. The use of partially decayed food has often been the cause of serious or fatal illness. Meat and fish in a partial state of putrefaction are especially injurious and have given rise to wholesale forms of poisoning, especially after public gatherings. At a musical festival in Switzerland, of 700 participants 444 were suddenly attacked by violent gastroenteric and nervous symptoms; 10 of the patients died. The illness was traced to roast veal which had been kept in a warm place for two days after roasting, and was in a state of partial decomposition. The severe attacks of vomiting and diarrhea frequently observed as having occurred after eating sausages, canned meats, and some kinds of mince pies are due to the action of a poison evolved during the decomposition of animal matter.

Meat may be unfit for food because the animals suffered at the time of death from splenic fever, pleuro-pneumonia, tuberculosis in its advanced stages, and septic diseases, while certain parasites, as the trichina spiralis, echinococcus, and cysticercus, which frequently infest the flesh of animals, may give rise to serious or even fatal diseases in persons consuming such meat, unless the life of the parasite is first destroyed by boiling or roasting. There is also good ground for believing that the flesh of animals which have been drugged with arsenic or antimony may contain a sufficient amount to prove injurious to the consumer.

In regard to the sixth and seventh provisions, line 34, the addition of picric acid and chrome yellow as coloring matter in vermicelli has been repeatedly demonstrated. Pickles are frequently colored with copper, all of which are injurious, and some of the aniline dyes used for coloring confectionery have been known to contain arsenic.

In the case of milk, line 39, a lower standard than 3½ per cent of fat and 9 per cent of solids not fat would virtually legalize dishonest manipulations of the milk, or place a premium on indifferent care of the animals. The introduction of the "cream separators" affords an opportunity of removing almost the whole of the fat from milk, and the sophisticator, who is generally the middleman, not satisfied with his immense margin, has thus the power of reducing its cream to the lowest salable standard without exposing himself to any such risk of detection as would attend the process of "watering," a process by which the total nonfatty solids might be so reduced as to lead to the detection of the fraud.

In reference to butter, it is a well-known fact that this article of food is frequently adulterated by the addition of an excess of salt water or buttermilk, or by starch, flour, lard, suet, or oleomargarine, and while this sophistication does not injure the health, it certainly affects the palate and pocketbook of the consumer.

The most common forms of adulterations of coffee and tea have already been referred to.

The nutritive value of lard is of course lowered by the addition of water, salt, or foreign fats, which are sometimes substituted in part for that of the hog.

The most common form of adulteration in vinegar is the substitution of sulphuric acid for acetic acid, which is injurious from its tendency to form insoluble sulphates in the body.

A good-sized volume might be written on the sophistication of wines and fruit juices which are not the legitimate product of the pure fruit as represented; logwood, blackberries, elderberries, and bilberries are the chief coloring matters used in imitation wines. Lime salts, tannin, alum, lead, and copper are among the injurious ingredients employed, while of course many wines are manufactured from distilled spirits; and the bulk of imported port wine is stated to be a mixture of true port, Marsala, Bordeaux, and Cape wines with brandy. Inferior kinds are adulterated with the coloring matters referred to, or with catechu, prune juice, and a little sandalwood and alum.

The manufacture of artificial fruit juices and flavoring extracts has become a refined art, and is of course a fraudulent procedure, not wholly free from danger, since many poisonous substances are used.

In reference to beer, I respectfully recommend that the following amendment be inserted in section 3, line 62, after the word "preservatives:" "And in the case of malt liquors, if not free from picric acid, cocculus indicus, colchicine, colocynth, aloes, and wormwood." These dangerous adulterants are used sometimes as substitutes for hops.

In the case of wheaten flour, line 65, it is known that flour has been adulterated with inferior grades, such as potato, beans, pease, oats, maize, etc. These additions are, however, quite uncommon. The dangers from damaged flour, especially to the digestive tract, have been recognized for a long time. Dr. Mann, in his Medical Sketches, enumerates among the active causes which led to the production of disease among the troops along the Niagara frontier during the war of 1812, "bad bread." "It was notorious," he remarks,

"that the bread on the Niagara was made of damaged flour, such as was either not nutritious or absolutely deleterious." It was believed, also, that the flour contained in some instances an earthy substance, like plaster of paris.

Sometimes alum, sulphate of copper, zinc, or borax are added by the baker to prevent the formation of butyric and lactic acids, and to impart a fine white color to the bread; these articles tend to produce dyspepsia and constipation, and their addition is fraught with danger to the public health.

The most common adulterant for olive oil is the addition of other vegetable oils, notably of cotton-seed oil.

Respectfully submitted.

SAMUEL C. BUSEY, M. D.,
President Medical Society District of Columbia.

Hon. GEORGE M. CURTIS,
Chairman Subcommittee, House of Representatives.

Mr. Speaker, I am informed that the leading pharmacists of the District of Columbia also indorse this bill. I have in my hand a letter from the health officer, also indorsing the bill in the strongest possible terms. The bill has the approval of the Commissioners of the District of Columbia, and it is presented to this House with the unanimous approval of the Committee on the District of Columbia.

Mr. BAKER of New Hampshire. I desire to ask the gentleman a question. On page 9, line 1, I read:

And the courts shall construe the provisions of this act liberally, so as to prevent the mischief intended to be guarded against.

I should like to have an explanation as to the kind of construction that language calls for.

Mr. DOCKERY. A liberal construction.

Mr. BAKER of New Hampshire. Is it to be construed liberally against the person accused or in his favor?

Mr. CURTIS of Iowa. The language may not be as clear as it should be——

Mr. RICHARDSON. In the interest of the law.

Mr. CURTIS of Iowa. It is intended to impress, as far as possible, the importance of the enforcement of the act, so as to prevent the mischief intended to be guarded against. If the language is imperfect, why the committee will cheerfully consent to an amendment.

Mr. BAKER of New Hampshire. Mr. Speaker, I believe it is a rule of criminal law that a statute shall be construed liberally toward the accused. Here is a bill which provides that certain things shall be misdemeanors and punished accordingly, and yet the evident intent of the bill is that this liberal construction which is spoken of shall be contrary to the ordinary construction of courts of justice. I suggest that this needs amendment, and there I leave it with the committee.

Again, on page 2, section 3, under subdivision *a*, we read:

First, if, when sold under or by a name recognized in the United States Pharmacopœia, it differs from the standard of strength, quality, or purity laid down in the edition thereof at the time official.

These bills, all of them, have good purposes in view, but they seem to have been hastily drawn, or drawn by people who did not consider all the branches of the subjects with which they deal. That statement in itself would be a good statement, if it were not for the fact that there are medicines or drugs named in that pharmacopœia which are also named in others that are standard in their several schools of medicine. For instance, take aconite, podophyllin, and so forth, which are mentioned in the United States Pharmacopœia, and which are sold in the old-school drug stores in a different strength from that which they are sold in homeopathic pharmacies. Yet under this act, if a regularly registered homeopathic pharmacist shall sell the articles which he has in store, conforming literally to the requirements of his pharmacopœia, made by those who are recognized throughout the United States of America as honest dealers, that person will be subject to the penalties of this act; yet I presume that it was not the intention of the committee that that should be so. With that suggestion, I leave that to the committee.

Again, on page 3, under subsection *b*, referring to food and not drugs, lines 31, 32, and so forth, I find the following:

Fifth, if it consists wholly or in part of a deceased, decomposed, putrid, or rotten animal or vegetable substance, whether manufactured or not.

I presume it is known by the members of this committee and this House that a great many things are manufactured from exactly such substances which come out absolutely pure, sweet, and wholesome. Take glycerin, for example. Under this bill if the person selling it can not show that the pure glycerin which he sells was manufactured from articles not enumerated herein, he will be subject to punishment for a misdemeanor, although he is selling a perfectly honest commercial product. The same would be true of ammonia and other articles which I will not take the time of the House to enumerate. A little further along the bill contains provisions which might subject a perfectly innocent party to many penalties; for instance, in the sale of oysters, lobsters, and a great many common products. We find in the case of milk that the seller is liable to punishment if it is found that the milk which he sells contains—

Less than 3½ per cent of fat, less than 9 per cent of solids not fat, and contains more than 87½ per cent of water.

Now, it is known to everyone in this House who is at all familiar with the subject that no two cows give the same quality of milk, and that at different seasons of the year the quality varies. Now, how is an honest farmer or dealer to know whether the milk that he is selling on any particular day contains more or less than 87½ per cent of water?

Mr. CURTIS of Iowa. Will the gentleman allow me?

Mr. BAKER of New Hampshire. I shall be very glad.

Mr. CURTIS of Iowa. I will state, for the information of the gentleman from New Hampshire as well as a number of members upon the floor, that the standards enumerated in this bill are copied very largely from the standards submitted by the Secretary of the Treasury, and wherever a change has been made, with very few exceptions, that standard has been lowered.

Mr. BAKER of New Hampshire. That is probable——

Mr. MILNES. Let me call the attention of the gentleman from New Hampshire to the fact that the standard of milk is precisely as it is now fixed, and there is no change made by the bill.

Mr. BAKER of New Hampshire. The United States standard?

Mr. MILNES. Yes, sir.

Mr. BAKER of New Hampshire. But so far as that standard is concerned, the gentleman from Iowa has informed us that it is not enforced, and because it is not enforced by any law of Congress the difficulties which I have pointed out have not been practically met. The same is true as to lines 44, 45, and 46, in principle, so far as butter is concerned, where it is provided that there shall "not be more than 5 per cent of salt in any butter," and any person having more than 5 per cent of salt in the butter shall be guilty of a misdemeanor. There are many people who require and desire a much greater quantity of salt than others, and if a farmer should provide, for those who are not satisfied with 5 per cent, 5½ per cent of salt on a special order, would he be guilty of a misdemeanor?

Mr. RICHARDSON. He can salt his own butter.

Mr. BAKER of New Hampshire. And I presume the gentleman from Tennessee, who now makes the suggestion that a man should salt his own butter, would be very glad to go into that process in his own family. If so, we leave him to do it. Then, down on the same page, 4, in the lines of the amendment 58 and 59—

And in the case of wines and fruit juices, if not made from the legitimate product of the pure fruit as represented—

That is good so far—

and in the case of cider, wines, fruit juices and malt liquors, if not free from salicylic acid or other preservatives.

I wish some gentleman here would inform me whether a man can sell his cider if he has happened to put into a barrel half a dozen pounds of fresh beef or raisins to preserve it, or if it had been preserved by the well-known process of making it into champagne cider? In the last lines of the same page—

In the case of wheaten flour, if it is not composed entirely of ground wheat, free from bran, perfectly white or having a faint yellow tinge—

And yet there can be pure flour when its shade is more than a faint yellow tinge, and as sweet and as nutritious as if it had only a faint tinge. I could give a number of other like instances in the bill, which I will not consume the time of the House to point out. But I wish to ask the attention of the committee in charge of this bill especially to sections 4 and 5, on page 6:

SEC. 4. That it shall be the duty of the health officer of the District of Columbia, etc.

Then in section 5 the provision is made—

That it shall be the duty of every inspector to investigate a complaint for a violation of any of the provisions of this act on the information of any person who lays before him satisfactory evidence by which to substantiate such complaint.

I wish to submit to the committee that as the execution of this bill is in the hands of the health officer, that it should be made the duty of the health officer and not the inspector, who is a subordinate of the health officer, to investigate all complaints, and that the inspector should investigate them only upon the instruction of the health officer. Therefore I would suggest that the words "every inspector," in line 1 of section 5, be stricken out and the words "health officer" be inserted. With these suggestions, while I might make many others in the same line, I leave the bill to the committee and the House.

[Mr. MCCORMICK addressed the House. See Appendix.]

Mr. CURTIS of Iowa. Mr. Chairman, in response to two or three of the questions propounded by the gentleman from New Hampshire [Mr. BAKER], referring to a letter from the health officer of the District of Columbia, which I hold in my hand, I find the following:

In the case of milk, the standard, while somewhat lower than that fixed by the regulations—

Meaning the regulations established by the Secretary of the Treasury—

is slightly above that fixed by the act to regulate the sale of milk in the District of Columbia, and for other purposes, approved March 2, 1895. The standard fixed by that law was, however, the lowest recognized in this country. The other changes in the standards are as follows: In the case of vinegar the required equivalent of acetic acid is reduced from 5 per cent to 4 per cent, and in the case of fruit juices, including cider and glucose, standards are established, none being fixed by the preceding law or regulations.

In the matter of bread, referred to by the gentleman from New Hampshire, the health officer says:

In the case of bread, the permissible ash is increased from 1½ to 2 per cent.

So it will be seen that there are very few variations from the standards previously established by the Secretary of the Treasury.

Mr. Speaker, I call for a vote upon the amendments to the bill.

The amendments were adopted.

Mr. CURTIS of Iowa. Mr. Speaker, I desire to offer another amendment, which I send to the desk.

The amendment was read, as follows:

In section 3, line 62, after the word "preservatives," insert "and in the case of malt liquors if not free from picric acid, cocculus indicus, colchicine, colocynth, aloes, and wormwood."

The amendment was agreed to.

Mr. CURTIS of Iowa. I desire to offer also another amendment, which I send to the desk.

The amendment was read, as follows:

In section 5, page 6, line 1, strike out the words "of every inspector" and insert "the health officer."

The amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CURTIS of Iowa, a motion to reconsider the vote by which the bill was passed was laid on the table.

ABANDONED STREET RAILWAY TRACKS IN DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up for present consideration the bill (H. R. 10121) to compel street railway companies in the District of Columbia to remove abandoned tracks, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That whenever the track or tracks or any part thereof of any street railway company in the District of Columbia shall not have been used for railway purposes for a period of three months, the Commissioners of said District may thereupon notify such company to remove said unused tracks and to place the street in good condition; and if such company shall neglect or refuse to remove said tracks after such notice, the president of said company shall be deemed guilty of a misdemeanor and shall be liable to a fine of $5 for each and every day during which said tracks are permitted to remain upon the street or streets; and after such tracks shall have been removed, in accordance with the requirements of this act, such railroad company shall repair the roadway upon which such tracks were situated upon notice issued by the Engineer Commissioner of said District so to do; and if such company shall neglect or refuse to make such repairs after notice as aforesaid, said company shall be liable to a further fine of $5 for each and every day during which said roadway shall remain out of repair, as herein provided, which fine shall be recovered in the police court of said District, in the name of said District, as other fines and penalties are now recovered in said court.

Mr. RICHARDSON. Mr. Speaker, this bill was reported by myself. Its object is to compel the street railway companies to remove abandoned tracks. It is a fact that in certain portions of the city some of the old lines have tracks which they have not used for years, and remain there an eyesore and a nuisance. This bill requires these tracks to be removed from the streets within a certain time after reasonable notice, and requires the companies to put the streets back in good condition, failing which they are to be subject to a fine of $10 a day while the tracks remain unremoved or the streets continue in disorder. That is all there is in the bill, and I think it ought to pass.

Mr. BAKER of New Hampshire. Mr. Speaker, after the committee amendments are disposed of, I desire to offer an amendment.

The amendments recommended by the Committee on the District of Columbia were adopted.

Mr. BAKER of New Hampshire. I offer the amendment which I send to the desk. It is intended to be a new section.

The amendment was read, as follows:

SEC. 2. Any street railway company in the District of Columbia refusing or neglecting to use any part of its existing lines or tracks shall, upon the direction of one Commissioner of the District of Columbia, immediately renew its service thereon, and for every day after such notification or direction that any such company shall fail to render proper service on said lines or tracks, it shall be subject to a fine of $50, to be recovered in the police court in the name of the District of Columbia, as other fines and penalties are now recovered in said court.

Mr. BAKER of New Hampshire. The bill as reported by the committeee covers one horn of the dilemma. It provides that tracks which are not in use may by permission of the Commissioners be torn up. My amendment, which I proposed to insert as section 2, requires the companies to execute service upon their existing tracks, if the Commissioners shall so direct. That is all there is of it. Under the provisions of the bill, if the tracks are not used for a period of three months they may be torn up under the direction of the Commissioners. My amendment provides, on the other hand, that if any company wishing to get rid of a part of its line shall for that purpose cease to render service, the Commissioners, if in their opinion it is not proper the line should be discontinued, may order the company to continue service upon that line. I do not apprehend that anyone will object to the amendment.

Mr. BABCOCK. Mr. Speaker, I am very sorry to object to the amendment of the gentleman from New Hampshire; but it practically nullifies the provision which the committee has reported, and it is not germane to anything in the bill. The object of the bill, as reported, is to compel railroad companies to take up tracks that are not used and to repair or put in order the streets. It provides that when railroad tracks have been abandoned for three months the Commissioners may give notice that those tracks be removed, and within sixty days from such notice the tracks must be removed and the streets repaired or put in order, under a penalty of $10 per day for failure to comply with this requirement. The amendment offered by the gentleman from New Hampshire practically nullifies the bill and says that these companies must operate cars upon tracks that have been constructed or pay a fine. If the gentleman wants that provision of law adopted, he should offer a bill for that purpose. It is an entirely different subject from the present bill.

Mr. BAKER of New Hampshire. Will the gentleman permit a question?

Mr. BABCOCK. Yes, sir.

Mr. BAKER of New Hampshire. Without this amendment, what power have the Commissioners to compel any of these companies to run their cars over lines which may be necessary for the comfort and convenience of the people of the District?

Mr. BABCOCK. This bill provides practically a method of forfeiting the charter of a company if it fails to comply with its obligations. No one knows better than the gentleman from New Hampshire where these abandoned tracks are and the constant annoyance they cause in the streets in different parts of the city.

Mr. BAKER of New Hampshire. The gentleman from Wisconsin is laboring under a misapprehension. I do not in the slightest degree object to the bill so far as it goes. My objection is that it does not go far enough; that it does not empower the Commissioners, when they believe that service should be rendered over any particular line of roads, to compel the company to render that service. That is all there is of it. If there are tracks anywhere for which there is no necessity and which in the opinion of the Commissioners should be taken up, there is nothing in my amendment to compel service on those tracks. But if a company should, for the purpose of getting rid of a certain portion of its line, abandon service on it for a period of three months or any other considerable period, then it is proper and just that the Commissioners be authorized to compel that company to render service if such service be required in the public interest.

It should not be assumed that the street railway companies of the District of Columbia exist simply for their own benefit. They should be required to render service for the accommodation of the people of the District and persons visiting here. They are created for the public service, not solely for private gain. My amendment, as an additional section, goes exactly to that point, and provides that these companies shall render service on whatever portion of their lines, in the opinion of the Commissioners, the public convenience may require such service.

Mr. RICHARDSON. I hope a vote will be taken. This amendment ought to be voted down. It amounts almost to making null and void the provisions of the bill.

Mr. BABCOCK. I ask for a vote.

The question being taken, the amendment of Mr. BAKER of New Hampshire was rejected.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

WASHINGTON AND GETTYSBURG RAILWAY COMPANY.

Mr. BABCOCK. I call up for present consideration the bill (H. R. 9470) to incorporate the Washington and Gettysburg Railway Company.

The Clerk was proceeding to read the bill, when

Mr. BABCOCK said: Mr. Speaker, this is quite a lengthy bill, and when I have stated its object I think consent will be granted that the reading of it be dispensed with. This bill provides merely for the construction of a line of road from Washington to Gettysburg. The legislatures of Maryland and Pennsylvania have already chartered this line. The company asks simply to come into the District of Columbia and make connections on the borders of the District with the systems here. That is all there is in this proposed legislation. I ask that the reading of the bill be dispensed with.

The SPEAKER. The gentleman asks unanimous consent that the bill be read by title only. Is there objection? The Chair hears none.

The bill was read by title.

Mr. RICHARDSON. Mr. Speaker, there are some amendments recommended by the District Commissioners and also one recommended by the District Committee. Those recommended by the Commissioners are all embodied in the bill. We ask that the amendments be voted upon in gross.

Mr. DOCKERY. I hope we shall have the amendments read.

I feel that I am subject to criticism for permitting this bill to be considered without being read.

Mr. RICHARDSON. We accept the gentleman's apology.

Mr. DOCKERY. It is a precedent which I hope will not be followed.

Mr. BABCOCK. The bill is in the usual form of street railway bills.

The amendments recommended by the committee were read at length.

Mr. TERRY. Mr. Speaker, I would like to ask the gentleman in charge of this bill if he is not trying to make regulations and grant concessions in respect to a railroad and its operations outside of the District of Columbia?

Mr. BABCOCK. Not at all.

Mr. RICHARDSON. We do not undertake anything of the kind. This applies only to that part of the road that is in the District.

Mr. TERRY. It gives the right of way through the national cemetery at Gettysburg, as I understand the reading of the amendment.

Mr. RICHARDSON. No; that is proposed to be stricken out of the bill by an amendment recommended by the Commissioners.

Mr. TERRY. I wish the gentleman would give us some explanation of the bill.

Mr. RICHARDSON. The bill, I will state to the gentleman, did provide, originally, that the line should run through the national cemetery at Gettysburg. But that has been stricken out, and it stops now at the line of the national park. That, of course, is in the State of Pennsylvania, and that part of the road is chartered by the State.

Mr. TERRY. But this is the District of Columbia, and this road, as I understand it, is wholly outside of the District.

Mr. RICHARDSON. It is partly in the District, but that part of it that is in Pennsylvania and Maryland is, of course, wholly outside of the District, and is chartered by those States.

Mr. TERRY. Then, what jurisdiction have you over it?

Mr. RICHARDSON. None on the earth, and we do not assume any.

I was going on to say that this road has a charter from the State of Pennsylvania, or so much of it as lies within the limits of that State, and also a charter from Maryland for so much as lies in the State of Maryland. Now, so much as we charter lies in the District of Columbia solely and simply. It is only a short distance, and enables this Pennsylvania and Maryland road, after striking the District of Columbia, to make proper connections here with existing lines.

Mr. HEPBURN. Does it not permit this company to locate its line through, or in, the national park at Gettysburg?

Mr. RICHARDSON. No, sir; that was in the bill originally, but has been stricken out on the recommendation of the Commissioners.

Mr. HEPBURN. What provision is there with reference to overhead trolleys in the District?

Mr. RICHARDSON. No change in existing law. They are not allowed to use the overhead trolley within the city limits. They are allowed to connect outside of the city limits with lines using overhead wires.

Mr. BABCOCK. This is simply in accordance with the charters heretofore granted to such roads.

Mr. RICHARDSON. This bill, I will state, is indorsed by the District Commissioners, and is drawn in accordance with their suggestions, and so far as we know there is no objection to it. It is intended to afford a short and expeditious route to the national park at Gettysburg, and a very cheap one, as I understand the rates are to be very much lower than by the ordinary railroad lines. It is nearly an air line, for with the use of the overhead trolleys they shorten the distance very materially. I ask a vote.

The question being taken on the amendments recommended by the Committee on the District of Columbia, they were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The question recurred on the passage of the bill; and on a division (demanded by Mr. WILLIAMS) there were—ayes 40, noes 11.

Mr. WILLIAMS. No quorum, Mr. Speaker.

The SPEAKER. The gentleman raises the point that no quorum is present. The Chair will count the House. [After having counted the House.] One hundred and sixty members are present; not a quorum.

Mr. RICHARDSON. I demand the yeas and nays.

The SPEAKER. By the rules of the House the yeas and nays are ordered, and at the same time a call of the House is directed.

The Clerk will call the roll, and members will answer either for or against the proposition, and those who desire simply to be recorded without voting will answer "present."

The Chair desires to say to the members of the House that under this rule the doors of the House are closed, and the doorkeepers and Sergeant-at-Arms are not authorized, neither the one nor the other, to allow members to go out. Of course every convenience will be afforded to members, but all are expected to remain in the House or in the adjoining rooms.

The Chair has deemed it proper to make this statement, as there seems to have been some misunderstanding or misapprehension heretofore as to the operation of the rule. Those members here are expected to remain, and those who are not here are expected to be brought in.

The Clerk will call the roll.

The Clerk proceeded to call the roll; and there were—yeas 132, nays 52, not voting 171; as follows:

YEAS—132.

Adams,	Dovener,	Linton,	Reeves,
Aitken,	Eddy,	Livingston,	Reyburn,
Aldrich, Ill.	Ellis,	Long,	Richardson,
Allen, Miss.	Erdman,	Lorimer,	Rinaker,
Andrews,	Evans,	McCall, Mass.	Settle,
Avery,	Fletcher,	McClellan,	Shannon,
Babcock,	Foote,	McClure,	Smith, Ill.
Baker, Md.	Foss,	McCormick,	Smith, Mich.
Barham,	Gamble,	McCreary, Ky.	Snover,
Belknap,	Gibson,	Mercer,	Sorg,
Bennett,	Graff,	Meredith,	Sperry,
Berry,	Griffin,	Miller, Kans.	Steele,
Bingham,	Grosvenor,	Miller, W. Va.	Stephenson,
Bishop,	Grow,	Milliken,	Stewart, N. J.
Bromwell,	Henry, Conn.	Milnes,	Stewart, Wis.
Brown,	Henry, Ind.	Minor, Wis.	Stone, C. W.
Buck,	Hermann,	Mitchell,	Stokes,
Burrell,	Hilborn,	Mondell,	Strong,
Burton, Mo.	Hitt,	Mozley,	Sulloway,
Burton, Ohio	Hooker,	Murphy,	Tawney,
Calderhead,	Howe,	Murray,	Towne,
Chickering,	Huff,	Noonan,	Tracewell,
Clark, Iowa	Hull,	Northway,	Tracey,
Cobb,	Hunter,	Otjen,	Treloar,
Cook, Wis.	Hurley,	Payne,	Turner, Ga.
Crowther,	Jenkins,	Pearson,	Turner, Va.
Crump,	Johnson, Cal.	Perkins,	Van Horn,
Curtis, Iowa	Kerr,	Pitney,	Walker, Va.
Curtis, Kans.	Kirkpatrick,	Poole,	Warner,
Curtis, N. Y.	Lacey,	Price,	Wheeler,
Dayton,	Latimer,	Prince,	Wilson, S. C.
De Witt,	Leonard,	Pugh,	Wood,
Dolliver,	Lewis,	Quigg,	Woomer.

NAYS—52.

Acheson,	Culberson,	Maguire,	Shuford,
Bailey,	Danford,	Mahany,	Skinner,
Baker, Kans.	De Armond,	Mahon,	Stallings,
Bell, Colo.	Dinsmore,	McCulloch,	Strait,
Bell, Tex.	Dockery,	McDearmon,	Strowd, N. C.
Black.	Grout,	McLaurin,	Sulzer,
Blue,	Hendrick,	McRae,	Talbert,
Catchings,	Hepburn,	Money,	Tate,
Clardy,	Howard,	Neil,	Terry,
Cooke, Ill.	Kem,	Otey,	Updegraff,
Cooper, Tex.	Kleberg,	Robertson, La.	Wanger,
Corliss,	Layton,	Sayers,	Williams,
Cox,	Little,	Shafroth,	Yoakum.

NOT VOTING—171.

Abbott,	Dingley,	Jones,	Ray,
Aldrich, T. H.	Doolittle,	Joy,	Robinson, Pa.
Aldrich, W. F.	Draper,	Kendall,	Royse,
Allen, Utah	Ellett,	Kiefer,	Rusk,
Anderson,	Fairchild,	Knox,	Russell, Conn.
Apsley,	Faris,	Kulp,	Russell, Ga.
Arnold, Pa.	Fenton,	Kyle,	Sauerhering,
Arnold, R. I.	Fischer,	Lawson,	Scranton,
Atwood,	Fitzgerald,	Lefever,	Shaw,
Baker, N. H.	Fowler,	Leighty,	Sherman,
Bankhead,	Gardner,	Leisenring,	Simpkins,
Barney,	Gillet, N. Y.	Lester,	Southard,
Barrett,	Gillett, Mass.	Linney,	Southwick,
Bartholdt,	Goodwyn,	Loud,	Spalding,
Bartlett, Ga.	Griswold,	Loudenslager,	Sparkman,
Bartlett, N. Y.	Hadley,	Low,	Spencer,
Beach,	Hager,	Maddox,	Stahle,
Boatner,	Hainer, Nebr.	Marsh,	Stone, W. A.
Boutelle,	Hall,	Martin,	Strode, Nebr.
Bowers,	Halterman,	McCall, Tenn.	Swanson,
Brewster,	Hanly,	McCleary, Minn.	Taft,
Broderick,	Hardy,	McEwan,	Tayler,
Brosius,	Harmer,	McLachlan,	Thomas,
Brumm,	Harris,	McMillin,	Thorp,
Bull,	Harrison,	Meiklejohn,	Tucker,
Cannon,	Hart,	Meyer,	Tyler,
Clark, Mo.	Hartman,	Miles,	Van Voorhis,
Clarke, Ala.	Hatch,	Miner, N. Y.	Wadsworth,
Cockrell,	Heatwole,	Moody,	Walker, Mass.
Codding,	Heiner, Pa.	Morse,	Washington,
Coffin,	Hemenway,	Moses,	Watson, Ind.
Colson,	Henderson,	Newlands,	Watson, Ohio
Connolly,	Hicks,	Odell,	Wellington,
Cooper, Fla.	Hill,	Ogden,	White,
Cooper, Wis.	Hopkins,	Overstreet,	Wilber,
Cousins,	Howell,	Owens,	Willis,
Cowen,	Hubbard,	Parker,	Wilson, Idaho
Crisp,	Hulick,	Patterson,	Wilson, N. Y.
Crowley,	Huling,	Pendleton,	Wilson, Ohio
Cummings,	Hutcheson,	Phillips,	Woodard,
Dalzell,	Hyde,	Pickler,	Woodman,
Daniels,	Johnson, Ind.	Powers,	Wright.
Denny,	Johnson, N. D.	Raney,	

So the bill was passed.

The following members not voting were recorded present:

Mr. ARNOLD of Rhode Island, Mr. BAKER of New Hampshire, Mr. BROSIUS, Mr. BRUMM, Mr. CLARKE of Alabama, Mr. COCKRELL, Mr. COOPER of Florida, Mr. COOPER of Wisconsin, Mr. DALZELL, Mr. DRAPER, Mr. FENTON, Mr. GILLETT of Massachusetts, Mr. HALL, Mr. HOPKINS, Mr. HOWELL, Mr. KENDALL, Mr. LEISENRING, Mr. LOUD, Mr. MCCALL of Tennessee, Mr. MCMILLIN, Mr. MOODY, Mr. MORSE, Mr. PARKER, Mr. PHILLIPS, Mr. RAY, Mr. RUSSELL, Mr. SCRANTON, Mr. WILLIAM A. STONE, Mr. TYLER, Mr. WRIGHT. Total, 30.

The Clerk announced the following pairs:

Until further notice:

Mr. WARNER with Mr. BARTLETT of Georgia.
Mr. HANLY with Mr. MOSES.
Mr. DINGLEY with Mr. MCMILLIN.
Mr. PICKLER with Mr. MINER of New York.
Mr. SIMPKINS with Mr. FITZGERALD.
Mr. HENDERSON with Mr. ABBOTT.
Mr. LINNEY with Mr. CLARKE of Alabama.

For this day:

Mr. RUSSELL of Connecticut with Mr. COWEN.
Mr. SCRANTON with Mr. OGDEN.
Mr. CODDING with Mr. CUMMINGS.
Mr. MCCLEARY of Minnesota with Mr. JONES.
Mr. HEATWOLE with Mr. SPENCER.
Mr. WADSWORTH with Mr. SWANSON.
Mr. WELLINGTON with Mr. TUCKER.
Mr. TAYLER with Mr. SPARKMAN.
Mr. TAFT with Mr. RUSSELL of Georgia.
Mr. WILBER with Mr. RUSK.
Mr. RANEY with Mr. OWENS.
Mr. MEIKLEJOHN with Mr. KYLE.
Mr. HUBBARD with Mr. HUTCHESON.
Mr. HULING with Mr. MEYER.
Mr. JOY with Mr. CROWLEY.
Mr. KULP with Mr. HART.
Mr. HICKS with Mr. MADDOX.

The result of the vote was announced as above recorded.

IMMIGRATION.

Mr. DANFORD. Mr. Speaker, I wish to present a conference report on the immigration bill.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7864) "An act to amend the immigration laws of the United States" having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment, and agree to the House bill as follows: Strike out the first section all after the words "admission to the United States the following" and insert:

"All persons physically capable and over 16 years of age who can not read and write the English language or some other language; but a person not so able to read and write who is over 50 years of age and is the parent or grandparent of a qualified immigrant over 21 years of age and capable of supporting such parent or grandparent may accompany such immigrant, or such a parent or grandparent may be sent for and come to join the family of a child or grandchild over 21 years of age, similarly qualified and capable, and a wife or minor child not so able to read and write may accompany or be sent for and come to join the husband or parent similarly qualified and capable."

Strike out the present section 2 and insert a new section, as follows:

"SEC. 2. For the purpose of testing the ability of the immigrant to read and write, as required by the foregoing section, the inspection officers shall be furnished with copies of the Constitution of the United States, printed on numbered uniform pasteboard slips, each containing not less than twenty nor more than twenty-five words of said Constitution printed in the various languages of the immigrants in double small pica type. These slips shall be kept in boxes made for that purpose and so constructed as to conceal the slips from view, each box to contain slips of but one language, and the immigrant may designate the language in which he prefers the test shall be made. Each immigrant shall be required to draw one of said slips from the box and read, and afterwards write out, in full view of the immigration officers, the words printed thereon. Each slip shall be returned to the box immediately after the test is finished, and the contents of the box shall be shaken up by an inspection officer before another drawing is made. No immigrant failing to read and write out the slip thus drawn by him shall be admitted, but he shall be returned to the country from which he came at the expense of the steamship or railroad company which brought him, as now provided by law. The inspection officers shall keep in each box at all times a full number of said printed pasteboard slips, and in the case of each excluded immigrant shall keep a certified memorandum of the number of the slip which the said immigrant failed to read or copy out in writing. If in any case from any unavoidable cause the foregoing slips are not at hand for use, the inspection officers shall carefully and thoroughly test the ability of the immigrant to read and write, using the most appropriate and available means at their command; and shall state fully in writing the reasons why the slips are lacking, and describe the substitute method adopted for testing the ability of the immigrant."

Strike out the present section 3 and insert a new section, as follows:

"SEC. 3. That the provisions of the act of March 3, 1893, to facilitate the enforcement of the immigration and contract-labor laws, shall apply to the persons mentioned in section 1 of this act."

Strike out the present sections 4, 5, and 6 and insert as follows:

"SEC. 4. That it shall hereafter be unlawful for any male alien who has not in good faith made his declaration before the proper court of his intention to become a citizen of the United States to be employed on any public works of the United States, or to come regularly or habitually into the United States by land or water for the purpose of engaging in any mechanical trade or manual labor, for wages or salary, returning from time to time to a foreign country.

"SEC. 5. That it shall be unlawful for any person, partnership, company or corporation knowingly to employ any alien coming into the United States in violation of the next preceding section of this act: *Provided*, That the provisions of this act shall not apply to the employment of sailors, deck hands, or other employees of vessels, or railroad train hands, such as conductors, engineers, brakemen, firemen, or baggagemen, whose duties require them to pass over the frontier to reach the termini of their runs, or to boatmen or guides on the lakes and rivers on the northern border of the United States.

"SEC. 6. That any violation of the provisions of sections 4 and 5 of this act by any alien or citizen shall be deemed a misdemeanor, punishable by a fine not exceeding $500 or by imprisonment for the term of not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That all persons convicted of a violation of section 4 of this act shall be deported to the country whence they came.

"SEC. 7. That notwithstanding the provisions of this or any other existing law, the Secretary of the Treasury may permit aliens to enter this country for the purpose of teaching new arts or industries under such rules and regulations as he may provide."

Add a new section, as follows:

"SEC. 8. That this act shall not apply to persons arriving in the United States from any port or place in the Island of Cuba, during the continuance of the present disorders there, who have heretofore been inhabitants of that island."

Strike out the present section 7 and insert as follows:

"SEC. 9. That this act shall take effect July 1, 1897."

L. DANFORD,
STANYARNE WILSON,
Managers of the Conference on the part of the House.

H. C. LODGE,
WM. E. CHANDLER,
CHAS. J. FAULKNER,
Managers of the Conference on the part of the Senate.

Mr. DANFORD. I ask that the conference report be printed in the RECORD, and that it lie over until to-morrow morning, when I shall call it up, immediately after the reading of the Journal.

The SPEAKER. The gentleman asks unanimous consent that the matter be set down for the action of the House immediately after the reading of the Journal. Is there objection?

Mr. DOCKERY. Is there a statement accompanying this report?

Mr. DANFORD. There is no written statement.

Mr. DOCKERY. I do not object to the printing of the report——

The SPEAKER. The gentleman makes the point of order that there is no written statement accompanying the report.

Mr. DOCKERY. I shall waive that point, however, with the understanding that a written statement shall be submitted in the morning, when this matter is called up. Otherwise I shall insist on the point of order.

Mr. DANFORD. I can have the statement ready in the morning.

Mr. DOCKERY. The rules require a written statement, and on an important matter like this the House ought to be advised.

The SPEAKER. The gentleman can make the point of order, and the report can be retained by the gentleman from Ohio [Mr. DANFORD] and he can present it to-morrow morning.

Mr. PAYNE. I ask unanimous consent that the report be printed in the RECORD, if that course is taken, so that members can see it.

The SPEAKER. The gentleman asks unanimous consent that the report of the conference committee be printed in the RECORD. Is there objection?

Mr. BAILEY. Mr. Speaker, the printing of the report, unless there is some statement, will not help the members very much. I should be glad to have it printed, if there were a statement with it.

Mr. PAYNE. I understand that the report shows just what the substitute is that is proposed, and if that can be printed in the RECORD, and then a statement presented to-morrow morning, I think that will be satisfactory.

Mr. BAILEY. With that understanding, I shall be glad to have it printed.

The SPEAKER. Is there objection?

There was no objection.

RELIEF OF FARMERS AND MARKET MEN.

Mr. BABCOCK. Mr. Speaker, I ask that the joint resolution (H. Res. 189) for the relief of farmers, gardeners, and truckmen selling produce of their own raising in the markets of Washington, D. C., lie on the table. The House has to-day passed a Senate resolution relating to the same matter.

The SPEAKER. The gentleman from Wisconsin [Mr. BABCOCK] asks that the joint resolution (H. Res. 189) lie upon the table, the House having already passed a similar Senate resolution. In the absence of objection, it will be so ordered.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the bill (S. 3666) to remove doubts as to the power of the supreme court of the District of Columbia to provide for a vacancy in the office of attorney of the United States for the District of Columbia.

EXTENSION OF LINES OF THE METROPOLITAN RAILROAD COMPANY.

Mr. BABCOCK. Mr. Speaker, I desire to call up the bill (H. R. 9647) to authorize an extension of the lines of the Metropolitan

Railroad Company of the District of Columbia, which has come over from the Senate with Senate amendments, for the purpose of making a motion in regard to it.

The bill and Senate amendments were read.

The SPEAKER. The question is on concurring in the Senate amendments.

Mr. BABCOCK. Mr. Speaker, I move to nonconcur in the Senate amendments and ask for a committee of conference.

The motion was agreed to.

The SPEAKER. The Chair will appoint the following conferees: The gentleman from Wisconsin, Mr. BABCOCK; the gentleman from Iowa, Mr. CURTIS, and the gentleman from Tennessee, Mr. RICHARDSON.

WATER SUPPLY OF WASHINGTON, D. C.

Mr. BABCOCK. Now, Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 10133.

Mr. DOCKERY. Let us have the bill reported, Mr. Speaker, so that we may know what it is.

The SPEAKER. The gentleman calls up the following bill.

The Clerk read as follows:

A bill (H. R. 10133) to amend an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes."

Be it enacted, etc., That the act entitled "An act to increase the water supply of the city of Washington, and for other purposes," approved July 15, 1882, be so amended as to enable the Attorney-General and the Secretary of War, in the exercise of the authority therein and hereby conferred on them, to obtain title for the United States, by right of eminent domain or otherwise, to all the water rights not now owned by the United States at and in the vicinity of Great Falls, on the Potomac River, the water so taken to be used for any and all public purposes, and also such lands as may be necessary for these purposes: *Provided*, That the property, water rights, and franchises of the Chesapeake and Ohio Canal Company shall be exempt from the operation of this act. Within three months after the approval of this act the Secretary of War and the Attorney-General shall make a written statement, specifying by metes and bounds the lands and water rights, if any, they may deem necessary to take for the purposes of this act, excluding the lands already purchased by the United States and paid for, and shall file triplicate originals of said statement in the offices of the register of deeds for the District of Columbia, the county of Fairfax, Va., and the county of Montgomery, Md., respectively; and said filing of said statement shall be a taking for the United States by right of eminent domain of the lands and waters specified in said statement and of the water rights appertaining thereto, and shall vest the title to the same absolutely in the United States: *Provided*, That additional or amended written statements specifying any other lands and water rights deemed necessary to be taken under this act, not included or properly described in the statement above provided for, may be filed as aforesaid and with like effect at any time after said three months and within one year after the approval of this act. If said statement shall include any lands or water rights heretofore taken or attempted to be taken under authority of the act to which this is an amendment, or otherwise, and not heretofore paid for, the taking of the same shall be treated as done as aforesaid under this act.

SEC. 2. That if the Secretary of War and the Attorney-General shall agree with any of the owners of the land and water rights taken, or with any of the owners of any lands damaged by said taking, or by maintaining the Government dam at Great Falls at its present height, or by raising the dam to any height that may be deemed necessary for the future supply of the District of Columbia and other public purposes, upon the amount to be paid therefor, they shall give such owner their certificate, specifying the sum to which he is entitled.

SEC. 3. That the Secretary of War and the Attorney-General, in their discretion, may appoint three commissioners to appraise the value of the land and of the water and of the water rights taken, and of the damages to any property by reason of the taking, or by reason of maintaining said Government dam at its present height, or by reason of raising the dam to such height as may be necessary for the purpose of this act. In making the valuations the appraisers shall consider only the present values of the land and water rights, and shall not consider their values to the city of Washington for the uses for which they are taken or to which they may be applied under the provisions of this act. Said appraisement shall be for the guidance and information of the Secretary of War and the Attorney-General.

SEC. 4. That in case the Secretary of War and the Attorney-General shall not agree with any of the owners of the land and water rights taken, or with any of the owners of any land damaged by said taking, the Attorney-General shall, within six months after the filing of the statement provided for in section 1, cause proceedings to be commenced by petition in the name of the United States in the supreme court of the District of Columbia, making all such owners of land and water rights with whom no agreement has been made parties defendant, to determine the amount of compensation and damage to be paid such owners. Said court shall prescribe rules of procedure, conformable to the practice in like cases, necessary and proper to secure a speedy determination of the rights of the parties. Said court shall forthwith summon a jury to hear and determine, under its instruction, the amount of compensation and damage. The Attorney-General may appoint special counsel to represent the United States in such proceedings conspicuous for known familiarity with and experience in the laws regulating riparian rights and in hydraulics.

SEC. 5. That judgments shall be entered against the United States for the amount of compensation and damages ascertained, as provided in the preceding section; and as said lands, water rights, and waters are taken for the use of the District of Columbia, said judgments and the certificates that may be issued by the Secretary of War and the Attorney-General, provided for in section 2, together with the certificates of the Secretary of War and the Attorney-General for the costs and expenses incurred by them in executing the provisions of this act, and for the fees of the Commissioners provided for in section 3, and for the fees of special counsel, experts, and witnesses on behalf of the United States and for the jury shall be paid by the Secretary of the Treasury of the United States as judgments against the District of Columbia are paid.

SEC. 6. That appeals may be taken by either party from the judgments rendered in such proceedings as are allowed in other cases in said court.

The SPEAKER. The gentleman from Wisconsin moves that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill already reported to the House.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HOPKINS in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of the bill H. R. 10133. The Clerk will read the bill.

The Clerk proceeded to read the bill.

Mr. PAYNE. I suggest to the gentleman from Wisconsin that he ask to dispense with the reading of the bill.

Mr. DOCKERY. I think it is a very important proposition, and we ought to have the bill read again.

The CHAIRMAN. The Clerk will read the bill, unless its reading is dispensed with by the action of the committee.

The Clerk again read the bill.

Mr. BABCOCK. Mr. Chairman, I would like the attention of the committee for a few moments, and I will detain it a very short time.

This is a bill which has been unanimously reported by the Committee on the District of Columbia, and not only of the House, but of the Senate. It has met the approval of the War Department, the District Commissioners, and all who have considered the subject. It is, Mr. Chairman, I think, the most important piece of legislation that has been reported to the Fifty-fourth Congress by the Committee on the District of Columbia. It provides for the acquisition by the Government of all the rights at Great Falls that are not now owned by the Government.

Mr. MCMILLIN. Right there, will the gentleman state what rights the Government owns and what relative right, as compared to the whole right that is involved here, is owned by individuals?

Mr. BABCOCK. I understand, so nearly as it can be reached without judicial inquiry, that the Government owns a one-half interest in a large portion of the territory there and the Butler estate the other half. The rights of the Chesapeake and Ohio Canal Company really cut but a very little figure as far as power is concerned, as in most cases the Government owns an undivided interest in a strip of land between the canal and the river. Now, as to this property——

Mr. RICHARDSON. I would like to ask my colleague, if it does not interrupt him, if the part that is not owned by the Government is not owned by an incorporated company; therefore that incorporated company lays claim to so much of the water rights as do not belong to the Government itself?

Mr. BABCOCK. I so understand; and when I said Butler estate I should have said this incorporated company, because it represents the heirs of the Butler estate in that interest.

Mr. MCMILLIN. That is what I was about to ask the gentleman—whether the Butler heirs had put their interest into an incorporated company.

Mr. BABCOCK. Yes, sir.

Mr. MCMILLIN. Then, if I understand the gentleman, this incorporated company is in the condition of asking more than it is appraised for?

Mr. BABCOCK. Yes, sir.

Mr. MCMILLIN. What have they demanded for their rights?

Mr. BABCOCK. The only information in regard to the point as to what they demand for the property there was the refusal of an offer made by New York parties a short time ago of $275,000 in cash. This the incorporated company refused and made a counter proposition to accept $500,000.

Mr. MCMILLIN. What amount of land is involved?

Mr. BABCOCK. That can not be told until a survey is made by the Secretary of War as to how much the Government will require.

Mr. MCMILLIN. And this bill puts no limit upon the amount that the Secretary may acquire there?

Mr. BABCOCK. No, sir.

Mr. MCMILLIN. He may go out and under this bill obtain the watershed as well as the contiguous land.

Mr. BABCOCK. I will read a portion of the bill which explains that:

Within three months after the approval of this act the Secretary of War and the Attorney-General shall make a written statement, specifying by metes and bounds the lands and water rights, if any, they may deem necessary to take for the purposes of this act, excluding the lands already purchased by the United States and paid for, and shall file triplicate originals of said statement in the offices of the register of deeds for the District of Columbia, the county of Fairfax, Va., and the county of Montgomery, Md., respectively—

And so on.

Mr. MCMILLIN. Does the Government lay no claim to the portion of the property that is claimed by this incorporated company?

Mr. BABCOCK. I think there is no question as to the rights of the incorporated company to certain parts of the territory. As to other parts, there is no question that the Government owns one-half and the company the other half; but there are different properties, different titles, coming from different sources. The property was not all originally under one patent.

Mr. McMILLIN. Is it only riparian rights that are sought here, or does this company claim that, by any proceedings heretofore taken by it or by purchases made, it has come to own water rights independently of the riparian rights?

Mr. BABCOCK. The company claim water rights.

Mr. McMILLIN. Does the Government concede that ownership of water rights on the part of the company?

Mr. BABCOCK. The Government has been paying a certain sum of money for water taken, and there are suits pending for additional water taken by the Government amounting to $773,000. Those suits are now before the Court of Claims, and are for water only.

Mr. McMILLIN. What has the Government paid heretofore for water?

Mr. BABCOCK. I am unable to state. The first estimate was based upon 25,000,000 gallons per day. Later an additional dam was built, which was expected to supply 50,000,000 gallons per day.

Mr. RICHARDSON. Has not the company sued the Government for the additional 25,000,000 gallons?

Mr. BABCOCK. I was just stating that fact. Suit is now pending before the Court of Claims for this additional 25,000,000 gallons per day. Later the Government raised the dam 2 or 3 feet, which the engineers estimate will give a capacity of 75,000,000 gallons per day, and upon that the company have filed suit for $272,000 damages, and are taking testimony.

Mr. DOCKERY. Has the Government given this company the right to bring suit?

Mr. BABCOCK. The suits are now pending before the Court of Claims.

Mr. NORTHWAY. Mr. Chairman, I wish that we could hear this colloquy that is going on so that we might understand this measure.

Mr. BABCOCK. Mr. Chairman, I will ask to have the report of the committee read, which explains this subject quite fully.

The report (by Mr. BABCOCK) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 10133) to amend an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes," have had the same under consideration, and your committee recommend unanimously that the bill do pass.

The bill entitled "An act to increase the water supply of the city of Washington, and for other purposes," provides for the acquirement by the United States, by right of eminent domain or otherwise, of the title "to all the water rights at and in the vicinity of Great Falls, on the Potomac River, the water so taken to be used for any and all purposes, and also such land as may be necessary for these purposes."

The Great Falls are located about 14 miles above the city of Washington. In 2,000 feet the river falls 76 feet, as shown by the report of the Engineering Department of the United States. At the head of the falls is the dam of the Washington Aqueduct, 2,807 feet long, extending across the river from the Maryland to the Virginia shore. The Aqueduct connects with the waters above the dam and furnishes the city of Washington with its supply of water. Under the present improvement it is estimated by the Engineering Department 75,000,000 gallons of water per diem is the maximum amount of water that can be carried through the Aqueduct, and this constitutes the present provision for water for domestic use in the District of Columbia. It can not be long before this amount of water for domestic purposes will be insufficient, and further diversion for this purpose will be necessary. As claims are now pending against the United States for the water already diverted, and the subject of the purchase of the entire water rights is now proposed, we review the principal reasons presented in support of these claims and this bill.

1. *Water power.*—The amount of water that can be diverted for domestic purposes under the present improvement is equal to 116 cubic feet per second, and reduces the available power at the falls that amount, and for this diversion damages have been claimed by the owners of the power at Great Falls. A record of the amount of water passing over the Government dam has been kept since the completion of the dam, in 1886, and from this and other data the minimum effective power at the falls is estimated to be about 10,000 horsepower. Taking 85 per cent as the efficiency of turbines, the power of a series of turbines below the falls at the lowest stage of the river would be about 8,500 horsepower. This power, transformed into electrical power, can be readily transmitted from the Great Falls to Washington.

It is believed to be very desirable that the United States should acquire this entire water right, and thereby secure for all time a sufficient water supply for the District of Columbia, and use the surplus water as power to generate electricity for lighting the Government buildings and the streets of the District of Columbia and for power to run the elevators, printing presses, and other machinery in the Government buildings and at the navy-yard.

2. *Water supply.*—The water supply for the District of Columbia was first provided for under various acts and appropriations prior to 1882, the maximum supply being about 25,000,000 gallons of water daily. In the year 1882 the dam was extended across Conns Island to the Virginia shore, and thereby the maximum quantity of water provided for was increased 25,000,000 gallons per day, and in 1895 provision was made to increase the height of the dam about 3 feet, thereby making the present maximum amount of water available for domestic use 75,000,000 gallons per day, as above stated. It is estimated in the report compiled by Col. George H. Elliott upon the subject that "other increases of the amount of water required for the supply of Washington will be necessary from time to time, and it is estimated that not less than 200,000,000 gallons per day will ultimately be required." These diversions are, and further diversion will continue to be, subjects of claims and litigation on the part of the owners of the water power at Great Falls, unless the entire water rights are acquired.

Already suits for the value of the water diverted by the increase in the length of the dam and the height of the dam are pending in the Court of Claims, the claims aggregating $773,000. These claims are based upon the theory that the permanent diversion of water above the falls reduces the available waterpower at the falls, and thereby injures the property rights of the Great Falls Power Company. These claims are estimated by taking a principal sum, which, at 4 or 5 per cent, will produce a yearly income equal to the value per annum per horsepower of the water so diverted. It can readily be seen that, figuring upon such a basis—and we believe this to be the rule adopted in similar cases—the damages for the diversion of the water under the present improvement and the further diversion which will be necessary in the future, estimated by Colonel Elliott, will amount to very large sums of money—more, possibly, if private developments of the water-power are proceeded with, than it will now require to condemn the whole water right. It is, therefore, a wise and economical policy to condemn all the water rights at the Great Falls, thereby giving the United States the entire control of all the water, rather than to pay for the water diverted from time to time as it shall be taken.

3. *Electric light and power.*—If the entire right to the water is secured the surplus water can be used by the Government in generating and transmitting to the District of Columbia electricity, to be used for illuminating and power purposes. A very careful estimate has been made by the Government engineers of the cost of putting up a plant sufficient to utilize the power at the Great Falls and light the public buildings, the streets of the District, and furnish power for the Government buildings. These estimates, together with the estimate for maintenance, show that the lighting and power can be furnished by using the surplus water at the Great Falls, at much less than can be done by the use of steam power, and a much more desirable result obtained. The use of electricity for power purposes will also dispose of the smoke caused by the increased use of coal, already a subject of complaint and threatening injury to the beauty of public buildings and works of art in this District.

4. As stated, it is believed that all the water rights and land necessary to carry out this plan can be condemned for a sum much less than the claims already made and which will be made for the diversion of water for domestic purposes, leaving the surplus water for use as power in generating electricity; and by the condemnation of the whole the Government will be rid of the litigation and claims for damages for the water diverted and will own and control for all time the entire water rights at the Great Falls. The improvements outlined can be made whenever it shall be deemed best.

The bill presented does not provide for any present appropriation of money, but does provide for the immediate condemnation of the entire water rights and lands required, the amount to be taken to be ascertained within three months by the Secretary of War and Attorney-General. It also provides for the ascertainment of the value of these water rights and lands, together with the settlement of all existing claims, by the Secretary of War and Attorney-General, these officers being given the power to appoint three disinterested persons to ascertain and advise them in reference to the values. If the Secretary and Attorney-General can not agree with the owners, then the Attorney-General shall, within six months, bring suit in the supreme court of the District of Columbia and have the value ascertained by the court. This is believed to be a fair and just method of ascertaining the value of the property condemned.

Mr. BABCOCK. Mr. Speaker, I ask that the letter of the District Commissioners, attached to the report, be printed in the RECORD.

There was no objection, and it was so ordered.

The letter is as follows:

OFFICE OF COMMISSIONERS OF DISTRICT OF COLUMBIA,
Washington, January 13, 1897.

DEAR SIR: I had expected to be present at the meeting of your committee this morning, and to show by my presence the interest which the Commissioners of the District of Columbia have in the proposed legislation embodied in the bill entitled "An act to increase the water supply of Washington, and for other purposes." I know of no measure before the Congress of more importance to the present and prospective best interests of the capital.

As is well known to your committee, there are important interests belonging to the Great Falls Manufacturing Company and to the Chesapeake and Ohio Canal Company at the Great Falls of the Potomac. The proposed legislation, as I understand it, is to empower the supreme court of the District of Columbia to ascertain the value of these respective interests, and to provide by said legislation for the acquisition of the said rights by the United States. It would seem to be important to acquire these interests before any improvements shall be made, which may increase the cost of the condemnation.

As may be seen by the report of Col. George H. Elliott, of the Corps of Engineers, the amount of water flow at the Great Falls during low-water periods is about 700,000,000 gallons per diem, and the amount diverted from the river for the supply of Washington is about 50,000,000 gallons per diem; that the raising of the dam at Great Falls would permit to be diverted from the river for the supply of Washington about 75,000,000 gallons per diem, and that 200,000,000 gallons per diem will ultimately be required for the uses of the people of the District of Columbia. He then shows that after this amount shall have been diverted for the water supply, there will still run to waste at low-water periods a water power of about 7,500 horsepower, of which about 6,400 horsepower could be used for generating electrical power, which would be more than sufficient, in his opinion, to light all public buildings and grounds of Washington and replace all of the gaslights of the city with electric lights. He estimates also that this would furnish sufficient electric power for pumping water to the high-surface areas of the city, for running the elevators in the public buildings, for heating these buildings, and for other public purposes.

He also says that the rights of the United States, but a fraction of which have ever been utilized, have for many years been disputed, and they are now disputed, and that large amounts of claims for damages are now pending against the Government. His conclusion is that the rights of the respective owners should be settled now and forever, and that the bill under consideration furnishes not only the best means of doing this fairly and with full justice to all parties; and that it is also a means for acquiring the remainder of the water rights at the Great Falls not now owned by the Government.

The Commissioners therefore earnestly beg that your committee give to this important measure early and favorable consideration.

Very respectfully,

JOHN W. ROSS, *President.*

Hon. J. W. BABCOCK,
Chairman Committee on the District of Columbia.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. GILFRY, one of its clerks, announced that the Senate had passed the following resolution:

Resolved, That the Secretary request the House of Representatives to return to the Senate the bill (H. R. 9647) to authorize the extension of the lines of the Metropolitan Railroad Company of the District of Columbia.

WATER SUPPLY OF WASHINGTON, D. C.

The committee resumed its session.

Mr. DOCKERY. Mr. Chairman, I understand from the gentleman in charge of this bill that it is not his purpose to press it to

a vote this evening, and in view of that fact I desire to ask him one or two questions. The bill as drawn authorizes the Secretary of War "To obtain title to all the water rights not now owned by the United States at and in the vicinity of Great Falls on the Potomac River; the water so taken to be used for any and all public purposes, and also such land as may be necessary for these purposes." That is a general grant of authority without any limitations unless they may be found in the word "necessary," which is very indefinite. I have read the bill very hastily, but I believe there is a provision further on authorizing a survey to determine what lands are necessary to be taken.

Mr. BABCOCK. Yes.

Mr. DOCKERY. It occurs to me, Mr. Chairman, that in view of the fact that we are to have an extra session of Congress (which seems to be conceded), it might be well to substitute for this bill certain provisions which the committee, if they favor them, can prepare for submission to the House when the Committee on the District of Columbia is again recognized under the rule. First, authorize a survey to be made to determine the lands necessary to be acquired for this purpose; and second, an inquiry as to the value of those lands. That information having been secured, the committee can, at the first session of the Fifty-fifth Congress, more intelligently draft a bill which will fix proper limitations, and the lands having been surveyed and their value estimated by the Secretary of War, then, if it is thought wise, we can authorize condemnation proceedings.

Mr. BABCOCK. In the first place, I will state to the gentleman one fact of which he is well aware, that the fall of the river is so great at the point now under consideration that no large body of land would be necessarily embraced in this purchase. The ground that is flooded is known as well as the ground that is not flooded. So that there is no question in the minds of those who are familiar with the location as to the amount of ground which it will be necessary to acquire. In making this survey, the officers are not going back 10 miles, or 20 miles, or 40 miles. As the report states, the river falls 76 feet in a distance of 2,000 feet.

Mr. McMILLIN. Will the gentleman allow me a single word? There has been a good deal of agitation as to the propriety of this purchase.

Mr. BABCOCK. The watershed?

Mr. McMILLIN. Yes, sir; but I will not enter into discussion of the general policy. The gentleman, however, I think, will agree with me that there is nothing in this bill as drawn to prevent the officers to whom this matter is intrusted from going 10 miles out if they choose.

Mr. DALZELL. I should like to ask a question of the gentleman in charge of this bill. Has he any idea of the amount of property which the passage of the bill might eventually require the Government to appropriate for?

Mr. BABCOCK. In reply to the gentleman, I can only state that I know the price which was put on the property by the owners, and I know the price which was offered for it by the New York parties. The New York parties offered $275,000. Their offer was refused, and a counter proposition was made, offering for $500,000 all the rights of this incorporated company.

Mr. DALZELL. Is this bill in such a shape that if it be passed the officers of the Government would be authorized to proceed so far as to have a value fixed upon the property for which the Government would have to appropriate?

Mr. BABCOCK. The bill provides for condemnation proceedings before the court in case the Secretary of War and the Attorney-General should fail to agree with the parties as to the value of the property.

Mr. DALZELL. So that there is involved in the passage of this bill the possible appropriation at some future time of from $250,000 to $500,000 by the Government?

Mr. BABCOCK. Yes, sir.

Mr. DALZELL. Then it strikes me we ought to spend a little more time on it.

Mr. BABCOCK. Oh, I do not expect to have the bill finally considered this evening.

Mr. DOCKERY. One further suggestion. According to the report here—I have not had an opportunity to read the bill carefully—

The bill presented does not provide for any present appropriation of money, but does provide for the immediate condemnation of the entire water rights and lands required, the amount to be taken to be ascertained within three months by the Secretary of War and Attorney-General.

In other words, as I understand, the survey is to be made within three months.

Mr. BABCOCK. Yes, sir.

Mr. DOCKERY. That is to determine the amount of lands necessary; and that under the terms of the bill will require three months. According to the report the bill—

Also provides for the ascertainment of the value of these water rights and lands, together with the settlement of all existing claims, by the Secretary of War and Attorney-General, these officers being given the power to appoint three disinterested persons to ascertain and advise them in reference to the values. If the Secretary and Attorney-General can not agree with the owners, then the Attorney-General shall, within six months, bring suit in the supreme court of the District of Columbia and have the value ascertained by the court.

So that we have two propositions. One is for the survey of the land——

Mr. BABCOCK. For which three months' time is allowed.

Mr. DOCKERY. Yes, sir. The other proposition looks to making terms with the owners through the Secretary of War and Attorney-General, if that can be done; and if not, then within six months suit is to be entered in the surpeme court of the District of Columbia to obtain a judicial ascertainment of the value of the land.

Now, in view of the fact that the Fifty-fifth Congress is to meet in extraordinary session, it does seem to me that a simple and direct method of dealing with this question would be to authorize a survey of the land, to be reported to Congress with a statement of the amount of land necessary, and to require the officers named to endeavor to ascertain what sum will be needed for purchasing the land. With these facts ascertained and reported to Congress at its next session, we shall be prepared to pass a bill containing all necessary and proper provisions.

Mr. DALZELL. I wish to inquire of the chairman of the committee whether this water power is owned by a corporation?

Mr. BABCOCK. It is.

Mr. DALZELL. What is the capital stock of that corporation?

Mr. BABCOCK. I certainly can not answer that question.

Mr. DALZELL. This corporation owns, as I understand, not only the lands and water power, but also certain franchises connected therewith, so that to render the condemnation proceedings effectual it would be necessary, under a decision of the Supreme Court, for the Government to pay not only the value of the actual, tangible property, but also the value of those franchises.

Mr. BABCOCK. Let me call the gentleman's attention to this provision of the bill:

In making the valuations the appraisers shall consider only the present values of the land and water rights, and shall not consider their values to the city of Washington for the uses for which they are taken or to which they may be applied under the provisions of this act.

Mr. DALZELL. Let me call my friend's attention to the fact that a precisely similar provision, which was embodied in the bill for the condemnation of the works of the Monongahela Navigation Company, was declared by the Supreme Court of the United States to be unconstitutional. In that bill provision was made against payment for franchises; and the provision was declared by the Supreme Court of the United States to be ineffective—beyond the power of Congress to enact.

Mr. RICHARDSON. Was not that because the State of Pennsylvania had made no concession?

Mr. DALZELL. It was because the State had conferred a franchise on that corporation, just as the State of Maryland and the State of Virginia have conferred franchises upon this corporation at the Great Falls.

Mr. RICHARDSON. But I understand that in this case the State of Virginia, and possibly Maryland, both of them, have passed statutory enactments which concede the control of Congress over this water supply. If there are such legislative enactments, that might make a difference in the conditions.

Mr. DALZELL. That, of course, might make a difference, if such action was ever taken.

Mr. GROUT. As a matter of fact, did not the Monongahela Company enter upon the exercise of its franchise before the condemnation proceedings were had?

Mr. DALZELL. That is correct; it had done so.

Mr. GROUT. Would not that make a difference?

Mr. DALZELL. Of course that would make a difference.

Mr. BABCOCK. Now, Mr. Chairman——

Mr. TURNER of Georgia. I would like to ask the gentleman from Tennessee a question.

Mr. RICHARDSON. Certainly.

Mr. TURNER of Georgia. Is it not a novel proposition to require these proceedings, by condemnation, in the court of the District of Columbia, when the property involved is entirely outside of the District? And in that connection I would ask how the District of Columbia court could enforce a judgment against property lying outside of its territorial jurisdiction?

Mr. BABCOCK. I will yield to the gentleman from Tennessee, Mr. Chairman, who will answer the question.

Mr. RICHARDSON. As I understand it, and as I stated a few moments ago, legislative enactments have been had in Virginia and Maryland with reference to this matter. It was stated before the District Committee in the public hearings, in response to a question propounded to the attorney of this power company at Great Falls and other parties in interest, that the States of Virginia and Maryland had, through their legislatures, passed such laws as conceded to the United States the control over the water rights and adjacent grounds at Great Falls; so much as lies in the

State of Virginia having been conceded by that State and so much as lies in the State of Maryland having been conceded by the legislative enactments of that State.

Mr. TURNER of Georgia. Does my friend from Tennessee mean to say that the marshal of the District of Columbia could be sent out into this territory to execute the process of the court and put the Government in possession of the property?

Mr. RICHARDSON. I do understand——

Mr. TURNER of Georgia (continuing). And thus complete the condemnation proceedings?

Mr. RICHARDSON. I understand that the State of Virginia has already given that authority. But the gentleman from Virginia [Mr. MEREDITH] is more familiar with it than I am, and he can state the conditions of the acquisition of that property by the United States and the District of Columbia. He can also state the legislation which will authorize the steps to be taken suggested by the gentleman from Georgia.

Mr. TURNER of Georgia. The gentleman himself can not cite the statute or refer us to it?

Mr. RICHARDSON. I can not; but the gentleman from Virginia no doubt can.

Mr. TURNER of Georgia. I doubt very much whether such a transaction could have occurred at all.

Mr. RICHARDSON. I have no doubt from the information before the committee that they have undertaken to do it.

Mr. MEREDITH. I will state to the gentleman from Georgia—I do not know the exact facts, but this I do know—that some forty or fifty years ago General Butler or his friends obtained from Virginia a charter granting a franchise to the Great Falls Power Company. Some two or three years ago they got another charter, but what its provisions are I am unable to say——

Mr. BAKER of New Hampshire. Will the gentleman permit a question?

Mr. MEREDITH. Certainly, sir.

Mr. PAYNE. Mr. Chairman, we would like to hear what is going on in this private colloquy.

Mr. BABCOCK. I believe I have the floor, Mr. Chairman; and I will now occupy the attention of the committee but one moment in answering the gentleman from Missouri [Mr. DOCKERY]; then I shall move that the committee rise and let this matter go over.

In reference to the necessity for the passage of the bill, I will state that all of the members of the House are familiar with the questions relating to the electric lighting of the city, the cost of this service, the abuses that have been alleged to exist, and also the resolution before our committee in reference to the conduit system. Now, this is the first step to solve that whole question—the acquisition of the water power at the Great Falls and the rights of this power company. There is sufficient power there developed by the falls in question to light every public building, every street, and every park in the city of Washington. It can be purchased for very much less now than it can be purchased within a few years hereafter.

We do not claim by any means that the bill we have offered is perfect. We do not propose to urge its speedy passage, but simply call it to the attention of the House for its consideration. It ought to be considered, however, by this Congress, and got into some definite shape that will meet the approval of the House.

I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOPKINS reported that the Committee of the Whole House on the state of the Union having had under consideration the bill H. R. 10133 had come to no resolution thereon.

CLAIMS AGAINST THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I desire to submit one more matter to the House, which will take perhaps only a moment. It is House resolution 212, to suspend the operation of an act approved February 13, 1895, entitled "An act to amend an act entitled 'An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes,' approved June 16, 1880."

The joint resolution was read, as follows:

Resolved, etc., That all proceedings and payments under the provisions of the act approved February 13, 1895, amending an act entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes," be, and the same are hereby, suspended until further action thereon by Congress.

Mr. DOCKERY. Mr. Speaker, I desire to raise the question of consideration against that resolution, and pending that, I desire to submit a point of order. I am not sure that the point of order is well taken. The facts are that the issue involved in this resolution was decided by the House on Thursday last, and instead of agreeing to a proposition to suspend the act the House decided to repeal it and to prohibit the further payment of judgments. That was the action of the House, taken after much discussion, on last Thursday.

Mr. PITNEY. Taken in the House on Saturday and in the Committee of the Whole on Thursday.

Mr. DOCKERY. The bill finally passed the House on Saturday. The vote was taken Thursday in Committee of the Whole on this proposition and after a three-hours debate. Now, then, the Committee on the District of Columbia raise the same question, and instead of repealing the law and prohibiting further payments of judgments, as the House decided to do last Thursday, this committee propose to suspend the law. I do not know that the point of order would lie against the proposed action, because I find on page 267 of the Digest this statement:

If an amendment be proposed, inconsistent with one already agreed to, it is a fit ground for its rejection by the House, but not within the competence of the Speaker to suppress it, as if it were against order.

Now, Mr. Speaker, reasoning by analogy, although the proposed resolution is inconsistent with the action of the House already taken, I assume that perhaps the point of order may not be well taken, but I submit it to the judgment of the Chair. I think the House is by this time fully advised as to the pending question.

Mr. DALZELL. Mr. Speaker, the House has already, by its action, repealed this law. The proposition now is to suspend its operation, assuming it to be still in existence. Surely no such action can be taken by the House without first a reconsideration of the action by which the law was repealed.

The SPEAKER. The Chair would suggest to the gentleman from Pennsylvania [Mr. DALZELL] that the action taken by the House was on an amendment to the appropriation bill. It might very well be that the House might desire to amend the appropriation bill, or, failing in that, it might desire to suspend the act. The action of the House on last Thursday can only be made effective by the action of the Senate. It might well be that the Senate would prefer not to have it on an appropriation bill, either for technical reasons or because of its modification of the appropriation bill. The action now proposed is entirely different. The former action of the House can not become effectual except by the action of the Senate. If the House is satisfied with its action, and thinks that that disposed of the question, the present proposition can be met by raising the question of consideration or by finally disposing of the bill after discussion.

Mr. DOCKERY. I have raised the question of consideration against it.

Mr. DALZELL. I would suggest to the Chair that while of course it can not be finally effective until the Senate has acted, yet, so far as the House was concerned, it had the option to do one of two things, by way of amendment, either to repeal this law, so far as the House could act, or to suspend its operation. Now, it exercised this option by deciding that, so far as the House was concerned, it would repeal the law.

The SPEAKER. No; it decided that, so far as the House was concerned, it would put an amendment on an appropriation bill repealing the law; but the House might think it was desirable to have a provision passed which had no reference whatever to the appropriation bill, and it could not be precluded by any action of the Speaker from taking that course. The matter is fully in charge of the House, and if the question of consideration is raised and consideration is refused, why, the House expresses its opinion in that way. If, on the contrary, it considers the bill, its expression may take another form.

Mr. DOCKERY. I raise the question of consideration.

The SPEAKER. The question of consideration is raised.

Mr. BABCOCK. Mr. Speaker——

Mr. DOCKERY. That question is not debatable.

Mr. PAYNE. Pending that, I move that the House do now adjourn.

TELLERS TO COUNT THE ELECTORAL VOTE.

The SPEAKER. The Chair asks the gentleman from New York [Mr. PAYNE] to withhold his motion. The Chair is not entirely certain that he has authority to appoint the tellers on the part of the House to count the electoral vote, but in accordance with what seems to be the custom, he will make the appointment and submit it to the House. The appointment which the Chair will make, if the House does not object, will be the gentleman from Ohio, Mr. GROSVENOR, and the gentleman from Tennessee, Mr. RICHARDSON. If there be no objection, these will be considered as the tellers to count the electoral vote.

There was no objection.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and resolutions were taken from the Speaker's table and referred as follows:

A bill (S. 2071) for the relief of Mary A. Swift—to the Committee on Claims.

A bill (S. 1178) conveying to Rafael Seguro, of Iberia Parish, La., the right, title, and interest of the United States in and to certain lands in said parish of Iberia—to the Committee on the Public Lands.

A bill (S. 1968) for the relief of the Mobile Marine Dock Company—to the Committee on War Claims.

A bill (S. 2791) for the establishment, control, operation, and maintenance of the Northern Branch of the National Home for Disabled Volunteer Soldiers at Hot Springs, in the State of South Dakota—to the Committee on Military Affairs.

A bill (S. 1350) to make Commodore William P. McCann, of the Navy, a rear-admiral on the retired list—to the Committee on Naval Affairs.

A bill (S. 3244) to amend an act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea"—to the Committee on the Merchant Marine and Fisheries.

A joint resolution (S. Res. 165) relating to the St. Johns River, Florida, and bar at the entrance to the river—to the Committee on Rivers and Harbors.

A bill (S. 3481) to provide for the purchase of a site and the erection of a public building thereon at Joplin, in the State of Missouri—to the Committee on Public Buildings and Grounds.

A bill (S. 3492) for the relief of Paymaster James E. Tolfree, United States Navy—to the Committee on Claims.

A bill (S. 3493) for the relief of Pay Clerk Charles Blake, United States Navy—to the Committee on Claims.

A bill (S. 3637) to authorize Maj. Gen. Alexander McD. McCook, United States Army, retired, and Capt. George Percival Scriven, United States Army, to accept medals presented to them by the Russian Government—to the Committee on Foreign Affairs.

A bill (S. 3124) granting an increase of pension to Isabella H. Silvey, widow of Lieut. Col. William Silvey, deceased—to the Committee on Pensions.

A bill (S. 1604) for the relief of John A. Fairfax, of the District of Columbia—to the Committee on Claims.

A bill (S. 2588) for the relief of George S. Simon—to the Committee on War Claims.

A bill (S. 3556) granting an increase of pension to Carlton W. Muzzy—to the Committee on Invalid Pensions.

A bill (S. 3584) granting a pension to Louise M. Rice, widow of Bvt. Maj. Gen. Samuel A. Rice—to the Committee on Invalid Pensions.

A bill (S. 1394) granting an increase of pension to Mrs. E. S. Kelly—to the Committee on Invalid Pensions.

Concurrent resolution—

Resolved by the Senate (the House of Representatives concurring), That there be printed 2,000 additional copies of an extract from the Seventeenth Annual Report of the United States Geological Survey, entitled "Preliminary report on artesian waters of a portion of the Dakotas," for distribution by the Geological Survey—

To the Committee on Printing.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 9666) to correct and amend the military record of John Long, late private Company H, Thirty-first Regiment Missouri Volunteers;

A bill (H. R. 6528) to increase the pension of Clara L. Nichols, widow of Bvt. Maj. Gen. W. A. Nichols;

Joint resolution (H. Res. 243) providing for the printing of the Consular Regulations of 1896;

A bill (H. R. 9029) to grant to the Hudson Reservoir and Canal Company the right of way through the Gila River Indian Reservation;

A bill (H. R. 3481) granting a pension to James L. Wing;

A bill (H. R. 3937) granting a pension to Miriam V. Kenney, widow of Samuel W. Kenney;

A bill (H. R. 6902) granting a pension to Mrs. Mary A. Viel;

A bill (H. R. 3166) granting a pension to George B. Merchant;

A bill (H. R. 5061) to pension Ira Powers, of Henderson County, Tenn.;

A bill (H. R. 7740) granting an increase of pension to Lewis Keiser;

A bill (H. R. 2189) granting a pension to Mrs. Mary A. Freeman;

A bill (H. R. 4841) granting a pension to Melissa Adams, widow of Silas Adams;

A bill (H. R. 10085) for the relief of Elnora Shuman;

A bill (H. R. 3787) for the relief of H. C. Herndon;

A bill (H. R. 3939) to pension Daniel Giles for services in Oregon Indian wars;

A bill (H. R. 2620) granting a pension to Lauretta L. Prince;

A bill (H. R. 5532) to increase the pension of Josephine Glover;

A bill (H. R. 7969) to increase the pension of Joseph E. Vantine;

A bill (H. R. 6234) to restore the name of James R. Pack to the pension roll;

A bill (H. R. 5068) to grant pension to Jane Cunningham, widow of James Cunningham;

A bill (H. R. 2257) to increase the pension of Charles H. Twomey;

A bill (H. R. 6539) granting a pension to Richard C. Enright;

A bill (H. R. 6776) to provide an American register for the bark *Vila;*

A bill (H. R. 10012) relating to the improvement of Eastchester Creek, State of New York;

A bill (H. R. 9841) to amend an act authorizing the West Braddock Bridge Company to construct a bridge over the Monongahela River from the borough of Rankin to Mifflin Township;

A bill (H. R. 8356) to authorize the establishment of a life-saving station at or near Great Boars Head, on the coast of New Hampshire;

A bill (H. R. 9775) to amend so much of chapter 189 of the statutes of the United States of America passed at the third session of the Fifth-third Congress and approved March 2, 1895, as requires that the lower portion of the Rock Island Bridge shall not be occupied by any street railway company without paying reasonable rent therefor;

A bill (H. R. 3688) to pension James L. McKinney for services in Oregon Indian wars;

A bill (H. R. 2985) granting an increase of pension to Lemuel J. Essex;

A bill (H. R. 1948) to grant a pension to Uriah Andricks, Fifty-fourth Illinois Volunteer Infantry;

A bill (H. R. 8814) to authorize the construction by the Duluth and North Dakota Railroad Company of two bridges across the Red River of the North between the States of Minnesota and North Dakota;

A bill (H. R. 1168) to increase the pension of Josiah P. Hill, late of Company F, Eighty-first Regiment of Illinois Volunteers, in the war of the rebellion;

A bill (H. R. 8010) to authorize a survey for construction of a bridge across the Eastern Branch of the Potomac River in line with Massachusetts avenue extended eastward;

A bill (H. R. 7906) to grant an honorable discharge to Adam Hand, as first lieutenant of Company B, One hundred and eighty-fourth Regiment Pennsylvania Infantry Volunteers;

A bill (H. R. 9863) to extend and amend an act entitled "An act to grant the right of way to the Kansas, Oklahoma and Southwestern Railway Company through the Indian Territory and Oklahoma Territory, and for other purposes," approved December 21, 1893;

A bill (H. R. 5482) authorizing the Cleveland Bridge Company to construct a bridge across the Arkansas River between Pawnee County, Okla., and the Osage Indian Reservation;

A bill (H. R. 6166) granting a pension to Minnie Parker, widow of Col. and Bvt. Brig. Gen. Ely S. Parker, late of the United States Army;

A bill (H. R. 9799) to amend an act entitled "An act to authorize the Chattanooga Western Railway Company to construct a bridge across the Tennessee River near Chattanooga," giving the said company more time in which to begin and complete said bridge;

A bill (H. R. 7333) granting a pension to William Edwards, Company D, Tenth Regiment Vermont Volunteers;

A bill (H. R. 2741) for the relief of Peter Cook, of Arkansas;

A bill (H. R. 6236) to grant a pension to Mrs. Helen A. Funkhouser;

A bill (H. R. 4001) to reinstate William Waldrup on the pension roll;

A bill (H. R. 7115) granting a pension to James Warbrook;

A bill (H. R. 7821) granting a pension to Annie Schifirli;

A bill (H. R. 4279) to cure the title of certain real estate in the District of Columbia;

A bill (H. R. 1064) for the relief of Henry F. Thornton;

A bill (H. R. 3264) to increase the pension of Mrs. Virginia E. Turtle, of the District of Columbia;

A bill (H. R. 4099) to increase the pension of Mary S. Higgins;

A bill (H. R. 2725) granting increase of pension to Henry Slaughter;

A bill (H. R. 7349) to pension Lewellyn D. King;

A bill (H. R. 4985) to permit a part of the Fort Lyon Military Reservation to be occupied, improved, and controlled for a soldiers' home by the State of Colorado;

A bill (H. R. 897) for the relief of James Stewart;

A bill (S. 2347) for the relief of Laura C. Dodge;

A bill (S. 2746) to remove the political disabilities of Col. John Taylor Wood;

A bill (S. 1495) granting an increase of pension to Hans Johnson;

A bill (S. 1323) granting a pension to Maria Somerlat, widow of Valentine Somerlat;

A bill (S. 2913) granting an increase of pension to Nettie A. Cheeks;

A bill (S. 2126) granting an increase of pension to Mrs. Laura A. Nelson;

A bill (S. 1806) granting an increase of pension to George B. Custer; and

A bill (S. 178) granting a pension to Betsey J. Webber.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:
To Mr. HICKS, for this day, on account of important business.
To Mr. LINNEY, for one week, on account of important business.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, on motion of Mr. SWANSON, leave was granted to withdraw from the files of the House the papers in the case of John S. Burwell, administrator of A. L. Burwell, no adverse report having been made thereon.

And then, on motion of Mr. PAYNE (at 5 o'clock and 15 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of State, inclosing a letter from Col. John M. Wilson reporting the completion of the monument to mark the birthplace of Gen. George Washington, at Wakefield, Va.—to the Committee on the Library, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting the draft of a proposed act relating to changes in the plans of public buildings—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Chapel Point Harbor, Maryland—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting a copy of a letter from the Memorial Association of the District of Columbia relative to the house, No. 516 Tenth street NW., Washington, in which Abraham Lincoln died, and recommending an appropriation for its care and maintenance—to the Committee on Appropriations, and ordered to be printed.

A letter from the Attorney-General, transmitting a list of judgments in favor of claimants in Indian depredation cases made since December 7, 1896—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HOOKER, from the Committee on Rivers and Harbors, to which was referred the bills and joint resolution of the following titles, reported the same, accompanied by reports; which said bills, joint resolution, and reports, were referred to the Committee of the Whole House on the state of the Union, as follows, to wit:

The bill (H. R. 9932) to provide for removing obstructions to navigation from the St. Johns River, Florida, and its tributaries. (Report No. 2834.)

The bill (S. 3494) entitled "An act providing for an examination of the improvement at the Pass of Aransas, Texas." (Report No. 2841.)

The joint resolution (H. Res. 224) providing for estimate of cost of certain improvements of Bridgeport Harbor, Connecticut. (Report No. 2835.)

Mr. PERKINS, from the Committee on Printing, to which was referred the concurrent resolution of the Senate (Senate Con. Res. No. 48) to print extra copies of the report of the Joint Committee on the Dedication of the Chickamauga and Chattanooga National Park, reported the same without amendment, accompanied by a report (No. 2836); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MERCER, from the Committee on Public Buildings and Grounds, to which was referred the joint resolution of the House (H. Res. 240) concerning the construction of the public building at Racine, Wis., reported the same without amendment, accompanied by a report (No. 2840); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 8086) granting a pension to Mary E. Herd, widow of Lieut. Col. A. J. Herd. (Report No. 2837.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (H. R. 7202) for the relief of Mrs. Anna Dorsey Weaver. (Report No. 2838.)

By Mr. COLSON, from the Committee on Pensions: The bill (H. R. 1161) granting a pension to Thomas Joyce, late drummer in Company D, Second Regiment of New York Infantry, in the Florida war. (Report No. 2839.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MEREDITH (by request): A bill (H. R. 10268) to enable individual bondholders to increase the volume of national-bank notes of a special form without charge, and for other purposes—to the Committee on Banking and Currency.

By Mr. HARTMAN: A bill (H. R. 10269) relating to the application of deposits of money for the survey of lands within railroad grants—to the Committee on the Public Lands.

By Mr. LACEY: A bill (H. R. 10270) providing for the selection of lands in lieu of swamp lands included in forest reservations—to the Committee on the Public Lands.

By Mr. KNOX: A bill (H. R. 10271) authorizing the funding of indebtedness in the Territories of the United States—to the Committee on the Territories.

By Mr. CATCHINGS: A bill (H. R. 10272) to authorize the construction of a bridge across the Yazoo River at or near the city of Greenwood, in Leflore County, in the State of Mississippi—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Florida: A bill (H. R. 10273) to provide an American register for the steamer *Jacksonville*—to the Committee on the Merchant Marine and Fisheries.

By Mr. DANIELS: A bill (H. R. 10274) authorizing an additional story to the public building now being erected in the city of Buffalo—to the Committee on Public Buildings and Grounds.

By Mr. GILLETT of Massachusetts: A bill (H. R. 10275) to protect State antigambling laws from nullification through interstate gambling by telegraph, telephone, or otherwise—to the Committee on the Judiciary.

By Mr. FENTON: A joint resolution (H. Res. 250) relative to the practice of granting permits for the occupancy or use of military reservations for nonmilitary purposes—to the Committee on Military Affairs.

By Mr. ARNOLD of Rhode Island: A joint resolution (H. Res. 251) directing the Secretary of War to submit estimates of the cost of completion of harbor of refuge at Point Judith, Rhode Island—to the Committee on Rivers and Harbors.

By Mr. TATE: A resolution (House Res. No. 530) requesting the Secretary of the Navy to furnish to the House the reasons for the adoption of small arms of different calibers by the Navy and Army of the United States—to the Committee on Naval Affairs.

By Mr. TOWNE: A resolution (House Res. No. 531) calling on the Secretary of the Interior for report as to investigation of certain examinations of pine and agricultural lands—to the Committee on Indian Affairs.

By Mr. TATE: A resolution (House Res. No. 532) requesting the Secretary of War to furnish the House with the reasons for the adoption of small arms of different calibers by the Army and Navy of the United States—to the Committee on Military Affairs.

By Mr. KIEFER: A memorial of the legislature of the State of Minnesota, favoring the establishment of a national military park at Vicksburg, Miss.—to the Committee on Military Affairs.

By Mr. EDDY: A memorial of the legislature of the State of Minnesota, favoring the establishment of a national military park at Vicksburg, Miss.—to the Committee on Military Affairs.

By Mr. GRIFFIN: A memorial of the legislature of the State of Wisconsin, in favor of the passage of House bill No. 4339, to establish a national military park at Vicksburg, Miss.—to the Committee on Military Affairs.

By Mr. McCLEARY of Minnesota: A memorial of the legislature of the State of Minnesota, favoring the establishment of a national military park at Vicksburg, Miss.—to the Committee on Military Affairs.

By Mr. McLAURIN: A memorial of the legislature of the State of South Carolina, relative to Cuba and Cubans—to the Committee on Foreign Affairs.

By Mr. STEWART of Wisconsin: A memorial of the legislature of the State of Wisconsin, in favor of the passage of House bill No. 4339, to establish a national military park at Vicksburg, Miss.—to the Committee on Military Affairs.

By Mr. GAMBLE: A memorial of the legislature of the State of South Dakota, asking that Fort Meade be made a permanent military reservation—to the Committee on Military Affairs.

Also, a memorial of the legislature of the State of South Dakota, asking the passage of a law to permit settlers upon Government lands in that State to make final proof upon their homestead claims and acquire title thereto without the payment of any specific price per acre, as required by the present law—to the Committee on the Public Lands.

By Mr. CHICKERING: A memorial of the legislature of the State of New York, relative to increase in the salary of letter carriers—to the Committee on the Post-Office and Post-Roads.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. HERMANN: A bill (H. R. 10276) to pension M. B. Belieu for services in the Oregon Indian wars—to the Committee on Pensions.

By Mr. HOOKER: A bill (H. R. 10277) granting a pension to Marvin Older—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH of Illinois: Petition of H. S. Rich & Co., of Chicago, Ill., for favorable action on House bill No. 4566, relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BABCOCK: Petition of the East Washington Citizens' Association, asking that the Congressional Library be opened from 9 a. m. to 10 p. m., Sundays and legal holidays excepted—to the Committee on the Library.

Also, petition of John V. B. France and 24 others, of Boscobel, Wis., favoring the passage of House bill No. 9209, granting a service pension to the soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: Petition of Rodick J. Becker, William Voltman, J. J. Hammond, D. Steirnke, H. Tellmeyer, and 101 other citizens of St. Louis, Mo., in favor of the coinage of legal tender to authorize the construction of public works—to the Committee on Ways and Means.

By Mr. BERRY: Petition of Charles Abert, of Homewood, Md., for the purchase by Congress of a bust of Franklin—to the Committee on the Library.

By Mr. BISHOP: Petition of Citizens' Development Company, A. E. Cartier, George Goodsell, and 36 other citizens of Ludington, Mich.; also petition of Dovel & Smith, Edward Buckley, Louis Sands, and 28 other citizens of Manistee, Mich., praying for the passage of the Sherman bill with respect to ticket brokers—to the Committee on Interstate and Foreign Commerce.

By Mr. CANNON: Petition of H. C. Bayles and others, of Paris, Ill., favoring the passage of a special act increasing the pension of Henry C. Elliott in accordance with his disabilities—to the Committee on Invalid Pensions.

By Mr. CHICKERING: Petition of citizens of Antwerp, N. Y.; also of citizens of Clayton, N. Y.; also of citizens of Carthage, N. Y.; also of citizens of Philadelphia, N. Y., in favor of the bill to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. CRUMP: Petition of the Western Plaster Works, of Detroit, Mich., asking that plaster of paris be protected against foreign competition—to the Committee on Ways and Means.

Also, petition of Theo. Meyers and 52 residents and chicory growers of Bay County, Mich., asking that a duty be placed upon chicory—to the Committee on Ways and Means.

By Mr. CURTIS of Iowa: Resolutions of Clinton Division, No. 33, Order of Railway Conductors, of Clinton, Iowa, favoring the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. DOLLIVER: Petition of Thomas B. Martin and others, of Grand Junction, Iowa, in favor of a service pension—to the Committee on Invalid Pensions.

Also, petition of D. M. Burns and others, of Humboldt, Iowa, protesting against the passage of a bill pending before Congress relating to patents—to the Committee on Patents.

By Mr. FISCHER: Papers to accompany House bill No. 4382, for the correction of the military record of Abraham Lewis—to the Committee on Military Affairs.

By Mr. FOSS: Resolutions adopted by the Colored Republican Club of Chicago, Ill., urging the reduction of representation in Congress from certain Southern States—to the Committee on the Judiciary.

By Mr. HENDERSON: Petition of J. D. Easton and 81 other citizens of Waterloo, Iowa, recommending the passage of House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, paper from E. E. Clark, grand chief conductor Order of Railway Conductors, Cedar Rapids, Iowa, urging consideration of the Erdman arbitration bill—to the Committee on Rules.

By Mr. HEPBURN: Sundry petitions of citizens of the State of New York, viz, James McDermott and 17 others, M. F. Golden and 9 others, all of Troy; D. A. Smith and 19 others, James F. Mee and 11 others, all of Auburn; Hugh MacLachlan and 13 others, Paul Kalb and 19 others, O. R. Seymore and 11 others, all of Brooklyn; A. H. Latz and 10 others, of Sanborn; T. F. Gilte, of Phelps; David Pechannes, of Caledonia; D. Hitchcock, of Knowlsville; H. S. Teed and 9 others, of Goldens Bridge; James E. Marshall and 6 others, of Aiken; M. Wing and 17 others, of Carthage; D. Quackenbush and 16 others, of Sprakers; S. E. Crowell and 19 others, of LeRoy; Edward Clark and 21 others, of Waterloo; Harry S. Tinlock and 21 others, of Frankfort; William Farrand and 10 others, of Frankfort; J. McM. Huelton and 9 others, of West Rush; N. H. Stanton and 23 others, of Buffalo; J. D. Brenan and 23 others, of Medina; Chauncey Brainard and 13 others, of Shrevesport; R. Laty and 12 others, of Gasport; B. Harman and 12 others, of Highland Station; E. J. Bevan, of New York City; Henry Bernard and 16 others, of New York City; N. F. Keck and 10 others, of Buffalo; S. W. Weat and others, of Weedsport; Thomas H. Dowd and others, of Batavia; William A. Morrill and others, of East Greenbush; A. V. Van Eps and others, of Schenectady; J. W. Blood and others, of Rome; M. H. Hart and others, of Catskill Station; C. Haas and 12 others, of Shortsville; W. P. Coruk and 17 others, of Yonkers; Patrick O'Rourke and 10 others, of South Byron; J. W. Quick and 17 others, of Rhinebeck; J. J. Costello and 9 others, of Cayuga; W. H. Weston and 11 others, of Newburgh; George D. Van Vin and 21 others, of Palatine Bridge; Charles Thomas and 20 others, of Little Falls; B. Carpenter and 17 others, of Elbridge; John Dunning and 15 others, of Oneida; George W. Boughton and others, of Macedon; Daniel E. Johnson and 25 others, of Sing Sing; O. Olcott and 11 others, of Albany; B. L. Myers and others, of Clarence; O. W. Timberman and 23 others, of New York City; N. A. Gims and 23 others, of Rondout; W. P. Willis and others, of Castleton; John H. Lee and others, of Tarrytown; L. V. D. Smith and 12 others, of Martindale; A. E. Barrett and 10 others, of Colman; Joseph A. Titus and 5 others, of South Dover; Frank Hitchcock and 17 others, of Syracuse; William E. Goff and 8 others, of Albion; E. L. Green and others, of Gabriels; O. Weaver and 5 others, of Lake Placid; S. S. Black and 5 others, of Spuyten Duyvil; L. H. Clark and 5 others, of Storm Lake; W. H. Arnold and 9 others, of Whitson; J. H. Hennarty and 13 others, of Mahopac; Ward Goff and 13 others, of Lockport; H. J. Degan and 15 others, of Mount Vernon; J. J. Rice and 2 others, of East Syracuse; J. N. Howe and 19 others, of Utica; M. M. De Witt and 13 others, of Oriskany; Warren H. Easton and 23 others, of Herkimer; W. L. Cole and 18 others, of Amsterdam; S. L. Allen, James Reese, and 20 others, of New York City; William Cross and 12 others, of Fairmont and Amboy, and resolutions passed by the General Passenger and Ticket Agents' Association in convention assembled at Buffalo; also of H. K. Halsey and 12 others, of New Jersey, favoring the passage of House bill No. 10090, known as the "antiscalping bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. HILBORN: Petition of the Humboldt Chamber of Commerce, of Eureka, Cal., for an appropriation for the erection of a public building in the city of Eureka—to the Committee on Public Buildings and Grounds.

Also, petition of the Humboldt Chamber of Commerce, of Eureka, Cal., for the construction of the Nicaragua Canal under American control—to the Committee on Interstate and Foreign Commerce.

Also, petition of P. P. Preble, of Oakland, Cal., protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HITT: Petition of N. C. Colby, of Pecatonica, Ill., favoring the passage of the Loud bill (H. R. 4566)—to the Committee on the Post-Office and Post-Roads.

By Mr. HOOKER: Petition of S. P. Selden and other citizens of Port Huron, N. Y., praying for the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petition of S. J. Giles and others; also petition of J. P. Clark and others, protesting against the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petition of White & Fenton, of Cattaraugus, N. Y.; also of Mrs. M. L. Rumpff, of Angelica, N. Y.; also of Judson Howden, of Fillmore, N. Y., favoring the bill H. R. 4566, known as the Loud bill, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. KNOX: petition of James E. Shepard and others, of Lawrence, Mass., praying for the passage of Senate bill No. 3589 and House bill No. 10108, regulating fraternal beneficiary societies, orders, and associations—to the Committee on the District of Columbia.

By Mr. LINTON: Petition of S. Abrams and other citizens of the State of New York; also of Rev. H. E. Thygeson, of Chesterfield, Mass.; also of E. A. Johnson and others, protesting against appropriations for sectarian institutions, and favoring an amendment to the Constitution of the United States prohibiting sectarian appropriations—to the Committee on the Judiciary.

By Mr. LORIMER: Petition of F. T. Clybourn and 210 other business men at the Union Stock Yards, Chicago, Ill., protesting against the passage of House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. McCLEARY of Minnesota: Petition of Fred A. Wright,

of Springfield, Minn., for favorable action on House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McDEARMON: Petition of T. W. Neal, of Dyersburg, Tenn., and Cora M. Wade, of Milan, Tenn., favoring the Loud bill (H. R. 4566), amending the laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McRAE: Petition of the Little Bay Lumber Company, of Calhoun County, Ark., asking for a tariff duty on lumber—to the Committee on Ways and Means.

By Mr. MEIKLEJOHN: Resolutions of the Commercial Club of Omaha, Nebr., also of the Omaha Board of Trade, favoring the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, resolutions adopted by the Builders and Traders' Exchange of Omaha, Nebr., favoring the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MERCER: Resolutions of the Board of Trade, also of the Commercial Club, of Omaha, Nebr., favoring the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Builders and Traders' Exchange of Omaha, Nebr., favoring the passage of House bill No. 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. MURRAY: Memorial of the Colored Republican Club of Cook County, Ill., praying for an investigation of the methods whereby a republican form of government has been overthrown in several States of the Union, and for a restoration of the same—to the Committee on the Judiciary.

Also, memorials of R. P. Scott and 36 others, of Florence, S. C.; of S. H. Nix and 49 others, of Columbia, S. C.; of H. Stokein and 100 others, of Charleston, S. C., and of Martin Fludd and 53 others, of Charleston, S. C., praying the rejection of what purports to be the electoral vote of South Carolina, and for a restoration of a republican form of government in South Carolina—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. SHERMAN: Petitions of B. B. Paddock, mayor of Fort Worth, Tex., and others, and of L. M. Knepfby, president Texas Fair Association, and others, favoring the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. SNOVER: Petition of the publisher of the Times, Imley City, Mich., favoring the passage of House bill No. 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. UPDEGRAFF: Petition of Rev. D. A. McBurney and Rev. George M. Tourtelotte, of Dows, Iowa, favoring the passage of House bill No. 7441, prohibiting the transmission of gambling matter by telegraph—to the Committee on Interstate and Foreign Commerce.

Also, petition of D. A. McBurney and George M. Tourtelotte, protesting against Sunday traffic in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of D. A. McBurney and George M. Tourtelotte, for the suppression of the sale of liquors in Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of D. A. McBurney and George M. Tourtelotte, urging the prohibition of the transportation of obscene matter from State to State by United States mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Woman's Christian Temperance Union of McIntire, Iowa, Mrs. S. M. Kimball, president, also of Henry White, of Volga City, Iowa, praying for the passage of House bill No. 9515, to raise the age of protection for girls to 18 years in the District of Columbia—to the Committee on the Judiciary.

Also, petition of Dr. F. A. Cogswell, of Swaledale, Iowa, urging the passage of the bill for the prevention of gambling (H. R. 7441)—to the Committee on Interstate and Foreign Commerce.

Also, sundry petitions of Rev. D. A. McBurney and Rev. George M. Tourtelotte, of Dows, Iowa, urging the passage of bill to raise the age of consent—to the Committee on the District of Columbia.

Also, petition of the Woman's Christian Temperance Union of Dows, Iowa, Mrs. Minnie B. Allen, secretary, favoring the passage of the anti-interstate gambling act; for raising the age of consent; for the suppression of Sunday traffic in the District of Columbia, and the sale of intoxicating liquors in Government buildings—to the Committee on Interstate and Foreign Commerce.

Also, petition of Mrs. Dora Foster, of Mount Vernon, Iowa, in favor of the Anglo-American arbitration treaty—to the Committee on Foreign Affairs.

Also, petition of Mrs. M. E. Curtis, of Mount Vernon, Iowa, in favor of the bill raising the age of consent—to the Committee on the District of Columbia.

SENATE.

TUESDAY, *February 9, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. MILLS, and by unanimous consent, the further reading was dispensed with.

ANACOSTIA AND POTOMAC RIVER RAILROAD COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Anacostia and Potomac River Railroad Company for the year ended December 31, 1896; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

CREDENTIALS.

Mr. STEWART presented the credentials of JOHN P. JONES, chosen by the legislature of Nevada a Senator from that State for the term beginning March 4, 1897; which were read, and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had appointed Mr. GROSVENOR of Ohio and Mr. RICHARDSON of Tennessee tellers on the part of the House, authorized by the concurrent resolution relating to the counting of the electoral votes for President and Vice-President.

The message also announced that the House had passed the joint resolution (S. R. 148) for the relief of farmers and truckmen in the city of Washington, D. C., with amendments in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H. R. 9470) to incorporate the Washington and Gettysburg Railway Company; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution to print in pamphlet form, for the use of the Department of the Interior, 3,000 additional copies of the report of the Assistant Secretary for 1896, relative to the administration of the pension laws; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (S. 178) granting a pension to Betsey J. Webber;

A bill (S. 1323) granting a pension to Maria Somerlat, widow of Valentine Somerlat;

A bill (S. 1495) granting an increase of pension to Hans Johnson;

A bill (S. 1806) granting an increase of pension to George B. Custer;

A bill (S. 2126) granting an increase of pension to Mrs. Laura A. Nelson;

A bill (S. 2347) for the relief of Laura C. Dodge;

A bill (S. 2746) to remove the political disabilities of Col. John Taylor Wood;

A bill (S. 2913) granting an increase of pension to Nettie A. Cheeks;

A bill (H. R. 897) for the relief of James Stewart;

A bill (H. R. 1064) for the relief of Henry F. Thornton;

A bill (H. R. 1168) to increase the pension of Josiah P. Hill, late of Company F, Eighty-first Regiment of Illinois Volunteers, in the war of the rebellion;

A bill (H. R. 1948) to grant a pension to Uriah Andricks, Fifty-fourth Illinois Volunteer Infantry;

A bill (H. R. 2189) granting a pension to Mrs. Mary A. Freeman;

A bill (H. R. 2257) to increase the pension of Charles H. Twomey;

A bill (H. R. 2620) granting a pension to Lauretta L. Prince;

A bill (H. R. 2725) granting increase of pension to Henry Slaughter;

A bill (H. R. 2741) for the relief of Peter Cook, of Arkansas;

A bill (H. R. 2985) granting an increase of pension to Lemuel J. Essex;

A bill (H. R. 3166) granting a pension to George B. Merchant;

A bill (H. R. 3264) to increase the pension of Mrs. Virginia E. Turtle, of the District of Columbia;

A bill (H. R. 3481) granting a pension to James L. Wing;

A bill (H. R. 3688) to pension James L. McKinney for services in Oregon Indian wars;

A bill (H. R. 3787) for the relief of H. C. Herndon;

A bill (H. R. 3937) granting a pension to Miriam V. Kenney, widow of Samuel W. Kenney;

A bill (H. R. 3939) to pension Daniel Giles for services in Oregon Indian wars;

A bill (H. R. 4001) to reinstate William Waldrup on pension roll;

A bill (H. R. 4099) to increase the pension of Mary S. Higgins;
A bill (H. R. 4279) to cure the title to certain real estate in the District of Columbia;
A bill (H. R. 4841) granting a pension to Melissa Adams, widow of Silas Adams;
A bill (H. R. 4985) to permit a part of the Fort Lyon Military Reservation to be occupied, improved, and controlled for a soldiers' home by the State of Colorado;
A bill (H. R. 5061) to pension Ira Powers, of Henderson County, Tenn.;
A bill (H. R. 5068) to grant pension to Jane Cunningham, widow of James Cunningham;
A bill (H. R. 5482) authorizing the Cleveland Bridge Company to construct a bridge across the Arkansas River between Pawnee County, Okla., and the Osage Indian Reservation;
A bill (H. R. 5532) to increase the pension of Josephine Glover;
A bill (H. R. 6166) granting a pension to Minnie Parker, widow of Col. and Bvt. Brig. Gen. Ely S. Parker, late of the United States Army;
A bill (H. R. 6234) to restore the name of James R. Pack to the pension roll;
A bill (H. R. 6236) to grant a pension to Mrs. Helen A. Funkhouser;
A bill (H. R. 6528) to increase the pension of Clara L. Nichols, widow of Bvt. Maj. Gen. W. A. Nichols;
A bill (H. R. 6539) to increase a pension to Richard C. Enright;
A bill (H. R. 6776) to provide an American register for the bark *Vila:*
A bill (H. R. 6902) granting a pension to Mrs. Mary A. Viel;
A bill (H. R. 7115) granting a pension to James Warbrook;
A bill (H. R. 7333) granting a pension to William Edwards, Company D, Tenth Regiment Vermont Volunteers;
A bill (H. R. 7349) to pension Lewellyn D. King;
A bill (H. R. 7740) granting an increase of pension to Lewis Keiser:
A bill (H. R. 7821) granting a pension to Annie Schifirli;
A bill (H. R. 7906) to grant an honorable discharge to Adam Hand, as first lieutenant of Company B, One hundred and eighty-fourth Regiment Pennsylvania Infantry Volunteers;
A bill (H. R. 7969) to increase the pension of Joseph E. Vantine;
A bill (H. R. 8010) to authorize a survey for construction of a bridge across the Eastern Branch of the Potomac River in line with Massachusetts avenue extended eastward;
A bill (H. R. 8356) to authorize the establishment of a life-saving station at or near Great Boars Head, on the coast of New Hampshire;
A bill (H. R. 8814) to authorize the construction by the Duluth and North Dakota Railroad Company of two bridges across the Red River of the North between the States of Minnesota and North Dakota;
A bill (H. R. 9029) to grant to the Hudson Reservoir and Canal Company the right of way through the Gila River Indian Reservation:
A bill (H. R. 9666) to correct and amend the military record of John Long, late private Company H, Thirty-first Regiment Missouri Volunteers;
A bill (H. R. 9775) to amend so much of chapter 189 of the statutes of the United States of America passed at the third session of the Fifty-third Congress and approved March 2, 1895, as requires that the lower portion of the Rock Island Bridge shall not be occupied by any street railway company without paying reasonable rent therefor;
A bill (H. R. 9799) to amend an act entitled "An act to authorize the Chattanooga Western Railway Company to construct a bridge across the Tennessee River near Chattanooga," giving the said company more time in which to begin and complete said bridge;
A bill (H. R. 9841) to amend an act authorizing the West Braddock Bridge Company to construct a bridge over the Monongahela River from the borough of Rankin to Mifflin Township;
A bill (H. R. 9863) to extend and amend an act entitled "An act to grant the right of way to the Kansas, Oklahoma and Southwestern Railway Company through the Indian Territory and Oklahoma Territory, and for other purposes," approved December 21, 1893:
A bill (H. R. 10012) relating to the improvement of Eastchester Creek, State of New York;
A bill (H. R. 10085) for the relief of Elnora Shuman; and
A joint resolution (H. Res. 243) providing for the printing of the Consular Regulations of 1896.

PETITIONS AND MEMORIALS.

Mr. TURPIE presented the petition of A. H. Perfect & Co., wholesale grocers, of Fort Wayne, Ind., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a memorial of the Thomas Davis Club, of New York City, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented memorials of W. J. Huff, publisher of the Press, of Monticello; of J. B. Harper and sundry citizens of Fort Wayne and Summitville; of E. W. Miner, of Garrett; of S. E. Haigh, president of the Republican News Company, of Columbus, and of L. O. Bishop, of Clinton, all in the State of Indiana; and the memorial of A. Y. Hubbell, of Tottenville, N. Y., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of A. L. Laushe, publisher of the Journal, of Converse; of W. C. Binckley, publisher of the Herald, of Jasper; of J. O. & H. E. Henderson, publishers of the Dispatch, of Kokomo; of J. Gregory, publisher of the Republican, of Williamsport; of John W. Surran, publisher of the Republican, of Warren; of J. B. Van Buskirk, publisher of the Herald, of Monticello; of Julian B. Hogate, publisher of the Hendricks County Republican, of Danville; of Will D. Gorrell & Co., publishers of the News, of New Haven; of the Nordyke & Marmon Company, of Indianapolis, and of F. E. Babco, publisher of the Remington Press, of Remington, all in the State of Indiana, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Indiana Society of the Sons of the American Revolution, praying for the enactment of legislation to provide for the collection, indexing, and publication of documents, maps, and records relating to the war of the American Revolution; which was referred to the Committee on the Library.

Mr. MILLS presented the petition of Will A. Halford, publisher of the Garland News, of Garland, Tex., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of Frank J. Murphy and sundry other citizens of San Antonio, Tex., and the memorial of Max Elser and sundry other citizens of Fort Worth, Tex., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. LINDSAY presented a petition of sundry United States Government employees, residents in the State of Kentucky, praying for the passage of House bill No. 8320, for the improvement of the public service by optional and compulsory retirement of certain Government employees, and for the creation of a fund for the benefit of such employees, and for other purposes; which was referred to the Committee on Civil Service and Retrenchment.

He also presented sundry memorials of citizens of Lexington, Ky., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of members of the Poplar Grove Baptist Church, of Hickman; of members of the Methodist Episcopal Church, of Hickman, and of Epworth League No. 2689, of Hickman, all in the State of Kentucky, praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which were referred to the Committee on the District of Columbia.

Mr. PALMER presented petitions of R. J. Beardsley, publisher of the Telephone, of Princeville; of C. A. Whitney, publisher of the Suburban News, of Lagrange; of H. S. Rich & Co., publishers of the Western Brewer, of Chicago, and of F. S. Greenleaf, publisher of the Journal, of Savanna, all in the State of Illinois, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. McMILLAN presented a petition of members of the First Baptist Church of Detroit, Mich., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the petition of Judge C. B. Grant and 204 other citizens, including the Christian Endeavor societies, Epworth League, and Baptist Young People's Union, of Lansing, Mich., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the petition of C. H. Bement, publisher of the News, of Laingsburg, Mich., and the petition of Charles F. Gee, publisher of the Imlay City Times and the Dryden Review, of Imlay City, Mich., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of San Francisco,

Cal., praying for the enactment of legislation to better the condition of American seamen; which was referred to the Committee on Commerce.

Mr. PEFFER presented petitions of J. C. Guy, publisher of the Syracuse Republican, of Syracuse; of Thomas W. Morgan, publisher of the Democrat-Messenger, of Eureka, and of Hendry & Humphrey, publishers of the Nickerson Argosy, of Nickerson, all in the State of Kansas, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. MORRILL presented the memorial of J. L. Bacon, Wilson Bros., and sundry other citizens of White River Junction, Vt., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented a petition of the Weare Monthly Meeting of Friends, of Weare, N. H., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. DAVIS presented a petition of the North Star Branch League of Fourth-Class Postmasters, of Minnesota, praying for the enactment of legislation to include fourth-class postmasters in the classified civil service, and providing that vacancies shall be filled hereafter by civil-service examination; which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of the Engineers' Club of Minneapolis, Minn., praying for the adoption of an amendment to House bill No. 9492, providing that exhaustive surveys be made of the several passes and their deltas from the upper limits of Cubitts Gap to the Gulf of Mexico; which was referred to the Committee on the Improvement of the Mississippi River and its Tributaries.

He also presented a petition of the executive committee of the State Woman's Temperance Union of Minnesota, praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, and also to raise the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Methodist Episcopal Preachers' Meeting of Minneapolis, Minn., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a memorial of the Thomas Davis Club, of New York City, N. Y., remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented sundry memorials of citizens of Minneapolis and St. Paul, in the State of Minnesota, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Chamber of Commerce of Fergus Falls; of L. L. Quimby, publisher of the Leaflet, of Brownsdale; of H. A. Smith, publisher of the Mantorville Express, of Mantorville; of T. J. Catlin, publisher of the Buffalo Gazette, of Delano; of H. F. Pfeifer, publisher of the Murray County Independent, of Avoca; of John Woolstineroft, publisher of the Jackson County Times, of Huron Lake; of Joseph Gunn, publisher of the Wilkin County Gazette, of Breckinridge; of George E. Kirkpatrick, publisher of the Star, of Rushford; of Fred. A. Wright, publisher of the Springfield Advance, of Springfield; of W. G. Graham, publisher of the Leader, of Long Prairie; of H. S. Rearick, publisher of the Times, of Grove City; of H. S. Saylor, publisher of the Howard Lake Herald, of Howard Lake, and of John T. Heck, publisher of the Waseca Journal, of Waseca, all in the State of Minnesota, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of the Woman's Indian Association of Maine, praying that an adequate appropriation be made for the secular education of all Indians of school age, etc.; which was referred to the Committee on Appropriations.

He also presented a petition of the faculty of Colby University, of Waterville, Me., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the memorial of Stanford Mitchell and 49 other citizens of Caribou, Me., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Walter F. Marston, publisher of the Hallowell Register, of Hallowell, Me., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of the Thomas Davis Club of New York City; of the Sarsfield Club of New York City, and of the Napper-Tandy Club of New York City, all in the State of New York, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

Mr. SHERMAN presented a petition of the Reflector Publishing Company, of Payne, Ohio, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Alfred A. Wright, chairman of the faculty of Oberlin College, Oberlin, Ohio, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter, and also for the passage of Senate bill No. 1675, to prohibit interstate transportation of obscene matter by any agency; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. NELSON presented the memorial of J. W. Nelson and sundry other citizens of Duluth, Minn., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of W. E. Black and sundry other citizens of the Red Lake Reservations, in Minnesota, praying for the enactment of a free-homestead law; which was referred to the Committee on Public Lands.

He also presented a petition of sundry citizens of Ulen, Minn., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter, and also for the passage of House bill No. 838, to reduce letter postage to 1 cent per half ounce; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of members of the North Star Branch League of Fourth-Class Postmasters of Minnesota, praying that fourth-class postmasters be included in the classified civil service and that vacancies be filled hereafter by civil-service examinations; which was referred to the Committee on Civil Service and Retrenchment,

He also presented a petition of the Labor Council of San Francisco, Cal., praying for the enactment of legislation to improve the condition of American seamen; which was referred to the Committee on Commerce.

Mr. COCKRELL presented a petition of the Woman's Christian Temperance Union of Foristell, Mo., and a petition of the Woman's Christian Temperance Union of Bethany, Mo., praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, to raise the age of consent to 18 years in the District of Columbia and the Territories, to prohibit the sale of intoxicating liquors in the Capitol building, and also to prohibit interstate gambling by telegraph, telephone, or otherwise; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Epworth League and of the Methodist Episcopal Church South, of Fayette, Mo., and a petition of the officers and members of the Methodist Episcopal Church South, of Fayette, Mo., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Seneca, Mo., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building and also to raise the age of consent to 18 years in the District of Columbia and the Territories; which was ordered to lie on the table.

He also presented the petition of John D. and John R. Doff, publishers of the Atchison County Journal, of Rockport, Mo., and the petition of H. F. Lincoln, publisher of the Chariton County News, of Brunswick, Mo., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of L. T. Moulton, editor of the King City Chronicle, of King City, Mo., praying for the adoption of certain amendments to the so-called Loud bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of M. B. Clarke and sundry other citizens of West Plains, Mo., remonstrating against the passage of the so-called Loud bill; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PASCO presented the memorial of W. H. Johnson and 31 other citizens of Punta Gorda, Fla., remonstrating against the passage of the so-called Loud bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of John M. Jolly, editor of the Halifax Journal, of Daytona, Fla., praying for the passage of the so-called Loud bill; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GEAR presented a petition of the Fort Madison Business

Men's Association, of Fort Madison, Iowa, praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented a memorial of sundry citizens of Cedar Rapids, Iowa, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Forest City, Iowa, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building, and also to raise the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of members of the Disciples' Church, of Corning, Iowa, praying for the enactment of legislation to raise the age of protection to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented petitions of members of the Disciples Church of Corning; of members of the Seventh Day Baptist Church of Adams Center, and of the Christian Endeavor Society of Smyrna, all in the State of Iowa, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented the petitions of A. M. & M. L. Adams, publishers of the Independent, of Humboldt; of J. F. Allen, publisher of the Times, of Vinton; of E. Booth & Son, publishers of the Eureka, of Anamora; of W. P. Groesbeck, publisher of the Times, of Kingsley, and of William F. Stipe, publisher of the Call, of Stanton, all in the State of Iowa, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Commercial Club of Omaha, Nebr., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. BAKER presented the petitions of W. R. White, publisher of the Herald, of Genesee; of Hendry & Humphrey, publishers of the Argosy, of Nickerson; of Thomas W. Morgan, publisher of the Democratic Messenger, of Eureka, and of James C. Humphrey, publisher of the Telescope, of Bellevile, all in the State of Kansas, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post Roads.

Mr. CAFFERY presented a petition of sundry citizens of New Orleans, La., praying for the ratification of the pending arbitration treaty with Great Britain, without amendment; which was ordered to lie on the table.

Mr. VOORHEES presented memorials of H. J. Day, publisher of the Hagerstown Exponent, of Hagerstown; of J. K. Langdon and sundry other citizens of Greencastle; of John W. Warner and sundry other citizens of Lafayette; of Dr. C. B. Van Horn and sundry other citizens of Frankton, and of E. W. Miner, editor of the Garrett Herald, of Garrett, all in the State of Indiana, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the National Malleable Castings Company, of Indianapolis; of J. J. Vestal, cashier of the Citizens' State Bank, of Knightstown; of Joseph Strong & Co., of Terre Haute; of Kramer & Sons, of Laporte; of R. P. Shanklin & Co., of Frankfort; of J. C. Perry & Co., of Indianapolis; of W. M. Shafer & Co., of Frankfort; of J. D. Hogate, publisher of the Republican, of Danville; of the executive committee of the Young Men's Christian Association of Indiana; of E. G. Niklaus, of Madison; of A. H. Perfect & Co., of Fort Wayne; of W. H. Hood, of Portland; of the John C. Croub Company, of Seymour; of Elmer E. Scott, of Madison; of the Wholesale Grocers' Association of Indianapolis; of Schnull & Co., of Indianapolis; of J. Zinsmeister & Bro., of New Albany; of E. Bierhaus & Sons, of Vincennes; of the C. Callahan Company, of Lafayette; of L. L. Burke, publisher of the American, of Brookville; of Reuben Williams & Son, publishers of the Daily Times and Weekly Northern Indianian, of Warsaw; of M. C. Garber, publisher of the Secretary and Treasurer, of Madison; of F. E. Baberch, publisher of the Remington Press, of Remington; of the Nordyke & Marmon Company, of Indianapolis; of Will D. Gorrell & Co., publishers of the News, of New Haven; of J. Gregory, publisher of the Republican, of Williamsport; of Julian D. Hogate, publisher of the Hendricks County Republican, of Danville, and of A. L. Laushe, publisher of the Journal, of Converse, all in the State of Indiana, and a petition of the Spectator Company, of New York, N. Y., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. SMITH presented petitions of James S. Yard & Sons, publishers of the Monmouth Democrat, of Freehold; of William O. Allison, publisher of the Oil, Paint, and Drug Reporter, of the Druggists' Circular, and of the Painters' Magazine, of Englewood, in the State of New Jersey, and a petition of the National Board of Trade, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of William A. Summerill, publisher of the Penns Grove Record, of Penns Grove, N. J., and the memorial of Hummeld Tillyer, publisher of the Dover Index, of Dover, N. J., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Bridgeboro, N. J., praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

Mr. LODGE presented a petition of members of the Original Church, of Wrentham, Mass., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a memorial of the Sarsfield Club of New York City, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. SEWELL presented a petition of the representatives of the Religious Society of Friends for Pennsylvania, New Jersey, and Delaware, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. HOAR presented a petition of the legislature of the Commonwealth of Massachusetts and a petition of sundry citizens of Metheun, Mass., praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (H. R. 1104) granting a pension to Isaac N. Williams, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1474) granting a pension to John J. Copley, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5764) granting an increase of pension to Elizabeth D. Marthon, reported it with an amendment, and submitted a report thereon.

Mr. ROACH, from the Committee on Pensions, to whom was referred the bill (S. 3591) to increase the pension of Daniel Phillips, of Company D, Thirteenth Regiment Wisconsin Infantry, reported it with amendments, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 1323) for the relief of Ira H. Sweatt, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5852) to increase the pension of Josiah P. Bradbury, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3108) to grant a pension to Jesse Durnell, late second-class pilot on gunboat *Lexington*, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 8388) for the relief of William G. Buck, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5880) granting an increase of pension to Greenville Puckett, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2832) for the relief of Daniel T. Tollett, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7121) to restore Mrs. Elizabeth T. Anderson to the pension roll, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5981) granting a pension to Elihu Jones, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3670) to increase the pension of Mrs. Elizabeth S. Roberts, widow of the late Gen. Benjamin S. Roberts, United States Army, reported it without amendment, and submitted a report thereon.

He also (for Mr. BRICE), from the same committee, to whom was referred the bill (H. R. 6789) granting a pension and for the relief of Dr. Harrison Wagner, reported it with amendments, and submitted a report thereon.

Mr. PALMER, from the Committee on Pensions, to whom was referred the bill (H. R. 1311) granting an increase of pension to

Charles W. Sentman, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5986) granting a pension to Francis M. Ross, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4519) granting a pension to John Zellers, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6099) granting a pension to Margaret Kirkpatrick, reported it without amendment, and submitted a report thereon.

Mr. CAMERON, from the Committee on Naval Affairs, to whom the subject was referred, reported a bill (S. 3673) to amend chapter 67 of volume 23 of the Statutes at Large of the United States; which was read twice by its title.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (H. R. 4655) granting a pension to Frederick A. Driscol, reported it without amendment, and submitted a report thereon.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (H. R. 1299) to pension Harriet Woodbury, of Windsor, Vt., reported it without amendment, and submitted a report thereon.

Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (H. R. 1708) to amend an act entitled "An act authorizing the appointment of receivers of national banks, and for other purposes," approved June 30, 1876, as amended by an act approved August 3, 1892, reported it without amendment.

Mr. ALDRICH. I am directed by the Committee on Finance to report back adversely the bill (S. 2172) to authorize a reliquidation of certain entries of merchandise. At the suggestion of the Senator from Massachusetts [Mr. HOAR] who introduced the bill, I ask that it be placed on the Calendar with the adverse report of the committee.

The VICE-PRESIDENT. It will be so ordered.

Mr. MANTLE, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by himself on the 5th instant intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (H. R. 4548) granting a pension to Mary L. Arnold, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 10040) granting an increase of pension to George W. Ferree, reported it with an amendment, and submitted a report thereon.

Mr. LODGE, from the Committee on Immigration, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CULLOM, from the Committee on Appropriations, to whom was referred the bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898, reported it with amendments, and submitted a report thereon.

MRS. DAISEY JOHNSON.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. COCKRELL January 14, 1897, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and hereby is, authorized and directed to pay out of the appropriation for miscellaneous items of the contingent fund of the Senate to Mrs. Daisey Johnson, widow of the late Thomas R. Johnson, deceased, a laborer and acting watchman under the Architect of the Capitol, the sum of $360, being an amount equal to six months' salary as such laborer and acting watchman, and including all funeral and other allowances.

INVESTIGATION BY JUDICIARY COMMITTEE.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by Mr. HOAR, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on the Judiciary, or any subcommittee thereof, be authorized in the case of Charles F. Amidon to send for persons and papers, to administer oaths, and to employ a stenographer; and that the expenses thus incurred be paid out of the contingent fund of the Senate, on vouchers approved by the chairman of said committee.

TOPOGRAPHIC AND GEOLOGIC MAPS.

Mr. HALE. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. Res. 234) providing for the distribution of the maps and atlases of the United States Geological Survey, to report it without amendment, and I ask that it be put on its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution; which was read, as follows:

Resolved, etc., That the Director of the Geological Survey be, and is hereby, authorized and directed, on the approval of the Secretary of the Interior, to dispose of the topographic and geologic maps and atlases of the United States, made and published by the Geological Survey, at such prices and under such regulations as may from time to time be fixed by him and approved by the Secretary of the Interior; and that a number of copies of each map or atlas, not exceeding 500, shall be distributed gratuitously among foreign governments and Departments of our own Government, to literary and scientific associations, and to such educational institutions as may be designated by the Director of the Survey and approved by the Secretary of the Interior.

SEC. 2. That one copy of each map and atlas shall be sent to each Senator and to each Representative and Delegate in Congress, if published within his term; and that a second copy shall be placed at the disposal of each such Senator, Representative, and Delegate.

Mr. HOAR. I suggest to the Senator that in line 13, after the words "educational institutions," the words "or libraries" be inserted.

Mr. HALE. A library is always considered as being an educational institution. The documents go to the libraries almost entirely. However, I have no objection to the amendment if the Senator thinks it is needed.

Mr. HOAR. I think it would be well to put in the words "or libraries."

Mr. HALE. Very well.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Massachusetts.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

BILLS INTRODUCED.

Mr. HILL introduced a bill (S. 3674) to authorize the public building in the city of Buffalo to be built an additional story; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HOAR introduced a bill (S. 3675) to provide times and places for the trial in Oklahoma Territory of cases arising under the Constitution and laws of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. THURSTON introduced a bill (S. 3676) granting a pension to George W. Field, of Omaha, Nebr.; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 3677) to increase the pension of Edward W. Nortoni; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE (by request) introduced a joint resolution (S. R. 198) to pay to employees of the Government Printing Office accrued and unpaid leaves of absence; which was read twice by its title, and referred to the Committee on Printing.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SHERMAN. I submit an amendment intended to be proposed to the District appropriation bill, which I ask to have read and referred to the Committee on the District of Columbia.

The amendment was read, as follows:

Amendment intended to be proposed by Mr. SHERMAN to the bill (H. R. 10167) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes.

SEC. —. So much of the money as is appropriated by this act for public works in the District of Columbia may, at the discretion of the Commissioners of said District, be made available from and after the 4th day of March, 1897.

Mr. SHERMAN. I wish simply to say that the condition of the laboring men in this District is such that I think this provision ought to be added to the appropriation bill, so that, without any further delay after the adjournment of Congress, work may be given within the limits of the appropriation.

The VICE-PRESIDENT. The proposed amendment will be referred to the Committee on the District of Columbia, and printed.

Mr. DAVIS submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. VEST submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. BROWN submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CHANDLER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. BACON submitted an amendment intended to be proposed by him to the District appropriation bill; which was referred to

the Committee on the District of Columbia, and ordered to be printed.

Mr. CARTER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. PASCO submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. SHERMAN, it was

Ordered, That the papers in the case of R. H. Lee be withdrawn from the files of the Senate under the rules of the Senate.

COUNT OF THE ELECTORAL VOTES.

Mr. HOAR. I ask for the present consideration of a privileged resolution.

The resolution was considered by unanimous consent, and agreed to, as follows:

Ordered, That at ten minutes before 1 o'clock on Wednesday, February 10, 1897, the Senate proceed to the Hall of the House of Representatives to take part in the count of the electoral votes for President and Vice-President of the United States.

RECALL OF A BILL FROM THE PRESIDENT.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Nebraska [Mr. ALLEN], coming over from a previous day.

Mr. PETTIGREW. A resolution was introduced by me yesterday, recalling a bill that had been sent to the President. I should like to have that resolution considered.

The VICE-PRESIDENT. The resolution indicated by the Senator from South Dakota will be read.

The Secretary read the concurrent resolution submitted yesterday by Mr. PETTIGREW, as follows:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate Senate bill No. 3328, entitled "An act to amend an act entitled 'An act to repeal the timber-culture laws, and for other purposes.'"

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

The VICE-PRESIDENT. The Chair lays before the Senate as a part of the morning business——

Mr. HILL. I rose and sought recognition not upon the resolution of the Senator from Nebraska, but upon the resolution of the Senator from South Dakota.

The VICE-PRESIDENT. The Chair did not so understand the Senator. That resolution will be considered as pending. The Senator is now recognized for that purpose.

Mr. HILL. I raised the question yesterday as to the propriety of that resolution. No precedent for such a resolution had been shown to me, and I was endeavoring to find out whether resolutions which have heretofore recalled bills from the President related to errors of engrossment or whether they were resolutions for the purpose of amendment. I have not yet finished the examination. Is there any special hurry about the resolution, I will ask the Senator from South Dakota?

Mr. PETTIGREW. I will say to the Senator from New York that unless the resolution is passed at once it will be useless to pass it, as the bill has already been in the hands of the President for nine days.

Mr. HILL. I will not at this time, under those circumstances, offer any objection, because the question can be brought up again. If the bill shall be returned by the President to the Senate all the question can be raised then. Therefore the resolution may pass at this time, so far as I am concerned.

The VICE-PRESIDENT. The resolution is agreed to.

PACIFIC RAILROADS.

Mr. THURSTON. Mr. President——

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Nebraska [Mr. ALLEN], which will be stated.

The SECRETARY. A resolution instructing the Committee on Pacific Railroads to inquire and report to the Senate whether the executive department has by existing law authority to foreclose the Government mortgage or lien on the Union Pacific and Kansas Pacific railroads.

Mr. THURSTON. I understand that the Senator from Ohio desires to proceed with the consideration of matters before the Senate in executive session. I have no wish to occupy the floor to conclude my remarks on the pending resolution at any time when my doing so will interfere with other more important matters. If the resolutions can go over without prejudice, I have no objection.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. SHERMAN. I then submit a motion that the Senate proceed to the consideration of executive business.

Mr. TILLMAN. Mr. President——

Mr. SHERMAN. Several Senators have appealed to me to allow them to call up bills that are urgent, and I will yield.

INTERSTATE REGULATIONS CONCERNING LIQUORS.

Mr. TILLMAN. I ask the Senator from Ohio to allow me to put a bill on its passage. I do not think it will excite any debate. If it does, of course I will withdraw it.

Mr. SHERMAN. Very well.

The VICE-PRESIDENT. Does the Senator from Ohio yield?

Mr. SHERMAN. I yield if the bill does not give rise to debate.

The VICE-PRESIDENT. The Senator from South Carolina asks unanimous consent for the present consideration of a bill, which will be read for information.

The Secretary read the bill (S. 3590) to limit the effect of the regulation of commerce between the several States and with foreign countries in certain cases.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SEWELL. It seems to me that that bill would give rise to considerable debate. I object.

Mr. SHERMAN. Then I——

The VICE-PRESIDENT. Objection being interposed, the bill will go over.

Mr. CAFFERY. Mr. President——

Mr. SHERMAN. I also yield to the Senator from Louisiana.

CREVASSE IN PASS A LOUTRE.

Mr. CAFFERY. I ask for the present consideration of the bill (S. 3614) to aid in the improvement of the navigable channel of the South Pass by closing the existing crevasse in Pass a Loutre in the Mississippi River.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate $250,000 to close the crevasse in Pass a Loutre of the Mississippi River, to be expended under the direction and according to the plan and specifications of the Secretary of War.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STEWART COLLEGE, CLARKSVILLE, TENN.

Mr. BATE. I ask the Senator from Ohio to allow me to call up a bill simply for amendment and passage.

Mr. SHERMAN. If it gives rise to no debate, I will yield.

Mr. BATE. Oh, no; and under the circumstances I shall not press it if it gives rise to debate.

Mr. SHERMAN. Very well.

Mr. BATE. I ask unanimous consent for the present consideration of the bill (S. 1648) for the relief of Stewart College (now the Southwestern Presbyterian University), located at Clarksville, Tenn.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $25,019.96 in order to reimburse Stewart College (now the Southwestern Presbyterian University), located at Clarksville, Tenn., for the injury to its buildings, apparatus, cabinets, and other property injured or destroyed by troops of the United States during the late war.

Mr. BATE. In line 5, after the word "Tennessee," I move to insert "for the use and occupation of the buildings and grounds and for consumption of materials."

The amendment was agreed to.

Mr. BATE. In line 14, after the word "destruction," I move to insert "use, occupation, and consumption of the buildings and grounds of said college."

The amendment was agreed to.

Mr. BATE. I merely desire to state that the amendments have the assent of the chairman of the committee and the Senator from Louisiana [Mr. CAFFERY] who reported the bill, and that a majority of the committee have recommended the measure.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INTERSTATE REGULATIONS CONCERNING LIQUORS.

Mr. TILLMAN. I again ask permission to call up the bill (S. 3590) to limit the effect of the regulation of commerce between the several States and with foreign countries in certain cases. The Senator from New Jersey has withdrawn his objection.

Mr. MILLS. I think that bill is of too much importance to be passed in this way. We ought to consider the bill a little before we vote on it.

Mr. TILLMAN. Will the Senator from Texas allow me to explain it?

Mr. MILLS. Yes.

Mr. SHERMAN. I think the bill will lead to debate, and I hope the Senator from South Carolina will not press it now.

Mr. TILLMAN. All right.

EDITION OF PENSION LAWS.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed in pamphlet form, for the use of the Department of the Interior, 3,000 additional copies of the report of the Assistant Secretary for 1896, relative to the administration of the pension laws.

HOUSE BILL REFERRED.

The bill (H. R. 9470) to incorporate the Washington and Gettysburg Railway Company was read twice by its title, and referred to the Committee on the District of Columbia.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After four hours and fifty-seven minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the President of the United States having returned to the House of Representatives, in which it originated, the bill (H. R. 1185) entitled "An act granting a pension to Rachel Patton," with his objections thereto, the House proceeded, in pursuance of the Constitution, to reconsider the same, and

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7864) to amend the immigration laws of the United States.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9647) to authorize the extension of the lines of the Metropolitan Railroad Company, of the District of Columbia, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BABCOCK, Mr. CURTIS of Iowa, and Mr. RICHARDSON managers at the conference on the part of the House.

The message also announced that the House had passed the bill (S. 3333) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," passed finally June 3, 1896.

The message further announced that the House had agreed to the concurrent resolution of the Senate requesting the President of the United States to return to the Senate the bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes."

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 9842) relating to the adulteration of foods and drugs in the District of Columbia;

A bill (H. R. 9976) to punish the impersonation of inspectors of the health and other departments of the District of Columbia;

A bill (H. R. 9821) authorizing the Commissioners of the District of Columbia to charge a fee for the issuance of transcripts from the records of the health department;

A bill (H. R. 10038) to regulate the sale of poisons in the District of Columbia;

A bill (H. R. 10108) regulating fraternal beneficiary societies, orders, or associations in the District of Columbia;

A bill (H. R. 10131) to compel street railway companies in the District of Columbia to remove abandoned tracks, and for other purposes; and

A bill (H. R. 10122) to amend an act entitled "An act to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia," passed August 3, 1894.

Mr. COCKRELL. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 35 minutes p.m.) the Senate adjourned until to-morrow, Wednesday, February 10, 1897, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 9, 1897.

CONSUL.

Frederick W. Kickbusch, jr., of Wisconsin, to be consul of the United States at Stettin, Germany.

RECEIVER OF PUBLIC MONEYS.

George B. Cosby, of Sacramento, Cal., to be receiver of public moneys at Sacramento, Cal.

REGISTER OF THE LAND OFFICE.

Silas Penry, of Jackson, Cal., to be register of the land office at Sacramento, Cal.

POSTMASTERS.

Katherine I. Merritt, to be postmaster at Pelham, in the county of Westchester and State of New York.

James F. Hunt, to be postmaster at Croton on Hudson, in the county of Westchester and State of New York.

George A. Van Atta, to be postmaster at Clay Center, in the county of Clay and State of Kansas.

William H. Smith, to be postmaster at Newark, in the county of Newcastle and State of Delaware.

Miss Augusta B. Berard, to be postmaster at West Point, in the county of Orange and State of New York.

John C. McEldowney, to be postmaster at New Martinsville, in the county of Wetzel and State of West Virginia.

Barney O'Neil, to be postmaster at Howard, in the county of Miner and State of South Dakota.

Charles W. Blackman, to be postmaster at Caledonia, in the county of Livingston and State of New York.

Mary A. S. Kavanagh, to be postmaster at Lawrence, in the county of Queens and State of New York.

Eugene Gardner, to be postmaster at Philmont, in the county of Columbia and State of New York.

Henry Miller, to be postmaster at Mount Joy, in the county of Lancaster and State of Pennsylvania.

Meserve M. Getchell, to be postmaster at Silver City, in the county of Owyhee and State of Idaho.

Alexander A. McPhee, to be postmaster at Wagoner, in the Creek Nation and Indian Territory.

Henry J. Dunn, to be postmaster at Medfield, in the county of Norfolk and State of Massachusetts.

A. C. Wood, to be postmaster at Suisun City, in the county of Solano and State of California.

Charles F. Belt, to be postmaster at Dallas, in the county of Polk and State of Oregon.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 9, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

IMMIGRATION.

Mr. DANFORD. Mr. Speaker, I desire to call up the conference report on the immigration bill.

The SPEAKER. The gentleman from Ohio rises to a privileged question.

Mr. HULL. Will the gentleman from Ohio yield for just a minute?

Mr. DANFORD. I can not yield for anything now.

Mr. HULL. One of the members of the Board of Managers of the National Home for Disabled Soldiers is now deceased, and it is necessary to fill the place by the election of another before this session closes. If the gentleman will yield, I will ask unanimous consent for the present consideration of this resolution.

Mr. LOUD. Will the gentleman from Ohio yield to me to make a request on behalf of the Committee on the Post-Office and Post-Roads?

Mr. DANFORD. I call up for consideration the conference report on the bill H. R. 7864, and in connection with that I submit a statement of facts to accompany the report.

The SPEAKER. Will the gentleman give his attention to the gentleman from California?

Mr. LOUD. I would like to ask, if the gentleman will permit me, permission for the Committee on the Post-Office and Post-Roads to sit during the sessions of the House to complete its appropriation bill.

Mr. DANFORD. I will yield that the gentleman may make that request.

The SPEAKER. The gentleman from California asks unanimous consent that the Committee on the Post-Office and Post-Roads may sit during the session of the House. Is there objection? [After a pause.] The Chair hears none.

The Clerk will read the statement.

The statement of the House conferees was read, as follows:

The House conferees on the disagreeing votes of the two Houses on the amendments to the bill H. R. 7864 respectfully submit to the House the following statement of facts to accompany the report of the conference committee:

The report of the conference committee having been submitted to the House and printed in the RECORD, thus enabling members to compare the

report now presented with the report adopted by the House January 27 last, the statement required by the rule may be brief.

The report now presented differs from the report previously adopted in this, that instead of requiring the intending immigrant to read and write the "English language or the language of their native or resident country," the requirement of the present report is, that they be able to read the "English or some other language."

Again, in the same section, in addition to those exempted from the test provided for in the report, the wife of an intending immigrant (said immigrant being acceptable under the law)—his wife may accompany her husband even though she is not herself eligible. Also all minor children of an intending qualified immigrant, if such immigrant be admissible, may accompany such parent even though illiterate. The same exemption is made in behalf of the wife and minor children of immigrants already here. The former report admitted only such illiterate children as were under 16 years of age.

No other changes are made in the provisions of the report of January 27 last, except that section 9 of former report is omitted from the present report.

All of which is respectfully submitted.

L. DANFORD.
STANYARNE WILSON.

Mr. DANFORD. I now ask for the previous question on the adoption of the conference report.

The SPEAKER. The gentleman demands the previous question.

Mr. MAHANY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. DANFORD. I insist upon the demand for the previous question, except to answer a parliamentary inquiry.

Mr. KIEFER. I desire to make an inquiry, so that I may be informed fully as to how I shall vote. I want to ask the gentleman from Ohio whether this report now does not practically give the original Bartholdt bill?

Mr. DANFORD. Oh, it differs from the Bartholdt bill. I demand the previous question.

Mr. MAHANY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MAHANY. I rise to ask that the House do not agree to the motion of the gentleman from Ohio.

The SPEAKER. That is not in order.

Mr. MAHANY. This is a most important question, involving a change in the entire immigration statutes of the United States.

Mr. DANFORD. Very well; the House can vote down the previous question.

Mr. MAHANY. We ought to have some debate upon the report.

Mr. MILES. Mr. Speaker, I would like to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MILES. Perhaps it has to be answered by the gentleman who is calling for the previous question; and that is, Whether or not the educational test of this bill is the same as in the House bill?

The SPEAKER. That is hardly a parliamentary inquiry.

The question was taken on ordering the previous question, and the Speaker announced that the ayes seemed to have it.

Mr. MAHANY. Division!

The House divided; and there were—ayes 94, noes 13.

So the previous question was ordered.

Mr. MAHANY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MAHANY. I understand that we have under the rule twenty minutes on a side for debate.

The SPEAKER. There are twenty minutes on each side for debate. The gentleman is correct.

Mr. MAHANY. I desire to claim it.

The SPEAKER. The previous question is ordered; and the gentleman from Ohio has twenty minutes in favor of the proposition and the gentleman from New York twenty minutes in opposition.

Mr. DANFORD. The gentleman can proceed, and we will reply if we want to.

Mr. BARTHOLDT. Mr. Speaker——

Mr. MAHANY. Mr. Speaker, the intemperate zeal, as it seems to me, of the advocates for restriction in immigration has led them to adopt, in dealing with this question, a policy which was illustrated in the remark of one of the leaders on that side to the chairman of the House conferees last evening. As I understood him, he said: "Do not have the report printed in the RECORD because if the members sleep over it, they will be likely to discover flaws in it. Demand the previous question now."

Mr. MCCALL of Massachusetts. Who said that?

Mr. MAHANY. It was a distinguished member from Pennsylvania. That statement was in line with the whole policy that has characterized the advocates of this measure from the inception of this proposed legislation. The House adopted the preceding conference report (which was afterwards nonconcurred in by the Senate) notwithstanding the fact that the report, as submitted, tore asunder families, separated husbands and wives, parents and children. And now we find that this measure, which involves a sweeping change in the immigration laws of the United States, is to be rushed through this House under a motion for the previous question, which chokes off adequate debate and prevents the opponents of this legislation from pointing out in detail its manifold faults and absurdities.

The bill as now framed fulfills practically none of the conditions for which its framers profess to have labored. With a single exception it does not exclude anyone whom the great body of American citizens desire to exclude. There is unquestionably a sentiment in this country in favor of better and closer safeguards in the administration of our immigration laws, and though American labor is interested in this question, it is not interested in this bill. The vast majority of American wage earners are liberal, broad-minded, sympathetic men, and they have no desire to close the doors against those who come from Old World oppression with clean mind and healthy body and sturdy patriotism to cast in their lot with this new Republic of the West. Those whom it is the universal sentiment to exclude are the paupers, imbeciles, criminals, and other off scourings of Europe, together with alien-contract laborers, and the "birds of passage," who, retaining domicile and citizenship in other lands, fatten on the substance of our own.

But whom does this law exclude? Under its provisions every anarchist, every communist, every socialist who comes here to war upon established social order, has triumphant entry. The very fact that these men are anarchists and communists and socialists indicates that they have thought; and, to a certain degree, have been educated up to their thought. There is not one of them who could not pass the requirements of this bill. The measure strikes simply at those people who, under the oppressive laws of Old World governments, are—no matter what their aspirations—absolutely unable to obtain, nay, are debarred by iron social conditions from obtaining, the necessary education to meet the test of this bill. It shuts out honest, God-fearing, virtuous people, whose descendants would make patriotic citizens and strong pillars of this Republic. It is a crime against civilization. It is a bar against the educational advancement of the world.

Why, Mr. Speaker, the absurdity of the proposition is manifest. The members of this House who, by an overwhelming majority, will, in all probability, pass this bill, would—and I say it with due deliberation—the great majority, I repeat, of the men now occupying seats in this Chamber would not only not be Representatives on this floor, but would not even be citizens of the United States if this bill had been in operation a hundred or a hundred and fifty years ago. Why, sir, this bill is not only a wrong in theory, but it is a monstrosity so far as its practical operation is concerned. A year ago, when the Committee on Immigration visited Ellis Island, I took particular pains to test the working of the so-called Lodge restriction bill. Standing by the side of Dr. Senner, the able and experienced administrator of that immigration office, I took out of the line of Italian immigrants that were passing before the inspector one whom I asked, through the interpreter, whether he could read or write. He replied that he could. I then had brought to me an Italian testament, a small book printed in double columns, and selected a passage occupying five lines, equivalent to about a line and a half of ordinary newspaper print. I asked the immigrant to write a copy of the indicated passage. From the moment his pen touched the paper, we timed his effort. He wrote the verse, and his chirography was legible and beautiful. He copied carefully and accurately that line and a half, and from the time his pen touched the paper until the copy was made he had consumed something over four and a half or very nearly five minutes.

Now, Dr. Senner told me that frequently at Ellis Island as many as 10,000 immigrants land in a single day. Granting that under the provisions of this bill at least three-fourths of those people by operation of the clause exempting women and children would be permitted to pass regardless of their ability to read or write, there would be left at least one-quarter of the 10,000 to be examined by the immigration officers. The man that I picked out of the line was a man of unusual intelligence for one in his condition in life, and he consumed almost five minutes in fulfilling the requirements or rather a very slight part of the test imposed by the Lodge immigration bill. It needs but a simple mathematical calculation to show how this law would work. Ten thousand immigrants at five minutes apiece would entail fifty thousand minutes. A quarter of that time would be twelve thousand five hundred minutes—equivalent to over eight days, counting twenty-four hours to the day; or counting eight hours a day, equal to about twenty-five ordinary working days.

If we make a liberal discount of time owing to the increased number of examiners that will necessarily be employed, it will take at least one-fifth of that period to pass a single day's arrival of immigrants at Ellis Island. Now, where and how are you going to provide for the immense expenditures that will be entailed by the practical operation of this law?

The House has given no thought to these considerations. In passing this legislation it is acting from a blind impulse to cater

to a public sentiment that is as absolutely undefined in its desires as the ideas that prevail here seem vague and empirical.

But, Mr. Speaker, that is not all. Suppose this bill is passed, what then will have to be done? We must build immense barracks—enormous lodging places—as temporary abodes for the immigrants at Ellis Island and at other landing stations. How will these people be fed? How cared for when sick? You will have to double, treble, quadruple the force of employees that are now in charge of the various immigration entry ports throughout the United States. And I wish to point out that the test I made was simple as compared with the Australian voting-booth system set forth in this bill. You will find the proposed test embodied in section 2 of this bill published in the RECORD of this morning on page 1751. This is the language of the report:

SEC. 2. For the purpose of testing the ability of the immigrant to read and write, as required by the foregoing section, the inspection officers shall be furnished with copies of the Constitution of the United States, printed on numbered uniform pasteboard slips, each containing not less than twenty nor more than twenty-five words of said Constitution printed in the various languages of the immigrants in double small pica type. These slips shall be kept in boxes made for that purpose and so constructed as to conceal the slips from view, each box to contain slips of but one language, and the immigrant may designate the language in which he prefers the test shall be made. Each immigrant shall be required to draw one of said slips from the box and read, and afterwards write out, in full view of the immigration officers, the words printed thereon.

Now, that test, in the very briefest possible time in which it can be applied in order perfectly to carry out the purpose of the section, will occupy, as I have shown, a space of not less than five minutes under the most favorable conditions.

Mr. HENDERSON. Will the gentleman allow an interruption?

Mr. MAHANY. Most assuredly.

Mr. HENDERSON. My friend suggests that the number of immigrants reaches as many as 10,000 a day on occasions. If that proportion were kept up throughout the year, it would be 3,650,000 per annum, whereas the entire number which entered the ports of the United States during the last year was but about 340,000. Hence I ask, is not my friend alarming the House and the country a little unnecessarily by taking this great and extreme figure and basing his calculations upon it?

Mr. MAHANY. My friend from Iowa draws an unjust inference from what I said. My statement was to the effect that the inspectors at the Ellis Island station reported that often as many as 10,000 had landed during a single day at that island. I am simply pointing out the difficulties with which our immigration officers would be confronted on the adoption of this provision of law.

Mr. BARNEY. Is it not true, I would ask the gentleman from New York, also, that only about one out of five would be subjected to this delay?

Mr. MAHANY. I have already stated, Mr. Speaker, that probably three-fourths of the number would be exempt from this test.

Now, I regret to say that I can not yield further, as my time is limited. I am not occupying the floor or addressing the House from any personal feelings. Certain provisions, the adoption of which I have especially championed, have been incorporated in the bill. The "birds of passage," so called, along the Canadian frontier are excluded under the terms of this act, and in addition to that the section against aliens being employed on Government work is also included in the measure.

But, sir, I stand here to protest against the passage of this legislation in its general scope. It is not only unjust to the immigrant, but it is injurious to the people of the United States. My friend the gentleman from Minnesota [Mr. KIEFER] has in his hand a paper in which the cry comes from the vast regions of the Northwest for more immigration to fell the forests and to plow the soil. What we want is not restriction of immigration so much as the regulation of it that shall take these voyagers from foreign shores away from the crowded cities of the Union and place them where they can win prosperity for themselves and add to the glory and progress of the great Republic.

And I desire to say to the members of the Republican party here that it was the foreign-born vote in the last election that gave you your great majorities in the States of the West and the Commonwealths of the East. In the spirit of nonpartisanship that should characterize this discussion, I compliment the Democratic party, which, with all its faults, has rarely used its victories for the purpose of proscription or oppression. I wish to say to you, members of this House—and while it may be the voice of youth and inexperience, it may eventually prove to be the voice of prophecy—that if you enact this legislation every man who votes for its passage will in the future find that, like Banquo's ghost, that vote will never down.

As a member of this committee, I warn Republicans especially, that in the plenitude of our victory we should use our power wisely, not illiberally; that we should so administer this vote of confidence that both the future of the United States and the civilization of the world shall be benefited thereby. Let me tell you also not to mistake the meaning of the last election. I am not unconscious of the fact that many of my Republican brethren are prone to consider that triumph, not as a repudiation (as it was) of unsound finance, but as an indorsement of plutocracy, as an indorsement of monopoly, as an indorsement of everything that distrusts the conscience and the common sense of the plain people.

I feel deeply on this subject. I believe I understand the sensibilities of the foreign-born voters in the United States. This bill is a blow at the Polish immigration, which has as much right to the fruits of liberty as any other nation upon the face of the earth. It is an indirect reflection upon the German element, which gave us to a very large extent our splendid majorities in the last election. I will not speak of the particular nation from which my forefathers came, for fear I may be considered as animated in this address by individual prejudice. But I warn you, my friends, that if you enact this measure you will have reason hereafter to remember these words—that on the ruins of your theories and upon the destruction of your party victories a more liberal policy will march to success. [Loud applause.]

Mr. Speaker, I reserve the remainder of my time.

Mr. DANFORD. I yield five minutes to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Speaker, I regard to-day's action on this bill as a mere formality, and I shall therefore occupy but little of the time of the House. But in view of the profound interest that I have heretofore taken in this matter, and in view of my position as chairman of the Committee on Immigration, it is probably expected of me to say a few words.

Mr. Speaker, I can not refrain from expressing my extreme gratification at the turn things have taken. The very features of this bill which I was obliged to oppose a week ago on this floor as objectionable and inhuman have been eliminated in conference, and the very amendments which I offered in conference, and which were so stubbornly resisted not only in conference, but on this floor as well, have now been incorporated in the bill. This I regard as a complete vindication——

Mr. WILLIAM A. STONE. May I ask the gentleman a question?

Mr. BARTHOLDT. Certainly.

Mr. WILLIAM A. STONE. Does not the circumstance to which the gentleman has just referred imply that his arguments had more influence with the Senate than with the House?

Mr. BARTHOLDT. It is unnecessary and useless to discuss this question now; but I am satisfied, Mr. Speaker, that if it had not been for one speech which was made when this matter was last under discussion—the speech made by the gentleman from Iowa [Mr. HEPBURN], who talked on the general subject of immigration, and not on the question under discussion—if it had not been for that speech I am satisfied the House would have refused to sanction the conference report last week. For the wisdom shown by the Senate I not only desire to compliment the Senators, but I wish to congratulate the members of the House for having been thus afforded another opportunity to modify and improve the bill.

I may be pardoned for saying that to-day's proceedings are a complete vindication of my course and that of the 117 members of this House who voted with me against the adoption of the original conference report. The bill is now infinitely better, Mr. Speaker, than it was when it left us the last time, and its provisions now closely approach those of the House bill as originally passed last summer. I should have preferred, of course, to see females entirely exempted from the educational test; but I am firmly convinced that the country, relying as it must for its domestic servants upon the foreign supply, will compel Congress at a very early day to make that exemption by law. This, Mr. Speaker, is all I have now to say on the subject.

Mr. MILES. Before the gentleman closes his remarks, will he allow me to ask him a question?

Mr. BARTHOLDT. With pleasure.

Mr. MILES. I was one of the 117 members who voted with the gentleman last week, and I hope he will indulge me and those of us on this side who are not fully informed on this question by telling us how the conference report in detail now stands as to the educational test and as to the admission of married women, who by the bill as last voted on were excluded if uneducated. I have not a copy of the conference report, and am unable to get one.

Mr. BARTHOLDT. I am glad that this question is asked, Mr. Speaker, and I will gladly give the desired information. The bill as it passed the House last week included in the test married women and also children between the years of 16 and 21, so that when the father of a family came here with his wife and his children it might have happened that his wife would have to be sent back under the provisions of the bill, and not only his wife, but also such of his children as were between the ages of 16 and 21. As the bill now reads, Mr. Speaker, it lets in the wife and lets in all minor children, provided the husband is acceptable and passes successfully the educational test. Thus the threatened separation of families, which I objected to, is carefully guarded against.

Mr. MILES rose.

The SPEAKER. The time of the gentleman from Missouri [Mr. BARTHOLDT] has expired.

Mr. BARTHOLDT. May I have a few minutes more?

Mr. DANFORD. I yield to the gentleman a few minutes more.

Mr. BARTHOLDT. The other feature of the original report to which I raised objection was the language clause of the bill, which would have excluded the friends of the gentleman from Buffalo [Mr. MAHANY], the Poles. It would have excluded the Jews who were unable to speak Polish or Russian. It would have excluded the Germans of the Baltic provinces. It would have excluded the Mennonites. It would have excluded the French of Alsace-Lorraine who are unable to speak the German language. For these reasons I objected to that provision of the bill. And this provision, too, has been modified to my entire satisfaction. The bill now provides that every newcomer shall be able to read and write English or some other language, living or dead. That means that anybody who can speak any language at all will be admitted to this country, if he can read and write in that language.

Mr. MILES. The phrase, then, is not "some other recognized language," but "some other language"?

Mr. BARTHOLDT. "Some other language."

Mr. HENDERSON. That is corrected now in this conference report?

Mr. BARTHOLDT. Yes.

Mr. BOATNER. And a man can still bring in his grandfather, as before?

Mr. MERCER. If you are satisfied with this report, why did you not sign it?

Mr. BARTHOLDT. I had signed the report, but took exception to one feature of the bill, namely, the one which subjects females to the educational test. After giving my signature I was informed that in the case of a conference report it is inadmissible to sign with a condition or a proviso; that one must either withhold his signature or sign without condition. For that reason my name does not appear on the conference report.

Mr. MILES. Do I understand that to that extent you still object to the bill?

Mr. BARTHOLDT. I should have preferred, as I have said, to see females exempted from the test entirely; but since the House has passed the bill, even with its harsh and objectionable features, I do not see how I can serve any practical purpose by opposing it any longer. I have made my fight in this matter. I made it openly and honestly, and to some extent against the traditions of the House, being chairman of the committee which had the bill in charge, and I am glad to say that while I did not get all I wanted, I accomplished, in the matter of modifying the bill, what I hoped to accomplish under the circumstances.

Mr. MAHANY. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has four minutes remaining.

Mr. MAHANY. I yield two minutes to the gentleman from Minnesota [Mr. KIEFER].

Mr. KIEFER. Mr. Speaker, upon the question before the House I desire to read a few lines from one of the largest and most influential daily newspapers of the great Northwest. The Pioneer Press, of St. Paul, Minn., under date of February 4, 1897, says:

IMMIGRATION FOR MINNESOTA—ANNUAL CONVENTION OF THE STATE ASSOCIATION—A LARGE ATTENDANCE OF DELEGATES AND A LIVELY INTEREST IN THE CAUSE IS MANIFESTED—THE IMPORTANCE OF STATE AID IN THE WORK WAS URGED AND A BILL TO THAT PURPOSE INDORSED.

Minnesota should be up and stirring in the interest of a larger immigration to her fertile plains and mighty forests, and the time is at hand when the State should take up the work and carry it along under a comprehensive system looking to the greatest possible results. Things have reached the stage when it is no longer possible for the citizens, individually or through organizations, to do the work and do it properly. The necessities of the situation demand aid and direction by the State.

These were the sentiments expressed and espoused at the meeting of the State Immigration Society, which was in session all day yesterday at the Commercial Club rooms. This was the first State convention held, and was the logical outcome of the Northwestern Immigration Convention, held in St. Paul in November, 1895. At the close of that convention the Minnesota State Immigration Association was organized, and a citizen's movement inaugurated to promote new settlements in the State. An executive committee, consisting of one member from each of the seven Congressional districts, was appointed, with instructions to arrange a systematic plan for carrying on the work. Eight days after the adjournment of the convention the executive committee met at St. Paul and organized the State association, elected a president and secretary, and commenced practical work. The association has been maintained wholly by voluntary contributions from public-spirited citizens. The State has made no appropriation for immigration purposes during the past twelve years. The association feels its inadequacy to carry on the work longer without assistance, and this convention was called with the idea of stimulating interest in the immigration movement and enlisting the aid of the State in the work.

Now, Mr. Speaker, I am informed that my State, or rather its legislature, is about to make an appropriation to aid in the matter of immigration. Mr. Speaker, I am speaking for Minnesota. The great North Star State can readily support in prosperity four times the inhabitants it now contains. More than two-fifths of the area of this great agricultural State is almost entirely unsettled, the undeveloped area covering nearly 6,000,000 acres of the best lands in America. We want immigrants with willing arms and honest hearts, men and women who are willing to work and love our country. For such people Minnesota has room; let them come. Let the law now upon the statute book touching immigration be enforced as all laws should be enforced and you will keep every undesirable person away from our shores.

The SPEAKER. The gentleman from Minnesota [Mr. KIEFER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. WILLIAM A. STONE. Unless that is extended to all who wish to print remarks on this bill for five days, I shall have to object.

The SPEAKER. The gentleman objects.

Mr. WILLIAM A. STONE. I suggest to the gentleman from Minnesota [Mr. KIEFER] that he make his request to cover all who wish to print.

Mr. KIEFER. I make that request, that the same privilege be extended to all members who desire to print speeches on this subject within five days.

The SPEAKER. The gentleman asks unanimous consent that everybody may print on this subject within five days.

Mr. PERKINS. Mr. Speaker, I am compelled to object.

Mr. WILLIAM A. STONE. I withdraw my objection to the gentleman's request that he be allowed to print the extracts from a newspaper.

The SPEAKER. The objection is withdrawn. Is there further objection?

There was no objection.

Mr. BARTHOLDT. Mr. Speaker, I desire to call attention to the fact that leave to print was given on a previous occasion for five days, and I suppose that every gentleman availed himself of that privilege who desired to do so.

RETURN OF A BILL FROM THE PRESIDENT.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring). That the President be requested to return to the Senate Senate bill numbered 3328, entitled "An act to amend an act entitled 'An act to repeal the timber-culture laws, and for other purposes.'"

Mr. GAMBLE. I ask unanimous consent to concur in the resolution which has just been received from the Senate.

The SPEAKER. If there be no objection, the resolution will be concurred in.

The resolution as above set forth was read, and concurred in.

IMMIGRATION.

Mr. MAHANY. I yield two minutes to the gentleman from California [Mr. MAGUIRE]. I ask, as a special concession to the opposition, that, even if the House has made up its mind, it will pay attention to the gentleman.

The SPEAKER. The gentleman from California [Mr. MAGUIRE] is recognized.

Mr. MAGUIRE. Mr. Speaker, the whole theory of the legislation recommended in this report is, in my opinion, false. It departs from all the principles upon which restriction of immigration has heretofore proceeded. It proposes to exclude immigrants from this country solely because they are laborers, and are therefore likely to invade what is called the American labor field. It is assumed in support of this legislation that the resources of this country are insufficient to support its present population, or at any rate to support any large addition to it. That is absolutely untrue—so untrue as to be ridiculous. I endeavored to demonstrate the fallacy of this proposition in my remarks upon the former conference report on this bill.

If the theory of this legislation is correct, then its advocates should go to its logical conclusion and pass laws prohibiting the use of labor-saving inventions and devices that, more than immigration, "invade the labor field." If work, instead of the results of work, is the thing that is needed for the happiness and comfort of the American citizens who are now suffering privations in enforced idleness, then, instead of presenting this miserable and inadequate subterfuge, let us make plenty of work for all by doing away with the use of steam and electricity in production and transportation. Have the courage of your convictions, if you are acting on convictions; do away with inventions, and put a stop to all material progress, and you will thus make plenty of work for all; but it will not relieve the distress of the laboring classes so long as monopolies are permitted to limit their opportunities and to strip them of the fruits of their toil. The bill does not represent a correct view of either the evils oppressing labor or the remedies by which they must be relieved, if they are ever relieved. The curse of the American laborer is monopoly, not immigration; and in this legislation you are proceeding not only upon a false theory, but in a false direction.

The SPEAKER. The time of the gentleman has expired.

Mr. DANFORD. I yield five minutes to the gentleman from Massachusetts [Mr. MCCALL], after which I will ask for a vote.

Mr. McCALL of Massachusetts. Mr. Speaker, I am very glad that this measure resumes again very nearly the same form it had when it passed the House about one year ago. I was not present when the conference report was agreed to by the House some days ago, but if I had been here, I should have voted for some of the features of that report very reluctantly, if at all.

The present conference report permits a man to bring with him his wife, although she can not read or write. It also removes what I regarded as a very unfortunate piece of phraseology from the former report, and defines clearly and without any ambiguity the language which the immigrant shall read. So that, Mr. Speaker, the question presented by the bill to-day is substantially the question that was presented by the bill when it was originally before the House, with this exception—that the bill as it was originally before the House permitted illiterate women to come in. This bill does not pay what I think would be a very scanty tribute to American women and enact into law that it is important that the male citizens of this Republic should be intelligent, but that it is immaterial whether the mothers of our future citizens shall know anything or not. I think that was a blemish upon the original bill which the report now before the House removes.

So, Mr. Speaker, I do not think it material to discuss the principles of this legislation, which were so fully discussed in former debates. I want simply to say that if you will study the statistics of illiteracy among the races you will find that this bill has little, if any, application to the Scandinavian, to the German, to the British, and to the other races which are kindred with ours and which have been nurtured in the principles of self-government, and it does exclude races which have never been trained in those principles, and from which come large masses of men who either fester in the slums of our great cities or make predatory incursions into industrial centers, where they do work for wages upon which American workingmen can not live. The evidence abundantly shows that they habitually live in shanties, that they eat the rudest food, that they do not have even the most common sanitary appliances, that they expose themselves to all the diseases that are generated by filth. The American workingman can not support churches and decently clothe his children and send them to school and enjoy any of the comforts of civilization so long as he must come into this degrading competition.

Now, the gentleman from New York [Mr. MAHANY] says that the Republican party should be very moderate after it has achieved victory, and the moderation which he suggests is that we should proceed to violate to-day one of the principles laid down in our platform which declares for the passage of this very bill.

Mr. MAHANY. This bill? A bill.

Mr. McCALL of Massachusetts. It declares for a bill embodying an educational test, which the gentleman will see by looking at the platform.

Mr. MAHANY. The argument hinges on the article.

Mr. McCALL of Massachusetts (continuing). Which the gentleman from New York says he totally disapproves of, and every word in it is in favor of such a bill.

Mr. MAHANY. Did the Republican platform declare for an educational test?

Mr. McCALL of Massachusetts. Mr. Speaker, I understand the Republican platform did declare for an educational test.

Mr. MAHANY. I did not so understand it.

Mr. McCALL of Massachusetts. Then the gentleman and I do not agree. I want to say further that the platform of the other party, adopted while this measure was pending, and after it had passed this House by an enormous majority so that any declaration made upon the subject would be presumed to be upon the pending practical measure, the other party declared for a measure restricting immigration.

This matter, Mr. Speaker——

The SPEAKER. The time of the gentleman has expired. The question is on agreeing to the conference report.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. MAHANY. Division!

The House divided; and there were—ayes 162, noes 14.

Mr. MAHANY. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 217, nays 36, not voting 102; as follows:

YEAS—217.

Acheson,	Bell, Colo.	Bull,	Cooper, Wis.
Adams,	Bennett,	Burrell,	Corliss,
Aitken,	Bingham,	Burton, Mo.	Cousins,
Aldrich, Ill.	Bishop,	Burton, Ohio	Crisp,
Allen, Miss.	Black,	Cannon,	Crowther,
Anderson,	Blue,	Chickering,	Crump,
Avery,	Boatner,	Clardy,	Curtis, Iowa
Babcock,	Bowers,	Clark, Iowa	Curtis, Kans.
Bailey,	Brewster,	Cobb,	Curtis, N. Y.
Baker, Md.	Broderick,	Coffin,	Dalzell,
Baker, N. H.	Bromwell,	Cooke, Ill.	Danford,
Barney,	Brosius,	Cooper, Fla.	Dayton,
Bartholdt,	Brown,	Cooper, Tex.	De Armond,
Denny,	Hooker,	Miles,	Stahle,
De Witt,	Hopkins,	Miller, Kans.	Steele,
Dinsmore,	Howe,	Miller, W. Va.	Stewart, N. J.
Dockery,	Howell,	Milliken,	Stewart, Wis.
Dolliver,	Hubbard,	Milnes,	Stokes,
Dovener,	Huff,	Minor, Wis.	Stone, W. A.
Draper,	Hulick,	Mitchell,	Strong,
Ellett,	Huling,	Moody,	Strowd, N. C.
Ellis,	Hull,	Morse,	Sulloway,
Erdman,	Jenkins,	Neill,	Sulzer,
Fairchild,	Johnson, Cal.	Northway,	Talbert,
Fenton,	Johnson, Ind.	Ogden,	Tate,
Foote,	Johnson, N. Dak.	Otjen,	Tawney,
Foss,	Joy,	Overstreet,	Tayler,
Fowler,	Kerr,	Parker.	Terry,
Gamble,	Kirkpatrick,	Patterson,	Thomas,
Gardiner,	Knox,	Pearson,	Towne,
Gibson,	Lacey,	Perkins,	Tracewell,
Gillett, Mass.	Latimer,	Phillips.	Tracey,
Graff,	Layton,	Pitney,	Treloar,
Griffin,	Lefever,	Poole,	Turner, Va.
Grosvenor,	Leonard,	Powers,	Tyler,
Grout,	Lewis,	Prince,	Van Horn,
Grow,	Linney,	Pugh,	Van Voorhis,
Hager,	Linton,	Quigg,	Wadsworth,
Hall,	Little,	Ray,	Walker, Va.
Halterman,	Loudenslager,	Reeves,	Warner,
Hanly,	Low,	Rinaker,	Watson, Ind.
Hart,	Mahon,	Royse,	Wheeler,
Hartman,	Marsh,	Scranton,	White,
Hatch,	McCall, Mass.	Settle,	Wilber,
Heatwole,	McCall, Tenn.	Shafroth,	Williams,
Hemenway,	McCleary, Minn.	Sherman,	Wilson, Idaho
Henderson,	McClellan,	Shuford,	Wilson, Ohio
Henry, Conn.	McClure,	Simpkins,	Wilson, S. C.
Henry, Ind.	McCulloch,	Smith, Ill.	Wood,
Hepburn,	McDearmon.	Smith, Mich.	Woodman,
Hermann,	McLachlan,	Snover,	Woomer,
Hicks,	McRae,	Sorg,	Wright.
Hilborn,	Meiklejohn,	Southard,	
Hill,	Mercer,	Spalding,	
Hitt,	Meredith,	Sperry,	

NAYS—36.

Bartlett, Ga.	Culberson,	Loud,	Owens,
Bell, Tex.	Cummings,	Maguire,	Pendleton,
Berry,	Harrison,	Mahany,	Richardson,
Buck,	Hendrick,	McLaurin,	Robertson, La.
Calderhead,	Hurley,	Meyer,	Sauerhering,
Catchings,	Kiefer,	Money,	Sayers,
Clarke, Ala.	Kleberg,	Murray,	Sparkman,
Cockrell,	Lawson,	Noonan,	Stallings,
Cox,	Long.	Otey,	Strait.

NOT VOTING—102.

Abbott,	Dingley,	Leighty,	Russell, Ga.
Aldrich, T. H.	Doolittle,	Leisenring,	Shannon,
Aldrich, W. F.	Eddy,	Lester,	Shaw,
Allen, Utah	Evans,	Livingston,	Skinner,
Andrews,	Faris,	Lorimer,	Southwick,
Apsley,	Fischer,	Maddox,	Spencer,
Arnold, Pa.	Fitzgerald,	Martin,	Stephenson,
Arnold, R. I.	Fletcher,	McCormick,	Stone, C. W.
Atwood,	Gillet, N. Y.	McCreary, Ky.	Strode, Nebr.
Baker, Kans.	Goodwyn,	McEwan,	Swanson,
Bankhead,	Griswold,	McMillin,	Taft,
Barham,	Hadley,	Miner, N. Y.	Thorp,
Barrett,	Hainer, Nebr.	Mondell,	Tucker,
Bartlett, N. Y.	Hardy,	Moses,	Turner, Ga.
Beach,	Harmer,	Mozley,	Updegraff,
Belknap,	Harris,	Murphy,	Walker, Mass.
Boutelle,	Heiner, Pa.	Newlands,	Wanger,
Brumm,	Howard,	Odell,	Washington,
Clark, Mo.	Hunter,	Payne,	Watson, Ohio
Codding,	Hutcheson,	Pickler,	Wellington,
Colson,	Hyde,	Price,	Willis,
Connolly,	Jones,	Raney,	Wilson, N. Y.
Cook, Wis.	Kem,	Reyburn,	Woodard,
Cowen,	Kendall,	Robinson, Pa.	Yoakum.
Crowley,	Kulp,	Rusk,	
Daniels,	Kyle,	Russell, Conn.	

Mr. HAINER of Nebraska. Mr. Speaker, I was present in the Hall during a part of the roll call, but I am not certain that I was present when my name should have been called.

The SPEAKER. The only theory on which the Chair has permitted members to vote who did not respond on the roll call is that possibly, by some accident, their names may have been omitted in the call. The rule is very strict.

Mr. HAINER of Nebraska. Well, I have been busy on some matters of appropriation, and I am not certain that I was in the Hall when my name should have been called. If permitted to vote, however, I should vote "aye."

The following pairs were announced:

Until further notice:

Mr. DINGLEY with Mr. McMILLIN.

Mr. PICKLER with Mr. MINER of New York.

Mr. COOK of Wisconsin with Mr. MOSES.

For this day:

Mr. RUSSELL of Connecticut with Mr. COWEN.

Mr. TAFT with Mr. RUSSELL of Georgia.

Mr. KULP with Mr. FITZGERALD.

Mr. RANEY with Mr. KENDALL.

Mr. LEISENRING with Mr. WASHINGTON.

Mr. DOOLITTLE with Mr. PRICE.

Mr. BRUMM with Mr. JONES.

Mr. CHARLES W. STONE with Mr. ABBOTT.

Mr. WILLIAM F. ALDRICH with Mr. CROWLEY.
Mr. HARMER with Mr. BANKHEAD.
Mr. MOSLEY with Mr. SHAW.
Mr. STEPHENSON with Mr. HUTCHESON.
Mr. WELLINGTON with Mr. TUCKER.
On this question:
Mr. CODDING with Mr. MCCREARY of Kentucky; Mr. MCCREARY, if not paired, would vote against the bill.
The result of the vote was then announced as above recorded.
On motion of Mr. DANFORD, a motion to reconsider the vote by which the conference report was adopted was laid on the table.

ORDER OF BUSINESS.

Mr. HOOKER and Mr. WOOD addressed the Chair.
The SPEAKER. The gentleman from Illinois [Mr. WOOD] has the right of way.
Mr. HOOKER. I ask the gentleman to yield to me for a moment to have a short bill considered.
Mr. WOOD. I yield to the gentleman from New York, Mr. Speaker.

DEEP-WATER HARBOR, SOUTHERN CALIFORNIA.

Mr. HOOKER. Mr. Speaker, I ask for the consideration of the bill (S. 3333) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," passed finally June 3, 1896.
The bill was read, as follows:

Be it enacted, etc., That the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," passed by the House of Representatives June 2, 1896, and by the Senate June 3, 1896, notwithstanding the objections of the President, be, and the same is hereby, amended by inserting on page 213 of the Statutes at Large, Fifty-fourth Congress, first session, after the word "War" and before the word "Provided," on the thirty-ninth line of said page, the following language: "The officer of the Navy detailed to serve on this Board shall receive from said appropriation, in addition to his mileage provided for in section 1566 of the Revised Statutes, and notwithstanding its provisions, such a per diem allowance for subsistence as the Secretary of War may deem proper."

The SPEAKER. Is there objection to the present consideration of this bill?
Mr. DOCKERY. Reserving the right to object, I shall be glad to hear an explanation.
Mr. HOOKER. Mr. Speaker, the report explains the matter fully, and I ask that it be read.
The report (by Mr. HOOKER) was read, as follows:

The Committee on Rivers and Harbors, to whom was referred the bill (S. 3333) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," passed finally June 3, 1896, submit the following report:
In the river and harbor act of June 3, 1896, provision is made for creating a board for locating a deep-water harbor on the coast of southern California, and for the expenses of the board and the pay of the civilian members $50,000 is appropriated. It was the intention of the law to put all of the members of the board on an equal footing with regard to the expenses, but the Comptroller of the Treasury has ruled that the member chosen from the Navy can receive mileage only as a naval officer traveling under orders, and that all other expenses he must pay himself.
This act provides that the officer of the Navy detailed to serve on such board may, in common with the other members of the board, as provided for in the act of June 3, 1896, be paid such a per diem allowance for subsistence as the Secretary of War may deem proper.
The committee therefore recommend that the bill do pass.

Mr. DOCKERY. I desire to ask the gentleman in charge of this measure what limitations, if any, are placed on the allowances. As I understand it, the compensation is left to the discretion of the Secretary of War.
Mr. HOOKER. It is left to the Secretary's discretion by the river and harbor bill, and this makes no change in that respect, but simply places Admiral Walker on the same footing with the other members of the board.
Mr. DOCKERY. What is the customary mileage that is allowed to these officers?
Mr. HOOKER. I do not remember. The gentleman is probably more familiar with that than I am, but this bill simply places this officer on the same footing with the others.
Mr. DOCKERY. Is it recommended by the Secretary of War?
Mr. HOOKER. Certainly. The bill was drawn at his suggestion.
The bill was ordered to a third reading; and it was accordingly read the third time, and passed.
On motion of Mr. HOOKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

RACHEL PATTON.

Mr. WOOD. Mr. Speaker, I desire to call up from the House Calendar the bill (H. R. 1185) granting a pension to Rachel Patton, which has been vetoed by the President. I ask that the veto message be read, and also the report.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $20 per month, the name of Rachel Patton, of Paris, Edgar County, Ill., formerly the widow of John H. Patton, late captain of Company C, Seventy-ninth Regiment Illinois Volunteers.

The veto message was read, as follows:

To the House of Representatives:

I herewith return without approval House bill No. 1185, entitled "An act granting a pension to Rachel Patton."
John H. Patton, the husband of the beneficiary, was a captain in an Illinois regiment, and was killed in action June 25, 1863.
In December, 1863, the beneficiary was pensioned as his widow at the rate of $20 a month.
She received this pension for thirteen years and until 1876, when she married one William G. Culbertson. Thereupon, because of such marriage, her name was dropped from the pension rolls pursuant to law.
In 1889, thirteen years after her remarriage and the termination of her pension, she procured a decree of divorce against her second husband on the ground of desertion.
She has a small income, but it does not appear that alimony was allowed her in the divorce proceedings.
It is proposed by this bill to pension her at the same rate which was allowed her while she remained the widow of the deceased soldier.
It can not be denied that the remarriage of this beneficiary terminated her pensionable relation to the Government as completely as if it never existed. The statute which so provides simply declares what is approved by a fair and sensible consideration of pension principles. As a legal proposition the pensionable status of a soldier's widow, lost by her remarriage, can not be recovered by the dissolution of the second marriage. Waiving, however, the application of strictly legal principles to the subject, there does not appear to be any sentiment which should restore to the pension rolls as the widow of a deceased soldier a divorced wife who has relinquished the title of soldier's widow to again become a wife, and who, to secure the expected advantages and comforts of a second marriage, has been quite willing to forego the provision which was made for her by the Government solely on the grounds of her soldier widowhood.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 21, 1896.*

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the veto message of the President of the foregoing bill, have carefully considered the same, and report:
The facts are substantially set forth in the message. Rachel Patton was the wife of the soldier during the period of his service. He was a captain in the Seventy-ninth Regiment of Illinois Volunteers. He was killed in battle. His record was honorable. His widow, the proposed beneficiary in this bill, was pensioned at $20 per month until her remarriage in 1876. Her second husband basely deserted her, refusing to provide for her support. A court of equity severed the bonds of matrimony that bound her to this worthless person and at the same time restored to her the honored name of her dead husband. She is now his widow. Her age is 63 years, her health poor, and she is unable to labor. The little income she has is insufficient for her support.
Whether she should now be restored to the pension roll is simply a matter of policy—a question to be decided by the lawmaking power of the Government in whose service her husband lost his life.
The committee, or at least the writer of this report, do not regard private acts of a similar kind as evidences of the policy of the nation. The fact that the Executive has heretofore approved, or has allowed to become laws without his approval, bills of a like character does not necessarily, in the judgment of the committee, establish any precedent for this case. The only result of enumerating such instances would be to show former inconsistent action by the President with his present position. By so doing the House could get no light to aid it in the discharge of present duty.
One private act is neither in law nor reason a precedent or a justification for another. Much less should private laws be regarded as indicating a policy in legislation. The policy of the Government should be sought in its public laws; not in its private enactments.
The committee have therefore made some examination of the public statutes of the United States to ascertain whether there has been any general legislation that justifies the passage of this bill.
By the act of July 4, 1836, approved by President Andrew Jackson, five years' half pay was granted to the widows of certain soldiers who died during their service or since from wounds received during such service. By the third section of the act certain pensions were granted to the widows of Revolutionary soldiers whose marriage to them took place before the last period of their service. The pension provided by this section, while not continuing longer than during widowhood, recognized a class of widows as entitled to especial recognition in the matter of pensions—those whose marriage to soldiers "took place before the last period of service."
On the last day of his term of office, March 3, 1837, President Jackson gave his approval to another act, which declared that no widow should be deprived of the benefits of the act of July 4, 1836, by reason of her having married since the death of her husband. The only limitation made was that she should be a widow at the time of the passage of the act.
These general laws are precedents in the true sense of the word. They are "authoritative examples." They declared a policy. It was to the effect that the widow who was the soldier's wife during his service should be especially recognized, and also that she might still be upon the pension roll notwithstanding her subsequent marriage.
Other acts might be cited, notably that approved by President John Tyler, August 23, 1842, which provided that the marriage of a widow after her husband's death should not be a bar to her claim under the act of July 7, 1838.
By the joint resolution of July 1, 1848, approved by President Polk, in the case of soldiers of the Revolution, "any widow or woman who may have been the widow of such soldier" was placed upon the pension roll "upon proof by her that she was married to said soldier and that she is a widow."
The committee therefore feel justified in saying that it is not against either precedent or policy to restore to the roll a woman who was the wife of a gallant soldier during his service, and who is now a widow, notwithstanding she may have married since the soldier's death.
The time for the exercise of this policy, either in any individual case or in any class of cases, is properly in the will and discretion of the Congress.
In the present case there is the record of the gallant and meritorious service of the soldier, John Patton, his death on the field of battle, and the age, feebleness, and need of his widow.
By her remarriage there was saved to the United States $4,800. A court of conscience has given her back her former name. The committee believe the Government ought to be as generous as a court of chancery has been just to the widow of so gallant an officer. There is no suggestion by the President that the act is unconstitutional. In view of the passage of so many similar acts in the past, it can not be said to be hasty or inconsiderate legislation. It is neither opposed to precedent nor to the policy of the Government.

The people, through their chosen representatives, have seen fit to grant this pension, and the committee recommend that this manifest will of the people be made effective by passing this bill over the objections of the President.

Mr. WOOD. Mr. Speaker, this is a pension bill carrying $20 per month. The facts in the case are quite generally, but not unfairly, stated by the President in his veto message.

The House will note that the veto is not put upon the ground that the act is unconstitutional. Nobody has ever claimed upon this floor, in this Congress or heretofore, that such acts are beyond the power of Congress to pass. It is not put upon the ground that this is hasty or inconsiderate legislation. The large number of such bills that have been passed, some of them having become laws by the approval of the present Executive, is evidence of the fact that Congress understood the case and knew what it was about when it passed this bill. There is but one ground upon which this veto rests, and that is that there does not seem to be any sentiment favoring the pensioning of persons belonging to this class. I think, Mr. Speaker, that the President is mistaken in regard to this sentiment. The House ought to deal fairly with the President; but it ought to be just to itself. I would not invoke as a justification of this bill at least thirteen private acts pensioning remarried widows which the President himself has approved. I would not invoke the aid of seventeen cases in which remarried mothers, two of whom had husbands then living, were pensioned by bills which received the approval of the present Executive. It might show that he is inconsistent now with his action then; but it would not decide whether he was in the right then or in the wrong now.

The question is whether there is a sentiment in favor of pensioning this class of claimants. In 1836, sixty years ago, the Congress of the United States by an act declared that the widows of such Revolutionary soldiers as had then died should receive the pensions and annuities which the law of 1832 gave to the husbands while living. It limited the benefits of the act to those widows who had been married prior to the expiration of the last period of service of the soldier. It was the first step, so far as I am informed, in the recognition of a very deserving class of beneficiaries—the soldier's wife, or the war widow, the woman who was the soldier's wife during his period of service. This wise and patriotic measure was approved on a patriotic day, the 4th of July, 1836, and by a patriot President, Andrew Jackson.

In the following year, 1837, another act was passed by Congress which provided that the pensions authorized by the act of 1836 should not be withheld from any widow in consequence of her having married after the decease of the husband on account of whose services she made claim. The law of 1836 limited the relief to such women as were widows at the time—such as had not remarried; but this act declared that its benefits should not "be withheld from any widow in consequence of her having married after the decease of the husband for whose services she may claim."

This bill was passed during the closing session of the Congress. It reached the Executive near the close of the term and near the close of his official life. It did not receive a pocket veto; it was not disapproved; but on the last day of his long and distinguished official career President Andrew Jackson found time to sign that bill, which placed upon the pension roll the woman who had been the wife of the soldier during his term of service, although she had subsequently remarried. It recognized that class of people, and at the same time it recognied the fact that the pension roll—the roll of honor—was not an improper place on which to place the name of the widow of a gallant soldier, notwithstanding her remarriage.

I say that that indicated a sentiment that the woman who had remarried was not to be shut out from the benefits of a pension, if she had married the soldier before the period of his service expired. And I appeal to that act in justification of the sentiment which has existed for sixty years. My friends on the other side may safely appeal from the language of the Executive of 1896, whose Democracy has been open to suspicion, to the Executive of 1836, whose loyalty to party faith was never questioned.

One swallow does not make a summer; and perhaps it might be said that one or two public acts are not sufficient to indicate the sentiment of the nation upon this question. In 1838, the year following the passage of the act just stated, Congress enacted a law declaring that the benefits of the act of July 4, 1836, should not be withheld "from any widow whose husband has died since the passage of the act, or who shall hereafter die." The act of 1836 limited its benefits to the widows of those who had then died. This act enlarged the class of such beneficiaries, and it received the approval of President Martin Van Buren July 7, 1838. A joint resolution declaring that the benefits of the act of 1836 should not be withheld from any widow whose husband died after the act of June, 1832, and prior to the act of July 7, 1838, received the approval of President John Tyler August 16, 1842. And this was almost immediately followed by the act approved August 23, 1843, which received the approval of President John Tyler, declaring the marriage of a widow after her husband's death should not be a bar to her claim under the act of 1838.

Sometimes some of our friends on this side stumble and halt over the pensioning of the widow of a gallant soldier if she has happened to remarry. They may properly appeal from the mugwumpery of to-day to the original of the species—to John Tyler, the Mugwump of 1842.

These measures were followed by that other sweeping joint resolution of 1848, approved by President James K. Polk, which declared, in regard to the widows of Revolutionary soldiers, "that any widow or woman who may have been the widow of such soldier" should be placed on the pension roll "on proof by her that she was married to said soldier and that she is his widow."

Mr. LOUD. As I understand, the existing law excludes a remarried widow from receiving a pension. Am I correct as to that?

Mr. WOOD. Yes, sir.

Mr. LOUD. I should like to ask the gentleman this question: In view of the very strong and effective argument he has made for the enacting of a law permitting remarried widows to have pensions, what special reason is there in this case for appealing to this House to override, in an individual instance, the general law?

Mr. WOOD. In the language of my friend from Michigan, "if the gentleman will wait," I am coming to that shortly.

Now, Mr. Speaker, here are no less than six joint resolutions and public laws, all of them receiving Executive approval and bearing directly upon this controversy.

Mr. LOUD. Would not that be a strong reason why we should enact a general law, rather than to single out special instances?

Mr. WOOD. It would be a strong reason if such a general law were now up for discussion and consideration before the House.

Mr. LOUD. I would like to ask the gentleman why he does not introduce a bill of that character, have it appropriately referred, and try to get it before the House for its consideration, rather than take up these specific cases and make exceptions of them?

Mr. WOOD. I will inform the gentleman from California that if he will follow my remarks, he will get some reason for the action taken before I get through.

Mr. Speaker, I beg the House to note one thing in regard to all of these public acts and resolutions, except the first, which created the class, the widow of the soldier whose marriage took place before the period of his service, and the last sweeping one, which declared that remarriage should not be a bar. The language of three of them is that the benefit of the acts "should not be withheld." The men of those days were in the habit of using words to express, rather than to conceal, their meaning; and the very terms used indicate that there was a sentiment behind these laws, that they were right and just and proper, and that the object they had in view was entirely appropriate, to grant pensions to the widows under such circumstances. It would seem, further, to appear that somebody connected with the execution of the laws had been withholding their benefits from the persons entitled thereto. And so the language is explicit that the benefits of the act "shall not be withheld" from any widow "in consequence of her remarriage" since the death of her husband.

The men in 1836, 1837, 1842, and 1848—and this in answer to my friend from California—went further than I would be willing to go at this time. They did not fix any limit to the period of the service of the soldier, nor as to the meritorious character of that service. The woman might have been married to him the day before the period expired; she might have been wealthy, without need of the bounty of the Government, and yet she would come under the provisions of the pension law. I would limit it to those who were the wives of the soldiers during the entire period of their service. I would also limit it to such widows as were both needy and worthy, and whose deceased husbands had performed gallant and meritorious service.

I say, then, that there is a sentiment, as embodied in the public laws, that authorizes the placing of women of this class on the pension rolls. There ought to be something more than that. There ought to be a worthy and a needy claimant—not in the possession of a large income, but one that needs the pension and the bounty of the Government.

The President of the United States says with reference to this bill that, "waiving the application of strictly legal principles to the subject," there does not appear to be any sentiment in favor of pensioning a remarried widow. Now, we must waive the application of such principles in all such cases. The pension that comes under the private-pension law is a gratuity, pure and simple. There is no legal principle to be invoked in support of an unexecuted gift.

The beneficiary under this bill, Rachel Patton, was the wife of the soldier at the time of his enlistment. She remained his wife during the period of his service. She received back his dead body when it was brought from the honored field of battle. She remained his widow for thirteen years. At about the age of 45, when with her the shadows began to lengthen, feeling the need

of support and companionship, she remarried. It was but a broken reed upon which she leaned. The second husband was ungrateful; he neglected and finally basely deserted her. In the State in which she lived was the old-fashioned chancery court, a court of equity jurisprudence that not only searches the conscience of the parties, but appeals to the conscience of the chancellor himself. It took jurisdiction of the case and dissolved the bonds of matrimony existing between them. It delivered her from the body of that death. And then, following that other maxim of equity jurisprudence—doing full and complete justice between the parties when they come under its jurisdiction—while yet short of doing full justice to her, it restored to her the honored name of her dead husband.

True it is, as the President says, it did not restore her pensionable relations. The court was unable to do that. It was as powerless in that matter as the Federal court would have been to have made a decree in regard to the marriage contract existing between the parties. But if the United States had submitted itself to that jurisdiction, if it could have been a party to the suit, that court of conscience would have restored the pension, because it was right and just and equitable—the proper thing to do; and there would have been the sentiment and the precedents of these public laws that authorized the doing of it. And, Mr. Speaker, neither did it bring her back those long and wasted years. That was an impossibility also.

Mr. CROWTHER. I should like to ask my colleague a question.

Mr. WOOD. My colleague surely shall have the privilege.

Mr. CROWTHER. You are not in favor of pensioning deserters?

Mr. WOOD. There is no deserter in this case.

Mr. CROWTHER. Very well, then, why should you advocate in this House the pensioning of a deserter to the memory of a dead soldier?

Mr. WOOD. There is a great deal of speculation about that, and I will leave my friend from Missouri [Mr. CROWTHER] to work it out in his own mind while I continue the thread of my remarks.

Some one may say on this floor—I hope it will not be said—that she lost her pension by her own act. Nobody knows that better than she. I hope if any argument is used it will be something new. I hope she will not be reminded of what she has thought of a thousand times in bitterness and tears—the evil consequences of that second marriage. All its hardships and misery have been hers; all the benefits have inured to the Government, of which her former husband was a faithful soldier. In the beginning of this session the President sent his message here informing us that there was "a comfortable surplus" in the Treasury of $128,000,000. There would have been $4,800 less but for that second marriage. And I do not think it well becomes any officer of that Government to remind her that the money is there on account of her own act.

This claimant is now about 65 years of age. She remained the wife of her second husband for thirteen years. She did nothing hastily. She bore all as long as she could, and then did what the law gave her the right to do, and had the marriage contract broken.

There is something more needed to make a justifiable private pension bill than sentiment, authorized by public rather than private law, and a worthy and needy beneficiary—there ought to be gallant and meritorious service on the part of the soldier.

At the outbreak of the war John Patton was a young lawyer, with bright prospects before him. When the call came from good Father Abraham for 300,000, and 300,000 more, he laid down his books, shut his office door, and went to the front with some of his neighbors. They made him captain of the company. It was assigned to one of the new regiments, the Seventy-ninth Illinois. The exigencies of the service at that time would not permit these men to go into a camp of instruction. They were perfected in drill and discipline in the midst of an arduous campaign in Kentucky in the autumn of 1862. They met their first ordeal of battle at Stone River. On the first day the Union right was broken and sent to the rear in disorderly retreat. That regiment was led into that scene of carnage and disaster the only organized body of troops on that part of the field.

It was a splendid sight to see those country boys—the dust of the farm hardly blown from their locks—as they faced foes four or five times their number and engaged in glorious battle. Their commander fell dead at almost the first fire, but a Methodist circuit rider, just from the pulpit, assumed the authority of his fallen chief, and by the aid of the officers of the line and of the men they held their ground for a time, while the disordered fragments of Johnson's and Davis's divisions rallied upon them, and Sheridan had an opportunity to change his front. And although the battle raged until nightfall, and that regiment left its dead and wounded thickly covering the ground, the day and the battle were saved. In the campaign in middle Tennessee in the summer of 1863 that regiment was in the front. A bold and gallant and vigorous charge carried Liberty Gap and held it; but John Patton fell dead in the very moment of victory.

That was the soldier on whose services this pension is based. This woman is his widow. She is not maid; she is not wife; she is the widow of that soldier, recognized as such by the courts of her State, and also by the public laws of the United States. He was the sacrifice that she laid upon the altar of her country; not a very great one, you say; only a country lawyer, not as great as that of women who furnished judges and Congressmen and Senators who became generals, but he was her all, and there is very high authority that might justify us in the belief that her gift, out of want and poverty, was more perhaps than some of the gifts of these, from their abundance. He was only a company officer, but it was the influence and the example of company officers like him, who marched and bivouacked with their men, who mingled with them, who shed their blood with them, and died with them on the front line of battle, that made the Army of the Cumberland the invincible organization that it was.

If this widow, in the few years left to her, should suffer for shelter or raiment, or food, if for a single day she should be dependent upon charity, it would be a lasting shame and disgrace upon the great Government for whose life the husband of her youth gave his.

We have here all the elements to make a good private-pension bill, a sentiment as old as sixty years that will justify it, a needy beneficiary and a gallant soldier killed on the field of battle.

Mr. Speaker, the highest honor ever conferred upon me, or that will ever be, was the opportunity given me, more than a third of a century ago, of serving, a humble soldier of the line, in the same brigade with this gallant officer. I have endeavored to discharge a duty to the memory of a comrade and to his widow which he would have done, more ably, for me and mine, had the conditions been reversed. In so doing I feel I have not left undischarged a duty to the country. We are told that the nation is to learn war no more; that we are no longer to settle questions by the arbitrament of the sword; that we are to have a policy of arbitration; a kind that when any question involving our territory is in controversy neither party is to be bound by the award if dissatisfied after it is made. In questions of a pecuniary nature, which may involve the national honor as well, a crowned head of Europe was to select the umpire to decide between the monarchy and the Republic. That treaty of arbitration, whether or not amended, or any other, will be a stupendous failure if behind it we have not a navy that ship to ship and man to man and gun to gun can meet the navy of any nation on earth. It will not be a success if there is not a confidence throughout the civilized world that the Republic can again change its citizens into soldiers; that it can put into the field its farmer boys and its mechanics with the same celerity that it did in 1861 and 1862. And that confidence will not exist without that other confidence—that the Republic will be as just and generous to the men who man the guns and stand in the line of battle as it is to the officers of high rank who command them. When I shall have given my vote to make this bill a law over the veto of the President my duty will be performed; the duty of gentlemen of this House is before them, and I appeal to them to discharge it with patriotism and justice.

Mr. DOCKERY. As I understand it, this is a bill to pension a remarried widow.

Mr. WOOD. Certainly.

Mr. DOCKERY. Is it reported by the Committee on Invalid Pensions unanimously, asking the House that it shall pass this bill over the veto of the President?

Mr. WOOD. There is no minority report. I believe it is unanimous. There may be some members of the committee who do not indorse it, but there is no minority report.

Mr. DOCKERY. The question which was propounded by a member of the committee led me to believe that the committee were not unanimous in recommending the passage of the bill over the veto.

Mr. WOOD. I think the gentleman from Missouri [Mr. CROWTHER] and two or three others are not in accord with it.

I wish further to say, in reply to the gentleman from Missouri [Mr. DOCKERY], that since this bill passed at least one other bill passed this House by unanimous consent in which the report was read, and it disclosed the same circumstances as in this case, except that the widow had been married to the soldier during his term of service and not prior, as here. [Applause on the Republican side.]

Mr. ERDMAN. Mr. Speaker, I regret that I can not become eloquent over a rehabilitated and galvanized widow, but I have heretofore in a minority report expressed my whole argument on the subject, and I send it to the Clerk's desk to have it read as my remarks in this case.

The Clerk read as follows:

The purpose of this bill is to restore her to the pension roll the same as if she were still the widow of the soldier whose name she voluntarily surrendered years ago.

To pass this bill is to nullify for the benefit of this one individual the substantial limitation of the general laws that the pension of soldiers' widows who have remarried shall cease.

The objections to be urged against such bills as this are numerous. In the first place, it makes an exception of a case which is in no wise exceptional. There may be varying degrees of destitution in different cases, but it may

be fairly stated that all cases of widows who have remarried and again become husbandless, by reason of death or divorce, present the same substantial conditions.

If any widow so situated should be restored to pension, all widows so situated should be restored, and this by general enactment and not by individual private bills, whereby those who may happen to have a friend to espouse their cause secure a benefit which the modest and the unknown never think of seeking. Special pension acts are justifiable only in cases which are essentially exceptional and should not be used to grant to one that which is denied to the many whose situation is precisely the same. But aside from this consideration, however, the soldier's widow who remarries voluntarily relinquishes her pension because she prefers to do so.

The Government can not become an insurer against an unfortunate termination of this second matrimonial venture either by divorce or death. To restore pension in case of divorce is to encourage remarried widows to seek divorces, and, in any event, it is to give them an ostensible claim upon the soldier's death and memory which they have long since renounced by preference.

Furthermore, it is not to be assumed that legislation of this character is in the line of justice or of honor to the soldiers themselves, or that it is necessarily desired or favored by the soldier classes. A contribution from the public Treasury to the support of the widow of the soldier, so long as she remains his widow, every soldier, perhaps, desires, and the common consent of the nation for thirty years has sanctioned this; but that each soldier looks forward to and desires that his services and his memory shall be the basis of a pension to his wife at some remote day, beyond an intervening period of matrimonial alliance with some other husband, is by no means self-evident or fairly to be presumed.

Mr. CUMMINGS. Mr. Speaker, I feel it a duty which I owe to my comrades, and to the widows and orphans of men who have been comrades, to say one word in favor of the passage of this bill over the veto of the President. This poor woman, Mr. Speaker, gave her husband to the Government of the United States. The Government of the United States returned his dead body to her. She buried him at her own expense; she cared for the children for thirteen years. After the usual delay, she received a pension from the Government. Then she remarried, thus voluntarily relinquishing the pension. The Government of the United States is to-day, by her act, $4,800 to the good. She has lost her husband; she has saved the Government $4,800 by her remarriage; and now, instead of being credited with the amount, she is to be sneered at and accused of being untrue to the memory of her first husband. Had he lived, she might have been in affluence; to-day she is again a widow in dire want.

Is this the House that voted the widow of a Chief Justice of the United States a pension of $1,200 a year because her husband had been appointed a Chief Justice by the President? Can it, in the face of such action, refuse to do justice to this poor woman, the dead body of whose husband has been returned to her from the battlefield? Will it refuse the pittance to which she is entitled because thirteen years after his burial she remarried, relieving the Government from responsibility for her support? She merits praise and not condemnation for her action. I do not know how the House may look at it, but I say, Mr. Speaker, in view of these facts, that I prefer to stand by the precedent made by Andrew Jackson rather than to stand by the precedent sought to be made by Grover Cleveland. [Loud applause.]

Mr. WOOD. If no gentleman desires to be heard, I ask for a vote.

The SPEAKER pro tempore (Mr. HULL). The question is, Will the House, upon reconsideration, pass the bill, the veto of the President to the contrary notwithstanding? And the Constitution requires that a yea-and-nay vote shall be taken on the question.

The question was taken; and there were—yeas 137, nays 60, not voting 158; as follows:

YEAS—137.

Acheson,	Fenton,	Kerr,	Rinaker,
Aitken,	Fitzgerald,	Kirkpatrick,	Royse,
Aldrich, Ill.	Fletcher,	Knox,	Sauerhering,
Anderson,	Foote,	Lacey,	Shafroth,
Andrews,	Foss,	Layton,	Smith, Ill.
Avery,	Gamble,	Lefever,	Smith, Mich.
Baker, Kans.	Gibson,	Leonard,	Snover,
Barham,	Gillet, N. Y.	Lewis,	Southard,
Bartholdt,	Graff,	Linton,	Spalding,
Belknap,	Griffin,	Long,	Stahle,
Bell, Colo.	Grout,	Lorimer,	Stephenson,
Bowers,	Grow,	Low,	Stewart, N. J.
Brosius,	Halterman,	Mahany,	Stone, C. W.
Bull,	Hanly,	Marsh,	Stone, W. A.
Burrell,	Hardy,	McCall, Mass.	Strode, Nebr.
Burton, Mo.	Hartman,	McCleary, Minn.	Strowd, N. C.
Chickering,	Hatch,	McLachlan,	Sulloway,
Clark, Iowa	Heatwole.	Mercer,	Sulzer,
Coffin,	Hemenway,	Miller, W. Va.	Tawney,
Cooke, Ill.	Henderson,	Milnes,	Thomas,
Cooper, Wis.	Henry, Ind.	Minor, Wis.	Towne,
Corliss,	Hepburn,	Mitchell,	Tracey,
Cousins,	Hilborn,	Mondell,	Updegraff,
Cummings,	Hill,	Morse,	Van Horn,
Curtis, Kans.	Hitt,	Mozley,	Van Voorhis,
Curtis, N. Y.	Hopkins,	Northway,	Warner,
Dalzell,	Howe,	Otjen,	Watson, Ohio
Daniels,	Huling,	Overstreet,	Wilber,
Dayton,	Hull,	Payne,	Wood,
De Witt,	Hunter,	Pitney,	Woodman,
Dolliver,	Hurley,	Powers,	Woomer,
Dovener,	Jenkins,	Prince,	Wright.
Eddy,	Johnson, Cal.	Pugh,	
Ellis,	Johnson, Ind.	Quigg,	
Fairchild,	Kem,	Ray,	

NAYS—60.

Bailey,	Dockery,	McClellan,	Sayers,
Baker, N. H.	Erdman,	McCreary, Ky.	Scranton,
Bankhead,	Evans,	McCulloch,	Shuford,
Berry,	Hager,	McRae,	Skinner,
Blue,	Harrison,	Meredith,	Stokes,
Broderick,	Hart,	Meyer,	Strait,
Brown,	Hendrick,	Money,	Talbert,
Buck,	Henry, Conn.	Moses,	Tate,
Clardy,	Kleberg,	Neill,	Terry,
Cobb,	Latimer,	Noonan,	Tracewell,
Cockrell,	Lawson,	Otey,	Turner, Ga.
Crowther,	Little,	Owens,	Turner, Va.
Culberson,	Livingston,	Patterson,	Williams,
Denny,	Maddox,	Pendleton,	Wilson, S. C.
Dinsmore,	Maguire,	Richardson,	Yoakum.

NOT VOTING—158.

Abbott,	Cox,	Kulp,	Rusk,
Adams,	Crisp,	Kyle,	Russell, Conn.
Aldrich, T. H.	Crowley,	Leighty,	Russell, Ga.
Aldrich, W. F.	Crump,	Leisenring,	Settle,
Allen, Miss.	Curtis, Iowa	Lester,	Shannon,
Allen, Utah	Danford,	Linney,	Shaw,
Apsley,	De Armond,	Loud,	Sherman,
Arnold, Pa.	Dingley,	Loudenslager,	Simpkins,
Arnold, R. I.	Doolittle,	Mahon,	Sorg,
Atwood,	Draper,	Martin,	Southwick,
Babcock,	Ellett,	McCall, Tenn.	Sparkman,
Baker, Md.	Faris,	McClure,	Spencer,
Barney,	Fischer,	McCormick,	Sperry,
Barrett,	Fowler,	McDearmon,	Stallings,
Bartlett, Ga.	Gardner,	McEwan,	Steele,
Bartlett, N. Y.	Gillett, Mass.	McLaurin,	Stewart, Wis.
Beach,	Goodwyn,	McMillin,	Strong,
Bell, Tex.	Griswold,	Meiklejohn,	Swanson,
Bennett,	Grosvenor,	Miles,	Taft,
Bingham,	Hadley,	Miller, Kans.	Tayler,
Bishop,	Hainer, Nebr.	Milliken,	Thorp,
Black,	Hall,	Miner, N. Y.	Treloar,
Boatner,	Harmer,	Moody,	Tucker,
Boutelle,	Harris,	Murphy,	Tyler,
Brewster,	Heiner, Pa.	Murray,	Wadsworth,
Bromwell,	Hermann,	Newlands,	Walker, Mass.
Brumm,	Hicks,	Odell,	Walker, Va.
Burton, Ohio	Hooker,	Ogden,	Wanger,
Calderhead,	Howard,	Parker,	Washington,
Cannon,	Howell,	Pearson,	Watson, Ind.
Catchings,	Hubbard,	Perkins,	Wellington,
Clark, Mo.	Huff,	Phillips,	Wheeler,
Clarke, Ala.	Hulick,	Pickler,	White,
Codding,	Hutcheson,	Poole,	Willis,
Colson,	Hyde,	Price,	Wilson, Idaho
Connolly,	Johnson, N. Dak.	Raney,	Wilson, N. Y.
Cook, Wis.	Jones,	Reeves,	Wilson, Ohio
Cooper, Fla.	Joy,	Reyburn,	Woodard.
Cooper, Tex.	Kendall,	Robertson, La.	
Cowen,	Kiefer,	Robinson, Pa.	

The following additional pairs were announced:

For this day:

Mr. KULP with Mr. WOODARD.

Mr. CODDING with Mr. COX.

On this vote:

Mr. CURTIS of Iowa with Mr. CRISP.

Mr. HICKS with Mr. HERMANN.

Mr. LINNEY with Mr. MCLAURIN.

Mr. WELLINGTON with Mr. LESTER.

Mr. HALL. Mr. Speaker, I was attending a committee meeting by leave of the House when the roll call began, and did not come in until the Clerk had got past my name on the second call.

The SPEAKER pro tempore. If the gentleman was not in the Hall of the House when his name was called, he can not vote.

Mr. HALL. Then, Mr. Speaker, I ask to be marked present. If allowed to vote, I would vote "no."

Mr. CRISP. Mr. Speaker, I would like to be marked present. I was attending a meeting of the Committee on the Post-Office and Post-Roads, but if I had been here when my name was called, I should have voted "no."

Mr. OGDEN. Mr. Speaker, I also was attending a meeting of the Committee on the Post-Office and Post-Roads. Had I been in the Hall when my name was called I would have voted "no." I desire to be recorded as present.

[The announcement of the result of the vote as above recorded was received with applause.]

CAROLINE D. MOWATT.

Mr. SULLOWAY. Mr. Speaker, I desire to call up for present consideration the bill (H. R. 1139) granting a pension to Caroline D. Mowatt, with the veto message of the President. I ask that the bill be read.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline D. Mowatt, as widow of Alfred B. Soule, late major of the Twenty-third Regiment Maine Volunteers.

The veto message was read, as follows:

To the House of Representatives:

I return herewith, without approval, House bill No. 1139, entitled "An act granting a pension to Caroline D. Mowatt."

The beneficiary mentioned in this bill was married in 1858 to Alfred B. Soule, who served as major of a Maine regiment of volunteers in the war of

the rebellion from September 10, 1862, to July 15, 1863, when he was mustered out of the service. He died in February, 1864, and in 1866 a pension was granted to the beneficiary, as his widow, at the rate of $25 a month, dating from the time of her husband's death—two years before.

The widow continued to receive the pension allowed her until June 17, 1869, when she was married to Henry T. Mowatt, which, under the law, terminated her pensionable right. It appears, however, that a small pension was allowed two minor children of the soldier at the time of their mother's remarriage, which continued until 1876, more than seven years after such remarriage, when the youngest of said children became 16 years of age.

In 1878, nine years after he became the second husband of the beneficiary, Henry T. Mowatt died.

Though twenty-seven years have passed since the beneficiary ceased to be the widow of the deceased soldier, and though she has been the widow of Henry T. Mowatt for eighteen years, it is proposed by the bill under consideration to again place her name upon the pension roll "as widow of Alfred B. Soule, late major of the Twenty-third Regiment Maine Volunteers."

Of course, the propriety of the law which terminates the pension of a soldier's widow upon her remarriage will not be questioned. I suppose no one would suggest the renewal of such pension during the lifetime of her second husband. Her pensionable relation to the Government as the widow of her deceased soldier husband, under any reasonable pension theory, absolutely terminated with her remarriage.

If she is to be again pensioned because her second husband does not survive her, the transaction has more the complexion of an adjustment of a governmental insurance on the life of the second husband than the allowance of a pension on just and reasonable grounds.

Legislation of this description is sure to establish a precedent which it will be difficult to disclaim, and which, if followed, can not fail to lead to abuse.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 19, 1896.*

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1139) granting a pension to Caroline D. Mowatt, having carefully considered all the facts, respectfully submit the following report:

Prior to 1850 the claimant was married to Alfred B. Soule, who served as major of the Twenty-third Regiment Maine Volunteers from September 10, 1862, to July 15, 1863, when he was discharged for disability contracted in the service and in line of duty. On February 7, 1864, the disabilities mentioned resulted in the death of the soldier. He left no property, and was buried by the Masonic order, to which he belonged. His widow, the claimant, was pensioned at $25 per month from the date of his death, and two minor children were pensioned at $2 each.

On June 17, 1869, the claimant married Henry T. Mowatt, who died in 1878. He left no property to the claimant and had no children by her.

Mrs. Mowatt is now between 71 and 72 years of age and is unable to perform manual labor to any extent. She is supported by her daughter (a child of the deceased soldier), who teaches in the public schools, and is obliged to labor night and day in a commercial house during her vacation in order to support her aged and dependent mother.

Your committee, after considering the case carefully, and in view of all the facts, respectfully report the bill back to the House with the recommendation that it do pass.

Mr. SULLOWAY. This bill, Mr. Speaker, is of the same character as the one that has just passed the House. It has as deserving and meritorious a beneficiary as ever existed. It was my fortune to first make her acquaintance when, with three children toddling by her side, she followed the remains of this great soldier to his last resting place. I have known the lady from that day to this. She is as good a mother as any child ever had, and as loyal a wife as any man ever had the good fortune to have. Major Soule died from exposure incurred in the service of his country. His widow was pensioned at $25 a month, as the widow of a major. The children that were left to her she educated and reared as a good Christian mother would. Two of them have been unfortunate in life. There is but one on whom she can rely to-day, an unmarried daughter. That daughter supports this old lady, who is tottering in physical second childhood at this end of her life and unable to do anything for herself. The daughter, by teaching school in the daytime and working in mercantile houses in the evening keeping books, supports her. The question is whether this daughter should be relieved of the support of this widow whom I regard as a ward of this nation (as I do all such widows), or whether the daughter should be compelled to pay a penalty because her father gave his life to keep the United States of America on the map of the world.

The President in his veto says that this would be a dangerous precedent to establish. Of short memory is this President of ours. I looked into his record a little in that direction and I found, as is stated in the report, that during his Presidential career he has signed thirteen bills of precisely this character, and he has signed a greater number of pension bills for mothers who had remarried, and some of whom had husbands living at the time. Therefore, Mr. Speaker, there is nothing in that suggestion of the President. If there is any question of precedents in this case, he has set them twelve or thirteen times.

Now, as the principle involved in this bill has already been discussed upon the bill just preceding, I do not care to take up the time of the House further unless some gentleman wishes to debate this question, but I wish to yield a little time to the gentleman from Pennsylvania [Mr. GROW], who desires to make some suggestions on the subject.

Mr. GROW. Mr. Speaker, this bill, vetoed by the President, restores a pension of $25 a month to a widow over seventy years old. Her husband enlisted in the Union Army, was honorably discharged, and died of disease the result of army service. She received a a pension of $25 a month as his widow, which she continued to receive till her second marriage, in 1869. She lived with her second husband until his death. But for this second marriage she would now be receiving a pension of $25 a month, and which pension she would have received since 1869. By reason of her second marriage the Treasury is the gainer of an amount of money greater than she could possibly receive, unless she should live to be over a hundred years old. This bill simply restores her to the pension roll at the same rate she was receiving as the widow of the soldier whose wife she was during his term of service.

The President interposes a veto on this discretion of Congress, for the only reason that the passage of the bill would be a bad precedent. The precedent for this kind of legislation began, as the House has just heard from the speeches of the gentleman from New Hampshire [Mr. SULLOWAY] and the gentleman from Illinois [Mr. WOOD], in 1836, by an act of Congress, signed by President Jackson, pensioning the widows of honorably discharged soldiers of all wars prior to that time. The only thing about this bill bad as a precedent is that it does not include all the widows of honorably discharged Union soldiers who were married before the close of the war and who are widows at the time of their application for a pension. It is a disgrace to the statute book of this country that it places a ban upon the widow for her second marriage. The service she rendered her country as the wife of the soldier in the field is no less meritorious because of her second marriage, after the death of her first husband.

Mr. Speaker, The beginning of war is merriment, music, and thoughtless hilarity; its end numberless headstones bearing the single word "Unknown," tears, and desolation, followed by long years of sorrow by the widow and the orphan mourning at disconsolate firesides the unreturning brave. The Government grants bounties for meritorious service rendered in the times of its imperiled existence. In the calendar of acts of heroic, self-sacrificing fortitude developed by war, there is none greater than that of the young mother standing in the doorway of her humble cottage, with a tender infant in her arms, and bidding its father go forth to the battlefields of his country in defense of the inalienable rights of mankind. Then retiring to her lonely fireside, there to wait and watch through weary years, in alternate hope and fear whether that father will return with his shield or upon it, thus leaving her homeless and that child fatherless to grope their way in sorrow along life's thorny pathways. But should he return from victorious battlefields wounded and maimed, thus adding to her daily labor and care through lingering years, and when death lays his cold hand on the sharer of her joys and sorrows, why should the Government in that time of her greatest need withhold the bounty promised for meritorious service rendered the country in the hour of its direst peril? With the exception of the bayonet charge, the forlorn hope, and the clash of arms in battle, the trials, the toil, and the privations of the wife at home are scarcely less than those of the soldier on the tented field. A nation owes a debt of lasting gratitude and enduring obligation to the men who peril their lives amid shot and shell in its defense, and it owes a like debt to the wives and the mothers of its brave defenders.

At the domestic fireside is inculcated the patriotism and love of liberty which, when the times of trial come, inspires the great deeds of heroic self-sacrifice in their behalf. The last injunction of the Spartan mother, with her parting kiss, to her darling boy going to battle, was to return with his shield or upon it. Thus was instilled into the youth of Sparta at their mother's knee the manly sentiment, nobly to live or bravely to die. Under such influence Sparta through the ages of its renown reared a race of invincible warriors, when war consisted of single combats, man to man, armed only with spear, broadsword, and shield. The shield a breastplate of defense for the soldier while living; and should he fall bravely in battle, it was the bier upon which he was borne back to his home, there to sleep forever beside his country's honored dead.

The war widows of the Union Army in this mightiest conflict of arms in the history of the race are a class of meritorious pensioners not large in number, the youngest of whom must now be over fifty years old, and the last of whom will, with the frosts of a few more winters, be gathered to their earthly companions in the bivouac on "fame's eternal camping ground." This Spartan mother named in this bill, caring for and watching over the home of the soldier while periling his life on his country's battlefields at the end of each day, with her little ones around her, closed her eyes in sleep for the night with a shuddering doubt whether their earthly protector would be numbered in the coming morn with the living or the dead. And the President would have her close her eyes in her last sleep on earth with gaunt poverty sitting at her fireside and sorrowing want surrounding her deathbed. It may well be said the Republic is ungrateful to its brave defenders if its lawmakers permit such injustice to the living and wrong to the dead. [Loud applause.]

Mr. SULLOWAY. Unless something is to be said on the other side, I ask for a vote.

[Cries of "Vote!" "Vote!"]

The SPEAKER pro tempore (Mr. HULL). The question is, Will

the House on reconsideration pass this bill, the objections of the President to the contrary notwithstanding? On this question the yeas and nays must be taken in accordance with the requirement of the Constitution.

The question was taken; and there were—yeas 143, nays 55, not voting 157; as follows:

YEAS—143.

Acheson,	Fletcher,	Kerr,	Ray,
Adams,	Foote,	Kiefer,	Rinaker,
Aitken,	Foss,	Kirkpatrick,	Royse,
Anderson,	Fowler,	Knox,	Sauerhering,
Andrews,	Gibson,	Lacey,	Shafroth,
Avery,	Gillett, Mass.	Layton,	Shannon,
Babcock,	Griffin,	Lefever,	Sherman,
Baker, Md.	Grosvenor,	Lewis,	Simpkins,
Barham,	Grow,	Linney,	Smith, Ill.
Barney,	Hainer, Nebr.	Long,	Smith, Mich.
Belknap,	Halterman,	Lorimer,	Southard,
Bell, Colo.	Hanly,	Low,	Spalding,
Bingham,	Hardy,	Mahany,	Stahle,
Bowers,	Hartman,	Mahon,	Stephenson,
Broderick,	Hatch,	Marsh,	Stewart, N. J.
Brosius,	Heatwole,	McCall, Tenn.	Stewart, Wis.
Burton, Mo.	Henderson,	McLachlan,	Stone, W. A.
Calderhead,	Henry, Ind.	Miller, Kans.	Strode, Nebr.
Chickering,	Hepburn,	Miller, W. Va.	Strong,
Clark, Iowa	Hilborn,	Minor, Wis.	Sulloway,
Colson,	Hill,	Mitchell,	Sulzer,
Cooke, Ill.	Hitt,	Morse,	Tayler,
Cooper, Wis.	Hooker,	Mozley,	Tracey,
Corliss,	Hopkins,	Murray,	Updegraff,
Cousins,	Howell,	Northway,	Van Horn,
Cummings,	Huff,	Otjen,	Van Voorhis,
Curtis, Kans.	Hulick,	Overstreet,	Wadsworth,
Dalzell,	Huling,	Parker,	Warner,
Daniels,	Hull,	Payne,	Wilber,
Dayton,	Hunter,	Perkins,	Willis,
Dolliver,	Hurley,	Pitney,	Wilson, Idaho
Dovener,	Jenkins,	Poole,	Wood,
Draper,	Johnson, Cal.	Powers,	Woodman,
Eddy,	Johnson, Ind.	Prince,	Woomer,
Fenton,	Johnson, N. Dak.	Pugh,	Wright.
Fitzgerald,	Kem,	Quigg,	

NAYS—55.

Bailey,	Dinsmore,	McClellan,	Shuford,
Bankhead,	Dockery,	McCreary, Ky.	Stallings,
Bartlett, Ga.	Erdman,	McDearmon,	Stokes,
Bell, Tex.	Evans,	McLaurin,	Strait,
Bishop,	Hall,	McRae,	Strowd, N. C.
Blue,	Harrison,	Miles,	Swanson,
Buck,	Hart,	Moses,	Talbert,
Clardy,	Hendrick,	Neill.	Tate,
Cobb,	Kleberg,	Otey,	Terry,
Cockrell,	Latimer,	Owens,	Turner, Ga.
Cooper, Fla.	Lawson,	Patterson,	Turner, Va.
Crisp,	Livingston,	Pendleton,	Tyler,
Culberson,	Maddox,	Richardson,	Wilson, S. C.
Denny,	Maguire,	Scranton,	

NOT VOTING—157.

Abbott,	Crowther,	Leighty,	Rusk,
Aldrich, T. H.	Crump,	Leisenring,	Russell, Conn.
Aldrich, W. F.	Curtis, Iowa	Leonard,	Russell, Ga.
Aldrich, Ill.	Curtis, N. Y.	Lester,	Sayers,
Allen, Miss.	Danford,	Linton,	Settle,
Allen, Utah	De Armond,	Little,	Shaw,
Apsley,	De Witt,	Loud,	Skinner,
Arnold, Pa.	Dingley,	Loudenslager,	Snover,
Arnold, R. I.	Doolittle,	Martin,	Sorg,
Atwood,	Ellett,	McCall, Mass.	Southwick,
Baker, Kans.	Ellis,	McCleary, Minn.	Sparkman,
Baker, N. H.	Fairchild,	McClure,	Spencer,
Barrett,	Faris,	McCormick,	Sperry,
Bartholdt,	Fischer,	McCulloch,	Steele,
Bartlett, N. Y.	Gamble,	McEwan,	Stone, C. W.
Beach,	Gardner,	McMillin,	Taft,
Bennett,	Gillet, N. Y.	Meiklejohn,	Tawney,
Berry,	Goodwyn,	Mercer,	Thomas,
Black,	Graff,	Meredith,	Thorp,
Boatner,	Griswold,	Meyer,	Towne,
Bontelle,	Grout,	Milliken,	Tracewell,
Brewster,	Hadley,	Milnes,	Treloar,
Bromwell,	Hager,	Miner, N. Y.	Tucker,
Brown,	Harmer,	Mondell,	Walker, Mass.
Brumm,	Harris,	Money,	Walker, Va.
Bull,	Heiner, Pa.	Moody,	Wanger,
Burrell,	Hemenway,	Murphy,	Washington,
Burton, Ohio	Henry, Conn.	Newlands,	Watson, Ind.
Cannon,	Hermann,	Noonan,	Watson, Ohio
Catchings,	Hicks,	Odell,	Wellington,
Clark, Mo.	Howard,	Ogden,	Wheeler,
Clarke, Ala.	Howe,	Pearson,	White,
Codding,	Hubbard,	Phillips,	Williams,
Coffin,	Hutcheson,	Pickler,	Wilson, N. Y.
Connolly,	Hyde,	Price,	Wilson, Ohio.
Cook, Wis.	Jones,	Raney,	Woodard,
Cooper, Tex.	Joy,	Reeves,	Yoakum.
Cowen,	Kendall,	Reyburn,	
Cox,	Kulp,	Robertson, La.	
Crowley,	Kyle,	Robinson, Pa.	

So (two-thirds voting in favor thereof) the bill was passed.

The following additional pairs were announced:

For this day:

Mr. ELLIS with Mr. LITTLE.

Mr. MERCER with Mr. ALLEN of Mississippi.

On this vote:

Mr. SNOVER with Mr. CLARKE of Alabama.

Mr. WILBER with Mr. WILLIAMS.

Mr. CURTIS of Iowa with Mr. SPENCER.

Mr. MCMILLIN. Mr. Speaker, I voted in the negative, but find that I am paired with the gentleman from Maine, Mr. DINGLEY, and therefore withdraw my vote.

The result of the vote was then announced as above recorded.

PASSPORT REGULATIONS.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying documents, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State, with accompanying reports from diplomatic and consular officers of the United States, on the passport regulations of foreign countries.

In view of the evident value of the information contained in these reports, especially to American citizens going abroad and sojourning or traveling in foreign lands, I approve the recommendation of the Secretary that Congress authorize the printing of a special edition of 3,000 copies of the work, to be distributed by the Department of State as indicated in the Secretary's report.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February, 8, 1897.*

CIVIL SERVICE.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Reform in the Civil Service, and ordered to be printed:

To the Senate and House of Representatives:

I herewith submit the Thirteenth Annual Report of the Civil Service Commission, containing detailed statement of its important work, and exhibiting the present condition of the classified service of the Government.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 8, 1897.*

MARY O. H. STONEMAN.

The SPEAKER also laid before the House the bill (S. 205) granting a pension to Mary O. H. Stoneman, with House amendment disagreed to by the Senate, and request for a conference on the disagreeing votes of the two Houses.

Mr. DOCKERY. Mr. Speaker, what disposition has been made of the request for a conference?

The SPEAKER. None as yet. The Chair is waiting for some motion.

Mr. BARHAM. I move that the House insist upon its amendment and agree to the conference asked by the Senate.

The motion was agreed to.

GEN. JULIUS H. STAHEL.

The SPEAKER also laid before the House the bill (S. 1694) to increase the pension of Maj. Gen. Julius H. Stahel, with House amendment disagreed to by the Senate, and request for a conference on the disagreeing votes of the two Houses.

Mr. BLUE. Mr. Speaker, I move that the House adhere to its amendment and agree to the conference asked by the Senate.

The motion was agreed to.

MRS. LUCY ALEXANDER PAYNE.

The SPEAKER also laid before the House the bill (S. 1501) granting an increase of pension to Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry, with House amendment disagreed to by the Senate, and request for a conference on the disagreeing votes of the two Houses.

Mr. TATE. Mr. Speaker, I move that the House insist upon its amendment and agree to the conference asked by the Senate.

The motion was agreed to.

TITLE TO PUBLIC LANDS IN MISSISSIPPI.

The SPEAKER also laid before the House the bill (H. R. 9345) to enable certain persons in the State of Mississippi to procure title to public lands, with amendments of the Senate thereto.

The bill was read.

The amendments of the Senate were read, as follows:

Line 9, strike out all after "right" down to and including "provided," line 14, and insert: "For one year from the passage of this act to enter under the homestead laws of the United States not exceeding 160 acres of the lands so purchased by them from the State of Mississippi and to purchase not exceeding 160 acres additional of such lands at $1.25 per acre, or, if they elect not to avail themselves of the homestead law, to purchase 320 acres of such land: *Provided, however,* That this act shall not affect the rights of homestead claimants who, between the 16th day of February, 1895, and the 27th day of May, 1896, made settlements and entries or filed with the local land officers applications to enter in good faith, under the homestead laws, any of the lands included in the provisions of this act not occupied or actually and substantially improved by such purchasers from the State."

After line 14, insert:

SEC. 2. That all persons who have legally purchased any of the lands aforesaid at tax sales shall be considered assigns within the meaning of this act.

Mr. WILLIAMS. Mr. Speaker, this is a House bill which passed the Committee on Public Lands unanimously and went to the Senate, where it was amended in the manner in which the Clerk has read. I move that the Senate amendments be concurred in.

Mr. PAYNE. Is not this the bill which came up on Saturday, and which, on the objection of the gentleman from Iowa [Mr. LACEY], chairman of the Committee on Public Lands, was not then considered?

Mr. WILLIAMS. This is the bill that came up on Saturday,

and the chairman of the Committee on Public Lands requested that it lie on the table until he could look into it, and also because I was not in the Hall. He now unites in the request for concurrence in the Senate amendments.

Mr. PAYNE. There certainly ought to be some explanation of the amendments of the Senate.

Mr. WILLIAMS. I will make an explanation, Mr. Speaker. This bill as it passed the House simply gave a preference right of entry for one year to all those people in the State of Mississippi who had purchased from the State of Mississippi these lands included in Augusta series No. 7, which had been entered by the State as swamp lands under the swamp-land act. This was approved by the Secretary of the Interior; but subsequently the approval was revoked, and these lands became part of the public domain, involving some 15,000 acres. When the land became part of the public domain, people proceeded to homestead portions of it. Then the House passed this bill, giving a preference right of entry for purposes of homesteading and for purposes of purchase to those people in the State of Mississippi who had purchased these lands from the State of Mississippi. Now the bill has gone to the Senate and the Senate has put on it two amendments. One of them limits the quantity of land which may be homesteaded to 160 acres, as the law is already, of course, and the next one restricts the amount which may be purchased to 160 acres, to be added to the 160 acres homesteaded; or if a person desires to purchase instead of homesteading any, then it restricts the amount which may be purchased to 320 acres. In other words, the Senate amendment restricts the right of purchasers to a certain amount of land.

The next amendment made by the Senate was to protect the rights of those who had already filed homestead entries prior to the order issued by the Secretary of the Interior, in accordance with the request made to him. The amendments adopted by the Senate restrict the operation of the bill as passed by the House. The chairman of the Committee on Public Lands is here now, and, as I have made an explanation of the bill, I call upon him for concurrence.

Mr. LACEY. I was called out a moment, and do not know how far the gentleman from Mississippi [Mr. WILLIAMS] has explained this bill.

Mr. PAYNE. I hope the gentleman from Iowa [Mr. LACEY] will explain it. I do not yet understand it.

Mr. LACEY. The situation is this: There was some swamp land selected in Mississippi by mistake which was not subject to selection, and after it had been selected and part of it sold, the selection was set aside. Settlers have taken possession under purchases from the State, and now control the land. If they were excluded from the land it would be thrown open to other settlers. So this bill was passed at the request of these settlers, and under the approval of the Department of the Interior and the Land Office, allowing these parties to buy from the General Government the land that they had already bought from the State. The bill has been so amended in the Senate that it limits purchasers to 320 acres, as they are limited under the forfeited grants in Oregon and other Western States, where, under similar circumstances, grants had been sold by railroad companies whose title had failed, and afterwards Congress confirmed the title, limiting it, however, to 320 acres. The same limitation has been put in now by the Senate. There is no substantial difference between the Senate bill and the House bill. This limitation, however, has been placed in the bill, and the right to take 160 acres as a homestead and to buy another 160 acres is preserved by the Senate amendments.

Mr. WILLIAMS. One other amendment was made by the Senate.

Mr. LACEY. There is one other amendment, which provides that purchasers at tax sales shall be deemed assignees within the meaning of the law. A portion of this land had been sold by the State for taxes, and the persons who paid the taxes have obtained titles in that way.

Mr. PAYNE. I should like to ask the gentleman whether this bill includes any other lands than those which are opened up to actual settlers?

Mr. LACEY. No; it includes simply what is know as Augusta series selection No. 7.

Mr. PAYNE. It opens up no lands except to actual settlers either in the original bill or in the bill as amended?

Mr. LACEY. Possibly it might open up some lands to parties not actual settlers. A portion of these lands that will be bought at $1.25 an acre under this law may be bought by persons not actual settlers, but they have already bought them once in good faith from the State after the United States had certified the lands as being the property of the State.

Mr. PAYNE. Then it does not open the land except to actual settlers or purchasers?

Mr. LACEY. It does not open them up except to actual settlers or purchasers.

Mr. BRODERICK. Is the land situated in one State?

Mr. LACEY. It is all in one State, and in one locality of that State.

Mr. WILLIAMS. I renew my motion to concur in the Senate amendments.

The amendments of the Senate were concurred in.

Mr. STEELE. I call for the regular order.

The SPEAKER. This is the regular order.

On motion of Mr. WILLIAMS, a motion to reconsider the vote by which the Senate amendments were concurred in was laid on the table.

The SPEAKER. The regular order is the call of committees.

APPOINTMENT OF MEMBER ON BOARD OF MANAGERS OF NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. HULL (when the Committee on Military Affairs was called). Mr. Speaker, I call up the joint resolution that I send to the desk.

The Clerk read as follows:

A joint resolution (H. Res. 249) for appointment of a member of Board of Managers for Disabled Volunteer Soldiers.

Resolved, etc., That John Marshall Brown, of the State of Maine, be, and is hereby, appointed a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States, to succeed George L. Beal, deceased.

The report (by Mr. HULL) was read, as follows:

The Committee on Military Affairs, to whom was referred House resolution 249 for the appointment of a member of Board of Managers of the National Home for Disabled Volunteer Soldiers, having considered the same, recommend that the resolution do pass.

Mr. McMILLIN. I ask the gentleman if this is a unanimous report of the committee?

Mr. HULL. Yes, sir; it is simply to fill a vacancy caused by death.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The SPEAKER. The Chair will call the attention of the gentleman to the fact that the title needs amendment.

Mr. HULL. I ask that the title be amended so as to read for appointment of a member of Board of Managers of the National Home for Disabled Volunteer Soldiers.

The SPEAKER. Without objection, the title will be amended in accordance with the request of the gentleman.

There was no objection, and it was so ordered.

COMMISSIONS FOR ASSISTANT SURGEONS OF THE NAVY.

Mr. HALL (when the Committee on Naval Affairs was called). Mr. Speaker, I call up for consideration the bill (S. 1296) to commission passed assistant surgeons in the United States Navy, and to provide for their examination preliminary to their promotion to the grade of surgeon.

The bill was read, as follows:

Be it enacted, etc., That passed assistant surgeons now borne upon the Navy Register shall be commissioned as such by the President, such commissions to bear the dates upon which said passed assistant surgeons, respectively, received their appointments as such; and hereafter assistant surgeons shall be regularly promoted and commissioned as passed assistant surgeons, and passed assistant surgeons as surgeons, subject to such examinations as may be prescribed by the Secretary of the Navy: *Provided, however*, That no examination of passed assistant surgeons shall be ordered until the expiration of six months from the passage of this act, during which time promotions shall be made as now provided by law.

Mr. HALL. I will explain, Mr. Speaker, that this is a bill that passed the Senate and passed the Committee on Naval Affairs of the House. I was instructed by the committee to report it; and it embodies two ideas. There are no commissions now issued to passed assistant surgeons, nor any means requiring a passed assistant surgeon to pass any examination after becoming a passed assistant surgeon before he becomes a surgeon in the Navy. I have here a letter from the Secretary of the Navy asking urgently that the bill be passed. I will ask that this letter be read. The bill carries with it no appropriation and there is no expense connected with it. It is just to commission men who ought to be commissioned and who have passed thirty-one years without examination.

The Clerk read as follows:

NAVY DEPARTMENT, *Washington, January 7, 1897.*

SIR: I have the honor to invite the attention of the Committee on Naval Affairs to the bill (S. 1296) to commission passed assistant surgeons in the United States Navy and to provide for their examination preliminary to their promotion to the grade of surgeon, which bill passed the Senate March 2, 1896, and was referred to your committee on the 4th of that month.

The interests of the service urgently demand that the above-mentioned bill be speedily enacted into a law. The principal necessity for such enactment arises from the fact that passed assistant surgeons are not now commissioned as such, and are not examined, upon their advancement to the grade of surgeon, as to their physical, mental, moral, or professional qualifications for promotion. They thus pass through the grades of passed assistant surgeon and surgeon, the periods of service in these grades averaging thirty-one years, without any examination whatever as to such qualifications. Moreover, the Department has, in some instances, been constrained to recommend the promotion of passed assistant surgeons to the grade of surgeon

concerning whose fitness for such advancement there appeared from its records to be considerable doubt. Under the provisions of the law in force, however, it had no recourse except to recommend such promotion, as it could not bring them before examining boards for the purpose of inquiring into their qualifications.

In view of the foregoing, the bill in question is earnestly commended to the favorable consideration of the committee.

Very respectfully,

H. A. HERBERT,
Secretary.

THE CHAIRMAN OF THE COMMITTEE ON NAVAL AFFAIRS,
House of Representatives.

Mr. PAYNE. Is this a unanimous report of the committee?

Mr. HALL. Yes, sir.

Mr. McMILLIN. I understand from the gentleman who reports it, and who was not present when it was called up the other day, that it does not increase these officials nor cause any additional expense?

Mr. HALL. None whatever.

Mr. McMILLIN. That was the question that was up the other day, and I suppose there is no objection to it.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HALL, a motion to reconsider the vote by which the bill was passed was laid on the table.

PUBLIC BUILDING AT DETROIT.

Mr. MORSE (when the Committee on Public Buildings and Grounds was called). Mr. Speaker, I am directed by the Committee on Public Buildings to call up the bill (H. R. 10091) to repeal sections 2 and 3 of an act entitled "An act to provide for the purchase of a site, and the erection of a public building thereon, at Detroit, Mich.," approved March 2, 1885.

The SPEAKER. The bill is on the Union Calendar.

Mr. MORSE. It is a bill, Mr. Speaker, calling for no appropriation of money.

The SPEAKER. It is not on the House Calendar, and therefore can not be called up on a call of the committees.

COPYRIGHTS.

Mr. DRAPER (when the Committee on Patents was called). Mr. Speaker, I am directed by the Committee on Patents to call up the bill (H. R. 10223) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights.

The bill was read, as follows:

Be it enacted, etc., That section 4963 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 4963. Every person who shall insert or impress such notice, or words of the same purport, in or upon any book, map, chart, dramatic or musical composition, print, cut, engraving or photograph, or other article, whether such article be subject to copyright or otherwise, for which he has not obtained a copyright, or shall knowingly issue or sell any article bearing a notice of United States copyright which has not been copyrighted in this country; or shall import any book, photograph, chromo, or lithograph bearing such notice of copyright or words of the same purport, which is not copyrighted in this country, shall be liable to a penalty of $100, recoverable one-half for the person who shall sue for such penalty and one-half to the use of the United States; and the importation into the United States of any book, chromo, lithograph, or photograph, or any other article bearing such notice of copyright, when there is no existing copyright thereon in the United States, is prohibited; and the circuit courts of the United States sitting in equity are hereby authorized to enjoin the issuing, publishing, or selling of any article marked or imported in violation of the United States copyright laws, at the suit of any person complaining of such violation."

SEC. 2. That all laws and parts of laws inconsistent with the foregoing provision be, and the same are hereby, repealed.

SEC. 3. That this act shall go into effect on the 1st day of July, 1897.

Mr. DRAPER. I call for the reading of the report.

The report (by Mr. DRAPER) was read, as follows:

The Committee on Patents, to whom was referred the bill (H. R. 10223) "To amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights," have had the same under consideration, and report it favorably, with the following amendments:

Strike out section 3, on page 2.

This bill is intended to prevent the fraudulent use of the word "copyright" in certain cases not fully covered by the present law.

The wording of the present section of the statute is retained, with the following additions:

In line 9 of the bill the words "whether such article be subject to copyright or otherwise" are inserted. This is intended to prevent the use of the word "copyright" on articles that are not subject to copyright.

In line 11 the words "or shall knowingly issue or sell any article bearing a notice of United States copyright which has not been copyrighted in this country; or shall import any book, photograph, chromo, or lithograph bearing such notice of copyright, or words of the same purport, which is not copyrighted in this country" are inserted. This addition is intended especially to prevent the importation of books or other articles on which a fraudulent notice of copyright is placed; and your committee are informed that the extent of this fraudulent practice has been large.

After the words "United States," in line 19, the rest of the paragraph is an addition to the present section. It provides that no book, chromo, lithograph, photograph, or other article bearing notice of copyright, when there is no existing copyright thereon in the United States, shall be imported.

Your committee have given an extended hearing, and have communicated with representatives of various leagues and other parties interested in copyright legislation (on which there is generally a diversity of opinion), and they have found a universal sentiment that this bill, which is an act against fraud, should become law.

Your committee therefore recommend its passage, with the amendments above noted.

Mr. DRAPER. Mr. Speaker, the report fully explains the bill, and I will explain it further if desired. If not, I ask for a vote upon the bill and amendments.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. DRAPER, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE PRESIDENT.

Sundry messages in writing from the President of the United States were communicated to the House of Representatives, by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

On February 4, 1897:

An act (H. R. 9619) granting a pension to Mirum C. Peck;

An act (H. R. 6378) for the relief of Eliza J. Holman;

An act (H. R. 5712) granting increase of pension to John W. Hines;

An act (H. R. 7240) granting a pension to John W. Bruner;

An act (H. R. 1508) granting a pension to Anna M. Newton, widow of Gen. John Newton;

An act (H. R. 1646) for the relief of Dolly S. Brown;

An act (H. R. 4547) granting a pension to Silas S. White;

An act (H. R. 4941) to pension Hester A. Bostwick;

An act (H. R. 6590) granting a pension to William Greer;

An act (H. R. 6472) granting a pension to Olive M. Lewis;

An act (H. R. 9593) for the relief of W. H. Wade, late captain and acting regimental quartermaster Thirty-first Ohio Volunteers;

An act (H. R. 939) for the relief of Cogswell & Co.;

An act (H. R. 6247) to grant a pension to Miss Jennie E. Moore; and

An act (H. R. 4363) to increase the pension of Joseph J. Hudson.

On February 6, 1897:

Joint resolution (H. Res. 214) authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in the city of Washington on the occasion of the inauguration of the President-elect on March 4, 1897, etc.

On February 8, 1897:

An act (H. R. 6750) to authorize the mayor and city council of Monroe and the police jury of the parish of Ouachita, La., to construct a traffic bridge across the Ouachita River opposite said city;

An act (H. R. 1256) for the relief of Henry A. Webb;

An act (H. R. 9499) authorizing and directing the Secretary of the Interior to sell certain lands to A. L. Williams, and for other purposes; and

An act (H. R. 8190) to provide an American register for the bark *Ceres*.

The following bills were presented to the President on January 25, 1897, and not having been returned by him to the House of Congress in which they originated within the time prescribed by the Constitution of the United States, have become laws without his approval:

An act (H. R. 3075) for the relief of John A. Lynch; and

An act (H. R. 8038) for the protection of yacht owners and shipbuilders of the United States.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, the bill (S. 617) granting an increase of pension to Mary E. Law was taken from the Speaker's table and referred to the Committee on Pensions.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 10067) to amend "An act to amend section 4400 of Title LII of the Revised Statutes of the United States, concerning the regulation of steam vessels, approved August 7, 1882," and also to amend section 4414, Title LII, of the Revised Statutes, "Regulation of steam vessels;"

A bill (H. R. 9734) to provide an American register for the bark *E. C. Mowatt*, of Philadelphia, Pa.; and

A bill (H. R. 1524) to execute the findings of the Court of Claims in the matter of William B. Isaacs & Co.

PAYMENT OF PENSIONS.

Mr. ANDERSON (when the Committee on Invalid Pensions was called). I am directed by the Committee on Invalid Pensions to call up the bill (H. R. 7539) to facilitate the payment of pensions.

The bill was read, as follows:

Be it enacted, etc., That along with the quarterly pension vouchers transmitted by the pension agents to each pensioner belonging to their respective agencies each pension agent shall inclose a return penalty envelope, addressed to himself, and each pensioner may use such envelope free of postage in forwarding his executed voucher, but for no other purpose; and the Secretary of the Interior shall cause the necessary number of suitable return penalty envelopes to be printed and distributed to the various pension agents.

Mr. ANDERSON. Mr. Speaker, I ask that the report be read.

The report (by Mr. ANDERSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7539) to facilitate the payment of pensions, having carefully considered the same, respectfully report:

It has ever been the policy of the Government to remove every possible obstacle that prevents the pensioner from receiving the true amount awarded, and with as little delay and expense as compatible. It often occurs that pensioners are very poor writers, and many mistakes are made and their letters miscarried; small envelopes are often used instead of those of official size, and mail clerks do not give them the same care as official mail.

This bill is designed to avoid all delay and all trouble of deciphering the address by having a printed envelope inclosed by the pension agent for the return of the voucher. In addition, the bill will save the pensioner the cost of the envelope and the postage, and your committee believe this should be done, and therefore urgently recommend the passage of the bill.

Mr. DOCKERY. Mr. Speaker, is that bill on the House Calendar?

The SPEAKER. It is.

Mr. PAYNE. Mr. Speaker, I think the bill is improperly on the House Calendar. It gives the franking privilege to pension agents. I make the point of order that it is not properly on the House Calendar.

The SPEAKER. The Chair sustains the point of order. The bill has been placed on the House Calendar, but there is a rule of the House which provides that a point of order may be made as to the reference of a bill at any time before consideration; and, while the charge upon the Treasury made by the bill is a small one, nevertheless it is a charge, and the question is one not of amount, but of principle.

CONGRESSIONAL RECORD FOR MEMBERS OF THE PRESS.

Mr. RICHARDSON (when the Committee on Printing was called). Mr. Speaker, I am directed by the Committee on Printing to report back the joint resolution (H. Res. 237) to furnish the daily CONGRESSIONAL RECORD to members of the press.

The joint resolution was read, as follows:

Resolved by the Senate, etc., That the Public Printer be, and is hereby, authorized and directed to supply to each newspaper correspondent whose name appears in the Congressional Directory, and who makes application therefor, one copy of the daily CONGRESSIONAL RECORD, the same to be sent to the office address of each member of the press, or elsewhere in the city of Washington, as he may direct.

The report was read, as follows:

Mr. RICHARDSON, from the Committee on Printing, submitted the following report:

The committee, having considered the House joint resolution 237, to furnish the daily CONGRESSIONAL RECORD to members of the press, direct me to report same with the recommendation that it do pass, with an amendment adding, after the word "therefor," in line 6, the words "for his personal use and that of the paper or papers he represents."

Mr. RICHARDSON. Mr. Speaker, this was the law or rather the custom until the passage of what is known as the printing bill. At that time, in the effort to economize, we put in the knife a little too deeply and cut off the press gallery. This joint resolution is intended simply to restore to the members of the press the privilege which they had previously enjoyed.

The amendment recommended in the report was adopted.

The joint resolution as amended was passed.

On motion of Mr. RICHARDSON, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

ELECTORAL COUNT.

Mr. HENDERSON. Mr. Speaker, is the call of committees finished?

The SPEAKER. It is.

Mr. HENDERSON. Then, I offer the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That during the count of the electoral vote on Wednesday, February 10, one bench in the executive gallery be reserved for the use of the Vice-President.

The resolution was adopted.

ORDER OF BUSINESS.

Mr. LOUD. Mr. Speaker, I understood the Chair to say a moment ago that the call of the committees had been completed.

The SPEAKER. The list has been finished.

Mr. LOUD. Did not the call begin back of the Judiciary Committee?

Mr. DOCKERY. It began with the Committee on Military Affairs.

The SPEAKER. The other committees were called on the previous call, and the list was finished on this call.

Mr. HENDERSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

LEAVE OF ABSENCE.

Pending the adjournment, leave of absence was granted as follows:

To Mr. JOY, for two days, on account of important business.

To Mr. YOAKUM, for two days, on account of sickness.

The House then (at 4 o'clock and 6 minutes p. m.) adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting the report of the Inspector-General of the Army of the annual inspection of the several Branches of the National Home for Disabled Volunteer Soldiers—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Acting Chief of Engineers, report of examination and survey of harbor of Holland (Block Lake), Mich.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State, submitting an estimate of appropriation, for inclusion in the deficiency appropriation bill, of a sum to pay for supplies, etc., furnished the crew of a wrecked American vessel in Alaska—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, requesting an appropriation for the construction of an extra story on the Butler Annex Building—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General, submitting a change in the language of the estimate of appropriation for protecting the interests of the United States in suits affecting the Pacific railroads—to the Committee on Appropriations, and ordered to be printed.

A letter from the president of the Anacostia and Potomac Railroad, of the District of Columbia, transmitting the report for the year ending December 31, 1896, together with a list of the stockholders of the company—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Acting Chief of Engineers, report of examination and survey of Ludington Harbor, Michigan—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of Agriculture, transmitting, in response to the House resolution of June 5, 1896, a statement as to the changes in employees in the Department—to the Committee on Reform in the Civil Service, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting draft of proposed legislation in relation to the new mint at Philadelphia—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. ROYSE, from the Committee on Elections No. 1, submitted the views of the minority in the contested-election case of W. T. Hopkins *vs.* Joseph M. Kendall, from the Tenth Congressional district of the State of Kentucky, recommending the adoption of House resolution No. 533 as a substitute for resolution reported by the committee; which said views (Report No. 2809, part 2) and resolution were referred to the House Calendar.

Mr. RAY, from the Committee on the Judiciary, to which was referred House bills Nos. 9732, 9751, and 10211, reported in lieu thereof a bill (H. R. 10278) to reorganize the judicial districts of Arkansas, and for other purposes, accompanied by a report (No. 2842); which said bill and report were referred to the House Calendar.

Mr. HOOKER, from the Committee on Rivers and Harbors, to which was referred the bill of the House (H. R. 9896) to correct a clerical error found to exist in an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," passed June 3, 1896, reported the same without amendment, accompanied by a report (No. 2846); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the House (H. Res. 247) directing the Secretary of War to submit estimates for work upon Wallabout Channel, New York, reported the same with amendment, accompanied by a report (No. 2847); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BROWN, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 1862) entitled "An act to amend the act creating the circuit court of appeals in regard to fees and costs, and for other purposes," reported the same with amendment, accompanied by a report (No. 2849); which said bill and report were referred to the House Calendar.

Mr. KNOX, from the Committee on the Territories, to which was referred the bill of the House (H. R. 10271) authorizing the funding of indebtedness in the Territories of the United States, reported the same without amendment, accompanied by a report (No. 2850); which said bill and report were referred to the House Calendar.

Mr. TRACEY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10267) to provide for the location and erection of a branch home for disabled volunteer soldiers, reported the same without amendment, accompanied by a report (No. 2866); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 10225) to authorize the Secretary of War to detail a regiment of artillery, a regiment of infantry, and a regiment of cavalry to take part in the Wilson Creek reunion, reported the same with amendment, accompanied by a report (No 2870); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WADSWORTH, from the Committee on Agriculture, to which was referred the estimates of appropriations for the Bureau of Animal Industry, in connection therewith report a bill (H. R. 10285) providing a scale of fees and method for collecting same for Government meat inspection, accompanied by a report (No. 2868); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from Committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. PUGH, from the Committee on War Claims:

The bill (H. R. 3786) for the relief of Charles Speare. (Report No. 2843.)

The bill (H. R. 10279) for the relief of Josiah C. Ury. Reported in lieu of House Document No. 52. (Report No. 2844.)

By Mr. ANDERSON, from the Committee on Invalid Pensions:

The bill (H. R. 10229) granting a pension to Mrs. Anna B. Lewis. (Report No. 2851.)

The bill (H. R. 5248) for the relief of James O. Hill. (Report No. 2852.)

By Mr. BAKER, from the Committee on Invalid Pensions: The bill (H. R. 9543) granting a pension to Roswell Harris, Company C, Tenth Kansas Infantry. (Report No. 2853.)

By Mr. CROWTHER, from the Committee on Invalid Pensions:

The bill (H. R. 3330) to pension Samuel Akins. (Report No. 2854.)

The bill (H. R. 9577) granting a pension to George W. Barnes. (Report No. 2855.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions:

The bill (S. 2674) granting a pension to Levi R. Long. (Report No. 2856.)

The bill (H. R. 2407) granting a pension to Jesse L. Bartoo. (Report No. 2857.)

The bill (H. R. 3586) granting a pension to Sarah R. Burrell. (Report No. 2858.)

The bill (H. R. 4580) granting a pension to Barney Smith. (Report No. 2859.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (H. R. 8303) to increase the pension of Lorenzo Thomas. (Report No. 2860.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions:

The bill (H. R. 8923) granting a pension to Annie Fowler. (Report No. 2861.)

The bill (H. R. 9215) granting a pension to Martha Jennie Freer. (Report No. 2862.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (H. R. 9685) granting a pension to Abraham Park. (Report No. 2863.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 9478) granting a pension to Mary I. Valentine. (Report No. 2864.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 3726) to restore to the pension roll Lycurgus Q. Parkhurst. (Report No. 2865.)

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

By Mr. MAHON, from the Committee on War Claims: The bill (H. R. 7604) for the relief of I. Winslow Ayers. (Report. No. 2845.)

By Mr. RAY, from the Committee on the Judiciary: The bill (S. 687) entitled "An act to apply the unexpended balance of the amount heretofore appropriated for the relief of the captain, owners, officers, and crew of the late United States private armed brig *General Armstrong*, their heirs, executors, administrators, agents, or assigns." (Report No. 2848.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BABCOCK: A bill (H. R. 10280) to require flagmen at rapid transit street railroad crossings in the city of Washington—to the Committee on the District of Columbia.

By Mr. BINGHAM: A bill (H. R. 10281) to amend the act approved March 2, 1867, and sections 4756 and 4757 of the Revised Statutes of the United States, so as to confer the benefits thereof upon clerks to pay officers of the Navy—to the Committee on Naval Affairs.

By Mr. MEYER: A bill (H. R. 10282) to authorize the President of the United States to appoint and confer the rank of first lieutenant of marines upon the leader of the United States Marine Band—to the Committee on Naval Affairs.

By Mr. FLYNN: A bill (H. R. 10286) legalizing the construction of a certain bridge across the Arkansas River opposite the town of Blackburn and the Osage Indian Reservation—to the Committee on Interstate and Foreign Commerce.

By Mr. MAHANY: A joint resolution (H. Res. 252) authorizing the Secretary of War to deliver to the mayor of Buffalo tents, in loan, for the convenience of the Grand Army of the Republic at its annual encampment, to be held this year at that city—to the Committee on Military Affairs.

By Mr. SHAFROTH: A joint resolution (H. Res. 253) proposing to open the Library of Congress to the use of the permanent and temporary residents of the District of Columbia—to the Committee on the Library.

By Mr. BAKER of New Hampshire: A joint resolution (H. Res. 254) providing for estimate of cost of certain improvements of Portsmouth Harbor, New Hampshire—to the Committee on Rivers and Harbors.

By Mr. SIMPKINS: A memorial of the legislature of the State of Massachusetts, in favor of an arbitration treaty with Great Britain—to the Committee on Foreign Affairs.

By Mr. McCALL of Massachusetts: A memorial of the legislature of the State of Massachusetts, relative to a treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. HEATWOLE: A memorial of the legislature of the State of Minnesota, in favor of House bill No. 4339, to establish a national military park at Vicksburg, Miss.—to the Committee on Military Affairs.

By Mr. MORSE: A memorial of the legislature of the State of Massachusetts, in favor of a treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. PICKLER: A memorial of the legislature of the State of South Dakota, urging the establishment of a permanent military reservation at Fort Meade, S. Dak.—to the Committee on Military Affairs.

Also, a memorial of the legislature of South Dakota, favoring the passage of a free-homestead law—to the Committee on the Public Lands.

By Mr. BARRETT: A memorial of the legislature of the State of Massachusetts, relative to a treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. FITZGERALD: A memorial of the Massachusetts legislature, relative to an arbitration treaty with Great Britain—to the Committee on Foreign Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. GIBSON: A bill (H. R. 10283) granting a pension to Ann E. Chapman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10284) increasing the pension of John F. Williams—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AVERY: Petition of C. N. Sutherland, C. H. Clark, and 20 other citizens of Clare, Mich., favoring the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BARRETT: Resolutions of the Boston Stationers' Association, in favor of the establishment of a dry dock at the Charlestown Navy-Yard—to the Committee on Naval Affairs.

By Mr. BELKNAP: Petition of the Colored Republican Club of Chicago, Ill., urging the reduction of representation in Congress from certain Southern States on account of the disfranchisement of voters by the State constitutions, not in conformity with the Constitution of the United States—to the Committee on the Judiciary.

By Mr. BINGHAM: Petition of employees in the customs service in Philadelphia, Pa., praying for an appropriation of $25,246, to reimburse them for the reduction of their salaries—to the Committee on Appropriations.

Also, resolutions of the Commercial Exchange of Philadelphia, favoring liberal appropriations for Delaware River improvements—to the Committee on Appropriations.

Also, petition of F. M. Boram & Bro., of Philadelphia, favoring the passage of House bill No. 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of Gold, Silver, and Metal Beaters of the United States, in the matter of duty on gold, silver, aluminium, and composition leaf or Dutch metal—to the Committee on Ways and Means.

By Mr. BOWERS: Petition of 68 citizens of the State of California, to be allowed use of their lands in parks and reservations, now prevented from having any use of same by United States troops—to the Committee on the Public Lands.

By Mr. CURTIS of Iowa: Petition of F. H. Griggs and 24 other citizens of Davenport, Iowa, in favor of the bill to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of New York: Petition of A. D. Heath and 41 others, praying for the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. DANFORD: Petition of Young People's Christian Endeavor Society of the Presbyterian Church, of Deersville, Ohio, in favor of House bill No. 7083, prohibiting the sale of intoxicating liquors in the Capitol building—to the Committee on Public Buildings and Grounds.

By Mr. EDDY: Petition of Stevens Bros., of Marshall, Minn., recommending the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. FAIRCHILD: Sundry petitions of citizens of Yonkers, White Plains, Mount Vernon, and Scarsdale, N. Y., and Plainfield, N. J., recommending the passage of House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. GAMBLE: Petition of the Woman's Christian Temperance Union of South Dakota, representing 1,500 members, favoring the passage of House bill No. 7441, prohibiting the transmission of gambling matter by telegraph—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Christian Temperance Union of South Dakota, urging the passage of the bill to raise the age of consent—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of South Dakota, urging the passage of the bill to prohibit the sale of intoxicating liquors in the Capitol—to the Committee on Public Buildings and Grounds.

Also, petition of the Woman's Christian Temperance Union of South Dakota, favoring the passage of the Phillips bill (H. R. 6119)—to the Committee on Labor.

Also, petition of the Woman's Christian Temperance Union, in favor of the passage of the McMillan bill (S. 2485)—to the Committee on the District of Columbia.

By Mr. GROSVENOR: Remonstrance of L. M. Harvey and 70 other citizens of Pomeroy, Ohio, against the passage of House bill No. 4566, relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of E. D. Robinson and other citizens of Meigs County, Ohio, in favor of a service pension—to the Committee on Invalid Pensions.

By Mr. HAGER: Sundry petitions of W. F. Stipe, of Stanton, Iowa; D. W. Butts, of Little Sioux, Iowa, and S. W. Young, of Henderson, Iowa, favoring the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HATCH: Petition of F. E. Babcock, of Remington, Ind., favoring the passage of the Loud bill (H. R. 4566)—to the Committee on the Post-Office and Post-Roads.

By Mr. HENDERSON: Sundry papers from Rev. T. S. Bailey, of Cedar Rapids, Iowa; Myron Wood, of Youngstown, Ohio; R. M. Barber, of Albany, N. Y., and W. H. Baxter, of Minneapolis, Minn., urging consideration of the bill to increase the pensions of those having lost an arm or a leg—to the Committee on Rules.

Also, petition of the Woman's Christian Temperance Union of Worcester, Mass.; also of the Methodist Episcopal and Presbyterian churches of Dows, Iowa, praying for the passage of the House bill to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, resolutions adopted by the Methodist Episcopal and Presbyterian churches of Dows, Iowa, urging legislation for the suppression of the sale of liquors in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petition of the Worcester (Mass.) Woman's Christian Temperance Union and resolution adopted by the members of the Methodist Episcopal and Presbyterian churches of Dows, Iowa, urging the passage of the bill for the prevention of interstate gambling (H. R. 7441)—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Christian Temperance Union of Worcester, Mass., and resolution adopted by the members of the Methodist Episcopal and Presbyterian churches of Dows, Iowa, urging legislation to restore the former law of the District of Columbia on Sunday traffic—to the Committee on the District of Columbia.

Also, resolutions adopted by the Woman's Christian Temperance Union of Iowa, urging legislation, first, to raise the age of consent in the District of Columbia to 18 years; second, urging the passage of the antigambling bill (H. R. 7441); third, urging the passage of a Sunday-rest law; fourth, urging legislation to prohibit the sale of intoxicating liquors in Government buildings; and fifth, urging the passage of the Vilas bill, to prevent the transportation of obscene matter from State to State—to the Committee on the District of Columbia.

By Mr. HENRY of Connecticut: Petition of the Woman's Christian Temperance Union of Plantsville, Conn., favoring the passage of House bill No. 3203, known as the Broderick bill—to the Committee on the Judiciary.

By Mr. HILBORN: Resolution of the San Francisco Labor Union, urging the passage of the Southwick bill, for the proper identification of prison-made goods—to the Committee on Labor.

Also, resolutions adopted at a mass meeting of citizens of San Francisco, Cal., asking for the passage of House bills Nos. 2663 and 6399, relating to the rights of American seamen—to the Committee on the Merchant Marine and Fisheries.

By Mr. HEPBURN: Sundry petitions of citizens of the State of New York, viz: M. L. Funch and 10 others, of Malone; George J. Wolf and 10 others, of Getzville; William J. Moore and 11 others, of Geneva; A. Stowell and 10 others, of Fancher; John E. Hawkins and 20 others, of Newport; H. L. Beecher and 22 others, of Canandaigua; J. W. Andrews and 9 others, of Buffalo; D. C. Moore and 12 others, of Dunkirk; E. H. Potter and 18 others, of Fredonia; W. H. Taylor and 10 others, of Canandaigua; Richard Campbell and 5 others, of Halfway; J. E. Hammond and 9 others, of Oaks Corners; P. M. Schwartz and 10 others, of Charlotte; F. J. Doyle and 13 others, of Corfu; C. E. Truax and 12 others, of Amsterdam; William B. Sanders and 6 others, of Stafford; S. Finley and 16 others, of Newark; J. W. Wires and 6 others, of Tribeshill; Daniel H. Woodbeck and others, of Glenville; E. H. Adams and 9 others, of Poland; W. B. Sutton and 6 others, of Chappaqua; John J. Nethaway and others, of McKeever; O. Hays and others, of Echota, Niagara Falls; W. E. Camp and 6 others, of Amenia; P. M. Waite and 15 others, of Oswegatchie; George Davis and 13 others, of Dover Plains; J. D. Owen and others, of Pembroke; E. M. Bailey and others, of Miller Corners; J. D. Shultz and 6 others, of Holley; R. W. Wright and 13 others, of Dunkirk; W. F. Otes and 6 others, of Lake Clear; Eugene Eiesert and 21 others, of New York City; J. J. Allen and 20 others, of Memphis; R. C. Shumaker and 13 others, of Chapinville; George Rundell and 10 others, of Peach Ridge; P. H. Corey and 13 others, of Green Island; Richard England and 10 others, of New York City; Peter Dobbs and others, of Hartsdale; Thomas McCall and others, of Yonkers; Albert Weeks and 5 others, of Mount Vernon; Joel Parsens and 16 others, of New York City; E. H. Burnett and 18 others, of New York City; Henry C. Smith and 12 others, of New York City; Henry C. Foster and 16 others, of Yonkers; also of J. A. Buck and others, of North Warren, Pa.; E. R. Andrews and others, of Garland, Pa.; also of Charles Smith and 21 others, of White Plain, N. J.; Alfred M. Byrnes and 8 others, of Riverdale, N. J., favoring the passage of House bill No. 10090, known as the "antiscalping bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL: Petition of members of Washington Camp, No. 29, Patriotic Sons of America, of Merchantville, N. J., urging the passage of the Cameron Cuban resolution—to the Committee on Foreign Affairs.

By Mr. KLEBERG: Petition of E. A. Hellmann and others, of Marion, Tex., also of J. J. Griffin & Son of Kingsbury, Tex., favoring the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. LOUDENSLAGER: Petition of the First Baptist Church; also of the Third Baptist Church; also of the North Baptist Church; also of the Emmanuel Baptist Church; also of the Wiley Methodist Episcopal Church; also of the Trinity Methodist Episcopal Church; also of the First Presbyterian Church, all of the

city of Camden, N. J., urging the passage of the bill prohibiting interstate gambling through any agency—to the Committee on Interstate and Foreign Commerce.

By Mr. McCLEARY of Minnesota: Petition of H. F. Pfeifer, of Avoca, Minn., for favorable action on House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MURRAY: Memorials of Thomas W. Poinsette and others, Daniel E. Hymes and others, James Sinklee and others, and J. J. Pringle and others, all of Charleston County, S. C.; also of L. C. Chamberlin and others, of Union County, S. C.; George E. Herriot and others, of Georgetown County, S. C., and R. H. Richardson and others, of Sumter County, S. C., praying the rejection of what purports to be the electoral vote of South Carolina, and for a restoration of a republican form of government in South Carolina—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. PICKLER: Twenty-five petitions and resolutions by various posts of the Grand Army of the Republic, praying for the passage of House bill No. 9209, known as the service-pension bill—to the Committee on Invalid Pensions.

By Mr. POOLE: Memorials of citizens of Syracuse, N. Y., favoring the passage of the Sherman bill, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. POWERS: Petition of the Young People's Society of Christian Endeavor of the First Baptist Church, of Chester, Vt., praying for the passage of House bill No. 7083, forbidding the sale of intoxicating drinks in the national Capitol—to the Committee on Alcoholic Liquor Traffic.

By Mr. SHERMAN: Petitions of George E. Dunham and others, of Utica, N. Y., and T. F. Hanrahan and others, of Oneida, N. Y., favoring the passage of the Sherman bill, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. SOUTHARD: Petitions of W. H. Althoff, of Port Clinton, Ohio, and George Gosline, of Oak Harbor, Ohio, favoring the Loud bill (H. R. 4566), amending the laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. STRODE of Nebraska (by request): Resolutions of the Omaha Board of Trade; also of the Commercial Club, of Omaha, Nebr.; also communications from representatives of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen, Brotherhood of Railway Trainmen, Order of Railway Conductors, and Order of Railway Telegraphers, recommending the passage of House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Young People's Society of Home and Foreign Missions of Plymouth Congregational Church, Lincoln, Nebr., favoring House bill No. 3203, known as the Broderick bill—to the Committee on the Judiciary.

Also, petition of the Young People's Society of Home and Foreign Missions of the Plymouth Congregational Church, of Lincoln, Nebr., urging the passage of House bill No. 7441, known as the antigambling bill—to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD: Petition of A. J. Hunter and 42 other citizens of Paris, Ill., for an increase of pension to Ira Bacon, late of Company A, Fifty-second Indiana Volunteers, to accompany House bill No. 6235—to the Committee on Invalid Pensions.

By Mr. WOOMER: Resolutions of Sedgwick Post, No. 42, Grand Army of the Republic, Department of Pennsylvania, in favor of the bill granting per diem service pension to all soldiers who served during the war and have an honorable discharge—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *February 10, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. IRBY, and by unanimous consent, the further reading was dispensed with.

CREDENTIALS.

The VICE-PRESIDENT presented the credentials of GEORGE C. PERKINS, chosen by the legislature of California a Senator from that State for the term beginning March 4, 1897; which were read, and ordered to be filed.

Mr. IRBY presented the credentials of Joseph H. Earle, chosen by the legislature of South Carolina a Senator from that State for the term beginning March 4, 1897; which were read, and ordered to be filed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 9842) relating to the adulteration of foods and drugs in the District of Columbia;

A bill (H. R. 9976) to punish the impersonation of inspectors of the health and other departments in the District of Columbia;

A bill (H. R. 9821) authorizing the Commissioners of the District of Columbia to charge a fee for the issuance of transcripts from the records of the health department;

A bill (H. R. 10038) to regulate the sale of poisons in the District of Columbia;

A bill (H. R. 10131) to compel street railway companies in the District of Columbia to remove abandoned tracks, and for other purposes; and

A bill (H. R. 10122) to amend an act entitled "An act to prohibit the interment of bodies in Graceland Cemetery in the District of Columbia," passed August 8, 1894.

The bill (H. R. 10108) regulating fraternal beneficiary societies, orders, or associations in the District of Columbia was read twice by its title.

Mr. GALLINGER. I ask that the bill lie on the table for the present.

The VICE-PRESIDENT. The bill will lie on the table.

RACHEL PATTON—VETO MESSAGE.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives upon the bill (H. R. 1185) granting a pension to Rachel Patton, which had been reconsidered by the House and passed, the objections of the President of the United States to the contrary notwithstanding.

Mr. GALLINGER. I move that the bill be referred with the veto message to the Committee on Pensions.

The VICE-PRESIDENT. The message of the President will first be read.

Mr. GALLINGER. Oh, certainly.

The Secretary read the President's message.

Mr. GALLINGER. I now move that the bill and message be referred to the Committee on Pensions.

The motion was agreed to.

DISTRICT MARKET REGULATIONS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. R. 148) for the relief of farmers and truckmen in the city of Washington, D. C.

The amendments were, on page 1, line 12, to strike out "the clerk of the said market" and insert "a clerk who may be designated by the Commissioners of the District of Columbia;" and on page 2, line 19, after "Washington," to insert:

Provided, That nothing in this resolution shall be construed as extending the boundaries of the grounds occupied by the Washington Market Company beyond the limits defined in the charter of said company or as affecting the issues in any pending litigation in the courts of the District of Columbia: *And provided further*, That no charge, license fee, or assessment of any kind for occupany of a space on a market day and the evening previous thereto shall be levied upon any farmer or producer of vegetables or provisions bringing the same to market, except 10 cents for a single team and 15 cents for a double team; nor shall any fine or fee be assessed or punishment imposed upon any farmer or producer for selling at any time within the District during market hours any article of provision or vegetables grown or produced by him and sound and fit for use.

Mr. GALLINGER. I move that the Senate concur in the amendments made by the House of Representatives to the joint resolution.

The motion was agreed to.

ATLANTIC AND PACIFIC RAILROAD COMPANY.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference and requesting a further conference upon the amendments of the House to the bill (S. 1832) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company.

Mr. HILL. I move that the request of the House of Representatives for a further conference be granted.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees at the further conference on the part of the Senate; and Mr. HILL, Mr. PLATT, and Mr. CLARK were appointed.

SYSTEM OF BIMETALLISM.

Mr. CHANDLER. I give notice that on Monday next I shall ask the unanimous consent of the Senate, at the conclusion of the routine morning business, to read a few remarks on bimetallism, in support of the resolution introduced by me the other day.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the President of the United States having returned to the House of Representatives, in which it originated, the bill (H. R. 1139) granting a pension to Caroline D. Mowatt, with his objections thereto, the House proceeded in pursuance of the Constitution to reconsider the same, and

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

The message also announced that the House had passed the bill (S. 1296) to commission passed assistant surgeons in the United States Navy, and to provide for their examination preliminary to their promotion to the grade of surgeon.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 9345) to enable certain persons in the State of Mississippi to procure title to public lands.

The message also announced that the House had passed the following bill and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. 10223) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights;

A joint resolution (H. Res. 237) to furnish the daily CONGRESSIONAL RECORD to members of the press, etc.; and

A joint resolution (H. Res. 249) for the appointment of a member of Board of Managers of the National Home for Disabled Volunteer Soldiers.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 1524) to execute the findings of the Court of Claims in the matter of William B. Isaacs & Co.;

A bill (H. R. 9734) to provide an American register for the bark *E. C. Mowatt*, of Philadelphia, Pa.; and

A bill (H. R. 10067) to amend "An act to amend section 4400 of Title LII, of the Revised Statutes of the United States, concerning the regulation of steam vessels, approved August 7, 1882," and also to amend section 4414, Title LII, of the Revised Statutes, "Regulation of steam vessels."

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Farmers' Institute of Lee Park, Nebr., praying for the enactment of legislation providing for the establishment of seed-controlling stations, and also that all seeds offered for sale throughout the United States in interstate-commerce trade shall be equal to the standard adopted by the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

Mr. LODGE presented resolutions of the legislature of Massachusetts, relative to the treaty of arbitration between the United States and Great Britain; which were read, and ordered to lie on the table, as follows:

Commonwealth of Massachusetts. In the year 1897. Resolutions relative to a treaty of arbitration between the United States and Great Britain.

Resolved, That the senate and house of representatives of the Commonwealth of Massachusetts, in general court assembled, desire to express their deep satisfaction at the prospect of a treaty which shall establish a tribunal of international arbitration between this country and Great Britain, and join in the acclamation of joy and hope with which the enlightened men of both hemispheres receive this deliberate declaration of two of the foremost nations of the world that the principles of justice and the common methods of reasonable discussion shall henceforth supplant as far as possible in their relations the inhumanities of war. It is upon the common people that the unspeakable sufferings of war have always fallen, and it is the irresistible sentiment of the people in these two great countries of popular government that accomplishes this great advance toward a lasting and honorable peace among all nations.

Resolved, That a copy of these resolutions, properly attested, be transmitted by the secretary of the Commonwealth to each of our Senators and Representatives in Congress.

In the house of representatives, adopted January 28, 1897.
In senate, adopted, in concurrence, February 2, 1897.
A true copy.
Attest:

WM. M. OLIN,
Secretary of the Commonwealth.

Mr. LODGE presented a petition of the Boston (Mass.) Stationers' Association, praying that an appropriation be made for the construction of a dry dock in Boston Harbor; which was referred to the Committee on Commerce.

He also presented petitions of members of St. Mark's Church, of Brookline; of members of the Congregational Church, of New Bedford; of six masters of Milton Academy, of Milton, and of the Life Underwriters' Association of Western Massachusetts, all in the State of Massachusetts, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a petition of the Grand Lodge, Ancient Order of United Workmen, of Massachusetts, praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

Mr. MILLS presented the petition of W. D. Ward, manager of the Citizen-Democrat, of Calvert, Tex., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PERKINS. I present a joint resolution of the legislature of California, relative to the fruit industry. The resolution has already been printed, and I ask that a copy be placed on the desk of each Senator and that it be referred to the Committee on Finance.

The VICE-PRESIDENT. It will be so ordered.

Mr. SHERMAN presented a petition of the representatives of the Religious Society of Friends of Pennsylvania, New Jersey, and Delaware, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the petition of George E. Reed, publisher of the Observer, of Prairie Depot, Ohio, and the petition of Ray Davis, editor of the Hamler Independent, of Ohio, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CHILTON presented the petition of W. D. Ward, manager of the Citizen-Democrat, of Calvert, Tex., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorials of W. O. Bass, W. A. Newsom, W. J. Johnson, and other citizens of Yoakum; and of Barclay Martin, J. H. Tucker, J. M. Adams, and other citizens of Coleman, all in the State of Texas, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BATE presented the petitions of W. B. Reed, publisher of the East Tennesseean, of Kingston; of Cora M. Wade, publisher of the Milan Exchange, of Milan, and of Benjamin Haynes, of Tazewell, all in the State of Tennessee, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorials of Joseph P. Steele and sundry other citizens of Clarksville; of W. W. Barksdale, proprietor of the Daily Leaf-Chronicle, of Clarksville; of W. L. Johnson, of Clarksville; of Richard H. Hill, jr., and 62 other citizens of Chattanooga, and of J. E. Auldridge and 23 other citizens of Chattanooga, all in the State of Tennessee, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented the memorial of W. L. Mason & Co., manufacturers, of Keene, N. H., remonstrating against the enactment of legislation to prohibit the sale of railroad tickets by unauthorized persons; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Young People's Society of Christian Endeavor of the First Congregational Church, of Merrimac, N. H., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the petition of Sarah P. Osborne, of Tilton, N. H., and petitions of the Woman's Christian Temperance Union, of the Epworth League, of the Young People's Society of Christian Endeavor, and of the lodge of Good Templars, of Tilton, N. H., praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; which were referred to the Committee on the District of Columbia.

He also presented a petition of the Grand Lodge, Ancient Order of United Workmen, of Massachusetts, praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

Mr. PALMER presented a petition of sundry citizens of Maysville, Ill., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the petition of William H. Taylor, publisher of the Times, of Roseville, Ill., and the petition of J. W. Clinton, publisher of the Ogle County Press, of Polo, Ill., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HOAR presented a petition of the Young People's Society of Christian Endeavor of the Congregational Church and sundry citizens of New Bedford, Mass., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of members of the North Congregational Church, of New Bedford, Mass., and a petition of members of the Trinitarian Church, of Concord, Mass., praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

Mr. CLARK presented the memorial of R. B. Wheat and 25 other citizens of Greenriver, Wyo., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SEWELL presented a petition of the Board of Trade of

Newark, N. J., praying for the enactment of legislation to prevent frauds upon travelers by restricting the sale of railroad tickets to the regularly authorized ticket agents of the various transportation lines of the United States; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Fortnightly Club of Haddonfield, N. J., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a memorial of John T. Blake and 47 other citizens of Cape May, N. J., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of members of the First Presbyterian Church, of Camden; of the Woman's Christian Temperance Union of Clarksboro; of the Friends First Day School, of Mickleton, of members of the Methodist Episcopal Sunday School of Clarksboro; of the Epworth League of the Clarksboro Methodist Episcopal Church; of members of the German Church, of Clarksboro, and of the Presbyterian churches of Swedesboro and Billingsport, all in the State of New Jersey, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

Mr. GEAR presented a petition of the representatives of the Religious Society of Friends of Pennsylvania, New Jersey, and Delaware, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. TURPIE presented the petition of R. McNeill, publisher of the Owen County Democrat, of Spencer, Ind., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the representatives of the Religious Society of Friends of Pennsylvania, New Jersey, and Delaware, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. ALDRICH presented petitions of members of the First Baptist Church, of the Young People's Society of Christian Endeavor, and of members of the Methodist Episcopal Church, of Hope Valley, R. I., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building and grounds, and also for the appointment of an impartial nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which were ordered to lie on the table.

He also presented a petition of members of the First Baptist Church, of the Young People's Society of Christian Endeavor, and of members of the Methodist Episcopal Church, of Hope Valley, R. I., praying for the enactment of legislation prohibiting the transmission of gambling matter by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

He also presented a petition of members of the First Baptist Church, of the Young People's Society of Christian Endeavor, and of members of the Methodist Episcopal Church, of Hope Valley, R. I., praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

Mr. HANSBROUGH presented a petition of the Woman's Christian Temperance Union of North Dakota, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of members of the Methodist Episcopal Church, of Drayton, N. Dak., praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. GRAY presented a petition of Milford Grange, No. 6, Patrons of Husbandry, of Milford, Del., praying Congress to recognize the independence of Cuba; which was ordered to lie on the table.

Mr. TILLMAN. I move that the Senate proceed to the consideration of Senate bill 3590.

Mr. SHERMAN. I think we had better go on with the morning business.

The VICE-PRESIDENT. The Chair will state to the Senator from South Carolina that he will be recognized to make the motion after the completion of the morning business. Reports of standing and select committees are next in order.

REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on Foreign Relations, to whom was referred the amendment submitted by Mr. FRYE on the 3d instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. BURROWS, from the Committee on Claims, to whom was referred the amendment submitted by Mr. CAMERON on the 26th ultimo, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. VEST on the 9th instant, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. BACON, from the Committee on Claims, to whom was referred the amendment submitted by himself on the 4th instant, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. CAFFERY, from the Committee on Claims, to whom was referred the bill (S. 3300) for the relief of the estate of Alfred W. Green, late of Carroll Parish, La., reported the following resolution:

Resolved, That the bill (S. 3300) for the relief of the estate of Alfred W. Green, late of Carroll Parish, La., together with all accompanying papers, be, and the same is hereby, referred to the Court of Claims under the provisions of the act of Congress "to provide for the bringing of suits against the Government," approved March 3, 1887.

Mr. CAFFERY, from the Committee on Claims, to whom was referred the bill (S. 3463) for the relief of the estate of J. W. Tucker, late of Lafourche Parish, La., reported the following resolution:

Resolved, That the bill (S. 3463) entitled "A bill for the relief of the estate of J. W. Tucker, late of Lafourche Parish, La.," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

Mr. CAFFERY, from the Committee on Claims, to whom was referred the bill (S. 3621) for the relief of William Johnson, administrator of Thomas I. Johnson, deceased, of Fayette County, Tenn., as found due by the Court of Claims under the act of March 3, 1883, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3624) for the relief of Anna Hunt, administratrix of George F. Hunt, late of Jefferson County, Miss., as found due by the Court of Claims under the act of March 3, 1883, reported it without amendment, and submitted a report thereon.

Mr. PALMER, from the Committee on Pensions, to whom was referred the bill (H. R. 2317) to increase the pension of Levi T. E. Johnson, reported it without amendment, and submitted a report thereon.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (H. R. 8898) to increase the pension of Elizabeth Wellons, reported it without amendment, and submitted a report thereon.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (S. 2448) for the relief of the legal representatives of Mrs. A. Shirley, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1972) to provide for the carrying out of the findings of the Court of Claims in the case of John Campbell, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 1095) granting a pension to Annie M. Ermer, reported it without amendment, and submitted a report thereon.

Mr. BURROWS, from the Committee on Claims, to whom was referred the bill (H. R. 1475) for the relief of Basil Moreland, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Agriculture and Forestry, to whom was referred the bill (H. R. 1221) to make oleomargarine and all other imitation dairy products subject to the laws of the State or Territory into which they are transported, reported it without amendment, and submitted a report thereon.

Mr. McBRIDE, from the Committee on Public Lands, to whom was referred the bill (S. 3533) to amend an act to permit the use of the right of way through public lands for tramroads, canals, and reservoirs, and for other purposes, reported it without amendment.

FORFEITED RAILROAD LANDS.

Mr. McBRIDE. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 9493) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes," approved September 29, 1890, and the several acts amendatory thereof, to report it without amendment. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 3 of the act of September 29, 1890, and the several acts amendatory thereof, so as to extend the time within which persons entitled to purchase lands forfeited by the act shall be permitted to purchase the same in the quantities and upon the terms provided in the third section and the amendments thereto at any time prior to January 1, 1899.

Mr. WHITE. I should like to inquire of the Senator from Oregon what land the bill refers to?

Mr. MCBRIDE. The bill affects particularly the lands within the grant of the Northern Pacific Railroad forfeited by the act of September 29, 1890. It merely extends the time within which the lands may be purchased for two years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM M. DALZELL.

Mr. MITCHELL of Wisconsin. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 1498) directing the Secretary of War to grant an honorable discharge to William M. Dalzell, to report it without amendment, and I ask unanimous consent that the bill be considered at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend the records of the War Department in the case of William M. Dalzell, late fifth corporal in Company B, Second Regiment Iowa Infantry, so as to give him an honorable discharge dating to the end of the war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL INTRODUCED.

Mr. WETMORE introduced a joint resolution (S. R. 199) admitting free of duty needlework and similar articles imported by the New York Association of Sewing Schools for exhibition purposes; which was read twice by its title, and referred to the Committee on Finance.

PROPOSED RESTRICTION OF IMMIGRATION.

Mr. LODGE. I move that the bill (H. R. 7864) to amend the immigration laws of the United States be printed as recently agreed to by the House of Representatives, on the report of the conference committee.

The motion was agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. 10223) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights, was read twice by its title, and referred to the Committee on Patents.

The joint resolution (H. Res. 237) to furnish the daily CONGRESSIONAL RECORD to members of the press, etc., was read twice by its title, and referred to the Committee on Printing.

The joint resolution (H. Res. 249) for the appointment of a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers was read twice by its title, and referred to the Committee on Military Affairs.

PACIFIC RAILROADS.

The VICE-PRESIDENT. As a part of the morning business, the Chair lays before the Senate the resolution of the Senator from Nebraska [Mr. ALLEN], which will be stated.

The SECRETARY. A resolution instructing the Committee on Pacific Railroads to inquire and report to the Senate whether the executive department has, by existing law, authority to foreclose the Government mortgage or lien on the Union Pacific and Kansas Pacific railroads.

Mr. THURSTON. I ask that this matter may go over without prejudice at this time.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

INTERSTATE REGULATIONS CONCERNING LIQUOR.

Mr. TILLMAN. I move that the Senate proceed to the consideration of the bill (S. 3590) to limit the effect of the regulation of commerce between the several States and with foreign countries in certain cases.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Interstate Commerce with amendments.

Mr. PLATT. I wish there might be some explanation made of this bill. I do not think the Senate knows what it is.

Mr. TILLMAN. I will give an explanation of it. Any Senator who has read the bill will understand what its purpose is. It simply intends to give to each State and Territory the right to control the liquor traffic within its own borders in its own way without interference from the Federal judiciary or any outside source.

The recent decision of the Supreme Court in the South Carolina dispensary cases has annulled, in the opinion of one of the judges who delivered the dissenting opinion, the Wilson Act passed here in 1890 to give relief to the States of Iowa and Kansas on this very matter, after the original-package decision of that court had taken it from them. I will read a brief extract from the dissenting opinion of Mr. Justice Brown in the case of Scott *vs.* Donald, in South Carolina, decided about two weeks ago. He says:

> If a State can not prohibit her own citizens from importing liquors, as well as buying them at home, the "Wilson bill" is set at naught, and the prohibitory laws of the several States rendered inoperative in a vital particular. The fact that these liquors were imported for complainant's own use and consumption, instead of for sale, raises no question under the Federal Constitution. Both are under the ban of the statute.

I send the Wilson Act to the desk to be read, so that those of you who choose may follow the amendments which I offer to the bill.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

An act to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases.

Be it enacted, etc., That all fermented, distilled, or other intoxicating liquors or liquids transported into any State or Territory or remaining therein for use, consumption, sale, or storage therein, shall upon arrival in such State or Territory be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such liquids or liquors had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

Approved, August 8, 1890.

Mr. TILLMAN. Any reasonable construction of that language, to anyone who is not a hair-splitting lawyer, those words, "for use, consumption, sale, or storage therein," must mean that the State has absolute control. But the Supreme Court has declared otherwise, and therefore we are bound to ask Congress to give us additional legislation, amplifying and clarifying this language so as to make it undoubted, and let that court and the courts below it leave each State free to exercise its rights to police, manage, and control liquor as it desires to do. That is all this bill proposes to do.

The first amendment or change in the language of the bill is where it says "upon arrival within the limits." The words "within the limits" have been inserted by me because a judge in our State has already enjoined the police force of the State from seizing liquor, on the ground that liquor does not arrive within the State until it has been delivered out of the hand of the public carrier. In other words, the public carrier, the medium of interstate commerce, is left free to bring as much liquor into the State as he chooses, and we can not seize it until he has delivered it to some consignee. I have put in the words "within the limits" so as to clarify the meaning of the word "arrival."

The other amendments are intended to cover special decisions which have been rendered by the Federal judiciary in our State, because we have been in litigation on this question ever since we enacted the dispensary law. If any gentleman desires any explanation as to each amendment, I will cheerfully give it. I simply try to amplify the law and make it cover the entire ground as shown to be necessary in the recent opinions of the Supreme Court and of the courts below.

The VICE-PRESIDENT. The amendments of the Committee on Interstate Commerce will be stated.

The SECRETARY. In line 4, after the word "Territory," strike out "or" and insert "and;" in line 12, after the word "original," insert "or other;" in line 13, before the word "States," strike out "such" and insert "the," and after the word "States," insert "and Territories;" in line 14, before the word "control," strike out the word "absolute;" in line 16, after the word "imported," insert "and without regard to the manner of sale provided by the State or Territory;" and in line 19, after the word "laws," insert "or liquors or liquids in transit through a State or Territory;" so as to make the bill read:

> *Be it enacted, etc.*, That all fermented, distilled, or other intoxicating liquors or liquids transported into any State or Territory and remaining therein for use, consumption, sale, or storage therein shall upon arrival within the limits of said State or Territory be subject to the operation and effect of the laws of such State or Territory enacted for the control and policing of the liquor traffic, absolutely, to the same extent and in the same manner as though such liquors or liquids had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original or other packages for private use or otherwise, and the States and Territories shall have control of such liquors or liquids within their borders by whomsoever produced and for whatever use imported and without regard to the manner of sale provided by the State or Territory: *Provided*, That nothing herein contained shall be construed as affecting the internal revenue laws, or liquors or liquids in transit through a State or Territory.

The VICE-PRESIDENT. Without objection, the amendments will be considered as agreed to.

Mr. SEWELL. I should like to ask the Senator from South Carolina, for information, whether he proposes to stop liquors in transit on the border of each State?

Mr. TILLMAN. From one State to another through our State?

Mr. SEWELL. Yes; do you expect to stop the internal-revenue States with revenue business?

Mr. TILLMAN. No, sir; we do not propose it. The amendment at the bottom provides expressly that this bill does not affect

the internal-revenue laws of the United States, nor does it affect liquor in transit from a State outside of ours to another State outside of ours, but going through.

Mr. SEWELL. Is there anything in the bill to prevent the seizure of liquor just as soon as it crosses the line in a train? Is it not intended to stop it there and seize it?

Mr. TILLMAN. It is intended to seize any liquors shipped to a point within a State and designated on the package as being for that State.

Mr. SEWELL. How are you going to find out in a railway train of 10,000 packages whether there is any liquor that is to stop in the State, except——

Mr. TILLMAN. We can not get in the railroad car——

Mr. SEWELL. Except by stopping the interstate commerce of the country to pick out a few barrels of liquor that may be in one car?

Mr. TILLMAN. We can not get into a railroad car under the dispensary law without a search warrant.

Mr. SEWELL. But I take it for granted that you will get a search warrant.

Mr. TILLMAN. We can get a search warrant if we have reason to believe that liquor is in a car for delivery within the State.

Mr. SEWELL. I do not like to object to the consideration of the bill, but if the proposed act stops the interstate commerce of the country from crossing the border of any State and subjects it to investigation and seizure and the delay of everybody else's goods, I shall object to the bill.

Mr. MILLS. The bill is up for consideration, I will say to the Senator from New Jersey. It has been taken up by a majority vote.

The VICE-PRESIDENT. The bill is before the Senate as in Committee of the Whole.

Mr. MILLS. Mr. President, this bill, like the law the Senator from South Carolina had read at the desk, is a step backward in the policy adopted by our Government when the Constitution was framed. As is known to every Senator who has thought on the subject, the main feature that originated the Government of the United States was to prevent each separate State from interfering with interstate commerce. Every State prior to 1789 enjoyed and exercised the right to prohibit and restrict and tax and do just what it pleased with the commerce of every other State entering its territories or passing through its boundaries. The object of the Constitution, and the object of those who called the convention to frame the Constitution, was to remove that very impediment to the movement of interstate commerce. A convention was called at Annapolis for the purpose of making all commerce moving through the territory of the United States free from restrictions and interruptions by State authorities.

The act that my friend referred to a while ago is the first step in the direction of going back to the Continental days, and now we are invited to take the second step, to go back to that same policy, and a great many are voting for it because it is liquor. The consumption of liquor is unpopular, and a great many people think it is a great evil. Undoubtedly its excessive use is a great evil; but when you once establish the precedent, why can it not be applied to woolen goods, and cotton goods, and iron, and steel, and anything else within the province of the State to impose its tax upon or to make its restrictions upon? I think it is a very dangerous step, and, as far as I am concerned, I shall vote against the bill.

Mr. VEST. Mr. President, I am compelled by my deliberate convictions on this subject to vote against the bill as it is now before the Senate. I voted against the Wilson bill, but this measure is far beyond the Wilson bill and goes a step in advance of any legislation that has ever been had or proposed in this country in restriction of the right of Congress to regulate commerce among the States.

I call the attention of Senators to the eleventh and twelfth lines of the first section of the bill, the effect of which is to prohibit any traveler, any citizen, and any resident in the State of South Carolina from purchasing and bringing into that State any liquor of any sort not manufactured in the State.

Mr. TILLMAN. Will the Senator allow me for a moment?

Mr. VEST. Certainly.

Mr. TILLMAN. I can not go into the details of the dispensary law here, but I will say for your benefit and for the benefit of others that the dispensary law expressly provides that liquors can be carried into the State by anyone as personal baggage. What we are after is the importation of whisky for sale. The recent opinion of the court that persons have a right to import for personal use simply lays a conduit or underground railway, or rather an open railway aboveboard, by which people can bring it in pretending that it is for private use, when they intend to sell it.

Mr. VEST. I do not propose to go into the question as to how the law could be abused or how far the dispensary law in South Carolina may be evaded. I take the bill upon its face. It has this provision, commencing at the middle of line 8: "Enacted for the control and policing of the liquor traffic absolutely, to the same extent and in the same manner as though such liquors or liquids had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original or other packages for private use or otherwise." Now, no language can be broader than that, and I take it that the act of Congress, no matter what might be the provision of the domestic statute of South Carolina, prevails. This absolutely prohibits any man from carrying into that State, whether he be a resident, citizen, or traveler, these liquors or liquids in original package or otherwise, and as I take it——

Mr. TILLMAN. Will the Senator allow me?

Mr. VEST. Certainly.

Mr. TILLMAN. Is it not the law now that you may not send in original packages liquor into a State which forbids its importation?

Mr. VEST. No; I do not understand that to be the law.

Mr. TILLMAN. What was the decision in Iowa in the case of Leisy *vs.* Hardin and in the case of Bowman *vs.* The Chicago Railway? I have the opinions here.

Mr. VEST. If the Senator will find me any decision of the Supreme Court of the United States which says that I can not take into any State or import into any State of which I am a citizen liquor or liquids from a foreign State in original packages or otherwise, I shall be obliged to him. I know how far the Supreme Court has gone in this direction—a great deal further than I think it ought to have gone against the Constitution. That court decided in the case of Mugler *vs.* The State of Kansas—and that is the very limit of its decision as to restrictive legislation—that the State of Kansas had the right to prohibit a citizen of Kansas from taking the fruit which he had raised in his own orchard, peaches or apples, carrying it into his own cellar and distilling it, and then using that liquor himself, not offering it for sale or giving it away to anyone. I believe that that was prohibition run mad. I believe now, with great respect to the Supreme Court officially, that that law was in violation of the Constitution.

Mr. HOAR. I ask the Senator what provision of the Constitution of the United States the decision which he has described violates?

Mr. VEST. I think it violates the great constitutional principle that there are reserved personal rights in the shape of personal liberty that no State and no government can invade. I have a right to control my own body, providing I do not interfere with the police laws of the State, and provided I do not propose to give or to sell to any other human being what I produce for my own use.

Mr. HOAR. May I ask the Senator this question: Suppose that to be true, and that the Constitution of the United States, and not the State constitution, has protected the right of which he speaks, how does this proposed law affect it in the least?

Mr. VEST. I am not talking about this proposed law, but I am talking about the decision of the Supreme Court of the United States as to that Kansas statute, and I simply state as a matter of legal history that the Supreme Court has gone to the very verge of invading, and I believe it did invade, the personal liberty of the citizen in making that decision. This proposed law also does it. The Supreme Court of the United States has never declared that any State has the right to do it. I do not believe that any State has the right to do it, and I believe—although it is a very bold thing for anybody so say now—that the Supreme Court of the United States will so decide, and decide that no State has the right to say that its citizens shall not purchase foreign liquors. The effect of this proposed statute is to confine every citizen and resident of the State of South Carolina to liquors manufactured in that State.

Mr. TILLMAN. If it is the will of three-fourths of the people of South Carolina that that shall be the law for their own internal government, I want to know whose business it is?

Mr. VEST. It is the business of the people of the whole country when the products of one State which are not illegal shall be declared to be so by another State.

Mr. TILLMAN. Then the rule of the majority, of local self-government, is a farce?

Mr. VEST. Oh, Mr. President, that is a mere platitude, and amounts to nothing. I am talking in regard to the principles of the Constitution, as I understand them, that the products of one State which are not noxious and which do not come within the police power of the State——

Mr. TILLMAN. Do you deny that this comes within the police power?

Mr. VEST. The State of South Carolina, as the Supreme Court of the United States said in passing upon this very subject, recognizes these liquors as legitimate products, because they make them themselves. The dispensary law gives South Carolina the monopoly of selling liquor to its citizens, and this bill is intended to maintain that monopoly.

Mr. TILLMAN. I confess that openly.

Mr. VEST. Very good. That is a principle which I shall not by my vote indorse.

Mr. GRAY. Mr. President, I should like to ask the Senator from South Carolina whether the bill which he has introduced, and which is now before the Senate for consideration, is not identical with the bill that was passed in August, 1890, known as the Wilson bill?

Mr. TILLMAN. Except that this clarifies the language and goes a little further.

Mr. GRAY. Does not the real difference commence at line 13, on the first page of the pending bill? After having almost quoted the language of the Wilson bill—it seems to me substantially the same—the only difference, then, is that after providing that all liquors that come into a State, after they have arrived and remain there, shall be subject to the police power of the State—which I think is right and ought to be—this bill undertakes to provide:

The States and Territories shall have absolute control of such liquors or liquids within their borders, by whomsoever produced and for whatever use imported.

What is the meaning of the words "absolute control" as there used? Is it that the State shall forfeit the property in those liquors brought into the State and remaining there, which, under the Wilson law, are made subject to the police power?

Does this bill pretend to go further and by Congressional legislation transfer the property in these liquors to the State of Delaware or South Carolina? I want to understand the scope of the bill. There are some things in it of which I am very much in favor.

Mr. TILLMAN. I will take pleasure in explaining the whole matter when we get more time. The hour has now arrived for the Senate to proceed to the House of Representatives.

THE ELECTORAL COUNT.

The VICE-PRESIDENT. The hour of ten minutes to 1 o'clock having arrived, the Sergeant-at-Arms will proceed to execute the order of the Senate relative to the joint session of the Senate and the House of Representatives for the purpose of opening and counting the votes of the electors for President and Vice-President of the United States.

The Senate, preceded by the Vice-President, the Secretary, and the Sergeant-at-Arms, thereupon proceeded to the Hall of the House of Representatives, for the purpose of participating in the count of the electoral votes for President and Vice-President of the United States.

The Senate returned to its Chamber at 1 o'clock and 55 minutes p. m., and the Vice-President resumed the chair.

Mr. BLACKBURN, one of the tellers appointed on behalf of the Senate in pursuance of the concurrent resolution of the two Houses to ascertain the result of the election for President and Vice-President of the United States, said:

Mr. President, the two Houses of Congress have met in joint convention to ascertain and count the electoral vote for the offices of President and Vice-President of the United States, in pursuance of the concurrent resolution. Thereupon the certificates of the electors of the various States of their votes for those officers were opened by the President of the Senate and delivered to the tellers; and on being examined it appeared that the votes of the several States had been cast in accordance with the list as hereinafter stated. From those votes it appeared that the whole number of electors appointed to vote for President and Vice-President of the United States for the term of office beginning on the 4th day of March, 1897, was 447, of which a majority was 224.

The state of the vote for President of the United States appeared to be:

For William McKinley, of the State of Ohio, 271.

For William J. Bryan, of the State of Nebraska, 176.

The state of the vote for Vice-President of the United States appeared to be:

For Garrett A. Hobart, of the State of New Jersey, 271.

For Arthur Sewall, of the State of Maine, 149.

For Thomas E. Watson, of the State of Georgia, 27.

Which result having been ascertained and counted by the tellers, was delivered by them to the President of the Senate; whereupon the President of the Senate announced the state of the vote to be that William McKinley, of the State of Ohio, had received 271 electoral votes, and that William J. Bryan, of the State of Nebraska, had received 176 electoral votes, for the office of President of the United States; and that Garrett A. Hobart, of the State of New Jersey, had received 271 electoral votes, that Arthur Sewall, of the State of Maine, had received 149 electoral votes, and that Thomas E. Watson, of the State of Georgia, had received 27 electoral votes, for the office of Vice-President of the United States.

The VICE-PRESIDENT. The report of the tellers on the state of the vote for President and Vice-President of the United States will be entered in the Journal.

The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for President of the United States is 447, of which a majority is 224.

William McKinley, of the State of Ohio, has received for President of the United States 271 votes.

William J. Bryan, of the State of Nebraska, has received for President of the United States 176 votes.

The whole number of the electors appointed to vote for Vice-President of the United States is 447, of which a majority is 224.

Garrett A. Hobart, of the State of New Jersey, has received 271 votes.

Arthur Sewall, of the State of Maine, has received 149 votes.

Thomas E. Watson, of the State of Georgia, has received 27 votes.

This announcement of the state of the vote by the President of the Senate is, by law, a sufficient declaration that William McKinley, of the State of Ohio, is elected President of the United States; and that Garrett A. Hobart, of the State of New Jersey, is elected Vice-President of the United States, each for the term beginning March 4, 1897.

The report of the tellers of the state of the vote for President and Vice-President of the United States will be entered in the Journal.

The report of the tellers as entered on the Journal is as follows:

The undersigned, JOSEPH C. S. BLACKBURN and HENRY CABOT LODGE, tellers on the part of the Senate, and CHARLES H. GROSVENOR and JAMES D. RICHARDSON, tellers on the part of the House of Representatives, report the following as the result of the ascertainment and counting of the electoral vote for President and Vice-President of the United States for the term beginning March 4, 1897:

Number of electoral votes to which each State is entitled.	State.	For President.		For Vice-President.		
		William McKinley, of Ohio.	William J. Bryan, of Nebraska.	Garrett A. Hobart, of New Jersey.	Arthur Sewall, of Maine.	Thomas E. Watson, of Georgia.
11	Alabama		11		11	
8	Arkansas		8		5	3
9	California	8	1	8	1	
4	Colorado		4		4	
6	Connecticut	6		6		
3	Delaware	3		3		
4	Florida		4		4	
13	Georgia		13		13	
3	Idaho		3		3	
24	Illinois	24		24		
15	Indiana	15		15		
13	Iowa	13		13		
10	Kansas		10		10	
13	Kentucky	12	1	12	1	
8	Louisiana		8		4	4
6	Maine	6		6		
8	Maryland	8		8		
15	Massachusetts	15		15		
14	Michigan	14		14		
9	Minnesota	9		9		
9	Mississippi		9		9	
17	Missouri		17		13	4
3	Montana		3		2	1
8	Nebraska		8		4	4
3	Nevada		3		3	
4	New Hampshire	4		4		
10	New Jersey	10		10		
36	New York	36		36		
11	North Carolina		11		6	5
3	North Dakota	3		3		
23	Ohio	23		23		
4	Oregon	4		4		
32	Pennsylvania	32		32		
4	Rhode Island	4		4		
9	South Carolina		9		9	
4	South Dakota		4		2	2
12	Tennessee		12		12	
15	Texas		15		15	
3	Utah		3		2	1
4	Vermont	4		4		
12	Virginia		12		12	
4	Washington		4		2	2
6	West Virginia	6		6		
12	Wisconsin	12		12		
3	Wyoming		3		2	1
447		271	176	271	149	27

JO. C. S. BLACKBURN,
H. C. LODGE,
Tellers on the part of the Senate.

C. H. GROSVENOR,
JAMES D. RICHARDSON,
Tellers on the part of the House of Representatives.

The VICE-PRESIDENT thereupon announced the state of the vote, as follows:

The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for President of the United States is 447, of which a majority is 224.

William McKinley, of the State of Ohio, has received for President of the United States 271 votes; and

William J. Bryan, of the State of Nebraska, has received 176 votes.

The state of the vote for Vice-President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for Vice-President of the United States is 447, of which a majority is 224.

Garrett A. Hobart, of the State of New Jersey, has received 271 votes;

Arthur Sewall, of the State of Maine, has received 149 votes; and

Thomas C. Watson, of the State of Georgia, has received 27 votes.

This announcement of the state of the vote by the President of the Senate is, by law, a sufficient declaration that William McKinley, of the State of Ohio, is elected President of the United States, and that Garrett A. Hobart, of the State of New Jersey, is elected Vice-President of the United States, each for the term beginning March 4, 1897, and will be entered, together with a list of the votes, on the Journals of the Senate and House of Representatives.

ORDER OF BUSINESS.

Mr. HOAR. I suppose the regular order is the unfinished business, which will be laid before the Senate; and I then desire to make a motion.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. MORGAN. Mr. President——

Mr. HOAR. I thought I had the floor. I will give way to the Senator from Alabama, of course.

The VICE-PRESIDENT. The Chair recognizes the Senator from Alabama upon the Nicaragua Canal bill.

Mr. MORGAN. I desire to address myself to that proposition.

Mr. HOAR. Will the Senator from Alabama allow me to give a notice? At the conclusion of his remarks, I shall move to take up House bill 8110, being the House bankruptcy bill.

MRS. DAISEY JOHNSON.

Mr. JONES of Arkansas. The Committee to Audit and Control the Contingent Expenses of the Senate reported yesterday a resolution proposing to pay out of the appropriation for miscellaneous items of the contingent fund of the Senate to Mrs. Daisey Johnson, widow of the late Thomas R. Johnson, deceased, a laborer and acting watchman under the Architect of the Capitol, the sum of $360. The committee recommended the passage of the resolution, and it was adopted. I move to reconsider the vote by which the resolution was adopted for the purpose of recommitting it to the Committee on Contingent Expenses of the Senate. There was an error in the facts that makes it necessary that it should go back to the committee.

The motion to reconsider was agreed to.

Mr. JONES of Arkansas. I move that the resolution be recommitted to the Committee to Audit and Control the Contingent Expenses of the Senate.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 8th instant approved and signed the following acts:

An act (S. 1083) for the relief of George H. Plant, of the District of Columbia;

An act (S. 1675) to prevent the carrying of obscene literature and articles designed for indecent and immoral use from one State or Territory into another State or Territory;

An act (S. 1722) to approve and ratify the construction of a bridge across the Sulphur River, in the State of Arkansas, by the Texarkana and Fort Smith Railway Company;

An act (S. 3303) to authorize the construction by the Kansas City, Shreveport and Gulf Railroad Company of a bridge across the Sabine River between the States of Louisiana and Texas; and

An act (S. 3401) to amend the act entitled "An act to authorize the construction of a bridge across the Missouri River at or near the city of Lexington, Mo.," approved July 26, 1894.

The message also announced that the President of the United States had on the 9th instant approved and signed the following acts:

An act (S. 666) to amend section 4829 of the United States Revised Statutes concerning surgeons, assistant surgeons, and other medical officers of the National Home for Disabled Volunteer Soldiers;

An act (S. 895) for the relief of Christopher Ellis;

An act (S. 2129) granting an increase of pension to Annie E. Nolan; and

An act (S. 2931) granting an increase of pension to Silas M. Stevens.

BILL BECOME A LAW.

The message further announced that the bill (S. 646) granting a pension to Francis Brown, having been presented to the President on January 28, 1897, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.

MARITIME CANAL COMPANY OF NICARAGUA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. MORGAN. Mr. President, the pending bill was brought before the Senate some three weeks or more ago, at the request of some of the leading members of this body, believing that we would be able after a fair discussion of it to get a vote directly upon the bill. The bill was antagonized from the moment when, at the Clerk's desk, the title was read, and upon a yea-and-nay vote it was taken up. On the first effort to get it up a quorum was not present, and on the second effort it was taken up soon after the reassembling of the Senate by a strong vote of this body. Nothing has indicated to my mind from that time to this that there was not a strong majority of the Senate in favor of the bill. After various offerings, repeated by myself and by other Senators on frequent occasions, the bill has been denied a period for voting by the objections interposed by the gentlemen who oppose it. I do not deny their right to make such objections and to consume the time of the Senate if they desire to do so in obstructing the passage of the bill, notwithstanding I feel quite assured that a very great majority of the American people earnestly and anxiously desire the passage of the Nicaragua Canal bill.

I believe in leisure in legislation. I believe it is the conservative feature of our institutions, which has heretofore led to a great deal of good and hereafter perhaps will do no harm. I have always congratulated myself that in the Senate of the United States there was no previous question, because this body, organized in a conservative way under the Constitution, has a duty of resisting doubtful legislation, which sometimes produces the delay which is necessary for a serious and thorough consideration of any great proposition.

Now, no greater proposition than this, as it concerns the material welfare and the political power of the United States, was ever brought to the consideration of the Senate of the United States, or perhaps ever will be, unless it involves a question of peace and war. All who have spoken upon this bill have indicated that they desire a communication between the Atlantic and the Pacific Ocean. No man has ventured on the floor of the Senate now or heretofore, in either House, so far as I have heard, to raise the objection that it was impolitic, or unwise, or improper in any sense that we should have this great waterway communication between the waters of the Atlantic and the Pacific Ocean through Nicaragua.

The explorations which have attended this subject, now covering a period of more than two centuries at intervals, and conducted by many governments, most of them abroad, across the Atlantic Ocean, the explorations conducted by our own Government, paid for by the Government, and the maps recorded in the archives of the Government, have demonstrated that amongst all the routes across the Isthmus of Darien which have been suggested, proposed, or considered possible for a waterway, Nicaragua has very decidedly the preference. It is the final conclusion of the most enlightened engineers of the world that this is the only available waterway across the Isthmus.

It has been demonstrated also by the testimony of all the engineers who have surveyed this route, commencing with General Childs, when he was employed by Mr. Vanderbilt to make the pioneer surveys, that it is entirely practicable, and it has been demonstrated that a certain sum of money will build it. I claim that sum of money to be even less than $80,000,000. Upon a proposition as to the cost of a canal of the magnitude of this one, and going through a country of the peculiar characteristics of Nicaragua, there is necessarily a wide divergence of opinion even among better informed men than is the ordinary Senator upon the subject of engineering. But making allowance for all of that divergence of opinion, the maximum cost of the canal will not exceed $150,000,000. The evidence is that it will scarcely exceed the half of that sum.

The Government of the United States is, therefore, easily in reach of the means for the completion of the canal, and it has occurred to me, Mr. President, very often and in a very vivid way, I will say, that it is the duty of the men of the present generation to

avail themselves of this fortuitous advantage which they have in respect of credit, capital, and forces of every sort to construct this great waterway. I look upon the postponement of it as a dereliction of duty on the part of the representatives of the United States Government in Congress and on the part of the Executive of the United States to the extent that he has any control of such matters.

But other Senators differ with me, and they want more time. They want a longer period for reflection. They do not claim to desire to break down the canal, but they do seem to desire to postpone its construction until some indefinite time when they have become better satisfied as to what its cost will be and as to the nature and extent of the difficulties of an engineering sort that we are to encounter in its construction. I did not enter upon this proposition with any view at any time that the canal could be constructed very rapidly or very suddenly. I have always supposed naturally that there would be resistance to the promotion of the canal in the direction I have already indicated, not for the purpose of destroying it entirely, but for the purpose of delaying it until the Congress of the United States might become absolutely satisfied as to its practicability and as to its cost.

We hesitate to take the first step in this matter because we do not know when we will take the last one, or what the last step is going to cost. But, Mr. President, in that connection it is well worthy of consideration that until the first step is taken the last one never can be possible, and I must say that I think there is a want of confidence in our own convictions and an apprehension of responsibility that causes unreasonable delay in undertaking this great enterprise. Yet delays are dangerous, because embarrassments increase with every delay that invites the interference of other governments.

The Government of the United States, however, has connected itself with this subject in a way that is irrevocable. When I say irrevocable, I mean irrevocable with due respect for the honor of this nation. The first movement to get the concessions upon which this bill is based was stimulated—in fact, it was initiated—by the Executive of this Government through the Navy Department. The officers of the Government of the United States were sent out as such to make the survey and report, which was necessary as a preliminary part of the construction of the canal. The survey to which I refer now immediately was the third one that had been made. One had been made through the private enterprise of Mr. Vanderbilt by General Childs. Another one had been made—by the authority and direction of the Government of the United States—by Commodore Lull, an officer of the Navy, accompanied by a corps of engineers, who surveyed not merely the Nicaragua route, but also the Panama route. In this survey Mr. Menocal was really the chief. The third survey was still more complete and perfect, based upon the knowledge which had been acquired in the two that had preceded it, and it was made by the Government of the United States for the purpose of ascertaining and informing our citizens as to the practicability of this route, its cost, and the difficulties of every kind and character that might attend it.

That third survey was mentioned in a message of the President of the United States; the name of the engineer was given by Mr. Cleveland in his first message to Congress, and having gone by the instruction of the Government, and having made his report, against which no objection was stated, and none was supposed to be possible, citizens of the United States, thus encouraged, stepped forward for the purpose of obtaining concessions from the Government of Nicaragua for the building of the canal. The circumstances, Mr. President, were extremely promising that they, in taking this step, would have every facility afforded to them that the Government of the United States could give, and that at all events and under all circumstances and conditions they would have the care and the protection of this Government.

Nicaragua and the United States, as governments, were delighted with the opportunity afforded of building this canal based upon the report of A. G. Menocal, the Government surveyor, who mapped it and measured it, calculated its cost and all the difficulties surrounding it, and filed his maps and full report in the archives of the Government of the United States. A number of very worthy citizens of this country stepped forward, under this approval and encouragement of the Government of the United States, to obtain this concession from Nicaragua, and their attitude, Mr. President, was all the more striking, all the more peculiar because of the fact that the President of the United States had reversed the policy of his predecessor as to the authority under which this work should progress and the circumstances and conditions under which it should be conducted. The previous Administration and other Administrations antecedent to that had desired that this work should be conducted under a treaty to be concluded between Nicaragua and the United States. A treaty was negotiated, called the Frelinghuysen-Zavala treaty. Under that treaty we acquired what I have often in this debate denominated as almost sovereign power over a belt of country 12 miles wide, reaching from the Atlantic to the Pacific, through which this canal was to run.

We had agreed in that treaty to pay Nicaragua $4,000,000 for the privileges that we were to acquire under it. The President of the United States, Mr. Cleveland, in his first term, immediately upon his accession to office, found this treaty pending in the Senate, and withdrew it from the Senate, expressing his disapprobation of the treaty upon the ground, first, that it was an entangling alliance, and next, that it was a possible interference with the Clayton-Bulwer treaty. Having reversed the whole policy of the previous Administration in respect of the powers under which and the manner in which this canal should be built, that Administration set about to encourage private citizens to put their money in the enterprise, and there was no set of men in the United States who ever entered upon an enterprise of a public sort with better assurances of the protection and faithful guardianship of the United States in all of their rights. The men who entered upon this project were men of large ability financially, and men of the highest character. There was not an individual connected with it who had not some valuable public reputation, not perhaps official reputation, but reputation for integrity and public spirit among the people of the United States, which is better than an official reputation, because it has been won without respect to the advantages of party affiliation and entirely upon personal merit.

These excellent gentlemen obtained that concession from Nicaragua. They paid for it in gold, $150,000, and they had come under obligation to make the survey within a certain time, complete it, and file the charts with Nicaragua, subject to her approval. A further obligation into which they entered was to commence the work within a certain time; a further obligation was that they should complete the canal within a certain time. As to these last two conditions I have mentioned, the time had been enlarged by the consent of Nicaragua, as these gentlemen contend, and no cause of forfeiture has ever arisen in favor of the Government of Nicaragua against that canal. Some efforts at forfeiture have been made by the Government of Nicaragua and abandoned—not only abandoned, Mr. President, but abandoned in pursuance of diplomatic intercourse or exchange of notes between the Government of the United States and the Government of Nicaragua, and upon our demand.

So these men entered upon this field of enterprise with the most positive assurances that the United States would abide by and perform in their favor all of the duties of this great Government to citizens of the United States who had been thus encouraged to spend their money and bestow their time and labor upon this immense public enterprise.

Following the line of the concession, and in obedience to one of its express requirements, this company came to the United States and sought here a corporate charter under which it would have the powers necessary to construct this canal. The concession expressly provided for such an arrangement, and went further and located the seat of office of this company of construction in the city of New York, and they named it in the charter the Maritime Canal Company of Nicaragua. Thereupon they asked a charter from Congress in pursuance of this concession, Nicaragua being one of the petitioners, and Congress, exercising its power justly and within the limits of its authority, and with the sanction of Nicaragua, granted the charter, and put into it a number of restrictions, one relating to the amount of the capital stock, and another relating to the amount of bonds and the conditions under which the bonds might be issued.

The company accepted the charter as it was granted by Congress, organized under it, and Nicaragua, as a Government—not merely as a stockholder in that corporation, but as a Government—acting under the concession and in pursuance of a reservation of a right of that sort in the concession, appointed her minister to the United States a director in the Maritime Canal Company and participated in its organization. This director, Mr. President, represented the sovereign State of Nicaragua, and Nicaragua has continued to keep a director all the time in office in the Maritime Canal Company, he having been required by the by-laws of the company to take an oath of office, which he took, and was sworn into office regularly as one of the directors of that company.

After progress had been made and $2,000,000 or more had been spent in the actual construction of this canal, after the surveys had been accepted by the Government of Nicaragua, then a question arose between Nicaragua and Costa Rica as to whether Nicaragua had the right to grant this concession without intrenching upon the rights and border line of the State of Costa Rica. Nicaragua knew of this difficulty when that concession was made; she did not disclose it; she made no mention of it; and this company found themselves in a situation where they were compelled to get a concession from the Government of Costa Rica or else abandon their plan entirely and give up the canal, for Costa Rica and Nicaragua divided the right of navigation of the San Juan River between them, and that river was the point across which the dam had to be constructed at Ochoa for the purpose of backing the water up and making slack-water navigation into Lake Managua.

When this was discovered, Nicaragua was consulted about it,

and she objected to this company getting any concession from Costa Rica. Those two Republics had ill blood between them, and have yet. The company had to set about in such way as they could, with the assistance and advice of this Government, to get the Government of Nicaragua to consent to a concession from Costa Rica in the same terms with the concession that had been made by Nicaragua to this company. In the effort to negotiate with Costa Rica this company was beset by Nicaragua's objections to Costa Rica having anything to do with it, and thereupon the conclusion was reached, very naturally and unavoidably, indeed, that Nicaragua had determined to avail herself of the quarrel between that State and Costa Rica to prevent the consummation of these concessions and to take all the money that had been paid and all the surveys that had been made, so as to appropriate them to herself without recompense to these men. The Government of the United States intervened and the question of the boundary between Nicaragua and Costa Rica was submitted to the President of the United States as arbitrator, and he decided in favor of Costa Rica—that she had the joint right of navigation of the San Juan River, and that her boundaries lay upon the line that she had suggested and claimed. Thereupon it became entirely obvious, beyond all question, that Costa Rica must be consulted and a concession must be obtained from her. The concession was so obtained, and these two concessions are the basis upon which this bill is founded.

After this award by the President of the United States, and after this concession by the Government of Costa Rica, Nicaragua still protested and objected, and this company had to explain to Nicaragua that she had not asserted the supremacy of the sovereignty of Costa Rica over that line, although our own President had so decided in an arbitration; but that they had merely taken a quitclaim title from Costa Rica. That was not satisfactory to Nicaragua, and when her director appointed to this company came here to take his seat on the board in New York the director from Costa Rica was there also, and objection was made on the part of Nicaragua to the director from Costa Rica taking his seat. They were both ministers of their respective Governments accredited to this Government. That difficulty, however, was composed between these delegates in the presence of that company, and record of it was made, which I have read here in the course of this debate. The minister from Costa Rica and the minister from Nicaragua, representing their respective Governments as directors on that board, took the oath of office in the presence of each other, and we—I say "we;" I mean the people and the Government of the United States, including Mr. Blaine—supposed that all these difficulties had passed away and that there would be no longer any interference on this technical question of supposed national pride between the Governments of Nicaragua and Costa Rica.

It will be seen that this company has had embarrassments that it was not entitled to have, and has been interrupted and obstructed by Nicaragua in a way that ought not to have been done, in an unjust way. But by continual solicitation and constant exertions it has overcome these difficulties and finally united these two States in the board of directors, acting with directors appointed under the laws of the United States. Now we have a situation. Here are the laws of the United States on the one hand, made by the actual consent of Costa Rica and Nicaragua. The laws of three Republics united in harmony in establishing the same rights. There are laws upon the statute books of both of those Republics recognizing the validity of this act of Congress and all the powers which are conferred under it. Here is the frequent intervention of the Government of the United States through its ministers, as late as Mr. Gresham, to reconcile and compose the troubles and difficulties which arose between these different States in respect of the validity of those concessions, of the fact that this company had fully complied with all of its obligations under it, and so on.

Mr. President, grouping all of these facts together—I have not stated them all by many—but grouping these facts together, they constitute a situation between the Government of the United States and the Governments of Nicaragua and Costa Rica which is as explicit, as serious, as solemn, and as obligatory upon those two States as if every word that had been uttered by them, every law enacted by them, and all these historical facts to which I have referred, which are recorded in the books of legislation here in this Congress, had been embodied in a treaty, and set forth, signed, and sealed, and ratifications exchanged between these different Governments. This is a situation from which we can not be driven, nor can we surrender it without dishonor.

While this has been going on Great Britain, if she has an interest under the Clayton-Bulwer treaty which is in the slightest degree adverse to anything that has been done in the Congress of the United States, by this Maritime Canal Company, by Nicaragua, or by Costa Rica or Nicaragua, has had full opportunity to protest. Nothing has been kept in concealment; no light has been hid under a bushel; everything has been open and patent, and the Government of Great Britain has made no obstruction and no objection of any kind whatever in respect of any part of this transaction. Upon that ground alone she would be estopped from now interposing to break up a relation that has been thus created between Nicaragua and Costa Rica and the United States. That is a plain fact that I think no one will undertake to deny.

But beyond that, as is explained in the report of the Senate committee made to the present session of Congress, it is demonstrated—I will say demonstrated to the satisfaction of our State Department, and I have authority for saying that—it is demonstrated that we have, lying at the basis of this concession, continuing and attending it all the way through, a treaty with Nicaragua which justifies every step that we have taken and every step we propose to take, every provision that is in the bill which is now before the Senate. So the rights of this Maritime Canal Company and of the United States, its creator, its friend, and its protector, as it ought to be, are based not merely upon the doctrine of estoppel, operating against Great Britain, but they are based also upon positive treaty guaranties between Nicaragua and the United States.

I will remark, as I pass along, that British subjects might have acquired the same rights by concession and under a treaty which Nicaragua made with Great Britain ten years before she made her treaty with us. They would have had precisely the same rights that our citizens have under the treaty with Nicaragua made in 1868—I believe that is the date of it.

Here, then, we have an assemblage of authorities based upon concessions, based upon the doctrine of estoppel as applied between governments, and based upon our actual treaty obligations and engagements with Nicaragua and Costa Rica, on which this action of the Senate of the United States is now predicated.

After this brief statement, I must say that there has been intervention for the purpose of preventing the execution of this contract, not by the British Government in name, but by British subjects. They are doubtless emissaries, and they have been operating all the time, and are operating to-day, to prevent us from the consummation of this great duty we owe to our own people. When we are in the executive sessions of this body I shall feel perfectly at liberty to make these statements upon authority that I think no Senator will question. I can not make them in the open Senate, I can not give my authority in the open Senate and the statement of facts which has been communicated to me, because I am under confidence not to do it; but there is not a Senator in this body who shall not have full access to the means of information which I possess when I state in my place that I am thoroughly satisfied that up to this hour British intervention is continually operating to prevent us from availing ourselves of the benefits we have acquired the right to establish under these concessions.

Stating it in that view, and assuming for the nonce that the Senate will at least suppose that there is something of substance in the statement I make in regard to this interference, I wish to ask this question of the Senate—and I regret that the honorable Senator from Ohio [Mr. SHERMAN] who is soon to be Secretary of State is not here to hear the question which I want to propound to the Senate—I ask the question whether or not the Government of the United States, under these circumstances, can afford to withdraw its support from these concessions and yield the ground that we have thus gained, lay it all aside, detach ourselves from it, disaffirm it as well as disregard it, and trust the future of the United States in respect of this great canal to the opportunity which may occur, or which may exist hereafter, for creating an agreement between Nicaragua and Costa Rica and ourselves by treaty, under which agreement we shall be able to consummate this great work?

We have now reached a crisis in this case, we have reached a diplomatic crisis in this matter, which is to be determined for or against our country by the vote of the Senate. If we vote that these concessions are not a sufficient basis for our assistance in this canal, and if we vote, as has been stated here, that no canal can be built by private enterprise, as it is called, or by a corporation, but that the canal, if built, must be built by the Government of the United States, we detach ourselves from those concessions absolutely, and we destroy them. After having gone as far as we have, after having committed ourselves as a Government as far as we have, after having involved the rights of our people as far as we have, innocent and honest men, who have spent four and a half millions of money out of their own pockets in that country, and who have left there, for whomsoever shall succeed to these rights of ours, very valuable property—if we shall take that course, disconnect ourselves from this establishment entirely, and leave these concessions to perish, then, Mr. President, we must turn our eyes to the future and see what we can do to reclaim the situation we have thus thrown away by a new endeavor to create diplomatic arrangements with those two Republics by which we shall be enabled to complete this canal. When the probability of completing this canal became serious, as I will say, imminent, when by a vote given here two years ago the Senate of the United

States affirmed everything that I affirm here to-day, by 10 majority, and this body concluded that these rights should be enforced, the Governments of Nicaragua and Costa Rica made the heavens bright with their rejoicings because we had done that thing two years ago, then we all supposed that the difficulties had passed, that obstruction had disappeared, except such as might naturally result from so great an undertaking requiring so great an amount of money.

Now, suppose that we depart from all this, that we reverse our action or throw away what we have done, and we surrender our attitude upon this question, what next? We have then got to treat with Nicaragua and Costa Rica, who are in the immediate possession of the line of transit, the only line in the world that is worth a cent for a waterway between these two oceans. Then another party appears upon the field. They do not attempt in Central America a political union, but three of those States attempt a diplomatic union, a union for foreign purposes, and they constitute what they call a diet. That diet sends a minister here, and the first thing, and the only thing that he does—and it is the only thing for which he came here, I feel quite certain—is to work into the Senate of the United States a protest and an argument against the passage of this bill; and Senators of the United States are required to get up here and answer his arguments, and the arguments of other Senators based entirely upon his statements, every one of which is proven to be untrue.

But that intervention comes from this political organization in Central America, and it gives us a foretaste of what we may expect when we throw away our present rights and undertake to negotiate with Central America. Instead of having to deal with the two States which are directly and materially interested in this canal, we then shall have as many of the Central American States as choose to participate with a view of disturbing relations between the United States and Nicaragua and Costa Rica, as they are fixed in this concession, in these laws, breaking them up, hindering and obstructing any further step on our part. The Secretary of State who would step deliberately out upon that sort of field from the ground of security and repose we occupy now might be compared to a man who would strip his stockings from his feet and step on a red-hot gridiron from a cool floor.

It is not far to see in the future; it will not be long until we shall have realized the disaster of the course that we are invited to take to-day; and unless, Mr. President, all the manhood has been leeched out of us by contracts to keep the peace, or in some other way, it will not be two years until we find ourselves appealed to to exert our utmost power for the purpose of reclaiming the attitude in those States that we now idly throw away.

That has been the chief cause of my solicitude for urging a vote of the Senate upon this bill at this session. I might say it has been the only cause, because I have been informed that in the other House nearly 300 of the membership of that great body have petitioned the Committee on Rules to give a day to the hearing of this bill, reported in the identical words contained in the bill on our desks to-day, and that has been refused.

In view of that fact, I had very little expectation that I should be enabled to press the bill into the form of a legislative enactment through both Houses at this session of Congress, and hence my reluctance in bringing this bill forward. I should never have done it at this session of Congress, in view of the difficulties which I anticipated and the shortness of time in which we have got to consider it, but for the fact that I was urged to do it by some of the most able men in this body, some of the most influential, men who have such position here as to give great significance, if not absolute authority, to their request.

Considering this subject, Mr. President, in the light of political affiliation and history, I should have felt warranted in pressing the bill before this body as a Democratic measure but for the fact that for the last two or three Administrations of this Government the persons in authority and the people of the United States in their political conventions on both sides have espoused the Nicaragua Canal. The Republican party has been particularly emphatic in its espousal of the canal and in its effort also to get legislation on the subject. The last message which President Harrison sent to the Congress of the United States was a powerful argument in favor of the building of the canal, and I was even censured by some of my Democratic friends because the President of the United States did me the honor to refer to me by name in his annual message in respect to some opinions that I had advanced on the subject. I felt no embarrassment from that source, because the Nicaraguan Canal question is entirely outside American lines, and I have no party politics that run beyond our territorial bounds, and will never have. No man can suggest to me a political question that goes outside of our political boundaries in respect to our foreign relations that will cause the least bias in my opinions.

But as a Democrat I have had occasion to quote, and I will do it again, the Democratic authority, if any authority is needed, for the attitude that I have taken upon this question, because I desire to have it understood by the people whom I represent here in connection with my honored colleague, who is listening to me and whose retirement from the Senate is a personal affliction to me and will be a loss to this country of no light character. In 1856, in the convention that named James Buchanan for President of the United States, the following resolutions were adopted:

1. *Resolved*, That there are questions connected with the foreign policy of this country which are inferior to no domestic question whatever. The time has come for the people of the United States to declare themselves in favor of free seas and progressive free trade throughout the world, and, by solemn manifestations, to place their moral influence at the side of their successful example.

2. *Resolved*, That our geographical and political position with reference to the other States of this continent, no less than the interest of our commerce and the development of our growing power, requires that we should hold as sacred the principles involved in the Monroe doctrine; their bearing and import admit of no misconstruction; they should be applied with unbending rigidity.

3. *Resolved*, That the great highway which nature, as well as the assent of the states most immediately interested in its maintenance, has marked out for a free communication between the Atlantic and the Pacific oceans constitutes one of the most important achievements realized by the spirit of modern times and the unconquerable energy of our people. That result should be secured by a timely and efficient exertion of the control which we have the right to claim over it, and no power on earth should be suffered to impede or clog its progress by any interference with the relations it may suit our policy to establish between our Government and the governments of the states within whose dominions it lies. We can, under no circumstances, surrender our preponderance in the adjustment of all questions arising out of it.

I have thought that as a Democrat that was quite authority enough for me to advocate the bill without incurring the displeasure or the censure or the criticism of any man in this body who claims to be a Democrat. Moreover, I thought so because the first convention that nominated Mr. Cleveland and the second—I think I am correct in the statement as to the first—expressly indorsed and approved the Nicaraguan Canal and made it a public question among the people of the United States.

Now, whatever hopes I might have had of conveying in behalf of my party an impression that it was not antagonistic to the canal and to American interests have been somewhat dampened, if not dissipated, by the situation in which we are found in respect of this great measure. But still I think I have room to appeal to my Democratic brethren that they will not coolly place this country in the attitude of destroying rights which have accrued under our laws in favor of our own citizens, destroying obligations which Nicaragua and Costa Rica have accorded to us under circumstances quite as solemn as if they had been embodied in a treaty, and throwing away the opportunity of building this canal under the existing situation, which, Mr. President, will never be improved by any treaty that even the honorable Senator from Ohio [Mr. SHERMAN] who is now here will be able to negotiate with those people.

I said to that honorable Senator the other day, and I will repeat it now, that if he were rolled into Metternich and Talleyrand he would find himself overmatched by these little Republics down there, which will conspire all the time, in connection with British people and British advocates in the United States, to break up and to beat him in any effort he may make to negotiate a treaty for this canal. He will never make one. When he gets it into the Senate, if he should make one, it will meet a worse fate than the Zavala treaty, because of the one-third of this body who may be found here to oppose American interests. The railroads in the United States have power enough to break down their great competitor, the waterway through the Nicaraguan Canal, and they will have it for the next twenty years, and if they have it for twenty years they will have it forever. Their peculiar friends are not likely to be absent from the lobby when their selfish greed is seeking to feed upon the products of industry. They are about the Capitol now, and will surely return to dictate legislation as to the canal.

We are not dealing with impotent forces, unorganized forces, but we are dealing with men of enormous power, who control Presidents, Senates, Houses of Representatives, in respect to the railroads, with an absolute and despotic will which the Government of the United States has not even the ability to resist, and that power will appear here, Mr. President, to break down the treaty that the honorable Senator the other day spoke of so hopefully, and which he expects to negotiate with those Republics, so as to get the control of this subject into our hands as a nation. But when you try to do that you will have still another controversy before you. You have a contestant who has never ceased to oppose a canal through the Isthmus except under its own control. What meant the stringing out of that band of Indians, so-called, the Mosquito Indians, across the mouth of the San Juan River, under the protectorate of Great Britain, at the close of the Mexican war, when we had acquired our possessions on the Pacific Coast? What did it mean? Childs and Vanderbilt saw what it meant when they went together for the purpose of getting the money from Barings, and made the arrangement with them to get the money to execute the first concession that Nicaragua ever made to American citizens. The Barings consented, and were perfectly able to advance the money, then only $29,000,000.

They looked over Childs's plans and examined them, and they had them examined by British engineers, and determined that they would accept them and would advance the money. One of the agents of Mr. Vanderbilt, who was then familiar with the facts, and is now a great lawyer in California, wrote me a letter, which I read in the Senate, to inform me that the negotiation with the Barings was broken up by the express intervention of the authorities of the British Government.

Commencing then, step by step, time after time, in every effort that has been made, in all the negotiations that took place, beginning with the Clayton-Bulwer treaty and the negotiations that followed it in every step that has been made from that day down to this hour, the Government of Great Britain, represented by its diplomatic agents or else by her people, has been upon the Isthmus for the purpose of obstructing and preventing the people of the United States from going through there. Mr. President, I would be a coward not to say this, and yet I do not say it in a spiteful or disparaging way; because Great Britain would be untrue to her history if she did not pursue methods of this kind in respect to that canal as she has in respect to every commercial advantage in this world which she has ever thought would be of benefit to her. But she is there and has been there on all occasions and is there now. Her vigilance and energy are unceasing. The honorable Senator from Ohio, when he comes to look over the field, to touch the influences that are to prevent his action, which doubtless he will exert most patriotically in behalf of the people of the United States, will find himself absolutely circumvented—absolutely.

Under existing circumstances, if my conceptions of this situation are true and my conjectures have the color of truth in them at all, let me ask, What is the reason or the excuse for our yielding the attitude we have now? Why shall we throw all of these rights to the dogs and with them the honorable duties that we owe to these honorable American citizens? What is persuading us or deterring us from taking this necessary course in respect to the matter? I will not undertake to characterize what I think is the motive, but I will say that there is a feeling of indifference on the part of the representatives of the United States in Congress, and there has been for years, toward the rights of American citizens, doubtless borrowed from the inefficiency of our Executives in the enforcement of the rights of our citizens in foreign countries; doubtless a shadow that has fallen upon this great assemblage from the White House, creating an indifference toward the rights of American citizens in foreign parts, which, to say the least of it, is not creditable to our Government. If we meet our duties to the people of the United States, their just demands upon us, sir, we will step out and do something for these people, to take care of them and their rights when they are unjustly assailed and impeached by foreigners.

Now, the minister from the Greater Republic of Central America, as they call the new organization, in the message he has sent here, so applauded by Senators on this floor, has openly and boldly announced through the Secretary of State that these concessions are now forfeited—not merely that they are forfeitable or that grounds of forfeiture exist, but he asserts in the names of those Governments that the concessions are forfeited. Mr. President, that subject has undergone investigation by our Secretaries of State upon the identical facts and the identical points stated by the minister, and they have announced that they are not forfeited, and the Governments of Nicaragua and Costa Rica have consented that they are not forfeited. Yet he comes here, after all this, and through his message to the Senate declares that the rights of the United States and of our citizens are already gone; that they are lost.

It was upon that proposition that I desired to have a vote of the Senate. I can not get it directly. I can not get a straight vote upon it. But the length of time that the bill has been before this body and the votes that have been recorded here on the question of taking up the bill, on the question of considering it, the various opportunities which have been offered in the kindliest possible spirit to get a vote upon it, stand here as a record that can not be impeached; and I assail the impeachment of it now in advance and say that the Senate of the United States now, as it did two years ago, stands by the rights of the Government and the rights of these people under the concessions. We do not abandon them. Neither, sir, will we put it in the power of Nicaragua or Costa Rica to take any advantage of these unjust conditions. Neither will we submit to any injustice to be done to this Government or the people of this Government, citizens engaged in this great enterprise, because the minister has come here and has found advocates on this floor to assert his proposition that the concessions are absolutely forfeited. I bring up the issue straight and square. The Senate of the United States and the Administration whose President was announced to-day in the House of Representatives will have to meet it. It can not any longer be concealed. There is no doubt about it now. The issue is presented to us and presented in the very presence of the incoming Government, whether or not we shall abandon all we have got here lawfully and, by the consent of Nicaragua and Costa Rica, throw it away and, having wiped out the record of all our rights, enter upon a new negotiation with them for new rights to build the canal.

I desire to give notice, Mr. President—we are informed that there is to be an extra session of Congress—that at the earliest possible day in the coming session I intend to offer this bill again, and I intend to do what in me lies to try to have the bill enacted into law. If the glory and the honor of this magnificent work in the closing days of the century shall fall into the hands of a Republican President, I for one shall say, "Thank God, we have a Republican President who is willing to go step by step with his fellow-citizens of the United States in the advancement of the power and the glory of this great Republic."

Before I take my seat, which I will do in a few moments, in justice to an honorable man who has been maligned and abused as honorable men often are, merely because he has been efficient and courageous, I desire to put into the RECORD as a part of my remarks a statement made by Mr. A. G. Menocal, which I will not stop to read, but which the reporters will find on pages 334 to 337 of the report, in respect of a matter where his veracity has been impugned. That matter is as to whether this man, who, personally, has spent days and months in the exploration of every foot of the line of this canal, has ever actually been over the line. The statement has been made that he has never actually been over the line. The statement would amount to nothing, perhaps, except that a man, who is an engineer officer of the Army, Colonel Ludlow, and who, in a spasm of vanity and self-sufficiency when he went before a committee of the other House, after his functions as commissioner had expired and he had made his report, with a view of casting odium, distrust, and a shadow upon the reputation of Mr. Menocal, stated and adhered to it that Mr. Menocal had never been over a certain part of this line which is described in Mr. Menocal's response to him, which I have asked to have put into the RECORD.

Colonel Ludlow described himself on that occasion, when he got into antagonism with a member of the House through his supercilious conduct, as being there representing the Government of the United States. While I knew that he had represented the Government of the United States as an engineer officer here in the District of Columbia, while I knew that he had represented the Government as an ornamental attaché to the embassy at London, while I knew that he had been flitting about in these nice positions from place to place and from time to time, I did not know that as a commissioner, after he had made his report and the President had sent it in, he still represented the Government of the United States, and that it was the Government of the United States who was accusing Menocal of falsehood when Ludlow got up and made the statement. I did not know that.

This is Mr. Menocal's reply to that gratuitous misrepresentation, and as to some other statements, quite as unfounded, that Colonel Ludlow, in a spirit of jealous injustice, volunteered before the House committee.

WEDNESDAY, *May 6, 1896.*

The Committee on Interstate and Foreign Commerce this day met, Hon. WILLIAM P. HEPBURN in the chair.

STATEMENT OF MR. A. G. MENOCAL.

The CHAIRMAN. Mr. Menocal, we will now hear you.

Mr. MENOCAL. Mr. Chairman and members of the committee, I have been directed by the Secretary of the Navy to report to the chairman of the committee, which I now have the honor to do, and I will be very glad to comply with your wishes in any matter you may desire.

The CHAIRMAN. I suppose the order was made for the purpose of giving you an opportunity, if you desire to avail yourself of it, to make any statement to the committee in connection with the subject under inquiry.

Mr. MENOCAL. A great deal has been said before this committee which I have not had an opportunity to read or to hear. I have heard certain statements which have been made here by Colonel Ludlow, however, and upon those statements I would like to make a few remarks, and afterwards, if the members of the committee who have heard the whole of the testimony desire to ask me any questions in regard to Colonel Ludlow's statement, I will be very glad to reply to them to the best of my ability. I stated when I was before the committee but a few days ago that the Nicaragua Canal board had spent two weeks, more or less, in the examination of the line of the canal. When I made this statement, I had in view only the line of the canal as located by the Nicaragua Canal Company, and which I supposed this board had been called upon to examine. I was not considering at the time the whole country of Nicaragua.

You hear frequently travelers who have been through Nicaragua, having landed on the Pacific coast, traveled across the country and come out at Grey Town, tell you they have been over the country and that the canal route is thoroughly practicable, that they have been all over it, over every foot of the ground, and that there can be no doubt as to its practicability; but it was not that kind of examination I had in mind when I said the board had spent only two weeks, more or less, in the examination of the line. I had in view such an examination as an engineer would have to make of the physical conditions on the spot, so as to be able to ascertain and to weigh the difficulties and facilities that those conditions would present in the construction of such a work as this, and this examination, I know from the nature of the ground, can only be made and this information can only be obtained by going over every foot of the ground.

I said in my statement that two weeks, more or less, had been spent in the examination of the canal route and its vicinity. When I said its vicinity, I meant such parts of the country as will be more or less affected by the construction of the canal—that is to say, such points along the canal route where embankments were to be built. They are not on the axis of the canal, but

nevertheless form a part of the project of the canal itself. Now, I will read, for the information of the committee, and in order to vindicate myself as to the statement I made before, a concise synopsis of the movements of the board while in Nicaragua, and then I will leave it to the committee to decide whether I was correct or not in my statement. The board arrived at Nicaragua on the 13th of May, and remained at Grey Town until the 21st. They left Grey Town on the 21st for the lake and river, taking the steamer at Grey Town and going up the river to the lake. They arrived at the lake on the 23d of May, having spent two days in going up the river, of which one day was spent on that portion of the river which is not affected by the construction of the canal.

The 24th was employed by the board in making a trip up the Rio Frio, which empties into the lake, for a distance of perhaps 6 or 10 miles—the exact distance is immaterial—and then they went about 5 miles into the lake and returned to Fort San Carlos. The steamer which was to take the board across the lake was not there, and it was repeatedly stated by the members of the board in my presence and in the presence of those who were around that the time from the evening of the 24th until the evening of the 26th, when the steamer arrived at San Carlos to take them across the lake, was absolutely wasted time; so they were two days there which were declared by the members of the board to be a loss of time to them. They left Fort San Carlos on the evening of the 26th. On the morning of the 27th they arrived at San Jorge, on the west shore of the lake, and the assistants of the board landed there with certain provisions, utensils, etc., and the board continued on their way to the capital, at Managua. They made a visit to Granada and Managua and returned on the following day, in the evening, to Rivas.

When I was before the committee previously, I had no notes with me. I did not know at the time what was the nature of the investigation to be made by the committee and did not come prepared to answer certain questions which were put to me. I had been seriously ill for ten days, having left my bed to come here, hardly able to stand up; my memory, perhaps, was not quite clear, and as I had no opportunity to correct my notes they were printed containing numerous errors, as I had the honor to report to the chairman of the committee soon after I saw the printed testimony. I said then that the board returned from Granada to Rivas and spent two or three days in hunting for horses or other means of transportation to go to Brito to commence the examination of the canal line. That was a mistake. They did not spend two or three days in Rivas at the time; but that is immaterial, because I will show by the records that they were in Rivas five days instead of three.

Mr. DOOLITTLE. During what time?

Mr. MENOCAL. I will let you know. I am going to follow it up, so there will be no misunderstanding about this. My veracity has been questioned, and I want to show the committee what foundation I had for making the statement, and will then leave it to the committee to say whether I was correct or not. They left Rivas on the morning of the following day and arrived near Brito about 4 or 5 o'clock in the afternoon and went into camp. Up to that time nothing had been seen of the canal route. We had crossed the line at one point on horseback and traveled by roads entirely away from the line of the canal to this camping place, and spent the night there. On the following day, in the morning, they started for Brito. They arrived at the harbor of Brito at, I believe, 8 or 9 o'clock, and the examination of the canal route was commenced there.

It is useless to follow the board step by step; but I will say—and if I am mistaken I hope to be corrected right here—that the examination was commenced on the 30th and that the board returned to Rivas on the evening of the 1st of June, having spent three days between Brito and the lake in the examination of that portion of the canal route. Some portions of the line were not examined. That section running through the proposed basin of Tola was not examined by the board. They traveled by the road on the hills; but that is of no consequence, so I will call that the vicinity of the line, and I count those three days as spent in the examination of the canal route.

The board, as I said, returned to Rivas on the 1st of June, and remained there until the 6th. They started on the evening of the 6th, arriving at Ochoa on the afternoon of the 9th of June. Immediately after arriving there they started to make some examination of the surroundings. On the following day they went up the ridge lines of the proposed basin of the San Carlos, and spent two days there. They came back to camp late in the afternoon of the second day, the 11th, and on the 12th they started on the examination of the route from Ochoa to Grey Town. Six days were spent in the examination of that portion of the line from Ochoa to Grey Town, arriving at Grey Town on the afternoon of the 18th. The board left Grey Town for the United States on the 24th.

Mr. DOOLITTLE. The 24th of what month?

Mr. MENOCAL. Of June. Consequently, you will see——

Mr. DOOLITTLE. For the United States, or Panama?

Mr. MENOCAL. I mean on their way, practically, to the United States. They touched at Costa Rica and went to Panama, but I understood they were on their way home, touching at other places. I had nothing to do with that, and it is immaterial where they went, and I do not know. Now, if you look over these different dates and add the time spent on the route of the canal, you will find they arrived at Nicaragua on the 13th of May, and leaving on the 24th of June the board was forty-one days in the country. Of those forty-one days, fourteen days were spent in Grey Town and five days in Rivas. That makes nineteen days; one day visiting the capital makes twenty days; one day traveling from Rivas to Brito to commence the examination of the canal route makes twenty-one; three days traveling over the portions of the country not affected by the construction of the canal makes twenty-four days, and two days at San Carlos makes twenty-six. If you deduct that from forty-one days, I think you find that the board devoted to the examination of the canal line from the Pacific to the Atlantic, or vice versa, as one may call it, fifteen days, including the examination of such portions of the axis of the canal as were gone over, and also the sites of the dams, embankments, etc. That is all I have to say in that regard, and I think my diary is correct in every respect.

There is another question in which my veracity has also been questioned here. It has been stated here that the engineer members of this board were the first engineers who visited a certain portion of this line.

Mr. SHERMAN. The only engineers, it was stated.

Mr. MENOCAL. I am glad you correct me, because I only get this from hearsay, as I have not seen the testimony sufficiently to enable me to pick out from it what is essential and deserves consideration. I have been told that the statement has been made here that this board are the only engineers who have visited some section of the Nicaragua Canal line, that section being between the Danta and Nicholson streams, along the line of the embankments of the San Francisco.

Now, with a view of further meeting the statement of Colonel Ludlow, not by any arrangement, but by the merest accident, I came across a gentleman here whom I happen to know, and whom I have known for several years, Mr. Charles E. Kern. Mr. Kern was secretary to Mr. Menocal at the time he was making this survey for the company. That was the fourth survey of the canal which has been made. He addressed to me a letter on the 6th day of January, 1897, in which he says:

UNITED STATES SENATE, PRESS GALLERY,
Washington, D. C., January 6, 1897.

DEAR SIR: Referring to my conversation with you yesterday in regard to the statement made by Colonel Ludlow, in effect that Mr. Menocal had not been over the embankment line of the San Francisco basin, I would say:

I was present in the room of the House Committee on Commerce last spring when Colonel Ludlow said that he and the other members of the Commission of which he was chairman were the only ones who had ever gone over the entire line of the canal, and when questioned as to this statement, pointed to the map of Nicaragua, at a place on the San Francisco line of embankments, near the mouth of the San Francisco River, as the place where Mr. Menocal had never been.

I was at once struck by this statement, because I had a clear remembrance of the time when Mr. Menocal had gone out frequently from the headquarters of the company on San Francisco Island to direct the surveying work on that particular line of embankment. I was in the employ of the company, stationed at that time (winter of 1887-88) on San Francisco Island, which is at the mouth of the San Francisco River. I remember the period of time when Mr. Menocal was paying especial attention to an examination of the San Francisco embankment line. Parties were at work there and he, on numerous occasions, left camp to direct their work, which was carried on in the locality referred to by Colonel Ludlow.

The embankment line, being the keynote of the "upper route," was the subject of much careful work, and I remember the great amount of personal attention that Mr. Menocal gave to it. You may well imagine my surprise when Colonel Ludlow stated that Mr. Menocal had never been over that line. The statement seemed still more remarkable because it was Mr. Menocal's preliminary surveys in that vicinity made previous to 1887 that had resulted in his causing a thorough examination of that line in order to demonstrate whether the range of hills forming the groundwork of that embankment were of a character to make the "upper route" practicable, and it was on the existence of such a range of hills that the practicability of the "upper route" rested.

When Colonel Ludlow claimed credit of having gone over that ground in his flying visit in a manner more thorough than was that of Mr. Menocal, it appeared to me quite as absurd as would have been an attempt on his part to claim the discovery of America, and to belittle Columbus and take from him the credit for that feat, because he (Colonel Ludlow) might believe he had rested his feet on parts of the American Continent which had never been pressed by the feet of Columbus. As you are aware, Mr. Menocal was the first man to suggest the practicability of what is known as the "upper route," and that practicability rested upon the existence of the chain of hills forming the groundwork of the San Francisco embankment. I have never seen this fact called in question, and never heard anyone attempt to belittle Mr. Menocal's credit for that discovery until Colonel Ludlow claimed to have gone over places never traversed by Mr. Menocal. Perhaps every man who has gone on the line of the Nicaragua Canal may claim the distinction of having placed his feet where no other human feet have trod, and for any one man to claim that he has materially and in detail covered every foot of ground would be to confess extraordinary feet. But with my remembrance of the great attention Mr. Menocal was paying to the embankment line and of the numerous occasions when he left camp to go over it, the idea that Colonel Ludlow, in the few days he was in that vicinity, had in any way gone over that line more thoroughly than did Mr. Menocal seemed to me the height of absurdity.

Very truly, yours,

CHAS. E. KERN.

Hon. JOHN T. MORGAN,
United States Senate.

Mr. DANIEL. Who is the gentleman who writes the letter?

Mr. MORGAN. Mr. Kern, a very reputable gentleman, living here in the city.

Mr. Menocal, having seen that he had been arraigned on the floor of the Senate by the statement of Mr. Ludlow, which has been brought in here, also wrote me a letter on the same subject. He is a modest gentleman. He does not indulge in strong expressions about anybody or anything; but he denies in this letter absolutely the correctness of Mr. Ludlow's statement.

NAVY-YARD, *New York, February 8, 1897.*

DEAR SIR: I have just seen in the CONGRESSIONAL RECORD of February 5, page 1652, under the heading "Maritime Canal Company of Nicaragua," a letter from Lieut. Col. William Ludlow relative to certain statements made by him to the House Committee on Interstate and Foreign Commerce in May last, to the effect that the United States Nicaragua Canal board were the only engineers who have been over the entire route as laid down, and to my testimony before the same committee in opposition to that statement, in which it is claimed by Lieutenant-Colonel Ludlow I admitted the correctness of the above statement, inasmuch as I had not been over the San Francisco embankment line as located through the hills between Ochoa and the east divide, and also had not been over the line of the San Carlos ridge embankments since either of these important lines had been laid down.

I beg to quote the testimony referred to as the San Francisco embankments. I stated:

"I explored that region, I pointed out on every one of those hills where embankments should be built, and put the engineers to work developing the topography. Its development was finally concluded about 1891. I was rearranging the line of embankments just before I left, in order to conform it to the topography as developed by the engineers, and some slight changes were made from one hill to another in order to get a better location; and I will add that since that final development of the topography by the engineers I have not been over the line finally located over those hills, but I have been over every individual hill, and I selected the line of embankments."

As regards the San Carlos Ridge line, I stated in my testimony:

"If he (referring to Lieutenant-Colonel Ludlow) refers to the San Carlos region, I have explored the San Carlos and all those hills, commencing in 1873 and again in 1885. I have examined that region and those hills in the valley of the San Carlos, and placed engineers there to develop the topography, and from the developments of the engineers the embankment line was laid down. Since that embankment line was laid down, I have not been over the line myself. There was no necessity for doing so. That is a statement of the facts. I selected the line for the embankments over those hills, and while there may have been slight changes in the final location of these embankments from one hill to another, that strikes me as rather immaterial, as I have been over the ground, every foot of it."

In view of the above plain statement of facts, Lieutenant-Colonel Ludlow's assertion that the Nicaragua Canal board are the only engineers who have been over the entire route of the canal, on the ground that I had not visited a portion of the line laid down by me after the engineers had measured it with a tape and put the pegs in the ground, seems to be a disingenuous misrepresentation of the facts.

Had I known at the time I gave my testimony that the lieutenant-colonel intended to be so precise in his statement, I would certainly have reminded him of what he well knew to be a fact when he appeared before the committee. He knows quite well that the board did not go over many miles of the route as laid down, in some places not approaching it by thousands of feet, and that the only knowledge the board possess of the advantages and disadvantages for construction of the canal presented by the topography over that distance has been obtained from an inspection of the plans of the company. This is particularly true of those sections of the route between Grey Town and Lock No. 2, and from the western end of the divide cut to the crossing of the Chanchos on the east side, and through the valley of Tola west of the lake, in all a distance of about 20 miles of the canal route as laid down, which the board did not go over. Yet it is in these sections of the canal where the board propose radical changes in location.

There are other portions of the route, between Ochoa and the San Francisco and between the eastern end of the divide cut and Lock No. 2, where the examination made by the board was limited to crossing the located line where it met the paths of travel or at the sites of locks, where only a few minutes were spent.

It has not been my purpose nor my province to criticise in any way the distribution by the board of the time at its disposal while in Nicaragua. If I have stated that they spent but about fifteen days in the actual examination of the canal route between Grey Town and Brito, it was to show that the examination of 170 miles of canal route, including the sites of numerous important works, such as locks, dams, embankments, etc., extending over many miles of hilltops, in a country covered by dense tropical growth and without roads or convenient means of transportation, had, necessarily, to be in a great measure superficial.

That the board was forty days in Nicaragua, and that a portion of this time was spent in examining Grey Town and its surroundings, and in obtaining a general knowledge of the country, has not been questioned, nor does it in any way disprove my statement as to the time actually spent in examining the canal location.

As to Lieutenant-Colonel Ludlow's assertions as to errors and omissions in the plans of the company, and to what he chooses to call fallacious estimates of cost, I beg to refer to my written statement submitted to the House committee, in which I endeavored to meet the objections to the plans raised by the board and to show that its recommendations were based on lack of information and insufficient consideration of all the features of the problem, and not on the line of either economy or of good engineering.

Respectfully, yours,

A. G. MENOCAL,
Civil Engineer, United States Navy.

Hon. JOHN T. MORGAN,
United States Senator, Washington, D. C.

Now, the truth is just this: Those forests in Central America are so dense that you could not see to the wall across the Chamber here except under very extraordinary circumstances. Even from the top of a tree you could not see. You can not see the contour of the country by climbing to the tops of the trees, because your vision is obstructed by vegetation until it does not reach out, unless the hills are very high. Mr. Menocal, after there had been two surveys made in that part of the world, conceived that there was a route between the Ochoa Dam or a place at the mouth of the San Francisco River, just above Ochoa Dam (I think it is the mouth of the San Francisco River), and Grey Town, where by going straight through with his canal he would save many miles of route, and would save the canal from overflow, which is a great danger in that very rainy country, by throwing it upon ground that was entirely above the line of overflow. Mr. Menocal, at great personal labor and exposure—exposure of which I suppose very few gentlemen on this floor have any conception, because they have never been thrown in contact with such work—went out for the purpose of exploring this upper route, as it is called, across the divide.

What is the divide? A great stone barrier, about 2½ or 3 miles across, lying between Grey Town and the Ochoa Dam. He conceived the idea that there was a range of hills in there, the foothills of which he could see from the bank of the San Juan River at places, behind which we could construct a basin that would enable him to pour the water of San Juan River, which is nothing but a lake outlet, through that outlet and across this divide, which is rocky and had to be cut through, of course, and carried to Grey Town, and without any sort of danger of flooding and at great saving of distance, which, of course, meant a very great saving of expense. Having conceived the idea, he prosecuted it personally under the circumstances I have referred to. He verified by actual demonstration, by measurement, that the line was possible, that possibility including a continuance of a range of hills lying on what I will call the south side of his canal project, and, by some of them being embanked upon and others being filled in between, he could construct there embankments which would hold the waters of the lake as they came down and form an estuary of perhaps 9 or 10 miles in length through which there would be no canalization at all, a vast inland flow of lake water which he would dam up and hold in that position.

I can suppose that an engineer who would make a discovery of that kind would necessarily be very much elated by the character it would bring him and by the fact that he was making such a discovery in respect to such a great enterprise. So he went to work after he had located his parties and instructed them where to find these hills. He then came back to his work in Washington, where he built the gun shop and various other works for the Government of the United States. He was notified that Mr. Peary, of Greenland fame, who was the chief of the engineers left in charge when he was not there, had made his explorations and could not find these foothills, and he reported that they were not there. That of course struck a deathblow at Menocal's reputation as a man of truth. Being sick at the time, he immediately, however, got a leave of absence from the Secretary of the Navy and started the next day to Nicaragua. He there found Mr. Peary and his companions at work. He went out with these companions and again relocated the line and pointed out the hills, took the survey, mapped it, and measured it perfectly; and from that moment to this there never has been a doubt about the existence of the hills there. Colonel Ludlow refers to that ridge as the hills over which Mr. Menocal had never been.

Now, there is a reason for all this, an unfortunate one, and that is in those professional jealousies which sometimes occur in all professions, and in the further fact that this commission had recommended a search through that country to continue for three or four years, long enough to absorb an enormous appropriation—I believe $300,000 is what they claimed—so that a great deal of surveying and a great deal of work might be done there for the purpose of merely proving, merely reestablishing what Mr. Menocal had done. For when these gentlemen got through with their dashing tramp over this proposed line of canal, in the twenty days, we will say (it was not more than seventeen days that they devoted to the investigation of it; not having passed actually over many parts of the line, they could not do it of course), they came back and went into the office at New York where Menocal's calculations and his maps were; the company freely yielded them up to them; and it was upon Menocal's measurements and bases of calculations that they came to a different conclusion, not as to the practicability of this route, but as to the cost of it. As I said before, that is a subject about which men might very well differ; but, after all, their entire report is based upon Menocal's measurements in the field, and they never put a line upon the earth or stuck a peg in the ground.

They used Menocal's survey to ascertain all they knew about the canal line, and then attempt to build up a reputation for superior knowledge of the canal and its proper location by a series of unfounded criticisms, of a very caustic sort, upon his work.

So we have here Mr. Menocal's statements as torn to pieces and criticised by a set of men who, through professional jealousy, have found it necessary to make some assault upon some other engineer's work. I say professional jealousy, for the reason that Colonel Ludlow could not in sincerity and in justice have indulged in the remarks he made about Mr. Menocal in the statement that he made to the committee unless he had been incited by some feeling of professional jealousy toward Mr. Menocal.

Now, in closing my remarks upon the bill, I could not afford to drop this subject without doing justice to that honorable man. Mr. President, there is no man who has ever done a great work in the world who did not receive scurrilous lashing from men who were not as good as he. Columbus left the Island of Cuba with chains on his legs, arrested, and sent back to Spain for punishment; and so with every man, it seems, who has accomplished any great work; he is bound to pass through that ordeal. But I think that we ought to be somewhat generous toward men who have done these great things when they are set upon by men who seek to find some opportunity to criticise and tear down their reputation. Fortunately in this case the heedlessness of the attack was such as that the man who made it had to first ensconce himself behind Mr. Davis, who, he said, told him so. Mr. Davis is not accessible; we do not know where he is. Then he adhered to his statement after he had made it, and here it is entirely refuted.

This is a matter of no concern to this canal at all; but in dealing with a subject of this kind, and in acting as this Government has acted time and again upon Mr. Menocal's statement, and as this commission has acted upon his measurements, I think it is a privilege I ought to employ to defend an honest gentleman and a great engineer against an assault that is entirely untimely, unnecessary, and unsustained.

Mr. President, before I leave the floor, in part support of some things I have said here, I desire to read a letter from a distinguished man in California, addressed to one of the honorable Senators from that State, parts of which I will necessarily omit because they have personal references which it would be improper to lay before the world. The writer of this letter is Capt. William L. Merry, president of the Board of Trade of San Francisco, who has been its president for many years. He is now and has been for seven or eight years the consul of Nicaragua in San Francisco, and therefore he knows about the Government and much of what it is doing. There are Senators here who know him, who know his merit and his high standing. For many years he was a sea captain, and has conducted and sailed his ships around Cape Horn in many voyages. He understands commerce in all its relations connected with navigation. He is a

friend of this canal and has always been, and writing a confidential letter to his friend Senator PERKINS he says:

I wired you yesterday as follows: "Rodriguez's action probably unauthorized. Think President Zelaya holds concession valid. Suggest cabling."

* * * * * * *

The reasons for the opinion expressed are based on the following facts: About four months since Hon. Lewis Baker, minister to Nicaragua, called to see me en route homeward on leave. I asked him plainly how the Nicaraguan Government regarded the lapse of the canal company respecting the Tipitapa Canal and the general delay of the work. He assured me positively that "President Zelaya had told him just before he left to tell the United States Government that whenever it actively aided the canal company the Nicaraguan Government would grant all additional time needed; that it wanted the canal, and would do everything possible to aid it."

* * * * * * *

I have here a letter from Gen. Joaquin Elizondo, of Managua, a friend since 1865, and formerly secretary of the treasury (ministro de haciendo) in Nicaragua. I had written him to see Zelaya about the Nicaraguan Government policy in relation to the canal, suggesting a line of action favorable to the company and to American interests. Elizondo replied under date of November 1, 1896, that he had consulted with the Government officers, and that they had decided to instruct Rodriguez about on the lines I had suggested; also that he would do all he could at Washington to aid the prompt construction of the canal. For these reasons, unless Zelaya has had a very recent radical change of heart, I can not think he would have authorized Rodriguez to send such a letter to Olney as he did, especially when, by application to the company, he could have obtained anything fair and reasonable. That the writer of that letter is not sincere or knows very little about the canal question is proven by his suggesting to Mr. Olney the renewal of the Zavala-Frelinghuysen treaty, which Cleveland has already condemned as "an entangling alliance."

As to British influence, I am confident it is constantly at work in Nicaragua against us, and will give you an instance where it came to my notice straight. Last year a Mr.—

A gentleman whose name is stricken from this letter—

formerly of Chicago, called on me with excellent letters. He had been examining Nicaragua and Guatemala in a business way, and had spent several weeks at Managua. The gentleman is an American of fine appearance and address. At Managua he had become well acquainted with the British minister. Meeting him frequently at dinner, one day when in confidence he told him that he had to remain at Managua more than at the other two Republics to which he is accredited, on account of the canal; that his people had instructed him to do this and to watch the canal matter very closely, acquiring all the benefits possible for his country, and full control of the canal if by lapse of the company such a thing became possible.

* * * * * * *

That came from the British minister.

Another Managua correspondent—

Whose name is given here—

a gentleman of European birth, but an American citizen, known to me for thirty years, wrote me from Managua two or three times during 1895 and 1896 that England was making stringent efforts to get a foothold in Nicaragua through various agencies, one of them the English bondholders of the Nicaraguan debt in London, about £500,000. I have written particulars to Senator MORGAN of the deal they have made with the Nicaraguan Government by which they have secured an export tax of 1 cent per pound on all coffee for their benefit, and are authorized to send a resident agent to Nicaragua to collect it; really, I believe, a political agent of the British Government. I have also written Senator MORGAN of concessions given to Englishmen for a railroad from San Ubaldo (on Lake Nicaragua) to the Atlantic, at the same time passing a law permitting the Zelaya Government to sell the Government railway from Corinto to Granada, on the same lake, for $1,000,000 gold, thus aiding the English syndicate in obtaining an interoceanic transit near the canal, using the same lake—

I will remark here that these concessions expressly prohibit Nicaragua from making any such grant to any other company for any railroad that by any means would interfere with the business of this canal and its earnings.

In fact, the matter was presented to me with the idea that I could checkmate the English interest by getting American interests to take it up. There are large land grants and special privileges with these railway franchises. And, furthermore, why should there be any doubt of this when we know very well that England has used every effort to obtain control of the Nicaragua Canal route for many years? I have no doubt that the proposed five-year arbitration treaty has this object in view. Recognizing that the Nicaragua Canal question has reached a stage where construction is certain in the near future, it is England's purpose to open a dispute with the United States on the Clayton-Bulwer treaty, and then submit it to arbitration. You can foresee the result with dead certainty. Joint control with England of the canal, or, if we are quiescent, as France was, about joining England in occupation of the Suez Isthmus, England would leave us out and build the canal herself. I consider the arbitration treaty a danger we should now avoid, unless all possible questions affected by the Monroe doctrine could be eliminated—not an easy task.

I believe Nicaragua without protest will grant that time and extensions of articles on the canal concession which are now the basis of Rodriguez's note. In any event, although the company has not complied with all the requirements, none of the clauses named as forfeiting the contract (articles 8, 46, 47, 48, and 49) have been violated. The claim that the company has transferred its concession can not be maintained. The Government is to obtain control, as demanded by the American people, but the franchise remains in the company precisely as the franchise of the Panama Railroad Company remains in the company, with its American charter, although the control is at Paris. In fact, the Panama case is a more rigorous control, as it involves the purchase of the entire railroad by the French Company. But I hear no complaint of the conditions there, or that the Panama Railroad Company has lost its rights as an American corporation, because owned in France, although, for obvious international reasons, not owned by the French Government. It is still an American corporation managed in New York.

A difficulty we now encounter is this new "Republica Mayor de Centro America," composed of Nicaragua, Salvador, and Honduras. It is a deal made to keep each of the parties in power, and is avoided by Guatemala and Costa Rica, possibly a short-lived nationality, to be ended by another "revolution." One of my Managua correspondents writes that the people are very much dissatisfied with the Government, and the authorities have to be constantly on the alert to avoid active hostilities. In Honduras also revolution is imminent. But in the canal matter I suppose we must now deal with this new Government, although Nicaragua has made treaties which she must regard.

The rest of the letter relates to other matters. Here is a man who has had this official connection with the Government of Nicaragua for more than seven years as its consul. I suppose he knows something about what is going on down there. We flatter ourselves that because Great Britain holds an olive branch out to us she has thrown her sword away. What right have we to flatter ourselves with any such nonsense as that? How can we be supposed to have retained our reasonable common sense when we refuse to judge of the future by the experience of the past? What has occurred here to give us this sublime and reliant confidence that the great lion of England will not crunch the bones of your arm, Mr. President, when you put it in his mouth? What has come over the people of the United States and the Congress of the United States that they are clamorous for British favors? No, Mr. President; I say in the presence of the honorable Senator who is going to be Secretary of State, if he blinds his eyes to the truth and takes the anodynes of flattery that are to be fed to him like spoon victuals from Great Britain, he will find that the people of the United States will not sustain his administration.

Those are not words, Mr. President, that I utter in defiance or criticism or in any other spirit but in that American sense which I trust I feel in common with all my fellow-Senators, that it is the duty of the Senate and of the Representatives in the Congress of the United States to feel at least some of the throbs of the great American heart that pulsates always for justice, for right, for independence, and for truth.

Now, having said this much about the canal, Mr. President, I announce my intention not to press the final vote on the pending bill at this session. I yield to those gentlemen who have exercised the power to obstruct its passage. They take the responsibility. I have done according to the poor ability I possess, faithfully and firmly, the duty that has been devolved upon me, not as a matter of choice. When I first came in contact with this canal subject I was ignorant of what the Senate of the United States had done about it. I did not know that a resolution had passed in executive session here to have the canal investigated and its relations to the United States ascertained. I stepped into the committee room and found the Senators engaged in its discussion after I had been absent from Washington with a sick child. But at once I saw the importance of it, and when I asked for the explanation, that splendid man whom the Senate could not forget if it would, George F. Edmunds, explained to the committee what was the purpose of this movement.

It was to prevent the capitalization of the canal at such a sum of money as that the tolls upon it would be an excessive and exorbitant burden upon the commerce of the United States that might pass through it. He thought it was better, and it was and is better, that the Government of the United States should lend the encouragement of its credit to these men to build the canal rather than to throw them upon the markets of the world, where they would have to make great sacrifices of stock and bonds and percentages of interest in order to get the money to build it. He thought it was a patriotic duty that he owed to the people of the United States, and especially to the agricultural and industrial classes, that the tolls upon that canal, which no man here doubts will be built by somebody, should be placed at a figure that was somewhat just toward American enterprise. That was his motive, his only motive, and in the persistency of it, in a way that is characteristic of the man, who is an upright and a just man in his dealings, but a strong man in his convictions, he laid his hand upon this company and brought them into executive session and examined them against their will, and promised to keep their secrets, and he did keep them until they consented that they should be laid before the world.

Here are their statements all printed and laid before the Senate precisely as they were taken down by a stenographer. Whoever examines them will never more say, at least without blushing, that this company came to Congress seeking aid. Time and again, and in every form that was necessary to contradict that statement, it has been contradicted, by personal letters of Mr. Edmunds, personal letters of Mr. Warner Miller, the personal statement of Mr. Hiram Hitchcock, made before that committee, which is here printed, and also that of Mr. Miller; personal statements made by the honorable Senator from Maine [Mr. FRYE], and by Mr. Dolph and myself. We have all stated that this company never came before the Congress of the United States asking assistance; and when the Senator from Ohio the other day, by a lapse of the tongue, falling into the common current of wrong that has been done to these people, said they appeared here to seek our assistance, I called his attention to the fact, and he corrected himself and said they had not come here seeking our assistance, and that is true. Now, let Senators reiterate it as much as they please; the man who does it simply has to stand against the testimony of a number of honorable gentlemen, and he has to be a very great man, very pure, before he can venture to try to break that down.

That fact, Mr. President, being now stated and the error now corrected, it ought to stand corrected. Senators ought to have

enough respect for the fact to admit it in debate, and they should not cast contumely and reproach upon a set of men as bankrupts and beggars and mendicants and all that, and as men who come here seeking the aid of the Government of the United States to get them out of difficulties. The difficulties they have encountered, Mr. President, have been of our own making. They were prosperous when we called them. They raised more than $1,000,000 and expended it, after they were called before our committee. They were going on; and but for those troubles in the financial world, which seem to have sprouted, if I may use that expression, in Argentina, and scattered themselves like a baneful influence all over Christendom, those men would have gotten through with an enterprise which has been compared with the Suez Canal, which history has established is so profitable and successful. Now, we have drawn them within the reach of our power, and, as they stated then and have stated frequently since, after the Government of the United States had indicated a purpose to take charge of this canal, they had no more credit with bankers, for the reason that they expected the Government to build it, they thought the Government ought to build it, everybody thinks the Government ought to lead it and build it. By reason of that fact private enterprise will not go into it, because they expect that, whenever they might establish the canal, the Government of the United States would find political reasons of sufficient importance to go there and take it out of their hands and appropriate it to the public use, to their great detriment. Men will not venture upon such an enormous scheme as this with such difficulties staring them in the face. So that is the situation.

I asked Mr. Hiram Hitchcock a question—and there is not a more honorable man on this floor than Hiram Hitchcock—before the committee recently, and reported it to this Senate, and here it is in print: "It has been stated that your company, Mr. Hitchcock, is bankrupt." He said: "That is not the fact. We do not owe a cent in the world that we can not pay—not a debt. This confusion has arisen out of the fact that the construction company which had a contract from us to build this canal went down in the cramp of the times, and under the fact that Congress is legislating here and proposing to take this business out of our hands. There is where the confusion has arisen. We are not bankrupt. On the contrary, we have money to pay every debt we owe; and we do not owe but a very few hundred dollars, and that for ordinary current expenses which are not yet matured."

The other view of the question has been put here time and again, to the great disparagement of these gentlemen. There are men amongst them who, out of their own pockets, have established institutions of charity for the people of this country—hospitals and charities of that kind—broad-minded, splendid Americans. Such men as those are hauled up in the Senate of the United States because they are not willing to come here and yield $6,000,000, to which they are entitled under this concession, absolutely in the stock of this company, and submit their property into the hands of the Government of the United States; because they are patriotic and willing to help through with this canal they are hauled up here and denounced clamorously before this Senate as a set of mendicant bankrupts who are besieging these corridors for the purpose of getting money from Congress. It is untrue, unjust, and extremely wrong.

Now, Mr. President, so far as I am concerned, I will give way with this bill as a special order, not taking it off the Calendar, and I will consent that the Senator from Massachusetts [Mr. HOAR] may bring in the bill in which he is so much interested and in which we are all so much interested. I thank him for his kind indulgence in this matter.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. HOAR. I move that the Senate proceed to the consideration of Order of Business 982, being the House bankruptcy bill.

Mr. MORGAN. The Nicaragua bill is merely displaced as the regular order. It takes its place on the Calendar, I understand.

The PRESIDING OFFICER (Mr. BURROWS in the chair). The Chair understands from the statement of the Senator from Alabama that the bill loses its place as the unfinished business and takes its place on the Calendar.

Mr. TURPIE. I did not understand whether the statement of the Chair was a ruling as to the parliamentary status of the bill or not. I do not understand that the bill keeps its place on the Calendar if another bill is taken up without unanimous consent.

Mr. HOAR. I have moved to take up Order of Business 982, which is the House bill known as the bankruptcy bill, reported by the Committee on the Judiciary with an amendment in the nature of a substitute.

Mr. TURPIE. I remind the Senator from Massachusetts that I am not objecting to the bill moved by the honorable Senator; but just before the honorable Senator made his motion the Chair declared that the bill laid aside keeps its place on the Calendar, and I rose to a point of parliamentary order to ask whether that is a parliamentary decision, or whether it depends on the consent of the Senate? In my judgment the bill loses its place on the Calendar when another bill is taken up.

Mr. HOAR. I did not understand by the announcement of the Chair that the bill kept its place in the Order of Business which it now occupies, but that it went to the General Calendar like any other bill.

The PRESIDING OFFICER. The Chair understood the Senator from Alabama [Mr. MORGAN] to state that the bill would not be pressed and would lose its place as the unfinished business and take its place on the Calendar. The Senator from Massachusetts [Mr. HOAR] moves to proceed to the consideration of the bankruptcy bill, and if his motion prevails, that would, as the Chair understands, displace the Nicaraguan Canal bill as the unfinished business.

Mr. TURPIE. The Senator from Indiana understood the Chair to say that the bill would hold its place in the regular order.

The PRESIDING OFFICER. Oh, no; the Chair did not so state.

The question is on the motion of the Senator from Massachusetts, that the Senate proceed to the consideration of the bill indicated by him.

Mr. HOAR. I ask that the bill be laid before the Senate by title.

Mr. PASCO. Before the motion is submitted, I desire to state that I think the Senator from Wisconsin [Mr. VILAS] wishes to be heard before that motion is put, and he is temporarily absent.

Mr. ALDRICH. I suggest that debate is not in order upon the pending motion.

The PRESIDING OFFICER. The Senator from Massachusetts moves to proceed to the consideration of a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States.

The motion was agreed to.

Mr. CULLOM. Mr. President——

Mr. HOAR. Will the Senator from Illinois allow me one moment?

Mr. CULLOM. Yes, sir.

Mr. HOAR. I do not propose to ask a vote of any kind upon the bankruptcy bill this afternoon, as it is now so late, and I shall not even urge a formal reading of the bill if there are other matters which Senators prefer to take up, like appropriation bills. Let the bankruptcy bill be the order of business at 2 o'clock tomorrow, and if there be anything else which Senators now want to attend to it can be done.

Mr. CULLOM. I desire to state that there are two or three appropriation bills awaiting the consideration of the Senate, and I have now one before me, the consideration of which I desire to ask.

Mr. HOAR. I will agree to lay the bankruptcy bill aside temporarily.

Mr. CULLOM. I ask, if the Senator from Massachusetts has concluded his remarks, that the bankruptcy bill, so called, be temporarily laid aside and that the Senate proceed to the consideration of the appropriation bill relating to the Agricultural Department.

The PRESIDING OFFICER. The Senator from Illinois asks unanimous consent that the bill taken up on motion of the Senator from Massachusetts be temporarily laid aside, and that the Senate proceed to the consideration of the bill indicated by him. If there be no objection, it will be so ordered. The title of the bill will be stated.

The SECRETARY. A bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898.

ESTATE OF GEORGE M'DOUGALL.

Mr. STEWART. If the Senator will give way for a moment, there is a bill here in which several Senators feel a great interest, particularly my friend from Indiana [Mr. VOORHEES], which has been passed through the Senate three times, I think, and has been favorably reported many times in the House of Representatives. It was laid over the other day because there was not a full attendance of the Senate. It is a very short bill, and I ask that it be taken up. It is Senate bill 621.

The PRESIDING OFFICER. Does the Senator from Illinois yield?

Mr. CULLOM. As the Agricultural appropriation bill has been taken up, if the bill of the Senator from Nevada takes no considerable time, I am willing to yield.

Mr. GALLINGER. What is the bill?

Mr. STEWART. It is the bill (S. 621) for the relief of the legal representative of George McDougall, deceased.

Mr. TELLER. We have passed a similar bill several times.

Mr. CULLOM. If there is to be no discussion on the bill, I have no objection to its consideration.

Mr. STEWART. I do not propose to discuss it. It is an honest claim and has been already passed by the Senate three times.

The PRESIDING OFFICER. The bill will be stated by title.

The SECRETARY. A bill (S. 621) for the relief of the legal representative of George McDougall, deceased.

Mr. HOAR. I desire to suggest that if the bankruptcy bill is now up as the unfinished business, as there are quite a number of Senators, like the Senator from Nevada [Mr. STEWART], who have bills they wish to have considered, I am willing——

Mr. CULLOM. The Agricultural appropriation bill is now before the Senate.

Mr. HOAR. I understand that, but the bankruptcy bill has been only informally laid aside. What I desired to suggest was that, by unanimous consent, the bankruptcy bill go over until to-morrow at 2 o'clock and be taken up then as the unfinished business. Of course, it will then have first place. Meantime Senators may have the floor without having to ask my consent every time they wish to have a bill considered.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

Mr. HILL. What is the request?

Mr. HOAR. Merely that the bankruptcy bill may now go over until 2 o'clock to-morrow as the unfinished business, as there are a number of bills which Senators wish to call up.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

Mr. HILL. I object.

The PRESIDING OFFICER. Objection is made.

Mr. CULLOM. If objection is made to the consideration of the bill——

Mr. STEWART. There is no objection made.

The PRESIDING OFFICER. Objection was made to the request of the Senator from Massachusetts [Mr. HOAR].

Mr. STEWART. There is no objection to the request I made.

The PRESIDING OFFICER. The request of the Senator from Nevada [Mr. STEWART] is before the Senate. Is there objection to the consideration of the bill indicated by him?

Mr. CULLOM. I yield for the purpose of action upon that bill, provided it occupies no time in its consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 621) for the relief of the legal representative of George McDougall, deceased. It directs the Secretary of the Treasury to pay to the legal representative of the estate of George McDougall the sum appropriated in the general deficiency bill of August 4, 1886, to pay the judgment of the Court of Claims in favor of John Paul Jones, administrator, in the same manner as though the judgment had been affirmed on appeal to the Supreme Court of the United States, to wit, the sum of $81,250, but without interest or costs.

Mr. ALLISON. I think that bill should be amended so that the sum appropriated shall be accepted in full for both principal and interest of that claim.

Mr. STEWART. I accept that amendment.

Mr. ALLISON. So that we shall not have next year a claim for interest on that amount to run for thirty years.

Mr. STEWART. Let there be added to the bill the words "which said sum shall be accepted in full for all claims of principal and interest."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF ALFRED W. GREEN.

Mr. CAFFERY. I ask for the present consideration of the resolution reported by me this morning from the Committee on Claims referring a claim to the Court of Claims.

There being no objection, the Senate proceeded to consider the following resolution:

Resolved, That Senate bill 3300, for the relief of the estate of Alfred W. Green, late of Carroll Parish, La., together with all accompanying papers, be, and the same is hereby, referred to the Court of Claims under the provisions of the act of Congress to provide for the bringing of suits against the Government, approved March 3, 1887.

Mr. ALLISON. I give notice that after the pending resolution shall have been disposed of I shall object to any other business until the Agricultural appropriation bill is disposed of.

The PRESIDING OFFICER. The question is on agreeing to the resolution which has been read.

The resolution was agreed to.

CAROLINE D. MOWATT—VETO MESSAGE.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing that the House had passed by a two-thirds vote over the veto of the President of the United States the bill (H. R. 1139) granting a pension to Caroline D. Mowatt.

Mr. GALLINGER. I presume the message will be read.

The PRESIDING OFFICER. The message will be read.

Mr. CULLOM. As that is a vetoed bill, I hope the bill, with the accompanying message of the President, will be referred to the Committee on Pensions, and I make that motion.

Mr. GALLINGER. I think the veto message should be read.

Mr. CULLOM. Oh, no. I move that the bill, with the accompanying message, be referred to the Committee on Pensions.

The motion was agreed to.

AGRICULTURAL APPROPRIATION BILL.

Mr. CAFFERY. Mr. President——

Mr. CULLOM. I decline to yield.

Mr. ALLISON. I object to everything but the appropriation bill.

The PRESIDING OFFICER. The Agricultural appropriation bill having been taken up by unanimous consent and informally laid aside, it is now before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898, which had been reported from the Committee on Appropriations with amendments.

Mr. CULLOM. I ask unanimous consent that the first formal reading of the bill be dispensed with and that the amendments of the Committee on Appropriations be acted upon as they are reached.

The PRESIDING OFFICER. That order will be made, in the absence of objection.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was, on page 5, line 20, before the word "thousand," to strike out "eight" and insert "ten;" and in the same line, before the word "thousand," where it occurs the second time, to strike out "fifteen" and insert "seventeen;" so as to make the clause read:

Division of Chemistry: One chemist, who shall be chief of division, $2,500; one assistant chemist, $1,800; one assistant chemist, $1,600; one clerk class 1, $1,200; employment of additional assistants in Division of Chemistry when necessary, $10,000; in all, $17,100.

The amendment was agreed to.

The next amendment was, on page 7, line 10, after the word "dollars," to strike out "one assistant in Pathological Division, $1,200," and insert "two assistants in Pathological Division, at $1,200 each;" and on page 8, line 12, before the word "hundred," to strike out "sixty-seven thousand four" and insert "sixty-eight thousand six;" so as to make the clause read:

Salaries, Bureau of Animal Industry: One chief of Bureau, $4,000; one assistant chief, $2,500; one chief clerk of Bureau, $2,000; one chief of Inspection Division, $2,500; one assistant chief of Inspection Division, $1,800; one chief of Dairy Division, $2,500; one assistant chief of Dairy Division, $1,800; one chief of Pathological Division, $2,250; two assistants in Pathological Divisions, at $1,200 each; one assistant in Pathological Division, $840; one chief of Bio-chemic Division, $2,250; two assistants in Bio-chemic Division, at $1,200 each, $2,400; one assistant in bio-chemic laboratory, $720; one chief of Miscellaneous Division, $2,000; one zoologist, $2,000; two veterinary inspectors, at $1,800 each, $3,600; two veterinary inspectors, at $1,400 each, $2,800; one assistant at veterinary experiment station, $1,000; one clerk class 4, $1,800; one clerk class 3, $1,600; one clerk class 2, $1,400; five clerks class 1, $6,000; seven clerks, at $1,000 each, $7,000; one clerk, at $840; two firemen, at $720 each, $1,440; four messengers, at $720 each, $2,880; two skilled laborers, at $660 each, $1,320; for employment of artists, laborers, and charwomen, $5,000; in all, $68,640.

The amendment was agreed to.

The next amendment was, on page 8, after line 13, to strike out:

Total salaries Department of Agriculture, $316,100.

The amendment was agreed to.

The next amendment was, on page 9, line 22, to increase the appropriation for "botanical investigations and experiments, Division of Botany" from $15,000 to $17,500.

The amendment was agreed to.

The next amendment was, on page 10, line 2, after the word "arboriculture," to insert "including an investigation into the ravages of the gypsy moth;" so as to make the clause read:

Entomological investigations, Division of Entomology: Promotion of economic entomology; investigating the history and habits of insects injurious and beneficial to agriculture, horticulture, and arboriculture, including an investigation into the ravages of the gypsy moth; ascertaining the best means of destroying those found to be injurious; chemicals, insecticide apparatus, and other materials, supplies, and instruments required in conducting such experiments and investigations; freight and express charges and necessary traveling expenses; compensation of additional temporary assistants, investigators, and agents, and preparing, illustrating, and publishing the results of the work of the division, $20,000.

The amendment was agreed to.

The next amendment was, on page 11, line 11, to increase the appropriation for "the biological survey, Division of Biological Survey," from $17,500 to $20,000.

The amendment was agreed to.

The next amendment was, on page 11, line 17, to increase the

appropriation for "pomological investigations, Division of Pomology," from $6,000 to $8,000.

The amendment was agreed to.

The next amendment was, on page 13, line 16, after the word "charges," to insert "and for repairing roadways and walks;" so as to make the clause read:

Experimental gardens and grounds, Department of Agriculture, Division of Gardens and Grounds: Cultivation and care of experimental gardens and grounds, including the keep of the lawns, trees, roadways, and walks; management and maintenance of the conservatories, greenhouses, and plant and fruit propagating houses; employment of foremen, gardeners, laborers, carpenters, painters, plumbers, and other mechanics; machinery, tools, wagons, carts, horses, harness, plows, lawn mowers, sprinklers, hose, watering cans, tubs, pots, and other implements required in cultivation; lumber, hardware, glass, paints, tin, stone, gravel, and other material required for repairs; fertilizers, insecticide apparatus, and chemicals; blacksmithing, horseshoeing, and repairs to implements and machinery; seeds, plants, and bulbs for propagating purposes; labels, potting, and packing materials, feed for horses, freight and express charges, and for repairing roadways and walks, $25,000.

The amendment was agreed to.

The next amendment was, on page 15, line 2, before the word "thousand," to strike out "fifty" and insert "fifty-five;" and in line 6, after the word "eighty-seven," to insert "and $5,000 of which sum may be expended by the Secretary of Agriculture to investigate and report to Congress upon the agricultural resources and capabilities of Alaska, with special reference to the desirability and feasibility of the establishment of agricultural experiment stations in said Territory, as has been done in other States and Territories, and the selection of suitable locations for such stations;" so as to read:

Agricultural experiment stations, Office of Experiment Stations: To carry into effect the provisions of an act approved March 2, 1887, entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," and to enforce the execution thereof, $755,000, $30,000 of which sum shall be payable upon the order of the Secretary of Agriculture, to enable him to carry out the provisions of section 3 of the said act of March 2, 1887, and $5,000 of which sum may be expended by the Secretary of Agriculture to investigate and report to Congress upon the agricultural resources and capabilities of Alaska, with special reference to the desirability and feasibility of the establishment of agricultural experiment stations in said Territory, as has been done in other States and Territories, and the selection of suitable locations for such stations.

The amendment was agreed to.

The reading of the bill was continued to line 14, on page 17.

Mr. CULLOM. I move that the item on page 17, from line 3 to line 14, in reference to fiber investigations, be stricken out, as I desire to look into it in conference.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out from line 3 to line 14, inclusive, on page 17, as follows:

Fiber investigations: To enable the Secretary of Agriculture to continue the investigations relating to textile fibers indigenous in, or adapted to, the United States, including their economic growth, cleansing, and decorticating, preparatory to manufacture; the testing machines and processes for said cleansing and decorticating; for the purchase of material for said tests; for the purchase of fiber plants and seeds for distribution, propagation, and experiment, and for the labor and expenses incident thereto; and for traveling expenses in connection with said duties, $5,000: *Provided*, That no more than $3,000 shall be used for salaries.

Mr. ALLISON. I understand the Senator from Illinois to move to strike out the clause in order that we may have further inquiry as respects the utility of the investigation?

Mr. CULLOM. That is the reason. I have some statements in my pocket in reference to the matter that lead me to doubt whether the committee ought not to consider it more fully, and it is for the purpose of doing so that I have moved that it be stricken out.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Illinois, to strike out the clause which has been read.

The motion was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Publications, Department of Agriculture, Division of Publications," on page 18, line 9, before the word "thousand," to strike out "sixty-five" and insert "seventy;" so as to read:

For the preparation, printing, illustration, publication, indexing, and distribution of documents, bulletins, and reports, $70,000.

The amendment was agreed to.

The next amendment was, under the same head, on page 18, line 10, before the word "thousand," to strike out "forty" and insert "forty-five;" in line 16, after the word "Congress," to insert "as each Senator, Representative, or Delegate shall direct;" in line 24, after the word "title," to strike out "and character;" and on page 19, line 7, before the word "thousand," to strike out "sixty-five" and insert "seventy;" so as to read:

Of which sum $45,000 shall be available for the preparation and printing of farmers' bulletins, which shall be adapted to the interest of the people of the different sections of the country, an equal proportion of two-thirds of which shall be delivered to or sent out under the addressed franks furnished by Senators, Representatives, and Delegates in Congress, as each Senator, Representive, or Delegate shall direct: *Provided*, That the Secretary of Agriculture shall notify Senators and Representatives of the title and character of each such bulletin and also of any other publication of the Department of Agriculture, not sent to the folding rooms of the Senate and House, with the total number to which each Senator, Representative, and Delegate may be entitled for distribution; and on the face of the envelope inclosing said bulletins shall be printed the title of each bulletin contained therein; for the pay of artists, draftsmen, and engravers, and of proof readers and indexers when necessary; for the purchase of tools, instruments, and artist's material; for printing proofs, charts, and maps; for drawings, engravings, photographs, paintings, lithographs, other illustrations, and electrotypes, and for traveling expenses when necessary; and for labor, paper, envelopes, gum, twine, and other necessary materials, $25,000; in all, $70,000.

The amendment was agreed to.

Mr. VEST. My attention was called away for a moment. Has the amendment, found on page 18, increasing the appropriation for publications from $65,000 to $75,000 been agreed to?

The PRESIDING OFFICER. It has been.

Mr. VEST. I ask that the vote by which it was agreed to may be reconsidered, in order that I may obtain some information about it.

Mr. CULLOM. There is no objection to that request.

The PRESIDING OFFICER. Will the Senator from Missouri indicate what amendment it is?

Mr. VEST. It is the amendment in line 9, on page 18, under the head of "Publications for the Department of Agriculture."

The PRESIDING OFFICER. The Senator from Missouri asks that the vote by which the amendment was agreed to may be reconsidered. If there is no objection, it will be so ordered. The question recurs on agreeing to the amendment of the committee.

Mr. VEST. I should like to know why that increase is proposed to be made.

Mr. CULLOM. The Assistant Secretary of the Department regards it as important that the amount specified here should be given, and the Committee on Appropriations concluded, after hearing him, that it was perhaps a proper sum to allow. It is the same amount that was appropriated last year for this purpose.

Mr. ALLISON. Will the Senator from Illinois allow me for one moment? The Senator from Missouri will see that under the phraseology employed here an additional expenditure will be necessary for the distribution of the bulletins, for printing, and for paper, envelopes, etc. If they are of any utility whatever, they should be distributed as provided for in this arrangement, and if so, it will necessarily require a larger sum than is proposed to be appropriated by the House.

Mr. VEST. Mr. President, this is an appropriation for the preparation, printing, illustration, publication, and issuing of bulletins for the information of farmers and the advancement of agriculture.

Mr. President, I think if there has been an abuse in any Department of this Government more flagrant than any other, it has been that accompanying the publications of the Agricultural Department. If the money of the people has been perverted from its legitimate purpose in any bureau or Department of this Government, the example has been most conspicuous in the Agricultural Department. I have before me a bulletin published recently, immediately after the Presidential election, by the Department of Agriculture, entitled The Farmer and Finance, in which there is not one word about any agricultural product, any agricultural process, any agricultural interest, unless it be that indirect interest which every citizen of the United States has in everything that appertains to this country. In this publication the Secretary of Agriculture undertakes to prove that the twenty-two States which voted for Bryan are States in which illiteracy prevails, and that the twenty-three States which voted for McKinley are paragons of educational refinement and advancement.

Mr. GALLINGER. Was the document printed at the expense of the Government, I will ask the Senator from Missouri?

Mr. VEST. It was printed by the Agricultural Department.

Mr. BATE. Out of this fund?

Mr. VEST. Out of this fund, I suppose. He has no other fund. It was printed with the statement that he considered it necessary that the farmers of the country should know from what direction came the votes that supported Bryan; that it was the vote of ignorance and illiteracy, and that the vote which supported McKinley represented the refinement and educational advancement of this country. No Senator will say that this is a legitimate use of public money by the Secretary of Agriculture when he publishes a bulletin discussing the financial question.

Mr. GALLINGER. I will state that I think it was an utter perversion of the power of the Secretary of Agriculture, and that he ought to be rebuked for issuing a publication of that kind at the expense of the Government. I agree with the Senator from Missouri in that view.

Mr. VEST. Very good. That is not all. I have here a bulletin published by the Secretary of Agriculture entitled Arbor Day, and I find in it an address—a most eloquent rhetorical production—delivered in 1887, before the University of Nebraska, by the

Hon. J. Sterling Morton, long before he assumed the duties of his present position. In the middle of that address is the picture of a palatial country residence, surrounded by exotics, with a magnificent piazza, on which are found luxurious rocking-chairs and all the appurtenances of wealth and intellectual refinement. This is the country seat of the Secretary of Agriculture, and this is a costly illustration paid for by the tax money of the people of this country. In front of the villa is a tree, surrounded by palings, brought from Pikes Peak and planted in front of this humble agricultural retreat. This cut, I take it, was placed here at the expense of the people of the United States to show the prosperous farmers, of whom the Secretary of Agriculture speaks, to what intellectual and luxurious refinement they might reach if they followed in the footsteps of the illustrious Secretary of Agriculture. This farmer's home ought to have been seen by Bulwer before he painted his picture of the palace by the Lake of Como, "where the rosy light stole through the perfumed air of marble halls."

This is the home of a farmer, and the illustration is paid for by the people of the country, and our committee wants to increase the appropriation for similar objects from sixty-five to seventy thousand dollars. Banish the thought that I would detain so illustrious a tribunal as the Senate to save even $5,000; but I must enter my protest against spending one other cent in the direction pursued by the Secretary of Agriculture as to what he calls his farmers' bulletin.

I will ask permission to expend a few more dollars of the public money, as the example is set by so illustrious a source, by having the picture of this farmer's home placed in the RECORD, in order that the farmers of this country may see how this eminent preserver of their interests is by day and night sweating and toiling in order to improve their condition and to introduce economical methods in his Department.

He has told us repeatedly of the amount of money he has saved by cutting off seeds from the farmers of the country and reducing the publications that are gratuitously distributed by the Government. If he has been eloquent in anything, it has been upon the utter recklessness with which Congress appropriates money for gratuitous bulletins to the farmers of the United States; and yet he finds ample room in his bulletin on Arbor Day to insert an old speech which he made before the University of Nebraska in 1887, and to place in the bulletin this expensive woodcut of his magnificent home in Nebraska. I am opposed to giving 5 cents more for that purpose. I ask to have the illustration reproduced in the RECORD.



Mr. CHANDLER. Mr. President, I hold in my hand a circular issued from the Department of Agriculture which I think deserves the notice of the Senate. I intend to call attention to it again on Monday next, when I shall speak in behalf of bimetallism. I find myself confronted with a circular from the Department of Agriculture, which should naturally confine itself to the subject of agriculture, but which seems to have been issued for what I should call under the circumstances a political purpose. At any rate, it could not have been issued for the principal purpose of promoting agriculture. It was issued on the 23d day of November, after the clouds of the election had rolled by and the peaceful citizens of this country were supposed to have settled down to their ordinary avocations. The circular of the Secretary first asks Mr. Henry A. Robinson, his chief of the Division of Statistics, to obtain certain useful information on subjects connected with agriculture, and then comes this paragraph. I ask for it the attention of the Senator from Missouri:

> A large number of citizens have contended that the relative value of a silver dollar to a gold dollar depends upon an enacted ratio; in short, upon a law of Congress. But a larger number of American citizens have contended that the relative value of gold coins and silver coins is entirely dependent upon the relative commercial value of the bullion contained in those coins.

I suppose that the Secretary concluded that the larger number of citizens made this contention on account of the pronouncement of the election of November 3. He continues:

> It is desirable, therefore, in this connection, to show also what relation, if any, exists between the prices of either of the money metals and the price of any farm staple, like wheat, for instance.

There the Secretary strikes an agricultural subject; he tries to make his gold monometallist tendencies take hold of agriculture in some appropriate way. Then he adds:

> And the reply, taken as a whole, ought to show whether the mint value of a money metal can be made by statute greater than the bullion value thereof.

There he again disconnects himself absolutely from agriculture. I ask why, upon any pretext, the Secretary of Agriculture instructed his Statistician to write to him a letter or deliver to him a paper which, as a whole, should show "whether the mint value of a money metal can be made by statute greater than the bullion value thereof?" Yet that is the preposterous instruction he gives to his agricultural Statistician.

Mr. COCKRELL. A subordinate officer under him.

Mr. CHANDLER. Certainly. His own Chief of his Bureau of Statistics, to whom he is giving directions to prepare crop statistics; and he winds up by ordering him to enter into a discussion of a monetary question, and to show "whether the mint value of a money metal can be made by statute greater than the bullion value thereof," which is a controverted point in monetary science.

Mr. President, here is Mr. Robinson's reply. I shall have occasion to allude to it on Monday next. I will content myself now by saying that it does not show anything that the Secretary expected and asked for. The tables connected with it are a powerful argument in favor of the remonetization of silver, but when Mr. Robinson closed his circular, as if conscious that he had utterly failed consistently with fact and reason to make the reply which his superior required, in despair on that account, the whole tenor and effect of report having been the other way, he tries to hold out a little hope and adds:

> It may be that in a supplement to this circular some additional facts bearing upon the subject may be presented for consideration.

This was certainly a lean haul of fish for a very large net, and so far as I know, the agricultural Statistician of the Department has not yet reported to the Secretary whether or not by law the mint value of a metal can be made greater than the commercial value thereof.

Mr. President, it is a belittling of an office which ought to be of great value to the country in the exercise of its legitimate functions when the Secretary of Agriculture sets the subordinates of

the Department to the work of gathering political statistics prearranged to vindicate a political position previously taken by the head of the Department.

Mr. CULLOM. If I thought the gentleman who it is announced in the papers is to be the next Secretary of Agriculture, and who I suppose will be appointed by the distinguished gentleman who this afternoon was declared to have been elected President of the United States, would pursue the same course that has been pursued by the present Secretary of Agriculture, I myself would feel very much like striking this item out of the bill. I confess what is known to everybody connected with either branch of Congress, that there has been great difficulty, great confusion, great embarrassment in reference to agricultural matters and appropriations therefor since the present incumbent has occupied that position. But after the 4th of March we are going to have a Secretary of Agriculture who is a real farmer, and who knows what it is to be a farmer, to live as a farmer, and to think as a farmer.

Mr. VEST. Will my friend the Senator from Illinois permit me ask him one question?

Mr. CULLOM. Certainly.

Mr. VEST. Does not the Senator think if political publications, publications on financial questions, and illustrations of magnificent private residences should be left out of the subsequent reports of the Secretary of Agriculture, $65,000 would be enough?

Mr. CULLOM. I should certainly be in favor of leaving out that kind of material.

Mr. VEST. Then I submit that this appropriation, which covers those extravagancies, certainly ought to be ample to meet the economical administration so eloquently portrayed by the Senator from Illinois.

Mr. CULLOM. I have no doubt that the real interest of the farmers in receiving these publications and bulletins has been neglected to the extent of the amount that those extraneous items cost the country. What I want to do, and what the Committee on Appropriations who have had charge of the bill desire to do, is to give the next Secretary of Agriculture money enough so that the real interests of the farmers will be promoted by the proper administration of the affairs of the Agricultural Department.

Mr. STEWART. Is there a deficiency in the appropriation of last year for printing?

Mr. CULLOM. I think not. There is no deficiency.

Mr. VEST. No; this is an increase of $5,000.

Mr. CULLOM. These bulletins and farmers' publications, etc., for distribution to the farmers are greatly sought after. They are of great value to the farmers if properly edited and issued and distributed, and the agricultural interests of the country ought to have substantially what they ask for in the conduct of that branch of the public service. So I hope the Senate will not reduce the amount. The Committee on Appropriations put the amount back just as it was last year, believing that the new Secretary would bring about reforms in the administration of the office which would result in Congress knowing in the end exactly what we ought to appropriate; and I confess it is difficult to know exactly the amount that should be appropriated at this time.

Mr. STEWART. Is this appropriation the same as it was last year?

Mr. CULLOM. The appropriation proposed is the same as it was last year.

Mr. VEST. It was $65,000 last year.

Mr. CULLOM. No; $70,000, exactly as we propose to amend it. I hope the Senate will allow it to stand in that way. I would not hesitate to guarantee that the next Secretary of Agriculture, who is a farmer and an intelligent gentleman, and is not engaged, as a hobby, in writing upon the question of gold or silver, will administer the office in the way that will be satisfactory to the Senate and to the farmers of the whole country.

Mr. STEWART. If the appropriation is the same as it was last year, I do not know that I have any special objection to it; but I desire to remark in this connection that it is a growing custom in various Departments to take jurisdiction of politics, financial questions, and nearly everything else with which the Department has nothing to do. I think if all the reports made by subordinates and by heads of Departments were scrutinized, and the printing confined to the jurisdiction of subjects within their respective Departments, much money would be saved and much scandal would be avoided.

I think there is nothing more scandalous than for a subordinate in a Department to obtrude his views on all political questions and assume to instruct the people in matters with which he has nothing to do any more than a private citizen, and stuff those instructions in the various reports. There is entirely too much of it. It not only costs the Government a great deal, but it is offensive to those who receive the reports, looking for information on a particular subject. The readers ought not to be burdened with the conflicting views of subordinates when they are looking for information on some topic of agriculture or on the subject of what the banks have done. The legitimate report of the Comptroller of the Currency ought not to be mixed up with essays on finance, nor should the mint reports be loaded with arguments pretending to be official when the officer has no authority to speak on those subjects. It is his duty to report, but his report should be a report connected with that business and not with all the sciences of the country and the politics of the country. Great abuse has grown up in this direction.

I have never felt called upon to indulge in any criticism of the Secretary of Agriculture, because it is too peculiar a subject for ordinary comment. Really, I have been restrained because the thing is so absurd. His whole proceedings have seemed so laughable that I could not induce myself to make an assault upon him or to criticise him in any serious way. He is the most picturesque specimen of any animal I have ever known. He beats them all in his peculiarities. The man who undertakes to reduce him or his thoughts or his actions by any rule of common sense would make a failure. So I have never undertaken it. I am glad he will not be able to stuff another edition of the agricultural reports with his peculiar notions, and I hope that his successor will be such a man as is described by the Senator from Illinois, and that he will give the people of the United States information in regard to agriculture and kindred subjects, and leave some room for discussion to the world at large on other subjects.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

Mr. CULLOM. I hope the Senate will not reduce the amount. It is exactly the sum which was appropriated during the last session. Let us give the new man who is coming in a chance to do something for the farmers.

Mr. VEST. It is very evident that more than $5,000 has been expended on these illustrations and this political essay; I undertake to say $10,000 at least, including franking. Sixty-five thousand dollars is an ample sum.

Mr. TILLMAN. Mr. President, I hope the Senators who voted a moment ago in the negative will not press that matter. As a farmer I know that the bulletins issued by the Agricultural Department on the subject of agriculture are valuable. Our farmers get little enough consideration in this Chamber and the other, and the appropriation should not be cut down because we have had a man in charge of that Department who is unworthy and who has prostituted the power given him to promulgate his peculiarities on finance under the guise of agricultural bulletins. I hope the Senate will give the new Secretary of Agriculture, the one who is to succeed this man, the usual appropriation, and if he should then follow the bad example that has been set him, it will be time enough for us to take this matter up next year and cut down the appropriation.

Mr. CULLOM. Yes; that is right.

Mr. CALL. Mr. President, I can not agree with the position taken here that because Mr. Morton has published matters which are personal to himself, therefore the farmers shall not have the amount necessary to disseminate information for their benefit. What kind of connection is there between those two matters? The question is, What is the amount that is needed for the information of the farmers? Is it wise to disseminate correct information among the farmers? Can it be done? What does the Senator from Missouri know about the amount required? The Secretary of Agriculture and Mr. Dabney, the Assistant Secretary of Agriculture, have informed the committee, of which I am a member, that this amount is needed, and that there is a great deal of demand for the dissemination of purely agricultural information. Mr. Morton is not going to be the Secretary again. What he has done that was improper has nothing to do with the probability of the future application of the money. It is appropriated for the dissemination of necessary information in regard to improved processes and to increase the intelligence of the agricultural classes. The item has been carefully considered by the committee, and good, substantial reasons have been given for this increase.

Mr. VEST. I will simply answer the Senator from Florida by stating that the House of Representatives, which is considered as being as near the people as the Senate, investigated the question and fixed the amount at $65,000.

Mr. TILLMAN. Will the Senator from Missouri allow me one minute?

Mr. VEST. Yes, sir.

Mr. TILLMAN. The other day the Senate passed a resolution for the printing of a book on cotton, and provided that 20,000 copies should be struck off. I know that that book is very valuable and will add to the information which the cotton planters need. But the House, which is so near the people, reduced the number to one-third of what we agreed to give them. It does not follow, therefore, that the House is any nearer to the people than we are.

Mr. VEST. As I know nothing about the facts of that case, I

would rather have them before I bring in a verdict. The Senator from South Carolina doubtless, in his honest way, states his side of it. He thought there ought to be 20,000 copies printed. The House reduced it, he says, to one-third the number. I do not know anything about the matter, but I assume, by way of legislative comity, that the House was trying to do what it thought to be right. It takes the two branches of Congress to make a law.

Now, the House had the officials of the Agricultural Department before it when it fixed the amount of the appropriation at $65,000. The same officials then appealed, you might say, legislatively, to the committee of the Senate and obtained an increase of $5,000. It is not a matter of life and death, but I wanted to express publicly my opinion of the way in which the appropriation for publications and illustrations has been abused by the Department of Agriculture. That was my principal object.

Mr. ALLISON. Mr. President, I do not wish to prolong the debate on this question, but the amount appropriated for this purpose, in the nature of things, must be somewhat flexible, depending upon the judgment, sense, discretion, and intelligence of the Secretary of Agriculture and the various divisions and bureaus under his charge. Here are several divisions constantly engaged in making investigations supposed to be for the benefit of agriculture. If the investigations are of value, they should be printed, and if they are printed from time to time they should be distributed among those who are benefited by the instruction given in them.

These bulletins have hitherto been issued in small editions of 1,000 or 1,500, I believe, though perhaps sometimes in larger editions. They have been distributed by the Agricultural Department according to the will and caprice, if you please, or the judgment of the Secretary of Agriculture or the particular divisions that publish the bulletins. Now, for the first time in the history of this distribution, we have provided here that two-thirds of the publications shall be delivered to members of the Senate and House of Representatives, and shall be distributed according to our judgment and discretion, in order that we may judge of their value and of the necessity of their distribution, and also as to any additional copies that may be ordered printed.

So with this appropriation of $70,000; after we have eliminated from the bulletins the pictures which the Senator from Missouri shows us, they may be in some sense cheaper than they are now, but it may be possible that the new Secretary of Agriculture will think that some other subject which has been investigated by him or his subordinates will be of value to the agriculturists of the country. I take it for granted that he will not authorize publications unless they are useful. I do not suppose that we are likely to have all the time Secretaries who will deal with economic questions in the sense of the ratios between silver and gold or in the sense of the bullion value as compared with the mint value of money, but that as a rule the Department of Agriculture will confine itself to the general topics relating to agriculture.

The Senator from Illinois has been kind enough to allude to the gentleman who is to occupy that office, if the reports in the newspapers are true, after the 4th of March. This appropriation bill will not take effect until the 1st day of July next. It is my fortune to know the gentleman whom rumor fixes as the future Secretary of Agriculture. He is, as the Senator from Illinois has stated, a practical farmer, having lived on a farm for more than forty years. He is not only that, but he is a man of affairs, having been a member of the other House of Congress for a good many years. He has occupied public stations in our own State. But in addition to that, and most of all, for the last six years he has expended his time and his ability, which is great, in investigation, experimentally and scientifically, of the identical subjects that are embraced in the bill. I am willing for one to trust these appropriations, having them general in their character and flexible in their nature, to his intelligence and judgment for their expenditure. So they will not be extravagantly expended, but they will be utilized for the benefit of the agriculturists of this country in disseminating the useful information which in this bill we have appropriated large sums of money to collect through the scientific divisions and bureaus of the Agricultural Department.

I hope the Senator from Missouri, who like myself represents a large agricultural State, will not, simply because there has been one mistake made as respects a single bulletin, undertake to strike down or diminish this valuable appropriation relating to the dissemination of information to the farmers of our country.

Mr. VEST. The Senator from Iowa is right. My State is one of the largest agricultural States in the Union; and I am the last Senator to cut off my constituents from any information of a useful kind in regard to their pursuits. With the assurance of the Senator from Illinois and the Senator from Iowa that we are to have no more financial nor pictorial bulletins from the Department of Agriculture, I will withdraw the opposition to the amendment.

The PRESIDING OFFICER. The amendment of the committee will be agreed to, in the absence of objection.

Mr. DAVIS. I ask the attention of the Senator in charge of the bill to the item for fiber investigations on page 17. I was not in the Chamber when something was done with it. I understand that that appropriation of $5,000 has been stricken out.

The PRESIDING OFFICER. The paragraph from line 3 to line 14, on page 17, was stricken out.

Mr. CULLOM. The committee, or some members of it, rather, since the consideration of the provision referred to by the Senator from Minnesota in committee, came to the conclusion on representations made and some facts given to them that perhaps we ought further to consider it, and therefore I asked that it be stricken out, so that we might consider it in conference later.

Mr. DAVIS. I trust that that item will not be prejudiced by such a mode of proceeding. I only have this to say, that my own State and South Dakota and Iowa produce about five-sevenths of the flax produced in this country, and it was largely through the instrumentality of the members from those States that this small appropriation of $5,000 was put into the bill. I understand that in another place the question was fully investigated and all sorts of representations pro and con were made.

Mr. CULLOM. Can the Senator from Minnesota state as a matter of information on his part what has been done by the use of that appropriation by the parties who had charge of the work?

Mr. DAVIS. There has been considerable done in the past. I can not state it in detail, but I can state that the results have been very gratifying to my constituency and undoubtedly to that of the Senator from Iowa. I wish the paragraph may be restored. It is a small matter.

Mr. CULLOM. There seemed to be some evidence given to me to the effect that there was nothing done except for the parties in charge of it to draw their salaries: that they made out in some way or other to draw all but about $150, and there is no evidence of any actual work done.

Mr. DAVIS. I think that is an error. But, under the happy auspices that are going to prevail, according to my friend from Iowa, in the course of a few weeks, I move that that item be restored.

Mr. CULLOM. I suggest to the Senator to let it go over for the present.

Mr. CAFFERY. I hope the Senator from Illinois will yield to the motion of the Senator from Minnesota. There have been of late years very exhaustive experiments made in the fiber of decorcative plants, for instance, of the ramie. If a decorticating machine can be invented to separate the fiber, to make the fiber ready for the purpose of manufacturing cloth, it would very largely revolutionize a large portion of the crops of the Gulf States. Ramie makes a fiber of most excellent character.

Mr. CULLOM. Has the Senator from Louisiana information that there has been actually any work done by the parties employed in that business under the former appropriation?

Mr. CAFFERY. I do not know whether any work has been done under the authority of the Agricultural Department, but I know that experiments are constantly going on in my State in regard to the invention of a machine that would properly decorticate the fiber of the ramie plant. It is confidently said——

Mr. CULLOM. If the Senator will allow an amendment to be made as to the amount of the appropriation, so that we can have the matter in conference and confer about it and get further information, if there is any, I will agree that the vote striking out the paragraph shall be reconsidered, so that we can keep control of it in conference if we find it is important that it should be left in the bill.

Mr. CAFFERY. Very well.

Mr. DAVIS. Then I move that the word "three" before "thousand," in line 13, be stricken out and "two" inserted; so as to read:

That no more than $2,000 shall be used for salaries.

Mr. PASCO. Can not we retain the amount in the bill without submitting it to the risk of a conference? All the Senators from the Gulf States are interested in the matter, and I hope the appropriation will not be stricken from the bill.

Mr. CULLOM. Very well. I have no objection to the amendment of the Senator from Minnesota. Let the vote be reconsidered and an amendment agreed to striking out "three" and inserting "two," in line 13.

The PRESIDING OFFICER. If there be no objection, the vote by which the paragraph from lines 3 to 14 on page 17 was stricken out will be reconsidered. The question is upon the amendment proposed by the Senator from Minnesota, to reduce the appropriation for salaries from $3,000 to $2,000.

Mr. DAVIS. I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. PASCO. Now I ask that the amount be kept as it was before, then it will not be subject to the risks in conference. We are very anxious to have the investigation proceeded with.

Mr. CULLOM. I am unwilling to allow the action to be reconsidered unless I can either have the total amount reduced from

$5,000 to $4,000, or limit the salaries to $2,000, so that we can consider it further in conference. I am willing to agree to either proposition.

Mr. PASCO. The matter will be in the hands of the new Secretary, in whom the Senator from Illinois has entire confidence. All that the Senator has said with reference to the other subject will perhaps be applicable here, and I hope he will trust the new Secretary with that amount, so that these very valuable experiments may be carried on, if they have not been done so as fully as should have been the case in the past.

Mr. CULLOM. Is the Senator aware that anything has been done under that provision except to draw salaries? I have not been able to find out that there has been anything else done.

Mr. PASCO. I do not know how much has been done in the past, but let us hope that in the future, under the new Administration, there will be great results accomplished.

Mr. CAFFERY. Mr. President——

Mr. CULLOM. I do not care to spend time upon this small item. There seems to be a very great desire that the paragraph shall be retained in the bill, and I am willing to let it stand.

The PRESIDING OFFICER. The Senator from Illinois withdraws the motion to strike out the paragraph. If there be no objection, the amendment will be withdrawn and the paragraph will stand as reported. The reading of the bill will be proceeded with.

The Secretary resumed the reading of the bill at line 8, on page 19. The next amendment of the Committee on Appropriations was, on page 21, line 12, to increase the appropriation for contingent expenses, Department of Agriculture, from $20,000 to $25,000.

The amendment was agreed to.

The next amendment was, under the head of "Division of Seeds, purchase and distribution of valuable seeds," on page 21, line 21, before the word "thousand," to strike out "twenty" and insert "fifty," and on page 22, line 2, before the word "thousand," to insert "and thirty;" so as to make the clause read:

Division of Seeds, purchase and distribution of valuable seeds: For the purchase, propagation, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants, and expense of labor, transportation, paper, twine, gum, printing, postal cards, and all necessary material and repairs for putting up and distributing the same, and to be distributed in localities adapted to their culture, $150,000. And the Secretary of Agriculture is hereby authorized, empowered, directed, and required to expend the said sum in the purchase, propagation, and distribution of such valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants, and is authorized, empowered, directed, and required to expend not less than the sum of $130,000 in the purchase at public or private sale of valuable seeds, the best he can obtain, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated; and such seeds so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States.

Mr. LODGE. I wish to ask why it was considered necessary at this time, when the revenues of the country are certainly not excessive, to add $30,000 to the House appropriation for seeds? The usual appropriation for many years has been $120,000, sometimes $130,000, but never over that, I think, until last year, when there was so much sympathy aroused by the Secretary of Agriculture in his attack on the seed matter that the House raised the appropriation to $150,000. This year they put it back again to about the usual sum. Under the present methods of purchase, if I am not misinformed, we get about twice as many seeds as we used to get under the appropriations formerly made. The appropriation of last year was an exceptional one, and the House recognized the fact that it was an exceptional one and fixed the amount at $120,000.

It is stated that it is for the purchase of valuable seeds. We all know that this appropriation started for the purchase of valuable seeds, rare seeds, etc., with a view of giving the Government assistance to encourage the planting and development of rare seeds and bulbs. We know that that has degenerated into a mere wholesale distribution of the commonest kinds of vegetable and flower seeds. I think myself that it has become a great abuse and a great waste of the public money in the way in which it is at present done; but certainly it seems to me that we might be content this year to stand by the House appropriation of $120,000, which is the usual appropriation, and not increase it by $30,000.

This does not interfere with the Secretary of Agriculture in the least. It is not like cutting down the appropriations for publications, which I agree have been greatly abused under the existing system. This is merely for seeds for our own distribution. I think it is a mistake in the present condition of the revenues to add $30,000 and carry up the usual appropriation to $150,000, which never reached that point except under the exceptional circumstances of last year.

Mr. CULLOM. I was just going to state what the Senator said in his last remark—that the item as the Senate committee has amended it carries the same appropriation that was made during the last session.

Mr. LODGE. The Senator will excuse me. I stated that in the very beginning of my remarks, and said that it was owing to the fact that last year the Secretary of Agriculture undertook to reform this abuse, and he caused so much sympathy by the method in which he did it that the House lifted the appropriation to a higher point than it had ever been lifted to before; and this year the House put it back. I am aware of the facts in the case.

Mr. CULLOM. It is true that the Secretary of Agriculture is not in favor of any appropriation for agricultural seeds to be scattered over the country, and has persistently refused to recommend such an appropriation, as he has refused to do this year. The two Houses last year made an appropriation of $150,000, and the committee on the part of the Senate, notwithstanding the House this year reduced the amount to $120,000, concluded to restore it in view of the change which was going to take place in the administration of that office. I presume I ought to say that I have no special dislike to the present incumbent of that office. He has undertaken to administer it according to his views, which have not been according to mine. I therefore have not much confidence in him in connection with that business, but I have great faith that we are going to turn over a new leaf, and that we shall have the business of that Department so administered in the interests of the agriculturists of the country as that they will be benefited thereby. In view of my confidence, I have been in favor of the appropriation of the same sum we appropriated last year, and I think the Senate had better allow the $150,000 to be retained in the bill, and that a part of it, $130,000, which is the same appropriation as was contained in the bill of last year, be expended for the purchase at public or private sale of valuable seeds, etc.

It is simply a question of judgment as to what amount ought to be appropriated, but I have not felt that, as the representatives of the agricultural people of the country, we ought to be parsimonious in our disposition to make appropriations for their benefit. They do not get much out of this Government, they say, whatever we do. Now, let us give them information, especially with regard to their own great interest, which is the controlling interest of the country. I hope the amount will be allowed to stand.

Mr. CALL. Mr. President, it seems to me there is nothing in the consideration which has been suggested here which is pertinent to the reduction of the amount appropriated in this bill. Suppose this has degenerated into an abuse. Is the abuse of a thing any reason for abolishing its proper and reasonable use, or is it a reasonable use that rare and valuable seeds should be distributed, such as may be acclimatized and may improve the products of agriculture throughout the country? Is there anything unreasonable in that? Is it not a wise thing to do to improve the products of agriculture and to improve them by the cultivation of superior kinds? That is the law. If you can not find an executive officer to execute it, you must only amend those provisions which are pertinent to him and bear upon him.

I say, in my own judgment and observation, that there is no appropriation in this bill which is more useful to the people of this country, when properly used, than this for introducing rare and valuable and improved seeds, plants, and shrubs. In my own State it has been the cause of a great deal of advantageous production of new things, acclimatizing them, and but for the frosts which have occurred in the last few years there would have been added to the commerce of this country some very valuable contributions from new and rare plants acclimatized in that section of the country. We may take as a specimen the orange, which has been greatly improved beyond any other part of the world.

This appropriation is more in touch with the people of the country, with the farmers, than any other. In my judgment, the appropriation in this bill to the great farming interests ought to be twice what it is, because upon that interest, upon its progress and its improvement, depends the whole prosperity of this country. Those things which are added to it in manufacture and inventions must rest upon the substratum of agricultural prosperity. The farmers of this country are exceedingly poor. The pressure of the times bears upon them more severely than upon any other class in the country. There is an absolute want of money throughout the whole farming region of the country, and there is a necessity that they should have this assistance from the Government, not of the ordinary seeds, but of the kinds which are required to be purchased for the improvement of the present productions of agriculture.

The PRESIDING OFFICER. The question is on the amendment of the committee.

The amendment was agreed to.

Mr. CALL. Mr. President, I have the consent of the committee for an amendment which I propose to offer, on page 22, after line 8. I propose to insert what I send to the desk:

Of which $1,000 shall be expended in the purchase of an extra supply of tobacco and other seeds for the sufferers by cyclones and frosts in the State of Florida who are unable to purchase them.

I only wish to say that for the last three or four years there has been a succession of disasters in the State of Florida, commencing with the great frost three years ago, which destroyed the orange groves of the country, and the growers lost many millions of dollars. That has been succeeded by a cyclone in the present year.

Mr. CULLOM. If the Senator will reduce the amount to $500, I shall make no objection to the amendment.

Mr. CALL. I will do that; but the amount ought not to be reduced.

Mr. CAFFERY. I move to amend the amendment proposed by the Senator from Florida by including the State of Louisiana and enlarging also the scope of the seeds he proposes to distribute by adding corn to the list.

I will state that a very large portion of my State was visited last year by a most severe drought. Some ten or twelve parishes were absolutely burned up and their whole crop destroyed, so much so that the people of that State are now engaged in charitable contributions to relieve the sufferings of the people in the drought-stricken districts. I do not know that this will be acceptable to them, inasmuch as their wants are being relieved by the efforts of their fellow-citizens.

Mr. CALL. Then they need not take it.

Mr. CAFFERY. But at all events, when an amendment of this sort is included for Florida, I think the condition of the State of Louisiana, of which I can speak knowingly, where the people are absolutely in a starving condition, deserves as much consideration at the hands of the Senate as the State of Florida.

The PRESIDING OFFICER. The Secretary will state the amendment.

Mr. CALL. I submit to the chairman of the subcommittee that the amount named in my amendment should stand at $1,000.

Mr. CAFFERY. That is right.

The PRESIDING OFFICER. The first question will be on the amendment reported by the Committee on Appropriations, which has been stated,

The amendment was agreed to.

The PRESIDING OFFICER. The amendment proposed by the Senator from Florida [Mr. CALL] will now be stated.

The SECRETARY. At the end of line 8, on page 22, it is proposed to insert:

Of which $500 shall be expended in the purchase of an extra supply of tobacco and other seed for the sufferers from cyclones and frosts in the State of Florida who are unable to purchase them.

Mr. CAFFERY. I move to amend the amendment by inserting the word "corn" after "tobacco," and after the word "Florida" by inserting "and the drought-stricken regions of Louisiana."

Mr. ALLISON. I am very glad to see our friends from Louisiana and other Southern States, who are such sticklers about the jurisdiction of Congress in appropriating money for these general purposes, offering such amendments as those now proposed. I suggest to the Senator from Louisiana that his amendment enlarges the scope of the amendment proposed by the Senator from Florida by inserting "drought." We have made appropriations heretofore for overflows of the Mississippi and other rivers; we have made appropriations for cyclones. Now the Senator from Florida adds "frosts" and the Senator from Louisiana proposes to add "droughts." We have some very severe frosts in the Northwest, and I should be willing to allow that appropriation of $500 for frosts, but I submit to the Senator from Louisiana that he is widening the scope of this appropriation by adding droughts. I should be glad if he would change that portion of his amendment.

Mr. CALL. I suggest to the Senator from Iowa that it is not droughts, or cyclones, or frosts that we are appropriating money for, but we are appropriating money for the suffering which can not otherwise be relieved, and for the improved production of the country which will be created by these appropriations. It is not the thing that caused the suffering, but what results from it.

Mr. ALLISON. Then I was misled by the phraseology of the amendment. I understood the Senator in his amendment to state the reasons why it was offered.

Mr. CALL. That is the reason, undoubtedly, but it is the result for which we are appropriating.

Mr. CULLOM. I did not notice whether the amendment of the Senator from Florida proposes to appropriate so much money from the sum already appropriated.

Mr. CALL. That is all. I do not propose to increase the amount.

Mr. CULLOM. If that is so, very well.

Mr. CALL. That is all.

Mr. CULLOM. Then I make no objection to the amendment.

The PRESIDING OFFICER. The amendment of the Senator from Louisiana [Mr. CAFFERY] to the amendment of the Senator from Florida [Mr. CALL] will be stated.

The SECRETARY. It is proposed to amend the amendment by inserting after the word "tobacco" the word "corn," and after the word "Florida" the words "and the drought-stricken regions of Louisiana."

The PRESIDING OFFICER. The question is on the amendment to the amendment.

Mr. JONES of Arkansas. Let the amendment be read as it will stand if amended.

The PRESIDING OFFICER. The amendment as proposed to be amended will be stated.

The SECRETARY. It is proposed to amend the amendment in line 8, on page 22, so as to read:

Of which $500 shall be expended in the purchase of an extra supply of tobacco, corn, and other seed for the sufferers from the cyclones and frosts in the State of Florida and the drought-stricken regions of Louisiana, who are unable to purchase them.

Mr. JONES of Arkansas. There will have to be a yea-and-nay vote on that amendment if it is to go into the bill.

Mr. CULLOM. If a yea-and-nay vote is to be called for, I hope the Senator will withdraw the amendment. We are appropriating $150,000 to buy and distribute seeds. The chances are that the regions referred to in the amendment, which seem to be in a suffering condition, can be supplied out of the appropriation without any special legislation. I hope, therefore, the Senator will not embarrass the bill by urging the adoption of the amendment.

Mr. CALL. I will submit to the suggestion of the Senator, though I should be very glad to have a yea-and-nay vote on this amendment, because I think what it proposes is a very important and proper thing to do; but in the present condition of the Senate I shall not press the amendment.

Mr. CULLOM. All right.

The PRESIDING OFFICER. The amendment is withdrawn.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 23, line 14, after the word "represents," to strike out:

And in determining the number of packets of flower, vegetable, and other seeds, respectively, which shall be placed in the quota of each Senator, Representative, or Delegate, the Secretary shall be controlled by the written instructions filed with him by such member at any time prior to the 1st day of May each year, indicating the relative proportions of the flower, vegetable, and other seeds which said member desires in his quota. And the Secretary shall furnish to each such member either his entire quota or such part thereof as he may desire in sealed packets containing the names of the seeds contained therein printed upon the cover, together with a sufficient number of unsealed envelopes with properly printed blank frank slips attached thereto for inclosing and mailing said seed packets. If any member shall fail to express his wish in regard to the various kinds of seeds to be apportioned in his quota before the 1st day of May, the Secretary may apportion the same to said member according to his own judgment. The provisions of this amendment shall apply to the distributions succeeding the 1st day of May, 1897.

The amendment was agreed to.

The next amendment was, on page 25, after line 16, to strike out:

Total miscellaneous, Department of Agriculture, $1,955,900.

The amendment was agreed to.

The next amendment was, under the head of "General expenses, Weather Bureau," on page 28, line 15, after the word "inspector," to insert "at a salary not to exceed $2,000;" and in line 18, after the word "Washington," to insert "who, without additional expense to the Government, may hereafter, in the discretion of the Secretary of Agriculture, be granted such leaves of absence as are now authorized to employees in the office of the Chief of the Weather Bureau, not to exceed thirty days in any one year, $352,195;" so as to make the clause read:

Salaries of one inspector, at a salary not to exceed $2,000, thirty local forecast officials, section directors, observers, operators, repairmen, messengers, laborers, and other necessary employees, outside of the city of Washington, who, without additional expense to the Government, may hereafter, in the discretion of the Secretary of Agriculture, be granted such leaves of absence as are now authorized to employees in the office of the Chief of the Weather Bureau, not to exceed thirty days in any one year, $352,195.

The amendment was agreed to.

The next amendment was, on page 29, line 20, after the word "expenses," to strike out "$717,162" and insert "$364,967;" so as to make the clause read:

All other expenses, itemized as follows: Maps, bulletins, and stationery for stations, and the maintenance of a printing office in the District of Columbia for printing the necessary circulars, weather maps, bulletins, and monthly weather reviews (including the hire of printers, lithographers, and other necessary working force); for traveling expenses; for freight and express charges; for instruments and shelters therefor; for telegraphing or telephoning reports and messages, the rates to be fixed by the Secretary of Agriculture by agreement with the companies performing the services; for rents and other incidental expenses of offices maintained as stations of observation; for maintenance and repair of seacoast telegraph lines; for river observations and reports; for storm and other signals; for cotton-region observations and reports; for corn and wheat observations and reports; for aerial observations and reports; for special observations and pay of observers of West Indian, Mexican, and Central American stations during the hurricane season; for supplies for climate and crop services; and for investigations on climatology, including assistance and all necessary expenses, $364,967.

The amendment was agreed to.

The next amendment was, on page 29, after line 23, to strike out:

Total, Weather Bureau, $883,702.

The amendment was agreed to.

The next amendment was, at the top of page 30, to strike out:

Total, Department of Agriculture, $2,272,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 2, to strike out:

Total, $3,155,702.

The amendment was agreed to.

Mr. THURSTON. I propose an amendment which I understand the committee is willing to accept.

The PRESIDING OFFICER. The amendment of the Senator from Nebraska will be stated.

The SECRETARY. On page 17, after line 14, it is proposed to insert:

Domestic sugar production: To enable the Secretary of Agriculture to continue inquiry and ascertain the progress made in the production of domestic sugar from beets and sorghum, including the area of available lands adapted thereto, by irrigation or otherwise, and to investigate all other matters concerning the same; for cost of labor, traveling, and other expenses, $5,000.

Mr. CULLOM. I make no objection to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

IRA H. SWEATT.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (H. R. 1323) for the relief of Ira H. Sweatt.

Mr. COCKRELL. Let the bill be read for information, subject to objection.

The PRESIDING OFFICER. The bill will be read for information, subject to objection.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Ira H. Sweatt, late of Company I, Thirteenth New Hampshire Volunteers, a pension of $12 per month, under certificate No. 121863, issued October 27, 1892, and that no part of it shall be retained by any authority to reimburse the Government for any pension heretofore paid.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF J. W. TUCKER.

Mr. BATE. I move that the Senate adjourn.

Mr. CAFFERY. I ask the Senator from Tennessee to yield to me for a moment.

Mr. BATE. Very well.

Mr. CAFFERY. I ask unanimous consent to call up a resolution reported this morning from the Committee on Claims.

The PRESIDING OFFICER. Does the Senator from Tennessee withdraw his motion?

Mr. BATE. I withdraw the motion to enable the Senator from Louisiana to call up the resolution to which he refers.

Mr. CAFFERY. I ask unanimous consent for the consideration of a formal resolution reported from the Committee on Claims this morning to refer Senate bill 3463 to the Court of Claims.

Mr. COCKRELL. Let the resolution be read for information, subject to objection.

Mr. CAFFERY. It is a resolution reported from the Committee on Claims to refer to the Court of Claims the bill (S. 3463) for the relief of the estate of J. W. Tucker, of Lafourche Parish, La.

The PRESIDING OFFICER. The Chair is informed that the resolution has gone to the Public Printer, and is not now in the possession of the Senate.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 11, 1897, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 10, 1897.*

The House met at 12 o'clock m. The Chaplain offered the following prayer:

Almighty and most merciful Father, in whose sacred presence we dwell and under whose divine guidance we have been led as a nation through prosperity, through adversity, through sunshine and through storm, unto the present hour, continue, we beseech Thee, to thus guide us. Thou hast taught us in Thy revealed word and through many experiences that righteousness exalteth a nation, that sin is a reproach to any people. Help us, therefore, we beseech Thee, to do justly, to love mercy, and to walk humbly with Thee, O God, that the genius of our nation may more and more obtain until we become the beacon light of all the world, leading on to peace and prosperity in all the earth; through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CORRECTIONS.

Mr. ANDREWS. Mr. Speaker, on page 1677 of the RECORD the yea-and-nay vote on the immigration bill appears. Understanding that I was paired on that bill, I was engaged in some urgent committee work. The RECORD, however, does not show that I was paired. If I had been present, I should have voted "yea."

Mr. DANIELS. Mr. Speaker, I desire to have it appear by the RECORD that I was absent when the vote was taken on the immigration bill by reason of necessary attendance on a joint committee of the House and Senate, of which I am a member. If I had been present, I should have voted "yea."

UNITED STATES DISTRICT ATTORNEY FOR DISTRICT OF COLUMBIA.

Mr. HENDERSON. Mr. Speaker, I am directed by the Committee on the Judiciary to ask unanimous consent to take from the Speaker's table Senate bill No. 3666 and ask for the immediate consideration thereof. When the bill, which is brief, is read, I will make a statement to the House explaining this request.

The bill was read, as follows:

Be it enacted, etc., That in case of a vacancy in the office of attorney of the United States for the District of Columbia, the supreme court of said District may fill the same, and the person appointed by said court shall serve until an appointment is made by the President, and the appointee is duly qualified, and no longer.

The SPEAKER. Is there objection to the present consideration?

Mr. TERRY. Mr. Speaker, I would like to ask the gentleman if there was any contest in the Senate over the passage of the bill?

Mr. HENDERSON. None whatever. The bill was considered in the Senate and passed by unanimous consent.

Mr. TURNER of Georgia. Mr. Speaker, may I ask the gentleman from Iowa what is the emergency that makes the passage of this bill necessary?

Mr. HENDERSON. Mr. Speaker, in reply to the gentleman from Georgia, I will say that there is a vacancy for the time being in the office of the United States district attorney for this District. Criminal cases are called and there is no one to represent the Government. There is doubt as to the right to fill the vacancy pro tempore, and this bill is for the purpose of giving that power to the supreme court of the District.

Mr. TURNER of Georgia. I would inquire whether the body which originated this bill might not very easily dispose of the matter by confirming the nomination for this office that is now pending?

Mr. HENDERSON. There is no doubt about that. They could fill it in that way, but they have not done so, and that is not a matter for us to inquire into. The vacancy exists, the public business is suspended, and this bill is proposed as the remedy.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HARRISON. I object.

The SPEAKER. Objection is made.

ORDER OF BUSINESS.

Mr. HENDERSON. Mr. Speaker, I move that the House take a recess until 12 o'clock and 55 minutes p. m.

The question being taken, the motion was rejected.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following order:

Ordered, That at ten minutes before 1 o'clock on Wednesday, February 10, 1897, the Senate proceed to the Hall of the House of Representatives to take part in the count of the electoral votes for President and Vice-President of the United States.

The message also announced that the Senate had passed with amendments joint resolution (H. Res. 234) providing for the distribution of the maps and atlases of the United States Geological Survey in which the concurrence of the House was requested.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3614) to aid in the improvement of the navigable channel of the South Pass by closing the existing crevasse in Pass a Loutre, in Mississippi River; and

A bill (S. 1648) for the relief of Stewart College (now the Southwestern Presbyterian University), located at Clarksville, Tenn.

COMMITTEE EXPENSES, ETC.

Mr. ALDRICH of Illinois. I desire to present a report from the Committee on Accounts.

Mr. HENDERSON. I demand the regular order.

The SPEAKER. This is the regular order. This is a privileged report, as the Chair understands.

The report sent to the desk by Mr. ALDRICH was read, as follows:

The Committee on Accounts, to whom was referred sundry resolutions, beg leave to report as follows:

The resolution providing that the "Doorkeeper of the House of Representatives be directed to transfer to the 'soldiers' roll' of the employees of the House the name of W. H. Grimshaw, disabled soldier of the late war, vice John Ryan, deceased," is hereby reported adversely.

The resolution directing that the "Clerk of the House of Representatives be authorized and directed to pay out of the contingent fund of the House, to Kendall Lee, the sum of $100, for caring for the room of the Committee on Accounts during the past session and recess," is approved.

The resolution authorizing the "chairman of the Committee on Enrolled Bills to appoint two additional assistant clerks for the Committee on Enrolled Bills, the pay of said clerks to begin on January 6 and to continue during the remainder of the session," has been amended by your committee so that the pay of said clerks shall be $6 per day and begin on February 1, 1897, and in that form is approved.

The resolution authorizing the "chairman of the Committee on Banking and Currency to expend not to exceed $120 as compensation for the employment of stenographers and typewriters" for the balance of this session is approved.

Your committee, therefore, beg leave to report and recommend the adoption of the following, to wit:

RESOLUTIONS.

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Kendall Lee, the sum of $100 for caring for the room of the Committee on Accounts during the past session and recess.

Resolved, That the chairman of the Committee on Enrolled Bills be, and he is hereby, authorized to appoint two additional assistant clerks for the Committee on Enrolled Bills, the pay of said clerks to begin on February 1, 1897, and to continue during the remainder of the session, said clerks to be paid by the Clerk of the House of Representatives out of the contingent fund of the House, and at a rate not exceeding $6 per day each.

Resolved, That the chairman of the Committee on Banking and Currency be authorized to expend not to exceed $120 as compensation for the employment of stenographers and typewriters in addition to the $300 covered by resolutions passed during the first session of the present Congress, the same to be paid out of the contingent fund of the House.

Mr. McMILLIN. I observe that one of these resolutions provides two additional assistant clerks for the Committee on Enrolled Bills. I believe a resolution for additional assistance in the enrollment of bills has been usual heretofore toward the close of a Congressional session; but have we not changed the method of enrolling bills? Are they not now printed instead of being enrolled on parchment, as formerly?

Mr. ALDRICH of Illinois. I believe they are.

Mr. McMILLIN. Then what is the necessity for this increase of clerical force?

Mr. ALDRICH of Illinois. I have been informed by the chairman of that committee that the adoption of this resolution is absolutely necessary for furthering the work before the committee from the present time until the end of the session. That was the statement of the chairman of the committee. I do not know whether he is here now or not. [A pause.] I move the adoption of the resolutions.

The question being taken, the resolutions favorably reported by the Committee on Accounts were adopted.

The SPEAKER. Without objection, the remainder of the report of the committee will be adopted. The Chair hears no objection.

CLAIMS OF KNOXVILLE WHIG.

Mr. McCALL of Tennessee. I ask unanimous consent for the consideration of Senate bill No. 21.

The Clerk read the bill (S. 21) to authorize the investigation by the Attorney-General of certain claims alleged to be due the late proprietors of the Knoxville Whig for advertising, and authorizing the payment therefor by the Secretary of the Treasury of any amounts found by the Attorney-General to be legally or equitably due.

Mr. DOCKERY. Reserving the right to object, I should be glad to hear the report read.

The report of the Committee on Claims (by Mr. COLSON) was read.

Mr. SAYERS. Mr. Speaker, does this matter require unanimous consent?

The SPEAKER. It does.

Mr. SAYERS. Then I object.

FORTIFICATIONS APPROPRIATION BILL.

Mr. HAINER of Nebraska, from the Committee on Appropriations, reported the bill (H. R. 10288) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; which was read a first and second time.

The SPEAKER. This bill will be referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. RICHARDSON. I reserve all points of order on the bill.

The SPEAKER. All points of order are reserved.

POST-OFFICE APPROPRIATION BILL.

Mr. LOUD, from the Committee on the Post-Office and Post-Roads, reported a bill (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30,1898; which was read a first and second time.

The SPEAKER. This bill will be referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. BAILEY. I desire to reserve all points of order on this bill.

The SPEAKER. All points of order are reserved.

PUBLIC BUILDING AT DETROIT, MICH.

Mr. CORLISS. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read the bill (H. R. 1091) to repeal sections 2 and 3 of an act entitled "An act to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich.," approved March 2, 1885.

Mr. BAILEY. I reserve the right to object, pending the reading of the report.

The report was read.

Mr. McMILLIN. Mr. Speaker, I remember that when the public building at Detroit was provided for a large appropriation was made for that purpose; and one of the inducements in obtaining that appropriation was the statement that by reason of the central location of the old site the proceeds of its sale would go very far toward paying for the new building. I do not see in this report any sufficient excuse for stopping the return of that money to the Treasury and retaining a building which, so far as we now see, the Government does not need. Therefore I must object to the bill.

Mr. CORLISS. Will the gentleman allow me to explain? The bill appropriating money for the purchase of a new site and the erection of a new public building was passed fourteen years ago.

Mr. McMILLIN. This bill proposes to stop the sale of the old building.

Mr. CORLISS. The old site is not valued at over $100,000. The Government is now paying $6,000 a year for the use and occupation of private property.

Mr. HICKS. I object to the consideration of the bill.

MINING CLAIMS.

Mr. LATIMER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1632) to permit owners of mining claims on forest reservations of the United States to perfect their title thereto, and to procure a patent therefor, and for other purposes.

The bill was read at length.

Mr. BARTLETT of New York. Mr. Speaker, I reserve the right of objection until I can hear some explanation of this matter.

Mr. LATIMER. Mr. Speaker, I will yield to the gentleman from Colorado [Mr. SHAFROTH], who will explain fully the necessity for this legislation.

Mr. SHAFROTH. Mr. Speaker, the purpose of this bill is simply to give a right of way for the construction of tramways or railways from mines that are situated in forest reservations. At present there is no mode of acquiring such right of way by mine owners; and the purpose of this bill is to enable the owners of the mines under these circumstances to construct tramways or railways, so as to market their ores. The Government's interest is guarded in every particular. The Secretary of the Interior prescribes the manner in which the lines shall be located and requires the filing of maps of location. The owners of mines situated within forest reservations ought to have the right to market their ores, and it can be only done by granting them the right of way for the construction of tramways or railways in some such manner as is contemplated in this bill.

Under the circumstances it seems to me that there ought to be no objection to the consideration of the bill or to its passage.

Mr. LOUD. I would like, with the consent of the gentleman, to ask him a question for information.

Mr. SHAFROTH. Certainly.

Mr. LOUD. I would ask the gentleman if the effect of the first section of the bill is not to establish a right to perfect title where the title is not good?

Mr. SHAFROTH. I will state to the gentleman from California that that section in the bill is surplusage. Whenever a man locates and works a mine, he has a vested right in the mine and he has a right to perfect his title thereto even if it be within a forest reservation afterwards set apart by the proclamation or order of the President.

Mr. LOUD. But even if he had only made a filing, this would enable him to perfect the title.

Mr. SHAFROTH. The act giving the President the right to

declare and establish forest reservations gives to the miner the right to perfect his title when he has once filed his location certificate as prescribed by law.

Mr. BARTLETT of New York. If that be the case, I would ask the gentleman why not strike out this first section of the bill altogether?

Mr. SHAFROTH. Because the Senate has passed the bill in this form, and to amend it now and send it back at this time of the session would mean the absolute loss of the bill.

Mr. STEELE. Oh, no.

Mr. BARTLETT of New York. This grants a right to perfect title; and if that be not the purpose and is not necessary, why was it put into the bill?

Mr. SHAFROTH. I do not know why it was put in the bill, except possibly that it was drawn by some one who did not understand that provision of the law. It is the law now; but even if it were not the law, miners should have the privilege of perfecting their titles. The person who discovers and locates a mine under the general laws of the United States ought to have the privilege of perfecting his title at any time. But under the present law my contention is that the right is preserved to him.

Mr. BRUMM. There is no land grant here?

Mr. SHAFROTH. Nothing of the kind. Only a right of way for a tramway or railroad.

Mr. MILNES. Mr. Speaker, this is a matter of considerable importance, apparently, and may be a very meritorious bill. But it is impossible to find out exactly what it does, and therefore I object to its consideration.

CIRCUIT COURT OF APPEALS.

Mr. BROWN. Mr. Speaker, I ask unanimous consent to take up at this time for consideration the bill (S. 1862) to amend the act creating the circuit court of appeals in regard to fees and costs, and for other purposes, which has been considered and reported favorably by the House Committee on the Judiciary.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That the second section of an act to establish circuit courts of appeals, passed March 3, 1891, be amended so that the clause therein which now reads, "The costs and fees in the Supreme Court now provided for by law shall be costs and fees in the circuit court of appeals," shall read, "The costs and fees in each circuit court of appeals shall be fixed and established by said court in a table of fees, to be adopted within three months after the passage of this act: *Provided*, That the costs and fees so fixed by any court of appeals shall not, with respect to any item, exceed the costs and fees now charged in the Supreme Court." The senior justice of each circuit court of appeals shall, within three months after the fixing and establishing of costs and fees as aforesaid, transmit the same to the Chief Justice of the United States, and within one year thereof the Supreme Court of the United States shall revise said table, making the same, so far as may seem just and reasonable, uniform throughout the United States. The table of fees, when so revised, shall thereupon be in force for each circuit.

The SPEAKER. Is there objection to its present consideration?

Mr. McCREARY of Kentucky. I ask for the reading of the report accompanying the bill.

The report (by Mr. BROWN) was read, as follows:

The Committee on the Judiciary has had before it the bill (S. 1862) entitled "An act to amend the act creating the circuit court of appeals in regard to fees and costs, and for other purposes," and recommend the passage of said bill with the following amendments:

In lines 13 and 14 strike out the words "the senior justice of," and in line 16 strike out the words "the same" and insert instead thereof the words "said table."

Mr. BROWN. Mr. Speaker, in connection with the report, I desire to have read a letter from the Attorney-General in regard to this bill.

The letter was read, as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., February 10, 1897.

SIR: Referring to your inquiries at the Department, I have to say that I have examined the bill passed by the Senate (S. R. 1862) for the purpose of enabling each of the circuit courts of appeals to fix its own table of fees and costs, instead of charging the same fees and costs as the Supreme Court.

The latter plan is undoubtedly burdensome to litigants, and seems to me unbusinesslike. I had the honor of preparing myself the bill in question, to carry out the recommendation made in my annual report. (See report, 1896, page xix.) I regard its passage as very important.

JUDSON HARMON, *Attorney-General.*

Hon. FOSTER V. BROWN, M. C.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TAWNEY. I object, Mr. Speaker, pending an explanation by the gentleman from Tennessee,

Mr. BROWN. Mr. Speaker, I wish simply to say that under the act of 1891, establishing our circuit courts of appeals, it was provided that the costs and fees of these courts should be the same as in the Supreme Court of the United States. Now, it has been found that the costs and fees charged in the Supreme Court of the United States are too high, and are burdensome to litigants. That fact was called to the attention of Congress in the annual report of the Attorney-General, which will be found on page 19 of the document of December of last year, and he recommended the passage of such a bill as this.

Mr. TAWNEY. Will the gentleman allow me to ask him a question?

Mr. BROWN. Certainly.

Mr. TAWNEY. Will not the effect of the bill be to give to the judges of the circuit courts of appeals absolute power in the matter of fixing the fees?

Mr. BROWN. The purpose of the bill is to allow the courts of appeals to reduce the costs and fees in those courts.

Mr. TAWNEY. Yes; but you do not require it, do you? The bill does not require the judges to reduce the fees, does it? There is no doubt about the necessity for the reduction——

Mr. BROWN. I do not understand the question.

The SPEAKER. The gentleman from Tennessee [Mr. BROWN] will suspend for a moment. The House will please be in order. The attendants in the gallery will see that conversation ceases.

Mr. TAWNEY. I say to the gentleman from Tennessee [Mr. BROWN] that there is no doubt about the necessity for the reduction of fees in the circuit courts of appeals. The only question is whether this bill requires the courts to reduce the fees, or whether it gives the judges discretionary power to allow the fees to remain as they are at the present time.

Mr. COOPER of Florida. Or to increase them.

Mr. BROWN. If the gentleman will read further on in the bill, he will see that it provides that each circuit court of appeals shall make out a table of fees. That table of fees from each circuit court is to be submitted to the Supreme Court of the United States. The language of the bill is as follows:

Each circuit court of appeals shall, within three months after the fixing and establishing of costs and fees as aforesaid, transmit said table to the Chief Justice of the United States, and within one year thereof the Supreme Court of the United States shall revise said table.

The bill further provides that, so far as may seem just and reasonable, the Supreme Court may make the fees uniform throughout the United States. There is no question about the necessity for the passage of this law; but the Judiciary Committee thought it not advisable to set out in the statute a bill of fees, but thought it would be more advisable to pass this law to allow the courts to fix the fees.

Mr. TAWNEY. Does not the law at the present time fix the rate of fees to be charged in the Supreme Court of the United States?

Mr. BROWN. It certainly does.

Mr. TAWNEY. Why is it not practicable, then, for the Judiciary Committee to report a bill fixing a reasonable rate of fees for the circuit courts of appeals, as it has been in the past to enact a law respecting the rate of fees in the Supreme Court of the United States?

Mr. BROWN. Well, perhaps it would be better to do that, but it is not thought practicable to do that now, and we thought that to follow the recommendation of the Attorney-General and present the best bill which could be presented under the circumstances was the wise thing to do.

Mr. TAWNEY. I should like to ask the gentleman if he does not believe that the only effect of this bill will be to perpetuate the present system, the present rate of fees charged in the circuit courts of the United States?

Mr. BROWN. I do not think so.

Mr. TAWNEY. In other words, is it not a fact that the Supreme Court of the United States will, in all human probability, merely ratify the recommendations made by the circuit courts of appeals, and that those recommendations will be exactly in accordance with the suggestions made by the clerks of the several circuit courts of appeals of the United States?

Mr. BROWN. I do not think so, because the clerks have no interest in the rate of fees. The fees of the circuit courts of appeals go into the Treasury of the United States, and the judges of the circuit courts of appeals have urged the passage of this bill because they say that the cost charges in the circuit courts of appeals are too high.

Mr. TAWNEY. There is no doubt about that.

Mr. BROWN. I know that the judges in our circuit, which is the sixth circuit, have urged the passage of this bill, because they say that the fees are too high and ought to be reduced. That is the object and purpose of this bill, to allow the judges to fix a scale of fees lower than the present scale, which is the same as that in the Supreme Court of the United States.

We hope to have good results from this bill, and I hope the gentleman will not interpose an objection. The bill has the indorsement of the Department of Justice and the unanimous approval of the Judiciary Committee, who thought it was the best bill that could be presented under the circumstances.

Mr. TAWNEY. If I thought that the bill would result in a reduction of fees in the circuit courts of appeals, I certainly should have no objection. My only object in calling attention to

the matter was in the hope that the committee might possibly report a bill which would, as a matter of fact, reduce the fees, rather than leaving the reduction to be made by the courts in their discretion.

Mr. BROWN. I should have been glad myself to report such a bill. That was my idea; but we can not get everything that we want in this world, and I think this is the best that can be done under the circumstances.

Mr. TAWNEY. In the hope of a reduction, I will not object.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The question is on agreeing to the amendments recommended by the Committee on the Judiciary.

The amendments were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BROWN, a motion to reconsider the last vote was laid on the table.

LYING-IN STATION FOR NAVAL VESSELS AT FOOT OF PALISADES OF THE HUDSON RIVER.

Mr. STEWART of New Jersey. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Secretary of the Navy be requested to appoint a board of naval officers to report upon the advisability of locating a lying-in station for naval vessels, or as the permanent anchorage, with dock and supply store, and also naval magazine, at the foot of the Palisades of the Hudson River.

Mr. DOCKERY. Has this been reported by a committee?

The SPEAKER. The Chair understands not.

Mr. DOCKERY. I think such a proposition had better be considered in the usual way.

The SPEAKER. Objection is made.

RIGHT OF WAY THROUGH PUBLIC LANDS FOR TRAMROADS, CANALS, AND RESERVOIRS.

Mr. BOWERS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9607) to amend an act to permit the use of the right of way through public lands for tramroads, canals, and reservoirs, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That an act entitled "An act to permit the use of the right of way through the public lands for tramroads, canals, and reservoirs, and for other purposes," approved January 21, 1895, be, and the same is hereby, amended by adding thereto the following: "That the Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him, to permit the use of right of way upon the public lands of the United States, not within limits of any park, forest, military or Indian reservations, for tramways, canals, or reservoirs, and 50 feet on each side of the marginal limits thereof, by any citizen or association of citizens of the United States, or corporation, for the purposes of furnishing water for domestic, public, and other beneficial uses; and all rights of way heretofore granted, or the applications for which have been made under the act approved March 3, 1891, and entitled 'An act to repeal timber-culture laws, and for other purposes,' may be used for said purposes."

The amendments recommended by the committee were read, as follows:

Amend by striking out the words "and 50 feet on each side of the marginal limits thereof," in line 13, on page 1, and inserting the words "to the extent of the ground occupied by the water of the canals and reservoirs, and 50 feet on each side of the marginal limits thereof, or 50 feet on each side of the center line of the tramroad."

On page 2 strike out, in line 15, the words "or corporation."

On same page strike out of line 16 the words "and all rights of way," and also strike out all of lines 17, 18, 19, and 20.

Amend by adding a new section, as follows:

"SEC. 2. That rights of way for ditches, canals, or reservoirs heretofore or hereafter approved under the provisions of sections 18, 19, 20, and 21 of the act entitled 'An act to repeal timber-culture laws, and for other purposes,' approved March 3, 1891, may be used for purposes of a public nature. And said rights of way may be used for purposes of water transportation for domestic purposes or for the development of power, as subsidiary to the main purpose of irrigation."

Mr. BLUE. Reserving the right to object, I would like a little explanation about this.

Mr. McMILLIN. Let us have the report read.

Mr. McCREARY of Kentucky. Let the report be read.

Mr. BOWERS. The report is very short, and will give an explanation.

The report (by Mr. BOWERS) was read, as follows:

The Committee on the Public Lands have had under consideration the bill (H. R. 9607) to amend "An act to permit the use of right of way through public lands for tramroads, canals, and reservoirs, and for other purposes." The bill was referred to the Interior Department, and the opinions of the Commissioner of the General Land Office and the honorable Secretary of the Interior are herewith printed as a part of this report, and the bill amended in accordance with their recommendations.

The purpose and effect of this bill is to allow the use of the right of way through the public lands for the purpose of furnishing water for domestic purposes. The right of way is now allowed by law for furnishing water for irrigation, mining, and reservoir purposes, and your committee can not conceive of any better or higher purpose for the use of the right of way than for furnishing the water for domestic and public use.

We therefore recommend that the bill be amended by striking out the words "and 50 feet on each side of marginal limits thereof," in line 13, on page 1, and inserting the words "to the extent of the ground occupied by the water of the canals and reservoirs, and 50 feet on each side of the marginal limits thereof; or 50 feet on each side of the center line of the tramroad."

On page 2 strike out, in line 15, the words "or corporation."

On same page strike out of line 16 the words "and all rights of way," and also strike out all of lines 17, 18, 19, and 20.

Amend by adding a new section, as follows:

"SEC. 2. That rights of way for ditches, canals, or reservoirs heretofore or hereafter approved under the provisions of sections 18, 19, 20, and 21 of the act entitled: 'An act to repeal timber-culture laws, and for other purposes,' approved March 3, 1891, may be used for purposes of a public nature. And said rights of way may be used for purposes of water transportation for domestic purposes or for the development of power, as subsidiary to the main purpose of irrigation."

And as so amended the committee recommend that the bill do pass.

DEPARTMENT OF THE INTERIOR,
Washington, February 2, 1897.

SIR: I have the honor to hand you herewith a report from the Assistant Commissioner of the General Land Office, dated the 29th ultimo, upon House bill 9607, entitled "A bill to amend an act to permit the use of the right of way on public land for tramroads, canals, reservoirs, and for other purposes." I concur in the suggestions and recommendations made in the report of the Assistant Commissioner so far as they relate to that portion of the bill which seeks to amend the act approved January 21, 1895; but I would strike out from the bill all that portion of it after the word "uses," in line 16 thereof, which portion refers to the rights of way heretofore granted under the act approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes."

Sections 18 to 21, inclusive, of the act of March 3, 1891 (26 Stat. L., 1095), grants a right of way through the public lands for reservoirs and canals under the regulations of this Department, and maps filed for the approval of this Department are required to contain a certificate that the right of way is desired for irrigation purposes only.

I do not believe that it would be for the public benefit to have the rights of way granted under that act to be subject to the uses contemplated in the act in question, but that it would tend to confuse the right-of-way acts now in existence.

Very respectfully,

D. R. FRANCIS,
Secretary.

Hon. W. W. BOWERS,
House of Representatives.

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DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 29, 1897.

SIR: I am in receipt, by reference from the Department, for report in duplicate and return of papers, of a letter of Hon. W. W. BOWERS, of January 27, 1897, inclosing a copy of a bill (H. R. 9607).

The bill provides that the act of January 21, 1895 (28 Stat. L., 635), be amended by adding thereto the following:

"That the Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him, to permit the use of right of way upon the public lands of the United States, not within the limits of any park, forest, military or Indian reservation, for tramways, canals, or reservoirs, and 50 feet on each side of the marginal limits thereof, by any citizen or association of citizens of the United States, or corporation, for the purpose of furnishing water for domestic, public, and other beneficial uses; and all rights of way heretofore granted, or the applications for which have been made under the act approved March 3, 1891, and entitled 'An act to repeal timber-culture laws, and for other purposes,' may be used for said purposes."

So far as this bill proposes to extend the scope of the act of January 21, 1895, there seems to be no objection except as to the language used. The width of the right of way is given as "50 feet on each side of the marginal limits" of the "tramways, canals, or reservoirs." This language is indefinite, and I would recommend that for the words in line 13, "and 50 feet on each side of the marginal limits thereof," there be substituted the words used in the act of 1895 above, viz, "to the extent of the ground occupied by the water of the canals and reservoirs, and 50 feet on each side of the marginal limits thereof, or 50 feet on each side of the center line of the tramroad." The bill allows such applications "by any citizen or association of citizens of the United States." The act of 1895 uses the same language, which has been held by the Department to include corporations organized under the laws of the United States or of any State or Territory. But the present bill adds "or corporation," which, in view of the construction adopted by the Department, would add nothing to the language used in the act of 1895 except to admit applications by corporations organized under the laws of a foreign country. I would therefore recommend that the words "or corporation" be omitted from the fifteenth line.

The last clause permits the rights of way granted or those for which applications are pending under sections 18 to 21, act of March 3, 1891 (26 Stat. L., 1095), to be used for "furnishing water for domestic, public, and other beneficial uses." The effect would be to destroy all distinction between the acts of 1891 and 1895 above noted. The act of 1891 grants an easement, irrevocable so long as it is used for the purposes provided by the act, held by the Department to include irrigation purposes only, while the act of 1895 authorizes merely a license to use the public land, which is revocable, and which terminates with the disposal of the land by the United States, for the purposes of "mining or quarrying or cutting timber and manufacturing lumber," the easement for irrigation under the act of 1891 being of the nature of a public benefit, the license under the act of 1895 being of the nature of a private benefit. By allowing the easement granted under the act of 1891 to be used for "other beneficial uses," it would permit the right of way to be used for mining, quarrying, or lumbering, and would open the grant of the easement to all sorts of private uses, under the well-settled rulings of the courts of the Western States in construing the words "beneficial use" in the local laws. This would be contrary to the spirit of the acts of 1891 and 1895 as understood by this office, in distinguishing between public and private uses, and appears, therefore, very objectionable.

I am of the opinion that if it were allowable to use the right of way for domestic or public purposes or for certain other purposes, which will not diminish the amount of water available for irrigation, as subsidiary to the main purpose of irrigation, the act of 1891 would be much more satisfactory in its operation, and the intention of the act as conferring a general benefit would be fully subserved. I would therefore recommend that all after the word "uses," in line 16, be omitted and the following added:

"SEC. 2. That rights of way for ditches, canals, or reservoirs heretofore or hereafter approved under the provisions of sections 18, 19, 20, and 21 of the act entitled 'An act to repeal timber-culture laws, and for other purposes,' approved March 3, 1891, may be used for purposes of a public nature. And said

rights of way may be used for purposes of water transportation, for domestic purposes, or for the development of power, as subsidiary to the main purpose of irrigation."

A copy of this letter and the papers are herewith inclosed.

Very respectfully,

E. F. BEST,
Assistant Commissioner.

The SECRETARY OF THE INTERIOR.

Mr. BLUE. Mr. Speaker, this measure is of too much magnitude to pass at this time without proper consideration. It should go to the Committee of the Whole, in my opinion, and I therefore object.

Mr. BOWERS. Will the gentleman withhold his objection a moment?

The SPEAKER. Objection is made.

Mr. PITNEY. Mr. Speaker, I move that the House take a recess until five minutes to 1 o'clock.

The SPEAKER. Before putting the motion, the Chair desires to state to the House that the seats from the main aisle on the right to the side of the House and the rows back to the seat of the gentleman from Kentucky [Mr. EVANS] will be cleared by members of the House for the use of the Senate. The gentleman from New Jersey moves that the House take a recess until five minutes to 1.

Mr. PAYNE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAYNE. I understand from the reading of the resolution that the Senate would come to the House at ten minutes to 1 o'clock, and it might involve the House being in recess when the Senate arrived if this resolution were adopted.

Mr. DOCKERY. I think the gentleman from New Jersey had better withdraw the motion.

Mr. PITNEY. I withdraw the motion.

The SPEAKER. The motion is withdrawn. Gentlemen will please vacate the seats indicated.

COUNTING OF THE ELECTORAL VOTE.

At three minutes before 1 o'clock the Doorkeeper announced the Vice-President and the Senate of the United States.

The Senate entered the Hall, preceded by its Sergeant-at-Arms, and headed by the Vice-President of the United States and the Secretary of the Senate, the members and officers of the House rising to receive them.

The VICE-PRESIDENT took his seat as presiding officer of the joint convention of the two Houses, the Speaker of the House occupying the chair on his left.

Senators BLACKBURN and LODGE, the tellers appointed on the part of the Senate, and Representatives GROSVENOR and RICHARDSON, the tellers appointed on the part of the House, took their places at the Clerk's desk.

The VICE-PRESIDENT. The Senate and House of Representatives are now in joint session, pursuant to law, for the purpose of opening and counting the votes of the electors for President and Vice-President of the United States. The certificate of the State of Alabama will be read by the tellers.

Mr. BLACKBURN (one of the tellers) read at length the certificate of the vote of the State of Alabama, giving 11 votes for William J. Bryan, of the State of Nebraska, for President of the United States, and 11 votes for Arthur Sewall, of the State of Maine, for Vice-President of the United States.

Mr. SHERMAN of Ohio. Mr. President, I move that the formal reading of these credentials be omitted, and that the result only be announced.

The VICE-PRESIDENT. Unless demanded, the reading of the certificates will be omitted, when the tellers are satisfied they are in due form and properly certified, and the result will be announced.

The tellers then proceeded to announce the electoral votes of the several States in the alphabetical order.

The VICE-PRESIDENT. This completes the roll of the States. The tellers will announce the result.

Mr. LODGE (one of the tellers). The state of the vote for President of the United States, as found by the tellers and now delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for President of the United States is 447, of which a majority is 224.

William McKinley, of the State of Ohio, has received for President of the United States 271 votes;

William J. Bryan, of the State of Nebraska, has received 176 votes.

The state of the vote for Vice-President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for Vice-President of the United States is 447, of which a majority is 224.

Garrett A. Hobart, of the State of New Jersey, has received 271 votes;

Arthur Sewall, of the State of Maine, has received 149 votes, and

Thomas E. Watson, of the State of Georgia, has received 27 votes.

The report, as officially certified by the tellers, is as follows:

The undersigned, JOSEPH C. S. BLACKBURN and HENRY CABOT LODGE, tellers on the part of the Senate, and CHARLES H. GROSVENOR and JAMES D. RICHARDSON, tellers on the part of the House of Representatives, report the following as the result of the ascertainment and counting of the electoral vote for President and Vice-President of the United States for the term beginning March 4, 1897:

Number of electoral votes to which each State is entitled.	State.	For President.		For Vice-President.		
		William McKinley, of Ohio.	William J. Bryan, of Nebraska.	Garrett A. Hobart, of New Jersey.	Arthur Sewall, of Maine.	Thomas E. Watson, of Georgia.
11	Alabama		11		11	
8	Arkansas		8		5	3
9	California	8	1	8	1	
4	Colorado		4		4	
6	Connecticut	6		6		
3	Delaware	3		3		
4	Florida		4		4	
13	Georgia		13		13	
3	Idaho		3		3	
24	Illinois	24		24		
15	Indiana	15		15		
13	Iowa	13		13		
10	Kansas		10		10	
13	Kentucky	12	1	12	1	
8	Louisiana		8		4	4
6	Maine	6		6		
8	Maryland	8		8		
15	Massachusetts	15		15		
14	Michigan	14		14		
9	Minnesota	9		9		
9	Mississippi		9		9	
17	Missouri		17		13	4
3	Montana		3		2	1
8	Nebraska		8		4	4
3	Nevada		3		3	
4	New Hampshire	4		4		
10	New Jersey	10		10		
36	New York	36		36		
11	North Carolina		11		6	5
3	North Dakota	3		3		
23	Ohio	23		23		
4	Oregon	4		4		
32	Pennsylvania	32		32		
4	Rhode Island	4		4		
9	South Carolina		9		9	
4	South Dakota		4		2	2
12	Tennessee		12		12	
15	Texas		15		15	
3	Utah		3		2	1
4	Vermont	4		4		
12	Virginia		12		12	
4	Washington		4		2	2
6	West Virginia	6		6		
12	Wisconsin	12		12		
3	Wyoming		3		2	1
447		271	176	271	149	27

JO. C. S. BLACKBURN,
H. C. LODGE,
Tellers on the part of the Senate.

C. H. GROSVENOR,
JAMES D. RICHARDSON,
Tellers on the part of the House of Representatives.

The VICE-PRESIDENT. The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for President of the United States is 447, of which a majority is 224.

William McKinley, of the State of Ohio, has received for President of the United States 271 votes; and

William J. Bryan, of the State of Nebraska, has received 176 votes.

The state of the vote for Vice-President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for Vice-President of the United States is 447, of which a majority is 224.

Garrett A. Hobart, of the State of New Jersey, has received 271 votes;

Arthur Sewall, of the State of Maine, has received 149 votes; and

Thomas E. Watson, of the State of Georgia, has received 27 votes.

This announcement of the state of the vote by the President of the Senate is, by law, a sufficient declaration that William McKinley, of the State of Ohio, is elected President of the United States, and that Garrett A. Hobart, of the State of New Jersey, is elected Vice-President of the United States, each for the term

beginning March 4, 1897, and will be entered, together with a list of the votes, on the Journals of the Senate and House of Representatives.

The count of the electoral votes having been completed and the result declared, the joint meeting of the two Houses is dissolved, and the Senate will now return to its Chamber. [Loud applause on the floor and in the galleries.]

The Senate then retired from the Hall (at 1 o'clock and 55 minutes p. m.), when the Speaker resumed the chair, and the House was again called to order.

Mr. DINGLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 1 o'clock and 56 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CHARLES W. STONE, from the Committee on Coinage, Weights, and Measures, to which was referred the bill of the House (H. R. 7251) to fix the standard of weights and measures by the adoption of the metric system of weights and measures, reported the same with amendment, accompanied by a report (No. 2885); which said bill and report were referred to the House Calendar.

Mr. HOOKER, from the Committee on Rivers and Harbors, to which was referred the joint resolution of the House (H. Res. 254) providing for estimate of cost of certain improvements of Portsmouth Harbor, New Hampshire, reported the same without amendment, accompanied by a report (No. 2886); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CURTIS of New York, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. Res. 252) authorizing the Secretary of War to deliver to the mayor of Buffalo tents, in loan, for the convenience of the Grand Army of the Republic at its annual encampment, to be held this year at that city, reported the same with amendment, accompanied by a report (No. 2888); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. WOOMER, from the Committee on Military Affairs: The bill (H. R. 2683) for the relief of J. D. Golden. (Report No. 2873.)

By Mr. GRIFFIN, from the Committee on Military Affairs:

The bill (H. R. 10290) for the relief of Joseph P. Patton. Reported in lieu of a petition for said relief. (Report No. 2874.)

The bill (S. 663) entitled "An act to remove the charge of desertion against Philip Pflueger, late of Company G, Twenty-fourth Wisconsin Infantry." (Report No. 2875.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 9917) to grant an increase of pension to Nathaniel Haughton, late colonel Twenty-fifth Ohio Volunteer Infantry. (Report No. 2876.)

By Mr. ANDREWS, from the Committee on Invalid Pensions:

The bill (S. 3350) entitled "An act granting a pension to Susan A. Paddock." (Report No. 2877.)

The bill (S. 1302) entitled "An act granting a pension to Thomas Madden." (Report No. 2878.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (S. 3191) entitled "An act granting a pension to Milton T. Bedford." (Report No. 2879.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (S. 2910) entitled "An act granting a pension to Mrs. Essie E. Powell." (Report No. 2880.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (H. R. 10231) granting an increase of pension to Francis Shaeffer. (Report No. 2881.)

By Mr. THOMAS, from the Committee on Invalid Pensions:

The bill (H. R. 2005) granting a pension to Sarah Potter, dependent daughter of Andrew Potter, deceased. (Report No. 2882.)

The bill (S. 3509) entitled "An act to increase the pension of Gen. James W. McMillan." (Report No. 2883.)

The bill (H. R. 4385) granting an increase of pension to William Taylor. (Report No. 2884.)

By Mr. COOKE of Illinois, from the Committee on Patents: The bill (H. R. 9740) to extend certain patents. (Report No. 2889.)

ADVERSE REPORT.

Under clause 2 of Rule XIII, Mr. CANNON, from the Committee on Appropriations, to which was referred the joint resolution of the House (H. Res. 248) appropriating $500 for the erection of a stand for the accommodation of Senators and Representatives and their families on March 4, 1897, reported the same adversely, accompanied by a report (No. 2887); which said bill and report were laid on the table.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MAHON: A bill (H. R. 10287) to authorize the readjustment of the accounts of certain army officers—to the Committee on War Claims.

By Mr. GROUT: A resolution (House Res. No. 535) for the printing of 5,000 copies of the work known as Hawks and Owls—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, Mr. RUSSELL of Connecticut presented a bill (H. R. 10291) to remove the charge of desertion against Robert Burnett; which was referred to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolution of Billingsley Post, Grand Army of the Republic, Department of Pennsylvania, approving of House bill No. 6118, for a service pension to all honorably discharged soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. ARNOLD of Rhode Island: Petition of the First Baptist Church, the Young People's Christian Endeavor Society, and of the Methodist Episcopal Church, all of Hope Valley, R. I., for the passage of House bill No. 9515, to raise the age of protection for girls to 18 years—to the Committee on the Judiciary.

Also, petition of the First Baptist Church, the Young People's Christian Endeavor Society, and of the Methodist Episcopal Church, of Hope Valley, R. I., favoring the passage of House bill No. 7441, prohibiting the transmission of gambling matter by telegraph—to the Committee on Interstate and Foreign Commerce.

By Mr. CHICKERING: Petition of citizens of Oswego, N. Y., in favor of passage of House bill No. 10090, known as the anti-scalpers bill—to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Iowa: Petition of the Christian Endeavor Society of Smyrna, Iowa, urging the passage of the bill to prohibit the sale of intoxicating liquors in the Government buildings—to the Committee on Public Buildings and Grounds.

Also, petition of the Christian Endeavor Society of Smyrna, Iowa, to raise the age of protection for girls in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, sundry petitions of the Asbury Methodist Church, the Pilgrim Congregational Church, the East Side Christian Church, and the Willard and Brookmiller unions of the Woman's Christian Temperance Union, all of Des Moines, Iowa, first, to forbid the sale of intoxicants in any Government building; second, to protect State antigambling laws against nullification; third, to raise the age of protection for girls to 18 in the District of Columbia and the Territories; fourth, to restore the former law of the District of Columbia, invalidated by a clerical error—to the Committee on the Judiciary.

By Mr. CURTIS of Iowa: Petitions of American Humane Society, Chicago, Ill., and humane societies of St. Cloud, Minn.; Aurora, Ill.; Memphis, Tenn.; Tacoma, Wash.; South Bend, Ind.; Sing Sing, N. Y.; Baltimore, Md.; Columbus, Ohio; Louisville, Ky.; Bristol, Vt.; Tiffin, Ohio; Salem and Newark, N. J.; also of presidents of Brooklyn Polytechnic Institute, Harvard University; Williamstown (Mass.) College, and Leland Stanford University, bishop of Pennsylvania; also Elizabeth Stuart Phelps Ward and 7 others, in favor of the bill restricting vivisection in the District of Columbia—to the Committee on the District of Columbia;

Also, petition of Herbert Osborn, of Iowa Agricultural College; surgeon in chief Chicago, Rock Island and Pacific Railroad, and Walter Bierring, of Iowa State University, against the passage of the bill to restrict vivisection in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DALZELL: Resolution of Colonel O. H. Rippey Post, Grand Army of the Republic, of Pittsburg, Pa., in favor of service-pension bill—to the Committee on Invalid Pensions.

By Mr. HENDERSON: Petition of J. W. Straight, of St. Paul, Minn., urging consideration of House bill No. 8354, to increase the pensions of those having lost an arm or a leg—to the Committee on Rules.

By Mr. McCALL of Massachusetts: Resolutions of the Central Labor Union of Boston, Mass., favoring the passage of immigration laws—to the Committee on Immigration and Naturalization.

Also, resolution of the Boston Stationers' Association, favoring a dry dock at Boston, Mass.—to the Committee on Naval Affairs.

Also, petition of F. Stanhope Hill, of Cambridge, Mass., favorable to the Loud bill (H. R. 4566)—to the Committee on the Post-Office and Post-Roads.

By Mr. McLAURIN: Petition of S. H. Brown, of Bennettsville, S. C., favoring the passage of House bill No. 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. PAYNE: Sundry petitions of George L. Warren and 44 other citizens of Cortland; Ira Carl and 65 others, of Weedport; O. L. Bacon and 43 others, of Canandaigua; A. L. Foote and 10 others; Charles T. Saxton and 45 others, of Clyde; T. J. Meade, of Victor; C. H. Bingham and 20 others; D. S. Chamberlain and 40 others; William H. Seward and others, all of the State of New York, recommending the passage of House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. RUSSELL of Connecticut: Petition of the Woman's Christian Temperance Union of Pawtucket, Conn., urging the passage of House bill No. 7441, known as the antigambling bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Christian Temperance Union of Pawtucket, Conn., favoring House bill No. 3203, known as the Broderick bill—to the Committee on the Judiciary.

Also, resolutions of the Middletown (Conn.) Scientific Association, protesting against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

By Mr. RUSK: Memorial of the Supreme Lodge of the Improved Order B'nai B'rith, of Baltimore, Md., relating to immigration—to the Committee on Immigration and Naturalization.

By Mr. SORG: Resolutions of the San Francisco Labor Council, for the proper identification of all prison-made goods—to the Committee on Labor.

By Mr. CHARLES W. STONE: Remonstrance of citizens of Polk, Pa., against the passage of the bill, H. R. 4566, known as the Loud bill, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WANGER: Petition of Alfred Paschall & Co., of Doylestown, Pa., favoring the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WOODARD: Petition of James Davis, of Lenoir County, N. C., asking reference of his war claim to the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

SENATE.

THURSDAY, *February 11, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Vice-President being absent, the President pro tempore took the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. STEWART, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, without objection.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the Boston (Mass.) Marine Society, praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented a petition of the Association of the Sons and Daughters of Maine, praying that the Library of Congress be opened to the public from 9 a. m. to 10 p. m., Sundays and legal holidays excepted; which was referred to the Committee on the Library.

He also presented a petition of the Nine Partners Quarterly Meeting of Friends, in session at Poughkeepsie, N. Y., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. MILLS presented a petition of the Woman's Christian Temperance Union of Denison, Tex., praying for the appointment of an impartial nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Denison, Tex., praying for the enactment of legislation protecting the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. McMILLAN presented a petition of sundry citizens of Mount Clemens, Mich., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the petition of Henry C. Hamill, publisher of the Alpena Pioneer, of Alpena, Mich., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. THURSTON presented the petitions of Robert Good, publisher of the Democrat, of Valentine; of F. M. Kimmell, publisher of the McCook Tribune, of McCook, and of F. T. Pierce, publisher of the Jefferson County Record, of Diller, all in the State of Nebraska, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLEN presented the petitions of Frank T. Pierce, publisher of the Jefferson County Record, of Diller; of Francis M. Kimmell, publisher of the McCook Tribune, of McCook; of Robert Good, publisher of the Democrat, of Valentine; of Clark Perkins, publisher of the Republican, of St. Paul, and of the Builders and Traders' Exchange, of Omaha, all in the State of Nebraska, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Commercial Club, of Omaha, Nebr., and a petition of representatives of the Religious Society of Friends for Pennsylvania, New Jersey, and Delaware, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Neligh, Nebr., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Neligh, Nebr., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Board of Trade of Omaha, Nebr., praying for the passage of House bill No. 10090, to abolish ticket brokerage; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Sarsfield Club, of New York City, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. BERRY presented a memorial of sundry citizens of Little Rock, Ark., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SHERMAN presented a petition of sundry citizens of Columbus, Ohio, praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Findlay, Ohio, remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of George Gosline, publisher of the Press, of Oak Harbor, Ohio, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Union City, Ind., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. MORRILL presented a petition of the Woman's Christian Temperance Union of Delta, Ohio, and a petition of sundry citizens of Massachusetts, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

Mr. CULLOM. I present 155 petitions, all numerously signed by citizens of Illinois, praying for the passage of what is known as the ticket-scalping bill. The petitioners very urgently favor the passage of the bill. I move that the petitions be referred to the Committee on Interstate Commerce.

The motion was agreed to.

Mr. CULLOM presented a petition of Selig & Kauffman, of Philadelphia, Pa., praying for the enactment of legislation abolishing the ticket-scalping business; which was referred to the Committee on Interstate Commerce.

He also presented petitions of the Woman's Christian Temperance Union of Wheaton, Ill.; of J. W. Whitcomb, of Farmingdale, and of the Baptist Young People's Union of Harvey, all in the State of Illinois, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented petitions of the George Bohner Company, of Chicago; of the Garden City Wire and Spring Company, of Chicago, and of Theodore Schrader & Co., of Chicago, all in the State of Illinois, praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented petitions of Morgan & Wright and employees, of Chicago; of members of the Third Unitarian Church, of Chicago; of the First Unitarian Church, of Evanston; of the Preachers' Association of Danville; of Dr. Samuel Willard, of Chicago, and of the Ministers' Union of Plymouth, all in the State of Illinois; of the State Bar Association of New York, and of the representatives of the Religious Society of Friends of Pennsylvania, New Jersey, and Delaware, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Mound City and Prophetstown, in the State of Illinois, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of William Wilson, publisher of the Leader, of Walnut, Ill., and a petition of the G. H. Abbott Company, of New York City, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the representative officers of labor organizations of New York and Brooklyn, N. Y., praying that the services of John Pope Hodnett, claimed to have been rendered under the direction of Congress, be properly recognized and remunerated; which was referred to the Committee on Education and Labor.

He also presented a petition of the Young People's Society of Christian Endeavor of the Congregational Church, of Jacksonville, Ill., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; for the enactment of a Sunday-rest law for the District of Columbia; to raise the age of protection to 18 years in the District of Columbia and the Territories, and to prohibit interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on the District of Columbia.

Mr. VOORHEES presented a petition of the legislature of Indiana, praying for the enactment of legislation prohibiting the sale of cigarettes; which was referred to the Committee on Education and Labor.

He also presented a petition of the officers of the Mennonite Book Concern of the General Conference of North America, of Bern, Ind., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Richmond, Ind., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; to raise the age of consent to 18 years in the District of Columbia and the Territories; to restore to the national capital its law against Sunday traffic; to suppress the sale of intoxicating beverages in all Government buildings, and to prohibit the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the petitions of R. McNeill, publisher of the Owen County Democrat, of Spencer, Ind.; of Charles B. Jamison, general secretary of the Young Men's Christian Association, of Terre Haute, Ind., and of the G. H. Abbott Company, publishers of the Cloak and Suit Review, of New York, N. Y., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Shamrock Club, of Fort Wayne, Ind., remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented petitions of members of the First Mennonite Church of Berne, Ind.; of the faculty of Wabash College, Crawfordsville, Ind.; of the representatives of the Religious Society of Friends of Pennsylvania, New Jersey, and Delaware, and of the State Bar Association of New York, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

Mr. LODGE presented a petition of the Park Street Church Young People's Society of Christian Endeavor, of Boston, Mass., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the petition of John B. Wright, publisher of the Evening Gazette, of Haverhill, Mass., and the petition of Henry G. Rowe, publisher of the North Adams Transcript, of North Adams, Mass., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Cape Ann Assembly, No. 74, Royal Society of Good Fellows, of Gloucester, Mass., praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

Mr. TURPIE presented a memorial of the Shamrock Club, of Fort Wayne, Ind., remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the petition of Henry B. White and sundry other members of the Western Grove Church, of Hancock, Ill., and a petition of the German Temperance Union of Bern, Ind., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a petition of the legislature of Indiana, praying for the enactment of legislation prohibiting the sale of cigarettes; which was referred to the Committee on Education and Labor.

Mr. GEAR presented the petition of C. N. Marion, publisher of the Sentinel, of Shenandoah, Iowa, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Springdale Quarterly Meeting of Friends, of West Branch, Iowa, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of the Monthly Meeting of Friends, of Smyrna, Iowa, praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented the petitions of Mrs. F. A. Field McCauley; of members of the Bear Creek Monthly Meeting of Friends, of Dexter; of the Christian Endeavor Society of the Stark Congregational Church, of Stark, and of the Young People's Society of Christian Endeavor of the First Presbyterian Church, of Council Bluffs, all in the State of Iowa, and a petition of the Christian Endeavor Society of East Fishkill, N. Y., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented petitions of members of the Asbury Methodist Church; of members of the Pilgrim Congregational Church; of members of the East Side Christian Church, and of the Willard and Brookmuller unions of the Woman's Christian Temperance Union, all in the State of Iowa, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in any Government building; to prevent the nullification of State antigambling laws; to raise the age of protection to 18 years in the District of Columbia and the Territories, and to restore the former Sabbath law of the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. PERKINS presented a petition of the Board of Trade of Okland, Cal., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. BACON presented a memorial of sundry citizens of Augusta, Ga., remonstrating against the passage of the so-called Grout bill, prohibiting the importation of oleomargarine; which was ordered to lie on the table.

Mr. MITCHELL of Wisconsin presented the petitions of John F. Cavaugh, publisher of the Weekly Courier, of Clear Lake; of Ingram & Goodrich, publishers of the Entering Wedge, of Durand, and of A. S. Roethe, publisher of the Highland Press, all in the State of Wisconsin, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Milwaukee, Wis., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. TILLMAN presented a petition of the Chamber of Commerce of Charleston, S. C., praying for the ratification of the pending treaty with Great Britain; which was ordered to lie on the table.

Mr. NELSON presented the petition of L. Erickson and sundry other citizens of Isante County, Mich., praying for the establishment of postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. VEST. I report back from the Committee on Commerce, with the recommendation that it be indefinitely postponed, the bill (H. R. 9736) authorizing the construction of a bridge across the Columbia River in the State of Washington. I wish to state that this identical bill, word for word, was passed by both Houses

of Congress and approved by the President. The House of Representatives again passed the same bill and sent it here.

The PRESIDENT pro tempore. The bill will be postponed indefinitely.

Mr. CHANDLER, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 4178) providing for the use by the United States of devices covered by letters patent, reported it with an amendment.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (H. R. 853) providing for the erection of a light-house at Orient Point, Long Island, New York, reported it without amendment, and submitted a report thereon.

He also, from the Committee on the District of Columbia, reported an amendment intended to be proposed to the District appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BURROWS, from the Committee on Claims, to whom was referred the bill (H. R. 3294) for the relief of officers and crews of the U. S. gunboats *Kineo* and *Chocura*, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. NELSON, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. DAVIS on the 29th ultimo, reported it with amendments, and moved that it be printed and referred, with the accompanying report, to the Committee on Appropriations; which was agreed to.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the amendment submitted by Mr. PASCO on the 9th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. HILL, from the Committee on the Judiciary, to whom was referred the bill (S. 3538) to amend section 8 of the act of Congress entitled "An act to establish a court of appeals for the District of Columbia, and for other purposes," approved February 9, 1893, reported it with an amendment.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 446) to increase the pension of Julia H. H. Crosby, reported it without amendment, and submitted a report thereon.

Mr. CLARK, from the Committee on the Judiciary, to whom was referred the bill (S. 2599) to amend section 5399 and section 5406 of the Revised Statutes of the United States, in relation to unlawful interference with justice, reported it without amendment.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 8443) to amend section 4878 of the Revised Statutes, relating to burials in national cemeteries, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7320) to prevent trespassing upon and providing for the protection of national military parks, reported it with an amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3926) to correct the war record of David Sample, reported it without amendment, and submitted a report thereon.

Mr. PALMER, from the Committee on Military Affairs, to whom was referred the bill (S. 588) for the relief of William H. Hugo, reported it without amendment, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 6417) to complete the military record of Caleb L. Jackson, reported it without amendment, and submitted a report thereon.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 3628) to provide for the revision and codification of the criminal and penal laws of the United States, reported it with an amendment.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 1st instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

COURTS IN OKLAHOMA TERRITORY.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 3675) to provide times and places for the trial in Oklahoma Territory of cases arising under the Constitution and laws of the United States, to report it favorably without amendment, and to ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL JUDGES IN INDIAN TERRITORY.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 3513) to authorize the appointment of an additional judge of the United States court in the Indian Territory, and for other purposes, to report it favorably without amendment, and to ask its immediate consideration.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary proceeded to read the bill.

Mr. HALE. I ask the Senator from Massachusetts to let the bill lie over a day, because another committee has been considering the proposition and perhaps an amendment will be proposed.

Mr. HOAR. They are ready to move the amendment.

Mr. HALE. Very well, if the committee are ready to move it.

Mr. HOAR. Let the bill be read for information.

Mr. HALE. Is the Senator ready to move the amendment this morning?

Mr. PLATT. Yes; it is simply to provide for two additional judges.

Mr. HALE. That is all right. I do not object to that. I did not know the Senator was ready to propose the amendment.

The PRESIDENT pro tempore. The reading will be proceeded with.

The Secretary resumed and concluded the reading of the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. BERRY. I should like to ask the Senator from Massachusetts a question, as I did not catch the reading exactly. Does the bill designate the point where the judge shall hold court in the Territory?

Mr. HOAR. That is to be determined by the court of appeals.

Mr. PLATT. There ought to be two additional judges there instead of one.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. PLATT. I move to amend the bill, in line 4, by striking out, after the word "Senate," the word "an" and inserting the word "two," and after the word "additional," in the same line, by striking out the word "judge" and inserting the word "judges;" so as to read "two additional judges."

Mr. HOAR. I think that ought to be done. There are 400,000 inhabitants, or thereabouts, to be dealt with.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Connecticut.

Mr. HILL. I hope the Senator from Connecticut will not insist upon that amendment. We had this question before the Judiciary Committee this morning, and the committee decided upon an increase of one judge. Some suggestions were made about another judge. It strikes me that if the amendment is pressed the matter should go before the Judiciary Committee.

Mr. HOAR. The Senator will pardon me.

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Massachusetts?

Mr. HILL. Certainly.

Mr. HOAR. The Committee on Indian Affairs have considered this matter carefully, and they think, and I entirely agree with them, that there should be two additional judges, although the Judiciary Committee determined upon but one. But that will make some delay necessary, and my plan was, after the Senator had made his amendment or proposed it, to have the bill laid aside for further consideration and call it up at a later day.

Mr. HILL. I would rather have it laid aside before the amendment is made.

Mr. HOAR. Very well; let the amendment be moved and pending.

Mr. HILL. Yes; that is all right.

Mr. HOAR. Then let the bill be laid aside for the present.

Mr. PLATT. I wish to say one word, if the Senator from New York will give me his attention, because, being a member of the Committee on the Judiciary, it seemed perhaps strange that I should come here and move this amendment. I happened to be called away from the committee this morning when the bill was under consideration. I desired to present, and if I had been present I should have presented, the reasons which to my mind seem imperative why there should be two additional judges there. I wished to make that explanation of the reason why I moved the amendment under these circumstances.

Mr. CULLOM. The bill is to be laid aside temporarily, I understand.

Mr. HILL. It is to go over without prejudice.

Mr. HOAR. It goes to the Calendar, to be called up again.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. HAWLEY. A vacancy occurred in the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States by the death of General Beal. The House of Representatives passed a joint resolution (H. Res. 249) for appointment of a member of Board of Managers of the National Home for Disabled

Volunteer Soldiers, appointing to the vacancy Gen. John Marshall Brown, of the State of Maine. He is entirely acceptable to the Senators from Maine and to everybody, and I report back the joint resolution favorably from the Committee on Military Affairs, and ask the Senate to concur in it.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

Mr. HILL. I should like to ask whether the joint resolution shows who are the other members of this Board?

Mr. HAWLEY. No; it is a mere recital that John Marshall Brown be appointed to fill the vacancy in the Board, and so forth, to succeed General Beal. It is the mere formal appointment of a member of the Board.

Mr. HILL. Who are the other members of the Board?

Mr. HAWLEY. I could not name them now to save my life. I know that General Franklin is the president of the Board and that it is composed of a number of other very active and prominent citizens, some of whom have given twenty years of very faithful devotion to the work.

Mr. HALE. This is simply the appointment of a Maine soldier—a gallant officer in the war—to take the place of another Maine soldier who died.

Mr. HAWLEY. It is merely to fill a vacancy.

Mr. HILL. I suppose in making these appointments we should equalize them over the country, so that all portions of the country would be represented, and therefore I desire to know where the others are located.

Mr. HAWLEY. I will explain that to the Senator. The members of the Board are scattered about the country. Each one of them has a particular Branch Home under his charge, in his parish or bishopric, but they altogether control the Home so far as possible. General Brown, who is put in the place of General Beal, will have special care of the large Soldiers' Home at Togus, in Maine. The Senator from New Jersey [Mr. SEWELL] gives his paternal supervision to the Home down at Hampton, and so forth. There is an Ohio man who looks out for the Home at Dayton, Ohio. The thing is as well managed as possible.

Mr. HILL. How many are there in all?

Mr. MITCHELL of Wisconsin. There are eleven active members of the Board.

Mr. HAWLEY. There are two members of the Board present, the honorable Senator from Wisconsin [Mr. MITCHELL] and the honorable Senator from New Jersey [Mr. SEWELL]. There are eleven active members of the Board.

Mr. SEWELL. Will the Senator from Connecticut allow me?

Mr. HAWLEY. I shall be very glad to have the Senator from New Jersey make an explanation.

Mr. HALE. If the joint resolution gives rise to debate, I shall have to object.

Mr. HAWLEY. There will be no debate.

Mr. SEWELL. I wish to satisfy the Senator from New York in relation to these appointments.

Mr. HILL. We simply ought to have a list of them.

Mr. SEWELL. The appointments have been made generally from among prominent officers of the late war who live, where possible, near Branch Homes of which they have supervision. In this case the appointment is to take the place of a gentleman who died recently, and he lives near the Home which he is expected personally to look after. There is no salary and there are no emoluments connected with the appointment. It is a pure labor of love.

Mr. HILL. Has the Senator with him a list of the Board, so that he can tell us their names and residences?

Mr. SEWELL. The president of the Board is Gen. W. B. Franklin, of Hartford, Conn. The next on the list are the Senator from Wisconsin [Mr. MITCHELL] and myself as vice-presidents. Gen. Martin T. McMahon, of New York, whom the Senator knows very well, is the secretary of the Board. The next on the list is Gen. A. L. Pearson, of Pittsburg, Pa. Then follow Col. GEORGE W. STEELE, of Marion, Ind.; Gen. A. W. Barrett, of Los Angeles, Cal.; Gen. C. M. Anderson, of Greenville, Ohio; Col. S. G. Cook, of Herington, Kans., and Gen. Thomas J. Henderson, of Princeton, Ill., with the President of the United States, the Chief Justice of the United States, and the Secretary of War as members ex officio. The vacancy on the Board was caused by the death of Gen. George L. Beal, of Norway, Me., for which place General Brown has been named, who is eminently qualified and was a distinguished soldier.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COST AND PRICE OF ARMOR.

Mr. CHANDLER. In pursuance of the resolution of the Senate adopted December 31, 1895, I submit a report from the Committee on Naval Affairs in relation to the prices of armor for vessels of the Navy.

I move that the usual number of copies of the report and appendix without the testimony, and that the same number of additional copies of the report and appendix with the testimony, be printed.

The motion was agreed to.

Mr. HALE. I ask for the regular order.

The PRESIDENT pro tempore. The introduction of bills and joint resolutions is in order.

BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 3678) to fix the salaries of the several district judges of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. CULLOM introduced a bill (S. 3679) to extend certain patents; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Patents.

Mr. VEST introduced a bill (S. 3680) to provide for the removal of the Interstate National Bank of Kansas City from Kansas City, Kans., to Kansas City, Mo.; which was read twice by its title, and referred to the Committee on Finance.

Mr. MITCHELL of Wisconsin introduced a bill (S. 3681) to amend an act entitled "An act to amend an act entitled 'An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes, approved June 16, 1880,' approved February 13, 1895;" which was read twice by its title, and referred to the Committee on Appropriations.

Mr. ALLEN introduced a bill (S. 3682) granting an increase of pension to Alexander Boltin; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 3683) to amend the river and harbor act of August 18, 1894; which was read twice by its title, and referred to the Committee on Commerce.

Mr. ELKINS introduced a joint resolution (S. R. 200) for the prevention of the introduction and spread of contagious and infectious diseases into the United States; which was read twice by its title, and referred to the Committee on Public Health and National Quarantine.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MCMILLAN submitted two amendments intended to be proposed by him to the District appropriation bill; which were referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. STEWART submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the District appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the Post-Office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. HILL (by request) submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. HOAR submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

SALARIES OF DISTRICT JUDGES.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 3678) to fix the salaries of the several district judges of the United States, reported it without amendment.

PERRINE GRANT INVESTIGATION.

Mr. PETTIGREW. I submit a resolution, and ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That the Committee on Public Lands, by the full committee or by a subcommittee to be appointed by the chairman, be authorized to investigate the issue of patents for the lands embraced in what is known as the Perrine grant, in the State of Florida, with power to send for persons and papers, and to administer oaths.

Mr. BERRY. The resolution should go to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT pro tempore. The resolution does not in terms provide for an expenditure, but indirectly of course there would be an expenditure.

Mr. SHERMAN. I think the resolution should go over, at any rate, until to-morrow.

Mr. HALE. It had better go to the Committee on Contingent Expenses.

Mr. CULLOM. Let it be referred to the Committee on Contingent Expenses.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. BERRY. Let it go over until to-morrow morning. I want to look at it.

The PRESIDENT pro tempore. There is objection, and the resolution goes over.

THE MISSISSIPPI CHOCTAWS.

Mr. WALTHALL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to transmit to the Senate the following information:

First. A copy of the memorial of the Choctaw Nation of December 24, 1889, relative to the Mississippi Choctaws.

Second. Deposition of Greenwood Leflore, ex-chief of the Choctaw Nation, of February 24, 1843, before United States Commissioners Clayborne and Graves relative to importance of the fourteenth article of the treaty of 1830.

Third. Whether or not the Choctaws entitled to remain in Mississippi by the fourteenth article were reported by United States Commissioners Murray and Vroom to the President of the United States on July 31, 1838, as having been in a great number of cases forced to remove from the reservations granted them by the fourteenth article.

Fourth. Whether or not the Mississippi Choctaws were parties to any subsequent Choctaw treaty, or have ever executed a relinquishment of their rights of Choctaw citizenship.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 10th instant approved and signed the act (S. 1624) to quiet title and possession with respect to certain unconfirmed and located private-land claims in the State of Louisiana.

METROPOLITAN RAILROAD COMPANY.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. 9647) to authorize the extension of the lines of the Metropolitan Railroad Company, of the District of Columbia, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MCMILLAN. I move that the Senate agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. MCMILLAN, Mr. FAULKNER, and Mr. GALLINGER were appointed.

GASPAR A. BETANCOURT.

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed, as follows:

To the Senate of the United States:

In response to the resolution of the Senate of February 4, 1897, I transmit a report from the Secretary of State, submitting copies of correspondence relative to the arrest and detention of Gaspar A. Betancourt, a citizen of the United States, by the Spanish authorities in Cuba.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 11, 1897.

KILLING OF SEGUNDO N. LOPEZ.

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed, as follows:

To the Senate of the United States:

In response to the resolution of the Senate of February 2, 1897, I transmit a report from the Secretary of State, relative to the killing of Segundo N. Lopez, son of M. F. Lopez, at Sagua la Grande, in Cuba.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 11, 1897.

ORDER OF BUSINESS.

Mr. HALE. I move that the Senate proceed to the consideration of the diplomatic and consular appropriation bill.

Mr. JONES of Arkansas. I appeal to the Senator from Maine——

Mr. HALE. Let the Senator wait until I get the bill up.

Mr. JONES of Arkansas. Very well.

Mr. THURSTON. Will the Senator from Maine yield, that I may make a suggestion?

Mr. HALE. Certainly.

PACIFIC RAILROADS.

Mr. THURSTON. I ask that the resolutions which are before the Senate as a part of the morning business, on which I have been addressing the Senate, may go over without prejudice as a part of the morning business and without losing their place until Monday morning next. I expect to be absent from the city until that time. I wish at some time to conclude my remarks.

The PRESIDENT pro tempore. The junior Senator from Nebraska asks unanimous consent that the resolution submitted by the senior Senator from Nebraska [Mr. ALLEN], instructing the Committee on Pacific Railroads to inquire and to report to the Senate whether the executive department has, by existing law, authority to foreclose the Government mortgage or lien upon the Union Pacific and Kansas Pacific railroads, etc., may be laid aside informally until Monday morning, holding the place it now occupies.

Mr. JONES of Arkansas. The Senator from Nebraska [Mr. ALLEN] is not in his seat at this time. I suggest to the Senator from Nebraska that he wait until his colleague is in the Chamber before he asks consent.

Mr. HALE and others. There will be no objection.

Mr. JONES of Arkansas. I withdraw the suggestion.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of the bill (H. R. 10134) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1898.

The motion was agreed to.

Mr. HALE. The Senator from Pennsylvania [Mr. CAMERON] has a short bill that he wishes to have considered, and I yield to him, reserving the right to object if it gives rise to debate.

RETIREMENT OF ENLISTED MEN.

Mr. CAMERON. I ask the Senate to take up the bill (S. 3673) to amend chapter 67 of volume 23 of the Statutes at Large of the United States.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend the act approved September 30, 1890, so as to read:

That when an enlisted man has served thirty years in the United States Army or Marine Corps, or as an enlisted man or appointed petty officer in the United States Navy, he shall, by making application to the President, be placed on the retired list with 75 per cent of his pay and allowances of the rank or rate upon which he was retired: *Provided*, That all active service in the United States Army, Navy, or Marine Corps during time of war, insurrection, or rebellion shall be computed as double time in computing the thirty years necessary to entitle the applicant to be retired: *Provided further*, That all honorable service in the United States Army, Navy, and Marine Corps shall be computed as within the period necessary to entitle the applicant to retire under the provisions of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HILL. I suggest to the Senator from Pennsylvania whether the title ought not to be amended so as to give some idea of what the amendment of the law is. The title simply states that it is an amendment to a certain chapter of the Statutes at Large of the United States.

Mr. CAMERON. The bill is as it came from the Navy Department. It was proposed by the Department.

Mr. HALE. The suggestion is in regard to the title. The title ought to state what the bill is.

Mr. CAMERON. Very well; let the title be amended.

Mr. HOAR. I think the title should be amended so as to show the subject to which it relates. What is the subject?

Mr. HALE. It relates to the time of enlisted men in the Navy.

Mr. HOAR. Then add to the title "relating to the retirement of enlisted men."

Mr. CAMERON. "The time of enlisted men in the Navy."

The title was amended so as to read: "A bill to amend chapter 67 of volume 23 of the Statutes at Large of the United States, and to further provide for the retirement of enlisted men in the United States Army and Marine Corps and enlisted men and petty officers of the United States Navy."

DANIEL T. TOLLETT.

Mr. JONES of Arkansas. I ask the Senator from Maine to yield to me to call up a pension bill which I should like to have considered by the Senate.

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Arkansas?

Mr. HALE. If it gives rise to no debate, but after this I can not yield to any further bills.

Mr. JONES of Arkansas. I ask the Senate to proceed to the consideration of the bill (S. 2832) for the relief of Daniel T. Tollett.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of Daniel T. Tollett, of Centerpoint, Howard County, Ark., late a private in Captain Moore's company, Arkansas Mounted Volunteers, Sabine Indian war, and pay him a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRATERNAL BENEFICIARY SOCIETIES.

Mr. GALLINGER. I ask the Senator from Maine to permit me to make a motion simply, which will not lead to debate.

Mr. HALE. It is only a formal motion, I understand.

Mr. GALLINGER. Yesterday at my suggestion the bill (H. R. 10108) regulating fraternal beneficiary societies, orders, or associations in the District of Columbia was laid upon the table. I move that the bill be referred to the Committee on the District of Columbia.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. PETTIGREW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from South Dakota?

Mr. HALE. I can not yield for anything that will take any time. I am under pressure to go on with the diplomatic and consular appropriation bill, which is before the Senate. I have told several Senators that I could not yield for any more bills.

Mr. PETTIGREW. Then I shall not call up the matter now, but I wish to state that it refers to a bill which was recalled from the President, and as soon as the pending appropriation bill is disposed of I shall ask the Senate to dispose of that matter.

Mr. SHERMAN. I wish to give notice that after the appropriation bill is disposed of I shall move that the Senate proceed to the consideration of executive business.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10134) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1898, which had been reported from the Committee on Appropriations with amendments.

The Secretary proceeded to read the bill, and read to line 15, on page 2, the last clause read being as follows:

Envoy extraordinary and minister plenipotentiary to Guatemala and Honduras, $10,000.

Mr. MORGAN. I desire to make an inquiry of the Senator from Maine having this bill in charge as to the item of this bill which has just been read. It has been alleged on the floor of the Senate, by what authority I do not know, that the President has given us information of a change in the diplomatic relations of Central America of some kind, which would make the sending of a minister to these three States inappropriate, and I should like to have some explanation about that.

We have been informed here in some irregular way of the fact that a diet has been established in Central America, which has jurisdiction of international affairs. We are informed that that diet is represented here by a minister plenipotentiary, who represents three States—Honduras, Salvador, and Nicaragua. Two of those States are embraced in this clause, and the third is omitted; the State of Costa Rica is put in here in place of Honduras.

That leads, Mr. President, to a very awkward complication there. I have information of an unofficial sort, derived through newspapers and through some statements made on the floor of the Senate here by other Senators who may have better advices than I have about it, that the foreign offices in the States of Nicaragua, Honduras, and Salvador have been closed; that they have no foreign offices now, and our ministers sent to these respective States can have no communication through any foreign office there with the Governments to which they are accredited. That leaves a very awkward complication, it seems to me. We accredit a minister to Nicaragua, and when he goes there he finds no foreign office; we accredit another to Salvador, and he goes there and finds no foreign office; he can not hold communication with the Republic of Salvador; but somewhere amongst the three States of Nicaragua, Salvador, and Honduras there is an establishment, a foreign office, which does hold official communication with the Government of the United States.

Mr. President, if this arrangement has been made, and if it has been duly notified to the Senate of the United States, then of course the passing of a bill here to recognize that diet as the true representative of the official relations of these three Republics would be a very important matter to them and to us; but a bill passed here now which entirely overlooks that arrangement, which the President has submitted in his message to the Congress, would be not only a very awkward business, but it would discredit the diplomatic functions of the diet. Notwithstanding we are informed here that this diet exists, that it represents all of the foreign relations of these three Republics in some way or other, we send a minister to two of these States and another State of Central America, without taking the slightest notice of the powers and authority conferred by this internal arrangement between these three Republics upon the diet and its representative at this capital.

I wish to hear from the Senator from Maine who has this bill in charge why it is that this awkward lapse occurs in the bill, and why we should not reform this bill so as to accommodate it to the arrangement suggested in the President's message?

Mr. HALE. I see the force of the inquiry of the Senator from Alabama, and I am very glad he has made the inquiry. This appropriation deals not with the question of the ministers sent from those countries to us, but with ours sent to them. We have now ministers, under the old subdivision, to Nicaragua, Costa Rica, and Salvador upon one side, and Guatemala and Honduras on the other. Those ministers are there. Their pay will cease unless we appropriate, and in dealing with them it has not been thought advisable to change that basis for the present, as they are there and they need their salaries. But in the meantime, if any new arrangements are made and the two other countries which have not sent a joint minister here do not, the Department will have to arrange the matter at the end of the fiscal year; but it can not now, as the Senator will see, arrange what shall be done in the way of sending ministers. It is not well to disturb this order until it is all adjusted. I do not think any better way can be found than to continue the old arrangement, as we have ministers there now—one to Nicaragua, Costa Rica, and Salvador, and one to Guatemala and Honduras—until the Department can see whether there is anything further to be done in the way of a change of our ministers there. That is all the explanation, I suppose, that is necessary.

Mr. MORGAN. Mr. President, of course that is a very candid explanation, but it leaves us still in a very difficult situation toward these Republics. Our minister goes there accredited to three Republics.

Mr. HALE. He is there now.

Mr. MORGAN. And he is there now accredited to three Republics, with whom we can not hold any communication at all, except with a diet, which represents two of them and does not represent the third; that is to say, it is supposed to represent two of them. It certainly does not represent Costa Rica. Costa Rica has nothing to do with it; and I have information that Costa Rica is quite stirred up about it, and is not at all agreeable to this diet arrangement.

Here comes a minister from the Greater Republic of Central America; he is accredited here and received by the President of the United States; his credentials are said to be in due form, and he is placed amongst the class of ministerial representatives to this capital. We have even gone so far here as to get an official communication from that minister before the Senate, which has been debated here for days together, and upon his statement there have been made some very strong and earnest appeals to the Congress of the United States not to proceed upon a certain very important matter that we are connected with by our legislation as well as historically.

Now, I think, Mr. President, in view of the facts which are known, for us to accredit our minister now to these three Republics under the old régime, without taking any notice of this official change in their diplomatic relations toward us, must have the double effect of denouncing and discarding any recognition of that Greater Republic of Central America, and also of placing our ministers who are there, and those who may be sent there under this appropriation, in such a position as that they can hold no diplomatic intercourse with either of these States. Our minister, Mr. Baker, who is there now—and a very excellent minister he is, too, and a very able man—could have no communication at all with this diet under this act of appropriation or under any other act of Congress of which I have any knowledge. He could have no authority at all to address the Government of Honduras, for instance, because he is not accredited to that Government; he is accredited to Salvador, Nicaragua, and Costa Rica. He can not possibly have any diplomatic relations with the Government of Honduras. So it leaves this matter in a very awkward shape.

Mr. President, this has all arisen from the fact that the President of the United States has not considered it worth his time to inform the Senate of the United States of the actual state of diplomatic relations between this Government and foreign governments. He seems to have the idea that he can regulate it all by himself, and that it is not necessary to call upon the Senate of the United States or the Congress of the United States to do anything at all in respect of the recognition of the existence and the authority or the integrity of any foreign country.

Now, that is a new Government, entirely new, as entirely new as the Government of the Republic of Cuba would be if that Government were to appear here, as it has appeared, with a minister and we should undertake to recognize him. That Government has a minister now in the United States—that is to say, a diplomatic agent, with supreme diplomatic powers and functions rising above those of an ordinary minister—but we pay no attention to that. Well, perhaps that is all right. At the same time this other minister, if we fail to recognize him, stands upon no better ground than a minister from Cuba. He comes here now with his credentials from an entirely new Government, not one that is known to this Government—one that is ignored in this bill, one that has no provision of law in the United States in the slightest degree to sanction his existence, or the regularity of his appointment, or the value of his credentials. It is perfectly new; and here we are left floundering about in this condition, with the Executive recognizing a minister from a foreign Government here, representing the States of Honduras, Salvador, and Nicaragua, and we are making an appropriation to send a minister to Nicaragua, Costa Rica, and Salvador, who can not find access there to a public office of foreign affairs where he can present his credentials and have himself recognized and through which he can hold any intercourse with either of those Republics. His credentials, his powers, his duties there as a diplomatic agent are confined entirely to the Greater Republic of Central America, if there is such

a thing as that, because we are informed that the Greater Republic, consisting of three States, two of which are in this bill and the other is not, has accredited a minister to this Government who is said to have full diplomatic power and recognition.

It is time, Mr. President, that we should do one of two things: We should either proceed, as this bill is proceeding, to ignore entirely the whole of the operations of the President of the United States on this subject, pass them by as if they had not existed, or as if they were the idle wind, or else proceed in conformity with some suggestion of his, if we had such a suggestion, to send a minister to the Greater Republic down there, that seems to have a diplomatic organization, at least for the purpose of being represented in foreign governments.

Mr. BACON. Will the Senator from Alabama permit me to inquire whether the President of the United States has ever communicated to Congress the fact that he has received a minister from the Greater Republic of Central America?

Mr. MORGAN. I understand that the fact is stated in his annual message.

There is another very important matter arising out of this to which I think the attention of the Senate ought at least to be called as we pass along. I do not propose to change this appropriation at all; I want to let it stand there, because it is exactly in accordance with the laws of the United States and its political and diplomatic history, and corresponds precisely with the actual legal diplomatic situation in the United States; the appropriation is all right. But while we are doing that we can not avoid the conclusion that we are ignoring the existence of the Greater Republic of Central America as a diplomatic establishment entitled to hold intercourse with this Government. After we pass this bill, I do not see what the President of the United States can do with Mr. Rodriguez except to say he has no further use for him. How can he represent a republic here, a new republic with a new name and new powers, while we are acting in our votes in the House of Representatives and in the Senate upon appropriation bills on the line of the old policy, in which that Republic has no recognition; on the contrary, in which we recognize distinctly the existing régime, the existing arrangement, and make appropriations to supply it and provide for it? It is a very awkward situation, to say the least of it, and the Congress of the United States and the Senate of the United States are not in the slightest degree responsible for it.

I have called attention to this because I should like to see corrected, if it can be, amicably and without raising a fuss in the family, this condition of embarrassment and distrust that seems to obtain between the Executive and the Congress of the United States upon a question of great importance like this. Here we are left in the dark; here we are with a minister, recognized here at this capital, who sends messages actually through the Secretary of State into the Senate, and they are here received and debated and commented upon, and yet, when we come to pass an appropriation bill, instead of accrediting the minister we sent out there to that Government, we accredit a minister to an entirely different set of States—not entirely different, but two of those States and another, Costa Rica, which is not included in the programme at all.

I do not know what can be done about it. I have no motion to make, because I have no facts upon which to make a motion. If we had a communication here from the President of the United States that he had recognized that Republic, and that it was an existing entity as a government, and had some description of the powers of that Greater Republic of Central America, then I should be prepared in good faith to make a motion to respond to their overtures in sending a minister here by returning a minister to that tribunal, to that court, or to that diet, or whatever you please to call it.

I understand, but from the newspapers—I do not know whether the President's message refers to the fact I am about to state or not; I do not remember—but I understand that Nicaragua, Honduras, and Salvador, in forming this diet, have not created between themselves any political union for any internal affairs, but that their relations are entirely those which concern foreign intercourse.

Mr. HALE. For purposes of negotiation.

Mr. MORGAN. And, I suppose, of concluding treaties. That is a curious state of affairs, Mr. President, and very awkward and very embarrassing, because we do not know how far we can go or in what direction really in making negotiations with that minister here. For instance, if a dispute should arise—as disputes have arisen and have been reconciled and settled between the Governments of Costa Rica and Nicaragua on the one hand and the Government of the United States upon the other in respect of the Nicaraguan Canal—what right would this minister have to represent the Government of Nicaragua and the Government of Costa Rica—he does not pretend to any right to represent Costa Rica; but to represent the Government of Nicaragua—in a diplomatic arrangement of some question which concerns the internal polity of Nicaragua as connected with its obligations and rights toward the United States? He can not do anything of that sort, so far as I know. On the contrary, the brief and very imperfect intimations we have had, even through the newspapers, in regard to the scope of his authority show that he can not do anything of the kind. He can not negotiate a question of that kind; he can not arrange between the United States and Nicaragua even, which he represents as the minister from the diet, any questions which concern the separate individual policy and obligations and rights and duties of the State of Nicaragua. He could not do it as to Costa Rica, with whom we have the identical relations that we have with Nicaragua upon that important subject; he could no nothing at all.

I thought I would get before the Senate and before the country all that we know about this matter. Having effected that purpose, I have no further suggestions to make, and I hope the bill will be passed.

Mr. BACON. I want to call the attention of the Senator from Alabama to the fact that he was mistaken in suggesting that the President had communicated to Congress in his annual message the fact of the reception of the minister from the Greater Republic of Central America. That minister was received on the 24th day of December last, long subsequent to the date of the President's annual message. It may be that the fact of the reception of that minister has been communicated to Congress in some special message, but if so, it has escaped my attention.

Mr. MORGAN. I do not think it has been.

Mr. BACON. Unless it has been by a special message, the fact has never been officially communicated to Congress that that minister has presented himself and been received.

Mr. MORGAN. Then I stand corrected, Mr. President, and I do it with cheerfulness, because it seems to show still more fully that the welcoming of this minister here is a mere perfunctory affair, a piece of politeness, which does not amount to anything in law.

The PRESIDENT pro tempore. The reading of the bill will proceed.

The reading of the bill was resumed, beginning at line 16 on page 2. The first amendment of the Committee on Appropriations was, under the head of "Salaries of secretaries of embassies and legations," on page 5, line 7, before the word "Germany," to insert "and;" in the same line, after the word "Germany," to strike out "and Mexico;" and in line 8, before the word "thousand," to strike out "eight" and insert "six;" so as to make the clause read:

Second secretaries of embassies to Great Britain, France, and Germany, at $2,000 each, $6,000.

The amendment was agreed to.

The next amendment was, on page 5, after line 8, to insert:

Second secretary of legation to Mexico, $2,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 2, to insert:

PAYMENT TO LEGAL REPRESENTATIVES OF LATE PIERCE M. B. YOUNG.

To pay to the legal representatives of Pierce M. B. Young, who died while envoy extraordinary and minister plenipotentiary to Guatemala and Honduras, six months' salary of said officer subsequent to the date of his death, $5,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 9, to insert:

DIGEST OF INTERNATIONAL LAW OF THE UNITED STATES.

For revising, reindexing, and otherwise completing and perfecting, by the aid of such documents as have become available since 1886, the second edition of the Digest of the International Law of the United States, Taken from Documents Issued by Presidents and Secretaries of State, and from Decisions of Federal Courts and Opinions of Attorneys-General, the work to be done under the supervision of the Secretary of State, $10,000, said sum to be immediately available.

Mr. MORGAN. I should like to inquire of the Senator from Maine what is the necessity for inserting the restriction in these words, on line 14, page 12, "available since 1886?"

Mr. HALE. That is the time of the old edition.

Mr. MORGAN. I know it is; but there is a good deal of matter which is referred to in the old edition which ought really to be incorporated in the text.

Mr. HALE. Then let it be amended so as to read, "by the aid of such documents as may be useful."

Mr. MORGAN. Yes.

Mr. HALE. In lines 13 and 14, on page 12, I move to strike out the words "have become available since 1886" and to insert "may be useful."

I think the Senator from Alabama is right in his suggestion. There may be other documents beyond those.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Maine to the amendment of the committee will be stated.

The SECRETARY. After the word "as," in line 13, on page 12, in the committee amendment, it is proposed to strike out the words "have become available since 1886" and insert "may be useful;" so as to read:

DIGEST OF INTERNATIONAL LAW OF THE UNITED STATES.

For revising, reindexing, and otherwise completing and perfecting, by the aid of such documents as may be useful, the second edition of the Digest of the International Law of the United States, Taken from Documents Issued

by Presidents and Secretaries of State and from Decisions of Federal Courts and Opinions of Attorneys-General, the work to be done under the supervision of the Secretary of State, $10,000, said sum to be immediately available.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Salaries, consular service," on page 13, line 20, before the word "thousand," to strike out "six" and insert "five;" so as to make the clause read:

Total, $105,000.

The amendment was agreed to.

The next amendment was, to increase the appropriation for salaries of consuls, vice-consuls, and commercial agents from $425,000 to $432,000.

The amendment was agreed to.

The next amendment was, on page 15, after line 23, to insert:

Brazil:
Consul at Santos.

The amendment was agreed to.

The next amendment was, at the top of page 17, to insert:

Belgium:
Consul at Ghent.

The amendment was agreed to.

The next amendment was, on page 17, line 16, after the word "Dunfermline," to insert "Newcastle on Tyne;" so as to read:

Great Britain and British Dominions:
Consuls at Barbados, Cardiff, Chatham, Cork, Dublin, Dunfermline, Newcastle on Tyne, etc.

The amendment was agreed to.

The next amendment was, under the head of "Switzerland," on page 18, line 17, to strike out "Consul at Zurich" and insert "Consuls at Horgen and Zurich."

The amendment was agreed to.

The next amendment was, on page 18, after line 23, to strike out:

Brazil:
Consul at Santos.

The amendment was agreed to.

The next amendment was, under the head of "Great Britain and British Dominions," on page 19, line 18, after the word "(Canada)," to strike out "Newcastle-on-Tyne."

The amendment was agreed to.

The next amendment was, on page 20, line 19, after the word "at," to insert "Alexandretta;" so as to make the clause read:

Turkey:
Consuls at Alexandretta, Harpoot, and Sivas.

The amendment was agreed to.

The next amendment was, on page 20, after line 24, to strike out:

Belgium:
Consul at Ghent.

The amendment was agreed to.

The next amendment was, on page 21, after line 8, to insert:

Greece:
Consul at Patras.

The amendment was agreed to.

The next amendment was, under the head of "Allowance for clerks at consulates," on page 24, line 4, after the word "Huddersfield," to insert "Horgen;" and in line 7, before the word "hundred," to strike out "seven thousand eight" and insert "eight thousand four;" so as to make the clause read:

Cairo, Cologne, Constantinople, Huddersfield, Horgen, Mayence, Munich, Nottingham, Odessa, Para, Pernambuco, Tampico, Vera Cruz, and Zurich, at $600 each, $8,400.

The amendment was agreed to.

The next amendment was, on page 24, line 23, to increase the total appropriation for allowance for clerks at consulates from $105,170 to $105,770.

The amendment was agreed to.

The next amendment was, on page 27, line 5, after the word "dollars," to insert:

And of this sum the Secretary of State is authorized to use not exceeding $3,120 for services of employees in the Bureau of Statistics, Department of State, in the work of compiling and distributing such reports, and not exceeding $250 in the purchase of such books, maps, and periodicals as may be necessary to the editing of diplomatic, consular, and other commercial reports.

So as to make the clause read:

PUBLICATION OF DIPLOMATIC, CONSULAR, AND OTHER COMMERCIAL REPORTS.

Preparation, printing, publication, and distribution, by the Department of State, of the diplomatic, consular, and other commercial reports, $25,000; and of this sum the Secretary of State is authorized to use not exceeding $3,120 for services of employees in the Bureau of Statistics, Department of State, in the work of compiling and distributing such reports, and not exceeding $250 in the purchase of such books, maps, and periodicals as may be necessary to the editing of diplomatic, consular, and other commercial reports.

The amendment was agreed to.

Mr. HALE. After the word "copies," in line 18, page 27, I move to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the word "copies," in line 18, on page 27, it is proposed to insert the following additional proviso:

And provided further, That the Secretary of State be, and he is hereby, authorized to change the name of the Bureau of Statistics to the Bureau of Foreign Commerce, and that the foregoing provision shall apply with the same force and effect to the Bureau of Foreign Commerce as to the Bureau of Statistics.

The amendment was agreed to.

Mr. HALE. I will put in the RECORD as a part of my remarks a letter from the Secretary of State explaining it.

The letter referred to is as follows:

DEPARTMENT OF STATE, *Washington, February 10, 1897.*

SIR: I observe that the diplomatic and consular appropriation bill as reported by you to the Senate contains the paragraph relating to the publication of diplomatic, consular, and other commercial reports in the form which I had the honor to submit with the estimates, with the exception of the final clause, viz:

"*And provided further*, That the Secretary of State be, and he is hereby, authorized to change the name of the Bureau of Statistics to the Bureau of Foreign Commerce, and that the foregoing provision shall apply with the same force and effect to the Bureau of Foreign Commerce as to the Bureau of Statistics."

Upon the assumption that the omission of this paragraph was accidental or that the committee was not fully informed on the subject, I deem it proper to call your attention to the practical need of some permission of this character. You will observe that the language is not mandatory, but merely authorizes the Secretary of State to change the name of the Bureau of Statistics to the Bureau of Foreign Commerce. The reasons for this change are found in the embarrassment caused the Department by the confusion arising from the fact that there are three Bureaus of Statistics in the different Departments, viz, those of the Department of State, the Treasury, and the Department of Agriculture. The name Bureau of Statistics, moreover, does not properly designate the functions of the Bureau for this Department. It is, in point of fact, a bureau of foreign commerce, and, if designated as such, would have a more distinct individuality and would attract more general attention in the business community. Notwithstanding the greater publicity which has been secured in recent years for this feature of the Department's work, there is still a regretable lack of information among our manufacturers and exporters as to the practical value of the commercial reports of diplomatic and consular officers. The proposed change of name is, in my judgment, an important step in the direction of placing the Bureau in closer touch with the business interests of the country and enabling it to develop on purely industrial and commercial lines.

I have the honor to be, sir, your obedient servant,

RICHARD OLNEY.

Hon. EUGENE HALE,
Committee on Foreign Relations, United States Senate.

The next amendment of the Committee on Appropriations was, on page 27, line 18, to strike out:

And provided further, That a sum not exceeding $250 of this appropriation may be expended in the purchase of such books, maps, and periodicals as may be necessary to the editing of the consular and commercial reports.

The amendment was agreed to.

The next amendment was, on page 28, line 20, after the word "Bureau," to insert the following proviso:

Provided, That the provisions of the fifth and sixth sections of the act entitled "An act establishing post routes, and for other purposes," approved March 3, 1877, for the transmission of official mail matter, be, and they are hereby, extended and made applicable to all official mail matter of the Bureau of the American Republics established in Washington by recommendation of the International American Conference, representing the International Union of American Republics.

The amendment was agreed to.

The reading of the bill was concluded.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PROPOSED RESTRICTION OF IMMIGRATION.

Mr. LODGE. I desire now to present and have considered the conference report on the act to amend the immigration laws.

Mr. FAULKNER. Before that is done, I suggest to the Senator from Massachusetts that the junior Senator from Maryland [Mr. GIBSON] informed me a few minutes ago that he had received a telegram from Lexington, Va., stating that the brother-in-law of Mrs. Gibson, Hon. John Randolph Tucker, is at the point of death. The Senator from Maryland had to leave the Senate to inform Mrs. Gibson of that fact and to make arrangements for her to leave the city. He requested me to ask that the bill should not be taken up for action to-day.

Mr. LODGE. Of course I have no desire to press the matter under such circumstances; and if I can have an agreement as to taking a vote on the report at any reasonable time, I will very gladly let it go over to accommodate the Senator from Maryland. I ask unanimous consent that the vote on the conference report may be taken at 4 o'clock on Saturday.

Mr. HALE (to Mr. LODGE). Make it 3 o'clock.

Mr. FAULKNER. I suggest that the Senator do not fix the time for a vote before Monday.

Mr. LODGE. Well, on Monday, then, at 4 o'clock.

Mr. HALE. That is right.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that a vote may be had on the conference report relating to what is known as the immigration bill on Monday next at 4 o'clock. Is there objection?

Mr. PALMER. For the moment, I object.

The PRESIDENT pro tempore. Objection is made.

Mr. LODGE. In the presence of objection, I feel it my duty to ask the Senate to go on with the report to-day.

Mr. SHERMAN. Mr. President——

Mr. LODGE. Will the Senator from Ohio allow me for one moment?

Mr. PALMER. If I can speak without interruption for a minute, I will say that I objected for the moment. I desire to address the Senate on the report, and the junior Senator from Maryland also wishes to speak. When he will return, I am unable to say.

Mr. FAULKNER. The Senator from Maryland expects to be here to-morrow. He is not going to leave the city, but he had to go to inform his wife of this sad occurrence.

Mr. PALMER. In his absence, I do not see how we can make an agreement.

Mr. LODGE. I have gone over two days beyond the time asked by the Senator from Maryland. This is a conference report in its last stage. It has been debated at every point. I desire to be as reasonable about it as possible. The bill has been amended to suit the wishes of the Senate; it comes back in the form the Senate desires, and I think it is not unreasonable for me, if I do not press it to-day——

Mr. HALE. Or to-morrow.

Mr. LODGE. Or to-morrow, to ask that a time shall be fixed for taking a vote on Monday.

Mr. HALE. That is fair.

Mr. LODGE. I think it is a perfectly fair request. If it is objected to, I shall feel it my duty to force the consideration of the report to-day, which I am most reluctant to do. I ask the Presiding Officer again to submit the request, and ask if there is objection.

The PRESIDENT pro tempore. The Chair will again submit to the Senate the request of the Senator from Massachusetts.

Mr. PASCO. I wish to suggest to the Senator from Massachusetts that he let his request go over until to-morrow morning. If he fails then to secure an agreement, I will assist him in taking up the bill. But under the circumstances, when this request comes from the Senator from Maryland who is absent——

Mr. LODGE. If the Senator from Florida will allow me, I will state that all that the Senator from Maryland asked was that I should put the matter over until to-morrow, and I propose to put it over until Monday.

Mr. PASCO. I understand this is a request to take a vote on the report?

Mr. LODGE. The final vote.

Mr. PASCO. I think the Senator from Maryland ought to be here.

Mr. LODGE. I have made it as liberal as possible. I do not want to press the report to-day.

Mr. PASCO. I suggest that the Senator let it go over until to-morrow morning.

Mr. LODGE. I am perfectly willing to let the report go over until Monday, but I think that if I am asked to make such a concession, I may ask in return for an agreement. If Monday is not agreeable, I will make it Tuesday.

Mr. FAULKNER. Suppose the Senator from Massachusetts makes it Wednesday?

Mr. LODGE. Very well. I will make it Wednesday, which will give everybody an opportunity to speak.

Mr. PALMER. I have no objection to that.

The PRESIDENT pro tempore. The Senator from Massachusetts asks that at 4 o'clock on Wednesday the vote on the conference report may be taken. Is there objection? The Chair hears none.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours and five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 12, 1897, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 11, 1897.

PROMOTIONS IN THE ARMY.

Corps of Engineers.

Lieut. Col. Jared Augustine Smith, to be colonel, February 5, 1897, vice Wilson, who vacated on accepting commission as Chief of Engineers.

Maj. Charles Julius Allen, to be lieutenant-colonel, February 5, 1897, vice Smith, promoted.

Capt. Smith Stallard Leach, to be major, February 5, 1897, vice Allen, promoted.

First Lieut. William Edward Craighill, to be captain, February 5, 1897, vice Leach, promoted.

Second Lieut. James Bates Cavanaugh, to be first lieutenant, February 5, 1897, vice Craighill, promoted.

Quartermaster's Department.

Maj. Edwin Byron Atwood, quartermaster, to be deputy quartermaster-general, with the rank of lieutenant-colonel, February 11, 1897, vice Rockwell, retired from active service.

Capt. George Enoch Pond, assistant quartermaster, to be quartermaster, with the rank of major, February 11, 1897, vice Atwood, promoted.

Lieut. John M. Carson, jr., to be assistant quartermaster, with the rank of captain, February 11, 1897, vice Pond, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 11, 1897.

TERRITORIAL ASSOCIATE JUSTICE.

James R. Keaton, of Oklahoma Territory, to be associate justice of the supreme court of the Territory of Oklahoma.

POSTMASTER.

B. R. Doody, to be postmaster at Canton, in the county of Norfolk and State of Massachusetts.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 11, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

JOHN M. GUYTON.

Mr. STRAIT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk (S. 1860), for the relief of John M. Guyton, late postmaster at Blacksburg, S. C.

The bill was read, as follow:

Be it enacted, etc., That the sum of $484.79 be allowed to John M. Guyton, former postmaster at Blacksburg, S. C., being the amount deposited by him to cover a deficiency arising in his office in the year 1890, which deposit was made to meet a loss by the embezzlement of a clerk on or about the 30th day of January, 1890, without blame or fault on the part of the said John M. Guyton, and that a sum sufficient to pay the allowance now made is hereby appropriated out of any moneys not otherwise appropriated.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HULL. Before objecting, I would like to ask the chairman of the Committee on the Post-Office and Post-Roads and the gentleman from South Carolina if it is customary for the Government to make good the embezzlement of employees in post-offices? Is not the postmaster responsible for such a thing on his bond?

Mr. STRAIT. From the opinion of the Attorney-General, it does not seem that the postmaster would be responsible; but he paid the money, and now he asks to be reimbursed, and there is no provision made for reimbursement.

Mr. BARTLETT of New York. Mr. Speaker, with the permission of the gentleman from South Carolina, I will say to the gentleman from Iowa that at the instance of a gentleman from New York on his side of the House a defalcation of this kind of five or ten or fifteen thousand dollars was provided for by Congress only a few weeks ago.

Mr. HULL. That may be; but I think it is very bad policy for the Congress of the United States to pass bills here to reimburse postmasters whose own appointees have defaulted, and I think I must object.

The SPEAKER. Objection is made.

Mr. BAILEY. If the gentleman from Wisconsin will permit me——

Several members addressed the Chair, and Mr. EDDY was recognized.

ST. PAUL, MINNEAPOLIS AND MANITOBA RAILWAY COMPANY.

Mr. EDDY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3603) to extend the time for the completion of the St. Paul, Minneapolis and Manitoba Railway Company through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian reservations, in the State of Minnesota.

Mr. BAILEY. I object. I demand the regular order.

The SPEAKER. The regular order is demanded. The gentleman from Alabama [Mr. CLARKE] has a privileged motion, which will be submitted.

BIRMINGHAM AND WARRIOR RIVER WATERWAY.

Mr. CLARKE of Alabama. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That the Senate be requested to furnish the House of Representatives a duplicate engrossed copy of the joint resolution (S. R. 191) relative to the improvement of the waterway between Birmingham, Ala., and the Black Warrior River, the same having been lost or misplaced.

The resolution was adopted.

ORDER OF BUSINESS.

Mr. HAINER of Nebraska. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the fortifications appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HULL in the chair.

All points of order on the bill were reserved.

Mr. HAINER of Nebraska. Mr. Chairman, I move that the first reading of the bill be dispensed with.

There was no objection, and it was so ordered.

Mr. HAINER of Nebraska. Mr. Chairman, in presenting the annual budget for fortifications, I desire to call attention to some of the salient points of the bill. The bill carries on its face $9,178,325. At the proper time I will yield to the gentleman from New York [Mr. BARTLETT], my colleague on the committee, to move an amendment of $75,000 for a sea wall at Sandy Hook, which, through inadvertence, was omitted, so that gentlemen in considering the bill may deem it one for $9,253,000, in round numbers. I desire further to call the attention of the committee to the fact that the estimates submitted to us from the Department aggregated $18,390,256. During the Forty-ninth Congress, for the fiscal year 1887–88, no appropriations whatever were made on account of fortifications, and for the twelve fiscal years from 1875 to 1886, inclusive, the appropriations made by Congress for this purpose averaged only about $540,000 per annum, while the average for the fourteen years, including 1887 and 1888, was only $463,000 per annum. Last year it was decided, after full consideration that the time had arrived when Congress should take a new departure in the matter of fortifications.

Your committee recognized a fact which had been patent to every observer, that our seacoast was practically undefended, and that we were, as I stated on a previous occasion, in the same situation as a wealthy man who, with full knowledge of the facts, seeks unfrequented paths which are beset by footpads and deliberately exposes himself to assault, blackmail, and robbery. We recognized the fact that although a competent board, which had been organized in 1885, known as the Endicott board, had submitted approved plans for fortifications estimated at that time to require an expenditure of $120,000,000 and now estimated to require about $80,000,000, fortifications which would satisfactorily protect our seacoast, yet, during the lapse of all these years, less than $20,000,000 in the aggregate had been expended for the purpose of fortifications, and this money had been expended mainly for purposes which may appropriately be termed "housekeeping" in connection with the work of fortifications, the real work not having been really entered upon. So that the appropriations made at the last session of Congress, aggregating $7,414,000 in cash and making provision for more than $4,200,000 of contracts, practically did more for the fortifications of this country than had been done in all the years since the war.

Encouraged by this action of Congress, the Department made its estimates for $18,390,000 for the next fiscal year. This estimate was less than one-fifth of 1 per cent of the destructible property located at our harbors within the range of the guns of any hostile fleet which may now, without much hindrance, ravage our coast. One per cent of the value of this destructible property would make our coast impregnable. We would be provided with an excellent defense with an expenditure equal to one-half the appropriation we have made during the past fifteen years for our Navy. Is it wise, I ask, to appropriate $30,000,000 per annum for a navy and less than one-third as much for fortification? I submit it is not. Every dime we expend for fortifications yields us as effective defense as a dollar appropriated for a navy. This is a stubborn fact well known to every military man or one who has examined the subject. I make this statement to show that the estimates submitted to us, $18,000,000, have merit, and I make not the slightest quarrel with the Department.

I think that every gentleman familiar with this estimate can see that such amount of money could be judiciously expended in fortifications; that the only reason for not making the appropriation is the lamentable condition of the Treasury. I make no question, and, in fact, no intelligent question can be made, but that if the financial stress of the country is left out of consideration, economy would demand that we give the full amount of the estimate, $18,390,000. But your committee, after careful consideration, felt that we must ex necessitate take into consideration the condition of the Treasury, and we must make a reduction, however strong the economical argument for larger appropriations.

Now then, bearing that in mind and still desiring to keep in the appropriation bill such an amount as would allow the Government to proceed in the matter of fortifications, keeping its several items so happily correlated as that no branch of the service shall be injured more than its fellow, we have arranged on the basis of taking out of the estimate its contract features and such items as do not admit of curtailment, aggregating about $4,600,000, leaving of the estimate practically $13,000,000 upon which we could play, to use that expression.

These contract items are as follows:

Authorized contracts for gun and mortar batteries, act of 1896	$2,500,000
Gun steel	555,038
Gun carriages	364,500
12-inch mortars	510,000
Mortar carriages	178,000
Mortar shells	54,600
Steel shots	32,938
Bethlehem contract	156,184
Total contract provisions carried by this bill	4,351,260

To this must be added the following items which do not admit of abatement:

Preservation and repair	$100,000
Preparation of plans	5,000
Sea walls and embankments	33,000
Torpedoes for harbor defense	150,000
Chemist	1,500
Expenses connected with Sandy Hook Proving Grounds	38,000
Improvements at Watertown Arsenal	17,000
Improvements at Watervliet Arsenal	51,500
Board of Ordnance and Fortification	150,000
Total	546,000

Adding these totals, we have an aggregate of $4,897,260, which is beyond the domain of argument, and only the remaining items of the bill may be considered, which latter items of estimate aggregate $13,417,996.

Thereupon we requested the Department to take of this $13,000,000 two-thirds, one-half, one-third, and one-fourth, respectively, and recast the estimate, having in view the aggregate appropriation corresponding to the several fractions I have already enumerated. I desire to print as a part of my remarks the adjustments made on these several bases by the Department; and in the absence of objection I will, without reading them at length, incorporate them.

Item.	Original estimates.	Estimates reduced one-third.	Estimates reduced one-half.	Estimates reduced two-thirds.	Estimates reduced three-fourths.
Authorized contracts for gun and mortar batteries, act of 1897	$2,500,000	$2,500,000	$2,500,000	$2,500,000	$2,500,000
Batteries	5,000,000	3,070,667	2,300,000	1,341,333	859,000
Sites	500,000	500,000	300,000	300,000	300,000
Preservation and repair	100,000	100,000	100,000	100,000	100,000
Preparation of plans	5,000	5,000	5,000	5,000	5,000
Sea walls and embankments	33,000	33,000	33,000	33,000	33,000
Torpedoes for harbor defense	150,000	150,000	150,000	150,000	150,000
Gun steel	1,117,326	1,117,326	744,884	558,663	261,830
Carriages	908,000	908,000	506,000	454,000	454,000
12-inch mortars	1,728,000	1,152,000	960,000	768,000	576,000
12-inch carriages	772,800	515,200	429,400	343,464	257,600
Gun steel *a*	555,038	555,038	555,038	555,038	555,038
Gun carriages *a*	364,500	364,500	364,500	364,500	364,500
12-inch mortars *a*	510,000	510,000	510,000	510,000	510,000
Mortar carriages *a*	178,000	178,000	178,000	178,000	178,000
Mortar shells *a*	54,600	54,600	54,600	54,600	54,600
Steel shot *a*	32,938	32,938	32,938	32,938	32,938
Reserve ammunition	1,597,686	676,793	439,516	169,868	100,000
Rapid-fire guns	517,025	172,343	142,343	.....	.....
Finishing and assembling at Army Gun Factory	306,142	306,142	204,092	204,092	204,092
Bethlehem contract	156,184	156,184	156,184	156,184	156,184
Field guns	85,750	28,585	28,585	.....	.....
Field-gun carriages	206,854	68,952	68,952	.....	.....
Field mortars	15,040	15,040	15,040	.....	.....
Field-mortar carriages	6,060	6,060	6,060	.....	.....
Siege guns	45,225	15,075	15,075	.....	.....
Siege howitzers	45,555	15,355	15,355	.....	.....
Siege-gun carriages	57,705	19,235	19,235	.....	.....
Howitzer carriages	65,295	21,765	21,765	.....	.....
Siege mortars	60,900	20,300	20,300	.....	.....
Siege-mortar carriages	47,820	15,940	15,940	.....	.....
Sights	15,418	15,418	15,418	10,300	8,100
Fuses and primers	7,500	7,500	7,500	5,000	4,000
Instruments, etc	2,000	2,000	2,000	1,500	1,000

a To meet authorized contracts

Item.	Original estimates.	Estimates reduced one-third.	Estimates reduced one-half.	Estimates reduced two-thirds.	Estimates reduced three-fourths.
Powder for issue	$33,585	$33,585	$33,585	$16,790	$12,000
Projectiles, including shrapnel	47,965	47,965	47,965	24,000	20,000
Proof of 8-inch, etc., guns	13,300	13,300	13,300	6,650	6,650
Proof of mortars	46,385	30,925	30,925	23,385	20,660
Armor plates	80,000	40,000	40,000	26,000	26,000
Armament chests	36,560	36,560	36,560	27,420	27,420
Carriages for machine guns	51,500	51,500	51,500		
Chemist	1,500	1,500	1,500	1,500	1,500
Sandy Hook Proving Ground:					
Current expenses	27,000	27,000	27,000	27,000	27,000
Per diem of officers	8,000	8,000	8,000	8,000	8,000
Repair of railroad tracks	3,000	3,000	3,000	3,000	3,000
Watertown Arsenal:					
Improvement of plant	15,000	15,000	15,000	15,000	15,000
Extension of foundry shed	2,000	2,000	2,000	2,000	2,000
Watervliet Arsenal:					
New machinery, etc	46,500	46,500	46,500	46,500	46,500
Filing and grading	3,000	3,000	3,000	3,000	3,000
Repairs of sea wall	2,600	2,600	2,600	2,600	2,600
Board of Ordnance and Fortifications	150,000	150,000	150,000	150,000	150,000
Total	18,315,256	13,821,391	11,429,155	9,178,325	8,036,212

Now, taking these items as they were thus furnished us by the Department, your committee felt that they could not reduce the aggregate appropriations to the lowest amount, because it would cripple the service. The several amounts corresponding to the fractions are as follows: Should we reduce the reducible estimate by one-third, we would have $13,821,391. If we reduce the same items by one-half, we would have $11,429,155. If we reduce them two-thirds, we would have $9,178,325, not including the Sandy Hook item to which I have already referred. And if we reduce the estimates three-fourths, we would have an aggregate of $8,036,212.

The lowest estimate makes the following cuts under the next lowest estimate, to which I desire to call attention: In the matter of batteries, it would reduce the item from $1,341,333 to $859,000. This would cripple two branches of our service—first, the engineering work; second, the mortars. Gentlemen will recall the fact that these fortifications are now being erected at various ports along our seacoast. A reduction from $1,341,333 to $859,000, if apportioned among these various ports, would leave the amount so small at many of these places that it would be only a shocking waste of funds to carry on the work at those places at all. Money should be expended in such a way as to provide as many completed emplacements as the sum at our disposal will permit. In other words, to avoid the waste we all discountenance, any material reduction of this item will work an abandonment of the work at important points. Let me call attention to some of the places which must be neglected entirely if we do that. There would necessarily be abandoned all engineering work at Portsmouth, N. H.; Baltimore, Md.; Washington, D. C., the capital of our country; Charleston, S. C.; Savannah, Ga.; Key West, Fla.; Mobile, Ala.; Galveston, Tex., and Puget Sound, Washington. I can not believe that any gentleman who studies the facts which are comprehended in the statement I have made will consent to a reduction in this appropriation involving the consequences to which I have called attention.

Then, too, I ask gentlemen to observe the fact that the mortar branch of our service is one of the most effective and at the same time most inexpensive branches of our fortification works; and unfortunately it is one which has been least regarded thus far. Never for ten years past, until the last year, has any reasonable provision been made for mortars. Under our adopted plans, mortars being necessary adjuncts of direct-fire guns, we must in the orderly prosecution of the project provide a due complement of this arm. We can not with safety reduce this item.

Let me call the attention of the House to the fact that at the eleven great ports of our country where it is proposed to utilize 710 of these mortars, we have but 121 of them. If it is the purpose of gentlemen to fortify our coasts; if we are not making a dress parade of this matter; if we wish to resolve this question as men of business resolve questions, looking to results; if it is our policy to get the most possible for our money, then we do not want to cripple this branch of our service.

Another thing: If we further reduce this appropriation below the point which has been recommended by your committee, we reduce the item for gun steel from $558,000 to $261,830. What does that mean, gentlemen? It means that you will take away from the great arsenals of this country, which are doing the best work done by any arsenals in the world (thanks to the efficient conduct of the War Department)—you rob them of working materials and prevent them from carrying on their work; you leave practically the expense of carrying on those institutions at the points where they are now, with the sole exception of the labor item, but impotent to produce results, for without steel you can make no guns. Under the appropriation recommended we can procure only ten sets of forgings for 10-inch guns, and the same number for 12-inch guns, while a reduction to the fourth schedule would procure for us only five sets of forgings for each of the two calibers. But you must keep those factories running, and business men well know the waste which is involved in keeping a factory running which is not turning out product. That is waste; that is not economy.

Again, the capacity of the Government Gun Factory for assembling these forgings into guns, working eight hours per day, is able to absorb in one year the forgings which the original estimates would procure, and it is therefore plain that a reduction of one-half, which is contemplated by this bill, goes to the utmost verge of safety. No amount of appropriations can hasten the production of these forgings beyond the capacity of a few private plants, and we must face the fact that even the reduction made by the committee compels a serious delay in the procurement of forgings sufficient to enable our shops to carry on their works at their normal capacity.

Further than that, gentlemen, there is a large amount of this work which is necessarily done by contract. These great arsenals of our Government are the most efficient guards against extortion on the part of contractors. Having those great arsenals, and doing this work ourselves at those arsenals, we can determine within reasonable limit what the cost of the manufacture of these heavy seacoast guns, of mortars, and of gun carriages ought to be; and thus we have in our possession information which will enable us advantageously to place contracts required in this service.

The other items of possible further reduction admit of similar analysis; and I may say in general that any reduction of this bill puts a stop to the work of intelligent coast defense, cripples the War Department in its work, so auspiciously commenced, and works material disadvantage, and places it in the power of contractors to extort from the Government. I have discussed at this length, Mr. Chairman, for two reasons: First, for the reason that the facts are of general interest in the discussion of this bill, and, second, because it has been suggested in another place that an effort would be made to reduce the items contained in this bill to the fourth schedule set out in the tables to which I referred, and which I have made a part of my remarks.

In connection with this matter, Mr. Chairman, which I am discussing, I desire to incorporate in my remarks at this point the tables which appear on page 75 of the hearings before the Fortifications Subcommittee.

The tables are as follows:

The approved plans call for the following numbers of 8, 10, 12, and 16 inch guns and 12-inch mortars at the following places:

Port.	Guns.				Mortars, 12-inch.
	8-inch.	10-inch.	12-inch.	16-inch.	
Portland, Me	10	10	18		48
Boston	5	15	17	6	128
New York	9	24	55	14	150
Philadelphia		5	14		16
Baltimore	4		7		32
Washington	3	6	4		
Hampton Roads		10	10	4	32
Charleston		4	6		16
Savannah	4		2		16
New Orleans (Endicott board)	10		20		
San Francisco	19	28	33	8	144
Columbia River	4	11	2		48
Puget Sound	8	18	5		80
Total	76	131	193	32	710
	78	136	92	1	146
	+2	+5	−101	−31	−564

Does not include eastern entrance to Long Island Sound.

Emplacements provided in the foregoing ports are as follows:

Port.	Guns.				Mortars, 12-inch.
	8-inch.	10-inch.	12-inch.	16-inch.	
Portland, Me		5	2		16
Boston		7			16
New York		16	2		32
Philadelphia		3	3		
Baltimore	3		1		8
Washington	3	3			
Hampton Roads		3			16
Charleston		3			16
Savannah	4				
New Orleans		2			
San Francisco		3	9		16
Columbia River	8	4			
Puget Sound		6	2		
Total	18	55	19		120

Emplacements are provided as follows at other ports than those named above:

Port.	Guns.				Mortars, 12-inch.
	8-inch.	10-inch.	12-inch.	16-inch.	
Portsmouth, N. H.	2				
Narragansett Bay		5			16
Eastern entrance to Long Island Sound			2		
Wilmington, N. C.	3				
Key West	2	3			8
Pensacola		4			
Mobile	4				
Galveston		2			8
San Diego		2			
Total	11	16	2		32

I also desire to submit some tables in connection with the original estimates of the Department and the reduction contemplated by the subcommittee, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

On the basis of the original estimate of $5,000,000 for guns and mortar batteries, it was proposed by the War Department to build 25 emplacements for 12-inch guns, 23 emplacements for 10-inch guns, 13 emplacements for 8-inch guns, and 144 emplacements for 12-inch mortars.

On the basis of the reduction contemplated by the third schedule, namely, $1,341,333, only the following number can be constructed: six emplacements for 12-inch guns, 5 emplacements for 10-inch guns, and 88 emplacements for 12-inch mortars.

On the basis proposed by the fourth schedule, the number that can be constructed will be reduced still further to 5 emplacements for 12-inch guns, 4 emplacements for 10-inch guns, and 76 emplacements for 12-inch mortars.

In addition to the foregoing, there would be constructed a few emplacements for rapid-fire guns—on the basis of the fourth schedule only 3 and on the basis of the third schedule only 15.

Thus it will be seen that even on the basis of the third schedule nearly all of the construction work on the new defenses, except for mortar batteries, will have to be discontinued, and continuance of work even on the mortar batteries will be very seriously crippled.

	8-inch.	10-inch.	12-inch.
Guns completed and on hand August 30, 1896	65	63	22
Carriages completed and on hand August 30, 1896:			
Barbette	8	5	6
Disappearing	5	23	
Gun-lift			2
Casemate			1
	13	28	9
Guns to be completed and on hand June 30, 1897 (estimated)	89	78	42
Carriages to be completed and on hand June 30, 1897 (estimated):			
Barbette	8	5	11
Disappearing	17	48	1
Gun-lift			2
Casemate			1
	25	53	15
Guns to be completed and on hand June 30, 1898 (estimated)	88	115	60
Carriages to be completed and on hand June 30, 1898 (estimated):			
Barbette	25	5	31
Disappearing	39	65	1
Gun-lift			2
Casemate			1
	64	70	35

Emplacements provided for, including act of June 6, 1896.

Twelve-inch lifts, No. 2.—Completed, guns mounted.

Twelve-inch disappearing, model 1896, No. 9.—1 to be ready February 1, 1897; 4 to be ready July 1, 1897; 2 to be ready September 1, 1897; 2 to be ready October 1, 1897.

Twelve-inch nondisappearing, No. 10.—3 completed, guns mounted; 3 completed; 2 to be ready February 1, 1897; 2 to be ready December 1, 1897.

Ten-inch disappearing, model 1894, No. 34.—7 completed, guns mounted; 26 ready for armament; 1 to be ready July 1, 1897.

Ten-inch disappearing, model 1896, No. 35.—8 ready for armament; 2 ready February 1, 1897; 4 ready July 1, 1897; 5 ready August 1, 1897; 6 ready September 1, 1897; 4 ready October 1, 1897; 3 ready November 1, 1897; 3 ready December 1, 1897.

Ten-inch disappearing c. p. model 1896, No. 1.—1 ready for armament July 1, 1897.

Ten-inch nondisappearing, No. 3.—To be ready December 1, 1897.

Eight-inch disappearing, model 1894, No. 25.—5 completed, guns mounted; 3 now ready for armament; 3 ready July 1, 1897; 12 ready August 1, 1897; 2 ready October 1, 1897.

Eight-inch disappearing, model 1896, No. 4.—2 ready for armament June 1, 1897; 2 ready for armament July 1, 1897.

Five-inch rapid-fire, No. 13.—12 ready July 1, 1897; 1 ready December 1, 1897.

Six-pounder rapid-fire, No. 4.—4 now ready.

Twelve-inch mortars, model 1894, No. 84.—72 completed, mortars mounted; 12 ready now.

Twelve-inch mortars, model 1896, No. 68.—16 ready now; 20 ready July 1, 1897; 16 ready September 1, 1897; 16 ready October 1, 1897.

It is expected that all of the above emplacements will be completed by the end of the calendar year 1897.

	Provided for by all acts, including June 6, 1896.	Estimates for 1898, $5,000,000.
12-inch:		
Lift	2	
Displacement	9	25
Nondisplacement	10	
10-inch:		
Displacement	70	21
Nondisplacement	3	2
8-inch displacement	29	13
5-inch R. F.	13	50
6-inch R. F.		1
6-pounder R. F.	4	63
Machine guns	139	45
Mortars	152	144

Comparison of emplacements to be provided for by all appropriation acts to date and by estimates for 1898, with total number required under approved projects.

	Guns.					Mortars.
	16-inch.	12-inch.	10-inch.	8-inch.	R. F.	
Total emplacements required under approved projects	32	203	181	103	361	1,056
Total emplacements provided for, including estimates for 1898		46	96	42	131	296

Guns provided for by Ordnance Department, including act of June 6, 1896.

[Taken from report of Secretary of War for 1896, page 28.]

Guns.					Mortars.
16-inch.	12-inch.	10-inch.	8-inch.	R. F.	
1	92	136	78	18	146

COMPARISON OF HIRED LABOR AND CONTRACT WORK.

The following tabulated statements show the relative cost of emplacements by hired labor and contract under the act of June 6, 1896. They are based on the best data now obtainable, but accurate comparisons can not be made until after the working season of 1897, when all or the greater portion of the contract work will have been completed. Owing to the greater number of emplacements compared, the average cost of the 12-inch nondisappearing, 10-inch and 8-inch disappearing class is entitled to more weight than the cost of the 12-inch disappearing, in which the limited number available for comparison prevents the elimination of specially favorable or unfavorable conditions.

Cost of emplacements by hired labor under act of June 6, 1896.

TWELVE-INCH DISAPPEARING.

Locality.	Number.	Cost.
Finns Point	3	$137,000
Fort Winfield Scott	1	50,063
Total	4	187,063

or $47,767 per emplacement.

TWELVE-INCH NONDISAPPEARING.

Fort Winfield Scott	2	$48,358

TEN-INCH DISAPPEARING.

Portland Head	2	$68,000
Long Island Head	3	120,000
Fort Schuyler	2	71,000
Fort Hamilton	2	70,000
Fort Wadsworth	4	160,000
Fort Hancock	2	74,000
Finns Point	2½	75,111
Fort Washington	1	50,000
Fort Pickens	2	80,000
Fort St. Philip	1½	90,000
Galveston	2	100,000
Point Adams	4	159,000
Total	28	1,117,111

EIGHT-INCH DISAPPEARING.

Fort Morgan	3	$119,500
Chinook Point	2	88,000
Total	5	207,500

Thirty-five emplacements. 12-inch nondisappearing, 10-inch and 8-inch disappearing, cost $1,372,969, or $39,227 per emplacement.

Cost of emplacements by hired labor under act of June 6, 1896—Continued.

FIVE-INCH RAPID-FIRE (ESTIMATED COST).

Locality.	Number.	Cost.
Fort Hancock	1	$10,000
Long Island Head	3	32,200
Willets Point	1	4,000
Point Adams	1	5,500
Chinook Point	1	5,500
Fort Winfield Scott	2	20,000
Total	9	77,200

or $8,577 per emplacement.

TWELVE-INCH MORTARS.

Fort Monroe	8	$100,000
Fort Preble	16	125,000
Fort Adams	16	125,500
Sullivans Island	8	112,000
Total	48	462,500

or $9,635 per emplacement.

Estimated cost of emplacements by contract, act June 6, 1896.

TWELVE-INCH DISAPPEARING.

Locality.	Number.	Amount of bid.	Amount to be set aside for settlement with contractor.	Amount required for supervision and engineering expenses.	Total.
Great Gull Island	2	$106,628.80	$115,000.00	$17,000.00	$132,000.00
Hawkins Point	1	40,000.00	46,500.00	3,500.00	50,000.00
Total	3				182,000.00

Average cost per emplacement, $60,667.

EIGHT-INCH AND TEN-INCH DISAPPEARING.

Fort Constitution	2, 8	$55,372.52	$60,000.00	$5,000.00	$65,000.00
Dutch Island	3, 10	85,450.50	100,000.00	8,000.00	108,000.00
Fort Hancock	3, 10	78,202.00	90,000.00	3,690.00	93,690.00
Hawkins Point	3, 8	82,064.46	87,800.00	6,000.00	93,800.00
Sheridans Point	3, 8	90,898.10	100,000.00	8,000.00	108,000.00
Wilmington	3, 8	99,947.17	119,900.00	8,000.00	127,900.00
Charleston, S. C.	3, 10	153,270.50	167,000.00	10,000.00	177,000.00
Savannah	4, 10	142,222.72	150,000.00	12,000.00	162,000.00
San Diego	2, 10	103,038.36	109,000.00	9,000.00	118,000.00
Total	26				1,053,390.00

Average cost per emplacement, $40,515.

TWELVE-INCH MORTARS.

North Point	8	$91,513.31	$109,900.00	$10,500.00	$120,400.00
Galveston	8	96,491.80	111,000.00	8,000.00	119,000.00
Total	16				239,400.00

Average cost per emplacement, $14,962.

Comparative cost of emplacements.

	Hired labor.	Contract.	Difference in favor of hired labor.
12-inch disappearing	(4) $47,767	(3) $60,667	$12,900
12-inch nondisappearing, 10-inch and 8-inch disappearing	(35) 39,227		1,288
10-inch and 8-inch disappearing		(26) 40,515	
12-inch mortars	(48) 9,635	(16) 14,900	5,265

Corrected to January 23, 1897.

Statement showing disposal of appropriation for "Sites for fortifications and seacoast defenses," act of June 6, 1896.

Purchase of tract at—	
Boston, Mass., Peddocks Island	$33,130.00
Narragansett Bay, Conanicut Island	105,259.88
East entrance Long Island Sound, Plum Island	25,000.00
Charleston, S. C., Sullivans Island	3,782.36
Key West, Fla., Martello Tower No. 2	4,600.00
Galveston, Tex., city front	35,000.00
San Diego, Cal., Coronado Beach	2,500.00
Puget Sound, Washington:	
Admiralty Inlet	7,200.00
Marrowstone Point	3,480.00
Expenses incurred in making above purchases	2,474.92
Total	222,427.16

I have little further to add to the remarks already submitted. Gentlemen will understand that this bill has been constructed symmetrically, with a view to carrying on this important work most advantageously. I have assumed in these remarks, what must be conceded, that no expenditure made by this Congress has been more generally commended than that made for fortifications. We cultivate the arts of peace, but can have assurance of amity with all only as we are prepared to resist unjust encroachment. There must always be, in the case of every self-respecting nation, a manifestly fair relation between assertion and ability to maintain. We propose no conquests, and hence have no need for a great Navy, already too expensive; but we should on every consideration of prudence and patriotism properly guard the great ports on our borders. This is a matter of great national concern, and, with due regard to the condition of our Treasury, should be prosecuted, not spasmodically, when baleful war fever sweeps over the country, but each year, until completed in a businesslike, economical fashion. Last year we appropriated $7,400,000; this bill carries about $9,250,000, making over $16,500,000 for this Congress. At this rate eight years more will finish the work. This rate I favor, and along this line this bill is drawn.

And now, sir, unless some other gentleman desires to address the committee, I ask unanimous consent that the general debate be considered as closed.

Mr. BAKER of New Hampshire. Will the gentleman yield for a question?

Mr. HAINER of Nebraska. Certainly.

Mr. BAKER of New Hampshire. Will the gentleman please explain specifically the difference between the estimates and the amount carried in the bill, which I see is about $9,000,000? I think we would all be glad to know wherein the difference lies, between the estimates of the Department and the amounts recommended in the bill.

Mr. HAINER of Nebraska. I have already asked to have made a part of my remarks the several estimates covering the amount of $18,000,000 estimated by the Department, showing the various items and also indicating the percentages of reduction proposed by the committee. I have explained the most important of them. If the gentleman has in mind any particular item in the bill, I would be very glad to explain it.

Mr. BAKER of New Hampshire. I am satisfied if it goes into the RECORD.

Mr. HAINER of Nebraska. And now, Mr. Chairman, for the purpose of allowing another important appropriation bill to be reported, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HULL reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill H. R. 10288, had come to no resolution thereon.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, by direction of the Committee on Appropriations, I desire to report the bill (H. R. 10292) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes.

I ask that this bill be printed and appropriately referred.

Mr. MCMILLIN. I desire to reserve all points of order.

The SPEAKER. The bill will be printed and referred to the Committee of the Whole House on the state of the Union. All rights are reserved.

ORDER OF BUSINESS.

Mr. HAINER of Nebraska. I move that the House resolve itself into Committee of the Whole House on the state of the Union to resume consideration of the fortifications appropriation bill.

Mr. BARTLETT of Georgia. Will the gentleman withdraw that for a moment, to enable me to make a report?

Mr. HAINER of Nebraska. Certainly.

CONTESTED-ELECTION CASE—WATSON VS. BLACK.

Mr. BARTLETT of Georgia. Mr. Speaker, by direction of Committee on Elections No. 1, I submit the unanimous report of that committee in the contested-election case of Thomas E. Watson against James C. C. Black, from the Tenth Congressional district of Georgia, and ask that it be printed and appropriately referred. I will state that the committee will, at such time as suits the convenience of the House, call it up for consideration; at which time the contentions of the contestant may be presented to the House, if desired by the House.

The SPEAKER. The report will be printed and referred to the House Calendar.

ORDER OF BUSINESS.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution (S. R. 121) to amend an act granting to the Duluth and Winnipeg Railroad Company a right of way through the Chippewa and White Earth Indian reservations in the State of Minnesota.

The SPEAKER. The bill will be read, subject to the right of objection.

Mr. BAILEY. How does that come up, Mr. Speaker?

The SPEAKER. The gentleman asks unanimous consent. It requires unanimous consent.

Mr. BAILEY. I demand the regular order.

The SPEAKER. Objection is made.

FORTIFICATION APPROPRIATION BILL.

Mr. HAINER of Nebraska. I now renew my motion, Mr. Speaker, that the House resolve itself into Committee of the Whole to further consider the fortification appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HULL in the chair.

Mr. HAINER of Nebraska. If no other gentleman desires to be heard generally on the bill, I ask that general debate be now closed.

The CHAIRMAN. The gentleman from Nebraska [Mr. HAINER] asks that general debate be now closed. If there be no objection, it will be so ordered.

There was no objection.

The Clerk (proceeding with the reading of the bill by paragraphs) read as follows:

Sites for fortifications and seacoast defenses: For the procurement of land, or right pertaining thereto, needed for the site, location, construction, or prosecution of works for fortifications and coast defenses, $300,000.

Mr. FISCHER. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Insert in line 13, page 2, after the word "dollars," the following:
"For defraying the expense necessary for an investigation of the feasibility of erecting and constructing a fortification and seacoast defense, consisting of revolving turrets or other defense, upon Romer Shoals at the entrance to the harbor of New York, $1,000."

Mr. HAINER of Nebraska. Mr. Chairman, I reserve the point of order on that amendment for the purpose of allowing the gentleman to be heard.

Mr. FISCHER. Mr. Chairman, briefly stated, the facts in connection with this amendment are these: I caused to be introduced a bill known as H. R. 10080, calling for the same legislation. Romer Shoal, in New York Harbor, at the point indicated in the bill which I introduced, is the best point for defense in the harbor of New York, and is so admitted by army and navy officers who have been interviewed since the introduction of this measure. The three channels entering New York Harbor are known as the Main Ship Channel, Gedney Channel, and Swash Channel. Romer Shoal is situated exactly in the center, so that any vessel entering the harbor of New York must of necessity pass around this shoal. The greatest distance from the shoal to the main channel at any given point does not exceed 2,000 feet, and by reason of the formation of these channels no vessel could enter the port of New York without presenting to any fortifications erected on this shoal a broadside fire for almost the entire distance it is compelled to sail from the time it reaches Sandy Hook light-ship until it reaches the Narrows, at which point we have Forts Wadsworth and Hamilton.

This amendment calls for only a slight appropriation, asking only for a sufficient sum of money to defray the expense of investigation and report as to the feasibility of this project.

I was informed by the chairman of the subcommittee having charge of this bill that by the report of the Endicott board, filed some years ago in the War Department, this scheme had already been taken up and plans for this project had been filed. I have spent some time at the War Department, and have investigated the Endicott report, but I am sorry to say that I can not find anything in it relative to this particular improvement.

Now, no harm can come from this proposition, and much good can; and I want to say, in further explanation of it, that if this project were authorized, the cost of cribbing and filling, turrets and ordnance, everything complete, would not exceed the cost of the machinery alone on a battle ship, and here we should have a fortification in the center of the three channels absolutely unsinkable, requiring no dry docking two or three times a year, requiring no crew, officers, or engineers at an enormous expense per month, a work that might be left in the charge of a small detail of troops from the regular force, and would afford a protection equivalent, so far as armament is concerned, to two monitors, with none of the liabilities of sinkage and none of the dangers of travel by sea.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SHERMAN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 1498) directing the Secretary of War to grant an honorable discharge to William M. Dalzell;

A bill (H. R. 1323) for the relief of Ira H. Sweatt; and

A bill (H. R. 9493) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the constructon of railroads, and for other purposes," approved September 29, 1890, and the several acts amendatory thereof.

The message also announced that the Senate had passed with amendments the bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898, in which the concurrence of the House was requested.

The message also announced that the Senate had further insisted upon its disagreement to the amendments of the House of Representatives to the bill (S. 1832) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HILL, Mr. PLATT, and Mr. CLARK as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the joint resolution (S. R. 148) for the relief of farmers and truckmen in the city of Washington, D. C.

FORTIFICATION APPROPRIATION BILL.

The committee resumed its session.

Mr. HAINER of Nebraska. Mr. Chairman, the remarks of the gentleman from New York [Mr. FISCHER] illustrate anew a peculiarity of human genius. From many different sources we learn of inventions and discoveries. Each inventor and each discoverer believes himself to have a monopoly of whatever credit is due for his invention or discovery. The fact is that the Romer Shoal has not escaped the observation of men who have given their lifetime in study of the fortification of our seacoast, and the detailed plans appear in the War Department for making this fortification. There has been a survey of every single foot of the Romer Shoal, and the locality and use of it have been fully determined by the proper Department.

I suggest also to my friend that there is an inherent vice in undertaking in any event, even if it were in order, to saddle appropriations for any particular point upon this bill. I desire further, in this connection, to urge upon the committee generally, and entirely apart from the amendment offered by the gentleman from New York [Mr. FISCHER], but simply taking that as a text, that the general plan of coast defense involves twenty-eight principal points. I may safely say that nine-tenths of the dangers under which this country is resting center about five or six points at the farthest. Unfortunately, no Congress has had the courage to make provisions in appropriations for these points in the order of their importance, and it would be asking too much of the War Department to concentrate these appropriations at these pivotal points. If they do so, we might with truth say that with the appropriations already made and those contained in this bill the great danger to our seacoast would be provided against. But it is not so. These fortifications are scattered along the entire coast, here and there, to meet the importunities of the public—each locality urging its special dangers upon the Department. The Department has in good faith and with rare tact responded to these numerous and diverse calls as well as it could within the limits of the Endicott board plan. Hence we would simply increase that trouble, making these expenditures uneconomical and unnecessarily great by inserting in the bill provisions for beginning work at any particular point. Having said this much, Mr. Chairman, I insist on my point of order.

The CHAIRMAN. The Chair would like to hear the gentleman from Nebraska on the point of order. In what does it change any existing law? The Chair understands there is a Board of Fortifications which has the power now of determining the question of making this very investigation, if the Board so desires.

Mr. HAINER of Nebraska. The Endicott board made a general plan which has since been followed. The law places all discretion in the War Department, where it properly belongs, to determine the details. It is a change of the law to that extent. It takes away the discretion that is invested in the War Department.

Mr. DOCKERY. If it does not change existing law, why is it here?

The CHAIRMAN. Is it not simply directory? The law creating the Board of Fortifications gave it discretionary power over the entire seacoast defense, and, if that be true, wherein does it change any law to make a specific appropriation for one place?

Mr. HAINER of Nebraska. Anything, Mr. Chairman, that changes existing law from either directory or discretionary is a change of existing law. The Board of Ordnance and Fortification have nothing to do with surveys or with making plans for defense at any point.

The CHAIRMAN. The Chair will ask the gentleman from Nebraska, Would it not be in the power of the Congress in this bill to make a specific appropriation for each particular place wherever they wanted to expend the money; and if so, would that change any existing law?

Mr. HAINER of Nebraska. I think it would. The entire policy and term of the present law is to leave this matter in the hands of the War Department—that branch of our Government trained for this purpose. This amendment would take it away from the hands of the expert branch and put it in the hands of those who are untrained in the matter. It seems to me it would be a startling innovation on both the law and policy to allow an amendment of this kind to be ingrafted in the bill.

Mr. FISCHER. Mr. Chairman, I understand the gentleman to say that it is an offense to suggest an idea to the War Department. If it is an offense, I may be excused. The only point that I can see in the gentleman's remarks is, this is a change of existing law in that it makes an appropriation for a particular place. I would like to call attention to the bill, wherein you will find many specific appropriations are made in the very line of this amendment—for Watertown Arsenal, for Watervliet Arsenal, for Sandy Hook. Are not these special and particular appropriations? There is no other way by which you can arrive at it.

Mr. HAINER of Nebraska. My friend is not a novice in matters of legislation. He knows that those are establishments of the Government and are regularly estimated for. They certainly do not stand on the same basis as his amendment; and my friend recognized that when he introduced his bill for making this survey which is now pending before the Appropriations Committee. If it made no change of existing law, my friend would certainly not have wasted his work or wasted his midnight vigil in preparing for introduction that bill.

Mr. FISCHER. I am sorry if I disturbed my friend.

The CHAIRMAN. The Chair thinks this amendment is in order. The desirability of such legislation can be passed upon by the committee.

Mr. HAINER of Nebraska. Then I ask for a vote.

Mr. HOWE. Mr. Chairman, I hope this amendment will pass or receive favorable consideration. The harbor of New York, the great entrance to the city of New York, needs protection, and if this proposed amendment shall pass it will make it possible to increase the defense of this great harbor. It would be sensible and reasonable that this amendment should be favorably considered. My friend has stated that it is unfortunate that these great bulwarks of defense should have been delayed and gone without notice so long. It is high time, Mr. Chairman, for that defense to be considered. This amendment simply calls for a preliminary survey and an appropriation to pay the expense. I hope this amendment will be adopted.

Mr. HAINER of Nebraska. Mr. Chairman, I simply desire to say that this survey of these shoals has already been made. This would be a waste of expenditure. Further than that, no estimate has been made by any officer for this; no request has come from the War Department for this. It is just simply a request of the gentleman, who is an amateur yachtsman and has been grounded on this particular shoal. I ask for a vote.

Mr. FISCHER. Will the gentleman permit a question?

Mr. HAINER of Nebraska. I yield to my colleague on the committee [Mr. BARTLETT].

Mr. BARTLETT of New York. Mr. Chairman——

Mr. FISCHER. Will my colleague allow me to ask the gentleman a question?

Mr. BARTLETT of New York. You can ask him afterwards.

Mr. FISCHER. I will try to remember after the gentleman has finished.

Mr. BARTLETT of New York. Mr. Chairman, I represent the lower district of New York, the district that would be most affected by the expenditure of this thousand dollars, and I am opposed to this appropriation for two reasons. In the first place, it would be a waste of public money. It is unnecessary to expend this sum of $1,000 for this purpose, because the work has already been done. The survey has been made, as has been stated by the chairman of the subcommittee in charge of this bill. But, Mr. Chairman, there is another reason. We have a competent Secretary of War, and we have under him engineer officers who are competent to discharge their duties. Have they come to the subcommittee and asked for this appropriation? No, gentlemen; because they realize that it would be a mere waste of public money. It is all very well for gentlemen who represent the city of Brooklyn or some other part of the State of New York to rise and talk about "the great harbor of New York" and the "great bulwarks of defense." I believe in the largest and fullest appropriations that are necessary for the protection of the harbor of New York, but I do not believe in taking a dollar of the public money for a purpose which is absolutely futile.

Mr. DOCKERY. Mr. Chairman, I desire to congratulate my colleague on the committee, the gentleman from New York [Mr. BARTLETT], on what seems to be a new-born zeal for economy and retrenchment, but still I am very glad that he stands in opposition to this amendment. In my view, and with perfect respect for the decision of the Chair, this proposition does change existing law, because we have now a board which is clothed with general powers to determine such questions as the one raised by this amendment. The amendment is a limitation on this discretion, and directs the board to investigate this particular point. I suppose it is offered under an apprehension, or rather a misapprehension, that there is some danger to this country from foreign invasion. I trust the House will vote down the amendment, for, in my judgment, there is no danger whatever from foreign invasion. There are no enemies in sight, except the enemies of the Treasury of the United States, and this amendment is one expression of their hostility. [Laughter.]

Mr. BENNETT. Mr. Chairman, I desire to say to my colleague from New York [Mr. BARTLETT] that this is not a matter which concerns Brooklyn alone. It concerns the defense of the entire harbor of New York; and Staten Island, which is a portion of the district that my friend represents, would be benefited by it, at least as much as any other locality. The matter is of national importance. This amendment simply proposes an appropriation of $1,000 for a survey, and it is a reasonable proposition——

Mr. HAINER of Nebraska (interposing). But the survey has been made. Why does the gentleman insist that this is a reasonable proposition when the survey has been already made and every fact determined?

Mr. BENNETT. I am given to understand that the survey has not been made.

Mr. HAINER of Nebraska. But I have made careful examination of that question and have seen the detailed sketches of the survey.

Mr. BENNETT. But has a survey been made of this particular point?

Mr. HAINER of Nebraska. Yes, of this particular shoal. I have explained that three or four times.

Mr. BENNETT. Then, if the survey has been made, the expenditure of this thousand dollars would be unnecessary, and then this amendment would virtually carry no appropriation?

Mr. HAINER of Nebraska. Of course it is unnecessary, and the whole scheme of it is vicious.

Mr. BENNETT. Then does the gentleman say that, the survey having been made, all that would be required would be a recommendation from the War Department to bring it properly before Congress?

Mr. HAINER of Nebraska. I say that if you should pass this amendment you would compel the expenditure of $1,000 for work that has been already done, and in addition to that you would establish a vicious precedent, so that any gentleman here might, by a little log-rolling, have an appropriation made for a survey at any particular point in which he took an interest, thus taking this business out of the competent hands in which it now rests (the War Department) and putting it into the hands of novices.

Mr. BENNETT. Will the gentleman accept the amendment if it turns out that the survey has not been made?

Mr. HAINER of Nebraska. No, I will not, because I think the general scheme of such amendments is vicious, and I do not want to see such a precedent established on any bill with which I have anything to do.

Mr. BENNETT. I do not see what objection there can be to this amendment, either on the part of the gentleman from Nebraska or of any other member of the Appropriations Committee, if the survey has not been made.

Mr. GROUT. Mr. Chairman, I move to strike out the last word. The point of objection to this amendment seems to lie particularly in this view; but first let me say, by way of distinguishing this from some other bills, that this is not a river and harbor bill. We have provided for the defense of our coast under the direction of skillful engineering officers, who make surveys and plant fortifications and batteries where they think they will do the most good. Now, this House knows nothing about the propriety of planting a fortification at the point indicated in this amendment, or even of making a survey for that purpose. To pass such an amendment here would be firing absolutely in the dark. If any gentleman thinks the engineering officers are overlooking an important strategic point in New York Harbor or elsewhere, the proper thing to do is to go to the Engineer Department, or to the Secretary of War, and have the matter brought to the attention of the House in an official way, with the sanction of the men who are supposed to know all about such matters. It seems to me very unwise to adopt an amendment of this kind, and I hope it will be voted down.

Mr. BENNETT. Mr. Chairman, we believe this to be such a reasonable proposition that we beg that it be not voted down. The gentleman in charge of this bill states that the survey has been made. If it has been made, there will be no necessity for the expenditure.

Mr. CANNON. Mr. Chairman, against an expenditure of $1,000, more or less, where it is necessary, I have, of course, no word of objection to submit; but I want to call the attention of the committee to a few facts. This work of fortifications proceeds under the Endicott plan. When completed, it is to cost a very large sum

of money. It is progressing in a very satisfactory way; and I may say, considering everything, it is speedily progressing in accordance with well-defined plans under the direction of the Secretary of War, the Board of Ordnance, utilizing the Chief of Engineers, and the Chief of Ordnance. The plan is comprehensive, and unless gentlemen have given much attention to it, they do not understand how thoroughly the work is being done.

Now, I wish to say another thing: There is no trouble about the Department proceeding fast enough and about expenditures being made fast enough and in the proper places. More than that, at Sandy Hook this scheme of fortification has fructified to such an extent that large expenditures are being made in the erection of posts for the accommodation of soldiers to guard the property of the United States and to operate the guns; and quite properly. The work is progressing more speedily perhaps than most gentlemen realize. I think we had better not undertake to authorize any special matter such as is now proposed, because under the general scheme the authority covers every point, including New York.

One further remark: During this Congress, if this bill should be passed as reported, we shall have appropriated almost $17,000,000 for emplacements and for the making of guns—extraordinary appropriations if we stop and consider a minute as to the progress of the work from the adoption of the Endicott plans down to the commencement of the present fiscal year. I wish to add that when the money authorized by this bill shall have been expended, Portland, Boston, New York, Baltimore, Washington, Charleston, San Francisco, New Orleans, and Puget Sound will be practically well fortified. So that we can rest upon the assurance that the blocks of population at the principal of these ports can not have blackmail levied upon them by a hostile fleet in the event of war. I make this statement after inquiry; and it is not only my opinion, but the opinion of experts, some of whom are in part charged with the administration of these appropriations.

I think that while a thousand dollars amounts practically to little, yet, with all due respect to the gentleman from New York [Mr. BENNETT], there is no necessity for the appropriation proposed; and as this whole recommendation is harmonious and there is now abundant authority to carry on the work as may be required, I trust the amendment will not prevail.

The question being taken, the amendment of Mr. FISCHER was rejected; there being—ayes 34, noes 60.

The Clerk (resuming the reading of the bill) read as follows:

Sea walls and embankments: For construction of sea walls and embankments, $33,000.

Mr. HAINER of Nebraska. At this point the gentleman from New York [Mr. BARTLETT] wishes to offer an amendment.

Mr. BARTLETT of New York. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 21, page 2, insert:
"For construction of riprap wall for protection of the eastern beach of United States lands at Sandy Hook, N. J., $75,000."

Mr. HAINER of Nebraska. That amendment is acceptable to the Committee on Appropriations.

The amendment was agreed to.

The Clerk (resuming the reading of the bill) read the following:

Armament of fortifications: For oil-tempered and annealed steel for high-power coast-defense guns of 18-inch, 10-inch, and 12-inch caliber, $558,663.

Mr. STEELE. I observe that the item embraced in lines 3 to 6, on page 3; the item included in lines 17 to 20, on page 3, and also the item in lines 5 to 8, on page 4, all provide for purchasing oil-tempered and annealed steel for high-power coast-defense guns of 8, 10, and 12 inch caliber. There seems to be some repetition, as the several appropriations seem all to cover the same object.

Mr. HAINER of Nebraska. The gentleman is mistaken. The item embraced in lines 17 to 20 refers to contracts which have already been made. The language is:

To provide for payments that may become due in the purchase or manufacture of oil-tempered and annealed steel.

Mr. STEELE. The item does not say anything about contracts.

Mr. HAINER of Nebraska. But the language is: "To provide for payments which may become due."

Mr. STEELE. These appropriations made in previous paragraphs will also "become due."

Mr. HAINER of Nebraska. No; those are absolute appropriations. If the gentleman will turn to the first line of page 4, he will find this language:

Contracted for under the provisions of the fortifications act approved June 6, 1896, said payments being in excess of the money therein appropriated for these objects.

The Clerk resumed and concluded the reading of the bill.

Mr. HAINER of Nebraska. I move that the committee rise and report the bill as amended to the House with the recommendation that it pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HULL reported that the Committee of the Whole House on the state of the Union, having had under consideration the fortification appropriation bill, had directed him to report the same to the House with the recommendation that as amended by the Committee of the Whole the bill do pass.

Mr. HAINER of Nebraska. Mr. Speaker, I move the previous question on the bill and amendment to its passage.

The previous question was ordered, and under the operation thereof the amendment recommended by the Committee of the Whole was agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HAINER of Nebraska, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment joint resolution (H. Res. 249) for appointment of a member of Board of Managers of the National Home for Disabled Volunteer Soldiers.

The message also announced that the Senate had passed the bill (S. 2832) for the relief of Daniel T. Tollett; in which the concurrence of the House was requested.

The message also announced that the Senate had passed with amendments the bill (H. R. 10134) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1898, in which the concurrence of the House was requested.

SENATE BILLS AND HOUSE BILLS WITH AMENDMENTS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and House bills with amendments were taken from the Speaker's table and referred as follows:

A bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898—to the Committee on Agriculture.

A bill (H. R. 10134) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1898—to the Committee on Foreign Affairs.

A bill (S. 2832) for the relief of Daniel T. Tollett—to the Committee on Pensions.

A bill (S. 3666) to remove doubts as to the power of the supreme court of the District of Columbia to provide for a vacancy in the office of attorney of the United States for the District of Columbia—to the Committee on the Judiciary.

A bill (S. 3614) to aid in the improvement of the navigable channel of the South Pass by closing the existing crevasse in Pass a Loutre in the Mississippi River—to the Committee on Rivers and Harbors.

A bill (S. 1648) for the relief of Stewart College (now the Southwestern Presbyterian University), located at Clarksville, Tenn.—to the Committee on War Claims.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

A bill (S. 3333) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," passed finally June 3, 1896;

A bill (S. 1296) to commission passed assistant surgeons in the United States Navy, and to provide for their examination preliminary to their promotion to the grade of surgeon;

A bill (H. R. 9345) to enable certain persons in the State of Mississippi to procure title to public lands; and

Joint resolution (S. R. 148) for the relief of farmers and truckmen in the city of Washington, D. C.

MAPS AND ATLASES OF THE GEOLOGICAL SURVEY.

The SPEAKER laid before the House the joint resolution (H. Res. 234) providing for the distribution of maps and atlases of the United States Geological Survey, with an amendment of the Senate thereto.

The Senate amendment was considered, and concurred in.

FUNDING TERRITORIAL INDEBTEDNESS.

Mr. KNOX (when the Committee on the Territories was called). I am instructed to call up the bill (H. R. 10271) authorizing the funding of indebtedness in the Territories of the United States.

The bill was read, as follows:

Be it enacted, etc., That for the purpose of liquidating and providing for the payment of the outstanding and existing indebtedness of the Territories of the United States, and such future indebtedness as may be or is now authorized by law, the governor of each Territory, together with the Territorial auditor and Territorial secretary, and their successors in office, shall constitute a board of commissioners for the Territory in which they hold office, to be styled the "loan commissioners of the Territory," and shall have and exercise the powers and perform the duties hereinafter provided.

SEC. 2. That it shall be, and it is hereby, declared the duty of the loan commissioners of each Territory to provide for the payment of the existing indebtedness of such Territory due and to become due, or that is now or may

be hereafter authorized by law, except such indebtedness as has been recognized or covered by reason of an act of the legislative assembly of New Mexico, approved January 28, 1867, entitled "An act to amend an act entitled 'Militia' and acts amendatory thereof," and for the purpose of paying, redeeming, and refunding all or any part of the principal and interest, or either, of the legal indebtedness hereby provided to be paid, and also that which may at any time become due, or is now or may be hereafter authorized by law, the said commissioners shall from time to time issue negotiable coupon bonds of the Territory when the same can be done in harmony with this act.

SEC. 3. That said bonds shall be issued as nearly as practicable in denominations of $1,000, but bonds of a lower denomination, not less than $250, may be issued when necessary. Said bonds shall bear interest at a rate to be fixed by said loan commissioners, not exceeding 4 per cent, except bonds issued by the Territory of Arizona in exchange for indebtedness of the kind and description in this act authorized and required to be funded or exchanged, and which indebtedness has already been presented to be exchanged under existing law, in which case said bonds shall bear interest at a rate not to exceed 5 per cent; which interest shall be paid semiannually, in gold or its equivalent, in lawful money of the United States, on the 15th day of January and the 15th day of July in each year, at the office of the Territorial treasurer, or at such bank in the city of New York, or in the city of San Francisco, in the State of California, or at such places as may be designated by said loan commissioners, at the option of the purchaser of said bonds, the place of payment being mentioned in said bonds. The principal of said bonds shall be made payable in lawful money of the United States fifty years after the date of their issue. Said Territories reserve the right to redeem at par any of said bonds, in their numerical order, at any time after twenty years after the date thereof.

They shall bear the date of their issue, state when, where, and to whom payable, rate of interest, and shall be signed by said loan commissioners and shall have the seal of the Territory affixed thereto and countersigned by the Territorial treasurer and bear his official seal, and shall be registered by the Territorial auditor in a book, to be kept by him for the purpose, which shall state amount sold for, or, if exchanged, for what; and the faith and credit of the Territory is hereby pledged for the payment of said bonds and the interest accruing thereon, as herein provided.

SEC. 4. That coupons for the interest shall be attached to each bond, so that they may be removed without injury to or mutilation of the bond.

They shall be consecutively numbered and bear the same number as of the bond to which they are attached, and shall be signed by the Territorial treasurer.

The said coupons shall cover the interest expressed in said bond from the date of issue until paid; but in no case shall bonds bear interest, nor shall any interest be paid thereon, for any time before their delivery to the purchaser, as hereinafter provided; and the issuance of the bonds by the loan commissioners shall be conclusive evidence as to the regularity of the issue and of the recitations in such bonds set out.

SEC. 5. That whenever the said loan commissioners may be authorized by law to issue bonds, or shall have decided to refund or redeem all or any part of the existing indebtedness of the Territory, they shall direct the Territorial treasurer to advertise for a sale of the bonds to be issued for that purpose by causing a notice of such sale to be published for the period of one month in some daily newspaper published at the capital of the Territory, and at least one insertion in a newspaper published in the city of New York, in the State of New York, and in the city of San Francisco, in the State of California. Such notice shall specify the amount of bonds to be sold, the place, day, and hour of sale, and that bids will be received by said treasurer for the purchase of said bonds within one month from the expiration of said publication, and at the place and time named in said notice. The said treasurer and loan commissioners shall open all bids received by him and shall award the purchase of said bonds or any part thereof to the bidder or bidders therefor bidding the lowest rate of interest: *Provided*, That said loan commissioners shall have the right to reject any and all bids: *And provided further*, That they may refuse to make any award unless sufficient security shall be furnished by the bidder or bidders for compliance with the terms of their bids.

SEC. 6. That when the sale of said bonds shall be awarded by the loan commissioners, they shall provide and procure the necessary bonds as in this act provided, and any expense incurred by them therefor, and for the publication of notices, cost of remitting funds for the payment of interest or money on said bonds, and all other necessary and incidental expenses of said commissioners in carrying out the provisions of this act shall be paid out of the general fund of the Territory, upon the order of the Territorial auditor, countersigned by the governor; and a sum of money sufficient to cover said costs and expenses is hereby appropriated out of said fund.

They shall, from time to time after signing said bonds, deliver them to the Territorial treasurer, taking his receipt therefor and charge him therewith. The said treasurer shall give to the Territory an additional official bond, with two or more securities, in a sum equal to the amount of bonds delivered to him by the said loan commissioners, which bond shall be approved by the governor and deposited and filed with the secretary of the Territory and recorded by him in a book to be kept for that purpose. And the said treasurer shall stand charged upon his official bond for the faithful performance of the duties required of him under this act.

SEC. 7. That the Territorial treasurer shall sell said bonds for cash, or exchange them for any of the indebtedness for the redemption of which they were so issued, but in no case shall said bonds be sold or exchanged for less than their face or par value and the accrued interest at the time of disposal, nor must any indebtedness be redeemed at more than its face value and any interest that may be due thereon.

That said treasurer shall indorse, by writing or stamping in ink on the face of the paper evidencing the indebtedness received by him in exchange for said bonds, the time when and the amount for which exchanged.

SEC. 8. That moneys received by said treasurer shall be applied by him to the redemption of the indebtedness for the redemption of which bonds were issued; and the treasurer shall give notice, as is provided by law in case of payment and redemption of Territorial warrants, of his readiness to redeem such indebtedness, and thereafter interest on all the indebtedness due and outstanding shall cease.

Before any such indebtedness shall be paid the Territorial auditor shall indorse on each certificate the amount due thereon, and shall write across the face of each the date of its surrender and the name of the person surrendering, and shall keep proper record thereof.

SEC. 9. That there shall be levied annually upon the taxable property of the Territory, and in addition to the levy for other authorized taxes, a sufficient sum to pay the interest on all bonds issued and disposed of in pursuance of the provisions of this act, to be placed in the Territorial treasury, in the fund to be known as the "interest fund;" and forty years after such bonds shall have been issued such additional amount shall be levied annually as will pay 10 per cent of the total amount issued until all the bonds issued under the provisions of this act are paid and discharged.

The Territorial board of equalization, or, on the failure of said board, the Territorial auditor, shall determine the rate of tax to be levied in the different counties in the Territory to carry out the provisions of this act, and shall certify the same to the board of supervisors in each county and to the municipal and school authorities; and the said board of supervisors, or authorities, are hereby directed and required to enter such rate on their assessment rolls in the same manner and with the same effect as is provided by law in relation to other Territorial, county, municipal, and school taxes. Every tax levied under the provisions and authority of this act is hereby made a lien against the property assessed, which lien shall attach on the first Monday in March in each year, and shall not be satisfied or removed until such tax has been paid.

All moneys derived from taxes authorized by the provisions of this act shall be paid into the Territorial treasury, and shall be applied:

First. To the payment of the interest on the bonds issued hereunder.

Second. To the payment of the principal of such bonds: *Provided*, That all moneys remaining in the interest fund after the payment of the interest, and all moneys remaining in the redemption fund after all said bonds shall have been paid and discharged, shall be transferred by the Territorial treasurer to the Territorial general fund.

SEC. 10. That whenever, after the expiration of the forty years from the date of issuance of any bonds under this act, there remains after the payment of the interest, as provided in the preceding section, a surplus of $10,000 or more, it shall be the duty of the Territorial treasurer to advertise, as in the manner of advertising by the loan commissioners, for bids for the sale of bonds, which advertisement shall state the amount of money in the said redemption fund and the number of bonds, numbering them in the order of their issuance, commencing at the lowest number then outstanding, which such fund is set apart to pay and discharge; and if such bonds so numbered in such advertisements shall not be presented for payment and cancellation at the expiration of such publication, then such fund shall remain in the treasury to discharge such bonds whenever presented, but they shall draw no interest after the expiration of such publication. Before any such bonds shall be paid they shall be presented to the Territorial auditor, who shall indorse on each bond the amount due thereon, and shall write across the face of each bond the date of its surrender and the name of the person surrendering. The Territorial auditor shall keep a record of all bonds issued and disposed of by the Territorial treasurer, showing their number, rate of interest, date, and amount of sale, when, where, and to whom payable, and, if exchanged, for what, and, when presented for redemption, the date, amount due thereon, and person surrendering.

The board of supervisors of the counties, the municipal and school authorities, are hereby authorized, directed, and required to report to the loan commissioners of the Territory their bonded and outstanding indebtedness; and said loan commissioners shall, on written demand of any taxpayer or holder of said indebtedness, require an official report from the board of supervisors of counties, the municipal or school authorities, of their bonded and outstanding indebtedness; and said loan commissioners shall have the same power to enforce said order and compel the production of evidence as a court of competent jurisdiction; and said loan commissioners shall provide for the redeeming or refunding of the county, municipal, and school district indebtedness, and shall refund said indebtedness in the same manner as other Territorial indebtedness, and they shall issue bonds for any indebtedness now allowed, or that may be hereafter allowed by law, to said county, municipality, or school district; the county, municipality, or school district to pay into the Territorial treasury, in addition to all other taxes authorized by law, such amounts as may be directed by the Territorial board of equalization, or, on the failure of said board, by the Territorial auditor, to be levied for the purpose of providing a sinking fund for the payment of the principal of the bonds issued in redemption, refunding, or other bonds issued to such county, municipality, or school district when the same shall become due, and, in addition, a rate of interest paid by the Territory on such bonds.

SEC. 11. That whenever any of the holders or owners of any bonds, warrants, or other evidence of indebtedness of the kind and description in this act authorized to be funded, bearing a higher rate of interest than 4 per cent, desire to surrender the same to the loan commissioners on or before the maturity of said indebtedness and exchange such bonds, warrants, or other evidences of indebtedness for the lower interest-bearing bonds by this act authorized to be issued, it shall be the duty of the loan commissioners to receive and cancel the indebtedness so surrendered and issue in lieu thereof to said holders or owners of said surrendered obligations 4 per cent Territorial bonds, as in this act provided, in full for the principal and interest thereof, subject to the exception as to the rate of interest contained in section 3 of this act: *Provided*, That the loan commissioners shall, at the time of said exchange, reserve the right, on behalf of the Territory, to redeem, pay in full, and cancel all bonds issued in exchange for unmatured indebtedness at the time such indebtedness would have matured had not the exchange herein authorized been made.

SEC. 12. That when the treasurer pays or redeems any indebtedness, he shall indorse, by writing or stamping in ink, on the face of the paper evidencing such indebtedness so paid or redeemed, the words "redeemed and canceled," with the date of cancellation. He shall keep a full and particular account and record of all his proceedings under this act, and of the bonds redeemed and surrendered, and he shall transmit to the governor of the Territory an abstract of all his proceedings under this act with his annual report, to be by the governor laid before the legislature at its meeting. All books and papers pertaining to the matter provided in this act shall at all times be open to the inspection of the parties interested, or to the governor or a committee of either branch of the legislature, or a joint committee of both.

SEC. 13. That it shall be the duty of the Territorial treasurer to pay the interest on said bonds, when the same falls due, out of the said interest fund, if sufficient; and if said fund be not sufficient, then to pay the deficiency out of the general fund: *Provided*, That the Territorial auditor shall first draw his warrant on the Territorial treasurer, payable to the order of said treasurer, for the amount of such deficiency out of the general fund.

SEC. 14. That it shall be the duty of said loan commissioners to make a full report of all their proceedings had under the provisions of this act to the governor of the Territory, on or before the 1st day of January of each year; and said reports shall be transmitted by the governor to the Territorial legislative assembly.

SEC. 15. That no bond issued under the provisions of this act shall be taxed within the Territory where issued.

SEC. 16. That the provisions and requirements of this act shall apply to and be in full force and effect in all the Territories of the United States; and all outstanding bonds, warrants, and other evidences of indebtedness of said Territories, and the counties, school districts, and municipalities within said Territories heretofore authorized by legislative enactments of said Territories, or by Congress, and which said bonds, warrants, and other evidences of indebtedness have been sold, donated, or exchanged in good faith, and which are now held by innocent purchasers by purchase, donation, or exchange, shall be funded as in this act provided; and all of said bonds, warrants, and other evidences of indebtedness so authorized, issued, sold, donated, or exchanged as aforesaid are hereby confirmed, approved, and validated, and shall be funded as in this act provided.

SEC. 17. That nothing in this act shall be construed to authorize any future increase of any indebtedness in excess of the limit prescribed by the act of Congress approved July 30, 1886, known as the Harrison Act: *Provided, however*, That the present existing and outstanding indebtedness, together with such

warrants as may be issued for the necessary and current expenses of carrying on Territorial, county, municipal, and school governments for the year ending December 31, 1898, may also be funded and bonds issued for the redemption thereof; and thereafter no warrants, certificates, or other evidences of indebtedness shall be allowed to issue or be legal where the same is in excess of the limit prescribed by the Harrison Act.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. DOCKERY. Mr. Speaker, we would like to find out something about this matter.

Mr. McMILLIN. I desire to call the attention of the House to the fact that this bill appears, upon its face, to make it possible to force upon the Territories a policy which Congress has not seen fit heretofore to require of the people of the United States generally, and that is a provision for the issuance of gold bonds or bonds the interest on which is payable in gold. As I understand the bill, by a hasty reading, it provides, not that the interest may be paid in gold, but that it must be so paid, or in its equivalent.

I do not think it is wise at this time, when we have declined to issue gold bonds when called upon to do so by the Government of the United States—I do not think we ought to force on the Territories a rule or policy that we refused to require of the States of the Union for which we directly legislate. I am unalterably opposed to monometallism.

I would call the attention of the committee to the provision itself to which I refer. I take it from the reading of a portion of the third section that the result I have suggested would be accomplished if this bill becomes a law. It provides that—

Said bonds shall bear interest at a rate to be fixed by said loan commissioners, not exceeding 4 per cent, except bonds issued by the Territory of Arizona in exchange for indebtedness of the kind and description in this act authorized and required to be funded or exchanged, and which indebtedness has already been presented to be exchanged under existing law, in which case said bonds shall bear interest at a rate not to exceed 5 per cent; which interest shall be paid semiannually, in gold or its equivalent, in lawful money of the United States, on the 15th day of January and the 15th day of July in each year, at the office of the Territorial treasurer, or at such bank in the city of New York, or in the city of San Francisco, in the State of California, or at such places as may be designated by said loan commissioners, at the option of the purchaser of said bonds, the place of payment being mentioned in said bonds.

What I desire to know of the gentleman in charge of the bill is whether that does not commit us to the policy, as a rule for the Territories, which is there prescribed for the Territory of Arizona? If that is not the intention of the provision, it seems to be rather loosely drawn, and such may be the result.

Mr. KNOX. Mr. Speaker, my understanding is that the provision to which the gentleman refers relates to bonds already issued by the Territory of Arizona, which, by the terms of the act authorizing their issue, were made gold-bearing bonds. I have not the slightest idea, nor was such an idea in the mind of the committee, to require the refunding of the bonds of the Territories of the United States in gold or its equivalent. But if the gentleman thinks the language is not specific enough, or is not sufficiently clear to indicate just what the intention of the committee was, I have no objection to making an amendment to cover the point.

Mr. McMILLIN. I wish to call the attention of the gentleman to what I think has been the policy of Congress heretofore in the administration of the affairs of the Territories with regard to this matter. We have never sought to impose upon the Territories legislation of a character which would not be properly applicable, under like conditions, to the States or Government.

Mr. KNOX. I fully agree with the gentleman; but I do not think that the language of the bill warrants the conclusion drawn. If he will read carefully the second part of the section of the bill to which he refers, I think he will find that it does not bear out his construction. It provides:

Said bonds shall bear interest at a rate to be fixed by said loan commissioners, not exceeding 4 per cent, except bonds issued by the Territory of Arizona in exchange for indebtedness of the kind and description in this act authorized and required to be funded or exchanged, and which indebtedness has already been presented to be exchanged under existing law, in which case said bonds shall bear interest at a rate not to exceed 5 per cent; which interest shall be paid semiannually, in gold or its equivalent, in lawful money of the United States, on the 15th day of January and the 15th day of July in each year.

Mr. McMILLIN. The question is whether that would not apply to the whole bill, for it is all embraced in that period; and the semicolon, the first semicolon in the paragraph, comes before the description of the kind of money in which the interest shall be paid; and coming just after what seems to be the comment upon the Arizona bonds, it strikes me it might be construed to apply to all bonds authorized in the bill.

Mr. KNOX. I have no objection to adding an amendment at the end of the section that all bonds issued by refunding under this act shall be payable in coin.

Mr. McMILLIN. Shall be payable in the lawful currency of the United States.

Mr. KNOX. I have no objection to that.

Mr. McMILLIN. I move, then, an amendment which I will prepare and submit later, providing for the payment of both principal and interest in lawful money of the United States, without allowing it to be confined to gold.

Mr. PAYNE. Mr. Speaker, I do not see that there would be any wrong committed if the language of this bill were allowed to remain as it is. I do not know why the other Territories should not be permitted to issue gold-bearing bonds as well as the Territory of Arizona, which was authorized to do so by a former Congress. I do not remember whether it was the last Congress or a preceding Congress.

Mr. TERRY. I want to suggest to the gentleman from New York that in the case of Arizona, of which it speaks, it did not come to the attention of Congress and members of the House were not aware of the fact that gold was named in the contract at the time the bill originally passed through the Fifty-second Congress, as I recollect.

Mr. PAYNE. Why, Mr. Speaker, I think that if the gentleman will turn to the debate on the Arizona bill he will find that the very question of inserting the word "gold" was debated for some time in the House, and finally it was decided to retain the word in the bill.

Mr. TERRY. It came up later on an amendment, after the bill had passed the House, as I remember it.

Mr. PAYNE. And it was done at the request of the gentleman who represented the Territory of Arizona, Mr. Smith, of Arizona, who was supposed to be in favor of the free and unlimited coinage of silver as a part of the basic money—I believe that is the term—of the United States, and he said he was in favor of a gold bond because he could save a large percentage in selling the bonds.

This bears no relation to the question whether we should put the word "gold" into the bonds of the United States, although I did vote for an amendment to put the word "gold" into a certain issue of bonds of the Government of the United States, because the Administration had forced us into such a position that if we did not put the word "gold" there we should have to forfeit some ten or twelve millions of dollars to a certain syndicate. The House refused to put the word "gold" in, and the taxpayers will have to pay the ten or twelve millions additional on the bonds that have been issued because the word "gold" was not put into those bonds.

Mr. TERRY. Why, you claim that those bonds are payable in gold now, after we have paid out $16,000,000 for the privilege of paying them off in silver.

Mr. PAYNE. Nearly everybody contends that the bonds of the United States are payable in gold and are to be paid in gold. I did not care to vote to put the word "gold" in, unless under compulsion, because I believed that the bonds were to be paid in gold anyway, and that it was just as emphatic upon us and just as imperative to pay them in gold as though that word were put in, and I did not want to do anything to throw any doubt on the previous issues of the bonds of the United States. That is the only reason why I was reluctant to vote for gold bonds to be issued by the Government. But this is a different question. This is a question of allowing the Territories to issue the kind of bonds that they want to issue in order that they may negotiate them. They know how it is down there in the Territories; and in all the silver States they know that in order to borrow money, they must put in the word "gold," and it does not make any difference whether it is a Territorial bond, or a bond issued by a Senator of the United States, or a bond issued by a leading light in the free-silver party. In order to borrow money, they are obliged to put in the word "gold." And not only that. When these gentlemen who believe in this same doctrine want to loan money, they see to it that the word "gold" is written in the contract. Why, the gentleman who in this Hall yesterday received the second largest vote for the Vice-Presidency of the United States, although he ran upon a silver platform, yet when he wrote a contract, where money was to be paid to him, he nominated it in the contract, as his fellows had nominated in the bond, that gold must be paid, both principal and interest.

Now, what man is there, whether he represents a constituency in the far West, or whether he represents a constituency of which the late governor of Illinois was one of the constituents—what man is there who should refuse to vote to allow the word "gold" to be put into these bonds to be issued by the Territories?

Mr. DOCKERY. Will the gentleman allow me?

Mr. PAYNE. Oh, just one minute, until I can finish a sentence. Of course, we believe in different theories, but when we come to practice, in our individual private transactions, no matter what we profess to believe on the stump, when we are loaning money or borrowing money, and trying to get it at the lowest rate, we are sure to have the word "gold" nominated in the bond. I think if it was a new question——

Mr. HARTMAN. Mr. Chairman——

Mr. DOCKERY. Mr. Chairman——

Mr. McMILLIN. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York yield?

Mr. PAYNE. I yield first to the gentleman on my right.

Mr. McMILLIN. I yielded to the gentleman from New York. I do not want to take him off the floor, but I want him to know in whose time he is speaking.

Mr. PAYNE. I supposed I had taken the floor in my own right.

Mr. McMILLIN. You are in error. You asked me to yield, and I yielded.

The SPEAKER pro tempore (Mr. HOPKINS). To whom does the gentleman from New York yield?

Mr. PAYNE. I yield to the gentleman from Montana, with the permission of the gentleman from Tennessee.

Mr. McMILLIN. I will yield to the gentleman for that purpose.

Mr. HARTMAN. Mr. Chairman, I know that the gentleman from New York has no desire to misstate the situation; but when he does make the statement that in the silver States money is not loaned except where the obligation given in exchange therefor is made payable in gold, he does make a misstatement. It is unintentional on the part of the gentleman, and it is probably founded on the information furnished this House and the country by the distinguished gentleman from Massachusetts [Mr. WALKER] who sits on my right, who has repeated it for perhaps three times to my own personal knowledge, and for which he never had a single word from anyone engaged in lending money in any one of the silver States.

Mr. PAYNE. If the gentleman has concluded his inquiry——

Mr. HARTMAN. I did not ask the gentleman to yield for an inquiry. I asked him to yield for an interruption.

Mr. PAYNE. If the gentleman has concluded his interruption, I desire to state that I do not know whether the gentleman from Massachusetts has made that statement or not. I do not make it on information received from him; but if he did state that money is loaned in the Western States, in the silver States, and the creditors are compelled to have the word "gold" written into the instrument, he did not make any misstatement.

Mr. HARTMAN. But he did.

Mr. PAYNE. I do not mean to say of every obligation there it is written in the instrument that it must be paid in gold; not at all; but I do mean to say that millions upon millions of dollars are loaned in the Western States, and in the silver States, where it is nominated in the bond that the principal and interest are to be paid in gold.

Mr. WILLIAM A. STONE. Is it not a fact that where it is not provided that the interest and principal are to be paid in gold that the money is lent at 12, 15, and 18 per cent?

Mr. PAYNE. I was about to state that, if gentlemen will allow me to make this little speech.

Mr. DOCKERY. I have been waiting for the gentleman to conclude his sentence.

Mr. PAYNE. I was about to state, Mr. Chairman, what I say now, as the gentleman from Arizona knew, that in order to get money at a respectable rate of interest it was necessary to agree to pay principal and interest in gold; and so they inserted in the contract, just as they seek to insert it now, or when they bring it before this House. Now I will yield to my friend from Missouri, with the permission of the gentleman from Tennessee.

Mr. DOCKERY. I believe I have his permission for a moment.

I regret that the gentleman from New York should have precipitated this discussion, inasmuch as I am afraid that the "agitation" of this monetary question may retard somewhat the growth of the McKinley "prosperity" which seems now to be sweeping over the country and imperiling all our industries. Inasmuch as the gentleman from New York [Mr. PAYNE] advocates the granting of authority to the Territories to issue bonds payable, principal and interest, in "gold," I desire to refresh his memory by recalling the occasion in this House, during the last Congress, when the proposition came to this body from the Executive asking authority to "nominate," as he expresses it, "gold in the bond." If I remember aright, only twenty-seven gentlemen on this floor cast their votes in favor of that proposition.

Mr. PAYNE. "Of whom I was one of which," as I said a moment ago. [Laughter.]

Mr. DOCKERY. The gentleman is consistent and in accord with the declaration of his party adopted at the St. Louis convention. He is entirely in harmony with the Republican "logic of the situation." The continuance of the "existing gold standard" of course logically involves the "nomination of gold in the bond" not only in the Territories, but also in the States. The St. Louis platform, if pursued to its last analysis, necessarily requires the retirement of the greenbacks and the Sherman notes, and the circulation of silver in an inferior relation to gold, and the consequent contraction of the volume of our circulating medium. I am pleased to find the gentleman from New York in such thorough accord with his platform. I am opposed to the gold clause of this bill. The "parity" between the two metals can best be maintained by dealing with them upon terms of absolute equality and the coinage of both, free and without limit, at the old tried ratio.

Mr. PAYNE. Now, Mr. Chairman, if I may resume the floor for a moment.

Mr. DOCKERY. Certainly.

Mr. PAYNE. I have already stated, as the gentleman from Missouri well knew, that I had voted for that gold clause.

Mr. DOCKERY. My attention was diverted for the moment and I did not hear the gentleman.

Mr. PAYNE. And my reason for doing that was in order to save $10,000,000 or $15,000,000 to the taxpayers of this country. I said also, with equal frankness, that the only reluctance I had in voting for putting the word "gold" in the bond was not because it created any new obligation on the part of the people of the United States, because I believe that every bond of the United States will be paid in gold and ought to be paid in gold, but I did not want to throw any discredit upon the previous issues of bonds of the United States by voting for a mere "gold" bond, and only voted for it because, by the action of the executive department, we were compelled to do it to try and save a little money—a few millions, $10,0000 or $15,000,000—for the people of this country.

I did not intend, Mr. Speaker, to get off into a discussion of politics. I was simply trying to reconcile the other side of the House to the use of the word "gold" in these bonds, so that the people of those Territories might be able to refund their debt at a lower rate of interest by reason of their agreeing to pay these bonds in gold and not in some other currency that might be depreciated. I did not know but they might want to borrow money of some distinguished silverite who would require bonds payable in gold, and I wanted them to have that opportunity. [Laughter.] I was in sympathy with the Delegate from Arizona when he advocated the former bill. It was in the interest of those poor people out there that I spoke, and not for the purpose of starting a general discussion of the money question, when I rose to call attention to the fact that that was what those people wanted. I wished to have the word retained in this bill, so that they might be left on a par with the people of Arizona, and that the other Territories might have the privilege of going into the money markets of the world, whether located in Maine, in Chicago, in California, or in Nevada, and borrowing money at the lowest rates of interest.

Mr. McMILLIN. Mr. Speaker, I indicated my purpose to offer an amendment because I was satisfied that the section, as drawn, applied this principle not simply to the Territory of Arizona, but generally, and the gentleman in charge of the bill thinks that that would be the effect of the section as it stands. All admit that it was not the purpose of those who drew the bill that it should have that effect, and I have therefore prepared a proviso to be added at the end of the first paragraph of section 3, line 25, in these words:

Provided, That the principal and interest of the bonds funded under this act shall be payable in lawful money of the United States, except the Arizona bonds above described, heretofore issued.

I do not propose to interfere with any contract made by the issue of bonds heretofore by Arizona; but when the indebtedness of these Territories is turned over to a board, without any legislative power on the part of the Territorial governments—bear in mind that the funding is done not by act of the Territorial legislature, but by a board of three officers, one the governor, being appointed by the President and he appointing the other two—I do not think they ought to be directed to fund in gold bonds, and I think the gentleman in charge of the bill agrees in that opinion. I therefore offer this amendment, and I now yield to the gentleman from California [Mr. MAGUIRE].

Mr. MAGUIRE. Mr. Speaker, the gentleman from New York [Mr. PAYNE] attempts to cast discredit upon the advocates of the restoration of the free and unlimited coinage of silver by stating that silver men, or some of them, who have money to loan make the contracts for its repayment and for the interest in gold. That may be perfectly true, but it is not at all inconsistent with their absolute honesty in advocating a return to a free, elastic, and constitutional system of currency. They may fairly and consistently conform, in their business dealings, to the preferences given by existing law, while conscientiously advocating the abolition of the money monopoly established by the present gold standard. Under and by reason of our existing currency laws, and the similar laws of other countries, gold is constantly appreciating in value. Under the artificial conditions created by those laws, the demand for gold increases more rapidly than its supply, and there is consequently a great commercial advantage to the creditor, whether he be a gold monometallist or a bimetallist, in having his contracts payable in gold.

Legislation has made it advantageous to the man who lends money to compel its payment in gold rather than in silver, because silver has been deprived by legislation of its function as money. Its present use is not as money of redemption, but as token money. Does the gentleman think that none should avail themselves of monopoly privileges created or granted by the existing laws of their country save those who favor the continuance of such laws? Must none but the advocates of monopoly be its

beneficiaries when it is established by law? Must those who oppose monopoly forever consent to be crushed beneath that juggernaut, when established, and never seek safety within it? Common business prudence—the very instinct of self-preservation—must forever prompt silver men, as well as gold men, to make their contracts with a view to the advantages or disadvantages resulting from existing laws. I do not know to what extent contracts in the silver States are made payable in gold, nor to what extent silver Senators, or silver leaders, take advantage of the existing law; but, while the law, unjust as it is, exists and gives an advantage to the man who secures the payment of his contract in gold in preference to any other kind of currency, I see no reason why a man who is opposed to that law should be criticised for taking advantage of its provisions. The creators of the privilege take advantage of it while the law is permitted to remain on the statute books, and their suggestion that others should not do so is refreshing. I yield back the remainder of my time to the gentleman from Tennessee [Mr. MCMILLIN].

Mr. MCMILLIN. Mr. Speaker, I yield as much time as he desires to my friend from Texas [Mr. BAILEY].

Mr. BAILEY. Mr. Speaker, I favor the amendment proposed by the gentleman from Tennessee, because I think that no man ought to be permitted to contract against receiving any money that is made legal tender by the United States. I regret that the dissenting opinion of Mr. Justice Miller was not the decision of the court when it originally held that men could contract for a specific kind of money. The lawyers of this body will recall that that decision was by a divided court, and that the greatest lawyer then upon that bench dissented from the decision of the court. He held that whenever the Congress of the United States declared anything to be a legal tender, then every man in the country holding a contract payable in "dollars" must accept the legal-tender dollars. There can be no more important policy than that which establishes the legal-tender laws of a country, and I believe that the court ought to have held that a contract against any legal-tender money was a contract against public policy and therefore void. If I make a contract with any person in any State of this Union that contravenes its well-established public policy, and we go into court to enforce that contract, the judge will turn us from the door and tell us that, having made a contract against the public policy of that sovereignty, he will aid neither of us in the enforcement of it.

Yet, sir, we are asked here in this high place to legalize a contract against the highest public policy known to our law. If this House, by refusing to adopt the amendment or by express permission, as it did in the Arizona case, consents that anybody shall contract for a particular kind of money, it abdicates pro tanto its power to declare the legal-tender policy of the country.

Mr. MCMILLIN. I yield five minutes to my friend from New Mexico [Mr. CATRON].

Mr. CATRON. Mr. Speaker, as the representative of New Mexico on this floor, I wish to say that this bill, when it shall be amended in the mode proposed, is acceptable to the people of that Territory. The bill was drawn upon the model of the bill which had formerly been passed by this House to aid the people of Arizona in regard to their indebtedness. By the reduction of interest and by securing for all the subordinate municipalities of that Territory a better credit, Arizona saves, under the act referred to, many thousands of dollars each year. By means of the present act, should it become a law, the Territory of New Mexico will save from $25,000 to $30,000 annually in interest upon the indebtedness of the Territory and of its county and other municipalities.

By mistake there has been incorporated in the bill a clause, which, by its terms, appears to be applicable to all the Territories, providing for the payment of interest in gold. That was not the intention of the bill when it was considered before the Committee on Territories. It was supposed that this clause would apply solely and only to the Territory of Arizona, whose bonds had been already issued payable in gold. It was the purpose of the bill not to change the character of any bond already issued, but to allow outstanding bonds to be payable in the same kind of money in which they were payable when issued. By the insertion of a semicolon, or by error in punctuation, this bill has been made to read somewhat differently from what was the intention of the Committee on Territories and of the parties who drafted the bill. For my own part I will say on behalf of the Territory of New Mexico that we favor the amendment which has been proposed. With that amendment the bill is acceptable to us.

Mr. COX. I should like to propound to the gentleman this question: Suppose a bond is issued payable, principal and interest, in gold, and suppose suit is brought upon that bond in any court, what character of judgment would the gentleman, if he were sitting as a judge, render on that bond?

Mr. CATRON. The judgment, of course, would be a judgment payable in gold, as I understand. But I am not advocating anything of that kind in this case.

Mr. COX. I understand the gentleman is not; but the point I want to draw out is this: Under the construction which the gentleman adopts, a judgment of that kind, if rendered in one court, must be discharged in gold, while in another case it might be dischargeable in legal-tender money.

Mr. CATRON. So far as New Mexico is concerned, we are not asking for any bond on which a judgment could be rendered payable in gold. On the contrary, the amendment which the gentleman from Tennessee has proposed provides that these bonds shall be payable only in lawful money of the United States.

Mr. COX. I am in accord with the amendment.

Mr. CATRON. And the amendment is acceptable to us; we agree to it.

Mr. COX. But the point I wish to bring out is this: Suppose a bond is by its terms payable in gold, and suit is brought upon that bond, what kind of a judgment is the court going to render in such a case?

Mr. CATRON. As I said before, my opinion is that the court would have to render a judgment payable in gold, if the bond is by its terms so payable. That is my understanding of the decision of the Supreme Court of the United States.

Mr. COX. I do not agree with the gentleman.

Mr. KNOX. Mr. Speaker, in bringing forward this bill permitting the refunding of the indebtedness of New Mexico and other Territories, and providing the necessary machinery for that purpose, I did not suppose that it would precipitate in any way a discussion upon the standards of value at present or in the past. This bill proposes simply to permit New Mexico and other Territories to refund already existing bonded indebtedness running at various rates of interest and for various periods. The bill does not authorize the issuing of a single new bond or an increase of the indebtedness of any Territory. Nor does it undertake to legalize any bond heretofore issued. It simply permits the refunding by the Territories of already existing bonds into bonds running for a long term and at low rates of interest. The rate of interest at which these bonds can be refunded by the Territories is the lowest rate at which any single issue of bonds has been made by New Mexico or any any other Territory. In this refunding no bond can be issued bearing a rate of interest higher than 4 per cent.

The advantage to be enjoyed from this bill is that if it be passed there will be one uniform refunding law for those Territories; the bonds will have greater credit for refunding; they can be refunded at this low rate of interest; all the machinery is provided by which the refunding can take place, and provision is made for the imposing and collecting of taxes for the payment of the principal and interest. The bonds may run fifty years; the bill provides that after they have run forty years, at which time it is presumed the Territory will be in condition to pay them off, then payment shall be provided for the principal by paying one-tenth of the principal each year, which, at the expiration of the ten years, will liquidate the whole amount and pay off the bonded indebtedness of the Territory.

The committee in the preparation of the bill fully and closely and carefully followed the provisions of the bill that passed Congress and was approved on the 25th day of June, 1890, authorizing the refunding of the Territorial, county, municipal, school, and district indebtedness of the Territory of Arizona. The provisions of the bill are substantially the provisions of that bill, which was then discussed in Congress and approved; and I am authorized to say by the representative of the people of Arizona on this floor that the practical workings of this piece of legislation in Arizona has been for the benefit of the people. This allows the negotiation of bonds at a lower rate of interest than ever before; but there was, of course, one provision in the bill for Arizona which had to be regarded, because the bonds had already been refunded and the refunding bonds issued. It is provided in the act to which I have referred that such bonds should bear interest at a rate to be fixed by said loan commission, "not exceeding 5 per cent per annum, which interest shall be paid in gold coin or its equivalent in lawful money of the United States."

Now, it was impossible, as far as Arizona is concerned, in the preparation of this bill, not to make an exception, in view of the legislation already had, without repudiating or declaring void the contracts which have already been entered into. Outside of that, it was the intention of this bill that the bonds should be paid in the lawful money of the United States; and the lawful money of the United States to-day rests upon the single gold standard, which the people of the United States have established, and which we may say at least will not be disturbed for another period of four years.

Mr. BOATNER. Unless there be an international monetary conference.

Mr. KNOX. Unless there be an international monetary conference, as the gentleman from Louisiana suggests. I do not hesitate to say, sir, that I am more of a gold man than perhaps my friend from Louisiana. I do not believe in an international monetary conference. I do not believe that it is possible, by international agreement or otherwise, to create or to maintain the value of any

commodity by law. Neither do I believe that it is within the power of one government, or the governments of the whole world, to maintain the relative value of one commodity with another.

Mr. MEREDITH. Let me suggest to the gentleman that we will not need an international monetary conference. We will have one four years from now to determine that question for ourselves, and settle it for all time.

Mr. KNOX. Possibly; but I say seriously to my friend from Virginia that the question is one of a single standard. If it could be demonstrated that gold, by its appreciation, by the scarcity of its production relative to the growth of property and relative to the increase in the volume of business, had become, by reason of that scarcity, unduly appreciated in reference to the value of other commodities, so that private indebtedness was largely increased, or doubled, then I say the time has come when it is proper to provide that gold shall no longer be the standard of value, and the people of the country must look elsewhere for such a standard. But believing, as I do, that there is abundant gold in the world to serve as the basis of an abundant, sound, stable, and elastic currency, I am uncompromisingly in favor of the single gold standard, not only for the United States of America, but for every country of the world that regards the commercial prosperity of the people and the welfare of its citizens, as well as the progress of civilization itself.

Mr. COX. Will the gentleman now yield to me for a question?

Mr. KNOX. Certainly.

Mr. COX. I want to hear how you are going to work out that process. You issue a gold bond——

Mr. KNOX. Who issues a gold bond?

Mr. COX. The Territories.

Mr. KNOX. Not at all. On the contrary, the bill provides that they shall not be issued.

Mr. COX. But the interest is payable in gold.

Mr. KNOX. No, sir; but in the lawful money of the United States, which is gold, and which will be gold for at least four years to come, with certainty.

Mr. COX. Well, let me see, now, how you are going to work out this question. You say that the interest on these bonds——

Mr. KNOX. Bonds already issued, you mean?

Mr. COX. I mean one of the refunding bonds; that the interest on these bonds is to be paid in gold or its equivalent. Now, let us suppose a suit; how will you render judgment?

Mr. KNOX. Of course a judgment will be rendered for the money value of the bond.

Mr. COX. How many dollars?

Mr. KNOX. That would depend upon circumstances. It will be according to whatever the figures are.

Mr. COX. Well, here is a bond that promises to pay $10,000 in money, and you say upon the face of it that the interest shall be paid in the lawful money of the United States. Now, what is to be your judgment in a suit for recovery?

Mr. KNOX. You are going to get your judgment for the amount of it in money.

Mr. COX. Ten thousand dollars in lawful money?

Mr. KNOX. In money; yes.

Mr. COX. Ten thousand dollars?

Mr. KNOX. Yes.

Mr. COX. Then you do not want to pay it in gold?

Mr. KNOX. We do not provide that it shall be paid in gold. Our bill is to pay in the lawful money of the United States, which is gold.

Mr. MAGUIRE. I understand the gentleman to say that he is in favor of gold monometallism for this country and for all countries.

Mr. KNOX. Gold monometallism for this country and for all countries, under the existing situation to-day. I am in favor of that.

Mr. BOWERS. Is not silver lawful money in the United States to-day—$500,000,000 of it?

Mr. KNOX. Yes, because the Government of the United States is behind it to guarantee that it shall be kept on a parity with gold, and for no other reason. [Applause on the Republican side.]

Mr. MAGUIRE. I understand that the gentleman is opposed to international bimetallism, and predicts that his party will prevent its establishment during the next four years.

Mr. KNOX. I predict that the great wisdom of the Republican party in arranging for the extended use of silver will probably take some other form than the calling of another convention of the nations, in view of the fact that those conventions of the nations have proved repeated failures in the past. The Republican party is wise enough and has in its ranks statesmen enough to provide for an enlarged use of silver upon a true basis which will give an enlarged use, and which can never be provided by the free coinage of both metals together.

Mr. COX. As I understand the gentleman's answers to my questions, his ideas and mine are the same——

Mr. KNOX. I am glad if we agree.

Mr. COX. But, now, wait a minute. You issue these bonds, payable in dollars?

Mr. KNOX. Yes.

Mr. COX. And then the judgment is discharged by legal-tender money?

Mr. KNOX. Yes.

Mr. COX. That is all right.

Mr. KNOX. Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has fifty minutes.

Mr. KNOX. I will yield to my colleague from Massachusetts [Mr. WALKER] ten minutes, and reserve the balance of my time.

Mr. WALKER of Massachusetts. Mr. Speaker, it is true that I said some months since on the floor of this House that there were certain States of this Union whose monetary system was beyond the reach of Congressional legislation, and it is a matter as notorious as the fact that the sun shines or that water runs, if my information is correct. But I have noticed that there is nothing that is susceptible of such abundant proof that it will not be denied by those who are infatuated with the free coinage of silver.

There are seven States in this Union where, I am informed, there is scarcely an obligation that is not payable in gold; and not only that, but where the currency in circulation among the people is largely gold, and no one finds any fault about it. Those States are California, Colorado, Idaho, Montana, Nevada, Oregon, and Washington. But it is a curious circumstance that the representatives on this floor and in the Senate who come from those States would not only compel the rest of the Union to take a 50-cent dollar, but they would throttle all legislation unless the rest of the Union will permit them to force it on us. That is as notorious as any truth that any man can utter.

I do not propose to make any political speech at this time; but I do say that I remember very distinctly when the gentleman from Arizona [Mr. Smith] pleaded on this floor and made a speech which first and last occupied about an hour, that the Territory of Arizona might be allowed to issue its bonds payable in gold. Has it come to this, Mr. Speaker, that the Congress of the United States propose to deny to any citizen the right of free contract, to say that he can not make a contract to be paid in anything he chooses for any obligation he takes, whether it be payment in cotton, or wool, or gold, or silver, or lead, or iron? What does this House propose? Has it come to this, that this House proposes to exercise a tyranny over the States and Territories and individuals, to say that they shall not be permitted to make contracts for the payment of any obligations that they choose to take in anything whatever they choose to agree to accept? Mr. Speaker, it is against public policy to interfere with private contracts. If the States that I have mentioned and the citizens thereof choose to make gold a currency among their own people, who shall say them nay? What we object to is that they should force on us a standard of value which is debased when they themselves are abundantly protected, and our legislation can no more reach them than it can reach the Empire of Great Britain.

Now, these States not only have their obligations payable in gold, but in their banks they have about $13,000,000 of coin; and of this coin only about $850,000 is in silver. They have only $5,000,000 in currency. And they are right and prudent in so keeping their money as to be provided against all contingencies, even the action of their own representatives; and when these things are denied on this floor they must be denied in a Pickwickian sense. There is some substance in their denial that every obligation in those States is not expressed in gold, but the percentage not expressed in gold is so small that it does not materially affect the general results.

I certainly hope that this House will defeat the amendment, for these Territories begged and pleaded that they might be allowed to issue their bonds payable in gold. They were permitted to issue them payable in gold, and they ought to have the right, and it ought to be embodied in the bill that they should have the right, to refund them in gold.

Mr. KNOX. I yield ten minutes to the gentleman from New York [Mr. BARTLETT].

Mr. BARTLETT of New York. Mr. Speaker and gentlemen, as one of the few sound-money Democrats in the House of Representatives, I propose to say a few words about the amendment which has been offered by the distinguished gentleman from Tennessee [Mr. MCMILLIN]. The State of New York, a part of which I have the honor to represent, has already declared that it is for sound money. The Democratic party of the State of New York in June last, at its State convention at Saratoga, declared itself for the maintenance of the existing gold standard; and under the instructions then and there given I was sent as a delegate to the national convention at Chicago. It matters not what took place at Chicago. I do not propose to discuss the platform of that misguided convention before this House to-day.

Mr. TERRY. What did your State do at the State convention in September?

Mr. BARTLETT of New York. At the so-called State convention held at Buffalo, in September, the Democratic party of the State of New York repudiated or rejected the sound-money principles which it had advocated for fifty years anterior; but if a party chooses to go back upon its principles, it is my view that those who belong to that party can not be bound by the national convention.

Now, I ask members of the majority, the men who control this House, to vote down this amendment, because I say if you tolerate it, it will be considered by the country at large as a declaration in favor of silver or of soft money. It will be held to be a declaration against the maintenance of the existing gold standard. Why, gentlemen, look at the report of the committee and see what they tell us. That this is a measure to make the funding laws, or the laws providing for the refunding of the debts of the various Territories, conform to the law of 1891, passed by Congress in reference to the Territory of Arizona. These are the words in the report:

This bill adapts generally to all the Territories the funding act of Arizona, passed by Congress in 1891.

That is the statement of the committee. They tell us that this general law is drawn in conformity to the law of 1891; and what has the law of 1891 provided for? It provides for the payment of these bonds, the bonds of the Territory of Arizona, in what? In gold or its equivalent. Not in gold alone, but in the equivalent of gold. And thank God, to-day, gentlemen, the silver and the paper of this country remain the equivalent of gold. Now, the gentleman from Tennessee proposes to insert an amendment. He can not change the law about Arizona. He can not deprive the people of Arizona of the right to have gold bonds, to have bonds payable, principal and interest, in gold or its equivalent; but he proposes to take from the other Territories the right to have any gold bonds at any time; not leaving it optional whether they shall have gold or its equivalent.

Mr. BOATNER. Will the gentleman yield to me for a question there?

Mr. BARTLETT of New York. In one moment——

Mr. BOATNER. Will the gentleman yield to me for a question there?

Mr. BARTLETT of New York. I will yield to the gentleman.

Mr. BOATNER. When the bill recites that the bonds shall be payable in lawful money of the United States, does not that mean gold or its equivalent, at least so long as the present party is in power?

Mr. BARTLETT of New York. My answer to that, Mr. Speaker and gentlemen, is that these words "interest shall be paid semi-annually in gold or its equivalent in lawful money" mean that it can be paid either in gold or in any form of money that is the absolute equivalent of gold. Why insert this amendment if it is not for an insidious purpose? Why provide that the principal and interest of the bonds funded under this act shall be payable in any lawful money of the United States, except the Arizona bonds heretofore described? They are payable in gold or its equivalent, and after providing for their payment in gold or its equivalent, we provide for another class of bonds which shall not be payable in gold or the equivalent of gold. What does that mean, gentlemen? It means repudiation in the future, if it be possible. It means to deprive these people and these Territories of the right to issue gold bonds; and I say to you, gentlemen of the majority, that if you do not vote down this amendment, you will adopt a very hazardous course, a course which will not be satisfactory to the sound-money people of this country.

Mr. KNOX. I now yield five minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, I regret that this financial question should have been injected into this debate. These Territories desire the privilege of refunding their bonds. By a clerical error a provision has been inserted in this bill which was not intended by the committee or by the framers of the bill, by which the interest on all of the bonds is required to be paid in gold, the principal being payable in "lawful money." It is simply a matter of getting a punctuation mark in the wrong place.

Now, we have seen too many good bills run ashore and wrecked on the silver coast to be willing to send another bill out of this House into that same rocky and dangerous sea, and there is no need whatever of our embarrassing the Territories in that way. I recollect very well that in 1891 the gentleman then representing Arizona, who was a very radical free-silver man, explained to this House that his Territory was paying 10 per cent on its warrants and wanted to borrow money to pay them off, and found that it could borrow at 8 per cent on currency bonds or at 5 per cent upon gold bonds, and he insisted upon Congress granting his Territory the privilege of issuing $75,000 of gold bonds, so as to get the benefit of the lowest rate of interest. The bonds of these Territories are now out, and the question is simply about refunding them. It was the intention of the committee that the Arizona bonds, the interest of which is payable in gold, should continue to be payable in gold, but by an error the bill now provides that the interest on the bonds of New Mexico, which is payable in "lawful money," shall also be payable in gold. At present neither principal nor interest is being paid upon most of those bonds, and the holders are glad to refund them for bonds payable in "lawful money." They prefer to do that and get 4 per cent rather than to have the bonds nominally drawing 8 per cent and get nothing.

Now we, by going into the financial question on this bill, are placing these Territories where they will be unable to get the simple relief they ask for. The only question here is whether we shall allow Arizona to refund her gold-interest bonds with like bonds, and allow New Mexico to refund her lawful-money bonds with lawful-money bonds at a lower rate of interest; and if she can get the money at 4 per cent—and the bill expressly provides that not more than that shall be paid—certainly she could not get it at a lower rate if the bonds were payable in diamonds. So, by insisting on retaining this clerical mistake, we shall defeat the object of this legislation. The amendment of the gentleman from Tennessee [Mr. MCMILLIN] will simply conform to the wishes of the people of the Territory and enable them to refund their bonds at about one-half the present rate of interest; and they should not be embarrassed in that work by any views that we may entertain upon the silver question, which is not involved here at all, and should not be.

Mr. COX. Under this proposed bill, if it becomes a law will the character of the bonds of the Territories be changed at all as to their payment?

Mr. LACEY. If the amendment proposed by the gentleman from Tennessee is adopted, then the new bonds will be currency bonds to replace old currency bonds, and the new gold-interest bonds will replace the old gold-interest bonds, and the status quo will be precisely maintained, except that the rates of interest will be reduced about one-half.

Mr. COX. Take, for instance, the New Mexico bonds, which are payable in legal-tender money. When you refund them, what point is gained?

Mr. LACEY. I will explain. Those bonds were issued under various laws, and for a variety of purposes, and questions of form have arisen and other questions, and by adopting a uniform system of bonds to be issued by a commission, all being carefully drawn in the same form, the bonds will be given currency. At present they are not current and can not be sold. At present the Territories have ceased to pay interest upon them, and by this legislation they will be relieved of the necessity of paying 7 or 8 per cent, and it will be better both for the Territories upon the one hand and for the holders of the bonds upon the other, to give authority to the Territories to make these contracts. Now, as I have already said, we ought not to embarrass this question by bringing up the issues of the campaign of 1896 and fighting them over here again, and sending the same question to the other end of the Capitol to be there debated, to the prevention of the relief asked for by these Territories, which are already loaded with all that they can bear.

Mr. COX. Is there any question as to the legality of these bonds?

Mr. KNOX. None at all.

Mr. LACEY. I do not understand that there is any question as to the legality of the bonds, but the Territories have lain down under the weight of the interest. It is like the case of a landlord who has his land rented at $5 an acre and gets no rent because it is more than his tenant can pay, but changes the rate to $2.50 an acre and afterwards gets his rent every year. The burden of the existing rates of interest is more than the Territories can bear, but they will be able to pay the amount that these reduced rates would impose upon them.

Mr. OGDEN. As a matter of information, I should like to know what is approximately the amount of the indebtedness of the Territories of Arizona and New Mexico—what is the amount that will be involved?

Mr. LACEY. I prefer that the Delegate from New Mexico [Mr. CATRON] or the gentleman in charge of this bill [Mr. KNOX] should answer the gentleman's question, as they doubtless have more accurate information than I have.

Mr. OGDEN. We have had no statement as to whether this indebtedness is $100,000 or a million dollars or $10,000,000. We should like to know something as to the amount.

Mr. LACEY. I yield back my time to the gentleman who kindly yielded to me.

Mr. KNOX. The indebtedness of Arizona at the present time, as appeared in the report filed here upon the admission of Arizona as a State, is about $3,000,000, about half of which, as I understand, has already been refunded. The indebtedness of the Territory of New Mexico is between $800,000 and $900,000; and if we include the indebtedness of the different counties and cities, there must be added about $900,000 more. The indebtedness of Oklahoma is very small. The bonded indebtedness of that Territory is now less than $50,000. There were, however, outstanding at

the time the report was filed, during this session of Congress, different warrants to the amount of about $150,000, which will probably have to be provided for by the issue of bonds.

Mr. McMILLIN. But the figures stated by the gentleman do not indicate the limit of the amount which this bill may possibly involve, because it provides for refunding not only existing indebtedness, but also future indebtedness.

Mr. KNOX. Certainly. I am simply answering the question of the gentleman [Mr. OGDEN] who wanted to know the present indebtedness.

Mr. BOATNER. Does not this bill provide additional remedies for the collection of taxes to secure the payment of these bonds?

Mr. KNOX. As the gentleman from New Mexico has stated, the bill includes the same provision which in 1890 was enacted with reference to Arizona, creating the auditor and other officers, a board of equalization, and providing the necessary machinery for refunding. The machinery provided in this bill is not different from that authorized by Congress for Arizona, where, I am informed, it has worked well in practice, saving the people there a great deal in interest.

Mr. BOATNER. Does this bill supersede the existing laws of the Territory providing for the assessment and collection of taxes for the payment of these bonds?

Mr. KNOX. Not at all. Mr. Speaker, I now yield five minutes to the gentleman from Arizona [Mr. MURPHY].

Mr. MURPHY of Arizona. Mr. Speaker, in 1891 it was deemed advisable by the officers of Arizona to come to Congress to secure, if possible, a funding law whereby the indebtedness of the Territory—Territorial, county, municipal, and school district—could be funded into a general bond bearing a lower rate of interest than the bonds previously issued. Congress upon our application passed a law which in its original form made the principal of the bonds payable in lawful money and the interest payable annually in gold coin. When the negotiation of those bonds was undertaken, some question was raised in regard to the interest being payable annually, and our people applied to Congress to have the interest made payable semiannually. An amendatory bill being introduced for that purpose, the question arose whether this interest should be made payable in gold coin or in lawful money. The original law required that the interest be paid in gold coin.

The bill as passed by the House—the passage of the measure being advocated by my predecessor—followed in this respect the language of the original law, it being believed that with a provision for the payment of the interest in gold coin we could negotiate the securities more easily than otherwise. The bill as passed by the House went to the Senate, where it created a great deal of discussion; and having been amended by the Senate, it went into conference. The advocates of silver money claimed that the interest should be made payable in lawful money; that the provision of the original law making the interest payable in gold was a mistake. I came here at that time as a representative of the Territory; and going before the conference committee, of which Senator FAULKNER was chairman, I pleaded that the amendment did not in any sense change in this respect the provision of the original law, which required the interest to be paid in gold coin; that our application had been simply to make the interest payable semiannually instead of annually, as we believed that in this form the bonds could be more easily negotiatied. Senator FAULKNER then said that if the amendatory act did not change the original law in this respect, there was no reason for insisting upon the amendment of the Senate; so that, as the bill then passed, the only change which it made in the original law was the change from annual interest to semiannual interest. From that day to this the law has remained in that form.

This bill proposes to adapt the Arizona law to all the Territories, making its provisions general. That law has worked very well in Arizona. It has resulted in saving annually $45,000 to $70,000. Whether the interest on these bonds be made payable in gold or in lawful money makes no difference to me. But as the House has drifted into this monetary discussion, I take the floor for the purpose of stating that the original law with respect to Arizona, passed in 1891 without discussion or opposition, made the principal of our bonds payable in lawful money, and the interest payable in gold coin annually; and the amendatory act made no other change in the original law than to make the interest payable semiannually instead of annually. If at this late day it be deemed necessary by the House to change the law so as to make both the principal and the interest of these bonds payable in lawful money, I have personally no objection. My only object was to correct a misunderstanding as to the provision of the law with respect to our Territory. I think that the law, which we have found to work well, would operate very advantageously if applied to the other Territories.

Mr. KNOX. If the distinguished gentleman from Tennessee [Mr. McMILLIN] will now use his time, I will, at the close of his remarks, say what little I wish to say in conclusion.

Mr. McMILLIN. I yield six minutes to the gentleman from Virginia [Mr. SWANSON].

Mr. SWANSON. Mr. Speaker, in this discussion gentlemen on this side of the House, as on the other side, who do not believe in making contracts payable in gold have been subjected to more or less ridicule. I wish to state distinctly what animates us in objecting to the provision of this bill and in opposing a proposition to make, so far as the power of this Government is concerned, any obligation in this country payable in gold. It is plain, Mr. Speaker, why the silver men are opposed to this policy. It seems to me that you gentlemen on the other side, and those of you on this side who believe in a gold standard, and who believe, or claim to believe, in keeping up the present greenback circulation, the silver notes, and the silver certificates already in circulation on a uniform basis, so that every dollar shall be equal to every other dollar, should also be opposed to the Government ever giving its approval to a contract payable absolutely and solely in gold.

Our currency is at present composed of the greenbacks, the Sherman notes, the silver certificates, and silver. You people have promised to keep all of that at a parity. But, Mr. Speaker, it is manifestly utterly impossible to do so, if you make renewed demands for gold coin, or make your obligations and contracts payable exclusively in gold. Suppose for a moment you allowed all of the municipal bonds of the country, the railroad bonds, the State bonds, and the Federal bonds to be made payable solely in gold, and the interest also in gold, then it is evident that to that extent you create a demand for gold, and you must provide that much more of gold to meet your obligations. Consequently you keep up and make higher the premium which is already existing upon gold. So, if you gentlemen are determined not to retire the greenbacks or destroy them, or if you are determined to keep silver and silver certificates in circulation, and to utilize the national banking currency, and use all of them as money upon an equality, then the obligation of the Government is to treat all this money exactly alike, and permit no discrimination, so far at least as the contracts of the Government and its legislation are concerned.

Now, we silver people are determined to do what we can to put silver on a parity with gold—to remonetize it—and to maintain it there. The gentleman from New York [Mr. BARTLETT] has seen proper, in the limited time accorded to him, to criticise the silver Democrats as having abandoned the previous policy of that party. But who are the judges as to what is Democracy and what is the policy of the party? This Administration, backed by the gentleman from New York and others, appealed to the great toiling, laboring masses of the Democracy of the Union, and we met at Chicago to determine who represented Democracy in the United States; and what was the result? Mr. Speaker, he met there his Waterloo. For the honor of the Democracy I may assert that it has taken a determined, a courageous, and an advanced stand on the financial and the silver question, and it proposes, Mr. Speaker, to beat no retreat. We are determined, so far as we are concerned, to do nothing to increase the demand for gold by making contracts payable in gold, if we can prevent it.

As we look at the question, we believe that the low prices prevailing result from the great demand for gold the world over. We believe that prices can not be restored to their normal condition if gold is not cut down—the demand for it reduced—and it is brought to its proper condition. Whenever you make a contract payable in gold, to that extent you simply create a new demand for gold, and the price is increased the world over, and to that extent, of course, you increase the premium on gold and mark the depreciation of other property in the exact proportion.

These views, Mr. Speaker, briefly stated, animate us and make us consistent in our determination, so far as we are concerned, to give no countenance as members of this Government to gold contracts, thus creating the demand for it and making that demand greater than it is.

How can you who believe in the greenback circulation, who believe in silver certificates and notes and in the national banking system, lend your countenance to a Government contract that tends to depreciate or degrade silver, greenbacks, or silver certificates? If you are honest in your declarations that you will keep up the present currency at a parity, the only way to prove that fact is to create an equal parity, and not give a preference to any one character of money now in circulation in the United States. And the policy, the course that this Administration has pursued, creating a greater demand for gold, has succeeded in putting it at times at a premium over greenbacks, silver certificates, and silver notes. That has been done in the three or four years since the Administration limited the sale of bonds absolutely for gold. People who wanted to get into the bond syndicates, who wanted to secure their bonds cheap, had to procure gold prices in order to enable them to do so, and there never was a bond sold by the Administration in which you have not seen gold at a premium in New York—persons paying a premium on the gold in order to get the bonds at the reduced price the Government had to sell them for.

Mr. Speaker, I am opposed to that policy. I am opposed to any policy which proposes to separate our currency by promoting one and discrediting the other, and for that reason I am in favor of the amendment of the gentleman from Tennessee [Mr. McMILLIN].

Mr. McMILLIN. I yield five minutes to the gentleman from Montana [Mr. HARTMAN].

Mr. HARTMAN. Mr. Speaker, I regret that the gentleman from Massachusetts [Mr. WALKER]—who I see now enters the Chamber and therefore my regrets on that score are withdrawn—I notice the question of alleged fact that was asserted by the gentleman from Massachusetts in his speech of a few moments ago, which is but a repetition of a similar misstatement of fact made by that gentleman in a speech delivered in this body on the 7th day of last February, and which is found on page 1472 of the CONGRESSIONAL RECORD. At that time I called his attention to the misstatement in the following language. I read from the RECORD. The gentleman from Massachusetts [Mr. WALKER] gave utterance to these words, referring to the "silver States:"

There is not a single one of those States in which every time obligation is not practically written in gold; principal and interest are made payable in gold.

To that statement I made the following reply:

I desire to interrupt the gentleman. I can not speak for California, but I say that the gentleman's statement is absolutely incorrect as to the State from which I hail. Our notes are not made payable in gold; they are payable in lawful money of the United States.

Upon the repetition of his misstatement by the gentleman from Massachusetts [Mr. WALKER], I rose to again deny it, but was denied the right by the gentleman, as appears upon that page. Some two or three days afterwards an interview appeared in the New York Commercial Advertiser, in which the following language was used by the gentleman from Massachusetts [Mr. WALKER]:

There is not an obligation of any name or nature made in these seven States that is not payable in gold; and if merchants, manufacturers, and traders the country over will adopt the same plan in all the obligations they receive or give, and in all other transactions, it would be the most practical solution of the whole matter.

Those who heard the gentleman from Massachusetts [Mr. WALKER] a moment ago know that he reiterated the same statement, nearly twelve months having elapsed since he had notice that it was at least questioned.

Mr. Chairman, the gentleman from Massachusetts [Mr. WALKER] suggests that that denial is made in a Pickwickian sense. I want him to distinctly understand that it is not; but I submit, and I think I will demonstrate before I get through, that his statement was made in a Gulliverian sense.

Mr. Chairman, after that statement was made, I wrote to fifteen or sixteen of the leading banks of my State, stating that the gentleman from Massachusetts [Mr. WALKER] had made this statement, and asking them what the truth was. I hold in my hand fifteen letters, signed by the cashiers or presidents of fifteen of the largest banks in my State, transacting the greatest amount of business, and I will read one or two of them. I can not read all of them, and I think that even this House, gold standard as it is, will admit that the cashiers of those respective banks know almost as much about the character of their obligations as the gentleman from Massachusetts [Mr. WALKER], who has furnished more misinformation to the world on this question than all the rest of the House of Representatives put together. [Laughter.] I read the first letter that I happen to pick out from this bundle of letters which I have:

O. K. LEWIS, *President.* CHARLES C. RUEGER, *Vice-President.*
FAYETTE HARRINGTON, *Cashier.*

[4283.]

THE SILVER BOW NATIONAL BANK
OF BUTTE CITY.
[Capital, $100,000.]

BUTTE CITY, MONT., *March 9, 1896.*

DEAR SIR: In reply to your favor of February 28, as to obligations in this State being payable in gold, I would say I have been in the banking and loaning business in Montana over twenty years and never saw a note written in the State payable in gold.

I inclose herewith one of our blank notes, which we use constantly.

Yours, truly,

FAYETTE HARRINGTON, *Cashier.*

Hon. CHARLES S. HARTMAN, *Washington, D. C.*

The blank note referred to in the letter is appended, as follows:

$—— BUTTE CITY, MONTANA, ——— ——, *189–.*

——— ——— after date, we, or either of us, promise to pay

THE SILVER BOW NATIONAL BANK OF BUTTE CITY,

or order, ——— dollars for value received, negotiable and payable without defalcation or discount at The Silver Bow National Bank of Butte City, with interest at the rate of — per cent per month from date until paid.

Interest payable ——— ———. ——— ———.
No. ———. ——— ———.
Due ——— ——. ——— ———.

Now, Mr. Speaker, I will only read one or two others. It makes no difference which one I pick up, for they are all the same in effect:

P. A. LARGEY, *President.* C. H. PALMER, *Vice-President.*
T. M. HODGENS, *Cashier.*

STATE SAVINGS BANK.

[Paid in capital, $100,000.00.]

BUTTE, MONT., *March 9, 1896.*

DEAR SIR: As requested in your favor of the 28th ultimo, I inclose herewith form of notes used by this bank.

Yours, respectfully,

T. M. HODGENS, *Cashier.*

Hon. CHAS. S. HARTMAN,
Washington, D. C.

$—— BUTTE, MONTANA, ——— ——, *189–.*

——— ——— after date, without grace, for value received, we, or either of us, promise to pay to the

STATE SAVINGS BANK OF BUTTE, MONTANA,

or order, ——— dollars, negotiable and payable at the State Savings Bank of Butte, Montana, with — per cent interest per month from date until paid, both before and after judgment, and five per cent attorney's fees if suit be instituted on this note. Interest payable monthly.

——— ———.
——— ———.
——— ———.
No. ———. Due ——— ——, 189–. ——— ———.

Mr. Speaker, I will ask permission to print in the RECORD the letters and notes, in substantiation of my statement that not a single one of the obligations in that State is made payable in gold, and therefore that the statement of the gentleman from Massachusetts [Mr. WALKER] falls to the ground.

The SPEAKER pro tempore. The gentleman asks unanimous consent to print with his remarks the documents to which he has referred. Is there objection?

There was no objection.

The letters referred to are as follows:

AARON HERSHFIELD, *President.* PIERRE WIBAUX, *Vice-President.*
LEO. C. HARMON, *Cashier.*

THE STATE NATIONAL BANK.

[5015.]

MILES CITY, MONT., *March 11, 1896.*

DEAR SIR: Complying with your request of the 28th ultimo, I hand you herewith one of our blank notes, such as we use in the general course of business.

We make none of our obligations payable in gold.

Very respectfully,

LEO. C. HARMON, *Cashier.*

Hon. CHARLES S. HARTMAN, M. C.,
Washington, D. C.

MILES CITY, MONTANA, ——— —— *189–.*

$——

——— ——— after date, for value received, —— promise to pay to the order of the STATE NATIONAL BANK, of Miles City, Montana, the sum of ——— dollars, payable at said bank, with interest at the rate of — per annum from ——— ——— until paid, and with attorney's fees, in addition to costs, should the holder be obliged to enforce payment at law.

——— ———.
No. ———. When due ——— ——. ——— ———.

E. H. TALCOTT, *President.* W. D. ELLIS, *Vice-President.* J. C. VILAS, *Cashier.* D. A. MCCAW, *Assistant Cashier.*

THE NATIONAL PARK BANK.

[Capital, $100,000. Surplus, $13,000.]

LIVINGSTON, MONT., *March 4, 1896.*

DEAR SIR: Your favor of the 28th instant, relating to statement of Congressman WALKER regarding obligations in this State being made payable in gold, is received. This statement is absolutely false. In my experience of twelve years in this State I have yet to see the first obligation, made by a person residing in the State, demanding and expressing in such obligation or contract its payment in gold. I herewith inclose blank form of note used by this bank in its general course of business. With kind regards,

Very truly, yours,

E. H. TALCOTT, *President.*

Hon. C. S. HARTMAN, *Washington, D. C.*

No. ———. LIVINGSTON, MONTANA, ——— ——, *189–.*

——— ——— after date, for value received, we jointly and severally promise to pay to the order of the National Park Bank, at

Amount, THE NATIONAL PARK BANK, LIVINGSTON, MONTANA,

$———. ——— dollars, with interest at one — per cent per month from date, until paid, and with $—— attorney's fees, in addition to other costs, in case the holder enforces payment at law.

Due, ——— ———.
——— ———.
——— ———.

G. H. ADAMS, *President.* FRED. LANGERMAN, *Vice-President.* W. C. WHIPPS, *Cashier.* R. E. WEBSTER, *Assistant Cashier.*

[No. 4586. Capital, $50,000.]

THE FIRST NATIONAL BANK.

KALISPELL, MONT., *March 5, 1896.*

DEAR SIR: Replying to your favor of the 28th ultimo, I beg to state that so far as my observation has gone the facts are that in local loans the stipulated money payment is simply "lawful money," but on Eastern money put out here the stipulation has almost generally been for "gold" payment. I inclose sample of note used by us, as requested. Stay with them.

Yours,

W. C. WHIPPS, *Cashier.*

Hon. CHAS. S. HARTMAN,
Washington, D. C.

$——. KALISPELL, MONTANA, —— ——, *189–*.

—— after date —— promise to pay to the order of —— —— dollars, for value received, payable at the FIRST NATIONAL BANK of KALISPELL, MONT., with interest from maturity at the rate of — per cent per annum until paid.

☞ And further agree that in the event of a suit to enforce the collection of this note, a reasonable counsel fee, to be fixed and determined by the court, shall be added to and form a part of the judgment as damages.

No. ——. —— ——.
Due —— ——. —— ——.

—

W. A. CLARK. J. ROSS CLARK.

W. A. CLARK & BROTHER,
Bankers.

BUTTE CITY, MONT., *March 5, 1896.*

DEAR SIR: Your favor of the 28th ultimo received and all noted. I have been cashier of this above bank since 1887, and have been with the house since November, 1876, and never, to my knowledge, has a note or a legal instrument for this firm of any kind been made in which the words "payable in gold" appeared. In all mortgages, notes, etc., wherein nature or kind of money to be paid is mentioned, it has been, and is at present, the custom to use the words "lawful money of the United States."

You will please find herein a blank note that we are using every day in our business; in fact, it is practically the same form used since the establishment of this bank, in March, 1877.

I beg to congratulate you on your position on bimetallism, and hope you may win.

Respectfully, yours,

ALEX. J. JOHNSTON, *Cashier.*

Hon. CHARLES S. HARTMAN,
House of Representatives, Washington, D. C.

$——. BUTTE CITY, MONTANA, —— —— *189–*.

—— —— after date, without grace, for value received, we or either of us, promise to pay to the order of W. A. CLARK & BROTHER, a copartnership composed of W. A. Clark and J. Ross Clark, —— dollars, negotiable and payable at their banking house in Butte City, Montana, with — per cent interest per month from date until paid, both before and after judgment, and five per cent attorney's fees if suit be instituted on this note. Interest payable monthly.

—— ——.
—— ——.

No. ——. Due —— ——, 189–.

—

HIRAM KNOWLES, *President.* JAMES A. TALBOTT, *Vice-President.*
ANDREW J. DAVIS, *Cashier.*

THE FIRST NATIONAL BANK OF BUTTE.

BUTTE, MONT., *March 6, 1896.*

DEAR SIR: Your letter of the 28th received. We inclose copy of note used by this bank. We have always accepted payment in current funds or whatever kind of money is rendered. We have never taken a note payable to the bank reading "Payable in gold coin." We pay all of our certificates of deposit in current funds.

Yours, truly,

ANDREW J. DAVIS, *Cashier.*

Hon. CHARLES S. HARTMAN,
Care House of Representatives, Washington, D. C.

$——. BUTTE CITY, MONT., —— ——, *189–*.

—— —— after date, without grace, ——, or either of us, promise to pay to THE FIRST NATIONAL BANK OF BUTTE, or order, the sum of —— dollars, for value received, with interest at the rate of — per cent per month from date until paid. And —— further agree that in the event of a suit to enforce collection of this note a reasonable attorney's fee, to be fixed and determined by the court, shall be added to and form a part of the judgment.

—— ——.
No. ——. —— ——.
Due —— ——. —— ——.

—

B. F. WHITE, *President.* HOWARD SEBREE, *Vice-President.*
OTHO KLEMM, *Cashier.*

[3120.]

FIRST NATIONAL BANK.

[Capital and surplus, $100,000.]

DILLON, MONT., *March 4, 1896.*

MY DEAR SIR: Referring to your circular letter of February 28 ultimo, I herewith inclose the blank form of note used by this bank in making loans, and also one used by an "investment company" which we run in connection with the banking business, and doing business in Montana and Idaho.

Permit me to say, in connection with the subject-matter of your letter, that we are willing, always, to accept any kind of money in payment of these obligations which the Government recognizes as such, whether it be gold, silver, legal-tender notes, national-bank notes, or the at present discredited silver certificates. Under existing laws, or rather the interpretation placed upon them by the present "hoodoo" Administration, these obligations would no doubt call for gold in payment, but if we were to exact the payment in that metal, with the whole world scrambling for it and our own Government paying a premium on it, not one in ten of them would ever, in fact, be paid, for it would be impossible for creditors to do so. I do not believe a single bank in Montana or Idaho uses the word "gold" in any of the obligations taken for money loaned.

Very truly,

B. F. WHITE, *President.*

Hon. CHARLES S. HARTMAN, *Washington.*

The Idaho Investment Co., Limited.

$—— ——, —— ——, *189–*.

On or before —— —— after date, I, we, or either of us, promise to pay to the order of THE IDAHO INVESTMENT CO., LIMITED, —— dollars, value received, negotiable and payable at the First National Bank of Dillon, Montana, with interest from —— until paid, at the rate of — per cent per month, and also a reasonable attorney's fee for collection, in case suit shall be commenced to enforce the collection of this note.

No. ——. —— ——.
Due —— ——. —— ——.
P. O. ——.

$—— DILLON, MONT., —— ——, *189–*.

—— —— after date, I, we, or either of us, promise to pay to THE FIRST NATIONAL BANK, of Dillon, Montana, or order, —— dollars, for value received, negotiable and payable at said bank in Dillon, with interest thereon from date until paid, both before and after maturity, at the rate of — per cent per month.

No. ——.
Due —— ——. —— ——.
P. O. ——. —— ——.

GOLD. T. CURTIS, *President.* J. T. ARMINGTON, *Vice-President.*
H. H. MATTESON, *Cashier.*

THE FIRST NATIONAL BANK OF GREAT FALLS.

[Capital, $200,000. Surplus, $25,000.]

GREAT FALLS, MONT., *March 12, 1896.*

DEAR SIR: We have received your letter of February 28, and beg to say that the statement made by Mr. JOSEPH H. WALKER, of Massachusetts, that obligations made in the seven Western States referred to is false in every particular—at least so far as Montana is concerned. The facts in the case are that there is no stipulation as to what kind of money notes and mortgages in the State of Montana shall be paid in. We inclose herewith a blank note used in this bank, and also generally in use all over the State.

Very truly, yours,

G. T. CURTIS, *President.*

Hon. CHARLES S. HARTMAN,
House of Representatives, Washington, D. C.

$——. GREAT FALLS, MONTANA, —— ——, *189–*.

—— —— after date, we, or either of us, promise to pay to the order of the FIRST NATIONAL BANK, —— dollars, for value received. Negotiable and payable at the First National Bank, in Great Falls, Montana, with interest at the rate of — per cent per month from maturity until paid, and reasonable attorney's fees.

The makers and endorsers hereby waive presentment, demand, protest, and notice thereof.

No. ——. Disc't ——. —— ——.
Due —— ——, 189– —— ——.
P. O. ——

—

JOHN POTTER, *President.* A. HERSHFIELD, *Vice-President.* JAS. T. WOOD, *Cashier.* HUGH CAMERON, *Assistant Cashier.*

[No. 3375.]

FIRST NATIONAL BANK.

[Capital and surplus, $260,000.]

WHITE SULPHUR SPRINGS, MONT., *March 6, 1896.*

DEAR SIR: Replying to your request of the 26th instant, we inclose a sample of the instruments that we both give and accept as evidences of debt or obligation, in none of which is the kind of money in which they are to be paid stipulated, nor have we noticed anything other than as above stated in any matters passing through our hands.

Respectfully,

JAS. T. WOOD, *Cashier.*

Hon. CHARLES S. HARTMAN, M. C.,
Washington, D. C.

$—— WHITE SULPHUR SPRINGS, MONTANA, —— ——, *189–*.

—— —— after date —— promise to pay to the order of James T. Wood, cashier, —— dollars, for value received, payable at the FIRST NATIONAL BANK, WHITE SULPHUR SPRINGS, MONTANA, with interest from maturity at the rate of twelve per cent per annum until paid.

—— ——.
No. ——. Due —— ——. —— ——.

FIRST NATIONAL BANK,
$—— *White Sulphur Springs, Montana,* —— ——, *189–*.

—— —— ha- deposited in this bank —— dollars, in current funds, payable to the order of —— —— on the return of this certificate properly endorsed.

Certificate of deposit not subject to check.

—— ——.
No. —— *Cashier.*

—

A. B. HAMMOND, *President.* A. G. ENGLAND, *Vice-President.*
JOHN M. KEITH, *Cashier.*

[No. 2106.]

THE FIRST NATIONAL BANK OF MISSOULA.

[Capital stock, $150,000. Surplus and profits, $150,000.]

MISSOULA, MONT., *March 6, 1896.*

DEAR SIR: Yours of the 28th ultimo has been received.

As requested, I inclose herein the form of note which is now and has been used by this institution for the last eight years or more since I have been cashier, and I am satisfied a similar form was used prior to that time. In my experience in banking I fail to recall having seen at any time a note or negotiable paper, drawn in the State of Montana, which called for the payment of same in gold. You will notice the inclosed form does not stipulate the kind of money which shall be used in the payment of same.

Hoping that you will be successful in your efforts, and believing that you can readily secure such evidence from the residents of this State as will refute the statement made by Mr. WALKER, I remain,

Yours, truly,

J. M. KEITH, *Cashier.*

Hon. CHARLES S. HARTMAN, M. C.,
Washington, D. C.

$——. MISSOULA, MONTANA, —— ——, *189–*.

—— —— after date, for value received, —— promise to pay to the order of the cashier of THE FIRST NATIONAL BANK of Missoula —— dollars, at the First National Bank of Missoula, with interest at — per cent a month from —— —— until paid. Interest payable semiannually.

—— ——.
—— ——.
No. ——. Due —— ——. —— ——.

—

THOMAS CRUSE, *President.* FRANK H. CRUSE, *Vice-President.* W. J. COOKE, *Secretary and Assistant Treasurer.* W. J. SWEENEY, *Treasurer.*

[Capital $100,000.]

THE THOMAS CRUSE SAVINGS BANK.

(Incorporated.)

HELENA, MONT., *March 7, 1896.*

Hon. CHARLES S. HARTMAN,
Washington, D. C.

DEAR SIR: I have your valued communication of the 28th of February, and same is fully noted. Complying with your request, I take pleasure in handing you herewith a blank note form used exclusively by this institution. You will observe it contains no gold clause, and we would willingly accept silver coin in payment of obligations due us. As a matter of fact, for some considerable time the mutilated currency that we have forwarded to the United States Treasury at Washington for redemption, with the accompanying

request that its equivalent be remitted to our Eastern correspondent at New York or Chicago for our credit, has met with no success, and instead the Treasury Department has forwarded to our institution Treasury notes and greenbacks of the denomination of $1 and $2. Why this should be done is evident. As a matter of fact, at the present time silver coins are not by any means a drug in this part of the country, and it becomes necessary at times to express them into the State in order to meet the demand for change. As you are no doubt aware, our president, Thomas Cruse, is largely interested in mines in this State. At the present time he is operating three mining properties and running a mill, and will in the near future operate another mill. To make it understood clearly by those that are skeptical regarding his position on the money question, you will please find herewith copy of a telegram that he sent to the New York World prior to the last issue of bonds by the Government, and in reply to the World's telegram as to how he stood on the sound-currency system.

"HELENA, MONT., *January 11, 1896.*

"The WORLD, *New York City, N. Y.:*

"I favor home loans; question of rate of interest undecided on bonds; can not say, therefore, about investing; I will furnish the Government gold bullion over five hundred fine (the product of my mines), Helena delivery, in exchange for silver coin delivered here, and believe the majority of the mine owners of Montana will do likewise, and the probabilities are that all other mining States would do the same, and keep the reserve intact for the Government; if you advocate this principle and mine owners cooperate, it will put a stop to bond issues.

"Respectfully, yours,

W. J. SWEENEY, *Treasurer.*"

$——. HELENA, MONTANA, —— ——, 189–.

—— —— after date —— promise to pay to the order of W. J. Sweeney, treasurer, —— dollars, for value received, payable at THE THOMAS CRUSE SAVINGS BANK AT HELENA, MONTANA, with interest from —— —— at the rate of — per cent per —— until paid.

And further agree that in the event of a suit to enforce the collection of this note a reasonable counsel fee, to be fixed and determined by the court, shall be added to and form a part of the judgment as damages. All rights and benefits conferred by the statute of limitations are expressly waived, it being expressly agreed that suit may be maintained to enforce collection hereof at any time after maturity, the provisions of the statute of limitations to the contrary notwithstanding. All rights and benefits under the homestead and exemption laws of the State are also hereby expressly waived and relinquished.

No. ——. —— ——.
Due —— ——. —— ——.

—

[Established 1873.]

HENRY ELLING, BANKER.

VIRGINIA CITY, MONT., *March 6, 1896.*

DEAR SIR: In answer to your favor of 28th ultimo, only four of the notes held by this bank are payable in gold, and they cover a loan to the Manhattan Company of $40,000 for a term of years. As they are an Eastern corporation, I deemed it proper to measure out to them some of their own medicine.

In all other transactions in this bank no stipulation is made other than lawful money of the United States.

I inclose herewith samples of our notes as used at all times.

Yours, truly,

HENRY ELLING.

Hon. CHARLES S. HARTMAN,
Washington, D. C.

$——. BANKING HOUSE OF HENRY ELLING,
Virginia City, State of Montana, —— ——, *A. D. 189–.*

—— —— after date, for value received, —— promise to pay to the order of HENRY ELLING the sum of —— dollars, with interest upon same, both before and after maturity of this note, at the rate of — per cent per month, the interest payable monthly.

No. ——. —— ——.
—— ——.

$——. BANKING HOUSE OF HENRY ELLING,
Virginia City, Montana, —— ——, *189–.*

—— —— after date, for value received, —— promise to pay to the order of HENRY ELLING, at his banking house at Virginia City, Montana, the sum of —— dollars, with interest on same, both before and after the maturity of this note, at the rate of — per cent per —— until paid, interest payable —— ——; and, if the interest on said principal sum is not punctually paid, it shall become a part of the principal, and thereafter bear the same rate of interest as the principal —— ——.

No. ——. —— ——.
—— ——.

—

HENRY ELLING, *President.* JOSEPH KOUNTZ, *Vice-President.* GEO. L. RAMSEY, *Cashier.* GEO. COX, *Asst. Cashier.*

COMMERCIAL EXCHANGE BANK.

[Succeeded by Commercial National Bank. Capital, $50,000. Incorporated under the State banking laws. Paid-up capital stock, $40,000.]

BOZEMAN, MONT., *March 4, 1896.*

DEAR SIR: In refutation of the statement of Congressman JOSEPH H. WALKER, of Massachusetts, we beg to hand you herewith a copy of the note used by this bank in the transaction of its business.

In our judgment, it is not the custom for money lenders in this country to insert a gold clause in their money contracts.

Yours, respectfully,

GEORGE L. RAMSEY, *Cashier.*

Hon. CHARLES S. HARTMAN,
Washington.

$——. BOZEMAN, MONT., —— —— *189–.*

—— —— after date, —— promise to pay to the COMMERCIAL EXCHANGE BANK, or order, —— dollars, value received; payable at the Commercial Exchange Bank, with interest at the rate of — per cent per month from —— —— until paid —— ——.

—— ——.
—— ——.
No. ——. Due —— ——. —— ——.

—

AMOS C. HALL (Estate). ALDEN J. BENNETT.

HALL & BENNETT, BANKERS.

VIRGINIA CITY, MONT., *March 6, 1896.*

DEAR SIR: Replying to your favor of the 28th ultimo, I beg to say that during the seventeen years in which our firm has been engaged in the banking business at this place we have never in a single instance discriminated in favor of gold in any business transaction.

I inclose blank note, and add that we have used this form for at least fifteen years. If your quotation from Hon. Mr. WALKER is intended to apply to us, it is absolutely false.

With highest regard, I am, yours, truly,

ALDEN J. BENNETT.

$—— VIRGINIA CITY, MONT., —— ——, *18–.*

No. —— —— —— after date, for value received, —— promise to pay HALL & BENNETT, or order, —— dollars, at their office in Virginia City, with interest thereon from date, both before and after maturity of this note, at the rate of — per cent per month, interest payable monthly.

Due —— —— ——.
—— ——.

Hon. CHARLES S. HARTMAN,
Washington, D. C.

Mr. McMILLIN. I yield to the gentleman from Colorado [Mr. SHAFROTH] five minutes.

Mr. SHAFROTH. Mr. Speaker, I want to testify to the fact that in the State of Colorado, classed as one of the silver States, the great mass of the obligations are not payable in gold. I do not believe that there is a single bank in the State of Colorado that has an obligation payable in gold. But, Mr. Speaker, I want to say something concerning the statement made by the gentleman from Massachusetts [Mr. KNOX] who has this bill in charge. He has made the statement that he believes in the single gold standard, because he believes that the production of gold is sufficient. If it is sufficient to form a basis for the money of the world, there might be some logic in his position; but, Mr. Speaker, although there has been an increase in the production of gold, the gentleman seems to forget that the uses of gold are multiplying. He seems to forget that to-day we are using millions and millions of dollars in gilding, in dentistry, in medals, in charms, in watches, and jewelry, where we used a very small amount a few years ago.

Why, Mr. Speaker, when a person contrasts the use of gold at the present time with the use of gold twenty or twenty-five years ago, he is appalled at the enormous increase of its use in the arts. Robert Giffen, the statistician of the London Board of Trade and a gold monometallist, declared three or four years ago that there was not a single dollar of the annual product of gold that went into coin. He did not mean that there were no new coins made, but he meant that as many coins found the melting pot of the goldsmith as there were coins made from the annual production. Sir Lyon Playfair a few years ago estimated that 75 per cent of the gold product went into the arts. He is a gold monometallist and a member of the British Parliament. Professor Fawcett, another gold monometallist, has stated that of the gold product of 1892, which was $138,000,000, the sum of $110,000,000 went into the arts. Why, when we look around us and see this beautiful Library building across the way, and find that they are using gold leaf in such quantity that they even spread it upon the dome of that building, and we find that in the interior it is used in large quantities in decorations, we can readily see that this increased production can not keep pace with the use of it in the arts.

Mr. Speaker, the best evidence of the fact that gold is not produced in sufficient quantities to act as a base for the monetary systems of the world is the declaration of the Secretary of the Treasury as compared with former declarations from that Department. Senator SHERMAN in 1876 made the statement that there were $3,500,000,000 of gold in the world. No better authority can be produced on the gold side of this question, and yet I find the statement made by the Treasury Department in the year 1896 that there are $4,000,000,000 of gold in the world. In other words, there has been an increase of only $500,000,000 of gold to the basic money of the world in the past twenty years. And that means what? It means simply $25,000,000 a year. That is all that has been added per annum in the past twenty years. Is that sufficient to add to the basic money of the world to keep pace with the progress of commerce and the increase in the credits of the world?

Mr. Speaker, when we see these facts, it seems to me that no one who looks at them carefully can come to any other conclusion than that the production of gold has not kept pace with the increased use of it. The increased use in the arts is enormous.

The SPEAKER pro tempore (Mr. HENDERSON). The time of the gentleman has expired.

Mr. McMILLIN. I yield four minutes to the gentleman from North Carolina.

Mr. SKINNER. Mr. Speaker, I desire simply, as a Populist, to protest against the making of any contracts, either by individuals or by corporations, which state they are solvable otherwise than in the lawful money of the country. In other words, I take the position that Congress should not give its countenance and sanction to any contract that can not be solvable in the lawful money of the Government. To take any other position is to destroy at once the legal-tender quality of all money. Now, what you shall make lawful tender must be based upon the present and the future. If it is gold, then the contract will be solvable in gold; if it is gold, silver, and legal-tender paper, then it is solvable in those classes of money; but, Mr. Speaker, I am opposed to trying to accomplish by indirection what neither party in this country to-day is willing to

accomplish directly—that is, to put us upon a single gold standard. The Republican party is committed to international bimetallism, and it has its commissioner abroad to-day to see if this can be accomplished. The Democratic party and the Populist party are committed to the free coinage of silver at 16 to 1. Only the Palmer party of this country is committed to the gold-standard policy.

Mr. Speaker, this may be an ingenious method to put upon the country the Palmer Democrats and its policy to execute contracts to the detriment of the great masses of the American people. Let me suggest this. It may be that the Territories have made gold contracts for the future. To extend a contract is to make a new contract; and if our brethren have been so unwary, as the gentleman from Iowa suggested, that if the contract called for dynamite, it ought to be kept. Now, I believe gold is next to dynamite to the best interests of the common people and the institutions of this land. Yet in our sovereign body, as the great House that represents the people, we should relieve them from any such contracts as those.

Then, Mr. Speaker, there is another thought that ought to be suggested, and it ought to be impressed upon the minds of Federal legislators. On page 3, line 12, of the pending measure or bill, I find this langage:

Which interest shall be paid semiannually in gold or its equivalent in lawful money of the United States, on the 15th day of January and the 15th day of July of each year, etc.

The amendment of the distinguished gentleman from Tennessee [Mr. McMILLIN], through whose courtesy I am permitted to address the House, adds, at the end of line 25, on page 3:

Provided, That the principal and the interest of the bonds funded under this act shall be payable in lawful money of the United States, except the original bonds above described heretofore issued.

The gentleman from Tennessee is adroit and patriotic in presenting his amendment. It meets the hearty approval of all Populists, of all true silver men of all parties, and will, as it should, be adopted overwhelmingly. This amendment presents squarely the issues involved in the great battle begun in 1896, and which will be finished in 1900, in the interest of human rights and human existence. If I can read and interpret the English language, and if party platforms mean anything, all three of the great parties, to-wit, Democratic, Republican, and Populist, are committed to free silver—the Populist and Democratic party by independent action 16 to 1, and the Republican party by international agreement. The only gold party in existence to-day is the Palmer or so-called National Democrats. The sooner these and the gold wing of the Republicans get together the better for the great battle of 1900, which is inevitable and irresistible.

The Republican party, I repeat, is committed in its platform to free silver; true, by international agreement. If they fail to obtain it in this way, then, since they are committed to the principle, they are obligated and will prove cowards if they fail to act independently to secure this boon to the country. I want to make this prediction, if they fail to do so as an organization the great mass of their followers will act independent of the party and strike for the common weal.

I believe the true policy of all parties and individual citizens is to assist and facilitate the incoming Administration to bring to this country prosperity. This is more desirable than the success of any political party, and the political party that throws obstructions in the way to prevent a return of prosperity to the country and people for the purpose of obtaining a partisan advantage for the future will not deserve and will not receive further countenance or trusts from the people; and the individual who pursues this course to advance his own ambition will find that by such actions he forfeits the confidence of his constituents.

The plain, patriotic duty of the hour is to hold the Republican party to a strict account of the voluntary trust they have assumed to bring prosperity, and if they succeed they will and should be their own successors.

If they fail, then they must give way to the people who are determined that this country shall not be sacrificed upon the altar of the single gold standard and corporate power. The financial independence and individuality of the American people must be established in the interest of civilization and humanity. Hence it is, Mr. Speaker, that I protest against making or countenancing by legislation contracts for the Territories, for the States, for the Union or the individual that is solvable in gold. I do not mean to be understood that I would restrain individual rights so as not to permit private or public contracts payable in commodities, such as iron, copper, cotton, wool, corn, wheat, silver, or even gold, if you will reduce gold to a commodity, and take from it all its monetary functions and restore these where they belong—to the Government, as the representative and agent of the people, from whom it has been purloined by wicked and corrupt legislation of the past twenty-five years.

The propositions contained in this bill were fully carried out by Congressional legislation in the refunding of our national debt, and I venture to say that a more disastrous or costly piece of legislation was never placed on our statute books. The object sought by this bill is to make the debt of New Mexico payable in gold only. By direct legislation and the arbitrary rulings of the Treasury Department the public debt of the United States has been placed in precisely that condition. In order to accomplish this result unjust legislation was secured through questionable, if not disreputable, methods. The original public debt growing out of the war was payable in the lawful money of the United States, which at that time consisted of gold, silver, and paper. There are some at this late day who refuse to believe that the bonded debt as originally contracted could have been paid in legal tender paper money. As proof that such was the fact, I will quote from Senators JOHN SHERMAN and B. F. Wade in support of my statement. I will add that these letters were written during the earlier stage of the refunding scheme.

In a speech delivered in the Senate February 27, 1867, JOHN SHERMAN said:

Equity and justice are amply satisfied if we redeem these bonds at the end of five years in the same kind of money, of the same intrinsic value it bore at the time they were issued. Gentlemen may reason about this matter over and over again, and they can not come to any other conclusion; at least that has been my conclusion after the most careful consideration. Senators are sometimes in the habit, in order to defeat the argument of an antagonist, of saying that this is repudiation. Why, sir, every citizen of the United States has conformed his business to the legal-tender clause. He has collected and paid his debts accordingly.

In 1868 he wrote to a friend as follows:

DEAR SIR: I was pleased to receive your letter. My personal interests are the same as yours, but, like you, I do not intend to be influenced by them. My construction of the law is the result of careful examination, and I feel quite sure an impartial court would confirm it, if the case could be tried before a court. I send you my views as fully stated in a speech. Your idea is that we propose to repudiate or violate a promise when we offer to redeem the "principal" in legal tenders. I think the bondholder violates his promise when he refuses to take the same kind of money he paid for the bonds. If the case is to be tested by the law, I am right; if it is to be tested by Jay Cook's advertisements, I am wrong. I hate repudiation or anything like it, but we ought not to be deterred from doing what is right by fear of undeserved epithets. If, under the law as it stands, the holders of the five-twenties can be paid in gold, then we are repudiators if we propose to pay otherwise. If the bondholder can legally demand only the kind of money he paid, then he is a repudiator and extortioner to demand money more valuable than he gave.

Truly, yours,

JOHN SHERMAN.

Senator Wade in answer to a letter from a friend said:

VICE-PRESIDENT'S CHAMBER,
Washington, December 13, 1867.

Yours of the 8th instant is received, and I must cordially agree with every word and sentence of it. I am for the laboring portion of our people. The rich can take care of themselves. While I must scrupulously live up to all the contracts of the Government, and fight repudiation to the death, I will fight the bondholder as resolutely when he undertakes to get more than the pound of flesh. We never agreed to pay the five-twenties in gold; no man can find it in the bond; and I never will consent to have one payment for the bondholders and another for the people. It would sink any party, and it ought to. To talk of specie payments or a return to specie under present circumstances is to talk like a fool. It would destroy the country as effectually as a fire. And any contraction of the currency at this time is about as bad. But I have not time to give my ideas in full.

Yours, truly,

BENJAMIN F. WADE.

Hon. Thaddeus Stevens also declared at the same time that—

If I knew that any party in this country would go for paying in coin that which is payable in money, thus enhancing it one-half; if I knew there was such a platform and such a determination this day on the part of any party, I would vote for the other side, Frank Blair and all. I would vote for no such speculation in favor of the large bondholders, the millionaires who took advantage of our folly in granting them coin payments of interest.

I could continue this line of evidence, but enough has been given to disclose the fact that our national debt was originally payable in lawful money. Through the false pretense of strengthening our national credit, what is known as the "public credit strengthening act" was passed March 18, 1869. I will quote it in full:

That in order to remove any doubt as to the purpose of the Government to discharge all just obligations to the public creditors, and to settle conflicting questions and interpretations of the laws by virtue of which such obligations have been contracted, it is hereby provided and declared that the faith of the United States is solemnly pledged to the payment in coin or its equivalent of all the obligations of the United States not bearing interest, known as United States notes, and of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of any such obligation has expressly provided that the same may be paid in lawful money or other currency than gold and silver. But none of said interest-bearing obligations not already due shall be redeemed or paid before maturity unless at such time United States notes shall be convertible into coin at the option of the holder, or unless at such time bonds of the United States bearing a lower rate of interest than the bonds to be redeemed can be sold at par in coin. And the United States also solemnly pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin.

This act by indirection changed the conditions of the bonded debt and made it payable in coin. Also under the guise of a plea for less interest, precisely as in the case of this bill, Congress passed the refunding act of July 14, 1870, which declared the bonds payable, principal and interest, in coin. Not satisfied with this, a bill was passed surreptitiously through both Houses of Congress in 1873 which dropped the coinage of the standard silver dollar and thereby made these bonds payable in gold alone. These several acts made our bonded debt, which was bought at the average rate of about 58 cents in gold on the dollar, worth par in

that same metal and cost the people many millions, as I will show by a computation of Senator JONES of Nevada, found in his great speech of January 22, 1894. He says:

From 1862 to 1868 United States interest-bearing bonds were sold to the amount of	$2,049,975,700
Amount received for said bonds, discount on coin considered	1,371,424,238
Profit to purchasers	678,551,462
There has been paid as interest	2,538,000,000
Premiums for bonds not due	58,000,000
Paid on principal of bonds	1,756,000,000
Total paid	4,352,000,000
Add profit to purchasers	678,551,462
	5,030,551,462

For the $1,371,424,238 received for the sale of bonds the people have paid $5,030,551,462.

Up to the present time there has never been anything but gold paid on the public debt, notwithstanding the fact that the contract on the face of every bond declares it payable in coin.

Such, in brief, is the history of our national debt, which shows the vast amount of treasure the changes that have been made in its terms have cost the toiling masses of the nation.

This attempt to change the terms of the contract in the debt of New Mexico would, no doubt, cost the people of that Territory as much in proportion as the same scheme has cost the people of the nation at large. As a matter of fact, however, it is not gold payments in New Mexico that the real authors of this measure seek. It is simply another effort in the line of many attempts to have Congress pass a bill directing gold payments somehow or somewhere. A precedent of this kind is eagerly and persistently sought in order to be used to force legislation of a similar character regarding our national bonded indebtedness. I predict that this bill will be defeated, but even this will not prevent further efforts from being continued in that direction with the hope and expectation that Congress will at last be foolish enough to succumb to such relentless importunity. In my opinion, gold payments in our national finances will never obtain, save, as now, by indirection and absolute violation of law. If the trend of public sentiment be a guide, it is safe to predict that the near future will bring legislation of an opposite character that will force those in authority to obey the law, and silver, as well as gold, will be used in liquidating Government obligations.

The matter of funding is going on to-day in all the ramifications of public and private business. The bondholder of the nation, State and municipal, and the mortgagee are offering to fund—in some instances as an inducement is a lower rate of interest, in some instances a composition of the debts; but invariably they hold on to all their securities and get as much more as possible, and always want the principal and interest payable in gold or its equivalent in lawful money.

The unfortunate debtor reaches for all in sight that offers any hope, but he will find the mortgagee and bondholder, instead of lessening his burden, is adding to and perpetuating his load and fixing the status of himself and children as chattels and slaves to the gold and corporate power of the world. And thus, Mr. Speaker, we drift from worse to worse, and so it will be until a deceived and oppressed people will rise like a mighty giant and, regardless of all parties, their present or future, strike through some political medium to bring back the prosperity that has been again and again promised.

It is certainly my desire that Mr. McKinley's Administration shall prove successful—not to him personally or as a partisan, but as the Chief Executive of a great country—in bringing prosperity to the people, and I shall take pleasure in facilitating him along protection lines, and shall strive to make this protection equitable from the light before me. I can not see how this is possible without free silver 16 to 1 and supplemental financial legislation. Protection can not and will not bring prosperity unless it is made equitable. All sections of the country, and all industries and conditions, including agriculture, must receive as near as practicable the same ratio of protection. If not obtainable by an import tax, then statecraft must provide means to secure this measure of protection to the field that an import tax secures to the shops. This is common justice, and the measure of this is what the agriculturists of the country are demanding.

I think the South has made a great mistake in antagonizing a protective tariff. A wiser and more patriotic course would have been to devise methods for the cotton fields and its great scepter of power, cotton, to receive such protection as would have enabled us to dictate the price of cotton above the cost of production, and thereby bless, prosper, and make happy our people, and add to the aggregate wealth of the country by increasing our balance of trade, raising, as the Southern States do, eight-tenths of all the cotton in the world. We ought not to sacrifice such a power, when another course would be of such a service to a great section, to the great mass of human beings engaged in the cultivation of cotton, and to the nation and every other industry. The South is rich, rich in minerals, iron, coal, lumber, cotton, and other raw material. Give them the same measure of protection that is extended to the shops and manufacturer, and we will show you a land and section responding quickly to a return of prosperity, and ready to contribute its share to every responsibility imposed by law, and will prove a blessing to the nation.

I desire to repeat, in conclusion, that I do not believe this equitable protection can be obtained unless we shall have free silver at 16 to 1 and supplemental financial legislation; and the Republican party would be wise in accepting conditions as they find them, and as the great champion of protection they would rise to a full measure of their patriotic duty and give this measure of relief to the people under the broad ægis of equitable protection, utterly exemplifying "America for Americans" and a living chance for all classes of Americans.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SKINNER. I ask leave to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from North Carolina asks permission to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. KNOX. Mr. Speaker, may I inquire what time I have remaining?

The SPEAKER pro tempore. The gentleman has twenty-one minutes remaining.

Mr. KNOX. I yield five minutes to my colleague from Massachusetts [Mr. WALKER].

Mr. WALKER of Massachusetts. Mr. Speaker, I am rejoiced as much as any man in this House to find that Montana is in the Union, as it certainly is if what my friend says is true—and I have no disposition at all to question his statement—but I wish to say that I consulted a dozen gentleman here from nine Western States and only used seven, only one of whom I now see, before I made my statement with reference to those States. However, I may have made a mistake as to Montana. There are two gentlemen on the floor who have put gold notes from two of those States into my hands since the gentleman spoke. I presume there are hundreds in this city. One reads as follows:

[No. 1.]

SALT LAKE CITY, UTAH, *March 10, 1896.*

On the 1st day of May, 1896, after date, without grace, for value received, I promise to pay to the order of G. S. Holmes eleven and $\frac{20}{100}$ dollars ($11.20) in United States gold coin, negotiable and payable at the First National Bank of Fort Wayne, Indiana, without defalcation or discount, with interest at the rate of 8 per cent per annum from maturity until paid, both before and after judgment, and if suit be instituted for the collection of this note I agree to pay reasonable dollars attorney's fees.

The California note is for $252.65, and is as follows:

$252.65. SAN DIEGO, *December 15, 1894.*

Ninety days after date, without grace, for value received, I promise to pay to the order of Frank J. Connolly the sum of two hundred and fifty-two $\frac{65}{100}$ dollars, with interest thereon, from this date until payment at the rate of ten per cent per annum, payable quarterly, and if not so paid, then to become part of the principal of this note, and to bear like rate of interest till paid. Both principal and interest to be paid in United States gold coin. And I further agree that in the event of suit brought against me then there shall be added to any judgment against me rendered in said suit, as counsel fees, an additional sum of ten per centum, in like gold coin, upon the amount of the principal and interest hereof accrued, at the time of the entry of such judgment; or if paid before judgment and after action commenced, then on the amount at the date of payment.

No. ——.

If I made a mistake in enumerating the proper States, I exceedingly regret it. I am very sure that there are seven States in this Union, leaving out Montana, to which my statement applies, and there are two others where scarcely an obligation is made that is not payable in gold. The notes that I have here are upon printed forms. Furthermore, this practice, having grown up during the war on the Pacific Coast, has extended nearly all over the country, so that a very large proportion of the obligations everywhere are now made payable in gold. I accept the gentleman's correction as to Montana, but my statement was made upon what I believed to be solid information. One gentleman went over the list with me, Mr. JOHNSON of California, and he said that he might be mistaken as to some of the States. There were nine States in the list, and I cut it down to seven.

Let me say, Mr. Speaker, that if I have been caught in a mistake in this case, I challenge that gentleman or any other gentleman on this floor to find that I have been in error upon any statement I have made to the House—any other.

Now, a word on the bill.

Mr. JOHNSON of California. Will the gentleman yield to me for a moment, as he has used my name?

Mr. WALKER of Massachusetts. I said that I went over a list of nine States with you, and you said you thought my statement was true as to most of them, but as to one or two you could not tell.

Mr. JOHNSON of California. I said that I could only tell certainly as to California, and that so far as California was concerned you were correct.

Mr. WALKER of Massachusetts. Now, Mr. Speaker, a word as to the bill. The United States Government, the maker of all forms of money, can not specify that any one of its obligations shall be payable in anything but "lawful money" or "coin." To do so would be to discredit every other money except the money named. That can not be done by the Government without disgracing the country and depreciating every other form of money except the form that is named. Having promised in the body of the law that all our money shall be kept at a parity, while we use gold at all the statement is a promise that all obligations shall be paid in gold, and therefore we can not mention gold in a new obligation at this late day. But there is no reason why any city, corporation, or individual may not mention any kind of money whatever, without detriment to itself or to the money of the country. The distinction is as wide as it can possibly be between the users of money doing so and its maker doing so. I can not specify that one of my notes, if I make a dozen different kinds, shall be payable in a more valuable thing than another without depreciating all the other notes that I have issued, and that is the position in which the United States stands. But, so far as any State, any Territory, any city, any corporation, or any individual is concerned, we do them wrong, we violate their natural rights, if we forbid them doing so, if one man, or one corporation, or one State, or one city desires to make such an obligation. I despise and hate and contemn the doctrine that "the greatest good to the greatest number" is to control. It is one of the most damnable propositions ever put forth. The right of one individual is as valuable and as sacred to him as that of each one or all the other seventy million. "A wrong to the meanest citizen is an injury to the whole community," is the doctrine of humanity.

Mr. McMILLIN. I yield to the gentleman from California [Mr. JOHNSON].

Mr. JOHNSON of California. Mr. Speaker, I merely wish to say, with reference to notes in California being made payable in gold, that that was not because of opposition to silver. The law was passed in 1862 or 1863—I have forgotten which—at the time when greenbacks were fluctuating. Ours was a gold community and the law was passed then with reference to greenbacks, and silver was not taken into account at all.

Mr. McMILLIN. I yield the remainder of my time to the gentleman from Colorado [Mr. BELL].

Mr. BELL of Colorado. Mr. Speaker, what I desired to say when I asked for time has just been said by the gentleman from California [Mr. JOHNSON], namely, that the gold contracts of the West were not made as against silver. The gold contracts of California, the gold contracts of the country farther east and west of the Rocky Mountains generally, were made when the greenbacks came into use in the United States. The people out there were producing gold and they were unwilling at that time, when greenbacks were fluctuating, to exchange their gold for greenbacks at par. But take the States of Colorado, Idaho, and the silver States generally, and it is a fact beyond dispute that no bank in any one of those States ever uses a gold clause in any note.

It is true, on the other hand, that sometimes on the negotiation of long loans, such as school bonds or something of that kind, the money lenders demand that the obligation be made payable in gold. Money lenders of the East demand that; but in the West, where I have resided for twenty-five years, I have never known a resident of the State of Colorado to demand any note payable in gold. On one occasion within my knowledge the largest merchants of the city of Denver, Daniels & Fisher—the Wanamaker of Denver—had sent to them from their importers of New York City a large order for French gloves for their approval. The order which they were to give was sent to them in a form which embraced the clause "payable in gold." They marked out those words and immediately returned it to their importer, saying, "If United States money is not good enough for French gloves, then we will use American gloves in this establishment." With all deference to our friend from Massachusetts [Mr. WALKER], I do not believe that there has ever been any general use of gold contracts among the citizens of any of the Western States, except gold contracts which originated when the greenback was fluctuating in value. Those contracts are what have misled some of our friends—the old contracts which were drawn payable in gold so as to exclude payment in greenbacks; not for the purpose of excluding payment in silver, but to exclude the payment in fluctuating greenbacks during war times, and the form has continued to some extent.

[Here the hammer fell.]

Mr. KNOX. Mr. Speaker, I wish to say a few closing words in support of this bill, which the committee desires very much to pass and the passage of which is desired by the people of all the Territories so far as their opinion has been expressed by their duly accredited representatives here. Its passage has not been objected to by creditors of the Territories who have appeared before the committee—the men from the commercial centers who are the holders of the indebtedness of the Territories and who represent generally the holders of such indebtedness.

In order that gentlemen on this side of the House may not be influenced in any way to vote against the passage of this bill by reason of the amendment which has been offered, I wish to state that it was the intention of the committee in framing this bill to make these refunding bonds payable in lawful money of the United States. That intention is distinctly expressed on the third page of the bill, in lines 20 to 22:

> The principal of said bonds shall be made payable in lawful money of the United States fifty years after the date of their issue.

How, then, has any difficulty arisen with reference to this question? How has it come to be supposed that the bill provided for the issuing of gold bonds? It is because of the clause beginning on line 4 of section 3:

> Said bonds shall bear interest at a rate to be fixed by said loan commissioners, not exceeding 4 per cent, except bonds issued by the Territory of Arizona in exchange for indebtedness of the kind and description in this act authorized and required to be funded or exchanged, and which indebtedness has already been presented to be exchanged under existing law, in which case said bonds shall bear interest at a rate not to exceed 5 per cent; which interest shall be paid semiannually, in gold—

It will be observed that the clause "which interest shall be paid semiannually in gold" is preceded by a semicolon. This should have been a comma, because the clause was intended to apply simply to bonds issued by the Territory of Arizona, those bonds having previously been issued under the refunding provision of the act of Congress of 1890, which especially provided that those bonds so issued by Arizona should be paid, principal and interest, in gold. Because of that provision of the act of 1890 we were obliged to except from the bill those bonds issued by Arizona unless we would undertake to repudiate bonds already issued and contracts already made. Because of this misunderstanding of the language of the bill, this controversy has arisen in the House as to the payment of these bonds in gold or in lawful money of the United States.

All the Territorial bonds except those of Arizona are payable in lawful money, and the whole effect of this bill is simply to give the people of the Territory free opportunity to refund their bonds at a lower rate of interest and to create the necessary machinery for so doing.

Mr. CUMMINGS. Why not change the semicolon to a comma?

Mr. KNOX. I am willing to offer such amendment as the gentleman suggests. I am authorized by the committee to say that so far as we have the power we accept the amendment of the gentleman from Tennessee, and I shall also move to amend the bill by changing the semicolon to a comma.

Mr. McMILLIN. I hope the gentleman will move that amendment now. There will be no objection to it, I believe.

Mr. KNOX. I move, then, to amend by striking out the semicolon in line 12 of section 3 and inserting a comma.

Mr. LACEY. Does the gentleman think that change will be sufficient?

Mr. KNOX. I think so. Still, the amendment of the gentleman from Tennessee is simply an additional safeguard; it is in accordance with the intention of the committee, and we have no objection to its adoption.

It seems to me, Mr. Speaker, that the desire of the people of the Territories and of the creditors of the Territories in favor of this bill ought not to be interfered with by the discussion which has been precipitated here in regard to free silver and the gold standard. I agree with a good deal that the distinguished gentleman from New York said in reference to the amendment to make the bonds payable in gold; but my position is that the money of the United States to-day is gold; that all our money is upon a gold basis; that the authority of the Government is pledged to maintain sacredly all our money upon a parity with gold; and that we stand assured that such will be the policy of the Government for the next four years.

The gentleman from New York asked why this bill was not drawn in conformity with the act of 1891. My answer to that is that the condition of things in 1891 was entirely different from the condition at present. At that time we were purchasing 4,500,000 ounces of silver every month and issuing Treasury certificates upon that silver, payable in gold. It was doubted in this country and it was doubted the world over whether the United States could maintain the parity of its various forms of currency in gold with such a provision of law in operation. I think most men believed that that could not be done. It was therefore a matter of great consideration at that time to authorize the Territories or any corporations under the power of Congress to issue bonds which should be in terms gold bonds, so as to prevent those bonds bringing the low price which would otherwise be received in view of the doubt which then existed as to the ability of this Government to maintain its promises payable in gold.

But, Mr. Speaker, all that has passed away. The Sherman law has been repealed. We stand now upon the establishment of the

single gold standard in this country and the power of the United States behind all our currency. I submit to the distinguished gentleman from New York that there is no occasion at the present time to say in any contracts made by authority of the American Congress that the word "gold" must be inserted or may be inserted. You want to do away with the distinction of the words "gold" or "silver." Money under our laws to-day, under the acts of Congress, means gold. The policy of 1891 had the same qualification, and the issue of Government bonds, when authorized, did not make them payable in gold, but all of them were issued payable in the coin of the country. Under the declared policy of the Government at that time they were issued for coin; but at the same time it was also the declared policy of the Government that the silver of the country should be maintained on a parity with gold.

Now, the gentleman from Colorado [Mr. BELL] has talked of the scarcity of gold and the quantity of gold in circulation. If we take the example of every commercial nation in the world as a criterion, we have in the United States to-day enough gold in the vaults of the banks, in the Treasury of the United States, and in the hands of the people to maintain for ourselves a sound, abundant, and stable currency based on the standard of the whole world—the single gold standard, the standard of civilization, the standard of progress, the standard of wealth, and the standard of commercial progress the world over.

I said, Mr. Speaker, and I repeat, that I deprecate at this time the further agitation of the question of the currency of this country. I think it leads to nothing but doubt and disturbance in business affairs, and that the disturbance arising from such a cause is unavoidable. I think it will retard the progress we all hope to see in the near future. It is the question of the prosperity of this country that we are to deal with. We upon this side of the House believe that the prosperity of the country was lost when the country was robbed of its revenues and when the manufacture of goods we made here was transferred to Europe, and when the farmers and the lumbermen of Canada were given charge of the supply of the great home markets of the United States instead of the American farmers.

We believe the day has come for a change. We believe the day is at hand when we can restore the prosperity of the country by enacting wise and adequate protective tariff laws, and that that is the duty which the Republican party and the Republican members of this Congress have no choice but to discharge. I think it injures our chances of doing that, I think it puts back, retards, and possibly lessens the great prosperity we hope to see result, to complicate this question with the further disturbance and further discussion of the question of currency. I do not care whether it be in the form of discussing the silver standard alone or the gold standard, or silver and gold, or in the form of discussing another monetary conference, we are here for business, or soon will be, and the business intrusted to us is to give back to the country the conditions of former prosperity, which I hope we shall soon accomplish.

Mr. CLARDY. If the gentleman will allow an interruption, he has just stated that there is an ample supply of gold in the world as a metallic basis for our money——

Mr. KNOX. No; I beg the gentleman's pardon.

Mr. CLARDY (continuing). And I would be glad if the gentleman would state now the amount of gold per capita in the world.

Mr. KNOX. Mr. Speaker, I am not to be catechised, for I see what that would lead to. The gentleman, however, is mistaken in my statement.

Mr. CLARDY. I hope the gentleman will state, then, the amount of gold per capita in the United States.

Mr. KNOX. I have stated that there was sufficient gold in the United States to serve as a basis for an abundant, sound, and elastic circulation.

Mr. CLARDY. But the gentleman must remember that gold is the money of the world, as he says himself, and not of the United States alone, and you must have enough gold for the world's supply.

Mr. KNOX. I repeat, that it is easy to see why, if I submitted to a catechism on that question, there would be no end to this discussion.

When interrupted, Mr. Speaker, I was simply concluding my statement, in answer to what has been said by the opponents of this measure, that this is not, in my judgment, the time or place to enter upon the question of the currency or what shall be our standard. We have a different business to perform, and, whatever may be our differences of opinion on that question, it has nothing to do with the pending bill, which I say is a meritorious measure, one that is in the interest of the people of the Territories, and one which ought to be passed by the House.

I ask for a vote.

Mr. MCCALL of Tennessee. Will the gentleman allow me to ask him a question?

Mr. KNOX. Certainly.

Mr. MCCALL of Tennessee. I understood the gentleman from Massachusetts to submit a motion that a semicolon in section 3 of the bill be changed to a comma. I wish to ask if that has been agreed to?

The SPEAKER. It can only be agreed to by the House. It will be voted on after the previous question is ordered.

Mr. KNOX. I ask a vote.

Mr. BARTLETT of New York. I hope the gentleman will not object to a vote on the suggestion or amendment of the gentleman from Tennessee [Mr. MCMILLIN].

Mr. KNOX. I did not undertake to object to the vote on the amendment of the gentleman from Tennessee. I have already stated that so far as the committee is concerned we were ready to accept it.

Mr. MCCALL of Tennessee. I would like to ask the gentleman from Massachusetts a question, with his consent.

Mr. KNOX. I ask the previous question.

Mr. MCCALL of Tennessee. Will the gentleman yield for a simple question in regard to the amendment already offered?

Mr. KNOX. Very well; what is it? I will yield for a question.

Mr. MCCALL of Tennessee. Does the changing of a semicolon to a comma meet the objection to the bill which has precipitated this discussion?

Mr. KNOX. It does; but as a matter of security out of abundant caution there is no objection to the amendment of the gentleman from Tennessee.

Mr. MCCALL of Tennessee. I only desired to call the attention of the country to the slight difference which produced two hours' discussion and demonstrate upon what a slender thread momentous events may depend. The question was, Should a semicolon be a comma.

Mr. KNOX. I ask the previous question.

The previous question was ordered, under the operation of which the amendment striking out the semicolon and inserting a comma in section 3 was agreed to.

The SPEAKER. The Clerk will now report the amendment of the gentleman from Tennessee.

The Clerk read as follows:

Page 3, line 25, insert:

"*Provided*, That the principal and interest of the bonds funded under this act shall be payable in lawful money of the United States, except the Arizona bonds above described, heretofore issued."

The question was taken; and on a division (demanded by Mr. BARTLETT of New York), there were—ayes 149, noes 7.

Accordingly the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

Mr. BAILEY. Mr. Speaker, I desire to make a motion to recommit this bill with instructions to strike out the sixteenth section. I did not observe it until it was too late to raise the question, before the consideration of the bill was ended.

The SPEAKER. The gentleman from Texas [Mr. BAILEY] moves to recommit the bill to the committee with instructions to strike out section 16. The Clerk will report the section proposed to be stricken out.

The Clerk read as follows:

SEC. 16. That the provisions and requirements of this act shall apply to and be in full force and effect in all the Territories of the United States; and all outstanding bonds, warrants, and other evidences of indebtedness of said Territories, and the counties, school districts, and municipalities within said Territories heretofore authorized by legislative enactments of said Territories, or by Congress, and which said bonds, warrants, and other evidences of indebtedness have been sold, donated, or exchanged in good faith, and which are now held by innocent purchasers by purchase, donation, or exchange, shall be funded as in this act provided; and all of said bonds, warrants, and other evidences of indebtedness so authorized, issued, sold, donated, or exchanged as aforesaid are hereby confirmed, approved, and validated, and shall be funded as in this act provided.

The SPEAKER. The question is on the motion of the gentleman from Texas [Mr. BAILEY] to recommit the bill with instructions to strike out the section which has been read.

The question was taken; and on a division (demanded by Mr. BAILEY) there were—ayes 51, noes 96.

Accordingly the motion to recommit was rejected.

The bill was passed.

On motion of Mr. KNOX, a motion to reconsider the last vote was laid on the table.

POST-OFFICE APPROPRIATION BILL.

On motion of Mr. LOUD, the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. HULL in the chair, for the consideration of the bill (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898.

The CHAIRMAN. The Clerk will report the bill.

The Clerk began the reading of the bill.

Mr. EVANS. Does the gentleman desire the bill read through at this time?

Mr. LOUD. Mr. Chairman, inasmuch as the bill will be read

through by paragraphs later, I will ask that the first reading be dispensed with.

The CHAIRMAN. The gentleman from California [Mr. LOUD] asks that the first reading of the bill be dispensed with. If there is no objection, it will be so ordered.

There was no objection.

Mr. LOUD. Mr. Chairman, it is not my purpose to make any extended statement in relation to this appropriation bill. It carries the usual appropriations, substantially as recommended by the Department, but revised in some particulars on a few items where we thought the increase asked for was more than should be appropriated.

The Post-Office appropriation bill is growing in amount, as members of the House will ascertain—rather more rapidly than I should personally prefer. The estimates for this year are, in round numbers, $97,000,000, and the bill carries an appropriation of $95,000,000 in round numbers, or $1,903,000 less than the estimate. The sum recommended by the committee, however, is $3,040,000 more than the appropriation for the current fiscal year. The question has been asked whether this is an ordinary increase. The estimates have been kept down by the Department for the past three years, to my certain knowledge, to the lowest figure possible under existing law.

Mr. McMILLIN. Will the gentleman allow me to ask him a question right there?

Mr. LOUD. Yes.

Mr. McMILLIN. Whether there is any means by which, by a change of the law, the gentleman thinks we might economize in this branch of the service. It is an exceedingly expensive branch of the service, to which no one will begrudge a proper appropriation, and yet it strikes me that it is very heavy.

Mr. LOUD. Mr. Chairman, there are a number of avenues by which the expense in the Post-Office Department could be very materially reduced. I think one of the greatest abuses existing to-day would be corrected by the passage of the bill H. R. 4566, which is now in the Senate. I believe that would put us on a paying basis and would lead to a comfortable surplus every year.

Mr. BELKNAP. Would that have any effect for the coming fiscal year?

Mr. LOUD. If that bill had become a law, I think we should have been justified in keeping the appropriation down below the amount carried in the bill for the coming year. I think we should have been amply justified in cutting off, in round numbers, between $2,500,000 and $3,000,000 this year. Of course, the benefits of the bill to which I have referred will not be fully felt for some time.

Mr. BELKNAP. Not for over a year.

Mr. LOUD. Probably not for four or five years. We could not reap the full benefit from transportation on railroad lines until the reweighings had taken place.

Mr. BELKNAP. That is just the point that I am trying to bring out, because I understand that these weighings last for three years.

Mr. LOUD. Four years.

Mr. BELKNAP. Therefore we should derive no benefit from the passage of the bill during the coming fiscal year.

Mr. LOUD. We should have derived the benefit of the weighing in one-fourth of the country, and we should derive the benefit each year that these weighings occurred. Until we had completed its circuit of the country, I do not suppose that we could have cut down the present force of the Post-Office. I do not suppose that we could have cut off any of the railway mail clerks. I do not suppose it would be possible to cut off any of the letter carriers. Yet, if that bill became law, the present force employed in the Post-Office Department would be amply sufficient to meet the legitimate growth of that Department for the next five or six years.

Mr. McMILLIN. What saving does the gentleman estimate would ultimately grow from that branch when it should have reached four years of weighing?

Mr. LOUD. I have said before, Mr. Chairman, $10,000,000. I suppose that is a conservative estimate. I am satisfied that it would ultimately save us $15,000,000 a year. I am satisfied that the country does not at present even—neither does this House—anticipate the enormity of what I will term an offense. This Government to-day is subsidizing printed matter—I will not say the press, but is subsidizing printed matter to the extent of nearly $50,000,000 a year. This Government loses each year on the transmission and handling of second-class matter nearly $50,000,000 a year. Quite a respectable subsidy, if gentlemen will stop to contemplate—$50,000,000 that has to come from the great mass of the American people to support the Post-Office Department.

I think, Mr. Chairman, that the question of railroad transportation has grown to such an enormous proportion that the day is not far distant when this body will be compelled to take some action. Twice or three times since I have been a member of this House an effort has been made to reduce the mail pay, and yet this House from year to year has given the railroad companies an additional subsidy above the amount of the most liberal mail pay now given to railroad companies. Of course this question is misunderstood by the great mass of our people. Of course Postmasters-General have complained to Congress that they had no power to remedy the existing evil in that direction. Postmasters-General have appealed here in report after report, stating to us that the amounts paid to railroad companies were enormous and too large. Yet permit me to say that the power is vested to-day where it properly belongs, in the chief executive officers of the Post-Office Department. That seems to be generally unknown to the great mass of the membership of this House; unknown to Postmasters-General until within a very short period.

Congress very properly fixes the maximum rate which may be paid. Congress is not a competent body to legislate in detail for the payment of those railroad companies in mail pay. Let me illustrate to you why it is not a competent body. There are a great many incidental questions connected with railroad mail pay. Some of the smaller railroad companies of this country extend over a distance of 30 and 40 miles. Under the present maximum they are not paid an exorbitant price, and yet on the great trunk lines, where the concentration of the mails pass over the lines, the amount of money received for the transmission for mail is to a great extent out of proportion to the amount paid for the transmission of anything else in the country. The railroad companies are compelled to pay for mail-messenger service; and the unjust criticism—I say unjust on the part of the great press of the country—in condemning Congress and in condemning the Post-Office Committee for not regulating and reducing, as they say, to 1 cent a pound the payment for the carriage of mails—they are discussing a question of which they know nothing whatever.

I can give you one illustration to show and to convince you why this body should never deal with railroad transportation. While I am willing to condemn, and do say that in some cases the maximum amount paid to-day is exorbitant, yet in others it is insufficient. The matter was strongly called to my attention a year ago on a little road running out 35 miles. They made a proposition to the Post-Office to carry the mails up to the 1st of July, 1898, at the rate of $1,000 a year. It was a new service to be established. The Post-Office Department came back to the railroad company and said, "We will give you $650 a year to take up this mail service." I carefully investigated the matter. That railroad company was compelled to pay for mail-messenger service, and the mail-messenger service, as you understand, is for messengers to carry the mails within a distance of a quarter of a mile from where it is received to where it has to be delivered.

This service of mail messengers in the case of that company, a road over 35 miles, amounted to $450 a year; so that it would leave but $200 for the carriage of the mails. So you may see the power is vested where it properly belongs, in the executive officers of our Government, just the same as the executive officer of any corporation is the party to deal with questions of like character in detail. No board of directors of a corporation could arrange the details of all matters that are connected with its business. They can not do it. It must emanate from the mind of one person. I had hoped, Mr. Chairman, that the time would come when we would have a Postmaster-General who would take up this question and deal with it, and I believe we have one now who would do it if the time before him were sufficiently long—so I will put the proposition this way: I hope the time may come when we shall have a chief executive officer of the Post-Office Department competent and strong enough to deal with this question in an intelligent manner. I am not what is termed a radical antirailroad or anticorporation man. I believe in doing justice to every interest, whether individual or corporate. I do not desire to inflict injustice upon any company or corporation in this country, but this question of pay for railroad transportation can only be justly settled by an executive officer, and he now has the power to regulate it.

Mr. QUIGG. Will the gentleman say whether he thinks that the present scheme of payment is the proper one?

Mr. LOUD. I will say, Mr. Chairman, in good faith, that I do not believe that Congress can wisely go beyond the point of simply fixing a maximum limit, as it has done.

Mr. QUIGG. Neither do I.

Mr. LOUD. And the power to apportion the pay of the railroad companies, that is, to pay so much to this road and so much to another and so much to a third, can only be justly or intelligently lodged where it is now, and I want the responsibility placed upon the Postmaster-General, where it properly belongs.

Mr. QUIGG. If the gentleman will permit me, I want to say that I agree with him that the existing law enables the Postmaster-General to make the reform which the gentleman pleads for, if he will just go ahead and do it. Is not that so? In other words, if I understand the gentleman—and that is what I want to agree with—no new legislation is necessary on this subject of railroad pay to enable the Postmaster-General to make a much cheaper arrangement than that which now exists?

Mr. LOUD. There is nothing in the law to prevent it; and I believe the intent of Congress was to lodge this power in an executive officer, where it should be lodged; but, Mr. Chairman, it is a question whether there is a man strong enough in this country to successfully carry out a reform of this character.

Mr. QUIGG. That is the only question.

Mr. LOUD. If the strongest man in the country was Postmaster-General, and he should attempt to inaugurate these reforms and to pay for the service only what is just and equitable, we would probably see the great press of the country up in arms, pointing out to the people that we had a Postmaster-General who was seeking to disorganize the great and beneficent postal service that we now enjoy. But in that connection let me call attention to one thought. We have upon the statute book a provision of law that the land-grant railroads carrying the mails shall be paid only 80 per cent of the amount paid to other railroads. That may have been in its inception a just provision, although I believe this Government gave those railroad companies flat out the land grants conveyed to them, and we all know that the Government charged for the remaining sections $2.50 an acre, so that it received just as much money as though it had retained and sold the whole of the land at the lower price. But here is the thought that I want to present to this House. I am powerless to remedy any evil that may exist in this matter, but I think Congress should be in possession of the facts.

The total amount paid for the transportation of the mails by railroads in eighteen years is $308,232,193.89. The total amount paid for mail transportation on land-grant railroads and by land-grant portions of roads during the same period is $30,648,572.99. The total amount paid for the transportation of the mails by the nonaided companies for the same period is, in round numbers, $277,000,000. The land-grant railroad companies would have received, had they been paid the usual rates paid to other railroads, $38,355,000. Now, the point I make is this: These railroads have paid back to the Government, under this law, in eighteen years, nearly $9,000,000. They have suffered this deduction year after year to the extent of nearly $9,000,000.

These roads are for the most part not the best paying routes in this country. They are not the lines upon which and over which go the great concentrations of mail matter. Yet, let me say to this House, in perfect candor, that even with that 20 per cent reduction which these land-grant railroad companies now suffer, the transportation of the mails is found to be so profitable that they seek it, and in order to get concentrations of mail they put on exclusive fast mail trains, which run through almost the entire West. Now, if this class of railroad companies in the West are satisfied with 80 per cent of the price that is at present paid to railroad companies in the East, would it not seem reasonable at least that the time has arrived when all railroads should be brought down to that basis? And let me say, in connection with the suggestion made by the gentleman from Tennessee, that if the roads other than land-grant roads were paid the same rate now paid to land-grant roads, we would make a net saving of from $5,000,000 to $6,000,000 a year in the transportation of our mails.

Mr. KYLE. Will the gentleman yield for a suggestion?

Mr. LOUD. Certainly.

Mr. KYLE. Is it not a fact that these land-grant railroads, which receive 20 per cent less compensation than the other roads, get a much less tonnage of mail matter for transportation than those roads receiving the full rate?

Mr. LOUD. Oh, yes; I think I so stated. The best roads, of course—the roads on which there is the greatest concentration of mail matter—are in the East. It is these roads which carry the foreign mails from New York City and distribute it westward. The land-grant roads, as gentlemen are aware, are of course west of Chicago, and when the mail gets to that section of the country, it of course begins to decrease.

Now, Mr. Chairman, unless some gentleman desires to ask me some further questions, I will yield the floor, reserving the balance of my time.

Mr. TERRY. I should like to ask the gentleman a question. I did not have the pleasure of hearing his entire remarks.

Mr. LOUD. The gentleman does not know how much he lost.

Mr. TERRY. Doubtless I have lost a great deal.

Mr. LOUD. The gentleman can, however, read my remarks in the RECORD.

Mr. TERRY. I desire to ask whether there has been provided in this bill any machinery by which the Government may get lower rates from the railroad companies for transportation of the mails than it is now getting. Are not the railroad companies now charging the Government generally twice as much for carrying mail matter as is charged by them for carrying freight or express matter?

Mr. LOUD. Let me say to the gentleman that there is in justice no comparison between the transportation of freight or even express matter, if you please, and the transportation of mail matter. Let us be conservative on this question, but let us be just.

Mr. TERRY. I simply want to find out about the matter.

Mr. LOUD. The press of the country is discussing this question from a radical standpoint, and I have seen an article in one of the leading journals of the country saying that as milk is brought into Jersey City at so much per ton, the writer can not understand why the railroad companies can not bring in mail matter just as cheaply. Why, sir, in the transmission of the mails you can not carry over 5 tons with safety in a car. It is bulky matter. Let me say further that the Government is entitled to space in a car up to 30 feet without paying anything outside of the weight of the mail matter; and in many instances a car is occupied to the extent of 20 or 30 feet without transporting day after day as much as 500 pounds of mail.

Mr. TERRY. Leaving out of consideration the matter of the milk cans, and confining ourselves to other freight transported in packages similar to mail matter, are not the railroads charging nearly twice as much for carrying the mails as they are charging for matter in some respects similar to mail matter?

Mr. LOUD. Possibly that is true. I am sorry the gentleman was not here when I went over that question. Yet he will ascertain by looking at the rates paid that the rates vary—so much for 200 pounds, so much for 500 pounds, so much for 1,000 pounds, so much for 2,000 pounds, so much for 5,000 pounds, and so forth. And permit me to say that we are now paying on these land-grant railroads only $17.25 per ton for 365 miles of mail transportation where the amount is more than 5,000 pounds per day. So that the matter to which the gentleman refers is not so enormous as some people suppose.

Mr. TERRY. Even at the 80 per cent rate which is now paid to the land-grant roads, it would appear from the remarks of the gentleman from California and the gentleman from Mississippi that this business is so profitable that the roads are now getting for this service about twice as much from the Government as they ought to receive.

Mr. LOUD. Mr. Chairman, I think that all the railroads of this country should to-day be put upon the same basis. I believe that the land-grant roads have now paid for their land. But I think that every railroad in this country to-day can well afford to carry the mails at the same rate of compensation made to the land-grant roads.

Mr. WILLIAMS. Why not, then, put in this bill an amendment to that effect?

Mr. LOUD. The gentleman from Mississippi asks me why not insert in the bill an amendment to that effect. Sir, it has been stated on this floor that the chairman of the Post-Office Committee never consults the committee about any of its actions; yet there are times, Mr. Chairman, when even the chairman of the Post-Office Committee can not do as he desires. Let me say further to the gentleman from Mississippi that such an amendment as he suggests could only go upon this appropriation bill by the unanimous consent of this body, because it would be a change of existing law. And two or three times, perhaps, since the gentleman from Mississippi has been a member here has he seen this question brought to a vote in the House upon a reduction of 5 per cent, and has seen the proposition defeated. And it is a question—and an eminently practical question, too—whether we can get unanimous consent to put an amendment of that character on the bill. I would like to see some gentleman try it.

Mr. WILLIAMS. I will try it.

Mr. BARTLETT of New York. Will the gentleman from California allow an interruption?

Mr. LOUD. Certainly.

Mr. BARTLETT of New York. Is the distinguished gentleman from California of the opinion that the railroads of this country are unduly prosperous in the present condition of things? Does he think that they are making too much money?

Mr. LOUD. I do not think so. I will say emphatically, no, in answer to the gentleman from New York, for I desire to do no injustice to any railway company in any part of the country.

Mr. BARTLETT of New York. Does the gentleman think we have the power to force the companies to take any terms that we may choose to prescribe?

Mr. LOUD. Well, I will not answer that question. It is unnecessary at this time. I think, if the gentleman will permit me, if the Eastern roads were offered the same amount that is paid to the land-grant railroads, that rather than lose the Government service on the roads they would accept the offer. I do not think we would have to force them. I think if you call it force at all it would be a kind of force with their consent.

Mr. BARTLETT of New York. You think, then, that, being a quasi public corporation, we can force any terms upon them that we may see proper to offer?

Mr. WILLIAMS. We might offer them terms that they will be glad to take.

Mr. BARTLETT of New York. What answer has the gentleman from California to make to that suggestion?

Mr. LOUD. That is entirely foreign to the question pending.

I do not see, as I have said before, that it is necessary to answer now.

Mr. DOCKERY. Will the gentleman from California state the amount the bill carries for the mail service on railroads?

Mr. LOUD. Twenty-nine million dollars in round numbers. The amount asked for was $30,200,000, which we reduced, as it has been the custom of Congress heretofore. When we first took up the bill we found a deficiency of $2,000,000. We have it now within $1,200,000 of the estimates.

Mr. DOCKERY. I only wish to suggest to the gentleman from New York [Mr. BARTLETT] that perhaps the lack of prosperity to be found in railway circles does not arise altogether from the insufficient compensation offered by the United States Government for carrying its mails.

Mr. BARTLETT of New York. That is entirely possible.

Mr. DOCKERY. It is probably true; and therefore it is hardly necessary for the gentleman from New York to exercise himself unduly on this phase of the railroad question.

Mr. LOUD. Mr. Chairman, if there is no further question with reference to the bill, I will reserve the balance of the time. The gentleman from Ohio [Mr. BROMWELL] desires to be heard on some points in connection with this bill.

Mr. BROMWELL. Mr. Chairman, as a member of the Committee on the Post-Office and Post-Roads. I regret to state that there are certain provisions in the bill that I can not indorse. I refer more particularly to that provision of the bill which provides for a continuation of the subsidy which has been granted year after year to the lines of railroad from New York City, originally to Tampa, Fla., and afterwards changed to New Orleans.

I am satisfied that a large proportion of the membership of the House does not understand the conditions under which that subsidy is granted. I am satisfied that many members of this body are of the opinion that this subsidy is the total amount that is given to these railroads for the transportation of the mails on these particular roads, and that gentlemen do not understand fully that it is actually an addition to the regular transportation rate paid to these companies, the same as to the other railroads, for the carriage of this mail by weight and for the rental of the postal cars in which the service is transacted.

On page 35 of the report of the Postmaster-General for this year, referring to this subject of special facilities on railroads—and I want to state that there is only one special-facility line in the United States, only one that receives any subsidy at the present time—he says:

> There has been a difference of opinion as to the necessity for making this appropriation; but inasmuch as Congress has seen proper to follow the action of former Congresses, the Department, while not recommending the appropriation, has thought it advisable to apply the funds for the purpose indicated.

Mr. PEARSON. I do not wish to seem impertinent, but does not the gentleman from Ohio recognize the fact that the appropriation, or its expenditure, depends solely upon the discretion of the Postmaster-General? It is in the bill in that form.

Mr. BROMWELL. I understand that. But, as the gentleman from California [Mr. LOUD], the chairman of the Committee on the Post-Office and Post-Roads, said a while ago, the strongest man in the United States as Postmaster-General would probably not resist the pressure brought to bear upon him to continue the expenditure of the money as long as Congress sees fit to provide it. It is left nominally as discretionary with the Postmaster-General; but when year after year Congress puts into the appropriation bill this sum of $196,000, to be given as a free gift over and above the amount that is paid to the other railroads for the work performed, and the Postmaster-General may spend the money if he desires or thinks proper, the strongest man in the position of Postmaster-General would probably yield to the pressure brought to bear upon him and expend the money, as they have been doing for the past fifteen or twenty years, for this service.

Now, the place to stop the abuse is in this House by cutting off this appropriation, so that the option shall not be left to the Postmaster-General and this pressure be brought to bear upon him, stronger than he can stand.

Now, let us see what the facts are. This particular subsidy was originally granted for the purpose of expediting the delivery of the mails between New York and the Island of Cuba or other foreign countries. The line that was selected started at Boston, Mass., and went by way of Springfield, through New York, Philadelphia, Baltimore, Washington, and other points along the seaboard, and terminated at Tampa, Fla. The object was to deliver the mail at Tampa, Fla., by rail more quickly than it could be delivered by vessel. Thus, having the mail made up at Tampa and shipped by vessel to Cuba, many hours of time would be saved between New York and other Northern points and that island.

But several years ago sufficient influence was brought to bear upon this House to divert this subsidy from its original purpose, to take it away from a fast-mail service to the Island of Cuba, South America, and other points, and divert it to the benefit of the Gulf States by changing its course from Tampa, Fla., as a terminus to New Orleans, La. The amount appropriated was something over $196,000.

On page 36 of the report of the Postmaster-General for this year is an itemized statement showing how this money has been expended. I propose to read that statement in order that it may appear in the RECORD for the guidance of those who will vote on the amendment striking out this item, which I shall offer to-morrow to this bill. It is as follows:

No. of route.	Termini.	Name of railroad company.	Miles.	Subsidy allowance.	Pay for railway postal cars.	Pay for transportation on weighings.	Total paid.
109004	New York to Philadelphia	Pennsylvania	90.65	$11,331.25	$58,272.50	$285,686.19	$355,289.94
113001	Philadelphia to Washington	Philadelphia, Wilmington and Baltimore	137.53	17,191.25	27,506.00	238,587.04	283,284.29
114002	Washington to Lynchburg	Southern*	173.13	21,755.00	25,927.50	120,938.23	168,620.73
114016	Lynchburg to Danville Junction	do	65.52	8,217.50	9,786.00	39,437.79	57,441.29
114038	Danville to Charlotte	do	142.29	17,850.00	21,300.00	82,363.14	121,513.14
121001	Charlotte to Atlanta	do	267.71	33,463.75	26,719.00	124,289.72	184,472.47
121003	Atlanta to West Point	Atlanta and West Point	86.32	10,790.00	6,896.00	28,635.79	46,321.79
124001	West Point to Montgomery	Western Railway of Alabama	86.40	10,800.00	6,850.40	27,775.87	45,426.27
124012	Montgomery to New Orleans	Louisville and Nashville	318.72	39,840.00	23,360.85	89,993.05	153,193.90
			1,368.27	171,238.75	206,618.25	1,037,706.82	1,415,563.83

* Total compensation to Southern Railway, $532,047.63.

Average per mile to above lines, nearly $1,035 per year.

Now, Mr. Chairman, I find that some points——

Mr. CRISP. I just want to ask the gentleman if he did not advocate last year a subsidy to facilitate fast mails to Cincinnati?

Mr. BROMWELL. I am coming to that, and will show you that I am entirely consistent.

Mr. SIMPKINS. May I ask the gentleman if this includes any payment to any of the lines from Boston, Mass., to New York?

Mr. BROMWELL. Yes; it commences at line 21 on page 6 of the bill.

Mr. SIMPKINS. What amount is paid by the Government under this appropriation for mails from Boston to New York, and by what line of railroad is it now carried?

Mr. BROMWELL. I will say to the gentleman that the lines running from Boston to New York have declined to come in under the subsidy arrangement, and while over $196,000 is appropriated, as a matter of fact $171,000 is used, and no part of it is used between the city of Boston and the city of New York.

Mr. SETTLE. I will inform the gentleman from Massachusetts that the reason, I understand, why the roads from Boston to New York have declined to come into this arrangement and accept any part of this subsidy is that before doing so they must concede to the Post-Office Department the right to fix their schedules so as to connect with other railroads in the system, in order to facilitate the transmission of these mails; and these roads thought that would injure their passenger traffic, and declined to accept this arrangement, because it did give the Government the right to fix their schedules.

Mr. BROMWELL. Now I desire to have my own time.

Mr. SIMPKINS. May I ask the gentleman one further question?

Mr. BROMWELL. Certainly.

Mr. SIMPKINS. I would like to ask the gentleman if the mail facilities are not as good from Boston to New York at present, by the companies that will not come into this agreement, as they were in past years when they were parties to the agreement?

Mr. BROMWELL. I understand they are fully as good, if not better, and also that they are fully as good. if not better, than any mail facilities offered by these subsidized lines.

Mr. SWANSON. I would like to say to the gentleman——

Mr. BROMWELL. The gentleman is a member of the committee and will have his own time. I do not care to yield for an argument, but I will answer a question.

Mr. Chairman, I want to impress upon this House the fact that these companies are paid the regular rates for transporting this mail that every railroad in the United States is paid. The weights

are fixed by law, and, as the chairman has said, usually the utmost maximum rate is allowed. These railroad companies get that maximum rate for transporting the weight they carry. In addition to that they are allowed compensation for the car space of the postal cars that they furnish, and they are paid full rates for them. In addition to all that they get this one hundred and seventy-one thousand and odd dollars as a free gift from this Government.

Now, just why these particular lines of road should be subsidized to the exclusion of every other road in the country is one of those things that I for one can not understand. The gentleman from Georgia [Mr. CRISP] asked me whether I did not last year, in an argument on the appropriation bill, support an amendment looking to subsidize other lines. I will say to the gentleman that I stand to-day just where I did then. I am in favor of facilitating the carrying of mails by all proper methods, and if necessary I am in favor of subsidizing railroads for the purpose of giving special trains for that purpose; but I am not in favor of subsidizing three or four lines of railroad on the pretense of carrying fast mails through one section of the country, and then, when an attempt is made to equalize things by giving the same facilities over another line of country, to be met by gentlemen on the floor, when an amendment is offered, with the statement that this is new legislation which can not come into an appropriation bill.

Mr. GARDNER. I would like to ask the gentleman if, during his service as a member of Congress he has ever introduced a bill or made any other effort to get a provision for the facilities he desires except his attempt to ingraft it on an appropriation bill contrary to present rules?

Mr. BROMWELL. That might be a very good question to put if this were the beginning of a new Congress, made up entirely of new members; but in this House, in the closing days of its closing session, when it is composed of many members who have been here many years longer than I have, I want to say from my short experience of this House that it would be utterly and absolutely futile to undertake to introduce a single bill to accomplish any such purpose, and the gentleman knows it who asks the question. The only way in which these subsidies could be put upon their passage in this House would be by ingrafting them upon appropriation bills.

That is the way this subsidy got on, not as a separate act, but as a rider on an appropriation bill, and once on, it is like the Old Man of the Sea—it hangs on forever and forever. Not only that, but those who are interested in having it hold on are the most alert to see that it has no rivals in its line and that nothing else gets on that would interfere with its staying. Last year it was proposed by an amendment on an appropriation bill to give these special fast-mail facilities to other sections of the country. Gentlemen from Illinois introduced bills looking to provide fast mail trains out of Chicago. Other gentlemen had an amendment providing for fast mail facilities from Kansas City. I offered an amendment providing for fast-mail facilities from the city of Cincinnati eastward and westward. Every one of those propositions went out on a point of order; properly, I think, so far as the law was concerned; unjustly, so far as the merits were concerned.

Now, when it comes to the question of subsidizing an American line of steamships to carry American mail, and American passengers and American freight to and from foreign countries, I believe in being as liberal as this Government can afford to be. When it comes to subsidizing lines of railroad in this country to obtain the facilities that are necessary to our business interests, I believe in being as liberal to them as we can be in justice to other interests. But this is not a question of the general policy of Government subsidies. This is a question whether we shall grant a special favor, a particular subsidy, to this one series or set of connecting railroads for a service that is no better rendered than the service on other roads running through sections just as important as that through which these roads run. I will insert in my printed remarks the table which I have read; and I give notice that when the reading of the bill has progressed to line 21 on page 6 I shall move to strike out all of that paragraph relating to special facilities. I also give notice that I shall move to strike out the paragraph on page 8 beginning with line 12 and ending with line 16, unless the Chair shall rule that it goes out on a point of order, which I shall raise when the proper time comes.

I reserve the balance of my time.

Mr. SWANSON. Mr. Chairman, I desire to state clearly, so that the House may understand it exactly, the position which the gentleman [Mr. BROMWELL] occupies and the reasons that animate him in opposing this provision. I take the gentleman's own remarks, from which it seems to be clear and conclusive that this appropriation is just, fair, and reasonable. The gentleman has shown that he is not opposed to this extra compensation in general. He has told you that last year he had offered an amendment to facilitate the fast mail from Cincinnati (to the South, I think he said), but that it went out on a point of order. I think at that time the gentleman favored this provision, provided he could get his amendment upon the bill. Now, I am going to show by the very statistics which the gentleman himself has read that this provision of the bill is just and fair. He has endeavored to leave an impression upon the House that this is paying for services that are not rendered. What is the provision? It is this:

For necessary and special facilities on trunk lines from Boston, Mass., by way of New York and Washington, to Atlanta and New Orleans, $196,014.22.

Then comes this proviso, to which I call attention:

Provided, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Now, let us see whether this is necessary. Let us see whether the Government is getting proper returns for the expenditure of this money. Remember that this line extends from Boston to New York, from New York to Washington, from Washington to Atlanta, and from Atlanta to New Orleans. The gentleman's objection to this provision is simply that these railroads are already paid so much per pound for carrying the mails. That is true, and the returns of the Department and the statistics show that more mail matter goes over these lines than over any other lines in the United States. In other words, there is more mail matter passing from Boston to New York, from New York to Washington, from Washington to Atlanta, and from Atlanta to New Orleans than passes over any other line of railroad in the country, and therefore it follows that that is the most important trunk line of railroad in the United States. The statistics which the gentleman himself presents prove that fact. It is a vast pipe from which the mail lines of all the other States are fed like the main pipe of a water system.

Mr. BROMWELL. Will the gentleman permit a question?

Mr. SWANSON. Yes, sir.

Mr. BROMWELL. I merely wanted to ask the gentleman whether, if this is such a great trunk line, the New York Central and the lines running in connection with it from New York to Chicago should not, on the same argument, be subsidized?

Mr. SWANSON. I do not know the conditions there, but I show you the conditions which make it necessary and which have for seventeen years past made it necessary on this main line, and every Postmaster-General has used this discretion—for it is only discretion that we give the Postmaster-General by this provision. I prove it by the very objections which the gentleman urges. He says we do not appropriate money for the service from Boston to New York. Why? Because, as the Postmaster-General says, the railroad from Boston to New York would not make proper arrangement with the Department so as to facilitate the transportation of the mails at the expense of the passenger traffic; and as the Postmaster-General could not secure any additional facilities, any additional services from Boston to New York, he did not use the $24,000 which the law allowed him to use if such facilities could be obtained.

But when we reach New York, what are the conditions with which we are confronted? In order to make proper connections here in Washington, it is necessary that the train shall leave New York at 4 o'clock in the morning. The Department has always had difficulty in securing a train which would leave New York at that hour and make the Southern connection here at Washington. When no arrangements were made for that train leaving New York at 4 o'clock in the morning, all the mail from Boston and other Northern points and from the different parts of New York State accumulated in New York City and waited there quite a while before it could be started Southward.

The Atlantic Coast Line undertook to perform this extra service for years. Their train left New York at 4 o'clock in the morning, connected here at Washington, and the mail went on to the South. But that line found that it was losing more on its passenger traffic than it was making by the extra compensation it received from the Government. A gentleman on the other side has alluded to the fact that this mail service was formerly done over the Atlantic Coast Line. Why? Because that line agreed with the Government to start a fast train from New York City at 4 o'clock in the morning, loaded with nothing but mail matter. That train, arriving here at Washington, made connection with the Southern line, carrying the mail to Texas, Tampa, Mexico, and Cuba. But that line found its bargain with the Government unprofitable. It lost more on its passenger traffic by having its train leave at 4 o'clock in the morning than it could make by doing this extra service for the Government. So that line refused to renew its agreement with the Post-Office Department. No member of this House, if he were in New York City, would be willing to get up early in the morning and go across the ferry to take a 4 o'clock train at Jersey City. A train which leaves at 11 o'clock in the morning can secure the patronage of passengers, but not one leaving so early as 4 o'clock in the morning. So the Atlantic Coast Line changed its train from 4 o'clock in the morning to 11 o'clock in the morning and refused to take this compensation. So the appropriation was not used.

Then there followed a complete derangement of all the mail connections of the Southern people with New York, with Boston, and the entire North. Chambers of commerce in the different

cities met and requested that the mail connections which had been enjoyed be restored. So the Southern Railroad agreed to put on a train which would restore the mail facilities from the North as they had existed. Having a train starting from New York at 11 o'clock in the morning with Southern connections, they agreed with the Post-Office Department that if this compensation were given them they would start a train from New York at 4 o'clock in the morning and make with it all Southern connections. The Southern Railroad agreed to make the arrangement, which the Atlantic Coast Line had refused to make because it was unprofitable. The Southern people had been disturbed in all their mail connections with the North. The Richmond and Danville road, or the Southern system, agreed to do this service only when it became evident that the withdrawal of the service would operate as a complete derangement of mail matters in the South. Under this arrangement the train which formerly left New York at 11 o'clock in the morning leaves at 4 o'clock in the morning; it leaves frequently without passengers and carries nothing but mail matter. This railroad company says to the Department, "If we surrender our train practically to the use of the Post-Office Department, if we give you the privilege of fixing our schedule, of determining at what points we shall stop and when we shall leave—between New York and New Orleans—we can not surrender in this way our passenger train without fair compensation."

Let me say here, in addition, that if this company should at any time fail to make connection at Washington or Atlanta or New Orleans, then it does not receive a cent for that trip. In order to entitle it to compensation, it is compelled to make a complete connection between New York and New Orleans.

This railroad renders this service for the small sum of about $170,000. It runs a fast mail from New York to New Orleans. It permits the Government to control its schedule. It agrees to start its train from New York at 4 o'clock in the morning without passengers, instead of starting a train at 11 o'clock. If it should start at 11 a. m., at that hour it would miss the connection at Washington; for, mark you, unless the train leaves New York at 4 o'clock in the morning it makes no connection at Washington. Why? The Southern Railroad formerly had its train leave Washington at 8 o'clock, carrying passengers from this city to Lynchburg and various points in the South. To render the service required by this bill, it was obliged to put on an additional train. It still continues the 8 o'clock train. In order to make the connection with the New York train, it is obliged to put on another train, leaving at 11 o'clock, in order to carry this vast reservoir of mail to which the gentleman from Ohio has just alluded.

Mr. BROMWELL. The mails are made up in New York before midnight, are they not?

Mr. SWANSON. I presume they are—some of them. The mail collected in New York City might be. But there are trains coming from Boston, as appears by the schedule—trains coming from northern New York and other points. These mails come in at different hours.

Mr. BROMWELL. May I finish my question?

Mr. SWANSON. Certainly.

Mr. BROMWELL. The regular New York mail is made up, we will say, at midnight. Now, the gentleman says that the Southern train, taking that mail from Washington south, leaves here at 11 o'clock in the morning. In other words, the New York mail, made up at midnight, does not leave the city of Washington until noon the next day. Is that the gentleman's idea of "special mail facilities" or of fast-mail service?

Mr. SWANSON. No. But in New York the papers and mail that come into that city from 1 to 2 or 3 o'clock would have to stay in New York until 11 o'clock the next day before being started on the Southern route if it were not for the special facilities afforded by this particular mail train, and in order to accommodate the Department the railroads have allowed this train to be run by the Department as a mail train rather than a passenger train. They receive little revenue on account of the passenger service on that part of the line.

I submit to any man here who has any information or acquaintance with railroad business; I submit this proposition to any member here, and ask if he would consent to give an entire line—an entire train from New York to New Orleans—to be controlled and run by the Post-Office Department itself, fixing its stopping places and the time of leaving, without receiving an appropriate compensation for yielding such a service? I take it for granted that there is not a man here who would agree to that.

This railroad could get about as much money without the appropriation as they get with it. Why? I will take the suggestions made by the gentleman from Ohio himself. He says that they pay $1,000,000 a year from New York to New Orleans for the purpose of carrying the mails. That amount is paid to the railroad companies by weight. Now, this company could get just as much for carrying its portion of the mail by weight as it gets now, and it would make more on its passenger service than the amount here granted. If you had letters written in New York on Monday, and this road had to carry it out on Wednesday, they would get just as much for carrying it on Wednesday as they would if they carried it on Monday morning immediately after it was written. This provision simply pays a small extra compensation, if the Postmaster-General thinks advisable, to hurry up and deliver earlier these letters.

Upon the other lines of road alluded to by the gentleman, they fix their schedule for the purpose of suiting the convenience of passengers and for the accommodation of that train and not to facilitate mail. But they can not apply that rule in the running of this particular mail train. In this matter the Department issues its orders as to the time of departure. It says, "In view of the importance of conducting this mail service from New York to New Orleans without delay, we do not propose to allow you to fix your own schedule to suit your passenger traffic, but you must give it up for the purpose of facilitating the mail service." For this small extra compensation this privilege is granted.

Take, for instance, the fast mail train now running from Washington to Danville. They have but two places, I think it is, from Danville to Washington—that is, at Charlottesville and at Lynchburg—where they can stop. They can not take up passengers at any other point anywhere between these stations. They are anxious to do it if permitted, but the Department says, "No; if you do not run this train for the purpose of facilitating the mail and not to accommodate passengers, we will not give this extra compensation to you; we will withhold it from you;" and so they require of the road a schedule in which they can take no passengers at all between Washington and Danville except at these two places. And, Mr. Chairman, it is the same for the entire train on its route from New York to New Orleans. They are compelled to put this entire system at the disposal of the Government and make all of the schedules, their times of departure, and where they shall stop, to suit the Government requirements, and all for the small sum of $171,000 a year.

Now, is that too much? I will take the remarks of the gentleman from Ohio himself to prove that it is not. Why, he has just stated that the Atlantic Coast Line had the contract at one time, and it decided that it lost more than it made from the contract and gave it up. The entire mail matter was then transferred to this other line. I could not get a newspaper the day it was published in New York until after this facility was accorded. When the Southern Railroad took up the contract and complied with the regulations of the Department as to these special facilities, then the New York mail to all my section of the country came the same day that it was mailed.

Now, Mr. Chairman, the question to be determined is this: Is the amount of mail carried on this road and facilitated sufficient to pay for the small sum of money that is given to the company for running this train? I say that it is. I say that the service more than pays for itself. Here is a road that supplies mail to a vast section of this country. There are some routes in the West to which we give a thousand dollars to furnish mail to a hundred or one hundred and fifty people. Yet here are fifteen or twenty States, all of them vitally interested in special mail facilities, and depending on this small appropriation for continuing this service which has proved so useful to them. The Southern and the Pennsylvania railroads will go back, if the appropriation is not given, to their fixed schedules, leaving New York at 11 o'clock in the morning, and not at 4 o'clock, as they do now, and will take up passengers, and will make more by starting at that hour than by leaving at 4 o'clock in the morning, at such an untimely hour, when the passengers will not take the train. I have been told by people who travel on that train occasionally that frequently between New York and Philadelphia and Washington there is not a single passenger carried. It is simply and absolutely a mail train.

But what other advantages do we get from this appropriation? Connections are made at Tampa, Fla., with the steamer that carries the mail to Cuba. Connections are made at New Orleans with the Texas mails. The first time that has been done is within the last two years, since this contract was given. This train connects with the train for Houston, and going on down to Mexico, thus making connection from New York to Mexico and Cuba.

Mark another thing in this bill to which no objection is raised. This bill carries from $1,000,000 to $2,000,000 to facilitate the carrying of mails to foreign countries. You pay steamers so much per pound, just as you pay railroads; but then, in addition to that, these steamers that go out—one of them, I believe, from San Francisco, where the chairman of this committee [Mr. LOUD] lives—I think some of them get nearly a million dollars.

Mr. LOUD. What is that?

Mr. SWANSON. Steamers carrying foreign mails, by the provisions of this bill.

Mr. LOUD. No; I do not think they get anywhere near as much as that. The whole foreign service only costs about $1,500,000.

Mr. SWANSON. A million and a half.

Mr. PEARSON. I see on page 7 of the bill an item of additional

compensation to the Oceanic Steamship Company for transporting the mails by its steamers sailing from San Francisco to New Zealand and New South Wales by way of Honolulu, and all mails made up in the United States destined for the Hawaiian Islands, the Australian colonies, New Caledonia, and the islands in the Pacific Ocean.

Mr. SWANSON. Why, these steamship people get paid by the pound, just as the railroads do, and then for additional facilities they get extra compensation, and $1,800,000 is given for such purposes.

Now, everybody concedes that 95 per cent yearly of our business is interstate business. That is, our traffic among ourselves is far in excess of all our foreign trade, commerce, and business. The trade from New York to New Orleans is the most important, the most immense, the most far-reaching of any trade which exists in this entire country. Yet when we seek to facilitate that which is more, I am sure, than all that is carried by these foreign steamers, and for which they receive $1,800,000, the gentleman says that a little appropriation of $170,000 to facilitate the carrying of the mails through fifteen States is a useless and extravagant expenditure.

This item has been in this bill for seventeen years. The gentleman from Ohio [Mr. BROMWELL] is mistaken in supposing that he is the first person to discover these facts about the amount of compensation, and perhaps to enlighten the House on this question. Why, for seventeen years before he was a member of the House this question has been considered, has been presented to the House, has been argued, and the House has acted upon it, and has left it discretionary to five Postmasters-General, I believe, and every one of them has used it, as a necessary and useful expenditure of public money from which a public benefit was received.

Mr. SIMPKINS. I should like to ask the gentleman from Virginia why he urges leaving in the bill the wording—

On trunk lines from Boston, Mass., to New York—

when none of the money is expended between Boston and New York?

Mr. SWANSON. I will tell the gentleman why.

Mr. SIMPKINS. And I should like to ask him another question.

Mr. SWANSON. All right; one at a time.

Mr. SIMPKINS. Very well.

Mr. SWANSON. I will answer the gentleman's first question. We do that because sometimes the Department has been able to make arrangements with railroads that would give extra facilitation for the carrying of the mails——

Mr. SIMPKINS. Between Boston and New York?

Mr. SWANSON. Between Boston and New York.

Mr. SIMPKINS. I should like to ask the gentleman when was the last time that was done?

Mr. SWANSON. Five or six years ago, I think.

Mr. SIMPKINS. It is five or six years since it has been done?

Mr. SWANSON. I think so; and to show that this is not simply a gift of money to the railroads, I will state to the gentleman that the Department would give this money to the railroads between Boston and New York if they could secure extra service for so doing, but they do not now use it because they get no extra service.

Mr. SIMPKINS. I should like to ask the gentleman if, in his opinion, it is a sensible thing to appropriate money which is not used, year after year? The gentleman acknowledges that it has not been used for four years, and now I find in this bill, on page 8, that it is necessary to add extra words, saying that—

In the discretion of the Postmaster-General, any unexpended balance of the appropriation for the fiscal year ending June 30, 1897, for necessary and special facilities on trunk lines, may be used for other fast-mail facilities.

I want to ask the gentleman if, under cover of that provision, something is not being appropriated, apparently for Massachusetts, which is not so used, but which can be used for some other purpose?

Mr. SWANSON. I will answer the gentleman fairly. It is evidently shown that nothing has been lost by the appropriation, because no money has been drawn. No money has gone into the pockets of anybody who did not have a right to it, so no evil has resulted from the language which the gentleman complains of. I should like to have the gentleman point out where any evil has resulted. Now, this language is kept there for the reason that if matters should so shape themselves as to make it necessary to use that extra pay for the running of trains between Boston and New York, it could be so used.

Mr. BROMWELL. I know the gentleman desires to be perfectly sincere and candid with this House.

Mr. SWANSON. I do.

Mr. BROMWELL. Is it not a fact that that particular language is used and continued year after year because the gentleman is afraid that if it is left out, and this section provides for a line starting from New York, it will be subject to a point of order and the whole thing will go out?

Mr. SWANSON. That is one reason. Will the gentleman be equally frank?

Mr. BROMWELL. Certainly.

Mr. SWANSON. Is not the reason why the gentleman objects to this appropriation to be found in the fact that he can not get another one for another part of the country?

Mr. BROMWELL. That is one reason. I will be perfectly frank with the gentleman. I object to this because I do not believe in favoring one section of the country to the exclusion of the rest of the United States.

Mr. SWANSON. Well, then, let us come to that point. Now, the gentleman, as I understand, my good friend from Ohio [Mr. BROMWELL], objects to this because a rule of this House would not let him get in an appropriation for facilitating the mails from his city to the South, because it would be obnoxious to the rule in that it would be a change of the existing law. Then, I understand you are not fighting it because it is wrong, but because you can not get something of the same kind and character.

Mr. SIMPKINS. That does not apply to me nor to any remarks I have made.

Mr. SWANSON. Now, to my good friend from Massachusetts I will state that at one time it did facilitate the mail from Boston to New York.

Mr. SIMPKINS. Are you accurate in that? Was it not for only one-half of the distance, and that several years ago?

Mr. SWANSON. It was for half, if not the whole; and I know that this appropriation has been kept there to some extent, from what the gentleman may say, "because it might be obnoxious to the rule," and we are not willing to jeopardize the mails of fifteen great States in their commerce and business by making an alteration.

Mr. SIMPKINS. I would like to ask the gentleman another question. I do not wish to jeopardize the postal service of this country, but I would like to know who asks in behalf of the people for this service. Has the Postmaster-General at any time ever asked for this appropriation?

Mr. SWANSON. The last two or three Postmasters-General have not asked for it. But it has been left discretionary with the Postmaster-General to say whether it facilitates mail or not. He can refuse to give it if he wishes. He can stop it to-morrow. He can refuse to use it. We leave it to his discretion entirely and to his judgment to say whether this Government gets a quid pro quo or not before he is justified in using it. The best proof that the Postmasters-General favor it and get benefits from it is the fact that they have used it for seventeen years.

I reserve the remainder of my time; and, Mr. Chairman, I ask to have incorporated in my remarks the schedule of these different trains, which will explain to any man who will read it that this railroad does not get a cent of extra compensation for the service it renders beyond what is reasonable and just.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to print certain tables with his remarks. Is there objection? [After a pause.] The Chair hears none.

The schedules are as follows:

SOUTHERN RAILWAY COMPANY,
OFFICE OF GENERAL PASSENGER AGENT,
1300 PENNSYLVANIA AVENUE,
Washington, D. C., February 10, 1897.

SIR: Referring to your request, I beg leave to respectfully invite your attention to the benefits resulting to the public through the establishment of the fast-mail service between New York, Atlanta, and New Orleans, with special reference to that portion from Washington south, and the situation under which the service is rendered.

On January 1, 1893, the Richmond and Danville system, now the Southern Railway Company, maintained a train service that met the requirements of its general business, and afforded a good mail service as an item of such general business. The train service was as follows:

Train No. 9 left Washington at 8.30 a. m., arrived in Atlanta in twenty-three and a half hours, at 8 a. m. the next day, and had no connection whatever south of Montgomery. Train No. 11 left Washington at 11 p. m., and was run at a slow rate of speed, without postal car, to Lynchburg, and with postal car from Lynchburg to Atlanta, arriving at Atlanta at 10 p. m. the following day. Train No. 37, the Southwestern Vestibuled Limited, left New York at 4.30 p. m., Washington at 10.43 p. m., and arrived at Atlanta at 3.55 p. m., Montgomery at 9.20 p. m., and New Orleans 7.25 a. m. This, in brief, was the situation in the early months of 1893.

Congress, desiring to meet the postal needs of the greatest States of the South and dependent regions, made appropriation, effective from July 1, 1893, for a special mail service from New York and Washington to Atlanta and New Orleans and the great country and large population of the States of Texas and Arizona, and beyond. The advantages to be reaped from the closer mail connections between the greatest commercial metropolis of the East and the principal centers of business and population of the South are so obvious to all that comment thereon would be out of place.

The Richmond and Danville system, now the Southern Railway Company, and its connections, appreciating the purpose of Congress, and desiring to contribute as much as possible to the great contemplated postal improvements, heartily cooperated by establishing a special fast mail between New York and New Orleans, beginning May 14, 1893. The fast-mail train, No. 35, left New York 4.30 a. m., Washington 11.01 a. m., arriving in Atlanta at 5.30 a. m. the following day. This train received at New York a Boston connection that left that city at 7.30 p. m., after the arrival of all post-office rail lines from all parts of New England, and left New York with a very large mail for the Southern States. It gathered in the mail from Philadelphia, Baltimore, rail post-office lines arriving at that point, and Washington, and delivered it throughout the South far in advance of all former schedules.

The Richmond and Danville system, now the Southern Railway Company,

arranged the schedules of its auxiliary lines, and put an extra train between Charlotte and Columbia, by which mail was delivered at Columbia at 1.35 a. m., Savannah at 4.30 a. m., Jacksonville at 9.30 a. m., being twenty-nine hours from New York, which was the shortest time ever made between these two points. The arrival in Jacksonville was in time for distribution to the whole State of Florida. This was the situation until November, 1894, at which time the Southern Railway Company established an additional train, known as the "New York and Florida Short Line Limited," No. 31, which left New York at 3.29 p. m., Washington 10.05 p. m., Danville, Va., 5 a. m., and Charlotte, N. C., 8.34 a. m., thence branching off, arriving at Columbia, S. C., at 12.14 p. m., Savannah, Ga., 3.20 p. m., Jacksonville, Fla., 7.20 p. m., where connection was made with lines for southern Florida, thus making three daily fast trains between New York and Charlotte, N. C., two going through to New Orleans, one of which making connection at Charlotte with a through train for Florida points, and one solid through train New York to Florida. This was the situation up to the middle of the year 1895.

The schedules were further improved upon on the 1st of February, 1896, at which time the schedule of the New York and Florida Short Line Limited was quickened to a considerable extent, although the same leaving times at New York, 3.20 p. m., and Washington, 10.05 p. m., were observed, the train reaching Charlotte, N. C., at 8.30 a. m., instead of 8.34, as in 1894; Columbia at 11.35 a. m., instead of 12.14 p. m.; Savannah, Ga., 2.36 p. m., instead of 3.20 p. m.; Jacksonville, Fla., 6.30 p. m., instead of 7.30 p. m.; St. Augustine, Fla., 7.45 p. m., instead of 9.20 p. m.

Commencing January 18, 1897, the New York and Florida Short Line Limited was changed to leave New York at 12.10 noon; Philadelphia, 2.36 p. m.; Baltimore, 5 p. m.; Washington, 6.20 p. m., arriving at Charlotte at 5.05 a. m. the following day; Columbia, S. C., 8.17 a. m.; Savannah, Ga., 11.22 a. m.; Jacksonville, Fla., 3.30 p. m., and St. Augustine, Fla., 4.40 p. m., thus reaching Savannah, Ga., and Jacksonville and St. Augustine, Fla., during business hours the following day after leaving New York, a considerable item in the saving of time as compared to all previous schedules.

In this connection it will be noted that the service of the United States fast mail No. 35, and Washington and Southwestern Limited No. 37, between Charlotte, N. C., Jacksonville, Tampa, and other Florida points, has been and is now maintained, which, with the New York and Florida Limited, give three fast trains, from New York and Washington to the entire State of Florida, as against only two trains in 1896.

United States fast mail, No. 35, leaves New York at the same hour that it did in 1895-96, 4.30 a. m.; Washington, 11.15 a. m., and arrives at Atlanta 5.20 a. m.; Montgomery, Ala., 10.31 a. m., instead of 10.45, as in 1896; Birmingham at 11.45 a. m., instead of 12.20 p. m., as in 1896, and makes through connection for Memphis and Kansas City, arriving at Memphis, Tenn., at 9.40 p. m., instead of 10.20 p. m., as in 1896, and at Kansas City, Mo., at 5.20 p. m. the following afternoon. Here I would call your attention to connection from Memphis to Kansas City having been maintained from the date of its commencement, the early part of 1895, to date, thus giving a permanent service where heretofore the mails had to lay in Birmingham from 1 p. m. until 12.20 at night before departure for points beyond Memphis in the direction of Kansas City. I would also call attention to the fact that since 1895 the service of the United States fast mail between New York and New Orleans has been augmented by the substitution of solid through trains instead of requiring changes of equipment at Montgomery, Ala., and the arrival time at New Orleans has been quickened to 8.10 p. m. the following day after leaving New York and Washington, instead of 8.30 p. m., as heretofore, thus continuing to give the people of New Orleans the opportunity of getting their mail that night, when previously it was not distributed until the following morning. The connection with the Southern Pacific for Houston, Tex., San Antonio, Tex., and Mexico, leaving New Orleans 8.20 p. m., immediately upon the arrival of the United States fast mail, and arriving Houston the following morning at 8.45 and San Antonio 4.25 p. m., has been maintained.

Also, the local stops heretofore made by the United States fast mail, No. 35, between Danville, Va., and Charlotte, N. C., have been eliminated, and this train is now operated as a fast through train between these respective points and a local train substituted to accommodate the passenger traffic, thus reducing time of arrival of mail at Charlotte, N. C., from 10.50 p. m. to 10 p. m., and an additional train has been put in operation between Salisbury, N. C., and Chattanooga, Tenn., through Statesville, N. C., Asheville, N. C., and Knoxville, Tenn., connecting with said United States fast mail train, No. 35, leaving Salisbury at 8.55 p. m., arriving Asheville, N. C., 12.20 the same night, Knoxville, Tenn., at 4.35, and Chattanooga, Tenn., at 8 o'clock the following morning. By the addition of this train, mail leaving New York at 4.30 a. m. and Washington 11.15 a. m. arrives Asheville and other points in western North Carolina—a considerable territory within itself—the same night, and at Knoxville and Chattanooga the following morning in time for early delivery.

At Charlotte, N. C., a connecting train of the United States fast mail leaves at 10.20 p. m., upon the arrival of said train, reaching Columbia, S. C., at 1.37 a. m.; Savannah, Ga., 4.50 a. m.; Jacksonville, Fla., 9 a. m., the day after departure from New York and Washington. Connection is there made with the Florida East Coast Railway system, having a train leaving Jacksonville, Fla., at 9.20 a. m., arriving St. Augustine, 10.20 a. m.; Palatka, Fla., 11.48 a. m.; Ormond, Fla., 12.48 p. m.; Rockledge, Fla., 3.30 p. m.; Palm Beach, Fla., 8.25 p. m.; Miami, Fla., 11.05 p. m., from which latter point a line of steamers is now operated to Nassau and Key West, Fla., thus giving exceptional facilities to the entire east coast of Florida and islands of Nassau and Key West. This train also connects at Yulee, Fla., with train of the Florida Central and Peninsular Railroad, leaving at 8.25 a. m. the morning after departure from New York and Washington, arriving Waldo, Fla., 11.40 a. m.; Ocala, Fla., 1.32 p. m., and Tampa, Fla., 5.30 p. m., where connection is made with the Cuban steamships to Habana. It will thus be seen that this train gives exceptional mail facilities to the entire State of Florida, Key West, Nassau, and Habana, Cuba.

It will not be amiss to draw a comparison between the time made to Florida points in 1893 and now. The mail which left New York at 4.30 a. m. arrived at Jacksonville, Fla., at 11 a. m., and Tampa, Fla., at 8 p. m. It now reaches Jacksonville at 9 a. m., Tampa 5.30 p. m., connecting there with Cuban steamships, and also has direct connection at Jacksonville for the entire east coast of Florida, Nassau, and Key West.

The schedule of the Washington and Southwestern Limited, leaving New York at 4.30 p. m., Washington 10.43 p. m., arriving Charlotte, N. C., 9.25 the following morning, Atlanta, Ga., 3.55 same afternoon, New Orleans, La., and Memphis, Tenn., 7.40 the second morning, has scarcely varied or been changed in any respect. Connection with that train is still maintained with diverging lines at New Orleans and Memphis for Texas, Mexico, Arizona, and with the Sunset Limited at New Orleans for San Francisco and points in California. Connection of this train has also been continued at Charlotte, N. C., for Columbia, S. C., Jacksonville, and all Florida points, leaving Charlotte at 9.35 a. m., arriving Columbia, S. C., 12.50 p. m., Savannah 4.25 p. m., Jacksonville, Fla., 9.12 p. m., Tampa, Fla., 7.30 a. m.

It will be seen that while the leaving time at New York is the same as heretofore, the arrival time in the cities of the South and Southwest has been brought nearer to the departure from New York, the decrease in the time meaning an increase in the speed of these trains.

To be more explicit, and point out specially the advantages of the service in comparison with that given in 1893, I will give you briefly the number of hours the mails have been facilitated:

The New York letter and paper mail, the Boston and New England mail, the central and western New York and Pennsylvania mail which left New York at 4.30 a. m. in 1893 reached Washington after the departure of the train for Atlanta, Montgomery, and New Orleans, and was delayed until 10.43 p. m. before leaving Washington. Under the present fast-mail service the New York mail, together with the mail from all parts of New England, Pennsylvania, and New York of the previous day, is put into Danville, Va., at 6 p. m.; Greensboro, N. C., 7.37 p. m.; Salisbury, N. C., 8.50 p. m.; Charlotte, N. C., 10 p. m.; Atlanta, Ga., 5.20 a. m. the following morning; Montgomery, Ala., 10.35 a. m.; Mobile, Ala., 3.50 p. m.; New Orleans, La., 8.10 p. m.; Memphis, Tenn., 9.40 p. m.; Birmingham, Ala., 11.45 a. m.; Houston, Tex., 8.45 a. m.; Macon, Ga., Albany, Ga., Tifton, Ga., and points between Atlanta, Ga., and Chattanooga, Tenn., before 1 p. m.

Thus, by this increased facility between New York and the South, the mails are expedited about twelve hours to Danville, Va., Greensboro, N. C., Salisbury, N. C., Charlotte, N. C., Atlanta, Ga.; fourteen hours to Montgomery, Ala.; about fifteen hours to New Orleans and Birmingham; twelve hours to Memphis; fourteen hours to Houston, and from twelve to fifteen hours to all points in the Southwest.

It will be seen that in expediting the mails between New York and the inland and far South and Southwest the Southern Railway has materially decreased the time over previous years to points in Florida, to say nothing of making double daily service to points in Texas, and expediting the Mexican mails, and reducing considerably the time of arrival of the double daily service at practically all points in the South east of the Mississippi River.

You are doubtless aware that the schedules of our train No. 37 (the Washington and Southwestern limited) and train No. 35 (the United States fast mail) are controlled almost absolutely by the Post-Office Department, and under our contract with them for handling the special mail the schedules can not be changed without the approval of that Department; and by reference to the schedules of those trains it will be seen that they make very few stops between Washington and Atlanta, or between Charlotte, N. C., and Jacksonville and Tampa, Fla.

In order to facilitate to a greater extent the movement of the United States fast-mail train on its schedule time, the local stops of that train which have heretofore been made between Danville, Va., and Charlotte, N. C., have been obviated by the operation of a local passenger train between those points, as indicated above in this letter. It is, therefore, easily understood that these trains are run to a great extent for the mails, as scarcely any local passenger traffic is handled on the same, and the hours of the trains are to the disadvantage of such business, and the hours of leaving New York to the disadvantage of through passenger traffic desiring to leave on the United States fast mail.

I beg to call your particular attention to the ruling of the Post-Office Department in that our failing to accomplish a connection or trains being delayed they can cut off the special allowance and deduct our pay, and we are not paid for this delayed service. Besides, we are required to hold the Southwestern Limited, as well as the United States fast mail, indefinitely for trains from the north.

The service performed, owing to the limited stops and the very fast time made, is exceedingly costly; and, in addition thereto, other expense has been incurred by the operation of local trains to handle the local passenger traffic, which can not be accommodated on the fast trains; and also by the addition of new connecting trains from Salisbury, N. C., through western North Carolina, to Asheville, N. C., Knoxville, and Chattanooga, Tenn.; and unless some compensative allowance for this is made it will hardly be possible for this company to maintain this exceptional service, which expedites in so large a degree the mails between the North and the South.

The train service northbound is very fast and has proven entirely satisfactory to the Post-Office Department. The United States fast mail northbound, No. 36 (a similar train to No. 35 southbound) is also operated as a solid through train, New Orleans to Washington, taking up the connection of the "Sunset Limited" from California, and completing, with the Southwestern Limited northbound, double daily fast service from the South as well as from the North.

In order to facilitate the movement of the United States fast-mail train, northbound, No. 36, between Charlotte, N. C., and Danville, Va., local service is also operated between these points, northbound, as has heretofore been explained in connection with No. 35, southbound.

Additional train service between Chattanooga, Tenn., and Salisbury, N. C., is also operated, northbound, leaving Chattanooga at 5.55 p. m., connecting with United States fast-mail train, No. 36, northbound, at Salisbury, N. C., the following morning.

It will doubtless be clear to you, and all others who may consider the subject, that it would be impossible to maintain such extraordinary service without substantial recognition on the part of the Government, and I feel satisfied that it is not the desire of this Congress to diminish in any manner the facilities now afforded for the transaction of the business between the North and the South and Southwest.

With sentiments of high respect, I am, very respectfully,

A. B. ANDREWS,
First Vice-President.

FEBRUARY *10, 1897.*

SCHEDULE OF TRAIN NO. 35, THE UNITED STATES FAST MAIL, FROM NEW YORK, PHILADELPHIA, BALTIMORE, AND WASHINGTON TO POINTS NAMED BELOW.

Leave New York (P. R. R.) daily	4.30 a. m.
Leave Philadelphia (P. R. R.) daily	7.20 a. m.
Leave Baltimore (P. R. R.) daily	9.37 a. m.
Leave Washington (So. Rwy.) daily	11.15 a. m.
Arrive Manassas, Va. (So. Rwy.), daily. (Junction point with Manassas branch to Front Royal, Riverton, Strasburg, Woodstock, and Harrisonburg, Va.)	12.19 p. m.
Arrive Calverton, Va. (So. Rwy.), daily. (Junction for Warrenton, Va.)	12.40 p. m.
Arrive Orange, Va. (So. Rwy.), daily. (Junction for Potomac, Fredericksburg & Piedmont R. R., and C. & O. Rwy. for Gordonsville and east)	1.44 p. m.
Arrive Charlottesville, Va. (So. Rwy.), daily. (Junction with C. & O. Rwy. east and west)	2.24 p. m.
Arrive Lynchburg, Va. (So. Rwy.), daily. (Junction with C. & O. Rwy. and connection with N. & W. R. R. for Roanoke, Salem, Christiansburg, Wytheville, Bristol, Knoxville, Chattanooga, etc.)	4.05 p. m.
Arrive Danville, Va. (So. Rwy.), daily. (Junction with Atlantic & Danville and Danville & Western railroads)	6.00 p. m.

Arrive Greensboro, N. C. (So. Rwy.), daily. (Connection for all points in eastern Carolina, including Durham, Raleigh, Goldsboro, and also points on C. F. & Y. V. R. R., east and west, and Northwestern North Carolina R. R. to Winston-Salem, Elkin, and Wilkesboro, N. C.)	7.57 p. m.
Arrive High Point, N. C. (So. Rwy.), daily. (Junction with High Point, Randleman, Ashboro & Southern R. R. for Ashboro, N. C., which is junction point with Aberdeen & West End R. R.)	8.00 p. m.
Arrive Salisbury, N. C. (So. Rwy.), daily. (Junction with Western North Carolina Division, making close connection for Asheville and Hot Springs, N. C., Knoxville and Chattanooga, Tenn., and connecting at Chattanooga with diverging lines)	8.50 p. m.
Arrive Charlotte, N. C. (So. Rwy.), daily. (Junction lines diverging to Statesville, Mooresville, Columbia, Charleston, Savannah, Jacksonville, and all points in Florida; Aiken and Augusta)	10.00 p. m.
Arrive Gastonia, N. C. (So. Rwy.), daily. (Junction with C. & L. N. G. R. R.)	10.50 p. m.
Arrive Blacksburg, S. C. (So. Rwy.), daily. (Junction with Charleston, Cincinnati & Chicago R. R.)	11.32 p. m.
Arrive Spartanburg, S. C. (So. Rwy.), daily. (Charleston and Western Carolina R. R.)	12.26 a. m.
Arrive Greenville, S. C. (So. Rwy.), daily. (Junction for C. & G. division, east and west, and Carolina and western Carolina)	1.20 a. m.
Arrive Seneca, S. C. (So. Rwy.), daily. (Junction with Blue Ridge R. R.)	2.26 a. m.
Arrive Toccoa, Ga. (So. Rwy.), daily. (Junction for Elberton)	3.15 a. m.
Arrive Cornelia, Ga. (So. Rwy.), daily. (Junction with Blue Ridge & Atlantic R. R.)	3.47 a. m.
Arrive Lula, Ga. (So. Rwy.), daily. (Junction with N. E. R. R. of Georgia, for Athens, Ga.)	4.09 a. m.
Arrive Gainesville, Ga. (So. Rwy.), daily	4.35 a. m.
Arrive Atlanta, Ga. (So. Rwy.), daily. (Junction with Georgia R. R., Central of Georgia, for Macon and Albany; W. & A. R. R.; A. & W. P. R. R., and Georgia, Carolina & Northern R. R.; N. C. & St. L. Rwy., and Georgia Pacific for Birmingham, Columbus, Winona, and Greenville, Miss.; Eastern Tennessee division for Macon, Hawkinsville, Cochran, Helena, Lumber City, Jesup, Everett, and Brunswick)	6.10 a. m.
Arrive Opelika, Ala. (A. & W. P.), daily. (Junction with Central of Georgia Rwy.)	8.40 a. m.
Arrive Montgomery, Ala. (W. of Ala.), daily. (Connection with Alabama Midland R. R.; Selma Division Western Railway of Alabama, Louisville & Nashville, and Central of Georgia Rwy.)	10.31 a. m.
Arrive Pensacola, Fla. (L. & N.), daily	7.50 p. m.
Arrive Mobile, Ala. (L. & N.), daily	3.50 p. m.
Arrive New Orleans, La. (L. & N.), daily	8.10 p. m.
Arrive Houston, Tex. (So. Pac.), daily	8.45 a. m.
Arrive San Antonio, Tex. (So. Pac.), daily	4.25 p. m.
Leave Charlotte, N. C. (So. Rwy.), daily	10.20 p. m.
Arrive Rock Hill, S. C. (So. Rwy.), daily. (Junction with Ohio River & Charleston Rwy.)	11.06 p. m.
Arrive Chester, S. C. (So. Rwy.), daily. (Junction with Georgia, Carolina & Northern and C. & L. N. G. rrds.)	11.37 p. m.
Arrive Columbia, S. C. (So. Rwy.), daily. (Junction with A. C. L., C. N. & L., F. C. & P., South Carolina & Georgia rrds.)	1.37 a. m.
Arrive Trenton, S. C. (So. Rwy.), daily. (Connection with Carolina & Cumberland Gap R. R. for Aiken)	6.15 a. m.
Arrive Graniteville, S. C. (So. Rwy.), daily. (Connection with South Carolina & Georgia R. R.)	6.57 a. m.
Arrive Augusta, Ga. (So. Rwy.), daily. (Junction with Georgia R. R., Central of Georgia, and C. & W. C.)	7.45 a. m.
Arrive Charleston, S. C. (S. C. & G.), daily	11.00 a. m.
Arrive Savannah, Ga. (F. C. & P.), daily	4.50 a. m.
Arrive Jacksonville, Fla. (F. C. & P.), daily	9.00 a. m.
Arrive Tallahassee, Fla. (F. C. & P.), daily	3.35 p. m.
Arrive Ocala, Fla. (F. C. & P.), daily	1.32 p. m.
Arrive Orlando, Fla. (F. C. & P.), daily	4.47 p. m.
Arrive Tampa, Fla. (F. C. & P.), daily	5.30 p. m.
Arrive St. Augustine, Fla. (F. E. C. Rwy.), daily	10.20 a. m.
Arrive Ormond, Fla. (F. E. C. Rwy), daily	12.48 p. m.
Arrive Rockledge, Fla. (F. E. C. Rwy), daily	3.30 p. m.
Arrive West Palm Beach, Fla. (F. E. C. Rwy.), daily	8.10 p. m.
Arrive Miami, Fla. (F. E. C. Rwy.), daily. (Connecting with steamships to and from Key West and Nassau)	11.05 p. m.

SCHEDULE OF TRAIN NO. 37, THE WASHINGTON AND SOUTHWESTERN LIMITED, FROM NEW YORK, PHILADELPHIA, BALTIMORE, AND WASHINGTON TO POINTS NAMED BELOW.

Leave New York (P. R. R.), daily	4.30 p. m.
Leave Philadelphia (P. R. R.), daily	6.55 p. m.
Leave Baltimore (P. R. R.), daily	9.20 p. m.
Leave Washington (So. Rwy.), daily	10.43 p. m.
Arrive Manassas (So. Rwy.), daily. (Junction point with Manassas branch to Front Royal, Riverton, Strasburg, Woodstock, and Harrisonburg)	11.48 p. m.
Arrive Calverton, Va. (So. Rwy.), daily. (Junction for Warrenton, Va.)	12.06 a. m.
Arrive Orange, Va. (So. Rwy.), daily. (Junction for Potomac, Fredericksburg & Piedmont R. R. and C. & O. Rwy. for Gordonsville and east)	1.08 a. m.
Arrive Charlottesville, Va (So. Rwy.), daily. (Junction point with C. & O. Rwy. east and west)	1.50 a. m.
Arrive Lynchburg, Va. (So. Rwy.), daily. (Connection with C. & O. Rwy. east and west, and N. & W. R. R. for Roanoke, Salem, Christiansburg, Wytheville, Bristol, Knoxville, Chattanooga, etc., and eastward to Farmville, etc., and with Lynchburg & Durham R. R.)	3.40 a. m.
Arrive Danville, Va. (So. Rwy.), daily. (Junction with Atlantic & Danville, and Danville & Western Railroads)	5.40 a. m.
Arrive Greensboro, N. C. (So. Rwy.), daily, (Connection for all points in eastern North Carolina, including Durham, Raleigh, and Goldsboro, and also points on C. F. & Y. V. R. R. east and west and Northwestern North Carolina R. R. to Winston-Salem, Elkin, and Wilkesboro, N. C.)	7.05 a. m.
Arrive High Point, N. C. (So. Rwy.), daily. (Junction point with High Point, Randleman, Ashboro & Southern R. R. for Ashboro, N. C.)	7.27 a. m.
Arrive Salisbury, N. C. (So. Rwy.), daily. (Junction with Western N. C. division for Asheville and Hot Springs, N. C.; Morristown, Knoxville, and Chattanooga, and at Chattanooga with lines diverging)	8.17 a. m.
Arrive Charlotte, N. C. (So. Rwy.), daily. (Junction lines diverging to Statesville, Mooresville, Columbia, Charleston, Savannah, Jacksonville, Aiken, and Augusta)	9.25 a. m.
Arrive Gastonia, N. C. (So. Rwy.), daily. (Junction with C. & L. N. G. R. R.)	10.10 a. m.
Arrive Blacksburg, S. C. (So. Rwy.), daily. (Junction with Ohio River & Charleston R. R.)	10.49 a. m.
Arrive Spartanburg, S. C. (So. Rwy.), daily. (Junction with Charleston & Western Carolina R. R. and with S. U. & C. and A. & S. branches Southern Railway)	11.37 a. m.
Arrive Greenville, S. C. (So. Rwy.), daily. (Junction with C. & G. east and west, and with Charleston & Western Carolina R. R.)	12.26 p. m.
Arrive Seneca, S. C. (So. Rwy.), daily. (Junction with Blue Ridge R. R.)	1.35 p. m.
Arrive Toccoa, Ga. (So. Rwy.), daily. (Junction for Elberton, Ga.)	2.18 p. m.
Arrive Cornelia, Ga. (So. Rwy.), daily. (Junction with Blue Ridge & Atlantic R. R.)	2.54 p. m.
Arrive Lulu, Ga. (So. Rwy.), daily. (Junction with N. E. R. R. of Georgia for Athens, Ga.)	3.13 p. m.
Arrive Gainesville, Ga. (So. Rwy.), daily	3.31 p. m.
Arrive Atlanta, Ga. (So. Rwy.), daily. (Junction with Ga. R. R., A. & F., Central of Georgia Rwy., for Macon and Albany, W. & A. R. R., A. & W. P., Georgia, Carolina & Northern, and Eastern Tennessee Division for Macon, Jesup, Everett, and Brunswick, Ga.; Chattanooga; Georgia Pacific Division for Anniston, Birmingham, Winona, and Greenville, Miss.)	3.55 p. m.
Arrive Opelika, Ala. (W. of Ala.), daily. (Connection for Central of Georgia Rwy., east and west)	7.25 p. m.
Arrive Montgomery, Ala. (L. & N.), daily. (Connection with Alabama Midland R. R.; Selma Division, Western Railway of Alabama, L. & N., and Central of Georgia Rwy.)	9.20 p. m.
Arrive Pensacola, Fla. (L. & N.), daily	5.30 a. m.
Arrive Mobile, Ala. (L. & N.), daily	3.05 a. m.
Arrive New Orleans, La. (L. & N.), daily	7.40 a. m.
Arrive Houston, Tex. (S. P.), daily	10.30 p. m.
Arrive San Antonio (S. P.), daily	7.25 a. m.
Arrive Galveston, Tex. (G. C. & S. F.), daily	9.05 a. m.
Leave Atlanta, Ga. (So. Rwy.), daily	4.15 p. m.
Arrive Anniston, Ala. (So. Rwy.), daily	7.50 p. m.
Arrive Birmingham, Ala. (So. Rwy.), daily. (Junction with A. G. S. R. R., Louisville & Nashville, and K. C. M. & B. R. R.)	10.19 p. m.
Arrive Memphis, Tenn. (K. C. M. & B.), daily	7.40 a. m.
Arrive Kansas City, Mo. (K. C. M. & B.), daily	7.40 a. m.
Leave Salisbury, N. C. (So. Rwy.), daily	8.55 a. m.
Arrive Asheville, N. C. (So. Rwy.), daily	2.05 p. m.
Arrive Hot Springs, N. C. (So. Rwy.), daily	4.21 p. m.
Arrive Morristown, Tenn. (So. Rwy.), daily	6.05 p. m.
Arrive Knoxville, Tenn. (So. Rwy.), daily	7.25 p. m.
Arrive Chattanooga, Tenn. (So. Rwy.), daily. (Junction with A. G. S.; N., C. & St. L.; C., N. O. & T. P.; W. & A.; C. R. & C., and M. & C. railroads)	11.20 p. m
Arrive Nashville, Tenn. (N., C. & St. L.), daily	6.45 a. m
Leave Charlotte, N. C. (So. Rwy.), daily	9.35 a. m.
Arrive Rock Hill, S. C. (So. Rwy.), daily. (Junction with Ohio River & Charleston R. R.)	10.20 a. m.
Arrive Chester, S. C. (So. Rwy.), daily. (Junction with Georgia, Carolina & Northern R. R., and Chester & Lenoir Narrow Gauge R. R.)	10.55 a. m.
Arrive Columbia, S. C. (So. Rwy.), daily. (Junction with S. C. & G., A. C. L., C. N. & L., and F. C. & P.)	12.50 p. m.
Arrive Trenton (So. Rwy.), daily. (Junction with Carolina & Cumberland Gap R. R., for Aiken)	3.08 p. m.
Arrive Graniteville, S. C. (So. Rwy.), daily. (Junction with South Carolina & Georgia R. R.)	3.38 p. m.
Arrive Augusta, Ga. (So. Rwy.), daily. (Junction with Central of Georgia, S. C. & G., and Ga. C. & W. C.)	4.15 p. m.
Arrive Savannah, Ga. (F. C. & P.), daily	4.25 p. m.
Arrive Brunswick, Ga. (So. Rwy.), daily	7.20 p. m.
Arrive Jacksonville, Fla. (F. C. & P.), daily	9.12 p. m.
Arrive Ocala, Fla. (F. C. & P.), daily	2.30 a. m.
Arrive Tampa, Fla. (F. C. & P.), daily	7.30 a. m.
Arrive Charleston, S. C. (S. C. & G.), daily	8.00 p. m.

SCHEDULE OF THE FLORIDA SHORT LINE LIMITED FROM NEW YORK, PHILADELPHIA, BALTIMORE, AND WASHINGTON TO POINTS NAMED BELOW.

Leave New York (P. R. R.) daily except Sunday	12.10 p. m.
Leave Philadelphia, Pa. (P. R. R.), daily except Sunday	2.36 p. m.
Leave Baltimore, Md. (P. R. R.), daily except Sunday	5.00 p. m.
Leave Washington, D. C. (So. Rwy.), daily except Sunday	6.20 p. m.
Arrive Charlottesville, Va. (So. Rwy.), daily except Sunday. (Junction with C. & O. Rwy. east and west)	9.25 p. m.
Arrive Lynchburg, Va. (So. Rwy.), daily except Sunday. (Junction with C. & O. Rwy. and connection with N. & W. R. R. east and west)	11.05 p. m.
Leave Danville, Va. (So. Rwy.), daily except Monday. (Connection with A. & D. and D. & W. railroads)	1.07 a. m.
Arrive Greensboro, N. C. (So. Rwy.), daily except Monday. (Connection for all points in eastern North Carolina, including Durham, Raleigh, Goldsboro, etc.; also points on C. F. & Y. V. R. R. east and west, and Northwest North Carolina R. R. to Winston-Salem, Elkin, and Wilkesboro, N. C.)	2.33 a. m.
Arrive High Point, N. C. (So. Rwy.), daily except Monday. (Connection with H. P., R. A. & S. R. R. for Ashboro and Randlemen, N. C.)	2.58 a. m.
Arrive Salisbury (So. Rwy.), daily except Monday. (Connection with Western North Carolina division for Asheville and Hot Springs, Knoxville and Chattanooga.)	3.55 a. m.
Arrive Charlotte, N. C. (So. Rwy.), daily except Monday. (Junction with lines diverging to Statesville, Mooresville, Columbia, etc.)	5.05 a. m.
Arrive Chester, S. C. (So. Rwy.), daily except Monday. (Connection with Seaboard Air Line, and junction with Chester and Lenoir narrow-gauge R. R.)	6.26 a. m.
Arrive Columbia, S. C. (So. Rwy.), daily except Monday. (Junction with Atlantic Coast Line, Columbia, Newberry, and Laurens, Florida Central and Peninsula, and South Carolina and Georgia)	8.17 a. m.
Savannah, Ga. (F. C. & P.), daily except Monday	11.22 a. m.
Brunswick, Ga. (S. Rwy.), daily except Monday	2.10 p. m.
Arrive Jacksonville, Fla., (F. C. & P.), daily except Monday	3.30 p. m.
Arrive St. Augustine, Fla. (F. E. C. Rwy.), daily except Monday	4.40 p. m.

FEBRUARY 10, 1897.

TABLE B.—*Distance in miles and time in hours between points named via the Pennsylvania Railroad and Southern Railway and their connections.*

To—	From— New York.		Philadelphia.		Baltimore.		Washington.	
	Miles.	Hours.	Miles.	Hours.	Miles.	Hours.	Miles.	Hours.
Lynchburg, Va	400	11	312	8½	217	6½	174	5
Danville, Va	467	13	377	10½	282	8½	239	7
Greensboro, N. C	515	14½	425	12	330	10	287	8½
Raleigh, N. C	597	19	507	16½	412	14½	369	13
Salisbury, N. C	565	15½	475	13	380	11	377	9½
Charlotte, N. C	608	16½	518	14	423	12	380	10½
Columbia, S. C	718	20	628	17½	533	15½	490	14
Charleston, S. C	848	27	758	24½	663	22½	620	21
Savannah, Ga	860	23	770	20½	675	18½	632	17
Augusta, Ga	799	23½	698	21	614	19	571	17½
Spartanburg, S. C	683	19	590	16½	498	14½	455	13
Greenville, S. C	715	19½	625	17	530	15	487	13½
Atlanta, Ga	876	24	786	21½	691	19½	648	18
Macon, Ga	964	27½	874	25	779	23	736	21½
Albany, Ga	1,071	32½	981	30	886	28	843	26½
Jacksonville, Fla	1,236	28	1,146	25½	1,051	23½	1,008	22
Tampa, Fla	1,353	40	1,254	37½	1,159	35½	1,116	34
Columbus, Ga	1,014	29½	928	27	829	25	786	23½
Montgomery, Ala	1,051	29½	961	27	876	25	833	23½
Mobile, Ala	1,231	35½	1,141	33	1,056	31	1,013	29½
New Orleans, La	1,371	40	1,281	37½	1,187	35½	1,144	34
Houston, Tex	1,733	55	1,643	52½	1,548	50½	1,545	49
San Antonio, Tex	1,942	64	1,852	61½	1,752	59½	1,714	58
Anniston, Ala	979	28	889	25½	794	23½	751	22
Birmingham, Ala	1,044	30	954	27½	859	25½	816	24
Meridian, Miss	1,196	34½	1,106	32	1,011	30	968	28½
Jackson, Miss	1,292	41½	1,202	39	1,107	37	1,064	35½
Vicksburg, Miss	1,396	44	1,246	41½	1,151	39½	1,108	38
Shreveport, La	1,508	52½	1,418	50	1,323	48	1,280	46½
Holly Springs, Miss	1,250	38	1,160	35½	1,055	33½	1,012	32
Memphis, Tenn	1,295	39½	1,205	37	1,110	35	1,067	33½
Little Rock, Ark	1,430	47	1,340	44½	1,245	42½	1,202	41
Columbus, Miss	1,167	41½	1,077	39	982	37	919	35½
West Point, Miss	1,184	42	1,094	39½	999	37½	956	36
Winona, Miss	1,251	44½	1,161	42	1,066	40	1,023	38½
Greenville, Miss	1,335	49½	1,245	47	1,155	45	1,112	45½

Mr. LOUD. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10289, and had come to no resolution thereon.

Mr. LOUD. I move that the House do now adjourn.

The question was put.

The SPEAKER. Before announcing the result, the Chair lays before the House the following personal requests of members.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MCCLEARY of Minnesota, for two days, on account of important business.

To Mr. DOOLITTLE, indefinitely, on account of sickness.

To Mr. CORLISS, for two weeks, on account of important business.

To Mr. MILES, for this day, on account of important business.

To Mr. PARKER, for two days, on account of important business.

To Mr. LEISENRING, indefinitely, on account of sickness.

To Mr. SAUERHERING, indefinitely, on account of important business.

APPOINTMENT OF CONFEREES.

The following conferees were also announced on the bill (S. 205) granting a pension to Mary O. H. Stoneman, the bill (S. 1694) increasing the pension of Maj. Gen. Julius H. Stahel, and the bill (S. 1501) granting an increase of pension to Mrs. Lucy Alexander Payne, widow Capt. J. Scott Payne, Fifth United States Cavalry: Mr. THOMAS, Mr. CROWTHER, and Mr. ERDMAN.

The motion to adjourn was then agreed to; and accordingly (at 5 o'clock and 8 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of an appropriation for the Branch Home for Disabled Volunteer Soldiers at Marion, Ind.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General in relation to an appropriation for the payment of a judgment in favor of Margaret Lalone, rendered in the United States circuit court for the eastern district of Wisconsin—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Acting Chief of Engineers, report of examination and survey of Oak Orchard Harbor, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting a letter from the Acting Chief of Engineers in reference to certain disallowances against Colonels Comstock and Mendell, and requesting certain legislation in regard thereto—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the mouth of the Cumberland River, Kentucky—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Acting Chief of Engineers, report of examination and survey of Forked Deer River, Tennessee—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Acting Chief of Engineers, report of examination and survey of South Haven Harbor, Michigan—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Bayou Grossetete, Louisiana—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SHERMAN, from the Committee on Indian Affairs, to which was referred the joint resolution of the Senate (S. 121) to amend an act granting to the Duluth and Winnipeg Railroad Company a right of way through the Chippewa and White Earth Indian reservations, in the State of Minnesota, reported the same without amendment, accompanied by a report (No. 2893); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MITCHELL, from the Committee on Patents, to which was referred the bill of the House (H. R. 10202) defining the jurisdiction of the United States circuit courts in cases brought for the infringement of letters patent, reported the same without amendment, accompanied by a report (No. 2905); which said bill and report were referred to the House Calendar.

Mr. HARRISON, from the Committee on Pacific Railroads, to which was referred House bill No. 10221, reported in lieu thereof a bill (H. R. 10294) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned, accompanied by a report (No. 2906); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HOOKER, from the Committee on Rivers and Harbors, to which was referred the bill of the Senate (S. 3614) entitled "An act to aid in the improvement of the navigable channel of the South Pass by closing the existing crevasse in Pass a Loutre in the Mississippi River," reported the same with amendment, accompanied by a report (No. 2907); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. TYLER, from the Committee on Military Affairs: The bill (H. R. 10104) for the relief of Marcus Bain. (Report No. 2894.)

By Mr. KERR, from the Committee on Invalid Pensions:

The bill (S. 355) entitled "An act granting a pension to Rhoda A. Van Niman." (Report No. 2895.)

The bill (S. 1269) entitled "An act granting an increase of pension to John S. Hall." (Report No. 2896.)

The bill (S. 2813) entitled "An act granting an increase of pension to Joseph Brown." (Report No. 2897.)

The bill (S. 2883) entitled "An act granting an increase of pension to Isaac Harbaugh." (Report No. 2898.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (S. 3144) entitled "An act granting a pension to Samuel Shaffer." (Report No. 2899.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (H. R. 9941) granting an increase of pension to James Parsloe. (Report No. 2900.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 3311) entitled "An act to increase the pension of Arabella V. Washburn." (Report No. 2901.)

The bill (H. R. 9554) granting a pension to Mary E. Taylor. (Report No. 2902.)

The bill (H. R. 8907) granting a pension to John W. Channing. (Report No. 2903.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 1264) increasing the pension of Henry G. Bigalow. (Report No. 2904.)

By Mr. WANGER, from the Committee on Interstate and Foreign Commerce: The joint resolution (S. R. 100) granting a life-saving medal to Daniel E. Lynn, of Port Huron, Mich. (Report No. 2908.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MADDOX: A bill (H. R. 10293) to provide for the purchase of a site and the erection of a public building thereon at Dalton, in the State of Georgia—to the Committee on Public Buildings and Grounds.

By Mr. CRISP: A bill (H. R. 10295) to provide for the purchase of a site and the erection of a post-office building thereon at Hawkinsville, in the State of Georgia—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10296) to provide for the purchase of a site and the erection of a post-office building thereon at Cordele, in the State of Georgia—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10297) to provide for the purchase of a site and the erection of a post-office building thereon at Fort Valley, in the State of Georgia—to the Committee on Public Buildings and Grounds.

By Mr. GROW: A resolution (House Res. No. 539) asking that Saturday, February 13, 1897, after the reading of the Journal, be set apart for the consideration of House bill No. 3656, known as the homestead bill—to the Committee on Rules.

By Mr. POOLE: A resolution (House Res. No. 540) to set apart Monday, February 15, and Tuesday, February 16, for the consideration of such Senate pension bills as are in order at the Friday night sessions—to the Committee on Rules.

By Mr. FLETCHER: A memorial of the Minnesota legislature, in favor of a national park at Vicksburg, Miss.—to the Committee on Military Affairs.

By Mr. MINOR of Wisconsin: A memorial of the legislature of the State of Wisconsin, in favor of House bill No. 4339, to establish a national military park at Vicksburg—to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ARNOLD of Rhode Island: A bill (H. R. 10298) granting an increase of pension to Bridget Fallon, widow of Richard Fallon, late of Company F, Fifteenth United States Infantry—to the Committee on Pensions.

By Mr. BLUE: A bill (H. R. 10299) for the relief of Joseph C. Ury—to the Committee on War Claims.

By Mr. HILBORN: A bill (H. R. 10300) granting a pension to Leota K. Gutierrez—to the Committee on Pensions.

By Mr. KIEFER: A bill (H. R. 10301) to amend an act entitled "An act to refer the claim of Jessie Benton Fremont to certain lands and improvements thereon in San Francisco, Cal., to the Court of Claims," being chapter 80 of the private acts of the twenty-seventh United States Statutes at Large, approved February 10, 1893—to the Committee on War Claims.

By Mr. PICKLER: A bill (H. R. 10302) granting an increase of pension to Isaac P. Markham—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 10303) granting a pension to Elizabeth A. Scrivener—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petition of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen, Brotherhood of Railway Trainmen, Order of Railway Conductors, and Order of Railway Telegraphers, recommending the passage of House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BAKER of New Hampshire: Memorial of the Concord (N. H.) Division, No. 335, of the Order of Railway Conductors, asking the enactment of House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, memorial of W. L. Mason & Co., manufacturers, of Keene, N. H., remonstrating against the passage of House bill No. 10090, to prevent brokerage in railroad tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. BARNEY: Petition signed by various tanners in the State of Wisconsin, relating to the duty on degras or cod oil—to the Committee on Ways and Means.

By Mr. BINGHAM: Resolution of the Trades League of Philadelphia, Pa., favoring a survey of the canals between Chesapeake Bay and Long Island Sound, with a view to their purchase by the Government—to the Committee on Rivers and Harbors.

By Mr. BREWSTER: Petition of prominent firms and clergymen of Rochester, N. Y., in favor of the passage of House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BULL: Resolutions of the Woman's National Indian Association for 1897, for legislation for the protection of the Indians—to the Committee on Indian Affairs.

By Mr. COOPER of Texas: Petitions of W. S. Jones and others, of Liberty, Tex.; J. Boutrone, E. A. Hayne, and others, of Sabine Pass, Tex.; Mark Wiess, J. D. Polk, and others, of Beaumont, Tex., asking for the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. CLARKE of Alabama: Petition of the Alabama Land and Development Company and others, of Mobile, Ala., favoring the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. CROWLEY: Petition of Dr. J. S. Bruce and other citizens of Eagle Lake, Tex., favoring the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. GAMBLE: Petition of C. A. Beake, of Wessington, S. Dak., favorable to the Loud bill (H. R. 4566)—to the Committee on the Post-Office and Post-Roads.

By Mr. GROUT: Petition of the Woman's Christian Temperance Union of St. Johnsbury, Vt., urging the passage of House bill No. 7441, known as the antigambling bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Mrs. L. A. Ballou, of Chester, Vt., secretary of the Young People's Christian Endeavor Society of the First Baptist Church, favoring the passage of a bill prohibiting the sale of liquors in any Government building (H. R. 7083)—to the Committee on Public Buildings and Grounds.

Also, petition of Mrs. A. A. Wyman, of Cambridgeport, Vt.; Mrs. Mary A. Brackett, of St. Johnsbury, Vt., and 50 citizens of Chelsea, Vt., favoring House bill No. 3203, known as the Broderick bill—to the Committee on the Judiciary.

Also, petition of Mrs. Mary A. Brackett, president of the St. Johnsbury Woman's Christian Temperance Union, favoring the passage of the McMillan bill (S. 2485)—to the Committee on the District of Columbia.

Also, petition of Mrs. J. H. Drew, of St. Johnsbury, Vt., and Mrs. Mary A. Brackett, president of the Woman's Christian Temperance Union of Caledonia County, Vt., praying for the passage of House bill No. 6119, known as the Phillips bill—to the Committee on Labor.

Also, protest of Hollis Thrasher and 26 others against the passage of House bill No. 4566, known as the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HART: Petition of O. L. Fehr, of Northampton, Pa., favoring the Loud bill (H. R. 4566) amending the laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HEATWOLE: Remonstrance of citizens of Cannon Falls, Minn., against House bill No. 4566, known as the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWELL: Petition of Elijah Stevens, of Somerville, N. J., requesting a 60 per cent ad valorem duty on harness in the new tariff schedule—to the Committee on Ways and Means.

Also, petition of W. L. Chadwick and other citizens of Red

Bank, N. J., requesting favorable consideration in the matter of gold, silver, and other metals—to the Committee on Ways and Means.

By Mr. HEPBURN: Sundry petitions of citizens of the State of New York, viz: E. Stevens and 27 others, of Albany; J. H. Gose and 10 others, of Dobbs Ferry; W. Hawks and 6 others, of New York City; Joseph T. Powers and others, of Somers Center; William Sherwood and 6 others, of New York City; Paul Bremer and 10 others, of New York City; J. C. Dixon and 14 others, of Niagara Falls; John Williams and 22 others, of Niagara Falls; Hugo Miller and 10 others, of Schodack Landing; William Shepard and others, of Brewster; George Tripp and others, of Palmyra; J. W. Worden and others, of Coxsackie; J. B. Martin and others, of Niagara Falls; R. C. Shumaker and others, of Chapenville; C. J. Reed and others, of Laona; M. S. Barton, of Fentonville; John Sullivan and others, of Lake Pleasant; J. R. Reynolds and others, of Montrose; A. C. Smith and others, of Buffalo; J. Lawton and others, of Rochester; R. W. Gilbreth and others, of Batavia; L. M. Edwards and others, of Forestport; C. H. Mowers and others, of White Lake; A. R. Williams and others, of Utica; A. V. Smith and others, of Marcellus; W. C. Noxon and others, of Crescent; Peter C. Doyle and others, of Buffalo; Winslow Trott and others, of Niagara Falls; C. C. Howard and others, of New York City; E. B. Avery and others, of Coldwater; E. L. Lewis and others, of Niagara Falls; H. J. Sullivan and others, of Niagara Falls; Z. E. Cole and others, of Canaseraga; W. Bodine and others, of East Clarence; Benjamin Wing and others, of Brighton; Nathan Briggs and others, of Sprakers; William Hanley and others, of Batavia; H. C. Wilson, of Crafts; O. J. Hall and others, of Pittsford; C. W. Brown and others, of West Batavia; W. H. Sanford and others, of Depew; T. J. Walker and others, of Niagara Falls; Frank W. Stevens and others, of Jamestown; W. Flewellin and others, of West Somers; W. J. Sparks and others, of Warren, Pa.; H. E. Miles and others, of Lyons, N. Y.; F. J. Keys and others, of West Rush; J. H. Quackenbush and others, of Fishers; William Randall and others, of Orleans; O. H. Wende and others, of Wende; D. Edwards and others, of Fredonia; H. E. Longstaff and others, of Troy; William Heyer and others, of Kings Bridge; F. Whitcomb and others, of Mount Endicott; John Tempest and others, of Fox Ridge; C. E. Wygant and others, of Tuckahoe; William H. Goodstreet and others of Philmont; James Downing and others, of Ghent; James Quinn and others, of Troy and Albany; Edward Cushing and others, of Fonda; C. C. Gunnison and others, of Mertensia; T. Robinson and others, of Clyde; T. E. Ryan and others, of Aurelius; C. D. Lucas and others, of Remsen; E. E. Fish and others, of Amherst; J. T. Webb, of Batavia; Fred T. Oakes and others, of Oskawana; L. Bluestone and others, of Syracuse; C. S. Jackson and others, of Hoboken, N. J.; P. T. Fitzgerald and others, of Memphis and Warners; Fred Post and others, of New York City; James Eaton and others, of Chauncey; R. L. Cannon and others, of Hillsdale; Charles A. White and others, of Buffalo; M. H. Lowler, of Hinkleyville; Frank Seymore and others, of Owls Head; R. L. Lawrence, of Craryville; R. T. Jewett and others, of Brooklyn, and resolutions of the general passenger and ticket agents in the territory east of Chicago, praying for the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Monthly Meeting of Friends of Smyrna, Iowa, urging the passage of the bill to prohibit the sale of intoxicating liquors in the Government buildings—to the Committee on Public Buildings and Grounds.

Also, petition of the Monthly Meeting of Friends of Smyrna, Iowa, to raise the age of protection for girls in the District of Columbia and the Territories—to the Committee on the Judiciary.

By Mr. HENDERSON: Petition of George J. Williams, of Youngstown, Ohio, urging consideration of House bill No. 8354, to increase the pensions of those having lost an arm or a leg—to the Committee on Rules.

By Mr. HENDRICK: Sundry petitions of the Christian church, the Baptist church, the St. Paul Episcopal Church, the Woman's Christian Temperance Union, and the Young Woman's Christian Temperance Union, all of Hickman, Tenn., favoring the passage of Senate bill No. 2485, to restore the former law of the District of Columbia against Sunday traffic, invalidated by a clerical error—to the Committee on the District of Columbia.

By Mr. HILBORN: Papers to accompany House bill granting a pension to Leota K. Turner Gutierrez—to the Committee on Pensions.

By Mr. HUNTER: Petition of the citizens of Butler County, Ky., asking that a pension be granted to Francis M. Berry—to the Committee on Invalid Pensions.

By Mr. KLEBERG: Petition of Robert Law, of Beeville, Tex., and O. F. Pridgen, of Thomaston, Tex., praying for the passage of the Sherman bill with respect to ticket brokers—to the Committee on Interstate and Foreign Commerce.

Also, petition of D. S. Booth, of Alice, Tex., favoring the passage of House bill No. 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUD: Petitions of the Methodist Episcopal and First Congregational churches, of Redland, Cal.; also of the Methodist Episcopal church, Epworth League, and the Woman's Christian Temperance Union, of North Pasadena, Cal., asking the passage of the bill raising the age of protection for girls to 18 in the District of Columbia and the Territories—to the Committee on the Judiciary.

By Mr. McCLEARY of Minnesota: Petition of W. W. Holmes, of Billingham, Minn., in favor of the Loud bill (H. R. 4566)—to the Committee on the Post-Office and Post-Roads.

By Mr. McLAURIN: Petition of F. H. McMaster, of Charleston, S. C., favoring the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, of the Charleston Chamber of Commerce, praying for an appropriation to complete the United States court-house and post-office at Charleston, S. C.—to the Committee on Public Buildings and Grounds.

By Mr. MURRAY: Memorials of James Thorpe and others, of Williamsburg County, S. C.; R. B. Wallace and others, of Charleston County, S. C., praying the rejection of what purports to be the electoral vote of South Carolina, and for a restoration of the United States constitutional guaranty of a republican form of government in said State—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, petition by M. Drake & Sons and 25 other business men of Charleston, S. C., praying for the defeat of the bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. NOONAN: Petition of D. Alarcon and other citizens of Marfa, Tex., recommending the passage of House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. NORTHWAY: Remonstrance of A. B. Martin and 50 other citizens of Geneva, Ohio, against the passage of the Sherman ticket brokerage bill—to the Committee on Interstate and Foreign Commerce.

By Mr. PAYNE: Petition of C. A. Harvey and M. Howell, of Sterling, N. Y., favoring the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS: Letter of F. H. Helsell, banker, of Sioux Rapids, Iowa, giving his views on required legislation from the standpoint of a country banker—to the Committee on Banking and Currency.

By Mr. RAY: Petition of Commercial Travelers and Business Men of the Twenty-sixth Congressional district of New York and citizens of Tompkins County, N. Y., protesting against the passage of the so-called Sherman antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Dairymen's Association of Delaware County, N. Y., protesting against appropriations for irrigation, free homesteads, etc., in the West—to the Committee on the Public Lands.

By Mr. RUSSELL of Connecticut: Petition of Robert Burnett, to accompany House bill No. 10291, for his relief—to the Committee on Military Affairs.

By Mr. SHERMAN: Sundry petitions of citizens of the State of New York, viz, Avery D. Andrews, police commissioner, New York City, and others; Charles C. Schon and others, and Reuben M. Shutts and others, all of New York City; J. C. Hogeboom and others, of Hudson; F. M. Johnston and others, of Poughkeepsie; Patrick Kerley and others, of Mount Vernon; Frank Wells and others, of Brewster; A. M. Lowrie and others, of White Plains; Charles R. Stephenson and others, of Mount Vernon; H. A. Kinports, of New York City; Bartlett Arkell, E. H. Sturgis, and others, of New York City; N. Best and others, of Millertown; C. W. Bradley and others, of New York City; C. W. Whipple and others, of McConnellsville; T. J. Lewis and others, of Trenton; A. G. Miller and others, of Boonville, and Joseph M. Stover, of East Orange, N. J., favoring the passage of House bill No. 10090, known as the "antiscalping bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. SIMPKINS: Petitions of the Mercury Publishing Company and of the Evening Standard, of New Bedford, Mass., for favorable action on House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SNOVER: Petition of W. H. Carey and other citizens of Badaxe, Mich., favoring the passage of the Sherman bill with respect to ticket brokers—to the Committee on Interstate and Foreign Commerce.

Also, petition of C. T. Murphy, J. A. Wood, and 148 others, of Marine City, Mich., for marine post-office service at Detroit, Mich.—to the Committee on the Post-Office and Post-Roads.

By Mr. SORG: Petition of W. F. Hynes, representative of various labor organizations, viz, Locomotive Engineers, Locomotive Firemen, Railway Trainmen, Railway Conductors, and Telegraphers, recommending the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES W. STONE: Resolution of J. H. Mullen Post, Grand Army of the Republic, of Duke Center, Pa., in favor of service-pension bill (H. R. 9209)—to the Committee on Invalid Pensions.

By Mr. UPDEGRAFF: Petition of Mattie Lyons Fay, of Rockford, Iowa, in favor of the bill raising the age of consent and the bill prohibiting interstate gambling—to the Committee on Interstate and Foreign Commerce.

By Mr. WADSWORTH: Petition of citizens of Genesee and Niagara counties, N. Y., favoring the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. WANGER: Resolution of General Robert L. Bodine Post, No. 306, Grand Army of the Republic, of Doylestown, Pa., urging the passage of House bill No. 9209, for service pension—to the Committee on Invalid Pensions.

By Mr. WATSON of Ohio: Memorial of J. H. Culbertson and others, of Columbus, Ohio, praying for the passage of Senate bill No. 3589 and House bill No. 10108, regulating fraternal beneficiary societies, orders, and associations—to the Committee on the District of Columbia.

SENATE.

FRIDAY, *February 12, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. CHANDLER, and by unanimous consent, the further reading was dispensed with.

CREDENTIALS.

The PRESIDENT pro tempore presented the credentials of John C. Spooner, chosen by the legislature of Wisconsin a Senator from that State for the term beginning March 4, 1897; which were read, and ordered to be filed.

PROPOSED SITE FOR HALL OF RECORDS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in relation to the matter of site for the proposed hall of records, certain inclosures in reference to the site at the intersection of Ohio and Louisiana avenues and Tenth street, in the city of Washington, and also transmitting, without recommendation, certain drawings and a proposal submitted to the Department by Mr. R. H. Hood, in which he offers to sell to the Government as a hall of records the circular "Panorama Building" at the intersection of Ohio avenue and Fifteenth and C streets NW.; which, on motion of Mr. MORRILL, was, with the accompanying papers, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SAN CARLOS INDIAN RESERVATION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs, recommending that a part of the San Carlos Indian Reservation in Arizona be separated and created an independent reservation, to be known as the Fort Apache Indian Reservation, and put in charge of a separate agent, and recommending that an item proposed by the Commissioner be inserted in the Indian appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, requested the Senate to return to the House the following bills:

A bill (H. R. 2321) to increase the pension of John J. Cross; and

A bill (H. R. 6803) granting a pension to Ellen Day, stepmother of Albert L. Day.

The message also requested the Senate to furnish the House a duplicate engrossed copy of the joint resolution (S. R. 191) relative to the improvement of the waterway between Birmingham, Ala., and the Black Warrior River, the same having been lost or misplaced.

The message further announced that the House insisted upon its amendment to the bill (S. 205) granting a pension to Mary O. H. Stoneman, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. THOMAS, Mr. CROWTHER, and Mr. ERDMAN managers at the conference on the part of the House.

The message also announced that the House insisted upon its amendment to the bill (S. 1694) to increase the pension of Maj. Gen. Julius H. Stahel, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. THOMAS, Mr. CROWTHER, and Mr. ERDMAN managers at the conference on the part of the House.

The message further announced that the House insisted upon its amendment to the bill (S. 1501) granting an increase of pension to Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. THOMAS, Mr. CROWTHER, and Mr. ERDMAN managers at the conference on the part of the House.

The message also announced that the House had passed the bill (S. 1862) to amend the act creating the circuit court of appeals in regard to fees and costs, and for other purposes, with amendments in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 10271) authorizing the funding of indebtedness in the Territories of the United States; and

A bill (H. R. 10288) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following bills and joint resolution; and they were thereupon signed by the President pro tempore.

A bill (S. 1296) to commission passed assistant surgeons in the United States Navy, and to provide for their examination preliminary to their promotion to the grade of surgeon;

A bill (S. 3333) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," passed finally June 3, 1896;

A bill (H. R. 9345) to enable certain persons in the State of Mississippi to procure title to public lands; and

A joint resolution (S. R. 148) for the relief of farmers and truckmen in the city of Washington, D. C.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial of 85 citizens of Vinalhaven, Me., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Alice May Douglas, State superintendent of the department of peace and arbitration of the Woman's Christian Temperance Union of Maine, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of the Maritime Association of the port of New York, praying for the passage of House bill No. 6399, to amend the laws relating to American seamen; which was ordered to lie on the table.

He also presented a petition of the Maritime Association of the port of New York, praying for the adoption of certain amendments to House bill No. 2663, to amend the laws relating to navigation; which was ordered to lie on the table.

He also presented a petition of members of the New York State Bar Association, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. SHERMAN presented the petition of W. & W. F. Senn, publishers of the Demokrat, of Sandusky, Ohio, praying for the passage of House bill No. 4506, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the National Association of Manufacturers, of Cincinnati, Ohio, praying for the enactment of legislation authorizing distillers to bottle distilled spirits in bond; which was ordered to lie on the table.

He also presented petitions of members of the Grace Methodist Episcopal Church, of Bethany, Ohio; of the Christian Endeavor Society of Oak Hill, Ohio, and a petition of the State superintendent of the department of peace and arbitration of the Woman's Christian Temperance Union of Maine, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented sundry petitions of citizens of Ohio, praying for the passage of the antirailroad ticket scalping bill; which were referred to the Committee on Interstate Commerce.

Mr. HOAR presented a petition of sundry citizens of Massachusetts, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HALE presented a petition of the Woman's Christian Temperance Union of Maine, and a petition of members of the Central Congregational Church, of Bangor, Me., praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

Mr. CULLOM presented a petition of the Woman's Christian Temperance Union of Jacksonville, Ill., praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of Atlee Hart, editor of the North Nebraska Eagle, of Dakota City, Nebr., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented the petition of S. R. Leiter, George Hunt, and sundry other citizens of Chicago, Ill., praying that Emma M. Elliott, widow of David B. Elliott, deceased, late captain in Company D, Seventy-ninth Illinois Volunteers, be granted a pension; which was referred to the Committee on Pensions.

He also presented the memorial of Blosser & Ross, editors of the Pioneer Daily of Macoupin County, of Carlinville, Ill., and the memorial of E. L. Tobie and sundry other citizens of Keithsburg, Ill., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the members of the Reformed Presbyterian Church (Old Style), of Sparta, Ill., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of sundry cigar manufacturers of Canton, Ill., praying that a specific duty of 50 cents a pound be placed upon imported unstemmed leaf tobacco; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Chicago, Ill., praying for the adoption of an amendment to the tea act prohibiting the importation of impure teas; which was referred to the Committee on Finance.

He also presented a petition of the faculty of Monmouth County College, Monmouth, Ill., and a petition of sundry citizens of Clinton and Monmouth, Ill., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented petitions of members of the Church of God, of Butler, Pa., of members of the Methodist Episcopal Church, the United Presbyterian Church, and the Lutheran Church of Butler, Pa., praying for the enactment of legislation prohibiting the transportation of obscene matter from State to State; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Jacksonville, Ill., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

He also presented petitions of George E. Loring and sundry other citizens of New York; of W. M. Haigh and J. B. Thomas, of Chicago, Ill.; of J. H. Napier and sundry other citizens of New York; of A. N. Hitchcock and sundry other citizens of Chicago, Ill.; of A. M. Collins and Leslie Collins, of Shelbyville, Ill.; of John M. Farrington and sundry other citizens of Kitchawan, N. Y.; of C. H. Rogers and sundry other citizens of Harrisville, N. Y., and of W. Cummings and sundry other citizens of Staatsburg, N. Y., praying for the passage of Senate bill No. 3545, prohibiting the sale of railroad tickets by unauthorized persons; which were referred to the Committee on Interstate Commerce.

Mr. CAFFERY presented sundry petitions of citizens of New Orleans and Baton Rouge, in the State of Louisiana, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

Mr. VEST presented a memorial of sundry citizens of Kansas City, Mo., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Foreign Missionary Society of the Methodist Episcopal Church, of Lancaster, Mo., praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

Mr. MURPHY presented the petitions of Edward Freeman and 17 other citizens; of George S. Prince and 16 other citizens; of H. F. Whitaker and 19 other citizens; of H. F. Roesser and 15 other citizens; of W. Telsohon and 10 other citizens; of Edward Lent and 17 other citizens; of Warren F. Leland and 15 other citizens; of George C. Boldt and 15 other citizens, and of George D. Beck and 15 other citizens, all of New York City, N. Y., praying for the passage of Senate bill No. 3545, prohibiting the sale of railroad tickets by unauthorized persons; which were referred to the Committee on Interstate Commerce.

Mr. DANIEL presented petitions of the Tide Water Christian Endeavor Association, of Norfolk, Va.; of the Board of Trade of Philadelphia, Pa., and of representatives of the Religious Society of Friends of Pennsylvania, New Jersey, and Delaware, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented petitions of the board of directors of the Norfolk and Portsmouth Cotton Exchange; of Ross J. Leary, publisher of the Blackwater Courier, of Franklin; of R. P. Rothwell, president of the Scientific Publishing Company, the Engineering and Mining Journal, and the Mineral Industry, and of the Floyd Times Company, of Floyd, all in the State of Virginia, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Woodstock, Va., and the memorial of G. W. Ross, T. M. Broadus, and sundry other citizens of Gordonsville, Va., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Thomas Davis Club of New York City, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of sundry American citizens, officers of Polish-American organizations and representatives of the Polish-American press of the United States of America, praying that the immigration bill be amended so that it will not exclude the Poles from admission to the United States; which was referred to the Committee on Immigration.

Mr. MITCHELL of Wisconsin. I present a statement prepared by Hon. William T. Harris, Commissioner of Education, on the subject of free kindergartens, to accompany an amendment to House bill No. 10167, to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes. It is a very interesting paper, and I move that it be printed as a document and referred to the Committee on Appropriations.

The motion was agreed to.

Mr. SMITH presented the petition of George W. Day, publisher of the Weekly Call, of Dunellen, N. J., and the petition of Robert J. Killgore, publisher of the Hunterdon County Democrat, of Flemington, N. J., praying for the passage of House bill (H. R. 4566) to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Burlington County, N. J., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

Mr. VOORHEES presented a petition of the Indianapolis Trade Journal, of Indianapolis, Ind., praying for the passage of the so-called Loud bill, relating to second-class mail matter, with amendments; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorials of William Mitchell, publisher of the Hancock Democrat, of Greenfield; of Charles L. Ewin, publisher of the Pennville Gazette, of Pennville; of C. E. Lockhart, publisher of the Albany Journal, of Albany; of Edward Welty, publisher of the Daily and Weekly Videtto, of Valparaiso; of G. W. Klare, publisher of the Daily and Weekly Tribune, of Wabash; of N. H. Motsenger, publisher of the Referendum, of Shoals; of the Western Farmer Publishing Company, of Lafayette; of J. P. Stech, publisher of the Press, of Milroy; of Edward C. Schnetz, publisher of the Carbon Chronicle, of Carbon; of Charles Scott, publisher of the Waveland Independent, of Waveland; of John R. Simpson, publisher the Paoli News, of Paoli; of J. C. Colby, publisher of the Herald, of Kewanna; of the Reporter Publishing Company, publishers of the Daily Reporter, of Indianapolis; of the Laporte Printing Company, publishers of the Daily and Weekly Herald, of Laporte; of Wilson Myers, publisher of the Elnora Tribune, of Elnora; of E. K. Burkett, publisher of the Echo, of Darlington, and of J. E. Naden, publisher of the American, of Rushville, all in the State of Indiana, remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the American Trade Press Association, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. VOORHEES. I present the petition of Charles Abert, praying for the purchase by Congress of an original bust of Benjamin Franklin, by Cerrachi. I move that the petition and accompanying papers be referred to the Committee on the Library.

The motion was agreed to.

Mr. MILLS presented a memorial of sundry citizens of El Paso, Tex., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of W. T. Youngman, publisher of the Populist Herald, of Myrtle Springs; of A. W. Crockett, publisher of the Graphic, of Granbury; of Tom B. Lusk, publisher of the Herald, of Italy; of George P. Barber, of Seymour; of Myron Williams, publisher of the Texas Panhandle, of Miami, and of Robert Penniger, publisher of the Fredericksburger Wochenblatt, of Fredericksburg, all in the State of Texas, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLEN presented the petition of Henry Koehler, of Nebraska, praying for the passage of House bill (H. R. 4566) relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry papers to accompany the bill (S. 3682) granting an increase of pension to Alexander Boltin; which were referred to the Committee on Pensions.

He also presented sundry papers to accompany an amendment heretofore submitted by him intended to be proposed to the sundry civil appropriation bill; which were referred to the Committee on Military Affairs.

Mr. NELSON presented a petition of the Board of Trade of Mankato, Minn., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the legislature of Minnesota, praying for the establishment of postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BAKER presented a memorial of sundry citizens of Clyde, Kans., and the memorial of T. G. Ellbury, publisher of the Turon Press, of Turon, Kans., remonstrating against the passage of House bill No. 4566, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of W. D. Wilkinson, publisher of the Advocate, of Elwood, Kans., praying for the passage of House bill No. 4566, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MANTLE presented the petitions of W. C. Kester, publisher of the Opinion, of Chinook, Mont., and a petition of the Standard Publishing Company, publishers of the Anaconda Standard, of Anaconda, Mont., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE presented petitions of Kelton B. Miller, publisher of the Eagle, of Pittsfield; of the Mercury Publishing Company, publishers of the Daily Mercury, of New Bedford; and of Edmund Anthony, jr., president of the E. Anthony & Sons Company, Incorporated, publishers of the Evening Standard, of New Bedford, all in the State of Massachusetts, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. McBRIDE presented the petition of D. M. C. Gault, publisher of the Hillsboro Independent, of Oregon, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of members of the Baptist Church, of Newberg, Oreg., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of Cottage Grove, Oreg., remonstrating against the passage of House bill No. 4566, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of members of the Baptist Church, of Newberg, Oreg., praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented petitions of 22 churches and societies of Lebanon, Albany, and Halsey, and of members of the Baptist Church, of Newberg, all in the State of Oregon, praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which were referred to the Committee on the District of Columbia.

He also presented a petition of 22 churches and societies of Albany, Lebanon, and Halsey, all in the State of Oregon, praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented petitions of 22 churches and societies of Lebanon, Albany, and Halsey, all in the State of Oregon, praying for the enactment of legislation to protect the State antigambling laws from nullification by interstate gambling by telegraph; which were referred to the Committee on Interstate Commerce.

He also presented a petition of 19 churches and societies of Lebanon and Albany, in the State of Oregon, praying for the appointment of a nonpartisan industrial commission; which was ordered to lie on the table.

Mr. GEAR presented a petition of members of the Congregational Church, of Corning, Iowa, praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Congregational Church, of Corning, and a petition of the Smyrna Monthly Meeting of Friends, held in Clark County, all of the State of Iowa, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Young People's Society of Christian Endeavor of Pleasant Prairie, Iowa, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the Hartley Herald, of Hartley, Iowa, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. TURPIE presented a memorial of the Fort Wayne Electric Corporation, of Fort Wayne, Ind., and the memorial of Arthur C. Fraser & Co., Temple Court, New York, remonstrating against the passage of House bill No. 3014, to amend the patent laws; which were referred to the Committee on Patents.

He also presented the memorial of Theo. Rickrich, publisher of the Chronicle, of Lynnville; a memorial of sundry citizens of Indianapolis, in the State of Indiana, and a memorial of the Printers' Ink publication, of New York, remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of members of the New York State Bar Association, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

Mr. BACON presented a petition of the pastors of the Methodist Episcopal Church, the African Methodist Episcopal Church, and the Baptist Church, and of the Woman's Christian Temperance Union, of South Atlanta, Ga., praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. BRICE presented the memorial of Stewart Shillito, of Cincinnati, Ohio, remonstrating against the passage of the so-called Bailey-George bankruptcy bill; which was ordered to lie on the table.

He also presented the petition of James Leffel & Co., of Springfield, Ohio, and the petition of Louis Stix & Co., of Cincinnati, Ohio, praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented a petition of the Central Labor Council, of Cincinnati, Ohio, praying for the adoption of certain amendments to House bill No. 2663, relating to the laws of navigation; which was ordered to lie on the table.

He also presented a memorial of the Freeman Perfume Company, of Cincinnati, Ohio, remonstrating against the enactment of legislation prohibiting the sale of railroad tickets by unauthorized persons; which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Franklin, Ohio, praying for the enactment of legislation prohibiting the sale of railroad tickets by unauthorized persons; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Portsmouth, Ohio, praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; to protect the first day of the week as a day of rest in the District of Columbia; to prohibit interstate gambling by telegraph, telephone, or otherwise, and to prohibit the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented petitions of W. H. Lovekin, of Toledo, Ohio, of sundry citizens of Toledo, Ohio, and of the Young People's Christian Union of the United Brethren Church, of Union City, Ohio, praying for the enactment of legislation to prohibit the sale

of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented the memorial of M. J. Barry and 30 other citizens of Columbus, Ohio, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table,

He also presented petitions of the Woman's Christian Temperance Union of Conneaut; of Louis N. Allen, of Cleveland; of the Woman's Christian Temperance Union of Warren County, and of the ministers of the Methodist Episcopal Church of Cleveland, all in the State of Ohio, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented memorials of 113 citizens of Ashtabula; of 28 citizens of Sharonville; of the Reform Club of Youngstown; of 22 citizens of Bellefontaine, and of 25 citizens of Berea, all in the State of Ohio, remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of the faculty of Oberlin College, Oberlin; of Mrs. Antonette H. Clevenger, vice-president at large of the Ohio Woman's Christian Temperance Union, of Wilmington; of the People's Savings, Loan and Building Company, of Toledo; of the National Milling Company, of Toledo; of the Reflector Publishing Company, of Payne; of E. S. Arnold, publisher of the Dunkirk Standard, of Dunkirk; of the Spring Lane Distillery Company, of Portsmouth; of Mrs. A. W. Clark, corresponding secretary of the Ohio Woman's Christian Temperance Union, of Columbus; of George Goshine, publisher of the Press, of Oak Harbor; of the M. I. Wilcox Company, of the Bissell, Dodge & Erner Company, of the Toledo Traction Company, of Southworth & Co., and S. W. Flower & Co., of Toledo, and of the Ministerial Association of Xenia, all in the State of Ohio, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union of Dover, N. H., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. NELSON, from the Committee on Improvement of the Mississippi River and its Tributaries, to whom was referred the petition of the Engineers' Club of Minneapolis, Minn., praying for an amendment to the bill providing for exhaustive surveys of the several passes and their delta, from the upper limits of Cubitts Gap to the Gulf of Mexico, asked to be discharged from its further consideration, and that it be referred to the Committee on Commerce; which was agreed to.

Mr. McMILLAN, from the Committee on the District of Columbia, reported an amendment intended to be proposed to the District appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 6th instant intended to be proposed to the District appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 114) for the relief of Anna W. Osborne, reported it without amendment, and submitted a report thereon.

Mr. PETTIGREW, from the Committee on Appropriations, to whom was referred the bill (H. R. 10002) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes, reported it with amendments, and submitted a report thereon.

THE DAILY CONGRESSIONAL RECORD.

Mr. HALE. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. Res. 237) to furnish the daily CONGRESSIONAL RECORD to members of the press, etc., to report it favorably without amendment, and I ask that it be put on its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WATERWAYS FROM THE GREAT LAKES.

Mr. HALE, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. VILAS on the 6th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed in addition to the usual number 5,000 copies of the message of the President of January 18, 1897, and of the report of the Commissioners appointed under the act of March 2, 1895, to inquire into deep waterways between the Great Lakes and the Atlantic Ocean accompanying the same, of which 2,000 shall be for the use of the Senate, 2,500 for the use of the House, and 500 for the use of the Commissioners.

EXPENSES OF INAUGURAL CEREMONIES.

Mr. SHERMAN. I am directed by the Select Committee on Inaugural Ceremonies to report a joint resolution and to ask for its immediate consideration.

The joint resolution (S. R. 201) to enable the Secretary of the Senate to pay the expenses of the inaugural ceremonies, was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives, etc., That to enable the Secretary of the Senate to pay the necessary expenses of the inaugural ceremonies of the President and Vice-President of the United States, March 4, 1897, in accordance with the programme adopted by the committee of arrangements appointed under resolution of the Senate of the 10th day of December, 1896, including the pay for extra police for three days, at $3 per day, there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, $5,000, or so much thereof as may be necessary, the same to be immediately available.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF NORTH CAPITOL STREET.

Mr. McMILLAN. I ask unanimous consent to call up the bill (H. R. 6713) to extend North Capitol street northward through the property of the Prospect Hill Cemetery, to pay for land to be taken for such purpose, and for other purposes. The bill was passed over the other day upon the request of the Senator from Missouri [Mr. COCKRELL]. It is a short bill, and will take but a moment.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. PEFFER. I will object just long enough to suggest to the Committee on the District of Columbia that I think it is time, when they are proposing to open North Capitol street, that they apply a part of the proceeds to the street immediately between the Capitol Grounds and the Baltimore and Ohio Railway tracks and the crossing there.

Mr. McMILLAN. We have that matter under consideration.

Mr. PEFFER. I am very glad to hear it.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. HALE. What is the request?

The PRESIDENT pro tempore. The request is for the present consideration of the bill called up by the Senator from Michigan.

Mr. HALE. After that I shall ask for the regular order.

Mr. McMILLAN. This bill was passed over the other day.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADDITIONAL JUDGE IN THE INDIAN TERRITORY.

Mr. HOAR. A bill was read yesterday at this point in the routine business, it was reported, and consent was given for its consideration then. It is the bill (S. 3513) to authorize the appointment of an additional judge of the United States court in the Indian Territory, and for other purposes. The Senator from Connecticut [Mr. PLATT] moved an amendment providing for two judges, and that led to some discussion. I am authorized to withdraw that amendment by the Senator from Connecticut, and to withdraw any objection to the bill on his part. I trust the bill may be passed. It does not require to be read again. I ask unanimous consent that the bill may be taken up and put on its passage.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. BRICE introduced a bill (S. 3684) to pension Catharine C. Goodrich according to the military rank of her husband; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CAFFERY introduced a bill (S. 3685) granting a pension to Jane M. Anderson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLEN introduced a bill (S. 3686) granting an increase of pension to Hiram T. Coffman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FRYE (by request) introduced a joint resolution (S. R. 202) providing for the participation of the cadets of the Naval and Military academies in the inaugural parade; which was read

twice by its title, and referred to the Committee on Military Affairs.

THE CLAYTON-BULWER TREATY.

Mr. MORGAN introduced a joint resolution (S. R. 203) declaring the Clayton-Bulwer treaty abrogated; which was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives, etc., That the treaty known as the Clayton-Bulwer treaty between Great Britain and the United States, which was concluded on the 19th day of April, 1850, is hereby declared to be abrogated.

Mr. MORGAN. I ask that the resolution may be printed and go over until to-morrow.

The PRESIDENT pro tempore. It will be so ordered.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SEWELL submitted three amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. ROACH submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

IMPRISONMENT OF SYLVESTER SCOVEL.

Mr. HILL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Whereas Sylvester Scovel, a native of the State of Ohio, and a citizen of the United States, has been arrested and is now held prisoner by the Spanish military authorities in Cuba upon no specific accusation of crime; and

Whereas the said Scovel is imprisoned in a disturbed part of the Island of Cuba, namely, in Santa Clara Province; and

Whereas it is creditably reported that the said Scovel is in imminent danger of death through disease or by possible violence at the hands of lawless persons, notwithstanding the best efforts that local Spanish authorities may make to prevent such event; and

Whereas it is represented that the Spanish authorities in Cuba, after consenting, now decline to bring said Scovel to Habana, where his rights may be protected by the consul-general of the United States: Now, therefore,

Be it resolved by the Senate of the United States, That the Secretary of State be, and he is hereby, requested to use his good offices with the Spanish Government in said Scovel's behalf, and strongly to represent to the Spanish authorities in Cuba the imperative necessity of removing him from his present perilous place of confinement to Habana, and to insist that he shall have all the rights and privileges secured to American citizens by treaty between Spain and the United States.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 11th instant approved and signed the following acts:

An act (S. 2746) to remove the political disabilities of Col. John Taylor Wood; and

An act (S. 3551) to authorize the entry and patenting of lands containing petroleum and other mineral oils under the placer-mining laws of the United States.

HOUSE BILLS REFERRED.

The bill (H. R. 10271) authorizing the funding of indebtedness in the Territories of the United States was read twice by its title, and referred to the Committee on Territories.

The bill (H. R. 10288) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

PERRINE LAND-GRANT INVESTIGATION.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution which comes over from yesterday. The resolution will be stated.

The SECRETARY. A resolution (by Mr. PETTIGREW) authorizing the Committee on Public Lands to investigate the issue of patents for the lands embraced in what is known as the Perrine land grant, in the State of Florida.

Mr. PETTIGREW. I ask for the adoption of the resolution.

The PRESIDENT pro tempore. The Chair would be inclined to think that the resolution ought to go to the Committee on Contingent Expenses. While it does not directly involve an expenditure, it certainly does indirectly.

Mr. PETTIGREW. I ask unanimous consent for the adoption of the resolution.

Mr. GALLINGER. I should like to hear the resolution read.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution submitted yesterday by Mr. PETTIGREW, as follows:

Resolved, That the Committee on Public Lands, by the full committee or by a subcommittee to be appointed by the chairman, be authorized to investigate the issue of patents for the lands embraced in what is known as the Perrine grant, in the State of Florida, with power to send for persons and papers and to administer oaths.

Mr. GALLINGER. I make the point of order that the resolution manifestly carries an appropriation, and that it must go to the Committee on Contingent Expenses.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. PETTIGREW. I ask unanimous consent that the resolution may lie on the table, as I wish to submit some remarks with regard to it in the morning.

Mr. GALLINGER. I have no objection to that course.

The PRESIDENT pro tempore. Without objection, the resolution will lie on the table.

ESTATES OF INSANE PERSONS.

Mr. FAULKNER. From the Committee on the District of Columbia I report back favorably without amendment the bill (H. R. 8672) conferring jurisdiction upon the supreme court of the District of Columbia or any court in said District having general equity jurisdiction to decree a sale of real estate in said District belonging to insane persons for purpose of reinvestment, and for other purposes. I am instructed by the committee to ask unanimous consent for the consideration of the bill. It is a bill in accordance with all the laws of the different States on the same subject, and is admirably drawn. It has passed the House, and it is a matter of pressing necessity that this jurisdiction should now be vested in the court of equity in this District.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SHERMAN. I rose to move that the Senate proceed to the consideration of executive business, but if there is any further morning business to be transacted I will yield to it, of course.

RECALL OF A BILL FROM THE PRESIDENT.

Mr. PETTIGREW. I wish to call up a matter which is on the table. It is the bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes," which has been returned by the President to the Senate, where it originated.

The PRESIDENT pro tempore. The Senator from South Dakota calls up the bill indicated by him. The Chair lays before the Senate a message from the President of the United States, which will be read.

The Secretary read as follows:

To the Senate of the United States:

In compliance with a resolution of the Senate of the 9th instant (the House of Representatives concurring), I return herewith Senate bill No. 3328, entitled "An act to amend an act entitled 'An act to repeal the timber-culture laws, and for other purposes.'"

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 10, 1897.*

Mr. PETTIGREW. I ask unanimous consent that the Senate reconsider its action agreeing to the House amendments to the bill.

The PRESIDENT pro tempore. The amendments will be stated.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *February 1, 1897.*

Resolved, That the bill from the Senate (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes," do pass, with the following amendments:

On page 2, line 19, after the word "apply," insert the word "only."

On page 2, line 21, after the word "in," insert the words "North Dakota."

On page 2, line 21, after the words "South Dakota," insert the words "and Nebraska."

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent that the votes by which these amendments were agreed to shall be reconsidered. Is there objection?

Mr. HILL. I do not now raise any objection to this matter, but before it is disposed of I suppose the Senator from South Dakota is going frankly to tell the Senate precisely what question is involved in this proceeding. I will give way to allow him to do that first, and then I desire to make a reply.

Mr. PETTIGREW. Mr. President, that is proper. I will say that I desire the Senate to disagree to the amendments of the House of Representatives and ask for a conference upon the amendments made by the House. The House inserted the word "only," which seems to repeal the law now on the statute books allowing people who have made homestead entries outside of the reservations especially designated in the bill to commute after fourteen months' residence. I had the bill recalled for the purpose of securing a conference with the House so as to disagree to the insertion of the word "only," which seems to defeat the object of the proposed law.

Mr. HILL. Mr. President, I regard the question involved in this proceeding as a very important one. In brief, it involves the question of the right of Congress to recall a bill from the President after it once has been passed by Congress and sent to him for his approval or disapproval in order to amend the same in a matter of substance in which no engrossment or enrollment error is involved. That is the question now presented.

I have no objection to this bill. It is to the principle which is herein invoked that I object. I think the question should be

examined. In regard to this matter, I will offer the following resolution, which I will read myself, because I wrote it myself:

Resolved, That the pending bill be referred to the Judiciary Committee, with instructions to examine and report whether, under the Constitution, Congress has the power to recall a bill from the President for amendment, after the same shall have duly passed Congress, and been received by the President for his action thereon, and in regard to which bill no engrossment or enrollment error is alleged.

The PRESIDENT pro tempore. The Senator from New York offers the resolution which has been read by himself.

Mr. HILL. The Constitution requires——

Mr. PETTIGREW. I should like to hear the resolution read. I could not hear the Senator from New York.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution.

Mr. PETTIGREW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from South Dakota?

Mr. HILL. Certainly.

Mr. PETTIGREW. I am perfectly willing that the resolution should pass and the bill should go to the Committee on the Judiciary for the purpose of investigating this question.

Mr. ALLISON. Why delay the bill, if that is an important question? We have frequently recalled bills from the President without stating the reason why. It may be that it is a bad precedent, but this particular bill——

Mr. SHERMAN. There is no objection to the bill at all.

Mr. ALLISON. I think it is proper for the Judiciary Committee to make a report upon this subject, or the Committee on Rules, or some other committee of this body; but I do not see why the bill should necessarily be delayed if it is a proper bill to pass.

Mr. HILL. It is executing a prisoner and then looking up the law afterwards. It might prove to be right, of course; but to act upon the bill and then look up the question whether you have a right to recall it is not the way.

As I said, I have no objection to this particular bill. Probably it is a good bill and ought to pass. But I have examined the question a little, and I find that bills have been recalled from the President, and then, in order to evade the Constitution, resolutions have been passed requiring the Committee on Enrolled Bills or the Committee on Engrossed Bills to report it with an error corrected, thereby implying that the error was in the engrossment or enrollment. That farce has been gone through with on several occasions. I concede the right of Congress to recall a bill from the President to correct such an error, for the reason that the bill which Congress passed has not absolutely and accurately been sent to the President. The wrong bill is there.

Mr. HOAR. It is to correct the record.

Mr. HILL. To correct the record, of course. That was done in the First Congress of the United States, or at least during the first four years of President Washington's Administration. A committee of three was appointed to wait upon the President and inform him of the error and ask him to return the bill, which the committee brought back to Congress. That is a different question. It is an inherent right which Congress must possess to correct a bill, so as to make the bill in the hands of the President the precise counterpart of and perfectly accurate with the bill that has been passed. But I do not think we have the power to recall a bill from the President which has once been sent to him, for the purpose of making an amendment. It has not been done in Congress, except when the bill has been recalled to go through the farce of referring it to the Committee on Engrossed Bills, and then that committee pretending—that is the effect of it in plain words—that there was an error in the engrossing or enrolling of it.

Mr. CAFFERY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Louisiana?

Mr. HILL. Certainly.

Mr. CAFFERY. I desire to ask the Senator from New York whether the amendment in question involves a matter of substance or is the mere correction of a clerical error?

Mr. HILL. It involves matter of substance. It is not pretended that it does not.

Mr. CAFFERY. I think the bill ought to be referred to the Committee on the Judiciary.

Mr. HILL. Every bill——

Mr. SHERMAN. I think it my duty to object to the further consideration of the resolution. If the Senator wants to have it passed, it must pass nem. con. If he does not, I would rather hear him to-morrow.

Mr. HILL. The matter is properly before the Senate.

Mr. SHERMAN. It is subject to objection. A single objection carries it over.

Mr. HILL. I was simply answering the objection of the Senator from Iowa, that he thought the pending bill ought not to be delayed; that it should be passed and the question looked at afterwards.

Mr. ALLISON. I withdraw the suggestion if the Senator from Louisiana prefers that it should go to the committee.

Mr. HILL. The matter should be acted upon promptly by the Committee on the Judiciary.

Mr. PETTIGREW. I am afraid that the proposed action will result in the defeat of the bill. It seems to me the committee will do its duty by investigating this matter and let me have the bill passed. The precedents are clear.

In the matter of the bill for a public building at Cedar Rapids, Iowa, which was exactly similar to this case, the bill was recalled by the Senate; the Senate reconsidered its action in agreeing to the House amendments, disagreed to them, appointed a conference committee; and it will take but a moment to read the conference report. They did there exactly what I want to have done, and it covers every question in this case.

Mr. HILL. Of course I do not object to the Senator from South Dakota discussing the question, but he is discussing it on his side, and I desire to reply to him. That is all.

Mr. PETTIGREW. The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 903) for the erection of a public building at Cedar Rapids, Iowa, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the first amendment of the House, and agree to the same with an amendment, to wit: Strike out of the part proposed to be inserted the words "and fifty;" and the House agree to the same.

That the Senate recede from its disagreement to the second amendment of the House, and agree to the same with an amendment as follows: After the word "sum," in line 24, page 1 of the bill, insert the words "when appropriated;" and the House agree to the same.

That bill had gone through exactly the stages followed by the bill now under consideration. It had been sent to the conference committee; the conference committee reduced the amount appropriated from $150,000 to $100,000, and added the words "when appropriated." Then the conference report was agreed to. The bill again went to the President and was signed by him. So that this case is absolutely, in every particular, the same as the one then under consideration. It seems to me that under the circumstances the Senator from New York ought to be willing to have the resolution go to the Committee on the Judiciary and to let the bill be passed.

Mr. VILAS. I should like to suggest to the Senator from New York that it seems to me, under the rules, the objection made by the Senator from Ohio to his resolution is not well taken. The resolution is only in another form a motion to commit the pending bill to the Committee on the Judiciary with instructions, a motion which could be made orally; it need not necessarily be in writing, and it is directly applicable to the pending measure. I suggest that, since everybody has agreed to it pretty nearly, it would be well to send the bill to the Committee on the Judiciary, as the Senator from New York moves.

Mr. HILL. I desire to say just one word further. The difficulty with the situation is that if this sort of proceeding is to be sanctioned, when a bill is recalled from the President by a majority vote of the two Houses and comes back, a single objection kills the bill here. If a single Senator objects to the reconsideration of the vote by which the bill was passed, as he has a right to do under the rules, the time having passed, it can not be done, and the bill is dead.

If this proceeding is to be sanctioned under the Constitution, your rules must be amended, because there must be an opportunity when the bill comes back to proceed with it, to act upon it, and no one Senator should be able to defeat a bill. The difficulty is that your rules are not framed for any such proceeding. The rules are framed upon a different idea—that a bill can not be recalled from the President for amendment in matter of substance, but may be recalled simply for the purpose of correcting an error in engrossment. There are plenty of cases to be found where they have gone through that farce of calling it an error. The Senator from South Dakota says he has a case in which they did not call it such a clerical error. The question should be examined. There is no special hurry about this bill. I do not raise the technical objection to the consideration, although I offer my resolution that the bill be referred to the Committee on the Judiciary, and so far as I am concerned, I assure the Senator from South Dakota we will have a prompt report upon this important question.

Mr. PETTIGREW. In view of the fact that the motion to reconsider is made at a time when it requires unanimous consent, and in view of the further fact that the Senator from New York insists upon its going to the Committee on the Judiciary, I shall offer no further objection to his resolution.

The PRESIDENT pro tempore. The question is on agreeing to the resolution submitted by the Senator from New York.

The resolution was agreed to.

STEWART & CO.

Mr. GEAR. By the courtesy of the Senator from Ohio, who has agreed to give way to me, I ask for the consideration of the bill (S. 3500) for the relief of Stewart & Co., A. P. H. Stewart, agent.

Mr. SHERMAN. When this bill is disposed of, I shall decline to yield further.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Commissioner of Internal Revenue to audit and adjust the claims of Stewart & Co. and A. P. H. Stewart, agent, for internal-revenue taxes collected on Government cotton between January 1, 1865, and January 1, 1866, and which have not been heretofore refunded. The amount, when ascertained, and not heretofore refunded, shall be paid out of the permanent annual appropriation provided for similar claims allowed within the present fiscal year.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours and fifty-five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until tomorrow, Saturday, February 13, 1897, at 12 o'clock meridian.

NOMINATION.

Executive nomination received by the Senate February 12, 1897.

COMMISSIONER OF LABOR.

Carroll D. Wright, of Massachusetts, to be Commissioner of Labor, his commission having expired February 10, 1897.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 12, 1897.

COMMISSIONER OF LABOR.

Carroll D. Wright, of Massachusetts, to be Commissioner of Labor.

INTERSTATE COMMERCE COMMISSIONER.

Martin A. Knapp, of New York, to be an Interstate Commerce Commissioner.

PROMOTIONS IN THE ARMY.

Infantry arm.

Lieut. Col. Edward Moale, Third Infantry, to be colonel.

Maj. Francis Edmund Lacey, Seventeenth Infantry, to be lieutenant-colonel.

Capt. Augustus Whittemore Corliss, Eighth Infantry, to be major.

PROMOTIONS IN THE NAVY.

Maj. Robert W. Huntington, to be a lieutenant-colonel in the Marine Corps.

Capt. Charles F. Williams, to be a major in the Marine Corps.

First Lieut. Harry K. White, to be a captain in the Marine Corps.

Second Lieut. Elisha Theall, to be a first lieutenant in the Marine Corps.

POSTMASTERS.

Samuel J. Nicoles, to be postmaster at Walkerton, in the county of St. Joseph and State of Indiana.

William C. Lee, to be postmaster at Wynne Wood, in the Chickasaw Nation and Indian Territory.

William Grier, to be postmaster at New Bloomfield, in the county of Perry and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 12, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

PRELIMINARY REPORT ON ARTESIAN WATERS OF A PORTION OF THE DAKOTAS.

Mr. PERKINS. Mr. Speaker, I present a report from the Committee on Printing.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 2,000 additional copies of an extract from the Seventeenth Annual Report of the United States Geological Survey entitled "Preliminary report on artesian waters of a portion of the Dakotas," for distribution by the Geological Survey.

The report (by Mr. PERKINS) was read, as follows:

Your Committee on Printing, having had under consideration Senate concurrent resolution No. 55, to provide for the printing of 2,000 additional copies of an extract from the Seventeenth Annual Report of the United States Geological Survey entitled, "Preliminary report on artesian waters of a portion of the Dakotas," for distribution by the Geological Survey, recommend that the same be agreed to.

The Public Printer estimates the cost of the work called for under this resolution at $465.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BAILEY. I understand it is a privileged report. Is it? I demand the regular order, Mr. Speaker.

The SPEAKER. The Chair understands that this is not a privileged report.

Mr. PERKINS. It is not privileged.

Mr. BAILEY. I demand the regular order.

The SPEAKER. The regular order is demanded. The Chair submits the following resolutions to correct error.

The Clerk read as follows:

Resolved, That the Senate be requested to return to the House of Representatives the bill of the House (H. R. 2321) to increase the pension of John J. Cross.

Resolved, That the Senate be requested to return to the House of Representatives the bill of the House (H. R. 6803) granting a pension to Ellen Day, stepmother of Albert L. Day.

The resolution was agreed to.

ORDER OF BUSINESS.

Mr. LOUD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the Post-Office appropriation bill.

The motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HULL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10289) making appropriations for the postal service. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898.

Mr. LOUD. Mr. Speaker, I would like to see if we can not make some arrangement whereby we can close general debate. I would like to ask the gentleman from Ohio [Mr. BROMWELL] and the gentleman from Virginia [Mr. SWANSON], who represent the contending sides here, about how much time they think will be necessary to close this matter?

Mr. BROMWELL. I would like to inquire how much time I have left?

The CHAIRMAN. The gentleman from Ohio has thirty-five minutes remaining.

Mr. LOUD. Has the gentleman from Ohio any suggestion to make?

Mr. BROMWELL. I would like to have the entire thirty-five minutes of my hour for use.

Mr. LOUD. What does the gentleman from Virginia say?

Mr. SWANSON. I have thirty-five minutes. The gentleman from Ohio has thirty-five minutes, and we have thirty-five minutes on our side.

The CHAIRMAN. The gentleman from Virginia has thirty-five minutes remaining.

Mr. SWANSON. It would be perfectly agreeable to me to have thirty-five minutes on each side.

Mr. LOUD. What suggestion has the gentleman to make? Would one hour—thirty minutes on a side—be agreeable to him?

Mr. BROMWELL. I am perfectly willing to assent to that arrangement.

The CHAIRMAN. The gentleman from California asks unanimous consent that general debate on this bill be closed in one hour. Is there objection?

Mr. SETTLE. How is it proposed that the time be divided?

Mr. LOUD. Thirty minutes on each side, to be controlled by the gentleman from Ohio [Mr. BROMWELL] and the gentleman from Virginia [Mr. SWANSON].

Mr. SETTLE. That is agreeable to me.

The CHAIRMAN. In the absence of objection, the order proposed by the gentleman from California to limit debate will be agreed to.

There was no objection.

Mr. BROMWELL. I ask the gentleman from Virginia [Mr. SWANSON] whether he cares to go on now?

Mr. SWANSON. The last speech made was on this side. I believe the two sides have occupied about equal time. I believe that the right to conclude is with this side.

Mr. BROMWELL. Mr. Chairman, I regret that an attack of the prevalent disease, the grippe, has put my voice and throat in such a condition that it will be difficult for me to make myself heard. But I shall do the best I can to present to the House the reasons why I think the amendment which will be offered, striking out the provision for fast-mail facilities, ought to be adopted.

In addition to the remarks which I made yesterday, I have a few salient facts which I wish to present. In the first place, the gentleman from Virginia [Mr. SWANSON] attempted to impress upon this House the fact that this Southern Railway and its connections between New York and New Orleans carry a very large

proportion of the mails of the United States, and he has given that as a reason why this special subsidy should be granted. He claims that this is a great trunk line; and, if I remember aright, he made the statement that it carries more mail and distributes more matter through the territory it traverses than any other trunk line in the United States. Why, sir, such a statement is utterly absurd. It is not borne out by the facts and the figures. As a matter of fact, the mail which passes over this section will not compare in quantity with that carried on any of the great trunk lines. Upon inquiry at the Post-Office Department this morning, I was informed that there are twenty or twenty-five lines which carry more mail per day than this entire system. To substantiate this, I secured from the Department a statement of the daily weight now being carried by this Southern system and that carried by two or three of the leading trunk lines. On this Southern system between Washington and Lynchburg there is now being carried and paid for an average weight of only 54,376 pounds per day; between Lynchburg and Danville Junction, 45,396 pounds; between Danville Junction and Atlanta, 55,636 pounds. The mail matter dwindles down when you get to West Point to only 27,975 pounds. When it reaches Montgomery, Ala., it is cut down to 26,661 pounds, and when it gets to New Orleans it has been reduced to only a little more than 25,000 pounds. Now, compare those figures with the mail carried daily out of New York by the New York Central road between New York and Buffalo—231,201 pounds per day; in other words, over four times the heaviest amount of mail matter carried on any part of this Southern system.

Take the Pennsylvania Railroad between New York and Philadelphia. The weight of the mail carried over that line is nearly 284,000 pounds, or over five times what is carried on any branch of this Southern system. Between Philadelphia and Pittsburg the amount carried is 183,795 pounds, or over three times as much as is carried on any part of this Southern system. Yet none of these great trunk lines, neither the New York Central, nor the Pennsylvania road running west, nor the Baltimore and Ohio, nor the Baltimore and Ohio Southwestern, nor any of the great roads that lead out of Chicago in all directions, get one dollar of sudsidy for carrying these mails. But the gentleman will say that these roads do not furnish fast-mail facilities. I say they furnish not only equally good fast-mail facilities, but better by far than those furnished by this Southern system.

The gentleman from Virginia published in the RECORD this morning, with a great flourish, the schedule of the Southern road, together with a letter from the vice-president or manager or some other officer of that road, showing how these trains are run in order to expedite the mails. I invite the attention of the House to that portion of the RECORD. I call attention to the fact that the so-called "fast mail" train out of New York to the South and West leaves New York at 4 o'clock and 45 minutes in the morning; it gets to Washington at 8 o'clock in the morning, and it does not leave this city until 11.15. The real business mail of New York is made up in the post-office in that city before 10 o'clock at night; yet that mail, made up prior to 10 o'clock at night and sent on here by the regular train—not by this so-called "fast mail" train—has to lie in the city of Washington until 11 o'clock the next day before it starts south. In other words, twelve hours are consumed before starting that mail southward from Washington. We all know that the passenger travel between New York and Washington does not take over five and a half hours; yet this mail is held for twelve hours in order to make connection with the Southern line of railway leaving at 11.15 in the morning.

I also call attention to the fact that this so-called "fast mail" train, if its schedule be followed up, is actually a slower train than the ordinary train over this mail line. In order to catch the New England votes for this measure, in order to get Massachusetts and the Representatives from that vicinity to support it, there is carried every year in the appropriation providing for fast-mail facilities this language:

For necessary and special facilities on trunk lines from Boston, Mass., by way of New York, etc.

As a matter of fact, I have looked over the records of the Post-Office Department for the last six or seven years, and there has been at no time any portion of this fund consumed in the delivery of the Boston mails between Boston and New York. There was, for one year, a small allowance made for mail between Springfield, Mass., and New York. That was kept up, however, for only one year.

How, then, does this fast-mail service on this line benefit even the business men of New York? Their mails are made up at the close of the daily business, by 6 or 7 o'clock in the evening, and the mail is sent to the post-office by 7 or 8 o'clock, where it is distributed and ready to go to its destination. It leaves New York City before midnight, and it comes down to Washington on other trains, not on the 4.45 so-called "fast mail" in the morning, and lies here for three hours, to give this fast-mail-facility train the opportunity to take it up and carry it South.

Who are the real beneficiaries of this appropriation? It is not difficult to understand, Mr. Chairman, who the beneficiaries are. This train starts from New York at 4.45 in the morning for the benefit of the New York morning papers. They are the real beneficiaries of this fast-mail service. Have we not done enough for them already, without giving $196,000 annually to distribute their papers throughout the Southern States? Are we not carrying their papers in the mails at thousands and millions of dollars less than the actual outlay—carrying them at rates far below what they ought to pay for their transportation?

But how does this fast-mail service benefit Philadelphia or Baltimore, which are thus furnished with rivals in the newspaper business coming in competition with their own local papers for distribution? Why, then, should the papers of the great city of New York or any other city receive this special favor from the hands of the Government? In the city of Cincinnati we have a morning train that carries the early morning mail and papers. That train leaves Cincinnati for St. Louis at 3.45 a. m. There is another train from Cincinnati out to Toledo about the same hour, and another train from Cincinnati to Columbus about the same time. Do they get a special subsidy for this purpose? Do these roads that take our morning papers and scatter them all over that portion of the country supplied by Cincinnati get any special appropriation? None whatever; not a cent. The railroads carry precisely the same character of mail as this special train going south, and get no extra compensation for it whatever. The roads put on this train for the accommodation of the newspapers and their subscribers, and they supply the early morning mail without getting a dollar for it, except the pay that is given to the railroads regularly for the mere transportation of the mails.

The city of Chicago in the same way sends out trains to the great Northwest, and the West, and the Southeast, and in all directions. Do they get any extra compensation for it? Not a cent.

Then why should this special privilege be granted to this particular system of roads? As I stated on yesterday, the original object of the subsidy was to expedite the delivery of the New York and Northeastern mails to the Island of Cuba. It was intended to send overland the mails to Tampa, Fla., where they should be shipped to Cuba and South America, thus effecting the saving of a few hours' time in their delivery; and for a few years that subsidy was applied for that special purpose. But some three or four years ago, upon the strength of statements made by the Postmaster-General that instead of expediting the mails to Cuba, instead of its being a service in behalf of fast mails, that the subsidy was really retarding this mail between New York and Cuba, the gentleman dropped Tampa as the terminus, and switched the road around to the Southern States and finally landed at New Orleans.

The gentleman from Virginia was asked on yesterday, during the course of the debate, whether the Postmaster-General had recommended the appropriation. With great emphasis the gentleman answered that the strongest recommendation that could be made was that although the subsidy was left optional, that though it was placed entirely within the discretion of the Postmaster-General himself whether or not it should be applied, they had invariably used it. I want to call the attention of the committee, in this connection, to the language which has been used for the last four or five years by the various Postmasters-General and also their Second Assistants in reference to this subject and touching this very subsidy question, and that will show clearly whether or not they are in favor of the recommendation it contains.

In 1891, in the report of the Second Assistant Postmaster-General, on page 345, this language is found:

No recommendation has been made for the customary special-facility allowance for the next fiscal year, because I do not believe there exists occasion for perpetuating the preferential method whereby a limited number of railroads would be paid both ordinary and special transportation and full car compensation, while other railroads, performing precisely the same character of service, can be allowed nothing more than the compensation which we are by statute permitted to pay for ordinary transportation.

The continuance of the special-facility allowance has for some years past been the source of much annoyance to the Department and has hampered the best interests of the mail service, because railroads operating in contiguous territory, and, to some extent, paralleling the roads which receive the extra pay, object to rendering equally good or quicker schedule mail service except they be paid corresponding rates. They ask that all be treated alike. When the special-facility payments were first started it was well understood that they were but temporary, so as to bridge over a period until the natural growth of the mails would yield sufficient compensation to do away with occasion for additional allowances. This was as far back as 1879, since which time the aggregate yearly compensation to the railroads drawing the special-facility allowance for ordinary mail and car transportation, independent of the special service, has more than doubled, so that ordinary compensation, even after the reduction of this year, will be greatly in excess of ordinary and special compensation added together ten years ago; and as most of the special-facility routes will have their compensation readjusted commencing with July 1, 1892, when their pay, it is estimated, will be increased still further at least 20 per cent, this office has not felt satisfied in recommending the continuance, after June 30, 1892, of any portion of the special-facility allowance.

The same thing is found in the report of the Postmaster-General for 1891, on page 59, where he says:

In 1879, when railroad facilities and train service were slow, Congress appropriated $295,000 in extra allowances for such railroad companies as could not afford to make schedules sufficiently numerous or fast. These sums were to

be in addition to the payments of ordinary rates for railroad transportation. The quantity of mail matter was then perhaps one-half of what it is now, so that each of the companies, by the natural growth of mail transportation, has, since 1879, doubled its revenue from mail pay. At each weighing, moreover, there is a further increase of pay according to the increase of service. In view of this fact, and because abundant facilities were to be had without granting extra pay, and because of the frequent charge by railroad companies giving similar service without extra pay that the Department was discriminating against them, I have concluded henceforth to remove the embarrassment, so far as lies in my power, by not including in the budget in the next year any estimate for special facilities. This course, if approved, places all the transportation companies on exactly the same basis of pay.

In 1892 the Postmaster-General put it in the same way. He says:

I have not included in the estimates for next year any sum for special railroad facilities. I am stronger than ever in the belief that the continuance of the preferential method of compensating railroads is injurious to the general service and an injustice as well to the roads who do not receive equal pay. There will be less justification than ever before for continuing the special payments next year, because many of the railroads sharing in this year's allowance on July 1, 1892, had their ordinary compensation advanced more than 20 per cent under the quadrennial weighing, and a corresponding advance in ordinary compensation will be given to all the remaining special-facility routes, commencing with July 1, 1893. In point of fact, there is no such thing now as the West India mail, nor is there any such thing as fast mail along the Southern coast, as anyone who travels on these roads well knows—at least what is known in the North and West as fast mail.

I also quote from the reports of the Postmaster-General for other years, as follows:

[Report of Second Assistant Postmaster-General, 1892, page 280.]

In the report of a year ago I stated my reasons for declining to recommend further appropriations for so-called "special facilities," and I feel it a duty both to the Government and to the service to again decline making such a recommendation. I believe the granting to a few and refusing to extend like compensation to the many who are performing as good or better mail schedules is a source of injury to the mail service.

The preferential method should cease, or all who expedite the mails should be granted the same benefit.

The impression that the special-facility compensation allowed the lines extending to Port Tampa, Fla., advances the Cuba mails is incorrect. It practically retards those mails, because it prevents the enforcement by the Department of the twenty-five-hour schedule provided for in the contract for the ocean service between Port Tampa and Habana.

The Richmond and Danville Railroad, operating south and southwest via Atlanta; the East Tennessee, Virginia and Georgia Railway system, operating south and southwest from Cincinnati; the Norfolk and Western Railroad, in conjunction with the East Tennessee, Virginia and Georgia lines operating west, south, and southwest from Washington, D. C., and Norfolk, Va., via Bristol and Chattanooga, Tenn., and the Illinois Central Railroad, operating south from Chicago, via Cairo, Ill., have each created an extent of expedited mail schedules within the past year that is much superior to those termed "special-facility" trains via Jacksonville, Fla., to Port Tampa; and some of these railroad systems have asked the Department to tell why it is that they ought not to be given the same consideration that has been accorded the lines via Jacksonville. There is, besides, far less reason for granting the special compensation hereafter than a year ago, as the ordinary compensation to the railway mail carriers which drew the special-facility allowance was on July 1, 1892, because of a reweighing, advanced more than 20 per cent, so that an extension of the special-facility allowance after June 30, 1893, means that it shall supplement an advance to the same lines of more than 20 per cent in the ordinary compensation allowed for the year closing June 30, 1892, and which continues thereafter.

Your letter of February 25, 1892, in reply to the inquiry from the chairman of the Committee on Post-Offices and Post-Roads, House of Representatives, furnishes in detail the views of the Department concerning special facilities, and I have therefore thought it proper to make it a part of my annual report, as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 25, 1892.

SIR: In reply to your inquiry of the 18th instant concerning the appropriation for special facilities, I have thought it worth while to invite your attention first of all to that portion of my last annual report appearing on page 69, headed "No railroad bonus needed."

In 1879, when railroad facilities were few and train service slow, Congress appropriated $295,000 in extra allowances for such railroad companies as could not afford to make schedules sufficiently numerous or fast. These sums were to be in addition to the payments of ordinary rates for railroad transportation. The quantity of mail matter was then perhaps one-half of what it is now, so that each of the companies by the natural growth of mail transportation has, since 1879, doubled its revenue from mail pay. At each weighing, moreover, there is a further increase of pay according to the increase of service. In view of this fact, and because abundant facilities were to be had without granting extra pay, and because of the frequent charge by railroad companies giving similar service without extra pay that the Department was discriminating against them, I have concluded henceforth to remove the embarrassments, so far as lies in my power, by not including in the budget for the next year any estimate for special facilities. This course, if approved, places all the transportation companies on exactly the same basis of pay. In the same connection it is proper to submit the following table and accompanying explanation taken from the last report of the Second Assistant Postmaster-General, as I believe it will, in comprehensive form, convey to you the information desired in relation to the manner in which the appropriation was extended in 1891. The expenditures of the amount estimated as necessary for the current fiscal year will, it is expected, be made pro rata to the same railroads to which the allowances were made in 1891.

[Here follows the table of the roads and the subsidy allowed to each, aggregating $295,421.79.]

No recommendation has been made for the customary special-facility allowance for the next fiscal year, because I do not believe there exists occasion for perpetuating the preferential method whereby a limited number of railroads would be paid both special and ordinary transportation and full car compensation, while other railroads, performing precisely the same character of service, can be allowed nothing more than the compensation which we are by statute permitted to pay for ordinary transportation. The continuance of the special-facility allowance has for some years past been the source of much annoyance to the Department, and has hampered the best interests of the mail service, because railroads operating in contiguous territory, and to some extent paralleling the roads which receive the extra pay, object to rendering equally good or quicker schedule mail service except they be paid corresponding rates. They ask that all be treated alike. When the special-facility payments were first started it was well understood that they were but temporary, so as to bridge over a period until the natural growth of the mails would yield sufficient compensation to do away with occasion for additional allowances. This was as far back as 1879, since which time the aggregate yearly compensation to the railroads drawing the special-facility allowances for ordinary mail and car transportation, independent of the special service, has more than doubled, so that ordinary compensation, even after the reduction of this year, will be greatly in excess of ordinary and special compensation, added together, ten years ago; and, as most of the special-facility routes will have their compensation readjusted commencing with July 1, 1892, when their pay, it is estimated, will be increased still further at least 20 per cent, this office has not felt satisfied in recommending the continuance, after June 30, 1892, of any portion of the present special-facility allowance.

The appropriations for special-facility service appear to have been started in 1879, and each year the expenditures have been as follows:

1879	$23,887.43	1887	$285,372.81
1880	49,313.64	1888	294,568.86
1881	125,984.50	1889	293,042.87
1882	202,478.30	1890	293,744.26
1883	185,123.24	1891	291,565.73
1884	184,821.24	1892 (estimated)	196,614.22
1885	250,647.72		
1886	251,540.84	Total	2,928,695.66

The practice of compensating a few railroads upon a higher basis than others rendering the same or more satisfactory service has been the source of much annoyance, which year after year becomes more perplexing to the Department and hurtful to the general service, because it acts as a check to the extension of the fast-mail system in sections where it would work great benefits.

From the report of Postmaster-General Dickinson for the year 1888 I quote as follows, bearing upon the subject of special compensation to railroads:

"I do not venture an opinion as to whether or not the rate of compensation allowed by law is sufficiently liberal to secure for the Government adequate and the best service. It is certain, however, that the dissatisfaction caused by extra compensation to some and not to others has prevented, in some instances, cordial cooperation with the Department to secure much-needed improvement."

Postmaster-General Dickinson outlined in the above his strong belief that the appropriation for special facilities ought to be made sufficiently large to be applied all over the country, or that it should be cut off altogether; and had he continued in office it is reasonable to believe he would have ceased to make recommendation for any allowance of the kind after the quadrennial readjustment in 1889.

To your inquiry for the history of the special-facility appropriation I would reply:

The Department records do not explain its origin; but it is well understood that in connection with the establishment of a continuous service between New York and Cuba the railroads were asked to fix a continuous-service schedule. The permanency they were reluctant to guarantee until they had ascertained the extent to which the schedule could be used for general traffic. There is no doubt but that it was well understood by all interested, both in and outside of the Department, that the occasion for the special allowances was not likely to exist for more than a year or two, and that its termination would be satisfactory to the railroads as soon as the increase of the ordinary compensation made it apparent to the Department that the exceptional payments were no longer justified. The only reason I can give for its continuance so long is that each year the railroads have urged its retention for a little while longer, and it may be that intimation had been given that perhaps its discontinuance would be followed by the adoption of arbitrary train schedules that would disarrange the mail service.

In order that you may appreciate the extent to which the ordinary compensation of the railroads interested in the transportation of the West India mails has grown, I call your attention to the following table showing their payments by adjustment periods:

1879. $226,234.99 per annum.
1880. $270,233.54 per annum (increase $43,998.55, 20 per cent).
1884. $349,881.50 per annum (increase $79,647.96, 29 per cent).
1888. $476,385.36 per annum (increase $126,503.86, 36 per cent).
1892. (Estimated) $595,096 per annum (increase $118,710.64, 25 per cent).

FOR ORDINARY COMPENSATION ALONE.

The increase in 1892 over 1880 will exceed 117 per cent.

The increase of $118,710.64 in 1892 over 1888 is likely to be exceeded; but should it be no more, it carries with it an increase for the adjusted period of $475,842.56.

In addition, the allowance for special facilities to the same railroads in 1891 was $237,061.47.

It is in place for me to add at this point that the schedule to which the special-facility allowance now applies really possesses no marked advantages at this time for the advancement in either direction of the West India commercial mail, while it is believed it operates to the disadvantage of the commercial mails between the North and South, as will be explained further along.

More than 90 per cent of the business mail with Cuba is associated with New York; and, as between New York and Boston, including New England, 99 per cent is with New York. Practice has demonstrated that going out of New York the bulk of the mail is in readiness for dispatch by 8 p. m. Into New York nothing is accomplished in the way of the delivery of the letter mails arriving between 7 p. m. and 5 a. m. The largest and by far the most important mail for the South via the Coast Line route starts from New York at 9 p. m., and at 4 a. m. it has reached Washington, D. C. At 4.30 a. m. it leaves Washington, D. C., for Richmond and beyond, or as far as the regular schedules will advance it.

The so-called fast mail for which a subsidy is paid and that which is supposed to advance the West India mail leaves Jersey City at 4.45 a. m., and it need carry only such letter mail as comes into the New York post-office after 8 p. m. the night before, which is less than one-third of that ready to be dispatched at 9 p. m. The starting time from Jersey City, you will observe, is fifteen minutes later than the most important mail of the day before from New England, New York, Philadelphia, and Baltimore for the Coast Line route as far as South Carolina has passed Washington, and the natural conclusion is that the p. m. schedule out of New York has not been carried all the way through Georgia and Florida at a modern rate of speed, because doing so, primarily for mail purposes, would have rendered valueless the subsidized schedule.

In like manner the so-called fast-mail train north bound does not accomplish anything in the way of promoting the delivery of the West India mails at New York, because it reaches New York at 7.50 p. m., and the mail matter can not be made available for business purposes until after 8 a. m. of the day following.

Explaining more fully the statement that it is believed the continuance of the special payments operates to the disadvantage of the commercial mails between the North and the South, I would say: So long as the Department

continues payments for schedules that in point of time have practically remained stationary for years, the roads getting the allowances are guarded in so adjusting their through schedules generally as shall prevent the Department from fully utilizing the regular schedules and then abandoning, except for purely local service, the subsidized train. Ten years ago the commercial interests in some sections of the country did not fully appreciate the importance of starting the letter mails out of large cities in the evening and moving in the other direction into trade centers early in the day; and while ten years ago the so-styled fast-mail train may have had its advantages throughout Florida, it has not progressed as have train schedules generally, including a few other schedules upon this particular route, and the advancement of the mails by other routes between the North and South which are receiving ordinary pay alone has been much greater than upon the coast-line route. What I desire to emphasize is that the mail service between the chain of Northern cities, starting in New England and extending via Washington into those portions of South Carolina, Georgia, and Florida as are tributary to the coast line, is not such as the natural development of trade and population associated with railroad progress warrants. Because natural conditions have been permitted to prevail in other sections of the South allied to railroads not subsidized, the mail service with Atlanta, Macon, Mobile, New Orleans, and other cities of like importance has advanced.

The principal railroads have learned to value the liberality of the ordinary compensation for mail transportation, and praiseworthy consideration is being given to the adjustment of schedules that shall expedite primarily the most important of commercial mails. The distance between Washington and New Orleans via Atlanta is 1,143 miles. The time for the most important mail train averages 35 miles per hour. Between Cincinnati and Jacksonville via Chattanooga the most important mail service requires less than twenty-nine hours, the distance being close to 850 miles. Between Chicago and New Orleans the fast mail occupies less than twenty-nine hours; the distance is 915 miles. These and many other expedited schedules have been the result of conference with the Department, and the railroads will be content to continue them for the ordinary compensation if they have the assurance of the Department that they are being paid upon as favorable a basis as is allowed other lines. The fast-mail service over the Iron Mountain system between St. Louis via Little Rock and Texarkana, and thence throughout Texas, from the Texarkana standpoint is not what it ought to be; nor is the continuous fast-mail service deflecting at Sedalia, Mo., through Missouri, Kansas, Arkansas, the Indian Nation, and Texas via the Missouri, Kansas and Texas system what it should be. Again, the fast-mail service from a Louisville, Ky., standpoint into Kentucky, Georgia, and Alabama is not as complete as the Department aims to have it; but we can not look for hearty cooperation from all the railroads operating North and South so long as they can point to the special payments made to a few roads; and to many of our applications for expedited schedules the reply comes back that upon the promise of the Government that they shall be paid in like manner as the most favored they will cheerfully respond to requests for improved schedules.

Turning again to the mail service throughout the South via the subsidized Coast Line route, it will, I believe, be of interest to know that the subsidized fast mail beyond Washington does not average 32 miles per hour. Of course, over some portions of the route the speed is much faster than the average; but the Department, in dealing with the schedules upon a continuous route, must consider it as one interest, the respective managements comprising the line deciding which portions of the through route shall occupy more than its proportion of the time assigned between termini. That you may know the necessity of this train for other than mail purposes at this time, you should be told that it carries from Washington six coaches and sleepers, besides a baggage and a mail car. En route there occur some changes in the make-up of the train, but ordinarily it goes into Jacksonville with four coaches and sleepers, besides the mail and baggage cars. The section through which this route operates needs a fast-mail service corresponding with that of the Air Line Railroad system and others I have mentioned, and corresponding with those it is our earnest desire to have established. I mean a continuous schedule that shall leave New York, say, at 9 p. m., and at an average speed of 35 miles per hour beyond Washington could certainly reach—

	Subsidized train now arrives at—
Richmond, Va., at 7.50 a m., instead of 8.48 a. m	2.38 p. m.
Wilmington, N. C., at 3.10 p. m., instead of 6 p. m	9.55 p. m.
Charleston, S. C., at 9.20 p. m., instead of 1.20 a. m	5 a. m.
Savannah, Ga., at 12.55 a. m., instead of 5.20 a. m	6.44 a. m.
Jacksonville, Fla., at 6 a. m., instead of 11.35 a. m	12 noon.
Port Tampa, Fla., at 1.16 p. m., instead of 9.40 p. m	9.40 p. m.

This schedule would practically make a large quantity of the Florida mail available one day earlier than it is now by the West India fast-mail train.

Coming north, a continuous schedule as slow as 30 miles per hour, leaving Port Tampa right after the arrival of the West India mails, would enable the through mails to leave Jacksonville at 3.30 a. m., now 8.30 a. m.; Savannah at 9.30 a. m., now 2.10 p. m.; Charleston at 1.30 p. m., now 7.01 p. m.; Wilmington, N. C., at 8 p. m., now 2.10 a. m.; Richmond, Va., at 4 a. m., now 9.34 a. m. Arrive at Washington at 7.40 a. m., now 1.31 p. m.; arrive at New York at 3.20 p. m., now 7.50 p. m.

This schedule would, at New York, advance the through mails one day over present West India fast-mail schedule.

Coming north, 35 miles per hour would of course be better still, as it would advance the mails all along the route and bring them into New York ready for delivery about 10 a. m.

As I have already stated, the indications all tend to the belief, for the fear of jeopardizing the subsidy has acted as a check to continuous regular schedules at hours corresponding with through schedules prevailing elsewhere in the South. It is true, the subsidized service leaving New York at 4.30 a. m. carries out the morning newspapers, the advancement of which the Department would regret to see checked; but, as compared with the importance of the letter mail for the territory south of Richmond, Va., newspaper mail should not be permitted to delay the letters; in fact, there ought to be no occasion for retarding the newspaper, because the regular passenger business by itself calls for this train, and the extent of the mails, the growth of the ordinary mail compensation, and the requirements of the communities and commercial interests upon and contiguous to the Coast Line route have become such that without subsidy the railroad interests should not hesitate to respond to any reasonable schedules the Post-Office Department may request. If this is done, and schedules approximating those mentioned are enforced, and advantage is taken of the saving in distance caused by the construction of the Wilson cut-off, it will be possible within a year to revolutionize much important mail service associated with the route between New York via Washington, and Wilmington, N. C., Charleston, S. C., Savannah, Ga., Jacksonville, Fla., and into Florida, and as well promote the West India mails. This route will truly become then a fast-mail route in the sense that similar unsubsidized service exists elsewhere. It will fulfill all the requirements of the West India mails, and besides practically make available one day earlier than at present the mails of a wide section of Southern country. Until the people experience the changed conditions which will then exist they can not fully realize the great importance that will result from having their letters leave the North at the close of each day's business, and coming north, be delivered to correspondents sufficiently early in the day to be made available for the same day's business.

In this communication I have not deemed it necessary to dwell particularly upon the merits of a continuance of the subsidy to the two routes operating out of New York and that between Baltimore and Hagerstown, Md., principally because they have received but a small part of the special-facility payments. The general grounds, however, upon which the Department deprecates allowances of this kind, as explained in connection with the West India fast-mail route, can be applied with equal force to the remaining items of the last fiscal year's payments.

JOHN WANAMAKER,
Postmaster-General.

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[Report of Postmaster-General, page xix, 1893.]

The fast-mail service between the North and South has recently been much enlarged. Following the coast line, its extent and rapidity will (commencing with December) be more complete than heretofore; and by means of the interior lines, it has recently been made possible to inaugurate a double daily fast-mail service connecting the great business centers of the North with New Orleans, by way of Atlanta and Montgomery. The hours of these trains are those most preferred by the Department, and it has thereby been rendered possible to accomplish connections which provide equally well for both letter and daily newspaper mails.

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[Page 149, Report of 1893.]

SPECIAL FACILITIES.

The annual rate of expenditure for this service on June 30, 1893, was $196,614.16. This sum was expended as shown in the following statement:

No. of route.	Terminals.	Railroad company.	Miles.	Pay per annum.
106005	New York, N. Y., to Springfield, Mass.	New York, New Haven and Hartford.	135.73	$11,431.34
107011	4.35 a. m. train, New York to New Albany, N. Y.	New York Central and Hudson River.	144.00	16,606.66
113006	Baltimore to Hagerstown, Md.	Western Maryland	86.10	10,475.50
113001	Philadelphia, Pa., to Bay View, Md.	Philadelphia, Wilmington and Baltimore.	92.00	13,333.00
113013	Bay View to Quantico, Va.	Baltimore and Potomac.	89.03	14,600.00
114001	Quantico to Richmond, Va.	Richmond, Fredericksburg and Potomac.	81.50	11,612.84
114008	Richmond to Petersburg, Va.	Richmond and Petersburg.	23.07	2,806.85
114009	Petersburg, to Weldon, N. C.	Petersburg	63.54	7,730.70
118002	Weldon to Wilmington, N. C.	Wilmington and Weldon.	161.47	19,694.18
120002	Wilmington to Florence, S. C.	Wilmington, Columbia and Augusta.	110.00	13,383.34
120005	Florence to Charleston Junction.	Northeastern	95.00	11,558.33
120004	Charleston Junction to Savannah, Ga.	Charleston and Savannah.	103.00	13,140.00
121009	Savannah to Jacksonville, Fla.	Savannah, Florida and Western.	171.50	20,873.14
123018	Jacksonville to Sanford, Fla.	Jacksonville, Tampa and Key West.	126.18	15,244.83
123007	Sanford to Tampa, Fla.	South Florida	116.39	14,063.45
				193,614.16

The appropriation for the current fiscal year is $196,614.16.

As illustrating some of the roads which have, without any subsidy whatever, placed fast-mail trains at the service of the Government, I quote the following from the report of the Postmaster-General:

[Report of Postmaster-General, 1894, page 26.]

A number of very notable improvements in the way of expediting the delivery of mail matter have taken place within the past year.

In March last the Chicago and Northwestern Railroad put on a train due to leave Chicago at 3 a. m. for Milwaukee, Wis., Escanaba, Mich., Marquette, Mich., Houghton, Mich., and Ashland, Wis. This train, running as it does in connection with the fast mail from New York and all Eastern points, arriving in Chicago at 12.45 a. m., advances mail practically one day for a large section of Wisconsin and all of northern Michigan. It also places the Chicago morning papers in the hands of subscribers throughout all that section early on the day of issue.

The Chicago and Northwestern Railroad also, on April 11, 1894, put on a fast train from Chicago to Omaha, leaving Chicago at 3 a. m. and advancing mails for all points on the line of that road through Illinois and Iowa. This was supplemented, under date of October 28, by a change of schedule, which practically affords direct through fast-mail service, leaving Chicago at 3 a. m. and running to Deadwood, S. Dak. You can imagine that the benefits to the people along this line of road, in consequence of this expedited service, are very thoroughly appreciated.

On April 29 the Chicago, Rock Island and Pacific Railroad also put on a fast-mail train, leaving Chicago at 3 a. m., expediting mails for all points along that road and connecting lines through Illinois and Iowa.

While these three are probably the most important improvements in the way of expedited service that have occurred during the past year, it may be well to remark that the usual number of extensions and improvements have been made on smaller lines. These improvements, either in the way of new service, extension of old service, or frequency of service on old lines, aggregate about 8,000 miles of service—a very material advance.

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[Report of Postmaster-General, 1894, page 173.]

SPECIAL FACILITIES.

In submitting the estimates for the fiscal years of 1893, 1894, and 1895, this office declined to include the item of "special facilities," for reasons heretofore stated.

Appropriations were made, however, for each of those years.
The annual rate of expenditure for this service on June 30, 1894, was $171,238.75, and the sum was expended as shown in the following statement:
[Here follows statement.]
The appropriation for the current year is $193,614.22.
No estimate is submitted for the next fiscal year.

This was the first year in which the subsidy was allowed to the lines now receiving it.

[Report of Postmaster-General, 1895, page 174.]

SPECIAL FACILITIES.

In submitting the estimates for the fiscal years 1893, 1894, 1895, and 1896, this office declined to include the item of "special facilities," for reasons heretofore stated.
Appropriations were made, however, for each of those years.
The annual rate of expenditure for this service on June 30, 1895, was $171,238.75, and the sum was expended as shown in the following statement:
[Here follows statement.]
The appropriation for the current year is $196,614.22.
No estimate is submitted for the next fiscal year.

So it will be seen by going through the reports of the Postmasters-General and of the Second Assistants, year after year to the present time, with but a single exception, that of the report of the Postmaster-General in 1895, every one of these reports discountenances the further allowance of this subsidy.

There is another point which is alluded to in this report which I have just read to which I wish to call the attention of the House, and that is that every four years there is a new weighing of these mails. With each new weighing there is an increase in the allowance for the ordinary transportation. This increase averages between 20 and 30 per cent. So that if these railroads, with the compensation which they had ten years ago and the subsidy which was then given to them gratuitously, could afford to carry these mails, they can surely now far better afford to carry them on the ordinary compensation. Let me read to you the figures of some of these increases since the last weighing.

On the Southern Railroad between Washington and Lynchburg the present weighing shows 54,376 pounds per day. The last weighing before showed 39,071 pounds per day, or an increase of over 15,000 pounds per day.

Between Lynchburg and Danville Junction the increase was from 30,736 pounds to 45,396 pounds, or an increase of 50 per cent. Between Danville Junction and Atlanta there was an increase from 32,453 pounds to 55,636 pounds, or an increase of 23,000 pounds between the two weighings. From Atlanta to West Point the increase was from 20,000 pounds to 27,975 pounds. Between West Point and Montgomery the increase was from 19,000 pounds to 26,661 pounds. Between Montgomery and New Orleans the increase was from 17,577 pounds to 25,469 pounds.

Now, here was an average of about 30 per cent increase in the weighing, and therefore an increase to that extent in the compensation. I showed to you yesterday that the ordinary compensation paid to these roads was over $1,000,000 a year under their last weighing. An increase of 20 per cent means $200,000 that they will get more than their last weighing, which will more than make up the entire subsidy that they have heretofore been allowed.

Gentlemen on the other side have attempted to make some point because of the fact that, in the consideration of the appropriation bill last year, I recommended and tried to secure an amendment to the bill appropriating for fast-mail facilities out of my city. I stand, as I said yesterday, just where I did then. I believe that if a fund can be placed at the disposal of the Postmaster-General, to be used by him judiciously and with discretion for favoring particular fast mail trains which could not otherwise be run, and if the benefit to be derived from that fast-mail service would be sufficient to warrant the expenditure of that money, I believe that to be a perfectly proper expenditure. I believe, too, that this fast-mail fund could be distributed through the country to do a good deal more good than this special subsidy which has stood upon the statute books for the last twenty years.

I have shown you that the amount of mail which is carried by this Southern road is insignificant compared with that carried by the great trunk lines of the country, which receive no subsidy. I appeal to you whether it is fair that this road, or this system of roads, after being paid the full maximum compensation for the carriage of the mails, after being paid the regular rate for the transportation of the mail cars, should, in addition to that, be given a bonus or gratuity which is given to no other road in the country, when other roads perform equally good, if not better service than this road. It is not that I am opposed to subsidies; it is that I am opposed to special favoritism and the granting of this particular subsidy to the exclusion of other roads performing equally valuable and meritorious service.

Now, Mr. Chairman, I want to reserve the remainder of my time. How much time have I remaining?

The CHAIRMAN. The gentleman has seven minutes remaining.

Mr. SWANSON. I yield five minutes to the gentleman from New Jersey [Mr. GARDNER].

Mr. GARDNER. Mr. Chairman, it seems to me that the standing of this question, in more than one aspect, before the committee at the present moment, is more extraordinary than anything of the kind I have noticed during the time I have been a member of this House. The gentleman from Ohio in his closing sentences announces, as he has before, that he is in favor of what he erroneously calls subsidies to expedite the mails. Consistent with that belief, the gentleman himself, and others who are opposing this item in this bill, have from time to time offered amendments and made efforts to get items which they wanted in appropriation bills. The result is that we are here listening to gentlemen making bitter onslaughts upon an item in an appropriation bill who do not object to it, but whose quarrel is with the rules of the House. Favoring general subsidies, as they call them, as they admit, they have attempted to get them by only the single method of ingrafting them on appropriation bills, contrary to the rules, and now have a quarrel with the rules, attacking a bill and an item that has been habitually placed in it.

That is the position of the gentlemen, if I understand them. The gentleman from Ohio [Mr. BROMWELL] yesterday piled up a mass of figures and printed them in the RECORD this morning. It is a formidable array, but permit me to say, Mr. Chairman, with due respect, that his figures are as meaningless as formidable. Isolated figures taken from one corner, if I may so express it, of a great system of mail transportation and printed in the RECORD mean just as much as if they had been extracted from the report of the Secretary of the Navy or the Secretary of War, or from any other source, and not connected with the whole system under discussion, so as to give a view of it that would enable members of the House to understand their significance. These figures as to a portion of the system, the whole magnitude of which is not brought into view, the different parts of which are not exposed in the argument to our observation, I repeat, have no significance as placed in the RECORD.

Now, permit me again to say (and it may not be the gentleman's fault) that I am unable to understand him in his presentation of this case. These figures seem to be directed at the Pennsylvania Railroad, without showing what proportion of the mail service of the country it performs. This morning, however, the gentleman continues his travel south, and tells us how insignificant is the southern end of this service as compared with other lines, in which he includes the Pennsylvania Railroad, between New York and Philadelphia. In other words, he attacks one end of the system on one day and on the following day another end, and attempts to belittle it by showing the magnitude of the end which he attacked the day before. It may be my fault that I can not understand that method of comparison.

Now, these gentlemen—or the gentleman from Ohio, and I might say the chairman of the committee, in his remarks yesterday—tell us how much the mails ought to be transported for; wherein we are paying too much; how they are unnecessarily delayed at certain points, and what railroads might do in the way of schedules. In other words, for the purposes of this discussion, they turn railroad experts and tell us all about possible schedules. Why, sir, if any one of them were appointed to-day to take charge of 38 miles of railroad between Washington and Baltimore he would no sooner undertake to schedule the trains over it than he would deliberately commit murder, because he would feel that if he, in his inexperience, in his absolute want of knowledge in scheduling railroad trains, should undertake to make one and run trains by it, would be equivalent to wholesale slaughter. But when it comes to making a schedule for the mails, lo and behold, they know all about it! Moreover, Mr. Chairman, it may not have escaped observation that there are two other ends of their argument which do not seem to agree. When these gentlemen are talking about what the railroads between New York and Philadelphia get, and what the railroads between Philadelphia and Washington get, and what the roads from Washington south get, they say they get entirely too much. Then they throw out as a taunt that the item intended to cover transportation from Boston to New York is never used. That is done to catch the New England votes. Why, sir, it is not used because the amount is not enough to induce the railroads between Boston and New York to come into the arrangement. So, Mr. Chairman, the system is condemned by them because on one end it pays too little, and the other end pays too much.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SWANSON. I yield five or ten minutes to the gentleman from North Carolina [Mr. PEARSON].

Mr. PEARSON. Mr. Chairman, the gentleman from Ohio [Mr. BROMWELL] has undertaken to show that this particular provision is not only exceptional and extraordinary, but that it is singular, as tested by the general tenor of this bill. I desire to call the gentleman's attention to certain other items in the bill, which I dare

say will command his support. This bill appropriates $80,000 to expedite mail matter—where? To the islands in the Pacific Ocean. Extra compensation for carrying the news to the South Sea savages! I ask the gentleman from Ohio whether he thinks that the Republicans and the Democrats of the South, or even the Populists, are entitled to less consideration here than the savages in the South Pacific? In the next place the bill appropriates $40,000 for transferring foreign mail from incoming steamships in New York Bay. Does the gentleman not believe that domestic mail is as important to us as foreign mail may be to him? The bill appropriates for horse-hire allowance $370,000; for car-fare and bicycle allowance, $175,000. It appropriates $50,000 for transportation of mail by pneumatic tubes or other similar devices. Now, every one of those items is intended for the same purpose as this; that is, to expedite or hasten the delivery of mail matter.

Mr. Chairman, I wish to say here, not only on behalf of my own people, but in behalf of all other people in that vast stretch of country from the Potomac to the Rio Grande, that every man and woman and child in that stretch of country receives mail earlier by reason of this provision.

Mr. WILLIAM A. STONE. How much earlier?

Mr. PEARSON. I will give the gentleman the exact figures.

Mr. WILLIAM A. STONE. That is what I want to know.

Mr. PEARSON. The statement to which I am about to refer comes from the first vice-president of the Southern Railway, a man thoroughly familiar with the facts, not only as they now are, but as they have been; a man who is of absolutely unquestioned truth and integrity. I will say to the gentleman from Pennsylvania that the mails are so much earlier at different points as is shown by the paper I hold in my hand. By this increased facility between New York and the South the mails are expedited about twelve hours—I am afraid the gentleman does not want this information as much as he supposed—about twelve hours to Danville, Va., Greensboro, N. C., Salisbury, N. C., Charlotte, N. C., and Atlanta, Ga.; fourteen hours to Montgomery, Ala.; about fifteen hours to New Orleans and Birmingham; twelve hours to Memphis; fourteen hours to Houston, and from twelve to fifteen hours to all points in the Southwest.

Mr. BROMWELL. May I ask the gentleman a question?

Mr. PEARSON. Wait a moment. Now, I will say to my distinguished friend from Pennsylvania [Mr. WILLIAM A. STONE], who is an up-to-date man, that the question is simply whether we ought to get in our mail the news of to-day or the news of yesterday—news that comes in the form of papers from his own section of the country—shall we have that fresh and hot, or shall we get it when it is "stale, flat, and unprofitable?"

I know as a matter of personal experience that at Asheville, where I reside, we get our mail now fourteen hours earlier than we did under the original arrangement. The Government is paying something additional for this service because the railroad is inconvenienced by its performance. But our people of all parties are very much benefited. Now, the gentleman knows that we want intelligence—those of us who support this bill—we want it hot and fresh, and I know he is not inclined to come in here and take from this broad stretch of country such facilities as these.

The gentleman knows something about the internal-revenue laws and about the pension laws. He knows that these people for whom I especially speak pay more money into the Federal service every year than they receive from the Government in any form. We vote here about $140,000,000 for pensions in twenty minutes. We are asking now for what? For the one five-hundredth part of the total amount which this bill carries.

Mr. WILLIAM A. STONE. Let me ask this question: If this provision were stricken out, would you all get your mails from ten to fourteen hours later than you now get them?

Mr. PEARSON. I know of no way of judging the future except by the past. I know that before this fast schedule went into operation we would get the New York papers in our town at 2 o'clock on the day following their publication, whereas now we get them on the night of the day of publication.

Mr. WILLIAM A. STONE. How long has the provision for these fast-mail facilities been carried in this bill?

Mr. PEARSON. So far as the present system of railroads is concerned, I think about three years or four.

Mr. LIVINGSTON. Since 1893.

Mr. PEARSON. The system in operation before the present was by the Atlantic Coast Line.

Mr. WILLIAM A. STONE. And the system has been entirely satisfactory to that portion of the country known as "the South," has it?

Mr. PEARSON. The gentleman's question is now becoming too vague.

Mr. WILLIAM A. STONE. What I ask is whether the operation of this system has been entirely satisfactory?

Mr. PEARSON. Perfectly so.

Mr. WILLIAM A. STONE. And the States that the gentleman has named in reply to my question, or the central portions of them, are now receiving their mail much more promptly by reason of this provision?

Mr. PEARSON. Not only that, but, as the gentleman from Virginia [Mr. SWANSON] said yesterday, this system is like a pipe line—like the main line that carries water—its benefits reach portions of the country which are not immediately on that line. For instance, I reside on a branch system 145 miles away from Salisbury, but I get my mail from New York on the day of its date.

Mr. WILLIAM A. STONE. I am entirely satisfied with the gentleman's explanation.

Mr. PEARSON. I want to call the attention of the gentleman from Pennsylvania to certain points stated in the letter of Vice-President Andrews. He says: "We are required to hold the Southwestern limited as well as the United States fast mail indefinitely, for trains from the North." In other words, Mr. Chairman, that railroad company has put this train service at the command of the Postmaster-General, and if I can for a moment reach the left ear of the gentleman from Ohio [Mr. BROMWELL] successfully in response to what he has heretofore said about the question under discussion, that the trouble was that the Postmaster-General could not exercise his discretion, does he not know that the Postmaster-General does exercise his discretion in the distribution of this fund, and that he has exercised it in the past? The appropriation for last year, for instance, was $196,000. And yet the gentleman does not seem to have observed that the amount expended was but $153,000.

Mr. BROMWELL. One hundred and seventy-one thousand dollars.

Mr. PEARSON. If you will refer to the report of the Postmaster-General, you will find that the amount is $153,000.

Mr. BROMWELL. I have the report before me showing the amount.

Mr. PEARSON. But, however that may be, it shows that there is an exercise of discretion in the Postmaster-General with reference to the expenditure of the funds; and it may be in a short time the Postmaster-General will himself be an Ohio man, and in that case, of course, he will be heroic enough to withstand all importunities on the part of people who would tempt him to act against the public interest.

But, Mr. Chairman, I will not detain the committee longer, and only appeal to my friends from the North on this floor to recognize the fact of this great convenience and advantage to the people of the South, who get but little from the Federal Treasury in proportion to the amounts they pay in.

Mr. PERKINS. Before the gentleman takes his seat, I would like to make an inquiry.

Mr. PEARSON. I yield to the gentleman with pleasure.

Mr. PERKINS. I would like to inquire if it is the judgment of the gentleman from North Carolina that Southern people generally, as interested in this appropriation, are in favor of subsidies?

Mr. PEARSON. The question of the gentleman is vague and indefinite, and would be followed by the subjunctive if propounded in Latin. I leave it to the gentleman to form his own conclusion on the subject.

Mr. AITKEN. Is the object in giving this subsidy to get more rapid mail service through this region?

Mr. PEARSON. That is the purpose and the effect of it.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. AITKEN. I ask if that is the fact? Is the fast mail train to which the gentleman has referred accomplishing this result?

Mr. PEARSON. Nobody can dispute the statement of Vice-President Andrews, to whom I have already referred. There is not a more truthful man in this body, and his statement is worthy of every consideration.

[Here the hammer fell.]

Mr. SWANSON. I hope the gentleman from Ohio will use some portion of his time, as I have but fifteen minutes remaining.

Mr. BROMWELL. I have only seven minutes left, and I think the gentleman should use a part of his.

Mr. SWANSON. I yield to the gentleman from Missouri [Mr. HALL] for five minutes.

Mr. HALL. Mr. Chairman, I did not expect to speak on this matter at all. I am opposed to all subsidies; but I will answer the gentleman from New Hampshire by suggesting that if this were a subsidy, I should certainly be opposed to it. But in the first place this is not a subsidy, being only an additional compensation for service performed by a railroad company, a company doing extra work; therefore there is no element of subsidy whatever that enters into it. While that element may enter into the discussion here, it has no bearing upon the question, although the gentleman from Ohio has succeeded in doing admirably here everything to befog the question in the minds of the Committee of the Whole, which, however, he was not successful in accomplishing in the Post-Office Committee.

That committee, after a full consideration of the matter—and I do not know that it would be proper to state by what overwhelming

majority it was carried—but the idea in the minds of the committee was fully embodied in the proviso, to which reference has already been made, in the following words:

Provided, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

In order to promote the rapid distribution of the United States mail—the interest of the postal service—that was the idea that the committee had in framing this proposition.

Now, Mr. Chairman, can we trust our Postmasters-General? I say we can, and we have trusted them, especially the two who have had control of this matter in the past, General Bissell and Mr. Wilson, and intrusted them implicitly, and I have no fear that we will ever have occasion to entertain doubt on that subject. We will possibly, in a short time, have a Postmaster-General put in by a fellow-citizen of the gentleman from Ohio himself, who opposes this proposition, who will be eminently trustworthy to use the appropriation as provided by law in the best interest of the Government, and will not expend the appropriation at all unless it be expended for the more efficient performance of the postal service of the United States.

For that reason I can not see the element of subsidy claimed to be embodied in this proposition, for it is only additional pay for extra services performed by the railroad company, and it is placed in the hands of the head of that Department, in whom we may implicitly trust, without regard to party, that it will be properly administered.

That is all I desire to say upon the subject.

Mr. BROMWELL. I yield now two minutes to the gentleman from Massachusetts [Mr. SIMPKINS].

Mr. SIMPKINS. Mr. Chairman, the proposition before the committee is a simple business one. It is to give a certain fixed and definite amount of money to railroad companies for the better transmission of mails between the cities of Boston, Mass., and the city of New Orleans. Now, I think that as business men we should see if this money is really needed, and, if expended properly, what the results will be. What, then, are the facts?

It was brought out yesterday in the course of the debate that no part of this money was used in the New England States between Massachusetts and New York, and because of that fact there is a provision on page 8 of the pending bill which provides that money thus appropriated and not expended may be spent by the Postmaster-General at his discretion anywhere indefinitely throughout the country for other purposes in connection with the mails, showing on the face of it that the committee know that the money is not needed and is not to be spent in New England.

Now, what are the facts with regard to the transmission of mails from New York to Washington, that part of the appropriation which is received by the Pennsylvania Railroad? As I understood him, it was the contention of the gentleman from Virginia [Mr. SWANSON] here yesterday that a fast mail train left New York at 4 o'clock in the morning, which would not leave at that time if it were not for this appropriation. Now, what are the facts? If I am correctly informed, that train is essentially a newspaper train. It connects with the Federal and Colonial Express, which is a passenger train from Boston, leaving there at 7 o'clock at night and reaching Washington at 11 in the morning. It stops at Jersey City. It does not take passengers, but takes the New York morning papers, so that they may be delivered early in this city. Those papers would be sent whether this appropriation were made or not. Moreover, there is a train that leaves New York at 12.15 p. m., fully late enough for the New York mails. That train arrives in Washington and connects with this newspaper train which leaves New York at 4 o'clock. No time is saved. They both leave Washington at 11 o'clock in the morning.

I for one do not think that the Pennsylvania Railroad needs this appropriation. I do not know what is the condition of the railroads in the South, but I do know that this appropriation is not asked for by the Postmaster-General. I do know that he does expend a part of the money. I do know that it is necessary for the executive to be in accord with the legislative branch, and that the Postmaster-General may well assume if this House, after debate, deliberately appropriates a certain sum of money, that they do so for a needed purpose, and that he is expected to pay it out. And I do know that the gentleman whom I see standing there wishing to interrupt me [Mr. LIVINGSTON], and to whom I have not time to yield, has criticised Mr. Morton, the Secretary of Agriculture, for not expending for seeds money appropriated by this Congress. So I for one do not blame the Postmaster-General if he has spent the money that this Congress has appropriated; but I contend that he has not asked for the money, and that it, or at least a great part of it, is not needed and should not be appropriated.

Mr. AITKEN. Will the gentleman permit me a question?

Mr. SIMPKINS. Certainly.

Mr. AITKEN. Is not this fast mail train four hours slower between Washington and New Orleans than the regular passenger train?

Mr. BROMWELL. Yes; it is.

Mr. SIMPKINS. I have been so informed, Mr. Chairman.

Mr. BROMWELL. Mr. Chairman, just a word or two more. The gentleman from North Carolina [Mr. SETTLE] quoting from this letter of the first vice-president of the Southern Railroad, makes the statement that by this increased facility, the mails are expedited twelve hours to Danville, Va., and so on, and about fifteen hours to New Orleans. Now, I see by the schedule which is published on the same page of the RECORD that the train which leaves New York at 4.30 a. m. reaches Danville at 6 p. m. If the mails are expedited twelve hours between New York and Danville, that can only mean that the running time is now twelve hours less than it would be for these mails if it were not for these special facilities. Or, in other words, that the New York mail, leaving at 4.45 in the morning, could not get to Danville, Va., until twelve hours after the present time, which would make it 6 o'clock the next morning. Or, to make it more clear, it would take twenty-six hours for the mail to go from New York City to Danville if it were not for these special facilities. Why, the thing is absolutely absurd on the face of it. He says that the mails between New York and New Orleans are expedited fifteen hours. The running time now between New York and New Orleans by the table published on page 1849 of the RECORD is thirty-four hours. Add fifteen hours to that and it would make forty-nine hours. I want to say to gentlemen of this House that you can send your mail by way of Washington and Cincinnati and over the Southern Railroad to New Orleans in forty-one hours, and we do not think that is very fast traveling; and yet the gentleman says that it would take forty-nine hours to go from New York to New Orleans if it were not for these special facilities.

Now, I am told by the Post-Office Department that if this subsidy is withdrawn it will not make a minute's difference in the schedule of these trains. They are running these trains not to suit the convenience of the Department, but to suit their own convenience and their power to make money by running the trains as they do.

Mr. LIVINGSTON. May I suggest——

Mr. BROMWELL. If they did not run the trains to suit the Department they would not get the weighings, they would not get the ordinary compensation. The mails would be thrown to other lines that would send them promptly, just as now they are sent out of Chicago on those lines which will handle them most advantageously for the Department.

[Here the hammer fell.]

Mr. SWANSON. I want to say, in conclusion, that this is a recommendation made by the Post-Office Committee. This matter has been fought out in committee, and has been fought out in the House, and, as the gentleman from Massachusetts [Mr. SIMPKINS] and the gentleman from Missouri [Mr. HALL] said, the simple question is, Is this expenditure a business proposition?

Now, let us determine whether the Government gets sufficient pay in facilitating and expediting the mails from New York to New Orleans by giving this amount. Let us see what mails are concerned in that. As the gentleman from Ohio [Mr. BROMWELL] has confessed, the entire foreign mail to Cuba and the West Indies goes from New York to Atlanta, from Atlanta to Tampa, and at Tampa they make connection with a steamer, and the steamer takes the mail to Cuba. This bill gives $1,800,000 to expedite foreign mails, and yet the very schedules which the gentleman has read, which can not be controverted, show that the foreign mails to Cuba alone, which are more important than the foreign mails to the Sandwich Islands, are greatly expedited to Tampa, and there make connections with the steamers, which was never done before. So the gentlemen can not antagonize that and support other provisions in this bill without being open to the charge of inconsistency.

I will go further. They make connections at New Orleans since this provision has been given which were never made before.

Until the last two years the mail used to get to New Orleans at night, after the Houston train had left—the train that carries the mail to Mexico and all down that way. The mail arrives in New Orleans and is distributed and makes connection with the Houston train the same evening, and this expedites it from fifteen to sixteen hours.

Now, let us go further. Let us see what they get. What does this provision say? It says to be used at the discretion of the Postmaster-General. If he is satisfied that the $170,000 is necessary to expedite mail, should he get it he should use it. If it is not necessary and does not expedite the mails, he has got no right under the provisions of this bill to use it. It is discretionary absolutely with him. Why, we give $150,000 here to get bicycles, for what? To expedite mails to people in cities, and yet here in this provision only about the same amount, $150,000, is given to expedite the mails for fifteen States. The gentleman from Ohio [Mr. BROMWELL] says it is a useless and worthless expenditure of money.

Now, what does the railroad do, and why do not other railroads

do it? Why, if they receive this money for this purpose, they have to allow the Department at Washington to fix the time of their trains leaving, the places where they shall stop, and the connections they shall make. Take the train from Danville to Washington. There is a train leaving at 8 o'clock in the morning. It does the entire local passenger work between Danville and Washington, but they put on an extra train which leaves at 11 o'clock. Why did they do so? Because the 8 o'clock train does not make the connection with the trains from the North. That 11 o'clock train only makes about two stops between Washington and Danville. It is the same way with the New York train, and the train to Atlanta through to New Orleans, and as to all these through trains the Department takes the privilege of controlling these trains, controlling their connections, in order to facilitate the mails, not to facilitate the travel of passengers. The reason why the railroads from Boston to Washington do not use the $24,000 is because the railroads refused to give the Government power to fix their schedules. Why, if a man were running a simple wagon line and he allowed a grocery man for whom he was carrying a lot of groceries to fix the time of his leaving and the stops he should make he would charge something for giving that privilege to the grocery merchant. That is all that this railroad does.

Now, let us see whether they are getting too much or not. The gentleman from Ohio [Mr. BROMWELL] in arguing proves they are not. The Atlantic Coast Line once received this appropriation. At that time the schedules of the trains and their connections were controlled by the Post-Office Department. They were compelled to start a train from New York City at 4 o'clock in the morning. In doing so they got no passengers. They were only doing mail work, and they refused to take the appropriation and so got back the control of their own trains. Why, they said that they lost more profit by the loss of passengers than they made by carrying the mail with the extra compensation paid. Now, this so seriously deranged business that business organizations and chambers of commerce met and requested the various roads to try to get these mail facilities like they used to be. Then the Southern road took the contract and facilitated the mails more than they ever had been before. Why did the Atlantic Coast Line give it up? Why did it refuse to let the Department run its trains and fix its schedules and facilitate the mails instead of facilitating the passengers? Because it thought the compensation was too small for the rights and privileges surrendered by the road. It resulted in a loss to the road.

Now, gentlemen, in conclusion, this is a very small sum of money. It facilitates the mails of ten or fifteen States. This bill carries an appropriation of $50,000 for pneumatic tubes, as the gentleman from North Carolina stated; and what for? To give mails quickly to a man—to give it to him a minute or two earlier. Yet when the people of fifteen States seek to have their mails expedited twelve or fifteen hours, gentlemen say it is an expenditure not justified by the benefits that accrue from it.

Now, I ask you gentlemen at the North, you gentlemen at the West, to help us to retain this provision. It is a great deal to us. It means a great deal to us in getting our letters and conducting our business, our commerce and trade. It is a small sum of money, but it would derange our entire railroad mail connections if the railroads should be allowed to fix their schedule of time of giving us our mail, and not the Post-Office Department. Consequently I insist, on behalf of the people from our entire section, that this provision shall be continued, and give us the mail facilities we now have, and not to take them away from us.

The CHAIRMAN. The Clerk will now report the first section of the bill.

The Clerk read as follows:

For pay of letter carriers in new offices entitled to free-delivery service under existing law, $140,000.

Mr. HARDY. Mr. Chairman, I would like to ask the chairman of the Committee on the Post-Office and Post-Roads to state whether in his opinion this appropriation of $140,000 will be devoted exclusively for the establishment of the free-delivery system in the cities that are now entitled to it. I have consulted with the head of the free-delivery system of the Post-Office Department, and his request was that this appropriation should all be made in a lump sum. It is here segregated, and I am of the opinion that the segregation of the appropriation makes it absolutely binding on the Postmaster-General to use this $140,000 for the establishment of free delivery in the cities now entitled to it.

Mr. LOUD. I offer the following amendment.

The Clerk read as follows:

In line 1, page 3, strike out "one hundred and forty" and insert "ninety."

Mr. LOUD. In answer to the question of the gentleman from Indiana [Mr. HARDY], I will say that prior to last year the appropriation for the support of the free-delivery service was all made in a lump sum. Last year we segregated the different items. This year the estimates were again submitted in lump; and we have again segregated the items. We have put in a new segregation the amount of money to be used for the pay of letter carriers in offices entitled to free delivery under the existing law. We thought it advisable to insert this provision in order that the service might be extended to towns and cities now entitled to it under the law rather than have a further extension such as has been made in the last few years in the cities. The bill as reported carried $140,000 for this purpose. On consultation with the First Assistant Postmaster-General yesterday morning, I found that he had made a mistake in his new segregation; and he now says that he can put the free-delivery service in every office now entitled to the same under the law for $90,000 during the coming fiscal year.

Mr. HARDY. Mr. Chairman, I understand from the chief of the free-delivery system that there are now over one hundred cities that are entitled to this system. I know that the town in which I reside has been entitled to free delivery for years. But we are unable to get it because of the insufficiency of the appropriations. Now, if there are one hundred and more offices entitled to free delivery, I do not think that $140,000 is too much to appropriate for this purpose. Whatever portion of the appropriation may not be used can be turned back into the Treasury.

I hope the Committee of the Whole will vote down the amendment offered by the chairman of the Committee on the Post-Office and Post-Roads and retain in the bill the appropriation of $140,000, in order that the smaller cities of the country may enjoy the benefits of the free-delivery system as well as the large cities. The tendency of the Post-Office appropriation bills and the policy of the Post-Office Department have been to extend the free-delivery system in the cities of the country to the detriment of the smaller towns. I hope, therefore, the amendment of the gentleman from California will not be adopted.

Mr. HEPBURN. I desire to ask the chairman of the committee [Mr. LOUD] whether in his opinion $90,000 will be sufficient to give the free-delivery system to all of the cities of the United States that have the right to it by reason of population or by reason of the amount of postal receipts?

Mr. LOUD. I have already stated that the First Assistant Postmaster-General told me yesterday morning that $90,000 would be sufficient for free delivery in every city and town now entitled to it under the law. Admitting that there are, as the gentleman from Indiana says, 100 towns now entitled to the free-delivery system, I will state that it does not require on an average in these towns over three letter carriers, at $600 a year, to perform this service. It would be impossible to establish all these offices on the 1st of July next. It would require, they tell me, six or seven months before the Department could possibly complete the establishment.

The gentleman from Indiana [Mr. HARDY] has evidently worked himself into a great state of excitement, when in fact the committee has put this bill in such a shape as to make it compulsory to extend the service in the very direction that he is praying for. This is the second case happening within my knowledge in this House when the Post-Office Committee have made possible the accomplishment of a certain object by a segregation of items, and the proposition attacked on the floor of this House and defeated. One year ago the segregation made by the Post-Office Committee with reference to the free-delivery service was for the very purpose of suppressing what we believed to be the illegitimate use of money devoted to what was called "the spy system." Only by the segregation of items, permit me to say in perfect candor, although there were but two Republicans in this House who stood with the committee—only by that very segregation that we made could "the spy system" have been suppressed. Had the Post-Office Committee reported the bill to this House in the form in which it had previously been reported for many years—carrying a lump sum—the House would have accepted it, just as the bill in that form had been accepted year after year; and you could not have made a segregation intelligently on this floor, because it required the work of two men for one month to get the information and prepare the items.

Now, if we had brought into this House in a lump sum the appropriation for the support of this service, you would have accepted it as you had accepted it year after year. But the committee in its wisdom saw fit to segregate the items and to specify the particular amount of money which should be used for this very purpose. Only by this segregation could gentlemen accomplish the purpose they desire. If the amount of increase proposed be given in the general item for the free-delivery service, then the First Assistant Postmaster-General can use this extra amount for such purposes and in such manner as he sees fit.

The committee, as I have stated, thought it advisable to suspend the further extension of the free-delivery service in the cities, because we believed that the cities of this country have already sufficient carrier service to perform free-delivery duty; and we believed that all extra amounts appropriated should be devoted to the extension of the service to cities and towns which are entitled to it under the existing law. And if the First Assistant Postmaster-General says that $90,000 will be sufficient, why should we appropriate $50,000 more than he asks?

Mr. BELKNAP. I observe that the estimate for this branch of the service is $180,000. Now, as I understand, the committee do not propose an extension of this service in the cities at all, and they are convinced that $90,000 will be sufficient to meet the demand in the new offices.

Mr. LOUD. If you leave this item as it is reported in the bill, you will not get one dollar of the amount for the extension of the free-delivery service at the points in the larger cities where you think it ought to be extended, and I assume the gentleman to be specially interested in such localities.

Mr. HENRY of Indiana. Why?

Mr. LOUD. Because the item specifies that the appropriation shall be used for the pay of letter carriers in new offices entitled under the law to this system.

Mr. HENRY of Indiana. You mean, there will be no extension of the service where it now exists.

The question being taken, the amendment of Mr. LOUD was agreed to.

The Clerk read as follows:

For incidental expenses, including letter boxes, package boxes, posts, satchels, repairs, marine free-delivery service at Detroit, etc., $60,000; in all, $13,274,000: *Provided*, That said marine free-delivery service at Detroit shall be performed by the use of rowboats and not by the employment of a steam launch or boat: *And provided further*, That 10 per cent of the foregoing amounts for free-delivery service may be available interchangeably for expenditure on the objects named, but no one item of appropriation shall thereby be increased more than 10 per cent.

Mr. BURTON of Ohio. Mr. Chairman, I desire to raise the question of order——

Mr. LOUD. If the gentleman will allow me, the committee has two amendments to offer to this paragraph, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert in line 7, page 3, after the word "including," the words "twelve mechanics in the six largest cities, exclusively employed in repairing boxes and locks, and erecting boxes, planting posts and pedestals, at $900 per annum."

Mr. LOUD. I will state, Mr. Chairman, that in the segregation of the items made by us for the Department, they neglected to incorporate this as one of the items of incidental expense. It has been provided for for years past, and the Auditor assumes that if it is not mentioned here specifically they can not be continued, as they are salaried officials at $900 per annum.

I ask a vote on the amendment.

The amendment was adopted.

Mr. LOUD. Now, the other amendment which I ask to have read is to correct the total amount.

The Clerk read as follows:

In line 10, on page 3, strike out the words "seventy thousand dollars" and insert "twenty thousand dollars."

The amendment was agreed to.

Mr. BURTON of Ohio. Mr. Chairman, I desire to raise the point of order on that part of this paragraph beginning in line 10 with the word "*Provided*" and extending to and including the word "boat," in line 13, being the following language:

Provided, That said marine free-delivery service at Detroit shall be performed by the use of rowboats and not by the employment of a steam launch or boat.

That provision, Mr. Chairman, changes existing law. It is apparent from the last line of the proviso itself that the present method for performing the service is by a steam launch. We may, I take it, go outside of the record and make the statement that this is the manner in which the service has been performed.

Specific appropriation was made for this marine service in the Post-Office appropriation bill that passed the House last session, in these words:

For marine free-delivery service, $3,500.

From this it appears that the authority given to the Post-Office Department was general in its nature. This proviso makes an essential difference, and imposes a limitation on the methods in which the service can be performed hereafter.

I must say that I am somewhat influenced by the policy of such a change, it being so decidedly a backward rather than a forward step. But I maintain also that this is in violation of parliamentary law, which, I take it, it is scarcely necessary for me to read. The twenty-first rule, second paragraph provides:

That no appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriation for such public works and objects as are already in progress—

And the last clause is that portion of the rule to which I particularly invite the attention of the Chair in the following words:

nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

Briefly summarizing, then, this provision is so vital a limitation upon the law, as heretofore enforced, that it changes, or rather destroys, the existing law.

Mr. DOCKERY. If the gentleman will allow me to suggest, without going into the merits of the question, clause 2 of Rule XXI provides that no change of existing law shall be made on an appropriation bill, nor shall any appropriation be made for any expenditure not previously authorized except in pursuance of a public work or object already in progress. That is the rule, it is true; but the question would arise whether or not the change of method of accomplishing that object—the object itself being continuous—would be subject to a point of order. The change of a method of accomplishing such an object would not seem to be a change of law.

Now, in one case this object was accomplished by the use of a rowboat, in the other by the use of a steam launch; I do not know which is the better method. But I suggest to the Chair, with all due deference, that it is a very doubtful point of order.

Mr. BURTON of Ohio. It seems clearly to be new legislation. It goes beyond being a mere change in the method. It is a vital difference, and limits the work to be done by the Department.

I submit the question to the Chair.

Mr. BLUE. Mr. Chairman, on the point of order I wish to suggest to the gentleman from Ohio that the use of the word "instead" does not of necessity indicate that there is any existing law requiring the use of the steam launch for this service. It may be that there is legislation on the subject, but if this is not the case the point of order is not well taken; for this does not change existing law. It simply provides a different method of doing the same thing. It seems to me that in the absence of further information than that conveyed by the use of the word "instead," the point of order should be overruled.

Mr. MILNES. Where do you find the word "instead?"

Mr. BLUE. "Instead of a steam launch."

Mr. MILNES. That is not the language of the provision. The provision reads as follows:

Provided, That said marine free-delivery service at Detroit shall be performed by the use of rowboats, and not by the employment of a steam launch or boat.

Mr. BLUE. I misunderstood the remarks of the gentleman from Ohio; I did not catch the exact words; but I think the remarks I have made are equally applicable to the language of the bill.

Mr. SETTLE. Mr. Chairman, in the discussion of the point of order on this paragraph I should not care to detain the committee with a statement of the facts which induced the committee to make this change in the bill as it now stands, except for the fact that my colleague [Mr. CORLISS] who appeared before the committee is not on the floor. The reason which induced the committee to make this change, after investigation and after according a hearing to the gentleman from Michigan [Mr. CORLISS], in whose district Detroit is situated, is that the maintenance of this steam yacht for the delivery of the mail costs the Government about $14.50 a day; that all this yacht does is to tow the rowboat out 1,500 feet and drop it, and that the rowboat then goes to the vessel and delivers the mail, returning to this steam yacht, and is again towed 1,500 feet to shore. The yacht in the meanwhile plays around, awaiting the delivery of the mail by the rowboat. In rough weather the yacht stays at the dock and does no service at all, and the delivery of the mail is accomplished by the rowboat. The sole service to the Government by this yacht, which costs the Government $14.50 a day, is to save the muscle of the oarsman for 1,500 feet out, on his way to the vessel, and as a matter of fact, it was stated by the gentleman from Michigan [Mr. CORLISS], and I understand the declaration is concurred in by the entire delegation of that State——

Mr. AITKEN. I guess you will find that there is nobody else who concurs in it.

Mr. STEPHENSON. He is the only one who concurs in it.

Mr. SETTLE. If there is any exception, I do not know of it.

Mr. LOUD. Let me make the suggestion to the gentleman, in all courtesy, that if the gentleman, who is a member of the committee, had been in the possession of the information which was furnished to the subcommittee which framed this provision, perhaps he would not take the position he does to-day.

Mr. SETTLE. The subcommittee did not favor me with that information, and I only had the information which was given when the entire committee were considering the bill.

Mr. AITKEN. Will the gentleman permit a question?

Mr. SETTLE. Certainly.

Mr. AITKEN. How much do you expect to save to the Government by this provision?

Mr. SETTLE. I understand that it will save to the Government certainly the amount which is now paid for the use of the yacht.

Mr. LINTON. Three thousand dollars a year.

Mr. AITKEN. Does not the same contract——

The CHAIRMAN. The Chair wishes to suggest to the gentleman that the point of order is the matter under consideration.

Mr. SETTLE. The gentleman from Michigan [Mr. CORLISS] made the statement before the committee that this yacht is used by the post-office officials as a pleasure yacht simply, and that it is not essential for the service of the Government. It seems to me, in reference to the point of order, that this limitation placed upon

the discretion of the post-office officials is not a change of existing law.

Mr. WILLIAMS. It is a mere designation of the method.

Mr. SETTLE. A mere designation as to how they shall perform this duty.

Mr. BURTON of Ohio. Mr. Chairman, I do not wish to anticipate any discussion upon the merits of this provision until this point of order is decided. I only wish to say that there is a very decided difference of opinion among the members from the lake region, including the State of Michigan; and while I regret the absence of the gentleman from Michigan [Mr. CORLISS], and feel the greater reluctance to oppose him or his views during his absence, I think it would be impossible to find more than one or two at most who take the same view of this question that he takes.

Mr. LOUD. Mr. Chairman, while personally I sympathize with the position taken by the gentleman from Ohio [Mr. BURTON], I think the Chair will readily ascertain that this provision is not subject to the point of order. If it is determined to be subject to the point of order, of course that would restrict committees in placing any limitation whatever upon any appropriation that might be made. While I do not agree with the amendment which has been injected into the bill, yet if that point of order is to stand it will restrict us in providing how any work may be done and will prohibit us from putting any limitation upon the expenditures of any public money in an appropriation bill.

Mr. DOCKERY. You could not put the steam launch in.

The CHAIRMAN. The rule provides that no provision shall be placed on an appropriation bill which changes existing law or enacts any new legislation; but there has never been any difference of opinion in the rulings of the Chair on appropriation bills heretofore as to the right of a Committee of the Whole House on the state of the Union to place limitation on an appropriation. Under the present law there is no question but this mail service can be performed by rowboats or a steam launch. If the limitation was simply affecting the number of steam launches that could be employed, the Chair thinks there could be no question of its being in order. The only question connected with it is that it shall be performed by rowboats. This provision may be held to be more than a mere limitation. But as it is a very close question of fact whether that is new legislation or not, the Chair feels like allowing the Committee of the Whole to decide it on its merits, and therefore overrules the point of order.

Mr. SOUTHARD. I offer the following amendment.

The Clerk read as follows:

Amend page 3 by striking out, commencing in line 10, after the word "dollars," the following:

"*Provided*, That said marine free-delivery service at Detroit shall be performed by the use of rowboats, and not by the employment of a steam launch or boats."

Mr. SOUTHARD. Mr. Chairman, this service was established by the Department at Detroit about two years ago. That is a point passed by almost all the ships that traverse the Great Lakes, and is the convenient point at which they can be reached for the delivery of mail. Since the establishment of this service the number of deliveries has increased enormously. The first year there were only about 49,000 deliveries. The second year the Department states it increased to $180,000, and it is expected that this year, if the service keeps up, the free delivery will exceed 300,000 pieces. There should be no more restriction upon the method by which this mail is to be delivered at Detroit than there would be on the method of delivery at any other place.

Mr. Chairman, it would be just as well to say that the free-delivery system in Detroit should be restricted to the use of one-horse carts, but not two-horse carts; that they might be allowed to deliver the mail in carts having two wheels, but not in carts having four wheels. It should be simply a question of what will give the very best service. Now, a short time ago the Grand Lodge of Shipmasters met in the city of Washington. Their membership numbers more than a thousand, as I understand. I visited a meeting which was held at the Ebbitt House in this city, and they were unanimous in the protest against any change in the service of marine free delivery as it now exists at the city of Detroit. I have a telegram here from the vessel owners in my own city of Toledo, protesting against any limit to the service there, for the reason that it will deplete the service, as they say. I understand members from all along the Lakes have protests similar in character to this.

Now, Mr. Chairman, they say $14.50 a day is the expense of this launch. I understand that to be true. But I find out by inquiry at the Department, from the superintendent of the free-delivery service, that the increase in the number of carriers to effect the service should this steam launch be done away with would more than make up the expense now incurred by the employment of this steam launch. I have consulted with captains and masters of vessels employed in the traffic on the Great Lakes, and the unanimous verdict is that the service since the employment of this steam launch is the best they have ever had, and so far as I am able to find out, every one of them is strenuously opposed to any change in the service.

Mr. DOCKERY. Will the gentleman allow me to ask him a question?

Mr. SOUTHARD. Certainly.

Mr. DOCKERY. If your amendment prevails, and this provision of the committee is stricken out, its effect will be to leave the whole question of how this service shall be performed to the discretion of the Postmaster-General.

Mr. SOUTHARD. That is all. He may perform it by a rowboat or he may employ a steam launch, or employ any method which in his judgment will give the best service at the least cost.

Mr. DOCKERY. It seems to me to be a very proper provision.

Mr. SOUTHARD. Now, this $14.50 a day paid for this steam launch provides for twenty-four hours' service on the part of this boat. That is not an exorbitant charge. I have no special interest in this matter, but a good many people whom I represent have a good deal of interest in it. It seems to me that no such change should be made as is involved in this provision.

Mr. BELKNAP. Mr. Chairman, I regret very much that the gentleman from Detroit [Mr. CORLISS], who had this provision inserted in the bill, is not present. I simply wish to say that the marine interests of the city of Chicago, which I have the honor in part to represent, have as much concern in this subject as those who represent the marine interests of Cleveland and the other lake cities, and I believe that it will be very much to the detriment of this service if this provision is kept in the bill. The marine interests of Chicago are opposed to it. I hope the provision will be stricken out.

Mr. MAHANY. Mr. Chairman, I received a telegram to-day from the president of the Lake Carriers' Association, protesting against the provision incorporated in this section, and also a letter in the same vein from the postmaster at Buffalo, who, previous to his appointment to that office, had spent his whole life in the activities of the Lake interests. The communications read as follows:

BUFFALO, N. Y., *February 12, 1897.*

Hon. R. B. MAHANY, *Washington D. C.:*

All Lake interests desire continuance of marine postal service at Detroit, same as last year.

J. J. H. BROWN,
President Lake Carriers' Association.

—

BUFFALO POST-OFFICE, OFFICE OF THE POSTMASTER,
Buffalo, N. Y., February 11, 1897.

MY DEAR SIR: I am in receipt of a telegram from the postmaster at Detroit, stating that Congressman CORLISS, of the First district of Michigan, is attempting to impair efficiency of the marine postal service at Detroit by opposing appropriation for steam launch used for this purpose.

I consider this service of the utmost importance to the marine interests of the Lakes, and would respectfully ask your hearty cooperation in maintaining this important service. It would be a public calamity to have this service discontinued.

Very respectfully, HOWARD H. BAKER,
Postmaster.

Hon. ROWLAND B. MAHANY,
House of Representatives, Washington, D. C.

The city of Buffalo, in company with the cities of Chicago, Detroit, Toledo, Cleveland, and, as I understand, Milwaukee—also, as suggested by gentlemen near me, Port Huron and Duluth—in fact, the whole chain of Lake cities unite in a chorus of protest against the enactment of this clause. The only dissenting voice seems to be that of the Representative from Detroit [Mr. CORLISS], who secured the incorporation of this provision in the bill by a purely ex parte statement to the subcommittee having this portion of the measure in charge.

Speaking for the city of Buffalo, I can say that the sentiment of that great Lake emporium, whose marine interests are probably larger than those of almost any other city on the Lakes, with the possible exception of Chicago, is absolutely unanimous, indeed I may say insistent, for the retention of this service.

Mr. KYLE. Mr. Chairman, this is a matter that does not affect any interest in my section of country, but it seems to me that sound judgment would dictate that the amendment should prevail. The subcommittee that had in charge the preparation of this bill decided, after hearing these interests at Detroit, to leave this matter to the discretion of the Postmaster-General. This association of sailors that has been referred to had a delegation before the subcommittee. They stated that heretofore there had been some charges made upon the delivery of their mail to them, and that under the present system they receive their mail without any charge.

To state this matter in plain terms, it would appear that all that is involved in the proposition is simply that, as the business is now conducted at the point under consideration, there is a steam yacht that carries the mail from Detroit out to passing boats and delivers it to them. Some of these gentlemen from Detroit, or from Michigan—I do not know why—opposed the appropriation for this purpose. They came before the committee and said they did not want an appropriation made to pay for the services of this yacht. I confess, Mr. Speaker, that I could not see any good reason for their

position. As the matter does not affect my section of country, and is one about which I know but little, I stated to them, as a member of the subcommittee, that personally I cared nothing about it, but that as a business proposition it looked to me that this appropriation ought to be made, and that the particular method of using the money ought to be left to the discretion of the Postmaster-General. So, instead of reducing the item for free delivery at Detroit, $3,500, heretofore used under the discretion of the Postmaster-General for delivering this mail from Detroit to these passing boats, we permitted it to remain.

Mr. OTJEN. Is it not proposed that the delivery of these mails be made by rowboats?

Mr. KYLE. The proposed amendment will strike out the provision for rowboats.

Mr. OTJEN. It should be struck out.

Mr. KYLE. This amendment strikes out all that; and it ought to be done.

Mr. Chairman, I am not a sailor; I am not much versed in seafaring matters; but it seems to me that if we are going to deliver this mail there is no sense in restricting the Postmaster-General by saying that he shall deliver this mail by a rowboat rather than by a steam yacht. If there is any sense in that proposition, I should like to know where it comes in.

With reference to this matter, the information has come to me—I do not know whether I am correctly informed or not—that the Assistant Postmaster-General, when there was a protest made against this matter by some people, made a trip to the scene of operation and conducted a personal investigation of the matter to inform himself what was proper and right to be done; and I understand he came back with the conviction that the delivery of this mail by means of a steam yacht was sensible and business-like and expeditious, and the service was continued in that way after he came back.

Why some of these people want to strike out the provision for the steam yacht and insert a provision for a rowboat is a matter which they must explain. I do not see any good reason for it. I think the weight of the argument is the other way. I feel no interest in it personally; I care nothing about it, except that I should like to see the people of Detroit get as good service as the people in other sections of the country are getting. And the principle involved here is not confined to the city of Detroit; the same idea might prevail in all the cities on the borders of the Lakes.

Mr. OTJEN. Mr. Chairman, in my district is the city of Milwaukee, where there enter and depart every year over 10,000 vessels. I have had telegrams from some of the leading marine men of that city protesting against requiring the Post-Office Department to deliver these mails by rowboats. Gentlemen are aware that the entire marine commerce of the Lakes passes by the city of Detroit. This is the proper place where the mails should be delivered to these vessels. The advantage of making the delivery by steam launch is that it can thus be done quickly. It seems to me it would be ridiculous for this Congress to require the Post-Office Department to deliver these mails by a rowboat. The matter should be left to the discretion of the Post-Office Department, to be managed as the interests of the public service may demand. The marine interests of the city of Milwaukee, and in fact the entire marine interests of the whole Lakes, are against compelling the Government to deliver these mails by rowboat.

Mr. BURTON of Ohio. Mr. Chairman, I do not think the advocates of this amendment ought to occupy further the time of the committee, as it is evident there is a friendly feeling for the change suggested. I desire, however, to ask unanimous consent to have printed in the RECORD some telegrams which several of us have received not only from shipmasters, but from shipowners and marine engineers. If there is anyone here who wishes to study further the grounds upon which this amendment should be adopted, he can consult these telegrams in the RECORD when published.

I include with them a letter from a marine engineer at Cleveland, which I think gives as clear a survey of the situation as anything that I have received. Without occupying further time, I ask unanimous consent to print this letter and these telegrams.

The CHAIRMAN. Without objection, the documents indicated by the gentleman from Ohio [Mr. BURTON] will be printed in the RECORD.

There was no objection.

The documents are as follows:

CLEVELAND, OHIO, *February 11, 1897.*

Hon. T. E. BURTON,
House of Representatives, Washington, D. C.:

Great injustice will be done thousands of men aboard Lake vessels if only rowboat service is provided for mail delivery on Detroit River.

MARINE REVIEW.

—

CLEVELAND, OHIO, *February 11, 1897.*

We believe steam launch necessary for successful operation marine mail service at Detroit.

JOHN CORRIGAN.

CLEVELAND, OHIO, *February 11, 1897.*

We favor delivery of mail to ships passing Detroit by Post-Office Department with steam launch. Rowboat inadequate.

C. H. GILCHRIST.	MITCHELL & CO.
W. H. MACK.	PALMER & CO.
J. C. GILCHRIST.	J. T. HUTCHINSON.
C. L. HUTCHINSON.	W. D. REESE.
B. L. PENNINGTON.	C. R. JONES & CO.
J. W. MOORE.	C. C. CANFIELD.

Also a letter of which a portion is given:

MARINE ENGINEERS' BENEFICIAL ASSOCIATION, No. 2,
Cleveland, Ohio, January 20, 1897.

DEAR SIR: I might here explain, if you are not already familiar with the method used to distribute mail, that it is at present necessary for the ship receiving the mail to check down and take the small boat in tow alongside until the exchanges are made. You can therefore readily see that in the case of a long tow or three or four big boats all going in the same direction, the small boat runs the chance of being carried a considerable distance down the river, and if no boats chance to be going up, it is necessary to tow the boat back to a position near the established cruising point, and hence the tug is a necessity to the system, both to expedite the movements of the small boat and to carry the mail to and from the boat and the post-office at Detroit. The operation of this boat has been in the past highly satisfactory to everyone connected with the inland marine, with the possible exception of two or three reporting agencies along the river at Detroit and Port Huron, who used, previous to the delivery of mail by the United States mail, to hold mail sent in their care as a sort of club to compel men employed upon boats to buy papers (at 10 cents per copy) from them. If the crew of a boat did not take enough papers from this boatman to satisfy his greed, the next trip you got no mail, nor did they hesitate to tell you the reason.

Very truly, yours,
H. T. MCAULEY,
For Marine Engineers' Beneficial Association, No. 2.

Hon. T. E. BURTON,
Washington, D. C.

Also telegrams as follows:

CLEVELAND, OHIO, *February 12, 1897.*

Hon. THEODORE E. BURTON,
House of Representatives, Washington, D. C.:

We sincerely trust Post-Office Department will continue delivering mail at Detroit with steam launch as last season. Do not believe rowboat service will be adequate or nearly as satisfactory.

HARVEY H. BROWN & SON.

—

CLEVELAND, OHIO, *February 11, 1897.*

Hon. T. E. BURTON, M. C., *Washington, D. C.:*

Should be pleased to have you oppose discontinuance of steam launch for mail service at Detroit. Think small boats insufficient to do the business.

W. C. RICHARDSON.

—

CLEVELAND, OHIO, *February 12, 1897.*

Hon. T. E. BURTON, M. C.,
Washington, D. C.:

Should be pleased to have you oppose discontinuance of steam launch for mail service at Detroit. Think small boat insufficient to do the business.

HAWGOOD & MOORE.

—

PORT HURON, MICH., *February 11, 1897.*

Hon. H. G. SNOVER,
House of Representatives, Washington, D. C.:

The original of following petition will be mailed to Chairman LOUD to-night:

"We, the undersigned masters and owners of steam and sailing vessels, protest against the Corliss bill, and request that you use your influence to continue the marine post-office at Detroit.

"(Signed) The Jenks Ship Building Company, 7 boats; Thomas Currie, 3; W. H. Hutcheson, 1; L. L. Slyfield, 2; H. E. Runnels, 4; Ed Fitzgerald, 1; H. Zeland, 1; George W. Pierce, 1; D. H. Cooper, 1; H. W. Davis, 1; B. Hutcheson, 1; C. W. Black, 4; A. D. May, 2; Ed Johnson, 3; N. Hutcheson, 2; W. T. Maitland, 3; D. St. Clair, 3; M. A. Budd, 4, and George Tebo."

H. B. BURKERIDGE.

—

MILWAUKEE, WIS., *February 11, 1897.*

THEO. OTJEN, M. C.,
200 A street SE., Washington, D. C.:

Please oppose bill for discontinuance of use of steam launch for marine mail service at Detroit. See Barney.

R. P. FITZGERALD & CO.,
DAVID VANCE & CO.

—

BAY CITY, MICH., *February 11, 1897.*

Hon. R. O. CRUMP, M. C.,
201 North Capitol street (Hotel Regent), Washington, D. C.:

Please vote against bill now before Congress that favors abolishing the use of a small steamer for delivering mail to ships passing Detroit. Rowboat can not effectively do this work.

JAMES DAVIDSON.

—

WEST BAY CITY, MICH., *February 11, 1897.*

Hon. R. O. CRUMP, M. C., *Washington, D. C.:*

Please favor the continuance steam launch for marine mail service Detroit.

F. W. WHEELER.

—

BAY CITY, MICH., *February 12, 1897.*

Hon. R. O. CRUMP:

Please use your influence for delivery of mail by steam, not rowboats, to boats passing Detroit.

Thos. Cranage; James E. Davidson; McGraw Transportation Company; Bradley Transportation Company; Saginaw Towing Association; Hampton Transportation Company; Boutelle Transportation Company; J. W. McGraw; G. K. Jackson; T. F. Maddan; Michigan Log Towing Company; W. H. Sharp; Young Transportation Company; N. B. Bradley & Sons; Eddy Shaw Fleet; C. A. Eddy.

DULUTH, MINN., *February 11, 1897.*

Hon. C. A. TOWNE:

We trust you can see your way clear to oppose proposition to discontinue steam launch for marine mail service at Detroit. The present system has been very satisfactory.

LA SALLE & CO.

—

TOLEDO, OHIO, *February 11, 1897.*

J. H. SOUTHARD, M. C.:

Please oppose discontinuance of marine mail service at Detroit by steam launch. Service is much better that way than by rowboat or private parties.

A. W. COLTON.

—

TOLEDO, OHIO, *February 11, 1897.*

Hon. JAMES H. SOUTHARD, M. C.,
Washington, D. C.:

Our boat-line interest oppose discontinuing of steam launch for marine mail service at Detroit, claiming service can not be successfully done with rowboats.

F. N. QUALE.

—

DETROIT, MICH., *February 11, 1897.*

Hon. JAMES H. SOUTHARD, M. C.,
Washington, D. C.:

If appropriation for steam launch for marine postal delivery is not granted, the service will suffer severely, as it will require double the number of carriers to handle service, which is constantly growing, and even then it would be impossible to render proper service to Toledo and Lake ports.

JOHN J. ENRIGHT, *Postmaster.*

—

TOLEDO, OHIO, *February 12, 1897.*

Hon. J. H. SOUTHARD,
House of Representatives:

If consistent with your ideas, oppose delivery of mail in Detroit River by rowboat.

CURTIS & BRAINARD.

Mr. BINGHAM. Will the gentleman allow a question?

Mr. BURTON of Ohio. Certainly.

Mr. BINGHAM. What is the proposed amendment of the gentleman—to strike out this provision of the bill?

Mr. BURTON of Ohio. That part is proposed to be stricken out beginning with the word "provided," in line 10, and extending to and including the word "boat," in line 13, the proviso embraced within those lines.

Mr. BINGHAM. Do I understand the gentleman to signify his wish to strike out the entire marine free-delivery portion of the bill?

Mr. BURTON of Ohio. No, sir; merely the restriction that this delivery shall be performed entirely by rowboats. It is our wish to leave it discretionary with the Department whether it shall perform the service by a rowboat or by any other methods which it may deem advisable.

Mr. BINGHAM. Then I would like to ask the gentleman another question.

Mr. BURTON of Ohio. Certainly.

Mr. BINGHAM. What is the necessity of putting this provision into the bill at all?

Mr. WILLIAMS. He proposes to strike it out.

Mr. BINGHAM (continuing). Under your paragraph of incidental expenses in which you give the Postmaster-General qualifiedly discretionary power, and allow him to disburse twelve and a half million dollars in one part of the bill, why introduce here an entirely new character of free-delivery system, and then put it under the head of incidental expenses? Why, the next thing will be the bicycle free-delivery service; the next a compressed-air free-delivery service.

The free-delivery service, the gentleman will understand, is of course under the law. In my city, for instance, it is using to the extent of about 100 wagons, which are employed in part for this purpose. The Postmaster-General employs them in carrying into effect the law under his discretionary power. If it be necessary in Detroit or in Milwaukee or at any other maritime point upon the Lakes to perform this service by a steamboat, or a launch, or a rowboat, the Postmaster-General can do it, unless he comes under the steamboat law or mail-messenger service. Why, then, I ask the gentleman, put this provision in the bill at all, and at the same time put the free delivery or any new character of free delivery under incidental expenses?

A MEMBER. What objection is there to it?

Mr. BINGHAM. Why, it is a confusion. I want the whole paragraph wiped out, because I think in carrying out the law, having given the Postmaster-General this sum of twelve and a half millions of dollars in his discretion and under the law for the free-delivery service, why would you undertake to tie him up if in any section he should find it desirable to use a rowboat or a steam launch in the prosecution of the work? I simply want the general law carried out. That is all. But the gentleman brings in a very different proposition, a marine free-delivery service—or that which is called a free-delivery service—and wants to restrict the Postmaster-General to a certain specific manner of performing it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURTON of Ohio. Briefly, Mr. Chairman, in answer to the suggestion of the gentleman from Pennsylvania, I simply desire to say that this amendment was made to do away with a vicious provision in the paragraph. There is no great objection, perhaps, to striking out the entire paragraph; but I think the House would desire, and possibly the Postmaster-General himself would like to have, affirmative authority for this species of expenditure.

Mr. HENRY of Indiana. Why?

Mr. BURTON of Ohio. The advantage is that the House thereby exercises a closer supervision over the discretionary powers which are conferred upon the Department. Hence it can do no harm.

Mr. GARDNER. Mr. Chairman, I move to strike out the last word.

It is not my habit, sir, to attempt to talk to the House, especially when it does not want to hear anybody.

But there are some points that ought to be stated in behalf of the committee which voted to put the provision in controversy in the bill. The telegrams which are flooding us are perfectly natural results of the sound of the provision. When it is said to the people of Milwaukee and Buffalo and other Lake ports that there is a proposition before the House to do away with the steam launch and use a rowboat for the free delivery of mail matter at Detroit, naturally people who know little or nothing of the facts would infer that this proposition, if carried into effect, would result in curtailing the service or giving a slower service than they have heretofore enjoyed. That is a natural conclusion of the human mind from the statement, and I would be surprised if there were not telegrams from every port that touches on the Lakes opposing this simple proposition to take a steam launch from the free-delivery service and hereafter conduct the service in a rowboat.

Now, I do not know whether it is proper to say that I was one member of the committee who voted against putting in that proposition; I am speaking, therefore, for those who voted differently from me on that question. The provision is embodied in the bill because the testimony before the committee was conclusive that this boat did not expedite the delivery of the mails in any way whatever. The facts are that they maintain an expert oarsman with rowboats, and on the approach of a vessel the mail is thrown into the boat, and the steam launch takes that boat and tows it out into the stream, the oarsman delivers the mail, and the boat tows him back again.

Mr. BURTON of Ohio. Will the gentleman yield for a question?

Mr. GARDNER. I will make the further statement that the steam launch does this service, when it does it, but the uncontradicted statement is that no steam launch has ever been employed there by the postmaster that was not less seaworthy than the rowboat, and that in all times of rough weather, and all times when there would be any natural difficulty about the delivery of the mail, the steam launch lies safely moored to the dock, and the rowboat does the service alone. If any man will stand up here now and contradict that statement, he will do what no man did during the consideration of this question before the committee. The uncontradicted information goes much further than this, Mr. Chairman, whether I ought to say it here or not. It is to the effect that there is a good deal of the time in fine weather when this boat is seaworthy enough to go out, when she is employed in a service connected with officers of the post-office rather than the mail service, and that then the rowboat does the service alone.

Mr. BRUMM. In other words, she is used in the female service instead of in the mail service. [Laughter.]

Several MEMBERS. "Vote!" "Vote!"

Mr. GARDNER. It is all right to say "Vote, vote," but will some gentleman say that these telegrams which have been received here have not been received on the supposition that to take the steam launch out of the service is to cripple the service? Or will any gentleman stand up and deny the facts as stated—that the steam launch is less seaworthy, less capable of going out in rough weather, than the rowboat? The only time in the natural operation of the elements when a steam launch would be the most serviceable is when this one is unfit to go out and lies behind the dock and does not attempt to go. Those are the facts that led the committee to this action.

Mr. STEPHENSON. Have you ever been in Detroit?

Mr. GARDNER. I have.

Mr. STEPHENSON. Do you know the condition of things there on the river?

Mr. GARDNER. I know they have heavy winds and sea.

Mr. STEPHENSON. There is no time when the launch can not go out.

Mr. BARTLETT of New York. I wish to ask the gentleman if there is any evidence before the committee as to the ownership of this steam launch?

Mr. GARDNER. I have no information to offer on the floor as to that.

Mr. HALL. Will the gentleman allow me to ask him a question?

Mr. GARDNER. I will yield to my colleague on the committee; yes.

Mr. HALL. My colleague has stated, and correctly stated, that the undisputed testimony before the committee was that this steam yacht was unseaworthy as compared with the rowboat. But was not that the statement of one member of the Michigan delegation alone?

Mr. GARDNER. Yes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HALL. I move to strike out the last word.

Mr. GARDNER. I only wanted the House to understand the facts.

Mr. AITKEN. You did not tell us who it was that appeared before your committee—from whom you got your information.

Mr. GARDNER. Mr. Chairman, I do not want to ask for more time, but there are a number of gentlemen standing around me here and asking where the information came from. I only want any gentleman to stand up before this committee and risk his personal reputation on the assertion that the facts which I have stated are not true. Let him so state to-day, and come back here to meet that statement. Let one gentleman stand up here and now and assert that that steam launch is as seaworthy as the rowboat which she tows in good weather. Let one of them assert that it is not a fact that the steam launch lies at the dock in bad weather, and that the rowboat goes out without her.

Mr. HALL. I can not say anything on that subject, because I do not know, but I know just as much about it as my colleague does, who has taken his seat.

Mr. AITKEN. Just as much.

Mr. HALL. The statement before the committee was that the use of this steam yacht was condemned by every member of the Michigan delegation, and out of deference to that statement, as I thought the Michigan delegation knew better about a local matter than others did, I was induced to side with the representations made by this gentleman. Now, I am free to say that if this statement is not indorsed by the Michigan delegation, as I am told by a number of them that they do not indorse it, I certainly am in favor of the amendment offered by the gentleman from Ohio [Mr. BURTON]. The gentleman who has just taken his seat [Mr. GARDNER] says that this steam yacht is unseaworthy to go out farther than 1,500 feet from shore, and yet he says that the postmaster and his friends in calm weather go out on pleasure excursions and spend some time in perfect safety on that steam launch. It seems to me there is a contradiction right there.

Mr. LOUD. Mr. Chairman, I do not want to interrupt any gentleman, but I want to say a word about this before the debate closes.

Mr. SOUTHARD. Mr. Chairman, this is the first time I ever heard the argument advanced that a rowboat is more seaworthy than a steamboat or a steam launch. There is one additional statement which I wish to make. I was informed this morning by the superintendent of free delivery that had it not been for this steam launch for many days during last fall the mails could not have been delivered on the many steamers passing this point; that the mails could not have been delivered at all to the steamers passing along that river.

Mr. LOUD. Mr. Chairman, I want to make one statement in regard to the inquiry made by the gentleman from Pennsylvania [Mr. BINGHAM] who is thoroughly familiar with all postal affairs. He says why not strike out this whole provision. Now, let me explain to the gentleman why we have thought it necessary to put this provision in the shape it now appears. We have segregated, as the gentleman well knows, the items for the support of the free-delivery service, so much for carriers, so much for car fare, so much for horse-hire allowance, etc. Last year we made a much closer segregation as to letter bags, pouches, etc., to the free-delivery service, and for the twelve mechanics, and we thought it advisable to put it all into an incidental account, as it only embraced $60,000. We thought it advisable to enumerate, in brief at least, the purposes for which this incidental fund might be used.

Now, then, in regard to the marine free-delivery service there is a question yet whether the Post-Office Department would be permitted to use it. It is a question yet for the Auditor to determine whether the Postmaster-General could use any of this incidental money unless specified here for this free-delivery service at Detroit. This is not an adjunct of the Detroit post-office, and the money for the support of the Detroit office can not be used for this purpose. It is a separate service entirely.

Mr. BINGHAM. Where does the gentleman, in the law, find any such thing as marine free-delivery?

Mr. LOUD. I do not find anything in the law for a marine free delivery; but we provide in our bill, permit me to say, for substantially the same character of service for the city of New York, for a vessel to go out and meet the incoming vessels, and we appropriate $40,000 for the purpose of expediting the mails there. It is not an adjunct of the city post-office of New York, but it is an accommodation to facilitate the mails of the people of the whole country; and we put that special provision in here, otherwise it could not be provided for, because it can not come out of the money given for the support of the New York post-office. This service is of no interest to the city of New York whatever. The mistake the committee has made, and the gentleman who sought to defend the committee made, is that he took the ex parte statement of one gentleman before that committee and accepts that as all the testimony presented to the committee. Now, as members of Appropriations Committees in the House well know, the evidence in the preparation of an appropriation bill is taken before subcommittees.

Mr. SETTLE. Will the gentleman permit me right there?

Mr. LOUD. In a moment. Let me finish my statement. The evidence is taken before subcommittees. They prepare the appropriations on the best evidence that is presented to their minds, and on such they frame the bill. Now, permit me to say, one gentleman made a statement as to this before the full committee, after the chairman and the other members of the subcommittee had fully investigated the subject. It had heard the representatives of the marine engineers, the masters and pilots, the First Assistant Postmaster-General, and had a communication from the postmaster at Detroit. As a result of the examination we made into this whole matter, we presented this provision to the full committee. We could not present to the full committee all the evidence that we had before us in the subcommittee, and it is not customary, I will say, for gentlemen who are on Appropriation Committees to submit to the full committee all the evidence that was before the subcommittee unless called for. The full committee listened to the statement of one gentleman, who came before the committee and made an ex parte statement. The subcommittee, composed of three gentlemen, of whom I, as chairman, am one, the gentleman from Mississippi [Mr. KYLE] another, and the gentleman from Illinois [Mr. SMITH] another, gave to the committee as a result of our calm investigation the opinion that this item which is now sought to be stricken out should not be in the bill. Now, then, I think that the committee should have accepted the evidence and testimony of the subcommittee of three who had carefully gone over this subject.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LOUD. I ask for another five minutes.

There was no objection.

Mr. SETTLE. Now, will the gentleman allow me?

Mr. LOUD. Let me finish the sentence. I think the committee, as an act of courtesy if nothing else, should have put as much reliance upon the word and testimony of that committee of three as they would in the unsubstantiated statements of a single member of this House, and that without reflecting on the gentleman at all.

Mr. BINGHAM. If the gentleman will permit me, does he think that this paragraph is properly in the bill?

Mr. LOUD. I think so, except that part which the gentleman from Ohio [Mr. BURTON] seeks to strike out.

Mr. BINGHAM. And that it is good legislation?

Mr. LOUD. I think so.

Mr. SETTLE. Mr. Chairman, I only want to say a word or two in reply to the gentleman, in justice to the committee and in justice to Mr. CORLISS. That gentleman appeared before that committee, and went into a detailed statement as to the necessity for this boat or the nonnecessity of it.

Mr. LOUD. Oh, yes.

Mr. SETTLE. Well, I do not want this connection to indicate any want of confidence in the chairman or the subcommittee having it in charge. I want to state that, in spite of the detailed statement given by the gentleman from Michigan [Mr. CORLISS], a member of this House, the subcommittee offered the full committee nothing but an opinion. That was all.

Mr. LOUD. Now, I want to say, in relation to some claims made before the committee, that they did not represent the city of Detroit. Let me say that the city of Detroit has no more interest in the marine free-delivery service than the city of New York has in the $40,000 we appropriate to expedite the foreign mails, because that service there is of no interest to the city of New York whatever. It is simply a service provided to expedite the delivery of these mails from the incoming steamers to Jersey City and the Union Depot and thence to the rest of the country.

It has nothing whatever to do with the New York service. Detroit is not interested in this service; Detroit has a free-delivery service of its own. This service is of interest to Buffalo, to Cleveland, to Toledo, to Chicago, to Milwaukee, and to every point up and down the Lakes—all over the Lakes—and, as I am credibly informed, there is a vessel passing Detroit every four minutes during the twenty-four hours. On a stream with so swift a current as there is at that point, it is impossible that this service should be performed by rowboats. Furthermore, it would be impossible for a rowboat to carry the immense amount of mail required to be

delivered along these lakes. I am willing to leave to the Post-Office Department the discretion to expend $3,500 out of an appropriation of over $13,000,000 when we insert no provision of the kind in regard to any other section.

Mr. BINGHAM. Does not this service, as the gentleman states it, become either steamboat service or mail-messenger service, rather than free-delivery service?

Mr. LOUD. Well, it is free-delivery service. It is a special service.

Mr. BINGHAM. I am not disposed to criticise the gentleman, but it seems to me he is starting to build up a general appropriation bill in such a way that no one can tell what the result will be in a very few years. The service now under consideration is either mail-messenger service or steamboat service.

Mr. LOUD. I trust the gentleman from Pennsylvania and myself will be here for many years to come, so that we can see that this thing is properly managed. [Laughter.]

The question being taken on the amendment of Mr. SOUTHARD, it was agreed to.

Mr. BINGHAM. Before the Clerk reads further, I desire to make an inquiry of the gentleman in charge of this bill in regard to a clause at the close of the paragraph on page 3:

And provided further, That 10 per cent of the foregoing amounts for free-delivery service may be available interchangeably for expenditure on the objects named, but no one item of appropriation shall thereby be increased more than 10 per cent.

Is not this provision new? Is it not very recent?

Mr. LOUD. A provision similar to this was incorporated in the Post-Office appropriation bill last year by the Senate, and the conferees on the part of the House accepted it because they thought it was necessary in view of the minute segregation that was made of appropriations for the support of the free-delivery service. A provision of this kind is carried in the sundry civil bill. It is not regarded as dangerous at all.

Mr. BINGHAM. I merely wanted the information about it, because it is entirely new to me.

Mr. LOUD. In view of the amendment which has just been adopted, I move to amend by striking out, in line 13, the words "*And provided further*" and inserting the word "*Provided.*"

The CHAIRMAN. Without objection, the verbal amendment suggested by the gentleman from California will be agreed to.

There was no objection.

The Clerk read as follows:

The Postmaster-General is authorized to apply to the payment of the salaries of letter carriers for the fiscal year 1897 the sum of $23,000, being an unexpended balance of $13,500 of the appropriation for the current fiscal year for street letter boxes, posts, and pedestals, and an unexpended balance of $9,500 of the appropriation for the current fiscal year for package boxes.

Mr. MILLER of Kansas. I desire to raise a point of order on the paragraph just read, and I will state what the point is.

In the appropriation made last year for letter boxes, posts, and pedestals, and for package boxes, more money was appropriated than has been used. In the carrier system there is perhaps a deficiency. The effect of this paragraph, as I understand, is to take this money from the item for which it was appropriated last year and apply it to another item. Now, the question which I raise, and on which I wish the opinion of the Chair (because, as a matter of policy, I do not know that this is wrong), is whether this provision does not change existing law, from the fact that last year this money was appropriated for a specific object, and that the present proposition is to appropriate that money for another object, contrary, as I understand, to the general law, which requires unexpended appropriations to be covered into the Treasury.

The CHAIRMAN. The Chair is of opinion that this is simply in the nature of an additional appropriation for letter carriers. There can be no question as to the authority of the Committee on the Post-Office and Post-Roads to report an appropriation giving an additional amount to letter carriers. The provision in this bill has simply the effect of a new appropriation. It proposes merely to use for this particular purpose an unexpended appropriation in the bill of last year. This appropriation is applied to an object already provided for by law, the payment of letter carriers. The Chair overrules the point of order on the ground that the provision is simply the application of a previous unexpended appropriation to a purpose contemplated by law.

The Clerk read as follows:

For experimental rural free delivery, under the direction of the Postmaster-General, $50,000.

Mr. TALBERT. I move to amend the paragraph just read by striking out "fifty" and inserting "one hundred;" so as to make the amount of appropriation for this purpose $100,000.

The amendment proposed by Mr. TALBERT was read by the Clerk.

Mr. TALBERT. Mr. Chairman, I offer this amendment in the interest of the great mass of the people in this great country of ours. I offer it in the interest of the farmers of our country, who are the foundation stone of all prosperity and all greatness and all happiness, and who pay at least 80 per cent of every dollar appropriated by Congress after Congress meeting here year after year.

And, Mr. Chairman, I see that in this bill we appropriate for free delivery in the cities and towns of the United States $12,529,000. That appropriation has been passed, and there is no objection to it. I do not object to it, because it seems to be necessary. At least, the Committee on Post-Offices has deemed it proper, and I do not object.

In addition to that, we have a provision for horse hire to the extent of $390,000; for car fare, $175,000, and so on. All of this money is to be expended in the interest of the people who live in the towns and cities. Now, after this, after we have made provision for this expenditure, would it not be an act of simple justice to add at least $50,000 to the small pittance carried in the appropriation merely for the purpose of experimenting in this free-delivery service in the rural regions? Surely the people, the great mass of the people, are entitled to some consideration. In the Fifty-third Congress I think $20,000 was appropriated for this purpose, and the Postmaster-General made some experiments and reported upon the feasibility of the work.

Mr. LOUD. That sum was not expended.

Mr. TALBERT (continuing). Well, it ought to have been expended. A part was expended, and showed that it was practicable.

Mr. CUMMINGS. Will the gentleman allow an interruption?

Mr. TALBERT. Certainly.

Mr. CUMMINGS. I wish to suggest to the gentleman, when he refers to the bicycle, that it would be a very valuable auxiliary if we are to have free delivery in the country districts.

Mr. TALBERT. I am not making objections especially to that. I am merely calling attention to the expenditure for the free-delivery service where it is already established. I only object to it because it does away with the demand for horseflesh, and possibly the demand for that class which we sometimes call jackasses [laughter]—those fellows in charge of the Government.

But, Mr. Chairman, seriously I speak for the farmers of this country, the masses, the toilers, the taxpayers, and hope the House will not object to the little pittance asked for an experiment in this direction of free delivery in the rural districts. Let the people who live in the country districts, the poorer portions, have some way by which their mail matter can be carried to them and delivered at their doors; let the appropriation be increased, so that the poor people will have something of this privilege.

I do not object to the appropriation for the city or town people. There should be no question between the towns and the country on such a matter as this, but let the farmers come in for their share of the Government bounty in this regard. Give them a chance. Provide them some accommodations. The boards of trade, the chambers of commerce, the banking associations, and all others throughout the country have been heard. Now, Mr. Chairman, let the farmers and the taxpayers, let the toilers be heard once, and receive some little consideration.

I hope the amendment will be carried unanimously.

Mr. BARTLETT of New York. Will the gentleman allow an interruption for a question?

Mr. TALBERT. Certainly.

Mr. BARTLETT of New York. What does the gentleman understand by the terms "experimental free delivery?" How is it to be tried?

Mr. TALBERT. Why, in any way that the Postmaster-General shall direct.

Mr. BARTLETT of New York. But do you expect it to be tried in your district only?

Mr. TALBERT. No, sir; everywhere. It can be tried in many ways and in various parts of the country. For instance, there could be boxes placed along the line of the star routes, where mail would be deposited by the companies carrying the mail for the people and mail left by the rural population to be collected. I am not here to suggest the way. That is a matter for those who have charge of the appropriations. Let them devise the best method to attain the purpose desired. The Postmaster-General and the Superintendent of the Mail Service can experiment and test the best manner in which the mail shall be delivered to the poorer people of the country just as well as it is delivered to the nabobs and millionaires who live in the cities, like the gentleman from New York who asked the question. [Laughter and applause.] They are—these people who live in the country, the farmers and the working people—the bone and the sinew of this country. They have made it what it is. They have stood in the front when their services were required to preserve the country from danger. They are the people who stand throughout this country laboring for the welfare of all. They are the producers of wealth, and I stand on this floor as an humble representative of that class, and hope the gentleman with all his wealth will not stand here to object to this little increase. [Applause.]

Mr. BARTLETT of New York. Does the gentleman mean to say that we have no bone and sinew in the cities?

Mr. TALBERT. I am not criticising the cities. I have only

said that you have appropriated $12,000,000 to deliver your mail free. I am not opposing that appropriation. It is right; you ought to have it. But is it not right, also, that we who live in the rural districts should give some concern, some consideration, to the people who live among the hedges and byways, and who have contributed so largely to the wealth of the country? Let them have some consideration at our hands.

I hope the amendment will be adopted.

Mr. HALL. Mr. Chairman, partly in addition to what has been suggested by the gentleman from South Carolina, I am satisfied that this experiment of free delivery in the rural districts is being tried to advantage, and it has already commended itself in my own district and State. I selected, at the suggestion of the Postmaster-General, a township that was entirely rural in which the test was made in the State of Missouri. A part of that township extended to and included a place of some 12,000 inhabitants. To this point in the township many of the farmers were in the habit of going at regular intervals for their mails. In the same township is the little town of Cairo, of some four or five stores only, which is more convenient to many of them; and after this experiment of free rural delivery was tried, the mail was taken largely from this town of 12,000 people and was delivered at the town of Cairo, much to the convenience of the people living in that township, and all are delighted with the change.

But the Postmaster-General is in favor of experimenting with the subject until he has ascertained practically its success, and knowing that fact, the committee called on him to know his opinion as to the sum necessary to carry out the work as efficiently and rapidly as possible. The committee thought, acting upon his suggestion, that the sum of $50,000 would be ample for this purpose, and that amount they have recommended in the bill.

Mr. TALBERT. I hope the gentleman will not object to the increase I have proposed. Let him have the $100,000 if he needs it, and if he does not need it he will not expend it. It will not cost anything to the Government if the money is not expended. I hope the gentleman will not interpose any objection. If necessary, I will modify the amendment to say so much as may be necessary.

Mr. HALL. I do not think the gentleman feels any more interest in the prosperity of the agricultural classes than hundreds of men here who never pose in that attitude. The Post-Office Department has asked what they regard as a sufficient sum to carry on these experiments, and they have suggested $50,000 for that purpose, and while I am fully in accord with the idea of carrying the experiment forward, I do not think this increase is necessary, as proposed by the gentleman from South Carolina.

Mr. TALBERT. Let me ask the gentleman would he object to putting in the words "if so much be necessary?"

Mr. HALL. I propose to stand by the bill as reported by our committee, and I propose to stand by the amount that the Postmaster-General said he wanted for this purpose, as he is a friend of rural free delivery, and I propose to support the bill as it is.

The CHAIRMAN. The question is on the amendment of the gentleman from South Carolina [Mr. TALBERT].

Mr. TALBERT. I would like to amend the amendment by adding the words "if so much be necessary." That would put it in better shape, and so, if it is not necessary, the Postmaster-General will not expend it.

Mr. LOUD. Mr. Chairman, when we entered on the consideration of this bill, I had some misgivings in view of the absence of my friend from South Dakota [Mr. PICKLER], and feared that the "common people" had no special defender on the floor; but I see that the common people are all right; so we need have no more fear in that direction.

Now, in regard to this item, these appropriation bills have heretofore carried an item of $20,000, but a new system of experimental free delivery has been inaugurated, which I think will be practical and result ultimately in benefit to the rural districts. But the service has just been established. There is a provision for the expenditure of $50,000. Now, the Postmaster-General, if he had $500,000 or $1,000,000, would not at present extend this beyond the offices in which it is already established. This $50,000 will fully demonstrate whether this system of rural free delivery is practicable or not, and is all that could possibly be used now. I ask the House to vote the amendment down.

The question was taken on the amendment of Mr. TALBERT; and on a division (demanded by Mr. TALBERT) there were—ayes 45, nays 39.

Accordingly the amendment was agreed to.

The Clerk (proceeding with the reading of the bill) read as follows:

For inland transportation by railroad routes, of which a sum not exceeding $30,000 may be employed to pay freight on postal cards, stamped envelopes, and stamped paper, and other supplies from the manufactories to the post-offices and depots of distribution, $20,000,000.

Mr. WILLIAMS. Mr. Chairman, I offer an amendment to come in as a proviso at the end of line 7, on page 6.

The amendment was read, as follows:

Provided, That no railroad company shall be paid a higher rate of compensation for carrying the mails than is now paid land-grant railroads, and that section 13 and so much of the rest of the act of July 12, 1876, as requires land-grant railroads to carry the mails for 80 per cent of the compensation paid other railroads is hereby repealed.

Mr. BINGHAM. I make the point of order against that.

Mr. WILLIAMS. I will ask the gentleman to reserve the point of order until I can state the reasons for the amendment.

Mr. Chairman, I am well aware that this amendment is obnoxious to the point of order, but I think that if the gentleman will permit a statement of its nature and character, and the reasons for favoring it, that he will not make the point of order.

Mr. BINGHAM. I have no objection to the gentleman making a statement, but I shall make the point of order.

Mr. WILLIAMS. Very well, Mr. Chairman. When the chairman of the Committee on Post-Offices and Post-Roads was interrogated yesterday as to the possibility of saving money in the administration of the post-office affairs of this country, he called attention to the fact that the land-grant-aided railroads of the country were compelled by the act of July 12, 1876, to carry the mails at 80 per cent of the maximum rate authorized to be paid for railroad transportation of mails. He also stated the fact, and it was undenied and is indisputable, that all of these railroads are very anxious to get this work at the compensation paid them by the Government, which is 80 per cent of the maximum allowed by law to other railroad companies.

It also appears to be a fact undenied and undeniable that the railroads which carry the mail at 80 per cent of what is paid to the others do not receive a large volume of mail, and therefore can less afford to carry it at that rate than these other roads which get 20 per cent more could afford to carry it at the same rate.

So that here is an opportunity to save an amount of money to the Government without paying these railroads one penny less than they ought to have, or one penny less than they would be only too glad to do the work for; and although it is amenable to the point of order, I hope the gentleman will permit the representatives of the people to vote upon an amendment on its merits and bring about this saving, so much to be desired. Economy is a god which is worshiped everywhere except in the city of Washington. [Laughter.] I hope that when there is an opportunity to have a little sincere worship of it here the opportunity for our devotion will not be interfered with by a point of order.

Mr. BINGHAM. I make the point of order under Rule XXI, paragraph 2, that this is new legislation. The statutes are well defined.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For inland transportation of mail by electric and cable cars on routes not exceeding 20 miles in length, $225,000: *Provided*, That the rate of compensation to be paid per mile shall not exceed the amount now received by companies performing said service.

Mr. BINGHAM. Mr. Chairman, I desire to call the attention of the gentleman in charge of the bill to the paragraph:

For inland transportation of mail by electric and cable cars on routes not exceeding 20 miles in length, $225,000: *Provided*, That the rate of compensation to be paid per mile shall not exceed the amount now received by companies performing said service.

I have a communication from Philadelphia this morning, which perhaps has as much of electric mail service as any city in the country, wherein I am informed that this provision will prevent the Department from paying or allowing electric mail-car service that amount which was adjudged fair as compensation by the report of the commission appointed by the Department to make an examination upon this subject. I desire to state to the gentleman that I am wholly unfamiliar with the question. I feel sure that if they have investigated the proposition that fair justice will be done the electric companies that are performing good service in Philadelphia, giving for 20 miles outside of the city quite expeditious service. They feel that they do not receive and are not receiving fair compensation for that service. I would ask the gentleman to give some explanation, as the subject is entirely a novel one to myself.

Mr. LOUD. I will state, Mr. Chairman, that I am glad the gentleman has asked the question, and I must confess that this is a subject on which I am not expert at all. I will explain how the railroad companies are now paid. A year ago, I think, there was a committee appointed by the Postmaster-General to consider this subject. It had been considered, I will say, by a committee the year preceding. But to go over it more carefully, he appointed a new committee which gave this matter careful consideration, and they have made a report which I hold in my hand and which I want to print with my remarks, and also desire to have read, because I want the House to be in possession of as many facts in the case as I am myself. I want the House to act intelligently, fairly, and justly in the proceeding as members shall see it from the presentation made.

I will say further that this committee was a fair committee,

composed of the Second Assistant Postmaster-General, the General Superintendent of the Railway Mail Service, a gentleman by the name of Myers, and one other. After a careful investigation they reported, recommending a certain rate to be paid these companies. Last year the service was established in so many cities that, in view of the amount carried in the appropriation bill, they could not pay the street car companies the full amount agreed upon by this committee. So the street railroad companies agreed with the Post-Office Department to accept, during the present fiscal year, a reduction of 25 per cent below the amount fixed by this committee.

Now, then, as I started out to say, it is an intricate question with which neither myself nor the gentleman from Pennsylvania nor any gentleman here is familiar. We have, however, arrived at the conclusion to insert the provision as we have it in the bill. Last year the Post-Office Department reported to us the result of one investigation, which was somewhat lower—much lower, I may say—than the report of this committee. They submitted to us a maximum rate, which the committee incorporated in the bill at that time. The maximum rate for a full car service, a 16-foot car, was 12 cents per mile. As the gentleman remembers, we had that in the bill. During some performances that went on here when the special defenders of the common people were rampant, points of order were raised and it went out of the bill; and the Post-Office Department did not have a statute of limitations fixed. So this year they went into the matter again, and came to the conclusion, as contained in this report, that a fair basis would be a cent per foot per mile, inside measurement, which would make for a 16-foot car 16 cents per mile—4 cents more than was recommended to this body last year—which I believe would have passed this House either in that form or a reduced form. The chairman of the Committee on Appropriations did suggest an amendment to reduce it; but I think it would have passed the House almost unanimously if it had not gone out on a point of order.

Now, when we come to ascertain what the amount is at 1 cent per foot per mile—when we figured it upon the basis of the pay given for railway post-office car service—and let me remark that severe criticisms have been made by many reformers and by a great portion of the press of the country to the effect that the pay for this railway post-office car service is exorbitant——

The CHAIRMAN. The time of the gentleman has expired.

Mr. LOUD. I ask for five minutes more—not on my own account, but for the benefit of the House. I wish to go over this subject, so that the House may understand it. I am simply giving the result of our investigations.

The CHAIRMAN. In the absence of objection, the gentleman will proceed.

There was no objection.

Mr. LOUD. As I was saying, the rate paid for railway post-office car service is assumed by many to be exorbitant. Now, at the rate of a cent per mile per inside foot for this car service the Government would pay for a 16-foot car on a street car line $58.40 per mile per annum. The rate we pay for railway post-office cars is, for a 40-foot car, $25 per mile per annum; that is, $25 for 365 miles. Figuring upon the same basis here, you will find that 365 miles at 16 cents in this 16-foot car would cost $58.40. Looking at the question from this standpoint, and in view of the cost of the construction of a 16-foot street car—in view of the cost of operation and in view of the amount of labor required to operate the car in comparison with the service performed on the railroads of the country—it seemed to me an exorbitant price. I may be entirely mistaken, but it does seem to me that we should be able to operate a car in a city at somewhere near the same figure as upon a steam railroad. That is the way the proposition strikes me.

Of course I know that gentlemen who are familiar with the street car service will say, "We are compelled to have the motorman, or the gripman, and the conductor under the requirements of municipal law." Admitting that, I find that under the rates which it is proposed to pay here for a trailer car, which, of course, does not require either a motorman or a conductor—at the rates proposed by this committee for a trailer car——

Mr. BINGHAM. What does the gentleman mean by "a trailer car?"

Mr. LOUD. I mean such as are used in the service in the city of Washington.

Mr. BINGHAM. That is, a trailer only in the sense of being a rear car. It is, in fact, a specially built postal car.

Mr. LOUD. Oh, I admit that. But of course there is no comparison between the first cost of the construction of one of these cars and that of constructing a 60-foot car for service on railroad lines.

Mr. BINGHAM. I merely wanted the gentleman's definition of a "trailer."

Mr. LOUD. I think the House understands that a trailer car is one which does not require either a conductor or a motorman. Now, the rate provided by the committee in this bill would require us to pay $43.80 per mile per annum for a trailer car of 16 feet inside measure; yet we pay but $25 per annum per mile for a 40-foot car operated upon the railroads of the country. This is all the information that the committee or the chairman of the committee possesses on this subject.

Mr. BINGHAM. I am very much obliged to the gentleman for the information.

Mr. LOUD. If the gentleman desires, so much of the report as relates to this subject might be read. I think it would be well that it should appear in the RECORD in order that the House may understand this matter. I may be entirely mistaken. I do not desire to do injustice to any individual or company, but the rates proposed seem to me exorbitant.

Mr. BINGHAM. I have no specific information on this subject, and I thank the gentleman from California for the information which he has given us. But the question I submit is this: Is it not wise, is it not in the interest of good legislation, in view of the gentleman's own declarations, that this question as to compensation of this service should be left to the better judgment of the Department? The provision to which I take exception is this: "That the rate of compensation to be paid per mile shall not exceed the amount now received by companies performing such service." I do not think such a provision is good legislation. We are now in an experimental stage in regard to transportation of the mails by the electric car lines. The Department wants to reach a conclusion fair to the Government and fair to the roads. I fail to be convinced—and I think the gentleman fails to be convinced by his own argument as he states it—that he is clear and just in the conclusion that a provision restricting the allowance to be made by the Department should be adopted. I think this provision ought to be omitted from the bill. The amount involved is not great. The question as it may present itself in the future is a large one. The Department has been and is now investigating it. It seems to me desirable that the Department continue to operate on the lines on which it is now operating, so that it may reach a wise conclusion as to the compensation of these roads.

Mr. OGDEN. Let me ask the gentleman this question: In any city of this Union where the Government has proposed to put on these trailer cars, have the companies refused to perform the service at the rates fixed by the Department? I understand not. How, then, can the Department be embarrassed in any manner if this provision remains in the bill?

Mr. BINGHAM. I am asking that we leave the rates to be fixed by the Department. This provision does not allow the Department to fix the rates.

Mr. OGDEN. The Department has fixed certain rates which these companies have accepted.

Mr. BINGHAM. They have been fixed for a year, under certain limitations, and upon the reasons which have been stated here. Between the gentleman from Louisiana [Mr. OGDEN] and myself there is no contention. I am merely seeking good legislation.

Mr. OGDEN. Certainly.

Mr. BINGHAM. Whatever the Department may consider wise I am in favor of; but I do not concur in the wisdom of limiting the discretion of the Department by providing that it shall pay no more than it is now paying for this service. There is no contention between the gentleman and myself.

Mr. OGDEN. With all due deference to the gentleman from Pennsylvania [Mr. BINGHAM], there is a difference between the gentleman and myself. This matter has gone beyond the experimental stage. The Department has already taken into consideration the rate of pay that should be allowed on electric car lines. Under the rates fixed by the Department, this system of transportation is already in operation, and this bill simply continues the existing system.

Mr. LOUD. Mr. Chairman, let us be perfectly fair and frank with reference to this matter.

Mr. BINGHAM. That is all I want.

Mr. LOUD. If this provision passes in the shape that it is embodied here, the railroad companies will be compelled to accept 25 per cent less than is agreed on by the committee, because they would then receive the same amount they are receiving now.

Seldom the gentleman from Pennsylvania and I disagree on any question; and, as I have said before, I may be mistaken about this matter. I do not propose to proclaim that I am absolutely right and other gentlemen absolutely wrong; and yet, when I consider the proposition from the standpoint from which I view it, I assume that even the rate provided by us—25 per cent reduction—is exorbitant for the service rendered. That is the way it strikes me. I repeat, I may be wrong; may be mistaken. I can not make it too strong. I am not an expert, and do not pretend to be; I am only comparing it now with steam railroad service already in operation.

As to the suggestion of the gentleman to leave it to the discretion of the Department—yes. It should be left with the proper executive officer. There is no objection to that. But let me say to the House to-day that whatever rate is made here, or by the regulation of the Department, no incoming Administration, no

matter what the conditions, will ever have strength enough to reduce it to its proper proportions again. To try to effect a reduction under such circumstances would be a most difficult proposition to bring to a vote in the House and enact into law.

But the gentleman knows my position on the general railroad question and this service with reference to it. I believe, as I said on yesterday, that the power is vested where it properly belongs—in the executive officer of the Government. And yet he finds himself unable, by surrounding circumstances and conditions, to regulate it in any way whatever.

I told the House on a preceding occasion, when the "special defenders" of the common people were present—defenders who do not seem to be here to-day in such great numbers as special guardians of the wants and desires of the farmers—I told them that the point of order they raised against this provision of the bill would ultimately cost the Government of the United States hundreds of thousands of dollars.

Now, then, if we had adopted the ratio in the bill proposed last year, which was 12 cents maximum and 8 cents on a trailer, the railroad companies would have accepted it with pleasure. There is no question about that. In the absence of any law, therefore, it is a question whether if they did not accept it, and this provision is carried in the bill, they will not, for a time at least, rebel against the rate fixed. And yet I believe the rate provided here is more than a profitable one.

So, Mr. Chairman, in legislation we must meet conditions. While you and I would like to pursue a different course, we have got to meet surrounding conditions and accommodate ourselves to them. We find a sentiment in the country, and you and I have advocated such course as would influence people for a time, hoping that that influence would ultimately get back to what we regarded the point of reason. It is necessary at times to pursue such course. You must meet conditions as they arise, and so, in such a case as this, it is simply necessary to pursue that course. If, then, that becomes the rate, it will be the fixed rate and can not be changed. It will be exorbitant; it can not be modified, and we will find ourselves powerless to remedy it.

I would like the House, after hearing the reading of this part of the report which I send to the desk, to consider this question, and then vote on it without fear or favor.

Mr. HEPBURN. Before the gentleman takes his seat, will he be kind enough to explain to the House the uses to which such appropriation will be applied? For instance, there is to be seen at times on the streets of this city a mail car. Now, what is the purpose of that car? What does it do in the great plan of the operations of the Post-Office Department?

I have heard gentlemen suggest that the use of this car in the cities was a mere fad; that there was nothing in it of benefit to the public generally. I confess I have no knowledge of the subject. I do not know what is done in it, or what it is for. Will the gentleman explain what purposes it serves?

Mr. TERRY. If the gentleman will permit me to give as one reason for the use of this car, it has been intimated that it is for the purpose of getting the Federal bayonets in the event of strikes among the street railway men.

Mr. LOUD. Well, Mr. Chairman, I hope the House will approach the discussion of this proposition calmly and with equanimity, and will not be influenced by outside questions which have no bearing upon the discussion.

In answer to the inquiry of the gentleman from Iowa, I think, in some instances, perhaps, the use of this car may be a "fad," as he calls it. I do not believe that the street car service in this city, or a city located as this city is, can be of very material benefit to the mail service; and yet in some cities it certainly does expedite the mail delivery. You take a city, as an illustration, where the street car lines concentrate at one point, or where there is a system of waterways concentrated, as in some cities; if your mail goes upon street cars thus concentrated, then you have expedited the mail in some instances twenty-four hours, in others perhaps twelve or only six hours, which, of course, is a great advantage in the collection and delivery of the mails.

This mail is gathered from the letter boxes, taken onto this car and distributed there, without going through the main office, and if, as I have suggested, these cars concentrate at the point of debarkation of the mails at a union depot or at a water front, why, then, in many instances letters will be expedited twenty-four hours. It is a very beneficial service. Now, if there are no further questions, I should like to have the Clerk read so much of this report as is marked, and I should like to have members pay attention to it. It will give gentlemen all the information we have on the subject.

The CHAIRMAN. The Chair will suggest to the gentleman that there is no amendment pending.

Mr. LOUD. I ask unanimous consent that it may be read.

The CHAIRMAN. The gentleman asks unanimous consent that the extract to which he refers may be read. If there be no objection, the Clerk will read.

There was no objection.

The Clerk read as follows:

Our conclusion is that a rate of 16 cents per car per mile for cars not exceeding 16 feet in length, inside measurement, would cover operating expenses and in most cases allow a fair margin of profit. The most notable exception to this would be the West End Street Railway Company of Boston, and even in their case we believe that 16 cents per mile will fully cover the actual additional expense incidental to the service.

Assuming that this rate is adopted, it will be noted that it will form the basis for a very convenient unit of measure, namely, 1 cent per linear foot of car space, full width of car, per mile. This rate of pay, we think, should also apply to apartment space in combination cars. Inasmuch, however, as the cost of operating longer cars does not increase directly with the length, we would suggest that for space exceeding 16 feet the rate should be one-half cent per mile per foot up to and including 20 feet, which would make the rate for a car of 20 feet, inside measurement, 18 cents per mile.

For trailer cars we would recommend the rate of one-half cent per car-foot mile for 20 feet or less, and one-quarter cent per car-foot mile for space in excess of 20 feet. While several companies argue that the cost of a trailer car is more than half of that of a motor car, we believe that in cities which do not require a brakeman or conductor to accompany the trailer the cost per car mile for trailers is not much in excess of half of that for motor cars, since the items of wages for conductors and motormen and repairs of motors are saved entirely, and all other expenses, except general expenses, considerably reduced.

These rates of course contemplate that the cars shall be furnished with the necessary fixtures, lighted, heated, painted, and lettered in accordance with plans furnished by the Department, and include transportation of clerks actually engaged in distribution, messengers accompanying registered mail, and post-office inspectors in the discharge of their duties.

—

In the matter of compensation for carrying the mails in closed pouches the replies of the railroad companies throw little or no light upon the subject. There is no way to arrive at the cost of performing this service. The quantity of mail to be handled is usually small, and, even at a comparatively high rate, the total earnings of the companies from this source would be insignificant, and there is therefore little money inducement to perform the service. On account, however, of the other inducements mentioned above, most companies are willing to handle the mails. We would recommend a rate of 3 cents per car mile for transporting mails in closed pouches, regardless of the space occupied, which, upon most lines, is inconsiderable. This rate, however, on roads of short mileage, having few dispatches, would reduce the present compensation, which is so low as to cause much complaint and dissatisfaction on the part of the companies. To provide for such cases, we would recommend that the minimum compensation allowed such companies shall be as follows: For lines performing 2,000 car miles of service or less, $150 per annum; for lines performing not more than 3,500 miles nor less than 2,000 miles, $175; for lines performing not more than 5,000 miles nor less than 3,500 miles, $200; and for lines performing not more than 8,333 miles nor less than 5,000 miles, $250.

As the committee finds that if the rates herein recommended are adopted the appropriation for street-railway service which was made by the last Congress will be insufficient, it is recommended that the allowance for street-railway post-office cars for the ensuing year be 75 per cent of the amount to which the new rates would entitle them, and that the change in the rate of compensation for carrying the mails in closed pouches be postponed for one year, or until Congress shall have made a sufficient appropriation to put into effect the rates which the committee considers the railway companies to be entitled to.

The Clerk (proceeding with the reading of the bill) read as follows:

For necessary and special facilities on trunk lines from Boston, Mass., by way of New York and Washington, to Atlanta and New Orleans, $196,614.22: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Mr. BROMWELL. Mr. Chairman, I move to amend by striking out the entire paragraph commencing with line 21, page 6.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the paragraph commencing with line 21, page 6.

The question was taken; and on a division (demanded by Mr. BROMWELL) there were—ayes 53, noes 79.

Mr. BROMWELL. I call for tellers.

Tellers were ordered; and the Chairman appointed Mr. BROMWELL and Mr. SWANSON.

The committee divided; and the tellers reported—ayes 46, noes 107.

Accordingly the amendment of Mr. BROMWELL was rejected.

Mr. SIMPKINS. Mr. Chairman, I move to amend by striking out "Boston, Mass., by way of;" and by substituting, in lines 23 and 24, for the words "one hundred and ninety-six thousand six hundred and fourteen dollars and twenty-two cents" the words "one hundred and seventy-one thousand two hundred and thirty-two dollars and seventy-five cents."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 22, strike out the words "Boston, Mass., by way of;" and further amend, in lines 23 and 24, by substituting for the words "one hundred and ninety-six thousand six hundred and fourteen dollars and twenty-two cents" the words "one hundred and seventy-one thousand two hundred and eight dollars and seventy-five cents."

Mr. CRISP. Mr. Chairman, I make the point of order against that.

Mr. HALL. Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman from Georgia [Mr. CRISP] and the gentleman from Missouri [Mr. HALL] both raise the point of order. If the gentleman desires to be heard on the point of order, the Chair will hear him.

Mr. SIMPKINS. I should like to be heard on the point of order, Mr. Chairman. The purpose of this amendment is not to

change existing conditions in any degree. It has been acknowledged by the committee that no part of this appropriation is expended in New England.

Mr. LIVINGSTON. Then why strike it out?

Mr. SIMPKINS. For years, Mr. Chairman, we have had this appropriation in the bill, and this year, because it has not been expended, it has been necessary to add another paragraph to the bill, by which the Postmaster-General can expend, at his discretion, money not expended under this appropriation. It seems to me very unwise, it seems to me a fraud on the public, for the members of this Congress to appropriate money for a certain purpose year after year when they all know that not one cent of the appropriation is to be used for the purpose for which it is appropriated.

Now, Mr. Chairman, if the gentleman wishes to make a point of order that this changes existing law, I will simply move to amend by striking out, in lines 23 and 24, the words "one hundred and ninety-six thousand six hundred and fourteen dollars and twenty-two cents" and substituting the words "one hundred and seventy-one thousand two hundred and thirty-two dollars and seventy-five cents," thus saving to the Government $25,000.

Mr. SETTLE. The gentleman knows that that money is not taken out of the Treasury anyway.

Mr. LOUDENSLAGER. I will ask the gentleman where in the bill is authority given to the Postmaster-General to expend the unexpended balance?

Mr. SIMPKINS. On page 8.

Mr. BINGHAM. I think there had better be an acceptance of the gentleman's latter proposition. The money has not been expended. It is discretionary with the Postmaster-General to expend it, and the discretion has been not to expend it. As it has not been expended, and is not proposed to be expended, I think the gentleman's proposition is a fair one.

Mr. SIMPKINS. I hope the gentleman will not insist on his point of order.

Mr. SWANSON. I wish to say that I have no objection to the adoption of that amendment, if other gentlemen do not object. I want to say this in connection with it, that we have voted for this paragraph. The gentleman's motion would have been in order before the amendment of the gentleman from Ohio had been voted on, because when a motion is made to strike out the entire paragraph, then a motion to amend that paragraph before it is stricken out is in order; but when the House voted that it would not strike out the paragraph, then a motion to amend it is not in order. So I make the point of order that the gentleman's motion comes too late—after the House has voted to retain this paragraph.

Mr. SIMPKINS. There is another suggestion——

The CHAIRMAN. The point of order made by the gentleman from Georgia is now pending.

Mr. SIMPKINS. I hope the gentleman will not insist upon his point of order. It does not seem to me to be fair that gentlemen of the South——

The CHAIRMAN. The gentleman will confine himself to the point of order made by the gentleman from Georgia.

Mr. SWANSON. Now, in addition to that, this is a change of existing law.

Mr. SIMPKINS. I ask the gentleman to reserve his point of order, so that I may be heard for a moment.

The CHAIRMAN. The point of order of the gentleman from Georgia is not the same as the point of order made by the gentleman from Virginia.

Mr. CRISP. I do not care to discuss it. It is evident that it is a change of existing law.

The CHAIRMAN. The Chair is ready to decide the point of order.

Mr. SIMPKINS. I ask the gentleman if he will not reserve his point of order, so that I may be heard for a minute.

Mr. CRISP. I reserve the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Massachusetts on the point of order raised by the gentleman from Georgia, and not on the one raised by the gentleman from Virginia.

Mr. SIMPKINS. Will the gentleman reserve his point of order?

Mr. CRISP. I reserve my point of order.

Mr. SIMPKINS. Mr. Chairman, I hope gentlemen of the South and the gentleman from Georgia, now that the House has decided that this appropriation shall be made for their fast mails, will not insist upon voting into this bill a wording which gives a wholly false and erroneous impression to the people. Those gentlemen know that not one dollar of this appropriation is expended or is intended to be expended in the New England States. It is insisted that it shall be kept in the bill in order that the votes of members from New England States may be given to this proposition, under the false impression that this money is needed for their trains, in order that the South may have fast mails.

Mr. LIVINGSTON. May I interrupt the gentleman a moment?

Mr. SIMPKINS. Certainly.

Mr. LIVINGSTON. If this paragraph is left as it is and the road from Boston to New York will accept the Post-Office regulations, this money can be used at any day.

Mr. SIMPKINS. Mr. Chairman, in answer to that I will say that this money has not been used for years.

Mr. BOATNER. Why not?

Mr. SWANSON. Mr. Chairman, I insist on my point of order. All this has been discussed.

The CHAIRMAN. The point of order now being discussed is that made by the gentleman from Georgia. The Chair understands the gentleman from Georgia withheld the point of order until the gentleman from Massachusetts could be heard.

Mr. CRISP. That is correct.

Mr. SIMPKINS. I was trying to answer the question of the gentleman from Georgia, and I will say that already, without appropriating one dollar, the railroads of their own accord have given the very best mail facilities we have ever had between Boston and New York. The facilities will not be improved or increased by reason of this appropriation, and the Department does not seek to increase the facilities between those points. Already the latest mails can leave Boston and arrive at New York at 11 o'clock, in time to catch the fast trains from New York south at midnight as they are now scheduled.

Mr. LIVINGSTON. Will the gentleman allow me one further question?

Mr. SIMPKINS. Certainly.

Mr. LIVINGSTON. You suggest that we want to keep it in here for the purpose of securing the Eastern votes, while you want to strike it out because you want us to lose the Eastern votes next year?

Mr. SIMPKINS. Not at all.

Mr. WILLIAM A. STONE. If the appropriation is not necessary, ought it not to go out?

Mr. SIMPKINS. I want it stricken out, because it is of no use, and it makes a useless appropriation of $25,000, which can as well be saved to the Government as not; and I wish the Southern men in this House would give an example of their Democratic economy in voting for this amendment.

Mr. CRISP. I renew the point of order.

Mr. GARDNER. Will the gentleman allow me to ask him a question?

Mr. SIMPKINS. Certainly.

Mr. GARDNER. I want to inquire whether the gentleman from Massachusetts is authorized to speak for the railroad companies that manage lines between Boston and New York, and to say for them that in the future they will not adapt their schedules to the wishes of the Department and be in a position to accept this money?

Mr. SIMPKINS. I will say that I am not authorized to speak for any railroad company, and I think that from my remarks it must be perfectly plain to the House that I have not been arguing in favor of any subsidy for any railroads in this country—either the Pennsylvania Railroad, or the Southern railroads, or the New England railroads.

Mr. GARDNER. But the gentleman said that no part of this money would be expended in New England. He can not say that unless he is authorized to speak for the companies.

The CHAIRMAN. The Chair is ready to rule on the point of order. In the opinion of the Chair, it is clearly in order to move to strike out the entire paragraph; and if that may be done, it is certainly in order to strike out any part of the paragraph.

The second point of order (raised by the gentleman from Virginia) is that as the Committee of the Whole refused to strike out the entire paragraph, therefore it is out of order to strike out any part of it. On this point the Chair calls the attention of the gentleman to clause 7 of Rule XVI, which expressly provides that—

> A motion to strike out being lost shall neither preclude amendment nor a motion to strike out and insert.

The Chair therefore overrules both points of order, and submits the amendment to the committee.

Mr. MILLER of Kansas. The only suggestion I wish to make is that one portion of this point of order has not been considered, and that is that the rules provide that an amendment shall be in writing. This amendment was not offered in that form.

Mr. SIMPKINS. I have submitted the amendment in writing.

The CHAIRMAN. The Chair understands that the amendment as now in possession of the Clerk is in writing. The question is on the amendment of the gentleman from Massachusetts.

Mr. BINGHAM. Is it understood that the amendment is to reduce the appropriation of $196,614.22 by some $25,000?

Mr. SIMPKINS. By a reduction of $25,000.

Mr. LOUD. The proposition is to dispense with a portion of the appropriation which has not been used for years.

Mr. BINGHAM. I think the amendment of the gentleman from Massachusetts is a wise legislative proposition. This House has determined that, so far as concerns an expeditious mail service, it is in favor of it from the point indicated by the bill, but actually

and practically from New York to New Orleans. The expense of fast-mail facilities between these points can be covered by about $176,000. The New England road from Boston to New York, because of the competition in connection with passenger traffic, will not put any one of their trains under the absolute control of the Department as to schedule departure and schedule arrival. It pays that company better to control every train in their own administration than to give any one train to the control of the Post-Office Department. As to the line from New York to New Orleans, the proposition stands. The roads embraced in that line have submitted themselves to the control of the Department; they have said "You may start this fast train at an hour which you may designate; you may make it arrive at Washington at a given hour; you may control the schedule all the way south to New Orleans." This House has approved that as good legislation. It has supported a provision of that kind for almost twenty years. I have voted for it every year when the proposition has come up, whether contested or uncontested.

To-day the appropriation for these fast-mail facilities is not used from Boston to New York. Why, then, appropriate for a service which does not exist? Over that line the necessary expedition is given because of the competition in the passenger traffic. Such competition does not exist from New York to the points southward to New Orleans. The fact that this money is not used on the line between Boston and New York is shown by a paragraph incorporated elsewhere in this bill—a paragraph embodying new legislation, giving to the Post-Office Department a privilege never before given. It is in these words:

In the discretion of the Postmaster-General, any unexpended balance of the appropriation for the fiscal year ending June 30, 1897, for necessary and special facilities on trunk lines, may be used for other fast-mail facilities.

Now, as this money has not been used—as there is no evidence that it will be used—as it is a fact that fast-mail service between Boston and New York can be obtained without the expenditure of a cent by reason of the competition in passenger service, I say the proposition of the gentleman from Massachusetts is wise and economical legislation.

Mr. HALL. I believe the Chair referred to me as having made a point of order against the amendment. I made no such point. I have no objection to the proposition. It seems to me eminently proper.

The CHAIRMAN. The point of order made by the gentleman from Missouri [Mr. HALL] was that there was too much confusion in the Hall. The Chair misunderstood the gentleman in supposing that he made a point of order against the amendment. That error was corrected, and the point of order was attributed properly to the gentleman from Georgia.

The question being taken on the amendment of Mr. SIMPKINS, it was adopted.

The Clerk read as follows:

In the discretion of the Postmaster-General, any unexpended balance of the appropriation for the fiscal year ending June 30, 1897, for necessary and special facilities on trunk lines, may be used for other fast-mail facilities.

Mr. BROMWELL. I make a point of order upon this paragraph. My point is that it embraces new legislation.

Mr. HALL. I desire to be heard on the point of order. This point, as I understand, is made under clause 2 of Rule XXI. I do not believe that any fair construction of that clause will sustain the gentleman's position. The clause reads:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

The appropriation to which the pending paragraph refers is an appropriation for the fiscal year ending June 30, 1897, a portion of which remains unexpended.

Now, the decisions on that question are to be found under the head of "Amendments to, and provision in, changing existing law," on page 281 of the Digest. I will read a kindred proposition to this, which I think is in itself conclusive as to the point of order.

A proposition reported in an appropriation bill, or an amendment proposed thereto, changing existing law for the fiscal year covered by the bill, or suspending existing law, is, pro tanto, new legislation for that period, and is subject to a point of order under clause 2 of Rule XXI.

But, Mr. Chairman, this provision of the pending bill does not come under that provision of law. This shows the idea in the minds of the framers of the bill to apply whatever appropriation there remains unexpended to the continuance of existing law.

Again, on page 282 of the Digest, appears the following:

The failure of Congress to appropriate money in the appropriation act for the current fiscal year, for an object authorized by law, does not repeal such law; and an amendment providing for such object is in order on an appropriation bill, notwithstanding its omission from the previous appropriation act.

That is precisely the same idea embodied in this provision in the pending bill.

Following that citation we find—

An amendment being submitted to the District of Columbia appropriation bill, providing for the erection of buildings for a reform school in the District, and the question being submitted to the Committee of the Whole, it was decided that it was not in violation of clause 2, Rule XXI.

Again, on page 283, we find that—

The Post-Office appropriation act for the current fiscal year containing an item "for necessary and special facilities on trunk lines," a provision in the pending appropriation bill, adding to the words quoted a designation of the routes to which the appropriation should be applied, was held not to be a change of law, but merely a limitation of the discretion of the Postmaster-General; also held, that it was in order as being in continuation of a public object already in progress.

Now, Mr. Chairman, from these words—

also held that it was in order as being in continuation of a public object already in progress—

I do not see how the point of order can possibly lie against this provision.

But, following this citation I have just made, we find—

A provision in the Navy appropriation bill for additional ships was held to be in order, as being in continuation of a public object already in progress, namely, the maintenance of the Navy. There need not, therefore, be any previous legislation authorizing it.

Now, sir, if gentlemen will reflect for a moment, they will find, on page 3 of the bill, beginning with line 18, this provision carried in the bill:

The Postmaster-General is authorized to apply to the payment of the salaries of letter carriers for the fiscal year 1897 the sum of $23,000, being an unexpended balance of $13,500 of the appropriation for the current fiscal year for street letter boxes, posts, and pedestals, and an unexpended balance of $9,500 of the appropriation for the current fiscal year for package boxes.

And the present occupant of the chair has just ruled on this identical question. It seems to me if there can be anything in the doctrine of res adjudicata on the question of a ruling of the Chairman of the committee or of the Speaker of the House it has already been established. For instance, the point of order was made by the gentleman from Kansas [Mr. MILLER] against that provision of the bill, and the Chair ruled, using his own language, as follows:

The Chair is of opinion that this is simply in the nature of an additional appropriation for letter carriers. There can be no question as to the authority of the Committee on the Post-Office and Post-Roads to report an appropriation giving an additional amount to letter carriers. The provision in this bill has simply the effect of a new appropriation. It proposes merely to use for this particular purpose an unexpended appropriation in the bill of last year. The appropriation is applied to an object already provided for by law, the payment of letter carriers. The Chair overrules the point of order on the ground that the provision is simply the application of a previous unexpended appropriation to a purpose contemplated by law.

Now, then, this provision of the bill is identical in substance with that, only providing for an unexpended balance, in the following words:

In the discretion of the Postmaster-General, any unexpended balance of the appropriation for the fiscal year ending June 30, 1897, for necessary and special facilities on trunk lines, may be used for other fast-mail facilities.

There is an unexpended balance here of this appropriation; and on page 3 there is a similar unexpended balance, on which the Chairman of the committee has already ruled. The Chair has declared its opinion that it is in continuation of a work already in progress, and there can be no question as to the authority of the committee to report this proposition, making available this unexpended balance. It proposes, as the Chair held in the other case, merely to use, for this particular purpose, an unexpended balance of appropriation in the bill of last year.

Now, in direct line with the decisions I have already read, in which they state that where the object is to carry out a provision of already existing law it is not open to the objection under clause 2 of Rule XXI—that is, that it is in order as being in continuation of public object already in progress—I will read the law of last year.

The CHAIRMAN. The Chair would like the gentleman from Missouri to point out the law providing for other trunk lines providing this appropriation shall be turned aside from the purposes of last year. The Chair would like to hear what the gentleman has to say as to what other lines now provided by law it could be applicable to, and to know what lines already established by law will be benefited by such a provision of law as this.

Mr. HALL. I would suggest that the appropriation for the year 1897 was reported by our committee, and this provision is in it, the same provision, for facilitating the mails on the trunk lines. That will be found on page 6 of the bill of last year, in the following words:

For necessary and special facilities on trunk lines from Boston, Mass., by way of New York and Washington, to Atlanta and New Orleans, $196,614.22: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Now, it seems to me that when there is a provision of law for the appropriation of this money for trunk lines specified as in that bill, and this unexpended balance remains in the hands of the Postmaster-General, it is on all fours with the rulings heretofore as well as the ruling on the paragraph found on page 3 of the bill made by the Chair to-day.

Mr. BROMWELL. Mr. Chairman, if the Chair is ready to rule, I have nothing to say.

The CHAIRMAN. The Chair is ready to rule. The Chair will call the attention of the gentleman from Missouri [Mr. HALL] to the fact that in the point of order raised by the gentleman from Kansas to the appropriation for letter carriers there was no question as to the letter carriers being provided for by existing law. There was no provision for extending the letter-carrier system to

cities not entitled to such privileges under the present law. If there had been a provision in that section on page 8 extending that provision to cities not now entitled to the carrier system, and then appropriating an unexpended balance for that purpose, the Chair would have held it out of order, because it would have been a change of existing law; but it was not a change of existing law in that case to simply make an appropriation for a purpose already provided for by law. It was simply a method of appropriation. The Chair would like to have the gentleman from Missouri [Mr. HALL] point out the law that provides for extending these fast-mail facilities to other trunk lines in the country.

Mr. HALL. I do not know of any express provision.

The CHAIRMAN. The Chair is of the opinion that there is no such law.

Mr. HALL. I do not know of any express provision.

The CHAIRMAN. If the gentleman from Missouri [Mr. HALL] can point the Chair to any law providing fast-mail facilities on other trunk lines in the United States, then the Chair will hold quite differently, but the Chair does not understand the gentleman to point out anything except as provided in the appropriation bill, where a specific line is named and none other.

Now, this amendment gives the power to the Postmaster-General to extend fast-mail facilities on any other trunk line in the country where he may desire to do so, and it would be clearly a change of existing law to do something in that way which the gentleman from Missouri [Mr. HALL] himself would say could not be done by the Committee of the Whole House on the state of the Union, the naming of other trunk lines and starting additional facilities by an appropriation bill, under the present rules of the House. It certainly is not in order to give authority for an officer of the Government to do what the House itself can not do.

The Chair is of opinion that this amendment clearly and unequivocally changes existing law. It is not a question of simply making an appropriation of unexpended balances for purposes now authorized by law, but it is an appropriation of unexpended balances for purposes not authorized by law. In so far as it undertakes to expend unexpended balances for purposes not now authorized by law, or in so far as it undertakes the creation of new obligations upon the Government, the Chair thinks it is clearly out of order. The Chair sustains the point of order raised by the gentleman from Ohio [Mr. BROMWELL]. The provision will be stricken from the bill.

The Clerk (proceeding with the reading of the bill) read as follows:

OFFICE OF THE THIRD ASSISTANT POSTMASTER-GENERAL.

For manufacture of adhesive postage and special-delivery stamps, $175,000.

For pay of agents and assistants to distribute stamps, and expenses of agency, $12,000.

For manufacture of stamped envelopes and newspaper wrappers, $844,000.

For pay of agents and assistants to distribute stamped envelopes and newspaper wrappers, and expenses of agency, $17,800.

For manufacture of postal cards, $197,000.

For pay of agent and assistants to distribute postal cards, and expenses of agency, $7,800.

For registered-package, tag, official, and dead-letter envelopes, $103,000.

For ship, steamboat, and way letters, $1,000.

For engraving, printing, and binding drafts and warrants, $1,000.

Mr. LOUD. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Strike out lines 11 and 12 on page 9.

Mr. LOUD. I find on examination, Mr. Chairman, that, while they have estimated for this amount for four or five years, there has not been a dollar of the money used, and it has all been turned back.

The amendment was agreed to.

The Clerk (proceeding with the reading of the bill) read as follows:

OFFICE OF THE FOURTH ASSISTANT POSTMASTER-GENERAL.

For mail depredations and post-office inspectors, including salaries of inspectors, etc., and for per diem allowance to inspectors in the field while actually traveling on business of the Department at the rate of $3 per day, exclusive of Sundays, excepting in cases of emergency, $400,000: *Provided*, That post-office inspectors, excepting those receiving salaries of $2,500 per annum, may be paid in excess of the $3 per diem allowed by this act for such items of actual and necessary personal expense incurred in the discharge of their official duties, upon presentation and approval of vouchers covering the total expenditure for personal expenses for the date or dates which such excess may be claimed; or, if the exigencies of the service render the taking of vouchers impracticable or inexpedient, the sworn statement of the inspector reciting the objects of, amounts of, and necessity for, such expenditures, may be accepted in lieu of the vouchers: *And provided further*, That post-office inspectors shall be paid, out of any money hereby appropriated, a salary at the rate of not exceeding the following: For first year's service, $1,200; second year, $1,400; third year, $1,600.

Mr. BAKER of New Hampshire. On page 9, line 19, I move to strike out the word "four" and insert the word "three;" and I do this more especially for the purpose of asking a question and submitting a few remarks.

I find by referring to the estimate that this item has been increased from $300,000 to $400,000. I wish particularly to know of the chairman of the committee [Mr. LOUD] whether this covers, or is expected to cover, a further appointment of secret agents of the Post-Office Department, like those who interfered with the rights and duties of mail carriers in the cities during the last few years? I presume that that would not be justified by the present committee, but I send to the Clerk's desk and ask to have read in my time a list of the employees of the Post-Office Department who, within the last few years, have been engaged in the so-called secret service.

The Clerk read as follows:

Secret agents of the Post-Office Department and the places of their payment as such.

Name.	City.
John J. McKiernan	Albany, N. Y.
Stephen M. Pritchard	Baltimore, Md.
R. C. Puryear	Do.
P. A. Allen	Brooklyn, N. Y.
Chas. E. Machen	Do.
Myron M. Ludlow	Buffalo, N. Y.
T. J. Ryan	Do.
I. N. Wakefield	Chattanooga, Tenn.
J. S. Cox	Chicago, Ill.
R. F. Hughes	Do.
William White	Do.
Ed. Hughes	Cincinnati, Ohio.
Walter S. Rockhill	Do.
C. E. Holmes	Cleveland, Ohio.
Frank P. Walsh	Do.
Percival Marshall	Columbus, Ohio.
John B. Shine	Do.
C. A. J. McPherson	Dayton, Ohio.
James Welch	Do.
H. A. Ramstetter	Denver, Colo.
Oscar Austin	Do.
Nicholas Grieser	Detroit, Mich.
Chas. J. Reuscher	Fort Wayne, Ind.
John A. O'Dwyer	Grand Rapids, Mich.
Lafayette Coon	Indianapolis, Ind.
Chas. E. Crawford	Do.
J. M. Thomas	Louisville, Ky.
Jos. M. Campbell	Do.
R. V. Bane	Milwaukee, Wis.
Jos. M. Gardenhier	Nashville, Tenn.
I. H. Henriques (Hen-re-kes)	New Orleans, La.
Benjamin Reade	Do.
John R. Thrie	Philadelphia, Pa.
Chas. P. Goodacre	Do.
W. L. Rose	Do.
John J. Murphy	Pittsburg, Pa.
Henry L. Lorenz	New York, N. Y.
John Meyer	Do.
M. J. Tierney	Do.
Milton S. Burgess	Do.
Edward Grimes	Do.
William Haw	Do.
Arthur L. Kemper	Richmond, Va.
W. A. Clarke	Do.
Al. Mannassan	Do.
Richard D. Ashford	Rochester, N. Y.
John Underwood	Springfield, Ill.
John A. Seamans	Springfield, Ohio.
Chas. A. Hennessy	St. Louis, Mo.
G. R. Snead	Do.
Geo. W. Lackey	Do.
Wm. F. Yagle	St. Paul, Minn.
Frederick Merrick	San Francisco, Cal.
S. S. Blanchard	Toledo, Ohio.
John H. Dean	Do.
Brooke Cross	Washington, D. C.
Frank S. Machen	Do.
Clayton I. Croft	Do.
Wm. M. Bellman (chief)	Do.

Fifty-nine in all.

Mr. BAKER of New Hamsphire. Mr. Chairman, those are the men who, in the last few years, have been sent around the country for political purposes, under the guise of doing work for the Post-Office Department. It seemed appropriate to me that they should be put on record, so that the people of this country can know who these men are, and for that purpose I rose and offered the amendment, which I now withdraw.

The Clerk read as follows:

SEC. 4020. The Postmaster-General may appoint two agents to superintend the railway postal service, each of whom shall be paid out of the appropriation for the transportation of the mail a salary at the rate of $2,500 a year, with an allowance for traveling and incidental expenses, while actively employed in the service, of not more than $5 a day; and the Sixth Auditor shall charge to the appropriation for mail transportation the salary and per diem of the assistant superintendents of the postal railway service, and to the appropriation for the free-delivery system the salary and per diem of the special agent detailed for that service.

Mr. LOUD. I offer the following amendment at line 16.

The Clerk read as follows:

Page 11, lines 16 and 17, strike out the words "Sixth Auditor" and insert "Auditor for the Post-Office Department."

Mr. LOUD. That is required by the change of the title of the office.

The amendment was agreed to.

Mr. DOCKERY. I move to strike out "five," in line 16, page 11, and insert the word "four," so that it shall allow for traveling and incidental expenses while actively employed in the service not more than $4 a day, instead of $5.

Mr. BINGHAM. What is the present law?

Mr. DOCKERY. Five dollars a day.

The Clerk read as follows:

In line 16, page 11, strike out the word "five" and insert the word "four."

Mr. LOUD. I am willing to accept that amendment.

The amendment was agreed to.

The Clerk read as follows:

Section 4048 of the Revised Statutes is hereby repealed.

Mr. LOUD. Mr. Chairman, I have another amendment.

The Clerk read as follows:

Insert as a new paragraph, after line 23, page 11, the following:

"The Postmaster-General shall, for the fiscal year 1899, and annually thereafter, submit in the annual estimates to Congress estimates in detail for expenses of the free-delivery service as provided in this appropriation act."

Mr. LOUD. I move the adoption of the amendment.

The amendment was agreed to.

The Clerk read as follows:

That if the revenues of the Post-Office Department shall be insufficient to meet the appropriations made by this act, a sum equal to such deficiency of the revenues of said Department is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply said deficiencies in the revenues for the Post-Office Department for the year ending June 30, 1898.

Mr. DOCKERY. Mr. Chairman, I desire to offer the following as section 2 of the bill.

The Clerk read as follows:

Amend by adding as section 2:

"Section 4 of the act approved July 16, 1894, making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1895, is hereby amended by inserting the word 'seven' in place of the word 'ten' wherever it occurs in the section."

Mr. DOCKERY. That is to come in as section 2. The section that is sought to be amended is section 4 of the Post-Office appropriation bill approved July 16, 1894. That section authorizes the Secretary of the Treasury and the Postmaster-General to destroy in such manner as they may deem best the money-order statements and paid money orders and paid postal notes accompanying the same after ten years shall have elapsed from the expiration of the period covered by such statements. The Post-Office Department now asks that this period for the destruction of money order-statements and paid money orders be reduced to seven years. I desire the Clerk to read a letter of Postmaster-General Wilson in this connection, and also a letter from the Auditor for the Post-Office Department.

The Clerk read as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 11, 1897.

DEAR SIR: In response to your telegram of this date requesting my opinion as to the propriety of a provision by law permitting money-order statements and paid money orders to be destroyed when seven years shall have elapsed from the expiration of the period covered by such statements, I have the honor to transmit to you herewith a letter from the Auditor for the Post-Office Department, accompanied by a copy of a letter addressed to you of the 20th of January, 1897, by the Auditor; and to say that I concur in the opinion expressed in his letter, that changing the limit to seven years instead of ten years would not be detrimental to the interests of the Government or to the payees of such money orders.

I have the honor to be, very respectfully, yours,

WM. L. WILSON,
Postmaster-General.

Hon. A. M. DOCKERY,
House of Representatives.

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TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE POST-OFFICE DEPARTMENT,
Washington, D. C., January 20, 1897.

SIR: In response to your personal inquiry as to the effect of retaining money orders and money-order statements only seven fiscal years from the date of their issue, instead of ten years as required at present, I have the honor to reply that I do not think changing the limit to seven years, instead of ten, would be detrimental to the interests of the Government or to the payees of such money orders.

At present these orders are retained for ten years, and at the beginning of each fiscal year the oldest year of the files is destroyed. This system has been in operation during the fiscal years 1894–95 and 1895–96.

During the fiscal year 1894–95 applications for warrants for 26 invalid money orders which were issued ten years prior to the application, amounting to $267.29, were received.

For the fiscal year 1895–96 21 applications were received, amounting to $123.39.

For the fiscal year 1894–95 applications were received for warrants for 25 invalid money orders more than seven years and less than ten years old, amounting to $128.96. For the fiscal year 1895–96 applications were received for warrants for 13 invalid money orders more than seven years and less than ten years old, amounting to $79.74. Total for the two years, 38 orders, amounting to $208.70.

Of these 38 applications during the two years above specified 19, amounting to $98.94, were accompanied by the original unpaid money orders. There remained 19 applications, amounting to $109.76, which contained only the certification of the payees and issuing and paying postmasters that the orders had never been paid.

If the files for these years had been destroyed, payment would have been made upon these certificates, and of course search could not have been made to see if the original orders had been paid.

The number of money orders issued each year is increasing, as well as the number of money-order offices.

The basement of the city post-office, in which these files are stored, is now so crowded as to interfere with their proper arrangement for reference.

Each year's files stored in this basement is greater in volume than those of the year which is removed to be destroyed. It will therefore be very soon a necessity that additional storage room be provided for them or their volume decreased.

Very respectfully,

GEO. A. HOWARD,
Auditor.

Hon. A. M. DOCKERY,
House of Representatives.

Mr. LOUD. Mr. Chairman, I will say there can be no objection to that amendment. I ask unanimous consent that the amendment be put into the bill after the last amendment that I offered, leaving the last paragraph at the end of the bill, as it should properly be.

The CHAIRMAN. The gentleman from California asks unanimous consent that the amendment shall be considered as coming in just before line 24, on page 11.

There was no objection, and it was so ordered.

The amendment was agreed to.

Mr. DOCKERY. Mr. Chairman, in this connection I desire to pay a just tribute to Hon. George A. Howard, the accomplished Auditor for the Post-Office Department. He has been honest, faithful, and tireless in the discharge of his official duties. Because of his great ability as an executive officer, and the reforms in the system of accounting which have been inaugurated in the Auditor's Office, pursuant to the recommendations of the joint commission of Congress authorized by the act of March 3, 1893, the Auditor has been able to bring up the business of the office so that it is now current.

The House and the country will perhaps better be able to understand the efficient conduct of the office of the Auditor for the Post-Office Department by a perusal of recent reports of the Auditor to the Secretary of the Treasury and the Postmaster-General, which I herewith append:

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE POST-OFFICE DEPARTMENT,
Washington, D. C., January 5, 1897.

SIR: In compliance with section 4 of the legislative, executive, and judicial appropriation act for the fiscal year 1897, I have the honor to transmit herewith a statement showing the amounts due the United States on accounts of postmasters who retired from office, and from bidders who failed to enter into contracts with the United States for carrying the mails, during the fiscal year ended June 30, 1896. The number of postmasters who were retired from office by death, resignation, or removal during the above-named fiscal year was 11,794.

Their indebtedness on postal account is	$28,330.79
Their indebtedness on money-order account is	12,987.27
There is due from failing bidders	614.95
Total	41,933.01

An examination of the annual reports of this office shows that the last statement, covering only the indebtedness of late postmasters on postal account, appeared in the annual report of this office for the fiscal year ended June 30, 1886, ten years ago.

The balance due the United States on postal account from 20,385 postmasters who retired from office during that year was $259,640.57. This sum does not include the amount due from late postmasters on money-order account, for the reason that the business of the money-order branch of this office has been, until the close of the past fiscal year, so much in arrears that its accounts had never been audited, and the annual balances have never before been stated. Nor does the report of 1886 include balance due from failing bidders for transportation of the mails.

The following is a comparative statement of the number of post-offices and the gross revenues during the fiscal years ended June 30, 1886, and June 30, 1896:

	1886.	1896.	Increase.
			Per cent.
Number of post-offices	53,614	70,238	31
Revenue	$43,948,422.95	$82,499,208.40	88
Number of money-order offices	7,264	19,825	173

Very respectfully,

GEO. A. HOWARD, *Auditor.*

The Honorable SECRETARY OF THE TREASURY.

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TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE POST-OFFICE DEPARTMENT,
Washington, D. C., January 6, 1897.

SIR: I have the honor to inclose a copy of the report submitted to the honorable Secretary of the Treasury under the requirements of the act of Congress approved May 28, 1896, as follows:

"The Secretary of the Treasury shall, on the first Monday of January in each year, make report to Congress of such officers and administrative departments and officers of the Government as were, respectively, at any time during the last preceding fiscal year delinquent in rendering or transmitting accounts to the proper officers in Washington, * * * together with such officers, including postmasters and officers of the Post-Office Department, as were found on final settlement of their accounts to have been indebted to the Government, with the amount of such indebtedness in each case, and who, at the date of making report, had failed to pay the same into the Treasury of the United States."

From the inclosed report it will be seen that 11,794 postmasters retired from office during the last fiscal year. Of this number 265 are now indebted to the Government, 192 on postal and 73 on money-order account, in sums varying from 2 cents to $9,343.78.

The last-named amount arises from the embezzlement of postal funds by F. J. Nesbitt, late postmaster at Bozeman, Mont., who is now serving a term of imprisonment for the offense. Suit has been commenced against his sureties, and the entire amount will be recovered.

The next largest amount, $9,186.06, is due from the sureties of Frank Mapes, late postmaster at Kansas City, Kans., who committed suicide when his defalcation of postal funds was discovered. Judgment has been obtained by the very reliable and able United States district attorney in this case, Mr. John R. Walker, and, although it is believed that the sureties have endeavored to cover up their property to defeat collection of the judgment, yet United States District Attorney Walker is likely to reach them by bill in chancery.

The only other large amount due is that from J. H. Cooke, late postmaster at Quinlan, Tex., on money-order account, $5,096.69. Suit has been instituted and collection in this case will be made. Suits have been instituted in a number of other cases, and collection of the smaller balances due, both on money order and postal accounts, are being made daily.

In the annual report for the past fiscal year for this office, under date of October 12, 1896, the balance due from late postmasters and failing bidders for that year was stated at $56,015.98. On page 4 of the report the following statement appears: "A great part of this sum will be collected without suit before the expiration of the calendar year." The report submitted to the honorable Secretary of the Treasury, heretofore mentioned, gives the total amount due the Government on account of the Post-Office Department, from its officials and employees who retired from service during the fiscal year ended June 30, 1896 as $41,333.01, showing the collections to the 1st instant from date of annual report to be $14,082.97.

I do not believe the statement extravagant that nearly every dollar will be collected of the indebtedness recited in this communication.

Very respectfully,

GEO. A. HOWARD, *Auditor.*

Hon. WILLIAM L. WILSON,
Postmaster-General.

Mr. LOUD. I move that the committee rise and report the bill and amendments to the House with the recommendation that as amended it do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10289, and had directed him to report the bill and amendments back to the House with the recommendation that as amended the bill do pass.

Mr. LOUD. Mr. Speaker, I will ask the House in good faith to vote down the amendment adopted by the Committee of the Whole, offered by the gentleman from South Carolina [Mr. TALBERT], on page 4. Let me say in perfect candor to the House that that simply increases the appropriation $50,000, and can not possibly accomplish anything in the direction the gentleman seeks to accomplish. So that I ask the House to vote that amendment down. I now ask for the previous question on the bill and amendments to its passage.

The previous question was ordered.

The SPEAKER. The question is on the amendments. Is a separate vote demanded on any other amendment than that mentioned by the gentleman from California? [After a pause.] The Chair hears none. The question is on the amendments other than the one specified by the gentleman from California.

The question was taken; and the amendments were agreed to.

The SPEAKER. The Clerk will now report the amendment on which a separate vote is demanded.

The Clerk read as follows:

On page 4, line 4, strike out the word "fifty" and insert the word "hundred," so as to read "one hundred thousand dollars;" and add in line 4, after the word "dollars," "may use so much thereof as may in the discretion of the Postmaster-General be necessary."

Mr. TALBERT. I demand the yeas and nays on that.

The SPEAKER. The question is on agreeing to the amendment; and on that the gentleman from South Carolina demands the yeas and nays.

The question was taken on ordering the yeas and nays; and the yeas and nays were refused.

The SPEAKER. The question is on agreeing to the amendment.

The question was put; and the Speaker announced that the noes seemed to have it.

Mr. TALBERT. Division, Mr. Speaker.

The House divided; and there were—ayes 29, noes 102.

Mr. TALBERT. I make the point of no quorum, Mr. Speaker.

The SPEAKER (after counting). One hundred and eighty-one gentlemen present—a quorum. The noes have it, and the amendment is rejected.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LOUD, a motion to reconsider the vote by which the bill was passed was laid on the table.

Several members called for the regular order.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HULL in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the consideration of general appropriation bills. The Clerk will read the title of the first bill in order.

The Clerk read as follows:

A bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1898, and for other purposes.

Mr. CANNON. Let the bill be read. I desire the first reading of the bill.

The Clerk proceeded with the reading of the bill.

Mr. WILLIAM A. STONE (before the reading was concluded). I move that the committee rise.

The motion was agreed to.

The committee accordingly arose; and the Speaker having resumed the chair, Mr. HULL reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1898, and for other purposes, and had come to no resolution thereon.

Mr. WILLIAM A. STONE. I move that the House adjourn.

The motion was agreed to; there being—ayes 53, noes 22.

LEAVE OF ABSENCE.

Pending the announcement of the result of the last vote, by unanimous consent, leave of absence was granted as follows:

To Mr. HALTERMAN, for four days, on account of important business.

To Mr. KNOX, for three days, on account of sickness in his family.

To Mr. DAYTON, for ten days, on account of sickness in his family.

To Mr. BULL, for three days, on account of important business.

To Mr. ARNOLD of Rhode Island, for three days, on account of important business.

To Mr. LEONARD, for three days, on account of important business.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3675) to provide times and places for the trial in Oklahoma Territory of cases arising under the Constitution and laws of the United States; and

A bill (S. 3673) to amend chapter 67 of volume 23 of the Statutes at Large of the United States and to further provide for the retirement of enlisted men in the United States Army and Marine Corps and enlisted men and petty officers of the United States Navy.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That there be printed, in addition to the usual number, 5,000 copies of the message of the President of January 18, 1897, and of the report of the commissioners appointed under the act of March 2, 1895, to inquire into deep waterways between the Great Lakes and the Atlantic Ocean, accompanying the same, of which 2,000 shall be for the use of the Senate, 2,500 for the use of the House, and 500 for the use of the commissioners.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Secretary be directed to furnish to the House of Representatives, in compliance with its request, a duplicate engrossed copy of the joint resolution (S. R. 191) relative to the improvement of the waterway between Birmingham, Ala., and the Black Warrior River.

Also:

Resolved, That the Secretary be directed to return to the House of Representatives, in compliance with its request, the bill (H. R. 2321) to increase pension of John J. Cross.

Also:

Resolved, That the Secretary be directed to return to the House of Representatives, in compliance with its request, the bill (H. R. 6903) granting a pension to Ellen Day, stepmother of Albert L. Day.

The message also announced that the Senate had passed without amendment bills and joint resolution of the following titles:

A bill (H. R. 6713) to extend North Capitol street northward through the property of the Prospect Hill Cemetery, to pay for land to be taken for such purpose, and for other purposes;

A bill (H. R. 8672) conferring jurisdiction upon the supreme court of the District of Columbia, having general equity jurisdiction, to decree the sale, lease, or surrender of any lease of real estate in said District belonging to insane persons for purpose of reinvestment, and for other purposes; and

Joint resolution (H. Res. 237) to furnish the daily CONGRESSIONAL RECORD to members of the press, etc.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 9647) to authorize the extension of the lines of the Metropolitan Railroad Company, of the District of Columbia, disagreed to by the House of Representatives, and had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCMILLAN, Mr. FAULKNER, and Mr. GALLINGER as the conferees on the part of the Senate.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, joint resolution and bills of the following titles were taken from the Speaker's table and referred as follows:

Joint resolution (S. R. 201) to enable the Secretary of the Senate to pay the expenses of the inaugural ceremonies—to the Committee on Appropriations.

A bill (S. 3675) to provide times and places for the trial in Oklahoma Territory of cases arising under the Constitution and laws of the United States—to the Committee on the Judiciary.

A bill (S. 3673) to amend chapter 67 of volume 23 of the Statutes at Large of the United States and to further provide for the retirement of enlisted men in the United States Army and Marine Corps and enlisted men and petty officers of the United States Navy—to the Committee on Naval Affairs.

Concurrent resolution—

Resolved by the Senate (the House of Representatives concurring), That there be printed, in addition to the usual number, 5,000 copies of the message of the President of January 18, 1897, and of the report of the Commissioners appointed under the act of March 2, 1895, to inquire into deep waterways between the Great Lakes and the Atlantic Ocean, accompanying the same, of which 2,000 shall be for the use of the Senate, 2,500 for the use of the House, and 500 for the use of Commissioners—

To the Committee on Printing.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 9493) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes," approved September 29, 1890, and the several acts amendatory thereof;

A bill (H. R. 1498) directing the Secretary of War to grant an honorable discharge to William M. Dalzell;

A bill (H. R. 1323) for the relief of Ira H. Sweatt;

Joint resolution (H. Res. 249) for appointment of a member of Board of Managers of the National Home for Disabled Volunteer Soldiers; and

Joint resolution (H. Res. 234) providing for the distribution of the maps and atlases of the United States Geological Survey.

MRS. LUCY ALEXANDER PAYNE.

The SPEAKER. Yesterday the Chair, in appointing conferees upon the bill (S. 1501) granting an increase of pension to Mrs. Lucy Alexander Payne, appointed as conferees several members of the Committee on Invalid Pensions, whereas the conferees should have been chosen from members of the Committee on Pensions. If there be no objection, that action will be vacated and the Chair will now appoint new conferees.

There was no objection.

The SPEAKER announced the appointment of Mr. COFFIN, Mr. BAKER of Kansas, and Mr. BLACK as conferees on the part of the House.

The result of the vote on the motion to adjourn was then announced; and accordingly (at 4 o'clock and 48 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, with accompanying statement, showing names, time of employment of, and amounts paid to certain civilian engineers—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the president of the Board of Commissioners of the District of Columbia, transmitting the report of the Washington and Marlboro Electric Railway Company—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of War, transmitting a letter from the Chief of Engineers recommending an appropriation of $72 to Capt. George W. Goethals, to reimburse him for expenses incurred in examining titles and preparing deeds to three tracts of land purchased by the United States at Locks 1, 2, and 3, Muscle Shoals Canal—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for increasing the water supply of Washington, D. C.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a list of accounts allowed in favor of the Central Pacific Railroad Company—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BINGHAM, from the Committee on Appropriations, to which was referred the bill of the House (H. R. 10064) to provide for the twelfth and subsequent censuses, reported the same with amendment, accompanied by a report (No. 2909); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HENDERSON, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 3666) entitled "An act to remove doubts as to the power of the supreme court of the District of Columbia to provide for a vacancy in the office of attorney of the United States for the District of Columbia, reported the same without amendment, accompanied by a report (No. 2920); which said bill and report were referred to the House Calendar.

Mr. BRODERICK, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 10155) amending section 1858 of the Revised Statutes of the United States, reported the same without amendment, accompanied by a report (No. 2928); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 6478) granting a pension to L. A. Slade. (Report No. 2910.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (S. 748) entitled "An act granting an increase of pension to Helen L. Dent." (Report No. 2911.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 5632) granting a pension to Mrs. Diana Clark, widow of Capt. Charles Clark, of Company B, Thirtieth Iowa Infantry. (Report No. 2912.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 10159) granting a pension to Mary Wesley. (Report No. 2913.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 6823) to pension Miss Maggie Morris. (Report No. 2914.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions:

The bill (H. R. 4814) granting a pension to Howard M. Parker, of Lenexa, Kans. (Report No. 2915.)

The bill (H. R. 517) granting a pension to Sylvester Abrams. (Report No. 2916.)

The bill (H. R. 10019) for the relief of William H. Webster. (Report No. 2917.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 10277) granting a pension to Marvin Older. (Report No. 2918.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 4372) for the relief of Albert F. Wakefield. (Report No. 2919.)

By Mr. COX, from the Committee on Claims:

The bill (S. 2054) entitled "An act for the relief of Rinaldo P. Smith, of Baltimore, Md." (Report No. 2921.)

The bill (H. R. 1351) for the relief of Merril Denham. (Report No. 2922.)

The bill (S. 289) entitled "An act for the relief of Ames & Detrick, of San Francisco, in the State of California." (Report No. 2923.)

The bill (H. R. 9798) for the relief of F. W. Thomas, postmaster at Dyersburg, Tenn. (Report No. 2924.)

By Mr. SNOVER, from the Committee on Claims: The bill (S. 927) entitled "An act for the relief of Chester B. Sweet, of California." (Report No. 2925.)

By Mr. WOODARD, from the Committee on Claims:

The bill (S. 1822) entitled "An act for the relief of W. R. Austin & Co. (Report No. 2926.)

The bill (H. R. 1797) authorizing and directing the Secretary of the Treasury to pay to the heirs of Peter Johnson certain money due him for carrying the mail. (Report No. 2927.)

By Mr. LOUDENSLAGER, from the Committee on Pensions: The bill (S. 2832) entitled "An act for the relief of Daniel T. Tollett." (Report No. 2929.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HULL: A bill (H. R. 10304) to repeal chapter 1061, Fiftieth Congress, approved October 1, 1888, being an act to grant right of way through the military reservation at Fort Morgan to the Birmingham, Mobile and Navy Cove Harbor Railway Company, and for other purposes—to the Committee on Military Affairs.

By Mr. STALLINGS (by request): A bill (H. R. 10305) to provide for the appointment and compensation of three additional circuit judges of the United States, and to limit the judges of the United States courts who shall be competent to sit as judges of the circuit courts of appeals, and to provide for the appointment and compensation of a solicitor for each circuit court of appeals—to the Committee on the Judiciary.

By Mr. MEYER: A bill (H. R. 10306) for the construction and

completion of a dry dock at Algiers, La.—to the Committee on Naval Affairs.

By Mr. BAKER of New Hampshire: A joint resolution (H. Res. 255) providing for the attendance of the officers and cadets of the United States Military and Naval academies at the inauguration of the President-elect, March 4, 1897—to the Committee on Military Affairs.

By Mr. HILBORN: A memorial of the California legislature, relative to asphalt in the new tariff bill—to the Committee on Ways and Means.

Also, a memorial of the California legislature, relating to foreign immigration and proper restriction thereof—to the Committee on Immigration and Naturalization.

By Mr. TAWNEY: A memorial of the Minnesota legislature, favoring a system of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. KIEFER: A memorial of the Minnesota legislature, favoring the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. JOHNSON of California: A memorial of the California legislature, in favor of restricting foreign immigration—to the Committee on Immigration and Naturalization.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. CLARK of Missouri: A bill (H. R. 10307) for the relief of Litha J. Sholly—to the Committee on Invalid Pensions.

By Mr. CRISP: A bill (H. R. 10308) granting an increase of pension to Marx Kunz, sr.—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. TRUMAN H. ALDRICH: Petition of citizens of Hale County; also petition of citizens of beat No. 8, Hale County, Ala., praying that, as their rights as citizens are denied them, they be relieved of all duties required of them as citizens of the United States—to the Committee on the Judiciary.

By Mr. BELL of Colorado: Petition of the Woman's Christian Temperance Union of East Pueblo, Colo., favoring House bill No. 3203, known as the Broderick bill—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of East Pueblo, Colo., favoring the passage of the McMillan bill (S. 2485)—to the Committee on the District of Columbia.

Also, petition of the Woman's Christian Temperance Union of East Pueblo, Colo., praying for the passage of House bill No. 6119, known as the Phillips bill—to the Committee on Labor.

Also, petition of citizens of Grand Junction, Colo.; also of citizens of Aspen, Colo., against the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BERRY: Petition of citizens of the State of Kentucky, favoring the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BREWSTER: Petition of citizens of Hilton, N. Y., in favor of the passage of House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. CANNON: Petition of Margaret Dick and others, of Washington, D. C., praying for relief for depositors who suffered loss by the failure of the Freedman's Bank—to the Committee on Banking and Currency.

By Mr. CLARK of Missouri: Petition of Luther J. Sholly, of Kirksville, Mo., to accompany House bill for his relief—to the Committee on Invalid Pensions.

By Mr. CONNOLLY: Petition of R. D. Lawrence and 50 other citizens of Springfield, Ill., favoring the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. CROWLEY: Sundry petitions of citizens of Flatonia, Bellville, and Glidden, of the State of Texas, in favor of the passage of House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. FENTON: Petition of Rev. N. A. Palmer and other citizens of Waverly, Ohio, urging the passage of House bill No. 10090 and Senate bill No. 3545, known as the antirailroad scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. FLETCHER: Petition of the Engineers' Club of Minneapolis, Minn., in favor of improving the Upper Mississippi River—to the Committee on Rivers and Harbors.

By Mr. GROUT: Memorial of Mrs. Fannie A. Drew, of St. Johnsbury, Vt., president of the Woman's Christian Temperance Union, favoring the passage of the Broderick bill (H. R. 3203)—to the Committee on the Judiciary.

By Mr. HEPBURN: Sundry petitions of citizens of the State of New York, viz: M. Cummings and others, of Staatsburg; W. Farmington and others, of Kitchawan; C. S. Rogers and others, of Harrisville; C. G. Stewart and others, of Churchville; M. R. Burns and others, of Valhalla; Fred Brandt and others, of Pocantico Hills; W. H. Gardner and others, of Purdys; George E. Loring and others, of Sprakers; A. B. St. John and others, of Towners; W. Munger and others, of Carthage; J. M. Kilts and others, of Johnsonville; John I. Chamberlain and others, of Morris Heights; J. H. Napier and others, of Batavia, Leroy, Geneseo, Albany, and Lockport; H. A. Beeman and others, of Canandaigua; J. W. Mould and others, of Rondout; G. W. Gould and others, of Looneyville; J. E. Maloney and others, of Crittenden; V. D. Smith and others, of Martindale; F. F. Smith and others, of Loon Lake; H. M. Benjamin and others, of Wampsville; Frank D. Brown and others, of Mount Riga; M. H. Butts and others, of Belle Isle; William E. Goff and others, of Albion; Frank Hitchcock and others, of Syracuse; Joseph A. Titus and others, of South Dover; A. E. Barrett and others, of Coleman; John H. Lee and others, of Tarrytown; J. H. Barrett and others, of Mahopac Falls; E. L. Green, of Gabriels; O. Weaver and others, of Lake Placid; F. F. Slack, of Spuyten Duyvil; L. H. Clark, of Storm Lake; W. H. Arnold and others, of Whitson; I. J. Hinnarty, of Lake Mahopac; Ward Coff and others, of Lockport; W. H. J. Deagan and others, of Mount Vernon; J. J. Rice and others, of East Sycamore; I. N. Howe and others, of Utica; M. M. De Witt and others, of Oriskany; Warren H. Easton and others, of Herkimer; M. L. Cole and others, of Amsterdam; S. L. Allen and others, of New York City; also of the Chamber of Commerce of San Francisco, and of H. K. Halsey and others, of Orange, N. J., in favor of the passage of the Sherman bill (H. R. 10090) to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Congregational church, of Corning, Iowa, praying for the passage of House bill No. 7083, forbidding the sale of intoxicating drinks in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petition of the Congregational church, of Corning, Iowa, to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

By Mr. HULL: Petition of A. H. Grover and 18 other citizens of the State of Iowa; also of George H. Harrington and others of the State of Wisconsin, urging the passage of House bill No. 9209, for a service pension—to the Committee on Invalid Pensions.

By Mr. JENKINS: Petition of S. B. Dresser and 30 other citizens of St. Croix Falls, Wis., praying for a tariff on slack barrel cooper stock—to the Committee on Ways and Means.

By Mr. KLEBERG: Petition of Charles G. Levi and others, of Victoria, Tex., favoring the passage of House bill No. 10090, known as the Sherman bill—to the Committee on Interstate and Foreign Commerce.

By Mr. LACEY: Petition of Paul Morton and other citizens of Chicago, Ill.; also of William McNutt and other citizens of Ottumwa, Iowa; also memorial of the Order of Railway Conductors of Ottumwa, Iowa, asking for the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. LINTON: Sundry petitions of C. H. Fanchen and others, Charles G. R. Vinal and others, Clinton B. Price and others, O. F. Wood and others, Charles Morgan and others, George W. Clayton and others, David J. Dunbar and others, George E. Granniss and others, Walter Shaibly and others, Harry C. Wood and others, Henry C. Rylands and others, Robert M. Gallaway and others, Raymond Hendrickson and others, A. L. Richard and others, Charles A. Milisam and others, all citizens of the United States, protesting against appropriations for sectarian institutions, and favoring an amendment to the Constitution of the United States prohibiting sectarian appropriations—to the Committee on the Judiciary.

By Mr. LITTLE: Memorial of commissioners of the Chickasaw Nation, in regard to their claims, and their relations with the Five Civilized Tribes—to the Committee on Indian Affairs.

By Mr. McCORMICK: Petition of citizens of Stonybrook, Suffolk County, N. Y., for the preservation and improvement of Stonybrook Harbor on Long Island Sound, New York—to the Committee on Rivers and Harbors.

By Mr. MURRAY: Petition of Daniel E. Hymes and others, of Charleston County, S. C.; also of Henry L. Shrewsbury and others, of Chesterfield County, S. C.; also of Syfax Milton and others, of Clarendon County, S. C., praying the rejection of what purports to be the electoral vote of South Carolina and for the restoration of a republican form of government in said State, in accordance with the United States constitutional guaranty of a republican form of government—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. PENDLETON: Sundry petitions of citizens of Belton, McGregor, and Pendletonville, State of Texas, favoring the passage of the Sherman bill abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. SHANNON: Sundry petitions of citizens of the State of New York, viz, Simeon Ford and others, of New York City; William Leary and Samuel McMillan, secretary and president, respectively, of the board of public parks of New York City, together with a number of others; D. S. Hammond and others, F. A. Hammond and others, H. P. Whitaker and others, H. F. Roesser and others, Warren F. Leland and others, and W. Teleschon and others, all of New York City, favoring the passage of House bill No. 10090, known as the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERMAN: Sundry petitions of citizens of the State of New York, viz: Edwin R. Palmer and others, of New York City; E. Southard and others, of Chatham; P. H. Smith and others, of Pawling; James Cawley and others, of Woodlawn; William O'Brien and others, of Yorktown; William A. Holton and others, of White Plains; Dennis Reardon and others, of Mahopec; John E. Weir and others, of New York City; A. Hodridge, jr., and others, of White Plains; Patrick H. McGarty and others, of Brewster; Robert Burns and others, of Millertown; George E. Chum and others, of Philmont; P. J. Towey and others, of Mount Kisco; John Cotter and others, of Wassaic; Santa Kepler and others, of Boston Corners; S. T. Case and others, of New York City; Peter McGarty and others, of Mount Vernon; W. Murty and others, of Mount Vernon; James Hopper and others, of Pawling; E. F. Richardson, general Eastern agent Chicago, Milwaukee and St. Paul Railroad, New York City, and others; D. E. Brown and others, Brooklyn; Edwin J. Irwin and others, of New York City; Edward D. Edson and others, of New York City; M. F. Berry and others, of New York City; John Condon and others, of Yonkers; Bernard Charles and others, of Sing Sing; Thomas McGarty and others, of Tuckahoe; James McCracken and others, of Martindale; John O'Brien and others, of Dover Plains; William Bowe and others, of Poughkeepsie; Michael Finnerty and others, of Croton; John Shea and others, of Coldspring; William M. Clark and others, of Brooklyn; John Deeley and others, of Tarrytown; J. T. Lee and others, of Boston Corners, and John Branagan and others, of Millwood, in favor of the passage of the Sherman bill (H. R. 10090) to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. SORG: Petition of J. K. Chapman and others, of Dayton, Ohio, protesting against the passage of the Sherman bill abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. WATSON of Ohio: Petition of Jacob L. Lusch and others, favoring the passage of Senate bill No. 3589 and House bill No. 10108, regulating fraternal beneficiary societies, orders, or associations—to the Committee on the District of Columbia.

By Mr. WOOD: Petition of J. C. Orr and other citizens of Lawrence County, Ill., favoring the passage of House bill No. 10090 and Senate bill No. 3545, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. WOOMER: Petition of Ellis L. Mumma, publisher of the Morning Call, Harrisburg, Pa., favorable to the Loud bill (H. R. 4566)—to the Committee on the Post-Office and Post-Roads.

SENATE.

SATURDAY, *February 13, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The VICE-PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. ALLEN, and by unanimous consent, the further reading was dispensed with.

COLUMBIA RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Columbia Railway Company of the District of Columbia for the year ended December 31, 1896; which was referred to the Committee on the District of Columbia, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898; in which it requested the concurrence of the Senate.

The message also announced that the House had appointed Mr. COFFIN, Mr. BAKER of Kansas, and Mr. BLACK managers on the part of the House at the conference upon the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1501) granting an increase of pension to Mrs. Lucy Alexander Payne.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice-President:

A bill (H. R. 1323) for the relief of Ira H. Sweatt;

A bill (H. R. 1498) directing the Secretary of War to grant an honorable discharge to William M. Dalzell;

A bill (H. R. 9493) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes," approved September 29, 1890, and the several acts amendatory thereof;

A joint resolution (H. Res. 234) providing for the distribution of the maps and atlases of the United States Geological Survey; and

A joint resolution (H. Res. 249) for the appointment of a member of Board of Managers of the National Home for Disabled Volunteer Soldiers.

PETITIONS AND MEMORIALS.

Mr. FRYE presented a petition of the Philadelphia (Pa.) Maritime Exchange, praying for the passage of House bill No. 6396, to amend the laws relating to American seamen, and also for the passage of House bill No. 2663, to amend the laws relating to navigation; which was referred to the Committee on Commerce.

Mr. MORRILL. I present the petition of the Methodist Book Concern, of New York; of Bishop E. G. Andrews; of Missionary Secretaries A. B. Leonard, D. D., and A. J. Palmer, D. D.; Rev. Dr. J. M. Buckley, editor of the Christian Advocate; Rev. Dr. C. H. Payne, of the Education Society; Rev. Dr. J. L. Hurlbut, Sunday School Union secretary; Rev. Dr. William V. Kelley, editor of the Methodist Quarterly Review; Homer Eaton and G. P. Mains, book agents; Rev. F. Mason North, editor of the Christian City, and 52 other editors and officers, praying for the passage of the so-called Little bill, to forbid the sale of intoxicants in the Capitol. I move that the petition lie on the table.

The motion was agreed to.

Mr. HOAR presented a petition of members of the First Congregational Church of Middleboro, Mass., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Massachusetts, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MILLS presented sundry memorials of citizens of Denison, Tex., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Denison, Tex., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

Mr. ALLEN presented the petitions of Ed. Eaton, publisher of the Verdon Vedette, of Verdon; of T. H. Pollock, publisher of the Yeoman, and of F. O. Wisner, publisher of the Transcript, of Bayard, all in the State of Nebraska, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of Anson Wolcott, of Wolcott, Ind., remonstrating against the passage of House bill No. 8110, to establish a uniform law on the subject of bankruptcies throughout the United States, as proposed to be amended by Mr. HOAR; which was ordered to lie on the table and to be printed.

Mr. VILAS presented the petitions of Michael Pruszka, publisher of the Daily Kuryer Polski, of Milwaukee; of the Board of Trade of La Crosse; of C. F. Ninman, publisher of the Sauk City Presse, of Sauk City; Ingram & Goodrich, publishers of the Entering Wedge, of Durand; A. G. Roethe, publisher of the Highland Press, of Wisconsin; John F. Kavaurfh, publisher of the Weekly Courier, of Clear Lake; E. A. Bowers, publisher of the Chronotype, of Rice Lake; the Wholesale Grocers' Association Company, of Columbus; the Althouse Wheeler Company, of Waupun; the Peter L. Kuder Company, of Columbus; Lanman, Johnson & Co., of Columbus; the De Con Bros. Company, of Columbus; James A. Palmer and sundry other citizens of Columbus; Carl Fehlandt, publisher of the Zeitung, of Port Washington; H. E. Zimmermann, publisher of the Standard-Democrat, of Burlington; Park & Kenney, publisher of the Independent, of Elkhorn; A. C. Beckwith, postmaster, of Elkhorn; H. L. Brown, publisher of the Darlington Journal, of Wisconsin; C. N. Johnson, publisher of the Advocate, of Wisconsin, and of J. H. Waggoner, publisher of the Oconto County Reporter, of Oconto, all in the State of Wisconsin; of the Operative Builders' Association, of Philadelphia; Max Laib, of Philadelphia; Charles W. Clark & Son, of Philadelphia; F. Middleton & Co., of Philadelphia; Henry Dickel & Son, of Philadelphia; Delaphaine & West, of Philadelphia; the Francis Perot's Sons Malting Company, of Philadelphia; Frederick Hare, of Philadelphia, and R. P. Molten & Co., of Philadelphia, all in the State of Pennsylvania; of the American Newspaper Publishers' Association, of New York, and the American

Trade Press Association of the United States, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of the Wisconsin News Company, of Milwaukee; of J. E. Riordan and sundry other citizens of Sheboygan; Charles W. Burr and 29 other citizens of Lancaster; C. W. Auth and 14 other citizens of West Superior; Frank E. Noyes, publisher of the Daily and Weekly Eagle, of Marinette; Cassius L. Coward, publisher of the Times, of Waupun; Aut. Novak, publisher of the Domacnost, of Milwaukee; H. J. Desmond, publisher of the Catholic Citizen, of Milwaukee; B. F. Parker, publisher of the International Good Templar, of Milwaukee; Hyeman & Kuyper, publishers of the Brown County Democrat, of Depere; Short & Woolverton, publishers of the Brandon Times, of Brandon; C. E. Mears, publisher of the Polk County Press, of Osceola; Ernest Brooks, publisher of the Record, of Bloomington; F. B. Gregg, publisher of the Wave, of West Superior; Ellarson & Berray, publishers of the Waushara Argus, of Wautoma; Robert Schilling, publisher of the Milwaukee Advance, of Milwaukee; C. G. Starks, publisher of the Journal, of Berlin; F. H. Vashardt, publisher of the Chronicle, of Wisconsin; M. A. Coleman, publisher of the Vilas County News, of Eagle River; Grant H. Lawton, publisher of the Gazette, of Whitewater; A. W. Horn, publisher of the News, of Cedarburg; John Smith, publisher of the De Gids, of Depere; F. F. Morgan, publisher of the Advocate, of Cumberland; R. H. Johnson, publisher of the Central Wisconsin, of Wausau; S. W. Brown, publisher of the Journal, of West Salem; Henry E. Voight, publisher of the Der Gefluegel-Zuechter, of Wausau; Grant D. Harrington, publisher of the Enterprise, of Delavan; Frank B. Gesler, publisher of the Independent, of Bangor; Poms & Wood Bro., publishers of the Daily Republican, of Bangor; E. J. Scott, publisher of the Voice, of New Richmond; William Hoffelad & Co., publishers of the Sentinel, of Grantsburg; Sommers & Reynolds, publishers of the Weekly Madisonian, of Madison; A. T. Churchill, publisher of the River Falls Times, of River Falls; Charlton & Hanford, publishers of the Brodhead Independent and Wisconsin Citizen, of Brodhead, and Clarence S. Utter, publisher of the Gazette, of Trempealeau, all in the State of Wisconsin, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. MITCHELL of Wisconsin presented the petition of A. J. Aikens, general manager of the Evening Wisconsin Company, of Milwaukee, Wis., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SHERMAN presented the petitions of the Vindicator Printing Company, publishers of the Youngstown Vindicator, of Youngstown; of William F. Maag, publisher of the Rundsohan, of Youngstown; Gilberg & Chapman, publishers of the Mercer County Observer, of Celina; F. T. Lane, publisher of the Toledo Blade, of Toledo; W. H. Gate, publisher of the Ashlandren, of Ashland, and the Sun Publishing Company, publishers of the Morning Sun, of Springfield, all in the State of Ohio, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the pastor and presiding elder of the Methodist Episcopal church, of Wooster; of Rev. J. C. Weidmann, superintendent of the German Methodist Orphan Home, of Berea; of J. L. Oaker and sundry other citizens of Galion; F. S. Latham and sundry other citizens of Plain City; Charles W. Sanburn and sundry other citizens of Berea; W. S. Worrell and sundry other citizens of Toledo; P. E. Salsbury and sundry other citizens of Bryan; Michael Stull and sundry other citizens of Fremont; W. C. Hoch and sundry other citizens of Archbold; C. J. Brindley and sundry other citizens of Swanton; A. T. Phipps and sundry other citizens of Andover; Harry McKay and sundry other citizens of Kinsman; M. A. Brotzman and sundry other citizens of Dorset; W. A. Beates, pastor of the Lutheran church, of Amanda; Rev. John Junkin Francis, pastor of the Presbyterian church, of Cincinnati; Marion Lauraun, general manager of the Ohio Sunday School Association, of Toledo; Rev. W. H. Bucks, of Tiffin; Henry S. Jackson, of Steubenville; Rev. Thomas J. Post, of Youngstown; A. B. Shoer and sundry other citizens of Olmsted Falls; J. W. Hayes and sundry other citizens of Coalburg; James Duffin and sundry other citizens of Collinwood; Rev. J. F. Ohl, of Pomeroy; Rev. A. B. Sniff, of Bremer; John Copper and sundry other citizens of Belmont; Rev. Nelson K. Crowe, of New Hagerstown; C. W. Fenney and sundry other citizens of Clarkson; Rev. W. Elliot and Rev. A. E. Baichly, of Canal Fulton; Rev. Charles H. Powell, of Castalia, and Rev. Henry J. Van Vleck, bishop, and sundry other citizens of Gnadenhutten, all in the State of Ohio, praying for the enactment of legislation prohibiting the sale of railroad tickets by unauthorized persons; which were referred to the Committee on Interstate Commerce.

Mr. McBRIDE presented a memorial of sundry citizens of Salem, Oreg., and a memorial of sundry citizens of Roseburg, Oreg., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. VEST presented a petition of the Ladies' Social Union of the Methodist Episcopal Church, of Lancaster, Mo., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and Territories; which was referred to the Committee on the District of Columbia.

Mr. CHILTON presented the petition of A. S. Hornbeck, publisher of the Pottsboro Picayune, of Pottsboro, Tex., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Denison, Tex., praying for the appointment of an impartial, nonpartisan agricultural commission; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Denison, Tex., praying for the enactment of legislation to further protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. TURPIE presented the petition of Wallace B. Campbell, publisher of the Daily and Weekly Herald, of Anderson, Ind., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of H. C. Clippinger, secretary of the New Albany (Ind.) Ministerial Association, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented sundry memorials of citizens of Indiana, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of Penrose, Elkhart, Butler, New Albany, and Logansport, all in the State of Indiana, praying for the passage of the antirailroad ticket scalping bill; which were referred to the Committee on Interstate Commerce.

Mr. HILL presented resolutions adopted at the annual session of the New York State Bar Association, held at Albany, N. Y., favoring the appointment of an international court of arbitration; which were ordered to lie on the table.

Mr. DAVIS presented a petition of the legislature of Minnesota, praying for the adoption of a system of postal savings banks for the people; which was read, and referred to the Committee on Post-Offices and Post-Roads, as follows:

State of Minnesota. Thirtieth session. House of representatives.

ST. PAUL, *February 9, 1897.*

DEAR SIR: I have to announce the passage by the house of the following resolution, in which the senate has concurred, to wit:

"*Resolved*, That the house of representatives, the senate concurring, commend to the favorable consideration of United States Senators a system of postal savings banks for the people, and that a copy of this resolution be transmitted to our Senators and Representatives in Congress."

Yours, very respectfully,

M. J. DOWLING,
Chief Clerk of the House of Representatives.

Hon. C. K. DAVIS,
United States Senate, Washington, D. C.

Mr. DAVIS presented the petition of Stevens Bros., publishers of the Warren Register, of Warren, Minn., and a petition of the Board of Trade of Mankato, Minn., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Sarsfield Club of New York City, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. GEAR presented a petition of the Woman's Christian Temperance Union of Hesper, Iowa, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a memorial of the Christian Endeavor Society of Pleasant Prairie, Iowa, remonstrating against the adoption of any amendment to the pending arbitration treaty, and praying that it be ratified as it was first submitted; which was ordered to lie on the table.

Mr. NELSON presented a petition of the Minnesota State Historical Society, praying for the restoration and preservation of the frigate *Constitution;* which was referred to the Committee on Naval Affairs.

He also presented the memorial of Charles E. Starkey and sundry other citizens of Minnesota, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MCMILLAN presented the petitions of A. S. Coutant, publisher of Isabella County Enterprise, of Mount Pleasant; of George McConnelly & Co., publishers of Northwestern Tribune, of Mount Pleasant; of Hurst & Garner, late publishers of Shepherd News, of Shepherd; W. H. Weilcheiser & Sons, publishers of the Sunday Democrat, of Flint; W. H. Weilcheiser & Sons, publishers of the Genesee Democrat, of Flint; W. H. Weilcheiser & Sons, publishers of the Flint Daily News, of Flint; H. C. Blackman, publisher of the Democrat, of Hillsdale, and George T. Campbell, publisher of Evening Argus, of Owosso, all in the State of Michigan, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of 213 citizens of Michigan, praying for the passage of the antirailroad ticket scalping bill; which were referred to the Committee on Interstate Commerce.

He also presented a petition of members of the Forest Avenue Presbyterian Church, of Detroit, Mich.; a petition of sundry citizens of Ann Arbor, Mich., and a petition of sundry citizens of Michigan, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented petitions of members of the Baptist and Presbyterian churches, of Elreno, Okla., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which were referred to the Committee on the District of Columbia.

He also presented the petition of J. W. Harsha and 34 other citizens of the city of Washington, praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Brightwood Avenue Citizens' Association, and of sundry property owners and residents of Brightwood, in the District of Columbia, remonstrating against the location of a contagious-diseases hospital on the grounds known as the Schuetzen Park, in the District of Columbia; which was referred to the Committee on Appropriations.

Mr. CULLOM presented a petition of sundry citizens of Chicago, Ill., and a petition of sundry tea importers, jobbers, and brokers of Chicago, Ill., praying for the adoption of the proposed amendment to the tea act prohibiting the importation of impure tea; which were referred to the Committee on Finance.

He also presented a petition of the students of Monmouth College, Monmouth, Ill., and a petition of pastors of the churches and officers of the Young People's Societies of Alton, Ill., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Jacksonville, Ill., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Jacksonville, Ill., praying for the enactment of legislation to further protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Jacksonville, Ill., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry business men of Joliet, Ill., and a petition of sundry citizens of Illinois and Iowa, praying that the publication called the Interstate Tracer, of Marshalltown, Iowa, be reinstated as second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Illinois Lumber Dealers' Association, in convention at Chicago; of Carl C. Winter, publisher of the Danviller Zeitung, of Danville, and of Owen Scott and H. C. De Motte, publishers of the Leader, of Bloomington, all in the State of Illinois, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of Illinois, praying for the passage of the antirailroad ticket scalping bill; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the faculty of Wheaton College, Wheaton, and a petition of the Christian Citizenship League of Wheaton, in the State of Illinois, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a petition of the Jewelers' Association of Chicago, Ill., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Jacksonville, Ill., praying for the passage of House bill No. 9563, to prevent the multiplication of suicides; which was referred to the Committee on the Judiciary.

Mr. CAMERON presented a petition of the Woman's Christian Temperance Union of Smethport, Pa., praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories, to protect the first day of the week as a day of rest in the District of Columbia, to prohibit interstate gambling by telegraph, telephone, or otherwise, and to prohibit the sale of intoxicating liquors in the Capitol building; which was referred to the Committee on the District of Columbia.

He also presented a petition of members of the Patterson Memorial Presbyterian Church, of Philadelphia, Pa., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the Drug Exchange of Philadelphia, Pa., and a petition of the Grocers and Importers' Exchange of Philadelphia, Pa., praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented a petition of Captain James S. Thornton Garrison, No. 123, Regular Army and Navy Union of the United States, of Portsmouth, Va., praying that the bill (S. 3633) concerning retirement and promotions in the Navy, be amended so as to include enlisted men who have served in the late civil war, etc.; which was referred to the Committee on Naval Affairs.

He also presented a petition of members of the bar of Dauphin County, Pa.; a petition of the Bar Association of New York, and a petition of the Yearly Meeting of the Religious Society of Friends of Pennsylvania, New Jersey, and Delaware, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented the memorial of Hazard Hall and sundry other citizens of Newportville, Pa., and the memorial of C. E. Pease and sundry other citizens of Middletown, Pa., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Hardware Association of Philadelphia; of the Board of Trade of Erie; of Alfred Pasco & Co., publishers of the Intelligencer, of Doylestown; M. M. McAlarney, publisher of the Evening Telegraph, of Harrisburg; John L. Morrison and Levi Morrison, publishers of the Advance Argus, of Greenville; John Blakely, publisher of the Evening Star, of Philadelphia; Ellis L. Mumma, publisher of the Morning Call, of Harrisburg, and Robert Bauer & Son, publishers of the Democratic Watcher and Samstag Abend, of Wilkesbarre, all in the State of Pennsylvania, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

CLAIM OF DAKOTA INDIANS.

Mr. PETTIGREW presented a brief and argument by C. A. Maxwell, attorney, in the matter of the claim of the Sisseton and Wahpeton bands of Sioux or Dakota Indians, for balance of annuities declared forfeited by the act of Congress approved February 16, 1863; which was ordered to lie on the table and to be printed.

REPORTS OF COMMITTEES.

Mr. BURROWS, from the Committee on Post-Offices and Post-Roads, to whom was referred the amendment submitted by Mr. COCKRELL on the 11th instant, intended to be proposed to the Post-Office appropriation bill, reported it with an amendment, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. MCMILLAN, from the Committee on the District of Columbia, to whom was referred the amendment submitted by Mr. BLACKBURN on the 1st instant, intended to be proposed to the District of Columbia appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. 10121) to compel street railway companies in the District of Columbia to remove abandoned tracks, and for other purposes, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3565) to compel street railway companies in the District of Columbia to remove abandoned tracks, and for other purposes, reported adversely thereon; and the bill was postponed indefinitely.

Mr. MCMILLAN. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 9976) to punish the impersonation of inspectors of the health and other departments of the District of Columbia, to report it without amendment. I ask that the bill take the place of Calendar No. 1468, being the bill (S. 3498) to punish the impersonation of inspectors of the health and other departments of the District of Columbia, and that the Senate bill be indefinitely postponed.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

Mr. JONES of Arkansas, from the Committee on Indian Affairs, reported an amendment intended to be proposed to the Indian appropriation bill; which, with the accompanying report, was referred to the Committee on Appropriations, and ordered to be printed.

BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 3687) to amend and make certain the intent of section 714 of the Revised Statutes of the United States, providing for salaries of judges in certain cases after retirement; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. LODGE introduced a bill (S. 3688) for the relief of Laura J. Locke; which was read twice by its title, and referred to the Committee on Claims.

Mr. PETTIGREW introduced a bill (S. 3689) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes;" which was read twice by its title, and referred to the Committee on Public Lands.

RELIEF OF SUFFERERS IN INDIA.

Mr. PERKINS. I introduce a joint resolution which I ask shall be read at length.

The joint resolution (S. R. 204) authorizing the Secretary of the Navy to transport contributions for the relief of the suffering poor of India, was read the first time by its title, and the second time at length, as follows:

Whereas a famine exists in India which is daily causing thousands of deaths among the poor, which famine can readily be relieved from the surplus products of other parts of the world; and

Whereas the people of the United States stand always ready to assist the distressed and afflicted wherever found, and California, Oregon, Washington, Nebraska, Iowa, and Kansas have already collected and donated wheat, flour, and corn for relief of the famishing inhabitants of India, which is now being conveyed free of charge by transportation companies to San Francisco for shipment to India: Therefore,

Be it resolved by the Senate and House of Representatives, etc., That the Secretary of the Navy be, and he is hereby, authorized to employ and place at the disposal of the Chamber of Commerce of San Francisco any ship or vessel belonging to the Navy of the United States best adapted for such service for the purpose of transporting to the famishing poor of India such contributions as may be made for their relief, or to charter and employ under the authority of the United States a suitable American steamship or vessel, with a cargo capacity of 1,500 to 3,000 tons, for the same purpose. Any sum of money which may be necessary to carry out the object of this resolution is hereby appropriated out of any money in the Treasury heretofore appropriated for the support of the Navy.

Mr. PERKINS. I ask unanimous consent that the joint resolution be considered at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ALLEN submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. ROACH (by request) submitted an amendment intended to be proposed to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FRYE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. WILSON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

REPORT ON PRICES OF ARMOR.

Mr. CHANDLER submitted the following resolution; which was referred to the Committee on Printing, and ordered to be printed:

Resolved, That there be printed for the use of the Committee on Naval Affairs 1,000 additional copies of the report on the prices of armor without the testimony, and 300 copies with the testimony.

REMOVALS FROM OFFICE FOR ALLEGED POLITICAL REASONS.

Mr. ALLEN. I send to the desk a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the United States Civil Service Commissioners be, and they are hereby, directed to inform the Senate if Mary A. Dalton, William Holmes, Mary Flynn, John Zeller, and Dr. M. S. White, or any of them, have been discharged from the Bureau of Animal Industry at South Omaha, in the State of Nebraska, from positions held under the classified service of the Government; and if so, when, and for what reasons; and if they, or any of them, have asked or petitioned the Civil Service Commissioners for an investigation of the charges made against them, and if said request or petition has been denied by the Civil Service Commissioners; and if so, for what reason or reasons the same has been denied; and that the said Civil Service Commissioners be, and they are hereby, directed to accompany their answer to this resolution with full and complete copies of all affidavits, letters, statements, testimony, depositions, reports of examiners, and all other papers or documents in their possession and in any manner bearing on the subject-matter of this resolution.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. ALLEN. Mr. President, in the month of December last I received from a reputable firm of lawyers in Omaha, Nebr., a letter charging a very severe and flagrant violation of the so-called civil-service law in consequence of the discharge of certain persons who are named in the resolution. I sent their complaint to the Commissioners of the Civil Service for information as to the charges that had been made against the persons whose names appear in the resolution. I send to the desk and desire to have the letter read as explanatory of the matter to some extent.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary proceeded to read the letter, dated December 16, 1896.

Mr. SHERMAN. I think the resolution ought to be referred or laid over. I object to its consideration. Let it be referred, if the Senator desires.

The VICE-PRESIDENT. The resolution will go over.

Mr. ALLEN. No, sir; I shall not have it referred. I shall ask to have it taken up and considered on Monday morning——

Mr. SHERMAN. All right.

Mr. ALLEN. And I shall debate it at such length as I am permitted to do under the rules——

Mr. SHERMAN. All right; I have no objection.

Mr. ALLEN. If the Senator would prefer that I should take this matter up on Monday morning and discuss it instead of discussing it now.

Mr. SHERMAN. The resolution goes over under objection one day.

Mr. ALLEN. I understand that quite well; but I understood the Senator's objection to be based upon the idea that I would let it be referred without any comment, which I shall not do. I shall either comment on it now or at the next regular session of the Senate.

Mr. SHERMAN. I have no desire to interfere with the Senator at the proper time, but I wish to submit a motion.

Mr. ALLEN. Let the reading of the letter be concluded, or have the RECORD show nothing about it.

The VICE-PRESIDENT. What is the request of the Senator from Nebraska?

Mr. ALLEN. I understood the Senator from Ohio to object.

Mr. SHERMAN. The resolution goes over under objection.

Mr. ALLEN. It goes over under the rule.

The VICE-PRESIDENT. The Chair so understands; but the Chair understood the Senator from Nebraska to make some request.

Mr. ALLEN. The letter has been only partially read.

Mr. SHERMAN. The whole of it may be printed in the RECORD.

Mr. ALLEN. I can not hear what the Senator from Ohio says. I submit, however, that the question was put by the Chair whether there was any objection to the consideration of the resolution, and the Senate by unanimous consent proceeded to its consideration.

The VICE-PRESIDENT. The Chair entertains the objection of the Senator from Ohio, but the Chair was endeavoring to submit to the Senate the request of the Senator from Nebraska. The Chair only desires that the request may be again stated; that is all.

Mr. ALLEN. Then let the letter be printed in the RECORD. I have other letters, however, which I shall read when I get an opportunity on the next legislative day.

The VICE-PRESIDENT. It will be so ordered.

The letter is as follows:

OMAHA, NEBR., *December 16, 1896.*

DEAR SIR: Some days ago we prepared and filed before the Civil Service Commission the protest of Miss Mary A. Dalton against removal from her position as assistant microscopist at South Omaha (Bureau of Animal Industry). The Board acknowledged the receipt of the letter, but so far as we know, have taken no action.

The facts in the case are as follows: Miss Dalton two or three years ago was appointed assistant microscopist in the Bureau of Animal Industry at South Omaha, Nebr. Over a year ago she was placed under civil service. Shortly after election she was handed a letter signed by J. Sterling Morton, informing her that she had been discharged for "neglect of duty."

She was not notified that charges had been preferred against her; her superiors had not complained to her of her neglect of duty; she was given no opportunity to meet the charges filed against her.

Under the rules of civil service she certainly is entitled to know the name of the person preferring the charges, the nature of the charges, and then be entitled to be heard in self-defense. This is all we ask, but fear that the Board is playing us double. Within ten days after the protest was filed J. Sterling Morton had a special agent or spy on the ground, by the name of Sheldon, hunting up evidence.

Couldn't you see the Civil Service Commission and insist that they give this matter prompt attention? During the last campaign Mr. Bryan and the Chicago platform were denounced by Morton, Cleveland, et al., as enemies of civil-service reform, etc. Now, it does seem to us that we have these very same gentlemen in the hole. If they can remove these men, civil service is a farce, and Morton et al. rank hypocrites; if there is a civil-service law, these men and girls must be restored to their places, and Morton et al. again guilty of hypocrisy.

Yours, truly,

HERDMAN & HERDMAN.

W. V. ALLEN, M. C., *Washington, D. C.*

The VICE-PRESIDENT. The resolution goes over under the rule.

Mr. ALLEN subsequently submitted the following letters; which were ordered to be printed in the RECORD:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., January 21, 1897.

SIR: Referring to your communication of December 16, previously acknowledged, with reference to the removal of certain persons from the Bureau of Animal Industry at South Omaha, Nebr., for alleged political reasons, you are informed that the Secretary of Agriculture has stated to the Commission that the removals were made for good reasons; that he did not know whom any of the persons removed supported for President; that he made no inquiry, nor whom they supported. He has laid before this Commission a number of sworn statements, from which it would appear that the removals related solely to the internal discipline of the service, in which this Commission has no authority to interfere. Later, the Secretary of Agriculture addressed the Commission, inclosing copies of additional affidavits bearing upon the conduct of Drs. White and Zeller, adding: "I think these affidavits show conclusively that my action was for the good of the public service."

The civil-service rules contain the following provisions respecting dismissals or changes of rank:

"Rule 11. * * *

"3. No person in the executive civil service shall dismiss, or cause to be dismissed, or make any attempt to procure the dismissal of, or in any manner change the official rank or compensation of any other person therein because of his political or religious opinions or affiliations.

* * * * * * *

"6. In making removals or reductions, or in imposing punishment for delinquency or misconduct, penalties like in character shall be imposed for like offenses, and action thereupon shall be taken irrespective of the political or religious affiliations of the offenders."

Where a removal or reduction is made for reasons relating to the internal administration of the service not contrary to clauses 3 and 6 of rule 11, cited above, the Commission has no authority to interfere.

In view of the statement of the Secretary of Agriculture and the evidence which he submits, the Commission feels that, with its limited force and the pressure of work, it can not at this time make an investigation of its own into the matter.

Very respectfully,

JOHN R. PROCTER,
President.

Hon. WILLIAM V. ALLEN,
United States Senate.

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SOUTH OMAHA, NEBR., *January 16, 1897.*

DEAR SIR: You will please excuse my writing you, but think you should understand the matter of which I write. I was put in charge of the microscopic department at this town September 1, 1893, and believe it was run properly under my supervision. November 15, 1896, I received a communication from Secretary Morton, saying, "You are hereby discharged for neglect of duty." The date of dismissal notice is November 9, 1896. I wrote the Secretary and asked him to please name one duty I had neglected. Morton's private secretary answered my letter by using the following language, viz:

"I take the liberty of informing you, for your own satisfaction, that the Secretary's recent action in your case was based on what he considered the strongest and most indisputable evidence from several reliable sources as to very decided pernicious political activity upon your part during the recent campaign.

"Very respectfully, yours,

"JOHN NORDHOUSE,
"*Private Secretary.*"

I took no part, virtually, during the recent campaign. My son, a young law student in our State university, and a great admirer of W. J. Bryan, did considerable work for Mr. Bryan, and it is reported that Secretary Morton removed me for my son's actions. I have asked for an impartial investigation, but hear nothing from my petition.

The Secretary sent Ed. Sheldon (you probably know him) out here almost two months after my discharge, hunting up evidence against me and the three others removed at the same time. I have done a little practice outside of working hours, and Secretary Morton said he wanted me to build up a practice. The three others removed with me employed counsel and appealed their cases to the Civil Service Commission, but believe they have concluded there is nothing in civil service. I wrote the Commission and asked if I was not entitled to a hearing. I said to the Commission I felt sure I could prove I had never neglected one duty.

I would like to see the appropriation withheld from that Commission if it will not investigate such removals as have been made here in South Omaha.

The two girls discharged were my most faithful assistants. Their offense was having Mr. Bryan's picture in their windows. Six other of my assistants had McKinley pictures in their windows, but they are all O. K. I understand the Civil Service Commission claims that it has no authority to investigate any removals outside of politics. Every discharged person here was fired for being "a free-silver crank," although the alleged reason is for neglect of duty.

Is there any court in the land that would convict a man and then hunt up evidence after conviction? That is just exactly what has been done here. This man Sheldon has been here twice getting evidence. The first evidence he sent in, I've heard that the Civil Service Commission said to Secretary Morton, was not "specific enough." Then Morton sends him (Sheldon) again, and he sneaks around stock yards, packing houses, and persons whom I've doctored, finding affidavits against those let out "for neglect of duty." The whole thing is outrageous and ought to be shown up. If Ed. Sheldon had not been sent here, I don't think I would have done anything in the matter.

Yours, respectfully,

M. S. WHITE.

P. S.—If I have not made this letter plain, just write me, and I'll take great pleasure in furnishing you, Senator VEST, Senator MORGAN, or Senator COCKRELL any information desired in this matter. I've letters to show that I was all O. K. as long as I was thought to be straight politically. Some of your friends asked me to write you.

Hon. WILLIAM V. ALLEN,
Washington, D. C.

—

OMAHA, NEBR., *February 8, 1897.*

DEAR SIR: Some time ago there was addressed to the Civil Service Commission at Washington, D. C., a communication stating to said Commission that Mary A. Dalton, William Holmes, Mary Flynn, John Zeller, and Dr. M. S. White were discharged from the Bureau of Animal Industry at South Omaha for political reasons, upon the order of the Secretary of Agriculture. The communication addressed to the Commission requested an investigation of the reasons for which said parties were discharged, as we are satisfied that it can be shown that the charge made that they were discharged for political reasons—namely, for supporting Mr. Bryan for President—is absolutely true. The Commission declined to order an investigation in the matter, practically declaring that they had no power to investigate because the Secretary of Agriculture had notified them that the discharges referred to were for the good of the service and not for political reasons. We inclose a letter from the Commission at Washington, dated January 21, 1897, which speaks for itself.

The Commission refers to affidavits taken here (under the orders and direction of the Secretary of Agriculture) for the purpose of proving to the Commission at Washington that the parties referred to were not discharged for political reasons. We desire to again state that we can show by irrefutable testimony that the discharges were not made "for the good of the service," but were made on account of political reasons. We know it to be a fact that affidavits have been made by persons in the employ of the Government, stating certain things of a political character which were alleged as neglect of duty against the person discharged, but which can be shown upon investigation to be untrue. We know that in the case of John Zeller it is charged in the affidavits sent to Washington under Morton's instructions that Zeller attended a meeting of the Democratic county central committee in April, 1896, and in so doing neglected his duty to take part in politics. We charge and can show it to be an absolute fact that the person in charge at South Omaha, under whose orders Zeller was working, instructed him to quit work and attend the said Democratic county central committee meeting in the interest of the bolting Democrats who were seeking to control said central committee meeting, and that, by the orders of said person in charge of said department at South Omaha, another man was put in the place of said Zeller during his absence. Said Zeller was given a proxy by those who represent Morton in this State, and practically compelled by them to vote according to their dictates. This is now charged against him as neglect of duty. We denounce as an outrage upon those discharged the action of Morton in having affidavits secretly taken to substantiate charges against those discharged, when they are not informed as to the specific charges against them, and are given no opportunity to be heard or to meet the testimony submitted against them. If the powers of the Commission are so limited, as they declare in their letter, that they can not order an investigation in these cases, but must accept the statement of the Secretary of Agriculture supported by affidavits secretly taken, when those discharged stand ready to prove that the reason given for their discharge is not true, then it seems to us the Commission has outlived the period of its usefulness, civil service, so called, is a glaring farce, and the Commission itself, instead of drawing a salary from the people, ought, in the interest of good government and public decency, to be abolished.

We desire to call your attention to a letter written to one of the discharged persons by the private secretary of J. Sterling Morton, dated November 16, 1896, which declares that the said White was discharged for pernicious activity in politics during the late campaign. We desire to state that this charge is absolutely false, as can be shown by the testimony of every honest and truthful person who knows Mr. White and knows what his conduct was during the campaign. We can show that those who actually took an active part in the late political campaign are still in the employ of the Government because they spent their time in working for Mr. McKinley, and in spending money, in saloons and other places, furnished them by the postmaster at Omaha to carry on the campaign in the interest of "national honor" and "sound money." While they were thus engaged, and also engaged in the further occupation of spying upon their fellow-workmen, Zeller and others thus employed were doing their own work and the work of those engaged in politics, and who were thereby neglecting the duties for which the Government is paying them. Those who supported Mr. McKinley and opposed Mr. Bryan are still in the employ of the Government, although since election the Department has found it necessary to notify some of them that unless they quit drinking their services would have to be dispensed with. We insist that we can prove every statement made in the foregoing communication, and if this Commission has not the power to give the persons thus discharged an opportunity to be heard to show that they have been unjustly dealt with, that they have been discharged in violation of the rules of the civil service, then we say the lawmaking power ought to give them the necessary authority or abolish it entirely. We ask for those discharged a fair and reasonable investigation, and being unable to secure it at the hands of the Civil Service Commission, our only alternative is to appeal to your lawmaking body and invoke your assistance. If the United States Government has gone into the business of "coercion" and intends to follow out the practice of discharging employees who refuse to vote according to the will of the heads of Departments, we think the matter ought to be investigated.

J. C. DAHLMAN,
Chairman Democratic State Central Committee.
LEE HERDMAN, *Secretary.*

Hon. W. V. ALLEN, *Washington, D. C.*

—

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., November 16, 1896.

DEAR SIR: Your letter of November 14, addressed to the Secretary, is received, and I have to inform you that Mr. Morton left this morning for New York and expects to return to Washington in a few days, when your communication will be brought to his attention. In the meantime I take the liberty of informing you, for your own satisfaction, that the Secretary's recent action in your case was based on what he considered the strongest and most indisputable evidence from several reliable sources as to very decided pernicious political activity upon your part during the recent campaign.

Very respectfully, yours,

JOHN NORDHOUSE,
Private Secretary.

Dr. M. S. WHITE,
Care Bureau of Animal Industry, South Omaha, Nebr.

—

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., January 21, 1897.

GENTLEMEN: Referring to your communication, previously acknowledged, with reference to the removal of Mary A. Dalton and William Holmes from the Bureau of Animal Industry at South Omaha for alleged political reasons, you are informed that the Secretary of Agriculture has stated to the Commission that the removals were made for good reasons: that he did not know whom any one of the persons removed supported for President; that he made no inquiry, nor did he care whom they supported. He has laid before the Commission a number of sworn statements, from which it would seem that the removals related solely to the internal discipline of the service, in which this Commission has no authority to interfere. Later, the Secretary of Agriculture addressed the Commission, inclosing copies of additional affidavits, adding: "I think these affidavits show conclusively that my action was for the good of the public service."

The civil-service rules contain the following provisions respecting dismissals or changes of rank:

"Rule 11. * * *

"3. No person in the executive civil service shall dismiss, or cause to be dismissed, or make any attempt to procure the dismissal of, or in any manner change the official rank or compensation of any other person therein because of his political or religious opinions or affiliations.

* * * * * * * *

"6. In making removals or reductions, or in imposing punishment for delinquency or misconduct, penalties like in character shall be imposed for like offenses, and action thereupon shall be taken irrespective of the political or religious affiliations of the offenders."

Where a removal or reduction is made for reasons relating to the internal administration of the service not contrary to clauses 3 and 6 of rule 11, cited above, the Commission has no authority to interfere.

In view of the statement of the Secretary of Agriculture and the evidence which he submits, the Commission feels that with its limited force and the pressure of work it can not at this time make an investigation of its own into the matter.

Very respectfully, JOHN R. PROCTER, *President.*

Messrs. HERDMAN & HERDMAN,
Creighton Block, Omaha, Nebr.

HOUSE BILL REFERRED.

The bill (H. R. 10289) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898, was read twice by its title, and referred to the Committee on Appropriations.

PERRINE LAND-GRANT INVESTIGATION.

The VICE-PRESIDENT. The Chair lays before the Senate as a part of the morning business the resolution of the Senator from South Dakota [Mr. PETTIGREW], coming over from a previous day. The resolution will be stated.

The SECRETARY. A resolution authorizing the Committee on Public Lands to investigate the issue of patents for the lands embraced in what is known as the Perrine land grant, in the State of Florida.

Mr. PETTIGREW. I ask unanimous consent for the passage of the resolution without a reference.

The VICE-PRESIDENT. The resolution will be read for information.

The Secretary read the resolution submitted on the 11th instant by Mr. PETTIGREW, as follows:

Resolved, That the Committee on Public Lands, by the full committee or by a subcommittee to be appointed by the chairman, be authorized to investigate the issue of patents for the lands embraced in what is known as the Perrine grant, in the State of Florida, with power to send for persons and papers and to administer oaths.

The VICE-PRESIDENT. Is there objection to the adoption of the resolution? The Chair hears none, and the resolution is agreed to.

ORDER OF BUSINESS.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

Mr. MORGAN. The morning business is not yet completed, I believe.

The VICE-PRESIDENT. The Chair is advised that the resolution introduced by the Senator from Alabama and coming over from a previous day has not reached the desk from the Printer. The Chair will have the resolution read from the RECORD. However, the Chair understands that it is not a part of the morning business, being a joint resolution. Will the Senator from Alabama please repeat his request?

Mr. MORGAN. My request was that the joint resolution be laid before the Senate.

Mr. SHERMAN. Pending the morning business, a motion to proceed to the consideration of executive business is in order.

The VICE-PRESIDENT. Under the rule, the Chair must entertain the motion of the Senator from Ohio pending the request of the Senator from Alabama.

Mr. WILSON. I ask leave to submit an amendment to the sundry civil appropriation bill.

Mr. MORGAN. If I am to be ruled off the floor in this way by the Senator from Ohio, I object to anyone else having it.

Mr. SHERMAN. I can not hear a word the Senator says, there is so much confusion in the Chamber.

The VICE-PRESIDENT. The Senate will be in order.

Mr. MORGAN. I say if, on the joint resolution proposing to declare the Clayton-Bulwer treaty abrogated, I am to be ruled off the floor by the motion of the Senator from Ohio, which he insists upon, then I object to anyone else getting the floor for any other business.

EXECUTIVE SESSION.

Mr. SHERMAN. My motion is pending.

The VICE-PRESIDENT. The Senator from Ohio moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After four hours and twenty-five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until Monday, February 15, 1897, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 13, 1897.

POSTMASTERS.

Leonard G. Babcock, to be postmaster at Lexington, in the county of Middlesex and State of Massachusetts.

John W. Carroll, to be postmaster at Cape Charles, in the county of Northampton and State of Virginia.

Mildred H. Davies, to be postmaster at Manassas, in the county of Prince William and State of Virginia.

William Graham, to be postmaster at Orange, in the county of Orange and State of Virginia.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 13, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. BAKER of New Hampshire. I ask unanimous consent——

Mr. BAILEY. I demand the regular order.

Mr. WILLIAM A. STONE. I move that the House resolve itself into Committee of the Whole on the state of the Union to resume the consideration of the sundry civil appropriation bill.

Mr. HITT. Will the gentleman permit me to make a report from the Committee on Foreign Affairs?

Mr. WILLIAM A. STONE. For that purpose only I withdraw the motion.

PASSPORT REGULATIONS OF FOREIGN COUNTRIES.

Mr. HITT, from the Committee on Foreign Affairs, to which were referred the President's message and accompanying documents of February 8, 1897, relating to the printing of the special edition of the reports from diplomatic and consular officers of the United States on the passport regulations of foreign countries, reported a joint resolution (H. Res. 257) providing for printing the reports of diplomatic and consular officers of the United States on the passport regulations of foreign countries; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. WILLIAM A. STONE. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. HULL in the chair), and resumed the consideration of the sundry civil appropriation bill.

Mr. CANNON. I ask consent that the bill may be considered as read a first time.

Mr. HEPBURN. I should like to make an inquiry of the gentleman from Illinois.

Mr. CANNON. Certainly.

Mr. HEPBURN. I understand that there was a purpose on the part of the committee to have this bill read through and then on Monday next to endeavor to pass it under a suspension of the rules. Last year when the sundry civil appropriation bill was passed under a suspension of the rules there was some criticism because of the fact that the bill had not been read; and I understand that the object in the present case is to avoid such criticism. I would like to know from the gentleman if the purpose of passing the bill under a suspension of the rules has been abandoned?

Mr. CANNON. I will say to the gentleman from Iowa that the course touching the passage of this bill, if I have my way about it, will be the course that a majority of this House desires to have pursued. It is now almost the middle of February; within two weeks almost of the close of Congress. The sundry civil bill has not yet passed the House; the naval appropriation bill follows this; the preparation of the deficiency bill is not yet begun—the estimates are just in and printed. The gentleman understands that this is the short session. I suppose it will take from three to five days to pass this bill under the five-minute rule. It will take the best part of a week to prepare the deficiency bill. In my judgment, all of the bills will be passed, or can be passed, before the 4th day of March. This bill has been prepared with very great care. Quite as much labor has been placed upon it as any within my recollection. I believe it to be a good bill, and after we consider it under the five-minute rule it would be substantially as it is now, except possibly as points of order may prevail against certain features of the bill.

Now, then, I think it possible that the consideration may lead here and there to its increase; but as an individual member of the House, I am quite content to pursue either course without committing myself now to any future promise or policy as to the consideration of the bill. I am ready now to press the consideration

under the five-minute rule, and let Monday and other days of the session take care of themselves.

Mr. HEPBURN. The gentleman may possibly observe, if he recollects what he has said, that he has not yet answered my inquiry. What I wanted to know was whether the purpose of passing this bill under a suspension of the rules had been abandoned?

Mr. CANNON. There has been no purpose determined to pass it under a suspension of the rules.

Mr. HEPBURN. I think the gentleman from Illinois answers, undoubtedly, totally for himself.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois to dispense with the first formal reading of the bill?

Mr. HEPBURN. I object.

The CHAIRMAN. Objection is made, and the Clerk will read the bill.

The Clerk resumed the reading of the bill.

Mr. DOCKERY (interrupting the reading). Mr. Chairman, I renew the request that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Missouri [Mr. DOCKERY] asks unanimous consent that the further reading of the bill be dispensed with. Is there objection?

Mr. DE ARMOND. Mr. Chairman, I should like to know what time will be given for general debate on the bill? I should like to have half an hour.

The CHAIRMAN. There will be no general debate, of course, until the reading of the bill is completed, or until its reading is dispensed with.

Mr. DE ARMOND. I understand that, but I would like to have an understanding about the general debate now.

Mr. CANNON. So far as general debate is concerned, if it seems to be indicated, as the debate progresses, that the day will be consumed in general debate, I shall not seek to close it until about the close of to-day's session; but if there is any disposition manifested to let general debate run beyond to-day, I should like to take the sense of the House, toward the close of to-day's session, on the question of closing general debate.

Mr. DE ARMOND. The gentleman in charge of the bill knows something about the time that will be consumed by the majority. I should like to have half an hour for general debate.

Mr. CANNON. Well, there are remaining about five hours of this session. Of course I have no doubt that the gentleman who represents the minority [Mr. SAYERS] or his colleague [Mr. DOCKERY] will accommodate the gentleman.

Mr. WILLIAM A. STONE. There can be no trouble about that.

Mr. DOCKERY. I think there will be no trouble about accommodating the gentleman from Missouri [Mr. DE ARMOND]. I know I want forty minutes myself, and the gentleman from Texas [Mr. SAYERS] wants some time.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri [Mr. DOCKERY] to dispense with the further reading?

Mr. DE ARMOND. I should like to learn what the course is going to be with reference to general debate, if the Chair will indulge me for a moment. I should like to have half an hour.

Mr. SAYERS. Very well; I will give that.

Mr. WILLIAM A. STONE. There is no objection.

The CHAIRMAN. The Chair hears no objection to dispensing with the further reading, and it will be so ordered.

Mr. SAYERS. Mr. Chairman, I should like to ask the gentleman in charge of the bill if he proposes to ask, at this time, that the committee put a limit on general debate?

Mr. CANNON. No. I have just indicated, in reply to my colleague [Mr. DOCKERY], that I want general debate closed during the day; but it will be better to let it run a little time. If we can close it by 3 o'clock, or 4, I shall ask to proceed with the bill under the five-minute rule.

Mr. SAYERS. There are gentlemen on this side of the House who desire time, and if the gentleman will agree to let us have two hours and a half, I can parcel out the time. We may not need all that time.

Mr. CANNON. Well, we can agree about it later. I want to say that if general debate can be closed by 3 or 4 o'clock, I propose, if I get my way about it, to commence the reading of this bill under the five-minute rule.

Mr. SAYERS. I want to say to the gentleman in charge of the bill that he can pass his bill much more readily by meeting us half way in this matter.

Mr. DOCKERY. You had better give us two hours and a half.

Mr. CANNON. If I can have a little quiet, I will say to the gentleman from Texas [Mr. SAYERS] again, if it should be indicated as the debate progresses that the whole of to-day is required for general debate, I shall not seek to obstruct.

Mr. SAYERS. I want to say to the gentleman, in reply to that, if two hours and a half shall be more than sufficient for the minority, then I am quite confident that the minority will not seek to delay the consideration of this bill by paragraphs for a single moment.

Mr. CANNON. We shall have no trouble, I will say to my friend.

Mr. SAYERS. Let me suggest to the gentleman——

Mr. CANNON. The very moment we agree to close this debate in five hours, all the eloquence of the gentleman from Texas [Mr. SAYERS] and myself will not keep one-third of the members here, and if general debate amounts to anything on a business bill like this, the House ought to be full.

Mr. SAYERS. Now I have made my proposition to the gentleman, and I shall not feel constrained hereafter, in representing the minority——

Mr. CANNON. What is it the gentleman wants? I fail to understand.

Mr. SAYERS. Well, I have asked that two hours and a half be allowed the minority, with the assurance to the gentleman that if we shall not consume that time we will not stop the consideration of this bill for one moment. And the reason that I ask it is that I may be able to parcel out the time. Two gentlemen have already asked me for thirty minutes. Another gentleman has asked me for forty minutes. It facilitates the disposition of the time if the gentleman allows me two hours and a half, but if we go on with general debate, each gentleman who arises will be entitled to an hour, and the consequence will be that the time will not be parceled out as it should be.

Mr. CANNON. Very well; that would be so anyhow.

Mr. SAYERS. No, sir; because I will take the responsibility of controlling the time on this side, if such an arrangement can be made.

Mr. CANNON. With that arrangement I am quite content—that the minority shall have two hours and a half and the majority two hours and a half, if it wants to use that much time.

Mr. SAYERS. That is all I ask.

Mr. CANNON. And that the time shall be controlled by the gentleman from Texas [Mr. SAYERS] for the minority, and I suppose the gentleman in charge of the bill for the majority.

The CHAIRMAN. The Chair understands the agreement is that the minority shall have two hours and a half, to be controlled by the gentleman from Texas [Mr. SAYERS], and that the majority shall have two hours and a half, if they need it, to be controlled by the gentleman from Illinois [Mr. CANNON]. Is there objection to that agreement? [After a pause.] The Chair hears none, and it is so ordered.

Mr. CANNON. Mr. Chairman, this bill recommends appropriations for $50,664,000, in round numbers, for the service for the coming fiscal year. The estimates upon which it is based amount to $59,000,000, in round numbers, so that the bill is substantially $8,000,000 less than the estimates. The bill is an increase, however, over the corresponding bill passed last session of Congress, for the current year, of $17,500,000, in round numbers. Gentlemen understand that the sundry civil bill is what its name implies. You have the Army, the Navy, the Post-Office, the Agricultural, the Indian, the diplomatic, and the legislative bills, but this is a bill gathering up for the public service the items not carried in the other bills. Therefore it is a bill of much interest to members and the country; and very briefly, if the committee will bear with me, I will refer to the bill from the plain business standpoint.

The increase of $17,500,000 in this bill over the one for the current year is most extraordinary; and yet it is very easy and short of explanation. It is covered substantially by two items. First, in the aggregate the bill carries over $15,000,000, in round numbers—$15,131,000—for the payment of river and harbor improvements, placed or authorized to be placed under contract by the last river and harbor bill. This is an appropriation bill. The legislation was had a year ago. Gentlemen recollect about it. The authorizations of that bill, if I recollect aright, were, in round numbers, $60,000,000. Gentlemen recollect that substantially the general rule underlying that bill was that, commencing on the 1st day of next July, one-fourth of that amount could be expended for four years. Then there were exceptions enough to increase the expenditures over the fourth to make the amount larger than $15,000,000 if it had been inserted in this bill. The policy of that great bill I am not here to discuss. It was discussed a year ago. The bill, vetoed by the President, was passed over his veto, and became and is the law of the land. Let me say one word as to the policy, and one word only. Under proper conditions I believe, and, so far as I know, the Republican party has and does believe, in apt improvement of the great waterways of the country, in apt defense of our seaports, in apt construction of a navy to defend the national honor and national commerce.

Now, if I could have had my way about it, while I firmly believe in internal improvements, including the inland seas and our seacoasts and the great rivers of the country, in the present condition of the Treasury, or its condition a year ago, I would have

let a portion of these improvements await an increase of revenue; but Congress thought differently. There were items in that bill which was enacted into law that in my judgment were improvident. I have never known a river and harbor bill that did not cover improvident items, that if I had the power would have been stricken out, and that bill was not an exception. Yet, I am compelled to say from the standpoint of merit, while that great bill, appropriating and authorizing over $70,000,000, covered a very large amount—yet, considering the amount, I believe, from somewhat of a painstaking examination, that the money and authority therein contained covered less in the aggregate of objectionable appropriations than any river and harbor bill that I have knowledge of which passed in the last twenty years. [Applause.]

I do not mean by this to claim that the passage of that great bill was judicious in the then condition of the Treasury. I think that we would better have waited for $45,000,000 of that appropriation and authorization. But, unfortunately, as I think sometimes, I do not control this country. [Laughter.] My vanity tells me that if I could regulate all things I would perhaps regulate them better than the majority of you gentlemen; but, unfortunately, you do not always agree with me, and you have the most votes. [Laughter.] So much for that. Wisely or unwisely, right or wrong, the last session of this Congress placed upon the statute book great authorizations; and when I say that, it is not necessary for me to add that, under legislation and authorization, this sundry civil bill responds necessarily, and so you have this great increase of more than $17,000,000.

There were other great increases made at the last session of Congress. A great naval bill was passed. It costs money to build battle ships at five millions a ship. A great fortification bill was passed last year, and one has passed this House this year, aggregating $17,000,000; an increase, if I recollect aright, of $13,000,000 for fortifications over the amount appropriated for that purpose by the Fifty-third Congress. We could not help it. The country seemed to demand it. The cry was raised that our great seaports were at the mercy of hostile fleets, and that the diplomatic arm of the Government was weak, because, although we had great wealth and great population, yet in the event of war with any foreign government or governments we should be practically helpless before powers really much weaker than ourselves. The demand came, and came from the people, for this great increase of expenditure in fortifications. If I had had my way about it, I would have gone more slowly than we did, but I think that perhaps no appropriations have been made of late that have received more hearty indorsement than those made for fortifications.

Now, Mr. Chairman, having said that much about appropriations and this bill generally, I come directly to the items in this bill that I apprehend gentlemen are specially interested in. I have already spoken of the increase on account of rivers and harbors, but before I leave that subject, let me say to gentlemen that all the money that seems to be demanded by the river and harbor bill on a cursory reading has not been recommended in this bill, for certain reasons. Let me call attention to these items work by work. Take first Newtown Creek, so called, in New York. The amount estimated for under the river and harbor bill is $400,000. The amount recommended is $183,000; a decrease of $217,000; that decrease being made for the reason that a contract has been entered into for the work at $183,000 instead of $400,000.

Mr. McCORMICK. But the other estimate was the estimate of the engineer himself.

Mr. CANNON. I understand that the other item was the estimate of the engineer himself; but when we came to place the work under contract the competition was such, or the Chief of Engineers had been so "off his base" (if I may be allowed the expression), that that work which had been estimated at $400,000 was contracted at $183,000.

Mr. BENNETT. If the gentleman will permit me, I will say that the work done previously on Newtown Creek had been done at the rate of 39 cents per cubic yard, but under a continuous contract it was found possible to let the same dredging work at 17½ cents per cubic yard.

Mr. CANNON. Oh, yes; I know that contract work, continuous or otherwise, ought to be let now at lower rates than in former years, for two reasons: First, the price of labor is lower. People are out of employment and are so anxious for employment that they work on a closer margin and for less pay. Second, there has been great improvement made in labor-saving machinery for excavation, for dredging, for all that kind of work. Take the digging of that great canal running from Chicago to Joliet, by the use of labor-saving appliances the cost of the work has been reduced to a minimum, so that I understand that that kind of work is done now at from one-third to one-half less than it cost a few years ago and with quite as much profit to the contractor.

Take Delaware Bay: The amount called for on the face of the law was $714,000; the contract is let at $450,000 for the proportion of the work for the coming year.

Take Duluth, Minn.: The amount called for on the face of the law was $790,000, and the work has been contracted for at $500,000.

Providence Harbor: The contract there reduces the amount from an estimate of $400,000 to $125,000.

Take Chicago River: The contract reduces the amount there from an estimate of $400,000 to $113,000, and we have written the amounts in recommendation in the bill for the various items according to the necessities of the service and in compliance with the substance of the law.

Now, Mr. Chairman, there are three or four works that I want to call attention to that are omitted entirely from this bill, and they are omitted advisedly, after the fullest inquiry. The first is Wilmington, Del. Under the last river and harbor act there should be $205,000 carried by this bill for that work. The bill carries nothing in recommendation, for the reason that the last river and harbor act authorized a contract according to projects and plans then in existence, but put a limit on the contract as to cost of $205,000. Now, it appears that the work under the project authorized in the last river and harbor act can not be done for anywhere near that amount.

Now, then, as to Oakland, Cal. On the face of the river and harbor act there should be an appropriation of $400,000 written into this bill. But there is the legislation in the river and harbor bill, "according to the plans and specifications then in existence," and then a limit is placed upon the expenditure necessary to complete the work, as in all the cases covered by the river and harbor bill.

Now, on full inquiry of the Engineer Department, it appears that the amount of money authorized by the river and harbor act will not complete the work at Oakland, according to the project, by (in round numbers) $700,000. The result was that as soon as this fact appeared to your Committee on Appropriations, a letter was addressed to the Secretary of War as to whether he had authority to enter into this contract unless the contract could be entered into within the law and within its limitations. After referring the matter to the Adjutant-General, and upon full inquiry, the Secretary of War, citing in his reply the sections of the law, was clearly of opinion that unless the work could be completed within the limitation (whether the money was appropriated or not) he would have no authority to expend one cent without further legislation in the premises. And I have no doubt that he is entirely correct in this view under the law. Therefore, your committee do not recommend anything to be appropriated at Oakland.

You may say that as Oakland is a city adjacent to San Francisco, close upon the Golden Gate, why not legislate extending the limit $700,000 and make an appropriation accordingly? Purely and simply because there is a great committee of this House which, under our rules, has the power to recommend legislation touching rivers and harbors—namely, the River and Harbor Committee—and we did not believe it was politic for the Committee on Appropriations to even submit an item covering this and other matters not authorized by law touching rivers and harbors.

Now, in addition to Oakland, Cal., the same thing is true of the Kentucky River. The amount called for under contract on the face of the river and harbor bill is $400,000; yet on inquiry we found that under the limitations of that act it would take a million dollars additional to the limitation to complete the work according to the project.

Mr. BERRY. The gentleman will allow me to state that the last River and Harbor Committee, accepting the estimate of the Government engineer, which was $1,380,000, provided for placing the work on that river under contract. Subsequently the engineering arm of the United States Government made a second estimate, $1,000,000 higher. So that the river is in this condition: The work has been commenced at Lock No. 7, and upon that work the Government has expended about $125,000; but now there is no money to continue the work through the coming summer. This virtually stops the improvement of the Kentucky River, although the Committee on Rivers and Harbors had provided that the work should be placed under contract. One million three hundred and eighty thousand dollars expended under the contract system would complete that improvement; but, carried on as it has been by the United States Government, it will require hundreds of thousands of dollars more.

Mr. CANNON. I am not here to discuss the merits of the improvement on the Kentucky River.

Mr. BERRY. But as I should have asked (if I had anticipated the present action) an appropriation to continue the work there, or at least to have it placed under contract, I am placed in the position of having the work discontinued on that river which I represent, because this bill does not contain any appropriation to carry on the work during the coming summer. In this way the opinion of the River and Harbor Committee is set aside; and the Government as well as the people will be losers.

Mr. CANNON. I have failed to make myself understood by the gentleman——

Mr. BERRY. I understand the position of the gentleman and his committee. I have read the report.

Mr. CANNON. Very well; if the gentleman understands this matter, he understands that according to the project referred to in the river and harbor act the Engineer Department has stated that this work can not be done according to the project within $1,000,000 of the amount authorized, and then the Secretary of War says that under the existing law, whether the money is appropriated or not, no dollar can be expended and no contract made without further legislation.

Mr. BERRY. But does not the chairman of the committee understand that the original estimate of the Engineer Department of the United States Government was $1,380,000 for the completion of the improvement on that river, that we acted on that recommendation in the Committee on Rivers and Harbors, and that subsequently the Department came in with an estimate vastly increasing the expected cost of that improvement?

Mr. CANNON. My friend and I can not afford to play upon words. I say again the officers of the Engineer Department testified before the Committee on Appropriations that the project referred to in the river and harbor bill—not the first project, but the project in being at the time the river and harbor bill was enacted—will require over $1,000,000 beyond the authorization.

Mr. BERRY. The gentleman will allow me to state that when these questions came up before the Committee on Rivers and Harbors the last report of the Engineer of the United States Army was read, and in view of that report and of the estimate of $1,380,000 as the cost of carrying out the project, we placed the work upon the river and harbor bill at that figure; but a subsequent estimate made by the Engineer Department increased the amount to $2,400,000.

Mr. CANNON. I do not so understand.

Mr. BERRY. I so understand; and the report of the Engineer Department was read in the committee.

Mr. CANNON. Very well; your Committee on Rivers and Harbors has plenary power to cure any mistake, and to report legislation touching rivers and harbors. Why do they not perform their function?

Mr. BERRY. We endeavored, as I have stated, to follow the estimate of the Engineer Department; we could not anticipate this subsequent and larger estimate.

Mr. CANNON. The Committee on Appropriations, of which I have the honor to be chairman, can answer for a great many things, but we can not answer for a mistake in the estimates of the Engineer Board, or a misapprehension of facts on the part of my friend from Kentucky or his committee.

Mr. McCREARY of Kentucky. I desire to ask the gentleman from Illinois a question, with his consent.

Mr. CANNON. Certainly.

Mr. McCREARY of Kentucky. There has been expended on the Kentucky River in all $1,700,000. The last river and harbor bill put that river under the contract system, but the bill now under consideration makes no appropriation to go on with the work of constructing the locks and dams on the river.

Mr. CANNON. I am aware of that.

Mr. McCREARY of Kentucky. It seems to me that there ought to be in the bill an appropriation to go on with those improvements. We can not afford to lose the full benefits of work that has already been done at an expenditure of $1,700,000; neither should improvements be delayed or impeded which will be beneficial to so many people and to such a large area of the State of Kentucky. It will not require a very considerable sum to finish the work.

I desire to ask the gentleman, therefore, if he thinks it good policy, after spending the amount already stated, to make no appropriation in this bill to continue the work?

Mr. CANNON. Mr. Chairman, I will reply to the gentleman from Kentucky that the committee that makes up this bill makes provision for river and harbor appropriations under existing law, and can not make provision for those that are not under existing law. I have stated plainly, or have endeavored to do so in the report of the committee, the correspondence with the Secretary of War on this subject. We heard testimony, and thoroughly, and the unanimous testimony is that the project legislated about in the river and harbor bill can not be completed within the limit of cost by $1,000,000. Therefore no dollar of money can be legally expended, or will be, until there is legislation on the part of Congress to extend the limit.

Mr. McCREARY of Kentucky. If the gentleman will permit me one moment further. About a year ago, as I understand it, the Chief of Engineers made an estimate that $1,360,000 would be sufficient to construct the locks and dams required to carry slack-water navigation to the Three Forks of the Kentucky River and that amount was provided for in the river and harbor bill. Now it is claimed that $2,400,000 will be necessary to complete the improvement of the Kentucky River, and on this account no appropriation is made in this bill, and work on Kentucky River, will be suspended, although the Kentucky River was by law placed under the contract system last year. I protest against this.

Mr. CANNON. I am not combating that statement. I do not know whether it is true or not. But the engineer now comes and says the project referred to in the river and harbor act can not be completed for the $1,000,000 heretofore authorized for that work, and therefore it does not come within the provisions of the pending bill at all.

Mr. BERRY. May not that be a work like some of those the gentleman has already referred to, where a reduction was made when the contracts were let?

Mr. CANNON. Oh, Mr. Chairman, we do not legislate on what may be. We must legislate on facts as they appear before us. If legislation is needed for the Kentucky River, and for these other projects, such as for the dams on the Ohio River from No. 2 to No. 5, or at Wilmington, that committee of which the gentleman has the honor of being a member has full jurisdiction under the rules of the House, and I never knew that committee fail to get consideration for any measure it reported here.

Now, Mr. Chairman, the same is true with reference to dams 2 to 5 on the Ohio River. Under the project legislated about, it takes over a million of dollars more than is authorized to complete them. Therefore, there being no law for the appropriation, we do not recommend it in this bill.

I now come to one other item that is upon an exceptional footing, and that is the Yaquina Bay, Oregon. That work was authorized to cost not exceeding $1,000,000. I am not here to discuss its merits. That has been discussed and set fort fully in the public prints and otherwise. It is not necessary for me, therefore, to discuss its merits now. We had the engineers of the Department before us, and on full inquiry the information came to our committee that no project had been made of any kind for Yaquina Bay. Pencil has not been put to paper in regard to the work. We had a further statement that whether the money was appropriated or not, not one cent of it would be expended during the coming fiscal year. Now, as this bill makes provision for expenditures for the coming fiscal year, under that state of facts we did not recommend anything for the work at that point. So that while we recommend over $15,000,000 in the aggregate for meeting the requirements of the last river and harbor bill, we recommend $4,000,000 less than would seem to be indicated upon the face of the bill for the reasons that I have already stated.

That, Mr. Chairman, is all I care to say about that matter at this time. I would next call the attention of the committee to the question of public buildings. The amount carried in the bill is over four million of dollars—$4,072,000—for this purpose. It is an increase of $1,620,000 for public buildings. If gentlemen will take the report of the committee accompanying this bill, they will find the buildings referred to in detail. For instance, at Newark, N. J., we recommend there an appropriation not authorized by law, and I wish to call the attention of the committee to the fact. There is $187,000 available to add to the site of the public building at Newark. It is a great city, as gentlemen understand. On the site that the Government owns a new public building has been erected, and it is inadequate to meet the wants of the Government, and it has become absolutely necessary to add to that site and to authorize a building on this piece of land to be purchased that can be used in connection with the present building. It requires, in addition to the $187,000 now available for that purpose, $66,000.

We submit the matter to the House. Then there is the court-house and custom-house at Omaha, Nebr. The limit of cost there was $1,200,000. This breaks the limit by $100,000, under the following circumstances and conditions: The Secretary of the Treasury, as I think without authority of law, concluded to put in a granite front, or granite finish on the outside, at a cost of $100,000 more, and went on and put up the building in that way. Now, it can not be finished without the other $100,000; and while we could stand and scold and criticise the Secretary of the Treasury, as I think he ought to be criticised, for proceeding to erect this building in the teeth of the law, nevertheless in that considerable city there is a great building standing unfinished, and can not be finished until this money has been appropriated for this purpose. It seemed to the committee that it was a case that they might safely submit to the House for its consideration and action.

Then we have legislation on the bill in quite a number of instances. One is we provide that the Post-Office Department in this city, on F street, shall be moved into the building, when completed, known as the new post-office building, down on the Avenue.

There is quite enough space there to accommodate the Post-Office Department and the Sixth Auditor's Office. We believe that it ought to be so occupied. If it is not so occupied, this great building, which should accommodate 2,000 clerks, will be occupied by only 600.

Then we provide by the appropriation that the Post-Office Department building shall be turned over to the Interior Department.

I think I have sufficiently referred to the provisions of the bill. No doubt there are various other items to which attention will be called as the reading of the bill progresses, but upon which I do

not feel justified in taking further time, in justice to my colleagues on the committee.

Mr. SAYERS. Mr. Chairman, I should like to have the attention of the committee for a brief time. I am not at all surprised at the aggregate of appropriations carried in this bill. What has occurred is what I confidently expected would occur, and what I stated to the House in the last session would almost inevitably result. The amount of appropriations carried in this bill is the consequence, first, of the failure, which I may call a willful and premeditated failure, on the part of the majority of the Committee on Appropriations to recommend appropriations for public buildings and also for river and harbor works previously contracted for this entire fiscal year.

The sundry civil appropriation bill for the present year contains appropriations for public buildings under contract, and also for old river and harbor contracts, only until the 1st of March, whereas a wise policy would have induced the majority of the committee, and also the majority of this House, to appropriate a sufficiency for such purposes until July 1 next. To-day, therefore, we are confronted with appropriations for sixteen months instead of for twelve months for the construction of public buildings and for meeting river and harbor contracts authorized by previous Congresses.

Secondly, because it carries appropriations for the support of the officials of the Federal courts for twelve months instead of for six months. Heretofore appropriations for the payment of marshals, clerks, commissioners, and United States attorneys have only been made for six months, but in consequence of the passage of the act at the last session of the present Congress paying salaries to these officials, instead of fees, the Committee on Appropriations have recommended an appropriation for the entire year, instead of for six months as heretofore.

Third, because Congress, in spite of the objections and veto of the President, at its first session passed the river and harbor bill which has necessitated appropriations in this bill amounting to the sum of $15,131,996.91, besides a further appropriation of $1,150,000 which will appear in the general deficiency bill.

These are the reasons, and the only reasons, why this bill is so much larger than the one of the first session. Every item in this bill may be subjected to the closest criticism, and I feel quite sure that it will be found that, with the exception of the appropriations to carry out the new river and harbor contracts, such items are entirely defensible.

Mr. LOUD. Are not the river and harbor items defensible, from the gentleman's point of view?

Mr. SAYERS. Some of them are and some of them not.

Mr. LOUD. It depends on where they are located, does it?

Mr. SAYERS. Not at all. That suggestion comes from the mind of the gentleman who is always suspicious of everybody except himself.

Mr. LOUD. Oh, I am suspicious of myself oftener than of anyone else.

Mr. SAYERS. But, Mr. Chairman, I am not prepared to say and will not say that an objection to any particular item in the river and harbor bill arises because of its locality.

Mr. LOUD. It is enormous in amount, is it not?

Mr. SAYERS. I think so, unquestionably.

Mr. LOUD. I should like to ask the gentleman if he thinks it is possible to keep the river and harbor bill down, in view of the policy that we are following?

Mr. SAYERS. That depends pretty much, I think, upon the organization of the River and Harbor Committee. If members are appointed on that committee who would rather not appropriate than appropriate, I think the chances are that the bill would be reduced.

Mr. LOUD. I should like to ask the gentleman another question. Does not the gentleman think it would be a good thing, in view of the condition which now confronts this country, and in view of the enormous pension roll which we must bear for some years, that this Government should stop for four or six years appropriating any money for river and harbor purposes, from an economic point of view?

Mr. SAYERS. I could not say so.

Mr. RICHARDSON. I will ask the gentleman if it is possible to stop with the continuing-contract system?

Mr. LOUD. To stop new river and harbor bills.

Mr. MILLIKEN. Let me ask, in connection with the question of my friend, would it not be a good thing for us to starve, because we can get along cheaper in that way than we can in any other?

Mr. SAYERS. Well, Mr. Chairman, I do not care to have my time occupied with such questions as are pending between the gentlemen.

Mr. LOUD. We may have to starve. We can not help that.

Mr. SAYERS. I would say, Mr. Chairman, that the river and harbor bill of the last session, a part of which we are now forced to appropriate for, carried specific appropriations of $12,659,550, an indefinite appropriation estimated to be about $3,000,000, and authorized contracts to the extent of $59,616,404.91. Every gentleman who voted for that river and harbor bill, whether Democrat or Republican, is to the extent of his vote responsible for the present size of the sundry civil appropriation bill, and to that extent for the character of the appropriations which we are called upon to make.

Now, Mr. Chairman, in all probability the appropriations by this Congress will reach the unprecedented sum of $1,045,000,000, appropriations larger than have ever been made by any Congress for the past twenty-five years. Gentlemen on the other side say——

Mr. COX. Than any Congress.

Mr. SAYERS. During the war larger appropriations were of course made. Gentlemen on the other side of the House are exceedingly fond of twitting the minority and the present Administration with the fact that they have not provided the Government with a sufficient revenue to properly administer the public affairs of the country. Let me admonish gentlemen on the opposite side of the House—our Republican friends—that it is not within their power to enact a law imposing duties upon imports that will meet this or subsequent appropriations unless the next Congress shall reverse the present policy and adopt the old Democratic method of an economical expenditure of the public money. I do not believe that the majority will do this, because it is as natural for our Republican friends to lavishly and extravagantly expend the people's money as it is for the sparks to fly upward. Heavy taxation and extravagant expenditure is the policy which has always characterized them when in power.

Mr. MILLIKEN. I would like to ask the gentleman a question, if it will not interrupt him too much.

Mr. SAYERS. Certainly.

Mr. MILLIKEN. Were not your Congress and your President, when you had the administration in both Houses, as extravagant as the Republican party had been before that time?

Mr. SAYERS. Not at all. We appropriated fully $36,000,000 less in the last Congress than was done in the Fifty-first or will be done in this Congress.

Mr. MILLIKEN. But it had to be made up in deficiency bills afterwards.

Mr. SAYERS. No; no more than usual. The proper deficiencies still to be provided for at this session will be fully as large as the deficiencies of the last session. The general deficiency bill may not show that to be the fact, but if you will take the deficiencies which have been put upon the fortifications bill and do not appear as deficiencies, and which appear in the sundry civil bill, you will find they will reach fully as much as the general deficiency bill which was passed at the first session of this Congress.

Mr. MILLIKEN. Let me ask my friend another question, and that is, if there was not a large majority of the Democratic party in this House that voted for the river and harbor bill of the extravagance of which the gentleman complains?

Mr. SAYERS. That may be so. I have said that every member who voted, whether he be Democrat or Republican, for the river and harbor bill of the last session is responsible to that extent for the appropriations for river and harbor purposes in the pending bill.

Mr. MILLIKEN. Then why make your complaint against the Republican party?

Mr. SAYERS. I will answer. Mr. Chairman, the Republican party have control of the House. The Republican party control the Committee on Rivers and Harbors, the Republican party control the organization of this House, and if the policy adopted by the late Speaker, Mr. Crisp, had been adopted, and as I urged at the commencement of this Congress that it should be adopted—that no contract should be made—this Congress would have adjourned with the knowledge that it had appropriated $40,000,000 less than the preceding Congress, and the next Congress would be able to continue the work of reduction and could reduce the appropriations still lower, and the expenditures of the Government by and under a Republican Administration would be lessened to a normal amount.

Mr. MILLIKEN. Allow me another question——

Mr. HAINER of Nebraska. If the gentleman will permit me.

Mr. SAYERS. My friend is fond of asking questions. He will be allowed time to make his speech.

Mr. MILLIKEN. If my friend would ask more questions of people who know, possibly he would know more than he does.

Mr. SAYERS. I can not be supposed to answer all questions.

Mr. MILLIKEN. Why does not the gentleman point out some particular item in the river and harbor bill of which he complains that is wrong, and which ought not to be appropriated for? It is easy enough to denounce the river and harbor bill in whole; it is easy enough to denounce any bill in whole.

Mr. SAYERS. I have not time enough to do so.

Mr. Chairman, I will now ask the committee to pause for a moment and bear with me in a divergence which should interest every gentleman upon this floor, and that is to contrast the appropriations in 1897 with those made in 1887. I draw this contrast

not for party purposes, but in order to show to the House and to the country the great advance which the Congress of the United States, whether Democrats or Republicans have been in control, has been making in the matter of appropriations.

In 1887, when the Hon. Samuel J. Randall was the leader of the House in the matter of appropriations, the Agricultural bill only carried $654,715. At the last session—and I do not charge that there are any items in that bill that were improper—the Agricultural bill amounted alone to $3,255,532, showing an increase in the annual appropriation for one branch of the public service in ten years of $2,600,817. Is the Agricultural Department to-day in its operations more beneficial to the people than it was ten years ago?

Mr. HAINER of Nebraska. If the gentleman will allow me, I will call his attention to the fact that at the time he refers to, 1887, there was no Agricultural Department. It was a mere bureau, and the Bureau of Animal Industry now does more work than the entire Agricultural Bureau did ten years ago.

Mr. SAYERS. I admit the gentleman's statement to be true.

Mr. RAY. I would ask the gentleman from Texas whether it is true that all the matters appropriated for in the Agricultural appropriation bill making this increase were new items?

Mr. SAYERS. Not at all. I did not say so. I expressly stated that this was not intended to be a comparison for political purposes, but that I would give these figures for the purpose only that the House and the country might see the difference between the amounts carried by the present appropriation bills and those of ten years ago. I do not contend that the Agricultural appropriation bill of the last session contained improper items.

Mr. MILLIKEN. Why criticise it, then?

Mr. SAYERS. I am only comparing the bills of the two periods.

Mr. RAY. Let me ask the gentleman whether it is not true that a great many matters appropriated for in the Agricultural appropriation bill of last year were appropriated for in 1887 in other bills?

Mr. SAYERS. I think not. I would say to the gentleman from New York that the increase of expenditures to which I am calling attention has been authorized by both Democratic and Republican Congresses, and one party is just as responsible as the other for this general increase. It has resulted from the enlargement of the sphere of the operations of the Agricultural Department.

Mr. PITNEY. The gentleman said that for the fiscal year 1887 the Agricultural appropriation bill contained the amount which he mentioned; but if the gentleman will pardon the suggestion, I think that bill was not then under the charge of the gentleman from Pennsylvania, Mr. Randall. That was the first year after the appropriation bill for the Department of Agriculture was taken away from the Appropriations Committee.

Mr. SAYERS. Yes; that is correct. Now, Mr. Chairman, I pass to the Army bill, the only one of the general appropriation bills that has been reduced. The Army bill for the present fiscal year carries $474,654.48 less than did the Army bill of 1887.

Comparing the diplomatic and consular bill of 1887 with that of 1897, we find an increase in the latter bill of $278,493.76.

The District of Columbia bill for the years named shows an increase of $2,179,268.49; and the Indian appropriation bill an increase of $1,844,233.95.

The legislative, executive, and judicial bill of 1897 is larger by $864,978.34 than that of 1887.

Mr. BINGHAM. Is the gentleman giving any details?

Mr. SAYERS. No details.

Mr. BINGHAM. He is not giving any reasons for these increases?

Mr. SAYERS. None. The Military Academy bill of 1897 shows an increase of $151,720.61 over that of 1887, and the naval bill an increase of $14,072,753.75. The pension bill of 1897 is greater by $59,253,380 than that of 1887, and the Post-Office bill also shows an excess of $38,205,700.97 for 1897. The river and harbor bill of 1897 is increased over that of 1887 by $1,185,650, with contracts authorized to the amount of $59,616,404.91 in addition.

The sundry civil bill of 1897 shows an increase over that of 1887 of $10,434,399.61. There was no fortification bill for 1887. That for 1897 carried $7,377,888 and authorized contracts for several millions more.

Now, Mr. Chairman, I submit the question to this committee: Has there been such a growth of population, such an earnest demand upon the part of the country, and such a necessity as to justify this vast increase of regular annual appropriations during the ten years between 1887 and 1897? I will append to my remarks a tabular statement, which gentlemen may examine at their leisure.

Mr. COOPER of Wisconsin. I understood the gentleman to say that the contracts authorized by the last river and harbor act aggregate over $75,000,000.

Mr. SAYERS. No. I will restate the exact figures—$59,616,404.91.

Mr. Chairman, how much time have I occupied?

The CHAIRMAN (Mr. SMITH of Illinois). The gentleman has occupied twenty-five minutes.

Mr. SAYERS. I have to yield time to other gentlemen, so I will conclude: but before doing so, Mr. Chairman, I will call upon members of the House, without regard to party, to consider well this vast and rapid increase in the annual appropriations made by Congress.

Rich in resources as is our country, and industrious as is our people, this great burden of expense for the support of the Federal Government is too onerous to bear; and if to it we add our State, county, and municipal expenditures, it will surely be found that the cost of public administration in the United States is much greater than that of any other civilized country. Some day the people will awaken to a sense of these vast expenditures supported by an excessive taxation, and will demand a reformation, which will be as sudden as it will be great. The items in the bill under consideration, with the exception of those pertaining to the rivers and harbors, about which I am not so well advised and of which I am not now prepared to speak, can be defended and justified.

For the items appropriating for rivers and harbors the Committee on Appropriations are not responsible. They have not had the time to examine each project appropriated for; nor was it their duty to do so. They found these works provided for by existing law; and under the rules of the House and following the policy heretofore pursued, they called before them an engineer of the Army and interrogated him as to each item, and then allowed, in accordance with existing law, every dollar of appropriation that he thought could be profitably expended during the coming fiscal year. With the policy of the projects they had nothing to do. This Congress, at its first session, determined their propriety.

If this bill is to be censured because of its size—if gentlemen are to criticise it and vote against it because of the vast sum of money which it appropriates—let them turn to the record of the last session and scan the names of those who voted for and against the river and harbor bill on its passage through the House, as well as the names of those who voted for and against it when the Presidential veto was being considered, and upon those voting in the affirmative let the responsibility rest for $15,131,996.91 which appears in this bill, and the further sum of $1,150,000 which will appear in the general deficiency bill for such purposes.

Mr. RAY. Will the gentleman allow me a question right there?

Mr. SAYERS. Certainly.

Mr. RAY. I understood the gentleman to say a moment ago that this bill could be defended upon the ground of the necessity for all these appropriations.

Mr. SAYERS. I meant as to those which I have examined, leaving out the river and harbor items, about which I am not prepared to advise the committee.

Mr. RAY. But, aside from those items, the gentleman thinks the appropriations are all right—are demanded by necessity?

Mr. SAYERS. Certainly I think so—unquestionably. And as to the river and harbor items, permit me to say to the gentleman they may be right or they may not be. The committee had no discretion in the premises. They did not go into any inquiry as to the policy of these projects: they took the law as enacted at the last session of this Congress, and called before them the Chief of Engineers, and upon his advice they recommended the amounts which he said would be necessary to carry on the projects during the next fiscal year.

Bill.	First session Forty-ninth Congress, 1887.	First session Fifty-fourth Congress, 1897.	Increase.	Decrease.
Agricultural	$654,715.00	$3,255,532.00	$2,600,817.00	
Army	23,753,057.21	23,278,402.73		$474,654.48
Diplomatic and consular	1,364,065.00	1,642,558.76	278,493.76	
District of Columbia	3,721,050.99	5,900,319.48	2,179,268.49	
Fortifications		7,377,888.00	7,377,888.00	
Indian	5,546,262.84	7,390,496.79	1,844,233.95	
Legislative, etc	20,654,346.37	21,519,324.71	864,978.34	
Military Academy	297,805.00	449,525.61	151,720.61	
Navy	16,489,907.20	30,562,660.95	14,072,753.75	
Pension	82,075,200.00	141,328,580.00	59,253,380.00	
Post-Office	54,365,863.25	92,571,564.22	38,205,700.97	
River and harbor	14,473,900.00	*15,659,550.00	1,185,650.00	
Sundry civil	22,662,310.58	33,096,710.19	10,434,399.61	
Deficiencies	7,866,719.62	15,341,911.07	7,475,191.45	
Total	253,925,206.06	399,375,024.51		
Miscellaneous	9,989,410.19	416,010.06		9,573,400.13
Total regular annual appropriations	263,914,613.25	399,791,034.57		
Permanent annuals	123,416,358.74	119,054,160.00		4,362,198.74
Grand total	387,330,971.99	518,845,194.57	145,924,475.93 14,410,253.35	14,410,253.35
Net increase			131,514,222.58	

*This sum includes an indefinite appropriation for the purchase of the property of the Monongahela Navigation Company, estimated at $3,000,000.

Mr. Chairman, I yield forty minutes to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. Mr. Chairman, I am obliged to the gentleman from Texas [Mr. SAYERS], but I do not think I shall require all the time he has so kindly yielded.

The sundry civil bill carries $50,664,743.92, of which the sum of $18,615,996.91 consists of appropriations made in pursuance of contracts authorized by the river and harbor bill for 1896 and prior years. This bill is $17,568,033.73 in excess of the amount appropriated for the current fiscal year for the sundry civil expenses of the Government.

It appears, therefore, that of the amount carried by the bill more than one-third is to meet the obligations of river and harbor contracts. I think, therefore, Mr. Chairman, that if opportunity offers I shall move to amend the title of the bill so that it shall read: "A bill making appropriation for sundry civil and river and harbor expenses for the fiscal year ending June 30, 1898." [Laughter.] I think the title should be accurate, not misleading.

Mr. RAY. Will the gentleman permit me——

Mr. DOCKERY. I hope the gentleman will allow me to discuss somewhat the merits of this question before interrupting me with queries. Later on I will yield to my friend.

Mr. Chairman, this very large appropriation, in connection with others made at this session, comes at a time when the revenues for the current fiscal year are already inadequate by $47,604,313.97 to meet current expenses. Indeed, sir, the revenues during the last three years and eight months have fallen behind current expenses to the amount of $185,416,043.43, while the business interests of the country are stagnant from ocean to ocean.

RIVER AND HARBOR CONTRACTS.

I desire now to refer very briefly to the river and harbor contracts carried in the pending measure. I am constrained to do so because when the river and harbor bill was under consideration at the first session of this Congress, gentlemen on the floor who opposed that measure were allowed but fifty minutes of debate in opposition to the bill with no right of amendment at any time. I am earnestly in favor of just and reasonable appropriations for the improvement of the great harbors and waterways of the country, but I deprecate the waste of public money upon unimportant creeks and log-rolling streams. I advocate these improvements when they promote public purposes. I oppose them when they subserve private interests. I find upon examination that the total appropriations for rivers and harbors for the various Congresses which I shall name have been as follows:

Amounts appropriated in river and harbor appropriation acts, Forty-eighth to Fifty-fourth Congress.

Forty-eighth Congress, first session	$13,949,200.00
Forty-ninth Congress, first session	14,473,900.00
Fiftieth Congress, first session	22,397,616.90
Fifty-first Congress, first session	25,136,295.00
Fifty-second Congress, first session	21,154,218.00
Fifty-third Congress, first session	11,643,180.00
Fifty-fourth Congress, first session	12,659,550.00
Total appropriations	121,413,959.90

In other words, Mr. Chairman, the direct appropriations for the improvement of rivers and harbors since the Forty-eighth Congress amount to $121,413,959.90. In addition to the direct appropriations to which I have adverted, the sundry civil bill has carried at the second session of these several Congresses amounts necessary to meet the requirements of river and harbor contracts aggregating $61,199,061.91. So that if to the direct appropriations made since the Forty-eighth Congress, covering a period of fourteen years, we add the amounts carried in the sundry civil bill during the same period, it is obvious that the total appropriations during this period for river and harbor projects alone amount to $182,613,021.81.

Now, Mr. Chairman, as very much has been said about the contract system, and gentlemen have gone so far as to secure favorable recognition of the system in both of the national platforms, I may say that theoretically the system is all right, while practically it is all wrong. As applied to a given work, it will undoubtedly complete it at a reduced cost as compared with the old system. But when you take into consideration the entire scope of river and harbor improvements, the contract system enormously increases the appropriations and burdens of Government. Whatever the demerits of the old system, it at least did business on a cash basis. The contract system revives the principles of the old discarded "credit system," with its consequent increase of Government obligations to be met at some future time. It mortgages the revenues of the future and fosters Treasury deficiencies. It tends to encourage extravagance, because, forsooth, the payments can be deferred until a more convenient season. It imposes upon the people unjust taxes, and is at war with all the cardinal tenets of a wise, economical administration. It is wanton, wasteful, and profligate in expenditure. The contract system is a constant menace to the resources of the Government, and should be abandoned or limited without delay. Let me illustrate its operations by a statement from official records.

The average appropriation for each one of the six years prior to the inauguration of the contract system by the Fifty-first Congress was $8,470,119.48. The average appropriations for each of the eight years since the contract system was adopted has been $16,474,034.36, or about double the liability imposed by the old system. In other words, while the system, as to a given work, has reduced—and that is not denied—the cost of the work, taken as an entirety, has more than doubled the appropriations for river and harbor improvements. Let us ascertain just how the system operates; and in so doing I do not desire to make an examination from the standpoint of mere partisanship. I recognize the fact that a very large number of the Representatives on this side of the Chamber gave their support to the last river and harbor bill. But I must also recognize, as did the gentleman from Texas [Mr. SAYERS], who preceded me, the further fact that these appropriations have always been largely increased when the Republican party controlled the House.

The Fifty-first Congress, which originated the contract system, authorized $13,282,979 of contracts, a modest sum in comparison to the authorization of the last session. The Fifty-second Congress authorized other contracts amounting to $31,760,521. Note the increase! We come now to the Fifty-third Congress, which was Democratic in both branches, this body being presided over by that accomplished legislator from Georgia, the late Speaker Crisp. In that Congress not a single new contract was authorized. The leadership of that Congress did not content itself with paring down appropriations; it did not inaugurate a cheeseparing policy, but under the safe guidance of the distinguished Speaker [Mr. Crisp] and the gentleman from Texas, Governor SAYERS, wise laws were enacted and objectionable legislation was not presented to the House for consideration. So much, then, Mr. Chairman, in honor of the Fifty-third Congress, which, as I have said, was Democratic in both branches. At that time the Committee on Rivers and Harbors was presided over, if I am not mistaken, by the able gentleman from Mississippi [Mr. CATCHINGS]. That committee did not then recommend an extension of the contract system. It seems that a different policy is advocated now.

We now come to the first session of the present Congress. The contracts authorized then aggregated $59,616,404.91 and the direct appropriations were $12,659,550, exclusive of $3,000,000 of indefinite appropriations estimated for the Monongahela River; that is to say, the total appropriations and authorized contracts for river and harbor projects reached the stupendous aggregate of $75,275,954.91. This is not all, Mr. Chairman. At the very time this enormous liability was incurred there were existing contract liabilities, together with an unexpended balance in the Treasury appropriated under contracts theretofore authorized, of $16,207,708.16. So that when the bill of last year became a law notwithstanding the veto of the President the river and harbor liabilities stood upon the books of the Treasury at $91,483,663.07.

I will now call attention to another fact——

Mr. COOPER of Wisconsin. Will the gentleman from Missouri yield for a question?

Mr. DOCKERY. Certainly.

Mr. COOPER of Wisconsin. Does not the gentleman from Missouri think, in order to be perfectly fair and to convey a correct impression to the House and to the country, that he ought to state that the maximum amount possible to be expended under the limitations of the last river and harbor act, if every contract or project therein authorized had been entered upon—that the maximum to be annually expended would not exceed $16,000,000 of contracts?

Mr. DOCKERY. The gentleman has anticipated the order of my argument. I will demonstrate further on that the statement of the gentleman is absolutely inaccurate.

Mr. Chairman, the President of the United States in a ringing veto message disapproved the last river and harbor bill. I differ with him upon the money question, but I stand here to-day, as I would have stood then but for the "gag rule" adopted by the House, to say that upon the question of the expenditure of public money President Cleveland is in accord with Jackson and other Democratic statesmen who have filled the great office of President of the United States.

In vetoing that measure he said:

> Of the remainder, nearly $20,000,000 will fall due during the fiscal year ending June 30, 1898, and amounts somewhat less in the years immediately succeeding.

The River and Harbor Committee, in replying to that statement of the message, used this language:

> This is also an error, for the reason that if all the contracts authorized by this bill are promptly entered into by the Secretary of War for the full amounts estimated for the completion of each by the Chief of Engineers the maximum amount that can be expended under the limitations of this bill in any one fiscal year is $16,612,873.91.

That statement of the committee, Mr. Chairman, is doubtless the one upon which the gentleman from Wisconsin [Mr. COOPER] has just rested his interrogatory. Now, let me say in reply to

that declaration that this bill carries $15,131,996.91 of appropriations under contracts authorized by the bill vetoed by President Cleveland, and, if all the amounts estimated by the War Department had been allowed, it would have carried $19,129,053.16, thus fully vindicating the statement of the President. Let me give the items not carried in the bill or reduced below the estimates. The original estimate for Newtown Creek, New York, is reduced $217,000. The Delaware Bay estimate is reduced by the Committee on Appropriations $714,332. The appropriation for Wilmington, Del., of $205,846 is omitted. I do not know the special facts relating to this item, but we are told by the chairman of the Committee on Appropriations that some of these amounts are omitted because the Committee on Rivers and Harbors in determining the limit of cost fixed an inadequate amount, and in the opinion of the War Department contracts could not be made in these cases; and so these amounts do not appear in the bill.

Mr. CATCHINGS. Does not my friend know that, while what he says is true, the Committee on Rivers and Harbors was not at fault, but that the increase of probable cost of these works to which he alludes is the result of estimates which have come in since that time? In other words, does he not know that the Committee on Rivers and Harbors provided in good faith for the expenditure of every dollar which was, as they supposed, necessary to complete these works according to the estimates of the engineers which were before us?

Mr. DOCKERY. My friend and I do not disagree as to that statement.

Mr. CATCHINGS. These estimates have come in since that time.

Mr. DOCKERY. My friend and I agree that revised estimates have made an increased limit of cost necessary; but I am now vindicating the statement of the President and also the sixty-one Representatives who sought to debate and amend the river and harbor bill when it was before the House at the last session.

Mr. CATCHINGS. May I ask my friend another question?

Mr. DOCKERY. Certainly.

Mr. CATCHINGS. I will ask him if he was cognizant of the fact that these increased estimates would come in at the time he made the objection and sought to debate this question, when the President's veto came up? In other words, did he know then that these works were to cost more than we supposed they would cost when we reported the river and harbor appropriation bill?

Mr. DOCKERY. Why, certainly not. The truth is, I know very little about river and harbor improvements. That committee is, so far as I am concerned, a "close corporation." All the information in my possession was given by the Chief of Engineers. Now, then, let me proceed, because we agree that subsequent estimates have made it necessary to increase the limit of cost in certain cases.

Mr. CATCHINGS. The only reason why——

Mr. DOCKERY. I agree with the gentleman, and I do not want my time taken.

Mr. CATCHINGS. Very good. I will not interrupt the gentleman further.

Mr. DOCKERY. The estimate for Duluth, Minn., is decreased $270,138.25, and for Oakland, Cal., ($400,000) omitted. The Providence River improvement is reduced from $400,000 to $125,000, a reduction of $275,000; the estimate of $400,000 for the improvement of the Kentucky River is omitted for the reasons just stated by the gentleman from Kentucky [Mr. BERRY]; dams Nos. 2 and 5, on the Ohio River, are also without recognition, their estimated cost being $400,000; the Chicago River improvement is reduced $287,000, and the Illinois and Mississippi Canal is brought below the estimate in the sum of $427,740, while the estimate of $400,000 for Yaquina Bay, Oregon, is entirely omitted. So that these several estimates which have been reduced or omitted, amounting to $3,997,066.25, would have brought the total authorized contracts to $19,129,053.16, or nearly $20,000,000, as stated by the President.

Mr. Chairman, why has the estimate for Yaquina Bay, Oregon, $400,000, been omitted? Has there been a failure of consideration? I call the attention of the House to this project because in the able report of the Committee on Rivers and Harbors, reviewing the veto message of the President, that committee says, referring to a former river and harbor bill:

> That bill was referred by President Harrison to Gen. Thomas L. Casey, then Chief of Engineers—who was noted for his rugged honesty, his great executive capacity, and his superb mastery of all matters coming under his supervision—for his opinion as to the merits of the several projects therein contained.

I concur in the tribute paid by the gentleman from Mississippi [Mr. CATCHINGS] to that splendid public officer who recently passed away. And yet that official who had such "superb mastery" of public affairs reported that Yaquina Bay, Oregon, was unworthy of further improvement by the General Government. But somehow, Mr. Chairman, $1,025,000 found its way into the last bill for its improvement. If the appropriation was made for a public purpose, I insist that the vicissitudes of political fortune, which have left some of our distinguished colleagues at home, should not furnish an excuse for omitting the $400,000 necessary for the improvement. I agree with General Casey in his denunciation of this appropriation, and if I had time would read what he says. There is but little commerce there and it is declining, notwithstanding the appropriations heretofore made. The passenger list is also decreasing, but the appropriation, it seems, goes on with ever-increasing volume despite decreasing commerce.

Mr. Chairman, the committee, in defending the bill against the criticisms of the Executive at the last session, not only resented the charge of extravagance, but also insisted (to quote their language) that—

> Notwithstanding all that has been said against the bill, your committee make bold to assert that if it should become a law it would yield most substantial benefit to the farmers, the producers, the consumers, the merchants, and the business communities of this country, and contribute largely to general prosperity.

I desire to ask in this connection what substantial benefit is possible to be derived by the farmers, producers, consumers, merchants, and business communities of this country by the expenditure of the amount appropriated for Yaquina Bay, Oregon, and the other projects I herewith submit, all of which are condemned by the Chief of Engineers as unworthy of improvement or in other respects not desirable objects of expenditure, as follows:

UNWORTHY ITEMS.

Great Salt Pond	$40,000
Cape Vincent Harbor	25,000
Yaquina Bay	1,025,000
Rancocas River, Lumberton branch	2,000
Nandua Creek	3,000
Yellowstone River	10,000
Nestuca River	6,000
Yamhill River[1]	150,000
Puget Sound and tributary waters[2]	
Cooper Creek, repairing dikes[3]	2,500
Delaware River, repairing dikes[3]	3,000
Goodyear, Outer Brunswick Bar[4]	150,000
Rock Hall Inner Harbor	7,000
Wolf Lake, Indiana	8,000
Cape Charles	10,000
Lemon Creek	5,000
Academy Creek	7,000
Total	1,453,500

[1] Locks and dams.
[2] Some of them reported not worthy, but others desirable.
[3] Personal.
[4] Excess to be paid Goodyear over what Captain Carter says he can do it for.

It may be well also for the advocates of this unprecedented river and harbor bill, which has been condemned with almost entire unanimity by the press of the country, to explain to the House how the producing and consuming classes are to be benefited by the appropriation for the improvement of Cape Charles Harbor, which belongs to the heirs of the late William L. Scott and the Pennsylvania Railroad Company. It might also be well for the committee or some other champion of this bill to cite the taxpayers to the constitutional authority for the appropriation of public money for the improvement of this private harbor. It may be also considered advisable by inquiring taxpayers to raise the question as to the propriety of appropriations for projects which have never been approved by the War Department. It is true that some of the items named in the schedule which I now present have been recommended by local officers; but this list, involving $10,696,096 of expenditures, has never received the sanction of the War Department. It may be that some or most of them are worthy of public consideration, but it seems that wise administration would require the committee to take the opinion of the War Department, charged with the expenditure of the money, before recommending appropriations.

NOT RECOMMENDED.

The list submitted by the Chief of Engineers is as follows:

Rockland Harbor, Maine	$403,500
Portland Harbor, Maine	766,250
New Bedford Harbor, Massachusetts	10,000
Block Island Harbor, Rhode Island	5,000
Bridgeport Harbor, Connecticut	28,000
Cos Cob Harbor and Miamus River, Connecticut	8,000
Newtown Creek, New York	392,000
Oswego Harbor, New York	60,000
Raritan Bay, New Jersey	75,000
Wilmington Harbor and Christiana River, Delaware	225,846
Baltimore Harbor, Maryland	400,000
Savannah Harbor, Georgia	1,005,000
Brunswick Harbor, Georgia	15,000
Ashtabula Harbor, Ohio	50,000
Cleveland Harbor, Ohio	860,000
Fairport Harbor, Ohio	30,000
Conneaut Harbor, Ohio	40,000
Calumet Harbor, Illinois	75,000
Presque Ile, Michigan	20,000
South Milwaukee Harbor, Wisconsin	5,000
Grays Harbor and Bar, Oregon	1,000,000
Sasanoa River, Maine	19,000
Merrimac River, Massachusetts	5,000
Pawcatuck River, Rhode Island	15,000
Providence River and Narragansett Bay, Rhode Island	25,000
Manokin River, Maryland	4,000
Pocomoke River, Maryland	5,000
Nandua Creek, Virginia	3,000
Manatee River, Florida	4,000

St. Johns River, Florida	$200,000
Bayou Courtableau, Louisiana	2,500
Fox River, Wisconsin	37,500
Menominee River, Michigan	15,000
St. Croix River, Wisconsin	15,000
Calumet River, Illinois	50,000
Chicago River, Illinois	700,000
Mississippi River above St. Paul	100,000
Missouri River at Great Falls	15,000
Sacramento and Feather rivers, California	250,000
Lakes Union and Washington, Washington	150,000
Indian River, Negro Cut, Florida	7,500
Brunswick Outer Bar (Goodyear) (first $30,000 not included)	215,000
Yellow Mill Pond	10,000
Santa Monica or San Pedro board	50,000
Brazos board	5,000
Santa Monica and San Pedro work	(?) 2,900,000
Jamestown Island, Virginia	15,000
Levee Flint Creek to Iowa River	75,000
Missouri River (special localities)	310,000
Presque Isle (Lake Superior)	20,000
Total	10,696,096

But, Mr. Chairman, I must hurry on. The Committee on Rivers and Harbors, resenting the charge of extravagance, cited the fact that the river and harbor bills have carried an average per annum of $16,700,000 in recent years, and then asserted that "this would involve an expenditure during each of the next six years," and this is one of the years referred to, "of $13,100,000 as against $16,700,000 during each of the past six years;" and yet the committee finds itself confronted with the fact that this bill absolutely carries $18,615,996.91 without counting the works that have been omitted or reduced in amount. It is apparent that the committee are wholly mistaken in this estimate, because we actually appropriate more than eighteen millions instead of the $13,100,000 they estimate. There are other equally glaring mistakes which will be apparent later on.

Now, Mr. Chairman, I want to ask when this continuous-contract system will have a proper check placed upon its wanton assaults upon Uncle Sam's money box? First it asked for $13,282,979, then for $31,760,521; again it demanded $59,616,404.91; and members of the committee stated on this floor at the last session that its exactions should be $100,000,000. I do not know whether any check is to be put upon these unbridled and headlong assaults upon the Treasury. I hardly anticipate a just and proper measure for the improvements of rivers and harbors in the coming Congress. The present committee seems to be enthusiastically committed to large and increasing appropriations. So much, Mr. Chairman, for the items relating to internal improvements. I pass now to a comparative review of appropriations, beginning with the Forty-third Congress.

COMPARISON OF APPROPRIATIONS.

The Forty-third Congress appropriated $653,794,991.21; the Forty-fourth Congress appropriated $595,597,832.28; the Forty-fifth Congress appropriated $704,527,405.98; the Forty-sixth Congress appropriated $727,537,684.22; the Forty-seventh Congress appropriated $777,435,948.54; the Forty-eighth Congress appropriated $655,269,402.33; the Forty-ninth Congress appropriated $746,342,495.51; the Fiftieth Congress appropriated $817,963,859.80; the Fifty-first Congress appropriated $1,035,680,109.94; the Fifty-second Congress appropriated $1,027,104,547.92; and the Fifty-third Congress appropriated $989,239,205.69.

Now, Mr. Chairman, I desire to state again that the Fifty-third Congress was Democratic in both Houses, and, under the leadership of the late Speaker, Mr. Crisp, and of the gentleman from Texas, Governor SAYERS, the appropriations were brought $37,865,342.23 below the appropriations of the Fifty-second Congress, and $46,440,904.25 under those of the "Reed Congress." The appropriations at the first session of this Congress were $515,845,194.57 and the contracts authorized $75,816,480.91, making a total of $591,661,675.48. The appropriations at this session will not be less than $535,000,000. In other words, the appropriations of this Congress will reach the mighty aggregate of not less than $1,050,000,000. The Republican party must be held responsible for these riotous appropriations; but I acquit the honorable Speaker of this House of any share of that responsibility, and I hope that in so doing I shall not in any way impair his political standing with his own party. [Laughter.] He has maintained a consistent and courageous attitude of hostility to those measures which would impoverish the Treasury, and has sought to limit public expenditures to the actual demands of an economical administration. The Republican party can not escape the just censure of the people, because it controls the organization of the House, but it would seem that the Speaker, as a matter of equity, is entitled to exemption from any share of the odium.

COMPARISON OF EXPENDITURES.

Leaving the domain of appropriations, I come now to deal with the expenditures, which after all furnish the best test in respect to the Treasury situation. In submitting this statement of the actual expenditures of the Government, I exclude only the amounts paid upon the principal of the public debt. The exhibit includes all other items of Federal expenditures.

I find that the total expenditures for the fourteen fiscal years from 1875 to 1888 was $4,195,920,817.79, while the average expenditure for each of those years was $299,708,629.89. I further find that the total expenditures from 1889 to 1896 were $3,410,809,950.11, the average annual expenditure being $426,351,243.76, an average annual increase during the last eight fiscal years over each of the fourteen years preceding of $126,642,613.87.

It is also shown by official reports that the actual increase of expenditures during the last eight fiscal years over and above the fourteen prior fiscal years was $785,110,867.68.

Mr. Chairman, I now submit another comparative exhibit, illustrative and instructive. The total expenditures for the fiscal year of 1886 were only $293,487,882.30; the total expenditures for the fiscal year of 1896 were $443,112,115.58, the increase being $149,624,233.28; that is to say, it cost $149,624,233.28 more in actual expenditure to conduct the operations of the Government in 1896 than it did in 1886.

The items of this increase may be briefly summarized. The postal increase of 1896 over that of 1886 is $39,927,925.70. The civil and miscellaneous increase is $13,049,304.77. The War Department increase is $16,506,768.15. Of course, gentlemen will understand that Congress has made no increase in the standing Army, although an effort in that direction has been made, but the increase in the expenditures of the War Department results from putting the river and harbor bill upon a war footing in time of peace [laughter] and from the increased expenditures for fortifications. The Navy Department expenses have increased $13,239,844.64, and the cost of the Indian service has increased $6,066,370.11. For pensions the increase of expenditures is $76,029,136.95, making a total increase of expenditures for 1896 over those for 1886 of $164,819,350.32. Deducting from this total the only item of decrease, the interest on the public debt of $15,195,117.04, we have the result as heretofore stated of $149,624,233.28 increase in the expenditures of the Government in a single decade.

Now, Mr. Chairman, let us try this question of the ever-increasing ratio of expenditures by another test. The average expenditure per capita in 1886 was only $5.11. In 1896 the average was $6.21, or exactly $1.10 more for the cost of government for each one of our population. There has been no expansion in the volume of internal and foreign commerce, in the necessities of government, or the growth of our country to justify this startling and abnormal increase.

M'KINLEY BILL INADEQUATE.

This, then, Mr. Chairman, is the situation: Dwindling revenues, enormous and increasing expenditures. It challenges our attention not simply from a partisan standpoint, for, although we differ upon many questions, upon this issue of public expenditure, a matter affecting all the people, we ought to find common ground upon which to meet.

Mr. Chairman, what is proposed by the legislation pending or contemplated? The Republican party decline to reduce expenditures, but invoke the aid of a tariff bill in course of preparation which seeks to increase the national income so that it will be adequate to meet the existing and increasing schedule of liabilities. Upon this issue, gentlemen, we differ. Upon this side of the Chamber we would accomplish the result of balancing receipts and expenditures by reducing taxation where it can be safely done, and also by cutting down Federal expenditures.

Now, then, if the Dingley tariff bill is to be constructed on the theory announced by the distinguished gentleman from Maine [Mr. DINGLEY] at the outset of this session—that every item of each schedule must illustrate the doctrine of "protection for protection's sake;" that protection must be the chief corner stone of the bill—tell me, Mr. Chairman, how the Treasury will secure sufficient income to meet the actual expenditures of the Government during the coming year, amounting, as they will, to $500,000,000? The McKinley law did not provide sufficient revenue.

The current surplus revenue in the Treasury amounted to $85,040,271.97 at the end of the fiscal year ending June 30, 1890, the year immediately preceding the enactment of the McKinley law, which went into effect October 6, 1890. Upon examination of the official reports at the close of the fiscal year ending June 30, 1891, that law having been in operation but eight months of the fiscal year, it appears that the current surplus had dropped to $26,838,541.96. The current surplus for the next fiscal year, ending June 30, 1892, was still further reduced to $9,914,453.66, while the current surplus at the close of the fiscal year 1893 had dwindled to $2,341,674.29.

Indeed, Mr. Chairman, during the last four months of President Harrison's Administration the revenues under the McKinley law were inadequate by $4,094,021.38 to furnish income sufficient to meet the ordinary liabilities of the Government, and for the fiscal year ending June 30, 1894, the actual deficiency was $69,803,260.58.

Secretary Foster, in his testimony before the Ways and Means Committee, February 25, 1893, insisted that if he was to have the management of the Treasury he would ask an annual increase of $50,000,000 of revenue.

Mr. HOPKINS. Right there, when the gentleman speaks of

the revenue-producing qualities of the McKinley Act, I desire to correct him.

Mr. DOCKERY. I have not time to yield to the gentleman for a speech. I have but two minutes remaining.

Mr. HOPKINS. One moment. The gentleman can have more time. I want to correct him on the statement he has made. I undertake to say that during the period that the Republican party was in power, and while the country supposed that its policy was to be the policy of the Government, the revenues every month exceeded by millions of dollars the expenditures.

Mr. DOCKERY. I desire to say, Mr. Chairman, that the figures I have given as to the current surplus revenues for each one of the years immediately succeeding the passage of the McKinley law are absolutely correct.

Mr. HOPKINS. But the revenues never fell——

Mr. DOCKERY. Mr. Chairman, I decline to yield; my time is so limited.

Mr. HOPKINS. But I want the gentleman's statement to be corrected.

Mr. DOCKERY. I hope this interruption will not come out of my time. Mr. Chairman, I have stated the facts correctly; and I challenge the gentleman from Illinois or anyone else to disprove them by the official statements.

Mr. Chairman, let me say that the surplus of $2,341,674.29 at the close of the fiscal year ending June 30, 1893, was apparent rather than real, notwithstanding the trust funds belonging to the holders of national-bank notes had been covered into the Treasury, the disbursing officers' balances reduced $24,000,000, and default made in the payment of bonds maturing September 1, 1891. At that time there were $104,074,092.07 of outstanding obligations of the Government unsatisfied. So that the McKinley law was inadequate to furnish revenue to support and maintain the Government. I do not know whether the Dingley bill will supply ample revenue or not. I do not believe, however, that it can do so if framed along the rigid lines of the protective policy. If so fashioned, it must check importations and thus diminish revenue. I may say, however, that if any gentleman on the other side can frame a protective bill that will replenish the wasted and depleted streams of customs revenue it is the able chairman of the Committee on Ways and Means, Governor DINGLEY.

Now, Mr. Chairman, in conclusion, I may be pardoned for the expression of the conviction that pronounced aggressive and continuous prosperity will not return to this country and abide with our people if the Republican party increases taxation and restricts the volume of our circulating medium. The Democratic party believes that prosperity will return only upon the terms of an ample volume of good, safe, sound money, of gold, silver, and paper, with taxation reduced to the lowest point consistent with a wise, frugal administration of the Government. [Loud applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. CATCHINGS rose.

Mr. SAYERS. I should be glad to yield to the gentleman from Mississippi [Mr. CATCHINGS], but I believe my time is all appropriated.

Mr. CANNON. Does the gentleman from Mississippi desire some time now?

Mr. CATCHINGS. Yes, sir.

Mr. HOPKINS. I should like to occupy three minutes before the gentleman from Mississippi proceeds.

Mr. CANNON. Very well; I yield three minutes to my colleague [Mr. HOPKINS].

Mr. HOPKINS. Mr. Chairman, I do not rise for the purpose of making a set speech either upon the bill now under consideration, the proposed tariff bill mentioned by the gentleman from Missouri, nor the McKinley bill. My purpose is simply to correct an impression that the gentleman from Missouri [Mr. DOCKERY] attempted to convey in the misleading figures he has quoted in his speech. He undertook to convey to this House the impression that the McKinley law failed to raise revenue sufficient to pay the expenditures of the Government—that it was a deficiency bill rather than a revenue bill. Now, I undertake to say that the records of the Treasury Department will show that during nearly every month that the Republican party was in power prior to the great election which was determined in favor of the Democratic party, in 1892, the McKinley law brought in revenue not only sufficient to pay the monthly expenditures, but to leave a surplus in the Treasury. It was only——

Mr. McMILLIN. Mr. Chairman——

Mr. HOPKINS. Wait a moment. It was only when the people of the country had decided in favor of the Democratic party, with a platform that declared that if that party came into power that law should be repealed, that importations ceased, and the importers and the manufacturers abroad ceased to bring their products here, waiting for the good Democratic days of free trade promised by the leaders of that party in their campaign speeches. Then it was, and then only, that the bill was found insufficient to produce revenue enough for the needs of the Government. But the records, Mr. Chairman, of this country will show that during the period while it was on the statute books, prior to the Presidential election of 1892, it not only paid on an average all of the expenses of the Government, but created a surplus in the aggregate, as I remember, of nearly $29,000,000.

Every intelligent man in this country, be he Republican or Democrat, knows that if the Republican party had been successful four years ago that instead of there being a deficit under the operation of that law, it would have created a surplus in the Treasury, so that the liquidation of the national debt could have been continued under the second Administration of President Harrison, as it was under his first Administration. Under the laws enacted and maintained by the Republican party all of the expenditures of the Government were paid, and two hundred and fifty-odd millions of dollars were paid also on the national debt during the four years of President Harrison's Administration. That is the record of Republicanism when the laws of the country were administered by a Republican President. I challenge the gentleman's attention to this record and ask him to compare it with the condition of the country under Democratic legislation and Democratic administration.

[Here the hammer fell.]

Mr. CANNON. I now yield twenty minutes to the gentleman from Mississippi.

Mr. CATCHINGS. Mr. Chairman, I had hoped that the precedents heretofore established on this floor would be broken, at least on this occasion, and that the sundry civil bill would pass without evoking the attacks and assaults usually made on all items looking to the improvement of our rivers and harbors. But it seems that whenever a spirit of economy animates a gentleman on this floor, or takes possession in any way of any of our members, he turns his attention directly to an attack and a direct assault on the appropriations proposed for the improvement of rivers and harbors.

I undertake to say, sir, and I believe that such is their judgment and would be their testimony, that no appropriations made by Congress are so acceptable and so useful to the people of this country as those for the improvement of our rivers and harbors. We have embarked on quite an extensive system of fortifications, for which the expenditures are large. I have nothing to say against them. We have embarked upon an expensive system of improving our naval establishment. I have nothing whatever to say against that. But I do say, Mr. Chairman, that we had better dispense with additions to our Navy, we had better let our fortifications remain unconstructed, than to diminish in any material way the appropriations annually made for these important works of internal improvement.

It has long been a serious question as to how this work shall be carried on, and it has been discussed time and again by the members of the Committee on Rivers and Harbors. I have served on that committee for twelve years. I know that every committee of which I have been a member has been composed of faithful, conscientious, and patriotic men, who had no other purpose in view than to suggest those appropriations which in their judgment would be most beneficial to the people of this country as a whole. But it was a question for many years how to make these appropriations in such form as would yield speedy and substantial results to the people and to the Government. Finally, in 1890, after a conference with the Senate Committee on Commerce, that being the committee of similar jurisdiction in that body to the Committee on Rivers and Harbors of the House, we concluded that we would enter upon the system that is now known as the continuous-contract system—that is to say, we authorized the Secretary of War to make contracts for the completion of certain important works in advance of the appropriations, to be paid for, however, only as appropriations might be made from time to time by law. We believed it would result in much economy to the people so far as the expenditure of public money was concerned, and that it would also insure a more speedy completion of the works.

Mr. Chairman, if there is any member of this body who is curious to know the result of the operation of that system, he only needs to examine the reports of the Engineer Bureau. It has been demonstrated, sir, repeatedly, that the direct effect of the embarkation upon that new system has been to save the Government an average of 33 per cent on the estimated cost of the works embraced by it if conducted under the old methods. In some instances, indeed, the work has been done under that system for less than 50 per cent of the estimate of the cost under the old methods.

My friend from Missouri of course has assailed these projects. He always assails them. I do not think that he will serve long enough or live long enough ever to become a convert to that system in which I have myself such implicit confidence, and to whose results I confidently ask the attention of all thoughtful men. He wanted to know if the time would ever come when we should

cease to provide for the execution of these works under the continuous-contract system. That contained the imputation that they are harmful, that they are obnoxious to the public welfare, that they involve a wasteful expenditure of money, and therefore that we should abandon them.

Now, let me read to him what the Secretary of War has said upon this subject. I think the Secretary of War, in whose Department all this character of public works belongs, is more qualified to testify upon this subject than my friend from Missouri [Mr. DOCKERY], who is a partisan opponent of river and harbor work. In his last report the Secretary of War made this statement, alluding to the system of continuous-contract work:

> The policy some time ago adopted by Congress in respect to certain of the more important river and harbor improvements, for which fixed projects have been adopted for the completion of the work, results in much economy of money, and, what is more important, secures to the country early and appreciable benefits from the expenditures.

Here is a direct, explicit, and plain indorsement of it. But my friend will be surprised when I read what else he says:

> In the main, the objects for which such provision has been made are those which so eminently promote the enlargement of our commerce as to commend themselves to liberal consideration, and the extension of that policy to embrace other worthy improvements is earnestly commended.

Here we have, upon the one hand, the distinguished gentleman from Missouri [Mr. DOCKERY] deprecating the extent to which we have gone and anxious to know when we are going to discontinue the system. On the other hand, we have the Secretary of War, who knows exactly what he is talking about—because these works are carried on under his Department—testifying not only to the efficiency and economy of the system, but expressing the hope that the policy will be liberally extended.

Mr. SAYERS. Will my friend allow me just one question?

Mr. CATCHINGS. Certainly.

Mr. SAYERS. Is my friend prepared to defend upon this floor every item of the river and harbor bill that was authorized by that bill to be put under contract?

Mr. CATCHINGS. Mr. Chairman, I do not choose to answer that question.

Mr. SAYERS. All right.

Mr. CATCHINGS. There are some things that occur in the committee room which it is not proper that a member of the committee should speak of outside. I do say, though, Mr. Chairman, that I gave that bill as it was reported my hearty and cordial support, and that whatever objections I may have had to any of those projects were far outbalanced by the great good and the great benefit which I was satisfied would come to the country from the passage of that bill.

Mr. SAYERS. If my friend will allow me, he will perceive that in the present bill the Committee on Appropriations have felt impelled to omit some of these projects. Is the gentleman prepared to say that it was the duty of the Committee on Appropriations to provide for them?

Mr. CATCHINGS. Mr. Chairman, I am not complaining of anything that the Committee on Appropriations have done. I am here, on the contrary, prepared to state that it is my purpose to vote for the passage of this bill, to vote for it exactly as they have reported it, because I believe that that committee have discharged their duty conscientiously and with that proper regard for the public interest which should guide them with the light which they had before them. I am not complaining of what the Committee on Appropriations have done at all; I am simply trying, in a general way, to dispel the impression which some gentlemen have sought to create upon this floor, and which some gentlemen always seek to create, that river and harbor appropriations are to be spoken of with bated breath, and as something which can not stand the test of scrutiny and criticism.

Mr. MILLIKEN. Will my friend allow me a question?

Mr. CATCHINGS. Yes.

Mr. MILLIKEN. The gentleman from Missouri [Mr. DOCKERY] stated that the expenditures had increased very largely since the adoption of the contract system, but he did not state how nor why. Now, has the increase in expenditures occurred on account of the adoption of that system, or has it occurred on account of the more extensive operations?

Mr. CATCHINGS. Mr. Chairman, undoubtedly there has been a considerable increase in expenditures since the adoption of this system, because we have authorized the rapid completion of these works. Under the old system a river and harbor bill carried appropriations for two years and in piecemeal, and the result was that it took ten or fifteen or twenty years to complete a work which we now complete in four or five years. But while there has been some immediate present increase, growing out of the adoption of this system, it has been accompanied by the completion of these works, to the great benefit of the commerce and the people of this country.

Mr. WILLIAMS. And also in economy.

Mr. MILLIKEN. Will it cost any more in the end when the work is completed?

Mr. CATCHINGS. I have already stated—and if the gentleman had done me the honor to listen to my remarks he would have heard me say—that it has been demonstrated beyond all question that the adoption of the contract system has resulted in an average saving of 33⅓ per cent to the Government. But I quite agree with Mr. Secretary Lamont when he says that the chief benefit is not so much in the economy, great as that is, as in the speedy completion of these works, so that the commerce of the country may receive the benefit from them.

There has not been a river and harbor bill reported since I have had the honor of a seat upon this floor which I have not felt myself capable as an honest man of advocating and defending, even to the smallest detail. Of course there are some things in all bills which I have not approved; so there are some things in the sundry civil bill which doubtless my friend from Texas, if he had the sole preparation of it, would not have put in. But life is made up of concessions, and when the majority of my committee disagree with me, I accept their judgment as correct and conclusive.

I do repeat again, that there has not been a bill reported since I have been in Congress which I do not believe any member of the committee would have had the slightest objection to maintaining and supporting as an honest, correct, and useful measure. I get a little tired of the perpetual insinuation, if not declaration, that there is something in river and harbor bills which we can not speak of in public; that there is something which somebody seeks to conceal. Why, Mr. Chairman, how are these bills prepared? We have before us the reports of the Chief of Engineers, coming in six or seven large volumes. These contain the opinions of the Chief of Engineers of the various projects and an elaborate statement of the local engineers in charge. They are accompanied by evidence showing whether the works are of commercial value. The proposed works are given in full detail. We read these reports page by page and item by item and consider the different projects submitted to the committee. There is not a committee in this House which puts in more hard, solid, careful, and painstaking work in the preparation of its bills than does the Committee on Rivers and Harbors; and when we bring it out we bring out something with which we can stand in the open sunlight of day, and which we are not ashamed to advocate and defend.

Now, Mr. Chairman, the gentleman from Missouri [Mr. DOCKERY] undertook very unjustifiably—for it had no connection whatever with this bill, because it is not a project contained in it—to cast some reflections upon the members of the Committee on Rivers and Harbors who went to New Orleans for the purpose of making an examination of a crevasse in Pass a Loutre, one of the mouths of the Mississippi River. I say he went out of the way to do that, because no appropriation for that work is called for or recommended in this bill. His going out of the way to make this criticism of them was a part of his plan to cast suspicion upon the work of the Committee on Rivers and Harbors. I did not go on that trip, and therefore I am at liberty to speak frankly, because I have no personal interest in his criticism at all. Now, there is nothing which calls for reflection upon those who did go.

Mr. Chairman, that was a great work to which the attention of the Committee on Rivers and Harbors was called. A great crevasse, more than half a mile wide, had occurred in one of the passes of the Mississippi. If nothing was done for its repair it would possibly result in the destruction of the entire entrance to the great harbor of New Orleans. Gentlemen should remember that the port of New Orleans is second only in importance to New York. Its exports and imports follow close and fast upon the heels of those of the city of New York. This Congress can not do too much to maintain ingress to and egress from that port. It can not do too much, even if $50,000,000 or $100,000,000 were necessary to protect the entrance to that port. But there are some things, Mr. Chairman, which can not be explained satisfactorily to the mind by the mere use of words or descriptive language.

The Committee on Rivers and Harbors hesitated as to what their duty was. It was first proposed that a subcommittee of two or three should go and make an inspection personally. Thereupon the people of New Orleans said, "We would be glad to have you all come, and come at our expense." They were satisfied that personal examination would remove the hesitation of the committee. That was not a junketing trip. It was not a trip taken for pleasure. Those gentlemen went down there, and at a time when the weather was intensely cold and bitter, and they did not go as pleasure seekers. They went, Mr. Chairman, for the purpose of making a personal inspection of the work. They did so, making a trip down to the Gulf of Mexico in a ship placed at their disposal. They took a large mass of testimony regarding the crevasse and the necessity for closing it, which will be printed for the examination of members of this House. They took the testimony of the Government engineers, of shipping masters, and others concerned in the commercial, mercantile, and navigation interests of that port of New Orleans. The committee worked as hard and as assiduously in making the investigation as though they had been conducting it in their own committee room.

Now, where is the impropriety in that? The actual fact is, Mr. Chairman, this Government ought to provide a fund out of which the River and Harbor Committee could at least once each year draw on an amount sufficient to pay the expenses of making a personal inspection of our great works of river and harbor improvement. The committee would derive great benefit from such an inspection, and I have no sort of doubt that the Government would be well repaid in the direct personal information as to the character and needs of these great works which the members of the committee would thereby obtain. I think that my friend from Missouri might have left unspoken his criticisms in this regard. I will add that if my official business had been in such condition as to permit it. it would have gratified me very much to have gone on that trip, not for purposes of pleasure, but that I might see the condition of things precipitated upon the people of New Orleans by that great crevasse.

That crevasse ought to be closed. It ought to be closed, no matter how much money may be needed for that purpose. The exports and imports of that city are enormous. They amounted last year to $115,000,000. Thirty million bushels of grain were brought down from the Western States and exported from New Orleans, and I may add that there seems to be little doubt that the exports of grain from that and other ports on the Gulf are destined to increase enormously. They have put up great elevators there, which are crowded now to suffocation. They are filled with wheat and corn, and I have no doubt myself that New Orleans is destined to far outstrip any port in this country in grain exports. In the last twelve months its exports of grain have gone up from 5,000,000 to 30,000,000 bushels, easily leading any port in this country in that respect. Therefore, Mr. Chairman, it will be seen that this is not a local question at all, but one in which all the people of the Western States are concerned, because it means a saving to them of 3 or 4 or 5 cents a bushel upon grain.

No man need be afraid that this Government is going to be cast into bankruptcy by river and harbor legislation. I will make a statement which doubtless will be surprising to some gentlemen. Beginning with 1890—and I take that as the starting point because it was then that we inaugurated the system of contract work—beginning with 1890 and coming down to the present time, we have appropriated an average of $16,700,000 a year for river and harbor work. Is that going to bankrupt the Treasury? Is not that a very small sum for such a purpose? Why, Mr. Chairman, if I had my way I would make it $50,000,000 a year. I would open every harbor and every river for the use of the people of this country, and I would so cheapen their transportation charges that the cost of the improvements would be repaid to them many times over. [Loud applause.] But what have we appropriated for this purpose? Sixteen million dollars a year since these contract works were first inaugurated. That is so small a sum as to be almost contemptible, in view of the magnitude of these works and the necessities of the people, and when I reflect upon the eagerness, the avidity with which Congress has always responded to the suggestions of the River and Harbor Committee in their efforts to advance the welfare of the American people, I am almost ready to say, with Lord Clive, that I stand astounded at our own moderation. [Laughter.]

[Here the time of Mr. CATCHINGS expired, and Mr. CANNON yielded him ten minutes more.]

Mr. CATCHINGS. Mr. Chairman, let us look at some of these works which are railed against here. Take the work at Buffalo. Buffalo, as gentlemen all know, is a great city at the eastern end of the Great Lakes, with an enormous commerce. This appropriation looks to the construction of a breakwater behind which the vessels that navigate the lakes may take shelter in time of storm. Is that an unwise expenditure?

Again, here is a proposition to build a breakwater at the mouth of the Delaware River. Thousands and thousands of vessels pass there annually, and this appropriation is for the purpose of providing a place of shelter for them when they are beset by the storms which often sweep so fiercely along the Atlantic coast.

Take Duluth, at the western end of the Great Lakes. As we all know, Duluth and Superior City are now practically one corporation. Their interests are the same. It is proposed to give them a channel and harbor facilities commensurate with their great and growing business, and will any man say that that is an unwise or improvident expenditure?

Take Cleveland, which perhaps is the chief port upon the Lakes, if we except Duluth at the west end and Buffalo at the east end—is not Cleveland entitled to every facility that her great commerce calls for, and is the money that is expended there wasted? No man will say that it is.

So, Mr. Chairman, I might go through the list, and you would find that we have taken up only useful and valuable projects such as Mr. Secretary Lamont says are eminently entitled to liberal treatment by Congress, because they tend to open up harbors for the use of the people, whereby their commerce may be more expeditiously and economically carried on.

Again, you have an appropriation for deepening the channel through the Great Lakes—the most magnificent and extensive body of internal navigable water on the face of the globe. It is proposed to deepen that channel, so that vessels drawing 21 feet of water can go unvexed from Duluth to Buffalo. Is that wise or unwise? And when it is completed, who will be helped by it? Take the appropriation for the great Mississippi River, which is destined to be the vehicle by which all the great grain and meat products of the West. and all other products which do not require to be rapidly transported, shall find their way to the Gulf of Mexico for shipment to foreign lands.

Will any man say that that is an unwise expenditure? He certainly will not if he is informed that, contemporaneously with increasing the facilities for the navigation of that great river, we are rescuing from its ravages a vast empire. Thirty-two thousand square miles of the most fertile land on the face of the globe are rescued by the prosecution of this great work, and we thus furnish homes for hundreds of thousands of citizens of this country. Will any man say that this is an improper expenditure of money? Every item which we appropriate in continuance of the contract system may be just as well defended.

The Committee on Appropriations have honestly and in good faith complied with the requirements of the last river and harbor bill by making provision for nearly all of the works placed under the contract system.

The question is, Will this House object? I say, gentlemen of this committee, if the time ever comes when the spirit of economy shall so take possession of us that we shall deny to the people the right to make the best use possible of their rivers and harbors, there will be a clamor raised which will leave many a vacant seat upon this floor. If any man wants to know what public sentiment is on this question, let him attend a meeting of the Committee on Rivers and Harbors. Let him sit as I have sat there, day in and day out, week in and week out. Let him see the delegations, 50, 100, 200 strong, coming from all parts of the country, and presenting their claims for our consideration—not delegations of politicians, not ward "heelers," not political "bosses," but merchants, farmers, bankers, shipping masters, and others who are actually concerned personally in the use of these waterways. Why, Mr. Chairman, I have seen that committee room crowded with these great delegations until the atmosphere was stifling, coming even from the State of California, laying their claims before us and insisting, almost with tears in their eyes, that something should be done to furnish relief to their necessities.

The people of this country are in earnest on this subject. Let no man be mistaken about that. You may be parsimonious if you choose in other directions and possibly the people will excuse you. But do not believe that they will excuse Congress for being parsimonious in reference to the only thing which furnishes actual, immediate relief to them in a way which they themselves can realize and of which they can recognize the benefit.

What has been the cause of this increased demand for improvements of this character? There are two reasons. In the first place, as everybody knows, the size of our vessels has greatly increased; they call for deeper water for navigation purposes. This means economy in the transportation of their products. And, Mr. Chairman, in this age of falling prices, when we have seen the price of grain go down to 40 cents a bushel, when we have seen the price of cotton fall to 5 cents a pound, when we have seen the price of other commodities go down in proportion, we can recognize that the cost of transportation becomes a matter to which every man's attention is directed. When he was getting "boom" prices for everything he had to sell, it mattered not to him what the amount of his freight bill was; that was a small item in the expenses of his business. But in this day of falling prices, when the business man must scan closely, as he does, every item of expense, he finds the item of transportation one worthy of his consideration. And that is the second reason why there is this increasing demand for the improvement of our rivers and harbors.

Mr. Chairman, my friend from Missouri [Mr. DOCKERY] made some allusion to the manner in which this bill was passed at the last session of Congress over the President's veto. Mr. Chairman, there was nothing in that veto of the President which the Committee on Rivers and Harbors did not feel itself amply able to respond to. The President was mistaken in much of his information. I accord to him all the honesty of purpose that my friend from Missouri does. Everybody knows what my opinion of the President is. I regard him as a great man and a wise man, and I think I know him to be a perfectly honest man. But his information came to him secondhand. He made no personal investigation of any of these things. He could not have done so. It was impossible for him to have done so. He obtained his information secondhand, and nine-tenths of it was erroneous. If any man doubts this, let him read the report which was submitted by the Committee on Rivers and Harbors, in which they recommended that the bill be passed over the President's veto.

We took up the President's charges item by item. It was a very easy matter to respond to his objections. I was sorry that the President had been led into that veto—I was very sorry, indeed. But there was not a moment's hesitation on my part in suggesting that the bill should pass notwithstanding the veto, because almost my whole Congressional service has been devoted to this sort of legislation. I thought I knew, I think yet that I know, every item of appropriation contained in that bill. I know that the bill was framed by a committee which was assiduous in its efforts to get at the truth—by a committee which was actuated by all the honesty of motive that you can conceive of. It was simply impossible that this intelligent committee could have been induced to report a bill which was worthy of all the criticism which the President heaped upon that measure. I knew without reading his veto message that he had been misinformed. And the splendid response of this House to the suggestion of the Committee on Rivers and Harbors, that the bill should pass notwithstanding the veto, afforded me most gratifying evidence that deep down in the hearts of all the members of this House is a conviction of the solid merits of this system of improving our rivers and harbors. I felt satisfied that they understood and appreciated that the people of the country are behind them and sustaining them in this policy. Members of this House recognized that they would be derelict in their duty to their constituents if they failed to vote to support the Committee on Rivers and Harbors.

Mr. Chairman, I wish that some member of the House had specifically assailed some of these items, so that I could have made specific defense. I think that my honored friend from Iowa [Mr. HEPBURN] will do me the honor to assail a project in which I have some personal concern. I allude to the project known as the Yazoo River Canal. Before taking my seat, therefore, I will make some slight exposition of that work.

In 1876, Mr. Chairman, there occurred at Vicksburg what is called in river parlance a "cut-off." The river at that point described a great bend, directly in front of the city of Vicksburg. It made a contour like the letter "s" in shape. The peninsula inclosed was about 4 miles long, and the river cut its way—"caved"—through the center of this peninsula. The result was that within less than twelve months the river had gone a mile and a half below the city of Vicksburg, leaving a lake where formerly the channel of the river had been. This lake was open at both ends, but closed gradually with sand, so that it became impossible to reach Vicksburg at all by river except in high water, or, say, for about three months in the year.

The Yazoo River, with its numerous navigable tributaries, like the Yallabusha, the Big Sunflower, the Tallahatchie, and other streams, furnished about 700 miles of splendid navigable water, and entered the Mississippi River just above the city of Vicksburg.

The CHAIRMAN. The gentleman's time has expired.

Mr. CATCHINGS. I would like to have about five minutes longer.

Mr. CANNON. I yield to the gentleman five minutes longer.

Mr. CATCHINGS. The mouth of the Yazoo River became obstructed by the new conditions of the Mississippi River created by this cut-off. Before the cut-off occurred at the city of Vicksburg, the Yazoo, which empties into the Mississippi about 10 miles above, had an unobstructed entrance to its mouth, and furnished, as I have already said, including its tributaries, about 700 miles of navigable water. But the cut-off at Vicksburg so altered the shape of the Mississippi River as to throw an enormous sand bar across the mouth of the Yazoo River. The river found itself unable to plow a channel through this sand bar; and now, except in very high water, it is impossible for boats to get into or out of it at all. It may therefore be said that there is an absolute bar to the navigation of about 700 miles of splendid water, well adapted for all transportation purposes, simply because of this obstruction at the mouth of the river, caused by the cut-off at the city of Vicksburg.

The proposition embodied in the bill is to divert the Yazoo River by means of a canal, so that it shall enter the lake to which I have referred and make its exit into the Mississippi River just below Vicksburg, and thus give that city again river connections and navigation, instead of leaving it as it now is, high and dry, for the greater part of the year. The city of Vicksburg would then be placed on flowing water, so that vessels could approach it at all seasons of the year, and at the same time an open, unobstructed entrance into the Yazoo River would be provided, whereby that river and its various tributaries would be accessible to boats. This will restore the navigation of this river and its tributaries. In carrying out the project a canal several miles long will be dug to connect the Yazoo River with the lake created by the cut-off, as already explained. In making this canal the right of way must be cleared of trees and roots, and this work involves the "grubbing" which my friend from Iowa [Mr. HEPBURN] has informed me privately that he will point out when he comes to speak.

In conclusion, Mr. Chairman, I beg to express the hope that no man on this floor will permit himself to be diverted from casting his vote as I know his judgment and inclination would dictate, by anything that has been said or that may be said by anyone in opposition to the river and harbor projects provided for in the pending bill. [Applause.]

[Mr. HEPBURN addressed the committee. See Appendix.]

Mr. SAYERS. I yield ten minutes to the gentleman from Tennessee [Mr. MCMILLIN].

Mr. MCMILLIN. Mr. Chairman, I shall not enter into a discussion of the features of this bill, which have just been discussed by the gentleman from Iowa [Mr. HEPBURN] and my friend from Mississippi [Mr. CATCHINGS]. But a statement was made by my colleague on the Ways and Means Committee [Mr. HOPKINS] which was so utterly misleading that I think I should be derelict in my discharge of duty were I not to state the real facts concerning the operation of the McKinley Act, which the country got disgusted with and repealed, but which the gentleman from Illinois lauds so highly. It was a failure from the start. It increased the taxes of the people and at the same time diminished the revenues of the Government.

Under the old law which the McKinley Act supplanted the records of the Treasury Department show that during the fiscal year 1888 the receipts were $111,341,273 in excess of the expenditures; in 1889 the receipts were $87,761,080 in excess of the expenditures; in 1890 the receipts were $85,040,271 in excess of the expenditures. Then came the McKinley Act increasing rates of duty. Under it in 1891, the year after its passage, the receipts were only $26,838,541 in excess of expenditures; in 1892, $9,914,453 in excess of the expenditures; in 1893, $2,341,674 in excess of expenditures, and in 1894 the deficiencies created by the McKinley Act amounted to the enormous sum of $69,803,260. So that the McKinley Act, during the first four years of its operation, so far failed to produce the revenues necessary for running the Government that the net deficiency for four years was $30,704,000. How can any gentleman who is informed in regard to the operations of the Treasury Department insist that it was an adequate revenue measure?

Mr. HOPKINS. Will the gentleman allow me an interruption?

Mr. MCMILLIN. I will yield to the gentleman after I finish my statement, for a question.

How can any gentleman, with these facts before him, claim that the McKinley Act was a sufficient revenue measure? It is known to all men who are familiar with its operations that its rates were vastly in excess of those of the act of 1883, which it succeeded and supplanted. Yet I have shown that whereas the act of 1883, which itself carried high rates, yielded a surplus ranging from over $100,000,000 a year down to $60,000,000 a year, the McKinley Act, during the first year of its operation, when the people were unacquainted with its provisions, yielded only $26,000,000 surplus; in the second year, about $9,000,000 surplus; in the third year, in the neighborhood of $2,000,000 surplus, while in the fourth year there was an actual deficiency of $69,000,000; that is to say, there was a net deficiency during the first four years of the operation of that law of $30,700,000.

In what condition did these gentlemen of the Republican party find the Treasury when, unfortunately for the country, they took charge of the Administration? When Mr. Cleveland went out of power and Mr. Harrison succeeded him, the total net balance in the Treasury, including $100,000,000 of gold reserve, was $230,348,916. Yet so extravagant were they in the administration of the Government, and so high had they made the tariff rates—excluding imports—that when they went out of power most of this vast sum had been squandered. In order to show any surplus at all they had to scrape up the trust funds that were sacred to other uses. How much did they get from this source? In addition to the ordinary receipts of the Government, there was covered into the Treasury during the Administration of President Harrison $54,207,975.75, which was held in trust as a fund for the redemption of the national-bank notes. That was made an available asset. It was money belonging to note holders and not an asset. That was held by Mr. Harrison's Administration to be money that could be used in the ordinary discharge of the operations of the Government. And even after the appropriation of that fund and other funds for this purpose, and after having received, at the close of the first term of Mr. Cleveland's Administration, $230,348,000, that Republican Administration was enabled to show only a bare surplus over expenditures. They began to prepare to issue bonds. Plates were actually engraved to print the bonds, and only fall from power saved them from exposure.

How is it that my friend from Illinois, with these facts so familiar to him—knowing that the country has the facts within its knowledge—has the audacity to get up here and say that the McKinley Act furnished sufficient revenues to run the Government?

Mr. HOPKINS. Now, will the gentleman yield?

Mr. MCMILLIN. With pleasure, for a question.

Mr. HOPKINS. The gentleman is not entirely accurate in stating my position. My position is, that during the time the Republican party was administering the McKinley law——

Mr. MCMILLIN. I yielded for a question, not for a speech. The gentleman has had his say; if he wants additional time let him get it from somebody else, who has time to spare. Mine is already too limited.

Mr. HOPKINS. What I desire is that the gentleman should quote me correctly. I said that after the election when Mr. Cleveland was chosen, and the country was committed to free trade——

Mr. MCMILLIN. I have not yielded for a speech, but for a question.

Mr. HOPKINS. The importers and the manufacturers abroad ceased to bring in their importations——

Mr. MCMILLIN. I can not allow the gentleman to occupy my time with his speech. I can better suit myself with my own speech.

Mr. HOPKINS. If the gentleman declines to be corrected now, I will take time later to correct him.

Mr. MCMILLIN. I have but a few moments left. The members of this House heard the gentleman's statement——

Mr. HOPKINS. The gentleman evidently did not understand it.

Mr. MCMILLIN. No man in his senses could fail to assume from his statement that he meant, or at least he would leave the impression, that he believed, that that bill had furnished sufficient revenue to run the Government. It did not do it, as I have shown.

Now, Mr. Chairman, I have shown what the aggregate or surplus, as the gentleman calls it, or the receipts for four years of that bill was, so they can not "monkey" with the figures. That bill produced a deficit almost from the very beginning of its operation. The country found that the Treasury had not enough funds to meet its operations, that the McKinley law was a failure, and promptly condemned those who had passed the bill and put into power a new Congress, a new party, to frame a substitute bill. We passed a bill which would have supplied ample revenues to meet the expenditures of the Government, but unfortunately it encountered one other man, who, as supreme judge, has authority to say what the law is; and it turns out to be a greater power than the lawmaking power itself. I do not propose, sir, to try to fix the responsibility of that unaccountable decision where it does not belong. I do not propose either by insinuation or innuendo to charge a whole court with that which really belongs to and is a part of the responsibility of one man. It is known to all who are posted that the man who tore down the Constitution and overrode the decisions of a hundred years, who set aside the power which was placed in the hands of Congress to assess the wealth of the nation and require it to bear a portion of its expenses was and is named Shiras, and that name, Mr. Chairman, ought to be mentioned in connection with that reprehensible and ever-to-be-criticised decision wherever it is referred to at any time. Let posterity not forget him. It is not likely to forgive him. [Applause.]

Mr. MILLIKEN. Will the gentleman allow a question?

Mr. MCMILLIN. I will yield for a question.

Mr. MILLIKEN. Did not my friend from Tennessee condemn the McKinley bill because in his opinion the duties were too high and that it was therefore likely to raise too much revenue?

Mr. MCMILLIN. No, sir; I did not.

Mr. MILLIKEN. I so understood the gentleman.

Mr. MCMILLIN. I made a speech at the time; I said then, and subsequent history has verified my predictions, that while it raised rates and increased the taxes upon the people, it would yield a diminishing revenue insufficient to run the Government. It has turned out that way. I believe, sir, that you are going to do it again.

Mr. MILLIKEN. Well, we will see about that.

Mr. MCMILLIN. For the gentleman [Mr. HOPKINS] who rose and addressed me a moment ago is engaged diurnally and nocturnally, I suppose, is preparing such a measure as that to which I have just referred, which will have about the same effect as its predecessor. But I beg him to remember that, while he can deceive the people for a short time, he can not deceive them all the time. He had better look out, for he is going in the road that leads to destruction. That road led them to destruction before; it will inevitably lead to destruction again. You do not need more taxes to absorb the money, but more money to meet the taxes.

You have torn down by your courts the power to tax the wealth of the country. Now take care of the wreck you have produced. See if you can raise sixty or seventy millions of dollars by increasing the taxation upon the people of this country. You are doomed to failure and to defeat. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MCMILLIN. I regret it, because there are matters that I desired to call to the attention of the committee.

Mr. LACEY. I ask unanimous consent that the gentleman from Tennessee may have five minutes longer to explain how the loss of $15,000,000 of revenue annually on incomes makes a difference of $60,000,000 deficiency.

Mr. MCMILLIN. I will take the time if you will get it for me.

The CHAIRMAN. Debate has been fixed by order of the House, and can not be extended.

Mr. CANNON. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman has one hour and fourteen minutes and the gentleman from Texas thirty-six minutes remaining.

Mr. SAYERS. I understand the gentleman from Ohio is to be recognized next. As soon as he concludes, I will yield thirty minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. CANNON. I yield to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Chairman, I leave the task of excoriating the Supreme Court of the United States in this case to the gentleman from Tennessee. But if he will look into the personnel of the Supreme Court, he will discover that of the men who held the income-tax law to be unconstitutional the men who belong to the same school of politics as the gentleman from Tennessee belongs—he will find them to be the men who above all others have condemned that law.

Mr. MCMILLIN. Will the gentleman permit a question?

Mr. GROSVENOR. Certainly.

Mr. MCMILLIN. Was it not Shiras, and he alone, who changed his first opinion, deciding one thing one week and another another week?

Mr. GROSVENOR. I have nothing to do with Shiras, and the gentleman can fight it out with a member of the Supreme Court, who can not answer here. But it will be a novel statement to go to the American people that the McKinley bill was inadequate and the Wilson bill was a splendid production. [Laughter and applause.] I want the gentleman from Tennessee [Mr. MCMILLIN] to have the full benefit of that proposition. The McKinley law was producing a surplus year by year until Almighty God, for some purpose that He has never yet made known to the American people, menaced the future of this Government by the election of Grover Cleveland and a Democratic Congress. [Laughter.] Then a revenue law that was producing a surplus became a revenue law that no longer did produce a surplus. But is there any intelligent man in this House who does not know that at the door of the Democratic interference with the McKinley law lies the fault of that condition?

Take the imports into this country; take certain items that we understood were to be destroyed by the hands of the gentleman from Tennessee [Mr. MCMILLIN] and his coadjutors. Take the importations of wool. They had come into power with the determination, that being a Northern industry, that they would destroy it, and nobody imported wool upon a tariff of 11 cents a pound, when they looked forward to the immediate future, when the Democratic party would give them free introduction of wool; and so it was along the whole line. The Wilson bill has been in operation now nearly three and one-half years. How does the gentleman from Tennessee [Mr. MCMILLIN] like it as far as he has gone? What has been the verdict of the country upon it? Will there be in the coming Congress—the Fifty-fifth Congress—any man except the gentleman from Tennessee who will have the hardihood to ask to ever again return to the faulty system of ad valorem duties and the destructive rates of the Wilson bill? Was there, in all this country, during the recent campaign any distinguished Democrat who opened his mouth in defense of the Wilson bill? If so, what was his name, where was it, and when was it? They gladly got behind a new issue of their own creation and were hoist with their own petard, and rent their own party asunder, so that to-day they stand fighting each other upon every political question on God Almighty's earth. [Applause and laughter on the Republican side.]

The gentleman from Iowa [Mr. HEPBURN] in his great frankness, which he always manifests, assailed the river and harbor bill of a year ago. Now, Mr. Chairman, I rose not for the purpose of answering anything that the gentleman from Tennessee [Mr. MCMILLIN] might say, but to point out to the House the importance, in my judgment, of debate on bills carrying the amount of money that that river and harbor bill carried. With a long experience in the River and Harbor Committee, I approved of that bill without qualification. I would not have made it exactly as it was, but it was a wise measure, and the unfortunate feature of it was that which has been so ably and so savagely criticised by the gentleman from Iowa [Mr. HEPBURN], that it was passed here under a suspension of the rules and without debate. Let us see, now, how easy it is to answer the criticism upon a river and harbor bill. I attempted to interrupt my friend from Iowa because I was conscious of the ability of that speech of his. I have heard it a great many times. [Laughter.] It is a very valuable speech. It is revised occasionally, and I must say greatly improved, by the

author, but the foundation is the same that we have heard so often here before.

Now let us see what his frankness is, for he comes at you with such apparent candor that he almost convinces the very elect that they are wrong. He puts in a comparison of the expenditure for the harbor of Cleveland, Ohio, and the expenditure for the harbor of Vicksburg. He might have got a much stronger illustration than that; but let us see how much fairness there is in it. He takes the amount of money now appropriated for the harbor of Vicksburg and the amount for the harbor of Cleveland, Ohio, and then says that Cleveland has a great population—he might have said nearly 300,000—and that Vicksburg, as he says, has only four or five thousand. Well, a little mistake of 66⅔ per cent is not much when you get to going at a gait like that. But what has the population of either city to do with it? That is not the great point. Some years ago, in the Congressional district in which I then lived, a distinguished member of this House, then a candidate for reelection, was assailed because of the aggregate amount of the river and harbor bill (some $21,000,000), and his opponent brought into the arena of debate the expenditures for the current year for the harbor of Liverpool, and pointed out that Liverpool had a population of nearly three-quarters of a million, had a commerce almost unparalled by any city in the world, and yet there was a small appropriation of money for the harbor of Liverpool, while here was an enormous appropriation for the harbor of New York and the harbor of New Orleans, and so forth, forgetting, as my friend has forgotten, that the harbor of Liverpool was a finished harbor upon which hundreds of millions of pounds have been expended, until it was the most complete of all the harbors, perhaps, in all the world in the matter of docks and everything pertaining to a great ocean harbor. The current appropriation was commensurate merely with the necessities of keeping up the harbor during that year.

Now, the same is exactly true in the case mentioned by the gentleman. The harbor of Cleveland has had money expended upon it ever since there was a river and harbor expenditure west of the Alleghany Mountains; and while some of its works have been compelled to be enlarged, and while in that sense it is not completed, nevertheless the appropriation of $400,000 for the harbor of Cleveland can not be compared with any harbor on the basis of the amount of money, unless you take into consideration the long line of appropriations that have already been made.

[Here the hammer fell.]

Mr. SAYERS. I yield thirty minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Chairman, it would seem that reasonable economy ought to prevail in public expenditures. The old question of how far the powers of the Government extend in reference to internal improvements need not be argued over at this day. But the question of whether particular appropriations are necessary or wise or reasonable is now, as it ever has been and ever will be, a pertinent and pressing question. Too often, it seems to me, in legislation concerning river and harbor improvement, while some items of expenditure are wise and reasonable, others are unwise and unreasonable. Too often, with the valuable improvements that are to be carried forward and perfected by these appropriations, there is a waste of money, to use no harsher expression, for the benefit of particular localities and, may be, incidentally, of course, for the benefit of particular Representatives. I am not now going into the items in the river and harbor bill, because time will not suffice, and because others have done and can do that much better than I.

Notwithstanding all that has been said, however, in favor of the appropriations, it is true that a number of these items, altogether carrying millions of dollars, are worse than waste; little, if any, short of vicious misappropriations. It is one thing to expend money for public purposes, in order to improve rivers and harbors of value to the general public and not merely of local value—for improving the great water courses which are highways of commerce. It is another and far different thing to appropriate money for the purpose of digging somewhere a hole in which to put water, or digging somewhere else a channel through which to pour water. So much of bad has been mingled with the good that the whole thing is getting into disrepute. Rivers and harbors are appropriated for too much upon the plan of pleasing this Representative and that Representative, this Senator and that Senator, this interest and that interest; so that, without reference to the merits or demerits of the bill, enough will find in it special interest to themselves and their immediate constituency to carry the measure through Congress, even over the Presidential veto.

There has been comment already on the manner in which the river and harbor bill was passed during the last session of this House. The facts themselves furnish the strongest and most stinging comment upon that performance. Here was a great bill, carrying millions of money, put through the House without discussion, without opportunity for amendment, without opportunity even (except to those who are most vigilant) to ascertain what the items of expenditure really were. When that bill came back, vetoed by the President, and rightfully vetoed, I think, we were told that the committee carefully considered the veto; that they anticipated that the President's reasons for the veto would be unsound and founded on misinformation; and that the committee in its report furnished a complete answer to the veto message. And, therefore, I suppose it was proper and decorous to hurry through the House a bill carrying millions of dollars, without an opportunity for an average member to get an understanding of it, without hearing for those who, possibly, were able to give reasons why that veto should be sustained, and why the bill ought to be defeated. It is well enough to say, as the gentleman from Ohio [Mr. GROSVENOR] has said, about the eloquent and forceful remarks of the gentleman from Iowa [Mr. HEPBURN], that they are merely repetitions. Aye, there will be this repetition time and time again; there will be more of repetition of arguments against this species of legislation by spur and gag, if persisted in.

Why not bring the bill out into the light, if it could bear the light? Why not have the various items discussed, if reasonable enough to bear discussion? Why not have the purposes of the bill revealed to us, to show whether this man had this job or that man the other job in it; provided gentlemen of the committee or other gentlemen could take care of the bill in the full light of day—in the strong fire of open debate?

It has been suggested by the gentleman from Ohio that there is something indecorous in criticising, upon the floor of this House, as the gentleman from Tennessee [Mr. MCMILLIN] has so forcibly done, a decision of the Supreme Court of the United States, upon an important part of the tariff bill which has gone into history as the Wilson bill. I cheerfully give to the decisions of the courts that general respect which lawyers are taught to yield to the law authorities of the United States and of the State; but I belong to a class of Representatives, and represent a kind of people, who believe that there is nothing in this country—none of its institutions, none of those who administer its affairs—so sacred as to be above and beyond the reach of just criticism. One of the dangers of the Republic to-day, a great and menacing danger, lies in the usurpations of the judiciary—in that subtle power, never resting, never stayed, which overturns the will of the people and of legislators. Not only that, but overturns the precedents and decisions of a century, and makes strange law, by strange methods.

There is talk here about whether the McKinley bill yielded enough revenue, and about the Wilson bill not yielding enough. It certainly is pertinent in such discussion, as the gentleman from Tennessee very properly pointed out, if enough revenue has not been produced by the Wilson bill, to inquire why it is so. Everybody knows that the framers of that bill, and those who passed it, relied upon the income tax for a very considerable portion of the revenues that would be required by our Government for the conduct of its affairs. Who could have justly anticipated, who did thus anticipate, who honestly predicted, that that provision of the bill, that important part of it, would be declared invalid, would be overturned by the Supreme Court of the United States? The measure was not a novel one——

Mr. HOPKINS. Will the gentleman yield for a question?

Mr. DE ARMOND. I will yield for a question, but I can not allow a speech.

Mr. HOPKINS. I will not make a speech. I merely wish to say that Senator HILL, the great Democratic leader, questioned the constitutionality of the measure before it was passed.

Mr. DE ARMOND. The gentleman is making a statement which he must know is incorrect, and I can not have that kind of statement interpolated at this point. Senator HILL never was a great Democratic leader. Senator HILL is not now a Democratic leader at all, great or small.

With repeated decisions of the Supreme Court the other way, nobody had reason to anticipate a decision of the same court declaring the income-tax provision to be in contravention of the Constitution of the United States, or that the resource of an income tax is not one upon which the representatives of the people might properly draw to raise revenue for carrying on the Government. So that, as I have said, the framers of the bill and those who passed it justly relied upon the income tax as one great source of necessary revenue. And what would be thought of any body of legislators who would provide for raising more than the needed amount of revenue; for a surplus to be withdrawn from the channels of trade among the people and piled up uselessly in the Treasury?

That Wilson bill—it could be much better, but it was preceded, as it will be followed, by one much worse—that bill would have raised ample revenue if the provision for an income tax had not been destroyed by overturning the decisions of the Supreme Court, long considered to be settled law.

More than that. It was a reasonable and just provision. There has been much said pro and con about the income tax. It was a question in the last campaign. There was a declaration in the platforms of two great parties of this country, the Democratic

and the Populist parties, in emphatic approval of it. [Applause.] No more just tax ever was devised by the ingenuity of man than a tax levied upon incomes. What more reasonable way, what more sensible, what more just way, of raising tax money than by taking it in reasonable amount from the full hand of the man who has an income? It is adjusted year after year, according to the ebb and the flow of his affairs. When he is prosperous, he is taxed in a reasonable amount—justly, not burdensomely—for the support of the Government. When harder times visit him, and the taxable income does not add to his stores, the taxgatherer passes him by and goes to his more fortunate neighbor. Yes; the great thing in that tariff law, the best thing in it, the thing that commended it to many who would have been loth to support it otherwise, was the income-tax provision.

Now, then, let us see how strangely that provision was overturned. Eight judges were present when the matter first came before the Supreme Court of the United States. They divided equally upon the main question of constitutionality. The ninth justice was absent. Those who took the one side and those who took the other were well known. They identified themselves. There was another hearing when the ninth judge was present, so that the full bench then heard the case. The ninth judge joined in with the four who held the law to be constitutional; and lo and behold! one of the four, without ever vouchsafing an explanation, without ever giving any reason, changed his mind in such a way as to lift from wealth a tax of from forty to sixty millions of dollars annually, and cast it as an additional burden upon poverty and toil!

That ought not to be commented on! It ought not to be mentioned here, according to the tender notions of some gentlemen! Why ought it not to be? Men have a right to change their opinions; great as well as little men often do so. But when fifty or sixty million dollars of annual revenue are in the scale—when a trained lawyer and judge, after full argument, deliberately reaches a conclusion, and then when, so far as we know, without additional light, without additional good reason to carry him the other way, he suddenly, when it becomes necessary, finds himself upon the side of aggregated wealth and power and monopoly and against the mass of the producers of the land, with the result that there is a deficit in the Treasury and that heavier burdens must be heaped upon the people—why should there not be some comment? What is there wrong in the comment? Why should it be withheld? I said in this House about one year ago, and I repeat, that when the history of that judge shall be made up, and when all else in his life shall have been forgotten, his name will be kept from oblivion, not for praise, but as that of one by whose marvelous conversion a great principle of taxation was, for the time, overthrown, in a land of free people under free institutions.

Mr. Chairman, I will advance a step further and say that one of the great reforms now demanded is the limiting of the power of this irresponsible Federal judiciary. There has been a tendency of late—and I wonder that so many are indifferent to it on this floor and at the other end of the Capitol—there has been a tendency of late to minimize the power of the legislative branch of the Government, and to gather additional power to the Executive and to the judiciary. With all our errors here, with all our shifting changes of parties—parties may come and parties may go—here, after all, is the place where the people come nearest to having their will and wishes expressed—come nearest to having their voice heard and their commands obeyed. There is every reason why the legislative power of the land should be strengthened; and there is every reason why the power of the Federal judiciary and the power of the Executive should be curbed.

Speaking of the Executive, Mr. Chairman, I come to a matter upon which I wish to make a few comments, although it does not relate to the bill now before the House. I refer to the attitude of this Government toward those gallant, struggling patriots over in Cuba. [Applause.] Every paper that we read, every word that we get, all the information that we have, bring to us over and over the story of a gallant, heroic struggle near by, almost within sight of our own land, by a body of devoted patriots, for freedom! They bring to us also a story as if drawn from the depths of the blackness of the Middle Ages—a story of cruelty and outrage and wrong, a story of oppression and deviltry. And yet diplomacy is in the field! We are endeavoring to secure, by the "exercise of our good offices," "autonomy for Cuba"—the autonomy of the bird when the snake is about to devour it; the autonomy of the lamb with the fangs of the wolf at its throat; the autonomy of the martyr at the stake with the fagots already lighted! [Applause.]

Talk about autonomy! If we have any right to interfere, if we have the right to do anything—and how ludicrous it would be to say we have not!—we ought to take our course upon the high ground that the people of this great country—free men, the sons of free men—should endeavor, as far as decency and propriety will permit, to aid those struggling for freedom elsewhere.

Why, sir, we lured those people into this rebellion! Every breath that blew from our shores toward theirs carried to them the inspiration of freedom. Everything they read of this great country, everything that those of them who visited it saw of it, lured them, wooed them on, to win their own freedom. And now, with American citizens in Spanish prisons or shot down, with humanity outraged, with civilization disgraced, we are placidly talking about "autonomy" and lending "the good offices" of this Government to Spain, so that the hopeful, though desperate, struggle of the Cubans for liberty shall end in slavery, pleasantly called autonomy!

I had hoped that the present Administration, in some degree responding to the swelling sentiments of the American people for liberty, and against tyranny and brutality, would extend to the devoted sons of Cuba some measure of that justice and humanity which so well might be accorded them. I hope now that the incoming Administration may do better in this respect than that which is soon to depart. [Applause.] If the result of the election of last November had been to place that matchless leader of the American people—William Jennings Bryan—in the Presidential chair [loud applause on the Democratic side], there is no doubt in my mind that there would be something more after the 4th of March than quibbling about "autonomy."

At the least, we ought to recognize the Cubans as belligerents. Are they not belligerents? For months, extended into years, they have defied the power of Spain. Fighting for liberty, they have endured all that mortal man can endure and live. Still, heroically devoted to the cause of freedom, the men of Cuba are in the field, while women and children are butchered at home.

Mr. GROSVENOR. Will the gentleman allow me a question?

Mr. DE ARMOND. Oh, yes.

Mr. GROSVENOR. The gentleman's criticism is against the Executive——

Mr. DE ARMOND. That is not a question.

Mr. GROSVENOR. I want to ask the gentleman what has been the fate of resolutions seeking to make an expression of the popular sentiment of the country through the House of Representatives? Where are those resolutions?

Mr. DE ARMOND. Mr. Chairman, I am not able to say exactly where those resolutions are, but I feel warranted in saying that there is enough of Americanism, enough of American patriotism, in this body, rising above party and ignoring party, to pass some measure creditable to the United States and just to the Cubans if submitted to this House, if the House were given an opportunity to act. [Applause.]

It is not a question of party. We are partisans in reference to matters internal; matters that concern ourselves and our own people. But in the relations of government with government, in our relations to other people, when they involve human liberty and the redemption of our fellow-men from oppression and tyranny—then we are all Americans, in the full sense of the word. Partisanship is lost, thrown to the winds, forgotten. We forget party lines, party affiliations; we are all Americans. [Applause.]

But it is whispered that even now rigorous measures are to be taken against those who have aided in any manner the patriots in Cuba by carrying to them medicines, clothing, arms, horses, stores of various kinds. It is said that measures are to be taken to punish those Americans who sought to find a market for American products among these brave and patriotic people, struggling to achieve their liberty, to throw off and to keep off the heavy yoke of the oppressor. It is said that the ship known as the *Three Friends* is to be libeled as a pirate, and that the crew are to be treated as pirates.

Is not this, Mr. Chairman, a strange condition of affairs in the greatest Republic on the face of the earth, in these the closing days of the nineteenth century? Since the early dawn of civilization it has been the aspiration of the noblest spirits among men not only to compass their own freedom but to lift up others bending under oppression and tyranny; to help them to rise who have fallen; that the race may ascend to the heights of freedom and bask in the sunlight of liberty. Every noble achievement of the human race has marked its onward, upward march toward greater liberty, the freer exercise of the personal rights of the individual. Yet there seems to be prevailing in the minds of some people an idea that it is a great wrong to rebel against "the powers that be," however bad they be, and that Cuba is wrong, therefore, in rebelling against the harsh rule of Spain. Whence comes that idea? Away with it, for tyrants gave it currency to prop thrones and to blast the hopes of millions.

It has no place in our institutions. It is the doctrine of those who band themselves together for oppression, who always and everywhere are hostile to all who try to get out from under the yoke of the tyrant. Are we still under the traditions of the Dark Ages, in following blindly the behests of tyrants, or are we ready to stand on the high pedestal of American citizenship, and from that point of vantage view the field and determine our course? [Applause.]

I do not know what the result of these prosecutions shall be.

It may be that men who deserve to have their names go down honorably in song and story, and to be remembered among the brave and true men of their time, may be branded as pirates, enemies to mankind. But perhaps it shall happen that the *Three Friends*, every sail filled with the breath of freedom, may smoothly float on the tide of popular favor into the secure harbor of fond recollection, while possibly some of the foes, driven by the gale of popular disapproval, may be shattered upon the rocks of a liberty-loving people's condemnation.

History plays strange tricks with individuals and with nations. History brings things out in multifarious and curious ways. And yet I think, Mr. Chairman, it is remarkable that as the representatives of a great Republic we stand here idly, indifferent, while events are progressing over in Cuba which would disgrace the darkest page in the darkest period of human history. Somebody asks what are we to do? I respond, let us do something! Do anything that is American. Recognize the Cubans as belligerants. Intervene to protect our own citizens, and arrest the plague of savagery. Let us take this step for the cause of justice, for liberty and human right, for manhood and all it means. Let us do what our traditions teach us to do, what we ought to do, what we have a right to do.

I believe we ought to welcome these island people with glad hand into the great family of nations. [Applause.] Certainly it ought not to be for us to turn our backs upon those who struggle to be free men, and who are suffering from the tyranny of the Spanish Government, while pure, patriotic women are consigned to Spanish dungeons. It ought not to be for us to devote, as far as we can do it by precept and example and our miserable diplomacy, these Cuban heroes, reenforced by volunteer heroes from these United States, to butchery when captured and to outlawry while in the field as soldiers. Why, only yesterday, in one of the leading newspapers of this country, there was told by a respectable correspondent—I refer to the communication of Richard Harding Davis in the New York Journal—a story of barbarity and outrage such as brings the blush to any cheek, however hardened. Young ladies stripped and searched on board an American vessel by Spaniards, bearded, booted, and spurred! And this after two similar outrages on shore! You may read all the infamous pages of infamous history, and you can not find a line to parallel it.

It may be said that this is only newspaper report. I have far more reliance in these American newspaper men who take their lives in their hands, and, with the American spirit, go down to Cuba to investigate the situation, and then, in the American spirit, report to us what they have seen, and tell us what they believe—I have far more confidence in them, and place far more dependence upon what they say, than upon all the poor, miserable palaver of our foreign office through the agency called diplomacy. Why should we be particularly gentle about this matter? Why should we pretend to favor as a government what our citizens condemn individually? Why should our Government pretend that we wish to bring these rebellious subjects of Spain into amicable relations as subjects with the mother country? Why, on the contrary, should not we, the representatives of the people, speaking the voice of the people, say, rather, that we hope nevermore to hear of the flag of Spain floating over the Island of Cuba, but do hope that the flag of free Cuba may float there forever. [Applause.]

It is too much a habit to do officially or not to do officially the reverse of what individually we consider just and proper. It is quite as well to call some things by their names. Any power, any treaty, any provision, any toleration by which decent, respectable ladies may be subjected to the outrage of being stripped naked and searched by Spanish policemen and soldiers, upon an American vessel, under the American flag, ought to be abrogated, swept away at once, in any way in which it can be done. This ought to be done by the smooth methods of law, or, if those methods are too smooth to be effective, it ought to be done with the sharp edge of the sword. Humanity demands it. Civilization urges it. Liberty will not be satisfied without it. [Applause.]

Mr. CANNON. I yield thirty minutes to the gentleman from New Jersey [Mr. PITNEY].

Mr. PITNEY. Mr. Chairman, it is well that the attention of the House and of the country has been called to the exceptionally large appropriation contained in the sundry civil bill now under consideration. I am glad to hear my distinguished friend from Texas [Mr. SAYERS] and my equally distinguished friend from Missouri [Mr. DOCKERY] disclaim any intent to make a partisan criticism. I am sorry that in their remarks they were not entirely consistent with their declaration of intentions. This matter of great appropriations of the public money is not and should not be made a partisan matter. No party has a monopoly of economy and no party has a monopoly of extravagance. Recent history does not indicate that the Republican party is especially chargeable with culpability in increasing the public expenditures.

The Fifty-first Congress was Republican in both branches and held office at the same time with a Republican President, Mr. Harrison. It was that Congress which was first called a "billion-dollar Congress," an epithet that was intended to convey a general accusation of extravagance. The epithet was, in fact, not literally deserved, as the official figures show that the appropriations of the Fifty-first Congress amounted to only $988,417,183.34. The next, or Fifty-second Congress, was composed of a House having more than a two-thirds Democratic majority and a Senate barely controlled by the Republicans. It passed appropriations amounting to over a billion dollars, or, to be exact, $1,027,104,547.92. The Fifty-third Congress was Democratic in both branches, with a Democratic Executive, Mr. Cleveland. The total appropriations were $989,239,205.69. The present, or Fifty-fourth Congress, is composed of a Republican House and a Senate having a majority of Democrats and Populists, there being a Democratic President. Its total appropriations will, I regret to say, amount to much more than a billion dollars, perhaps to as much as $1,045,000,000. A material part of the excess over a billion dollars is due to the increase of the sinking-fund requirements occasioned by the increase of the public debt within the past three years, during which time additional Government bonds have been sold to the extent of $262,000,000, entailing an additional interest charge of $11,500,000 per annum and annual payments upon the principal to the amount of 1 per cent of the new loan, or about $2,620,000, an increase for interest and sinking-fund obligations of over $14,000,000 on that account.

The river and harbor bill passed at the last session of the present Congress—passed by the votes of Democrats as well as Republicans—appropriated directly nearly $13,000,000 for that class of work, and authorized the Secretary of War to make contracts for the completion of works (most of which were already in progress) to an aggregate of about $59,000,000, payments to fall due at the rate of 25 per cent per annum for four years. The sundry civil bill now before the House includes more than $15,000,000 of appropriations for these river and harbor contracts. Without going further into detail, we have already accounted for practically the entire excess of the appropriations of the present Congress over and above the "billion-dollar mark." A careful investigation of the figures I have given and of the whole subject will convince an impartial observer—however much he may regret these vast expenditures—that the responsibility can not be placed upon either political party as a party, and that if the true explanation is to be found and a proper remedy applied, they must be sought for outside the lines of party division. The truth is, there is much more of human nature than of party politics in all these matters of appropriations, and I think I can show, before concluding my remarks, that the explanation of the growing increase of public expenditures is to be sought and found in another direction.

But if there were any real difference between the two great parties upon this question, I will frankly admit, Mr. Chairman—speaking for myself, as a member of the majority party here—that I do not think our present power was given to us by the people with the purpose of increasing the appropriations. There never was a party majority of Representatives in this House who owed their seats so little to mere partisan votes as the members of the Fifty-fourth Congress, with the exception of those who have been reelected to the Fifty-fifth Congress. We Republicans were elected in 1894, and again in 1896, by a union of forces, by men of both parties, and we owe a responsibility to those who supported us and who placed us in power here which we can not shirk.

I am glad, therefore, Mr. Chairman, and because I am obliged to share in the responsibility of reporting this sundry civil bill to the House I am especially glad, that the attention of the House and of the country has been called to the fact that it is the largest bill that has ever been reported under this title. I am glad, also, that the frank admission is made by gentlemen upon the other side of the House that there is nothing in the bill properly subject to criticism, excepting those items which provide payment for river and harbor improvements. I am glad that attention is called to the fact that almost the whole increase in the bill over and above what has been customary in recent years—namely, $15,131,996.91—is due to the passage of the river and harbor bill at the last session of this Congress and to the fact that the Secretary of War, under the authority of that law, has made contracts for public work, under which contracts certain payments will fall due during the fiscal year 1898 to the amount that I have mentioned.

THE RIVER AND HARBOR BILL.

For myself I have no apology to make for my action upon the river and harbor bill. I will not undertake to criticise it or explain it in detail. I have not the necessary knowledge. I was opposed at the last session to the passage of any river and harbor bill, excepting, perhaps, the minimum amount which would have been sufficient to protect from the elements the work that was already in progress and partly unfinished, hoping that the same policy might be continued until the country should be in a condition to warrant further progress in river and harbor improvements. When the bill was pending

in the House, I protested against its passage. I voted against it then, and afterwards voted to sustain the Presidential veto when the bill was returned from the White House. And yet, Mr. Chairman, I am not opposed to the proper and reasonable improvement of our principal harbors and waterways. The Republican party is not opposed to it, and the people are not opposed to it. But an extravagant bill, that is passed without debate, and under such circumstances that no man, friendly or unfriendly to the bill, can safely say after it is passed that its several items are just and proper—against such a bill it is the duty, I think, of every Representative to protest.

That river and harbor bill, I believe, was grossly extravagant, and contained many vicious items, as must needs be the case with a bill passed by such methods. And yet the greatest objection to the bill, in my opinion, was not so much in respect to the particular projects of work, some of which have been subjected to severe criticism here, but was owing to the fact that the bill was passed at a time when the country could not afford to have it passed; to the fact that when the bill was passed the income of the Government was less than its necessary expenditures, so that a deficit of $140,000,000 had resulted within three years preceding, and the Government was subsisting largely upon borrowed money; to the fact that when the bill was passed the credit of the country was impaired. And although we had the high authority of the President of the United States for saying that there was "a comfortable surplus" in the Treasury at that time, yet every man knew the "surplus" was not only a borrowed surplus, but that it was made up in large part of the promissory notes of the Government held in the Treasury vaults.

President Cleveland's veto of the river and harbor bill was dated May 29, 1896. On that date the "available cash balance" in the Treasury was $267,000,000, showing an apparent surplus of $167,000,000 above the gold reserve; but of this amount $29,000,000, in round numbers, were silver dollars, $87,688,000 were "greenbacks," and $42,000,000 or thereabouts were composed of Treasury notes of 1890, national-bank notes, fractional silver coin, and similar items, not available for redemption purposes, leaving only about $108,000,000 as the amount of gold in the Treasury—but little above the conventional "reserve fund" of $100,000,000. At the same time there were in circulation among the people about $225,000,000 in "greenbacks," over $33,000,000 of currency certificates, nearly $100,000,000 of Treasury notes of 1890, and over $300,000,000 of silver certificates, besides 50,000,000 or more of silver dollars.

All of this outstanding money was, directly or by indirection, redeemable at the Treasury in gold, either by force of law or by the operation of the very proper practice which is pursued by the representatives of the Government in order to maintain all the people's money upon the basis of gold coin as a standard. Of course there was nothing novel in this situation in the month of May, 1896, when the river and harbor bill was passed, but a series of events and the then existing conditions rendered it important to scrutinize the actual condition of the Treasury when considering increases of appropriations.

And so the nominal "surplus" in the Treasury of $167,000,000 could not properly be regarded as a surplus of such a character as to warrant increased expenditures for public objects. For purposes of bookkeeping it was properly called a surplus, but for purposes of finance it is not proper—at least when the public credit is questioned—to consider any part of the Treasury balance as a surplus or as available assets, except so much of it as is composed of money which may be used as the final redeemer of the outstanding obligations of the Government—that is to say, the gold coin. The necessary result of making expenditures in excess of the current income of the Government, when such expenditures must be paid by the reissue of Government notes, is, to all intents and purposes of true finance, in effect to create a new and additional loan, because the Government notes as they go out constitute an increase of the Government obligations already outstanding.

And whether the situation were the result of inadequate provision of revenues or of unwise and unnecessary appropriations, or in part the result of both of these causes, made no difference with the condition of affairs as it confronted us in the first session of the present Congress. We found the Government receipts running low, so that even the most necessary expenditures would exceed the income. As the House of Representatives was unable to pass a revenue measure to restore the income, owing to opposition in the Senate and in the White House, the only alternative for us was to avoid unnecessary appropriations. I was opposed, therefore, to the passage of the river and harbor bill, not only because it involved extravagant expenditures, but also for the reason that in my opinion it had a decided tendency to further impair the credit of the country. To the best of my ability, and so far as the scope of my influence extended, I endeavored to apply the same rule to all other plans and projects calling for the appropriation of the public money, and to support only such as were so necessary as to warrant us in paying out even borrowed money for their maintenance. Deficiency of revenue being the main cause of our financial difficulties, the obvious remedy was either to increase the revenue or to limit the expenditures.

But, says the gentleman from Mississippi [Mr. CATCHINGS], the universal sentiment of the people of the South sustains these river and harbor improvements. I dare say so; and I do not complain of our brethren of the South for desiring to improve their harbors and waterways. What I do complain of in the gentleman from Mississippi, and other gentlemen who stand with him, is that when they came into power in the Fifty-third Congress they passed an act which not only crippled the industries of the country, but to some extent paralyzed the custom-houses, and then they afterwards came into the Fifty-fourth Congress and persuaded other members to join with them in expending an enormous amount of borrowed money to improve the harbors which lead up to the custom-houses. The gentleman has not ventured to defend the river and harbor bill from this standpoint, and I do not think he can. Nobody objects to reasonable expenditures for digging out sand bars at the mouth of the harbor, provided you do not cripple the custom-house at the head of the harbor. I do not object so much to free ingress and egress for commerce, but I do insist that the same commerce which is admitted into the port ought to pay ample tolls at the custom-house for the purpose of paying for the improvements.

However, in spite of opposition here and elsewhere, the river and harbor bill was passed, and became a part of the law of the land. And so the question came up at the present session as to what the Committee on Appropriations should do with the expenditures authorized in that law when they came to make up the appropriations for the coming fiscal year. Then we were confronted with the fact that after the bill was passed the Secretary of War went forward, as authorized by the act, and made contracts calling for certain payments to fall due during the fiscal year 1898. It is the function and the duty of the Committee on Appropriations to report appropriations required by law. We could not withhold the appropriations without repudiating the contracts, and the American people are opposed to repudiation in that and every other form. Therefore, for these contracts it seemed necessary for us to report the appropriations. Other contracts not yet let are now in the very process of letting. The Secretary of War has adopted the plans, has accepted the bids, and is about to put the pen upon paper to bind the Government for these contracts. We can not, therefore, withhold appropriations to meet the payments under these intended contracts without to that extent nullifying legislation. It would perhaps be improper for the Committee on Appropriations to recommend a bill which would have that effect. If there is any authority to stop the contracts, it is for the Executive, acting through the Secretary of War, to refuse to enter into them. Therefore, Mr. Chairman, it has seemed necessary for your committee to report this unusually great expenditure in the sundry civil appropriation bill in order to provide for the payments made necessary by the river and harbor bill of last year.

It is a good thing to have great improvements if you do not have unnecessary improvements, if you do not have extravagant improvements, and if you do not go into improvements which the people can not afford to undertake at the time. The Committee on Appropriations were practically concluded from objection on these points by the passage of the law at the last session. So much for the river and harbor expenditures.

RECENT INCREASES OF APPROPRIATIONS.

And now I want to say something upon the main subject of the increase of our appropriations in recent years, which the gentleman from Texas [Mr. SAYERS] and the gentleman from Missouri [Mr. DOCKERY] and other gentleman have alluded to. The gentleman from Texas [Mr. SAYERS] called attention to a comparison between the appropriations for the fiscal year 1887 and those of the fiscal year 1897, and the gentleman from Missouri [Mr. DOCKERY] grouped certain years at a former time with the present, but neither of these gentlemen went far enough to discover the cause of the great increases of appropriations in recent years. If the gentlemen had compared the appropriations for ten years preceding 1887 with the appropriations for ten years following after 1887, they would have found during the first period reasonable expenditures on the whole, whichever party had control of the purse strings, and in the second period they would have found very greatly increased appropriations on the whole, whichever party had control of the purse strings. During the second decade these increases have been going forward, whether the Republicans or the Democrats have been in power, either in the White House and the Departments, or in the Senate, or in the House of Representatives, or in all three combined. The expenditures during that period have increased with rapid strides, and if the gentlemen had investigated and ascertained what controlling change had taken place between the first decade and the second decade, they would have had their attention called to a significant event, which, it seems to me, has been of controlling importance in this matter.

That event was the change in the rules of the House of Representatives, made at the opening of the Forty-ninth Congress, in December, 1885—previous to the framing of the appropriation bills for the fiscal year 1887—by which change the House departed from the previous practice of intrusting all the appropriation bills to a single committee, which was held responsible for the sum total as well as for the details, the House then inaugurating the new policy of distributing the appropriation bills and dividing the responsibility among a large number of committees, none of which could really be held responsible. That division of responsibility has continued during all subsequent Congresses to the present time. Perhaps the system is now too firmly established to encourage a proposition to return to the former system, but since we are now calling the attention of the House and of the people to the fact of increased expenditures, it is worth while to inquire into the cause—not to bandy partisan attacks, not to make anything but a fair comparison, but to ascertain, if we can, the real cause of the increased appropriations, and let the people remedy the evil if they desire to remedy it. Speaking for myself, I believe that a change in the direction of economy is called for, and that public sentiment will find expression upon the subject at no very distant day. Let me say at this point that I am not now advocating any increase of responsibility for the present Committee on Appropriations. Nor am I prompted to speak by any personal consideration. I am well aware that if the power and influence and responsibility of the old Committee on Appropriations were restored, no first-term member like myself, nor even any second-term member, would probably find a place upon that honorable committee.

Now, let us reflect for a moment. From the foundation of the Government down to the year 1865 all bills for the expenditure of money, all general appropriation bills, as well as all bills for raising revenue, were in the control of the Ways and Means Committee of the House of Representatives. To go a little further back, the Constitution itself, by a specific declaration, placed in the House of Representatives the same power and prerogative over revenue bills which the British House of Commons had held from time immemorial. The framers of the Constitution put into it a provision that—

> All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills.

That provision does not say in terms that all "money bills," including appropriation bills, shall originate in the House of Representatives, but it has been so construed by Congressional action, and the practice of Congress from that time until now, without a single notable exception, has been to allow the House—indeed the House has enforced the practice—to originate not only bills for the laying of taxes and the raising of revenue, but also bills for the expenditure of the money after it is received into the coffers of the Treasury. An attempt was made in the year 1856 by the Senate of the United States to originate certain general appropriation bills. They were passed in the Senate and sent to the House of Representatives, and there they were defeated by being laid upon the table, without reference to a committee. From that time until now, so far as I am aware, there has been no attempt on the part of the Senate to break through the Congressional practice of permitting appropriation bills as well as revenue bills to be originated by the House of Representatives.

And why? The reason is, it seems to me, that it was recognized by the fathers, and by all who have followed after them, that the same arm of the Government—the same branch of the legislature—which was charged with the responsibility of raising revenue should also be charged with the responsibility of proposing its expenditure; or, to put the last matter first, that those who had the privilege of recommending expenditure should at the same time be clothed with the power and responsibility of proposing measures for raising the necessary revenues.

And so, from the earliest days down to the year 1865, the Committee on Ways and Means of the House originated both the appropriation bills and the revenue bills. In that year the separate committee for appropriations was created, and from 1865 to 1885 that committee was charged with all bills for the appropriation of money with but two exceptions, viz, the agricultural bill, reported since the fiscal year 1880 by the Committee on Agriculture, and the river and harbor bill, jurisdiction over which was vested in a separate committee from 1883, if I mistake not.

Now, during the hard times which followed after the panic of 1873, as gentlemen may remember, the Democratic party secured control of the House of Representatives in 1874, upon the cry of "Retrenchment and reform." And for some years thereafter the Democrats did, and the Republicans did also, keep the expenditures down to a very reasonable limit. During that time the Hon. Samuel J. Randall, of Pennsylvania, was an honored leader of the Democratic party on this floor. He was three times chosen Speaker, and he was afterwards for several Congresses chairman of the Committee on Appropriations. Now, if there is any partisan moral to be drawn from this little history, it perhaps comes in here. Samuel J. Randall was one of the greatest practical statesmen that the Democratic party ever sent to this House, and was universally recognized as a leader and as a steadfast economist. But he committed one unpardonable fault. He was the leader of that wing of the Democratic party who believed that the tariff should be laid, not merely for the sole and only purpose of raising revenue, but that in laying the tariff it was not only permissible but proper to make reasonable discriminations in favor of the products of American industry. And so, in the Forty-eighth Congress, when the Hon. John G. Carlisle was Speaker, and the Hon. William R. Morrison, of Illinois, was engaged in his great project of horizontal reduction of the tariff, Mr. Randall opposed him, led the Democratic opposition, and joined with the Republicans in defeating that measure.

Therefore it was determined, on the assembling of the Forty-ninth Congress in the month of December, 1885, to "clip the wings" of Samuel J. Randall for having had the audacity to represent in some degree the protection sentiment of the country. The question arose, how they could do it. Well, Mr. Randall was chairman of the Committee on Appropriations, which gave him too great power, as they thought, and so the Democratic majority in the Forty-ninth Congress, under the leadership of Carlisle, Morrison, Springer, and others who acted with them, revised the rules of the House so that many of the appropriation bills were taken away from the Appropriations Committee and distributed among other committees of the House. In that way they distributed the Army appropriation bill and the Military Academy appropriation bill to the Committee on Military Affairs, the naval appropriation bill to the Committee on Naval Affairs, the Indian appropriation bill to the Committee on Indian Affairs, the diplomatic and consular appropriation bill to the Committee on Foreign Affairs, and the Post-Office appropriation bill to the Committee on Post-Office and Post-Roads.

Since that time the rules have remained unchanged in this respect and the Committee on Appropriations has had charge of but six of the fourteen great annual appropriation bills, namely, deficiency, District of Columbia, fortifications, legislative, pension, and sundry civil, the remaining eight being held by seven other committees. The result has been just what Mr. Randall and others predicted when the change was proposed. Instead of a single committee having entire charge of expenditures, acting without special interest in any particular branch or department of the public service, but desirous simply of doing justice by all, responsible at the same time, not only for the details, but for the total of expenditures, and charged with the duty of keeping the outgo within the income of the Government, there have been numerous committees preparing and reporting bills for expenditures, each committee impressed with the importance of some particular branch of the service and recommending appropriations for that branch without cooperation with the other committees, and necessarily without full knowledge whether extraordinary expenditures required at the same time in other directions might not raise the total of appropriations beyond a reasonable limit or even beyond the total revenues—no committee charged with keeping a proper balance or proportion between the expenditures in the several Departments; none charged with keeping the sum total within bounds, or with seeing that expenses do not outstrip revenues. As a consequence, the annual expenditures have largely increased in the past ten years, quite out of proportion to the increase of population in the country.

Mr. RICHARDSON. Will the gentleman state whether he is in favor of going back to the old rule on this subject and committing all the general appropriation bills to a single committee?

Mr. PITNEY. I will state that I intend to express no final opinion on that subject, for I have not investigated it far enough to form an opinion for which I should like to be held responsible. But I say that, inasmuch as the attention of the House and the country is attracted at this time to the increase of appropriations, I think we should investigate to the very bottom the causes which have produced the increase. If there is a moral to be drawn from the circumstances of the case, either by gentlemen on this floor or by our constituents in the country, they will be able to draw it when they know the full history of the matter.

Mr. GROW. Will the gentleman allow me a moment's explanation on a question of fact? I would not interrupt the gentleman if he had not already been interrupted. I wish to call the gentleman's attention to an occasion when, the House having sent to the Senate the Post-Office appropriation bill, the Senate amended it by increasing the postage on letters and papers; and this House, when the bill was returned to it from the Senate, sent it back to that body with the suggestion that, under the Constitution, revenue measures must originate in this House—that the Senate could not originate a revenue bill.

Mr. PITNEY. I am very much indebted to my distinguished friend from Pennsylvania [Mr. GROW] for his suggestion. It may

be that he is referring to a different occurrence from the one to which I have already called attention.

Mr. GROW. The case to which I refer involves precisely the same question.

Mr. PITNEY. I will read from a speech delivered in this House on the 3d of March, 1871, by James A. Garfield, of Ohio, afterwards President of the United States:

In pursuance of this resolution—

Referring to a Senate resolution, passed, after much debate, on February 7, 1856, directing the Committee on Finance of that body to inquire into the expediency of reporting the appropriation bills for the support of the Government, etc.—

the Senate Committee on Finance reported the general appropriation bill for invalid pensions. It passed the Senate on the 28th of February. Soon afterwards the Senate also passed the general appropriation bill for the repair of fortifications. Both these bills were laid on the table of the House on the 17th of April, 1856, without having been referred or debated, thus ending the attempt of the Senate to change the uniform, unbroken custom of the Government from its foundation to the present time; and it may still be said, as Mr. Seward declared in 1856, that up to this time no general appropriation bill which originated in the Senate ever became a law.

Mr. GROW. I do not wish to take up the gentleman's time; but if he will look up the history of this matter previous to the time he refers to, he will find that the first occasion when this question arose was on a bill making appropriations for the expenses of the Post-Office Department. As I have already stated, the Senate having sent that bill to the House with an amendment increasing the postage on letters and papers, the House sent it back with a suggestion that it was not within the power of the Senate under the Constitution to originate a revenue bill; and when that bill went back to the Senate, Senator Toombs, of Georgia, spoke upon it until the end of the session, so that Congress adjourned without making appropriations for the expenses of the Post-Office Department. The incident to which the gentleman from New Jersey has referred was subsequent to that which I am now stating.

Mr. PITNEY. I am very much obliged to my friend for his suggestion.

Mr. GROW. I only wish to vindicate the truth of history.

Mr. PITNEY. Mr. Chairman, at the time when the House distributed the appropriation bills in the Forty-ninth Congress many able members besides Mr. Randall took the floor and pointed out the consequences which would follow. The distinguished gentleman from Illinois [Mr. CANNON], now the chairman of the Appropriations Committee, objected, and predicted that the result would be greatly increased appropriations. A very able member from New Jersey, now deceased, the Hon. William Walter Phelps, whose district included a part of the district I have now the honor to represent, protested against the measure. And that distinguished leader from Ohio, William McKinley, now soon to be inaugurated President of the United States, stood here and pointed out to the Democratic majority that the necessary consequence of the change would be vastly increased appropriations. Now, I do not say that the change of the rules is necessarily a subject of partisan criticism; but, since a little partisan flavor has been injected into this debate, I may be permitted to allude to the facts of the case.

Mr. SAYERS. If the gentleman is now of opinion that the action of the House of Representatives on this subject in the Forty-ninth Congress was properly subject to criticism, why does he not take advantage of the power of his own party in this House and secure a restoration of the old rule?

Mr. PITNEY. I will say to my distinguished friend from Texas that I have too much modesty to assume to myself a power of control over the majority of this House.

Mr. SAYERS. The gentleman's answer is not sufficient.

Mr. PITNEY. It is quite sufficient, and no one knows it better than my friend from Texas.

Mr. RICHARDSON. Let me ask the gentleman this question: Under existing circumstances, would the gentleman consent to a restoration of the old rule, unless he felt pretty well assured that he was going to be a member of the Appropriations Committee again?

Mr. PITNEY. The personal allusion is inopportune, and is entirely unmerited. If I thought that by declining or losing a place on that committee or on any committee (however much I might prize the honor of belonging to it) I could assist in keeping the expenditures of the Government within reasonable limits, I hope I should not allow my personal interests or feelings to stand in the way.

When this House shall come, if it does come, to act upon a proposition to restore the rule of placing the privilege of reporting appropriation bills, with its accompanying responsibility, in a single committee, it will doubtless be at the opening of the first session of a new House, when the entire body of rules is under discussion; that is to say, before the appointment of any committees. Certainly no new member could hope to increase his chances of being appointed upon a committee having charge of appropriations by advocating a proposition to confine that power and responsibility in a single committee. But when the time comes, I have no doubt that the principal obstacle in the way of a return to the old system or to any system which could be relied upon to produce similar results will be found in the fear of members generally that the privileges and prerogatives of this committee or that committee will be curtailed. And any member advocating a change will be suspected, if not accused, of a purpose to enhance his individual importance by securing a position upon the one committee that would be intrusted with the appropriation bills, if the change were adopted.

My friend from Texas [Mr. SAYERS] and my friend from Tennessee [Mr. RICHARDSON] both understand the springs of human action, which operate upon this floor as well as elsewhere, well enough to appreciate the difficulty of remedying the present system now that it has been established for more than ten years.

But, Mr. Chairman, I desire to call the attention of my friend from Texas [Mr. SAYERS] and my friend from Missouri [Mr. DOCKERY] to the results which have followed from the division of responsibility as to expenditures.

The Agricultural appropriation bills for ten years preceding 1887 amounted in the aggregate to $3,238,740. For the ten years following they amounted to $23,480,347, an increase of 624.98 per cent. The Army bill, being a notable exception to the rule, was reduced from a total of $259,000,000 in the first decade to $240,000,000 in the second decade. The diplomatic and consular bills were increased from a total of $11,879,000 in the first period to a total of $15,870,000 in the second, an increase of 33.59 per cent. In the District of Columbia appropriation bills there was an increase in the annual average of the second decade as compared with the first amounting to 58.48 per cent. In the fortification bills the total for the first ten years, $4,735,000, was increased so that in eight of the next ten years they aggregated $22,489,000, an increase of 375 per cent in the annual average. The Indian appropriation bills increased from a total of $50,000,000 for the first decade to a total of $85,703,000 for the second decade, an increase of 70 per cent, although the Indians are fast disappearing from the face of the earth.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PITNEY. I should be glad to have a few minutes longer.

Mr. CANNON. I yield to the gentleman such time as he wants.

Mr. PITNEY. I thank the distinguished gentleman from Illinois [Mr. CANNON] very much for his courtesy, and will endeavor to detain the committee but a short time.

The legislative, executive, and judicial appropriation bills show a total of $178,000,000 in the first decade, and $213,000,000 in the second decade, or an increase of 19 per cent.

And so, Mr. Chairman, without going into details, I may say that the same is true with reference to the other appropriation bills. Without now detaining the committee with their reading, I propose, with the consent of the House, to embody in the RECORD as a part of my remarks, not merely the specific comparisons which I have given, but the tables from which they have been drawn. It seems to me they will be of great interest to the members of this body. At the same time I want to give credit for the very thorough, useful, and able research which produced these tables to the accomplished clerk of the Senate Committee on Appropriations, Mr. T. P. Cleaves, who prepared the tables a year ago for the use of the committee of which he is the clerk, and kindly placed a copy of them at my disposal. I think it will be a very good thing for the House and the country to have these tables before them in accessible form, and therefore I shall embody them in the RECORD, with the consent of the House, as they have not heretofore been published, even as a document.

Mr. BOATNER. Will the gentleman yield to me for a suggestion?

Mr. PITNEY. Certainly.

Mr. BOATNER. While the gentleman is discussing the cause of the increase in the expenditures, does it not occur to him that the rapid extinguishment of the public debt—the great debt incurred during the war—and the increase of revenue, as compared with expenses, which set in about 1883 or 1884, may largely account for this increase in appropriations? The fact that the Government had a large surplus revenue—did it not, in the judgment of the gentleman, have a tendency to rather increase than to diminish these expenditures?

Mr. PITNEY. The gentleman's suggestion is interesting, and there doubtless is such a tendency in times of surplus revenue; but I confess that my investigations do not lead me to believe that that tendency has been sufficient of itself to account for the results which are shown.

I am glad to have the subject investigated by others as well as myself, and have no motive whatever except to ascertain exactly the facts bearing upon the case and the reason for these expenditures, or rather increase of expenditures. I think it will scarcely be doubted that one of the prime causes, if not the principal cause, of the present large appropriations is the fact to which I have

already alluded, viz, the distribution of the appropriation bills among several committees and the consequent absence of responsibility in any committee.

Mr. GROSVENOR. The suggestions of the gentleman from New Jersey are interesting, and I have no desire to question them. But at the same time I would suggest that the Senate Committee on Appropriations, during all the time to which he has referred, had the appropriations emanating from the Senate within their entire control, and I would ask whether it is not a fact that that committee, having charge of all these bills, has largely exaggerated the appropriations of the House? I draw no conclusions, but merely call his attention to the facts.

Mr. PITNEY. The gentleman from Ohio [Mr. GROSVENOR] is, of course, aware of a rule of parliamentary debate which makes it, perhaps, improper for us to refer to the proceedings in the other body——

Mr. GROSVENOR. Oh, no; not in such a way as that.

Mr. PITNEY (continuing). But I will tell the gentleman, in entire frankness, what I understand to be the explanation. For years past the Senate Committee on Appropriations has been annually threatened with the same change which was made in this House in 1885; that is, that they would be deprived of the consideration of these bills, and that the several bills would be passed over to the control of the committees which had charge of the special objects of the appropriation. If my information is correct, the Senate Appropriations Committee have been constrained to submit to a kind of pressure for increasing the appropriations on the part of the committees having charge of the objects for which the appropriations would be expended, and they have yielded to the pressure perhaps more than they would have done if they had not been threatened with the loss of their prerogatives.

Mr. GROSVENOR. Would not the House committee be liable, also, to the same pressure?

Mr. PITNEY. Very likely. I am not now claiming to suggest an adequate remedy. On the contrary, I have expressly disclaimed undertaking to do so. But the inquiry of the distinguished gentleman from Ohio [Mr. GROSVENOR] reminds me of a circumstance which is worth noting in this connection. We are all aware, of course, that the Senate has uniformly exercised to the fullest extent its constitutional prerogative to propose amendments on appropriation bills. The members of the House have often been called upon to oppose what they deemed the too great liberality of the Senate with regard to expenditures. That tendency in the Senate is not, I presume, of recent origin, and it perhaps will account for the fact mentioned by the gentleman from Ohio [Mr. GROSVENOR] without reference to the pressure upon the Senate Committee on Appropriations, from other committees, in the direction of increased appropriations. I am informed—and this is the interesting fact—that previous to the division of responsibility among the House committees the appropriation bills framed at this end of the Capitol were so uniformly and invariably reasonable and economical in amount that the Senate did not in a single instance find occasion to reduce the amount of any of the appropriation bills as passed by the House. During that period all Senate amendments were in the direction of increased appropriations. But since the change of the House rules, to which I have referred, so marked has been the tendency to increase appropriations at this end of the Capitol that in repeated instances even the liberal Senators have felt constrained to propose amendments reducing the appropriation bills as passed by the House. My information is that several instances of this kind occurred so recently as the third session of the Fifty-third Congress. And there was one notable example of it in the first session of the present Congress, when the Senate amended the naval appropriation bill by reducing the provision for the construction of new battle ships, cutting it down from four ships, as passed by the House, and making it provide for only two ships.

It is not necessary to make inquiry whether, in these specific instances, the Senate was right or wrong in reducing the appropriations. Nor is it worth while to inquire whether specific instances of the increase of appropriations, either by the Senate or by the House, have been wise or unwise. It is sufficient for us to know that a given system of legislative work has an inevitable tendency to increase the expenditures of the Government, and that another system has a tendency in the opposite direction. Experience tells us that where public expenditures are unduly increased the unworthy objects will increase out of all proportion, while, if a policy of restricted appropriations is pursued, the unworthy objects are more liable to be excluded. It becomes a question of the "survival of the fittest."

Congress makes appropriations upon the recommendations of the Executive Departments of the Government. If Congress is liberal with the money, the less urgent and less worthy recommendations receive equal treatment with those which are more important; while if Congress is economical, the Departments are constrained to "cut the garment according to the cloth," and omit from their recommendations the unworthy or unnecessary objects.

I will put into the RECORD, Mr. Chairman, in connection with the tables to which I have referred, a summary from which it will be seen that, excluding the pension bill, which of course would largely swell the percentage of the increase—and the increase of the pension bill and the cause of it are well known to the House and to the country—there was a net increase in the appropriation bills for the ten years 1887–1896 over the corresponding appropriations for the preceding ten years amounting to 46.43 per cent on the average.

Mr. PEARSON. Is that including the pension bills?

Mr. PITNEY. No; that comparison excludes them. The percentage would be still greater if you include the pension bills, for they increased 134 per cent.

And now let us consider for a moment how this increase of appropriations compares with the increase of population. In the midst of the first decade the census of 1880 was taken, and in the midst of the second decade the census of 1890 was taken. If you take the figures yielded by these two censuses as a correct basis for the average population in the two periods, you will find that the increase of population was 24.85 per cent, while the increase of appropriations was 46.43 per cent. This is exclusive of the pension appropriations, which, if included, would make the percentage of increase still greater.

Mr. SAYERS. Will my friend allow me to interrupt him?

Mr. PITNEY. In a moment. To complete my statement upon this point, I wish to say that the per capita appropriation for the first decade, that is, from 1877 to 1886, on the basis of the population of 1880, was $29.56 for each man, woman, and child in the country, while the per capita appropriation for the second decade, that is, from 1887 to 1896, upon the basis of the population of 1890, was $34.67, an increase of $5.11 for each man, woman, and child in the country.

Mr. SAYERS. The question I wish to put to the gentleman is this: Does he think that the appropriations should increase in proportion to population?

Mr. PITNEY. Frankly, sir, I do not think they should increase——

Mr. SAYERS. Should not the percentage of population and the percentage of appropriations widen?

Mr. PITNEY (continuing). I think, sir, that the change should be in the other direction, that as the population becomes more dense the proportion of appropriations to population ought to diminish per capita.

Mr. SAYERS. That is the question I put to you.

Mr. PITNEY. I answer it just as the gentleman, perhaps, expected I would answer it, and I think he agrees with the answer.

Mr. SAYERS. Yes.

Mr. PITNEY. Now, Mr. Chairman, I do not want to moralize about this matter any longer, and perhaps I should not have ventured to take the floor if it had not been for some allusions in the remarks of my distinguished friend from Texas [Mr. SAYERS], which it seemed to me had a little partisan flavor about them. I wish to say that I never have any difficulty in cooperating with my friend from Texas [Mr. SAYERS] and my friend from Missouri [Mr. DOCKERY] in their efforts to prevent unnecessary appropriations, nor any difficulty in securing their cooperation in the same direction.

Mr. HOPKINS. The gentleman does not wish to go to the extent of saying that as the population increases the aggregate expenses of the Government should decrease?

Mr. PITNEY. No; I did not say that.

Mr. SAYERS. But that the percentage should decrease.

Mr. PITNEY. As the population increases, the per capita appropriation ought to diminish.

Mr. HOPKINS. Still, the gentleman concedes that it costs more to run a country with 75,000,000 people than it costs to run a country with 50,000,000 people.

Mr. PITNEY. Of course I concede that; but what I say is that it ought not to cost more per capita.

Now, Mr. Chairman, I have little further to say. I did not rise to advocate any change in the rules. I do not know that any change is feasible, but while we are on the subject of the increasing expenses of the Government, it is worth while to consider the history of the matter and ascertain, if we can, the causes of the increase. If the country desires that we shall continue in the policy, the country will have an opportunity to sustain the House of Representatives and the Senate in these increased appropriations. If, on the other hand, the country desires a change in the matter, the country, I believe, will find a way to force an issue and compel Congress, willingly or unwillingly, to reduce expenditures.

Shall we reduce river and harbor improvements? The difficulty at present is that the river and harbor improvements go forward without adequate scrutiny on the part of Congress. I have nothing further to say upon that subject. I leave the whole matter to

the attention of the House. I ask you to study the tables which I will introduce into the RECORD, and when you see them in the morning they will repay your careful study.

Gentlemen may inquire, Do not these tables show that the appropriations covered by the six bills now emanating from the Appropriations Committee show an increase in the past ten years, as well as the eight bills reported by the seven other committees? I answer yes; although not to the same extent. Excluding the pension appropriations, the amount of which is the direct result of general legislation, the bills which have come from the single committee increased 32 per cent from the first period to the second; or but little more than the increase of population, which was about 25 per cent. The eight appropriation bills, which have latterly come from seven different committees, have increased nearly 54 per cent from the first period to the second, or more than twice as fast as the increase of the population of the country. This comparison indicates that, even under the present arrangement, where there has been the greatest responsibility there has been the least yielding to the constant pressure for increasing appropriations, and that those committees which have felt less responsibility for the total of expenditures have more easily yielded. This fact may to some extent answer the suggestion of my distinguished friend from Ohio [Mr. GROSVENOR] that any one committee of the House, if charged with the whole responsibility, would be subjected to the same pressure which is now felt, doubtless, by the Senate Committee on Appropriations.

But if the 32 per cent increase shown by the bills that have proceeded from the Appropriations Committee since the change of the rules is objectionable, it does not weaken the point of my observations. The personnel of committees or the names of committees have nothing to do with the question. What I am inquiring about is the system. The Appropriations Committee is not what it was under the old rules; its power is less, its responsibility is less, its functions are different. That committee, like other committees charged with a part only, and an indefinite part, of the entire responsibility, has doubtless found it difficult to tighten the purse strings as well as they.

Mr. Chairman, perhaps I ought not to close without at least suggesting some change of system to remedy the present difficulty. I confess that it seems to me the facts of history carry their own suggestion; and my service in this House has been too brief to give any particular importance to any proposition coming from me, except as enforced by the lessons of experience.

The obvious and thoroughgoing remedy is to restore the system which was in operation from the adoption of the Constitution down to the close of the civil war. Place in the hands of a single committee—Ways and Means—the sole power to recommend any and all appropriations, as well as the sole responsibility, which they now have, of recommending measures for raising the necessary revenues to defray the expenditures. That committee—or any other committee having similar power and responsibility—will always be composed of the ablest, most experienced, and most patriotic members of the House. The Ways and Means Committee is not now overburdened with work, except on the rare occasions when a general tariff bill is under consideration. At such times its membership could be increased and its work divided among subcommittees and still kept within control. With such an arrangement, every motive possible would exist for keeping the total expenditures within reasonable bounds, or at least within the limits of the income of the Government. We should hardly see appropriations exceeding the revenues under such a system; there would either be an addition to the revenues or a reduction of expenditures.

The next best plan would be the one in force from 1865 to 1885, the Ways and Means Committee recommending revenue measures as now and a single other committee framing appropriation bills.

A third plan which suggests itself has more of the appearance of a makeshift, and has never been subjected to the test of experience, viz: Create a new committee—call it, if you please, the Committee on Finance—to be made up of the Speaker of the House and the chairmen of the several committees on Ways and Means, Appropriations, Military Affairs, Naval Affairs, Indian Affairs, Foreign Affairs, Post-Offices, Agriculture, and Rivers and Harbors, comprising all the committees now having charge of either revenue or expenditures. Give this committee adequate control over the whole subject, and perhaps some improvement would result. This suggestion, however, I submit with much diffidence.

But, with all confidence, Mr. Chairman, I do suggest that if the public expenditures are to be limited in the future some different system of legislation will be necessary. When the proposition to divide the appropriation bills was made in the Forty-ninth Congress, Mr. Randall, as a member of the Committee on Rules, submitted a minority report opposing the plan, in which he quoted from language used by himself on a former occasion when a similar project was under discussion in the Forty-sixth Congress, as follows:

If you undertake to divide all these appropriations, and have many committees where there ought to be but one, you will enter upon a path of extravagance you can not foresee the length of or the depth of until we find the Treasury of the country bankrupt.

Extravagant language, perhaps; and yet the tables which I submit will show that the appropriations for ten years following the division of responsibility which he opposed were $688,000,000 greater, exclusive of pensions, and over $1,400,000,000 greater, including pensions, than for the ten years preceding the change.

Of the $688,000,000, we can attribute only $368,000,000 to the increase of the population of the country, the remaining $320,000,000 being in excess of that growth. This vast sum is greater even than the $292,000,000 realized by the Government as proceeds of the bond issues of the past three years.

Mr. PEARSON. Do I understand the gentleman to say that he proposes to vote for this sundry civil bill just as it is reported by the committee? I ask that question because I have great respect for the gentleman's opinion.

Mr. PITNEY. I propose to vote for the bill just as reported, unless amendments are suggested; and then after debate I may change my mind upon some items. It is a very large bill, and involves a great many items; but the great controversy over the bill, if there is any controversy, is that it is $15,100,000 greater by reason of one single thing, namely, the large increase in expenditures required by contracts authorized by the river and harbor bill passed at the last session. I have sufficiently expressed my opposition to that bill, but since it has become a law, and contracts have been made under it, we are obliged to recognize those contracts and make provision for the payments as called for.

Mr. ANDREWS. Will the gentleman permit a question?

Mr. PITNEY. Yes.

Mr. ANDREWS. Are those expenditures simply authorized, or is the law mandatory upon the Secretary of War to make the contracts?

Mr. PITNEY. I do not think it is mandatory. If my recollection serves me, it gives him the discretion to make the contracts.

Mr. ANDREWS. To make the contracts if he saw fit?

Mr. PITNEY. He could make them if he saw fit, and he could refrain from making them if he saw fit. I repeat what I said in the early part of my remarks, that if any authority is to nullify the act of last year, it ought not to be the Committee on Appropriations. It should be the Secretary of War, who might refrain from making the contracts which necessitate these appropriations.

Mr. ANDREWS. In other words, the House is left to a choice as between making the appropriations and a repudiation of the legal obligations which have been incurred by reason of the fact that the Secretary of War has exercised his discretion.

Mr. PITNEY. Practically so.

Mr. BOATNER. Could we refuse to make the appropriations without repudiating the lawful obligations of the Government?

Mr. PITNEY. We can not refuse to make the appropriations for those contracts which have already been entered into without repudiation. We can not refuse to make the appropriations for those contracts which the Secretary of War is now ready to enter into, and has determined to enter into, without nullifying legislation.

The following are the tables prepared by Mr. Thomas P. Cleaves, clerk of the Senate Committee on Appropriations, and referred to in the foregoing remarks:

COMPARISON OF APPROPRIATIONS, 1877–1886 AND 1887–1896.

Comparison of the general appropriation bills, for the fiscal years 1877 to 1886, inclusive, Forty-fourth to Forty-eighth Congress, inclusive, when all bills except the Agricultural and river and harbor bills were reported by one committee in House of Representatives, and for the fiscal years 1887 to 1896, inclusive, Forty-ninth to Fifty-third Congress, inclusive, when the appropriation bills were reported by eight committees in House of Representatives.

AGRICULTURAL BILLS.

1877 to 1886, inclusive.		1887 to 1896, inclusive.	
1877	a $165,000.00	1887	$654,715.00
1878	a 199,640.00	1888	1,028,730.00
1879	a 188,400.00	1889	1,716,010.00
1880	a 198,000.00	1890	1,669,770.00
1881	253,300.00	1891	1,799,100.00
1882	335,500.00	1892	3,028,153.50
1883	427,280.00	1893	3,832,995.50
1884	405,640.00	1894	3,223,500.00
1885	480,190.00	1895	3,223,623.06
1886	585,790.00	1896	3,303,750.00
Total	3,238,740.00	Total	23,480,347.06

a This amount for the Agricultural Department, appropriated in the legislative bill, is deducted therefrom and included here.

Increase, 1887–1896 over 1877–1886	$20,241,607.06
Increase, per cent, 1887–1896 over 1877–1886	624.98
Average annual appropriation, 1877–1886	$323,874.00
Average annual appropriation, 1887–1896	$2,348,034.70

Comparison of the general appropriation bills for the fiscal years 1877 to 1886, inclusive, Forty-fourth to Forty-eighth Congress, inclusive, etc.—Continued.

ARMY BILLS.

1877 to 1886, inclusive.		1887 to 1896, inclusive.	
1877	$27,621,867.90	1887	$23,753,057.21
1878	25,812,500.00	1888	23,724,718.69
1879	25,593,486.01	1889	24,471,300.00
1880	26,797,300.00	1890	24,316,615.73
1881	26,425,800.00	1891	24,206,471.79
1882	26,687,800.00	1892	24,613,529.19
1883	27,258,000.00	1893	24,308,499.82
1884	24,681,250.00	1894	24,225,639.78
1885	24,454,450.00	1895	23,592,884.68
1886	24,014,052.50	1896	23,252,608.09
Total	259,346,506.41	Total	240,465,324.98

Decrease, 1887–1896 under 1877–1886	$18,881,181.43
Decrease, per cent, 1887–1896 under 1877–1886	7.27
Average annual appropriation, 1877–1886	$25,934,650.64
Average annual appropriation, 1887–1896	$24,046,532.49

DIPLOMATIC AND CONSULAR BILLS.

1877 to 1886, inclusive.		1887 to 1896, inclusive.	
1877	$1,187,197.50	1887	$1,364,065.00
1878	1,138,374.50	1888	1,429,942.44
1879	1,077,635.00	1889	1,428,465.00
1880	1,087,835.00	1890	1,980,025.00
1881	1,180,335.00	1891	1,710,815.00
1882	1,192,435.00	1892	1,656,925.00
1883	1,256,655.00	1893	1,604,045.00
1884	1,296,755.00	1894	1,557,445.00
1885	1,219,390.00	1895	1,563,918.76
1886	1,242,925.00	1896	1,574,458.76
Total	11,879,537.00	Total	15,870,104.96

Increase, 1887–1896 over 1877–1886	$3,990,567.96
Increase, per cent, 1887–1896 over 1877–1886	33.59
Average annual appropriation, 1877–1886	$1,187,953.70
Average annual appropriation, 1887–1896	$1,587,010.49

DISTRICT OF COLUMBIA BILLS.

1877 to 1886, inclusive.		1887 to 1896, inclusive.	
1877		1887	$3,721,050.99
1878		1888	4,284,590.66
1879	a $3,583,066.46	1889	5,046,410.32
1880	a 3,264,197.56	1890	5,682,409.91
1881	3,425,997.35	1891	5,769,544.15
1882	3,378,617.44	1892	5,597,125.17
1883	3,496,060.47	1893	5,317,973.27
1884	3,507,247.96	1894	5,413,223.91
1885	3,559,835.54	1895	5,545,678.57
1886	3,622,683.20	1896	5,745,443.25
Total	27,837,705.98	Total	52,123,450.20
		Total, 1889–1896	44,117,808.55

a This amount for the District of Columbia, appropriated in sundry civil bill, is deducted therefrom and included here.

Increase, 1887–1896 over 1877–1886	$24,285,744.22
Increase, 1889–1896 over 1879–1886 (eight-year period)	$16,280,102.57
Increase, per cent, 1889–1896 over 1879–1886 (eight-year period)	58.48
Average annual appropriation, 1879–1886	$3,479,713.24
Average annual appropriation, 1889–1896	$5,514,726.06

FORTIFICATION BILLS.

1877 to 1886, inclusive.		1887 to 1896, inclusive.	
1877	$315,000.00	1887	
1878	275,000.00	1888	
1879	275,000.00	1889	$3,972,000.00
1880	275,000.00	1890	1,233,594.00
1881	550,000.00	1891	4,232,935.00
1882	575,000.00	1892	3,774,803.00
1883	375,000.00	1893	2,734,276.00
1884	670,000.00	1894	2,210,055.00
1885	700,000.00	1895	2,427,004.00
1886	725,000.00	1896	1,904,557.50
Total	4,735,000.00	Total	22,489,224.50

Increase, 1887–1896 over 1877–1886	$17,754,224.50
Increase, per cent, 1887–1896 over 1877–1886	374.95
Average annual appropriation, 1877–1886	$473,500.00
Average annual appropriation, 1887–1896	$2,248,922.45

Comparison of the general appropriation bills for the fiscal years 1877 to 1886, inclusive, Forty-fourth to Forty-eighth Congress, inclusive, etc.—Continued.

INDIAN BILLS.

1877 to 1886, inclusive.		1887 to 1896, inclusive.	
1877	$4,572,762.01	1887	$5,546,262.84
1878	4,829,865.69	1888	5,226,897.66
1879	4,746,275.70	1889	8,263,700.79
1880	4,713,478.58	1890	8,077,453.39
1881	4,657,262.72	1891	7,262,016.02
1882	4,587,866.80	1892	16,386,284.86
1883	5,229,374.01	1893	7,664,047.84
1884	5,358,655.91	1894	7,854,240.38
1885	5,859,402.91	1895	10,659,565.16
1886	5,762,512.70	1896	8,762,751.24
Total	50,317,457.03	Total	85,703,220.18

Increase, 1887–1896 over 1877–1886	$35,385,763.15
Increase, per cent, 1887–1896 over 1877–1886	70.32
Average annual appropriation, 1877–1886	$5,031,745.70
Average annual appropriation, 1887–1896	$8,570,322.01

LEGISLATIVE BILLS.

1877 to 1886, inclusive.		1887 to 1896, inclusive.	
1877	a $15,252,933.33	1887	$20,654,346.37
1878	a 15,250,705.30	1888	20,745,023.67
1879	a 15,082,851.30	1889	20,758,178.07
1880	a 16,089,457.73	1890	20,843,615.81
1881	16,274,023.59	1891	21,030,752.75
1882	17,678,508.99	1892	22,027,674.75
1883	20,038,000.65	1893	21,900,132.97
1884	20,454,246.22	1894	21,865,802.81
1885	21,393,141.85	1895	21,305,583.29
1886	21,376,708.70	1896	21,891,718.08
Total	178,890,577.66	Total	213,022,828.57

a Agricultural Department appropriations eliminated and carried to agricultural bills.

Increase, 1887–1896 over 1877–1886	$34,132,250.91
Increase, per cent, 1887–1896 over 1877–1886	19.08
Average annual appropriation, 1877–1886	$17,889,057.76
Average annual appropriation, 1887–1896	$21,302,282.85

MILITARY ACADEMY BILLS.

1877 to 1886, inclusive.		1887 to 1896, inclusive.	
1877	$290,065.00	1887	$297,805.00
1878	286,604.00	1888	419,936.93
1879	292,805.00	1889	315,043.81
1880	319,547.33	1890	902,706.69
1881	316,234.28	1891	435,296.11
1882	322,435.37	1892	402,064.64
1883	335,557.04	1893	428,917.33
1884	318,657.50	1894	432,556.12
1885	314,563.50	1895	406,535.08
1886	310,021.64	1896	464,261.66
Total	3,106,490.66	Total	4,505,183.37

Increase, 1887–1896 over 1877–1886	$1,398,692.71
Increase, per cent, 1887–1896 over 1877–1886	45.02
Average annual appropriation, 1877–1886	$310,649.06
Average annual appropriation, 1887–1896	$450,518.33

NAVAL BILLS.

1877 to 1886, inclusive.		1887 to 1896, inclusive.	
1877	$12,742,155.40	1887	$16,489,907.20
1878	13,541,024.40	1888	25,767,348.19
1879	14,152,603.70	1889	19,942,835.35
1880	14,029,968.95	1890	21,692,510.27
1881	14,405,797.70	1891	24,136,035.53
1882	14,566,037.55	1892	31,541,654.78
1883	14,819,976.80	1893	23,543,385.00
1884	15,894,434.23	1894	22,104,061.38
1885	14,980,472.59	1895	25,327,126.72
1886	15,070,837.95	1896	29,416,245.31
Total	144,203,309.27	Total	239,961,109.73

Increase, 1887–1896 over 1877–1886	$95,757,800.46
Increase, per cent, 1887–1896 over 1877–1886	66.40
Average annual appropriation, 1877–1886	$14,420,330.92
Average annual appropriation, 1887–1896	$23,996,110.97

Comparison of the general appropriation bills for the fiscal years 1877 to 1886, inclusive, Forty-fourth to Forty-eighth Congress, inclusive, etc.—Continued.

POST-OFFICE BILLS.

1877 to 1886, inclusive.		1877 to 1896, inclusive.	
1877	$34,585,701.00	1887	$54,365,863.25
1878	33,584,143.00	1888	55,694,650.15
1879	33,256,373.00	1889	60,860,233.74
1880	36,121,400.00	1890	66,605,344.28
1881	39,093,420.00	1891	72,226,698.99
1882	40,957,432.00	1892	77,907,222.61
1883	44,643,900.00	1893	80,331,276.73
1884	44,489,520.00	1894	84,004,314.22
1885	49,040,400.00	1895	87,236,599.55
1886	53,700,990.00	1896	89,545,997.86
Total	409,473,279.00	Total	728,778,201.38

Increase, 1877–1896 over 1877–1886	$319,304,922.38
Increase, per cent, 1887–1896 over 1877–1886	77.97
Average annual appropriation, 1877–1886	$40,947,327.90
Average annual appropriation, 1887–1896	$72,877,820.13

RIVER AND HARBOR BILLS.

1877 to 1886, inclusive.		1887 to 1896, inclusive.	
1877	$5,015,000.00	1887	$14,473,900.00
1878		1888	
1879	8,201,700.00	1889	22,397,616.90
1880	7,846,600.00	1890	
1881	8,951,500.00	1891	25,136,295.00
1882	11,441,300.00	1892	a 1,951,200.00
1883	18,738,875.00	1893	a 814,000.00
1884			21,154,218.00
1885	13,949,200.00		21,968,218.00
1886		1894	a 14,166,153.00
Total	74,144,175.00	1895	11,643,180.00
			a 8,400,000.00
			20,043,180.00
		1896	a 11,462,115.00
		Total	131,598,677.90

a This amount for rivers and harbors, appropriated in sundry civil bill, is included here under river and harbor bill and deducted from sundry civil bill.

Increase, 1887–1896 over 1877–1886	$57,454,502.90
Increase, per cent, 1887–1896 over 1877–1886	77.49
Average annual appropriation, 1877–1886	$7,414,417.50
Average annual appropriation, 1887–1896	$13,159,867.79

SUNDRY CIVIL BILLS.

1877 to 1886, inclusive.		1887 to 1896, inclusive.	
1877	$16,351,474.58	1887	$22,662,310.58
1878	17,133,750.06	1888	22,386,540.96
1879	a 24,679,409.26	1889	26,320,804.84
1880	a 20,024,241.28	1890	25,297,341.65
1881	22,515,428.91	1891	29,738,282.22
1882	21,984,194.12	1892	b 35,459,163.99
1883	25,589,358.06	1893	b 26,851,076.93
1884	23,679,575.44	1894	b 27,550,148.15
1885	22,299,434.30	1895	b 25,853,775.55
1886	26,079,257.49	1896	b 35,106,045.40
Total	220,336,123.50	Total	277,225,490.27

a District of Columbia appropriations eliminated and carried to District of Columbia bill.

b River and harbor appropriations eliminated and carried to river and harbor bill.

Increase, 1887–1896 over 1877–1886	$56,889,366.77
Increase, per cent, 1887–1896 over 1877–1886	25.81
Average annual appropriation, 1877–1886	$22,033,612.35
Average annual appropriation, 1887–1896	$27,722,549.02

DEFICIENCY BILLS. a

1877 to 1886, inclusive.		1887 to 1896, inclusive.	
1877	$2,908,177.09	1887	$7,866,719.62
1878	2,745,480.97	1888	16,063,383.26
1879	13,672,209.06	1889	
1880	3,163,297.15	1890	8,330,518.30
1881	4,207,226.44	1891	13,295,541.61
1882	5,092,138.92	1892	9,364,148.62
1883	12,992,025.16	1893	8,230,859.50
1884	2,749,941.49	1894	8,127,361.51
1885	7,057,509.00	1895	11,811,004.06
1886	4,926,855.80	1896	9,825,374.82
Total	59,514,861.08	Total	92,914,911.30

a Deficiency appropriations for pensions eliminated and carried to pension bills.

Increase, 1887–1896 over 1877–1886	$33,400,050.22
Increase, per cent, 1887–1896 over 1877–1886	56.12
Average annual appropriation, 1877–1886	$5,951,486.10
Average annual appropriation, 1887–1896	$9,291,491.13

Comparison of the general appropriation bills for the fiscal years 1877 to 1886, inclusive, Forty-fourth to Forty-eighth Congress, inclusive, etc.—Continued.

MISCELLANEOUS BILLS.

1877 to 1886, inclusive.		1887 to 1896, inclusive.	
1877	$4,012,805.84	1887	$9,989,410.19
1878	1,262,061.31	1888	4,811,991.49
1879	2,049,638.61	1889	10,170,862.55
1880	1,926,020.26	1890	10,255,795.29
1881	5,618,865.22	1891	7,010,905.27
1882	1,072,933.64	1892	4,271,531.10
1883	6,111,540.10	1893	3,208,922.82
1884	1,912,723.88	1894	520,499.18
1885	9,592,598.40	1895	577,956.55
1886	2,177,648.20	1896	297,667.37
Total	35,736,835.46	Total	51,115,541.81

Increase, 1887–1896 over 1877–1886	$15,378,706.35
Increase, per cent, 1887–1896 over 1877–1886	43.03
Average annual appropriation, 1877–1886	$3,573,683.54
Average annual appropriation, 1887–1896	$5,111,554.18

PENSION BILLS. a

1877 to 1886, inclusive.		1887 to 1896, inclusive.	
1877	$29,533,500.00	1887	$82,075,200.00
1878	28,533,000.00	1888	83,152,500.00
1879	29,371,574.00	1889	85,258,700.00
1880	56,233,200.00	1890	89,758,700.00
1881	41,644,000.00	1891	123,779,368.35
1882	68,282,306.68	1892	104,550,383.34
1883	116,000,000.00	1893	154,411,682.00
1884	86,575,000.00	1894	180,681,074.85
1885	20,810,000.00	1895	151,581,570.00
1886	60,000,000.00	1896	141,381,570.00
Total	536,982,580.68	Total	1,256,630,748.54

a Include deficiency appropriations for pensions.

Increase, 1887–1896 over 1877–1886	$719,648,167.86
Increase, per cent, 1887–1896 over 1877–1886	134.01
Average annual appropriation, 1877–1886	$53,698,258.06
Average annual appropriation, 1887–1896	$125,663,074.85

RECAPITULATION OF BILLS, EXCLUSIVE OF PENSION BILLS.

Title of bill.	1877 to 1886, inclusive.	1887 to 1896, inclusive.
Agricultural	$3,238,740.00	$23,480,347.06
Army	259,346,506.41	240,465,324.98
Diplomatic and consular	11,879,537.00	15,870,104.96
District of Columbia	a 27,837,705.98	a 44,117,808.55
Fortification	4,735,000.00	22,489,224.50
Indian	50,317,457.03	85,703,220.18
Legislative	178,890,577.66	213,022,828.57
Military Academy	3,166,490.66	4,505,183.37
Naval	144,203,309.27	239,961,109.73
Post-Office	409,473,279.00	728,778,201.38
River and harbor	74,144,175.00	131,598,677.90
Sundry civil	220,336,123.50	277,225,490.27
Deficiencies (except pensions)	59,514,861.08	92,914,911.30
Miscellaneous	35,736,835.46	51,115,541.81
Total	1,482,760,598.05	2,171,247,974.56

a For eight-year period.

Net increase, 1887–1896 over 1877–1886	$688,487,376.51
Increase, per cent, 1887–1896 over 1877–1886	46.43
Increase, 1887–1896 over 1877–1886, exclusive of Army bills	$707,368,557.94
Increase, per cent, 1887–1896 over 1877–1886, exclusive of Army bills	57.81

INCREASE IN BILLS (EXCEPT PENSION BILLS), PERIOD 1887 TO 1896, OVER 1877 TO 1886, AND DECREASE SAME PERIOD.

Title of bill.	Increase.	Decrease.	Increase.	Decrease.
			Per cent.	*Per cent.*
Agricultural	$20,241,607.06		624.98	
Army		$18,881,181.43		7.27
Diplomatic and consular	3,990,567.96		33.59	
District of Columbia	16,280,102.57		58.48	
Fortification	17,754,224.50		374.95	
Indian	35,385,763.15		70.32	
Legislative	34,132,250.91		19.08	
Military Academy	1,398,692.71		45.02	
Naval	95,757,800.46		66.40	
Post-Office	319,304,922.38		77.97	
River and harbor	57,454,502.90		77.49	
Sundry civil	56,889,366.77		25.81	
Deficiencies	33,400,050.22		56.12	
Miscellaneous	15,378,706.35		43.03	
Total	707,368,557.94	18,881,181.43		

Net increase	$688,487,367.51	
Net increase, per cent, on foregoing bills		46.43
Increase, per cent, exclusive of Army bills		57.81

Comparison of the general appropriation bills (except pensions and river and harbor appropriations carried to the river and harbor bills) reported by House Committee on Appropriations and those reported by other House committees.

Total appropriations by District of Columbia, fortification, legislative, sundry civil, and deficiency bills reported by Committee on Appropriations, namely:	
For period 1887–1896	$649,770,263.19
For period 1877–1886	491,314,268.22
Increase	158,455,994.97
Increase, per cent	32.25
Total appropriations by Agricultural, Army, diplomatic and consular, Indian, Military Academy, naval, Post-Office, and river and harbor bills reported (during the period 1887–1896) by other House committees than Appropriations, namely:	
For period 1887–1896	1,470,362,169.56
For period 1877–1886	955,709,494.37
Increase	514,652,675.19
Increase, per cent	53.85

SUMMARY OF COMPARISONS.

Total appropriations (except pensions) period 1887–1896	$2,171,247,974.56
Total appropriations (except pensions) period 1877–1886	1,482,760,598.05
Increase, 1887–1896 over 1877–1886	688,487,376.51
Increase, per cent	46.43
Increase, per cent, exclusive of Army bills	57.81
Total of bills (except pensions) in charge of Committee on Appropriations, House of Representatives—	
Period 1887–1896	649,770,263.19
Period 1877–1886	491,314,268.22
Increase	158,455,994.97
Increase, per cent	32.25
Total of bills in charge (during period 1887–1896) of other committees, House of Representatives—	
Period 1887–1896	1,470,362,169.56
Period 1877–1886	955,709,494.37
Increase	514,652,675.19
Increase, per cent	53.85
Population, census 1890	62,622,250
Population, census 1880	50,155,783
Increase, 1890 over 1880	12,466,467
Increase, per cent, 1890 over 1880	24.85+
Per capita appropriation 1887–1896, on basis of 1890 population	34.67+
Per capita appropriation 1877–1886, on basis of 1880 population	29.56+
Increase per capita, 1887–1896 over 1877–1886	5.11—
Increase in appropriations on account of per capita increase, 1887–1896 over 1877–1886	319,939,923.74
Increase in appropriations on account of increase in population on per capita of $29.56+, 1887–1896 over 1877–1886	368,547,452.77
	688,487,376.51

Mr. CANNON. Now, Mr. Chairman, just a word in closing this debate.

Mr. DOCKERY. Mr. Chairman, I desire to ask unanimous consent to extend my remarks in the RECORD.

Mr. PITNEY. I should like to have similar permission.

Mr. SAYERS. I should like to take the same privilege.

There was no objection, and it was so ordered.

Mr. CANNON. After a day's debate upon this bill, I apprehend there has been imparted much of information, possibly a little of misinformation; but on the whole, I suppose the day has been profitably spent on various questions, and I think they are germane. Evidently if we recognize Cuban independence, whether there is any government there or not, I suppose the Ways and Means Committee ought to take notice and provide an additional block of revenue. Certainly this would be necessary if we propose to dominate that island. However, appropriations should not stand in the way of our duty, if our duty is along that line. But, so far as I am concerned, with the knowledge I have, I am not prepared to recognize Cuba, its independence, or to accord belligerent rights.

When the executive performs its function and we are in possession of facts upon which to intelligently proceed, then I am quite content to take my share of responsibility. I know there is much of sympathy expressed with the downtrodden people of the earth, and properly so. The earth is 25,000 miles around. There are a great many improper things done inside of our borders, and a great many more outside of our borders. Lots of things happen in South America that ought not to, and in the islands of the sea that ought not to happen; and I am told that in the Dark Continent even yet there are multiplied thousands of people being killed and eaten by their brethren. Well, all these things always affect me, strike a chord of sympathy or beget indignation. It is easy to talk. After all, when it comes to the United States reaching out its hands and making all things right, that is quite another question.

Now a word as to this bill in good faith.

Mr. HYDE. Before the gentleman leaves that subject, I want to ask him if the action of this body at the present time upon the Cuban question is meritorious if we adjourn and do nothing more?

Mr. CANNON. Well, sir, I am not in possession of any knowledge that would authorize action on my part. Now, if I could just say in good faith to the gentleman, and meaning what I say——

Mr. HYDE. I have reference to the resolutions we have adopted and what has been done with them.

Mr. CANNON. I say, meaning exactly what I say, and measuring my words, I fear that the population in the Island of Cuba is not very desirable for self-government. There are a good many of them. I am not prepared at this time to say that the United States should, with or without the consent of Spain and the balance of the world, adopt a colonial policy and establish a protectorate and become responsible for the people of that island.

Mr. HYDE. Have not we done that in the case of Venezuela?

Mr. CANNON. Not by any manner of means. I would not be prepared to say it for Venezuela, either. I am not prepared to say, in my judgment, as the United States is without a colonial policy, that we should not at this time seek to acquire Cuba and make it a part of our territory, carving out one or more States. There are a good many things to think about before we enter upon that policy. In other words, while there is a failure of knowledge, I am willing to wait, notwithstanding that frequently people not charged with the responsibility are found to be in favor of conquest and war. Declamation is easy sometimes when performance is difficult. I did not intend to speak about Cuba, if it had not been for what had already been said on that subject.

Mr. PAYNE. Will the gentleman yield to me for a question?

Mr. CANNON. Certainly.

Mr. PAYNE. I have listened to the debate, and tried and have gathered very much knowledge concerning the provisions of this bill; but there are some particular points I would like to have elucidated a little further. I understood the gentleman to say, in answer to the gentleman from Iowa [Mr. HEPBURN] this morning—and it was entirely pertinent to the inquiry of the gentleman from Iowa—that there were some particular things that involved new legislation in the bill.

Mr. CANNON. Yes, sir; that is correct.

Mr. PAYNE. If it will not divert the gentleman from the line of his argument on the bill, would he just give some suggestions to the House as to what this line of new legislation is?

Mr. CANNON. I would suggest to my very good friend, who I know reads readily, a perusal of the very short but terse report accompanying this bill that sets out every item.

Mr. PAYNE. Is it in print?

Mr. CANNON. The report is in print.

Mr. PAYNE. I wanted to get the information right from the fountain head, the chairman of the committee.

Mr. CANNON. If the gentleman says he can not get a copy of it, I am quite ready to explain any point that may occur to my friend's mind.

Mr. PAYNE. My request was to know what new items of legislation were in the bill.

Mr. CANNON. I have already referred to the report, and by a perusal he will find them fully set out, I will say to my friend.

Mr. PAYNE. If we had only known of this report, we might have saved the whole day and avoided all this general debate. [Laughter.]

Mr. CANNON. My friend knows quite well that under the rules of the House a report must accompany each bill, and under the practice of reporting bills from the Committee on Appropriations the reports have always been short and terse and to the point.

Mr. PAYNE. Does it explain this Cuban matter, and all that sort of thing? [Laughter.]

Mr. CANNON. My friend, by his question, criticises my reference to Cuba. My remarks upon that subject were in response to the remarks of the gentleman from Missouri [Mr. DE ARMOND]; but for fear I may not meet the approval of my distinguished friend from New York, for whose judgment I have a great respect, and whose good opinion I am always anxious to secure, I will refrain from making any further remarks upon that question, and will conclude with a word or two directly about this bill. [Laughter and applause.] I thought I would get the applause of my friend from New York. I have labored hard to earn it. [Laughter.]

Mr. Chairman, this bill, as has been stated, is for a large amount. The reasons for the increase have been explained two or three times; yet the question which some gentlemen have asked convince me that they do not all understand just how and why the increase comes. I commend them to the report. [Laughter.]

Mr. JOHNSON of North Dakota. Mr. Chairman, I desire to ask the gentleman a question. On page 48 there is an item of $19,500 for the support of the natives of the Pribilof Islands. The gentleman will remember that when we had this bill up last year I raised a point of order upon that provision that it was not in

pursuance of existing law; but I was beaten then for the reason that points of order on the bill had not been reserved. This time the points of order have been reserved by some of our friends on the other side, and when we reach this item in the consideration of the bill I intend to raise the point of order against it. If, however, there is any merit in the item, I do not desire to obstruct the bill, and as we may not hereafter have an opportunity for discussing the merits, I will ask the gentleman if there is any good reason for continuing that appropriation, because if there is I do not care to raise the point of order.

Mr. CANNON. I think my friend is mistaken. I think points of order have always been reserved on the sundry civil bill.

Mr. JOHNSON of North Dakota. Not last year.

Mr. CANNON. I think my friend is wrong about that. However, if he desires to make a point of order, of course he can do so, though in my judgment the item is not subject to the point of order. My friend and I discussed this matter last session, so that it is not necessary to refer to it further at this time.

Mr. JOHNSON of North Dakota. But the situation is different this year. Last year the Indians got pay for catching and cleaning about 8,000 seals. This year the number is about 30,000, so that if $19,500 was the right amount last year, it certainly can not be right this year.

Mr. CANNON. We will discuss that when we reach the item. I have no desire to give them one dollar beyond what is necessary to keep them from starvation.

Mr. JOHNSON of North Dakota. The trouble is that you are not giving it to them.

Mr. CANNON. Mr. Chairman, as to this bill and the increased appropriations made in it, they result largely from legislation for which my good friend from New York [Mr. PAYNE], like many other gentlemen, voted at the last session of Congress. Now, if anybody wishes to repeal that legislation, well and good. If it is repealed, it will not be necessary for the bill to carry these items; but if that legislation is not repealed, then, in pursuance of law, the appropriations should be made.

Mr. PEARSON. I desire to ask the gentleman a question, upon the answer to which will depend my course. Would it be an act of repudiation in this House to vote against any of these river and harbor items? I would like a very careful answer to that question.

Mr. CANNON. I do not think the question of repudiation comes in at all. Congress has authorized certain expenditures, and contracts for the same have been made. Under that legislation these items are reported for the consideration of the House. If the money is appropriated, or if it is not appropriated the Secretary of War, under the law, can make the contracts. If the money is not appropriated, the Secretary of War can make the contracts anyway.

Mr. PEARSON. Then we can honorably refuse to make the appropriation?

Mr. SAYERS. I will say to my friend from North Carolina that none of the appropriations made in this bill can be used before the 1st day of July next.

Mr. CANNON. Certainly not.

Mr. PEARSON. Then we can honorably refuse to vote for them?

Mr. CANNON. Each man must make up his mind as to what is honorable and what is not honorable in the matter.

Mr. BOATNER. If the Secretary of War has made contracts by reason of existing law and under the provision authorizing contracts in advance, can Congress, without repudiation, refuse to appropriate money sufficient to make those contracts good?

Mr. CANNON. I repeat, Mr. Chairman, that each gentleman must make up his mind upon that question for himself. For my own part, where contracts are made, I shall cheerfully vote for appropriations; and where they have not been made, but where it is perfectly patent to Congress that they are to be made, in my judgment the appropriations ought to be made. In my judgment the appropriation should be made. There is a way now to stop all these expenditures where contracts have not been made—that is, to repeal the law. I think that probably a proposition to repeal the law would not receive the hilarious support of a great majority of the House. [Laughter.] But I want to tell gentlemen just how they could practically get at this matter. During the whole of to-day we have had words, words, words; and I guess I have furnished my part of them for the amusement of the House, possibly more than its instruction. The practical way to get rid of all this river and harbor authorization where contracts have not been made is to repeal the law.

Mr. BOATNER. Does the gentleman think that the contract system has worked badly?

Mr. CANNON. I have not said so.

Mr. BOATNER. Does the gentleman think that it ought to be repealed?

Mr. CANNON. I think the contract system has worked well. I think it has procured cheaper service for the United States. Take the great harbor of Galveston, where you now have a depth of water, I believe, of almost 30 feet.

Mr. SAYERS. Twenty-five feet and over.

Mr. CANNON. Twenty-five feet and over; and the jetties are not quite complete. On that great improvement, costing, I believe, something like $5,000,000 under the continuous-contract system and furnishing a great seaport for the Gulf Coast, the money has been, in my judgment, profitably and economically expended under the continuous-contract system. So on the Great Lakes, the improvements at the Sault Ste. Marie, and various other great improvements. I would not abandon the contract system unless I abandoned river and harbor appropriations altogether. I do not want to go back to the old system. Gentlemen who did me the honor when I first addressed the House this morning to follow what I had to say will recollect that my criticisms were not so much upon the items of the bill—some of them are subject to criticism, but upon the whole they are better than those of most river and harbor bills—but my criticism went to the appropriation and authorization of $70,000,000 last session of Congress by the river and harbor act, when the Government is running almost that much of a deficiency. That was the purport of my criticism. But Congress has entered upon this policy, and unless you have the courage to repeal the laws which authorize these river and harbor improvements it necessarily follows that these appropriations will have to be made.

I will say only one word further. I hope that if this bill is to be considered under the five-minute rule until completed, we shall have prompt attention in the Committee of the Whole and shall press the bill to the earliest possible completion. I doubt whether when the bill is completed any item that is now in it will be out. It may be that some items not now in it will be included.

This is the 13th day of the month—almost the middle. Other appropriation bills are to follow this. In my judgment it would be well, if it were in our power, to send this bill to the Senate on Monday next. In my judgment it would be quite proper to pass it under a suspension of the rules. I do not know what the temper of the House may be. I shall try to ascertain that; and if the judgment of any considerable number or anything like a majority of the House is against a suspension of the rules, I should not feel warranted in asking recognition for such a motion.

Mr. SIMPKINS. Is it not a fact that, although the President of the United States vetoed the river and harbor bill last session, he distinctly approved of the particular feature under which these appropriations are being made? That is to say, did he not approve distinctly and specifically the continuing-contract system of appropriation?

Mr. CANNON. I do not recollect how that is.

Mr. DOCKERY. No; he distinctly disapproved the continuous-contract system.

Mr. CANNON. I do not recollect how that may have been.

Now, Mr. Chairman, in the absence of further query, I will move that the committee rise.

The motion was agreed to.

The committee accordingly arose; and the Speaker having resumed the chair, Mr. HULL reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1898, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bill and joint resolution of the following titles; in which the concurrence of the House was requested:

Joint resolution (S. R. 204) authorizing the Secretary of the Navy to transport contributions for the relief of the suffering poor of India; and

A bill (S. 3513) to authorize the appointment of an additional judge of the United States court in the Indian Territory, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2, of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred as follows:

A bill (S. 3513) to authorize the appointment of an additional judge of the United States court in the Indian Territory, and for other purposes—to the Committee on the Judiciary.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 8672) conferring jurisdiction upon the supreme court of the District of Columbia having general equity jurisdiction, to decree the sale, lease, or surrender of any lease of real estate in said District belonging to insane persons, for purpose of reinvestment, and for other purposes;

A bill (H. R. 6713) to extend North Capitol street northward through the property of the Prospect Hill Cemetery, to pay for land to be taken for such purpose, and for other purposes; and

Joint resolution (H. Res. 237) to furnish the daily CONGRESSIONAL RECORD to members of the press, etc.

LEAVE OF ABSENCE.

Mr. MAHON, by unanimous consent, obtained leave of absence for four days, on account of important business.

JOHN H. LANEY.

Mr. CROWTHER. I ask unanimous consent that a bill now on the Calendar, House bill No. 9763, granting a pension to John H. Laney, be recommitted to the Committee on Invalid Pensions.

There being no objection, it was ordered accordingly.

And then, on motion of Mr. CANNON (at 5 o'clock and 35 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Marblehead Harbor, Massachusetts—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the president of the Columbia Railway Company, of the District of Columbia, transmitting the annual report for the year ended December 31, 1896, together with a list of the stockholders of the company—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Homochitto River, Mississippi—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of the Navy, submitting a detailed statement of the expenditures of the contingent appropriations of the Navy Department—to the Committee on Expenditures in the Navy Department, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. ELLETT, from the Committee on Interstate and Foreign Commerce, submitting his views upon the bill (H. R. 10090) to amend the act entitled "An act to regulate commerce;" which said views (Report No. 2586, part 3) were referred to the House Calendar.

Mr. PAYNE, from the Committee on Ways and Means, to which was referred the joint resolution of the House (H. Res. 239) admitting free of duty needlework and similar articles imported by the New York Association of Sewing Schools for exhibition purposes, reported the same without amendment, accompanied by a report (No. 2937); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CUMMINGS, from the Committee on the Library, to which was referred the joint resolution of the House (H. Res. 238) in relation to monument to prison-ship martyrs at Fort Greene, Brooklyn, N. Y., reported the same without amendment, accompanied by a report (No. 2939); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BAKER of New Hampshire, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 3588) entitled "An act to insure a full bench in the Court of Claims for the hearing of the cases entitled 'The United States against The La Abra Silver Mining Company and others' and 'The United States against Alice Weil and others,'" reported the same without amendment, accompanied by a report (No. 2940); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (S. 3584) entitled "An act granting a pension to Louise M. Rice, widow of Bvt. Maj. Gen. Samuel A. Rice." (Report No. 2930.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (H. R. 3981) granting a pension to Russell D. Royal. (Report No. 2931.)

The bill (H. R. 7689) to pension Sarah J. Bossert, widow of Henry M. Bossert, as a colonel's widow. (Report No. 2932.)

The bill (H. R. 9399) granting a pension to James Killoran, alias James Smith. (Report No. 2933.)

By Mr. SHAFROTH, from the Committee on the Public Lands: The bill (S. 1938) entitled "An act allowing Isaiah Mitchell, of Denver, Colo., seven years in which to make a final homestead entry upon certain land." (Report No. 2935.)

By Mr. COUSINS, from the Committee on Foreign Affairs: The bill (S. 3340) entitled "An act authorizing Herbert H. D. Pierce to accept a medal from the Russian Government." (Report No. 2938.)

ADVERSE REPORT.

Under clause 2, Rule XIII, Mr. BISHOP, from the Committee on Military Affairs, adversely reported the bill (H. R. 4229) for the relief of J. Seymour Taylor; which said bill and report (No. 2936) were laid on the table.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BEACH: A bill (H. R. 10309) to authorize the establishment of a military post at or near the city of Cleveland, in the county of Cuyahoga and State of Ohio—to the Committee on Military Affairs.

By Mr. HOWARD (by request): A bill (H. R. 10312) to authorize the issue of full legal-tender money of the United States, and for other purposes—to the Committee on Banking and Currency.

By Mr. FISCHER: A joint resolution (H. Res. 256) calling for report as to feasible fortification of Romer Shoals, harbor of New York—to the Committee on Appropriations.

By Mr. CUMMINGS: A resolution (House Res. No. 541) asking for information in relation to Cuban affairs—to the Committee on Foreign Affairs.

By Mr. BULL: A memorial of the legislature of the State of Rhode Island, for the preservation of the frigate *Constitution*—to the Committee on Naval Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. CLARK of Missouri: A bill (H. R. 10310) for the relief of Miss Martha Bruce—to the Committee on Invalid Pensions.

By Mr. PICKLER: A bill (H. R. 10311) granting a pension to Sarah Harlow—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BREWSTER: Resolutions of District Assembly No. 36, Knights of Labor, and Central Labor Union, both of Rochester, N. Y., indorsing the Southwick bill establishing $2 per day as the minimum rate of wages to be paid by the Government for unskilled labor—to the Committee on Labor.

Also, petition of citizens of Webster, N. Y., favoring the passage of House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN: Petition of S. C. West and others, of Huntland, Tenn., favoring the passage of the Sherman bill (H. R. 10090)—to the Committee on Interstate and Foreign Commerce.

By Mr. BULL: Petition of the Woman's Christian Temperance Union of Middletown, R. I., and others; also petition of C. H. Smith and others, of Phenix, R. I., urging the passage of House bill No. 7441, known as the antigambling bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Christian Endeavor Society of Portsmouth, R. I., and others; also of C. H. Smith, of Phenix, R. I., urging the passage of the bill to raise the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

By Mr. CHICKERING: Sundry petitions of citizens of Alexandria Bay, Watertown, Pulaski, and of citizens of the Twenty-fourth Congressional district of the State of New York, favoring the passage of House bill No. 10090 and Senate bill No. 3545, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Missouri (by request): Petition of ex-Union soldiers of Unionville, Mo., urging the passage of House bill No. 9209, for a service pension—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of Martha Bruce—to the Committee on Invalid Pensions.

By Mr. CLARDY: Petition of 45 citizens of Henderson, Ky., asking for the passage of House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. CROWLEY: Petition of citizens of Hitchcock, Tex.; also of Altaloma, Tex., favoring the passage of the Sherman bill, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. CRUMP: Petition of C. D. Vail & Co. and 48 others, of Bay City, Mich., protesting against the passage of the Sherman bill—to the Committee on Interstate and Foreign Commerce.

By Mr. DANFORD: Petition of Rev. Henry S. Jackson, of Steubenville, Ohio; also of Rev. John Cooper and others, of Belmont, Ohio, in favor of the passage of the Sherman bill (H. R.

10090), to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. GAMBLE: Petition of Mitchell Cox and 5 other members of Branch No. 491 of the National Association of Letter Carriers, favoring the passage of House bill No. 4054, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. HADLEY: Petition of H. W. Todd and others, of Vandalia, Ill.; of Charles O. McMullen, Truman E. Ames, and others, of Shelbyville, Ill., in favor of the passage of House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HATCH: Petition of citizens of Logansport, Ind.; also of citizens of Goodland, Ind., favoring the passage of House bill No. 10090, to prevent the illicit trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. HEMENWAY: Petition of W. V. Duke and others, of Evansville, Ind., favoring the passage of the Sherman bill, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HENDERSON: Petition of James Sterling, chief conductor, and W. R. Hammond, secretary, of the Order of Railway Conductors, of Eagle Grove, Iowa, urging consideration of the Erdman arbitration bill—to the Committee on Rules.

By Mr. HILL (by request): Petition of W. E. Jeffries, Herbert L. Bertram, Joel S. Ives, and others, of Stratford, Conn., favoring the passage of House bill No. 7441, for the prevention of gambling by telegraph, etc.—to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of W. E. Jeffries, H. L. Bertram, and others, of Stratford, Conn., in favor of the bill raising the age of consent (H. R. 3203)—to the Committee on the Judiciary.

Also (by request), petition of the Woman's Christian Temperance Union and others, of Stratford, Conn., in favor of the passage of the McMillan bill (S. 2485)—to the Committee on the District of Columbia.

Also (by request), petition of the Woman's Christian Temperance Union of Stratford, Conn., and others, favoring the passage of the Phillips bill (H. R. 6119)—to the Committee on Labor.

By Mr. HITT: Petition of D. E. Price and others, of Mount Morris, Ill., favoring the passage of House bill No. 10090, known as the antiscalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. JENKINS: Resolutions of Council No. 93 of the American Protective Association, of Chippewa Falls, Wis., against granting to any church, sect, or religious organization the right to erect or maintain any building or buildings upon lands owned or controlled by the United States—to the Committee on Public Buildings and Grounds.

By Mr. KLEBERG: Petition of Walter Kluman and others, of Goliad, Tex., favoring the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. McRAE: Petition of Mrs. Jennie M. Pittsman and 115 other citizen of Prescott, Nevada County, Ark., asking for legislation prohibiting the issue of liquor licenses in prohibitive territory—to the Committee on Alcoholic Liquor Traffic.

By Mr NOONAN: Petition of citizens of Valverde County, Tex., favoring the passage of the Sherman bill (H. R. 10090)—to the Committee on Interstate and Foreign Commerce.

By Mr. OTJEN: Petition of Michael Kruszka, publisher, of Milwaukee, Wis., favoring the passage of the Loud bill (H. R. 4566)—to the Committee on the Post-Office and Post-Roads.

By Mr. PAYNE: Petition of C. E. Fitch and others, of Wolcott, N. Y.; also of citizens of Red Creek, N. Y., favoring the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. PARKER: Petition of George H. Miller and 19 other citizens of Newark, N. J., praying for the passage of the McMillan-Linton bills, regulating fraternal beneficiary societies, orders, and associations in the District of Columbia—to the Committee on the District of Columbia.

By Mr. PENDLETON: Sundry petitions of citizens of Crawford, Milano, and Temple, Tex., favoring the passage of House bill No. 10090, known as the Sherman bill—to the Committee on Interstate and Foreign Commerce.

By Mr. RINAKER: Petition of Rev. W. H. Musgrove and others, of Virden and Peoria, Ill., in favor of the passage of House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. SCRANTON: Petition of B. H. Behrends and 332 other citizens and residents of Alaska, praying that the Territory be allowed representation by Delegate in Congress—to the Committee on the Territories.

By Mr. SHERMAN: Petition of J. C. Davies and others, of Camden, N. Y.; O. Cromwell and others, of Chacahoula, La.; J. J. Griffin and others, of Kingsbury, La.; W. J. McCelan, M. D., and others, of Morgan City, La.; Cyrus Cutler and others, of Goldens Bridge, N. Y.; Judson I. Wood and others, of Ilion, N. Y.; also resolution of the commissioners of the New York Board of Trade and Transportation Company, in favor of the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. STRODE of Nebraska: Petition of the Young People's Christian Union of Dunbar, Nebr., favoring the passage of Senate bill No. 1675, to prevent the carrying of obscene literature from one State to another—to the Committee on Interstate and Foreign Commerce.

By Mr. UPDEGRAFF: Petition of J. C. Adams, of Cresco, Iowa, favoring the Loud bill (H. R. 4566), amending the laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WADSWORTH: Petition of the News Publishing Company, North Tonawanda, N. Y., in favor of the passage of House bill No. 4566, known as the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. WOOD: Petition of J. T. Connor and other citizens of Cumberland County, Ill., urging the passage of House bill No. 10090 and Senate bill No. 3545, known as the antirailroad scalping bill—to the Committee on Interstate and Foreign Commerce.

SENATE.

MONDAY, *February 15, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

LEGATION BUILDINGS ABROAD.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting for the information of the Senate a memorandum showing the estimated cost of official residences of ambassadors and ministers of the United States at the capitals of the more important countries with which this Government maintains diplomatic relations, which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the legislative assembly of New Mexico, praying that a protective tariff be placed on all wools imported into the United States sufficient in amount and so regulated as to afford the American woolgrowers the protection necessary to preserve the industry; which was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialist, the legislative assembly of the Territory of New Mexico, in its thirty-second session assembled, would most earnestly and respectfully urge the placing of a protective tariff on all wools imported in the United States sufficient in amount and so regulated as to afford the American woolgrowers the protection necessary to preserve this great industry and to render woolgrowing remunerative to the sheep owner.

We earnestly request that such inferior articles as waste and shoddy, used as adulterants of wool, be excluded by duty on such articles equivalent to the duty on the best and highest quality of wool of similar condition.

And your memorialists will as in duty bound ever pray, and so forth; and,

Be it resolved, That the secretary of the Territory be, and he is hereby, directed to send a copy of this memorial to each the President of the Senate and the Speaker of the House of Representatives, and to Hon. THOMAS B. CATRON, Delegate in Congress for New Mexico, at Washington, D. C.

W. H. H. LLEWELLYN,
Speaker of the House.
W. C. REID,
Chief Clerk of the House.
ANTONIO JOSEPH,
President of the Council.
H. B. HOLT,
Chief Clerk of the Council.

Approved February 9, 1897.

W. T. THORNTON,
Governor.

[Indorsed.]

Filed in office of secretary Territory of New Mexico February 9, 1897.
LORION MILLER, *Secretary.*

TERRITORY OF NEW MEXICO, *Office of Secretary, ss:*

I have compared the preceding copy of substitute for C. J. M., No. 2, of laws of 1897 of the Thirty-second legislative assembly of New Mexico, it being a memorial to the honorable Senate and House of Representatives of the United States of America in Congress assembled, with the original thereof on file in this office, and I hereby certify the same to be a correct transcript therefrom and of the whole thereof.

Witness my hand and the seal of the secretary of the Territory, at Santa Fe, the 9th day of February, 1897.

[SEAL.]

LORION MILLER,
Secretary of New Mexico.

The VICE-PRESIDENT presented a memorial of the legislative assembly of New Mexico, remonstrating against the passage of the so-called Avery bill, to validate certain outstanding militia

warrants against that Territory; which was referred to the Committee on Territories, and ordered to be printed in the RECORD, as follows:

Joint memorial.

Whereas there is a large alleged and fraudulent indebtedness known as the "militia warrants" in the Territory of New Mexico; and

Whereas there is now pending in Congress of the United States a bill known as the "Avery bill," for the purpose of validating and legalizing said indebtedness and imposing payment of the same upon the Territory of New Mexico: Therefore,

Be it resolved by the legislative assembly of the Territory of New Mexico, That the Congress of the United States be, and is hereby, earnestly requested to defeat the passage of said bill No. —, for the reason that the passage or enactment of said bill into a law would impose a fraudulent and an unjust indebtedness upon the Territory of New Mexico, and would increase the influential burden of said Territory fraudulently and unjustly; and

Be it further resolved, That the chief clerks of the council and the house of representatives of the legislative assembly of the Territory of New Mexico are hereby directed to transmit to the President of the United States, to the House of Representatives, and to the Senate of the United States a certified copy of this joint memorial as soon as the same is passed by this legislative assembly and properly signed by the president of the council and the speaker of the house and the said chief clerks of the council and house, respectively.

We, the undersigned, president and chief clerk of the council and the speaker and chief clerk of the house of representatives of the Thirty-second legislative assembly of the Territory of New Mexico, do hereby certify that the above and foregoing is a full, true, and correct copy of a joint memorial passed by the respective houses of said legislative assembly.

In witness whereof we have hereunto set our respective hands and seals this 11th day of February, A. D. 1897.

ANTONIO JOSEPH,
President of the Council.
H. B. HOLT,
Chief Clerk of the Council.
W. H. H. LLEWELLYN,
Speaker of the House of Representatives.
W. C. REID,
Chief Clerk of the House of Representatives.

The VICE-PRESIDENT presented sundry petitions of citizens of Illinois, Indiana, and Ohio, praying for the passage of the antiscalping railroad ticket bill; which were referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of College Springs, Iowa, praying for the adoption of an amendment to the Constitution of the United States recognizing the Deity; which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Yarmouth, Mass., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in all buildings owned or controlled by the United States Government; which was ordered to lie on the table.

He also presented a petition of the faculty of Wheaton College, Wheaton, Ill., and a petition of the Missouri Woman's Christian Temperance Union, of Kansas City, Mo., praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

Mr. SEWELL presented the memorial of Joseph Shepard and 38 other citizens of Quinton, N. J., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Florence, N. J., praying for the enactment of legislation further to protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Board of Trade of Asbury Park, N. J., praying for the passage of the antiscalping railroad ticket bill; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Pemberton, N. J., and a petition of the Young People's Society of Christian Endeavor of Rahway, N. J., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented petitions of members of the Third Baptist Church, of the Union Methodist Episcopal Church, of the Bethel African Methodist Episcopal Church, of the First Baptist Church, and of the Trinity Methodist Episcopal Church, all of Camden, N. J., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which were ordered to lie on the table.

He also presented the petition of E. H. Colyer and 20 other citizens of Newark, N. J., and a petition of Assembly No. 35, Royal Society of Good Fellows, of Jersey City, N. J., praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which were ordered to lie on the table.

He also presented sundry petitions of citizens of New Jersey, praying for the passage of the antiscalping railroad ticket bill; which were referred to the Committee on Interstate Commerce.

Mr. PETTIGREW presented a petition of sundry citizens of Canton, S. Dak., and a petition of sundry citizens of South Dakota, praying for the passage of the antiscalping railroad ticket bill; which were referred to the Committee on Interstate Commerce.

He also presented sundry petitions of Turner & Lowry, publishers of the McPherson County Herald, of Leola, S. Dak., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of South Dakota, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of South Dakota, praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of South Dakota, praying for the appointment of an impartial nonpartisan agricultural commission; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of South Dakota, praying for the enactment of legislation further to protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of South Dakota, praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

Mr. MORRILL. I present a petition of sundry American citizens, officers of Polish-American organizations and representatives of the Polish-American press of the United States, praying Congress to amend the bill to regulate immigration so that it will not exclude Poles from admission into this country. As the bill on this subject has already been reported, I move that the petition lie on the table.

The motion was agreed to.

Mr. DAVIS presented a petition of the legislature of Minnesota, praying for the passage of House bill No. 1, relating to the classification and compensation of clerks in the United States Railway Mail Service; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed in the RECORD, as follows:

A bill for a joint resolution praying Congress to pass H. R. bill No. 1, relating to the classification and compensation of clerks in the United States Railway Mail Service.

Be it enacted by the legislature of the State of Minnesota, That whereas the United States Railway Mail Service is of inestimable value and increasing importance to all classes of our citizens, and especially to the business classes; and

Whereas it appearing that this branch of the Post-Office Department has not been reorganized nor the clerks reclassified since the year 1882, since which time the mail handled has vastly increased, both in volume and importance, making the service required of its employees arduous and exacting, calling for ability and sacrifice demanded in no other branch of the Government service; and

Whereas according to reports of the Post-Office Department clerks on through runs can stand the physical and mental strain of the work but fifteen years on an average; and

Whereas the continued improvements in the service demand additional requirements in the employees; and

Whereas a bill having been introduced into Congress, in behalf of the National Association of Railway Postal Clerks, which provides for a reclassification of railway postal clerks, and said bill having been indorsed by the honorable Postmaster-General, and reported upon favorably by the House Committee on Post-Offices and Post-Roads: Therefore

Be it resolved, That the legislature of the State of Minnesota does indorse said bill, which bears title as H. R. bill No. 1, and petition our Senators and Representatives in Congress to vote for and by all just means in their power endeavor to secure the passage of said bill; and

Resolved, That a copy of the foregoing preamble and resolution be immediately transmitted to our Senators and Representatives in Congress from this State.

STATE OF MINNESOTA, *Department of State:*

I, Albert Berg, secretary of state of the State of Minnesota, do hereby certify that I have compared the annexed copy with the original joint resolution in my office, Senate file No. 71, being a joint resolution praying Congress to pass H. R. bill No. 1, said Senate file No. 71 duly approved February 11, 1897, and that said copy is a true and correct transcript of said original resolution, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at the capitol, in St. Paul, this 11th day of February, A. D. 1897.

ALBERT BERG, *Secretary of State.*

Mr. DAVIS presented a petition of the Minnesota State Historical Society, praying that the frigate *Constitution* be restored, and that she be removed from Kittery, Me., to Washington, D. C., or Annapolis, Md.; which was referred to the Committee on Naval Affairs.

He also presented the petition of C. R. McKenney, publisher of the Sentinel, of North St. Paul, Minn., and a petition of sundry publishers of Minnesota, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Jobbers' Union of St. Paul, Minn., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the general passenger and ticket agents of the transportation lines east of Chicago, Ill., praying for the passage of the antiscalping railroad ticket bill; which was referred to the Committee on Interstate Commerce.

Mr. MITCHELL of Wisconsin presented sundry petitions of citizens of Waukeasage, Portage, and Hartford, and of Division No. 45, Order of Railway Conductors, of Milwaukee, all in the State of Wisconsin, praying for the passage of the antiscalping railroad ticket bill; which were referred to the Committee on Interstate Commerce.

He also presented a petition of representatives of the churches of Janesville, Wis., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented petitions of the Board of Trade of La Crosse; of J. C. Wilmarth, publisher of the Gazette, of Janesville; of Michael Krurzka, publisher of the Daily Kuryer Polski, of Milwaukee, and of Ellis B. Usher, publisher of the Morning Chronicle, of La Crosse, all in the State of Wisconsin, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. SMITH presented a petition of Bloomfield Union, No. 8, Brotherhood of the Union, Grand Circle of New Jersey, of Bloomfield, N. J., praying for the appointment of an impartial, nonpartisan agricultural commission; which was ordered to lie on the table.

He also presented petitions of the Board of Trade of Newark; of Benjamin Atha, of Newark; of the Board of Trade of Asbury Park; of the Society of Good Fellows, of Jersey City, all in the State of New Jersey, and a petition of 500 citizens of New Jersey, praying for the passage of the antiscalping railroad ticket bill; which were referred to the Committee on Interstate Commerce.

Mr. MILLS presented the petitions of J. A. Goldstein, publisher of the Artesia, of Waco; of James O. Jones, publisher of the Daily and Weekly Light, of Waxahachie; of D. R. Hamilton, publisher of the Tilden Tidings, of Tilden, and of D. S. Booth, publisher of the San Diego Sun, of San Diego, all in the State of Texas, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. ROACH presented a petition of the legislature of North Dakota, praying for the enactment of legislation to reclassify and prescribe the salaries of railway postal clerks; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed in the RECORD, as follows:

A concurrent resolution for a memorial to Congress, praying for the passage of the bill (H. R.) to reclassify and presbribe the salaries of ralway postal clerks.

Be it resolved by the house of representatives (the senate concurring), That the following memorial be presented to the Senate and House of Representatives of the United States of America in Congress assembled:

To the honorable the Congress of the United States:

Whereas the efficiency of the Railway Mail Service is of great interest and importance to all who have occasion to use the mail; and

Whereas there has not been a reorganization of the service within the past twenty-five years; and

Whereas there is, in consequence, great disparity in many cases between the value of the services rendered and the salaries paid therefor, particularly in view of the frequent accidents on railroads, subjecting railway postal clerks to fatal or serious injuries when passengers escape unharmed; and

Whereas the efficiency of the service would be greatly promoted by the payment of salaries commensurate with the value of the services rendered and the risks incurred: Therefore,

We, the representatives of the people of the State of North Dakota, in legislative assembly convened, do respectfully pray for the speedy passage by your honorable body of the bill (H. R. 1) to reclassify and prescribe the salaries of railway postal clerks, and we will ever pray, etc.

Be it further resolved, That copies of these resolutions, signed by the speaker of the house and the president of the senate, and attested by the chief clerk of the house and the secretary of the senate, be transmitted to Hon. HENRY C. HANSBROUGH and Hon. WILLIAM N. ROACH, representing this State in the Senate of the United States, and to Hon. MARTIN N. JOHNSON, representing this State in the United States House of Representatives.

E. A. WILLIAMS,
Speaker of the House.

Attest:
H. E. LAVAYEA, *Chief Clerk.*

J. M. DEVINE,
President of the Senate.

Attest:
J. O. SMITH, *Secretary of the Senate.*

Mr. BATE presented petitions of the American Homes Publishing Company, of Knoxville; of the Gospel Advocate Publishing Company, of Nashville; of Tom W. Neal, publisher of the State Gazette, of Dversburg, all in the State of Tennessee; and the petition of F. M. Lupton, publisher and bookseller, of New York City, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLEN presented petitions of sundry citizens of Nebraska City and Winnemucca, Nebr., praying for the passage of the antiscalping railroad ticket bill; which were referred to the Committee on Interstate Commerce.

He also presented the petition of L. A. Williams, publisher of the Pilot, of Blair, Nebr., and the petition of N. H. Parks, of Columbus, Nebr., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CLARK presented a petition of the legislature of Wyoming, praying for the ceding of all unoccupied public lands within the State of Wyoming to the control of that State; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Wyoming, ss:*

I, Charles W. Burdick, secretary of state of the State of Wyoming, do hereby certify that the annexed is a full, true, and correct copy of enrolled joint resolution No. 1, senate, State of Wyoming, passed by the Fourth legislature of the State of Wyoming.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 11th day of February, A. D. 1897.

[SEAL.] CHARLES W. BURDICK,
Secretary of State.

—

Fourth legislature of the State of Wyoming. Enrolled joint resolution No. 1, senate, State of Wyoming.

Joint resolution and memorial to the Congress of the United States, praying for the ceding of all unoccupied public lands within the State of Wyoming to the control of the State.

Your memorialists, the Fourth legislature of the State of Wyoming, would most respectfully represent:

That all of the lands within the boundaries of the State of Wyoming are what is known as "arid" lands; the reclamation and settlement of these lands must be accomplished under different conditions from those confronting the settler in the humid portions of this country; that none of the lands now the property of the State can be sold for less than $10 per acre, which is the minimum price allowed by the terms of the act of admission and the State constitution, thus causing unfair competition with United States lands which are sold to settlers under the provisions of the several acts of Congress at prices ranging from 50 cents to $2.50 per acre.

Experience has demonstrated that the present land system is not suited to the conditions which prevail in this State, and as a result many obstacles are interposed to the development of the country.

The reclamation of the agricultural lands imposes upon the settler and upon the State labor and expense not incurred in the humid portions of the country; ditches must be constructed and the lands prepared for the application of water before there is any return to the farmer; in addition to this great labor and expense it is necessary for the State to exercise a supervision over them in order that just distribution of water may be made to those entitled to it.

Thus far the State has borne the entire expense of the investigation of its agricultural resources and the supervision of the public waters.

The efficiency of this work has been greatly impaired by reason of the inability of the State to assist in any way in the reclamation and settlement of the desirable lands or to restrict the diversion of water on the less desirable.

The importance of the pastoral interests of this State makes it desirable that provision be made for the utilization of the grazing land in connection with the contiguous irrigable areas. These grazing lands comprise the greater part of territorial extent.

None of the present land laws make adequate provision for securing possession or management of these lands. In our judgment it is impossible for Congress to pass a general law which will operate with equal justice and success on the arid belt as a whole. Conditions differ in different sections of the United States, and the people of each section are best calculated to determine the system best suited to their needs. We believe that by giving to the State full control over all classes of land the best results can be obtained.

If the State controlled the lands, it would be possible to connect water rights with land titles of all irrigable lands; that this is desirable is admitted by all familiar with the subject.

The results already achieved are a sufficient guaranty of what can be accomplished under more favorable conditions. Even with the imperfect means at hand the value of lands have not only been enhanced, but its productive capacity has been correspondingly augmented. Such results are of interest and value to the whole nation, and in our opinion entitles the State to generous recognition.

The water laws of this State have been highly recommended. The State constitution and statutes contain provisions requiring the inauguration of the most systematic and complete supervision of its public waters yet undertaken by any Commonwealth in this country.

It is only, however, by uniting the control of both water and land under one authority that our irrigation system can have the fullest measure of stability and success.

We believe that the control of this subject can wisely and safely be intrusted to the State, since the practical knowledge is almost wholly confined to those engaged in the work. By endowing the State with means and placing upon it the responsibility for the development of our resources, a great impulse will be given to the diffusion of intelligence on the subject and to local pride in the success of the undertaking. It will put the solution of this problem in the hands of the people best informed as to its details and most interested in its success.

Because of the facts hereinbefore detailed, your memorialists respectfully pray that Congress will, by suitable legislation, grant to the State of Wyoming the unoccupied and unappropriated public lands within said State.

Resolved, That the secretary of state be, and he is hereby, respectfully requested, on the approval of this memorial, to forward a duly authenticated copy thereof to the Senators and Representatives in Congress from this State, in order that the same may be brought to the attention of Congress.

GEORGE E. ABBOTT,
President of the Senate.

A. D. KELLEY,
Speaker of the House.

Approved February 8, A. D. 1897.

WM. A. RICHARDS, *Governor.*

Mr. CLARK presented a petition of the legislature of Wyoming, praying for the ratification of the treaty with the Shoshone

and Arapahoe tribes of Indians; which was referred to the Committee on Appropriations, and ordered to be printed in the RECORD, as follows:

STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Wyoming, ss:*

I, Charles W. Burdick, secretary of state of the State of Wyoming, do hereby certify that the annexed is a full, true, and correct copy of enrolled joint resolution No. 5, house of representatives, State of Wyoming, passed by the Fourth legislature of the State of Wyoming.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 11th day of February, A. D. 1897.

[SEAL.] CHARLES W. BURDICK,
Secretary of State.

ENROLLED JOINT RESOLUTION, NO. 5.

House of representatives, State of Wyoming. Joint memorial to Congress.

Your memorialists, the Fourth legislature of the State of Wyoming, respectfully represent:

That they believe it would be of great benefit to the people of the United States, as well as the people of Wyoming, if the treaty recently made between the United States and the Shoshone and Arapahoe tribes of Indians, whereby said tribes agreed, in consideration of the sum of sixty ($60,000) thousand dollars, to cede to the United States Government a tract of land 10 miles square, situated in the northeast corner of the Wind River or Shoshone Indian Reservation, upon which are the famous Big Horn Medical Springs, were ratified, for the following reasons:

First. Owing to a tribal superstition said springs are never used or frequented by the Indians.

Second. Being on the reservation, no adequate accommodation can be furnished the people who flock there for relief.

Third. If the tract is ceded to the Government, ample accommodations for invalids and visitors will be at once provided, a railroad will certainly be built, and their cession to the United States would result in a great good to afflicted people everywhere.

Fourth. The springs cover a large tract of land and are possessed of the most marvelous curative properties of any waters of the known world. Though remote from railroad transportation, they were visited by nearly 400 afflicted people the past summer, all of whom were either cured or greatly benefited and, without other accommodations than that furnished by tents, at this time no less than sixty people are there, bearing the storms of winter, bathing in the waters.

Therefore your memorialists would most respectfully urge Congress to give the matter of the ratification of said treaty, and the appropriation therefor, immediate and favorable consideration, to the end that afflicted humanity everywhere may have the benefit of this wonderful provision of nature to cure their ills and heal their diseases. And your memorialists will ever pray, etc.

Resolved, That an authenticated copy of this memorial be forwarded by the secretary of state to each Senator and to the Representative in Congress from this State, and they are hereby respectfully requested to bring the matter to the attention of Congress and to use every honorable means to secure favorable action thereon.

GEORGE E. ABBOTT,
President of the Senate.
A. D. KELLEY,
Speaker of the House.

Approved February 8, A. D. 1897.

WM. A. RICHARDS.

Mr. LODGE presented a memorial of 28 citizens of Plymouth, Mass., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Mansfield, Quincy, Boston, and Weymouth, all in the State of Massachusetts, praying for the enactment of legislation prohibiting the sale of railroad tickets by unauthorized persons; which were referred to the Committee on Interstate Commerce.

He also presented a petition of Assembly No. 121, Royal Society of Good Fellows, of Taunton, Mass., praying for the enactment of legislation regulating beneficial societies, orders, and associations; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of New York, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the trades and labor unions of Detroit, Mich., praying for the passage of the so-called Lodge immigration bill, with certain amendments; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of New York, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union and the Epworth League, of Tilton, N. H., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union and the Epworth League, of Tilton, N. H., praying for the appointment of an impartial nonpartisan agricultural commission; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Newport, N. H., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Christian Endeavor Society of the First Evangelical Congregational Society of Seabrook and Hampton Falls, N. H.; a petition of the Young People's Society of Christian Endeavor of Bennington, N. H., and a petition of the Woman's Christian Temperance Union of New York, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of New York, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. PERKINS presented a joint resolution of the legislature of California, urging attention to the necessity of protecting the asphalt interests of the United States by a suitable tariff; which was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Senate joint resolution No. 8. Introduced by Senator Androus, January 15, 1897. Referred to committee on Federal relations.

SENATE JOINT RESOLUTION NO. 8.

Whereas the asphalt business of the United States is becoming one of the important industries of the country and the improvement of streets and highways of the greatest importance to the public health and comfort; and

Whereas the asphalt used in such improvements is obtained principally from foreign lands, amounting approximately to 100,000 tons per annum, paying to foreign countries large royalties and export charges; and

Whereas within the confines of the United States, and particularly in the State of California, there exist inexhaustible deposits of asphalt of the highest quality, and if protection is given to this domestic industry it may be developed to such an extent as to supply a large amount of the asphalt used within the United States: Therefore

Be it resolved by the senate (the assembly concurring), That our Senators be instructed and our Representatives be earnestly requested to use their best endeavors to have adequate protection to the asphalt interests inserted in the new tariff bill now being prepared, and that the secretary of the senate be, and he is hereby, instructed to transmit to our Senators, Representatives, and Representatives-elect a copy of these resolutions.

Mr. PERKINS presented a joint resolution of the legislature of California, relative to foreign immigration and the proper restriction thereof; which was ordered to lie on the table, and to be printed in the RECORD, as follows:

Senate joint resolution No. 10, introduced by Senator Bulla, January 20, 1897.

Read and adopted.

Senate joint resolution relating to foreign immigration and proper restriction thereof.

Whereas immigration to the United States of the illiterate, pauper, and criminal classes of other countries has grown to such proportions as to seriously endanger the interests of our people and even threaten the perpetuity of our institutions; and

Whereas there is now pending in Congress proposed legislation for the correction of this rapidly growing evil: Now, therefore,

Be it resolved by the senate (the assembly concurring), That our Senators in Congress be instructed, and our Representatives be earnestly requested, to vote for and use all honorable means to secure the passage of such pending measures as they deem best fitted to secure proper and sufficient restriction of foreign immigration, to the end that the interest of our people shall be adequately protected and the blessings of free government maintained and assured.

Mr. PERKINS presented sundry memorials of citizens of California, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of California, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of California, praying for the passage of House bill No. 4566, relating to second-class mail matter, and also for the passage of House bill No. 838, to reduce letter postage to 1 cent per half ounce; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. WETMORE presented a petition of the general assembly of Rhode Island, praying Congress to take such action as will preserve the U. S. frigate *Constitution* as a memorial of the nation's early victories on the sea; which was referred to the Committee on Naval Affairs, and ordered to be printed in the RECORD, as follows:

[State of Rhode Island. In general assembly. January session, A. D. 1897.]

Resolution recommending to Congress the passage of a bill for the preservation of the United States frigate *Constitution*.

Resolved, That the general assembly of Rhode Island respectfully and urgently request the Congress of the United States to take such action as will preserve the United States frigate *Constitution* as a memorial of the nation's early victories on the sea.

Resolved, That the Senators and Representatives in Congress from this State be, and they hereby are, requested to use their best efforts to secure such legislation as will accomplish said project, and to procure the necessary appropriation by Congress for such purpose.

Resolved, That the secretary of state be directed to forward a copy of the above resolutions to each of the Senators and Representatives in Congress from this State.

STATE OF RHODE ISLAND,
OFFICE OF THE SECRETARY OF STATE,
Providence, February 8, 1897.

I certify the foregoing to be a true copy of a resolution passed by the general assembly of said State on the 5th day of February, A. D. 1897.

In testimony whereof I have hereunto set my hand and affixed the seal of the State aforesaid the date and year first above written.

[SEAL.] CHARLES P. BENNETT,
Secretary of State.

Mr. WETMORE presented the petition of Bishop Thomas M. Clark and sundry other clergy of the Protestant Episcopal Church of Rhode Island, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. SHERMAN presented the petition of Carl Huber, publisher of the Correspondent, of Portsmouth, Ohio, praying for the passage of the so-called Loud bill, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Glenville, Ohio, and a petition of the Yearly Meeting of the Religious Society of Friends of Wilmington, Ohio, and a petition of the National Board of Trade of New York, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented petitions of the Christian Endeavor Society of Youngstown, of the Yearly Meeting of the Religious Society of Friends of Wilmington, of the Woman's Christian Temperance Union of Glenville, and of members of the Second Congregational Church of Oberlin, all in the State of Ohio, praying for the passage of House bill No. 7083, prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented 87 petitions signed by sundry citizens of Ohio, praying for the passage of the antiscalping railroad ticket bill; which were referred to the Committee on Interstate Commerce.

Mr. PLATT presented a memorial of sundry citizens of New Milford, Conn., and a memorial of sundry citizens of Simsbury, Conn., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Plymouth, Conn., remonstrating against the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the Young Woman's Christian Temperance Union of South Norwalk, Conn., praying for the enactment of legislation to protect further the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Young Woman's Christian Temperance Union of South Norwalk, Conn., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. CULLOM presented a petition of the Business Men's Club, of Galesburg, Ill., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry citizens of Rock Island, Plainfield, and Lagrange, all in the State of Illinois, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented 68 petitions signed by sundry citizens of Illinois, praying for the passage of the antiscalping railroad ticket bill; which was referred to the Committee on Interstate Commerce.

Mr. PEFFER presented a petition of the Woman's Christian Temperance Union of New York, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the memorial of F. J. Altswager, editor of the School and Fireside, of Hutchinson, Kans., and the memorial of W. H. McClure, manager of the Light, of Greeley, Kans., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of New York, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the memorials of Frank A. Chapin, of Hackney; of Rev. J. C. Post, of Mulvane; of Byron Tyler, of Winfield, and of Y. A. Wolfe, of Grenola, all in the State of Kansas, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented the petition of J. H. Foley and sundry other citizens of Leavenworth, Kans., and the petition of L. S. Dickey and sundry other citizens of Leoti, Kans., praying for the passage of the antiscalping railroad ticket bill; which were referred to the Committee on Interstate Commerce.

He also presented the memorials of Oscar Offerle and sundry other citizens of Offerle, of W. F. Bolton and sundry other citizens of Scranton, of Thomas S. Roberts and sundry other citizens of Osawatomie, of A. H. Warner and sundry other citizens of Pierceville, and of L. R. Noel and sundry other citizens of Harper, all in the State of Kansas, remonstrating against the passage of the antiscalping railroad ticket bill; which were referred to the Committee on Interstate Commerce.

Mr. HANSBROUGH presented a petition of the legislature of North Dakota, praying for the passage of House bill No. 1, to reclassify and prescribe the salaries of railway postal clerks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the legislature of North Dakota, praying for the enactment of legislation for the relief of settlers on lands of the United States formerly embraced within the limits of Indian reservations; which was referred to the Committee on Public Lands.

Mr. WILSON presented the memorials of Rogers Bros., publishers of the West Ferndale Clipper, of West Ferndale; of J. A. Hood, publisher of the Weekly Recorder, of Aberdeen; of Bass Bros., publishers of the People's Advocate, of Colfax; of W. J. Story, publisher of the Agriculturist, of Goldendale; of Gibson & Smith, news dealers, of Puyallup, and of sundry citizens of Puyallup, all in the State of Washington, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. WHITE presented the memorial of J. C. B. Smith and sundry other citizens of Redlands, Cal., and the petition of F. C. Jenks and sundry other citizens of California, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of Thomas Kemp, publisher of the Times, of Palo Alto; of M. J. Smeltzer, publisher of the Daily and Weekly Journal, of Salinas; of T. J. Sherwood, publisher of the Marysville Democrat; of W. F. Vallandigham, editor of the Democrat, of Redding; of J. D. Stanford, publisher of the Shasta County Democrat, of Redding, and of F. C. Nuchalis, publisher of the Monterey Cypress, all in the State of California, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. VOORHEES presented a petition of the Woman's Christian Temperance Union of New York, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of New York, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the memorial of J. E. Sherrill, of Danville, Ind., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Evansville Furniture Company and the Evansville Mattress and Lounge Factory, of Price Bros. & Co., of the Buelmer Chair Company, of Shelosky & Co., of the Karges Furniture Company, of the Furniture Manufacturers' Association, and of the E. Q. Smith Chair Company, all of Evansville, in the State of Indiana, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented 40 petitions, signed by sundry citizens of Indiana, praying for the enactment of legislation prohibiting the sale of railroad tickets by unauthorized persons; which were referred to the Committee on Interstate Commerce.

Mr. VEST presented a petition of the Board of Trade of Kansas City, Mo., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Kansas City, Mo., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Kansas City, Mo., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of Boone, Jackson, and Saline counties, and of sundry citizens of Holden and St. Louis, all in the State of Missouri, praying for the passage of the antiscalping railroad ticket bill; which were referred to the Committee on Interstate Commerce.

Mr. TURPIE presented the petition of Hale Clark, publisher of the Advertiser, of Washington, Ind., and the petition of S. B. Boyd, publisher of the Democrat, of Washington, Ind., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of Richmond, Hanover, Crawfordsville, Fort Wayne, Anderson, and Winchester,

all in the State of Indiana, praying for the passage of the antiscalping railroad ticket bill; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. NELSON presented a petition of the legislature of Minnesota, praying for the passage of House bill No. 1, providing for the reclassification and compensation of clerks in the United States railway postal service; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Tham Thompson and sundry other citizens of Lanesboro, Minn., praying for the passage of the antiscalping railroad ticket bill; which was referred to the Committee on Interstate Commerce.

Mr. THURSTON presented a memorial of sundry citizens of Wymore, Nebr., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of F. O. Wisner, publisher of the Transcript, of Bayard; of Clark Perkins, publisher of the Republican, of St. Paul, and of Allen & Brudage, publishers of the Chieftain, of Tecumseh, all in the State of Nebraska, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GEAR presented a memorial of the general assembly of Iowa, remonstrating against the removal of the Des Moines (Iowa) pension agency from that city to St. Louis, Mo.; which was referred to the Committee on Pensions.

He also presented the petition of Rev. Scott W. Smith, of Boone, Iowa, and the petition of D. H. Stuhr and 98 other citizens of Davenport, Iowa, praying for the enactment of legislation prohibiting the sale of railroad tickets by unauthorized persons; which were referred to the Committee on Interstate Commerce.

He also presented the petition of Sam G. Sloane, publisher of the Citizen, of Charles City, Iowa, and the petition of S. E. Zallinger, publisher of the Enterprise, of Defiance, Iowa, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Jacob G. Schmidt, publisher of Der Deutsch-Amerikaner, of Waterloo, Iowa, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Rev. Frank N. White, of Burlington, Iowa, and the petition of W. H. McCue, of Fort Madison, Iowa, praying for the passage of the antirailroad ticket scalping bill; which were referred to the Committee on Interstate Commerce.

Mr. PASCO presented the memorial of B. Lester Gladden and 22 other citizens of Green Cove Springs, Fla., and the memorial of S. Boteler Thompson and sundry other citizens of Lake City, Fla., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PROCTOR presented a petition of the Woman's Christian Temperance Union of Pittsford, Vt., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia; to prohibit interstate gambling by telegraph, telephone, or otherwise; for the appointment of an impartial nonpartisan agricultural commission, and to prohibit the sale of intoxicating liquors in the Capitol building; which was referred to the Committee on the District of Columbia.

He also presented petitions of the Troy Conference Academy, of Poultney, Vt.; of members of the Baptist, Methodist Episcopal, Protestant Episcopal, and Welch Presbyterian churches, of Poultney, Vt.; of the Winooski Association of Congregational Ministers, of Burlington, Vt., and of the Woman's Christian Temperance Union of New York, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a memorial of the Napper-Tandy Club of New York City, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented petitions of members of the Bethany Church, of Montpelier, Vt.; of the Young People's Society of Christian Endeavor of the First Baptist Church, of Chester, Vt.; and of the Woman's Christian Temperance Union of New York, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

Mr. BACON presented a petition of sundry citizens of Savannah, Ga., praying for the passage of the antiscalping railroad ticket bill; which was referred to the Committee on Interstate Commerce.

Mr. BRICE presented the petitions of Rev. Calvin H. Schneider, of Rogersville; of 43 citizens of Millersburg; of 8 citizens of Geneva; of 24 citizens of Wakeman; of 28 citizens of Delta; of S. T. Wynn, of Wauseon; of Joseph Harrison, of Fayette; of 11 citizens of Dayton; of Rev. A. Zimmerman, of Shanesville; of 69 citizens of Clyde; of Rev. F. M. Myers, of Sydney; of Rev. J. N. Barnett, of Belleville; of Rev. W. H. Lehmann and sundry other ministers, of Lima; of 21 citizens of Stryker; of Edwin P. Thomson, of Springfield; of 23 citizens of Cleveland; of 4 citizens of Waverly, and of 4 citizens of Toledo, all in the State of Ohio, praying for the enactment of legislation prohibiting the sale of railroad tickets by unauthorized persons; which were referred to the Committee on Interstate Commerce.

He also presented a petition of 14 citizens of Youngstown, Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Troy, Ohio, praying for the ratification of the pending arbitration treaty with Great Britain; for the prohibition of the sale of intoxicating liquors in the Capitol building, and for the passage of the so-called Loud bill, relating to second-class mail matter; which was ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance Union of Cedarville; of the Vindicator Printing Company, publishers of the Youngstown Vindicator, of Youngstown; of William F. Maag, publisher of the Rundschau, of Youngstown; of F. T. Lane, publisher of the Toledo Blade, of Toledo; of W. H. Gate, publisher of the Ashland Press, of Ashland, and of the Sun Publishing Company, publishers of the Morning Sun, of Springfield, all in the State of Ohio, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. VILAS presented petitions of members of the Congregational Church of Menasha; of Charles Boucher and 9 other citizens of Fond du Lac; of W. C. Whitford and 25 other citizens of Milton; of F. F. Frawley and sundry other citizens of Eau Claire; of William E. Plummer and sundry other citizens of Durand; of T. H. Rumsey and sundry other citizens of Berlin; of H. T. Bueller and sundry other citizens; of H. E. Knapp and 39 other citizens; of W. H. Iliff and 25 other citizens of Fond du Lac; of W. W. Stevens and 12 other citizens of Fort Atkinson, and of W. T. Pinkerton and 31 other citizens of Mazomanie, all in the State of Wisconsin, praying for the passage of the antirailroad ticket scalping bill; which were referred to the Committee on Interstate Commerce.

He also presented the petitions of J. C. Wilmarth, publisher of the Gazette, of Janesville; of Ellis B. Usher, publisher of the Chronicle, of La Crosse, and of Ryan & Bro., publishers of the Evening Crescent, of Appleton, all in the State of Wisconsin; and the petition of William P. Thompson and 11 other citizens of Philadelphia, Pa., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of William Gill, of Roberts; of William W. Sleeper, of Beloit; A. E. Smith, of Richland Center; F. Osterheld, of Stoughton; the Pilgrim Congregational Church, of Milwaukee; Alexander E. Matheson and Harry Morris, of Racine; the Methodist Episcopal Church, of Columbus; the board of trustees of Beloit College, Beloit; Alfred S. Badger, of Stevens Point; R. L. Adams, of Omro; the Presbyterian Church of Omro, and Rev. Lucius Smith and 26 other citizens of Darlington, all in the State of Wisconsin; the Evangelical Alliance for the United States of America, and the New York Yearly Meeting of the Religious Society of Friends (Orthodox) of New York, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

Mr. CALL presented a petition numerously signed by citizens of Florida, praying for the establishment of a life-saving station on the Atlantic coast opposite Daytona in that State, or in the immediate vicinity; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. GIBSON. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 10122) to amend an act entitled "An act to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia," passed August 3, 1894, to report it without amendment. I ask that it may take the place on the Calendar of No. 1498, being the bill (S. 3602) to amend an act entitled "An act to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia," approved August 3, 1894, and that the latter bill may be postponed indefinitely.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 3072) to prevent the spread of contagious diseases in the District of Columbia, reported adversely thereon; and the bill was postponed indefinitely.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 9842) relating to the adulteration of foods and drugs in the District of Columbia, reported in with amendments, and submitted a report thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 3575) to regulate the sale of poisons in the District of Columbia, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 9142) to regulate privies in the District of Columbia, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 9023) to prevent the spread of contagious diseases in the District of Columbia, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 9099) for the regulation of cemeteries and the disposal of dead bodies in the District of Columbia, reported it with amendments, and submitted a report thereon.

Mr. GALLINGER. I ask unanimous consent to make a single observation concerning the bills which I have just reported.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. GALLINGER. They are four important bills that relate to the health of the District, and I will say that there are on the Calendar at the present time two or three somewhat similar bills. I trust that, notwithstanding we are apparently blocked in the matter of legislation, there may be some way devised to enable the Committee on the District of Columbia to secure the consideration of these bills. I will say to the members of the Committee on Appropriations, which committee will have the right of way very soon, that I am quite sure the chairman of the Committee on the District of Columbia will confer with them with a view of getting a day for the purpose of clearing the Calendar of these very important bills regarding the health of the District, in which we are all so much interested.

Mr. GEAR, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3608) setting apart a plot of ground in the city of Washington, in the District of Columbia, for memorial purposes, under the auspices of the National Society of the Daughters of the American Revolution, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on the Library, reported an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. HAWLEY, from the Committee on Military Affairs, reported an amendment to the bill (S. 2202) to reorganize the line of the Army, etc., and submitted a report thereon; which was ordered to be printed.

PREVENTION OF FOREST FIRES.

Mr. DUBOIS. I am instructed by the Committee on Public Lands to report favorably the bill (H. R. 9123) to prevent forest fires on the public domain. I ask that it may be put upon its passage. There will be no objection to it. It is a very short bill.

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent for the present consideration of the bill, which will be read for information.

The bill was read, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLIARD TABLES IN THE DISTRICT.

Mr. WETMORE. I move that the bill (S. 1232) to license billiard tables, and for other purposes, now on the Calendar and reported from the Committee on the District of Columbia with amendments on the 11th of February, 1896, be indefinitely postponed, as a House bill relating to the same subject is now in conference.

The VICE-PRESIDENT. The bill will be postponed indefinitely.

BILLS INTRODUCED.

Mr. QUAY introduced a bill (S. 3690) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin;" which was read twice by its title, and referred to the Committee on Commerce.

Mr. BURROWS introduced a bill (S. 3691) for the relief of Catherine Holland; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3692) granting a pension to Marvin Older; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3693) granting a pension to Catharine Kelley, widow of John Kelley; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3694) granting a pension to Irene M. Chase, dependent sister of Abner W. Chase; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. THURSTON introduced a bill (S. 3695) granting a pension to Robert W. Oliver; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3696) granting a pension to Mary A. Arnold, of Omaha, Nebr.; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3697) granting a pension to Michael Evans, of Decatur, Nebr.; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT introduced a bill (S. 3698) appointing commissioners to revise the statutes relating to patents, trades, and other marks; which was read twice by its title, and referred to the Committee on Patents.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MCMILLAN submitted an amendment intended to be proposed by him to the District appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. WILSON submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CHANDLER submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HAWLEY submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. GRAY submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PERKINS submitted two amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. SMITH submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Library, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. TELLER submitted an amendment intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. MARTIN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. CAMERON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SHERMAN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. QUAY, it was

Ordered, That David S. Taylor be granted leave to withdraw from the files of the Senate the papers submitted by him in support of the bill restoring him to the pension rolls.

AMERICAN INSURANCE COMPANIES.

Mr. DAVIS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be, and he is hereby, requested, if not incompatible with the public interest, to transmit to the Senate copies of all correspondence of the Department of State with the German Empire with reference to American insurance companies.

THE CLAYTON-BULWER TREATY.

The VICE-PRESIDENT. The Chair lays before the Senate a joint resolution introduced by the Senator from Alabama [Mr. MORGAN], which will be read.

The Secretary read as follows:

A joint resolution (S. R. 203) declaring the Clayton-Bulwer treaty abrogated.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the treaty, known as the Clayton-Bulwer treaty, between Great Britain and the United States, which was concluded on the 19th day of April, 1850, is hereby declared to be abrogated.

Mr. MORGAN. Mr. President——

Mr. CULLOM. Unless the Senator from Alabama is anxious to go on this morning, I should like very much to submit a report from the conferees of the two Houses on the legislative, executive, and judicial appropriation bill. It has been delayed on account of the illness of one of the members of the conference on the part of the House. We have been awaiting his recovery. I have now the report ready to be acted upon by the Senate, and I should be very glad to dispose of it, because the time is getting short.

Mr. MORGAN. I must claim the courtesy of the Senator from Illinois this morning for a short time, that I may present the views I entertain in regard to the necessity of passing the joint resolution. I will not keep the floor long.

Mr. CULLOM. I do not care to disturb the Senator from Alabama if he is anxious to go on, but I should like to have the conference report disposed of.

Mr. CHANDLER. I will say to the Senator from Alabama that I gave notice that I should like to submit some remarks this morning. I am very anxious to go on, too.

Mr. MORGAN. All the Senators here who have morning business or business to be transacted in the morning hour will probably have full opportunity after the very brief remarks which I propose to make on the joint resolution.

Mr. CULLOM. I do not feel like interfering with the Senator from Alabama, although the appropriation bills have the right of way ordinarily. I feel that almost everything ought to give way to the appropriation bills now, as it is getting so late in the session, in order to secure their final disposition.

Mr. MORGAN. Mr. President, we are engaged, as the world knows——

Mr. ALLEN. I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Nebraska will state his parliamentary inquiry.

Mr. ALLEN. I introduced a resolution on Saturday last which, under objection, went over until this morning. I desire to know if that resolution does not have precedence of the one now before the Senate.

The VICE-PRESIDENT. The Chair has upon his desk the resolution submitted by the Senator from Nebraska. The joint resolution laid before the Senate has precedence in point of time. The Senator from Alabama is recognized.

Mr. MORGAN. Mr. President, the world knows that we are engaged now——

Mr. SHERMAN. I rise to a point of order.

The VICE-PRESIDENT. The Senator from Alabama will suspend. The Senator from Ohio will state his point of order.

Mr. SHERMAN. I raise the point of order that a resolution to repeal a treaty or any law must be a joint resolution, and a joint resolution can not be brought up in the morning hour, postponing all the other business of the Senate. I raise the question of order that if it is a joint resolution its consideration must be moved; there must be a motion to take it up, which must be decided without debate. I do not like to interfere with my friend the Senator from Alabama.

The VICE-PRESIDENT. The Chair requests Senators to refrain from conversation. The remarks of Senators can not be heard at the desk. The Senator from Ohio will please state his point of order again.

Mr. SHERMAN. My point of order is that this is necessarily a joint resolution, which must be taken up or not taken up without debate, on motion, if objection is made. I object to its being taken up.

Mr. CULLOM. I ask leave, then, to submit a conference report.

Mr. MORGAN. I do not think any Senator has a right to take me off the floor, even to make a conference report.

The VICE-PRESIDENT. The Chair will sustain the point of order made by the Senator from Ohio. That is the first thing before the Senate.

Mr. CHANDLER. Will the Chair kindly allow the joint resolution to be again read?

The VICE-PRESIDENT. The Secretary will again read the joint resolution.

The Secretary again read the joint resolution.

The VICE-PRESIDENT. This is a joint resolution. The Chair sustains the point of order made by the Senator from Ohio, and recognizes the Senator from Alabama to make a motion, if he so desires, to proceed to the consideration of the joint resolution.

Mr. MORGAN. I appeal from the decision of the Chair first. I desire to debate that appeal.

The friends of peace in the United States, Mr. President, are——

The VICE-PRESIDENT. The Senator from Alabama will suspend for a moment. The question before the Senate is upon the appeal taken by the Senator from Alabama from the decision of the Chair sustaining the point of order made by the Senator from Ohio.

Mr. MORGAN. The friends of peace in the United States——

Mr. SHERMAN. Is that question debatable? If it is, that is the end of the rule of the Senate.

Mr. MORGAN. Oh, yes; it is debatable.

Mr. SHERMAN. I raise the point of order that it is not debatable.

Mr. MORGAN. It is debatable. The Senator must have forgotten what the rules are.

The VICE-PRESIDENT. The Chair decides that the appeal from the decision of the Chair is not debatable, and the Chair submits to the Senate the question, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. MORGAN. Mr. President——

Mr. SHERMAN. On that I call for the yeas and nays.

The yeas and nays were ordered.

Mr. MORGAN. Whenever a matter of this kind is submitted to the Senate I think it becomes debatable.

The VICE-PRESIDENT. The Chair thinks that the appeal from the decision of the Chair in this case is not debatable. The Chair submits to the Senate the appeal of the Senator from Alabama.

Mr. MORGAN. That makes it debatable.

Mr. SHERMAN. Not at all.

Mr. MORGAN. That makes it debatable.

Mr. QUAY. It seems to me the Senator from Alabama ought to be allowed to proceed in this case by unanimous consent, and I make that suggestion to the Senate.

The VICE-PRESIDENT. That is another question. The Chair submits to the Senate the request of the Senator from Pennsylvania that the Senator from Alabama be permitted by unanimous consent to debate the appeal taken from the decision of the Chair. Is there objection?

Mr. SHERMAN. I object, Mr. President. Let us go on with the regular order of business.

Mr. FAULKNER. I hope the Senator from Ohio will not object. I can not understand why this is not a debatable question. An appeal from the decision of the Chair on any question of this sort certainly is debatable when submitted to the Senate.

Mr. MORGAN. There is no question in the world about it. It has always been ruled that way. I am willing to stand here and be victimized by the Chair and the Senator from Ohio upon this question; I am willing to take it; but they will not escape this question.

The VICE-PRESIDENT. The Chair states that he has no disposition to victimize the Senator from Alabama. There is no occasion for his remarks.

Mr. MORGAN. The rulings have always been the other way.

The VICE-PRESIDENT. The Chair has decided the point of order raised. This is not a debatable question.

Mr. CHANDLER. Mr. President——

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from Pennsylvania that the Senator from Alabama be permitted to debate the pending joint resolution. Is there objection?

Mr. SHERMAN. I object.

Mr. CHANDLER. I desire to submit a request for unanimous consent that the Senator from Alabama be permitted to withdraw his appeal and proceed with his remarks.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire?

Mr. SHERMAN. I object. I insist upon the regular order. I do not think it is within our rule. But I will not debate the matter, because it is not a debatable question.

The VICE-PRESIDENT. Objection is interposed.

Mr. MORGAN. I submit a motion to proceed to the consideration of the joint resolution, on which I ask for the yeas and nays.

The VICE-PRESIDENT. Will the Senator please state his motion so that the Chair can hear it distinctly?

Mr. MORGAN. I submit a motion to proceed to the consideration of the joint resolution.

The VICE-PRESIDENT. Does the Senator from Alabama withdraw the appeal? The appeal is pending now.

Mr. MORGAN. If I have no right to debate it, there is no use for me to say anything about it.

The VICE-PRESIDENT. Unless the appeal is withdrawn, the Chair must submit it to the Senate. The Chair submits to the Senator whether he will withdraw the appeal.

Mr. MORGAN. I withdraw it, not because I believe my position is incorrect, but I withdraw it——

The VICE-PRESIDENT. The appeal is withdrawn. The Chair submits to the Senate the motion of the Senator from Alabama, that the Senate proceed to the consideration of the joint resolution. [Putting the question.] The ayes seem to have it.

Mr. MORGAN. I ask for the yeas and nays.

The VICE-PRESIDENT. The yeas and nays are demanded.

Mr. MORGAN. No; I beg pardon. I withdraw the call, the Chair having announced that the ayes seemed to have it.

Mr. SHERMAN. We may as well have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. FAULKNER (when his name was called). I am paired with the Senator from West Virginia [Mr. ELKINS]. I do not know how he would vote on this question.

Mr. FRYE (when his name was called). I am paired with the senior Senator from Maryland [Mr. GORMAN].

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. GORDON].

Mr. McBRIDE (when his name was called). I am paired with the senior Senator from Mississippi [Mr. GEORGE]. I do not know how he would vote on this question, and therefore withhold my vote.

Mr. MORRILL (when his name was called). I am paired with the senior Senator from Tennessee [Mr. HARRIS], and therefore withhold my vote.

The roll call was concluded.

Mr. DANIEL. I beg leave to state that I am paired with the Senator from Washington [Mr. SQUIRE].

The result was announced—yeas 32, nays 31; as follows:

YEAS—32.

Allen,	Cameron,	Murphy,	Smith,
Bacon,	Chilton,	Pasco,	Stewart,
Bate,	Gallinger,	Peffer,	Tillman,
Berry,	Gibson,	Pettigrew,	Turpie,
Blackburn,	Gorman,	Pritchard,	Vest,
Blanchard,	Hansbrough,	Pugh,	Voorhees,
Brown,	Mills,	Quay,	Walthall,
Call,	Morgan,	Roach,	White.

NAYS—31.

Baker,	Gray,	Mantle,	Sewell,
Burrows,	Hawley,	Martin,	Sherman,
Caffery,	Hill,	Mitchell, Wis.	Shoup,
Cannon,	Hoar,	Nelson,	Thurston,
Carter,	Irby,	Palmer,	Vilas,
Chandler,	Lindsay,	Perkins,	Wetmore,
Cullom,	Lodge,	Platt,	Wilson.
Davis,	McMillan,	Proctor,	

NOT VOTING—27.

Aldrich,	Dubois,	Hale,	Mitchell, Oreg.
Allison,	Elkins,	Harris,	Morrill,
Brice,	Faulkner,	Jones, Ark.	Squire,
Butler,	Frye,	Jones, Nev.	Teller,
Clark,	Gear,	Kenney,	Warren,
Cockrell,	George,	Kyle,	Wolcott.
Daniel,	Gordon,	McBride,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. HOAR. Let the joint resolution be read.

The Secretary again read the joint resolution.

Mr. HOAR. I suggest that under the rule the matter ought to be dealt with in executive session.

Mr. PLATT. It requires secrecy.

Mr. HOAR. It requires secrecy.

The VICE-PRESIDENT. The Senate will be in order. The Senator from Massachusetts will state his motion.

Mr. HOAR. I suggest that under the rule the matter is one that requires secrecy.

Mr. SHERMAN. I second the motion.

Mr. MORGAN. That is not an executive session.

Mr. HAWLEY. I second the motion. The motion requires a second.

Mr. MORGAN. It is to be a secret legislative session.

Mr. SHERMAN. The motion is that the doors be closed.

Mr. MORGAN. For a secret legislative session, not an executive session.

The VICE-PRESIDENT. The Chair was unable to hear the Senator from Alabama.

Mr. MORGAN. I say the motion is not in order if it is an executive session that is asked for. It is to be a secret legislative session.

Mr. PLATT and others. That is it.

Mr. MORGAN. That is what the Senator from Massachusetts desires, I suppose.

The VICE-PRESIDENT. Under the rule, the motion having been seconded, the Sergeant-at-Arms will clear the galleries and close the doors.

The Senate, with closed doors, proceeded to consider the joint resolution; and, after debate, it was referred to the Committee on Foreign Relations.

EXECUTIVE SESSION.

Upon motion of Mr. TURPIE, the Senate proceeded to the consideration of executive business. After two hours spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 10134) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1898.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9966) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WADSWORTH, Mr. HENRY of Connecticut, and Mr. CLARDY managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. 6713) to extend North Capitol street northward through the property of the Prospect Hill Cemetery, to pay for land to be taken for such purpose, and for other purposes;

A bill (H. R. 8672) conferring jurisdiction upon the supreme court of the District of Columbia having general equity jurisdiction to decree the sale, lease, or surrender of any lease of real estate in said District, belonging to insane persons, for purpose of reinvestment, and for other purposes; and

A joint resolution (H. Res. 237) to furnish the daily CONGRESSIONAL RECORD to members of the press, etc.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. HOAR. I ask that the regular order be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business, which is House bill 8110.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States.

Mr. HOAR. I should like to have the bill read, but I shall not ask a vote upon it this afternoon.

Mr. CULLOM. It will take all the afternoon to read it.

Mr. HOAR. I wish to have it read now. I suppose the bill as it came from the House of Representatives should first be read, and then the amendments proposed by the Senate committee.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The bill will be read at length.

The Secretary proceeded to read the amendment submitted by the Committee on the Judiciary, to strike out all after the enacting clause of the bill and insert a substitute.

Mr. HOAR. That is not the House bill which is being read. I suppose the bill as it came from the House of Representatives should first be read through.

The PRESIDING OFFICER. The Secretary is proceeding to read the amendment submitted by the Committee on the Judiciary.

Mr. CULLOM. I think it is unnecessary to read the House bill. Let the substitute reported by the Senate committee in place of the original bill be read.

Mr. HOAR. But I understand it is necessary that the entire bill shall be read.

Mr. ALLISON. The very reverse of that is the custom of the Senate.

The PRESIDING OFFICER. By unanimous consent, the reading will be confined to the proposed Senate amendment.

Mr. ALLISON. To the House bill?

The PRESIDING OFFICER. To the House bill.

Mr. HOAR. Very well; I have no choice.

Mr. TELLER. I suppose both the House bill and the substitute will have to be read. I do not suppose the matter can be disposed of by simply reading the substitute bill.

Mr. CULLOM. It frequently occurs, where a substitute is reported for another bill, that the substitute takes the place of the original bill and the substitute only is read.

Mr. ALLISON. But that must be done by unanimous consent.

Mr. CULLOM. Yes.

Mr. TELLER. The bill reported by the Senate committee does not meet the approval of some members of the committee, and I do not suppose they would wish to have the reading of the original bill omitted.

Mr. HOAR. There is a difference of opinion to be harmonized in order to determine whether the Senate substitute or the bill as it came from the House shall be passed.

Mr. ALLISON. Allow me to suggest to the Senator from Massachusetts that if any Senator requests the reading of the House bill, it will have to be read, as it has not yet been read; but, by unanimous consent, that can be dispensed with, and the amendment proposed by the Senate committee can be read.

Mr. HOAR. I have no objection to doing that.

Mr. ALLISON. I hope that will be done; and I ask unanimous consent that it may be done.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the reading of the House bill be dispensed with, and that the reading of the proposed Senate substitute may now take place.

Mr. HOAR. Very well.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa? The Chair hears none, and it is so ordered.

The Secretary read the amendment reported by the Committee on the Judiciary, which was to strike out all after the enacting clause of the bill, and in lieu thereof to insert:

That if any debtor owing $200 or more who is unable to pay his debts shall execute an assignment or cession of his property, valid by the laws of the State, Territory, or District of Columbia, in which he may reside, or if he have property in any other jurisdiction, then as to such property, valid according to the laws thereof, and also in accordance with the requirements of this act, it shall have the effect hereinafter provided for. Said assignment or cession shall be duly filed or recorded in the manner and in the offices wherein mortgages and deeds in trust on said property are by law required to be filed or recorded; and the original or a copy thereof shall, within thirty days from the date of its execution, be filed in the office of the court in which the petition of the debtor is hereinafter required to be filed.

SEC. 2. That such assignment shall convey all of the estate of the debtor, except such as is exempt by the law of his domicile from execution and liability for his debts, and shall be for the equal benefit of all his creditors, subject to all valid liens, except with the preference hereinafter allowed. It shall contain a list of the names and residences of all his creditors, and a schedule of his property exempt and unexempt from execution or seizure for his debts, and the amount due to each creditor, and a statement of the liens or other incumbrances upon his property, all of which shall be verified by the oath of the debtor to be correct, as near as he can make them.

Said assignment shall also contain a provision conveying all his unexempt property, though not specified in said schedule, and shall provide for all his creditors, whether named in the list or not; and the omission of any property or creditor from said list or schedule, or any misstatement as to liens and incumbrances, shall have no effect against the debtor's rights under this act, unless the same be fraudulent; but a creditor whose name has not been returned to the court prior to the decree of discharge of the debtor shall not be bound by such discharge. The property so assigned or surrendered shall be administered and distributed among creditors according to the laws of the State where the property is situated, subject to the provisions of this act.

SEC. 3. That such assignment shall contain the following preferences, namely: Debts due to the United States, or to any State or Territory, and the District of Columbia, in which any of the property of the debtor is situated, and debts due to the servants or laborers of the debtor for labor performed or services rendered within one year. Also, if the debtor be the head of a family, he may prefer a debt which is a lien or incumbrance on his homestead; but no more than $1,000 shall be used for that purpose.

SEC. 4. That the fees to be allowed by said assignment to the trustee or trustees, or the person managing the estate, shall not exceed in any case the amount allowed by the laws of the State in which the debtor is domiciled to executors or administrators for the settling of the decedent's estate in their charge; and should any trustee or other person named in said assignment or by a competent court as manager of the said estate be removed or resigned, so that it shall be necessary to appoint another person in his stead, then the fees and allowances shall be divided between them, so that not more than the maximum allowable to one shall be allowed to all.

SEC. 5. That any such debtor, within the period of thirty days from the date of the execution of the assignment, may file his petition in the district court of the United States for the district or the division thereof in which he resides; or if he be a resident of the District of Columbia, then in the supreme court of the said District; or if he be a resident of a Territory, then in the district court of such Territory of the district in which he resides, asking for a discharge from his debts; but the petition shall not be filed in any court unless the debtor has resided in said district or division at least six calendar months immediately preceding the making of the assignment. The petition shall state the debtor's inability to pay his debts and contain a prayer for a discharge from the debts of the petitioner and an averment that the list and schedule filed in the court are correct as therein amended, and shall be verified by the oath of the petitioner. It shall also contain a schedule and list of any other property or creditors which he may have since the making of the assignment discovered or remembered; and said petitioner may, from time to time, prior to his discharge, amend and correct said list and schedule of property and creditors, so that the same shall conform to the facts. And he shall deposit with his petition for costs such sum as the court may direct, not exceeding $20.

SEC. 6. That the creditors of the petitioner shall be made parties defendant, and the judge shall, on filing the petition, or as soon thereafter as practicable, make an order declaring the petitioner a bankrupt, and fixing a time and place for the hearing thereof, and directing notice to be given, which time shall be not less than ninety days nor more than six calendar months subsequent to the date of the order, and a copy of such order shall be duly served on each of the creditors named in the list of creditors or otherwise made known to the court, in the manner following: The service of notice of said order shall be made by mailing a copy of the order to each creditor, directed to the post-office nearest to his residence or place of business or to the post-office at which he is accustomed to receive his letters. The notice shall be mailed within thirty days from the date of the order by the clerk of the court, and the petitioner shall pay to the clerk for mailing the notice such reasonable sum as the court may allow, not exceeding 25 cents for each notice. The said order shall also be published once a week for four consecutive weeks in one or more newspapers, to be designated by the court, due regard being had to the general circulation of the same in that portion of the district in which the bankrupt and his creditors reside. The first publication shall be within thirty days from the date of said order. If the publication of notice shall appear to be irregular, the court may order a new publication for such time as the court may decide, and appoint another day for the hearing. But publication in a newspaper shall be dispensed with unless it can be made for such cost as the court shall decide to be reasonable.

SEC. 7. That the creditors, or any of them, may appear and answer said petition on the day named in the order of publication, and if no answer be filed on that day the petitioner shall have a right to an order of discharge from his debts. The answer may contest the petitioner's right to a discharge on the following grounds, and no other:

First. That the debtor has intentionally concealed some of his property by omitting the same from his schedule or assignment, and has also intentionally failed to correct said omission as hereinbefore provided for, or has intentionally refused to give information which may aid and assist in recovering any property which ought to be subject to the payment of his debts.

Second. That he has, since the date of three calendar months prior to the passage of this act, conveyed or assigned or concealed his property, or some part of it, or given or suffered a lien or incumbrance thereon, which assignment, conveyance, concealment, lien, or incumbrance was contrived and devised with the actual intent and purpose to defraud his creditors, in which intent the debtor participated.

Third. That the debtor, being a banker, broker, merchant, trader, manufacturer, or miner, in addition to the foregoing grounds, shall be refused a discharge if, since said date, he, being at the time insolvent, has given any preference to creditors other than such as are allowed to be preferred in the assignment as provided in section 3 of this act, or since said date has, with intent to give such prohibited preference, created or suffered any lien on his property by attachment, judgment, or otherwise. Should a discharge be refused, the same proceedings shall be had in the administration and distribution of the bankrupt's estate as if he were discharged.

SEC. 8. That all preferences by any merchant, broker, banker, trader, manufacturer, or miner given or suffered after the passage of this act and within four months prior to the assignment by the petitioner, he being then insolvent, other than such preferences to creditors as are herein allowed, are hereby made illegal and void as against the creditors of any debtor who shall make an assignment and file his petition under the provisions of this act; and all the money or other property which may have been given or transferred in such prohibited preferences shall be and remain a part of the assets of the said petitioner and shall pass under the general clause conveying all the debtor's unexempt property by this act required to be inserted in said assignment; and all conveyances or transfers of property made at any time by any petitioner, which by the laws of the State or Territory in which the property is situated are illegal and void or voidable by creditors, or if the transfer be of money, then void or voidable by the law of the State or Territory in which the debtor resides, and all liens or other interest in said property which are prohibited by the laws of a State or Territory wherein it is situated, shall be held for all the purposes of this act to be void or voidable by creditors and the property to have passed under said assignment, and it shall be distributed as other property conveyed in the same; and full recovery may be had of the said property so assigned or encumbered within the period allowed by the laws of the State or Territory in which it is situated, or if the property be money, then within the time allowed by the laws of the State or Territory where the receiver resides, and suits in behalf of the creditors for such recovery may be brought by the trustee or other manager of the assignment.

SEC. 9. That if on the hearing of the petition it shall appear that the assignment provided for in the first and second sections of this act has been duly made and filed and recorded as herein provided for, and no valid objection has been presented against a discharge, or, being presented, the same is not sustained by proof, then it shall be the duty of the court to grant to the petitioner a discharge from all his debts to the persons mentioned in his petition, or afterwards disclosed to the court, except the debts excluded by section 10 of this act. But said discharge shall not have the effect in any court to prevent a recovery, by proper proceedings against the property and the persons claiming and possessing the same, of any property which had been prior to the discharge fraudulently or illegally assigned or concealed or encumbered by such debtor, or omitted from his schedule, within such limitation as to time for bringing such suits as is fixed by the laws of the State in which the property is situated. The declaration of the petitioner as a bankrupt shall have the effect, in all courts in which proceedings may be had to subject such property to the payment of the bankrupt's debts, of dispensing with a judgment against the bankrupt as a prerequisite to such proceedings.

SEC. 10. That the discharge of the debtor from his debts shall not include any debt or obligation which shall have been created in consequence of his defalcation as a public officer, or as an executor, administrator, guardian, or trustee, or while acting in any other fiduciary capacity, nor any debt or obligation to any surety of the debtor who has paid or may pay any such fiduciary debt or any part of it, nor any debt or obligation created by the obtaining of money or property under false pretenses. But this exclusion of said debts from the discharge shall take place only when said debts shall be ascertained in the decree of discharge and by the court directed to be so excluded. If the petitioner shall be discharged, property acquired by him after the filing of the assignment or a copy thereof in the clerk's office of the court of bankruptcy shall not be liable for his debts created before that time, nor shall any debt created by him after such filing be barred by such discharge.

SEC. 11. That the district courts of the United States in the several States, the supreme court of the District of Columbia, and the district courts of the several Territories are hereby made courts of bankruptcy, with full jurisdiction, both at common law and in equity, to carry out this act and to try and determine all suits and controversies necessary to a full execution thereof; and said courts shall have also full power to cause said petitioner, or bankrupt, his wife, or either of them, to be examined under oath touching any charge of concealment or illegal transfer of any property of said bankrupt and to issue a writ of ne exeat against the bankrupt to continue in force so long as it may be necessary to have such examination. The said courts, for the exercise of every jurisdiction conferred by this act, shall be considered as always open, and the judges of the said several courts may exercise in chambers any jurisdiction conferred on said courts by this act. But the said courts shall not interfere with, in any manner, the administration of the bankrupt's estate by the trustee or trustees or other manager mentioned in the assignment or appointed according to law unless it shall be made to appear to the said court that said trustee, or trustees, or manager is mismanaging the said estate, or the said trustee or manager shall by petition ask the court for directions as to such management. The court shall also have full jurisdiction to enjoin or otherwise manage or control all suits or actions pending against the bankrupt at the time of filing his assignment in the clerk's office of the court of bankruptcy, as hereinbefore required, and to manage and control all suits or actions pending at that time in his favor, and to cause the same to be prosecuted or defended by the trustee or manager of said assignment, and to make all necessary orders and decrees to secure a proper distribution of the assets according to law.

SEC. 12. That partners may jointly make an assignment as provided for in this act for separate and single debtors, but in such case the assignment shall contain a separate list and schedule of the partnership and separate creditors and property; and the preferences allowed by this act shall be for partnership creditors out of the partnership property, and for separate creditors out of the separate assets of the partner giving the preference; and the separate and partnership debts shall be provided for in the assignment in the same way. The petition shall be filed in the district or the division thereof in which the partnership business was carried on, up to a period of six calendar months prior to the assignment. If the business has not been so carried on within said period, then in the district or division thereof where all the partners reside, one of whom at least having resided there for six months prior to the assignment: and if they do not all reside in that district or division, then in the district or division in which a majority of them shall reside, or if a greater number do not reside in the same district or division, then in the district or division in which any one of them resides; but in all cases the residence required must be for six calendar months preceding the making of the assignment. If one or more of the partners be deceased, then the survivor or survivors may proceed as in this section provided, but in that case the legal representatives of the deceased shall have such notice as the court may direct.

SEC. 13. That if some of the partners are unwilling to join in such assignment and petition for discharge, then any of them may separately make an assignment of his separate property and file his petition as is hereinbefore provided for, and in the assignment shall include in general terms, with his separate property, his interest in the partnership property after the partnership debts are paid, and the names and residences of his other partners, specifying those in whose possession and control the assets of the partnership or any part of them may be, and such partners shall have such notice of filing the petition as the court may direct. He shall file with his assignment also a list of the partnership creditors and the amount due each, all of whom

shall have notice as in other cases of proceedings under this act. The separate property assigned shall first be applied to the separate debts and the remainder, if any, to the partnership debts.

SEC. 14. That the court, on the hearing of the petition, or as soon afterwards as practicable, shall ascertain whether the partnership property is sufficient to pay the partnership debts. If it be found sufficient, the court shall so adjudge and order the separate property of the debtor to be distributed among his separate creditors; and if found more than sufficient, the court may direct a sale, on such terms as the court may prescribe, of the debtor's interest in the said partnership, and order the distribution of the funds arising from such sale among his separate creditors. But in both these cases the court shall make no further order interfering with said partnership estate. If the partnership property be found insufficient to pay the partnership debts, the court shall make such orders as may be deemed equitable and just, to convert said property into money and to wind up the affairs of said partnership and distribute the assets among the partnership creditors. The court shall direct said winding up to be done by one or more of the partners not petitioning for a discharge and designated by the court for that purpose, and shall hold said partner or partners so designated accountable to the court as a receiver, giving to him or them all the powers of collecting and distributing said partnership estate, as is necessary therefor, and as might be properly vested in a receiver. But if the court shall deem all of said nonpetitioning partners for any cause unfit for designation for such purpose, or if all of them deemed by the court fit to discharge that duty shall refuse to accept it, then the court shall appoint a receiver with full powers to take charge of said partnership estate and wind it up. And the court shall, in case of insolvency of the partnership estate, make all necessary orders and decrees, not inconsistent with the provisions of this act, as may be consonant to the rules of equity, in reference to said estate, as in cases of a dissolution of said partnership and a distribution of the assets by decree of a court of equity.

SEC. 15. That the said courts of bankruptcy shall have power to make all proper rules not inconsistent with this act for the exercise of the jurisdiction vested in them by this act.

SEC. 16. That any person who is unable to pay his debts and owes $200 or more, and who has no property besides what is exempt by law from execution and liability for his debts, may, without making any assignment as provided for in this act, file his petition in the court for the district or division thereof in which he has resided for six months previously, for a discharge from his debts as herein provided for, accompanying the same with a list of creditors; and thereupon the court shall take such proceedings as are provided for in this act for cases where there is an assignment, so far as the same may be applicable. In this case the filing of the petition shall have the operation provided for in the last clause of section 10 as to discharge from debts and the acquisition of property.

SEC. 17. That where any debtor, who, being a banker, broker, merchant, trader, or manufacturer, owing $500, and who is unable to pay his debts, shall make any assignment, transfer, or conveyance of his property, real or personal, or any part thereof, or give or suffer any lien or incumbrance on the same, contrived or devised with the actual intent on his part to defraud his creditors or any of them, such act when found and ascertained as hereinafter provided shall be deemed an act of bankruptcy; and a creditor or creditors having debts against said bankrupt to the amount of $500 may file a petition against said fraudulent debtor in the court of bankruptcy of the district in which said debtor may reside, alleging such fraudulent acts of bankruptcy. The debtor shall have such reasonable notice of the filing of said petition as the court shall prescribe; and on the day fixed by the court, if the debtor shall answer, denying the facts alleged in the petition, the said court shall hear the parties and the evidence, and if it shall be proven to the satisfaction of the court that such actual fraud was committed with the fraudulent intent and purpose aforesaid, and that the said debtor was at the time of committing said act without sufficient property to pay his debts, or if the debtor shall fail to answer, the said court shall adjudge him to be a bankrupt; and if not so satisfied the court shall dismiss said petition with costs to the defendant.

Either party may demand that said issues shall be tried by a jury under the direction of the court, as in other cases at common law.

If the debtor shall be adjudged a bankrupt as aforesaid, then the court shall take such other proceedings by the appointment of an assignee or receiver and by such other and further orders as may be necessary to recover said property and all other property so found to be fraudulently transferred or conveyed, belonging to said bankrupt, not exempt by law from seizure, to pay his debts, and to distribute the same among his creditors, excluding from any participation therein the person or persons for whose benefit said conveyance, assignment, lien, or incumbrance was made or suffered, if such person had actual notice of the fraud of the debtor aforesaid.

Said petition shall not be filed unless within four months next after the commission of said act of bankruptcy.

All the other provisions of this act so far as the same may be applicable shall apply to proceedings under this section.

SEC. 18. That this act shall not be construed to repeal, annul, or suspend the laws of any State or Territory now in force, or which may hereafter be enacted, for the compulsory distribution of an insolvent's estate among his creditors; nor to interfere with proceedings under said laws for that purpose which shall have been commenced prior to the filing of the petition as hereinbefore provided; and said petitioner shall not be permitted to dismiss his petition after filing the same without the consent of the court; but the jurisdiction of the court shall continue and remain after such filing for the purpose of recovering all property liable to the petitioner's debts and distributing the same among creditors until full and complete distribution shall be had: *Provided*, That the court may, if it shall deem the ends of justice will be subserved thereby, with consent of two-thirds of the creditors in amount and number, authorize a dismissal of said proceedings.

SEC. 19. That the court shall have power to appoint a sufficient number of auditors to transact such business as may be committed to them under this act. The auditors shall have power to administer oaths, state accounts, and under orders of the court examine witnesses, and perform such other duties, not of a judicial character, as may be prescribed by the rules of the court. The auditors shall also have power to make the necessary orders declaring the petitioner a bankrupt, and for serving notice of filing the petition of bankruptcy and for fixing the day at which a hearing on the petition shall be had. The fees of the auditor shall be fixed by the court, but in no case shall any fee exceed the sum fixed by the laws of the State in which he holds his office for similar services rendered by State officials.

SEC. 20. That all oaths required to be administered in any proceeding under this act may be taken before and certified by any officer of the State in which they are taken, authorized by the laws thereof to administer oaths.

SEC. 21. That there shall be kept at each place at which said courts of bankruptcy may be held, by the clerk thereof, a docket, in which shall be entered the filing of each petition and schedule and list and other papers, and a short statement of every order or decree of the court and of the auditors in that case, and copy of the decree granting or refusing a discharge; and such entries on the docket, together with the papers filed, shall constitute the record in such case. The cost of such docket shall be paid for as other record books and dockets of the district courts are paid for. The fees of the clerk, when not otherwise specified in this act, shall be fixed by the court, but shall not exceed the sum of $1 for service in any case of bankruptcy.

SEC. 22. That this act shall continue in force two years and no longer, except as to all proceedings commenced under it within that time, and as to them shall continue in full force and effect until they are finally disposed of.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the committee.

Mr. TELLER. We are not going to act on that to-night.

Mr. CULLOM. I present a conference report which I desire to have considered.

Mr. NELSON. Mr. President——

Mr. CULLOM. Before doing so, however, I yield to the Senator from Minnesota to offer an amendment to the bankruptcy bill.

Mr. NELSON. I desire to offer an amendment as a substitute for the first sixteen sections of the amendment that has been read. I ask that it may be printed in the RECORD, the reading to be dispensed with.

Mr. HOAR. Let it be received and, by unanimous consent, printed in the RECORD as having been read.

The PRESIDING OFFICER. The amendment will be received and ordered to be printed without reading, if there be no objection.

Mr. HOAR. I asked unanimous consent in a little different way, that the amendment should be received and treated as having been read, and printed in the RECORD.

The PRESIDING OFFICER. The Senator from Massachusetts requests that the amendment may be treated as having been read in the Senate and also printed in the RECORD.

Mr. STEWART. I should like to have it read.

The PRESIDING OFFICER. If there is no objection, it will be so ordered.

Mr. BATE. We do object. We wish to have it read.

Mr. STEWART. Let it be read.

Mr. CULLOM. It is a pretty long amendment, and there are two conference reports here now.

Mr. TELLER. Let it be read later.

Mr. CULLOM. It may be read later. I have no objection to that. It will be printed in the RECORD.

The PRESIDING OFFICER. Objection is made to the request that the amendment shall be treated as having been read.

Mr. HOAR. I withdraw that request.

The PRESIDING OFFICER. The request is withdrawn.

Mr. NELSON. I understand the amendment is to be printed in the RECORD.

Mr. CULLOM. It will be.

The PRESIDING OFFICER. It will be printed in the RECORD.

Mr. STEWART. It will be in the RECORD and also in the usual form, so that we may have it on our tables.

Mr. HOAR. It has been printed already in the regular way.

The PRESIDING OFFICER. The amendment will be reprinted in bill form, and will also be printed in the RECORD.

The amendment is as follows:

Mr. NELSON proposes the following as a substitute and amendment for sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 of the substitute reported by Senator TELLER as an amendment to H. R. 8110, entitled "An act to establish a uniform law on the subject of bankruptcies throughout the United States:"

"SECTION 1. That any debtor, other than a railroad corporation, owing $200 or more, who is unable to pay his debts, may file his petition in the district court of the United States for the district or division thereof in which he resides, or if he be a resident of the District of Columbia, then in the supreme court of said District, or if he be a resident of a Territory, then in the district court of such Territory of the district in which he resides, asking for a discharge from his debts, and offering to surrender all his property for the payment of his debts, except such as are exempt by the law of his domicile from execution and liability for debts. But the petition shall not be filed in such court unless the petitioner has resided in said district or division at least six calendar months immediately preceding the filing of the petition. The petitioner shall attach to his petition a schedule and list of all his property, exempt and unexempt, and a schedule and list of all his creditors, with the residence and post-office address of each, if known, and shall in his petition state his inability to pay his debts, and that the list and schedule of property and creditors is true and correct, and shall conclude with a prayer for a discharge from the debts of the petitioner, which petition shall be duly verified by the oath of the petitioner. And the petitioner shall deposit with his petition such sum of money with the clerk of the court to pay the cost of the proceedings as the court shall direct, not exceeding in all $20.

"SEC. 2. That as soon as said petition is filed as aforesaid the court shall be deemed to have acquired jurisdiction of the subject-matter of said proceedings, and all the creditors of the petitioner shall be made party defendants. The court shall thereupon make an order fixing a time and place for the hearing and consideration of said petition, which time of hearing shall be not less than thirty nor more than ninety days subsequent to the date of such order. Such order shall be served by the clerk of the court on each of the creditors by mailing a copy thereof, at least thirty days before said hearing, to each creditor in a proper envelope, with postage prepaid, addressed to the creditor at the post-office address specified in the schedule of creditors attached to the petition. A copy of said order shall also, in the meantime, be published once a week for four successive weeks prior to said hearing in a weekly or daily newspaper of general circulation in the vicinity of where the petitioner resides, such newspaper to be designated by the court at the time of issuing the said order. When said order has been served and published as aforesaid, the court shall be deemed to have acquired jurisdiction of the person of the creditors.

"SEC. 3. That the court in which said petition is filed shall be deemed to be always open, sitting, and in session for the consideration of any and all matters pertaining to or connecetd with the matter of said petition or the proceedings arising therefrom. And material issues of fact arising at any stage of the proceedings shall, on the demand of the petitioner or a creditor, be

tried by a jury, and if a jury is not then in attendance the court may specially summon a jury for such trial, or the trial may be postponed until a regular petit-jury panel is in attendance. Except in the cases where a jury trial is demanded as aforesaid, all issues of fact shall be tried by the court without a jury.

"SEC. 4. That at the time and place fixed in said order for the hearing and consideration of said petition any of the creditors may appear and answer said petition and take issue with any of the matters and facts therein alleged, and may contest the right of the petitioner to a discharge from the payment of his debts upon the following grounds and no other, to wit:

"First. That the petitioner has knowingly concealed or withheld some part of his property by omitting the same from the schedule or list appended to the petition or otherwise, or has in any other manner concealed or withheld any of his property from the knowledge of the court or his creditors.

"Second. That the petitioner has at any time within six months prior to said hearing, or at any time after becoming insolvent and unable to pay his debts, conveyed, assigned, or concealed his property, or some part thereof, or has suffered a lien or incumbrance to be placed thereon, with intent in either case to defraud any of his creditors.

"Third. When the petitioner, being a banker, broker, merchant, trader, manufacturer, or miner, shall have given, at any time after becoming so insolvent, as aforesaid, or at any time within six months prior to such hearing, any preference to any of his creditors, other than such preferences as are allowed by law, or shall have suffered any of his creditors to acquire any such preference by legal proceedings or otherwise.

"Should a discharge be refused by the court upon any of the grounds specified aforesaid, the same proceedings shall be had in the administration and distribution of the petitioner's estate as if he were discharged.

"SEC. 5. That at the time and place set for said hearing the court shall proceed to hear, consider, and try the matter embraced in said petition and any issue made by any answer thereto; and if the court finds that the facts alleged in the petition are true, it shall adjudge the petitioner a bankrupt and make an order assigning and transferring all his property, not exempt by the law of his domicile from execution and liability for debts, to some suitable and competent person termed 'assignee,' with power and authority in such assignee to sell and dispose of such property and convert the same into money, under the direction and subject to the approval of the court, and to distribute the proceeds thereof among the creditors of the bankrupt in the manner hereinafter specified.

"SEC. 6. That said assignee shall, before entering upon the discharge of his duties, give a bond in such sum as the court may direct, with satisfactory sureties, subject to the approval of the court, for the faithful performance of the trust thus conferred upon him. He shall also take and file an oath that he will honestly and diligently, and without fear or favor, duly perform and faithfully discharge all the duties of his trust. As soon as the assignee has qualified as aforesaid he shall proceed, under the direction of the court, to convert all the property of the bankrupt into money and distribute the proceeds thereof among the creditors of the bankrupt, under the direction of the court, in the manner hereinafter specified.

"SEC. 7. That all preferences by any merchant, broker, banker, trader, manufacturer, or miner, given or suffered, within four months prior to the filing of the said petition, the petitioner being then insolvent, other than such preferences as are herein allowed, are hereby declared illegal, null, and void as against the creditors of the petitioner; and all money or other property which has been given, transferred, or assigned by the petitioner for the purposes of making such illegal and void preference as aforesaid shall, if not exempt from execution and liability for debts, be and remain a part of the assets and estate of the said petitioner, and shall pass to the said assignee, whose duty it shall be to reclaim and recover the same by legal proceedings, or otherwise, for the benefit of the creditors. And all conveyances or transfers of property made at any time by the petitioner which, by the laws of the State or Territory or District in which the property is situate, are illegal, void, or voidable, as against the creditors of the petitioner, are hereby declared null and void; and all liens or incumbrances upon the property of the petitioner which are void or voidable as to his creditors, by the laws of the State, Territory, or District where the property is situate, shall, for the purposes of this act, be deemed null and void as against the creditors of the petitioner; and all of the property aforesaid, unless exempt from execution or liability for debts, shall be deemed a part of the estate and assets of the petitioner, and shall pass to the assignee for the benefit of the creditors of the petitioner; and the assignee shall have full authority to institute and prosecute the necessary legal proceedings to recover and reclaim any property so transferred, assigned, or encumbered in fraud of the rights of the creditors as aforesaid.

"SEC. 8. That as soon as the petitioner has been adjudged a bankrupt as hereinbefore specified, all creditors shall, without any other or further notice, be required within thirty days thereafter to make and file, in writing and under oath, due proof of their claims, accompanied with a statement as to any and all securities held for such claims. Creditors holding securities shall only be entitled to an allowance of so much of their claims as exceeds the value of the securities held by them, unless, at the time of making their proof, they filed a due and proper relinquishment and assignment of their securities to the assignee of the bankrupt. No claim shall be paid until it has been passed upon and allowed by the court or under its direction. The claims of the creditors who have obtained undue preferences within the provisions of this act shall not be allowed unless such creditors shall first voluntarily surrender to the court and the assignee, without any legal proceedings, all property acquired by them by way of preference as aforesaid.

"SEC. 9. That the following debts shall have a preference in the distribution of the estate of the bankrupt over other debts, to wit: Debts due to the United States or to any State or Territory or to the District of Columbia, and debts due to the servants or laborers employed by the bankrupt for labor performed or services rendered by them within six months prior to the filing of the petition hereinbefore specified. But none of such debts shall be recognized or paid unless duly proved and allowed, as prescribed in reference to other debts and claims against the bankrupt.

"SEC. 10. That it shall be the duty of the assignee, after he has reduced and converted the estate of the bankrupt into money, to distribute the same, under the direction of the court, among the creditors whose claims have been proved and allowed as aforesaid, and for the expenses and costs of the proceedings and the administration of the estate, as follows:

"First. He shall pay, out of such money, all the costs and expenses of the proceedings and the administration of the estate, to be taxed and allowed by the court.

"Second. He shall next pay the preferred creditors of the bankrupt in full, or if there is an insufficient amount for that purpose, then the claims of the servants and laborers of the bankrupt shall, first of all, be paid in full, and the residue of the proceeds, if any, shall be paid in equal pro rata share to the other preferred creditors of the bankrupt.

"Third. The residue of the money, if any, shall be paid to the other creditors whose claims have been duly proved and allowed, in equal pro rata shares.

"SEC. 11. That after the estate of the bankrupt has been converted into money and distributed among the creditors, as hereinbefore provided, the court shall, upon the application of the assignee or bankrupt, order a final hearing for the purpose of finally determining his condition and status with reference to his creditors. The court shall, by its order, fix the time and place for such final hearing, which time shall be not less than thirty nor more than ninety days subsequent to the date of such order, and notice of such final hearing shall be given to the creditors by serving upon them the said order and publishing the same in the manner prescribed for the service and publication of the order prescribed and provided for in section 2 of this act.

"SEC. 12. That at the time and place fixed for said final hearing the court shall proceed to a final disposition and final determination of the proceedings; and if the court shall find that all the estate of the bankrupt not exempt from execution or liability for debts has been converted into money and distributed among the creditors of the bankrupt as herein prescribed and shall find that all the costs and expenses of the proceedings have been duly paid, and shall also find that the bankrupt is not subject to have his right to a discharge from his debts denied upon any of the grounds upon which his right to such discharge may be contested, as prescribed in section 4 of this act, then, and in that case, the court shall enter a final judgment and decree, discharging and acquitting the bankrupt from all his debts and liabilities due any of the creditors described in the schedule attached to his petition, or to any of the creditors who may, at any time subsequent thereto, become a party to the proceedings. But such discharge shall not include any debts or obligation which shall have been created in consequence of his defalcation as a public officer, or as an executor, administrator, guardian, or trustee, or while acting in any other fiduciary capacity; nor any debt or obligation to any surety of the debtor who has paid or may pay any such fiduciary debt or any part of it, nor any debt or obligation created by the obtaining of money or property under false pretenses; and if it shall appear to the court, at the time of the first hearing upon the petition described in the first section of this act, that the petitioner does not possess or own property of any kind, except that which is exempt by the law of his domicile from execution or liability for debts, and no creditor shall appear to contest the same or claim otherwise, then, and in that case, the court shall adjudge the petitioner a bankrupt, and shall enter a final judgment and decree, discharging him from all his debts and liabilities in like manner and to the same extent, and subject to the same exceptions as provided upon the final hearing, hereinbefore described.

"SEC. 13. That no attorney's fee shall be taxed or allowed, either for the bankrupt or any of the creditors. The assignee shall be entitled to a fee not exceeding $5 a day for every full day actually employed in the performance of his duty, and in no case shall he receive in the aggregate a fee in excess of $100. In case the clerk of the court is paid by a salary instead of fees he shall receive no compensation, but only his actual disbursements, for any of the work done by him in the matter of the proceedings under this act. In case he is not paid by a salary, then he shall receive the like fees for his services under this act that he would be entitled to receive for similar services in other cases, except that for mailing to creditors the copies of the orders herein provided for, he shall receive for each copy mailed a fee of 10 cents, and no more. For publishing the orders herein prescribed a like fee shall be allowed the publisher as is allowed for legal notices and publications in similar cases. All disbursements of the assignee necessarily incurred and expended in taking care of the estate of the bankrupt, and in converting the same into money and distributing the same among the creditors, as herein provided to be taxed by the court, shall also be allowed and paid; but no other costs, fees, and expenses than those aforesaid shall be incurred or allowed in the proceedings.

"SEC. 14. That a firm or partnership, where all the partners concur and join, or in case of dissolution for any cause on the application of any one of the firm may, in like manner and under like conditions and limitations, institute and carry on to a final determination bankruptcy proceedings in the same manner and to the same extent, and subject to the same conditions and limitations as is hereinbefore provided and prescribed in the case of an individual.

"SEC. 15. That the district courts of the United States in the several States, the supreme court of the District of Columbia, and the district courts of the several Territories are hereby made courts of bankruptcy, with full jurisdiction, both at common law and in equity, to carry out this act and to try and determine all suits and controversies necessary to a full execution thereof; and said courts shall have also full power to cause said petitioner, or bankrupt, his wife, or either of them, to be examined under oath touching any charge of concealment or illegal transfer of any property of said bankrupt, and to issue a writ of ne exeat against the bankrupt to continue in force so long as it may be necessary to have such examination. The said courts, for the exercise of every jurisdiction conferred by this act, shall be considered as always open, and the judges of the said several courts may exercise in chambers any jurisdiction conferred on said courts by this act. That the said courts of bankruptcy shall have power to make all proper rules not inconsistent with this act for the exercise of the jurisdiction vested in them by this act. The court shall also have full jurisdiction to enjoin or otherwise manage or control all suits or actions pending against the bankrupt at the time of filing his petition in the clerk's office of the court of bankruptcy, as hereinbefore required, and to manage and control all suits or actions pending at the time in his favor, and to cause the same to be prosecuted or defended by the assignee, and to make all necessary orders and decrees to secure a proper distribution of the assets according to law."

Mr. CULLOM. I have sent to the desk the conference report on the legislative bill. Before it is taken up, however, I yield to the Senator from Utah [Mr. CANNON], who wishes to submit a very brief conference report.

UNITED STATES COURTS IN UTAH.

Mr. CANNON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2037) to provide times and places for holding terms of United States courts in Utah, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same.

GEO. F. HOAR,
WILLIAM F. VILAS,
FRANK J. CANNON,
Managers on the part of the Senate.

CASE BRODERICK,
CHARLES G. BURTON,
J. W. BAILEY,
Managers on the part of the House.

The report was concurred in.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. CULLOM. I hope we may now proceed with the conference report on the legislative appropriation bill, which I have sent to the desk.

The PRESIDING OFFICER. The conference report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 31, 32, 46, 48, 62, 68, 69, 70, and 79.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 29, 30, 33, 35, 36, 37, 39, 40, 41, 42, 43, 44, 45, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 66, 67, 71, 72, 75, 76, 77, 78, and 80, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: Strike out, in line 5 of the matter inserted by said amendment, the words "to be approved by the Joint Committee on the Library;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Register of copyrights, $3,000, who shall, on and after July 1, 1897, under the direction and supervision of the Librarian of Congress, perform all the duties relating to copyrights, and shall make weekly deposits with the Secretary of the Treasury and make monthly reports to the Secretary of the Treasury and to the Librarian of Congress, and shall, on and after July 1, 1897, give bond to the Librarian of Congress in the sum of $20,000, with approved sureties, for the faithful discharge of his duties."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In line 16 of the matter inserted by said amendment, after the word "dollars," insert the following: "And said superintendent shall report to Congress at its next regular session the number of employees and the compensation of each employed hereunder;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: On page 23 of the bill, in line 5, strike out the word "fifty" and insert in lieu thereof the word "twenty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"Chief clerk, $2,500; four law clerks revising accounts and briefing opinions, one at $2,100 and three at $2,000 each; three clerks of class 4."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$39,700;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Assay office at Deadwood, S. Dak.: The Secretary of the Treasury is hereby authorized and directed to use the unexpended balance of the appropriation of $15,000 for establishing an assay office at Deadwood, S. Dak., made by the sundry civil appropriation act approved June 11, 1896, for rent of a suitable building for such purpose, for providing the same with necessary furnaces, fixtures, and apparatus, and for wages of workmen and contingent expenses; and said assay office shall be conducted under the provisions of the act entitled 'An act revising and amending the laws relative to the mints, assay offices, and coinage of the United States,' approved February 12, 1873."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,250:" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,250;" and the Senate agree to the same.

S. M. CULLOM,
W. B. ALLISON,
F. M. COCKRELL,
Conferees on the part of the Senate.

HENRY H. BINGHAM,
JOHN E. McCALL,
ALEX. M. DOCKERY,
Conferees on the part of the House.

The PRESIDING OFFICER. The question is on concurring in the conference report.

Mr. CALL. I do not think there is anybody in the Senate who understands anything about the report or what it means except the members of the conference committee. I should be very glad to have some idea of what it is proposed that we shall adopt.

Mr. CULLOM. If the Senate will allow me, I will state that by the report it is proposed that the Senate shall recede absolutely from only nine amendments which we made to the bill in the first place. One of them relates to the increase in the appropriation for the purchase of books for the Library, as to which we were compelled, in order to get an agreement, to accept a reduction from $6,000 to $4,000. Another one is in relation to the compensation of a chief clerk in the office of the Comptroller of the Treasury, where a reduction of $200 is made from the salary as fixed by the Senate. The Senate conferees receded from that amendment.

Another one is the reduction of one clerk of class 3 in the office of the Comptroller of the Treasury from the number fixed by the Senate. We yielded upon that point. Another is in relation to the wages of workmen in the United States mints and assay offices, being a reduction of $5,000, I think, from the amount fixed by the Senate. That was done after very considerable discussion and after the parties directly in interest were heard on the subject.

Another is as to the compensation of the Commissioner of the Bureau of Education. The Senate increased the salary of the Chief of that Bureau to $3,600, the salary being $3,000. After very much conference and delay the Senate conferees felt obliged to yield the proposed increase of the salary of that officer, so that it stands as it is in the law now, at $3,000. Another is the compensation of a statistician in the Bureau of Education, where there is a reduction of $200 from the amount fixed by the Senate. We had to yield the amount of the increase.

Another is the provision relating to the United States courts in the Indian Territory. That was agreed to finally after consultation with the people interested especially in that subject. Those, Mr. President, are the only items as to which the Senate receded absolutely and entirely from its original position on the questions involved.

The House recedes from its disagreement to amendments of the Senate, and agrees to the same with amendments, to which I will call attention. On page 19 of the bill, item 26, we strike out in line 5 of the amendment the words, "to be approved by the Joint Committee on the Library." The Senate undertook to make the rules provided by the Librarian subject to the approval of the Joint Library Committee. The Senate conferees, after a good deal of delay and discussion, and after everything else had been agreed to, concluded to yield that part of the amendment which we had made. So the Librarian will make his rules; and under the bill now there is nothing further to be said about it.

The next item is to insert in lieu of the Senate amendment the following:

Register of copyrights, $3,000, who shall, on and after the 1st of July, 1897, under the direction and supervision of the Librarian of Congress, perform all the duties relating to copyrights, and shall make weekly deposits with the Secretary of the Treasury, and make monthly reports to the Secretary of the Treasury and the Librarian of Congress; and shall, on and after July 1, 1897, give bond to the Librarian of Congress in the sum of $20,000, with approved sureties, for the faithful discharge of his duties.

The Senate, in the first place, provided that the register of copyrights should deposit his money with the Treasury Department and make reports to the Treasury Department monthly, and so on, but he was not required to report to the Librarian. After consultation with the conferees on the part of the House, we agreed that it would be more harmonious to require the copyright officer, who is to be appointed by the Librarian and is subordinate to him, to report to the Librarian, and to make his reports of money directly to the Secretary of the Treasury and make weekly and monthly statements as to what he has done.

Mr. GRAY. To be audited like the accounts of other disbursing officers?

Mr. CULLOM. To be audited like the accounts of other disbursing officers.

In reference to the superintendent of the Library building and grounds, in line 16 of the Senate amendment, after the word "dollars," we inserted:

And said superintendent shall report to Congress at its next regular session the number of employees and the compensation of each employed hereunder.

In the organization of the Library and grounds we provide for a superintendent and make him the disbursing officer of all the money paid out to employees of all kinds in connection with the Library building and grounds, requiring him to give a bond in the sum of $20,000, with sureties to be approved by the Secretary of the Treasury, I think, for the faithful discharge of his duties.

The next amendment reduces the bond of the Librarian of Congress from $50,000 to $20,000. By mistake, I think, on the part of the committee, we got his bond up to $50,000. It was an enormous bond, as he does not handle a dollar of money except his own salary, and we thought it was only proper to reduce it to $20,000, which is a pretty large bond still.

Then, on page 36, item 47, we provide, in lieu of the Senate amendment, for "chief law clerk, $2,500; four law clerks, revising accounts and briefing opinions, one at $2,100 and three at $2,000 each; three clerks of class 4." That is substantially the law as it is now; in fact, it is almost exactly the same, except as to verbiage.

The next item is a reduction from $7,500 to $5,000 in the appropriation for contingent expenses at the Carson City mint.

The next is a provision in relation to the assay office at Deadwood, S. Dak. It authorizes the use of an unexpended balance of an appropriation of $15,000 for the establishment of an assay office at that town. The original appropriation was made in the sundry civil act of 1896, but none of the money has been expended, and we simply reappropriate that money and nothing more.

The next is a reduction of $500 in the provision for a mathematician in the Nautical Almanac Office.

The next relates to the provision for clerks in the office of the surveyor-general of Oregon, being a reduction from $8,000 to

$7,250. The Senate made the amount $8,000, but afterwards in conference it was impossible for us to keep in the amount as we put it in the bill in the Senate.

Those, Mr. President, are all the amendments which have been made. There is a very large number of recessions by the House, but, with the exceptions I have referred to, the bill stands exactly as it passed the Senate. So I think it is a very plain matter, and that there can be no question as to what the Senate ought to do with the report. I hope it will be concurred in.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

The report was concurred in.

AGRICULTURAL APPROPRIATION BILL.

Mr. CULLOM. The Agricultural bill is now upon the desk, and I ask that it may be laid before the Senate.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CULLOM. I move that the Senate agree to the conference asked for by the other House.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. CULLOM, Mr. QUAY, and Mr. CALL were appointed.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. I ask unanimous consent that we may now proceed to the consideration of pension bills on the Calendar. I will state that there are very few of them, and it will take but a short time to dispose of them.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the Senate proceed to the consideration of the pension bills on the Calendar. Is there objection? The Chair hears none.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I expected to call up the Indian appropriation bill this afternoon, but it is so late now that I give notice I shall try to get it up immediately after the routine morning business to-morrow.

Mr. ALLISON. I understand that a while ago unanimous consent was given to the Senator from New Hampshire who now occupies the chair [Mr. CHANDLER] to make some observations to-morrow immediately after the routine business. I hope the Senator from South Dakota will modify his notice.

Mr. PETTIGREW. I modify the notice, then, and will ask the Senate to take up the Indian appropriation bill immediately after the conclusion of the remarks of the Senator from New Hampshire.

The PRESIDING OFFICER. The first pension bill on the Calendar will be proceeded with.

ISAAC N. WILLIAMS.

The bill (H. R. 1104) granting a pension to Isaac N. Williams was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Michigan," to strike out "first;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the act of June 27, 1890, the name of Isaac N. Williams, Company F, First Regiment Michigan Engineers, and pay him a pension of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Isaac N. Williams."

JOHN J. COPLEY.

The bill (H. R. 1474) granting a pension to John J. Copley was considered as in Committee of the Whole. It proposes to place on the pension roll of the Mexican war veterans the name of John J. Copley, formerly a private in Company E, Fifteenth United States Infantry, and to grant him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH D. MARTHON.

The bill (H. R. 5764) granting an increase of pension to Elizabeth D. Marthon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to pay to Elizabeth D. Marthon, widow of Joseph Marthon, late a lieutenant-commander in the United States Navy, a pension of $46 per month, in lieu of the pension she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

DANIEL PHILLIPS.

The bill (S. 3591) to increase the pension of Daniel Phillips, of Company D, Thirteenth Regiment Wisconsin Infantry, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 5, before the word "Company," to strike out "of" and insert "a sergeant in," and, in line 7, before the word "dollars," to strike out "thirty-five" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Daniel Phillips, late a sergeant in Company D, Thirteenth Regiment Wisconsin Infantry, and to pay him a pension at the rate of $30 per month, in lieu of his present pension.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Daniel Phillips."

CIRCUIT COURT OF APPEALS.

Mr. HOAR. Will the Chair be good enough to lay before the Senate the bill S. 1862, which has come from the House of Representatives with amendments?

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1862) to amend the act creating the circuit court of appeals in regard to fees and costs, and for other purposes.

The amendments of the House of Representatives were, on page 1, line 13, to strike out "The senior justice;" on page 1, line 14, to strike out "of" where it first occurs; on page 1, line 14, to strike out "each" and insert "Each;" and on page 1, line 16, to strike out "the same" and insert "said table."

Mr. HOAR. I move that the Senate concur in the amendments.

The motion was agreed to.

JOSIAH P. BRADBURY.

The bill (H. R. 5852) to increase the pension of Josiah P. Bradbury was considered as in Committee of the Whole. It proposes to increase the pension of Josiah P. Bradbury, late private in Company M, First Maine Heavy Artillery, and to pay him $30 per month in lieu of the pension now paid him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSE DURNELL.

The bill (H. R. 3108) to grant a pension to Jesse Durnell, late second-class pilot on gunboat *Lexington*, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse Durnell, late second-class pilot on the gunboat *Lexington*, and pay him a pension of $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Jesse Durnell."

WILLIAM G. BUCK.

The bill (H. R. 8388) for the relief of William G. Buck was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of William G. Buck, late of Company E, Fifteenth Regiment Iowa Volunteers, to $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GREENVILLE PUCKETT.

The bill (H. R. 5880) granting an increase of pension to Greenville Puckett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "seventy-two" and insert "fifty;" so as to make the clause read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Greenville Puckett, late a corporal in Company D, Forty-fifth Regiment Kentucky Mounted Infantry, upon the pension rolls, with an increase of pension to $50 dollars per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MRS. ELIZABETH T. ANDERSON.

The bill (H. R. 7121) to restore Mrs. Elizabeth T. Anderson to the pension roll was considered as in Committee of the Whole. It proposes to restore to the pension roll the name of Mrs. Elizabeth T. Anderson, of Cartersville, Ga., and to pay her a pension of $8 per month as the widow of John Anderson, of Loyal's company, Second Georgia Volunteers, Creek war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIHU JONES.

The bill (H. R. 5981) granting a pension to Elihu Jones was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "dollars," to strike out "fifty" and insert "thirty," and in the same line, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Elihu Jones, late captain Company G, Eighth Illinois Infantry, on the pension roll, and pay him a pension of $30 per month, in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Elihu Jones."

DR. HARRISON WAGNER.

The bill (H. R. 6789) granting a pension and for the relief of Dr. Harrison Wagner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "dollars," to strike out "forty" and insert "twenty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Harrison Wagner, and pay him a pension of $25 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Harrison Wagner."

CHARLES W. SENTMAN.

The bill (H. R. 1311) granting a pension to Charles W. Sentman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension roll the name of Charles W. Sentman, late of Company D, Twentieth Regiment of Indiana Volunteers, and pay him a pension of $20 per month in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

FRANCIS M. ROSS.

The bill (H. R. 5986) granting a pension to Francis M. Ross was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Francis M. Ross, late a private in Company B, Forty-second Indiana Infantry, and to pay him a pension of $12 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN ZELLERS.

The bill (H. R. 4519) granting a pension to John Zellers was considered as in Committee of the Whole. It proposes to place on the pension roll, at $30 per month, the name of John Zellers, of Coffeyville, Kans., late of Company K, Sixty-eighth Regiment Illinois Volunteer Infantry, and Company B, One hundred and forty-fourth Regiment of Illinois Volunteer Infantry, in lieu of the pension now received.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET KIRKPATRICK.

The bill (H. R. 6099) granting a pension to Margaret Kirkpatrick was considered as in Committee of the Whole. It proposes to place upon the pension roll of the United States the name of Margaret Kirkpatrick, army nurse, at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK A. DRISCOL.

The bill (H. R. 4655) granting a pension to Frederick A. Driscol was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick A. Driscol, late sergeant Company E, Twelfth Regiment Rhode Island Volunteer Infantry, and Company I, Ninth Regiment Rhode Island Volunteer Infantry, and to pay him a pension of $12 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRIET WOODBURY.

The bill (H. R. 1299) to pension Harriet Woodbury, of Windsor, Vt., was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harriet Woodbury, late widow of Aaron G. Firman, of Company I, Seventh Regiment Vermont Volunteers, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY L. ARNOLD.

The bill (H. R. 4548) granting a pension to Mary L. Arnold was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary L. Arnold, mother of Isaac Arnold, late a private in Company B, Thompson's Battalion Six Months Missouri State Militia, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. FERREE.

The bill (H. R. 10040) granting an increase of pension to George W. Ferree was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Ferree, late a private in Company E, Twenty-second, and first sergeant in Company E, Fifty-ninth, Regiments of Ohio Volunteer Infantry, and pay him a pension of $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MRS. ELIZABETH S. ROBERTS.

The bill (S. 3670) to increase the pension of Mrs. Elizabeth S. Roberts, widow of the late Gen. Benjamin S. Roberts, United States Army, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mrs. Elizabeth S. Roberts, widow of the late Gen. Benjamin S. Roberts, United States Army, at $50 per month, in lieu of the pension now received by her.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH WELLONS.

The bill (H. R. 8898) to increase the pension of Elizabeth Wellons was considered as in Committee of the Whole. It proposes

to increase the pension of Elizabeth Wellons, widow of a soldier of the war of 1812, from $12 per month to $20 per month.

Mr. GALLINGER. I move to amend the bill by inserting, after the words "Elizabeth Wellons, widow of," in line 5, the words "William S. Wellons;" so as to read, "Elizabeth Wellons, widow of William S. Wellons, a soldier of the war of 1812."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ANNIE M. ERMER.

The bill (H. R. 1095) granting a pension to Annie M. Ermer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Annie M. Ermer, widow of Henry Ermer, late of Company G, Tenth Regiment Maryland Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEVI T. E. JOHNSON.

The bill (H. R. 2317) to increase the pension of Levi T. E. Johnson was considered as in Committee of the Whole. It proposes to increase the pension of Levi T. E. Johnson, late a private of Company B, Fifty-second Indiana Volunteers, from $10 to $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JULIA H. H. CROSBY.

The bill (H. R. 446) to increase the pension of Julia H. H. Crosby was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Julia H. H. Crosby, widow of Freeman H. Crosby, deceased, late a lieutenant in the United States Navy, commanding the U. S. S. *McArthur*, at $35 per month, in lieu of the pension which she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. This concludes the Calendar of pension bills.

THE WATER HYACINTH.

Mr. PASCO. I ask unanimous consent that Senate bill No. 3651 be taken up and put on its passage.

The Secretary read the bill (S. 3651) to provide for an investigation of the obstruction of the navigable waters of Florida, Louisiana, and other South Atlantic and Gulf States by the aquatic plant known as the water hyacinth, and for other purposes; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. CALL. How much money does the bill appropriate?

The PRESIDING OFFICER. Ten thousand dollars.

Mr. PASCO. That is the amount which was recommended by the Secretary of War in order to carry out these experiments.

Mr. CALL. I shall support the bill, and hope that it will pass, but I regret that the Secretary of War did not make a recommendation for a larger amount of money. It is a very important work and ought to be done thoroughly.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PASCO. I ask that the report of the Committee on Commerce be published in the RECORD in connection with my remarks.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

TO INVESTIGATE THE OBSTRUCTION OF NAVIGABLE WATERS OF SOUTHERN AND GULF STATES BY WATER HYACINTHS.

February 4, 1897, Mr. PASCO, from the Committee on Commerce, submitted the following report, to accompany S. 3651:

The Committee on Commerce have had under consideration a letter from the Secretary of War, referred to the committee on the 5th day of January last, transmitting, in response to a Senate resolution adopted on the 15th day of December last, a report of the Chief of Engineers relative to the obstruction of the navigable waters of Florida and other South Atlantic and Gulf States by the aquatic plant known as the water hyacinth, and the report and other papers accompanying the letter, all included in Document No. 36, and submit the following report of their action thereon, with a bill framed to carry out the recommendations of the Chief of Engineers transmitted to the Senate by the Secretary, and the committee recommend that the bill do pass:

The water hyacinth is an aquatic plant that has of late years appeared in our Southern waters, notably in the States of Florida and Louisiana. It is said to be a native of Venezuela, and it appears to have been introduced into the eastern part of Florida to adorn the grounds of some of the large hotel establishments. It thrived and flourished in the little ponds fed by fountains and was valued for its rarity and beauty. The leaves are borne in swollen stems, which are filled with spongy air cells. The blossoms are of a lilac color, produed in large spikes like a hyacinth, and it flowers freely in the summer and fall. Its hairy roots hang down into the water, but do not attach themselves to the soil beneath. The plants were given away and distributed about and in a few years became so abundant that people ceased to care much for them. Later they escaped from cultivation, and as they invaded the fresh-water navigable streams and lakes they became troublesome to the log men and to the small craft which plied the upper waters of the St. Johns and its tributary streams and connections, and still later they often obstructed the passage of steamboats and sailing vessels.

The plant is of quick growth, is moved about by the winds and currents, and as the masses of roots and leaves develop and thicken they form into floating islands, which often conceal logs and other obstructions menacing the safety of any vessel that strikes them. A prevailing wind lasting for some time drives these floating masses against a bridge or some shoal or point in the river, and it is hard to detach or penetrate them. The plants are propagated from seeds and by runners, and when they have once obtained a hold on the river bank or a shoal they grow rapidly and spread toward the middle of the stream, and in some of the tributaries of the St. Johns they have extended from each shore line and met in the channel, and the passage grows more difficult from month to month, and unless a remedy is speedily afforded even steamboat navigation will be impossible.

The following account of difficulties encountered by the steamer *City of Sanford* on one of her trips on the St. Johns early last summer is taken from the Times-Union, published in Jacksonville, Fla., and shows the necessity of speedy action to protect and keep open this great waterway:

"NAVIGATION ALMOST CLOSED—WATER HYACINTHS HAVE ALMOST BLOCKED THE UPPER ST. JOHNS.

"The cold weather this winter has had no effect on the water hyacinths, and unless Congress soon takes some steps to rid the St. Johns and tributary streams of the plant, before next summer navigation of the upper St. Johns will be entirely blocked.

"On the last trip of the steamer *City of Jacksonville* from this city to Sanford great difficulty was experienced in getting through a solid bed of the hyacinths, which extended for 1½ miles south of Volusia Bar at the head of Lake George. The wind has been blowing from the north and northwest, and has caused the plants to be blown out of lakes and streams and into the form of a solid mass across the river.

"Captain Shaw, of the steamer, says that in places the hyacinths roll over and over until a solid bank several feet thick is formed, and when the steamer gets into the floating mass it is with the greatest difficulty that she can be gotten out.

"If the steamer is going at full speed when a bank of the hyacinths is struck, she will soon come almost to a standstill.

"Only a few days ago a small steamer on the upper river was completely stalled in a bed of the hyacinths, and it took several hours for men in rowboats to open up a passage for her to get out.

"At every landing along the river mill men and loggers complain that their business is being ruined by the water hyacinths, and all of them hope that Congress will soon take some action to afford relief."

The Palatka Advertiser furnishes another interesting incident which teaches the same lesson:

"Three men in two rowboats attempted to cross the St. Johns River at Palatka before day Wednesday morning, and were caught in the water hyacinths. The steam tug *Frank* made two unsuccessful attempts to get to them. A rescuing party from the schooner *Russell* went out Wednesday afternoon about 3 o'clock with boards, and, throwing them on top of the hyacinths, succeeded in rescuing two of the men, who were thoroughly chilled and wet through. At 4 o'clock the other man was still in his boat in about the center of the river, calling loudly for help, and working hard to reach the trestlework of the drawbridge, as all efforts to reach him had proved futile. The Picolata mail packet *Alice M.*, after it had left the dock, was also delayed about three hours trying to get through the hyacinths."

The following letter from Maj. James B. Quinn, of the Corps of Engineers, which was among the papers communicated to the Senate by the Secretary of War, shows that a like condition exists in Louisiana, where the same pest obstructs the navigable waters and impedes commerce:

"OFFICE UNITED STATES ENGINEER,
"*New Orleans, La., September 22, 1896.*

"GENERAL: I have the honor to inclose a petition from the citizens interested in the navigation of the tributaries of the Tickfaw River in Louisiana.

"The water hyacinth is a plant that has developed wonderfully within the past few years in the rivers and bayous of Louisiana, and its growth has been so compact in many cases as to completely obstruct the passage of boats. The plants form such a dense mass in the canal which leads into Lake Ponchartrain at West End in this city at one season as to require their removal by means of a tug and a floating rake, the plants being towed out into the lake in large patches. The operation was necessarily an expensive one, although it proved effective.

"I have been informed that in Bayou Plaquemine, Louisiana, an experiment was made with gasoline, the gasoline being pumped into the water in considerable quantities and set fire to, and from all accounts this seemed to destroy the plants and the seeds, but the results were confined to a small space, and I have no idea what might be expected when the method was tried on a large scale. It seems to promise good results and might perhaps be worthy of trial.

"This matter affects the submission of a project for the improvement of these rivers under the appropriation made for the improvement of Tickfaw River and its tributaries, Louisiana, and I therefore request to be informed whether the appropriation which was made when such a contingency as an aquatic growth obstructing navigation was unknown is applicable to the removal of same under the same classification as snags and overhanging trees, etc., the only obstructions considered in the reports relative to the improvement of these streams.

"Very respectfully, your obedient servant,

"JAMES B. QUINN,
"*Major, Corps of Engineers.*

"Brig. Gen. W. P. CRAIGHILL,
"*Chief of Engineers, U. S. A.*"

The rapid growth and spreading of this plant began to excite alarm and cause trouble about four years ago, but it was not called to the attention of the War Department till February, 1895, when Hon. C. M. COOPER, Representative of the Second district of Florida, referred to the Secretary a petition of certain citizens of Palatka, calling attention to the matter and seeking relief. At this time much trouble was experienced by the accumulation of the growth about the bridge across the St. Johns near Palatka.

The petition was referred to Maj. Thomas H. Hanbury, Corps of Engineers, and on the 10th day of April, 1895, he made a report to the Chief of Engineers from which the following extracts are taken:

"It appears from Mr. Crill's communication and from conversation that I have had with him and others familiar with the environments of the bridge across the St. Johns River at Palatka that considerable difficulty was experienced by boatmen in that vicinity last summer and fall on account of the plant called the water hyacinth, mentioned in his letter. At times this would give trouble at other points in the river south of Palatka. This plant has given no trouble until about two years ago, when it commenced to increase rapidly, collect in large patches, and float about upon the surface of the water as wind and current might direct. A long-continued southeast wind would cause large quantities of this to collect on the south side of the bridge in the angle formed by it and the shore. The shape of the deep bend at this point also favors the collection in this locality of floating substances when the wind is from this direction.

* * * * * * *

"The conditions in regard to the accumulations of the water hyacinths

above described are such as obtained last fall. Since then the thermometer has twice gone below the freezing point along the St. Johns River, which has resulted in killing off most of this troublesome plant. In the latter part of last February I went down the St. Johns from Sanford to Jacksonville. At that time there was scarcely any of it visible. The only evidence of its existence was an occasional floating bulb or a patch half hidden away under some bushes or in a small bay along the shore. While at Palatka a few days since I noticed only a few bulbs about the wharves and in the vicinity of the bridge.

"Judging from the evidence of the last two years, these small remnants will be quite sufficient to again spread the plant to troublesome proportions. It does not seem to be able to withstand cold below the freezing point, nor will it live in salt or brackish water. It flourishes best in warm, sluggish, fresh water.

"From the information that I can gather, I am inclined to the opinion that it is the same plant that is beginning to give trouble in the bayous of Louisiana. There it is believed to have been brought from Colombia, South America. How it got into the St. Johns River, Florida, I have not been able definitely to ascertain. It certainly threatens to give great trouble to navigation.

"THOS. H. HANDBURY,
"*Major, Corps of Engineers.*"

The opinion expressed by Major Handbury that the remnants of the plants were sufficient to again spread its growth to troublesome proportions was well founded, and last year the people of Palatka and other places on the St. Johns again called for relief against this obstruction to the commerce of their river. The matter was again referred to the Chief of Engineers, and it was investigated by officers of the corps.

The following extract is taken from the report of J. W. Sackett, assistant engineer to Lieut. Col. W. H. H. Benyaurd:

"UNITED STATES ENGINEER OFFICE,
"*St. Augustine, Fla., October 14, 1896.*

"COLONEL:

* * * * * * *

"The subject has been sufficiently investigated to show that there is no question but that the plant forms a serious obstruction to navigation, and that it is increasing to an alarming extent. In this respect I beg to refer to my report submitted September 9, 1896. To determine the best method of removing the plant from the river it would appear most rational to have a series of experiments undertaken. The subject is a novel one. To my knowledge such a condition of affairs has never been the subject of discussion from an engineering standpoint before. I have thought of many plans and have received many suggestions, but most of them seem impracticable. I beg to suggest the following, however, as the best that has presented itself:

"A specially constructed stern paddle-wheel steamer, having a double bow, or outriggers, which, upon being forced into a mass of the plants, would cause them to gather toward the middle of the boat, where an inclined carrier would pick them up and deposit them in front of large rollers driven by machinery that would crush them and force the water from them, thus greatly reducing their bulk. The crushed plants could then be delivered by suitable carriers into barges alongside, which, when loaded, would be used to carry the material and permit it to be deposited at some place on shore to be disposed of as compost material for fertilizer, or burned. A cremator could be arranged on a barge alongside the boat and save further handling. Experiment might show that the plant would not grow again or produce other plants after being crushed. If so, it could simply be thrown overboard from the boat."

The following extract is taken from the report of Lieutenant-Colonel Benyaurd to Brigadier-General Craighill, Chief of Engineers:

"UNITED STATES ENGINEER OFFICE,
"*St. Augustine, Fla., November 9, 1896.*

"GENERAL:

* * * * * * *

"The subject has been sufficiently investigated to show that the plant forms a serious obstruction to navigation and that it is increasing to an alarming extent. The matter of the obstruction to navigation of the St. Johns River by this plant was made the subject of an examination by Maj. Thomas H. Handbury, and his report was submitted April 10, 1895, as fourth indorsement on letter of E. S. Crill, through Hon. C. M. COOPER, M. C.

"At the time of Major Handbury's examination the plant was thought to have been destroyed by the freezing weather that had prevailed in Florida that winter.

"By reason of the obstruction caused by an accumulation of the plant above the railroad bridge of the East Coast Railway Company at Palatka (shown on photographs transmitted), the matter was again brought up and referred to me for report upon letter of George P. Fowler, forwarding petition of mayor of Palatka and others, under date of August 12 last. The report thereon was rendered by me under date of September 18, upon an examination made by Mr. J. W. Sackett, assistant engineer, to which attention is respectfully invited.

"The matter is now brought up again, with request for further investigation and for steps to be taken to remove the plant from the river.

"It might first be stated that there are no funds on hand available for making any attempts toward removing the plant.

"As stated in my letter of September 18, above referred to, the plant is found on all the tributaries of the upper St. Johns. It appears to be extending on all the streams. Under favorable conditions its propagation is so rapid as to keep in advance of any efforts tending to its removal from the areas over which it has already spread. It would appear, therefore, that the first efforts should be directed toward some measures to stop the propagation of the plant. The experiments in this direction would, in my opinion, come properly within the province of the Agricultural Department. The growth of the plant in the swamps and small tributaries might at first seem of no consequence or injury to navigation, but with the rising of the waters large masses of the growth are carried out into the main stream and tend to form the serious obstructions to navigation against which so many complaints have been made.

"Mr. Sackett, assistant engineer, who has long been familiar with the Florida streams and their present condition, due to the presence of the hyacinth, recommends the construction of a light-draft stern-wheel steamer, having a double bow, or outrigger, which, being forced into a mass of the plants, would cause them to gather toward the middle of the boat, when an inclined carrier would pick them up and deposit them in front of rollers driven by machinery which would force the water from them, thus greatly reducing their bulk. The crushed material could be delivered to barges alongside, to be deposited where no injury could again result to navigation, or a cremator could be arranged on a barge alongside of the boat and so save additional handling.

"The first expense for this work would be in the cost of the construction of the light-draft steamer; subsequent expenses would be simply in the running expenses. It is thought that with moderate appropriations the St. Johns River could be kept sufficiently clear to prevent interference with navigation.

"In recent dredging operations at Volusia Bar, the work was delayed beyond the expected time of completion owing to the presence of the plant greatly interfering with the proper working of the machinery.

"As there will probably be no appropriation for rivers and harbors until 1898, it is earnestly recommended that some efforts be made looking to an appropriation for this much-needed work at the coming session of Congress. The plant increases so rapidly that before the end of two years it is feared that it will have spread to such an extent as to seriously endanger the navigation of the lower St. Johns, and any delay in undertaking the needed improvement must materially add to the expense of subsequent operations.

"Very respectfully, your obedient servant,

"W. H. H. BENYAURD,
"*Lieutenant-Colonel, Corps of Engineers.*

"Brig. Gen. W. P. CRAIGHILL,
"*Chief of Engineers, U. S. A.*"

General Craighill, upon receipt of this report, returned the petition with its indorsements to the Secretary with the following communication:

"OFFICE CHIEF OF ENGINEERS, UNITED STATES ARMY,
"*November 12, 1896.*

"Respectfully returned to the Secretary of War.

"The within petition calls attention to the alarming increase in the aquatic plant known as the water hyacinth in the St. Johns River, and requests that an investigation be made and steps taken toward removing the same from the river.

"The matter has been investigated by Lieut. Col. W. H. H. Benyaurd, Corps of Engineers, who states, in report of the 9th instant, that the plant forms a serious obstruction to navigation, and that it is increasing to an alarming extent.

"Previous investigations have demonstrated the same thing, and the interference with navigation by these floating masses has been fully recognized by the Department, but there have been, and are at present, no funds available for making any attempts toward removing the plant. It is possible that Congress at the coming session may take some action in the matter and provide a fund for exterminating the plant. It would seem, as suggested by Colonel Benyaurd, that the first efforts should be directed toward taking some measures to stop the propagation of the plant, and that the experiments in this direction come within the province of the Agricultural Department. It is recommended, therefore, that these papers be referred to the Secretary of Agriculture with request for such suggestions along this line as he may be able to make.

"W. P. CRAIGHILL,
"*Brigadier-General, Chief of Engineers.*"

When the Senate resolution of December 15, 1896, was received by the Secretary of War, it was referred to the Chief of Engineers, and the following extracts are taken from his report, which has been transmitted to the Senate by the Secretary:

"In answer to the reference of this resolution to me for report, I beg to submit the accompanying copies of papers relating to the presence of this plant in the St. Johns River, Florida, and also to state that, in the absence of necessary funds, no active measures have been undertaken under my direction looking to the removal or destruction of the plant at this locality. Lieut. Col. W. H. H. Benyaurd, Corps of Engineers, is under instructions to confer with the railroad company with a view to having certain desirable changes made in the bridge across the St. Johns River at Palatka.

"In September last Maj. James B. Quinn, Corps of Engineers, stationed at New Orleans, La., asked whether money on hand from appropriations heretofore made for the improvement of the Tickfaw River and its tributaries could be used for the removal of water hyacinths from those streams (copy of letter herewith), and he was advised October 6 that the money available might be used. This is the only instance where 'efforts have been made to remove such obstruction to commerce,' and I regret that I am not able to report the results of the efforts of Major Quinn in this direction, but time has not permitted the commencement of active operations on his part under the recent authority granted him.

"The legislation I would suggest in this connection is an appropriation of $10,000 to enable a proper investigation of this subject to be made and some experimental work to be carried out, with a view to permitting some definite conclusion to be reached as to the best method of freeing our Southern waters of this pest, which has already become a serious obstruction to several important fresh-water streams of the South Atlantic and Gulf States.

"Some correspondence has been had with the Department of Agriculture on this subject, and a copy of a letter addressed to the Secretary of War by the Secretary of Agriculture is herewith submitted.

"The resolution of the Senate is herewith returned.

"Very respectfully, your obedient servant,

"W. P. CRAIGHILL,
"*Brigadier-General, Chief of Engineers.*

"Hon. DANIEL S. LAMONT,
"*Secretary of War.*"

The committee are satisfied that prompt efforts should be made to remove this obstruction to our commerce and to this end some method of dealing with the evil should be devised. The recommendation of the Department is approved and the accompanying bill has been prepared by the committee to carry out the views of the Chief of Engineers.

PROPOSED RESTRICTION OF IMMIGRATION.

Mr. LODGE. I desire to give notice that on Wednesday, immediately after the morning business, I shall call up the conference report on the immigration bill. The Senate has fixed 4 o'clock on Wednesday as the time for taking the vote, and I desire to call up the report immediately after the morning business, because the Senator from Maryland [Mr. GIBSON], who will be unable to be in the Senate to-morrow, wishes to address the Senate; and I shall ask that it be taken up at the earliest moment, so that he can have an opportunity of speaking upon it.

NONPARTISAN INDUSTRIAL COMMISSION.

Mr. QUAY. I move that the Senate proceed to the consideration of the labor-commission bill, being House bill 9188, authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital.

Mr. STEWART. I object to that.

Mr. PLATT. If that is a motion, I shall ask for a division of the Senate on it.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania to proceed to the present consideration of the bill which he has indicated.

Mr. HOAR. I desire to ask the Senator from Pennsylvania if

he will object to allowing me to make a previous request which, I think, will not take any time. I am afraid that the result of his motion may be such as to prevent the Senate from doing any more business this afternoon.

Mr. QUAY. I will yield if it will not take much time.

Mr. HOAR. With the permission of the Senator from Pennsylvania, I request that the bill to which he refers be laid aside informally that I may move to take up the bill (S. 3628) to provide for the revision and codification of the criminal and penal laws of the United States, which ought to come up at once in order that it may go to the other House. Let it be read for information.

Mr. STEWART. The labor-commission bill has not been taken up.

Mr. QUAY. Mr. President, it is likely, as the Senator from Massachusetts has suggested, that if I should press my motion it would disclose the want of a quorum. For that reason I am willing to withdraw the motion for the present, but give notice that I shall renew it on Wednesday at the expiration of the morning business.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. The motion of the Senator from Pennsylvania is withdrawn.

Mr. PLATT. May I be permitted to say one word with reference to the bill of the Senator from Pennsylvania? I have no desire to object improperly to the consideration of that bill. When it shall be taken up, if it is brought before the Senate, it will excite considerable discussion, and I do not think there ought to be an attempt made to pass it in a very thin Senate. I think there ought to be a fairly full Senate for the consideration of the bill.

Mr. QUAY. I have just stated that I withdrew the motion to proceed to its consideration for that reason, because there is a small number of Senators present.

Mr. PLATT. That is all right.

Mr. QUAY. And I give notice that I shall renew the motion on Thursday, instead of Wednesday, at the conclusion of the morning business.

CRIMINAL AND PENAL LAWS.

Mr. HOAR. I ask that the Senate now proceed to the consideration of Senate bill 3628.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3628) to provide for the revision and codification of the criminal and penal laws of the United States. It provides that the President, with the advice and consent of the Senate, shall appoint three commissioners, whose duty it shall be, under the direction of the Attorney-General, to revise and codify the criminal and penal laws of the United States.

The bill was reported from the Committee on the Judiciary with an amendment, to insert at the end of the bill the following additional section:

SEC. 5. That the work of said commissioners shall be completed and their term of office shall expire on the first day of the meeting of any session of Congress held more than one year after the passage of this bill.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT COURT OF APPEALS.

Mr. HILL. As it will be very easy to take up the next number on the Calendar, I ask unanimous consent to call up the very next bill, also reported from the Committee on the Judiciary, being the bill (S. 3538) to amend section 8 of the act of Congress entitled "An act to establish a court of appeals for the District of Columbia, and for other purposes," approved February 9, 1893.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That in all cases in which by law the decrees and judgments of the court of appeals of the District of Columbia are final it shall be competent for the Supreme Court to require, by certiorari or otherwise, any such case to be certified to the Supreme Court for its review and determination, with the same power and authority in the case as if it had been carried by appeal or writ of error to the Supreme Court.

Mr. HILL. The object of the bill is simply to place the court of appeals of the District of Columbia on a par with the circuit courts of appeals of the various States, and to correct a manifest error which exists in regard to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on the Judiciary.

Mr. STEWART. I inquire of the Senator from New York if the amount in dispute will have any figure as a jurisdictional question under the amendment?

Mr. HILL. No; it allows the Supreme Court in its discretion to review a case; not otherwise.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals of the District of Columbia in the same cases and manner that it may do in respect of the circuit court of appeals."

THE POTOMAC PARK.

Mr. WETMORE. I ask unanimous consent to call up the bill (S. 3307) declaring the Potomac Flats a public park, under the name of the Riverside Park.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on the District of Columbia with an amendment, in line 6, before the word "Park," to strike out "Riverside" and insert "Potomac;" so as to make the bill read:

Be it enacted, etc., That the entire area formerly known as the Potomac Flats and now being reclaimed, together with the tidal reservoirs, be, and the same are hereby, made and declared a public park, under the name of the Potomac Park, and to be forever held and used as a park for the recreation and pleasure of the people.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill declaring the Potomac Flats a public park, under the name of the Potomac Park."

ANNA W. OSBORNE.

Mr. NELSON. I ask unanimous consent to call up the bill (S. 114) for the relief of Anna W. Osborne.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Anna W. Osborne $600, the same being the amount of personal property belonging to her and to John W. Osborne, her late husband, of the United State Army, destroyed by fire at the destruction of the post hospital at Fort Ripley, Minn., July 21, 1870.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF J. W. TUCKER.

Mr. BLANCHARD. I ask unanimous consent for the present consideration of Order of Business 1590, being a resolution reported a few days ago from the Committee on Claims.

There being no objection, the resolution reported by Mr. CAFFERY from the Committee on Claims on the 10th instant was considered by unanimous consent, and agreed to, as follows:

Resolved, That the bill (S. 3463) entitled "A bill for the relief of the estate of J. W. Tucker, late of Lafourche Parish, La.," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

CONTINENTAL AND OTHER FIRE INSURANCE COMPANIES.

Mr. ALLEN. I ask unanimous consent for the present consideration of the bill (S. 567) for the relief of the Continental Fire Insurance Company and others.

There being no objection, the Senate, as in Committee of the Whole proceeded to consider the bill. It directs the Secretary of the Treasury to cause the Commissioner of Internal Revenue to reopen and reexamine the funding claims of the Continental Fire Insurance Company; the Eagle Fire Insurance Company; the City Fire Insurance Company; the Commercial Mutual Insurance Company of the State of New York; the Maryland Fire Insurance Company; the Western National Bank; the Merchants' National Bank; the Chesapeake Bank of the State of Maryland, and the Eastern Railroad Company of the State of Massachusetts, for taxes erroneously paid by them and now on file in his office, and to refund such amounts as he may find those companies and banks have paid as a duplicate tax upon the same identical income or profits, and to transmit his allowances to the proper accounting officers of the Treasury for certification to Congress, in compliance with the second section of the act of Congress approved July 7, 1884.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAPT. WILLIAM N. TISDALL.

Mr. HAWLEY. I ask unanimous consent for the present consideration of the bill (S. 1427) to provide for promoting Capt. William N. Tisdall, United States Army, now on the retired list, to the rank of major.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read.

The bill was reported to the Senate without amendment.

Mr. BATE. I ask the Senator from Connecticut if that bill was unanimously reported by the Committee on Military Affairs?

Mr. HAWLEY. So far as I remember, I do not recall any protest against it.

Mr. BATE. The Senator from Missouri [Mr. COCKRELL], who keeps particularly well informed in regard to all such measures, is now absent from the Senate, and, on account of his absence, I think the bill ought to go over.

Mr. HAWLEY. I hope not.

Mr. BATE. I do not desire to oppose the bill, as it is reported from the Committee on Military Affairs, of which I am a member, but I would like the Senator from Missouri to be present when it is considered. I do not know that this is a unanimous report.

Mr. HAWLEY. I do not remember anything in the nature of a protest. The bill was considered in the committee, and it is one of those cases of equity which the committee agrees to report upon once in a while.

Mr. BATE. I understand the bill is reported by a majority of the committee.

Mr. HAWLEY. Yes.

Mr. BATE. I should like to have the bill go over, Mr. President.

Mr. HAWLEY. If the Senator objects, I will let the bill go over.

Mr. BATE. Let the bill go over until the Senator from Missouri is present.

Mr. HAWLEY. Very well.

The PRESIDING OFFICER. The bill will be passed over.

CAPT. W. J. KOUNTZ.

Mr. QUAY. I ask unanimous consent for the consideration at this time of the bill (H. R. 3715) for the relief of Capt. W. J. Kountz.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to release and discharge Capt. W. J. Kountz from charges aggregating $22,845.51, resulting from a contract dated the 12th of March, 1878, between him and the quartermaster's department of the United States Army at St. Paul, Minn., for the transportation of troops and supplies on the Yellowstone River.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN CAMPBELL.

Mr. McBRIDE. I ask unanimous consent for the consideration of the bill (S. 1972) to provide for the carrying out of the findings of the Court of Claims in the case of John Campbell.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to John Campbell, of the State of Oregon, $1,165, being the amount found due by the Court of Claims for property taken by the Army during the war of the rebellion, as reported to Congress in House Miscellaneous Document No. 132 of the second session of the Fifty-third Congress.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BEQUEST OF PETER VON ESSEN.

Mr. GALLINGER. I ask unanimous consent for the consideration at this time of the bill (S. 2986) authorizing the Commissioners of the District of Columbia to accept the bequest of the late Peter Von Essen for the use of the public white schools of that portion of said District formerly known as Georgetown.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on the District of Columbia with amendments, in line 4, after the word "authorized," to insert "and required;" in line 13, after the words "required to," to strike out "expend" and insert "distribute;" and in the same line, after the word "funds," to strike out "for the use of the white public schools of that portion of the said District formerly included within the limits of the city of Georgetown as they, in their discretion, may determine may be most beneficial for the said schools" and insert "among the heirs of the said Peter Von Essen, deceased, share and share alike, upon satisfactory proof of such heirship;" so as to make the bill read:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and required to accept the bequest of $12,057.24 bequeathed by the will of the late Peter Von Essen to the late corporation of Georgetown for the use of the free white schools of said town, and which sum has been decreed to be turned over to said Commissioners, as the successors of said corporation, by the supreme court of the District of Columbia in equity cause No. 5238; and that said Commissioners be, and they are hereby, required to distribute the said funds among the heirs of the said Peter Von Essen, deceased, share and share alike, upon satisfactory proof of such heirship.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIGHT-HOUSE AT ORIENT POINT, NEW YORK.

Mr. HILL. I ask unanimous consent for the present consideration of the bill (H. R. 853) providing for the erection of a light-house at Orient Point, Long Island, New York; which has been favorably reported from the Committee on Commerce without amendment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate not to exceed $30,000 for the erection and equipment of a light-house, with fog signal, at the site of the beacon heretofore standing at Orient Point, or Oyster Pond Reef, on the west side of Plum Gut, at the entrance of Long Island Sound, in the State of New York.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS ANTISELL.

Mr. BURROWS. I ask unanimous consent for the consideration of the bill (S. 315) for the relief of Thomas Antisell.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Claims with amendments, in line 3, before the word "thousand," to strike out "ten" and insert "two;" in the same line, after the word "thousand," to insert "five hundred;" after the word "taken," at the end of line 9, to strike out "by said troops used," and in line 10, after the word "and," to strike out "destroyed by reason of said occupation" and insert "consumed by the United States for military purposes; said sum to be in full satisfaction for his claim against the Government by reason of such occupation and use;" so as to make the bill read:

Be it enacted, etc., That the sum of $2,500 be, and is hereby, appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated, to Dr. Thomas Antisell, late surgeon and brevet lieutenant-colonel of volunteers, in compensation for the use and occupation of his land near Fort Albany, Va., by the troops of the United States during the war of the rebellion, and for property taken and consumed by the United States for military purposes; said sum to be in full satisfaction for his claim against the Government by reason of such occupation and use.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. STEWART. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 16, 1897, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 15, 1897.

POSTMASTERS.

Edward J. Morath, to be postmaster at Colorado Springs, in the county of El Paso and State of Colorado, in the place of Harry A. Ferguson, removed.

Charles B. Wheeler, to be postmaster at Blackfoot, in the county of Bingham and State of Idaho, in the place of Miss Emma F. Stevens, whose commission expired January 14, 1897.

Mrs. Jeannette W. Beard, to be postmaster at Hutchinson, in the county of Reno and State of Kansas, in the place of Eli Mead, removed.

Stephen Breese, to be postmaster at Cottonwood Falls, in the county of Chase and State of Kansas, in the place of William E. Timmons, removed.

Ezra R. Flint, to be postmaster at Carson City, in the county of Montcalm and State of Michigan, in the place of George R. Gibbs, whose commission expired February 9, 1897.

Mary A. Ryan, to be postmaster at Anoka, in the county of Anoka and State of Minnesota, in the place of Thomas M. Ryan, deceased.

J. W. Kelley, to be postmaster at Beaver City, in the county of Furnas and State of Nebraska, in the place of William T. Ayer, whose commission expired January 7, 1897.

William Dempsey, to be postmaster at Malone, in the county of Franklin and State of New York, in the place of Allen H. Fay, removed.

Francis J. Kettner, to be postmaster at Woodhaven, in the county of Queens and State of New York, in the place of Jacob Schmahl, whose commission expired December 14, 1896.

George E. Sweeting, to be postmaster at Dolgeville, in the county of Herkimer and State of New York, in the place of Frank J. Loucks, whose commission expired January 14, 1897.

James P. Wilson, to be postmaster at Huntingdon, in the county of Carroll and State of Tennessee, in the place of Connie P. Priestly, removed.

William T. Anderson, to be postmaster at Norfolk, in the county of Norfolk and State of Virginia, in the place of William W. Degge, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 15, 1897.

COMMISSIONER FOR ALASKA.

John Y. Ostrander, of Juneau, Alaska, to be Commissioner in and for the District of Alaska, to reside at Juneau.

PROMOTIONS IN THE ARMY.

Corps of Engineers.

Lieut. Col. Jared Augustine Smith, to be colonel.
Maj. Charles Julius Allen, to be lieutenant-colonel.
Capt. Smith Stallard Leach, to be major.
First Lieut. William Edward Craighill, to be captain.
Second Lieut. James Bates Cavanaugh, to be first lieutenant.

Quartermaster's Department.

Maj. Edwin Byron Atwood, quartermaster, to be deputy quartermaster-general.
Capt. George Enoch Pond, assistant quartermaster, to be quartermaster.

POSTMASTERS.

Oliver Z. Glenn, to be postmaster at Lebanon, in the county of Smith and State of Kansas.
H. M. Bennett, to be postmaster at Derry Station, in the county of Westmoreland and State of Pennsylvania.
William R. Hamilton, to be postmaster at Warren, in the county of Huntington and State of Indiana.
L. Moreton Murray, to be postmaster at Daytona, in the county of Volusia and State of Florida.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 15, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Saturday last was read and approved.

EVENING SESSIONS FOR PENSION BILLS.

Mr. HENDERSON. Mr. Speaker, I desire to submit the following privileged report from the Committee on Rules.

The SPEAKER. The report will be read.

The Clerk read as follows:

The Committee on Rules, to whom was referred the following House resolution—

Resolved, That the House shall, on Monday and Tuesday, February 15 and 16, at 5 o'clock p. m., take a recess until 8 o'clock, at which evening sessions such business as is provided for by section 2 of Rule XXVI shall be considered, and said evening sessions shall not extend beyond 11 o'clock and 30 minutes—

have had the same under consideration, and herewith report it back to the House with the recommendation that it do pass.

Mr. HENDERSON. The Committee on Rules, to whom was referred the foregoing resolution, having considered the same, report it back with the recommendation that it be passed.

I demand the previous question on the adoption of the resolution.

The previous question was ordered.

Mr. HENDERSON. I reserve my time.

Mr. BAILEY. Mr. Speaker, I simply desire to say that while I think the resolution devoting nights to the consideration of this class of bills is better than to have given a day, and the nights are intended in lieu of the day, yet I am unable to bring myself to believe that the House ought to be kept in session until 11.30 o'clock, instead of 10.30, as under former rule. But even that, as I have said, is better than giving a day for this work.

The SPEAKER. The question is on the adoption of the resolution.

The resolution was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

Mr. HITT. Mr. Speaker, I am directed by the Committee on Foreign Affairs to report back to the House the diplomatic and consular appropriation bill, with Senate amendments, with the recommendation that the Senate amendments be concurred in.

The SPEAKER. The report will be read.

The Clerk read as follows:

The Committee on Foreign Affairs, to whom was referred the bill (H. R. 10134), with Senate amendments, making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1898, beg leave to report the same back with the recommendation that the Senate amendments be concurred in, and the bill as amended be passed.

Mr. HITT. Inasmuch as the amendments of the Senate are many of them verbal, and none of them objectionable to the House committee—in fact, are mainly such as were desired by us, but which we were prevented from incorporating in the bill by the rules of the House—I ask that the Senate amendments be considered by the House as in Committee of the Whole, in order that I may make a motion to concur in them.

The SPEAKER. The gentleman presents the diplomatic appropriation bill, with Senate amendments, and asks that they be considered in the House as in Committee of the Whole. Is there objection?

Mr. MCMILLIN. Reserving the right to object, I would like to ask the gentleman what is the nature of the amendments put on by the Senate?

Mr. HITT. As I have just stated, some are only verbal. Those that are not verbal in their nature are matters which the Committee on Foreign Affairs of the House desired to incorporate in the bill, but could not do so under the rules of the House. There is an increase in three consulates' salaries, and one item is a provision of $10,000 inserted by the Senate for a new edition of the Digest of International Law, a very important work, long since exhausted, and necessary for the Department and for members of the House; and a half year's allowance to Minister P. M. B. Young's heirs, as is the custom in case of ministers dying at their posts.

Mr. DOCKERY. That is all right.

The SPEAKER. Is there objection to considering the bill in the House as in Committee of the Whole?

There was no objection.

The SPEAKER. The Clerk will report the amendments.

The Senate amendments were read at length.

Mr. HITT. Mr. Speaker, I will briefly explain the amendments. The amendments from No. 1 to No. 4, inclusive, are merely verbal in their nature and make no change in appropriations. No. 5 is a provision for the heirs of Mr. Young, following the practice heretofore established, but giving the heirs only one-half of the annual salary instead of the salary for a year, as was formerly done in similar cases.

Amendment No. 6 provides the sum of $10,000 for a new edition of the Digest of International Law, a document which is sought for so much by members of the House, and which has become scarce; in fact, the edition was entirely exhausted long ago. The Secretary of State will expend the money, or so much of it as is necessary, to have the work reedited, condensed, and brought down to this time. Amendments No. 7 and 8 are merely to correct the footings. Amendment No. 9 is to raise the pay of the consul at Santos from $1,500 to $2,500. The Secretary asked for $3,000. This is the largest coffee-exporting port in South America, and the consul is overworked and underpaid, and we desire to concur in that amendment. Ghent is similar—that is, the business is large, and the salary is raised from $1,000 to $2,000. The official fees collected there during the past year amounted to $3,457, showing how large is the trade passing through that consul's office. At Newcastle-on-Tyne the salary has been increased from $1,500 to $2,000; the Secretary estimated for $2,500 and we have agreed to $2,000, and Horgen is restored with $2,000, and clerk hire of $600 allowed. Patras, Greece, an important point in the Zante currant trade, has been fixed at $1,000. The fees there last year were $767. The salary we have agreed to is the lowest in the service. At Alexandretta the compensation is $1,500; this is not a change of law, only the appropriation which was last year in the sundry civil bill is now placed in this bill, where it properly belongs. The amount of the bill is $1,695,308.76 now, as against $1,672,708.76, as it passed the House.

I move that the House concur in the Senate amendments.

The motion was agreed to.

On motion of Mr. HITT, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the bill (S. 3500) for the relief of Stewart & Co., A. P. H. Stewart, agent; in which the concurrence of the House was requested.

The message also announced that the Senate had passed without amendment the bill (H. R. 9123) to prevent forest fires on the public domain.

CREVASSE IN PASS A LOUTRE, MISSISSIPPI RIVER.

Mr. REEVES. Mr. Speaker, I am directed by the Committee on Rivers and Harbors to move to suspend the rules and pass the bill S. 3614, with an amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from Illinois [Mr. REEVES], on behalf of the Committee on Rivers and Harbors, presents the bill S. 3614, and moves to suspend the rules and pass it with an amendment. The Clerk will first report the bill and then report the amendment.

The Clerk read as follows:

Be it enacted, etc., That the sum of $250,000, or so much thereof as may be necessary, be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to close the crevasse in Pass a Loutre of the Mississippi River, to be expended under the direction and according to the plan and specifications of the Secretary of War.

SEC. 2. That nothing herein contained shall be held or construed to destroy or impair any right or rights of the United States arising under the acts of March 3, 1875, June 19, 1878, and March 3, 1879, containing the contract or contracts between James B. Eads and such persons as might become associated with him and the United States or to release the legal representatives of said James B. Eads from any obligation, expressed or implied, arising under and from said acts of March 3, 1875, June 19, 1878, and March 3, 1879.

The SPEAKER. The Clerk will now report the amendment which it is proposed to suspend the rules and pass.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

"That the sum of $250,000, or so much thereof as may be necessary, be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to close the crevasse in Pass a Loutre of the Mississippi River, to be expended under the direction and according to the plans and specifications of the Secretary of War.

"SEC. 2. That nothing herein contained shall be held or construed to destroy or impair any right or rights of the United States arising under the acts of March 3, 1875, June 19, 1878, and March 3, 1879, containing the contract or contracts between James B. Eads and such persons as might become associated with him and the United States, or to release the legal representatives of said James B. Eads or other persons associated with him, jointly or severally, from any obligation, expressed or implied, arising under and from said acts or other acts pertaining thereto: *Provided*, That nothing herein contained shall be held or construed to release in any wise the executors of the estate of James B. Eads as such executors, or the associates of said James B. Eads, jointly or severally, in whole or in part, from any liability which now exists, if any such liability does exist, for a failure to close said Pass a Loutre crevasse, and the question of such liability shall be referred to the Attorney-General for his decision; and should the decision of the Attorney-General be to the effect that the responsibility for the closing of the said Pass a Loutre crevasse rests upon the executors of the estate of James B. Eads as such executors, and the associates of the said James B. Eads, jointly or severally, under existing laws, then upon the completion of the twenty years' contract for the maintenance of the channel in South Pass outlet of the Mississippi River, as the same now exists, the Secretary of War shall withhold so much of the money then to be paid to the executors of the estate of James B. Eads as such executors, or to the associates of the said James B. Eads, jointly or severally, as shall have been expended under the authority of this act, until the same shall be judicially or otherwise legally determined in favor of such executors as such executors, or said associates of James B. Eads, jointly or severally."

Mr. DOCKERY. Mr. Speaker, I ask for a second.

The SPEAKER. A second is demanded.

Mr. REEVES. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman [Mr. REEVES] asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. SAYERS. Mr. Speaker, one moment. We should like to have——

The SPEAKER. The gentleman reserves the right to object.

Mr. SAYERS. No, I do not object to the second, provided a full explanation of the bill is to be given.

The SPEAKER. The Chair hears no objection to considering a second as ordered. The gentleman from Illinois [Mr. REEVES] has twenty minutes, and the gentleman from Missouri [Mr. DOCKERY] has twenty minutes.

Mr. REEVES. Mr. Speaker, I do not know that the House needs any special information on this bill, and I shall only offer a word in explanation. Of the three outlets of the Mississippi River, only one of them, known as South Pass, is navigable at the present time. A crevasse has occurred within the last few years in one of these passes, and has been constantly enlarging, at a distance of about a mile and a quarter below the head of the pass. The effect of this crevasse has been to draw away from the other two passes of the river a portion of the water that should go through the navigable outlet of the river. The engineers of the Government in charge at this part of the river inform us, and we are also informed by men engaged in business on the river, that if this crevasse is not stopped the entire commerce of the Mississippi River below New Orleans is threatened.

The Committee on Rivers and Harbors, after hearing from the engineers of the Government and others, among them business men from New Orleans, decided to inspect the condition of affairs down there, and twelve of us went to this place and closely examined it. The committee are unanimously of the opinion that unless this crevasse is stopped the entire commerce of the river, which is more than 5,000,000 tons annually, is threatened. I take it that the necessity of keeping this river open is not a question before this House or the country. The only question is as to the necessity for doing this at this time. The best judgment we have been able to obtain is that this crevasse can now be stopped for $250,000, whereas if it is not stopped until the high floods come again and again it will cost the Government a million of dollars to do it. The committee are unanimously of the opinion that an emergency does exist, that it is outside of and away from the functions or duty of the executors of the Eads estate, and that there is nothing left for us to do but to take this course, or jeopardize the commerce of the river.

Mr. DOCKERY. Do I understand the gentleman to express the opinion that the executors of the Eads estate are not liable for the amount that may be necessary to repair this crevasse?

Mr. REEVES. Our committee have not passed upon that question, but have carefully guarded it, as the gentleman will see by reading the bill, in the event that the proper law officer of the Government shall conclude there is any liability or responsibility. If the gentleman will refer to the bill, he will see that that has been most carefully guarded.

Mr. DOCKERY. Is the gentleman able to state in this connection what amount is yet due to the estate of James B. Eads?

Mr. REEVES. Five hundred thousand dollars will be due in about two years and a half, and we direct in this bill that so much of that shall be retained as shall be expended under authority of this bill, provided the Attorney-General concludes that there is any liability whatever on the part of the Eads estate.

I do not care to say anything further, Mr. Speaker, but reserve the balance of my time.

And then (two-thirds voting in favor thereof) the rules were suspended and the bill passed as amended.

Mr. REEVES. I desire to move to change the title so that it shall read:

A bill to provide for closing the crevasse in Pass a Loutre, one of the outlets of the Mississippi River.

There being no objection, the title was so amended.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the following bill.

The Clerk read as follows:

A bill (H. R. 10292) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes.

Mr. PEARSON. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. PEARSON. I desire to ask whether under the rules of the House it is competent for one committee to report a bill of another committee, as in this case I understand the river and harbor bill is reported as a part of another known as the sundry civil bill?

The SPEAKER. The Chair does not understand the gentleman.

Mr. PEARSON. I ask if it is competent for one committee to report a bill which is within the jurisdiction of another committee, that other committee having the right to report at any time? Now, I understand——

The SPEAKER. The Chair thinks that the correct view to be taken of the matter is that if the point had been made at the proper time and on the proper day then it would probably have been sustained.

Mr. PEARSON. May I ask if it is too late now to make the point?

The SPEAKER. The proposition now before the House is on the motion of the Committee on Appropriations to suspend the rules and pass the bill which is about to be reported.

Mr. DOCKERY. I suggest to the gentleman, in view of what was said on Saturday, that the title of the bill might be amended so as to obviate the difficulty.

Mr. PEARSON. I do not catch the gentleman's point.

Mr. DOCKERY. You might change the title, so that it will read "A bill providing for sundry civil and river and harbor expenses," and then you would cover the point. [Laughter.]

The SPEAKER. The Clerk will proceed with the reading.

Mr. WILLIAM A. STONE. The gentleman is not well founded in his facts or in his law.

Mr. PEARSON. I may be confounded by the majority in favor of the measure; but I would like very much to have three minutes to express my opinion of this congeries of horrors.

Mr. CANNON. Well, I ask unanimous consent to have a second considered as ordered.

The SPEAKER. Is there objection to considering a second as ordered? The bill will first be read.

Mr. PEARSON. If the gentleman will allow a yea-and-nay vote on this bill, I will not object.

Mr. HOPKINS. You can have a yea-and-nay vote on the passage, and if a second is ordered there will be forty minutes for debate.

The SPEAKER. There will be forty minutes for debate. The Clerk will proceed to read the bill.

Mr. WILLIAM A. STONE. I ask unanimous consent that the bill may be considered as read. Nearly every member has read the bill. It will take an hour or more to read the bill.

Mr. SAYERS. Mr. Speaker, I think that an explanation is due from myself as to why I should oppose that request. My judgment is that there is no necessity——

Mr. CANNON. I do not care to debate this bill. If the gentleman is not willing——

Mr. SAYERS. Well, if the gentleman will, instead of the usual time allowed for debate on this bill, allow us thirty minutes on this side, I think the minority here will agree to dispense with the reading of the bill, inasmuch as it has been read.

Mr. CANNON. That is, to allow thirty minutes on a side instead of twenty.

Mr. SAYERS. Yes, sir.

Mr. CANNON. All right.

Mr. TURNER of Georgia. Mr. Speaker, I think the bill ought to be read.

The bill was read at length.

The SPEAKER. The question now is on suspending the rules and passing the bill, and there are twenty minutes allowed for debate on either side.

Mr. PEARSON. Has a second been ordered?

The SPEAKER. A second has been ordered.

Mr. SAYERS. Mr. Speaker——

The SPEAKER. The Chair is in doubt about whether a second was ordered.

Mr. PEARSON. I make the point that there has been no demand yet for a second. I have been waiting for the purpose of demanding a second.

Mr. SAYERS. Let a second be considered as ordered.

Mr. PEARSON. I object to a second being considered as ordered, because there is no opportunity for amendment or debate.

Mr. SAYERS. I will give you three minutes.

Mr. PEARSON. I demand a second.

Mr. SAYERS. Then I withdraw the offer.

Mr. PEARSON. Then I accept the situation.

The SPEAKER. A second is demanded. The gentleman from Illinois and the gentleman from Texas will take their places as tellers.

Mr. PEARSON. I demanded a second.

The SPEAKER. The gentleman from Missouri demanded a second.

Mr. SAYERS. It was the gentleman from North Carolina who demanded a second.

The SPEAKER. The gentleman from Missouri demanded a second, and the Chair submitted to the House whether a second should be considered as ordered.

Mr. SAYERS. All right, Mr. Speaker.

Mr. PEARSON. I object to having it decided that a second has been considered as ordered, and demand a second, Mr. Speaker.

The SPEAKER. The gentleman does not demand a second, and a second is considered as ordered.

Mr. SAYERS. Mr. Speaker, if members will give me their attention, I will state very briefly why it is that I am opposed to the passage of this bill under a suspension of the rules. I will not stand in my place here and say that the items in this bill are improper. My judgment is that, with the exception of the river and harbor appropriations, there is scarcely an item in the bill which could not safely undergo the criticism and investigation of this House. The Committee on Appropriations have considered every item carefully, and their recommendations have been in response to estimates from the executive branch of the Government, sustained by the testimony of those who came before the committee. To almost every item in the bill, save and except the river and harbor items (which embrace an appropriation of about $16,000,000), I give assent. If the bill were considered in the ordinary way, I do not believe that the House would upon deliberation reject any of the other items, and if it did, they would be very few, amounting to a very small sum of money. As to the river and harbor items, the committee have not been called upon to judge as to the wisdom or the policy of making those appropriations. They found them in the estimates, and they found that those estimates corresponded with the provisions of the river and harbor act which passed at the first session of the present Congress. All that the committee did, therefore, was simply to call before them the officer in charge of the Engineer Department and examine him as to contracts and advertisements, and also as to the amount of money that would be needed for each work during the coming fiscal year.

Mr. Speaker, the objection that I have to the passage of this bill under a suspension of the rules is this: I believe that the House ought to be afforded an opportunity to pass upon each and every item, and I think I can state for the minority that they would not interpose any captious objection to the prompt consideration of this bill. If the bill were considered regularly and a captious spirit should be manifested, so as to delay its passage within reasonable time, it would be within the power of the majority of this House, through its Committee on Rules, to bring in an order which would force the House to vote upon the bill, and my judgment is that by to-morrow evening, or at latest by the close of our session on Wednesday, this bill will have passed here and gone to the Senate without the necessity for the intervention of an order to bring the House to a vote upon it. This is the reason and the only reason I have for objecting to passing this bill under a suspension of the rules. It is just to the Committee on Appropriations, and especially to the majority of that committee, that I should make this statement as to the character of the bill. I repeat, that with the exception of the river and harbor items the bill has been most carefully prepared, and that the river and harbor items have been included only because we were compelled to do so by the law and by the rules of the House.

Mr. HULICK. May I ask the gentleman a question?

Mr. SAYERS. Certainly.

Mr. HULICK. If I understand the gentleman correctly, he approves of the items in this bill, and my question is, What advantage would it be to have further consideration by discussion?

Mr. SAYERS. I do not approve of the appropriations made in this bill for rivers and harbors to carry out the provisions of the river and harbor act passed at the first session of this Congress.

Mr. HULICK. Do you think that part of the bill ought to be modified?

Mr. SAYERS. I can not say I think it ought to be modified, for the reason that these items are placed in the bill in pursuance of existing law. What I wish to do is to impress upon the House that in the matter of those particular items, aggregating about $16,000,000, the Committee on Appropriations ought not to be held responsible, and for one I desire to avoid the responsibility.

Mr. QUIGG. Suppose there were a failure to pass the bill under a suspension of the rules, does the gentleman mean that he would advise us to reject those items?

Mr. SAYERS. I would not, because I know nothing about them.

Mr. QUIGG. Then what would be the advantage of further consideration of the bill in detail by the House?

Mr. SAYERS. During the consideration of it those members who favor the items in question might be able to give the House reasons why they should pass.

Mr. JOHNSON of Indiana. Is the work provided for in the items referred to in such a state that a failure to appropriate for it at this time would cause damage?

Mr. SAYERS. Some of the works embraced in these items are already under contract; for some of the projects advertisements have already been made, and as to the larger items, for instance, those affecting the Mississippi and Missouri rivers, by the terms of the river and harbor act no contracts are necessary. The War Department is allowed to expend the money for those rivers either by contract or by day work, so that the contract system does not necessarily apply either to the Yazoo River, the Lower Mississippi, the Upper Mississippi, or the Missouri River.

Mr. JOHNSON of Indiana. Suppose that the appropriations for those items should fail, what damage would accrue?

Mr. SAYERS. That is not for me to say, because the committee have not inquired into that question. The committee have confined themselves to complying with the rules of the House and, responding to the provisions of the river and harbor act passed at the first session of this Congress, have therefore brought in these items for the consideration of the House.

Mr. JOHNSON of Indiana. It occurred to me that if no particular harm would come from failing to make appropriation for these items, they might perhaps be properly omitted at this time.

Mr. SAYERS. The gentleman will not understand me as expressing an opinion upon that subject.

Mr. JOHNSON of Indiana. I do not so understand the gentleman; I am merely explaining to him the reason for my question.

Mr. PAYNE. I would ask the gentleman from Texas whether in all probability, if we did not make these appropriations now, we should not have claims for damages here on account of these contracts for the next twenty-five years?

Mr. SAYERS. That is a question I can not answer.

Mr. PAYNE. But has not that been the experience in the past?

Mr. CATCHINGS. There would be great damage to some of these works if the House now failed to appropriate for them.

Mr. SAYERS. Members will understand me as not undertaking to advise the House as to these river and harbor appropriations, because the committee has not been able to examine into them in detail. If there is any other item in the bill excepting those covering the river and harbor appropriations about which gentlemen wish information, I shall be more than pleased in my time to give it so far as it is within my power. I think I understand the character of the bill quite thoroughly, and may be able to satisfy gentlemen who wish to ask questions or have doubts in reference to it.

Mr. MILNES. Will the gentleman allow me a question?

Mr. SAYERS. Certainly.

Mr. MILNES. There is an item, I see, on page 94 of the bill, appropriating $200,000 for the construction of a soldiers' home at Danville, Ill. Can the gentleman give some information with reference to the necessity for that work?

Mr. SAYERS. I will say in regard to that item that the Board which has charge of the Soldiers' Homes throughout the country, with General Franklin at its head, came before the Subcommittee on Appropriations and expressed their opinion that we would have to do one of two things, either to build a new home or to expend fully as much as is appropriated here for the extension of those Homes already in existence. Gentlemen can examine the testimony of General Franklin and others who have expressed an opinion.

Mr. MILNES. But why was it fixed at Danville, Ill., in place of some other point?

Mr. SAYERS. Oh, well, the gentleman can ask some one else that question.

Mr. MILNES. Does any member of the Committee on Appropriations reside at Danville?

Mr. SAYERS. The gentleman need not ask me that. He knows who it is. Why does he not in a bold and direct manner assault the proposition if it be an improper one?

Mr. MILNES. I have not had an opportunity.

Mr. SAYERS. The gentleman will have an opportunity.

Mr. WILLIAM A. STONE. Does the gentleman know of a better place for the construction of this home than Danville?

Mr. MILNES. I do not think it necessary to build it at Danville or anywhere else.

Mr. WILLIAM A. STONE. Were you present at the taking of the testimony with reference to it?

Mr. MILNES. No, sir; I was not.

Mr. WILLIAM A. STONE. Do you not think you ought to have been if you object to this appropriation for that purpose?

Mr. MILNES. No, sir.

Mr. SAYERS. Mr. Speaker, it is immaterial to me what policy the House may adopt in reference to the item in question. Gentlemen will readily perceive why I should not seek to reject an item reported favorably by the Committee on Military Affairs or to criticise an item which concerns the survivors of the Union Army during the late war.

Mr. PAYNE. If this appropriation is made at all, is it not necessary that the home shall be built in somebody's district?

Mr. SAYERS. Undoubtedly.

I yield five minutes to the gentleman from North Carolina [Mr. PEARSON].

Mr. PEARSON. Mr. Speaker, I am greatly indebted to the gentleman from Texas for his courtesy, and I desire to say in absolute candor that I know my remarks will be unavailing on this occasion. I know that this bill is going to pass, and my object in rising is simply to express my opposition to the method by which it is to be passed, and to ask, furthermore, if the river and harbor bill or the features of it embodied in this bill are meritorious, why can not they be allowed to stand on their own merit and footing; and, if necessary, why should the bill embodying these items not run the gantlet of a Presidential veto?

The feeling I have with reference to the matter is that it is an improper way of legislating. That there are many meritorious items in the bill I do not pretend to question; that there are many indispensable appropriations embodied in it is beyond all doubt. But the objection I have is that the bad ones and unjustifiable ones are to be dragged through by being tied to the good ones. That seems hardly fair, particularly when we have no opportunity to move to strike out any portions of the bill to which these objections lie. If I had an opportunity, I think I could convince gentlemen of the impropriety of passing certain items in the bill. But I am bound hand and foot, and it is simply by courtesy that I am even occupying the floor for the few minutes now at my disposal.

Mr. Speaker, if I had the opportunity, I would move to strike out the appropriation of $400,000 fixed in the bill for the improvement of the mouth of the very river upon which I was born, because I know that it is a useless and an extravagant appropriation. I have appealed to you on this floor for a measure expediting the mails in my section that I knew to be a wise and a meritorious one. But I certainly would not ask what is proposed by this bill, the sum of $400,000, for the improvement of Winyaw Bay, South Carolina. The collector of customs only takes in $356 a year, and it will be two million years before he will take in enough to pay the amount of the appropriation provided by this bill, which is only a beginning of the outlay.

Mr. COOPER of Texas. Where is Winyaw Bay?

Mr. PEARSON. It is about 3,000 miles from Keweenaw Bay, for which an appropriation of $400,000 is also made [laughter], and about a thousand miles from the Yazoo River, which gets $400,000, and about the same distance from Bayou Plaquemine, in Louisiana, which also gets $400,000 [laughter]. And let me say, respectfully, that I mean no personal aspersion on the members of the Committee on Rivers and Harbors, but it is a strange fact, and will be recognized as a fact by the country, that almost every member of the committee has a $400,000 appropriation for some place, more or less obscure, in his own State or district. If these things are meritorious, why not have the manhood to put them upon their passage on their own merits, and not tie them up in this congeries of enormities, in which you can not separate the good from the bad?

Mr. CATCHINGS. May I ask my friend a question?

Mr. PEARSON. In a moment. Here are sixteen several appropriations of $400,000 each; but I desire to say, in justice to the chairman of the committee, that he is more modest than the others, and takes only $398,258 for a place called Dunkirk, which I suppose is the beginning of indefinite appropriations for an unknown time in the future.

Mr. SAYERS. The gentleman refers to the chairman of the Committee on Rivers and Harbors, of course.

Mr. PEARSON. Yes, sir. There are other things in this bill that I should like to oppose, but I have not time. There is an appropriation here of $50,000 to employ spies in my district. I should like to antagonize that.

Mr. SAYERS. That is about the best appropriation in the bill.

Mr. PEARSON. The gentleman says that because he lives so far to the Southwest that he does not know the needs of the civilized and enlightened community where this moonshine liquor is made. [Laughter.]

Mr. SAYERS. That is the best appropriation in the bill.

Mr. PEARSON. Now, I want to say this: Why not allow this river and harbor bill to go to the President as a separate measure and meet the objections he will make to it? Here it is tied up and bound up in such a way that it means, and is obliged to mean, extravagant appropriations for unworthy places. I would vote for every one of these important points, and for as much money as is required. But it is hard on me to have to vote either against the whole bill——

Mr. WILLIAM A. STONE. Will the gentleman allow a question?

Mr. PEARSON. Why, certainly.

Mr. WILLIAM A. STONE. What particular river was it you were anxious to have an appropriation made for and failed?

Mr. PEARSON. I have never asked for any appropriation for any river. I will say to the gentleman that I live in the Land of the Sky, where we are innocent of harbors and guiltless of rivers.

Mr. WILLIAM A. STONE. I understood the gentleman to say that he tried to get an appropriation and failed.

Mr. PEARSON. On the contrary, I was with the gentleman in asking an appropriation for a deserving facilitation of mails in that country, because I knew that that was worthy and that it would do good.

Mr. WILLIAM A. STONE. Oh, yes.

Mr. PEARSON. But I am opposed to such legislation as this, when it does not stand on its own merits, and will not bear the light of discussion nor the test of examination and amendment.

Mr. CANNON. I yield five minutes to the gentleman from Pennsylvania [Mr. WILLIAM A. STONE].

Mr. WILLIAM A. STONE. Mr. Speaker, if the sundry civil subcommittee had given less consideration to the details of this bill, had gone over it hurriedly, as some of the members have who are criticising it, we might have been able to get it into the House much earlier; but the fact is that that committee has been wrestling with that bill ever since the session of this Congress began. I think I am correct in that statement, that very soon after this session began the chairman of the committee called the subcommittee together and submitted this bill to them. We have done the best we could, and made all the speed we could.

Now, in reference to the manner of passing the bill, let me say that we have got only two weeks, practically, of this session remaining. There are other bills that have not been acted upon yet. There are plenty of precedents for attempting to pass this bill under a suspension of the rules. The Fifty-second Congress passed a number of its appropriation bills under a suspension of the rules.

Mr. SAYERS. Only one.

Mr. WILLIAM A. STONE. What one was that?

Mr. SAYERS. That was the legislative, executive, and judicial bill, which is made up simply of salaries.

Mr. WILLIAM A. STONE. Very well—and the Fifty-third Congress——

Mr. SAYERS. Not one.

Mr. WILLIAM A. STONE. The Fifty-third Congress was obliged to pass what is known as the Wilson tariff bill, not under a suspension of the rules, but under an order, where only a majority vote was required, with two hours' debate. I find no fault with that. It became necessary, in order to enact that measure into law, and it is necessary now, in the judgment of the committee, if you want this bill to become a law, to pass it under a suspension of the rules.

There is nothing in the bill that the committee have to fear. We believe that the bill would pass, with all of its present items in it, under the five-minute rule. The only thing that could change it would be some probable additions; but it would consume a week of time, and then it must go to the Senate. The Senate have ever exercised their judgment in reference to additions to the sundry civil bill. Then it would have to come back to the House and be reconsidered here. So that it is not a question of the items or the discussion, or the manner of the consideration of the items in the bill, but it is a question of the passage of the bill.

Mr. QUIGG. Will the gentleman allow me to ask him a question?

Mr. WILLIAM A. STONE. Now I yield to the gentleman for a question.

Mr. QUIGG. I would like to ask the gentleman if there is anything in the bill anywhere that would be amenable to a point of order under the five-minute debate?

Mr. WILLIAM A. STONE. Not in my judgment. I do not think there is.

Mr. QUIGG. I think there is a great deal.

Mr. WILLIAM A. STONE. I do not think so. This bill has been debated under general debate for a whole day. The objectionable items, as a matter of course, were those considered in the discussion on Saturday.

Mr. MILNES. Will the gentleman from Pennsylvania allow me to ask him a question?

Mr. WILLIAM A. STONE. Yes.

Mr. MILNES. Do you not think that this item on page 94 for the building of a new soldiers' home is subject to a point of order?

Mr. WILLIAM A. STONE. No; and I will tell you why.

Mr. MILNES. Is it not new legislation?

Mr. WILLIAM A. STONE. General Franklin, of the Board of Managers of Soldiers' Homes, was called before that committee, and if the gentleman had read his testimony he would have found the reason for that item in this bill. He testified that the soldiers in these Homes were so crowded that they had to sleep in the dining room, in the kitchen, and in the corridors—two, three, four, or five thousand men, who are distributed to different places with no accommodation.

Mr. STEELE. The Committee on Military Affairs had considered the matter.

Mr. WILLIAM A. STONE. The Committee on Military Affairs had this matter before them, and fully considered it. The testimony before both of these committees was that either one of two things must be done, or else these old soldiers would have to go into the streets—either we would have to enlarge the present Homes or construct a new one. The testimony before the Board, and the opinion of both these committees, was that it was far more expedient to construct a new home than to expend the same amount of money in enlarging the existing Homes. First, the Committee on Military Affairs deemed this more expedient; and second, the subcommittee, and third, the full Committee on Appropriations, deemed it more expedient to construct a new home. The question of location may be a question open to criticism. The testimony of General Franklin was that it should be located in the Mississippi Valley. This point of Danville was the only point ever suggested or considered. If the gentleman had objected to it, he would have been heard. We would have been glad to hear the gentleman.

Mr. MILNES. I did not know anything about it then.

Mr. WILLIAM A. STONE. The gentleman seems to know a very great deal about it now.

Mr. MILNES. I know more about it since the bill has been printed.

The SPEAKER. The time of the gentleman has expired.

Mr. WILLIAM A. STONE. Give me another minute.

Mr. CANNON. I yield another minute to my colleague.

Mr. WILLIAM A. STONE. The time to object was when the committee was considering the matter; and there was no objection. The sessions of the committee were not secret. We heard everybody who wished to be heard. It seems to be an available place. Danville is a city of from 10,000 to 20,000 people, and they have all the facilities for the accommodation of a soldiers' home. From all the testimony before the committee, and from all the information the committee could obtain, it was supposed to be the best place and the most convenient for this purpose.

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON. Does the gentleman from Texas desire to use all his time?

Mr. SAYERS. You can consume the balance of your time.

Mr. CANNON. The gentleman does not desire to consume any further time?

Mr. SAYERS. No.

Mr. CANNON. Now, Mr. Speaker, if I can have the attention of the House, I think I can say in a very few minutes what I desire. I was pleased to hear my colleague on the committee [Mr. SAYERS] representing the minority bear testimony that he did about this bill. He is on the subcommittee that helped to prepare it and on the full committee that considered it. I do not feel called upon, after his statement, to discuss the matters which he referred to. I agree with him on every item of the bill that he referred to; and I am not now referring to the river and harbor items. I will speak of them in a moment.

I have helped to prepare many appropriation bills, and I undertake to say that, considering the condition of the Treasury and the increase of appropriations, I never helped to prepare any bill that has been so thoroughly and exhaustively examined touching every item as this bill. So that it is not necessary for me to speak of the propriety of the items that the gentleman from Texas indorses, which includes every item except the river and harbor items. We discussed those items Saturday. Gentlemen know about them. The legislation that begat them, that breathed the breath of life into them, gave them vitality, was had almost one year ago, and these recommendations follow as a logical sequence in pursuance of law. Now, we omitted over $3,000,000 that some gentlemen seem to think might well have been put in, because it seems that the works, as I explained on Saturday, can not be completed under the authorization. We omitted Yakima Bay entirely, because, as I have explained, independent of whether we make the appropriation, not one cent of it could be expended during the coming year. Now, I do not care to thrash over old straw. The law is there, and the committee in reporting this $15,000,000, which explains the increase, followed the law under the rules of the House. That is all I desire to say, and having said that, however, I will speak of one other matter. I do not believe there is one item in this bill that, if the Committee of the Whole had considered it under the five-minute rule, would have gone out. Possibly others might have gone on; I do not know.

Mr. PEARSON. Will the gentleman allow me to ask him——

Mr. CANNON. I have not time. The gentleman has had an opportunity to address the House. Now, in view of these facts, why take from three to five days to consider this bill when there is but little over two weeks remaining of the session? It is a great bill. The committee have put two months and a half work upon it, faithful work; the Senate must perform its work upon it in two weeks. We want time for consideration of this bill in detail, not as it stands now, but as it will stand with the Senate amendments when it comes back to this House. Then will be the time for real discussion. Then will be the necessity for consideration, as we may agree with the Senate or disagree with the Senate. If we consume from three to five days in useless discussion now, we shall not have any time to consider the new and important amendments that the Senate may put upon the bill, and the whole matter will have to be disposed of practically without discussion. From every standpoint, therefore, for good legislation, for desirable results, it is wise to suspend the rules and pass the bill.

Mr. LACEY. May I ask a question for information?

Mr. CANNON. Let me complete my statement, and then if I have time I will yield to the gentleman. A word now in answer to the remark addressed by the gentleman from Michigan to the gentleman from Pennsylvania. This bill does contain an item of $200,000 for the construction of a branch soldiers' home. It does locate that home in the State of Illinois, in the county of Vermilion, in "the town of Danville." That was done after full investigation. It was referred to the Committee on Military Affairs, and it came to the House with a favorable and unanimous report from that committee, so that we felt fully justified in putting it in this bill.

What are the facts? For many years the inmates of these Homes have increased in numbers from year to year, and are increasing. A great many die, but, as the years go on, the number of veterans who become disabled is greater than the number who die. They are overcrowded, sleeping in corridors—not good for the health, not good for comfort. Two thousand of them that were entitled to relief under the law had to be turned away during the last fiscal year. The committee believed, following the policy of the Government, that an additional home ought to be authorized. We could, to be sure, add to some of the existing Homes, but they are already completed, and it would be necessary to add to everything, hospitals, barracks, quarters, and the decision of the managers, and of others familiar with the subject, was that there are quite enough inmates—from 2,500 to 4,500—now in the existing Homes, and that it would be better to supply additional accommodations by erecting a new home. That being determined upon, it was decided to locate the home as it appears in the bill, and I suppose if that had not been done, the item would not have provoked attention or criticism here.

This new home, if this bill becomes a law, will be located in the county which I represent and in which I reside. I will put in my remarks in the RECORD the report of the Committee on Military Affairs, which shows the wisdom of that selection. It is a center of soldier population. There is good water, good sanitary sewerage, good railway communication, cheap fuel—all the requisites for maintaining the home at a minimum. If the location is to be criticised, I assume the responsibility of it so far as I am concerned. I say to this House candidly that in a quarter of a century's service in the House of Representatives, coming from an agricultural district which has been kind to me, I have, through all these years, assisted in legislation from the standpoint of an American citizen and an American Representative. Chicago, the Great Lakes, the Mississippi River, the great seaports, whenever appropriations were to be made for the promotion of their legitimate interests, I have, according to my best judgment, in the service of my country, voted for them, and my people have not grumbled. Along the line of the public service, a branch soldiers' home ought now to be constructed, and it is along the line of a wise public service, and the location is as good as any other—aye, in my opinion, better than any other—I did ask that that location be written in the bill. It was approved by two great committees of

the House, and if there be sin, I am ready to answer for it. [Loud applause.] That is all I desire to say.

Mr. LACEY. I desire to ask the gentleman a question for information. It is claimed that in the river and harbor part of this bill there are a number of appropriations that are not embraced in the continuing contracts. Can the gentleman state approximately how much is added to this bill over and above the items providing for existing contracts?

Mr. CANNON. Not a cent.

Mr. LACEY. Then every item here is under contract?

Mr. CANNON. Oh, no. There are five works under contract, and nearly all the others are advertised and ready to let. There could be no money expended until the 1st of July, but there is authority to contract whether money is appropriated or not, and these appropriations are available on the 1st of July next for the coming fiscal year.

Mr. WILLIAM A. STONE. And the Secretary of War testified that he would need all this money during the fiscal year.

Mr. CANNON. Yes; the engineer officer testified that he would need *during* the coming fiscal year every dollar that is recommended for those purposes in this bill.

Mr. LACEY. My point is this: We passed last year a river and harbor act in which a large amount of money was included, covering a period of years, and also providing for contracts. Now, this bill includes those contracts——

Mr. CANNON. The bill is in precise accord with the river and harbor act.

Mr. LACEY. But, in addition to what was provided for in the express terms of the river and harbor act, what has been added?

Mr. CANNON. Not a cent.

Mr. WILLIAM A. STONE. On the contrary, three important projects are left out.

Mr. CANNON. There are four important projects left out.

Mr. WILLIAM A. STONE. Four dams in my own district were cut out that are provided for in the river and harbor bill. [Laughter.]

Mr. RICHARDSON. Mr. Speaker, the gentleman from Texas [Mr. SAYERS] has a few minutes remaining, and in that time I want to ask the gentleman from Illinois [Mr. CANNON] if he has not omitted to speak of what is considered by many wise and discerning persons the best feature of the bill, the provision for the republication of an edition of Messages and Papers of the Presidents. [Laughter.] I think that if the gentleman will call attention to that feature of the bill, it will assist him in passing this measure. [Laughter.] Being the author of that compilation, I feel too modest to speak of its merits myself.

Mr. CANNON. Mr. Speaker, on examination, we approved of the Messages and Documents and put the item in the bill. It is a work of great merit. In addition to that, it is fair that I should say—for I do not quite agree with my good friend from Pennsylvania—that there is no material legislation in this bill. There is some legislation touching the occupation of the post-office building down on the Avenue, and some other matters, but it is all for the benefit of the public service and it is necessary in connection with the proper expenditure of the money appropriated.

And there is also an item of legislation here that gives (from substantially the volumes now in the War Department) the War Records to Representatives who have not received the same a copy. It can be done without very much cost, certainly not exceeding $1,000.

Mr. TERRY. Is there anything in it about the republication of the Horse Book? [Laughter.]

Mr. CANNON. No, sir; we are letting the horse rest now.

Now, Mr. Speaker, I wish to insert the report by the gentleman from Missouri [Mr. TRACEY] on the subject of the Branch Home for Disabled Volunteer Soldiers. It is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 10267) to provide for the location and erection of a Branch Home for Disabled Volunteer Soldiers, having considered the same, report it back to the House of Representatives with the recommendation that it do pass.

The National Home for Disabled Volunteer Soldiers has seven Branches, located, respectively, at Togus, Me.; Hampton, Va.; Dayton, Ohio; Marion, Ind.; Milwaukee, Wis.; Leavenworth, Kans., and Santa Monica, Cal. The soldiers entitled to admission to the Home have increased steadily in number year by year. The average number cared for in the Home in the fiscal year 1892 was 14,196; in 1893, 14,561; in 1894, 15,601; in 1895, 16,480, and in 1896, 17,454.

The Branch Homes most recently erected are those at Santa Monica, Cal., authorized in 1887, and at Marion, Ind., authorized in 1888. The Homes have not at any time been of sufficient capacity to accommodate the disabled soldiers who are entitled under the law to admission. Many such soldiers have been turned away because lack of accommodation forbade their admission, and all the Homes have been overcrowded in the endeavor to admit those whom it seemed impossible to turn away, with due regard to ordinary humanity and the object for which the Home was established.

Congress has from time to time increased the capacity of the several Branch Homes, until now it is impossible further to increase their capacity unless complete additions are made to one or more of them, which would cost as much as the construction of an additional Branch Home. It is absolutely necessary that additional accommodation be provided for those ex-soldiers who are entitled to relief if the Board of Managers are to meet the obligations resting upon them under the policy which the law seems to dictate. And it seems clear that it is not good policy further to increase the capacity of the present Branch Homes.

Another Branch Home can be constructed for, say, $300,000 that will accommodate 2,500 inmates, and if this is authorized and the money made immediately available $200,000 can be economically expended against the 1st of December next, and accommodations provided for 1,600 inmates; and during the succeeding season, by the expenditure of $100,000 additional, accommodations can be furnished for 900 more inmates, making 2,500 inmates in all.

The public sentiment of the country, in the opinion of the committee, demands that proper and adequate provision be made for the care and comfort of the volunteer soldiers and sailors of the Union who are now no longer able to care for themselves; and such care should be given when it is needed, and it is needed now.

It further appears to the committee that while the per cent of death rate of soldiers of the late war increases from year to year, the per cent of disability of the survivors increases in greater proportion.

The Branch Home at Marion, Ind., was located under an act which provided for its establishment in the county of Grant, Ind., in which Marion is situated. The committee, after inquiry, are of opinion that the provision in the bill locating the proposed new branch in the county of Vermilion, Ill., is apt and proper.

This location is near the center of the ex-soldier population of the Mississippi Valley. It is situated 124 miles south of Chicago, 224 miles east of Quincy, Ill., where is located the Illinois State Soldiers' Home, and 155 miles southwest of Toledo, Ohio. It is in substantially the same latitude as Dayton, where is located the Central Branch of the National Home for Disabled Volunteer Soldiers, and is southwest from the Marion Home. The distance from Vermilion County to Marion is greater than the distance between Marion and Dayton.

Vermilion County is in the center of the best coal field in the West, which is now being largely developed, and cheap fuel is a certainty for a branch home located in that county. The Vermilion River and its tributaries water the county, the former at a depth of 75 to 80 feet below the average level of the country surrounding, thus assuring good drainage. The city of Danville, the county seat of Vermilion County, has a first-class water supply and sanitary sewerage, with all the modern improvements of a well-regulated city, and in addition it is a railway center, whence are thoroughly reached the States of Indiana, Illinois, Missouri, and Iowa. Danville is also in the center of a great agricultural region, and the subsistence and maintenance of a branch soldiers' home in that vicinity doubtless can and would be had at a minimum of expense.

The SPEAKER. The time for debate having expired, the question is, Will the House suspend the rules and pass the bill?

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. PEARSON. Mr. Speaker, I demand a division.

The SPEAKER. Those in favor of the motion will rise and be counted.

Before the result of the affirmative was announced,

Mr. PEARSON. Mr. Speaker, I call for the yeas and nays. It will expedite the matter.

Mr. CANNON. Oh, no; take your division first, and then have the yeas and nays.

Mr. PEARSON. No; it is simply a waste of time. The yeas and nays are what we are after.

The yeas and nays were refused, there being only 33 members voting in favor of the demand and 153 against—not one-fifth joining in the demand.

So the motion to suspend the rules was agreed to (two-thirds voting in favor thereof) and the bill was passed. [Applause.]

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I desire to report back from the Committee on Agriculture the Senate amendments to the Agricultural appropriation bill, and move to nonconcur in all of the amendments and ask a committee of conference on the disagreeing votes.

The SPEAKER. The amendments will be read at length.

The Senate amendments to the bill (H. R. 9961) making appropriations for the Agricultural Department, etc., were read at length.

The SPEAKER. What is the gentleman's motion?

Mr. WADSWORTH. That the House nonconcur in the Senate amendments and ask for a committee of conference.

The motion was agreed to.

The SPEAKER announced as conferees on the part of the House Mr. WADSWORTH, Mr. HENRY of Connecticut, and Mr. CLARDY.

RIGHT OF WAY THROUGH CHIPPEWA AND WHITE EARTH INDIAN RESERVATIONS, MINN.

Mr. SHERMAN. Mr. Speaker, by direction of the Committee on Indian Affairs, I desire to move to suspend the rules and pass the joint resolution (S. R. 121) to amend an act granting to the Duluth and Winnipeg Railroad Company a right of way through the Chippewa and White Earth Indian reservations, in the State of Minnesota.

The SPEAKER. The joint resolution will be read.

The joint resolution was read, as follows:

Resolved, etc., That section 5 of an act entitled "An act granting to the Duluth and Winnipeg Railroad Company a right of way through the Chippewa and White Earth Indian reservations, in the State of Minnesota," approved August 27, 1894, be, and the same is hereby, amended by striking out the word "three" and inserting the word "five," and inserting the words "or its legal successor, the Duluth, Superior and Western Railroad Company;" so that the bill will read:

"SEC. 5. That the right herein granted shall be forfeited by said company or its legal successor, the Duluth, Superior and Western Railroad Company, unless the road shall be constructed through the said reservations within five years after the passage of this act."

Mr. DOCKERY. I ask a second on that motion.

Mr. SHERMAN. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection, and it was so ordered.

Mr. DOCKERY. Will the gentleman please explain the provisions of this resolution?

Mr. SHERMAN. This is simply a resolution extending for two years the right heretofore granted by Congress to this railroad company to construct its road through the Indian reservations therein named. The bill has already passed the Senate, and has been approved by the Department.

Mr. DOCKERY. Is it approved by the Secretary of the Interior?

Mr. SHERMAN. Yes, sir; by the Department.

Mr. PAYNE. Is this in the usual form of such bills?

Mr. SHERMAN. It is, and contains the reservation that is ordinarily provided in legislation of this character.

Mr. BLUE. Will the gentleman permit me a question?

Mr. SHERMAN. Yes, sir.

Mr. BLUE. Is any provision inserted with reference to compensation or the right of way across this reservation?

Mr. SHERMAN. This does not change in the least the original act, but simply extends the time for the construction of the road two years.

Mr. BLUE. Did the original act make any such provisions?

Mr. SHERMAN. I am not able to state its exact provisions in that particular, but they are either identical or substantially so with all bills of this character. They all carry provision for compensation.

Mr. BLUE. If it is not in the original act, I do not think that this provision of law should be passed without such a requirement on the part of this company.

Mr. SHERMAN. This is identical in character, if not in words, with similar bills heretofore passed.

I ask a vote, unless some other gentleman wishes to discuss the matter.

The question was taken on the motion of Mr. SHERMAN; and (two-thirds voting in favor thereof) the rules were suspended and the bill passed.

UNITED STATES ATTORNEY FOR THE DISTRICT OF COLUMBIA.

Mr. HENDERSON. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3666) to remove doubts as to the power of the supreme court of the District of Columbia to provide for a vacancy in the office of attorney of the United States for the District of Columbia.

The SPEAKER. The gentleman from Iowa [Mr. HENDERSON], by direction of the Committee on the Judiciary, moves to suspend the rules and pass a bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That in case of a vacancy in the office of attorney of the United States for the District of Columbia, the supreme court of said District may fill the same, and the person appointed by said court shall serve until an appointment is made by the President and the appointee is duly qualified, and no longer.

Mr. DOCKERY. I ask for a second, Mr. Speaker.

Mr. HENDERSON. I ask that a second be considered as ordered.

The SPEAKER. The gentleman asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The question is now open for debate for twenty minutes on a side. The gentleman from Iowa [Mr. HENDERSON] is recognized to control the time on one side and the gentleman from Missouri [Mr. DOCKERY] on the other.

Mr. HENDERSON. Mr. Speaker, I should like first to have the Clerk read the report of the committee, containing a letter from the chief justice of the supreme court of the District of Columbia.

The report (by Mr. HENDERSON) was read, as follows:

The Committee on the Judiciary, to whom was referred Senate bill 3666, having had the same under consideration, report the same back to the House with the recommendation that it do pass.

Section 792 of the Revised Statutes makes provision for the appointment of district attorneys in case of vacancy, in all the States, but there is no provision made by law for the filling of a vacancy in the District of Columbia. Such vacancy has already occured in two several cases, and is liable to occur at any time, to the suspension of the public business and to the great injury of the District.

There is now a vacancy in that office in the District of Columbia concerning which the chief justice wrote the following letter:

Hon. DAVID B. HENDERSON,
Chairman Judiciary Committee, House of Representatives.

DEAR SIR: I am informed that the Senate passed an emergency bill yesterday, giving the supreme court, District of Columbia, the power to temporarily appoint a district attorney to fill a vacancy. It is very important that this bill should become a law at the earliest possible date. Could you not take charge of the bill and cause it to be passed by the House to-day, so that it may go to the President this evening for his approval, in order that the trial of criminal cases and the preparation thereof may proceed in this and the police court to-morrow?

Very respectfully,

E. F. BINGHAM, *Chief Justice.*

FEBRUARY 9, 1897.

This illustrates the necessity for action, and we believe that the bill is needed and ought to become a law.

Mr. HENDERSON. Mr. Speaker, I desire simply to add that a gentleman was sent by the chief justice to-day to say to me that there are some fifty prisoners awaiting trial. No one is there to look after their trial. The attorneys for the defendants are preparing writs of habeas corpus for the purpose of moving in the matter. I desire further to say that on Saturday last I had a talk with Mr. Harry Davis, whom I know well, and he said to me that the bill ought to pass promptly. I say this for the information of those who may think that there is a political bearing in it. There is not, I can assure gentlemen. It will have no effect whatever upon the situation of Mr. Davis's confirmation.

Mr. HULICK. Does this bill simply apply to this case, or does it apply to all cases that may possibly arise?

Mr. HENDERSON. It is a general law for the District of Columbia, not for this particular case at all.

I reserve the balance of my time.

Mr. TURNER of Georgia. I did not quite hear the statement which the gentleman from Iowa [Mr. HENDERSON] made. I desire to know to whom he referred when he said that some gentleman stated that this bill should pass by all means.

Mr. HENDERSON. I referred to Mr. Harry Davis, who has been appointed by the President to be United States district attorney, whose confirmation has been favorably recommended by the Senate committee, but which confirmation has not yet been made by the Senate. I met him at the President's reception, and talked freely with him about it, and he said that the bill ought to become a law, and would not interfere with his interests.

Mr. TURNER of Georgia. Can the gentleman state whether the supreme court has considered the question as to who should be appointed?

Mr. HENDERSON. I know nothing about that. I can not speak as to that.

Mr. TURNER of Georgia. Mr. Speaker, I do not know the gentleman who has been nominated for this place, nor do I know the gentleman who was his predecessor. I have been informed, however, in a general way, that the district attorney whose term has just expired, was nominated and confirmed near the end of Mr. Harrison's Administration, and having proved himself to be a very acceptable officer has been allowed to serve out his term. I would therefore have supposed that it would not be an ungraceful thing for the present Senate to confirm his successor, although nominated by the present Executive. I know not the reason why that appointment has been delayed. It is perhaps improper to conjecture the motives or reason for the refusal of the Senate to take up that nomination and confirm it. But in view of the statement which the gentleman from Iowa [Mr. HENDERSON] has just made, that the gentleman who has been nominated for the office of district attorney acquiesces in the propriety of this bill, I perhaps ought not to complain.

Mr. DOCKERY. Mr. Speaker, I desire to yield to the gentleman from Kansas [Mr. BLUE] such time as he desires.

Mr. BLUE. Mr. Speaker, I am opposed to this measure because of the manner in which it comes to us for consideration at this time. It seems that from the creation of this court until now no provision has been made to meet an emergency of this character. A bill is now hastily passed through the other branch of the lawmaking power of this nation and sent to us, when a nomination has been made by the Executive and is pending there, which nomination, I understand, has received the approval of a majority of the committee to which it has been referred, and when there would seem to be no very good reason for delay.

This is a public question and not a private matter. It is a question that ought to be considered above and beyond any party advantage or party motives. The question is not whether Mr. Davis approves of this measure or disapproves of it. It is whether it is best for the lawmaking power to set the example and make a precedent in this matter now. I do not believe in shirking responsibility here or elsewhere. It seems to me that if responsibility was met as it should be met in the dispatch of the public business this measure would not be here at this time. The Executive has performed his part. He has done his whole duty; and this measure would not be here if the matter was treated as the public service demands. I trust that this body, in view of the surrounding circumstances, will put the mark of its disapproval on this measure and refuse to suspend the rules and pass it now.

The question was taken on suspending the rules and passing the bill; and in the opinion of the Chair, two-thirds voting in favor thereof, the rules were suspended and the bill was passed.

RESERVOIR SITES IN ARID LANDS.

Mr. CATCHINGS. Mr. Speaker, I move to suspend the rules and pass the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 1984) providing for the use and occupation of reservoir sites reserved by the Geological Survey.

Be it enacted, etc., That all reservoir sites reserved or to be reserved by the Geological Survey be open to entry and use and occupation under the right-of-way act of March 3, 1891.

Mr. CATCHINGS. Read the report with it, please.

Mr. TERRY. I would like to have a second.

The SPEAKER. Is a second demanded?

Mr. CATCHINGS. I ask that a second be considered as ordered.

Mr. TERRY. I would like to have a statement from the gentleman.

The SPEAKER. The gentleman demands a second.

Mr. CATCHINGS. But, Mr. Speaker, the gentleman says he will be content if I make a statement, which I will do.

The SPEAKER. The question can not come before the House for consideration without a second.

Mr. TERRY. I do not withdraw the demand for a second, but I agree that a second be considered as ordered.

The SPEAKER. The Chair would like to have gentlemen understand that it is necessary that a second should be ordered in order that there should be any debate. If the gentleman from Arkansas desires to have debate, and does not desire to have any action on the part of the tellers, he may get unanimous consent from the House that a second be considered as ordered.

Mr. TERRY. I so understood. The only trouble was the gentleman from Mississippi was in error in stating that I withdrew the demand for a second. I was willing to permit the second to be considered as ordered. That was all.

The SPEAKER. The gentleman asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none. A second is therefore ordered; and the gentleman from Mississippi is entitled to twenty minutes for and the gentleman from Arkansas twenty minutes against the bill.

Mr. CATCHINGS. Mr. Speaker, I will ask the Clerk to read the report of the Committee on Public Lands first.

The report (by Mr. BOWERS) was read, as follows:

The Committee on the Public Lands has had under consideration the bill (H. R. 1984) to provide for the use and occupation of reservoir sites reserved by the Geological Survey, and recommends its passage with amendments herewith submitted.

The necessity for the passage of the bill is fully set forth in the letters of the Secretary of the Interior and of the Assistant Commissioner of the General Land Office, which are herewith printed and made a part of this report.

Amend the bill by striking out in line 3 the words "by the," and in line 4 the words "Geological Survey," and insert in lieu thereof the word "shall;" so that the bill shall read as follows:

"That all reservoir sites reserved or to be reserved shall be open to entry and use and occupation under the right-of-way act of March 3, 1891."

Also strike out of title the words "by the Geological Survey."

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DEPARTMENT OF THE INTERIOR,
Washington, January 27, 1896.

SIR: I have the honor to hand you a report from the Assistant Commissioner of the General Land Office, dated the 18th instant, on H. R. 1984, entitled, "A bill to provide for the use and occupation of reservoir sites reserved by the Geological Survey."

There is now before this Department for determination the question whether or not the act of March 3, 1891 (26 Stat. L., 1095-1101), granting the right of way through the public lands and reservations to any canal or ditch company formed for the purpose of irrigation, authorizes the entry and occupation of reservoir sites recommended for segregation or segregated by the Director of the Geological Survey under the act of August 5, 1890 (26 Stat. L., 371-391).

The question is not free from difficulty, and the passage of the bill in question would remove all doubt on the subject.

I see no objection to the passage of the bill.

Very respectfully,

HOKE SMITH,
Secretary.

Hon. JOHN F. LACEY,
Chairman Committee on the Public Lands,
House of Representatives.

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DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 18, 1896.

SIR: I have the honor to acknowledge the receipt by reference from the Department of a letter from Hon. JOHN F. LACEY, chairman of the House Committee on the Public Lands, inclosing copies of two bills (H. R. 1984 and 1988) for report in duplicate and return of papers.

The bill H. R. 1984 is entitled "A bill to provide for the use and occupation of reservoir sites reserved by the Geological Survey," and reads as follows: "That all reservoir sites reserved or to be reserved by the Geological Survey be open to entry and use and occupation under the right of way act of March 3, 1891."

On November 23, 1895, I addressed a communication to the Department in the matter of the Blue Water Land and Irrigation Company, a copy of which is herewith inclosed, in which I expressed the opinion that these sites are now subject to the operation of this act, and set forth my reasons for so ruling, although my predecessor had heretofore held differently. This question is now before you for consideration, and the report on this bill will depend upon the decision thereon. If the Department holds that the act is applicable to these reservoir sites, there will be no need of the bill; but if the Department holds otherwise, or is in doubt on the subject, I would recommend that a favorable report be made upon the bill for the reasons stated in my letter of November 23, 1895, as follows:

"Two objects controlled in the selection of these sites by the Geological Survey: (1) The availability of the site itself and (2) the desirability of the particular lands to be irrigated from the body of lands made susceptible of irrigation by the storage of water in such reservoirs. But these are not the only locations that can be successfully used to store water for the irrigation of these same lands, and if these sites can not be appropriated under the act of March 3, 1891, other sites will be selected for the storage and distribution of the water for the irrigation of the same lands under less economical conditions, which will result in rendering the selection by the Geological Survey absolutely valueless, for the reason that all the available supply of water in that particular region is stored and utilized by the constructed reservoir. In fact, locations for reservoirs have been selected and approved under the act of March 3, 1891, either because the site was supposed to be more advantageous than the site selected by the Government or because the appropriation of such sites was denied under the right-of-way act, which has resulted in rendering the site selected by the Geological Survey of no practical use for the purposes contemplated by its segregation."

The report on the bill (H. R. 1988) will be made in a separate letter.

Very respectfully,

E. F. BEST, *Assistant Commissioner.*

The SECRETARY OF THE INTERIOR.

Mr. CATCHINGS. Mr. Speaker, this bill has been favorably reported by the Committee on Public Lands. It was referred by that committee to the Secretary of the Interior, a letter from whom to the committee has been read, from which it appears that he has no objection to the passage of the bill. In October, 1888, Congress undertook to deal to some extent with the arid lands of the Western States by passing a law requiring that—

For the purpose of investigating the extent to which the arid region of the United States can be redeemed by irrigation, and the segregation of the irrigable lands in such arid region, and for the selection of sites for reservoirs and other hydraulic works necessary for the storage and utilization of water for irrigation and the prevention of floods and overflows.

And it was provided that—

All the lands which may hereafter be designated or selected by such United States surveys for sites for reservoirs, ditches, or canals for irrigation purposes, and all the lands made susceptible of irrigation by such reservoirs, ditches, or canals are from this time henceforth hereby reserved from sale as the property of the United States, and shall not be subject after the passage of this act to entry, settlement, or occupation until further provided by law.

Under this legislation great bodies of land were reserved.

Congress at that time evidently had an intent to enter upon a great system of irrigation through these reservations in the arid regions. In 1890, however, nothing further having been done—in fact, the original purpose having been abandoned by Congress—a law was passed permitting the lands capable of being irrigated from these reservations to be entered as other public lands are, but still withholding from actual settlement the sites which had been segregated by the Geological Survey. In 1891 another law was passed, by which it was provided that all public reservations might be made use of by corporations, individuals, or associations for the purpose of constructing reservoirs and irrigating ditches. It was known, and is now known, that that act itself is insufficient; that by the terms of the act all these reservoir sites which have been separated and segregated are in a condition that they can not be made use of for the purpose of the construction of reservoirs by private individuals. That matter being in doubt, this bill was introduced. The Secretary of the Interior being in doubt, he declined to approve locations upon these reservoir sites.

This bill simply permits the real intention of Congress, as evidenced by the act of 1891, to be carried into effect. My information is that the people in the Western States are very much concerned in the passage of this bill. Some 138 sites have been selected for reservoirs there. They are sites that the Government proposes not to make use of, and under the construction of the Interior Department no one can make use of them. In addition to that, Mr. Speaker, in many cases——

Mr. TERRY. Let me ask the gentleman right there what particular corporations are seeking to have this concession made—what reservoir company or companies?

Mr. CATCHINGS. This bill was not introduced at the instance of any corporation. It was introduced by the gentleman from California [Mr. JOHNSON] who is the representative of a very large part of this arid country. The Land Office is extremely anxious for the passage of this bill. Judge Best, the Assistant Commissioner, came to see me on Saturday and asked if something could not be done to get this bill passed so as to provide for the irrigation of these lands.

Mr. TERRY. Are there any privileges granted by the bill tending to create a monopoly?

Mr. CATCHINGS. Not at all. The bill simply provides that anybody can make use of these sites for the purpose of constructing reservoirs under suitable regulations to be prescribed by the Interior Department. There is nothing whatever of an improper character in the bill. It simply permits persons who choose to invest their capital in that way to go upon these sites and construct irrigating ditches for the irrigation of these thousands of acres of arid lands.

Mr. TERRY. I have understood that in some instances out West water companies have abused the powers granted to them, and have set up monopolies and shut off people who ought to have access to the water.

Mr. CATCHINGS. That may be; but if so, it must have been done under some State law, because we have never had any Congressional legislation which would permit it to be done. The law as it stands is largely ineffectual. In many instances persons desiring to construct reservoirs, not being able to make use of the identical sites segregated for that purpose, have gone above them on the water courses and constructed reservoirs, thereby rendering useless the sites set apart by the Government, though, of course, that has been done at a great sacrifice of economy. There can be no reasonable objection to the passage of this bill. I have

talked with the Assistant Commissioner of the Land Office and he desires its passage. I have no earthly personal interest in it, but I regard it as a great public measure which should be enacted by Congress. I reserve the balance of my time.

Mr. TERRY. Mr. Speaker, I yield now to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, for the first time my attention is called to this bill.

The SPEAKER. The gentleman will suspend for a moment. The gentleman from Mississippi [Mr. CATCHINGS] has sent a bill to the desk which has been read. The report upon the bill indicates that certain amendments are proposed by the committee.

Mr. CATCHINGS. My motion was intended to cover those amendments, Mr. Speaker.

The SPEAKER. Then the gentleman's motion is that the bill be amended and then passed?

Mr. CATCHINGS. Yes.

Mr. DOCKERY. Let us hear the amendments.

Mr. CANNON. I would ask in what respect the bill is proposed to be amended?

Mr. CATCHINGS. They are in accordance with the suggestions of the Committee on Public Lands.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Amend the bill by striking out in line 3 the words "by the" and in line 4 the words "Geological Survey" and insert in lieu thereof the word "shall;" so that the bill will read as follows:

"That all reservoir sites reserved or to be reserved shall be opened to entry, use, and occupation under the right-of-way act of March 3, 1891."

Also strike out of the title the words "by the Geological Survey."

Mr. CANNON. Now, Mr. Speaker, there is the size of this bill [holding it up], and the House has just heard the proposed amendments. They strike out the words "Geological Survey" and make the bill general, throwing open every reservoir site that was selected by that Survey to entry by anybody, without restriction. One would think that so important a bill would deserve a larger report. Now, let me call the attention of the gentleman from Mississippi and of the House to a little bit of history touching this matter, as I recollect it. About the years 1886–87, or possibly 1888, legislation was placed by Senate amendment on an appropriation bill reserving and taking out of the market every acre of land in the arid region.

Mr. CATCHINGS. No; the gentleman puts it a little too strongly. It was "all lands capable of being irrigated from the reservoirs so selected."

Mr. CANNON. Precisely. It took those lands from the market and reserved all reservoir sites. It threw upon the Geological Survey the duty of making surveys and locating the reservoir sites, and, if I recollect aright, many, many hundreds of thousands of dollars were appropriated and expended in those surveys and in ascertaining the reservoir sites. Later on that law was repealed, so as to stop the survey of sites, and all the arid lands except the reservoir sites were thrown open to the operation of the land laws. The contest over that repeal, which had been placed upon an appropriation bill, took a week's time in this House, as members who were here then will remember.

Now, what are the facts? The arid lands are worthless in themselves. Without water they are absolutely worthless. But water is to make them blossom. Where you can put water on the lands, they become valuable. Without the water, I repeat, they are of no value.

Gentlemen understand the trouble that has arisen between the States, and the States and the Territories, with reference to this very question of the use of water on these lands. There are many grave questions that are to be worked out in this matter. But, after all, this enormous expenditure for the reservoir sites, after they had been ascertained and marked out and reserved, here is legislation that will enable anybody, notwithstanding this expense, to locate a homestead.

Mr. CATCHINGS. Oh, no; if the gentleman will permit me. He is entirely mistaken.

Mr. CANNON. Very well, then; to buy the land.

Mr. CATCHINGS. No, sir; not to buy the lands. It simply permits him to enter and use them as reservoirs.

Mr. CANNON. What rights do they get under the bill?

Mr. CATCHINGS. Simply to use the sites for reservoir purposes. They do not acquire any title whatever to the lands.

Mr. CANNON. But they control it practically.

Mr. CATCHINGS. Not for homestead purposes.

Mr. CANNON. Here is the way it reads in your own bill:

Shall be opened to entry and use and occupation under the right-of-way act of March 3, 1891.

Mr. DOCKERY. What does that act do?

Mr. CANNON. What does it do? That is the question. I suppose God knows. I do not. Is it referred to in the report? No. Has any information been given as to it? None whatever. I undertake to say, however, on my belief and on my information, that when you run it down you will find that the man who has been alert can avail himself of this provision, which disposes of this vast amount of Government expenditure, and can practically take the reservoir sites that may be worth a half million or a million of dollars for a nominal price, and levy, in perpetuity, a tax on the people who take the water from that site. I am quite willing, under apt legislation, to give the sites to the States, but I beg of the House to inquire closely and hesitate long before they throw away this work of the Government, done already at such a great expense, and allow this exceedingly valuable property to be had for a song and enjoyed in perpetuity by individuals.

This whole question in the arid regions ought to be intelligently and fairly taken up and exhausted. We ought to be careful how we mortgage the rights of the people who are to come after us, and place them, bound hand and foot, in the power of people who are swift under this generous legislation in obtaining these reservoir sites. Yet here it is gravely proposed, notwithstanding this past history, notwithstanding the condition which we all recognize to exist, by a motion to suspend the rules under twenty minutes' debate, when not twenty men in this House understand what is involved in the proposition—it is proposed to throw open every one of these sites to anyone who chooses to take possession of them at a nominal price.

I repeat, I beg the House to halt. I would ask the gentleman from Mississippi, because I know his great ability and purity of purpose upon the suggestion of the importance of the measure, to withdraw the motion for a suspension of the rules or change his motion to one giving a day for the consideration, when the whole matter can be discussed intelligently and understood.

Mr. CATCHINGS. I would suggest to the gentleman that I have offered the bill at the instance of the Land Office, and with the consent and approval of the Secretary of the Interior. These officers are supposed at least to be governed by the interests of the people and the Treasury.

Mr. CANNON. Oh, Mr. Speaker, all of us have been long enough in the service to understand that the recommendation of the Secretary of the Interior and other bureau officers is often perfunctory, and I never carry out the recommendations of a bureau officer, and, least of all, the head of the Land Office, whoever may occupy that position, touching these great matters of interest, without the most searching investigation, because you will find that while proper in most instances, yet sometimes they are improperly recommended in the history of the legislation of this country, and the most mischievous measures may come to Congress blest with the recommendation of the head of a bureau.

I challenge the attention of the House that we dare not follow blindly in this important matter the recommendation of the head of any bureau.

Mr. DOCKERY. We ought to have time enough at least to read the act sought to be repealed.

Mr. CANNON. Oh, yes; I will beg—no, I will not beg, but I will suggest to the gentleman from Mississippi, and to the able gentleman at the head of the Committee on Public Lands as well [Mr. LACEY], although both of them may be satisfied with this as good policy—I appeal to them to change the motion to a motion to suspend the rules and assign a day for the consideration of this matter. If it is a good measure, it will stand safely upon its merits and endure full discussion and information. If it is a bad one, it ought not to be passed, and I believe, from what little light and knowledge I have gained from the committees to which I have referred, that it ought not to be enacted into law.

Mr. TERRY. Mr. Speaker, how much time is left on this side?

The SPEAKER. The gentleman has ten minutes.

Mr. TERRY. I reserve the time.

Mr. CATCHINGS. I will yield five minutes of my time to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, the gentleman from Illinois [Mr. CANNON] has informed the House that this is an exceedingly important matter, and so it is. He says, among other things, that a vast amount of money has been expended in the survey of these reservoir sites, and that now we propose to turn them over to private individuals without money and without price.

Mr. Speaker, these reservoir sites were surveyed a number of years ago, under legislation looking to the irrigation of the arid West by the National Government.

Mr. CANNON. Oh, no; my friend is mistaken about that.

Mr. MONDELL. When the Geological Survey was under the control of Mr. Powell, about 1890, there was a strong agitation throughout the West for the National Government to take up the great question of irrigation.

Mr. CANNON. My friend will allow me just to correct a misapprehension. I had charge of the bill that carried the appropriation for this survey, and I had charge of the bill upon which it was partially repealed, and I want to say to my friend he is in error. It never was the sentiment of Congress that the Government should undertake irrigation.

Mr. MONDELL. Mr. Speaker, it is possible that the gentleman from Illinois [Mr. CANNON] was never of the opinion that it was

the sentiment of Congress that the Government should undertake irrigation; but this very legislation was passed on the recommendation of the Director of the Geological Survey, who favored the carrying out of vast irrigation projects by the General Government.

Mr. CANNON. My friend is again in error. The Director of that Survey opposed that scheme, and I think I speak within the bounds of my knowledge when I say that his head finally fell into the basket on account of that opposition.

Mr. MONDELL. Well, Mr. Speaker, if it is true that the Director of the Geological Survey was not in favor of carrying out these schemes of irrigation for the General Government, then it is all the more important that this legislation should pass. For, under the provisions of the law that the gentleman referred to, there were a number of reservoir sites surveyed in the Western States and Territories. There are none so surveyed in my State, but there are many scattered throughout the Western States and Territories. Those surveys were not made at an enormous cost to the General Government. I do not know just the amount which was used, but I am of the opinion that no great amount was so expended in all the years during which these surveys were being made. The intent was to find those places where reservoir sites could be located on a large scale, so as to best utilize the flood waters of streams. The consequence is that to-day, scattered throughout the Western States and Territories, there are a large number of reservoir sites, and under the present law there is no way in which those reservoir sites can be utilized.

Now, the question simply is whether the Congress intends in the future to spend millions and hundreds of millions of dollars in irrigation enterprises in the West, or whether it intends that the people of the arid West shall themselves furnish the capital for the carrying out of these great schemes. To-day, in a number of places where these reservoir sites have been surveyed by the Geological Survey, private capital has gone in and is seeking to utilize these sites, and if the General Government is not going to utilize the sites, then they should be turned over to the people, so that development may not be retarded. The entire Western country is interested in having these sites utilized.

[Here the hammer fell.]

Mr. CATCHINGS. How much time have I left, Mr. Speaker?

The SPEAKER. The gentleman has nine minutes remaining.

Mr. TERRY. Mr. Speaker, when I first heard the reading of this bill, although it was a very short one, it occurred to me that it was making a very radical change in the policy of this Government in regard to the arid lands, a policy which it deliberately entered upon, a policy which it had spent a great deal of money in organizing and arranging for.

Now, there are no arid lands in my State, but I have been away out West at times, and I have heard the complaints of the ranchmen concerning the tyranny, extortion, and monopolistic oppression exercised by corporations controlling the water supply. And when I saw that, in addition to the rights already granted them under the act of 1891, they would be permitted under this law to lay their hands upon what the Government had set apart under and in the line of its established policy toward the arid lands of the great West, it occurred to me that it was not a proper measure to be passed under suspension of the rules.

Mr. CATCHINGS. May I ask my friend one question?

Mr. TERRY. In a moment. I trust that this House will not pass this bill under a suspension of the rules.

Mr. CATCHINGS. I will ask my friend if he is not aware that canal companies and individuals desiring to construct reservoirs can now go upon and use the public lands without exception, save only those reservoir sites which have been reserved under this survey?

Mr. TERRY. That is virtually what I have said, that these reservoir sites which have been reserved under the Geological Survey are all that the Government can now control in this matter. The Government has given away to canal and ditch companies all other rights, and I say, while the Government has got this much left that it can use for the protection of the ranchmen out in the great West, do not let us give that away under suspension of the rules. Let us have more time to consider it.

I yield to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. Mr. Speaker, I only desire a moment in which to call the attention of the House to the fact that the bill which is sought to be amended or repealed by the proposition now pending is a bill of twenty-four sections, approved March 3, 1891. I do not know how many sections in that bill are affected by the pending proposition; but it does seem to me that a proposition which seems to be of such magnitude ought to be entitled to debate of more than forty minutes.

But what I wanted to say more especially was this: The gentleman from Wyoming [Mr. MONDELL] stated, as I recall his language, that only about $20,000 had been appropriated heretofore by the Government for the segregation of these reservoir sites. I went at once to the room of the Committee on Appropriations, and was not able, of course, in the few moments I was absent from the Hall, to make any exhaustive examination; but I find the gentleman is wholly in error. In that cursory examination I find the Government appropriated for the purpose of segregating these reservoirs in the fiscal year 1889, $100,000. I find also, Mr. Speaker, that the Government appropriated for this purpose in the fiscal year 1890, $250,000. In other words, from this brief examination, which I do not think is complete, it appears that $350,000 has already been expended by the Government for the survey of these reservoir sites.

Mr. MONDELL. I would like to ask the gentleman was that in 1889?

Mr. DOCKERY. In the fiscal year 1889 the appropriation was $100,000; in the fiscal year 1890 the appropriation was $250,000. From this statement I submit that $350,000 has been appropriated. I do not assume that it covers all the appropriations that have heretofore been made; but I find these two appropriations on the sundry civil bill for those respective years.

Mr. MONDELL. I will say to the gentleman from Missouri that is all the greater reason why these reservoir sites should be utilized if it is not the purpose of Congress to appropriate hundreds of millions for these reservoirs.

Mr. DOCKERY. Mr. Speaker, the Government having expended at least $350,000 for the purpose of segregating these reservoir sites, on a proposition of such a character as this it seems to be but just to this body that there should be more than forty minutes of debate. It may be, Mr. Speaker, on a full examination, possible that this bill will be found to be all right and that we should dispose of the reservations that have been segregated at the expense of the people, but it does seem to me if it is desired to press this bill to passage the motion ought to be changed so as to give the House a reasonable opportunity to examine the law which it is sought to repeal.

Mr. CATCHINGS. Will you take an hour on a side?

Mr. DOCKERY. I do not know anything about the question.

Mr. CATCHINGS. Others do, probably.

Mr. DOCKERY. I suggest to the gentlemen who have knowledge——

Mr. CATCHINGS. Mr. Speaker, if my friend will allow me, I will, with the consent of the House, amend my motion so that it shall provide that on Wednesday, after the Journal is read, this bill be debated for two hours, and then a vote be taken upon it. I have no objection to debate. I believe this to be a perfectly good bill, and will put my motion in that form.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that his motion may be changed so that the bill may be brought up on Wednesday morning after the reading of the Journal, discussed for two hours, and a vote then taken.

Mr. TERRY. It ought to be open also to amendment.

Mr. CATCHINGS. Of course I have no objection to the previous question being ordered on the bill and pending amendments. I want what is fair, and I want such disposition made of the bill as the House thinks best.

The SPEAKER. The Chair thinks that the proposition had better be put in this way, in view of a slight change in the rules in that regard: That this question be taken up on Wednesday after the reading of the Journal, and after two hours of debate, a vote then be had. Does the gentleman contemplate a two-thirds vote or a majority?

Mr. CANNON. Let it be a two-thirds.

Mr. CATCHINGS. I am perfectly willing for it to be considered in that way.

The SPEAKER. By a two-thirds vote, as suggested by the gentleman from Illinois.

Mr. TERRY. Subject to amendment.

The SPEAKER. Open to debate and amendments. Is there objection? [After a pause.] The Chair hears none, and accordingly it will be disposed of in the way mentioned.

CONTESTED-ELECTION CASE—BENOIT AGAINST BOATNER.

Mr. JOHNSON of Indiana. Mr. Speaker, I call up for consideration the contested-election case of Alexis Benoit against Charles J. Boatner, from the Fifth Congressional district of Louisiana.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

Resolved, That Alexis Benoit was not elected a Representative to the Fifty-fourth Congress from the Fifth Congressional district of Louisiana on the 10th day of June, 1896, and is not entitled to the seat.

Mr. JOHNSON of Indiana. Mr. Speaker, the Clerk had better read the other resolution.

The Clerk read as follows:

Resolved, That Charles J. Boatner was elected a Representative to the Fifty-fourth Congress from the Fifth Congressional district of Louisiana on the 10th day of June, 1896, and is entitled to his seat.

Mr. JOHNSON of Indiana. Mr. Speaker, I ask the adoption by the House of the resolutions reported by the committee.

The question was taken; and the resolutions were agreed to.

DISTRIBUTION OF RIFLES TO NATIONAL GUARDS.

Mr. MARSH. Mr. Speaker, I am instructed by the Committee on the Militia to move to suspend the rules and pass the bill (S. 1169) authorizing the Secretary of War to issue Springfield rifles to each State and Territory for the National Guards thereof, in exchange for other rifles now held.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to issue to the governors of the several States and Territories such number of Springfield breech-loading rifles, caliber forty-five one-hundredths of an inch, as are now required for arming all of the regularly organized armed and equipped militia (generally known as the National Guard) of each State and Territory that are not already supplied with this arm: *Provided*, That each State or Territory be required on receipt of the new arms to turn into the Ordnance Department, United States Army (without receiving any money credit therefor), an equal number of the arms now in its possession, except its Springfield rifles, caliber forty-five one-hundredths of an inch.

SEC. 2. That each State and Territory shall hereafter make an annual return to the Secretary of War of all the arms issued to them under this or any former act of Congress as provided for in the act of February, 1887, making a permanent annual appropriation for arming and equipping the militia.

SEC. 3. That any State or Territory may, in addition to the stores and supplies issued under the provisions of this act and the act of February, 1887, purchase for the use of its National Guard or reserve militia, at regulation prices for cash at place of sale, such stores and supplies from any department of the Army as, in the opinion of the Secretary of War, can be spared.

Mr. McMILLIN. I demand a second.

Mr. MARSH. I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. MARSH. Now, Mr. Speaker, I ask that the report be read in my time.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 1169) authorizing the Secretary of War to issue Springfield rifles to each State and Territory for the National Guards thereof in exchange for other rifles now held, have had the same under consideration and submit the following report thereon:

According to the statistics obtained by the military information bureau of the Adjutant-General's Office in the War Department, and the reports of the United States inspecting officers, the strength of the organized militia of the States and Territories and the District of Columbia, mostly known as the National Guard, is 112,879 men and officers. Of these there are in the infantry, 93,261; in the artillery, 5,045; in the cavalry, 4,952; special corps, 1,003; generals and generals' staffs, 1,422.

These are armed with Springfield rifles of various models from 1873 to 1884, calibers .50 and .45. They have also Peabody rifles of .45 caliber, Marlin rifles, Remingtons, caliber .50, Spencers, and Winchesters. The larger proportion are Springfields, many of which are reported as in bad condition, especially those of old models. So are such other arms as are no longer manufactured and which it is therefore difficult to repair.

There has been a continuous entreaty from many of the States for permission to turn in old rifles and receive in exchange therefor or receive as original issue modern Springfields, caliber .45.

While the question of a new magazine arm for the Regular Army was in suspense, the War Department was unwilling to issue these weapons except so far as they were called for under each State's share of the annual appropriation of $400,000. Now the new Krag-Jörgensen magazine rifle is being furnished to the Regular Army, which will be entirely supplied with it within about two months. This will involve the return to the arsenal of more than 20,000 Springfields, probably nearly all in serviceable condition.

For the purposes of this act there is an ample supply in store.

The total number of enlisted men of the infantry of the National Guard carrying rifles is about 100,000. A very considerable proportion of them have entirely serviceable Springfields, in good order. It is impossible now to state accurately the number of rifles that will be taken from the Springfield Arsenal under this act. The best available estimate says about 50,000.

The Springfield rifle of caliber .45, a single-shot breechloader, has a heavy bullet, which can not take so flat a trajectory nor so long a range as the new rifle of caliber .30, but it is still a very serviceable weapon, easily and quickly loaded, and can be fired very rapidly. It is of great importance that the militia or National Guard should have rifles of uniform model and caliber.

Much the larger proportion of the force is in very good condition, and in many States under excellent drill and discipline. In case of an emergency its ranks could be quickly recruited from men who have been honorably discharged from it within a few years past, and a total of 150,000 men could be put in the field who would rapidly approach a uniform standard of excellence and power.

It is thought best not to permit a return of the Springfields now in the hands of the organized militia. Such as need repairs can be easily put in order and returned to the militia, practically equivalent to new arms. No credit is to be given in money for the old rifles of other styles that may be turned in. Many of them will have no market value and will scarcely be worth transportation, but upon assuming title to them the Bureau of Ordnance might feel at liberty to sell them to anyone who would take them where they are.

The manufacture of the new Krag-Jörgensen magazine rifle will proceed with such rapidity as the appropriations will permit. In the meantime, it seems to be common sense that the superseded Springfield, a very good weapon, as we have said, should be issued to the Guard in accordance with their wishes and their repeated requests.

The military information division reports 9,945,043 as the total of citizens in the whole country liable to military duty in 1895.

The committee recommend the early passage of the bill.

Mr. McMILLIN. Mr. Speaker, I desire to ask the gentleman presenting this bill whether it is contemplated to manufacture any of these guns for distribution to the militia?

Mr. MARSH. My understanding is that there is a sufficient number of these guns now belonging to the Government to meet all the requirements of this bill.

Mr. PARKER. I can speak from knowledge; there are several hundred thousand of them.

Mr. McMILLIN. The report says that only about 20,000 have been turned in.

Mr. MARSH. The report says that upon the arming of the regular soldiers with the new Krag-Jorgensen guns, as the Department is now ready to do, there will be about 20,000 of these old guns turned in. It does not undertake to say how many of these Springfield rifles are now in the hands of the Ordnance Department, nor am I prepared at this moment to state the number.

Mr. McMILLIN. The reason I make the inquiry is this: I think that if this bill is to pass, inasmuch as the Springfield rifle is now obsolete and is being superseded in the Army by this new gun, there ought to be a provision in this bill that no expense shall be incurred for the manufacture of new guns of the Springfield pattern, but that the supply shall come entirely out of the stock now on hand; because if new guns are to be made, they ought to be of the most recent pattern.

Mr. MARSH. There is no authority whatever given in this bill for manufacturing more arms. It simply provides for the distribution of those that the Government now owns and that are not needed for the Regular Army.

Mr. McMILLIN. I listened to the reading and was unable to hear any provision in the bill which would prevent the manufacture of this old type of arms for distribution, and of course there ought not to be any further manufacture of them, as they are obsolete.

Mr. MARSH. I take it that the gentleman will agree with me that the Department would not have any right to manufacture unless there was legislation authorizing it.

Mr. McMILLIN. If the act is mandatory upon the Secretary of War to furnish these arms to the militia, and there is no inhibition against their manufacture, then manufacture would result inevitably from compliance with the law. I suppose the gentleman will have no objection to incorporating a proviso that the distribution contemplated by this bill shall be made wholly out of the arms on hand, or out of those on hand and those to be turned in as the new arms are supplied to the Regular Army.

Mr. MARSH. I certainly would have no objection to an amendment of that kind if it was at all necessary; but if the gentleman will read the bill he will see that there is nothing in it which obligates the Secretary of War to issue these arms. The Secretary is simply authorized to make the issue, and that certainly would not authorize him to expend public money in the manufacture of such arms. The object of the bill is to distribute the Springfield rifles to the militia, inasmuch as the regular soldiers have no longer any use for them. I yield the balance of my time, Mr. Speaker; and if no other gentleman desires to be heard, I ask that the bill be put upon its passage.

The rules were suspended and the bill was passed.

RELIEF OF CERTAIN OFFICERS AND ENLISTED MEN.

Mr. HULL. Mr. Speaker, on behalf of the Committee on Military Affairs, I move to suspend the rules and pass the bill (S. 2101) to provide for the relief of certain officers and enlisted men of the volunteer forces.

The bill was read, as follows:

Be it enacted, etc., That any person who was duly appointed or commissioned to be an officer of the volunteer service during the war of the rebellion, and who was subject to the mustering regulations at the time applied to members of the volunteer service, shall be held and considered to have been mustered into the service of the United States in the grade named in his appointment or commission from the date from which he was to take rank under and by the terms of his said appointment or commission, whether the same was actually received by him or not, and shall be entitled to pay, emoluments, and pension as if actually mustered at that date: *Provided*, That at the date from which he was to take rank by the terms of his said appointment or commission there was a vacancy to which he could be so appointed or commissioned, and his command had either been recruited to the minimum number required by law and the regulations of the War Department, or had been assigned to duty in the field, and that he was actually performing the duties of the grade to which he was so appointed or commissioned; or if not so performing such duties, then he shall be held and considered to have been mustered into service and to be entitled to the benefits of such muster from such time after the date of rank given in his commission as he may have actually entered upon such duties: *Provided further*, That any person held as a prisoner of war, or who may have been absent by reason of wounds, or in hospital by reason of disability received in the service in the line of duty, at the date of issue of his appointment or commission, if a vacancy existed for him in the grade to which so appointed or commissioned, shall be entitled to all the benefits to which he would have been entitled under this act if he had been actually performing the duties of the grade to which he was appointed or commissioned at said date: *Provided further*, That this act shall be construed to apply only in those cases where the commission bears date prior to June 20, 1863, or after that date when the commands of the persons appointed or commissioned were not below the minimum number required by then existing laws and regulations: *And provided further*, That the pay and allowances actually received for the period covered by the recognition extended under this act shall be deducted from the sums otherwise to be paid thereunder.

SEC. 2. That the heirs or legal representatives of any person whose muster into service shall be recognized and established under the terms of this act shall be entitled to receive the arrears of pay and emoluments due, and the pension, if any, authorized by law, for the grade to which recognition shall be so extended.

SEC. 3. That the pay and allowances of any rank or grade paid to and received by any military or naval officer in good faith for services actually performed by such officer in such rank or grade during the war of the rebellion, other than as directed in the fourth proviso of the first section of this act, shall not be charged to or recovered back from such officer because of any defect in the title of such officer to the office, rank, or grade in which such services were so actually performed.

SEC. 4. That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

The SPEAKER. Is a second demanded?

Mr. PAYNE and Mr. McMILLIN demanded a second.

Mr. HULL. I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. HULL. Mr. Speaker, this bill is simply reenacting a law which has been passed four times since the close of the war with a limitation of time. It was enacted for a period of three years, and each time at the expiration of that period it was reenacted by Congress for an additional three years. The War Department now recommends that it be reenacted without any limitation as to time. That is the only object of this bill, and the only change in the old law is the striking out of the limitation. Otherwise it is a reenactment of a law which has been on the statute books from 1884 to 1895. Almost all the men who could take advantage of it have been already remustered under the law. The provisions of the bill are intended to apply to men who were commissioned under the law where a vacancy existed and who performed the duty of the grade, but were not mustered at the proper time on account of being ill in hospital or being in prison. It is not intended to affect, and it does not affect, the very large class who were commissioned by governors of the different States to offices where no vacancies existed, where the companies were reduced below a minimum. The bill, I repeat, with the exception I have mentioned, is in the exact language of the statute which has been heretofore passed four times.

Mr. McMILLIN. Do I understand the gentleman to say that the officers to whom this bill applies have already had four different periods of three years each, aggregating twelve years, within which to avail themselves of the provisions of this law, and have not done it?

Mr. HULL. Yes, sir.

Mr. McMILLIN. Then this statute of limitation has been already annulled four times for their benefit?

Mr. HULL. If the gentleman chooses to call it a statute of limitation.

Mr. McMILLIN. It is a limitation.

Mr. HULL. Yes; and I will say to the gentleman from Tennessee——

Mr. McMILLIN. What reason is there why the Government should go on indefinitely extending this time, when four opportunities of three years each have already been offered to these men?

Mr. HULL. I will say to the gentleman that this provision of relief has been accorded already to nearly all of the officers who are entitled to the benefits of the law. There are some officers, however, who have not been able to avail themselves of it—men who are living on farms or homesteads in the West—a very few of them, who have never availed themselves of the law, and in fact did not know perhaps of its existence until after its expiration. Perhaps there are not over three. I think that is the number on file now. But the Department thinks that no matter when an officer finds that he has slept on his rights, it is only fair and equitable, in view of the way others have been treated, to give him an opportunity to be placed exactly upon the same footing, and that all of them shall have that relief to which they are entitled.

Mr. STEELE. I would like to ask the gentleman a question, with his consent, for information.

Mr. HULL. Certainly.

Mr. STEELE. By the act of March 3, 1863, which provided that under such regulations as the Secretary of War may prescribe, a regiment falling below the maximum should be deprived of its colonel, and companies falling below a maximum limit then fixed should be deprived of a second lieutenant. Now, notwithstanding that law, some of the States continued to commission these officers where vacancies occurred. For instance, if there was a vacancy in the office of colonel when the regiment had fallen below the maximum, a commission was issued; and in certain cases there were vacancies filled in companies by the commissioning of second lieutenants, where the law had expressly provided that in such cases the companies should be deprived of the services of second lieutenants. Some of the States continued to commission officers without regard to that law, while some of the States did not. I would ask the gentleman whether the law now sought to be enacted will be applicable to officers commissioned subsequent to that act of March 3, 1863, under these circumstances?

Mr. HULL. It provides expressly that it shall not be so applied. There is another bill before the committee providing relief in such cases; but this provides that it shall not be applicable where there was no legal vacancy.

On that I ask a vote.

The question was taken; and (two-thirds voting in favor thereof) the rules were suspended and the bill passed.

LIGHT-HOUSES AND OTHER AIDS TO NAVIGATION.

Mr. HEPBURN. Mr. Speaker, on behalf of the Committee on Interstate and Foreign Commerce, I move to suspend the rules and pass the bill (H. R. 9703) to provide for light-houses and other aids to navigation as amended by the committee.

The SPEAKER. The bill will be read as proposed to be amended.

The bill was read, as follows:

Be it enacted, etc., That light-houses and other aids to navigation be established and erected as hereinafter set forth, to wit:

Completing the removal of Cape San Blas light station, Florida, to Blacks Island.

Building a light-keeper's dwelling at Egmont Key light station, Florida.

Reconstructing the front beacon of Apalachicola Bay range-light station, Florida.

Establishing a light station at or near St. Joseph Point, in St. Joseph Bay, west coast of Florida.

Establishing range lights to mark the channel over the bar, entrance to Choctawhatchee Bay.

Repairing wharf and buildings of the depot at Key West, Fla.

Mr. DOCKERY. I demand a second. This seems to be an omnibus measure.

Mr. HEPBURN. It carries no appropriation as now amended by the committee. The committee recommend the striking out of all items in the nature of appropriation.

I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. HEPBURN. I yield to the gentleman from Florida, who will explain the measure.

Mr. SPARKMAN. Mr. Speaker, I hope that there will be no objection to the passage of this bill. In my judgment it is a very important measure. It provides for the construction of one or more light-houses, and other aids to navigation, on the west coast of Florida. These projects have been recommended by the Light-House Board as matters that are urgent, and as buildings that should be constructed without delay.

The Committee on Interstate and Foreign Commerce have reported unanimously in favor of the passage of the bill. As was stated by the chairman of the committee a moment ago, the bill carries no appropriation, but provides for the structures to be erected; and I take it no appropriation whatever can now be made for the erection of these light-houses and these other aids to navigation for a year or more from this date. So that there can be no objection on the ground or on account of the apprehension on the part of any individual member of the House that an immediate appropriation is thereby incurred or made necessary. All we desire is to provide for the erection of these aids to navigation, so when the proper bill is presented to the House, in the next Congress, the money necessary to construct either all or a portion, as it may seem proper, may be made.

I repeat, I hope there will be no objection, but that the House will see the importance of the measure and allow its passage at this time.

Mr. DOCKERY. Mr. Speaker, I desire to say a word in reference to this matter. I know nothing whatever of the merits of the several propositions contained in the bill. I assume that the propositions are just and reasonable, inasmuch as the bill comes to the House with a favorable report from the Committee on Interstate and Foreign Commerce. I would ask, however, if it has the approval and indorsement of the Secretary of the Treasury?

Mr. HEPBURN. All these items are estimated for by the Light-House Board. All have been recommended and are found in the report of the Board.

Mr. DOCKERY. I wish only to add a word, Mr. Speaker. I shall not vote against the bill, but will defer to the judgment of the gentleman from Florida and the chairman of the committee who reports it.

Gentlemen will observe that the bill involves an expenditure of some $42,000. Of course, as the gentleman from Florida says, it makes no direct appropriation. But it is in perfect harmony with the policy which seems to have been adopted by the House, not only in reference to light-houses, but with reference to rivers and harbors, improvement of sewers, and other public works that I call to mind. That is to say, the House, contrary to the rules and practices prevailing in all private business enterprises, is turning back the wheels of progress, and reviving the old discarded "credit system." But few bills receive favor if they involve a direct appropriation. But if the mortgage upon the Treasury is projected into the future, whether near or remote, the measure is more likely to secure favorable recognition.

Now, this is a very small mortgage of $42,000 on the revenues of the future, and I do not propose to stand in the way of the measure, but I hope the time will come—and I believe it will very soon—when the credit policy which is being adopted by the Congress of the United States will be abandoned, and we shall return to the business methods which prevail everywhere in private affairs. In railroad circles, in mercantile business, in manufacturing industries, business is transacted upon a cash basis. Credit is not given for a longer period than thirty days. But it seems that the Government, contrary to the business principles that prevail everywhere else, is returning to business methods rejected by the business world.

Mr. SPARKMAN. I have no objection to taking the money now, but the committee think otherwise.

Mr. DOCKERY. I know that; but I want the House to understand that this contemplates an appropriation at a very early day of $42,000. Of course we are simply giving our obligation to be paid at some time when the Dingley bill, I suppose, will have furnished a larger income for the support of the Government than it now receives.

Mr. HEPBURN. I think the gentleman from Missouri [Mr. DOCKERY] is in error about that. There is no appropriation here. This is simply an authorization.

Mr. DOCKERY. That is what I have said.

Mr. HEPBURN. I thought that you were complaining about the money that was appropriated. There will be no expenditure until the matter is brought before the Committee on Ways and Means.

Mr. DOCKERY. I was simply emphasizing the fact that this bill is in harmony with the views the gentleman from Iowa [Mr. HEPBURN] so ably expressed last Saturday in respect to the credit system as applied to the river and harbor bill.

Mr. HEPBURN. Oh, no; not at all. There is no similarity between the two propositions.

Mr. PAYNE. I will ask the gentleman from Iowa [Mr. HEPBURN] whether he will consent to amend the bill so that when we get these light-houses and means of saftey down there along the Florida coast they will cut the pilotage fees in two, or make a great reduction in them?

Mr. HEPBURN. I shall be perfectly willing to refer the subject to the Committee on the Merchant Marine and Fisheries.

Mr. PAYNE. All right. The amendment will go in, then.

And then (two-thirds voting in favor thereof) the rules were suspended and the bill passed.

LOAN OF TENTS FOR GRAND ARMY ENCAMPMENT, BUFFALO.

Mr. POOLE. Mr. Speaker, I move to suspend the rules and pass House joint resolution 252, authorizing the Secretary of War to deliver to the mayor of Buffalo tents, in loan, for the convenience of the Grand Army of the Republic at its annual encampment, to be held this year at that city.

The bill was read, as follows:

Resolved, etc., That the Secretary of War is hereby authorized, at his discretion, to deliver out of the quartermaster stores to the order of Mayor Edgar B. Jewett, of the city of Buffalo, for the use of said city of Buffalo and its committees on the thirty-first national encampment of the Grand Army of the Republic, to be held at Buffalo August 23, 1897, the following, namely: Sibley tents, common "A" tents, and flood sufferers' tents, with poles, ridges, and pins for each, under such restrictions as is usual in such cases, and with the proviso that no expense shall be caused to the United States by the delivery and return of such property; the same to be delivered to the mayor of Buffalo at such time anterior to the event as may be agreed upon between the War Department and the mayor of the city of Buffalo.

Mr. RICHARDSON. Mr. Speaker, I ask for a second.

Mr. POOLE. I ask that a second be considered as ordered.

The SPEAKER. The gentleman asks that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from New York [Mr. POOLE] is entitled to twenty minutes and the gentleman from Tennessee [Mr. RICHARDSON] to twenty minutes.

Mr. POOLE. Mr. Speaker, this bill simply provides for the loaning to the mayor of the city of Buffalo, for the use of the Grand Army of the Republic at their twenty-fourth annual encampment, to be held in that city next August, of "A" tents, Sibley tents, and other tent paraphernalia, to be used by the members of the Grand Army at that encampment.

Such a resolution as this has been adopted by Congress every year for the last fifteen years. The bill provides that the tents shall be delivered to the mayor of Buffalo and returned to the Government without any expense to the Government.

Mr. RICHARDSON. I understand the bill provides that there shall be no expense to the Government in the loaning of these tents.

Mr. POOLE. The bill does so provide. There is no expense of any kind to the Government, and the tents are to be delivered in such number as in the discretion of the Secretary of War can be spared.

Mr. RICHARDSON. I have no objection to the passage of the bill.

And then (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

HOMESTEAD LANDS IN FLORIDA.

Mr. COOPER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 9494) concerning certain homestead lands in Florida, as amended by the Committee on the Public Lands.

The SPEAKER. The gentleman from Florida moves to suspend the rules and pass a bill which the Clerk will report.

The Clerk read the amended bill, as follows:

Be it enacted, etc., That all persons actually occupying homesteads in good faith in any of the following-named counties, in said State of Florida, to wit, Alachua, Lafayette, Levy, Suwanee, Bradford, Baker, and Columbia, at the time of the storm on or about September 29, 1896, are hereby granted the right to sell or otherwise dispose of the fallen timber on their homestead entries felled by said storm, and to devote the proceeds of such sale or barter to the improvement of their homesteads or support of themselves or their families.

Mr. LACEY. Mr. Speaker, I demand a second.

Mr. COOPER of Florida. I ask that a second be considered as ordered.

The SPEAKER. The gentleman from Florida asks that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Florida [Mr. COOPER] is entitled to twenty minutes, and the gentleman from Iowa [Mr. LACEY] to twenty minutes.

Mr. COOPER of Florida. I will ask for the reading of the report.

Mr. LACEY. I suggest that the gentleman from Florida can explain this matter more briefly than the report.

Mr. COOPER of Florida. Mr. Speaker, last fall a great storm prevailed over the country, the same that struck Washington. It passed over several counties of Florida, and felled a great deal of the standing timber upon the lands occupied by homesteaders from the United States as well as other citizens. That country is a mass of fallen timber that can hardly be conceived by persons who have not seen it. These people have suffered great losses and they are now in a very destitute condition. There is imminent danger that forest fires, especially in the spring, will sweep over that whole country and not only destroy the timber, but endanger the homes and the lives of the people occupying those portions of those counties. The bill simply gives them permission to dispose of the fallen timber blown down by the storm, the proceeds to be expended for improvements upon their farms and in support of their families. It is recommended by the Department, and if this leave be not extended the timber would eventually be destroyed by fire, rot, or be eaten by the worms.

The question was taken on suspending the rules and passing the bill; and in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

ST. PAUL, MINNEAPOLIS AND MANITOBA RAILWAY COMPANY.

Mr. EDDY. Mr. Speaker, I move to suspend the rules and pass the bill which I send to the desk.

The Clerk read as follows:

A bill (S. 3303) to extend the time for the completion of the St. Paul, Minneapolis and Manitoba Railway Company through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian reservations, in the State of Minnesota.

Be it enacted, etc., That the time for the construction of the St. Paul, Minneapolis and Manitoba Railway through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian reservations, in the State of Minnesota, as limited by section 3 of an act of Congress entitled "An act granting to the St. Paul, Minneapolis and Manitoba Railway Company the right of way through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian reservations, in the State of Minnesota," approved July 18, 1894, together with the rights and privileges granted by said act, be, and the same are hereby, revived and extended for the period of two years from the 18th day of July, 1897.

Mr. DOCKERY. I ask a second, in order to secure a brief explanation.

Mr. EDDY. I ask unanimous consent that a second be considered as ordered.

There was no objection, and a second was considered as ordered.

Mr. EDDY. Mr. Speaker, this is simply a bill reviving an act passed in 1894. The time expires on July 18, 1897. The original act provides compensation for the Indians for this right of way. It has the usual provisions. This recommendation for the extension of time has the approval of the Secretary of the Interior and the Commissioner of Indian Affairs.

The question was taken on suspending the rules and passing the bill; and in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

REORGANIZATION OF THE JUDICIAL DISTRICTS OF ARKANSAS.

Mr. NEILL. Mr. Speaker, I move that the rules be suspended and the bill which I send to the Clerk's desk be passed.

The Clerk read as follows:

A bill (H. R. 10278) to reorganize the judicial districts of Arkansas, and for other purposes.

Be it enacted, etc., That the State of Arkansas is hereby divided into two districts, which shall be called the eastern and western districts of Arkansas. The western district shall hereafter include the counties of Benton, Washington, Carroll, Boone, Madison, Newton, Crawford, Franklin, Johnson, Logan, Sebastian, Scott, Yell, Polk, Sevier Howard, Pike, Little River, Hempstead, Miller, Lafayette, Nevada, Columbia, Union, Ouachita, and Calhoun. The eastern district shall hereafter include the residue of said State.

SEC. 2. That the eastern district is hereby divided into three divisions, to be known as the western division, the eastern division, and the northern division. All process, civil and criminal, hereafter issued against persons residing in the counties of Mississippi, Crittenden, Lee, Phillips, Clay, Craighead, Poinsett, Greene, Cross, St. Francis, and Monroe, which shall constitute the eastern division, shall hereafter be made returnable to the courts, respectively, to be held at the city of Helena; and all process, civil and criminal, against persons residing in the counties of Independence, Cleburne, Stone, Izard, Baxter, Searcy, Marion, Sharp, Fulton, Randolph, Lawrence, and Jackson, which shall constitute the northern division, shall be made returnable to the courts, respectively, to be held at the city of Batesville; and all process, civil and criminal, against persons residing in any of the remaining

counties of the eastern district of the State, which shall constitute the western division, shall be made returnable to the courts, respectively, to be held at the city of Little Rock.

SEC. 3. That the terms of the United States circuit and district courts for the eastern district of Arkansas shall be held in each year at the times and places as follows: At the city of Batesville, in the county of Independence, commencing on the second Mondays in June and December; at the city of Helena, in the county of Phillips, on the second Mondays in March and October; at the city of Little Rock, in the county of Pulaski, the district court on the first Mondays in April and October, and the circuit court on the second Monday in April and the fourth Monday in October.

SEC. 4. That all causes, civil and criminal, now pending in the courts, respectively, at Little Rock against persons residing in any of the counties made returnable to the courts to be held at Batesville, as herein provided, shall be determined and disposed of by said courts, and all causes, civil and criminal, now pending against persons residing in the county of Marion, in the courts, respectively, at Fort Smith, shall be determined and disposed of by said courts.

SEC. 5. That the western district is hereby divided into two divisions, to be known as the Texarkana and Fort Smith divisions, respectively. All process, civil and criminal, hereafter issued against persons residing in the counties of Sevier, Howard, Pike, Little River, Hempstead, Miller, Lafayette, Columbia, Nevada, Ouachita, Calhoun, and Union, which shall constitute the Texarkana division, shall hereafter be made returnable to the courts, respectively, to be held at the city of Texarkana; and all process, civil and criminal, hereafter issued against persons residing in any of the remaining counties of the western district of the State, which shall constitute the Fort Smith division, shall be made returnable to the courts, respectively, to be held at the city of Fort Smith.

SEC. 6. That the terms of the United States circuit and district courts for the western district of Arkansas shall be held in each year at the times and places as follows: At the city of Texarkana, in the county of Miller, on the second Mondays in May and November; at the city of Fort Smith, in the county of Sebastian, on the second Mondays in January and June. And the causes, both civil and criminal, now pending at Little Rock against persons residing in the counties of Calhoun and Union shall be disposed of in said courts. All causes, process, bonds, recognizances, and other things pending in, returnable, or having relation to the terms of said courts at Texarkana and Fort Smith now provided by law shall be proceeded with in the terms provided by this act with the same force and effect that would have been lawful had the times of holding said courts at said places not been changed.

SEC. 7. That all crimes or offenses hereafter committed in any of the divisions of the said districts shall be cognizable within such division, and all prosecutions for crimes or offenses heretofore committed in the districts as heretofore constituted shall be commenced and proceeded with as if this act had not been passed.

SEC. 8. That there shall be appointed in the northern division of the eastern district of the State of Arkansas one additional clerk of the district court and one of the circuit court, who shall reside and keep their respective offices in the city of Batesville.

SEC. 9. That all acts and parts of acts in conflict with this act be, and the same are hereby, repealed; and this act shall take effect and be in force from and after its passage.

Mr. NEILL. I ask to suspend the rules and pass the bill with the amendment that is desired. The amendment has been read.

Mr. PAYNE. Mr. Speaker, I demand a second.

Mr. NEILL. I ask unanimous consent that a second be considered as ordered.

There was no objection, and it was so ordered.

Mr. NEILL. Mr. Speaker, this bill is unanimously reported by the Committee on the Judiciary, and it has been agreed upon by the entire Arkansas delegation in the House and Senate. It is to reorganize the judicial districts of Arkansas, which was made necessary by the unequal division of business as the two districts are now constituted. With the taking away of the jurisdiction of the Indian country by the act of February or March, 1895, the work of the Fort Smith district was very largely reduced, and the counties now comprising that district are only about one-fourth of the area of the State, and give to the Federal courts perhaps less than one-fourth of the business of the entire State. This bill seeks to equalize, so far as may be done at this time with convenience, the work of the two judicial districts, and creates a new division in the eastern district, which will carry no expense and no burden whatever. I ask the Clerk to read the report made by the gentleman from New York [Mr. RAY].

Mr. PAYNE. I want to ask the gentleman a question. I understand that this bill involves no new judges or new officers, but simply makes a new division.

Mr. NEILL. It makes no new offices, except a clerk for the northern division of the eastern district, which will involve no extra expense. It is a unanimous report from the Judiciary Committee.

Mr. LACEY. I would ask the gentleman what provision is made for the clerk at Batesville? How is he to be taken care of?

Mr. NEILL. Simply by the fees which the office may yield or earn.

Mr. LACEY. I have been informed that last year the fees were only $228.

Mr. NEILL. However that may be, I have no doubt of our being able to obtain a perfectly competent clerk for the courts provided by this bill to be held at Batesville.

The question was taken on suspending the rules and passing the bill; and in the opinion of the Chair, two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

RELIEF FOR THE POOR OF INDIA.

Mr. LOUD. Mr. Speaker, there is upon the Speaker's table a Senate joint resolution authorizing the Secretary of the Navy to furnish a vessel to transport to India the corn and wheat and other food supplies that have been donated by the States of Iowa, Kansas, Nebraska, Washington, Oregon, California, and other portions of the West, and which the railroad companies have agreed to transport to San Francisco free. I ask unanimous consent that that joint resolution be taken up.

There was no objection, and it was so ordered.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That the Secretary of the Navy be, and he is hereby, authorized to employ and place at the disposal of the Chamber of Commerce of San Francisco any ship or vessel belonging to the Navy of the United States best adapted for such service, for the purpose of transporting to the famishing poor of India such contributions as may be made for their relief, or to charter and employ, under the authority of the United States, a suitable American steamship or vessel, with a cargo capacity of 1,500 to 3,000 tons, for the same purpose. Any sum of money which may be necessary to carry out the object of this resolution is hereby appropriated out of any money in the Treasury heretofore appropriated for the support of the Navy.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. LOUD, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

CLAIMS OF TENNESSEE AGAINST THE UNITED STATES.

Mr. McCALL of Tennessee. Mr. Speaker, I move to suspend the rules and pass the joint resolution H. Res. 91, with the amendments recommended by the committee.

The joint resolution, with the amendments, was read, as follows:

Joint resolution providing for the adjustment of certain claims of the United States against the State of Tennessee, and certain claims of the State of Tennessee against the United States.

Whereas it is claimed that the State of Tennessee is indebted to the United States for railroad equipments and materials purchased for the Memphis, Clarksville and Louisville Railroad Company and the Edgefield and Kentucky Railroad Company by the receivers of said railroad companies; and also for certain coupon bonds issued by said State and originally purchased and held by the United States in trust for certain Indian tribes; and

Whereas the State of Tennessee claims against the United States certain abatements and reductions of said indebtedness by reason of excessive valuations of said equipments and materials; and also certain set-offs and counterclaims, growing out of the use by the United States Government for military and other purposes, and the deterioration of the property by the use of certain of the Tennessee railroads upon which the said State had an express and prior statutory lien; and for the removal and appropriation of the property, rails, bridges, etc., of the following roads, namely: The Memphis, Clarksville and Louisville Railroad Company, the McMinnville and Manchester Railroad Company, the Winchester and Alabama Railroad Company, the Knoxville and Kentucky Railroad Company, and the Edgefield and Kentucky Railroad Company; and

Whereas said matters are of long standing and it is desirable that the same should be adjusted and settled: Therefore

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney-General, the Secretary of the Treasury, and the Secretary of War be, and they are hereby, authorized and required to proceed, by conference with such agents, counsel, or commissioners as may be appointed by said State for that purpose, to compromise, adjust, and settle with the State of Tennessee, through such duly appointed agents, all said matters upon such terms as to amount, allowance of interest, etc., as shall do equal and impartial justice to both parties; and if the result of such settlement shall disclose a balance due to the United States from the State of Tennessee, they shall report such agreement, compromise, or settlement to the governor of Tennessee, to be submitted by him to the legislature of said State at its next regular session, and if the payment of such balance shall not be provided for at the next regular session of the legislature of Tennessee, then the Secretary of the Treasury is hereby authorized and required to proceed to collect the same by appropriate proceedings in accordance with the terms of the bonds held by the United States; and in the event the result of said settlement shall disclose a balance due to the State of Tennessee, they are hereby authorized and directed to report the same to Congress with such recommendation as to an appropriation therefor as may be deemed to be proper and just: *Provided, however*, That nothing herein shall be deemed to be a declaration of priority of right in favor of the State of Tennessee as between it and the Nashville, Chattanooga and St. Louis Railway Company with respect to the claim on account of the McMinnville and Manchester Railroad; but the question of the rights of the State and of said company as to said claim shall be determined as is hereinafter provided: *Provided further*, That the sum for the value of the iron rails, spikes, chairs, etc., taken by the United States military railroad authorities from the McMinnville and Manchester Railroad during the years 1863 and 1864 shall not be used in arriving at a settlement of the accounts between the State of Tennessee and the United States unless the Attorney-General of the United States, the Secretary of War, and the Secretary of the Treasury shall find that the proceeds for amount of said claim belong to the State of Tennessee and are due from the United States: *Provided further*, That the McMinnville and Manchester Railroad Company or the Nashville, Chattanooga and St. Louis Railway Company as its successor shall, by agents, counsel, or otherwise, have the right to appear and have an equal voice with the State in determining all questions relating to the said claim of the McMinnville and Manchester Railroad Company or the Nashville, Chattanooga and St. Louis Railway Company as its successor. And the Attorney-General, the Secretary of the Treasury, and the Secretary of War are hereby authorized and directed to determine the legal and equitable rights, respectively, between the United States, the State of Tennessee, and the McMinnville and Manchester Railroad Company or the Nashville, Chattanooga and St. Louis Railway Company as its successor with respect to said claim; and if they shall find that the proceeds or amount of said claim belong to the State the same shall be allowed as a credit in the settlement of the accounts between the United States and the State of Tennessee; and if they shall find that the proceeds or amount of said claim belong to the McMinnville and Manchester Railroad Company or the Nashville, Chattanooga and St. Louis Railway Company as its successor they shall report the same to Congress for appropriate legislation by Congress; but if they find that the same is not due from the United States to either party they shall so report.

They are authorized to settle all claims and demands of whatever kind or nature, and any compromise or settlement they may make with said State of Tennessee, as aforesaid, shall be fully reported back to Congress, giving the basis thereof, for its further action. The said compromise or settlement is not to be effective or final until approved by Congress.

The SPEAKER. Is a second demanded?

Mr. JOHNSON of California. I demand a second.

Mr. McCALL of Tennessee. I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. McCALL of Tennessee. Mr. Speaker, this bill merely provides that the Government shall authorize the Secretary of War, the Secretary of the Treasury, and the Attorney-General to confer with the agents of the State of Tennessee for the purpose of making an adjustment of the claims which the Government holds against the State of Tennessee and the claims that the State of Tennessee holds against the Government of the United States, growing out of certain railroad transactions during the war, which I will briefly explain. The State of Tennessee, prior to the war, issued its bonds in favor of certain railroads mentioned in the bill, reserving a prior lien upon the property. The war came on and the Government of the United States took charge of the railroad property and operated it. At the close of the war the Government sold its equipment and rolling stock to the State. The Government holds $335,666.66⅔ of bonds of the State of Tennessee that were deposited in the Indian trust fund. The State of Tennessee owes the Government those bonds. It owes the Government also for the rolling stock which the State, through its receivers, bought at the close of the war. The State of Tennessee insists that the Government of the United States owes the State for the use of these railroads during the war, and also for a certain lot of rails, sufficient for about 70 miles of road, which they took and carried to other railroads and used. There are two sets of claims, by the Government of the United States and by the State of Tennessee, respectively, the one against the other.

This bill provides that the Secretary of War, the Secretary of the Treasury, and the Attorney-General shall be authorized to confer with the agents of the State of Tennessee and adjust these claims and make report. If they find that the Government owes the State, or that the State owes the Government, then the report comes to Congress for ratification. If it is found that the State of Tennessee owes the Government, then the report is to be made to the governor of Tennessee and is to be by him transmitted to the legislature, and the bill provides that the legislature must make appropriation to pay the sum so found due, or, if it fails to do so, that the Government shall take such steps as may be necessary, and as are authorized under the terms of the Indian bonds which the Government holds, to compel payment by the State of Tennessee. That is all there is in the bill. There is no appropriation. It does not carry one cent. It is not binding or final. The report comes back to this or a succeeding Congress for ratification or rejection, as shall be deemed proper. The matter is an old one and it ought to have been settled long ago. If the State of Tennessee owes the Government, it ought to pay its debt. If the Government owes the State of Tennessee, it ought to pay what it owes. I may add that this bill has the indorsement of the late Attorney-General of the United States, Mr. Olney, and of the Secretary of War.

I now yield eight minutes to my colleague from Tennessee [Mr. Cox].

Mr. COX. Mr. Speaker, as briefly as I can I will state what is involved in this Senate resolution. There is an interest in behalf of the State of Tennessee, an interest in behalf of the railroads, and an interest in behalf of the Government of the United States. This resolution brings the matter up for settlement. It was drawn by Mr. Olney, who was then Attorney-General of the United States, and the attorney-general of the State of Tennessee. The object was not to reach an appropriaton of money. That was expressly reserved. The object of the resolution is to have this board, composed of the Secretary of War, the Attorney-General, and the Secretary of the Treasury, meet the commissioners appointed by the State of Tennessee, and, as far as they can, adjust the accounts between these different interests and report to Congress. The resolution does not carry any appropriation whatever.

Mr. WILLIAM A. STONE. As I understand it, the State of Tennessee claims that on a settlement the Government will be found to owe the State?

Mr. COX. Yes, sir; and the Government claims that the State of Tennessee will owe it.

Mr. WILLIAM A. STONE. Where are these claims now pending?

Mr. COX. I think I can explain that before I sit down.

Now, Mr. Speaker, in view of this state of facts, the Attorney-General of the United States earnestly recommends that this attempt at setlement be made. These claims grew up in this way: Under the laws of Tennessee in relation to construction of railroads the State indorsed the bonds of the roads and took a prior lien upon the property.

Now, during the war certain of these roads got into the hands of the military authorities and were taken control of, so far as they could control them, and they took up the iron in some instances, as shown by the report of General Thomas and other high officers on that side, and transferred it to other roads for military uses. The State of Tennessee—and I am trying now to give you the claim from a legal standpoint—the State of Tennessee meets the Government and claims that, inasmuch as the Government destroyed to a certain extent the value of the first lien on the property, the State is entitled to compensation to the extent that the property was so taken. That is the principle claimed by the State of Tennessee——

Mr. WILLIAM A. STONE. Of course I think it best that we shall clearly understand these matters as we proceed——

Mr. COX. I want it understood. There is no trouble, I am sure, if the matter is understood.

Mr. WILLIAM A. STONE. As I understand the proposition, it is that inasmuch as during the late war the Government took up the rails upon a part of this road upon which the State had a lien——

Mr. COX. Had a first lien.

Mr. WILLIAM A. STONE (continuing). That therefore the Government should take the place of the railroad and be subject to the lien of the State on the road, and pay the debt which belonged to the State.

Mr. COX. I do not think the gentleman states the proposition exactly or clearly. Inasmuch as the Government took possession of the property that belonged to the State, and by taking up the tracks and other property belonging to the State destroyed the lien upon the property to that extent, the State comes back and says, "Inasmuch as you did that, I make this counter claim against the Government of the United States."

Mr. WILLIAM A. STONE. Now, what is the claim the Government has against the State?

Mr. COX. Now, I have given the claim of the State. I will give now the claim of the Government, if the gentleman prefers it in that order. The Government has, of the State of Tennessee—my memory does not serve me as to the exact amount—a lot of Indian bonds that go behind this transaction. The State, on these bonds, borrowed a certain amount of money from the Government.

Mr. McMILLIN. If my colleague will permit me, I will give the exact amount, as I have the report before me. The amount of the bonds is $335,666.66⅔.

Mr. COX (continuing). Now the Government holds these bonds of the State. The legality of the bonds themselves is a question to be decided in this settlement. They hold not only that; but when the State, under the proceedings in our courts, filed her bill to enforce the first lien on the railroads I have mentioned, the railroads were put up and sold. Different companies became the purchasers, and then they put their bonds into court; and there is a large amount of bonds that are held still in court, for the reason that they must await the decision as to whether they belong to the State or to the Government.

Now, they are owned by one or the other. If under that decision the State holds the bonds, that places the matter in one light, and if, on the other hand, it is held that the United States is entitled to the bonds, although they are held there, that presents another condition. The reason the bonds are held there is for the purpose of getting them to the parties who may be entitled to them under the decision.

Now, another idea as to the claim of the Government. The Government, when the war closed, sold to the State of Tennessee, who was trying to preserve her lien on the road, a large amount of rolling stock. Thereupon the State executed her bonds in payment of the rolling stock. These bonds amounted probably to $75,000 or $100,000—I do not pretend to be correct as to the exact amount. In these bonds it is provided that unless the State of Tennessee shall pay them off and discharge them, then, by a proper proceeding under the authority of the United States, the Government is made to take charge of the railroads and enforce the collection of the bonds executed in payment for the rolling stock to which I have referred.

You see now plainly, as a lawyer, where the point comes in. If the hundred or two hundred thousand dollars' worth of bonds held there, to be decided to whom they belong, whether to the State or the General Government—suppose it is decided that they belong to the State? Well, the United States, holding the bonds for the rolling stock, the State of Tennessee would have to pay them——

Mr. WILLIAM A. STONE. But the point that I am in doubt about, and on which the gentleman can throw light, is this: The claim of the State againt the Government for taking the railroad iron is in doubt as to its legality?

Mr. COX. Yes, sir.

Mr. WILLIAM A. STONE. And the railroads were taken as a war necessity, or supposed to have been so taken, as I understand the gentleman to claim?

Mr. COX. Yes.

Mr. WILLIAM A. STONE. This bill that you now offer, however, takes away any doubts of the claim of the State and legalizes that proposition.

Mr. COX. Oh, no; the gentleman is entirely wrong.

Mr. WASHINGTON. It does not accomplish anything of that kind. It leaves the matter to a settlement by arbitration.

Mr. WILLIAM A. STONE. It recognizes it as a regular claim.

Mr. COX. Oh, no.

Mr. WILLIAM A. STONE. You refer to it as "a claim" against the Government in the bill.

Mr. COX. But whether that be recognized or not is a question to be settled by this arbitration.

Mr. WILLIAM A. STONE. Who is to decide that?

Mr. COX. The Secretary of War, the Secretary of the Treasury, and the Attorney-General on the part of the United States and the commissioners of the State of Tennessee that have been appointed on the part of the legislature of the State will determine that question; but Congress must eventually settle it. I hope you will understand one point. We have had some trouble with this. The State of Georgia had a settlement. There is not a single dollar in the Treasury of the United States that will be touched by this until another Congress approves it.

Mr. McMILLIN. Will my friend permit me right here, in reply to the gentleman from Pennsylvania [Mr. WILLIAM A. STONE], to say that at the suggestion of the members of the House who took the view taken by the gentleman from Pennsylvania concerning this same railroad claim the following was added to the Senate resolution:

But if they—

That is, the Secretary of War, the Secretary of the Treasury, and the Attorney-General—

find that the same is not due from the United States to either party, they shall so report.

They are to report on that very question.

Mr. WILLIAM A. STONE. Is their report conclusive?

Mr. COX. Oh, no.

Mr. McMILLIN. They report back to Congress.

Mr. WILLIAM A. STONE. For our action?

Mr. COX. For our action.

Mr. WILLIAM A. STONE. Does it in any way, shape, or form bind the Government to the recognition of any claims that it does not now recognize?

Mr. COX. No; not in any way, shape, or form.

Mr. McMILLIN. It does not.

Mr. COX. Now pardon me for another suggestion, and you will see the force and importance of these resolutions. Under those bonds, executed by the State in the purchase of the rolling stock, there was a bond executed to the United States with the power to foreclose it. Now, when you come to consider that matter in that light, the resolutions fully protect the United States, just as do these bonds.

It must be borne in mind that the State bought the rolling stock so as to operate the roads, while the State was trying to protect herself from the liability incurred in indorsing the bonds when issued.

Mr. JOHNSON of California. Mr. Speaker, as I understand this proposition, this resolution ought not to pass. It is an attempt to accomplish indirectly what can not be accomplished directly. It is an attempt to evade the payment of an honest debt to the United States by getting in some shadowy, patent, back-action, double-extension, utterly worthless claims that this State has against the United States.

Mr. COX. I want to say to the gentleman, just in that connection——

The SPEAKER. Does the gentleman from California [Mr. JOHNSON] yield to the gentleman from Tennessee [Mr. COX]?

Mr. JOHNSON of California. If it is not taken out of my time, I will yield; yes.

The SPEAKER. Unfortunately, it will have to be taken out of the gentleman's time.

Mr. COX. There is no back action about this.

The SPEAKER. The gentleman declines to yield. The gentleman from California [Mr. JOHNSON] has the floor.

Mr. JOHNSON of California. As I understand this matter, the State of Tennessee borrowed some money from the United States——

Mr. WASHINGTON. Not a dollar.

Mr. JOHNSON of California. Or got the money from some Indian war bonds.

Mr. WASHINGTON. It did not borrow a dollar and did not get any Indian war bonds.

Mr. JOHNSON of California. The State owes those bonds, but owing to some unpleasantness that existed between 1861 and 1865 they did not pay those bonds, and they have not paid them yet.

Mr. WASHINGTON. Will the gentleman allow me to ask him a question?

The SPEAKER. Does the gentleman yield?

Mr. JOHNSON of California. Just for a question; yes.

Mr. WASHINGTON. Have you read this resolution yourself?

Mr. JOHNSON of California. I have heard the resolution read; yes.

Mr. WASHINGTON. Have you read it yourself?

Mr. JOHNSON of California. Yes, I have read it.

Mr. WASHINGTON. Did you find anything in there showing that the State of Tennessee borrowed a dollar from the Government?

Mr. JOHNSON of California. Well, I know something about this besides what is in the resolution.

Mr. WASHINGTON. I know my friend wants to be absolutely accurate. There was not a dollar borrowed by the State of Tennessee.

Mr. JOHNSON of California. I think I know something about it besides what is in the resolution. The State of Tennessee owes this money. There is not any doubt about it. It owes the money, and when it is called upon by the United States to pay it, it says that during the civil war the United States had some armies in the State of Tennessee, and that when putting down the rebellion they took up some rails of a railroad there which the State of Tennessee did not own, but which it simply had a mortgage on, and that because the United States did take up those rails for the purpose of helping to put down the rebellion the State of Tennessee ought to be paid something for it. Well, now, that claim, of course, could not be made in any court, for there is no court in Christendom that would allow any such claim as that. But this is to be submitted to arbitration. In other words, they want to compromise. My idea of a compromise, when one man has a just debt and the other man has a mere shadowy claim, is that it is like the two men who were trying to settle how much two and two made. One man said two and two made four, and all the arithmetics said so. The other man said, "Two and two make six;" and he said he was willing to fight for that; but finally he said, "Now, I am willing to compromise with you on the proposition that two and two make five. We will settle our differences on that basis."

The United States has a legal and valid claim against the State of Tennessee, amounting, as I understand now, in principal and interest, to over a million dollars, and the State of Tennessee has some vague, shadowy, iridescent dreams of claims which are based upon nothing and exist only in imagination, which are adduced from some metaphysical reason that because they had some sort of a mortgage upon some sort of a railroad, which railroad was used by the United States in putting down the rebellion, therefore they ought not to pay this honest debt. Now, it does seem to me that this sort of claim ought not to be admissible of being referred to anybody for arbitration. If the State of Tennessee or if these railroads have any just claims against the United States, why, there is a Court of Claims, as I understand it, in which they can be presented, and from the limited experience I have had in Congress I never yet have found a man who lived in the South or a State in the South who was at all timid about presenting any claim to the Court of Claims.

Mr. RICHARDSON. Are they worse than California and other States in the West?

Mr. JOHNSON of California. I do not know. California tries to keep up with the procession, but is not able always to keep up with Tennessee.

Mr. LIVINGSTON. We have never been successful in pressing our claims from the South since the war before any Congress or in any of the courts.

Mr. JOHNSON of California. As to that I do not know. I have a distinct recollection of reading a bill that passed appropriating money to pay some claims. I have some recollection of claims which have been urged which our honored presiding officer opposed. I do not know whether they were Southern claims or not. I have a distinct recollection of voting, at the suggestion of my friend from Tennessee [Mr. RICHARDSON], in favor of paying what he called some Bowman Act claims that he said were right and just; and I so voted because he said they were right and just.

Mr. RICHARDSON. And they were.

Mr. JOHNSON of California. And you say you can not get any claims passed here?

Mr. RICHARDSON. They have not passed.

Mr. JOHNSON of California. There are a great many that have passed, if you will search the records.

Mr. RICHARDSON. Oh, no.

Mr. JOHNSON of California. Now, I am informed that they were passed and that your President vetoed them and you could not get enough votes to pass it over his veto.

Mr. RICHARDSON and Mr. WASHINGTON. He did not veto them.

Mr. JOHNSON of California. He vetoed a bill.

Now, Mr. Speaker, as I was saying, if these claims of Tennessee are just and legal they ought not to be afraid of going into the Court of Claims and allowing that court to pass upon them. If the claim of the United States is just and legal, as every member

from Tennessee knows that the claim of the United States is just and legal, why does not the State of Tennessee pay that claim, and then go into the court with clean hands—pardon the expression—after which Congress would do what is right to the State of Tennessee? And if these railroads in the State of Tennessee are of such enormous value, have 70 miles, as I understand the figures given by the gentleman from Tennessee [Mr. McCALL], of rails which were taken up, and they were worth a million dollars, we could pay it.

Mr. McCALL of Tennessee. I have not made that statement. I beg the gentleman's pardon.

Mr. JOHNSON of California. You said there were 70 miles of rails torn up.

Mr. McCALL of Tennessee. But not that they were worth a million dollars.

Mr. JOHNSON of California. The claim of the United States is about a million, and your resolution carries with it the idea that you will bring the United States in debt.

Mr. McCALL of Tennessee. I beg the gentleman's pardon. If he will allow me, I say that, on the contrary, it will bring the State of Tennessee in debt to the United States.

Mr. JOHNSON of California. But your resolution contemplates bringing the Government in debt. There is no doubt, Mr. Chairman, but what if the resolution passes and this matter is submitted to arbitration, the United States will be brought in debt to the State of Tennessee. We have just had a settlement with the State of Arkansas in which the United States had a clear, straightforward claim, and, as I am informed by the Committee on Public Lands, that settlement resulted in bringing the United States in debt; and I am afraid this will do so. I submit it is not a proper way to pass upon a claim of this large amount. Now, it may seem singular that I should object to taking any money from the Treasury, because I have voted for these bills; but it seems to me it is time to stop. It is a little too bitter, even for my taste; and I think we ought not to pass this resolution. I think it is a dangerous precedent. I have been listening attentively, and exerting all my powers of hearing to listen for the voice of the chairman of the Committee on Appropriations, to know why it should not be raised against this resolution. It does carry an appropriation. I prophesy to you that if this resolution passes the United States will be brought in debt and be compelled to pay a large sum.

Mr. WILLIAM A. STONE. I would like to ask the gentleman whether this matter can be adjusted without the passage of this resolution?

Mr. JOHNSON of California. Undoubtedly.

Mr. WASHINGTON and Mr. RICHARDSON. How?

Mr. WILLIAM A. STONE. Do the gentlemen who present the claim admit that it has no legal standing?

Mr. RICHARDSON. The gentlemen do not.

Mr. WASHINGTON. The gentlemen do not; but we have no tribunal in which to be heard, I will inform my friend.

Mr. JOHNSON of California. If this is coming out of my time——

Mr. WASHINGTON. Of course.

The SPEAKER. It is coming out of the time of the gentleman from California, who declines to be interrupted.

Mr. JOHNSON of California. I will proceed for a minute——

Mr. WASHINGTON. You are eliciting information in your time.

Mr. JOHNSON of California. I do not need any information of that kind, because I know enough about this bill; and I am trying to speak very guardedly about it, and am really trying to say nothing except to call attention to it.

If it were desired to go into this matter extensively and trace it from the beginning and see what it is, I would be perfectly ready to go into it if I had the time, and I have no doubt in that case the gentleman would be sorry that he commenced it, because this is not a matter that will bear investigation. The very fact that they are seeking to have this kind of arbitration shows that it is not.

Mr. Speaker, I reserve the balance of my time and yield five minutes to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. Mr. Speaker, if not in error, I have an indistinct recollection of having voted against this bill away back in the Forty-eighth or the Forty-ninth Congress.

Mr. RICHARDSON. Not at all.

Mr. STEELE. Well, if it was not for this bill, it was a brother to it.

Mr. DOCKERY. As I remember, it was a bill for the relief of the McMinnville Railroad.

Mr. RICHARDSON. That was dealt with in the last Congress.

Mr. DOCKERY. And it is not affected by this bill?

Mr. RICHARDSON. No; it is excepted from it.

Mr. DOCKERY. Well, Mr. Speaker, it strikes me as a peculiarity of this bill that it proposes a board of arbitration composed of the Secretary of War, the Secretary of the Treasury, and the Attorney-General, a tribunal which, so far as my experience goes, is entirely without precedent. We have a Court of Claims to which claims under the Bowman Act are sent and also claims under the Tucker Act. We also have committees of the Senate and of the House who examine claims, and upon their reports Congress determines upon their merits or demerits; but, so far as I have knowledge or recollection, the extraordinary board proposed by this bill is without precedent during the fourteen years of my Congressional experience.

Mr. WASHINGTON. Can the gentleman tell us whether, under the general law, the State of Tennessee could go into the Court of Claims under the Bowman Act, or under the Tucker Act, and have these claims adjusted?

Mr. DOCKERY. I rather think that she could not. [Laughter.]

Mr. WASHINGTON. Then let the gentleman point out to us the way in which we can have these claims adjusted.

Mr. DOCKERY. I would make this suggestion to my good friend from Tennessee: If the State of Tennessee owes the Government, and, on the other hand, the Government owes the State of Tennessee, it seems that it would be proper to send this controversy to some court to have their conflicting claims adjudicated.

But, Mr. Speaker, back of the question of the tribunal is a claim of the State of Tennessee for railroad iron taken by the Army of the United States in its military operations during the late war. Now, I am one of those who believe that the settlement of very many of the claims growing out of that struggle should have been closed some time ago.

Mr. McMILLIN. I am sure my friend does not want to do any injustice——

Mr. DOCKERY. Certainly not.

Mr. McMILLIN. Then let me call his attention to a provision in the bill bearing directly upon the point which he makes. I read it:

Provided further, That the sum for the value of the iron rails, spikes, chairs, etc., taken by the United States military railroad authorities from the McMinnville and Manchester Railroad during the years 1863 and 1864 shall not be used in arriving at a settlement of the accounts between the State of Tennessee and the United States unless the Attorney-General of the United States, the Secretary of War, and the Secretary of the Treasury shall find that the proceeds for amount of said claim belong to the State of Tennessee and are due from the United States.

Mr. DOCKERY. That is what I understood. That was the statement of the gentleman's colleague [Mr. COX], that this claim for railroad iron was to be taken into account. Now, Mr. Speaker, I do not desire the Government to pay for any railroad iron that may have been owned by the State of Tennessee, or even by any individual. If we are to open up the settlements of transactions growing out of the military operations during the late war, I would prefer that our contributions should go to individuals.

Mr. COX. Let me put this question to the gentleman: Here is a State with a lien upon the iron and the rolling stock of a railroad. The Government takes that rolling stock with the State's lien upon it and sells it back to the State, and the State executes its bonds for it. Now, is it just that the Government of the United States shall seize the rolling stock of the State and sell it back to the State——

Mr. DOCKERY (interposing). I think I catch the gentleman's point. I want to say, in answer to my friend, that a great many damages were incident to the movements of the armies of the Confederacy and of the Union, respectively, during the period from 1861 to 1865, and can not properly find a settlement in the courts at this time or by any board of arbitration. The damages in this case resulted from a condition of war. Of course, if this claim had its origin in time of peace, it would stand upon an entirely different footing. This rolling stock upon which the State of Tennessee had a lien was seized in time of war.

Mr. COX. The rolling stock was sold by the Government of the United States and the State executed her bonds in payment for it. Now, the question is, if the Government seized the property of the State in time of war and sold it back to the State in winding up the war, is it not right that a settlement should be made?

Mr. DOCKERY. I think we ought to close up the accounts growing out of the civil war.

Mr. COX. I think so, too.

Mr. McMILLIN. That is the purpose of this bill.

Mr. DOCKERY. During my entire term of Congressional service I have voted against claims of this character incident to military movements, and shall continue so to vote until the end.

Mr. JOHNSON of California. How much time have I left, Mr. Speaker?

The SPEAKER. The gentleman has two minutes left.

Mr. JOHNSON of California. Has the other side any time?

The SPEAKER. There are five minutes remaining on the other side.

Mr. JOHNSON of California. I think the gentlemen on the other side ought to proceed now.

Mr. McCALL of Tennessee. Mr. Speaker, I believe I am entitled to close the debate.

Mr. JOHNSON of California. All right. I do not care. Now, Mr. Speaker, the report of this committee is enough, it seems to me, to justify every member here in voting against this bill. Here is an enumeration of the bonds in question:

Bonds of the State of Tennessee owned by the United States..... $335,666.66⅔

RECAPITULATION.

5 per cent bonds, registered, $1,000 each; issued under act October 18, 1832; matured January 1, 1863; interest due from January 1, 1861, to January 1, 1866, and from January 1, 1869	125,000.00
5½ per cent bonds, registered, $1,000 each, except last bond, which is for $1,666.66⅔; matured July 25, 1861; interest due from January 25, 1861. Act February 19, 1836	66,666.66⅔
6 per cent bonds, coupon, $1,000 each; issued under act January 30, 1850; matured July 1, 1890; interest due from various dates from January 1, 1861	104,000.00
5 per cent bonds, coupon, $1,000 each; act February 20, 1852; matured January 1, 1870; interest paid to date of maturity	40,000.00

Against this indebtedness they have a claim, according to this report, for something that the United States did during the war to some railroad that they had a mortgage on, and they are endeavoring to make the Government of the United States pay for waste committed upon property on which they had a mortgage. They have no legal claim. They have no equitable claim. They say themselves that, with all the wonderful liberality the United States has shown to its claimants in opening wide the doors of the Court of Claims to every sort and condition of claims, whether by a superannuated grandfather or by a sickly baby, whether for a college or for anything else—they say themselves that, in spite of all this liberality on the part of the Government, they could not go into court with this claim.

Mr. MCMILLIN. Mr. Speaker, it strikes me that the fears expressed by the gentleman from California [Mr. JOHNSON] who has just taken his seat are wholly without foundation. It is admitted on all hands that the Government of the United States holds certain bonds of the State of Tennessee for a sum specified in the report. It is claimed by the State of Tennessee that the Government is justly indebted to the State in a sum which is also set out in the report of the committee. These claims have been pending for many years, with no possibility, apparently, of their final adjustment. The Government has clamored for a settlement, and the State has clamored for a settlement, but in vain.

Both parties have expressed their willingness to leave the matter to the three officers of the Governmet named—the Secretary of War, the Secretary of the Treasury, and the Attorney-General—for an adjustment of the disputed points. The Attorney-General has examined the bill that is now before the House, and in a communication addressed to Senator HARRIS, which I will print as a part of my remarks, if there be no objection, stated that the bill is a proper one to be passed, and that the rights of the Government are fully guarded. He says:

DEPARTMENT OF JUSTICE,
Washington, D. C., February 10, 1894.

MY DEAR SIR: I have examined the proposed joint resolution—a copy of which is annexed to this letter—and trust the same will meet the approval of Congress. Its terms seem to me to adequately protect the interests of the United States and its passage will facilitate the settlement of a controversy that ought to be settled without delay.

Very truly, yours,
RICHARD OLNEY,
Attorney-General.

Hon. ISHAM G. HARRIS,
United States Senate.

It is not proposed by this resolution to take a single dollar from the Treasury. It simply proposes to allow these three officers, in connection with the proper representatives of the State, to determine how much, if anything, is due from the Government to the State, or from the State to the Government; and in arriving at a determination we provide here that unless the railroad's claim is a legal one against the Government, and in favor of the State of Tennessee, it shall not be taken into account in reaching the adjustment of the claim.

But, Mr. Speaker, in addition to that, we have changed the Senate bill to force these officers to come to Congress with their report for confirmation. Not a dollar is to be paid out unless a future Congress, passing upon the acts of this commission, shall see fit to confirm their findings, and shall have determined that they not only administered justice, but have decided the law as it should be decided. So that there can be no possible danger from the passage of the resolution, the sole purpose of which is to permit an adjustment of these long-standing and complicated accounts, which it seems impossible to adjust in any other manner.

[Here the hammer fell.]

Mr. MCCALL of Tennessee. Mr. Speaker, I regret that some gentlemen seem to have a very incorrect opinion of the effect of this measure. There is not a single word or syllable in the bill that permits the Government to do anything in connection with the report until it shall have been approved by Congress. The Government is bound in no possible manner. It is further provided that if they shall find against the State of Tennessee, as in all probability they will, and the finding is approved by Congress, the legislature of the State must immediately make an appropriation to pay the amount so ascertained, and I am satisfied that the State will do it promptly.

But, sir, this matter has been pending for very many years and a settlement is desirable, and the Executive Departments of the Government have recommended the plan proposed as the proper one by which to arrive at a solution of the problem. It is no effort on the part of the State of Tennessee to gouge the Government, or to make a claim for payment to which it is not entitled. It does not make a dollar of appropriation, but simply allows a statement of the account to be reported to Congress, and if Congress shall be satisfied with the findings, it may take such steps as it sees proper to provide for the settlement, or it can set it all aside. It is bound in no possible way by this action.

Now, is the Government afraid to trust its case to arbitration? Is it unwilling that these Government officers, its own officers, shall examine and report whether or not they believe that there is one dollar due to the State of Tennessee, legally or equitably, and then let Congress take their report and say whether it is proper or not, and whether the debt, if any is found, shall be paid?

Mr. HENRY of Indiana. Is there any question as to the bonds?

Mr. MCCALL of Tennessee. None whatever.

Mr. HENRY of Indiana. Then why bring them in at all?

Mr. MCCALL of Tennessee. Because they form one of the features which must enter into the settlement.

Mr. WILLIAM A. STONE. But suppose the commission finds that the Government owes the State of Tennessee $10, then the State can pay that amount and wipe out the whole thing.

Mr. MCCALL of Tennessee. Not at all; not unless it was ratified by Congress. The gentleman has misunderstood the reading of the bill. The report of this commission is of no force or effect until Congress acts upon and adopts it. It does not permit a settlement in that manner. The gentleman has not read correctly the bill, or he is mistaken in its provisions.

I appeal to the House, Mr. Speaker, to pass this bill, which is only a matter of justice and right. Let the two parties to the controversy have this opportunity of settling their claims. All the commission could do under the resolution would be to gather all the information relating to the controversy, make such recommendations as in its judgment is right, and submit the whole question to Congress in an intelligent way for its information and consideration.

[Here the hammer fell.]

The SPEAKER. The time for debate has expired, and the question is on the motion of the gentleman from Tennessee to suspend the rules and pass the joint resolution as amended.

The question was taken; and on a division (demanded by Mr. MCCALL of Tennessee) there were—ayes 59, noes 41.

So (two-thirds not voting in favor thereof) the motion was rejected.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, the bill (S. 3500) for the relief of Stewart & Co., A. P. H. Stewart, agent, was taken from the Speaker's table and referred to the Committee on Claims.

IMPORTATION OF CERTAIN NEEDLEWORK.

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H. Res. 239) admitting free of duty needlework and similar articles imported by the New York Association of Sewing Schools for exhibition purposes.

The joint resolution was read, as follows:

Whereas the New York Association of Sewing Schools is collecting, through diplomatic and consular representatives of the United States in Europe, specimens of needlework and similar work done in the public schools of Europe, some of which specimens have already reached this country and are now in customs custody at New York: Therefore,

Resolved, etc., That all articles of needlework and similar articles which have been made by pupils in the schools of Europe, which have or shall be imported from Europe for the sole purpose of exhibition by said New York Association of Sewing Schools, shall be admitted free of payment of duty, customs fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe for the due exportation thereof at the close of such exhibition.

Mr. LOUD. Is not that pretty broad in its terms?

Mr. DOCKERY. I ask a second.

Mr. PAYNE. I ask unanimous consent that a second be considered as ordered.

There was no objection.

Mr. PAYNE. Mr. Speaker, this joint resolution has received the indorsement of the Treasury Department, and is drawn in accordance with a letter written by the Secretary of the Treasury. In fact, the form of the joint resolution was suggested by the Secretary of the Treasury. The resolution has received the unanimous approval of the Committee on Ways and Means. It is in the usual form, and this is a concession that Congress has always made in the case of articles imported for exhibition.

Mr. MCCALL of Tennessee. Why should the Government of the United States remit the duty on articles imported to be exhibited in some New York enterprise?

Mr. PAYNE. This is hardly a New York enterprise. It is an exhibition that is open to the people of the Union, and which the people of Tennessee are invited to attend. I think it is the concession that was granted to the exposition now going on, or

about to go on, in celebration of the centennial of the State of Tennessee.

Mr. McCALL of Tennessee. How much will the Government be likely to lose in duties on account of this?

Mr. DALZELL. Nothing at all.

Mr. PAYNE. Nothing at all. It would simply stop the exhibition.

Mr. DALZELL. These articles are not for sale. They are to be exported.

Mr. PAYNE. They go back again. They are to be reexported.

Mr. LOUD. Mr. Speaker, I am not a member of the Committee on Ways and Means, but it seems to me that this resolution is drawn in a very loose manner. It seems to me there should be some date stated when this exhibition is to take place. I think if this resolution passes it may continue indefinitely, forever and evermore, amen. It seems to me that you might designate what this exhibition is, when it is to take place, and put some limitation upon it in some way or other.

Mr. PAYNE. The resolution was drawn in accordance with the recommendation of the Secretary of the Treasury. In fact, he transmitted to Congress the form of the resolution. The regulations are to be prescribed by him, and I think we can trust that to the discretion of the Secretary of the Treasury.

Mr. LOUD. I do not refer to the regulations. It says:

Whereas the New York Association of Sewing Schools is collecting, etc.

Now, that association may continue forever and ever. I have no fear of trusting the Treasury Department to supervise it, but under this act. I assume that this might continue forever, or just so long as this association might continue to want to import these articles. I call the attention of the House to the fact that in my opinion the resolution is very loosely drawn, very broadly drawn, and I hope the Committee on Ways and Means will give attention to this matter.

Mr. WILLIAMS. Do I understand the gentleman from California [Mr. LOUD] to say that we might get free trade by a construction of this bill?

Mr. LOUD. I think so. I know the gentleman from New York [Mr. PAYNE] does not want to pass a law that will remain in force and effect forever. There should be some limitation upon this. Make it one year, or five years, or ten years, or a hundred years, or something. I ask the gentleman's earnest attention to the loose manner in which this resolution is drawn. I have no interest in it, but it seems to me there should be some limitation. I appeal to the gentleman to give attention to the matter.

Mr. PAYNE. I certainly have not the slightest personal interest in this resolution. It came before the Committee on Ways and Means, and we thought that it was in the usual form. These goods are simply admitted free for the purpose of exhibition by this society, and then they are to be exported under regulations prescribed by the Secretary of the Treasury. It seems to me there is no doubt about the propriety of the resolution.

Mr. LOUD. I understand. I am only appealing to the gentleman to put some limitations upon this, or else it will go on forever. The gentleman has just as much interest in it as I have. He wants to see the legislation which is passed here passed in proper form.

Mr. DALZELL. Nobody contemplates having an exhibition which will continue forever. It is an exhibition to be given by a sewing girls' society.

Mr. LOUD. I want to say that it is drawn in such a form that it might continue indefinitely, and the word "pupils" is also a very indefinite word.

And then (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

NATIONAL SOCIETY OF DAUGHTERS OF THE AMERICAN REVOLUTION.

Mr. MORSE. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 10023) setting apart a plot of public ground in the city of Washington, in the District of Columbia, for memorial purposes, under the auspices of the National Society of the Daughters of the American Revolution.

Mr. STEELE. Mr. Speaker, would a motion to adjourn be in order?

The SPEAKER. A motion to adjourn is almost always in order.

Mr. STEELE. I move the House do now adjourn.

Mr. MORSE. I hope the gentleman will not press that motion until this bill is passed. It is a patriotic bill.

Mr. THOMAS. We have an order for a recess until 8 o'clock.

Mr. STEELE. I move we take a recess until 8 o'clock.

The question was taken; and on a division (demanded by Mr. MORSE) there were—ayes 83, noes 11.

LEAVE TO WITHDRAW PAPERS.

Pending the announcement of the vote,

By unanimous consent, on motion of Mr. KENDALL, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Thierman & Frost, there being no adverse report thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BLACK, for Tuesday, February 16.

To Mr. NEILL, for this evening, on account of ill health.

To Mr. BUCK, for one week, on account of important business.

To Mr. PARKER, for this evening's session, on account of important business.

To Mr. PITNEY, for this evening's session, on account of important business.

To Mr. MILES, for three days, on account of important business.

And then, the motion of Mr. STEELE having been agreed to, the House (at 4 o'clock and 58 minutes p. m.) took a recess until 8 o'clock p. m., the Speaker announcing that Mr. PAYNE would act as Speaker pro tempore at the evening session.

EVENING SESSION.

The recess having expired, the House was called to order at 8 o'clock p. m. by Mr. PAYNE as Speaker pro tempore.

The SPEAKER pro tempore. The Clerk will report the special order.

The Clerk read as follows:

Resolved, That the House shall on Monday and Tuesday, February 15 and 16, at 5 o'clock p. m., take a recess until 8 o'clock, at which evening session such business as is provided for by clause 2 of Rule XXVI shall be considered, and said evening sessions shall not extend beyond 11 o'clock and 30 minutes.

The SPEAKER pro tempore. The Clerk will read clause 2 of Rule XXVI.

The Clerk read as follows:

The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. THOMAS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for the consideration of bills on the Calendar under Rule XXVI and the special order.

The question was taken; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. ERDMAN. Division!

The House divided; and there were—ayes 64, noes 3.

Mr. ERDMAN. No quorum, Mr. Speaker.

Mr. THOMAS. I move a call of the House.

The SPEAKER pro tempore. The Clerk will read clause 4 of Rule XV.

The Clerk read as follows:

Whenever a quorum fails to vote on any question, and a quorum is not present and objection is made for that cause, unless the House shall adjourn, there shall be a call of the House, and the Sergeant-at-Arms shall forthwith proceed to bring in absent members, and the yeas and nays on the pending question shall at the same time be considered as ordered. The Clerk shall call the roll, and each member as he answers to his name may vote on the pending question, and, after the roll call is completed, each member arrested shall be brought by the Sergeant-at-Arms before the House, whereupon he shall be noted as present, discharged from arrest, and given an opportunity to vote and his vote shall be recorded. If those voting on the question and those who are present and decline to vote shall together make a majority of the House, the Speaker shall declare that a quorum is constituted, and the pending question shall be decided as the majority of those voting shall appear. And thereupon further proceedings under the call shall be considered as dispensed with. At any time after the roll call has been completed, the Speaker may entertain a motion to adjourn, if seconded by a majority of those present, to be ascertained by actual count by the Speaker; and if the House adjourns, all proceedings under this section shall be vacated. But this section of the rule shall not apply to the sessions of Friday night, until further order of the House.

The SPEAKER pro tempore. Under the rule just read, the Sergeant-at-Arms will close the doors. The Clerk will proceed to call the roll, the Sergeant-at-Arms will bring in absent members, and those present whose names are called who are in favor of the motion that the House resolve itself into Committee of the Whole will say "yea," and those opposed will say "nay." The Clerk will call the roll.

The question was taken; and there were—yeas 160, nays 5, not voting 190; as follows:

YEAS—160.

Aldrich, Ill.	Clarke, Ala.	Evans,	Hermann,
Anderson,	Codding,	Fairchild,	Hilborn,
Andrews,	Colson,	Faris,	Hill,
Atwood,	Cook, Wis.	Fenton,	Howard,
Avery,	Cooper, Wis.	Fletcher,	Howe,
Baker, Kans.	Cousins,	Gamble,	Howell,
Bankhead,	Cox,	Gardner,	Hubbard,
Bartholdt,	Crisp,	Gibson,	Huff,
Belknap,	Crowley,	Gillet, N. Y.	Hulick,
Bell, Colo.	Crowther,	Graff,	Huling,
Bishop,	Crump,	Griffin,	Hurley,
Black,	Cummings,	Grout,	Hyde,
Blue,	Curtis, Kans.	Grow,	Jenkins,
Brewster,	Danford,	Hainer, Nebr.	Johnson, N. Dak.
Broderick,	Daniels,	Hardy,	Kem,
Buck,	De Armond,	Hartman,	Kendall,
Burrell,	De Witt,	Hatch,	Kerr,
Burton, Mo.	Doolittle,	Heatwole,	Kiefer,
Burton, Ohio	Dovener,	Hendrick,	Kirkpatrick,
Calderhead,	Eddy,	Henry, Conn.	Kleberg,
Clardy,	Ellett,	Henry, Ind.	Lacey,
Clark, Iowa	Ellis,	Hepburn,	Lawson,

Layton,	Mercer,	Russell, Conn.	Swanson,
Leighty,	Meredith,	Shafroth,	Taft,
Lewis,	Miller, Kans.	Shannon,	Talbert,
Linney,	Miller, W. Va.	Sorg,	Tate,
Linton,	Milnes,	Southard,	Thomas,
Little,	Mitchell,	Spalding,	Towne,
Long,	Mozley,	Sperry,	Tracey,
Lorimer,	Noonan,	Stahle,	Treloar,
Loudenslager,	Northway,	Steele,	Turner, Ga.
Mahany,	Otjen,	Stephenson,	Van Horn,
Marsh,	Payne,	Stewart, N. J.	Wanger,
Martin,	Perkins,	Stewart, Wis.	Warner,
McCall, Tenn.	Poole,	Stone, C. W.	Watson, Ohio
McClellan,	Prince,	Stokes,	Wheeler,
McCreary, Ky.	Pugh,	Strode, Nebr.	Wilson, Idaho
McCulloch,	Ray,	Strong,	Wood,
McLachlan,	Rinaker,	Strowd, N. C.	Woodman,
McRae,	Royse,	Sulloway,	Wright.

NAYS—5.

Erdman,	Maddox,	McDearmon,	Turner, Va.
Jones,			

NOT VOTING—190.

Abbott,	Curtis, N. Y.	Livingston,	Rusk,
Acheson,	Dalzell,	Loud,	Russell, Ga.
Adams,	Dayton,	Low,	Sauerhering,
Aitken,	Denny,	Maguire,	Sayers,
Aldrich, T. H.	Dingley,	Mahon,	Scranton,
Aldrich, W. F.	Dinsmore,	McCall, Mass.	Settle,
Allen, Miss.	Dockery,	McCleary, Minn.	Shaw,
Allen, Utah	Dolliver,	McClure,	Sherman,
Apsley,	Draper,	McCormick,	Shuford,
Arnold, Pa.	Fischer,	McEwan,	Simpkins,
Arnold, R. I.	Fitzgerald,	McLaurin,	Skinner,
Babcock,	Foote,	McMillin,	Smith, Ill.
Bailey,	Foss,	Meiklejohn,	Smith, Mich.
Baker, Md.	Fowler,	Meyer,	Snover,
Baker, N. H.	Gillett, Mass.	Miles,	Southwick,
Barham,	Goodwyn,	Milliken,	Sparkman,
Barney,	Griswold,	Miner, N. Y.	Spencer,
Barrett,	Grosvenor,	Minor, Wis.	Stallings,
Bartlett, Ga.	Hadley,	Mondell,	Stone, W. A.
Bartlett, N. Y.	Hager,	Money,	Strait,
Beach,	Hall,	Moody,	Sulzer,
Bell, Tex.	Halterman,	Morse,	Tawney,
Bennett,	Hanly,	Moses,	Tayler,
Berry,	Harmer,	Murphy,	Terry,
Bingham,	Harris,	Murray,	Thorp,
Boatner,	Harrison,	Neill,	Tracewell,
Boutelle,	Hart,	Newlands,	Tucker,
Bowers,	Heiner, Pa.	Odell,	Tyler,
Bromwell,	Hemenway,	Ogden,	Updegraff,
Brosius,	Henderson,	Otey,	Van Voorhis,
Brown,	Hicks,	Overstreet,	Wadsworth,
Brumm,	Hitt,	Owens,	Walker, Mass.
Bull,	Hooker,	Parker,	Walker, Va.
Cannon,	Hopkins,	Patterson,	Washington,
Catchings,	Hull,	Pearson,	Watson, Ind.
Chickering,	Hunter,	Pendleton,	Wellington,
Clark, Mo.	Hutcheson,	Phillips,	White,
Cobb,	Johnson, Cal.	Pickler,	Wilber,
Cockrell,	Johnson, Ind.	Pitney,	Williams,
Coffin,	Joy,	Powers,	Willis,
Connolly,	Knox,	Price,	Wilson, N. Y.
Cooke, Ill.	Kulp,	Quigg,	Wilson, Ohio
Cooper, Fla.	Kyle,	Raney,	Wilson, S. C.
Cooper, Tex.	Latimer,	Reeves,	Woodard,
Corliss,	Lefever,	Reyburn,	Woomer,
Cowen,	Leisenring,	Richardson,	Yoakum.
Culberson,	Leonard,	Robertson, La.	
Curtis, Iowa	Lester,	Robinson, Pa.	

Mr. CROWTHER. Mr. Speaker, I desire to ask leave of absence for my colleague, Mr. JOY, who is detained from the House on account of sickness.

There was no objection, and it was so ordered.

Mr. CRISP. Mr. Speaker, I ask that my colleague, Mr. LESTER, be excused on account of sickness.

There was no objection, and it was so ordered.

Mr. KLEBERG. Mr. Speaker, I move that my colleague, Mr. COCKRELL, be excused on account of sickness.

There was no objection, and it was so ordered.

Mr. GROUT. Mr. Speaker, I ask that my colleague, Mr. POWERS, be excused on account of sickness.

There was no objection, and it was so ordered.

Mr. McCALL of Tennessee. Mr. Speaker, I ask that my colleague, Mr. BROWN, be excused on account of the illness of his wife.

Mr. THOMAS. I object.

Mr. TALBERT. I ask that my colleague, Mr. STRAIT, be excused on account of sickness.

The SPEAKER pro tempore. One moment. The gentleman from Tennessee [Mr. McCALL] asks that his colleague [Mr. BROWN] be excused, and the gentleman from Michigan objects.

Mr. McCALL of Tennessee. I ask that he be excused, on account of the illness of his wife.

Mr. THOMAS. Mr. Speaker, I desire to say this to members, that after a quorum has been secured I will not object to this procedure of excuses for members, but for the present time I am obliged to do so.

Mr. COX. Mr. Speaker, the ground on which my colleague has asked that Mr. BROWN be excused is not on account of his own sickness, but on account of the sickness of his wife. I now move that he be excused on account of the sickness of his wife.

Mr. THOMAS. Mr. Speaker, I raise the question of order that under the rule excuses are not in order at this time.

The SPEAKER pro tempore. The Chair thinks that it is in order at this time. This rule provides that after the completion of the roll, the call shall still be in operation, that absent members may be brought to the bar of the House and given an opportunity to vote until after further proceedings are dispensed with.

Mr. THOMAS. As the gentleman from Tennessee [Mr. BROWN] is at home with a sick family, I withdraw my objection in this case.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. TALBERT. I ask that my colleague, Mr. STRAIT, be excused. He left the Hall this afternoon, and asked me to have him excused on account of sickness.

There was no objection, and it was so ordered.

Mr. MEREDITH. I ask that my colleague, Mr. TUCKER, be excused. The sad circumstances which cause him to be away are so well known that it is not necessary to state them.

There was no objection.

Mr. BARTHOLDT. Mr. Speaker, I ask that my colleague, Mr. JOY, be excused.

The SPEAKER pro tempore. The gentleman from Missouri has been excused.

Mr. McCREARY of Kentucky. Mr. Speaker, I desire to ask that my colleague, Mr. BERRY, be excused on account of important business.

There was no objection, and it was so ordered.

Mr. BURRELL. Mr Speaker, I ask that the gentleman from California [Mr. BARHAM] who sits by me be excused on account of sickness.

There was no objection, and it was so ordered.

Mr. KIEFER. Mr. Speaker, I ask that my colleague, Mr. McCLEARY, be excused. He was called out of town suddenly, and has not returned.

There was no objection, and it was so ordered.

Mr. TATE. Mr. Speaker, I ask that my colleague, Mr. RUSSELL, be excused on account of sickness.

There was no objection, and it was so ordered.

Mr. HOWE. Mr. Speaker, I ask that my colleague, Mr. FISCHER, be excused.

There was no objection, and it was so ordered.

Mr. ATWOOD. Mr. Speaker, I ask that my colleague, Mr. KNOX, be excused on account of sickness.

The SPEAKER pro tempore. The Chair is informed that the gentleman from Massachusetts [Mr. KNOX] is already excused.

Mr. STROWD of North Carolina. Mr. Speaker, I ask that my colleague, Mr. SHUFORD, be excused.

There was no objection, and it was so ordered.

Mr. MERCER. Mr. Speaker, a parliamentary inquiry. Is it in order for this body to excuse so many members that it will be impossible for us to get a quorum under the call of the House?

The SPEAKER pro tempore. The Chair hardly thinks that is a parliamentary inquiry.

Mr. GILLET of New York. Mr. Speaker, I ask that my colleague, Mr. CHICKERING, be excused.

Mr. THOMAS. I object, unless it is a case of sickness.

Mr. THOMAS later withdrew the objection, and Mr. CHICKERING was excused.

Mr. STRONG. Mr. Speaker, I ask that my colleague, Mr. WILSON of Ohio, be excused on account of sickness in his family.

There was no objection, and it was so ordered.

Mr. HARTMAN. Mr. Speaker, I ask that Mr. ALLEN of Utah be excused on account of illness in his family.

There was no objection, and it was so ordered.

Mr. GARDNER. Mr. Speaker, I ask that my colleague, Mr. PARKER, be excused.

Mr. HOWARD. I object.

The SPEAKER pro tempore. The Chair is informed that the gentleman from New Jersey [Mr. PARKER] has already been excused.

Mr. DINSMORE. Mr. Speaker, I ask that the gentleman from Mississippi, Mr. ALLEN, be excused on account of important business.

Mr. EVANS. I object. [Laughter.]

Mr. TALBERT. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from South Carolina moves that the House do now adjourn. Under the rule it requires a majority of those present to second the motion. As many as are in favor of seconding the motion that the House do now adjourn will stand until counted. [A pause.] No one rising to second the motion to adjourn, the motion is out of order. [Laughter.]

Mr. WHEELER. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WHEELER. It is evident that there is a quorum present, and I wish to ask the Chair if we can not now proceed to do business.

The SPEAKER pro tempore. According to the report of the Clerk, no quorum is yet present.

Mr. WHEELER. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WHEELER. Is it not in order for the Speaker to now count the House, and, if there is a quorum present, to declare that fact?

The SPEAKER pro tempore. The Chair thinks not, the House being now determining by a roll call whether or not there is a quorum present.

Mr. COX. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. COX. Is not the trouble with the House just now that the gentleman from Missouri [Mr. DOCKERY] is not present, and that consequently we can not proceed with business? [Laughter.]

The SPEAKER pro tempore. The Chair does not regard that as a parliamentary inquiry.

Mr. THOMAS. Mr. Speaker, I would inquire how many members are present?

The SPEAKER pro tempore. One hundred and seventy-five members are present.

Mr. DINSMORE. Mr. Speaker, I now move that the gentleman from Mississippi, Mr. ALLEN, be excused on account of important business.

A MEMBER. What is the business? [Laughter.]

The question being taken on the motion of Mr. DINSMORE, the Speaker pro tempore declared that the noes seemed to have it.

Mr. DINSMORE. I ask for a division.

The House divided; and there were—ayes 45, noes 91; so the motion was rejected.

Mr. TALBERT. Mr. Speaker, I move that the House do now adjourn.

Mr. MERCER. Mr. Speaker, I rise to a question of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MERCER. The vote on the last proposition has not been announced by the Chair, as I understand it.

The SPEAKER pro tempore. The gentleman is mistaken; it has been announced.

Mr. MERCER. Then I would like to know what the result was.

The SPEAKER pro tempore. Ten members rose to second the motion of the gentleman from South Carolina, not a sufficient number, and consequently the motion was not seconded.

Mr. TALBERT. I ask that the other side be counted.

The SPEAKER pro tempore. The rule requires that a majority of those present shall second the motion.

Mr. TALBERT. Well, I want to know by a count of the other side whether you have a majority. [Laughter.]

The SPEAKER pro tempore. The record shows that the gentleman did not have a majority.

Mr. STEWART of New Jersey. Mr. Speaker, I rise to submit a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STEWART of New Jersey. I wish to submit a motion, if in order, that the Speaker direct the Sergeant-at-Arms to arrest absent members and bring before the bar of the House all who are absent without excuse.

The SPEAKER pro tempore. The Chair does not think that motion would be in order.

Mr. LEWIS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LEWIS. I understood the Speaker to rule a moment ago that the motion suggested by the gentleman from New Jersey, to require the Sergeant-at-Arms to arrest absentees and bring them to the bar of the House, would not be in order.

The SPEAKER pro tempore. That was not the motion.

Mr. WATSON of Ohio. If it had been, would it have been in order?

The SPEAKER pro tempore. The Chair will rule on that question when it is presented.

Mr. BLUE. Would it be in order to ask the recapitulation of the roll call?

The SPEAKER pro tempore. The Chair will have the vote recapitulated.

The Clerk read the names of those voting.

Mr. MADDOX. Mr. Speaker, if in order, I move that we send for the Committee on Rules, the gentlemen who brought about this session to-night. I have an impression that they are not here.

The SPEAKER pro tempore. The Chair thinks the motion is not in order.

Mr. WHEELER. I ask unanimous consent to consider this bill. [Laughter.]

The SPEAKER pro tempore. The Chair is informed that the House still lacks one of a quorum, there being a mistake made on the first announcement.

Mr. TALBERT. I move that the House do now adjourn.

The motion was not seconded, fifteen members only rising in favor thereof.

Mr. STEWART of New Jersey. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STEWART of New Jersey. At this stage, there being only one less than a quorum present, would it not be in order that the Speaker be counted as present?

The SPEAKER pro tempore. The present occupant of the chair has been marked as present and voting for some time.

Mr. OTEY. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. OTEY. I understand that I was excused on account of sickness. I would like to know if it is a fact? [Laughter.]

Mr. WHEELER. Mr. Speaker, I ask unanimous consent——

The SPEAKER pro tempore. The Chair can not entertain a request for unanimous consent. The only question now is the announcement of the vote, a quorum being present.

On this question 160 members have voted in the affirmative, 5 in the negative, and 14 members are recorded as present and not voting, the names of whom the Clerk will now read.

The Clerk read as follows:

Present and not voting: Mr. BARNEY, Mr. BARHAM, Mr. BARTLETT of Georgia, Mr. CLARK of Missouri, Mr. CURTIS of Iowa, Mr. DINSMORE, Mr. DOCKERY, Mr. HART, Mr. LOW, Mr. MINOR of Wisconsin, Mr. OTEY, Mr. SNOVER, Mr. SHERMAN, and Mr. STALLINGS.

The following members reported "present" after the call: Mr. TERRY and Mr. WILSON of Ohio.

So the motion of Mr. THOMAS was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. LACEY in the chair.

Mr. THOMAS. Mr. Chairman, I offer the resolution which I send to the Clerk's desk.

The resolution was read, as follows:

Resolved, That House bills, as they are reached on the Calendar, be passed over without prejudice, and that Senate bills only be considered.

Several MEMBERS. Oh, no!

Mr. THOMAS. Mr. Chairman, I desire to be heard on the resolution for a moment. We are within two weeks of the close of the session. Whatever legislation is to be considered by the House should be such as will most likely be enacted into law. If we take up House bills this evening, they will have to go to the Senate, and then to the President. The time is not sufficient for all this, and to give the necessary ten days before the close of the session. Now, in the interest of those who may be benefited by these bills, I think we ought to do that which will accomplish the greatest practical result. I understand that it is desirable for each of us to get our individual bills considered and to secure their passage by the House. While that may be praiseworthy and beneficial to us as individuals, yet we must look upon this matter from the standpoint of the beneficiaries, and for that reason we ought to pass the bills which have passed the Senate, so that they may go immediately to the President.

Mr. HULICK. Will the gentleman allow me to ask him a question?

Mr. THOMAS. Certainly.

Mr. HULICK. Do I understand the gentleman to say that House bills which we may take up to-night can not possibly become laws?

Mr. THOMAS. It is not entirely impossible for them to become laws, but it is improbable that they will, and we should take up the work which will accomplish the most.

Mr. WATSON of Ohio. I hope this resolution will be voted down. We ought not to pass Senate bills to the exclusion of bills relating to our particular friends and constituents. I am opposed to the resolution and hope it will be defeated.

Mr. MCCREARY of Kentucky. I am not in favor of the resolution offered by the gentleman from Michigan [Mr. THOMAS]. I understood him to say that he desired to take up Senate bills in order to pass them, and that that would be the best way to expedite business. There are yet some eighteen days of this session remaining. I have seen bills passed in this House on Friday night when Congress adjourned on Monday, and yet those bills passed the Senate and were approved by the President.

Mr. HARDY. Was Grover Cleveland President at that time?

Mr. MCCREARY of Kentucky. Yes, he was. Therefore I am in favor of proceeding regularly and taking up the bills that are on the Calendar, so that there will be an equal chance for House bills and Senate bills in the order in which they appear on the Calendar. There is no reason why we should, at this time, give preference to Senate bills, because there is ample time for us to pass 50 or 100 more bills in the House, have them acted on in the Senate, and approved by the President. Therefore I hope the resolution will be voted down.

Mr. MCRAE. Mr. Chairman, I want to say one word on that motion.

The CHAIRMAN. This debate is by unanimous consent. No debate is in order except by unanimous consent.

Mr. McRAE. Mr. Chairman, I want to say that I am perfectly willing to assist in facilitating the consideration of all just and reasonable bills. I have tried to attend these meetings when able to do so. I have a House bill that will be reached if you proceed with the Calendar regularly. A similar bill has been passed by the Senate, and I hope that I will be able to get consideration to-night. This is about the third time that the method of procedure here has been changed and the consideration of this little bill defeated. If it is delayed again, if this programme is carried out, the bill will be lost and a great injustice done an honest, worthy old man. On one evening the rule has been to call the roll, and then that was abandoned at the next meeting and the Calendar has been proceeded with. Then you adjourn over another night session. Now you tell us that we can not pass the House bills. I think the Senate can and will take care of all the just bills that you can pass. Now, if there are Senate bills similar to House bills which are upon the Calendar, it has been the custom to substitute them for the House bills when reached. Now, Mr. Chairman, I submit that it is not fair, when we have come here night after night for bills long ago reported, and which ought to be passed, to lay them aside and go to those which are at the foot of the Calendar simply because they have passed the Senate. I ask the committee to adhere to the rule adopted at the last session.

Mr. THOMAS. I understand that there are about four bills—possibly not more than three—which have passed the Senate and are on the Calendar awaiting the action of the House. I should be perfectly willing that, when the House bills are reached in the regular order, the Senate bills should be substituted for them. I have not the least objection to that.

The CHAIRMAN. The question is on the resolution offered by the gentleman from Michigan.

The question being taken, on a division (demanded by Mr. HARDY) there were—ayes 60, noes 79.

Accordingly the motion of Mr. THOMAS was rejected.

Mr. LOUDENSLAGER. I offer the following resolution.

Mr. THOMAS. Regular order, Mr. Chairman.

The CHAIRMAN. This is the regular order.

The Clerk read as follows:

Resolved, That House bills be considered in the following order: The Clerk to call the first bill on the Calendar, announce the number of it, the Calendar number, and the name of the member who introduced it, and upon his failure to respond "Present," the bill to be passed without prejudice and the next bill to be called in the same way; Senate bills to be called in regular order as they appear on the Calendar.

Mr. LOUDENSLAGER. This is the same order that we had at the last evening session. That gives those present the preference.

Mr. ELLIS. I would like to ask where this call begins, at the head of the Calendar, or where we left off?

Mr. THOMAS. At the head of the Calendar.

The motion was agreed to.

CAROLINE A. GROSHON.

The CHAIRMAN. At the last session the committee was dividing at the time when the hour arrived for the committee to rise and the House adjourn; and the first thing in order will be to take a vote on the motion then pending. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 7489) granting a pension to Caroline A. Groshon.

The CHAIRMAN. The Chair is informed that notwithstanding the Calendar says that this bill was disposed of in the House after the committee rose, it appears on the Calendar as unfinished business.

Mr. LOUDENSLAGER. The bill was under discussion when the committee rose.

Mr. FAIRCHILD. The bill just called was introduced by me, was under discussion when the committee rose, and is unfinished business.

The CHAIRMAN. The statement of the gentleman from New York is undoubtedly correct. The question is on reporting the bill back to the House with the recommendation that it do lie on the table.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. FAIRCHILD. Division!

The committee proceeded to divide.

Mr. LOUDENSLAGER. Mr. Chairman, I think the committee does not understand the question.

The committee divided; and there were—ayes 10, noes 56.

So the motion was rejected.

Mr. FAIRCHILD. I move that the bill be reported to the House with a favorable recommendation.

Mr. ERDMAN. Mr. Chairman, what bill is this?

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 7489) granting a pension to Caroline A. Groshon.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline A. Groshon, daughter of William Groshon, late a private in Captain Messeroe's company of New York Militia in the United States service, and pay her a pension of $8 per month from the 14th day of October, 1885, in lieu of the pension which her late mother, Catharine Groshon, was entitled to and received under the act of Congress approved February 14, 1871.

The Committee on Pensions recommended the following amendments:

Strike out the word "Messeroe's," in line 7, and substitute therefor the word "Missine's;" insert after the word "service," in line 8, the words "in the war of 1812;" strike out all after the word "month" in line 9.

Mr. BLUE. Mr. Chairman——

The CHAIRMAN. Debate is not in order.

Mr. BLUE. I move that when the committee rise this bill be reported back with the recommendation that it be recommitted to the Committee on Pensions. Upon that I just simply wish to say that if I understand it correctly, this is an attempt to pension either the granddaughter or some remote relative of a soldier of the war of 1812.

Mr. FAIRCHILD. Will you allow me to interrupt you? You do not understand it correctly.

Mr. BLUE. Then let us have the report read, as a part of my remarks, and we will find how it is.

The report (by Mr. HOWE) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 7489) entitled "A bill granting a pension to Caroline A. Groshon," beg leave to submit the following report, and recommend that said bill do pass, with amendments.

The claimant is the unmarried daughter of William Groshon, who served from September 2, 1814, to December 3, 1814, in Captain Missine's company of New York Volunteers in the war of 1812.

Miss Groshon swears that she was born January 19, 1827, and that she is the only surviving child of the soldier. She further swears that she is dependent entirely upon her daily labor for support, and that her mother, the soldier's widow, who was a pensioner, died October 14, 1885.

The claimant's allegations are fully corroborated by the affidavits of J. W. Hatsey and A. B. Russell, citizens of New York City, who have known her for more than thirty years.

There are several precedents for the proposed legislation, and the House has at this session passed a bill granting a pension to an old and needy daughter of a soldier of the war of 1812.

The following amendments are recommended: Strike out the word "Messeroe's," in line 7, and substitute therefor the word "Missine's;" insert after the word "service," in line 8, the words "in the war of 1812;" strike out all after the word "month," in line 9.

Mr. BLUE. Now, Mr. Chairman, I was not mistaken about that after all. Did I catch the statement correctly that this party was born in 1827?

Mr. MILNES. That is correct.

Mr. BLUE. That is the kind of a minor we propose to pension. A case of this kind becomes exceedingly pathetic when it is spoken of as a dependent daughter. How old would the father have been if he had lived to earn the maintenance of this dependent daughter?

Mr. Chairman, this House has recently either laid upon the table several bills of this character or left them on the Calendar without prejudice, and upon one occasion has recommitted the bill. If this matter is to be pursued in the line in which the House in former Congresses has progressed, and we are to pathetically pension a minor born in 1827, what will become of the Treasury of the United States when we come to pensioning orphans of the soldiers of the late war? It is about time that this should stop; and I stand here to antagonize it, because I believe it is wrong and without any principle upon which a pension should be based. I desire to be consistent. I made the motion to recommit a bill the other day, and it was carried. I trust that the House will stand by the action already taken; and that at no very remote period it will repeal all legislation of this kind. Let us pension some of the minor children of the soldiers of the late war; let us pension some of the dependent widows of the late war who are seeking a pension, and not minors who were born in 1827.

Mr. FAIRCHILD. Mr. Chairman, it is an interesting spectacle to see the gentleman from Kansas [Mr. BLUE] come here in the early part of the session and secure the passage of a bill to pension a photographer who had never enlisted in the war of the rebellion or any other war, and then come here at this time and talk about it being time for this thing to stop. We have here a bill, not to pension a photographer; and I say again the gentleman was mistaken in his remarks. This lady was not a granddaughter, and not a distant relative, but the daughter of a soldier, an officer, of the war of 1812.

Mr. BLUE. Will the gentleman permit an interruption?

Mr. FAIRCHILD. I will.

Mr. BLUE. I wish to say, with the gentleman's permission, that at the time I favored the bill of which he speaks I believed that the man had been wounded in the discharge of his duty, and the evidence showed that fact. But even if I was mistaken in that particular, that bill failed to become a law, although it had been passed by a prior House of Representatives. If I had not believed that that soldier, although he was a photographer, had been injured in the line of duty, I never should have urged that bill here, and if I did wrong in that case, I beg pardon of the House, but I insist that this case shall be considered on its merits.

Mr. FAIRCHILD. The gentleman was not mistaken in another thing that he said. It was in 1827 that this old lady was born. She is now 70 years of age. Her father died when she was a minor. If she were the daughter of a soldier of the war of the rebellion

instead of the daughter of a soldier of the war of 1812, she would be entitled to a pension under the general law, and I do not understand that kind of patriotism which confines itself entirely to consideration for the soldiers of the civil war. This is a maiden lady, quite old, in poverty, with no means of support unless this bill shall pass. The widow of the soldier received a pension because of her husband's death. The widow's death left this lady, the daughter of the soldier, with no means of support, and this bill proposes to give to the daughter the pension that was given to the widow of the soldier in her lifetime. [Cries of "Vote!" "Vote!"]

Mr. LOUDENSLAGER. If the committee will bear with me a moment, I desire to say, as chairman of the Committee on Pensions which reported this bill, that it is similar in character to several others that have been reported and have passed the Committee of the Whole at this session, and also similar to bills which have passed in preceding Congresses, but which, in my judgment, are all wrong in principle. As a member of the Committee on Pensions in the Fifty-third Congress I, with others, stood and fought against favorable reports upon bills of this kind, but we were defeated, and those bills being brought before the House in that Congress were passed. Simply in conformity to the precedent then established did the committee report these bills in this Congress; and I desire to say that it would take a very wise man, a man of very keen perceptions and of great industry, to keep up with the incongruities of the Committee of the Whole of the House of Representatives in their legislation on pension matters. [Laughter.] I honestly believe that these cases ought to be rejected, but in my judgment it ought to be done by general law. I can see no real reason why this bill should meet the disapproval of the Committee of the Whole, unless it be that such disapproval is a forerunner of what is to be the judgment of that committee in the future and of the House of Representatives, leading to the repeal of some very bad precedents.

Mr. THOMAS. Can the gentleman tell us how many such cases there are?

Mr. LOUDENSLAGER. Do you mean that have passed at this session?

Mr. THOMAS. Yes.

Mr. LOUDENSLAGER. I can not say exactly, but I should think about seven or eight—not many. I would like to say, further, that within the last week or two it has been the disposition of the Committee of the Whole and also of this House to either lay bills of this character upon the table without prejudice, or else to refer them back to the committee. I make this statement simply that members here present may do as they think fit and proper in regard to this bill, with a full understanding of the position of the Committee on Pensions.

Mr. MEREDITH. Mr. Chairman, I do not desire to antagonize the passage of my friend's bill, but I wish to call attention to a fact within my experience, which I am sure must also be within the experience of nearly every member of the House. I have had at least twenty or thirty letters in cases of this character, making applications for pensions for children of soldiers of the war of 1812, and in each case I have written that the Pensions Committee had never gone so far as to pension children of the soldiers of that war. I did not know until it was mentioned here just now that such a precedent had ever been set; but I do undertake to say that there are thousands, yea, tens of thousands, of cases just as meritorious as the one now under consideration——

Mr. FAIRCHILD. If the gentleman will permit me to interrupt him a moment, I think he confuses this case with cases of another character.

Mr. MEREDITH. No, I do not.

Mr. FAIRCHILD. He confused it the other night with the case just preceding, which was the case of a grandson of a soldier, not of a soldier's child; and I am informed, and I am quite sure correctly informed, that, so far as the daughters of soldiers of the Revolutionary war and daughters of soldiers of the war of 1812 are concerned, there are only seven of each class remaining.

Mr. LOUDENSLAGER. I want to say to the gentleman from New York that he is mistaken when he intimates that any bills have been reported to pension the granddaughters or the grandsons of soldiers of any war.

Mr. FAIRCHILD. I do not mean reported by the gentleman's committee.

Mr. MEREDITH. I repeat, Mr. Chairman, that I do not desire to antagonize my friend's bill, but I say again that I have had dozens of letters making applications in cases of this kind, and I suppose that every member who hears me has had such applications in cases quite as meritorious as the one that is now before us. Now, if we are to pension these people, we ought to pass a general law for the benefit of the soldiers of the war of 1812 and their children. We did undertake to pension the children of Revolutionary soldiers, but that was done upon the theory that by reason of the lapse of time there must necessarily be very few of them. As to the war of 1812, there are thousands and tens of thousands of the children of the soldiers of that war just as poor and needy and deserving as the beneficiary of my friend's bill, but I do maintain upon principle that if they are to be pensioned they all ought to stand on the same footing, and that a general law should be passed giving pensions to the children of the soldiers of the war of 1812, if they are to be given at all.

Mr. FAIRCHILD. There are only seven cases of the daughters of the war of 1812.

Mr. MEREDITH. Oh, my friend, you are entirely mistaken; there are over 7,000.

Mr. TALBERT. Mr. Chairman, I do not propose to take up the time of the committee in discussing the bill. I only wanted to express my gratification at seeing a development here to-night in the Committee of the Whole of a spirit of justice and of a spirit that shows a tendency to return to sound principles. I do hope that the members of this committee will show themselves to-night to be worthy of the issue that they are to meet in voting on this bill.

Now, it has been said by some gentleman here in the debate that there are only a few days more remaining of this session, and that the object was to bring forward only meritorious bills for the benefit of the old soldiers, against whose claims nobody will raise a voice, and let them be passed and go to the Senate and then to the President as speedily as possible. I am glad to see gentlemen on the other side rise to-night and condemn this practice of a violation of our pension law and this practice of following precedents unworthy to be followed by honest, upright, and patriotic legislators.

I do hope, Mr. Chairman, that they are going to conform to the law hereafter, and bring forward only these bills that are for meritorious old soldiers. [Applause.] I hope they will not bring forward any bills of the character we have had heretofore which have created so much discussion on this floor. I hope they will put the old soldiers' claims in the vanguard, and put them forward on every occasion and let them go through. [Applause.] I hope to-night that no bills for the benefit of deserters, or bounty jumpers and coffee coolers [laughter], for camp followers, and all that class, will be brought up here for consideration. I hope also that there will be no bills brought in here for remarried widows, but that the bills that do come up for consideration will be bills that can be passed without anybody saying a word against them; bills for the benefit of those who are entitled to pensions at the hands of this Government, men who supported the flag, and sustained their injuries in the line of duty. [Applause.] Let these old pensioners have their pension before they die.

I hope, therefore, to start with in that direction, that this bill now pending will be covered out of sight, and that the motion that it lie on the table will be carried unanimously. And then let us start out on the broad path of justice and right and not violate our own laws as we have been doing. [Applause.]

The CHAIRMAN. The question is on the motion of the gentleman from Kansas, that the bill be laid aside to be reported to the House with the recommendation that it be recommitted to the committee.

Mr. FAIRCHILD. Is that an amendment to my motion?

The CHAIRMAN. It is a substitute.

Mr. FAIRCHILD. Because I made the motion that it be reported favorably.

The question was taken on the motion of Mr. BLUE; and on a division (demanded by Mr. FAIRCHILD) there were—ayes 68, noes 55.

So the motion was agreed to.

Mr. FAIRCHILD. I demand tellers.

The CHAIRMAN. The Chair thinks it is too late now, the vote having been announced.

WILLIAM SHEPPARD.

The next business on the Private Calendar was the bill (H. R. 3402) granting a pension to William Sheppard, late of Company A, Sixteenth Regiment Indiana Volunteer Infantry, which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Sheppard, late of Company A, Sixteenth Regiment Indiana Volunteer Infantry, and grant him a pension at the rate of $50 per month.

Mr. HULING. Mr. Chairman, I ask for the reading of the report.

The report (by Mr. KERR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3402) granting a pension to William Sheppard, late of Company A, Sixteenth Regiment Indiana Volunteer Infantry, submit the following report:

The soldier was a private in Company A, Sixteenth Regiment Indiana Volunteer Infantry, and was honorably discharged. He was wounded in November, 1862, and taken prisoner. He was shot through the left ankle, and is now drawing a pension of $12 per month for gunshot wound of left ankle.

The evidence shows that upon his return home he was sick for a long time with his wound, and blood poisoning resulting therefrom. An abscess appeared on his left hip, and he was generally very much debilitated.

In 1887 he made application for an increase, assigning as a cause therefor muscular paralysis of left side and increase of disability from gunshot wound.

A medical board in 1887 reported:

"Scar of the left lateral side of buttock, which is tender and probably the

result of sympathetic abscess. There is loss of sensation on the left side; is compelled to go with cane and crutch."

In 1893 medical board reported:

"He is entitled, in our opinion, to $50 per month for gunshot wound of left ankle and paralysis."

In 1894 medical board reported:

"He can neither stand nor walk; his condition is one of almost helpless dependence."

The evidence of many witnesses shows the soldier's helpless and dependent condition. He requires the frequent aid and attendance of other persons, and under the law, if his disability is of service origin his rate would be $50 per month.

The evidence satisfies the committee that the paralysis is the result of blood poisoning, and that was beyond question the result of his wound.

The passage of the bill is therefore recommended, with the following amendment:

Insert in line 6, after the word "late," the word "private."

Mr. ERDMAN. Mr. Chairman, may I inquire of the gentleman having this bill in charge why an application has not been made to the Pension Bureau?

Mr. HULING. I will say that I think the application has been made.

Mr. ERDMAN. There is nothing in the report to show that it was rejected.

Mr. KERR. Mr. Chairman, I reported this bill from the Committee on Invalid Pensions, and can answer the inquiry of the gentleman from Pennsylvania. I have no doubt the gentleman, if present when the matter was considered by the committee, has full knowledge of the subject.

The pensioner made application and was examined by a board which reported that he was entitled to $50 a month. Notwithstanding that fact, his application was rejected by the Bureau, and then the gentleman from West Virginia [Mr. HULING] introduced a bill in the House, which was referred to the committee and favorably reported by that committee, largely upon the examination of the medical board. If I recollect right, the evidence shows that three boards passed on the case, each reporting that the disability was from service origin; and the last report declared him entitled to a rating of $50 per month.

So it seems from the evidence that there is no question that the bill ought to pass.

Mr. ERDMAN. I simply desire to remark that this is a very large pension, $50 a month, for a disability which the medical board, in 1887, say amounts to a—

Scar of the left lateral side buttock, which is tender and probably the result of sympathetic abscess.

This is simply on a par with what we have seen the House do—run mad in the granting of enormous pensions; and it is the evidence of that liberal spirit I expected to see developed here when a full quorum appeared.

Mr. THOMAS. Mr. Chairman, the rest of the report to which the gentleman has referred ought to be read for the information of the House. The committee ought not to be put into the ridiculous position it is sought to be placed in by the gentleman from Pennsylvania, and I desire to call your attention to the report that has been already read by the Clerk, and not to the words repeated by the gentleman from Pennsylvania—a mere extract from the report.

The CHAIRMAN. The question is on the amendment recommended by the committee.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation, there being, on a division—ayes 81, noes 4.

LYDIA W. HOLLIDAY.

The next business on the Private Calendar was the bill (H. R. 7432) for the relief of Lydia W. Holliday, of Wheeling, Ohio County, W. Va.; which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place Lydia W. Holliday, of Wheeling, Ohio County, W. Va., late army nurse in the army hospitals of the United States Volunteers, in the late war, from 1861 to 1865, on the pension roll, at $12 per month from and after the passage of this act.

The Committee on Invalid Pensions recommended the following amendment:

In line 8 strike out the word "twelve" and insert the word "thirty."

Mr. TALBERT. A point of order, Mr. Chairman. As I understand it, the resolution which was adopted provided that the name of the gentleman introducing the bill should be called, and if he was not present it should be passed over.

The CHAIRMAN. The gentleman from West Virginia [Mr. DOVENER] is present and responded.

Mr. ERDMAN. Mr. Chairman, let us have the report read.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. ERDMAN] calls for the reading of the report.

The report (by Mr. KERR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7422) for the relief of Lydia W. Holliday, of Wheeling, Ohio County, W. Va., submit the following report:

The beneficiary of this bill is now 94 years of age and in destitute circumstances, and has no one upon whom she has any claims for support.

She had three sons in the Union Army, one of whom died a few years after the war from army disabilities; another was shot while in the Government service by a rebel spy and killed.

Mrs. Holliday made application to the Pension Office for pension as an army nurse, but her claim was rejected on the ground that she had not been employed as nurse by any person having authority to employ nurses.

She served as volunteer nurse for more than three years. Her services were most faithful, and were rendered without any pay or expectation of pay, but were purely the ministrations of humanity and patriotism.

The committee is of the opinion that the Government should make a reasonable provision for this old woman, and recommend the passage of the bill, with the following amendment: Strike out of line 8 "twelve" and insert "thirty."

Mr. THOMAS. Mr. Chairman, I offer the following amendments, to perfect the bill:

In line 4, after the word "place," insert the words, "the name of."

Amend the title so as to read: "A bill granting a pension to Lydia W. Holliday."

Mr. STEELE. I have a little curiosity to learn how the committee came to raise the amount in this bill from $12 to $30. The member introducing the bill seemed to know his business, and after he introduced it, it was increased $18 by the committee.

Mr. KERR. I can answer the gentleman. I wrote the report on this bill. The matter was brought before the committee, and the facts certainly justified the amendment proposed by the committee. In the first place, this lady is now 95 years old, and it is absolutely certain that she can not draw this pension more than a year or two. It was shown by the evidence that she served faithfully for three years as a nurse without any compensation or any expectation of compensation.

In addition to that, two of her sons were sacrificed in the war upon the Union side.

We thought, taking all these circumstances into consideration, that we ought not to quibble about the amount, but that $30 a month for the few remaining days of this old woman's life was about right.

Mr. STEELE. I wish to apologize for the suggestion that the gentleman who introduced this bill knew his business. It seems that he did not.

Mr. DOVENER. I will not accept the gentleman's apology. I introduced that bill.

Mr. STEELE. Do you still think $12 is enough?

Mr. DOVENER. No; I do not.

Mr. STEELE. Then you owe the House an apology.

Mr. DOVENER. No; I do not, and this House will show you that I do not.

The amendment recommended by the committee was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. THOMAS].

Mr. TALBERT. Mr. Chairman, I should like to have this matter considered a little while.

Mr. STEELE. Oh, let the old soldiers, whom you are so anxious about, get their pensions.

Mr. TALBERT. I know that this is an old lady, and there is no doubt about her being helpless. That seems to be the only special reason advanced why she should be pensioned. There are a great many old ladies in this country of ours who are helpless, and some older than she is.

Mr. STEELE. Not many 95 years old, who lost two sons in the Army.

Mr. TALBERT. There is no reason why they should come to the Congress of the United States and get a bonus. She had three gallant sons in the Union Army. That is undoubtedly true. She made application to the Pension Office for a pension as an army nurse, but her claim was rejected on the ground that she had not been employed as a nurse by any person having authority to employ nurses. Now, it seems to me that that fact ought to weigh with this House before we hurriedly pass such a claim as this.

The statement is made here that she served for three years as a nurse. Possibly she did; but where is the testimony? Where is the evidence, except simply the statement in the report of this committee? What information was furnished to this committee? What kind of testimony was brought before the committee? Was there any sworn testimony to show that she served for three years?

Mr. THOMAS. Oh, yes; there is conclusive testimony that she served three years as an army nurse.

Mr. TALBERT. I am asking for information.

Mr. THOMAS. Yes.

Mr. TALBERT. Why is it that the committee have not furnished some sworn statement in their report? If you will examine the form laid down by law, upon which applications are to be made for pensions, you will find blanks on which you are required to make sworn statements of these facts. I see nothing of that kind here. Then, again, this is away above the ratable pension for any army nurse by two and a half times. It seems to me that if you give her a pension at all you have carried it entirely too high. I make no particular fight against this claim; I just make this statement. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Michigan.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The Clerk read as follows:

A bill H. R. 7890, Calendar No. 754, by Mr. PICKLER.

Mr. NORTHWAY. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. NORTHWAY. The first bill we dealt with to-night was Calendar No. 766. Why are we going back?

The CHAIRMAN. The bill Calender No. 766 was pending before the committee at its last session. It was unfinished business. The committee was dividing upon the bill when the committee rose.

Mr. NORTHWAY. How, then, did we pass down that far?

The CHAIRMAN. It was passed without prejudice and returned to.

JOSEPH S. BUNKER.

The next business on the Private Calendar was the bill (H. R. 649) granting a pension to Joseph S. Bunker; which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Joseph S. Bunker, a soldier in the Southern or Sabine war of 1836, and allow him a pension rated at $15 per month.

Mr. ERDMAN. Let us have the report read.

The report (by Mr. LOUDENSLAGER) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 649) entitled "A bill granting a pension to Joseph S. Bunker," beg leave to submit the following report, and recommend that said bill do pass with an amendment:

The claimant served from September 27, 1836, to March 27, 1837, in Capt. B. G. Clark's company of Arkansas Volunteers in the Sabine Indian disturbances. His service is a matter of record, and has been recognized by the allowance of a bounty-land warrant, but the survivors of the Sabine war being inadvertently omitted from the provisions of the act of July 27, 1892, his claim thereunder was disallowed at the Pension Office.

It is shown by a numerously signed petition on file with your committee that the beneficiary is about 80 years old, in badly crippled physical condition, and in very poor circumstances financially.

The following amendment is recommended: Strike out the word "fifteen," in line 7, and substitute therefor the word "eight."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DANIEL T. TOLLETT.

The next business on the Private Calendar was the bill (H. R. 7501) for the relief of Daniel T. Tollett.

Mr. MCRAE. Mr. Chairman, I ask to substitute the bill S. 2832, which is identical in terms with the House bill. It is on the Calendar.

The Clerk read as follows:

A bill (S. 2832) for the relief of Daniel T. Tollett.

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of Daniel T. Tollett, of Centerpoint, Howard County, Ark., late a private in Captain Moore's company Arkansas Mounted Volunteers, Sabine Indian war, and pay him a pension at the rate of $8 per month.

Mr. ERDMAN. Mr. Chairman, let us have the report.

The report (by Mr. LOUDENSLAGER) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 2832) granting a pension to Daniel T. Tollett, have considered the same, and respectfully report as follows:

A House bill of similar import has been before your committee at this term, and the same, having been favorably reported, is on the Calendar awaiting the action of the House. The report accompanying that bill (House report 1304) fully sets forth the facts, and is as follows:

"This is a bill enacting that Daniel T. Tollett be placed upon the pension roll because of his service in the Sabine Indian war.

"The records of the Auditor for the War Department show that the claimant was enrolled September 4, 1836, as a private in Captain Moore's company of Arkansas Mounted Volunteers and served until January 21, 1837, when honorably discharged.

"His claim at the Pension Bureau under the Indian-war act of July 27, 1892, was rejected December 20, 1895, on the ground that the act makes no provision for pensions on account of service in the Sabine war. This action was undoubtedly correct as the laws now stand, but it is also true that the Sabine disturbances were left out of the act of July 27, 1892, only through oversight, as it was intended to cover all the recognized Indian wars occurring from 1832 to 1842 in that act, and Congress has acted favorably upon every private act brought forward for the relief of the survivors of that war.

"Mr. Tollett is now about 79 years old and in dependent circumstances. These facts are abundantly shown by the papers filed at the Pension Bureau."

The amount of pension carried by the Senate bill being the same as that recommended by your committee in the House bill, it is recommended that the Senate bill be substituted for the House bill, and that the same be passed.

The bill was ordered to be laid aside with a favorable recommendation.

The CHAIRMAN. The bill H. R. 7501 will be reported back to the House with the recommendation that it lie on the table.

LUCINDA ANDREWS.

The next business on the Private Calendar was the bill (H. R. 6954) granting a pension to Lucinda Andrews, of Essex, Vt.

The bill was read.

Mr. LOUDENSLAGER. I ask that that bill be laid aside without prejudice.

Mr. GROUT. Wait a moment. I ask that the bill S. 1105 be substituted for that.

The CHAIRMAN. Without objection, the Senate bill will be substituted.

The bill was read.

Mr. HENRY of Indiana. Is that the same bill?

Mr. LOUDENSLAGER. That is another bill.

Mr. GROUT. It is not the same.

Mr. LEIGHTY. I make the point of order that the Senate bill has to be for the same party as the House bill.

Mr. GROUT. This is not the same as the House bill or for the same beneficiary. I ask to have consideration of it substituted for the other bill.

The CHAIRMAN. That is not in order, unless it is a bill for the same beneficiary coming from the Senate.

Mr. GROUT. But I ask unanimous consent of the committee that it be considered.

Mr. LEIGHTY. I object.

Mr. LOUDENSLAGER. I ask that the bill (Calendar No. 783) be laid aside without prejudice.

The CHAIRMAN. Without objection, it will be so ordered. Does the gentleman from Vermont desire to have the bill H. R. 6954 acted upon?

Mr. GROUT. Mr. Chairman, I will say in reference to that bill, I do not wish to take the time of the House with it. It is one of those bills coming from the Committee on Pensions. The beneficiary is the daughter of a Revolutionary soldier, and also a soldier of the war of 1812; but I presume in the judgment of the House that would not entitle her to consideration, and I am not going to press consideration of that bill.

The CHAIRMAN. The bill will be passed over without prejudice.

CORYDON WINKLER.

The next business on the Private Calendar was the bill (H. R. 2974) to correct the military record of Corydon Winkler, late private Eighth Company, First Battalion, First Ohio Sharpshooters; which was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to remove from the rolls and records in the office of the Adjutant-General of the United States Army the charge of desertion now standing on said rolls and records against Corydon Winkler, late a private of the Eighth Company, First Battalion, Ohio Sharpshooters, and issue to him an honorable discharge, to date the 1st of May, 1864.

Mr. TALBERT. Let us have the report read.

The CHAIRMAN. The report will be read in the time of the gentleman from South Carolina.

The report (by Mr. WOOMER) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2974) to correct the military record of Corydon Winkler, late private Eighth Company, First Battalion, First Ohio Sharpshooters, beg leave to submit the following report, and recommend that said bill do pass with the following amendment:

Substitute the words "War Department" for the words "Adjutant-General of the United States Army."

It is shown by the records of the War Department that Corydon Winkler was mustered into the service on November 10, 1863, as a private in the Eighth Independent Company, Ohio Volunteer Sharpshooters, and that on the 31st day of December following he was detailed as chief sawyer in the steam sawmill in Bridgeport, Ala.

The muster-out roll of company, dated July 19, 1865, reports him as "deserted between January and May, 1864, from Bridgeport, Ala., where he had been detailed as a sawyer."

The above is all that is shown by the record, but the numerous affidavits filed with the committee and with the Department of War indicate clearly the circumstances under which the soldier left the service. Soon after Winkler was detailed on duty in the sawmill his company was ordered to Chattanooga, and he was left in Bridgeport in charge of said mill. He remained in charge of the mill at Bridgeport until some time in the month of April, 1864, when he was completely disabled by having one of his legs crushed between two saw logs. The injury which he thus received was such as to completely disable and disqualify him for military duty or for duty in the sawmill. He was not an educated man, and by said injury was rendered practically incapable of performing work of any kind.

As soon as the soldier was able to travel, at his own request he was sent to Nashville, Tenn., and thence to his home and his family in Ohio. The many affidavits referred to show that ever since his injury was first received his leg has been entirely stiff at the knee, and that he could not have rendered any service to the Government if he had remained at Bridgeport longer.

The evidence satisfies the committee beyond all reasonable doubt that it was not the intention of Corydon Winkler to desert the service of the United States, and that he went home with the full knowledge and assent of the officer in charge of said sawmill, himself and all others believing that his injuries were such that he could no longer remain in the service in any useful capacity whatever.

Mr. TALBERT. Mr. Chairman, the committee have heard the report read, and ought to be satisfied that there is no merit in the case; and I therefore move that the bill be reported back to the House with the recommendation that it lie on the table.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. TALBERT. Division, Mr. Chairman.

The committee divided; and there were—ayes 17, noes 43.

Mr. TALBERT. No quorum.

The CHAIRMAN. The gentleman makes the point that there is no quorum present. The Chair will count. [After counting.] One hundred and ten—a quorum is present; the noes have it, and the motion is rejected.

The question is upon the amendment offered by the committee.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. TALBERT. Division, Mr. Chairman.

The committee divided, and there were—ayes 52, noes 2.

Mr. TALBERT. No quorum has voted.

The CHAIRMAN. The Chair overrules the point—the ayes have it, and the amendment is agreed to. The question is on laying aside the bill as amended with a favorable recommendation——

Mr. TALBERT. I would like to be heard one moment. I want to say——

The CHAIRMAN. The committee is dividing—the ayes appear to have it, the ayes have it, and the motion is agreed to.

Mr. TALBERT. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. TALBERT. I think I rose before the Chair put the motion.

The CHAIRMAN. The gentleman rose to debate the question, and debate is not in order when the committee is dividing.

Mr. TALBERT. But nobody had asked for a division. I just want to say one thing. I am sorry to see the committee have backslidden. We started out very well, and you had better pension every one of the daughters of Revolutionary soldiers than these deserters and bounty jumpers. There is no justice in this claim.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES W. DUNN.

The next business on the Private Calendar was the bill (S. 321) granting a pension to James W. Dunn; which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of James W. Dunn, late private, Company E, Ninety-third Pennsylvania Volunteers, at the rate of $30 per month.

Mr. TALBERT. Let us have the report, Mr. Chairman.

The report (by Mr. ANDERSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 321) granting a pension to James W. Dunn, beg leave to submit the following report:

It is shown by the records and evidence on file in the Pension Office that this man received gunshot wounds in the head and in the left groin in the battle at Fair Oaks, Va., May 31, 1862; that the bullet remained in the latter wound for fifteen years, causing constant suppuration; that while the ball remained and the wound was still discharging, he had two strokes of paralysis—one in 1869 and another in 1874—and a preponderance of the medical evidence is to the effect that these strokes of paralysis were caused by the wound and its results. The ball came out in 1877, but another stroke followed in 1882, which caused complete paralysis of left side, and claimant has since been totally disabled, and now requires the regular aid and attendance of another person, being unable to walk or even to stand alone.

Your committee consider this a meritorious case, and recommend the passage of the bill.

Mr. ERDMAN. Mr. Chairman, I think we ought to know a little more than this one paragraph why we should grant this large pension. I would like to know whether this claimant ever made application to the Pension Bureau. No one here seems to be in charge of the bill.

Mr. NORTHWAY. It is a Senate bill.

Mr. ERDMAN. Mr. Chairman, it does not appear that this is a proper claim. There is not sufficient evidence set forth in this report for us to take intelligent action on this bill as it stands. I therefore move that the word "sixty" be stricken out and "twelve" be inserted instead.

Mr. THOMAS. Mr. Chairman, it appears from the report, which has been read to the committee, that this man received a gunshot wound in the head and one in the left groin at the battle of Fair Oaks, that the bullet remained in the latter wound, causing constant suppuration, and that while the bullet remained unextracted and the wound was still discharging he had two strokes of paralysis. That is the evidence in this case, and it is abundant to entitle him to $12 a month. It has been some time since the bill was considered by the committee, and I am not advised as to the case further than what the report shows, but this is a bill that has passed the Senate for this amount, and I think we ought to hesitate before changing it in the manner proposed by the amendment.

Mr. ERDMAN. The acting chairman of the Committee on Invalid Pensions will certainly agree with me that we ought to know whether this man made application to the Pension Bureau and whether his claim was rejected.

Mr. THOMAS. My recollection is that the man did apply and that the paralysis was not recognized as being due to the army service or as resulting from the wounds, and the nature of the wounds make it a doubtful question, as the report states, but there is reason to believe from the condition of one of the wounds that it was the cause of the paralysis.

Mr. ANDERSON. My recollection about this case is that the soldier was drawing $12 per month under the law of 1890, because his disabilities could not be traced back to service origin.

Mr. STEELE. How much pension is he receiving now?

Mr. ANDERSON. My recollection is that he is receiving $12.

Mr. STEELE. I move to amend the amendment by striking out "sixty" and inserting "thirty."

Mr. MILNES. I want to say that I had a very similar case to this before the Committee of the Whole a few days ago, a case in which the applicant was totally helpless, requiring the attendance of another person all the time, his paralysis resulting from a gunshot wound, and the Committee on Pensions cut the pension in that case from $50 to $30 a month, at which rate it passed the House.

Mr. ERDMAN. Mr. Chairman, I want to say to the committee that I think it is about time we stopped these large pensions. They are directly responsible for the great unrest and disquietude which exist amongst the soldiers. The majority of those who are drawing pensions to-day are becoming dissatisfied with the amount they are drawing under the general law, and applications are springing up by hundreds and thousands for increases, and they will come here to trouble you by the hundred thousand if you continue to grant these enormous pensions. I sincerely trust that if the amendment I have offered does not pass, the amendment proposed by the gentleman from Indiana [Mr. STEELE] will pass.

The amendment of Mr. ERDMAN as amended by the amendment of Mr. STEELE was then adopted.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

EUNICE P. BIGELOW.

The next business on the Private Calendar was the bill (H. R. 7548) granting a pension to Eunice P. Bigelow; which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Eunice P. Bigelow, widow of John R. Bigelow, late surgeon of the Eighty-third Regiment New York State Volunteers (Ninth Militia), at the rate of $30 per month.

Mr. ERDMAN. Let us have the report read.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7548) granting a pension to Eunice P. Bigelow, submit the following report:

Claimant is past 78 years of age; is feeble, poor, and destitute. She is the widow of Dr. John R. Bigelow, who served as surgeon of Ninth New York State Militia in the field with the Army of the Shenandoah from June 25, 1861, to August 10, 1861. This regiment was afterwards Eighty-third New York Volunteers. Dr. Bigelow seems to have been commissioned as surgeon of this latter regiment by the governor of New York, but for some reason, unexplained, he was not mustered, nor did he serve as such officer.

From January 20, 1863, to December 9, 1865, he served as contract surgeon, excepting a period from February 15, 1864, to April 29, 1864. His service and discharge appear to be alike honorable.

There is no doubt from the evidence but that Dr. Bigelow incurred diseases in the service that followed him to his death. This was malarial poisoning with resultant chronic diarrhea and chills, which affected him in his last illness. He died November 13, 1887, the immediate cause being peritonitis. On October 3, 1887, he applied for the first time for a pension, which was allowed, after his death, at rate of $17 per month. The accrued pension was paid the claimant as his widow, and she has been pensioned at $8 from July 26, 1890, under act of June 27, 1890. Her application under general law has been rejected, and from the decision an appeal was taken to the Secretary of the Interior and the decision of the Pension Bureau affirmed. Three times the case has been reopened by the Secretary of the Interior, but the previous decision has been adhered to.

The Pension Bureau does not accept the cause of death as a result of the disease contracted in the service.

Dr. Bigelow was 79½ years old at the time of his death. His attending physician certified to the cause of his death as peritonitis, cause unknown; subsequently he files affidavit to the effect that, on mature reflection, he regards the cause of his death the diseases of service origin. Other evidence, medical and lay, indicates that the diseases admitted to be contracted in the service had something to do with his death; how much no one knows.

The committee are unable to say that the decision of the Pension Office is erroneous or unjust, or that claimant has not been considerately and fairly treated by the officers in charge of the Pension Office.

But this claimant is very old and poor. She was married to the soldier September 13, 1836. They appear never to have had children. There is no one now upon whom she can lean for a support except the municipality in which she lives or the Government which her late husband faithfully served for nearly three years. The above facts fully appear by the records of the Pension Office, and in view of all the circumstances the committee recommend that the bill do pass with an amendment striking out the word "thirty," in the last line of the bill, and inserting the word "seventeen," and also adding to end of bill "in lieu of pension she is now receiving."

Mr. COX. Mr. Chairman, in a service of six years on this floor I have never said a word about this pension business. I have felt that, having stood on the other side in the great civil contest, I ought not to say much about the pensioning of the soldiers who fought for the Union, and I have not spoken on the subject. I must say

now, however, that you are carrying these pensions beyond the bounds of reason. No man in this House feels more kindly toward the soldiers who fought against him than I do. No man is more willing or more anxious to see just and reasonable pensions granted to the Federal soldiers who served honorably in the Union Army during the war.

But, I repeat, you are running this pension business to an extreme, so that before long no honorable soldier can feel respect for the pension roll. There are men on the floor of this House who fought on one side and on the other who are now warm friends, and no man appreciates more highly the friendship of gentlemen to whom I was opposed in that contest than I do; but I want to call attention to the fact that we are approaching a point where to have your name upon the pension roll will cease to be a matter of merit. I rejoice to see reasonable and just pensions granted to the men who faced me on the battlefield, but is it not time that pensions should be confined to those men? Is it not time for you to make a clear distinction in this pension legislation between the men who stood up and bared their breasts to the enemy's bullets and the army nurses, the teamsters, and the camp followers?

Mr. STEELE. Will the gentleman permit me to take the name of the soldier whose case he is discussing? [Laughter.]

Mr. COX. I am talking about them all. There are ten or fifteen members on this floor who were on opposite sides and tried their best to kill each other during the war, and I am sure I have no better friends than the gentlemen who fought against me, nor have they any warmer friends than men who were on my side in that struggle; so that what I say on this subject can not, I am sure, be misunderstood or attributed to any feeling of hostility to the Union soldiers. But I repeat again, gentlemen, you are losing sight of the valor and the honor of the real soldier in this indiscriminate pension legislation. What may be your motives I do not undertake to say, nor do I presume to criticise them. As I have already remarked, I have never said a word on this subject before, and I never will say a word about it again, and what I say now I say in the interest of the gallant soldiers of the Union who bore the brunt of the battle, and I warn you that you are not keeping sufficiently in mind the distinction between them and the teamsters, the army nurses, the camp followers—people who never heard the whistle of a bullet on the battlefield.

Now, I do not want to say a word about it, but do you not think, gentlemen, that it is time to stop? Do you not think we ought to call a halt? Do you not think there is some place where we had better put our mark down? If a teamster is permitted to receive a pension, when he had the option to resign his place and leave the Army whenever he chose to do so, if he is to be placed on the pension roll and on a footing with the gallant soldier who stood in the front line of battle, have you not somewhat lowered the character of the soldier? Where will you stop? Your army nurses, your teamsters, your surgeons, your camp followers, that never heard a bullet whistle—is it not time we should stop? I want to be understood frankly and candidly, for I was on the other side of the question, and I did my best to make pensioners of all of you. I see my friend across the way there, and I am sure he and I had many a good fight, but we are friends.

What I want to do is simply this, and I will, as far as my vote goes: With the gallant soldier that I met on the field of battle I will be liberal; I will be generous to him. I will go further than that—I will be exceedingly liberal to him. But I know where we ought to call a halt. Take your nurses, your physicians, your hospital stewards. I know more than that. I know there was a class in your Army, as there was in ours, that never smelt the scent of gunpowder. Give me the old, honest soldier that fought against me, and no man on that side of the House will go further than I in his behalf. But when you undertake to extend your bounty over to a class that used the Army for the purpose of making a profit, that is a class that I despise, that is a class that I would under no circumstances be willing to support and sustain by the bounty of the Government.

Now, Mr. Chairman, this is the first time, as you know, that I have ever spoken of this subject. I have sat here all these years and never uttered a word on this question. I wish to God the war was blotted from our memory forever; and I wish to conclude by saying that when you put these bills in here I understand very distinctly that personal obligations of members appeal to them to use their best endeavors to secure their passage. They feel that any man from their district is all right. But you are running up the pension roll at a rate that is absolutely astounding. Let us stop. Let us confine it to the straight old soldier, who offered his life. When he receives injuries, I will vote for him as cheerfully as you do; but I will not give to this man, who undertook to make a profit out of the misfortunes of the war, my support for anything. I will not do it.

Now, a single word in conclusion. I am glad to say one thing: I rejoice to see this spirit coming about here. I like it. There is no trouble with the old soldiers understanding each other. There is no trouble about the convictions we had, differing as we did. They were honest differences that ought to appeal to the appreciation and the conscience of everybody else. Now, my trouble lies in this: In my country our boys who went through the war are helpless, with their legs shot off, many others with their arms cut off; we have that population with us; we can not compensate them by appropriations here. But we must take care of them some way or other. When you vote these extraordinary pensions here, while we do not pay as much as you do, still we pay our proportion, and our part is as heavy on us as your larger part is on you. Why not, in the name of common sense, make the old soldiers' roll a roll of honor indeed on both sides? When you do that, I will vote for you and with you every time.

Mr. FAIRCHILD. Mr. Chairman, by way of suggestion to the gentleman from Tennessee and these other gentlemen who seem to consider that their chief mission in life, and who revel in the idea, is to oppose pension legislation when efforts are made here in behalf of worthy applicants, I wish to read an item in a correspondence here, which in itself tells the story of the result of the endeavors to "purge the pension roll," so called, or prevent pensioners going on the roll. The first is a personal letter to Mr. POOLE, requesting him to look after the case of Francis E. Demarest, United States Navy, which, coming from my district, I replied to, and received this answer on January 26:

Thanks for the interest taken in the case of Francis E. Demarest, No. 28874, Navy. I wrote to Major POOLE because he was an old comrade, a friend, and was upon the Committee on Pensions.

Over six years had passed since this applicant filed his application for a pension.

On the day following that letter, on January 27, this letter was received:

DEAR SIR: You need do nothing more in the case of Francis E. Demarest claim 28874, Navy, as he died last night.

Another instance of the generosity of the Hoke Smith & Co. administration.

This is all.

Mr. TALBERT. Mr. Chairman, in considering these pension questions, I think we ought to look at them from a business standpoint, and that we ought to lay sentiment and everything of that kind aside. When a bill is brought into this House, accompanied by the report of a committee, it is the duty of each and every one of us to examine the bill, to examine the report of the committee, and to vote upon it according to the merits that we find in the case, considering the matter as business men should consider a business proposition, as representatives of the business people of the country. I think that the time has come when we can put prejudice and feeling and partisanship behind us, when a proposition is made to this House to vote away the money of the people, and to consider it without so much of this hullabaloo about the soldier, and about what he has done, and all that sort of thing. That time has passed. The soldiers deserve all the credit that is given.

But now let us look at this bill a little while from a business standpoint. The committee come here and ask for a pension of $17 a month for this woman.

She is the widow of Dr. John R. Bigelow.

Now, the committee say that he—

Served as surgeon of the Ninth New York State Militia in the field, with the Army of the Shenandoah, from June 25, 1861, to October 10, 1861.

He served in the State militia for a term of almost two long months. Think of it! This man served as a surgeon for almost two long months. Nobody knows whether he was within reach of gunpowder during any portion of the time. The law says that unless a soldier served for a term of ninety days at least he shall not be entitled to a pension.

Mr. ALDRICH of Illinois. Have you read beyond the first paragraph of this report?

Mr. TALBERT. I will come to that, if the gentleman will possess himself in patience, and will discuss it as a business man from a business standpoint, and see if we, as business representatives of the people, should vote this pension. In the first place, he served not quite two months as a surgeon.

Mr. CROWTHER. Will my friend permit an interruption?

Mr. TALBERT. Certainly. I can not object to anything that my affable friend has to say.

Mr. CROWTHER. I am satisfied you do not desire to mislead the committee.

Mr. TALBERT. Not at all, sir.

Mr. CROWTHER. This widow is now receiving a pension of $8 a month under the law of 1890, and unless her husband had served ninety days or longer she could not receive anything under that law.

Mr. TALBERT. I will come to that in a little while. Here is what the committee say further:

This regiment was afterwards Eighty-third New York Volunteers. Dr. Bigelow seems to have been commissioned as surgeon of this regiment by the governor of New York—

Now, what sort of language is that? This committee, composed of intelligent gentlemen, come in here and say that this man "seems" to have been commissioned. That is very dubious and indefinite language for a committee to come in here and claim a pension upon for anybody—

but for some unexplained reason he was not mustered, nor did he serve as such officer.

They even say in so many words that he did not serve as such officer. After all this seeming commission they say he did not serve. Well, where was he?

Mr. ALDRICH of Illinois. Read the latter part of the report, please.

Mr. TALBERT. What was he doing? Further, it says here:

From January 20, 1863, to December 9, 1865, he served as contract surgeon.

Well, now, what sort of a surgeon is that? What kind of a surgeon is a contract surgeon? Who made the contract with him? By what authority was he serving? Could he be called a soldier? Could it be stated that he was in the service of the Army of the United States or anything of that sort? The report says again:

His service and discharge appear to be alike honorable.

They do not state that his discharge was honorable, but they say it appears so. Now, it seems to me that the evidence they bring in here and the report that they make should not only "seem" and "appear" to be so and so, but should be backed up with sworn testimony, as the law requires. What do you think of such a report as that, in considering this case as business men, when they come in here and ask you to vote away the people's money upon such testimony? He seems to have been commissioned and his discharge appears to be honorable. That is very indefinite. I do not wish to do the applicant here any injustice, nor do I wish to do any injustice to anyone else, but it does seem to me that that is a very strange report for this committee to bring in and upon which to ask for a pension of $17 per month.

Then it says here:

The Pension Bureau does not accept the cause of death as a result of disease contracted in the service.

It is not proved by one scintilla of evidence, except the ipse dixit of some layman, that the disease can be traced to service origin. The report says:

Her application under general law has been rejected, and from the decision an appeal was taken to the Secretary of the Interior and the decision of the Pension Bureau affirmed.

It says further:

Three times the case has been reopened by the Secretary of the Interior, but the previous decision has been adhered to.

On three different occasions the Pension Bureau have refused to increase this pension.

Now, as the gentleman says, she had been receiving a pension of $8 a month, but it does not state what was the testimony and how the committee came to know she received it. It seems that her husband was pensioned at the rate of $17 per month, and she had the accrued pension paid her as widow and a pension of $8 a month from July 26, 1890, under the act of June 27, 1890.

Now, "Dr. Bigelow was 79½ years old at the time of his death." I have no doubt of that. [Laughter.] "His attending physician certified to the cause of his death as peritonitis, cause unknown;" but for some reason it appeared to him some time afterwards that he has made a mistake, and he goes back and says it seems to him that the disease could be traced to service origin. Somebody had been working on him, working upon his sympathies, and he goes back and says he was mistaken; he supposed it could be traced to service origin. He does not swear it. There is no testimony of that kind. This distinguished committee—

Are unable to say that the decision of the Pension Office is erroneous or unjust or that the claimant had not been considerately and fairly treated by the officers in charge of the Pension Office.

They admit, in conclusion, that the Pension Bureau have been just and dealt with her as they ought to have dealt with her, and yet they recommend granting her $17 per month. There are some things that I can understand and some things that I can not. As the traveler said, after traveling all over the world, he understood many things—why rivers flow downhill, why the moon shines by night and the sun by day—but on passing by a tanyard and seeing as the sign of the tanyard a cow's tail in an auger hole, he said he could not see how that cow could jump through that hole and leave her tail. I can not see how this committee, who have signed this report, can ask this House to give a pension of $17 to this lady. She is poor and needy. [Cries of "Vote!" "Vote!"] Be quiet, please, and hear me. I am only making a business argument and stating a business proposition. Now, I submit, is it just, is it common sense, upon the report of a committee here who themselves acknowledge she ought not to have it—are you going to give her $17 a month?

Now, Mr. Chairman, if nobody else wishes to be heard—I do not want to cut off anyone; I think the case ought to be discussed—I will move that the committee report the bill to the House with the recommendation that it lie on the table.

Mr. WOOD. I suggest that the gentleman withdraw that motion until the gentleman who introduced the bill has an opportunity to be heard.

Mr. ALDRICH of Illinois. Mr. Chairman, I do not know that I have any remarks to make. I believed when the gentleman commenced his speech he was going to make an argument against the bill, but I am told by some of my associates that it is the same old speech that he has made every night since this session began. I did not hear it all.

Mr. TALBERT. The gentleman is mistaken. This is the first time I have made a speech of any length this session, and the reason of it is because this is such an unjust, inexcusable, and improper measure. I will speak against all such measures, whether it be Monday night, or Friday night, or any other night, the gentleman from Illinois notwithstanding.

Mr. ALDRICH of Illinois. Precisely. I have no doubt these speeches will read very well down in the gentleman's district. The whole purpose of the gentleman from Tennessee [Mr. COX] and the gentleman from South Carolina [Mr. TALBERT] who have spoken, has been to consume abundance of time in order that worthy bills that have been offered here may be crowded out of consideration. I have no disposition, therefore, to take time to reply to the charges made. The report that has been made by the committee is a very fair and candid one, and I must say has been to some extent misrepresented by the gentleman who has just spoken. I will leave it to the candid judgment of gentlemen on the floor of the House to determine the merits of this bill. The original bill provided for granting a pension of $30. That has been cut down to $17, the old pension allowed to this soldier under the law. This lady has but few more months to live. I do not know that she is living to-night, and I hope that she will be allowed this pension.

Mr. GROW. She is a war widow.

Mr. ALDRICH of Illinois. And she is a war widow, as suggested by the gentleman from Pennsylvania. I trust that the committee will dispose of it without any delay.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. COX. Before that motion is put, I want the gentleman to understand me. This is a matter that I want him to understand clearly. On any vote to pension an old soldier you will never find my voice raised against it. I raise no captious opposition to any kind of bill that you present; but what I want to do, if I can do it by my vote, is that the old-soldier roll shall be a roll of honor on either side of the question.

The CHAIRMAN. The question is on agreeing to the amendment recommended by the committee.

The amendment was agreed to.

Mr. TALBERT. Now I renew my motion that the bill be reported back with the recommendation that it lie on the table.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. TALBERT. Division, Mr. Chairman.

Mr. THOMAS. Mr. Chairman, if the gentleman from South Carolina will withdraw the motion, I would like to move that the committee do now rise.

Mr. TALBERT. All right.

Mr. THOMAS. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. PAYNE having resumed the chair as Speaker pro tempore, Mr. LACEY, Chairman of the Committee of the Whole, reported that that committee had had under consideration sundry bills on the Private Calendar, and had directed him to report with amendments the bills H. R. 3402, H. R. 7422, H. R. 649, H. R. 2974, and S. 321; without amendment, the bill S. 2832; with the recommendation that it be recommitted to the Committee on Pensions, the bill H. R. 7489; with the recommendation that it do lie on the table, the bill H. R. 7501; and with no resolution thereon, the bill H. R. 7548.

REBECCA A. KIRKPATRICK.

Mr. KIRKPATRICK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 9785) granting a pension to Rebecca A. Kirkpatrick was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the limitations and provisions of the pension laws, the name of Rebecca A. Kirkpatrick, widow of William A. Kirkpatrick, late a sergeant and second lieutenant in Company F, Sixty-third Regiment of Illinois Volunteer Infantry, and pay her a pension at the rate of $17 per month.

Mr. TALBERT. Mr. Speaker, I would like to hear the report in this case.

The report (by Mr. KIRKPATRICK) was read in part, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9785) granting a pension to Rebecca A. Kirkpatrick, having had the same under consideration, submit the following report:

The beneficiary in this bill, Rebecca A. Kirkpatrick, is the widow of William A. Kirkpatrick, who enlisted as a private in Company F, Sixty-third Regiment Illinois Volunteer Infantry, on the 5th day of February, 1862, and was honorably discharged at Goldsboro, N. C., on the 9th day of April, 1865. When the company was organized, William A. Kirkpatrick was selected as second sergeant, and was soon thereafter promoted to the position of orderly sergeant, and served in that capacity until the 30th day of July, 1863, when he was commissioned second lieutenant of said company for gallant and meritorious services at the battle of Vicksburg. His commission was received on the field after the surrender and at a time when the regiment was under marching orders, and consequently he was not actually mustered as a commissioned officer. He continued in the service, and through oversight or inadvertence was never actually mustered as lieutenant, although the company possessed the requisite number of men to authorize his muster until a very few weeks before he was finally discharged.

From the time of receiving his commission Mr. Kirkpatrick acted in the capacity of a lieutenant, was recognized as such, and, in fact, commanded the company much of the time from the time of receiving his commission until he was finally discharged. The Sixty-third Regiment went with Sherman from Atlanta to the sea, and after the surrender of Columbia, S. C., the regiment was detailed to destroy a large quantity of powder found in a magazine near that place, and in doing so an explosion occurred, resulting in a loss of more than 25 members of Mr. Kirkpatrick's company, he himself receiving serious injuries from the explosion. He was placed in an ambulance and was carried with the moving army to Goldsboro, N. C., where the regiment was discharged, its term of enlistment having expired some months previous. While Mr. Kirkpatrick was stationed at Memphis, Tenn., he contracted measles, which settled upon his lungs, and being an intimate friend of General Logan, he was furloughed and sent home instead of to the hospital. After an absence of four months he returned to the regiment and remained with it until discharged.

Mr. Kirkpatrick never fully recovered from the results of the measles, which was followed by a distressing cough that continued to harass him until death occurred March 14, 1895. Death resulted from what is known as Hodgen's disease of the blood, the result, as his physicians declare, of a diseased condition of the lungs. Mr. Kirkpatrick, having no hospital record and not being treated for lung trouble in the service, nor for many years after returning therefrom, although afflicted with a severe cough all the while, leaves his widow wholly unable to make the proof required by the rules and regulations of the Pension Office, although his death was undoubtedly the result of the disabilities incurred while in the service of the United States.

The beneficiary in the bill is 56 years of age, in feeble health, and unable to perform manual labor with which to support herself. She possesses no home, with one daughter depending upon her for support. Mr. Kirkpatrick never applied for or received a pension from the Government, although justly entitled thereto during the past thirty years. Neither did he apply to have his muster corrected, as he might have done, declaring that he was able to make his own living, and that he would not burden the Government so long as he was able to take care of himself and family.

In view of all the circumstances of this case, your committee is clearly of the opinion that the widow of this soldier is as much entitled to a lieutenant's pension as though her husband was actually mustered. It therefore recommends that the bill be amended by striking out the word "seventeen" and inserting the word "fifteen;" so as to make it read "and pay her a pension at the rate of $15 per month," and that as amended the bill do pass.

The amendment recommended in the last paragraph of the report was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MAJ. JOHN H. GEORKEE.

Mr. CURTIS of Iowa. Mr. Speaker, I ask unanimous consent for the consideration of a bill which will take but a few minutes, House bill No. 6845, granting an increase of pension to Maj. John H. Georkee, Iowa City, Iowa.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of Maj. John H. Georkee, late of the Twenty-second Regiment of Iowa Volunteer Infantry, at the rate of $50 per month, said pension to be in lieu of the one he now receives.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. ERDMAN. I think the hour is too late, Mr. Speaker, and I must object.

Mr. CURTIS of Iowa. I am sure the gentleman will not object if I am permitted to make a brief explanation. I ask the gentleman to withhold his objection for a moment.

Mr. ERDMAN. I will do so.

Mr. CURTIS of Iowa. This bill has been read by several gentlemen on the other side. It has been unanimously reported from the Committee on Pensions. I have had the honor to introduce several pension bills in the present Congress, and I have attended every Friday night session except one; but, by reason of this bill being so low on the Calendar, I fear that it can not pass except by unanimous consent. This soldier has a splendid record. He is very thoroughly disabled and requires constant attendance. He was one of the most gallant soldiers from the State of Iowa. I sincerely trust that the House will pass the bill. The Grand Army men of that locality support it unanimously and the citizens as well, and I trust that no gentleman present will object to the bill under the circumstances. I would not ask to have it considered in this way if it were not for the urgent necessity for its passage and the hopelessness of reaching it in the regular way.

Mr. ERDMAN. Well, Mr. Speaker, let the report be printed in the RECORD, so that we may see what the bill is about after it is passed. [Laughter.]

The SPEAKER pro tempore. Is there objection to the present consideration of this bill and to the printing of the report in the RECORD?

There was no objection, and it was so ordered.

The amendment recommended in the report was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CURTIS of Iowa, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. THOMAS. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from Michigan moves that the House do now adjourn, and the hour of 11 o'clock and 30 minutes p. m. having arrived, the House stands adjourned until to-morrow, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of State, transmitting information as to the cost of embassies owned by various nations at national capitals—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey at Palm Beach, Florida—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. CLARKE of Alabama, from the Committee on Rivers and Harbors, to which was referred the joint resolution of the Senate (S. R. 191) relative to the improvement of the waterway between Birmingham, Ala., and the Black Warrior River, reported the same without amendment, accompanied by a report (No. 2943); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. STALLINGS, from the Committee on Pensions: The bill (H. R. 7313) granting a pension to John W. Porterfield. (Report No. 2944.)

By Mr. PARKER, from the Committee on Military Affairs: The bill (H. R. 7295) for the relief of Theo. von Bremsen. (Report No. 2945.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LOW: A bill (H. R. 10313) to provide a system of national supervision, to secure a revenue for the Government from the corporations organized under this act, and to create a class of securities which may be safely deposited with the Government as a basis of circulation—to the Committee on the Judiciary.

By Mr. GAMBLE: A bill (H. R. 10314) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes"—to the Committee on the Public Lands.

By Mr. HOWARD (by request): A bill (H. R. 10315) to amend the national-bank act—to the Committee on Banking and Currency.

By Mr. LORIMER: A bill (H. R. 10316) authorizing the Secretary of the Navy to enter into a contract for the purchase of armor plate for use of the Government for a period of twenty years, at or not exceeding $240 per ton—to the Committee on Naval Affairs.

By Mr. WILLIAM F. ALDRICH: A bill (H. R. 10317) to authorize the Treasurer of the United States to issue 2 per cent fifty-year bonds, to authorize the issue of currency thereon, to provide for the interchange of bonds for currency and currency for bonds, to fund the bonded debt of the United States, and for other purposes—to the Committee on Banking and Currency.

By Mr. HYDE: A bill (H. R. 10318) granting to the Western Washington Development Company a right of way through the Quiniult Indian Reservation, in the State of Washington—to the Committee on Indian Affairs.

By Mr. MURRAY: A resolution (House Res. No. 543) to authorize the Speaker of the House to appoint a committee of five members of the House to investigate the political affairs of the State of South Carolina—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. CURTIS of Iowa: A memorial of the legislature of the State of Iowa, protesting against the removal of the United States pension office from Des Moines—to the Committee on Appropriations.

By Mr. FLETCHER: A memorial of the legislature of the State of Minnesota, in favor of the bill to reclassify the salaries of railway mail clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. HEATWOLE: A memorial of the legislature of the State of Minnesota, in favor of the passage of the bill (H. R. 1) relating to the classification and compensation of clerks in the United States Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

By Mr. LACEY: A memorial of the legislature of the State of Iowa, protesting against the removal of the Des Moines pension agency—to the Committee on Appropriations.

By Mr. JOHNSON of California: A memorial of the legislature of the State of California, requesting Congress to impose a tariff on foreign fruits competing with the American product—to the Committee on Ways and Means.

Also, a memorial of the California legislature, requesting Congress to impose a tariff on foreign fresh table grapes competing with the American product—to the Committee on Ways and Means.

By Mr. SMITH of Illinois: A memorial of the legislature of the State of Illinois, asking the passage of the bill (H. R. 4339) to establish a national military park to commemorate the campaign, siege, and defense of Vicksburg—to the Committee on Military Affairs.

By Mr. TAWNEY: A memorial of the legislature of Minnesota, favoring the passage of the bill (H. R. 1) providing for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

By Mr. TOWNE: A memorial of the legislature of Minnesota praying for the passage of the bill (H. R. 1) providing for reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

By Mr. HITT: A memorial of the Illinois legislature, urging the passage of the bill (H. R. 4339) to establish a national military park at Vicksburg, Miss.—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARNEY: Petitions of L. H. Prater and others, of Waukesha, Wis.; H. W. Sawyer and others, of Hartford, Wis.; Edwin Hurlbut and others, of Oconomowoc, Wis., favoring the passage of the Cullom and Sherman bills for the prevention of illicit trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

Also petition of Carl Fehlandt, of Port Washington, Wis., urging the passage of the Loud bill (H. R. 4566)—to the Committee on the Post-Office and Post-Roads.

By Mr. BRODERICK: Petition of G. H. F. Johnson and 800 other residents of Atchison, Kans., in favor of the passage of House bill No. 10090, to prevent trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN: Petition of Emmett Cooper and 53 others, of Franklin County; also of H. T. Patton and 25 others, of South Pittsburg; also of Lindsay Nelson and 20 others, of Jasper; also of S. H. Ingersoll and 19 others, of Estill Springs; also of E. G. Elsey and others, of Coulterville; also of D. S. Layne and 21 others, of Victoria; also of J. V. Rankin and 12 others, of Let; also of R. C. Love and 24 others, of Shellmound and Whiteside; also of John Lipscomb and 12 others of Benns Creek, State of Tennessee, asking for the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. BULL: Petition of the Tabernacle Methodist Episcopal Church, the First Free Baptist Church, of Olneyville, R. I., and the Brady Baptist Church, of Providence, R. I., favoring the passage of House bill No. 7441, for the prevention of gambling by telegraph, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Tabernacle Methodist Episcopal Church, the First Free Baptist Church, of Olneyville, R. I., and the Brady Baptist Church, of Providence, R. I., and Rev. C. H. Smith, of Phenix, R. I., favoring the passage of the Shannon bill raising the age of protection for girls to 18 years in the District of Columbia—to the Committee on the Judiciary.

Also, petition of Rev. C. H. Smith, of Phenix, R. I., praying for the passage of House bill No. 7083, forbidding the sale of intoxicating drinks in Government buildings—to the Committee on Public Buildings and Grounds.

Also, petition of Rev. C. H. Smith, of the Methodist Episcopal Church, Phenix, R. I., favoring the passage of the Phillips bill (H. R. 6119)—to the Committee on Labor.

By Mr. CHICKERING: Petition of E. R. Stockwell and 27 other citizens of Theresa, N. Y., in favor of the bill (H. R. 10090) known as the antiscalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. CROWLEY: Petition of citizens of Arcadia, Tex., also of citizens of Rosenberg, Tex., favoring the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. CRUMP: Letter and papers from Dr. F. A. Tousley, of Midland, Mich., regarding placing a duty on chloride of lime or bleaching powder, now being largely imported from England—to the Committee on Ways and Means.

Also, petition of Henry C. Hamill, of Alpena, Mich., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CUMMINGS: Petitions of Jean I. Chailonis and 10 others, H. P. Clark and 3 others, J. J. Keefe and 22 others, J. B. Gannon and 15 others, Frank C. Butterfield and 16 others, George Earion and 18 others, James Tucker and 9 others, C. B. Crandall and 4 others, John G. Ghigoski and 18 others, Edward M. Blewett and 15 others, W. B. Stevens and 14 others, favoring the passage of House bill No. 10090, to prohibit ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of Iowa: Petitions of G. D. McDaid and 65 other business and professional men of Clinton, Iowa; D. H. Stuhr and 32 others, of Davenport, Iowa; Charles Howson and 29 others, of Dewitt, Iowa; S. F. Smith, of Davenport, Iowa, and Neal A. McAuley, of Wilton, Iowa, in favor of the Sherman bill abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. DANFORD: Petition of Rev. Russell A. McKinley and others, of Steubenville, Ohio; Rev. J. B. Gowdy and others, of Knoxville, Ohio, and Rev. W. G. Waddell and others, of New Athens, favoring the passage of House bill No. 10090, known as the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. DOCKERY: Petition of J. H. Samples and 33 other citizens of Excelsior Springs, Mo., asking for the passage of House bill No. 10090, for the prevention of trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. DOLLIVER: Petition of A. M. & M. L. Adams, of Humboldt, Iowa, asking for the passage of House bill No. 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Resolutions of the Boston Merchants' Association, in favor of placing on the free list certain materials used in tanning leather—to the Committee on Ways and Means.

By Mr. EVANS: Petition signed by over 2,100 persons, praying for the passage of House bill No. 10090, known as the antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GAMBLE: Petition of B. M. Nary and 47 other citizens of Deadwood; also of Daniel Donahoe and 67 others, of Sioux Falls; also of O. S. Gifford and 21 others, of Canton, State of South Dakota, recommending the passage of the Sherman bill (H. R. 10090) abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HAGER: Petition of A. Gardner, of Atlantic, Iowa, and S. E. Zollinger, of Defiance, Iowa, favoring the passage of House bill No. 4566, known as the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of W. H. Snyder and other citizens of Missouri Valley, Iowa, asking for the passage of House bill No. 10090, to prevent trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. HAINER of Nebraska: Petition of J. F. Golmer and 53 other citizens of Seward, Nebr., praying for the passage of the antiscalpers bill (H. R. 10090)—to the Committee on Interstate and Foreign Commerce.

Also, petition of L. M. Street and 61 other citizens of York; also of Rev. R. T. Cross, of York; also of Rev. G. W. Goodale, of Hebron, State of Nebraska, praying for the passage of House bill No. 10090, known as the antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HANLY: Petition of citizens of Lafayette and other cities of Indiana, praying for the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HATCH: Petition of citizens of Monon, Ind., favoring the passage of House bill No. 10090 and Senate bill No. 3545, to prevent the illicit trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. HENDERSON: Petition of S. C. Platt and 9 other citizens; also petition of J. H. Charlton and 24 others, all of Iowa Falls, Iowa, favoring the passage of the antiscalping bill—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Frank Caldwell, of Boone; Anna M. Martin, of New Providence; B. L. Saum, of Laurens, and Mrs. J. R. Dosh and 14 other members of the Stuart Woman's Christian Temperance Union, urging the passage of the Shannon bill (H. R. 9516), the Ray bill (H. R. 9563), the Gillet-Platt bill (H. R. 7441), and the Wellington-McMillan bill (S. 2485)—to the Committee on the Judiciary.

By Mr. HITT: Petition of C. R. Henderson, associate professor of sociology, University of Chicago; also of J. A. Cotton and 41 other citizens of Rockford, Ill., urging the passage of the Cullom and Sherman bills to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWE: Petition of the American Federation of Labor, in relation to Report No. 2270, reported from the Committee on Naval Affairs—to the Committee on Naval Affairs.

By Mr. HOWELL: Petition of James Applegate and others living on the line of the New York and Long Branch Railroad, in the Third Congressional district of New Jersey, urging the passage of the Sherman bill abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petition of Kearny Post, Grand Army of the Republic, and Kearny Camp, Sons of Veterans, of New Brunswick, urging the intervention of the United States to settle the difficulty between Spain and Cuba—to the Committee on Foreign Affairs.

By Mr. HULL: Petition of G. E. Murphy and 16 other citizens of Perry, Iowa; also of Revs. M. and P. A. Flavin, of Des Moines, Iowa, asking for the passage of House bill No. 10090, prohibiting ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. JENKINS: Petition of H. E. Knapp and 40 other citizens of Menomonie, Wis., favoring the passage of House bill No. 10090, prohibiting ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of California: Petition of the First Methodist Church, the Good Templars, and the Woman's Christian Temperance Union of Pasadena, Cal., representing a total membership of 1,238, to raise the age of protection for girls to 18 in the District of Columbia and the Territories—to the Committee on the Judiciary.

By Mr. KEM: Petition of 35 citizens of O'Neill, Nebr., asking for the passage of the Sherman bill relating to ticket brokers—to the Committee on Interstate and Foreign Commerce.

By Mr. KENDALL: Evidence in the claim of D. B. Harmon, removing the charge of desertion—to the Committee on Military Affairs.

By Mr. KERR: Petition of W. J. Brokaw and other citizens of Eaton, Ohio; also of W. D. Thompson and others, of East Townsend, Ohio; E. A. Sabin and others of Oberlin, Ohio; John H. Boone ond others, of Wakeman, Ohio, and J. N. Barnett, of Belleville, Ohio, in favor of the Sherman bill to prohibit ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. KLEBERG: Petition of E. W. Dickey and 19 other citizens of Kennedy; also of W. B. M. Campbell and 40 others, of Corpus Christi; also of J. F. Willberd and 19 others, of Rungo, Karnes County; also of J. W. Northrup and 23 others, of Giddings, Lee County; also of L. B. Randall and 30 others, of Belleville; also of C. H. Sawyer and 13 others, of Aransas Pass; also of F. A. Taylor and 38 others, of Cuaro; also of J. B. Dodd and 45 others, of Yoakum; also of C. Fromme and 9 others, of Cibola Valley; also of J. O. Dewees and 42 others, of Floresville, Tex., asking for the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. LACEY: Protest of the Commercial Exchange of Des Moines, Iowa, against the removal of the Des Moines pension agency—to the Committee on Appropriations.

Also, petition of H. L. Spencer and 6 other citizens of Oskaloosa, Iowa; also of W. H. Needham and 68 others, of Sigourney, Iowa, favoring the passage of the antiticket scalping bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Ottumwa Branch Association of Letter Carriers, No. 447, in favor of the salary bill—to the Committee on the Post-Office and Post-Roads.

By Mr. LONG: Petition of K. B. Ringle, H. Whiteside, and W. Y. Morgan, of Hutchinson; also of Oscar Offerle and 8 other citizens of Offerle; also of E. A. Noble and 9 others, of Kinsley; also of G. A. Borthwick and 17 others, of Ness City; also of Ray S. Ligget and 7 others, of Pierceville; also of L. G. Lebrecht and 14 others, of Harper; also of Robert Findlay and 36 others, of Sterling; also of A. L. McMillan and 74 others, of Lyons; also of L. S. Dickey and 26 others, of Leoti; also of Finlay Ross and 75 others, of Wichita, State of Kansas, favoring the passage of House bill No. 10090, to abolish ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN: Petition of the heirs of Lewis W. Westcott, deceased, late of Brunswick County, N. C., praying that his war claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

Also, petition of R. S. Corrington, of Richmond County, N. C., asking that his claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. McCALL of Massachusetts: Resolutions of the Boston Merchants' Association, favoring the placing of degras or brown grease on the free list—to the Committee on Ways and Means.

By Mr. McCULLOCH: Petition of W. M. Fenley and others, of Jackson, Ark., remonstrating against the passage of the Loud bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McRAE: Petition of Hon. Paul Jones and 74 other citizens of Texarkana, Ark; also of Hon. John M. Pittman and 18 other citizens of Prescott, Ark., asking for the passage of the Cullom and Sherman bills prohibiting ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. MERCER: Petition of citizens of Omaha, South Omaha, and Nebraska City, State of Nebraska, favoring the passage of House bill No. 10090, known as the antiscalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. MILNES: Petition of William C. Hughes, to accompany House bill No. 4308, relating to his claim—to the Committee on War Claims.

By Mr. MORSE: Petition of citizens of Amherst, Mass., representing 45 individuals and two organizations of 77 members, for the suppression of the sale of intoxicating beverages in Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. PENDLETON: Petitions of citizens of Cameron, Moody, Nolanville, and Rogers, of the State of Texas, urging the passage of the Sherman bill abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS: Petition of 77 business men and companies of Sioux City, Iowa; also 44 citizens of Spencer, Iowa, favoring the passage of House bill No. 10090, prohibiting ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. PICKLER: Twenty-two resolutions adopted by various Grand Army posts, favoring the passage of House bill No. 9209, known as the service-pension bill—to the Committee on Invalid Pensions.

By Mr. PRINCE: Petition of Rev. W. H. Mason and others, of Knoxville; Rev. Jos. Costa and others, of Galesburg, Ill., favoring the Sherman bill (H. R. 10090) prohibiting ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petition of R. C. Willerton and others, of Rock Island, Ill., protesting against the passage of the Sherman bill, known as the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON: Petition of G. W. Stephenson and 26 other citizens of Bedford County; also of D. A. Kimbro and 20 others, of Bedford County; also of J. M. Overall and 28 others, of Rutherford County; also of W. B. Earthman and 25 others, of Rutherford County; also of E. S. Miller and 20 others, of Rutherford County; also of W. P. Prater and 20 others, of Rutherford County; also of R. B. Johnson and 24 others, of Rutherford County; also of J. W. Holt and 20 others, of Bedford County, State of Tennessee, asking for the passage of House bill No. 10090, prohibiting the trafficking in railroad tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. RINAKER: Petitions of James O. Emerson, John A. Reichard, and others, of the State of Illinois, urging the passage of House bill No. 10090 and Senate bill No. 3545, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERMAN: Numerous petitions of citizens of the United States, viz, from the State of Louisiana, as follows: J. L. Campbell and 6 others, of Cheneyville; Aug. Erath and 13 others, of New Iberia; D. B. Hodson and 14 others, of Eola; Lock, Moore & Co., Limited., and 22 others, of Welsake; J. K. Scheoing and 9 others, of Boef; James Ellis and 5 others, of Welsh; D. E. Smyt and 6 others, of Mermenteau; P. Hogan and 7 others, of Schriever; F. V. X. Mouton and 33 others, of Lafayette; H. L. Davis and 28 others, of Rayne, and V. E. Dupuis and 17 others, of Carencro. Also, from the State of Texas: W. F. Holcomb and 16 others, of

Luling; J. A. Jackson and 57 others, of San Antonio; R. S. Tanner and 89 others, of Schulenberg; E. C. Sronce and 7 others, of Columbus; M. Dies and 44 others, of Woodville; R. S. Menefel and 24 others, of Flatonia; T. W. Moore and 20 others, of Ellinger; T. W. House and 42 others, of Houston; S. H. Neadams and 16 others, of Colmesneil; C. F. Pridgen and 11 others, of Thomaston; Leon Kubel and 9 others, of Elgin: George W. Littlefield and 28 others, of Austin; Thomas B. Bots and 56 others, of Brenham; James Rooney and 14 others, of Corsicana, and Karner & Phillips and 32 others, of Mexia. Also from the States of New York, New Jersey, and Pennsylvania: Frank W. Smith and 17 others, of Bridgeton, N. J.; W. W. Young and 8 others, of Bayonne; Thos. McDonald and 15 others, of Jersey City; Jos. Budd and 8 others, of Lakewood; W. H. Lane and 11 others, of Asbury Park; Ira E. Whyte and 16 others, of Asbury Park; E. H. Applegate and 18 others, of Asbury Park; George W. Matthews and 18 others, of Asbury Park; M. Van Camp and 13 others, of Roycefield; Daniel Bennett and 18 others, of Belford; Henry Hardy and 4 others, of Marlboro; James A. Smith and 20 others, of Phillipsburg; George E. Conover and 9 others, of Chester; Theo. F. Roes and 22 others, of Junction; B. F. Sinclair and 4 others, of South Lakewood; Dr. Max Merx and 16 others, of Jersey City; E. V. Williams and 1 other, of Naughright; Myers M. Hodge and 21 others, of Finderne; R. M. Ricketts and 22 others, of Elizabeth; Charles H. Dodd and 12 others, of Jersey City; William M. Seely and others, of Port Monmouth; W. W. Ramsay and 17 others, of Keansburg; W. J. Brooks and 20 others, of Jersey City; W. Wyckoff and 15 others, of Annandale; Edward A. Lucas and 10 others, of Dover; David H. Suydam and 8 others, of Matawan and Freneau; H. L. Woodruff and 11 others, of Woodruffs; A. W. Thompson and 14 others, of Madison and Newark; E. K. Sutphin and 21 others, of Chatsworth; F. P. Banghart and 17 others, of Bloomsbury; Theo. H. Sickels, of Bradevelt; P. H. Murray and 21 others, of High Bridge; John L. Conover and 11 others, of Wickotack; J. M. Bennett and 17 others, of Long Branch; Thomas H. McNamara and 22 others, of Elizabeth; J. A. Haines and 16 others, of Plainfield; James E. Fleming and 6 others, of Newark; Charles Van Brunt, jr., and 9 others, of Branchport; William Hogan and 16 others, of Newark; I. W. Rushmore and 7 others, of Plainfield; A. A. Holly and 15 others, of Netherwood; Charles B. Long and 12 others, of Bayonne; Charles E. Westervelt and 22 others, of Boundbrook; W. H. Hills and 2 others, of Tremley; R. B. Stryker and 11 others, of Alden; John L. Jones, jr., and 3 others, of Fanwood; William A. Rose and 5 others, of Jersey City; James H. Willever and 7 others, of Valley; D. W. Blake, jr., and 23 others, of Forked River and Waretown; Joseph Grover and 11 others, of Toms River; A. C. Keyser and 6 others, of Jersey City; Fred. Van Liew and 134 others, of Plainfield and vicinity; Theo. N. Sharp and 6 others, of Bartley; C. Vreeland and 22 others, of Cranford; Matthew Brown and 18 others, of Atlantic Highlands; C. L. Wentzell and 10 others, of Asbury; J. B. D. Myers and 18 others, of Raritan; H. A. Ramsey and 18 others, of Lebanon; John Wagg and 3 others, of Oceanport; Charles Malcolm and 18 others, of Morganville; L. G. Cohen and 10 others, of Westfield and vicinity; John Foran and 17 others, of Flemington; A. H. Jacobus and 12 others, of Newark and vicinity; C. R. Rept and 2 others, of Kenvil; W. S. Naughright and 15 others, of Middle Valley; Eugene Latourette and 4 others, of Clover Hill and vicinity; Charles I. King and 6 others, of Succasuna; Walter Chus and 3 others, of East Orange; F. W. Morris, of Jersey City; Wm. P. Dodge and 13 others, of Prospect, N. Y.; James Green and 4 others, of Tarrytown; Judson I. Wood and 18 others, of Ilion; C. C. Adams and 16 others, of Weedsport; John Norton and 6 others, of Fishkill; W. F. Engel and 3 others, of Peekskill; Edward Quigley and 10 others, of Poughkeepsie; Michael Clare and 4 others, of Highlands; J. Dready and 4 others, of Tarrytown; Daniel Kilby and 4 others, of Peekskill; George W. Fonda and 13 others, of Poughkeepsie; Ellis H. Ingalls and 5 others, of Poughkeepsie; William Dakin and 4 others, of Poughkeepsie; Samuel Miller and 4 others, of New Hamburg; William Colbert and 3 others, of Chatham; Thomas McCarthy and 4 others, of Hastings; W. M. Travis and 14 others, of Carmel; Darius Spain and 3 others, of Lake Mahopac; James Monohan and 7 others, of Cold Springs; Daniel Sullivan and 7 others, of Peekskill; Robert Buckley and 4 others, of Croton Landing; J. Kennedy and 4 others, of Dobbs Ferry; R. F. Schaffer and 16 others, of Bangor, Pa.; M. L. Baker and 19 others, of Chapman Quarries; W. E. Stallsmith and 17 others, of Parsons; A. P. Schoonover and 16 others, of Bethlehem; Francis Douglas and 20 others, of Wilkesbarre; W. M. Weitknecht and 15 others, of South Bethlehem; J. H. Guldner and 19 others, of Treichlers; A. W. Bossard and 16 others, of Wind Gap; F. S. Reick and 37 others, of Ashley; Fuller Tucker and 4 others, of Scranton; Frank J. Roethline and 21 others, of Northampton; A. L. MacDonald and 10 others, of Olivers Mills; J. M. Thomas and 13 others, of Lansford; J. G. Stigler and 18 others, of South Bethlehem; J. P. Hartman and 20 others, of Catasauqua; John McKeever and 22 others, of Catasauqua; C. E. Loeser and 22 others, of Mauch Chunk; F. E. Fayne and 17 others, of Wanamie; A. F. Newhart and 12 others, of Walnutport; Thomas Slater and 19 others, of Easton; J. H. Brader and 19 others, of Leighton; Howard Attorman and others, of Bath; John Solomon, jr., and others, of Mauch Chunk (East); H. M. Maidenwald and 8 others, of Bowmans; W. A. O'Neill and 21 others, of Wilkesbarre; C. A. Hills and 21 others, of Siegfried and vicinity; Peter Carroll and 21 others, of Wilkesbarre; C. F. Bower and 15 others, of Coaldale; Samuel Betz and 18 others, of Coaldale; W. B. Finchman and 19 others, of Freemansburg; Walter L. Jones and 21 others, of Allentown; R. M. Keiser and 17 others, of Wilkesbarre; D. P. Ginder and 15 others, of Leslie Run, and George W. Stetles and 18 others, of Rockport, in favor of the passage of the Sherman bill (H. R. 10090) to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. SIMPKINS (by request): Resolution of the Royal Society of Good Fellows of Vineyard Haven, Mass., urging the passage of the McMillan and Linton bills (S. 3589 and H. R. 10108)—to the Committee on the District of Columbia.

By Mr. SNOVER: Petition of F. W. Bush, the Rev. S. S. Chapin, and 5 other citizens of Port Huron; also of the Rev. Th. Engelder, of Mount Clemens; also of C. Edson Yates and 6 others, of Armada; also of B. F. Lewis and 6 others, of Inlay City; also of 272 other citizens of the Seventh Congressional district of the State of Michigan, asking for the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. SOUTHARD: Petition of Theo. E. Piper and others, of Effingham, Ill.; L. S. Kilborn and others, of Clark County, Ill.; T. E. Burrows and others, of Jasper County; John A. Sweet and others, of Clark and Edgar counties; J. Murphy, of Coles County; J. R. Parker, of Coles County, Ill.; Marion Lawrence, of Toledo, Ohio; L. C. Bryant and others, of Genoa, Ohio; W. C. Hoch and others, of Archbold, Ohio; A. P. Grisier and others, of Fayette, Ohio; A. Q. Price, of Swanton, Ohio; D. E. Burtree and others, of East Toledo, Ohio; C. J. Brindley and others, of Swanton, Ohio; Fred Helfrich and others, of Swanton, Ohio; Samuel Ward and others, of Fayette, Ohio; W. B. Ganiard and others, of Delta, Ohio; W. C. Worrell and others, of Toledo, Ohio; E. C. Edson and others, of Sylvania, Ohio; V. H. Zulch and others, of Toledo, Ohio; F. E. Calkins and others, of Millbury, Ohio; William Decker, of Port Clinton, Ohio; E. A. Powers and others, of Port Clinton, Ohio; Silas George and others, of Millbury, Ohio; C. R. R. Walts and others, of Delta, Ohio, and W. H. Owen and others, of Delta, Ohio, favoring the passage of the Sherman bill abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petition of F. T. Lane, of Toledo, Ohio, favorable to the Loud bill (H. R. 4566)—to the Committee on the Post-Office and Post-Roads.

By Mr. STAHLE: Petition of Lieutenant R. W. Smith Post, No. 270, Grand Army of the Republic, of Wrightsville, Pa., in favor of the Pickler pension bill—to the Committee on Invalid Pensions.

By Mr. STEWART of Wisconsin: Petition of W. T. Tomlinson and C. S. Van Doren, of Hurley; also of Rev. E. F. Van Hootegen and 28 others, of Merrill, Wis., favoring the passage of House bill No. 10090, prohibiting ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. STOKES: Resolution of the Charleston (S. C.) city council, asking for $1,200 to complete approaches to the new post-office building—to the Committee on Public Buildings and Grounds.

By Mr. STRODE of Nebraska (by request): Petitions of citizens of Nebraska City, Nebr.; also of Claude Champion Division, No. 277, Order of Railway Conductors, of Lincoln, Nebr.; also of 84 citizens of Weeping Water, Nebr., favoring the passage of the Sherman bill abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLER: Petitions of citizens of Youngstown, Salem, Pierce, Fairhope, and Bolivar, State of Ohio, praying for the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. TAWNEY: Petition of John Hayes and 31 other citizens of Wabasha, Nebr., also of Thorn Thompson, of Lanesboro, Minn., praying for the passage of the Cullom and Sherman bills for the prevention of railroad ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. TOWNE: Petition of Erick Dahlin and 173 other residents of Wright County, Minn., praying for the establishment of a system of postal savings banks—to the Committee on the Post-Office and Post-Poads.

By Mr. TRELOAR: Petition of L. J. Dryden and 43 other citizens of Warrenton, Mo.; also of Louis F. Marten and 64 other citizens of St. Charles, Mo., in favor of the passage of House bill

No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. VAN HORN: Petition of W. V. Clark and 914 citizens, firms, and corporations of Kansas City, St. Louis, and other cities in the State of Missouri; New York, Philadelphia, Chicago, Boston, Cincinnati, Omaha, Milwaukee, Toledo, Columbus, Salt Lake City; Wichita, Leavenworth, and Wyandotte, Kans.; Los Angeles, Cal.; Bridgeport, Conn.; Tampa, Fla.; Leadville, and Trinidad, Colo., and other cities, protesting against the passage of House bill No. 10090, prohibiting ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. WASHINGTON: Petition of C. M. Whittemore and 13 other citizens of Antioch, Tenn., asking for the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. WOOMER: Resolutions of S. G. Simmons Post, No. 116, Grand Army of the Republic, of Harrisburg, Pa., in favor of per diem service-pension bill, which has been reported favorably by the House Committee on Invalid Pensions and now upon the Calendar—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *February 16, 1897.*

Prayer by Rev. W. J. B. BROWN, D. D., of London, England.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. JONES of Arkansas, and by unanimous consent, the further reading was dispensed with.

THE MISSISSIPPI CHOCTAWS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 11th instant, a letter from the Commissioner of Indian Affairs relative to the treaty with the Choctaw Indians in Mississippi; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills and joint resolutions:

A bill (S. 1169) authorizing the Secretary of War to issue Springfield rifles to each State and Territory for the National Guards thereof, in exchange for other rifles now held;

A bill (S. 2101) to provide for the relief of certain officers and enlisted men of the volunteer forces;

A bill (S. 3603) to extend the time for the completion of the St. Paul, Minneapolis and Manitoba Railway Company through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian reservations in the State of Minnesota;

A bill (S. 3666) to remove doubts as to the power of the supreme court of the District of Columbia to provide for a vacancy in the office of attorney of the United States for the District of Columbia;

A joint resolution (S. R. 121) to amend an act granting to the Duluth and Winnipeg Railroad Company a right of way through the Chippewa and White Earth Indian reservations, in the State of Minnesota; and

A joint resolution (S. R. 204) authorizing the Secretary of the Navy to transport contributions for the relief of the suffering poor of India.

The message also announced that the House had passed the bill (S. 3614) to aid in the improvement of the navigable channel of the South Pass by closing the existing crevasse in Pass a Loutre in the Mississippi River with an amendment in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. 9494) concerning certain homestead lands in Florida;

A bill (H. R. 9703) to provide for light-houses and other aids to navigation;

A bill (H. R. 10278) to reorganize the judicial districts of Arkansas, and for other purposes;

A bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes;

A joint resolution (H. Res. 239) admitting free of duty needlework and similar articles imported by the New York Association of Sewing Schools for exhibition purposes; and

A joint resolution (H. Res. 252) authorizing the Secretary of War to deliver to the mayor of Buffalo tents, in loan, for the convenience of the Grand Army of the Republic at its annual encampment, to be held this year at that city.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented resolutions adopted at the twenty-seventh annual meeting of the National Board of Trade held in Washington, D. C., January 26, 27, and 28, 1897, in favor of the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

Mr. TURPIE presented the memorial of J. E. Sherrill, of Danville, Ind., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Furniture Manufacturers' Association, of the E. Q. Smith Chair Company, of the Karges Furniture Company, of the Evansville Mattress and Lounge Factory, of J. Shelosky & Co., of Price Bros. & Co., of the Evansville Furniture Company, and of the Buehner Chair Company, all of Evansville, Ind., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the W. B. Barry Saw and Supply Company, of Indianapolis, Ind., praying for the adoption of certain amendments to the tariff bill, relative to saw plates and band-saw steel; which was referred to the Committee on Finance.

He also presented 40 petitions, signed by sundry citizens of Indiana, praying for the passage of Senate bill 3545, prohibiting the sale of railroad tickets by unauthorized persons; which were ordered to lie on the table.

Mr. ALLEN presented a petition of the Woman's Christian Temperance Union of Lincoln, Nebr., praying for the passage of Senate bill No. 1552, to provide for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

Mr. VEST presented a petition of members of the Christian Church, of Lancaster, Ohio, praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented petitions of citizens of Marshall, Excelsior Springs, Hermann, Kansas City, Laplata, Lexington, Mexico, Norborne, Pacific, St. Charles, St. Louis, Sedalia, and Warrington, all in the State of Missouri, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. MITCHELL of Wisconsin presented sundry petitions of citizens of Milwaukee, Appleton, La Crosse, Menasha, and Darlington, all in the State of Wisconsin, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. BATE presented petitions of citizens of Benton County, Memphis, Humphreys County, Shelbyville, Nashville, Belfast, Dresden, Haley, Murfreesboro, Huntland, Rock Island, Doyle, Smartt, Parsons, Fayetteville, Franklin County, Hickman County, Fayette County, Paris, Moscow, Huntington, Winchester, Antioch, Lebanon, Wartrace, Dexter, Woodland Mills, Gardner, Ralston, Union City, South Pittsburg, Darden, Jasper, and Estills Springs, all in the State of Tennessee, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. MCBRIDE presented a petition of the Woman's Christian Temperance Union of Newberg, Oreg, praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Newberg, Oreg., praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Newberg, Oreg., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Newberg, Oreg., praying for the appointment of an impartial, nonpartisan agricultural commission; which was ordered to lie on the table.

He also presented the petition of F. D. Wagner, publisher of the Tidings, of Ashland, Oreg., and the petition of E. C. Putland, editor of the West Side, of Independence, Oreg., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BURROWS. I am in receipt of resolutions wired me last evening adopted by the house of representatives of the legislature of Michigan, remonstrating against the passage of House bill No. 10090, for the purpose of abolishing ticket brokerage. I ask that the resolutions be read.

The resolutions were read, and referred to the Committee on Interstate Commerce, as follows:

STATE HOUSE, *Lansing, Mich., February 15, 1897.*

Hon. J. C. BURROWS, *Washington, D. C.:*

Resolutions offered by Representative Gillam, February 2:

Whereas a bill has been introduced into the National House of Representatives, known as H. R. 10090, for the purpose of abolishing ticket brokers, and entitled "A bill to amend the act entitled 'An act to regulate commerce;'" and

Whereas the provisions of this proposed act, if carried into effect, would not only wipe out ticket brokerage but deny to every citizen the right to dispose of his own property in the open market respecting railroad transportation, and in case of such disposal would be branded a felon punishable by fine and imprisonment; and

Whereas the passage of such a bill or act would in effect be a violation of the recognized rights of the people and is in effect a grab at the public purse for the benefit of railroad corporations and to the injury of the traveling public: Therefore

Be it resolved by the house of representatives of the State of Michigan, That we denounce the measure as unjust and one that tends rather to protect corporate interests than to benefit or in any manner favor the rights and privileges of the mass of American citizens; and

Be it further resolved, That we recommend to our representatives in Congress that they use all honorable means in their power to defeat the passage of any such measure; and

Be it further resolved, That a copy of these resolutions be forwarded to our representatives in Washington, to the Speaker of the House, President of the Senate, to the President of the United States, and to the chairman of the Interstate Commerce Commission.

Which was adopted.

LEWIS M. MILLER, *Clerk.*

Mr. PROCTOR presented the petition of J. H. Livingston, publisher of the Reformer, of Bennington, Vt., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MORRILL. I present a petition of the pastor and members of the congregation of the Church of the Covenant, of this city, praying for the prohibition of the sale of alcoholic liquors in the Capitol building and grounds. As the bill on this subject has been reported, I move that the petition lie on the table.

The motion was agreed to.

Mr. SHERMAN presented the petition of George W. Barron, publisher of the News-Herald, of Hillsboro, Ohio, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of Rev. Wilbur F. Crafts, superintendent of the Reform Bureau, of Washington, D. C., calling attention to petitions presented in the Fiftieth Congress from the international conventions of the Brotherhood of Locomotive Engineers and the Knights of Labor and other labor organizations; from the Presbyterian General Assembly and many other church conventions, and from Cardinal Gibbons, in behalf of a Sunday-rest law in the District of Columbia, and also introducing new petitions from Archbishop Keane and Rev. Dr. Stafford in favor of the so-called McMillan bill, to further protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. CHILTON presented the petition of W. A. Leonard, publisher of the Angleton Times, of Angleton, Tex., and the petition of Aaron Smith, publisher of the Times-Review, of Mount Pleasant, Tex., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CAMERON presented the petitions of F. Weber & Co., of Philadelphia; of J. F. Hazard & Co., of Philadelphia; of T. J. McCleary, publisher of the Democrat, of Newcastle; of Henry J. Rife, of Philadelphia, and of Ellis L. Mumma, publisher of the Morning Call, of Harrisburg, all in the State of Pennsylvania, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Mechanicsburg, Pa., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of the Whatsoever Circle of the King's Daughters of the State Normal School, of Westchester, Pa., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the petition of the John O. Mahoney Club, of Pennsylvania, and a petition of the Stock Exchange of Pittsburg, Pa., praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented sundry petitions of citizens of Northeast, Pa., and the petition of C. J. Kephart, of Annville, Pa., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. PEFFER presented sundry petitions of citizens of Atchison, Wichita, Salina, and Coffeyville, all in the State of Kansas, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. SEWELL presented sundry petitions of citizens of New Jersey, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. NELSON presented the petition of T. B. Sheldon and sundry other citizens of Minnesota, praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. FRYE presented the petition of John Lowell and sundry other citizens of Boston, Mass., praying for the adoption of certain amendments to the bill (H. R. 2663) to amend the laws relating to navigation; which was referred to the Committee on Commerce.

Mr. DAVIS presented the petition of A. W. McKinstry, publisher of the Republican, of Faribault, Minn., and the petition of Ransom Metcalfe, publisher of the Mesaba Range, of Biwabik, Minn., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of Minnesota, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. HOAR presented petitions of Sarah E. Hunt, vice-president, and 12 other members of the General Society of the Daughters of the Revolution, and of members of the Massachusetts Charitable Mechanic Association, and of the New England Historic and Genealogical Society, praying for the permanent preservation of the U. S. frigate *Constitution;* which were referred to the Committee on Naval Affairs.

He also presented a petition of Good Fellows Assembly, No. 187, Royal Society of Good Fellows, of Vineyard Haven, Mass., and a petition of 30 citizens of New Bedford, Mass., praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which were ordered to lie on the table.

Mr. CULLOM presented a petition of the legislature of Illinois, praying for the establishment of a national military park to commemorate the campaign, siege, and defense of Vicksburg; which was referred to the Committee on Military Affairs.

He also presented the petitions of L. M. Kelley, of Elgin, Ill., and a petition of Branch No. 171, International Association of Letter Carriers, of Elgin, Ill., praying for the enactment of legislation providing for the reclassification of postal railway clerks; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Harvey, Ill., and a petition of the Woman's Christian Temperance Union of New York, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of New York, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented sundry petitions of citizens of Illinois, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented the petition of Rev. Watson Thatcher, of Chicago, Ill., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building, to raise the age of consent to 18 years in the District of Columbia and the Territories, and to prohibit interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on the District of Columbia.

He also presented the petition of E. L. Kletzury, principal of the Norwood Park School, of Chicago, Ill., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the petition of Benjamin Burton, of Geneva, Ill., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories, and also to prohibit interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on the District of Columbia.

Mr. CULLOM. I present a memorial of the Cherokee delegates, remonstrating against the adoption of the proposed amendment of the Senate to the bill (H. R. 10002) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes, the amendment providing that the claims asserted against the fund withheld for the distribution to the Old Settlers or Western Cherokee Indians, as provided in the acts of Congress approved August 23, 1894 (28 Statutes at Large, page 451), and June 10, 1896, (29 Statutes at Large, page 344), be referred to the Court of Claims for adjudication and settlement. I move that the memorial be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to,

Mr. WALTHALL presented a petition of sundry citizens of Wesson, Miss., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. VOORHEES presented petitions of Clem Studebaker, of South Bend; of the New Albany Ministerial Association, of New Albany; of members of the Third Christian Church, of Indianapolis; and of the Deer Creek Preparative Meeting of Friends, of Marion, all in the State of Indiana; and the petition of Ellen M. Henrotin and sundry other women of New York City, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented petitions of the Travelers' Protective Association of Terre Haute, Frankfort, and Lafayette, all in the State of Indiana, praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented a petition of the legislature of Indiana, praying for the enactment of legislation increasing the pay of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the legislature of Indiana, praying for the adoption of an amendment to the civil-service law, restoring all soldiers discharged without charges and exempting them from civil-service examinations to positions in the Government service; which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of the legislature of Indiana, praying for the enactment of legislation placing post-office clerks and carriers in the classified service; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the legislature of Indiana, praying for the passage of House bill No. 4339, to establish a national military park to commemorate the campaign, siege, and defense of Vicksburg; which was referred to the Committee on Military Affairs.

He also presented the petitions of S. B. Boyd, publisher of the Democrat, of Washington; of Hale Clark, publisher of the Advertiser, of Washington, and of Walter B. Campbell, publisher of the Daily and Weekly Herald, of Anderson, all in the State of Indiana, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of O. E. Fulghum, of Richmond, Ind., and a memorial of sundry citizens of Wayne County, Ind., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented fourteen petitions signed by sundry citizens of Indiana, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. LODGE presented a petition of 32 citizens of Amherst, Mass., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in any Government building; which was referred to the Committee on Public Buildings and Grounds.

He also presented petitions of 10 citizens of North Easton, 19 citizens of Middleboro, 28 citizens of Canton, 11 citizens of Hingham, 11 citizens of Braintree, 10 citizens of North Attleboro, 10 citizens of Milton, 7 citizens of Hyde Park, 18 citizens of Plymouth, 30 citizens of Haverhill, and 18 citizens of Boston, all in the State of Massachusetts, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. GEAR presented the petition of Mrs. B. L. Ogden, of Council Bluffs, Iowa, praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; to prohibit interstate gambling by telegraph, telephone, or otherwise, and to prohibit the sale of intoxicating liquors in the Capitol building; which was referred to the Committee on Interstate Commerce.

He also presented the petition of Sam G. Sloane, publisher of the Citizen, of Charles City, Iowa, and the petition of R. H. Moore, publisher of the Democrat, of Ottumwa, Iowa, praying for the passage of the so-called Loud bill, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of 46 citizens of Grundy Center, of 38 citizens of Traer, 20 citizens of Reinbeck, 44 citizens of Dows, and 46 citizens of Ottumwa, all in the State of Iowa, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. THURSTON presented sundry petitions of citizens of Omaha, Nebraska City, and Weeping Water, all in the State of Nebraska, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented the petition of N. H. Parks, publisher of the Telegram, of Columbus, Nebr., and the petition of L. A. Williams, publisher of the Pilot, of Blair, Nebr., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. TELLER presented a petition of the Grand Army of the Republic Memorial and Benevolent Association, of Denver, Colo., praying for the enactment of a service-pension law; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of East Pueblo, Colo., and a petition of the Patterson Woman's Christian Temperance Union, of Pueblo, Colo., praying for the appointment of an impartial, nonpartisan industrial commission; which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Cripple Creek, Colo., and a memorial of sundry citizens of Newcastle, Colo., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of E. H. Snyder, publisher of the Chief, of Highlands; of the Enterprise Publishing Company, of Rocky Ford; of C. T. Rawalr, publisher of the Gunnison News, of Gunnison, and of W. H. Hirst, publisher of the Independent-Journal, of Alamosa, all in the State of Colorado, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Montrose; of the Woman's Christian Temperance Union of Mesa; of the Woman's Christian Temperance Union of Pueblo, and of the Woman's Christian Temperance Union of East Pueblo, all in the State of Colorado, praying for the passage of a Sunday-rest law in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. VILAS presented sundry petitions of citizens of Madison, Centralia, Fond du Lac, Green Bay, Merrill, Oconto, Ripon, Fort Atkinson, Chippewa Falls, Delavan, Milton Junction, Hurley, Neenah, Richland Center, Whitewater, and Wausau, all in the State of Wisconsin, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented a petition of the Wisconsin Convention of Congregational Churches, of Antigo, Wis., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

LOWER BRULE SIOUX INDIANS.

Mr. PETTIGREW. I present testimony taken before the Senate Committee on Indian Affairs in relation to the removal of the Lower Brule Sioux Indians from their lands south of the White River, South Dakota, and their return to them. I move that the testimony be printed as a document for the use of the committee.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (H. R. 10203) to amend section 40 of "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, so as to authorize the sale of forfeited domestic smoking opium to the highest bidder, reported it with an amendment.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (H. R. 9689) for the relief of Danie, E. De Clute, reported it without amendment, and submitted a rel port thereon.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (H. R. 5898) granting a pension to Amanda M. Way, as army nurse, reported it without amendment, and submitted a report thereon.

Mr. CANNON, from the Committee on Pensions, to whom was referred the bill (H. R. 9319) granting a pension to Malachi Salters, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3237) granting a pension to Annie Fowler, reported it with amendments, and submitted a report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (H. R. 2689) granting a pension to Charlotte Weirer, reported it with an amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Naval Affairs, to whom was referred the amendment submitted by Mr. WHITE on the 4th instant, intended to be proposed to the naval appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 7205) granting a pension to Alphonzo O. Drake, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6757) granting a pension to Andrew J. Molder, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7055) increasing the pension of Anna G. Valk, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4903) for the relief of Hattie A. Beach, child of Erastus D. Beach, late a private in Company H, One hundred and forty-third New York Volunteers, reported it without amendment, and submitted a report thereon.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (S. 2450) granting a pension to John C. Fitnam, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. VEST, from the Committee on Finance, to whom was referred the bill (S. 3680) to provide for the removal of the Interstate National Bank of Kansas City, Kans., to Kansas City, Mo., reported it with an amendment.

He also, from the Committee on Public Health and National Quarantine, to whom was referred the joint resolution (S. R. 200) for the prevention of the introduction and spread of contagious and infectious diseases into the United States, reported it with amendments.

Mr. CULLOM, from the Committee on Interstate Commerce, to whom was referred the bill (S. 3545) amendatory to an act entitled "An act to regulate commerce," approved February 4, 1887, and the several acts amendatory thereof, reported it with amendments.

Mr. PLATT, from the Committee on Finance, to whom was referred the bill (S. 2164) for the relief of Ellen A. Dunn, reported it with an amendment.

Mr. PALMER, from the Committee on Pensions, to whom was referred the bill (S. 583) to grant a pension to Eli D. Walker, reported it with an amendment, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (H. R. 5128) to increase the pension of Jere Smith, reported it without amendment, and submitted a report thereon.

Mr. JONES of Arkansas, from the Committee on Finance, to whom was referred the amendment submitted by Mr. CHANDLER on the 14th ultimo, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 10108) regulating fraternal beneficiary societies, orders, and associations in the District of Columbia, to report it with amendments. I ask that the bill take the place on the Calendar of the bill (S. 3589) regulating fraternal beneficiary societies, orders, and associations in the District of Columbia, and that the Senate bill be postponed indefinitely.

The PRESIDING OFFICER (Mr. PERKINS in the chair). In the absence of objection, it will be so ordered.

Mr. SHOUP, from the Committee on Public Lands, to whom was referred the bill (H. R. 9709) to better define and regulate the rights of aliens to hold and own real estate in the Territories, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on the Library, to whom was referred the bill (S. 2571) to purchase the portraits of Chief Justices Marshall, Taney, Chase, and Waite, reported it with amendments, and submitted a report thereon.

REPORT ON PRICES OF ARMOR.

Mr. HANSBROUGH, from the Committee on Printing, to whom was referred the resolution submitted by Mr. CHANDLER on the 13th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That there be printed for the use of the Committee on Naval Affairs 1,000 additional copies of the report on the prices of armor without the testimony, and 300 copies with the testimony.

BILLS INTRODUCED.

Mr. BLACKBURN introduced a bill (S. 3699) to pension the widow of Gen. William J. Landram; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT introduced a bill (S. 3700) to provide for aids to navigation; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CAFFERY introduced a bill (S. 3701) providing for a survey and examination of the Passes at the mouth of the Mississippi River, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. LINDSAY introduced a bill (S. 3702) granting an increase of pension to Anna E. Pennebaker; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WILSON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GALLINGER. I desire to offer a proposed amendment to the sundry civil appropriation bill. It relates to the officers of the Revenue-Cutter Service. I am undecided as to what committee it ought to be referred. I notice that in the other House they refer bills relating to the Revenue-Cutter Service to the Interstate Commerce Committee.

Mr. CULLOM. It ought to go to the Committee on Commerce, I think.

Mr. GALLINGER. I therefore submit the proposed amendment, and move that it be referred to the Committee on Commerce, and printed.

The motion was agreed to.

Mr. DAVIS submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FRYE submitted three amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BAKER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. LODGE submitted two amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. GEAR submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Pacific Railroads, and ordered to be printed.

Mr. QUAY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. HILL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Printing, and ordered to be printed.

Mr. TILLMAN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. STEWART submitted two amendments intended to be proposed by him to the fortifications appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. HAWLEY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. ELKINS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. VILAS submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. TURPIE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. PRITCHARD submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PERKINS submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

THE REVENUE-CUTTER SERVICE.

Mr. FRYE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate the following information:

First. All provisions of law touching the Revenue Cutter Service, including acts relating to the Revenue Marine.

Second. Copies of all recommendations made by the several Secretaries of the Treasury in their annual or special reports made to Congress from December 6, 1869, the commencement of the second session of the Forty-first Congress, down to the present time, relating to the Revenue Marine and Cutter Service.

Third. A statement showing the present condition of the Revenue Cutter Service, including vessels under construction and repair, and the force, including commissioned officers and enlisted men.

Resolved further, That the Secretary of the Treasury be, and he is hereby, requested to make such further recommendation as he may deem proper in respect to the necessity of immediate legislation to promote the efficiency of the Revenue-Cutter Service.

MISSISSIPPI RIVER IMPROVEMENT.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3614) to aid in the improvement of the navigable channel of the South Pass by closing the existing crevasse in Pass a Loutre in the Mississippi River.

Mr. FRYE. I move that the Senate disagree to the amendment, and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. CAFFERY, Mr. NELSON, and Mr. VEST were appointed.

COURTS IN ARKANSAS.

Mr. BERRY. I ask the Chair to lay before the Senate House bill 10278, just received from the House of Representatives.

The bill (H. R. 10278) to reorganize the judicial districts of Arkansas, and for other purposes, was read twice by its title.

Mr. BERRY. I wish to state that it is important that the bill should pass at once. I have seen all the members of the Judiciary Committee except, I think, the Senator from Nebraska [Mr. THURSTON]. It is a bill that is unanimously agreed to by the entire delegation. It was reported unanimously by the Judiciary Committee of the House, and under a suspension of the rules it passed the House yesterday. It is a measure of absolute necessity in regard to arranging our courts in Arkansas.

The VICE-PRESIDENT. The Senator from Arkansas asks unanimous consent for the present consideration of the bill which will be read for information.

The Secretary read the bill.

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). Is there objection to the present consideration of the bill?

Mr. CHANDLER. It is so unusual to pass bills of such length upon coming from the House, without reference to a committee, that unless some member of the Judiciary Committee of this body will vouch for the bill, I shall be compelled to object to it.

Mr. HILL. In the absence of the chairman of the committee, I will state that the bill has been presented to various members of the Judiciary Committee and examined by them, and that there is no possible objection to it.

Mr. PLATT. The Senator from Massachusetts, the chairman of the committee, asked me yesterday, in conjunction with the Senator from Wisconsin [Mr. VILAS], to examine this bill and see if there was any reason why it should not pass, or if there were reasons why it should pass. Of course, in a matter of the revision geographically of the jurisdiction of the courts, where there are two districts, we have to depend quite a good deal upon the Senators from the State. Both the Senators from Arkansas assured us that the bill is right, and for the convenience of the people of the State of Arkansas, and the bill appears to be right in form.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The bill (H. R. 9494) concerning certain homestead lands in Florida was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 9703) to provide for light-houses and other aids to navigation was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 10292) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The joint resolution (H. Res. 239) admitting free of duty needlework and similar articles imported by the New York Association of Sewing Schools for exhibition purposes was read twice by its title, and referred to the Committee on Finance.

PACIFIC RAILROADS.

Mr. THURSTON. Certain resolutions presented by my colleague, the Senator from Nebraska [Mr. ALLEN], are pending, upon which I had nearly completed my remarks. I ask that the resolutions lie over informally until to-morrow morning. I desire to conclude my remarks at the first available opportunity.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska?

Mr. SHERMAN. I hope that no arrangement will be made that will prevent the consideration of the treaty to-morrow. I trust that we may then reach final action upon it.

Mr. THURSTON. I will not stand in the way of the treaty.

The PRESIDING OFFICER. Does the Chair understand that the Senator from Ohio objects to the request of the Senator from Nebraska?

Mr. SHERMAN. I do not object, the Senator from Nebraska stating to me that he will not stand in the way of the treaty.

Mr. PLATT. I desire to state that notice was given yesterday by the Senator from Massachusetts [Mr. LODGE] that he would ask to have the immigration conference report considered immediately after the routine business to-morrow.

Mr. THURSTON. I shall not insist to-morrow morning or any other morning on getting in the way of anything that is more important. I only desire that the resolutions may not lose their place, and that upon the first available opportunity I shall have the right of way to conclude my remarks.

Mr. ALLEN. The resolution to which my colleague refers was introduced by me something like two weeks or more ago. It was discussed during the morning hour on three different days, I think, by my colleague; and while I do not intend to press it with undue haste, it occurs to me that the resolution ought to be disposed of before a great while. I will ask my colleague to fix a time when he can conclude his remarks and when the resolution may be submitted to a vote.

Mr. THURSTON. I should be glad to conclude my remarks the first morning when there is an opportunity. I shall not desire to occupy more than an hour of additional time under any circumstances.

Mr. ALLEN. I do not desire to press the matter at this time more than to say that I want to have the resolutions disposed of before Congress expires. I will be amply satisfied with any hour.

LOAN OF TENTS.

Mr. HAWLEY. There is on the table a joint resolution from the House concerning tents. It is the usual measure which has been passed for fifteen years, loaning tents to annual encampments of the Grand Army. I ask unanimous consent that it be taken up and put on its passage.

The PRESIDING OFFICER. The Chair lays before the Senate a joint resolution passed by the House of Representatives, and the Senator from Connecticut asks for the present consideration of the House joint resolution. It will be read for information.

The joint resolution (H. Res. 252) authorizing the Secretary of War to deliver to the mayor of Buffalo tents, in loan, for the convenience of the Grand Army of the Republic at its annual encampment, to be held this year at that city was read the first time by its title and the second time at length.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TIMBER CULTURE.

Mr. PETTIGREW. I move that the Committee on the Judiciary be discharged from the further consideration of the bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes," and that the same be immediately considered.

The PRESIDING OFFICER. Will the Senator from South Dakota furnish to the desk a copy of the bill indicated?

Mr. PETTIGREW. I have it here, but I suppose the clerks have it.

The PRESIDING OFFICER. The Chair is informed at the desk that the bill is not to be had at this time.

Mr. PETTIGREW. It is the bill that was recalled from the President.

Mr. PLATT. I think the bill is in the hands of the Judiciary Committee. Is it not?

Mr. PETTIGREW. It is in the hands of the Judicary Committee.

The PRESIDING OFFICER. The Chair is informed that the

bill is in the hands of the Judiciary Committee, and it is not at the desk of the clerks.

Mr. PLATT. I suppose a copy of the bill could be substituted for it.

Mr. PETTIGREW. I have a copy of the bill.

Mr. BATE. Let us hear the copy read, so as to know what it is.

Mr. PETTIGREW. I move that the Committee on the Judiciary be discharged from the further consideration of the bill.

The PRESIDING OFFICER. The Senator from South Dakota moves that the Committee on the Judiciary be discharged from the further consideration of the bill that he has indicated, and he asks for the immediate consideration of the bill. Is there objection? The Chair hears none, and the bill will be read.

The Secretary read the bill.

Mr. PETTIGREW. This bill was recalled from the President by a concurrent resolution of the House and Senate. I move to reconsider the vote by which the House amendments were agreed to.

The PRESIDING OFFICER. The Chair would say to the Senator from South Dakota that the bill itself is not before the Senate.

Mr. PETTIGREW. I will ask, then, to have the copy which is before the Senate substituted for the bill.

The PRESIDING OFFICER. The Chair would further state to the Senator from South Dakota that the bill has been sent for. It is in the possession of the Committee on the Judiciary. As the Senator moves to reconsider the vote had upon House amendments, which have not been printed, the Chair thinks that the bill itself should be before the Senate, so that the amendments may be read.

Mr. PETTIGREW. The amendments are printed in the bill which the clerks have.

The PRESIDING OFFICER. The Chair is informed that the amendments are printed in the copy of the bill. The Senator from South Dakota moves to reconsider the vote by which the House amendments were agreed to.

Mr. ALDRICH. I suppose the first thing in order would be to reconsider the vote by which the bill was passed to a third reading.

Mr. PETTIGREW. I simply wish to disagree to the House amendments.

The PRESIDING OFFICER. The Chair would state that the original bill is now before the Senate. The Senator from South Dakota moves to reconsider the vote by which the Senate agreed to the House amendments to the bill indicated, which amendments the Secretary will now read.

The Secretary read as follows:

Page 2, line 19, after the word "apply" insert the word "only."
Page 2, line 21, after the word "in" insert the words "North Dakota."
Page 2, line 21, after the words "South Dakota" insert "and Nebraska."

The PRESIDING OFFICER. The Senator from South Dakota moves to reconsider the vote by which the Senate agreed to the amendments of the House.

The motion to reconsider was agreed to.

Mr. PETTIGREW. I now move that the Senate disagree to the amendments of the House and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. PETTIGREW, Mr. BERRY, and Mr. CARTER were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 719) to restore the pension of Harriet M. Knowlton.

The message also announced that the House had agreed to the concurrent resolution of the Senate to print 2,000 additional copies of an extract from the Seventeenth Annual Report of the United States Geological Survey, entitled "Preliminary report on artesian waters of a portion of the Dakotas."

The message further announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 1104) granting a pension to Isaac N. Williams;

A bill (H. R. 1311) granting an increase of pension to Charles W. Sentman;

A bill (H. R. 5764) granting an increase of pension to Elizabeth D. Marthon;

A bill (H. R. 5981) granting a pension to Elihu Jones;

A bill (H. R. 6789) granting a pension and for the relief of Dr. Harrison Wagoner;

A bill (H. R. 5880) granting an increase of pension to Greenville Puckett;

A bill (H. R. 8388) for the relief of William G. Buck; and

A bill (H. R. 8898) to increase the pension of Elizabeth Wellons.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 1862) to amend the act creating the circuit court of appeals in regard to fees and costs, and for other purposes;

A bill (S. 3666) to remove doubts as to the power of the supreme court of the District of Columbia to provide for a vacancy in the office of attorney of the United States for the District of Columbia;

A bill (H. R. 9123) to prevent forest fires on the public domain; and

A bill (H. R. 10134) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1898.

SYSTEM OF BIMETALLISM.

Mr. CHANDLER. I ask the Senate to proceed to the consideration of the resolution submitted by me on the 2d instant, which is now on the table, and I ask that it may be read.

Mr. ALLEN. I hope the Senator from New Hampshire will yield to the regular order for a few moments at least.

Mr. CHANDLER. I have been yielding now for half an hour. If the Senator will state what he desires to do and that it will take no time to do it, I will yield again.

Mr. ALLEN. Mr. President, I am in order and the Senator from New Hampshire is out of order. There is unfinished morning business on the Secretary's desk which ought to be laid before the Senate.

Mr. CHANDLER. I understood the Chair had announced that morning business had closed. If so, I am strictly in order.

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). The Chair has not announced the close of morning business. The Senator from New Hampshire asks to have read for information, subject to objection, the resolution which he has indicated.

Mr. ALLEN. However, Mr. President, if not inconvenient——

Mr. CULLOM. The Senator from New Hampshire has given notice two or three times that he desired to submit some remarks this morning.

Mr. ALLEN. I had anticipated the Senator from Illinois. I was simply going to suggest that if it was inconvenient to the Senator from New Hampshire to have the resolution submitted by me considered now, I would gladly consent to have it go over without prejudice until to-morrow morning.

Mr. CHANDLER. The Senator from Nebraska called the subject to my attention before asking that the resolution be taken up, and I was prepared to go on, if he had no objection.

Mr. ALLEN. Very well; let the resolution submitted by me go over without prejudice.

The PRESIDING OFFICER. That order will be made, in the absence of objection.

The resolution indicated by the Senator from New Hampshire will be read for information, subject to objection.

The Secretary read the resolution submitted by Mr. CHANDLER on the 2d instant, as follows:

Resolved, That it is the sense of the Senate that the United States should not permanently acquiesce in the single gold standard, and that the efforts of the Government in all its branches should be steadily directed to secure and maintain the use of silver as well as gold as standard money, with the free coinage of both, under a system of bimetallism to be established through international agreement or with such safeguards of legislation as will ensure the parity in value of the two metals at a fixed ratio, furnish a sufficient volume of metallic money, and give immunity to the world of trade from violent fluctuations in exchange.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution? The Chair hears none, and the resolution is before the Senate.

Mr. CHANDLER. Mr. President, this resolution I earnestly favor because I am an advocate of bimetallism and an opponent of monometallism, either a single standard of silver or a single standard of gold. It is the common habit of gold monometallists to say that there is no such thing as bimetallism, that it is impossible to conceive of two money measures of value, any more than of two yardsticks of different lengths.

Honest doubters of this kind should realize that few important subjects in this world are absolutely simple and comprehensible without inquiry and study. The most valuable things of life are complex and to be understood only through careful research and persistent reflection. Persons unwilling thus to labor and to think are unfit to deal usefully or satisfactorily with the complicated subject of monetary science, which is of the highest possible importance to the material welfare of the human race. Prof. Francis Bowen says:

As a measure of value, then, money is an indispensable agent of commerce, and without it civilization itself would be impossible. (Am. Pol. Econ., 239.)

Chief Justice Chase says in the Legal-Tender Cases (12 Wallace, 583) that the necessity of a standard of value established by government "is indeed universally acknowledged. Without it the transactions of society would become impossible."

WHAT IS BIMETALLISM?

To avoid confusing tender minds, however, bimetallism should not be called the use of the double standard, but should be designated as the system of the bimetallic standard, the use as money of all the gold and silver which may be presented at the mints, to be coined at a fixed ratio and made a legal tender, with the privilege to every debtor to pay his debt in coin of either metal.

It is claimed by the bimetallists that under this system, if adopted by the principal commercial nations of the world, there will be few fluctuations in the value of money, and therefore that neither the prices of property nor the burden of debts will be materially affected by such fluctuations, while it is also asserted by the bimetallists that the contrary system—that of gold monometallism—will, if finally adhered to, furnish an insufficient supply of money, always liable to many and sudden fluctuations, injuriously affecting prices and debts, and will, during the process of its adoption, so lower prices and increase the burden of debts as to paralyze trade and unjustly ruin innumerable debtors. The progress and the final result will be alike harmful and oppressive to mankind.

That gold monometallism is subject to this condemnation seems reasonably clear. Both gold and silver from the beginning of commerce among men have been used as the means of making all exchanges of commodities where trade has advanced beyond the mere barter practiced by savages; and their use as money has given to them their principal value, not their use in the arts or in any other way; and the peculiar and indispensable quality which makes them available as money is their scarcity, the continuing certainty that they will only be found in limited quantities. Professor Bowen says (page 248):

Money is a mere convenience, and in performing its function as a medium of exchange need not, and generally does not, possess any intrinsic value whatever.

THE QUANTITY OF MONEY DETERMINES VALUES.

Upon the quantity of money existing in the world depend the prices of the world's property, real and personal. There are other forms of money besides gold and silver, namely, paper currency, including checks and bills of exchange; but all money not metallic must at all times be redeemable on demand in the metal money, or it is admitted to be unsound money. If the relation between money and property remains unchanged, that is to say, if the total quantity of money in the world increases only slowly and in exact proportion to the growth of business and population, the prices of the world's property will remain unchanged except by natural causes—changes in the quantities demanded or changes in the supplies which can be provided. But if the quantity of money be largely diminished, all prices will go down; if it be largely increased, they will go up.

These propositions are almost axioms in monetary science.

That an increase of the quantity of money raises prices and a diminution lowers them is the most elementary proposition in the theory of currency, and without it we should have no key to any of the others. (2 Mill's Pol. Econ., chapter 8, section 4.)

Other things being the same, an increase of the money in circulation raises prices and diminution lowers them. (2 Mill's Pol. Econ., chapter 12, paragraph 1; Ibid, chapter 8, section 2.)

If the whole money in circulation was doubled, prices would be doubled. If it was only increased one-fourth, prices would rise one-fourth.

I apprehend that bank notes, bills, or checks as such do not act on prices at all. What does act on prices is credit in whatever shape given, and whether it gives rise to any transferable instruments capable of passing into circulation or not. (2 Mill's Pol. Econ., chapter 12, paragraph 1.)

But as all credit is based upon obligations to pay money, the quantity of money in existence with which to make final payments still has the controlling influence upon the general range of prices.

The quantitative theory of the relation of money to prices is admitted by all writers and students whose opinions are worthy of respect. In the late political canvass even those editors and orators who vehemently denied that the general fall in prices throughout the world during the last twenty years was owing to the appreciation of gold, caused by the demonetization of silver, one and all stoutly asserted that an unnatural and injurious rise in all prices would follow from the remonetization of silver; from an influx into circulation of cheap or debased money, as they termed it. But if an increase in the quantity of money by opening the mints to the silver bullion of the world would raise the prices of property, necessarily the diminution of the quantity of available money by excluding all the silver bullion of the world would reduce the prices of property.

This argument is confirmed by historical facts. For seventy, even for two hundred and twenty, years before 1873 there had been such a conjoined use of both gold and silver as money by the nations as to amount to practical bimetallism. Estimates differ as to the amount of coined gold and silver in existence in 1873, and doubtless no estimates are wholly reliable, but approximate merely. United States Treasury Circular 123, July 1, 1896:

Gold	$4,068,800,000
Silver	4,070,500,000

Let it be assumed that there was four thousand millions of dollars' worth of coined gold and four thousand millions of dollars' worth of coined silver. All sound paper money was redeemable in gold or silver coins, and gold and silver were the real money which finally paid debts and which there was no obligation to redeem in any other money. These amounts were subject to be increased by presentation at the mints of any gold and silver bullion in existence, whether from old stocks or newly mined from year to year.

HISTORY OF SILVER'S DEMONETIZATION.

In 1873 the demonetization of silver, which had been started by England in 1816, but with no perceptible effect upon the relative value of the two metals, was continued by Germany, enriched by the French war indemnity of one thousand millions of dollars; and in February of that year the United States omitted the silver dollars from coinage. France, in her enfeebled condition, and the Latin Union gradually gave way to the movement for demonetization. After its injurious effects had begun to be apparent, the United States endeavored to check it, and by our purchases and coinage of silver the movement was hindered; but at last, in 1893, our purchases were stopped, and, most fatal blow of all, England closed the India mints which had all this time remained open for silver coinage.

The effect of this progressive demonetization of silver, sometimes halted, sometimes accelerated, was soon seen in the downward tendency of the prices of property. But the effects were slow in developing themselves. It is the custom to say that we have virtually had gold monometallism since 1873, and therefore by this time have experienced all the evil effects thereof, if there have been any. There can be no greater mistake than to say this. Great economic changes are a long time in taking effect. Economic shocks distribute themselves slowly, and so has the shock of demonetization, especially by reason of the resistance made through the relief measures of the United States. Even when the worst seemed to be at hand, owing to the closing of the India mints, there was yet another blow to be struck. Although the mints of the world were closed to new silver bullion, the four thousand millions of the world's coined silver still remained money as surely as gold was money. It was reserved for Secretary Carlisle, on the 12th of September, 1896, to announce that our silver dollars were no longer real money, like gold money, but that they, like the paper dollars of the country, must be redeemed in gold money. By that act, so far as he could do so, Secretary Carlisle struck out of existence as real money not only our six hundred but also the world's four thousand millions of coined silver, transferred the whole burden of sustaining all the paper money of the world to the world's stock of coined gold, increased the appreciation of that gold, and gave his final blow at silver as a money metal, the effects of which are now making themselves felt throughout the business universe. From this low depth into which it has been thrown bimetallism will soon, at the demand of the grievously burdened masses of mankind, begin its toilsome movement to restoration.

THE FALL OF PRICES SINCE 1873.

The regularity and extent of the fall in the prices of property since 1873 have been demonstrated with reasonable certainty by those results of inquiries and painstaking research known as index numbers. The prices during the successive years have been ascertained of certain necessaries of life in appropriate quantities as they enter into ordinary consumption, and the aggregate prices for each year compared with the aggregate prices for each of the other years.

There have been constructed many tables of index numbers made by acute, careful, and painstaking students and writers on the subject of the changes in the prices of commodities whose calculations have varied in details, but have singularly corresponded in the general result.

The principal European series have been those of the London Economist, Dr. Soetbeer's, the Hamburg tables, and Mr. Sauerbeck's, prepared for the Royal Statistical Society. For the purposes of these remarks these last tables will be adopted.

The result of the Royal Statistical Society's numbers, prepared by Mr. Sauerbeck, is as follows:

Year.	Index number.	Year.	Index number.
1875	96	1886	69
1876	95	1887	68
1877	94	1888	70
1878	87	1889	72
1879	83	1890	72
1880	88	1891	72
1881	85	1892	68
1882	84	1893	68
1883	82	1894	63
1884	76	1895	62
1885	72		

If these figures are correct and prove a general fall in prices equal to that shown as to the special commodities included in the calculations, then the property of the world has diminished in money value one-third in the last twenty years, since demonetization began.

I have in my hand, taken from Mr. Wharton Barker's American, of Philadelphia, issued Saturday, January 23, 1897, a table of index numbers, which has been carefully prepared by Mr. Barker, and which I shall insert in my remarks. The tables include prices from January 1, 1891, to January 1, 1897. There are 100

articles—6 articles of breadstuffs, 4 of live stock, 24 of provisions, 4 of hides and leather, etc., and 7 miscellaneous articles. The summary is given of the whole 100 articles for the six years. The index number, which is an average, Senators will understand, of the whole 100 articles beginning with 100 on January 1, 1891, proceeds quarterly during the six years, sometimes rising and sometimes falling, until on January 1, 1897, it was 79.95; and therefore, according to these tables, as Mr. Barker states, within six years prices have in general fallen over 20 per cent.

The table referred to is as follows:

Summary of index numbers.

	Silver.	Breadstuffs, 6 articles.	Live stock, 4.	Provisions, 24 articles.	Hides and leather, 4 articles.	Raw and manufactured textiles, 11 articles.	Metals, 12 articles.	Coal and coke, 4 articles.	Mineral and vegetable oils, 7 articles.	Naval stores, 3 articles.	Building materials, 7 articles.	Chemicals, 11 articles.	Miscellaneous, 7 articles.	General index number, 100 articles.
1891.														
Jan. 1...	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Apr. 1...	94.25	118.31	116.98	105.34	100.52	98.57	92.84	98.05	99.34	110.60	97.37	98.70	100.38	101.96
July 1...	98.21	103.90	110.38	100.40	98.26	95.60	95.22	99.89	94.76	111.61	95.24	90.69	100.56	98.23
Oct. 1...	93.42	97.94	112.49	98.09	96.62	96.25	90.10	102.10	87.18	104.41	87.88	89.35	89.03	94.71
1892.														
Jan. 1...	91.02	97.17	104.35	95.08	94.13	96.15	89.01	98.19	83.82	94.19	90.86	88.31	93.93	93.12
Apr. 1...	83.83	89.45	110.13	97.96	91.60	96.20	84.02	99.77	83.17	104.42	92.81	85.64	91.31	92.87
July 1...	84.51	92.58	113.53	97.56	95.28	97.50	81.99	100.02	81.42	88.57	89.53	87.03	99.53	92.85
Oct. 1...	79.76	82.77	104.88	104.24	94.32	95.89	81.93	103.46	84.38	84.17	90.02	88.04	95.82	93.60
1893.														
Jan. 1...	79.52	80.59	119.68	113.45	93.47	105.41	80.24	103.94	92.10	81.24	90.57	90.05	104.70	98.42
Apr. 1...	80	79.99	125.28	115.84	95.28	102.92	81.26	97.72	98.23	81.99	87.91	92.74	109.29	99.75
July 1...	69.94	73.62	110.01	109.32	92.76	90.62	77.09	94.43	90.81	79.63	85.34	89.69	100.69	93.39
Oct. 1...	71.62	74.82	108.34	107.34	90.44	84.41	74.16	92.41	90.19	77.11	83.71	89.52	100.42	91.43
1894.														
Jan. 1...	65.87	68.46	101.33	97.45	89.28	86.89	67.93	89.77	90.89	75.87	86.33	88.18	97.03	87.59
Apr. 1...	58.21	70.38	97.78	92.97	89.90	79.49	66.11	85.98	92.09	77.34	80.05	89.25	90.76	84.70
July 1...	60.59	74.32	92.42	93.70	83.57	78.31	66.13	83.11	92.86	89.39	78.71	85.96	91.45	84.40
Oct. 1...	60.84	69.08	101.57	97.68	86.38	74.32	64.25	79.82	90.46	81.64	75.12	79.89	82.89	82.81
1895.														
Jan. 1...	57.51	70.58	84.88	91.79	90.19	69.18	59.99	78.33	91.23	76.32	81.84	77.76	79.62	79.74
Apr. 1...	64.67	72.45	104.41	97.31	96.48	69.68	60.26	79.34	100.26	85.65	79.05	76.77	74.51	82.59
July 1...	63.95	75.83	100.54	93.59	131.99	74.53	69.10	81.53	108.18	87.85	80.68	76.38	81.87	86.05
Oct. 1...	64.31	62.53	79.54	86.56	132.36	81.48	75.82	89.36	102.85	88.10	82.40	77.95	86.68	84.88
1896.														
Jan. 1...	63.95	59.59	73.83	85.93	107.07	79.96	67.42	96.97	108.22	81.19	87.40	96.27	91.14	85.29
Apr. 1...	65.39	63.73	68.47	83.60	97.74	73.08	67.25	90.85	99.01	82.66	88.22	82.86	90.15	81.29
July 1...	66.23	55.70	73.29	78.64	101.28	72.34	67.11	93.73	*91.67	94.28	85.67	81.70	82.11	†78.81
Oct. 1...	63.50	59.94	69.23	79.16	95.12	77.88	64.83	90.95	*89.66	91.42	82.38	79.21	82.92	†78.34
1897.														
Jan. 1...	62.16	68.46	77.32	82.63	108.92	75.41	62.69	89.59	*85.07	90.99	86.76	77.64	84.43	†79.95

*Six articles.

†Ninety-nine articles.

It is to be borne in mind that the final estimate made January 1, 1897, includes a rise in three kinds of articles. There is a rise in breadstuffs owing to the rise in wheat; there is a rise in live stock over October 1, 1896, and there is a very heavy rise in the four articles included under the head of hides and leather, that rise having a special cause. There is a rise in building material and a rise also in chemicals, notwithstanding which these carefully prepared tables of Mr. Barker show, as he states, that prices in general have fallen off over 20 per cent during the last six years.

A still more striking table is that to be found in the circular of the Department of Agriculture issued December 4, 1896, which seems to have been issued by Secretary Morton, although his chief of the Division of Statistics, Mr. Henry A. Robinson, had not given him facts which complied with the last request of the Secretary contained in his letter of instructions of November 23, 1896.

And the reply—

The Secretary says to his subordinate—

taken as a whole, ought to show whether the mint value of a money metal can be made by statute greater than the bullion value thereof.

The Statistician fails to show that, but he does show the great fall in farm products since 1866. He has taken, as found in the table on page 10, six articles—corn, hay, wheat, cotton, oats, and potatoes—and I insert that table in my remarks.

The total product and total value of the country's six leading staples for the average of eight years ending with 1895 are approximately as follows:

Article.	Product.	Value.
Corn.....bushels..	1,783,000,000	$650,000,000
Hay.....tons..	51,200,000	451,000,000
Wheat.....bushels..	470,000,000	322,000,000
Cotton.....pounds..	3,750,000,000	276,000,000
Oats.....bushels..	688,000,000	200,000,000
Potatoes.....do....	197,000,000	90,000,000

He thereupon ascertains the average proportionate production of these other articles for every 100 bushels of corn raised, and reaches the conclusion that the average is 3 tons of hay and 27 bushels of wheat, and then makes a table showing the gold value of farm products and silver, of 100 bushels of corn, 3 tons of hay, and 27 bushels of wheat, and the sum of the three and 37.125 grains of silver and 100 bushels of wheat. This is the result: The 100 bushels of corn, which in 1866 would have produced $49, produced in 1896 $21; the 3 tons of hay, which in 1866 produced $31, produced in 1896 $20; and the 27 bushels of wheat, which in 1866 realized $42, in 1896 realized $20; and the sum of the three, which produced in 1866 $122, in 1896 realized only $61. The quantity of silver which in 1866 was worth $104, in 1896 was worth $52; the price of the 100 bushels of wheat, which in 1866 was $156, in 1896 was $73; and it is to be noted that this last figure takes account of the rise of wheat in 1896, because the figures given for 1895 show that 100 bushels of wheat could then be bought for $51, and in 1896 it was worth $73.

Mr. President, this is a most valuable and important table, and it is of greater value because it comes from the enemy; it comes from the other side. It is a table prepared for a Secretary of Agriculture, all of whose desires and all of whose interests tended to make him wish for a different result, and yet here is the unmistakable evidence of the tremendous fall in farm products since 1866 and since 1873.

Gold values of farm products and silver.

Years.	Gold value of—					
	100 bushels of corn.	3 tons of hay.	27 bushels of wheat.	Sum of three.	37,125 grains of silver.	100 bushels of wheat.
1866	$49	$31	$42	$122	$104	$156
1867	58	31	38	127	103	144
1868	45	29	27	101	103	102
1869	57	29	19	105	102	71
1870	48	30	24	108	103	91
1871	43	43	30	116	103	113
1872	35	39	30	104	102	110
1873	42	33	27	102	100	102
1874	58	36	23	117	99	85
1875	36	32	24	92	96	88
1876	33	20	25	84	89	93

Gold values of farm products and silver—Continued.

Years.	Gold value of—					
	100 bushels of corn.	3 tons of hay.	27 bushels of wheat.	Sum of three.	37,125 grains of silver.	100 bushels of wheat.
1877	$34	$25	$28	$87	$93	$103
1878	32	21	21	74	89	77
1879	37	28	30	95	87	111
1880	39	35	26	100	89	95
1881	64	35	32	131	88	119
1882	49	29	24	102	88	88
1883	42	25	25	92	86	91
1884	36	25	17	78	86	65
1885	33	26	21	80	82	77
1886	37	25	19	81	77	69
1887	44	30	19	93	76	68
1888	34	26	25	85	73	93
1889	28	24	19	71	72	70
1890	51	23	22	96	81	84
1891	41	25	23	89	76	84
1892	39	26	17	82	67	62
1893	36	26	15	77	60	54
1894	46	26	13	85	49	49
1895	25	25	14	64	51	51
1896	21	20	20	61	52	73

There is an equally striking table of the fall of American cereal crops to be found in Mr. Wharton Barker's American of February 6, 1897, to which I shall allude later; but the whole result of the European index numbers and of the American index numbers, made with fidelity and with care, is to show, what is now undisputed throughout the civilized world, that within the last twenty years there has been a steadily progressing fall in the prices of all kinds of property.

Mr. President, it is true that about no point in dispute connected with the complex subject of money has controversy raged more fiercely than about this question whether the admitted depreciation of prices since 1873 has been caused by the demonetization of silver. I accept the conclusion of Prof. L. L. Price, of Oriel College, Oxford, contained in his book on Money and Its Relation to Prices, published in 1896, as follows:

> The fall in prices during that period is attested by various index numbers. The general agreement of the results, in spite of differences of detail in the construction of the numbers and of the precise degree of fall, is remarkable, and is adequate to establish the fact of a noteworthy change. (Page 171.)
>
> In the light of these converging lines of evidence, it seems impossible to doubt the existence of a causal connection between the recent fall of prices and the monetary changes of the last twenty years. (Page 199.)

Even the gold monometallist, Mr. Giffen (in his Essays in Finance, second series, page 22, Trade Depression and Low Prices), says:

> Two causes only have been suggested. One is the great multiplication of commodities and diminution of the cost of production, due to the progress of invention, etc. The other is that the precious metal used for standard money, namely, gold, has become relatively scarcer than it was, its production being diminished, on the one hand, and the demand for it, on the other, increased. I am disposed to give greater weight to the latter. (From Bimetallism; a Tract for the Times, by Francis A. Walker, page 9.)

GEN. FRANCIS A. WALKER.

Confirmation of these opinions is given by that careful and instructive writer on political economy, Gen. Francis A. Walker. At the first mention of his name I must turn aside to speak a few words in his deserved praise. He was a Union soldier of zeal, bravery, and renown; a scholar learned and profound, as well as brilliant; a political economist of the highest rank, and a writer on economic questions known favorably to the world of letters; a patriotic citizen, and a courteous gentleman. He had given his whole soul to the new movement for bimetallism, and on the 5th day of January, 1897, he passed away suddenly, almost in the hour of newly engaging in its service. The bimetallists of Europe and America pay loving tribute to his memory.

General Walker, in his recent work on International Bimetallism, says (page 256) that—

> Ever since 1873 there has been an almost continuous fall of prices in terms of gold.

And he proceeds in this book and in the Yale Review for December, 1896, to refute the assertions of Mr. David A. Wells that the saving in the cost of production accounts for the fall of prices.

This claim of Mr. Wells is the principal explanation made by the gold monometallists of the fall in prices in recent years—namely, that it is due to increased facilities of production. That these account for some portion of the fall is not denied by bimetallists. The moot question is whether the total fall is thus accounted for. General Walker says that increased facilities raise the profits of the producers, but do not lower prices until they reach the method of production of that very last portion of the supply which can be profitably produced and which, "as every well-trained economist knows, determines the price of commodities." The point may be difficult to understand, but here it is, as carefully stated by General Walker in the December Yale Review:

> All the movements and inventions in the world, no matter how great, will not reduce the price of any line of commodities merely by being applied, no matter how extensively, to production by the more favored producers. If a steam thrashing machine would thrash, sack, and tie a thousand bushels a second, however much it might enhance the profits of the men who employ steam thrashers on their farms, there would not be the slightest influence exerted upon the price of wheat until the machines began to reduce the cost of production on the poorest or most distant lands contributing to the supply of the market.

In addition to this argument of General Walker, other points are worthy of notice. There was a great saving in the cost of production due to railroads, steamers, harvesters, and the like causes before 1850, so that, according to Mr. Wells's argument, prices ought then to have fallen, yet it is well established that there was a general rise in prices.

Again, there have been no increased facilities in the production of real estate. Although it is the subject of cultivation, it is not a subject of production. Yet it is matter of the commonest observation that in the recent years during which the fall in the prices of commodities has been attributed to the demonetization of silver there has been a general fall in the prices of real estate corresponding to the fall in commodities. In special localities there has been a rise in prices, but the general rule is the other way.

THE LOWEST FALL IN PRICES NOT YET REACHED.

It would require a tedious citation of proofs and many arguments, as well as answers to objections, to demonstrate in detail that the fall in prices has been caused in great part by the rejection of silver as a money metal. Every person called upon to act on this question must satisfy himself and follow his own conclusions. My inquiries have been carefully and conscientiously made, and they lead me to opinions which are exceedingly disturbing to my hopes that business prosperity is near at hand. I do not believe that we have as yet realized the full fall in prices which demonetization is producing. Reverting to a statement previously made, that economic shocks are slow in making themselves felt, I am helped to reach this opinion that prices have not as yet touched bottom.

One of the most felicitous and characteristic parts of General Walker's argument in his book on bimetallism is where he answers those writers who speak of the readjustment of social forces to meet changed conditions as if it were always a speedy movement.

In one part of his work he says that the point against such writers was brought out admirably by Prof. Cliffe Leslie and Professor Cairnes, in their essays dealing with this theme, namely:

> The delay necessarily involved in the propagation of economic forces or economic shocks, from one object to another, from one class in the community to another, from one country to another, even from one city or town to another. It is thoroughly characteristic of the economists of the a priori school to assume that such propagation is instantaneous. If these writers ever admit the fact of "a period of readjustment," it is much as if it were a matter of changing tickets and baggage at a railway junction. Prices will readjust themselves to the new supply of money, be the same greater or smaller. Wages will readjust themselves to the new prices, be the same higher or lower. Industries will readjust themselves to the new prices and the new wages with ease and celerity and without loss. Taxes will diffuse themselves with infallible equity, whatever the original subject of imposition. Readjustment is the shibboleth of this school. (Walker on Bimetallism, pages 48, 49, and 50).

General Walker proceeds further to deal with this shibboleth as follows:

> No man would now presume to talk in this way before an intelligent audience. It has come to be understood that social and industrial organizations and structures are matters of immense importance; that society and industry can not be reasoned upon as homogeneous and as in a state of continual flux. It is acknowledged that the process of readjustment is not easy, and that its period is not short; that economic shocks are propagated along the lines of least resistance; that burdens and taxes tend to rest upon those individuals and classes who are least able to throw them off upon others, and who are therefore least able to bear these themselves; that economic injuries once inflicted tend to deepen and to become permanent.
>
> It must be admitted, if ever the old-fashioned style of reasoning was applicable to any subject-matter in economics, it was applicable to the influence of alterations in the money supply upon prices. Economists, even the most reasonable, have been disposed to speak of this matter as if the effects were instantaneous, or were produced with scarcely sensible intervals. That the economic movement is more rapid in this field than in any other is due partly to the nature of money and partly to the fact that the trading classes, who are the chief agents in the work, are a selected body, active, alert, and well informed. Yet Professors Cairnes and Cliffe Leslie have shown that, in fact, both after the silver discoveries of America and after the gold discoveries of California and Australia, the distribution of the new money proceeded by distinct steps, with appreciable intervals, extending in the former case to considerable periods, periods measured not by years, but by decades.

General Walker returns to this point in a later portion of his book, where he is treating of the effect of the demonetization of silver upon the industry and trade of oriental nations, and says:

> I have more than once commented upon the rapidity and completeness with which writers of the a priori school in economics are accustomed to assume that readjustment will take place after important changes, whether in the standard of value or in the conditions of production or exchange. I have referred to the writings of Professors Cairnes and Cliffe Leslie to show that after the discovery of America the effects of the new silver extended from land to land, only with long intervals; and in the result were irregularly experienced by different nations, by different classes of economic agents, and even by different commodities. Even after the gold discoveries at the middle of this century, when it might be supposed improvements in trade, in transportation, and in the communication of intelligence would have secured an almost instantaneous propagation of economic forces, Professor Cairnes has

abundantly shown in his Essays on the Gold Question that the influence of the new money proceeded from commodity to commodity, from class to class, and from country to country, with still very considerable intervals; and that this retardation of the forces thus operating produced large, important, and permanent economic effects.

That I may not be suspected of exaggeration, I quote the words of this most authoritative writer:

"Before this result is attained, a period of time, longer or shorter, according to the amount of the augmentation and the general circumstances of commerce, must elapse. In the present instance, the additions which are being made to the monetary systems of the world are upon an enormous scale, and the disturbances effected in the relation of prices is proportionally great. Under such circumstances it is very possible that the inequalities resulting may not find their corrections throughout the whole period of progressive depreciation, a period which, even with our present facilities of production and distribution, may easily extend over some thirty or forty years. During this transitional term the action of the new gold on prices will not be uniform, but partial. Certain classes of commodities and services will be affected much more powerfully than others. Prices generally will rise, but with unequal steps."

In the light of such facts, the monometallists were clearly not justified in assuming that the readjustment of international values, made necessary by the demonetization of silver in Europe, would be early or easily effected. But their error becomes altogether inexcusable when we consider how well it was understood that changes of any nature are brought about with exceptional difficulty and delay among the people of the East. The force of custom, tradition, and caste there rises to its maximum. So great is the inertia of the Eastern peoples under economic shocks, even the most tremendous, that at times it seems as if those shocks were not felt at all. (Walker on Bimetallism. 243, 244, 245.)

Accepting fully these views of General Walker, and applying them to the progress of demonetization since 1873, and considering the efforts made by the United States to resist that progress, and the fact that the India mints were not closed until 1893, and that Secretary Carlisle did not strike his last deadly blow at silver until September, 1896, I am led to the conclusion that by far the greater share of the effect upon the prices of property produced by the successive steps of demonetization has been realized since the year 1890, when the last census of the United States was taken.

EFFECT OF FALL IN PRICES IN THE UNITED STATES.

Prior to that year, notwithstanding the effects of demonetization of silver had begun to be felt, the nominal growth of wealth in this country had been rapid. Many railroads had been built, much new land opened to settlement, and increased cultivation and abundant foreign immigration had helped to swell our population. By the census of 1890 it appears that the property, real and personal, in the United States was $65,037,091,197, classified as follows:

Real estate with improvements thereon	$39,544,544,333
Live stock on farms, farm implements, and machinery	2,703,015,040
Mines and quarries, including product on hand	1,291,291,579
Gold and silver coin and bullion	1,158,774,948
Machinery of mills and product on hand, raw and manufactured	3,058,593,441
Railroads and equipments, including $389,357,289 for street railroads	8,685,407,323
Telegraphs, telephones, shipping, canals, and equipments	701,755,712
Miscellaneous	7,893,708,821

The indebtedness of individuals and corporations in the United States in 1890, not reckoning $2,027,170,546 of national, State, and local debts, was sixteen thousand millions of dollars, as appears by the estimate of Mr. George K. Holmes, the head of the Bureau of Mortgages, in the Department of Labor Bulletin for November, 1895 (page 48). According to the best of my information and belief, as already stated, the value of the sixty-five thousand millions of property in the United States in 1890 has shrunk 25 per cent since that date, and therefore the same property would not be valued to-day at more than forty-nine thousand millions.

It is to be borne in mind that this amount of sixty-five thousand millions was placed at those figures by the census authorities, acting according to their own judgment, by making additions of $39,563,917,779 to the sum of only $25,473,173,418, which was the value of the same property according to the valuations of the State and other local taxation officers.

Here, then, we have this startling condition of our country: Our sixty-five thousand millions have shrunk sixteen thousand millions, or to forty-nine thousand millions. Our debts of sixteen thousand millions have not shrunk, but remain due, according to the letter of the bonds, and are an inexorable charge upon our property to that full amount, leaving us, deducting our debts, values to the amount of only thirty-three thousand millions. Can this continuous shrinkage of our property and the unyielding burden of our debts be endured without widespread bankruptcies?

Can all this indebtedness be liquidated, or that portion of it which falls due in the near future, with such a fall in values? I am compelled to believe that if the present tendency of prices downward continues the debtors of the world will be unable to meet their engagements, and insolvencies will continue to increase from year to year until almost a revolution will take place in the ownership of the property of the country, which will pass from the control of debtors into the hands of creditors.

It is best to look the actual situation squarely in the face. In 1893, from various causes, about which there is controversy, came the worst business year this country had ever seen. The commercial failures were, in liabilities, $346,779,889. The banking failures were, in liabilities, $210,998,808. The railroad failures were, with indebtedness, $1,212,217,033.

In 1894 there was a recovery, as follows: Commercial failures, liabilities, $172,992,856. In 1895 the commercial failures were $173,196,060. But in 1896 again an increase of failures confronts us as follows, $226,096,834.

These figures are taken from Messrs. R. G. Dun & Co.'s Review, of January 30, 1897, and the editor adds:

Wheat has declined severely, cotton has scarcely risen enough to pay brokerage, wool holds steady in spite of enormous buying, woolen goods hardly change in price, iron and its products decline, leather is sluggish, hides are lower, * * * the average of railroad stocks is slightly lower than it was December 31, and the advance in trust stocks has been small. To traders in such properties the month has been disappointing. January—

Say Messrs. Dun & Co.—

has been a month of disappointment—

And then grotesquely add—

but of real gain.

Where the real gain comes in they do not say, perhaps from complacently contemplating the fortunate balance of trade in favor of the United States against Europe, as shown by the statistics for 1896. Those statistics are stated in Mr. Barker's American of January 23, 1897, under an article headed "The nation's balance sheet," and I will quote the figures, which are taken by Mr. Barker, and have been verified by me, from the Treasury Department's returns.

In 1896 we exported goods to the reported value of $325,322,184 in excess of imports, and on top of this we exported $33,777,884 of silver in excess of imports. Thus by the export of our products we placed to our credit abroad the enormous sum of $359,100,068. This much more we sold than we bought, and yet gold was sent to us in payment to the amount of only $47,777,097. A balance of $311,322,971 was therefore left.

Now, what has become, Mr. Barker pertinently asks, of the $311,000,000? It has gone to pay to Europe what we would otherwise have been obliged to pay her in gold or to borrow from her in new loans. Mr. Barker makes an estimate of what has become of the $311,000,000 balance. He states the account against the United States as follows:

Interest, at 4 per cent, on our foreign indebtedness of $5,000,000,000		$200,000,000
Expenditures of Americans traveling and living abroad		75,000,000
Freights paid foreign shipowners on account of the carriage of, say, $575,000,000 worth of our imports, allowing a charge for transportation equal to 8 per cent of the value of the produce imported	$46,000,000	
Less freights paid by foreigners to American shipowners for the carriage of, say, $80,000,000 worth of our exports, allowing a freight charge equal to 12 per cent of the value of produce exported	9,600,000	
		36,400,000
Total account against the United States		311,400,000

That is where the balance of trade has gone. I see no escape from the conclusion that if unfortunately we had not had this balance of $311,000,000 in our favor, we would have been obliged to find in some way $311,000,000 to send abroad in gold, or we would have been obliged to borrow that money in Europe. In other words, if it had not been for this fortunate balance of trade in our favor, there would have been a business cataclysm in this country which would have prostrated all industries and produced infinite misery in our commercial and domestic affairs.

There is a most discouraging exhibit made by Mr. Barker in The American of February 6, 1897, where he gives for 1875, 1885, 1895, and also 1896, the estimated acreage and value of the cereal crops of the United States. I will insert the two tables in my remarks.

Estimated acreage and value of the cereal crops of the United States.

1875.

Crop.	Area.	Value.
	Acres.	
Corn	44,841,371	$555,445,930
Wheat	26,381,512	294,580,990
Rye	1,359,788	13,631,900
Oats	11,915,075	129,499,930
Barley	1,789,902	29,952,082
Buckwheat	575,530	7,166,267
Total	86,863,178	1,030,277,099

Estimated acreage and value of the cereal crops, etc.—Continued.

1885.

Crop.	Area.	Value.
	Acres.	
Corn	73,130,150	$635,674,630
Wheat	34,189,246	275,320,390
Rye	2,129,301	12,594,820
Oats	22,783,630	179,631,860
Barley	2,729,359	32,867,096
Buckwheat	914,394	7,057,363
Total	135,876,080	1,143,146,759

1895.

Corn	82,075,830	$567,509,106
Wheat	34,047,332	237,938,998
Rye	1,890,345	11,964,826
Oats	27,878,406	163,655,068
Barley	3,299,973	29,312,413
Buckwheat	763,277	6,936,525
Total	149,955,163	1,017,316,936

Cereal crops of 1896 and estimation of what their value would have been at 1895, 1885, and 1875 prices.

Crop.	Area, 1896.	Value, 1896.	What the value would have been at prices realized in—		
			1895.	1885.	1875.
	Acres.				
Corn	81,627,000	$491,007,000	$564,042,570	$709,338,630	$1,011,958,530
Wheat	34,619,000	310,603,000	241,986,810	278,682,950	386,594,280
Rye	1,831,000	9,961,000	11,592,230	10,839,520	19,902,970
Oats	27,566,000	132,455,000	161,812,420	217,220,080	299,642,420
Barley	2,951,000	22,491,000	26,204,880	35,530,040	49,370,230
Buckwheat	755,000	5,522,000	6,802,950	5,983,000	9,648,850
Total	149,349,000	972,069,000	1,012,501,860	1,257,594,220	1,777,117,230

So there has been a loss to the farmers of this country of $777,000,000 by the fall in the price of crops since 1875. And notwithstanding that, if it had not been for the sums realized by these cereal products in 1896, the balance of trade in favor of the United States as against Europe would not have existed; the amount which we owed could not have been paid by our own products, and this country would have been subjected either to the pressure of exporting gold or to the necessity of making several hundred million dollars of new loans abroad.

Mr. President, the country has been saved from these evil effects of the fall in prices, caused, as I believe, by the demonetization of silver only, because, fortunately for us, unfortunately for them, gaunt famine stalks through India, and the starvation of the people of other lands is causing a rise in the value of the cereal crops of America. We are only saved from great misery by the overwhelming misery which has come to the people of the Orient.

It is possible that I have made an erroneous collocation of facts and conclusions, and that optimistic reviewers may find hope in the face of the facts as they may be able to present them, and that they may believe and demonstrate that we are upon the eve of revived agricultural, commercial, and financial prosperity upon the platform laid down by the recent monetary convention at Indianapolis, that the gold standard must be maintained. If they can plausibly make such a prediction, I shall be greatly rejoiced. But as at present instructed, I am imperatively forced to the opposite conclusion. I fear that prices will not rise, that business will not revive, that debtors can not pay, and that bankruptcies will increase, and I believe that the present lamentable condition of the business of this country, and of nearly all countries, is owing, in large measure, to the fact that, as the Iddesleigh Commission of 1885 declared, there has been "a continuous fall of prices caused, in large measure, by the appreciation of the standard of value."

IS THERE A SYSTEM OF BIMETALLISM?

The confidently proposed remedy for the evils to mankind thus described and proved is the restoration of bimetallism. To the system from which we have departed we must return, and I trust that we are already on the road. But the objectors continue to say that there is no such thing as bimetallism, that it did not in fact exist before 1873, and that there is, in truth, no bimetallism to which we can return. This was the idea presented during the debate in the Chamber of Deputies of France, sitting on December 9, 1896, according to the Journal Officiel of Thursday, December 10, 1896 (page 2101).

Mr. Meline, president of the council and minister of agriculture, was replying to the observations made at the previous session by Mr. Joseph Jourdan. When he spoke of the reestablishment of a fixed ratio between gold and silver, he was interrupted as follows:

Mr. CHARLES GRUET. It is a myth.

The PRESIDENT OF THE COUNCIL. No; it is not a myth, for up to 1873 it was the law that ruled the world.

Mr. Meline's brief but forcible statement seems vindicated by the facts. In the report of the Director of the Mint for 1895, dated October 16, 1896, on page 329, is given "the commercial ratio of silver to gold each year since 1687."

I will insert the table.

Commercial ratio of silver to gold each year since 1687.

[Report of the Director of the Mint for 1895. Fifty-fourth Congress, second session, House Document No. 23, page 329.]

Year.	Ratio.	Year.	Ratio.	Year.	Ratio.	Year.	Ratio.	Year.	Ratio.
1687	14.94	1729	14.92	1771	14.66	1813	16.25	1855	15.38
1688	14.94	1730	14.81	1772	14.52	1814	15.04	1856	15.38
1689	15.02	1731	14.94	1773	14.62	1815	15.26	1857	15.27
1690	15.02	1732	15.09	1774	14.62	1816	15.28	1858	15.38
1691	14.98	1733	15.18	1775	14.72	1817	15.11	1859	15.19
1692	14.92	1734	15.39	1776	14.55	1818	15.36	1860	15.29
1693	14.83	1735	15.41	1777	14.54	1819	15.33	1861	15.50
1694	14.87	1736	15.18	1778	14.68	1820	15.02	1862	15.35
1695	15.02	1737	15.02	1779	14.80	1821	15.05	1863	15.37
1696	15.00	1738	14.91	1780	14.72	1822	15.80	1864	15.37
1697	15.20	1739	14.91	1781	14.78	1823	15.84	1865	15.44
1698	15.07	1740	14.94	1782	14.42	1824	15.82	1866	15.43
1699	14.94	1741	14.92	1783	14.48	1825	15.70	1867	15.57
1700	14.81	1742	14.85	1784	14.70	1826	15.76	1868	15.59
1701	15.07	1743	14.85	1785	14.92	1827	15.74	1869	15.60
1702	15.52	1744	14.87	1786	14.96	1828	15.78	1870	15.57
1703	15.17	1745	14.98	1787	14.92	1829	15.78	1871	15.57
1704	15.22	1746	15.13	1788	14.65	1830	15.82	1872	15.63
1705	15.11	1747	15.26	1789	14.75	1831	15.72	1873	15.92
1706	15.27	1748	15.11	1790	15.04	1832	15.73	1874	16.17
1707	15.44	1749	14.80	1791	15.05	1833	15.93	1875	16.58
1708	15.41	1750	14.55	1792	15.17	1834	15.73	1876	17.86
1709	15.31	1751	14.39	1793	15.00	1835	15.80	1877	17.22
1710	15.22	1752	14.54	1794	15.37	1836	15.72	1878	17.94
1711	15.29	1753	14.54	1795	15.55	1837	15.83	1879	18.40
1712	15.31	1754	14.48	1796	15.65	1838	15.85	1880	18.05
1713	15.24	1755	14.68	1797	15.41	1839	15.62	1881	18.16
1714	15.13	1756	14.94	1798	15.59	1840	15.62	1882	18.19
1715	15.11	1757	14.87	1799	15.74	1841	15.70	1883	18.64
1716	15.09	1758	14.85	1800	15.68	1842	15.87	1884	18.57
1717	15.13	1759	14.15	1801	15.46	1843	15.98	1885	19.41
1718	15.11	1760	14.14	1802	15.26	1844	15.85	1886	20.78
1719	15.09	1761	14.54	1803	15.41	1845	15.92	1887	21.13
1720	15.04	1762	15.27	1804	15.41	1846	15.90	1888	21.99
1721	15.05	1763	14.99	1805	15.79	1847	15.80	1889	22.10
1722	15.17	1764	14.70	1806	15.52	1848	15.85	1890	19.76
1723	15.20	1765	14.83	1807	15.43	1849	15.78	1891	20.92
1724	15.11	1766	14.80	1808	16.08	1850	15.70	1892	23.72
1725	15.11	1767	14.85	1809	15.96	1851	15.46	1893	26.49
1726	15.15	1768	14.80	1810	15.77	1852	15.59	1894	32.56
1727	15.24	1769	14.72	1811	15.53	1853	15.38	1895	31.60
1728	15.11	1770	14.62	1812	16.11	1854	15.33	1896	30.66

NOTE.—From 1687 to 1832 the ratios are taken from Dr. A. Soetbeer; from 1833 to 1878 from Pixley and Abell's tables; and from 1879 to 1895 from daily cablegrams from London.

In 1687 the ratio was 14.94 and in 1872 it was 15.63, and during this whole period of one hundred and eighty-six years the number, without fractions, of the ratio is either 14, 15, or 16. The number is 14 during fifty-nine years, 15 during one hundred and twenty-four years, and 16 during only three years. Starting from the year 1803, when France formally adopted a statutory ratio between silver and gold, down to 1874, the ratio, disregarding fractions, was 15 every year except 1808, when it was 16.08.

But when formal demonetization commenced in 1873, up began to rise the number of ounces of silver necessary to equal an ounce of gold. Beginning in 1873 with 15.92, in 1889 it had reached 22.10. In 1890, under the influence of our purchasing law, the ratio fell to 19.76. In 1891 the upward movement again began. In 1893, when the India mints closed, it went in one week from 24 to 30. In 1895 it was 31.60, and in 1896 it was 30.66.

It seems impossible that any candid inquirer should doubt that this remarkable uniformity in the ratio down to 1873, covering nearly two centuries, notwithstanding all the fluctuations in the product of the two metals, was occasioned by some cause acting independently of the quantities of the two metals produced. Those quantities varied greatly during this period, as appears by the following table:

Production of gold and silver in the world since the discovery of America.

Period.	Value of gold.	Coining value of silver.	Percentage of production, by value.	
			Gold.	Silver.
1493–1520	$107,931,000	$54,703,000	66	34
1521–1544	114,205,000	89,986,000	56	44
1545–1560	90,492,000	207,240,000	30	70
1561–1580	90,917,000	248,990,000	27	73
1581–1600	98,095,000	348,254,000	22	78
1601–1620	113,248,000	351,579,000	24	76
1621–1640	110,324,000	327,221,000	25	75
1641–1660	116,571,000	304,525,000	28	72
1661–1680	123,084,000	280,166,000	30	70
1681–1700	143,088,000	284,240,000	34	67
1701–1720	170,408,000	295,629,000	37	63
1721–1740	253,611,000	358,489,000	41	59
1741–1760	327,116,000	443,232,000	42	58

Production of gold and silver in the world, etc.—Continued.

Period.	Value of gold.	Coining value of silver	Percentage of production, by value.	
			Gold.	Silver.
1761–1780	$275,211,000	$542,658,000	34	66
1781–1800	236,464,000	730,810,000	24	76
1801–1810	118,152,000	371,677,000	24	76
1811–1820	76,063,000	224,786,000	25	75
1821–1830	94,479,000	191,444,000	33	67
1831–1840	134,841,000	247,930,000	35	65
1841–1850	363,928,000	324,400,000	53	47
1851–1855	662,568,000	184,169,000	78	22
1856–1860	670,415,000	188,662,000	78	22
1861–1865	614,944,000	228,861,000	73	27
1865–1870	648,071,000	278,313,000	70	30
1871–1875	577,833,000	409,322,000	59	41
1876–1880	572,931,000	509,256,000	53	47
1881–1885	495,582,000	594,773,000	46	54
1886	106,163,900	120,626,800	47	53
1887	105,774,900	124,281,000	46	54
1888	110,196,900	140,706,400	44	56
1889	123,489,200	153,427,700	44	56
1890	118,848,700	163,032,000	42	58
1891	130,650,000	177,352,300	42	58
1892	146,651,500	198,014,400	42	58
1893	157,494,800	213,944,400	42	58
1894	181,567,800	212,829,600	46	54
1895	200,285,700	218,738,700	48	52
1896	215,000,000	215,000,000	50	50
Total	8,996,738,400	10,560,688,700	46	54

[From 1493 to 1885 the above figures are from a table of averages for certain periods compiled by Dr. Adolph Soetbeer. For the years 1886 to 1896 the production is the annual estimate of the United States Bureau of the Mint. The table down to and including 1895 is contained in the report of the Director of the Mint for 1895, House Document No. 23, Fifty-fourth Congress, second sesssion, page 346; and the estimate for 1896 is made by the Director of the Mint.]

Here, Mr. President, are striking facts to be noticed. During the years from 1781 to 1830, about fifty years, the proportion of the production of gold and silver (coining value) was as follows: 24 to 76, 24 to 76, 25 to 75, 33 to 67. Come on down, however, to 1851, and from 1851 to 1870 the conditions were exactly reversed, and the percentage of the production of gold to silver was 78 of gold to 22 of silver, 78 to 22, 73 to 27, 70 to 30; and yet during all those periods practical bimetallism prevailed, as I shall show later, and this enormous disproportion in the relative production of gold and silver did not destroy the bimetallic law.

Mr. President, here is the total of the production of silver and gold in the world since the discovery of America brought down to and including 1896. The total production of gold (coining value) is $9,000,000,000, and of silver, $10,500,000,000, a difference practically imperceptible for the whole period since 1492; and the difference between the coining value of the silver and the coining value of the gold is more than made up, in my judgment, by the larger use of silver than gold in the arts.

I find the most remarkable fact of all, and that is, that in 1896 the world's production of gold was $215,000,000 and the world's production of silver was $215,000,000. It would seem as if good fortune, as if nature, as if perhaps God himself, had interposed here to refute the prediction of those who have demanded the demonetization of silver on the ground of its enormous overproduction, and had shown us in this year 1897, as the result of the production of gold and silver in the world in the year 1896, the exact equality of $215,000,000 worth of each of the precious metals. Yet we are told we can not have bimetallism because the one metal or the other, being produced disproportionately, will drive its associate out of existence. Here the equality of 15 to 1 in the coinage was maintained during the period when gold as to silver was as 25 to 75, and during the later period, when the production of gold as to silver was as 75 to 25.

It is easy, examining the subject historically, to see how the bimetallic system maintained the ratio of 15½ to 1, notwithstanding the variations in the quantities of the two metals produced. France, principally, ran the risk and bore the strain whenever the production of either metal took place in unusual quantities disproportionate to the production of the other metal. In 1848 and 1851 there were enormous discoveries of gold in California and Australia. The bimetallic link of 15½ to 1 was threatened. France, between 1853 and 1860, boldly took $616,000,000 worth of gold and parted to other nations with $293,000,000 worth of silver; and bimetallism was saved. Later, toward 1873, when silver began to be more abundantly produced than gold, France again tried to hold the ratio firmly, and there can be little doubt that, even against nominal demonetization of silver by the United States in 1873 and the continued efforts of England to establish the single standard of gold, France would have continued to maintain the parity of silver with gold at the ratio of 15½ to 1 had it not been for the action of Germany on the 9th day of July, 1873, when, enriched by the French indemnity of one thousand millions in gold, that Government began to sell its silver thalers, and thus joined England in the movement to demonetize silver, which, unfortunately, as Senator SHERMAN said, was brought about because the other nations yielded to the demand of the United States for the single standard of gold, although the Senator manfully acknowledged that this demand was an error in his letter of July 15, 1878, to Hon. W. S. Groesbeck, in which he says:

But other arguments showing the dangerous effect upon industry by dropping one of the precious metals from the standard of value outweigh, in my mind, all theoretical objections to the bimetallic system.

In the light of the facts which have been recited, and looking carefully at the dates in which the various commercial nations have acted on the subject of standards, the whole argument for bimetallism is revealed to the thoughtful inquirer. Here the dates stand:

In 1785, 1786, and 1792 came the establishment of the double standard in the United States; in 1803 its formal establishment in France, ratio 15½ to 1; 1816, the adoption of the gold standard in England; 1862, the adoption of the French system by Italy; 1865, the formation of the Latin Union by France, Belgium, and Switzerland, ratio 15½ to 1; 1868, the admission of Greece to the Latin Union and the adoption by Spain of the French system; 1871, the adoption by Germany of the gold standard; 1873, suspension by the United States of the coinage of silver dollars and the suspension of silver coinage by France, Belgium, and Holland; 1875, the suspension by Italy and the Dutch colonies; 1892, by Austria-Hungary; 1893, by British India; panic in the silver market in July in London, when the price fell until the ratio was 31.43 to 1. (See United States Treasury Department Circular No. 123, July 1, 1896.)

The learned editors of the Encyclopedia Britannica (9th ed., article "Money," page 729), speaking of the sudden increase about 1870 of the annual product of silver from $45,000,000 to $75,000,000, more than half coming from new mines opened in Nevada, say:

The increased production of silver was only a minor element in causing its depreciation. The policy pursued by various states—viz: (1) Germany and the Scandinavian States in adopting a single gold standard; (2) the countries composing the Latin Union in limiting the coinage of silver; (3) the Indian Government by adopting a new method of drawing bills—proved to be the really influential causes for the decline in the value of silver as contrasted with gold.

Considering the facts which have been thus set forth, is it possible to assert that bimetallism is a myth? Is it not as clear as light that it was a substantial principle of monetary science, operating silently and powerfully for two hundred years, before it was recognized and studied by the political economists of the nations, and which would have continued to maintain the parity of silver with gold even to this day had it not been for the unwise interference of the great governments of the earth?

Yet gold monometallists continue to say that the parity between the two metals was not maintained prior to 1873. They can only keep themselves from being characterized as censurable deceivers by pointing to the slight fluctuations, between fourteen and a fraction to sixteen and a fraction, shown by the statistics from 1687 to 1873. But those fluctuations were of comparatively little moment, and did not seriously impair the existence during all that period of the bimetallic system.

Prof. Willard Fisher, of the Wesleyan University, in the Quarterly Journal of Economics for January, 1896 (see Walker on International Bimetallism, 109), states the answer to this argument in language which is so apt and so much better than my own that I must here repeat it:

Professor Laughlin utterly fails to grasp what bimetallists claim for and expect from their system, and he makes the same mistake that Mr. Robert Giffen made in his Case against Bimetallism. They both think that if the French law of 1803 had any effect upon the market value of the precious metals, it must have kept the commercial ratio at exactly 15½ to 1; and in citing the familiar fact that the market figures fluctuated up and down, but rarely, if ever, coincided with the mint ratio, they complacently assume that they have refuted the historical argument for bimetallism. But it is absolutely certain that no such identity of ratios could be expected, even by the most confident bimetallist. So long as there are seigniorage charges, freight charges, insurance fees, or any other expenses involved in passing metal through the mint, the nominal legal ratio is never the effective mint ratio. The inefficiency of the French law in steadying the relative values of the precious metals can never be proved by citing differences between the market ratio and the nominal legal ratio, unless it be shown that the differences are greater than can be accounted for by (1) the seigniorage and all other mint charges, (2) the cost of transporting the metal from the market whose ratio is cited to the mint, (3) the fees for insurance during the transit, (4) the agents' commissions, (5) the interest on the capital temporarily locked up, and (6) the exigencies of sudden and urgent demand. But no man has even so much as attempted to examine thus fully the deviation of the London market from the French mint ratio. Let just a simple hint as to the effects of these various charges and expenses suffice. The law of 1803 imposed a seigniorage of 9 francs a kilo on gold and 8 francs a kilo on silver; and if no thought be given to the five other heads, this mint charge alone makes the effective legal ratio not 15½ to 1, but anywhere between 15.736+ to 1 and 15.455 to 1.

General Walker, in International Bimetallism (page 222), speaking of a bimetallic league, says:

This would not mean that the value of gold and silver would remain absolutely at the ratio fixed by the bimetallic agreement, but that the range of divergence would be always within the cost of transporting metals from monometallist markets to bimetallic mints. If this were so, it would, for all

practical commercial purposes, be the same thing as if there were no divergence whatever. A preference for either metal in a monometallist market, which fell short of the cost of transporting the other, the cheapening metal, to a bimetallic mint, would, for all purposes of economic reasoning, be the same as actual indifference. To this case would apply Mr. J. S. Mill's remark made with reference to another subject: "Small means do not merely produce small effects; they produce no effect at all."

In truth, the variations under the bimetallic law prior to 1873 from the French ratio of 15½ to 1 were no greater and quite as immaterial as are the differences between the two eyes and the two ears of the human body, the two pairs of engines of the twin-screw steamship, and the two horses that draw a carriage. The claim that bimetallism never has existed and that there can be no such thing as a permanent system of bimetallism created by the consensus of the nations, involving a bimetallic standard of money which shall determine the value of the property of the world, is a contention that finds no support in reason, and very little countenance from the careful thinkers and writers on monetary science.

All the members of the celebrated Herschell commission declared as to the system of bimetallism prevailing before 1873 as follows:

So long as that system was in force we think that, notwithstanding the changes in the production and use of the precious metals, it kept the market price of silver approximately steady at the ratio fixed by law between them, namely, 15½ to 1. (Report, end of section 192, part 1, November 6, 1888.)

"It is upon this principle," said Professor Jevons, writing in 1874, "that we must explain the extraordinary permanence of the ratio of exchange of gold and silver. That this fixedness of ratio does not depend upon the amount and cost of production is proved by the very slight effect of the Australian and California discoveries." (Bimetallism: A Tract for the Times, by Francis A. Walker, page 16.)

Here the special attention of that distinguished gold monometallist, the Senator from Wisconsin [Mr. VILAS], ought to be called to these authoritative declarations in such striking contradiction of the views expressed by him in this Chamber on January 29 in opposition to the bill for another international conference. The Senator said:

The bill is worse than useless—it is highly vicious.

In the same speech the Senator spoke of it as "this vicious and misleading bill."

He also said:

No such bimetallism has ever existed in fact; in no country of the world does it exist now. * * * The pretense that any such system of bimetallism * * * has ever had existence in the world * * * must be consigned to the limbo where the ghosts of witchcraft, astrology, demonology, and kindred superstitions have been driven by the advancing intelligence and wisdom of mankind.

It is painful to be obliged to impugn the Senator's dogmatic infallibility by contrasting his utterances with those of such eminent men as venture to hold an opposite opinion.

I have in my hand Prof. Charles B. Spahr's review of Giffen's Case against Bimetallism, where he quotes from Professor Foxwell, of Cambridge. The latter describes the condition of scientific opinion in England concerning bimetallism, and, after naming the very eminent men who believe in bimetallism, he adds:

Whoever refuses to admit that a fixed ratio between gold and silver can be established and maintained by international treaty is no longer considered amongst us an economist.

Therefore, by this authority the Senator from Wisconsin could not be considered as an economist. He certainly can be considered as a vituperator, and, Mr. President, vituperation seems to be a common habit of the advocates of gold monometallism. I find here that Mr. Giffen has fallen into the habit of using expletives like those which are used by the Senator from Wisconsin. Mr. Giffen speaks of bimetallism as "the detestation of men of sense."

Mr. President, the Senator from Wisconsin did not always think that bimetallism is as bad as witchcraft and demonology. The Senator was a member of the convention which nominated Mr. Bryan for President; and the Senator from Illinois [Mr. PALMER] will excuse me for calling that a Democratic convention. I find a declaration of the minority committee on resolutions to that convention, as follows:

That the efforts of the Government should be steadily directed toward the establishment of international bimetallism.

Now, on the one hand, we have the Senator saying that no such bimetallism has ever existed in fact; that—

the pretense it ever had existence in the world * * * must be consigned to the limbo where the ghosts of witchcraft, astrology, demonology, and kindred superstitions have been driven by the advancing intelligence and wisdom of mankind.

That was the Senator on the 29th of January, but at the Democratic convention of 1896 we heard him declaring to the convention and to the people of the world—

That the efforts of the Government should be steadily directed toward the establishment of international bimetallism.

The PRESIDING OFFICER (Mr. PERKINS in the chair). Will the Senator from New Hampshire suspend? Under the rules of the Senate, the Chair is obliged to lay before it the unfinished business coming over from yesterday, which will be stated.

The SECRETARY. A bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States.

Mr. FRYE. I ask that that may be informally laid aside, and that the Senator from New Hampshire may be permitted to conclude his speech.

The PRESIDING OFFICER. It is asked that the unfinished business be temporarily laid aside and that the Senator from New Hampshire be permitted to finish his speech. Is there objection? The Chair hears none, and the Senator from New Hampshire will proceed.

Mr. CHANDLER. Mr. President, who signed this report declaring that the efforts of the Government should be steadily directed to the establishment of international bimetallism? The first name is that of the distinguished Senator from New York, DAVID B. HILL; the second, WILLIAM F. VILAS, of Wisconsin; the third, GEORGE GRAY, of Delaware; the fourth, John Prentiss Poe, of Maryland; the fifth, Irving W. Drew, of New Hampshire. My colleague will recognize Mr. Drew as a distinguished member of the convention, who, after declaring against the free coinage of silver by the United States alone and in favor of international bimetallism, went home to New Hampshire and manfully assisted in giving the McKinley Republicans of that State their unprecedented majority of 36,000.

It seems to me that the Senator from Wisconsin ought to allow those of us who still believe that the powers of the Government should be steadily directed to the establishment of international bimetallism to do so without charging that in so doing we are advocating either witchcraft, astrology, demonology, or a kindred superstition. We are only advocating a superstition to which the Senator from Wisconsin affixed his name less than one year ago.

Returning again to the Herschell commission, we find that six of its members, Rt. Hon. Sir Louis Mallet, C. B.; Rt. Hon. A. J. Balfour, M. P.; Rt. Hon. Henry Chaplin, M. P.; Sir D. Barbour, K. C. S. I.; Sir W. H. Houldsworth, Bart., M. P.; Mr. Samuel Montagu, M. P., declared as follows:

Part III, section 29. In 1873-74 the connecting link disappeared, and for the first time the system of rating the two metals ceased to form a subject of legislation in any country in the world. The law of supply and demand was for the first time left to operate independently upon the value of each metal; and simultaneously the ratio which had been maintained, with scarcely any perceptible variation, for two hundred years, gave place to a marked and rapid divergence in the relative value of gold and silver, which has culminated in a change from 15½ to 1 to 22 to 1.

The chairman of the Holland delegation to the international conference of 1892, Mr. Van Den Berg, made the following striking statement, showing that bimetallism was no myth, but a potent reality, from 1800 to 1873. His language is as follows:

Our ideal is an international bimetallic agreement. Such an agreement we fully believe to be possible and desirable, both from the theoretical and also from the practical point of view. We in Holland are unanimous in the belief that, should an international bimetallic agreement admit gold and silver to free coinage at a fixed ratio, the union between the two metals would be re-established and would be maintained on a fixed basis, as in fact it was maintained during nearly three-quarters of a century in spite of the extreme variations in the production of gold and silver, respectively, which took place in that period. I need not remind you, gentlemen, that from 1800 to 1820 silver yielded 75 per cent and gold 25 per cent only of the total value of the precious metals produced. Gradually the production of gold increased, while the production of silver continually diminished relatively to the production of the yellow metal until, after the discovery of the Californian and Australian mines, the two metals arrived at a position exactly the reverse of that which I have just mentioned, for it was gold that now yielded 75 per cent of the world's production, while silver sunk to 25 per cent and took the place which gold had occupied half a century before. Well, notwithstanding this complete inversion of the respective production of the two metals, the ratio between gold and silver remained nearly fixed and steady, and I believe that ratio would have been maintained permanently if the use of silver had not been proscribed by legislative enactments. It must be admitted that the increase in the production of silver, of which we hear so much, has only a very slight importance in comparison with the development in the production of gold toward the middle of the century which is now approaching its close. (Walker on International Bimetallism, 227.)

THE GOLD PANIC AFTER 1849.

General Walker, in his International Bimetallism, page 122, thus graphically describes the gold panic after 1849:

In 1848 occurred the discovery of gold on the Pacific Coast of North America. Only three years later, on the other side of the globe, gold was discovered in enormous and seemingly inexhaustible amounts in Australia. It is surely one of the most marvelous coincidences of human history, that of the three great "finds" of the yellow metal which have occurred since authentic history began two should have come within so narrow a space. The aggregate effect upon the supply of gold produced by the simultaneous discovery of the California and Australia mines, together with a three or four fold increase in the yield of the alluvial deposits of the Ural Mountains, threatened for the time to be overwhelming. The average production of the world had been twenty or thirty million dollars. In a few years it rose to five times that amount. Within the ten or twelve years succeeding 1851 it is estimated that the stock of gold in the hands of civilized man was literally doubled. During the decade 1801-1810 the production of silver had been to that of gold, by weight, 50.2 to 1; during the decade 1851-1860 it was only 4.4 to 1, a change to the extent of nearly eleven-twelfths. M. Chevalier states the change in production in still higher terms. In 1857 he wrote that the production of gold as compared with silver had increased fivefold since 1851, and fifteenfold in the course of only forty years. A veritable gold panic set in. It hardly seemed to anyone out of France that it would be possible to stem the flood and to save commercial and financial values from such a fall as would amount to the destruction of all individual credit. Few dared to hope that the barrier which France had to this time interposed against fluctuations in the value of the two metals could long withstand the strain. If once that gave way, gold might fall in a succession of plunges, from crag to crag, down to a level which would mean nothing less than universal bankruptcy. Estimates were freely made that, from being worth 15½ to 1 of silver,

it would soon be worth 12 to 1, 10 to 1, even 8 to 1. In his book on the Probable Fall in the Value of Gold, Chevalier more than once uses the illustration of a fall to one-half its former value. He indeed states that this assumption is not the result of anything like exact computation, and is only used to show briefly and strikingly what might come from the bursting of the great reservoir and the rushing of its mighty waters down upon the marts of trade and the seats of industry; but Chevalier would not have used this illustration so freely had he regarded it as an extravagant statement of the possibilities, and even the reasonable probabilities, of the case.

The nations of Europe were prompt to take alarm at the menace to industry, finance, and even the social structure. "Ten years ago," wrote M. Leon Faucher, in 1852, in his work The Production of the Precious Metals, "everyone was frightened at the prospect of the depreciation of silver; during the last eighteen months it is the diminution in the price of gold that has been alarming the public." In June, 1850, Holland demonetized the gold 10-florin piece and the guillaume. Portugal prohibited any gold from having current value except English sovereigns. Belgium demonetized its gold circulation. Russia prohibited the export of silver as the metal likely to become the very stay and staff of the national existence. Austria, which was then on a basis of inconvertible paper, thought that the cheapening of gold offered a favorable opportunity to come to a metallic basis, and called the German States to meet in a monetary conference at Vienna. The other States feared the depreciating gold and insisted on the single silver standard. The most that Austria could do was to secure the concession of the coinage of gold crowns as trade pieces. (Suess, Die Zukunft des Goldes, 11, 12; Soetbeer, Litteraturnachweis über Geld- u. Munzwesen, 77, 78.)

In some countries shops sought to attract trade by offering to receive gold at par. M. de Laveleye states (La Mon. et le Bimet., p. xii) that traders hung out the sign, "L'or est reçu sans perte!" "Even in England," wrote Chevalier, "some persons have put forth the advice that the standard should be altered and that silver should be substituted for gold. They ground their opinion primarily upon the plea of principle, in maintaining that, gold having ceased for an interval of time, which may possibly be rather long, to satisfy the essential condition of having a value relatively stable, it thereby loses its aptitude for the functions of money." So respectable an authority as Mr. James Maclaren, author of the History of the Currency, put forth a proposal that life-insurance companies should be established on a silver basis. Certain American corporations in the same period sought to safeguard themselves by similar arrangements, and to this day have the satisfaction of receiving every month a certain number of ounces of fine silver, paid in for rents under contracts then made.

Those are companies at Lawrence, Mass. When I was there last summer making a call upon a friend, I inquired whether the statement of General Walker was correct. I found that it was even so, and that the Essex Company, in Lawrence, at the time when gold was plenty and silver was scarce, had undertaken to safeguard themselves by requiring that certain rents of real estate, leased for a long period of years, should be paid each year in so many ounces of fine silver; and to-day I suppose their tenants must be felicitating themselves that they are, by express contract of the creditor, paying their rents in depreciated 50-cent silver.

Returning to the quotation from General Walker, I read:

> One English financier is quoted as declaring that gold would soon only be "fit for the dustpan."
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> Amid this general alarm, amounting to panic, the statesmen and financiers of France stood firm. The Government, indeed, assembled a commission for the consideration of the question in its new and startling aspects; and some economists, like Chevalier, declared in favor of silver monometallism as the only hope of preserving industry and trade and the social structure. Chevalier proposed to return to the system in force down to 1785, when silver was the standard and gold was rated to it by law or proclamation. He proposed that this rerating should be made every six to twelve months to keep pace with the fall of gold. He even raised the question whether the gold coin thus issued should not be restricted as to the amount for which it could be tendered. And this of gold! The man who could put forward such a proposal should have been prosecuted for lese-majeste. But the hearts of the men who controlled the destinies of France did not fail. Freely that country gave of her silver to all, freely took gold from all, without fear of its becoming worthless on her hands. Year after year the flood of the yellow metal poured in upon her mints; and her moneyers stood at their posts to coin it and give it back, full legal tender, at 15½ to 1. In the eight years between 1853 and 1860, both inclusive, there was imported into France gold to the value of 3,082,000,000 francs, or $616,000,000, or 123,000,000 pounds sterling. Coincidently with this influx of gold began the exportation of silver. In the eight years of which we have just spoken, France sold silver to the amount of 1,465,000,000 francs, or $293,000,000, or 59,000,000 pounds sterling.
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> * * * * * * *
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> Such was the course of the greatest financial storm of two centuries. By the end of 1860 the gale had well-nigh blown itself out, though the waves were still running high. During the decade then closing there had been added to the stock of gold $1,407,000,000, as estimated by Soetbeer; $1,257,000,000, as estimated by Tooke and Newmarch. Even these figures do not fully express the shock which the bimetallic system had to bear during this tremendous crisis. Not only was France without an ally in sustaining the ratio of 15½ to 1, but, in addition to the blows which fell upon her from the enormously increased production of gold, she had to meet the hostile action of other nations in demonetizing that metal, or restricting its use within their own circulation. When it is said that the gale had well-nigh blown itself out by the close of 1860, it is not meant that the production of gold very greatly declined after that period, though, in fact, it fell off considerably, owing to the exhaustion of the richest of the alluvial deposits; the average of the next decade was, according to Tooke and Newmarch, almost precisely 20 per cent below that of 1851-1860. But the storm center had passed by France. The other countries, protected so long by the action of the French bimetallic system, were now experiencing the effects of the increased production of the precious metals, in a not too tumultuous manner, by gradual accessions which exerted an influence on trade, industry, and the social structure, here and there injurious to individuals, but on the whole immensely beneficial to mankind. The French breakwater had beaten off the fury of the waves, but it could not, and indeed it was not desirable that it should, prevent the level of the harbor thus protected from being gradually raised.

Mr. President, after this magnificent historic picture of the success of bimetallism at 15½ to 1, achieved mainly by France, notwithstanding the enormous increase in the production of gold in the decade preceding 1860, he must be indeed a bold man—as bold as the Senator from Wisconsin—who will not admit that a like success would have been gained over the disproportionate production of silver during the last fifteen years if it had not been for the demonetization of that metal by the United States and Germany and the other nations which followed their lead.

I would be willing to end the whole argument for bimetallism before any intelligent American tribunal—and such could be found—if composed of disinterested members—and such it would be difficult to find—by submitting to the tribunal nothing but the documents that I have already introduced into my remarks, and extra copies of which I now hold in my hand, as follows:

I.

The Sauerbeck table (1), showing the fall of the prices of commodities since 1873, supplemented (2 and 3) by Mr. Barker's tables, and (4) those of Secretary Morton.

II.

The table (5) showing the ratios between gold and silver so near 15½ to 1 from 1687 to 1873 and the change since 1873.

III.

The table (6) showing the production of gold and silver, with the variations from 1493 to 1896, at which last date the production of each metal was of the same coinage value, $215,000,000, and the total of each metal for the four hundred and three years was not far from a similar equality—gold $9,000,000,000, silver $10,500,000,000.

IV.

The United States bimetallic laws of 1785, 1786, and 1792 (7), the French law of 1802 (8), and the memorandum (9) showing the successive acts of demonetization committed by the nations since 1873.

The early United States legislation was as follows:

> July 6, 1785: "That the money unit of the United States of America shall be one dollar." August, 1786: "*Resolved*, That the money unit of the United States, being by the resolve of Congress of the 6th of July, 1785, a dollar, shall contain of fine silver 375.64 grains. * * * That there shall be two gold coins, one containing 246.238 grains of fine gold equal to ten dollars, and to be called an eagle; one containing 123.134 grains of fine gold, equal to five dollars, and to be called a half eagle."
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> Coinage act of 1792, ninth section, in part as follows:
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> "There shall be from time to time struck and coined at the said mint coins of gold, silver, and copper of the following denominations, values, and descriptions, namely: Eagles, each to be of the value of ten dollars or units, and to contain 247½ grains of pure or 270 grains of standard gold; half eagles, each to be of the value of five dollars, and to contain 123¾ grains of pure or 135 grains of standard gold; quarter eagles, each to be of the value of two dollars and a half a dollar, and to contain 61¾ grains of pure or 67½ grains of standard gold; dollars or units each to be of the value of a Spanish milled dollar, as the same is now current, and to contain 371¼ grains of pure or 416 grains of standard silver."

The French law of the year 1802 decrees as follows:

> To every person bringing to this mint 1 kilogram of gold nine-tenths fine, this same kilogram shall be given back to him transformed into 155 gold pieces of 20 francs, the total being equal to 3,100 francs. To every person bringing 1 kilogram of silver nine-tenths fine, this same kilogram shall be returned to him coined into forty 5-franc pieces, the total being equal to 200 francs. The debtor may tender these gold or silver pieces at his option, and can obtain for them a full receipt for his debt.

The foregoing nine documents are an impregnable mass of convincing facts which can not be blotted out of sight nor sneered down by the gold monometallists of Europe or America.

I have addressed this package to any gold monometallist, intending to submit it to the Senator from Wisconsin [Mr. VILAS], but, as he is not present, I will venture to ask my respected friend from Illinois [Mr. PALMER] if he will accept it and hand it to the Senator from Wisconsin when he makes his appearance?

Mr. PALMER. With pleasure.

SOME OBJECTIONS TO BIMETALLISM.

Mr. CHANDLER. Mr. President, there are scores of objections not yet alluded to that have been made to the continued agitation for the restoration of bimetallism, which it would not be possible, within any reasonable time to-day, to recite and endeavor to refute, even if I were capable of the task. A few may be profitably alluded to, and a reply stated without elaboration.

THE INCIDENTAL USE OF SILVER NOT BIMETALLISM.

The fact is pointed to that before 1873 we had coined in the United States only about eight millions of silver dollars ($8,031,238), while since the date fixed as the beginning of demonetization we have coined over four hundred millions ($423,289,629). The Senator from Ohio [Mr. SHERMAN] is fond of stating these facts to prove that we now have bimetallism.

There is usually an omission to state that, in addition to the silver dollars, we had coined before 1853 other silver, making the total $79,341,854.50; and also coined between 1853 and 1873, $64,571,744.20, making a total amount in 1873 of $143,813,598.70. (United States Treasury Circular No. 123, July 1, 1896, page 15.) Spanish, Mexican, and South American silver coins were also for a long time legal tender under United States laws.

But the true answer to this argument seems to be that the use of silver coin as token money, or even in considerable quantities as legal-tender money, is not bimetallism so long as the mints are closed to all but limited amounts of silver. When the United States had but little coined silver in actual circulation, yet the

amount of that metal still in use in the world, joined with the gold of the world, measured the values and determined the prices of the world's property. When this Government prohibited the coinage of silver dollars, and Germany followed our decision, the downward movement of the prices of property began, because the real money of the world began to diminish in quantity. The purchases of silver made by our Government retarded the movement and held up for a time the price of silver bullion, but silver was no longer real money. When it came to be authoritatively proclaimed that our silver dollars must be redeemed on demand in gold, they ceased to be money in fact and became only promises to pay money, like the paper dollars, which were just as good money as silver dollars, and it was a waste to use the silver merely to imprint upon it promises to pay gold dollars. In short, the limited use of silver while the mints are closed to the coinage of silver, although it may help for a time to maintain better prices than would otherwise prevail for silver bullion, has but little effect in retarding the fall of the prices of commodities and the increased burdens upon debtors, and is no more bimetallism in principle or permanent effect than is the petty use of silver for dimes, quarters, and half dollars.

BIMETALLISM NOT REPUDIATION.

Attempts are made to discredit the efforts to remonetize silver by saying they are dishonestly intended to relieve debtors from the payment of their debts in full. The charge is unjust. Debtors have the right to have the burden of their debts unchanged by any changes in the currency. If during twenty years the value of the property of the debtors has been reduced, not from natural causes, but by the appreciation of gold caused by the demonetization of silver, that is an unnatural reduction of values, and debtors have the right to ask that the steps of demonetization shall be retraced and the constant increase in the burden of their debts arrested. To yield to this right of the debtors is in no sense assisting them to repudiate their debts.

This kind of argument—the appeal against anything which would look like repudiation—made in the late Presidential canvass was frequently and forcibly made, and was very effective in defeating Mr. Bryan.

Americans are sensitive to any imputation of private or public dishonor, and audiences responded promptly to invocations to maintain what was claimed to be the plighted faith of the nation and not to vote to pay debts in a currency deliberately or purposely depreciated. The argument and the appeal were fair, I think, in dealing with the Bryan proposition for the immediate free coinage of silver by the United States alone, which would have resulted in silver monometallism; gold would have gone to a premium and debtors could have paid their debts in a cheapened dollar.

This would have been contrary to the pledge of the nation to maintain the parity between the two metals, contained in the acts of 1890 and 1893, and would have savored of repudiation; and so it was overwhelmingly rejected by the American voters.

But when the argument is extended in the form of a claim that the United States can not honestly change its present monetary system, it is a false one. Mistaken policy as it would be for this people to adopt silver monometallism, yet it may be honestly done if they so decide. But the change must be made with due fulfillment of all existing express or implied pledges. Not long ago I asked that distinguished statesman of Massachusetts, Hon. George S. Boutwell, whether if the United States were to pay its existing debt, principal and interest, in gold, redeem its existing paper currency in gold, and its existing silver dollars in gold, it would not then be honest, even if unwise, thereafter, in its new issues of bonds and money to base them upon the single silver standard; and Mr. Boutwell did not undertake to maintain that any imputation of dishonor would lie against such a course.

The legal decisions of our highest court leave no doubt as to the right of a nation to change its monetary system, without impairing the obligation of contracts. In the Legal-Tender Cases (12 Wall., 564), Judge Bradley says:

> But the creditor interest will lose some of its gold. Is gold the one thing needful? Is it worse for the creditor to lose a little by depreciation than everything by the bankruptcy of his debtor?

Mr. Justice Strong says (page 529):

> But the obligation of a contract is to pay that which the law shall recognize as money when the payment is to be made.

In Juilliard and Greenman (110 U. S., 449), Mr. Justice Gray said:

> A contract to pay a certain sum in money, without any stipulation as to the kind of money in which it shall be paid, may always be satisfied by payment of that sum in any currency which is lawful money at the place and time at which payment is to be made. * * * As observed by Mr. Justice Strong, in delivering the opinion of the court in the Legal-Tender Cases, "Every contract for the payment of money, simply, is necessarily subject to the constitutional power of the Government over the currency, whatever that power may be, and the obligation of the parties is therefore assumed with reference to that power." (12 Wall., 457.)

There are many more dicta in the several Legal-Tender Cases to the same effect. I will make a part of my remarks an extract from the opinion of the court, given by Mr. Justice Strong, in the Legal-Tender Cases (12 Wall., 457), concurred in by Justices Swayne, Davis, Miller, and Bradley; dissented from by Chief Justice Chase and Justices Clifford and Field.

But the proposition that a nation once having established a monetary system, once having been seduced into the adoption of the single gold standard, could never to the end of time return to bimetallism, or adopt even silver monometallism, would have met with no favor from any one of those famous legists. It should not appear in any argument against bimetallism. Here is the powerful utterance of Mr. Justice Strong:

> We come next to the argument much used, and, indeed, the main reliance of those who assert the unconstitutionality of the legal-tender acts. It is that they are prohibited by the spirit of the Constitution because they indirectly impair the obligations of contracts. The argument, of course, related only to those contracts which were made before February, 1862, when the first act was passed, and it has no bearing upon the question whether the acts are valid when applied to contracts made after their passage. The argument assumes two things; first, that the acts do, in effect, impair the obligation of contracts, and second, that Congress is prohibited from taking any action which may indirectly have that effect. Neither of these assumptions can be accepted. It is true that under the acts a debtor, who became such before they were passed, may discharge his debt with the notes authorized by them, and the creditor is compelled to receive such notes in discharge of his claim. But whether the obligation of the contract is thereby weakened can be determined only after considering what was the contract obligation. It was not a duty to pay gold or silver, or the kind of money recognized by law at the time when the contract was made, nor was it a duty to pay money of equal intrinsic value in the market. (We speak now of contracts to pay money generally, not contracts to pay some specifically defined species of money.) The expectation of the creditor and the anticipation of the debtor may have been that the contract would be discharged by the payment of coined metals, but neither the expectation of one party to the contract respecting its fruits nor the anticipation of the other constitutes its obligation. There is a well-recognized distinction between the expectation of the parties to a contract and the duty imposed by it. Were it not so, the expectation of results would be always equivalent to a binding engagement that they should follow.
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> "But the obligation of a contract to pay money is to pay that which the law shall recognize as money when the payment is to be made." If there is anything settled by decision it is this, and we do not understand it to be controverted. No one ever doubted that a debt of $1,000 contracted before 1834 could be paid by 100 eagles coined after that year, though they contained no more gold than 94 eagles such as were coined when the contract was made, and this not because of the intrinsic value of the coin, but because of its legal value. The eagles coined after 1834 were not money until they were authorized by law, and had they been coined before, without a law fixing their legal value, they could no more have paid a debt than uncoined bullion or cotton or wheat. Every contract for the payment of money simply is necessarily subject to the constitutional power of the Government over the currency, whatever that power may be, and the obligation of the parties is therefore assumed with reference to that power. Nor is this singular. A covenant for quiet enjoyment is not broken, nor is its obligation impaired by the Government's taking the land granted in virtue of its right of eminent domain. The expectation of the covenantee may be disappointed. He may not enjoy all he anticipated, but the grant was made and the covenant undertaken in subordination to the paramount right of the Government. We have been asked whether Congress can declare that a contract to deliver a quantity of grain may be satisfied by the tender of a less quantity. Undoubtedly not. But this is a false analogy. There is a wide distinction between a tender of quantities, or of specific articles, and a tender of legal values. Contracts for the delivery of specific articles belong exclusively to the domain of State legislation, while contracts for the payment of money are subject to the authority of Congress, at least so far as relates to the means of payment. They are engagements to pay with lawful money of the United States and Congress is empowered to regulate that money. It can not therefore be maintained that the legal-tender acts impaired the obligation of contracts.

Moreover, it is pertinent at this point to ask those who contend that it will be dishonest to creditors to remonetize silver: What will you do whenever a great mass of gold is discovered somewhere in the world? Will you then call for silver payments and denounce the advocates of gold as dishonest? It will be impossible, as time passes, as the business world grows, and as trade expands, to base all the other money of the world upon the gold money of the world. You can put the $215,000,000 worth of gold produced in 1896 in an eight-foot cube. Four hundred thousand dollars makes a cubic foot; the two hundred and fifteen millions will make 540 cubic feet. An eight-foot cube is 512 feet; so that will about hold the two hundred and fifteen millions of gold, and 16 such cubes will hold the two hundred and fifteen millions of silver produced in 1896; 20 such cubes will hold all the gold coin in the world, and 320 such cubes will hold all the silver coin in the world; and the 20 eight-foot cubes of gold and the 320 eight-foot cubes of silver can all be put inside this Senate Chamber, and still leave room enough for the Senators now present to transact the business of the Senate.

MONEY IS THE CREATION OF LAW.

Even more common is the argument against bimetallism that it is an attempt to create values by law, which, it is said, can not be done. True it is that law can not of itself create values; but, as General Walker well says, it can set in operation economic forces which will create values; and this is precisely what is done when the law defines what shall be the money of the people, the medium of exchanges, the means of paying debts. Such a law increases the value of gold and silver by adopting them as money and creating a new demand for them. This demand for gold and silver can only be made by law. Law alone can make money. It may be a consensus of the people of one nation, making the money of that nation; or it may be a consensus of all the nations, making one money for all the nations; or it may be express statutes of one

country or of all the countries. Chief Justice Chase said, in the Legal-Tender Cases (12 Wall., 583), in connection with an expression already cited:

We assume as a fundamental proposition that it is the duty of every government to establish a standard of value.

Indeed, it may be truly said that modern money is the creation of the statutes for the collection of debts and the legal-tender statutes, and that these give the value to gold and silver, and that without these their value would be insignificant. Without these, gold and silver would be merely merchandise, and would be used only like other commodities, in barter, and they would be almost the least valuable commodities in barter. Bimetallists could easily confute those who claim that it is the commercial value of the metals that makes them money, and that the intrinsic value of gold is to-day thirty times greater than silver, if the laws making gold a legal tender and providing for its free coinage could be repealed, as those relating to silver have been repealed. Yet more conclusive would be the experiment if all laws for the collection of debts could be abrogated. This would be the destruction of all commerce among men and a return to semi-savagery; but it would place gold and silver upon an equality where, prior to 1873, they stood by force of the laws, written or unwritten, now known to constitute the bimetallic system. Let us go rather in the other direction, and in due time and with proper safeguards remonetize silver by opening the mints to its free coinage at the ratio of 15½ to 1, and it will soon regain its old value, a value created like that of gold, because it is in demand for use as money, which is an artificial instrument of exchange, created, limited, sustained, and made potent for the good of mankind by law, and by nothing else but law.

CAN BIMETALLISM BE SECURED?

Thus having endeavored to show briefly and imperfectly (1) the great evils that have come to this country and the world from an unnatural reduction in the prices of property; (2) that the evils have arisen, not from natural causes, but from a change in the money of the world, which measures the values of property; and (3) that the remedy is to be found in a return to the principles and practice of bimetallism which have been unwisely abandoned, the next question is, Shall that remedy be applied? The answer to this question will depend somewhat on the course of politics in this country and in other lands. The question is an economic one, it is true; but it is equally true, even if it is to be regretted, that economic questions frequently enter into politics and become the subject of controversy between two great political parties, each striving to obtain the control of a nation; and such is the case to-day with the money question. However much this condition may be lamented, it can not be helped and must be endured.

THE POLITICAL CONTROVERSY IN THE UNITED STATES.

What is the situation of the controversy in the United States? During the recent Presidential conflict Mr. Bryan and his supporters contended that an immediate return to the free coinage of silver by the United States alone ought to be ordered by the American people. This contention met with defeat as the result of the election. It came to be clearly seen by the voters that while a return to bimetallism—the use of the two metals maintained at a par with each other, according to the fixed ratio—would be a wise remedy for existing evils, yet that the adoption of immediate free coinage by the United States alone necessarily would result in silver monometallism—the breaking of the parity between the two metals which this Government was pledged by the acts of Congress of 1890 and 1893 not to allow to take place—and would be a joining by the United States of the silver monometallist nations. So the Bryan proposition was rejected.

The Democrats who seceded from the Bryan convention and at Indianapolis nominated PALMER and Buckner, inspired by President Cleveland and his Administration, were patriotic in their opposition to the silver monometallism of the Bryanites, but they committed the mistake of asserting that the Democratic party "practically established by the legislation of 1834 and 1853 the gold standard of monetary measurement" and of declaring as follows: "To this long-established Democratic policy we adhere, and insist upon the maintenance of the gold standard." They also made a mistake when, in connection with opposition to the free coinage of silver, they denounced protection to American industries and American labor by tariff duties as a scheme "for the personal profit of a few at the expense of the masses," and condemned its advocates as "hostile to the people of the Republic, whose food and shelter, comfort and prosperity, are attacked by higher taxes." When they declared thus: "In fine, we reaffirm the historic Democratic doctrine of a tariff for revenue only," it became no wonder that their respectable and respected candidates, bearing the motto "Gold monometallism and free trade," received but 136,000 out of 14,000,000 votes cast. Nevertheless, the assistance of these worthy, old-fashioned gentlemen in the election of Mr. McKinley was gladly welcomed. It was time for the passing of the Democratic party, and they were entitled to perform an honorable part in the interment.

THE REPUBLICAN BIMETALLISTS SAVED M'KINLEY'S ELECTION.

The Republican bimetallists saved the election of McKinley and Hobart. It would not have been thus carried if the Republican party had adopted a money plank similar to that of the Indianapolis convention. While pronouncing against the immediate free coinage of silver without an international agreement, the Republican party declared, by adding concerning bimetallism six potent words, "which we pledge ourselves to promote," that it would equally oppose a permanent acquiescence in gold monometallism. This party therefore stands recognizing the evil consequences which have come from the reduction of the values of the world's property, proclaiming that the cause is the demonetization of silver, and declaring that the remedy is the reestablishment of bimetallism. The great political question of the future, therefore, is, Shall this pledge be kept? If it is kept in letter and in spirit, and the party is wisely conducted, as it is to be hoped it will be, in other essential particulars, the members of that party may not only contemplate with pride its glorious record of past achievements, but may hope to see it win further victories over the Populist party, which has now practically taken possession of the Democratic party and is masquerading under the name of Democracy.

THE HOPES OF INTERNATIONAL BIMETALLISM.

Concerning the prospects of international bimetallism, it must be admitted there can be no safe prediction, yet there is much to give encouragement to its American advocates. France is thoroughly in favor of remonetization.

FRANCE.

Mr. Edward Thery, in the Economiste of July 16, 1896, says:

On the 17th of March last Mr. Meline, the honorary president of the French Bimetallic League, and now president of the Council of Ministers, deposited at the bureau of the Chamber of Deputies a motion signed by 347 deputies, that is to say, about two-thirds of the habitual voters in the chamber, as follows: "The Chamber of Deputies is of opinion that the establishment of international bimetallism would be a great benefit to the agricultural, industrial, and commercial interests of the country, and urges upon the Government the advisability of doing all in their power to establish and maintain by international agreement a stable monetary par of exchange between gold and silver."

Mr. Thery also says:

At least two-thirds of the French Senate share this opinion. Furthermore, Mr. Loubet, the president of the Senate, is now the honorary president of the Bimetallic League, after having been acting president-founder during fourteen months.

GERMANY.

The position of Germany was stated by Count Alvensleben to the Brussels conference of 1892, as follows:

Germany, being satisfied with its monetary system, has no intention of modifying its basis. The Imperial Government does not, however, fail to recognize that the continual oscillation and the considerable fall of silver are much to be regretted from an economic point of view, and that it would be advantageous to the economic interests of the Empire if these evils could be remedied in a lasting manner. (Walker on Int. Bimet., 229.)

General Walker (International Bimetallism 232) says that—

The German Reichstag has declared by a vote of more than 2 to 1 in favor of negotiation for monetary reform, the Imperial Chancellery by a vote of 10 to 4 rejecting the proviso that, in the course of such negotiations, the single gold standard should not be compromised.

The German action here referred to took place on February 16, 1895, when the Reichstag passed the following motion of the bimetallists, submitted by Count Mirbach:

To request the allied governments to issue, as soon as possible, invitations for a monetary conference for the international settlement of the currency question.

ENGLAND.

The British House of Commons, by unanimous vote, on February 26, 1895, adopted a resolution—

That this House regards with increasing apprehension the constant fluctuations and the growing divergence in the relative value of gold and silver, and heartily concurs in the recent expressions of opinions on the part of the Government of France and the Government and Parliament of Germany as to the serious evils resulting therefrom. It therefore urges upon Her Majesty's Government the desirability of cooperating with other powers in an international conference for the purpose of considering what measures can be taken to remove or mitigate these evils.

Again, on March 17, 1896, the House of Commons, without a division, resolved that—

This House is of opinion that the instability of the relative value of gold and silver since the action of the Latin Union in 1873 has proved injurious to the best interests of this country, and urges upon the Government the advisability of doing all in their power to secure by international agreement a stable monetary par of exchange between gold and silver.

Acquiescence in the House of Commons resolution was accompanied by oral declarations that the ministry would not be likely to consent to the abandonment of the gold standard, but it was also intimated that an agreement could be had, whenever an international conference should be held, that the mints of India should again be opened to the free coinage of silver.

The Senator from South Dakota [Mr. PETTIGREW], in the recent debate on the passage of the bill for an international conference, quoted from various utterances of delegates from European countries at the international conference of 1892 who expressed an unwillingness to agree to the full remonetization of silver. The Senator should have investigated further, and he would doubtless have concluded that the later utterances from France, Germany, and England show a change of opinion and a growing feeling in favor of international bimetallism. Changes on such important

subjects are frequently made in less time than that which has elapsed during the five years between 1892 and 1897. For illustration, the South Dakota resolutions adopted by the Republican convention in the summer of 1896 reaffirmed the Minneapolis financial plank of 1892 until the St. Louis convention should adopt a later statement. Previous to choosing delegates a resolution was adopted requiring all nominees to go upon the floor and declare for McKinley and sound money; not only to vote but to work to accomplish this end.

The Senator from South Dakota was chosen a delegate, and did go upon the floor and declare that he would work for McKinley and sound money. Within two weeks, however, the Senator gave in his adhesion to Mr. Bryan and a platform declaring (1) in favor of the free and unlimited coinage of silver, without waiting for the aid or consent of any other nation; (2) that the silver dollar should be a full legal tender for all debts, public and private, and (3) that laws should be made preventing private contracts to pay gold. It is unnecessary to add——

Mr. PETTIGREW. Mr. President——

Mr. CHANDLER. In one moment I will yield.

Mr. PETTIGREW. I wish to ask the Senator a question.

Mr. CHANDLER. It is unnecessary to add that the Senator also supported Mr. Bryan.

When the Senator reflects upon his own radical change of opinion and position within one short month, he certainly must admit that possibly there may have been some change of opinion in Europe during the long five years between 1892 and 1897 which will make another international conference not absolutely hopeless. Yet the Senator, by his speech and vote, endeavored to prevent any such favorable consummation, and stamped himself as a hopeless silver monometallist.

Mr. PETTIGREW. I should like to ask the Senator from New Hampshire if what he was reading was a quotation or his own statement with regard to my attitude?

Mr. CHANDLER. In regard to the Senator's attitude? I do not understand him.

Mr. PETTIGREW. You made the statement just now that I went upon the floor of the convention and declared my adhesion to McKinley and gold. Was that your statement, or was it a quotation?

Mr. CHANDLER. It was my statement, derived from the daily newspapers at the time.

Mr. PETTIGREW. If the Senator will permit me, I brand that statement as wholly and unqualifiedly false in every particular. I will say further that I made the same statement in answer to those newspaper charges and placed it in the RECORD several months ago, previous to the St. Louis convention. Therefore, it hardly seems that the Senator from New Hampshire has any excuse for putting it in his speech to-day.

Mr. CHANDLER. Mr. President, the Senator says the statement is wholly false. I therefore understand him to say that he did not attend the South Dakota convention. Am I correct in that?

Mr. PETTIGREW. Is that the gist of it—the fact that I attended the convention?

Mr. CHANDLER. I said the Senator attended the convention and went upon the floor and declared that he would obey the instructions of the convention. The Senator says my statement is "wholly and unqualifiedly false." I ask whether he attended the convention?

Mr. PETTIGREW. I say that your statement on the whole, and the purpose you intended to convey——

Mr. CHANDLER. The purpose!

Mr. PETTIGREW. Is entirely and absolutely false.

Mr. CHANDLER. I ask the Senator whether he was in the convention or not?

Mr. PETTIGREW. I was at the convention.

Mr. CHANDLER. Did the Senator go upon the floor and accept an election as a delegate, or not?

Mr. PETTIGREW. I was elected a delegate in that convention, but I stated on the floor and I stated in the Senate that I never was asked to support what was called sound money, and if you had taken any pains to ascertain the truth, you could have ascertained it.

Mr. CHANDLER. The Senator will kindly address his remarks to the Chair.

Mr. PETTIGREW. It would be much more agreeable than to address them to you.

The PRESIDING OFFICER. The Senator from South Dakota is speaking by the indulgence of the Senator from New Hampshire.

Mr. PETTIGREW. I will take nothing by his indulgence.

Mr. CHANDLER. I do not know what the Senator means by this action of his. I stated what the newspapers had said—that he was chosen as a delegate, went upon the floor, accepted the nomination. Now the Senator says the statement I made is wholly and unqualifiedly false. He admits that he was upon the floor of the convention, that he accepted the commission then and there given him by the Republicans of South Dakota, and he did go to the McKinley convention. Where have I made any misstatement as to the Senator? The Senator does not pretend that he then and there dissented from the declaration of the South Dakota convention in favor of sound money. He does not say that he made any dissent there.

Mr. PETTIGREW. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from South Dakota?

Mr. CHANDLER. If the Senator will not get angry and sit down in a minute and say he will not say anything by my indulgence, certainly I will yield to him.

Mr. PETTIGREW. The South Dakota convention did not declare for sound money. If they had, they would not have declared for gold. They simply declared that they would refer the question of bimetallism to the St. Louis convention. They passed no resolution, made no declaration in favor of what is called, and wrongfully called, sound money.

Mr. CHANDLER. Did they not declare in favor of the Minneapolis plank on money.

Mr. PETTIGREW. Yes; they declared practically in favor of the Minneapolis plank—the plank of four years ago—and it was a plank, in my opinion, and in the opinion of those who agree with me, in favor of the free and unlimited coinage of silver as the only means of securing and maintaining the parity between the two metals.

Mr. CHANDLER. There is no quarrel between the Senator from South Dakota and myself. If the Senator had heard what I have said, he would have understood that I criticised quotations he made from declarations made in Europe at the bimetallist conference of 1892 as reasons why there should not be another international conference. I did not undertake to criticise the Senator. I ask the Senator's indulgence—I am willing to ask his indulgence when it is needed—for the supposition that these eminent men in five years might possibly have changed their opinions when he changed his opinions in one short month.

Mr. PETTIGREW. With the indulgence of the Senator from New Hampshire, I will say further that I declared in the convention of my State, when elected as a delegate to the St. Louis convention, that I would not support a platform in favor of the single gold standard, and that unless they chose to elect me as a delegate on that declaration I did not desire to go. Mr. President, I do not charge the Senator from New Hampshire with any intention to misrepresent me; he has been misinformed.

I will also state, Mr. President, with the indulgence of the Senator from New Hampshire, that the declarations of all the European advocates of the single gold standard are the same now as they were in 1892. They have not changed their position one particle. Further than that, they all declare, as does Bertrand Currie, who is at the head of the gold-defense association of Great Britain, that there would be a panic which would wreck the industries of the gold-using countries of the world if bimetallism were accomplished; and they picture ruin and disaster as great as that pictured by the advocates in this country of the single gold standard and the opponents of the free and unlimited coinage of silver by this country alone in case we try to coin gold and silver both. Why, then, should we delay the free coinage of silver if we are to have a panic with or without an international agreement?

I do not think there is a single authority in Great Britain who has not taken the position that a bill for international bimetallism could not be passed in Parliament; could not pass the House of Commons; could not reach a stage where it would look as though it would pass, without a panic which would ruin and destroy and bankrupt the financial and manufacturing institutions of Great Britain. I say they make a picture even more doleful and distressing than that painted by the opponents of the free coinage of silver if we should undertake to do it without the assistance of other countries.

Mr. CHANDLER. The Senator, I think, is mistaken. I have seen no such declarations from English gold monometallists as those which the Senator has suggested. I think that when the Senator comes to read what I have already said and what I shall hereafter say, he will conclude that international bimetallism is not only possible but probable, and will regret the vote he gave the other day against the calling of another international conference.

Mr. President, this is a living subject all over the world. I hold in my hand a letter written to the Manchester Guardian of January 14, showing the effect of the closing of the India mints upon the people of India. It is signed by J. P. Haseltine, and is dated London, January 12, 1897:

SIR: We are rightly engaged in raising a fund for the relief of our fellow-subjects in India now suffering from famine and pestilence. We shall congratulate ourselves if we raise £500,000, or say, roughly, 8,000,000 rupees. How few realize that one letter from Her Majesty's Government to the French premier and one to Mr. McKinley, the President-elect of the United States, stating that Her Majesty's Government were ready to join France and America in restoring the ancient legal-tender ratio of weight between gold and

silver would, by a stroke of the pen, save the Indian taxpayers at least 85,000,000 of rupees per annum. This calculation can be roughly examined with great ease by anyone. To meet sterling obligations the Indian taxpayer has now to buy gold bills on London to the amount of £17,000,000 a year. At 15 rupees to the pound, this costs 255,000,000 of rupees. If we take the old rate at 10 rupees to the pound, the cost will be 170,000,000 of rupees, or a saving of 85,000,000 of rupees per annum, without costing Great Britain or India or anyone else one penny.

Yours, etc.,

J. P. HASELTINE.

LONDON, *January 12, 1897.*

There is in the New York Tribune of Monday, February 8, 1897, a letter of the very acute and able correspondent, Mr. Ford, in which he states the terrible condition of the Indian peasantry on account of the reduction in the value of their silver ornaments. As everyone knows, they have been in the habit of accumulating their savings in silver—silver dollars and silver ornaments. India has been a great market for silver. The estimate of the amount of silver in the possession of the Indian peasantry in the form of ornaments, Mr. Ford says, is thirteen hundred and twelve million ounces. There is no savings-bank system, and the natives have been accustomed to hoard silver in ornaments, worn by men, women, and children. He goes on to give an estimate of the shrinkage in the savings of the peasantry by the demonetization of silver, which he places at $470,000,000.

Mr. President, there is terrible misery in India now because when the peasants, confronted with short grain crops and famine and plague, come forward with their hoarded stores to dispose of them they find that they are reduced one-half in value.

[From the New York Daily Tribune, February 8, 1897.]

LONDON, *January 27.*

A significant letter has appeared in the Times from an expert in Indian finance, Sir Lepel Griffin. It directs public attention to a momentous fact which is seldom discussed by English journals, namely, that the sufferings of the plague-smitten, famine-stricken peninsula are terribly intensified by the depreciation of silver. Sir Lepel Griffin disclaims any intention of criticising current methods of Indian finance, but lays stress upon the monetary conditions in order to impart a fresh impulse to the charitable work which is now in progress throughout the United Kingdom. The results which have followed the depreciation of silver have nowhere else been equally calamitous. For generations the swarming millions of India have been in the habit of investing their savings in silver ornaments. Now, in their hour of direst need, they are finding out that there has been a tremendous shrinkage in the value of their savings and that they can not sell their ornaments without material loss.

Sir Lepel Griffin states, on the authority of Mr. Lesley Probyn, that the amount of silver in the possession of the Indian peasantry in the form of ornaments is 1,312,500,000 ounces. There is no savings-bank system. The natives have been accustomed to hoard silver in ornaments worn by men, women, and children. In former years government rupees were melted down and reworked into ornaments. In time of distress from famine or plague these ornaments were readily sold to the village bankers and rupees given in exchange at full weight. That was when the mints were open and there was a fixed relation between the metal and the coin. Sir Lepel Griffin estimates that the stock of ornaments, which was once worth £350,000,000, now has a value of £256,000,000. This implies a shrinkage of $470,000,000 in the savings of the peasantry. When the ornaments are sold, the natives receive from 35 to 40 per cent less, weight for weight, than formerly. The rupee has an artificial value, owing to the closure of the mints, and the money lender charges from 10 to 15 per cent to cover his risk. The conversion of ornaments into cash, which has been the main resource of the native population in time of famine, is thus attended with ruinous losses. These losses not only aggravate the sufferings of the people, but tend to excite distrust of the Government, which is held responsible for the shrinkage in value of these native savings—the only available reserve of the peasantry.

The gravity of the economic and political situation in India can hardly be overestimated. Here is a great empire with over 300,000,000 subjects whose savings have depreciated to the extent of $470,000,000 through the fall of silver; and millions of them are suddenly confronted with their losses when they attempt to sell their ornaments. It is not strange that veteran Indian officials are haunted with apprehension of the outbreak of another mutiny.

I have referred to the weighty statements of this expert in Indian finance not for the purpose of discussing the burning question of the expediency of reopening the mints as a relief measure, but in order to emphasize the fact that England has a vast empire which has been impoverished by the decline of silver. Not only is silver the only currency circulating in that populous realm, but also the meager savings of the peasantry are invested in silver ornaments, which can not be converted into rupees without enormous loss. Lancashire, with its diminishing cotton trade with India, has been warned year after year that there has been a shrinkage in the purchasing resources of its best market, and the silver question has been recognized by cotton manufacturers as one of supreme importance in relation to British trade; but it was not until the present crisis arose, with the awful visitations of famine and pestilence, that the magnitude of the imperial issues involved in the solvency of India was fully appreciated.

While England has adhered persistently to the single gold standard and shows no signs of abandoning it, the fact that the extreme poverty of the natives of India, who comprise one-fifth of the inhabitants of the globe, has been increased and intensified by the depreciation of silver possesses momentous significance. Theoretically, England has its well-ordered system of finance which, like the laws of the Medes and Persians, can never be changed; but, practically, it has an impoverished Indian empire and a larger commerce with silver countries than any other nation possesses, and the question of the solvency and prosperity of the silver-trading world is one of paramount importance.

This fact is indisputable, even if the House of Commons be emptied whenever an Indian debate comes on. Last night only about forty members listened to the first discussion of Indian affairs which has occurred during the present session. It opened with a keen inquiry from Mr. Maclean respecting the relief which might be afforded by government purchase of silver ornaments at a fixed price per ounce, and drew from the secretary for India, Lord George Hamilton, an expression of incredulity respecting the practicability of the scheme. Not long afterwards, Sir William Wedderburn offered an amendment to the address in favor of a full inquiry respecting the poverty and helplessness of Her Majesty's Indian subjects, and supported it with a well-informed, carefully prepared speech.

For an hour or two the debate dragged along, and finally it was brought to a close by an exchange of compliments between Lord George Hamilton and Sir Henry Fowler on the superior administrative methods of British India, and by the withdrawal of the amendment. The subject under discussion was the fate of 300,000,000 of the Queen's subjects, who are exposed to the appalling horrors of plague, starvation, poverty, and wretchedness; and not more than forty members took sufficient interest in it to listen to the languid debate.

While expert talent and sobriety of judgment are lacking in the Commons for adequate discussion of the Indian question, the financiers of the city and the merchants and manufacturers of the United Kingdom understand the general economic results of the insolvency and degraded impoverishment of the silver empire. They know that the prosperity of the Indian peasantry is dependent upon a satisfactory settlement of the silver question, and that British commerce has an enormous interest in the removal of existing causes of monetary disturbance and industrial stagnation. The British commercial empire has two lungs. One is the agricultural industry of the colonies and dependencies. The other is the manufacturing industry of the mother country. Both lungs must be in full operation if the industrial body is to be maintained in perfect health. British commerce must finally languish, if, through continued depreciation of silver and consequent monetary disturbance and economic disorder, trade with silver-using countries steadily declines.

SENATOR WOLCOTT'S SILVER QUEST.

In this morning's journals I notice a Washington dispatch stating that Senator WOLCOTT has not met with a hearty reception in London, but has been referred by British statesmen to their brethren on the Continent. I am able to contradict without reserve the inference that the Senator has been received with coolness and indifference by public men and financiers in London. His coming was heralded by dispatches in the daily journals from New York correspondents, stating that he had undertaken a mission on behalf of the President-elect. This was unfortunate, because it created an erroneous impression, which had to be removed as soon as he arrived. He was compelled to explain that his task was self-imposed and unofficial, and that it was simply a personal quest for information on the monetary situation. The frankness with which he released Mr. McKinley from responsibility for his tour of investigation, and the eagerness and thoroughness with which he entered upon his study of a complex subject, commended him at once to the good graces and hospitality of the leaders of political, financial, and social London.

Senator WOLCOTT has been literally overwhelmed with social attentions here. He has met Mr. Arthur Balfour several times; he has had a prolonged interview with the chancellor of the exchequer; he has seen Lord George Hamilton, Mr. Chamberlain, and other members of the Government, and he has been in daily communication with the most experienced financiers in the city. Nothing could be further from the truth than the Washington allegation that he has been coolly and cynically received in London.

Senator WOLCOTT, having had an unwelcome and unsolicited advertisement of his journey before he left New York, has been scrupulous in avoiding publicity here. His object was to obtain a free exchange of views with eminent public men, economists, and financiers on the silver question, and the possible conditions under which an international conference may be held. This purpose would not have been promoted by newspaper interviews. He has denied himself to reporters, and has not taken the public into his confidence. This policy, while it has exposed him to the penalty of escaping observation in the daily press, has facilitated his quest for information. The most important Government officials and economic experts have talked with him with the utmost freedom. He has met everyone whom he wished to see. The list of distinguished people with whom he has been conferring on confidential terms would be a long and impressive one. Mr. Bryan and other monometallist silver leaders, if they were in London, would supply more local copy for the press, but they would not promote the interests of international bimetallism. Senator WOLCOTT is a man of distinction, who has inspired confidence and commanded respect by the dignity of his conduct and by the reasonableness of his argument. He has adapted himself to English customs and methods of procedure.

CHANCES OF INTERNATIONAL ACTION.

While Senator WOLCOTT has left London to-day for Paris, his departure is not in consequence of any change of plans nor of any lack of cordiality in his reception here. He made no secret when he arrived in London of the fact that he had important work to do in Paris, and he is now carrying out a prearranged plan. It is not likely that he will go to Berlin or to any other European capital; nor is it probable that his stay in Paris will be longer than a week, nor that his return to America will be deferred many days after his arrival in London. One thing, however, may confidently be assumed, and that is that the Senator will return to Washington with a unique knowledge of the existing status of English and French opinion on the silver question. In that sense his self-imposed mission has been crowned already with success. He will be able to speak with authority on the prospects of international action respecting silver.

If nothing else has been gained through the Senator's conferences in London, a change of temper in the discussion of the monetary problem has been disclosed. When the Brussels conference was held, there was no attempt to conceal England's uncompromising hostility to a double standard and to international action on behalf of silver. I do not believe that there is even a remote probability that England will abandon the single gold standard; but it is certainly true that the tone of inflexible opposition to international action is not as bitter as it was. If an international conference were called, it is probable that the Indian mints would be reopened at once.

That might be the only concession which England would make, but it would be an important one. The Indian situation is a critical one, and under existing conditions the reopening of the mints would prove a relief measure in releasing the peasantry from bondage to the village money lenders and in enabling them to make better terms in disposing of their ornaments—their only reserve and last resource. The ministers of the day might be glad of a pretext for reopening the mints, and their example would not be without effect upon continental nations, like Germany, Russia, and Austria-Hungary, which, in reorganizing their currency systems, have been approaching gold monometallism as the safest basis of finance. No shrewd observer will be beguiled into the belief that the prospect for international action is either hopeful or promising; but India in this calamitous year is an object lesson from which much is to be learned. England has a paramount interest in the restoration of the solvency and prosperity of silver countries.

I. N. F.

Mr. STEWART. Will the Senator from New Hampshire allow me?

Mr. CHANDLER. Certainly.

Mr. STEWART. I understand what is stated in the article is a fact, and it has resulted from the suspension of silver coinage in 1893.

Mr. CHANDLER. I understand so. Up to the suspension of the coinage of the rupee in 1893 the demonetization of silver had but little effect in India, because, as I have already shown,

economic changes are very slow in taking effect, particularly among the oriental people. But after 1893 the fall of silver in India began to take place; the consequences to that country now are exceedingly lamentable; and England is beginning, with poverty, pestilence, and starvation in India, to take account whether it is not her duty to do something toward the remonetization of silver. It stands as an absolutely unequivocal promise, so far as it can be made, except by statute, that in the aid of the remonetization of silver England will open the India mints.

Mr. President, the Senator from South Dakota [Mr. PETTIGREW] will, I think, change his mind, and the Senator from Wisconsin also will change his mind, as to the probabilities of the success of international bimetallism if they will read the February (1897) number of the National Review, published in London and New York—edited by Mr. L. J. Maxse, an extremely intelligent English gentleman and writer, who was recently in this country—where there are three articles on bimetallism in Europe: On France, by Mr. Edmond D'Artois, who was the assistant general secretary of the French Bimetallic League; on Germany, by Dr. Otto Arendt, who is a member of the Prussian diet and honorary secretary of the German Bimetallic League, and by Lord Aldenham, president of the British Bimetallic League. I ask not that these three short articles may be printed in the RECORD, but that, in order that I may send out some of them with my speech, they may be printed as a document for the use of the Senate.

The PRESIDING OFFICER. If there be no objection, that order will be made. The Chair hears none.

Mr. CHANDLER. I will read what Lord Aldenham says, if the Senator from South Dakota will listen to me:

Nevertheless—

He says—

I would point out that opinions expressed by distinguished foreigners in 1892 are not a proof that the same opinions are held by other people of the same nations in 1897.

Dr. Arendt, speaking of an international conference, says:

Should such a conference take place, the German Parliament can therefore be relied upon as a strong supporter.

I do respectfully and earnestly request that Senators, whether or not they read my remarks, will take pains to read these three cogent and extremely interesting articles from the National Review.

THE UNITED STATES.

The position of the United States stands recorded in the declaration of the act of November 1, 1893, as follows:

And it is hereby declared to be the policy of the United States to continue the use of both gold and silver as standard money, and to coin both gold and silver into money of equal intrinsic and exchangeable value, such equality to be secured through international agreement, or by such safeguards of legislation as will insure the maintenance of the parity in value of the coins of the two metals, and the equal power of every dollar at all times in the markets, and in the payment of debts. And it is hereby further declared that the efforts of the Government should be steadily directed to the establishment of such a safe system of bimetallism as will maintain at all times the equal power of every dollar coined or issued by the United States in the markets and in the payment of debts.

A minor but equally significant American declaration was the telegram sent to the lord mayor of London and read at the international bimetallic conference at the Mansion House in London May 2, 1894, as follows:

We desire to express our cordial sympathy with the movement to promote the restoration of silver by international agreement, in aid of which we understand a meeting is to be held to-morrow under your lordship's presidency. We believe that the free coinage of both gold and silver by international agreement at a fixed ratio would secure to mankind the blessings of a sufficient volume of metallic money, and, what is hardly less important, would secure to the world of trade immunity from violent exchange fluctuations. JOHN SHERMAN, WILLIAM B. ALLISON, D. W. VOORHEES, H. C. LODGE, G. F. HOAR, N. W. ALDRICH, D. B. HILL, E. MURPHY, C. S. BRICE, O. H. PLATT, A. P. GORMAN, W. P. FRYE, C. K. DAVIS, S. M. CULLOM, J. M. Cary. (Report of the proceedings of the conference, page 18.)

These utterances may be fittingly supplemented by two of the many declarations in favor of bimetallism made by Mr. McKinley, beginning with that in his speech in the House of Representatives on June 25, 1890, when, although he resisted the free coinage of silver independently of international action, he said:

I believe, Mr. Speaker, that we should preserve these two metals side by side. * * * I want both metals side by side, equal in purchasing power and in legal tender quality, equal in power to perform the functions of money with which to do the business and move the commerce of the United States. * * * Whatever money we have, it must be based upon both gold and silver.

And ending with that of his letter of acceptance of August 26, 1896:

The Republican party has declared in favor of an international agreement, and if elected President it will be my duty to employ all proper means to promote it.

Surely it is impossible to doubt that upon this record the movement for international bimetallism has a large chance of success. Much will of course depend upon the course of prices and business during the months that are before us, while the subject is undergoing further discussion. If changes for the better take place, if the downward tendency of prices is arrested and an upward movement begins, if the widespread failures of debtors shall cease, if prosperity shall come to this country and the other countries of the world while the existing gold standard prevails, the efforts of bimetallists may be in vain. If, on the other hand, the present prices of property, the present conditions of trade, the present woeful plight of the debtors of the world remain as now, or grow worse, there will be an irresistible movement against the existing gold standard which it will not be wise for the public men of any country to attempt to arrest.

THE UTTERANCES OF SENATORS AND SECRETARIES SHERMAN AND CARLISLE.

Mr. President, whatever may be the near or the final result, the cause in which the bimetallists of this country are about to engage will be a noble one. No other words can depict its importance so well as those which have been used by two statesmen of the present day, each of whom has been Senator of the United States and Secretary of the Treasury. Fortunate has been the Senate in retaining for so many years in its membership the Senator from Ohio. His long life has been one of patriotic devotion to the interests of his country, and he now stands here with the highest prestige of any member of the Chamber, in full vigor of body and mind, and it is to be hoped that he may long continue in his country's service. His fame is our fame and the nation's fame, and when he goes forward to his new sphere as Secretary of State we shall all recognize in him the appropriate leader of the new movement to save the country and the world from the evils of gold monometallism, so powerfully described by him in his speech in the Senate of April 10, 1876.

Speaking of the German demonetization of silver, he said (CONGRESSIONAL RECORD, volume 4, Part III, page 2341):

It at once begot a struggle for the possession of gold between all the great nations of the world, because everybody could see that if you demonetize $3,200,000,000 of silver coin and make $3,500,000,000 of gold coin the sole standard of the transactions of the world * * * it would enormously add to the value of gold. * * * Therefore what we have observed recently is not so much a fall of silver as it is a rise of gold, the inevitable effect of a fear of demonetizing the whole mass of this silver.

* * * * * * *

To adopt the gold standard alone and demonetize silver would be to deprive the poor people of the world of the money which alone measures the value of their production and their labor. * * * Gold alone is not suitable for a currency, because it will not measure the daily wants of the great mass of mankind. (Page 2341.)

The utter ruin that would come to mankind, especially to the poorer nations, by the entire demonetization of silver can not be estimated by us. Take one-half of the solid money of the world out of existence, take the sole standard of more than two-thirds of the human race, reduce it to a base metal, and the effect upon the commerce of the world would be incalculable. It can not be done; it will not be done. There is no danger of it. These two metals, gold and silver, have traveled side by side from the beginning of time; the records of human history do not go back beyond it. They have varied, sometimes one and sometimes the other higher, but they have gone on, gold the money of the rich, silver the money of the poor, the one to measure acquired wealth, the other to measure the daily necessities of life; and, sir, no act of Parliament, although it may disturb for a moment the relation of these two metals to each other, nothing but an act of God, can destroy the use of both these metals among the nations of mankind. (Page 2246.)

Mr. President, three Sundays ago, while these impassioned words of the Senator were running in my mind, I listened to the discourse of a young and eloquent preacher in Washington, who told the story of Micah, the man of Mount Ephraim, and of the Levite priest, who had come to his house while wandering about the earth seeking a sojourning place:

And Micah said unto him, Dwell with me, and be unto me a father and a priest, and I will give thee ten shekels of silver by the year, and a suit of apparel, and thy victuals. So the Levite went in. (Judges xvii, 10.)

And the Levite was content to dwell with Micah.

Then said Micah, Now know I that the Lord will do me good, seeing I have a Levite to my priest. (Judges xvii, 13.)

When I heard this narrative, I imagined that the fervid Senator knew the story of Micah when he made his earnest assertion that silver was "the money of the poor" and predicted that nothing but "an act of God" could destroy its use as money. A silver shekel was equal to the sum of about 70 cents. So Micah hired his priest for $7 per year in money, for a suit of apparel (which in the Hebrew original meant a double suit—one for summer and one for winter), for his food, and for lodging also in his humble house hard by the burial place of Joshua, the son of Nun, on the wooded slopes of Mount Ephraim, which mountain was a part of the lot of the tribe of the children of Judah. Micah, the silverite, lived there with his mother and his sons and his priest in honest poverty, using the silver money which God had provided for him. But his happy condition did not long last. The children of Dan had spied out the land and came with 600 men, appointed with weapons of war, and plundered the house of Micah, and then went away and smote the people of Laish with the edge of the sword and built a city in the land of Laish and dwelt therein, and, alas, the Levite priest, at the bidding of the robbers, laid his hand on his mouth and held his peace, abandoned his benefactor, Micah, and fled to the new city and became a priest of his new employers, the Danites.

Thousands of years have rolled around since Samuel, the prophet, wrote this story of Micah, but human nature remains the same.

Lowly cottagers are benevolent; mendicants are ungrateful; noble men and righteous causes are betrayed by those who, when their fidelity and courage are brought to the test, lay their hands on their mouths and hold their peace; but silver is still the money of the poor, which God gave and nothing but an act of God can destroy, and the faithful Senator from Ohio, more earnestly than ever before, will in his new position of power strive to restore and maintain that bimetallism which begun in the days of the prophets and the priests, the kings and the judges of the tribes of Israel and Judah.

The other Senator and Secretary is a distinguished son of Kentucky, to whom it will certainly ever be a pleasure for me to give the meed of praise which belongs to an honorable and patriotic public servant. There are few limits to my gratitude to him, because in the recent election he showed the full courage of his convictions, broke loose from the party ties of a lifetime, and contributed all in his power to give to Mr. McKinley the electoral vote of the State of Kentucky. No language can be constructed which will more forcibly declare the necessity of the rejection of the single gold standard and the restoration of the bimetallic standard in the monetary system of mankind than his utterances on the 21st of February, 1878. This is what he said:

According to my view of the subject, the conspiracy which seems to have been formed here and in Europe to destroy by legislation and otherwise from three-sevenths to one half the metallic money of the world is the most gigantic crime of this or any other age. The consummation of such a scheme would ultimately entail more misery upon the human race than all the wars, pestilence, and famine that ever occurred in the history of the world. The absolute and instantaneous destruction of half the movable property of the world, including horses, ships, railroads, and all other appliances for carrying on commerce, while it would be felt more sensibly at the moment, would not produce anything like the prolonged distress and disorganization of society that must inevitably result from the permanent annihilation of one-half of the metallic money of the world.

THE DUTIES AND DANGERS OF THE REPUBLICAN PARTY.

Surely, in view of these tremendous assertions of two of the greatest and wisest statesmen now living in America, there ought to be universal concurrence in the determination that something shall be done to arrest the evils which they have so luridly depicted. There was much deprecation in the recent political canvass against appeals for the votes of classes as against appeals for the votes of the whole people without regard to classes. In view of the utterances of Senator SHERMAN, such criticism is not well founded. There can not be wise legislation for the whole people that does not take account of classes, at least to the extent of making certain that the legislation does not affect one class more unfavorably than the other; that it does not benefit one class more than it benefits another. The highest authority that ever spoke said: "The poor ye have always with you." Certainly it can not be unwise for the rulers of the people or the members of a national legislature to specially endeavor to protect the poorer classes of society and to lift from them some of the burdens which press them downward into poverty. The hour has struck in this country when there must be a sincere and earnest movement to arrest the injustice that is being done to the masses of the people by the great aggregations of capital, a few great monopolies and many unlawful trusts. In an article written by me on the 14th day of July last, and published in the North American Review of August last, after stating the issues and predicting the result of the campaign, I added:

The time of trial to the Republican party will come after its approaching victory. It will then be in order to determine whether it is the slave of the rich capitalists, of the promoters of trusts and monopolies, and of the bloated bondholders, as the Bryan Democrats and the Populists will contend.

That time has arrived. The writer of a recent essay on "The present distribution of wealth in the United States," Prof. Charles B. Spahr, sums up his conclusions as follows: That there is constantly going forward in this country a concentration of wealth in the cities to the impoverishment of the country districts, and that in the cities there are forces constantly working toward a yet narrower concentration of wealth—as much more concentrated as it is greater than the wealth in the country. He asserts that, taking the whole country, the great body of the small property holders, embracing seven-eighths of the property-holding families, hold of the national wealth only one-eighth, while the wealthy classes hold five-eighths; that one family out of every hundred holds as much wealth as the other ninety-nine; that the average wealth of the families in the country districts is $3,250, while in the cities it is $9,000; that the wealth of the East, including foreign holdings, with but 30 per cent of the population of the country, amounts to thirty-one thousand five hundred millions of dollars, while the wealth of the West and the South, with 70 per cent of the population, is thirty-three thousand five hundred millions.

He says, in connection with incomes, that two-fifths of the product of industry goes to capital; that one-tenth of the families have as much income as the nine-tenths; that 1 per cent of the families, the richest, at the top, have as much income as 50 per cent, the poorest, at the bottom. In other words, that one-eighth of the families have more than one-half of the whole income of the people.

Referring to taxation, he claims that of the national taxes, including customs, the wealthy classes pay one-tenth, the well-to-do citizens pay one-fourth, and the relatively poorer classes pay two-thirds; while, taking local and national taxes together, the wealthier classes pay less than 1 per cent per year on their property, the masses of the people pay 4 per cent on their property.

If these conclusions are to be relied upon—and they are carefully set forth and gravely defended—while it may not be patriotic to appeal for the votes of the poor against the rich, yet it certainly will be wise for the governing classes of this country to devote themselves, in hard and distressing times, to the alleviation of the burdens of the poorer classes; to preserve as money of the world—in the language of the Senator from Ohio—silver, which is the money of the poor, as well as gold, which is the money of the rich; to lessen as much as possible the taxes of the poor, and to so manage the affairs of the Government that neither in 1898 nor in 1900 shall the country be confronted, in the political contests in which we are next to engage, with any unjust national laws, framed and maintained either in the interest of the money lenders or of the managers of illegal trusts and monopolies of any sort.

The fortunate renaissance of the Republican party ought to give as the first fruits of reascendency not the free coinage of silver by the United States alone, which would be silver monometallism, but—

I.

The restoration of bimetallism, in moderate course, and with due regard to all the honorable pledges of the nation.

II.

The Republican party should also, without interfering with the right of private individuals to accumulate property, so control the exercise of corporation powers as to forbid the payment of excessive salaries or dividends or of interest on fictitious capitalization.

III.

It should, without prohibiting the consolidation of business enterprises into single corporations, prevent the combination of separate companies by trust agreements in restraint of trade and in destruction of competition, which is the life of trade.

IV.

It should, without hindering the use of modern methods of freight and passenger transit, effectually regulate and govern transportation companies, so as to prevent free transportation and all other discriminations for favored classes, and so as to fix, by governmental authority, in the first instance and before they can be lawfully collected, reasonable rates of fares and freights, in order that complaining parties may not be forced to actually pay exorbitant rates and vainly look for a remedy in futile lawsuits to recover them back.

V.

It should readjust the schemes of national and local taxation, so that the burdens shall not weigh unjustly upon the classes in the community least able to bear them, and so that American industries may be developed, while American wages are maintained at the highest possible standard.

VI.

Above all, it should struggle to restore and establish honesty and purity in making political nominations and conducting political elections, thrusting corruption away "from the seats of the mighty;" thus making this country—

The land of justice, where the poor
Shall hold their rights as safe
As those the rich secure.
Where right, not might, shall rule; all men
Be equal; while o'er all,
God's blessing shall endure.

When, forty years ago, the Republican party was formed, it had the noblest possible mission—to resist the extension of American chattel slavery. Its efforts resulted in a war between the North and the South, the greatest conflict in the world in modern times. The Union was saved, a race liberated, and the nation of freemen carried by the Republican party to the highest degree of prosperity ever attained by any country in any age. After a brief exclusion from national power by a combination of Eastern plutocrats, Southern sectionalists, and Western malcontents, typified at one extreme by President Cleveland and at the other by Governor Altgeld, the reins of Government have again been placed in Republican hands. New occasions teach new duties. In repetition and conclusion, I declare my belief that President McKinley and the other leaders of the party, in its present advent to power, may, by wise designs and virtuous deeds, indefinitely prolong its ascendency in the country. This can surely be done by making it the true party of the people, to the final confusion and discomfiture of those pretenders, the blind leaders of the blind, who were so summarily, on the 3d of November last, all thrown into the

ditch together. If, on the contrary, this is not done, and the Republican party shall content itself with seizing and enjoying the spoils of office, surrendering unreservedly to the money power which so effectively contributed to its recent victory, acquiescing permanently in the existing gold standard, and treating bimetallism, according to the advice of the Portland Oregonian, as "a juggling humbug," and the promise to promote it, according to the advice of the New York Sun, as a pledge never intended to be fulfilled, Republicans will speedily find the tide of political battle once more turned against them, and they will soon exchange places with their now sore, bleeding, and prostrate foes.

To the coming triumphant President, hopeful and overconfident, rejoicing as a strong man to run a race, and to his chosen advisers, soon to challenge all the adverse currents of the future, I can not help warningly say concerning the pending world-wide controversy over the burning question of money: Unsettled questions pay no heed to the repose of nations. "Be wise to-day; 'tis madness to defer."

Mr. STEWART. Will the Senator from New Hampshire allow me to ask him one question? I have been much entertained and interested in his very able speech as showing the absolute necessity of bimetallism. I wish to ask him, in case the Republican party fail to secure international bimetallism, what is then to be done? If bimetallism can not be obtained through international agreement, is there any remedy which he would advise?

Mr. CHANDLER. I shall never help fasten the single gold standard upon mankind. I should suppose that inference was pretty easily drawn from what I have said. I have so much confidence that we are to have international bimetallism that I do not have to take up any further question. I only hope that my silver monometallist friends are not so anxious to have their own way about it that they are not willing to have the free coinage of silver adopted in concurrence with the other nations. I sometimes fear that they are so earnest and zealous and persistent that they do not want international bimetallism, but prefer to have this country join the silver nations. I do not wish this country to be compelled to join the silver nations, and I am quite sure we are going to have international bimetallism.

Mr. STEWART. That is not an answer to the question.

The PRESIDING OFFICER (Mr. BACON in the chair). The Chair will state that the unanimous consent which was given extended only to the speech of the Senator from New Hampshire.

Mr. STEWART. I ask unanimous consent to ask a question. I will quit then.

The PRESIDING OFFICER. Without objection, the Senator from Nevada will proceed.

Mr. STEWART. The Senator's reply does not answer the question. My question is, Whether, in case international bimetallism can not be obtained, the Senator from New Hampshire is prepared to say what he would do—what he would advise?

Mr. CHANDLER. I think it is the highest folly in the world to set about any enterprise by making threats——

Mr. STEWART. There is no threat about it.

Mr. CHANDLER. Or by undertaking to define what your future position would be. I am a convinced bimetallist; I am an earnest bimetallist; I believe we are going to accomplish bimetallism, and I am not going to say what I shall do if we do not accomplish it in one way or the other. We will attend to that question when we get to it.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 1816) granting a pension to Eliza Craig Heckman, widow of Brig. Gen. Charles A. Heckman;

A bill (S. 1975) granting a pension to Mrs. Julia Jones Duncan, widow of Bvt. Maj. Gen. Samuel A. Duncan;

A bill (S. 2645) granting a pension to Jane H. Vandever; and

A bill (S. 2832) for the relief of Daniel T. Tollett.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 10040) granting an increase of pension to George W. Ferree, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ANDREWS, Mr. CROWTHER, and Mr. BAKER of Kansas managers at the conference on the part of the House.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 6845) granting an increase of pension to Maj. John H. Gearkee; and

A bill (H. R. 9785) granting a pension to Rebecca A. Kirkpatrick.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions:

A bill (S. 3603) to extend the time for the completion of the St. Paul, Minneapolis and Manitoba Railway Company through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian reservations, in the State of Minnesota;

A bill (H. R. 5764) granting an increase of pension to Elizabeth D. Marthon;

A joint resolution (S. R. 121) to amend an act granting to the Duluth and Winnipeg Railroad Company a right of way through the Chippewa and White Earth Indian reservations, in the State of Minnesota; and

A joint resolution (S. R. 204) authorizing the Secretary of the Navy to transport contributions for the relief of the suffering poor of India.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I move that the Senate proceed to the consideration of the Indian appropriation bill.

Mr. VILAS. Is not the bill to be taken up with the idea that the bankruptcy bill shall not be displaced? If the motion is to be made with the view of displacing the bankruptcy bill, I desire to call for the yeas and nays upon it.

Mr. PETTIGREW. Not at all. I will amend my motion by providing that the appropriation bill shall not displace the bankruptcy bill.

Mr. VILAS. I suggest, then, that instead of being in the form of a motion, there be unanimous consent asked that the bankruptcy bill be temporarily laid aside.

Mr. PETTIGREW. I have no objection to placing it in that form.

Mr. VILAS. And that the appropriation bill be taken up only upon such an arrangement.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. PETTIGREW. I ask that the formal reading be dispensed with and that the amendments of the committee be disposed of as they are reached.

The PRESIDING OFFICER. Without objection, that course will be taken.

Mr. VEST. I prefer myself that the bill shall be read.

The PRESIDING OFFICER. Objection being interposed, the bill will be read.

Mr. PLATT. What was the objection of the Senator from Missouri? I want to understand about it before the reading is commenced.

The PRESIDING OFFICER. The Senator from South Dakota asked that the formal reading of the bill be dispensed with, and that each amendment be acted upon as it was reached in the reading. The Senator from Missouri objected, desiring that the bill shall be read through consecutively before action upon the amendments.

The Secretary proceeded to read the bill, and read to line 23, on page 14.

Mr. GORMAN. I ask the attention of the Senator in charge of the bill. The bill is being read through on account of the fact that quite a number of Senators desired that that course should be pursued because they have not had an opportunity to familiarize themselves with its details. I suggest to the Senator that he permit a motion for an executive session, and by to-morrow morning we can dispense with the formal reading of the bill, and go on and consider it as appropriation bills are usually considered. That will give to some Senators who have not had it, an opportunity to read the bill during the night; and, with Senators' consent, I will make that request.

Mr. PETTIGREW. I ask unanimous consent that the formal reading of the bill be dispensed with, and that it be taken up to-morrow morning immediately after the routine morning business.

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). The Senator from South Dakota asks unanimous consent that the formal reading of the bill be dispensed with and that it be taken up to-morrow morning immediately after the conclusion of the routine morning business. Is there objection? The Chair hears none, and it is so ordered.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. GORMAN. I move that the Senate proceed to the consideration of executive business.

Mr. HOAR. I desire to have the bankruptcy bill laid before the Senate before that is done. I suppose in the regular order the Senator will not object to having the bankruptcy bill laid before the Senate.

Mr. GORMAN. No; not at all. I understand that is the order.

Mr. HOAR. Let that be done before the executive session is ordered.

The PRESIDING OFFICER. It is so understood.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States.

Mr. HOAR. Why should not the Senate now proceed with that bill a little while, instead of going into executive session?

Mr. GORMAN. I only made the motion at the request of some Senators who desire a short executive session.

Mr. HOAR. Then I give notice that after the executive session I shall ask the Senate to proceed with the consideration of the bankruptcy bill.

EXECUTIVE SESSION.

Mr. GORMAN. I renew my motion for an executive session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eighteen minutes spent in executive session the doors were reopened.

UNIFORM SYSTEM OF BANKRUPTCY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States.

Mr. VEST. I will ask the Senate to consider a little local measure, which will only take a few moments, without displacing the regular order.

Mr. HOAR. If the Senator will pardon me, I should like to take the floor on the regular order, and then I will yield without proceeding at present.

Mr. VEST. Certainly, as a matter of course.

Mr. HOAR. Mr. President——

The PRESIDING OFFICER. The Senator from Missouri asks unanimous consent for the present consideration——

Mr. VEST. I yield the floor to the Senator from Massachusetts, so that he can take it upon the regular order.

The PRESIDING OFFICER. The Chair understood the Senator from Massachusetts to yield to the Senator from Missouri.

Mr. HOAR. If I am recognized and have the floor, I yield to the Senator, if that is the understanding of the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is entitled to the floor on the regular order.

KANSAS CITY INTERSTATE NATIONAL BANK.

Mr. VEST. I ask unanimous consent for the consideration of the bill (S. 3680) to provide for the removal of the Interstate National Bank of Kansas City from Kansas City, Kans., to Kansas City, Mo.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment, to strike out section 4, in the following words:

SEC. 4. That this act shall take effect and be in force from and after its passage.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CAPT. WILLIAM N. TISDALL, UNITED STATES ARMY.

Mr. HAWLEY. With the consent of the Senator from Massachusetts, I ask the Senate to take up the bill (S. 1427) to provide for promoting Capt. William N. Tisdall, United States Army, now on the retired list, to the rank of major. The Senator from Tennessee [Mr. BATE], when the bill came up the other day requested a little delay. I understand he withdraws any objection.

Mr. BATE. I objected yesterday evening, Mr. President, but I have no objection to present now. I understand the bill passed through our committee unanimously, and as I say, I do not object to its present consideration.

By unanimous consent, the Senate resumed the consideration of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

UNIFORM SYSTEM OF BANKRUPTCY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States.

Mr. HOAR. Mr. President, I do not wish to be counted among the number of those Senators who have defeated great measures of legislation by elaborate speeches in their favor. I assume that this body, consisting of experienced statesmen and business men, and so largely of experienced lawyers, understands pretty thoroughly the history of bankruptcy legislation in this country, and the detail of the legislation which we have had in the three bankruptcy laws which have been enacted and repealed in the past. So I wish, in a sort of informal and business way, to take ten or fifteen minutes in simply stating one or two points of this matter which I think ought to be understood and recorded.

The estimates which are generally made are that there are 350,000 bankrupts in this country. A very careful and thorough examination made by the publisher of the great business magazine known as Bradstreet's made the number about 300,000 several years ago. There must be certainly an addition of 50,000 more. I have no doubt myself that that is an underestimate, and that there must be at least a half million of these persons. They are people who have generally been men of activity, energy, and credit. Otherwise they would not, as a rule, be debtors. The great cities on this continent are upon rivers, and the great rivers of this continent are very largely boundary lines of States. Accordingly, these debts, so far as they are contracted by merchants and manufacturers, are apt to be owed by men living in the neighborhood of great cities, or in great cities, to persons who live over their State lines. The great manufacturing and mercantile business of this country and the cotton-raising business of this country depend upon distant parts of the continent for their market and distant parts of the continent for their material. So the number of these bankrupts who can not be discharged from their debts by State laws is very great, and it will be remembered that the State law can not provide for the discharge of a debt between citizens of the same State unless it was contracted after the enactment of the law in reference thereto.

Now, there are three classes of opinion in this country on this subject. First, there is the opinion that there ought to be a law providing for two things: First, the discharge of all the debtors who have committed no crime or fraud and who can not pay their debts, in order that this great mass of American citizens may be restored to citizenship. A bankrupt goes through his life unable to do anything in a natural way for himself or his family and "drags at each remove a lengthening chain" until he goes to his grave. He is compelled to resort to petty shifts and subterfuges, doing business in another man's name, and fraudulent concealment of his interest in what the other man allows him to do in his name.

I think there should be a bankrupt law discharging these people where there is no case of actual and clear fraud, and that it should provide for the equal distribution of a bankrupt's estate among all his creditors without favoritism or preference, unless debts for the actual necessaries of life or to laborers or personal servants for actual wages are preferred to a limited extent.

I do not think any bankruptcy law that does not provide for the rights of creditors also in the case of an attempt to defraud them or in the case of an attempt to grasp the whole estate for one favorite creditor is in spirit constitutional. The word "bankruptcy" used in the Constitution had at the time of the adoption of the Constitution a technical meaning. It meant the distribution of the estate of a fraudulent debtor at the application of the creditors. An insolvent law was a totally different thing.

Mr. STEWART. I think there ought to be a full Senate to hear the statement of the Senator from Massachusetts. I suggest the want of a quorum.

The PRESIDING OFFICER. The Senator from Nevada suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Call,	McBride,	Sherman,
Allen,	Chandler,	Morgan,	Shoup,
Bacon,	Chilton,	Morrill,	Smith,
Baker,	Dubois,	Nelson,	Stewart,
Bate,	Elkins,	Pasco,	Tillman,
Berry,	Frye,	Perkins,	Turpie,
Blackburn,	Gallinger,	Pettigrew,	Vest,
Blanchard,	Hawley,	Platt,	Vilas,
Brown,	Hoar,	Proctor,	Walthall,
Burrows,	Jones, Ark.	Pugh,	Wetmore.
Butler,	Lindsay,	Quay,	
Caffery,	Lodge,	Sewell,	

The PRESIDING OFFICER. Forty-six Senators have answered to their names. A quorum is present.

Mr. HOAR. I do not think it was ever intended by the framers of the Constitution, or by the generation that adopted it, that a pure insolvent law without a provision for a distribution on the application of creditors should be enacted. Bankruptcy meant a measure taken on the application of creditors, and nothing else. An insolvent law in legal treatises of that time is a separate and independent measure, treated on under different chapters in the old law books. But very naturally and properly the two things were united, and the insolvent law became an incident of our bankruptcy system. As time went on and a more humane and generous estimate of the relation of debtor and creditor prevailed, very naturally, also, the insolvency application became the principal, and the bankruptcy, the application by the creditors, became, if not the incident, at least the less important feature.

But still it is very difficult, in my judgment, to uphold the constitutionality of a pure voluntary system of insolvency which entirely excludes the bankruptcy proceeding which was contemplated by the Constitution. However, I do not propose to discuss or enlarge upon that consideration, because, practically, I do not think there is any likelihood that a majority of the Senate will be found favoring either of those things without the other. I do not care to waste time, therefore, in that discussion.

Now, the States have at present no sufficient remedy; first, for the reason I have stated already, that they can not take care of debtors owing debts to citizens of other States. In point of fact, there are only thirteen States having voluntary and involuntary

bankruptcy laws. So that in thirty-two States of this Union the poor debtor has no hope, even if all his creditors dwell within the borders of his own State. Then there are ten States, in addition, which have the voluntary insolvent laws, where the debtor can get relief from the debts contracted within his own State with citizens of his own State, if those debts were contracted after the passage of the law. Then there are five States of these which require the assent of a certain proportion of creditors, always, I believe, at least a majority in number and value. In some States I think it is two-thirds; it is one or the other. That is not material, however. So that in those five States the debtor is dependent upon the will of the creditor, even in the limited number of cases where he can get relief at all.

Mr. TURPIE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Indiana?

Mr. HOAR. Certainly.

Mr. TURPIE. I should like to call the attention of the honorable Senator to the words in the Constitution, "uniform laws on the subject of bankruptcies," and especially to the word "subject." I refer the honorable Senator to the English law upon that subject before the adoption of the Constitution.

Mr. HOAR. I can not hear the Senator from Indiana.

Mr. TURPIE. There were, then, two classes of courts formed by the act of Parliament—one the insolvent court and one the bankruptcy court; one which authorized a voluntary surrender of assets and one which contemplated an involuntary surrender of assets. I think it was to combine both into one act of legislation that the phrase in the Constitution is so written. It was not written "uniform law on bankruptcies," but "uniform law on the subject of bankruptcies," thus expressly combining the English insolvency proceeding and the bankruptcy proceeding, and the English courts on both those subjects as well as parliamentary action, so as to include both voluntary and involuntary.

Mr. HOAR. That reenforces, it seems to me, the suggestion which I just made. But I merely made it in passing to show my own view, not intending to predicate any argument now or later in this debate upon that proposition. I only said that the word "bankruptcy" contemplated at the time of the adoption of the Constitution a different thing from insolvency, administered in different courts, in the history of English legislation, and treated of differently in the books.

Mr. TURPIE. Yes, sir; but if the honorable Senator will allow me, the word "bankruptcy" does not give and would not alone indicate what the "subject of bankruptcies" conveys.

Mr. HOAR. That suggestion is a very pertinent one, unquestionably, but I am now coming to another proposition. I wish to hurry this along, so as at this late hour of the afternoon to get rid of what I desired to say in the beginning.

Mr. President, the first class of opinion of which I have spoken is entertained by a class of people who want to unite both, of which I am one. There is another class of persons who want voluntary bankruptcy, but who are very unwilling to have any provision for involuntary bankruptcy unless in case of actual fraud, either in an attempt to cover up and conceal the property of the debtor from the creditor, so that the debtor may keep it himself, or in an attempt to give a preference to a favored creditor, so that the mass of the creditors shall not be taken care of and shall not have their share. That class of persons, who exist in the country and are represented in the Senate, are very unwilling, indeed, to have any provision whatever which will effect the distribution of an estate for the mere reason that the debtor can not pay his debts and is hopelessly insolvent. If he wishes to stagger along, never getting a discharge, with the hope that something will turn up, or for any reason known to himself, they do not desire to interfere with him.

Their reason, however, they would not state in that way, and the reason which they would state—and undoubtedly it is a reason of the very greatest force—is that there are many instances of energetic, honest, capable, and brave men who get into some temporary business difficulty, so that they can not meet their obligations in the course of business, which is the general definition of insolvency, and if they are forced into bankruptcy their whole property is taken from them, their business is gone, the good will is gone, their relations in life which they have established are all destroyed, and very often hope is destroyed, too; that it is not reasonable that such men should not have their chance to go on for months and perhaps sometimes for years; that it is not reasonable that any one creditor should have the power to hang over their heads the threat to put them into bankruptcy from malice or cupidity.

I am very much impressed, speaking for one, with the wisdom and humanity and honesty of that opinion, and I think that this bill if it pass ought to contain in it provisions carefully drawn in the spirit of compromise and in the spirit of an honest endeavor to reconcile different opinions which will take care of that case.

I think the House bill, which is generally known as the Torrey bill, contains such provisions as ought and are likely to meet the reasonable desire of gentlemen impressed by this opinion. If they do not, I hope that in the course of this discussion ground will be found, with the aid of other Senators interested in the matter, to accomplish that purpose to the satisfaction of the people of the country and the satisfaction of the Senate. It would be a great pity if the half million of bankrupts were to go on in sorrow and in despair for the rest of their lives because we have not skill enough to frame a measure which will accomplish the result which every humane man thinks desirable.

Now, the third class of opinion does not want any bankruptcy legislation at all. It does not want these men relieved. It does not want estates of debtors honestly divided among creditors. It wants the possibility of fraud, and the possibility of preference to continue so far, at any rate, as it is to be affected by the interposition of national authority and the exercise of the constitutional power, which it is our right and which Mr. Webster claimed it was our constitutional duty to exercise.

There are undoubtedly reasons, honest and weighty, in favor of that proposition, and it is not for me to undertake to answer them before I hear them, if they are to appear here.

There are persons outside of this Chamber who have been active, earnest, efficient, formidable, and successful for many years in hindering bankruptcy legislation, who do it for a reason that they themselves avow and act upon. I have a fair right to state it, because they state it themselves. It is that they have business arrangements in some cases, firms that have credits by the million, by the tens of million, over the country who have arrangements with debtors, traders and small manufacturers especially, by which they give them credit on the condition that if they ever get into failing circumstances they shall be preferred by way of mortgage or absolute conveyance of the whole property of the debtor. They say very frankly, "We do not want a bankruptcy act, because when you go into bankruptcy we want your property for ourselves."

Sometimes they are creditors of the class that I have stated, doing business all over the country. At other times they are local bankers, lending money on those terms; and the banker says—to quote a phrase which was used in my hearing not long ago:

> The question is to be between the banker who lives in the neighborhood and the goods man who lives in some other State, and we would rather have it ourselves.

Now, that proposition is one which, it seems to me, will not bear a great deal of discussion. I do not think it is likely to find support in the mind of any member of this body. These men not only lend the money, or set up the debtor in business by the capital that they furnish or the goods they supply him, but the fact that they have done so gives the debtor the very credit that has enabled him to get loans of money or advances of goods elsewhere. The local banker is written to—a man in Alaska. I will not take the name of any existing State or Territory which is likely to be very much affected by the pending bill. The local banker lends him some money. Then a man in New York or Connecticut writes to that banker and wants to know if the man's credit is good. "Oh, excellent." He sends him his goods. Then, the man's business being unsuccessful, the very goods which have been supplied to that man on a credit which the creditor in the neighborhood has furnished him are taken and sold, and the whole proceeds of them go to the man on whose recommendation the distant creditor has made to him the sale.

Now, it seems to me that that reason will not stand fire or bear the light. The idea of keeping these 500,000 poor men in the toils and in the chains forever in order that this class of creditors may get not the lion's share, but the hyena's share, it strikes me is not one which if acted upon would be very creditable to the legislation of a humane, Christian, honorable, or just nation.

Mr. President, this bill, in the course of many years that this matter has been under consideration in Congress, has been constantly modified and ameliorated for the benefit of the debtor. In the first place, there is a very careful provision, such as is not found in the legislation of any single State—if it is, in only one or two at any rate; I have not got the statistics on that point here—that the expenses of the referee and trustee shall never exceed a very small percentage on the assets. There is no eating up, as we have had in the experience in the past, of a bankruptcy estate, so that it goes to lawyers and assignees and referees and court officials.

Mr. PEFFER. And registers.

Mr. HOAR. And registers. In the next place, the debtor gets his discharge; but if he has been honest and fair, without any regard to the assent of any creditor. If he does not pay one cent and owe a million dollars, he is discharged from the million dollars. No proportion of his debts is required to be paid, and no assent of any proportion of creditors.

The scheme of the bill I will now state. I speak now not of the proposed amendment to the bill, but of the original House bill, which is technically before the Senate. The original bankruptcy jurisdiction is conferred upon the district courts of the United States and of the Territories, the supreme court of the District of Columbia, and the United States court of the Indian Territory.

They appoint assistant judicial officers, called referees, in such numbers as may prove desirable in order to secure a prompt administration, and in such localities as may prove desirable in order to bring the proceeding to the door of the debtor and the door of his neighborhood creditors as far as practicable, so that traveling long distances and over great spaces to the United States court is to be avoided as far as possible.

The compensation of the referee is a ten-dollar filing fee in each case and 1 per cent commission on amounts paid in dividends from each estate administered before him.

Then the bankruptcy proceeding may be taken by appeal to the court of appeals. Under a proposed amendment no question is to be carried to the Supreme Court of the United States except such questions as would go up by reason of being what is called Federal questions from a State court under like circumstances—that is, where it is claimed that some State statute is invalid by reason of its being opposed to a law, treaty, or the Constitution of the United States and the decision is in favor of its validity, or where some authority or title is claimed by the Constitution or laws of the United States and the decision is against the title or authority.

That is the substance of the bill. It is the same as in the cases of State courts, except that on application to the Supreme Court the court may grant a certiorari to bring up the decision of any court of appeals in any circuit where such bringing up is necessary to secure uniformity of decision throughout the country. That does exist in cases of all other questions which are in the court of appeals, and it ought especially to exist in bankruptcy proceedings, because the mandate of the Constitution is express that the system of bankruptcy throughout the United States shall be uniform.

Now, all persons or partnerships who owe debts may become voluntary bankrupts on filing their own petitions, except corporations, who are authorized to take the benefit of the act voluntarily, but may be adjudged involuntary bankrupts on the petition of creditors.

The question whether a railroad corporation shall be the subject of bankruptcy in this country is one which has been often raised, and that is left to the general provision of the law saying that corporations may be put into bankruptcy. For myself, and speaking for one, not for the committee, not for the framers of this bill, not for anybody else, I do not believe that if the question were an original one a railroad corporation ought ever to be made the subject of bankruptcy.

The railroad corporation is in all States a corporation which is required to have a particular nature and character. Special provisions are made for the paying in of the stock, for the voting, for proxies, for securing a sufficient capital; and the right of eminent domain is delegated to them. They go across the country, going where they choose, crossing highways, going along highways, and they discharge for the people the great public function of providing public ways—one of the three great functions of the sovereign—and the great public function of carrying freight and passengers.

I do not conceive that such a franchise as that ought ever to be sold to the highest bidder, to be bought by an individual, to be acquired by speculators or by persons who are not controlled in their action in the organization and management of the corporation and ownership of the property without the special consent of the State legislature in each particular case.

I do not think we can constitutionally, as a matter of original principle, provide that a State power of eminent domain granted by the State to a corporation of its own construction can be taken from it by United States authority and set up for sale and given to the highest bidder or wielded under our authority. I do not think that it is either expedient or ought to be held lawful that these corporations can be put into bankruptcy without having sold what is ordinarily their chief and most valuable property, the franchise which they have got from the public.

So if the question had come to me, if I had had the honor to be on the bench, I should have held that a railroad corporation, if insolvent, must have its assets distributed under special provisions of the authority that created it.

But the practice has been otherwise. The Supreme Court of the United States have recently used language, without, I think, very much discussion of the question, which implies that they think otherwise, and I suppose it will be held otherwise in the country. But I have sought, or at least the framers of the bill have sought, and I entirely agree with them, to leave this question to the court. I say framers of the bill. It has come down very much modified and changed, partly in committee, partly out of it, from a former Congress. The framers, I say, have left that question to the exposition of the court, with the bill providing generally that corporations may be put in insolvency on involuntary proceedings, and there it stands. I thought it was proper to make this statement.

Now, farmers and wage earners, like all other classes of the community, of course, may avail themselves of the voluntary proceedings provided for by the bill. The involuntary proceedings, so far as they are provided for in the bill, can only be taken against persons who are found to be actually insolvent, except where actual fraud has been committed in the first place. So they can not be taken against anybody, whatever acts of bankruptcy he has committed, as a threat or to get power over him. They can not be used as a threat or menace against anybody who is not an actual insolvent. In the next place——

Mr. STEWART. How is that question to be determined in the initiation of the proceedings?

Mr. HOAR. It is determined by the court in the first instance, with power of appeal to a jury in every case.

Mr. STEWART. Before any proceedings?

Mr. HOAR. Before any proceedings can be had.

Next, where the man, in the first place—and that applies all through—is actually found insolvent by a jury, and he must have committed an act of actual fraud by either being insolvent, and in contemplation of insolvency having conveyed his property out of his hands to defeat, delay, or hinder creditors, or given a preference to one creditor against the others.

In each of those cases, according to the bill as it came from the House, and as it will stand unless this particular provision may be modified to suit all parties in the Senate, three or four unsecured creditors, having together claims amounting to $500 or over, may file a petition, and if there are less than twelve creditors in all, then any one creditor having a claim of that amount may file a petition, and the defendant may have a jury trial if he sees fit.

In case a final adjudication is secured against the defendant, a trustee shall be appointed, corresponding to the old officer called an assignee, to whom the title of all the property held by the debtor at the date of the adjudication, except such as is exempted, passes.

Now, the statute recognizes and gives effect to the exemption laws of all the States. The circuit court, in Judge Miller's time, when he gave the opinion, have held that that is not an objection; it does not prevent a system of bankruptcy being a uniform system of bankruptcy within the meaning of the Constitution; that it only attaches to and sequesters and distributes the property of the debtor which is liable to his debts wherever it may be found. If there be property—although the State law creates the exemption—exempted from such liability, exempting that property does not prevent the system from being uniform in the constitutional sense. The bankrupt gets his discharge, as I have said, without reference to the consent of anybody, and without reference to the payment of any amount, unless he has committed an offense by giving preference after the passage of the act for the purpose of defeating its operation within one year, which has not been surrendered. If he has given such a preference, and it has been surrendered, that does not interfere, and in ordinary cases, of course, such preference would be set aside by the law. So that if it were established, it would hardly be a practical objection to the bankrupt getting his discharge.

Another provision relates to obtaining property upon credit by false pretenses, which is made a criminal offense in most of the States, or making a fraudulent transfer of his property, which has not been restored, or fraudulently, and in contemplation of bankruptcy, destroying his books of account, or failing to keep proper books of account with fraudulent purpose.

The last provision, I wish to say here, will probably, if the bill shall pass, receive some special attention in the Senate, and very likely some modification of that provision may be thought, on discussion, desirable. It is not of the essence of the bill at all, but that is the way it came from the House of Representatives.

The bankrupt gets a discharge from all his debts except taxes, judgments rendered against him in court, for willful and malicious injuries to the person or property of another, or debts which he does not put in his schedule, and fraudulently omits from his schedule, or such as were created by fraud, embezzlement, or defalcation while acting as a public officer or serving in a fiduciary capacity.

The creditors choose the trustee of the bankrupt. The compensation of the trustee is, first, a filing fee of $5 in all cases; second, 5 per cent commission on the first $5,000 actually paid over in dividends to the creditors, net and not gross; 2 per cent on the second $5,000, and 1 per cent of all amounts so actually paid on dividends over $10,000.

Mr. President, we had great complaints of the administration of the old bankrupt law in some parts of the South immediately after the war, especially in the State of Louisiana. Those complaints were just. The facts on which they were founded were a scandal on the administration of justice; and I am bound to say publicly what I have often said in private, that there was a great and a most reprehensible carelessness in the appointing power of this country of United States judicial officers in the district courts during and immediately succeeding the Administration of President Lincoln. We ought in the disturbed and distracted condition of that country to have sent down there, or selected there from their own material rather than send down at all, men who would have been great and shining models of the judicial character.

Mr. STEWART. Will the Senator allow me?

Mr. HOAR. Pretty soon; when I have got through with this point.

They should have been men who would have represented to the people the authority and the justice of the United States by characters which would have been revered and honored. That was not done. Five judges of the courts of the United States were driven from office during that period by threats of impeachment, which they dreaded.

Mr. STEWART. If the Senator will allow me, there was no bankrupt law in force during President Lincoln's time.

Mr. HOAR. The bankrupt law was enforced by the judges immediately after the war, and by judges who were appointed in his time. I do not want to name them, as everybody knows them.

Mr. STEWART. It was long after that.

Mr. HOAR. Everybody knows them, and I do not think, so long as Louisiana is represented in the Senate of the United States, that I need go very far to find witnesses of the substantial truth of what I am saying. I have had occasion to know something about it in various ways. I presume now, as the Senators from Louisiana are both present, I should not err if I were to say that amongst hundreds and hundreds of bankruptcy cases in that State there was not a single one in which a dollar was paid to a creditor. If I exaggerate, I should like to be contradicted and set right.

Mr. CAFFERY. I did not hear the Senator's statement.

Mr. HOAR. I said that I believed that after the war amongst hundreds and hundreds of bankruptcy cases in the State of Louisiana there was not a single case in which a dollar was paid to a creditor.

Mr. CAFFERY. I think the Senator is probably correct in that statement.

Mr. HOAR. That I supposed. I thought I knew something about it when I stated it. The bankrupt law was passed in 1867.

Mr. BLANCHARD. Will the Senator allow me?

Mr. HOAR. Yes.

Mr. BLANCHARD. I know also that the administration of the national bankrupt law in Louisiana after the war was a disgrace to those who participated in it.

Mr. HOAR. That is just what I said, except that I stated it a little stronger than the honorable Senator has done. I said, instead of sending down to those communities or selecting in those communities men who would represent by their dignity, purity, and authority the character of the United States, we had down there judges, five of whom were driven from office by threats of impeachment, and I regard that history as the scandal, not in the least of those Southern communities, but as the scandal of justice and the authority of the United States. I called the attention of the Senate and of the people of the United States to that fact on a very impressive occasion in this Chamber on an impeachment trial, when I think my honorable friend from Nevada was probably one of the judges of the court.

Mr. STEWART. No.

Mr. HOAR. I was not sure whether he was then in the Senate or not.

Mr. President, this bill has gone to the extreme in the other direction. There never was a bankrupt law, I believe, either in existence or proposed, on the face of the earth which so strictly, carefully, scrupulously, economically guarded and pressed down the possibility of extravagant expenditures in administration, or which provided so low a compensation for the officers, the referee, and the trustee who are provided for by it.

There is one point that we can not guard absolutely, and if any Senator can find an amendment guarding it, I for one will thank him. I have not found myself able to devise a provision by which, if there were lawsuits brought against an estate, where strangers in the transaction are on the other side, it is made impossible to have extravagant fees or large expenditures in the matter of counsel. Experience has shown that the courts are not as strict in those matters as they should be. Of course, the trustee can have no personal interest in it without being subject to prosecution and punishment as an embezzler, and the referee can have no more personal interest in it than can the judge. But if any human being can contrive a way by which these estates can get, in case of litigation, the assistance of eminent and suitable counsel, which they need, and still have any security other than the honor of the counsel themselves, the character of the parties, and the fidelity of the trustee to his estate, the person chosen by the creditors, removable by them—and that, of course, is a great security—I shall be glad to support any amendment in that direction.

There are some matters of mechanism. The bill takes up a good many pages in what, after all, is easily understood, but is necessary to be set out for the safety of the transaction. I believe, however, that I can honestly and fairly and reasonably say that there never existed on the face of the earth, that there never was proposed to a legislative body, State or national, here or elsewhere, a bankruptcy bill so considerate and humane to the debtor and so careful to preserve the just interests of the creditor against embezzlement, waste, or any other description of fraud.

Mr. STEWART. Mr. President, I desire to make some remarks on this subject, but it is too late to-night, and there are not enough Senators here. The Senate is very thin.

Mr. WALTHALL. If it will be agreeable to the Senator, I will move an adjournment.

The PRESIDING OFFICER (Mr. PASCO in the chair). Does the Senator from Nevada yield for that purpose?

Mr. STEWART. I yield for that purpose.

Mr. WALTHALL. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 17, 1897, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 16, 1897.

COMMISSIONER OF THE DISTRICT OF COLUMBIA.

Francis P. B. Sands, of the District of Columbia, to be a Commissioner of the District of Columbia, vice John W. Ross, whose term expired January 9, 1897.

PROMOTIONS IN THE ARMY.

Quartermaster's Department.

Col. George Henry Weeks, assistant quartermaster-general, to be Quartermaster-General, with the rank of brigadier-general, February 16, 1897, vice Sawtelle, retired from active service.

Lieut. Col. James Grafton Carleton Lee, deputy quartermaster-general, to be assistant quartermaster-general with the rank of colonel, vice Weeks, appointed Quartermaster-General.

Maj. James M. Marshall, quartermaster, to be deputy quartermaster-general with the rank of lieutenant-colonel, vice Lee, promoted.

Capt. John Wesley Pullman, assistant quartermaster, to be quartermaster with the rank of major, vice Marshall, promoted.

Lieut. Alfred M. Palmer, to be assistant quartermaster with the rank of captain, vice Pullman, promoted.

ASSISTANT ENGINEER IN REVENUE-CUTTER SERVICE.

Acting Second Asst. Engineer Samuel M. Rock, of Pennsylvania, to be a second assistant engineer in the Revenue-Cutter Service of the United States, in place of George M. De Reamer, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 16, 1897.

PROMOTION IN THE ARMY.

Quartermaster's Department.

Lieut. John M. Carson, jr., to be assistant quartermaster with the rank of captain.

POSTMASTERS.

James J. Davidson, to be postmaster at Swedesboro, in the county of Gloucester and State of New Jersey.

John J. Winn, to be postmaster at Haverhill, in the county of Essex and State of Massachusetts.

Charles H. Pierson, to be postmaster at Bridgeton, in the county of Cumberland and State of New Jersey.

John W. Goddard, to be postmaster at Bayonne, in the county of Hudson and State of New Jersey.

Michael A. Devine, to be postmaster at Atlantic City, in the county of Atlantic and State of New Jersey.

Herman J. Kohlhaas, to be postmaster at Paterson, in the county of Passaic and State of New Jersey.

R. Howard Thorn, to be postmaster at Ocean City, in the county of Cape May and State of New Jersey.

Charles W. Scott, to be postmaster at Cramer Hill, in the county of Camden and State of New Jersey.

Luke W. Morris, to be postmaster at Mexico, in the county of Audrain and State of Missouri.

Charles B. Wheeler, to be postmaster at Blackfoot, in the county of Bingham and State of Idaho.

William Gill, to be postmaster at Rockaway, in the county of Morris and State of New Jersey.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 16, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read.

Mr. TALBERT. Mr. Speaker, I rise to a parliamentary inquiry. Before the Journal is approved, I want to call the attention of the House to a ruling which was made at last evening's session. I read from the RECORD:

Mr. TALBERT. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from South Carolina moves that the House do now adjourn. Under the rule it requires a majority of those present to second the motion. As many as are in favor of seconding the motion that the House do now adjourn will stand until counted. [A pause.] No one rising to second the motion to adjourn, the motion is out of order.

I want to inquire of the Chair if that ruling is embodied in the Journal; and if not, why not; and also to inquire what is the authority for the ruling? I ask for information.

Mr. PAYNE. Mr. Speaker, if the gentleman from South Carolina will turn to the rule under which the call of the House was proceeding he will find that it states that in order to make a motion to adjourn in order at such a time it must be seconded by a majority of those present.

Mr. TALBERT. That is what I am trying to find out—the authority for the ruling.

Mr. PAYNE. Well, it is in the rules of the House and in the particular rule under which we were proceeding at the time.

The SPEAKER. The Chair finds it in the Journal.

Mr. RICHARDSON (to Mr. TALBERT). Read the rule.

Mr. TALBERT. I do not think it is in the rule under which we were proceeding.

Mr. HENDERSON. But the Speaker says it is reported in the Journal.

The SPEAKER. This proceeding is irregular. We can not review a decision at this time. If the Journal states what actually occurred, it is correct.

Mr. PAYNE. If the gentleman will refer to the RECORD, he will find that the rule was read, and, as I am informed, is printed in the RECORD this morning.

The SPEAKER. If there be no objection, the Journal will be considered as approved.

There was no objection, and it was so ordered.

Mr. TALBERT. I simply wanted to call the attention of the House to that ruling, which seemed to be irregular.

The SPEAKER. If the gentleman will turn to his copy of the rules of the House and read the last clause but one of the fourth paragraph of Rule XV, he will find the provision to which reference was made by the gentleman from New York and on which the ruling was based.

Mr. TALBERT. I will state that the roll call had not been completed.

The SPEAKER. Then the gentleman interrupted the roll call by a motion to adjourn?

Mr. PAYNE. I think, Mr. Speaker, the gentleman is mistaken. It had been completed, but a quorum had not been obtained.

Mr. TALBERT. No, it had not been obtained.

The SPEAKER. The Chair sees nothing in the ruling but what was justified by the rule of the House.

Mr. TALBERT. I only wanted the House to understand the matter fully.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2037) to provide times and places for holding terms of United States courts in Utah.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898, had asked for a conference with the House on the bill and amendments, and had appointed Mr. CULLOM, Mr. QUAY, and Mr. CALL as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House to the bill (S. 1862) to amend the act creating the circuit court of appeals in regard to fees and costs, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 1474) granting a pension to John J. Copley;

A bill (H. R. 5852) to increase the pension of Josiah P. Bradbury;

A bill (H. R. 7121) to restore Mrs. Elizabeth T. Anderson to the pension roll;

A bill (H. R. 5986) granting a pension to Francis M. Ross;

A bill (H. R. 4519) granting a pension to John Zellers;

A bill (H. R. 6099) granting a pension to Margaret Kirkpatrick;

A bill (H. R. 4655) granting a pension to Frederick A. Driscol;

A bill (H. R. 1299) to pension Harriet Woodbury, of Windsor, Vt.;

A bill (H. R. 4548) granting a pension to Mary L. Arnold;

A bill (H. R. 1095) granting a pension to Annie M. Ermer;

A bill (H. R. 2317) to increase the pension of Levi T. E. Johnson;

A bill (H. R. 446) to increase the pension of Julia H. H. Crosby;

A bill (H. R. 3715) for the relief of Capt. W. J. Kountz; and

A bill (H. R. 853) providing for the erection of a light-house at Orient Point, Long Island, New York.

The message also announced that the Senate had passed with amendment bills of the following titles in which the concurrence of the House was requested:

A bill (H. R. 1104) granting a pension to Isaac N. Williams;

A bill (H. R. 5764) granting an increase of pension to Elizabeth D. Marthon;

A bill (H. R. 3108) to grant a pension to Jessie Durnell, late second-class pilot on gunboat *Lexington;*

A bill (H. R. 8388) for the relief of William G. Buck;

A bill (H. R. 5880) granting an increase of pension to Greenville Puckett;

A bill (H. R. 5981) granting a pension to Elihu Jones;

A bill (H. R. 6789) granting a pension and for the relief of Dr. Harrison Wagner;

A bill (H. R. 1311) granting a pension to Charles W. Sentman;

A bill (H. R. 10040) granting an increase of pension to George W. Ferree; and

A bill (H. R. 8898) to increase the pension of Elizabeth Wellons.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3591) to increase the pension of Daniel Phillips, of Company D, Thirteenth Regiment Wisconsin Infantry;

A bill (S. 3670) to increase the pension of Mrs. Elizabeth S. Roberts, widow of the late Gen. Benjamin S. Roberts, United States Army;

A bill (S. 3628) to provide for the revision and codification of the criminal and penal laws of the United States;

A bill (S. 3538) to amend section 8 of the act of Congress entitled "An act to establish a court of appeals for the District of Columbia, and for other purposes," approved February 9, 1893;

A bill (S. 3307) declaring the Potomac Flats a public park, under the name of the Riverside Park;

A bill (S. 114) for the relief of Anna W. Osborne;

A bill (S. 567) for the relief of the Continental Fire Insurance Company and others;

A bill (S. 1972) to provide for the carrying out of the findings of the Court of Claims in the case of John Campbell;

A bill (S. 2986) authorizing the Commissioners of the District of Columbia to accept the bequest of the late Peter Von Essen for the use of the public white schools of that portion of said District formerly known as Georgetown;

A bill (S. 315) for the relief of Thomas Antisell; and

A bill (S. 3651) to provide for an investigation of the obstruction of the navigable waters of Florida, Louisiana, and other South Atlantic and Gulf States by the aquatic plant known as the water hyacinth, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred as follows:

A bill (S. 3591) to increase the pension of Daniel Phillips, of Company D, Thirteenth Regiment Wisconsin Infantry—to the Committee on Invalid Pensions.

A bill (S. 3628) to provide for the revision and codification of the criminal and penal laws of the United States—to the Committee on Revision of the Laws.

A bill (S. 3538) to amend section 8 of the act of Congress entitled "An act to establish a court of appeals for the District of Columbia, and for other purposes," approved February 9, 1893—to the Committee on the Judiciary.

A bill (S. 3307) declaring the Potomac Flats a public park, under the name of the Riverside Park—to the Committee on the District of Columbia.

A bill (S. 114) for the relief of Anna W. Osborne—to the Committee on Claims.

A bill (S. 567) for the relief of the Continental Fire Insurance Company and others—to the Committee on Claims.

A bill (S. 1972) to provide for the carrying out of the findings of the Court of Claims in the case of John Campbell—to the Committee on War Claims.

A bill (S. 2986) authorizing the Commissioners of the District of Columbia to accept the bequest of the late Peter Von Essen for the use of the public white schools of that portion of said District formerly known as Georgetown—to the Committee on the District of Columbia.

A bill (S. 315) for the relief of Thomas Antisell—to the Committee on War Claims.

A bill (S. 3651) to provide for an investigation of the obstruction of the navigable waters of Florida, Louisiana, and other South Atlantic and Gulf States by the aquatic plant known as the water hyacinth, and for other purposes—to the Committee on Rivers and Harbors.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 9123) to prevent forest fires on the public domain;

A bill (S. 1862) to amend the act creating the circuit court of appeals in regard to fees and costs, and for other purposes;

A bill (H. R. 10134) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1898;

A bill (S. 3666) to remove doubts as to the power of the supreme court of the District of Columbia to provide for a vacancy in the office of attorney of the United States for the District of Columbia;

A bill (S. 3603) to extend the time for the completion of the St. Paul, Minneapolis and Manitoba Railroad Company through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian reservations, in the State of Minnesota;

A joint resolution (S. R. 204) authorizing the Secretary of the Navy to transport contributions for the relief of the suffering poor of India;

A bill (H. R. 5764) granting an increase of pension to Elizabeth D. Marthon; and

A joint resolution (S. R. 121) to amend an act granting to the Duluth and Winnipeg Railroad Company a right of way through the Chippewa and White Earth Indian reservations, in the State of Minnesota.

VETO MESSAGE—NANCY G. ALLABACH.

Mr. KERR. Mr. Speaker, I desire to submit a privileged report from the Committee on Invalid Pensions on the veto message of the President of the United States with reference to Senate bill No. 894, granting a pension to Nancy G. Allabach.

The SPEAKER. The report will be read.

The Clerk read as follows:

The Committee on Invalid Pensions, to whom was referred the message of the President of the United States, returning without approval the bill S. 894, entitled "An act granting a pension to Nancy G. Allabach," having carefully and fully considered the same, respectfully adopt the report of the Senate Committee on Pensions, and earnestly recommend the passage of the bill, the objections of the President to the contrary notwithstanding:

"The Committee on Pensions, to whom the bill (S. 894) granting a pension to Nancy G. Allabach was recommitted, together with the objections of the President thereto, beg leave to report:

"The committee have reconsidered said bill, and considered the objections of the President thereto, and recommend its passage, notwithstanding his objections.

"The facts of the case, as found by the committee, are that Peter H. Allabach was a soldier in the Mexican war, and participated in the battles of Palo Alto, Resaca, and the military operations on the line of the Rio Grande. He conducted himself with conspicuous gallantry. He married the proposed beneficiary of this bill on the 30th of September, 1851. She is now 67 years of age, and unable to earn her own support.

"During the late civil war he was colonel of the One hundred and thirteenth Regiment of Pennsylvania Volunteers, and commanded a brigade in one or more severe battles. His conduct won the approbation of Gen. W. S. Hancock, Gen. A. A. Humphrey, and Gen. Henry S. Briggs, his immediate commanders. The letters of General Hancock, General Humphrey, and General Briggs are made part of this report.

"After the close of the war of the rebellion Colonel Allabach returned to and engaged in the pursuits of civil life. He died in this city on the 11th of February, 1892.

"This bill proposes to pay to Mrs. Nancy G. Allabach a pension of $30 per month, which is the pension allowed by the general law to disabled officers of the rank Colonel Allabach held in the service of the United States. All the facts before the committee prove that Colonel Allabach was an officer of great merit, and rendered most valuable services to the country. His conduct as a citizen was exemplary, and he left his widow, the beneficiary of the bill before the committee, without other means of support than the small pension allowed by the general law. Upon these facts the committee reported the bill, 'An act granting a pension to Nancy G. Allabach,' to the Senate, and recommended its passage. It passed both the Senate and House of Representatives, was laid before the President, was disapproved by him, and was returned to the Senate with his objections, and recommitted to the Committee on Pensions for reconsideration.

"Your committee recognizes the constitutional right and the duty of the President to refuse to sign any bill which has passed both Houses of Congress which he does not approve. 'If he approve he shall sign it, but if not, he shall return it with his objections to that House in which it shall have originated.'

"Your committee would give emphasis to that provision of the Constitution which makes the President a sharer with Congress in responsibility to the country for all legislation.

"Recognizing this imperative obligation imposed upon the President by the Constitution, your committee proceed to a respectful consideration of the objections of the President to this bill.

"The President, in his message containing his objection to this bill, correctly recites some of the facts which led your committee to recommend its passage, but he does not allude to the eminent and distinguished services rendered by the husband of the beneficiary in the war with Mexico and in the late civil war, in which the integrity of the Union as well as the peace of the continent and the existence of popular constitutional government was involved. He says truly that 'Colonel Allabach did not at any time apply for a pension,' to which it may well be answered that no services rendered to the country, however brilliant or useful, are pensionable.

"General pension laws are passed to make provision for the unfortunate; but the brave and patriotic soldier, who on many occasions imperiled his life in defense of his country or for the maintenance of its just authority, may well have hoped that, though he passed through the perils of the battlefield without personal harm, those who control the Treasury of a grateful country would, when appealed to directly, make provision for the dependent, loved wife whom he left poor and can no longer support or protect.

"It is further stated by the President as a ground of objection to this bill (and the committee quote his language):

"I do not see how the same relief as is contained in this bill can be denied to many thousand widows who, in a similar situation, are now on the pension rolls under general laws.

"Your committee beg to say that if, upon all the facts of this case, Mrs. Allabach is entitled to the relief afforded to her by this bill, it is no objection to its passage that it does not afford equal or ample relief to the many thousands of widows who are on the pension rolls under general laws. If the bill, upon its own facts, is just and proper, it will only be a precedent for like just and proper special legislation.

"Your committee admit without hesitation that the general pension laws are liberal, and make provision for the large class of soldiers and those who are or were dependent upon them; but the committee would regret that a precedent should be established by Executive action which would, in effect, operate to deprive both Houses of Congress of the right, in the exercise of their discretion, to make provision for special cases of exceptional merit."

Mr. BARTLETT of New York. Mr. Speaker, I would ask to have read in this connection the veto message of the President of the United States.

The veto message was read, as follows:

To the Senate:

I herewith return without my approval Senate bill numbered 894, entitled "An act granting a pension to Nancy G. Allabach."

This bill provides for the payment of a pension of $30 a month to the beneficiary named as the widow of Peter H. Allabach.

This soldier served for nine months in the Army during the war of the rebellion, having also served in the war with Mexico.

He was mustered out of his last service on the 23d day of May, 1863, and died on the 11th of February, 1892.

During his life he made no application for pension on account of disabilities. It is not now claimed that he was in the least disabled as an incident of his military service, nor is it alleged that his death, which occurred nearly twenty-nine years after his discharge from the Army, was in any degree related to such service.

His widow was pensioned after his death under the statute allowing pensions to widows of soldiers of the Mexican war, without reference to the cause of the death of their husbands. Her case is also, indirectly, one of those provided for by the general act passed in 1890, commonly called the dependent pension law.

It is proposed, however, by the special act under consideration, to give this widow a pension of $30 a month without the least suggestion of the death or disability of her husband having been caused by his military service, and solely, as far as is discoverable, upon the ground that she is poor and needs the money.

This condition is precisely covered by existing general laws; and if a precedent is to be established by the special legislation proposed, I do not see how the same relief as is contained in this bill can be denied to the many thousand widows, who, in a similar situation, are now on the pension rolls under general laws.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April 21, 1896.*

Mr. KERR. Mr. Speaker, this bill grants a pension of $30 per month to Nancy G. Allabach, as the widow of Col. Peter H. Allabach. It passed both Houses and was vetoed by the President. It was then passed over the veto by the Senate. The report of the Senate Pensions Committee was written by Senator PALMER, and it sets forth with precision the meritorious service of Colonel Allabach, and combats with reasons which seem conclusive to my judgment the grounds upon which the President predicates his veto.

Colonel Allabach served two years in the Mexican war and nine months in the war of the rebellion. In the Mexican service he was in the battles of Palo Alto and Resaca, and he participated in all the military operations along the Rio Grande.

His service in the war of the rebellion was at a most critical period of that great struggle, and was conspicuous for courage and gallantry. In the battles of Fredericksburg and Chancellorsville he commanded a brigade. In the battle of Fredericksburg he led his brigade in that terrific but impotent charge against the stone wall. For it he received the highest encomiums from his superior officers, Generals Briggs and Humphrey. To sum it all up, he served his country in two wars, and, in all, for a period of thirty-three months.

Now, then, a word about this veto. The President leaves out of consideration altogether the soldier's service. Whether it is long or short, characterized by courage or cowardice, whether in garrison duty, away from danger, or upon the bloody field, is not an important factor in his calculation.

Here is the vice of his logic, and upon it turns his objections to this and all other bills of its character. As it happened, Colonel Allabach did not apply for a pension in his lifetime, and there is no evidence that he died from army disabilities. Neither did Grant nor McClellan nor a hundred more distinguished soldiers whose widows we have pensioned. The ground of these pensions is the service of the husband, a little more distinguished than the ordinary, and the poverty of the widow. Both exist in this case.

The House and the Senate, better acquainted with the patriotic sentiment of the country, nearer, Mr. Speaker, the great American heart, sought to rescue this old woman, 67 years old, a war widow, from the agony of poverty or the humiliation of subsisting upon private charity. The President, exercising a constitutional power, interposed his objection. Let us, exercising an equal power, continue the good work we have begun and pass the bill, the veto to the contrary notwithstanding.

Mr. LOUD. Mr. Speaker, of course I recognize that it is futile for anyone to attempt to stay the mad career—and I measure my words, Mr. Speaker—to stay this House in its mad career regarding pensions. This pension, according to the report made (and I assume that the committee have made as good a report as possible), commends itself to neither the judgment nor the equity of this House. The services claimed to have been rendered by this gentleman were not in the faintest degree, by any reference, either long or distinguished. The late rebellion, as you well know, covered a period of four years of very bitter and sanguine war. Yet this gentleman's service extended over a period, according to the claim of the committee, of but nine months.

It is claimed that he was a soldier in the Mexican war. There

are many remaining who were soldiers in the Mexican war. It is claimed that he served with distinguished gallantry in the late war, and that he participated at most in but one battle, and yet the committee have disdained to inform this Congress what that battle may have been.

It seems almost useless, Mr. Speaker, to waste my breath or the time of Congress in endeavoring to stop its mad career, but I say again, that there is nothing in this soldier's service which appeals to the judgment of this House to furnish a reason why it should grant this woman a pension above the amount given by law to three or four or five or six hundred thousand other widows throughout the length and breadth of this land.

Of course our friends on this side of the House, some of them, vote against the action of the President, as I have heard it intimated, because they oppose the President on some other proposition. Our friends upon the Republican side of the House override the veto in all pension cases because they believe in doing what they claim to be an act of justice to the long-suffering widows of the soldiers of the late war. While but $30 a month is involved in this case, and while there may have been many precedents set heretofore, still it never is too late for a legislative body, even in its dying hours, to express one sentiment of reason. For the many acts we have done here we shall receive the condemnation of the people. Can we not afford to leave one shining example that may be pointed out hereafter to our credit?

The gentleman who defends this claim likens this widow to the widow of General Grant, and to the widows of some other distinguished officers whom the mass of our people believe were great instrumental factors in saving this nation from destruction. Compare those cases with that of the widow of a gentleman who served for nine months during the late war, with distinguished gallantry, in one battle, which the committee evidently can not now discover or have forgotten!

The SPEAKER. The question is, Will the House on reconsideration agree to pass the bill, the objections of the President to the contrary notwithstanding? On this, under the Constitution, the yeas and nays are ordered. Those who favor passing the bill, the objections of the President to the contrary notwithstanding, will, when their names are called, say "aye;" those opposed, "no." The Clerk will call the roll.

The question was taken; and there were—yeas 115, nays 79, not voting 161; as follows:

YEAS—115.

Aldrich, T. H.	Fischer,	Layton,	Royse,
Aldrich, Ill.	Fletcher,	Lefever,	Shafroth,
Anderson,	Gamble,	Leisenring,	Smith, Ill.
Andrews,	Gardner,	Lewis,	Sorg,
Babcock,	Gibson,	Linton,	Southard,
Baker, Kans.	Gillet, N. Y.	Long,	Sperry,
Baker, N. H.	Graff,	Loudenslager,	Stahle,
Barham,	Griffin,	Low,	Stephenson,
Bowers,	Grout,	Mahany,	Stewart, N. J.
Brewster,	Grow,	McCall, Mass.	Stewart, Wis.
Bromwell,	Hager,	McClure,	Stone, C. W.
Burrell,	Hanly,	McEwan,	Strode, Nebr.
Burton, Mo.	Hardy,	McLachlan,	Strong,
Calderhead,	Hatch,	Meiklejohn,	Sulloway,
Chickering,	Hemenway,	Mercer,	Tayler,
Clark, Mo.	Henry, Ind.	Minor, Wis.	Thomas,
Codding,	Howard,	Mitchell,	Towne,
Coffin,	Howe,	Mondell,	Tracey,
Colson,	Howell,	Moody,	Van Voorhis,
Crowther,	Hubbard,	Morse,	Watson, Ind.
Crump,	Huff,	Mozley,	Watson, Ohio
Cummings,	Huling,	Murphy,	Wellington,
Curtis, Iowa	Hurley,	Odell,	Willis,
Curtis, Kans.	Hyde,	Perkins,	Wilson, Idaho
Daniels.	Johnson, Cal.	Poole,	Wilson, Ohio
Draper,	Kerr,	Powers,	Wood,
Eddy,	Kirkpatrick,	Prince,	Woodman,
Ellis,	Knox,	Pugh,	Wright.
Fenton,	Lacey,	Ray,	

NAYS—79.

Abbott,	Cox,	Linney,	Shuford,
Adams,	Crisp,	Little,	Snover,
Aldrich, W. F.	Culberson,	Livingston,	Spalding,
Avery,	Danford,	Loud,	Spencer,
Bailey,	De Armond,	Maddox,	Stallings,
Bankhead,	Denny,	Martin,	Strait,
Bartlett, Ga.	Dinsmore,	McCreary, Ky.	Strowd, N. C.
Bartlett, N. Y.	Dockery,	McDearmon,	Swanson,
Bell, Colo.	Erdman,	McMillin,	Talbert,
Bell, Tex.	Hall,	McRae,	Tate,
Bennett,	Harrison,	Meredith,	Terry,
Bishop,	Hart,	Milnes,	Tracewell,
Blue,	Henry, Conn.	Money,	Tyler,
Broderick,	Hull,	Neill,	Updegraff,
Catchings,	Jones,	Ogden,	Wadsworth,
Clardy,	Kem,	Owens,	Washington,
Clark, Iowa	Kleberg,	Patterson,	Williams,
Clarke, Ala.	Lawson,	Pendleton,	Wilson, S. C.
Cobb,	Leighty,	Rinaker,	Woodard.
Cooper, Tex.	Lester,	Sayers,	

NOT VOTING—161.

Acheson,	Atwood,	Berry,	Brumm,
Aitken,	Baker, Md.	Bingham,	Buck,
Allen, Miss.	Barney,	Black,	Bull,
Allen, Utah	Barrett,	Boatner,	Burton, Ohio
Apsley,	Bartholdt,	Boutelle,	Cannon,
Arnold, Pa.	Beach,	Brosius,	Cockrell,
Arnold, R. I.	Belknap,	Brown,	Connolly,
Cook, Wis.	Heatwole,	McLaurin,	Settle,
Cooke, Ill.	Heiner, Pa.	Meyer,	Shannon,
Cooper, Fla.	Henderson,	Miles,	Shaw,
Cooper, Wis.	Hendrick,	Miller, Kans.	Sherman,
Corliss,	Hepburn,	Miller, W. Va.	Simpkins,
Cousins,	Hermann,	Milliken,	Skinner,
Cowen,	Hicks,	Miner, N. Y.	Smith, Mich.
Crowley,	Hilborn,	Moses,	Southwick,
Curtis, N. Y.	Hill,	Murray,	Sparkman,
Dalzell,	Hitt,	Newlands,	Steele,
Dayton,	Hooker,	Noonan,	Stokes,
De Witt,	Hopkins,	Northway,	Stone, W. A.
Dingley,	Hulick,	Otey,	Sulzer,
Dolliver,	Hunter,	Otjen,	Taft,
Doolittle,	Hutcheson.	Overstreet,	Tawney,
Dovener,	Jenkins,	Parker,	Thorp,
Ellett,	Johnson, Ind.	Payne,	Treloar,
Evans,	Johnson, N. D.	Pearson,	Tucker,
Fairchild,	Joy,	Phillips,	Turner, Ga.
Faris,	Kendall,	Pickler,	Turner, Va.
Fitzgerald,	Kiefer,	Pitney.	Van Horn,
Foote.	Kulp,	Price,	Walker, Mass.
Foss,	Kyle,	Quigg,	Walker, Va.
Fowler,	Latimer,	Raney,	Wanger,
Gillett, Mass.	Leonard,	Reeves,	Warner,
Goodwyn,	Lorimer,	Reyburn.	Wheeler,
Griswold,	Maguire,	Richardson,	White,
Grosvenor,	Mahon,	Robertson, La.	Wilber,
Hadley,	Marsh,	Robinson, Pa.	Wilson, N. Y.
Hainer, Nebr.	McCall, Tenn.	Rusk,	Woomer,
Halterman,	McCleary, Minn.	Russell, Conn.	Yoakum.
Harmer,	McClellan,	Russell, Ga.	
Harris,	McCormick,	Sauerhering,	
Hartman,	McCulloch,	Scranton,	

The following pairs were announced:

Until further notice:

Mr. RANEY with Mr. RUSSELL of Georgia.

Mr. KULP with Mr. FITZGERALD.

Mr. COOK of Wisconsin with Mr. MOSES.

Mr. CORLISS with Mr. COWEN.

Mr. PICKLER with Mr. MINER of New York.

For this day:

Mr. OVERSTREET with Mr. ROBERTSON of Louisiana.

Mr. MARSH with Mr. RICHARDSON.

Mr. JOY with Mr. MCCLELLAN.

Mr. HITT with Mr. LATIMER.

Mr. HENDERSON with Mr. KYLE.

Mr. MAHON with Mr. OTEY.

Mr. ARNOLD of Pennsylvania with Mr. PRICE.

Mr. ARNOLD of Rhode Island with Mr. MILES.

Mr. OTJEN with Mr. TURNER of Georgia.

Mr. WILBER with Mr. BERRY.

Mr. DINGLEY with Mr. MAGUIRE.

Mr. HICKS with Mr. SHAW.

Mr. HARMER with Mr. HUTCHESON.

Mr. FOSS with Mr. RUSK.

Mr. DALZELL with Mr. TURNER of Virginia.

Mr. PITNEY with Mr. ELLETT.

Mr. HEATWOLE with Mr. KENDALL.

Mr. SMITH of Michigan with Mr. TUCKER.

Mr. BARTHOLDT with Mr. MCLAURIN.

Mr. GROSVENOR with Mr. ALLEN of Mississippi.

Mr. BINGHAM with Mr. SULZER.

Mr. COUSINS with Mr. STOKES.

Mr. DOLLIVER with Mr. YOAKUM.

Mr. TRELOAR with Mr. COCKRELL.

Mr. JENKINS with Mr. BUCK.

Mr. PARKER with Mr. SPARKMAN.

Mr. SIMPKINS with Mr. WHEELER.

Mr. JOHNSON of North Dakota with Mr. BLACK.

Mr. SCRANTON with Mr. MCCULLOCH.

The SPEAKER. On this question the yeas are 115, the nays are 79; two-thirds not voting in the affirmative, the House, on reconsideration, does not agree to pass the bill.

UNITED STATES COURTS OF UTAH.

Mr. BRODERICK. Mr. Speaker, I desire to submit a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 267) to provide times and places for holding terms of United States courts in Utah, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same.

CASE BRODERICK,
CHAS. G. BURTON,
J. W. BAILEY,
Managers on the part of the House.

GEO. F. HOAR,
FRANK J. CANNON,
Managers on the part of the Senate.

The SPEAKER. The Clerk will read the statement.

Mr. BRODERICK. That is all there is of it. The papers are in the Senate, and the report has been accepted by the Senate and the bill passed.

The SPEAKER. But there should be a statement, under the rules of the House, by the House conferees.

Mr. BRODERICK. The report was sent up. That is all the report that is made.

The SPEAKER. There should be a statement besides the conference report.

Mr. BRODERICK. The statement is that the Senate conferees receded, and that is all the statement that was necessary.

The SPEAKER. This is the conference report, and our rules require a statement.

Mr. BRODERICK. Senator HOAR superintended the matter, and said that was all that was necessary.

The SPEAKER. But this is a House rule. The Chair does not know whether it is a Senate rule or not; but the House rule is that in addition to the conference report there shall be a statement made by the House conferees in writing.

Mr. BRODERICK. If recommitted, perhaps the statement can be made.

The SPEAKER. The gentleman can withdraw the conference report and afterwards submit it with a statement.

Mr. BRODERICK. I withdraw the report.

LUCY ALEXANDER PAYNE.

Mr. COFFIN. Mr. Speaker, I present a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 1501, an act granting an increase of pension to Lucy Alexander Payne, widow of Capt. John Scott Payne, Fifth United States Cavalry, having met, after a full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

CHARLES E. COFFIN,
J. C. C. BLACK,
WM. BAKER,
Managers on the part of the House.

W. N. ROACH,
H. C. HANSBROUGH,
W. A. PEFFER.
Managers on the part of the Senate.

The SPEAKER. There is no statement by the conferees.

Mr. BLUE. Does a statement accompany that report?

Mr. COFFIN. There is no statement by the conferees.

The SPEAKER. There is no written statement.

Mr. BLUE. Then I object.

Mr. COFFIN. Will there have to be a written statement?

The SPEAKER. There has to be a written statement under the rules of the House. The gentleman withdraws the report.

ARTESIAN WATERS OF A PORTION OF THE DAKOTAS.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the following report from the Committee on Printing.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the consideration of the report which the Clerk will read.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 2,000 additional copies of an extract from the Seventeenth Annual Report of the United States Geological Survey entitled "Preliminary report on artesian waters of a portion of the Dakotas," for distribution by the Geological Survey.

The report (by Mr. PERKINS) was read, as follows:

Your Committee on Printing, having had under consideration Senate concurrent resolution No. 55, to provide for the printing of 2,000 additional copies of an extract from the Seventeenth Annual Report of the United States Geological Survey entitled "Preliminary report on artesian waters of a portion of the Dakotas," for distribution by the Geological Survey, recommend that the same be agreed to.

The Public Printer estimates the cost of the work called for under this resolution at $465.

The SPEAKER. The question is on unanimous consent. Is there objection? [After a pause.] The Chair hears none.

The concurrent resolution was agreed to.

On motion of Mr. PERKINS, a motion to reconsider the vote by which the concurrent resolution was agreed to was laid on the table.

CAPT. ALEXANDER M'DONALD.

Mr. WOODMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 5090) to correct and amend the military record of Capt. Alexander McDonald, of Company I, Seventeenth Wisconsin Volunteer Infantry.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALBERT. I object, Mr. Speaker.

The SPEAKER. Objection is made.

IMPROVEMENT OF GOVERNMENT RESERVATION, FORT SMITH, ARK.

Mr. LITTLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2923) for the better improvement of the Government reservation at the city of Fort Smith, in the State of Arkansas, and for other purposes. The bill has heretofore been read twice in the House, and I have an amendment that I desire to propose, coming in at line 9, on page 2.

The SPEAKER. The Chair thinks the bill must be read.

Mr. LITTLE. What I want to ask is simply for the bill to be read to where the amendment will come in, or read the entire bill, if gentlemen desire it to be read.

Mr. BARTLETT of New York. Let us have the bill read.

Mr. PAYNE. I understand the gentleman proposes to ask unanimous consent for the consideration of the bill as amended. I suggest that the bill be read as proposed to be amended.

Mr. LITTLE. That was what I was trying to have done.

The SPEAKER. The Clerk will read the bill as the gentleman proposes to have it amended.

The Clerk read as follows:

Be it enacted, etc., That Rogers and Parker avenues, as the same appear on the map and plat of the reserve addition of the city of Fort Smith, Ark., be extended in a northwesterly direction and on a straight line to the right of way of the St. Louis and San Francisco Railway Company; and that Second street, as the same appears on the map and plat of the reserve addition of the city of Fort Smith, Ark., be extended on a straight line from Garrison avenue in a southwesterly direction to the right of way of the St. Louis and San Francisco Railway Company; and that Third street, as the same appears on the map and plat of the reserve addition of said city of Fort Smith, be extended in a straight line from Garrison avenue to the southwesterly line of Parker avenue; that the block of ground included within the boundaries of Rogers and Parker avenues and Second and Third streets, as thus extended by this act, it being a rectangular block 300 feet by 290 feet 2½ inches, and upon which block is located the public buildings, known as the United States jail and hospital, belonging to the United States, be, and the same is hereby, reserved to the United States.

That such part of said ground as shall be occupied for said streets and alleys is hereby donated to the said city of Fort Smith for the purpose of being dedicated to public use.

That said city of Fort Smith is hereby authorized and empowered to remove the old fort walls and buildings attached thereto, and to dispose of the same for its own use.

That the Secretary of the Interior shall cause said lands to be surveyed into lots and blocks, according to the plans and surveys of said city, and shall file a plat showing such survey in his office, and he shall cause the portions thereof not specifically reserved herein to be sold at public auction to the highest bidder, upon such terms and under such regulations as he may direct; and upon the full payment of the purchase money, execute proper conveyances to the purchaser or purchasers thereof.

The funds arising from the sale of said lots shall be kept separate, and so much thereof as is necessary is hereby appropriated for the erection of an iron fence or stone fence around the lot reserved for the jail and hospital, and for the grading and paving of the sidewalks around the same with stone flagging or some other suitable material, and pay the expense thereof out of the fund; and the remainder, if any, to be turned into the Treasury to the credit of the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAYNE. Mr. Speaker, I observe that the amendment turns over all the proceeds for the purpose of building a fence around the jail and hospital and paving the streets around the jail, something that the United States does in no other city. I do not know why it should be done for this city.

Mr. LITTLE. When this old wall is torn down it will leave the jail without any surrounding fence. The objection to the bill heretofore, as I understood, was that it donated certain lots of land to the city, and, for the purpose of meeting that objection, the bill has been changed so that it simply authorizes the erection of this fence around the jail and the flagging on the sidewalk around the jail block.

Mr. PAYNE. Does this jail belong to the city, or is it a county jail?

Mr. LITTLE. It is a Federal jail. That is why I put in this provision. It is quite a costly building, and the bill as originally drawn practically donated these lots to the city on condition that the city should make certain improvements around the Government property. It was thought, however, by some gentlemen here that the value of the lots would far exceed the cost of the improvements, and I am willing, if the gentleman prefers, that the provision for the paving of the sidewalks may be stricken out, leaving simply the provision for the building of the fence.

Mr. PAYNE. I think the gentleman had better strike it all out, and if we are going to build a fence there, let us appropriate a specific sum for that purpose.

Mr. LITTLE. Well, if the gentleman prefers it that way, I will accept the amendment, but it would be much better for the Government's property to have these improvements made at once.

Mr. PAYNE. Now, if the gentleman will amend his bill so as to direct that the proceeds of this sale shall be turned into the Treasury, I shall not object to its consideration.

Mr. LOUD. Mr. Speaker, I would suggest that if the Government has any land, or any claim, left in Arkansas, we ought to turn it over immediately to the State or to the city. If there is anything left, I think Arkansas ought to have it. [Laughter.]

Mr. LITTLE. Arkansas is asking nothing in this case except the removal of an antiquated wall which has been there for fifty years, which blockades travel, and is an obstacle to good sanitary arrangements. Its removal has been recommended by all the court officials as well as by the city officials.

Mr. LOUD. About every week since I have been in Congress some gentleman from Arkansas has been asking for a United States reservation, or something of that kind. [Laughter.]

Mr. LITTLE. This "gentleman from Arkansas" has been asking for this bill quite persistently.

Mr. LOUD. And others.

Mr. LITTLE. No; not any donation.

Mr. LOUD. I think it would be much cheaper for us to turn over every claim the Government has in Arkansas to the State.

Mr. LITTLE. I will vote for that. [Laughter.]

Mr. PAYNE. If that had been done twenty years ago, it might have been the best course, but now it is too late. I have suggested an amendment to the bill, which I ask the Clerk to report.

The Clerk read as follows:

Amend the last paragraph of the amendment by striking out lines 15, 16, 17, 18, 19, 20, and 21, being the last paragraph, and insert the following:

"The fund arising from the sale of said lots shall be turned into the Treasury to the credit of the United States."

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill as amended.

Mr. RINAKER. Mr. Speaker, does that take out the provision for the paving?

Mr. LITTLE. It takes out the entire matter of improvements.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. LITTLE, a motion to reconsider the vote by which the bill was passed was laid on the table.

HOUSE BILLS WITH SENATE AMENDMENTS.

The SPEAKER laid before the House bills of the following titles, with amendments of the Senate thereto; which were severally read, and the Senate amendments concurred in:

A bill (H. R. 1104) granting a pension to Isaac M. Williams;

A bill (H. R. 1311) granting an increase of pension to Charles W. Sentman;

A bill (H. R. 5764) granting an increase of pension to Elizabeth D. Marthon;

A bill (H. R. 6789) granting a pension and for the relief of Dr. Harrison Wagner;

A bill (H. R. 8388) for the relief of William G. Buck;

A bill (H. R. 10040) granting a pension to George W. Ferree;

A bill (H. R. 5981) granting a pension to Elihu Jones; and

A bill (H. R. 5880) granting an increase of pension to Greenville Puckett.

ELIZABETH WELLANDS.

The SPEAKER also laid before the House a bill (H. R. 8898) to increase the pension of Elizabeth Wellands, with an amendment of the Senate thereto.

The bill was read.

The Senate amendment was read, as follows:

Line 5, after the words "widow of," insert "William S. Wellands."

Mr. CRISP. Mr. Speaker, I move to concur in the Senate amendment. Its effect is merely to better identify the beneficiary.

The amendment was concurred in.

ORDER OF BUSINESS.

Mr. LOUD. If that completes the business on the Speaker's table, I call for the regular order.

The SPEAKER. The regular order is the call of committees for business in the morning hour, and the Clerk will proceed with the call.

The Committee on Patents was called.

INFRINGEMENT OF LETTERS PATENT.

Mr. MITCHELL. Mr. Speaker, I am instructed by the Committee on Patents to call up for consideration at this time the bill (H. R. 10202) defining the jurisdiction of United States circuit courts in cases brought for the infringement of letters patent.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, etc., That in suits brought for the infringement of letters patent the circuit courts of the United States shall have jurisdiction, in law or in equity, in the district of which the defendant is an inhabitant, or in any district in which the defendant, whether a person, partnership, or corporation, shall have committed acts of infringement and have a regular and established place of business. If such suit is brought in a district of which the defendant is not an inhabitant, but in which such defendant has a regular and established place of business, service of process, summons, or subpœna upon the defendant may be made by service upon the agent or agents engaged in conducting such business in the district in which suit is brought.

Mr. DOCKERY. Mr. Speaker, is that bill reported by the Committee on Patents?

Mr. MITCHELL. It is. I would like to have the report read as a part of my remarks.

The SPEAKER. The Chair will state to the gentleman from Missouri that the bill is reported from the Committee on Patents.

Mr. DOCKERY. I would respectfully suggest to the Chair that the bill should have been considered by the Committee on the Judiciary. Evidently, from its reading, that committee would have had jurisdiction of it.

The SPEAKER. It is reported, however, by the Committee on Patents.

Mr. DOCKERY. Manifestly there was an improper reference of the bill.

The SPEAKER. The Chair has not examined the bill with reference to that fact, but, if the reference is improper, this is not the time to correct it.

Mr. DOCKERY. That may be true under the rule.

But a further query. I would like to ask whether or not this is called up by the direction of the committee?

The SPEAKER. The Chair would ask the gentleman from New York whether this is called up by direction of the Committee on Patents in the morning hour?

Mr. MITCHELL. I was directed at the first opportunity, on the call of committees, to bring the bill up for consideration. It is a bill relating specifically to the patent law.

I ask to have the report read as a part of my remarks.

The report (by Mr. MITCHELL) was read, as follows:

The Committee on Patents, to whom was referred the bill (H. R. 10202) defining the jurisdiction of the United States circuit courts in cases brought for the infringement of letters patent, have carefully considered the same and report it favorably.

This bill seeks to define the jurisdiction of the courts in patent suits and to remove the uncertainty which now arises as to such jurisdiction by reason of the conflicting decisions of the various circuit courts. It further facilitates the bringing of suits in the place of business of the parties interested. It is in the interest of all and against the interest of none.

The committee therefore recommend its passage.

Mr. MITCHELL. I yield to the gentleman from Iowa [Mr. LACEY] such time as he may desire.

Mr. LACEY. Mr. Speaker, I introduced this bill at the suggestion of a number of gentlemen who live in the Northwest, and who have interest in patent rights that are frequently infringed in distant localities, and yet the sales of the patented articles so infringed are largely, or mainly, made in the vicinity where the owners of the patent happen to be located. For instance, the manufactory may be established at some distant point and the office where the goods are sold is opened in Chicago or in St. Louis or some other distant city. They have a permanent place of business at either city, and yet no relief can be had in the courts where the infringement is mainly carried on.

The main purpose of the bill is to give original jurisdiction to the court where a permanent agency transacting the business is located, and that business is engaged in the infringement of the patent rights of some one who has such rights anywhere in the United States.

Jurisdiction would be had thus in Chicago, St. Louis, or any Western city if the manufacturer is established there, or if there is a permanent agency there, but not otherwise. It provides that the court shall have jurisdiction in the district of which the defendant is an inhabitant, and that is the existing law now, or—

In any district in which the defendant, whether a person, partnership, or corporation, shall have committed acts of infringement and have a regular and established place of business.

That is all there is of it. Isolated cases of infringement would not confer this jurisdiction, but only where a permanent agency is established.

I yield back the remainder of the time to the gentleman from New York.

Mr. MITCHELL. Mr. Speaker, the necessity for this law grows out of the acts of 1887 and 1888 which amended the judiciary act. Conflicting decisions have even arisen in the different districts in the same States as to the construction of these acts of 1887 and 1888, and there is great uncertainty throughout the country as to whether or not the act of 1887 as amended by the act of 1888 applied to patent cases at all.

The bill is intended to remove this uncertainty and to define the exact jurisdiction of the circuit courts in these matters.

The committee have been extremely careful in the investigation of the matter before reporting the bill.

As the bill was referred to me, I wrote to a great many patent lawyers in different parts of the country, in order to get their views and objections, if any, and I find that they are all unanimously in favor of the bill as it is now reported, and state that it would tend not only to define the jurisdiction of the circuit courts not now defined, but also limit that jurisdiction and so clearly define it that in the future there will be no question with regard to the application of the acts of 1887 and 1888.

Mr. PAYNE. I should like to ask the gentleman what conflicting decisions there are that are to be remedied by this bill?

Mr. MITCHELL. We have in New York the case of Halstead *vs.* Manning, Bowman & Co., which was decided April 13, 1888 (34 Fed. Rep., 565), in which Judge Wallace renders a decision that prior to the act of 1887 the defendant could have been sued there "if found." In other words, that the foreign corporation could have been sued "if found" within the jurisdiction, but the defendant can no longer be sued outside of the district of which he is an inhabitant. Then we find, for instance, the case of Smith *vs.* The Sargent Manufacturing Company, May 18, 1895, where Judge Wheeler holds that the acts of 1887 and 1888 do not apply to suits for infringement of patent, and such suits may be brought wherever service can be had.

We also have in the district of Massachusetts decisions by Judge Colt in several cases holding that the act of 1888 applies to patent cases and that a foreign corporation can not be sued is his district,

and we have in the districts of Ohio and California decisions exactly to the contrary, namely, that in patent cases it is no objection to the jurisdiction that one of the defendants is a citizen of another State.

The following tables of cases show the conflict of decisions in detail:

Circuit courts holding that the laws of 1887, as amended by the laws of 1888 (giving jurisdiction to United States circuit courts), apply to patent cases.

FIRST CIRCUIT.

District of Massachusetts:
National Typewriter Company *vs.* Pope Manufacturing Company. July 5, 1893. 56 Fed. Rep., 849. Colt, circuit judge.
Holds: Under recent decisions of the Supreme Court, a foreign corporation can not be sued for infringement of patent in this district.
Donnelly *vs.* United States Cordage Company. March 16, 1895. 66 Fed. Rep., 613. Colt, judge.
Follows Shaw *vs.* Mining Company.
Gorham Manufacturing Company *vs.* Watson. May 20, 1896. 74 Fed. Rep., 418. Colt, circuit judge.
Follows Donnelly *vs.* United States Cordage Company, supra.

SECOND CIRCUIT.

Southern district of New York:
Halstead *vs.* Manning, Bowman & Co. April 13, 1888. 34 Fed. Rep., 565. Wallace, circuit judge.
Prior to act of 1887 the defendant could have been sued here, if "found," but * * * defendant can no longer be sued outside the district of which he is an inhabitant.
Northern district of New York:
Adriane Platt & Co. *vs.* McCormick Harvesting Manufacturing Company. October 13, 1892. 55 Fed. Rep., 287. Wallace, circuit judge.
Follows ruling Shaw *vs.* Mining Company, 145 U. S., 444.

SIXTH CIRCUIT.

Southern district of Ohio:
Miller Magee Company et al. *vs.* Carpenter. February 29, 1888. 34 Fed. Rep., 433. Jackson, judge.
Holds: Neither Revised Statutes United States, section 711 nor section 699, was repealed by act of 1875 nor by act of 1887, which only amends former acts.

SEVENTH CIRCUIT.

District of Illinois:
Gormully & Jeffery Manufacturing Company *vs.* Pope Manufacturing Company. May 14, 1888. 34 Fed. Rep., 818. Blodgett, judge.
Holds: No jurisdiction in patent case for infringement by Illinois corporation against Connecticut corporation doing business in Illinois.
Preston *vs.* Fire Extinguisher Company. November 5, 1888. 36 Fed. Rep., 721. Blodgett, judge.
Holds: New York corporation doing business in Illinois can not be sued in Illinois.
Bicycle Stepladder Company *vs.* Gordon. September 11, 1893. 57 Fed. Rep., 529. Jenkins, circuit judge.
Follows ruling in Shaw *vs.* Mining Company, 145 U. S., 446.

EIGHTH CIRCUIT.

Eastern district of Missouri:
Reinstadler *vs.* Reeves. December 30, 1887. 33 Fed. Rep., 308. Thayer, judge.
Holds: Bill to restrain infringements in Missouri against a citizen of Indiana can not be maintained.
Southern district of Iowa:
McBride *vs.* Grand de Tour Plow Company. October 18, 1889. 40 Fed. Rep., 162. Shiras, judge.
Holds: Had the defendant company (Illinois corporation), when it was first sued by Iowa complainant, raised the question of jurisdiction, "it may be its contention would have been sustained."

NINTH CIRCUIT.

Northern district of California:
Cramer *vs.* Singer Manufacturing Company. November 27, 1893. 59 Fed. Rep., 74. McKenna, circuit judge.
Quotes act of 1888 and follows Shaw *vs.* Mining Company, supra.

Circuit courts holding that the laws of 1887, as amended by laws of 1888 (giving jurisdiction to United States circuit courts), do not apply to patent cases.

SECOND CIRCUIT.

Southern district of New York:
Smith *vs.* Sargent Manufacturing Company. May 18, 1895. 67 Fed. Rep., 801. Wheeler, district judge.
Holds: That acts of 1887 and 1888 do not apply to suits for infringement of patents, and such suits may be brought wherever personal service can be had; and quotes In re Hohorst, 150 U. S., 653.
National Button Works *vs.* Wade. February 1, 1896. 72 Fed. Rep., 298. Lacombe, circuit judge.
Refers to act of 1887 and to In re Hohorst, 14 Superior Court, 221; 150 U. S., 653; and doubts whether distinction raised In re Hohorst can be sustained in view of later decision of United States court In re Keasbey *vs.* Matheson.
(Contra. Townsend, district judge, January 23, 1895.)

SIXTH CIRCUIT.

Southern district of Ohio:
Noonan *vs.* Chester Park Athletic Club. June 23, 1896. 75 Fed. Rep., 334. Sage, district judge.
Holds: In patent cases it is no objection to the jurisdiction that one of the defendants is a citizen of another State and district than that in which suit is brought, citing In re Hohorst and In re Keasbey.

NINTH CIRCUIT.

Northern district of California:
Earl *vs.* Southern Pacific Company. August 17, 1896. 75 Fed. Rep., 609. Morrow, district judge.
Acts of 1887-88 do not apply to patent suits, quoting In re Hohorst and In re Keasbey *vs.* Matheson.

Mr. PAYNE. That would be covered entirely by a law providing that suits might be brought wherever the defendant could be found or wherever he has a residence. In order to get rid of these conflicting decisions it would not be necessary to go further than that, but, as I understand the bill, it not only provides for that, but also that a suit may be brought in any jurisdiction where the defendant has an established place of business, by leaving the subpœna of the court at his place of business.

Mr. LACEY. Not unless the acts of infringement were also committed in that jurisdiction.

Mr. PAYNE. If these two things concur?

Mr. LACEY. Yes.

Mr. PAYNE. Of course that part of it is not necessary in order to avoid the conflicting decisions of the courts, but there seems to be some other object to be obtained by extending it to that class of cases. Now, if my colleague will allow me, I am not able to see why cases of infringement of patents should be taken out of the law and a special rule adopted as to them. I do not see but what the remedy that is good for one citizen in a particular class of cases should be good for all citizens in all classes of cases, so far as jurisdiction and the commencement of the action are concerned. If this bill simply went to the extent of providing that in all cases the courts might obtain jurisdiction by a personal service of the process of the court within the Territory, or in cases of attachment or cases of that kind, in the Territory where the person resided or was an inhabitant, I should not object to it, but the idea of going still further than that and giving the court jurisdiction where a man has a place of business at which it is claimed that he had sold some patented article which infringed the rights of some patentee, it seems to me is going too far and making an exception in patent cases that does not obtain in any other case, and to which it is not proposed to extend it in any other case of the violation of private rights. It seems to me that it is going too far.

Mr. MITCHELL. In answer to the remarks of my learned colleague from New York, I would state that I think he will find, on a careful examination of this bill as it is reported, that it does not extend, but on the contrary that it defines, the jurisdiction of the courts, and places all in the same category and clears an omission in the act of 1887–88.

Mr. PAYNE. Does the gentleman claim that under the present law an action could be brought where the defendant simply had a principal place of business and the act of infringement was committed in the same jurisdiction? Does the gentleman claim that an action would lie or could be brought there against the defendant without personal service of the process upon him within that jurisdiction?

Mr. MITCHELL. I do not think the gentleman clearly understands the effect of this bill. It says:

That in suits brought for the infringement of letters patent the circuit courts of the United States shall have jurisdiction, in law or in equity, in the district of which the defendant is an inhabitant, or in any district in which the defendant, whether a person, partnership, or corporation, shall have committed acts of infringement and have a regular and established place of business.

And further provided—

If such suit is brought in a district of which defendant is not an inhabitant, but in which such defendant has a regular and established place of business, service of process, summons, or subpœna upon the defendant may be made by service upon the agent or agents engaged in conducting such business in the district in which suit is brought.

Mr. PAYNE. They could not now commence an action within the jurisdiction named under the last clause.

Mr. MITCHELL. There was an amendment which was suggested, that the word "and," in line 8, should be stricken out and the word "or" substituted for it. We are not in favor of that, because then the reading of this would be that the defendant could be sued either where he committed the act of infringement or where he had a place of business.

Mr. PAYNE. I understand that the two things must concur now.

Mr. MITCHELL. So that in this case you have the party who is charged with committing the wrong sued in the district in which he has committed the act of infringement, and in which he has a place of business. Under the line of decisions which permit his being sued anywhere "if found," this act makes it easier for the defendant, and really limits to that extent the jurisdiction of the court; for instance, Halstead *vs.* Manning, Bowman & Co., Adriane Platt & Co. *vs.* McCormick Harvesting Company, supra.

Mr. PAYNE. In a decision up to date is it not held that he would not be amenable to the jurisdiction of a court in a territory in which he had a principal office and had committed an infringement of patent?

Mr. MITCHELL. Judge Wallace has held in this decision that the defendant may be sued wherever he may be found.

Mr. PAYNE. Certainly; that is a different thing. That is the personal service on him. You are extending it in this case.

Mr. MITCHELL. Well, I do not see that there is an extension of the provisions of the law. The trouble has arisen in this matter that under the act of 1888 some of the courts were uncertain whether or not the law did or did not apply to patent cases, and therefore this special bill relating to patents solely has been brought up because of the indefiniteness and uncertainty arising from different constructions of the act of 1888 as applied to patent cases.

Mr. PAYNE. Why, if you do not mean anything, why not have it wherever a man be found, by serving personal process upon him or in the territory where he resides. You go beyond that, and extend it to territory wherever he is found, not an inhabitant or a resident, but where he has a business office, and has committed, through agents or otherwise, an infringement.

Mr. MITCHELL. At the request of the gentleman from Iowa, I will yield to my friend from Iowa.

Mr. LACEY. Mr. Speaker, I understand the bill does mean something. It means that where there is an established place of business and an infringement——

Mr. PAYNE. I agree with you about that.

Mr. LACEY. Jurisdiction may be had there. That is one of the purposes of the bill. There is no question about that, and there ought to be a law of that character. We have now a law by which, if an insurance company shall have an agency and transact business in some other State, jurisdiction may be had in regard to business growing out of the transactions of that agency; and so as to carriers performing service in any State and having permanent place of business there, they may be sued there. There is no reason why as broad a jurisdiction should not be had in cases of patents, if infringers open up a permanent place of business—commence their business at that place. Why not give the court jurisdiction to try that case where the individual resides, where the witnesses are? Should not the local court have control of the matter, with the strong arm of the law on the one hand and the restraining power of a court of equity on the other? Because this necessity arose we have this bill. Very frequently an infringing agency is the principal place of business. When the party defendant who nominally infringes the patent lives in one place, but the real place where the business is carried on is at another, at present the place of the defendant's residence alone gives jurisdiction. Business is going West, and a little plant on the seaboard often grows into a tremendous institution when it goes to Chicago and the great interior places where the population resides; and to deprive the courts of that community of jurisdiction would work hardship by reason of the expense that it would cause of having to take depositions or transport witnesses a thousand miles in the trial of a case. Why not have the trial where the transaction occurs? The jurisdiction under this bill only applies to the permanent place of business, or where the business is in existence.

Mr. DALZELL. Why not have a man punishable at the place where he commits the wrong?

Mr. LACEY. Why not?

Mr. DALZELL. The same principle applies, precisely.

Mr. LACEY. The principle is the same. I reserve the balance of my time.

Mr. PAYNE. The gentleman from Iowa has withdrawn the principal argument raised by my colleague from New York, and also in the report, that this does not extend the present law, but was simply a little innocent bill, seeking to give right effect to a decision of a court. My friend from Iowa puts this on a higher ground, that this is a great contest of localities, the growing West against the East.

Mr. DALZELL. The "effete East."

Mr. PAYNE. Which is gradually becoming so and dying out, and all that sort of thing. The West is really the equal of the East in this matter.

Mr. DALZELL. You do not controvert that.

Mr. PAYNE. How can I controvert anything said by my friend from Iowa, after he has laid it down in the manner he has. I remember a contest in this House a few years ago, which was also a contest of the West against the East, in reference to patent matters; and there the West was trying to deprive the owner of the patent of any remedy whatever. I think the provision was that, unless the amount of damages awarded should exceed $25 in each case, the unfortunate individual who owned the patent was to be mulcted in costs, so that in most cases the costs would probably be equal to or greater than the amount of damages. It appeared to be held then—I suppose it was a sort of wild Western idea—that a man who owned a patent was a kind of robber who was inflicting injury on his neighbors in the West, collecting money that he ought not to have, and that he ought to be deprived of all legal remedy.

Mr. DALZELL. Does the gentleman recollect whether our friend from Iowa [Mr. HENDERSON] had any part in that movement?

Mr. PAYNE. I think my friend [Mr. HENDERSON] was right in with those who took that ground. [Laughter.]

Mr. HENDERSON. Surely the statute of limitation runs on that. [Laughter.]

Mr. PAYNE. Now, I welcome this bill as evidence of a change of heart. I am glad to see that it recognizes the right of property in patents, and while I think the bill travels, perhaps, a little out of the way and puts the owner of a patent in a little better position than the owner of any other kind of property, yet, when I observe the change that has come over the spirit of our Western friends in this regard, on the whole I welcome this bill, and the last exception of the gentleman from Iowa, showing that this is a sectional matter, induces me to vote against my own section and in favor of his. [Laughter.]

Mr. MITCHELL. Mr. Speaker, I am very glad that I withdrew the demand for the previous question. I now ask for the previous question, and I also ask leave to print further remarks in relation to the cases which I have here.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

The call of committees was completed.

ORDER OF BUSINESS.

Mr. DOCKERY. Mr. Speaker, I am requested to ask unanimous consent of the House to consider the bill which I send to the desk.

The SPEAKER. The Chair does not recognize the gentleman for that purpose. [Laughter.] The gentleman from New York [Mr. DANIELS] is recognized.

DIGEST OF ELECTION CASES.

Mr. DANIELS. Mr. Speaker, the Committee on Elections No. 1 have unanimously adopted the resolution which I send to the desk and recommend its adoption by the House. I have here and will send to the desk what is substantially a repetition of it, a resolution to be adopted by the House providing for the publication of a digest of the election cases heard and decided in the Fifty-third and Fifty-fourth Congresses. It is estimated that about two fair-sized volumes will be required to contain all the cases. Some very important questions have been disposed of from time to time by the House in these cases, and such a digest can not fail to be of great value hereafter in the determination of election cases where similar principles will be involved, as they necessarily must be in such contests. I now send to the desk the resolution which I propose to have adopted by the House to carry into effect the resolution of the Committee on Elections.

The Clerk read the resolution, as follows:

Resolved, That the resolution by the Committee on Elections No. 1 for digesting the election cases heard and decided by the House of Representatives of the Fifty-third and Fifty-fourth Congresses, and reported by the Election Committees to the House of Representatives, be, and the same is hereby, adopted.

Mr. DANIELS. Now, I ask the Clerk to read the resolution therein referred to.

The Clerk read as follows:

Resolved, That there be made, printed, and bound, a digest of the election cases heard and decided by the Fifty-third and Fifty-fourth Congresses of the United States, consisting of a concise statement of each case, the report made by the Committee on Elections thereon, and the final action of the House thereon, together with an accurate and complete index of the same, to be prepared by William A. Martin, clerk to the Committee on Elections No. 1, for which, and for the necessary preparation and superintendence thereof, there shall be paid said William A. Martin, by the Clerk of the House, out of the contingent fund, the sum of $2,000; said sum to be paid when the manuscript of the work shall have been delivered to the Public Printer, who shall furnish for the use of the House the usual number, viz, 1,607 copies for each of the above-named Congresses.

This resolution was adopted by the Committee on Elections No. 1, and its adoption by the House was unanimously recommended.

CHARLES DANIELS, *Chairman*.

Mr. BAILEY. Mr. Speaker, I think that would be a complete waste of the public money.

Mr. RICHARDSON. I suggest to the gentleman from New York that his resolution would not accomplish the object anyway. It is a simple House resolution, and the House alone can not order printing to exceed $500 in cost, so that the resolution, if passed, would be void.

Mr. BAILEY. And if the work were done it would be worse than void.

The SPEAKER. Is there objection to the present consideration of these resolutions?

Mr. BAILEY. I object.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

At the request of Mr. ANDREWS, to Mr. HAINER of Nebraska, on account of sickness.

At the request of Mr. MOODY, to Mr. GILLETT of Massachusetts, on account of sickness.

ORDER OF BUSINESS.

Mr. PAYNE. Mr. Speaker, I move that the House do now take a recess until 8 o'clock this evening, to meet then under the special order.

Mr. MILNES. Mr. Speaker, I suppose the motion to take a recess is with the idea of having a pension session this evening.

Mr. PAYNE. Yes.

Mr. MILNES. Well, I believe it will be entirely impossible to do anything this evening. We accomplished nothing last evening. I move, therefore, that the House do now adjourn.

The question being taken on the motion to adjourn, the Speaker declared that the noes seemed to have it.

Mr. MILNES. I ask for a division.

The House divided; and there were—ayes 51, noes 72.

So the House refused to adjourn.

Mr. PAYNE. Mr. Speaker, pending the motion for a recess, I ask unanimous consent that the business under special order for

this evening commence now and run until 5 o'clock p. m., and that the order for the evening session be vacated.

There was no objection, and it was so ordered.

[Applause.]

The SPEAKER. The regular order is the unfinished business.

HANNAH E. RODGERS.

The first unfinished business was the bill (H. R. 1832) granting a pension to Hannah E. Rodgers.

Mr. CROWTHER. I ask unanimous consent that this bill be passed over without prejudice, retaining its place on the Calendar.

The SPEAKER. In the absence of objection, that order will be made.

There was no objection.

ELLEN DAY.

The next unfinished business was the bill (H. R. 6803) granting a pension to Ellen Day, stepmother of Albert L. Day.

The bill was read.

The SPEAKER. This is a bill laid aside on a previous day upon a demand for the engrossed copy of the bill. The engrossed bill has now been read. The question is on its passage.

The bill was passed.

On motion of Mr. BROMWELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

CAROLINE WILKINSON.

The next unfinished business was the bill (H. R. 1513) granting a pension to Caroline Wilkinson.

The bill was read.

Mr. LOUDENSLAGER. I ask that this bill be laid aside.

There being no objection, it was so ordered.

RACHEL WADDELL.

The next unfinished business was the bill (H. R. 9683) granting a pension to Rachel Waddell, of Newport, Tenn.

The bill, together with the amendments reported by the Committee of the Whole, was read.

Mr. MILNES. This bill belongs to the same class as the one just laid aside. I ask that this also be laid aside.

Mr. ANDERSON. I object.

Mr. LOUDENSLAGER. Then I move that the bill be laid aside.

The motion was agreed to.

WILLIAM N. WELLS.

The next unfinished business was the bill (H. R. 6268) to increase the pension of William N. Wells.

The bill was read.

The SPEAKER. This is an engrossed bill which has been read. The question is on its passage.

The bill was passed.

JOHN J. CROSS.

The next unfinished business was the bill (H. R. 2321) to increase the pension of John J. Cross.

The bill was read.

The SPEAKER. This is an engrossed bill which has been read. The question is now on its passage.

The bill was passed.

MARY L. TWEDDLE.

The next unfinished business was the bill (H. R. 5793) granting a pension to Mary L. Tweddle.

The bill was read.

Mr. TALBERT. I ask for the reading of the report.

The report was read.

Mr. TALBERT. Mr. Speaker, as has been shown by the reading of the report, the husband of this woman was not considered as having any pensionable rate at the Pension Bureau. Then, again, this woman married after the act of June 29, 1890, which specially provided that no marriage after that act should entitle the widow to a pension. It seems, therefore, that the passage of this bill would be in direct violation of specific and definite law. The question is whether this House will abide by the law in this case or override it. I move that the bill be laid on the table.

The motion was agreed to.

ANTON ERNST.

The next unfinished business was the bill (H. R. 8075) to remove the charge of desertion from the military record of Anton Ernst.

The bill was read.

The SPEAKER. The question is on ordering this bill to be engrossed and read a third time.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The question being taken on the passage of the bill, there were, on a division (called for by Mr. TALBERT)—ayes 50, noes 2.

Mr. TALBERT. No quorum.

The SPEAKER proceeded to count the House.

Mr. TALBERT (before the result of the count was announced). Mr. Speaker, I have no disposition to block business. If the gentleman in charge of this bill will allow it to be passed over without prejudice, I am perfectly willing. This is not a meritorious bill.

The SPEAKER. There is a quorum present. The ayes have it; and the bill is passed.

HARRIET M. KNOWLTON.

The next unfinished business was the bill (S. 719) to restore a pension to Harriet M. Knowlton.

The bill was read.

The SPEAKER. This is a Senate bill, and the question is on ordering it to a third reading.

Mr. ERDMAN. I ask for the reading of the report.

The report was read.

The bill was ordered to a third reading; and it was accordingly read the third time.

The SPEAKER. The question is now on the passage of the bill.

Mr. TALBERT. I move that the bill be laid on the table. One similar to this—the case of a remarried widow—was laid on the table.

The question being taken on the motion to lay the bill on the table, it was rejected; there being—ayes 27, noes 49.

The bill was then passed.

PETER ANDERSON.

The next unfinished business was the bill (H. R. 2035) granting an increase of pension to Peter Anderson, of Strong City, Kans.

The bill, with the amendments reported from the Committee of the Whole House, was read.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The SPEAKER. Without objection, the amendment to the title of this bill, as recommended by the committee, will be agreed to.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bill and joint resolution of the following titles:

A bill (H. R. 10278) to reorganize the judicial districts of Arkansas, and for other purposes; and

Joint resolution (H. Res. 252) authorizing the Secretary of War to deliver to the mayor of Buffalo tents, in loan, for the convenience of the Grand Army of the Republic at its annual encampment, to be held this year at that city.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 3614) to aid in the improvement of the navigable channel of the South Pass by closing the existing crevasse in Pass a Loutre, in the Mississippi River, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CAFFERY, Mr. NELSON, and Mr. VEST as the conferees on the part of the Senate.

The message also announced that the President of the United States having returned to the Senate, in compliance with its request, the bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes," the Senate had proceeded to reconsider said bill, and had resolved that it had disagreed to the amendments of the House of Representatives to said bill, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PETTIGREW, Mr. BERRY, and Mr. CARTER as the conferees on the part of the Senate.

WASHINGTON BAKER.

The next unfinished business was the bill (H. R. 4517) granting a pension to Washington Baker, reported from the Committee of the Whole with amendments.

Mr. ERDMAN. Mr. Speaker, I ask that the report in that case be read.

The report was again read.

The amendments were concurred in, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JOHN M. LAUGHLIN.

The next unfinished business was the bill (H. R. 7688) for the relief of John M. Laughlin, reported from the Committee of the Whole with an amendment.

The amendment was read and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

HENRY O. HYRE.

The next unfinished business was the bill (H. R. 7079) to increase the pension of Henry O. Hyre, reported from the Committee of the Whole with an amendment.

The amendment was read and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

SOLOMÓN KLINE.

The next unfinished business was the bill (H. R. 7073) to increase the pension of Solomon Kline, reported from the Committee of the Whole with an amendment.

Mr. ERDMAN. I ask for the reading of the report in that case.

The report was again read.

The amendment recommended by the committee was agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

WILLIAM C. ESTILL.

The next business reported from the Committee of the Whole was the bill (H. R. 6497) granting a pension to William C. Estill, with the recommendation that the bill do lie on the table.

The question was taken; and the recommendation of the committee was concurred in.

The bill was accordingly laid on the table.

GEORGE F. MILLER.

The next unfinished business was the bill (H. R. 2153) to amend the military record of George F. Miller, reported from the Committee of the Whole with an amendment.

Mr. TALBERT. I would ask to have the report in that case read.

The report was read at length.

Mr. TALBERT. I move that that bill lie on the table.

The question was taken; and on a division (demanded by Mr. TALBERT) there were—ayes 9, noes 50.

Mr. TALBERT. No quorum.

The SPEAKER (having counted the House). One hundred and seventy-four members are present; not a quorum.

Mr. TALBERT. I am not trying to block legislation. If the committee will withdraw the bill, I will withdraw the point.

The SPEAKER. It is not possible for the gentleman to withdraw it after the count.

Mr. TALBERT. I am only desirous of getting rid of these outrageous bills——

The SPEAKER. The gentleman is not in order.

Under the rules, the previous question will be considered as ordered, and the yeas and nays will be taken. The Clerk will call the roll.

The Chair will state that members who are present and desire to vote either for or against the proposition will be so recorded. Those who desire to be simply recorded as present will so respond. The doors will now be closed, and the Clerk will call the roll.

Mr. TALBERT. I wish to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TALBERT. I would like to ask if the vote is not now to be taken on the motion to lay on the table?

The SPEAKER. That is the question.

The question was taken; and there were—yeas 51, nays 143, not voting 161; as follows:

YEAS—51.

Abbott,	Crisp,	Little,	Pendleton,
Adams,	Culberson,	Maddox,	Richardson,
Allen, Miss.	Cummings,	Maguire,	Robertson, La.
Avery,	Dinsmore,	Martin,	Shuford,
Bailey,	Dockery,	McCreary, Ky.	Steele,
Bankhead,	Erdman,	McCulloch,	Strowd, N. C.
Bartlett, Ga.	Harrison,	McLaurin,	Talbert,
Bartlett, N. Y.	Howard,	McMillin,	Tate,
Bell, Tex.	Huff,	McRae,	Terry,
Clardy,	Kleberg,	Money,	Williams,
Cobb,	Kyle,	Neill,	Woodard,
Cooper, Tex.	Latimer,	Ogden,	Yoakum.
Cox,	Linney,	Owens,	

NAYS—143.

Aldrich, T. H.	Daniels,	Hubbard,	Mozley,
Aldrich, W. F.	De Witt,	Hulick,	Murphy,
Anderson,	Dovener,	Hunter,	Murray,
Andrews,	Draper,	Hurley,	Newlands,
Apsley,	Eddy,	Jenkins,	Noonan,
Atwood,	Ellis,	Kerr,	Parker,
Baker, N. H.	Evans,	Kirkpatrick,	Payne,
Barham,	Fenton,	Knox,	Pearson,
Barney,	Fischer,	Lacey,	Perkins,
Barrett,	Fletcher,	Layton,	Phillips,
Bell, Colo.	Fowler,	Lefever,	Poole,
Bishop,	Gamble,	Leighty,	Prince,
Blue,	Gardner,	Leisenring,	Pugh,
Brewster,	Gibson,	Lewis,	Quigg,
Bromwell,	Gillet, N. Y.	Linton,	Robinson, Pa.
Burrell,	Griffin,	Lorimer,	Royse,
Burton, Mo.	Griswold,	Loudenslager,	Russell, Conn.
Burton, Ohio	Grow,	Low,	Scranton.
Calderhead,	Hart,	Mahany,	Shafroth,
Chickering,	Hatch,	McClellan,	Sherman,
Clark, Iowa	Heatwole,	McEwan,	Simpkins,
Clark, Mo.	Henry, Conn.	McLachlan,	Snover,
Codding,	Henry, Ind.	Meiklejohn,	Sorg,
Connolly,	Hermann,	Mercer,	Southard,
Cook, Wis.	Hilborn,	Miller, Kans.	Spalding,
Cousins,	Hill,	Milnes,	Sperry,
Crowther,	Hopkins,	Mitchell,	Stahle,
Dalzell,	Howe,	Mondell,	Stephenson,
Danford,	Howell,	Moody,	Stewart, N. J.
Stewart, Wis.	Tawney,	Walker, Mass.	Wilson, N. Y.
Stone, W. A.	Tayler,	Walker, Va.	Wilson, Ohio
Strode, Nebr.	Tracey,	Warner,	Wood,
Strong,	Updegraff,	Watson, Ohio	Woodman,
Sulloway,	Van Horn,	Wellington,	Woomer,
Sulzer,	Van Voorhis,	Willis,	Wright.
Taft,	Wadsworth,	Wilson, Idaho	

NOT VOTING—161.

Acheson,	Dayton,	Johnson, N. Dak.	Ray,
Aitken,	De Armond,	Jones,	Reeves,
Aldrich, Ill.	Denny,	Joy,	Reyburn,
Allen, Utah	Dingley,	Kem,	Rinaker,
Arnold, Pa.	Dolliver,	Kendall,	Rusk,
Arnold, R. I.	Doolittle,	Kiefer,	Russell, Ga.
Babcock,	Ellett,	Kulp,	Sauerhering,
Baker, Kans.	Fairchild,	Lawson,	Sayers,
Baker, Md.	Faris,	Leonard,	Settle,
Bartholdt,	Fitzgerald,	Lester,	Shannon,
Beach,	Foote,	Livingston,	Shaw,
Belknap,	Foss,	Long,	Skinner,
Bennett,	Gillett, Mass.	Loud,	Smith, Ill.
Berry,	Goodwyn,	Mahon,	Smith, Mich.
Bingham,	Graff,	Marsh,	Southwick,
Black,	Grosvenor,	McCall, Mass.	Sparkman,
Boatner,	Grout,	McCall, Tenn.	Spencer,
Boutelle,	Hadley,	McCleary, Minn.	Stallings,
Bowers,	Hager,	McClure,	Stone, C. W.
Broderick,	Hainer, Nebr.	McCormick,	Stokes,
Brosius,	Hall,	McDearmon,	Strait,
Brown,	Halterman,	Meredith,	Swanson,
Brumm,	Hanly,	Meyer,	Thomas,
Buck,	Hardy,	Miles,	Thorp,
Bull,	Harmer,	Miller, W. Va.	Towne,
Cannon,	Harris,	Milliken,	Tracewell,
Catchings,	Hartman,	Miner, N. Y.	Treloar,
Clarke, Ala.	Heiner, Pa.	Minor, Wis.	Tucker,
Cockrell,	Hemenway,	Morse,	Turner, Ga.
Coffin,	Henderson,	Moses,	Turner, Va.
Colson,	Hendrick,	Northway,	Tyler,
Cooke, Ill.	Hepburn,	Odell,	Wanger,
Cooper, Fla.	Hicks,	Otey,	Washington,
Cooper, Wis.	Hitt,	Otjen,	Watson, Ind.
Corliss,	Hooker,	Overstreet,	Wheeler,
Cowen,	Huling,	Patterson,	White,
Crowley,	Hull,	Pickler,	Wilber,
Crump.	Hutcheson,	Pitney,	Wilson, S. C.
Curtis, Iowa	Hyde,	Powers,	
Curtis, Kans.	Johnson, Cal.	Price,	
Curtis, N. Y.	Johnson, Ind.	Raney,	

So the motion that the bill lie on the table was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. MCCALL of Massachusetts with Mr. JONES.

For the remainder of this day:

Mr. HULING of West Virginia with Mr. MOSES.

The following members were recorded as present:

Messrs. BAKER of Kansas, BELKNAP, BOATNER, BRODERICK, COFFIN, COOPER of Florida, DENNY, FOWLER, HANLY, HEMENWAY, JOHNSON of Indiana, JOHNSON of North Dakota, KEM, KENDALL, LAWSON, LEIGHTY, LOUD, MCCALL of Massachusetts, MCCALL of Tennessee, MINOR of Wisconsin, PRICE, SMITH of Illinois, MILLER of West Virginia, SPARKMAN, and WASHINGTON.

The result of the vote was announced as above recorded.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time.

Mr. TALBERT. Mr. Speaker, I demand the reading of the engrossed copy of the bill.

The SPEAKER pro tempore. The gentleman from South Carolina demands the reading of the engrossed copy. The bill will have to be laid aside, and the Clerk will report the next bill.

NATHAN MITCHELL.

The next business considered was the bill (H. R. 5612) granting a pension to Nathan Mitchell.

The bill was read.

Mr. TALBERT. Let us have the report read.

The report (by Mr. HARDY) was read.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

Mr. LOUD. I should like to ask if this is one of those bills to pension a teamster. That is what it seems to be.

Mr. LOUDENSLAGER. Oh, no; I beg the gentleman's pardon——

Mr. LOUD. Well, perhaps there is even some question about his having been a teamster. I will admit that.

Mr. LOUDENSLAGER. He accompanied General Taylor's army from Corpus Christi to the Rio Grande, I will say to the gentleman from California [Mr. LOUD].

Mr. LOUD. Of course the records show that this man never had any service, and all that the report claims is that he had charge of a body of teamsters, and some individual states that he served in a battle somewhere, but he does not seem to know where. That is about the substance of the report, is it not?

Mr. LOUDENSLAGER. The report sets forth his service as given by General Prevost, and also other affidavits which are on file. There is a letter of F. V. Britton, late an officer of the United States Army, dated Rancho, near Corpus Christi, Tex., January 7, 1859, in which he certifies that Mr. Mitchell was reported to him (Britton) at Fort Brown as having been placed in

command of all unattached teamsters, convalescents, etc., for service in the defense of the fort, and that he (Mitchell) served faithfully in battle, as well as in every other situation his duties to the Government placed him.

Gen. D. E. Twiggs, late of the Army, also certifies, under date of December 18, 1858, to the fact of claimant's participation in the defense of Fort Brown. There is other evidence of the service.

While I can not recall all the affidavits on file, yet I know that the examination was full and satisfactory to the committee, and his war record was clearly made out.

Mr. LOUD. Does it not seem very strange to the gentleman who is chairman of a committee that deals with these cases, that there should be no record of a man who, it is claimed, was regularly enlisted and regularly discharged? Is not that assuming that there is no record of such an event, and that we must come here and present to Congress simply the affidavit of some individual whom nobody knows anything about to testify to the service?

Mr. LOUDENSLAGER. It may appear strange to the gentleman from California [Mr. LOUD]——

Mr. LOUD. Well, yes, it does.

Mr. LOUDENSLAGER. The gentleman from Texas [Mr. NOONAN] introduced this bill. Perhaps he is more conversant with the facts than I am.

Mr. NOONAN. The bill, as presented, is, in my judgment, a meritorious one. I think the report of the committee can be verified and has been verified in many ways. This man is entitled to the pension that he asks. He really acted as an officer in that campaign. The gentleman from California [Mr. LOUD] asks why the records do not show that. Now, I have no personal experience in the matter; but I am told by those who were there that in the time of the Mexican war, and especially on the frontier of Texas, they were not always so particular about the keeping of records. He was at Fort Brown as a clerk in the first instance, and afterwards was designated to perform duty as a ranger, which he did. All those who are familiar with the condition of affairs there at that time verify what I have stated about the difficulty of obtaining precise records. I think gentlemen are hypercritical when they ask that these things be verified at this late day. It is true that he was not upon the muster roll; but he was designated to perform this duty and did perform it as directed by his superior officer, and his action was considered meritorious at that time by the officer in command. I think the House, in its discretion, which we are compelled to exercise in cases of this character, ought to grant what is asked for in this case. It is only $8 a month. The man is now nearly blind, and he performed the duty to which he was assigned by his superior. The man was a soldier and is entitled to this relief.

Mr. LOUD. I have not yielded the floor. I find in the report that in the spring of 1846 this man accompanied General Taylor's army from Corpus Christi, Tex., to the Rio Grande, in the capacity of forage master. Subsequently—and this is the only specially meritorious service that I find referred to in the report—it is stated that he had command of a lot of teamsters somewhere when the Mexican war was going on. Anybody who knows anything about the records of Government service knows that where a man was properly enlisted and properly discharged there must be a record of that event.

Now, even the War Department states emphatically that there is no record as to this man's service. The gentleman assumes to say that is not very strange, because that was a long time ago; yet permit me to say to-day that there is a most perfect record of any man who ever was legitimately in the service during the Revolutionary war. It is true that many cases are presented to Congress where men were called out for five or ten days in some imaginary emergency and that there is no record of their service; but I say it is a matter of impossibility, which the gentleman himself must well know, to erase by time any of the official records of the War Department. I do not know but what this is about as good a case as the average. I think, perhaps, it has a little more merit in the sympathetic line, because the gentleman is old; but that is the only merit—that this man wants it, and is old.

Mr. LOUDENSLAGER. Mr. Speaker, I am sure that the gentleman from California would not desire to mislead the House.

Mr. LOUD. No; I want to be perfectly frank and take the evidence we have.

Mr. LOUDENSLAGER. Still I am inclined to think that the selection by the gentleman of that portion of the report which he has read might mislead the House. It is true the beneficiary was connected with the Quartermaster's Department as forage master, but in the report, and but a few lines below, it makes a statement that he was mustered into the service as a private.

Mr. LOUD. But you can not prove that. That is simply a statement of your committee. You offer no evidence to prove that; and I say if he was mustered into the service, that it is impossible that the records of the War Department should not show that fact.

Mr. LOUDENSLAGER. If the gentleman will pardon me, I was about to show him how much proof was on file in regard to that statement.

Mr. LOUD. That is what I want.

Mr. LOUDENSLAGER (reading):

He was mustered into the service as private of Capt. Sam H. Walker's company of scouts.

That company was ordered out on the bombardment of Fort Brown and entered into that eight days' engagement. Now, that statement of the committee and the report of the committee as made by the gentleman from Indiana [Mr. HARDY] are based upon the facts set forth in the letters of F. V. Britton, an officer of the United States Army, and are based upon his statement of the fact that that soldier was there.

Mr. LOUD. Do you know this officer?

Mr. LOUDENSLAGER. I do not know him.

Mr. LOUD. That is simply a statement of some individual that you know nothing about.

Mr. LOUDENSLAGER. Not at all.

Mr. LOUD. And you place against the most perfect records of the War Department simply the unsubstantiated statement of a person whom you do not know and have no knowledge of his existence.

Mr. LOUDENSLAGER. This is a declaration that he was an enlisted man. It does say he was mustered into the service at that special time and did perform service for his Government at the bombardment of that fort.

Mr. LOUD. That is, this eight days?

Mr. LOUDENSLAGER. That eight days' engagement.

Mr. LOUD. That would not entitle him to a pension in any event.

Mr. LOUDENSLAGER. I beg leave to state that he did more and longer service than that in that company of scouts.

Mr. NOONAN. Mr. Speaker, I am not familiar with the rules that prevailed at that time or the regulations of the War Department; but I do know, from my association with this man and those who acted with him, that he was a soldier and acted in that capacity. There was at that time an exigent necessity for some man to take command of these troops. This man was specially called upon, and this man did serve and receive the commendation of his officers. Every man who discharges duty of that kind in such an emergency is entitled to consideration when he applies for a pension.

Mr. LOUD. Where are those commendations? They do not seem to appear here.

Mr. NOONAN. The report is probably not as full as it might have been; but I know the man. He is an old, substantial citizen and was a soldier at that time. He discharged many arduous duties on that frontier. Now he is totally blind and he ought to have this pension. To refuse him $8 a month I think is getting hypercritical upon the question of pensions. I know him personally, and saw him.

Mr. LOUDENSLAGER. I desire to say to the gentleman from California that this statement is backed up by Gen. D. E. Twiggs.

Mr. LOUD. Who is he?

Mr. NOONAN. The gentleman, if he is familiar with the military records of the country, ought to know General Twiggs. At one time he commanded that department.

Mr. LOUD. I know, but he died a great many years ago, if I remember correctly.

Mr. LOUDENSLAGER. And his statement was made a great many years ago.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. NOONAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

MRS. JULIA JONES DUNCAN.

The next unfinished business was the bill (S. 1975) granting a pension to Mrs. Julia Jones Duncan, reported from the Committee of the Whole.

Mr. ERDMAN. Mr. Speaker, if the report in that case is not very long, I desire to have it read.

The report was read.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WESLEY A. PLETCHER.

The next unfinished business was the bill (H. R. 5183) granting an increase of pension to Wesley A. Pletcher, reported from the Committee of the Whole with an amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ALBERT BROWN.

The next unfinished business was the bill (H. R. 7647) granting a pension of $30 per month to Albert Brown, reported from the Committee of the Whole with amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MRS. HELEN A. DE RUSSY.

The next unfinished business was the bill (H. R. 6159) to increase the pension of Mrs. Helen A. De Russy, reported from the Committee of the Whole with amendments.

The amendments were agreed to.

The question being taken on ordering the bill to be read a third time, the Speaker pro tempore declared that the ayes seemed to have it.

Mr. MILNES. I ask for a division.

The House divided; and there were—ayes 44, noes 2.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

GROTIUS N. UDELL.

The next unfinished business was the bill (H. R. 3605) granting a pension to Grotius N. Udell, reported from the Committee of the Whole with amendments.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Grotius N. Udell, late of Company B, Sixth Regiment Iowa Infantry, and pay him a pension of $50 per month from and after the passage of this act, in lieu of the pension he is now receiving, for total inability to perform manual labor.

Mr. ERDMAN. I call for the reading of the report.

The report (by Mr. ANDREWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3605) granting a pension to Grotius M. Udell, late a private in Company D, Sixth Iowa Volunteer Infantry, having carefully examined all the facts and circumstances in evidence, submit the following report:

Soldier served from July 17, 1860, until January 5, 1863. He filed claim and was pensioned from January 6, 1863, at $8 per month, for seven gunshot wounds in right shoulder, right lung and arm, and results. His pension was increased to $18 per month from April 15, 1874, and increased to $24 a month from March 3, 1883, and increased to $36 a month commencing September 7, 1892. His claim for $50 a month was rejected January 23, 1896, for failure to show a degree of disability which would entitle him to $50 a month.

The evidence shows that the injuries from which the claimant suffers were received at the battle of Shiloh, April 6, 1862.

Drs. John W. Webb, A. W. Coleman, and W. A. Boyden, reputable citizens and excellent physicians of Denver, Colo., testify that claimant is totally disabled and helpless, and that he requires the constant attention of one person; and the board of examining surgeons, under date of September 7, 1892, say, after describing the wounds: "The claimant is so disabled from his three gunshot wounds and other injuries described as to be incapacitated for any manual labor. He requires the aid of another person in feeding and dressing himself. He requires frequent and periodical, though not regular and constant, aid and attendance of another person, and we recommend a rating of $50 intermediate between first and second grade."

In view of all the facts we believe him entitled to a pension of $50 per month. We therefore recommend that the bill be amended by inserting the word "private" between the words "late" and "of," in line 6, and by striking out the words "from and after the passage of this act," in line 8, and by striking out all words after the word "receiving," in the ninth line of said bill, and as so amended that the bill do pass.

The SPEAKER pro tempore. The question is on the amendments.

Mr. SHAFROTH. Mr. Speaker, I would like to ask to move that this bill be amended so as to grant a pension of $72 per month instead of $50 per month. Since the bill was reported by the committee this man has been stricken with paralysis so that his body and limbs are paralyzed and he requires the care and attendance of some person all the time. I have here two affidavits which substantiate these facts. Therefore I move that the bill be amended by striking out the word "fifty," in the seventh line, and inserting "seventy-two" in lieu thereof.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the word "fifty," in line 7, and insert in lieu thereof the words "seventy-two."

The SPEAKER pro tempore. The question is on the amendment.

Mr. RICHARDSON. Mr. Speaker, I would like very much, before the vote is taken, to hear the affidavits read.

The affidavits were read, as follows:

STATE OF COLORADO, *County of Arapahoe, ss:*

On this, 10th day of February, 1897, personally appeared before me, R. Lee Bert, clerk and recorder within and for the county and State aforesaid, Joseph Anderson, a resident of Denver, in the county and State aforesaid, who, being duly sworn according to law, declares in relation to Grotius N. Udell, late first sergeant Company D, Sixth Regiment Iowa Infantry, as follows: I have been a regular practicing physician and surgeon during the past forty-four years, a larger portion of which time has been passed in practicing medicine and surgery in the vicinity of Denver, Colo., where I am now a regular practitioner in good standing. I was first called to make a professional examination of the claimant, Grotius N. Udell, on the 15th day of February, 1895, at Denver, Colo. I found a scar between the third and fourth ribs, front, and one back, just at the lower point of the scapula, on right side, with emphysema of right lung. I also found a scar between seventh and ninth ribs, right side, back of the million line, with point of exit, from the appearance, just below the ninth rib on left side, about one-quarter inch from spinal column, said scars said to have been caused by gunshot wounds received at the battle of Shiloh, Tenn. I also found partial paralysis of right arm, with considerable atrophy of the same; also partial paralysis of both legs, being unable to dress or undress himself, or to cut his food, the aforesaid paralysis being the result of said injuries, there being no other apparent cause. I also found two scars in the right nates, only flesh, the bone not being injured. I attended him professionally until on or about the 8th day of November, 1896. I was called and found the patient suffering from total paralysis of body and limbs, with brain badly affected, and totally helpless. He was unable to move, could swallow with extreme difficulty, and scarcely able to articulate. His condition has somewhat improved, but he is still unable to care for himself in any way, and at times his mind wanders and his brain becomes clouded. He requires the constant attendance of other persons, being wholly confined to his bed, except at brief intervals, when he is removed therefrom for sanitary purposes. I have attended him constantly since his last attack, and can say professionally that his case, that has been fully explained, is one that has required my constant attention, and one which seems to me to indicate that the patient will never again be able to use his limbs without the aid of crutches or other assistance, if at all. My post-office address is 3147 Race street, and I have no interest direct or indirect in this claim, nor am I in any way related to the claimant.

JOSEPH ANDERSON, *M. D.*

Sworn to and subscribed before me this day, and I certify that the affiant was fully acquainted with the contents of the foregoing declaration before he executed the same, and that I have no interest direct or indirect in the prosecution of this claim.

[SEAL] R. LEE BERT.
County Clerk.
By M. HEWITT, *Deputy.*

STATE OF COLORADO, *County of Arapahoe ss:*

In the matter of claim for special pension for Grotius N. Udell, late first sergeant Company D, Sixth Regiment Iowa Infantry, on this 10th day of February, 1897, personally appeared before me, R. L. Bert, clerk and recorder within and for the county and State aforesaid, H. H. Hamer, aged 56 years, a resident of Denver, in the county and State aforesaid, a person whom I certify to be reputable and entitled to credit, who, being duly sworn according to law, declares as follows, to wit: I am a constant daily attendant and nurse to Grotius N. Udell, who was formerly a soldier in the war of the rebellion. He had a stroke of paralysis on or about the 8th day of November, 1896, at which time I was present and assisted in caring for him, I at that time being employed by him to attend to his horse, cow, and chickens; he was perfectly helpless and could not move hand or foot, and unconscious; a physician was called, Dr. Joseph Anderson, under whose care he has since been, sometimes being assisted by another physician, an uncle of the patient; at no time since has he been able to help himself at all, and at times is out of his head; whenever he is moved it is necessary to use the force of another person, as the patient is wholly and entirely helpless, and can not aid himself in any manner. I have been relieved a portion of the time at night by the assistance of another man sent for that purpose by some of the societies to which the patient belongs. I have also been materially assisted by the wife and mother of the patient, as it would be almost impossible for one person to attend him alone. My post-office address is 2150 State street, Denver, Colo., and I am in no way related to claimant, and not interested in his claim in any way.

H. H. HAMER.

Sworn to and subscribed before me this day, and I certify that the affiant was fully acquainted with the contents of the foregoing declaration before he executed the same, and that I have no interest, direct or indirect, in the prosecution of this claim.

[SEAL.] R. L. BERT,
County Clerk.
By J. S. HUGHES,
Deputy.

Mr. SHAFROTH. Under this state of facts this man would be entitled by the general law to a pension of $72 per month, and inasmuch as these increased disabilities have arisen from injuries received during the war and have culminated in paralysis since the report of the committee has been filed, I ask that the amendment be adopted.

Mr. LOUD. If there is any evidence which this applicant can produce to substantiate this state of facts set forth by the gentleman here, why can he not get $72 a month from the Pension Office?

Mr. SHAFROTH. I think he could, but the difficulty is the long delay. This man received seven gunshot wounds, and the office is allowing him at present $36 a month for disability incurred in the service; but where paralysis of both limbs has set in, so that the man needs the constant care and attendance of another person, it seems to me that the case is clear for a pension of $72 a month. This applicant had his claim here, it was reported upon by the committee, and now, since the report of the committee was made, this increased disability has occurred.

Mr. LOUD. I did not pay very close attention to the reading of the affidavits. Do these physicians certify that the paralysis is the result of disability incurred in the service?

Mr. SHAFROTH. There can be no doubt about it from the affidavits.

Mr. LOUD. Oh, there might be. Men are sometimes paralyzed who never were in the service.

Mr. SHAFROTH. There might be, but in this case there seems to be none.

The amendment of Mr. SHAFROTH was agreed to.

The amendments recommended by the committee were then adopted.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ELIZA CRAIG HECKMAN.

The next unfinished business was the bill (S. 1816) granting a pension to Eliza Craig Heckman, widow of Brig. Gen. Charles A. Heckman, reported from the Committee of the Whole.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

BENJAMIN F. YOUNG.

The next unfinished business was the bill (H. R. 2395) granting a pension to Benjamin F. Young, late private of Company G, First Regiment Ohio Volunteer Cavalry.

The bill, with the amendment reported from the Committee of the Whole, was read.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

CATHARINE HARRIS.

The next unfinished business was the bill (H. R. 6922) to pension Catharine Harris.

The bill, with the amendment reported from the Committee of the Whole House, was read.

Mr. ERDMAN. I call for the reading of the report.

The report was read.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

EDWARD VUNK.

The next unfinished business was the bill (H. R. 3842) to increase the pension of Edward Vunk.

The bill, with the amendments reported from the Committee of the Whole House, was read.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ZOLMAN TYRRELL.

The next unfinished business was the bill (H. R. 4539) granting a pension to Zolman Tyrrell, late Company A, First New York Engineers.

The bill, with the amendments reported from the Committee of the Whole House, was read.

Mr. ERDMAN. I call for the reading of the report.

The report was read.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

CAROLINE A. GROSHON.

The next unfinished business was the bill (H. R. 7489) granting a pension to Caroline A. Groshon.

The bill was read.

The SPEAKER pro tempore. The recommendation of the Committee of the Whole House is that this bill be recommitted to the Committee on Pensions. The question is on agreeing to that report.

The report was agreed to.

WILLIAM SHEPPARD.

The next unfinished business was the bill (H. R. 3402) granting a pension to William Sheppard, late of Company A, Sixteenth Regiment Indiana Volunteer Infantry.

The bill, with the amendments reported from the Committee of the Whole House, was read.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

LYDIA W. HOLLIDAY.

The next unfinished business was the bill (H. R. 7432) for the relief of Lydia W. Holliday, of Wheeling, Ohio County, W. Va.

The bill, with the amendment reported by the Committee of the Whole House, was read.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The SPEAKER pro tempore. In the absence of objection, the proposed amendment to the title will be considered as agreed to.

There was no objection.

JOSEPH S. BUNKER.

The next unfinished business was the bill (H. R. 649) granting a pension to Joseph S. Bunker.

The bill, with the amendment reported from the Committee of the Whole House, was read.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

DANIEL T. TOLLETT.

The next unfinished business was the bill (S. 2832) for the relief of Daniel T. Tollett.

The bill, having been read, was ordered to a third reading, read the third time, and passed.

The next unfinished business was the bill (H. R. 7501) for the relief of Daniel T. Tollett.

The SPEAKER pro tempore. The recommendation of the Committee of the Whole House is that this bill lie upon the table. Without objection, it will be so ordered.

There was no objection.

CORYDON WINKLER.

The next unfinished business was the bill (H. R. 2974) to correct the military record of Corydon Winkler, late private Eighth Company, First Battalion, First Ohio Sharpshooters.

The bill, with the amendment reported from the Committee of the Whole House, was read.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JAMES W. DUNN.

The next unfinished business was the bill (S. 321) granting a pension to James W. Dunn.

The bill, with the amendment reported from the Committee of the Whole House, was read.

Mr. ERDMAN. I ask for the reading of the report.

The report was read.

Mr. ERDMAN. I want to call the attention of the House to this extended report. It is drawn in accordance with the principle enunciated years ago and adopted by the committee, that "it is better not to know so many things than to know so many things that are not true." One short paragraph upon a bill granting a pension like this!

The question being taken, the amendment was agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed; there being—ayes 56, noes 14.

JANE H. VANDEVER.

Mr. HENDERSON. Mr. Speaker, does that complete the unfinished business?

The SPEAKER. It does.

Mr. HENDERSON. If I may be permitted, I should like to make a brief statement, and to ask unanimous consent for the consideration of a bill.

The SPEAKER. The gentleman will proceed.

Mr. HENDERSON. Mr. Speaker, when the war broke out William Vandever was a member of this body, representing the district I now represent. He resigned his seat in Congress and went to the front, serving until 1865, when he returned a brevet major-general. Subsequently he represented the Los Angeles district in this body for four years. He died, leaving a widow, who is now about 75 years of age, with one daughter, who as a stenographer and clerk, supported her mother. In October this daughter died. Senator ALLISON, who became General Vandever's successor in Congress, presented and secured the passage of a bill granting to the widow of the general $50 per month. That bill has been favorably reported by the House Committee on Pensions, but the amount cut down to $30. I would be glad to see it put back to $50, but will not persist. But I will ask unanimous consent that this woman, without a dollar to support her, with no child or relative to help her, may have this favorable consideration of the House.

The SPEAKER. The Clerk will report the bill, after which the Chair will submit the request for unanimous consent.

The bill was read, as follows:

A bill (S. 2645) granting a pension to Jane H. Vandever.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane H. Vandever, widow of Gen. William Vandever, late of Ninth Regiment Iowa Infantry, and late brigadier-general United States Volunteers, at the rate of $30 a month.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. HENDERSON. Mr. Speaker, I thank the House very much for the courtesy.

Now I will ask unanimous consent—I will not make the motion unless it is agreeable to the House—but I ask unanimous consent to make this amount $50 per month. If the Chair will kindly submit that request to the body, I shall be very much gratified. That is the same amount that is fixed in the Senate bill.

Mr. LOUD. Mr. Speaker, I would like to say that I can not anticipate the reason why the gentleman should not make the motion himself; and in this connection I would be glad to make a suggestion—a word or two—in regard to this whole question.

I would not make the motion myself because I oppose the system of granting large pensions. But here is another illustration of either favoritism or persistency. A few days ago I called the attention of the House to the action of the Committee on Pensions, or Invalid Pensions—I do not now recall which, and I do not desire to make any invidious distinction—I called the attention of the House to the case of the widow of General Stoneman, where a bill was reported carrying $30 per month, the widow of a most gallant and meritorious officer, from the standpoint on which you pension the widows of officers—a full general officer. Here comes the case of the widow of General Vandever, a sometime member

of this body, having resigned his seat here to go into the service. It comes from the Committee on Invalid Pensions with the recommendation of $30 per month. And yet, permit me to say that this House to-day has passed three or four or five pension bills where I could not see for my part any more special merit than is involved in this case, and allowed $50 a month in each case.

If there be a representative of the Pension or Invalid Pension Committee present, it seems to me that this is a moment, sir, for him to rise and explain to the House what method of procedure they do pursue in that body. If there are reasons why this woman should not have a pension, if there is anything in her life or the record of General Vandever that would debar her from receiving the amount you give to others, the House should be in possession of the information. And the gentleman from Iowa ought not to ask unanimous consent, but to make a motion. He is an advocate of pensions of this character. I am not. If the House is to act on these pension cases, let us endeavor to pursue a course of equity, and along the line that if we are to give a pension of $50 a month to the widow of one brigadier-general or major-general, we should give it to all similarly situated, unless good reason is shown to the contrary.

I hope the gentleman will make the motion and not ask unanimous consent.

Mr. ANDREWS. Mr. Speaker, responding to the suggestion just offered by the gentleman from California [Mr. LOUD], I desire to submit a few words in reference to the rate of pension allowed on private bills coming from the Committee on Invalid Pensions. I understand the nature of this case. I understand the nature of the case of the widow of General Stoneman, to which he refers. I understand many other cases of a similar character that have been under consideration before the committee.

Some of the members of the committee believe that it is proper to recommend pensions ranging from $50 to $75 or even $100 per month in these cases, while others believe that the thirty-dollar pension, as indicated by the general law, should be the rule observed so long as that general law is in force.

Many of these cases have been referred to me as a subcommitteeman for the bills originating in the territory embraced by the States of California, Utah, Idaho, Wyoming, Colorado, and Nebraska. I believed and still believe that these bills should be held within the range of the provisions of the general law, and that outside of these provisions we have no just anchorage for our deliberations.

Very much of the time of the House is worse than wasted in the discussions arising here day after day, but rather than deny these bills a place on the general Calendar, I have reported them to the committee at $30 per month, even in those cases where widows were already receiving that rate directly through the Pension Office. I considered it fair and proper to the Members and Senators in the States named that they should have an opportunity before the House for presenting their cases as they might see proper, and leave the House to decide on the amount. I did not consider it fair that I, a subcommitteeman, should deny consideration of these bills when others were receiving larger ratings than I thought proper. Accordingly, I favored the placing of the bills on the Calendar for such action as the House might deem proper.

Mr. HENDERSON. Mr. Speaker, I would ask my friend from Nebraska [Mr. ANDREWS] if the widow of General Stoneman received $30 or $50?

Mr. ANDREWS. The report from the committee was for $30 a month, and the bill was so passed in the House. It has gone to conference, and I understand that the conferees have not yet reported on that question.

Mr. HENDERSON. Mr. Speaker, I myself have not favored giving the large pensions which have been frequently reported to the House. My friend from California [Mr. LOUD] misstates my position when he classes me as one of those favoring large pensions.

Mr. LOUD. Well, I will use the word "liberal." I do not wish to say anything offensive.

Mr. HENDERSON. Yes, I believe in liberal pensions, but I do not believe in fancy pensions or unjust discriminations. Now, I made this request because I had understood that a great many similar bills had been passed at $50 per month where the claimant had not as much reason for asking it as Mrs. Vandever has. In addition to what I have stated, Mrs. Vandever was one of a band of women who, from 1861 to 1865, stood on the banks of the Mississippi to receive the wounded and furloughed men brought home from the front, taking them to churches and hotels, where they were fed, clothed, and bedded; and while her husband was fighting at the front she was fighting in the rear, looking after those who came home wounded. I myself received her warm grasp when, coming home from Donelson, we crossed the Mississippi at Dubuque. I speak of her with feeling, for I believe she was braver and more noble and deserving even than General Vandever himself. When I asked unanimous consent I stated the situation, and I only ask for unanimous consent now to make it $50 because I would not take advantage of the courtesy of the House, after it has given me unanimous consent for the consideration of the bill.

Mr. CROWTHER. I should like to ask my friend a question. He says he is in favor of equitable pensions. I will ask him if he did not vote for a pension for the widow of General Gibson a few days ago at $100 a month?

Mr. HENDERSON. I do not remember casting any such vote. I have voted against some of these larger pension bills myself during this session. I submit the request for unanimous consent.

The SPEAKER. The gentleman asks unanimous consent that $50 be substituted for $30.

Mr. HENDERSON. Yes, as in the Senate bill.

The SPEAKER. Perhaps the way to get it would be to vote down the amendment.

Mr. HENDERSON. I should like to put it in the form of unanimous consent. I want to treat the House fairly.

The SPEAKER. The gentleman asks unanimous consent that the amendment be considered as disagreed to. Is there objection?

Mr. WILLIAMS. I object.

Mr. HENDERSON. Then, Mr. Speaker, let it go at thirty.

The SPEAKER. The question is on agreeing to the amendment recommended by the committee.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. STEELE. Let us have a division on that.

The SPEAKER. A division is demanded.

Mr. MILNES. Mr. Speaker, I do not think the House knows what it is voting on.

The SPEAKER. As the bill has passed the Senate it grants a pension of $50 per month. The House committee recommend that the word "fifty" be stricken out and the word "thirty" be substituted. The question is on agreeing to the amendment.

The House divided; and there were—ayes 31, noes 62.

Accordingly the amendment was rejected.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HENDERSON, a motion to reconsider the last vote was laid on the table.

Mr. HENDERSON. I want to thank this House as I never did before for this action.

GEORGE W. FERREE.

Mr. ANDREWS. Mr. Speaker, a short time ago a message was received from the Senate announcing that it had passed the bill (H. R. 10040) granting an increase of pension to George W. Ferree with an amendment. I failed to catch the number of the bill when it was reported by the Senate clerk. A motion was made by the gentleman from Kansas [Mr. BLUE] to concur in that amendment, and the motion was agreed to. I desire now to move to reconsider the vote whereby the House concurred in the Senate amendment to the bill H. R. 10040. My purpose is to move that a committee of conference be appointed.

The SPEAKER. The gentleman moves to reconsider the vote whereby the House concurred in the Senate amendment.

Mr. STEELE. Let us know what the amendment was.

Mr. ANDREWS. I will state that the bill passed the House at $30 per month. This soldier was totally disabled as the result of disease contracted in the service. The Senate amended the bill to $20 per month. I am satisfied that the case clearly warrants a fifty-dollar rating. The House passed it at $30 a month. My desire is to secure, if possible, concurrence in the House bill.

The question was taken on the motion to reconsider; and it was agreed to.

The SPEAKER. The question now is on concurring.

Mr. ANDREWS. I move that the House nonconcur in the Senate amendment and request a conference.

The SPEAKER. The original motion was a motion to concur. If the House votes in the negative, that will be nonconcurrence, and will reach the same point.

The question was taken on concurring in the Senate amendment, and the motion was rejected.

The SPEAKER. The gentleman from Nebraska moves that the House ask for a conference with the Senate on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER. The Chair will appoint as conferees Mr. ANDREWS, Mr. CROWTHER, and Mr. BAKER of Kansas. [Cries of "Regular order!"] The Chair does not know who calls for the regular order.

PATRICK HANLEY.

Mr. COOK of Wisconsin. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8706) to correct the military record of Patrick Hanley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to remove the charge of desertion standing against Patrick Hanley, late a private in Company H, Twenty-eighth Regiment Wisconsin Infantry Volunteers, and to issue to him an honorable discharge, to date December 19, 1862.

Mr. ERDMAN. Mr. Speaker, let us hear the report in this case.

The report (by Mr. BISHOP) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 8706) to correct the military record of Patrick Hanley, having considered the same, would respectfully report such bill back to the House with the recommendation that the same do pass.

The facts upon which your committee rely for the clemency sought to be extended by this bill are briefly as follows: The soldier ran away from home and enlisted, without bounty, in Company H, Twenty-eighth Wisconsin, on the 20th day of August, 1862. He was then about 17 years old. He remained with his company in camp within his own State until December 19, 1862, when he obtained leave to visit his home, and while absent on such leave his regiment was ordered to the front, leaving the soldier behind When he learned that the regiment had left, he followed them to Chicago. When he arrived there, the regiment had left. Not being able to learn of its whereabouts, he enlisted in the Mercantile Battery, but was rejected on account of physical defects.

On the 10th day of June, 1863, he again tendered his services to his country, and was assigned to the Navy, where he served faithfully for the full term of his enlistment, and was honorably discharged. Had he been accepted when he enlisted in the Mercantile Battery, the soldier could have been relieved under the general law.

It is apparent the soldier never did intend to desert, and although he had to enter the service against the wishes of his parents, when he was fairly in the service and beyond the influence of his parents he served faithfully during his full term.

The total bounty paid him for his entire enlistment was $25.

The record of such soldier, Army and Navy, is hereto attached and made a part hereof.

DEPARTMENT OF THE NAVY, *Washington, D. C., May 7, 1896.*

SIR: Referring to your letter of the 6th instant to the honorable Secretary of the Navy, I have the honor to state that one Patrick Hanley enlisted in the Navy at Chicago, Ill., June 15, 1863, as seaman for one year. Served on board of the *Covington*, *Fairy*, and hospital *Pinckney*, and was discharged June 25, 1864.

Respectfully, F. M. RAMSAY,
Chief of Bureau.

Hon. S. A. COOK,
House of Representatives.

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, April 17, 1896.

SIR: * * * It is shown by the records that Patrick Hanley was enrolled August 20, 1862, and was mustered into service October 14, 1862, in Company H, Twenty-eighth Wisconsin Infantry, to serve three years. He appears to have served faithfully to December 19, 1862, when he deserted. He never returned thereafter, although his company remained in service to August 31, 1865. No evidence has been found showing he was a minor at the date of his enlistment or was enlisted without the consent of his parents, or that he was released or discharged from such service by the order or decree of any court of competent jurisdiction on habeas corpus or other proper judicial proceedings.

It does not appear from the files of this office that an application for removal of the charge of desertion has been presented to this Department, and in the absence of testimony the status of the soldier can not be determined under the provisions of the act of Congress approved March 2, 1889, the only law now in force governing the removal of charges of desertion.

Very respectfully,

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

Hon. S. A. COOK,
House of Representatives.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

Mr. TALBERT. Mr. Speaker, I do not care to enter objection to the consideration of this bill, for I objected a while ago and then agreed to withdraw it, but I am opposed to its passage. It seems to me that the time has passed, or at least ought to have passed, when deserters shall come to this House to have charges of desertion removed. It does seem to me they have had ample opportunity to do that in thirty-odd years. Take the legislation that has been passed by Congress in regard to the removal of the charge of desertion. Take the general laws, I mean, that have been passed. In the first place, after the war there was a general amnesty proclamation, issued by President Lincoln at the close of the war, allowing all deserters in such a time to come in and have the charge of desertion removed. As a matter of course, a great many of them availed themselves of that opportunity; and it was right that they should do so. It was an opportunity extended to them that ought to have been extended, because numbers had the charge of desertion entered against them who did not deserve to have such a stigma attached to their names.

I do not recollect the date of a number of the acts passed by Congress opening the door again to these men who had deserted their colors. I think there was a bill passed in 1882, or thereabouts, extending an invitation again to all soldiers who had deserted their flag and whose military record needed correction to come forward and avail themselves of that opportunity and have the privilege of having the charge of desertion removed from their record. Then, possibly, something was done in 1884. When that bill was passed, there was a proviso attached saying that all who did not avail themselves of the provisions of the act within five years after its passage should be forever debarred of the privilege. Then, I believe, in 1886 or 1887 there was another bill passed, after that time had elapsed. Many availed themselves of that opportunity.

The last act passed, according to my recollection, was in 1889, again opening the doors and inviting those men in to have the charge of desertion removed, and attached to that act was a proviso that to all who did not avail themselves of that act within three years the door would again be barred. That was the last act passed by Congress on that subject, if my memory serves me aright.

These are the reasons why the time should cease, when there should be some statute of limitations for these outrageous claims, giving an opportunity to have the charge of desertion removed from men who were not true to their flag, cowards who turned their backs on the field of battle. I am opposed to the passing of any such bill. For these reasons I hope this bill will not pass this House.

Some gentlemen have said to me, "Why not object?" I do not like that way of fighting. I dislike to exercise the authority given one man in that way. I believe that if these bills must come in we should have an opportunity to discuss them. I do not like to take advantage of a man who has introduced a bill by objecting. I do not like to object; but if I can not prevent their passage in any other way, I shall have to do that. I hope this House will set a precedent and show by their votes that there shall not be introduced or considered in this House such outrageous claims. I hope the House will act promptly for once in its life in regard to such measures, and that this bill will be killed. I have great respect for the gentleman who introduced the bill. He has talked with me about it time and again. I have looked over the report of the committee; but I am unwilling as a member of this House to cast my vote at this time to remove a charge of desertion against a soldier unless it is a case with mitigating circumstances, unless it is an exceptional case, and if it can be shown that this is an exceptional case, why, then, possibly it ought to pass.

Mr. WILSON of Ohio. Will the gentleman allow me to ask him a question?

Mr. TALBERT. Certainly.

Mr. WILSON of Ohio. I want to refer the gentleman to page 814 of the laws, where the law is named, approved March 2, 1895, whereby the authorization to remove the charge of desertion was extended, and it is now in existence.

Mr. TALBERT. In 1895?

Mr. WILSON of Ohio. Yes, sir. You evidently have not kept up with the legislation on this subject.

Mr. TALBERT. Possibly not. I stated that the act of 1889 was the last, if my memory serves me right. I am like the preacher who sometimes made mistakes. He was asked by a young lawyer if he always corrected them. He said, no, not always; sometimes he did and sometimes he did not. For instance, he said, when he was preaching once, he intended to say that Og was King of Bashan, but by a slip of the tongue he said that "hog was king of bacon," but he did not correct it because it was true. [Laughter.] So, in another case, when he intended to say that the devil was the father of all liars, he happened to say that "the devil was the father of all lawyers," but he let that stand also, because it was correct in a sense. [Laughter.] So, Mr. Speaker, I may be mistaken about the legislation on this subject, but I understand that the act of 1895, to which the gentleman refers, only allowed these claimants to go to the Pension Bureau, not to come here. However that may be, still I have made no mistake, and I am still opposed to these bills removing charges of desertion from the records of men who ran away from their duty. And now, if nobody has anything more to say or wants to ask me to correct any other mistakes, I move that the bill lie on the table.

The question being taken on the motion of Mr. TALBERT, the Speaker declared that the noes seemed to have it.

Mr. TALBERT. I ask for a division.

The House divided; and there were—ayes 30, noes 80.

So the motion was rejected.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

EMMA WEIR CASEY.

Mr. WHEELER. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill No. 2729, granting a pension to Emma Weir Casey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the general pension laws, the name of Emma Weir Casey, widow of the late Brig. Gen. Thomas Lincoln Casey, Chief of Engineers, United States Army, at the rate of $75 a month.

Mr. ERDMAN. Mr. Speaker, a parliamentary inquiry. Under the order adopted this afternoon, must the House adjourn at 5 o'clock?

Mr. PAYNE. I do not think, Mr. Speaker, that the order requires the House to adjourn at that hour. It simply provides, according to my recollection, that this order of business shall continue until that hour.

Mr. ERDMAN. Then, Mr. Speaker, I demand the regular order until that time arrives, which I believe is to go into Committee of the Whole.

Mr. BLUE. Mr. Speaker, reserving the right to object to the bill presented by the gentleman from Alabama, I will say to him that unless the amount of that pension is reduced to $50, I will object.

Mr. ERDMAN. I withdraw the demand.

Mr. LOUD. Mr. Speaker, I move that the House do now adjourn.

The question being taken, the Speaker declared that the ayes seemed to have it.

A division was called for.

The House divided; and there were—ayes 57, noes 41.

So the motion to adjourn was agreed to.

LEAVE OF ABSENCE.

Pending the adjournment, by unanimous consent, leave of absence was granted as follows:

To Mr. THOMAS, for ten days, on account of important business.

To Mr. BAKER of Maryland, indefinitely, on account of sickness.

To Mr. WELLINGTON, for two days, on account of important business.

To Mr. LEISENRING, for one day, on account of important business.

To Mr. BARTHOLDT, indefinitely, on account of sickness.

LEAVE TO WITHDRAW PAPERS.

Pending the adjournment, Mr. SNOVER, by unanimous consent, obtained leave to withdraw from the files of the House the papers in the case of J. Seymour Taylor, on condition that copies of the originals be left in the files of the House.

The House then (at 4 o'clock and 53 minutes p. m.) adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Biscayne Bay, Florida—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Arkansas River, Arkansas—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, inclosing a letter from the Chief of Engineers, transmitting a compilation of the general laws relating to the maintenance, preservation, and protection of the navigable waters of the United States, with a draft of a proposed act embodying such revision and enlargement of said laws as will be advantageous to the public interest—to the Committee on Revision of the Laws, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10304) to repeal chapter 1061, Fiftieth Congress, approved October 1, 1888, being an act to grant right of way through the military reservation at Fort Morgan to the Birmingham, Mobile and Navy Cove Harbor Railway Company, and for other purposes, reported the same without amendment, accompanied by a report (No. 2951); which said bill and report were referred to the House Calendar.

Mr. KLEBERG, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 10213) selling to the State of Kansas part of the abandoned Fort Hays Military Reservation in said State, for the purpose of establishing western branches of the Kansas Agricultural College and of the Kansas State Normal College thereon, and for a public park, reported the same without amendment, accompanied by a report (No. 2962); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MEIKLEJOHN, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 10314) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes," reported the same without amendment, accompanied by a report (No. 2963); which said bill and report were referred to the House Calendar.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 6656) to authorize the Montgomery, Hayneville, and Camden Railroad Company to construct and maintain a bridge across the Alabama River between Lower Peachtree and Prairie Bluff, Ala., reported the same with amendment, accompanied by a report (No. 2964); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. LESTER, from the Committee on War Claims: The bill (H. R. 523) for the relief of Charles V. Neidlinger. (Report No. 2948.)

By Mr. DANIELS, from the Committee on Elections No. 1: The bill (H. R. 4114) for the relief of W. E. Judkins, executor of Lewis McKenzie. (Report No. 2949.)

By Mr. RICHARDSON, from the Committee on the District of Columbia: The bill (H. R. 10321) authorizing the Commissioners of the District of Columbia to accept the bequest of the late Peter Von Essen for the use of the public white schools of that portion of said District formerly known as Georgetown. Reported as a substitute for H. R. 8098. (Report No. 2950.)

By Mr. PARKER, from the Committee on Military Affairs: The bill (H. R. 6797) to remove the charge of desertion against Levi Maxted, Lawrence, Kans. (Report No. 2952.)

By Mr. WOOD, from the Committee on Invalid Pensions:

The bill (H. R. 9021) to increase the pension of George Gaylord. (Report No. 2953.)

The bill (H. R. 1947) to grant a pension to Margaret Wolverton, child of Jacob Wolverton, Company K, Seventy-seventh Illinois Volunteer Infantry. (Report No. 2954.)

The bill (H. R. 9796) granting a pension to Turner J. Bowling. (Report No. 2955.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions:

The bill (H. R. 10227) granting a pension to Milton Iserman, of Thirty-third New Jersey Volunteers (unassigned). (Report No. 2956.)

The bill (H. R. 2223) to pension Hiram C. Rogers, of Allerton, Iowa. (Report No. 2957.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (H. R. 10137) granting a pension to Miss Delphine P. Baker for expenses incurred during the late war and for services performed in originating and founding the National Home for Disabled Soldiers and Sailors of the Army and Navy of the United States. (Report No. 2958.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions: The bill (H. R. 3795) granting a pension to Mary Cochrane. (Report No. 2959.)

By Mr. GRAFF, from the Committee on Claims: The bill (H. R. 7343) for the relief of the estate of William P. Burrough. (Report No. 2960.)

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (H. R. 6386) for the relief of the heirs at law of Edward N. Oldmixon. (Report No. 2961.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

Evidence to accompany H. R. 1793, for the relief of Michael Bassett—Committee on Military Affairs discharged, and referred to the Committee on Pensions.

Evidence to accompany H. R. 4952, for the relief of Jubal Grant—Committee on Military Affairs discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. SCRANTON: A bill (H. R. 10319) providing for the election of a Delegate from the District of Alaska to the House of Representatives of the United States—to the Committee on the Territories.

By Mr. CLARK of Iowa (by request): A bill (H. R. 10320) relating to practice in the Federal courts—to the Committee on the Judiciary.

By Mr. HOWELL: A resolution (House Res. No. 544) for the relief of William Richardson—to the Committee on Accounts.

By Mr. SOUTHARD: A resolution (House Res. No. 545) providing for survey of Straight Channel in Maumee River and Bay—to the Committee on Rivers and Harbors.

By Mr. ROBERTSON of Louisiana: A resolution (House Res. No. 546) authorizing the Clerk of the House to make certain disbursements out of the contingent fund of the House—to the Committee on Accounts.

Also, a resolution (House Res. No. 547) to print 1,000 copies of the report of the surveyor-general of Louisiana, dated February 19, 1880, to the Commissioner of the General Land Office—to the Committee on Printing.

By Mr. KIEFER: A memorial of the legislature of the State of Minnesota, in favor of the bill (H. R. 1) to reclassify salaries of railway-mail clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. BELKNAP: A memorial of the legislature of the State of Illinois, in favor of the bill (H. R. 4339) to establish a national military park to commemorate the campaign, siege, and defense of Vicksburg—to the Committee on Military Affairs.

By Mr. HENDERSON: A memorial of the legislature of the State of Iowa, opposing the removal of the pension agency from Des Moines, Iowa, to St. Louis, Mo.—to the Committee on Appropriations.

By Mr. RINAKER: A memorial of the legislature of the State of Illinois, in favor of the bill (H. R. 4339) to establish a national military park at Vicksburg, Miss.—to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. LEWIS: A bill (H. R. 10322) to remove the charge of desertion against Nathan Stewart—to the Committee on Military Affairs.

By Mr. McCLELLAN: A bill (H. R. 10323) for the relief of the Rev. William J. Larkin—to the Committee on Military Affairs.

By Mr. McEWAN: A bill (H. R. 10324) to remove the charge of desertion from the military record of John J. Waterkeyn, of Jersey City, N. J., and grant him an honorable discharge—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolution of the Mechanics, Dealers, and Lumbermen's Exchange of New Orleans, favoring the passage of House bill No. 10090, prohibiting ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. ALDRICH of Illinois: Petition of Thomas Collins and 94 other citizens of Chicago; also of A. N. Hitchcock, secretary of the American Board of Foreign Missions, of Chicago, Ill., favoring the passage of the Sherman bill, prohibiting ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. AVERY: Petition of E. D. Palmer, Robert Bailey, W. A. Strong, Edward Gilmore, H. W. Loomis, and 40 other citizens of Osceola County, Mich., favoring the passage of House bill No. 10090, known as the antiscalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BAKER of New Hampshire: Petition of Albert B. Woodworth and other citizens of Concord, N. H., and residents of other cities in the State, praying for the passage of the Cullom and Sherman bills, for the prevention of railroad ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. BISHOP: Petition of 34 residents of Saginaw and Custer and Chase, Mich., in favor of the Sherman bill, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BLUE: Petition of citizens of Kansas, protesting against the passage of House bill No. 10090, prohibiting ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BREWSTER: Petition of citizens of Rochester, N. Y., in favor of the passage of House bill No. 10090 and Senate bill No. 3545, prohibiting ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BROSIUS: Petition of the Indian Rights Association of Philadelphia, Pa., relating to certain property rights—to the Committee on Indian Affairs.

By Mr. BURTON of Ohio: Resolution of Boiler and Blacksmith Helpers' Assembly, No. 410, Knights of Labor, of Cleveland, Ohio, indorsing bill establishing minimum rate of wages to be paid for manual and unskilled labor of employees of the Government—to the Committee on Labor.

Also, petition of T. A. Giberson and others, of Cleveland, Ohio, protesting against the passage of House bill No. 10090, to prevent trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. CANNON: Sundry petitions of citizens of Danville, Rankin, and Momenee, State of Illinois, asking for the passage of House bill No. 10090, prohibiting the trafficking in railroad tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Iowa: Petition of Frank N. White, of Burlington; W. C. Williamson, of Keokuk, and W. L. Byrn, of the State of Iowa, in favor of the passage of House bill No. 10090, to prevent trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Missouri: Petition of citizens of the State of Missouri, asking for the passage of House bill No. 10090 and Senate bill No. 3545, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. COOK of Wisconsin: Petition of B. T. Rogers, of Fond du Lac; also of Rev. Samuel Lugg and 15 other citizens of Ripon; also of T. H. Rumsey and 21 other citizens of Berlin; also of Rev. S. T. Kidder and members of the Congregational church of Menasha; also of the Menasha Wooden Ware Company and 12 other business firms of Menasha; also of Rev. J. E. Chapin, representing the members of the First Presbyterian Church of Neenah, State of Wisconsin, in support of House bill No. 10090, to prevent the unlawful traffic in railway tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of Iowa: Petition of E. L. Fowler and 65 other business and professional men of Maquoketa, Iowa, favoring the passage of the Cullom and Sherman bills, for the prevention of illicit trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Maquoketa (Iowa) High School, protesting against Spanish outrages to the American flag—to the Committee on Foreign Affairs.

By Mr. DANFORD: Petition of Joseph Neigand and others, of Bridgeport, Ohio, asking for the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. DRAPER: Petition of J. Q. Hennigan and 99 other citizens of the Eleventh Congressional district of Massachusetts, favoring the passage of the Sherman bill, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. FENTON: Petition of Rev. John H. Redmon, of South Webster, Ohio, urging the passage of House bill No. 10090 and Senate bill No. 3545, prohibiting ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. FAIRCHILD: Petition of J. W. Oliver, of Yonkers, N. Y., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. GAMBLE: Petition of W. T. Fritts and 26 other citizens of Beresford, S. Dak., in favor of the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. GROUT: Petition of O. J. Walker & Bros., of Burlington, Vt., objecting to a duty on gypsum rock plaster—to the Committee on Ways and Means.

Also, petition of the wholesale and retail harness and saddle makers of the United States, favoring a duty on harness and saddlery, including harness in either sets or parts, etc.—to the Committee on Ways and Means.

Also, petition of A. F. Roegseau, president of Branch No. 521, National Association of Letter Carriers, Burlington, Vt., favoring the passage of H. R. 2920, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of Mrs. S. E. Moulton, president of the Woman's Christian Temperance Union of Lunenburg, Vt., urging the passage of the McMillan and Linton bills (S. 3589 and H. R. 10108)—to the Committee on the District of Columbia.

By Mr. HAINER of Nebraska: Petition of S. B. Niehaus and other citizens of Fairmont, Nebr., praying for the passage of the McMillan and Linton bills (S. 3589 and H. R. 10108)—to the Committee on the District of Columbia.

By Mr. HARTMAN: Petition of George W. Vennum and 260 other citizens of the State of Montana, favoring reduction of fees for public lands—to the Committee on the Public Lands.

Also, petition of Rev. George W. Jenkins and others, favoring an amendment to the preamble of the Constitution of the United States—to the Committee on the Judiciary.

Also, petition of S. W. Robertson, of Boulder, Mont., urging the passage of the Loud bill (H. R. 4566)—to the Committee on the Post-Office and Post-Roads.

By Mr. HATCH: Petition of 120 citizens of Logansport, Ind., praying for the passage of House bill No. 10090 and Senate bill No. 3545, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HENDERSON: Petition of the publisher of Der Deutsch-Amerikaner, of Waterloo, Iowa, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HEPBURN: Petition of Rev. S. E. Martin and 72 other citizens of College Springs, Iowa, and citizens of the United States, praying for an amendment to the Constitution acknowledging Almighty God as the source of all power, authority, etc.—to the Committee on the Judiciary.

Also, sundry petitions of citizens of the State of New York, viz: B. Wood and 10 others, of Rondout; D. Delehaul and 9 others, of Niagara Falls; George Cooley and 14 others, of Niagara Falls; M. Pendergast and 20 others, of Niagara Falls; Albert Culver and 9 others, of Rockland; Rev. B. D. Durbin and 15 others, of Creston; J. E. Carmichael and 22 others, of Corning; Thomas Wilson and 16 others, of New York City; John O. Connor and 3 others, of Saranac Lake; S. W. Levis and 8 others, of Rochester; D. H. Hoffman and 8 others, of Chatham; S. C. Dibble and 9 others, of La Salle; L. M. Weller and 15 others, of Fort Plain; Edward Phillips and 12 others, of Fort Plain; C. B. Briggs and 9 others, of East Titusville; James Pratt, of Moons; G. Roden and 6 others, of South Lockport; A. L. Schofer and 5 others, of Sharon Station; R. D. Wilson and 18 others, of Medina; and D. C. Case and 14 others, of Sennett, and also of S. H. King and 14 others, of Seymour, Iowa; praying for the passage of House bill No. 10090, to abolish ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. HITT: Petition of the Indian Rights Association of Philadelphia, Pa., protesting against the rider in the Indian appropriation bill for the coming fiscal year relating to the rights and privileges of children born of a marriage between a white man and an Indian woman—to the Committee on Indian Affairs.

Also, petition of J. B. Parkinson and 65 other citizens of Savannah, Ill.; also of James R. Cowley and 52 others of Freeport, Ill., favoring the passage of the Cullom and Sherman bills, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL: Petition of E. S. Walling, of Keyport, N. J., and others residing on the line of the New York and Long Branch Railroad and Central Railroad of New Jersey, asking for the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. HULICK: Petitions of Rev. J. C. Ely, Rev. A. N. Spahr, W. P. Wolf and others; Rev. G. T. Austin, Prof. J. E. Ockerman and others; Rev. T. T. Carpenter and others; Mechanics, Dealers and Lumbermen's Exchange of New Orleans, in favor of the Sherman bill, abolishing railroad ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL: Petition of F. M. Hoeye and 60 other citizens of Perry, Iowa, in favor of the bill H. R. 10090, known as the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of James Humphrey Post, No. 81, Grand Army of the Republic, for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HURLEY: Petition of Charles T. Bainbridge's Sons, Brooklyn, N. Y., in relation to duties on imported crepe tissue paper—to the Committee on Ways and Means.

Also, petition of Newark Lime and Cement Manufacturing Company, of Newark, N. J., and other firms in the States of New Jersey and New York, protesting against import duty on gypsum—to the Committee on Ways and Means.

By Mr. JENKINS: Petition of Rev. E. J. Evans and 14 other citizens of Chippewa Falls, Wis., favoring the Sherman bill (H. R. 10090), prohibiting ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. KIRKPATRICK: Petition of R. A. Maxey and 23 other business men of Arkansas City; also of J. B. Fogg and 17 other business men of Coffeyville; also of S. Whitlock and 33 other citizens of Howard; also of A. J. Chapel and 14 other business men of Arkansas City, State of Kansas, in favor of the passage of the Sherman bill (H. R. 10090), for the suppression of ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. KLEBERG: Petition of Frank Sobey and other citizens of Karnes City; W. H. Smith and others, of Rockport, and Homer D. Wade and others, of Rockdale, Tex., favoring the passage of the Sherman bill, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. LAYTON: Petition of H. W. Thompson and 39 other leading citizens of Sidney, Ohio, protesting against the passage of the Sherman bill, known as the antiscalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. LEISENRING (by request): Petition of the Wilkesbarre Society of Good Fellows, asking for the passage of the McMillan and Linton bills (S. 3589 and H. R. 10108)—to the Committee on the District of Columbia.

Also, resolution of Robinson Post, No. 20, Grand Army of the Republic, of Hazleton, Pa., indorsing House bill No. 9209, for service pension—to the Committee on Invalid Pensions.

Also, petition of Conyngham Post, No. 97, Grand Army of the Republic, of Wilkesbarre, Pa., in favor of the Pickler pension bill—to the Committee on Invalid Pensions.

By Mr. LESTER: Petition of J. P. Williams & Co. and other merchants of Savannah, Ga., for the favorable consideration of the antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

By Mr. LEWIS: Papers to accompany House bill to remove the charge of desertion against Nathan Stewart—to the Committee on Military Affairs.

By Mr. LONG: Petition of R. W. Porter and 17 other citizens of Geneseo, Kans.; also petition of the Commercial Club of Newton, Kans., in favor of the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. McCALL of Massachusetts: Petition of George E. Nelson, of the Indian Territory, presenting the claims of said Territory to representation by a Delegate in the House of Representatives—to the Committee on Elections No. 1.

By Mr. McCALL of Tennessee: Sundry petitions relating to the antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of B. C. Simmons, of Jackson, Tenn., favorable to the Loud bill (H. R. 4556)—to the Committee on the Post-Office and Post-Roads.

By Mr. MINOR of Wisconsin: Petition of citizens of Depere, Greenbay, West Greenbay, Centralia, Grand Rapids, and other cities in the State of Wisconsin, asking for the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. MORSE: Petition of the Taunton Assembly, No. 121, Royal Society of Good Fellows, Taunton, Mass., urging the passage of the McMillan-Linton bill (H. R. 10108)—to the Committee on the District of Columbia.

By Mr. NOONAN: Numerous petitions of citizens of the State of Texas, viz: Petition of T. V. Gentry and 27 others, of Port Lavaca; J. W. Allen and 12 others, of Edna; Cliff A. Adams and 9 others, of Bryan; M. Peine and 6 others, of Hungerford; W. I. Moody and 5 others, of Sartartia; Ed de Montel and 17 others, of Hondo; John H. Davis and 8 others, of D'Hanis; D. W. Bamhill, editor Uvalde News, and 8 others, of Uvalde; Henry Klappenbach and 16 others, of Eagle Pass; C. H. Larkin and 4 others, of Marathon; E. A. Burns and 28 others, of Giddings; F. H. Holloway and 25 others, of Llano; S. A. Drewry and 8 others, of Wharton; W. E. Barry and 21 others, of Navasota; C. M. Curtis and 17 others, of Lancaster; N. P. Peterson and 31 others, of Kinney County, favoring the passage of House bill No. 10090, to prohibit ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. NORTHWAY: Sundry petitions of citizens of the State of Ohio, viz: Rev. W. P. Gibson, of Huntsburg; P. H. Dougherty and 22 others and B. C. Ely and 30 others, of Kingsville; H. L. French and 14 others, of Jefferson; W. B. Colson and 2 others, of Conneaut; J. W. Hayes and 15 others, of Coalburg; D. A. Wilson and 41 others, of Trumbull and Mahoning counties; Rev. Elwell O. Mead, of Burton; J. H. Bayless and 7 others, of Geneva; H. A. Davis and 14 others, of Trumbull County; E. S. Bullard and 7 others, of West Williamsfield; Rev. W. Corbyn, of East Plymouth; W. D. Stevens, of Colebrook; A. T. Phipps and 59 others, M. E. Miller and 28 others, A. A. Strong and 56 others, all of Ashtabula County, Ohio, urging the passage of House bill No. 10090 and Senate bill No. 3545, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. OTJEN: Petition of E. P. Bacon and 110 other citizens of Milwaukee, Wis., favoring the passage of the Sherman bill, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. PARKER: Petition of W. T. Sopers, of Newark, N. J., and 102 other citizens of New Jersey, praying for the passage of House bill No. 10090, to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. PENDLETON: Petition of citizens of Killeen, Tex., in favor of the bill (H. R. 10090) known as the antiscalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS: Petitions of Rev. George H. Kennedy, of Spencer; Rev. J. C. McClintock, of Sioux City; 35 citizens of Mapleton, and 67 citizens of Sanborn, all of the State of Iowa, praying for the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON: Petition of A. E. Redstone, asking for the passage of Senate bill No. 2118, in reference to public lands—to the Committee on the Public Lands.

Also, petition of J. W. Davis and 30 others, citizens of Lincoln County; E. P. Bell and 6 others, and W. W. Wright and 16 others, all of Rutherford County, and R. C. Ogilvie and 20 others, of Bellbuckle, State of Tennessee, favoring the passage of the Sherman bill, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. RINAKER: Petition of M. P. Ayers and 50 other citizens of Jacksonville, Ill., favoring the passage of the Cullom and Sherman bills, for the prevention of illicit trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. SAYERS: Sundry petitions of citizens of Brenham, Caldwell, and Yellow Prairie, of the State of Texas, praying for the passage of the Cullom and Sherman bills, for the prevention of railroad ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERMAN: Petition of officers and members of the government and of the senate and assembly of the State of California, asking for the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. SIMPKINS (by request): Petition of citizens of New Bedford, Mass., praying for the passage of House bill No. 10108 and Senate bill No. 3589, relating to fraternal societies and orders—to the Committee on the District of Columbia.

By Mr. SOUTHARD: Petition of J. L. Pray and others, of Whitehouse, Ohio, in favor of the passage of House bill No. 9209, granting a pension to honorably discharged soldiers of the late war—to the Committee on Invalid Pensions.

Also, petition of Rev. Lyman H. Johnson, of Toledo, Ohio; also of B. W. Wilson and other citizens of Port Clinton and Catawba Island, Ohio; also of William G. Roberts and 11 other citizens of

Sylvania, Ohio, in favor of the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. STRODE of Nebraska (by request): Petition of 49 citizens of Auburn, Nebr., favoring the passage of House bill No. 10090, to prohibit ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES W. STONE: Resolutions of the select and common councils of the city of Bradford, Pa., asking for the passage at this session of the bill for a public building at Bradford, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. TRACEY: Petitions of R. F. Bibb and others, of Centralia, Mo., and T. J. Johns and others, of Sweet Springs, Mo., in favor of the passage of House bill No. 10090, prohibiting ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. TYLER: Petition of the publishers of the Public Ledger, Norfolk, Va., urging the passage of the Loud bill (H. R. 4566)—to the Committee on the Post-Office and Post-Roads.

By Mr. WATSON of Ohio: Protest of J. E. Russell and others, of George Brown and others, and of J. R. Bailey and others, against the passage of the bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIS: Petition of Melford Grange, of the State of Delaware, asking investigation of the election methods in the State of Delaware—to the Committee on the Election of President, Vice-President, and Representatives in Congress.

By Mr. WILSON of Ohio: Petition of John J. Hopper and 100 other citizens; also of R. N. Lantz and 41 others, all of Springfield, Ohio, protesting against the passage of the Sherman bill, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petition of Rev. E. P. Hickey and 7 other citizens of Piqua, Ohio, favoring the passage of the Sherman bill, relating to the sale of railroad tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD: Petitions of J. B. Galway, J. H. Green, and others, of Edgar County, Ill., favoring the passage of the Sherman bill, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. WOOMER: Petition of C. J. Kephart, of Annville, Pa., favoring the passage of House bill No. 10090, prohibiting ticket scalping—to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, *February 17, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. SHERMAN, and by unanimous consent, the further reading was dispensed with.

PROPOSED SITE FOR HALL OF RECORDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to the act of Congress approved June 11, 1896, a report upon the suitableness of the public reservation at the intersection of Ohio and Louisiana avenues with Tenth and Twelfth streets, in the city of Washington, as a site for the proposed hall of records, and stating that the reservation mentioned is conveniently located for the construction of such a building, but that he is not prepared to make a final report upon the subject at this time, etc.; which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

GEORGETOWN BARGE, DOCK, ELEVATOR, AND RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Georgetown Barge, Dock, Elevator, and Railway Company for the year ended December 31, 1896; which was referred to the Committee on the District of Columbia, and ordered to be printed.

ENROLLED BILLS SIGNED.

The VICE-PRESIDENT announced his signature to the following enrolled bills and joint resolutions; which had previously been signed by the Speaker of the House of Representatives:

A bill (S. 3603) to extend the time for the completion of the St. Paul, Minneapolis and Manitoba Railway Company through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian reservations, in the State of Minnesota;

A bill (H. R. 5764) granting an increase of pension to Elizabeth D. Marthon;

A joint resolution (S. R. 121) to amend an act granting to the Duluth and Winnipeg Railroad Company a right of way through the Chippewa and White Earth Indian reservations, in the State of Minnesota; and

A joint resolution (S. R. 204) authorizing the Secretary of the Navy to transport contributions for the relief of the suffering poor of India.

HOUSE BILLS REFERRED.

The following bills, received yesterday from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 6845) granting an increase of pension to Maj. John H. Georkee; and

A bill (H. R. 9785) granting a pension to Rebecca A. Kirkpatrick.

CREDENTIALS.

Mr. PROCTOR presented the credentials of JUSTIN SMITH MORRILL, chosen by the legislature of Vermont a Senator from that State for the term beginning March 4, 1897; which were read, and ordered to be filed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the legislative assembly of the Territory of Arizona, praying that relief be granted the Supai tribe of Indians in the northern part of Coconino County, Ariz., on account of the almost entire destruction of their crops during the months of July and August, 1896; which was referred to the Committee on Indian Affairs, and ordered to be printed in the RECORD, as follows:

OFFICE OF THE SECRETARY, *Phœnix, February 11, 1897.*

SIR: Herewith I have the honor to transmit a certified copy of council memorial No. 1, of the Nineteenth legislative assembly of Arizona.

Respectfully,

CHARLES M. BRUCE,
Secretary of Arizona.

THE PRESIDENT OF THE SENATE,
Washington, D. C.

—

TERRITORY OF ARIZONA, *Office of the Secretary.*

UNITED STATES OF AMERICA, *Territory of Arizona, ss:*

I, Charles M. Bruce, secretary of the Territory of Arizona, do hereby certify that the annexed is a true and complete transcript of the council memorial No. 1, of the Nineteenth legislative assembly of Arizona, which was filed in this office the 10th day of February, A. D. 1897, at 2.30 o'clock p. m., as provided by law.

In testimony whereof I have hereunto set my hand and affixed my official seal.

Done at the city of Phœnix, the capital, this 11th day of February, A. D. 1897.

CHARLES M. BRUCE,
Secretary of the Territory of Arizona.

—

Memorial.

To the honorable members of the Senate and
House of Representatives of the United States in Congress assembled:

Your memorialists, the legislative assembly of the Territory of Arizona, respectfully represent:

That the Supai tribe of Indians, consisting of about 300 souls, in the northern part of Coconino County, Ariz., are in need of assistance by reason of the almost entire destruction of their crops last July and August.

That these Supais are virtuous and industrious, but need help now to tide them over their misfortunes, as a starving time is inevitable in the spring.

Therefore your memorialists earnestly request that immediate steps be taken to provide for these people in their present emergency and for the five years which the game law contemplates. We think that 70,000 pounds of dressed beef and 40,000 pounds of flour would tide over the present emergency and save these people from disease and death.

Resolved, That the secretary of the Territory be, and is hereby, directed to forward copies of this memorial, under seal of the Territory, to the Honorable President of the Senate and the Honorable Speaker of the House of Representatives of the United States, to be by them laid before their respective bodies; and

Be it further resolved, That the secretary of the Territory is hereby directed to forward an enrolled copy of this memorial, duly attested under his hand and seal, to the Hon. N. O. MURPHY, Delegate to Congress for Arizona Territory.

FRED G. HUGHES,
President of the Council.
D. G. CHALMERS,
Speaker of the House.

Approved February 10, 1897.

B. J. FRANKLIN, *Governor.*

Mr. SHERMAN presented a petition of the Cincinnati (Ohio) Furniture Exchange, praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Cincinnati, Savannah, Madison, Port Clinton, Brilliant, Cleveland, Wooster, Sandusky, Brownhelm, Bellevue, Plymouth, Oberlin, McComb, Eaton, and Washington Court-House, all in the State of Ohio, and a petition of sundry citizens of Lexington, Mo., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. BURROWS. I present resolutions of the Detroit (Mich.) Credit Men's Association, in the nature of a memorial, praying for the passage of the so-called Torrey bankruptcy bill, and also giving the action of that organization. I will not ask to have the resolutions read, but I move that they lie on the table and be printed as a document.

The motion was agreed to.

Mr. FRYE presented a petition of the board of managers of the National Temperance Society and Publication House, of New York City, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of E. P. Hill Command, No. 20, Union Veteran Union, Department of Maine, praying for the enactment of legislation correcting the military record of John Mooney, of the First Maine Heavy Artillery; which was referred to the Committee on Military Affairs.

Mr. MURPHY presented resolutions adopted by the Association

of Presidents and Secretaries of the Republican District Association of the Twenty-third Ward in the city of Brooklyn, N. Y., and resolutions adopted by the Men's Association of the Bethlehem Presbyterian Church, of Buffalo, N. Y., favoring the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a petition of sundry citizens of South Easton, N. Y., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise, and also for the passage of the so-called Loud bill, or such portion of it as relates to indecent publications; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Mayville, N. Y., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of Clark Briggs, publisher of the Citizen, of Rome; of S. H. Palmer, publisher of the St. Lawrence Republican and Ogdensburg Journal, of Ogdensburg; William Bryan & Son, publishers of the Hudson Republican, of Hudson; R. P. Rothwell, president of the Scientific Publishing Company, of New York City; M. M. Dayton, publisher of the Ithaca Daily and Weekly News, of Ithaca, and Brockway Sons & Co., publishers of the Times and Reformer, of Watertown, all of the State of New York, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of H. J. Wood, of Ilion; of George Carson and 19 other citizens, of Lean J. Charlouis and 10 other citizens, of William H. Walherton and 14 other citizens, of F. O. Tupping and 9 other citizens, of Edwin N. Blewett and 15 other citizens, of Frank C. Butterfield and 17 other citizens, of James T. Duffy and 15 other citizens, of John G. Ghigosk and 17 other citizens, of J. J. Keefe and 21 other citizens, of J. B. Gannon and 16 other citizens, of W. B. Stevens and 15 other citizens, of J. H. Breslin and 15 other citizens, of E. F. Johnson and 18 other citizens, of John Fliming and 11 other citizens, of John J. McManus and 8 other citizens, all of New York City; of E. J. Hennessy and 17 other citizens, of Andrew Szmania and 19 other citizens, of Frank Novak and 14 other citizens, of George Gebhardt and 13 other citizens, of William N. N. Lewis and 13 other citizens, of M. Michaels and 15 other citizens, of Harry Williams and 11 other citizens, of Gast Day and 15 other citizens, of Thomas McMahon and 16 other citizens, of Conrad Scheppening and 6 other citizens, all of Buffalo; of Robert J. Round and 17 other citizens, of Jennie B. Brook and 7 other citizens, of W. H. Benedict and 16 other citizens, and of James C. Van Ellen and 16 other citizens, all of Elmira; of J. Clepfer and 16 other citizens, and of Bert Belding and 16 other citizens of Depew, all in the State of New York, and the petition of R. D. Cranford and 14 other citizens of Titusville, Pa., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. BATE presented sundry petitions of citizens of Terrell, Bellebuckle, Smyrna, Pegram, Ætna, Tennessee City, Florence, and Whiteville, all in the State of Tennessee, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented the memorial of J. D. Miller, of the Miller Sidewalk Paving Company, of Columbus, Ohio, containing certain facts in regard to the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. MILLS presented the petition of Fred B. Robinson, publisher of the Item, of Huntsville, Tex., and the petition of W. A. Leonard, publisher of the Angleton Times, of Angleton, Tex., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Galveston, Tex., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. PEFFER presented the memorials of J. C. Nicholson, of Newton; of A. J. Chapel and sundry other citizens of Arkansas City; of R. A. Maxen and sundry other citizens of Arkansas City; and of R. W. Porter and sundry other citizens of Geneseo, all in the State of Kansas, remonstrating against the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Paola, Kans., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

He also presented a memorial of representatives of the Religious Society of Friends in Pennsylvania, New Jersey, and Delaware, favoring the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. PRITCHARD presented a petition of the general assembly of North Carolina, and a petition of sundry citizens of Whittier, N. C., praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented memorials of sundry citizens of Rocky Mount, Asheville, and Statesville, all in the State of North Carolina, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. WARREN presented a resolution of the legislature of Wyoming, relative to the recognition of the Republic of Cuba by the United States Government; which was ordered to lie on the table, and to be printed in the RECORD, as follows:

STATE OF WYOMING,
Office of the Secretary of State.

UNITED STATES OF AMERICA, *State of Wyoming, ss:*

I, Charles W. Burdick, secretary of state of the State of Wyoming, do hereby certify that the annexed is a full, true, and correct copy of enrolled joint resolution No. 3, house of representatives, State of Wyoming, passed by the Fourth legislature of the State of Wyoming.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 29th day of January, A. D. 1897.

CHARLES W. BURDICK,
Secretary of State.

FOURTH LEGISLATURE OF THE STATE OF WYOMING.

[Enrolled joint resolution No. 3, house of representatives, State of Wyoming.]

A joint resolution in relation to the recognition of the Republic of Cuba by the United States Government.

Whereas the people of the State of Wyoming are in full sympathy with the efforts of the people of any community to establish a form of free government for the regulation of their own affairs; and

Whereas the people of this State have viewed with deep interest the struggle for independence now being carried on by the inhabitants of the Island of Cuba; and

Whereas we believe that the interests of humanity require friendly and encouraging action on the part of the Government of the United States: Therefore,

Be it resolved by the Fourth legislature of the State of Wyoming, That the Hon. CLARENCE D. CLARK and the Hon. FRANCIS E. WARREN, Senators in Congress from this State, and the Hon. FRANK W. MONDELL, Representative in Congress from this State, and each of them, be, and they are hereby, requested by voice and vote to aid in the passage of any resolution which will tend to secure to the people of Cuba belligerent rights as revolutionists or their independence as a republic.

GEORGE E. ABBOTT,
President of the Senate.
A. D. KELLEY,
Speaker of the House.

Approved, January 27, A. D. 1897.

WM. A. RICHARDS, *Governor.*

Mr. WARREN presented a petition of the legislature of Wyoming praying for the ratification of the treaty between the United States and the Shoshone and Arapahoe tribes of Indians; which was ordered to lie on the table, and to be printed in the RECORD, as follows:

STATE OF WYOMING,
Office of the Secretary of State.

UNITED STATES OF AMERICA, *State of Wyoming, ss:*

I, Charles W. Burdick, secretary of state of the State of Wyoming, do hereby certify that the annexed is a full, true, and correct copy of enrolled joint resolution No. 5, house of representatives, State of Wyoming, passed by the Fourth legislature of the State of Wyoming.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 11th day of February, A. D. 1897.

[SEAL.] CHARLES W. BURDICK,
Secretary of State.

[Enrolled joint resolution No. 5, house of representatives, State of Wyoming.]

Joint memorial to Congress.

Your memorialists, the Fourth legislature of the State of Wyoming, respectfully represent:

That they believe it would be of great benefit to the people of the United States, as well as the people of Wyoming, if the treaty recently made between the United States and the Shoshone and Arapahoe tribes of Indians, whereby said tribes agreed, in consideration of the sum of $60,000, to cede to the United States Government a tract of land 10 miles square, situated in the northeast corner of the Wind River or Shoshone Indian Reservation, upon which are the famous Big Horn Medical Springs, were ratified, for the following reasons:

First. Owing to a tribal superstition, said springs are never used or frequented by the Indians.

Second. Being on the reservation, no adequate accommodation can be furnished the people who flock there for relief.

Third. If the tract is ceded to the Government, ample accommodations for invalids and visitors will be at once provided, a railroad will certainly be built, and their cession to the United States would result in a great good to afflicted people everywhere.

Fourth. The springs cover a large tract of land and are possessed of the most marvelous curative properties of any waters of the known world. Though remote from railroad transportation, they were visited by nearly 400 afflicted people the past summer, all of whom were either cured or greatly benefited; and, without other accommodation than that furnished by tents, at this time no less than 60 people are there, bearing the storms of winter, bathing in the waters.

Therefore your memorialists would most respectfully urge Congress to give the matter of the ratification of said treaty and the appropriation therefor immediate and favorable consideration, to the end that afflicted humanity everywhere may have the benefit of this wonderful provision of nature to cure their ills and heal their diseases; and your memorialists will ever pray, etc.

Resolved, That an authenticated copy of this memorial be forwarded by the secretary of state to each Senator and to the Representative in Congress from this State; and they are hereby respectfully requested to bring the matter to the attention of Congress and to use every honorable means to secure favorable action thereon.

GEORGE E. ABBOTT,
President of the Senate.
A. D. KELLEY,
Speaker of the House.

Approved February 8, A. D. 1897.

WM. A. RICHARDS.

Mr. WARREN presented a petition of the legislature of Wyoming, praying that all unoccupied public lands within the State of Wyoming be ceded to the control of that State; which was referred to the Committee on Irrigation and Reclamation of Arid Lands, and ordered to be printed in the RECORD, as follows:

STATE OF WYOMING,
Office of the Secretary of State.

UNITED STATES OF AMERICA, *State of Wyoming, ss:*

I, Charles W. Burdick, secretary of state of the State of Wyoming, do hereby certify that the annexed is a full, true, and correct copy of enrolled joint resolution No. 1, senate, State of Wyoming, passed by the Fourth legislature of the State of Wyoming.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 11th day of February, A. D. 1897.

[SEAL.] CHARLES W. BURDICK,
Secretary of State.

—

FOURTH LEGISLATURE OF THE STATE OF WYOMING.

[Enrolled joint resolution, No. 1, senate, State of Wyoming.]

Joint resolution and memorial to the Congress of the United States, praying for the ceding of all unoccupied public lands within the State of Wyoming to the control of the State.

Your memorialists, the Fourth legislature of the State of Wyoming, would most respectfully represent:

That all of the lands within the boundaries of the State of Wyoming are what is known as "arid" lands; the reclamation and settlement of these lands must be accomplished under different conditions from those confronting the settler in the humid portions of this country; that none of the lands now the property of the State can be sold for less than $10 per acre, which is the minimum price allowed by the terms of the act of admission and the State constitution, thus causing unfair competition with United States lands, which are sold to settlers under the provisions of the several acts of Congress at prices ranging from 50 cents to $2.50 per acre.

Experience has demonstrated that the present land system is not suited to the conditions which prevail in this State, and as a result many obstacles are interposed to the development of the country.

The reclamation of the agricultural lands imposes upon the settler and upon the State labor and expense not incurred in the humid portions of the country; ditches must be constructed and the lands prepared for the application of water before there is any return to the farmer; in addition to this great labor and expense, it is necessary for the State to exercise a supervision over them in order that just distribution of water may be made to those entitled to it.

Thus far the State has borne the entire expense of the investigation of its agricultural resources and the supervision of the public waters.

The efficiency of this work had been greatly impaired by reason of the inability of the State to assist in any way in the reclamation and settlement of the desirable lands or to restrict the diversion of water on less desirable.

The importance of the pastoral interests of this State makes it desirable that provision be made for the utilization of the grazing land in connection with the contiguous irrigable areas. These grazing lands comprise the greater part of the territorial extent.

None of the present land laws make adequate provision for securing possession or management of these lands. In our judgment it is impossible for Congress to pass a general law which will operate with equal justice and success on the arid belt as a whole. Conditions differ in different sections of the United States, and the people of each section are best calculated to determine the system best suited to their needs. We believe that by giving to the State full control over all classes of land the best results can be obtained.

If the State controlled the lands, it would be possible to connect water rights with land titles of all irrigable lands; that this is desirable is admitted by all familiar with the subject.

The results already achieved are a sufficient guaranty of what can be accomplished under more favorable conditions. Even with the imperfect means at hand, the value of lands has not only been enhanced, but their productive capacity has been correspondingly augmented. Such results are of interest and value to the whole nation, and in our opinion entitle the State to generous recognition.

The water laws of this State have been highly recommended. The State constitution and statutes contain provisions requiring the inauguration of the most systematic and complete supervision of its public waters yet undertaken by any Commonwealth in this country.

It is only, however, by uniting the control of both water and land under one authority that our irrigation system can have the fullest measure of stability and success.

We believe that the control of this subject can wisely and safely be intrusted to the State, since the practical knowledge is almost wholly confined to those engaged in the work. By endowing the State with means and placing upon it the responsibility for the development of our resources, a great impulse will be given to the diffusion of intelligence on the subject and to local pride in the success of the undertaking. It will put the solution of this problem in the hands of the people best informed as to its details and most interested in its success.

Because of the facts hereinbefore detailed, your memorialists respectfully pray that Congress will, by suitable legislation, grant to the State of Wyoming the unoccupied and unappropriated public lands within said State.

Resolved, That the secretary of state be, and he is hereby, respectfully requested, on the approval of this memorial, to forward a duly authenticated copy thereof to the Senators and Representatives in Congress from this State, in order that the same may be brought to the attention of Congress.

GEORGE E. ABBOTT,
President of the Senate.
A. D. KELLEY,
Speaker of the House.

Approved, February 8, A. D. 1897.

WM. A. RICHARDS, *Governor.*

Mr. WARREN presented a petition of the legislature of Wyoming, praying that the State of Wyoming be included in the examination and classification of mineral lands within the railroad land grants; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

STATE OF WYOMING,
Office of the Secretary of State.

UNITED STATES OF AMERICA, *State of Wyoming, ss:*

I, Charles W. Burdick, secretary of state of the State of Wyoming, do hereby certify that the annexed is a full, true, and correct copy of joint resolution No. 1, house of representatives, passed by the Fourth legislature of the State of Wyoming.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 25th day of January, A. D. 1897.

[SEAL.] CHARLES W. BURDICK,
Secretary of State.

—

FOURTH LEGISLATURE OF THE STATE OF WYOMING.

Enrolled joint resolution No. 1, House of Representatives, State of Wyoming.

Be it resolved by the senate and house of representatives of the State of Wyoming, That the Congress of the United States be memorialized as follows:

Whereas there is now pending before the Congress of the United States a measure known as the "California mineral-lands bill," which has for its object the examination and classification of mineral lands within the railroad land grants in the State of California and, as amended in the Senate, to include like lands in the State of Oregon; and

Whereas the State of Wyoming is situated under like circumstances, having large areas of mountainous lands within the Union Pacific Railroad land grant known to be mineral in character, and is entitled to the same consideration:

Be it therefore resolved, That we are desirous of securing legislation of like character for the State of Wyoming, and we hereby instruct our Senators and request our Representative in Congress to use all honorable means to secure the passage of the California mineral-lands bill, so amended as to include the State of Wyoming within its operations; and

Be it further resolved, That his excellency the governor of the State of Wyoming be, and he is hereby, requested to transmit to each of our Senators and to our Representative in Congress, to the President of the United States, and to the Senate and House of Representatives of the United States a copy of these resolutions.

GEORGE E. ABBOTT,
President of the Senate.
A. D. KELLEY,
Speaker of the House.

Approved January 22, A. D. 1897.

WM. A. RICHARDS, *Governor.*

Mr. WARREN presented a petition of sundry citizens of Casper, Wyo., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

He also presented the petition of A. Edward Powell, publisher of the Wyoming Freeman, of Sundance, Wyo., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. TURPIE presented the petition of James B. Stoll, publisher of the Times, of South Bend, Ind., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Wayne County, Ind., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building and grounds; which was ordered to lie on the table.

He also presented sundry petitions of citizens of Ossian, Waveland, Huntington, Butler, Delphi, Fort Wayne, Warren, Peru, Jefferson, Richmond, and Auburn, all in the State of Indiana, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. PALMER presented the petition of B. G. Whitehead, publisher of the Casey Gleaner, of Casey, Ill., and the petition of Owen Scott and H. C. De Motte, publishers of the Leader, of Bloomington, Ill., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of Charles A. Morse and 47 other citizens of Evanston; of E. A. Vandeveer; of Truman A. Ames and 500 other citizens of Shelbyville; of Eli Miller and sundry other citizens, and of G. H. Burgess and sundry other citizens, all in the State of Illinois, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. BLANCHARD presented a memorial of sundry citizens of Opelousas, La., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BERRY presented the petition of C. Meurer, editor of the Arkansas Echo, of Little Rock, Ark., and the petition of J. W. Adams, publisher of the Graphic, of Pine Bluff, Ark., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of Ozark, Texarkana, Green County, and Prescott, all in the State of Arkansas, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Rogers, Ark., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. GEAR presented a petition of 17 citizens of Washington, D. C., and a petition of 44 citizens of Washington, D. C., praying

for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

Mr. ALLISON presented a petition of the Business Men's Association of Council Bluffs, Iowa, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of the members of the Christian Endeavor Society of the First Presbyterian Church, of Council Bluffs, Iowa, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Albion, Iowa, praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories, and also to prohibit the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the petitions of K. A. & J. A. Moore, publishers of the Alexander Advertiser, of Alexander; of M. Miller, publisher of the Boone County Democrat, of Boone; of S. E. Zallinger, publisher of the Enterprise, of Defiance; of G. Gardner, editor of the Cass County Democrat, of Atlantic; of Jacob G. Schmidt, publisher of Der Deutsch-Amerikaner, of Waterloo; of R. H. Moore, publisher of the Democrat, of Ottumwa, and of Charles Reineck, publisher of Der Nord Iowa Herold, of Elkader, all in the State of Iowa, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry memorials of citizens of Walnut, Manning, Dubuque, Stuart, Grand Junction, Decorah, and Logan, all in the State of Iowa, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of Hampton, Spencer, Sioux City, Mapleton, Sanborn, Perry, Cresco, Calmar, Cedar Rapids, Elkader, Northwood, Cedar Falls, Greene, Maquoketa, New Hampton, Oskaloosa, Des Moines, Belle Plaine, Emmetsburg, Clinton, Decorah, Corning, Creston, Iowa Falls, Wilton, Monticello, Algona, Dewitt, Marion, Tama, and of the Baptist Young People's Union, all in the State of Iowa; of Rev. William E. Randall, of Valparaiso, Ind., and of Rev. L. A. Hall, of Chicago, Ill., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. COCKRELL presented the petitions of E. T. Browning and sundry other citizens of Lees Summit; of A. C. Millard and sundry other citizens of Independence; T. C. Kelley and sundry other citizens of Wellsville; Henry Cochran and sundry other citizens of Chamois; L. A. Rayton and sundry other citizens of Pleasant Hill; S. Gilkeson and sundry other citizens of Warrensburg; G. D. Kennedy and sundry other citizens of Brunswick; William Potts and sundry other citizens of Salisbury; S. W. Crawford and sundry other citizens of Jefferson County; T. C. Rainey and sundry other citizens of Marshall; R. F. Bibb and sundry other citizens of Centralia; J. B. Williamson and sundry other citizens of Holden; L. J. Dryden and sundry other citizens of Warrenton; T. J. Johns and sundry other citizens of Salt Springs; J. M. Gorduch and sundry other citizens of Norborm; J. M. Logan and sundry other citizens of La Plata; Walker Bros. and sundry other citizens; Charles A. Loemis and sundry other citizens of Chillicothe; Dr. R. Graham Hereford and sundry other citizens of Pacific; W. T. Braid and sundry other citizens of St. Charles; Rev. E. R. Hendrix, of Kansas City; D. A. Ball and sundry other citizens of Louisiana; David W. Howard, of Kansas City; Daniel S. Tuttle, of St. Louis; Dr. Charles Mellies and sundry other citizens of St. Louis; John H. Miller and sundry other citizens of Richhill; Rev. John Wilson and sundry other citizens of Cameron; Rev. John Gillin and sundry other citizens of Memphis; Rev. M. M. Moore, of Springfield; J. F. Rea and sundry other citizens of Sedalia; A. H. Harmon and sundry other citizens of Otterville; John P. Burke and sundry other citizens of California; H. P. Jennings and sundry other citizens of Moberly; H. R. Baumann and sundry other citizens of Washington; W. N. Wicks and sundry other citizens of Glasgow, and R. M. Ringo and sundry other citizens of Kirksville, all in the State of Missouri, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented petitions of Mitchell Bros., publishers of the Republican, of Canton; of the Implement and Vehicle Board of Trade, of St. Louis; of the Board of Trade of Kansas City, and of E. E. Patterson, publisher of the Searchlight, of Ozark, all in the State of Missouri, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of W. B. Rogers, publisher of the Republican, of Trenton, Mo., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of District Assembly No. 4, Order of Knights of Labor, of St. Louis, Mo., and a petition of Local Assembly, No. 1280, Knights of Labor, of St. Louis, Mo., praying for the passage of the so-called Lodge immigration bill, and also for the appointment of an impartial, nonpartisan industrial commission; which were ordered to lie on the table.

He also presented a petition of the Old Coon Tobacco Works, of Springfield, Mo.; a petition of the Business Men's League, of St. Louis, Mo., and a petition of the Board of Trade of Kansas City, Mo., praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented petitions of the Pastors' Conference of Chillicothe; of the Woman's Christian Temperance Union of Albany, and of members of the Christian Endeavor Society of the First Presbyterian Church, of Kansas City, all in the State of Missouri, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented petitions of the Rev. John Henry Hopkins, of St. Joseph; of the Board of Trade of Kansas City; of the board of education of Kansas City; of members of the Westminster Presbyterian Church, of Kansas City; of the Commercial Club, of St. Joseph; of Homer T. Fuller, president of Drury College, Springfield; of the Ministerial Alliance, of Springfield; of the Arbitration Association, of St. Louis; of Daniel G. Tuttle, bishop of Missouri; of the Methodist Episcopal Preachers' Meeting, of Kansas City; of resolutions adopted at a mass meeting of different religious denominations of St. Louis; of Fred. H. Keeife, of St. Louis; of the Ministerial Club, of St. Louis; of the Wear & Boogher Dry Goods Company, of St. Louis, and of the Merchants' Exchange, of St Louis, all in the State of Missouri, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Maitland, Mo., praying for the enactment of legislation to further protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Maitland, Mo., praying for the appointment of an impartial, nonpartisan industrial commission; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Maitland, Mo., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

He also presented petitions of the official board of the Christian church, of Lancaster; of the Woman's Christian Temperance Union of Lancaster; of the Ladies' Social Union of the Methodist Episcopal Church, of Lancaster; of the Woman's Foreign Missionary Society of the Methodist Episcopal Church, of Lancaster, and of the Woman's Christian Temperance Union of Maitland, all in the State of Missouri, praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which were referred to the Committee on the District of Columbia.

He also presented a petition of the Association of Railway Postal Clerks of Sedalia, Mo., praying for a reclassification of clerks in the postal service; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CAMERON presented the petition of A. H. Potts & Co., publishers of the Chester County Times, of Parkesburg, Pa., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Assembly No. 19, Royal Society of Good Fellows, of Wilkesbarre, Pa., praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Allegheny County, Pa., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. McMILLAN presented the petition of Hon. John Atkinson and 7 other members of the legislature of Michigan, praying that an appropriation be made for the marine-postal service; which was referred to the Committee on Appropriations.

He also presented a petition of the Pharmaceutical Association of Jackson County, Mich., praying for the adoption of an amendment to the tariff bill placing alcohol, as used in the arts and for medicinal purposes, upon the free list; which was referred to the Committee on Finance.

He also presented a petition of the Ministerial Union of Manchester and Richmond, in the State of Virginia, praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, and also to prohibit interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Burnside Post, No. 8, Department of the Potomac, Grand Army of the Republic, of Washington, D. C., praying for the enactment of legislation to incorporate the Washington and Gettysburg Railway Company; which was referred to the Committee on the District of Columbia.

He also presented a petition of Assembly No. 230, Royal Society of Good Fellows, of Kings County, N. Y., praying for the enactment of legislation regulating fraternal beneficiary societies and associations in the District of Columbia; which was ordered to lie on the table.

He also presented a petition of Branch No. 122, National Association of Post-Office Clerks, of Pontiac, Mich., praying for a reclassification of clerks in the postal service; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Shelby, Mich., and the petition of J. C. Bontecon, publisher of the Petoskey Record, of Petoskey, Mich., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of 36 citizens of Highland; of the Woman's Christian Temperance Union of Bay City, and of Mrs. Anna M. Dimmare and 45 other citizens of Portland, all in the State of Michigan, praying for the enactment of legislation prohibiting the sale of intoxicating liquor in the Capitol building; which were ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance Union of Bay City; of members of the First Baptist Church, of Ypsilanti, and of members of the First United Presbyterian Church, of Detroit, all in the State of Michigan, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented sundry petitions signed by 1,184 citizens of Michigan, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. MORRILL. I present a petition of a committee of 30 clergymen appointed by the Ministerial Association of York, Pa., representing a constituency of 35,000, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building. I move that the petition lie on the table.

The motion was agreed to.

Mr. HOAR presented a petition of the Drysalters Club of Boston, Mass., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Natick, Mass., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in all buildings owned or controlled by the United States Government; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of 33 members of the Christian Endeavor Society of the First Congregational Church, of Millbury, Mass., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of the Congregational Church, of Natick, Mass., praying for the enactment of legislation raising the age of consent to 21 years; which was referred to the Committee on the District of Columbia.

Mr. GALLINGER presented a petition of the Woman's Club of Concord, N. H., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of the Baptist Young People's Society of Christian Endeavor of Hampton Falls, N. H., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of Division No. 335, Order of Railway Conductors, of Concord, N. H., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. BAKER presented petitions of the Commercial Club of Newton; of sundry citizens of Leavenworth, Geneseo, Coffeyville, Salina, Arkansas City, Paola, and Wichita, all in the State of Kansas, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. THURSTON presented a petition of sundry citizens of Lincoln, Nebr., praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Auburn, Nebr., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. VEST presented a petition of sundry citizens of West Plain, Mo., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented sundry petitions of citizens of Chamois, Independence, and St. Joseph, all in the State of Missouri, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. MANTLE presented the petition of S. A. Robertson, publisher of the Sentinel, of Boulder, Mont., praying for the passage of House bill No. 4565, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HAWLEY presented a petition of the Woman's Christian Temperance Union of New Haven County, Conn., praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia; to prohibit interstate gambling by telegraph, telephone, or otherwise, and to raise the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

Mr. CULLOM presented the petition of Rev. James Rowe, of Chicago, Ill., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a memorial of the business men of Rockford, Ill., remonstrating against the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

He also presented the petition of William O. Davis, publisher of the Pantograph, of Bloomington, Ill., praying for the passage of the so-called Loud bill, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the senate of the State of Illinois and a petition of the city council of Denver, Colo., praying for the enactment of legislation reclassifying railway postal clerks and prescribing their salaries; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Rev. Joseph L. Colton, of Mount Carmel, Ill., and a petition of the Union League Club, of Chicago, Ill., praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented eighteen petitions signed by sundry citizens of Illinois, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. ALLEN presented a petition of sundry citizens of Omaha, Nebr., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. BATE. I present "An appeal of the Cherokees, Creeks, Seminoles, Choctaws, and Chickasaws," in the nature of a memorial, remonstrating against the adoption of the proposed amendment to the Indian appropriation bill "coercing agreements which they are ready to make without coercion," and praying Congress not to press at this time "such an extreme and unnecessary measure." It is an important paper and is very short. I ask that it be printed in the RECORD, and referred to the Committee on Indian Affairs.

There being no objection, the memorial was referred to the Committee on Indian Affairs, and ordered to be printed in the RECORD, as follows:

AN APPEAL OF THE CHEROKEES, CREEKS, SEMINOLES, CHOCTAWS, AND CHICKASAWS.

To the Senate of the United States:

We represent 70,000 faithful, law-abiding, liberty-loving people who have, perhaps, too blindly trusted in their treaties as sacred and incapable of being violated.

The act of June 10, 1896, declared for the first time that it was the duty of the United States to establish a government in our country. It was the first declaration of a definite policy.

Upon this declaration by Congress each of our five nations immediately authorized negotiations on the lines indicated by Congress, as soon as their legislatures met, as by law provided, beginning in August and ending in November, 1896. Could you have acted sooner?

The Dawes Commission was absolutely engrossed with the settlement of very many thousands of citizenship cases up to December 14, and left for Washington December 19, promising to return immediately after their Christmas holiday.

Our commissions were authorized, ready, and willing to treat, and of this the United States Commission was fully advised (see Senate Ex. Docs. 94, 111, 112, etc.); but these important matters could not possibly be closed up in six days.

It is now proposed (on the erroneous theory that we are not sincere in our purpose to treat) to put drastic legislation on an appropriation act (Indian, page 57), destroying our judiciary, paralyzing our executive departments, emasculating our legislative bodies, partitioning and administering our great estates without our consent, without proper safeguards, and regardless of vested rights, as a measure of coercing agreements we are ready to make without coercion.

We earnestly appeal to your high sense of justice and to your magnanimity against this extreme measure.

First. Because it is unnecessary. The record proves this (Senate Ex. Docs.

94, 111, 112), but, in addition, we here register our solemn declaration that our people are ready and earnestly intend treating on the lines heretofore indicated by Congress; that they have not had sufficient opportunity of negotiating after resolving upon this course last fall.

Second. This measure is unjust, because it puts our people under extreme duress and ruinous conditions, as a manifest and declared preliminary to a proposed negotiation.

We feel that "consent" under such conditions is no consent at all, but the submission of the weak to the impatient violence of the strong, that will give our people a false idea of the great Republic and its citizenship.

It is beneath the dignity of the United States to strike our people to the earth while inviting negotiation. We can not believe that the advocates of this measure would feel justified in pressing it if they should examine the correspondence submitted and realize the sincerity of our purpose to negotiate.

We earnestly trust that this solemn declaration, made on behalf of the sincerity of our people, will suffice to induce the Congress not to press at this time such an extreme and unnecessary measure.

S. H. MAYES,
Principal Chief Cherokee Nation.
G. W. BENGE,
W. W. HASTINGS,
Cherokee Delegates.
JOHN F. BROWN,
Chief Seminole Nation.
P. PORTER,
G. W. GRAYSON,
G. A. ALEXANDER,
WM. A. SAPULPA,
Creek Delegates.
J. B. JACKSON,
G. W. DUKES,
E. N. WRIGHT,
D. M. HAILEY,
Choctaws.
R. M. HARRIS,
Governor Chickasaw Nation.
WM. L. BYRD,
ISAAC O. LEWIS,
WM. M. GUY,
RICHARD McLISH,
Chickasaw Delegates.

REPORTS OF COMMITTEES.

Mr. STEWART, from the Committee on Claims, to whom was referred the amendment submitted by Mr. MITCHELL of Oregon December 21, 1896, intended to be proposed to the general deficiency appropriation bill, reported it with an amendment, and moved that it be printed and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (S. 3510) for the relief of Verona E. Pollock, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (H. R. 4058) to set apart a portion of certain lands in the State of Washington, now known as the Pacific Forest Reserve, as a public park, to be known as the Washington National Park, reported it without amendment.

Mr. BURROWS, from the Committee on Claims, to whom was referred the amendment submitted by Mr. WILSON on the 16th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. HILL on the 3d instant, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. GEAR on the 3d instant, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the Committee on Post-Offices and Post-Roads, to whom was referred the amendment submitted by himself on the 1st instant, intended to be proposed to the Post-Office appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. CARTER, from the Committee on Post-Offices and Post-Roads, reported an amendment intended to be proposed to the Post-Office appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also, from the Committee on Public Lands, to whom was referred the amendment submitted by himself on the 9th instant, intended to be proposed to the sundry civil appropriation bill, reported it with an amendment, and moved that it be printed, and referred to the Committee on Appropriations; which was agreed to.

Mr. TELLER, from the Committee on Appropriations, to whom was referred the bill (H. R. 10167) making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1898, and for other purposes, reported it with amendments, and submitted a report thereon.

He also, from the Committee on Claims, to whom was referred a letter from the Acting Secretary of the Treasury, transmitting, in response to resolution of the Senate of December 21, 1896, a report of the Auditor of the War Department relative to the settlement of claims on account of the loss of the steamer *Osceola*, asked to be discharged from its further consideration, and that it be referred to the Committee on Appropriations; which was agreed to.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (H. R. 1353) for the relief of the administrator of George McAlpin, deceased, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by Mr. HOAR on the 11th instant, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. BACON, from the Committee on Claims, to whom was referred the bill (H. R. 610) for the relief of John F. McRae, reported it without amendment, and submitted a report thereon.

Mr. MARTIN, from the Committee on Claims, to whom was referred the amendment submitted by himself on the 15th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. CHANDLER, from the Committee on the Census, to whom the subject was referred, reported a bill (S. 3703) to provide for the twelfth and subsequent censuses; which was read twice by its title.

He also, from the Committee on Naval Affairs, to whom was referred the amendment submitted by himself on the 9th instant, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. GEAR, from the Committee on Pacific Railroads, to whom was referred the amendment submitted by himself on the 16th instant, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

DETAIL OF ARMY OFFICER.

Mr. SHERMAN. I am directed by the Committee on Foreign Relations to report a joint resolution to enable the Secretary of War to detail an officer of the United States Army to accept a position under the Government of the Greater Republic of Central America. If there be no objection, I ask for its immediate consideration.

The joint resolution (S. R. 205) enabling the Secretary of War to detail an officer of the United States Army to accept a position under the Government of the Greater Republic of Central America was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives, etc., That the Secretary of War is hereby authorized to detail an officer of the United States Army, not above the rank of captain, who shall be permitted to accept from the Government of the Greater Republic of Central America the position of instructor in a military school in said Republic and the emoluments pertaining thereto.

By unanimous consent, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FALLEN TIMBER ON HOMESTEAD ENTRIES.

Mr. PASCO. I am directed by the Committeeon Public Lands, to whom was referred the bill (H. R. 9494) concerning certain homestead lands in Florida, to report it without amendment and submit a written report thereon. The bill has passed the other House, and the relief, in order to be effective, should be given immediately. The bill is a short one, and I ask for its immediate consideration, if there be no objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to grant to all persons actually occupying homesteads in good faith in any of the counties of Alachua, Lafayette, Levy, Suwanee, Bradford, Baker, and Columbia, in Florida, at the time of the storm on or about September 29, 1896, the right to sell or otherwise dispose of the fallen timber on their homestead entries felled by the storm, and to devote the proceeds of such sale or barter to the improvement of their homesteads or support of themselves or their families.

Mr. HAWLEY. I suggest to the Senator from Florida a minor criticism upon the bill. The intent of it is to permit certain persons owning homestead rights to take the timber that was thrown down by the cyclone for their own use. That is all quite right.

Mr. PASCO. That is the purpose of the bill.

Mr. HAWLEY. There is no objection in the world to that; but as to the latter part of the bill, which provides that they shall devote the proceeds of such sale to the improvement of their homesteads, etc., I suggest that what they will do with the money is a matter within their own discretion. I have no objection to the bill, but I call attention to this peculiar provision.

Mr. PASCO. That is probably a just criticism of the bill, but it came from the other House in that shape, and I hope the Senator will not delay its passage by amendment.

Mr. HAWLEY. I make no objection to the bill, but why not let a man spend the money in the way he pleases?

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN J. GUERIN.

Mr. BACON. I am instructed by the Committee on Naval Affairs, to whom was referred the bill (H. R. 8197) for the relief of John J. Guerin, to report it back favorably without amendment, and to ask the immediate consideration by the Senate of the same.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend the record in the case of Corpl. John Grant, discharged as corporal of the Marine Corps at Portsmouth, N. H., December 26, 1888, and to grant him an honorable discharge in his rightful name, John J. Guerin.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM GEMMILL.

Mr. TELLER. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 8250) for the relief of William Gemmill, to report it without amendment.

Mr. PETTIGREW. I desire to ask the immediate consideration of the bill just reported.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to William Gemmill, of Yankton, S. Dak., $75, in full payment for quartering and boarding United States soldiers during a terrific and protracted snowstorm in the month of April, 1873.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES H. SENTZ.

Mr. BURROWS, from the Committee on Claims, to whom was referred the bill (S. 1060) to pay the claim of James H. Sentz, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 1060) entitled "A bill to pay the claim of James H. Sentz," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

BILLS INTRODUCED.

Mr. PERKINS introduced a bill (S. 3704) to authorize the Secretary of the Treasury to secure payment of certain State bonds and stocks owned by the United States and held under authority of the act of Congress of August 15, 1894, relating to the custody of the Indian trust fund; which was read twice by its title, and referred to the Committee on Finance.

Mr. FRYE introduced a bill (S. 3705) for the relief of John Mooney, alias Peter McCabe; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. LINDSAY introduced a bill (S. 3706) granting a pension to Mrs. Anna B. Lewis; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BROWN introduced a bill (S. 3707) granting a pension to Catherine A. Bradley; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CAMERON submitted an amendment intended to be proposed by him to the District appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. HOAR submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. THURSTON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Finance.

Mr. LINDSAY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. HANSBROUGH submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. HAWLEY submitted two amendments intended to be proposed by him to the fortifications appropriation bill; which were referred to the Committee on Military Affairs, and ordered to be printed.

Mr. MILLS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BURROWS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. VILAS submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. BAKER submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

JAMES P. HURLEY.

Mr. GALLINGER. I ask for the adoption of the following order:

Ordered, That the Secretary of the Senate be, and he is hereby, directed to withdraw from the files of the Senate all papers in connection with Senate bill No. 3586, granting a pension to James P. Hurley, and forward them to him at his home, No. 11 Sprague street, Charlestown, Mass.

Mr. COCKRELL. That does not include the files of the Pension Office?

Mr. GALLINGER. Not at all; simply his private papers.

The order was agreed to.

PROTECTION OF FUR SEALS.

Mr. PETTIGREW submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State be, and he is hereby, requested to furnish for the information of the Senate a copy of the reply, if any has been made, to the letter addressed by Mr. Gresham to Sir Julian Pauncefote, dated "Department of State, January 23, 1895" (it appears as No. 128, Senate Executive Document No. 67, Fifty-third Congress, third session, pages 160-161), calling the attention of the British Government to the utter failure of the negotiations of the Paris Tribunal to protect the fur-seal herd of Alaska, and requesting a revision of the same.

THE YELLOWSTONE PARK.

Mr. VEST submitted the following resolution; which was considered by unanimous consent, and agreed to:

Be it resolved, That the Secretary of the Interior is requested to communicate to the Senate whether any action has been taken, or is contemplated, to grant to any person or persons the privilege of erecting a steam plant, elevator, or other appliances on the Yellowstone Canyon, in the Yellowstone Park, for the purpose of conveying persons from the top of the canyon to the bottom. And the Secretary of the Interior is further requested to withhold any action in the premises until it can be determined by Congress as to the propriety of the granting any such privilege.

BILL BECOME A LAW.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the bill (S. 3313) for the relief of John N. Quackenbush, late a commander in the United States Navy, having been presented to the President Feb. 4, 1897, and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, has become a law without his approval.

REMOVALS FROM OFFICE FOR ALLEGED POLITICAL REASONS.

Mr. LODGE. If the morning business is concluded——

The VICE-PRESIDENT. The morning business has not been concluded. The Chair lays before the Senate, as a part of the morning business, the resolution of the Senator from Nebraska [Mr. ALLEN], coming over from a previous day. The resolution will be read.

The Secretary read the resolution submitted by Mr. ALLEN on the 13th instant, as follows:

Resolved, That the United States Civil Service Commissioners be, and they are hereby, directed to inform the Senate if Mary A. Dalton, William Holmes, Mary Flynn, John Zeller, and Dr. M. S. White, or any of them, have been discharged from the Bureau of Animal Industry at South Omaha, in the State of Nebraska, from positions held under the classified service of the Government; and if so, when, and for what reasons; and if they, or any of them, have asked or petitioned the Civil Service Commissioners for an investigation of the charges made against them, and if said request or petition has been denied by the Civil Service Commissioners; and if so, for what reason or reasons the same has been denied; and that the said Civil Service Commissioners be, and they are hereby, directed to accompany their answer to this resolution with full and complete copies of all affidavits, letters, statements, testimony, depositions, reports of examiners, and all other papers or documents in their possession and in any manner bearing on the subject-matter of this resolution.

Mr. ALLEN. Mr. President——

Mr. LODGE. I ask the Senator from Nebraska if he will not be willing to allow the resolution to go over until to-morrow without prejudice? I gave notice that I would call up the immigration bill this morning, on which the Senator from Maryland [Mr. GIBSON] desires to address the Senate; and the time for the vote being fixed at 4 o'clock, I do not wish to trespass on his time.

Mr. ALLEN. I should be glad to accommodate the Senator

from Massachusetts, but I will consume but a few moments, and I prefer to go on at this time.

On the 13th of this month I introduced the resolution which is now before the Senate, requiring the Civil Service Commissioners to inform the Senate "if Mary A. Dalton, William Holmes, Mary Flynn, John Zeller, and Dr. M. S. White, or any of them, have been discharged from the Bureau of Animal Industry at South Omaha, in the State of Nebraska, from positions held under the classified service of the Government; and if so, when, and for what reasons," and calling upon the Civil Service Commissioners for all correspondence, affidavits, and documents in their office pertaining to these persons.

In December last I received information from reliable sources in Nebraska that these persons had been summarily dismissed from the minor positions they held in the Bureau of Animal Industry, and claiming that they had filed the necessary papers with the Civil Service Commissioners for an investigation of the cause of their removal or dismissal. They appealed to the Commissioners to know the nature of the charges made against them. No response was made to their request; in fact, the receipt of their letters was not acknowledged by the Commissioners, as they inform me. I have been furnished with evidence in the form of letters from reliable persons as to some of the alleged causes of the dismissal of these parties, and they are so absolutely puerile, so absolutely devoid of all reason, that I believe it my duty to call the attention of the Senate and the country to them.

On receiving information of the dismissal of these persons, I addressed a letter to the Civil Service Commissioners, asking if requests had been filed with them for an investigation of the charges. After waiting something like thirty-three days, they answered my letter in a communication to be found on page 1792 of the CONGRESSIONAL RECORD of the current month, in which, after calling my attention to a rule which prescribes that persons shall not be dismissed the service for political reasons, they are kind enough to say:

> In view of the statement of the Secretary of Agriculture and the evidence which he submits, the Commission feels that, with its limited force and the pressure of work, it can not at this time make an investigation of its own into the matter.

They refer in this letter to the fact that the Secretary of Agriculture had furnished evidence that these persons had neglected their duty; but in what respect they do not say. It is evident that when the Commissioners received my letter in the middle of December last they sent it to the Secretary of Agriculture and gave him time to send some person to South Omaha to find or formulate evidence to support the charge of neglect of duty, and they were not kind or courteous enough to reply to my communication, although our offices are not a mile apart, until after a report had been made by the person sent to investigate the charges and after my communication had called their attention to the matter in a way they did not dare neglect it any longer.

I have nothing to say one way or the other respecting that small conception of official responsibility, and official courtesy, and official duty, and official propriety, for that matter, which would prompt officers of the dignity of the Civil Service Commissioners to send my correspondence to the Secretary of Agriculture, or to any other source, without my knowledge and without my consent. It may be that this dignified body—the Civil Service Commission—who are regulating the official roll of this nation, regard that as a proper act to do; but I regard it as a violation of the decencies and proprieties of official life, and I desire to place myself upon record as making that statement.

For what cause were these persons discharged, Mr. President? I call attention of the Senate particularly to some of the beauties of civil-service reform, this panacea for all official evils. Speaking of these ladies, Miss Dalton and Miss Flynn, Dr. White, the superintendent, who himself fell a victim to the system, says in his letter to me of January 16, 1897:

> The two girls discharged were my most faithful assistants. Their offense was having Mr. Bryan's picture in their windows.

That was the only charge made against these girls. Their competency was not questioned; their fitness was not questioned; it was not questioned that the ladies were not discharging their duties during the requisite number of hours, and faithfully. Nothing was said against their character, because they are women of pure character. The only offense they had committed against the Administration and against the Secretary of Agriculture consisted in placing Mr. Bryan's picture in their windows. I suppose that if the placing of these pictures in the windows did not obstruct their vision and did not in any manner impede them in the faithful discharge of their duties, it was a mere matter of choice with them. But, says Dr. White:

> Six other of my assistants had McKinley pictures in their windows, but they are all O. K.

They were not discharged. Two of these women out of the eight were admirers of Mr. Bryan. They were ladies who live in the State in which he lives; they were proud of the State, and proud of its greatness, and proud of the great man it had produced; and with all the enthusiasm and love that women have for the community in which they live, in an unguarded moment, and without consulting the Secretary of Agriculture, they placed the picture of this great man in their windows. But six other women in that department had the picture of Mr. McKinley in their windows, and they were not reprimanded nor discharged for it. There is no pretense, there is no claim, that Miss Dalton and Miss Flynn committed any other offense than in placing these pictures in the windows of the offices where they were at work.

Mr. Zeller's offense consisted in the following fact—and I read from a letter addressed to me by J. C. Dahlman, chairman of the Democratic State central committee, and Lee Herdman, secretary, of February 8, 1897:

> We charge and can show it to be an actual fact that the person in charge at South Omaha, under whose orders Zeller was working, instructed him to quit work and attend the said Democratic county central committee meeting in the interest of the bolting Democrats who were seeking to control said central committee meeting, and that, by the orders of said person in charge of said department at South Omaha, another man was put in the place of said Zeller during his absence. Said Zeller was given a proxy by those who represent Morton in this State, and practically compelled by them to vote according to their dictates. This is now charged against him as neglect of duty.

It seems from the correspondence that Mr. Zeller was an advocate of the free and unlimited coinage of silver at the ratio of 16 to 1. In other words, he was a Bryan supporter. As an American citizen, he had a right to support whoever he might see proper for President. But those over him in office compelled him to take a proxy and go to a meeting of the Democratic county central committee for the purpose of disintegrating and destroying it, and, by that means, giving aid and comfort to the bolting Democrats; and when he returned from the meeting and resumed his duties and began the exercise of his right of citizenship in thinking and acting and voting for himself, he fell under the ax of the headsman. That is the only offense he committed.

Mr. Holmes seems to have fallen a general victim. No specific charge was made against him, and I infer that he was discharged simply because he sympathized with those who were discharged.

Dr. White was discharged because his son, a young man attending school at Lincoln, a distance of 60 miles from Omaha, where the discharged persons were engaged in labor, saw fit to go upon the stump and make a few speeches in Mr. Bryan's interest. The doctor said nothing and did nothing to incur the enmity of any person; but because he failed to restrain his son, a man grown, or practically grown, and prevent him from making speeches advocating the election of Bryan to the Presidency, he also fell a victim to civil-service reform.

Mr. President, I call particular attention to the language used by the Civil Service Commissioners, because I blame them more than any other persons. They have been using this law, which was passed by Congress for a beneficial purpose, for the most infamous purposes for which any law can be used. Here comes the ordinary excuse when a man does not want to do anything: "We feel that we have not the force at our disposal nor the time to make an investigation of our own." It was an open insult; it was designed to be an insult. It was no more than to say: "Notwithstanding these persons have been dismissed unlawfully and in violation of civil-service rules; notwithstanding it is apparent to us that they were discharged for political sympathy or political action, yet we are so dominated by the Administration, or by one of the Departments, that we will not even give them a hearing and an opportunity to be heard in their defense."

I shall not detain the Senate any length of time, Mr. President, in discussing this matter, but I must be permitted to call the attention of the country once more, if I can, to the fact that the civil-service law is a fraud, a snare, and a delusion. More persons fall victims to this so-called law than through any other cause or by any other means. Good but unsuspecting people all over the country believe that we should have a civil service that will recognize men and women on account of their merit, but they do not know that this law is violated every day—violated in hundreds and thousands of instances of this kind—where the poor, helpless victims are hundreds of miles from this capital, where there is no practical appeal to the Commissioners, or to any court, for an investigation of the charges made against them.

The Secretary of Agriculture comes from my State; he is a distinguished citizen of my State, and I am loath to believe that he knows of this. I would not make the charge that he does. I prefer to believe that he knows nothing about it; that some subordinate in the Agricultural Department is responsible for the discharge of these persons.

I hope, Mr. President, in conclusion, that the Senate will adopt this resolution, and, if it be true that these young ladies have been discharged for no greater offense than having Mr. Bryan's picture in their windows, Mr. Zeller for no other offense than exercising his right of citizenship, and Dr. White for no greater offense than his son's making political speeches 60 miles from him, let the country understand the facts and let the Senate understand the facts and the people determine the right.

The VICE-PRESIDENT. The question is upon agreeing to the resolution submitted by the Senator from Nebraska.

Mr. HILL. I ask to have the resolution read.

The Secretary again read the resolution.

Mr. HILL. The resolution is rather unusual in its character, and pretty broad and comprehensive, but, nevertheless, I do not see any objection to it.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had proceeded as the Constitution provides, to reconsider the bill (S. 894) entitled "An act granting a pension to Nancy G. Allabach," returned by the President of the United States to the Senate, in which it originated, and passed by the Senate on a reconsideration of the same; and it was

Resolved, That the bill do not pass, two-thirds of the House not voting in the affirmative.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2037) to provide times and places for holding terms of United States courts in Utah.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes.

The message also announced that the House had passed the following bills, each with an amendment in which it requested the concurrence of the Senate:

A bill (S. 321) granting a pension to James W. Dunn; and

A bill (S. 2923) for the better improvement of the Government reservation at the city of Fort Smith, in the State of Arkansas, and for other purposes.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 649) granting a pension to Joseph S. Bunker;

A bill (H. R. 2035) granting an increase of pension to Peter Anderson;

A bill (H. R. 2321) to increase pension of John J. Cross;

A bill (H. R. 2395) granting a pension to Benjamin F. Young, late private of Company G, First Regiment Ohio Volunteer Cavalry;

A bill (H. R. 2974) to correct the military record of Corydon Winkler, late private Eighth Company, First Battalion, First Ohio Sharpshooters;

A bill (H. R. 3402) granting a pension to William Sheppard, late of Company A, Sixteenth Regiment Indiana Volunteer Infantry;

A bill (H. R. 3605) granting a pension to Grotius N. Udell;

A bill (H. R. 3842) to increase the pension of Edward Vunk;

A bill (H. R. 4517) granting a pension to Washington Baker;

A bill (H. R. 4539) granting a pension to Zolman Tyrrell;

A bill (H. R. 5183) granting an increase of pension to Wesley A. Pletcher;

A bill (H. R. 5612) granting a pension to Nathan Mitchell;

A bill (H. R. 6159) to increase the pension of Mrs. Helen A. De Russy;

A bill (H. R. 6268) to increase the pension of William N. Wells;

A bill (H. R. 6803) granting a pension to Ellen Day, stepmother of Albert L. Day;

A bill (H. R. 6922) to pension Catharine Harris;

A bill (H. R. 7073) to increase the pension of Solomon Kline;

A bill (H. R. 7079) to increase the pension of Henry O. Hyre;

A bill (H. R. 7422) granting a pension to Lydia W. Holliday;

A bill (H. R. 7647) granting a pension of $30 per month to Albert Brown;

A bill (H. R. 7688) for the relief of John M. Laughlin;

A bill (H. R. 8075) to remove the charge of desertion from the military record of Anton Ernst;

A bill (H. R. 8706) to correct the military record of Patrick Hanley; and

A bill (H. R. 10202) defining the jurisdiction of the United States circuit courts in cases brought for the infringement of letters patent.

PROPOSED RESTRICTION OF IMMIGRATION.

Mr. LODGE. I now call up the report of the conference committee on the immigration bill, and ask that it may be read.

The VICE-PRESIDENT. The Secretary will read as requested.

Mr. PETTIGREW. Mr. President, I gave notice yesterday that I should call up the Indian appropriation bill immediately after the routine morning business to-day, but I will defer that motion until after the vote is taken on the immigration bill, and then I shall call up the Indian appropriation bill.

Mr. LODGE. The conference report has not yet been formally presented. I now present it, and ask that it be read.

The VICE-PRESIDENT. The report will be read.

Mr. PALMER. I rise to ask whether the report of the committee of conference is now before the Senate?

The VICE-PRESIDENT. The report will first be read, after which it will be before the Senate.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 7864, "An act to amend the immigration laws of the United States," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment, and agree to the House bill as follows: Strike out the first section all after the words "admission to the United States the following" and insert:

"All persons physically capable and over 16 years of age who can not read and write the English language or some other language; but a person not so able to read and write who is over 50 years of age and is the parent or grandparent of a qualified immigrant over 21 years of age and capable of supporting such parent or grandparent may accompany such immigrant, or such a parent or grandparent may be sent for and come to join the family of a child or grandchild over 21 years of age, similarly qualified and capable, and a wife or minor child not so able to read and write may accompany or be sent for and come to join the husband or parent similarly qualified and capable."

Strike out the present section 2 and insert a new section as follows:

"SEC. 2. For the purpose of testing the ability of the immigrant to read and write, as required by the foregoing section, the inspection officers shall be furnished with copies of the Constitution of the United States, printed on numbered uniform pasteboard slips, each containing not less than twenty nor more than twenty-five words of said Constitution printed in the various languages of the immigrants in double small pica type. These slips shall be kept in boxes made for that purpose and so constructed as to conceal the slips from view, each box to contain slips of but one language, and the immigrant may designate the language in which he prefers the test shall be made. Each immigrant shall be required to draw one of said slips from the box and read, and afterwards write out, in full view of the immigration officers, the words printed thereon. Each slip shall be returned to the box immediately after the test is finished, and the contents of the box shall be shaken up by an inspection officer before another drawing is made. No immigrant failing to read and write out the slip thus drawn by him shall be admitted, but he shall be returned to the country from which he came at the expense of the steamship or railroad company which brought him, as now provided by law. The inspection officers shall keep in each box at all times a full number of said printed pasteboard slips, and in the case of each excluded immigrant shall keep a certified memorandum of the number of the slip which the said immigrant failed to read or copy out in writing. If in any case from any unavoidable cause the foregoing slips are not at hand for use, the inspection officers shall carefully and thoroughly test the ability of the immigrant to read and write, using the most appropriate and available means at their command; and shall state fully in writing the reasons why the slips are lacking, and describe the substituted method adopted for testing the ability of the immigrant."

Strike out the present section 3 and insert a new section, as follows:

"SEC. 3. That the provisions of the act of March 3, 1893, to facilitate the enforcement of the immigration and contract-labor laws, shall apply to the persons mentioned in section 1 of this act."

Strike out the present sections 4, 5, and 6, and insert as follows:

"SEC. 4. That it shall hereafter be unlawful for any male alien who has not in good faith made his declaration before the proper court of his intention to become a citizen of the United States, to be employed on any public works of the United States, or to come regularly or habitually into the United States by land or water for the purpose of engaging in any mechanical trade or manual labor for wages or salary, returning from time to time to a foreign country.

"SEC. 5. That it shall be unlawful for any person, partnership, company, or corporation knowingly to employ any alien coming into the United States in violation of the next preceding section of this act: *Provided*, That the provisions of this act shall not apply to the employment of sailors, deck hands, or other employees of vessels, or railroad train hands, such as conductors, engineers, brakemen, firemen, or baggagemen, whose duties require them to pass over the frontier to reach the termini of their runs, or to boatmen or guides on the lakes and rivers on the northern border of the United States.

"SEC. 6. That any violation of the provisions of sections 4 and 5 of this act by any alien or citizen shall be deemed a misdemeanor, punishable by a fine not exceeding $500 or by imprisonment for the term of not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That all persons convicted of a violation of section 4 of this act shall be deported to the country whence they came."

"SEC. 7. That notwithstanding the provisions of this or any other existing law, the Secretary of the Treasury may permit aliens to enter this country for the purpose of teaching new arts or industries under such rules and regulations as he may provide."

Add a new section as follows:

"SEC. 8. That this act shall not apply to persons arriving in the United States from any port or place in the Island of Cuba, during the continuance of the present disorders there, who have heretofore been inhabitants of that island."

Strike out the present section 7 and insert as follows:

"SEC. 9. That this act shall take effect July 1, 1897."

H. C. LODGE,
WM. E. CHANDLER,
CHAS. J. FAULKNER,
Managers of the Conference on the Part of the Senate.

L. DANFORD,
STANYARNE WILSON,
Managers of the Conference on the Part of the House.

Mr. LODGE. Mr. President, I desire only to say a very few words as to the nature of the report, which has been in print for a week and on the tables of Senators, and which I think is entirely understood.

The conferees have changed the phrasing in regard to the language qualification from "the English language or the language of the native or resident country" to "the English or some other language."

In deference to objection made on the floor in regard to the point that the original conference report would separate husband and wife, a new clause has been added which enables a man able to read and write to bring with him or send for not only his wife, but his minor children—an enlargement made by the committee.

The new section, which was put in as an administrative section, to which objection was made by the senior Senator from Maryland [Mr. GORMAN] as new matter, has been stricken out entirely. That part of the bill, therefore, comes back from the second conference in substance as it left the Senate. The addition is what is known as the Corliss amendment. That was in the last conference report, and remains unchanged in this conference report. The Senate committee, as it will be remembered, struck out the Corliss amendment when they first reported the bill. The House conferees stood very strongly for that amendment, but finally agreed to accept important modifications in it, and then insisted upon its retention in the bill.

I have nothing further to say, Mr. President. I think the bill has been so much discussed that it is thoroughly understood. I desire merely to move at the proper time fixed for taking the vote that the Senate concur in the conference report. I gladly give way now to the Senator from Maryland [Mr. GIBSON] in opposition to the bill.

Mr. GIBSON. Mr. President, I yield a part of the time which I shall ask the Senate to accord to me to the Senator from Illinois [Mr. PALMER], who desires to address the Senate briefly on this question, after which I understand he will be followed by the Senator from Montana [Mr. CARTER]. I shall desire then to take the floor in my own behalf.

Mr. PALMER. Mr. President, from the growth of what may be called nativism in the United States, and from the fact, as I understand, that in another branch of Congress this conference report has been accepted, I expect that the Senate will concur with the conference committee. I know of no sentiment, no feeling which has prevailed throughout the United States to a greater or less extent, and for which I have a greater and more profound and earnest detestation, than the doctrine of nativism. Believing as I do that all men are entitled to liberty, or, as that term is best expressed in the ancient Declaration, "life, liberty, and the pursuit of happiness," and believing that the right of expatriation and of migration is essential to the enjoyment of that perfect liberty which I claim to be the right of every man, I have detested nativism. This is but an expansion of that same sentiment. Its real purpose is to restrict immigration, to confine it, to impose conditions upon the right of foreigners to migrate into the United States. It is not very successfully done, however, and I congratulate the committee of conference that they have improved the original Senate bill so much.

When the bill was before the Senate on a former occasion I opposed it because its effect would be to separate families. I recollect that Senators on this floor argued that it was no hardship to parents that they should remain in the country of their birth until their children were educated to the moderate extent which is required by this bill.

Mr. President, I do not wish to be understood as underrating the value of even the moderate degree of literary attainment required by this bill as a probable improvement in enlightened citizenship. I have during my whole life favored free public education. In 1847 I was a member of a constitutional convention of the State of Illinois, and I reported to that convention, without succeeding in securing its adoption, a constitutional provision which would, if it had been adopted, impose upon the State the duty of providing a common school education, as the term then was understood in Illinois, for all the children of the State. I have also favored the diffusion of free education. I make these remarks in advance, because I do not wish to be understood as underrating the value, as I have said before, of the moderate degree of education required by this conference report. But "a man's a man for a' that."

The great purpose of our Government is to promote the happiness of the people, though I concede the right of the State to exclude from its limits or prevent the entrance into its territory of all dangerous persons, persons who have been guilty of crime, because liberty itself, as precious as it is, and to the extent that I claim the right of every man to liberty, may be forfeited by the commission of crimes. Such is the provision of the constitutions of all the States, especially of the constitution of the State of Illinois, to which I appeal with more confidence, because I am more familiar with its provisions. Liberty itself may be forfeited by the commission of crime whereof the party has been duly convicted.

I grant also that quarantine laws may be enacted for the protection of the public health. I am not disposed to limit the power of Congress, which may pass naturalization laws, to impose such proper and reasonable terms, such conditions as are essential to the enjoyment of the liberty which belongs to every man—to impose such terms and conditions of adoptive citizenship. But my experience and observation, both, are that the terms and conditions required of immigrants, persons coming into the United States, as imposed by this bill are essentially and radically unjust, as they impose conditions upon the natural rights of law-abiding men.

I have said before that I concede that men hold the right to liberty upon the condition of their obedience to law, and perhaps I may add their ability to support themselves without being a public charge. I concede that those are proper limitations upon the right of migration, the right of leaving an old home and finding a new one.

I read from the report:

> All persons physically capable and over 16 years of age who can not read and write the English language or some other language.

I have said that this condition, in addition to being unjust, and one that has its origin in a desire to check and to control immigration, will be found in practice to be absolutely useless. While I have conceded that the United States may exclude dangerous persons from its limits, I have found by somewhat extended observation that the dangerous men who enter the United States, the brawling anarchists, those who would disturb public order, can read and write, and do read and do write, while this will operate upon a harmless and useful class of immigrants.

Having said this much in regard to the first section of the conference report, I will proceed to note my protest against the fourth section of the bill.

Is it not true, Mr. President, that the provisions of this fourth section of the bill will be found in the code of no other State? My observation and reading are not so extensive as to justify me in saying that this section is peculiarly American. I am sure it is not found in the codes of the Dominion nor of England; I am sure it is not found in the code of Mexico, nor of any of those countries which adjoin us. It is also true that the purpose of this section is to operate upon laborers alone. It reads:

> SEC. 4. That it shall hereafter be unlawful for any male alien who has not in good faith made his declaration before the proper court of his intention to become a citizen of the United States to be employed on any public works of the United States, or to come regularly or habitually into the United States by land or water for the purpose of engaging in any mechanical trade or manual labor for wages or salary, returning from time to time to a foreign country.

I say that it is obvious, because no other persons are expressed, that this is intended to operate alone on mechanics and laborers. Whether the authors of this report intended that the requirement of reading and writing should not be imposed upon the laborers who return from time to time to a foreign country or not, I do not know. I do not know whether the Canadian laborer or the Mexican laborer or any laborer who may come into the United States with a view of bettering his condition and returning to his own country would be required to be able to read and write or not. The section is distressingly uncertain on that point, and possibly a construction may be given it that would make it read as I will suggest:

> That hereafter it shall be unlawful for any male alien not able to read the English language, or some other language, to become a citizen of the United States or to make his declaration before the proper court of his intention to become a citizen of the United States.

I am not able to determine in my own mind exactly whether that requirement would be imposed upon an alien laborer coming into the United States to work at some mechanical trade or manual labor or not. But I have said that in my judgment the provision found in the fourth section is without precedent in the legislation of any civilized country in the world. I make that broad statement subject to the right of any Senator to suggest where a similar law can be found or where a similar provision of law can be found. So the United States of America, "the land of the free and the home of the brave," the land which has offered a refuge to the orderly men of all the world, originates this policy.

Mr. President, can it be supposed for a moment that the Dominion of Canada or Mexico—indeed, all the world—will not imitate our miserably narrow example? Suppose that our people go into other countries; that miners and lumbermen go into Canada or into other portions of the British dominion, and that those countries should imitate our example. Indeed, I saw the other day, in a newspaper published at Detroit, the statement that the exclusion of occasional labor from other countries would operate more severely upon the Americans in the case of countervailing legislation than it would upon the people of any adjacent state or territory. Is it not true that miners are seeking the rich treasures of the Mexican mines; that Americans are flocking to that country? Is it not true that thousands of our people are visiting the mines of the Northwest, and have gone across the border and are engaged in the preparation of lumber for the American market? Is not all that true, and can it be believed for a moment——

Mr. CAFFERY. Will the Senator from Illinois permit me?

Mr. PALMER. With great pleasure.

Mr. CAFFERY. There are a great many Americans now engaged in mining in the Transvaal. There are American engineers conducting mining operations there largely.

Mr. PALMER. I am obliged to the Senator for the suggestion. Undoubtedly our people are seeking adventure in all countries where wages or salaries can be found. The suggestion of the Transvaal is one, and I repeat Mexico and the British dominions. They are everywhere. If this country shall be guilty of an offense against the comity of nations so gross and offensive as this is, it may be expected that other nations will imitate our example. Indeed, I observed the other day that as to the lake navigation the Canadians have threatened to adopt retaliatory legislation. It is an outrage upon the comity of nations and of the civilization of the age that mere laborers, toilers who may happen to live across the line, whose homes may be in Canada or in Mexico, shall not be allowed to come into the United States and labor for the support of those who are dear to them. I mention this fact because it is the beginning of a system of legislation that will place us at war with all the world—I mean a war of legislative restrictions.

Mr. President, the whole principle upon which these requirements are made, either in New England or in the States of literary qualifications for the exercise of any right, is a crime against humanity. In some of the New England States they require that men shall be able to read or write. I do not remember what the qualifications are.

Mr. GALLINGER. I think there is only one New England State that does so.

Mr. PALMER. Only one of the New England States?

Mr. GALLINGER. Yes; Massachusetts.

Mr. PALMER. Illinois, which requires no such qualification, is as well governed as Massachusetts. Every man in Illinois who has not been convicted of crime participates in the exercise of the right of suffrage.

Mr. HOAR. Will the Senator from Illinois allow me?

Mr. PALMER. With great pleasure.

Mr. HOAR. The Senator says Illinois is as well governed as Massachusetts. I suppose the Senator is speaking of the time when he was governor.

Mr. PALMER. Then and now. As a matter of course, I do not except my own incumbency of the gubernatorial office. The State was well governed, and it is as well governed as Massachusetts, and Massachusetts can claim no superiority over Illinois or any of the States where the right of suffrage is unrestricted.

The fatal example of Massachusetts has furnished a precedent for much of the history of the South. In the Southern States a literary qualification is required, and the precedent of Massachusetts is pleaded by way of extenuation or excuse. Massachusetts perhaps is the inventor of that system by which a large proportion of the men of the South are excluded from the exercise of their rights. Such will be the fatal effect of legislation like this. It is dangerous as an example; it is dangerous as a precedent; it is objectionable upon moral grounds which I need not argue.

Mr. HOAR. I think the Senator from Illinois, if he will permit me, ought to bear in mind that the constitutional prohibition in Massachusetts is accompanied by provisions for securing popular education so liberal, comprehensive, far-reaching, and effective that practically no native of the Commonwealth, who has not some peculiar mental infirmity unfitting him for capacity, is unable to read and write. So the restriction, such as it is, applies only to persons coming into the State from other places, either at home or abroad—chiefly abroad—to whom reading and writing are ordinarily almost essential as a means of becoming acquainted with the character and spirit of American institutions or the merits of pending questions. The reading and writing prohibition of the constitution, without an absolute provision requiring all children to go to school when they are of school age and without providing means at the public charge for their education, is a very different thing from such a provision where it is accompanied with such a policy.

I do not believe that a native of Massachusetts, and it is very rare indeed that a native of the United States, is ever affected by that provision. I do not wish to trespass upon the good nature of the Senator from Illinois, or to take the time of the Senate to go into a general discussion of the policy of a reading and writing prohibition as applied practically to foreigners from other countries. I am willing to do so on any proper occasion, but I desired to submit to the Senator the suggestion I have made.

Mr. PALMER. The provisions made in Massachusetts for education are possibly wise, and as liberal as those of any other State, but the Senator concedes that the effect of the qualifications prescribed by the constitution does sometimes operate to the exclusion of natives of the State, and it does more frequently operate to the exclusion of the rights of American citizens, who have become so from choice—men who have proved in courts that they are of good character, and are attached to the Constitution of the United States.

One of the grounds on which I oppose this measure is that in Massachusetts the prohibition operates to the exclusion of foreigners, and in some of the Southern States it operates to the exclusion of the negroes, men who are free, having been made free by proper means. The miserable example of Massachusetts is pleaded as a precedent for similar provisions in the constitutions of Southern States under which law-abiding, orderly, industrious men are denied a right to participate in the Government which they are compelled to support by the payment of taxes and by other means.

Mr. HOAR. I should like to ask the Senator from Illinois a question. Does he deny or doubt that the class of people to which this is applicable can, if dwelling in Massachusetts, with the resources which the State places at their command, acquire that constitutional qualification in the five years between taking out their original papers and their final papers, if they are so disposed?

Mr. PALMER. I admit that they can.

Mr. HOAR. Very well.

Mr. PALMER. Most of them, however——

Mr. HOAR. Then, if the Senator will pardon me, this miserable policy that he talks of is a policy which never excluded a native American, probably; certainly not to amount to anything.

Mr. PALMER. One is enough.

Mr. HOAR. It is a policy which says to the foreigner "during the five years between the filing of the original papers and the granting of your final papers we will teach you to read and to write if you want to learn. If you will not do it, you can not vote." That is all there is of it.

Mr. GRAY. Will the Senator from Illinois allow me to ask the Senator from Massachusetts a question?

Mr. PALMER. Certainly; with pleasure.

Mr. GRAY. I should like to ask the Senator from Massachusetts whether the opportunities for learning to read and write, which are concededly so liberal in Massachusetts, extend to adults?

Mr. HOAR. They extend to any adult who chooses to avail himself of free schools. There is no trouble with it at all.

Mr. GRAY. Does the Senator suppose that an adult who comes here and has to earn his living with his hands can avail himself of those opportunities?

Mr. HOAR. I suppose that any adult with the energy and capacity and principle which an American citizen ought to have will not have the slightest difficulty in the world in learning to read and write within the five years of his preliminary experience.

I have known again and again colored adults to learn to read and write. I remember once going down in the evening for some special purpose in search of a colored man who was in my employ. As I went to the front door of his house I passed the side window, and there he was sitting, with his little girl 10 or 12 years of age teaching him to read and write. Since that time he has published a very admirable book of his own composition.

I wish to add that this talk about the miserable example of Massachusetts is, in my judgment, a piece of pure demagogic work in many of the quarters from which it comes. I would not attribute any such purpose or motive to the Senator from Illinois, of course; it would be furthest from my thought to do so; but he has taken up idle, wild, and shallow conclusions and judgments.

Mr. PALMER. I am perfectly willing to take my place with every one who uses the language that I do, and if the Senator from Massachusetts chooses to attribute to me the language of a demagogue, I must accept it. I have no desire to separate myself from those who denounce any infringement upon the right of an American citizen to participate in his Government, a Government that he must defend in time of war, a Government to whose support he must contribute from his property in peace. I therefore repudiate, repel, deny any claim that I have to separate myself from those who think as I do and use the language I do.

The Senator from Massachusetts does not seem to realize the dignity and the importance of the rights of an American citizen. The State of Massachusetts during the war sent its emissaries into the South and enlisted thousands of men who could neither read nor write to fill its quota, when required by the laws of the land. Those men were good enough to fight for Massachusetts, but had no right to participate in the government of that State, because they could neither read nor write.

Mr. HOAR. Does the Senator from Illinois speak of a colored man fighting in that war at which his liberty was at stake as a man fighting for Massachusetts?

Mr. PALMER. I speak of the fact that Massachusetts filled its quota with men who could neither read nor write. Many of them are now inhabitants of the State. They were permitted to take the place of citizens who could read and write, as I suppose.

I met during the war thousands of men from all the States who could neither read nor write. They were brave men. They stood in their places in the ranks. Some of them died there; others sustained wounds; they were in the hospital. They were men who could neither read nor write, and yet under this bill such a man shall not be allowed to become a citizen of the United States. I have been drawn away from the true argument——

Mr. HOAR. The prohibition of the State constitution excepts all soldiers from the disqualification.

Mr. PALMER. I am glad of that. They were not exempted,

I suppose, at the time of enlistment. They did their service and filled the place. They were known as Massachusetts regiments, and were commanded generally by Massachusetts men.

I had not expected to engage in this discussion at such great length. I dislike this legislation, first, because it is radically unjust. It abridges the right of an orderly man to go into a strange country, if he will, and there make a home.

In justice to the bill, I must say it does not prohibit the incoming of the family on account of the ignorance of the children or the wife. But I oppose it upon the ground I mention. I oppose it as a precedent. I regard it as a concession to that detestable thing called nativism, which is a most desirable thing when kept within proper and humane limits. I oppose it because it is a precedent. It is legislation in the direction of other restrictions, and it imposes upon the rights of man. The right of a man to migrate, to expatriate himself, to leave his own country and come to this, has been claimed and conceded. I do not know whether Martin Koszta could read or write, probably he could; but would it have been any different when he was at Smyrna, when American citizenship was prized as it then was? Indeed this, in my judgment, is intended as a restriction, as a means of embarrassing emigration.

Having thus stated my views with the utmost freedom, I shall no longer claim the attention of the Senate.

Mr. GIBSON. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The Senator from Maryland suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Cullom,	Lodge,	Proctor,
Allen,	Daniel,	McMillan,	Pugh,
Allison,	Faulkner,	Martin,	Sewell,
Bacon,	Frye,	Mills,	Shoup,
Bate,	Gallinger,	Mitchell, Wis.	Smith,
Berry,	Gear,	Morgan,	Stewart,
Blackburn,	Gibson,	Morrill,	Teller,
Burrows,	Gordon,	Nelson,	Tillman,
Caffery,	Gorman,	Palmer,	Turpie,
Call,	Gray,	Pasco,	Vest,
Carter,	Hawley,	Peffer,	Vilas,
Chandler,	Jones, Ark.	Perkins,	Walthall,
Chilton,	Lindsay,	Platt,	White.

The PRESIDING OFFICER. Fifty-two Senators having answered to their names, a quorum of the Senate is present.

Mr. CARTER. Mr. President, it seems at this time useful that the parliamentary situation in which the pending measure is found should be understood. On the 11th instant, in the absence of the Senator from Maryland [Mr. GIBSON] and during my temporary absence from the Chamber, unanimous consent was given to vote upon the measure at 4 o'clock this afternoon. I am free to say that if I had been present at the time, I should have objected to the agreement, but realizing the necessity for rigid adherence to such arrangements when made, I do not feel authorized or even inclined in any manner to impair the arrangement as consummated then. However, I wish to give notice that if this conference report shall be disagreed to I will immediately, following that action, present this resolution to the Senate for consideration:

Resolved, That the Senate request a further conference with the House on the bill of the House H. R. 7864, and that the Senate conferees be, and are hereby, instructed to insist upon adding to section 4 of the bill as reported by the conference the following, to wit: "That the provisions of this section shall not apply to any alien who is a resident citizen of any country on this hemisphere."

The section referred to is that read by the Senator from Illinois, made applicable to aliens coming into the United States and finding employment here prior to declaring their intention to become citizens. I agree with the Senator from Illinois that no such legislation, so far as my knowledge extends, can be found upon the statute books of any civilized country in Christendom to-day. Let the section be read. It is found as follows:

SEC. 4. That it shall hereafter be unlawful for any male alien who has not in good faith made his declaration before the proper court of his intention to become a citizen of the United States to be employed on any public works of the United States, or to come regularly or habitually into the United States by land or water for the purpose of engaging in any mechanical trade or manual labor, for wages or salary, returning from time to time to a foreign country.

The next section prohibits the employment of such persons, and reads as follows:

SEC. 5. That it shall be unlawful for any person, partnership, company, or corporation knowingly to employ any alien coming into the United States in violation of the next preceding section of this act: *Provided*, That the provisions of this act shall not apply to the employment of sailors, deck hands, or other employees of vessels, or railroad train hands, such as conductors, engineers, brakemen, firemen, or baggagemen, whose duties require them to pass over the frontier to reach the termini of their runs, or to boatmen or guides on the lakes and rivers on the northern border of the United States.

Then follows in another section a most severe and drastic penalty, to be attached in the event of this employment being procured. It reads as follows:

SEC. 6. That any violation of the provisions of sections 4 and 5 of this act by any alien or citizen shall be deemed a misdemeanor, punishable by a fine not exceeding $500 or by imprisonment for the term of not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That all persons convicted of a violation of section 4 of this act shall be deported to the country whence they came.

With reference to the bill in general, I have no special objection. If criticism might at this time be offered, I think it would lodge against the bill as an immature and unwise piece of legislation—crude, as my colleague suggests. It seems that it would be infinitely better to provide that persons contemplating residence or citizenship in this country should first go before an American consul abroad and make clear to the consul of the United States the fact of previous good character and capacity to become citizens and show appreciation of citizenship in this Republic. But the committee did not think proper to incorporate such a condition precedent.

The objectionable sections might, with some degree of propriety, be made applicable to aliens residing across the water, where old conditions have so fettered the hands of toil that men are not now capable, after passing through centuries of those hard surroundings, to compete upon terms of equality and with justice to our own workmen in this country.

But, Mr. President, let it be known and understood that it has been the proud boast of this Republic that its standing in the civilized world entitles it to assert as a vital principle the far-famed Monroe doctrine. We have assumed the right to speak for this hemisphere and the people who live upon it. We have assumed and arrogated to ourselves the privilege of dictating, independent of Europe, policy for the peoples residing in North and South America. While asserting that doctrine as a rule of action binding upon all nations of Europe, it is now proposed to incorporate in a law this pessimistic, drastic, and trifling proposition that no citizen on the American continent who does not previously declare his intention to become a part of the Republic shall be permitted to do a day's work within the limits of the United States. Go back into the most provincial periods of the Middle Ages, when passion and prejudice controlled the day, and you will find nowhere a proposition put upon a statute book like that.

What is to be the effect upon our own people, Mr. President? If we have no regard for neighborly relationship, if we do not wish to indicate any desire to live on terms of peace and good will with those who adjoin our territories, let us, then, respond, if response is demanded, to the matter of pure, unadulterated self-interest in the matter.

Can the government of Canada fail to incorporate in the statute law of the Dominion at the earliest possible opportunity the exact language which we now propose to incorporate in the law of the United States? Canada has a larger number of square miles of land than the United States within its geographical boundaries. It has less than 5,000,000 of population. I believe it can safely be asserted that where one citizen of Canada who has not declared an intention to be a citizen of this country will be found toiling in the United States there are at least a dozen American citizens enjoying lucrative employment in the broad domain of that practically unoccupied country.

Mr. GRAY. May I ask the Senator from Montana a question there for information?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Delaware?

Mr. CARTER. I shall be glad to yield to the Senator.

Mr. GRAY. I have not had time to look over the conference report, but I understood the Senator to say, and I want to ask him if he says it after due consideration, that the section inserted by the conference report to-day provides that it shall be unlawful for any person, partnership, or company in this country to employ any alien who has not previously declared his intention of becoming a citizen. Is that true?

Mr. CARTER. That is the language of the proposed law.

Mr. GRAY. Or is it confined to the public works of the United States? I am inclined to think that the first impression I got is the correct one, that it prohibits any private employment of an alien who has not previously declared his intention.

Mr. CARTER. I so understand the language of the section.

Mr. CHANDLER. From regularly and habitually coming.

Mr. GRAY. If that is the case, it is very much more drastic than the preceding report.

Mr. CARTER. Undoubtedly these two sections of this proposed act will inaugurate a policy in this country which will call for retaliation from every Government upon the American continent. West of the main range of the Rocky Mountains there must be to-day employed at from $2.50 to $3.50 per day, in the mines of British Columbia, no less than from 25,000 to 50,000 American citizens. Do we desire to bring about a state of affairs where those American citizens must either relinquish their jobs or renounce their citizenship as Americans and become subjects of Her Majesty the Queen of Great Britain?

In the Republic of Mexico it is a fact so notorious as to require no citation of authority that the vast system of railroads is operated generally, managed, and controlled by American citizens.

The railway conductors, the division superintendents, the section foremen, the roadmasters, the clerks in the offices, the yardmasters at the terminals, the firemen—indeed, a very large proportion of the persons who furnish the directing genius of the railroads of Mexico are citizens of the United States. Is it wise, consulting naught but the mere matter of selfishness, to invite the Republic of Mexico to command these people either to leave the Republic or renounce citizenship of the United States and become citizens of Mexico?

On the St. Croix River, coming nearer to the Eastern coast, I am advised that the large woolen mills found upon the north bank of the river pretty generally employ operatives who reside within the United States. I have been informed by a Senator upon the floor that the owner of one of them, an individual who employs a large number of people, says he is advised by the Dominion authorities that they will be constrained if not compelled by public sentiment to enact retaliatory measures at once, and that it will result in destroying the occupation of thousands of people who reside along the St. Croix River and find lucrative employment upon the northern bank.

But it is suggested that for the benefit of a few States on the Pacific Coast the Chinese exclusion act was passed. I trust that no Senator inclined to draw forth that simile in aid of this legislation will for one moment ask the Senate to discern any particular similarity between a resident of Canada and a citizen or subject of China. It was deemed for the best interests of all the people of the United States to put some sort of check by legislative enactment between the laboring elements of this country and the 400,000,000 people in China. The wisdom of that law, I think, has been amply demonstrated. But the fact that that enactment obtained has no relation to the case we are now considering.

The mission of the United States assumed, and very properly, has been to extend its influence as a beneficent, benevolent, civilizing agency over all this hemisphere. We believe that our advancement in science, in civilization, in art, in industry, together with our large population and resources, entitle us, yea, command us, to discharge an obligation and duty to all the people residing on this Western Hemisphere, the people who have responded largely to our example and to their own aspirations for liberty by getting governments established similar to our own. Are we now, near the close of the nineteenth century, to draw a line between the United States and these neighboring States, and through the drawing of the line actually force American citizenship upon any man who wants to come in here for a brief period to make a living, or to see whether he likes the country?

As heretofore suggested, these two sections will inaugurate a policy. With that policy I believe the sentiment of this country is and will continue to be at war. There is no demand either East or West, North or South, for any inhibition on honest men from either Mexico or Canada coming into the United States and going back at their own sweet will. We receive from the Dominion and the adjoining Republic the courtesy which we have been extending, and our interests will severely suffer, as well as our good manners, if we now depart from the ancient policy, which has not resulted in evil, but in much good, by adopting these two severe and unheard-of sections as a part of the proposed law.

Mr. CHANDLER. Will the Senator from Montana allow me to ask him a question?

Mr. CARTER. Certainly.

Mr. CHANDLER. I ask the Senator whether it is not a fact that American wages are very much higher than the wages in the countries north and south of us, and whether it is not the Senator's policy and my policy to keep them very much higher?

Mr. CARTER. That will not hold good as to the mining population in the Northwest. I believe along the St. Croix River the wages paid in Canada are just as remunerative as the wages paid on the south bank of the river. I think the same is true at Detroit and other places. I know, as far as the mining region is concerned, with which I am most familiar, that the wages are substantially the same. The same class of enterprises is being prosecuted on the north as on the south side of the line, and any American citizen going into the Dominion of Canada to mine is treated precisely the same as and on terms of equality with a subject of Great Britain. He is called upon merely to take out a miner's license, and everyone is required to do that.

With reference to the Mexican border, conditions are somewhat different. The superiority of the artisans of our own country will usually prove ample protection in so far as Mexico is concerned.

I shall offer the resolution read in the beginning of my remarks when this vote shall have been taken, provided the vote disagrees with the conference report. I should not have detained the Senate on this subject, but it appeared obvious to my mind, after full consideration, that the adoption of the conference report as it stands would inaugurate a policy on the part of this Government which no Senator stands prepared to-day to father or support.

Mr. CAFFERY. Mr. President, when the bill was up before, there was an objectionable feature of the bill separating husband and wife, which has been excluded from the conference report. In a brief argument I stated some objections which I had to the bill. The objections are to the general character of the measure. I do not believe in placing an educational qualification upon an immigrant to this country. I think that that qualification is properly imposed in the several States as a qualification upon the franchise, and not as a test of the desirability of an immigrant.

I have failed to observe that an illiterate immigrant, a hard-working, industrious man, did not make a good citizen. Under the policy adopted in the several States, notably in Massachusetts, and latterly in a good many of the Southern States, it has been found politic to adopt an educational qualification for the exercise of the elective franchise. With that policy I have no quarrel. I indorse that policy fully.

But, Mr. President, the main objection, as I understand, to unrestricted immigration, is that the immigration may in some manner, in some way, compete with American labor, and thereby reduce the wages of American laborers. That argument, if worth anything, is only to be applied to States where there is already an abundance of labor. It signally fails of any application where there is a dearth of labor. Notwithstanding since the war there has been a larger amount of immigration into the United States than ever before, the fact remains that the price of labor throughout the United States instead of declining has steadily advanced.

Some years ago I read an address delivered by an eminent citizen of the United States at the centennial anniversary of American independence at Philadelphia. It was delivered by Mr. William M. Evarts. That address set out that after the war of independence there was between the thirteen original colonies scattered along the American seaboard a very wide line of demarcation. That line was the black belt. In that address it was set out that the presence of a large number of colored people owned as slaves prevented white immigration from entering the South; that immigration therefore necessarily had followed lines of longitude instead of lines of latitude; the more inviting climate, the more fertile soil of the South was denied to the European immigrant, and therefore he had to make his home westward. Mr. Evarts attributed the wonderful growth of the western section of our Union to the fact that European white immigration poured into that section and built up a new empire, at the expense of the South.

Now, sir, there are, omitting Alaska, about 1,500,000 square miles of arable surface in the United States, and of this area there are only 282,500 square miles now cultivated. This is a little over 20 per cent of the arable lands in the United States. Of that uncultivated territory the larger portion now is in the South.

I think it would be suicidal in the South to put any sort of restriction upon the access into the United States of hard-working, industrious foreign immigrants. I do not think that the present immigrants are as a class equal to the original settlers of this country; but I do know that more than three-quarters of the area of the United States now wants development, and it wants development through industrious muscle and brawn and brain. In my opinion it would be exceedingly impolitic and unwise to exclude hard-working, industrious immigrants from the United States by any provision of this kind.

It is true, sir, that the qualification is not drastic nor very wide in its scope. It only excludes immigrants over 16 years of age who can not read and write the English language or some other language. But unfortunately the large class of immigrants from Europe—hard-working, industrious people—are denied the privileges and opportunities of public education; and while they make excellent citizens, if not good voters, they are under this disability, and it would be exceedingly unwise in my opinion to exclude them.

Mr. President, I am familiar with a lot of immigrants, who are very much slandered, in my opinion, generally as undesirable immigrants. They are the Italians. There are Italians and Italians. The Italian proper, the agricultural Italian, the man who comes from Italy proper, is a good, hard-working, industrious citizen. The Sicilians are generally classed as Italians. They are not so desirable as a rule. They do not make as good citizens as the Italians. The criticisms leveled at the Italians generally are, in my opinion, unjust.

There never was a time when it could not be said that any accession to the laboring element would not reduce the price of wages. Every accession in the earliest time must have had that effect, and if the rule is good now it was good then. I do not believe that any hard-working, industrious man coming into the country, adding to its wealth by his labor, does decrease or lower the price of labor. I believe the wealth he produces, the stimulus that he gives to enterprise, more than makes amends for any temporary derangement of the labor market, in that it affords more employment to labor and gives more scope for industrial expansion.

I am in receipt of a copy of a letter which was sent to the Secretary of State—a private letter—and was forwarded to me. It is

signed by the celebrated novelist Ouida. It contains a defense of the Italians. I propose to insert it in my remarks. If any Senator desires me to read it, I shall do so with pleasure.

Mr. CHANDLER. I shall not object to the Senator printing it. I only call attention to the fact that there is no State in the Union where the Italians have been treated so badly as they have been in Louisiana. Several of them have been killed there, and the United States has been obliged to pay indemnity for those cases of murder. I am glad to see that the Senator from Louisiana is coming to appreciate the virtues of Italian immigrants.

Mr. CAFFERY. Mr. President, that sort of fling has no effect upon me. There was a murder of Chinese in the Northwest, too, but that is no reflection upon the good people of the Northwest. The people of Louisiana, as a general rule, did not indorse the killing of the Italians. They were killed under very peculiar circumstances. For that murder I have no sort of apology, nor for any other murder; but that murder does not afford any evidence whatever of the opinion in which the people of Louisiana hold the Italians as laborers and as industrious citizens.

Mr. BLANCHARD. I trust my colleague will have the letter of the novelist Ouida read.

Mr. CAFFERY. I send it to the Secretary's desk, and ask that it be read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

SIR: Will you pardon my addressing you concerning the bill which I see is before Congress, in intent to exclude emigrants who can not read. If you exclude Italians who can not read you will lose the best and most laborious part of the population, and you will admit the trash of cities. It is not a test which can be properly applied to Italians, or indeed to any populace. Why should you suppose the power to spell out the crimes recorded in cheap newspapers is any guaranty for either virtue or intelligence?

In Italy the peasantry are almost entirely illiterate; yet they are the only class which can give immigrants of any value. I have had many men in my employ; I have invariably found those who could not read ten times more industrious, temperate, intelligent, and honest than those corrupted by the trumpery "education" of schools. I have had for twenty years an old man (who has been what is called the odd man in England) and he can be sent with fifty commissions to purchase objects, detailed to him only orally, and he will execute these commissions with no single error either of oblivion or of payment.

Such a man you would turn from your shores, whilst you would receive the youth corrupted, emasculated, diseased through cheap journalism, bad tobacco, and the enforced physical idleness of the schools.

I beg you to allow me to remain, obediently, yours,

OUIDA (LOUISE DE LA RAMÉE).

JANUARY 30, 1897.

Mr. CAFFERY. I can add nothing to the eloquent appeal of the distinguished novelist in behalf of the Italians. My own personal testimony to their industry and worth very well accords with this eloquent defense of them by this novelist.

Mr. President, the other features of this bill have been very ably discussed by the Senator from Montana [Mr. CARTER] and the Senator from Illinois [Mr. PALMER], and need no further discussion. I will only say that, in my opinion, this blow at the industrious Canadians or the industrious Mexicans is entirely unwarranted. I see no use for any such provision as this, and I see no use for the other provision in this bill for the free ingress into the United States of Cubans as long as the present disorders exist in that island. When will the present disorders in that island ever cease? They appear to be chronic. Either Cuba will win her independence or she will not. If she does not, her leaders say she will continue the fight with Spain. If she does, the Cubans will fight among themselves. So, therefore, in my opinion, this provision in regard to the admission of Cubans into the United States opens the gates of the United States to Cubans for pretty much all time to come. Why this privilege in favor of the Cubans? Are they any better citizens than the Italians?

Mr. CHANDLER. Mr. President, the Senator will allow me to make a correction. The Cuban clause only applies to the term covered by the continuance of the present disorders in that island. In the first place, that is not, I trust, quite for all time to come. Secondly, it only exempts the Cuban refugees who may come over during the present disorders in the island from the obligation to be able to read and write. That is all. It grants no other privilege to the Cubans.

While I am on my feet, I hope the Senator will allow me to say that I did not mean to make any fling against the people of Louisiana. I only desired to express my hope that, influenced by this letter of Ouida, the Louisianians would not kill any more Italians. I disclaim the idea of having attempted any fling.

Mr. CAFFERY. I am very glad the Senator has made the explanation. I join with him in the hope that no more Italians will be killed anywhere.

Mr. CHANDLER. I concur in that also. Italians have been killed in Colorado; and I hope we shall always protect the people of any nation when they come upon our soil.

Mr. CAFFERY. The provision in regard to Cuba reads:

SEC. 8. That this act shall not apply to persons arriving in the United States from any port or place in the Island of Cuba, during the continuance of the present disorders there, who have heretofore been inhabitants of that island.

Mr. President, that language is very loose. In my opinion, that might admit Cubans after the revolution now going on had ceased and other disorders of a like character prevailed. I think that this section 8, even under the commentary or construction placed upon it by the Senator from New Hampshire, is invidious, and not warranted. The Cubans who can not read are to be admitted as citizens. The present disorder there may last a long time. According to the pronunciamento of Gomez, it is "liberty or death," "liberty or annihilation." They do not want any concessions from Spain; they must have absolute independence. How long, then, will this war be dragged out between the insurgents in Cuba and the Spaniards? How many inhabitants of Cuba will come in under this law? If we are to have a clause of exclusion, let it apply generally.

Mr. LINDSAY. I wish to ask the Senator whether or not this clause was incorporated in the bill in the interests of Spain, to encourage able-bodied Cubans to leave Cuba, instead of staying there and fighting for the liberty of their country?

Mr. CAFFERY. It might have that complexion. If Spain could get all the Cubans run off into the United States, there would not be anybody to fight; but I do not suppose that the insurgent armies will be depopulated to that extent. It is so easy to get up guerrilla bands in Cuba that there appears to be no end to them.

Mr. President, I am generally opposed to the whole policy of this bill. Our ancestors were not afraid of illiterates. I see no reason why we should be. They were not afraid of any competition with home labor. I see no reason why we should be. I do not believe in the postulate that an addition to the laboring element of a country where the demand for labor is great and ever growing will have any tendency to depress the price of labor; it has not in the past, and I do not believe it will work so now or in the future. The people who come over are certainly men who want work, or they would not come. It is obvious from their very coming that they are people of enterprise, of push, and of energy, or they would stay where they are. It is a noted fact that all the immigrants from Europe into the United States are characterized by superior energy and push and an adventurous disposition.

It is said that this would only exclude 7 per cent of Irishmen; that there is only that percentage who can not read. I do not want 7 out of 100 of any industrious Irishmen excluded, or 2 out of 100 of any industrious hard-working Englishmen excluded, or any percentage of any race excluded which comes here to work, to add to the resources of the country, to build up the wealth, to open up our unoccupied lands, and to add to the general weal of these United States.

It seems to me this educational qualification is an attempt to place upon the States who do not desire it an educational qualification for the franchise. That is a matter which pertains exclusively to the States. Some States have the educational qualification; some have not. Is a man who emigrates to the State of Massachusetts from a State of the South, without the educational qualification, an undesirable citizen? Under the terms of this bill he would be.

I therefore say that the whole feature of this measure, in my opinion, is objectionable; it is a departure from a policy which we have now followed from the foundation of the Government. I can see no reason for it. I see every reason why our doors should be opened to every industrious, honest citizen from any portion of the globe.

Mr. GRAY. Mr. President, it is conceded on all hands, I believe, that this is a departure from the settled policy which has obtained in this country hitherto from its foundation.

Mr. WHITE. I suggest the absence of a quorum. I think this is a matter of sufficient importance to have a full Senate during its consideration.

The PRESIDING OFFICER. The Senator from California suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Faulkner,	Mantle,	Pugh,
Allen,	Frye,	Martin,	Roach,
Bacon,	Gallinger,	Mills,	Shoup,
Bate,	Gear,	Morgan,	Smith,
Berry,	Gibson,	Morrill,	Stewart,
Blanchard,	Gordon,	Murphy.	Teller,
Brown,	Gray,	Nelson,	Thurston,
Burrows,	Hansbrough,	Pasco,	Tillman,
Caffery,	Hill,	Peffer,	Turpie,
Cameron,	Jones, Ark.	Perkins,	Vilas,
Chandler,	Lindsay,	Pettigrew,	Walthall,
Chilton,	Lodge,	Platt,	Wetmore,
Cockrell,	McMillan,	Pritchard,	White.

The PRESIDING OFFICER. Fifty-two Senators having answered to their names, a quorum of the Senate is present. The Chair recognizes the Senator from Delaware.

Mr. GRAY. Mr. President, as this is confessedly a departure from the established policy of the United States, it challenges the

careful criticism and consideration of every member of this Senate before he gives his consent to the adoption of this conference report as the final establishment of these somewhat harsh measures as the law of the United States. I only rose to call the attention of the Senator from New Hampshire [Mr. CHANDLER] to two sections of this bill which seem to be peculiarly obnoxious to criticism.

If I understood the Senator from New Hampshire a moment ago, when on the floor he was asked a question in regard to section 5 of the bill as reported from the conference committee, he replied that the effect of the bill was to exclude from all private employment any alien coming into the United States who had not declared his intention to become a citizen.

Mr. CHANDLER. Not exactly; but any alien who comes regularly and habitually, returning from time to time to a foreign country, as stated in the fourth section.

Mr. GRAY. As I understood the Senator, he undoubtedly made a more sweeping answer than that just now; but I call the Senator's attention, and I call the attention of the Senate, to what at least is obscure language in section 5. If the inhibition of private employment to all aliens coming into the United States pre viously to their declaring their intentions is to apply only to those, as the phrase is, habitually coming with an intention from time to time to return, then the section is unfortunately worded, I think, and leaves obscure what ought to be plain beyond cavil, so that no oppression and no hardship should ever be inflicted by a judge or an executive officer who might construe the language differently from the Senator from New Hampshire.

I will read section 4 to those who are interested in this matter. If there is an obscurity about this, confessedly it ought to be corrected. The section provides:

SEC. 4. That it shall hereafter be unlawful for any male alien who has not in good faith made his declaration before the proper court of his intention to become a citizen of the United States to be employed on any public works of the United States, or to come regularly or habitually into the United States by land or water for the purpose of engaging in any mechanical trade or manual labor, for wages or salary, returning from time to time to a foreign country.

That is section 4, which prohibits the employment on the public works of the United States of an alien before his declaration of intention, or the coming of any such alien habitually or regularly, by land or water, for the purpose of engaging in any mechanical trade or manual labor, and returning from time to time to a foreign country.

I will not pause here to criticise the language of section 4 and the rather undefined duty imposed upon employers of aliens coming into this country which lurks in the use of the phrase "regularly or habitually." What is the meaning of "regularly?" What is the meaning of "habitually?" You, Mr. President, may have one view of the meaning of those words as applied in this proposed law and I may have another. The Senator from North Carolina who sits opposite to me [Mr. PRITCHARD] may say that "regularly coming" means coming twice and returning, while I think I could, with equal ground, contend—and others might contend much more strongly than I—that regularly or habitually coming was not established by twice coming. What is to be the criterion of coming "regularly or habitually into the United States by land or water for the purpose of engaging in any mechanical trade or manual labor," and also of the phrase "returning from time to time to a foreign country?" Does once returning bring the person who has come and so returned within the provisions of this act and subject to the penalties denounced in it? I do not know. It is impossible to say beforehand that any two minds will agree about these words of general import, not specific in their character and not susceptible of accurate definition. Does coming back "from time to time" mean coming once and returning to his home, or does "from time to time" mean more than that? I think that it does mean more than once; but the law might be applied by a more discriminating mind than mine or one who was inclined to give a harsh construction to this law, so as to exclude a man who has once returned to his country from ever coming back again and being employed in any of these regards before declaring his intention of becoming a citizen. But I will not pause over section 4, although I think it is obnoxious to the criticism I have just made.

Now comes section 5, which is much more important. Section 4 refers largely to employment on public works. Section 5 prohibits from all private employment whatever any alien coming into this country before he shall have been naturalized. Let me read that section.

Mr. GALLINGER. Not before his naturalization, but before he shall have made his declaration.

Mr. GRAY. Declaration—that is what I meant to say. Section 5 reads:

That it shall be unlawful for any person, partnership, company, or corporation knowingly to employ any alien coming into the Uniten States in violation of the next preceding section of this act: *Provided*, That the provisions of this act shall not apply to the employment of sailors, deck hands, or other employees of vessels, or railroad train hands, such as conductors, engineers, brakemen, firemen, or baggagemen.

These are exempted. But here is all private employment denied to the man who comes into this country contrary to the provisions of this act. He is excluded from employment on the public works in section 4, and section 5 excludes him from all private employment, so that, if he comes, he must starve in his tracks, unless he violates the law or shall have previously declared his intention of becoming a citizen.

Mr. CHANDLER. The Senator wishes to be fair?

Mr. GRAY. Certainly I do. I wish to know whether or not twice coming would be "regularly or habitually" coming into the United States? There is an obscurity about that which I think ought to be corrected.

Mr. CHANDLER. I am very sure there is not any obscurity in the language of the section, but the Senator's statement is altogether too broad. The prohibition against employing such an alien is an alien coming "in violation of the next preceding section of this act," and he violates "the next preceding section of this act" only when he comes "regularly or habitually," "returning from time to time to a foreign country."

When the Senator says that an alien can not come in once and enter into employment without being subject to a penalty, and his employer being subject to a penalty, he certainly does not do justice to his usual legal acumen and fairness of reasoning.

Mr. WHITE. If the Senator from Delaware will yield to me, I desire to ask a question of the Senator from New Hampshire. Take a case to illustrate the section regarding which we are now speaking. In the State of North Dakota, I am told by one of the Senators from that State, it would be quite impossible, or at least very difficult, to harvest the annual crop of wheat unless they were permitted to employ those from across the line, the British possessions, who come in, as far as the season is concerned, habitually, who come there from year to year regularly. Now, I desire to know whether the Senator from New Hampshire so construes this proposed law as to cover that case, and to inhibit those laborers from working here, unless they declare their intention to become citizens of the United States?

Mr. CHANDLER. I will answer frankly, we do; but I will state to the Senator from California and the Senator from Delaware that they seem to be ignorant of the fact that there is a very stringent law now which prevents aliens from coming here. There is a contract-labor law, put upon the statute books of the United States for many years, under the pressure of the labor organizations and laboring people of this country, which makes it a penal offense for any alien to come here under contract——

Mr. GRAY. Suppose they come without contract?

Mr. CHANDLER. Wait a moment.

That law makes it a penal offense for any man to come from a foreign country to this country under a contract for labor, either express or implied. The cases the Senator from California has in mind and the cases the Senator from Delaware has in mind are cases of crimes against the existing law, which we have softened in this bill by making it a requirement that in order to punish anyone for coming or to punish anyone employing any alien who comes here, the coming or going must be regular and habitual.

Mr. WHITE. If the Senator from Delaware will permit me, of course I am ignorant of a good many things, and perhaps of most things, that are familiar to the Senator from New Hampshire, but I was aware of the existence of the law to which he refers, and submit that his committee perhaps might have been engaged in better business than in reenacting that statute which we have in the general law.

Mr. CHANDLER. We are softening it; we are not reenacting it.

Mr. WHITE. I do not observe any particular softening. The case to which I refer has no reference to the law which the Senator from New Hampshire says I am not cognizant of.

Mr. CHANDLER. May I ask the Senator a question?

Mr. WHITE. Yes.

Mr. CHANDLER. Do not the men who come over the line, of whom the Senator speaks, to help gather the crops, come under either an express or an implied contract?

Mr. WHITE. Neither.

Mr. CHANDLER. The Senator is mistaken about that.

Mr. WHITE. They come across the line for the purpose of seeking employment which they have reason to know they will get in the United States. It is not because they have been invited to come or have been contracted with, but because they know there is a market here, and they come to meet a local demand, a demand which will not be met unless they are present to meet it.

Mr. CHANDLER. The Senator is mistaken. They come and go to the same employer and return year after year, and as the law now stands it is a crime for them to come once, if a jury shall find that they come under an implied contract to labor. In the cases on the border, of which the Senator from Montana has spoken, and in New England, where they come across the border, there is an implied contract to labor in ninety-nine cases out of one hundred. It is a crime now to do that thing.

Mr. WHITE. The parties to whom I allude do not commit those offenses which seem to be committed without comment in the jurisdiction of the Senator from New Hampshire.

Mr. GRAY. I am not concerned with the law already on our statute book, and which has been there for several years. It is a law for which I voted, and I have always been in favor of it. If that law has been violated, there are modes by which the violators may be punished. I am speaking now of the broad, sweeping effect of this provision that applies not only to laborers who come across our northern border to reap the abundant harvests of our Northwestern wheat fields. I am speaking of the provision that a man from the Continent of Europe who comes to this country without, in the language of the proposed act, having first made his declaration shall not be employed on any public works of the United States. I am speaking of the position in which such a man finds himself here when he has come under some mistake as to the freedom of this country, under some mistake as to what lies before him in this land; and being so here and excluded from public work, then the proposed law denounces any private person who shall employ him in any work whatsoever—to clean the snow from his pavement that has fallen the night before—as a violator of the law and subject to its penalties. That man must starve——

Mr. CHANDLER. That is an unfair argument.

Mr. GRAY. Unless some benevolent person violates the law and gives him the wherewithal to put bread into his mouth.

Mr. CHANDLER. Does the Senator say that is a fair argument?

Mr. GRAY. That is the result.

Mr. CHANDLER. The Senator knows that if an alien comes here and shovels snow, it is not regularly and habitually——

Mr. GRAY. I did not say regularly and habitually. This section says:

That it shall be unlawful for any person, partnership, company, or corporation—

That includes every private employer, does it not?

Mr. CHANDLER. Certainly.

Mr. GRAY—

knowingly to employ any alien coming into the United States in violation of the next preceding section.

The next preceding section says:

That it shall hereafter be unlawful for any male alien who has not in good faith made his declaration before the proper court of his intention to become a citizen of the United States to be employed on any public works.

Now, if an alien has come for that purpose, then he has come in violation of section 4, and every private person, corporation, or company is punishable by law if he or it gives him a day's work.

Mr. CHANDLER. On public works.

Mr. GRAY. No; a private person. Let my friend read the section again and see whether he can disagree with me there.

Mr. CHANDLER. It is so plain that I am astonished that a Senator who, in the estimation of everyone, has been thought worthy of a place on the highest judicial tribunal of this land could argue in that way. The proposed law is plain. The employer is to be punished if he hires such a man upon public works of the United States. He is to be punished if he employs a man on any work who comes regularly and habitually, returning from time to time. I do not think the Senator's argument is fair at all.

Mr. GRAY. The Senator says it is not fair. I try to be fair, but may fail. Let us concede that it is not fair. My powers of discrimination are not so low that I can not at least see an obscurity in that language; that I can not observe that there may be grounds for a judge or some executive officer to take the harsh and proscriptive view that I have suggested may be taken. If that is true, it is unworthy of the Congress of the United States to place upon its statute book a law which is susceptible of an interpretation that can work such a monstrous injustice as that I have attempted to describe.

But, Mr. President, take this case, and I submit to my friend the Senator from New Hampshire whether or not it is fair. Take the case to which he has alluded. Suppose that a person who has previously been in the United States and has returned to his own country comes back, driven by his necessities, and lands upon our shores, and, being landed, without money, without resources except the labor of his hands, honest in purpose, honest in his intent to do a man's part to support himself and those who may be dependent upon him, seeks the most menial employment. He is confronted by the statement on the part of the employer to whom he applies, "I can not employ you without making myself amenable to the punishment prescribed in section 5 of the immigration act (fine or imprisonment or whatever it may be), and therefore I must decline; and no corporation, company, or person in the broad domain of these United States can employ you, unless he or it violates a law of his country." "But," the immigrant says, "I came here bona fide. I came here to stay. I have had no opportunity to declare my intention. In the meantime I must work or starve." "We can not help it, my friend; you will have to take the latter dread alternative, for I must, as a law-abiding citizen, refuse you employment, although I should be glad otherwise to give it to you. And in this interval, long or short, which is prescribed by the laws of the United States, you can go without work and subsist on charity, although you are willing to work." I say that such a condition, brought about by law, would be disgraceful to the statute book of the United States and to the good sense of the American people.

Mr. President, it is perfectly possible to pass a law regulating and restraining immigration into this country without such harsh features as these. We are not obliged, in protecting ourselves from assumed dangers or real dangers, to be cruel to anyone. We are not obliged, in closing the doors of this country to the oppressed people of the world for the first time in our history, to work so cruel and unusual a punishment upon those who honestly come for no other purpose than to better their condition and to labor with their hands for the food that is to support them.

So how are we to determine—for we come back again to the obscurity of the language used in the fourth section—what the language means? What is "regularly and habitually" to be interpreted to mean? Shall it mean once coming and returning or twice? Is it to be interpreted as once coming and returning or twice coming and returning? Is there no obscurity about that? If once coming and returning is sufficient to establish the habitude and the regularity of the process, I say it is unwarranted, cruel, unjust, unworthy of the American people. If you are going to enact this bill into law, let us have a definition of words, so that they can not be interpreted to the disadvantage and to the oppression of anyone, however humble and from whatever clime he may come. "Are you coming and returning habitually and regularly?" asks the judge; or, if that is not enough, "Have you been or are you returning from time to time to a foreign country?" As I said before, who is to interpret what "from time to time" means? Does it mean once coming and returning, or twice, or thrice? No one can say in advance. You may have one interpretation and I another, and that leaves it in the power of a judge who takes a harsh and proscriptive view of these enactments to work a great injustice and a great cruelty to a large number of our fellow-men who do not deserve it at our hands, and whom we ought to shrink from oppressing even by indirection.

Mr. President, that can be corrected, and the proposed immigration law can be shorn of that possibility of injustice; and unless it is I can not gain my own consent to give it the sanction of my vote.

Mr. CHANDLER. Before the Senator from Delaware finishes, I should like to answer a question which he very properly asked, having got round to contemplate the fact that an alien is only prohibited from coming regularly and habitually, returning from time to time. The question was, "How is it to be determined whether the alien does come regularly or habitually?" That is necessarily a judicial question. It is the duty of the judge before whom the trial proceeds to protect the person prosecuted. The court must instruct the jury that it must be a regular and habitual coming and returning.

The Senator from Delaware is familiar with that as a judicial question. The laws of many States punish habitual drunkards. How many times must a man get drunk to be an habitual drunkard? The Senator would ridicule me if I should say that a man might be adjudged a regular or habitual drunkard because he got drunk once and then was discovered to be drunk a second time. The Senator would ridicule this. No judge would so hold, Mr. President. There is the fair exercise of judicial discretion on the part of a judge. This language was carefully framed in the Senate to soften existing law. The Senator, I believe, will admit that there is no danger either to the alien or to the employer under this section when it remains for the judge of the court to define what is a regular and habitual coming and returning.

Now, I ask the Senator, having himself voted for the original contract-labor law, to say in all fairness whether the proposed law is not a judicious, a safe, a reasonable measure? It seems to me it is, Mr. President, and that the Senator from Delaware is hypercritical in the cases of supposed hardship which he brings to the attention of the Senate.

Mr. GRAY. I do not think so, Mr. President. It is from the tyranny of judicial discretion that I would save any man who honestly comes to these shores for the purpose of bettering his condition by the labor of his hands. It is because in judicial discretion lurks tyranny, and when you provide by law directly in language that invokes judicial discretion in place of that certainty which should obtain in a penal statute, then you are invoking a principle which is alien to our institutions and our laws and to the common sense and humanity of our people. That is the reason why I am opposed to the bill.

Mr. CHANDLER. I should like to ask the Senator why he voted for the two original contract-labor laws?

Mr. GRAY. Because with a statute which forbids a man to come here under contract for hire or labor, when a man comes here, it is under conditions that are precisely ascertainable. It is a matter of proof whether he comes here under contract for labor in this country. There can be no ambiguity or confusion about the terms of such a law, and no two judges can differ as to what is a contract for hire or labor. But in this case the Senator acknowledges that the language of the law imposes the discretion upon the judge; that it is a matter of judicial discretion whether a man shall be imprisoned or not under the terms of the law. I say there is no place for judicial discretion in a penal law that in any form will deprive a man of his liberty or send him to prison.

Mr. GIBSON addressed the Senate. After having spoken for some time,

Mr. LINDSAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Kentucky?

Mr. LINDSAY. I desire to suggest the want of a quorum.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Chilton,	Lindsay,	Platt,
Allison,	Davis,	Lodge,	Proctor,
Bacon,	Faulkner,	McMillan,	Pugh,
Bate,	Frye,	Mantle,	Roach,
Blanchard,	Gear,	Martin,	Sewell,
Brown,	Gibson,	Mills,	Smith,
Burrows,	Gordon,	Morgan,	Thurston,
Butler,	Gorman,	Morrill,	Turpie,
Caffery,	Gray,	Palmer,	Vest,
Cameron,	Hansbrough,	Pasco,	Vilas,
Carter,	Hawley,	Peffer,	Walthall,
Chandler,	Jones, Ark.	Pettigrew,	Wetmore.

The VICE-PRESIDENT. Forty-eight Senators have answered to their names. A quorum is present. The Senator from Maryland will proceed.

Mr. GIBSON resumed his speech. After having spoken for some time,

Mr. LINDSAY. Mr. President, if the Senator from Maryland will pardon me, I understand that there was a unanimous-consent agreement yesterday that the vote on the conference report should be taken at 4 o'clock this afternoon. It is evident that the Senator from Maryland will not have concluded his argument by that time, and it is evident, too, that the report is not thoroughly understood. I therefore ask unanimous consent that the vote be taken at 5 o'clock, instead of at 4 o'clock, this afternoon.

Mr. GIBSON. Make it 6 o'clock.

Mr. HOAR. There is some other business of importance before the Senate to be accomplished during the next fortnight, and our hours are very precious.

The VICE-PRESIDENT. The Chair will submit the request of the Senator from Kentucky to the Senate. The Senator from Kentucky asks unanimous consent that the vote be taken on the pending measure at 5 o'clock instead of at 4 o'clock this afternoon.

Mr. HOAR. I object.

The VICE-PRESIDENT. Objection is interposed.

Mr. HOAR. If the Senator from Maryland shall have failed to conclude the argument which he is presenting to the Senate by 4 o'clock, and will take but a short time to conclude, I should not object to his having an opportunity to do so.

Mr. CHANDLER. It was my intention to ask, if the Senator from Maryland did not finish at 4 o'clock, as he has taken a distinguished part in this debate and exhibited great interest in the question, that he should be allowed a longer time. I did not know until now that the Senator from Kentucky [Mr. LINDSAY] desired to participate in the debate.

Mr. JONES of Arkansas. I should like to suggest, in view of the fact that it is understood there were very few Senators present yesterday when this consent was given, that it is not an unreasonable thing to allow an extension.

Mr. FRYE. The consent was given a week ago.

Mr. JONES of Arkansas. But there were very few Senators present when it was given.

Mr. GIBSON. I was not here.

Mr. JONES of Arkansas. So, it seems to me, it would be at least reasonable to allow another hour for debate. So far as I am concerned, I have no desire to participate in the debate at all, but I know of several Senators who desire to submit some few minutes of argument on this report, and I believe they ought to have the opportunity to do so. I am sure it would be better for the bill and in the interest of the expedition of business if the extension be agreed to.

Mr. CHANDLER. What is the Senator's suggestion?

Mr. JONES of Arkansas. That the time for taking the vote be extended to 5 o'clock.

The VICE-PRESIDENT. The Chair submitted to the Senate the request of the Senator from Kentucky [Mr. LINDSAY], but objection being interposed, the Chair recognized the Senator from Maryland [Mr. GIBSON].

Mr. FAULKNER. I suggest that the Chair again submit the request to the Senate, in view of the remarks of Senators around the Chamber, that the time be extended to 5 o'clock.

The VICE-PRESIDENT. The Chair again submits to the Senate the request of the Senator from Kentucky, that the hour for taking the vote be extended to 5 o'clock. Is there objection?

Mr. HOAR. I am very sorry to interpose, Mr. President, but it seems to me, if I may say one word, that Senators forget that these requests and appeals to the courtesy of the Senate are really appeals to the Senate to give up doing other important business which other Senators have in their charge. During the last fortnight of the session a Senator will come in and ask leave to make a very interesting speech, and he will take four hours, and nobody thinks it is proper to object, although some great public measure in which hundreds and thousands of people are interested perishes with the session because of the shortness of time. Now, I agree when a Senator, making an interesting and important speech like that of my honorable friend from Maryland [Mr. GIBSON], has not finished his remarks, he should be allowed to conclude. I make no objection whatever to that, but I do not think there ought to be any further extension. This matter was set down and intended to be closed yesterday. It came up to be closed last week, and my colleague [Mr. LODGE] very reluctantly was obliged to consent to nearly a week's delay.

Mr. LODGE. I hope my colleague will not object to unanimous consent to extend the debate to 5 o'clock, as the pending matter is very important, and that is only an hour longer. I should be very sorry if any Senator felt that he had been cut off, and I hope the objection will not be made. I shall be very glad myself to extend the time to 5 o'clock.

Mr. GIBSON. I thank the Senator.

The VICE-PRESIDENT. Is there objection?

Mr. HOAR. I should like to know if I can have unanimous consent that the vote on the bankruptcy bill shall be taken at a certain time, say on Wednesday of next week, at 4 o'clock?

Mr. TELLER. No, I think not, Mr. President.

Mr. HOAR. I thought not. It is a good deal to ask me to insure the defeat of such an important measure as the bankruptcy bill for simply an hour of speech-making, and so I must insist on my objection.

The VICE-PRESIDENT. Objection is interposed to the request for the extension of time, and the Senator from Maryland [Mr. GIBSON] is entitled to the floor.

Mr. CARTER. Will the Senator yield to me for one moment?

Mr. GIBSON. Certainly.

Mr. CARTER. This unanimous consent was given, as stated by the Senator from Arkansas [Mr. JONES], at a time when very few Senators were in the Chamber. The unanimous consent was granted, as the RECORD shows, upon the statement made by the Senator from Massachusetts [Mr. LODGE] that this bill had been amended to the satisfaction of the Senate. I appeal to the performance this afternoon in rebuttal of that statement. It is very obvious that this bill has not been amended to the satisfaction of the Senate. Those who oppose the bill now having declined to take advantage of any infirmity in the statement upon which the agreement was reached——

Mr. HOAR. Will the Senator allow me to interpose one moment?

Mr. CARTER. Certainly.

Mr. HOAR. If unanimous consent was given upon the ground of a misunderstanding of the Senate, as the Senator now places it, I should not feel that I was warranted in insisting upon my objection, and I withdraw it.

Mr. CARTER. I understand the objection is withdrawn.

Mr. HOAR. It is upon the distinct ground which has been put, that there was a misunderstanding at the time the consent was granted, and I will withdraw the objection on that ground alone.

Mr. CARTER. The RECORD shows that the statement was made that the bill as presented by the conference committee to the Senate met all objections, or was satisfactory to the Senate. Upon that statement the unanimous consent was granted. That the RECORD shows, together with the spirit of the debate this afternoon.

The VICE-PRESIDENT. The Chair understands the objection is withdrawn, and the vote will be taken at 5 o'clock this afternoon. The Senator from Maryland is recognized.

Mr. GIBSON. Mr. President, I had hoped to be able to present the views which I have to submit in this connection at an earlier period during the day. I find myself, therefore, from the direction the debate has taken, curtailed in no inconsiderable part of the time which I hoped to secure.

I hope that the conference report will not be concurred in, and I sincerely hope, in the same connection, that the measure which it recommends may not meet the approval of the Senate. I am not

a little surprised at the suggestion of the Senator from Massachusetts, that the bill has been so thoroughly argued that every Senator is familiar with its provisions and that a vote thereon can be reached in a very short while. This conference report has not been debated in the Senate, nor has the bill to which it refers been debated in the Senate. The conferees on the part of the Senate and the House only a short while since were instructed by the Senate to present a different and a new conference report representing the views of both the Senate and the House representatives upon the immigration question. They have not done so save in one particular. That one particular is the elimination from the conference report of what was pronounced against with a degree of unanimity never before seen during the progress of the consideration of this question, the clause in reference to the separation of families. On the contrary, the report presents conditions which never were before considered, and conditions which in my judgment can not and ought not to meet with the approval of the Senate.

If this bill is to be passed, if the conference report is to be adopted, let it be adopted by the vote of the projectors of this measure—our Republican friends on the other side of the Chamber. I appeal to every Democrat on this side of the Chamber not to be found voting for a measure which, instead of being nonpartisan, as the Senator from Massachusetts has suggested, is as partisan as was the measure to regulate the elections in the States—a measure which would have brought woe and desolation to half a continent; a measure which lies at the very root and foundation, not of our political rights alone, but of those rights which are God-given and are inalienable, the right of life, of liberty, and the pursuit of happiness.

The immigration bill seeks, under what is known as the Corliss amendment—the fourth section—to make a crime of the privilege of going and coming when and where you please, in pursuance of that maxim of the civil law that you are permitted to use your own and to do as you please, so far as you interfere with no one else. A crime, Mr. President, is sought to be made out of the sacred right that belongs to individuals of earning their bread by the sweat of their brow.

This conference committee, Mr. President, to which this measure was recommitted with instructions, in their report now under consideration, has done the things it ought not to have done, has left undone what it ought to have done, and there is no health in it.

A résumé of the legislation sought for in this bill may be well enough in this connection. More than a year ago the House of Representatives sent to the Senate a bill to amend the immigration laws of the United States, which was composed entirely of what is known as the Corliss immigration measure, in which there was and is no suggestion of an educational test. The Corliss bill from the House was rejected by the Senate, and a Senate bill was interposed in the shape of the bill which was considered some time ago, with the provision as to all persons over 14 years of age who can not read and write the language of their country or some other country, and so on. Then follows a further provision for reading and writing. That was a Senate bill which, when it came up for consideration, was amended by striking out the age limit of 14 and inserting the age limit of 16, and an amendment from another Senator, the distinguished Senator from Florida, I believe, a provision in reference to immigration from Cuba. That was the Senate bill. That passed the Senate as a substitute for the House bill. The conferees were appointed on the part of both Houses. The result of their action was in the shape of a conference report differing from the bill of the House and the Senate, but requiring the educational test, and providing as a crucial feature of that test that no one should be admitted to the country who could not read and write the English language or the language of their native or resident country. That feature of the conference report——

Mr. CHANDLER. I desire to interrupt the Senator, with his permission. The Senator says that the original bill as it came from the House contained no reading and writing test, but only the Corliss provision. The Senator, who has been very diligent in investigating the subject, has overlooked the important fact that the bill as it came from the House to the Senate contained this provision:

> All male persons between 16 and 60 years of age who can not both read and write the English language or some other language. But no parent of a person now living in, or hereafter admitted to, this country shall be excluded because of his inability to read and write.

Mr. GIBSON. I am obliged to the Senator from New Hampshire.

Mr. CHANDLER. That was in the bill as it came from the House, and the Corliss provisions also. The Senate substituted a different reading and writing clause and omitted the Corliss provisions entirely.

Mr. GIBSON. I understand.

Mr. CHANDLER. Then the course of conference was as the Senator states. However, I did not wish the Senator to remain under the mistaken impression that there was no reading and writing test in the original bill as it passed the House, because there was.

Mr. GIBSON. I stand corrected to the extent of error to which the Senator from New Hampshire called my attention, and I am very glad he did so. I desire to call attention to the fact that there was not in the House bill the provision which is in the Senate bill. The House bill provided that all "male" persons between 16 and 60 years of age, etc. That is what I referred to.

Mr. CHANDLER. That is right.

Mr. GIBSON. That is the difference between the two bills. I did not mean to say that there was no educational test, but that the educational test in the House bill was applied only to males, permitting females to come in from abroad without the educational test. That is what I had reference to, and I am very much obliged to the Senator from New Hampshire for calling my attention to it. But the fact remains, so far as the principle is to be considered, as I have before stated.

Now, Mr. President, in the conference report there was presented for consideration a feature which had never been considered by either the House or the Senate in so far as the educational test is concerned, and so abhorrent to the sense of the Senate was the exclusion of the wife, while admitting the parent or the grandparent of the illiterate immigrant, that before the point of order made by me could be passed upon by the Senate the distinguished Senators submitting the report withdrew it and asked for a further conference between the House and the Senate to cure this defect, to cure this ill, which it seems the conferees had not properly regarded.

Without commenting further in this connection, I will state that we are now met with another conference report, that I will proceed now to consider, which has remedied only one feature of the bill which the Senate instructed the conferees to remedy in other respects.

Mr. CHANDLER. Mr. President, one word right there. The Senator will also admit that section 9, which was objected to, has been stricken out.

Mr. GIBSON. De minimis non curat lex. Section 9 was admittedly of no effect; it had no purpose; it was surplusage, and whether it stayed in or whether it went out was absolutely immaterial.

Mr. CHANDLER. The Senator, in speaking of the de minimis principle, is belittling his own argument. He made quite an objection and quite a noise against section 9. Now, when it is stricken out, he ignores the fact entirely that it was stricken out.

Mr. GIBSON. Mr. President, I do not like to be diverted from the line of my argument by the suggestion of the Senator, because it is immaterial whether section 9 was there or whether it was not there. However, as the distinguished Senator has referred to it, I will pay him the respect to look at it. I think I am right, however, in my view that it is simply adding to the penal clause of section 5, providing for the punishment of the violation of section 5, not enlarging it. It is only declaratory of what had been suggested before.

Mr. CHANDLER. No; section 9 of the original conference report. The Senator made great objection to that.

Mr. GIBSON. If the Senator from New Hampshire will do me justice, he will recollect that it was not the Senator from Maryland, but the Senator from New York [Mr. HILL], who objected to section 9. It was the section referred to by the Senator from New York as presenting to his view of the case an additional objection in reference to what had been urged as to other sections by the Senator from Maryland and other Senators.

I will proceed to reiterate a suggestion before made that the conferees have not discharged the obligations devolved upon them in the instructions with which they were invested or charged as a part of their duty. The admission of the wife, it is true, is provided for, but, with a degree of persistency which I will not charge as woefully ignorant or willfully persistent, they have undertaken to draw a distinction between "immigrants" in the bill and the "residents" before this legislation had been sought.

This construction which I am compelled to put upon the immigration bill as it comes from the conference committee does gross injustice to a large class of our bona fide residents and makes a discrimination against them which is unjust and un-American, if not clearly unconstitutional.

According to the text of the first section of this bill, a resident of this country can not, in my judgment, send for his illiterate wife, parents, or grandparents, regardless of whether he himself can read or write. As there is no provision in section 2 providing the pleasing machinery of a civil-service examination for a resident, but only for the unfortunate immigrant, how can a resident have his family with him? Now, if this is not the intent of the

bill as it comes from the conference, what other or more liberal construction can be placed upon those words of doubtful import, "similarly qualified and capable?" Why should any resident American be obnoxious to the provisions of an immigration bill? Even a resident who may have either declared his intention to become a citizen of the United States or taken out full papers of naturalization comes within the unfriendly provisions of this measure as reported from the conference.

It is true that a wife or minor child unable to read and write may accompany the immigrant or be sent for and come to join the husband or parent of the immigrant referred to, "similarly qualified and capable," but it excludes from the provisions of this exemption of the illiteracy feature of the bill the wife of a "resident" of the United States who has been here one month or more before the passage of this act—if the measure should become a law—while the "immigrant" may bring his wife or send for her after he gets here.

No immigrant, even if he be a citizen for years, can have his old illiterate father and mother come to this country, because he has not been examined. The bill says that the former may be admitted, if they belong to a qualified immigrant over 21 years; in other words, an immigrant can bring his parents in, if he has passed the examination, but all those who came before the enactment of the Lodge law can not have that privilege, because they have not qualified. This is a discrimination against immigrants who are already in this country.

Those who have come to this country before this time, who have been waiting anxiously for the time to come when by their careful savings and their pinching to save here and there they could send for, when they had money enough, the illiterate wife and child whom they had left behind and beyond the seas, are excluded.

Was it the sense of the Senate, Mr. President, in sending back this measure to the conference committee to make this distinction? Is it not, on the contrary, that it was recommitted to the conferees to present a report which should in its broadest sense, and not in its narrowest construction, admit those who had been excluded, to wit, the wife and child of the resident previous to the passage of this act?

The provisions of a law like this should be so plain that he who runs may read, nor susceptible of doubtful construction; it should contain a distinct clause, either permitting or prohibiting, if such be the desire of Congress, the landing of an illiterate wife, children, parents, and grandparents of a resident of this country, irrespective of the literary qualifications of this resident himself.

I pass over that view of the case, Mr. President, and come now to the feature of the Corliss amendment, though I shall recur to the second section later on as referred to by the distinguished junior Senator from Massachusetts in what he said a day or two since. In inveighing against the importation across our Canadian border, the distinguished Senator says it has a wider scope and intent than that. He said previously:

> There seems to have been a widely spread idea that the Corliss amendment was aimed simply at the small number of aliens who come over the border from Canada to work in some of our northernmost States.

[At this point Mr. LINDSAY suggested the absence of a quorum, and the roll was called.]

Mr. GIBSON. Mr. President, I will resume where I was unfortunately interrupted, and I hope the Senate will not enforce the agreement which was made in my absence in reference to taking the vote at 4 o'clock. The Senate will understand that these interruptions have occurred in the course of my remarks, and I wish to ask the indulgence of the Senate to permit me to proceed until I have concluded, although the hour of 4 o'clock may have arrived.

The Corliss amendment, to which I was directing the attention of the Senate, is what occurs to me as one of the most outrageous features of this measure, next to the exclusion of the wife under the illiteracy test. Such legislation would bring dishonor and disgrace to us as a nation and blacken the fairest page of our country's history. The Corliss amendment, under the provision of the Senate bill, to which attention was called when it was first considered by the Senate in the speech of the distinguished Senator from Massachusetts, was intended to reach what he called birds of passage from Italy to the United States. Italians, who came to this country and, under the system of labor by which higher wages were secured than elsewhere, had made a little money, had gone home to spend it, and came back again the following season, going alternately backward and forward as they saw fit, were to be excluded under the Corliss feature, as the distinguished Senator from Massachusetts said. That feature of the Corliss amendment will not exclude Italian laborers alone. They are but few in this connection. They are not the "birds of passage" that are affected by the bill, but it is a class of citizens on our borders, in the States bordering on the Canadian and Mexican frontier, that are affected.

Senators LODGE and CHANDLER found themselves—

As the Philadelphia Record says—

> unable to frame a statute to arrest railway engineers and firemen at the Canadian line and put native Americans in charge of the trains on this side of the border, and so they gave it up. But woe to the wight who should come over the line from Canada in the morning to work in Detroit, Toledo, Oswego, Plattsburg, or some other border town, and go back in the evening! The guilty wretch so offending habitually would be liable to punishment for misdemeanor by a fine of $500 or by imprisonment for a term not exceeding one year, or both.

What a rare jewel is consistency, Mr. President!

Massachusetts and slavery, the selling of slaves in the South and the horrors of separation of families and the "fugitive slave law!"

What iniquities more strongly denounced by Massachusetts than these? And yet to-day we have Massachusetts invoking in an immigration bill what it suited her purpose in times before to inveigh against.

The fugitive slave law, which was intended to further the carrying out of the Constitution with reference to the return of fugitive slaves in the South, is absolutely adopted in the conference report.

We know of no legislation—

The Philadelphia Record proceeds to say—

> We know of no legislation so despicable as this since the passage of the fugitive slave law. That law was designed to better enforce a provision of the Constitution requiring the delivery of fugitives from labor. But it was so mean and so atrocious in its premises, making crimes of acts innocent and humane in themselves, that the moral sense of the country revolted against it, and the Government was powerless to enforce it. This immigration bill attempts to make a crime out of the right of locomotion and of the equally sacred right of earning a living by the sweat of the brow. The fugitive slave law denounced heavy penalties against any person who, in obedience to the dictates of humanity, should give food to a fugitive or refuse to deliver him up to his owner. This immigration bill would subject to like fine and imprisonment any citizen of the United States who should employ a Canadian or Mexican crossing the border to and fro in pursuit of his daily vocation.
>
> Meaner than the fugitive slave law, this bill would violate the simplest rites of hospitality and the observance of good neighborhood.

The Senator from Massachusetts refers with a great deal of zeal to the fact that he—

> Was informed by an inspector of immigration on the Lakes that in one day in last December $4,000 were paid in wages by one firm of contractors to aliens and $2,700 by another.

How many days in the year were such sums ever paid? Will the Senator from Massachusetts answer?

The evil which he proposes to reach will be met by another evil infinitely greater in its character and in proportions which do not seem to have for a moment engaged his attention. What is the evil of paying $2,700 in one day under this law to Canadian laborers on our public works compared to the "evil" that will result in the measures which are sought, if this conference report be adopted, in doing away with $8,000,000 of trade in the city of Detroit alone? Canada, with an area greater than that of the United States, with only 5,000,000 population compared to our 75,000,000—1 in 15—is to be held up as a great bugaboo, if I may so express it, which we are called upon to defend ourselves against! Which has the most to lose—Canada or the United States?

In whose interest, Mr. President, is this discrimination? In the interest of the States of this Union? Not so. From no State of the forty-five States of the American Union has there come one single note of protest against the furtherance of this class of immigration.

Behind the "immigration bill" is not the sentiment of the States, but it is a sentiment of the "trades unions," formulated into this expression of sentiment by the Anti-Immigration League of Boston, Mass.

Let us see what the people have to say in this connection, Mr. President.

The Detroit Evening News, January, 1897, says:

> It appears from the figures compiled in the office of the collector of the port of Detroit that our immediate Canadian neighbors are a source of constant revenue to us through the trade they give us annually. Borrowing the language of the protectionists themselves, the balance of trade between our country and Canada for the past year has been overwhelmingly "in our favor." That is to say, we have sold those people more than $5,000,000 more than they have sold us. Yet, if a poor Essex County countrywoman, desirous of buying something in the Detroit market which she can not buy in her own markets, takes on her arm a basket of eggs with which to facilitate her purchases here, a great cry goes up from some demagogue or some lunkhead who has been "studying the economic problem," that Canada is flooding our market with dairy produce to the great wrong of the American farmers. Yet examination shows that the value of the dairy products which we sent to Canada during the year 1896 was $233,000, while the total value of all the eggs entered at this port was only $240. A great fuss has from time to time been made about the practice of the Canadian farmers flooding our markets with Canadian hay, when the books show that only $5,000 worth of hay, all told, came to this side during the year. In most instances the petty trade is wholly "in our favor," and yet the common belief that the Canadians come and use up our markets for us as they would borrow and wear out our umbrella has made it possible for Mr. CORLISS to make a feeling of prejudice against the Canadian workingmen, a very few of whom enjoy the privileges of work on this side of the line.

The United States is profiting by $5,000,000 a year more in the balance of trade which comes to us than belongs to Canada.

[Detroit Evening News, January, 1897.]

The News has already shown that, whatever may have been the disparity in former years, the tables have now turned, and there are as many Americans who do transient labor in Canada as there are Canadians who do such work on this side. This reciprocity is now so complete that the entire lumber regions of northern Michigan and Canada have come to be one interest industrially. Michigan lumbermen are much nearer to the Canadian interests than they are to the Minnesota and Wisconsin interests. No man can foresee the inconvenience which the Corliss artifice is going to work in these lumber interests alone.

But the News has also shown that the Corliss amendment is an act of hostility to the city of Detroit. The annual trade of this port with Canada amounts to more than $8,000,000. Retail merchants who have protested against the Corliss artifice say that the trade with the border Canadian towns which does not find its way to the custom-house records would increase these figures largely. According to the figures in sight, Detroit and Michigan sell Canada $5,000,000 more than Canada sells us, and every one of the figures not in sight would go to increase this balance in our favor. Down in Washington, and even out at Lansing, the impression exists that Detroit is commercially bounded only on three sides. This is a mistake. We have four sides, and our eastern side in not our least valuable one. A statesman with a broad mind would infer all this by the very fact that they interchange labor across the border here. By actual count there are on the average fewer than fifty persons living in Canada who earn a living in Detroit over and above those who go from this side to work in Canada. This blow at Detroit's commercial interest would never be able to pass this or any other Congress without some such measure as the Lodge bill to drag it through. Mr. CORLISS has been carried off his feet by the demands of a few people who have not thoroughly investigated the question in all its bearings.

An editorial from the Detroit Free Press of January 23, 1897, in the same connection, says:

Congressman CORLISS's bill for the exclusion of immigrants has at least the merit of plainness. There can be no doubt at what and whom it is aimed. It is intended to reach the Canadians who make their homes across the river and come daily to Detroit to work, returning at night. Incidentally it reaches a similar class who cross at Buffalo, at Port Huron, at the Sault, and at Cape St. Vincent, on the St. Lawrence; but the Congressman's object is to reach those who cross here and to put a stop to their coming.

If the tide moved only in one direction, and that toward the American shore, the measure would be less open to criticism than it is. It would still belong to the "Chinese wall" order of legislation and appeal to prejudice rather than to statesmanship or sound economics. It would involve, however, no very injurious consequences to the general American public, which can not be expected to take any great amount of interest in the Canadians who seek employment on this side of the boundary line, and it would gratify the labor unions, in whose interests it has been framed.

But, unfortunately for the measure and those whose interests it is supposed to further, the flood does not move only one way. There are quite as many American citizens who cross into Canada daily to work as there are Canadians who cross into the United States; and the work they do in Canada is of a higher grade and commands higher pay than is the case with those who come into this country. It is estimated that the number of Canadians who cross the river at this point from Walkerville, Windsor, and Sandwich to work on this side is not far from 400. The list comprises a few mechanics, many clerks, typewriters, pieceworkers, etc. They are met, however, at the ferry dock by an equally large stream going the other way to work in the establishments of such firms and corporations as Parke, Davis Co., D. M. Ferry & Co., Acme White Lead and Color Company, Seely Manufacturing Company, Stearns & Co., Penberthy Injector Company, Globe Tobacco Works, Hurley Coal Company, Daniel Scotten, and numerous others. Most of this army are skilled workers, commanding good salaries and wages, which they expend in Detroit for house rent and the necessaries, comforts, and luxuries of life. Besides these, there is a frequent exodus from this side of sewer diggers, masons, builders, carpenters, plumbers, and other mechanics, who are in demand in Windsor, Walkerville, and Sandwich, but whose money is expended in Detroit. It may be remarked in passing that much of the money earned by Canadians who work in this city is also expended here, because of the superior opportunities offered in a large city to supply their wants at low prices.

What is true here is true also of many other frontier cities—of Port Huron, of Buffalo, of Ogdensburg. There are Americans also who cross the line and go to the interior of Canada, to Kingsville, to the oil regions, to the lumber woods, and other places, but who still retain their American citizenship and residence and spend most of their earnings at home.

It will be the height of folly for Congress to pass the Corliss measure without taking these American workers in Canada into serious consideration. It is a well-known fact that the Canadian Government at Ottawa is only waiting for the passage of the Corliss bill to retaliate, as any self-respecting Government would. It is morally certain that the exclusion which the Congressman proposes of Canadians who come to this side to work without taking up their residence here will be promptly followed by the exclusion from Canada of those Americans who cross to that side to work, returning home at night or at short intervals And it is just as certain that in any such game, wholly aside from any sentiment involved in the matter, the United States will be the loser, because it has more to lose than Canada has.

Mr. President, I should like to ask the distinguished Senators composing the conference committee on the part of the Senate what earthly meaning, what earthly connection in the sense that it is germane, section 4 of this conference report has to the illiteracy test which is intended to be submitted to the immigrant? It was an educational test which the Senate directed the conferees to report upon. It was an educational test to which the immigrant was to be subjected. You have done all that after repeated endeavors, and now, when the alien is "capable and qualified," you want to starve him to death! What earthly sentiment are you after gratifying when there is inserted here this:

SEC. 4. That it shall hereafter be unlawful for any male alien who has not in good faith made his declaration before the proper court of his intention to become a citizen of the United States to be employed on any public works of the United States, or to come regularly or habitually into the United States by land or water for the purpose of engaging in any mechanical trade or manual labor, for wages or salary, returning from time to time to a foreign country—

clogging the progress and development of a proper restriction of immigration, as I submit in this connection, with the absolute requirement of an appeal to the courts to determine a question which ought not to be submitted under such considerations if restriction of immigration is intended? It is for the courts alone to determine what and who are those who come regularly or habitually into the United States by land or by water.

Section 5 is one of the most drastic of all the sections of the bill under this conference report, imposing a penalty upon the sacred right of a man to earn his daily bread by the sweat of his brow, taking away from him absolutely two of those inalienable rights which belong to him by virtue of his individuality and not by virtue of citizenship. The provision is:

SEC. 5. That it shall be unlawful for any person, partnership, company, or corporation knowingly to employ any alien coming into the United States in violation of the next preceding section of this act.

Then in section 6 it is provided—

That any violation of the provisions of sections 4 and 5 of this act by any alien or citizen shall be deemed a misdemeanor, punishable by a fine not exceeding $500 or by imprisonment for the term of not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.

Undemocratic, anti-American, cruel, such legislation! "What a shameful step in the nation's downward progress." Even if it does put a check upon the immediate immigration of "undesirable immigrants from southern Europe;" even if it does keep "out these birds of passage" across our Canadian and Mexican border, it brings a blush to the cheek of every American who has heretofore rejoiced that—

His country's
Free latch-string never was drawn in
Against the poorest child of Adam's kin;

and who is humiliated to reflect that the United States is no longer—

She of the open soul and open door,
With room about her hearth for all mankind.

The alien who comes across the border in violation of this edict, and the citizen who gives him shelter under circumstances where the good Samaritan might have bound up his wounds and given him meat and drink when he had fallen among thieves by the wayside, is to be punished under this law by imprisonment and a fine of $500 in the discretion of the courts of the United States. Find me in any of the provisions of the fugitive slave law, so vehemently inveighed against by that proud Commonwealth of Massachusetts, any language which presents features so repulsive to the sense of the American citizen and the American people as is proposed by this conference report, denying the alien upon whom the storm may beat the right to a roof over his head, denying a crust of bread to him who has appealed for relief, and subjecting those who furnish it to fine and imprisonment.

Mr. CHANDLER. Will the Senator yield to me for a moment?

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from New Hampshire?

Mr. GIBSON. I do, Mr. President.

Mr. CHANDLER. As the Senator is making the last speech on this bill, I venture to interrupt him to say that there is not a line or word in the bill which affords any foundation whatever for the last remark of his. There is nothing whatever which impinges upon the right of giving hospitality to any alien. The Senator ought, in justice to this great subject, to confine himself to the language of the bill and to legitimate argument. The forbidden act is the coming of an alien regularly and habitually to work in the United States without making a declaration of intention to become a citizen of the United States, and returning from time to time to a foreign country. When the Senator makes this denunciation of Massachusetts——

Mr. GIBSON. Oh, no.

Mr. CHANDLER. And talks about the bill as if it forbade the rights of hospitality, he is violating, as the Senator from Delaware [Mr. GRAY], I think, violated, and I do not know but intends to continue to violate, the principles of fair argument.

Mr. GRAY. One moment, Mr. President. The Senator from New Hampshire just now violated his well-known rule of accuracy when he quoted from the bill, and said it only prohibited men coming here "regularly and habitually." The language of the bill is "regularly or habitually," which is a very different thing. A man comes here regularly and comes here——

Mr. CHANDLER. The Senator is right. I substituted "and" for "or." I find the Senator right in that little particular for once.

Mr. PALMER. May I be allowed to ask a question?

Mr. GIBSON. Yes, sir.

Mr. PALMER. If a man agrees to work for his board would that be an offense against this proposed law?

Mr. CHANDLER. If board is wages or salary, yes. If board is not wages or salary, it would not be an offense; and it would be an offense only, as the Senator knows, where the alien regularly or habitually returns from time to time to a foreign country.

Mr. PALMER. Might one permit an alien to work for his board under the bill?

Mr. CHANDLER. I want to answer the Senator from Illinois. He repeats what is an incorrect statement. Nothing of that kind is in the bill and nothing which warrants the inference which he makes.

Mr. GIBSON. Mr. President, I did not expect the Senator from New Hampshire to look through the same spectacles as myself at this bill, but I did expect before this debate was concluded that he would feel called upon to defend this very feature of this conference report to which I now call his attention. I repeat, if these three sections, which must be taken collectively or in connection, mean anything, they mean, first, that——

[At this point the honorable Senator yielded to Mr. LINDSAY.]

Mr. GIBSON. Mr. President, far be it from me, in the course of the remarks which I have submitted, to which my attention has been called, to reflect upon either the State of Massachusetts or any other State in the American Union in this connection. The distinguished Senator from New Hampshire [Mr. CHANDLER], who made the suggestion, will bear me out that my statement was that it was a striking coincidence that from Massachusetts, the State in the Union which inveighed most strongly against these two features of our system of legislation, the amendment of the Constitution with reference to slavery and of slaves being sold across the border, and the fugitive slave law, should come at this time to the support of this measure. That is all I propose to say in that connection, Mr. President.

I wish, Mr. President, to call the attention of the Senate to a letter which I desire to insert as a part of my remarks, as I do not wish to detain the Senate by reading it, which is addressed to me by a citizen of Detroit on this subject.

The VICE-PRESIDENT. The letter referred to by the Senator will be inserted in the RECORD, in the absence of objection.

The letter is as follows:

DETROIT, *December 10, 1896.*

DEAR SIR: The Washington dispatches state that Senator LODGE'S immigration bill was laid over to allow you to look into the matter. Regarding Mr. LODGE'S portion of the bill I have nothing to say, only that thousands of good emigrants have come into America in the past unable to read or write. But it is the portion due to Mr. CORLISS that I wish to refer to. Mr. CORLISS states that thousands of Europeans come into Boston and New York yearly and go home again in the fall after working here all summer. Whether the United States is justified in building a wall around the country to keep out a few men who eventually, no doubt, settle in the country, when the countries they come from take millions of dollars' worth of the manufactures of this country, furnishing employment to vast numbers of Americans, is not for me to say. It is in respect to the original reason why the bill was introduced by the late member of Congress, Judge Chipman, namely, the preventing of people living in Windsor from working in Detroit, while retaining their home in Windsor. Although nearly as many people living in Detroit are at various periods of the year employed in Windsor and Walkerville, yet shutting out the Canadians is quite popular with the people who voted Mr. CORLISS into office. Hence his energy in pushing it. Now, a little light on the subject. Windsor and Walkerville are opposite Detroit, half a mile away, and being close to the center of Detroit business center, many people have resided there and bought little homes, in preference to going to the outskirts of the larger city, with expensive car fare. But many of them are employed in Detroit as clerks, various mechanical trades, sales ladies, etc. So that Windsor owes a large share of its prosperity to this item alone. Many Detroiters have invested in property in its confines, Mr. CORLISS owning 900 feet front on one of the main avenues. The amount thus owned figures up on the assessment roll at over $800,000, at a low estimate.

Now, the American portion is this: Hiram Walker, the great Canadian distiller, came here many years ago without a dollar hardly and engaged in the whisky business. He is now worth several millions, and has taken all his profits, practically, outside of his business, to the American city of Detroit and invested it there, to the great loss of Canada. He still continues doing this, and no doubt takes more to Detroit every year than several hundred people could do in the way of mechanics and shop girls. Again, Windsor is full of branch stores of Detroit wholesale houses, from seeds to billiard tables and wholesale drugs, in order to escape the Canadian duty, mostly officered and run by people living in Detroit. The number thus employed was taken during the last session and should now be on file in the Immigration Committee room, and the numbers about equaled each other, not taking into consideration the fact that the profits from these branches and the large salaries of the managers are in the main taken to Detroit and spent. So that approximately it may be stated that for every dollar taken on Saturday night from Detroit to Windsor, the Canadian town, $2 are taken from Windsor and Walkerville to Detroit, not counting the colossal incomes from the Walker distillery. Even the elegant ferry line is an American affair, so that there is perfect reciprocity here on the Canadian side at least, while the United States has the alien-labor law which works all right for labor outside of these towns. Again, Detroit is a natural buying resort for the people of these two towns, so that really there is no call for such a bill as Mr. CORLISS would have your honorable body put into law.

Suppose the bill passes. All people now living in Windsor would be compelled to move to Detroit, or lose their positions. This would in many cases be ruination to those compelled to sacrifice their little homes. You can readily see what hardships this would entail. It would be a public calamity.

On the other hand, the people now employed in Windsor, living in Detroit, would go through the same ordeal, for a bill identical with Mr. CORLISS'S has had one reading in the Canadian Parliament, and would be at once passed and enforced. Now, where would be the benefit to the American workman? Consider that all along the American frontier a like upheaval whould take place. Canada's Soo Canal is almost exclusively used by American vessels; 7,000 went through last year, at no expense to them. The Canadian lumber woods are largely owned by American capital, with Americans imported to work there in the summer.

This, and much more, the mines, etc., furnishing employment for Americans in the summer. Can you not see what a condition of things would ensue if the Canadian Government got its back up and rigidly enforced their bill along the frontier? It would be a very unfriendly act, at the least, and would in the end cause untold trouble. Less things have brought on a war.

I live in Windsor, and own much property close to Mr. CORLISS, and I work in Detroit, owning property there. I do not expect you will pass laws for Canadians, but in this case it will be as unfortunate for one as the other, so I hope you will see your way clear to vote against placing Mr. CORLISS'S amendment on the statute books of the United States. I lived for many years in Detroit, hope to again; but this measure would aid no one but Mr. CORLISS, who would be the great Republican workingman's friend, though it would injure American labor more than it would help it.

Hoping you will give this due consideration, I remain,

Your obedient servant,

ROBERT A. TIMMS,
75 Bates street, Detroit, Mich.

I wrote Mr. LODGE on this subject exhaustively.

Hon. Mr. GIBSON, *Senator, Washington, D. C.*

Mr. GIBSON. I ask leave also to insert as part of my remarks, without taking the time of the Senate to read it, another letter from a citizen of the United States relating to the subject.

The VICE-PRESIDENT. The letter referred to by the Senator will be printed in the RECORD, in the absence of objection.

The letter is as follows:

WINDSOR, ONTARIO, *February 9, 1897.*

DEAR SIR: We who live on the border, and can understand what a war of exclusion by the United States and Canada will mean, wish you godspeed in your efforts to crush out Mr. CORLISS'S amendment to the immigration bill. I had the pleasure of addressing you before, when I forwarded you certain information pertinent to the question, and now, after Mr. CORLISS has succeeded in again having the immigration bill passed in the House, do I come to you and ask you, in the name of both Canadian and United States citizens employed on both sides of the line, to use all your influence to defeat the bill when it comes up in the Senate. We on this frontier are living in peace, but this bill will change it into but little removed from a state of war. This town is full of branch manufactories of Detroit houses, officered at big salaries, and very often the employees coming from Detroit, with not a question against it, and most liberal treatment at the Canadian custom-house for their large importations of goods in the rough that are finished in Canada, thereby escaping a heavy duty. These firms will feel it, just as all other American-owned institutions through the length and breadth of Canada—its fair woods, its mines, and everything in which American citizens are employed or are owners—if a state of war is declared by the American Congress. And it will be a state of war, too, only firearms will not be used; but American capital will feel it. We want to live in peace; we put out the right hand of fellowship to American capital and American labor and give them the same privileges and the same rights we give our own people; but if you will make war on us (at the behest of a few trades unionists), why, Canada will have to reply. God bless your efforts in behalf of peace, and may you be successful in your efforts in the Senate.

Wishing you success, I remain, truly yours,

ROBERT TIMMS,
Employed at 75 Bates street, Detroit, Mich.

Senator GIBSON, *Washington, D. C.*

Mr. GIBSON. I return now, Mr. President, to the second section of this bill, having sufficiently considered the Corliss amendment, except to say, what I was about to add, that there is only 1 in Canada to be benefited where there are 15 of the people of the United States to be benefited in view of these reciprocal relations which now exist, and which are the result of the unwritten law, not the lex scripta, in the shape of any tariff regulation of the United States, but a law which has been recognized from time immemorial, and laws which are of benefit not only to the States bordering on the Canadian frontier from Buffalo to Lake Michigan, but to the 50,000 miners in the British Dominion to-day, American workmen, recognized by the Canadian Government, and recognized in their relation as benefiting the United States.

I now refer to section 2, which reads:

For the purpose of testing the ability of the immigrant to read and write, as required by the foregoing section, the inspection officers shall be furnished with copies of the Constitution of the United States, etc.

If this second section of the proposed law is sought to be enforced, if this conference report shall be enacted into a law, there is no feature of the appropriations made at this session of the Fifty-fourth Congress of the United States that will begin to measure in magnitude with the appropriations necessary to be made to carry out the provisions of this law. There is no feature of legislation on our statute books to-day which is fraught with the expense in the shape of appropriations incident to the expenditure here. Senators can not have regarded this provision of this conference report, a provision never agreed upon in the other House and never agreed upon in the Senate. It can not be made effective, as I shall show you, Mr. President, in a few words.

I have here an official communication from the Commissioner of Immigration in the port of New York, Dr. Senner, who is best able to advise the Senate and the country of the details incident to the carrying out of this legislation to restrict immigration. He says:

The available space at Ellis Island is divided into eight aisles, an arrangement by which we are enabled to examine eight immigrants at a time, devoting an average of three minutes to each immigrant, thus disposing of 160 per hour. In order to furnish shelves for writing purposes we would be obliged to reduce the number of aisles to four, and the additional time for the writing test is estimated at seven minutes, making ten minutes for the examination of each immigrant. Making the calculation upon the basis of four aisles and ten minutes per immigrant, we have only examined 120 in the first five hours, according to this calculation.

Where will that lead us, Mr. President? In the carrying out of the provisions of this section of the bill, if it takes, as it will, five hours and thirty minutes for 120 immigrants, it will take eighteen hours for 500 immigrants. If we have 5,000 immigrants at Ellis Island at a time—and we have had them there frequently; and I noticed in a speech the other day of a gentleman [Mr. MAHANY], a member of Congress from New York, whom I have the pleasure of seeing in the Chamber at this time, that as many as 10,000 immigrants have arrived at Ellis Island or the port of New York in one day—but putting these figures as I have estimated them, if it takes eighteen hours for 500 immigrants to be examined, 5,000 at Ellis Island at one time will require one hundred and eighty hours to examine, allowing ten hours for a working day, which is two hours a day longer than they work there now. It will require eighteen days to examine 5,000 immigrants at Ellis Island. Eighteen days make three weeks. If you double that, according to the statement of gentlemen who are familiar with this feature of the subject, it will take six weeks to examine 10,000.

What is to become of the 10,000 or the 5,000 immigrants who land at Ellis Island? Where are they to be accommodated? The accommodations now are scarcely sufficient to meet the ordinary demands of inspection.

Mr. CHANDLER. Will the Senator kindly tell me from what paper he is reading?

Mr. GIBSON. I am reading from the report of Dr. Senner to Hon. RICHARD BARTHOLDT, of the House of Representatives, dated January 15, 1897.

Mr. CHANDLER. Has the Senator seen the letter from Mr. Stump, the Commissioner-General of Immigration, of January 20, 1897, to Mr. BARTHOLDT?

Mr. GIBSON. I have not. I have never seen it and never heard of it.

Mr. CHANDLER. I hand it to the Senator. It is a full refutation of the wild statement the Senator is now making. I trust he will let it be put in the RECORD.

Mr. GIBSON. I will appeal from the Commissioner-General to the commissioner of the port of New York, as being more familiar with the details of what goes on at Ellis Island, whose business it is to be there every day and every hour when work is to be done and when examinations by inspectors are to be made.

Mr. CHANDLER. Will the Senator put in this letter from Mr. Stump?

Mr. GIBSON. I decline so to do, Mr. President. That belongs to the Senator in his own time and according to his own views of the case. I am now discussing what the Senate and the country must contemplate in the carrying out of this educational test.

> A little learning is a dangerous thing;
> Drink deep, or taste not the Pierian spring.

These poor illiterates are required to be educated just sufficiently to read and write twenty words, unmeaning as they may be, of the Constitution of the United States, which has as much force, character, and effect to them as Sanskrit. Yet the education of those immigrants to read twenty words of the Constitution and to write them in the poor, hard-fisted, cramped hands of those who have been used to labor rather than the requirement of a test which means nothing to them, is to cost the taxpayers of this country millions of dollars in the shape of appropriations to carry out this law. Ellis Island in area will not be equal to the task; three times the extent of that area will not be sufficient to give the accommodation to these immigrants. They must be housed and fed there before their feet can be planted upon one other spot of American soil, and not only to be kept in quarters, but to be as comfortable as comports with the dignity of the United States, which has offered an asylum to the oppressed of every land. When they get here we are not to treat them as they were treated whence they came, but to treat them with the humanity which belongs to the American people, giving shelter and food during the five or six weeks that 5,000 immigrants are to be detained for the purpose of this educational test of their right to land.

With due deference to Dr. Senner, I submit, Mr. President, that ten minutes is a very moderate limit to allow for the inspection of these immigrants. The strength of a chain is its weakest link. Every link of a chain may, save one, be forged with a degree of strength to anchor a battle ship at its moorings, but if there be one link weak she drifts from her moorings upon rocks she knows not of. The length of time required for the inspection of the slowest immigrant, which may be half an hour or longer, will be the measure of time required for each detail at the several batches of immigrants. Inspectors! How many "inspectors" will be necessary to carry out the provisions of this bill? Twenty-three are all now that are required at Ellis Island and only one or two at Baltimore and Boston and Philadelphia. These entry clerks, or inspectors, are now paid $1,500 a year.

But let this bill become a law, and instead of the present number we will require 200, not at salaries of $1,500 a year, but with largely increased salaries. And provided; how? Provided as inspectors are now appointed. Not so. Inspectors at the port of New York, at Ellis Island, are appointed simply for the purpose of inspecting the immigrants physically, to determine whether they come within the prohibited class as being criminals, lunatics, paupers, or persons likely to become a charge upon the country within one year; whether they are ill; whether they are suffering with disease or disability of any kind. But the inspectors to be provided under the proposed act are of an entirely different class. They are not inspectors who are to look after baggage and see that it is fumigated. They are not inspectors to see whether the germs of smallpox exist and whether filth and dirt prevail or whether the immigrants come within the classes prohibited; but they are to be appointed with special reference to a high order of educational qualification themselves, with reference to ability to determine whether or not the immigrant is "qualified and capable" to pass the educational test in some one of 200 different languages written and spoken in the world.

I hold in my hand, Mr. President, illustrations of 200 languages in this world—languages written and spoken—in which these beautiful words from the Holy Bible, so full of meaning the world over—

> For God so loved the world that He gave His only begotten Son, that whosoever believeth in Him should not perish, but have everlasting life—

have been printed and circulated; 200 languages written and spoken, not as dialects, but recognized the world over as having been translated from Holy Writ.

Not unmeaning words like those of the Constitution of the United States, but so plain that he who runs may read; as clearly seen to the mental vision in every land as was limned the sign of the cross in the skies to Constantine the Great.

Now, the President of the United States must appoint, before this law can be made effective under this nauseous nostrum of the civil-service law, three commissioners, who must be able to appoint inspectors, some one of whom can read and write themselves and determine whether others have correctly read and written in some one of these 200 languages, designated by the immigrant himself, these printed slips, etc. I know that $1,500 a year is paid to inspectors for the simple duty of determining whether immigrants are unclean and unhealthy; whether they are ill; whether they are lunatics, paupers, or persons likely to become a charge upon the community; but when you find a man who is able to speak one or many of these different languages and read them correctly, in order to determine whether the "immigrant" has written and spoken them correctly, double the salary of $1,500 and you will not yet have reached the maximum that should be paid in consideration of such distinguished services.

> The river Rhine, I own,
> Doth wash the city of Cologne;
> But tell me, nymphs, what power divine
> Doth wash the River Rhine?

I send to the desk, Mr. President, a letter from a gentleman in my own State, and ask that it may be printed as a part of my remarks:

FRANCIS B. LIVEZEY, AUTHOR AND PUBLISHER,
Sykesville, Md., February 5, 1897.

DEAR SIR: Keep up the fight against the Lodge immigration bill. We want all the working people possible to come to this country, regardless of their illiteracy. All our anarchy, all our socialism, all our industrial troubles are due to education—to educating the people to books rather than to implements. We have shut out the Chinese workers that came to us on the West, and now we would shut out those who come to us on the East.

You are not, in your opposition to the bill, submitting to "steamship and corporate influence," but you are proclaiming that the salvation of the country depends upon the workers, and that all should come here who are such. Thousands of farmers and thousands of families have suffered for years for the want of field hands and domestic servants. I have felt the want of these myself. Some years ago, before quitting farming, despairing of obtaining farm hands in the country, I advertised for one in the Baltimore Sun, and had upward of thirty clerks and bookkeepers reply, but not one genuine farm hand. I took a half-starved, smart young man from the vicinity, be it said, of Senator LODGE'S home, ingratiated him gradually into farm work, and he promised to be a workingman the rest of his life. I have had similar experiences with women.

A comparison was made in the North American Review some years ago between Massachusetts as a learned and South Carolina as an illiterate State. In proportion to population Massachusetts far exceeded South Carolina in her number of criminals, paupers, and insane. Verily, it is not the time, in the face of such facts, to accept the authorities of that State on matters pertaining to illiteracy and affecting the whole country.

An Eastern Shore (Maryland) school board advertised in the Baltimore Sun only once for a school-teacher, and the secretary wrote me he had seventy-two replies, ranging from Maine to Texas. If we want a farm hand, a chambermaid, or a cook we all know how many we get.

Fight the good fight that will bring men and women of muscle to our shores, for, unless manna descends from heaven, our poor educated classes will year by year be nearer starvation.

Very respectfully,
FRANCIS B. LIVEZEY,
Sykesville, Md.

Hon. CHARLES H. GIBSON, *M. C.*

And now, Mr. President, we recur to what is supposed to be the true inwardness of this measure, the "educational test." Here it

is, the test agreed upon by the Boston Anti-Immigration League, agreed upon by the Senate committee, and passed by the Senate:

Strike out the present section 2 and insert a new section as follows:

"SEC. 2. For the purpose of testing the ability of the immigrant to read and write, as required by the foregoing section, the inspection officers shall be furnished with copies of the Constitution of the United States, printed on numbered uniform pasteboard slips, each containing not less than twenty nor more than twenty-five words of said Constitution printed in the various languages of the immigrants in double small pica type. These slips shall be kept in boxes made for that purpose and so constructed as to conceal the slips from view, each box to contain slips of but one language, and the immigrant may designate the language in which he prefers the test shall be made. Each immigrant shall be required to draw one of said slips from the box and read, and afterwards write out, in full view of the immigration officers, the words printed thereon. Each slip shall be returned to the box immediately after the test is finished, and the contents of the box shall be shaken up by an inspection officer before another drawing is made. No immigrant failing to read and write out the slip thus drawn by him shall be admitted, but he shall be returned to the country from which he came at the expense of the steamship or railroad company which brought him, as now provided by law. The inspection officers shall keep in each box at all times a full number of said printed pasteboard slips, and in the case of each excluded immigrant shall keep a certified memorandum of the number of the slip which the said immigrant failed to read or copy out in writing."

No immigrant failing in the slightest degree to comply herewith shall be admitted. To be absolutely certain of the faithful carrying out of these important provisions, "the inspection officers shall keep in each box at all times a full number of said slips," etc.

And yet, Mr. President, after all this thought and time and care of the Boston Anti-Immigration League in formulating an "educational test," which shall turn back this monstrous, overwhelming tide of immigration from our shores, and one which has received the merit of his approval by the Senator from Massachusetts, as measuring fully up to his idea of all that is required in the way of "restricting" immigration, a subject which he says he has devoted ten of the best years of his life to the consideration of, this test is nothing. It has tumbled like a house of cards in the light of what the "conference committee" has added to this flawless production:

If in any case from any unavoidable cause, the foregoing slips are not at hand for use, the "inspection officers" shall carefully and thoroughly test the ability of the immigrant to read and write, using the most appropriate and available means at their command; and shall state fully in writing the reasons why the slips are lacking, and describe the substitute method adopted for testing the ability of the immigrant.

What a fall is here, Mr. President! What a "come down" from this high-flown, stilted emanation, that was to bring dismay to the luckless alien who dared to come to our shores, other than as the anointed child of education might come! The real test of illiteracy is abandoned to innocuous desuetude, and the "inspection officers" are left to their will and convenience to test the capacity and ability of the immigrant to read and write, "using the most appropriate means at their command!" These available means at their command may most likely be a blackboard and a piece of chalk! What a slender test, therefore, Mr. President, do we discover this "reading and writing" test to be, upon which to reverse our nation's proud traditions! "Parturiunt montes, nascetur ridiculus mus!"

Mr. Carnegie, in his Triumphant Democracy, says:

Were the owners of every gold and silver mine in the world compelled to send to the Treasury at Washington, at their own expense, every ounce of the precious metals produced, the national wealth would not be enhanced one-half as much as it is from the golden stream which flows into the country every year through immigration.

America is only a favored land for the most efficient; drones have no place in her hive; but in whatever the immigrant may fail, whether in securing wealth or home, whether he remain poor or lose health, whether his lot be happy or miserable, there remains one great prize which can not escape him—one blessing so bright, so beneficent as to shed upon the darkest career the glory of its entrancing rays and compensate for the absence of material good. The Republic may not give wealth or happiness; she has not promised these. It is the freedom to pursue these, not their realization, which the Declaration of Independence claims; but if she does not make the immigrant happy or prosperous, this she can do and does do for every one—she makes him a citizen—a man!

The Senator from Massachusetts has inveighed against the evils resulting from immigration, because, as he insists, immigration to these shores by aliens is to take away from the labor of this country what the labor of this country is justly entitled to as the reward of that labor. To that statement I reply that to-day the State of Massachusetts, which has profited more by immigration than any State in the Union, and for its area is the most thickly settled of any of the United States except Rhode Island, pays a higher rate of wages than ever was paid before, in the face of the immigration of which the Senator complains, and the hours of labor are shorter than they ever were before in the history of that State.

The best proof that unrestricted immigration does not tend to reduce wages is the fact that at the present day, after all these years of unrestricted immigration, the wages of the workingman in this country are higher and the hours of daily labor shorter than ever before. It needs only a superficial acquaintance with the nature of wages to show that they do not decrease as population increases. England has a greater number of inhabitants per square mile than Germany, and yet wages are higher in England than in Germany; and the same relation again exists between Germany and Russia. It is principally the skill and productiveness of the laborer that determines the rate of wages. As long as there is room in this country for both skilled and unskilled labor, we should welcome every man who is willing to work.

And again, labor unions, which more than ever before in the world watch over the interests of workingmen, by direct or indirect methods, effectually prevent the undercutting of wages. The rise and fall of wages due to obscure causes may occur, and be without remedy, but if it is caused by nothing else than competition among the workingmen themselves, labor unions may be depended upon to regulate it. But competition between laboring men of the class affected by this bill and Americans will never be, for skilled labor and unskilled labor work in different fields, too far apart for the higher class to be interfered with or jealous of the lower. As compared with the laborers of the class affected by this bill, all Americans are skilled laborers. They seek the shops, factories, foundries, machines, railroads, engine rooms, bridge and iron constructions, and other places where special aptitude, training, and acquired skill give larger value to their labor. There is no danger that he will overstock the market or that there will be more of him than there is demand for. In the Iron Trade Review of Cleveland there is an article calling attention to the scarcity of skilled men. And in all the departments where their work is needed there is an increasing instead of a decreasing call for such workmen.

But the Bohemian, Russian, and Italian must take and are glad to take the meaner sort of occupations—street sweeping, sewer cleaning, the digging of ditches and drains, the making of excavations, the outdoor work about mills and factories, which does not require skilled labor or special training, but only strength and industry—menial service, peddling, waiting in hotels and restaurants, fruit selling, knife grinding, toy and image making, and a great many other things which Americans do not seek and will not willingly undertake. All of these, together with many indoor employments, such as cigar and garment making, fall to the share of the newly landed, poor, and illiterate immigrants. Americans do not want such work. Hebrews, Russians, and Italians do want it; and the reason for their coming is that they may get it. They are the only persons to do it, and their presence here is a logical necessity.

This conference report, Mr. President, is not a compliance with the instructions of the Senate to its conferees. It is not only not a compliance, but it is a departure from the requirements of those instructions.

If the Senator from Massachusetts can show to me that illiteracy of foreign immigration means dishonesty in the character of the immigrant, I will vote for his bill. Education, it is true, does give polish to fine natures, but the nature may be fine without the polish of education. We want the fine nature and will do the polishing in the shape of education after the immigrants come here.

We will educate these immigrants when they get here. We will find the task less difficult to make a homogeneous mass of these people, adapting them to our customs and to our purposes, than if they had preconceived notions from the education which they had received abroad. We do not want them partial to the learning and culture of Europe. We do not want an importation of men with ideas hostile to our native civilization. In the composite population of this Republic we will have a nation of Americans peculiar to our own civilization. While it may not be "home born and home bred exclusively," in their hearts there will have grown up a spirit which will make them the faithful bodyguard of our liberties, who would be "driven into the sea at the point of the bayonet before they would renounce one principle of our Constitution."

Race deterioration! The learned Senator from Massachusetts refers to race deterioration; he urges it as one of the strongest reasons why the educational test should be submitted. He says:

If a lower race mixes with a higher in sufficient numbers, history teaches us that the lower race will prevail. The lower race will absorb the higher, not the higher the lower, when the two strains approach equality in numbers. In other words, there is a limit to the capacity of any race for assimilating and elevating an inferior race, and when you begin to pour in in unlimited numbers people of alien or lower races of less social efficiency and less moral force you are running the most frightful risk that a people can run. There lies the peril at the portals of our land; there is pressing the tide of unrestricted immigration. The time has certainly come, if not to stop, at least to check, to sift, and to restrict those immigrants.

Let us see whether history bears out the Senator from Massachusetts in the statement that the lower order degenerates the higher order. That feature exists only in his imagination, a Frankenstein that is conjured up by his own fears of what may happen, without any warrant or authority for it in history. Race deterioration is an evil which works from above downward, never from below upward. There never was but one distinctive race in this land of ours affected by immigration, and that was the race

which John Winthrop and his followers found in 1630 when they set foot on Plymouth Rock—the American Indians—

"When across the ocean there came a Pilgrim bark bearing the seeds of life and death; the former were sown for us, the latter sprang up in the path of the simple native. Two hundred years have changed the character of this continent and blotted from its face forever a whole peculiar people. Art has usurped the powers of nature, and the anointed children of education were too powerful for the tribes of the ignorant. As a race, they have withered from the land; their arrows are broken, their cabins are in the dust, and their council fires have long since gone out on our shores. Slowly and sadly they climb the distant mountains and view their doom in the setting sun. They know that there is but one remove for them, and that is to the shores of the Pacific, where they must soon hear the roar of the last wave, which shall settle over them forever."

That is what immigration has done for the inferior race. No, Mr. President, the lower classes never corrupt the higher. History is full of examples of so-called race deterioration where the vices of the higher in rank came to be practiced by the lowly, but never yet of an instance of the lower classes influencing the higher to their hurt. If immigration detrimental to the prosperity, character, and quality of our race should ever come to our country from over the seas, it will come in the first cabin and not in the steerage; he who shall sow the seeds of deterioration among our people will be the "peer," not the peasant; the "count," not the "contadini."

There is no danger of race deterioration here, Mr. President. Even if these immigrant laboring men were racially inferior, there is no danger for us to dread from association with them.

There is a quality in the composition of the Anglo-Saxon which prevents any such calamity, if it really threatened. That quality is perhaps the distinguishing trait of the Anglo-Saxon people—I mean its power of assimilation of other peoples with itself. All men mix more or less; the resultant shows the characteristics of one of the component parts, or of another; sometimes the races blend so that the new one resulting from the combination is different from either of the originals. But wherever the Anglo-Saxon has been thrown by fate in contact with other peoples he has absorbed, assimilated, and made like unto himself the other peoples. Into whatever country he has gone he has carried his own language, his own laws, his own customs, and they have prevailed. There is no reason to fear that this country will furnish an exception to the invariable rule. Senators may surely depend upon it, that if foreigners, of any class or nationality, in any numbers come to our shores it will not be long before they adopt our speech and customs and adapt themselves to our institutions. Who can doubt it? Who does doubt it? You can tell the newly landed stranger at first glance; but who shall discriminate between the native-descended American and the son or grandson of him who landed forty years ago. The newcomers will not change us, but we shall change them. Circumstances, conditions, and opportunities, denied them at home, but open to their enjoyment here, will develop in them and bring to light the virtues and abilities latent in them which they have inherited from their ancestors and which made those ancestors the most civilized, enlightened, and cultivated people of the world.

Let no man stand here in his place and say to the American people that they are in danger of deterioration by any causes not of their own making. The people who made this great and glorious country what it is, who won their independence in their childhood and maintained it in their youth, are not now in their manhood of such paltry stuff as to be unable, without danger of contamination, to associate with other peoples. Let no such humiliating apprehension influence our legislation. We are strong; we can both protect the weak and succor the needy; we can receive into our midst the sturdy and diligent laborer of Europe and utilize his strength to his profit and our own. Let us put no hindrance in the way of his coming. Let all the peoples of the world who are industrious, vigorous, and law abiding come and join in the development of this rich and extensive country and in the formation of a healthy, free, prosperous, and powerful population.

On the east front of the Capitol there stands the colossal figure of Columbus, holding in his outstretched hand the New World, to which he invites the Old.

The gateways of that New World have stood open wide but not unguarded. Over against the glorious arch spanning these portals of our land an "educational test" has been inscribed, not formulated by leagues and submitted by inspectors, in unmeaning words, but writ in characters of living light, flashing across oceans and continents and seas, "Otiosis hic locus non est; discede morator!" This land is not for the lazy; loafer depart! A legend read in every land, spoken by every tongue, interpreted at every humble fireside, and graven on every fingerboard beyond the seas, to guide the wanderer to our western land.

These immigrants come here to work, Mr. President; to work for some good, be it never so lowly. All work to them is noble and holy. They want their great deeds to be their prayer to their God!

This is the character of immigration, sifted and restricted by the wholesome laws which the Democratic party has provided, that the Democratic party invites to-day. From 1852 to 1896 these wholesome immigration laws have been invoked in every Democratic platform.

[From the Democratic platform of 1852.]

10. That the liberal principles embodied by Jefferson in the Declaration of Independence, and sanctioned in the Constitution, which make ours the land of liberty and the asylum of the oppressed of every nation, have ever been cardinal principles in the Democratic faith, and every attempt to abridge the privilege of becoming citizens and the owners of soil among us ought to be resisted with the same spirit which swept the alien and sedition laws from our statute books.

[From the Democratic platform of 1892.]

IMMIGRATION.

SEC. 12. We heartily approve all legitimate efforts to prevent the United States from being used as the dumping ground for the known criminals and professional paupers of Europe, and we demand the rigid enforcement of the laws against Chinese immigration, or the importation of foreign workmen under contract to degrade American labor and lessen its wages, but we condemn and denounce any and all attempts to restrict the immigration of the industrious and worthy of foreign lands.

[From the Republican platform of 1896.]

For the protection of the quality of our American citizenship, and of the wages of our workingmen against the fatal competition of low-priced labor, we demand that the immigration laws be thoroughly enforced, and so extended as to exclude from entrance to the United States those who can neither read nor write.

The clouds are in the heavens, Mr. President, for the Republican party on the other side of this Chamber, which has invoked and supported such legislation as is sought in this conference report. It will not do for them to say that this is a "mild measure," nonpartisan in its character, and will meet with almost a unanimous vote on this side of the Chamber. Be not deceived, Senators on this side. The voice of our Republican friends is the voice of Jacob, but their hands are the hands of Esau. If this bill is to be passed, let it be passed by Republican votes; it has no part nor lot in the Democratic faith. If the time shall ever come, Mr. President, when, as a nation, we "shall cease to sympathize with the struggles of the people of other countries for liberty and justice, our own liberties and our free institutions will be in the greatest danger."

Mr. BLANCHARD. Mr. President, I am opposed to the adoption of the conference report, and I ask the indulgence of the Senate for a few moments in which to state my objections to it.

There has been an intelligent popular sentiment in the United States for a good many years past demanding restriction upon unlimited immigration to the United States. That popular sentiment has been met by Congress in the enactment of various immigration and labor-contract laws. One of those acts created a board of immigration inspectors, whose headquarters are in the city of New York, and there they are and have been for years sitting in execution and enforcement of the laws already passed by Congress restricting immigration.

I believe, Mr. President, that the present act goes too far. It is too drastic in its terms. There are not yet enough people in the United States. It is true that the population of our country has increased from about 3,000,000 in the colonial times to about 70,000,000 now, but there is a vast expanse of the domain of the United States which is still comparatively uninhabited. We have room for many more people. The natural increase of the population of the country is not sufficient to build up as rapidly as should be the waste places of the country.

As pointed out by my colleague, the senior Senator from Louisiana [Mr. CAFFERY], there are in the United States, exclusive of Alaska, 3,000,000 square miles of territory, and of that area less than 300,000 square miles are in actual cultivation and subjected to the uses of man. That is not 10 per cent of the area of the United States, exclusive of Alaska. If we include Alaska, the remarkable fact is presented that of the domain constituting the United States there is perhaps not 5 per cent of it that is in actual cultivation.

The Empire State of the South, the State of Texas, has, including the bays which border upon it, about 275,000 square miles. That is an area almost equal to the entire extent of the domain of the United States, exclusive of Alaska, which is now subject to cultivation and to use by man. The great interior sections of the country need more people, and any immigration act which tends to exclude, as the pending bill does, the people who would like to come here, is not to the interest of those sections.

Speaking from recollection, I will state the fact to be that in Holland there are more than 600 people to the square mile, whereas in the great valley of the Mississippi River, a country as fertile as Holland and as capable of sustaining a population as vast as are the lowlands of the Netherlands, there are not 30 people to the square

mile. As my recollection further serves me, there are not more than 18 people to the square mile on the average on the domain constituting the United States.

It may do very well for certain sections of the country and for certain large cities in the United States to pass a measure as drastic as this one, but it does not do for the sparsely settled sections of the West and the South. Instead of the 70,000,000 people we have now in this country I would like to see that number doubled and even trebled.

Think what the valley of the Mississippi alone would be if it had one-third as many people to the square mile in the valley as there are to-day in Holland. It would be in itself a magnificent empire, and would then prove to be what we have always claimed for it, that it is capable of being made the granary of the world.

Mr. President, the committee that has reported this bill to the Senate have evidently gone too far, and no such drastic measure as this should be enacted into law by the Congress of the United States.

Mr. LODGE. Mr. President, I should like to say a single word at the close of this debate.

Mr. STEWART. I should like to ask the Senator to explain one feature which has been suggested in the debate and which I think might create considerable embarrassment. Miners of the West in large numbers have gone over into British Columbia and discovered mines, and they are working over there. Would there not be danger of retaliatory laws? If so, it would be very embarrassing to them. I should like to have the Senator reply to the suggestions made upon that point.

Mr. LODGE. I was going to touch on it in a moment.

Mr. President, when I addressed the Senate before, on the first conference report, I undertook at some pains to explain the so-called Corliss amendments which were in that report. While I was doing so, the Senator from New York [Mr. HILL] interrupted me with a suggestion that I was wasting the time of the Senate and my own time in discussing those amendments, for there was no opposition to them, and they were not discussed during that debate except so far as I had explained them.

The bill as it relates to the educational test, as I stated this morning, comes back in the precise form which the conferees understood the Senate desired, and in the form in which it passed the House.

The Corliss amendment provides two things. One is that no alien shall be employed on the public works of the United States. The other is that anyone who comes regularly and habitually, going back and forth from this country to his own country, shall be subject to certain penalties set forth in the bill.

It seems to me that it is difficult to find an argument in favor of the employment of aliens on the public works who are unwilling to become citizens of the United States. It appears to me very plain that the money taken from the people by taxation should rightfully be paid back to those who pay the taxes and bear the burdens.

The other point relates to those who come here regularly and habitually.

Mr. HAWLEY. Before the Senator passes from the last point, I wish to have a word of explanation. No alien who has not declared his intention shall be employed on any public works of the United States. There is no penalty provided for that, I believe. It would not punish the United States for hiring them. It does not say that the United States shall not employ; but it is put the other way; he shall not be employed there. The alien may know something about this law, and he may not know anything about it. The United States can not employ men except through its agents. Suppose Colonel Casey had employed one of these men here, would Colonel Casey then have been subject to a fine of $500 or imprisonment for a year?

Mr. LODGE. There is no statement made about punishing the United States or any officer thereof.

Mr. HAWLEY. No; but it says a "person." He then becomes like an officer of the United States who violates a patent. The private citizen brings suit against that officer as John Smith, not as captain, and gets a judgment against him. Now, here a person has employed a man whom he ought not to have employed, and he is therefore subject to that penalty.

Mr. LODGE. I suppose that any officer of the United States is bound to know the law and to enforce it and to obey it.

Mr. HAWLEY. Then the Senator thinks he would be liable to be punished in that case?

Mr. LODGE. I do not know that he would be liable to punishment under this provision, but I think any officer of the United States sworn to carry out the laws of the United States is bound to carry them out.

Passing to the other point, for I have only a moment——

Mr. STEWART. I hope the time will be extended for half an hour.

Mr. LODGE. I do not desire to have the time extended. There are Senators here who desire to vote, and they have to leave the Chamber in a few minutes. If the Senator will allow me, I will go right on to that point.

This is aimed at those who come regularly and habitually. That they come regularly and habitually has to be shown. It is not aimed at those—as there seems to be an idea—who come over the Canadian borders. It is aimed particularly at the thousands and thousands who come into our great Eastern cities and to our Atlantic seaboard. Since this debate arose I have heard the point made about miners of the West. I do not know how great their numbers are. I do know that they could not be affected except by retaliatory legislation. I do not know that there is to be retaliatory legislation. I do not see how we can legislate on that basis. But in any event it would be necessary to prove the regular and habitual coming.

Mr. President, there is only one other point I desire to make before we vote. We have heard to-day much about humanity and what humanity demands in our treatment of those who are not citizens of the United States. That humanity which has been so loudly appealed to here to-day toward all aliens of the earth whom it is proposed to admit to the United States has been exceedingly silent in regard to those aliens crouching and beaten under the lash of Spain right at our doors in the Island of Cuba. But the humanity that is nearest to us and that is most important to us is the humanity of the United States. There is to me one all-important, all-convincing reason for this bill, and that is that there is a great mass of unemployed in this country. It was proclaimed on every stump. One party proposed one remedy; another party proposed another remedy; but there was no doubt that those unemployed were here. Every immigrant who comes into this country is one more addition to the ranks of the unemployed. When all our people are employed, then we can with safety cease to restrict immigration; but while there are unemployed Americans in this country it seems to me that that amendment on which the House insists, and which if voted down here means the ultimate defeat of the bill, is an amendment that strikes at the relief of a great evil. It is only a partial relief, but still it is some relief in these bad times to take from the unemployed of our great States this eternal competition of a lower kind of labor.

The VICE-PRESIDENT. The hour of 5 o'clock has arrived. The question is upon concurring in the conference report.

Mr. MILLS. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. MCBRIDE (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. GEORGE]. If the Senator from Wisconsin [Mr. VILAS] will transfer his pair with my colleague [Mr. MITCHELL of Oregon] to the Senator from Mississippi, we shall both be enabled to vote.

Mr. VILAS. I shall be very glad to make that arrangement, letting the senior Senator from Oregon [Mr. MITCHELL] stand paired with the senior Senator from Mississippi [Mr. GEORGE].

Mr. MCBRIDE. Then I vote "yea."

Mr. MCMILLAN (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. Not knowing how he would vote, I will withhold my vote. I should vote "yea" if I were not paired.

Mr. MORRILL (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. HARRIS]. I transfer my pair to the Senator from Wyoming [Mr. CLARK], and vote "yea."

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON]. I will transfer my pair to the Senator from South Carolina [Mr. IRBY], and vote "nay."

Mr. SMITH (when his name was called). I have a general pair with the senior Senator from Idaho [Mr. DUBOIS].

Mr. WALTHALL (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. CAMERON]. I do not know how he would vote. If he were present, I should vote "nay."

The roll call was concluded.

Mr. MCBRIDE. I desire to announce that my colleague [Mr. MITCHELL of Oregon], if present, would vote "yea."

The result was announced—yeas 34, nays 31; as follows:

YEAS—34.

Aldrich,	Davis,	McBride,	Proctor,
Allison,	Elkins,	Martin,	Quay,
Baker,	Faulkner,	Morrill,	Sewell,
Brown,	Frye,	Nelson,	Sherman,
Burrows,	Gallinger,	Peffer,	Teller,
Butler,	Gear,	Perkins,	Thurston,
Chandler,	Hill,	Pettigrew,	Wetmore.
Chilton,	Hoar,	Platt,	
Cullom,	Lodge,	Pritchard,	

NAYS—31.

Bacon,	Caffery,	Gibson,	Hawley,
Bate,	Call,	Gorman,	Lindsay,
Berry,	Carter,	Gray,	Mantle,
Blanchard,	Cockrell,	Hansbrough,	Mills,

Mitchell, Wis.	Pasco,	Stewart,	Vilas,
Morgan,	Pugh,	Tillman,	Voorhees,
Murphy,	Roach,	Turpie,	White.
Palmer,	Shoup,	Vest,	

NOT VOTING—25.

Allen,	Dubois,	Jones, Nev.	Walthall,
Blackburn,	George,	Kenney,	Warren,
Brice,	Gordon,	Kyle,	Wilson,
Cameron,	Hale,	McMillan,	Wolcott.
Cannon,	Harris,	Mitchell, Oreg.	
Clark,	Irby,	Smith,	
Daniel,	Jones, Ark.	Squire,	

So the report was concurred in.

Mr. HAWLEY. I beg the attention of the Senate for just one moment.

I was unable to obtain the floor to explain the reason why, while I am willing to exclude from this country ignorance and crime, I could not vote for the bill presented by the conference committee, simply because it says, so far as the United States is concerned, that an alien coming here who has not declared his intention of becoming a citizen shall die of starvation.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 649) granting a pension to Joseph S. Bunker;

A bill (H. R. 2035) granting an increase of pension to Peter Anderson;

A bill (H. R. 2321) to increase pension of John J. Cross;

A bill (H. R. 2395) granting a pension to Benjamin F. Young, late private of Company G, First Regiment Ohio Volunteer Cavalry;

A bill (H. R. 3402) granting a pension to William Sheppard, late of Company A, Sixteenth Regiment Indiana Volunteer Infantry;

A bill (H. R. 3605) granting a pension to Grotius N. Udell;

A bill (H. R. 3842) to increase the pension to Edward Vunk;

A bill (H. R. 4517) granting a pension to Washington Baker;

A bill (H. R. 4539) granting a pension to Zolman Tyrrell;

A bill (H. R. 5183) granting an increase of pension to Wesley A. Pletcher;

A bill (H. R. 5612) granting a pension to Nathan Mitchell;

A bill (H. R. 6159) to increase the pension of Mrs. Helen A. De Russy;

A bill (H. R. 6268) to increase the pension of William N. Wells;

A bill (H. R. 6803) granting a pension to Ellen Day, stepmother of Albert L. Day;

A bill (H. R. 6922) to pension Catharine Harris;

A bill (H. R. 7073) to increase the pension of Solomon Kline;

A bill (H. R. 7079) to increase the pension of Henry O. Hyre;

A bill (H. R. 7422) granting a pension to Lydia W. Holliday;

A bill (H. R. 7647) granting a pension of $30 per month to Albert Brown; and

A bill (H. R. 7688) for the relief of John M. Laughlin.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 2974) to correct the military record of Corydon Winkler, late private Eighth Company, First Battalion, First Ohio Sharpshooters;

A bill (H. R. 8075) to remove the charge of desertion from the military record of Anton Ernst; and

A bill (H. R. 8706) to correct the military record of Patrick Hanley.

The bill (H. R. 10202) defining the jurisdiction of the United States circuit courts in cases brought for the infringement of letters patent was read twice by its title, and referred to the Committee on Patents.

GOVERNMENT RESERVATION AT FORT SMITH, ARK.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2923) for the better improvement of the Government reservation at the city of Fort Smith, in the State of Arkansas, and for other purposes; which was, on page 2, line 9, to strike out all after "States," down to and including line 16 on page 5, and in lieu thereof to insert:

That such parts of said ground as shall be occupied for said streets and alleys is hereby donated to the said city of Fort Smith for the purpose of being dedicated to public use.

That said city of Fort Smith is hereby authorized and empowered to remove the old fort walls and buildings attached thereto, and to dispose of the same for its own use.

That the Secretary of the Interior shall cause said lands to be surveyed into lots and blocks, according to the plans and surveys of said city, and shall file a plat showing such survey in his office, and he shall cause the portions thereof not specifically reserved herein to be sold at public auction to the highest bidder, upon such terms and under such regulations as he may direct; and upon the full payment of the purchase money, execute proper conveyances to the purchaser or purchasers thereof.

The funds arising from the sale of said lots shall be turned into the Treasury to the credit of the United States.

Mr. BERRY. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

GEORGE W. FERREE.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 10040) granting an increase of pension to George W. Ferree, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist on its amendment, and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. BAKER, Mr. PALMER, and Mr. PEFFER were appointed.

REVISION OF PATENT LAWS.

Mr. PLATT. On the 27th of January, from the Committee on Patents, I reported favorably, without amendment, the bill (H. R. 3014) revising and amending the statutes relating to patents, which is Order of Business No. 1472 on the Calendar. The committee has since further considered the bill, and now instructs me to report it with amendments. I ask that it may take the same place on the Calendar as the former report.

The VICE-PRESIDENT. That order will be made, in the absence of objection.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. HILL. I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. The Senator from New York moves that the Senate proceed to the consideration of executive business.

Mr. HOAR. I should like to have the regular order laid before the Senate before that motion is submitted.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States.

EXECUTIVE SESSION.

Mr. HILL. I now renew my motion that the Senate proceed to the consideration of executive business.

The question being put, there were, on a division—ayes 37, noes 3.

Mr. HILL. A quorum has not voted on the division.

Mr. BERRY. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. PASCO (when his name was called). I announce the same transfer of my pair as before, and vote "yea."

Mr. WHITE (when his name was called). I am paired with the Senator from Idaho [Mr. SHOUP]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. BLANCHARD. I inquire if the Senator from North Carolina [Mr. PRITCHARD] has voted.

The VICE-PRESIDENT. The Senator from North Carolina has not voted, the Chair is advised.

Mr. BLANCHARD. I am paired with that Senator, and therefore withhold my vote.

Mr. WHITE. I will transfer my pair with the Senator from Idaho [Mr. SHOUP] to the Senator from South Dakota [Mr. KYLE], and vote. I vote "yea."

The result was announced—yeas 43, nays 8; as follows:

YEAS—43.

Allen,	Davis,	Mitchell, Wis.	Sewell,
Allison,	Frye,	Morgan,	Sherman,
Bacon,	Gallinger,	Murphy,	Smith,
Bate,	Gibson,	Palmer,	Tillman,
Berry,	Hawley,	Pasco,	Turpie,
Burrows,	Hill,	Peffer,	Vest,
Caffery,	Hoar,	Perkins,	Vilas,
Call,	Lindsay,	Platt,	Voorhees,
Carter,	Lodge,	Pugh,	Walthall,
Chilton,	Martin,	Quay,	White.
Cullom,	Mills,	Roach,	

NAYS—8.

Baker,	McBride,	Nelson,	Stewart,
Brown,	Mantle,	Pettigrew,	Wetmore.

NOT VOTING—39.

Aldrich,	Daniel,	Hansbrough,	Pritchard,
Blackburn,	Dubois,	Harris,	Proctor,
Blanchard,	Elkins,	Irby,	Shoup,
Brice,	Faulkner,	Jones, Ark.	Squire,
Butler,	Gear,	Jones, Nev.	Teller,
Cameron,	George,	Kenney,	Thurston,
Cannon,	Gordon,	Kyle,	Warren,
Chandler,	Gorman,	McMillan,	Wilson,
Clark,	Gray,	Mitchell, Oreg.	Wolcott.
Cockrell,	Hale,	Morrill,	

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 18, 1897, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 17, 1897.

POSTMASTERS.

L. H. Young, to be postmaster at Chino, in the county of San Bernardino and State of California, the appointment of a postmaster for said office having, by law, become vested in the President from and after October 1, 1896.

Stephen C. Woodson, to be postmaster at St. Joseph, in the county of Buchanan and State of Missouri, in the place of Frank M. Atkinson, whose commission expired January 17, 1897.

Ida C. Kratochwill, to be postmaster at Boscobel, in the county of Grant and State of Wisconsin, in the place of Vandy J. Kratochwill, deceased.

APPOINTMENTS IN THE NAVY.

Chaplains.

John H. McJunkin, a citizen of Iowa, to be a chaplain in the Navy, to fill a vacancy existing in that grade (subject to the physical examination required by law).

Dean R. Leland, a citizen of New Jersey, to be a chaplain in the Navy, to fill a vacancy existing in that grade (subject to the physical examination required by law).

Medical inspectors.

Medical Inspector James R. Tryon, to be a medical director in the Navy, from the 21st day of January, 1897, vice Medical Director Henry M. Wells, retired.

Surg. George P. Bradley, to be a medical inspector in the Navy, from the 21st day of January, 1897, vice Medical Inspector James R. Tryon, promoted.

P. A. Surg. John W. Baker, to be a surgeon in the Navy, from the 21st day of January, 1897, vice Surg. George P. Bradley, promoted.

PROMOTIONS IN THE NAVY.

Lieut. Arthur P. Osborn, to be a lieutenant-commander in the Navy, from the 11th day of October, 1896, vice Lieut. Commander Clifford H. West, promoted.

Lieut. (Junior Grade) Francis J. Haeseler, to be a lieutenant in the Navy, from the 11th day of October, 1896, vice Lieut. Arthur P. Osborn, promoted.

Ensign Joseph W. Oman, to be a lieutenant (junior grade) in the Navy, from the 11th day of October, 1896, vice Lieut. (Junior Grade) Francis J. Haeseler, promoted.

Lieut. John B. Briggs, to be a lieutenant-commander in the Navy, from the 1st day of November, 1896, vice Lieut. Commander John P. Merrell, promoted.

Lieut. (Junior Grade) Edward Simpson, to be a lieutenant in the Navy, from the 1st day of November, 1896, vice Lieut. John B. Briggs, promoted.

Ensign Philip Andrews, to be a lieutenant (junior grade) in the Navy, from the 1st day of November, 1896, vice Lieut. (Junior Grade) Edward Simpson, promoted.

Lieut. Newton E. Mason, to be a lieutenant-commander in the Navy, from the 10th day of November, 1896, vice Lieut. Commander Joseph G. Eaton, promoted.

Lieut. (Junior Grade) William C. P. Muir, to be a lieutenant in the Navy, from the 10th day of November, 1896 (subject to the examinations required by law), vice Lieut. Newton E. Mason, promoted.

Ensign William H. Faust, to be a lieutenant (junior grade) in the Navy, from the 10th day of November, 1896, vice Lieut. (Junior Grade) William C. P. Muir, promoted.

Lieut. Arthur P. Nazro, to be a lieutenant-commander in the Navy, from the 18th day of November, 1896, vice Lieut. Commander William I. Moore, promoted.

Lieut. (Junior Grade) Edwards F. Leiper, to be a lieutenant in the Navy, from the 18th day of November, 1896, vice Lieut. Arthur P. Nazro, promoted.

Ensign Harold K. Hines, to be a lieutenant (junior grade) in the Navy, from the 18th day of November, 1896, vice Lieut. (Junior Grade) Edwards F. Leiper, promoted.

Lieut. Commander Charles Belknap, to be a commander in the Navy, from the 6th day of December, 1896, vice Commander Thomas Nelson, retired.

Lieut. William W. Kimball, to be a lieutenant-commander in the Navy, from the 6th day of December, 1896, vice Lieut. Commander Charles Belknap, promoted.

Lieut. (Junior Grade) Joseph H. Rohrbacher, to be a lieutenant in the Navy, from the 6th day of December, 1896 (subject to the examinations required by law), vice Lieut. William W. Kimball, promoted.

Ensign Ryland D. Tisdale, to be a lieutenant (junior grade) in the Navy, from the 6th day of December, 1896, vice Lieut. (Junior Grade) Joseph H. Rohrbacher, promoted.

Lieut. Commander Fernando P. Gilmore, to be a commander in the Navy, from the 1st day of January, 1897 (subject to the examinations required by law), vice Commander Joshua Bishop, retired.

Lieut. William P. Day, to be a lieutenant-commander in the Navy, from the 1st day of January, 1897, vice Lieut. Commander Fernando P. Gilmore, promoted.

Lieut. (Junior Grade) William S. Sims, to be a lieutenant in the Navy, from the 1st day of January, 1897, vice Lieut. William P. Day, promoted.

Ensign Samuel M. Strite, to be a lieutenant (junior grade) in the Navy, from the 1st day of January, 1897 (subject to the examinations required by law), vice Lieut. (Junior Grade) William S. Sims, promoted.

Lieut. Commander Eugene H. C. Leutze, to be a commander in the Navy, from the 5th day of January, 1897, vice Commander Andrew J. Iverson, retired.

Lieut. John C. Wilson, to be a lieutenant-commander in the Navy, from the 5th day of January, 1897, vice Lieut. Commander Eugene H. C. Leutze, promoted.

Lieut. (Junior Grade) Miles C. Gorgas, to be a lieutenant in the Navy, from the 5th day of January, 1897, vice Lieut. John C. Wilson, promoted.

Ensign Friend W. Jenkins, to be a lieutenant (junior grade) in the Navy, from the 5th day of January, 1897, vice Lieut. (Junior Grade) Miles C. Gorgas, promoted.

Lieut. (Junior Grade) Louis S. Van Duzer, to be a lieutenant in the Navy, from the 5th day of January, 1897, vice Lieut. John H. C. Coffin, deceased.

Lieut. (Junior Grade) Wilson W. Buchanan, to be a lieutenant in the Navy, from the 29th day of January, 1897 (subject to the examinations required by law), vice Lieut. Charles H. Lyman, deceased.

The following-named officers of the Navy to be passed assistant surgeons in the Navy, from the dates set opposite their names, in accordance with the provisions of the act of Congress approved February 13, 1897, entitled "An act to commission passed assistant surgeons in the United States Navy, and to provide for their examination preliminary to their promotion to the grade of surgeon," viz:

Lloyd W. Curtis, from July 6, 1885.
Henry B. Fitts, from July 6, 1885.
Victor C. B. Means, from June 3, 1887.
Frederick J. B. Cordeiro, from June 26, 1887.
Francis W. F. Wieber, from November 3, 1887.
Oliver D. Norton, from April 22, 1888.
Frederick A. Hesler, from June 3, 1888.
Louis W. Atlee, from March 29, 1889.
Isaac W. Kite, from April 1, 1889.
Andrew R. Wentworth, from April 22, 1889.
Corbin J. Decker, from June 17, 1889.
Thomas A. Berryhill, from June 17, 1889.
Eugene P. Stone, from August 5, 1889.
Frederick W. Olcott, from January 21, 1890.
Stephen S. White, from May 19, 1890.
George M. Pickrell, from January 16, 1891.
Rand P. Crandall, from January 17, 1891.
Hatton N. T. Harris, from June 13, 1891.
John F. Urie, from July 3, 1891.
Albert M. D. McCormick, from July 23, 1891.
Will F. Arnold, from August 18, 1891.
George B. Wilson, from February 1, 1892.
Charles F. Stokes, from February 1, 1892.
Edward R. Stitt, from March 23, 1892.
Manley F. Gates, from March 27, 1892.
Charles H. T. Lowndes, from March 30, 1892.
George H. Barber, from May 23, 1892.
Thomas B. Bailey, from May 23, 1892.
George Rothganger, from May 24, 1892.
George T. Smith, from June 3, 1892.
George A. Lung, from August 18, 1892.
Luther L. Von Wedekind, from November 3, 1892.
Edward S. Bogert, jr., from April 16, 1893.
Leckinski W. Spratling, from April 16, 1893.
Robert M. Kennedy, from June 18, 1893.
Norman J. Blackwood, from July 7, 1893.
William C. Braisted, from September 24, 1893.
Sheldon G. Evans, from November 18, 1893.
Adrian R. Alfred, from November 24, 1893.
James Stoughton, from May 20, 1894.
Louis L. Young, from May 20, 1894.
Michael R. Pigott, from May 22, 1894.

John E. Page, from June 18, 1894.
Lewis H. Stone, from June 19, 1894.
Frederick G. Brathwaite, from June 22, 1894.
Middleton S. Guest, from November 19, 1894.
Joseph A. Guthrie, from January 27, 1895.
Charles M. De Valin, from January 27, 1895.
Charles P. Bagg, from March 17, 1895.
Carl D. Brownell, from April 6, 1895.
Henry D. Wilson, from April 22, 1895.
Lewis Morris, from June 27, 1895.
John M. Moore, from November 11, 1895.
Brownlee R. Ward, from January 14, 1896.
Edward M. Shipp, from March 20, 1896.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 17, 1897.

POSTMASTERS.

William Dempsey, to be postmaster at Malone, in the county of Franklin and State of New York.

Anna R. Moses, to be postmaster at Carrollton, in the county of Carroll and State of Georgia.

Susie P. Hyman, to be postmaster at Stephenville, in the county of Erath and State of Texas.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 17, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3680) to provide for the removal of the Interstate National Bank of Kansas City from Kansas City, Kans., to Kansas City, Mo.; and

A bill (S. 1427) to provide for promoting Capt. William N. Tisdall, United States Army, now on the retired list, to the rank of major.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 8250) for the relief of William Gemmill; and

A bill (H. R. 9494) concerning certain homestead lands in Florida.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred as follows:

A bill (S. 3680) to provide for the removal of the Interstate National Bank of Kansas City from Kansas City, Kans., to Kansas City, Mo.—to the Committee on Banking and Currency.

A bill (S. 1427) to provide for promoting Capt. William N. Tisdall, United States Army, now on the retired list, to the rank of major—to the Committee on Military Affairs.

UNITED STATES COURTS IN UTAH.

Mr. BRODERICK. Mr. Speaker, I desire to present a conference report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2037) to provide times and places for holding terms of United States courts in Utah, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same.

CASE BRODERICK,
CHARLES G. BURTON,
J. W. BAILEY,
Conferees on the part of the House.
GEORGE F. HOAR,
FRANK J. CANNON,
Conferees on the part of the Senate.

The statement of the House conferees is as follows:

The House conferees submit the following statement: The bill (S. 2037) to provide times and places for holding terms of United States court in Utah, as it passed the Senate, authorized civil suits not of a local character to be brought and tried in the division of the district where the defendants, or one defendant, resided or where the cause of action arose. The House deemed this a departure from the rule and struck out the words "or where the cause of action arose" wherever they appeared in the bill, and passed the same as amended. The Senate refused to concur in these amendments and asked for a conference with the House, which was granted. Upon a full and free conference between the managers of the two Houses, it was recommended that the Senate recede from its position and agree to the House amendment, and reported accordingly.

All of which is respectfully submitted.

CASE BRODERICK.
C. G. BURTON.
J. W. BAILEY.

LUCY ALEXANDER PAYNE.

Mr. COFFIN. Mr. Speaker, I desire to present a conference report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1501) granting an increase of pension to Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

CHARLES E. COFFIN,
J. C. C. BLACK,
Managers on the part of the House.
W. N. ROACH,
H. C. HANSBROUGH,
W. A. PEFFER,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

The Senate bill No. 1501, under discussion in conference, provided that the beneficiary should receive $50 per month. The House amended the bill by striking out the word "fifty" and inserting the word "thirty." The effect of agreeing to the report will be to grant the beneficiary $50 per month pension.

CHAS. E. COFFIN.
J. C. C. BLACK.

Mr. BLUE. Mr. Speaker, I move that the House disagree to the report of the committee of conference and ask a further conference, and that the conferees be instructed to insist on the House amendment.

Mr. MEREDITH. Is this question debatable?

The SPEAKER. The regular course would be to pass first upon the question of agreeing to the conference report; that is the question now before the House. If the House refuses to agree to the report, then a motion to insist and to ask a further conference, and also a motion to instruct the House conferees would be in order.

Mr. BLUE. Is it not in order to make the motion simply to disagree?

The SPEAKER. The Chair thinks that the question comes up in the affirmative form, and that it is not in order to change it to the negative, because the House, if it desires to disagree to the report, can carry out its purpose by voting in the negative.

Mr. BLUE. I know the result can be reached either way. I want to follow the practice of the House.

The SPEAKER. The course just stated by the Chair is in accordance with the practice of the House and with the rules of parliamentary law.

Mr. BLUE. Is the pending motion to adopt the report of the committee?

The SPEAKER. That is the question before the House. Whenever a conference report is presented, the question is, Will the House agree to the conference report?

Mr. BLUE. Upon that I desire to be heard.

The SPEAKER. The gentleman from Kansas is recognized.

Mr. BLUE. I ask that the report on this bill as it came to the House be read as a part of my remarks.

The conference report was again read.

Mr. BLUE. Now, Mr. Speaker, I trust the House will understand what this report means. The House, after some tribulation, has substantially reached a rule whereby we are not pensioning the widows of generals at an amount exceeding $50 a month. This report breaks that precedent and seeks to pension the widow of a captain at $50 a month. The only reason offered, so far as I can gather, is not merely that the officer performed distinguished services, but the chief reason is that the widow needs the money. I do not know of any reason for the establishment of such a rule. If every one in this nation is to be pensioned who chances to be in destitute circumstances and is in some way connected with a soldier, then we are opening very wide the door of the Treasury of the United States.

The House has sought to cut down this pension by its amendment to $30 a month. That is in excess of what the general rule would allow to widows whose husbands held the rank that this man did. That is going beyond the limit; and this beneficiary ought to be satisfied to accept the action of the House. It is due to the House conferees to say that one member of the conference committee on the part of the House refused to sign this report; and it comes here as the report of simply a majority of the House committee—under the pressure, as I understand, of the Senate portion of the conference committee.

Let us in this pension business strive to establish a rule that shall be equitable, so far as possible, to the beneficiaries, and a full and perfect guard of the Treasury of the United States. I

trust that this motion to adopt the report of the conference committee will not prevail, but that a further conference may be had so as to reach a proper adjustment.

Mr. JOHNSON of Indiana. In view of the appropriations contained in the sundry civil bill passed the other day under a suspension of the rules, does not the gentleman think it is rather inconsistent for us to be drawing the line now on a few soldiers?

Mr. BLUE. Oh, Mr. Speaker, my friend from Indiana, skilled in legislation as he is, does not want to evade this question in that way. If the rule which he suggests were to be adopted, then the Treasury of the United States might be raided again and again. The sundry civil bill as it passed this House the other day, save and except upon the question of appropriations for rivers and harbors, was as conservative a measure as any sundry civil bill which has passed the House in the last ten years of the life of this nation.

Mr. JOHNSON of Indiana. The gentleman's exception covers the biggest portion of the expenditures in that bill.

Mr. BLUE. Yes; but the Committee on Appropriations were not responsible for that. The appropriations and authorizations made last year by the river and harbor bill may have been unwise, may have been excessive, may have been extravagant, but that bill was passed by this House over the veto of the President; and in accordance with what is fair and just treatment of the sentiment of the House, in accordance with fair and good legislation, the Appropriations Committee sought to comply with the former action of this body.

Mr. JOHNSON of Indiana. The gentleman seems to forget that there were original appropriations made in the bill which we passed the other day under a suspension of the rules.

Mr. BLUE. I think the gentleman will find that upon the question of rivers and harbors the original appropriations in that bill were very slender. I do not recall now any that were of any consequence, save and except as they had been anticipated and authorized by the river and harbor bill. But suppose there were a few appropriations in that bill which were not meritorious, would the gentleman argue that because that bill may have contained some items which were not fully justified we are to break over a well-established rule and lay bare the Treasury of the United States to a raid upon it which is not based upon any principle or rule of action, but simply a mere sentimental matter?

Mr. JOHNSON of Indiana. I understand the gentleman's position logically to be about this, that we shall "save at the spigot and lose at the bung." It is not simply this measure, but what is to follow it seriously affects the Treasury.

Mr. RAY. Will the gentleman from Kansas allow me a moment?

Mr. BLUE. I yield a moment to the gentleman.

Mr. RAY. I do not understand that this House has established any particular rate of pension to be given to the widow of a private soldier or the widow of a captain or the widow of a colonel, but we have in these various cases measured the pension granted quite largely by the needs of the beneficiary.

Mr. BLUE. In reply to that permit me to say that the general rule prevailing in this House is to give the widow of an enlisted man not exceeding $12 a month, and under the act of 1890 but $8 a month. There may have been a few exceptions to that rule.

Mr. CROWTHER. None.

Mr. BLUE. So far as I recollect, I know of no exception. So far as the pensions of widows of generals are concerned, while the House has not laid down any inflexible rule, yet practically all of them that have passed in the latter part of this session have been for $50 a month and no more. We should adhere to our action along that line. Upon considerations of equity and reason, and under any rule which is practically sound, it is not fair to pension the widow of a captain upon the same plane with the widow of a general officer. And for that reason, I insist, Mr. Speaker, that we have gone already too far in these matters. It is in the interest of the better protection of the Treasury, and more consonant with a logical system of administration of our pension laws, to adopt such a policy—a policy that the House ought to maintain—of refusing to put the pension of the widow of a captain or minor officer upon an equality with that which is paid to a general officer.

Mr. JOHNSON of Indiana. Does the gentleman think that more ought to be paid to the widow of a general officer than is paid to the widow of a captain?

Mr. BLUE. If you leave it to me, I will tell the gentleman candidly, no, I do not think so. But the House, in its conduct of pension matters, has seen fit to do otherwise, and I must acquiesce.

Mr. JOHNSON of Indiana. Is it not a fact that the gentleman himself advocated on this floor a payment, in one instance at least, of a pension of $75 a month?

Mr. BLUE. The gentleman knows that is correct, and I have regretted it, as I have stated before. If I had had the experience of the gentleman from Indiana, I would decline to rise in my place and offer such an excuse under the circumstances. But I was a novice in the House then. I was new to this body; I did not fully appreciate the surrounding circumstances; and if the opportunity were offered again, I would vote to put the pension where it rightfully and properly belongs, at a rate not exceeding $50 per month. If, in my inexperience in this House, I committed an error once, must I be constantly criticised therefor all through my official life?

Mr. JOHNSON of Indiana. Does it matter with the gentleman from what Congressional district the soldier comes, or the widow of the soldier?

Mr. BLUE. The gentleman knows it does not. I have made no distinction, no discrimination here since I have fully understood it. But the general pension laws of the nation make a distinction in regard to pensions, and it was the plain and well-settled policy of recent years, until this House, in its extravagance, broke over the rule in these matters and voted $75 and $100 a month in some cases, where widows, as I am informed, possess magnificent competencies and are amply provided for by incomes, notably the widow of an officer from the gentleman's own State, the widow of ex-Secretary Gresham.

Now, I hope the gentleman from Indiana will make a speech in his own time. I have been extremely courteous to him.

Mr. LOUD. Perhaps this is an Indiana case.

Mr. BLUE. The gentleman from California suggests that perhaps this is an Indiana case, too. I do not know in what State the beneficiary lives, nor do I care. That is not the question here. It concerns the whole policy of the pension legislation of a great nation, and we should have some established rule and not attempt to legislate upon each of these cases as a matter of sentiment, and sentiment only, without any basis of equality or reason in the legislation.

Mr. MEREDITH. Mr. Speaker, in advocating the motion that the House shall stand by the conference report, I desire to call the attention of the House to the fact that since I have been an humble member of this body I have never been found advocating any pension case where I did not believe that equity and justice prevailed and that it was not based on a mere question of sentiment.

Mr. LOUD. None of us do.

Mr. MEREDITH. My friend suggests that none of us do. But I happen to be cognizant of the facts in regard to this particular case, and the reasons that my friend from Kansas has given for opposing it here are precisely the reasons which would justify us in sustaining the report of the committee, first, the service of the soldier, and second, the necessity of his widow.

Now, I desire to say that the record of Capt. J. Scott Payne was equal to that of any other soldier who ever served the country in any war. I desire to say that if the commendation of his superior officers, if the report of General Sherman, if the letter of General Crook, who was his commander, can have any weight in sustaining the record of this admirable soldier, then it will go without saying that he was the equal of any man, I care not what his rank or position may have been, in the discharge of his duty to his country.

I shall read what General Sherman said in reference to the report which was made by Captain Payne after the battle with the Utes, when the gallant Thornburg had gone down and he had taken command of the troops, and, after being surrounded for days and days, brought the troops out safely.

General Sherman, in forwarding the report of Capt. J. Scott Payne, of the Fifth Cavalry, to the Secretary of War, indorses it as follows:

HEADQUARTERS OF THE ARMY, *November 8, 1879.*

This modest and most admirable report was received after I had finished my annual report, else I should have embodied it almost entire as a better description of the fight at Milk Creek on September 29 last.

W. T. SHERMAN, *General.*

The following letter was addressed by General Crook to Captain Payne after the Milk Creek affair:

RAWLINS, WYO. T., *October 8, 1879.*

Capt. J. SCOTT PAYNE, *Fifth Regiment of Cavalry:*

The gallant conduct of yourself and men on the hard-fought field of Milk River with the Ute Indians on the 29th ultimo and the management of the battle after the fall of the gallant Thornburgh, as well as the prudence, courage, and judgment in the construction of defenses, and holding them against a largely superior force during so many days and nights of terrible suspense and danger until relief reached you, not only deserves the highest commendation I can give but the thanks of the country.

Very sincerely, your friend,

GEORGE CROOK,
Brigadier-General.

Now, Mr. Speaker, I will not further take up the time of the House in the reading of these testimonials; but it is well known that the newspapers of that time were filled with commendatory reports of the services of this gallant officer. The story of that fight and of the gallant stand made by this officer is a thrilling one, and the legislature of Wyoming passed a vote of thanks. Twice was he wounded in that battle, and he suffered from those wounds until the time of his death. He died leaving a helpless widow, who is confined to her house, who has two or three children to support, and it is for these reasons that I ask the House to stand by the conference report.

Allusion has been made by the gentleman who preceded me to bills which have heretofore passed, and it seems that the gentleman has changed his opinion in reference to pension bills. Ah, Mr. Speaker, the very fact that this is a helpless and dependent woman, the very fact that she is in poverty, and that she is without a home of her own, entitle her, it seems to me, when the distinguished services of her husband are considered, to receive the relief which is here asked for. Republics are indeed ungrateful if they will not care for the widows of such soldiers, men with such military records as that of this man.

Mr. Speaker, I ask this House to stand by this conference report. I do so believing that this is a meritorious case. I believe the necessities of the case require that she should have the sum agreed upon by the conferees. This is perhaps the last case that I shall ever have the opportunity of asking this House to pass upon, and I do ask the House to do justice to this woman, because I have a full knowledge of all the circumstances connected with the case, and I fully believe that its requirements are such as to fully justify the giving of the sum agreed upon by the conferees.

Mr. WILLIAM A. STONE. Mr. Speaker, I should like to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAM A. STONE. As I understand, the motion is, first, to concur in the report of the conference committee.

The SPEAKER. To agree to the report of the conference committee.

Mr. WILLIAM A. STONE. And I also understood the gentleman from Kansas [Mr. BLUE] to make a motion to nonconcur.

The SPEAKER. The way in which the House nonconcurs in a conference report is to vote in the negative. If the House votes in the negative and refuses to agree to the conference report, then the way is open for a motion for a new conference, for instructions to the conferees, or anything that the House sees fit to do.

Mr. WILLIAM A. STONE. Then I understand that if this conference report is voted down, a motion may then be made and entertained to nonconcur, and insist on the amendment of the House for $30 a month.

The SPEAKER. And for another conference. That is the case.

Mr. BAKER of Kansas. Mr. Speaker, I shall not crave the indulgence of this House for a very long time. I had the honor to be a member of this committee, and failed to agree with the majority report. I have been identified with the active pension work of this House for a number of years past. During that time I have endeavored to carefully investigate each case, as far as it lies within my power, on its individual merits, and I feel warranted at this time in making the statement that if you indorse this report you will go beyond almost any precedent that has been set in this House in the last four years. That this man was a gallant soldier, there is no question. That he left a worthy widow and children, there is no question. No member of the committee has any doubt but that there are tens of thousands of other cases in the country to-day just as meritorious as this one. If such bills as this are to become laws, then it will take hundreds of millions of dollars annually to pay the pension roll.

Under the pension law, this woman is entitled to $20 a month. The Committee on Invalid Pensions, after carefully investigating, concluded that, on account of her condition and that of her family, they were warranted in giving $30 per month, but that was the extreme allowance that the committee were willing to give. The bill passed this House in that form and went to conference, and the Senate insisted, and two members of our committee joined with them. My object in making this statement is to call your attention to the fact that the proposed action is, so far as I know, without precedent. I know that no such bill has ever met with my approval in the six years that I have had the honor to be a member of this House, and I trust that this House will not concur in the report of this committee, but will order the bill back to a further conference.

Mr. RAY. Is it not true that, in fixing the amount to be allowed in a private pension bill, you have been guided and controlled very largely by the necessities of the proposed beneficiary?

Mr. BAKER of Kansas. That is true to a great extent.

Mr. RAY. This is simply a contention now as to whether the situation of this widow is such that she ought to have $30 or $50 a month.

Mr. MEREDITH. She has to have an attendant all the time.

Mr. BAKER of Kansas. The Committee on Invalid Pensions is without any precedent that warrants it in allowing over $30 a month.

Mr. RAY. You think that $30 a month is ample?

Mr. BAKER of Kansas. I do.

Mr. RAY. It seems that one of your colleagues on this conference committee, two of them, and three in the Senate, think she ought to have $50 a month. Now, is it wise, under such circumstances, where the five agree that the widow ought to have $50, to stand out against the Senate? Is it wise for the House, under such circumstances, where five agree that the widow ought to have $50, to stand out against the Senate and a majority of its own conferees and contest the question of $20 a month to the widow of a brave and gallant soldier? Do you think it wise to do so?

Mr. BAKER of Kansas. My judgment is that it is. My judgment is it is the duty of this House to do right, irrespective of the report of any committee.

Mr. NORTHWAY. Will the gentleman allow me a question?

Mr. RAY. I want, right there, if the gentleman will permit me, to say of course I concede that it is the duty of this House to do right if it can, and it is the duty of the Senate to do right; but when the conferees of the House and of the Senate are appointed for the very purpose of arriving at a compromise and doing what is right and just, in view of all the evidence and all the circumstances, is it not quite evident that $50 a month is right, in view of the fact that 5 out of 6 agree upon that sum?

Mr. BAKER of Kansas. That depends upon the influences that were at work, and those influences were at work in this case.

Mr. NORTHWAY. You are willing to give her $30 a month.

Mr. BAKER of Kansas. I am.

Mr. NORTHWAY. That is $10 a month more than she could get under the law.

Mr. BAKER of Kansas. It is.

Mr. NORTHWAY. That $10 you would give to her on account of her condition.

Mr. BAKER of Kansas. I would give her that on account of her condition. Let me say just here, no one is more willing to sympathize with the soldier who has offered his life in the defense of his country than I am, and no one would be less willing to do a wrong or injustice to his family.

Mr. NORTHWAY. That is right. But here, when you come to figure this compromise, and the conferees come to figure on this compromise, they do so, but at a higher rate than your own, is it not simply a question of policy and not one of a rule of law that we are being guided by here?

Mr. BAKER of Kansas. If it is a matter of policy, you can not agree to the conference report, because you would open hundreds of thousands of cases.

Mr. WOOD. Has there been any compromise by the conferees?

Mr. BAKER of Kansas. None whatever.

Mr. WOOD. It has been an absolute surrender by the managers on the part of the House.

Mr. BAKER of Kansas. That is true of a majority of the committee.

Mr. MILNES. Has it not been the policy of the Committee on Invalid Pensions, in fixing the pensions of private soldiers and noncommissioned officers, to keep those down at least to the highest point fixed by law and not to exceed that amount in the case of widows now?

Mr. BAKER of Kansas. That is so.

Mr. MILNES. But in the case of commissioned officers you have gone beyond that.

Mr. BAKER of Kansas. Not with my vote.

Mr. MILNES. I am speaking about the committee as a whole.

Mr. BAKER of Kansas. I have tried to be consistent; and being consistent with my previous action, I feel it to be my duty to make an appeal to this House in behalf of hundreds, yea, tens of thousands, of brave soldiers who went down in the defense of their country.

Mr. MILNES. I am sure that you do that. There is no case where the committee has reported the case of a private soldier to this House that they have gone beyond $12 a month this session.

Mr. BAKER of Kansas. Yes, there are, I think.

Mr. MILNES. I do not know of one.

Mr. HENDERSON. I got one reported by the gentleman for a private soldier, not a widow.

Mr. MILNES. I am talking about private soldiers. I am not talking about the widows.

Mr. SULLOWAY. There have been more than thirty passed this session.

Mr. JOHNSON of Indiana. I got one through.

Mr. WILLIAM A. STONE. Let me ask the gentleman if these special bills which are granting pensions at $30 and $50 a month are not creating a good deal of uneasiness and mistrust and dissatisfaction among the private soldiers——

Mr. BAKER of Kansas. They are.

Mr. GIBSON. Mr. Speaker, is this a meeting of the House or a private meeting of a few members?

The SPEAKER. It is a meeting of the House, but has the other appendage.

Mr. WILLIAM A. STONE (continuing). And that ought not to be.

Mr. BAKER of Kansas. That is my judgment.

The SPEAKER. The Chair desires to say that the difficulty arises from the size of the Hall. It is very difficult for anybody to be heard in it.

Mr. BAKER of Kansas. I have only a word more to say. There has been a constant endeavor on the part of the committee

since it was organized in this Congress to adopt a uniform system to govern in these pension allowances; but such has been the pressure brought to bear upon the committee from time to time in many cases that it has seemed impossible to do so. Each member seems to have special influences backing up his bill, and it has been very difficult for the committee to adhere to a uniform rule.

Special pleas on the ground of the distinguished services of the beneficiary are made in almost every case. I am glad to hear the story of the bravery of the soldiers of the Union; my heart swells with pride as I listen to the record of their gallant deeds, but I thank God that patriotism and bravery were not confined to one man or to a thousand men or to ten thousand men. [Applause.] Hundreds of thousands of men left their homes, went forth in defense of the Government, and gave their lives freely in the great cause, and to those men, and to the wives who stayed at home and took care of their families, it is the duty of this Government to be just and liberal; but, for that very reason, it is our duty not to bestow undeserved bounty in special cases. Looking at the question from that point of view, I declined to join the other members of the conference committee in the report in this case, and I trust that the House will stand by its amendment.

Mr. GROW. Mr. Speaker, I wish to make a motion that I think will take precedence of the one now pending. My motion is that the House concur in the Senate amendment.

Mr. BLUE. That is the question before the House.

Mr. GROW. I understood the motion was to nonconcur.

The SPEAKER. The question before the House is on agreeing to the conference report.

Mr. GROW. The motion I was about to make was that the House agree to the report.

The SPEAKER. That is the question now pending.

Mr. BLUE. I yield now to the gentleman from Pennsylvania [Mr. WILLIAM A. STONE].

Mr. WILLIAM A. STONE. Mr. Speaker, I always vote for general pension bills, and I generally vote for any pension bill where I think there is merit, and where there is some difficulty in the law which prevents the granting of a pension by the Pension Bureau; but here is a proposition to increase a pension from the amount to which the applicant would be entitled under the law to $50 a month, and we are asked to make this increase upon the ground that the husband of this lady was an officer.

Mr. SULLOWAY. Will the gentleman yield for a moment?

Mr. WILLIAM A. STONE. Not now. Mr. Speaker, I want to caution my colleagues on this floor as to the danger that we are incurring by passing these special bills for exceptional pensions. The people in our several districts read in the newspapers that Congress passes a law for such a man or such a widow to get a pension of $50 a month, and they see no reason why they should not get as much, and they write to their Representatives here to introduce bills for them, and if this goes on, inside of five years we shall have nearly all the widows who are on the pension roll asking us to pass special bills giving them increased pensions, on the ground that their husbands were just as brave, just as heroic, and made just as great sacrifices as the husbands of those for whom we have passed these special bills.

We have a general pension law, under which everybody that is eligible can be pensioned, and in addition to that we pension by special acts those who can show that they have meritorious claims which, owing to peculiar circumstances, they are unable to establish under the general law. But here is a case where the husband of the beneficiary was a captain, brave and heroic no doubt, but after all, this is only one of thousands of cases, and we ought not to pass these special private pension bills making exceptions to the general law, which will come home to plague us in the future, and which, if persisted in, will gradually transform our pension roll from a general roll to a special roll. If the pensions provided under the general law are not large enough, let us increase them by general legislation, but let us not do it in this indirect manner by special legislation in special cases. Here we have a particular case, made special by Congress, and yet there is really nothing in it any more deserving than there is in a thousand or two thousand cases in my district, where the husband did not wear shoulder straps but carried a musket, and was as brave and served the country as long and as well as this captain did.

As I have already said, when other pensioners read about these special allowances it occurs to them that they are entitled to as much, and when they look into these cases they are unable to see any good reason or any excuse for this special legislation which would not be equally applicable to themselves, and it results in dissatisfaction and uneasiness, and in annoying applications to members of Congress to introduce bills. And members do introduce such bills in many instances simply because some other member has introduced a bill or bills with no more merit than theirs. We can not answer the argument of the widow who appeals to us to introduce a bill for her benefit and shows that her case is quite as deserving as that of some other widow who has received one of these special allowances. We can not convince her that the husband of a woman who is pensioned at $50 a month was any braver or made any greater sacrifices than her husband did. I hope the motion to concur in this conference report will be voted down, and that the motion of the gentleman from Kansas [Mr. BLUE] which is to follow, to nonconcur and insist on the House amendment fixing this pension at $30 a month, will be adopted. That is a sufficient amount, and it will be a better precedent in the future and will tend to save us from some of the vexations and troubles and dangers to which I have alluded.

Mr. GROW. Mr. Speaker, I had no idea of taking part in this discussion, but the position of my colleague [Mr. WILLIAM A. STONE], if maintained, would make it necessary that we should pass no widow's pension at over $12 a month. According to him we should be troubled the moment we pass a bill above that amount. His argument is against any differences in our pension scale; it would require a horizontal rate for everybody of, say, $12 a month. Otherwise we should be besieged continually for special rates of pension legislation. Here is the case of a widow who is perfectly helpless, so as to require an attendant. Does not such a case appeal to the discretion of Congress, and, if we do grant an exceptional pension in such a case, is that any reason why other widows in an entirely different situation should receive the same amount? Is not her case to be regarded differently from that of a widow in good health who has attained only the average length of life? This woman is perfectly helpless. She is the widow of a brave soldier, and was his wife during his term of service. She took care of the soldier's home while he was on the battlefield. She is herself, therefore, a meritorious object of our consideration. Should we not make a discrimination in this case as against that of a widow who was not the wife of the soldier while in actual service on the field?

If we are to have special legislation at all, we must legislate on each case according to its own peculiar merits. There would be no private pension cases coming before us if they were not exceptions to the general law. I grant you that we may be beset by applications from various persons who regard their cases as equally meritorious with others on which we have favorably acted. But we can not help that unless we write in the Constitution of the United States a provision that "Congress shall not grant a pension to anybody of more than $12 a month," or some fixed amount. In that way me might stop applications for a greater amount, but in no other.

Mr. BLUE. I yield five minutes to the gentleman from Nebraska [Mr. ANDREWS].

Mr. ANDREWS. Mr. Speaker, this question renews the merriment in which we have been indulging from time to time in the ratings on private pension bills. After a careful study of the practice in relation to these matters, I have come to the conclusion that a large number of the private pension bills introduced into Congress and passed should never find place in our discussions. I have come to the conclusion, Mr. Speaker, that these bills are brought here by persons who have reached the maximum of pension allowed under the general law through the Pension Bureau; and having reached the full measure of their allowance under the law they come here, and, as a special privilege, ask for an increase of rating.

Were the Pensions committees of Congress organized for that specific purpose? I firmly believe that the Pension Committees of this House can render their best service to the cause of pensions not by spending all their time in increasing the ratings allowed by general law, but by considering cases where technicalities are unjustly depriving pensioners of the rates allowed by existing laws.

If we continue the present policy we are simply resolving Congress into a pension bureau and taking away from the regular Department of the Government the consideration of this line of business. I believe that we shall render our best service by holding to the rate fixed by general law, and insisting that wherever possible this pension business shall go through the regular Department and the pensioner receive the allowance given by general statute. When inequalities are disclosed in the operations of existing law, we should so amend the law as to remove the injustice and give equality of right to all.

I believe, Mr. Speaker, we ought to stand by the action of the House on this question. We ought to vote down the motion to concur and send this bill back to a conference, insisting upon fixing this pension at $30 a month. Take an example. Recently we had before this House a bill to pension the widow of Captain Keiffe, of Idaho. The rate of pension recommended by the committee was $30 a month. When that bill came up, members promptly sprang to their feet and said that $20 a month would correspond with the maximum rate allowed by the general law for the widow of a captain. The widow of Captain Keiffe has two children. She is in a feeble condition of health, and I understand that her enfeebled father is also dependent upon her for support. Under these circumstances, in the case of this widow with these extraordinary obligations resting upon her, the House amended the bill

so as to make the pension $20 a month, the rate allowed by general law to the widow of a captain. Here we are asked to allow $50 a month, $30 beyond the rate allowed in the general statutes. The committee has recommended $30 as a compromise on this question. The gentleman from Ohio says that if you compromise on thirty, why not on fifty? The question might follow directly, Why not compromise on a hundred or a thousand dollars a month?

Mr. NORTHWAY. I am in accord with the gentleman's views.

Mr. ANDREWS. I insist that the House ought to vote down the motion to concur, and, if possible, return at an early day to the general provisions of the law applicable in cases of this kind. [Applause.]

Mr. MEREDITH. Mr. Speaker, I do not desire to detain the House more than a few moments. Before referring to the particular circumstances of this case, I wish to return my thanks to the eloquent gentleman from Pennsylvania [Mr. GROW], the Nestor of this House, for the chivalrous sentiments which fell from his lips only a few moments ago.

I wish to say to gentlemen who have opposed this report that the position they take seems to me to come too late. I have just been informed that the widow of an officer was allowed only a few days ago a pension of $50 a month. And the gentlemen are mistaken as to the merits of this case and the foundation upon which it stands. I want to say, so it may be understood, that it is the pressing need of this helpless woman in her feeble condition that requires she should have this much money for a decent support.

Mr. Speaker, this soldier is admitted to have been a brave one. He sprang from a race of brave men, men who from their infancy were taught what in my mind are the three cardinal virtues—to ride, to shoot, and to speak the truth. From that race of people have come soldiers who have illuminated the history of their country, who have stood by it in its peril and died for it as this man has done.

Mr. Speaker, it has been said that republics are ungrateful; and certainly it is true if, under circumstances such as these, in the case of a helpless and enfeebled widow whose husband has gone down to his grave in defense of his country, the American Congress, after numerous precedents have been set, should refuse to give her for the remainder of her life the pittance here proposed in order that she may eke out her days in something like comfort.

Mr. Speaker, in my opening statement I referred to the heroism of this man. I wish to add that Congress itself, on account of the part he took in the noted campaign already referred to, had determined that he should be made a major. I hold in my hand the report of the Committee on Military Affairs suggesting that the President should promote him to this rank in view of the distinguished services which he had rendered. I shall not take up the time of the House in reading that report, but will read simply an extract from the St. Louis Republican showing the country's appreciation of this man's services at that time, when they were fresh in its memory.

Payne's command is relieved; so are the hearts of thousands of people all over the country. The story of his siege and brave resistance is told this morning. It is one of the most graphic yet modest narratives in all our military history. None but a brave and truthful soldier could have written it. In the history of the Afghan and the Zulu war there is nothing to compare with it in point of courage under difficulties and persistence in the apparent teeth of fate.

Now, I say, Mr. Speaker, such was the record of this soldier, whose helpless widow appeals to the American Congress to-day. The press of the country at that time was teeming with praise of the conduct of her husband in the defense of his country and his Government. Knowing the circumstances as I do, and the helpless condition of this lady, I have urged you, with all the emphasis and all the earnestness at my command, to adopt this conference report. I have endeavored to state the facts as they exist. I have been unable to state them as they ought to be stated; but I beg the members of this House who were heroes in the war, who have been looking after the interests of their friends' widows, to stand by me in my effort to have the report of the conferees sustained by this House.

Mr. BLUE. I yield five minutes to the gentleman from Missouri [Mr. CROWTHER].

Mr. CROWTHER. Mr. Speaker, I rise to oppose the motion to concur in the conference report. I do so, not because I am opposed to any pension, for, on the contrary, I believe in legitimate pensions, but because I believe in equity and in justice to the widows of those men who sacrificed their lives in defense of the country. I want to call the attention of the House to the fact that this soldier, Captain Paine, graduated from the Military Academy in 1866. He was a soldier by profession.

Mr. WILLIAM A. STONE. How could he have been in the war if he graduated in 1866?

Mr. CROWTHER. He was not in the civil war.

Mr. WILLIAM A. STONE. Then what are we talking about?

Mr. CROWTHER. That is one impression I want to remove from the minds of gentlemen on this floor. He was not in the civil war. He was an officer in the Regular Army, educated at the expense of the Government. That was his profession by adoption. In one of the Indian wars he received disabilities——

Mr. DOOLITTLE. How does that affect this bill?

Mr. CROWTHER. Wait a moment and I will tell you how it affects some of these cases we have been discussing. He was discharged for disability. He obtained a pension under the general law at the rate of $20 per month, the highest figure he could receive under that law. After his death his widow was pensioned, under the same general law, at the same figure at which her husband had been pensioned. When the Senate bill came up, the House amended it so that she would receive $30 per month, or $10 more than she could receive under the general law, trying in that way to compromise the matter. I want to say, Mr. Speaker, that such bills as this are the cause of the great unrest amongst that great army of citizens of this country of whom I am a representative upon this floor—the soldiers of the late war. As a member of the Committee on Invalid Pensions, I have, within the last twelve days, received seventy-nine letters from old soldiers, asking me to introduce special bills to increase their pensions, because the pensions that they are now receiving are not sufficient to meet their necessities.

Mr. WILLIAM A. STONE. And if you are here in the next House you will receive seven hundred such letters.

Mr. CROWTHER. I have received more than fifty letters from the widows of old soldiers, asking me to introduce bills to increase their pensions, for the reason that they see that the House of Representatives is voting, with lavish hand, fifty and seventy-five dollars per month to the widows of general officers. I want to say, in this connection, in reply to the statement of the gentleman from Indiana [Mr. JOHNSON], that I have sat upon the Committee on Invalid Pensions for two years. I have attended every meeting of that committee, and I do not remember any bill passing to increase the pension of a widow of a private soldier to a greater amount than she would receive under the general law. But I discover that there is a sentiment upon the floor of this House willing and anxious to grant large pensions to the widows of general officers. I think it is time that these invidious distinctions should be stopped. We have been trying to stop it, a few of us, for weeks and months, and we have got the matter down to such a state now that it has been recognized by conference committees and by members upon this floor that $50 per month is sufficient for the widow of any general officer.

Now, Mr. Speaker, I want to call the attention of this House to another thing. Only a few days ago we passed a pension bill for the widow of General Stoneman, one of the great captains of the late war, and this House passed it at $30 a month. Yet we have this bill before us asking $50 for the widow of a captain, $20 more than the House voted for the widow of General Stoneman. Mr. Speaker, I hope that the House will not agree to the report of this conference committee, but that it will stand by justice, equity, and right in the interest of the old soldiers of the nation and their widows and orphans.

Mr. BLUE. Mr. Speaker, if no other gentleman is to be heard, I desire to move the previous question.

Mr. MORSE. Will not the gentleman yield to me for three minutes?

Mr. BLUE. I yield to the gentleman for three minutes.

Mr. MORSE. Mr. Speaker, since I have been a member of this House I have consistently and persistently opposed this class legislation. In answer to requests from my own constituents (and I represent a very large soldier constituency, perhaps second to none in Massachusetts), I have, I say, refused to introduce bills of this class. What is the effect of this class legislation? The only possible effect is to make the great mass of pensioners, the thousands of pensioners of the country, entirely dissatisfied with the bounty of the Government. I warn the friends of the soldier on this floor, and I claim to be one myself, that there is danger along this line. There is danger of making the whole pension system of this Government so odious that it will be repealed or modified, or the pensions of soldiers reduced. I say there is danger at this point.

Now, I hope, Mr. Speaker, that the House will stand by its action and refuse to concur in the conference report. I believe that I represent the opinion among my constituents and in the Commonwealth which I have the honor in part to represent on this floor. Mr. Speaker, as a friend of the soldier, as a friend of legislation in the interest of the soldier, as a friend of pension legislation, if the present laws are defective or not adequate to meet this class of cases, then I want a general law passed that shall apply to all pensioners alike. I do not want one person who has a friend at court to be able to come here and possibly get $50, $60, or $75 a month as a soldier's widow and to have it true that in the next house an equally deserving soldier's widow, whose husband served her country as bravely and well, shall only receive $8 or $12 a month. I again say that this legislation is wrong and unjust, and the effect of this legislation is to bring the entire pension system of the country into disfavor and make the great mass of

pensioners of this country dissatisfied with the bounty of the Government.

Now, Mr. Speaker, one word more. A great committee of this House, to which I belong, has had many hearings during this entire Congress. They have presented bills that I believe to be meritorious bills for the erection of public buildings. I refer to the Committee on Public Buildings and Grounds. No less than 305 members of this House out of 356 members have signed a petition to the Committee on Rules asking for time to consider these bills. We are told that the situation of the Treasury and the condition of the country will not warrant us in having a day in court to present those bills. Now, I say if economy is the watchword of the Government, is there not a good place for practicing economy presented here? Here you are entailing an expense on the Government for all time. I submit that we have already gone too far in this class legislation, and therefore I sincerely hope that the House will stand by its action and refuse to agree to the conference report.

Mr. BLUE. Mr. Speaker, I demand the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. MEREDITH. Division!

The House divided; and there were—ayes 28, noes 96.

So the House refused to agree to the conference report.

Mr. BLUE. Mr. Speaker, I renew my motion that the House insist on its disagreement and ask for a further conference, with instructions that the conferees insist on the amendment of the House.

The SPEAKER. The gentleman from Kansas moves that the House further insist upon its amendment and ask for a further conference.

Mr. BLUE. With instructions that the conferees insist on the House amendment.

The SPEAKER. The Chair thinks the instructions should be put separately. The question is on the motion to insist and to ask for a further conference.

The question was put; and the motion was agreed to.

Mr. BLUE. Now, Mr. Speaker, I move that the conferees be instructed to insist upon the amendment of the House.

The question was put; and the motion was agreed to.

On motion of Mr. BLUE, a motion to reconsider the vote by which the House instructed its conferees was laid on the table.

LEGISLATIVE APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I desire to submit a conference report on the legislative appropriation bill.

The SPEAKER. The report will be read.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 3, 32, 46, 48, 62, 68, 69, 70, and 79.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 29, 30, 33, 35, 36, 37, 39, 40, 41, 42, 43, 44, 45, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 66, 67, 71, 72, 75, 76, 77, 78, and 80, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: Strike out, in line 5, of the matter inserted by said amendment the words "to be approved by the Joint Committee on the Library;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Register of copyrights, $3,000, who shall, on and after July 1, 1897, under the direction and supervision of the Librarian of Congress, perform all the duties relating to copyrights, and shall make weekly deposits with the Secretary of the Treasury and make monthly reports to the Secretary of the Treasury and the Librarian of Congress, and shall, on and after July 1, 1897, give bond to the Librarian of Congress in the sum of $20,000, with approved securities, for the faithful discharge of his duties."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In line 16 of the matter inserted by said amendment, after the word "dollars," insert "and said superintendent shall report to Congress at its next regular session the number of employees and the compensation of each employee hereunder;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, with an amendment as follows: On page 23 of the bill, in line 5, strike out the word "fifty" and insert in lieu thereof the word "twenty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Chief law clerk, $2,500; four law clerks, revising accounts and briefing opinions, one at $2,100 and three at $3,000 each; three clerks of class 4;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert $39,700; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert $5,000; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Assay office, Deadwood, S. Dak.: The Secretary of the Treasury is hereby authorized and directed to use the unexpended balance of the appropriation of $15,000 for establishing an assay office at Deadwood, S. Dak., made by the sundry civil appropriation act approved June 11, 1896, for rent of a suitable building for such purpose, and providing the same with necessary furnaces, fixtures, and apparatus, and for wages of workmen and contingent expenses; and said assay office shall be conducted under the provisions of the act entitled 'An act revising and amending the laws relative to mints, assay offices, and coinage of the United States,' approved February 12, 1873."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,250;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,250;" and the Senate agree to the same.

HENRY H. BINGHAM,
JOHN E. McCALL,
ALEX. M. DOCKERY,
Managers on the part of the House.

S. M. CULLOM,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, submit the following written statement in explanation of the action agreed upon by the conference committee on each of the said amendments, namely:

On amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22, relating to the Senate: Appropriates, as proposed by the Senate, as follows:

For an assistant messenger, at $1,200, in lieu of a page at $912.50, in the Secretary's office;

For an additional carpenter, at $900; an additional telephone operator, at $720; a page in the press gallery, at $600, and three additional laborers, at $720 each, under the Sergeant-at-Arms;

Increasing the pay of an assistant in the document room from $1,440 to $1,600;

For a page, at $660, in the folding room;

For an additional assistant engineer, at $1,440; an additional fireman, at $1,095, and two additional laborers, at $720 each, under the Architect of the Capitol; and

Increasing the amount for materials, for furniture, and repairs from $1,000 to $2,000, and for services in cleaning and repairing furniture from $1,000 to $2,000.

On amendments numbered 23, 34, and 25, relating to the House of Representatives: Strikes out of the bill the provision making appropriations for session employees available before July 1, 1897, and transposes a paragraph in the bill.

On amendments numbered 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39, relating to the Library of Congress: Provides that the Librarian of Congress shall be appointed subject to confirmation by the Senate, and strikes out the provision that the rules and regulations of the Library shall be approved by the Joint Committee on the Library; provides for a register of copyrights, at $3,000, to perform all the duties relating to copyrights, on and after July 1, 1897, under the direction of the Librarian of Congress, requiring the register of copyrights to make weekly deposits with the Secretary of the Treasury and monthly reports to the Secretary of the Treasury and to the Librarian of Congress, and to give bond to the Librarian of Congress in the sum of $20,000; appropriates $4,000, as proposed by the House, instead of $6,000, as proposed by the Senate, for purchase of books for the Library; provides for a superintendent of the Library building and grounds, to be appointed by the President and confirmed by the Senate, at $5,000, and appropriates a gross sum for the employment by him of necessary clerks, messengers, and others for the care of the building; provides that the officer now in charge of the construction of the building shall terminate his duty and assume the custody and care of the building and grounds after March 4, 1897, appoint the employees under his charge, procure furniture for the building, and remove into it the Library, copyright collections, and furniture, excluding the Law Library, and superintend the completion of such contracts pertaining to the construction of said building as may remain unfinished on March 4, 1897; requires the Librarian of Congress to give a bond of $20,000 instead of $50,000, as proposed by the House, and provides that the rooms now occupied by the Library of Congress in the Capitol building shall not, after the removal of said Library, be occupied for any purpose until so ordered by Congress.

On amendment numbered 40: Provides for a secretary, at $5,000, instead of a private secretary, to the President.

On amendments numbered 41 and 42: Appropriates for a private secretary to the Secretary of State at $2,400 instead of $2,000.

On amendments numbered 43, 44, and 45: Appropriates for a foreman of bindery at $5 per day instead of $4 per day, and for 4 binders at $4 instead of $3.20 per day each, in the division of stationery, printing, and blanks of the Treasury Department.

On amendments numbered 46, 47, 48, and 49, relating to the office of the Comptroller of the Treasury: Appropriates for a chief clerk at $2,500 instead of $2,700, as proposed by the Senate; and for a chief law clerk at $2,500, 1 law clerk at $2,100 and 3 law clerks at $2,000, instead of 5 law clerks at $2,100, as proposed by the House; for 3 clerks of class 4, as proposed by the House, instead of 2 confidential clerks of class 4 and 1 clerk of class 3, as proposed by the Senate.

On amendments numbered 50, 51, and 52: Appropriates for two additional clerks of class 1, and two additional clerks at $900 each, as proposed by the Senate, in the force employed in redeeming the national currency in the office of the Treasurer.

On amendments numbered 53 and 54: Appropriates for an examiner at $2,500, as proposed by the Senate, in the office of the Director of the Mint.

On amendment numbered 55: Provides for the granting of cumulative leaves of absence to medical officers of the Marine-Hospital Service, as proposed by the Senate.

On amendments numbered 56, 57, and 58: Fixes the salary of the assistant

treasurer at Chicago at $5,000, as proposed by the Senate, and provides for an additional clerk at $1,200 in his office.

On amendments numbered 59 and 60: Appropriates for an additional engineer at $1,050 in the office of the assistant treasurer at New York.

On amendments numbered 61, 62, and 63, relating to the mint at Carson, Nev.: Appropriates for the officers and employees as proposed by the Senate; appropriates $10,000, as proposed by the House, instead of $15,000, as proposed by the Senate, for wages of workmen, and $5,000, instead of $7,500, as proposed by the Senate, for incidental and contingent expenses.

On amendment numbered 64: In lieu of the appropriation of $10,000 proposed by the Senate for the assay office at Deadwood, S. Dak., authorizes the Secretary of the Treasury to use the appropriation of $15,000 made in the last sundry civil appropriation act for the establishment of said office.

On amendment numbered 65: Appropriates $2,500, instead of $2,000, as proposed by the House, and $3,000, as proposed by the Senate, for the services of a mathematician to supervise the completion of the tables of the planets.

On amendment numbered 66: Appropriates $6,800, as proposed by the Senate, for a clerk of class 4 to act as census clerk, and for rent, salaries, and incidental expenses for the care and preservation of the records of the Eleventh and previous censuses.

On amendment numbered 67: Appropriates $3,000, as proposed by the Senate, instead of $2,000, as proposed by the House, for professional and scientific books in the Patent Office.

On amendments numbered 68, 69, and 70: Strikes out the increase proposed by the Senate of $600 in the salary of the Commissioner of Education, and $300 in the salary of the statistician of the Bureau of Education.

On amendments numbered 71 and 72: Appropriates $10,000, as proposed by the Senate, instead of $8,500, as proposed by the House, for clerks in the office of the surveyor-general of New Mexico.

On amendments numbered 73 and 74: Appropriates $7,250 instead of $6,500, as proposed by the House, and $8,000, as proposed by the Senate, for clerks in the office of the surveyor-general of Oregon.

On amendments numbered 75 and 76: Appropriates for two additional laborers, at $660 each, as proposed by the Senate, in the Department of Labor.

On amendments numbered 77 and 78: Extends the powers of the Court of Private Land Claims to March 4, 1899, as proposed by the Senate, instead of to December 31, 1898, as proposed by the House.

On amendment numbered 79: Restores to the bill the provision proposed by the House extending the provisions of section 24 of the act of May 28, 1896, to the Indian Territory; and

On amendment numbered 80: Provides, as proposed by the Senate, that the act of May 26, 1896, shall not impair the right of the commissioner of the Yellowstone Park to receive his salary, as provided by law.

The bill, as finally agreed upon, appropriates $21,717,766.90, being $49,397.10 more than as it passed the House, $21,750 less than as it passed the Senate, $148,442.19 more than the law of the current year, and $1,049,383.90 less than the estimates.

HENRY H. BINGHAM,
JNO. E. McCALL,
ALEX. M. DOCKERY,
Managers on the part of the House.

Mr. QUIGG rose.

Mr. BINGHAM. Now, Mr. Speaker, if any gentleman desires to make any inquiry concerning any of the paragraphs of the bill, I shall take great pleasure in answering it.

Mr. QUIGG. That is the purpose for which I rise. During the last four months I have had the question addressed to me, I think, a little over ten thousand times as to who had the power to make appointments in the Library, and I would like to obtain from the gentleman from Pennsylvania the official form in which that question may be answered.

Mr. BINGHAM. I would state to the gentleman, I hope in such positive and definite terms that he will be fully able to answer the inquiry, that the Librarian will have the appointment of all the subordinate force pertaining to the Library, and the superintendent of the building will have the appointment of all the subordinate force pertaining to the superintendency of the building. The allowance contained in the conference report for the Librarian is the same as was agreed upon by the House. The allowance contained in the conference report for the superintendent of the building is the same as in the House bill. Does that meet the gentleman's inquiry?

Mr. QUIGG. That is a sufficient answer.

Mr. BARTLETT of New York. Will the Librarian in making these appointments regard solely, as heretofore, the wishes of members of the other body of the Federal Legislature and pay no attention whatever to the recommendation of Representatives? [Laughter.]

Mr. BINGHAM. I will say to the gentleman that I have no knowledge as to who the Librarian will be. The bill as agreed upon will require the President to send to the Senate the name of the Librarian, whose term of office will begin on the 1st day of July, 1897, as will that of the superintendent.

Mr. BARTLETT of New York. Are any appointments to be made by the present Librarian?

Mr. BINGHAM. The law does not go into operation until the beginning of the next fiscal year.

Mr. McCREARY of Kentucky. Can the gentleman tell us how many appointments will be authorized under this bill to be made by the Librarian and how many by the superintendent?

Mr. BINGHAM. Without going into detail, my recollection is that this bill increases the present force 143. That number covers the superintendent's appointments as well as the Librarian's.

Mr. QUIGG. There are 147 places.

Mr. McCREARY of Kentucky. Will the Librarian have the power to appoint 147, or does that number include the appointments of both the Librarian and the superintendent?

Mr. BINGHAM. The two together have the power to appoint 143 additional employees, provided the present force is continued.

Mr. LACEY. Are the appointments to be made under the civil-service rules?

Mr. BINGHAM. No civil-service rules, save and except the requirement that appointments shall be made in accordance with fitness.

Mr. McCREARY of Kentucky. How many are to be made by the superintendent?

Mr. BINGHAM. It is not indicated in number, for the reason that the conferees concluded that it was best in the beginning to appropriate the same sums that the House had appropriated, without going into detail, but simply giving a lump sum, $147,000, according to my recollection.

Mr. QUIGG. If I heard the reading of the statement correctly, the House conferees have yielded to the Senate upon the question of the Librarian requiring confirmation by the Senate.

Mr. BINGHAM. They have, and also as to the superintendent.

Mr. QUIGG. Does not that waive some portion of the rights which the gentleman from Pennsylvania supposed the House to have in relation to this subject?

Mr. BINGHAM. No; the "gentleman from Pennsylvania's" contention with the gentleman from New York was that the Joint Committee on the Library should not have the power. That was all.

Mr. RICHARDSON. When the gentleman from Pennsylvania speaks of these appointments being made on the ground of fitness only, what does he mean? How is the fitness to be ascertained?

Mr. BINGHAM. By the Librarian and the superintendent.

Mr. RICHARDSON. By the Librarian and the superintendent without any board of examiners?

Mr. BINGHAM. Without any board.

Mr. RICHARDSON. Then it is left entirely in the discretion of those two officers.

Mr. BINGHAM. The Librarian himself has the power to appoint a board, but there is nothing in the bill that requires him to do so.

Mr. RICHARDSON. The law does not make it mandatory on him to appoint a board, but leaves it optional with him?

Mr. BINGHAM. Leaves it optional.

Mr. BARTLETT of New York. How are those 143 appointments to be apportioned among the sexes?

Mr. BINGHAM. I am of the opinion that there are no ladies employed now on the Library force.

Mr. QUIGG. There are two.

Mr. BINGHAM. I was not aware of it.

Mr. BARTLETT of New York. The present Librarian informed me some months ago—after having notified me that I could hope for no attention to my recommendations, as I was only on the House Committee on the Library [laughter]—that there were only one or two ladies employed at present in the Library, but when the new building was ready for occupation and use there would be a number of places for ladies.

Mr. BINGHAM. I would state that in the bill the committee have not gone into any question of that kind. The appointments are left wholly to the Librarian.

Mr. QUIGG. They have indicated the appointment of thirty charwomen, I believe.

Mr. BINGHAM. Those are eliminated, because the appropriation is made in a lump sum, without going into details.

Mr. QUIGG. The process, then, is this: The President appoints the Librarian, the Senate confirms him, and the Librarian makes all the appointments in his department?

Mr. BINGHAM. Yes.

Mr. QUIGG. Is the superintendent also to be confirmed by the Senate?

Mr. BINGHAM. He is to be appointed by the President and confirmed by the Senate.

Mr. QUIGG. And he makes all the appointments in his department?

Mr. BINGHAM. He does.

Mr. JOHNSON of Indiana. Most of the questions of these gentlemen have been diplomatic and somewhat impertinent. Now, I want to ask the gentleman a question which has the merit of directness and frankness. I want to know how many of these appointments I am to get? [Laughter.]

Mr. BINGHAM. I trust the gentleman will get all that the necessities of his constituents require.

Mr. JOHNSON of Indiana. Oh, that is a "glittering generality." I want the gentleman to be more specific.

Mr. BINGHAM. I will state to the gentleman that the new Librarian will be appointed about July 1, 1897.

Mr. SHAFROTH. At what amount does this conference report fix the salary of the Librarian?

Mr. BINGHAM. Five thousand dollars, as proposed in the amendment which the gentleman offered and which the House adopted.

I now yield a few moments to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. Mr. Speaker, referring to the suggestion of the gentleman from New York [Mr. QUIGG], that the conference report waives the contention which has been made by the House in respect to the management of the Library, I wish to say that the bill as amended and now submitted by the conference committee gives the Joint Committee on the Library no supervision of the regulations to be made by the Librarian. It puts the Librarian in control of the Library force, charges him with the responsibility for the proper conduct of the office, and gives him sole power of appointment. We have yielded to the Senate in the matter of confirmation, and in my opinion the House conferees were fully justified in this action. The bill as now agreed upon requires the incoming President on or after the 1st of July next to appoint, subject to confirmation by the Senate, a Librarian, who shall conduct the operations of the Library in the magnificent new Library building. I want to say for myself—and I speak only for myself—that in my judgment the time has come, the exigency is somewhat pressing, when the national Library should be in charge of a management fully abreast with the progress of the times. A great many improvements have been made in respect to library management during the last forty years. There are now schools in this country whose sole function, as I am advised, is to equip gentlemen for the discharge of the duties of librarian. I believe that our great national Library should be systematically conducted, and in harmony with new and improved methods. I sincerely hope that the President-elect will select some one for Librarian solely with reference to his fitness to discharge the duties of that great office. Mr. Speaker, I do not desire to say anything further at this time.

Mr. BINGHAM. Mr. Speaker, if there are no further inquiries to be made, I move the adoption of the conference report.

The report of the conference committee was agreed to.

On motion of Mr. BINGHAM, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. LACEY. I call for the regular order.

Mr. OWENS. I hope the gentleman will waive that for a matter which I am sure will not take more than a minute.

MARY L. TWEDDLE.

Mr. EVANS. I desire to enter a motion to reconsider the vote whereby a bill was laid on the table yesterday. The bill is No.——

Mr. TALBERT. I rise to a point of order.

Mr. EVANS. I hope the gentleman will wait until I state my proposition.

The SPEAKER. The question must first be stated, and then the point of order may come in.

Mr. EVANS. I move to reconsider the vote by which the bill (H. R. 5793) granting a pension to Mary L. Tweddle was yesterday laid on the table, on motion of the gentleman from South Carolina [Mr. TALBERT]. I was necessarily called out of the House a great many times yesterday; if I was in the Hall when adverse action was taken on this bill, I did not know it. I want now to enter the motion to reconsider. I do not wish to call it up at present.

Mr. DOCKERY. Mr. Speaker, as I understand, the gentleman from Kentucky desires to enter a motion to reconsider the action of the House by which a bill was laid on the table. I respectfully suggest to the Chair that that motion does not seem to be in order except by unanimous consent.

The SPEAKER (after a pause). The Chair will entertain the motion subject to the point of order presented by the gentleman from South Carolina. When the matter comes before the House, the Chair will pass upon the question of order. The Chair has a very strong impression that, under general parliamentary law, a motion to reconsider the vote laying a bill on the table would not be in order.

Mr. TALBERT. That was the point of order I desired to make——

The SPEAKER. Whether the practice of the House has changed the general rule is what the Chair desires to ascertain.

Mr. TALBERT. The point of order I proposed to raise was that just stated by the Chair, and also that the gentleman from Kentucky did not vote in the affirmative on the question; in fact, was not present.

The SPEAKER. The point of order is reserved, and all rights are saved.

COL. WILLIAM E. SIMMS.

Mr. OWENS. I ask unanimous consent——

The SPEAKER. The gentleman from Iowa [Mr. LACEY], as the Chair understands, calls for the regular order.

Mr. OWENS. The gentleman has agreed to withhold that call for a moment in order that I may make this request. I ask unanimous consent for the present consideration of the bill (H. R. 10102) to remove the political disabilities of Col. William E. Simms. The beneficiary is an old man who has at best very few days to live, and he is anxious that before his death the ban of the country's disfavor should be removed from his record. He was a member of the Thirty-sixth and Thirty-seventh Congresses.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. TALBERT. I desire to ask whether this bill has been considered at a Friday night's session?

Mr. OWENS. It does not relate to pensions. It is a bill reported by the Committee on the Judiciary.

Mr. MCCREARY of Kentucky. I hope the bill will pass. I know this gentleman.

Mr. EVANS. I will add my voice in the same petition.

There being no objection, the House proceeded to the consideration of the bill; which was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That all political disabilities imposed by the third section of the fourteenth amendment of the Constitution of the United States be, and the same are hereby, removed from Col. William E. Simms.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed, two-thirds voting in favor thereof.

On motion of Mr. OWENS, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. LACEY. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LACEY. Under the order of the House adopted on Monday last it was directed that immediately after the reading of the Journal to-day the arid-land bill should be called up and debated two hours, and then the vote taken. Now, I suppose that privileged matters being called up, such as conference reports, which are of high privilege, may take precedence over that order and at the same time not cut out any of the time allowed on the bill. But suppose that unanimous requests are allowed to come in, I would ask whether or not it would affect that arrangement as to time?

The SPEAKER. If the request for the regular order is withdrawn, the Chair will recognize gentlemen for unanimous consent.

Mr. LACEY. The question was whether it would come out of the time for debate.

The SPEAKER. The Chair thinks it would.

Mr. LACEY. Then I demand the regular order.

RECONSIDERATION.

Mr. LOUD. Mr. Speaker, I wish to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LOUD. I would like to ask if it would be in order now to move to reconsider and lay on the table the votes on the passage of the various pension bills which were considered on yesterday by the House, excepting the one referred to by the gentleman from Kentucky [Mr. EVANS]?

The SPEAKER. The Chair thinks it would.

Mr. LOUD. I will submit that motion.

Mr. EVANS. That excepts the one to which I have referred?

Mr. LOUD. Yes.

The motion of Mr. LOUD, to reconsider the various votes by which the bills were passed was, on his motion, laid on the table.

RESERVOIR SITES.

Mr. LACEY. I now ask for the regular order.

The SPEAKER. As the Chair understands this, this bill is to be debated for two hours, and at the end of that time a vote is to be taken, and that a two-thirds vote will be required to pass the bill.

Mr. LACEY. And it is also subject to amendment.

The SPEAKER. And is subject to amendment.

Mr. LACEY. The two hours to begin from this time?

The SPEAKER. They begin now.

Mr. LACEY. I hope we may be able to reduce the time, and I shall occupy but a very short portion of it in explaining the provisions of the bill.

I ask that the bill be read.

The bill (H. R. 1934) was read, as follows:

Be it enacted, etc., That all reservoir sites reserved or to be reserved by the Geological Survey be open to entry and use and occupation under the right-of-way act of March 3, 1891.

The amendments recommended by the Committee on the Public Lands were also read.

Mr. LACEY. The gentleman from Colorado [Mr. BELL] desires to offer a further amendment to this bill, and I yield to him long enough to have the amendment read for the information of the House.

Mr. BELL of Colorado. I offer the amendment I send to the desk.

The SPEAKER. The amendment will be read, and considered as a pending amendment.

The Clerk read as follows:

Add at the end of said bill:
"And any State is hereby authorized to improve and occupy said reservoir to the same extent as an individual or private corporation, under such rules and regulations as the Secretary of the Interior may prescribe."

Mr. LACEY. I desire, Mr. Speaker, the attention of the House briefly to explain the scope and provisions of the bill. It was called up on Monday by the gentleman from Mississippi [Mr. CATCHINGS], and proposed to be passed under a suspension of the rules, without sufficient time for debate. Objections were made to it, and it was passed over until to-day under the agreement for two hours' debate which has been specified.

In 1888 a clause was inserted in a general appropriation bill which was not considered by either the Committee on Arid Lands or the Committee on the Public Lands, in the following language, and I read now from page 527 of the Acts of the Fiftieth Congress, near the top of the page:

All the lands which may hereafter be designated or selected by such United States surveys for sites for reservoirs, ditches, or canals for irrigation purposes and all the lands made susceptible of irrigation by such reservoirs, ditches, or canals are from this time henceforth hereby reserved from sale as the property of the United States, and shall not be subject after the passage of this act to entry, settlement, or occupation until further provided by law.

That bill appropriated $100,000 for the purpose of setting apart and selecting certain sites for reservoirs for the impounding of water for the irrigation of the lands in the arid regions of the United States.

This proposition was considered by the Department as broad enough to practically withdraw from settlement, improvement, and occupation the arid lands of the country. Such was not the intention of the Committee on Appropriations, such was not the intention of the House, but this act, segregating the reservoir sites from occupation and settlement, drawn as it was, went further, and practically withdrew from settlement and improvement the arid region of the United States.

In 1891 a bill was passed, the "right-of-way bill," which had been prepared, I believe, by a commission of nine Senators. This bill was intended to take the place of the crude provisions of the act of 1888, and it was the manifest purpose and intention of that bill to provide that the very reservoir sites that had been theretofore set apart by the Geological Survey should be used and occupied under this right-of-way act of 1891. But the act of 1891 provided that reservoirs of the United States should not be affected by the bill.

I quote the following sections from that act:

SEC. 18. That the right of way through the public lands and reservations of the United States is hereby granted to any canal or ditch company formed for the purpose of irrigation and duly organized under the laws of any State or Territory, which shall have filed, or may hereafter file, with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of the ground occupied by the water of the reservoir and of the canal and its laterals, and 50 feet on each side of the marginal limits thereof; also the right to take, from the public lands adjacent to the line of the canal or ditch, material, earth, and stone necessary for the construction of such canal or ditch: *Provided*, That no such right of way shall be so located as to interfere with the proper occupation by the Government of any such reservation, and all maps of location shall be subject to the approval of the Department of the Government having jurisdiction of such reservation, and the privilege herein granted shall not be construed to interfere with the control of water for irrigation and other purposes under authority of the respective States or Territories.

SEC. 19. That any canal or ditch company desiring to secure the benefits of this act shall, within twelve months after the location of 10 miles of its canal, if the same be upon surveyed lands, and if upon unsurveyed lands, within twelve months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a map of its canal or ditch and reservoir; and upon the approval thereof by the Secretary of the Interior the same shall be noted upon the plats in said office, and thereafter all such lands over which such rights of way shall pass shall be disposed of subject to such right of way. Whenever any person or corporation, in the construction of any canal, ditch, or reservoir, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

SEC. 20. That the provisions of this act shall apply to all canals, ditches, or reservoirs heretofore or hereafter constructed, whether constructed by corporations, individuals, or association of individuals, on the filing of the certificates and maps herein provided for. If such ditch, canal, or reservoir has been or shall be constructed by an individual or association of individuals, it shall be sufficient for such individual or association of individuals to file with the Secretary of the Interior, and with the register of the land office where said land is located, a map of the line of such canal, ditch, or reservoir as in a case of a corporation, with the name of the individual owner or owners thereof, together with the articles of association, if any there be. Plats heretofore filed shall have the benefits of this act from the date of their filing, as though filed under it: *Provided*, That if any section of said canal, or ditch shall not be completed within five years after the location of said section, the rights herein granted shall be forfeited as to any uncompleted section of said canal, ditch, or reservoir to the extent that the same is not completed at the date of the forfeiture.

It will be observed that the exception in the act did not say "reservoirs," but said "reservations." The Secretary of the Interior, in a decision rendered by him, held that this act, which was obviously for the purpose of utilizing these reservoir sites, expressly excepted them, and only allowed the occupation by reservoirs and canals on lands outside of the reservoir sites. The act of 1888 says that they shall be reserved "until further provided by law." In 1891 it was further provided, in the right-of-way act for canals and reservoirs, that the waters of the arid regions might be utilized for the purpose of improving and cultivating that country. I do not care now to discuss the question as to whether the decision of the Secretary was right or wrong.

The Commissioner of the General Land Office held precisely the other way. In his report in the case of the Blue Water Land and Irrigation Company, dated November 23, 1895, he says:

The act of August 30, 1890 (26 Stat., 371-391), repealed that portion of the act of October 2, 1888, withdrawing from settlement and entry the lands made susceptible of irrigation by the reservoirs selected under said act, but provided that the reservoirs located or selected shall remain segregated and reserved from entry or settlement, as provided by said act, until otherwise provided by law.

* * * * * * *

It was not contemplated that they should be reserved from use, but for use. The object of segregating and reserving them from settlement and entry was that they should be occupied as the sites for the construction of reservoirs for the purpose of reclaiming the lands susceptible of irrigation by the reservoirs so located.

The act of March 3, 1891, providing for the occupation of public lands for reservoirs, canals, and ditches for the purpose of irrigation, being general in its scope and containing no restriction as to the appropriation of sites theretofore located under the acts of 1888 and 1890, would seem to contain ample provisions for the utilization of such sites and hence fulfill the intention of Congress, to wit, that they should be reserved and used for the purpose of irrigation solely.

The very pith and marrow of the whole question involved in the bill now being considered by the House is contained in the statement that it was not contemplated that these sites should be "reserved from use, but for use." The act of 1888, as amended by the act of 1891, as construed by the Secretary of the Interior, reserves these reservoirs from use and not for use. A reservoir site without water is entirely useless. The water is the particular thing in question, and the waters are controlled by the States through which they flow, and not by the United States of America. These are surface waters, the waters of small streams not navigable, and the States control them.

Now, the act of 1888, as amended by the act of 1891, having set apart the most eligible reservoir sites all over the United States, and having been construed as reserving them from occupation, the Government is placed in the position of a dog in the manger. We will neither eat the hay ourselves nor let anybody else eat it. The result is that these sites, instead of being flooded with water and a source of plenty and wealth to the regions in which they are located and where they ought to be used, stand as arid as the surrounding country, and persons who desire, under the act of 1891, to impound water, must select some less eligible site outside of the boundary of the Government site, and there collect the water. In a number of instances this has already been done, and the water has been diverted from the Government reservoir and used for irrigation, at an increased expense, because the natural sites have been reserved and are not allowed to be used for the purpose for which the Almighty evidently intended them in the formation of that country.

It is proposed by the amendment offered by the gentleman from Colorado [Mr. BELL] that the act of 1891 should be enlarged, so that not only corporations and individuals, under the right-of-way act, may select reservoir sites upon these lands, but that the States in which they are located may, by proper legislation and under suitable regulations to be prescribed by the Secretary of the Interior, likewise use them for the same purpose.

There are a very large number of these sites. They have been selected at great expense in every part of the arid regions of the United States, with the possible exception of Idaho, and the Government does not propose now, for a single moment, to consider this proposition of inserting an appropriation into any of the various appropriation acts for the purpose of utilizing these sites at the expense of the United States. For all of these years the Government has not utilized a single one of them. The present Director of the Geological Survey, I am informed, is heartily in favor of modifying the law, so that the sites selected may be utilized.

The provision that was inserted into the appropriation bill of 1888 had this beneficial effect: It prevented settlers from going in and locating homesteads in the controlling portions of land especially suited to the purpose of a reservoir; it prevented private individuals from taking possession for the purpose of selling out subsequently to water companies; the act prevented them from blocking the way of progress by withdrawing these tracts from settlement. To that extent the act of 1888 has proved beneficial and wise, and these sites are now where they can be occupied. Shall they be used? Shall water companies, shall private individuals, shall the States in which the sites are located be permitted now to go on and exercise their right under the act of 1891 and utilize these sites, or shall they be continued indefinitely as a blotch or a blight upon the Territories or the States in which they are located?

That, Mr. Speaker, is substantially all there is involved in this bill. The Commissioner of the General Land Office thought that no further legislation was necessary; that under the act of 1891

the people had full power to do what is proposed by this bill; but the Secretary of the Interior, upon appeal, has held differently; and whatever we may think about the act of 1891, it is now adjudicated that under that act these reservoir sites can not be utilized, and therefore this bill becomes necessary.

The gentleman from Arkansas [Mr. TERRY] controls an hour's time on the other side. I desire to reserve the balance of my time and yield to him now until I can hear what his views are on the question. Let me inquire how much time I have used.

The SPEAKER pro tempore (Mr. STEELE). The gentleman has used fourteen minutes, the Chair is informed.

Mr. LACEY. I shall use a few more moments now. I desire before we close this debate to yield a brief time to various members from the arid regions of the United States, where these reservoirs are situated, and give them an opportunity to express their views as to the propriety of this legislation. There is no uncertainty in the minds of the people out in that country. They want these reservoirs to be held back for use, and not from use. They have been held from use all these years. Now let them be used, and whether a corporation, an individual, or a State utilizes them, it makes no difference. I know it was contended in the debate on Monday that it was necessary to withhold these tracts of land from occupation under the right-of-way act, because otherwise a monopoly might arise and aggregations of capital might get the right to furnish water.

Mr. Speaker, there is no other way in this peculiar country by which these reservoirs can be utilized except by aggregation of capital. Some of them will require a million dollars to prepare them for impounding the water and digging the necessary irrigation canals. It is absolutely essential in the cultivation of an arid region that aggregation of capital should be effected. That can not be avoided. That is one of the circumstances by which that country is surrounded; and while we are holding back for fear some individual or corporation may make something, we are at the same time absolutely preventing the settlement of portions of that country by withdrawing from use the eligible places where water may be impounded. Remember, the United States does not control the water. It controls only the reservoir sites in which the water may be collected. The water is under the control of the States. If any of these corporations charge excessive or improper prices for the use of water, the States are permitted to regulate the rates charged. It is safely left, and may be well left, under the control of the local legislatures where the lands are situated.

I reserve the remainder of my time.

Mr. TERRY. Mr. Speaker, I fully agree with the distinguished chairman of the Committee on Public Lands that it was the intention that these reservoir sites should be reserved for use and occupation for irrigation purposes, and not to be reserved from use, as he has stated; but the trouble with the bill is that it does not stop at granting the right to use and occupy for irrigation purposes, but it states broadly that—

All reservoir sites reserved or to be reserved by the Geological Survey shall be open to entry.

Now, that word "entry" has a well-defined meaning in regard to the public lands of the United States; and under a possible construction that might be given under that by some such decisions as are sometimes rendered by the courts, a person or corporation might acquire the actual title to these lands.

Mr. SHAFROTH. Will the gentleman yield to me for a question?

Mr. TERRY. Certainly.

Mr. SHAFROTH. Is not that clearly set forth in the right-of-way act of March 3, 1891, which expressly provides that it shall be used for irrigation?

Mr. TERRY. It does not necessarily follow. I should, perhaps, sitting as a judge, give it the construction that the gentleman contends for; but we know that there are strange decisions rendered, and I want to make the thing perfectly plain. "Subject to entry" might be construed as one distinct proposition, and the remainder of the clause, "and the use and occupation under the right-of-way act," as another. That construction might be put upon the act. That word "entry" should be stricken out. Now, sir, in order that the House may be more fully informed in regard to the pending measure, I will state that after demanding a second and the arrangement that was made for postponement until to-day, at the suggestion of the distinguished chairman of the Committee on Appropriations, I communicated with Maj. J. W. Powell, formerly Chief of the Geological Survey and now Chief of the Bureau of Ethnology, and received from him the following communication, which I ask to be read in my time:

The Clerk read as follows:

SMITHSONIAN INSTITUTION,
BUREAU OF AMERICAN ETHNOLOGY.
Washington, February 16, 1897.

SIR: In replying to your telephonic communication of yesterday, I beg to make the following statement: By the authority and direction of the United States statutes, the Geological Survey has been engaged in selecting and reserving reservoir sites for the purposes of irrigation, and many sites have already been established.

The reasons which led to their reservation are as follows: It was found by experience that, when reservoir sites were selected on the public land by a body of irrigators, it was possible for individuals to obtain title thereto from the United States, under some one of the provisions of the statutes, and then compel those desiring to use the reservoir sites for purposes of irrigation to purchase the title from themselves.

The United States, having made a large number of such reservations, has now given notice that such sites are dedicated to the purpose of irrigation, and can not be acquired by individuals, but are held for the use of the public; the manner under which such use can be acquired has never been established by law. Some uncertainty has existed as to the purpose of the reservation, as some persons suppose that they are reserved as sites upon which the Government is to construct reservoirs, while in fact the purpose, as clearly shown by the debates in Congress, as well as by the terms of the statute, was to reserve the sites for purposes of irrigation whenever irrigators should desire to utilize such sites by the construction of proper works themselves.

The sites already selected are many, and every one may easily be made of high speculative value by any person who should obtain title thereto, whenever any body of farmers should decide to increase the acreage of their irrigated lands, by constructing works. Single sites might thus become of a value of thousands of dollars, hundreds of thousands of dollars, or even of more than a million. Thus, by the entry of these lands under the general laws, it would be possible to assess the farmers in large sums preliminary to the enlargement of their irrigated acreage.

It would therefore seem not to be wise to throw these lands open to entry under the general provisions of the land laws, but still to hold them for the purpose originally designed. That these ends may be accomplished in a just and proper manner a general statute should be enacted providing the necessary regulations for their use.

The terms of the bill (H. R. 1984) to which you called my attention seem to be defective. The words in line 4 "be open to entry and use and occupation" would probably be construed by the Department as authorizing a sale. The act of March 3, 1891, and other statutes give ample authority for the use of these reservoirs, but not for their sale. That which is now needed is to provide a method of procedure for occupancy and use, which hitherto has not been fixed by statute or Executive order.

The Congress at this session has enacted a statute for another class of sites, which is eminently wise. I refer to the act approved January 13, 1897.

I would respectfully request permission to suggest a form for such a statute, following the terms of the act mentioned above, but modified to the conditions of the present case.

Inclosed please find the suggested form.

I am, with great respect, your obedient servant,

J. W. POWELL.

Hon. W. L. TERRY,
House of Representatives.

Mr. TERRY. Now, Mr. Speaker, I have here the suggested legislation. The Clerk will read the part that is typewritten, and I will state that I propose to offer this with an additional section that I have indicated in pencil. I propose to offer it as a substitute or by way of amendment to the pending measure. The Clerk will read at present the matter which is typewritten, which is the part that comes from Major Powell.

Mr. BARHAM. That is, the provision suggested by Major Powell.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

"That any person, company, or corporation engaged or desiring to engage in the irrigation of arid lands is hereby authorized to use any reservoir site heretofore or hereafter reserved under the laws of the United States for that purpose so long as such reservation is maintained for such purpose, and the Secretary of the Interior shall prescribe regulations for the occupancy of such reservoir sites.

"SEC. 2. That such person, company, or corporation shall file a declaratory statement in the United States land office in the district where the land is situated, which statement shall describe the land where such reservoir is to be constructed and specify the capacity of the reservoir.

"SEC. 3. That such person, company, or corporation shall have the same accurately surveyed and shall file in the United States land office in the district in which the reservoir is located a map or plat showing the location of such reservoir, which map or plat shall be transmitted by the register and receiver of said United States land office to the Secretary of the Interior, and the said person, company, or corporation shall have the right to use such reservoir site so long as it is maintained for the purpose of irrigation."

Mr. LACEY. Mr. Speaker, I reserve all points of order upon that.

Mr. TERRY. Now, I ask that the Clerk read the part written in pencil, which I propose to add to what has just been read.

The Clerk read as follows:

Add the following:

"SEC. 4. In order to secure justice and prevent abuse, the United States reserve the power to regulate and to authorize States and Territories to regulate the rates and charges for use of water from any such reservoir site by any person, company, or corporation availing itself of the privileges of this act, and, in the absence of further legislation by Congress, the Secretary of the Interior shall exercise such power of regulation whenever he shall deem it necessary."

Mr. TERRY. I will add to that the following:

And no charge shall be made for water required for public use by the United States or by any State or Territory.

Now, Mr. Speaker, I think that that fourth section is a very important one to be added. I do not know what power of regulation has been reserved by the respective States and Territories, but now, while we have this power still in our hands, let us not part with it. Let us here and now, when we are making this concession, reserve to the Government of the United States, through their Congress, the power to prevent injustice and abuse by any of these corporations. As I stated the other day, I have no arid lands in my district or State, but years ago I spent a good deal of

time in the great West, and there I heard numerous complaints on all sides from the ranchmen of the extortion and monopolistic oppression that was practiced by some of the water companies. I understand that since that time some of the States have taken the matter in hand and have passed laws to regulate it; but there is a certain point beyond which we might lose the power of regulation. If we make no such regulation now, it might be contended at some time in the future that, as we had given the right without reserving the right to regulate charges, the States could not interpose to regulate them. The States may, of course, control the water within their borders to a certain extent, but many of these reservoirs are of a peculiar kind, lakes which do not flow at all except when there has been a considerable melting of snow on the mountains, so that the entire body of water is found on the Government's land.

Now, if we give to companies or individuals the right to enter upon these reservoirs and do not make any reservation, it might become a question hereafter as to whether the States could control or regulate them.

Mr. MONDELL. Does the gentleman seriously believe that Congress has any right to regulate the price of water within the borders of a State?

Mr. TERRY. I do believe that when we grant a privilege or make a concession we have the right to prescribe the conditions on which the grant or concession is made, and I believe in attending to this matter right here and now.

Mr. MONDELL. The gentleman does not answer my question. I had no reference to the use of Government land. We all understand that Congress has the right to say how Government lands shall be sold, or given away, or utilized; but my question is this: Does the gentleman seriously believe that Congress has any more right to regulate the rates that shall be charged for water within the borders of a State than it has to regulate the rates that shall be charged for any other commodity within the State?

Mr. TERRY. I seriously believe, Mr. Speaker, that when we are making a concession such as is proposed to be made here, we have the right to prescribe the conditions upon which it shall be made. I believe we have the power to say that any company or corporation that shall avail itself of the concessions that we here grant shall do so upon certain terms. You have a right to sell a piece of land to a man, and when you do sell it you part with the title, but at the same time you have a right to make the sale upon the condition that no saloon shall ever be put upon it. Now, when the United States makes a concession like this, it has a right to fix the conditions, and I have no doubt whatever that Congress has a right to make the reservation that is contemplated in the proposed fourth section of the substitute.

Mr. SHAFROTH. Will the gentleman permit me to ask him a question?

Mr. TERRY. Certainly.

Mr. SHAFROTH. Would not the regulation by the United States Government have a tendency to bring about a conflict between the State authorities and the General Government, and would not the individual irrigator probably fare better by having the rates established by local authorities instead of by Congress?

Mr. TERRY. That might be so; but, unfortunately, it sometimes happens that a State or a Territorial legislature will not do its duty in matters of this kind. It is sometimes surrounded by a lobby in the interest of these canal or irrigation companies, and will not enact proper legislation in the interest of the farmer, ranchman, and settler. They get concessions; the proper regulations are not made; and afterwards when the people cry out for State regulation they do not get it.

I want to say further to my friend from Colorado, that I am told they have good laws in his State now providing for the regulation of water rates.

Mr. SHAFROTH. We have.

Mr. TERRY. I do not know how recently they have been enacted.

Mr. SHAFROTH. Our laws put these matters under the control of the county commissioners.

Mr. TERRY. Wherever the fact is brought to the attention of the Secretary of the Interior that there are already sufficient regulations provided for the protection of the people, he will not step in. But if it should ever be found that a corrupt set of officials have refused to protect the people, let us have the remedy here to protect the people in the benefits of those reservoir sites. Whenever it is found that the States have done their duty, then, under the provision I proposed, the matter will be left in the hands of the State. Where it is found that the Territorial legislature has done its duty, this provision allows the control of the matter to remain in the hands of the local assembly. But until we have such an assurance, let us retain control of the matter here in our own hands.

Mr. Speaker, I reserve the balance of my time.

Mr. LACEY. Mr. Speaker, I wish to call the attention of the House to a part of the letter which was read from the former Director of the Geological Survey. He says:

> Some uncertainty has existed as to the purpose of the reservations, as some persons suppose that they are reserved as sites upon which the Government is to erect reservoirs, while in fact the purpose, as clearly shown by the debates in Congress, as well as by the terms of the statutes, was to reserve the sites for purposes of irrigation whenever irrigators should desire to utilize such sites by the construction of proper works themselves.

So that, according to the statement of the Director himself, the purpose of this law was not to withhold these sites from use and to reserve them to the Government——

Mr. TERRY. I conceded that in the beginning of my statement.

Mr. LACEY. But for irrigators; and the act of 1891 limits the methods by which irrigators shall use the public lands adapted to this purpose. The only question now is whether the most eligible part of these sites shall be thus utilized or reserved.

Mr. BARHAM. Let me ask whether there is any objection to striking out the word "entry" where it occurs in this bill?

Mr. LACEY. None whatever.

Mr. BARHAM. Then I move to strike out that word.

Mr. LACEY. That motion perhaps would not be in order at this time; but I will say to the gentleman that I think the word "entry" is unnecessary. The words "use and occupation" are substantially sufficient. I believe the word "entry" was inserted for the purpose of giving title to so much of the lands as may be used for a canal; but so far as it concerns the use of the lands for canal and railway purposes, the language might just as well be "use and occupation" without the word "entry," and without giving any other title than the usufructory title.

Mr. BARHAM. At the proper time I desire to move that amendment.

Mr. LACEY. So far as I am concerned, I shall be glad to have the amendment agreed to.

I now yield five minutes to the gentleman from Colorado [Mr. BELL].

Mr. BELL of Colorado. Mr. Speaker, the amendment which I have offered provides that the States shall also have the right, if they see fit, to improve these reservoirs. My reason for proposing this provision is that there is now pending before the legislature of the State of Colorado a bill to appropriate $50,000 for the purpose of improving Twin Lake Reservoir, at the head of the Arkansas River, and a bill is now pending in this House, with the approval of the Secretary of the Interior, permitting the State of Colorado to make that improvement. If the State of Colorado be given that right in this bill—and the chairman of the committee, as well as all other members interested, appears to agree to it—it will save the necessity for the passage of any private bill on the subject.

Replying to our friend from Arkansas, I want to say that he evidently does not understand irrigation in the arid region. All that is reserved in the arid region is some great basins nine or ten thousand feet above the sea level. The land there is such as nobody can occupy. It is land that no man would want for any other purpose whatever. That land was first reserved for the purpose of storing water, to increase the flow so that the Government lands lying on the streams below might be made valuable and might be taken by citizens who would purchase them from the United States. It was thought at the time by a great many people that the Government would make the improvement. It was thought also that the State might improve. After a time a commission was appointed by the Senate consisting of nine Senators, who formulated and brought before Congress the bill which now constitutes what is known as the act of 1891. It was understood by everybody that the act of 1891 was for the purpose of making these reservoirs subject to occupancy. When application was made for occupancy, the Commissioner of the Land Office decided that they were subject to occupancy.

The matter went from the Commissioner of the Land Office to Secretary Smith, who, as I understand, after very short consideration and without giving any reason whatever, concluded that the object of Congress was to set these reservations apart for improvement by the Government, or to cede them to the State when the lands were ceded to the State, as he advocated at the time the decision on the subject was made. The Assistant Commissioner of the Land Office told me to-day, and he has told me repeatedly, that he believes that this application of the law of 1891 is just as this bill will make it, and would be the best thing that could be done, and it ought to pass. He told me that he did not believe that the decision of the Secretary would be followed; that the reason that these reservoir sites were set apart was for the purpose of increasing the flow of the rivers in the arid regions, and by that means it would make the Government lands valuable, and make them desirable for entry, and the Government can have the lands occupied.

The act was unquestionably passed, Mr. Speaker, for that purpose. But the Assistant Commissioner told me this morning that

they had the anomaly now of a man in the West going by the side of one of these great natural reservoir sites that had been set apart by the Government for the purpose I have named, and while the Government said to him, "You shall not enter, according to this decision, yet under the act you can go on the public lands by the side of one of these reservoir sites and locate another and erect your reservoir there." And he said that a peculiar condition existed: Men in the arid regions would go and take a second reservoir site and improve it, and divert the water into the secondary reservoir and leave that which was reserved for the Government unoccupied and no water to fill it. After it had been diverted to the other reservoir, that was of but little use generally, it would leave the lands impossible of improvement, and the Assistant Commissioner of the Land Office has insisted with me and other members numerous times that this bill ought to be pressed to a speedy passage. I had individual bills introduced upon the subject. I understand Senator TELLER and, I think, all the other Senators from the arid regions, as well as the Representatives from that part of the country, favor the bill. I know of no objection whatever to it.

Now, our friend on the other side talks of "a monopoly." In the State of Colorado, and in every other State in the Union, I suppose, as far as these decisions have gone, the universal rulings of the courts are that no individual owns the water. It is the State alone that owns and controls the water, under the constitution of our States; and I suppose that is true under the laws of every State. In Colorado the county commissioners in all of the counties fix the maximum rate that shall be charged for the use of the water on the land. Every four years the commissioners from every county in the State fix the rate of charges that the ditch companies shall impose upon the farmers for the use of water, and this rate is established for the next three or four years, as the case may be. The ditch companies are absolutely at the mercy of the county commissioners of the State. The county commissioners—two out of three of them in my county are farmers—two out of three of them have the right to say what the water rate shall be in every canal in Montrose County; and the same power exists in every county of the State. And there is no danger where the State officers control the water. The reservoir is a mere channel.

[Here the hammer fell.]

Mr. LACEY. I now yield five minutes to the gentleman from Arizona.

Mr. MURPHY of Arizona. Mr. Speaker, as a representative of a portion of the arid regions of the West, I desire to add something from my own personal experience upon the pending question, and in regard to the legislation now sought to be had by this bill.

The act of October 2, 1888, required the reservation from entry of the reservoir sites and canal sites located by the Geological Survey, as well as all lands under these reservoir sites susceptible of irrigation. I believe the purpose of the promoters of that legislation was to secure continuous appropriations by Congress to develop and construct the reservoirs and canal sites, and make them useful to the people inhabiting that region.

But it was impracticable from the moment it was first inaugurated. In 1889 or 1890, I do not now remember which, the governor of Utah, the governor of New Mexico, and I were invited to consult with Major Powell, of the United States Geological Survey, on this very subject. He urged at that time the desirability of promoting this legislation and leaving these sites for the reservoirs free from entry until appropriations could be made by Congress or some general provision enacted for the construction of the reservoirs under the charge of the Geological Survey. I contended against the proposition at the time. The impracticability of it was so manifest that even then, if we could have gotten money from Congress to carry into execution the suggestion, it would have been at an expenditure on the part of Congress in the way of appropriations that would have exceeded even the cost of improvements of our rivers and harbors in this country.

Mr. MONDELL. Will the gentleman from Arizona [Mr. MURPHY] allow me a question?

Mr. MURPHY of Arizona. Yes.

Mr. MONDELL. The gentleman states that the former Director of the Geological Survey, who was the Director of the Geological Survey at the time these laws were passed and these reservations set apart, was in favor of direct appropriations by the General Government for the building of these reservoirs.

Mr. MURPHY of Arizona. Yes, he solicited the cooperation of myself, the governor of Utah, and the governor of New Mexico upon that very subject. The then Secretary of the Interior, Mr. Noble, was in favor of that proposition. The Assistant Secretary of the Interior, Mr. Chandler, opposed it, and said to me that it would retard the growth of that country for a hundred years, and a protest went up from the entire West to such a degree that the act of 1891 resulted. That was intended to cure the defects in the former act, and I believe it did cure them. The Commissioner of the General Land Office so believes, but the Secretary of the Interior has held that that law is not sufficiently curative.

Now we simply come here asking for a completion of the proposed relief. We simply ask that these reservoir sites may be occupied and used, and I am perfectly willing that the word "entry" should be stricken out; but there is no reason or force in the argument that because the Geological Survey has surveyed reservoir sites at great expense therefore they can not be made available and used. You might just as well say that because the Geological Survey has marked out great mineral regions and defined them, and has told what is contained therein, no citizen can enter them under the mineral-land laws and develop them. The Geological Survey performed a great service for that country. Although these reservoir sites were well known, a great service was performed in surveying and defining them; and now that they have been located, the people should have a right to use them. Let any amendment be made in this pending bill which relieves the ambiguity of the act of 1891. Carry out its intent, and that is all that is required at this time, in my judgment.

Mr. LACEY. I yield to the Delegate from New Mexico [Mr. CATRON].

Mr. CATRON. Mr. Speaker, during the last session of this Congress a bill was reported by the Committee on Territories recommending the admission of the Territory of New Mexico into the Union as a State. A minority of the committee made a report expressing their views, in which they stated that the Territory of New Mexico had not advanced as rapidly as many of the Western States had advanced, and for that reason that Territory ought not to be admitted into the Union as a State. It is true that we have probably not advanced in late years as fast as some of the other Territories, or as some of the new States. But it is true, also, that in the Territory of New Mexico we have advanced much more rapidly during the time that we have been under the control of the Federal Government than the old States have advanced. The increase in population has been greater than the average increase throughout the United States in the last decade. The increase in wealth has been ten times greater than the average increase throughout the United States.

But why are we held back? Why have we not advanced? It has been because of certain action on the part of the General Government. One of the reasons was the prohibition of the investment of alien capital in the Territories under the provisions of the act of 1887. Another one was the prohibition, by construction of the Departments of the Government, of the right of the Territories to locate and use these reservoir sites. We need capital in the Territories for the express purpose of developing these reservoirs and our irrigation system. The Government does not develop the public domain. It is the individual who does that. Individuals are usually poor, and they have to invite people from outside to come and help develop the resources of the Western country. In the Territory of New Mexico we have an area greater than the area of the State of Illinois which can be reduced to cultivation, provided we have irrigation to supplement it.

Now, how are we to get that? It can only be done by means of ditches and reservoirs. We have plenty of water, but the water goes down the streams. It should be taken upon the table-lands, so that it can be spread throughout this extensive territory which is susceptible of cultivation. If you do not give us an act like this, by means of which we can invite capital to come there, locate these reservoirs and ditches, and get people to come and assist us, you can never develop that entire region. You can never develop one-fourth of it for a great many years. But give us the right to use these reservoir sites and to take the water from them, to control them according to our own laws and in our own way; give us the right to invite capital there, and we will develop a Territory which will advance ten times faster than we have advanced before and rival the most prosperous of the Eastern States.

Mr. TERRY. I yield to the gentleman from Illinois [Mr. CANNON] such time as he desires.

Mr. CANNON. Mr. Speaker, I think a very few minutes will suffice for me to say what I desire so say. By accident I had some familiarity, as I explained a day or two ago, with the selection or segregating of these reservoir sites. It originated in a Senate amendment on an appropriation bill. After some kicking and all the consultation that we could get, the House finally adopted the Senate amendment. As explained the other day, a large amount of money—I think, if run down, probably in the neighborhood of a million dollars—was expended by the Government in surveying and platting these reservoir sites.

Mr. MONDELL. Will the gentleman allow me to make a suggestion?

Mr. CANNON. Certainly.

Mr. MONDELL. I can only find two appropriations, aggregating $350,000.

Mr. CANNON. The gentleman may be right about that; but, with the use of the force in that great work, in addition to that—geologists, topographers, and many other things. But I will not stop to consider that question, because it is not at all important. Now, as the able chairman of the Committee on Public Lands

explained, there came a friction not only by this act, but by a construction of it which substantially took not only the reservoir sites, but all the arid lands that people practically desired to obtain title to out of the market, and in the Fifty-first Congress there came an effort, upon an appropriation bill, to absolutely repeal that law. There was a long contest about it, led by the now Senator from Montana [Mr. CARTER], on the one hand, and other members of the House, and, if I recollect right, this right-of-way bill went upon the sundry civil appropriation bill.

Mr. SHAFROTH. Yes, it did; in 1890.

Mr. CANNON. That is my recollection of it; and the framing of that bill as it finally went upon the sundry civil bill was not particularly my work, although I was chairman of the Committee on Appropriations at that time and chairman of the conference committee, but it was principally the suggestion of the Committee on Public Lands, led by my late colleague [Mr. Payson] and a similar committee, I think upon Public Lands, of the Senate.

Mr. SHAFROTH. I will state to the gentleman that the bill was drawn by Senator Plumb, who was upon the Select Committee of the Senate for the Reclamation of the Arid Lands.

Mr. CANNON. Yes; but it was submitted, so far as the House conferees were concerned, to members of the Committee on Public Lands in the House. Unfortunately, I have not much knowledge of the condition of the country in the arid region, nor have I much knowledge of the public land system, and therefore I do not speak with much confidence, especially in the presence of gentlemen who represent the various Territories and States in which the arid lands are situated; still I have just enough knowledge from the former contest to understand that the land is nothing, but the water is everything; that if all your water were utilized economically probably 80 or 90 per cent of your lands would remain without water and practically worthless except as they make a part of the earth's surface.

Mr. SHAFROTH. About 80 per cent, I should think.

Mr. CANNON. About 80 per cent, as the gentleman from Colorado says, and he is much more familiar with that subject than I am. With my knowledge I know that there are questions arising—for instance, the use of waters arising in the boundaries of one State and running into another, the use of water for irrigation in Colorado liberally used near the head waters of the stream, depriving the people below of its use; and I can imagine that a great many difficult questions will arise between inhabitants and citizens of one State in the various States and citizens of different States in the future, but the future will have to take care of itself.

Now, from these circumstances I have felt a great interest touching this matter, and I feel now that we ought to be careful not in any way to cripple the development of those States having arid regions on the one hand, and upon the other to enable anybody to get the whip hand of their fellow-citizens and the unnumbered millions yet unborn. That is the only reason why I challenged this bill the other day. One expression, it is agreed, shall be stricken out of the bill—the word "entry;" so that it is "the use and occupation only of these reservoir sites" that is to be obtained.

Now, I suggest, and have just suggested to the chairman of the Committee on Public Lands, that another amendment might go upon this bill with great profit. I understand in most of the States—I am told all by some; and the gentleman from Arkansas [Mr. TERRY] thinks not all—that the prices of the water, the water rates, are regulated by the respective States and Territories. But let that be as it may, when we part permanently, so far as the United States is concerned, with the use and occupation of these great reservoir sites to the people of the respective States, I want to part with them under conditions that will give the greatest good to the greatest number. Therefore I shall offer the following amendment at the close of this bill:

Provided, That the charges for water coming in whole or part from reservoir sites used and occupied under the provisions of this act shall always be subject to the control of the respective States and Territories in which such reservoirs are in whole or part situate.

Mr. SHAFROTH. I think that is satisfactory.

Mr. LACEY. In view of the language used in the right-of-way act of March, 1891, I do not think that this language is necessary, because the control of the State is expressly preserved. But I do not care to have any question left open on this subject; and, so far as I am concerned, I would be glad to have the amendment adopted. I do not think it necessary, but would accept it.

Mr. TERRY. After the word "control" I wish the gentleman would insert the words "and regulation."

Mr. CANNON. What is the purpose of that?

Mr. TERRY. So as to have the control and regulation of the charges in the State.

Mr. CANNON. I will read it again.

Provided, That the charges for water coming in whole or part from reservoir sites used and occupied under the provisions of this act shall always be subject to the control—

Mr. TERRY. Right after the word "control" put in the words "and regulation."

Mr. CANNON. All right, then—

control and regulation of the respective States and Territories in which such reservoirs are in whole or part situate.

Now, if my friend feels free to accept that amendment, so far as I am concerned, I shall be content.

Mr. LACEY. Mr. Speaker, I would be glad to have the question of agreeing to that amendment submitted to the House.

Mr. TERRY. I hope unanimous consent will be given that that amendment be submitted.

Mr. SHAFROTH. As an amendment to the original bill or to the substitute?

Mr. LACEY. As an addition to the original bill.

Mr. COX. If I understand this correctly, if this bill is passed it will take the Government entirely out of this enterprise of the irrigation of these arid lands, and will turn it over to individuals or corporations.

Mr. LACEY. No. The Government may still act as to the reservations not taken, but this bill enables parties desiring to irrigate to utilize the reservoirs that have been selected and reserved. They may utilize none of them or they may utilize all, but if any remain, they may be utilized by the Government.

Mr. COX. Well, if they do utilize these reservoirs, the water will be under the control of Congress as to the charges that shall be made.

Mr. LACEY. No; the water does not belong to the Government. The reservoirs in which the water is stored belong to the Government, but the water belongs to the States and will be controlled by them. The amendment proposed by the gentleman from Illinois [Mr. CANNON] relieves this measure from all possible doubt upon that subject. I think there could be no doubt anyhow, but this amendment takes away the possibility of any question being raised as to the right of the States and Territories to regulate and control the management and the price of the water. I ask the Chair to submit the question on the amendment.

The SPEAKER. Unanimous consent is asked to have the amendment agreed to which the Clerk will read.

The Clerk again read the amendment of Mr. CANNON as printed above; and it was unanimously adopted.

Mr. LACEY. Now, Mr. Speaker, I yield to the gentleman from Colorado [Mr. SHAFROTH].

Mr. SHAFROTH. Mr. Speaker, I want to address my remarks principally to the proposition presented by the gentleman from Arkansas [Mr. TERRY] as a substitute for the pending bill. That proposition has in view the same purpose that I think animates every member of this House in relation to this subject, which is to provide for the control of the waters in the arid region so that irrigators shall not be charged higher rates than are fair and just. But the difficulty with the gentleman's substitute is that it comes here without the sanction of any committee, without thorough examination by any member of a committee, and consequently it is immature legislation. That part of it which seeks to have the United States Government control these waters is, it seems to me, in violation of the Constitution of the United States. I do not believe that the United States has the power to control these waters. Such power was never delegated by the States, and the United States has never attempted to exercise the same. The constitution of the State of Colorado, under which it was admitted into the Union, provides that the waters shall remain the property of the State. The amendment which has been proposed by the gentleman from Illinois [Mr. CANNON], and adopted, really serves no purpose, because it merely reenacts the existing law. It would be the law even if the act of 1891 were not in existence. The waters belong to the States. The United States Government has always recognized that, and the States have enacted legislation directly controlling the use of the waters. In my own State the county commissioners of each county——

Mr. TERRY. Suppose the State of Colorado, which has control of the waters, should grant a concession to a company, or should enter into a contract with a company or corporation to construct dams and control all the irrigating lands, could the State, after having done that, still exercise the right to compel the corporation to reduce its charges if they were unreasonable?

Mr. SHAFROTH. That depends upon the constitution of the State, and the constitution of Colorado expressly says that it can not divest itself of such rights; consequently such an act would be invalid.

Mr. TERRY. I know you have a very good constitution in your State, but all the constitutions are not so good.

Mr. BOATNER. Is there a State in the Union whose constitution deprives the State legislature of the right to regulate the charges that shall be made for water, light, and other public conveniences by any public corporation?

Mr. TERRY. When I get time to read the constitutions of all the States, I shall be in a position to answer that question. [Laughter.]

Mr. SHAFROTH. I will state to the gentleman that the people of the arid States are more zealous for the protection of the public

and of the farmer who desires to irrigate his land than Congress could possibly be. There is a continual attempt in the State legislatures to make the laws more stringent and to secure more concessions for the people. As it is now, there is ample provision in our State constitution and laws for the protection of the people. The county commissioners fix the price of water for irrigation purposes, and according to law they can fix it so low that there will be hardly any compensation to the corporation.

Mr. BARHAM. I doubt that.

Mr. SHAFROTH. The county commissioners try to fix a reasonable rate, such as will give a fair return on the investment, as they should do.

Mr. BAILEY. The constitution of Colorado, as I understand, provides that private property shall not be "taken, damaged, or destroyed" without just compensation. Now, under those words the holding is uniform that you can not condemn either the property or the use of the property without just compensation. The gentleman's own supreme court has so held.

Mr. SHAFROTH. The constitution of Colorado recognizes no private ownership in water—none whatever.

Mr. BARHAM. The Supreme Court of the United States has also held that you can not use private property without just compensation.

Mr. SHAFROTH. That is true; but that does not apply here.

Mr. BAILEY. Does the gentleman from Colorado state that the law of his State does not recognize any private property in water, or in a dam, for instance?

Mr. SHAFROTH. It does not recognize any private ownership in water. It says that the water shall always belong to the public.

Mr. BAILEY. Then the gentleman is very probably right.

Mr. BARHAM. But is not the use of water recognized as subject to reasonable control or regulation?

Mr. SHAFROTH. I think so.

Mr. BARHAM. Of course it is.

Mr. SHAFROTH. Our legislature has so regarded it, and the result is there have been created tribunals among the people to decide the rates, who understand the needs of the public, who know how much flow of water is required, and how much ought to be paid for the use of the water.

Mr. BOATNER. Does the gentleman state that under the constitution of Colorado the legislature might incorporate a company, giving it authority to collect water and sell it, and then by legislative enactment fix the price of the water so low as not to reimburse the expense of furnishing the water?

Mr. SHAFROTH. We do not recognize a sale of water. We regard these corporations that undertake to distribute the water as mere public carriers; that is absolutely all; they do not control or own or sell a drop of water.

The SPEAKER. The time of the gentleman from Colorado has expired.

Mr. SHAFROTH. I should like a little more time.

Mr. LACEY. I yield to the gentleman five minutes more.

Mr. SHAFROTH. Now, Mr. Speaker, the difficulty with the provision which the gentleman from Arkansas has presented here as a substitute is that it is not mature legislation.

The object of the gentleman is evidently the same as ours; but what construction would be placed upon the provisions which he offers no one can tell. We have an act, passed March 3, 1891, which describes the manner in which persons or corporations may locate upon a reservoir site for irrigation purposes. It describes the methods to be pursued. A map is to be filed showing the line of high-water mark.

Mr. TERRY. Let me state to the gentleman right there, with his permission, the defect in the act of 1891. That act provides that this map of location, and so forth, may be filed within twelve months after the location of 10 miles of the canal. Under this provision, a corporation that has already gone there and obtained control of the reservation may, within twelve months afterwards, file its map. I propose that the map shall be filed with the Secretary of the Interior as a preliminary step.

Mr. SHAFROTH. As a matter of fact, Mr. Speaker, the gentleman does not seem to know the condition of the laws out in that country. There is another map that must be filed with the State authorities. The State controls the waters of these reservoirs and streams. That map must be filed——

Mr. TERRY. The gentleman is referring to the State law.

Mr. SHAFROTH. Yes, sir.

Mr. TERRY. I thought the gentleman referred a while ago to the act of Congress of 1891.

Mr. SHAFROTH. I was then referring to the law of 1891.

Mr. TERRY. And I say that act of 1891 makes the provision to which I have called attention.

Mr. SHAFROTH. But there can be no serious objection to the act of 1891 even on this ground. There is always a race for the occupancy of these reservoirs if they are very desirable, and the person who gets his map first on file has the preference over others. He is not going to wait an entire year. Yet it may be necessary, in order that the surveys may be made, that he wait considerable time. A great many of these sites are located in the mountains where the snow in winter is so deep as to prevent a survey until summer. It seems to me that if there is a defect in the provision referred to it should be amended; but here is a law, passed in 1891, that has received the construction of the Interior Department from that time to this in a number of decisions.

Mr. LACEY. Allow me to ask whether the requirement that the map be filed within twelve months, as provided in the act of 1891, has been found inconvenient? Has any difficulty arisen in the practical operation of the law?

Mr. SHAFROTH. None that I have ever heard of. But, as I was saying, the act of 1891 has received the construction of the Interior Department—not in one decision, but, I have no doubt, in at least 100 decisions. Under those decisions a settled practice has grown up. There are certain rules and regulations which have been prescribed by the Interior Department. Therefore, if we should now undertake to enact hasty legislation—a measure brought in here as a substitute which has not received the sanction of any committee—it would, it seems to me, be dangerous, although its object may be good. I have no doubt the purpose of the gentleman from Arkansas is as good in respect to this matter as ours. He is doubtless trying to get the very best legislation possible for the protection of the users of the water. But, Mr. Speaker, the bill we have introduced here is short. It refers to the act of 1891. It expressly puts the use and occupation of these reservoirs directly under the act of 1891, which act preserves the use of these waters for irrigation purposes. A mode of procedure is prescribed, and I see no reason why we should now enact legislation which has not been matured or has not received the sanction of a committee of this House.

Upon the general, question I wish to say that these sites are of much moment to the people of the arid region. There are 138 such sites, 35 of which are in Colorado, 23 in California, 30 in Montana, 19 in New Mexico, and 13 in Utah. It is estimated that these reservoirs will hold sufficient water to irrigate as much more land as there is now under irrigation. The withholding of these sites from use by the Government is greatly retarding development of agriculture in the West. Either the Government should construct the dams necessary to form these reservoirs, or it should permit the States and the inhabitants thereof to do so. There is no indication that Congress will appropriate money for such purpose, and therefore it should permit others to undertake the work. There is no danger of a monopoly of the waters, as the laws of the State afford ample protection to the public. This measure receives the approval of the Representatives from every arid State, and it should receive the indorsement of this Congress.

The SPEAKER pro tempore (Mr. STEELE). The time of the gentleman has expired.

Mr. LACEY. I yield five minutes to the gentleman from California [Mr. JOHNSON].

Mr. JOHNSON of California. Mr. Speaker, I wish to state how this bill came to be introduced into the House. When I came to Congress, being a new member, I did not know exactly how to get at the reservoir business, and I called upon the gentleman from Illinois [Mr. CANNON], in whom I had the greatest confidence and faith, and asked him with reference to the matter. He told me that some legislation had been had in connection with it, and that some action had also been taken by the Geological Survey with regard to the matter, and that if I would inquire there I would receive all of the information that was available upon the subject. I did so and found what had been done, and after a talk with them they wrote the bill and handed it to me, stating that they thought it would cover the case I had in view, and it was at their suggestion and recommendation that I introduced the bill.

Now, it seems to me that it covers the case entirely. The amendment of the gentleman from Illinois [Mr. CANNON], in my judgment, is unnecessary, because the statute already provides for it; but I do not object to the incorporation of the amendment. It can do no harm. The amendment of my colleague from California [Mr. BARHAM] is one that is perhaps wise, and I make no objection to that.

I want to say to the gentleman from Arkansas [Mr. TERRY], who fears damaging results from the proposed legislation, that in my State the constitution, in reference to the use of water, reads as follows:

> Section 1, article 14. The use of all water now appropriated or that may hereafter be appropriated for sale, rental, or distribution is hereby declared to be for public use and subject to the regulation and control of the State in the manner to be prescribed by law.

So it seems that there is no danger in my State of a monopoly being created in the use of water throughout the arid portions of the State.

This question has been well spoken of by gentlemen representing the arid regions, and also well characterized by the chairman of the Committee on Public Lands as in effect that the United States is now acting the part of the dog in the manger—it will

not use the reservoir sites itself and allows nobody else to do so. They ought to be used, Mr. Speaker; there is no question about that.

There are millions upon millions of acres of land that can be cultivated and used in the United States, and in California alone, if we can only get water upon it, and the only way to get water upon it is to construct and use the reservoirs during the proper season of the year; and the only way to get the reservoirs is to get those which the Government now claims. I hope the bill will pass, and pass by a large majority, and permit us to get legislation at this session, and thus be able to benefit our State and the other arid regions of the country.

Mr. SHAFROTH. If my friend will allow an interruption, when he speaks of the quantity of arid lands, if he will permit me, I wish to say that the Secretary of the Interior estimates that with 138 reservoirs that are now held by the United States, if opened for the use of the public, they would reclaim over 3,000,000 acres of land.

Mr. JOHNSON of California. Well, I said millions and millions of acres. I was familiar with the figures; but the figures in my State would exceed that. The land in California alone that can be utilized, if these reservoir sites are opened and water is collected upon them for the use of the land, will bring into cultivation in that State as many acres of land as the gentleman mentions.

Now, Mr. Speaker, I yield back the balance of the time to the chairman of the committee, so that some other member from the arid States can be heard upon this important question.

Mr. LACEY. I yield two minutes to the gentleman from California [Mr. BARHAM].

Mr. BARHAM. I only wish to offer an amendment, Mr. Speaker, which I have already sent to the desk.

Mr. LACEY. I ask the attention of the gentleman from Arkansas to the reading of the amendment, which may obviate the difficulty which he thinks exists in reference to the bill.

The Clerk read as follows:

Strike out in line 4, page 1, after the word "to," the words "entry and;" so that it will read:

"That all reservoir sites reserved, or to be reserved, by the Geological Survey, be open to use and occupation," etc.

Mr. LACEY. That will relieve it of every possible objection that has been urged by the gentleman from Arkansas, and that was suggested by Major Powell, as to the use of the word "entry." Inasmuch as it would necessarily be an entry under the act of 1891, it would be so limited. But in view of the fact that a suggestion has been made here as to the use of the word, the gentleman from California now moves to strike it out.

Mr. TERRY. I hope the amendment will be adopted.

Mr. LACEY. I ask unanimous consent that it may be considered as adopted.

The SPEAKER pro tempore. Is there objection to the adoption of the amendment?

There was no objection.

Mr. LACEY. I now yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, it seems to me that the vital question in connection with the discussion of this bill is whether or not this nation, through Congressional action in the future, proposes to irrigate and reclaim the arid lands of the West, or whether or not that irrigation and reclamation shall be left to the people of the respective States and Territories. There can be no question in the mind of anyone who has followed this question of irrigation, and the discussion at the time the legislation was passed which brought about the segregation of these reservoir areas, that there was a strong sentiment at that time in Congress in favor of governmental irrigation.

Under the provisions of the original act vast areas were segregated, and these areas still remain segregated from the public domain, some five or seven years after their segregation. Now the question is whether Congress proposes to build these reservoirs and irrigate these areas, or whether it is proposed to allow individual capital, under control of the States, to go in and use and occupy these reservoir sites and develop the country. It seems to me that there should be no disposition on the part of Congress to pursue a dog-in-the-manger policy in this matter, but that, as there is unquestionably a strong sentiment against governmental control or governmental aid in the building of these works, these reservoir sites should be turned over to the people of the respective States.

There can be no such thing as monopoly in matters of this kind. In the first instance, any person wishing to use these reservoirs under the right-of-way act must obtain from the State authority to impound the water of the streams from which it is proposed to bring these waters for irrigation. And under the constitution and laws of every State and Territory in the arid region the waters thus diverted for purposes of irrigation are absolutely under the control of the State. The State legislature either directly controls the price, or the price is controlled by the boards of county commissioners under provisions of State legislation.

Mr. Speaker, in this connection, I wish to present a resolution of the Fourth legislature of the State of Wyoming, relating to State ownership of public lands. It is as follows:

STATE OF WYOMING, *Office of the Secretary of State.*

UNITED STATES OF AMERICA, *State of Wyoming, ss:*

I, Charles W. Burdick, secretary of state of the State of Wyoming, do hereby certify that the annexed is a full, true, and correct copy of enrolled joint resolution No. 1, senate, State of Wyoming, passed by the Fourth legislature of the State of Wyoming.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 11th day of February, A. D. 1897.

[SEAL.] CHARLES W. BURDICK,
Secretary of State.

FOURTH LEGISLATURE OF THE STATE OF WYOMING.

[Enrolled joint resolution No. 1. Senate. State of Wyoming.]

Joint resolution and memorial to the Congress of the United States, praying for the ceding of all unoccupied public lands within the State of Wyoming to the control of the State.

Your memorialists, the Fourth legislature of the State of Wyoming, would most respectfully represent:

That all of the lands within the boundaries of the State of Wyoming are what are known as "arid" lands; the reclamation and settlement of these lands must be accomplished under different conditions from those confronting the settler in the humid portions of this country; that none of the lands now the property of the State can be sold for less than $10 per acre, which is the minimum price allowed by the terms of the act of admission and the State constitution, thus causing unfair competition with United States lands, which are sold to settlers under the provisions of the several acts of Congress at prices ranging from 50 cents to $2.50 per acre.

Experience has demonstrated that the present land system is not suited to the conditions which prevail in this State, and as a result many obstacles are interposed to the development of the country.

The reclamation of the agricultural lands imposes upon the settler and upon the State labor and expense not incurred in the humid portions of the country; ditches must be constructed and the lands prepared for the application of water before there is any return to the farmer; in addition to this great labor and expense, it is necessary for the State to exercise a supervision over them, in order that just distribution of water may be made to those entitled to it.

Thus far the State has borne the entire expense of the investigation of its agricultural resources and the supervision of the public waters.

The efficiency of this work has been greatly impaired by reason of the inability of the State to assist in any way in the reclamation and settlement of the desirable lands or to restrict the diversion of water on the less desirable.

The importance of the pastoral interests of this State makes it desirable that provision be made for the utilization of the grazing land in connection with the contiguous irrigable areas. These grazing lands comprise the greater part of territorial extent.

None of the present land laws make adequate provision for securing possession or management of these lands. In our judgment it is impossible for Congress to pass a general law which will operate with equal justice and success on the arid belt as a whole. Conditions differ in different sections of the United States, and the people of each section are best calculated to determine the system best suited to their needs. We believe that by giving to the State full control over all classes of land the best results can be obtained.

If the State controlled the lands, it would be possible to connect water rights with land titles of all irrigable lands. That this is desirable is admitted by all familiar with the subject.

The results already achieved are a sufficient guaranty of what can be accomplished under more favorable conditions. Even with the imperfect means at hand, the value of lands has not only been enhanced, but their productive capacity has been correspondingly augmented. Such results are of interest and value to the whole nation, and in our opinion entitle the State to generous recognition.

The water laws of this State have been highly recommended. The State constitution and statutes contain provisions requiring the inauguration of the most systematic and complete supervision of its public waters yet undertaken by any Commonwealth in this country.

It is only, however, by uniting the control of both water and land under one authority that our irrigation system can have the fullest measure of stability and success.

We believe that the control of this subject can wisely and safely be intrusted to the State, since the practical knowledge is almost wholly confined to those engaged in the work. By endowing the State with means and placing upon it the responsibility for the development of our resources, a great impulse will be given to the diffusion of intelligence on the subject and to local pride in the success of the undertaking. It will put the solution of this problem in the hands of the people best informed as to its details and most interested in its success.

Because of the facts hereinbefore detailed, your memorialists respectfully pray that Congress will, by suitable legislation, grant to the State of Wyoming the unoccupied and unappropriated public lands within said State.

Resolved, That the secretary of state be, and he is hereby, respectfully requested, on the approval of this memorial, to forward a duly authenticated copy thereof to the Senators and Representative in Congress from this State, in order that the same may be brought to the attention of Congress.

GEORGE E. ABBOTT,
President of the Senate.
A. D. KELLEY,
Speaker of the House.

Approved February 8, A. D. 1897.

WM. A. RICHARDS, *Governor.*

I believe that the sentiment of the nation favors in the near future such legislation as will turn over the control not only of these reservoir sites, but of all the public lands within the arid-land States and Territories to the States and Territories. There is not in the State which I have the honor to represent a single one of these reservoir sites; but they have been selected in all the States surrounding us. We have natural reservoir sites as good as many of those which have been selected by the Geological Survey. At the present time the citizens of my State can occupy any

of these reservoir sites under the right-of-way act. That being the case, should the citizens of other States, who considered that they were fortunate in having these surveys made at the time they were made, be placed in the position that they can not occupy these reservoir sites under the same laws and provisions as they can be used and occupied by private individuals and corporations in my State?

As to the amendment offered by the gentleman from Illinois [Mr. CANNON], while there is no particular objection to it, there is certainly no reason for it, because the States and Territories absolutely control the waters within their borders. The act of Congress setting up the State of Wyoming provides that the waters of the State are the property of the State.

[Here the hammer fell.]

Mr. LACEY. Mr. Speaker, does the gentleman from Arkansas [Mr. TERRY] desire to use some of his time now?

Mr. TERRY. I yield to my colleague [Mr. MCRAE].

Mr. MCRAE. Mr. Speaker, the bill as first presented ought not to pass; but as it has been amended it appears to be almost if not entirely satisfactory to everybody and what I desire to say will not be directed to the provisions of the bill, but to correct some statements in relation to the act of 1888, and the repeal of it in 1890, and to vindicate the truth of history.

It is not true, according to my recollection—and I have been a member of that committee since the Forty-ninth Congress—that the Committee on Public Lands ever agreed to the extraordinary and dangerous proposition which was inserted in the sundry civil bill passed at the first session of the Fiftieth Congress, in August, 1888. That proposition of the Committee on Appropriations was perhaps suggested by Major Powell, the Director of the Geological Survey at that time. It may be true, as stated by the distinguished chairman of the Appropriations Committee [Mr. CANNON], that Mr. Payson conferred with him about it, but that gentleman was not chairman of the Public Lands Committee in the Fiftieth Congress, and it is just to the committee and to the members of it to say that no such proposition as was involved could have passed the committee. It granted to that officer a power over the public land laws that the President can not exercise. We knew nothing of it at the time.

It was an unusual and dangerous power to vest in anyone, and particularly in the head of a bureau which up to that time we had supposed had but little knowledge of and no concern with the disposal of the public domain. In the exercise of that extraordinary power by that geologist the people woke up one fine morning and found that all of the public land in the Western States and Territories had been reserved from settlement, under the public land laws, to await irrigation. It is due to the distinguished gentleman from Illinois [Mr. CANNON], the present chairman of the Committee on Appropriations, that I should also correct him in the statement that I understood him to make, to the effect that he was chairman of the committee at that time. He was not chairman, but was a member of the committee, and may have supported, or perhaps suggested, the proposition. The gentleman was chairman of the committee in 1890, when the act of 1888 was repealed, and he may have the two confused in his mind.

At the first session of the Fifty-first Congress, which convened in December after the reservation, there came a perfect storm of indignation from the people of the West, which resulted in the prompt repeal of the extraordinary provision of 1888, and in the opening of these lands to settlement again, except the reservoir sites, which were reserved for public use. To that repeal the Public Lands Committee of the House did assent, and gave its influence, though it did not formulate the repealing act. Then followed the act of 1891, which contains the provisions under which canal and ditch companies may obtain the right of way over public lands and reservations, which was formulated, I think, by the late Senator Plumb, of Kansas. There is a provision in the act of 1890 which seems to have escaped the attention of those who have discussed this proposition. That is the following, which I will read:

For topographic surveys in various portions of the United States, $325,000, one-half of which sum shall be expended west of the one hundredth meridian; and so much of the act of October 2, 1888, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes," as provides for the withdrawal of the public lands from entry, occupation, and settlement, is hereby repealed, and all entries made or claims initiated in good faith and valid but for said act, shall be recognized and may be perfected in the same manner as if said law had not been enacted, except that reservoir sites heretofore located or selected shall remain segregated and reserved from entry or settlement as provided by said act, until otherwise provided by law, and reservoir sites hereafter located or selected on public lands shall in like manner be reserved from the date of the location or selection thereof.

No person who shall, after the passage of this act, enter upon any of the public lands with a view to occupation, entry, or settlement under any of the land laws shall be permitted to acquire title to more than 320 acres in the aggregate, under all of said laws, but this limitation shall not operate to curtail the right of any person who has heretofore made entry or settlement on the public lands, or whose occupation, entry, or settlement is validated by this act: *Provided*, That in all patents for lands hereafter taken up under any of the land laws of the United States or on entries or claims validated by this act west of the one hundredth meridian, it shall be expressed that there is reserved from the lands in said patent described a right of way thereon for ditches or canals constructed by the authority of the United States.

It will be noticed that this reserves the right of way for ditches and canals constructed by the authority of the United States, and I think clearly shows that it was the purpose of those who inaugurated this scheme to ultimately commit the Government to a national irrigation policy.

At least it seemed to be the settled policy of Congress, when it repealed the act of 1888 and restored the land to settlement, to reserve the sites in question, so as to aid the settlers, so far as the public domain was concerned, in getting free access to the water and an opportunity to preserve it from waste. The purpose of the two acts when taken together appears to be to make it as easy as possible for private capital and individual enterprise to secure water privileges to be used for the public good under proper restrictions of the States. It seems to me that it was an effort on the part of Congress to enable the people on our deserts who had lands which were worthless without water to get the water to it without cost, so far as the public lands were concerned.

Again, Mr. Speaker, I want to say that it is not true that it cost $350,000 to locate the reservoir sites, as the gentleman from Missouri [Mr. DOCKERY] has said. It is true that that sum of money was spent by the Geological Survey in this irrigation proposition, but the Committee on Appropriations is responsible for the expenditure of every dollar of it by attempting to look after the business of other committees. I grant you that it was expensive, but it was their mistake, and not that of the Public Lands Committee. If gentlemen will read the plan of work laid out and contemplated by Major Powell they will no longer wonder that it was expensive. He organized a corps of scientific men, the like of which has never been seen in connection with our public land system, and the wonder is that it did not cost more than it did to get rid of it. The Appropriations Committee have stood by that Bureau in its fights for jurisdiction and money with a love like unto that which existed between Jonathan and David. Every effort to check its growing power and patronage and reduce appropriations for it has been resisted by the committee that now talks so much about large expenditures. This is one bureau that can usually get what it asks for in the way of appropriations.

The Director in his report in 1889, in referring to the objects of the act of 1888, says this:

Its first object, as expressed in the statute directing that the survey be made, is for the information of the Congress and of the State and Territorial legislatures and the guidance of future legislation with respect to the arid lands and the use of natural waters. The second object of the survey is to select sites for reservoirs and other hydraulic works necessary for irrigation and to reserve the same for public purposes that they may not fall into the possession of individuals or corporations. The third purpose is to select and reserve the irrigable lands until the Congress shall decide upon the best method for their disposition to actual settlers. There is a fourth object, of equal importance with the others, namely, to guide the agriculturists of each great hydrographic basin to the most economic method of utilizing the waters for irrigation in such a manner that the greatest area may be cultivated thereby.

While, with this great scheme involving all of these objects, there was spent $350,000 which the Committee on Appropriations was generous enough to put at his disposal, it does not follow that the location of the sites cost that sum. Because the Appropriations Committee led Congress into a mistake, and because public sentiment required the repeal of the extraordinary power given that bureau when it had nothing to show for all this expenditure except a few reservoir sites, it is unjust to say that they cost or are worth that much.

I have thought it proper, in justice to the Committee on Public Lands in the Fiftieth and Fifty-first Congresses, to say this much; and having done so, I am perfectly indifferent as to what becomes of this bill. It seems to me that the limitations and reservations suggested by my colleague [Mr. TERRY] ought to be adopted, and I intend to vote for his substitute. It is possible that the amendments offered by the gentleman from Iowa [Mr. LACEY] and accepted will protect the people. I see but little difference in them, but the amendment of my colleague appears to be as complete as is possible under the circumstances. I was not present in the Committee on Public Lands when this bill was considered, and did not know that it had been reported until presented on Monday last. I was unavoidably out of the city; but the general purpose of the bill is right and in line with the established policy adopted by Congress as to the right of way for canals and ditches through arid lands, and we must improve it by some kind of rational legislation for the location of necessary canals and ditches. We can not expect these reservoir sites to remain dry and never to be used for irrigating lands that are worthless without water; and since the Government does not intend to go into a general scheme of irrigation that would bankrupt the Government, it becomes necessary under proper legislation to authorize States and individuals to utilize the sites for the public good.

Mr. TERRY. Mr. Speaker, the original bill to which I took exception on Monday last has been vastly improved by the amendments that have been made here to-day; but there is still some points of difference between that bill and the substitute that I offer. Now, there is no difference of opinion on this subject as to the necessity of irrigation for these arid lands. I do not stand here to object to any proper legislation to give the people of the great West the benefit of all the water powers that nature has left there for the irrigation of those vast bodies of land. I want to help them all I can, and my only object is to see that in our legislation, when we part with rights that are now held by the General Government, that we shall part with them in such way that they shall bestow a benediction upon the people of those States and not create any monopoly.

My friend from California [Mr. JOHNSON] has pointed out that under the constitution of his State the State has full power to prevent any monopoly and to regulate and control the water rate. My friend from Colorado [Mr. SHAFROTH] has pointed out that the same thing is true in regard to his State. But gentlemen should recollect that this is a general bill for the Territories as well as the States. The Territories have no constitution to protect their people. When we part with a right or let these rights be absorbed by private corporations or water companies, what protection will there be for the people of the Territories? Their rights will be gone before they are ever admitted into the Union. That point has been entirely overlooked in this bill. It has been entirely overlooked by the gentlemen from the great West; and I want to call their attention to that very important distinction between my substitute and the original bill, even as amended.

Mr. MURPHY of Arizona. Will the gentleman allow me to ask him a question?

Mr. TERRY. Certainly.

Mr. MURPHY of Arizona. Does not the amendment offered by the gentleman from Illinois entirely cover that question?

Mr. TERRY. I have not examined it close enough to tell whether it does cover it.

Mr. MURPHY of Arizona. He used that language, so as to perfectly include the Territories.

Mr. TERRY. I hope you will find it a benediction to your people and not a burden.

Now, it is objected again that this proposed substitute is crude legislation. It was not prepared by me, except the fourth section, but was prepared by a gentleman who was for years connected with the Geological Survey and the laying out and segregation of these reservoir sites. He is entirely familiar with the whole subject. It occurs to me that it is far more carefully prepared than the act of 1891. I want to show you how. The gentleman from Colorado [Mr. SHAFROTH] says that there is always a race of diligence as to which company shall get one of these sites first, and under the act of 1891 the Secretary of the Interior has to approve the location and the occupation. But in what shape does it come to him? It comes to him absolutely without any map or plat in order that he can see in what shape the company proposes to occupy and use these reservoir sites.

Suppose, Mr. Speaker, that two contending applicants present themselves, asking to have the right to occupy different reservoir sites in the same general locality. How can the Secretary tell which will be best for the people unless there is a map showing the situation? Now, that is provided for in the substitute, and it is not provided for in the act of 1891. Under that act the map may be filed within twelve months after they had gone on and occupied the site. In the substitute that is fully provided for. It requires that the person, company, or corporation desiring to occupy a site shall have it accurately surveyed and shall file in the land office a map showing the location, which map is to be transmitted to the Secretary of the Interior. You do not have that in the act of 1891.

Mr. SHAFROTH. That is the law, irrespective of any legislation.

Mr. TERRY. It may be the law in your State and it may be the law in California, but remember that here we are making a law not only for the States, but also for the Territories—making a general law.

Mr. Speaker, I do not desire at present to consume the remainder of my time, but I now move to amend the bill by striking out all after the enacting clause and inserting what I sent to the desk.

The SPEAKER. The amendment offered by the gentleman from Arkansas, which is in the nature of a substitute, will be read.

Mr. LACEY. The substitute has already been read, I believe.

Mr. TERRY. Yes; it has been read once, and unless some other member of the House desires to have it read again I do not ask it.

Mr. LACEY. I yield two minutes to the gentleman from California, Mr. BOWERS.

Mr. BOWERS. Mr. Speaker, I want to say to the House that every member coming from the arid States is in favor of the passage of this bill because he understands the necessity for it. If this bill fails of passage, then all the work that has been done providing for these reservoir sites lies dead and can not be utilized. Some legislation of this kind must be enacted in order to allow us to make use of the work that has already been done. No monopoly gets any advantage under the provisions of this bill. We grant no water rights by it. Within the hour I was at the Land Office talking with Judge Lamoreux and Mr. Best and the Department officers, all of whom are very anxious to see this bill pass, so that the purpose of the act setting apart reservoir sites in arid regions may be carried out. That is the purpose of this bill. Nothing can be done under the original act until we have legislation of this kind.

This bill is fully guarded in all its provisions. We all want it passed. It can not harm any other States. All the Territories that we have remaining need this bill and their representatives are in favor of it. The men who are developing those Territories, New Mexico and Arizona, all desire the passage of the bill. It is an absolutely vital necessity for all those Western arid regions, both States and Territories, and I hope members will stand by us and see that the bill is passed. It was reported unanimously, after careful consideration by the Committee on Public Lands. It is indorsed by the Department and by the officers who are thoroughly familiar with all land matters and with the irrigation laws, and they all agree as to the necessity for its passage. No good reason has been offered against it, nor can one be cited for the rejection of this bill. I trust that it will pass.

Mr. LACEY. Mr. Speaker, there is an amendment pending which was offered by the gentleman from Colorado [Mr. BELL] and which has not yet been acted upon. I do not know whether the gentlemen upon the other side object to that amendment. It gives to the States the same right to occupy one of these reservoirs, if they so desire, that is given to individuals or corporations.

Mr. TERRY. I see no objection to that as an amendment to the original bill.

Mr. LACEY. Then, Mr. Speaker, I ask the Chair to submit the question for unanimous consent to accept that amendment.

The SPEAKER. The Clerk will report the amendment.

The amendment of Mr. BELL of Colorado was read, as follows:

Add at the end of said bill:
"And any State is hereby authorized to improve and occupy such reservoir sites to the same extent as an individual or private corporation, under such rules and regulations as the Secretary of the Interior may prescribe."

The SPEAKER. Is there objection to the adoption of this amendment?

Mr. MAHANY. I object.

Mr. LACEY. Then I call for a vote on the amendment.

The question being taken on the amendment of Mr. BELL of Colorado, it was adopted.

Mr. TERRY. Mr. Speaker, I now move the adoption of my substitute.

The SPEAKER. Does the gentleman from Iowa [Mr. LACEY] insist on his point of order on the substitute?

Mr. LACEY. I simply reserved the point because I wanted to examine the proposition. I do not make any point of order upon the substitute; but I hope it will be voted down.

The question being taken on the proposed substitute offered by Mr. TERRY, it was rejected; there being on a division—ayes 36, noes 74.

The bill was then ordered to be engrossed and read a third time; and it was accordingly read the third time.

The SPEAKER. The question is now on the passage of the bill, on which, according to the arrangement made the other day, there must be a two-thirds vote in the affirmative.

The question being taken, the bill was passed, two-thirds voting in the affirmative.

ELECTION CONTEST—HOPKINS VS. KENDALL.

Mr. DANIELS. I call up the contested-election case of Hopkins *vs.* Kendall, from the Tenth Congressional district of Kentucky.

The SPEAKER. The resolutions reported by the majority of the committee will be read.

The Clerk read as follows:

Resolved, That N. T. Hopkins was not elected a Representative to the Fifty-fourth Congress from the Tenth Congressional district of the State of Kentucky, and is not entitled to the seat.

Resolved, That Joseph M. Kendall was duly elected a Representative to the Fifty-fourth Congress from the Tenth Congressional district of the State of Kentucky, and is entitled to the seat.

Mr. ROYSE. I now ask that the resolutions reported by the minority of the committee be read.

The Clerk read as follows:

Resolved, That Joseph M. Kendall was not elected a member of the Fifty-fourth Congress from the Tenth Congressional district of the State of Kentucky, and is not entitled to a seat therein.

Resolved, That N. T. Hopkins was elected a member of the Fifty-fourth Congress from the Tenth Congressional district in the State of Kentucky, and is entitled to a seat therein.

Mr. DANIELS. Mr. Speaker, I ask that the time to be occupied in the discussion of this case be so divided that each side shall have

an hour and a half. I suppose that I may be considered as controlling the time on the part of the contestee and the gentleman from Indiana [Mr. ROYSE] as controlling the time on the part of the contestant.

Mr. BAILEY. Do I understand that the gentleman from New York [Mr. DANIELS] is trying to reach an agreement about a division of time and when the vote shall be taken?

Mr. DANIELS. The division of time, as we understand, is to be an hour and a half on each side.

Mr. BAILEY. Is that simply the purpose of the gentleman and his committee, or does he ask the House to make such an order?

Mr. DANIELS. If the matter had not been so arranged, I should not have so stated. I am not in the habit of making statements that have no responsible foundation.

Mr. BAILEY. The gentleman from New York did not understand my purpose. I meant to ask whether the understanding reached by the committee had been submitted to the House and agreed to. The gentleman perfectly understands that whatever the arrangement of the committee might be the House would have to agree to it. I am sure there will be no objection to the arrangement if the gentleman will ask unanimous consent.

Mr. DANIELS. There has been no formal agreement by the House; but that is the arrangement that has been made on the part of the different gentlemen who are to address the House.

The SPEAKER. Does the gentleman from New York desire the arrangement submitted to the House?

Mr. DANIELS. Yes, sir.

The SPEAKER. The gentleman from New York asks that the discussion on each side in this case shall occupy an hour and a half, and that then the vote be taken. Is there objection? The Chair hears none.

Mr. LEWIS. I presume it is understood that no vote will occur this evening.

The SPEAKER. That is for the House to determine. If the House should not adjourn the vote would be taken at the expiration of three hours of debate.

Mr. ROYSE. I suggest an agreement that the vote be not taken until to-morrow.

Mr. DANIELS. I suppose that would be the natural result.

The SPEAKER. The gentleman from New York [Mr. DANIELS] is entitled to control the time for one hour and a half.

Mr. DANIELS. Mr. Speaker, the election now in question took place in the Tenth Congressional district of the State of Kentucky on November 6, 1894. The result of the election was certified by the election officers as showing a majority of 253 votes in favor of the sitting member, Mr. Kendall. It has not been substantially controverted that the returns in point of fact justify this statement; but the contestant has claimed and, as I understand, proposes to reassert before this House that there was such a transposition of the emblem or device on the tickets as to render the ticket itself void under the laws of the State of Kentucky. This transposition took place in the county of Clark, one of the counties of this election district; and it is claimed that on account of this the entire vote of Clark County should be thrown out and disregarded, the result of which would be that the contestant would be elected.

Now, the device that was placed at the head of the Democratic ticket was the rooster. There was no question as to the regularity of that ticket. The Republicans of the State and district had been in the habit, since 1892, of placing at the head of their ticket as an emblem the eagle, or the eagle about to fly. This emblem was given to the clerk of the county, who was to prepare the tickets for the election in question; the manner in which the Republican ticket should be framed was indicated to him. A proceeding was set afoot—a voluntary proceeding by petition, the petition being signed on the 14th day of September, 1894—by which the petitioners asked for a place upon the ticket, and another petition asked for this same emblem or device—that is, the eagle about to fly.

The clerk, when he came to make up the ticket, substituted the eagle about to fly for the ticket of the petitioners, which was substantially a false and fabricated ticket, and placed at the head of the ticket to be voted by the Republicans, not his party emblem, the eagle, but a raccoon, and the ticket was so printed for the purpose, apparently, of deceiving the illiterate voters of the district and inducing them to vote under a ticket of the eagle about to fly as the Republican ticket, when in point of fact their party organization required the votes to be cast for the regular Republican ticket.

The law of the State of Kentucky required that the ticket should be printed and the emblems used practically in the order in which they were delivered to the clerk of the county. It will be remembered that those that were drawn upon the petition of persons desiring a place on the ticket were, according to petitions, dated on the 14th day of September, and the clerk certified that when he came to make up the ticket, or afterwards, these petitions were delivered to him on the 14th day of September, the day of their date, and before any signatures were produced for the purpose of sustaining the application.

The Republican ticket was filed on the 20th day of September, and, as a matter of fact, as the evidence established it, it appears that this was before the petitions were filed, which were signed under date of September 14; so that when the Clerk came to make up the ticket, instead of giving the Republicans the eagle about to fly at the head of their ticket, he gave them the raccoon, and put the eagle, according to the petition of those persons whose tickets were handed him, at the head of the spurious ticket.

Now, there is no doubt of the evidence produced on the hearing that this was an entire fabrication on the part of the clerk; that it was not a genuine execution of the law, but that the tickets were so made up to lead these people on the morning of election, who would be informed that the Republican ticket would be indicated by the heading of an eagle about to fly, to vote the spurious ticket instead of that which they desired to vote and which actually represented their party. So that here was a transparent fraud on the part of the clerk.

This is further established by the fact that the law requires sample ballots to be distributed at the voting places three days before the election, so that the people could have their attention directed to the ticket, and the form in which it was framed and the manner in which they were to vote, for the purpose of securing the expression of their desire in the election. There was an entire failure on the part of the clerk in sending out the sample ballots. He did not do it, or did not intend to do it, until the morning of the election, intending in that manner to add to the imposition that resulted as a matter of fact from the manner in which the ticket itself had been framed and printed.

It is claimed on behalf of the contestant that this renders the ticket absolutely void, and that the whole vote of Clark County should be thrown out, although the vote of the county in fact was in favor of the sitting member, giving him a majority there, and there was a fair representation of the Republican vote under the "coon" ticket.

Now, on the part of the sitting member, a majority of the committee concluded that this could not be done; that the fact that the clerk had misconducted himself and violated his duty as the clerk of the county in this manner was not sufficient in and of itself to justify the entire setting aside of this ticket and to justify rejecting it as a fair expression of the votes of the people so far as they had not been implicated in the commission of the fraud. It is contended on the part of the majority of the committee, seven members agreeing to that conclusion, that, inasmuch as it appears what the number of ballots actually was (that is, the spurious ballots cast under the ticket headed with an eagle about to fly), that in itself marked the extent of the deception produced by the fabrication of the ticket by the change of the emblem. There is no doubt as to what that vote was. It was returned, and returned under such evidence as precluded the possibility of any question of doubt, and it appears from the return of the officers, as well as the sworn testimony in the case, that there were but 79 persons who voted the ticket with the eagle about to fly at the head. So that that was the extent of the number of persons who were deceived into supporting the ticket under the impression that in doing so they were sustaining the Republican organization and the Republican nomination.

Mr. MILLER of Kansas. If I do not interrupt the gentleman, I would ask him if it is not true that in every other county in the district there was a large Republican gain, but that in estimating what the damage was by reason of this fraudulent ticket they have only taken the Republican vote in this county as of previous years as the basis of the calculation?

Mr. DANIELS. All that is brought in question is what took place in the county of Clark.

Mr. MILLER of Kansas. I know that. But is it not true that if there had been the same rate or proportion of gain in the county of Clark as elsewhere in the district for the Republican ticket it would have elected the contestant?

Mr. DANIELS. No, not at all. It appears by the statement made by the secretary of state giving an account of the majorities, and also the votes which were polled, that in 1884 the Democratic majority in this district was 3,219; that in 1894 the majority was reduced to 253 votes. In 1895 the majority in the county was 352. So that it is entirely practicable to determine the extent of the effect of the substitution of this spurious ticket in place of the proper emblem. It is entirely clear and capable of demonstration that the Republicans were induced to vote to the extent of 79 votes only, in support of this spurious ticket, by reason of this substitution. The proposition of the majority of the committee is that for the purpose of rectifying the situation here we take these 79 votes, inasmuch as they were undoubtedly cast under the impression that they were Republican tickets, and transpose them to the ballots that were cast containing the raccoon ticket, which turned out to be the Republican ticket. Adding those 79 votes

to the ballots that were cast on that ticket, for the purpose of giving the Republicans the entire effect, that is the result which is reached by the majority of the committee.

Mr. BARHAM. Will it interrupt the gentleman if I ask him a question?

Mr. DANIELS. Not at all.

Mr. BARHAM. Was the full vote of the county cast at this election?

Mr. DANIELS. Very nearly.

Mr. MILLER of Kansas. It was over 700 short.

Mr. DANIELS. No; that is a mistake.

Mr. BARHAM. If it was 700 short, would that change the result?

Mr. DANIELS. It would depend upon how the shortage was divided.

Mr. DINSMORE. The chairman of the Republican committee of that county fixed the Republican vote of that county at 1,600, and there were 1,488 votes cast for the contestant.

Mr. DANIELS. There were about 42 votes requisite for the purpose of filling up the entire Republican force in that county, and a nearer approximation to the entire vote was scarcely ever found, under any circumstances, in the case of an election.

Mr. BARHAM. I should like to ask the gentleman another question, if he will permit me. If this was a fraudulent ticket, the vignette being improper, parties may have been kept away from the polls who would have voted the ticket, except for the fraud in the ticket, with the result that the will of the people was defeated.

Mr. DANIELS. There is no evidence of any person having been prevented from voting by reason of the fact that this substitution took place in the party emblem on the ticket. I will say right here that Mr. Hatton, who is the only witness who speaks on the subject, testifies that, in his opinion, the contestant lost from 300 to 400 votes in the county by reason of this substitution of the party emblem, but he does not put his hand upon a single individual; he does not point out one person who has either informed him or that he has any reason to believe was prevented from voting at this election by reason of this circumstance.

Mr. BARHAM. The contestant having established the fraud, was not the burden of proof cast upon the contestee to show that the contestant did not lose a number of votes sufficient to elect him?

Mr. DANIELS. I should think not.

Mr. BARHAM. Is not the burden of proof shifted when fraud is established?

Mr. DANIELS. There is no doubt as to the proof, and no doubt as to the effect of the proof here, and there is no doubt as to the number of votes that were cast upon this spurious ticket, having the "eagle about to fly" at its head. So that, upon this subject, there is no room whatever for controversy or for inference.

Now, taking this testimony of Mr. Hatton, and adding to the vote of the contestant the number of votes which he thinks were lost, you would get a larger vote in that county than under any circumstances you have the slightest reason for believing could possibly have been cast.

Mr. BARHAM. Will it interrupt the gentleman if I ask him another question?

Mr. DANIELS. I do not wish to be interrupted all the while.

Mr. BARHAM. Very well. I do not wish to ask you anything which will interrupt you.

Mr. DANIELS. A witness who was familiar with the state of the vote in the county, and who was assistant editor of a paper published in the city of Winchester, has stated in his testimony that the total vote of the Republican party in the county was 1,600, and that out of that there were three-fifths of the voters who were negroes. Now, when you come to take into consideration the number of ballots that were cast, and see the difference between the number actually cast and 1,600, the margin is so small as to leave only 42 Republican votes in the entire county which were not cast at this election.

An examination of the figures showing the number of votes cast at preceding elections demonstrates that by no possibility could there have been any such loss in the Republican vote as 300 or 400, the estimate of Mr. Hatton. In the election of 1894, which is the one in controversy here, the Democratic candidate received 1,844 votes and the Republican candidate received 1,488 votes, leaving the Democratic candidate 356 votes ahead.

Now, see what the vote was in the year 1895, immediately following that year, when no person was running as a candidate for Representative in Congress. On that occasion the Democratic vote was 1,926 votes, nearly 100, it will be seen, in excess of the vote of 1894. The Republican vote was 1,662, leaving a Democratic majority of 264 votes in the election of 1895. If you go back to the preceding election of 1892, the Democratic vote was 1,958, while the Republican vote was 1,599, giving a Democratic majority of 359 votes. But suppose you take the difference between the votes that were given upon these different elections and give the contestant the benefit of that difference, it does not entitle him to an election here or to a seat in this House, unless the House is ready to adopt the conclusion that the change in the emblem or reference to the ticket was sufficient to render it void.

Mr. MILLER of Kansas. I would like to know whether, in making your estimates here, you have not assumed in regard to that vote in this county that no man in the county who was not a recognized Republican would have voted for Congress? Now, is not that the assumption of the majority of the committee?

Mr. DANIELS. Not at all. I have estimated the votes as they are stated in the report of the secretary of state relating to these different elections. Now, as to the question whether this ticket can be rejected, because if it could be undoubtedly the contestant would be entitled to the election. On the question of whether this ticket can be rejected, I desire to call the attention of the House to the case of People against Wood, recently decided, and reported in 148 New York Reports. There a large number of names had been placed upon the ticket without authority, and it was claimed on behalf of the parties insisting upon the invalidity of the ticket that, inasmuch as they were placed there without authority of law, it rendered the ticket void, and consequently it should be rejected and had no effect whatever upon the election. There was a division of sentiment on this question. The chief justice says:

> The effort in this proceeding is to disfranchise innocent voters because of a latent defect in the official ballot furnished by the State, not discernible on inspection, which ballot they were compelled to use, the defect consisting in the unauthorized insertion therein, by a public official, charged with the duty of making up and printing the ballots, of names of candidates in a party column not duly nominated by such party. The intention of the voters who used this party column to express their choice is clear, and admits of no doubt. Each one received his ballot from the inspectors, marked with the cross under the party name and emblem, and returned it to the inspectors, by whom it was deposited in the box and subsequently counted. We can conceive of no principle which permits the disfranchisement of innocent voters for the mistake or even the willful misconduct of election officers in performing the duty cast upon them. The object of elections is to ascertain the popular will, and not to thwart it. The object of election laws is to secure the rights of duly qualified electors, and not to defeat them. Statutory regulations are enacted to secure freedom of choice and to prevent fraud, and not by technical obstructions to make the right of voting insecure and difficult.

Now, applying the principle to this particular case. Here 1,844 persons went to the polls and, under the head of a ticket having the rooster upon it 1,844 ballots were deposited by what appears now in the case, or certainly what does not appear to be different, to be innocent voters. The persons who deposited these tickets in the ballot box were free to assume that this ticket was regularly framed, and that they had the right to vote it and express their opinion as to their candidates upon the faith and assumption of the correctness of this ticket; and the court of appeals of the State of New York sanctioned the exercise of the authority by the voter in this way, and say that his right is not to be affected or disturbed by reason of the willful misconduct of the clerk who made up the ticket. The same is true as to a large number of Republicans, 1,488, who voted the ticket under the head of the coon, marked on their ticket in the square required by the law to indicate their intention under that heading. Is it true, that because a few persons may possibly have been deceived in the exercise of their authority or their right as freemen under those circumstances, that all these other persons are to be deprived of their votes? Are they thus to be practically disfranchised by the exercise of what is no more than arbitrary authority?

The statute of Kentucky requires nothing of that kind. On the contrary, it is as salutary in its provisions as the statutes of other States in reference to the preservation and maintenance of the rights and privileges of the voter; so that we were constrained to come to the conclusion, when we came to look the subject entirely over, that this ticket could not be rejected because of the circumstance that this emblem had been displaced in the manner described by the clerk of Clark County, and that, inasmuch as there did not appear to have been a single person who had failed to vote because of this change in the emblem on the ticket, unless it might be the 79, and full justice could be done to the contestant by transferring their ballots to the Republican ticket, we felt constrained under the circumstances to find that no ground whatever existed for displacing the contestee and giving the seat to the contestant, where the majority of the votes under the circumstances were necessarily against him.

If you take the 79 votes out of the majority given to the contestant and take 92 votes, the difference between the ballots in the election of 1894 and those in 1895, and deduct them from the majority which is certified to by the officers of election, still the sitting member has a majority. The parties stipulated, in the course of taking evidence upon these controverted matters, that every person who was entitled to vote or who desired to vote had had his ballot received and fairly and honestly counted by the officers of election; so that there was no fraud, no defalcation on the part

of the public officers in receiving and counting the votes of the persons who went to the polls and voted the Republican ticket; but, on the contrary, full effect was given to the intention of all those persons, and at the same time, when you come to make these deductions and give the contestant the credit of all that he can possibly ask, it brings the vote that was cast at this election so close to the actual Republican vote of the county that there is no ground for saying that the contestant was elected and that the contestee is not entitled to the seat.

I reserve the balance of my time.

Mr. ROYSE. Mr. Speaker, I wish to offer a suggestion. It is evident from the appearance of the Hall that a large number of members have gone to their homes. It is somewhat near the ordinary hour of adjournment, and as I could not conclude what I want to say about this case by 5 o'clock, and as the case is quite important, I think it better that we adjourn at this point, and I therefore move that the House do now adjourn.

Mr. MOODY. Let me suggest to the gentleman that a speech might be made on our side within the time remaining before the usual hour of adjournment.

Mr. ROYSE. Well, I could not conclude within that time, and I think it better that we should adjourn now.

The question being taken on the motion of Mr. ROYSE, that the House adjourn, the Speaker declared that he was in doubt.

The House divided; and there were—ayes 50, noes 38.

So the motion was agreed to; and the House accordingly (at 4 o'clock and 16 minutes p. m.) adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Nancy M. Bass, administratrix of William Bass, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Sabine Lake, Texas—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the president of the Georgetown Barge, Dock, Elevator, and Railway Company, of the District of Columbia, transmitting the report of the company for the year ending December 31, 1896, together with a list of the stockholders of the company—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, submitting an estimate of deficiency in the appropriation for the examination and surveys at South Pass, Mississippi River—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a letter from the Treasurer of the United States in relation to reimbursement for the loss of certain silver certificates, valued at $200—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GRIFFIN, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. Res. 229) authorizing the Secretary of War to deliver a condemned cannon to the national encampment of the Grand Army of the Republic, to be held at Buffalo, reported the same with amendment, accompanied by a report (No. 2967); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BARNEY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 3064) entitled "An act authorizing the purchase by the United States and the making free of the toll roads passing over the Yosemite National Park, and for other purposes," reported the same with amendment, accompanied by a report (No. 2973); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (S. 114) entitled "An act for the relief of Anna W. Osborne." (Report No. 2965.)

By Mr. COOPER of Texas, from the Committee on War Claims: The bill (S. 1648) entitled "An act for the relief of Stewart College (now the Southwestern Presbyterian University), located at Clarksville, Tenn." (Report No. 2966.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 4550) granting an increase of pension to John X. Griffith. (Report No. 2968.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (H. R. 8686) granting a pension to George W. Farnum. (Report No. 2969.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (S. 1394) entitled "An act granting an increase of pension to Mrs. E. S. Kelly." (Report No. 2970.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 3556) entitled "An act granting an increase of pension to Carlton W. Muzzy." (Report No. 2971.)

By Mr. KERR, from the Committee on Patents: The bill (H. R. 8608) to extend the term of patent No. 227024, dated April 27, 1880, granted to Daniel T. Lawson. (Report No. 2972.)

By Mr. MAHON, from the Committee on War Claims: The bill (S. 1972) entitled "An act to provide for the carrying out of the findings of the Court of Claims in the case of John Campbell." (Report No. 2974.)

By Mr. HATCH, from the Committee on War Claims: The bill (S. 315) entitled "An act for the relief of Thomas Antisell." (Report No. 2975.)

By Mr. STALLINGS, from the Committee on Pensions: The bill (H. R. 7312) to increase the pension of Mrs. Amelia M. Carpenter. (Report No. 2976.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

Petition from the Woman's Christian Temperance Union of Woodlawn, Md., for the passage of House bill No. 7083—Committee on the Judiciary discharged, and referred to the Committee on Alcoholic Liquor Traffic.

Petition of the Colored Republican Club of Chicago, Ill., urging the reduction of representation in Congress from certain Southern States—Committee on the Judiciary discharged, and referred to the Committee on Election of President, Vice-President, and Representatives in Congress.

Petition of the Colored Republican Club of Cook County, Ill., praying for the restoration of a republican form of government in several States—Committee on the Judiciary discharged, and referred to the Committee on Election of President, Vice-President, and Representatives in Congress.

Petition of the Colored Republican Club of Chicago, Ill., Cook County, urging the reduction of representation in Congress from certain States—Committee on the Judiciary discharged, and referred to the Committee on Election of President, Vice-President, and Representatives in Congress.

Petition of citizens of beat 8, Hale County, Ala.—Committee on the Judiciary discharged, and referred to the Committee on Election of President, Vice-President, and Representatives in Congress.

Petition of citizens of Hale County, Ala.—Committee on the Judciary discharged, and referred to the Committee on Election of President, Vice-President, and Representatives in Congress.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SHERMAN: A bill (H. R. 10325) to authorize the Secretary of the Treasury to secure payment of certain bonds and stocks owned by the United States and held under authority of the act of Congress of August 15, 1894, relating to the custody of the Indian trust fund—to the Committee on Indian Affairs.

By Mr. HOWARD: A bill (H. R. 10326) to promote scientific investigations—to the Committee on the Library.

By Mr. JOHNSON of Indiana: A resolution (House Res. No. 548) to print 500 copies of the Digest of Contested Election Cases in the Fifty-third and Fifty-fourth Congresses, with an index of the same—to the Committee on Accounts.

By Mr. JOHNSON of North Dakota: A memorial of the legislature of North Dakota, praying for the passage of the bill (H. R. 1) to reclassify and prescribe the salaries of railway postal clerks—to the Committee on the Post-Office and Post-Roads.

Also, a memorial of the legislature of the State of North Dakota, favoring the passage of an act for the relief of settlers on lands of the United States formerly embraced within the limits of Indian reservations—to the Committee on the Public Lands.

By Mr. EDDY: A memorial of the Minnesota legislature, asking for the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, a memorial of the Minnesota legislature, asking for the passage of House bill No. 1—to the Committee on the Post-Office and Post-Roads.

By Mr. MURPHY of Arizona: A memorial of the legislature of the Territory of Arizona, asking assistance for the Supai tribe of Indians, in the northern part of Coconino County, Ariz.—to the Committee on Indian Affairs.

By Mr. FARIS: A memorial of the legislature of Indiana, relative to prohibition of the sale of cigarettes—to the Committee on the Post-Office and Post-Roads.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. HITT, a bill (H. R. 10327) to correct the military record of Conrad Henning—to the Committee on Military Affairs.

By Mr. MEREDITH: A bill (H. R. 10328) to give the Court of Claims of the United States jurisdiction of the claims of the Alexandria and Washington Railroad Company and others against the United States for compensation for the use and occupation of the railroad of said company by the United States or the military authorities thereof—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of the Chamber of Commerce of Louisiana, favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BROMWELL: Petition of certain citizens of Cincinnati, Ohio, praying for the passage of House bill No. 10108 and Senate bill No. 3589, relating to fraternal societies and orders—to the Committee on the District of Columbia.

Also, petition of certain citizens of Cincinnati, Ohio, favoring the passage of the Sherman bill, relating to the sale of railroad tickets—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Cincinnati Furniture Exchange, protesting against the Bailey-George bankruptcy bill, and advocating the passage of the Torrey bankruptcy bill—to the Committee on the Judiciary.

Also, petitions of the Chamber of Commerce of Louisiana, and the New Orleans Board of Trade, of New Orleans, La., in favor of the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. BULL: Petition of Rev. Myron D. Fuller and officers of the Baptist church, Christian Endeavor societies, and Woman's Christian Temperance Union, of Block Island, favoring the passage of House bill No. 7441, for the prevention of gambling by telegraph, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of the pastor of the First Baptist Church, Christian Endeavor societies, and Woman's Christian Temperance Union, of Block Island, favoring the passage of the Shannon bill, raising the age of protection for girls to 18 years in the District of Columbia—to the Committee on the Judiciary.

By Mr. CROWLEY: Petition of citizens of Wallis, Tex., favoring the passage of House bill No. 10090, prohibiting ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of Iowa: Petition of M. A. Disbrow & Co. and 17 other citizens of Lyons, Iowa, in favor of the Sherman bill to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: Petition of the Royal Society of Good Fellows; also of citizens of Port Perry, Pa., urging the passage of the McMillan-Linton bill (H. R. 10108)—to the Committee on the Judiciary.

By Mr. DOVENER: Petition of William Graham, jr., president of Branch No. 66, National Association of Letter Carriers, of Wheeling, W. Va., in behalf of the passage of House bill to increase the salary of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. EDDY: Petition of Ole Stevenson and 37 other citizens of the State of Minnesota, asking for the passage of a free-homestead law—to the Committee on the Public Lands.

By Mr. EVANS: Protests of a large number of citizens of Louisville, Ky., against the so-called antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

By Mr. FARIS: Sundry petitions of Rev. E. B. Thompson and 10 other citizens, and Rev. W. H. Saunders and 38 others, of Crawfordsville; H. L. Bynum and 27 others, of Brazil; John T. Nixon and 47 others, of Attica; W. R. McKeen and 25 others, of Terre Haute, and Rev. J. M. McKnight, of Danville, all in the State of Indiana, favoring the passage of House bill No. 10090, known as the antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Harry M. Jackson and 18 other citizens of Terre Haute, Ind., favoring the passage of House bill No. 260, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, affidavits to accompany House bill No. 2370, for the relief of Sylvester Weaver—to the Committee on Military Affairs.

By Mr. HALL: Petition of G. D. Kennedy and other citizens of Brunswick, Mo., in favor of the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HATCH: Petition of citizens of Delphi, Ind., in favor of House bill No. 10090 and Senate bill No. 3545, for the prevention of illicit trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. HEATWOLE: Petition of J. B. Sheldon and other citizens of Red Wing, Minn., in favor of the passage of the Cullom and Sherman bills, for the prevention of illicit trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. HEMENWAY: Sundry petitions of Lee Howell and others, in the State of Indiana, urging the passage of the bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HENDERSON: Sundry petitions of the Bryant Neely Lumber Company and 23 citizens of Cedar Falls; J. E. Miller and 36 other citizens of Greene; Chris. Klemme and 43 others, of Dows; 18 citizens of Hopkinton, and Rev. J. C. Magee and 13 others, of Hampton, all in the State of Iowa; also resolutions of the Chamber of Commerce of Louisiana; also resolutions of the New Orleans Board of Trade, favoring the passage of the Sherman bill abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HERMANN: Petition of Mrs. Governor W. P. Lord and others, of the State of Oregon, for adequate tariff legislation on flax production in the United States—to the Committee on Ways and Means.

Also, memorial of the American Society of Irrigation Engineers, for commission to investigate conditions of arid lands and to recommend necessary legislation—to the Committee on Irrigation of Arid Lands.

Also, remonstrance of Charles Grissen and others, of Yamhill County, Oreg., against the passage of the Loud bill (H. R. 4566)—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Woman's Christian Temperance Union of Newberg, Oreg., favoring the passage of the Phillips bill (H. R. 6119)—to the Committee on Labor.

Also, petition of the Woman's Christian Temperance Union of Newberg, Oreg., favoring the passage of House bill No. 7441, for the prevention of gambling by telegraph, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Christian Temperance Union of Newberg, Oreg., praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Newberg, Oreg., praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HILL: Petition of W. E. Seeley and other citizens in the State of Connecticut, favoring the passage of the Cullom and Sherman bills, for the prevention of illicit trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL: Petition of Thomas J. Patterson, of Oakhouse, N. J., and other residents of the Third Congressional district of New Jersey, favoring the passage of House bill No. 10090—to the Committee on Interstate and Foreign Commerce.

By Mr. HURLEY: Petition of Julius Kayser & Co. and other firms, for specific duties on ladies' gloves—to the Committee on Ways and Means.

By Mr. JOHNSON of North Dakota: Petition of M. H. McGowan and other citizens of Grand Forks, N. Dak., favoring the passage of the Cullom and Sherman bills, for the prevention of illicit trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

Also, 10 petitions of citizens and 7 petitions from churches and communities in North Dakota, asking for the passage of the bill raising the age of consent to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

By Mr. KIEFER: Petition of the Commercial Club of St. Paul, Minn., favoring the passage of the so-called anti-scalpers bill—to the Committee on Interstate and Foreign Commerce.

By Mr. LACEY: Petition of F. M. Hunter and other citizens of Ottumwa, and C. H. Bohn, of Oskaloosa, Iowa, for the favorable consideration of the antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of H. R. Moore and J. A. Wagner, of Ottumwa, Iowa, favorable to the Loud bill (H. R. 4566)—to the Committee on the Post-Office and Post-Roads.

By Mr. LEIGHTY: Sundry petitions of L. H. Higby and others, of Butler; L. A. Worch and others, of Fort Wayne; Leo Solomon and others, of Ligonier; L. J. Miller and others, of Auburn; David Shook and others, of Corunna; T. A. Johnson and others, of Fort Wayne; B. Abbink and others, of Avilla; J. McCracken and others, of Fort Wayne; A. Carwell and others, of Fremont; George A. Mackintosh and others, of Kendallville, all in the State of Indiana, in favor of the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. LITTLE: Petition of Charles N. Rix and 43 other citizens of Hot Springs, Ark., asking for the passage of House bill No. 10090 and Senate bill No. 3545, to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. LONG: Petition of W. H. Egan and 48 other citizens of Hutchinson, Kans., favoring the passage of the Sherman bill, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. MEIKLEJOHN: Petition of D. Rees and other citizens of Norfolk; T. M. Dennis and others, of Neligh; A. A. Nehrbas and others, of Fremont; H. H. Mohr and others, of Pierce, and William Stenfer and others, of West Point, all in the State of Nebraska, asking for the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. MERCER: Petition of citizens of Omaha, Nebr., relating to the Sherman ticket brokerage bill—to the Committee on Interstate and Foreign Commerce.

By Mr. MORSE: Petition of Mrs. J. W. Howes and 58 other citizens of Yarmouth, Mass., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in all buildings owned or controlled by the Government—to the Committee on Public Buildings and Grounds.

By Mr. OTJEN: Petition of P. A. Schumacher and 17 other citizens; also petition of William R. Netherent and 12 others, of Milwaukee, Wis., favoring the passage of the antirailroad ticket scalping bill (H. R. 10090)—to the Committee on Interstate and Foreign Commerce.

By Mr. PAYNE: Sundry petitions of C. T. Zutter and other citizens of Williamsburg; George M. Sabin and others, of Ontario, and W. Gilfillian and others, of Rose, in the State of New York, favoring the passage of House bill No. 10090, known as the antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON: Petition of W. A. Goodman and 9 other citizens of Rutherford, Tenn., favoring the passage of the Sherman bill, relating to the sale of railroad tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. ROBINSON of Pennsylvania: Petition of passenger ticket agents and others, favoring the passage of House bill No. 10090, prohibiting ticket scalping—to the Committee on Interstate and Foreign Commerce.

Also, petition of Alice Lewis, president, and 69 members of the Woman's Christian Temperance Union, of West Chester, Pa., favoring the passage of the bill raising the age of protection for girls to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

By Mr. SCRANTON: Petition of the Lackawanna Division, No. 12, of Railway Conductors, of Scranton, Pa., asking for the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERMAN: Sundry petitions of Daniel Froham and 6 other citizens; B. L. M. Bates and W. D. Jamieson; Charles L. Briggs and several other hotel managers in New York City; D. G. Churchill and 68 others, of Greenway, Oneida, and other towns in the State of New York; L. Van Deusen and 116 others, of Poughkeepsie, N. Y.; R. B. Boyce and 330 others, of Albany, N. Y.; Charles S. Hall and 107 others, of New York City, favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. SNOVER: Petition of George Langel, of Ruth, Mich.; also petition of P. C. J. Macauley and others, of Adair, Mich., favoring the passage of House bill No. 10090, to prohibit ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. SPERRY: Petition of 113 citizens of New Haven and other cities of Connecticut, favoring the passage of House bill No. 10090, to prohibit ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, resolutions adopted by the city council of Denver, Colo., favoring the passage of House bill No. 3273, to classify clerks in first and second class post-offices—to the Committee on Rules.

Also, petition of Augustus H. Porter and 153 other citizens of New Haven, Conn., asking for the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. STRODE of Nebraska (by request): Petition of citizens of Falls City, Nebr., praying for the passage of the bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE: Petition of Thad Butler and 100 other citizens of Huntington, Ind.; also resolution of the New Orleans Chamber of Commerce, favoring the passage of the Sherman bill, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLER: Sundry petitions of citizens of Youngstown, Canton, Clarkson, Canal Fulton, Alliance, Petersburg, Louisville, Osnaburg, Salem, and Struthers, in the State of Ohio, praying for the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, protests of citizens of Youngstown and Canton, Ohio, against the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. TERRY: Petition of Thomas M. Cohen and other citizens of Little Rock, Ark., favoring the passage of the Cullom and Sherman bills, to prevent railroad ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. TRACEY: Petition of T. C. Rainey and others, of Marshall, Mo., praying for the passage of the Cullom and Sherman bills, for the prevention of railroad ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. UPDEGRAFF: Petition of Charles Reinecke, of Elkader, Iowa, urging the passage of the Loud bill (H. R. 4566)—to the Committee on the Post-Office and Post-Roads.

Also, sundry petitions of S. V. Potter, E. C. Bailey, and 24 other citizens of Decorah; J. G. Hempel, H. S. Merritt, and 64 others, of Elkader; T. L. Bingham, T. E. Mitchell, and 32 others, of Northwood; Jacob Meyer, E. B. Olson, and 30 others, of Calmer; E. B. Webster, W. R. Mead, and 40 others, of Cresco; C. E. Phelps, R. Shortley, and 64 others, of New Hampton, in the State of Iowa, praying for the passage of House bill No. 10090 and Senate bill No. 3545, prohibiting the sale of railroad tickets by unauthorized persons—to the Committee on Interstate and Foreign Commerce.

By Mr. VAN HORN: Petition of E. T. Browning and others, citizens of Lees Summit, Mo., asking for the passage of the Cullom and Sherman bills, to prevent the illicit sale of railway tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. WADSWORTH: Petition of Carl G. Clarke, of Perry, N. Y., asking for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WASHINGTON: Petition of the Chamber of Commerce of Nashville, Tenn., in regard to Cumberland River improvements—to the Committee on Rivers and Harbors.

Also, petition of W. H. Lylye and other citizens of Donelson; William Holt and others, of Pegram; C. M. Finger and others, of Smartt; R. Z. Brown and others, of Huntington, all in the State of Tennessee, and resolution of the New Orleans Board of Trade, asking for the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD: Sundry petitions of W. B. Wright and 49 other citizens of Effingham; William McCaughey and others, of Crawford County; R. H. Osborne and others, of Cumberland County, State of Illinois, in favor of the passage of House bill No. 10090, prohibiting ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petition of George H. Redick, late of Company F, Seventy-ninth Illinois Volunteers, praying for an increase of pension—to the Committee on Invalid Pensions.

By Mr. WOOMER: Resolution of Heilner Post, No. 232, Grand Army of the Republic, of Lykens, Pa., in favor of the passage of House bill No. 9209, granting a pension to honorably discharged soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. YOAKUM: Petition of G. L. Marshall and 40 other citizens of Celeste; also of J. H. Nail and others, of Wolfe City; also of J. P. Regan and 40 others, of Greenville, in the State of Texas, praying for the passage of the Cullom and Sherman bills, for the prevention of railroad ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. CONNOLLY: Petition of B. W. Bevans and 95 other citizens of Decatur, Ill.; also petition of E. A. Vanderveer and 90 others, of Taylorville, Ill., in favor of the passage of House bill No. 10090, probibiting ticket brokerage—to the Committee on Interstate and Foreign Commerce.

SENATE.

THURSDAY, *February 18, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. DAVIS, and by unanimous consent, the further reading was dispensed with.

THE REVENUE-CUTTER SERVICE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 16th instant, certain information in relation to the United States Revenue-Cutter Service; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 205) granting a pension to Mary O. H. Stoneman.

The message also announced that the House had passed the joint resolution (S. R. 201) to enable the Secretary of the Senate to pay the expenses of the inaugural ceremonies.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1984) to provide for the use and occupation of reservoir sites reserved; and

A bill (H. R. 10102) to remove the political disabilities of Col. William E. Simms.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 10278) to reorganize the judicial districts of Arkansas, and for other purposes; and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

Mr. MITCHELL of Wisconsin presented sundry petitions of citizens of Racine, Beaverdam, Kenosha, and Burlington, all in the State of Wisconsin, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. DAVIS presented a petition of sundry citizens of Lac qui Parle County, Minn., praying that adequate protection be given to the sugar industry of the United States; which was referred to the Committee on Finance.

He also presented petitions of the Commercial Club of St. Paul, of Rev. Elijah B. Jones and sundry other citizens, and of sundry citizens of Winona, Minneapolis, Lyle, and Lake City, all in the State of Minnesota, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. BAKER presented sundry petitions of citizens of Fort Scott, Hutchinson, Ottawa, Mound City, and Columbus, all in the State of Kansas, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. BURROWS presented a petition of the board of education of Grand Rapids, Mich., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. COCKRELL presented sundry petitions of citizens of Carthage, Nevada, Cameron, Chillicothe, Gallatin, and Joplin, all in the State of Missouri, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. WALTHALL presented a petition of sundry citizens of Corinth, Miss., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. MORRILL. I present the petition of M. Ross Fishburn, pastor of the Mount Pleasant Congregational Church, of this city, representing the standing committee of that church of 211 members, and the petition of Austin T. Foster and a large number of citizens of Derby Line, Vt., praying for the prohibition of the sale of alcoholic liquors in the Capitol building and grounds. As the bill on this subject has already been reported, I move that the petitions lie on the table.

The motion was agreed to.

Mr. ALDRICH presented a petition of the officers of sundry societies and churches of Rhode Island, and a petition of the officers of sundry societies and churches of Middletown, R. I., praying for the appointment of an impartial, nonpartisan industrial commission; which were ordered to lie on the table.

He also presented a petition of the officers of sundry churches and societies of Rhode Island; a petition of the officers of sundry churches of Providence and Olneyville, R. I., and a petition of the officers of sundry churches and societies of Middletown, R. I., praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; which were referred to the Committee on the District of Columbia.

He also presented a petition of the officers of sundry churches and societies of Rhode Island, and a petition of the officers of sundry churches and societies of Middletown, R. I., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the officers of sundry churches and societies of Rhode Island, a petition of the officers of sundry churches of Providence and Olneyville, R. I., and a petition of the officers of sundry churches and societies of Middletown, R. I., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

Mr. BATE presented sundry petitions of citizens of Quebeck, Lavergne, Wildersville, Belvidere, Dunlop, Collersville, Leeville, Wartrace, and Sparta, all in the State of Tennessee, and a petition of Memphis Division, No. 175, Order of Railway Conductors, of Memphis, Tenn., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. PEFFER presented the petition of Rev. E. Richards, representing the Congregational church of White City, Kans., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented petitions of the Chanute Division of Railway Conductors of America, through John C. Kamsey, chief conductor; of W. J. Moore and sundry other citizens of Columbus, and of W. H. Eagan and sundry other citizens of Hutchinson, all in the State of Kansas, and a petition of the Chamber of Commerce of New Orleans, La., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. PEFFER. I wish to call the attention of the Senate to the fact that a large majority of the petitions of this character come from railway employees, such as conductors, engineers, section hands, shop hands, etc., and not from the managers of the companies themselves. I think it is suggestive, to say the least, in favor of the employees.

Mr. SEWELL presented the petition of J. H. Lippincott and 56 other citizens of Camden, N. J., praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

He also presented the petition of William Lunger and 52 other citizens of Plainfield, N. J., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the petition of E. H. Chambers and sundry other citizens of Lumberton, N. J., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented the petition of E. H. Chambers and sundry other citizens of Lumberton, N. J., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Oakhurst, Elberon, Asbury Park, Interlakin, Sperry Lake, Redbank, Greenwich, Point Pleasant, Toms River, Longbranch, Cliffwood, Matawan, North Amboy, South Amboy, Keyport, and Hazlet, all in the State of New Jersey; a petition of the Chamber of Commerce of New Orleans, La., and a petition of the Board of Trade of New Orleans, La., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented a petition of the Baptist Ministers' Conference of New York City, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. LODGE presented a petition of the Woman's Christian Temperance Union of Fitchburg, Mass., praying for the enactment of legislation to further protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Fitchburg, Mass., praying for the enactment of legislation to prohibit interstate gambling by telegraph, telephone, or otherwise; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Fitchburg, Mass., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of West Brookfield, Mass., praying for the enactment of legislation to raise the age of consent to 21 years in the District

of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Fitchburg, Mass., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Amherst, Mass., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in all buildings owned or controlled by the United States Government; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of Prudential Assembly, No. 118, Royal Society of Good Fellows, of New Bedford, Mass., praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

He also presented a petition of 18 citizens of Boston, Mass., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

He also presented a petition of the board of managers of the National Temperance Society, praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. CAMERON presented a memorial of Division No. 29, Ancient Order of Hibernians, of Philadelphia, Pa., remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the petition of A. T. Moorhead & Son, publishers of the Indiana Press, of Indiana, Pa., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of the Woman's Christian Temperance Union of Calais, Me., praying for the passage of House bill No. 4566, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Central Labor Union of the District of Columbia, praying for the repeal of the laws compelling seamen, under pain of criminal punishment, to fulfill contracts of labor; which was referred to the Committee on Commerce.

Mr. SHERMAN presented a petition of sundry business firms of Springfield, Ohio, praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of members of the Bethlehem Church, of Cleveland, Ohio, and a petition of sundry citizens of Brighton, Ohio, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented sundry memorials of citizens of Defiance, Edon, West Unity, Antwerp, and Ottawa, all in the State of Ohio, remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of Medina, Chatham, Cincinnati, Toledo, New Bremen, and Xenia, all in the State of Ohio, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. ALLEN presented a petition of Lincoln Lodge, No. 15, Business Men's Fraternity, of Lincoln, Nebr., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Pawnee County, Nebr., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building and grounds; which was ordered to lie on the table.

Mr. VOORHEES presented a petition of Star Lodge, No. 457, Brotherhood of Locomotive Firemen, of Seymour, Ind., praying for the enactment of legislation punishing contempts of court, for the appointment of an impartial, nonpartisan industrial commission, and for the appointment of an international arbitration commission; which was ordered to lie on the table.

He also presented the petition of W. H. Quigg, secretary of the Indiana division of the Travelers' Protective Association of America, praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Indianapolis, Ind., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the petition of J. B. Stoll, publisher of the Times, of South Bend, Ind.; a petition of the Stolz-Schmitt Furniture Company, of Evansville, Ind., and a petition of the Crescent Furniture Company, of Evansville, Ind., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Rev. C. D. Case, of South Bend; of sundry citizens of Indianapolis, Hobart, Elkhart, Covington, Woodburn, Auburn, Portland, Kirklin, Huntington, Butler, Fort Wayne, Warren, and Delphi, all in the State of Indiana; a petition of the Chamber of Commerce of Louisiana, and a petition of the Board of Trade of New Orleans, La., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented the memorial of Houghton, Mifflin & Co., publishers, of Boston, Mass., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CHILTON presented the petitions of Myron Williams, publisher of the Texas Panhandle, of Miami; of Robert Penniger, publisher of the Fredericksburger Wochenblatt, of Fredericksburg; of George P. Barber, publisher of the Seymour News, of Seymour; of Tom B. Lusk, publisher of the Herald, of Italy, and of A. W. Crockett, publisher of the Graphic, of Granbury, all in the State of Texas, praying for the passage of the so-called Loud bill, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented the petition of Wilkinson & Onstopp, publishers of the Democrat, of Petersburg, Ill., praying for the passage of House bill No. 4566, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of H. S. Hooper, of Galesburg; of Post C, Illinois Division, Travelers' Protective Association, of Chicago, Ill., and of Post L, Illinois Division, Travelers' Protective Association, of Bloomington, Ill., praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented the petitions of I. D. Johnson, of Harvey; of Carl H. Corwin, of Geneva, and of E. S. Ransom, of Chicago, all in the State of Illinois, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented sundry petitions of citizens of Illinois, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. VEST presented sundry petitions of citizens of Brunswick, California, Carthage, Desoto, Fayette, Gallatin, Glasgow, Joplin, Moberly, Nevada, Otterville, Pleasant Hill, Salisbury, Sedalia, St. Joseph, St. Louis, Warrensburg, Washington, and Wells Valley, all in the State of Missouri, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. GEAR presented the petition of H. Willard Sons & Co. and 12 other citizens of Marshalltown, Iowa, praying for the passage of the so-called Dingley tariff bill; which was ordered to lie on the table.

Mr. TURPIE presented a petition of the Woman's Christian Temperence Union of Indianapolis, Ind., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of Good Will Lodge, No. 52, Brotherhood of Locomotive Firemen, of Logansport, Ind., and a petition of Star Lodge, No. 457, Brotherhood of Locomotive Firemen, of Seymour, Ind., praying for the enactment of legislation to punish contempts of court, for the appointment of an international arbitration commission, and for the appointment of an impartial, nonpartisan industrial commission; which were ordered to lie on the table.

He also presented the memorial of J. A. Allison and sundry other citizens of Indianapolis, Ind., and a memorial of Houghton, Mifflin & Co., publishers, of Boston, Mass., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of C. H. Scherer and sundry other citizens of Covington; of A. Rump, of Indianapolis; of Rev. Allan Douglas Carlile and sundry other ministers of New Albany; of Rev. John Gabriel and sundry other citizens of St. Joseph Hill; of W. K. Hoyt and sundry other citizens of Mishawaka; of Rev. H. G. Pollock, of Shelbyville, and of Lester Hollar, of Burdick, all in the State of Indiana, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. McBRIDE presented a petition of the Friends' Society, of Newberg, Oreg., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Friends' Society, of Newberg, Oreg., praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Ashland, Oreg., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented a petition of sundry citizens of Concord, N. H., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. DANIEL presented a petition of the Grand Council, Royal Arcanum, of Virginia, praying for the enactment of legislation regulating fraternal beneficiary societies, orders, and associations; which was ordered to lie on the table.

He also presented the petition of Rev. R. H. Heming, Rev. W. H. B. Smith, and sundry other pastors of the churches of Lynchburg, Va., and a petition of the Woman's Christian Temperance Union of New York, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented the memorial of J. F. Battley, J. W. Davenport, and sundry other citizens of Norfolk, Va., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Broaddus & Berrey, publishers of the Page Courier, of Luray, Va., and the petition of Edwards & Fiveash, publishers of the Public Ledger, of Norfolk, Va., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of New York, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. MITCHELL of Wisconsin, from the Committee on Military Affairs, to whom was referred the bill (S. 664) to remove the charge of desertion against Joseph Riese, alias Julius Rosier, late of Company D, Second Regiment New Jersey Volunteers, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the amendment submitted by the Senator from Maine [Mr. FRYE] on the 16th instant, intended to be proposed to the sundry civil appropriation bill, to report it favorably. I ask that the amendment be printed and referred to the Committee on Appropriations, and that the letter of Maj. J. H. Willard, United States Corps of Engineers, at Vicksburg, Miss., which accompanies it, be printed as a document.

The VICE-PRESIDENT. It will be so ordered.

Mr. MCMILLAN, from the Committee on Commerce, to whom was referred the bill (H. R. 9703) to provide for light-houses and other aids to navigation, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3700) to provide for aids to navigation, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by Mr. SEWELL on the 12th instant, intended to be proposed to the sundry civil appropriation bill, reported it with an amendment, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. ELKINS, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 16th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. FRYE, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 13th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 16th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. JONES of Arkansas, from the Committee on Indian Affairs, to whom was referred the amendment submitted by himself on the 12th ultimo, intended to be proposed to the Indian appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. VEST, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. ALLEN on the 22d ultimo, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. 9168) to authorize the construction of a bridge over the Monongahela River from the city of McKeesport to the township of Mifflin, Allegheny County, Pa., reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 3690) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin," reported it without amendment.

Mr. QUAY. The Committee on Commerce, I think, this morning instructed the Senator to ask that the bill be immediately put on its passage. I will mention to the Senator from Wisconsin [Mr. VILAS] that it is the bill relating to the extension of the time for the completion of the bridge at Duluth. I do not desire to put it upon its passage to-day unless he agrees to it.

Mr. VILAS. I hope the Senator from Pennsylvania will be willing to let the bill stand until Monday next. By that time I am quite confident I shall have received an answer to the letters I have written, and I believe I shall be under no necessity to make any objection to the bill.

Mr. QUAY. It will go over, then, until Monday next.

The VICE-PRESIDENT. Meanwhile, the bill will be placed on the Calendar.

Mr. MURPHY, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. FRYE on the 16th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. WHITE, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. PERKINS on the 15th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying report, referred to the Committee on Appropriations; which was agreed to.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (H. R. 6845) granting an increase of pension to Maj. John H. Gearkee, reported it without amendment, and submitted a report thereon.

Mr. QUAY, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 16th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

GEORGE I. SPANGLER.

Mr. COCKRELL. By direction of the Committee on Military Affairs, I report back favorably, with an amendment, the bill (H. R. 4424) to correct the military record of George I. Spangler. As this soldier is reported to me to be in a critical condition, and an amendment has to be made to the bill, I ask that it may be put upon its passage. I hope there will be no objection to it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Military Affairs was, after the word "to," in line 4, to strike out the remainder of the bill and insert:

Revoke and set aside so much of General Court-Martial Orders, No. 4, Headquarters Army of the Potomac, dated January 20, 1865, as approved the proceedings, findings, and sentence of the general court-martial convened under Special Order No. 9, Headquarters Third Division, Ninth Army Corps, December 27, 1864, dismissing George I. Spangler, first lieutenant of Company K, Two hundredth Regiment Pennsylvania Volunteers, with the loss of three months' pay and allowances, and announced that he ceased to belong to the military service of the United States from that date, and to issue to him a certificate of honorable discharge as of date January 20, 1865, and to correct his military record accordingly.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

NEW YORK ASSOCIATION OF SEWING SCHOOLS.

Mr. ALDRICH. I am directed by the Committee on Finance, to whom was referred the joint resolution (H. Res. 239) admitting free of duty needlework and similar articles imported by the New York Association of Sewing Schools for exhibition purposes, to report it favorably without amendment, and I ask for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It provides

that all articles of needlework and similar articles which have been made by pupils in the schools of Europe, which have or shall be imported from Europe for the sole purpose of exhibition by the New York Association of Sewing Schools, shall be admitted free of payment of duty, customs fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe for the due exportation thereof at the close of such exhibition.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M'LAIN.

Mr. PALMER. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 8037) for the relief of John McLain, alias Michael McLain, to report it favorably without amendment and recommend its passage. Inasmuch as it is a bill in which Mr. BURRELL, of the other House, is very much interested, and his service will end with the present Congress, I ask unanimous consent for its immediate consideration. There is a careful report accompanying the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to remove the charge of desertion from the military record of John McLain, alias Michael McLain, late a member of Company D, Tenth Illinois Infantry, and Company I, Thirteenth Missouri Cavalry, and grant him an honorable discharge as of date October 22, 1864, the date he suffered an amputation of his left arm by reason of gunshot wounds received while engaged with his command against the enemy at the battle of Independence, Mo.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HUGH M'LAUGHLIN.

Mr. PROCTOR. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 1515) for the relief of Hugh McLaughlin, to report it favorably with an amendment. It is a bill to remove the charge of desertion, and on account of the amendment I ask for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to grant an honorable discharge to Hugh McLaughlin, late sergeant Company B, Fourth Regiment New Jersey Veteran Volunteer Infantry.

The amendment of the Committee on Military Affairs was to add at the end of the bill:

To date from November 20, 1864.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

RESERVOIR AT GULL LAKE, MINNESOTA.

Mr. NELSON. From the Committee on Commerce I report back favorably, without amendment, the bill (S. 3683) to amend the river and harbor act of August 18, 1894. It is a very short bill, a local bill, and I ask that it may receive immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to repeal the provision that the United States shall not be subject to any cost or expense for lands, mills, or other property necessarily taken or injured for the reservoir and dam at Gull Lake, head waters of the Mississippi River, in the State of Minnesota.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. ALLEN introduced a bill (S. 3708) to remove the charge of desertion from the record of Frank Ferrin, of Omaha, Nebr., alias Cyrus F. Dunby; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. HOAR introduced a bill (S. 3709) granting a pension to Mary J. C. Throop; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BATE (by request) introduced a bill (S. 3710) for the relief of Sarah McClay, administratrix of Robert McClay, deceased, late of Davidson County, Tenn.; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 3711) for the relief of Mrs. Sarah E. Norton, of Memphis, Tenn.; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 3712) for the relief of John Zimmerman, of Madison County, Tenn.; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CAMERON submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. SHERMAN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. MITCHELL of Wisconsin submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. VOORHEES submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Printing, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. HOAR submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. DANIEL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

EXTENSION OF MAIL SERVICE.

Mr. VILAS. I ask unanimous consent to dispose of the bill (S. 1811) to extend the uses of the mail service. This bill was read at length, as in Committee of the Whole, and the amendments in part agreed to when it was objected to by the Senator from Nebraska [Mr. ALLEN], who, as I am advised, has since given the subject consideration and finds no reason to object to the bill. The bill having already been read, it will occupy but little time.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill indicated by the Senator from Wisconsin?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The next amendment of the Committee on Post-Offices and Post-Roads was, in section 2, line 6, after the word "dollars," to insert "or such larger sum as the Postmaster-General shall in the beginning or from time to time prescribe;" so as to read:

That before the said cards and envelopes shall be so carried through the mails the said association shall enter into a bond to the United States, with corporate or other sufficient security, to be approved in form and sufficiency by the Postmaster-General, in the sum of $100,000, or such larger sum as the Postmaster-General shall in the beginning or from time to time prescribe, conditioned for the redemption in cash when presented of each and every one of said coupons taken from cards and envelopes at the office of delivery.

The amendment was agreed to.

The next amendment was, in section 2, line 11, before the word "days," to strike out "thirty" and insert "ten;" so as to read:

Upon failure at any time for ten days to redeem said coupons in cash, the Postmaster-General may, by order, stop the carrying of said envelopes and cards in the mails of the United States.

The amendment was agreed to.

The next amendment was, in section 5, line 3, after the word "be," to strike out "covered by letters patent of" and insert "patented or now or hereafter owned by;" and in line 4, after the word "association," to insert "or its successor;" so as to make the section read:

That said association shall pay postage upon each and every piece of matter passing through the mails which shall be patented or now or hereafter owned by said association or its successors.

The amendment was agreed to.

The next amendment was, in section 6, line 4, after the word "weekly," to insert "or monthly;" so as to make the section read:

That said association shall, if required by the Postmaster-General, at all times keep a sum in cash, deposited as the Postmaster-General may direct, sufficient in amount for the redemption of said coupons daily or weekly, or monthly.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 17th instant approved and signed the following act:

An act (S. 3333) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," passed finally June 3, 1896.

BILL BECOME A LAW.

The message also announced that the bill (S. 361) for the relief of Silas P. Keller, having been presented to the President February 5, 1897, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution, has become a law without his approval.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

Mr. QUAY. Before the motion is put, I will state to the Senate that previously to the notice given by the Senator from Ohio that he would move to proceed to the consideration of executive business to-day, I had given notice that to-day, upon the conclusion of the morning business, I would call up the labor commission bill. But as I understand that the session of the Senate to-day will possibly be productive of results in the business to which it is to address itself, I will not collide with the Senator from Ohio on his motion, but will make my motion as soon as the Senate returns into legislative session.

Mr. PETTIGREW. I think it is my duty to state that I shall try to get up the Indian appropriation bill immediately after the executive session. I gave notice to this effect some days ago.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio, that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After six hours spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1501) granting an increase of pension to Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry; further insists upon its amendment to the said bill disagreed to by the Senate; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. COFFIN, Mr. BAKER of Kansas, and Mr. BLACK managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5490) to license billiard and pool tables in the District of Columbia, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1694) to increase the pension of Maj. Gen. Julius H. Stahel.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 3108) to grant a pension to Jesse Durnell, late second-class pilot of gunboat *Lexington*.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 2037) to provide times and places for holding terms of the United States courts in Utah;

A bill (H. R. 7864) to amend the immigration laws of the United States; and

A bill (H. R. 9643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions:

A bill (S. 719) to restore a pension to Harriet M. Knowlton;

A bill (S. 1169) authorizing the Secretary of War to issue Springfield rifles to each State and Territory for the National Guards thereof, in exchange for other rifles now held;

A bill (S. 1816) granting a pension to Eliza Craig Heckman, widow of Brig. Gen. Charles A. Heckman;

A bill (S. 1975) granting a pension to Mrs. Julia Jones Duncan, widow of Bvt. Maj. Gen. Samuel A. Duncan;

A bill (S. 2101) to provide for the relief of certain officers and enlisted men of the volunteer forces;

A bill (S. 2645) granting a pension to Jane H. Vandever;

A bill (S. 2832) to provide for the relief of Daniel T. Tollett;

A bill (S. 2928) for the better improvement of the Government reservation at the city of Fort Smith, in the State of Arkansas, and for other purposes;

A bill (H. R. 446) to increase the pension of Julia H. H. Crosby;

A bill (H. R. 853) providing for the erection of a light-house at Orient Point, Long Island, New York;

A bill (H. R. 1095) granting a pension to Annie M. Ermer;

A bill (H. R. 1104) granting an increase of pension to Isaac N. Williams;

A bill (H. R. 1299) to pension Harriet Woodbury, of Windsor, Vt.;

A bill (H. R. 1311) granting an increase of pension to Charles W. Sentman;

A bill (H. R. 1474) granting a pension to John J. Copley;

A bill (H. R. 2317) to increase the pension of Levi T. E. Johnson;

A bill (H. R. 3108) granting an increase of pension to Jesse Durnell;

A bill (H. R. 3715) for the relief of Capt. W. J. Kountz;

A bill (H. R. 4519) granting a pension to John Zellers;

A bill (H. R. 4548) granting a pension to Mary L. Arnold;

A bill (H. R. 4655) granting a pension to Frederick A. Driscol;

A bill (H. R. 5852) to increase the pension of Josiah P. Bradbury;

A bill (H. R. 5880) granting an increase of pension to Greenville Puckett;

A bill (H. R. 5981) granting an increase of pension to Elihu Jones;

A bill (H. R. 5986) granting a pension to Francis M. Ross;

A bill (H. R. 6099) granting a pension to Margaret Kirkpatrick;

A bill (H. R. 6789) for the relief of Dr. Harrison Wagner;

A bill (H. R. 7121) to restore Mrs. Elizabeth T. Anderson to the pension roll;

A bill (H. R. 8250) for the relief of William Gemmill;

A bill (H. R. 8388) for the relief of William G. Buck;

A bill (H. R. 8898) to increase the pension of Elizabeth Wellons;

A bill (H. R. 9494) concerning certain homestead lands in Florida;

A joint resolution (S. R. 201) to enable the Secretary of the Senate to pay the expenses of the inaugural ceremonies; and

A joint resolution (H. Res. 252) authorizing the Secretary of War to deliver to the mayor of Buffalo tents, in loan, for the convenience of the Grand Army of the Republic at its next annual encampment, to be held this year in that city.

On motion of Mr. SHERMAN, the Senate (at 6 o'clock and 25 minutes p. m.) adjourned until to-morrow, Friday, February 19, 1897, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 18, 1897.

CONSUL.

Thomas Willing Peters, of the District of Columbia, formerly commercial agent of the United States at Plauen, Germany, to be consul at that place.

PROMOTIONS IN THE ARMY.

Infantry arm.

First Lieut. Reuben Banker Turner, Sixth Infantry, to be captain, January 12, 1897, vice Wagner, Sixth Infantry, appointed assistant adjutant-general, who resigns his line commission.

First Lieut. Daniel Alfred Frederick, adjutant Seventh Infantry, to be captain, January 28, 1897, vice Williams, Seventh Infantry, promoted.

First Lieut. Edgar Hubert, Eighth Infantry, to be captain, February 4, 1897, vice Corliss, Eighth Infantry, promoted.

Second Lieut. Frederick S. Wild, Seventeenth Infantry, to be first lieutenant, January 12, 1897, vice Turner, Sixth Infantry, promoted.

Second Lieut. William Orlando Johnson, Nineteenth Infantry, to be first lieutenant, January 29, 1897, vice Goodin, Seventh Infantry, appointed adjutant.

Second Lieut. James Robert Lindsay, Fourteenth Infantry, to be first lieutenant, February 4, 1897, vice Hubert, Eighth Infantry, promoted.

Candidate Sergt. James W. Clinton, Troop F, Fourth Cavalry, to be second lieutenant, February 16, 1897, vice Alexander, Seventh Infantry, promoted.

Candidate Sergt. Alexander T. Ovenshine, Company C, Twenty-first Infantry, to be second lieutenant, February 16, 1897, vice Wild, Seventeenth Infantry, promoted.

Candidate Corpl. Henry E. Eames, Troop E, Fourth Cavalry, to be second lieutenant, February 16, 1897, vice Johnson, Nineteenth Infantry, promoted.

Candidate Sergt. Robert Field, Troop H, Eighth Cavalry, to be second lieutenant, February 16, 1897, vice Lindsay, Fourteenth Infantry, promoted.

PROMOTIONS IN THE NAVY.

P. A. Surg. Lloyd W. Curtis, to be a surgeon in the Navy from the 16th day of February, 1897, vice Surg. Robert Whiting, retired.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 18, 1897.

DISTRICT JUDGE.

Charles F. Amidon, of North Dakota, to be United States district judge for the district of North Dakota.

CONSUL.

Thomas Willing Peters, to be consul of the United States at Plauen, Germany.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Acting Second Asst. Engineer Samuel M. Rock, of Pennsylvania, to be a second assistant engineer in the Revenue-Cutter Service.

PROMOTIONS IN THE ARMY.

Quartermaster's Department.

Col. George Henry Weeks, assistant quartermaster-general, to be Quartermaster-General.

Lieut. Col. James Grafton Carleton Lee, deputy quartermaster-general, to be assistant quartermaster-general.

Maj. James M. Marshall, quartermaster, to be deputy quartermaster-general.

Capt. John Wesley Pullman, assistant quartermaster, to be quartermaster.

Lieut. Alfred M. Palmer to be assistant quartermaster.

POSTMASTERS.

John G. Cobler, to be postmaster at Everett, in the county of Butler and State of Pennsylvania.

Robert M. Cameron, to be postmaster at Belmond, in the county of Wright and State of Iowa.

Jessie L. Reese, to be postmaster at Velasco, in the county of Brazoria and State of Texas.

John M. White, to be postmaster at Evans City, in the county of Butler and State of Pennsylvania.

George E. Sweeting, to be postmaster at Dolgeville, in the county of Herkimer and State of New York.

Francis J. Kettner, to be postmaster at Woodhaven, in the county of Queens and State of New York.

William E. Mills, to be postmaster at Rose Hill, in the county of Onondaga and State of New York.

Joshua H. Alexander, to be postmaster at Troy, in the county of Lincoln and State of Missouri.

James S. Gale, to be postmaster at Milford, in the county of Pike and State of Pennsylvania.

John G. Duff, to be postmaster at Britt, in the county of Hancock and State of Iowa.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 18, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I rise to a privileged report. I am directed by the Committee on Appropriations to report the bill (H. R. 10329) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes, and I desire to give notice that to-morrow morning I will ask the House to resolve itself into Committee of the Whole for the consideration of the bill, hoping to pass it before the week closes.

Mr. PAYNE. Mr. Speaker, I desire to reserve all points of order on the bill.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] presents the general deficiency bill, which will be printed and referred to the Committee of the Whole House on the state of the Union, with all points of order reserved.

FOREIGN PASSPORT REGULATIONS.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the report which I send to the desk.

The report was read, as follows:

The Committee on Printing having had under consideration House joint resolution No. 257, to print, under the direction of the Department of State, a special edition of 6,000 copies of reports from diplomatic and consular officers of the United States on the passport regulations of foreign countries, 3,000 copies for the Department of State and 3,000 copies for the use of Congress, recommend that the same be agreed to.

The Public Printer estimates the cost of the work called for by this resolution at $340.

Resolved, That there be printed, under the direction of the Department of State, a special edition of 3,000 copies of the reports from diplomatic and consular officers of the United States on the passport regulations of foreign countries for the Department of State, and 3,000 copies for the use of Congress, of which 1,000 shall be for the use of the Senate and 2,000 for the use of the House.

Mr. PERKINS. Mr. Speaker, this joint resolution was introduced by the chairman of the Committee on Foreign Affairs, and it is accompanied by a message from the President and a letter from the Secretary of State, which probably it is unnecessary to read at this time.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. PERKINS, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed joint resolution (S. R. 205) enabling the Secretary of War to detail an officer of the United States Army to accept a position under the Government of the Greater Republic of Central America; in which the concurrence of the House was requested.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7864) to amend the immigration laws of the United States.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2923) for the better improvement of the Government reservation at the city of Fort Smith, in the State of Arkansas, and for other purposes.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 10040) granting an increase of pension to George W. Ferree, had agreed to the conference asked by the House of Representatives, and had appointed Mr. BAKER, Mr. PALMER, and Mr. PEFFER as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the bill (H. R. 8197) for the relief of John J. Guerin.

The message also announced that the Senate had passed without amendment joint resolution (H. Res. 239) admitting free of duty needlework and similar articles imported by New York Association of Sewing Schools for exhibition purposes.

ENROLLED BILL SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

A bill (H. R. 10278) to reorganize the judicial districts of Arkansas, and for other purposes.

ORDER OF BUSINESS.

Mr. ROYSE. I think we had better proceed with the regular order, Mr. Speaker, and dispose of this election case.

Mr. CURTIS of Iowa. I hope the gentleman will withdraw the demand for a moment, until I submit a conference report.

Mr. ROYSE. I will withdraw it for a conference report, which the gentleman from Iowa desires to submit.

The SPEAKER. If the gentleman will permit a bill which is on the Speaker's table, which should have been presented yesterday morning, to be laid before the House?

Mr. ROYSE. Certainly.

JESSE DURNELL.

The SPEAKER laid before the House the bill (H. R. 3108) granting a pension to Jesse Durnell, late second-class pilot on the gunboat *Lexington*, with Senate amendment proposing to strike out "twenty-four" and insert "twenty;" so as to make a pension at the rate of $20 per month.

Mr. WOOD. I move that the Senate amendment be concurred in.

The motion was agreed to.

On motion of Mr. WOOD, a motion to reconsider the last vote was laid on the table.

BILLIARD AND POOL ROOMS IN THE DISTRICT OF COLUMBIA.

Mr. CURTIS of Iowa. Mr. Speaker, I wish to submit a conference report, which I send to the desk.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6590) to license billiard and pool tables in the District of Columbia, and for other purposes, having met, after full and free conference agree to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same as amended as follows: Strike out the matter proposed to be inserted; also strike out of section 4 of the bill only the words "or a room connected with or opening out of or adjacent to such rooms;" and that the Senate agree to the same.

G. M. CURTIS,
A. MILNES,
J. H. HULING,
Managers on the part of the House.
ISHAM G. HARRIS,
GEO. PEABODY WETMORE,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The bill to license billiard and pool tables in the District of Columbia, and for other purposes, was introduced at the instance of the Commissioners of the District of Columbia, who desired to obtain a hold over the proprietors of billiard tables and other like games, and also to obtain additional revenue for the District.

The present law provides that no licensee under a barroom license shall employ, or permit to be employed, or allow any female or minor under 16 years of age, or person convicted of crime, to sell, give, furnish, or distribute any intoxicating drinks, or any admixture thereof, ale, wine, or beer

to any person or persons, nor permit the playing of pool, or billiards, or other games in the room where such liquors are sold: *Provided*, That the excise board may, in its discretion, permit the playing of such games, except cards, in duly licensed places.

The bill as agreed to in conference goes further than the existing law, and provides that neither billiards nor any other like game shall be permitted in any room where liquors are sold.

Mr. CURTIS of Iowa. I move the adoption of the conference report.

The report was agreed to.

APPOINTMENT OF CONFEREES.

The SPEAKER announced the appointment of Mr. COFFIN, Mr. BAKER of Kansas, and Mr. BLACK as conferees on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1501) granting an increase of pension to Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry.

MARY O. H. STONEMAN.

Mr. CROWTHER. Mr. Speaker, I desire to submit a conference report——

The SPEAKER. Unless the gentleman from Indiana claims the floor——

Mr. ROYSE. I did not understand that I could claim the floor. But I will yield for a conference report.

The SPEAKER. The conference report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 205) granting a pension to Mary O. H. Stoneman, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows:

In lieu of the amount proposed to be inserted insert "fifty;" and the House agree to the same.

HENRY F. THOMAS,
GEO. C. CROWTHER,
C. J. ERDMAN,
Managers on the part of the House.

GEO. L. SHOUP,
JNO. L. MITCHELL,
Managers on the part of the Senate.

The managers on the part of the House make the following statement upon the disagreeing votes of the two Houses:

As passed by the Senate, the bill carried $75 per month, which was reduced by the House to $30. The effect of the conference report is to grant the beneficiary $50, being in the nature of a compromise, the Senate making a concession of $25 and the House conceding $20.

The managers on the part of the House have been led to make this concession because of the necessities of the claimant and the long and meritorious service of the soldier, who entered the Army in 1846, and was promoted several times for gallant conduct on the field of battle. He was appointed major-general on March 13, 1865.

The report was agreed to.

On motion of Mr. CROWTHER, a motion to reconsider the last vote was laid on the table.

MAJ. GEN. JULIUS H. STAHEL.

Mr. CROWTHER. I send up another conference report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 1694) granting an increase of pension to Maj. Gen. Julius H. Stahel, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted insert "seventy-five;" and the House agree to the same.

HENRY F. THOMAS,
GEO. CROWTHER,
C. J. ERDMAN,
Managers on the part of the House.

J. H. GALLINGER,
J. C. PRITCHARD,
JOHN M. PALMER,
Managers on the part of the Senate.

The managers on the part of the House make the following statement upon the disagreeing votes of the two Houses:

As passed by the Senate, the bill carried $100 per month. It was reported favorably by the Committee of the Whole at that figure, but reduced by the House to $50. The effect of the conference report is to grant the beneficiary $75 per month, being in the nature of a compromise, the Senate making a concession of $25 and the House conceding a like amount.

The managers on the part of the House have been led to make this concession because the pension is for the soldier himself, whose military record is an excellent one. He held the rank of major-general; is now 71 years of age, and totally incapacitated by reason of disabilities contracted and incurred in the line of duty. He receives $50 per month under a special act passed by the last Congress.

The conference report was agreed to.

On motion of Mr. CROWTHER, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 8037) for the relief of John McLain, alias Michael McLain.

The message also announced that the Senate had passed with amendments bills of the following titles in which the concurrence of the House was requested:

A bill (H. R. 4424) to correct the military record of George I. Spangler; and

A bill (H. R. 1515) for the relief of Hugh McLaughlin.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3683) to amend the river and harbor act of August 18, 1894; and

A bill (S. 1811) to extend the uses of the mail service.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 3108) granting an increase of pension to Jesse Durnell;

A bill (H. R. 3715) for the relief of Capt. W. J. Kountz;

A bill (H. R. 4655) granting a pension to Frederick A. Driscol;

Joint resolution (H. Res. 252) authorizing the Secretary of War to deliver to the mayor of Buffalo tents, in loan, for the convenience of the Grand Army of the Republic at its annual encampment to be held this year at that city;

A bill (H. R. 7121) to restore Mrs. Elizabeth T. Anderson to the pension roll;

A bill (H. R. 4548) granting a pension to Mary L. Arnold;

A bill (H. R. 1104) granting an increase of pension to Isaac N. Williams;

A bill (H. R. 9643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes;

A bill (H. R. 5880) granting an increase of pension to Greenville Puckett;

A bill (H. R. 8898) to increase the pension of Elizabeth Wellons;

A bill (H. R. 6789) for the relief of Dr. Harrison Wagner;

A bill (H. R. 853) providing for the erection of a light-house at Orient Point, Long Island, New York;

A bill (H. R. 4519) granting a pension to John Zellers;

A bill (H. R. 1095) granting a pension to Annie M. Ermer;

A bill (H. R. 1299) to pension Harriett Woodbury, of Windsor, Vt.;

A bill (H. R. 8250) for the relief of William Gemmill;

A bill (H. R. 446) to increase the pension of Julia H. H. Crosby;

A bill (H. R. 1311) granting an increase of pension to Charles W. Sentman;

A bill (H. R. 8388) for the relief of William G. Buck;

A bill (H. R. 5981) granting an increase of pension to Elihu Jones;

A bill (H. R. 1474) granting a pension to John J. Copley;

A bill (H. R. 5852) to increase the pension of Josiah P. Bradbury;

A bill (H. R. 9494) concerning certain homestead lands in Florida;

A bill (H. R. 5986) granting a pension to Francis M. Ross;

A bill (H. R. 2317) to increase the pension of Levi T. E. Johnson;

A bill (H. R. 6099) granting a pension to Margaret Kirkpatrick;

A bill (H. R. 7864) to amend the immigration laws of the United States;

A joint resolution (S. R. 201) to enable the Secretary of the Senate to pay the expenses of the inaugural ceremonies;

A bill (S. 2928) for the better improvement of the Government reservation at the city of Fort Smith, in the State of Arkansas, and for other purposes;

A bill (S. 2101) to provide for the relief of certain officers and enlisted men of the volunteer forces;

A bill (S. 1975) granting a pension to Mrs. Julia Jones Duncan, widow of Bvt. Maj. Gen. Samuel A. Duncan;

A bill (S. 719) to restore a pension to Harriet M. Knowlton;

A bill (S. 2037) to provide times and places for holding terms of the United States courts in Utah;

A bill (S. 1169) authorizing the Secretary of War to issue Springfield rifles to each State and Territory for the National Guards thereof in exchange for other rifles now held;

A bill (S. 2832) to provide for the relief of Daniel T. Tollett;

A bill (S. 1816) granting a pension to Eliza Craig Heckman, widow of Brig. Gen. Charles A. Heckman; and

A bill (S. 2645) granting a pension to Jane H. Vandever.

APPOINTMENT OF CONFEREES.

The SPEAKER announced as conferees on the bill S. 1501 Mr. COFFIN, Mr. BAKER of Kansas, and Mr. BLACK.

ORDER OF BUSINESS.

Mr. ROYSE rose.

The SPEAKER. Does the gentleman from Indiana [Mr. ROYSE] desire to proceed?

Mr. ROYSE. I do.

The SPEAKER. The gentleman from Indiana [Mr. ROYSE] has the floor.

Mr. CATCHINGS. Before the gentleman proceeds, I desire to ask that the Chair lay before the House the bill (S. 3614) to aid in the improvement of the navigable channel of the South Pass by closing the existing crevasse in Pass a Loutre, in the Mississippi River, so that the conferees may be appointed and the bill sent to conference.

The SPEAKER. The gentleman from Indiana [Mr. ROYSE] has the floor.

Mr. CATCHINGS. I desire to ask unanimous consent, Mr. Speaker.

Mr. ROYSE. Well, I desire to proceed now, Mr. Speaker.

The SPEAKER. The gentleman from Indiana.

CONTESTED-ELECTION CASE—HOPKINS VS. KENDALL.

The House proceeded to the consideration of the contested-election case of Hopkins *vs.* Kendall, from the Tenth Congressional district of Kentucky.

Mr. ROYSE. Mr. Speaker, upon one question there is no disagreement among the members of this committee. We all agree that this ballot was fraudulently prepared, that the clerk violated the law in every respect in the preparation of this ballot; and I can not express it in any stronger terms than it was expressed by the gentleman from New York [Mr. DANIELS], the chairman of the committee, who represents the majority, when he said on yesterday:

> Now, there is no doubt of the evidence produced on the hearing that this was an entire fabrication on the part of the clerk; that it was not a genuine execution of the law, but that the tickets were so made up to mislead these people on the morning of election, who would be informed that the Republican ticket would be indicated by the heading of an eagle about to fly, to vote the spurious ticket instead of that which they desired to vote and which actually represented their party. So that here was a transparent fraud on the part of the clerk.

That is the condition of that ticket prepared by the clerk of Clark County in utter violation of the law.

Now, in order to understand the full extent of this fraud, let me recite some of the facts that are uncontradicted in the record. The convention which nominated the contestant was held in June, the certificate of his nomination was filed with the clerk of Clark County. In that certificate of nomination the Republican party that nominated him declared that their emblem was the eagle about to fly.

Prior to that time, in 1892, the Republican party, in its State convention, had selected this as the party emblem, and it had been used from that time until 1894. The law of Kentucky expressly provides that when one party has selected an emblem for its use at a State convention, that emblem shall continue to be used until it is changed by order of a State convention. This fact was well known to that clerk of Clark County, because he has come before us and solemnly sworn that he knew that that emblem was adopted by the Republican party in 1892; that he knew it had been used by that party from that time down until 1894, and when he prepared this ballot he had before him the nomination of the contestant regularly certified, by which he could learn that the Republican party of this district still adhered to the emblem of the eagle about to fly. But in Clark County a small fraction of the Republican party were dissatisfied. This dissatisfaction, however, only extended to the local officers of Clark County. The Democratic leaders of that county, discovering the dissatisfaction, seized hold of it as an opportunity for widening the breach. So they encouraged these dissatisfied negroes to call a county convention of their own, and told them that if they called that convention and nominated their own ticket they would see to it that that ticket had the regular Republican emblem.

That convention was accordingly called. It nominated a ticket and then dissolved. But as soon as the nomination was made it was discovered by the Republicans who went into that movement that it was engineered by the leaders of the Democratic party of that county, and in large numbers they abandoned the movement. It became evident that this ticket could not be gotten upon the official ballot simply by that nomination. That faction had not cast 2 per cent of the vote of that county at the preceding election, and so it could not get its candidate on the ticket by nomination. The only way in which it could secure a place upon the official ballot was by petition, and when it was learned by the Democratic leaders that this faction were abandoning the movement because it was engineered by the Democratic leaders of that county, they called together some of the leaders of this faction. They met in the office of one Mr. Pendleton, then the chairman of the Democratic county committee. He called this committee together and said to them that they must go ahead with their ticket, and promised each one of them $10 if they carried it through. Afterwards, it is said, some money was paid upon this agreement, but how much the evidence does not disclose.

Accordingly, petitions were drawn up asking that this ticket be placed upon the official ballot, and the evidence discloses that these petitions were drawn up in the handwriting of some Democratic leader of that county. These petitions were circulated, and in the body of these petitions they asked that the name of the contestant be placed upon the ticket as the candidate for Congrass.

It is perfectly clear from the evidence that this faction of the Republican party were friendly to the contestant. They all wanted to vote for him and expected by means of that petition to get his name upon the ticket. But they were ignorant. They were unacquainted with the law or with the steps to be taken in order to get their candidate for Congress upon the official ballot. The law of Kentucky only requires a hundred names to a petition for county officers, but 400 names shall be signed to a petition before a candidate for Congress could go upon an official ballot. It is perfectly clear from the evidence that these ignorant negroes did not know that was the law, for they circulated their petitions and only obtained 104 signers to all the petitions they circulated. In that case the candidate for Congress could not go upon the official ballot, notwithstanding the petition recited that fact. These petitions were filed with the county clerk, and nobody knew what action he was about to take.

It is stated by the gentleman from New York, who represents the majority, that all these petitions asked for the emblem of the "eagle about to fly." It is not true. They did not ask for that emblem. Doubtless they expected to secure it; doubtless they thought their petitions were sufficient to secure it: but yet they were not. I want to read to the House what they say in each one of these petitions. Only three of them were circulated. I want to read to you just what they say in these petitions in reference to this emblem. They describe the emblem in the first petition that it be "delegated under the flop of the picture of an eagle." That is their petition. Does that show that they wanted the "eagle about to fly?" Remember this petition says, "and the ticket shall be 'delegated.'" What does that mean? I do not know. The ticket shall be under "the flop of the picture of an eagle." Remember, it is the "picture" that is to "flop" and not the "eagle" itself. And then we come to the next petition. "Straight Republican ticket, designated under the picture of an eagle." That is all it says. By the "picture of an eagle;" and the same description is given in the third and last petition. Now read the certificate of nomination made up by the officials of the Republican convention that nominated Mr. Hopkins, the contestant. "Title of the party, Republican; device, the 'eagle about to fly.'" There is no uncertainty about the Republican selection. It is the "eagle about to fly."

Now, these were the petitions filed by the county court clerk, and notwithstanding that fact he goes to work and puts the Republican emblem upon the ticket that was petitioned for, and he leaves the place where the name of a Congressman should appear entirely blank, so that every man that voted that ticket could not vote for Congressman, although he intended to vote for him.

INAUGURATION CEREMONIES.

Mr. CANNON. Mr. Speaker, may I ask the gentleman to yield to me—not to be taken out of his time, just for a moment—to pass a Senate joint resolution on account of the inauguration? We can do it in two minutes.

Mr. SAYERS. It will not take two minutes.

Mr. ROYSE. Very good; I yield for that purpose.

Mr. HENDERSON. It is necessary to pass it so as to get good stands.

Mr. CANNON. Mr. Speaker, I am directed by the Committee on Appropriations to report back a Senate joint resolution to enable the Secretary of the Senate to pay the expenses of the inaugural ceremonies, and I ask unanimous consent to place it upon its passage.

The SPEAKER. The gentleman from Illinois, chairman of the Committee on Appropriations, reports back Senate joint resolution 201, and asks unanimous consent for its present consideration. The Clerk will report the joint resolution.

The Clerk read as follows:

> *Resolved, etc.*, That to enable the Secretary of the Senate to pay the necessary expenses of the inaugural ceremonies of the President and Vice-President of the United States, March 4, 1897, in accordance with the programme adopted by the committee of arrangements appointed under resolution of the Senate of the 10th day of December, 1896, including the pay for extra police for three days, at $3 per day, there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, $5,000, or so much thereof as may be necessary, the same to be immediately available.

Mr. CANNON. I have only to say that the gentleman from Iowa [Mr. HENDERSON] and the gentleman from Pennsylvania [Mr. DALZELL] informed me that they have looked into this matter, and that it ought to pass, and it carries about the usual amount. I ask that the resolution may be put on its passage.

The SPEAKER. Is there objection to the present consideration of the joint resolution? [After a pause.] The Chair hears none.

The joint resolution was ordered to a third reading; and it was accordingly read the third time.

Mr. GROSVENOR. Mr. Speaker, there is no possibility that anybody here has the slightest knowledge of what that resolution is.

Mr. CANNON. I will tell the gentleman in just a moment.

The SPEAKER. One moment. The gentleman is right, and the House is not in order. It is impossible to hear what is said while members do not preserve order. Gentlemen will please take their seats. The Clerk will read the resolution again.

The resolution was again read.

Mr. CANNON. Now, Mr. Speaker, if there is no question about it, I ask that it be placed on its passage.

Mr. GROSVENOR. Mr. Speaker, I do not see that any question that was sought to be raised can be raised upon this resolution.

The SPEAKER. The question is on the passage of the resolution.

Mr. COX. Mr. Speaker, before the resolution is passed, I see the appropriation there is $5,000 for the purpose of paying police at $3 a day. Now, it does seem to me that the resolution ought to be qualified and say, "or so much thereof as may be necessary."

Mr. SAYERS. That is in there.

The SPEAKER. That is in the resolution.

The question was taken on the passage of the resolution; and it was accordingly passed.

On motion of Mr. CANNON, a motion to reconsider the vote by which the joint resolution was agreed to was laid on the table.

ORDER OF BUSINESS.

Mr. LACEY. I ask the gentleman if he will not yield to me long enough for the presentation of a conference report?

Mr. ROYSE. I think I can not do that.

The SPEAKER. The gentleman declines to yield.

CONTESTED-ELECTION CASE—HOPKINS VS. KENDALL.

Mr. ROYSE. Mr. Speaker, I was stating the fact that these petitions were not sufficient to secure the emblem of the "eagle about to fly." I want to state another fact. These petitions were not sufficient to admit this ticket upon the official ballot at all. The law of Kentucky provides that, in order to get the ticket for local offices upon the official ballot, the petition shall be signed by 100 legal voters of the county, and then it expressly provides that no signer of the petition shall be counted unless he gives his post-office address and residence. Ten of the men who signed their names to these petitions failed to give their post-office address, and, under the express language of the statute, those names can not be counted. The total number of names attached to these petitions is 104. Strike out the 10 that can not be counted and you have left only 94; so that the petitions were not sufficient. Though they had recommended the proper device, they were not sufficient to warrant that ticket being placed upon the official ballot, and the act of the clerk in placing that ticket upon the official ballot was entirely unwarranted.

Now, the Republican party knew nothing of this transaction of the clerk until the morning of the election. Every Republican in that county of Clark believed that the emblem of his party would appear at the head of his ticket. These ballots, under the law, were to be distributed and sent to the precincts three days before the election. The law provided, also, that accompanying these ballots should be eight "instructive ballots"—ballots prepared for the instruction of the voters, sample ballots, and that these also should be sent out three days before the election.

Mr. MOODY. If the gentleman will pardon a correction, it is "within three days," not "three days before."

Mr. ROYSE. Well, within three days. I do not care whether it is within three days or, as I stated it, three days before. These ballots should have been at each precinct three days prior to the election, and the sample ballots should have been sent with them, but the ballots were not sent out until the morning of the election, and even then not a single sample ballot was sent with the bundles of ballots—not one. There were no sample ballots at a single precinct in Clark County except one, and the way they got there was that the officers of election went to the clerk on the morning of election day and obtained the sample ballots and took them out to the precinct. That was the condition of things on the morning of the election as the Republicans marched to the polls to vote their ticket.

Now, the question is, first, How many votes did the contestant lose by this fraudulent transaction? I shall maintain hereafter that this ticket was wholly invalid, that it was not prepared according to the directions of the law, and therefore was unofficial and consequently invalid, but for my present purpose I propose to discuss it upon the theory presented by the majority of the committee, and the question is, How many votes did the contestant lose by this fraudulent transaction? And remember one thing before we approach that question: Remember that the Republican party had a right to their emblem. It was the eagle. It was the emblem of our country. There is a degree of majesty and grandeur in that bird. It inspires patriotism in the bosom of every American citizen. The Republicans had a right to that emblem and they had a right to the use of that emblem as an appeal to the patriotism of every citizen and voter in Clark County. But that emblem was torn down from the head of their ticket and in its stead was placed the odious raccoon. [Laughter.]

Mr. HYDE. If a question will not interrupt the gentleman, I would like to ask one. What is and has been the attitude of the contestee toward these frauds, or alleged frauds?

Mr. ROYSE. I do not know. The evidence is silent upon that subject. He has got the profit of them. That is all I know.

Mr. GROSVENOR. Mr. Speaker, I hope the gentleman will modify his language with reference to that famous animal of 1840, "the same old coon." [Laughter.]

Mr. ROYSE. Mr. Speaker, if that was the only thing in question here, I would modify it, but in the particular region where this election occurred there is an odium attaching to the name of that animal. [Laughter.]

Mr. STEWART of New Jersey. Let me ask the gentleman whether that substituted emblem was not simply used as a burlesque upon the "coon?"

Mr. ROYSE. There is no question about that. It was used as a burlesque, and even the darky will fight if you call him a "coon." [Laughter.]

Mr. RAY. The gentleman has stated that he proposes to discuss the question of how many votes the Republican party lost by reason of this substitution of emblems.

Mr. ROYSE. Yes.

Mr. RAY. I would like to know whether there is any mode by which it is possible to ascertain the exact number of votes lost, or whether it must be left to pure conjecture.

Mr. ROYSE. I think it is capable of a fair demonstration.

Mr. RAY. Then is it demonstrated that enough votes were lost to change the result for member of Congress?

Mr. ROYSE. Yes; I think so. Mr. Speaker, when the Republicans went to the election on that morning they found only this ballot for them to vote. This fraudulent ballot, this iniquitous thing, was the only ballot they had. On the reverse side of this paper is the ticket as it ought to have been prepared, with only two columns to it, the rooster at the head of the Democratic ticket and the American eagle at the head of the Republican ticket; but when they came to vote, there is the ticket [exhibiting it] they were required to vote. This was not discovered until the Republican voters had gone into the booths to mark their ballots. Then there was the wildest consternation among the Republican voters. They returned from the booths and refused to vote that ticket. They gathered in groups around the polls and were harangued by Republican leaders, many of whom were indignant, chagrined, and mortified at the tremendous fraud, and advised the honest voters to go home and not vote at all. That this was done is unmistakable and indisputable. The proof of it is abundant in this record. One man says that he privately went to 12 or 15 men and advised them to go home and not to vote the ticket.

The same witness says, on another occasion, that he publicly addressed some 75 or 100 Republicans and told them to go home and not vote the Republican ticket on that day. And I want to read what another Republican leader says on the subject. The question was asked him:

> What did you do, after having discovered the character of said ballot, in advising Republicans not to vote?
>
> A. I advised them not to vote. I left that precinct and went to the Court-House precinct, Winchester precinct, and Fairfax precinct, and at each of these precincts advised the Republicans not to vote; also advised all Republicans I met on the streets not to vote.

It is unquestionable, Mr. Speaker, that a large number of the Republicans went to their homes and refused to vote that ticket. It is true that later in the day the Republican leaders undertook to rally the Republican forces and get them to the polls and have them vote the ticket. A great number did return, but how many we can not tell, nor how many were deterred from voting. But here is a significant fact——

Mr. BARTLETT of Georgia. Will the gentleman permit a question?

Mr. ROYSE. Yes.

Mr. BARTLETT of Georgia. Is it not a fact, in connection with the question the gentleman has now suggested—that is, as to the inability to tell how many Republican voters were prevented from voting by reason of this alleged fraud—that this House passed a resolution in the last days of the last session of Congress, in which they extended the time within which the contestant might take such testimony as would give to the Committee on Elections every particle of information that was available on that subject? We extended the time until the 1st of November, 1896. And yet is it not true that the contestant came back without a word of testimony on the subject to which the gentleman is now referring?

Mr. ROYSE. Part of the question of the gentleman from Georgia I will answer in the affirmative, that we did give the time; and as to the balance I will answer that in the time so extended he did bring forward substantial proof that would convince any reasonable man that the contestant did lose a large number of

votes by reason of this fraudulent ticket. [Applause on the Republican side.]

One witness testified that he believed that the contestant lost from 300 to 400 votes by reason of this fraudulent ticket; and that evidence was not contradicted by any other single witness who was brought forward.

But there is another fact that I wish to be brought out specially. This Congressional district for several years prior to this election had been carried by the Democrats with a majority of from 2,000 to 3,000. At this election in 1894 the majority returned for contestee was only 253. Now, how was this accomplished? By the Republican candidate, the contestant in this case, gaining votes in every county in the Congressional district except this county of Clark. In every one of them there was a uniform gain. In the county of Floyd, for instance, the home of the contestee, the Republican candidate gained over 600 votes. He gains on an average uniformly through the various counties of the district 31 per cent; but when it comes to the county of Clark, he did not keep up with the average Republican vote.

Mr. RAY. Now, in that very connection, I would ask the gentleman, how do you connect the loss, or the gain, as you claim—how do you connect the loss with the fraudulent tickets or emblems?

Mr. ROYSE. I will show you presently.

Mr. BARTLETT of Georgia. Now, if the gentleman will permit me——

Mr. ROYSE. I must decline to be interrupted for the present.

Mr. BARTLETT of Georgia. I know you do not wish to misstate the evidence to the House.

Mr. ROYSE. No, sir; and I am not doing anything of the kind.

Now I will show how I make the connection to which the gentleman from New York has referred. It is only reasonable and proper to suppose that the Republican candidate, gaining in every other county in the district, should have gained in this county also. There is no reason in the world why he should not gain here, except for the presence of this fraudulent ballot. The interests of the people are the same; the county of Clark is the "blue-grass" county, and is similar in interest to all of the other counties of the district. Therefore it will be only reasonable to suppose that the same sentiment would prevail in reference to this election throughout that county that is found so clearly demonstrated in all of the others.

Now, I wish to speak of another matter right here.

Mr. DANIELS. Before the gentleman leaves this point, I would like to ask if it is not agreed to by the counsel for both sides that the Republican voters in Clark County attending the election and desiring to vote were given fair and full opportunity to do so and that the votes were counted and certified as cast?

Mr. ROYSE. Yes; it was agreed that all of the Republican voters who went to the polls and wanted to vote that ticket voted it, and there was nothing to hinder them. That is the agreement, and nothing else.

But I do not care what the agreement is; I do not care a straw for it. There is no contradiction in this evidence. There is no contradiction anywhere of the evidence that fraud of this character was permitted. The majority of the committee agree that it was committed. The majority of the committee agree that the contestant lost 79 votes by what had occurred, and I agree to that; but I insist that he lost more than 79 votes.

I want to state another fact—that there was a larger vote cast in this Congressional district by nearly 4,000 than had been cast since 1884, so that it shows that in this Congressional district for ten years prior to this election there had been a large number of voters who did not go to the polls and vote, but at this election of 1894 these people turned out. They increased the Democratic vote of the district and the Republican vote of the district, notwithstanding this ballot. There was an increase of 3,155 Republican votes. Why was it that these men were going to the polls and voting, and uniformly, or with only rare exceptions, voting the Republican ticket? And why would they not do it in the county of Clark? Simply because they were compelled to vote a ticket at the head of which was this odious coon; and it was placed there for the purpose of preventing them from voting that ticket. Now, I am surprised that the contention should be put forth here that the injury to this man shall be measured by the average Republican vote of that county. If you would measure it by the average Republican vote of that county, why not measure it by the vote of all the other counties, and throw out the 3,156 votes which were gained in the balance of the district, if that rule applies?

If that rule applies, why go to the polls to vote at all, on the Republican side? Why not leave their ticket off of the ballot entirely? The county clerk can do it if he wants to be corrupt. He can leave the Republican ticket off of the ballot, and when he leaves it off, the Republicans who go to the polls can not vote any ticket except the Democratic ticket. If the clerk should do it, then our friends upon the other side would come in here and say, "Why, no harm is done; you could not elect your man anyhow." That is the logic of their reasoning. What I maintain is that the Republicans of Clark County have a right to vote, whether they win or lose. [Applause on the Republican side.] They have a right to vote their ticket, and no villainous clerk of Clark County or any other county of this district has the right to hinder them from casting their ballots to express their honest sentiments.

Mr. BRODERICK. Will the gentleman allow me to ask him a question there?

Mr. ROYSE. Yes.

Mr. BRODERICK. I understand that under the law of Kentucky it is the duty of the clerk to prepare the tickets and send them out to the several voting precincts.

Mr. ROYSE. It is, unquestionably.

Mr. BRODERICK. Were there any legal Republican tickets at any of the precincts in this county?

Mr. ROYSE. None at all. There were no tickets at all except that bogus ticket. That is the only ticket that was voted in Clark County at all.

Mr. RAY. Now, right there, I should like to ask the gentleman a question. The gentleman states that he thinks voters remained away.

Mr. ROYSE. Yes.

Mr. RAY. Who did not go there at all, by reason of this ticket, simply because if they went to vote they would be compelled to vote under the emblem of this coon?

Mr. ROYSE. Yes.

Mr. RAY. Now, I want to ask this simple question: Is there any evidence that Republicans stayed away from the polls by reason of that, or is it mere conjecture?

Mr. ROYSE. It is not mere conjecture. I have already gone over this evidence and shown to you that the contestant uniformly gained 31 per cent in every other county.

Mr. NORTHWAY. Now, if he had gained that per cent in Clark County, would he have been elected?

Mr. ROYSE. Why, if he had only gained 10 per cent, he would have been elected. [Applause on the Republican side.] That is all that he required. Ten per cent of gain would have elected him.

Mr. BARTLETT of Georgia. Will it interrupt the gentleman if I ask him a question?

Mr. ROYSE. I must proceed with my remarks. Now, the majority returned for the contestee is only 253, and that comes from the certificate of the secretary of state, but the clerk of Clark County certifies to us the total vote of that county, and it does not agree with the certificate of the secretary of state. By the evidence certified to us by the clerk of Clark County there ought to be 50 deducted from the majority of the contestee, and that reduced his majority down to 203. Then, if you deduct from that the 79 votes which the majority of the committee say ought to be deducted from it, you have a majority of only 124 for the contestee, only a small majority to overcome, only a gain of 8 votes to the precinct, only a gain of 10 per cent in this county.

I want to refer to another thing. There was a registration law in force at the four precincts of the town of Winchester. When that registration was taken, in one precinct—that of Fairfax—there were 104 Republican voters registered, and the election returns show that only about 60 of the 104 voted, a loss of 40 per cent in one precinct alone. That is the condition of this thing. If we had had a registration all over the county, the same figures would appear.

Now, that is the condition of this thing. We have certified to us in the record from the clerk of Clark County that the assessor of that county reports that there were 4,045 voters in that county in 1894. Four thousand and forty-five legal voters in the county; and yet at this election only 3,300 and a little over voted, leaving 700 voters who stayed at home and refused to vote. Why was this? On the morning of the election, as soon as this was discovered, these Republicans returned to their homes, and the burden of proof is upon the other side to show that they came back and voted. I want to say further than this, the Republican party has the right to go among Democrats of that county and electioneer for their candidates. It is wrong to say that his injury can be measured by the extent of the Republican vote of that county. The Republicans had the right, and ought to have the privilege, to appeal to every single Democratic voter in that county and ask them to vote that ticket; but a white Democrat in that county would have his right arm torn off before he would vote under a "coon;" and he would have to vote under a "coon" or not vote the Republican ticket. That is the reason why the Democratic candidate fell behind his average vote, and that is the reason why the Republican candidate fell behind the average Republican vote.

Mr. PEARSON (exhibiting a ballot). This is a "coon about to steal," instead of an "eagle about to fly." [Laughter.]

Mr. ROYSE. That was what the coon was doing—stealing the votes of the Republican party in that county. [Laughter and applause on the Republican side.] Now, then, there is another question about this. Here is the evidence, uncontradicted in this

record; and they propose to measure the extent of this man's injuries by simply comparing it with the average Republican vote of that county.

Now, Mr. Speaker, I wish to approach another phase in this case, and that is in reference to this ballot. It was fraudulent, all admit; prepared in contravention of the law, all admit.

Mr. COLSON. Does not the majority report say that?

Mr. ROYSE. Both reports say it was prepared in violation of law, not under any mistake, not under any innocent misconstruction of the law by the clerk, but a corrupt plan to cheat and to defraud the Republican voters. That is absolutely manifest and uncontradicted from the evidence in this case. What will we do as to this ballot? The evidence of the clerk who prepared that ballot was taken; and, as I said a while ago, he testified that he knew that the Republican party was using the emblem the "eagle about to fly." But I will tell you that clerk has the forehead to sit down and solemnly swear in the presence of God that he thought he was doing right. [Laughter.] That is the conscience of that clerk. In the hands of such a man as that, is the elective franchise of the honest voters of Clark County safe?

Mr. HOPKINS. That clerk was a Democrat?

Mr. ROYSE. That clerk was a Democrat.

Mr. COLSON. And a Democratic clerk in Kentucky does not consider it any wrong to swear to a lie in an election, if it affects a Republican.

Mr. ROYSE. Not only that; the majority report gives this clerk a sound scolding, and says he was extremely "naughty" for doing this thing.

Mr. PEARSON. Did they use that word "naughty?"

Mr. ROYSE (continuing). And practically said, "Don't you do this thing again." Now, how do you know he will not? Why, let me tell you one thing which is outside the record. That clerk was the next year elected secretary of the Democratic central committee of Clark County and rewarded for his fault. [Laughter and applause on the Republican side.] He was whitewashed, and this report of the majority of the committee proposes to whitewash him further for the crime he committed. Now, should that ballot be counted at all? It was the only ballot voted in that county. The condition of the State of Kentucky is peculiar. Prior to 1891 voting was done viva voce, so that if any ballot had been used in voting by any party it would have been illegal, and would not be recognized. But she concluded to adopt the Australian ballot system, and did so, and in order to do that she had to ingraft it in the constitution of her State. So in 1891 she remodeled her constitution, and she said by the fundamental law of that State:

All elections by the people shall be by secret official ballot, furnished by public authority to the voters at the polls and marked by each voter in private at the polls, and then and there voted.

Kentucky is ahead, perhaps, of any other State in the Union, because she has put this reform into the fundamental law of the State. Part of the same law provides that at the meeting of the first assembly after the adoption of this constitutional provision the general assembly of the State shall provide laws to carry into execution this provision. The legislature went to work to provide laws to carry out this constitutional provision. It is a very elaborate election law, and as carefully prepared as any other election law in any of the States of the Union. It is systematic, uniform, and logical in all of its arrangements. I want to read to you the first section of the law in reference to that ballot:

In all elections—

Mark you—

In all elections hereafter held in this State on any subject which may be submitted to a vote of the people for all State, district, county, and municipal offices, except school trustees and other common-school district elections, the vote shall be by secret official ballot, furnished and distributed as hereinafter provided, and no other ballot shall be used.

The law proceeds and gives the most minute and careful directions to the clerk as to the preparation of the ballot. He acts ministerially in the preparation of that ballot. He has no authority to put anything in that ballot except what the law says shall go into that ballot. He has no right to leave out anything which the law says shall be there. Now, it is admitted on all hands that the clerk did not construct that ballot according to the law of the State of Kentucky. And at this point let us settle one thing—the people of Kentucky have no right to vote except as prescribed by the laws of that State. The Constitution of the United States grants no privilege to the citizens of Kentucky to vote. The regulations of voting are wholly provided for by State authority, not by the Constitution of the United States. That is well settled. It has been decided by this House in a case from the State of Missouri, from which I will read an extract. This case arose under the reconstruction acts of Missouri. Every reconstructed State had the same law prohibiting men from voting unless they could take an oath that they had never entered into rebellion or insurrection against the United States or the State. It was contended that that law was unconstitutional, and that the citizen had a right to vote notwithstanding the law, but this House solemnly affirmed its opinion to the contrary. I read:

Each of the States of the Union have hitherto regulated suffrage within their own limits for themselves, and in such a manner as the people of the State deemed most conducive to their own interests and welfare. Suffrage is a political right or privilege which every free community grants to such number and class of persons as it deems fittest to represent and advance the wants and interests of the whole. No State grants it to all persons, but with such limitations as the interests of all and the interest of the State require.

Kentucky had the right to say just how her elections should be conducted and just what a man must do in order to be entitled to vote. It is not sufficient that the constitution and laws of Kentucky say that a man may vote. It is just as important that the law provide some solemn method by which his vote shall be cast and counted.

Now, the State of Kentucky has provided that no other ballot than the official ballot shall be used in her elections. That is a constitutional provision. In obedience to that, the legislature of the State of Kentucky provided for this official ballot, and then, in express terms, said that no other ballot should be used at elections. What is the "use" of a ballot? It is not simply that it may be voted. That is one use of a ballot, but another use of that ballot is to count it, and the law of Kentucky says that a ballot shall not be "used," either in voting or in counting, unless it is the official ballot.

Mr. PEARSON. I would like to ask the gentleman a question at this point: What majority is given to the contestee in this county of Clark if the ballot in question was not a legal one?

Mr. ROYSE. I can not answer that exactly at this moment, but I will state that if the county of Clark is entirely thrown out the contestant is elected.

Mr. PEARSON. That is what I wanted to know.

Mr. ROYSE. No man can vote in Kentucky unless he votes as the law directs, and the ballot which he votes must be the official ballot. The legislature could not provide for anything else. Any law that would authorize anything else than an official ballot would be unconstitutional. And when you leave the constitution and the law of Kentucky you have nothing upon which you can base the right of the citizen of Kentucky to vote. It will not do to say that he can vote any way or in any manner, because if a voter of the State of Kentucky should step up to the polls and should undertake to vote viva voce, as they used to vote prior to the enactment of this law, his vote could not be counted. It might express the honest sentiment and conviction of the voter, and it might be honestly counted (if it could be counted at all), but, not being a legal vote, it could not be counted. How does the voter in Kentucky vote? By ballot. What kind of a ballot? Any kind of a ballot? No; nothing but an official ballot, prepared as the law directs. No other ballot can be voted legally in the State of Kentucky. It will not do to say the clerk can simply stamp this as an official ballot. It will not do to say the clerk can put his initials on the back of the ballot, as the law requires, and that then it becomes equivalent to an official ballot. What makes an official ballot? Not simply the certificate of the clerk, but the substance of the ballot, and in substance the ballot in question here was a fraud. In substance that ballot was in violation of the law. Now, there must be some law to support this ballot, or else it can not be counted. Under the law of Kentucky it can not be counted. What law, then, have you to support it? None in the world.

The honorable gentleman from New York [Mr. DANIELS] cited one case yesterday which appeared to be in point, but had he gone back two or three years further he would have found another case absolutely contradicting that. That case was simply this: The law of New York provided that in sending out the official ballots the number of each precinct should be put upon the back of the ballots, and in sending out the ballots at the election in question precinct No. 1 got the ballots that were intended for precinct No. 2, and precinct No. 2 got the ballots intended for precinct No. 1. Those ballots were voted, and the supreme court of New York held that they were not official ballots, and refused to count them. There you have two cases in absolute conflict so far as principle is concerned. I have been unable to reconcile them except upon one proposition. In the case I have just referred to, where the votes were thrown out, one of the judges of the court says there was proof that this was fraudulently and criminally done, and the authorities all draw a distinction between a thing which is done fraudulently, unlawfully, and criminally and a thing which is innocently done. But in this Kentucky case the thing was not done innocently. It was done fraudulently and criminally. In the report of the minority attention has been called to a number of authorities holding this ballot illegal.

I simply want to call the attention of the House again to the cases reported from the State of Connecticut. There were two cases decided by the supreme court of that State which, if applied to the case now before us, would cast out these ballots as invalid. In the one case, cited in the minority report, the clerk in making

out the official ballot added the words "ex officio registrar of births, deaths, and marriages," and put into the ticket a man's name as candidate for probate judge, when no such judge was to be elected. In that case the supreme court of the State of Connecticut held that the ballot was illegal because the words "ex officio registrar of births, deaths, and marriages" had been added, and because the name of some man as a candidate for probate judge was placed on the ticket, when there was no such office to be voted for.

Other cases have been cited in the minority report. One extremely strong case, originating in the State of Montana, is cited, where the supreme court of the State reviewed all the English authorities from which we derive our Australian ballot system, and the provisions are held to be mandatory in all of these cases.

We have cited a large number of other cases in the minority report which relate directly to the matter, but it seems that the majority of the committee have been able to find only a single case which squints toward maintaining the validity of these ballots.

It is said, too, Mr. Speaker, that if we throw out the vote of this county we disfranchise some legal voters. True, we will, perhaps, disfranchise some of those who voted the Democratic ticket innocently. But you must remember that when the Democratic voters came to the precinct nothing was wrong with their ticket. Soon after the opening of the polls, however, it became noised about that this fraud was perpetrated. But every Democrat who voted the ticket knew that his ballot was not properly prepared, and it was no secret to the majority of the men who voted it, because they had full knowledge of the fact.

But we must not look alone to this election. The law of Kentucky proposes to secure an honest ballot. Kentucky is to be commended for the course she has sought to pursue in order to secure the purity of elections in that State. Kentucky should not only be commended but encouraged in her efforts. If you maintain the law in its integrity, if you enforce every provision of the law, there will be honest elections in Kentucky. [Applause on the Republican side.] Break it down and you break down all hope of honest elections. Break down the law, throw aside these provisions, destroy all of these principles by judicial construction, and you open the door to the widest and most glaring frauds, and no man can tell hereafter whether there can be an honest election in that State or not. [Applause.] What will be the effect of the action proposed here on the part of the majority? What will be the effect in making up the ballots hereafter in the State of Kentucky? The clerk of the court next year in making up the ticket may leave off entirely from the official ballots the Republican candidates, and he can do it under the principle sought to be enforced here. It is no greater violation of the law than he has already committed. He leaves the Republican ticket off altogether and no Republican can vote. A contest is had over the fact that the Republicans were deprived of the privilege of voting, and when they come to the House and claim that they should have had that privilege, we refer them to the action here to-day proposed to be taken. We hold up in their faces the majority decision here and tell them it does not matter whether they voted or not, they could not have elected their candidate, and hence they have no right to vote unless they can elect their man. [Applause.]

Mr. Speaker, there is but one way to secure purity of elections throughout the country, and that is to uphold the law. It can not be otherwise accomplished. Let the word go forth that if the clerk of that county violates the law, willfully and corruptly, and disfranchisement should result to the voters of that county, the people will see to it that no such clerk can hold that office again. They will see to it that the law is obeyed. It is useless to have courts to prosecute offenders, it is useless to have prosecuting officers or to enact penal statutes. What we want is a strong moral public sentiment behind the law. [Applause.]

The SPEAKER. The gentleman has consumed one hour.

Mr. ROYSE. I would like to have about three minutes longer, with the consent of the House.

The SPEAKER. The gentleman asks consent to be permitted to proceed for three minutes longer.

There was no objection.

Mr. ROYSE. I want to say now, Mr. Speaker, in conclusion, that the only way to secure honest and pure elections in that State is to uphold and maintain the law. When you violate it in one respect, there is no place where you can stop. The clerk of that county can leave off the Republican ticket, or place on the ballot, instead of it, men of his own selection. He can violate the law in all directions and in any respect he pleases; yet the ballot must be an official ballot. But let it be known to the men who vote that ticket—let it be known that if the clerk of the county tampers with the official ballot it means disfranchisement to the voters, and they will put that man into the penitentiary the next time he undertakes to commit such a crime. That will stop this infernal abuse, and they will not elect such men as their county clerks in future. [Applause.]

That is the only way in the world to secure pure and honest elections in that State. I am in favor of the enforcement of the law. The time has come in this country that the law should be rigidly enforced, and it should be upheld, for outside of the law there is nothing but chaos and anarchy. [Applause.]

Within the pale of this law every voter of Kentucky is secure. Within the pale of this law and its rigid enforcement every man can vote his honest sentiments. Outside of it no man's right is secure, and if you want to secure the elective franchise and prevent the disfranchisement of legal voters, see to it that the laws of Kentucky are faithfully executed. [Applause.]

Mr. DANIELS. I yield twenty minutes to the gentleman from Arkansas [Mr. DINSMORE].

Mr. DINSMORE. Mr. Speaker, my distinguished friend and colleague on the Committee on Elections [Mr. ROYSE] who has just taken his seat has exhibited a most laudable desire in his expressions for the purity of the ballot and fair elections, and the administering of punishment to those who violate the laws; but in his peroration he included also the statement that he wanted the enforcement of law.

The law should not only be enforced rigidly in the conduct of elections, but the House of Representatives, when it comes to consider a case like the one before us, should endeavor to proceed under guidance of the law, and not be influenced by partisan appeals.

I only desire to ask the indulgence of the House for a very few moments, and I want briefly and succinctly to get before the House, or such members of it as will honor me with their attention, a few points in this case.

In the first place, seven of the committee have presented the majority report and two have offered their views in a minority report.

It is agreed by the majority that the action of the clerk in Clark County is unlawful, that he did not proceed according to the direction of the statute. That is as far as I, a member of this committee, have agreed. I have never consented that it was done for the purpose of defeating the contestant, who was a candidate for Congress at that time. On the other hand, I have found it to be the view of almost the whole of the committee that nobody, in the conducting of the election in question as to the ballots complained of, had in view the Congressional election.

Mr. Speaker, neither the clerk of Clark County nor any other Democrat inaugurated the proceedings under which this ticket which is complained of was put before the people to be voted by them. I want the House to understand the beginning of it. The negroes of Clark County became dissatisfied with the conduct of political affairs in that county. They became so because they were excluded from participation in the benefits of party organization, and I want to read the very beginning of it all. A Republican paper, published in the county seat of that county, edited by K. J. Hampton, who was a witness in this case and who was the chairman of the Republican committee of that district—in the columns of his paper he published this editorial:

THE NEGRO VOTE.

We hope we have made ourselves clearly understood upon the subject in the articles that have heretofore appeared, but to recapitulate: The negro vote, as a dominant factor in the Republican party, arrays Southern majorities against that party, it makes no difference what are its principles. The same influence makes pure local government impossible. Then, what course should Republicans pursue toward this vote? Cease to make special appeals to it. Do not attempt to organize it. The colored men who are at heart Republicans will vote their sentiments, and those who are inclined to drift can do so. The great Republican party owes the colored vote of the South no debts. The debt is all the other way, and the nomination of a negro to public office is not good policy under present conditions. It is not good for the negro race, and offends the just sense of propriety in the South.

That is what caused the dissatisfaction among the Republicans, Mr. Speaker. Immediately the negroes became dissatisfied. They recognized a movement not inspired by any Democrat to deprive them of any participation in the fruits of possible victory, and they held their meetings and passed resolutions, and agreed to put a straight Republican ticket in the field, and protested against the action of white Republicans. They did this of their own motion, and without instigation of Democrats. They got out their ticket under the law, and petitioned for a ballot and for the emblem of the eagle.

Now, that brings us down to the point where the tickets were put out and where, I have already told you, the clerk did not act in conformity with law; but when you read the whole election law of the State of Kentucky, you can readily see where that clerk might have made an honest mistake, because in one provision of that law it says that where two parties claim the same emblem, or two sets of petitioners claim the same emblem, that the clerk shall decide between the two and give it to the party which claims it first. It is true that the Republican party had adopted that emblem in 1892, and it was the duty of the clerk to make that the emblem of the Republican party on this occasion. He did not do so. Therein he failed to conform to the law. But, Mr. Speaker, even if he did this willfully and intentionally, as many of the committee believe he did, but as I will not say he did, we still hold

that it does not make that ticket void, and it should have been counted, provided it can be ascertained from it what the true sentiments and intentions of the voters of the district was in the election.

I desire to call attention to the conditions which existed in that district at the time. It has been stated by my friend who has just taken his seat [Mr. ROYSE] that there were Republican gains all over Kentucky; that if there had been a gain of 10 per cent in that district, the Republican contestant would have been chosen.

I would call attention to the fact that this county has cast approximately its normal vote through all the elections during the last ten years in Kentucky. The gentleman says if there had been an increase of 10 per cent it would have elected the Republican. I want to call the attention of the House to the fact that two years before, in 1892, Mr. Lisle, the Democratic candidate for Congress, had a majority over his opponent greater than Mr. Kendall got over Mr. Hopkins in that contest. Mr. Kendall's majority in this county was 356, and Mr. Lisle's was 375 the year before. In 1892 Mr. Lisle's whole vote in the county of Clark was 1,974. Two years thereafter Mr. Kendall's whole vote was 1,844. In the election when Bradley carried the State of Kentucky over his Democratic opponent, Hardin, Bradley's vote, notwithstanding he was elected by 10,000 in the State, was 254 behind Hardin, his opponent, in the county of Clark—more than 100 votes less than Kendall received. This does not show any increase of Kendall's vote caused by the confusion that gentlemen insist resulted from the changing of the emblems.

Mr. Speaker, I say that this majority is about the same in different elections. Mr. K. J. Hampton, who was then the district chairman of the Republican committee, testified on oath that 1,600 was the normal Republican vote in that county, and the returns showed that Mr. Hopkins received 1,488 votes—an unusual approximation to the whole vote of a county, Mr. Speaker. It is seldom that a county makes a vote as full as this in an election; and in the same election there was a Democrat running against another Republican for a short term in Congress, and his Democratic majority in that county was not equal to Mr. Kendall's, and yet no complaint was made on the other side and no contest instituted. It has been said by my friend who has just concluded his remarks that it was admitted by a majority of all the committee that at least 79 votes were taken from Mr. Hopkins. We do not admit that. It may possibly have been so, and therefore we gave Hopkins the benefit of the doubt, and we credited him with 79 votes upon that ticket, under the "eagle" here, where Mr. Hopkins's name did not appear. I want to ask the House not to forget that there was an opportunity for those who voted this ticket to vote for a candidate for Congress by inserting it in the place provided for that purpose, and that those who wanted to vote their ticket could do so by making the change.

Mr. COLSON. How would the voter do that? You say he could vote for Hopkins by inserting his name. How could he do that?

Mr. DINSMORE. I state this to the gentleman: There is a blank left on the ticket for that purpose, and all he would have to do would be to write in his name.

Mr. COLSON. But under the law of Kentucky a name is not put on more than once.

Mr. DINSMORE. Certainly, but——

Mr. COLSON. I say that the name of a candidate is not allowed upon the ticket more than once.

Mr. DINSMORE. Surely, if it had been, it would have been printed twice.

Mr. COLSON. Then you say the voter could write it in.

Mr. DINSMORE. He could not write in the name in the blank, but, voting the ticket under the eagle, could cross over to the other and vote for Hopkins by placing a mark opposite his name, mark the part opposite Hopkins's name on the ticket, legally, and thereby cast a vote for him. I can not yield further to the gentleman for interruption, as my time is so limited.

Then, putting that all aside and giving him the 79 votes, which we have done, it is insisted here that there is evidence to show that many of the voters would have deposited their votes, but for this ticket, who failed to do so.

Mr. Speaker, when we were considering this question in the committee we adjourned it, as was stated by one of my colleagues on the floor, and obtained an order of the House in order that Mr. Hopkins might go home and secure testimony to show how many votes he had lost by these means. After months of time had elapsed he comes back, and all the evidence he has is the testimony of a preacher who has been proved to have been bribed in this case, who said, "in his opinion, he had lost several hundred votes," without being able to state a single man that failed to vote for him who wanted to vote for him. In addition to that, an agreement was made by both sides in this contest—by contestant and contestee—as follows: "It is agreed by both parties hereto." This is a part of the record, Mr. Speaker, and I want to call gentlemen's attention to the fact that this is in the record—an agreement signed solemnly and deliberately by the parties to this contest.

It is agreed by both parties hereto that all the Republican voters in Clark County who attended the election and desired to vote were given a fair and free opportunity to do so, and that their votes were counted and certified as cast.

Yet my friend says that the people who attended that election were driven away, turned off, advised by the Republicans there on the ground not to vote. The contestant agrees in this paper that everybody who attended that election who wanted to vote had an opportunity to do so, and that their votes were counted and certified.

Mr. BARTLETT of Georgia. Will the gentleman allow me to call his attention to one point?

Mr. DINSMORE. Not just now. If my friend will excuse me, I desire to pursue the course of my argument on the line of my present thought. Mr. Speaker, how much time have I remaining?

The SPEAKER. The Chair thinks the gentleman has three minutes remaining.

Mr. TURNER of Georgia. There must be a mistake about that.

Mr. MCCREARY of Kentucky. You have seven minutes. You commenced at half past.

Mr. DINSMORE. It is suggested to me that I have seven minutes.

The SPEAKER. The Chair was in doubt about it. The Chair is now informed that the gentleman has six minutes.

Mr. DINSMORE. Now, Mr. Speaker, I want to address myself to what I conceive to be the only point in this case, because the record is absolutely barren of evidence here that this contestant has been injured. He has had the scope of the whole time that he had originally by law, and it has been extended by the House and fully used. The only point that the minority make is that he has been injured, and when he fails by sufficient testimony to establish it they say that he should not be required to make much testimony, if any. The minority may prate of injury done to the contestant by what they are pleased to term wicked and glaring fraud; but, Mr. Speaker, there is positively no evidence that would be received in any court that he was injured at all. Search the record and find, if you can, where he lost a vote. The witness Hadley, the corrupted and bribed negro, swore that, in his opinion, many Republicans had gone away and not voted. He swore this before the Fifty-fourth Congress convened, and when the Congress said to contestant, "Go home and procure evidence, if you can, of how many went thus away, who were they, and bring us satisfactory proof," he comes back with nothing. No, Mr. Speaker; he was not injured. It is he who seeks to injure the people of Kentucky, and take an office which they said he should not have.

The question is, Was this a void ballot? The gentleman who took his seat a moment ago [Mr. ROYSE] said, with some derision, in his manner at least, that the venerable and distinguished chairman of this committee could find only one authority to support his contention, barely one. Why, sir, repeatedly have I heard my friend himself say that in his investigations he had found the authorities about equally divided upon this question, but when he comes into court, when he comes here armed for the contest in behalf of the contestant, he presents in his report three decisions of high judicial tribunals, and not one of them supports his contention. Mr. Speaker, the law, as is recognized by all courts, is, as stated by McCrary in his work on elections, substantially that—here is what he says; I read from McCrary on Elections, third edition, pages 124, 125, and 126:

If the statute expressly declares any particular act to be essential to the validity of the election, or that its omission shall render the election void, all courts whose duty it is to enforce such statute must so hold, whether the particular act in question goes to the merits or affects the result of the election or not. Such a statute is imperative, and all considerations touching its policy or impolicy must be addressed to the legislature. But if, as in most cases, the statute simply provides that certain acts or things shall be done within a particular time or in a particular manner and does not declare that their performance is essential to the validity of the election, then they will be regarded as mandatory if they do and directory if they do not affect the actual merits of the election. Ignorance, inadvertence, mistake, or even intentional wrong on the part of local officials should not be permitted to disqualify a district. Those provisions of a statute which affect the time and place of the election and the legal qualifications of the electors are generally of the substance of the election, while those touching the recording and return of the legal votes received and the mode and manner of conducting the mere details of the election are directory. The principle is that irregularities which do not tend to affect results are not to defeat the will of the majority.

That is the law, and every case which the gentleman from Indiana referred to in the minority report—I have them all here and would be glad to submit them to any gentleman who desires to examine them—every case that he submits is upon these lines. In every one of them it is held that where there was not an express provision to the contrary in the statute, the law is directory merely, but that where the statute itself says in definite terms that certain provisions must be complied with or else the transaction will be void, then the law is mandatory and must be so construed by the courts.

So, Mr. Speaker, my friend has held the attention of this House with emphasis and prolixity upon this question, and has brought into court here authorities which, instead of supporting his contention, are absolutely destructive of it. There is not an authority

that I have been able to find pointing to any other conclusion, not one. All the authorities bear out the law as recognized by the adjudications of this House, and stated by those who have written with learning upon the subject of elections. The cases in the courts support that view, and if this House now turns out the sitting member in this case and seats Mr. Hopkins, it disfranchises the people of one of the districts of the State of Kentucky without just cause and in defiance of precedent and of law.

I yield the remainder of my time to the gentleman from Massachusetts [Mr. MOODY].

Mr. ROYSE. Mr. Speaker, I yield the balance of my time, thirty minutes, to the gentleman from North Carolina [Mr. LINNEY].

Mr. LINNEY. Mr. Speaker, the House in this case is relieved almost entirely of the drudgery, as I shall denominate it, of wading through the evidence and of sifting it. The report of the majority of the committee is something like a report of facts on the part of a referee in a case referred to him and his conclusions of law upon the same, and therefore for the purposes of an intelligent discussion of the matter, in order to arrive at the facts in this case, it is only necessary, in my humble judgment, to look at the findings of facts in the majority report.

I call the attention of the House to those findings of facts. On the first page of the report it is found by the majority of the committee that the device under which the names of the candidates of the Democratic party appear was legally placed there. It is also found that the device under which the names of the candidates on the regular Republican ticket appear was legally placed there, to wit, the eagle about to fly. But it is found, on the second page of the report, that the action of the clerk in attempting to put another ticket upon that ballot was a fraud. Let us see if this statement is not correct. The gentleman from New York [Mr. DANIELS] who presented this report—and I understand it to be concurred in by the gentlemen who are now trying to sustain it here—the gentleman from New York says in this report:

> The object of framing this last ticket was to deceive illiterate persons intending to vote the Republican ticket and to lead and induce them to vote it, supposing and believing that in so doing they were voting the regular Republican ticket. And it did so deceive Republican voters, as it was intended it should deceive them.

Mr. DANIELS. The gentleman, of course, does not intend to suppress any part of the statement in the report.

Mr. LINNEY. Oh, no. I am going to read it all.

Mr. DANIELS. You will find that it proposes to transfer the 79 votes to the Republican ticket.

Mr. LINNEY. I am going to read it all, my friend. The more light we have on this case the more "transparent," as you said in your speech yesterday, will this miserable fraud appear to this body. [Laughter.] The report goes on to say:

> The ticket so framed on said petitions had no names or name of candidates for Representative in Congress, but at its head there was placed for its device or emblem the "eagle about to fly," and at the head of the Republican ticket was placed the "raccoon," in place of the selected device or emblem of the "eagle about to fly." And that was done by the clerk of Clark County for the purpose of further deceiving and inducing persons intending to vote the Republican ticket and to induce them to vote the said ticket framed on the authority of the said petitions.

Mr. HYDE. May I ask what the gentleman is reading from?

Mr. LINNEY. I am reading from the majority report filed in this case. I am reading the defense set up for the contestee. [Laughter and applause.] And I submit that if it were presented in the shape of a plea, and a demurrer had been filed thereto, and the question had been referred to the distinguished gentleman from New York, Judge DANIELS, who makes the report, and his judicial fairness called upon to deal with the matter, he would have sustained the demurrer. [Laughter and applause.]

What else? Here is a statement in the majority report that the action of this clerk was the result of a "conspiracy." It goes on to say, in the report to which I have already referred:

> That no notice or information of this change in the devices or emblems was given by said clerk prior to the morning of the election, and no sample tickets were posted or in any form had at either of the election precincts, as the law of the State of Kentucky required to be done within three days of the day of election; but the county clerk of said county, J. B. Ramsey, retained said sample ballot in order to avoid the discovery of his deceptive and unlawful act until he believed it would be too late to correct his act by informing the persons intending to vote the Republican ticket of this change and substitution in the device or emblem selected by the Republican party. When the change in the party device or emblem was discovered, on the morning of the day of election, the Republicans were requested by one or more of their leaders not to vote at the said election, because of the said change in their party device or emblem.

And then, further, he concedes that the Democrats in that county joined in this unlawful, unhallowed, ungodly device and purpose. [Applause and laughter.] And yet gentlemen say that the majority report is the foundation on which the contestee in the case claims the right to hold the high office he now occupies and that he has occupied for so long a time!

But what else? Why, he goes on further and says:

> That he—

That is, the county clerk—

> on account of that result, is none the less deserving of the severest censure for his fraudulent and official misconduct, and he really deserves to be punished for his crime.

[Laughter and applause.]

Why, of course he did, Mr. Speaker! Certainly he ought to have been punished for his crime. He ought to be in the penitentiary. [Renewed laughter and applause.] And why? Because he committed this fraud. Because he was guilty of the fraud which my dignified and learned friend from New York characterizes as a vicious and transparent fraud. [Laughter.] Now, what is the meaning of the word "transparent?" Webster, as one of the definitions of transparent, says it is "a painting on glass, so that you can see it by the natural light, without gas or artificial aid." [Laughter and renewed applause.]

But the majority of the committee propose to sustain this conspiracy, and by sustaining it the result is to deprive the contestant of his election. They tell us that the result of this conspiracy and this fraud was to affect his vote to the extent of only 70. I believe it is 70, is it not, Judge? [Laughter.]

Mr. PEARSON. Seventy-nine.

Mr. LINNEY. Seventy-nine. Well, let us see, now, what that means.

Mr. DANIELS. We say in the report of the majority of the committee that 79 voted on that ticket or disclosed clearly their intention to vote for the Republican candidate, and that number was transferred, therefore, from the Democratic ticket to the Republican ticket, and thus gives to contestant the full number to which he was entitled.

Mr. LINNEY. In other words, you admit that you stole, but did not steal enough. [Great laughter and applause.] You admit that you are a thief, but a sort of a baby thief, and did not exercise all of your ability. [Renewed laughter and applause.] Now, we of the minority take the position that this ballot is absolutely void. We will give you reasons for this opinion. Now, let me show you what the authorities say on this subject. I bottom my position on the high authority of McCrary on Elections. Listen to the following words:

> SEC. 402. Where a statute prohibits the marking of ballots so that they may be distinguished by others than the voter, and declares such ballots void, there is good reason for construing such statute as mandatory. Such marks destroy the secrecy of the ballot, and it is well known that the plan of voting by ballot, instead of viva voce, was adopted for the very purpose of securing to every voter absolute secrecy if he desires it, and protecting him therein, and this was thought necessary in order to place the poor and dependent voter in a situation where he may act according to his own judgment and without intimidation from the rich or powerful.

And again, I give you a citation on page 402 of the same authority:

> The court held, and we think upon the soundest reason, that as to those things over which the voter has control the law is mandatory, and that as to such things as are not under his control it should be held to be directory only.

I find that position sustained here by the learned argument of the distinguished gentleman from Missouri [Mr. DE ARMOND], made a few days ago in the case of Yost *vs.* Tucker. Now, let me see; and I want to see also whether gentlemen are going to blow hot and cold. The gentleman in that argument said:

> In this effort I insist that the law of the State of Virginia (there being no law of Congress to contravene) is the law of the Union in this case; is now the imperative rule of this House, from which there is no escape, of which there should be no evasion, and can be no evasion except by bodily, boldly, recklessly disregarding the Constitution.
>
> The election law of Virginia is the law of Congress for the time being with reference to this case. The law of Virginia as to how these elections should be conducted, how the returns should be ascertained, how the result should be declared, is the law of Congress upon the subject.
>
> The gentleman from New York asks me whether I am trying to maintain that Congress has no power to get at the intention of the voter—contrary, I suppose, to the express provision of the Virginia law, which, for the purposes of this case, is also our law. When he asks me whether this House has no power to get at the intention of the voter outside of the Virginia law, I say clearly the House has the power, but it is not the power of Constitution or law, it is the power of numbers. If the House acts within the law, it must ascertain results according to the law. If the House sees proper to disregard the law, then the question is one of power, is a matter determined by votes, and by nothing else.
>
> Then I say to the gentleman from New York that within the law, to the practice of which he and I were bred—within the law as it applies to this case, the Constitution of our common country and the statute law of the State of Virginia, untouched and unaffected by any legislation of the Federal Congress—within this supreme law of the land and this lesser but otherwise supreme law of the State of Virginia with respect to this case, there is no rightful authority in this body to determine the case except by following the high law of the Constitution and the only less high law of the State of Virginia.

Further on he says:

> But what, Mr. Speaker, would be the result if the contention of the gentleman from New York be the correct one? I am speaking now of power. I concede, if you please, that the matter of power may be determined in this body upon a roll call. But I am addressing the House in the belief that it will endeavor to determine this question according to the Constitution and according to law.

But there is the idea of the learned gentleman, the logical and able gentleman from Missouri, prominent on this floor for his legal learning. It reflects credit upon him, and marks him as one of the most able lawyers to-day, even if he had done nothing else to justify that claim.

Now, Mr. Speaker, here, I maintain, is a legal proposition, tersely and clearly stated, which sustains the position that I take, and that the gentleman from Indiana [Mr. ROYSE] and others who agree with me take, that this ballot is an absolute nullity. Why do I say so? My friend the gentleman from Arkansas [Mr. DINSMORE] admitted that wherever a statute prohibits an act and says that if that act takes place the ballot shall not be counted, then the ballot is to be thrown out; that then it is mandatory; but he maintains that this statute has no such provision. In that my friend is mistaken, and there is the error into which the majority of the committee have fallen. I am satisfied that if the learned gentleman from New York [Mr. DANIELS]—who, by the way, is one of the most conscientious gentlemen I ever saw; he is getting too old to be otherwise now, you know [laughter]—if he had closely read this Kentucky statute, he never would have got himself into the trouble he is in by signing a report in favor of the contestee, when he says that the conduct of the election upon its face contained a transparent fraud in favor of the contestee. He never would have done that in the world. Now, what is the language of the Kentucky statute? In the first place, here is the language of the constitution of the great State of Kentucky, containing the provision for a secret ballot. Let me read a little of it:

> But all elections by the people shall be by secret official ballot, furnished by public authority to the voters at the polls, and marked by each voter in private at the polls and then there deposited. The word "election" in this section includes the decision of questions submitted to the voters as well as the choice of officers by them. The general assembly shall make provision so that persons illiterate, blind, or in any way disabled may have their ballots marked as herein required.

Here is a declaration in the constitution providing for the secrecy of the ballot, or rather securing every elector in his constitutional right, in the secrecy of the ballot, and all constitutional provisions are mandatory. There never was one which was directory unless it was so stated upon the instrument itself, because it is the fundamental law of the community, and all other statutes must conform to it.

Now, in pursuance of this provision or principle of the Constitution—which was intended to provide absolute secrecy to the voter, and which absolutely repeals the old viva voce system that previously existed—the legislature passed an act, and that act provides that a ticket shall be furnished as directed in the statute, which was not done in this case. That statute says that no other ticket shall be used. Now, the gentleman from New York [Mr. DANIELS] did not see that provision at all:

> Shall not be used.

My learned friend from Massachusetts [Mr. MOODY] and everyone else will admit the force of my contention. The gentleman from Massachusetts [Mr. MOODY] will admit it. You see if he does not; he can not help it; he is an honest man. He will admit, when he comes to argue this case, that if this statute contained the provision that such ballots shall not be counted, that that would be mandatory, and therefore the whole ballot would be a nullity. I know he will admit that, because he is too good a lawyer to destroy his reputation, and to rank only as a constable, which he would do by contending otherwise. [Laughter.] Then I maintain that this statute does more than that, or at any rate it comes fully up to that high standard which rests in the mind of my friend from Massachusetts [Mr. MOODY]. What does it say?

> Shall not be used.

Well, what is meant by the word "use?" Webster says it means to employ. When applied to a ballot, what does it mean? It means to be put into the box and counted. In other words, the performance of the function which the ballot is intended to perform, and every part thereof, is a use thereof. So, here we have the words—

> Shall not be used.

A term large enough to embrace the words—

> Shall not be counted.

If you have one term which is bigger than another, does not the greater always include the less? And yet gentlemen have been unable to see that. If they could have seen it, they would have been all right. But somehow or other they failed to see it. It may possibly be my bluntness, my stupidity, but I do not think it is in this case, upon an examination of it. So, Mr. Speaker, it turns out that this statute is mandatory, and it being admitted in the report of the majority of the committee that the proceeding was contrary to law and that it was founded in fraud, how can we possibly escape the conclusion that it is void—a void ballot?

Let me illustrate further. The old statute provided that the vote should be taken by viva voce at all elections. Now, suppose instead of holding this election by ballot it had been held by a viva voce vote. Would any lawyer contend that it would have been valid? The authorities all say it would have been void, utterly void. Suppose, on the other hand, the tickets that were voted had been printed upon leather instead of paper. Would anybody contend they would have been valid? Why, no; they would have been absolutely void. Suppose the election had been held at a place different from that stated in the statute. Does anybody claim it would have been valid? Certainly not. It would have been absolutely void. Suppose it had been held the day after the election, or at a time different from that stated in the statute. Does anybody claim that it would have been valid? Certainly not. Why? Because the statute is mandatory as to all those things, and therefore the election is an absolute nullity and is of no effect whatever. Let me go a little step further. We have finally a case from the State of North Carolina—noble North Carolina, as it will always be when represented by such fine, handsome men as my friend Mr. SETTLE and my talented and good friend Brother PEARSON. [Laughter.] Yes, the judiciary of North Carolina is equal to that of any in the Union, not excepting even Massachusetts, and there is this decision from that State.

Our statute says "such ballots shall not be counted." That is, where it has a distinct mark upon it. The name of J. E. Boyd was upon one, placed there, no doubt, for the purpose of being able to identify it, probably by some illiterate man; and when that vote came to be counted the election officer threw it out as being a nullity. There was no fraud in connection with the ballot. The ballot was exactly what it was intended to be, an entry made upon it. It could not have been for any other purpose. No fraud was suggested. And our supreme court held that that ballot was a nullity and threw it out, and it had no effect whatever in the result. What is this? Why, good gracious! let me show you. Where is that "coon" now? [Great laughter.]

What is this [exhibiting]? Here is a legal ballot. The gentleman from New York [Mr. DANIELS] admits in his report that this is the legal ballot. Well, now, if the pencil mark, with the name of "J. E. Boyd," on a ballot, in opposition to the express language of the statute, destroys it in North Carolina, and has that effect in Mississippi—and we quote the Mississippi case there—what would be the effect if we find a "coon" on it? [Laughter.] Gentlemen of the House, this man was actually cheated out of his votes, and I think I could establish it beyond controversy if my time would allow me. Why, it was contended by the gentleman from Arkansas [Mr. DINSMORE] that there is no evidence here as to how many votes were lost. It is admitted in the majority report that there were 79. Let us see.

The contestant in this case made gains in that election in all of these counties: Breathitt, 153; Elliott, 190; Estill, 208; Floyd, 460; Johnson, 250; Knott, 162; Lee, 116; Magoffin, 204; Martin, 103; Menifee, 62; Montgomery, 257; Morgan, 233; Pike, 445; Powell, 97, and Wolfe, 215, being an aggregate of 3,155 votes; and in every one of those counties this legal ballot made its appearance and was voted by Democrats and by Republicans, in effect having no such infirmity as the result of a conspiracy or anything of that sort upon it. A clean ballot, a fair and honest vote, and it resulted in a gain in each and every one of these counties. But when you come to the county where the "coon" performed his part, what is the result? [Laughter.]

The result was a fall off of over 700. Does it look likely that he would lose 700, or a little over, when he had gained in each of the other counties? But the contestant gained none there. How was it? The same cause that operated in the other twelve counties would operate here. What was it? The "coon" played his part in Clark County, and did not in the other counties. What caused the change? A county presided over by the same God, watered by the same streams, moistened by the same dew, fully educated under the same influences, the same type of manhood—a noble type of manhood; a noble, grand American type—because I believe if there is a State that has a distinct type of people it is the Kentucky type—and yet there was a change. What produced the change, and that to the detriment of the Republican party? What cause operated? Nothing in the world but this illegal, fraudulent change, recognized by the majority of the committee; and here is the result. [Applause.]

It is here; proven beyond question. Besides, here is a witness who testifies that he knows something of that county, and he is of the opinion that the contestant lost over 400 votes, I believe it is, or upward of 300 or 400 votes. Does it not appear to the House of Representatives what caused that loss? Why, the Democratic party was represented by a splendid game rooster, the game cock. What does he represent? Superb courage; and courage is the highest quality of the soul. It is true he has not got much sense, but in that respect he does not lose much in the Democratic camp. [Great laughter.] He does represent the courage of the lion, no question about that; and our Democratic brethren went to battle under that emblem. That was the device selected

by the Democrats in this district, in the great State of Kentucky, where they grow these six-footers, and I hardly ever saw one under that unless it is the contestee. [Laughter.] They marched proudly to the ballot under that emblem which represents courage, superb courage, which is the highest quality of the soul, to wit, the gamecock.

How did the Republicans in these other counties do? They marched under the eagle. What does the eagle represent? He represents not only courage and patriotism, but he is the best philosopher in the world. [Laughter.] Did you ever think of that? Lord Bacon says that the eagle would never die at all but for a wise provision of Congress [laughter]—I do not mean Congress, but by a slip of the tongue I said Congress, as being the next thing to what I did mean. [Laughter.] Lord Bacon says the eagle never would die at all but for a wise provision of the Almighty that when age comes upon him his bill crosses, and so he dies. The eagle has learned somehow or other that atmospheric pressure makes war upon his vitality, and therefore, unlike the gamecock, that knows nothing but to fight, he soars above the atmospheric elements that make war upon his life, and he would live eternally but for the edict of the Almighty providing for the crossing of his bill.

Mr. STEWART of New Jersey. Is not that frequently the fate of a Congressional "bill" also? [Laughter.]

Mr. LINNEY. I do not know about that. Under that proud emblem of the eagle the Republican party marched, and it marched victoriously wherever it had the eagle for its emblem unassociated with the miserable, thieving coon. [Laughter.] The gamecock was an inspiration to every Democrat, as the philosophic king of birds was to every Republican. What about the coon? What does he represent? He is a miserable, thieving rascal. [Laughter.] He never would have been selected by any party as an emblem. You could not have insulted our Democratic brethren more than to propose to place a coon at the head of their ticket. Why? Because it would necessarily affect the cause that they advocated. A coon at the head of your ticket would give just about as much inspiration to the voter as if you put a wet dog around the neck of a man and sent him up to vote. [Laughter.] The coon represents everything degrading. His greatest power is to climb and rob the nests of the singers of the heavens. He loves to feed on frogs and lizards. That is his highest office in the world. [Laughter.] Yet he was placed on that ticket as an emblem; he was placed there illegally; he was placed there as the result of a conspiracy through the use of money, and he was placed there in such a way—we have it on the authority of the majority report in this case—as to constitute a "transparent fraud." Is this House ready to sustain that fraud? [Cries of "No!"]

I do not think it ought to get one vote in this House. I believe that the contestee himself, in the majesty of that glorious form which God has endowed him with, would reflect such honor upon himself and his children to come, five hundred years from now, as would not be earned by any other act he ever performed, by rising up here and saying: "Gentlemen, I will not take any benefit under a proceeding which the majority of the committee has stamped as 'a transparent fraud.'" [Applause.]

[Here the hammer fell.]

Mr. LINNEY. Give me two minutes more.

Mr. MOODY. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina have his time extended five minutes.

There was no objection, and it was so ordered.

Mr. LINNEY. Now, gentlemen, I think the legal proposition is established by an examination of the authorities that this ballot is absolutely void. If the ballot is void, then Clark County goes out, because that ballot was used there in every precinct, and the result is that the contestant is elected. Nobody disputes that. On the other hand, even if it should be held by this House that this ballot was not an absolute nullity, still, by reason of the fact that the introduction of the "coon" was violative of the original purpose of the statute—which is founded upon the constitutional provision of secrecy and in that point of view becomes mandatory—I claim that the contestant is entitled to the seat.

But, gentlemen, if I am wrong in both these legal propositions, then, coming to the merits of the case, the surrounding circumstances, especially when we take into consideration the result of the vote in the adjoining counties, make the inference irresistible that the contestant in this case lost a greater number of votes by reason of this "transparent fraud" than, if added to the votes counted for him, would have entitled him to the seat.

Oh, this was an unfair contest. The performance of Jacob, in taking Abner aside in the gate to speak to him quietly, and smiting him there under the fifth rib, will rank as an act of robust Christian courage in comparison with this transparent fraud.

Now, gentlemen, one other idea. It has been said that these contested-election cases are important. They are, indeed. There is no question about that. That was a grand sentiment which was presented to us the other morning by the Chaplain of this House when he associated the price of the things that tend to righteousness in the human soul and the price of human liberty. To quote him more accurately, he said: "As eternal vigilance is the price of all that stands for righteousness in the human soul, so eternal vigilance is the price of human liberty." Why, sirs, in these contested-election cases every righteous decision adds an additional safeguard, an additional sentinel, around the citadel of our liberties. If a stronger sentinel should be placed at any one point more than another, he should be placed, with glittering bayonet and shining sword, at the weakest gate of the temple of our liberties.

Frauds in election constitute the weakest gate. Frauds in elections constitute the enemy's most deadly weapon. Let me ask this House, in view of the frequency of frauds in elections, to join in placing a sentinel at that gate of the citadel, and thereby strengthen the foundations upon which our Republic rests. Our friends on the other side talk beautifully about this innocent fraud; but recollect that words have been denominated the "daughters of earth"—they may be treacherous; while good deeds have been denominated the "crowned sons of the heavens," and the good deeds that are brought into play in the vindication of the purity of the ballot box should have and will have a double coronation at the hands of this House. [Prolonged applause.]

Mr. MOODY. Mr. Speaker, my colleague from Massachusetts [Mr. WALKER] has asked to be permitted to occupy five minutes upon this case. As he proposes to address the House on the other side of this question from that which I shall sustain, I ask unanimous consent that he be allowed the privilege of presenting his views for the time I have specified without taking it out of the time allowed on this side.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection, and it was so ordered.

Mr. WALKER of Massachusetts. Mr. Speaker, it will be remembered that in the case of Yost *vs.* Tucker the House decided in favor of Mr. TUCKER, the sitting member, because the letter of the law supported his claim to the seat and was followed in settling the election in question, as on the face of the returns Mr. TUCKER was elected. I am surprised that that rule is reversed, confessedly so, by the report of a majority of the Committee on Elections in this case. Let me ask, What should be the action of the House in a case of this kind?

I submit, Mr. Speaker, that that action should be such as to secure the lawfully expressed will of the voters in the election; our action should not encourage the violation of the law by making the perpetration of a fraud successful. If the law is violated innocently, even then the election is invalidated. But when it is violated deliberately and for the deliberate purpose of perpetrating a fraud, then the House can not too emphatically condemn the fraud, and certainly it should never permit deliberate violation of law to be successful.

What are the facts in this case? This political party or individual should not by any means be allowed to profit by its own fraud. This fraud was committed in the interest of a party, and deliberately planned in the interest of that party. They violated—and they violated successfully—the law in not printing the ballots properly, as prescribed by the law, and again in not distributing the ballots for the contestant properly and as the law directed. The question of the extent of the deception, it is said, is susceptible of proof. I think that "it is susceptible to proof," and that it has been clearly proven, and against the sitting member. Now, what is the proof? It is because of this fraud that this contestant was not elected on the face of the returns and is not now in his seat. Why do I say that? It is shown that in 1895 there were over 1.3 per cent more votes cast in the district than in 1894. In 1895 there were more than 5 per cent more votes cast in that particular county than were returned in 1894 in that county. In 1891 there were over 7 per cent more votes cast than were reported in 1894 in that county. In 1894 the Republican gain in the whole district was over 30 per cent, and yet the Republican candidate is claimed to have been defeated by an opposite vote in this one county. In 1894 the Republican vote in this county was 12 per cent less than in the years of 1891 and 1895, if the official returns are to be accepted.

Now, I ask, does not this show conclusively that something prevented the honest voters of the Republican party in that district from casting their ballots? Is there the slightest evidence, on the contrary, that the voters desiring to vote for the sitting member failed to have an opportunity or failed to cast their votes? The evidence seems to be conclusive that the voters failing to cast their ballots were all Republicans. Is it not a remarkable fact that only Republicans refused to vote if the raccoon ballot was not the cause? The law of Kentucky does not disfranchise illiterate voters; and yet it is clear that these voters and many others were disfranchised.

Further than that, Mr. Speaker, I repeat, that in 1894 the Republicans cast in that district a vote which showed a gain of 30 per cent, while this county showed the reverse. From this evidence it seems to be conclusive not only that the law was violated, but that it was violated deliberately and for the purpose of perpetrating a fraud, and in the third place, that this fraud was made successful in giving to the defeated party a majority, and temporarily at least seating him in this House.

[Here the hammer fell.]

Mr. DANIELS. Mr. Speaker, I yield the remainder of my time to the gentleman from Massachusetts [Mr. MOODY].

Mr. MOODY. How much time have I?

The SPEAKER. The gentleman has forty minutes.

Mr. MOODY. Mr. Speaker, I believe the task I am now about to perform is a most ungracious one. I realize when I look about the House, and especially in the faces of those who sit on this side of the Chamber, that gentlemen have already made up their minds on this question. They have made up their minds, too, without hearing the other side of the case. They have made up their minds without giving consideration to the views of the majority of the committee which they have appointed for the consideration of the question.

I had no desire or purpose to speak to this question. I did not make this report. It was made by the distinguished and able chairman of the committee, the gentleman from New York, Judge DANIELS, but I joined in it. I did so as the gentleman from Illinois [Mr. COOKE] joined in it and as the gentleman from Pennsylvania [Mr. LEONARD] joined in it; and it represents the result of the labors of the majority of the Republican members of the committee. I find no fault if the House sees fit not to accept it. Yet I want gentlemen to consider the position that members of the committee are in. You impose upon the committee the hardship of going through these big volumes of testimony on contested-election cases, and then gentlemen come into the House here, take into consideration one aspect of the evidence and one only; and then make up their minds and shut their ears to the other side.

I tell you, sir, that there are some things in the case that have not yet been alluded to by any gentleman who has spoken upon the floor, and to which I wish now to attract the attention of this body for a few moments. I joined in that report. I have heard the able argument of the gentleman from Indiana [Mr. ROYSE], and it is an argument the ability and force of which can not be denied. I have heard the forceful speech of the gentleman from North Carolina [Mr. LINNEY], who always fortifies his arguments by the wit which is peculiar to himself, and which no one enjoys more than myself.

Facts do not make very much difference to him. If there are not any facts at his command, he goes around and picks up any facts that he finds lying around loose. I do not accuse the gentleman from North Carolina [Mr. LINNEY] of misrepresenting anything to the House, but he reminds me of the old story of the negro who was charged with stealing wood. Some friend of his said, "Why, no; he would not steal wood. He is not a thief; but when he sees a wood pile in the night, it is his wood pile." And when the gentleman from North Carolina [Mr. LINNEY] sees any facts lying loose which are necessary to the symmetry of his argument, he adopts them, and they are his facts. [Laughter.]

Now, Mr. Speaker, it must be sufficiently clear what the precise question in this case is. The question is whether we shall throw out 3,411 votes that were honestly cast by the men who voted the only ballot which they could obtain and seat the Republican candidate by so doing. It is agreed that if you do throw out the vote of Clark County the Republican would be seated. It is agreed, on the other hand, that he can be seated in no other way. You can make no computation, you can take no view of this evidence which will warrant the seating of Mr. Hopkins, except by disfranchising those 3,411 voters.

Mr. LEWIS. Will the gentleman from Massachusetts [Mr. MOODY] yield for a question?

Mr. MOODY. Yes; for a question, but not for an argument.

Mr. LEWIS. Did you not, in the case of Rinaker *vs.* Downing, oppose the report of the majority of the committee and vote against it?

Mr. MOODY. Yes; I opposed the report of the majority of the committee, and I succeeded in bringing a majority of the House around to my view, and that is my sin, which has been held up against me ever since. But I want to say to the gentleman from Kentucky [Mr. LEWIS] that the gentleman from Illinois [Mr. RINAKER] is now present, and I will ask the gentleman from Illinois [Mr. RINAKER] if he did not come to me at the end of the contest, when by my voice at last he was finally seated upon this floor, and say that he believed that I had acted with the purpose to procure honest justice to him. If he did not say that after it was all over, he can contradict me now.

I say that the disfranchisement of this county is the only way in which that result can be brought about. Gentlemen of the House are aware of the position of the committee. We all agree that that ticket which was placed on the official ballot was wrongfully placed there. I can not add a word to what was said so cogently by the gentleman from Indiana [Mr. ROYSE]. The eagle ticket ought not to have been on the ballot. It was a wrongful ticket, and we all agree on that. The question is, What is the result which ought properly to follow from that wrong on the part of the county clerk?

Mr. CONNOLLY. Will the gentleman allow me a question?

Mr. MOODY. Certainly.

Mr. CONNOLLY. Was there any other ballot used in Clark County but that one?

Mr. MOODY. Oh, no. That was the only ballot that any voter could use. It has been said by the gentleman from Indiana [Mr. ROYSE] that the people who voted that ballot knew that they were voting an illegal ballot. They did not. They had not the knowledge which the House now has in reference to the placing of that ticket upon the ballot. They voted the only ballot that they could vote, and there was nothing in the world to put them on their guard and to make them believe that they were voting an illegal ballot.

Mr. GROSVENOR. That is exactly the point that I want to ask the gentleman a question about. Now, if that be true, if the legislature prescribes the form of ballot to be used, and another form is used with the intent to defraud, what remedy is there for an act like that except to treat that vote and that election as a nullity?

Mr. MOODY. Mr. Speaker, the rest of the time which I shall occupy will be in an attempt to answer the question of the gentleman from Ohio. It may not be successful, but it will be an attempt made in good faith, and there will be no purpose on my part to evade a fair consideration of any aspect which this case presents.

Now, the minority of the committee ask you to throw out the vote of Clark County on two grounds: First, on the ground that the whole ballot was absolutely void, that it ought not to be counted; second, upon the ground that it was a fraud, and had such an effect upon the election that we can not trust to the returns as a true representation of the will of the people.

These two grounds, in order to be intelligently considered, must be treated separately and distinctly. They are utterly distinct, and I address myself first to the claim that that ballot is an absolutely void ballot and can not be counted for anybody.

The law of Kentucky, which has been quoted so many times before the House, is this. It will take but a moment to read it. There is but a line to read. It provides that the voting—

Shall be by secret official ballot, printed and distributed as hereinafter provided, and no other ballot shall be used.

Now, Mr. Speaker, I agree with the gentleman from North Carolina [Mr. LINNEY] that the words—

No other ballot shall be used—

Are equivalent to the words—

No other ballot shall be counted.

And if this is not, within the meaning of that law, an official ballot, then the contention of the minority is correct, and Mr. Hopkins is entitled to a seat upon this floor.

But the majority of this committee, having given that subject all the attention which they could, have come to the conclusion that the meaning of the law is to prohibit all ballots except those furnished at the public expense as the official ballot; to prohibit a ballot written out by the voter himself; to prohibit a ballot which is furnished by the organizations of the party; because anciently in Kentucky the votes in Congressional elections were by ballot printed by the party.

On the other hand, the minority of the committee say that if the official ballot in any degree, no matter how small, departs from the requirements of the statute that it invalidates the whole ballot, so that it becomes no longer an official ballot, and a vote that is uttered by it can not be counted anywhere; and the question before this House is, Which is right? Now, I say to the House, and I say it believing it to be true, that there is no authority anywhere that can be produced to sustain the contention of the minority, be it either in the House of Representatives or in the courts. I propose briefly to allude, and only briefly, to one or two authorities.

Mr. COLSON. Will the gentleman allow me one question?

The SPEAKER pro tempore (Mr. HEPBURN). Does the gentleman yield to the gentleman from Kentucky?

Mr. MOODY. Yes; for a question.

Mr. COLSON. The gentleman states that the statute of Kentucky requires that this secret official ballot "shall be printed as hereinafter provided."

Mr. MOODY. Oh, yes.

Mr. COLSON. Let me ask the gentleman if that ballot was printed as the statute provided?

Mr. MOODY. It was not, Mr. Speaker.

Mr. COLSON. Then the gentleman gives his whole case away.

Mr. MOODY. Mr. Speaker, if this House desires to consider this question intelligently it will not be governed by mere verbal quibbles of this kind. Let me refer to the Montana case, that the gentleman from Illinois [Mr. ROYSE] referred to. It was this case, and this only: The statutes of Montana provide a certain way in which a candidate must be nominated in order to be put on the Australian ballot. A man was nominated without legality, in a manner entirely outside of the law. His name was put upon the ballot. He had a majority of the votes; but the supreme court of the Territory of Montana declared that, not being legally upon the ballot, he could not hold the office to which he was elected. In one word, that the ballot was void as to no other candidate upon the ticket. In one word, that it was not void because it was not an official ballot, but simply that a man who had been unlawfully nominated and wrongfully put upon the ticket could not obtain an election thereby; and the gentleman from Montana [Mr. HARTMAN], who is familiar with the case, nods assent to my construction of it.

As to the case from North Carolina mentioned by our genial friend Judge LINNEY. I wish I could return to him all the compliments he gave to me. Mr. Speaker, it is in my heart to do it, but words fail me. I have not words enough to do justice to the gentleman from North Carolina, and can only do it in esteem. The North Carolina case, the gentleman himself concedes, has no relation to the case under consideration in the House, because the case in North Carolina was one where a man marked the ticket so that it would be known. It was provided in the statute of North Carolina in so many words that if a man did that thing his ballot should not be counted, and that is all that the court in North Carolina said. It said that and nothing more.

Now, then, the case in New York to which the gentleman from Illinois alluded. It was this case: The law of 1890 gave a Republican ticket, a Democratic ticket, and any party ticket in separate sheets, not on a blanket ballot. The Republicans had a ticket marked and numbered wrongfully; the number of one election precinct went to another election precinct, and vice versa; so the effect of it was that whenever a Republican stepped up to the polls it would be seen exactly how he was voting. The court of appeals of the State of New York held that a ballot of that kind could not be counted. Why? Because it broke down the enforced secrecy, which is the fundamental principle of the Australian ballot; and because the statute in New York expressly said that no such ballot should be counted, in so many words. It was in direct violation of the terms of the statute, which says that a ballot wrongfully numbered must not be received, or, if received, afterwards counted.

Now, Mr. Speaker, the only authority upon this subject is the authority to which the gentleman from New York [Mr. DANIELS] alluded last evening. The latest word of the court of appeals in New York covers this case, and this case precisely. There is no question about it. If you decide this case against the contention of the majority, you decide it against the views of the court of appeals of New York.

Mr. Speaker, I am not speaking now about the effect of the fraud. Not at all. That is a separate question and I will consider it later. It makes no difference, as to the validity of the ballot, whether the device is there wrongfully or whether it is there fraudulently. The question is whether the presence of the eagle ticket upon the ballot, and the transposition of the Republican device, all in violation of the statute law, renders the whole ballot void and disfranchises every man who votes it. I can not stop to read the whole of the opinion. The law of New York says that none but official ballots shall be counted. The court of appeals held that that language meant that none but a ballot which was provided by the public authorities at the public expense should be counted, and that although there were names upon the ticket which ought not to have been there, that fact of itself should not disfranchise any honest voter who used the ballot in good faith.

There is something in this case which I do not conceive to be a compliment either to the knowledge or the fair-mindedness of this House. That ticket went to an election. Upon it the whole of the county officers of this county were elected for a term of four years. The courts of Kentucky were open. I never heard that they were anything but pure courts. Every man who desired to contest the election of a successful candidate upon that ticket had the right to go to the courts, and he would have got his decision a long while ago. The offices were valuable. The term of office is four years.

Why, Mr. Speaker, if the contention of gentlemen is right, and that ballot is a mere piece of waste paper, then there is not a decision made by the county judge of Clark County that is within his jurisdiction, there is not a criminal prosecuted by the county attorney but who is prosecuted by a man holding his office unlawfully. The sheriff, the constable who serves the writ, the jailer who retains the prisoner, the assessor who assesses the taxes, each of them has his right to act only upon the ground that he is a de facto officer. I say again, it is no compliment to the understanding of this House that gentlemen base their case upon an assertion which they dare not take into the sunlight of the courts in their own State of Kentucky. That is all I care to say about that branch of the case.

It is said, however, that this was a fraudulent ballot; that it had the effect not only of deceiving the people who voted the "eagle" ticket, but also of deterring a great many other Republicans from going to the polls. Now I am going to say something which has not yet been said to this House by anybody. This argument is made, and it has found lodgment in the mind of nearly everybody who has heard it: "There was a great Republican gain in every other county of this Congressional district. In this county of Clark alone there was no gain, or no substantial gain, and how can it be that the Republican party should gain in every other county in the district and only hold its own here? What is the cause of it? What can be the cause of it except this fraudulent ballot?"

Now, if I can not meet that question, my cause ought not to prevail in this House. But I shall show you, Mr. Speaker, and show the House, that there was a cause for it, and a good cause, and that it was not the existence of this fraudulent ballot. Let us see how this trouble started.

Here is where the trouble began in Clark County. Here is the reason why the Republicans did not get the full Republican vote in that county; and, as I have said, nobody has yet alluded to it in this discussion: In April preceding this election the editor of the Winchester Sun, a leading Republican paper, who was himself a candidate for Congress upon this very ticket, published an editorial which I will read. It is in relation to the negro vote:

We hope we have made ourselves clearly understood upon this subject in the articles that have heretofore appeared. But to recapitulate. The negro vote as a dominant factor in the Republican party arrays Southern majorities against that party, it makes no difference what its principles. The same influence makes pure local government impossible. Then, what course should Republicans pursue toward this vote? Cease to make special appeals to it. The great Republican party owes the colored vote of the South no debts. Do not attempt to organize it. Then colored men who are at heart Republicans will vote their sentiments, and those who are inclined to drift can do so. The debt is all the other way, and the nomination of a negro to public office is not good policy under present conditions. It is not good for the negro race, and offends the just sense of propriety in the South.

That was addressed by a candidate for Congress to the people of that county, where three out of every five Republican voters were negroes, as appears on the contestant's own showing. Why, Mr. Speaker, has the negro no eyes, no hands, no senses, no passions? Is he not fed with the same food, is he not warmed by the same summer, as the white man? Do you suppose he could view with indifference that attack upon his race? Observe; it was not against the men; it was against their color. It would have made no difference whether the negro was such a wretch as was strangled here during the last session of Congress, or whether he was the great novelist Alexander Dumas. The declaration was against the color of those who made up the body of the Republican vote in that county.

Mr. COOPER of Wisconsin. Did the contestant write that language?

Mr. MOODY. No; not this candidate, but one who was by his side on that ticket, a candidate for the unexpired term. Is it any wonder, I submit to the candor of this House, that the Republican vote fell off in Clark County? The negroes were indignant. They expressed their indignation. They held a meeting. They appointed a committee to go to the Republican convention and ask that three, only three, of their number should be nominated to county offices.

Mr. ROYSE. Let me ask the gentleman does not the proof in the case clearly show that the dissatisfaction of the colored men did not extend to the contestant at all, but that they were all friendly to him, and that they put his name in their petition and asked that he be nominated?

Mr. MOODY. The gentleman anticipates what I was about to say. This was a county fight. It was nothing but a county fight. The negroes felt that their race had been insulted, and when they asked for fair representation upon the ticket they were turned away by that county convention with contempt and without a hearing. Is it any wonder, then, that there was disaffection in that county among the Republican voters?

The negroes nominated their ticket. The story of that ticket has been fully explained, and clearly explained to the House. I am not going into it again. It is not necessary. It received 79 votes throughout the whole county of Clark, and no more. We propose to rectify any possible wrong done to the Republican candidate by adding to the 1,479 votes which he got on the other ticket the 79 that were cast for this "eagle ticket." But our friends go further, and say it had such effect that we can not measure the result of the fraud, and therefore must throw out the whole vote. If that be true—if it had such an effect—I say again that the Republican contestant ought to have the seat as a result of his contest.

But, Mr. Speaker, what are the facts? It is not true. That is the answer to it. It is measured in the evidence taken by the contestant himself.

I wish to call your attention to the minority report for a moment, to some language which, if it be true, authorizes the seating of the contestant. If I thought it were true, I would vote to do so myself, and I would not have joined in the report which the gentleman from New York has made. But let us see whether it is true or not. It says—I allude now to the minority report:

The evidence shows that the character of this ballot was discovered by the Republicans soon after the polls opened on the morning of the election.

That is true.

This news spread rapidly, and caused great consternation among the Republican voters. They were astounded, bewildered, and indignant.

Mr. Speaker, without the risk of contradiction, I say now that in the original record of this case, eliminating the additional testimony, there is not a word to sustain that statement, and if I am wrong I invite contradiction now.

I do not get it. I can not get it, because there is nothing in the record which would warrant a contradiction.

Mr. BRUMM. If the gentleman will permit me, I understand him to say that this is in the additional evidence presented in the case.

Mr. MOODY. I am coming to that presently. I will show the only evidence to sustain any such statement. That statement of the minority of the committee in this report is imagination, and nothing else. It rests on no surer foundation than the mere assertion of counsel.

But let us go further.

Mr. ROYSE. If the gentleman will permit me——

Mr. MOODY. I would prefer, with the gentleman's consent, not to be interrupted now. I have but a very few moments. I would certainly yield, however, if the point the gentleman desires to make is very material.

Mr. ROYSE. I will not interrupt my friend from Massachusetts.

Mr. MOODY. I read further from this report:

Party leaders advised them to go home and not to vote at all.

Mr. Speaker, outside of the additional testimony, there is not a word of evidence to justify that assertion. One man, they say, says he gave advice privately to 12 or 15 and publicly to 75 or 100 voters "not to vote." Now, that is not true. There is no testimony in the record that warrants it in any possible degree whatever. The only testimony in the record, and I will call attention to and read it now, is the testimony of one Bohen, who says—I read from the testimony:

Q. 5. Were you asked by voters to give information to voters of that voting precinct as to how to vote for N. T. Hopkins, Republican candidate for Congress? If so, what direction did you give them?

A. Yes; and believing "the eagle about to fly" was the device under which the name of N. T. Hopkins was placed, I instructed them to mark their ballots under "the eagle about to fly."

Q. 6. What led you to believe that his name would be under the device of the "eagle about to fly?"

A. That was the device adopted by the Republican Congressional convention which nominated him, and had been heretofore used by the Republican party throughout the State, district, and county.

Q. 7. About how many voters did you so advise?

A. Privately, I advised 12 or 15; publicly, about 75 or 100.

There is no word of testimony there as to advising voters not to vote. What he did advise them was to vote under the emblem of the eagle. Yet the minority in their report state to the House that one man advised the voters, 75 or 100 of them, to go home and not vote at all. He says he gave this advice to 75 or 100 voters, but there is not a word of testimony to show that it was advice not to vote at all. Therefore there is a misrepresentation of the testimony. The advice was to vote under the eagle, and if anybody was misled by that advice we have corrected the error by giving every vote cast under that ticket to the Republican candidate. The evidence shows, in fact, that in the very precinct where that advice was given the eagle ticket did not receive a single vote. So it did not mislead anybody.

Now, what is the evidence upon which it is asserted that people were repelled from the polls by this ticket? There is not a word of it in the record. The minority go on to say in their views:

It is undisputed that large numbers of Republicans did leave the polls and refuse to vote.

That is not true. It is not sustained by the evidence in any manner whatever.

Why, Mr. Speaker, what is the evidence upon this subject? I can only be very brief about it. In the first place, there is the evidence of one Hatton, who says that the effect of this ballot was "to disorganize the Republican force and cause a great many voters"—to do what?

To ignorantly vote the straight Republican ticket—

which was this illegal ticket, and that thereby—that is, by causing them to vote the straight Republican ticket—thereby, he says, the Republicans lost three or four hundred votes, not by Republicans staying away from the polls, no such language, but by their "ignorantly voting" this illegal ticket; and we have corrected every result which possibly could flow from that.

That is all that that witness says. I have read for you all that the witness Bowen says. There is one man who testifies that in point of fact by mistake he voted the illegal ticket. There is another witness called, and I call the attention of the House to his statement. Mr. K. J. Hampton, who was a member of the State central committee, who was the chairman of the Republican district committee, was called as a witness. He has been here this winter, and he was here last winter. He is evidently an intelligent, honest, and upright man. He was called by the contestant in this case. He was at the polls all day long as a challenger at this election, and in his testimony he never said one word about a single Republican being repelled from the polls by this ticket.

Upon cross-examination he says in reply to a question that was put to him that he could not name a single Republican in Winchester precinct who did not vote. I believe that was the testimony of every witness who was called originally to prove this great exodus of Republicans on account of the fanciful reason that has been given here for it. It failed. It is not true, and the result is shown by the agreement which was entered into by the parties in this case, which I want to read. It is found on page 60 of the record in this case. When the contestant found that he had not proved that a single Republican was repelled from the polls by this ticket, that he had absolutely failed to do so, and had shown that the only way in which the ticket did harm was by getting men ignorantly to vote the eagle ballot, he entered into this agreement:

That all the Republican voters in Clark County who attended the election and who desired to vote were given a fair and a free opportunity to do so, and that their votes were counted and certified as cast.

That was the agreement that was entered into by the parties. It is said that it is not binding upon us. True, it is not binding upon us, but it is persuasive evidence. Who knew better than the contestant and his counsel whether there had been any Republican votes lost by the existence of that ticket?

Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has seven minutes remaining.

Mr. COLSON. Will the gentleman allow me to ask him a question?

Mr. MOODY. I know my friend from Kentucky will pardon me. He knows that I have only seven minutes remaining, and that I am arguing against the views of this side of the House. He ought to recognize my difficulty, and not take my time.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. MOODY. Now, it is said that the vote in this county at other times shows that this was an abnormal election. It shows nothing of the kind. In the year 1894, in this election, giving the contestant the 79 votes which we give him, he carried the county by 277. The next year Governor Bradley was beaten in the county by 263. The same conditions were existing. The same dissatisfaction, perhaps a little lessened in its intensity, existed among the negro voters, and yet there was a difference of only 14 votes.

Mr. Speaker, another test which shows that the correction which the majority make shows that we do full justice to this contestant and that we are not obliged to go any further. The same Mr. Hampton to whom I referred testifies on this subject. Who could know better than he what the Republican vote of this county was? He testifies in the record, and does not attempt to correct it, that the full Republican vote was 1,600, and the brief of the counsel for the contestant shows, on page 13, that he accepted 1,600 as the full Republican vote, and he so stated in his brief. By adding these 79 votes to those which Hopkins received by the returns of the election officers, we come within about 40 votes of the total Republican vote of that county.

Now, the cause stood that way toward the close of the last session. It appeared clearly that the committee were not intending to seat the contestant by any report of theirs. A report against him, and a unanimous report against him, appeared certain. I myself drew the resolution and presented it to the House, which gave this man the full opportunity to prove what he claimed. It was a subject which was capable of proof. If Republicans were turned away from the polls, they knew it, and it could be proved by their testimony and by the testimony of other people. We gave him the opportunity to take that proof and he came back with his so-called additional testimony. And how little it amounts to. He comes back, under the leave which this House gave him, with this testimony upon this subject, and this testimony alone; and I am going to read it all, because it is in a question or two. A man by the name of Perry was called as a witness, and he was chairman of the Republican committee in Winchester, and he said that when he came to find out what this ticket was, he advised the Republicans not to vote; and he went to several other precincts in town and did the same thing. He said further, upon cross-examination, that within an hour he changed his mind; and he was asked this question, Mr. Speaker, on cross-examination, which gave him

the right to put his own opinion and his own judgment into the case, and this was his answer:

Q. I will ask you now to give your honest judgment as to whether you think your advice to the Republicans that morning lost the contestant, Hopkins, a single vote in the city of Winchester?

That was put to him, an adverse witness, by the counsel for the sitting member, and he said in reply:

I do not know whether my advice to the Republicans lost any votes for Hopkins or not.

Although the man is right on the spot and could tell, he could not answer the question which the contestant now asks you to answer in his favor affirmatively. Now, that is all. What is the excuse that we are given for the absence of testimony? Everybody knows that if Republicans did not vote it could be proved, and proved easily. The House had extended the time for this contestant for the mere purposes of allowing him to prove it. He comes back without any proof whatever, and the excuse presented to the House is that the court of appeals of Kentucky has decided that a man can not be compelled to state——

Mr. COLSON. Will the gentleman allow me to ask him a question?

Mr. MOODY. Do not interrupt me in the middle of a sentence. The court of appeals of Kentucky has decided that a man can not be compelled to tell how he voted; and therefore, for that reason, it was impossible to compel a witness to testify that he did not vote and why he did not vote.

Mr. COLSON. Now will the gentleman allow me a question?

Mr. MOODY. One single sentence, and I will. The excuse presented was an insult to the intelligence of the committee. Now I yield to the gentleman.

Mr. COLSON. Does the gentleman not know that the testimony shows that 40 Republican votes in one precinct were not cast in that election?

Mr. MOODY. I am very much obliged to the gentleman for his question. There were 40 Republican votes not returned in one of those precincts; and that is a precinct which had a majority of these "eagle" tickets in it; and we added these "eagle" tickets to the vote of the Republican party. It was the precinct where one of the colored men lived. He was upon this ticket; and that is the reason why the ticket fell behind.

It is said that Republicans refrained from voting on account of the fraudulent ticket. An opportunity was given the contestant to present evidence before the committee and before the House of the fact that voters had refrained from voting, and when he comes back to us he does so without any proof.

Mr. COLSON. Does not the gentleman know that 700——

Mr. MOODY. Why, Mr. Speaker, am I making this speech or the gentleman from Kentucky?

Mr. COLSON. Does not the gentleman know that 700 Republican votes were not cast?

Mr. MOODY. Now, Mr. Speaker, I have but few words more to say upon this question. I have gone over it hastily. I have gone over it imperfectly, with hostile faces all around me. I will not descend to lobby a report in which I join through this House. If I have anything to say on it I will say it upon the floor, upon my responsibility as a member of the House and of the committee.

The SPEAKER. The time of the gentleman has expired.

Mr. MOODY. Will the House allow me a few more minutes?

Mr. BARTLETT of Georgia. I ask that the gentleman be allowed ten minutes more.

The SPEAKER pro tempore. Unanimous consent is asked that the time of the gentleman from Massachusetts be extended ten minutes. Is there objection?

Mr. HARDY. I object.

Several MEMBERS. The other side had ten minutes.

Mr. LEWIS. I hope the gentleman will be yielded the courtesy of five minutes. Let him have five minutes more to conclude his remarks.

Mr. MOODY. I hope gentlemen will accord me that courtesy.

Mr. PEARSON. I think there must be some mistake about the objection.

Mr. HARDY. I withdraw the objection; but I believe that Massachusetts has slobbered over enough in this House. [Cries of "Ah!"]

The SPEAKER. The objection is withdrawn.

Mr. MOODY. Mr. Speaker, I should have preferred that the gentleman would have persisted in his objection rather than to have yielded to me and accompanied that yielding by an insult to the State which I have the honor in part to represent. [Great applause.] I have no apology, Mr. Speaker, to make for my State, nor to make for myself, for any vote which I have cast or any voice that I have uttered upon this floor. What I have done has been done simply because I believe that the duty which this House itself imposed upon me compels me not only to come to a conclusion which I believe to be the true one, but to support it by argument in the House.

There is but one word more I want to say, and it is this: Mr. Kendall, the sitting member, is not guilty of any of the misdoings that have been shown. The evidence is that it was a mere county trick. It was not directed against Mr. Hopkins; it was not engineered by Mr. Kendall, and the evidence shows that Mr. Kendall and this county clerk did not even know each other by sight. If the construction of the law and the preservation of the purity of elections require that the sitting member should suffer for the wrongdoing of another, so be it. It will not be the first time that that result has been brought about. But, gentlemen, when you are asked to inflict upon a man who is guiltless the consequences of the misdoings of another, when you are asked to disfranchise 3,411 honest citizens who voted according to their convictions, I call upon you in the name of fairness to hesitate, whatever your opinions may have been up to the present time.

You can do this thing. You probably will do it. You can do it by the power of numbers; but if there ever was a case that was clear to a man who has examined the whole evidence, this is the case. If you do this you run on the one hand against the decisions of the court of appeals of the State of New York, and you run on the other hand against the law and the evidence and the agreement of the parties, and, as the gentleman from South Carolina [Mr. MURRAY] now stands before me, let me say that you ratify the insult which was put upon his race by a man whose name was upon this ticket as a candidate for Congress. You not only ratify that insult—an insult which asserted that the negroes were not fit to hold office; that no matter how good they were, a just sense of propriety would confine their political activities to voting for white men—you not only ratify that insult, but you declare that the negro in Kentucky is so debased and degraded, so lost to all self-respect, that he had not even the courage to resent it. Mr. Speaker, I submit the case to the sober consideration of the House. [Prolonged applause.]

Mr. DANIELS. Mr. Speaker, I demand the previous question on the resolutions.

The previous question was ordered.

The SPEAKER pro tempore (Mr. HEPBURN). The Clerk will read the resolutions reported by the majority of the committee.

The resolutions were read, as follows:

Resolved, That N. T. Hopkins was not elected a Representative to the Fifty-fourth Congress from the Tenth Congressional district of the State of Kentucky, and is not entitled to the seat.

Resolved, That Joseph M. Kendall was duly elected a Representative to the Fifty-fourth Congress from the Tenth Congressional district of the State of Kentucky, and is entitled to the seat.

The SPEAKER pro tempore. The Clerk will now report the substitute proposed by the minority.

The Clerk read as follows:

Resolved, That Joseph M. Kendall was not elected a member of the Fifty-fourth Congress from the Tenth Congressional district of the State of Kentucky, and is not entitled to a seat therein.

Resolved, That N. T. Hopkins was elected a member of the Fifty-fourth Congress from the Tenth Congressional district in the State of Kentucky, and is entitled to a seat therein.

L. W. ROYSE.
R. Z. LINNEY.

The question being taken on the adoption of the substitute resolutions, the Speaker pro tempore declared that the ayes seemed to have it.

Several members called for a division.

Mr. EVANS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MOODY. Mr. Speaker, I would ask the gentleman from Indiana [Mr. ROYSE] if, for the convenience of both sides of the House, he will not agree that the vote upon the pending roll call shall be final, so that members when they vote on this call may go home if they desire, and that the remainder of the proceedings, if any, may be taken without a further vote?

Mr. ROYSE. I consent to that.

The question was taken; and there were—yeas 197, nays 91, present 1, not voting 66; as follows:

YEAS—197.

Acheson,	Bingham,	Connolly,	Foote,
Aitken,	Bishop,	Cook, Wis.	Foss,
Aldrich, T. H.	Blue,	Cooper, Wis.	Fowler,
Aldrich, W. F.	Boutelle,	Cousins,	Gamble,
Aldrich, Ill.	Bowers,	Crowther,	Gardner,
Anderson,	Brewster,	Crump,	Gibson,
Andrews,	Broderick,	Curtis, Iowa	Gillet, N. Y.
Apsley,	Bromwell,	Dalzell,	Graff,
Arnold, R. I.	Brosius,	Danford,	Griffin,
Atwood,	Brumm,	De Witt,	Griswold,
Avery,	Bull,	Dolliver,	Grosvenor,
Babcock,	Burrell,	Doolittle,	Grout,
Baker, N. H.	Burton, Mo.	Dovener,	Grow,
Barham,	Calderhead,	Draper,	Hager,
Barney,	Cannon,	Eddy,	Halterman,
Barrett,	Chickering,	Ellis,	Hanly,
Bartholdt,	Clark, Iowa	Evans,	Hardy,
Beach,	Clark, Mo.	Faris,	Hartman,
Belknap,	Codding,	Fischer,	Hatch,
Bennett,	Colson,	Fletcher,	Heatwole.

Heiner, Pa.	Milnes,	Lefever,	Stone, W. A.
Hemenway,	Minor, Wis.	Leighty,	Strode, Nebr.
Henderson,	Mitchell,	Leisenring,	Strong,
Henry, Ind.	Mondell,	Lewis,	Sulloway,
Hepburn,	Morse,	Linney,	Tawney,
Hermann,	Mozley,	Linton,	Tayler,
Hicks,	Murphy,	Long,	Thorp,
Hilborn,	Murray,	Lorimer,	Tracewell,
Hill,	Northway,	Loud,	Tracey,
Hooker,	Odell,	Loudenslager,	Treloar,
Hopkins,	Overstreet,	Quigg,	Updegraff,
Howard,	Payne,	Ray,	Van Horn,
Howe,	Pearson,	Reeves,	Van Voorhis,
Howell,	Perkins,	Reyburn,	Wadsworth,
Hubbard,	Phillips,	Rinaker,	Walker, Mass.
Huff,	Pitney,	Robinson, Pa.	Walker, Va.
Hulick,	Poole,	Royse,	Wanger,
Hull,	Powers,	Russell, Conn.	Warner,
Hunter,	Prince,	Scranton,	Watson, Ind.
Hurley,	Pugh,	Settle,	Watson, Ohio
Mahany,	Hyde,	Sherman,	Willis,
Marsh,	Jenkins,	Smith, Mich.	Wilson, N. Y.
McCall, Tenn.	Johnson, Cal.	Snover,	Wilson, Ohio
McCleary, Minn.	Johnson, Ind.	Spalding,	Wood,
McCormick,	Johnson, N. Dak.	Sperry,	Woodman,
McLachlan,	Joy,	Stahle,	Woomer,
Meiklejohn,	Kiefer,	Steele,	Wright.
Mercer,	Kirkpatrick,	Stephenson,	
Miller, Kans.	Knox,	Stewart, N. J.	
Miller, W. Va.	Lacey,	Stewart, Wis.	

NAYS—91.

Abbott,	Cummings,	McClellan,	Russell, Ga.
Adams,	Daniels,	McCreary, Ky.	Sayers,
Allen, Miss.	Dinsmore,	McCulloch,	Simpkins,
Bailey,	Dockery,	McDearmon,	Sorg,
Bankhead,	Ellett,	McLaurin,	Sparkman,
Bartlett, Ga.	Erdman,	McMillin,	Spencer,
Bartlett, N. Y.	Fitzgerald,	McRae,	Stallings,
Bell, Tex.	Gillett, Mass.	Meredith,	Stokes,
Berry,	Hall,	Meyer,	Strowd, N. C.
Black,	Harrison,	Miles,	Sulzer,
Boatner,	Hendrick,	Money,	Swanson,
Catchings,	Henry, Conn.	Moody,	Talbert,
Clardy,	Kem,	Moses,	Terry,
Clarke, Ala.	Kleberg,	Neill,	Turner, Ga.
Cobb,	Kyle,	Ogden,	Turner, Va.
Cockrell,	Latimer,	Otey,	Tyler,
Cooke, Ill.	Lawson,	Otjen,	Washington,
Cooper, Fla.	Layton,	Owens,	Wheeler,
Cooper, Tex.	Leonard,	Patterson,	Williams,
Cox.	Little,	Price,	Wilson, S. C.
Crisp,	Livingston,	Raney,	Woodard,
Crowley,	Maddox,	Richardson,	Yoakum.
Culberson,	Maguire,	Robertson, La.	

ANSWERED "PRESENT"—1.

Smith, Ill.

NOT VOTING—66.

Allen, Utah	Fairchild,	Mahon,	Shuford,
Arnold, Pa.	Fenton,	Martin,	Skinner,
Baker, Kans.	Goodwyn,	McCall, Mass.	Southard,
Baker, Md.	Hadley,	McClure,	Southwick,
Bell, Colo.	Hainer, Nebr.	McEwan,	Stone, C. W.
Brown,	Harmer,	Milliken,	Strait,
Buck,	Harris,	Miner, N. Y.	Taft,
Burton, Ohio	Hart,	Newlands,	Tate,
Coffin,	Hitt,	Noonan,	Thomas,
Corliss,	Huling,	Parker,	Towne,
Cowen,	Hutcheson,	Pendleton,	Tucker,
Curtis, Kans.	Jones,	Pickler,	Wellington,
Curtis, N. Y.	Kendall,	Rusk,	White,
Dayton,	Kerr,	Sauerhering,	Wilber,
De Armond,	Kulp,	Shafroth,	Wilson, Idaho.
Denny,	Lester,	Shannon,	
Dingley,	Low,	Shaw,	

So the substitute resolutions were agreed to.

The following pairs were announced:

On this question:

Mr. MAHON with Mr. HART.

Mr. CURTIS of Kansas with Mr. PENDLETON.

Mr. MILLIKEN with Mr. LESTER.

For this day:

Mr. KULP with Mr. SHAW.

Mr. CHARLES W. STONE with Mr. DE ARMOND.

Mr. HULING with Mr. DENNY.

Mr. ARNOLD of Rhode Island with Mr. RUSK.

Mr. WELLINGTON with Mr. TATE.

Mr. GOODWYN with Mr. BUCK.

Until further notice:

Mr. MCCALL of Massachusetts with Mr. JONES.

Mr. DINGLEY with Mr. STRAIT.

Mr. CORLISS with Mr. COWEN.

Mr. PICKLER with Mr. MINER of New York.

Mr. HARMER with Mr. HUTCHESON.

Mr. THOMAS with Mr. TUCKER.

Mr. CRISP. Mr. Speaker, I ask unanimous consent that leave of absence be granted to my colleague, Mr. TATE, indefinitely, in consequence of a death in his family.

There was no objection.

The result of the vote was then announced as above recorded.

[Applause.]

The SPEAKER. The question now is on agreeing to the resolutions as amended by the substitute.

The resolutions as amended were agreed to.

Mr. ROYSE. Mr. Speaker, I ask that the contestant, who is now present, be permitted to appear at the bar of the House to take the oath of office.

Mr. Hopkins of Kentucky having appeared at the bar of the House, was duly qualified, taking the oath prescribed by law. [Applause on the Republican side.]

Mr. DINSMORE. Mr. Speaker, I ask unanimous consent that the gentleman from Kentucky, Mr. Hopkins, the contestant in this case, and the contestee, Mr. Kendall, have leave to print remarks in the RECORD upon the election case just disposed of.

The SPEAKER. Within how long a time?

Mr. DINSMORE. I should say in ten days.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

REPEAL OF TIMBER-CULTURE LAWS.

Mr. LACEY. Mr. Speaker, I desire to call up from the Speaker's table a Senate bill with House amendments which I ask to have laid before the House for action at this time.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes."

The SPEAKER. The bill will be read.

Mr. BAILEY. Mr. Speaker, I make the point of order that it is utterly impossible to understand what is going on.

The SPEAKER. The Chair desires the House to be in order, and wishes to say to the House that under the rule not only ex-members but members-elect are permitted to come into the Hall, and they avail themselves of the privilege to a larger extent in the closing days of the session, perhaps, than at any other time. The addition of so many more gentlemen to those already on the floor increases very greatly the difficulty of maintaining order; and the Chair desires now to appeal to each member of the House, and to those gentlemen who are on the floor by permission of the House, to assist him in maintaining order and restrain themselves a little more, especially with reference to conversation on the floor. If gentlemen will, while on the floor, bear in mind this suggestion of the Chair, I am sure we will have very little difficulty hereafter in maintaining order. But it is absolutely impossible to transact the business of the House under circumstances where neither the Speaker can hear a member presenting a question to the House, nor can other members hear him, no matter how close attention they may pay to the proceedings. The Chair hopes, therefore, that order will be maintained hereafter. [Applause.]

The Clerk will read the bill called up by the gentleman from Iowa [Mr. LACEY].

The bill was read at length.

The amendments were read at length.

Mr. LACEY. Mr. Speaker, I move that the House insist upon its amendments disagreed to by the Senate, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER appointed Mr. LACEY, Mr. ELLIS, and Mr. MCRAE as conferees on the part of the House.

IMPROVING MISSISSIPPI RIVER.

The SPEAKER laid before the House the bill (S. 3614) to aid in the improvement of the navigable channel of South Pass by closing the existing crevasse in Pass a Loutre, in the Mississippi River.

The bill was read at length.

Mr. CATCHINGS. Mr. Speaker, I ask that the reading of the House amendments be dispensed with, and move that the House insist upon its amendments, and agree to the conference asked by the Senate.

There being no objection, the reading of the House amendments was dispensed with.

The motion of Mr. CATCHINGS was then agreed to.

JOSEPH P. PATTON.

Mr. STEELE. Mr. Speaker, I desire unanimous consent for the present consideration of the bill (H. R. 10290) for the relief of Joseph P. Patton.

The SPEAKER. The House will please be in order. The Chair would like to have the attention of all the members of the House during the presentation of matters by unanimous consent. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the record of the War Department in the case of Joseph P. Patton, late first lieutenant of Company C, Fifth Regiment of Ohio Volunteer Cavalry, by revoking the order of his dismissal and granting him an honorable discharge, to date September 21, 1864.

Mr. STEELE. Mr. Speaker, I desire to say about this bill that there was a trial of this officer; that he was not found guilty on a single specification; that the Secretary of War ordered his release and restoration to duty. The Judge-Advocate-General disapproved of the proceedings against him. The officer in the meantime had been sent home by his corps commander, and it was too late for the order of the Secretary of War to be operative.

Mr. MILES. Is there a report in the case?

Mr. STEELE. There is a report, but it is very long.

Mr. LOUD. What was the charge against him?

Mr. STEELE. He was charged with having disposed of two mules. The court found him not guilty. He had two mules belonging to a contractor.

Mr. LOUD. Were these Kentucky mules?

Mr. STEELE. No; not Kentucky mules. The mules that the contractor had were very large ones. This officer substituted two small mules that he had captured, in the place of the larger mules. He used the larger mules to ride, and when he came to the end of his trip he was not able to make the exchange. The contractor got two worthless, small mules in place of the Government's two large mules. As I have said, the court found this officer not guilty on any specification, and the Judge-Advocate-General and the Secretary of War ordered his discharge from arrest and his restoration to duty. Those are the facts in the case.

Mr. ERDMAN. Will the gentleman permit a question?

Mr. STEELE. Certainly.

Mr. ERDMAN. How does it come that he has remained under this stigma for thirty years?

Mr. STEELE. Simply because he was a poor man and never has asked for relief.

Mr. ERDMAN. Does he expect relief in a pecuniary manner now?

Mr. STEELE. Not at all.

Mr. ERDMAN. Has he applied to the Department?

Mr. STEELE. Yes; but the Secretary of War held that he could not get relief in that way. It does not come within the provisions of the law.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. LOUD. I should like to ask if the bill carries the usual provision that no pay, bounty, or emoluments shall follow by reason of the passage of this act?

Mr. STEELE. No; it does not contain that provision. I will say to the gentleman that this applicant is a very poor man——

Mr. COX. What is the relief which is afforded by the bill?

Mr. STEELE. It gives him the relief which the Secretary of War and the Judge-Advocate-General both ordered he should receive, in an indorsement that appears upon the proceedings of the court. They both ordered his release from arrest.

Mr. COX. What is the relief they give him?

Mr. STEELE. The bill gives him an honorable discharge instead of dismissal by a corps commander.

Mr. HENDERSON. It cleans up his record.

Mr. STEELE. It cleans up his record.

Mr. LOUD. That would entitle him to pay for a year or so?

Mr. STEELE. Not at all, because there is no such time involved. It will give him pay for a month or so.

Mr. LOUD. I hope the gentleman will offer that amendment himself. I do not believe in reviewing the acts of a court-martial thirty or thirty-five years afterwards and then paying a man for some imaginary claim that he may have had. I hope the gentleman will offer the usual amendment.

Mr. STEELE. Let me say to the gentleman that this man was not found guilty on a single specification, and that the Judge-Advocate-General and the Secretary of War both disapproved of the proceedings, and the Secretary of War ordered his release from arrest and restoration to duty.

Mr. LOUD. If the findings were not approved, I can not imagine how they could have had any effect, but I wish to say that it seems to me that the court which was convened at that time was more competent to decide this case than Congress is to decide it thirty years afterwards. Unless I had understood that this carried the usual provision, I should not have given consent to its consideration. Of course, it has gone beyond my power now to prevent the consideration of the bill.

Mr. STEELE. The gentleman from Wisconsin [Mr. GRIFFIN] reported the bill.

Mr. LOUD. I hope the gentleman will offer the amendment which I suggest.

Mr. GRIFFIN. Mr. Speaker, this is rather a peculiar case. This officer was on detail duty, having in charge a squad of men, taking the cattle on the line of march for General Smith's army. The contractors were Cincinnati parties. Before he started on his line of march these contractors requested him to take with him a span of mules belonging to the contractors, a double harness, and a wagon. On the way to reach the command a span of mules, or two mules used by two of his men for saddle mules, gave out because they were small and unable to carry the men on such a long march. The officer concluded that the only way to get his men through was to exchange the weak mules, owned by the Government, for the mules owned by the contractors, and he did so, attaching the small mules, which were tired out, to the wagons and taking the mules of the contractors for the men to ride. Before he got to his destination even these mules succumbed to the fatigue and exhaustion of the trip, and they were turned out to die or recover, as often occurs on marches of that kind. When he reached his destination, he sold the small mules for $50, and supposing that, having taken the contractors' mules for the use of the men, and having abandoned these, it was his duty to restore them as far as he could, and having received $50 for the small mules, he proposed to send that $50 to the contractors at Cincinnati, as he agreed to do.

Pending these steps, he says that some one, who was a little miffed because of something he had done, had him arrested, preferred charges, and a court-martial ensued. He was found guilty; and it is surprising that under the proofs in the case any court-martial should have found the man guilty. Yet such was the case, and as the gentleman from Indiana [Mr. STEELE] says, the subsequent recommendations were for his release, but before, mark you, the order of the Secretary of War for his release reached the command, the Major-General Commanding the Army had caused him to be dismissed from the service, and there was no case. Hence this measure is brought here.

Mr. STEELE. Allow me to correct one statement the gentleman has made.

Mr. GROSVENOR. Why could not the Secretary of War simply have vacated the order under which the General had dismissed him from the service, and in three lines have restored him to duty at the time?

Mr. GRIFFIN. Why, if the Secretary of War was here to hear, and I could address the question and he would give his reason, I could answer the gentleman from Ohio, but as he is not, I do not know what answer he would give to the inquiry put by the gentleman.

Mr. GROSVENOR. Did he refuse?

Mr. GRIFFIN. He was at home at the time the order reached him.

Mr. HULL. Let me say to the gentleman from Ohio that the Judge-Advocate-General of the Army ordered the man reinstated and all proceedings vacated, and the Secretary of War approved it, but when the finding of that kind went back the man was out, and although the War Department took no action on it, the charge stands that this was a court-martial and not a desertion, and it takes an act of Congress to grant the relief.

Mr. GROSVENOR. Oh, no; the Secretary of War could have restored him.

Mr. STEELE. Even the President could not have restored him.

Mr. GROSVENOR. The President has done it a thousand times.

Mr. STEELE. The gentleman from Wisconsin says that he was found guilty of the charge. Under neither of the specifications of the charge was he found guilty, showing the inconsistency of the proceeding.

Mr. GRIFFIN. Mr. Speaker, I wish the House to understand it just as it is. He was found guilty of taking the mules and selling them and making the exchange, and not of selling the wagon or the harness, and he was not found guilty of converting the money to his own use. He did not profit by it in any way.

Mr. LOUD. Mr. Speaker, I offer the usual amendment, "that no pay, emolument, or bounty shall accrue to him by reason of the passage of this act."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from California.

The Clerk read as follows:

That no pay, bounty, or emolument shall be paid to Joseph P. Patten by reason of this act.

Mr. STEELE. I hope that will be voted down.

Mr. GROSVENOR. Mr. Speaker, if this was a wrongful conviction, as it appears, and if it was a wrongful retention of the charge—and that is the only ground upon which we could pass the bill, if we ought to pass the bill—we certainly ought to restore this man to whatever he lost by reason of the wrong that was done to him.

Mr. STEELE. That is right.

Mr. LOUD. Mr. Speaker, there is a question of doubt, I will say to the gentleman from Ohio, whether this bill should pass at all or not.

Mr. GROSVENOR. That is another question.

Mr. LOUD. This House assumes to do a portion of equity in a good many cases as it sees it. I say to this House that that court at that time was much more competent to determine this question

than this body is to-day; and while we remove charges of desertion from time to time and give large bounties to people, yet, if we could review the facts surrounding the service of this gentleman and know the exact facts, possibly this House might conclude it was a case of desertion. The court found this man guilty. Those findings were approved. The assumption is that he was guilty. This legislative body, having the power, of course can set everything aside; but it is a question whether they should go beyond the point which is gone in all cases, beyond the point of removing the bar that would prevent him from receiving a pension; and that is the sore spot of this applicant, undoubtedly. [Cries of "Vote!" "Vote!"]

Mr. GRIFFIN. Mr. Speaker, I wish to suggest, in reference to the amendment proposed by the gentleman from California, that such amendment ought not to be adopted in its present form. That is not the usual provision which we attach to bills of this kind. If it is to be adopted in any form, there should be added at the end of the amendment the words, "under the provisions of this act."

Mr. LOUD. I made that suggestion.

The SPEAKER. That is in the amendment.

Mr. GRIFFIN. I hope the amendment will be voted down.

The amendment was rejected.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. GRIFFIN, a motion to reconsider the vote by which the bill was passed was laid on the table.

Several members addressed the Chair.

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. RAY] on a matter of public business.

PROTECTION OF PUBLIC RECORDS.

Mr. RAY. Mr. Speaker, I ask unanimous consent for the consideration of the bill which I send to the desk, H. R. 8212, for the preservation and protection of public records and documents, and providing for the use of copies thereof as evidence.

The bill was read, as follows:

Be it enacted, etc., That a copy of any document, record, paper, or map in the official custody of any public officer of any State or Territory of the United States, or the Indian Territory, or the District of Columbia, or of the United States, certified under the hand and official seal of such officer or officers, where there is a seal, or of the State or United States, as the case may be, or verified by the oath of the public officer having the custody of same to be a true, correct, and full copy of the original, may be admitted and read and used in evidence in any action or proceeding, civil or criminal, in the courts and before special tribunals of the United States in the like manner and with the same force and effect as the original if produced and put in evidence.

SEC. 2. That no document, record, paper, or map in the official custody of any officer of the United States shall be produced or introduced in evidence except upon the order of a court or of a judge thereof or special tribunal, made upon application supported by affidavit showing that for good reasons specified the production and inspection of the original is essential to the protection of the rights of the parties and the just determination of the cause or proceeding in which same is to be used, and that a copy will not suffice, or when the trial or hearing is being conducted in the same building where such original is kept.

SEC. 3. That whenever the original of any such document, record, paper, or map is required to be and is produced in court, same shall not be taken from the custody of the officer required by law to keep same, but after inspection and at the close of the trial or hearing shall be returned to the office from which taken.

Mr. MEREDITH. Mr. Speaker, I desire to ask the gentleman a question. This bill, as I understand it, permits a copy of a document or record to be used as if it were the original, even in criminal cases. Suppose a man was indicted for forgery, is there any provision that the original paper shall be produced?

Mr. RAY. Certainly. That is all taken care of in the bill. Mr. Speaker, permit me to say that this bill is the unanimous report of the Committee on the Judiciary. There is no objection to it at all, though one or two amendments are recommended. It was introduced by me at the request and solicitation of the Attorney-General of the United States. Papers are taken under a subpœna from the public officers of the Government and then get lost, and this has happened so often that it has led to great inconvenience and difficulty. This bill permits the use of a copy duly certified or sworn to in place of the original, but at the same time if either party desires the production of the original in court, it must be produced.

Mr. MEREDITH. The gentleman's explanation is perfectly satisfactory to me. I was unable to see how, in a prosecution for forgery, you could prevent the production in court of the original papers.

Mr. RAY. Certainly not; and under the bill as it stands now either party may have the original produced in any case on filing an affidavit that its production is necessary. He does not have to make a motion. It is simply an ex parte proceeding. The design of the bill is to protect and preserve public records and documents.

The SPEAKER. Is there objection to the consideration of this bill?

There was no objection.

Amendments recommended by the committee were agreed to, as follows:

Add at the end of section 2 the following:
"Or when the officer or Department having the official custody of same refuses or neglects to furnish a copy on request."

In line 3, section 3, strike out the word "same" and insert the word "it" in lieu thereof.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. RAY, a motion to reconsider the vote by which the bill was passed was laid on the table.

P. S. CORBETT.

Mr. NEWLANDS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6) for the relief of P. S. Corbett.

The bill was read, as follows:

Be it enacted, etc., That the accounts of P. S. Corbett, formerly United States marshal of the State of Nevada, be readjusted by the Treasury Department, and that the services rendered and expenses incurred by said Corbett in his various attempts to arrest George E. Spencer, and for attempting to arrest persons charged with selling liquor to Indians, be allowed under the head of "Extraordinary expense account;" and also that the said Corbett be credited with full mileage, as provided in section 837 of the Revised Statutes of the United States applicable to the marshals of Oregon and Nevada, from the place of arrest to the place of commitment: *Provided*, That no allowance shall be made except for money actually expended and services actually rendered in good faith.

Mr. SAYERS. Mr. Speaker, I reserve the right to object. I shall be glad to hear a statement as to this bill.

Mr. NEWLANDS. I will make a brief statement.

The SPEAKER. The gentleman from Nevada can make a statement, subject to the right of any member to object to the consideration of the bill.

Mr. NEWLANDS. With reference to this bill, I wish to say that it involves only a few hundred dollars disallowed in the accounts of the United States marshal for Nevada.

Mr. SAYERS. What does the gentleman call "a few hundred dollars"?

Mr. NEWLANDS. The amount disallowed is $467.76.

Mr. SAYERS. On what ground was it disallowed by the Department?

Mr. NEWLANDS. Upon the ground that the expenditures did not come under the "extraordinary expense account." These expenditures were incurred in the arrest of George E. Spencer, who was conspicuous in the star-route cases. The United States marshal for the district of Nevada received telegrams from the Attorney-General of the United States requesting him to spare no effort to make the arrest.

Mr. SAYERS. At what time were these services rendered?

Mr. NEWLANDS. In 1884. The Attorney-General of the United States has recommended the payment of this claim. It has been passed upon by the Senate, and has been approved by the Committee on Claims of the House. The expenses, the report says, were incurred in good faith and in the discharge of the marshal's official duties, and ought in equity to be refunded.

Mr. SAYERS. When does the gentleman say the services were rendered?

Mr. NEWLANDS. In 1884.

Mr. SAYERS. The star-route cases were some time before that.

Mr. NEWLANDS. A telegram from "Brewster, Attorney-General," is dated November 29, 1882, and in it he says:

Do not delay your efforts to find him so long as you have reason to believe he is in your district.

Mr. COX. Mr. Speaker, the services performed by this marshal were performed under the direction of the Attorney-General of the United States. The claim came to the Committee on Claims, and it was there shown that the expense was incurred under the direction of the office of the Attorney-General.

Mr. SAYERS. Has the Attorney-General approved the claim?

Mr. COX. Yes.

Mr. NEWLANDS. That appears in the report.

Mr. LOUD. If the Attorney-General has approved the claim, why was it not regularly submitted to the Committee on Appropriations as a deficiency?

Mr. COX. I will tell the gentleman why. On an examination of the claim before the Committee on Claims, it was found that there was no appropriation for these star-route expenses.

Mr. LOUD. But why should it ever have gone to the committee? If it is approved by the Attorney-General as properly chargeable to his office, I ask the gentleman from Texas [Mr. SAYERS] if the usual course would not be to send it to the Committee on Appropriations and ask an appropriation for it as a deficiency.

Mr. SAYERS. Unquestionably, if these were deficiencies incurred under the law, they would have come to the Committee on Appropriations. I suspect that if the matter were investigated it

would be found that these expenses were incurred outside of the law and that the Attorney-General had no power to authorize them.

Mr. COX. As a member of the committee, I "suspect" that the point decided in the Committee on Claims was that the Attorney-General had held that he had no authority to pay the claim, and had sent it to the committee with the recommendation that it be allowed.

Mr. LOUD. But it is customary for the Attorney-General in these cases to appeal to Congress for an appropriation as a deficiency. These deficiencies are occurring every year. This is no extraordinary case, if it has any merit——

Mr. COX. That is true.

Mr. LOUD (continuing). And why has it not gone in the regular way of all such matters? Does not the gentleman think that that gives it at least a tinge of suspicion?

Mr. COX. I do not think so.

Mr. LOUD. Then will the gentleman tell us why it has not gone through the regular channels, and been paid as other claims of this character are paid?

Mr. COX. Oh, my friend, since he has ceased to be a member of the Committee on Claims, is getting a little suspicious about all these matters.

Mr. LOUD. Oh, no; we have always agreed there.

Mr. SAYERS. Mr. Speaker, the trouble seems to be that the gentleman from Nevada is seeking to secure a double allowance for this man. He has already been paid his expenses of travel to the city of Washington. He is allowed 10 cents a mile. But under the statutes providing for the expenses of the United States marshals for Oregon and Nevada, they were allowed double there, while in coming to Washington they are not so allowed. Now, it occurs to me that this man, having been allowed a 10-cent rate per mile, has had enough, and I therefore object.

MARY E. HERD.

Mr. COLSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8086) granting a pension to Mary E. Herd, widow of Lieut. Col. A. J. Herd.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read at length.

The amendments recommended by the committee were read.

Mr. LOUD. Let us have the report in that case read.

Mr. ERDMAN. Mr. Speaker, I object to the consideration of the bill.

The SPEAKER. Objection is made.

ORDER OF BUSINESS.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division there were—ayes 78, noes 35.

So the motion was agreed to.

LEAVE OF ABSENCE.

Pending the announcement of the vote on the motion to adjourn, leave of absence was granted as follows:

To Mr. HULING, for two days, on account of important business.

To Mr. HART, indefinitely, on account of sickness in family.

To Mr. LOW, for one day, on account of important business.

To Mr. TATE, indefinitely, on account of death in family.

To Mr. SHUFORD, for three days, on account of important business.

REPRINT OF A REPORT.

On motion of Mr. DRAPER, by unanimous consent, a reprint was ordered of Report No. 940, on the bill H. R. 3014.

The result of the vote on the motion to adjourn was then announced; and accordingly (at 4 o'clock and 30 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a detailed statement of the refunds of customs duties for the fiscal year ending June 30, 1896—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation submitted by the chief of division of the Revenue-Cutter Service for the purchase of twenty-four eophones, at $500 each, for the vessels of the Revenue-Cutter Service—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. STEWART of Wisconsin, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 10248) providing for the disposition of certain lands in Minnesota which have been or may be damaged by the United States in the construction of dams and reservoirs in aid of navigation, and for other purposes, reported the same with amendments, accompanied by a report (No. 2984); which said bill, amendments, and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 10036) to incorporate the National Grand Lodge of the Order of the Sons of Hermann, reported the same without amendment, accompanied by a report (No. 2985); which said bill and report were referred to the House Calendar.

Mr. SHERMAN, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 10325) to authorize the Secretary of the Treasury to secure payment of certain bonds and stocks owned by the United States and held under authority of the act of Congress of August 15, 1894, relating to the custody of the Indian trust fund, reported the same without amendment, accompanied by a report (No. 2986); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. CROWTHER, from the Committee on Invalid Pensions:

The bill (H. R. 9763) granting an increase of pension to John H. Laney. (Report No. 2979.)

The bill (H. R. 5647) for the relief of Mrs. Magdelena Eitel. (Report No. 2980.)

By Mr. KERR, from the Committee on Invalid Pensions:

The bill (H. R. 9154) to pension Robert Sanders Northcott at an increased rate. (Report No. 2981.)

The bill (H. R. 9690) granting a pension to George G. Vogel. (Report No. 2982.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (S. 3591) entitled "An act granting an increase of pension to Daniel Phillips." (Report No. 2983.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

Petition of the Philadelphia Board of Trade, in favor of Senate bill 2497, to establish a department of commerce and manufactures—Committee on the Judiciary discharged, and referred to the Committee on Manufactures.

Petition of the Boston Merchants' Association, in favor of the establishment of a department of commerce and manufactures—Committee on the Judiciary discharged, and referred to the Committee on Manufactures.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. CATCHINGS: A bill (H. R. 10330) to acquire and improve Joliet street between the Zoological Park and Connecticut avenue extended—to the Committee on the District of Columbia.

By Mr. SHANNON: A bill (H. R. 10331) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. WELLINGTON: A bill (H. R. 10332) to amend an act to regulate the practice of pharmacy in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BARTLETT of Georgia: A resolution (House Res. No. 549) to provide for the printing of the testimony in contested-election cases in the House—to the Committee on Printing.

By Mr. ALDRICH of Illinois: A resolution (House Res. No. 550) for the employment of two bicycle messengers for day and night service between the enrolling room and the Government Printing Office—to the Committee on Accounts.

By Mr. MCCALL of Massachusetts: A memorial of the legislature of the State of Massachusetts, in favor of increased compensation for letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. HITT: A memorial of the legislature of the State of Illinois, requesting the passage of the bill (H. R. 1) to reclassify railway mail clerks and prescribe their salaries—to the Committee on the Post-Office and Post-Roads.

By Mr. MORSE: A memorial of the legislature of Massachusetts, in favor of increase of pay of United States letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. FOSS: A memorial of the legislature of Illinois, praying for passage of the bill (H. R. 1) to reclassify railway postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. BARRETT: A memorial of the legislature of Massachusetts, for an increase of the compensation of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. TAWNEY: A memorial of the legislature of the State of Minnesota, asking for the establishment of a military park at Vicksburg, Miss.—to the Committee on Military Affairs.

By Mr. FOSS: A memorial of the legislature of the State of Illinois, urging the passage of the bill (H. R. 4339) to establish a national military park—to the Committee on Military Affairs.

By Mr. RINAKER: A memorial of the legislature of the State of Illinois, in favor of the passage of the bill (H. R. 1) to reclassify postal clerks and prescribe their salaries—to the Committee on the Post-Office and Post-Roads.

By Mr. ARNOLD of Rhode Island: A memorial of the legislature of the State of Rhode Island, recommending the passage of a bill for the preservation of the U. S. frigate *Constitution*—to the Committee on Naval Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. OTEY: A bill (H. R. 10333) to place on the pension roll Mary A. Tracy, widow of John C. Tracy—to the Committee on Pensions.

By Mr. TERRY: A bill (H. R. 10334) granting a pension to William J. Bristow—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of William Smith Post, No. 428, Grand Army of the Republic, Department of Pennsylvania, indorsing the per diem pension bill—to the Committee on Invalid Pensions.

By Mr. ARNOLD of Rhode Island: Petition of the Central Young People's Society of Christian Endeavor, of Anthony, R. I., Ruth B. Bowen, president, favoring the passage of House bill No. 7441, for the prevention of gambling by telegraph, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. AVERY: Petition of the Michigan State Veterinary Medical Association, protesting against the passage of the anti-vivisection bill—to the Committee on the District of Columbia.

By Mr. BAILEY: Petitions of E. A. Fletcher and other citizens of Village Mills; Daniel Parker and others, of Calvert; J. P. Bailey and others, of Bremond; J. C. Loggins and others, of Ennis; S. F. Green and others, of Goliad; Jos. Keller and others, of Castroville; C. H. Bateman and others, of Melissa; Henry J. Packentum and others, of Lanley; J. W. Bitting and others, of Manor, in the State of Texas, asking for the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BELL of Colorado: Petition of citizens of Lamar, Colo., praying for the passage of the bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the board of aldermen of the city of Denver, Colo., favoring the passage of House bill No. 3273, relating to the salaries of clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Grand Army of the Republic Memorial and Benevolent Association, of Denver, Colo., favoring the passage of House bill No. 9209, for service pension—to the Committee on Invalid Pensions.

Also, petition of the Patterson Woman's Christian Temperance Union, of Pueblo, Colo.; also petition of citizens of Montrose, Colo., favoring the enactment of the Gillett-Platt antigambling bill (H. R. 7441)—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Patterson Woman's Christian Temperance Union, of Pueblo, Colo., favoring the passage of the Broderick bill (H. R. 3203), to raise the age of consent to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petition of the Patterson Woman's Christian Temperance Union, of Pueblo, Colo., urging the passage of Senate bill No. 2485, to recognize Sunday as a day of rest in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of C. M. Baily and 83 other citizens of Montrose, Colo., favoring the passage of the bill raising the age of protection for girls to 18 years in the District of Columbia—to the Committee on the Judiciary.

Also, petition of John Deeble and 186 other citizens of Montrose, Colo., favoring the passage of House bill No. 6119, known as the Phillips labor commission bill—to the Committee on Labor.

Also, petition of the Patterson Woman's Christian Temperance Union, 27 members, in favor of the Phillips labor commission bill—to the Committee on Labor.

By Mr. BERRY: Petitions of George S. Cowell and other citizens of Covington, Ky., and John P. Hatterschick and others, of Newport, Ky., favoring the passage of the so-called antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of D. C. Kennedy and others, of Ludlow, Ky., favoring the passage of the McMillan-Linton bills regulating fraternal orders and associations—to the Committee on the District of Columbia.

By Mr. BINGHAM: Petition of the Indian Rights Association, opposing a provision in the Indian appropriation bill giving children born of white men and Indian women equal rights with full bloods to property of the mother's tribe—to the Committee on Indian Affairs.

By Mr. BISHOP: Petitions of J. D. Brown and other citizens of White Cloud; C. V. Vestling and others, of Ludington; H. Marshall and others, of Fremont; J. R. Magnan, of Muskegon, and Rev. E. C. Usthoff, of the State of Michigan, asking for the passage of House bill No. 10090 and Senate bill No. 3545, to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. BLUE: Sundry petitions of J. M. Iliff and other citizens of Mound City; W. M. Congdon and others, of Sedgwick; Order of Railway Conductors of Parsons; the Commercial Club of Newton; letter of J. B. Shiras; letter of Joe F. Ollinger, of Salina; telegram of Oscar Offerle, of Offerle, and letters of Hon. J. P. Harris, A. Monroe, G. Grovenor, A. Henley, and J. D. Bowersock, in the State of Kansas; also resolution of Merchants, Dealers, and Lumbermen's Exchange, of New Orleans, La.; letter of J. D. Miller, of Columbus, Ohio, and petitions of various orders of railway employees, praying for the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BREWSTER: Petition of citizens of Rochester, N. Y., praying for the passage of House bill No. 10108 and Senate bill No. 3589, relating to fraternal societies and orders—to the Committee on the District of Columbia.

By Mr. BRODERICK: Petition of T. Louis Guenther and 50 other residents of Kansas, asking for the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BROMWELL: Petition of Louis Stix & Co., of Cincinnati, Ohio, protesting against the Bailey-George bankruptcy bill and advocating the passage of the Torrey bankruptcy bill—to the Committee on the Judiciary.

Also, petitions of Rev. J. J. Francis and Rev. J. C. Smith, of Cincinnati, Ohio, favoring the passage of the Sherman bill relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, protests of E. L. Lewis, Collin & Ford, Aaron A. Ferris, the Freeman Perfume Company, H. P. Sabbert, H. M. Ziegler, John A. Caldwell, John C. Davis, M. W. Oliver, Cincinnati stock brokers, Wyler, Ackerland & Co., M. H. Marks & Co., A. & A. W. Somerfield, Levy, Price & Co., Ornstein & Rice, Cincinnati brewers, officials of Cincinnati banks, Moch, Bergman & Co., C. G. Waldo, Howard Ferris and others, H. E. Langdon & Co., Glos, Bloom & Co., and other merchants of Cincinnati, Ohio, against the passage of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN: Sundry petitions of Polk Roberson and others, of Sequatchie College; H. L. Cotten and others, of Bishop; T. N. Mason and others, of McMinnville; R. Manzy, of Dunlap, and Homer Hillis, of Morrison, State of Tennessee, asking for the passage of the Cullom and Sherman bills, to prevent the illicit sale of railway tickets—to the Committee on Interstate and Foreign Commerce.

Also, petition of the United Order of the Golden Cross, of Nashville, Tenn., urging the passage of the McMillan-Linton bill (H. R. 10108)—to the Committee on the District of Columbia.

By Mr. BULL: Petition of the Providence Evangelical Young Women's Christian Association (700 members); also petition of Albert E. Kenyon, pastor Free Baptist Church (83 members); F. W. Weed, pastor Pentecostal Church (29 members); J. J. Northup, pastor Advent Church (25 members), and Mrs. G. L. Hopkins, president Woman's Christian Temperance Union (14

members), of North Scituate, R. I.; also petition of the Woman's Christian Temperance Union (43 members), of the Free Baptist Church (82 members), and Young People's Society of Christian Endeavor (50 members), of Carolina, R. I.; also petition of Quonochontaug Church, Charlestown, R. I., and Cross Mills Baptist Church, Charlestown, R. I., in favor of the Gillett-Platt bill (H. R. 7441) prohibiting the transmission of gambling matter by telegraph—to the Committee on Interstate and Foreign Commerce.

Also, petition of the pastors of the Free Baptist, Pentecostal, and Advent churches, and of the president of the Woman's Christian Temperance Union of North Scituate, R. I., in favor of the Shannon bill (H. R. 9515), to raise the age of protection for girls in the District of Columbia to 18 years—to the Committee on the District of Columbia.

Also, petition of E. G. Windsor and William P. Cross and 25 other citizens of Providence, R. I., in favor of the Sherman bill (H. R. 10090), to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. CANNON: Sundry petitions of citizens of Danville and other towns in the State of Illinois, favoring the passage of the antirailroad ticket scalping bill (H. R. 10090)—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of Iowa: Petition of George H. Brewer and 17 other citizens of Clinton, Iowa, and G. M. D. Slocum and 4 others, of Muscatine, Iowa, favoring the passage of House bill No. 10090, known as the antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of Kansas: Petitions of Charles S. Elliott and other citizens, also F. M. Hayden and others, of Topeka, State of Kansas, favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of J. K. Thompson and other citizens of Nowata, Ind. T., for the establishment of a court at the town of Nowata, Ind. T.—to the Committee on the Judiciary.

Also, petition of W. F. Bolton and 38 other citizens of Scranton, Kans., in support of the Sherman bill, prohibiting the illicit trafficking in railroad tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of New York: Petition of N. W. Howard, Elmer C. Whitaker, and 130 other citizens of the Twenty-second Congressional district of New York State, in favor of the bill prohibiting ticket scalping—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Globe Metallic Binding Company and 14 others, of Northville, N. Y., protesting against the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, resolution adopted at a mass meeting of the citizens of Lisbon, N. Y., favoring the ratification of the treaty between Great Britain and the United States—to the Committee on Foreign Affairs.

By Mr. CLARDY: Petition of 75 citizens of Owensboro, Ky., protesting against the passage of House bill No. 10090—to the Committee on Interstate and Foreign Commerce.

By Mr. COX (by request): Petition of citizens of Tennessee, asking for the favorable consideration of the antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

By Mr. CRUMP: Petition of M. B. Conklin and other citizens of Loomis, Coleman, and other towns in the State of Michigan, in favor of the passage of the Cullom and Sherman bill, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. DANFORD: Petition of Rev. William Houston and other citizens of Brilliant, Ohio, in favor of the passage of House bill No. 10090, to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. ERDMAN: Petition of Yeager Post, No. 13, Grand Army of the Republic, of Allentown, Pa., favoring the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. FARIS: Affidavit to accompany House bill No. 6733, to correct the military record of George Winters—to the Committee on Military Affairs.

By Mr. FISCHER: Affidavit of Thomas Walker, to accompany House bill relating to his military record—to the Committee on Military Affairs.

By Mr. FLETCHER: Petition of the Minneapolis Commercial Club, in favor of the Sherman and Cullom bills, to prevent railroad-ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSS: Sundry petitions of R. F. Weidner, president Evangelical Lutheran Theological Seminary, and students; Rev. J. H. Edwards, of Chicago; J. P. Tracy, of Chicago; J. A. Childs and 47 others, of Evanston; E. W. Parkhurst and 65 others, J. W. Hansel, of Chicago, State of Illinois; also resolutions of the Mechanics and Lumbermen's Exchange and of the Chamber of Commerce of the State of Louisiana, praying for the passage of House bill No. 10090 and Senate bill No. 3545, prohibiting the sale of railroad tickets by unauthorized persons—to the Committee on Interstate and Foreign Commerce.

Also, resolution by the Lincoln Club, Chicago, requesting legislation for the improvement of Niagara River and other places on the Great Lakes—to the Committee on Rivers and Harbors.

By Mr. GAMBLE: Petition of Rev. E. G. Updike, of Madison, Wis.; also of James D. Farrell and other citizens of Chamberlain, S. Dak.; also of J. J. S. McKee and others, of South Dakota, favoring the enactment of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Springfield (S. Dak.) Society of Christian Endeavor and Woman's Christian Temperance Union, favoring the passage of Senate bill No. 2485, recognizing Sunday as a day of rest in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Springfield (S. Dak.) Christian Endeavor and Woman's Christian Temperance Union, urging the passage of House bill No. 6119, known as the Phillips bill—to the Committee on Labor.

By Mr. GRISWOLD: Petitions of L. S. Close and other citizens of Avonia; H. Camton and others, of Erie; L. H. Daily and others, of Miles Grove; J. S. Malone and R. D. Crawford, of Titusville, and R. A. Davidson, of Northeast, in the State of Pennsylvania, favoring the passage of the Sherman bill relating to the sale of railroad tickets—to the Committee on Interstate and Foreign Commerce.

Also, petition of R. E. Clemens and others, citizens of Erie, Pa., protesting against the passage of the Cullom and Sherman bills for the prevention of illicit trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. HENRY of Connecticut: Petition of J. A. Biddle and other citizens of South Manchester, Conn., praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, petition of Julian S. Wadsworth and other citizens of South Manchester, Conn., favoring the passage of House bill No. 7441, for the prevention of gambling by telegraph, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of Thomas Simms and others, of South Manchester, Conn., favoring the passage of the Phillips bill (H. R. 6119)—to the Committee on Labor.

Also, petition of the Congregational and Methodist Episcopal churches, of South Manchester, Conn., praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HENDERSON: Petition of Rev. W. O. Ruston and 2 other citizens of Dubuque, Iowa, in favor of the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. HITT: Resolutions adopted by the Freeport, Ill., Division, No. 235, Order of Railway Conductors, urging the passage of the antiscalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HEPBURN: Sundry petitions, as follows: Harvey Nyce and other citizens of Peru, Ind.; C. L. Gard and others, of Lafontaine; J. M. Hughes and others, of Peru, Ind.; also, Thomas K. Hunter and others, of Villisca, Iowa; also, W. L. Candee and others, of New York City; M. S. Crossett and others, of Verona; L. G. Welch and others, of New York City; Frank L. Schafer and others, of Lancaster; Conrad Smith and others, of Albany, State of New York; also resolutions of the Board of Trade of Louisiana, and of the New Orleans Chamber of Commerce, favoring the passage of the Sherman bill, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. KERR: Sundry petitions of S. J. McConnell, of Plymouth; D. T. Barnet and others, of Lexington; A. A. Kishman and others, of Brownhelm; J. E. Lynn, of Mansfield; G. M. Knapp, of Greenwich; Philip Kelser, of Savannah, and Parke Foster and others, of Elyria, in the State of Ohio, praying for the passage of the Cullom and Sherman bills, for the prevention of railroad ticket scalping—to the Committee on Interstate and Foreign Commerce.

Also, petition of W. H. Gate, of Ashland, Ohio, urging the passage of the Loud bill (H. R. 4566)—to the Committee on the Post-Office and Post-Roads.

By Mr. KIRKPATRICK: Memorial of the Order of Railway Conductors of Chanute, Kans., favoring the passage of the Cullom and Sherman bills, for the prevention of illicit trafficking in railway tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. LAYTON: Petition of Robert J. Thomas and 25 other citizens of Lima, Ohio, urging the passage of the bill to abolish

ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. LINTON: Petitions of H. P. Nelson and other citizens, Edward P. Smith and others, Charles W. Le Van and others, E. V. Hunt and others, W. W. Matson and others, C. H. Olsen and others, L. M. Butts and others, Herman Minderman and others, W. T. Miller and others, John Lander and others, Oscar W. German and others, H. F. Adams and others, John W. Sonter and others, Herman E. Crome and others, William M. Veatch and others, William Reynolds and others, H. Spencer and others, Henry Yager and others, J. T. Joplin and others, Charles Grant and others, J. D. Clough and others, George E. Burkhead and others, and James M. Huff and others, protesting against appropriations by Congress for sectarian institutions; and a petition for an amendment to the Constitution prohibiting sectarian appropriations—to the Committee on the Judiciary.

By Mr. LONG: Sundry petitions of the Ministerial Union of Newton, Kans.; J. H. Robinson and 23 other citizens of Peotone and Cheney; W. E. Blackburn and 33 others, of Anthony; W. H. Benn and 17 others, of Lacrosse, and G. L. McCourt and 13 others, of McPherson, in the State of Kansas, favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. McCALL of Massachusetts: Petition of H. C. Nickerson and other citizens of Winchester, Mass., favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. McCALL of Tennessee: Petition of T. O. Harris, of Wartrace; J. F. Coleman, of Tullahoma; E. W. Nichols and 13 other citizens of Sparta; G. W. McKenzie and 18 other citizens of McKenzie, State of Tennessee, in favor of the passage of the bill (H. R. 10090) to prohibit ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. McCORMICK: Petition of Ida B. Stebbins and 13 other citizens of Woodhaven, Long Island; also of citizens of Corona, Jamaica, Ozone Park, Brooklyn, New Hartford, Schenectady, and Morris Park, Long Island, New York, in favor of the passage of the antiticket scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. McCLEARY of Minnesota: Petition of Rev. A. Suter and other citizens of Mankato, Minn., favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. McLAURIN: Petition of Assembly No. 40, Royal Society of Good Fellows; also of citizens of Darlington, S. C.; also petition of R. W. Boyd, C. A. Brown, and others, favoring the enactment of the bill regulating fraternal beneficiary societies (H. R. 10108)—to the Committee on the District of Columbia.

By Mr. NEILL: Petition of A. A. Swartwood and 25 other citizens of Stuttgart, Ark., in favor of the passage of the bill to regulate fraternal beneficiary societies—to the Committee on the District of Columbia.

By Mr. RINAKER: Petitions of C. W. Jacobs and other citizens of Greenfield, Ill., favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. SCRANTON: Petition of William H. Davis Post, No. 187, Grand Army of the Republic, of Carbondale, Pa., urging the passage of House bill No. 9209, for service pension—to the Committee on Invalid Pensions.

By Mr. SHANNON: Sundry petitions of E. F. Johnson, W. L. Walday, O. S. Wehrle, and others, of New York City, favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERMAN: Sundry petitions of C. F. Matthews and 22 others, of Crowley, La.; J. M. Murphy and 7 others, of Gonzales, Tex.; A. Judice and 8 others, of Scott, La.; James Riley and 48 others, of Oneida, N. Y.; John C. Schroederer and 13 others, of Utica, N. Y.; N. R. Loring and 15 others, of Sprakers, N. Y.; John Norman and 6 others, of Canaseraga, N. Y.; M. J. Finley and 13 others, of Rome, N. Y.; H. C. Brown and 35 others, of Albany, N. Y.; Harry W. Smith and 5 others, of Hotel Majestic, New York; W. F. Burns and 27 others, of South Dover, N. Y.; George Anderson and 28 others, of Castleton, N. Y.; S. Kohn and 19 others, of Hoboken, N. J., favoring the passage of House bill No. 10090, known as the antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENSON: Petition of citizens of Marquette, Mich.; also petition of J. M. Clifford and 64 other citizens of Iron Mountain, Mich., favoring the passage of the Cullom and Sherman bills, to prevent railroad ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. TERRY: Petition of J. B. Carter, W. W. Mansfield, and 38 other citizens of Ozark, Ark., favoring the passage of the Sherman bill, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. TRELOAR: Petition of Rev. J. M. Walton, of Mexico, Mo., in favor of the Sherman bill to prevent ticket scalping—to the Committee on Interstate and Foreign Commerce.

By Mr. TRACEY: Petition of J. N. Wicks and other citizens of Glasgow; also petition of J. F. Rea and others, of Sedalia, State of Missouri, favoring the passage of House bill No. 10090, to prevent ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD: Petition of W. H. Levings and other citizens of Edgar County, Ill., favoring the enactment of House bill No. 10090, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. WOOMER: Resolutions of Chester Post, No. 280, Grand Army of the Republic, of Williamsport, Pa., in favor of House bill No. 9209, granting a service pension to honorably discharged soldiers of the late war—to the Committee on Invalid Pensions.

SENATE.

FRIDAY, *February 19, 1897.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. HOAR, and by unanimous consent, the further reading was dispensed with.

ENROLLED BILLS SIGNED.

The signature of the Vice-President was announced to the following enrolled bills and joint resolutions, which had previously been signed by the Speaker of the House of Representatives:

A bill (S. 719) to restore a pension to Harriet M. Knowlton;

A bill (S. 1169) authorizing the Secretary of War to issue Springfield rifles to each State and Territory for the National Guards thereof, in exchange for other rifles now held;

A bill (S. 1816) granting a pension to Eliza Craig Heckman, widow of Brig. Gen. Charles A. Heckman;

A bill (S. 1975) granting a pension to Mrs. Julia Jones Duncan, widow of Bvt. Maj. Gen. Samuel A. Duncan;

A bill (S. 2101) to provide for the relief of certain officers and enlisted men of the volunteer forces;

A bill (S. 2645) granting a pension to Jane H. Vandever;

A bill (S. 2832) to provide for the relief of Daniel T. Tollett;

A bill (S. 2928) for the better improvement of the Government reservation at the city of Fort Smith, in the State of Arkansas, and for other purposes;

A bill (H. R. 446) to increase the pension of Julia H. H. Crosby;

A bill (H. R. 853) providing for the erection of a light-house at Orient Point, Long Island, New York;

A bill (H. R. 1095) granting a pension to Annie M. Ermer;

A bill (H. R. 1104) granting an increase of pension to Isaac N. Williams;

A bill (H. R. 1299) to pension Harriet Woodbury, of Windsor, Vt.;

A bill (H. R. 1311) granting an increase of pension to Charles W. Sentman;

A bill (H. R. 1474) granting a pension to John J. Copley;

A bill (H. R. 2317) to increase the pension of Levi T. E. Johnson;

A bill (H. R. 3108) granting an increase of pension to Jesse Durnell;

A bill (H. R. 3715) for the relief of Capt. W. J. Kountz;

A bill (H. R. 4519) granting a pension to John Zellers;

A bill (H. R. 4548) granting a pension to Mary L. Arnold;

A bill (H. R. 4655) granting a pension to Frederick A. Driscol;

A bill (H. R. 5852) to increase the pension of Josiah P. Bradbury;

A bill (H. R. 5880) granting an increase of pension to Greenville Puckett;

A bill (H. R. 5981) granting an increase of pension to Elihu Jones;

A bill (H. R. 5986) granting a pension to Francis M. Ross;

A bill (H. R. 6099) granting a pension to Margaret Kirkpatrick;

A bill (H. R. 6789) for the relief of Dr. Harrison Wagner;

A bill (H. R. 7121) to restore Mrs. Elizabeth T. Anderson to the pension roll;

A bill (H. R. 8250) for the relief of William Gemmill;

A bill (H. R. 8388) for the relief of William G. Buck;

A bill (H. R. 8898) to increase the pension of Elizabeth Wellons;

A bill (H. R. 9494) concerning certain homestead lands in Florida;

A joint resolution (S. R. 201) to enable the Secretary of the Senate to pay the expenses of the inaugural ceremonies; and

A joint resolution (H. Res. 252) authorizing the Secretary of War to deliver to the mayor of Buffalo tents, in loan, for the convenience of the Grand Army of the Republic at its next annual encampment, to be held this year in that city.

HOUSE BILL REFERRED.

The bill (H. R. 1984) to provide for the use and occupation of reservoir sites reserved was read twice by its title, and referred to the Committee on Public Lands.

REMOVAL OF POLITICAL DISABILITIES.

The bill (H. R. 10102) to remove the political disabilities of Col. William E. Simms was read the first time by its title.

Mr. HOAR. I ask unanimous consent that the bill be put on its passage without a reference to the Judiciary Committee.

The bill was read the second time at length; and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment.

Mr. HOAR. I should like to state, before the final vote is declared, that this gentleman was a gallant officer of the Mexican war, and belongs to a family that had served the country for several generations. He is quite old and in feeble health. Although I have no formal application, yet I have here a very touching letter written by him to Mr. Justice Harlan, in which he expresses his love of country, his regard for the Senator from Ohio [Mr. SHERMAN] and other old associates, and his desire to become fully a citizen of the United States again.

The bill was ordered to a third reading, read the third time, and passed (two-thirds of the Senators present voting in the affirmative).

JAMES W. DUNN.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 321) granting a pension to James W. Dunn.

The amendment was, in line 6, before the word "dollars," to strike out "sixty" and insert "thirty."

The VICE-PRESIDENT. Without objection, the amendment will be concurred in.

AGRICULTURAL EXPERIMENT STATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting a report of the work and expenditures of the agricultural experiment stations, established under the act of Congress of March 2, 1887, for the fiscal year ended June 30, 1896; which was ordered to lie on the table and to be printed.

He also laid before the Senate a communication from the Secretary of Agriculture, requesting that if the report of the work and expenditures of the agricultural experiment stations for the fiscal year ended June 30, 1896, be printed, 2,000 copies be furnished for the use of the Agricultural Department; which was referred to the Committee on Printing, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. HOAR presented a petition of sundry citizens of Massachusetts, praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Painesville, Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Painesville, Ohio, praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which was ordered to lie on the table.

Mr. SHERMAN presented a petition of the National Association of Manufacturers, praying for an early revision of the present tariff law; which was referred to the Committee on Finance.

He also presented a petition of the Christian Endeavor Society of Lorain County, Ohio, and a petition of sundry citizens of Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented a petition of the Blue River Quarterly Meeting of Friends, of Salem, Ind., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a memorial of the Dalcassion Club of New York City, and a memorial of the Speranza Club, of New York City, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented the petition of D. G. West, publisher of the Sunday News, of Springfield, Ohio, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of Dover, Painesville, Cleveland, Akron, Euclid, Xenia, Cincinnati, and Chardon, all in the State of Ohio, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. MITCHELL of Wisconsin presented a petition of the faculty and students of the Milwaukee Downer College, Milwaukee, Wis., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented sundry petitions of citizens of Racine and Milwaukee, in the State of Wisconsin, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented the petition of Frank Long, publisher of the Advocate, of Sturgeon Bay, Wis., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WHITE presented a petition of the Semi-Tropic Fruit Exchange of California, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. NELSON presented a petition of the Chamber of Commerce of St. Paul, Minn., praying that an appropriation of $150,000 be made for a survey of the deep waterways from the Great Lakes to the seaboard; which was referred to the Committee on Commerce.

He also presented a memorial of the Chamber of Commerce of St. Paul, Minn., remonstrating against the removal of the office of supervising inspector of steam vessels from that city; which was referred to the Committee on Commerce.

He also presented the petition of Rev. Willard Fuller, of Pipestone, Minn., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of St. Paul, Minn., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of W. Middagh and sundry other citizens of Rollag, Minn., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Rev. William Blackwell and sundry other citizens of Sleepy Eye, Minn.; the petition of Rev. A. Suter and sundry other citizens of Mankato, Minn., and the petition of Rev. George R. Merrill, of Minneapolis, Minn., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. TURPIE presented a petition of the Staltz Schmitt Furniture Company, of Evansville, Ind., and a petition of the Crescent Furniture Company, of Evansville, Ind., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Rev. A. S. Fisher and sundry other citizens of Elkhart; of S. J. Peabody and sundry other citizens of Columbia City, and of James E. Rose and sundry other citizens of Auburn and Garrett, all in the State of Indiana, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. GORDON presented a petition of the Board of Trade of Brunswick, Ga., praying that that city be placed in the list of ports to be given proper coast defenses; which was referred to the Committee on Coast Defenses.

He also presented a petition of members of the Methodist Protestant church, of Tallapoosa, Ga., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a petition of Typographical Union, No. 220, of Columbus, Ga., praying Congress to recognize the independence of Cuba; which was ordered to lie on the table.

He also presented the petition of Mrs. W. C. Sibley, president of the Woman's Christian Temperance Union of Georgia, and the petition of J. Goodlow Jackson, of Janelew, W. Va., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented the petition of J. Frank Beck, of Atlanta, Ga., and the petition of J. H. Estill, publisher of the Morning News, of Savannah, Ga., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry professional and business men of Atlanta, Ga., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

He also presented the memorial of E. E. Smith, chairman of the

national committee of the Travelers' Protective Association of America, remonstrating against the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

He also presented a petition of the Board of Locomotive Engineers of Atlanta, Ga., praying for the enactment of legislation providing arbitration between corporations and their employees, and also more fully to regulate contempt proceedings in the Federal courts; which was ordered to lie on the table.

He also presented a petition of Post C, Georgia Division of the Travelers' Protective Association of America, of Columbus, Ga., praying for the creation of a Cabinet officer to be known as the secretary of commerce; which was referred to the Committee on Commerce.

He also presented a memorial from the Atlanta Medical and Surgical Journal, of Atlanta, Ga., remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

Mr. FRYE presented a petition of the Woman's Literary Union, of Portland, Me., praying for the ratification of the pending arbitration treaty with Great Britain, without adopting any amendment which will tend to cripple its efficiency; which was ordered to lie on the table.

Mr. VILAS presented a petition of members of the Methodist church of Omro, Wis., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the petitions of T. H. Richey and sundry other citizens; of W. R. Nethercut and 10 other citizens; of Rev. E. Brezee and 24 other citizens of Dodgeville; of W. T. Johnson, of West Superior; of J. A. Henderson and 16 other citizens of Edgerton; of the chief templar and secretary of the Independent Order of Good Templars of Wisconsin; of Charles L. Chambers and 7 other citizens of Monroe, and of A. Soliday and 41 other citizens, all in the State of Wisconsin, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. GEAR presented a petition of 40 citizens of Estherville, Iowa, and a petition of sundry citizens of Bloomfield, Iowa, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. PEFFER presented the petition of Rev. J. M. Batchelder, representing the Presbyterian church at Osborne, Kans., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented the petitions of J. H. Robinson and sundry other citizens of Peotone; of M. B. Nicholson and sundry other citizens of Council Grove; M. D. Smith and sundry other citizens of Neodesha; W. W. Blackburn and sundry other citizens of Anthony; G. L. McCouth and sundry other citizens of McPherson; F. P. Evans and sundry other citizens of Yates Center, and sundry telegrams from citizens of Harper, Offerle, and Scranton, all in the State of Kansas, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. GALLINGER presented a petition of the Young People's Society of Christian Endeavor, of Nelson, N. H., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. SMITH presented a petition of 1,000 members of the Christian Endeavor Union of the Baptist Young People's Union, of Lebanon, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

He also presented the petition of Ida B. Stephens, secretary of the New Jersey Christian Endeavor Union, praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of 62 citizens of Lumberton, N. J., praying for the enactment of a Sunday-rest law for the District of Columbia, and also for the military and mail service and interstate commerce; which was referred to the Committee on the District of Columbia.

He also presented a petition of 21 members of the Club of Current Events, of Plainfield, N. J., and a petition of members of the Baptist Ministers' Conference of New York, praying for the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Hoboken, N. J., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. COCKRELL presented a petition of the Merchants' Exchange of St. Louis, Mo., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of Higginsville, Hicksville, Webb City, Carterville, Houstonia, Hughesville, Boonville, Williamsville, Poplar Bluff, Versailles, Bowling Green, and Kirkwood, all in the State of Missouri, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented the petition of A. F. Fleet, superintendent of the Missouri Military Academy, Mexico, Mo., praying to be relieved from liability on account of the accidental destruction of certain ordnance by fire September 24, 1896; which was referred to the Committee on Military Affairs.

Mr. ALLEN presented a petition of sundry citizens of Kearney, Nebr., and the petition of C. R. Weeden, of Red Cloud, Nebr., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

He also presented the petition of P. Jansen and sundry other ministers and members of the Mennonite Church, of Beatrice, Nebr., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

Mr. BATE presented the petitions of D. T. Layne and sundry other citizens of Victoria; of John Ruth, of Inman; W. C. West and sundry other citizens of Kingston Springs; J. C. Rowden and sundry other citizens of Wauhatchie; Perry A. Schoofield and sundry other citizens of Let; J. W. Riggins and sundry other citizens of Normandy; E. S. Mills and sundry other citizens of Christiana; R. B. Johnson and sundry other citizens of Fosterville; T. F. Moore and sundry other citizens of Martin; R. C. Love and sundry other citizens of Shellmound; W. T. Hall and sundry other citizens of Whiteside; G. W. McKenzie and sundry other citizens of McKenzie; R. E. Freear, of Oakland; T. N. Mason and sundry other citizens of McMinnville; H. E. Cotton and sundry other citizens of Bishop; W. R. Blanks and sundry other citizens of Pinebluff; Polk Robertson and sundry other citizens of Sequachee College, and of John W. Gartner and sundry other citizens of Morrison, all in the State of Tennessee, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. VEST presented a petition of the Merchants' Exchange of St. Louis, Mo., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of Boonville, Higginsville, Houstonia, Hughesville, St. Joseph, St. Louis, Tuxedo, Versailles, and Webb City, all in the State of Missouri, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. MILLS presented a petition of sundry citizens of Hillsboro, Tex., and a petition of sundry citizens of McGregor, Tex., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. PASCO presented the petition of Josephus C. Lipes and 24 other citizens of St. Andrews, Fla., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. LODGE presented a petition of members of the Shaker church of Shirley, Mass., praying for the ratification of the pending arbitration treaty with Great Britain; which was ordered to lie on the table.

He also presented a memorial of the Speranza Club, of New York City, and a memorial of the Dalcassian Club of New York City, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

Mr. CARTER presented a petition of sundry citizens of Montana, praying for the enactment of legislation to repeal that part of the public-land laws requiring desert-land claimants to pay $1.25 per acre on the public lands taken under the desert-land act, etc.; which was referred to the Committee on Public Lands.

He also presented a petition of sundry citizens of Helena, Mont., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

Mr. HANSBROUGH presented a petition of sundry citizens of Grand Forks, N. Dak., praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

He also presented petitions of members of the First Presbyterian Church of Grafton; of members of the Congregational church of Jamestown; of members of the Baptist church, Ellendale; of members of the Presbyterian church of Bottineau; of members of the Congregational church of Mayville; Mrs. Howard and 20 other citizens of Ardoch; William Staples and 19 other citizens of Absaraka; S. G. Cleveland and 25 other citizens of Caledonia; C. G. Fairbanks and 65 other citizens of Devils Lake; N. Ecker and 4 other citizens of Dazey; G. S. Bascom and 27 other citizens of Hankinson; John Taylor and 15 other citizens of Joliette; D. E. Blake and 23 other citizens of Moselle; John Lindblom and 22 other citizens of Minnie Lake; Mrs. M. H. Barton and 10 other citizens of Sanborn, and of Mrs. N. M. Smith and 40 other citizens of Thompson, all in the State of North Dakota, praying for the

enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which were ordered to lie on the table.

He also presented the petition of Ed. T. Pierson, publisher of the Tribune, of Inkster; of Wellington Irysh, publisher of the Eagle, of Wheatland; of W. H. Hassing, publisher of the Express, of Buffalo; C. L. Allen, publisher of Hope Pioneer, of Hope; Wood & Johnson, publishers of Steele Ozone, of Steele; J. H. Burke, publisher of Sheldon Enterprise, of Sheldon; Edward M. Warren, publisher of Lamoure County Chronicle, of Lamoure; O. F. Bryant, publisher of Napoleon Homestead, of Napoleon, and of M. H. Morrill, manager of Richland County Gazette, of Wahpeton, all in the State of North Dakota, praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PETTIGREW presented a petition of the Woman's Christian Temperance Union and the Society of Christian Endeavor of Springfield, S. Dak., praying for the enactmant of legislation to further protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union and the Society of Christian Endeavor of Springfield, S. Dak., praying for the appointment of an impartial, nonpartisan industrial commission; which was ordered to lie on the table.

He also presented sundry petitions of citizens of Chamberlain, Vermilion, and Hudson, all in the State of South Dakota, praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. CULLOM presented a petition of W. F. Hynes Lodge, No. 48, Brotherhood of Locomotive Firemen, of Peoria, Ill., praying for the enactment of legislation to punish contempts of court, for the appointment of an international arbitration commission, and for the appointment of an impartial, nonpartisan industrial commission; which was ordered to lie on the table.

He also presented a petition of the members of the Congregational church of Geneva, Ill., and a petition of the Woman's Christian Temperance Union of Geneva, Ill., praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented petitions of the Woman's Christian Temperance Union of Geneva, Ill.; of the Improvement Association of Geneva, Ill., and of members of the Congregational church of Geneva, Ill., praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; which were ordered to lie on the table.

He also presented petitions of members of the Congregational church of Geneva; of the Woman's Christian Temperance Union of Geneva, and of the Improvement Association of Geneva, all in the State of Illinois, praying for the enactment of legislation prohibiting interstate gambling by telegraph, telephone, or otherwise; which were referred to the Committee on Interstate Commerce.

He also presented a memorial of the Speranza Club, of New York City, and a memorial of the Dalcassion Club, of New York City, remonstrating against the ratification of the pending arbitration treaty with Great Britain; which were ordered to lie on the table.

He also presented a petition of the Board of Trade of Chicago, Ill., and a petition of the Heath & Milligan Manufacturing Company, of Chicago, Ill., praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented petitions of the Young People's Society of Christian Endeavor of the Twelfth Street Cumberland Presbyterian Church, of Alton; of Mrs. L. A. Chambers, of Geneva; of the Woman's Christian Temperance Union of Sparta; Cary Lodge, No. 361, Independent Order of Good Templars, of McHenry County; the Young People's Christian Endeavor Society of the Congregational church of Geneva, and of members of the Swedish Lutheran church of Kansas County, all in the State of Illinois, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were ordered to lie on the table.

He also presented petitions of the Baptist Young People's Union of America, of Chicago, Ill.; of sundry citizens of Chicago, Ill.; Niagara Falls, N. Y.; Greenville, Ill.; Madison County, Ill.; Edwardsville, Ill.; Litchfield, Ill.; Metamora, Ill.; Momence, Ill.; Springfield, Ill.; Stuyvesant, N. Y.; Yonkers, N. Y.; New York City; Mattoon, Ill.; Glasford, Ill.; Peoria, Ill.; Hoopeston, Ill.; Kirkville, Ill.; Latham, Ill.; Croton Falls, N. Y., and of Freeport Division. No 235, Order of Railway Conductors, of Freeport, Ill., praying for the passage of the antiscalping railroad ticket bill; which were ordered to lie on the table.

Mr. BLANCHARD presented a petition of the Merchants' Exchange of St. Louis, Mo., praying for the passage of the so-called Loud bill relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Chamber of Commerce of Louisiana, praying for the passage of the antiscalping railroad ticket bill; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (H. R. 6765) to increase the pension of David N. Thompson, reported it without amendment, and submitted a report thereon.

Mr. PALMER, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3292) granting an honorable discharge to Seth Porter Church, alias Samuel Church, reported it without amendment, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on the District of Columbia, to whom was referred the bill (S. 1498) to punish the carnal and unlawful knowing of any female under the age of 18 years, reported it with an amendment, and submitted a report thereon.

Mr. WHITE, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. PERKINS on the 15th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying report, referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. PERKINS on the 2d instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying report, referred to the Committee on Appropriations; which was agreed to.

Mr. FRYE, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. SHERMAN on the 15th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. McMILLAN, from the Committee on Commerce, to whom were referred two amendments submitted by Mr. SEWELL on the 12th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that they be printed, and, with the accompanying reports, referred to the Committee on Appropriations; which was agreed to.

Mr. VEST, from the Committee on Commerce, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

He also, from the same committee, reported three amendments intended to be proposed to the sundry civil appropriation bill, and moved that they be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. CAFFERY, from the Committee on Commerce, reported two amendments intended to be proposed to the sundry civil appropriation bill, and moved that they be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. CHANDLER, from the Committee on Naval Affairs, to whom was referred the bill (S. 2049) for the relief of Thomas Stack, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. BACON. I am directed by the Committee on the District of Columbia, to whom was referred the joint resolution (H. Res. 228) providing for additional telegraphic and electric-light facilities in the city of Washington, D. C., during the inaugural ceremonies on the 4th day of March, 1897, to report it adversely. The substance of this joint resolution was included in a joint resolution already passed by the Senate, and therefore I am instructed to ask for its indefinite postponement.

The VICE-PRESIDENT. The joint resolution will be indefinitely postponed.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 3504) granting arrears of pension to H. Morris Husband, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Commerce, to whom was referred the bill (S. 3664) to provide an American register for the steamer *Jacksonville*, reported it with an amendment, and submitted a report thereon.

Mr. BURROWS, from the Committee on Claims, to whom was referred the bill (H. R. 1021) granting relief to the heirs of Albert Augustine for property taken for the Cayuse war, reported it without amendment, and submitted a report thereon.

Mr. MANTLE, from the Committee on Indian Affairs, to whom was referred the bill (S. 1795) to provide for a final settlement with the Naalem Band of the Tillamook tribe of Indians, of Oregon, in accordance with a certain agreement between the United

States and the said Indians, dated the 6th day of August, 1851, reported it without amendment, and submitted a report thereon.

He also, from the same committee, reported an amendment intended to be proposed to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. LINDSAY, from the Committee on Pensions, to whom was referred the bill (S. 3640) granting a pension to Cassius M. Clay, sr., a citizen of Kentucky, and a major-general in the Army of the United States in the war of the rebellion, reported it with an amendment, and submitted a report thereon.

Mr. QUAY. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by the Senator from South Carolina [Mr. TILLMAN] on the 16th instant, intended to be proposed to the sundry civil appropriation bill, the amendment proposing to appropriate $12,000 for the purpose of completing the approaches and grounds around the new post-office and United States court-house in Charleston, S. C., to report it favorably. I move that the amendment be referred to the Committee on Appropriations, and printed.

The motion was agreed to.

Mr. CAMERON, from the Committee on Naval Affairs, submitted a report to accompany the bill (S. 3368) to authorize the President of the United States to appoint and confer the rank of first lieutenant of marines upon the leader of the United States Marine Band, heretofore reported from that committee.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 9785) granting a pension to Rebecca A. Kirkpatrick, reported it without amendment, and submitted a report thereon.

DISTRICT MARKET REGULATIONS.

Mr. GALLINGER. A few days ago an amendment was sent to the Committee on the District of Columbia to correct a Senate joint resolution which had become a law. It is important that this correction should at once be made, and I am directed by the committee to report a joint resolution correcting the statute. I ask unanimous consent to have it considered at the present time.

The joint resolution (S. R. 206) to construe Senate joint resolution No. 148, Fifty-fourth Congress, second session, was read the first time by its title and the second time at length, as follows:

Be it resolved, etc., That Senate joint resolution No. 148, Fifty-fourth Congress, second session, shall not be construed as reviving the statute, chapter 69, August 23, 1871, of the First District legislative assembly, but only so much thereof as exempts from license tax persons bringing marketing to the District or selling produce of their own raising.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 3713) to regulate the service and fix the hours of labor for persons employed as policemen in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BLANCHARD (by request) introduced a bill (S. 3714) for the relief of E. A. Givens, sr., Arcadia, La.; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 3715) for the relief of Lemuel Tanner, of Lafourche Parish, La.; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 3716) for the relief of A. E. and M. E. Goodrich; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 3717) for the relief of Mrs. Ozeine Boudreau, of St. Martin Parish, La.; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORGAN introduced a bill (S. 3718) to authorize the Montgomery, Hayneville and Camden Railroad Company to construct and maintain a bridge across the Alabama River between Lower Peachtree and Prairie Bluff, Ala.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. COCKRELL introduced a bill (S. 3719) for the relief of A. F. Fleet, superintendent of the Missouri Military Academy, Mexico, Mo.; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MITCHELL of Wisconsin submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SEWELL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. CHANDLER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. LODGE submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. HANSBROUGH submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLATT submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CARTER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Territories, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

CHAMBERS C. MULLIN.

On motion of Mr. CAMERON, it was

Ordered, That the Committee on Pensions be discharged from the further consideration of the bill (S. 873) granting an increase of pension to Chambers C. Mullin, and that leave be granted to withdraw the papers in the case from the files of the Senate.

PAY OF STENOGRAPHER.

Mr. CHANDLER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographer reporting the hearings on the Loud bill, before the Committee on Post-Offices and Post-Roads, on January 16, 23, and 30, 1897, be paid out of the contingent fund of the Senate.

READING OF WASHINGTON'S FAREWELL ADDRESS.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That on Monday, February 22, current, immediately after the reading of the Journal, Washington's Farewell Address be read to the Senate by Mr. DANIEL, a Senator from the State of Virginia, and that thereafter the Senate will proceed with its business.

NORTHERN PACIFIC RAILROAD GRANT.

Mr. CARTER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, requested to furnish for the information of the Senate a statement as to what deficiency, if any, existed in the grant to the Northern Pacific Railroad Company under acts of Congress of July 2, 1864, and May 31, 1870, at the dates of the various definite locations of said road.

DAVID SAMPLE.

Mr. MCMILLAN. I ask unanimous consent to call up the bill (H. R. 3926) to correct the war record of David Sample. It is a short bill, and will take but a moment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to so amend the records of the War Department as to remove the charge of mutiny, conduct unbecoming an officer and a gentleman, and disobedience and defiance of orders from his superior officers, from the record of Second Lieut. David Sample, late of Company E, Fifteenth Michigan Infantry Volunteers, and to grant him an honorable discharge.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MONONGAHELA RIVER BRIDGE.

Mr. QUAY. I ask the unanimous consent of the Senate to proceed to the consideration of the last bill on the Calendar, the bill (H. R. 1694) to authorize the construction of a bridge over the Monongahela River from the city of McKeesport to the township of Mifflin, Allegheny County, Pa.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MEMORIAL OF HEROES OF THE REVOLUTIONARY WAR.

Mr. GEAR. I ask unanimous consent for the present consideration of the bill (S. 3608) setting apart a plot of public ground in the city of Washington, in the District of Columbia, for memorial purposes, under the auspices of the National Society of the Daughters of the American Revolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to set apart a

plot 200 feet square, at the intersection of Fourteenth street and B street, for the purpose of a memorial building to commemorate the services and perpetuate the memory of the heroes of the Revolutionary war, to be erected and owned by the National Society of the Daughters of the American Revolution, and provides that when it ceases to be used for that purpose it shall revert to the United States, and all rights hereby granted shall determine and cease.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY O. H. STONEMAN.

Mr. SHOUP submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 205) granting a pension to Mary O. H. Stoneman, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted insert "fifty;" and the House agree to the same.

GEO. L. SHOUP,
JNO. L. MITCHELL,
Managers on the part of the Senate.
HENRY F. THOMAS,
GEO. C. CROWTHER,
C. J. ERDMAN,
Managers on the part of the House.

The report was concurred in.

BILLIARD TABLES IN THE DISTRICT OF COLUMBIA.

Mr. PROCTOR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5490) to license billiard and pool tables in the District of Columbia, and for other purposes, having met, after full and free conference agree to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same amended as follows: Strike out the matter proposed to be inserted; also strike out of section 4 of the bill only the words "or a room connected with or opening out of or adjacent to such rooms;" and that the Senate agree to the same.

ISHAM G. HARRIS,
REDFIELD PROCTOR,
GEO. PEABODY WETMORE,
Managers on the part of the Senate.
G. M. CURTIS,
A. MILNES,
J. H. HULING,
Managers on the part of the House.

The report was concurred in.

MAJ. GEN. JULIUS H. STAHEL.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1694) granting an increase of pension to Maj. Gen. Julius H. Stahel, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted insert "seventy-five;" and the House agree to the same.

J. H. GALLINGER,
J. C. PRITCHARD,
JOHN M. PALMER,
Managers on the part of the Senate.
HENRY F. THOMAS,
GEO. C. CROWTHER,
C. J. ERDMAN,
Managers on the part of the House.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House insisted upon its amendments to the bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes," agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LACEY, Mr. ELLIS, and Mr. MCRAE managers at the conference on the part of the House.

The message also announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3623) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased; further insists upon its amendment to the said bill disagreed to by the Senate; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CROWTHER, Mr. THOMAS, and Mr. LAYTON managers at the conference on the part of the House.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 8212) for the preservation and protection of public records and documents, and providing for the use of copies thereof as evidence;

A bill (H. R. 10290) for the relief of Joseph P. Patton; and

A joint resolution (H. Res. 257) providing for printing the reports from diplomatic and consular officers of the United States on the passport regulations of foreign countries.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven hours and forty minutes spent in executive session the doors were reopened, and (at 8 o'clock and 10 minutes p. m.) the Senate adjourned until tomorrow, Saturday, February 20, 1897, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 19, 1897.

POSTMASTERS.

W. B. Markham, to be postmaster at East Hampton, in the county of Middlesex and State of Connecticut, in the place of Hubert E. Carpenter, whose commission expired December 14, 1896.

C. E. Clark, to be postmaster at Ruthven, in the county of Palo Alto and State of Iowa, in the place of William H. McCune, whose commission expired January 14, 1897.

Richard A. Wilson, to be postmaster at Herington, in the county of Dickinson and State of Kansas, in the place of T. M. Bixby, resigned.

E. J. Martin, to be postmaster at Meridian, in the county of Lauderdale and State of Mississippi, in the place of Isaac R. McElroy, removed.

Adelia M. Barrows, to be postmaster at Hinsdale, in the county of Cheshire and State of New Hampshire, in the place of Miss Adelia M. Barrows, whose commission expired February 18, 1897.

Charles H. McGuirk, to be postmaster at New Rochelle, in the county of Westchester and State of New York, in the place of W. V. Molloy, whose commission expired February 1, 1897.

William R. Criss, to be postmaster at New Wilmington, in the county of Lawrence and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

T. E. Kennard, to be postmaster at Longview, in the county of Gregg and State of Texas, in the place of Fidelia Kilgore, resigned.

CONFIRMATION.

Executive nomination confirmed by the Senate February 18, 1897.

DISTRICT JUDGE.

William H. Munger, of Nebraska, to be United States district judge for the district of Nebraska.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 19, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

MRS. MARY GOULD CARR.

Mr. FISCHER. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 3150.

Mr. LAYTON. Mr. Speaker, I wish to submit a conference report.

The SPEAKER. The conference report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 2623) granting an increase of pension to Mary Gould Carr, widow of Brig. and Bvt. Maj. Gen. Joseph G. Carr, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

H. F. THOMAS,
F. C. LAYTON,
Managers on the part of the House.
J. H. GALLINGER,
DAVID B. HILL,
GEO. L. SHOUP,
Managers on the part of the Senate.

The statement submitted by the House conferees is as follows:

The managers on the part of the House make the following statement upon the disagreeing votes of the two Houses:

As passed by the Senate, the bill carried $75 per month, which the House reduced to $50. The effect of the conference report is to grant the beneficiary $75 per month.

The managers on the part of the House have been led to make this concession for several cogent reasons. As brevet major-general the soldier commanded a division from October 4, 1863, to August, 1865. He participated in nineteen of the most important battles of the war, and his military record is a brilliant one. Though really entitled to a pension for about twenty years, he did not apply until late in life, and was then pensioned for disabilities

contracted in the line of duty. During all his campaigns the beneficiary named in the bill was by his side and heroically ministered to the sick and wounded without distinction of rank. She is now aged, is in dependent circumstances, and has an incurable, invalid daughter who looks to her for support.

A bill to pension Mrs. Carr at $75 per month passed both Houses of the present Congress and was sent to the President December 16, 1896, but failed to become a law on account of the holiday adjournment.

Mr. LAYTON. Mr. Speaker, I only desire to detain the House for a few moments in explanation of this report. The report involves a bill granting a pension to Mrs. Carr, the widow of Byt. Maj. Gen. J. B. Carr. The only question of difference between the two Houses is as to the amount of the pension which should be allowed to the widow.

Ordinarily, in view of the fact that General Carr was a gallant soldier and although but a brigadier-general commanding a division for over two years, and participating in nineteen battles, and the further fact that although clearly entitled to a pension he never applied for it until twenty years after the war, when a small pension was allowed for disability incurred in the service and in line of duty, and the further fact that his widow was a war widow, married to him long before the war, and virtually participating with him in all of the exposures and trials of the war, as well as the further fact that she is now aged and feeble in health, comparatively, and totally dependent, without means, having neither income nor property of any kind, there should be no question in the mind of any member here I apprehend, under the precedents recently established, that she should be allowed the sum of at least $50 per month. And in fact that was the sum allowed her by the action of the House.

I am frank to say, however, that if that were the only reason, and if these were the only facts involved, I would be one amongst the last to accede to an addition of $25 a month to the pensioner. But, Mr. Speaker, it is true that a majority of the conferees on the part of the House think that there are at least three other great moving causes that induced us to yield to the Senate bill and increase the usual allowance in such cases $25 a month, making the sum $75. These three reasons are the following: In the first place, a similar bill identical in language with that now under consideration was introduced in the House and passed the House and the Senate, granting $75 per month. It was introduced by Governor Black, the distinguished gentleman who is now the chief executive of the State of New York, and who at that time was a member of Congress. The bill passed the House and the Senate just before the holiday recess, but by reason of that holiday recess it was supposed by the friends of the bill that it became dead, and therefore the friends of the bill, out of abundant precaution, introduced another, the one now under consideration, identical in words and figures with the one that had already passed Congress, allowing this poor widow $75. That is one of the causes that induced your committee to accede to the Senate.

Mr. LACEY. What rate of pension is she now drawing?

Mr. LAYTON. I am sorry to say that I can not answer the gentleman from Iowa as to that, but my impression is that she is not drawing any.

Mr. LACEY. Is she entitled to any under the general law?

Mr. LAYTON. Yes; she would be entitled to the ordinary pension of $8 or $12 a month, or perhaps $30.

Mr. MILES. Thirty, I think.

Mr. LACEY. There was nothing in the service disability which produced death, so that she could get $30 a month under the general law, was there?

Mr. LAYTON. The testimony adduced before the committee was that it was at least an indirect cause of death.

Mr. LACEY. He died twenty or thirty years after the war.

Mr. LAYTON. Yes. I will state to the gentleman that he drew a pension for disabilities incurred in the war, having made application therefor some twenty years after the close of the war.

Mr. LOUD. He died, anyway.

Mr. LAYTON. He died about two years ago, and I am informed that the widow is not receiving any pension.

The second great moving cause that induced us to make this extra allowance to this widow is the fact, established by the testimony, that she was with her husband at all times during the war, frequently on the field of battle. While there she nursed and took care of the soldiers without regard to rank, privates as well as officers, for which she never asked or received any compensation.

A third reason, above all the ordinary ones that I have mentioned, that induced us to yield to the Senate was that this poor widow, who is without means, has dependent upon her an invalid daughter, who, having no other relatives or friends to support her, is now dependent upon this old mother. For these three reasons we thought that the House ought to depart from the rule recently adopted, and allow this widow the sum of $75 a month. I repeat, first, because Congress has already during this session made her this allowance; second, because of the fact that she served as a nurse during the whole period of the war, and third, because she has an invalid daughter—the daughter of this old soldier—entirely dependent upon her for support. When you take these things into consideration, Mr. Speaker, it will readily be seen that the small sum of $75 per month will not more than afford a very reasonable support for these two individuals. For these reasons, we have acceded, very reluctantly, perhaps, to a departure from the ordinary rule which I understand has been adopted by the House, believing that the case is one of exceptional merit. Therefore we were constrained to yield to the Senate and recommend the adoption of the Senate bill.

Mr. CROWTHER. Mr. Speaker, I had the honor to partly represent this House upon the conference committee which presents this report. I dissent from the report of the majority, because I believe there is no merit, justice, or equity in granting to the widow of a brigadier-general the sum of $75 per month, when this House has gone upon record, time and time again, in cases equally meritorious, in granting pensions at the rate of $50 a month.

I stand here and say frankly to this House that you are making a record in regard to these special pension bills that will become a curse to the members of the Fifty-fourth Congress. There has been no system in granting these pensions. They have been granted recklessly and extravagantly in the cases of the widows of those soldiers who happened to wear shoulder straps, and I stand here, Mr. Speaker, in the interest of the thousands upon thousands of widows and the old soldiers of the late war who made it possible for those men whose widows are now asking these exorbitant pensions to wear shoulder straps.

Now, Mr. Speaker, the only reason that was advanced in the committee of conference for presenting this report at $75 a month was that the bill had passed the House and the Senate at that rate some time ago, and that it would embarrass the gentleman representing the State of New York in the higher branch of the National Legislature to reduce the pension at this time to $50 per month. But I stand here and say that it is simple justice—and it is never too late to do right—that I am asking in these cases. I never have opposed any legitimate, honest pension bill upon this floor, and if I had the power I would be in favor of granting a pension to every man who bore a gun in the defense of his country and his country's flag, and to the widow of every man who carried a gun. But I am not in favor of granting these extravagant pensions to the widows of general officers, and making these great distinctions between the widows of the officers in comparison with those pensions granted to the widows of private soldiers, especially when this House has placed itself so squarely upon record by saying, time and again, that $50 per month is sufficient.

Mr. LOUD. The gentleman seems to be familiar with this and other cases. I will ask him if the services rendered by General Carr were any more meritorious than those rendered by General Stoneman?

Mr. CROWTHER. I will say frankly that there are no more meritorious circumstances surrounding this case than surround many others, except perhaps the fact that the widow is in a necessitous condition and has an invalid daughter dependent upon her for support.

Mr. LAYTON. And has an invalid daughter dependent upon her, and also that the widow herself served as a nurse during the war.

Mr. LOUD. Just the same condition as General Stoneman's widow; and did not General Stoneman hold a higher rank than this general?

Mr. CROWTHER. He did not hold as high a rank as General Stoneman, and I will say further, in reply to the gentleman from California, that a few days ago this House passed a bill pensioning the widow of General McKibben, of Philadelphia, a woman who was absolutely helpless, who requires the constant care and attention of another person, and she is the widow of two brave generals of the last conflict, at the rate of $50 per month. I want to say also, Mr. Speaker, in this connection, that there are no disabilities that the soldier incurred in the service that would entitle him to more than $30 a month, even though he had obtained a pension under the general law, and I submit to this House whether or not it is either fair or just to grant a pension to the widow more than double that the soldier himself would have received.

Mr. CANNON. Does the gentleman expect to get an early vote? Will the gentleman from Ohio allow me to ask him a question?

Mr. LAYTON. Certainly.

Mr. CANNON. Does the gentleman expect to get an early vote upon this conference report?

Mr. LAYTON. I desire to have it as expeditiously as possible. The House is familiar with the case.

Mr. CANNON. I hope the gentleman will demand the previous question.

Mr. CROWTHER. I yield five minutes of my time to the gentleman from Iowa [Mr. LACEY].

Mr. LAYTON. Mr. Speaker, I believe I have the floor.

The SPEAKER. The gentleman in charge of the bill is entitled to the floor. Did the gentleman yield to the gentleman from Missouri, or has the gentleman obtained the floor in his own right?

Mr. LAYTON. I did not on the floor; but I had, prior to the consideration of the bill, an understanding with the gentleman.

The SPEAKER. If the gentleman from Missouri has the floor in his own time, he has the right to yield it under the custom of the House. The gentleman from Iowa is recognized.

Mr. LACEY. Mr. Speaker, I will only occupy a very few minutes. The difficulty about these bills is this: Where the widow of a brigadier-general is entitled to a pension under the general law she makes the usual application for it to the Pension Bureau, and does not come to Congress. When not entitled under the general law, she comes to Congress to make an application for a special act, instead of asking for such a rating as the general law would allow her if she had come within its terms, and she usually asks double or treble that amount. Now, I have a bill upon this Calendar (that of Mrs. Rice) and have not thus far been able to get it considered. Why? Simply because in the case of the widow of some general killed in battle her claim has been allowed at $30 a month, and in that of the widow of some other general, who died of old age, the widow's claim is allowed by special act at $50 a month or $75, and in some cases even at $100. I have presented a bill for a widow whose husband was killed in battle, a brigadier-general, brevet major-general, and being killed in battle his widow was placed on the roll at $30 a month under the general law.

A bill has been reported giving her $50 a month, on the assumption that it has been the general consensus of opinion in this House that a brigadier-general's or a major-general's widow should have a higher rate of pension allowed than that of a lieutenant-colonel, which is $30 a month. The rate of pension allowed under the law for a brigadier-general, a major-general, or colonel, is $30 a month, the same as lieutenant-colonel. This being the case, I introduced this bill with the understanding that the House had adopted a general rule. I find myself confronted with the proposition that her bill can not be reached for consideration because so many bills have gone through at $75 a month, an unreasonable rate; and I can not get this bill considered, which is a reasonable rate, because of the objection against bills that are giving an unreasonable rate, over $50 a month, in order that the widow of a man who died of old age thirty years after the war shall have a pension of $75 a month.

Mr. LAYTON. Will the gentleman permit me to ask him a question?

Mr. LACEY. Certainly.

Mr. LAYTON. Does not the gentleman from Iowa believe that, in accordance with the policy that has been adopted by the Congresses ever since the war, that of pensioning an officer over and above lieutenant-colonel, it ought to stand upon its own merits as to the amount his widow should obtain?

Mr. LACEY. There has been no fixed policy. The policy of this Congress has been to recognize the uniform rate of $50 per month to the widows of general officers. Of course exceptions have been made, but the exceptions have given us a great deal of trouble. We made an exception in the case of General Blunt's widow. General Carr died, I am told, of cancer, long after the war, and this bill stands in the way of the passage of another bill where the soldier was mortally wounded in battle. Now, we ought to have some uniform rule upon this and not exceed $50 a month in any case; and there should be some means of passing other bills, rated at $50 or less, for the widows of brigadier-generals and those who contracted the disease from which they died in the service or were killed in battle, as in the case to which I have referred.

Mr. WILLIAM A. STONE. May I ask the gentleman a question?

Mr. LACEY. Certainly.

Mr. WILLIAM A. STONE. Suppose the widow of General Carr had applied for a pension under the law and had obtained it, how much would she have got?

Mr. LACEY. Eight dollars a month.

Mr. WILLIAM A. STONE. I do not mean under the act of 1890; I mean under the old law.

Mr. LACEY. She could not have got to exceed $30. That would have been the limit. In other words, the lady to whom I have referred gets a pension of $30 a month. Why? Because her husband was killed in battle, leaving her with five little children to care for. The other lady is recommended for $75 a month. Why? Because the general law does not cover her case and it is given by a special act.

Mr. CROWTHER. If the gentleman will permit me to correct his statement, had she obtained a pension through the Pension Office she would have got only $8 a month.

Mr. LACEY. Yes; the death of her husband not having been caused by army service.

Mr. WATSON of Ohio. Does the gentleman from Iowa think that the lady he speaks of, who has five children to take care of and gets $30 a month, gets enough?

Mr. LACEY. I do not.

Mr. WATSON of Ohio. Then why do you not take steps to have it increased?

Mr. LACEY. I have done so, but these other bills crowd in, giving other widows of officers $75 a month, which is an unreasonable amount, and which prejudices deserving cases, so that legislation in their interest is sidetracked because of the pressure of these claims for excessive amounts beyond the $50 a month which has been the amount granted in such cases under the established policy of Congress heretofore.

Mr. HULL. I want to ask my colleague a question. The question of the gentleman from Ohio [Mr. WATSON] implies that my colleague is opposing any increase above $30 a month——

Mr. LACEY. I am not. I am in favor of giving this applicant $30 a month.

A MEMBER. Fifty dollars?

Mr. LACEY. No; $30; because if we give her the utmost that she could get under the general law when the disability of her husband was contracted in the service, that certainly ought to be enough. On the other hand, the widows of general officers who died in the service should have $50 a month. I hold that the one who has a valid claim under the general law should be rated at $50 a month, while the one who would be rated at $8 a month under the act of 1890 may properly be rated at $30 a month under a special act.

The SPEAKER. Does the gentleman from Missouri [Mr. CROWTHER] yield the floor?

Mr. CROWTHER. No, sir; I reserve the balance of my time. I do not propose that anybody shall take me off the floor. I yield ten minutes to the gentleman from Kansas [Mr. BLUE].

Mr. CANNON. Mr. Speaker, I will ask the gentleman from Missouri if he will not yield to me to move to postpone the consideration of this case until Monday next, after the reading of the Journal? My object in making that request is that I may ask the House to take up immediately the deficiency bill, so that we may dispose of it and send it to the Senate.

Mr. LAYTON. If that is done, it will result in the entire defeat of this bill. We want the case decided one way or the other. This widow ought to have either $75 or $50 a month, and unless the bill is disposed of now it will probably fail entirely.

Mr. WILLIAM A. STONE. Move the previous question, then.

Mr. LAYTON. If I can get the floor I will do so.

Mr. CANNON. Can not we have an agreement that the debate shall close in twenty minutes?

The SPEAKER. The Chair desires the House to understand the status of the bill and the question that is pending. The gentleman from Ohio [Mr. LAYTON] presented this conference report. He yielded the floor and the gentleman from Missouri [Mr. CROWTHER] took it in his own right, and is therefore entitled to an hour, and may yield his time under the custom of the House. After the expiration of the hour the Chair will recognize the gentleman who has charge of the bill, in order that he may take what course he sees fit.

Mr. CANNON. I will ask the gentleman from Missouri [Mr. CROWTHER], and the gentleman from Ohio [Mr. LAYTON], whether it will not be satisfactory to them if the House will agree to close the debate in twenty minutes?

Mr. LAYTON. I have no objection to that.

Mr. CROWTHER. I will agree to that, but I submit to the gentleman from Ohio that if he will consent to make this $50 a month, the bill can go right through now.

Mr. LAYTON. Let the debate be limited to twenty minutes and the time divided equally. The gentleman from Missouri [Mr. CROWTHER] will bear me out in the statement that it was virtually the understanding before the conference report was taken up that the time should be equally divided.

The SPEAKER. The gentleman from Ohio [Mr. LAYTON] asks unanimous consent that the debate upon the conference report be closed in twenty minutes, the time to be equally divided. Is there objection?

Mr. MILNES. I object.

The SPEAKER. Objection is made. The gentleman from Kansas [Mr. BLUE] is recognized.

Mr. MILES. Mr. Speaker, is it in order to move that debate close in twenty minutes?

The SPEAKER. It is not in order.

Mr. BLUE. Mr. Speaker, if I can have the attention of the House for a few moments, I shall not occupy very much of its time on this question.

It seemed apparent a few days ago that it was settled by the House at least, as something in the nature of a rule for the government of pension cases, that we should fix the limit of pensions at not exceeding $50 per month in the case of the widows of general officers. In accordance with that understanding, we gave to the widow of General Stoneman a pension of that amount. His record is a part of the history of this country. His services as an officer are surpassed by few of the leaders of the Federal Army.

For his efficiency he was made the commander of one of the two grand divisions of Sherman's army in its march to the sea; and he rendered to the country a glorious as well as a valuable service in that memorable campaign. Fifty dollars a month is the pension fixed by the House as sufficient in that case for his widow.

Now, why should the widow of this general, inferior in rank, with services far less extensive and far less glorious and valuable, be made an exception to break what was sought to be established as a rule, and give her $75 per month instead of $50? The excuse is that she is old; that she is dependent upon her exertions; that she has also dependent upon her a daughter, and, if I caught the statement correctly, another argument was made that the daughter had served as an army nurse. If that is true, she should be pensioned in her own right.

Mr. HULL. That is a mistake. It was his widow who was an army nurse.

Mr. BLUE. Gentlemen around me tell me that it was the widow who was the army nurse and that I did not hear the statement correctly. Now, I do not know, Mr. Speaker, why that should be any good reason for increasing this pension. But even if it be so, I see no reason why this pension should be any larger than the usual pension in such cases. To be accurate about it, and strictly accurate, if she is entitled by reason of service as an army nurse to a pension, let it take its course and be adjusted as the pension of an army nurse. Twelve dollars is the limit we have fixed in such cases as that at all times, and that would make her pension, with $50 per month as the wife of a general officer, but $62 per month. If we are to adhere to the rule, we should certainly not go beyond that.

Further than that, the House, acting in behalf of widows in absolutely destitute circumstances, considered the case of the widow of a former member of this body, General Vandever, and gave her a pension of but $50 per month. If this bill is to become a law after the repeated efforts to fix its rate at $75 a month, it must stand before the country as a case of invidious discrimination or preference in behalf of a particular widow rather than a pension along the line of what is just, equitable, and fair under all of the circumstances.

The gentleman from Pennsylvania [Mr. WILLIAM A. STONE] said, and well said, the other day, that the difference in pensions this body is making—that is, the difference between the pensions of the widows of general officers and the widows of enlisted men—is bringing discontent throughout the land. The fact is deleterious and injurious to the whole system of pensions. The effect will come back to the House hereafter, as suggested by the gentleman from Missouri [Mr. CROWTHER] to-day, whose remarks I heartily approve, and in whose views I heartily concur. I say, sir, if this rule is to be preserved, let us stand by the $50 per month pension, and limit it to that sum, in cases of widows of general officers.

It is better, Mr. Speaker, to settle the matter now than at any time in the future. If this is to be made an exception, in the case of a widow of a brigadier-general, then other exceptions will be found to follow this, and other excuses made to pay other pensions no more meritorious than the one now under consideration.

So, Mr. Speaker, I trust that the House will adhere to its action heretofore taken and refuse to support the views of the committee of conference.

I yield back to the gentleman from Missouri the remainder of the time accorded to me.

Mr. CROWTHER. I yield seven minutes to the gentleman from Ohio [Mr. LAYTON], and then three to the gentleman from Iowa [Mr. HULL].

Mr. LAYTON. Mr. Speaker, I wish to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LAYTON. The gentleman having yielded to me seven minutes, would it be in order for me to yield a portion of that time to my colleague?

Mr. CANNON. I thought we were to have a twenty-minute arrangement?

Mr. LAYTON. The gentleman from Illinois does not seem to have had a distinct understanding with the gentleman from Missouri. At all events, seven minutes have been yielded to me, and I desire to yield so much as my colleague wants——

The SPEAKER. The Chair would suppose that the gentleman could yield to his colleague with the consent of the gentleman from Missouri.

Mr. CROWTHER. I have no objection whatever to the gentleman occupying the time in such way as he sees proper.

Mr. LAYTON. Then I yield of the time accorded to me such part as the gentleman from Ohio, my colleague [Mr. WATSON], may desire to occupy.

Mr. WATSON of Ohio. Mr. Speaker, I believe I have not spoken upon a question of this kind since I have been a member of the House, but I have a deep interest in this kind of legislation, and have been pained almost beyond expression at some of the sentiments which I have heard uttered upon this side of the House in reference to some pension bills.

I want, in the first place, to say that I concur most heartily in the language of the gentleman from Missouri [Mr. CROWTHER] when he says that if he had the power he would pension every man who bore a gun and fought in defense of the Republic. So would I. But I say also to the gentleman from Missouri and to the gentlemen of the House that when the widow of a brave general, who is to-day absolutely without means of support, who is past 70 years of age, who is herself almost an invalid, who has an invalid daughter depending upon her for the necessities of life, and nothing with which to meet those necessities, comes before the American Congress and asks this body to give her during the few remaining years she shall live the meager pittance of $75 per month, it is small business for the American Congress to refuse the request.

I appeal to the patriotism as well as the judgment of this House to pass this bill. Gentlemen tell us that the men who fought in the ranks, the men who bore the muskets, will resent this kind of legislation. In behalf of every man in all that mighty host who battled for the Stars I resent that statement as an unfair insinuation. There is not a single soldier who did battle for the flag of the Republic, if he knew all the circumstances of this case, would object to this bill. There is not one who would not say that he would be glad to have this Congress put the name of this widow upon the pension roll at $75 per month. I want to say, in reply to a suggestion made by the distinguished gentleman from Iowa [Mr. LACEY], in speaking of a case which he had a short time ago, that the trouble is with his case and not with this one. The widow to whom he refers does not receive what she ought, but that is no reason why the gentleman should vote against the allowance provided for in this bill. The fact that his constituent does not receive what she is entitled to receive does not justify the gentleman in attacking the amount which this bill proposes to give. And I regret that the gentleman is willing to withhold a proper allowance in the one case because he can not secure a proper allowance in the other.

Such logic should not commend itself to either the judgment or the patriotism of this House. I would guard the Treasury of this nation with as much sacredness and as much integrity as any man upon this floor, but it is not a useless waste of the nation's money to pay the amount provided for in this bill, when all the circumstances of the case are considered. On the other hand, I think the fairness of the proposition will commend itself to the mind of every member upon this floor. This nation is great enough and rich enough to pay $75 per month to the widow of every general who is situated as this unfortunate widow is. She has passed the seventieth year of her life, is in feeble health, and has dependent upon her an invalid daughter of middle age.

If we should grant this widow $75 per month, our action would be sustained by the sympathy and judgment of the entire nation. I do not believe that any soldier would complain of it, but, on the contrary, would rejoice at the generosity and patriotism of Congress in doing what the necessities of the situation demanded.

Mr. LAYTON. I reserve the balance of my time.

Mr. CROWTHER. I yield the gentleman from Iowa [Mr. HULL] five minutes. Then I shall ask for the previous question.

Mr. HULL. Mr. Speaker, there is no pretense on the part of the advocates of this bill that General Carr's life was shortened one single day by his service in the Army, or that, as a result of his service in the Army, his wife was left a widow one single hour sooner than she would have been if he had never enlisted. He had rendered distinguished service in the Army, but his service in civil life was probably more distinguished than his service in military life. There is nothing in this case which takes it out of the general rule established by the House on repeated votes of giving a maximum of $50 a month to the widows of general officers.

Under the general law, if his death had resulted from the service, his widow would have been entitled to a pension of $30 a month. Under the law of 1890, which applies to soldiers and officers alike, his death resulting from causes entirely outside of his army service, she would be entitled to $8 a month. And I want to say to my associates and colleagues in this Hall that when the Congress of the United States goes from $8 a month to $50 a month, as is proposed in this case, it is dealing not only justly, but generously with the widow of this soldier.

Mr. Speaker, the gentleman from Ohio [Mr. WATSON] has gone out of the record in this case to speak for the soldiers of the United States, and quote them in favor of highest pensions to officers' widows. I think I am entitled to speak somewhat for the soldiers myself. I doubt not, Mr. Speaker, that I associate with them more intimately than does my friend from Ohio [Mr. WATSON], and I want to say to him and to this House that he is mistaken when he says that the private soldiers of the United States do not resent this constant and growing tendency on the part of Congress

to draw such a marked distinction between the widow of the soldier and the widow of the officer. They recognize a proper distinction, but this House in every case of the widow of a private soldier, with possibly one exception, has limited the pension to $12 a month—the largest amount given to the widow of a private by general law. Now, in the case of this widow, if we make her pension $50 per month, we increase the pension that she is entitled to under the law $42. I say that the charge of our being ungenerous or parsimonious with the widows of general officers, when we grant them $50 a month, does not lie against this House.

Mr. WILLIAM A. STONE. I can not get any time to speak on this question, and I want to ask the gentleman if it is not true that he is getting letters from the widows of soldiers in his district, and others who have read of our passing these bills at $75 a month, asking him to introduce bills for them, and if it is not true that this legislation has created great dissatisfaction among pensioners who can only get $12 a month?

Mr. HULL. It is not only true that I am getting letters, but I am also getting resolutions adopted by Grand Army posts, protesting against this continual discrimination against the widows of private soldiers in favor of the widows of general officers.

Mr. WILLIAM A. STONE. I will again ask the gentleman if there is any excuse for making a departure from the precedent of $50 a month in this case except attempted liberality with an overflowing Treasury, which everybody knows we have not got?

Mr. HULL. The gentleman can answer that question about as well as I could. But I want to say again, Mr. Speaker, that if we adhere to the rule we have adopted by vote after vote, especially where the soldier's life was not shortened a day by disease contracted in his army service, of granting $50 a month to his widow, we are dealing generously with her.

Mr. LAYTON. Will the gentleman permit me, before he demands the previous question? I desire to say, and have the RECORD show, that I submitted this conference report in the absence and at the special request of my colleague from Michigan, the chairman of the committee [Mr. THOMAS].

Mr. CROWTHER. Mr. Speaker, I hope the House will reject this report of the committee of conference, and send the bill back to conference with instructions to the conferees to stand by the House amendment.

Mr. WILLIAM A. STONE. Which was $30 a month.

Mr. CROWTHER. Which was $50 a month. I now demand the previous question.

The previous question was ordered.

The question was taken on agreeing to the conference report, and the Speaker announced that the noes seemed to have it.

Mr. LAYTON. Division, Mr. Speaker.

The House divided; and there were—ayes 44, noes 100.

So the report of the committee of conference was rejected.

Mr. CROWTHER. I move that the House insist upon its amendment and ask for a further conference upon the bill.

The motion was agreed to.

Mr. CROWTHER. I move that the conferees be instructed to insist upon $50 per month.

The SPEAKER. The gentleman moves that the conferees be instructed to insist upon the House amendment for the payment of $50 per month.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. CROWTHER, Mr. THOMAS, and Mr. LAYTON.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills, my intention being to call up the general deficiency bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. PAYNE in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 10329.

Mr. CANNON. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

There was no objection, and it was so ordered.

Mr. CANNON. Mr. Chairman, I will ask the gentleman from Texas [Mr. SAYERS] how much general debate is desired?

Mr. SAYERS. Mr. Chairman, I suggest to the gentleman in charge of the bill that this bill be read and considered by paragraphs, with the understanding that there are two amendments which will be offered touching the appropriation for the Southern Pacific Railway Company.

Mr. CANNON. Southern and Union.

Mr. SAYERS (continuing). That these amendments be considered when the consideration of the bill shall have been concluded, and that an hour and a half be allowed upon a side. I would also suggest to the gentleman that in the consideration of this bill paragraph by paragraph latitude be allowed for the discussion, and I think we can get through quite rapidly.

Mr. CANNON. Do you think you want an hour and a half?

Mr. SAYERS. I do not know that we shall.

Mr. CANNON. I now ask unanimous consent that general debate may be considered as closed upon this bill, with the exception that in the consideration of the bill we may pass the item carrying an appropriation for the Southern Pacific Company, and at the conclusion of the bill we may recur to that item, and that there may be, if desired, an hour and a half general debate thereon.

Mr. SAYERS. On each side.

Mr. CANNON. On each side.

Mr. GROW. I object, for the purpose of making a statement.

The CHAIRMAN. A statement would hardly be in order. If there is no objection, the gentleman will proceed.

Mr. GROW. I only need a minute to do it. The House in Committee of the Whole House on the state of the Union is the only place for general debate upon questions affecting the whole country—general questions. Unless it is understood I can have thirty or forty minutes to speak upon an important question that the whole country is interested in, I shall object to this unanimous consent.

Mr. SAYERS. Just a moment. I think if this agreement which the gentleman from Illinois proposes is effected, there will be no question about the gentleman from Pennsylvania being able to get thirty minutes.

Mr. GROW. Mr. Chairman, it was after ten years' contest that this House passed a free-homestead bill. A similar bill is pending in the Committee of the Whole House on the state of the Union, and unless it is understood that on this bill I can have thirty or forty minutes, which is the only opportunity I can get to discuss it, I shall object.

Mr. CANNON. Now, Mr. Chairman, I will not be placed under bond. This is public business, and in the closing days of this session I want this bill to go to the Senate at the earliest possible minute; and I want to say to the gentleman I have every disposition to accommodate him, but I will not now agree that forty minutes of any time for general debate shall be given.

Mr. GROW. There is no danger of general appropriation bills failing. Not at all. I have seen four or five passed in the last twenty-four hours of a session? If there is no disposition to yield that to me, I oppose any agreement.

Mr. CANNON. Very well.

Mr. GROW. Thirty or forty minutes is just of as much importance on a public question at one time as at another.

Mr. SAYERS. Let me suggest to the gentleman from Pennsylvania that there is great danger of some of these appropriation bills failing.

Mr. GROW. Not a bit of it.

Mr. SAYERS. All right.

Mr. CANNON. Mr. Chairman, this general deficiency bill carries $8,441,029.43. The estimates are $9,325,915.21. The bill, therefore, is a reduction of the estimates of $884,885.78. The bill contains a great many items which can best be considered under the five-minute rule, and now, if it is satisfactory to the gentleman from Texas [Mr. SAYERS], I will yield to him what time he desires, or, if he does not wish to address the committee, I will move to close general debate.

Mr. SAYERS. Mr. Chairman, I do not desire to consume the time of the committee. I am entirely confident that at the proper time there will be sufficient opportunity given for debate upon the important items, and I do not wish to delay the consideration of the bill by taking the floor now.

Mr. CANNON. Now, Mr. Chairman, I move that the committee rise.

Mr. GROW. All right. If the House wants to vote down all discussion on an important question, it can do so.

Mr. CANNON. I have every disposition to give the gentleman from Pennsylvania the time he desires, but——

Mr. GROW. Then grant it now by unanimous consent; or, if you think you can spend forty minutes in a better way, try it.

The motion of Mr. CANNON was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, from the Committee of the Whole House on the state of the Union, reported that they had had under consideration the bill H. R. 10329, the general deficiency bill, and had come to no resolution thereon.

Mr. CANNON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for further consideration of general appropriation bills, and pending that motion I move that all general debate upon the general deficiency bill be limited to one minute.

Mr. GROW. I hope that motion will be voted down.

The question being taken, the Speaker declared that he was in doubt as to the result.

The House divided; and there were—ayes 79, noes 94.

Mr. CANNON. Mr. Speaker, I ask for tellers.

Mr. GROW. I demand the yeas and nays, Mr. Speaker.

The yeas and nays were ordered, 76 members voting in favor thereof.

The question was taken; and there were—yeas 92, nays 126, not voting 137; as follows:

YEAS—92.

Aldrich, Ill.	Dovener,	Lorimer,	Payne,
Allen, Miss.	Draper,	Loud,	Perkins,
Arnold, R. I.	Fischer,	Low,	Pitney,
Babcock,	Gillet, N. Y.	Maddox,	Poole,
Beach,	Gillett, Mass.	Mahon,	Raney,
Bennett,	Grosvenor,	McCall, Tenn.	Ray,
Bingham,	Harrison,	McClellan,	Reeves,
Blue,	Hemenway,	McCreary, Ky.	Richardson,
Boatner,	Henderson,	McLaurin,	Rinaker,
Brewster,	Hooker,	Meiklejohn,	Sayers,
Burrell,	Hopkins, Ill.	Mercer,	Sherman,
Burton, Mo.	Hull,	Meyer,	Southwick,
Cannon,	Hunter,	Miles,	Steele,
Catchings,	Hutcheson,	Milliken,	Stone, W. A.
Clark, Iowa	Jenkins,	Mitchell,	Taft,
Clarke, Ala.	Joy,	Money,	Tyler,
Cobb,	Kirkpatrick,	Morse,	Van Voorhis,
Codding,	Kleberg,	Mozley,	Wadsworth,
Cooper, Tex.	Knox,	Northway,	Warner,
Cousins,	Lawson,	Odell,	Washington,
Crisp,	Layton,	Ogden,	Williams,
Dalzell,	Leighty,	Otjen,	Wilson, N. Y.
Dockery,	Livingston,	Overstreet,	Woomer.

NAYS—126.

Abbott,	Eddy,	Lacey,	Settle,
Adams,	Ellett,	Lefever,	Shafroth,
Aldrich, T. H.	Ellis,	Leisenring,	Simpkins,
Anderson,	Fenton,	Lester,	Snover,
Apsley,	Fitzgerald,	Lewis,	Sorg,
Bailey,	Fowler,	Linton,	Spalding,
Baker, N. H.	Gamble,	Little,	Spencer,
Bankhead,	Gardner,	Long,	Stahle,
Barney,	Gibson,	Maguire,	Stephenson,
Bartholdt,	Grow,	Mahany,	Stewart, N. J.
Bartlett, Ga.	Hager,	Martin,	Strowd, N. C.
Bell, Colo.	Hall,	McClure,	Sulloway,
Black,	Halterman,	McCulloch,	Talbert,
Brosius,	Hanly,	McDearmon,	Terry,
Bull,	Hardy,	McEwan,	Towne,
Burton, Ohio	Harris,	McLachlan,	Tracey,
Clardy,	Hartman,	McRae,	Treloar,
Coffin,	Hatch,	Meredith,	Turner, Ga.
Colson,	Heatwole,	Miller, Kans.	Updegraff,
Connolly,	Henry, Conn.	Milnes,	Walker, Mass.
Cooper, Fla.	Hermann,	Moody,	Walker, Va.
Cooper, Wis.	Hicks,	Neill.	Wanger,
Cox,	Howard,	Noonan,	Watson, Ohio
Crowther,	Howe,	Otey,	Wheeler,
Culberson,	Hubbard,	Owens,	Wilson, S. C.
Cummings,	Hulick,	Patterson,	Wood,
Curtis, Iowa	Johnson, Cal.	Pearson,	Woodard,
Curtis, Kans.	Johnson, Ind.	Prince,	Woodman,
Danford,	Johnson, N. Dak.	Pugh,	Wright,
Daniels,	Kerr,	Reyburn,	Yoakum.
De Witt,	Kiefer,	Robinson, Pa.	
Dinsmore,	Kyle,	Scranton,	

NOT VOTING—137.

Acheson,	Dayton,	Jones,	Shuford,
Aitken,	De Armond,	Kem,	Skinner,
Aldrich, W. F.	Denny,	Kulp,	Smith, Ill.
Allen, Utah	Dingley,	Latimer,	Smith, Mich.
Andrews,	Dolliver,	Leonard,	Southard,
Arnold, Pa.	Doolittle,	Linney,	Sparkman,
Atwood,	Erdman,	Loudenslager,	Sperry,
Avery,	Evans,	Marsh,	Stallings,
Baker, Kans.	Fairchild,	McCall, Mass.	Stewart, Wis.
Baker, Md.	Faris,	McCleary, Minn.	Stone, C. W.
Barham,	Fletcher,	McCormick,	Stokes,
Barrett,	Foote,	McMillin,	Strait,
Bartlett, N. Y.	Foss,	Miller, W. Va.	Strode, Nebr.
Belknap,	Goodwyn,	Miner, N. Y.	Strong,
Bell, Tex.	Graff,	Minor, Wis.	Sulzer,
Berry,	Griffin,	Mondell,	Swanson,
Bishop,	Griswold,	Moses,	Tate,
Boutelle,	Grout,	Murphy,	Tawney,
Bowers,	Hadley,	Murray,	Tayler,
Broderick,	Hainer, Nebr.	Newlands,	Thomas,
Bromwell,	Harmer,	Parker,	Thorp,
Brown,	Hart,	Pendleton,	Tracewell,
Brumm,	Heiner, Pa.	Phillips,	Tucker,
Buck,	Hendrick,	Pickler,	Turner, Va.
Calderhead,	Henry, Ind.	Powers,	Van Horn,
Chickering,	Hepburn,	Price,	Watson, Ind.
Clark, Mo.	Hilborn,	Quigg,	Wellington,
Cockrell,	Hill,	Robertson, La.	White,
Cook, Wis.	Hitt,	Royse,	Wilber,
Cooke, Ill.	Hopkins, Ky.	Rusk,	Willis,
Corliss,	Howell,	Russell, Conn.	Wilson, Idaho
Cowen,	Huff,	Russell, Ga.	Wilson, Ohio.
Crowley,	Huling,	Sauerhering,	
Crump,	Hurley,	Shannon,	
Curtis, N. Y.	Hyde,	Shaw.	

The following pairs were announced:

Until further notice:

Mr. PICKLER with Mr. MINER of New York.

Mr. THOMAS with Mr. TUCKER.

Mr. DINGLEY with Mr. MCMILLIN.

Mr. CORLISS with Mr. COWEN.

Mr. MCCALL of Massachusetts with Mr. JONES.

Mr. HARMER with Mr. HUTCHESON.

For this day:

Mr. DOLLIVER with Mr. BELL of Texas.

Mr. BROMWELL with Mr. SWANSON.

Mr. ARNOLD of Pennsylvania with Mr. CROWLEY.

Mr. ANDREWS with Mr. PENDLETON.

Mr. AITKEN with Mr. HART.

Mr. KULP with Mr. SHAW.

Mr. CHARLES W. STONE with Mr. DE ARMOND.

Mr. ARNOLD of Rhode Island with Mr. RUSK.

Mr. HULING with Mr. BUCK.

Mr. HITT with Mr. COCKRELL.

Mr. HURLEY with Mr. TATE.

Mr. LINNEY with Mr. BERRY.

Mr. LOUDENSLAGER with Mr. DINSMORE.

Mr. MCCLEARY of Minnesota with Mr. RUSSELL of Georgia.

Mr. MINOR of Wisconsin with Mr. DENNY.

Mr. WILBER with Mr. STALLINGS.

Mr. RUSSELL of Connecticut with Mr. PRICE.

Mr. SMITH of Illinois with Mr. MOSES.

Mr. STEWART of Wisconsin with Mr. STRAIT.

Mr. TAWNEY with Mr. SULZER.

Mr. WILSON of Ohio with Mr. TURNER of Georgia.

Mr. SMITH of Michigan with Mr. ROBERTSON of Louisiana.

During the roll call the following took place:

Mr. CANNON. Mr. Speaker, I desire to interrupt the roll call to ask a unanimous consent. As it is perfectly evident that, in deference to the gentleman from Pennsylvania [Mr. GROW], the majority of the House desires that he should have his time, I ask consent that the further calling of the roll be dispensed with, and that the House go into Committee of the Whole for the consideration of the general deficiency bill. If that be agreed to, I will yield the gentleman from Pennsylvania [Mr. GROW] forty minutes of my time. [Applause.]

Mr. WALKER of Virginia. I object.

The Clerk resumed and completed the call of the roll.

The result of the vote was then announced as above recorded.

Mr. CANNON. Mr. Speaker, I ask unanimous consent that general debate upon the deficiency bill be closed at the end of forty-two minutes, and give notice that, if that be agreed to, when we go into Committee of the Whole I will yield forty minutes to the gentleman from Pennsylvania. I further ask that the bill may be read through, and that we may pass over the Southern Pacific Railroad item, recurring to it at the end of the bill, and that we may then have an hour and a half for general debate on that item.

Mr. GROW. Mr. Speaker, I object to that arrangement. If the House goes into committee and I am allowed to take the floor, when I get through the gentleman will have the floor, and we will then agree to anything he desires about the bill. [Laughter.]

Mr. CANNON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for further consideration of general appropriation bills.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole, Mr. PAYNE in the chair.

Mr. CANNON. Mr. Chairman, I believe I am recognized for debate?

The CHAIRMAN. The gentleman is recognized for general debate if he desires to occupy the floor.

Mr. CANNON. I think I exhausted about two minutes of my time heretofore.

The CHAIRMAN. The Chair's recollection is that the gentleman occupied three minutes. [Laughter.]

Mr. CANNON. Now, Mr. Chairman, the House evidently desires to hear the eminent gentleman from Pennsylvania [Mr. GROW] in general debate upon the pending bill. I am exceedingly anxious to get on with the bill. It is now the last days of the session, and the Senate ought to have this important bill promptly. But the House, out of courtesy to the gentleman from Pennsylvania, with which I have no disposition to quarrel—and if I had it would not avail anything [laughter]—the House evidently desires to give the gentleman an opportunity to be heard. Gentlemen are evidently disposed to hear discussion from the gentleman from Pennsylvania. That being the case, I shall be a most interested auditor, and would be very glad now to yield to the gentleman, if it suits his convenience, as much time out of the time remaining to me as I have at my disposal—that is to say, as I understand it, about fifty-six minutes.

Mr. GROW. I thank the gentleman from Illinois for his kindness, but I ask to be recognized to take the floor in my own right, without prejudice to the rights of the gentleman from Illinois, and leave him the right to occupy the floor, with his time, if he chooses to do so hereafter.

Mr. CANNON. The gentleman desires more than forty minutes, then, I suppose?

Mr. GROW. I do not think I shall wish to occupy the entire time, but I do not care to deprive the gentleman from Illinois of any of his time.

Mr. CANNON. The gentleman now declines to accept the fifty-six minutes?

Mr. GROW. I think my proposition is better.

Mr. CANNON. I ask if the gentleman declines to accept the fifty-six minutes?

Mr. GROW. No.

Mr. CANNON. If the gentleman will accept, I will yield it to him.

Mr. GROW. No. I suggested that I be allowed to speak in my own time, and the gentleman can take the floor in his own time. If I do not occupy the entire hour accorded to me by the rules, I will yield the balance, if any remains, to the gentleman from Illinois. I do not expect to trespass on the patience of the committee very long.

Mr. CANNON. Now, the gentleman has had his own way in substance up to this time, and if he will not take my fifty-six minutes, out of respect to the gentleman's reputation, and he having the House clearly with him, he shall have it in form as well. I therefore reserve the remainder of my time. If the Chair chooses to recognize the gentleman from Pennsylvania, he can now proceed.

Mr. GROW. Mr. Chairman, when compelled to assert my rights on this floor, I do not propose to take them by the courtesy of anybody. [Applause.]

I appealed to the chairman of the Committee on Appropriations, stating to him that I wanted to speak some thirty or forty minutes on the general question of free homesteads, the bill now pending in the House. It was a ten-years steady and constant struggle in the House to pass the first free-homestead bill, and when I asked the privilege of being allowed thirty or forty minutes' time on that question I was informed that it was uncertain whether there would be time for that.

Do I understand, Mr. Chairman, that I am now recognized in my own right to speak, under the rule?

The CHAIRMAN (Mr. SHERMAN in the chair). That is correct. The gentleman is so recognized.

Mr. GROW. I was simply explaining, Mr. Chairman, why I did not make the effort in a factious spirit. I am ready to advance the business of the House; but when I made my appeal to the chairman of the Appropriations Committee, that I would like thirty or forty minutes to speak on the general question of homesteads—a subject that could not excite any opposition or discussion of importance—I received no answer except that he did not know whether there would be time. I was then forced to assert my own rights on the floor. I thought it was my duty to assert my right as a representative of the people to speak on a public question, interesting to the whole people of the country, without the consent of anybody, and I have taken the floor for that purpose. [Applause.]

Forty-five years ago it was my privilege in this presence to advocate the right of the pioneer settler to his home; and now it is my privilege in the same presence to advocate his rightful ownership in the soil. In 1889, and immediately thereafter, treaties were made with various Indian tribes for their lands in Oklahoma, Nebraska, Minnesota, North and South Dakota, Idaho, Montana, Washington, and Oregon. After the ratification of these treaties, and entirely independent of them, Congress passed laws relative to each of these acquisitions, requiring persons who should settle upon them to pay into the Treasury at the end of five years from $1 to $3.75 per acre. This was an abandonment, so far as these lands are concerned, of the free-homestead policy which applies to all other public lands. The price exacted by the Government for these lands is greater, and in some cases much greater, than the price which existed for any of the agricultural lands of the Government previous to the passage of the free-homestead law. The object of this bill is to put the lands acquired by these treaties under the same homestead provisions as now exist for all other lands heretofore acquired by treaties with Indian tribes or in any other way, and relieve them from imposition of greater hardship and injustice than was ever imposed upon the actual settlers under our land system since the foundation of the Government, when the lands were sold to the highest bidder. This was an innovation on the provisions of the free-homestead policy, and that is the reason I desired to call the attention of the House to the bill now pending as a Senate amendment to the House bill.

This House, in the last session of Congress, passed a bill relieving the settlers in Oklahoma, and it went to the Senate. It was amended there by including all settlers similarly situated on all the public lands of the United States; and it comes back and is pending here on our Calendar. Whether we will have an opportunity to act on it or not I can not say. But after a contest during my former entire Congressional service to secure relief to the pioneer settlers, who have converted our wilderness into blooming fields, and who have established civilization on the ruins of savage life, I was not willing that this session should close without having public attention called to the hardship and injustices imposed upon the settlers on the public lands affected by this bill.

On the 30th day of March, 1852, my first speech as a member of Congress was made in the Old Hall of the House of Representatives, on Man's Right to the Soil. From that time forth, in season and out of season, the policy of free homes for free men was kept constantly before Congress until the 27th day of May, 1862 (to take effect January 1, 1863), when it became the law of the land by the signature of the unlettered child of the prairies, Abraham Lincoln, after I had signed the enrolled bill as Speaker of the House.

There are two interesting incidents connected with the final passage of the original free-homestead bill. First, it took effect on the day of Lincoln's emancipation proclamation. Second, the first settler under the homestead bill, which provided free homes for free men, was named Freeman. Daniel Freeman, of Beatrice, Gage County, Nebr., was a Union soldier, home on a furlough, which would expire on the 2d or 3d day of January, 1863. At a little past midnight on the 1st day of January, 1863, he made his entry in the land office of his district and left his home the same day to take his place again in the ranks on the tented fields. His entry was No. 1, his proof of residence was No. 1, his patent was No. 1, recorded on page 1, of book 1, of the Land Office of the United States. The first settler under this law was a Freeman, and I trust the last of its beneficiaries in the long coming years of the future will be a free man. [Applause.]

The Congress of the United States was the first legislative body of any nation in the world's history, so far as I know, to set apart or attempt to set apart its public domain in homes for its citizen, without money and without price. There had been many efforts made, reaching far back into antiquity, for limiting the number of acres that might be acquired by a single individual, and for preventing or restricting the acquisition of lands by the few, and for a division of public lands among different classes of the people. Four hundred years before the Christian era, Licinius Stolo, a Roman citizen of plebeian birth, was elected tribune of the Commons. He procured the passage of a law, which in history bears his name, restricting the acquisition of the public lands by any one individual to 500 jugera—about 350 acres. During his term of office he also secured the passage of other regulations to prevent the patrician class from monopolizing the lands acquired by conquest or purchase. Two hundred and fifty years later Tiberius Gracchus, of patrician birth—his mother being Cornelia, daughter of Scipio Africanus—was elected tribune of the Commons. He espoused the cause of the plebeians and became their recognized leader. He attempted to revive the old Licinian law, which had fallen into disuse, and lost his life in his efforts to secure a more equitable division of the public lands and to provide for their cultivation by free men instead of slaves. A little later his brother, Caius Gracchus, was elected tribune of the Commons, and he, too, lost his life in endeavoring to secure the reforms advocated by his brother.

Had Rome adopted the policy advocated by the Gracchi, of distributing the public lands among the landless of her citizens, and securing their cultivation by free men instead of slaves, the eagles of the Roman commonwealth might have floated in triumph long after the ivy twined the broken columns of the imperial palace of her Cæsars. For when at last the barbarian from his wilderness home came with torch and spear to the very walls of the Eternal City, there was no longer an independent yeomanry with homes to defend, or a great patriotic laboring people to bare their bosoms in its defense; and the seven hills falls an easy prey to the Goth and Vandal; and Italy, proud mistress of the world, is overrun by rude warriors. The bat and the owl build their nests in the crumbling walls of her Coliseum, the grandest architectural ruin of all antiquity.

From the death of the Gracchi through the more than twenty centuries of subsequent history many attempts had been made in various nations to change the tenure of lands or to provide for their distribution among different classes of the people. But through it all there was a universal consent that the title and rightful ownership in the soil of the earth's surface was in the king or the ruling class, called the State, and that the public domain might rightfully be held as a source of revenue or be doled out in vast manors to court favorites or granted in unlimited quantities in donations and charities. In 1846, Felix Grundy McConnell, a member of Congress from Alabama, introduced in Congress a bill which provided that any head of a family might enter 160 acres of land on filing affidavit that he or she intended to cultivate it for five years and was "wholly unable to pay the minimum price fixed by law." This bill by its very terms was a mere charity and it was so intended. It asserted no principle as to the rightful ownership in the soil or any general policy for the disposition of the public lands. Nothing was done with it after its introduction. Of the many propositions and legislative measures proposed in this country and others relative to the disposition of the public domain, the free-homestead law, passed by the American Congress in 1862, is the only one to my knowledge

that was based on the great fundamental principle, founded in nature and natural law, that whoever applies his labor to an unoccupied portion of the earth's surface in its cultivation, seals his title of rightful ownership thereto in the sweat of his face as it moistens the soil he tills. [Applause.]

For ten years after my first entry into Congress, the all-absorbing question of legislative discussion in these Halls, next to that of restricting slave labor institutions to their then existing limits, was the question as to the proper and best disposition to be made of the public lands. For final success in legislation, the policy of setting them apart in free homes for actual settlers had to be divested of the idea that it was one of charity or Government bounty. If that was the case, it could have no permanent place in legislation. To secure such place, it must be recognized, both by lawmakers and the people, as a fundamental right, belonging to the settler, of which he could not justly be deprived. From the first, therefore, I endeavored so far as my ability would permit to enforce the position that the Government should stop all sales of the public lands and confine their occupancy in limited quantities to the actual settler alone, and that this ought to be done as an act of justice to the settler as well as sound policy for the Government. Hence my voice and vote were always against any other disposition of the public lands. The discussion of the question finally culminated in the enactment of the free-homestead law as the fixed policy of the Government in the manner already stated.

In support of the present Senate bill I will read an extract from the speech delivered in the Old Hall before a majority, or very near it, of the members of this House were born. It will, therefore, if they have not been diligent readers of the Congressional Globe, be as new to them, if not to the rest of the House, as anything I might utter at this time. And I am sure it will be quite as conclusive in argument. Before doing so I ask unanimous consent to print as an appendix to my present remarks part of the speech made in 1860 on the homestead law before its passage. The history of the acquisition of the public lands which it contains and the reasons urged for the passage of the bill then pending are all equally applicable to the pending Senate bill.

The CHAIRMAN (Mr. SHERMAN). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

[Extract from speech made March 30, 1852, on Man's Right to the Soil.]

"But even if the Government could derive revenue from the sale of the public lands, it is neither just nor sound policy to hold them for that purpose. It is well sometimes to go back of the authority of books and treatises on human rights, composed by authors reared and educated under monarchical institutions, and whose opinions and habits of thought consequently have been more or less shaped and molded by such influences, and examine by the light of reason and natural law the true foundation for governments and of the inherent rights of man.

"The fundamental rights of man may be summed up in two words: Life and happiness. The first is the gift of the Creator, and may be bestowed at his pleasure; but it is not consistent with his character for benevolence that it should be bestowed for any other purpose than to be enjoyed; and that we call happiness. Therefore, whatever nature has provided for preserving the one or promoting the other belongs alike to the whole race. And as the means for sustaining life are derived almost wholly from the soil, every person has a natural right to so much of the earth's surface as may be necessary for his support. To whatever unoccupied portion of it, therefore, he applies his labor for that purpose, from that time forth it becomes appropriated to his own exclusive use; and whatever improvements he may make by his labor becomes his property and subject to his disposal.

"The only true foundation for any right to property is man's labor. That is property, and that alone, which the labor of man has made such. What right, then, can the Government have in the soil of a wild and uncultivated wilderness as a source of revenue, to which not a day's nor an hour's labor has been applied to make it more productive and answer better the end for which it was created, the support and happiness of the race?

"It is said by Blackstone in his Commentaries that—

"There is no foundation in nature or natural law why a set of words upon parchment should convey the dominion of land. The use and occupancy alone gives to man an exclusive right to retain in a permanent manner that specified land, which before belonged generally to everybody, but particularly to nobody.

"It may be said, true, such would be man's right to the soil in a state of nature; but when he entered into society he gave up part of his natural rights, in order to enjoy the advantages of an organized community. This is a doctrine, I am aware, of the books and treatises on society and government. But it is a doctrine of despotism, and belongs not to enlightened statesmen in a liberal age. It is the excuse of the despot in encroaching upon the rights of the subject. He admits the encroachment, but claims that the citizen gave up part of his natural rights when he entered into society; and who is to judge what ones he relinquished but the ruling power?

"It was not necessary that any of man's natural rights should have been yielded to the state in the formation of society. He yielded no right but the right to do wrong, and that he never had by nature. All that he yielded in entering into organized society was a portion of his unrestricted liberty. What he yielded was that he would submit his conduct, which before was subject to the control of no living being, to the tribunals to be established by the state, with a tacit consent that society, or the government, might regulate the mode and manner of the exercise of his rights. Why should he consent to be deprived of them? It is upon this ground that we justify resistance to tyrants. Whenever the ruling power encroaches upon the natural rights of men so far that an appeal to arms becomes preferable to submission, they appeal from human to divine laws, and plead the natural rights of man in their justification. That government is just, and that alone, which enforces and defends all of man's natural rights, while protecting him against wrong by his fellow-man.

"Is it not time to sweep from the statute book its still lingering relics of feudalism, to blot out the principles ingrafted upon it by the narrow-minded policy of other times, and adapt the legislation of the country to the spirit of the age and to the true ideas of man's rights and relations to his government? If a man has a right on earth, he has a right to land enough to rear a habitation on. If he has a right to live, he has a right to the free use of whatever nature has provided for his sustenance—air to breathe, water to drink, and land enough to cultivate for his subsistence, for these are the necessary and indispensable means for the enjoyment of his inalienable rights of life, liberty, and the pursuit of happiness. And is it for a Government that claims to dispense equal and exact justice to all, and that has laid down correct principles in its great chart of human rights, to violate those principles and its solemn declarations in its legislative enactments?

"The struggle between capital and labor is an unequal one at best. It is a struggle between the bones and sinews of men and dollars and cents. And in that struggle is it for the Government to stretch forth its arm to aid the strong against the weak? Shall it continue by its legislation to elevate and enrich idleness on the wail and the woe of industry? If the rule is correct as applied to governments, the same as to individuals, that whatever a person permits another to do, having the right and means to prevent it, he does himself, then indeed is the Government responsible for all the evils that may result from speculation and land monopoly in the public domain.

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"If you would lead the erring back from the paths of vice and crime to virtue and to honor, give him a home; give him a hearthstone, and he will surround it with household gods. If you would make men wiser and better, relieve the almshouses, close the doors of the penitentiary, and break in pieces the gallows, purify the influences of the domestic fireside; for that is the school in which human character is formed, and there its destiny is shaped. There the soul receives it first impress and man his first lesson, and they go with him for weal or for woe through life. For purifying the sentiments, elevating the thoughts, and developing the noblest impulses of man's nature, the influences of a moral fireside and agricultural life are the noblest and the best. In the obscurity of the cottage, far removed from the seductive influences of rank and affluence, is nourished the virtues that counteract the decay of human institutions, the courage that defends the national independence, and the industry that supports all classes of the State. Man, in defense of his hearthstone and his fireside, is invincible against a world of mercenaries. In battling for his home and all that is dear to him on earth, he is never conquered save with his life. In such a struggle every pass becomes a Thermopylæ, every plain a Marathon. With an independent yeomanry scattered over our vast domain, the 'young eagle' may bid defiance to the world in arms. Even though a foe should devastate our seaboard, lay in ashes its cities, they will have made not one single advance toward conquering the country, for from the interior would come its hardy yeomanry, with their hearts of oak and nerves of steel, to expel the invader. Their hearts are the citadel of a nation's power, their arms the bulwarks of liberty.

"Every consideration of policy, then, both as to revenue for the General Government and increased taxation for the new States, as well as a means for removing the causes of pauperism and crime in the old, demands that the public lands should be granted in limited quantities to the actual settler. Every consideration of justice and humanity calls upon us to restore man to his natural rights in the soil."

The only reason now claimed why the settler should pay from $1 to $3.75 per acre to the Government for the lands acquired under these recent treaties is that the Government bought them of the Indians. The Secretary of the Interior gives as a reason for requiring this payment that "it would not be proper to burden

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